2009-2010 Development Code Docket
A-12: Amend 2008 code amendment that allowed accessory structures on nearby lots (Title 20)

Date: April 7, 2010

Public Hearing Date: Tentative Date: May 5, 2010

Prepared by: Scott Longanecker, Associate Planner

Proponent/Applicant: Thurston County

Action Requested: Remove a 2008 Development Code amendment that permitted accessory structures on nearby lots in rural Thurston County (Title 20).

☐ Map Changes  ☑ Text Changes  ☐ Both  ☐ Affects Comprehensive Plans/documents
☐ Affected Jurisdictions

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ISSUE:
The 2008 Development Code amendment which permitted accessory structures on nearby lots in the rural county is inconsistent with zoning in the Olympia, Tumwater and Lacey Urban Growth Areas (UGA) and inconsistent with generally accepted land use planning practices.

BACKGROUND:
This is a proposal to amend Thurston County Code (TCC) 20.34.020(1) which was approved by the Board of County Commissioners on December 29, 2008 under ordinance No. 14182. The 2008 revision made it possible for accessory uses and structures to be placed on a nearby lot that is in the same ownership as the lot of principle use. This principal use would typically be a single-family residence. Prior to the 2008 amendment, accessory structures were limited to the same lot as the principle use.

This ordinance should be amended because allowing an accessory structure to be placed on a separate parcel is inconsistent with the urban zoning codes i.e. Olympia, Lacey and Tumwater Urban Growth Areas (UGAs). This ordinance also creates a higher potential for neighborhood degradation through deferred maintenance and unauthorized conversion to a residence.
DEPARTMENT ANALYSIS:

Prior to the passage of ordinance No. 14182 in December 2008, accessory uses were not permitted on nearby or adjacent lots to the principal dwelling or land use. Allowing an accessory use on an off-site parcel is not consistent with generally accepted planning principles and is out of sync with the vast majority of land use zoning codes and definitions for an accessory use. The majority of local and municipal zoning codes define an accessory use as a use or building which is clearly subordinate to and customarily found in association with a principal use; or a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure. An off-site accessory use is inconsistent with these definitions and with generally accepted land use planning and zoning practices. Solid waste and pest related problems are also more likely on lots used primarily for storage.

ALTERNATIVES:

Alternative 1) Amend TCC 20.34.020(1) to limit accessory uses to the same lot of record as the principal use or building.

Alternative 2) Make no change to TCC 20.34.020(1).

SEPA:

A SEPA determination has not been made at this time.

NOTIFICATION:

Written notice of the public hearing will be published in The Olympian at least twenty (20) days prior to the public hearing.

DEPARTMENT RECOMMENDATION:

Amending TCC 20.34.020(1) as suggested would be consistent with other Thurston County Development Codes, including Title 21 (Lacey UGA), Title 22 (Tumwater UGA), and Title 23 (Olympia UGA) and the Thurston County Comprehensive Plan. This amendment is also consistent with generally accepted land use planning and zoning practices.

The Resource Stewardship Department recommends the Planning Commission forward Development Code Docket item A-12, Amend 2008 code amendment that allowed accessory structures on nearby lots (Title 20) with a recommendation of approval to the Board of County Commissioners as follows:

Title 20 Zoning would be amended as follows:

Deleted Text: **StrikeThrough** Proposed Changes: *Underlined*

Staff Comments: *Italic* Unaffected Omitted Text: (...)
20.34.020 -- Limitations on accessory uses

1. Location of accessory uses.
   a. Accessory uses shall be on the same lot of record as the principal use or building, unless a provision of this title allows otherwise, except when the following conditions apply as determined through a site plan review:
      i. Both principal and accessory uses are residential; and
      ii. The accessory use cannot be located on the same lot of record as the principal use because of the physical characteristics of the property; and
      iii. The accessory use is located on a nearby lot that is in the same ownership as the lot of the principal use and building.
   b. Accessory uses on nearby lots shall:
      i. Be residential in appearance and architecturally consistent with the primary use and building; and
      ii. Be limited to a maximum of one thousand eight hundred square feet, or the size of the primary building, whichever is less; and
      iii. Have one story with a maximum height of twenty feet; and
      iv. Not include a guest house, accessory dwelling unit, home occupation, or home-based industry; and
      v. A restrictive covenant to bind properties shall be recorded on both the primary lot of record and the nearby lot for the accessory use. The covenant shall not allow the sale of the lot with the accessory use to be sold separately from the primary lot without the removal of the accessory use.

Attachment A: TCC 20.34.020 – Limitations on accessory uses.
20.34.020 - Limitations on accessory uses.

1. Location of accessory uses.
   a. Accessory uses shall be on the same lot of record as the principal use or building, except when the following conditions apply as determined through a site plan review:
      i. Both principal and accessory uses are residential; and
      ii. The accessory use cannot be located on the same lot of record as the principal use because of the physical characteristics of the property; and
      iii. The accessory use is located on a nearby lot that is in the same ownership as the lot of the principal use and building.
   b. Accessory uses on nearby lots shall:
      i. Be residential in appearance and architecturally consistent with the primary use and building; and
      ii. Be limited to a maximum of one thousand eight hundred square feet, or the size of the primary building, whichever is less; and
      iii. Have one-story with a maximum height of twenty-feet; and
      iv. Not include a guest house, accessory dwelling unit, home occupation, or home based industry; and
      v. A restrictive covenant to bind properties shall be recorded on both the primary lot of record and the nearby lot for the accessory use. The covenant shall not allow the sale of the lot with the accessory use to be sold separately from the primary lot without the removal of the accessory use.

2. Antenna structures and satellite dishes shall not be located within twenty feet of any property line. This requirement does not apply to satellite dishes eighteen inches or less in diameter.

3. Buildings shall not be located in required front or side yards.

4. Corner lot structures and planting shall comply with Section 20.07.070 (Use limitations on corner lots).

5. Barbed wire fences are prohibited in the RL 2/1, R 3-6/1, and R 4-16/1 districts, except as accessory uses to agricultural operations of one acre or more. On industrial and commercial uses, the strands shall be restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the nearest ground level.

6. Within the residential three—six units per acre and residential four—sixteen units per acre districts located within the Grand Mound urban growth area, accessory dwelling units are permitted as follows:
   a. There shall be no more than one accessory dwelling unit per lot in conjunction with a single-family structure.
   b. An accessory dwelling unit may be attached to, created within, or detached from a new or existing primary single-family dwelling unit.
   c. The accessory dwelling unit will require one parking space, which is in addition to any off-street spaces required for the primary single-family dwelling unit.
   d. The primary entrance to an accessory dwelling unit shall not be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located.
   e. To ensure that the accessory dwelling unit is clearly secondary to the primary dwelling unit, the floor area for the accessory dwelling unit shall in no case exceed eight hundred square feet, nor be less than three hundred square feet, and the accessory dwelling unit shall contain no more than two bedrooms.
   f. No more than one family, as defined in Chapter 20.03, shall be allowed to occupy an accessory dwelling unit.
   g. An accessory dwelling unit, together with the primary single-family dwelling unit with which it is associated, shall conform to all other provisions of this chapter.
   h. All accessory dwelling units shall conform to the Uniform Building Code and all other applicable codes and ordinances.
7. Guest House or Rooms for Guests. Guest houses or rooms for guests are permitted as an accessory use in all residential districts as follows:
   a. The floor area shall be limited to eight hundred square feet, or fifty percent of the primary dwelling unit whichever is less; and
   b. The guest house must also be clearly subordinate and incidental to the primary dwelling unit; and
   c. Be intended to be used for the occasional housing of guests; and
   d. Cannot be rented or leased for direct or indirect compensation; and
   e. It shall be demonstrated that the sewage treatment system is properly sized to accommodate increased flow based on the number of bedrooms, or rooms that could be used for sleeping quarters; and
   f. A covenant shall be recorded on the property showing the area used for the guest house, and the conditions of approval for the guest house; and
   g. An existing structure being converted to a guest house shall meet the requirements for a guest house as specified in this code.

8. Parking or storage of small cargo trailers and major recreational equipment in residential and rural districts, including but not limited to boats, boat trailers, camping trailers, travel trailers, motorized dwellings, recreational vehicles, tent trailers, houseboats, and horse vans are subject to the following limitations:
   a. Such equipment shall not be used for living, sleeping, or other occupancy associated with residential uses when parked, or stored on a residential lot, or in any other location not approved for such use. These types of equipment are intended for recreational use only and do not meet building, fire and safety, and health code standards associated with residential uses. Temporary occupancy is permitted but shall not exceed thirty days in any six-month period. Two thirty-day temporaryoccupancies within any twelve-month period must be separated by a minimum of at least forty-five days.
   b. Such equipment over six feet in average height, when not parked in a garage, carport or other structure, shall not be located in any required front or side yard reserved for building setback (except driveways).
   c. Such equipment shall not be hooked up to utilities, sewage or septic, or water facilities unless located in a recreational vehicle park. An exception can be made for an electrical extension to prevent freezing, etc. when the recreational vehicle is being stored.
   d. Such equipment shall not be attached to other structures such as, but not limited to, decks, porches, roofs, room additions, foundations, carports, storage units, accessory structures, walls or fences, dwellings, or other buildings.
   e. Travel trailers, motorized dwellings, and recreational vehicles may be temporarily occupied for six months only when located in a recreational vehicle park and hooked up to utilities, sewage or septic, and water facilities.

   a. General Provision. Outside storage shall be maintained in an orderly manner and shall create no fire, safety, health or sanitary hazard.
   b. Residential Districts. Outside storage incidental to permitted uses is allowed in all residential districts listed in this title subject to the following:
      i. Required front yard shall not be used for storage (except firewood).
      ii. Junk vehicles. Vegetative screens shall achieve one hundred percent opacity, year around, within one year of planting. All vegetative screens in compliance with this section shall be maintained in a healthy condition. Any vegetation in such screens that dies shall be replaced within six months.

(A) A maximum of two junk vehicles or parts vehicles may be stored on a lot, or contiguous lots in a single ownership, in the RL 2/1, R 3-6/1, R 4-16/1 districts and on lots of one-half acre (21,780 square feet) or less in the R 1/20, R 1/10, UR 1/5, RR 1/5, RRR 1/5, RL 1/2, and RL 1/1 districts.

(B) A maximum of four junk vehicles or parts vehicles may be stored on lots larger than one-half acre (21,780 square feet), or on contiguous lots in a single ownership totaling more than one-half acre, in the R 1/20, R 1/10, UR 1/5, RR 1/5, RRR 1/5, RL 1/2, and RL 1/1 districts.

(C) Junk vehicles and parts vehicles shall be contained in an enclosed structure or
screened. Screening must be at least six feet in height and composed of material that completely blocks the view of the junk/parts vehicle(s) from the right-of-way and abutting residential properties. Screening may consist of fences, walls, vegetation, berms or other visual barriers in keeping with the residential character of the area, as determined by the approval authority.

(D) Required screening shall not be placed in public right-of-way.

(E) Junk/parts vehicles may not be stored on public right-of-way.

(F) All junk/parts vehicles made nonconforming by this title shall be removed from the site by March 1, 2002.

iii. Uninstalled mobile/manufactured homes or buildings moved from other sites may only be stored on a property while building and development permits are being processed and issued for that structure's installation on that particular property. No other form of uninstalled mobile/manufactured home storage will be permitted.

c. Commercial and Industrial Uses. The intent of this section is to control the outdoor storage of materials and products used in production, for sale on premises, awaiting shipment or production waste in such a fashion as to insure public safety, health, welfare and to minimize detrimental visual impact upon neighboring property and/or public thoroughfares.

i. Permitted Items. Every reasonable effort shall be made by persons operating a business to store all such materials within an enclosed building, with the following exceptions:

(A) Where such inside storage is not practical and desirable for reasons related to health, fire or safety codes;

(B) Where the outside storage of merchandise, manufactured products or raw materials is normal and standard practice, such as in the sale of automotive equipment, mobile/manufactured homes, lumber, gardening materials, nursery stock and the like, or on the site of construction projects;

(C) When materials or products are temporarily stored outside incidental to shipping, delivery, loading or unloading thereof.

ii. Storage Height and Screening. Materials and products may be stored to height maximums permitted in the particular subject, subject to the provisions of performance standards/view protection in this chapter, but shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers and siting adequate to achieve one hundred percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Fences and walls over six feet high require a building permit. Screening shall not be placed in the public right-of-way or in the vision clearance triangle of intersections and curb cuts.

iii. Vehicle Storage. Outdoor storage of automobiles, trucks, farm, construction and rental equipment, trailers, boats, campers, recreation vehicles, mobile/manufactured homes and other vehicles for sale, rent or shipment (not including parking lots for residential or commercial use) shall be effectively screened from view, in residential areas and rural districts. Screening shall be of a material or vegetation sufficient to provide a solid barrier to view and shall be at least eight feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to prohibit visibility from rights-of-way and adjacent and nearby properties. Screening shall not detract from the residential character of the area. Vegetation used for screening must be of sizes, types, numbers and siting adequate to achieve one hundred percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Fences and walls over six feet high require a building permit. Vehicles may not be stored on streets or public rights-of-way. Screening shall not be placed in the public right-of-way or in the vision clearance triangle of intersections and curb cuts.

d. Noncomplying Storage. All storage, existing on the adoption date of the ordinance codified in this section,* shall comply with the standards of this code by December 31, 1999. No noncomplying storage conditions will be permitted to be grandfathered in after December 31, 1999.

10. Wayside stands must be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.
11. Junk yards, scrap heaps or refuse piles are prohibited, except as specifically permitted in Chapter 20.54.

12. Minor accessory additions to existing public facilities will be considered as accessory uses not requiring special use permit. Such minor accessory uses include a water tower or small shed at a fire station, or construction of a cover over a playfield at a school or park, but not construction of a new wing to a building, nor construction of a major new building or structure on the site.

13. On-site treatment and storage facilities for hazardous wastes are allowed as accessory uses in the heavy industry (HI), light industrial (LI), planned industrial park (PI), arterial commercial (AC), and neighborhood convenience (NC) districts. Such facilities are subject to the state siting criteria adopted pursuant to the requirements of Chapter 70.105 RCW.

(Ord. 13844 § 12, 2007; Ord. 13834 § 13, 2007; Ord. 12814 § 2, 2002; Ord. 12483 § 15, 2001; Ord. 11904 § 86, 1998; Ord. 11398 § 3 (part), 1997; Ord. 11229 § 10, 1996; Ord. 11025 § 24, 1995; Ord. 10595 § 52, 1994; Ord. 8970 § 4, 1988; Ord. 8215 § 105, 1985; Ord. 6708 § 3 (part), 1980)

(Ord. No. 14182, § 3, 12-29-2008)

Editor's note—* Editor's Note: Ordinance 11804, which amended § 20.34.020(6), was adopted on October 5, 1998.