Chapter 24.65

CRITICAL AREA TRACTS AND DELINEATION EASEMENTS

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24.65.010 Critical area tracts and delineation easements – Conservation Lots - Generally.
Critical area tracts and delineation easements allow for conservation of sensitive habitat areas and for ensuring that hazardous areas are not developed with incompatible uses. These shall also include conservation lots exempted under Title 18 TCC.

24.65.020 Critical area tracts and delineation easements – When required.
A. Applicants for cluster developments, subdivisions under Title 18 TCC, and binding site plans shall create one or more critical area tracts containing all critical areas and associated buffers on the property proposed for development. The tract(s) shall be on a separate lot(s) owned in common by all of the owners of the separate lots within the development, delineated on the face of the applicable plat map or binding site plan, and identified as critical areas. Critical areas 1,000 square feet or less that are not adjacent to or functionally connected to another critical area may be contained in an easement delineated on the applicable map or binding site plan rather than a tract, as determined by the director.

B. Applicants for short plats and large lot subdivisions under Title 18 TCC, and development proposals subject to site plan review, special use, and other reviews not otherwise addressed in subsection A above, this chapter shall establish one or more delineated areas critical area easements to containing all critical areas and their associated

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buffers on the property under development. The critical areas and their buffers shall be delineated on the face of the applicable plat map, and identified as critical areas. The director may waive this requirement for non-jurisdictional critical areas 1,000 square feet or less if it is shown that the critical area is not adjacent to or functionally connected to another critical area, or can be adequately protected through other methods consistent with this title, as determined by the director.

24.65.030 Critical area tracts and delineation easements – Maintenance.
Critical area tracts and easements containing critical areas and their buffers contained in separate tracts and delineated areas on maps shall be maintained in their existing condition, except as provided for by this title.

24.65.040 Recordation of restrictions and notices.
A. The following note shall appear on the face of all plats, short plats, large lot subdivisions, binding site plans, maps, or lots created to protect critical areas as part of a cluster development containing critical area tracts, critical area easements, delineation areas, conservation areas, or conservation lots:

“Critical area tracts (or easements) and or conservation lots containing critical areas and/or associated buffers shall not be altered except as provided for under the Critical Areas Ordinance (Title 24 of the Thurston County Code). The owner(s) of a critical area tract or lot containing critical areas and/or associated buffers (or easement) is responsible for ensuring that no alterations occur within such tract or lot and that all vegetation remains undisturbed unless the Thurston County Resource Stewardship Department provides express written authorization for such alteration.”

B. A map shall be recorded depicting critical area easements delineations created through a site plan review permit, variance permit, special use permit, or approved site plans where critical areas may be impacted, with the following note appearing of the face of the map:

“Critical area easements containing Critical areas and/or associated buffers shall not be altered except as provided for under the Critical Areas Ordinance (Title 24 of the Thurston County Code). The owner(s) of a lot containing critical areas and their associated buffers easement is responsible for ensuring that no alterations occur within such tract and that all vegetation remains undisturbed unless the Thurston County Resource Stewardship Department provides express written authorization for such alteration.”

C. A restriction shall be recorded on the title of all critical area tracts and lots containing critical area easements created pursuant to this chapter. The restriction language shall be substantially similar to the following:

“Prior to and during the course of any grading, building construction or other development activity on a lot or development site containing or abutting a critical area and/or associated buffer tract (or easement) or conservation area, the area of development activity must be fenced or otherwise marked to the satisfaction of the Thurston County
Resource Stewardship Department. The critical area tract (or easement) shall be maintained in its existing condition, except as provided for by Title 24 of the Thurston County Code, the Critical Areas Ordinance. Yard waste, debris, fill, equipment, vehicles, and materials shall not be placed within a critical area tract or delineated critical area and associated buffer on the tract (or easement)."