



Building Opportunity for Housing Phase I

## **Plan Commission Findings of Fact, Conclusions, And Recommendations on Amendments to the Spokane Municipal Code**

### **Building Opportunity for Housing SMC Text Amendments**

**A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Building Opportunity for Housing Spokane Municipal Code (SMC) text amendments proposal seeking to amend the SMC Chapters 17A.020, 17A.040, 17C.120, 17C.122, 17C.200, 17C.230, 17C.300, 17D.060, 17G.020, 17G.025, 17G.061, and 17G.080, repeal Chapter 17C.110 and replace with new Chapter 17C.111, and repeal Chapter 17G.060 and replace with new Chapter 17G.061 to accommodate and ease development of middle housing in Spokane.**

#### **FINDINGS OF FACT:**

- A. On July 18, 2022, the City Council adopted Ordinance C36232, an Interim Zoning Ordinance known as Building Opportunity and Choices for All ("BOCA"). BOCA implemented some of the strategies specified in RCW 36.70A.600(1) in order to increase the City's residential building capacity and included a work plan that anticipated continued public participation and noticing, modifications to the City's Comprehensive Plan, and evaluation of whether to make the regulations permanent.
- B. Following the City Council's adoption of BOCA, HB 1110 was adopted into law requiring cities like Spokane to incorporate into its development and zoning regulations authorization to develop at least four residential dwelling units per lot on all lots zoned predominantly for residential use and at least six units per lot on all lots zoned predominantly for residential use located within one-quarter mile walking distance of a major transit stop.
- C. Following the City's adoption of BOCA, the City adopted ordinances amending Chapter 3 (Land Use) of the City's Comprehensive Plan to align policy language in the Comprehensive Plan with these developments and to further implement the middle housing options that are now required under State law.
- D. The current proposal, Building Opportunity for Housing, Phase 2 Code Amendments (the "Proposal"), permanently implements BOCA as well as implementing the requirements of Section 3 of HB 1110.
- E. The Proposal was prepared according to the requirements of the Growth Management Act (RCW 36.70A) including without limitation RCW 36.70A.370, and included an extensive and thorough public engagement effort.
- F. The Proposal includes various text amendments to the City's housing/zoning regulations focused on increasing the City's residential building capacity by allowing and easing development for middle housing within Spokane.

- G. The City's Comprehensive Plan envisions a variety of compatible housing types in a neighborhood and that the housing assortment should include higher density residences developed in the form of small-scale apartments, townhouses, duplexes, and rental units that are accessory to single-unit homes, as well as detached single-unit homes. LU 1.1 (Neighborhoods).
- H. The Comprehensive Plan also recognizes the need for increased density which enables the provision of affordable housing. LU 3.7.
- I. The Comprehensive Plan also promotes socioeconomic integration throughout the City and recognizes that housing affordability acts as a barrier to integration of all socioeconomic groups throughout the community. H 1.7 (Socioeconomic Integration).
- J. The Comprehensive Plan also encourages mixed-income developments throughout the city and recognizes that mixed-income housing provides socio-economic diversity that enhances community stability and ensures that low-income households are not isolated in concentrations of poverty. H 1.9 (Mixed-Income Housing).
- K. The Comprehensive Plan also envisions a variety of housing types in all neighborhoods. Diversity includes styles, types, size, and cost of housing. Many different housing forms can exist in an area and still exhibit an aesthetic continuity. Development of a diversity of housing must consider the context of the area and should result in an improvement to the existing surrounding neighborhood. H 1.18 (Distribution of Housing Options).
- L. On June 28, 2023, July 12, July 26, August 23, and September 27, 2023, the Plan Commission conducted workshops regarding the Proposal during their regularly scheduled meetings.
- M. On August 18, 2023, staff requested comments from local, regional, and state agencies as well as City departments. The City received three agency comment letters, one from the City of Spokane Engineering Department, one from the City of Spokane Current Planning group, and one from the Spokane Tribe.
- N. On August 21, 2023, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations.
- O. On September 5 and September 12, 2023, a Notice of Intent to Adopt was published in the Spokesman Review. A public comment period from September 5 to October 4, 2023 occurred, during which twenty-six (26) comments were received.
- P. On September 13, 2023, the Spokane City Plan Commission held a Housing Work Group to discuss a feasibility analysis of the Proposal.
- Q. On September 18, 2023, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were issued for the Proposal. The deadline to appeal the SEPA determination was October 9, 2023. Three comments on the SEPA determination were received, from Spokane Tribe of Indians, COS Engineering, and COS Current Planning.
- R. On September 19 and 21, 2023, two public open houses were hosted to provide the public with information about the Proposal.

- S. On September 27 and October 4, 2023, notice was published in the Spokesman Review providing notice of a SEPA Determination of Non-Significance and of the Plan Commission Public Hearing.
- T. On October 4, 2023, Planning Department staff finalized their Staff Report on the Proposal to the Plan Commission recommending approval of the Proposal (the “Staff Report”).
- U. On October 11, 2023, the Plan Commission held a public hearing on the Proposal, including the taking of verbal testimony, and closed the public record on that date.
- V. Public comment, as well as agency and department comments, received prior to the October 11, 2023 Plan Commission public hearing were included in the staff report.
- W. On October 11, 2023, the Spokane Plan Commission conducted its deliberations on this Proposal and voted to recommend the City Council approve this Proposal with the following conditions:
  - 1. Substitute the parking regulations found in SMC 17C.230.130 and Table 17C.230-2 with the alternative parking regulation language found in Exhibit H, which aligns with the interim parking ordinance passed by City Council earlier this year and reads: “Parking is not required for residential development on sites located within one-half mile of a transit stop”.
  - 2. Update Table 17C.111.205-1 to reduce the minimum lot area from 1,800 sq. ft. to 1,200 sq. ft. for the R1, R2, RMF, and RHD zones.
  - 3. Remove the Middle Housing mix of housing requirements for subdivisions greater than 2 acres by striking SMC 17G.080.050(F) and SMC 17G.080.050(G)5 from the Proposal.
  - 4. Recommend adding exploration into requiring a mix of Middle Housing products for subdivisions greater than 2 acres to the Plan Commission work plan for further discussion.
  - 5. Update and make consistent the Development Bonuses regulations by renaming Table 17C.111.205-2 “Development Standards for Land Owned by Religious Organizations” to Table 17C.111.205-3 “Development Standards for Properties Qualifying for Development Bonus” and adding Footnote [2] to the same table to read: “Criteria to qualify for Development Bonuses is outlined in SMC 17C.111.225”.
  - 6. Update and make consistent references found in 17C.111 by updating 17C.111.225(B) to reference Table 17C.111.205-3 rather than 17C.110.205-3, and update 17C.111.235(B)(2)b to reference 17C.111.230 instead of 17C.110.230.
  - 7. Recommend that the City Clerk be authorized to make clerical adjustments to all sections of Title 17 for the purposes of ensuring consistency with the proposal, including but not limited to:
    - i. Replacing references to RSF to R1
    - ii. Replacing references to RTF to R2
    - iii. Removing references to RSF-C
    - iv. Updating all references to ensure correct section and subsection identifiers

- v. Updating all table numbers to be consistent with the usage established in this proposal, which is to number tables with the title, chapter, and section, followed by a dash and a sequential number.
- X. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to do so.
- Y. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report.
- Z. The Plan Commission finds that the Proposal meets the intent and requirements of the Comprehensive Plan.
- AA. The Plan Commission finds that the Proposal meets the decision criteria established by SMC 17G.025.010, as described in the Staff Report.

## **CONCLUSIONS:**

Based upon the application materials, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding the proposed Spokane Municipal Code text amendments, the Plan Commission makes the following conclusions with respect to the Proposal:

1. The Proposal is fully consistent with and will help to implement applicable provisions of the Comprehensive Plan.
2. The Proposal bears a substantial relation to public health, safety, welfare, and protection of the environment.
3. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to comment.
4. SEPA review was completed for the Proposal, and pursuant to SEPA, any adverse environmental impacts associated with the draft regulations will be mitigated by enforcement of the City's development regulations.
5. The Proposal is consistent with and implements recent changes in State law and particularly those in RCW 36.70A.600 and HB 1110 and is also consistent with the goals and purposes of GMA.
6. The Proposal will implement the requirements of Section 3 of HB 1110.
7. The Proposal will help the City achieve the residential densities envisioned in the City's Comprehensive Plan. The City's existing housing regulations have not facilitated development densities envisioned by the Comprehensive Plan and needed in order to accommodate the City's growth. Many areas of the City have developed well below the densities envisioned and planned for in the City's Comprehensive Plan. For this reason, the Proposal will not result in densities that exceed the densities that were assumed when the City first adopted its Comprehensive Plan.

8. Any potential infrastructure implications associated with the Proposal will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at the time of any future development.
9. The Proposal is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
10. The Plan Commission finds that the proposed amendments are consistent with the applicable provisions of the Comprehensive Plan, particularly the following adopted Shaping Spokane goals and policies:
  - a. Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.3 Lower Intensity Residential Areas
  - b. Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas
  - c. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.6 Compact Residential Patterns
  - d. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.7 Maximum and Minimum Lot Sizes
  - e. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.5 Complementary Development
  - f. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure
  - g. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration
  - h. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.9 Mixed-Income Housing
  - i. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.18 Distribution of Housing Options
  - j. Chapter 8: Urban Design and Historic Preservation – Goal DP 1 – Pride and Identity, Policy DP 1.2 New Development in Established Neighborhoods
  - k. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.2. Design Guidelines and Regulations
  - l. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.6, Building and Site Design
  - m. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.12, Infill Development

## **RECOMMENDATIONS:**

In the matter of the Building Opportunity for Housing text amendments, a request by the City of Spokane to amend the text of the Spokane Municipal Code, based upon the above listed findings and conclusions, by a vote of **9 to 0**, the Spokane Plan Commission recommends City Council **APPROVE** the requested amendments to the Spokane Municipal Code, conditioned upon the changes outlined above, and

authorizes the President to prepare and sign on the Commission's behalf a written decision setting forth the Commission's findings, conclusions, and recommendation on the Proposal.

*Greg Francis*  
Greg Francis (Oct 13, 2023 16:01 PDT)

**Greg Francis, President**  
Spokane Plan Commission

Date: Oct 13, 2023

# Final Findings and Conclusions - BOH Ph II

Final Audit Report

2023-10-13

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