



**PLANNING & DEVELOPMENT**  
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June 5, 2014

TO: City Plan Commission  
FROM: Nathan Gwinn, Assistant Planner *NG*  
RE: Unit Lot Subdivision Code Amendment Public Hearing June 11, 2014

A public hearing has been scheduled for Wednesday, June 4, 2014, at 4:00 P.M., for the Plan Commission to receive public testimony in consideration of a recommendation on the proposed Unit Lot Subdivision Code Amendment.

Included in your packet are five items for your consideration as you prepare and forward a recommendation to the City Council:

1. Draft ordinance text
2. City of Spokane Comprehensive Plan Policy for Unit Lot Subdivision
3. Comment from Grant Keller, Terabella, Inc.
4. Comment from Roger Fruci, Light & Nature, LLC
5. The draft Plan Commission Findings, Conclusions and Recommendation

Please contact me if you have any questions at 625-6893 or [ngwinn@spokanecity.org](mailto:ngwinn@spokanecity.org).

## DRAFT OF ORDINANCE TEXT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE relating to Subdivisions; adopting a new section 17G.080.065 to chapter 17G.080 and setting an effective date.

Section 1. That there is adopted a new section 17G.080.065 to chapter 17G.080 of the Spokane Municipal Code to read as follows:

17G.080.065 Unit Lot Subdivisions.

A. Purpose.

The purpose of these provisions is to allow for the creation of lots for types of attached housing and specified cottage housing projects, while applying only those site development standards applicable to the parent site as a whole, rather than to individual unit lots.

B. Applicability.

The provisions of this section apply exclusively to the subdivision of land that is already developed with residential dwelling units. The types of existing development that may use the unit lot subdivision are:

1. Cottage housing projects previously approved under SMC 17C.110.350 and built prior to January 1, 2014;
2. A similar existing development that consists of multiple dwelling units on a single parcel or site; or
3. An existing townhouse development in zones in which townhouse dwellings are a permitted use.

C. Application Procedure.

Unit lot subdivisions of nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in SMC chapter 17G.060.

D. General Regulations.

1. The unit lot subdivision as a whole shall meet development standards applicable to the underlying site development approval and the provisions of

this section. As a result of the unit lot subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each unit lot will be deemed to be in conformance. If the units are already legally in existence and do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a unit lot may be created for each existing dwelling unit. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot;

2. Unit lot subdivisions shall be subject to all applicable requirements of this section, except as otherwise modified by this section;
3. Unit lot area and width per unit for purposes of subdivision may be as small as the coverage of the individual unit;
4. Portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners association comprised of the owners of the individual unit lots located within the parent site;
5. Maximum lot coverage of the aggregate buildings located upon the parent site shall not exceed the maximum lot coverage permitted by the underlying zone;
6. Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent site as a whole. There shall be no setback required from individual unit lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located upon a unit lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;
7. Internal drive aisles providing vehicular access to unit lots shall not be considered public or private streets when utilizing the provisions of this section;
8. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; underground utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Each unit lot subdivision shall make

adequate provisions for ingress, egress and utilities access to and from each unit lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan;

9. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:
  - a. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number if applicable);
  - b. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;
  - c. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
  - d. The individual unit lots are not separate building sites and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent site.

# CITY OF SPOKANE COMPREHENSIVE PLAN POLICY FOR UNIT LOT SUBDIVISION

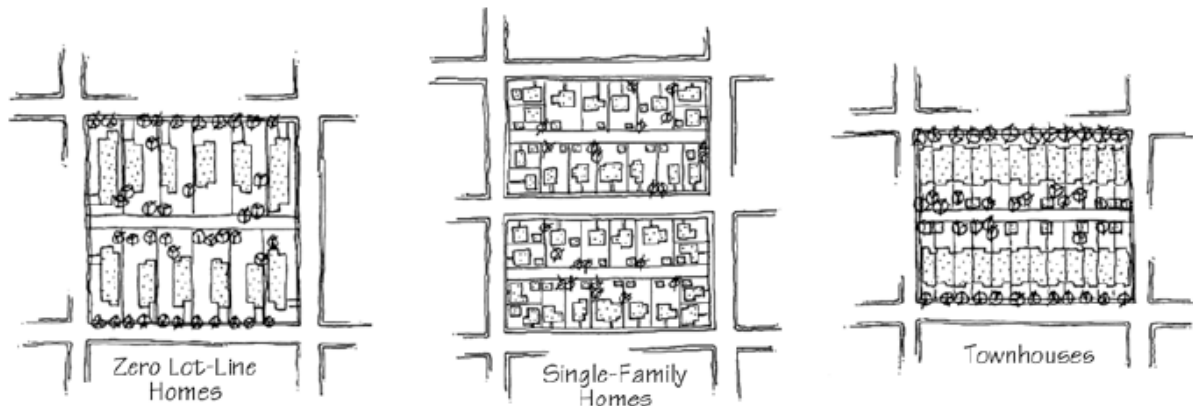
## LAND USE

### LU 3 Efficient Land Use

**Goal:** Promote the efficient use of land by the use of incentives, density and mixed-use development in proximity to retail businesses, public services, places of work, and transportation systems.

#### LU 3.11 Compact Residential Patterns

*Allow more compact and affordable housing in all neighborhoods, in accordance with neighborhood-based design guidelines.*



**Discussion:** Compact and affordable housing includes such choices as townhouses, accessory dwelling units (granny flats), live-work housing, triplexes, zero-lot line, starter, small-lot, and rowhouses.

## HOUSING

### H 2.1 Distribution of Housing Options

*Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.*

**Discussion:** A variety of housing types should be available in each neighborhood. The variety of housing types should not concentrate or isolate lower-income and special needs households.



Diversity includes styles, types, and cost of housing. Many different housing forms can exist in an area and still exhibit an aesthetic continuity. In many cases, neighborhood-based design guidelines will be available to guide the design of the housing forms. Allowing a wide range of housing types throughout the city provides the opportunity for increased socioeconomic integration.

Housing standards that will be allowed throughout the city include small single-family lot sizes, manufactured housing on single-family lots, townhouses, condominiums, clustering, and other options that increase the supply of affordable home ownership opportunities.

## **URBAN DESIGN AND HISTORIC PRESERVATION**

### **DP 6.2 Access to Housing Choices**

*Encourage building and site design that allows a variety of housing forms while being compatible with the character of the immediate surrounding area, thereby generating community support for development at planned densities.*

**Discussion:** Increasing housing densities and innovative development protects special sites, and enables the efficient use of remaining buildable land, the efficient and cost effective provision of city facilities and services, the provision of affordable housing, and the promotion of increased ridership on mass transit. A variety of housing types, such as townhouses, courtyard buildings, and housing clusters, contributes to housing diversity and interest, and provides more opportunities for prospective residents. Design that is compatible with the surroundings helps make increased densities acceptable to the current residents. Higher residential density in commercial areas can provide additional economic stability for businesses while lessening automobile dependence.

## Gwinn, Nathan

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**From:** Grant Keller <grant@terrabellainc.com>  
**Sent:** Wednesday, May 14, 2014 1:12 PM  
**To:** Gwinn, Nathan  
**Subject:** Re: Unit Lot Subdivision advisory group meeting

Nathan, I will not be able to make the Planning Commission meeting today to testify. But I would like to go on the record and perhaps have a statement read:

"This new code would not only be a benefit to existing developments, but would also benefit the development of cottage housing and make it easier to develop and sell new cottage housing units. This means that it would be best if the new code proposed would be extended to currently vacant land and not just developed properties. This would greatly assist in the city's desire to see infill lots developed and would also increase flexibility for developers who may have had problems in the past getting financing to build and sell cottage housing units due to Washington state requirements for forming condo associations. Please consider not only approving this for developed properties but also for undeveloped infill lots within the city limits. Thank you. Grant Keller"

Thanks

Grant Keller - president | TERRABELLA, inc.

*Sent from mobile device. Please excuse spelling or grammatical errors.....and have an exceptional day.*

On May 5, 2014 1:36:24 PM "Gwinn, Nathan" <[ngwinn@spokanecity.org](mailto:ngwinn@spokanecity.org)> wrote:

Good afternoon:

This message is a reminder of the advisory group meeting scheduled for 3:30 p.m. on Wednesday, May 7 in City Hall Conference Room 3B.

We will have a copy of text to review and images of past and present examples of projects that could use this procedure.

The agenda for the meeting is as follows:

3:30-3:45 Staff presentation

3:45-4:15 Questions from group and discussion

We value your input and ideas as interested parties in development and subdivision of infill housing.

We appreciate your time and look forward to meeting with you Wednesday.

Thank you,



**Nathan Gwinn** | Assistant Planner | Planning & Development Services

## Gwinn, Nathan

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**From:** Roger Fruci <rogerfruci@gmail.com>  
**Sent:** Wednesday, May 28, 2014 4:48 PM  
**To:** Gwinn, Nathan  
**Subject:** RE: Item for consideration for ordinance # 17G.080.065

Nathan,

I've outline below the issue we discussed today that I feel would be beneficial to encourage new townhome development. I understand new construction is not currently part of this new ordinance, so I'm sending this for your consideration. If you feel there is any benefit for me to testify, I would do so. Or, you could simply include this as part of the record for consideration by the appropriate people.

What I would like to suggest is that there be more flexibility in requiring when the exact lot boundaries be set for zero lot line townhomes.

When doing traditional single family plats, it works fine to require that the exact lot boundaries be determined in advance of construction. If a lot is 10,000 sf and the house has a 1,500 sf footprint, then the house can be easily moved around within the lot as required.

However, with zero lot line townhomes, that requirement can be a significant problem. Since the structure is often the same width as the lot frontage, a unit cannot be moved at all. In some developments, that might not be a problem, in others, it could be a big problem.

For example, I am working on a townhome project right now (in the County, but the next one might be in the City). We had all the lots laid out, having taken into account the site as well as we could. When we completed some initial site work, and we were able to physically stake out the lots, it became clear that quite a few of the lot orientations would need to be shifted. Not that the basic locations needed to change, but we needed to fine tune the orientations. This is particularly true since we are trying to save as many large trees and rock outcroppings as possible. Since this development is a PUD, we are very focused on the overall composition of the site, including the way the groups of units relate to each other, as well as how they related to the natural features. That careful design process is the type of approach that I believe the code should encourage, and not frustrate. In one case a unit needed to be rotated slightly so its view into a garden was better. In another case, to save a couple large trees, we needed to shift a whole group of townhomes a few feet to allow the road to curve round the trees. All kinds of issue like this arise if one is being thoughtful about the overall feel of the development.

Rotating one end of a townhome three feet to create a better view, or to save a big tree, is a big problem if it is part of a group of zero lot line townhomes, and all the lots have already been legally defined. Traditional lot line adjustments for groups of lots would be expensive and cumbersome. Developers would tend to just take the easiest path, ignore that type of fine tuning, and not do as good a job on the design as they might otherwise do.

I'm sure that that overall composition of our site will not be really clear until we actually start putting units up. Once the shapes and masses of the units start to be built, only then would the overall composition be evident, which would allow us to adjust the orientation and location of lots to create the best possible setting for the future residents.

Not all townhome developments would be so sensitive to needing lot line adjustments. For example, a series of townhomes lining a street might be pretty straight forward. But to encourage variety and allow for creative settings, especially PUD settings, more flexibility would be a big help.



What would be ideal would be to be able to submit a "final plat" but in the case of zero lot line townhomes, minor adjustments to lot locations would be allowed. Then, at some point prior to the units being sold, surveys and legal descriptions would be done. Another way to approach it might be that nothing changes in the basic code, and Boundary Line Adjustments would need to be made as they are now, but, if the adjustments meet certain criteria, then there would be a minor fee and streamlined process. For example, the criteria might be that the adjusted lot lines are minor in effect, and in essence amount to just fine tuning the unit location. If a number of lots had minor adjustments, then they might all be processed at one time with one fee.

That's the issue.

I appreciate your consideration.

Roger Fruci

*Roger P. Fruci CPA, CFP  
Light & Nature, LLC*

509-879-5340

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**From:** Gwinn, Nathan [mailto:ngwinn@spokanecity.org]  
**Sent:** Wednesday, May 28, 2014 10:25 AM  
**To:** 'rogerfruci@gmail.com'  
**Subject:** Proposed Text for Unit Lot Subdivision Code Amendment

Mr. Fruci:

Thanks for your phone call this morning. Here is the link to our home page which contains the draft ordinance text for the proposed amendment to the Spokane Municipal Code. Please scroll down and look for the Unit Lot Subdivision Code Amendment post on the left side of the page under "Hot Topics."

[www.spokaneplanning.org](http://www.spokaneplanning.org)

If you have any trouble finding the posted materials, please let me know.

Thank you,



**Nathan Gwinn** | Assistant Planner | Planning & Development Services

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