

Lewis County Planning Commission

Public Meeting

In-Person & Virtual Meeting via Zoom

July 25, 2023 - Meeting Notes

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

Staff Present: Mindy Brooks, Senior Long Range Planner; Preston Pinkston, Planner; Michelle Lohrengel, Office Assistant Senior; Barbara Russell, Prosecuting Attorney; Eric Eisenberg, Housing & Infrastructure Specialist

Materials Used:

- Agenda
- Draft Meeting Notes – June 27, 2023
- Staff Report: RV Parks and Campground Code
- Staff Report: Rural Housing Alternative – Industry Stakeholder Group Progress Report
- Staff Report: Rural Housing Alternative – Housing Affordability, Size and 2.5 Acre Lots
- Staff Presentation: RV Parks and Campground Code

1. Zoom Guidelines

The clerk dispensed with the Zoom Guidelines.

2. Call to Order

A. Determination of a Quorum

7 Commissioners were present; there was a quorum.

3. Approval of Agenda

The Chair entertained a motion to approve the agenda. Commissioner Chastain 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 June 27, 2023. Commissioner Corbin made a motion to approve the notes as presented, second by Commissioner Russell. The motion carried unanimously.

5. Public Comment

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

6. Public Hearing – RV Parks & Campgrounds Code Amendments

Opening Remarks

Chair Spogen asked if there was anyone in attendance who believes that the public was not notified of the hearing in a timely manner. There were no responses.

Chair Spogen asked if any members of the Planning Commission had any disclosures to make. There were none.

Mindy Brooks, Senior Long Range Planner for Lewis County, gave remarks to clarify confusion about what the Board of County Commissioners (BOCC) has been discussing versus what the Planning Commission is talking about in terms of RV Parks and Campgrounds. What started at the BOCC was a complaint about people living in an RV within the right of way. BOCC asked Code Enforcement to weigh in on the issue. Code Enforcement staff came back to them about the issues around compliance related to RV occupancy on private property. Since then, the BOCC has been having conversations about how to enforce the RV occupancy on private property. They are not discussing RV parks and campgrounds, which is completely separate. When BOCC comes to a conclusion about RV occupancy and enforcement on private property it will be shared with the Planning Commission.

Commissioner Russell asked Mindy to share some background on what is currently legal. Mindy responded that a person can live in an RV on their property for up to 60 consecutive days. That's considered a recreational use. At 61 days it's no longer recreational, it is then considered a residential use and requires the RV to be placed like a mobile home. Someone could have two RVs on their property as residences, one as a primary residence and one as a secondary residence. Tracking the number of days someone is living in an RV is very hard to enforce and that is the conversation the BOCC is having.

Commissioner Spogen clarified that she was interested in the RV Occupancy issue, not because the BOCC was talking about it, but because it was mentioned that we want to be consistent with counties around us. Mindy responded that Lewis County does not need to be consistent with surrounding counties, but BOCC did look at what surrounding counties are doing for RV Occupancy to help inform the BOCC's conversation.

Staff Presentation

Preston Pinkston, Planner for Lewis County, gave a presentation on the RV Parks & Campgrounds Code Amendments (*see presentation for details*). The following questions and discussion occurred throughout the presentation.

Commissioner Spogen noted that when looking at the Lewis County placement permit it lists different things that someone can apply to place and one of them says RV/Trailer-Temp. Spogen asked what that means. Preston responded that it's a recreational vehicle like a 5th wheel. Spogen asked what the Temp portion meant. Preston responded that the County can allow temporary placements of things, but if somebody 's wanting to live in it full time it would not be a temporary placement. Placing a RV as a residence would be reviewed as a full-time residence. Spogen clarified that if she went to a dealer today and bought an RV, she could come in and get a placement permit, and as long as there is sewer and water, she could live in it forever. Preston confirmed that is correct, assuming the person meets all the codes. Barb Russell, Prosecuting Attorney for Lewis County, added that it also depends on the zoning density requirements for the property.

Commissioner Spogen asked if this change would allow someone to live in an RV Park full time. Preston responded that a person cannot live in an RV Park full time. They can live in it for 210 days (if the proposed code is approved).

Commissioner Spogen asked if the County could make an RV Park for people that are unable to be housed anywhere else or would it have to be a Mobile Home Park. Preston responded that it would have to be a Mobile Home Park. Spogen asked for clarification on the difference between a Mobile Home Park and an RV Park. Preston responded that both must provide adequate facilities. The biggest difference is that a Mobile Home Park has residential units that fall under a different set of health code standards. An RV Park does not have to have septic hook ups at each campsite; there could be a central dump station. However, you could not have a central dump station at a Mobile Home Park. The type of water system at an RV Park is a transient Group A system. There is not a transient system at a Mobile Home Park; those fall under different local and state level regulations.

Commissioner Spogen asked if there are RV Parks in Lewis County that people are currently living year-around in. Preston responded he doesn't know the answer for sure, but he assumes that there probably are some cases. However, the County isn't doing anything about it unless somebody were to complain and start a code compliance case. For example, if there's a health violation and Code Enforcement were to send a notice of violation to the RV Park.

Commissioner Spogen noted that one of her biggest concerns is that we are utilizing RVs now for housing and probably need a lot more. She does not want to restrict that in any way. Preston responded that he understands that concern but reminded Spogen that the RV Park/Campground code already exists so there's nothing being restricted by these code changes. If anything, these changes they're making it less restrictive because people will have more time to stay at RV Parks, which is proposed to increase from 180 days to 210 days.

Commissioner Chastain asked if there an enforcement officer that is currently addressing code violations going on now or if it will it be a new position for the county. Preston responded the county has a full-time code compliance department comprised of 3 code enforcement officers and a manager. However, none of the staff do specifically just RV Parks.

Commissioner Spogen brought up the site plan and testimony that Mr. Hess provided at the last workshop regarding 2.5-acre lot minimums. Spogen asked why the minimum lot size must be 2.5 acres instead of just stating that a lot needs to meet the criteria for well and septic. Preston responded that although Mr. Hess spent a lot of time working on the site plan, it did not meet the criteria of even our current code. There were things on his site plan that he was assuming that he would be able to do like make easements along neighboring property lines have access around lots. The 2.5-acre requirement came about when they originally adopted the RV Park ordinance because at the time that the state considered less than 2.5 acres to not be rural. Now, it's more about having enough size to meet all the different standards and maintaining rural character. It is possible that someone could do that on one acre, but it is more likely that they need more than 2 acres. Spogen responded that she thought it would be advantageous to drop the minimum acre requirement to 2 acres so a person that is needing to supply housing for their family on their property could have that option. Preston reminded the commissioners that RV Parks are for recreational uses and if someone wants to provide multiple housing options on one property, it will be a Mobile Home Park, not an RV Park.

Commissioner Corbin asked what the process is to have the minimum acre lot size formally reconsidered. He expressed the desire for the Planning Commission to take a harder look and reconsider reducing it to 2 acres if able. Mindy responded that if the Commissioners want to discuss reducing the minimum acres, this is the time to do so. Mindy asked them to, in their conversation, consider the importance of rural character and the impact on neighboring properties. She recommended that if the commissioners would like, they may make a motion to recommend the code changes to the BOCC and request that the BOCC consider reducing the acre size. Barabara Russell added that in addition to considering rural character, the Planning Commission should also consider the space needed for rural services including septic and wells.

Testimony

Commissioner Spogen asked if staff would like their opening remarks and presentation to be part of the record. Staff responded, yes.

There we no members of the public who wished to provide testimony.

Deliberation

Commissioner Fritsch asked if other counties have a 2-acre minimum, rather than a 2.5 acre minimum. Mindy responded that a number of small counties surrounding us do have a 2-acre minimum instead of a 2.5 acre minimum.

Staff encountered technical difficulties at this point, in which the BOCC Hearing Room could no longer hear those participating via Zoom. Mindy announced that the Commissioners on Zoom could put comments in the chat, and she would read them into the record.

Commissioner Corbin made a motion to send a letter of transmittal recommending that the Board of County Commissioners approve an ordinance to amend the Lewis County Code for RV Parks and Campgrounds as presented in the July 13, 2023 staff report and attachments and including in the transmittal a recommendation that the Board of County Commissioners consider reducing the minimum lot size from 2.5 acres to 2 acres. The motion was seconded by Commissioner Chastain.

Commissioner Russell shared that normally, he thinks increased density is good. However, he does not necessarily like reducing the minimum acreage from 2.5 to 2 acres. Russell stated that he is fine with the reduction in size if the group wants to move it forward to the commissioners for review.

Commissioner Foster recommend the Planning Commission add language to the transmittal letter that notes the minimum acreage should be considered for reduction to 2 acres in line with neighboring communities.

Commissioner Fritsch stated that the increase in density for RV parks is not dealing with our housing because it's not meant for permanent residents. Fritsch also agreed with Commissioner Russell's statement that reduction in minimum lot size may not be necessary because it is a recreational use but that she is ok with forwarding it to the BOCC for consideration.

Commissioner Spogen expressed that she feels nervous because it does not seem as though the proposed changes are solving a lot of the issues around people living in RVs. Spogen noted that the positive of the proposed changes is the change in application requirements for RV Parks, which will make them easier to be permitted. Spogen likes the idea of allowing the minimum to be reduced to 2 acres.

Commissioner Corbin stated that he believes reducing the minimum lot size from 2.5 acres to 2 acres is going to have minimal impact to the rural character because the difference is only half an acre. With an RV park setup, there can be some controls in making sure that it's safe and appropriate. Corbin would encourage the Commissioners to consider it. That doesn't mean that anybody has to go down to 2 acres if somebody has a 5 acre parcel and they want to put in a small RV place. But if somebody only had 2 acres and this was their only option to get a little bit more of an income to provide for themselves for their family it would be good to allow it. Right now, it's tough to make good agricultural use on even 5 acres, let alone somebody with a 2 acre plot, so think of the economic benefits to citizens who have the smaller parcels. This is a

reasonable way to help people utilize their property in the best way that will benefit them the most with minimal impact to the rural character. Commissioner Spogen agreed with Commissioner Corbin.

The motion passed unanimously.

Mindy asked if anyone would like to see the draft transmittal letter before having Chair Spogen sign it. The Commissioners expressed the desire to review it before it is signed, and Mindy said that she would send the draft letter via email for review and comment.

7. Workshop – Rural Housing Alternative

Eric Eisenberg, Housing and Infrastructure Specialist for Lewis County, provided an update on the Rural Housing Alternative.

We have talked about the rural housing alternative before, so I wanted to do a little bit of a refresher today as well as give an update on the stuff that we've been doing to keep it moving forward.

On the Community Development webpage, there's a section on Development Regulations and Comprehensive Plan Amendments. From that page there's a link to the Rural Housing Alternative webpage, which captures the previous information that has been discussed. On this page is also a diagram that displays the Rural Housing Alternative in a nutshell. The idea is that if you have something that looks like rural housing of Lewis County - has the same basic form, the same basic impacts - then it should be permitted to have more housing units. This is an innovation in zoning called form-based codes. Rather than using a use table that specifies what you can and cannot do, this approach looks at the impacts of the development on the property. We applied that logic to our rural areas which tend to be 5 acres in size, have multiple buildings that altogether total 3,000+ square feet, share a common access point, are served by well and septic, and dissipate stormwater through the large lot that they have, just through the natural environment. We propose that you would do all those same things. You would have a large lot with multiple units that would be served by well and septic, share a common entry point, and would otherwise meet that same kind of form that we're seeing in the rural area, and we would then constrain them to make sure that they fit rural character. The units cannot allow sprawl, demand urban services, or be subdivided.

At the last Planning Commission meeting it was brought up whether this idea is commercially viable and whether anyone would want to live in these types of places. So, with regard to whether anybody might want to live in one, we asked the Realtors Association, and they gave us a resounding yes, that they expected there would be quite a bit of demand for units like this. However, that didn't really answer the question of whether anybody could supply such units. To answer this question, we convened a work group of people in the building industry. We wanted people from a cross section of professions that deal with the actual development of housing including builders, lenders, etc. We wanted to ask them questions about how you would go

about doing this and how much it would cost, so then we could figure out whether the units could ever possibly be built. We also asked them about whether people might build it to try to meet demand that you see. Mostly, we were asking them about the mechanics of the costs as a way of trying to figure out whether these could be viable. *Staff displayed the staff memo on the screen and Eric listed the names and roles of the professionals in the group.*

We explained the concept to the work group just as we explained to you. We gave them sandbox regulations, which are simplified statements about what the rules of the game would be for rural housing alternatives. These included things like it has to be a 5 acre lot or larger, it has to use well and septic, it has to be within a certain size, etc. Then we asked them for their feedback. One of the principal ideas we heard from them was that they thought the square footage (3200 square feet) was too low. In part they suggested these structures should be a much higher square footage because that would make it a much more lucrative investment to construct. So, the lenders were suggesting it be as high as 6,000 square feet so they could have four 1,500 square foot houses. That would be something that people would invest in because there's a big return potential. The trouble is that we needed to minimize the impacts and conform to the form of development that we see in our rural area generally. We were uncomfortable with choosing that high of a number because we're trying to keep this within the existing rural character.

However, one of the group members, Jeannie Yackley, had a different motivation for seeking a higher square footage. We had explained to her that the basis for the 3,200 square feet square footage cap was that we looked at tax data to find the average size of a rural residence in Lewis County and it was about 1,800 square feet. Then, we had added to that the permissible size of an ADU, and this totaled just under 3,200 square feet. When I explained that to them as the basis for the number, Jeannie noted that she never works on houses that are under 2,000 square feet anymore. Everyone who's building in the rural area are building houses that are 2,000 square feet or larger. Jeannie asked for staff to check and make sure that the average for all time is still representative of today. Jeannie was right. It's actually the case that houses from the year 2000 on are on-average greater than 2,000 square feet. The more recent houses are about 400 square feet larger on average so instead it's more like 2200 square feet instead of 1800 square feet. Adding in the same ADU allotment the total comes to about 3,600 square feet. That's one of the key takeaways that's come out of this process.

Gretchen asked if language for restricting short term rentals is still part of the sandbox regulations. Eric responded that yes, the sandbox regulations say that this model can't be used as a short-term rental. *Note – Due to the technical difficulties experienced during this meeting, Mindy added a link in the Zoom Chat to the online Rural Housing Alternatives handout where the sandbox regulations are listed.*

In addition to having a broad-based discussion about the regulations themselves, we looked at some sample properties in Lewis County that didn't have a lot of critical areas. The group thought through how a quadplex could be built on that property. The group walked through the

process, given their common experience, and they all chimed in to “develop” the quadplex. Another scenario looked at a pair of manufactured homes on the same location as an existing residence. Then they considered converting a large stick-built outbuilding into two condos on the same site as an existing residence. The group outlined the costs for doing that based on their experience. We are going to have at least one more session with them to do a couple more types of developments including a single-family residence, three manufactured homes, and tiny homes. It's possible that the tiny homes will not be possible under this setup. It's also possible that tiny homes may work far better than anything else. We need to find out if tiny homes work and whether we need to talk about whether we should explicitly allow or disallow them or come up with a unit cap or something like that. Another thing I'd like to talk to the group about is financing issues. They've identified that there are some financing issues with these types of units. We need to have a discussion with them about financing so that we could see the full picture about whether anyone could create these units. After the final meeting with the work group, staff will crunch the numbers they give us, and create a report that captures the information from all 3 sessions.

Staff paused the presentation to ask for questions.

Commissioner Russell asked who owns the title to the property when there's three units on one parcel. Eric responded that the premise is that there's a single title holder. That title holder could be a landlord if the units are rentals. It could be a condominium association if the units are condos. It could be a corporation if the units are structured as a cooperative. There are different ways to structure it, but none of them are as simple as just being able to buy a house and the land it is on.

Commissioner Corbin asked in a cooperative, if someone wanted to sell one of the units, would there need to be mutual agreement from the other owners. Eric responded that he is not an expert in cooperatives, but he does not believe there needs to be mutual agreement. Eric suspects that there could be sales of shares, which do not require the consent of the other shareholders. For other types of corporations, a person can sell their shares of stock without having to get the permission of all the other shareholders. Corbin responded that his interest in this topic was to ensure there are no barriers for equity purposes and fairness and discrimination and those types of things. Mindy added that this conversation reminds her of Mobile Home Parks, where the land is owned by one entity, and the structures are bought and sold on the open market.

Eric stated that the data we have from the work group so far shows that it is not a foregone conclusion that this would pencil out. The quadplex example that was sort of our marquee example appears to not work, in part, because of the amount it would cost to construct the quadplex. The cost per square foot would cause the quadplex itself to be very expensive, not counting any of the other stuff you need to do. I'll ask how people build quadplexes in cities because it's not the rural location that makes it cost that much. It is possible that we will have to

delve into these manufactured home type samples because the stick-built examples cost too much to construct to have it work out.

Commissioner Chastain commended Eric for putting together such a great work group.

Commissioner Fritsch asked if Community Land Trust would be part of this conversation. Eric responded yes, another vehicle by which you can have ownership of land, but buildings owned separately, would be a Community Land Trust. Community Land Trusts are usually a vehicle for affordable housing. The Land Trust owns the land, and they sell the structures to homeowners and lease the land to them as well. The lease contains restrictions about how much they can sell it for and to whom they can sell it for to try to keep it permanently affordable. There are lots of Land Trust in Washington already and throughout the northwest.

Commissioner Spogen asked what type of access this model would require since typically, a house requires a driveway, but three homes require a private road. Eric responded that in the sandbox regulations, the RHA is considered one "residence" for purposes of the driveway rule. This is because, under the model being used here, its form and impacts are supposed to match a single-family residence. Therefore, it should only require a driveway. However, this would need to be agreed upon by Public Works in the code writing process. Spogen responded that it would help save money due to the cost of having a private road. Eric replied that that Public Works will have to ensure that the transportation impacts do not affect the rural character. But, the industry stakeholder groups' work should that these will not likely be huge money-making endeavors, meaning that we should not see an explosion of them that would cause Public Works concern about transportation impacts.

Eric continued his presentation of information.

The Planning Commissioners received a memo for this workshop about reducing the size of rural lots from 5 acres to 2.5 acres. When we talked about Rural Housing Alternative previously, you received two memos about why getting smaller units would be better at creating cheaper housing than reducing the size of rural lots from 5 acres to 2.5 acres: One memo was about Growth Management problems with 2.5 acres. Another looked at the reduction in price you would get from making the 5-acre lot into a 2.5-acre lot. I think it was a \$10,000 reduction. However, the reduction in price you might get from going from a 3,000 square foot house to a 1,000 square foot unit is approximately \$300,000. Therefore, you get much better affordability when people build smaller units on their rural lots.

When previously discussing that second (price-reduction) memo, Commissioner Spogen brought up the point that large rural parcels are often taxed at a lower rate per acre than other property because they are taxed based on their current use as open space or agriculture or forestry, so they get a price break on their taxes. Commissioner Spogen was right. This is the upshot of the work that I did in memo. I had not accounted for current-use taxation and in fact it was very difficult to do so; I had to do a whole bunch of mathematical gyrations to do so. At the end of the day, if you screen out all the parcels that would be in current use taxation, and

then you rerun the same analysis, she was correct that I had underestimated the affordability benefit of moving from 5-acre to 2.5-acre lots. If you screen them out, it's \$20,000 instead of \$10,000, so you get doubled the benefit that you would get, but that benefit was still much more modest than the benefit in the hundreds of thousands of dollars that you might get from cheaper, smaller units.

Mindy shared that although the memo is large and complex, it was sent to the Commissioners so that it is clear in our record and all information is shared upfront.

Eric concluded his presentation. Staff asked if there were more questions from the Commissioners.

Commissioner Russell shared that the Rural Housing Alternative concept is like the idea that a salesman could sell something he doesn't have. If it is possible to build the fourplex in places that people want to live, and can be sold, a person could make lots of money. Russell applauded the county for reworking that whole housing concept so that the Rural Housing Alternative is not the way to save Lewis County since it is not appropriate to push that much low-income housing in rural areas. Eric responded that the Rural Housing Alternative will likely be more affordable than single-family residences in the surrounding area, but it will probably not be affordable for low-income individuals.

Commissioner Russell expressed interest in how the county could help leverage and push the city in a particular direction. For instance, the top of the hill by Kennecott. Mindy responded that the county does not have authority over the cities in that way. The county does have the authority to influence where Urban Growth Area (UGA) boundaries expand when the UGA expansion requests come before the Planning Commission and BOCC. Eric added that although the county does not have regulatory authority inside the cities, that doesn't mean the county can't help. Eric is currently working with the City of Chehalis on ways to try to improve infrastructure in their southern UGA. There's a large development called Kennecott Villa. What the city needs is to figure out how to make sure there's enough infrastructure to support those developments. Russell clarified that his concern is that since UGA requests typically come from a landowner, it seems difficult to tell them no or propose a different location. Mindy responded that right now everyone is going through periodic updates. This is the time that the cities should be doing a comprehensive look at where their growth should be occurring over the next 20 years, including where UGAs should be expanded. It should not matter what the property owners want or do not want. The cities should look at what is best for the city and taxpayers of that city. However, when a UGA expansion request comes to the county, that is the time to have conversations about density and sprawl and where the most appropriate place is to expand. The county and cities do not want to create a situation where the cities can't expand their UGA because there's something that cannot turn into urban eventually. When looking eastward, there's no housing whatsoever and that is something to keep as part of the conversation.

8. Good of the Order:

A. Staff

Mindy reminded the Commissioners that the September 12th public hearing on the Packwood Subarea Plan will be held in Packwood. Staff hopes that everyone can attend the hearing and if commissioners would like to carpool, they may not have more than 3 commissioners ride together. On September 26th there will be a joint collaborating meeting with the BOCC on scoping the periodic update. Staff hopes that all the Commissioners can make it in person to that meeting as well.

B. Planning Commissioners

Commissioner Corbin asked staff for an update on the Packwood Subarea Plan, the Onalaska Subarea Plan, and the YMCA. Mindy responded that the final workshop on Packwood is August 8th and the hearing is scheduled for September 12th. The Onalaska Subarea Plan is currently recruiting volunteers for the advisory committee. There are 16 people who have signed up so far and there will be another community meeting on August 23rd. The community advisory committee for Onalaska will start in September and Planning Commission will get updates throughout the process, like the Packwood Subarea Plan. The YMCA just finished discovery and is in another holding pattern, but when more updates are available, they will be provided to the Planning Commission.

Commissioner Russell asked if the Commissioners could make a decision on the Packwood Subarea Plan at the September 12th meeting. Mindy responded that the Planning Commission can vote to move the Subarea Plan forward on the 12th if they are ready to do so. Mindy let the Commissioners know that she suspects most of the testimony at the hearing will be around the short-term rental policies.

Commissioner Corbin stated that he seems to be hearing more lack of support around the Onalaska Subarea Plan. Corbin asked if staff is also receiving this type of response. Mindy responded that she thinks there's a lot of misunderstanding because Onalaska already has a subarea plan not a new plan. This is an update to the existing subarea plan. Mindy thinks the other misunderstanding that people don't understand the capacity for development in Onalaska in their Small Town Mixed Use zoning. Staff is putting together a memo to explain the existing capacity for development. It is like Packwood, which is controlled by infrastructure. The sewer and water system out there doesn't allow full build out right now, but the sewer and water system will expand as developers want to develop and there isn't a lot of capacity for development. The subarea plan is an opportunity for the community to say how they want that development to happen. It is an opportunity to constrain development; for example, removing the option for commercial way out in the hinterlands of that area. Mindy encouraged anyone listening and who is pushing back against a subarea plan, to join the advisory committee so they can make their voice heard. If someone is really worried about development and how it's going to happen, come to the table.

9. Calendar

The next meeting of the Planning Commission will occur on August 8, 2023, and the agenda item is a workshop on the Packwood Subarea Plan.

10. Adjourn

Commissioner Corbin made a motion to adjourn. The meeting adjourned at 8:03 p.m.