

AGENDA ITEM SUMMARY

TITLE: 2009-2010 Official Docket – Adopt the Final Docket of Development Code Amendments

AGENDA ITEM NO. _____

DEPT. OF ORIGIN: Planning

SUBMITTED BY: Scott Clark, x 3005
Contact: Jeremy Davis, x 7010

DATE SUBMITTED: October 21, 2009

FOR AGENDA OF: November 10, 2009

TYPE OF ACTION NEEDED:

- Executed Contract
- Pass Resolution
- Pass Ordinance
- Pass Motion X
- Other

CLASS OF ITEM:

- Consent:
- Timed:
- Department: X

LIST OF EXHIBITS:

- Attachment A, Draft Official Docket

SUMMARY OF EFFECT ON THE BUDGET:

Expenditures:

- 1. Additional Expenditures..... \$0.00
- 2. An Increase in Ending Fund Balance \$0.00
- Total Increase in Expenditure Authority \$0.00

Financed By:

- 1. Additional Revenues \$0.00
- 2. A Decrease in Ending Fund Balance \$0.00
- Total Financing Sources \$0.00

CLEARANCE OF OTHER DEPT.

- Prosecutor’s Office X
- Financial Services _____
- Human Resources _____
- Budget Office _____
- ACAO _____
- Other (if applicable) _____

SUMMARY STATEMENT:

See page 2

STAFF’S RECOMMENDED ACTIONS:

Move to adopt the 2009-10 Development Code Docket.

SUMMARY STATEMENT

The Thurston County Code (TCC) Chapter 2.05, Growth Management Public Participation establishes Thurston County's docketing process for considering suggested amendments to the comprehensive plan and development regulations pursuant to the Revised Code of Washington 36.70A.470. The development code docket includes amendments to the following sections of the Thurston County Code:

1. Buildings and Construction, Title 14
2. State Environmental Policy Act, Chapter 17.09
3. Critical Areas, Chapter 17.15
4. Platting and Subdivision, Title 18
5. Shoreline Master Program, Title 19
6. Zoning, Titles 20, 21, 22, and 20

The development code docket does not include amendments that may require a concurrent amendment to the Thurston County Comprehensive Plan. Staff briefed the Board of County Commissioners on June 3, June 10, July 1, September 9, 2009, and October 23, 2009. The 20-day written public comment period concluded at the end of July. At the September 9, 2009 briefing, staff presented the public comments and the current department budget for amendments. The Board directed staff to return with a work plan to complete a minimum of twelve amendments. On October 23, 2009, staff presented a work plan to the Board, which would be completed in 2010. Other amendments from the official docket may be brought forward in 2010 for consideration given staffing and budgetary constraints as direct by the Board. The following work plan for the twelve selected amendments is based on the priorities set by the Board:

Project Number	Proposed Title & Affected Code	Minimum Estimated Staff Hours
A-1	Remove or Modify Building Size Limits in Rural Zones for Specified Facilities (Title 20)	50
A-3	Amend the Forest Lands Conversion Ordinance (TCC Section 17.25)	170
A-4	Creation of Unbuildable Lot Through a Short Plat Exemption (TCC 18.32.020(C))	25
A-5	Mandatory Presubmission Conferences (All Zoning Codes)	45
A-6	Incompatible Uses (All Zoning Codes)	120
A-7	Retail Agricultural Products	50
A-8	Junk Vehicles Title 20	15
A-9	Wineries and Breweries	80
A-10	Home Occupation/Home Based Industry Road Standards (TCC 20.54.070(16)(xi))	20
A-12	Stand Alone Accessory Structures (TCC 20.34.020)	15
A-14	Penalties and Enforcement All Land Use Codes	120
A-15	Rural Special Use Permit Standards (Chapter 20.54)	120
Total Estimated Staff Hours		830 Hours

2009/2010 Docket of PROPOSED *DEVELOPMENT CODE AMENDMENTS*

	Proposal Title & Affected Code	Summary	Issues/Analysis
PRIORITY "A"			
A-1	Remove or Modify Building Size Limits in Rural Zones for Specified Facilities <i>Title 20</i>	Amend the Rural Residential/Resource 1/5, Rural 1/10, Rural 1/20 and Urban Reserve zones to include criteria to allow larger structures where appropriate.	These zones were amended in 2007 to place blanket restrictions on building size. The unintended effect was to severely limit or prohibit some traditionally rural and public safety land uses. As an alternative to the blanket restriction on all uses, a limited number of specific uses, including fire stations, schools, and churches, among others, could be exempt from the size limits. Such uses could have size limits established through the State Environmental Policy Act (SEPA) or the Special Use Permit process on a site-specific basis.
A-2	DELETED		
A-3	Amend the Forest Lands Conversion Ordinance <i>17.25</i>	As an alternative to a rewrite, amend the code in at least 15 areas previously identified by staff to clarify and strengthen tree protection.	This could serve as an interim measure to strengthen tree protection until staff time is available for a rewrite. Eight of the identified areas are already being implemented through a change in standard operating procedure.
A-4	Creation of Unbuildable Lot Thru Short Plat Exemption <i>18.32.020(C)</i>	Amend to allow unbuildable lots to be created through the short plat exemption even if the remainder lot is buildable. Current language allows this exemption only if all lots to be created are unbuildable.	This change would allow a property owner to create a lot to sell to a conservation group, or to otherwise preserve critical areas without going through the short plat process, thus providing incentive to preserve critical areas. The remaining lot must retain a buildable size.

	Proposal Title & Affected Code	Summary	Issues/Analysis
A-5	Mandatory Presubmission Conferences <i>Administration</i> <i>Section of all Zoning Codes</i>	Amend all four zoning codes to require mandatory pre-submission conferences for most development proposals. Exceptions: residences, BLA's, administrative variance, and others.	This change would promote the improvement of application submittals, thereby reducing review time.
A-6	Incompatible Uses <i>All Zoning Codes</i>	Amend all zoning codes to require a buffer of at least 30-foot between incompatible uses/zoning districts.	In many cases, current buffers have proven inadequate, resulting in conflicts with neighboring properties. Amendments may include increasing the buffer width, requiring fences, berms, or more landscaping.
A-7	Retail Agricultural Products <i>All Zoning Codes</i>	Amend codes to allow retail sales of agricultural products raised on site and to allow temporary sales in other places as deemed appropriate. This should also include ancillary products and services.	Policy to allow farm stands at the farm site exists, but needs to be codified. Allowing agricultural operations and limited sales of products that were not raised on the property, or to sell their produce at non-farm locations will stimulate economic sustainability for small farms.
A-8	Junk Vehicles <i>Title 20</i>	Amend code to prohibit junk vehicles in the Long Term Forestry, Long Term Agriculture and McAllister Geologically Sensitive Area zoning districts.	Limitations on the keeping and storage of junk vehicles are specifically addressed in all other zones in the current code.
A-9	Wineries and Breweries <i>20.54.070</i>	Amend to permit small wineries and breweries in limited areas as home occupations or home-based industries, and larger ones as a special use in some rural zones.	Wineries and breweries are typically low impact uses, often used to supplement farm income. Over the past several years, many landowners have requested approval to conduct these operations
A-10	Home Occupation/ Home Based Industry Road Standards <i>20.54.070(16)(xi)</i>	Add "or obtain a road maintenance agreement and meet road standards for the level of use associated with the business".	Currently, home occupations/ home based industries must have access from a paved road meeting county standards. In some cases, based on a traffic analysis, a paved road is found to be unnecessary.
A-11	Family Member Units <i>Title 20</i>	Set limitations on the type and size of units that may be used as Family Member Units.	Current rules allow family member units to be permanently placed modular homes, thus making removal difficult when the family member moves out. The effect is a permanent increase in rural density. This may lead to densities inconsistent with the Comprehensive Plan and Growth Management Act.

	Proposal Title & Affected Code	Summary	Issues/Analysis
A-12	Stand-Alone Accessory Structures <i>20.34.020(1)</i>	Delete the code amendment approved in 2008 that allowed certain accessory structures to be placed on a lot without a residence in the rural county.	Allowing an accessory structure to be placed on its own parcel is inconsistent with the urban zoning codes. It also creates a higher potential for neighborhood degradation through deferred maintenance and unauthorized conversion to a residence.
A-13	Energy Efficiency <i>All Land Use Codes</i>	Review all codes to determine where and how changes can be made to compel more energy efficient development.	Requiring more efficient development would be a significant step toward addressing the issue of climate change.
A-14	Penalties and Enforcement <i>All Land Use Codes</i>	Amend all land use codes to strengthen the penalties and expand the options for attaining compliance with code provisions.	Current enforcement options are ineffective. Increased fines, double fees, liens on property, public notification of violations, recording of violation notices against property, and other actions should be used, as appropriate.
A-15	Rural Special Use Permit Standards <i>20.54</i>	Amend the special use chapter in the rural zoning code to better protect the essence of rural Thurston County.	The addition of clarifying language to the code would be designed to more narrowly construe the range of potential special uses and to set specific expiration deadlines in an effort to maintain the County's rural character.
A-16	Off Road Vehicle Restrictions <i>All Zoning Codes</i>	Amend all zoning codes to limit use of Off Road Vehicles (ORV) near residential structures in certain zones.	Residents frequently complain of noise and dust related to ORV use in their neighborhood. The code is currently silent on the siting of personal use ORV tracks.
A-17	Better Define "Agricultural Structure" <i>Definition Section of all Land Use Codes</i>	Add standards, such as parcel size, building size and other factors, for a structure to be considered an agricultural building for land use purposes.	Without specific standards, property owners can and do claim various code exemptions for agricultural buildings when the buildings are not actually used for agriculture.
A-18	Fence Requirements <i>Titles 17.15, 20, 21, 22, 23</i>	Add language in all four zoning codes and the Critical Areas Ordinance to set standards for fences.	The codes provide few standards regarding fences. Consideration should be given to height, materials, maintenance and location, particularly in critical areas.

	Proposal Title & Affected Code	Summary	Issues/Analysis
PRIORITY "B"			
B-1	Rewrite the Boundary Line Adjustment (BLA) Standards <i>18.04</i>	Amend the language to allow some additional latitude in the adjustment of property lines while maintaining the ability to place certain restrictions.	Recent case law prohibits adding conditions to a Boundary Line Adjustment approval. The current BLA code contains several conditions, thus it is noncompliant. Additionally, the current code prohibits certain boundary changes that may be desirable. The proposed language was presented to the BOCC in April 2008. Some small changes were requested. Other priorities bumped project continuation.
B- 2	Work Prohibition During Appeal Period <i>Administration</i> <i>Section of all Land</i> <i>Use Codes</i>	Amend all development regulations to prevent work during the appeal period for administrative decisions.	This would bring consistency with Hearing Examiner decisions. The affect would be to avoid having to "stop work" and potentially restore a site upon a successful appeal. This change would need to be in conjunction with B-3, Notification of Adjacent Property Owners. It would also add 14 days to the approval process.
B-3	Notification of Adjacent Property Owners <i>Administration</i> <i>Section of all Land</i> <i>Use Codes</i>	Amend all codes to provide notification to adjacent property owners for specified administrative decisions, including variances, administrative special use permits and short plats.	This change would give the most affected property owners notice of a proposed development prior to the actual construction. This may result in more appeals, but may also lead to more careful design.
B-4	Recreational Lots <i>All Zoning Codes</i>	There currently is no definition of "recreational lot" and no listing of allowed uses within such lot.	There are numerous vacant lots within older subdivisions that are not buildable for various reasons. There is no clarity on what use can be made of these lots.
B-5	Tumwater UGA Zoning Ordinance <i>Title 22</i>	Resolve the discrepancy between the current Comprehensive Plan designation and the adopted zoning in the Tumwater UGA area located west of Old Highway 99 and south of 88 th Avenue SE.	This area is zoned Single Family Medium 6-9 Units per Acre, a residential zone. The area contains over 30 properties with nearly all occupied by single-family residences. A rezone to the Mixed Use zone, as the area is designated in the Comp Plan, could occur without a Comp Plan amendment. Alternatively, the area could be re-designated in the Comp Plan to conform to current residential zoning.

	Proposal Title & Affected Code	Summary	Issues/Analysis
B-6	Clarify Expiration Deadlines <i>All Land Use Codes</i>	Amend all land use codes with similar language to clarify the circumstances under which an approved special use permit or other approval, will expire, including each approved phase of development.	The code is unclear regarding expiration thresholds on approved projects, both built and unbuilt, most particularly on projects with multiple phases or buildings. Adding specific language to clarify that certain actions, not just moving dirt, are necessary to avoid expiration would improve consistency and predictability. Importantly, it would also avoid indefinite extensions after codes have changed.
B-7	Lacey UGA Planned Residential Development Requirements <i>Title 21</i>	Amend the Lacey Urban Growth Area Zoning Code to prohibit planned residential developments (PRD's) in the Low Density Residential 0-4 Zoning District.	The intent of the Low Density 0-4 Units per Acre Zoning District is to allow only single-family residences on larger lots, creating a transition into the rural area. The PRD process allows any type of residential development to be constructed including multi-family and allows density increases.
B-8	Manufactured Housing <i>All Zoning Codes</i>	Amend codes as needed, to be in compliance with RCW 36.01.225	Must be amended to reflect State law changes, including design standards.
B-9	Permitted Childcare Centers <i>All Zoning Codes</i>	Amend codes to allow childcare centers as a permitted use in the Rural Commercial Center Zone and other commercial zones.	State agencies are in the process of addressing the growing need for childcare by widening the types of areas in which childcare can be provided. This proposed amendment would allow the County to assist in addressing the childcare needs of Thurston County.
B-10	Long Term Agriculture Zone Impervious Surface Limits <i>20.08A</i>	Add impervious surface limitations in the Long Term Agriculture zone	Unlike other zones, this zoning district has no building or impervious coverage restrictions.
B-11	Helipad Requirements <i>All Zoning Codes</i>	Amend codes to address where and how helipads may be approved.	Require review for helipads through Administrative Special Use Permit or Special Use Permit, depending on use level. Perhaps designate specific zones where they are allowable.

	Proposal Title & Affected Code	Summary	Issues/Analysis
PRIORITY “C”			
C-1	Prohibit Heat Pumps and Other Noise Generating Equipment within Setbacks <i>Titles 20, 21, and 23</i>	Amend the codes to specifically prohibit heat pumps and other noise generating equipment from locating within the setback area.	Heat pumps and air conditioning units near the property line generate frequent noise complaints. Keeping them outside the setback would help attenuate noise. This would also make all four zoning codes consistent.
C-2	Clarify Front Setback <i>All Zoning Codes, Definition Section</i>	Amend definition of “front” to make clear where the front setback is to be applied.	Current language specifies that the front setback goes with the front door and not the driveway access. This can be manipulated by the builder on properties fronting multiple roads, particularly on oddly shaped lots.
C-3	Residential Zone Permitted Uses <i>Table 22.08</i>	Correct error in table to include garages and accessory buildings as permitted in the Single Family Low (SFL) zone in the Tumwater Urban Growth Area.	The table, as it currently exists, indicates that accessory structures are not allowed in the SFL zone. This conflicts with specific language in the zone that allows for accessory structures.
C-4	Clarify School Mitigation for Short Plats and Large Lots <i>18.28.030 and 18.32.140</i>	Amend to specify mandatory mitigation for school impacts on short plats and large lot subdivisions.	Current language is silent on school mitigation. It is currently required by the County, but if challenged, may be not be legally defensible.
C-5	Density Requirements <i>20.09B, 20.09C and 20.09D</i>	In the new Rural 1/20, Rural 1/10, and Urban Reserve zones, add language to the "Primary Uses" section that specifies only one primary dwelling per lot.	This would make this portion of the code consistent with other rural zones
C-6	Rural Residential 1/5 Density <i>20.09</i>	Define density as 1 per 1/128th of a section. This would match what is considered a large lot subdivision lot and the way we have historically applied the 1/5 zone.	Current language does not mention minimum lot size for large lot subdivisions.
C-7	Critical Area Density Requirements <i>Titles 17.15; 20; 21; 22</i>	Amend the relevant codes to incorporate the density requirements pertaining to critical areas, as well as standards for garages in Summit Lake. Currently these standards are in the Critical Areas Ordinance.	Density calculations are more appropriate within the zoning codes. This is a housekeeping change that would improve code consistency.

	Proposal Title & Affected Code	Summary	Issues/Analysis
C-8	Grand Mound UGA Zones Residential Lot Width <i>20.15.060</i> <i>20.21A.060</i>	Amend the code to reduce the minimum lot width standards for the Residential 3-6/1 and Residential 4-16/1 within the Grand Mound UGA.	The current minimum lot width standards are quite large compared to other UGA residential zones with similar density requirements. The large required minimum lot widths currently make it difficult to design a subdivision while meeting the required density.
C-9	Right to Farm/ Right to Practice Forestry <i>20.61</i>	Amend code so that homebuyers who move to parcels adjacent to or near working farms or forests must be notified of activities and lifestyle impacts associated with adjacent agriculture and forestlands	Current notification is only required for subdivision proposals adjacent to Long Term Agriculture or Long Term Forestry zones. This amendment proposes to notify any homeowner that they are moving adjacent to farm or forestry activities. Method of notification is to be determined.
PRIORITY "D"			
D-1	UGA Code Updates <i>Titles 21, 22, 23</i>	Amend codes to incorporate applicable changes made by the cities to their zoning codes from 2004-2008.	Current UGA zoning codes are not entirely consistent with city zoning codes.
D-2	Fencing for Wireless Facilities <i>20.33.080(8)(a)</i>	The code currently indicates that a fence over six feet in height will require a building permit.	The building code has changed to allow fence construction up to eight feet without a building permit.
D-3	Special Uses - Composting <i>20.54</i>	Amend to eliminate the requirement for commercial composting operations to be conducted entirely under a roof.	Based on other composting facilities in the state, there is no need for a roof to cover composting facilities, including commercial operations. Composting usually requires the addition of water to be successful and is compatible with outside processing. Other issues such as traffic, stormwater, and odor would be addressed through the Special Use Permit and Solid Waste Permit.
D-4	Olympia UGA Commercial Districts <i>23.06.020 B.2 & b.3</i>	Decide which General Commercial District section is the one which was intended, B 2 or B 3.	The code provides two 'purposes' under General Commercial District, numbers 2 and 3, then goes on to have another number 3 as the Medical Service District. There are discrepancies between d and e within B2 and B3. One allows for residences, one does not explicitly allow them.

	Proposal Title & Affected Code	Summary	Issues/Analysis
D-5	Waste Management Plans for Kennels <i>20.54.070 (16) (D)</i>	Amend code to require the waste management plan for a kennel within the McAllister Geologically Sensitive Area to be approved by County Environmental Health. Kennels are currently subject to a waste management plan approved by the Hearing Examiner.	Prior to approval by the Hearing Examiner, the Health Department must give approval. Thus, it appears to be unnecessary to add the time and cost for the Examiner to make the decision. The Examiner has requested that this change be considered.
D-6	Yard Setbacks from Active Rail Lines and from Trails <i>All Zoning Codes</i>	Minimum building setbacks from rail lines are different depending on the front, side or rear designation. There are no required setbacks from trails.	For noise and safety concerns, the setback from an active railroad right of way should be consistent regardless of the front, rear or side yard designation. For trail preservation, there should be structure setbacks from the trail right-of-way.
D-7	Lot Size Measurements <i>Title 20 (Fig. 13)</i>	Amend figure to clarify dimensions of corner lots.	Title 20, Figure 13 is not clear and does not match the written text in TCC 20.07.070. Add 30' to describe "triangle leg" on plan view; add 2'6" and 7'6" length for total 10 foot horizontal plane on side view and perspective view.
D-8	Miscellaneous Clerical Errors <i>All Land Use Codes</i>	Amend minor clerical errors in the various codes.	Periodically, staff finds minor grammatical and textual errors in the codes that should be corrected. To make corrections, the formal adoption process must be followed.