

Commentary

ATTACHMENT B – LEWIS COUNTY CODE 17.143 NEW

The Rural Housing Alternative is a form-based approach to housing that is intended to meet the Growth Management Act RCW 36.07A.070(2)(a) ... "makes adequate provisions for existing and projected needs for all economic segments of the community, including ... incorporating consideration for low, very low, extremely low and moderate-income households." And RCW 36.70A.030(35) "rural character refers to the patterns of land and development ... that foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas."

A new section, LCC 17.143, is created with specific design standards for Rural Housing Alternative developments. 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 (maximum of four dwelling units per RHA);
- Clustering of units (within a 1.25-acre, four-sided area)
- Inability to subdivide the lot based on the RHA units;
- Shared primary access;
- Occupancy consistent with rural water and wastewater limitations;
- Prohibition on demand for urban services;
- Setbacks (increased by 10 feet from normal county setbacks);
- Stormwater compliance;
- Adequate public facilities review;
- Prohibition on short-term rental use; and
- Limitation of five RHA developments per fire district per year.

These constraints maintain Lewis County's rural character because the total square footage of residential housing per parcel is the size and impacts of an average single family residence in the county's Rural Development Districts and to not require urban services.

*This is a new section.
For ease of reading the new language is not underlined.*

**Chapter 17.143
RURAL HOUSING ALTERNATIVE**

Sections:

Article I. Scope – Administration

- 17.143.010 Purpose and applicability
- 17.143.020 Administration
- 17.143.030 Binding Approval

Article II. Standards

- 17.143.040 Maximum Residential Space
- 17.143.050 General Standards
- 17.143.060 Building Envelope
- 17.143.070 Setbacks

Commentary

17.143.010 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. In Lewis County, 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. 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. Limitations are placed upon RHA developments in this section to guard strenuously against interference with rural character or developments that would overwhelm rural governmental services.

17.143.020 Administration.

The minimum lots size in the RDD zones is 5 acres; however, many lots were created prior to the existing zoning that are smaller than 5 acres and are therefore considered substandard lots. While these substandard lots may be developed, the RHA may not be used. The reason is to maintain the larger lot configuration and ensure no impact on rural services and facilities. Language was added to make it clear that the individual units within an RHA would not be a cause for future subdivisions unless it otherwise met all of the applicable codes.

It is the intent of the RHA to disperse new development throughout the county and not create signification impacts on rural services, such as the Fire Districts. Because this is a new innovative approach, only five RHA developments per year will be allowed in each Fire District. This will safeguard against unintended impacts.

*This is a new section.
For ease of reading the new language is not underlined.*

Article I. Scope - Administration

17.143.010 Purpose and Applicability.

This chapter establishes a permitting process to promote smaller-than-average housing development on rural lots of five or more acres in a manner consistent with existing rural character and rural services. The purpose is to increase available, affordable housing near rural employment while preventing sprawl and demand for urban services in such areas. The Rural Housing Alternative (RHA) development regulations are applicable separate from the accessory dwelling unit development regulations (Chapter 17.102 LCC) and may not be combined. Design standards herein shall supersede inconsistent standards elsewhere in this Code.

17.143.020 Administration.

- (1) RHA developments shall be processed as a Type I Application.
- (2) RHA developments are permissible only on lots five (5) acres or greater in size.
- (3) No more than one (1) RHA development is allowed per lot.
- (4) No more than five (5) RHA developments are allowed per fire district per year.
- (5) Notice to service providers and completion of the adequate public facilities and services requirements of Chapter 17.130 LCC is required.
- (6) If the RHA development uses water from a permit-exempt well, the units must collectively comply with RCW 90.44.050.
- (7) 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.
- (8) Units within a RHA development shall not be a cause for the future subdivision of the property, unless such subdivision is in compliance with all subdivision, zoning and other applicable development regulations in effect on the date of the application for the subdivision approval.

17.143.030 Binding Approval

Once approved as an RHA development, the terms and conditions as of the time of approval 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

17.143.040 Maximum residential space.

Currently, the County allows one single family residence and one accessory dwelling unit (ADU) that may be attached or detached per parcel. In Lewis County the average size of a single family residence is approximately 2,300 square feet. The maximum allowed size of an ADU is 1,296. Therefore, the maximum allowed residential space of 3,600 square feet will provide similar physical impacts as what is currently allowed in the County.

17.143.050 General Standards.

The maximum number of dwelling units per parcel is capped to safeguard against unintended consequences. The County's research shows that up to eight dwelling units is possible while still not requiring urban services. However, rural character also means maintaining an open and rural look, which has not traditionally included tiny home villages.

Whether the dwelling units are attached or detached is irrelevant because the total square footage of residential space is capped and all units must be clustered on 1.25 acres and use the same primary access point. Further, the parcel may not be subdivided based on the dwelling units.

In typical rural development, dwelling units are on separate lots and there is a 5 foot setback from the property line, creating 10 feet of separation between dwelling units. This provides fire separation between detached dwelling units. To maintain the same level of fire protection, a 10-foot separation between detached dwelling units is required under RHA. Note - The IRC does not require separation between a house and accessory structures and none is proposed under RHA either.

Lastly, the goal of the RHA is to increase affordable housing options in close proximity to rural employment. Transient accommodations, such as short term rentals, while often located in a single family house are a commercial/recreational use not a residential use. Therefore, any housing built under the RHA allowances are prohibited from being used as transient accommodations.

*This is a new section.
For ease of reading the new language is not underlined.*

Article II - Standards

17.143.040 Maximum residential space.

- (1) 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. Any existing dwelling unit(s) on the lot must be counted towards the maximum 3,600 square feet.
- (2) The director of community development or the director's designee, guided by the purpose and applicability provisions in 17.143.010, may make policies or interpretations defining conditioned living space generally or with regard to a specific project.

17.143.050 General Standards.

- (1) All standards (a) through (f) shall be met.
 - (a) There shall be no more than four (4) dwelling units per RHA development and any existing dwelling unit(s) must be included.
 - (b) The units may be detached or attached; if detached there shall be at least ten (10) feet of separation between each unit;
 - (c) All dwelling units shall share the same primary access to the property.
 - (d) Maximum occupancy shall be consistent with the units' water and septic/sewer capacity.
 - (e) The dwelling units shall not require extension of urban services, alone or in conjunction with other development(s) or proposed development(s) nearby.
 - (f) No dwelling units permitted through the RHA shall be used as transient accommodations; including any existing dwelling units counted towards the maximum number of dwelling units.

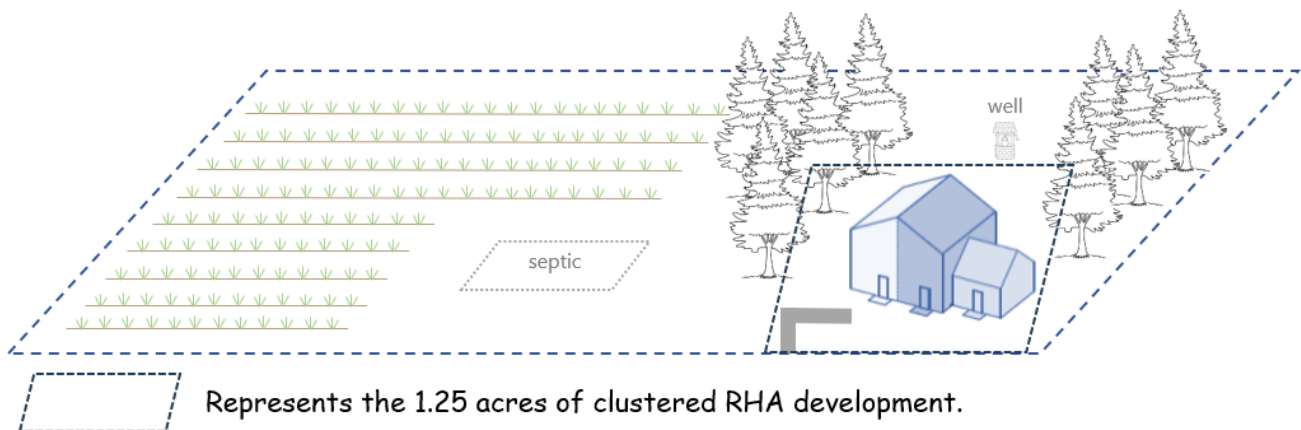
Commentary

17.143.060 Clustering of dwelling units.

The purpose of the clustering requirements is to cluster all dwelling units permitted under RHA to 1.25 acres of the lot. County research shows that most traditional rural development in Lewis County is clustered on large lots. The average size of where most structures are located is between 1 and 1.5 acres. Thus, this approach meets the rural character of Lewis County.

The intention of the limits on the area where the dwelling units must be clustered is to safeguard against very long driveways with different extensions for dwelling units, which would tend to make RHA look more like a subdivision into three or four separate small lots; instead, the purpose of clustering is to maintain the rural character defined by an open-feel, wildlife-crossing, septic, and stormwater benefits of clustered rural housing in a way similar to traditional Lewis County rural housing developments.

The intent of the clustering requirement and allowance for well and septic to be located outside the clustered area is shown below:



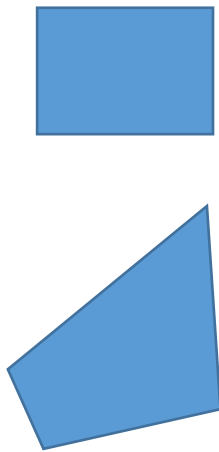
*This is a new section.
For ease of reading the new language is not underlined.*

17.143.060 Clustering of dwelling units.

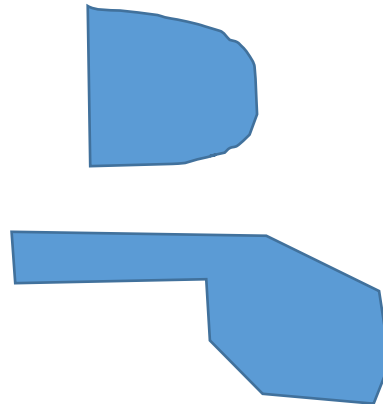
- (1) The dwelling units and external structures directly associated with the dwelling units, such as a detached garage, shall be clustered within a four-sided residential area of no more than one-and-one-quarter (1.25) acres. The edges of the area need not be parallel or the same length but must form a convex quadrilateral (Figure 1). Except, the shape of the area where the RHA development is clustered may be adjusted as needed to include existing legal access point(s).

Figure 1: Permissible RHA Building Clustering Shapes

Allowed: 4 straight sides
with no inverted corners



Not allowed: curves,
inverted corners, or more
than 4 sides¹



1. Except as adjusted to include existing legal access point(s).

- (2) Existing dwelling units or existing external structures directly associated with the dwelling units must be included within the area of RHA clustered development.
- (3) Nonresidential structures, 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.

Commentary

17.143.070 Setbacks.

Side, rear and private-easement setbacks are wider than is required for other residential development. This is to safeguard against unintended impacts of the RHA development on neighboring properties.

*This is a new section.
For ease of reading the new language is not underlined.*

17.143.070 Setbacks.

- (1) New above-ground structures shall meet the setback requirements of LCC 17.145.020, except that the following additional setbacks shall be implemented for RHA developments:

Public rights-of-way: As defined in LCC 15.15

Private Easement: 15 feet from private easement

Side: 15 feet from property line

Rear: 25 feet from property line

- (2) Existing residential structures converted to RHA development are not required to meet the minimum setbacks in subsection (1).