

**2020-2021 Development Code Docket
Low Impact Development (LID) Amendment
Public Hearing Staff Report**

Date: November 23, 2021
Prepared by: Andrew Boughan, Associate Planner

Public Hearing Date: December 1, 2021

Proponent/Applicant: Thurston County
Community Planning and Economic Development

Proposal Description: Amend Thurston County’s Title 20 Zoning Code and Title 23 Olympia Urban Growth Area Zoning Code to amend development regulations related to land use and stormwater strategies.

Action Requested: Amend Thurston County’s Title 20 Zoning Code and Title 23 Olympia Urban Growth Area Zoning Code (Chapters 20.03, 20.07, 20.30, 20.30A, and 23.04) to address inconsistencies and improve flexibility related to stormwater strategies.

Location: Rural Thurston County, Olympia Urban Growth Area

Comprehensive Plan Changes: Map Changes Text Changes Both
 Development Code Amendments (Titles 20, 23)
 Affected Jurisdictions (_____)

TOPIC

Item (#A-7) on the “2020-21 OFFICIAL DOCKET OF PROPOSED DEVELOPMENT CODE AMENDMENTS” Low Impact Development (LID) Code Amendment considers amendments to Title 20 and Title 23 to simplify existing regulations and resolve permitting issues for citizens and staff. This is a high-priority docket item, as identified by the Board of County Commissioners in April 2020. Portions of this amendment would apply to all properties within unincorporated Thurston County, and other portions apply only to the Olympia urban growth area. This proposal will not apply to the Lacey or Tumwater urban growth areas.

This hearing is to consider amendments to Titles 20 and 23, including new and amended definitions in Chapter 20.03 – Structure, Interpretations and Definitions; new and revised code language on Hard and Impervious Surface Limits in Chapter 20.07 – Lot, Yard, Use and Structure Regulations; new and revised code language in Chapter 20.30 – Planned Residential Development; new and revised code language on Chapter 20.30A – Planned Rural Residential Development (PRRD); and new code language in Chapter 23.04 – Residential Districts

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1 **BACKGROUND:**

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

7
8 In 2016, the County adopted LID regulations into County development code (Ord # 15355). Since
9 that time, permitting staff have identified some challenges with implementing specific parts of the
10 regulations, particularly impervious surface limits for small lots. The BoCC directed staff to take
11 a targeted approach to reviewing LID, which included looking at issues affecting small lots and
12 lots that require long access driveways.

13
14 **Scope of the Project**

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

- 19
20
 - 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.

24
25 Included with these amendments are new definitions, updated references, and process
26 improvement changes that will simplify the overall review process for the property owner.

27
28 **DEPARTMENT ANALYSIS:**

29
30 **New Proposed Zoning Definitions (TCC 20.03) for Low Impact Development’s consistency**
31 **with the County’s Drainage Design and Erosion Control Manual (DDECM).** Included in the
32 proposed amendment are new zoning definitions that address standard terminology associated Low
33 Impact Development and that are found in the DDECM. The definitions refer to the DDECM
34 directly, and should reduce the need for future amendments to the definitions within Title 20 if the
35 definition changes in the DDECM. The proposal would add “Effective Impervious Surface”, “Full
36 dispersion”, “Hard surface”, “Impervious surface”, and “Ineffective Impervious Surfaces” to the
37 20.03 – ‘Structure, Interpretations and Definitions’ chapter of Thurston County code.

38
39 **Amendment to Zoning Regulations (TCC 20.07) for Low Impact Development - Hard and**
40 **Impervious Surface Limits Requirements.** Amendments to Chapter 20.07.090 – ‘Hard and
41 Impervious Surface Limits’ would add ineffective impervious surfaces as area to not be included
42 under the total for hard surfaces, add references to the DDECM manual, update standard wording,
43 and would reformat for a new content hierarchy.

44
45 **Amendment to Zoning Regulations (TCC 20.30 and 20.30A) for Low Impact Development**
46 **within a Planned Residential Development (PRD) and within a Planned Rural Residential**
47 **Development (PRRD).** Proposed amendments to Chapter 20.30.050 – ‘Development Standards’
48 and Chapter 20.30A.070 – ‘Development Standards’ would change how hard surface coverage

1 limits are calculated for these planned developments. Currently, PRDs and PRRDs exempt
2 individual lots from hard surface coverage limits but are required to meet hard surface coverage
3 limits for the underlying zone for the whole PRD, including lots, streets, access ways and other
4 paved surfaces within the development. Development Services has identified this as a difficult
5 regulation to calculate, and it can result in unbuildable lots. The proposed change would require
6 that each individual lot meet the hard surface requirements of the underlying zoning district. This
7 will provide staff the ability to ensure compliance with maximum coverage standards, and reduce
8 the risk of having unbuildable lots within these types of planned developments due to hard surface
9 coverage limits.

10
11 **Amendment to Zoning Regulations (TCC 23.04) for Low Impact Development within the**
12 **Ken Lake Impervious Surface Overlay District (Olympia UGA).** Amendments to Chapter
13 23.04.080 – ‘Residential districts’ would add “hard surface coverage” to the footnote in Table 4.04
14 and to the Ken Lake Impervious Surface Overlay District. Hard surfaces would be required to
15 follow the standards in Residential One Unit per Five Acres (R-5) Zoning District.

16 17 **CONSISTENCY WITH OTHER REGULATIONS, PLANS, AND POLICIES**

18 19 **Consistency with the Comprehensive Plan**

20
21 The Comprehensive Plan – Land Use Chapter’s Planning Objectives and Policies, state:

22
23 *Goal 1, Objective A: County development requirements and programs provide for a balance*
24 *between human uses and the natural environment in rural and resource areas, the conservation of*
25 *rural resources, and for low levels of demand for public services and facilities.*

- 26
27 • (Policy 12) Buildings and roads should be located on sites in ways that minimize the need for
28 cutting, grading or the removal of native plant material.

29
30 *Goal 1, Objective B: County requirements and programs for housing in rural areas should*
31 *encourage residential development that is compatible with small scale as well as commercially-*
32 *significant farming, forestry, aquaculture, open space, outdoor recreation, rural service levels,*
33 *and generally with the rural character where human use does not overbalance the natural*
34 *environment. Use of innovative techniques in addition to zoning designations provides a variety*
35 *of densities in rural areas.*

- 36
37 • (Policy 4) Residential development adjacent to agriculture or forestry uses should be designed
38 in a manner that minimizes potential conflicts and reduces unnecessary conversion of farm and
39 forest land. Such mechanisms as clustering and buffering should be employed to reduce
40 potential conflicts.

41
42 Within the **Comprehensive Plan Chapter 7—Utilities**, this goal supports the continued effort to
43 protect the environmental quality throughout the county:

44
45 *Goal 3: Provide for stormwater management in a manner that protects environmental quality and*
46 *avoids increasing the risk of property damage from stormwater runoff.*

- 1 • (Policy #) Review and update the SWMPP, DDECM, and Stormwater CIP on a regular basis
2 to reflect advancements in stormwater management.
3

4 This amendment will provide the opportunity to balance the needs of property owners while
5 maintaining environment quality in the county. The proposed amendments also standardize the
6 regulations with the County’s Drainage Design and Erosion Control Manual (DDECM).
7

8 **PLANNING COMMISSION REVIEW:**

9 The Planning Commission has held two (2) work sessions on October 6 and November 3, 2021 to
10 discuss the amendments to Title 20 and Title 23 to address existing limitations within the LID
11 regulations.
12

13 Attachments and other supporting materials for these meetings can be viewed at:
14 <https://www.thurstoncountywa.gov/planning/Pages/pc-meetings.aspx>
15

16 **SEPA**

17 An environmental determination for the proposed code amendment in unincorporated Thurston
18 County is required pursuant to WAC 197-11-704; and, will be completed prior to a public hearing
19 on the amendments before the Board of County Commissioners.
20

21 **NOTIFICATION**

22 Notification for this public hearing was posted online and published in *the Olympian* and sent to
23 webmail subscribers on November 8, 2021 and a press release was issued on November 19, 2021.
24

25 **PUBLIC COMMENT**

26 No public comment has been received at this time.
27

28 **ATTACHMENTS:**

29 ATTACHMENT A: Low Impact Development (LID) Ordinance



COUNTY COMMISSIONERS

Carolina Mejia-Barahona
District One

Gary Edwards
District Two

Tye Menser
District Three

**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Joshua Cummings, Director

Creating Solutions for Our Future

ATTACHMENT A

Low Impact Development Public Hearing Ordinance

A-7 Low Impact Development (LID) Code Amendment

Page 1 of 1

2000 Lakeridge Drive SW, Olympia, Washington 98502 (360) 786-5490/FAX (360) 754-2939
TTY/TDD call 711 or 1-800-833-6388 Website: www.co.thurston.wa.us/permitting

**Thurston County Community Planning and Economic Development
Department
Community Planning Division**

**THURSTON COUNTY PLANNING
COMMISSION**

PUBLIC HEARING DRAFT

December 1, 2021

**Low Impact Development (LID)
Code Amendment**

- Section I: Title 20, Chapter 20.03 Structure, Interpretations and Definitions**
Section II: Title 20, Chapter 20.07 Lot, Yard, Use and Structure Regulations
Section III: Title 20, Chapter 20.30 Planned Residential Development
Section IV: Title 20, Chapter 20.30A Planned Rural Residential Development (PRRD)
Section V: Title 23, Chapter 23.04 Residential Districts

Deleted Text: ~~Strikethrough~~ Proposed Changes: Underlined
Staff Comments: *Italics* Unaffected Omitted Text ...

The proposed amendments contained herein are included on the 2020/2021 Official Development Code Docket Item A-7. Development Code Docket # A-7 is legislative proposal with an intentionally narrow focus on addressing inconsistencies in the code and providing additional flexibility where the adopted regulations have proven to be impractical to meet in certain circumstances. This document is comprised of five (5) chapters that will be affected, which will include new/revised definitions, references, and revisions to existing regulations. This proposed code change would provide further flexibility to all parties involved during the review process. The areas of flexibility included in this proposal are to 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.

I. Thurston County Code Chapter 20.03 TCC (STRUCTURE, INTERPRETATIONS AND DEFINITIONS) shall be amended for consistency with the Drainage Design and Erosion Control Manual to read as follows:

...

20.03.040 – Definitions.

...

44.6 “Effective Impervious Surface” as defined in the Thurston County Drainage Design and Erosion Control Manual (DDECM).

...

53.5 “Full dispersion” means stormwater runoff dispersed in accordance with the Thurston County Drainage Design and Erosion Control Manual (DDECM).

...

62. "Hard surface" as defined in the Thurston County Drainage Design and Erosion Control Manual (DDECM).

...

68.2 “Impervious surface” as defined in the Thurston County Drainage Design and Erosion Control Manual (DDECM).

...

68.3 “Ineffective Impervious Surfaces” as defined in the Thurston County Drainage Design and Erosion Control Manual (DDECM).

...

102.5 “Pervious surface” as defined in the Thurston County Drainage Design and Erosion Control Manual (DDECM).

...

II. Thurston County Code Chapter 20.07 TCC (LOT, YARD, USE AND STRUCTURE REGULATIONS) shall be amended to read as follows:

...

20.07.090 – Hard and Impervious Surface Limits.

1. General standards. In addition to the hard surface coverage limits specified in this title, the following standards shall apply:
 - a. The total area of hard surfaces shall not include;

- i. Access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of requirements to locate features over which the applicant does not have control.
 - ii. Ineffective impervious surfaces.
 - b. Pervious pavement surfaces may be calculated at seventy-five percent area for the purpose of calculating total hard surface area.
 - c. On any lot over two and one-half acres in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices.
 - d. Hard surfaces rendered nonconforming by the coverage limits of this title may be replaced ~~within the existing footprint, and must comply with the~~ Thurston County Drainage Design and Erosion Control Manual (DDECM) BMPs LID.01 – Native Vegetation Protection, Reforestation, and Maintenance; and LID.02 – Post-Construction Soil Quality and Depth, but may not be expanded.
 - e. The hard surface coverage area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a special use permit under Chapter 20.54.
2. General standards. In addition to the hard surface coverage limits specified in this title, the following standards shall apply
- a. Credits apply ~~only to lots two and one-half acres or larger~~ in the following zones: LTA, LTF, RR 1/5, RRR 1/5, R 1/10, R 1/20, UR 1/5, RL 1/2, RL 1/1, RL 2/1, R 3-6/1, R 4-16, MGSA.
 - b. Hard surface coverage limits specified in this title may be increased by fifty percent under any one of the following circumstances:
 - i. Soils on the site allow for, and site design utilizes, full dispersion of stormwater runoff, done in accordance with the Thurston County DDECM, Chapter 15.05.
 - ii. A minimum of thirty percent of trees or native vegetation is retained on the site as shown in a landscape plan, as specified in Chapter 20.45. A maximum of twenty percent of this retained vegetation may be within a critical area or critical area buffer. Retained trees shall be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable.
 - iii. The development is a Planned Residential Development (PRD), TCC 20.30, or a Planned Rural Residential Development (PRRD), TCC 20.30A.
 - bc. Hard surface coverage limits specified in this title may be increased by one hundred percent under the following circumstances:
 - i. A minimum of sixty-five percent of trees or native vegetation is retained on the site as shown in a landscape plan, as specified in Chapter 20.45. Retained trees shall be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable.

- ed. An additional one thousand square feet of hard surface area may be permitted above the coverage limit for each six thousand five hundred square feet of retained trees and native vegetation that are outside of any designated critical area or buffer. Retained trees shall meet the standards of Section 20.45.020 and be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable.
- de. An additional one thousand square feet of hard surface area may be permitted above the coverage limit for each three thousand two hundred fifty square feet of retained trees and native vegetation that are outside of but connected to any designated critical area or buffer. Retained trees shall meet the standards of Section 20.45.020 and shall be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable.
- ef. An additional one thousand square feet of hard surface area may be permitted above the coverage limit for each three thousand two hundred fifty square feet of trees and native vegetation that are replanted within any degraded riparian habitat area, as specified in Chapter 24.35, or wetland buffer, as specified in Chapter 24.30. A restoration plan must be prepared by a qualified biologist or other qualified professional, as specified in Chapter 24.35.310. At the time of planting, evergreen trees shall be at least four feet tall and deciduous trees shall be at least one and one-half-inch caliper. New plantings shall consist of tree species native and appropriate to the area and shall be planted between October to February. Restored areas and replanted trees shall be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable. The county may also require that a watering, maintenance and monitoring plan be submitted to ensure their survival.

...

III. Thurston County Code Chapter 20.30 TCC (PLANNED RESIDENTIAL DEVELOPMENT) shall be amended to read as follows:

...

20.30.050 – Development Standards.

The following standards shall govern the interpretation and administration of this section:

...

- 5. Maximum Coverage. ~~Individual lots within a PRD are exempt from building and hard surface coverage limits established for the underlying zone, however, the PRD as a whole, including streets, access ways and other paved surfaces~~ Individual lots shall not exceed the percentage permitted by the underlying zone.

...

IV. Thurston County Code Chapter 20.30A TCC (PLANNED RURAL RESIDENTIAL DEVELOPMENT (PRRD)) shall be amended to read as follows:

20.30A.070 – Development Standards.

The following standards shall govern the interpretation and administration of this section:

...

3. Maximum Coverage by ~~Individual lots within a PRD are exempt from building and hard surface coverage limits established for the underlying zone, however, the PRD as a whole, including streets, access ways and other paved surfaces~~ Individual lots shall not exceed the percentage permitted by the underlying zone.

...

V. Thurston County Code Chapter 23.04 TCC (RESIDENTIAL DISTRICTS) shall be amended to read as follows:

...

23.04.080 – Residential districts' development standards.

The Table 4.04 identifies the basic standards for development in each residential district contained in this chapter. The sections referenced in Table 4.04 refer to the list of additional regulations below.

A. Maximum Housing Densities.

...

**Table 4.04
Residential Development Standards**

District	R-5	RLI 2—4	R4	R 4—8	R 6—12	MR 7—13	MR 10—18	RM-18	Additional Regulations
Maximum housing density (in units per acre)	½	4	4	8	12	24	30	24	23.04.080A
...									
Maximum hard surface	45% or 10,000 sf (whichever is less) 6% = lots 4 acres or more	2,500 SF provided that up to 6% coverage may be granted by conditional use permit	45% = 70% = Townhouses	55% = 0.25 acre or less 50% = 0.26 acre or more 70% = Townhouses	65% = 0.25 acre or less 50% = 0.26 acres or more 70% = Townhouses	70%	70%	70%	

* Properties in the Ken Lake Impervious Surface Overlay District shall follow the building coverage, hard surface coverage, and impervious surface limits of the R-5 zoning district (Section 23.04.085 TCC).

...

23.04.085 – Ken Lake Impervious Surface Overlay District.

- A. Purpose. The purpose of the Ken Lake Impervious Surface Overlay District is to lessen stormwater impacts to downstream properties from development.
- B. Map. The Ken Lake Overlay District Map shall include all lands depicted on the map named "Ken Lake Overlay District." A copy of this map shall be on file with the department. This shall indicate the boundaries of the overlay district. The overlay district may also be depicted on the official zoning map in lieu of maintaining a separate map.
- C. Standards. The maximum building coverage, hard surface coverage, and impervious surface coverage limits shall be the same as the Residential One Unit per Five Acre (R-5) zoning district.

...