

2014-15 PRELIMINARY DOCKET OF PROPOSED DEVELOPMENT CODE AMENDMENTS

Item A-15 is new and currently under review as of November 20, 2014.
All other Preliminary Docket items were reviewed by the public and the
Board of County Commissioners January 30, 2014.

	Proposal Title & Affected Code	Summary	Issues/Analysis
PRIORITY "A"			
A-1 NEW School Districts Public Works	Remove or Modify Building Size Limits in Rural Zones for Schools and Public Works 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 school sites with existing nonconforming schools. The intent is not to create a blanket building size exemption for school sites. Public Works has also requested an exemption to the building size limits for the R 1/10 zoning district.	These zones were amended in 2007 to place blanket restrictions on building size. The size limits were increased in July 2010 for fire stations. The unintended effect was to severely limit or prohibit some traditionally rural and public land uses. School districts have requested an exemption from the size limits. The size limits do not allow school districts to replace existing nonconforming schools. Size limits can be established through the State Environmental Policy Act (SEPA) or the Special Use Permit process on a site-specific basis. The Tilley Rd. Facility has reached the maximum building site coverage. This is affecting the gas pump canopy project and the replacement of the sand shed.
A-2 Revised from Previous	Amend the Forest Lands Conversion Ordinance for Rural Areas <i>17.25</i>	Amend the code to address several tree protection issues in rural areas previously identified by staff.	This could clarify and strengthen tree protection in rural areas of the County to mirror the on-going urban forestry effort.
A-3 NEW Citizen	Amend the UGA Zoning Codes for Urban Agriculture <i>Titles 21, 22, 23</i>	Citizens have requested the County to amend the three Urban Growth Area (UGA) zoning codes to be consistent with current city regulations for small farm animals such as chickens.	Recently, the cities have amended their zoning codes to allow for residents in lower density zoning districts to have a limited number of chickens. Currently, the three UGA zoning codes do not allow small farm animals.

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A-4 NEW Citizen	Amend the Tumwater UGA and Rural Zoning Codes for the Airport Overlay <i>Titles 20 & 22</i>	<p>The County added an airport overlay to the comprehensive plan in 2005, but did not amend the zoning ordinances in the Rural area to add the overlay. The City of Tumwater updated their regulations in 2004. The County has received a citizen request to update the zoning ordinances.</p>	<p>Airport hazard overlays are intended to ensure compatible land uses in airport approach areas. The County has no special overlay for airport approach zones in Title 20. A section is in the Tumwater UGA Zoning Ordinance, but has not been updated to reflect changes to the overlay made by the City in 2004.</p>
A-5 NEW Citizen	Better Define Personal Social Event and Event <i>All Codes</i>	<p>The term “event” is not currently defined in the zoning codes. Should it be one day or an entire holiday weekend? Additionally, the definition for personal social event has been found to be overly inclusive and inadequate to protect nearby residences.</p>	<p>The lack of a definition for “event” and the inadequate definition for “personal social event” has caused some adverse impacts recently in the rural area. There have been several nuisance complaints regarding noise and time duration for “events” and “personal social events”.</p>
A-6 NEW Citizen	Permit Recreational Vehicles to be Used as a Dwelling Unit. <i>Titles 20, 21, 22, and 23</i>	<p>Recreational vehicles are intended and designed for temporary habitation. In the rural area occupancy of recreational vehicles is limited to 30 days, within a 6 month period, or two 30 day periods in 12 months. In the UGA and the rural area, RV’s are not permitted as a permanent dwelling unit.</p>	<p>Recreational vehicles may not be designed to meet building code requirements for manufactured and site built homes for permanent occupancy.</p> <p>State law has limitations on the use of recreational vehicles that will have to be analyzed to see if the county may permit recreational vehicles to be used as a permanent dwelling unit.</p> <p>The cities of Lacey, Tumwater, and Olympia will need to be consulted on code amendments in the unincorporated area of their UGA’s for consistency with their comprehensive plan and development codes.</p>

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A-7 NEW Citizen	Allow Recreational Vehicle and Boat Storage in the RCC District <i>Chapter 20.24</i>	Currently, the Rural Commercial Center District permits mini-warehousing as a permitted use. The County has received a citizen request to also allow RV and Boat storage as a permitted use.	In the RCC district, Warehousing and storage is currently permitted, but only when adjacent to a rail line. Also, RV and Boat Sales and Service is a permitted use. Storage facilities are currently permitted as a special use in the most of the rural residential zoning districts (R 1/20, R 1/10, RRR 1/5, RR 1/5, UR 1/5, RL 2/1 and the RL 1/1 zoning districts). It is also allowed as a permitted use in the Arterial Commercial District.
A-8	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.
A-9 Citizen	Off Road Vehicle Restrictions <i>Titles 20, 21, 22, and 23</i>	Amend all zoning codes to limit use of Off Road Vehicles (ORV) near neighboring 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-10 Wireless Industry	Wireless Communication Facilities <i>Titles 20, 21, 22, and 23</i>	A development code request has been submitted requesting the county revise regulations in its wireless communications regulations (Chapter 20.33 TCC) to permit programmatic approvals, implement recently adopted federal laws (2012), update language, and simplify the site upgrade process, including fence requirements.	Chapter 20.33 TCC was enacted in 2003. It has not been amended since then to accommodate changes in federal law regarding site upgrades. As currently written, the county may not be able to meet review timelines set in federal law. Changes may also need to be made to wireless communication regulations in the urban growth area zoning ordinances. Staff will assess applicable zoning regulations in all four zoning ordinances.

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A-11 Citizen	Amend the Sign Code for Signs in the Right-of-Way <i>Titles 20, 21, 22, 23 and Code Enforcement</i>	A citizen request has been filed to request the County to amend the sign regulations regarding signs placed in the right-of-way to ensure that unauthorized signs are defined as litter.	Currently, signs are not permitted in the right-of-way. However, the signs are not defined as litter. The request would not affect signs placed on private property.
A-12 Citizen	Set Regulations for Food Trucks and Espresso Stands <i>Titles 20, 21, 22, 23</i>	The codes are currently silent on food trucks and espresso stands. They are becoming increasingly popular. The codes need to be updated to acknowledge their existence.	Currently, for land use purposes staff treats them either as accessory to an existing convenience store with no permit required or as a stand-alone business requiring site plan review similar to a stick-built store. A middle ground may be more appropriate and should be driven by the length of stay at a site.
A-13	Critical Areas Ordinance Revisions <i>Title 24</i>	Make corrections and adjustments to the critical areas ordinance adopted in 2012 to increase usability, understanding, references, and address issues brought forward through the implementation of the new critical areas ordinance.	The new critical areas ordinance was adopted in July 2012. Amendments were made to correct errors, references and address issues brought forward through the implementation of the new critical areas ordinance. As staff continues to work with the new regulations, more issues have or may develop that need to be addressed in a timely fashion. Examples may include fixes to the prairie definition, geologically hazard area definitions, and issues regarding older nonconforming uses.
A-14	Set Final Regulations for State-Licensed Marijuana Producers, Processors and Retailers <i>All Zoning Codes</i>	State-licensed marijuana producers, processors and retailers are authorized by Chapter 69.50 RCW. Thurston County does not currently have final regulations governing the placement of these operations.	On November 12, 2013, Thurston County adopted Ordinance No. 14944, which established interim regulations governing state-licensed marijuana producers, processors and retailers. The ordinance also established a one-year work program to adopt final regulations.
A-15 NEW Legal Counsel	Amend the Thurston County Code Appeal Procedures to remove the Board of County Commissioners from the Quasi-judicial Review Process.	Appeal procedures (including development code procedures) provide an opportunity to appeal Hearing Examiner decisions to the Board of County Commissioners. This amendment would direct Hearing Examiner appeals to be made pursuant to state law.	Due to the complexity of appeals made to the Hearing Examiner, there is a need for a judicial review. Hearing Examiner appeals would be appealed pursuant to state law and would not go to the Board of County Commissioners.
PRIORITY "B"			

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B-1 Legal Counsel	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	Site Plan Review for Uses that do not Require a Building Permit <i>Titles 20 & 23</i>	Currently some commercial projects do not trigger an administrative site plan review because there is no associated building permit. These include auction yards, parking lots, businesses operating from vehicles or tents, and other uses.	Chapters 20.37 TCC and 23.60 do not include these uses for needing a site plan review. The zoning codes for the Tumwater and Lacey UGAs already address this issue. Uses that do not require a building permit may still cause off-site impacts that need to be addressed. These impacts can be addressed through the site plan review process.
B-3 Hearing Examiner	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.
B-4	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.
B- 5	Work Prohibition During Appeal Period <i>Administration Section of all Land 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.

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B-6	Notification of Adjacent Property Owners <i>Administration</i> <i>Section of all Land 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-7 Citizen	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.
B-8 Citizen	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-9	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.
B-10 Citizen	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.
B-11 Legal Counsel	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.

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B-12	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-13	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.
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 noise generating equipment from locating within the setback area.	Keeping noise generating equipment 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	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-4	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.
Citizen			

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C-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.
C-6	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.
C-7	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-8	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 Cities	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.

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D-2	Olympia UGA Commercial Districts Correction <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.
D-3	Residential Zone Permitted Uses Correction <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.
D-4	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-5	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-6	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.