Residential Code Initiatives: Range of Alternatives

Plan Commission

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Community & Economic Development — Planning Services
January 12, 2022
Guiding Documents

• Comprehensive Plan
  ▪ Adopted 2001
  ▪ Annual Amendment Cycle
  ▪ Periodic Updates
    o Last Updated in 2017
    o Next Major Update Due 2026

• Housing Action Plan and Related Documents
  ▪ Adopted July 2021 (Resolution No. 2021-0062)
  ▪ Appendix A: City Council Implementation Plan
  ▪ Proclamation of Housing Emergency
Housing Options – Continuum of Different Types
Past Residential Code Amendments

- 2006 Residential Code to Implement Comprehensive Plan
  - Cottage Housing, Attached Housing
  - Detached Accessory Dwelling Units
- 2012 Infill Housing Task Force
  - RSF-Compact Zone | Garage Wall Limitations
  - Pocket Residential Development (Except RA & RSF Zones)
- 2014 Unit Lot Subdivisions - Pre-Existing Development
- 2018 – 2019 Infill Development Code Revisions
  - Cottage Housing
  - Pocket Residential and Compact Lots Added to RSF Zone
  - Attached Homes, Parking Transitions
  - Height Exceptions, Wall Height in Higher-Density Zones (RMF & RHD)

- For More Information:
  my.spokanecity.org/projects > Infill Housing Strategies
Proposed Amendments

New Residential Development

- Accessory Dwelling Units
- Duplexes
- Attached Homes
- Lot Size Transitions

Permit Processes

- Short Plats
- Short Term Rentals
- Environmental Review (SEPA)
Public Engagement

• Plan Commission
  – January 26 PC Workshop to continue discussion about Accessory Dwelling Units, Lot Size Transition, Duplexes, and Attached Homes

• Pop-up Events
  – Winter Market in Riverfront Park on December 15 and December 22

• Virtual open houses

• Project webpage with videos & blogs
  – my.spokanecity.org/projects/shaping-spokane-housing
Permit Processes
Preliminary Short Subdivision Notification

- City is exploring how to reduce time and/or cost of notification process
- Reduce cost of notification methods
  - Two lot short plat no notice
  - 3-9 lots mailed notice only
  - Short plats with SEPA, notice remains
- Processing time is reduced when notification is removed for some projects

Housing Action Plan Strategy A3 (p. 30)
City Council Implementation Plan Strategy I.6
Proclamation Addressing Housing Emergency 2.c
Short Subdivision Applications - Components

- Land
- Land Survey
- Application & Fees
- Public Process & Decision
- Appropriate Provisions for Utilities & Streets
- Final Review & Acceptance
- Final Plat

Images: Creative Commons, Spokane County
All types of subdivisions are approved by decision of local government
- Considered project permits
- Subject to certain requirements for review, notices of application to the public, and appeals

Approval requires written findings
- Project will serve public use and interest
- Consider appropriate provisions for facilities and all other relevant facts

Local Project Review
chapter 36.70B RCW

Plats–Subdivisions–Dedications
chapter 58.17 RCW
“Plat” is a survey map of a subdivision of land

- Shows newly created lots for separate sale or lease
- Shows dedications for facilities (e.g. streets and utilities)
- Full definition SMC 17A.020.160

- **10 Lots or More** = Regular Subdivision or Long Plat
  - Approval decision by Hearing Examiner

- **9 Lots or Less** = Short Subdivision or Short Plat
  - Administrative decision by Planning Director

State law enables this simpler “short plat” process
1. **Notification District Map**
   Establish area to receive written notice, and verify ownership

2. **Traffic Study**
   Trip Generation and Distribution Letter *(NOT typically required)*

3. **Application Submission**
   Initiates concurrency and agency review

4. **Determination of Complete Application**

5. **Notice of Application**
   Public notice and comment

6. **State Environmental Policy Act**
   SEPA threshold determination, although typically a short plat decision is exempt

7. **Decision**
   Followed by appeal or reconsideration process
1. **Application Submission**  
   Paper copies, title report

2. **Routing of Application**  
   Department and agency review, may result in required revisions

3. **Resubmittal**  
   Cover letter addressing any revisions, title report, corrected plat

4. **Final Submission for Signatures**  
   Plat with owner’s signature, routing for final signatures by City officials

5. **County Signatures**  
   Treasurer and Assessor

6. **Recording**  
   County Auditor

7. **Return Prints**  
   Mylar and paper copies of the signed and recorded final plat required before applying for City building permits
Short Subdivision Notification

• Preliminary Short Plat
  – After Determination of Complete Application, City provides applicant with Notice of Application
  – The applicant:
    • Posts the notice at the project site
    • Mails the notice to individuals in the Notification District Map
    • Per RCW 36.70B.110

• Final Short Plat
  – Applicant takes approved final short plat to the County Auditor for recording
  – Note no mailed or posted notice for final short plat
• City is exploring how to reduce time and/or cost of notification process
• Reduce cost of notification methods
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• Questions/concerns
• Ready for hearing?

Housing Action Plan Strategy A3 (p. 30)
City Council Implementation Plan Strategy I.6
Proclamation Addressing Housing Emergency 2.c
Short Term Rentals

• Code amendment goal:
  ▪ Permit STRs in all zoning districts where residential uses are permitted (e.g. commercial zones)
  ▪ With the goal of…
    o Legalize short-term rentals in Commercial and Downtown zones
    o Provide legal permitting to inspect and enforce life and safety requirements
    o Will help create a level playing field for Phase 2

• Future amendment to address STR affects on housing supply

City Council Implementation Plan Strategy II.7

| ⬤ ⬤ ⬤ | Housing Action Plan Strategy B5 (p. 43) |
| ⬤ ⬤ ⬤ | City Council Implementation Plan Strategy II.6 |
Short Term Rentals

- Residential unit(s) property owner rents for periods of less than 30 nights.
  - Type A – No commercial meetings, administrative permit
  - Type B – Allow commercial meetings, conditional use permit required
- Permitted within residential zones
- Owner or operator must apply for Spokane Business License, and pay $100 annual renewal fee
Permit Short Term Rentals in Other Zones

• Permit Short Term Rentals in all zoning districts where residential uses are permitted
  – Enforces permitting to inspect and enforce life and safety requirements

• Questions/concerns

• Ready for hearing?
SEPA Categorical Exemptions and Notification

• Adopting flexible thresholds permitted by WAC 197-11-800(1)(d) aligns with recommendation in RCW 36.70A.600
  ▪ Cities are encouraged to increase residential building capacity, including by adopting the maximum allowable exemption levels in WAC 197-11-800(1)

• Simplified and streamlined development review process shortens review times

• Notification for projects subject to SEPA remain in place

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Housing Action Plan Strategy A3 (p. 30)
Proclamation Addressing Housing Emergency 2.d
RCW 36.70A.600 Increasing residential building capacity
State Environmental Policy Act (SEPA)

- Washington’s foundational environmental law
- Enacted in 1971 as chapter 43.21C RCW
- Procedural requirements of SEPA are in chapter 197-11 WAC
- City must consider environmental matters when making decisions on actions proposed by private parties or government entities
- City’s SEPA regulations are codified in chapter 17E.050 SMC
- Some actions are exempt from SEPA review
- The City is required to:
  - Identify and evaluate environmental effects
  - Invite public and agency comments
  - Issue the threshold determination, documented as
    - Determination of Nonsignificance (DNS)
    - Mitigated Determination of Nonsignificance (MDNS)
    - Determination of Significance (DS)
- Public comment period can accompany DNS, MDNS, or DS
Some types of proposals are categorically exempt under 197-11-800 WAC.

To be exempt a project must be equal to or smaller than the exempt level.

The City is allowed to adopt its own flexible thresholds for minor new construction (and other projects and actions).
## Proposed Changes

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<th>Construction Type</th>
<th>SMC 17E Exemption Level</th>
<th>197-11-800 WAC Max. Allowed by State</th>
<th>Option 1 Adopt WAC</th>
<th>Option 2 Only Single, Multi-family</th>
<th>Option 3? Don’t Adopt Fill</th>
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Adopting SEPA Categorical Exemptions

- Adopting maximum categorical exemptions permitted by WAC...
  - Decreases the number of items staff must review
  - Decreases permit review times
  - Provides predictability for development community
  - Cost savings for development community

- What changes?
  - Projects less than or equal to the exemption level would not be required to do a SEPA review
  - Decreases the number of applications with notices sent

| Planning Services – Type II Application | Binding Site Plan | Certificate of Compliance | Conditional Use Permit | Plans-in-lieu | Shoreline SDP | Short Plat
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Next Steps
Project Work Continues

• Project webpage is live: https://my.spokanecity.org/projects/shaping-spokane-housing/

• Will continue outreach with residents and interested parties
  ▪ Hosted pop-ups at Winter Market on 12/15 and 12/22
  ▪ Upcoming Virtual Open Houses on 1/25 and 1/27

• January 26th Meeting
  ▪ Continued discussion on Accessory Dwelling Units, Lot Size Transition, Duplexes, and Attached Homes

• Will continue outreach to agencies and tribes (including necessary notices)