



**Agenda Sheet for City Council Meeting of:**  
04/27/2015

<b>Date Rec'd</b>	4/14/2015
<b>Clerk's File #</b>	ORD C35252
<b>Renews #</b>	

<b>Submitting Dept</b>	NEIGHBORHOOD SERVICES & CODE	<b>Cross Ref #</b>	
<b>Contact Name/Phone</b>	HEATHER 6854	<b>Project #</b>	
<b>Contact E-Mail</b>	HTRAUTMAN@SPOKANECITY.ORG	<b>Bid #</b>	
<b>Agenda Item Type</b>	First Reading Ordinance	<b>Requisition #</b>	
<b>Agenda Item Name</b>	0550 ORDINANCE REGARDING SHORT TERM RENTALS		

**Agenda Wording**

AN ORDINANCE REGULATING SHORT TERM RENTALS; AMENDING SMC 1.05.160, 17C.110, 17C.190, 17C.315, SECTION 10. ADOPTING NEW CHAPTER 17C.316 SMC

**Summary (Background)**

Establishing an ordinance to regulate rental of homes, rooms, apartments, condominium, manufactured homes, and Accessory Dwelling Units for less than 30 days in duration. This ordinance applies to such facilities when located in the Residential Single Family (RSF), Residential Two Family (RTF), Residential Multifamily (RMF), Residential High Density (RHD), Residential Agriculture (RA) and Residential Single Family Compact (RSFC) zones.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	TRAUTMAN, HEATHER	<b>Study Session</b>	4/16/15
<b>Division Director</b>	MALLAHAN, JONATHAN	<b>Other</b>	PCED 3/30/15
<b>Finance</b>	SALSTROM, JOHN	<b>Distribution List</b>	
<b>Legal</b>	RICHMAN, JAMES	htrautman@spokanecity.org	
<b>For the Mayor</b>	SANDERS, THERESA	kbecker@spokanecity.org	
<b>Additional Approvals</b>		jrichman@spokanecity.org	
<b>Purchasing</b>			

FIRST READING OF THE ABOVE ORDINANCE  
WAS HELD ON

4/27/2015

AND FURTHER ACTION WAS DEFERRED

*Teri D. Roberts*  
CITY CLERK

PASSED BY  
SPOKANE CITY COUNCIL:

5/4/2015

*Len K. Roberts*  
CITY CLERK

**Short Term Rentals  
Alternative A  
ORDINANCE NO. C35252**

AN ORDINANCE OF THE CITY OF SPOKANE RELATING TO REGULATION OF SHORT TERM RENTALS; AMENDING SMC 1.05.160, 17C.110, 17C.190, AND ADOPTING NEW CHAPTERS 10.52 SMC AND 17C.316 SMC.

WHEREAS, short term rentals (rentals of less than 30 days in duration) have occurred in residential zones, such a use is not currently permitted in the City of Spokane Municipal Code.

WHEREAS, The City of Spokane received zoning complaints associated with short term rentals in residential zones.

WHEREAS, the emergence of the “shared economy” and the access for such business is facilitated by the internet and such access is generating an increasing demand for this type of use, short term rental use is likely to increase.

WHEREAS, The proposed regulations are intended to allow for more efficient use of certain types of residential structures and provides an alternative form of lodging for visitors that prefer a residential setting.

WHEREAS, in order to create a balanced system of permitting and taxation for the providers of such services.

WHEREAS, the City Council hereby adopts the foregoing as its findings of fact justifying its adoption of this ordinance;

NOW THEREFORE, the proposed short term rental ordinance reads as follows:

The City of Spokane does ordain:

**Section 1.** That SMC Table 17C.110-2 is amended as follows:

**Section 17C.110T.002 Table 17C.110-2 Residential Zone Housing Types Allowed**

<b>TABLE 17C.110-2 RESIDENTIAL ZONE HOUSING TYPES ALLOWED</b> (Click here to view PDF)					
<b>P – Permitted</b>					
<b>N – Not Permitted</b>					
<b>CU – Conditional Use review required</b>					
	<b>RA</b>	<b>RSF</b>	<b>RTF</b>	<b>RMF</b>	<b>RHD</b>

Single-family Residence (detached)	P	P	P	P	P
Attached Single-family Residence [1]	P	P	P	P	P
Cottage Housing [1]	CU	CU	N	N	N
Transitional Housing [1]	P	P	P		
Zero Lot Line [1]	P	P	P	P	P
Accessory Dwelling Unit (ADU) [2]	P	P	P	P	P
Detached ADU [2]	P	P	P	P	P
Duplexes	N	N	P	P	P
Manufactured Home [3]	P	P	P	P	P
Mobile Home Parks [3]	CU	CU	N	N	N
Single Room Occupancy (SRO)	N	N	N	P	P
Group Living	See SMC 17C.330.100				
Multidwelling Structure	N	N	N	P	P
Short Term Rentals [4]	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>
Notes: [1] See SMC 17C.110.300, Alternative Residential Development Standards. [2] See chapter 17C.300 SMC, Accessory Dwelling Units. [3] See chapter 17C.345 SMC, Manufactured Homes and Mobile Home Parks. [4] See chapter 17C.316 SMC, Short Term Rentals					

**Section 2.** That SMC 17C.110.120 is amended as follows:

#### **Section 17C.110.120 Accessory Uses**

Accessory uses to a primary use are allowed if they comply with specific standards for the accessory uses and all development standards. See chapter 17C.190 SMC, Use Category Descriptions. Accessory buildings such as garages are included in SMC 17C.110.225. Accessory dwelling units, bed and breakfast facilities, short-term rentals, and home occupations have specific standards in chapter 17C.300 SMC, chapter 17C.315 SMC, chapter 17C.316 SMC, and chapter 17C.340 SMC, respectively.

**Section 3.** That SMC 17C.190.110 is amended as follows:

## **Section 17C.190.110 Residential Household Living**

### **A. Characteristics.**

Residential Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Residential Household Living. Single room occupancy housing (SROs) that does not have totally self-contained dwelling units is also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. Residential structures occupied by persons with disabilities requiring reasonable accommodations pursuant to the federal or state law are included in the Residential Household Living category.

### **B. Accessory Uses.**

Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, short-term rentals, and bed and breakfast facilities are accessory uses that are subject to additional development standards of the zoning code.

### **C. Examples.**

Uses include single-family residences, duplexes, apartments, condominiums, retirement center apartments, manufactured housing and other structures with self-contained dwelling units. Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.

### **D. Exceptions.**

1. Lodging in a dwelling unit or SRO where less than two-thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
2. SROs that contain programs that include common dining are classified as Group Living.
3. Guest houses that contain kitchen facilities are prohibited as accessory to Residential Household Living uses.
4. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short-term housing or mass shelter.

**Section 4.** That there is adopted a new Chapter 17C.316 to read as follows:

## **Section 17C.316.010 Purpose**

This chapter provides the requirements and standards under which residential dwelling units may be used for short-term rental use in residential zones. The regulations are intended to allow for a more efficient use of certain types of residential structures in a manner which keeps them primarily in residential use, and without detracting from neighborhood character. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

## **Section 17C.316.020 Description and Definitions**

- A. Description.** A short-term rental is where a residential dwelling unit or bedrooms in a residential unit are rented to overnight guests for fewer than 30 days. There are two types of short-term rentals:
1. Type A. A Type A short term rental is where bedrooms or an entire dwelling unit are rented to overnight guests, and no commercial meetings are held. The Type A short term rental is an administrative permit.
  2. Type B. A Type B short-term rental is where bedrooms or an entire dwelling unit are rented to overnight guests and commercial meetings are held. The Type B short term rental requires a type III conditional use permit according to Chapter 17G.060 Land Use Application Procedures.
- B. Definitions.** For purposes of this chapter, the following words have the following meanings:
1. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are prohibited with a Type A short-term rental. A historic landmark that receives special assessment from the State may be open to the public for 4 hours one day each year; this is not considered a commercial meeting.
  2. Resident. An individual or family who resides in the dwelling unit. The resident can be the owner or operator of the short-term rental.
  3. Operator. The owner or a person or entity that is designated by the owner to manage the short-term rental.

## **Section 17C.316.030 Where These Regulations Apply**

The regulations of this chapter apply to short-term rental in the following zones: RA, RSF, RSF-C, RTF, RMF, and RHD zones. In zones where Retail Sales and Service

uses are allowed, limited or conditional uses, short-term rentals may be regulated either as a Retail Sales and Service use or as hotel motel.

### **Section 17C.316.040 Type A Short-Term Rentals**

#### **A. Use-related regulations.**

1. Permit required. A Type A short-term rental requires a Type A short-term rental permit per .040 C below.
2. Allowed structure type. A Type A short-term rental is allowed only in the following residential structure types:
  - a. Single-Family Residence;
  - b. Attached house;
  - c. Duplex;
  - d. Apartments;
  - e. Condominiums; and
  - f. Accessory dwelling unit.
  - g. Manufactured Homes

#### **B. Standards.** The following standards apply to Type A short-term rentals. Adjustments are prohibited.

1. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit.
2. Bedroom requirements. The City's Building Official must verify that each bedroom to be rented to overnight guests:
  - a. Met the building code requirements for a sleeping room at the time it was created or converted;
  - b. Meets fire code requirements.
3. Number of overnight guests. The total number of adults occupying a dwelling unit with a Type A short-term rental may not exceed two (2) adults per bedroom.
4. Employees. Nonresident employees are prohibited. Hired service for normal maintenance, repair and care of the resident or site, such as yard maintenance or house cleaning, is allowed.

5. Services to overnight guests and visitors. Serving alcohol and food to overnight guests and visitors is allowed, subject to other county and/or state requirements.
6. Parking. See Spokane Municipal Code Chapter 17C.230 Parking and Loading
7. Advertising. All advertisements for the short-term rental must list short-term rental permit number.

**C. Type A Short Term Rental Permit.** The owner of a Type A short-term rental must obtain a permit from the Planning and Development Services Department. The permit requires the owner to agree to abide by the requirements of this section, and document that the required notification requirements have been met:

1. Notification. The owner must:

a. Prepare a notification letter that:

- i. Describes the operation and the number of bedrooms that will be rented to overnight guests; and
- ii. Includes information on how to contact the owner or operator by phone.

b. Mail or deliver the notification letter to all recognized organizations and owners of property abutting and directly across the street from the short-term rental upon issuance of short term rental permit

2. Required information for permit. In order to apply for a Type A short-term rental permit, the owner or operator must submit to the Planning and Development Services Department:

- a. Completed application form bearing the address of the property, the name, signature, address, and telephone number of the owner and operator if operator is not also an owner and emergency contact.
- b. A short-term rental application and permit fee established by [separate ordinance].
- c. Proof of property insurance covering the property.
- d. A copy of the owner's current City of Spokane business license.
- e. A copy of the notification letter and a list with the names and addresses of all property owners and organizations that received the letter.

- f. A site plan.

**D. Renewal of and Revoking a Type A Short-Term Rental Permit.** A Type A short-term rental permit must be renewed per the procedures in chapter 4.04 SMC and can be revoked according to the procedures in chapter 4.04 SMC for failure to comply with the regulations of this chapter. In addition a permit may be revoked for activities on site including nuisance under Chapter 10.08 Offences Against Public Health Chronic or public disturbance in Section 10.08D.090 Public Disturbance Noise. For revocation of permit the owner or operator receives one warning of violation. In the case of non-compliance or a repeat of non-compliance in a 12 month period shall result in revocation of permit per a type two civil infraction as referenced in 1.05.160. When a Type A short-term rental permit has been revoked, a new Type A short-term rental permit will not be issued to the owner at that site for 2 years.

#### **Section 17C.316.050 Type B Short-Term Rentals**

##### **A. Use-related regulations.**

1. Conditional use permit. A Type B short-term rental requires a Type III conditional use permit according to Chapter 17G.060 Land Use Application Procedures. The approval criteria are stated in SMC 17C.320.080 F, Institutional and Other Uses in Residential Zones.
2. Allowed structure type. A Type B short-term rental is allowed only in the following residential structure types:
  - a. Single Family Residence;
  - b. Attached house;
  - c. Duplex;
  - d. Apartments;
  - e. Condominiums; and
  - f. Accessory dwelling unit.
  - g. Manufactured Homes

##### **B. Standards.**

1. Maximum size. Maximum set through conditional use review.
2. Bedroom requirements. The City's Building Official must verify that each bedroom to be rented to overnight guests:
  - a. Met the building code requirements for a sleeping room at the time it was created or converted;



- b. Meets fire code requirements.
- 3. Number of residents and overnight guests. The total number of residents and overnight guests occupying a dwelling unit with a Type B short-term rental may be limited as part of a conditional use approval.
- 4. Employees. Nonresident employees for activities such as booking rooms and food preparation may be approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.
- 5. Services to guests and visitors. Serving alcohol and food to guests and visitors is allowed, subject to other county and/or state requirements.
- 6. Commercial meetings.
  - a. Commercial meetings. Commercial meetings, as defined above, are regulated as follows:
    - i. In all other zones, the number of commercial meetings per year shall be determined as part of a conditional use review. The maximum number of visitors or guests per event will be determined through the conditional use review. Adjustments to the maximum number of meetings per year are prohibited.
  - b. Historic landmarks. A historic landmark that receives special assessment from the State may be open to the public for 4 hours one day each year. This does not count as a commercial meeting.
  - c. Meeting log. The operator must log the dates of all commercial meetings held, and the number of visitors or guests at each event. The log must be available for inspection by city staff upon request.
- 7. Appearance. Residential structures may be remodeled for the development of a short-term rental, subject to required approvals and permits. Structural alterations may not be made that prevent the structure from being used as a residence in the future. Internal or external changes that will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include installation of more than paving or required setbacks, and commercial-type exterior lighting.
- 8. Parking. See Spokane Municipal Code Chapter 17C.230 Parking and Loading.

9. Advertising. All advertising for the short-term rental must include short-term rental permit number and is subject to sign requirements of Chapter 17C.240 Signs.

#### **Section 17C.316.060 Monitoring**

All short-term rentals must maintain a guest log book. It must include the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay, and the room assigned to each guest. The log must be available for inspection by city staff upon request.

#### **Section 17C.316.070 Pre-Established Bed and Breakfast Facilities**

- A. **Nonconforming Use.** Bed and breakfast facilities that were operating before June 14, 2006, which have not obtained a conditional use permit under Chapter 17C.315 SMC, may continue to operate subject to the requirements and limitations in SMC 17C.315.160.A.
- B. **Bed and Breakfasts with a Conditional Use Permit.** Bed and breakfast facilities operating under an approved conditional use permit may chose to operate under Chapter 17C.315 SMC or this Chapter.

**Section 5.** That there is adopted a new Chapter 10.52 SMC to read as follows:

#### **Chapter 10.52 Short Term Rentals**

##### **Section 10.52.010 Permit Required**

No person may operate a short- term rental within the City of Spokane that is subject to the requirements of Chapter 17C.316 SMC without first obtaining a short-term rental permit under Chapter 17C.316 SMC.

##### **Section 10.52.020 License Officer**

For purposes of chapter 4.04 SMC, the Director of Planning Services shall be the license officer.

##### **Section 10.52.030 Violation**

- A. This chapter is subject to the administrative provisions of chapter 4.04 SMC. In the event of an appeal, the hearing officer shall be the City of Spokane hearing examiner.
- B. Short-term rental owners and operators must comply with all state and local laws.

C. A violation of this chapter is a class 2 civil infraction. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

**Section 6.** That SMC 1.05.160, Penalty Schedule – Land Use Violation, is amended as follows:

**Section 01.05.160 Land Use Violation**

A. For each subsequent violation, excluding continuing violations, by a person the classification of infraction advances by one class.

B. Infraction/Violation Class – General.

<b>SMC 1.05.160</b>		
<b>Penalty Schedule – Land Use Violation</b>		
<b>Infraction</b>		<b>Violation Class</b>
<b>General</b>		
IFC 105.3.3 SMC 17G.010.100(B)	Occupy Land or Building Without Certificate of Occupancy	2
SMC 10.48.050	Alarm Installation or Monitoring Company Failure to Provide Customer List	1
SMC 10.48.130	Alarm Installation or Monitoring Company Failure to Report New Customers	1
<b>Boiler Code</b>		
SMC 10.29.020	Operating Boiler Without License	1
SMC 10.29.021	Failure to Report Hazard	1
SMC 10.29.022	Leaving Boiler Room	2
SMC 17F.030.110	Failure to Cause Required Inspections of Boiler, Pressure Vessel	2
SMC 17F.030.130	Improper Operation of Boiler, Pressure Vessel	1
SMC 17F.060.050	Operate Without Elevator Operating Permit	1
<b>Fire Code – International Fire Code (IFC)</b>		
Chapter 22 IFC	Improper Aboveground Storage Tank for Motor Fuel Dispensing	1
Chapter 28 IFC	Improper Storage, Display of Aerosols	2
Chapter 33 IFC IFC 105.6.14 Chapter 10.33A SMC SMC 17F.080.060	Unauthorized Manufacture, Storage, Sale, Use, Handling of Explosives	1
IFC 107 IFC 109 IFC 110	Continuance of Hazard	1
IFC 109.2.2	Noncompliance with Condemnation Tag	1
IFC 109.2.4	Removal, Destruction of Tag, Sign	1
IFC 304	Improper Storage/Accumulation of Rubbish, Vegetation	2
IFC 304	Storage, Use, Handling of Miscellaneous Combustible Material	2
IFC 308	Improper Use of Candles, Open Flame	3
IFC 311	Failure to Properly Maintain Vacant Building, Property	2

IFC 503.4	Obstruction of Fire Access Road	2
IFC 703.1	Failure to Maintain Fire-resistive Construction	2
IFC 703.2	Failure to Maintain Fire Assemblies for Openings	2
IFC 704		
IFC 805	Failure to Flameproof Decorative Material	2
IFC 806		
IFC 901.4	Failure to Install Protection for Kitchen Hoods, Ducts	2
IFC 901.4	Failure to Install Sprinkler System	2
IFC 901.4	Failure to Install Alarm System	1
SMC 17F.080.100		
SMC 17F.080.150		
IFC 901.6	Failure to Maintain Automatic Extinguishing System	2
IFC 901.6	Failure to Maintain Kitchen Rangehood Extinguishing System	2
IFC 901.6	Failure to Maintain Sprinkler System	2
IFC 901.6	Failure to Maintain Standpipe System	2
IFC 903.4	Failure to Provide Approved Electronic Monitoring for Sprinkler	2
IFC 907.15	and Fire Alarm Systems	
IFC 904.11.6.3	Failure to Clean Kitchen Hoods, Ducts	2
IFC 905.3	Failure to Install Standpipe System	2
<b>IFC</b>		
IFC 1003.6	Obstruction of Exit	1
IFC 1011	Failure to Provide Exit Signs	1
IFC 2703.3	Release of Hazardous Material	1
IFC 3404.2.13.1.3	Failure to Remove Abandoned Underground Storage Tank	1
<b>Spokane Municipal Code</b>		
SMC 10.08.040	Fire Hazard from Vegetation and Debris	1
SMC 10.20.020	Abatement of Nuisance	1
SMC 12.01.0804	Failure to Maintain Pedestrian Strip	2
SMC 12.02.010	Sidewalk Not Clear of Snow, Ice	3
SMC 12.02.0210	Vegetation Nuisance Obstruction	1
SMC 12.02.0737	Obstruction of Public Right-of-Way	1
SMC 12.02.0760	Disposal of Leaves and Yard Debris	2
SMC 13.05.010	Tree, etc., Interfering With City Sewer	2
SMC 13.05.020	Poplar, Cottonwood Tree Near Utility Line	2
SMC 17C.110.100	Use Not Permitted in Residential Zone	2
SMC 17C.110.110	Limited Use Standards (Residential)	2
SMC 17C.110.120	Accessory Uses – Residential	2
SMC 17C.110.200 –	Violation of Development Standards – Residential	2
SMC 17C.110.220		
SMC 17C.110.225	Accessory Structures – Residential	2
SMC 17C.110.230	Residential Fence	2
SMC 17C.110.270	Exterior Storage	2
SMC 17C.110.300 –	Alternative Residential Development	1
SMC 17C.110.350		
SMC 17C.110.400 –	Multi-family Design Standards	1
SMC 17C.110.465		

SMC 17C.110.500 – SMC 17C.110.575	Institutional Design Standards	1
SMC 17C.120.100	Use Not Permitted in Commercial Zone	1
SMC 17C.120.110	Limited Use Standards – Commercial	1
SMC 17C.120.210 – SMC 17C.120.300	Development Standards - Commercial	1
SMC 17C.120.310	Commercial Fence	1
SMC 17C.120.500 – SMC 17C.120.580	Commercial Design Standards	1
SMC 17C.122.070	Use Not Permitted in Center and Corridor Zone	1
SMC 17C.122.080 – SMC 17C.122.150	Development Standards – Center and Corridor Zone	1
SMC 17C.124.100	Use Not Permitted in Downtown Zone	1
SMC 17C.124.110	Limited Use Standards – Downtown	1
SMC 17C.124.210 – SMC 17C.124.300	Development Standards - Downtown	1
SMC 17C.124.310	Fences – Downtown Zone	1
SMC 17C.124.340	Parking and Loading - Downtown	1
SMC 17C.124.500 – SMC 17C.124-590	Design Standards – Downtown	1
SMC 17C.130.100 – SMC 17C.130.110	Use Not Permitted in Industrial Zone	1
SMC 17C.130.210 – SMC 17C.130.250	Violation of Development Standards	1
SMC 17C.130.270	Outdoor Activities Not Permitted	1
SMC 17C.130.300	Detached Accessory Structures	1
SMC 17C.130.310	Industrial Fence	1
SMC 17C.160.020 – SMC 17C.160.030	North River Overlay District	1
SMC 17C.170.110	Special Height Overlay Zone	1
SMC 17C.180.050 – SMC 17C.180.100	Airfield Overlay Zone	1
SMC 17C.200.040 – SMC 17C.200.110	Landscaping and Screening Requirements	1
SMC 17C.210.040 – SMC 17C.210.070	Non-conforming Rights	1
SMC 17C.220.080 – SMC 17C.220.090	Off-Site Impacts	1
SMC 17C.230.140 – SMC 17C.230.300	Development Standards – Parking and Loading	2
SMC 17C.230.310	Design Standards - Parking Structures	1
SMC 17C.240.070 – SMC 17C.240.270	Sign in Violation of the Sign Code	1
SMC 17C.300.100	Accessory Dwelling Units General Regulations	2
SMC 17C.300.110	Accessory Dwelling Units Criteria	2

SMC 17C.300.130	ADU Development Standards	1
SMC 17C.305.020	Adult Business Use Standards	1
SMC 17C.310.100 – SMC 17C.310.160	Animal Keeping – Permitted/Prohibited Practices	2
SMC 17C.315.120	Bed and Breakfast Use-related Regulations	2
SMC 17C.315.130	Bed and Breakfast Site-related Standards	2
SMC 17C.315.150	Bed and Breakfast Monitoring	2
SMC 17C.315.160	Pre-established Bed and Breakfast Facilities	2
<b>SMC 17C.316</b>	<b>Short-Term Rentals</b>	<b>2</b>
SMC 17C.319.100	Commercial Use of Residential Streets	2
SMC 17C.319.200	Recreational Camping	2
SMC 17C.320.080	Conditional Uses	1
SMC 17C.325.030 – SMC 17C.325.060	Drive-through Facilities	1
SMC 17C.330.120	Group Living Development Standards	1
SMC 17C.335.110	Historical Structures – Change Of Use Development Standards	1
SMC 17C.340.100 – SMC 17C.340.110	Home Occupations	2
SMC 17C.345.100 – SMC 17C.345.120	Manufactured Homes and Mobile Home Parks	1
SMC 17C.350.030	Development Standards – Mini Storage Facilities	1
SMC 17C.350.040	Design Considerations – Mini Storage Facilities	1
SMC 17C.355.030 – SMC 17C.355.040	Wireless Communication Facilities	1
SMC 17C.390.030.B	Mobile Food Vending Located Entirely on Private Property	1
Chapter 17D.060 SMC	Stormwater Facility Standards	1
SMC 17E.010.080	Aquifer Pollution Nuisance Declared by Critical Review Officer	2
SMC 17E.010.160(B) SMC 17E.010.350(F) SMC 17E.010.540(F)	Failure to Comply With Order, Decision of Critical Review Officer	1
SMC 17E.010.160(C)	Failure to Abide by Terms, Conditions of Permit, License, Approval	1
SMC 17E.010.210(A)	Maintain Underground Storage Tank Without Permit	2
SMC 17E.010.230 SMC 17E.010.440	Use of Underground/Aboveground Storage Tank Without Permit	1
SMC 17E.010.350(A) SMC 17E.010.350(E) SMC 17E.010.540(A) SMC 17E.010.540(E)	Supply False, Inaccurate, Incomplete Information Concerning an UST or AST	2
SMC 17E.010.350(B) SMC 17E.010.540(B)	Approval Permit Violation	2
SMC 17E.010.350(C) SMC 17E.010.540(C)	Fill Unpermitted Underground/Aboveground Storage Tank	2

SMC 17E.010.350(D) SMC 17E.010.540(D)	Tamper with, Fail to Maintain Inventory, Other Records	2
Chapter 17E.020 SMC	Prohibited Activities in Fish and Wildlife Areas and Buffers	1
Chapter 17E.040 SMC	Prohibited Activities in Geological Hazard Areas and Buffers	1
SMC 17E.060.120	Use, Alter Land, Erect, Alter, Occupy Structure Within Shoreline Without Compliance With Shoreline Management Regulations	1
Chapter 17E.070 SMC	Prohibited Activities in Wetlands and Buffers	1
SMC 17F.070.380	Failure to Discharge Responsibilities of Owner	2
SMC 17F.070.390	Failure to Discharge Responsibilities of Occupant	2
SMC 17F.080.250	Failure to Maintain Fire Alarm System	1
SMC 17F.080.260(B)	Failure to Provide Fire Protection System Verification Fees	2
SMC 17F.080.280	Failure to Secure Fire-damaged Building	2
SMC 17F.080.390	Failure to Provide Semi-annual Inspection of Private Hydrant	2
SMC 17F.080.420	Failure to Maintain Private Hydrant	2
SMC 17F.080.440	Lack of Basement Sprinkler System in Existing Building	2
SMC 17G.010.100 (C)(2)	Testing Underground Storage Tank Without Spokane Fire Department Registration	1

46518/15  
**Section 3. Review.** City Council requests information from staff on the implementation of this ordinance one year after the effective date.

PASSED BY THE CITY COUNCIL ON May 4, 2015

Bm Stuch  
 Council President

Attest:

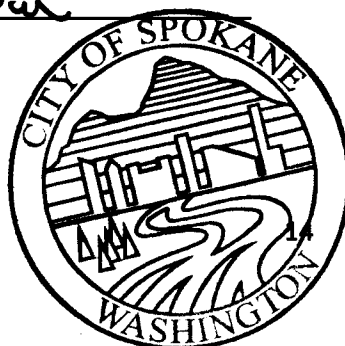
Approved as to form:

Leri Hester  
 City Clerk

James  
 Assistant City Attorney

Dan A. Owen  
 Mayor

May 18, 2015  
 Date



June 17, 2015  
 Effective Date

As Amended

(WAC 197-11-970)

**SPOKANE ENVIRONMENTAL ORDINANCE  
NONPROJECT DETERMINATION OF NONSIGNIFICANCE**

**Proposed Amendments to the Spokane Municipal Code, Short Term Rental Project**

**PROPONENT:** *City of Spokane, Neighborhood Services and Code Enforcement*

**DESCRIPTION OF PROPOSAL:** *The short term rental ordinance proposes the allowance of short term rental use in residential zones. A short term rental is considered the use of a single family home, room(s) in a home, multifamily unit, attached or detached dwelling unit, duplex or other legal dwelling unit for rental for duration of less than 30 days. The amendments apply to the Unified Development Code in the Spokane Municipal Code Section 17C.110T.002 Table 17C.110-2 Residential Zone Housing Types, Section 17C.190.110 Residential Household Living, 17C.315 and the addition of Section 17C.316.*

**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** *The affected geographic area is residential zones including, zones RA, RSF, RSF-C, RTF, RMF, and RHD within the boundaries of the City of Spokane. A map of the City of Spokane and residential zones can be viewed at <http://maps.spokanecity.org/>.*

**LEAD AGENCY:** *City of Spokane, Neighborhood Services and Code Enforcement*

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- ☐ There is no comment period for this DNS.
- ☐ This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.
- ☒ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments must be submitted no later than 5:00PM January 30, 2015, if they are intended to alter the DNS.

\*\*\*\*\*  
**Responsible Official:** Heather Trautman

**Position/Title:** Director of Neighborhood Services and Code Enforcement

**Phone:** (509) 625-6083

**Address:** 808 West Spokane Falls Boulevard, Spokane, WA 99201-3329

**Date Issued:** January 15, 2015

**Signature:** 

\*\*\*\*\*  
**APPEAL OF THIS DETERMINATION**, after it becomes final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane, WA 99201. The appeal deadline is fourteen (14) calendar days after the signing of the DNS. This appeal must be on forms provided by the Responsible Official, make specific factual objections and be accompanied by the appeal fee. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.  
\*\*\*\*\*



## **Spokane City Plan Commission**

### **Findings of Fact, Conclusions, and Recommendations**

**Proposed Amendment to Spokane Municipal Code Section SMC 1.05.160 17C.110, 17C.190, 17C.315, Section 10 and the addition of 17C.316. The proposal adds language to the code allowing the use of short term rentals in residential zones.**

**A recommendation from the City Plan Commission to the City of Spokane to approve an amendment to the Spokane Municipal Code Title 17C Land Use Standards.**

#### **Findings of Fact:**

- A. The proposal provides the requirements and standards under which residential dwelling units may be used for short-term rental use in residential zones.
- B. It has been observed that short term rentals occur in residential zones and it is evident that the emergence of the "shared-economy" and short term rental use is likely to continue to increase.
- C. The proposed regulations are intended to allow for a more efficient use of certain types of residential structures in a manner which keeps them primarily in residential use, and without detracting from neighborhood character. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.
- D. The current Spokane Municipal Code classifies short term rental use as a Retail Sales and Service in SMC 17C.190.270(C)(1)).
- E. The current Spokane Municipal Code Chapter 17C.110 and Residential Zones TABLE 17C.110-1 Residential Zones Primary Uses does not permit the use of retail sales and services in residential zones.
- F. The City of Spokane Comprehensive Plan contains sixteen goals the proposed legislation seeks to address in the chapters of Land Use, Housing, Economic Development, Urban Design and Historic Preservation, Natural Environment, Social Health, and Neighborhoods: LU 1.1 Neighborhoods Utilize the neighborhood concept as a unit of design for planning housing, transportation, services, and amenities. 2.1 Distribution of Housing Options Policies 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. H 2.3 Accessory Dwelling Units Allow one accessory dwelling unit as an ancillary use to singlefamily owner-occupied homes in all designated residential areas as an affordable housing option. H 3.2 Property Responsibility and Maintenance Assist in and promote improved and increased public and private property maintenance and property responsibility throughout the city. ED 3.1 Economic Growth Policies Stimulate economic growth by supporting the formation, retention, expansion, and recruitment of businesses. ED 3.5 Locally-Owned Businesses Support opportunities to expand and increase the number of locally-owned businesses in Spokane. ED 3.6 Small Businesses Recognize the significant contributions of small businesses to the City of Spokane's economy and seek to enhance small business opportunities. ED 3.7 Home Businesses Encourage opportunities for teleworking and home businesses that are compatible with residential neighborhoods. ED 3.8 Technology-Based Industries Encourage the development of advanced and emerging technology based industries. ED 7.2 Revenue Sources Ensure that tax revenue sources are stable, allocate costs equitably within the

community, do not penalize certain types of businesses, attract and retain businesses, and maintain the City of Spokane's high quality of life. **ED 7.3** State Tax Changes Lobby the state legislature for changes in state tax laws to allow more options or mechanisms to be available as incentives to business investment. **ED 8.3** Recreation and Tourism Promotion Promote the region's outdoor amenities as recreational and tourism business opportunities. **NE 10.3** Economic Activity Incentives Identify and provide incentives for economic activities that combine the goals and principles of economy, ecology, and social equity. **SH 2.2** Special Needs Temporary Housing Disperse special needs temporary housing evenly throughout all neighborhoods. **SH 4.1** Socioeconomic Mix Policies Ensure that all neighborhoods contain a mixture of housing types in order to provide an environment that allows for socioeconomic diversity. **N 6.2** Code Enforcement Enforce the city codes for public nuisances impacting neighborhood properties.

- G. The Community Assembly was briefed on this proposal on November 7, 2014, December 5, 2014, January 9 2015, and February 6, 2015.
- H. Notice of the proposed amendment to section Spokane Municipal Code Section 17C.110, 17C.190, 17C.315 and the addition of 17C.316 and announcement of the Plan Commission's February 11, 2015 Plan Commission Hearing was published in the Spokesman review on January 28, 2015 and February 4, 2015.
- I. A State Environmental Policy Act (SEPA) and Determination of Non-Significance was released on January 15, 2015 for the proposed short term rental ordinance. The public comment period for the SEPA determination ended on January 30, 2015.
- J. On December 11, 2014, the Washington State Department of Commerce was given the required 60-day notice of before adoption of proposed changes to the Spokane Municipal Code. An acknowledgement letter was received by the City on December 11, 2014.
- K. The City Plan Commission held a public Hearing on February 11, 2015 to obtain public comments on the proposed amendments; deliberations followed.

**Conclusions:**

**Conclusions:**

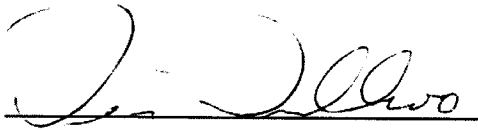
- A. The Plan Commission has reviewed all public testimony received during the public hearings and has made changes to the draft documents during deliberations to address the testimony as considered appropriate.
- B. The Plan Commission has found that the proposed amendments meet the approval criteria for text amendments to the Unified Development Code:

**SMC 17G.025.010 (F) Approval Criteria:**

- 1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
  - 2. The proposed amendment bears a substantial relation to economic benefit, public health, safety, welfare, and protection of the environment.
- C. The proposed amendments have been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's 2001 Comprehensive Plan.

**Recommendations:**

By a vote of \_\_ to 0, the Plan Commission recommends to the City Council the approval of the proposed amendment to the Unified Development Code, with changes as deliberated.

A handwritten signature in black ink, appearing to read "Dennis Dellwo", is written over a horizontal line.

Dennis Dellwo, President

Spokane Plan Commission

February 25 2015