



Spokane County Building & Planning

Zoning Text Amendment

Staff Report for ZTA-02-2024

August 14, 2024

Proposal

The proposal is a text amendment to the Spokane County Zoning Code, specifically Chapter 14.506 – Administrative Permits. The proposal amends the section of the Spokane County Zoning Code that regulates temporary uses. A full text of the proposed amendment is attached to this document as “Attachment A.” The Spokane County Board of County Commissioners initiated the Zoning Text Amendment process in writing on March 12, 2024. The Spokane County Planning Commission held a workshop on the proposed amendment on March 28, 2024, and is scheduled to conduct a public hearing on the proposal at the Planning Commission’s August 29, 2024, public meeting.

Background

On August 18, 2023, Spokane County experienced a hot and dry day with high winds. Two wildfires started that day, the Gray Fire on the west plains, and the Oregon Road fire near the community of Elk in north Spokane County. Each fire was large enough to be the largest wildfire in Spokane County history, and they started on the same day. Hundreds of families were displaced by each fire, as structures and homes were destroyed. As the building effort moved forward, not all persons affected by the fire were able to rebuild quickly and would rely on temporary housing options until they could finish the work to occupy their permanent housing.

As Spokane County became aware of the various issues prohibiting Spokane County citizens from quickly being able to rebuild their residences burned in the fire, the County sought options for temporary housing allowances as rebuilding occurred. On March 12, 2024, the Spokane County Board of Commissioners sent a letter to the Spokane Region Long Term Recovery Group, serving as the Board’s intent to amend the Spokane County Zoning Code to allow for temporary housing option opportunities.

Spokane County Zoning Code Section 14.506.200, which regulates temporary land uses in Spokane County, currently allows property owners to submit an application for a temporary use when the proposed use does not conform to or is not described within the Spokane

County Zoning Code or in the zone in which the project is located. This code section allows for temporary uses that would not otherwise be allowed in the code to operate, a use that is temporary in nature and does not require the erection of a substantial structure. The Temporary Use Permit may be permitted for a period of no more than 6 months, with a one-time time extension for up to six months, upon written request and demonstration that the temporary use is still needed.

To allow for more housing options for citizens affected by the Oregon Road and Gray Fires, the county is proposing to allow the Temporary Use Permit Time Extensions to be expanded to a 12-month extension, with an annual (12 month) extension. The extensions would need to be made in writing and would be required to show the demonstrated need for temporary housing. Please see Attachment “A” for the proposed Zoning Text Amendment.

Initiation of Zone Text Amendment

The Spokane County Board of County Commissioners formally directed staff to initiate the proposed zoning text amendment on March 12, 2024. Staff developed a draft amendment to the zoning code and published the proposed amendment to Spokane County Zoning Code Section 14.506 on the Spokane County Building and Planning Web Page on March 21, 2024. A legal notice was issued on March 27, 2024, to advertise for the Spokane County Planning Commission Public Hearing on the proposal to initiate ZTA-02-2024 on April 11, 2024. At the April 11, 2024, Planning Commission Hearing, the Planning Commission voted unanimously to recommend to the Board of County Commissioners the initiation of ZTA-02-2024. On April 30, 2024, the Board of County Commissioners was briefed by staff on the proposed amendment ZTA-02-2024. On May 14, 2024, during a public meeting, the Board of County Commissioners voted to initiate ZTA-02-2024. It is the intent of planning staff to present the proposed text amendment to the Planning Commission at a formal hearing on August 29, 2024.

Environmental Review

A nonproject environmental checklist was prepared and reviewed by Spokane County Building and Planning Staff and circulated for review to agencies as part of the initiation process. A Determination of Nonsignificance (DNS) was issued on March 27, 2024, with a comment and appeal period ending on April 18, 2024. One agency provided a comment, see public/agency comments below.

Staff circulated the nonproject environmental checklist for a second review concurrent with consideration of the substantive changes to the agencies on July 16th, 2024, with a comment deadline of July 30th, 2024. Staff received no additional comments regarding the agency review of the SEPA checklist. A SEPA Determination of Nonsignificance was issued on August 14th, 2024, with a comment deadline of August 28, 2024, and an appeal deadline of September 4, 2024.

Initiation Public / Agency Comments

Melissa Alofaituli, Washington State Department of Commerce; Comment dated March 28th, 2024

Ms. Alofaituli stated that the Department of Commerce has not identified Growth Management concerns. However, Ms. Alofaituli did recommend adding the language “12-month” to clarify the duration of the temporary use time-extension.

Staff Note: *Staff concurs that adding the language would clarify the intent of the proposed amendment. Staff concludes adding the “12-month” language would clarify the intent of the ordinance, and as a result, these recommended changes were incorporated. A copy of the proposed amendment with the added “12-month” language is attached as “Attachment A” and was published for public inspection on August 7th 2024.*

Lori Hanson, public comment made at the March 28, 2024 - Planning Commission workshop:

Ms. Hanson is a Spokane County resident near the community of Elk and was in support of the proposal. She stated that many of the families she knew that were affected by the Oregon Road fire were not able to afford to rebuild right away, and that many families were relying on temporary housing options until a permanent housing solution could be completed.

Existing Spokane County Zoning Code Language

14.506.200 Temporary Uses

1. Any owner of any property may submit an application for the temporary use of a structure or premises for a purpose or use that does not conform to the regulations prescribed elsewhere in this Code for the zone classification in which it is located, provided that such use is of a temporary nature and does not involve the erection of a substantial structure. A nonrenewable zoning certificate for such use may be granted by the Division in the form of a temporary and revocable permit, for not more than a 6-month period, subject to such conditions as will safeguard public health, safety, and general welfare. Said permit may be extended for an additional period of no longer than 6 months upon written request and demonstration to the Division that said extension is still necessary.

The proposed amendment is attached as: Attachment A.

Staff Analysis

Individually, the Oregon Road and Gray Fires were each large enough to be the largest wildfire in Spokane County history, and they ignited on the same day. The fires were devastating to the rural citizens of Spokane County. As often occurs in life, the rebuilding process has been difficult, complex, and slow for many families affected by the fire, and many people are left with temporary housing options in times of need. Spokane County planning staff believes the ordinance would give citizens affected by the fires some allowances for temporary housing solutions at the discretion of the Planning Director, taking into consideration the circumstances of each individual that may request a temporary use under this code provision.

There are no elements within the Comprehensive Plan that would conflict with this Zoning Text Amendment proposal. Please see the analysis of the Spokane County Zoning Code below.

Section 14.402.040

The county may amend the Zoning Code when, at a minimum, **one** of the following standards apply.

1. The amendment is consistent with or implements the Comprehensive Plan and is not detrimental to public welfare.

The Spokane County Planning Commission, as well as the Board of County Commissioners, are charged with the evaluation of the proposed amendment and whether the proposal is consistent with the Spokane County Comprehensive Plan Goals and Policies. After reviewing the comprehensive plan, there is no direct reference to disaster relief or temporary uses in regard to housing. However, it is in the public's interest to allow temporary housing options for Spokane County citizens affected by natural disasters.

2. A change in economic, technological, or land use conditions has occurred to warrant modification of the Zoning Code.

Land use conditions were severely affected by the Gray and Oregon Road fires.

3. An amendment is necessary to correct an error in the Zoning Code.

This section is not applicable to this proposed ordinance amendment.

4. An amendment is necessary to clarify the meaning or intent of the Zoning Code.

This section is not applicable to this proposed ordinance amendment.

5. An amendment is necessary to provide for a use(s) that was not previously addressed by the Zoning Code.

The existing language in Chapter 14.506 – that administrative permits allow for temporary uses to be issued, and time extensions to be allowed for those temporary uses. However, the code limits temporary use time-extension to a six-month period and cannot be renewed. The proposal would allow for annual time extensions when the landowner or applicant can show a demonstrated need.

6. An amendment is deemed necessary by the Commission and/or Board as being in the public interest.

It is in the public interest to allow for temporary housing options for Spokane County citizens affected by the Gray and Oregon Road fires. Currently, the Spokane County Zoning Code only allows for a six-month temporary use permit, and a one-time six-month time extension. Many people affected by the Oregon Road and Gray Fires are not able to reconstruct permanent housing within this timeline.

Section 14.402.040 Applicability

Staff finds that subsections 1,2,5 and 6 of Section 14.402.040 of the Spokane County Code are met by the proposed text amendment. The proposed text amendment meets subsection 1 by supporting the welfare of the public and has no negative effect upon the implementation of the comprehensive plan. Subsection 2 is applicable because of the need of addressing the land use changes caused by the Gray and Oregon wildfires. Subsection 5 is applicable due to no previous language being present in our current code that would be useful in addressing the intent of this amendment. Subsection 6 is applicable because it is in the public's interest to allow those effected by the fire ample time to reconstruct their homes.

Conclusion

Within the context of natural disaster relief, the comprehensive plan does not directly address the relationship with temporary housing. However, it is undeniable that there are families and citizens of Spokane County who are struggling to regain their permanent housing and relying on temporary housing options for housing. Lastly, any changes to the Spokane County Zoning Code shall be made in accordance with Section 14.402.040; please see the above section for staff's analysis. Further, the amendment is not inconsistent with the Comprehensive Plan, Zoning Code, the Growth Management Act; and is in the best interest of public health, safety, and welfare.