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To: [Susan Ellinger](#); [Jose Alvarez](#); [Elizabeth Decker](#)
Cc: [Sonja Wisler](#); [Christine Cook](#)
Subject: FW: HOSAP Code Recommendations
Date: Tuesday, July 25, 2023 8:10:36 AM
Attachments: [image001.png](#)
[HOSAP Code Issues & Language Revisions.pptx](#)
[HOSAP Proposed code language_NL.docx](#)

FYI. Thanks.

From: Noelle Lovern <Noelle@biaofclarkcounty.org>
Sent: Monday, July 24, 2023 6:06 PM
To: Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>
Cc: Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>
Subject: HOSAP Code Recommendations

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Good evening, Chair Bowerman, Councilors, County Manager Otto and Director Orjiako.

First, I want to thank everyone for the attention that has been paid to the HOSAP. I am proud to be part of an effort to shape, approve, and implement this important housing action plan and associated codes. The development and building industry believe we are about 90 percent there, but the last 10 percent is cause for concern. For this reason, we compiled the attached presentation which contains examples of homes that will not be allowed if the current version of HOSAP codes is approved. We have also attached some recommended line edits for some of the proposed code which we believe may resolve some of the discrepancies. For a full list of needed refinements, I will refer you to the DEAB memo.

I am hopeful that this matter can be held over and sent back to DEAB, staff, and the consultant to resolve the discrepancies. I believe this will be time well spent to make these codes as seamless as possible.

Thank you for your consideration.

Best,

Noelle Lovern | Government Affairs Director
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Protecting and promoting the building industry.

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HOSAP Code Recommendations



BIA

**BUILDING INDUSTRY ASSOCIATION
OF CLARK COUNTY**

Proposed HOSAP Code Changes that Disallow Current Affordable and Marketable Housing Options

- These are examples of popular housing products which will be disallowed by the proposed HOSAP draft code.
- These samples/images are followed by the problematic code language as well as some proposed modified language that will allow continued construction of these popular and affordable housing products.



HOSAP Proposed Code Narrow Lot Development And Compact Lot Violations

The homes pictured in the following slides are popular affordable options that will be disallowed by the proposed code updates, according to code violations listed below:

- **Violation A-** Driveway wider than 10 feet – Violates 40.260.155. C. 8. a.
- **Violation B-** Driveway not grouped – Violates 40.260.155. C. 8. b.
- **Violation C-** Two Car Garage that is not set back at least 5 feet from the front wall – Violates 40.260.155. C. 8. d.
- **Violation D:** The entrance location issue– Violates 40.260.072 E.

Violation A

Driveway wider than 10 feet



Violations A & C

Driveway wider than 10 feet

Two Car Garage that is not set back at least 5 feet from the front wall



Violations A & C



Violations A & C



Violations A, B, C,

Driveway wider than 10 feet

Driveway not grouped

Two Car Garage that is not set back at least 5 feet from the front wall



Violations A, C, D,

Driveway wider than 10 feet
Driveway not grouped
The entrance location issue





Solutions For HOSAP
Narrow Lot Development
Standards Code &
Proposed Language
Modifications

**Violation A: 40.260.155.
C. 8. a.**

**Driveway is wider than
10 feet**

HOSAP draft code language:

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

Proposed modification to HOSAP code language:

Delete proposed 40.260.155.C.8 associated with HOSAP as it is unnecessarily restrictive.

Violation B: 40.260.155.

C. 8. b.

Driveway not grouped

HOSAP draft code language:

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

Proposed modification to HOSAP code language:

Delete proposed 40.260.155.C.8 associated with HOSAP as it is unnecessarily restrictive and doesn't take into account topography and other architectural restraints.

**Violation C: 40.260.155.
C. 8. d.**

Two Car Garage that is
not set back at least 5
feet from the front wall

HOSAP draft code language:

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

Proposed modification to HOSAP code language:

Delete proposed 40.260.155.C.8 associated with HOSAP as it is unnecessarily restrictive and doesn't take into account topography and limits homes design options.

Violation D: 40.260.072

E.

The entrance is on the side of the house.

HOSAP draft code language:

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

Proposed modification to HOSAP code language:

Recommend deleting this code.

Complicated Code: 40.260.072

G. 1-5

Location & Configuration of Driveways

Driveways shall be located to enhance the pedestrian realm and to preserve space for on-street parking by meeting one or more of the following requirements:

1. *For housing units or developments on corner lots, provide off-street parking areas accessed on the back façade or located in the rear yard such that no off-street parking is located in the front yard or side yard;*
2. *Provide alley access meeting the standards of Section 40.260.155(C)(6);*
3. *Provide shared driveways meeting the standards of Section 40.260.155(C)(7);*
4. *Provide narrow driveways meeting the standards of Section 40.260.155(C)(8); and/or (revise code 40.350.030(B)(4)(b)(2))*
5. *Provide individual driveways separated by at least twenty (20) feet as measured from the edge of the driveway apron.*

Proposed modification to HOSAP code language:

Recommend deleting 1,4, 5,

Conflicting Code:
40.260.072 (G) and 40.260.155
(C) (8) is conflicting code with
40.350.030 (B) (4) (b)(2).

The consequences of the conflicting code will result in staff interpretation to be the most restrictive resulting in the need for additional code modifications and potential legal challenges.

UDC 40.220.010 Low-Density Residential Districts- Smaller lot sizes

- Smaller lot sizes help with density needs in the community, however, if lot coverage is not increased many buildable parcels may not be developed.
- Please modify the amended code language and remove the lot coverage restrictions.
- We recommend using standard setbacks as the guide.



UDC 40.260.020

Accessory Dwelling Units

– Urban

- Please adjust the final amendment to exclude garages and patios from “total gross floor area” for ADUs. Most jurisdictions throughout the county including Vancouver exclude the garage area from gross floor area.
- In the HOSAP, building height for ADU’s is set at 25 feet. A common design option for ADU’s is placing them over a garage which is impossible to occur in the 25 ft height limit.
- Please consider adjusting the height limit to 35 ft. to be consistent with other outbuilding height limits.



UDC 40.260.072

Compact Lot Developments

- 40.260.072 (B)(1.) declares a 3-Acre minimum. Some infill developments are built on smaller parcels. The 3-acre minimum may hinder development where density is needed most and in some cases required.
- Please consider removing this restriction and/or clarify.



UDC 40.260.072

Compact Lot Developments

- Please reconsider the 50% front façade limitation for garages. There are many affordable and market supported products where the garage encompasses more than 50% of the front façade.
- The Halloween standard which is used to measure how easy it is to find the front door for trick-o-treaters. For compact lots, front doors can be offset or set back slightly to accommodate garages, patios, and parking without detracting from esthetics.
- Please do not let the proposed code amendment pass and further limit options for homebuyers needing affordable products that prioritize their safety and security.



Conclusion

- The HOSAP is 90 percent complete and implementable.
- The final 10 percent will be extremely problematic if not resolved before Council approves the proposed codes.
- Please consider pushing this back for one more close vetting and workshop with DEAB, builders, the consultant, and staff.



Recommended Code Changes addressing CC Housing Options Action Plan

40.350.030 (B)(4)(b)(2) Issues

The code in its current state is conflicting with many of the proposed changes to 40.260. Staff has stated that where codes conflict, the more restrictive of the codes will prevail. With 40.350.030 being the more restrictive code section many of the provisions of 40.260 will be voided. Changes to driveway width standards are more appropriate in 40.350.030 than 40.260. If the intention is to allow driveway widths of 10 feet, modifications to 40.350.030 are necessary.

40.350.030 (B)(4)(b)(2) – Recommend Code Changes

(2) Driveway Number and Width.

(a) A maximum of two (2) driveways may be permitted to a residential lot or individual duplex unit meeting the spacing requirements of Section [40.350.030\(B\)\(4\)\(b\)](#). Joint-use driveways may be allowed and will count as a driveway for each residential lot or duplex unit. For a joint-use driveway, a minimum of a twenty (20) foot wide easement is required.

(b) Driveways shall have a minimum width of twelve (12) feet of clear, unobstructed all-weather driving surface and an overhead clearance of thirteen (13) feet, six (6) inches. The first, or only, driveway shall be twelve (12) feet to thirty-five (35) feet in width. If a second driveway is allowed, the maximum width of the second driveway will be fifteen (15) feet.

(i) Compact Lot and Narrow Lot Development driveways shall have a minimum width of ten (10) feet.

40.260.010(C)(3)

Replace proposed ADU Building Height language to make consistent with the established heights in 40.260.010(C)(3).

HOSAP Proposed Code

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

Recommended Code – Is consistent with code 40.260.010 (D)(1)(b)

5.3. The height of detached ADU's, including an ADU built over a detached garage, shall be regulated as follows:

- a. On lots less than or equal to twenty thousand (20,000) square feet in area, no ADU building shall exceed twenty-five (25) feet in height.
- b. On lots larger than twenty thousand (20,000) square feet in area, no accessory building shall exceed thirty-five (35) feet in height.

40.260.072 – Recommend Changes to Proposed Compact Development Code

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

F. Garages. The width of the garage door facing the street may be up to fifty percent (50%) of the width of the street-facing building façade or **sixteen (16) feet**, whichever is greater. Garage limitations do not apply to residential development accessed through rear alleys, or where the garage is located in the rear of the lot.

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

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

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

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

4-3. Provide driveways not larger than eighteen feet-throat.

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

40.260.155 Narrow Lot Development Standards – Code Recommendations (Full Code Section)

A. Purpose.

The purpose of this section is to guide development and alleviate conflicts that can arise from the platting of residential lots of less than forty (40) feet in width.

B. Applicability.

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

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

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

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

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

C. Narrow Lot Development Standards.

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

- a. Location and width of streets, sidewalks and landscape buffers, when applicable;
 - b. Location, species, and size of required street trees, to include the mature height and crown width;
 - c. Parking spaces, as required by Section [40.260.155\(C\)\(3\)](#);
 - d. Stormwater facilities, including roof infiltration systems, if proposed;
 - e. Location of other infrastructure including solid waste and recycling areas if required by Section [40.260.155\(C\)\(5\)\(a\)](#), light poles (if proposed by applicant), fire hydrants, community mailboxes and existing overhead lines;
 - f. Location and width of driveways, if proposed, and not exempted by Section [40.260.155\(C\)\(8\)](#);
 - g. Location and dimensions of ADA sidewalk ramps and landings for attached sidewalks at driveway crossings, and ADA sidewalk ramps and landings at street intersections, whether using attached or detached sidewalks;
 - h. Building envelopes which reflect the final setbacks for each lot; and
 - i. Intersection sight distance or applicable traffic control measures proposed at intersections and the impact on the developable area of corner lots.
2. Corner Lots. The minimum lot dimensions in Tables 40.220.020-4 and 40.220.020-5 shall not apply to corner lots.
 - a. Development on corner lots shall meet minimum sight distance requirements of Section [40.350.030\(B\)\(8\)](#).
 - b. Corner lot driveways shall meet the requirements in Section [40.350.030\(B\)\(4\)\(b\)\(1\)\(b\)](#).
3. Parking Standards. Two and one-half (2.5) parking spaces for every narrow lot in the development shall be provided.
 - a. Spaces may be located on the residential lot, on local access streets or in common off-street parking areas. Parking requirements shall be met on a per lot basis; extra parking provided on one (1) residential lot shall not count towards meeting the minimum requirement on a different residential lot.
 - b. Common off-street parking areas shall meet the following:
 - (1) Parking and maneuvering areas shall meet the applicable requirements in Chapter [40.340](#) and screening requirements in Section [40.320.010\(E\)](#).

- (2) Such spaces may be designed to allow backing movements directly into local access streets other than collectors or arterials.
 - (3) Parking areas shall be owned and maintained by a homeowners association or a maintenance agreement shall be recorded with the plat.
- c. On-street parking shall meet the following:
- (1) Single on-street parallel parking spaces between driveways shall be at least seventeen (17) feet in length, measured from the top of the slope of the driveway wing. Two (2) or more consecutive on-street parallel parking spaces shall require two (2) additional feet between each space.
 - (2) Angled or head in parking “bulb outs” may be provided on local access streets provided:
 - (a) Such parking shall be within the street right-of-way or street tract; and
 - (b) Backing over sidewalks is prohibited.
 - (3) On-street parking to meet the parking requirements of this section shall not require creation of a neighborhood parking plan under Section 40.340.030

4. Street Trees.

- a. Unless the requirements of Chapter [40.320](#) require a higher level of landscaping, a minimum of one (1) tree shall be provided along the street frontage of each narrow lot; provided, that sight distance triangles are not obstructed. Trees that are appropriate to the size of the space may be provided either within the street frontage right-of-way or on the lot. Street trees located in the right-of-way shall comply with the Standard Details Manual requirements. In the event that no feasible location exists along a lot’s frontage due to required utilities or other features, the responsible official may approve grouping of trees or other landscaping options that provide variety to the streetscape.
- b. Street Trees in planned unit developments (PUD) shall be provided in accordance with the requirements of Section 40.520.080(C)(6). Section 40.260.155(C)(4)(a) shall not apply in a PUD.

5. Solid Waste and Recycling Collection.

- a. Where collection is not feasible on each lot, such as when lots are accessed by a shared driveway with no turnaround, a designated common collection point, located no further than one hundred fifty (150) feet from any lot it serves, shall

be provided. Common collection points shall be shown on the site plan, and sized to provide at least two (2) feet of clearance space between individual garbage, yard debris, and recycling containers for each dwelling unit.

- b. Designated collection points shall be located adjacent to alleys or streets, but shall not obstruct sidewalks, bike lanes, or vision clearance triangles.
6. Alleys and Lots with Alley Access.
- a. Where provided, alleys shall meet the minimum dimensional requirements of Figure 40.260.155-3. A minimum of twenty-four (24) feet of clear area (unobstructed by fences or other structures) with an unobstructed vertical clearance of not less than thirteen and one-half (13.5) feet shall be provided. Alleys with a paved width of less than twenty (20) feet shall be privately owned and maintained.
 - b. When garbage and recycling collection is proposed to be from an alley, the ability of collection vehicles to maneuver safely to all points of collection shall be demonstrated, based on a thirty-five (35) foot long by ten (10) foot wide vehicle.
 - c. All lots adjacent to an alley shall provide access to the garage or parking space from the alley, not from an adjacent street.
 - d. Residences with access from alleys shall be oriented to face the public or private street, not the alley.
 - e. Alleys serving narrow lots under this section shall connect with a public or private street at both ends, unless otherwise approved by the public works director.
 - f. Maintenance of private alleys shall be the responsibility of the homeowners association, or a maintenance agreement shall be recorded with the plat.
7. Shared Driveways. The following shared driveway provisions apply only to narrow lots qualifying under this section:
- a. Shared driveways may be used to provide access to a maximum of four (4) lots.
 - b. Shared driveway approaches for two (2) abutting lots sharing one (1) curb cut shall meet the specifications in Figure 40.260.155-4 or 40.260.155-5.
 - c. Shared driveways which provide access to more than two (2) lots shall be at least twelve (12) feet wide, and shall be within an easement at least twenty (20) feet wide.

8. Driveway Requirements in Single-Family Detached Developments. In order to provide flexibility in site design, driveway locations for non-corner lots in single-family detached developments are not required on the site plan, provided:
 - a. Detached sidewalks that meet ADA requirements are provided; and
 - b. Parking requirements for the development are shown to be met, by one (1) or more of the following methods:
 - (1) Designated on-street parking areas that will not be subject to future driveway placement;
 - (2) Provision of off-street parking areas; ~~or~~
 - ~~(3) A plat note shall be placed on the final plat requiring each unit to provide a two (2) car garage.~~
 - c. Driveway locations shall be shown for all corner lots, regardless of the other provisions of this subsection.
9. Density Calculations. Additional lot area needed for sight distance triangles on corner lots and common parking areas may be deducted from the gross acreage when determining minimum density requirements. Additional lot area shall include the area of the sight distance triangle that is in excess of the setback requirements, along with any additional area in excess of the setback requirements that is required. Such calculations shall be shown on the site plan.

(Amended: Ord. 2018-01-09; Ord. 2020-03-01)

D. Incentives for Providing Alleys.

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

1. Minimum lot area, dimensions and setbacks that differ from those required of the underlying zone may be approved; provided, that the applicant demonstrate the following as applicable:
 - a. Privacy between the proposed residential units and the street is not compromised. Alternate methods of providing privacy such as elevated first floors or raised landscape planters may be approved by the responsible official.
 - b. Alternate setbacks do not violate building or fire codes.
 - c. A minimum building separation of eight (8) feet is maintained.

- d. Side and rear setbacks around the perimeter of the development site shall not be reduced.
- 2. The maximum lot coverage may be increased by ten percent (10%) over that allowed in the zoning district.
- 3. The area of an alley easement or tract may be included in the minimum required lot area and counted when calculating maximum lot coverage.

(Amended: Ord. 2020-03-01)

E. Narrow Lot Special Street and Driveway Details.

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

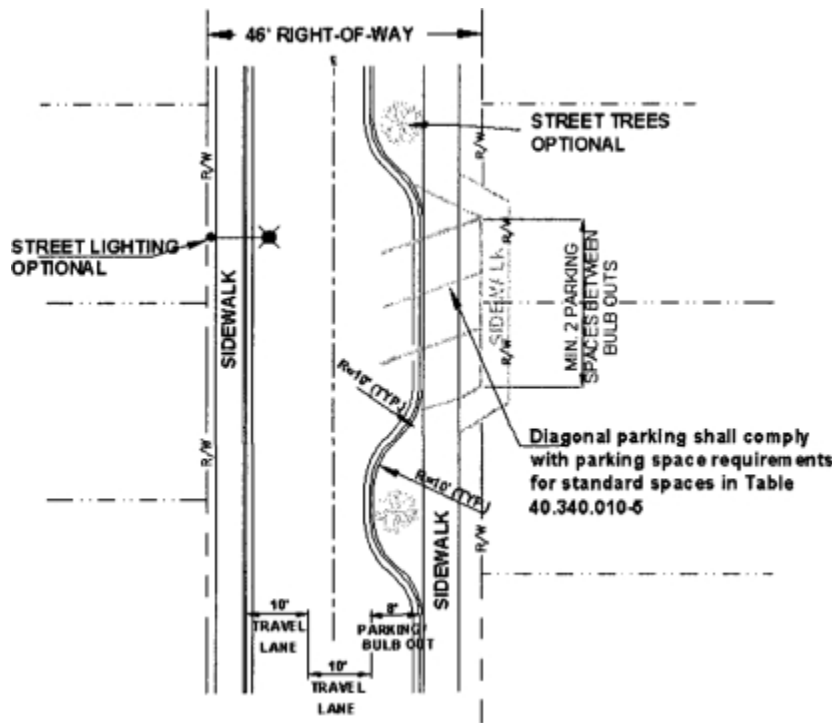


Figure 40.260.155-1 Narrow Lot Street

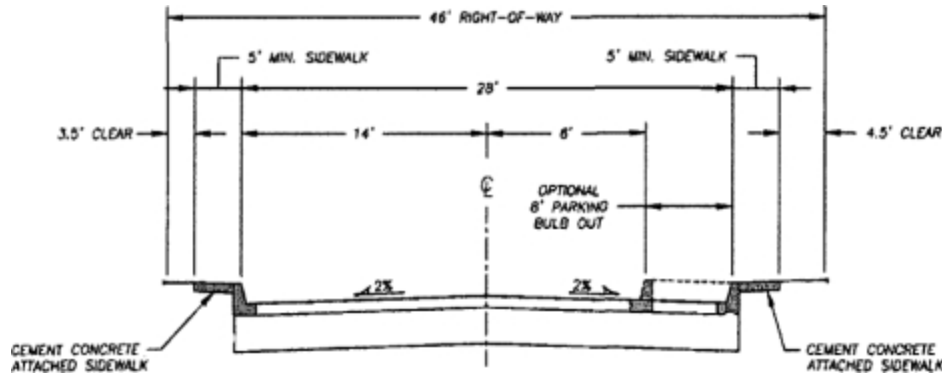


Figure 40.260.155-2 Narrow Lot Street Cross-Section

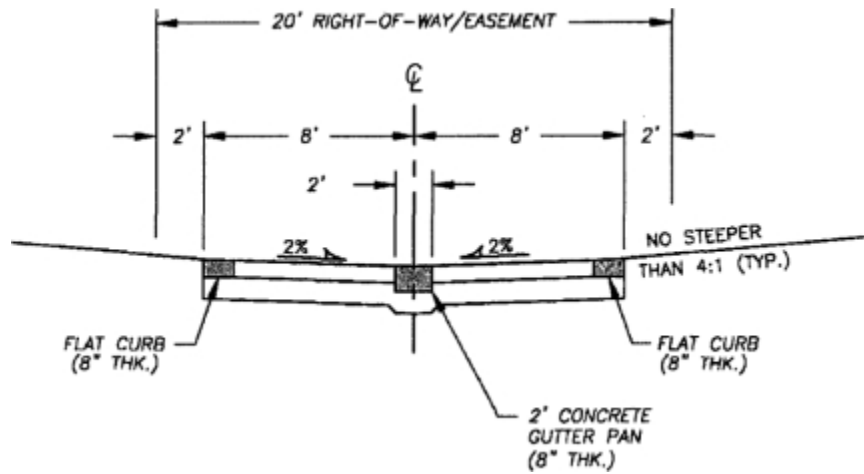


Figure 40.260.155-3 Narrow Lot Alley Cross-Section

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.

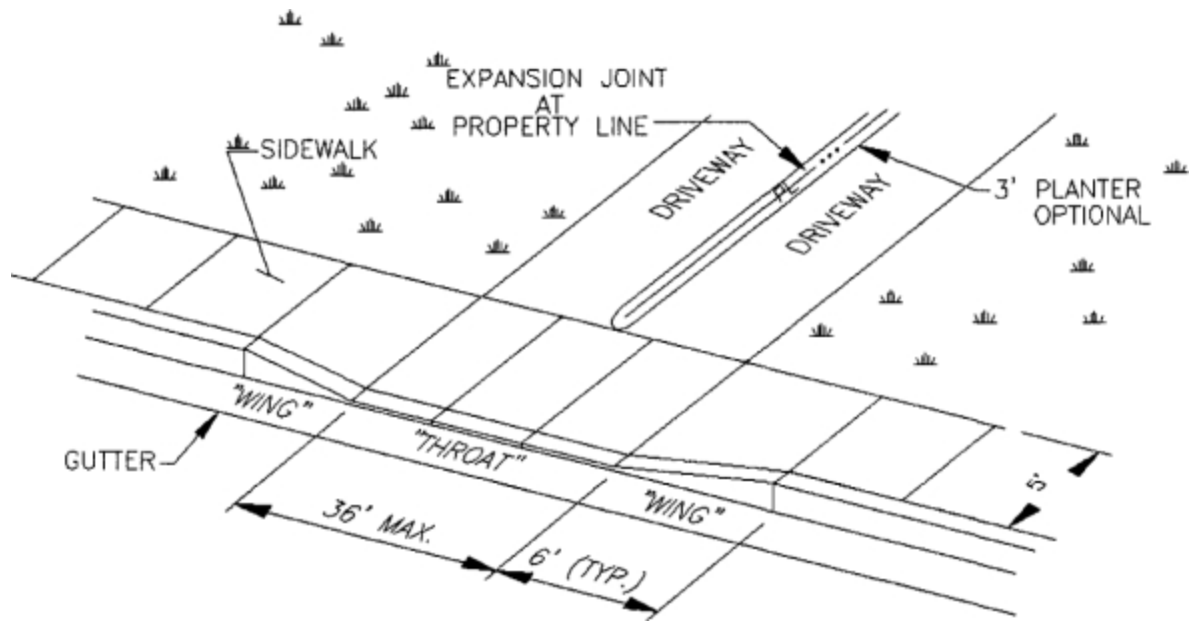


Figure 40.260.155-4 Narrow Lot Shared Driveway Detail with Attached Sidewalk

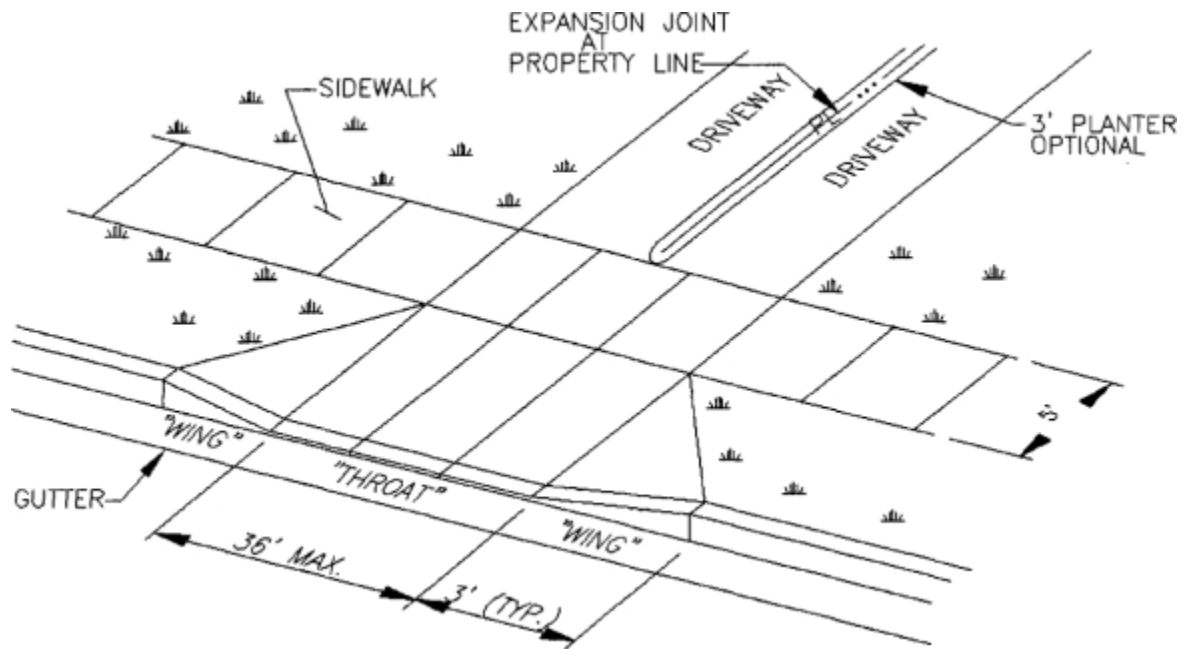


Figure 40.260.155-5 Narrow Lot Shared Driveway Detail with Detached Sidewalk