

## Susan Ellinger

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**From:** Jacqui Kamp  
**Sent:** Thursday, June 8, 2023 8:47 AM  
**To:** Jacqui Kamp  
**Cc:** Oliver Orjiako; Jose Alvarez; Sonja Wiser; Susan Ellinger  
**Subject:** FW: Housing options - DEAB comment letter  
**Attachments:** Final DEAB Comments on the Housing Action Plan 6-6-23.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

PC members,

Please find attached comments from DEAB for the June 15 PC Hearing on the Housing amendments. They have been added to the comments received to date and posted to the [PC meeting information page](#).

Thank you,

Jacqui



**Jacqui Kamp, AICP**  
Program Manager  
COMMUNITY PLANNING

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**From:** Eric Golemo <egolemo@sgaengineering.com>  
**Sent:** Wednesday, June 7, 2023 2:37 PM  
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**Subject:** Housing options - DEAB comment letter

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Shannon and Staff,

Attached is the final version of the DEAB comments on the proposed Housing Options Single Family Code Revisions. Can you please get it in the packet for the Planning Commission as well as the County council.

I am also forwarding to the Technical advisory Staff members and the consultant team.

At our last meeting we discussed having staff and the team respond to the comments and perhaps make appropriate revisions prior to the Board Hearing. It would be much better to go to the board with a united front on the code. If we cannot come to an agreement it will likely result in delays, continuances, and a lot more effort. There are a lot of great things proposed. But there are a few items that definitely need to be addressed. The most significant is the design standards. We spoke with quite a few builders and the consensus was that they would not build these types of units because they would not sell or appraise. So, the effort would be in vain.

DEAB is happy to have follow up discussions on the comments and possible resolutions.

Thanks again for the opportunity to be part of this very important effort.

Sincerely,

The DEAB Board

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## **DEVELOPMENT and ENGINEERING ADVISORY BOARD (DEAB)**

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### **Memorandum**

TO: Clark County Council and Planning Commission  
FROM: DEAB  
DATE: June 6, 2023  
RE: DEAB Comments on the Housing Options Draft Code

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The Development and Engineering Advisory Board (DEAB) has reviewed documents, recommendations, and proposals regarding the Housing Action Plan. In particular, these comments reference the *Draft Code Overview* by Jet Planning and the *Draft Code* Dated March 9, 2023.

The purpose of the Clark County Housing Options Study and Action Plan is to understand local housing challenges and identify opportunities to encourage creation of additional housing types that are affordable to a variety of households within the unincorporated Urban Growth Areas.

Most of the strategies proposed are a step in the right direction and expand middle housing opportunities that benefit the community at large.

However, a few of the recommendations in the Draft Code could be improved to be more effective. Others may have unintended consequences that are contrary to the goals of the effort and may decrease affordability. A couple conflict with what the market demands. Some additional suggestions are being made that further address the challenges we are facing to meet the housing needs of Clark County.

## **Below are the DEAB Comments and suggestions:**

### **UDC 40.100.070 Definitions**

DEAB Does not have any specific Comments on this section and agrees with the staff recommendations.

### **UDC 40.220.010 Low-Density Residential Districts**

DEAB agrees with the staff recommendations to Permit middle housing throughout low-density residential zones and adjust minimum lot area and related standards for those proposed housing types.

DEAB does however have some concerns that lot coverage requirements may be too restrictive and limit the application of the proposed housing types. As lots get smaller, the lot coverage needs to increase accordingly to fit a marketable home. The lot coverage requirements may be redundant to the setbacks. As long as setbacks are met, the proposal should be allowed to move forward.

DEAB also thought Footnote 1 on Table 40.220.010-2. "Lot Requirements" regarding density calculations was a little confusing and may be subject to interpretation. An example may be necessary to clarify the intent.

On section 220.010 (C)(5), regarding Density Transfers, the word "Detached" should be removed. Attached homes are now allowed in the zone and the reference to detached dwellings unintentionally limits the applicability.

Also, we have concerns that the County is not changing the names of the zones to reflect their new densities. The public could see this as an effort by the County to hide the fact that this code update is essentially upzoning the Urban Growth Area.

### **UDC 40.260.020 Accessory Dwelling Units – Urban**

DEAB agrees with most of the staff recommendations, but has a few comments and suggestions.

The allowable maximum area in the proposed ADU code should specifically exclude garages and covered patios. The proposed code has the same

verbiage regarding "total gross floor area" that has caused a great deal of problems in the cottage code and was originally a fire code definition. The current code makes it very difficult to build anything if a garage is included in the ADU. Storage and vehicle parking is crucial to avoid impacts to neighboring properties. The City of Vancouver code and most other jurisdiction's ADU code exclude the garage area. The gross floor area language needs to be changed to include just conditioned space.

Building height is limited to twenty-five (25) feet for a detached ADU, including an ADU built over a detached garage." This would restrict ADUs over a garage, The maximum height should be 35' or match the underlying zone. The 35-foot height is also in-line with the maximum height for a non-ADU accessory building. An attached ADU should be allowed in front of the existing home as long as it meets the setback. The 40' setback and design standards regarding the front façade are too restrictive. This could limit the application. This is especially the case for an ADU over a detached garage.

We also suggest exploring options to allow detached ADU's in the Rural area. This, however, may need to happen through advocacy at the state level where these restrictions apply.

### **UDC 40.260.072 Compact Lot Developments**

DEAB has some significant concerns regarding this section.

40.260.072 (B)(1.), the 3 Acre minimum size may limit the effectiveness and benefit of the strategy. While it may be more applicable to smaller infill type projects in established areas, it could be effective on larger parcels as well. We recommend eliminating the size limitation. If the size limitation is not removed, the area excluded from the calculation should be expanded to also subtract storm facilities and open spaces.

Next, some of the proposed design standards will prevent builders from utilizing this tool to provide a needed housing type. These design standards significantly increase cost while reducing the value of the end product. In particular, DEAB doesn't recommend restricting the size or width of garages and driveways or requiring no more than 50% of front façade be garage. It would not reflect

market demand. In addition, the location of the entrance should not be directed by code. The real estate industry aims to provide attractive & vibrant communities. These types of design standards are personal preference and should be decided by market demand not code. Consumers demand garage space for automobiles, hobbies, storage, etc. These are especially important for smaller homes where more storage is required. Garages are cheap space and provide a lot of value for very little cost. In addition, it may prevent buyers and builders from obtaining the necessary financing to build this type of product. They may not appraise high enough without a reasonably sized garage. Meeting these standards and market demand could push the homes to be fully loaded. But alleys increase site construction cost, increase impervious surface, stormwater runoff, and often eliminate a back yard which consumers demand. In addition, limiting Garage width and driveway width may also impede ADA accessibility. We recommend eliminating these design standards.

Below are a couple of pictures of some very efficiently designed homes that have previously helped fill the middle housing market. These balance cost with value and are a highly desired product. **Under the proposed design standards, these would no longer be allowed.** Instead, we would be forced to build more expensive units that are less desirable and provide less value. The proposed design standards would also cause parking issues outside the lot where these units provide parking onsite minimizing impact to neighboring development or loss of land for offsite parking.



*Figure 1 (These desirable homes would no longer be allowed by the proposed design Standards)*



We understand the concern regarding aesthetics and having every home look the same. But this can be accomplished with varying facades and less costly design elements. These pictures provide good examples of this. These do not all look the same and have varying facades. In our opinion, they look better than some of the units that would be allowed under the proposed design standards.



Figure 2 (Varying facades and less costly design elements are utilized to address concerns regarding aesthetics and having every home look the same)

### **UDC 40.260.073 Cottage Housing**

DEAB agrees with most of the staff recommendations but has a few comments and suggestions.

There needs to be an explicit exemption for garage space from the allowable unit area thresholds. We don't recommend a numerical threshold. But, if necessary, it should be at least 400-500 SF. This issue has been brought up by DEAB and is in the work plan to amend the code. The gross floor area maximum outlined in the cottage code was never meant to include unconditioned space like a garage. Sitting DEAB members can verify and provide additional background information. Most other jurisdiction's cottage codes exclude the garage area. In addition, the proposed code allows Individual detached garages up to 400 square feet in floor

area but not attached individual garages which are a more efficient use of land. The code should include a similar allowance for attached garages. This issue is currently holding up numerous cottage projects that are not feasible with the current language. Fixing this should be a priority! Also, the allowable building height should be increased to 35 ft. It may be necessary to increase unit height to provide as much living space as possible in a smaller footprint.

It should also be noted that there were 4 examples of cottage developments given in the power point presentation to council, 3 of which were condos. The Cottage Housing codes seem to lean more toward condo type developments than fee simple. Development planning may be easier for condo style developments, but fee simple type product is generally preferred for homeownership. Condo construction has significantly higher regulation and liability exposure than that of fee simple building construction. The cost and availability of liability insurance is significantly higher and may be a barrier for some builders. Condo Association Fees and assessments are not being factored into the cost of affordability.

### **UDC 260.155 Narrow Lot Development Standards**

DEAB agrees with most of the staff recommendations but has a few comments and suggestions.

The proposed changes to the parking standards have good intentions but limit some options. Currently, the guest and additional parking requirements could be met with on-street parking and parking on the lots if larger driveways are provided. The new proposal is more restrictive and will increase the cost, eliminate units, and decrease the overall value making them less likely to be utilized.

This code language could require neighborhoods to create HOA's solely for the purpose of maintenance and enforcement of common off-street parking areas. HOA dues should be a factor to consider when discussing housing affordability. The better solution would be to allow two car garages and driveways to allow for guest parking on the lots.

The proposed code also implements some of the same design standards mentioned in the Compact Lot Development code. In particular, DEAB doesn't



recommend restricting the size or width of garages and driveways, or requiring no more than 50% of front façade be garage. In addition, the location of the entrance should not be directed by code. **DEAB strongly recommends eliminating these requirements.**

#### **UDC 40.260.225 Triplex and Quadplex Standards**

DEAB agrees with some of the staff recommendations but has a few concerns and suggestions.

The proposed code also implements some of the same design standards mentioned in the Compact Lot Development code. In particular, DEAB doesn't recommend restricting the size or width of garages and driveways, or requiring no more than 50% of front façade be garage. In addition, the location of the entrance should not be directed by code. DEAB strongly recommends eliminating these requirements.

#### **UDC 40.340.010 Minimum Required Parking Spaces**

DEAB agrees with most of the staff recommendations except for the requirements for narrow lots, mentioned above.

#### **UDC 40.520.040 Site Plan Review**

DEAB agrees with the staff recommendations. We commend the effort to reduce the process which is a significant barrier to middle housing. It should also be noted that cost and the economy of scale is also an impediment to smaller middle housing projects. Lowering permit and impact fees could also help promote middle housing.

#### **UDC 40.520.080 Planned Unit Development**

DEAB Does not have any specific Comments on this section and agrees with the staff recommendations.

## **Additional Comments and Concerns:**

### **Highway 99 Standards**

There is not a proposal to revise the Highway 99 Plan to promote feasibility of desired residential development as previously discussed. Instead of fixing the flawed Highway 99 standards, which are currently an impediment to middle housing, this proposal is applying some of the problematic design standards County wide. These include limiting garage and driveway widths, requiring no more than 50% of front façade to be garage, and alley requirements. See the comments above. Instead, we recommend eliminating the current design standards in the HWY 99 overlay to promote the feasibility of residential development.

### **Open Space and Recreation Area Requirements for multifamily projects**

DEAB supports revising open space and recreation area requirements. DEAB has identified several issues regarding the recent interpretation and application of landscaping standards. These interpretations are in direct conflict with the goal of providing housing options and instead decrease affordability. We recommend revising open space and recreation area requirements to avoid inefficient use, duplication, and unintended consequences.

### **This is only Part of the solution**

The bulk of the proposed amendments are a step in the right direction. We caution that the amendments themselves are not a standalone fix to housing affordability. You cannot build affordable housing if you cannot build affordably! There are significant headwinds to housing affordability in addition to a supply shortage. These include increased permitting cost, impact fees, and more stringent building codes. These all bring the cost of even a modest new home out of reach of the average household. So, we are stuck putting our citizens in apartments. But one tool we do have is supply! We can't really make new homes affordable. But increasing supply brings down the cost of existing stock. It is like new vs. used cars. We need a variety of housing types to fit all our community needs. If we just build low income housing we will not create opportunities for existing homeowners to move up and create more affordable stock from their existing homes.

Thank you for your consideration. We all have the same goal at heart and I appreciate the diverse perspectives. The DEAB board is passionate about our community and want to make sure we give opportunities for future generations to enjoy it as much as we have. Thanks again for the opportunity to participate in the process.