



SPOKANE COUNTY

BUILDING AND PLANNING

JAMES L. MANSON, DIRECTOR

November 26, 2007

Stacy A. Bjordahl
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RE: NOTICE OF ADMINISTRATIVE INTERPRETATION

SUBJECT: File Number AI-01-7; request for Administrative Interpretation pursuant to Section 14.504.200(1) of the Spokane County Zoning Code to address the meaning, intent, and general application of certain provisions contained within the Low Density Residential (LDR) zone.

ISSUE: The request for Administrative Interpretation outlines the following three (3) issues to be addressed:

#1. Is row housing permitted in the Low Density Residential (LDR) zone, and if permitted are there a maximum number of row houses that can be combined?

RESPONSE : Section 14.606.300(4) of the Urban Residential Zones chapter of the Spokane County Zoning Code states "Zero-foot setbacks for side lot lines may be allowed for row housing or duplex divisions in which single family dwellings share a common wall...". The Zoning Code does not define row housing and the Residential Lands Matrix (14.606.220) does not address row housing as either a permitted or non-permitted use in the listed residential zones. The Residential Lands Matrix lists a duplex as a permitted use in the Low Density Residential (LDR) zone and also states that multi-family dwellings are not permitted. The Zoning Code defines a duplex as a 'two-family dwelling' and a multi-family dwelling as a 'building designed for occupancy by 3 or more families living independently of each other..". Chapter 14.300, Definitions, of the Zoning Code states "Words not defined herein shall be construed as defined in Webster's *New Collegiate Dictionary*." Webster's *New Collegiate Dictionary* defines a row house as "One of a series of identical houses situated side by side and joined by common walls." In addition, the International Residential Code (IRC), 2006, recognizes a Townhouse as "A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides. The IRC requires that permits for Townhouses be reviewed as multi-family development.

Based upon the above referenced definitions, row housing that includes more than two attached single family dwelling units sharing a common wall is consistent with the definition of a multi-family dwelling. The Residential Lands Matrix specifically identifies a 'Dwelling, multi-family' as a use that is not permitted in the Low Density Residential (LDR) zone. Although Section 14.606.300(4) of the Zoning Code states that row housing may be permitted in the Urban Residential Zones, the Residential Lands Matrix clearly prohibits it within the Low Density Residential (LDR) zone.

Therefore, in response to the first question, row housing which would consist of more than two single family units sharing a common wall is not permitted in the Low Density Residential (LDR) zone.

#2. Is a vertical duplex, with one unit stacked on top of the other and sharing a common ceiling, permitted in the Low Density Residential (LDR) zone?

RESPONSE: Chapter 14.300 of the Zoning Code defines dwelling, two-family (duplex) as “A single structure containing 2 dwelling units designed exclusively for occupancy by 2 families living independently of each other, and neither unit is considered an accessory dwelling unit. To be classified as a duplex, the dwelling units must be connected by a common wall or by a covered carport/breezeway which does not exceed a distance of 20 feet between the two dwelling units.” In addition, Webster’s New Collegiate Dictionary defines a wall as “One of the sides of a room or building connecting floor and ceiling or foundation and roof”. Although the request for Administrative Interpretation includes a number of examples of these types of duplexes being allowed in other jurisdictions, the Zoning Code specifically defines a duplex as two units connected by a common wall. Based upon the limitations of this definition, a vertically stacked duplex is not permitted.

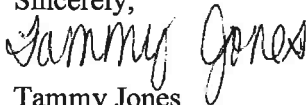
The Department of Building and Planning would suggest that the appropriate action for expanding the types of duplexes allowed is a Zoning Code Amendment to modify the definition of a duplex.

#3. Assuming vertical duplexes are permitted, can row housing consist of a mix of single family residences and vertical duplexes?

As summarized above for questions #1 and #2, row houses are not a permitted use in the Low Density Residential (LDR) zone, and vertical duplexes are not permitted by the definition of a duplex contained within the Zoning Code.

APPEAL RIGHTS: This is an Administrative Interpretation pursuant to Chapter 14.504 of the Spokane County Zoning Code and may be appealed under the provisions of Section 14.502.060. Any person aggrieved by an administrative interpretation of the Zoning Code by the Department may make written request for a public hearing before the Hearing Examiner to contest such decision. Such request shall contain reference to the specific decision or interpretation contested and shall be submitted to the Department of Building and Planning office not later than fourteen (14) calendar days from the date of the written decision. The appropriate appeal application and fee information can be obtained from the Department of Building and Planning. Upon receipt of a complete application and appeal fee, a public hearing will be scheduled.

Sincerely,



Tammy Jones
Senior Planner

C: James Manson, Director, Department of Building and Planning

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October 11, 2007

John Pederson, Assistant Director
Spokane County Division of Building and Planning
1026 W. Broadway Ave.
Spokane, WA 99260

RE: *Request for Administrative Interpretation
Spokane County Zoning Code Chapter 14.504*

Dear John:

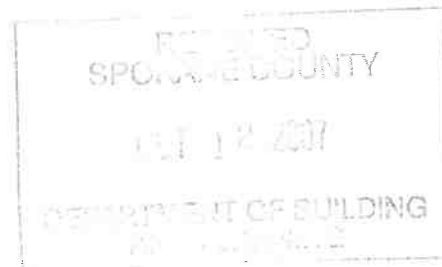
This letter is a request for an administrative interpretation pursuant to Section 14.504.200 of the Spokane County Zoning Code. Specifically, we request an interpretation as to the meaning and general application of certain provisions contained within the Low Density Residential Zone.

Issue No. 1

Is row housing permitted in the Low Density Residential zone? Under the Zero Lot-Line Development section (14.606.300(4)), it states that "row housing" is permitted; however, row housing is not listed in the residential use matrix nor is it defined in the Zoning Code. It is our interpretation that row housing would be permitted pursuant to the zero lot-line standards.

To illustrate this issue, I have enclosed a site plan depicting "row" houses," all of which share a common wall with another unit. Based upon the zero-lot line standards, it appears this type of development is allowed. Assuming row housing is permitted, is there a minimum or maximum number of row houses that can be combined?

Row house development is consistent with the Comprehensive Plan, including Goal 7.4, which expressly contemplates housing located in close proximity with other housing in stating that development should "[a]llow zero lot line housing and detached single-family housing on small lots with minimal setbacks and yards, where appropriate." Additionally, Goal 7.5 promotes a standard that the Department should "provide for bonus densities, zero lot line housing, auxiliary structures, accessory dwellings or similar methods to promote infill development, where appropriate." Finally, row housing is also consistent with the Growth Management Act (GMA), which expressly encourages development "in



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urban areas where adequate facilities and services exist or can be provided in an efficient manner," and the reduction of sprawl and "the inappropriate conversion of undeveloped land into sprawling, low-density development." RCW 36.70A.020(1) and (2).

Issue No. 2

Is a vertical duplex permitted in the Low Density Residential zone? A duplex is generally defined in the Spokane County Zoning Code as a single structure containing two dwelling units which share a common wall or are connected by a carport or breezeway.

We request an administrative interpretation to determine whether a duplex can be attached vertically, instead of horizontally as implied by the Code. To illustrate this question, please refer to the enclosed plan, which depicts a vertical duplex, meaning unit A is the "bottom" unit and unit "B" is the top unit. Rather than sharing a common wall, the units share a common floor/ceiling.

It would appear the relevant question is whether there are two units contained in a single structure and whether the units are stacked versus connected horizontally is irrelevant. I note that other municipalities authorize the vertical stacking of duplexes and do not require that the common portion be a "wall." For example, the cities of Spokane and Portland define a duplex as "a building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling." SMC 17A.020.040; Portland City Code 33.910.030. The City of Bellevue defines a "Dwelling, Duplex" as a "building containing two kitchens and designed to be occupied by two families living independently of each other, but not including single-family dwellings with an approved accessory dwelling unit." Bellevue Code § 20.50.016.

The County's definition of duplex appears to only contemplate the traditional understanding of a duplex: a side by side unit sharing a common wall. As discussed above, other jurisdictions like the cities of Spokane and Bellevue provide more flexibility for a "duplex." This appears reasonable given that the density of a horizontal duplex is no different than the density of a vertically stacked duplex unit: 2 units in a single structure.

Finally, I note that the Spokane County Zoning Code allows a physical separation of the structures by a breezeway or carport. A vertical duplex certainly "fits" the traditional duplex design more than separated structures connected by a breezeway.

Issue No. 3

Assuming vertical duplexes are permitted, can row housing consist of a mix of single family residences and vertical duplexes? As noted above, the Zoning Code does not define row housing. It is clear that both duplexes and single family residences are

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allowed in the LDR zone; however, can both be located in a row housing development?
To illustrate this question, please refer to the enclosed site plan.

It would appear a row housing development consisting of duplexes and single family homes would implement the policies of both the Comprehensive Plan and the GMA by reducing sprawl; implementing compact urban development; and a variety of housing types.

If you have any questions or require any additional information, please don't hesitate to contact me. Thank you for your courtesies.

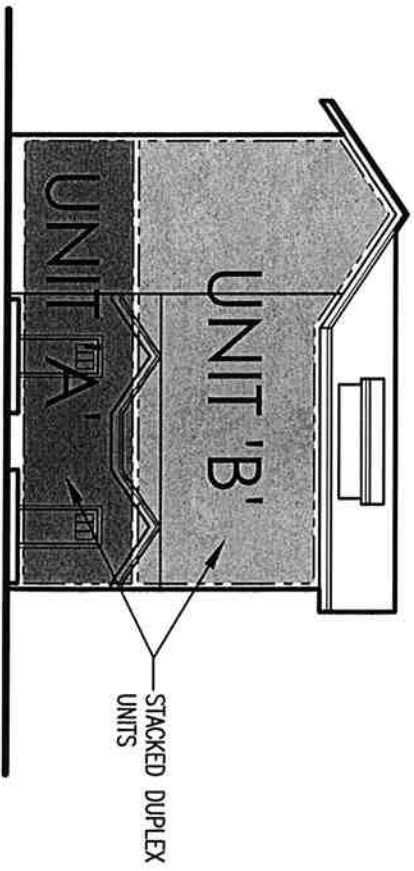
Sincerely yours,

WITHERSPOON, KELLEY, DAVENPORT
& TOOLE, P.S.

By


Stacy A. Bjordahl

SAB/ab



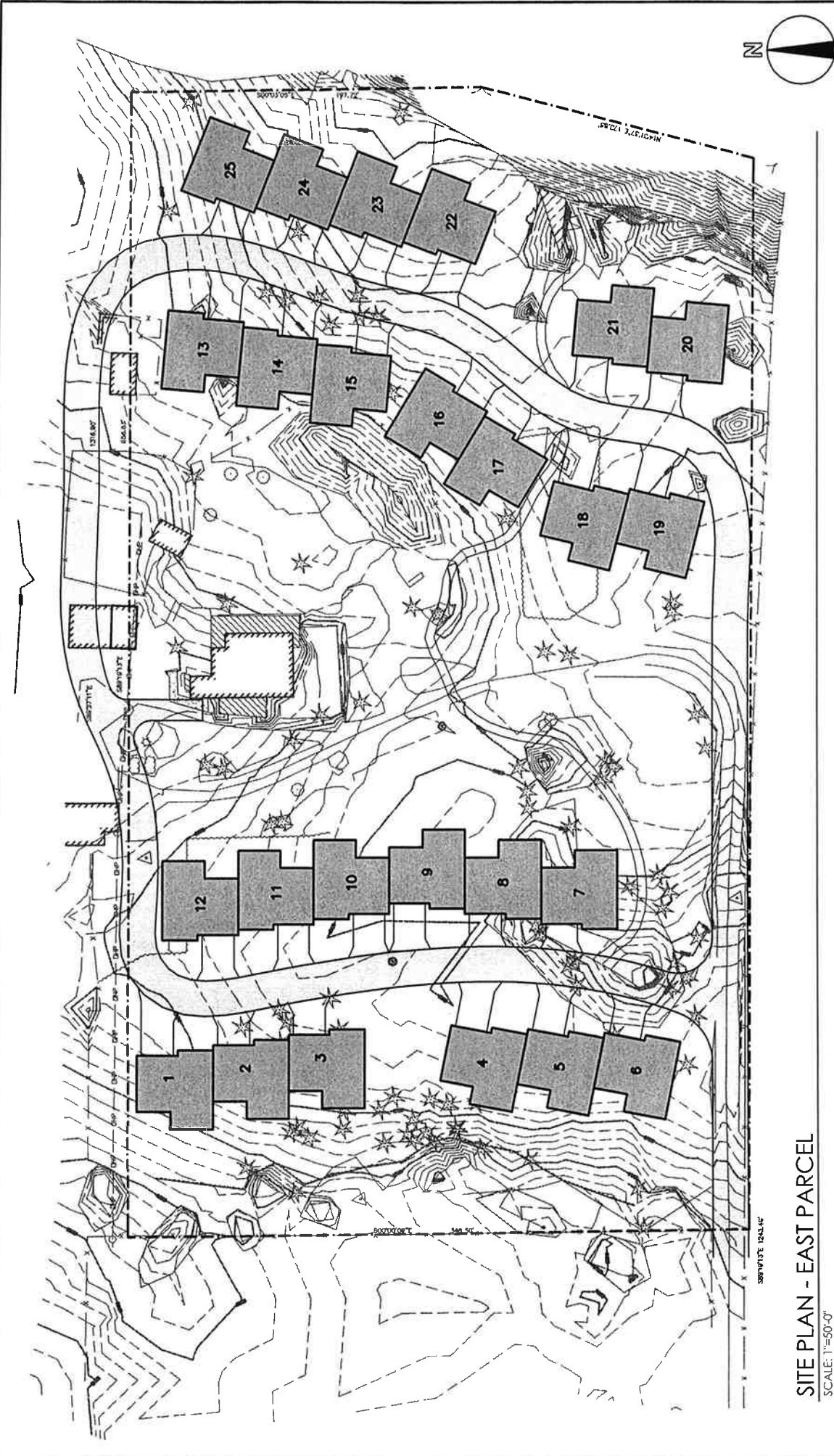
PROTOTYPE ELEVATION
SCALE: 1/16"=1'-0"

GARDEN TOWNHOMES

LIGHT & NATURE, LLC
OCTOBER 8, 2007

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ISSUE #7



SITE PLAN - EAST PARCEL

SCALE: 1"=50'-0"

GARDEN TOWNHOMES

LIGHT & NATURE, LLC
OCTOBER 3, 2007

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