

## Commentary

### ATTACHMENT A – LEWIS COUNTY CODE 17.42 AMENDMENTS

Lewis County faces a shortage of affordable housing in rural areas. Houses in its rural area are frequently large single-family residences on lots of five acres or more. This is a very expensive form of housing to buy and own, and it discourages long-term rentals.

On average, single-family residences in Lewis County's rural area are larger, and are getting bigger faster, than their urban counterparts in the county's cities. Home prices are also rising in Lewis County's rural areas faster than in those cities.

Meanwhile, large single-family residences do not match Lewis County's demographics. About two-thirds of households have only 1 or 2 people, but about two-thirds of homes in Lewis County have 3 bedrooms. Encouraging the creation of smaller units is a way to right-size rural housing and make it more affordable.

The Growth Management Act imposes strict constraints on rural housing to prevent sprawl or demand for urban services in the rural area. However, it also encourages innovative land uses to allow opportunities to both live and work in rural areas, so long as they preserve rural character and comport with that Act's requirements.

After exhaustive study of local land use conditions and rural residences, and based on local data, market trends, regulatory background, and development practices, Lewis County now permits a new form of development consistent with its comprehensive plan and the law's rural housing constraints: the Rural Housing Alternative. This form-based, clustered, and interdependent type of development allows more (smaller) housing units to be sited within the same form, and with same impacts, as the single-family residences that already populate our rural area and which we routinely serve with rural governmental services. A series of significant constraints ensure that the units meet rural character, do not demand urban services or enable sprawl, and increase the affordability and availability of housing consistent with the Growth Management Act's policies and requirements.

## Commentary

### LCC 17.42.020 Amendments

A new type of use is authorized in RDD zones: the Rural Housing Alternative, which is designed to allow more housing units to be located within the same basic size, and with the same impacts, as single family residences currently allowed in those rural areas. Because such a use must be constrained to preserve rural character and prevent urban growth or sprawl, the use is:

- proposed only in RDD zones (where large rural lots are found) and not in LAMIRDs where lots are smaller and there are other development options; and
- made subject to a modified administrative review, so that the constraints on the use can be enforced at the time of permitting.

A new row on the Rural Land Use Summary table is provided to reflect the change, and a cross reference to the new code section that will set forth the constraints is provided for reference.

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**LCC 17.42.020 Land Use Summary.**

See Table 2 of this section.

**Table 2: Land Use Summary**

USE TYPE		RURAL (RDD)			LAMIRD							RECREATIONA L		SECTION
RESIDENTIAL		RDD-5	RDD-10	RDD-20	STMU	STR	STI	CC	FC	RRC/SR	RAI	Park	TSA	Reference
A	Single-family residential	P	P	P	P	P	X	P (on existing lots)	X (except caretaker)	P	X	X	X	
B	Accessory dwelling unit	P	P	P	P	P	X	P (associated with existing residential uses)	X	P	X	X	X	
C	Duplex	P (10-acre minimum lot size)	P (20-acre minimum lot size)	P (40-acre minimum lot size)	P	P	X	P (on existing lots)	X	X	X	X	X	
D	Multifamily housing	X	X	X	A <sup>1</sup>	X	X	X	X	A <sup>1</sup>	X	X	X	<a href="#">17.142.160</a>
<u>E</u>	<u>Rural Housing Alternative</u>	<u>A<sup>1.1</sup></u>	<u>A<sup>1.1</sup></u>	<u>A<sup>1.1</sup></u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u><a href="#">17.142.165</a></u>

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Table 2: Land Use Summary

USE TYPE		RURAL (RDD)			LAMIRD							RECREATIONA L		SECTION
PUBLIC/SEMI-PUBLIC		RDD-5	RDD-10	RDD-20	STMU	STR	STI	CC	FC	RRC/SR	RAI	Park	TSA	Reference
A	Cemeteries	P	P	P	P	P	X	P	P	P	X	X	X	
B	Schools	P	P	P	P	P	X	P	P	P	X	X	X	
C	Religious buildings, community centers, grange halls, and similar structures for public assembly													<a href="#">17.142.180</a>
	-Up to 6,000 sq.ft.	P	P	P	P	P	X	P	P	P	X	X	X	<a href="#">17.142.180</a>
	-Up to 10,000 sq.ft.	A	A	A	P	P	X	P	P	P	X	X	X	<a href="#">17.142.180</a>
D	Assisted living facilities, convalescent homes, retirement facilities and similar uses													
	-Up to 6 persons, when the individuals are covered under Washington State fair housing legislation	P	P	P	P	P	X	P (on existing lots)	X	P	X	X	X	
	-Up to 6 persons, when the individuals are not covered under Washington State fair housing legislation	SUP	SUP	SUP	SUP	SUP	X	SUP	SUP	SUP	X	X	X	
	-7 or more persons	SUP	SUP	SUP	SUP	SUP	X	SUP	SUP	SUP	X	X	X	

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Table 2: Land Use Summary

USE TYPE		RURAL (RDD)			LAMIRD							RECREATIONA L		SECTION
E	Public facilities <sup>2</sup>													
	-Rural governmental services	A	A	A	A	A	A	A	A	A	A	A	A	<a href="#">17.142.170</a>
	-Essential public facilities, local	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	<a href="#">17.142.170</a>
	-Essential public facilities, major	Amend CP											<a href="#">17.142.170</a>	
F	Tourist/rest stops	A	A	A	A	X	X	X	A	A	X	A	A	
<b>COMMERCIAL/INDUSTRIAL</b>		<b>RDD-5</b>	<b>RDD-10</b>	<b>RDD-20</b>	<b>STMU</b>	<b>STR</b>	<b>STI</b>	<b>CC</b>	<b>FC</b>	<b>RRC/SR</b>	<b>RAI</b>	<b>Park</b>	<b>TSA</b>	<b>Reference</b>
A	Home-based business (cottage industries)	P/A/SU P <sup>3</sup>	P/A/SU P <sup>3</sup>	P/A/SU P <sup>3</sup>	P/A/SU P <sup>3</sup>	P/A/S UP <sup>3</sup>	P/A/SU P <sup>3</sup>	P/A/SUP <sup>3</sup>	P/A/SU P <sup>3</sup>	P/A/S UP <sup>3</sup>	P/A/SU P <sup>3</sup>	P/A/S UP <sup>3</sup>	P/A/S UP <sup>3</sup>	<a href="#">17.142.120, 17.142.130</a>
B	Isolated small business	A/SUP <sup>3</sup>	A/SUP <sup>3</sup>	A/SUP <sup>3</sup>	Not applicable in LAMIRDs							X	X	<a href="#">17.142.130</a>
C	Standalone retail, sales, or professional services	Use isolated small business process			P/SUP <sup>4</sup>	X	P - related to industrial or resource use	P	P	X	P - related to industrial or resource use	X	X	
D	Recreation service retail (boat shop, boat and tackle shop, camping supplies, limited grocery and sundries, including storage)	A	A	A	P/SUP <sup>4</sup>	X	X	P	P	P/SUP <sup>4</sup>	X	P	P	

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Table 2: Land Use Summary

USE TYPE		RURAL (RDD)			LAMIRD							RECREATIONA L		SECTION
E	Restaurant	SUP	SUP	SUP	P	X	X	P	P	SUP	X	P	P	
F	Convenience grocery or fuels	P	P	P	P/SUP <sup>4</sup>	X	P	P	P	X	P	P	P	
G	Clustered tourist uses	A	A	A	A/SUP <sup>4</sup>	X	X	X	A	X	X	X	X	<a href="#">17.142.100</a>
H	Event center													
	-Up to 5,000 square feet	A	A	A	A	A	A	A	A	A	A	A	A	
	-Up to 10,000 square feet	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	
I	New regional auctioneering facility and supporting uses	SUP	SUP	SUP	X	X	SUP	X	SUP	X	SUP	X	X	<a href="#">17.142.050</a>
J	Manufacturing, assembly, and process of goods	Use isolated small business process			SUP	X	P/SUP <sup>4</sup>	X	SUP	X	P (based on standards in 17.75)	X	X	
K	Storage, transportation and handling of goods	Use isolated small business process			SUP	X	P/SUP <sup>4</sup>	X	SUP	X	P (based on standards in 17.75)	X	X	
L	Mini-storage	Use isolated small business process			A	X	X	A	A	X	A	X	X	
M	Marijuana production, processing and retail													

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**Table 2: Land Use Summary**

USE TYPE		RURAL (RDD)			LAMIRD							RECREATIONA L		SECTION
	-Marijuana retailers	X	X	X	SUP	X	X	SUP	SUP	X	X	X	X	<a href="#">17.142.150</a>
	-Type 1 marijuana processing	SUP	SUP	SUP	X	X	SUP	X	X	X	SUP	X	X	<a href="#">17.142.140</a>
	-Type 2 marijuana processing	X	X	X	X	X	SUP	X	X	X	X	X	X	<a href="#">17.142.140</a>
	-Marijuana production	SUP	SUP	SUP	X	X	SUP	X	X	X	SUP	X	X	<a href="#">17.142.140</a>
N	On-site treatment/storage of hazardous waste	P - ac.	P - ac.	P - ac.	P - ac.	P - ac.	P - ac.	P - ac.	P - ac.	P - ac.	P - ac.	P - ac.	P - ac.	
O	Animal kennels, shelters, boarding, grooming and hospitals	P	P	P	A	X	P	P/A <sup>5</sup>	P	X	X	X	X	
<b>LODGING/ACCOMODATIONS</b>		<b>RDD-5</b>	<b>RDD-10</b>	<b>RDD-20</b>	<b>STMU</b>	<b>STR</b>	<b>STI</b>	<b>CC</b>	<b>FC</b>	<b>RRC/SR</b>	<b>RAI</b>	<b>Park</b>	<b>TSA</b>	<b>Reference</b>
A	Bed and breakfast	P	P	P	P	P	X	P	P	P	X	P	P	<a href="#">17.142.070</a>
B	RV parks and campgrounds	SUP	SUP	SUP	SUP	X	X	SUP	SUP	SUP	X	SUP	SUP	<a href="#">17.144</a>
C	Transient accommodations (other than bed and breakfasts)	SUP	SUP	X	P	X	X	X	P	SUP	X	P	P	<a href="#">17.142.220</a>
D	Master planned resorts	MPR	MPR	MPR	X	X	X	X	X	X	X	MPR	MPR	
<b>RECREATION/PARKS</b>		<b>RDD-5</b>	<b>RDD-10</b>	<b>RDD-20</b>	<b>STMU</b>	<b>STR</b>	<b>STI</b>	<b>CC</b>	<b>FC</b>	<b>RRC/SR</b>	<b>RAI</b>	<b>Park</b>	<b>TSA</b>	<b>Reference</b>
A	Local recreational facilities	P	P	P	P	P	X	X	X	P	X	P	P	

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Table 2: Land Use Summary

USE TYPE		RURAL (RDD)			LAMIRD							RECREATIONA L		SECTION
B	Regional recreational facilities	SUP	SUP	SUP	SUP	SUP	X	X	X	SUP	X	P	P	<a href="#">17.142.200</a>
<b>SHORELINE</b>		<b>RDD-5</b>	<b>RDD-10</b>	<b>RDD-20</b>	<b>STMU</b>	<b>STR</b>	<b>STI</b>	<b>CC</b>	<b>FC</b>	<b>RRC/SR</b>	<b>RAI</b>	<b>Park</b>	<b>TSA</b>	<b>Reference</b>
A	Shoreline uses	Regulated under the Shoreline Master Program (SMP)												
<b>AVIATION</b>		<b>RDD-5</b>	<b>RDD-10</b>	<b>RDD-20</b>	<b>STMU</b>	<b>STR</b>	<b>STI</b>	<b>CC</b>	<b>FC</b>	<b>RRC/SR</b>	<b>RAI</b>	<b>Park</b>	<b>TSA</b>	<b>Reference</b>
A	Aviation facilities	SUP	SUP	SUP	X (existing public airports permitted to expand)	X	X	X	X	X	X (existing public airports permitted to expand)	X	X	<a href="#">17.142.060</a>
<b>RESOURCE</b>		<b>RDD-5</b>	<b>RDD-10</b>	<b>RDD-20</b>	<b>STMU</b>	<b>STR</b>	<b>STI</b>	<b>CC</b>	<b>FC</b>	<b>RRC/SR</b>	<b>RAI</b>	<b>Park</b>	<b>TSA</b>	<b>Reference</b>
A	Mineral resource use													
	-Below DNR threshold	P	P	P	X	X	X	X	X	X	X	X	X	
	-New or expansion of existing approved mine area	SUP	SUP	SUP	X	X	X	X	X	X	SUP	X	X	<a href="#">17.142.210</a>
B	Forestry uses listed in LCC <a href="#">17.30.450</a> (1) and (2)	P	P	P	P	P	P	P	P	P	P	P	P	



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**Table 2: Land Use Summary**

USE TYPE		RURAL (RDD)			LAMIRD							RECREATIONA L		SECTION
C	Forest resource accessory use, mills, log yards													
	-Temporary (less than 1 year/ portable)	P	P	P	X	X	P	X	X	X	P	X	P	
	-Permanent (fixed installation or more than 1 year)	P/SUP over 20 acres	P/SUP over 20 acres	P/SUP over 20 acres	X	X	P/SUP over 20 acres	X	X	X	P/SUP over 20 acres	X	X	
D	Agricultural uses listed in LCC <a href="#">17.30.610</a> through <a href="#">17.30.630</a> <sup>6</sup>	P	P	P	P	P	P	P	P	P	P	X	X	
E	Standalone food or beverage manufacturing	SUP	SUP	SUP	SUP	X	SUP	SUP	SUP	X	SUP	X	X	
F	Storage of agricultural waste (for commercial sale or use outside of the agricultural operation)	SUP	SUP	SUP	X	X	X	X	X	X	X	X	X	
G	Composting facilities (outside of the agricultural operation)	SUP	SUP	SUP	X	X	A/SUP <sup>4</sup>	X	X	X	P	X	X	<a href="#">17.142.090</a>
H	Application of biosolids <sup>7</sup>	SUP	SUP	SUP	X	X	SUP	X	SUP	X	SUP	X	SUP	
I	Confined animal feeding operations	SUP	SUP	SUP	X	X	X	X	X	X	X	X	X	

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**LEGEND**

- |   |   |  |                                    |
|---|---|--|------------------------------------|
| <b>RDD-5</b> = Rural Development District, 1 Unit Per 5 Acres   | <b>STMU</b> = Small Town Mixed Use  | <b>CC</b> = Crossroads Commercial                | <b>RAI</b> = Rural Area Industrial |
| <b>RDD-10</b> = Rural Development District, 1 Unit Per 10 Acres | <b>STR</b> = Small Town Residential   | <b>FC</b> = Freeway Commercial                   | <b>Park</b> = Parks                |
| <b>RDD-20</b> = Rural Development District, 1 Unit Per 20 Acres | <b>STI</b> = Small Town Industrial  | <b>RRC/SR</b> = Rural Res. Center/Shoreline Res. | <b>TSA</b> = Tourist Service Area  |
| <b>P</b> = Permitted Use  | <b>SUP</b> = Special Use Permit   |  |                                    |
| <b>P - ac.</b> = Permitted as Accessory to a Permitted Use      | <b>MPR</b> = Master Planned Resort (county and state planning requirements) |  |                                    |
| <b>A</b> = Administrative Review                                |   |  |                                    |
| <b>X</b> = Prohibited   |   |  |                                    |

<sup>1</sup>-Allowed where the LAMIRD contains a centralized wastewater treatment facility with adequate capacity.

<sup>1.1</sup>-RHAs shall be processed as a Type I application, but require adequate facilities review entailing some notice. They are listed as a modified administrative review to distinguish them from uses permitted outright.

<sup>2</sup>-An administrative or special use permit is required for the centralized components of public facilities or services, and not for the provision of the service itself or the linear features of the service, such as individual water lines or roads. For example:

- a. Special permitting is required for new facilities such as a public works road shop, a fire station, a bus facility or a water treatment plant; and
- b. Special permitting is not required for a water line or road (so long as all the other applicable requirements are met), or the operation of a fire or bus service.

<sup>3</sup>-Uses that exceed a certain size (per LCC [17.142.130](#)) are required to receive an administrative or special use permit.

<sup>4</sup>-Uses that exceed a certain size (per LCC [17.142.080](#)) are required to receive a special use permit.

<sup>5</sup>-Animal kennels, shelters, boarding, grooming and hospitals are permitted outright in the majority of crossroads commercial areas. When an application is submitted for the Galvin and Dorn's Corner crossroads commercial areas, the proposal requires an administrative approval to ensure that notice is provided to nearby landowners.

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<sup>6</sup>-The agricultural uses in LCC [17.30.610](#) through [17.30.630](#) are allowed subject to the standards within that section, so long as the uses are not otherwise listed within this matrix and are conducted in accordance with best management practices.

<sup>7</sup>-The application of biosolids does not apply to bulk biosolids that are applied to a lawn or home garden per the standards in WAC [173-308-250](#) or bulk biosolids sold or given away in a bag or other container per the standards in WAC [173-308-260](#).

[Ord. 1348 (Exh. E), 2023; Ord. 1333 (Exh. D), 2022; Ord. 1292 §8, 2018]

## Commentary

### New section: LCC 17.142.165

A new section, LCC 17.142.165, is created with specific design standards for Rural Housing Alternative developments. The section contains a long and unusual intent section to demonstrate that valid Growth-Management concerns (lack of affordable housing) underpin this innovative land use technique, but that its constraints are real and must be strictly maintained to prevent sprawl and urban growth in the rural area.

The new section then describes the limits on RHA in terms of:

- Lot size (5 acres or larger);
- Residential space cap (3600 feet of conditioned living space);
- Number of units (no cap, so long as constraints are met);
- Clustering of units (within a 1.25-acre, four-sided envelope)
- Inability to subdivide the lot;
- Shared primary access;
- Building code or L&I code compliance (to prevent sheds or cubbies being used);
- Occupancy consistent with rural water and wastewater limitations;
- Prohibition on demand for urban services;
- Setbacks (increased by 10 feet from normal county setbacks);
- Lawn-watering limitations (no more than  $\frac{1}{2}$  acre; duplicating state law);
- Stormwater compliance;
- Adequate public facilities review; and
- Prohibition on short-term rental use.

These constraints are meant tether RHAs to the size and impacts of an average single family residence in Lewis County's RDD zones, a form of development that we can routinely serve with the existing rural services. An enforcement mechanism (via infraction or a nuisance action) is included to make the constraints meaningful.

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## **Chapter 17.142 LAND USE STANDARDS**

### Sections:

- 17.142.010 Purpose.
- 17.142.020 General land use standards.
- 17.142.030 Accessory buildings.
- 17.142.040 Assisted living facilities, convalescent homes, retirement facilities and similar uses.
- 17.142.050 Auctioneering facilities - Regional.
- 17.142.060 Aviation facilities.
- 17.142.070 Bed and breakfast use.
- 17.142.080 Commercial/industrial buildings in certain LAMIRDs.
- 17.142.090 Composting facilities.
- 17.142.100 Clustered tourist uses.
- 17.142.110 Fences greater than seven feet.
- 17.142.120 Home-based businesses that are permitted outright.
- 17.142.130 Home-based businesses and isolated small businesses that require an administrative or special use permit.
- 17.142.140 Marijuana production and processing.
- 17.142.150 Marijuana retailers.
- 17.142.165 Rural Housing Alternative.
- 17.142.160 Multifamily housing.
- 17.142.170 Public facilities.
- 17.142.180 Religious buildings, community centers, grange halls, and similar structures for public assembly.
- 17.142.200 Regional recreational facilities.
- 17.142.210 Surface mining areas.
- 17.142.220 Transient accommodations other than bed and breakfasts.

**New Section**

**LCC 17.142.165**

Rural Housing Alternative.

(1) **Purpose.** Lewis County faces a lack of attainable housing in rural areas. Single-family homes on large lots are prevalent, and smaller, more affordable units or rentals are scarce—with rural prices rising at a faster rate than urban prices. The Rural Housing Alternative (RHA) promotes smaller-unit developments on rural lots of five or more acres in a manner consistent with existing rural character and services, to increase available, affordable housing in rural areas while preventing sprawl and demand for urban services in such areas. It does so by considering RHA developments in terms of their form and impacts, which are designed to match the impacts of Lewis County’s rural single-family residences, rather than through use-regulation alone. But, the RHA is intentionally constrained to satisfy Growth Management Act limitations on rural development, and to encourage such development only in a dispersed, incremental manner secondary to much-greater growth in urban areas. Accordingly, limitations placed upon RHA developments in this section are to be construed to guard strenuously against interference with rural character or developments that would overwhelm rural governmental services. Design standards herein shall supersede inconsistent standards elsewhere in this Code.

(2) **Minimum lot size.** RHA developments are permissible only on lots of five (5) or more acres.

(3) **Maximum residential space.** An RHA development may consist of no more than 3,600 square feet of total residential conditioned space as defined in Section R202.3 of the 2018 International Energy Conservation Code—Residential, as adopted in WAC 51-11R-20203 and as now or hereafter amended or adopted in subsequent residential state energy codes. The director of community development or the director’s designee, guided by the intent provision in subsection (1), may make policies or interpretations defining conditioned living space generally or with regard to a specific project.

(4) **Maximum dwelling units.** There is no maximum number of dwelling units into which the RHA residential space may be subdivided.

(5) **General Standards.** All standards (a) through (g) shall be met.

- (a) The units may be detached or attached.
- (b) The lot may not be subdivided based on dwelling units.
- (c) Separate ownership of buildings on a lot in common ownership (such as through a condominium agreement, cooperative, land trust, or common interest community) is permissible.
- (d) All dwelling units shall share the same primary access to the property.

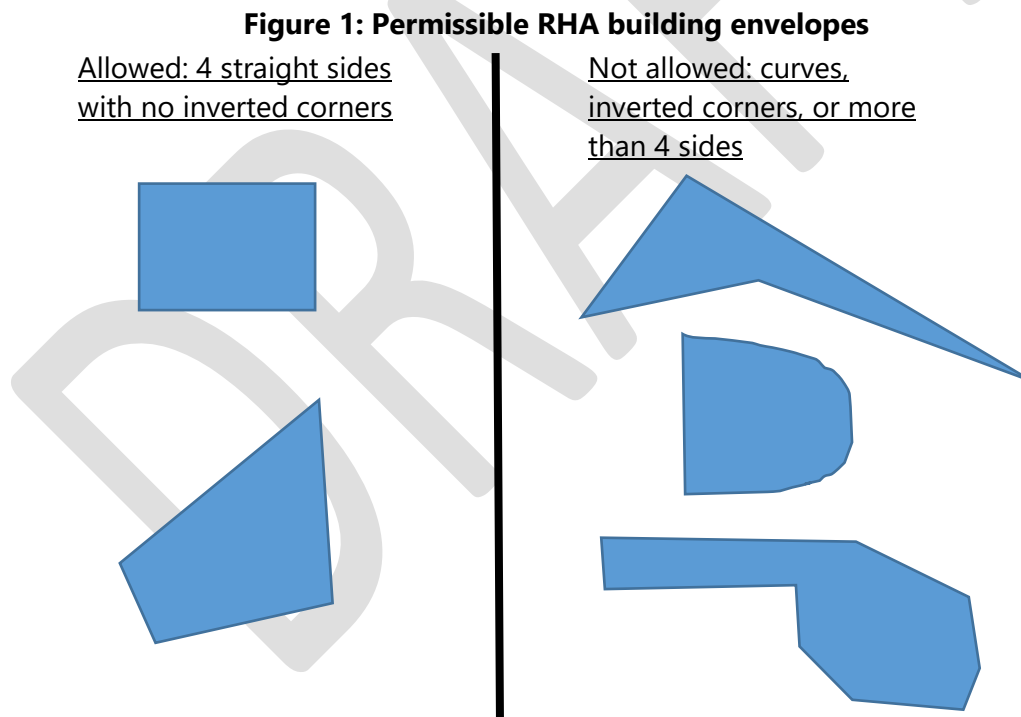
*This is a new section and is not underlined for ease of reading*

- (e) Maximum occupancy shall be consistent with the units' water and septic/sewer capacity.
- (f) Dwelling units may not require any urban services of any kind, alone or in conjunction with other development(s) or proposed development(s) nearby.
- (g) All dwelling units shall be located within a four-sided building envelope as specified in subsection (6).

**[NOTE – Additional constraints on development may be considered here.]**

**(6) Building envelope.**

(a) The dwelling units and external buildings directly associated with the housing units, such as a detached garage, must be sited within a four-sided residential building envelope of no more than 1.25 acres. The sides of the building envelope need not be parallel or the same length, but must form a convex quadrilateral similar to the examples shown in Figure 1 below:



(b) Existing residential structures must be included within the maximum residential building envelope.

(c) Nonresidential outbuildings, such as sheds, barns or shops, or on-site infrastructure, such as the well, pump house or septic system, may be located outside of the residential building envelope.

*This is a new section and is not underlined for ease of reading*

**(7) Setbacks.**

- (a) Any new above-ground structures shall meet the setback requirements of LCC 17.145.020, except that the setbacks shall not be less than the following:

Front or side: 55 ft from public road centerline; 15 ft for private easement road or alley

Side: 15 feet from property line

Rear: 25 feet from property line, or only 15 ft if it abuts a private easement road or alley

- (b) These setbacks, other than those for public roads, may be reduced with the written consent of the neighboring property owner in the direction of the setback, or as allowed in LCC 17.145.020.

**(8) Variance for Existing Access Points.** Existing access points may be included within the residential building envelope. To allow existing access points to persist, a variance to Subsection (5)(b), (5)(f) or subsection (6)(a) may be approved.

**(9) Lawn-watering limitations.** If the RHA development uses water from a permit-exempt well, the units must collectively comply with RCW 90.44.050, now or as hereafter amended.

**(10) Adequate services review.** Notice to service providers and completion of the adequate public facilities and services requirements of Chapter 17.130 LCC is required.

**(11) Prohibition on short-term rentals.** No dwelling units permitted through the RHA modified administrative review may be used as transient accommodations.

**[NOTE – Additional constraints on development may be considered here.]**

**(12) Approval is binding.** Once approved as an RHA development through modified administrative review, the terms and conditions as of the time of administrative review are binding, unless modified through a subsequent permitting process. Violations of or failure to adhere to any of the standards, terms, adopted policies, or conditions applicable at the time of the RHA's approval may be enforced as set forth in LCC 1.20.040, and are further declared to be a public nuisance that may be abated or enforced against as set forth in Chapter 1.22 LCC or any other applicable law.



## Commentary

### LCC 15.45.100 Amendments

Stormwater exemptions are amended to afford RHA developments the exemption given to single-family residences (which are exempt from stormwater compliance if the impervious surfaces take up less than 15% of the lot).

RHA developments are tethered to match the form and impacts of rural single-family residences, and in fact are much smaller than some existing rural single family residences already found in the county (such as a 12,000 square foot house near Toledo). The custom homebuilder who volunteered for the Industry Stakeholder Group (ISG) advising staff on the RHA noted that RHA's 3,600-square-foot size was at the low end of the custom homes he usually builds in the county. Because RHAs are less impactful than many of the rural residences that obtain this exemption, it is appropriate to afford RHAs the same treatment.

One of the sample RHAs studied by the ISG illustrated the fairness of affording this exemption. In the sample development, a buyer sites three 1,200-square-foot manufactured homes on a 10-acre lot. The ISG participants noted that requiring stormwater compliance for this development was disproportionate to its impacts. The residential units would add 3600 square feet of impervious surface; even if the driveway and other aspects of the development made the total impervious surface 10,000 square feet (probably an overestimate), this would constitute only 2.3% of the lot. The ISG noted that the natural environment would easily dissipate the stormwater in this development, and that an exception should be made to avoid imposing a stormwater requirement that would add cost to the RHA without corresponding ecological value.

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### **LCC 15.45.100 Exemptions.**

The following are exempt from this Chapter:

- (1) Construction and development involving commercial agriculture and forest practices regulated under Title 222 WAC.
- (2) Development undertaken by the Washington State Department of Transportation in state highway right-of-ways.
- (3) Those divisions of land exempt by Chapters 16.05 or 16.10 LCC.
- (4) Those activities permitted under Title 15 LCC when a previous stormwater approval, applicable to the subject building lots, has been provided consistent with LCC 15.45.090(1).
- (5) Individual single family residences, and RHA developments under LCC 17.142.165, that do not exceed 5,000 square feet of impervious surfaces for lot sizes less than 0.77 acre, or fifteen percent (15%) of impervious surfaces to lot size for lot sizes greater than or equal to 0.77 acre.

## Commentary

### LCC Chapter 12.60 Amendments

The county road standards define a driveway as an access that serves "one to two lots or parcels," whereas a private roadway is "constructed to access more than two parcels." Private roadway standards require more regulatory compliance and expense than driveway standards. Because most developments in rural Lewis County consist of single-family residences, the common conception is that adding a third house on a driveway requires that the driveway be upgraded to private road standards. Although technically this is true only for the third *lot or parcel* being accessed, not the third *dwelling unit*, it is useful to clarify that all RHA units, combined, be treated as one single-family residence for purposes of driveway and private road standards. This is fair because the RHA units are constrained to match the form and impacts of such rural single-family residences.

The changes to LCC 12.60.280 and 12.60.640 are designed to treat each RHA development analogously to a single-family residence for purposes of driveway, road approach, and road standards.

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### **LCC 12.60.280 Driveways and private roads.**

(1) A driveway is defined as an access from a public right-of-way or private access easement serving one to two lots or parcels constructed to the requirements in Standard Detail 3-2, Rural Road Section. If the driveway is longer than 300 feet, it shall be dimensioned to safely accommodate local fire safety and emergency vehicles, and approved by the county engineer. Driveway construction as required for a single family residential building permit or an RHA development under LCC 17.142.165 is exempt from the requirements of LCC 12.60.140.

(a) Easements are required where parcels require legal access to the road over and across another parcel, or where the same access is shared between one or more parcels. Single parcels which front a county road and have safe and legal access do not require a separate easement for a driveway.

(2) Private roadways are constructed to access more than two parcels.

(3) A road approach permit shall be obtained from Lewis County public works prior to accessing any county road per Article VI of this chapter. Location, horizontal and vertical alignment, and width of the approach shall be as designated by the county engineer and stated on the permit.

(4) All driveways and private roadways shall have an approved residential or commercial road approach constructed per Standard Detail 3-3, Residential and Commercial Driveway Approaches. The dwelling units of an RHA development under LCC 17.142.165, combined, shall be treated as one single family residence for road-approach purposes.

(5) The location of driveways and private roadways shall be on property owned or with approved easement rights to serve the applicant. Joint use driveways are encouraged, and may be needed to meet vehicular safety. Minimum dimensions shall be per Standard Detail 3-3, Residential and Commercial Driveway Approaches, or as required by the county engineer.

(6) Driveways and private roadways shall be of sufficient length so a vehicle in the driveway does not project into the road right-of-way, sidewalk, or pathway.

(7) Access to a county road will normally be limited to one approach for each parcel. Multiple approaches for one parcel shall be approved only by the county engineer if public vehicular safety is met.

(8) Surface drainage shall be consistent with the current stormwater regulations in Chapter 15.45 LCC unless otherwise stated in the road approach permit or by the county engineer. The applicant shall construct improvements to roadway ditches and replace affected roadway structures should the approach impact county road drainage.

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(9) Driveways and private roadways shall not be permitted to access arterials or collectors unless the parcel has no other reasonable access to the public roadway. The parcel shall only be allowed to access an arterial or collector if located at the appropriate distance from the nearest intersecting road as per the Highway Access Management Guidelines in Chapter 468-52 WAC. A driveway or private roadway shall access the arterial or collector road with the lower functional classification.

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### **12.60.640 Subdivision/commercial access.**

(1) Commercial or subdivision approaches are constructed on private property to serve commercial, industrial, subdivision, or multi-family projects except RHA developments under LCC 17.142.165. ~~and~~ They must meet the following conditions:

(a) Access to a county road shall be limited to one road approach connected to the lowest classified roadway for each tract of property separately owned. Property fronting more than one public road may be permitted an access to each public road if the traffic impact analysis supports multiple accesses. Two or more county approaches accessing a public street will only be allowed with the approval of the county engineer. Properties contiguous to each other and owned by the same person are considered to be one tract.

(b) Commercial approaches shall be constructed with safety as the primary design criteria and to provide internal connections between neighboring properties. Developments must give priority to internal access before access to the county roadway system is permitted. Cross access allows vehicles to circulate between commercial properties without having to re-enter the county road system. All approaches shall meet the access spacing standards in LCC 12.60.650.

(c) No commercial approach shall be approved where backing onto the roadway, sidewalk, or pathway will occur.

(d) Urban style commercial approaches shall be constructed to Standard Detail 3-6, Reverse Slope and Gutter Driveway Section, at the end of this chapter.

(e) Rural commercial approaches shall be constructed to Standard Detail 3-3, Residential and Commercial Driveway Approaches, at the end of this chapter.

(2) For access proposed as part of subdivision or commercial development, the county engineer may require a review under traffic impact analysis guidelines.

(3) For subdivisions of 20 units or more, at least two ingress/egress routes may be required by the county fire marshal or fire protection agency. A secondary access is required for developments where the ADT is greater than 1,000.