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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Creating Solutions for Our Future

Joshua Cummings, Director

MEMORANDUM

TO: Storm & Surface Water Advisory Board

FROM: Andrew Boughan, Associate Planner

DATE: November 18, 2021

SUBJECT: Development Code Docket # A-7 – Low Impact Development (LID) Code Amendment

Background

The Department of Ecology requires implementation of Low Impact Development (LID) principles and best management practices (BMPs) as part of development regulations under the County's Western Washington Phase 2 Municipal Stormwater Permit. The purpose of LID is to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations, where feasible.

In 2016, the County adopted LID regulations into County development code (Ord # 15355). Since that time, permitting staff have identified some challenges with implementing specific parts of the regulations, particularly impervious surface limits for small lots. In April 2020, the Board of County Commissioners (BoCC) added a review of LID regulations to the 2020-2021 Official Development Code Docket, and prioritized this project 7 out of 16 development code amendments. The BoCC directed staff to take a targeted approach to reviewing LID, which included looking at issues affecting small lots and lots that require long access driveways.

Scope of the Project

The Board of County Commissioners affirmed at a meeting on April 23, 2020 that the intent of the Low Impact Development Code amendment was to address existing limitations within the LID code adopted in 2016. The BoCC specified four (4) aspects to addresses with Development Code Official Docket Item A-7:

- Allow hard surface credits to be applied for lots 2.5 acre or less;
- Lots needing long access driveways;
- Ken Lake Special Overlay District; and

- 10% impervious surface limits on large rural lots.

Included with these amendments are new definitions, updated references, and process improvement changes that will simplify the overall review process for the property owner.

Changes to Thurston County Code

New Proposed Zoning Definitions (TCC 20.03) for Low Impact Development’s consistency with the County’s Drainage Design and Erosion Control Manual (DDECM). Included in the proposed amendment are new zoning definitions that address standard terminology associated Low Impact Development and that are found in the DDECM. The definitions refer to the DDECM directly, and should reduce the need for future amendments to the definitions within Title 20 if the definition changes in the DDECM. The proposal would add “Effective Impervious Surface”, “Full dispersion”, “Hard surface”, “Impervious surface”, and “Ineffective Impervious Surfaces” to the 20.03 – ‘Structure, Interpretations and Definitions’ chapter of Thurston County code.

Amendment to Zoning Regulations (TCC 20.07) for Low Impact Development - Hard and Impervious Surface Limits Requirements. Amendments to Chapter 20.07.090 – ‘Hard and Impervious Surface Limits’ would add ineffective impervious surfaces as area to not be included under the total for hard surfaces, add references to the DDECM manual, update standard wording, and would reformat for a new content hierarchy.

Amendment to Zoning Regulations (TCC 20.30 and 20.30A) for Low Impact Development within a Planned Residential Development (PRD) and within a Planned Rural Residential Development (PRRD). Proposed amendments to Chapter 20.30.050 – ‘Development Standards’ and Chapter 20.30A.070 – ‘Development Standards’ would change how hard surface coverage limits are calculated for these planned developments. Currently, PRDs and PRRDs exempt individual lots from hard surface coverage limits but are required to meet hard surface coverage limits for the underlying zone for the whole PRD, including lots, streets, access ways and other paved surfaces within the development. Development Services has identified this as a difficult regulation to calculate, and it can result in unbuildable lots. The proposed change would require that each individual lot meet the hard surface requirements of the underlying zoning district. This will provide staff the ability to ensure compliance with maximum coverage standards, and reduce the risk of having unbuildable lots within these types of planned developments due to hard surface coverage limits.

Amendment to Zoning Regulations (TCC 23.04) for Low Impact Development within the Ken Lake Impervious Surface Overlay District (Olympia UGA). Amendments to Chapter 23.04.080 – ‘Residential districts’ would add “hard surface coverage” to the footnote in Table 4.04 and to the Ken Lake Impervious Surface Overlay District. Hard surfaces would be required to follow the standards in Residential One Unit per Five Acres (R-5) Zoning District.

Review of Proposed Changes

To arrive at the proposed amendments, the following departments were involved in review:

[November 18, 2021] – Low Impact Development (LID) Code Amendments

- Review with Public Works
- Review with Development Services
- Review with Community Planning (Stormwater Program Coordinator)

Opportunity to Comment

During the development code amendment process, there are three (3) instances in which public comment is formally requested. The Planning Commission (PC), SEPA, and the Board of County Commissioners (BoCC) will each have a public comment period ranging from fifteen days (SEPA) to twenty days (PC & BoCC). We invite you to learn more by visiting the [Low Impact Development \(LID\) Code Amendment webpage](#). Located on the page are the project materials as well as a link to where those interested can submit public comment.

The Planning Commission had a work session on October 6 and another on November 3, 2021. During their meeting on November 3, the Planning Commission scheduled a public hearing for December 1, 2021 at 7:00 PM or soon thereafter. The public is welcome to submit oral comments limited to 3 minutes at the beginning of the Planning Commission meeting.