

Lewis County Planning Commission

Public Meeting

In-Person & Virtual Meeting via Zoom

February 27, 2024 - Meeting Notes

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

Planning Commissioners Excused: Bob Russell, District 2

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

Materials Used:

- Agenda
- Draft Meeting Notes – February 13, 2024
- Staff Presentation: Rural Housing Alternative

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 as presented. Commissioner Alves made the motion to approve the agenda; second by Commissioner Spogen. The motion carried unanimously.

4. Approval of Meeting Notes

The Chair entertained a motion to approve the meeting notes from February 13, 2024. Commissioner Alves made a motion to approve the notes as presented, second by Commissioner Fritsch. The motion carried unanimously.

5. Public Comment

There were no members of the public who wished to provide public comment.

6. Public Hearing – Rural Housing Alternative

A. Opening Remarks

Beginning the hearing, Chair Corbin asked the following questions.

Is there anyone in the audience who believes that the public was not notified in a timely manner? *There were no responses.*

Do any of the Commission a disclosure to make? *There were no responses.*

B. Staff Presentation & Commissioner Questions

Mindy Brooks, Senior Long-Range Planner for Lewis County gave a presentation on the Rural Housing Alternative (*see presentation for details*). At the conclusion of the presentation, the commissioners asked the following questions.

Commissioner Spogen asked about how staff came up with the 1.25 acre requirement in the Rural Housing Alternative example. Eric responded that based on an aerial photography survey of parcels of the county. Taking approximately 20 parcels, using the GIS web map to estimate where the built structures were. In all cases the structures were clustered in 1 to 1.5 acres of the parcel. We are using the average of 1.25 acres. Spogen asked if the septic system, well, storage units, outbuildings, etc. could be placed outside of the envelope. Eric responded that the residential structures and structures immediately associated with them, such as an attached garage, have to be within the envelope; but the underground infrastructure can be outside of it. Spogen asked if staff considered expanding the envelope to 1.5 acres to allow people to spread out more than just what the fire code requires. Eric responded that staff did think about it, but like most things, there was a balance of competing factors. In terms of the fire safety aspect of it, the fire chiefs and building code want more space between buildings. On the other hand, the more spread-out development is, the less open space there will be. Open space is extremely important to rural character and GMA compliance because it allows for stormwater management and wildlife passage. 3.75 acres of the site would remain for these uses. Mindy responded that it is important to start conservatively and monitor how it goes.

Commissioner Skutley asked if garages are part of the maximum square foot allotment. Mindy responded that the 3,600 square feet allotment is for dwelling space, defined as conditioned

space. Unfinished garages are not considered dwelling space. A finished garage would count towards the 3,600 square feet allotment.

Commissioner Fritsch asked for confirmation of the short term rental restriction. Mindy responded that although it was not in the presentation, it is still in the draft code that RHA development cannot be used as short term rentals.

Commissioner Alves asked about the likelihood of the RHA code getting appealed at the state level and the likelihood of it winning against an appeal. Mindy responded that because this is a brand new proposal that has not been done anywhere else in the state it is likely to be appealed. However, county staff would not bring anything to the Planning Commission for consideration if staff did not believe it could be well defended. Lewis County Prosecuting Attorney, Barb Russell, added that she is confident and believes that staff has done a very good job building the case for it. Alves followed up asking how much staff time and capital would be invested in an appeal. Mindy and Barb responded that it is hard to say for sure because there are many variables of an appeal.

Commissioner Foster stated that he thinks the current draft of the RHA does a good job of balancing housing needs and promoting the market to go towards getting the prices under control without sacrificing owner control.

Commissioner Spogen asked what it means to not be able to use municipal water. Mindy responded that the RHA developments would generally be served by on-site well and septic systems, but it is possible to be served by municipal water if they are within a water district that has availability. However, water districts in rural Lewis County typically serve LAMRIDs where lots are smaller than 5 acres and it's unusual for water districts to that serve 5, 10, or 20 acre parcels.

Commissioner Corbin asked if there are any safeguards about derelict vehicles, trash, unsightly properties, etc. Mindy responded there are already rules about unpermitted junkyards which are enforced through Code Enforcement. The county only anticipates 20 RHA structures per year, which is much less than the typical 200 single family residences being built per year. Eric added that RHA is not a cheap form of housing. A lot of economic investment is needed to develop RHA, even though the smaller dwelling units will be less expensive than larger single family housing. So there is no reason to think RHA would have a higher likelihood of junky yards than single family residential. However, we did increase side setbacks to have more of a visual buffer from neighbors.

Commissioner Fritsch asked if all the dwellings have to be developed at one time when applying for an RHA. Eric responded that it does not have to be done all at once. However, if development is staggered, the developer would need to plan for the septic and well for full build-out capacity.

Commissioner Spogen asked if someone could have two wells when developing 4 units instead of doing a Group B water system. Eric and Mindy responded that it would have to be a Group B

water system. Barb added that the sanitary control areas would make it difficult to put two wells on a 5-acre lot. Spogen noted the concern about people drilling wells on their property line, which would then impact the neighbor's available property to develop. Barb replied that if people are following the rules, they would be required to have the neighbor sign a covenant to drill on the property line.

C. Public Testimony

Staff requested that their opening remarks and presentation to be added to the testimony.

Ray Sample provided testimony in favor of the Rural Housing Alternative.

D. Discussion & Deliberation

Commissioner Alves made a motion to recommend denial of the Rural Housing Alternative, seconded by Commissioner Skutley.

During deliberation, Commissioner Alves and Commissioner Skutley provided statements of why they believe the Rural Housing Alternative should be denied. Skutley provided points including putting an emphasis on conservation on the environment, wanting additional data regarding the concerns related to well and septic, and concerns of the proposal standing against an appeal as currently presented. Alves stated that he doesn't oppose the proposal. One of his concerns is that while this proposal is conservative now, future commissions could open it up. Another concern is the amount of staff time on the proposal vs the number of dwelling units we could get. Alves stated that he'd like staff to focus resources on other options that will gain us more housing. He is not convinced that many people will choose to build RHA because ADUs are a much more accessible way to add more housing and are still utilized very little (about 16 per year). Mindy read into the record Commissioner Russell's statements about the Rural Housing Alternative since he was unable to attend the meeting in person. Russell opposes the RHA because it may have unintended consequences, there are safety concerns associated with the driveway and access, many RDD lots have critical areas that could be disturbed by additional people living on the parcel, the RHA will result in little impact of housing cost in Lewis County, and he doesn't feel the RHA does not meet the definition or protect the rural character of Lewis County. Russell asked staff for additional guardrails on the RHA including concentrating RHA on RDD properties near LAMIRDS or communities like Packwood.

During deliberation Commissioners Foster, Spogen, Fritsch, and Corbin provided comments of why they believe the Rural Housing Alternative should be approved. Commissioner Foster stated that there is no policy or proposal that is perfect, but this gives the county more flexibility and options to solve the housing crisis. Spogen noted that she does have some concerns about some of the presented challenges and would like to see the 1.25 acre constraint increased slightly, but overall likes the proposal and sees the advantages of this type of development. Spogen also noted that she is in favor of the RHA having driveway standards instead of private road standards and believes this will remove one of the cost barriers of developing. Fritsch

stated that the staff has been very thorough and presented good data on the proposal. She noted that it probably won't work out for a lot of people and probably won't make a huge impact, but to have it work out for a few people is worth it because of the current housing crisis and the need for housing. Corbin stated that he is favor of the proposal because through reading and research there is a lot of information supporting the proposal, there are people of means who have the ability to develop an RHA, and with a huge need for housing the more types of solutions the better. Corbin also noted that there's the option to course-correct the RHA standards as needed moving forward.

After deliberation, the motion to deny the RHA proposal failed with 2 yes votes and 4 no votes.

Commissioner Fritsch made a motion to recommend approval of the Rural Housing Alternative, seconded by Commissioner Spogen.

During the second round of deliberation Commissioner Spogen stated that even if there's not a lot of RHA development it is worth trying to get more housing. Commissioner Skutley stated that there was a fourplex built outside of Winlock in a similar fashion that he didn't think fits.

The motion to approve the RHA proposal passed with 4 yes votes and 2 no votes.

7. Good of the Order:

A. Staff

Mindy shared that she will work on the letter of transmittal and provide a draft to be discussed on March 12th before she submits it to the Board of County Commissioners. If any commissioners would like to submit comments to Mindy to be included in the letter of transmittal, they can email it to her.

Mindy shared that a new Planning Commissioner will be appointed at the BOCC meeting next week on March 5th. The Commissioner will hopefully start on March 12th.

Mindy thanked Commissioner Foster for his work on the Planning Commission and let him know that he will be missed. Commission Corbin shared his thanks to Foster for his work on the commission.

B. Planning Commissioners

Commissioner Skutley: I am a retired architect and have built and developed many buildings. The thing that is most important is the process we just went through. It's important that the public is included.

8. Calendar

The next meeting of the Planning Commission will occur on March 12, 2024, and the agenda item is a workshop on the Comprehensive Plan Periodic Update.

9. Adjourn

Commissioner Spogen made a motion to adjourn. The meeting was adjourned at 7:23 p.m.