Critical Areas Ordinance
Reference Changes Title 17
Except Chapter 17.15

Chapter 17.09 State Environmental Policy Act

17.09.100 Preparation of EIS – Additional considerations.
A. Preparation of a draft and final EIS and supplemental EIS (SEIS) is the responsibility of the development services resource stewardship department under the direction of the responsible official. Before the county issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

17.09.130 Designation of official to perform consulted agency responsibilities for the county.
A. The Thurston County development services resource stewardship department director or designee shall be responsible for preparation of written comments for the county in response to a consultation request prior to a threshold determination, participation in scoping, or reviewing a draft EIS.

17.09.140 Designation of responsible official.
A. For those proposals for which the county is the lead agency, the responsible official shall be the Thurston County development services resource stewardship department director or designee.

Title 17-1
17.09.150 Substantive authority.

D. The county designates and adopts by reference the following policies as the basis for the county’s exercise of authority pursuant to this section:

3. The county adopts by reference the policies in the following county codes, ordinances and plans, as amended:

h. Thurston County Critical Areas Ordinance (title 24 TCC), and the Thurston County Existing and Ongoing Agricultural Uses and Lands Critical Areas Ordinance (chapter 17.15 TCC);

17.09.160 Environmental appeals.

C. Time to Appeal. A written notice of appeal, meeting the requirements of subsection D of this section, and the appeal fee must be received by the development services resource stewardship department within fourteen calendar days of the date of issuance of the threshold determination or, if there is a comment period under WAC 197-11-340, within seven calendar days of the last day of the comment period. If the last day of the appeal period is a holiday or a weekend, the appeal must be filed by five p.m. on the first weekday following such holiday or weekend.

F. Public Notice of Appeal Before the Hearing Examiner. When Thurston County receives a timely notice of appeal and timely filing of appropriate fees under this chapter, the county shall give public notice of such appeal by mailing notice to:

1. The appellant, project sponsor, the environmental review officer, and any individuals or organizations who have submitted a written request for notice of SEPA appeals to the development services resource stewardship department;

4. The appropriate media, as determined by the development services resource stewardship department, but only if the appeal is of a nonproject action.

17.09.170 Critical Areas.

A. Applications for land uses, commercial buildings and grading permits shall also apply for the applicable review or permit required by the Thurston County Critical Areas Ordinance (title 24 of the TCC).
B. Applications for agricultural land uses, commercial building and grading permits that are categorically exempt from SEPA per Section 17.09.055 and that have critical areas or critical area buffers, as defined in the Thurston County Agricultural Uses and Lands Critical Areas Ordinance (chapter 17.15 TCC) Chapter 17.15 TCC, affecting the project site, shall apply for a critical area administrative review (CAAR). The CAAR procedures in Chapter 17.15 TCC shall apply.

Chapter 17.25 Thurston County Forest Lands Conversion Ordinance

17.25.200 Definitions

“Development proposal” means any activity relating to use and/or development of land requiring a permit or approval from the Thurston County development services resource stewardship department.

"Director" means the Thurston County director of development services resource stewardship or the directors designee.

17.25.300 Exemptions.

E. Street Trees. Removal of street trees on behalf of and with the approval of the director of the Thurston County roads and transportation services public works department, and when recommended by a qualified professional forester

17.25.400 North county urban growth area conversion requirements.

...  

D. Conversion Standards. All forest lands conversions within the north county urban growth area shall comply with all of the applicable provisions of the following:

1. Title 24 of the Thurston County Code otherwise known as the Thurston County Critical Areas Ordinance and Chapter 17.15 of the Thurston County Code, otherwise known as the Thurston County Agricultural Uses and Lands Critical Areas Ordinance;

...  

5. Residential Subdivisions. Applications for residential subdivisions submitted to the development services resource stewardship department after September 29, 1997 are subject to the following:

...  

F. Use of Tree Tracts. Recreational uses, such as picnic areas and trails, which would not jeopardize the survival of protected trees (e.g. by damaging roots, compacting soil, or altering drainage), can be located in tree tracts with written approval of the development services resource stewardship department. The department may also authorize stormwater...
ponds in tree tracts if trees would not be removed and tree roots would not be damaged during construction or by saturated soil conditions such that their survival would be jeopardized. Prior to acting on the request, the approval authority may require the proponent to supply a written analysis from a qualified professional forester regarding the proposal's potential impact on the protected trees.

17.25.500 Rural area and other urban growth area conversion requirements.
...
C. Conversion Standards. All forest lands conversions, other than those located within the north county urban growth area, shall comply with all of the applicable provisions of the following:

1. Thurston County Critical Areas Ordinance (Title 24 TCC) and Chapter 17.15 TCC of the Thurston County Code, otherwise known as the Thurston County Existing and Ongoing Agricultural Uses and Lands Critical Areas Ordinance;
...

17.25.600 Administration.
...
C. Authority and Duties of the County and Director.

1. It shall be the duty of the Thurston County development services resource stewardship department to administer the provisions of this chapter.
...
7. When forest land is being converted to agricultural use, the director may use alternative measures or procedures as allowed by subsection C6 above, and those provisions of the Thurston County Critical Areas Ordinance (Title 24 TCC) and the Thurston County Existing and Ongoing Agricultural Uses and Lands Critical Areas Ordinance (Chapter 17.15 of the Thurston County Code) which provide for flexible standards for agricultural uses.
...
D. Application Requirements. Any application for a forest lands conversion or COHP, subject to review under this chapter, will not be deemed complete unless it contains the following, where applicable:

1. A completed "Forest Lands Conversion Application" form as provided by the development services resource stewardship department;
...
E. Application Procedure and General Conditions. The application for forest lands conversion shall be processed according to the same permitting procedures described in Chapter 20.60 of the Thurston County Code.
For purposes of this chapter:
4. The development services resource stewardship department shall forward a copy of the conversion forest practices and the county's action to the Thurston County assessor for their use.

5. A forest land conversion approval by the county is valid for a period of one year or the duration of the associated development permit or approval. The development services resource stewardship department may authorize an extension of one hundred eighty days.

6. The director may approve an amendment to the county's approval if the amendment is consistent with the conversion standards. If granted, the development services resource stewardship department shall provide a written record of the amendment and will provide a copy of it to the landowner and/or forester.

17.25.700 Development moratorium requirements.

B. Director Authority to Waive Moratorium on Parcels Twenty Acres or Larger. (Refer to Figure 1.)

The director shall waive the six-year moratorium solely for construction of one single-family residence (including a family member unit where zoning allows) and related accessory buildings on a legal lot and building site, under the following conditions:

...  

2. The building site area intended as developed property shall be no larger than two acres in size and, if the required critical area buffer or shoreline setback has been disturbed, shall be located with at least twice the required critical area buffer or shoreline setback as provided for in title 24, chapter 17.215 or 19.04, respectively, of the Thurston County Code.

G. Release of Moratorium Findings. The release of the moratorium shall be subject to the following findings:

...  

2. Critical areas and their buffers, and shoreline area as set forth in title 24, chapters 17.15 and 19.04, respectively, of the Thurston County Code were not damaged in the forest practice operation, or that any such damage is repairable with restoration; and

17.25.800 Enforcement.

...
E. Civil Infractions. In addition to any other remedy provided in this chapter, the director or his/her designee may issue a civil infraction pursuant to TCC Section 17.15.430 for agricultural uses and lands governed by the Thurston County Existing and Ongoing Agricultural Uses and Lands Critical Areas Ordinance (chapter 17.15 TCC), or a civil infraction pursuant to chapter 24.92 TCC for all other uses governed by the Thurston County Critical Areas Ordinance (title 24 TCC). Any violation of this chapter shall constitute a Class II civil infraction. Except where trees are removed without a required permit, such civil infraction shall be given only after the owner of the property has been given prior notice with an opportunity to cure the violation.

...