

Date: September 28, 2017
To: Lewis County Planning Commission
From: Fred Evander, Senior Long Range Planner
RE: PUBLIC HEARING: CLUSTERED SUBDIVISION, DUPLEX AND ADU STANDARDS
Attachments: Draft Clustering, Duplex and ADU Standards (41 pages)

The Lewis County Planning Commission will hold a public hearing on potential revisions to the Lewis County standards for clustered subdivisions and short subdivisions, duplexes and accessory dwelling units at their meeting of October 24, 2017.

CONTEXT

Lewis County's Code currently has a number of provisions that are related to alternative forms of housing.

Clustered Subdivisions – The Lewis County Code contains standards related to clustered subdivisions scattered throughout several sections. These standards tend to discourage clustered development due to the complex and unnecessarily restrictive nature of the process. For instance, under the existing code, clustered subdivisions are required to have double the critical area buffers listed in the critical areas standards (see 17.100.060(2)(a)), which discourages clustered developments in areas where the clustering would be the most beneficial. Similarly, the exact standards for clustered subdivisions in agricultural resource lands are not clear.

Duplexes – Other forms of more concentrated development are also not allowed in rural areas. Under the existing code, no duplexes are allowed in the Rural Development District, which limits the degree to which development can be concentrated and affordable housing options can be provided in rural settings.

Accessory Dwelling Units – The standards for accessory dwelling units are also unnecessarily complicated, and have tended to produce accessory dwelling units that, while consistent with the language of the code, do not meet the code's intent. For instance, existing code requirements allow accessory dwelling units to be smaller than 800 feet of habitable floor area. However, the manner in which the dwellings are measured can allow housing units that are significantly larger than the limit (because hallways, bathrooms and non-livable areas are not included in the measurement). The existing standards also do not allow Accessory Dwelling Units that are smaller than 300 square feet in area.

Similarly, standards within the Lewis County Code have encouraged the development of pseudo "accessory dwelling units" that were never intended to provide long-term housing. Using the existing code, a number of individuals have created semi-permitted or temporary accessory housing units in locations where accessory dwelling units are not otherwise allowed. For instance, several applicants have used the provisions for Medical Hardship/Temporary Second Dwellings, which require approval by the Lewis County Health Officer and have to be removed prior to the sale of the property as a means to create "temporary" accessory dwelling units.

Additionally, several individuals have established “detached bedrooms,” which are not allowed to have a stove, as means of creating a limited “accessory dwelling unit” within the confines of the existing requirements.

The temporary and semi-permitted nature of these pseudo “accessory dwelling units” is not a desirable means to meet the Growth Management Act Housing Goal to “encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types and encourage the preservation of existing housing stock” (RCW 36.70A.020(4)).

PROPOSED LANGUAGE

To address these issues, the proposed changes to the Lewis County Code would:

- Clarify and simplify the standards that allow clustered subdivisions on rural and agricultural resource lands (see 16.18).
- Establish a bonus density for clustered developments in rural lands that set aside 50 percent or more of a project site as a permanent restrictive easement (see 16.18.030).
- Permit duplexes as an allowed use on rural lands (see 17.42.040).
- Allow accessory dwelling units outright, up to 1,296 square feet of gross floor area, in the Rural Development District, certain LAMIRDs and Agricultural Resource Lands (see 17.30.623, 17.42.030, and 17.102). An accessory dwelling unit would be required to be accessory to a single-family dwelling unit.
- Remove the minimum size for accessory dwelling units (see 17.102). The minimum accessory dwelling unit sizes would be regulated under the International Residential Code.
- Remove the standards associated with temporary medical hardship uses and family member units, and process the uses entirely under the requirements for an accessory dwelling unit (see 17.160.050(2)).

In addition to these standards, the revisions would change the standards for incidental uses on Agricultural Resource Lands; clarify the development standards and use requirements in the Small Town/Mixed Use, Small Town/Industrial, and Rural Residential Center zones (to remove the discrepancy between the allowed uses in 17.42.030 and the Chapters of 17.45, 17.55 and 17.95); clarify and remove the contradictions in the requirements of the Rural Development District and other portions of the code and Comprehensive Plan (see sections 17.100.060 through 17.100.120); and revise the conditions in Special Conditions – Rural Area Development (see 17.150.030).

RECOMMENDATION

The Planning Commission should hold a public hearing to take testimony on the proposed draft. Following the Public Hearing, the Planning Commission may deliberate about the proposal and decide to make changes or forward a recommendation to the Lewis County Board of County Commissioners.

