

# Lewis County Planning Commission

## Public Meeting

In-Person & Virtual Meeting via Zoom

**January 24, 2023 - Meeting Notes**

**Planning Commissioners Present:** Lorie Spogen, District 1; Jason Alves, District 1; Gretchen Fritsch, District 3, Corbin Foster, AL; Bob Russell, District 2; Frank Corbin, District 3;

**Planning Commissioners Absent:** Kathy Chastain, District 2;

**Staff Present:** Lee Napier, Community Development Director; Mindy Brooks, Senior Long Range Planner; Megan Sathre, Office Assistant Senior; Barbara Russell, Prosecuting Attorney; Eric Eisenberg, Housing & Infrastructure Specialist

### **Materials Used:**

- Agenda
- Draft Meeting Notes – January 10, 2023
- Lewis County Rural Housing Alternatives Flyer
- Staff Presentation: Planning Commission Training

### **1. Zoom Guidelines**

The clerk dispensed with the Zoom Guidelines.

### **2. Call to Order**

A. Determination of a Quorum

6 Commissioners were present; there was a quorum.

### **3. Approval of Agenda**

The Chair entertained a motion to approve the agenda. Commissioner Corbin made the motion to approve the agenda; second by Commissioner Russell. The motion carried unanimously.

### **4. Approval of Meeting Notes**

The Chair entertained a motion to approve the meeting notes from January 10, 2023. Commissioner Corbin made a motion to approve; second by Commissioner Russell. The motion carried unanimously.

## **5. Public Comment**

There were no members of the public who wished to testify.

## **6. Workshop – Rural Housing Update**

Eric Eisenberg, Housing & Infrastructure Specialist for Lewis County, is staff for the Lewis County Housing Initiative. This is a multi-step plan to increase the availability and affordability of housing countywide at all income levels. Following is information Eric provided to the Planning Commission regarding options on rural housing.

As a caveat, cities are where the vast majority of housing needs to go address the housing crisis. Cities have the infrastructure to serve higher densities. Counties will not fix the housing crisis. However, counties do need to make sure people can live and work in rural areas.

Eric began with some background on the housing situation in Lewis County and the legal requirements surrounding it. In the county, there are well & septic regulations, permitting requirements, critical areas, stormwater code, fire codes, etc. The Growth Management Act's master plan for growth in Washington is that growth should occur in the urban areas in compact urban development. There can be development in the rural areas, but it must be consistent with rural character. Rural character means the development is much more spread out, includes open space, and they do not have the intensity of urban areas that require urban services. Eric read the definition of Rural Character. Eric highlighted that the definition indicates that rural development relies on wells and septic systems as well as open spaces for stormwater runoff. Another limitation is that the population cannot require an uptick in soft services – Fire Districts, School Districts, roads, etc.

The GMA says there should be two distinct types of development – compact urban development and rural development – and they don't want anything in between. The in between is defined as sprawl. This is why multi-family housing is not allowed in the rural areas – it creates urban intensities or suburban intensities that are not consistent with rural character. The GMA does not mention any specific densities, however in the 1990s case law was developed that suggests that more than one unit per 5 acres is not permissible in rural areas. In 2008 and 2011, the Supreme Court stated that since the GMA does not specify densities, as long as counties can produce a written justification as to why their policies satisfy the standards of the Growth Management Act, they are entitled to some deference. However, the 1-in-5 rule is extremely influential even today. It is appealing and easy to administer. However, there is the ability to consider other densities.

Eric directed attention to the Rural Lewis County Housing Flyer (*see flyer for details*). The first page of the flyer has information about the current rural housing layout patterns. Looking at

parcels that are 5-10 acres, development tends to be clustered into a single location on the lot, in an envelope, that is typically 1-1.5 acres of size. There tend to be multiple buildings that cover more than 3,000 square feet of space. The structures tend to share access to a road through a single driveway. For the most part, the structures are all served by well and septic and dissipate stormwater into the large open space they have.

There are no restrictions on the maximum size of a residence in rural areas. Many houses in Lewis County that are greater than 3,000 square feet. There is at least one house that is 12,000 sq ft. Prices are going up everywhere, but especially in rural Lewis County. Eric hypothesizes that prices are going up faster in rural areas than urban areas. Anecdotally, it is hard to find rentals in the rural area and hard data states that single family residences in the rural area are hard to own.

Looking at the constraints, Eric and Mindy have been looking at how to create more flexibility and encourage smaller units and rental units in urban areas as a way to try to bring prices down. Mindy, coming from a job where she worked in urban areas, brought up that some cities have stopped strictly looking at use tables when trying to figure out how to decide what goes in area. Traditional zoning, which is what Lewis County has, tells you what you can and cannot do in areas by defining uses. In the last 25 years, some cities have moved to a form based code, where they look at the form of structures and the impacts they have on their surroundings. The premise is that if development looks like how rural structures look and it doesn't have any greater impacts or need further services than rural structures are allowed to have then why not allow more housing units in the same basic footprint.

The second page of the flyer displays the Rural Housing Alternative (RHA), which is a form-based approach. This proposal shows a big lot, 5-10 acres just like before, with multiple dwelling units clustered into a small area that would share access to well and septic systems. The theory is that there would be a square footage cap that reflects the average impact level of a single-family residence in Lewis County. If someone wanted to divide that residence into more units, it could be done as long as it is under the square footage cap and they share access. This would be similar to Accessory Dwelling Units (ADUs) in relation to single-family residences. This would encourage people to perhaps build smaller and more units. There is also incentive to landlords to build more and smaller to collect rent.

Eric concluded his presentation and opened the floor for questions and comments from the Commissioners.

Commissioner Corbin asked if other counties have tried to do this and done this successfully. Eric responded that many other counties have tried to do more than one in five acres. However, no other county has proposed something quite like this.

Commissioner Corbin asked if septic standards would be changed by determining the system based off square footage instead of the numbers of bedrooms. Eric responded that it would not change. The rules related to septic come from public health codes.

Commissioner Corbin noted that this could have a positive outcome for senior citizens.

Commissioner Corbin brought up the subject of property taxes. Eric stated that Washington is a budget tax state, not a value tax state. This means that when property value goes up, it doesn't necessarily mean the owner will pay more taxes.

Commissioner Alves asked if the size of the structure would be limited by the size of services that could be put on that property. Eric responded that there would be two sources of limitations – the land use code and practical constraints.

Commissioner Alves asked how you could sell developments individually and the land around it. Eric responded that you could do something similar to condos or land trusts.

Commissioner Fritsch expressed concern about this type of development being used for short term rentals instead of long term rentals if there's no restriction on the use. Eric responded that he does not see any reason why they could not be allowed as short term rentals so the community would need to explore ideas for regulating rentals. Mindy added that this is an item that needs to have continued conversation across the county because STRs will begin to hurt housing supply, particularly in places like Packwood.

Commissioner Russell shared that the definition of rural character needs to be reviewed. Russell like's density, but is not sure that this is the solution.

The Commissioners and Eric discussed the appeal and ability to sell duplexes, triplexes, etc.

Staff noted that there will be many more presentations as well as a full report. Mindy asked that the Commissioners send questions and comments to her so they can be answered and incorporated into the next stages.

## **7. Planning Commission Training**

Mindy Brooks, Senior Long Range Planner, gave a training presentation on the Comprehensive Plan and making motions (*see presentation for details*).

## **8. Good of the Order:**

### **A. Staff**

Mindy shared that the Board of County Commissioners have decided to rehear the YMCA rezone. The legal hearing will be published on January 31<sup>st</sup>. The hearing will be held on February 14<sup>th</sup>.

Commissioner Corbin asked, in regards to the YMCA, if the Planning Commissioners are allowed to listen to the rehearing. Mindy responded that the Commissioners may listen to the BOCC hearing because it is an Open Public Meeting. If the item was to come back to the Planning

Commission, the information from that hearing would be provided. However, staff recommended that the Commissioner not provide testimony at the hearing.

Mindy reminded the Planning Commissioners that the Packwood Subarea Hearing will be held in Packwood on March 14<sup>th</sup>. Planning Commissioners are able to carpool as long as there are not more than 3 people in a car.

### **B. Planning Commissioners**

There were no items from the Planning Commissioner.

### **9. Calendar**

The next meeting of the Planning Commission will occur on February 14, 2023 and the agenda items will be a workshop on the Packwood Subarea Plan and the Comprehensive Plan Periodic Update.

Mindy noted that the Comprehensive Plan Periodic Update will be on the agenda for many meetings in the future.

### **10. Adjourn**

Commissioner Russell made a motion to adjourn. The meeting adjourned at 7:44 p.m.