



Spokane Plan Commission Agenda

Wednesday, February 23, 2022

2:00 PM

Virtual Teleconference

808 W Spokane Falls Blvd, Spokane, WA 99201

Virtual Meeting - See Below For Information

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Public Comment Period:

3 minutes each

Citizens are invited to address the Plan Commission on any topic not on the agenda.

Commission Briefing Session:

2:00 – 2:30

1. Approve [2/9/2022](#) meeting minutes
2. City Council Report
3. Community Assembly Liaison Report
4. President Report
5. Transportation Sub-Committee Report
6. Secretary Report

All
CM Lori Kinnear
Mary Winkes
Todd Beyreuther
Clifford Winger
Spencer Gardner

Workshops:

2:30 – 3:30

1. [Continued Phase 1 – Residential Development Code Changes](#)

Nate Gwinn and Amanda Beck

Adjournment: The next PC meeting will be held on Wednesday, March 09, 2022

Plan Commission Meeting Information

Wednesday, February 23, 2022

In order to comply with public health measures and Governor Inslee's *Stay Home, Stay Safe* order, the Plan Commission meeting will be held on-line.

Members of the general public are encouraged to join the on-line meeting using the following information:

Meeting Password:
PlanCommission

Meeting Number
(access code):
2490 846 0369

Join Webex Meeting Online: [JOIN MEETING](#)

Tap to join from a mobile device (attendees only):

+1-408-418-9388,,1462059622##

Join by phone: +1-408-418-9388 United States Toll

Global call-in numbers:

<https://spokanecity.webex.com/spokanecity/globalcallin.php?MTID=m514c2d4fc1d4af7864559443420dee7b>

Join from a video system or application: Dial [24908460369@spokanecity.webex.com](tel:24908460369@spokanecity.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

Please note that public comments will be taken during the meeting, but the public is encouraged to continue to submit their comments or questions in writing to:

plancommission@spokanecity.org

The audio proceedings of the Plan Commission meetings will be recorded, with digital copies made available upon request.

Spokane Plan Commission - Draft Minutes

February 9, 2022

Webex Teleconference

Meeting Minutes: Meeting called to order at 2:00 PM by Todd Beyreuther

Attendance:

- Board Members Present: Todd Beyreuther (President), Greg Francis (Vice President), Michael Baker, Jesse Bank, Ryan Patterson, Clifford Winger
- Board Members Not Present: Kris Neely, Carole Shook, Tim Williams,
- Non-Voting Members Present: Mary Winkes (Community Assembly Liaison), Council Member Zack Zappone
- *Quorum Present: yes*
- Staff Members Present: Spencer Gardner, Tirrell Black, Jackie Churchill, James Richman, Jeff Gunn, KayCee Downey, Brian McClatchey, Maren Murphy, Kevin Picanco, Scotty Nicol, Colin Quinn-Hurst, Kevin Freibott, Erik Poulsen, Jeff Gunn

Public Comment: Citizens are invited to address the Plan Commission on any topic not on the agenda. 3 Minutes each. **None**

Minutes: Minutes from January 26, 2022 meeting approve unanimously.

Briefing Session:

1. City Council Liaison Report -Zack Zappone

- Council Member Zappone introduced himself. He grew up in Spokane and has a master's degree from Princeton. CM Zappone will act as Council Member Liaison to the Plan Commission whenever Council Member Kinnear is unable to attend. CM Kinnear has a time conflict with her position on the executive group of the STA Board.
- CM Zappone reported that Spokane will be receiving funds from Olympia for transportation. Infrastructure projects including the Division Bus Rapid Transit line, a pedestrian bridge by Liberty Park, and the North-South Freeway will receive funds.
- City Council Staff Erik Poulsen spoke about House Bill 17, also known as the Missing Middle Housing Legislation. There was a lot of discussion and controversy, but the bill passed through the appropriations committee and has moved to the House.
- Erik Poulsen also reported that House Bill 1099 passed through the House. This bill proposes to incorporate climate provisions into the Growth Management Act.

2. Community Assembly Liaison Report - Mary Winkes

- None.

3. Commission President Report - Todd Beyreuther

- President Beyreuther reported that the docketing process for the private applications for Comprehensive Plan amendments is moving forward. Plan Commissioners Bank, Baker, and Francis, along with Council Members Cathcart, Kinnear, and Zappone made up the docketing subcommittee. They reviewed five private applications, all of which were supported to move forward to City Council to be put onto the final docket. The subcommittee also expanded the scope of some of the applications to include additional land.

4. Transportation Subcommittee Report - Mary Winkes reported for Clifford Winger

- Mary Winkes reported that the PCTS met in February. Workshops and discussion items included the Six-Year Street update, Roadways of Significance, and the language of Plan Commission Transportation Subcommittee (PCTS) Rule 2.1.e. Rule 2.1.e addresses which Council Member serves as liaison to the PCTS, and the language was amended to remove the stipulation that the Council Member must be the same person who serves as liaison to the Plan Commission.

5. Secretary Report - Tirrell Black

- Tirrell Black reported that the PCTS Rule 2.1.e has been updated on the website.
- Ms. Black reported that the tentative date for the Comprehensive Plan amendments study session is slated for March 3rd.
- Spencer Gardner introduced himself as the new Planning Director. He has a background in the private sector and is excited get to work.
- Kris Neely and Ryan Patterson have been approved as Plan Commissioners. Ryan Patterson introduced herself. She previously served on Bicycle Advisory Board and Citizen Transportation Advisory Board.

Workshop(s):

1. 2021 Plan Commission Year in Review

- Presentation provided by Jackie Churchill
- Questions asked and answered
- Discussion ensued

2. 2023-2028 Six-Year Comprehensive Street Program

- Presentation provided by Kevin Picanco
- Questions asked and answered
- Discussion ensued

3. City Line Transit-Oriented Development Policy Recommendation

- Presentation provided by Colin Quinn-Hurst
- Questions asked and answered
- Discussion ensued

4. Residential Development Code Changes - Status update

- Presentation provided by Nate Gwinn and Amanda Beck
- Questions asked and answered
- Discussion ensued

Meeting Adjourned at 4:02 PM

Next Plan Commission Meeting scheduled for Wednesday, February 23, 2022

BRIEFING PAPER
Plan Commission Workshop
Shaping Spokane Housing, Development Code Amendments
February 23, 2022

Subject

The City is initiating a series of code amendments to the Unified Development Code (UDC) to encourage the development of more housing. The intent of these proposals is to achieve the City's goals of increasing density by using smaller lot sizes, encouraging accessory dwelling unit construction, and capitalizing on existing infrastructure. For this Plan Commission workshop, staff are focusing on two sections, corresponding to regulations for new residential development of accessory dwelling units (Chapter 17C.300) and transitional lots (Section 17C.110.200).

Background

The City's Comprehensive Plan provides a vision of affordable housing that is safe, clean, healthy, and attainable for all residents. Approved in July 2021, the City adopted its [Housing Action Plan](#) (HAP) to guide implementation of Comprehensive Plan policies by identifying strategies to achieve our community's housing needs and objectives. The HAP identifies actions that the city can enact to encourage more housing options that create more homes for more people. To implement the work of the HAP, the city is pursuing several residential development code amendments. These proposed changes are also guided by Mayor Woodward's [July 26, 2021 Housing Emergency Proclamation](#) and the City Council's HAP [Implementation Plan](#).

Impact

Given the housing shortage locally, the proposed code amendments correspond with action items from the Housing Action Plan that are flagged for short- or mid-term timelines and focus on increasing housing units and the diversity of housing types. These code amendments focus on the following HAP strategies:

- A1, "Explore and expand allowed housing types to encourage missing middle housing throughout Spokane's neighborhoods."
- A3, "Continue to streamline and simplify changes to the City's permit process, as necessary."
- A5, "Revise Accessory Dwelling Unit standards to allow for additional flexibility."

The proposed code revisions directly correspond to the Housing Action Plan strategies, as well as recommended actions within the Mayor's Proclamation and City Council's Implementation Plan. Phase 1 amendments will explore attached houses (townhouses), accessory dwellings, duplexes, and streamlining permit processes that could further encourage construction of housing. Future Phase 2 code amendments may require Comprehensive Plan changes, exploring opportunities for increasing the number of homes allowed per acre of land, and permitting for a wider variety of housing types generally.

Comparison of Current and Proposed Code Changes: (Updated February 22, 2022)

- **Section 17C.110.200 “Transitional Lots”:**
 - Current requirement:
 - Parcels 2-acres or greater, within the Residential Agriculture (RA) and Residential Single-Family (RSF), subdivisions must have an 80-foot transition area buffer along the parcel boundaries.
 - Within the transition area, transition lots are sized based on the surrounding lot sizes (lots over 11,000 square feet are not counted).
 - Revision options:
 1. Eliminate transition requirement
 2. Require transition lots be no smaller than seventy-five percent of the block average, with no inclusion of lots across public rights-of-way
 3. Amend the section so that lots across public rights-of-way are not counted.
- **Chapter 17C.300 Accessory Dwelling Units:**
 - Several amendments are proposed to encourage construction of accessory dwelling units (ADUs).
 - Minimum lot size
 - Current requirement:
 - 5,000 square feet
 - Proposed revision:
 - Amend the minimum lot size where an ADU can be built to align with the minimum lot size for the respective zoning district as outlined in Table 17C.110-3, for example in the Residential Single-Family zone this would be a 4,350 square foot lot.
 - Size requirements
 - Internal ADU
 - Current requirement:
 - Not less than 250 square feet, not more than 800 square feet.
 - Revision options:
 1. Limit to two bedrooms; and
 2. Maximum of 800 square feet and clarifying with the use of the defined term Floor Area, the ADU space could be an entire basement
 3. Combination of 1 and 2
 - Detached ADU
 - Current requirement:
 - Not more than 600 square feet
 - Revision options:
 1. Maximum 800 square feet of floor area.
 2. FAR increased to 0.6 on lots smaller than 7,200 square feet. For example, on a 4,800 square foot lot with a 2,100 square foot house you could only build a 300 square foot ADU due to the FAR of .5, but can build a 780 square foot ADU with a FAR of .6.
 3. Combination of 1 and 2.

- Owner occupancy
 - Current requirement:
 - The owner must occupy either the primary structure or the ADU for more than six months of each calendar year. No sunset to the owner-occupancy requirement.
 - Revision options:
 1. Remove requirement in all zones.
 2. Remove requirement in all zones, except if the lot also contains a Short-Term Rental.
 3. Remove requirement in Residential Two Family (RTF), Residential Multi-Family (RMF), and Residential High Density (RHD) zone, and adjust owner occupancy for the RA, RSF, and Residential Single-Family Compact (RSF-C) zones to require a three year occupancy of either the primary dwelling or the ADU, after which there is no owner occupancy requirement unless the lot also contains a Short-Term Rental.
 4. Combination of 2 and 3.
- Parking
 - Current requirement:
 - One additional off-street parking space for the ADU, maintaining off-street parking required for the primary structure.
 - Proposed revisions:
 1. Remove parking requirements.
 2. No additional parking required for studio or one-bedroom ADUs, but continue to provide one additional parking space for ADUs after one bedroom outside of a quarter mile of a fixed route bus stop as defined in [RCW 36.70A.696](#).

Attachments

Redlined Draft Text

Section 17C.110.200 Lot Size

A. Purpose.

The standards of this section allow for development on lots, but do not legitimize lots that were divided in violation of [chapter 17G.080 SMC](#), Subdivisions. The required minimum lot size, lot depth, lot width and frontage requirements for new lots ensure that development will, in most cases, be able to comply with all site development standards. The standards also prevent the creation of very small lots that are difficult to develop at their full density potential. Finally, the standards also allow development on lots that were reduced by condemnation or required dedications for right-of-way.

B. Existing Lot Size.

1. Development is prohibited on lots that are not of sufficient area, dimension and frontage to meet minimum zoning requirements in the base zone. Except:
 - a. one single-family residence may be developed on a lot that was legally created under the provisions of chapter 58.17 RCW, Plats – Subdivisions – Dedications, or applicable platting statutes;
 - b. a PUD lot may be less than the minimum size of the base zone, if such lot is delineated on a PUD plan, which has been approved by the hearing examiner. All use and development standards of the zone wherein such lot is located, shall be complied with, unless modified through the PUD process by the hearing examiner. A PUD shall comply with the requirements of subsection (C) of this section.
2. No lot in any zone may be reduced so that the dimension, minimum lot area, frontage or area per dwelling unit is less than that required by this chapter, except as modified through the PUD process by the hearing examiner.
3. Lots Reduced by Condemnation or Required Dedication for Right-of-way. Development that meets the standards of this chapter is permitted on lots, or combinations of lots, that were legally created and met the minimum size requirements at the time of subdivision, but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

Draft Code Option 1: Remove Requirement

C. Land Division.

1. All new lots created through subdivision must comply with the standards for the base zone listed in Table 17C.110-3.

~~((1. Transition Requirement.~~

~~For sites two acres or greater, transition lot sizes are required to be included as a buffer~~

Staff note: Subsection 17C.110.200(C)(1) would be repealed to remove the lot

~~between existing platted land and new subdivision subject to the requirements of this section. The purpose of this section is to transition lot sizes between the proposed and existing residential developments in order to facilitate compatible development and a consistent development pattern...))~~

transition requirement, but 17C.110.200(C) would remain to reinforce that newly created lots would be required to comply with the base zone requirements listed in this section in Table 17C.110-3 Development Standards.

2. Planned unit developments, combined with a subdivision, may reduce the minimum lot size, lot width, lot depth and frontage requirements in the RA and RSF zones pursuant to [SMC 17G.070.030\(C\)\(1\)](#) ~~((; except in the transition area required by subsection (C)(1) of this section))~~.

Draft Code Option 2: 75% Lot Average

C. Land Division.

All new lots created through subdivision must comply with the standards for the base zone listed in Table 17C.110-3.

1. Transition Requirement.

In the RA and RSF zones, ((For)) for unplatted sites two acres or greater, transition lot sizes are required to be included as a buffer between existing platted land and new subdivision subject to the requirements of this section. The purpose of this section is to transition lot sizes between the proposed and existing residential developments in order to facilitate compatible development and a consistent development pattern. ~~((In the RA and RSF zones, the minimum lot size is subject to transitioning of lots sizes.))~~ Lots proposed within the initial eighty feet of the subject property are required to transition lot sizes based on ~~((averaging under))~~ the following ~~((formulas))~~:

Staff note: To align with the Mayor's Proclamation (2.h), Housing Action Plan Strategy A1, and City Council HAP Implementation Plan Strategy III.10, the City is evaluating a range of options to lot transition requirements that achieve the goal of having an appropriate transition between different lot sizes for compatible development patterns.

- a. Transitioning is only required of unplatted properties adjacent to ~~((or across the right-of-way from))~~ existing residential development. "Existing residential development" in this section shall mean existing lots

If lot transitioning should be maintained, removing the requirements when the parcel is across the right-of-way would still ensure compatible development within a block, as

created through subdivision or short plat.

b. Lot size in the transition area ~~((is based on the average of the existing lot size in subdivisions adjacent to, or across the street from, the subject property. Lots greater than eleven thousand square feet are not counted in the averaging.))~~ shall not be smaller than seventy-five percent of the average of lots along that block frontage.

c. Lots greater than eleven thousand square feet are not counted in the averaging.

~~((e.))~~ d. If the existing average lot size is greater than seven thousand two hundred square feet, then the lot size in the transition area can be no less than seven thousand two hundred square feet.

~~((d. If the existing average lot size is less than seven thousand two hundred square feet, then the lot size in the transition area can be equal to or greater than the average.~~

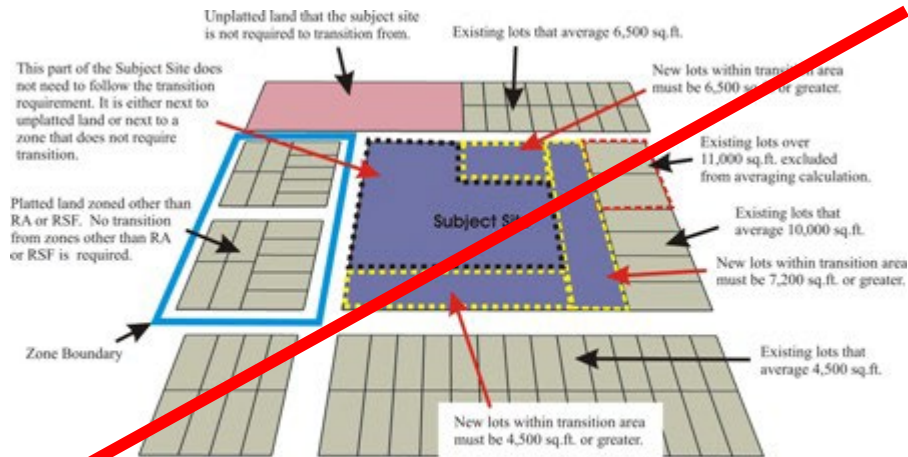
~~e. If the subject site shares boundaries with more than one subdivision, the minimum lot size in the transition area shall be based on the average lot sizes along each boundary. When two boundaries meet, the lot size shall be based on the larger of the two boundaries. See example below; and~~

public ROW provides enough of a transition.

If lot transitioning should be maintained, establishing a development pattern based on that block limits the situation of a large-lot block effecting a new subdivision in an adjacent block.

Current regulations do not appropriately align with the City's goals of increasing density by using smaller lot sizes and capitalizing on existing infrastructure. For a 2-acre parcel zoned RSF in a neighborhood with larger platted lots, new lots within the first 80 feet would have to be a minimum size of 7,200 square feet to meet code requirements, decreasing the possible density that could be achieved.

Removing subsection 17C.110.200(C)(1)(d-e) streamlines and simplifies the code in conjunction with the proposed change to 17C.110.200(C)(1)(b-c).



~~((f.))~~ e. If the subject site shares a boundary with property zoned other than RA or RSF, then there are no transition requirements along that boundary.

~~((g.))~~ f. After the ~~((first set of lots in the))~~ transition area, lot sizes may be developed to the minimum lot size of the base zone, i.e., four thousand three hundred fifty square feet in the RSF zone.

2. Planned unit developments, combined with a subdivision, may reduce the minimum lot size, lot width, lot depth and frontage requirements in the RA and RSF zones pursuant to [SMC 17G.070.030\(C\)\(1\)](#) ~~((, except in the transition area required by subsection (C)(1) of this section))~~.

The image currently in the SMC would be replaced with an updated image showing averaging being based on the lots for the subject block.

As noted in the redlined options for not requiring lot transitions across right-of-way, removing the requirement for the Planned Unit Development (PUD) process would further simplify the code.

Draft Code Option 3: Not Across Right-of-Ways/Not for PUD

C. Land Division.

All new lots created through subdivision must comply with the standards for the base zone listed in Table 17C.110-3.

1. Transition Requirement.

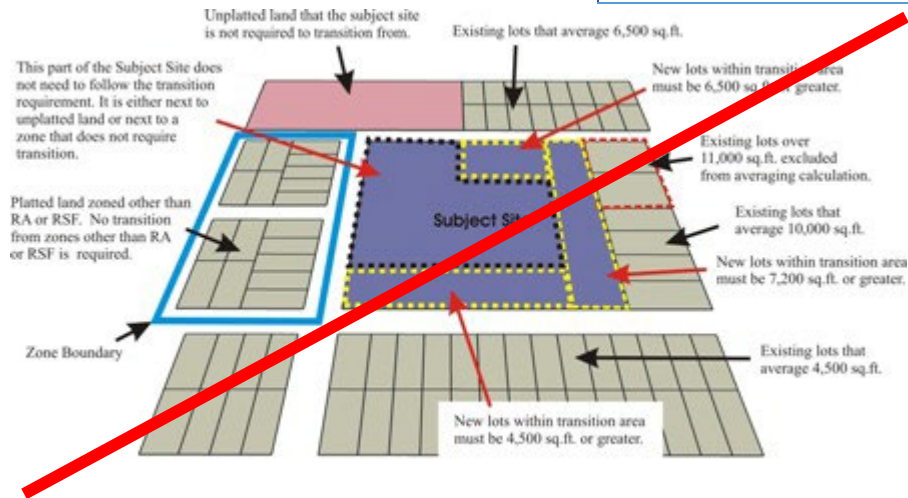
In the RA and RSF zones, ((For)) for unplatted sites two acres or greater, transition lot sizes are required to be included as a buffer between existing platted land and new subdivision subject to the requirements of this section. The purpose of this section is to transition lot sizes between the proposed and existing residential developments in order to facilitate compatible development and a consistent development pattern. ~~((In the RA and RSF zones, the minimum lot size is subject to transitioning of lots sizes.))~~ Lots proposed within the initial eighty feet of the subject property are required to transition lot sizes based on averaging under the following formulas:

- a. Transitioning is only required of properties adjacent to ~~((or across the right-of-way from))~~ existing residential development. "Existing residential development" in this section shall mean existing lots created through subdivision or short plat.
- b. Lot size in the transition area is based on the average of the existing lot size in subdivisions adjacent to ~~((or across the street from,))~~ the subject property. Lots greater than eleven thousand square feet are not counted in the averaging.
- c. If the existing average lot size is greater than seven thousand two hundred square feet, then the lot size in the transition area can be no less than seven thousand two hundred square feet.
- d. If the existing average lot size is less than seven thousand two hundred square feet, then the lot size in the transition area can be equal to or greater than the average.

Staff note: If lot transitioning should be maintained, removing the requirements when the parcel is across the right-of-way would still ensure compatible development within a block, as public ROW provides enough of a transition.

~~((e. If the subject site shares boundaries with more than one subdivision, the minimum lot size in the transition area shall be based on the average lot sizes along each boundary. When two boundaries meet, the lot size shall be based on the larger of the two boundaries. See example below; and))~~

To streamline and simplify the code, 17C.110.200(C)(1)(e) could be removed so that 2-acre parcels are not required to transition based upon multiple and varied lot sizes.



~~((f.))~~ e. If the subject site shares a boundary with property zoned other than RA or RSF, then there are no transition requirements along that boundary.

The image currently in the SMC would be replaced with an updated image noting that parcels across the ROW are not factored for lot size transitions.

~~((g.))~~ f. After the first set of lots in the transition area, lot sizes may be developed to the minimum lot size of the base zone, i.e., four thousand three hundred fifty square feet in the RSF zone.

2. Planned unit developments, combined with a subdivision, may reduce the minimum lot size, lot width, lot depth and frontage requirements in the RA and RSF zones pursuant to [SMC 17G.070.030\(C\)\(1\)](#) ~~((; except in the transition area required by subsection (C)(1) of this section))~~.

Maintains the majority of current code, removing the requirement for PUDs as lots created through that process could have PUD-specific lot sizes, setbacks, and minimum dimensions.

DRAFT Chapter 17C.300 SMC Accessory Dwelling Units

Section __. That SMC 17C.300.010 is amended to read as follows:

17C.300.010 Purpose

This chapter establishes the standards for the location and development of accessory dwelling units in residential zones. The purpose of accessory dwelling units is to create new housing units while respecting the look and scale of single-dwelling development. They can increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives. Accessory dwelling units allow more efficient use of existing housing stock and infrastructure and provide a mix of housing that responds to changing family needs and smaller households. They provide a means for residents, particularly seniors, single parents and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and provide a broader range of accessible and more affordable housing.

Section __. That SMC 17C.300.100 is amended to read as follows:

17C.300.100 General Regulations

A. Where the Regulations Apply.
Attached and detached accessory dwelling units are permitted in the RA through RHD zones, including planned unit developments, subject to the limitations of subsection (B) of this section.

B. Limitation.

~~((1. One ADU is allowed per lot as an accessory use in conjunction with a detached single-family residence.))~~

*Note:
This subsection (1) is deleted and combined with the text in new subsection (2) below.*

~~-((2.))~~ 1. A detached ADU must either be combined with a garage or shall be the only detached structure in the rear yard setback area.

~~((3.))~~ 2. ~~((Detached))~~ One accessory dwelling ~~((units are))~~ is allowed per lot in the RA, RSF, RTF, RMF, and RHD zones subject to the development standards of the underlying zoning district.

*Note:
Multi-dwelling structures are also currently permitted in RMF, RHD, and commercial zones, offering similar possibilities for more than one dwelling on a lot.*

Section __. That SMC 17C.300.110 is amended to read as follows:

17C.300.110 Criteria

~~((A. Minimum Lot Size:
The minimum lot size for ADU is five
thousand square feet.))~~

Note:

Removing this text would let the other development standards (setbacks, building coverage) sufficiently control for the ADU on small sites

~~((B.))~~ A. ~~((ADU Minimum and))~~ Maximum Size.

1. Internal ADU.

Before the establishment of an internal ADU the ~~((footprint))~~ floor area of the principal structure, excluding an attached garage, must be not less than eight hundred square feet.

a. The ~~((size))~~ internal ADU shall contain no more than two bedrooms and the floor area of the internal ADU must be ~~((not less than two hundred fifty square feet and))~~ not more than eight hundred square feet, excluding any related garage area.

b. The conversion of an existing interior basement space of a principal structure into an ADU may exceed the maximum floor area.

2. Detached ADU.

A detached ADU shall not exceed ~~((six))~~ eight hundred square feet of floor area.

3. FAR.

a. The ~~square footage~~ floor area of an ADU, excluding any garage, is counted as part of the floor area ratio (FAR). ~~((Internal ADUs may not exceed fifty percent of the total square footage of the principal structure's building footprint.))~~

b. To offer greater flexibility in integrating an ADU on smaller lots, the maximum allowable FAR on lots smaller than seven thousand two hundred square feet in area may be increased by 0.1 with an ADU.

*Note: Using the defined term “**floor area**” would allow an internal ADU to be as large as an entire basement, because floor area, as defined in SMC 17A.020.060, does not include “areas where the elevation of the floor is four feet or more below the elevation of an adjacent right-of-way.”*

- The limitation on bedrooms maintains an accessory size and coordinates with other aspects of the use, such as parking.*
- Changing a detached ADU to 800 sq. ft. of floor area would match the internal ADU size.*

DRAFT OPTION 110.C.1: REMOVE OWNER OCCUPANCY COMPLETELY

~~((C. Occupancy.~~

~~One of the dwelling units in the structure or on the lot shall be occupied by one or more owners of the property as the owner's permanent and principal residence. The owner-occupant must occupy the owner-occupied dwelling unit for more than six months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:~~

- ~~1. submit evidence to the director showing good cause, such as a job dislocation, sabbatical leave, education or illness, for waiver of this requirement for up to one year absence from the property. Upon such showing the director may waive the requirement;~~
- ~~2. re-occupy the structure; or~~
- ~~3. remove the accessory dwelling unit.))~~

Note: Recommendations differ for changing this provision. Overall ADU production will likely increase under any draft option, but would increase most under Draft Option 110.C.1.

- *The Proclamation Addressing the Housing Emergency recommends completely eliminating this occupancy requirement, allowing the owner to live off-site and rent both units from construction. Proclamation Addressing Housing Emergency 2.g.*

DRAFT OPTION 110.C.2: REMOVE OWNER OCCUPANCY IN ALL R-ZONES, EXCEPT SHORT-TERM RENTALS

~~((C-))~~ B. Occupancy for Short-Term Rentals.
Where a lot with an ADU also has a Short-Term
Rental under chapter 17C.316 SMC, ~~((One))~~ one
of the dwelling units ~~((in the structure or))~~ on the
lot shall be occupied by one or more owners of the
property as the owner's permanent and principal
residence. The owner-occupant must occupy the
owner-occupied dwelling unit for more than six
months of each calendar year. The owner-
occupant may not receive rent for the owner-
occupied dwelling unit. If a complaint that an
owner has violated these requirements is filed, the
owner shall:

1. submit evidence to the director
showing good cause, such as a job
dislocation, sabbatical leave,
education or illness, for waiver of this
requirement for up to one year
absence from the property. Upon
such showing the director may waive
the requirement;
2. re-occupy the structure; or
3. remove the accessory dwelling unit.

Note:

Draft Option 110.C.2 would remove the owner occupancy unless there is both an ADU and short-term rental on the property.

Recommendations differ for changing this provision. Overall ADU production will likely increase under any draft option, but would increase most under Draft Option 110.C.1.

DRAFT OPTION 110.C.3: RETAIN 3-YEAR OWNER OCCUPANCY IN RA & RSF ZONES

~~((C-))~~ B. Occupancy.

1. In the RTF, RMF, and RHD zones, the owner is not required to live in one of the dwelling units on the lot.
 2. In the RA, RSF, and RSF-C zones, for three years following the certificate of occupancy of the ADU, or for as long as any structure on the lot contains a Short-Term Rental under chapter 17C.316 SMC, if applicable, ~~((One))~~ one of the dwelling units in the structure or on the lot shall be occupied by one or more owners of the property as the owner's permanent and principal residence. Ownership may change during the three-year period, so long as the current owner continues to occupy one of the dwelling units in the structure or on the lot. After three years, if there is no Short-Term Rental, the owner is not required to maintain residence on the lot. The owner-occupant must occupy the owner-occupied dwelling unit for more than six months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:
- ~~((4))~~ a. submit evidence to the director showing good cause, such as a job dislocation, sabbatical leave, education or illness, for waiver of this requirement for up to one year absence from the property. Upon such showing the director may waive the requirement;
 - ~~((2))~~ b. re-occupy the structure; or
 - ~~((3))~~ c. remove the accessory dwelling unit.

Note: Recommendations differ for changing this provision. Overall ADU production will likely increase under either Draft Option 110.C1 or 110.C2, but would increase most under Draft Option 110.C.1.

- *Maintaining a three-year period of owner-occupancy is suggested by the HAP Implementation Plan, Strategy III.2. The edits shown in 110.C.3 do not include a following suggested restriction on sale until after seven years, because that would add a new requirement to track.*
- *Option 110.C.3 is not preferred because it continues to require tracking and enforcement, an administrative responsibility.*

Section __. That SMC 17C.300.120 is amended to read as follows:

17C.300.120 Application Procedures

- A. Application.
Any property owner seeking to establish an ADU must obtain a building permit and a certificate of occupancy from the building services department.
- B. Covenants.
A covenant and deed restriction identifying the ADU and limitations of occupancy and ownership is required to be recorded and filed with the Spokane county auditor's office. A copy of the recorded covenant must be provided to the City of Spokane planning services department prior to the issuance of a building permit or safety inspection.

Note: Item 2(g) of the Proclamation Addressing the Housing Emergency recommends removing the requirement to file a covenant, permanently or on an interim basis.

If the owner-occupancy is completely removed (Draft Option 110.C.1 above), then there is no longer a need for a covenant.

Section __. That SMC 17C.300.130 is amended to read as follows:

17C.300.130 Development Standards

- A. Development Standards – Requirements for All Accessory Dwelling Units.
All accessory dwelling units must meet the following:
1. Creation.
An accessory dwelling unit may only be created through the following methods:
 - a. Converting existing living area, attic, basement or garage.
 - b. Adding floor area.
 - c. Constructing a detached accessory dwelling unit on a site with an existing house, attached house or manufactured home; or
 - d. Constructing a new house, attached house or manufactured home with an internal or detached accessory dwelling unit.
 2. Number of Residents.
The total number of individuals that reside in both units may not exceed the number that is allowed for a household.

3. Other Uses.
An accessory dwelling unit is prohibited on a site with a home occupation.
4. Location of Entrances for Internal ADUs.
Only one entrance may be located on the facade of the house, attached house or manufactured home facing the street, unless the house, attached house or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

DRAFT OPTION 130.A5.1: REMOVE ALL PARKING REQUIREMENTS

~~((5. Parking.
One additional off-street parking space is required for the accessory dwelling unit. Existing required parking for the house, attached house or manufactured home must be maintained or replaced on-site.))~~

- Option to permanently or on an interim basis, reduce parking requirements from 1 stall per ADU to none. Proclamation Addressing Housing Emergency 2.g.

DRAFT OPTION 130.A5.2: REMOVE SOME PARKING REQUIREMENTS

5. Parking.
 - a. Studio and one-bedroom ADUs require no additional parking. One additional off-street parking space is required for the accessory dwelling unit with more than one bedroom. Existing required parking for the house, attached house or manufactured home must be maintained ~~((or replaced on-site))~~.
 - b. As an exception to subsection (a), no additional off-street parking space is required for the ADU within one-quarter-mile of stops for a bus or other transit mode providing actual fixed

- Option 130.A5.2 retains a parking space for 2-bedroom units for most areas (see exception under (b)).

Note: Within ¼-mile of bus stops served by frequent transit, RCW [36.70A.698](#) currently prohibits minimum parking requirements for ADUs.

route service at intervals of no less frequently than fifteen minutes for at least five hours during the peak hours of operation on weekdays, defined as a major transit stop under RCW 36.70A.696.



DRAFT OPTION 130.A6.1: REMOVE EXTERIOR MATERIALS REQUIREMENT

~~((6. Exterior Finish Materials.
The exterior finish material must be the same or visually match in type, size, and placement the exterior finish material of the house, attached house or manufactured home.))~~

Note: Option 130.A6.1 would remove the exterior materials requirement altogether.

DRAFT OPTION 130.A6.2: MATCHING EXTERIOR MATERIALS REQUIREMENT ONLY ON VISIBLE STREET FRONTAGE (CORNER LOTS)

6. Exterior Finish Materials.

~~((The))~~ On corner lots, the exterior finish material must be the same or visually match in type, size, and placement the exterior finish material of the house, attached house or manufactured home.

Note: Option 130.A6.2 would remove the exterior materials requirement for inside lots or through lots, where ADUs may be less visible from the street.

DRAFT OPTION 130. A7.1: REMOVE ROOF PITCH REQUIREMENT

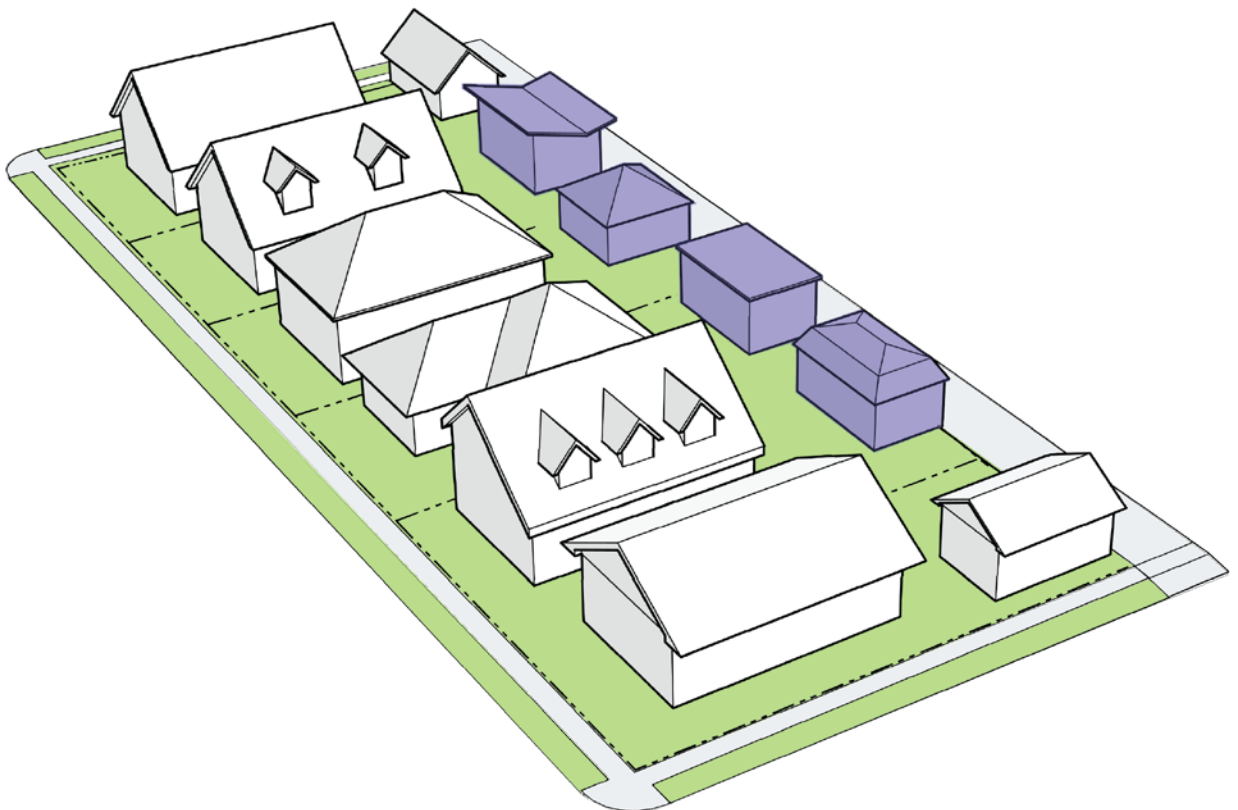
~~((7. Roof Pitch.
The roof pitch must be the same as the predominant roof pitch of the house, attached house or manufactured home.))~~

DRAFT OPTION 130. A7.1: REMOVE ROOF PITCH REQUIREMENT ONLY ON VISIBLE STREET FRONTAGE (CORNER LOTS)

7. Roof Pitch.

~~((The))~~ On corner lots, the roof pitch must be the same as the predominant roof pitch of the house, attached house or manufactured home.

Note: On inside lots (non-corner lots), or where ADUs are obstructed from the street view, option to remove this requirement (see supporting graphic).



[Note: Add the graphic above]

Figure 17C.300-A. ADU roof pitch matches primary dwelling on corner lots.

~~((8. —Trim.~~

~~Trim must be the same in type, size and location as the trim used on the house, attached house or manufactured home.~~

~~9. —Windows.~~

~~Windows must match those in the house, attached house or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical). This standard does not apply when it conflicts with building code regulations.--))~~

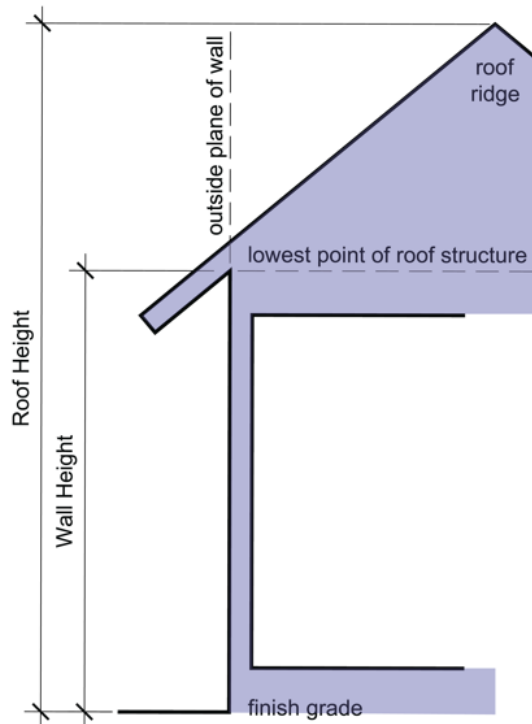
B. Additional Development Standards for Detached ADUs.

1. Setbacks.

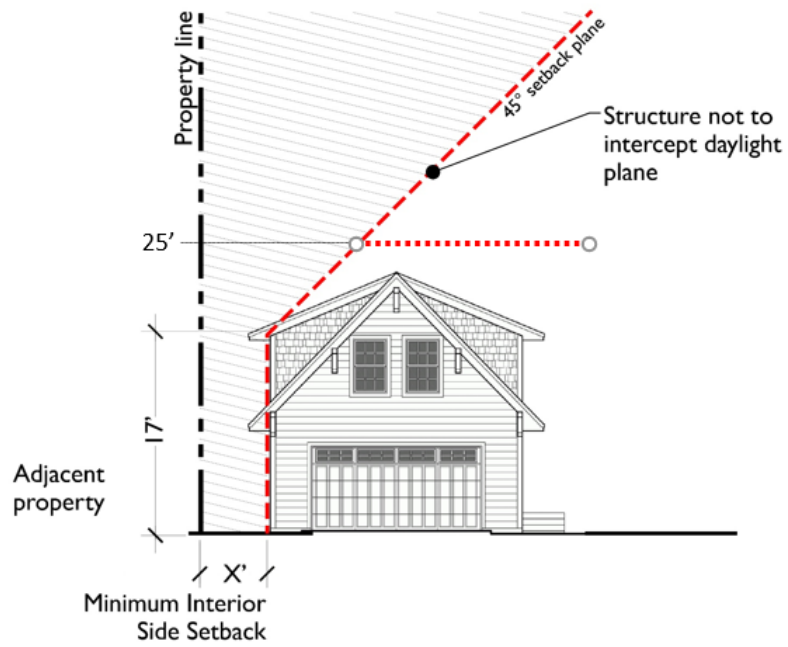
~~((The))~~ Except for conversion of existing accessory structures, the accessory dwelling unit must be at least:

- a. sixty feet from the front lot line; or
- b. six feet behind the house, attached house or manufactured home;
- c. as specified for rear and side yard setbacks in [Table 17C.110-3](#) for ~~((primary structures for attached ADUs and))~~ accessory structures ~~((for detached ADUs))~~.

d. ~~Setback plane. From the maximum wall height listed in Table 17C.300-1 at the minimum side and rear setbacks in Table 17C.110-3 for accessory structures, the minimum setback plane increases at a 45-degree angle away from the side and rear property lines up to the maximum roof height in Table 17C.300-1. See Figure X for examples.~~



Note: This text and the following two graphics on page 10 and 11 are place holders for the draft. At a minimum the text must clearly address the height of Table 17C.300-1 and different roof forms.

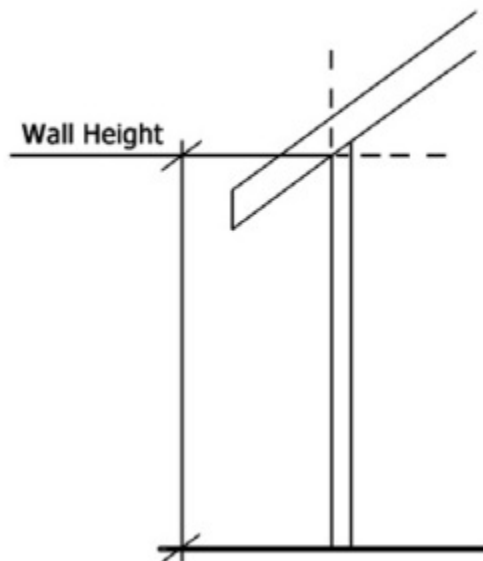
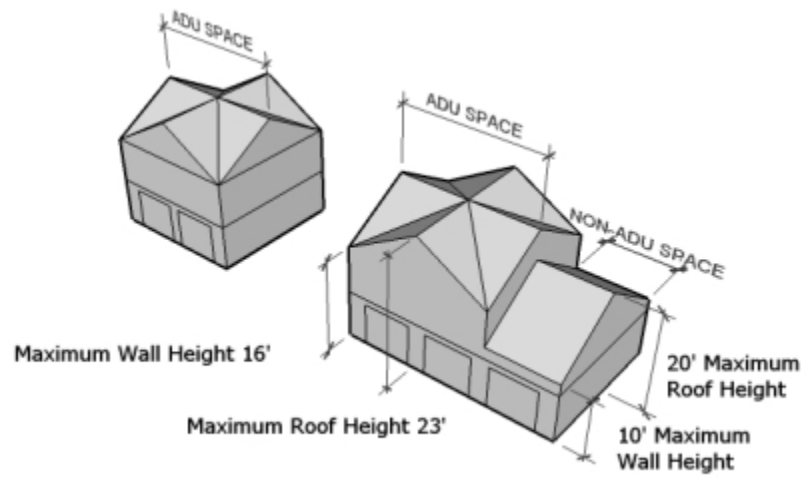


2. Height.
The maximum height allowed for a detached accessory dwelling unit is shown in Table 17C.300-1.

TABLE 17C.300-1 MAXIMUM ROOF AND WALL HEIGHT		
	Maximum Height – Detached Accessory Building Attached to an ADU or Detached ADU [1]	Maximum Height – Detached ADU Over a Detached Accessory Structure
Maximum Wall Height [2]	10 ft.	((16)) <u>17</u> ft.
Maximum Roof Height <u>[3]</u>	20 ft.	((23)) <u>25</u> ft.
<p>[1] Detached accessory structures cannot include living area, nor any storage areas with a ceiling height of six-feet eight-inches or greater.</p> <p>[2] The height of the lowest point of the roof structure intersects with the outside plane of the wall.</p> <p>[3] The height of the ridge of the roof. <u>Exceptions of up to 18 inches above the height stated in the table can be granted for steep roof styles.</u></p> <p>See “Figure A” below.</p>		

Note: Additional height is often desired when a detached ADU is constructed over a garage that has an 8-ft. ceiling. The edits add flexibility to dimensional standards. Housing Action Plan Strategy A3; Proclamation Addressing Housing Emergency 2.g.

Figure A



3. Bulk Limitation.

The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the house, attached house or manufactured home.

a. ((The)) On lots five thousand five hundred square feet or larger, the combined building coverage of all detached accessory structures may not exceed fifteen percent of the total area of the site.

b. On lots smaller than five thousand five hundred square feet, the combined building coverage of all detached accessory structures may not exceed twenty percent of the total area of the site.

Note: This works with the proposed increase in detached accessory dwelling unit size and decrease in minimum lot size. With the proposed changes, a single-story, 800 sq. ft. ADU would require about 18% building coverage on a 4,350 sq. ft. lot.

4. Conversion of Existing Detached Accessory Structures.

- a. In RA through RTF zones, conversion of an existing detached accessory structure that is in a front building setback required by [Table 17C.110-3](#) is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by [SMC 17C.110.220](#), Setbacks, and [SMC 17C.110.225](#), Accessory Structures.
- b. In RMF through RHD zones, conversion of an existing detached accessory structure that is in a front building setback required by [Table 17C.110-3](#) is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by [SMC 17C.110.220](#), Setbacks, and [SMC 17C.110.225](#), Accessory Structures.
- c. If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of subsections (A)(6) through (9) and (B)(2) and (3) of this section, alterations that will move the structure out of conformance with the standards that are met are not allowed.
- d. If the accessory dwelling unit is proposed as a conversion of an existing detached accessory structure or a portion of the building, and the existing detached accessory structure does not meet the standards of subsections (A)(6) through (9) of this section, the structure is exempt from those standards. If any floor area is added

to the existing detached accessory structure to accommodate an ADU, then the entire structure must meet the standards of subsections (A)(6) through (9) of this section and the underlying zoning development standards.

- C. Utilities and Addressing.
The ADU must utilize those municipal utilities and address established for the principal dwelling unit.
- D. Code Compliance.
The ADU must meet all technical code standards of this title including building, electrical, fire, and plumbing code requirements and permits.

Section __. That SMC 17C.300.140 is amended to read as follows:

17C.300.140 ADU Expiration

- A. Transfer.
An ADU permit is not transferable to any other property or any other person except to the new owner of the subject property when the property will be owner occupied.
- B. Expiration.
Approval of an ADU expires when the:
 - 1. accessory dwelling unit is altered and is thus no longer in conformance with the plans approved by the building services department; or
 - 2. property ceases to maintain the required off-street parking spaces for the ~~((accessory and))~~ principal dwelling ~~((units))~~ unit; or
 - 3. legal titleholder of the property ceases to own and reside in either the principal or the accessory dwelling unit before the three-year period following certificate of occupancy, required under SMC 17C.300.110.