

THURSTON COUNTY A-27 NONCONFORMING CODE UPDATE

PLANNING COMMISSION – APRIL 6, 2022



Critical Areas Ordinance Code Update:
Existing Nonconforming Uses, Structures and Lots

PROJECT BACKGROUND

- 2022-2023 Development Code Docket
 - Officially added in 2020
- Background
 - Code section last significantly updated in 2012
 - Development Services identified as priority process improvement
 - Proposed amendments reflect best available science for maintaining functional performance of critical area buffers
 - Multi-disciplinary review team helped craft proposal

PROJECT OVERVIEW

- CAO Chapter 24.50 regulates existing nonconforming uses, structures and lots
- Majority of alterations / expansions currently trigger Hearings Examiner Review via a Reasonable Use Exception process
- Not all projects need scrutiny of Hearings Examiner & could be processed administratively
- Proposed amendments expand administrative review of small-scale projects—expediting permits while ensuring same level of environmental protection
- Remaining projects still have Reasonable Use Exception as an option

CODE UPDATES

Proposed amendments include revised definitions, updated references, and process improvement changes:

- Chapter 24.03 Definitions – Alteration, structure; Alteration, use; Expansion; Impervious Surface; Normal Residential Appurtenances, and Replacement
- Chapter 24.50 Existing Nonconforming Uses, Structures and Lots:
 - Alteration or expansion of legally established nonconforming structures—General rules.
 - Expansion of impervious surfaces in riparian areas and pond buffers.
 - Intensification.
 - Destruction and Restoration.
 - Development of existing lots—Critical areas excluding frequently flooded areas.

CODE UPDATES – SUMMARY

- Clarify difference between alteration, expansion and replacement
- Clearly define ‘related appurtenances’ and update definition for ‘impervious surface’
- Expand administrative review of small-scale projects
- Clearly identify when buffer mitigation and restoration plans are required
- Update surety bond requirements to be consistent with TCC 24.70

IMPACTS OF CODE UPDATES

Proposed	Current
Landward additions permitted where a buffer has been functionally isolated	Additions limited to existing impervious surface area
Limited expansion of impervious surfaces (500 sf) located a minimum of 100' from wetland edge (no closer than primary structure)	Limited expansion of impervious surfaces (500 sf) allowed in riparian areas, pond buffers and outer 25% of wetland buffers (no closer than primary structure)
Replacement permitted outright	Replacement tied to valuation
Performance bond required if final inspection requested prior to restoration being complete (consistent with TCC 24.70)	Performance bond required for all restoration projects
Greater flexibility for home siting on existing nonconforming lots—minimum 100 ft buffer for riparian areas and wetlands	Development site limited to outer 25% of standard buffer width for riparian areas and wetlands

QUESTIONS?

Project Page

Nonconforming Code Update

<https://www.thurstoncountywa.gov/planning/Pages/devcode.aspx>

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MOTION

- *“Move to schedule a public hearing on May 4, 2022 for ‘Development Code Docket item A-27, Nonconforming Code Update,’ which amends the Thurston County Code, Chapters 24.03 and 24.50 related to existing nonconforming uses, structures and lots in the Critical Areas Ordinance.”*