

**From:** [Kessi.Engineering](#)  
**To:** [Susan Ellinger](#)  
**Cc:** [Jose Alvarez](#); [edecker@jetplanning.net](mailto:edecker@jetplanning.net); [James Kessi](#)  
**Subject:** Re: Request for Clarification: Calculation of Middle Housing Density in 40.220 URBAN RESIDENTIAL DISTRICTS  
**Date:** Wednesday, July 19, 2023 1:09:27 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Hello again,

Another point to consider when thinking about changing the R1-10 side yard setbacks from 7 to 5 feet is that the R1-10 compact development standard for side yard setbacks is 5 feet. To help maintain consistency between the two it would be good to change the minimum side yard setback to 5 feet. Also, with the increased density soon to be allowed in the R1-10 zone, it would make sense to allow for a 5-foot side yard setback.

Thank you,

-- Luke

**Luke Suchoski**

**Kessi Engineering & Consulting**

*Civil Engineering - Stormwater - Planning*

T: **(360) 991-9300 (360) 524-2780** E: [kessi.engineering5@gmail.com](mailto:kessi.engineering5@gmail.com)

On Mon, Jul 17, 2023 at 6:04 PM Susan Ellinger <[Susan.Ellinger@clark.wa.gov](mailto:Susan.Ellinger@clark.wa.gov)> wrote:

Hi Luke –

Thank you for your comments. Let me look into the density question and get back to you. Thanks!



**Susan Ellinger**

She/her/hers  
Planner III  
COMMUNITY PLANNING

564.397.4516



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**From:** Kessi.Engineering <[kessi.engineering5@gmail.com](mailto:kessi.engineering5@gmail.com)>  
**Sent:** Monday, July 17, 2023 5:16 PM  
**To:** Susan Ellinger <[Susan.Ellinger@clark.wa.gov](mailto:Susan.Ellinger@clark.wa.gov)>; Jose Alvarez <[Jose.Alvarez@clark.wa.gov](mailto:Jose.Alvarez@clark.wa.gov)>; [edecker@jetplanning.net](mailto:edecker@jetplanning.net)  
**Cc:** James Kessi <[james.kessi@gmail.com](mailto:james.kessi@gmail.com)>  
**Subject:** Request for Clarification: Calculation of Middle Housing Density in 40.220 URBAN RESIDENTIAL DISTRICTS

**CAUTION:** This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I was looking through the Middle Housing & Smaller Single-Family Proposed Code Memo and I was confused by the wording on how to calculate density for middle housing (page 8 of 40.220 URBAN RESIDENTIAL DISTRICTS lines 3-8). Could I get an example of how this might be calculated? I tried to apply it to a site I am working on and was having a tough time doing so.

On a side note I left a note in the attached file asking for the side yard setbacks in R1-10 to be changed from 7 feet to 5 feet.

Thank you for your time,

Luke

--

**Luke Suchoski**

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**Cc:** [James Kessi](#)  
**Subject:** Request for Clarification: Calculation of Middle Housing Density in 40.220 URBAN RESIDENTIAL DISTRICTS  
**Date:** Monday, July 17, 2023 5:16:51 PM  
**Attachments:** [01.1 Attachment A-Council Summary Memo & Code \(1\).pdf](#)

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Hello,

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Thank you for your time,  
Luke

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**Luke Suchoski**

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T: (360) 991-9300 (360) 524-2780 E: [kessi.engineering5@gmail.com](mailto:kessi.engineering5@gmail.com)

# MEMO

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**DATE:** June 30, 2023  
**TO:** Clark County Council  
**CC:** Oliver Orjiako, Clark County Community Planning  
**FROM:** Elizabeth Decker, JET Planning  
**SUBJECT:** Middle Housing & Smaller Single-Family Proposed Code Summary  
**ATTACHED:** Drafts of UDC 40.100.070 – Definitions, UDC 40.220 – Urban Residential Districts, UDC 40.260 – Special Uses and Standards, UDC 40.340 – Parking, Loading and Circulation, UDC 40.520 – Permits and Reviews

## SUMMARY

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County Council will consider adoption of the proposed code updates for **smaller single-family detached homes and middle housing, including ADUs, duplexes, triplexes, quadplexes, townhouses and cottages** at a July 25, 2023, public hearing. The proposed updates to Clark County's development code (Title 40 Unified Development Code) addresses the short-term implementation strategies detailed in the adopted *Housing Options Study and Action Plan* (HOSAP). Planning Commission recommended approval of the code updates at their June 15, 2023, hearing. The overall goal of these code updates is to create a greater variety of housing options with potential for smaller, less expensive and more efficient homes at a neighborhood scale in the existing low-density residential zones within the Vancouver Urban Growth Area.

## CODE OVERVIEW

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The draft code updates to support smaller single-family and middle housing options were developed as part of the broader HOSAP implementation strategies to specifically address housing needs of middle-income households, encouraging diversity in housing types and tenure, and encouraging creation of a broad range of housing sizes. Note that additional code updates, as well as strategies beyond code to identify funding and develop partnerships, are

also identified in the HOSAP to more comprehensively address a broader range of housing needs, including housing that is affordable to lower-income households.<sup>1</sup>

The following table provides an overview of the proposed changes in each code section to implement the above concepts as a guide to the full text of the draft code chapters, attached separately.

PROPOSED CODE UPDATES	
Code Section	Summary of Changes
UDC 40.100.070 Definitions	<ul style="list-style-type: none"> <li>• Revise residential definitions to align with proposed housing types</li> <li>• Revise ‘family’ definition to eliminate distinctions between related and unrelated individuals for compliance with state law.</li> </ul>
UDC 40.220.010 Low-Density Residential Districts A. Purpose	Align with proposed changes to variety and scale of uses.
B. Uses	<p>Permit middle housing throughout low-density residential zones including:</p> <ul style="list-style-type: none"> <li>• Simplify ADU review type in all zones.</li> <li>• Permit duplexes in all zones, not limited to corner lots</li> <li>• Permit triplexes and quadplexes in R1-7.5, R1-6 and R1-5 zones</li> <li>• Allow townhouses in all zones without requiring PUD review, up to two attached units in the R1-20 and R1-10 zones and up to four attached units in the R1-7.5, R1-6 and R1-5 zones.</li> <li>• Allow cottage housing in the R1-20 and R1-10 zones</li> <li>• Introduce compact lot development housing type in all zones (see also UDC 40.260.073 below)</li> </ul>
C. Development Standards, Table 40.220.010-2	<p>Adjust minimum lot area and related standards for proposed housing including:</p> <ul style="list-style-type: none"> <li>• Modest reductions of 10-20% of minimum lot areas for single-family detached in all zones</li> <li>• Set minimum lot areas for duplexes equal to those for single-family detached homes</li> <li>• Introduce minimum lot areas for triplexes and quadplexes</li> <li>• Adjust maximum density for all zones to align with minimum lot areas</li> </ul>
C. Development Standards, Table 40.220.010-3	<ul style="list-style-type: none"> <li>• Modestly increase maximum lot coverage for smaller single-family detached lots</li> </ul>

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<sup>1</sup> A second package of code updates to implement HOSAP strategies for multifamily housing and affordable housing will be developed by staff and the consultant team beginning in spring 2023.

PROPOSED CODE UPDATES	
Code Section	Summary of Changes
	<ul style="list-style-type: none"> <li>• Introduce “bonus” lot coverage allowed for middle housing types to encourage and facilitate housing with several units</li> <li>• Maintain existing setbacks and height limits to establish consistent scale</li> </ul>
C. Development Standards, Table 40.220.010-4	Introduce dimensional standards for townhouses, modeled on those in the R-12 and R-18 zones
C. Development Standards, Density Transfer	Adjust existing density transfer provisions for sites with environmentally sensitive lands to reflect the changes to allowed density and dimensions for single-family detached homes in these zones
UDC 40.260.020 Accessory Dwelling Units – Urban <i>(Note: Updates fully comply with HB 1337, which was passed in the 2023 session and modestly exceed the initial ADU code changes identified in the HOSAP.)</i>	<p>Build on strong ADUs provisions to further enhance development feasibility</p> <ul style="list-style-type: none"> <li>• Permit up to two ADUs on a site, analogous to proposed triplex use, in any combination of attached or detached structures</li> <li>• Create option for ADUs to be placed in front setback on deep lots</li> <li>• Allow a guaranteed maximum size of <del>800</del> 1,000 SF for all sites, uncoupled from size of existing dwelling, retaining provision for larger ADUs on lots over 20,000 SF</li> <li>• Eliminate any parking minimums.</li> <li>• Review all ADUs at building permit stage and eliminate site plan review requirements</li> </ul>
UDC 40.260.072 Compact Lot Developments	<p>Introduce standards for new form of compact development allowing a greater number of smaller-scale units on smaller sites, in a traditional street-oriented lot pattern rather than the clustered orientation of cottage clusters.</p> <ul style="list-style-type: none"> <li>• Permit on lots with 3 net acres of developable area</li> <li>• Allow double the density and minimum lot sizes equal to half of those in the underlying zone</li> <li>• Require perimeter setbacks no less than 10 feet to manage transition to abutting residential uses</li> <li>• Require main entrances to connect dwellings with public realm</li> <li>• Limit width of driveways and garages along the front façade to create space for main entrances and living spaces</li> </ul>
UDC 40.260.073 Cottage Housing	<p>Revise existing standards to strengthen cluster orientation of this smaller scale housing option.</p> <ul style="list-style-type: none"> <li>• Allow up to two attached cottages in addition to detached cottages</li> </ul>

PROPOSED CODE UPDATES	
Code Section	Summary of Changes
	<ul style="list-style-type: none"> <li>• Modestly increase allowed densities, corresponding to increases in the base zones for parity with density permitted for other middle housing types</li> <li>• Focus common open space standards to require centrally located spaces while reducing total area required by half</li> <li>• Eliminate private open space requirement for flexibility</li> <li>• Require cottages within clusters to be oriented to the common open space</li> <li>• Reduce minimum off-street parking requirement to 1 space per unit</li> <li>• Eliminate style-specific design standards</li> </ul>
UDC 260.155 Narrow Lot Development Standards	<p>Fine-tune existing standards that apply to townhouses and some single family on lots narrower than 40 feet</p> <ul style="list-style-type: none"> <li>• Establish on-street guest parking minimum of one space per three homes to offset proposed decrease in off-street parking</li> <li>• Introduce option for narrower 10-ft driveways to reduce impacts on streetscape, to supplement shared driveway and alley access options</li> </ul>
UDC 40.260.225 Triplex and Quadplex Standards	<p>Establish new standards for triplexes and quadplexes that promote neighborhood scale for new developments</p> <ul style="list-style-type: none"> <li>• Require at least one main entrance connecting the homes with the street</li> <li>• Limit the width of garages and driveways along the front façade</li> </ul>
UDC 40.340.010 Minimum Required Parking Spaces	<p>Adjust off-street parking minimums for residential uses to reduce obstacles to housing development</p> <ul style="list-style-type: none"> <li>• Maintain standard for 2 parking spaces per single-family detached unit</li> <li>• Reduce requirement to 1 space per unit for duplexes, triplexes and quadplexes</li> <li>• Set townhouse requirement at 2 spaces, supplemented by on-street guest parking</li> <li>• Reflect elimination of ADU parking requirement</li> </ul>
UDC 40.520.020 Uses Subject to Review and Approval (R/A)	<p>Clarify required review for select residential uses, removing references to ADUs, townhouses and zero-lot line developments, which will instead follow review requirements in the Special Use Standards in 40.260</p>
UDC 40.520.040 Site Plan Review	<ul style="list-style-type: none"> <li>• Permit triplexes and quadplexes through a Type I site plan review, to simplify review relative to current Type II site plan review requirements</li> </ul>

PROPOSED CODE UPDATES	
Code Section	Summary of Changes
	<ul style="list-style-type: none"><li>Clearly exempt duplexes and ADUs, along with single-family detached homes, from site plan review</li></ul>
UDC 40.520.080 Planned Unit Development	Reduce required site size for PUDs to 3 acres to allow this option to be applied on smaller sites



1 **40.100 GENERAL PROVISIONS**

2 **40.100.070 Definitions**

3 *Note: Only selected residential terms are included here due to length of section.*

Cottage housing	“Cottage housing” means a grouping of small <del>single family detached</del> dwellings clustered around a common <del>area open space</del> and developed with a coherent plan for the entire site.
Dwelling	“Dwelling” means any building, or portion thereof, designed or used as the residence or sleeping place of one (1) or more persons.
Dwelling, duplex	“Duplex dwelling” means a building, on a single lot, designed or used for residence purposes <del>by not more than two (2) families, and</del> containing two (2) dwelling units.
Dwelling, multiple-family, or multifamily	“Multiple-family dwelling” means a building or portion thereof designed or used as a residence <del>by three (3) or more families, and</del> containing <del>three (3) five (5)</del> or more dwelling units.
<del>Dwelling, quadplex</del>	<del>“Quadplex dwelling” means a building, on a single lot, designed or used for residence purposes containing four (4) dwelling units.</del>
Dwelling, single-family <del>detached</del>	“Single-family <del>detached</del> dwelling” means a building, <del>on a single lot,</del> designed or used for residence purposes <del>by not more than one (1) family, and</del> containing one (1) dwelling unit only, including modular and manufactured homes. <ul style="list-style-type: none"> <li>• <del>“Attached” means sharing a common wall or walls that separate interior occupant space or attached garage space on separate lots. At least fifty percent (50%) of the overall dimension of the attached side or end, as applicable, of each unit shall share a common wall.</del></li> <li>• <del>“Detached” means physically separated.</del></li> <li>• “Tiny house” means a detached single-family dwelling unit of not less than one hundred fifty (150) square feet that is constructed or mounted on a foundation and is connected to utilities. A small dwelling unit built on a chassis is considered a recreational vehicle.</li> </ul>
Dwelling, <del>single-family attached (townhouse)</del>	“ <del>Single-family attached (townhouse)</del> dwelling” means a <del>form of attached single family housing building, on a single lot, designed or used for residence purposes containing one (1) dwelling unit only,</del> where two (2) or more dwelling units share one (1) or more common walls with other dwelling units, and with each dwelling occupying an individually owned parcel of land. At least fifty percent (50%) of the overall dimension of the attached side or end, as applicable, of each unit shall share a common wall.
<del>Dwelling, triplex</del>	<del>“Triplex dwelling” means a building, on a single lot, designed or used for residence purposes containing three (3) dwelling units.</del>

Dwelling unit	“Dwelling unit” means one (1) room or a suite of two (2) or more rooms, designed for or used by one (1) family or housekeeping unit for living and sleeping purposes, and having only one (1) kitchen or kitchenette.
Dwelling unit, accessory (ADU)	<p>“Accessory dwelling unit” (ADU) is an additional, smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. A house with an ADU is different from a duplex because the intensity of use is less due to the limitations of size, and it has the appearance of a single family structure.</p> <ul style="list-style-type: none"> <li>• “Urban ADU” means an attached or detached dwelling unit that provides for a greater range of housing types in single-family and multifamily residential districts while protecting the character of the residential neighborhood.</li> <li>• “Rural ADU” (RADU) means an attached dwelling unit that provides for a greater range of housing types in rural and resource lands while maintaining rural community character and ensuring the conservation, enhancement and protection of resource lands.</li> </ul>
Family	“Family” means individuals customarily living together as a single housekeeping unit and using common cooking facilities whether related by genetics, adoption, or marriage, or a group of not more than six (6) unrelated individuals.
<u>Middle housing</u>	<u>“Middle housing” means duplexes, triplexes, quadplexes, and single-family attached dwellings (townhouses).</u>
<u>Servants’ quarters</u>	<u>“Servants’ quarters” means a secondary dwelling or apartment without kitchen facilities designed for and used only by persons or the families of persons regularly employed on the property.</u>

1 **40.220 URBAN RESIDENTIAL DISTRICTS**

2 **40.220.010 Single-Family Low-Density Residential Districts (R1-20, R1-10, R1-7.5, R1-6 and R1-**  
3 **5)**

4 A. Purpose.

5 1. The R1-20, R1-10, and R1-7.5, R1-6 and R1-5 districts are intended to:

6 a. Recognize, maintain and protect established low density residential areas. Provide for a  
7 mix of single-family and middle housing types in a low-density context at a neighborhood scale.

8 b. Establish higher densities where a full range of community services and facilities are  
9 present or will be present at the time of development.

10 c. Provide for additional related uses such as schools, parks and utility uses necessary to  
11 serve immediate residential areas.

12 ~~2. The R1-6 and R1-5 districts are intended to provide for higher single and duplex densities~~  
13 ~~where a full range of community services and facilities are present or will be present at the time of~~  
14 ~~development.~~

15 B. Uses.

16 The uses set out in Table 40.220.010-1 are examples of uses allowable in single-family residential  
17 zone districts. The appropriate review authority is mandatory.

- 18 • “P” – Uses allowed subject to approval of applicable permits.
- 19 • “R/A” – Uses permitted upon review and approval as set forth in Section 40.520.020.
- 20 • “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit as  
21 set forth in Section 40.520.030.
- 22 • “X” – Uses specifically prohibited.

23 Where there are special use standards or restrictions for a listed use, the applicable code section(s) in  
24 Chapter 40.260, Special Uses and Standards, or other applicable chapter is noted in the “Special  
25 Standards” column.

Table 40.220.010-1. Uses						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
1. Residential.						
a. Single-family detached dwellings	P	P	P	P	P	
b. Accessory uses and	P	P	P	P	P	40.260.010

Table 40.220.010-1. Uses						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
structures normal to a residential environment						
c. Accessory dwelling units	R/A-P	R/A-P	R/A-P	R/A-P	R/A-P	40.260.020
d. Duplex dwellings	X-P	X-P	X-P	P <sup>+</sup>	P <sup>+</sup>	
e. Triplex and quadplex dwellings	X	X	P	P	P	40.260.225
e f. Family day care centers	P	P	P	P	P	40.260.160
f g. Adult family homes	P	P	P	P	P	40.260.190
g h. Home business – Type I	P	P	P	P	P	40.260.100
h i. Home business – Type II	R/A	R/A	R/A	R/A	R/A	40.260.100
i j. Bed and breakfast establishments (up to two (2) guest bedrooms)	R/A	R/A	R/A	R/A	R/A	40.260.050
j k. Bed and breakfast establishments (three (3) or more guest bedrooms)	C	C	C	C	C	40.260.050
k l. Garage sales	P	P	P	P	P	40.260.090
l m. Manufactured home parks	X	X	X	X	X	

Table 40.220.010-1. Uses						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
<b>m n.</b> Residential P.U.D.	R/A	R/A	R/A	R/A	R/A	40.520.080
<b>o.</b> Single- family attached dwelling units (townhouses)	<del>R/A</del> P <sup>2</sup>	<del>R/A</del> P <sup>2</sup>	<del>R/A</del> P <sup>2</sup>	<del>R/A</del> P <sup>2</sup>	<del>R/A</del> P <sup>2</sup>	40.260.155 <del>40.520.080</del>
<b>p.</b> Zero lot-line developments	X	X	R/A	R/A	R/A	40.260.260
<b>q.</b> Residential care homes and facilities	C	C	C	C	C	40.260.180
<b>r.</b> Temporary dwellings	P	P	P	P	P	40.260.210
<b>s.</b> Cottage housing	<del>X</del> P	<del>X</del> P	P	P	P	40.260.073
<b>t.</b> Compact lot developments	P	P	P	P	P	<u>40.260.072</u>
<b>u.</b> Staffed residential homes	C	C	C	C	C	40.260.205
2. Services, Business.						
a. Temporary modular tract sales and construction offices	P	P	P	P	P	
b. Model homes	P	P	P	P	P	40.260.175
c. Roadside farm stand	P	P	P	P	P	40.260.025

Table 40.220.010-1. Uses						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
d. Agricultural market	P	P	P	P	P	40.260.025
3. Services, Amusement.						
a. Private recreation facilities	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	
b. Circuses, carnivals or amusement rides	R/A	R/A	R/A	R/A	R/A	
4. Services, Membership Organization.						
a. Churches	C	C	C	C	C	40.260.070
5. Services, Educational.						
a. Commercial day care centers <sup>7</sup>	C	C	C	C	C	40.260.160
b. Grade K - 5 public and private schools, including preschools	P	P	P	P	P	40.260.160
c. Grade 6 - 12 public and private schools	C	C	C	C	C	
d. Business, dancing and technical schools	X	X	X	X	X	
e. Public park and public recreational facilities <sup>7</sup>	P	P	P	P	P	40.260.157

Table 40.220.010-1. Uses						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
f. Parks <sup>7</sup>	P	P	P	P	P	40.260.157
6. Public Service and Facilities. <sup>7</sup>						40.230.090
a. Ambulance dispatch facilities <sup>7</sup>	C	C	C	C	C	40.260.030
b. Government facilities <sup>7</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	
7. Resource Activities.						
a. Agricultural	P	P	P	P	P	40.260.040
b. Silviculture	P	P	P	P	P	40.260.080
8. Other.						
a. Cemeteries and mausoleums	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	
b. Utilities, other than wireless communications facilities	P	P	P	P	P	40.260.240
c. Solid waste handling and disposal sites	C	C	C	C	C	40.260.200
d. Wireless communications facilities	P/C <sup>6</sup>	P/C <sup>6</sup>	P/C <sup>6</sup>	P/C <sup>6</sup>	P/C <sup>6</sup>	40.260.250
e. Temporary uses	P	P	P	P	P	40.260.220
f. Electric vehicle infrastructure	P	P	P	P	P	40.260.075

Table 40.220.010-1. Uses						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
g. Medical marijuana cooperative	X	X	X	X	X	40.260.115
h. Marijuana production facilities	X	X	X	X	X	40.260.115
i. Marijuana processor 1 facilities	X	X	X	X	X	40.260.115
j. Marijuana processor 2 facilities	X	X	X	X	X	40.260.115
k. Marijuana retailer facilities	X	X	X	X	X	40.260.115

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<sup>1</sup>Duplexes permitted on corner lots. Reserved.

<sup>2</sup>Attached single family dwellings allowed in PUD development only. A maximum of two attached single-family dwellings units is permitted outright in the R1-20 and R1-10 zones and a maximum of four attached single-family dwelling units is permitted outright in the R1-7.5, R1-6 and R1-5 zones. A greater number of attached single-family dwelling units in a zone is allowed in PUD developments only.

<sup>3</sup>Including golf courses and country clubs, but not including such intensive recreation uses as a golf driving range (unless within a golf course), race track, amusement park or gun club.

<sup>4</sup>Not including storage or repair yards, warehouses, or similar uses.

<sup>5</sup>Including crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematorium is within two hundred (200) feet of a lot in a residential district.

<sup>6</sup>See Table 40.260.250-1.

<sup>7</sup> Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facilities zone.

C. Development Standards.

1. New lots and structures and additions to structures subject to this chapter shall comply with the applicable standards for lots, building height and setbacks in Tables 40.220.010-2 and 40.220.010-3, subject to the provisions of Chapter 40.200 and Section 40.550.020, except that single-family



1 attached (townhouse) lots and structures shall comply with the applicable standards in Table  
2 40.220.010-4.

3 2. An exception to the maximum average lot size may be granted for a short plat creating lot(s)  
4 for an existing legal residence(s) and one (1) remainder lot subject to the following:

5 a. For a two (2) lot short plat with one (1) existing residence, neither the lot with the  
6 residence nor the remainder lot must meet the maximum average lot area.

7 b. When three (3) or more lots are created, only those lots with existing residences are  
8 exempted from maximum lot area average calculations.

9 c. The resulting plat shall contain a plat note specifying that this exception may not be used  
10 for any further divisions of the subject lots.

11 3. Lots created for drainage facilities, parks, open space, wetlands and buffers or utilities shall not  
12 be subject to maximum lot size requirements.

13 ~~4. Where permitted, townhouses shall be subject to the requirements in Sections 40.220.020(C)(4)~~  
14 ~~and 40.260.155.~~

Table 40.220.010-2. Lot Requirements							
Zoning District	Residential Density for PUDs (d.u./acre) <sup>1</sup>	Minimum Average Lot Area (sq. ft.)			Maximum Average Lot Area (sq. ft.)	Average <sup>2,3</sup> Minimum Lot Width (feet)	Average <sup>2,3</sup> Minimum Lot Depth (feet)
		Single-Family Detached & Duplex	Triplex	Quadplex			
R1-20	<del>2.2</del> 2.7 - 1.4	20,000 16,000	n/a	n/a	30,000	100	100
R1-10	4.4 <del>5.1</del> - 2.9	10,000 8,500	n/a	n/a	15,000	<del>80</del> 70	90
R1-7.5	<del>5.8</del> 6.7 - 4.1	7,500 6,500	6,500	8,000	10,500	50	90
R1-6	7.3 <del>7.9</del> - 5.1	Average 6,000; 5,000 per duplex unit 5,500	6,000	8,000	8,500	<del>50</del> 45	<del>90</del> 80
R1-5	<del>8.7</del> 10.9 - 6.2	Average 5,000; 4,000 per duplex unit 4,000	5,000	8,000	7,000	<del>45</del> 40	65

15 <sup>1</sup> The maximum and minimum density is for the purpose of calculating densities for  
16 planned unit developments, cottage housing and compact lot developments. Densities  
17

Does adjusted gross area differ from gross area?

Unclear what is trying to be said here

1 shall be calculated based on the gross area of the site minus any public rights-of-way,  
2 private road easements, or street tracts. For developments that include middle  
3 housing, the maximum density shall be calculated on an equivalent lot area basis as  
4 follows: The adjusted gross area, in acres, times the maximum density times the  
5 minimum lot area for single-family detached dwellings in the zone shall equal the  
6 total maximum allowed lot area, which may be divided into any combination of  
7 middle housing lots, each meeting the applicable minimum lot size for the housing  
8 type proposed.

9 <sup>2</sup> Average for each individual lot.

10 <sup>3</sup>The average minimum lot width and depth should be calculated for lots that abut  
11 pedestrian accessways to include one-half (1/2) of the pedestrian accessway in a tract  
12 when the pedestrian accessway is required per Section 40.350.015(E).

Times? or divide?

**Table 40.220.010-3. Setbacks, Lot Coverage and Building Height**

Zoning District	Minimum Setbacks				Maximum Lot Coverage <sup>13</sup>			Maximum Building Height (feet)
	Front <sup>3</sup> (feet)	Side <sup>4,5,10,11,12</sup>		Rear <sup>4,5,10,11</sup> (feet)	Single-family detached	Duplex & Single-family w/ ADU	Triplex & Quadplex	
		Street (feet)	Interior (feet)					
R1-20	10 <sup>8</sup>	10	10 <sup>9</sup>	20	50% <sup>1</sup>		n/a	35 <sup>7</sup>
R1-10	10 <sup>8</sup>	10	7 <sup>9</sup>	15	50% <sup>1</sup>		n/a	35 <sup>7</sup>
R1-7.5	10 <sup>8</sup>	10	5	10	50% <sup>1</sup>	55%	60%	35 <sup>7</sup>
R1-6	10 <sup>8</sup>	10	5	10	50 55% <sup>2</sup>	60%	65%	35 <sup>7</sup>
R1-5	10 <sup>8</sup>	10	5	10	50 60% <sup>2</sup>	60%	65%	35 <sup>7</sup>

This should really be 5' to allow for the increased density and align with zones R1-5 though R1-7.5

13 <sup>1</sup> Carports and solar energy systems are excluded from this provision; provided, that  
14 the total lot coverage limitation is not exceeded by more than ten percent (10%) as a  
15 result of these exceptions.

17 <sup>2</sup> Solar energy systems are excluded from this provision; provided, that the total lot  
18 coverage limitation is not exceeded by more than ten percent (10%) as a result of this  
19 exception.

20 <sup>3</sup> Front setbacks shall be measured from the edge of any street right-of-way, street  
21 tract, street easement, or driveway easement that provides access to the lot, including  
22 any separate pedestrian easement that may exist between a street and the front  
23 setback line.

24 <sup>4</sup> Setbacks to driveway and pedestrian easements that do not provide access to a  
25 subject lot shall be a minimum of five (5) feet.

26 <sup>5</sup> Setbacks from alleys to all structures including entrances to garages shall be a  
27 minimum of five (5) feet.

- 1       <sup>6</sup> Reserved.
- 2       <sup>7</sup> Accessory buildings shall meet the height requirements of Section 40.260.010(D).
- 3       <sup>8</sup> Front setbacks for garage fronts in these zones shall be a minimum of eighteen (18)  
4 feet. Sides and rear of garages that have no driveway access may use the ten (10) foot  
5 living space setback.
- 6       <sup>9</sup> The minimum setbacks for interior side yards on pie-shaped lots shall be five (5)  
7 feet.
- 8       <sup>10</sup> Side and rear setbacks from abutting property zoned for natural resource or surface  
9 mining uses shall be a minimum of fifty (50) feet for all structures.
- 10       <sup>11</sup> Increased setbacks apply for structures housing large urban livestock. See Section  
11 40.260.235.
- 12       <sup>12</sup> Interior side setbacks for lots that abut pedestrian accessways in a tract may be  
13 reduced by fifty percent (50%) when pedestrian accessways are required per Section  
14 40.350.015(E).
- 15       <sup>13</sup> Lot coverage for lots that abut pedestrian accessways may be increased by ten  
16 percent (10%) when pedestrian accessway in a tract or easement are required per  
17 Section 40.350.015(E).
- 18

<b>Table 40.220.010-4. Single-Family Attached (Townhouse) Lot Standards</b>					
<b>Subject</b>	<b>R1-20</b>	<b>R1-10</b>	<b>R1-7.5</b>	<b>R1-6</b>	<b>R1-5</b>
<b>Min. to Max. Residential Density (d.u./acre)<sup>1</sup></b>	<b>1.4 – 5.4</b>	<b>2.9 – 10.2</b>	<b>4.1 – 21.8</b>	<b>5.1 – 21.8</b>	<b>6.2 – 21.8</b>
<b>Minimum lot area (sq. ft.)</b>	<b>4,000</b>	<b>3,000</b>	<b>2,000</b>	<b>2,000</b>	<b>2,000</b>
<b>Minimum lot width (feet)<sup>2</sup></b>	<b>25</b>		<b>18</b>		
<b>Minimum lot depth (feet)</b>	<b>70</b>		<b>50</b>		
<b>Maximum building height for dwelling (feet)</b>	<b>35</b>				
<b>Maximum building height for detached garage (feet)</b>	<b>18</b>				
<b>Front setback for dwelling (feet)<sup>3</sup></b>	<b>10</b>				
<b>Front setback to garage door (feet)</b>	<b>18</b>				
<b>Street side setback (feet)</b>	<b>10</b>				
<b>Side setback (feet)<sup>3,4,5,7</sup></b>	<b>0 or 5</b>				
<b>Rear setback (with no alley) (feet)<sup>4,7</sup></b>	<b>0 or 5</b>				

<b>Table 40.220.010-4. Single-Family Attached (Townhouse) Lot Standards</b>					
<b>Subject</b>	<b>R1-20</b>	<b>R1-10</b>	<b>R1-7.5</b>	<b>R1-6</b>	<b>R1-5</b>
<b>Setback from alley easement to garage (feet)</b>	<b>2</b>				
<b>Setback from alley easement to dwelling (feet)</b>	<b>5</b>				
<b>Maximum lot coverage<sup>6</sup></b>	<b>55%</b>		<b>65%</b>		

<sup>1</sup> Densities shall be calculated based on the gross area of the site minus any public rights-of-way, private road easements, or street tracts.

<sup>2</sup> Applies to interior lots only – corner lots shall be of sufficient width so that sight distance and driveway spacing requirements are met.

<sup>3</sup> May be reduced when alley access is provided per Section 40.260.155(D)(1).

<sup>4</sup> If not sharing a common wall, the setback shall be five (5) feet.

<sup>5</sup> No portion of any structure (including eaves, gutters, etc.) may extend across a property line unless such encroachments are authorized by a plat note or approved final site plan. Such authorization may require special fire-resistant construction standards.

<sup>6</sup> When access is provided via an alley, lot coverage may be increased per Section 40.260.155(D)(2).

<sup>7</sup> Additional requirements may apply, based on building and fire codes.

5. Density Transfer for Single-Family Detached Dwellings.

a. Purpose. To achieve the density goals of the comprehensive plan with respect to the urban area, while preserving environmentally sensitive lands and the livability of the single-family low-density residential neighborhoods, while also maintaining compatibility with existing residences.

b. The density for property developed in single-family low-density zone districts for single-family detached dwellings, if encumbered by land identified as sensitive due to the presence of steep slopes, unstable land, historical or archaeological sites, wetlands and buffers, regional stormwater facilities, or other permanent physical development limitations as may be determined by the responsible official or land voluntarily set aside for open space or commons as approved by the responsible official, from the gross acreage may be transferred to the remaining unencumbered land areas on the same development site, subject to the following limitations:

(1) Easements established for utility transmission lines such as Bonneville Power Administration (BPA), PacifiCorp a.k.a. Pacific Power (formally known as PP&L), Clark Public Utilities, and NW Natural can not be utilized for density transfer.

(2) Maximum Number. The maximum number of units that can be achieved on the site is based on the density in Table 40.220.010-~~45~~, multiplied by the gross acreage of the entire

- 1 site, both encumbered and unencumbered, without deducting for road easements or right-of-  
 2 way. The potential maximum number of lots will be dependent upon site characteristics and  
 3 the lot requirements of Table 40.220.010-45.
- 4 (3) The minimum lot depth of any lot abutting environmentally sensitive lands shall be  
 5 fifty-five (55) feet.
- 6 (4) For parent parcels larger than two and one-half (2.5) acres:
- 7 (a) The resulting lots which abut R1-5, R1-6, R1-7.5, R1-10 or R1-20 zoned lots or  
 8 parcels shall:
- 9 (i) Be at least ninety percent (90%) of the minimum lot area standard for the  
 10 subject parcel;
- 11 (ii) Have a lot depth of not less than eighty percent (80%) of the minimum lot  
 12 depth of the subject parcel;
- 13 (iii) Have a minimum lot width not less than ten (10) feet from the minimum lot  
 14 width of the subject parcel.
- 15 (b) The resulting lots which are interior (not a part of the parent parcel abutting an  
 16 adjacent property line) to the site shall conform to the lot requirements set out in Table  
 17 40.220.010-4.
- 18 (5) For parent parcels two and one-half (2.5) acres or less, all lots, both exterior and  
 19 interior, to be created shall conform to the lot requirements in Table 40.220.010-45.
- 20 (6) This density transfer development provision may not be used in association with the  
 21 planned unit development provisions of Section 40.520.080, the compact lot development  
 22 provisions of Section 40.260.072, or the cottage housing provisions of Section 40.260.073.
- 23 (7) A recorded covenant shall be placed on those areas or tracts from which density is  
 24 transferred prohibiting any development of the parcel or tract inconsistent with its intended  
 25 use.
- 26 (8) Subdivision lots shall be subject to the maximum average lot area provisions of the  
 27 underlying zone.

Table 40.220.010-45. Density Transfers				
Zoning District	Maximum Density (d.u./acre) <sup>3</sup>	Minimum Useable Lot Area <sup>1</sup> (square feet)	Average <sup>4</sup> Lot Width <sup>2</sup> (feet)	Average <sup>4</sup> Lot Depth <sup>1</sup> (feet)
R1-5	<u>6.9-7.7</u>	<u>2,250-2,000</u>	35	50
R1-6	<u>5.8-6.3</u>	<u>2,500-2,250</u>	40	50
R1-7.5	<u>4.6-5.3</u>	<u>3,000-2,500</u>	<u>50-45</u>	50
R1-10	<u>3.5-4.1</u>	<u>4,000-3,500</u>	<u>70-60</u>	50
R1-20	<u>1.7-2.1</u>	<u>4,500-4,000</u>	<u>90-80</u>	50

- 1  
2       <sup>1</sup> Minimum useable area is that portion of the lot which is unencumbered by the land  
3 voluntarily set aside, environmentally sensitive lands to be protected and their  
4 respective buffers, and shall exclude setbacks and easements. [Example: A typical  
5 five thousand (5,000) square foot lot would have three thousand (3,000) square feet  
6 of useable area, even if unencumbered by environmentally sensitive lands.]
- 7       <sup>2</sup> May be reduced subject to the provisions of this chapter and the variance  
8 procedures.
- 9       <sup>3</sup> The maximum density rates apply to the overall gross acreage of the site, whether  
10 encumbered or not. The actual maximum number of lots that may be achieved is also  
11 dependent on the other requirements of this table. The maximum density rates are  
12 based upon dividing the gross acres by the minimum lot size in the zone, minus  
13 twenty percent (20%) which would normally be devoted to road right-of-way or road  
14 easements in a typical subdivision.
- 15       <sup>4</sup> Average for each individual lot.
- 16       6.     Signs. Signs shall be permitted according to the provisions of Chapter 40.310.
- 17       7.     Off-Street Parking. Off-street parking shall be provided as required in Chapter 40.340.
- 18       8.     An exemption to the maximum lot size shall be granted for parcels incapable of division into  
19 three (3) lots due to minimum lot size requirements but would not meet maximum lot size  
20 requirements for a two (2) lot division.

1 **40.260 SPECIAL USES AND STANDARDS**

2 **40.260.020 Accessory Dwelling Units – Urban**

3 A. Purpose.

4 The purpose of this section is to:

- 5 1. Provide ~~an~~ additional smaller, subordinate dwelling units on a lot with, or in, an existing or new  
6 ~~house~~ single-family detached dwelling.
- 7 2. Provide for a greater range of choices of housing types in single family and multifamily  
8 residential districts ~~while protecting~~ that contribute to the character of the residential neighborhood.

9 B. Applicability.

- 10 1. Accessory dwelling units may be allowed in the R1-20, R1-10, R1-7.5, R1-6, R1-5 zones or on  
11 any ~~multifamily zoned~~ (Residential (R) or Office Residential (OR)) lot developed with an existing ~~or~~  
12 planned single-family detached dwelling, subject to the requirements of this section.
- 13 2. A lot of record lawfully occupied by two (2) or more single-family ~~residences detached~~  
14 dwellings per Section 40.200.050 does not qualify for an ADU, unless the lot is short platted under  
15 Chapter 40.540. If a short plat is approved, an ADU for each dwelling unit is permitted only if all  
16 dimensional standards of the underlying zone and all other provisions of this section are met.
- 17 ~~3. An ADU shall not be located in a dwelling or on a lot where a Type II home business is~~  
18 ~~operating.~~

19 C. Development Standards.

- 20 1. ~~No more than one (1)~~ Up to two (2) ADUs per legal lot ~~is are~~ permitted and ~~it they~~ must be  
21 accessory to a single-family ~~residence detached dwelling~~. All of the following ADU types, in any  
22 combination, are permitted:
- 23 ~~2. ADUs require building permits to ensure compliance with applicable fire, health, and safety~~  
24 ~~codes.~~
- 25 ~~3. An ADU may be created through:~~
- 26 a. Internal conversion within an existing dwelling;
- 27 b. The addition of new square footage to the existing house or to a garage;
- 28 c. Conversion of an existing garage, including existing garages within non-conforming  
29 setbacks provided that the nonconformity predated (effective date of ordinance) and the portion  
30 of the ADU within the setback does not increase the height of the existing garage;
- 31 d. Inclusion in the development plans for, or as part of, the construction of a new single-  
32 family detached dwelling unit; or
- 33 e. A separate detached structure containing one or two dwelling units on the same lot as the  
34 primary dwelling unit when the accessory unit structure is located at least ten (10) feet behind  
35 the most distant back or side wall or other structural element of the primary dwelling unit

1 ~~structure behind the front building plane of the primary dwelling. However, detached accessory~~  
2 ~~units may be placed forward of the front building plane on lots with a front yard setback of 40~~  
3 ~~feet or greater, provided the width of the front façade of the ADU does not exceed 50% of the~~  
4 ~~width of the primary dwelling's front façade.~~

5 f. Subject to the requirements of this section, a manufactured or modular home can be  
6 considered an ADU for the purposes of this subsection.

7 **4.2.** An ADU shall conform to the standards of the zone, including but not limited to lot coverage  
8 and setbacks.

9 **5.3.** Building height is limited to twenty-five (25) feet for a detached ADU, ~~including an ADU~~  
10 ~~built over a detached garage.~~ Additions to existing dwellings shall meet the height requirements of  
11 the zone.

12 **6.4.** Allowable Size.

13 a. ~~The total gross floor area of an ADU shall not exceed eight hundred (800) one thousand~~  
14 ~~(1,000) square feet, or forty percent (40%) of the area of the primary dwelling's living area,~~  
15 ~~whichever is less, with the following exceptions for large lots with large primary dwellings or~~  
16 ~~primary dwellings with basements: Notwithstanding the definition of 'gross floor area' in~~  
17 ~~Section 40.100.070, gross floor area of an ADU means the interior habitable area including~~  
18 ~~basements and attics but not including a garage or accessory structure.~~

19 a. ~~On lots that are at least ten thousand (10,000) square feet, the maximum square footage of~~  
20 ~~an ADU is one thousand (1,000) square feet, or forty percent (40%) of the area of the primary~~  
21 ~~dwelling's living area, whichever is less; and~~

22 b. ~~On lots that are at least twenty thousand (20,000) square feet, the maximum square footage~~  
23 ~~of an ADU is may be increased up to fifteen hundred (1,500) square feet, or forty percent (40%)~~  
24 ~~of the area of the primary dwelling's living area, whichever is less however, the combined~~  
25 ~~maximum square footage of two ADUs shall not exceed two thousand (2,000) square feet.~~

26 c. ~~The total floor area of a basement of the primary dwelling may be used as the ADU~~  
27 ~~exceeding one thousand (1,000) square feet; provided, that there is a separate exterior entrance~~  
28 ~~and the basement area does not exceed the size of the primary dwelling unit.~~

29 d. ~~The living area of the primary dwelling unit excludes uninhabitable floor area, garage and~~  
30 ~~other outbuilding square footage whether attached or detached. If the primary dwelling unit is~~  
31 ~~smaller than seven hundred fifty (750) square feet, the ADU may be up to three hundred (300)~~  
32 ~~square feet even though this exceeds forty percent (40%) of the primary dwelling unit's living~~  
33 ~~area. The minimum area of an ADU shall be one hundred fifty (150) square feet.~~

34 **7.5.** Parking.

35 ~~One (1) parking space shall be provided No parking is required~~ for the ADU. ~~Parking may be~~  
36 ~~provided by the following methods:~~

37 a. ~~On site;~~



1 ~~b. On street parking; provided, that the parking space is legally available and along the ADU~~  
2 ~~lot's street frontage. Posted time or day restricted parking spaces do not qualify as legally~~  
3 ~~available for the purposes of this section; or~~

4 ~~e. If no parking space is available on site or on street, a joint agreement for off site parking~~  
5 ~~may be used subject to Section 40.340.010(A)(5).~~

6 **8 6.** An ADU shall connect to public sewer and water unless a sewer waiver is obtained under  
7 Section 40.370.010.

8 **9 7.** ADUs shall be subject to a seventy-five percent (75%) reduction in school, transportation and  
9 park impact fees from the rate imposed for multifamily dwelling units.

10 D. Design Standards for Historic Structures.

11 ~~1. The exterior appearance of an addition or detached ADU shall be architecturally compatible~~  
12 ~~with the primary residence. Compatibility includes coordination of architectural style, exterior~~  
13 ~~building materials and colors, roof form and pitch, window style and placement, other architectural~~  
14 ~~features and landscaping. The responsible official may approve variations as necessary to~~  
15 ~~accommodate proposed energy efficient building features into the ADU.~~

16 ~~2. New entrances for an ADU created by internal conversion or by an addition to an existing~~  
17 ~~primary dwelling shall be located on the side or rear of the primary residence unless it can be~~  
18 ~~demonstrated that no feasible alternative exists.~~

19 ~~3. Exterior Finish Materials.~~

20 ~~— Plain concrete, concrete block, corrugated metal or plywood is prohibited if they are not the~~  
21 ~~predominant exterior finish material on the primary dwelling, unless these materials duplicate or reflect~~  
22 ~~the predominant finish.~~

23 ~~4. Roof Slopes.~~

24 ~~— For buildings over fifteen (15) feet in height, the slope of the accessory dwelling unit roof must be the~~  
25 ~~same as that of the predominant slope of the primary dwelling structure.~~

26 ~~5. Historic Structures.~~

27 If an ADU is on the same lot as or within a historic structure which has been designated on the  
28 national, state or local historic register, the following design guidelines are applicable:

29 a. Exterior materials should be of the same type, size and placement as those of the primary  
30 dwelling structure.

31 b. Trim on edges of elements of accessory structures and additions should be the same as  
32 those of the primary structure in type, size and placement.

33 c. Windows in any elevation which faces a street should match those in the primary structure  
34 in proportion, i.e., same height, width and orientation (horizontal or vertical).

35 d. Pediments and Dormers.

1 Each accessory dwelling unit over twenty (20) feet in height should have either a roof pediment or  
2 dormer if one (1) or the other of these architectural features is present on the primary dwelling.

3 ~~6. Accessibility.~~

4 ~~—To encourage the development of ADA accessible housing units, the responsible official may allow~~  
5 ~~reasonable deviation from the requirements of this section for features that facilitate accessibility.~~

6 E. Process.

7 1. Accessory dwelling units created under Section 40.260.020(C)(3)(e) require Type I site plan  
8 review under Section 40.510.010 are exempt from Site Plan Review under Section 40.520.040.

9 2. Building permits may be submitted at the same time as the site plan review are required to  
10 ensure compliance with applicable fire, health, and safety codes.

11

1 **40.260.072 Compact Lot Developments**

2 **A. Purpose.**

3 The purposes of the compact lot development provisions are:

4 1. To encourage development of underutilized and challenged parcels within developed portions  
5 of the Low-Density Residential Districts by providing flexibility for smaller, more efficient housing.

6 2. To diversify the county's housing stock by providing a variety of housing types, sizes and price  
7 points that responds to changing household sizes and ages, such as retirees, small families, and  
8 single-parent households.

9 3. To encourage development in existing residential areas by allowing a density bonus and design  
10 flexibility.

11 4. To mitigate potential impacts of density and narrow lots through site design balancing  
12 community connections and privacy.

13 5. To integrate developments into existing neighborhoods.

14 **B. Applicability.**

15 1. Compact lot developments are permitted on parcels created prior to the adoption date of this  
16 ordinance that meet all of the following criteria:

17 a. The parcel is three (3) acres or smaller in area, excluding any critical areas, public rights-  
18 of-way, private road easements, or street tracts; and

19 b. The proposed development can and will be served by urban services at the time of final  
20 plat or development approval. For the purposes of this Chapter, "urban services" shall mean  
21 public water and sewer service as described in Chapter 40.370.

22 2. Compact lot developments may not be used in conjunction with a Planned Unit Development  
23 per Section 40.520.080.

24 3. Compact lot developments shall also be subject to the Narrow Lot Standards of Section  
25 40.260.155.

26 **C. Review Required.** Compact lot developments shall be subject to site plan review in accordance  
27 with Section 40.520.040. A separate site plan review application shall be required which may be  
28 reviewed in conjunction with the land division application.

29 **D. Development Standards:**

30 1. Compact lot developments may include single-family detached dwellings at up to two hundred  
31 percent (200%) of the maximum density of the underlying zone, including any accessory dwelling  
32 units.

33 2. Minimum lot area and lot dimensions for single-family detached dwellings shall be as follows:

<b>Table 40.260.072-1. Compact Lot Standards</b>					
<b>Subject</b>	<b>R1-20</b>	<b>R1-10</b>	<b>R1-7.5</b>	<b>R1-6</b>	<b>R1-5</b>
Minimum average lot area (sq. ft.)	8,000	4,250	3,250	2,750	2,000
Minimum average lot width (feet) <sup>1</sup>	50	40	25	20	20
Minimum average lot depth (feet)	90	65	50	50	50
Maximum building height for dwelling (feet)	35				
Maximum building height for detached garage (feet)	18				
Front setback for dwelling (feet)	10				
Front setback to garage door (feet)	18				
Street side setback (feet)	10				
Side setback (feet) <sup>2</sup>	8	5			
Rear setback (with no alley) (feet)	15	5			
Setback from alley easement to garage (feet)	2				
Setback from alley easement to dwelling (feet)	5				
Maximum lot coverage <sup>3</sup>	50%	60%			

1 <sup>1</sup> Applies to interior lots only – corner lots shall be of sufficient width so that sight  
2 distance and driveway spacing requirements are met.

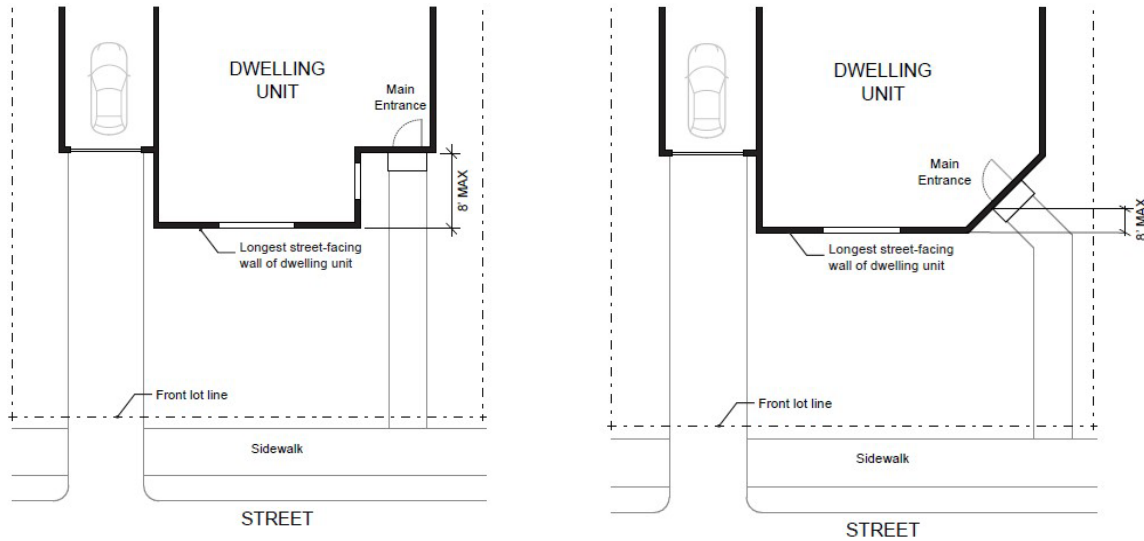
3 <sup>2</sup> May be reduced when alley access is provided per Section 40.260.155(D)(1).

4 <sup>3</sup> When access is provided via an alley, lot coverage may be increased per Section  
5 40.260.155(D)(2).

6 3. Notwithstanding the setbacks in Table 40.260.072-1, setbacks from the exterior perimeter of  
7 the development site shall meet the applicable minimum setbacks for single-family detached  
8 dwellings in the underlying zone with no setback less than ten (10) feet.

9 4. Additional types of middle housing dwellings may be included within a compact lot  
10 development subject to the development standards of the underlying zone; no additional density  
11 bonus or modifications to dimensional standards shall apply to lots created for middle housing.

12 E. Main Entrances. Main entrances shall be visible from the street and must have a porch or entry set  
13 back no more than eight (8) feet from the longest street-facing wall of the structure. The entry must: face  
14 the street, open onto the porch, or be oriented at an angle of not more than 45 degrees from the street-  
15 facing façade. Corner lot homes may be oriented to either street.



1

2 **Figure 40.260.072-1 Main Entrance Orientation Options**

3 **F. Garages.** The width of the garage door facing the street may be up to fifty percent (50%) of the  
4 width of the street-facing building façade or ten (10) feet, whichever is greater. Garage limitations do not  
5 apply to residential development accessed through rear alleys, or where the garage is located in the rear of  
6 the lot.

7 **G. Location and Configuration of Driveways.** Driveways shall be located to enhance the pedestrian  
8 realm and to preserve space for on-street parking by meeting one or more of the following requirements:

9 1. For housing units or developments on corner lots, provide off-street parking areas accessed on  
10 the back façade or located in the rear yard such that no off-street parking is located in the front yard  
11 or side yard;

12 2. Provide alley access meeting the standards of Section 40.260.155(C)(6);

13 3. Provide shared driveways meeting the standards of Section 40.260.155(C)(7);

14 4. Provide narrow driveways meeting the standards of Section 40.260.155(C)(8); and/or

15 5. Provide individual driveways separated by at least twenty (20) feet as measured from the edge  
16 of the driveway apron.

17

1 **40.260.073 Cottage Housing**

2 A. Purpose.

3 The purposes of the cottage housing provisions are:

4 1. To promote sustainable development practices through smaller, more efficient housing and  
5 effective use of residential land.

6 2. To diversify the county's housing stock by providing a housing type that is affordable less  
7 expensive and that responds to changing household sizes and ages, such as retirees, small families,  
8 and single-parent households.

9 3. To encourage development in existing residential areas by allowing a density bonus and design  
10 flexibility.

11 4. To provide centrally located and functional common open space that fosters a sense of  
12 community and openness within the cottage development.

13 ~~5. To provide private areas around the individual dwellings to enable diversity in landscape  
14 design and foster a sense of ownership.~~

15 6. To ~~maintain the character of~~ integrate cottage developments into existing residential  
16 neighborhoods and ensure compatibility between cottage developments and their neighbors.

17 B. Applicability.

18 1. This section applies to cottage housing developments as defined in Section 40.100.070, except  
19 for cottage developments within the Mixed Use (MX) zone which shall be subject to the Cottage  
20 Housing standards in Appendix A.

21 2. Except within the Mixed Use (MX) zone (which has its own standards), cottage housing shall  
22 comply with the standards, requirements, and limitations in Section 40.260.073(C). Cottage housing  
23 developments shall be subject to site plan review in accordance with Section 40.520.040. Where the  
24 site is proposed to be platted with each cottage on its own lot, the site plan review application may be  
25 reviewed in conjunction with the land division application.

26 3. The narrow lot development standards in Section 40.260.155 shall not apply to cottage housing  
27 developments.

28 4. Cottage housing developments may not be used in conjunction with a Planned Unit  
29 Development per Section 40.520.080.

30 C. Development Standards and Requirements.

31 1. ~~Cottage housing developments shall be subject to site plan review in accordance with Section~~  
32 ~~40.520.040; except, where the site is proposed to be platted with each cottage on its own lot, the site~~  
33 ~~plan shall be reviewed in conjunction with the land division application and a separate site plan~~  
34 ~~review application shall not be required.~~

35 Cottage housing developments may include single-family detached dwellings, accessory dwelling  
36 units, duplexes and up to two (2) attached single-family dwellings.

1 2. Cottage housing developments may be allowed at up to two hundred percent (200%) of the  
2 maximum density of the underlying zone, including any accessory dwelling units; except, cottage  
3 housing developments in the R1-7.5, R1-6 and R1-5 zones may be allowed at up to 21.8 d.u./acre,  
4 calculated based on the gross area of the site minus any public rights-of-way, private road easements,  
5 or street tracts.

6 3. Cottage housing developments shall contain a minimum of four (4) and a maximum of twelve  
7 (12) units in a cluster; provided, that a cottage development may contain more than one (1) cluster.  
8 Each cluster must have its own common open space and may not be intersected by a public or private  
9 road.

10 4. For platted cottage developments, the minimum lot area and lot dimension standards of the  
11 underlying zone shall not apply; provided, that the cottage on each lot meets the setback and  
12 separation standards herein.

13 5. Cottages and accessory structures shall maintain the following minimum setbacks:

14 a. Ten (10) feet from public rights-of-way or private street easements.

15 b. Five (5) feet from external non-street property boundaries.

16 c. Eighteen (18) feet from a street for garage doors; provided the minimum garage door  
17 setback from an alley may be two (2) feet.

18 d. Ten (10) Eight (8) feet minimum space between buildings (including accessory structures).

19 6. No maximum lot coverage standard shall apply to cottage housing developments, including  
20 cottages platted on individual lots.

21 6 7. Required Parking and Parking Design.

22 a. On-site parking shall be provided at a minimum rate of one and one-half (1 1/2) parking  
23 spaces per cottage dwelling and one (1) parking space per accessory dwelling unit.

24 7-b On-site parking may be clustered in common parking lots or detached garages provided  
25 in any combination of shared parking lot(s), shared detached garage(s), and/or individual  
26 garages or carports.

27 c. Individual detached garages may not exceed 400 square feet in floor area. Shared detached  
28 garages may not exceed 1,000 square feet in floor area.

29 d. Common off-street parking areas shall meet the following:

30 (1) Parking and maneuvering areas shall meet the applicable requirements in Chapter  
31 40.340 and screening requirements in Section 40.320.010(E).

32 (2) Such spaces may be designed to allow backing movements directly into local  
33 access streets other than collectors or arterials.

34 (3) Parking areas shall be owned and maintained by a homeowners association or a  
35 maintenance agreement shall be recorded with the plat.

1 8. Detached garages may contain up to two (2) accessory dwelling units (ADUs, also known as  
2 carriage units) per cottage cluster built above the parking spaces.

3 9. Cottage developments shall provide common open space at a minimum rate of four hundred  
4 (400) square feet per cottage.

5 8. Common Open Space Standards. Each cottage cluster must share a common open space in  
6 order to provide a sense of openness and community of residents. Common open spaces must meet  
7 the following standards:

8 a. A minimum of 200 square feet of common open space must be provided per cottage unit  
9 within the associated cluster. Common open space may not include critical areas, critical area  
10 buffers, or slopes greater than fifteen percent. LID stormwater BMPs, like rain gardens, may be  
11 integrated in up to twenty-five percent of the minimum required usable open space area.

12 b. The common open space must be contiguous, generally rectangular or ovoid, and no  
13 narrower than 15 feet wide at its narrowest dimension.

14 c. The common open space shall be developed with a mix of landscaping, lawn area,  
15 pedestrian paths, and/or paved courtyard area, and may also include recreational amenities.  
16 Impervious elements of the common courtyard shall not exceed fifty percent (50%) of the total  
17 common courtyard area.

18 10.d. Common open space shall be located with cottages abutting on at least two (2) sides  
19 and abutting a minimum of fifty percent (50%) of the cottages in the cluster.

20 e. Pedestrian paths must be included in a common open space. Parking areas, required  
21 setbacks, and driveways do not qualify as part of a common open space.

22 f. The development application shall include a plan for ongoing maintenance of the common  
23 open space, including a mechanism for ensuring that the maintenance plan will be implemented  
24 through a homeowners association or similar entity.

25 9. Cottage Orientation. Cottages must be clustered around a common open space, meaning they  
26 abut the associated common open space or are directly connected to it by a pedestrian path, and must  
27 meet the following standards (see Figure 40.260.073-1):

28 a. Each cottage within a cluster must either abut the common open space or must be directly  
29 connected to it by a pedestrian path.

30 b. A minimum of fifty percent (50%) of cottages within a cluster must be oriented to the  
31 common open space and must:

32 i. Have a main entrance facing the common open space;

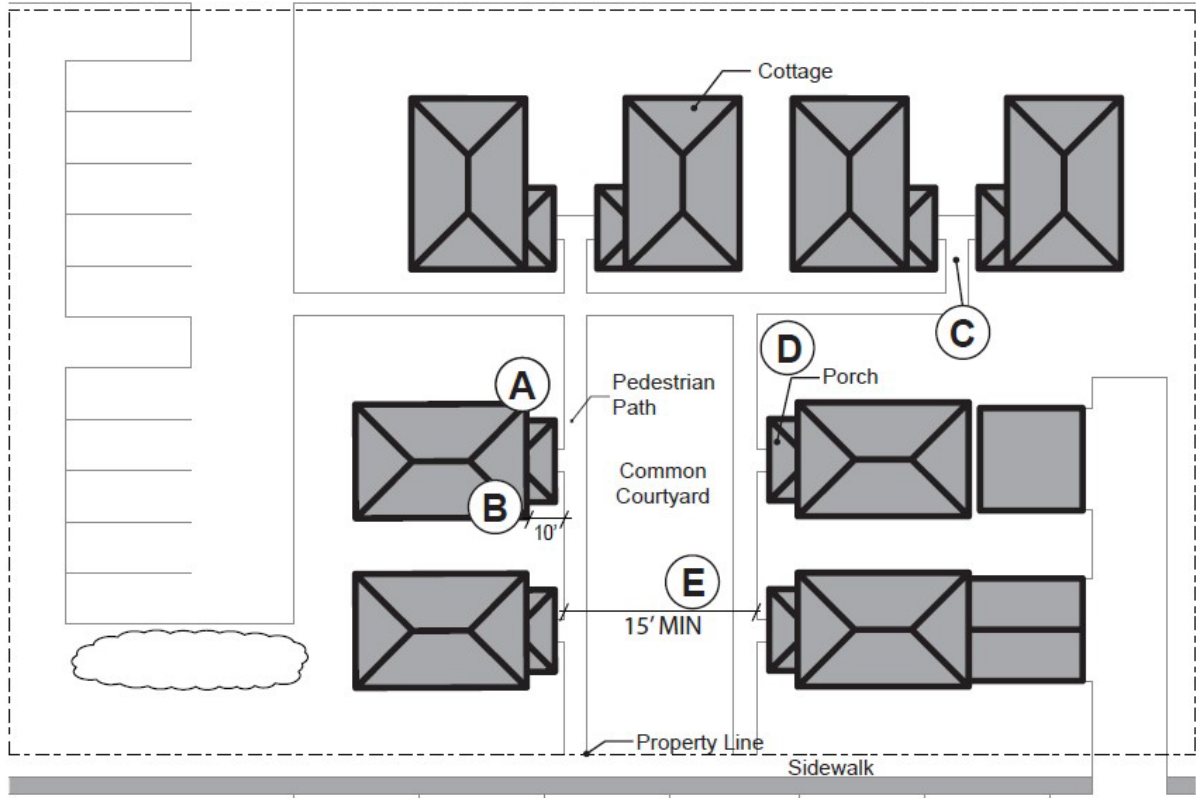
33 ii. Be within 10 feet from the common open space, measured from the façade of the  
34 cottage to the nearest edge of the common open space; and

35 iii. Be connected to the common open space by a pedestrian path.

36 c. Cottages within 20 feet of a street property line may have their entrances facing the street.



- 1 d. Cottages not facing the common open space or the street must have their main entrances
- 2 facing a pedestrian path that is directly connected to the common open space.



3  
4 **Figure 40.260.073-1 Cottage Orientation**

5 11. Each cottage shall have a minimum of two hundred (200) square feet of private open space.  
6 Private open space shall be adjacent to each dwelling unit for the exclusive use of the residents of  
7 that cottage. The space shall be usable (not encumbered by steep slopes or other physical limitations)  
8 and oriented toward the common open space as much as possible, with no dimension less than ten  
9 (10) feet.

10 10. Pedestrian Access. A pedestrian path that is hard-surfaced and a minimum of three (3) feet  
11 wide must be provided that connects the main entrance of each cottage to the following:

- 12 a. The common open space;
- 13 b. Shared parking or solid waste storage areas;
- 14 c. Community buildings; and
- 15 d. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no  
16 sidewalks.

17 D. Building Design Standards.

1 1. Cottages shall have a minimum of one hundred fifty (150) and a maximum of sixteen hundred  
2 (1,600) square feet gross floor area. The maximum floor area allowed on the ground or main floor  
3 shall be twelve hundred (1,200) square feet.

4 2. Cottages located adjacent to a street shall provide a covered entry feature with minimum  
5 dimensions of six (6) feet by six (6) feet facing the street.

6 3. Cottage facades facing the common open space or common pathway shall feature a roofed  
7 porch at least eighty (80) square feet in size with a minimum dimension of eight (8) feet on any side.

8 4. The maximum building height shall be twenty-five (25) feet for cottages and ADUs built over  
9 garages and eighteen (18) feet for accessory structures.

10 5. An existing single-family detached dwelling on the same lot as a proposed cottage housing  
11 development may be allowed within a cottage cluster exempt from the maximum gross floor area,  
12 footprint and height standards of this section, provided that existing dwellings that exceed any of  
13 those maximums may not be expanded.

14 ~~5. All portions of building roofs over eighteen (18) feet in height must be pitched with a minimum~~  
15 ~~slope of six to twelve (6:12).~~

16 ~~6. Cottages and accessory buildings within a particular cluster shall be designed within the same~~  
17 ~~'family' of architectural styles. Examples include:~~

18 ~~a. Similar building/roof form and pitch.~~

19 ~~b. Similar siding materials.~~

20 ~~c. Similar porch detailing.~~

21 ~~d. Similar window trim.~~

22 ~~A diversity of cottages can be achieved within a 'family' of styles by:~~

23 ~~e. Alternating porch styles (such as roof forms).~~

24 ~~f. Alternating siding details on facades and/or roof gables.~~

25 ~~g. Different siding color.~~

26 E. Community Buildings. Cottage cluster projects may include community buildings for the shared  
27 use of residents that provide space for accessory uses such as community meeting rooms, guest housing,  
28 exercise rooms, day care, community eating areas, community gardens, or picnic shelters. Community  
29 buildings must meet the following standards:

30 1. Each cottage cluster is permitted one community building.

31 2. The community building shall have a maximum floor area of twelve hundred (1,200) square  
32 feet.

33 F. Solid Waste Provisions. The development application shall include a plan for access for solid waste  
34 and recycling collection service, indicating common or individual unit collection points with  
35 demonstrated access and turning space for solid waste vehicles.

36

1 **40.260.155 Narrow Lot Development Standards**

2 A. Purpose.

3 The purpose of this section is to guide development and alleviate conflicts that can arise from the  
4 platting of residential lots of less than forty (40) feet in width. **These standards are intended to:**

5 **1. Eliminate conflicts between the design and location of driveways with public and private**  
6 **utilities, on-street parking and other common features such as street trees, street lights and signs,**  
7 **fire hydrants, common mailboxes, etc.;**

8 **2. Provide for adequate guest parking;**

9 **3. Ensure adequate access for solid waste and recycling collection vehicles;**

10 **4. Minimize the dominance of garages on narrow lots; and**

11 **5. Provide incentives for lots which utilize alleys for access.**

12 B. Applicability.

13 1. This section shall apply to newly platted residential land divisions having lots less than forty  
14 (40) feet wide as measured at the front building setback line, with the following exception:

15 a. Land divisions with fewer than twenty-five percent (25%) of the lots being less than forty  
16 (40) feet wide need not be subject to this section, provided the following:

17 (1) All required sidewalks along street frontage in the development shall be detached; and

18 (2) No corner lot shall be less than forty (40) feet wide.

19 2. The standards of this section apply only to those lots in the land division that are less than forty  
20 (40) feet in width.

21 C. Narrow Lot Development Standards.

22 1. A site plan is required that demonstrates that utilities, driveways, street trees, and other features  
23 have been located and designed to minimize conflicts with one another. The site plan shall be  
24 submitted with the preliminary land division application and shall be incorporated into the final  
25 construction plan set. The site plan shall show, at a minimum, all of the following features:

26 a. Location and width of streets, sidewalks and landscape buffers, when applicable;

27 b. Location, species, and size of required street trees, to include the mature height and crown  
28 width;

29 c. Parking spaces, as required by Section 40.260.155(C)(3);

30 d. Stormwater facilities, including roof infiltration systems, if proposed;

31 e. Location of other infrastructure including solid waste and recycling areas if required by  
32 Section 40.260.155(C)(5)(a), light poles (if proposed by applicant), fire hydrants, community  
33 mailboxes and existing overhead lines;

- 1 f. Location and width of driveways, if proposed, and not exempted by Section  
2 40.260.155(C)(8);
- 3 g. Location and dimensions of ADA sidewalk ramps and landings for attached sidewalks at  
4 driveway crossings, and ADA sidewalk ramps and landings at street intersections, whether using  
5 attached or detached sidewalks;
- 6 h. Building envelopes which reflect the final setbacks for each lot; and
- 7 i. Intersection sight distance or applicable traffic control measures proposed at intersections  
8 and the impact on the developable area of corner lots.
- 9 2. Corner Lots. The minimum lot dimensions in Tables 40.210.010-4, 40.220.020-4 and  
10 40.220.020-5 shall not apply to corner lots.
- 11 a. Development on corner lots shall meet minimum sight distance requirements of Section  
12 40.350.030(B)(8).
- 13 b. Corner lot driveways shall meet the requirements in Section 40.350.030(B)(4)(b)(1)(b).
- 14 3. Parking Standards. Two and one half (2.5) parking spaces for every narrow lot in the  
15 development shall be provided. Both off-street parking and guest parking shall be provided in narrow  
16 lot developments.
- 17 a. Off-street parking for each lot shall be provided that meets the requirements of Table  
18 40.340.010-4.
- 19 a b. Guest parking shall be provided at a minimum ratio of one guest parking space for every  
20 three narrow lots in the development. Spaces may be located on the residential lot, Such spaces  
21 may be located on-street (on local access streets only) or in common off-street parking areas.  
22 Parking requirements shall be met on a per lot basis; extra parking provided on one (1)  
23 residential lot shall not count towards meeting the minimum requirement on a different  
24 residential lot.
- 25 b c. Common off-street parking areas shall meet the following:
- 26 (1) Parking and maneuvering areas shall meet the applicable requirements in Chapter  
27 40.340 and screening requirements in Section 40.320.010(E).
- 28 (2) Such spaces may be designed to allow backing movements directly into local access  
29 streets other than collectors or arterials.
- 30 (3) Parking areas shall be owned and maintained by a homeowners association or a  
31 maintenance agreement shall be recorded with the plat.
- 32 e d. On-street parking shall meet the following:
- 33 (1) Single on-street parallel parking spaces between driveways shall be at least seventeen  
34 (17) feet in length, measured from the top of the slope of the driveway wing. Two (2) or more  
35 consecutive on-street parallel parking spaces shall require two (2) additional feet between  
36 each space.

1 (2) Angled or head in parking ‘bulb outs’ may be provided on local access streets  
2 provided:

3 (a) Such parking shall be within the street right-of-way or street tract; and

4 (b) Backing over sidewalks is prohibited.

5 (3) On-street parking to meet the guest parking requirements of this section shall not  
6 require creation of a neighborhood parking plan under Section 40.340.030.

7 4. Street Trees.

8 a. Unless the requirements of Chapter 40.320 require a higher level of landscaping, a  
9 minimum of one (1) tree shall be provided along the street frontage of each narrow lot; provided,  
10 that sight distance triangles are not obstructed. Trees that are appropriate to the size of the space  
11 may be provided either within the street frontage right-of-way or on the lot. Street trees located  
12 in the right-of-way shall comply with the Standard Details Manual requirements. In the event  
13 that no feasible location exists along a lot’s frontage due to required utilities or other features,  
14 the responsible official may approve grouping of trees or other landscaping options that provide  
15 variety to the streetscape.

16 5. Solid Waste and Recycling Collection.

17 a. Where collection is not feasible on each lot, such as when lots are accessed by a shared  
18 driveway with no turnaround, a designated common collection point, located no further than one  
19 hundred fifty (150) feet from any lot it serves, shall be provided. Common collection points shall  
20 be shown on the site plan, and sized to provide at least two (2) feet of clearance space between  
21 individual garbage, yard debris, and recycling containers for each dwelling unit.

22 b. Designated collection points shall be located adjacent to alleys or streets, but shall not  
23 obstruct sidewalks, bike lanes, or vision clearance triangles.

24 6. Alleys and Lots with Alley Access.

25 a. Where provided, alleys shall meet the minimum dimensional requirements of Figure  
26 40.260.155-3. A minimum of twenty-four (24) feet of clear area (unobstructed by fences or other  
27 structures) with an unobstructed vertical clearance of not less than thirteen and one-half (13.5)  
28 feet shall be provided. Alleys with a paved width of less than twenty (20) feet shall be privately  
29 owned and maintained.

30 b. When garbage and recycling collection is proposed to be from an alley, the ability of  
31 collection vehicles to maneuver safely to all points of collection shall be demonstrated, based on  
32 a thirty-five (35) foot long by ten (10) foot wide vehicle.

33 c. All lots adjacent to an alley shall provide access to the garage or parking space from the  
34 alley, not from an adjacent street.

35 d. Residences with access from alleys shall be oriented to face the public or private street, not  
36 the alley.

37 e. Alleys serving narrow lots under this section shall connect with a public or private street at  
38 both ends, unless otherwise approved by the public works director.

1 f. Maintenance of private alleys shall be the responsibility of the homeowners association, or  
2 a maintenance agreement shall be recorded with the plat.

3 7. Shared Driveways. The following shared driveway provisions apply only to narrow lots  
4 qualifying under this section:

5 a. Shared driveways may be used to provide access to a maximum of four (4) lots.

6 b. Shared driveway approaches for two (2) abutting lots sharing one (1) curb cut shall meet  
7 the specifications in Figure 40.260.155-4 or 40.260.155-5.

8 c. Shared driveways which provide access to more than two (2) lots shall be at least twelve  
9 (12) feet wide, and shall be within an easement at least twenty (20) feet wide.

10 8. Narrow Driveways. Where provided for a narrow lot, narrow driveways shall meet the  
11 following requirements:

12 a. Narrow driveways shall be no wider than ten (10) feet measured at the driveway throat,  
13 unless the applicant demonstrates on the development plan that a wider driveway will not result  
14 in conflicts.

15 b. Where possible, narrow driveways on adjoining lots shall be grouped in close proximity to  
16 create space along the frontage for parking, trees, utilities, etc.

17 c. Narrow driveways shall be constructed in accordance with adopted narrow driveway  
18 standards.

19 d. Garages accessed from narrow driveways shall be either single car-width and located no  
20 closer to the street than the front wall (not porch) of the residence or, if wider than a single car  
21 garage, set back at least five (5) feet from the front wall (not porch) of the residence.

22 9. Driveway Requirements in Single-Family Detached Developments. In order to provide  
23 flexibility in site design, driveway locations for non-corner lots in single-family detached  
24 developments are not required on the site plan, provided:

25 a. Detached sidewalks that meet ADA requirements are provided; and

26 b. Guest pParking requirements for the development are shown to be met, by one (1) or more  
27 of the following methods:

28 (1) Designated on-street parking areas that will not be subject to future driveway  
29 placement; or

30 (2) Provision of common off-street parking areas; or

31 (3) A plat note shall be placed on the final plat requiring each unit to provide a two (2) car  
32 garage.

33 c. Driveway locations shall be shown for all corner lots, regardless of the other provisions of  
34 this subsection.

35 9 10. Density Calculations. Additional lot area needed for sight distance triangles on corner lots  
36 and common parking areas may be deducted from the gross acreage when determining minimum

1 density requirements. Additional lot area shall include the area of the sight distance triangle that is in  
2 excess of the setback requirements, along with any additional area in excess of the setback  
3 requirements that is required. Such calculations shall be shown on the site plan.

4 D. Incentives for Providing Alleys.

5 Any narrow lot that is provided with alley access shall qualify for the following modifications to  
6 development standards:

7 1. Minimum lot area, dimensions and setbacks that differ from those required of the underlying  
8 zone may be approved; provided, that the applicant demonstrate the following as applicable:

9 a. Privacy between the proposed residential units and the street is not compromised. Alternate  
10 methods of providing privacy such as elevated first floors or raised landscape planters may be  
11 approved by the responsible official.

12 b. Alternate setbacks do not violate building or fire codes.

13 c. A minimum building separation of eight (8) feet is maintained.

14 d. Side and rear setbacks around the perimeter of the development site shall not be reduced.

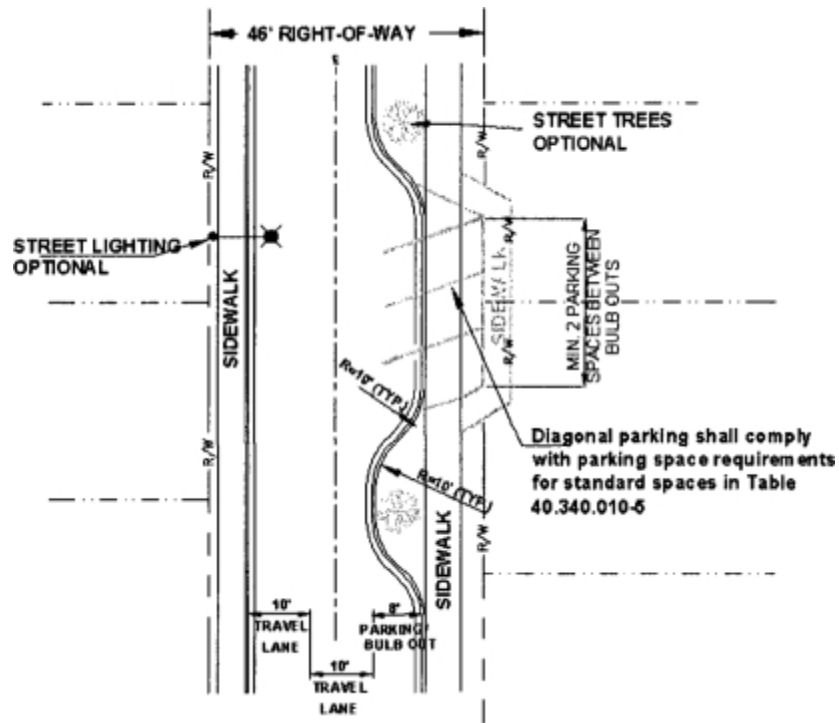
15 2. The maximum lot coverage may be increased by ten percent (10%) over that allowed in the  
16 zoning district.

17 3. The area of an alley easement or tract may be included in the minimum required lot area and  
18 counted when calculating maximum lot coverage.

19 E. Narrow Lot Special Street and Driveway Details.

20 The following narrow lot street, alley and driveway details provide options to the other standards in  
21 Section 40.350.030, and may be used only in association with narrow lots as defined in this section.  
22 Deviations from the street and alley standards and details in this section require approval of a road  
23 modification under Section 40.550.010. Deviations from the shared driveway details shown in Figure  
24 40.260.155-4 or 40.260.155-5 require a variance under Section 40.550.020.

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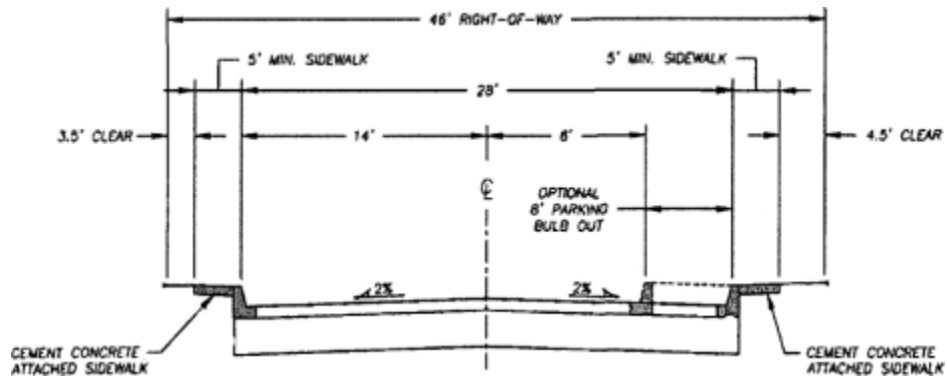


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Figure 40.260.155-1 Narrow Lot Street



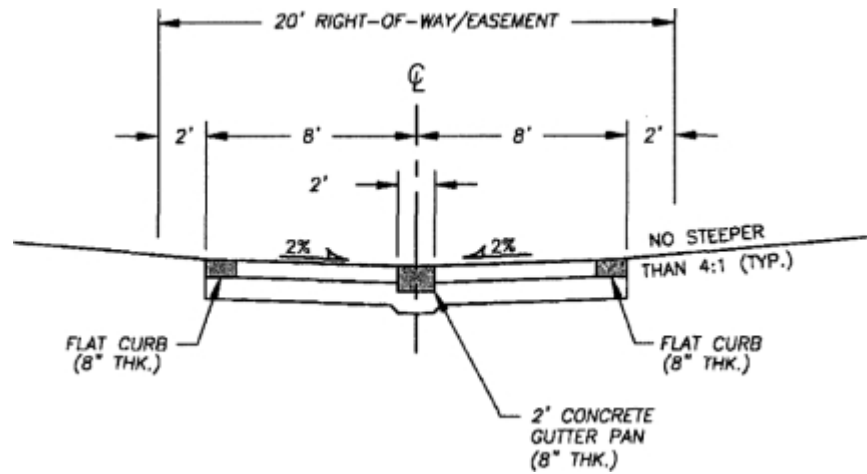
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Figure 40.260.155-2 Narrow Lot Street Cross-Section



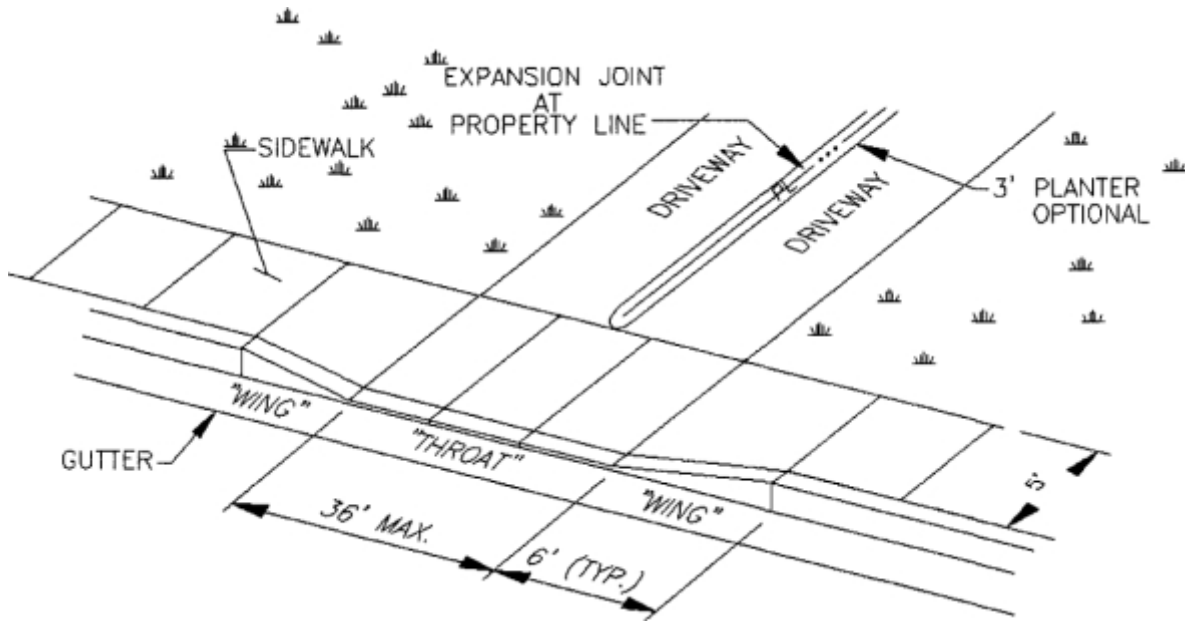


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**Figure 40.260.155-3 Narrow Lot Alley Cross-Section**

Cross-slope details and concrete curb and pan shown are optional. Alternate cross-slope details may be approved; provided, the minimum pavement width and right-of-way is provided. Structural pavement sections shall meet the minimum requirements for an Urban Alley drawing in the Standard Details Manual.

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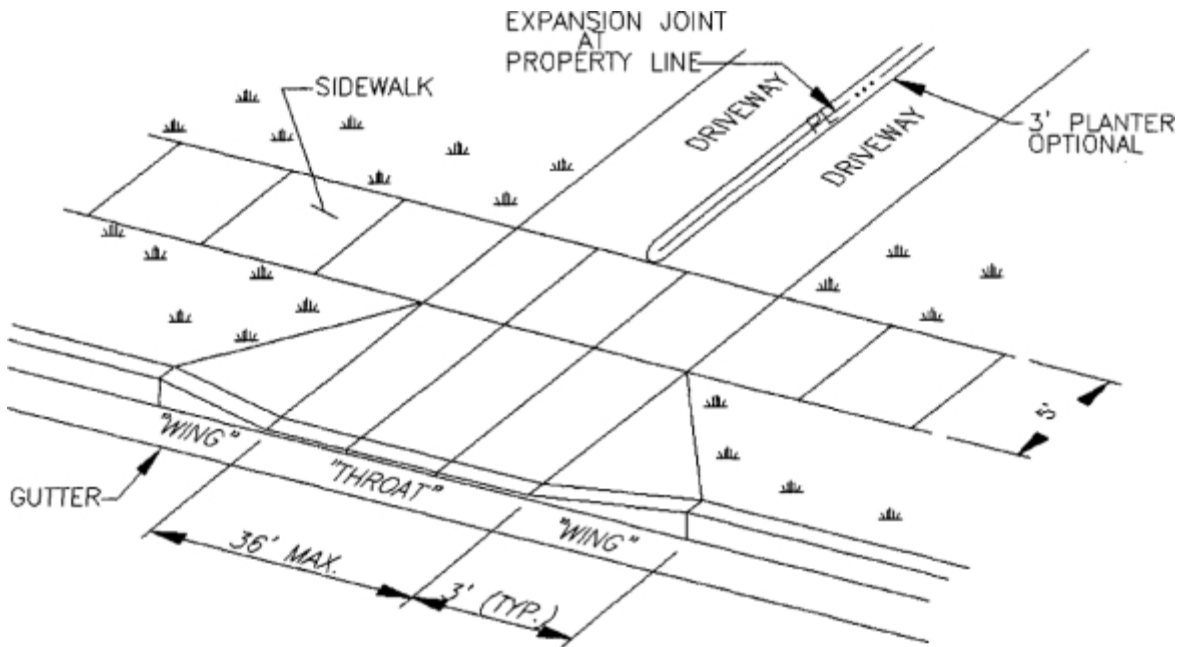


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3

Figure 40.260.155-4 Narrow Lot Shared Driveway Detail with Attached Sidewalk

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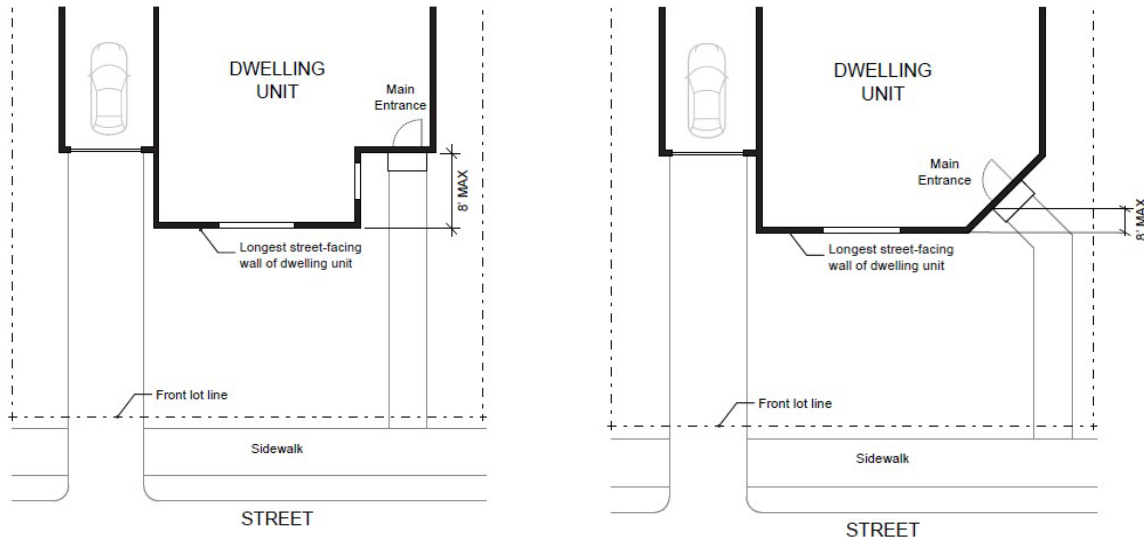
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Figure 40.260.155-5 Narrow Lot Shared Driveway Detail with Detached Sidewalk

7

1 **40.260.225 Triplex and Quadplex Standards**

2 **A. Main Entrance.** At least one main entrance per triplex or quadplex structure shall be visible from  
3 the street and must have a porch or entry set back no more than eight (8) feet from the longest street-  
4 facing wall of the structure. The entry must: face the street, open onto the porch, or be oriented at an  
5 angle of not more than forty-five (45) degrees from the street-facing façade. Corner lot structures may be  
6 oriented to either street.



8 **Figure 40.260.225-1 Main Entrance Orientation Options**

9 **B. Garages.** The cumulative width of the garage door(s) facing the street may be up to fifty percent  
10 (50%) of the width of the street-facing building façade or twenty (20) feet, whichever is greater. Garage  
11 limitations do not apply to residential development accessed through rear alleys, or where the garage is  
12 located in the rear of the lot.

13 **C.** For the purposes of applying the Location of Parking and Loading Facilities Standards of Section  
14 40.340.010(A)(4), the Access and Circulation Standards of Section 40.340.020(A), and the Access  
15 Management Standards of Section 40.350.030(B)(4), triplexes and quadplexes shall be subject to the  
16 same standards as a single-family or duplex dwelling.

17 **D.** Triplexes and quadplexes shall be reviewed through a Type I site plan review per Section  
18 40.520.040.

19

1

**40.340 PARKING, LOADING AND CIRCULATION**

2

<b>Table 40.340.010-4. Minimum Required Parking Spaces By Use</b>	
<b>Use</b>	<b>Minimum Number of Parking Spaces</b>
<b>A. Residential.</b>	
<del>1.</del> <del>1, 2 and 3 unit family</del> <u>Single-family detached and attached (townhouse) dwellings</u>	<del>2 spaces/dwelling unit. Single family and duplex parking Spaces may be tandem with <del>One</del> car behind the other. For narrow lots, see additional requirements in Section 40.260.155.</del>
<del>2.</del> <u>Narrow lot developments</u>	<del>2.5 spaces/dwelling unit per narrow lot, subject to the requirements in Section 40.260.155</del>
<del>2.</del> <u>Duplex, triplex and quadplex dwellings</u>	<u>1 space/dwelling unit</u>
<del>3.</del> <u>Cottage housing</u>	<u>1 space/dwelling unit</u>
<del>4.</del> <u>Accessory dwelling units</u>	<u>None</u>
<del>3</del> <del>5.</del> <u>Multifamily dwelling containing <del>4</del> <del>5</del> or more dwelling units</u>	<u>1 1/2 space/dwelling unit</u>
<del>4</del> <del>6.</del> <u>Bed and breakfast</u>	<u>1 space/each guest room, plus 2 for the facility</u>
<del>5</del> <del>7.</del> <u>Residential care facility</u>	<u>1 space/7 residents served under age of 12 1 space/5 residents served ages 12 ñ 17 1 space/4 residents served ages 18 years or older</u>
<del>6</del> <del>8.</del> <u>Assisted living facilities</u>	<u>1 space/each 3 units</u>
<b>B. Commercial Residential.</b>	
<u>1. Hotel</u>	<u>1 space/bedroom</u>
<u>2. Motel</u>	<u>1 space/bedroom</u>
<u>3. Clubs/lodges</u>	<u>Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium</u>
<b>C. Institutions.</b>	
<u>1. Welfare or correctional institutions</u>	<u>1 space/3 beds for patients or inmates</u>
<u>2. Convalescent or nursing home</u>	<u>1 space/3 beds for patients or residents</u>
<u>3. Hospital</u>	<u>2 spaces/bed</u>
<b>D. Places of Assembly.</b>	
<u>1. Church</u>	<u>1 space/4 seats, or 8 feet of bench length in the main auditorium. Additional parking for meeting rooms, classrooms and office use may be required.</u>

<b>Table 40.340.010-4. Minimum Required Parking Spaces By Use</b>	
<b>Use</b>	<b>Minimum Number of Parking Spaces</b>
2. Library, reading room, museum, art gallery	1 space/400 square feet of floor area
3. Preschool, nursery, kindergarten, family day care center or commercial day care center	2 spaces/teacher or employee
4. Elementary or middle school	1 space/4 seats, or 8 feet of bench length in auditorium or assembly room, whichever is greater
5. High school	1 space/employee, plus 1 space/each 6 students, or 1 space/4 seats, or 8 feet of bench length in the auditorium, whichever is greater
6. College, commercial school for adults	1 space/3 seats in classroom
7. Other auditoriums, meeting rooms	1 space/4 seats, or 8 feet of bench length
E. Commercial Amusements.	
1. Stadium, arena, theater	1 space/4 seats, or 8 feet of bench length
2. Bowling alley	5 spaces/lane
3. Health and fitness club	1 space/200 square feet of general floor area; 1 space/500 square feet for racquet, tennis or similar court floor area
F. Commercial.	
1. Commercial retail, except stores selling bulky merchandise	1 space/350 square feet of floor area
2. Service or repair shops	1 space/750 square feet of floor area
3. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space/600 square feet of floor area
4. Bank, office (except medical and dental)	1 space/400 square feet of floor area
5. Medical and dental office or clinic	1 space/200 square feet of floor area
6. Eating or drinking establishments	1 space/250 square feet of floor area
7. Mortuaries	1 space/6 seats, or 12 feet of bench length
8. Automobile sales, retail nurseries, and other open sales and rental yards	(a) Properties with less than ten thousand (10,000) square feet of open sales or rental area shall provide one (1) space for each one thousand (1,000) square feet of gross floor area, plus one (1)

<b>Table 40.340.010-4. Minimum Required Parking Spaces By Use</b>	
<b>Use</b>	<b>Minimum Number of Parking Spaces</b>
	space for each two thousand five hundred (2,500) square feet of open sales or rental area. (b) Properties with ten thousand (10,000) square feet or more of open sales or rental area shall provide one (1) space for each one thousand (1,000) square feet of gross floor area, plus four (4) spaces, plus one (1) space for each ten thousand (10,000) square feet of open sales or rental area in excess of ten thousand (10,000) square feet.
G. Industrial.	
1. Except as specifically mentioned herein, industrial uses listed as permitted in the IL and IH zones	1 space/500 square feet
2. Storage warehouse, wholesale establishment, rail or trucking freight terminal	1 space/1,500 square feet of floor area
3. Laboratories and research facilities	1 space/600 square feet of floor area

1 **40.520 PERMITS AND REVIEWS**

2 **40.520.020 Uses Subject to Review and Approval (R/A)**

3 A. Purpose.

4 Upon review of the responsible official, uses designated as permitted subject to review and approval  
5 (R/A) may be allowed in the various districts; provided, that the responsible official is of the opinion that  
6 such uses would be compatible with neighboring land uses.

7 B. Review Procedures.

8 Uses subject to review and approval (R/A) shall be reviewed through a Type II process; provided, that  
9 the responsible official, at his or her discretion, may refer any proposal to the hearing examiner for review  
10 and approval, or denial. Any uses approved under the provisions of this chapter by either the responsible  
11 official or the hearing examiner in public hearing, shall be compatible with adopted county land use  
12 policies and goals.

13 C. Approval Criteria - General.

14 Except for the uses listed in Section 40.520.020(D), in approving a use, the responsible official shall  
15 first make a finding that all of the following conditions exist:

16 1. The site of the proposed use is adequate in size and shape to accommodate the proposed use;

17 2. All setbacks, spaces, walls and fences, parking, loading, landscaping, and other features  
18 required by this title are provided;

19 3. The proposed use is compatible with neighborhood land use;

20 4. The site for the proposed use relates to streets and highways adequate in width and pavement  
21 type to carry the quantity and kind of traffic generated by the proposed use;

22 5. The proposed use will have no substantial adverse effect on abutting property or the permitted  
23 use thereof; and

24 6. In the case of residential uses, the housing density of the development is consistent with the  
25 existing zoning densities, or the general plan, and that all other aspects of the development are  
26 consistent with the public health, safety, and general welfare for the development and for adjacent  
27 properties.

28 D. Approval Criteria - Special Uses.

29 When the following uses are allowed subject to review and approval (R/A) the responsible official  
30 shall review them subject to the applicable standards and criteria in Chapter 40.260:

31 ~~1.~~ Accessory dwelling units (Section 40.260.020);

32 2 1. Bed and breakfast establishments (Section 40.260.050);

33 3 2. Home businesses - Type II (Section 40.260.100);

34 4 3. Kennels (Section 40.260.110);

- 1        ~~5~~ 4.    Manufactured home parks (Section 40.260.140);
- 2        ~~6~~ 5.    Opiate substitution treatment facilities (Section 40.260.165);
- 3        ~~7~~.    ~~Townhouse developments (Section 40.260.155);~~
- 4        ~~8~~ 6.    Wireless communications facilities (Section 40.260.250);
- 5        ~~9~~.    ~~Zero lot line development (Section 40.260.260).~~
- 6



1 **40.520.040 Site Plan Review**

2 A. Purpose.

3 The purpose of this section is to provide a plan review process that is proportional to the potential  
4 impacts of a proposed development. With the exception of minor development proposals, site plan review  
5 is intended to provide public notice to encourage public participation, and help ensure a transparent  
6 review and approval process.

7 B. Applicability.

8 1. Site plan review is required for new development and modifications to existing development,  
9 unless expressly exempted by this chapter.

10 2. A site plan is subject to a Type II review process as provided in Section 40.510.020 if the  
11 proposal meets one (1) or more of the following:

12 a. Conditional use;

13 b. Planned unit development, **compact lot development or cottage housing development**;

14 c. New development in all urban holding, urban residential, office residential, business park,  
15 mixed use, university, commercial, industrial, surface mining and airport zones;

16 d. Change of use from residential to commercial or industrial use;

17 e. A modification to existing permitted development or a permitted modification to an  
18 existing nonconforming use, as allowed under Section 40.530.010, if it will cause any of the  
19 following:

20 (1) An increase in density or lot coverage by more than ten percent (10%) for residential  
21 development if the change is made along the development site perimeter; or twenty percent  
22 (20%) or more for the development;

23 (2) A change in the type of dwelling units proposed in a residential development (e.g., a  
24 change from detached to attached structures or a change from single-family to multifamily) if  
25 the change is made along the development site perimeter;

26 (3) An increase of more than ten percent (10%) in required on-site parking or an increase  
27 of more than forty (40) on-site parking spaces, unless the required parking spaces exist on site  
28 and meet the design standards for parking and landscaping;

29 (4) An increase in the height of an existing structure(s) by more than fifty percent (50%) if  
30 the structure is located within twenty (20) feet of the property lines;

31 (5) A change in the location of accessways to frontage roads where off-site traffic would  
32 be affected;

33 (6) A change in the location of parking where the parking is closer to land zoned or used  
34 for residential or mixed residential/other purposes;

35 (7) A change in location or increase in size of a stormwater facility if the change is made  
36 along the development site perimeter;

- 1 (8) An increase in vehicular traffic generated to and from the site of more than twenty (20)  
2 average daily trips, based on the latest edition of the Institute of Transportation Engineers  
3 (ITE) Trip Generation Manual or substantial evidence by a professional engineer licensed in  
4 the state of Washington with expertise in traffic engineering;
- 5 (9) An increase in floor area of a structure used for nonresidential purposes by more than  
6 ten percent (10%) and at least five thousand (5,000) square feet;
- 7 (10) A SEPA determination is required by Chapter 40.570;
- 8 (11) A reduction in the area used for recreational facilities, screening, buffering,  
9 landscaping and/or open space by more than ten percent (10%), provided the minimum  
10 standards and conditions of approval under the original decision are met; or
- 11 (12) A modification, other than one listed in this section, if subject to Type II review  
12 based on the post-decision procedures in Section 40.520.060 or based on other sections of  
13 this title;
- 14 f. Aboveground storage tanks over two thousand (2,000) gallons and underground tanks  
15 larger than ten thousand (10,000) gallons in size. SEPA review is required for underground tanks  
16 over ten thousand (10,000) gallons. CARA provisions in Sections 40.410.010(B) and  
17 40.410.020(A) may also apply.
- 18 3. A site plan is subject to a Type I review process as provided in Section 40.510.010 if:
  - 19 a. It is not subject to Type II review under Section 40.520.040(B)(2);
  - 20 b. It is a vacant commercial pad located within a larger development which has received  
21 previous site plan approval, if:
    - 22 (1) The commercial pad is served by stormwater facilities already approved within the  
23 overall development site; and
    - 24 (2) Changes to the approved overall development site plan are not proposed (e.g., changes  
25 to site access, parking, required landscaping, etc.);
  - 26 c. It is not exempt under Section 40.520.040(B)(4); or
  - 27 d. It is listed below:
    - 28 (1) Walk-up or drive-through vendors such as espresso and coffee carts, flower stands and  
29 food carts that do not exceed three hundred (300) square feet; provided, that such uses are  
30 accessory to existing legally permitted nonresidential development on the same site;
    - 31 (2) A triplex or quadplex;
    - 32 (3) Neighborhood parks; or
    - 33 (4) Aboveground tanks over one hundred twenty-five (125) gallons up to and including  
34 two thousand (2,000) gallons. CARA provisions in Sections 40.410.010(B) and  
35 40.410.020(A) may also apply.

- 1       4. The following land uses and development are exempt from site plan review, provided  
2       applicable standards of this title are met:
- 3           a. A single-family detached dwelling or duplex and modifications to it;
- 4           b. Accessory dwelling units;
- 5           ~~b. A duplex or triplex and modifications to it on a lot created and approved for such use;~~
- 6           c. Development exempt from review under Chapter 14.05;
- 7           d. Modifications to the interior of existing structures that do not change the use or the amount  
8           of a use;
- 9           e. Changes in use that do not require a need for an increased number of parking spaces over  
10          those required for the existing use, based on Table 40.340.010-4. The proposed change in use  
11          must be a permitted use in the zoning district and may not violate the existing site plan approval.  
12          The existence of on-site parking greater than the minimum number of spaces required for a new  
13          use exempts a development from site plan review; provided, all parking spaces meet the design  
14          standards for parking and landscaping. Additional transportation impact fees (TIC fees) may  
15          apply;
- 16          f. Land divisions;
- 17          g. School modulares or portables, provided:
- 18             (1) The total gross floor area of the modulares does not exceed thirty percent (30%) of the  
19             gross floor area of the existing school building, not including existing modulares; and
- 20             (2) The project is either exempt from SEPA, or the applicant takes on lead agency status  
21             for SEPA; and
- 22          h. Other development the responsible official finds should be exempt, because it does not  
23          result in an increase in land use activity or intensity or in an adverse impact perceptible to a  
24          person of average sensibilities from off-site, and because the county can assure the development  
25          complies with applicable standards without site plan review.
- 26       C. Binding Site Plans.
- 27           1. The purpose of binding site plan approval is to provide an alternative to the standard  
28           subdivision process for specific types of development. The binding site plan shall only be applied for  
29           the purpose of dividing land for:
- 30           a. Sale or for lease of commercially or industrially zoned property as provided in RCW  
31           58.17.040(4);
- 32           b. Lease as provided in RCW 58.17.040(5) when no residential structure other than  
33           manufactured homes or travel trailers are permitted to be placed upon the land; provided, that the  
34           land use is in accordance with the requirements of this title; and
- 35           2. In addition to the requirements of a standard site plan, a binding site plan shall contain:

- 1 a. Inscriptions or attachments setting forth such appropriate limitations and conditions for the  
2 use of the land; and
- 3 b. Provisions making any development conform to the site plan.
- 4 3. In addition to the requirements of a standard final site plan, a final binding site plan application  
5 shall contain:
  - 6 a. Survey prepared by a licensed land surveyor in the state of Washington showing the  
7 project boundary with mathematical closures and any land division lines created through the  
8 binding site plan process; and
  - 9 b. Parcel area of lots expressed in square footage for developments in the urban area and  
10 acreage for developments in the rural area.
- 11 D. Approval Process.
  - 12 1. A site plan subject to a Type I review is not subject to pre-application review unless requested  
13 by the applicant.
  - 14 2. A site plan subject to a Type II review is subject to pre-application review pursuant to Section  
15 40.510.020, unless waived.
  - 16 3. An application for a pre-application review of a site plan shall comply with the submittal  
17 requirements in Section 40.510.050 regarding pre-application review.
  - 18 4. An application for a review of a site plan shall comply with the submittal requirements in  
19 Section 40.510.050.
  - 20 5. Developments that are subject to site plan review and require grading an area of more than  
21 fifteen thousand (15,000) square feet are subject to the requirements in Section 40.570.080(C)(3)(k)  
22 even if the development is exempt from SEPA.
- 23 E. Approval Criteria.
  - 24 1. If the responsible official finds that a site plan application does or can comply with the  
25 applicable approval and development standards, the responsible official shall approve the site plan, or  
26 approve the site plan subject to conditions of approval that ensure the proposed development will  
27 comply with the applicable standards.
  - 28 2. If the responsible official finds that a site plan application does not comply with one (1) or  
29 more of the applicable approval or development standards, and that such compliance cannot be  
30 achieved by imposing a condition or conditions of approval, the responsible official shall deny the  
31 site plan application.
  - 32 3. If a site plan is subject to a standard(s) over which the responsible official does not have sole  
33 jurisdiction, then the responsible official shall not make a final decision regarding the site plan until  
34 the related decision(s) regarding the applicable standard(s) has been received.
  - 35 4. A change of use on a lawfully developed site with nonconforming landscaping and screening  
36 shall be brought into compliance with standards in Section 40.320.010, subject to the following:
    - 37 a. An alternate landscaping or screening plan may be approved if:

- 1 (1) Compliance with requirements in Section 40.320.010 is not reasonably possible due to  
2 location of existing structures, topography, life safety concerns, etc.; or
- 3 (2) Requirements for on-site parking, including access drive aisles, will not meet  
4 standards in Section 40.340.010; or
- 5 (3) The required landscaping improvements exceed ten percent (10%) of the value of  
6 construction costs of all building and site improvements, except landscaping, for the change  
7 in use; however, the minimum requirements under Section 40.520.040(E)(4)(b) shall be met.
- 8 b. At a minimum, outdoor storage areas shall be screened from adjoining properties or public  
9 rights-of-way by a six (6) foot fence or wall meeting the F2 standard.
- 10 5. Site Plan Approval Criteria. In addition to other applicable provisions of this code, a site plan  
11 application shall comply with the following standards or modifications or variations to those  
12 standards permitted by law:
- 13 a. Use and development standards of the applicable base zones and overlay zones in this title;
- 14 b. Sign standards in Chapter 40.310;
- 15 c. Landscaping and screening design standards in Chapter 40.320;
- 16 d. Crime prevention guidelines in Chapter 40.330;
- 17 e. Parking and loading standards in Chapter 40.340;
- 18 f. Transportation and circulation standards in Chapter 40.350;
- 19 g. Solid waste and recycling standards in Chapter 40.360;
- 20 h. Sewer and water standards in Chapter 40.370;
- 21 i. Stormwater and erosion control standards in Chapter 40.386;
- 22 j. Critical areas standards in Subtitle 40.4;
- 23 k. Fire safety standards in Chapter 15.12; and
- 24 l. Applicable ADA standards.
- 25 F. Final Site Plan/Final Construction Plan Review.
- 26 1. Submittal Requirements. All of the materials listed below must be submitted for a complete  
27 application, unless otherwise authorized by the responsible official:
- 28 a. Completed application form;
- 29 b. Application fee pursuant to Title 6;
- 30 c. Construction Plans. Where improvements are required, plans for such improvements shall  
31 be submitted to the County Engineer who shall review them for conformance with conditions of  
32 preliminary site plan approval and other adopted county standards as of the date of preliminary  
33 site plan approval. Approval shall be given by the signature of the County Engineer on the

1 construction plans. Improvements shall be designed by or under the direct supervision of a  
2 licensed engineer where required by statute (Chapters 18.08, 18.43, and 18.96 RCW). The  
3 licensed engineer shall certify same by seal and signature. All construction plans shall comply  
4 with the provisions of the Clark County Code.

5 Unless waived by the County Engineer, the construction plan set shall include the following elements:

- 6 (1) Final grading plan pursuant to Chapter 40.386;
- 7 (2) Final transportation plan pursuant to Chapter 40.350;
- 8 (3) Final signing and striping plan;
- 9 (4) Final stormwater plan and Technical Information Report (TIR) pursuant to Chapter  
10 40.386;
- 11 (5) Proposed erosion control plan pursuant to Chapter 40.386;
- 12 (6) Final landscaping plan;
- 13 (7) Final wetland and/or habitat mitigation plan;
- 14 (8) Final water and wastewater disposal plan; and
- 15 (9) Additional information as required by the responsible official consistent with the  
16 conditions of the preliminary approval or as otherwise required by the code;

17 d. Proposed Final Site Plan. Unless waived by the responsible official, a proposed final site  
18 plan shall be approved prior to the issuance of a building permit for all development subject to  
19 site plan review. Where construction plans are required, the proposed final site plan shall be  
20 included as a sheet in the construction plan set. The proposed final site plan shall include the  
21 following:

- 22 (1) Project name;
- 23 (2) Legend;
- 24 (3) Location, including one-quarter (1/4) section, section, township, range, and, as  
25 applicable, donation land claim and/or subdivision;
- 26 (4) Boundary survey;
- 27 (5) Lot, block and street right-of-way and centerline dimensions;
- 28 (6) Street names;
- 29 (7) Scale, including graphic scale, north arrow and basis of bearings;
- 30 (8) Identification of areas to be dedicated;
- 31 (9) Special setbacks (if any);
- 32 (10) Private easements (if any);

- 1 (11) Utility easements;
- 2 (12) Walkways (if any);
- 3 (13) Building square footage; and
- 4 (14) Parking layout and number of spaces;
- 5 e. Conditions, covenants and restrictions, notes, and/or binding agreements as required by  
6 this code, SEPA, conditions of preliminary plat approval or other law, including but not limited  
7 to the following:
  - 8 (1) Private road maintenance agreement, if applicable,
  - 9 (2) Stormwater covenant, if applicable,
  - 10 (3) Wetland and/or habitat covenant(s), if applicable,
  - 11 (4) Recorded conservation covenant, if applicable, and
  - 12 (5) Latecomer's agreement, if applicable;
- 13 f. Verification of installation of required landscape;
- 14 g. Copy of recorded public and private off-site easements and right-of-way dedications for  
15 required improvements;
- 16 h. Final archaeology comments, if applicable;
- 17 i. Receipt showing payment of concurrency modeling fees;
- 18 j. Other supporting documents required pursuant to the preliminary site plan decision.
- 19 2. Copies. All plans and materials shall be submitted in the format and number established by the  
20 responsible official.
- 21 3. Construction Plan and Final Site Plan Review Procedure.
  - 22 a. Final site plan/final construction plan applications are subject to a Type I review pursuant  
23 to Section 40.510.010.
  - 24 b. The responsible official shall approve final site plan/final construction plans and forward  
25 the final site plans to the appropriate department for issuance of a building permit if the approval  
26 criteria below are met:
    - 27 (1) The construction plans, if required, and final site plan are in proper form as established  
28 by the submittal requirements;
    - 29 (2) The construction plans, if required, meet the technical performance requirements of  
30 the county. Improvements were designed by or under the direct supervision of a licensed  
31 engineer where required by statute (Chapters 18.08, 18.43, and 18.96 RCW) and the licensed  
32 engineer has certified same by seal and signature;

1                   (3)    The construction plans, if required, and final site plan are in conformance with the  
2                   conditions of the preliminary site plan approval; and

3                   (4)    The construction plans, if required, and final site plan are in compliance with the  
4                   requirements of this chapter and all applicable, adopted statutes and local ordinances.

5                   c.     The construction plan approval shall be given by the signature of the County Engineer on  
6                   the improvement plans.

7



1 **40.520.080 Planned Unit Development**

2 A. Purpose.

3 The intent of planned unit developments (PUD) is to allow flexibility in design and creative site  
4 planning, and in some cases density, while providing for the orderly development of the county that meets  
5 the comprehensive plan. Planned unit developments should allow for a mix of housing types, lot sizes,  
6 and uses.

7 The legislature through the Growth Management Act (RCW 36.70A.090 and RCW 36.70A.020(4))  
8 and the county in its comprehensive plan (Chapter 2.7.1) encourages a creative approach to affordable  
9 and diversified housing. Council finds and concludes that planned unit developments are an important  
10 development alternative to meet the needs of home buyers by providing a variety of lot sizes and housing  
11 styles. Furthermore, the PUD code reduces the restrictive impact of critical area ordinances. Therefore,  
12 Council concludes that a PUD implements GMA and the comprehensive plan and that applicants need not  
13 demonstrate a change of circumstances.

14 B. Applicability.

15 1. Planned unit developments are permitted pursuant to the provisions of this section within the  
16 following districts: R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15, OR-  
17 18, OR-22, OR-30, OR-43, CR-1, CR-2, NC, CC, CL, GC and MX districts.

18 2. Uses Permitted.

19 Any use consistent with the zone districts designated for the parcel(s) within the proposed planned  
20 unit development boundary may be permitted in planned unit developments. The location of the uses in  
21 planned unit developments may vary from underlying zoning; provided, that the total allowed uses (e.g.,  
22 number of residential uses or area assigned to commercial use) was limited by the maximum allowed on  
23 each respectively zoned parcel. Applications for PUDs shall be reviewed using a Type II-A process unless  
24 submitted with a subdivision, then it shall be reviewed using a Type III process.

25 C. Design Flexibility.

26 1. Design Flexibility. Zoning standards that may be varied without the need of a variance include,  
27 but are not limited to, lot standards, setbacks, landscaping, and parking. Design flexibility for  
28 transportation, stormwater, critical area, and other nonland-use-related standards may be reviewed  
29 separately through other review processes such as a road modification or stormwater variance.

30 2. Site Size. A PUD shall be located on a minimum site size of ~~six (6)~~ **three (3)** acres unless the  
31 responsible official finds that the site of the proposed use is adequate in size and shape to  
32 accommodate the proposed use and all setbacks, parking, loading, landscape/screening, and other  
33 features as required by this title.

34 3. Building Height. Maximum building height shall be that of the underlying zone; provided, that  
35 the maximum height may be exceeded if the minimum setback of the higher portion of the building is  
36 increased at a one-to-one (1:1) ratio (excess height in feet: extra setback in feet).

37 4. Open Space. All PUDs shall provide a minimum of twelve percent (12%) open space based on  
38 the net site area for active or passive recreational purposes:

- 1 a. Active recreational areas include features such as jogging trails, child play equipment,  
2 open fields for pick-up games, game courts, swimming pools, club houses, picnic areas and  
3 pavilions.
- 4 b. Passive recreational areas include features such as natural protected areas and open space  
5 with features like access trails, benches, interpretive signs and view corridors.
- 6 c. Stormwater facilities may be counted as open space only if they are not fenced, and include  
7 features such as natural areas, water gardens and habitat, and are incorporated into the overall  
8 open space design.
- 9 d. The open space shall be consistent with the character of the PUD, considering its size,  
10 density, expected population, topography, and the number and type of dwellings.

11 5. All open space shall be conveyed to and permanently maintained by a home owners association  
12 unless a public agency agrees to maintain the open space and any structures or improvements located  
13 on it. Prior to final plat/site plan approval, the association of owners will be created under the laws of  
14 the state and shall adopt and propose articles of incorporation or association and bylaws, and  
15 covenants, conditions and restrictions limiting the uses of the open space shall be adopted and  
16 approved by the Prosecuting Attorney.

17 6. All PUDs shall provide street trees on public and private roads as well as street lighting, except  
18 street lighting will not be required on functional classifications of arterial, collector, and scenic route  
19 roadways. One (1) street tree shall be provided on an average of twenty-four (24) linear feet, species  
20 chosen from the Clark County Standard Details Manual or specified by a certified landscape  
21 architect. Street trees on private roads shall be conveyed and permanently maintained by the home  
22 owners association.

23 D. Approval Criteria.

24 Prior to preliminary approval of the proposed PUD, the Hearing Examiner or the responsible official  
25 must find that the following three (3) conditions exist:

- 26 1. Alternate designs proposed will provide a plan equal or superior to the standard being varied.
- 27 2. Through lot size, setbacks, building orientation, and screening, the proposed PUD shall provide  
28 a gradual transition adjacent to lower density neighborhoods or nonresidential uses.
- 29 3. The applicant proposes design features that may include, but are not limited to, designs  
30 centered on protected natural areas, front porches/recessed garages, pedestrian-friendly orientation,  
31 benches/gazebos, water features, recreational areas, stormwater systems designed as features, and  
32 affordable housing.

33 E. Residential Density Bonus.

34 A density bonus may be granted for those PUDs that provide design concepts that will enhance the  
35 livability of the proposed development and surrounding area. Each of the following design concepts may  
36 result in a three percent (3%) density increase, with a maximum density increase of ten percent (10%):

- 37 1. Variety of housing types and densities.
- 38 2. A mix of uses.

- 1        3.    Design that reduces automobile trips and encourages alternative modes of transportation.
- 2        4.    Alley vehicle access only for at least fifty percent (50%) of the units.
- 3        5.    PUDs that contain more than fifteen percent (15%) open space based on the net site area.
- 4        6.    Low impact developments (LID).
- 5    F.    Open Space for LIDs.
- 6        LIDs that provide lot sizes equal to or greater than that required by the zoning district shall be exempt
- 7        from the open space requirements in subsection (C)(4) of this section.