



Staff Report

Duplex Code Amendments

To: Leavenworth Planning Commission
From: Development Services Department
Date of Report: October 26, 2021 for the November 3, 2021 Hearing
Subject: Duplex Code Amendments

OVERVIEW

The Planning Commission is recommending that duplexes be permitted on any residential lot meeting the minimum lot size requirements of the zoning district. Currently the zoning code requires duplexes on lot at least 12,000 square feet in all residential zoning districts, supplementary regulations, conditional use regulations and updating the definition.

Permitting duplex dwelling units on existing lots will provide more flexibility for land owners to consider how to develop housing within the city.

SUMMARY OF DATES

60-day Agency review:	October 15, 2021, ID# 2021-S-3279
SEPA Determination	Exempt per WAC 197-11-800(19)
Notice of Planning Commission Hearing:	Published in the Echo: October 20, 2021
Planning Commission Public Hearing:	November 3, 2021
City Council Public Hearing:	Tentatively Scheduled for December 14, 2021

PUBLIC/AGENCY COMMENTS

Public comments were taken and incorporated into the Planning Commission hearing draft, issued October 26, 2021. The public is encouraged to attend the Planning Commission Hearing and provide comment before a recommendation is forwarded to the City Council. The Planning Commission may incorporate comments into the recommendation. Additionally, the City Council will have an opportunity for public comment prior to a decision at the Council Public Hearing.

STAFF REVIEW

The following findings of fact and conclusions of law review the proposed amendments in relationship to the Comprehensive Plan and development regulations.

1. The amendments are necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.

Staff Finding: The 2020 Housing Action Plan recommended that Leavenworth “Amend minimum lot size requirements for duplexes to be consistent with lot size requirements for single-family residences in the same zone.” The benefits of this action were identified as

- Increasing housing supply, including rentals for those with moderate incomes.

- Increasing housing diversity.
- Increasing affordable homeownership either through condominium ownership (if allowed) or where the rental income of one unit makes the purchase of the duplex more feasible.

The City amended the accessory dwelling unit regulations in 2016 to encourage more units. This amendment permitted ADUs to be attached, detached or within an existing single-family dwelling. The result was that a duplex and ADU regulations overlay in function and possibly in design. Because ADUs are now permitted on lots of all sizes but duplexes required 12,000 square feet there is a conflict in the code. Removal of the lot size for duplex will remove this conflict.

Conclusion: The amendments are necessary to provide options to diversify and address Leavenworth’s housing needs.

2. The amendments are consistent with the overall intent of the existing comprehensive plan and the other documents incorporated therein.

Staff Finding: The Comprehensive Plan encourages diversified housing:

Goal 1: Encourage the availability of affordable housing for all economic segments of the population.

Goal 2: Promote diversity of residential densities and housing types, being mindful for racial disparities and accommodating a range of housing needs, including elderly, physically challenged, mentally impaired, special needs segments of the population, low-income, workforce and emergency housing needs by:

- Supporting affordable housing needs for low-income residents.
- Encouraging cluster subdivision, planned developments and other zoning techniques that allow for density bonuses or other mechanisms for higher density and greater utilization of land.
- Supporting moderate density housing types, including accessory dwelling units, duplexes, triplexes and townhomes within all residential zones.

Conclusion: The amendments are consistent with the intent of the comprehensive plan.

3. The amendments are consistent with the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.

Staff Finding: The proposed amendments reflect the recommendation of the 2020 Housing Action Plan. The Comprehensive Plan assumptions have been updated, where appropriate, to be consistent with the Housing Action Plan, including the 2020 Housing Needs Assessment.

Conclusion: The amendments are consistent with the assumptions and factors used to develop the comprehensive plan.

4. The amendments are consistent with the requirements of the Growth Management Act and the county-wide planning policies.

Staff Finding: The Growth Management Act promotes urban development within cities and densified housing options. The County-Wide Planning Policies encourage development of housing within the urban cities.

Conclusion: The amendments are consistent with the requirements of the Growth Management Act and the county-wide planning policies.

5. The amendments are consistent with and do not adversely affect the supply of land for various purposes which are available to accommodate projected growth over a twenty-year period.

Staff Finding: The option for duplex development is anticipated to be consistent with infill development or other new residential development activities.

Conclusion: The amendments will not change or impact the supply of land required to accommodate projected growth.

6. Where applicable, conditions have changed such that assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan have been revised and/or enhanced to reflect said conditions;

Staff Finding: The amendments do not change the Comprehensive Plan assumptions.

Conclusion: Not applicable.

7. Amendments to the comprehensive plan land use designation map(s) are either consistent and/or compatible with, or do not adversely affect, adjacent land uses and surrounding environment;

Staff Finding: The amendments will not change the Comprehensive Plan maps.

Conclusion: Not applicable.

8. The proposed amendments are consistent with and do not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.

Staff Finding: The amendments do not change land uses, public facilities, utilities and infrastructure or directly impact the adopted levels of service.

Conclusion: Not applicable.

9. The proposed amendments do not adversely affect lands designated resource lands of long-term commercial significance or critical areas.

Staff Finding: There are no designated resource lands within the city limits. Review of known critical areas occurs at the time of future land use permit applications.

Conclusion: Not applicable.

STAFF RECOMMENDATION

Staff recommends adoption of the duplex amendments.

ATTACHMENTS

Attachment A: Proposed Duplex Amendments

ATTACHMENT A

LMC Chapter 18.20 Residential Low Density 6,000 District, remove lot size for duplexes.

- LMC 18.20.060, RL6 Lot size requirements

In a RL6 district, the lot size shall be as follows:

- A. The minimum lot area shall be 6,000 square feet ~~for a single family dwelling and 12,000 square feet for a duplex.~~
- B. The minimum lot width at the front building line for new land divisions shall be 60 feet for an interior lot and 70 feet for a corner lot.

LMC Chapter 18.21 Residential Low Density 12,000 District, remove lot size for duplexes.

- LMC 18.21.060, RL12 Lot size requirements

In a RL12 district, the lot size shall be as follows:

- A. The minimum lot area shall be 12,000 square feet ~~for a single family dwelling and duplex.~~
- B. The minimum lot width at the front building line for new land divisions shall be 80 feet for an interior lot and 90 feet for a corner lot.

LMC Chapter 18.23 Residential Low Density 10,000 District, remove lot size for duplexes.

- LMC 18.23.060, RL10 Lot size requirements

In a RL10 district, the lot size shall be as follows:

- A. The minimum lot area shall be 10,000 square feet ~~for a single family dwelling and 12,000 square feet for a duplex.~~
- B. The minimum lot width at the front building line for new land divisions shall be 70 feet for an interior lot and 80 feet for a corner lot.

LMC Chapter 18.36 Supplementary Regulations, remove lot size for duplexes.

- LMC 18.36.045 Duplex Dwellings

Two-family dwelling/duplex shall meet the following minimum requirements:

- ~~1. The minimum lot area shall be 12,000 square feet for a two family dwelling/duplex;~~
- ~~2. There shall be no more than one two family dwelling unit/duplex per building lot;~~
- 3~~1~~. Two-family dwelling unit/duplex shall conform to all other provisions of city code. Conversions of existing structures to a duplex shall be allowed in

conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20 percent into the setback; and,

42. Separate water and sewer utilities shall be required for each unit.

- LMC Chapter 21.90, update definitions for duplex, dwelling/duplex, two-family, dwelling unit and townhouse
 - “Duplex” means a single building containing two dwelling units, totally separated from each other by an unpierced wall.
 - “Dwelling/duplex, two-family” or “two-family dwelling/duplex” means a single building containing two dwelling units, totally separated from each other by an unpierced wall, on a single lot~~detached residential building containing two dwelling units, designed for occupancy on a monthly or longer basis by not more than two families. Each unit shall be designed for and occupied on a monthly or longer basis.~~

LMC Chapter 18.52 Conditional Uses, remove duplexes section.

- LMC Section 18.52.130, remove duplex from conditional use permit chapter
 - ~~18.52.130 Conditional use permit Two family dwelling units (duplexes).~~
 - ~~In granting a conditional use permit for a two family dwelling unit in the residential low density zone, the hearing examiner shall impose the following minimum conditions:~~
 - ~~A. The minimum lot area shall be 12,000 square feet for a duplex.~~