MUNICIPAL CODE AMENDMENT MATRIX

The following matrix has been prepared by Staff to be used as to help identify the location, proposed amendment, and rationale for the changes proposed to the Olympia Municipal Code related to Low Impact Development. These changes reflect a desire by staff to provide further clarity and consistency to the Low Impact Development code amendments that were adopted in 2016.

Amendment Location	Proposed Amendment	Amendment Rationale
18.04		
18.02.180 Hard Surface Definition	Hard Surface. An impervious surface, a permeable pavement, porous concrete, decks, patio, or a vegetated roof, in contrast with vegetated permeable soils.	The definition comes directly from the Department of Ecology, however additional detail regarding the types of structures that are included within the definition of "hard surface" are proposed to reduce confusion and provide more clarity for the reader.
Table 4.04 Impervious and Hard Surface Limits	Increase hard surface limits by approximately 10% in residential zones. This would set the hard surface limits for residential zones to allow about 20% above the impervious surface limit. Correct typos as appropriate within the chart.	Hard surface limits are a new addition to the municipal code as a way to regulate new technologies such as pervious pavement. Hard surfaces allow water to penetrate through the surface, rather than causing runoff as traditional pavements do. Until 2016 there was no limit for hard surfaces, the code only limited building coverage and impervious surfaces. Although well intended, the limits set are too restrictive and should be relaxed to allow for greater application of these more environmentally friendly alternatives. One of the main objectives of the 2016 update was to incentivize the use of hard surfaces (pervious pavement) instead of traditional pavement. To do this the allowed amount of impervious surfaces was decreased by about 10% within all residential zones. The new hard surface limitation was intended to be set 10% higher than the impervious surface limit to create a net result of no change in coverage. Instead the change would occur in materials use, incentivizing the environmentally friendly option.

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<td>The code amendments in 2016, while well intentioned, fell short of achieving their intent. Many residential zones do not allow a greater amount of hard surface than impervious surface, which defeats the purpose. The new hard surface limits have been far more impactful to residential home owners than anticipated. The proposed amendments intend to refine code language to accomplish the intended modifications from the 2016 LID update.</td>
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<td>Table 4.04
RLI: Building, Impervious, and Hard Surface Limits</td>
<td>Change RLI impervious and hard surface limits to a percentage rather than the 2500sf limit currently in place.

<table>
<tr><th colspan="4">Proposed RLI Surface Coverage Limitations to Replace 2,500sf</th></tr>
<tr><td>Lot Size</td><td>Building Coverage Limit</td><td>Impervious Surface Limit</td><td>Hard Surface Limit</td></tr>
<tr><td>Less than .25 acre:</td><td>(no change) See impervious surface limit</td><td>35% or 2500sf whichever is greater</td><td>55% or 3,000sf whichever is greater</td></tr>
<tr><td>Greater than .25 acre</td><td>(no change) See impervious surface limit</td><td>6% or 4,000sf whichever is greater</td><td>25% or 7,000sf whichever is greater</td></tr>
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<td>Staff recommends changing the 2,500sf limit to a percentage as is found in all other zones within the City. Unlike a percentage, the 2,500sf limit does not allow for variation based on lot size. This means that a significantly larger portion of a small lot is allowed to be used than a larger lot.

Until the 2016 code revisions there was no hard surface limit, therefore once the 2,500sf limit was reached, an unlimited amount of additional surface coverage could be added, provided it allowed water to penetrate through it (pervious pavement or similar). This, however, is no longer permitted. In fact, the current code does not allow for any type of surface above the 2,500sf limit. This new limitation prohibits homeowners from adding decks, patios, pathways etc. to their existing residences.

The RLI zone has been significantly more impacted by the hard surface limits created in 2016 than any other residential zone. The technologies intended to have been incentivized have inadvertently been prohibited because there is no benefit to installing the more expensive (pervious) solution.

The recommended revisions will achieve the intended results of the 2016 LID Update. The proposed percentages intend to maintain strict limitations on impervious surfaces in a more fair and practical way. They also allow for up to a 20% increase in</td>
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		hard surfaces, which is significantly less than was previously allowed, but enough to provide incentive to use the more expensive, environmentally sensitive option.
18.04.??? Hard Surface Limit Exceptions	New Language: Nonresidential uses such as, but not limited to schools, parks, places of worship, located in residential zones may increase their impervious surface coverage by up to ten (10) percent and hard surface limits by twenty (20) percent provided all of the following are met: • The project site is greater than one (1) acre in size. • The increase is the minimum necessary. • The increase cannot be caused by a desire for increased parking above the +/- 10% established in the parking table in OMC 18.38. • The proposed improvement must comply with the current stormwater control standards.	Impervious surface and hard surface limits have been challenging for schools, churches, and parks to meet within the residential zones. This exception recognizes that these uses do not reflect the typical residential development pattern and therefore need some increased flexibility. These increases allow a similar coverage limit as non-residential zones would provide for such uses. The proposed criteria is intended to ensure the increase is the minimum necessary and that the project adequately addresses stormwater requirements found in other sections of the City's regulations.
18.36.060(c) Landscaping Irrigation Requirements	Irrigation. 1. Permanent irrigation is not required in areas where native and/or well adapted drought tolerant species are proposed.	The 2016 update included significant modification in the landscaping chapter to encourage and require installation of drought tolerant species, however the code still allows for up to 40% of the landscaping areas to be planted with plants that require irrigation. Additionally, native and drought tolerant species often require irrigation in the dry summer months. Prohibition of irrigation is therefore inappropriate.
18.36.180(c)(2) Island Size	2. Landscape Islands - Design. a. Landscape Islands shall be a minimum of one forty-four (144) square feet and no more than five hundred (500) square feet in size. Islands shall be designed so that trees will be planted a minimum of four (6) feet from any hard scape surface. The minimum island size may be reduced, , if appropriate 'structural soil' (or similar engineered solution) is provided to ensure that trees can achieve maturity. The maximum allowable size of five hundred (500) square feet may be increased to	The distance between the tree and hard surface was reduced in 2016 from 6' down to 4' to allow for more flexibility in design so that bioswales and other stormwater control features could more easily be placed throughout the parking lot. Staff has found that the reduction in size is not always necessary. This revision intends to maintain flexibility, but encourage larger planting area, which will aid in achieving tree canopy goals.

	allow for the preservation of existing trees and associated vegetation pursuant to OMC 16.60 or to accommodate stormwater infiltration/treatment/conveyance practices.	
18.36.180(c)(3) Trees in Islands	Landscape Islands - Materials. a. One tree shall be planted for every two hundred (200) square feet of landscape island area; provided that every landscape island must contain at least one (1) tree. Two (2) trees are required in islands at the end of a double row of parking, regardless of the island size. Planting areas shall be provided with the maximum number of trees possible given recommended spacing for species type, and the estimated mature size of the tree.	This revision adds clarity that two trees are required at the end of a double row of parking. As outlined above, the 2016 LID revisions allowed for minor reductions in landscape island width. The reduced width, does not always result in islands in excess of 200sf, which inadvertently reduced the total number of trees required. This additional language intents to clarify the intent of the code.
Urban Forestry		
16.48.040 Clearing and Grading – permit Required	No person, corporation, or other legal entity shall engage in land clearing in the city without having complied with one of the following: A. Obtaining approval of a soil and vegetation plan and obtaining a tree removal permit as provided for in this chapter;	The 2016 Low Impact Development update changed the language from just addressing trees to including the understory vegetation and soil as well. This modification was inadvertently omitted from this section and therefore needs correcting.
16.48.045 Tree Removal	No trees, as defined by Section 16.48.030, shall be removed without first obtaining approval of a soil and vegetation plan and a tree removal permit pursuant to this chapter. Development plans may be required to be modified or changed when necessary to preserve individual trees or groups of trees.	As with the section above, the modification to change the terms to soil and vegetation plan was inadvertently omitted.
16.60.020(W) Definitions	W. "Remove or removal" is the act of removing a tree and associated soil and vegetation within the critical root zone of the tree by digging up, cutting down or any act which causes a tree to die, significantly impacts its natural growing	The definition of “removal” applies only to trees, and is not inclusive of what would constitute removal of soils or other vegetation within an SVPA.

	condition and/or results in diminished environmental benefits or a hazard tree; including but not limited to, damage inflicted on the root system by machinery, storage of materials or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; paving with concrete, asphalt or other impervious material within the critical root zone, or any other action which is deemed harmful to the tree.	
16.60.080(A) Minimum Tree Density Requirement Established.	A. Minimum Tree Density Requirement Established. A minimum tree density of 30 tree units per acre is required on the buildable area of each site, except within the Green Cove Basin (see OMC 16.60.080(5) and in critical areas, see OMC 18.32. The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 16.60.070. For the purpose of calculating required minimum tree density in areas outside of green cove, critical areas, critical area buffers, city rights-of-way and areas to be dedicated as city rights-of-way shall be excluded from the buildable area of the site. For areas within the Green Cove, only City Rights-of-Way and areas to be dedicated as City Rights-of-Way shall be excluded from the buildable area of the site.	With the LID update, this language was adopted to apply to both Green Cove AND the remainder of the City, for purposes of calculating tree density. Original language in 16.54 did not specify what areas were to be excluded from buildable area. Instead, administration required referencing the definition of "buildable area" (16.54.020(B)), which stated "for the purpose of calculating required minimum tree density, existing and newly dedicated city rights of way shall not be included." The Urban Forester had been applying this section of 16.54 to include all critical areas and associated buffers as buildable area for purposes of calculating the project's minimum required tree density. A HEX decision confirmed this interpretation. A project applicant is currently challenging this interpretation, having vested under the old code language. If the intent is to include critical areas for purposes of calculating tree density (which results in a greater number of required tree units), the existing code language needs to be updated to reflect the Green Cove.