

**Critical Areas Ordinance
Clarifications and Agricultural References
Staff Report for Planning Commission Public Hearing**

Date: July 17, 2013

Public Hearing Date: July 17, 2013

Prepared by: Jeremy Davis

Proponent/Applicant: Thurston County

Tax Parcel: None

Action Requested: Amend the Recently Adopted Critical Areas Regulations to Clarify Agricultural References and Make Necessary Clarifications

Map Changes Text Changes Both Affects Comprehensive Plans/documents
 Affected Jurisdictions: City of Olympia & Thurston County

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ISSUE:

Thurston County and the Farm Bureau have been in negotiations to resolve the issues brought forward in their appeal of the new critical areas regulations and amendments to the old critical areas regulations so that they only apply to agricultural uses.

BACKGROUND:

In July and August of 2012, the County adopted its revised critical areas regulations, and made changes to the existing critical areas regulations so that they only apply to agricultural uses. The Thurston County Farm Bureau appealed the regulations to the Growth Management Hearings Board.

The County and the Farm Bureau have been working on a negotiated settlement since November 2012. The lawsuit is on hold pending the results of the negotiations.

In mid April, the County sent the Farm Bureau representative final proposed changes. The Farm Bureau representative sent their response to the County's proposed changes in late May 2013. Staff has agreed to take the proposed changes to the Planning Commission and the Board of County Commissioners for their review.

1 Since the adoption of the new critical areas regulations in July 2013, staff has also found several
2 areas where clarification is needed, and found a number of textual and reference errors. In
3 addition, there is a need to amend the process for critical area review permits.
4

5 **DEPARTMENT ANALYSIS – AGRICULTURAL ACTIVITIES:**

6 Chapter 17.15 TCC Agricultural Activities Critical Areas Ordinance

7 The negotiations have led to proposed changes to the Critical Areas Ordinance. The proposed
8 changes are in Appendix A. The changes for Chapter 17.15 TCC are located in Attachment A
9 and include:
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- 11 • Revise the chapter name in Section 17.15.115 TCC to say Agricultural Activities Critical
12 Areas Ordinance instead of Agricultural Uses and Lands Critical Areas Ordinance.
- 13 • Clarifying the applicability of Chapter 17.15 to apply to agricultural activities as defined
14 in the Growth Management Act.
- 15 • Add previously removed sections of the code for single-family residences and rename the
16 sections “single family residential associated with agricultural activities.”
- 17 • Revise the chapter to change all references from agricultural “uses” and “lands” to
18 agricultural “activities.”
- 19 • Amend the section referring to the Voluntary Stewardship Program.
- 20 • Amend “Table 5 – Uses and Activities Within Critical Areas and Their Buffers” to add
21 farm residences, nonconforming uses, and clarifications for some uses to only include
22 those related to agricultural activities.
23

24 Single Family Residences Associated with Agricultural Activities

25 In order to address farm residences in the agricultural activities critical areas regulations, staff is
26 proposing to amend Chapter 17.15 TCC to add previously removed regulations governing single-
27 family residences. The definition for agricultural activity in the Growth Management Act refers
28 back to the definition in RCW 90.58.065 in the Shoreline Management Act. The definition for
29 agricultural activities includes agricultural facilities, which includes farm residences. “Farm
30 residence” is not defined in state law; however, it can be interpreted to mean a single-family
31 residence associated with an agricultural activity.
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33 RCW 90.58.065 defines agricultural activities, products, equipment and facilities as follows:
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35 "Agricultural activities" means agricultural uses and practices including, but not
36 limited to: Producing, breeding, or increasing agricultural products; rotating and
37 changing agricultural crops; allowing land used for agricultural activities to lie
38 fallow in which it is plowed and tilled but left unseeded; allowing land used for
39 agricultural activities to lie dormant as a result of adverse agricultural market
40 conditions; allowing land used for agricultural activities to lie dormant because
41 the land is enrolled in a local, state, or federal conservation program, or the land is
42 subject to a conservation easement; conducting agricultural operations;
43 maintaining, repairing, and replacing agricultural equipment; maintaining,
44 repairing, and replacing agricultural facilities, provided that the replacement
45 facility is no closer to the shoreline than the original facility; and maintaining
46 agricultural lands under production or cultivation;
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1 "Agricultural products" includes but is not limited to horticultural, viticultural,
2 floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and
3 apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood
4 and similar hardwood trees grown as crops and harvested within twenty years of
5 planting; and livestock including both the animals themselves and animal
6 products including but not limited to meat, upland finfish, poultry and poultry
7 products, and dairy products;

8
9 "Agricultural equipment" and "agricultural facilities" includes, but is not limited
10 to: (i) The following used in agricultural operations: Equipment; machinery;
11 constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities;
12 water diversion, withdrawal, conveyance, and use equipment and facilities
13 including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii)
14 corridors and facilities for transporting personnel, livestock, and equipment to,
15 from, and within agricultural lands; (iii) **farm residences** and associated
16 equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for
17 marketing fruit or vegetables; and

18
19 "Agricultural land" means those specific land areas on which agriculture activities
20 are conducted.

21 22 Title 24

23 Several minor changes are proposed to Title 24 to remove references to agricultural activities.
24 Several other minor changes are also included. The minor changes clarify language initially
25 adopted in July 2012. The proposed changes are located in Attachment A.

26 27 Other Affected Sections

28 Changes are also required in other titles to change the name of Chapter 17.15 TCC from the
29 Agricultural Uses and Lands Critical Areas Ordinance to the Agricultural Activities Critical
30 Areas Ordinance. Several other minor changes are also included. The minor changes clarify
31 language initially adopted in July 2012.

32 33 **DEPARTMENT ANALYSIS – CRITICAL AREA REVIEW PERMIT:**

34 Since the approval of the new Critical Areas Ordinance, staff has found several issues with the
35 implementation of the critical area review permit (Chapter 24.40 and Section 24.05.030 TCC).
36 The proposed changes are in Appendix B. In many cases, the review undertaken for a critical
37 area review permit could be combined with an underlying permit, so there is no need in having a
38 separate permit.

- 39
40 • Proposed changes to Section 24.05 TCC “Administrative procedures – Coordination with
41 other application review,” includes a new section that has a list of amendment types that
42 would still need a separate critical area review permit. These include:
43
44 1. Buffer averaging or reconfiguration;
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46 2. Buffer reductions or riparian area reductions;
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48 3. Landslide hazard area stabilizations;

4. Critical area map amendments;
 5. Permits that require hearing examiner approval
 6. Subdivisions, short plats, large lot subdivisions, binding site plans;
 7. Intensive uses in wetlands and fish and wildlife habitat conservation areas;
 8. Stream relocation;
 9. Direct impacts to a critical area, for activities that do not require a reasonable use exception (including wetlands, geologic hazard areas, riparian areas, frequently flooded areas, and other fish and wildlife conservation areas) and mitigation for lost or diminished critical area and buffer functions;
 10. Intensification of a legally established nonconforming use;
 11. Discretionary replacement of a nonconforming use or structure; and
 12. Other requested actions where the review authority has determined that the scope of the requested action may adversely impact a critical area or its buffer.
- Changes have been proposed to Section 24.40.010 TCC “Critical area review permit – Generally” to clarify that critical area review permits may be combined with other permits.
 - Changes are also proposed to Section 24.40.030 to “Critical area review permit – Application requirements,” to clarify that when a critical area review permit is combined, the application needs to included the same information that is required with a critical area review permit.
 - Changes to Section 24.40.070 “Critical area review permit – Limitation on review,” clarifies that the same limits on review will still apply even if the critical area review permit is combined with another permit.

DEPARTMENT ANALYSIS – OTHER PROPOSED CHANGES:

Other changes are proposed to various sections of the critical areas ordinance and changes to the zoning ordinance to clarify the intent and legal requirements of the regulations and correct textual errors and references. The proposed changes are shown in Attachment C. Analysis is provided where needed in *italics*.

SEPA:

The State Environmental Policy Act determination will be made later in the summer 2013.

1 **NOTIFICATION:**
2 Written notice of the public hearing was published in “The Olympian” on June 26, 2013 in
3 accordance with Thurston County Code Chapter 2.05 Growth Management Public Participation
4 which requires notice to be published at least 20-days prior to the public hearing.
5

6 A web mail will be sent to the Planning Department’s web mail list prior to the public hearing.
7

8 A press release will be sent prior to the public hearing to the County’s media list prior to the
9 public hearing.
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11 **PUBLIC COMMENT:**
12 Public testimony will be taken by the Thurston County Planning Commission at a public hearing.
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15 **ATTACHMENTS:**
16 Attachment A Agricultural Activities Critical Areas Ordinance Amendments
17 Attachment B Critical Area Review Permit Amendments
18 Attachment C Other Amendments
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Attachment A:
Agricultural Activities
Amendments

THURSTON COUNTY PLANNING DEPARTMENT

PLANNING COMMISSION DRAFT

**AMENDMENTS TO THE CRITICAL AREAS REGULATIONS
AGRICULTURAL ACTIVITIES AMENDMENTS
CHAPTER 17.15**

A. Section 17.15.100 TCC shall be amended to read as follows:

17.15.100 - Purpose—Statement of policy for critical areas.

It is the policy of Thurston County to accomplish the following in relation to agricultural activities, along with the purpose statements within each of the critical area categories:

- A. To protect the public from natural hazards;
- B. To minimize the need for emergency rescue;
- C. To protect unique, fragile, and vulnerable elements of the environment;
- D. To minimize the cost of replacing public facilities;
- E. To alert the public of these critical areas;
- F. To avoid public subsidy of private development impacts;
- G. To assist property owners in developing their property by promoting innovative land use techniques;
- H. To work in concert with other land use regulations;
- I. To minimize the reliance on the State Environmental Policy Act (SEPA) to identify appropriate mitigating measures for agricultural activities~~lands and uses~~;
- J. To encourage the voluntary enrollment of agricultural lands and uses into the Open Space Tax Program and agricultural activities in the Voluntary Stewardship Program;
- K. To implement the policies and guidelines of the Washington State Growth Management Act for agricultural activities~~uses and lands~~, and promote agricultural activities and local food production; and
- L. To carry out the goals and policies of the Thurston County Comprehensive Plan (1994), as amended, for agricultural activities~~uses and lands~~.

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B. Section 17.15.110 TCC shall be added to Chapter 17.15 to specify that this chapter only applies to agricultural activities and reads as follows:

17.15.110 Applicability.

- A. This chapter shall apply to agricultural ~~activities~~lands and uses (new and existing) as defined as ~~“Agricultural Activities”~~ in the Growth Management Act, as amended (RCW 36.70A.703).
- B. The Thurston County Critical Areas Ordinance (title 24) applies to all other uses, structures, and lands not defined as agricultural activities in the Growth Management Act, as amended (RCW 36.70A.703).
- C. State and federal laws may also apply to activities allowed or not regulated by this chapter. It is the property owners’ responsibility to ensure compliance with other state and federal requirements for activities allowed under this chapter.
- D. Agricultural Activities in a special flood hazard area as defined in chapter 14.38 TCC that would be defined as development in chapter 14.38 TCC may need further habitat assessment as required by chapter 14.38 TCC to ensure compliance with the National Flood Insurance Program.

C. Section 17.15.115 TCC shall be created and read as follows:

17.15.115 Chapter name.

This chapter shall be known as the Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance.

D. Section 17.15.300 TCC shall be amended to read as follows:

17.15.300 - Review standards—Purpose.

It is the policy of Thurston County to accomplish the following:

- A. To review agricultural ~~activities~~uses and developments which lie within a critical area, or its buffer;
- B. To minimize the delays associated with multiple development reviews; and
- C. To assist property owners in using their property for agricultural ~~activities~~uses consistent with this chapter by promoting the use of innovative land use techniques such as the Voluntary Stewardship Program.

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E. Section 17.15.365 TCC shall be created and read as follows:

17.15.365 Review Standards - Voluntary stewardship program

A voluntary stewardship program was added to the Growth Management Act (RCW 36.70A.700 to 760) in 2011 for the protection of critical areas in relation to agricultural activities uses. ~~The intent is to balance productive use of agricultural resource lands and associated regulatory requirements for the protection of critical areas.~~ A program has not been fully developed as of July 24, 2012. Once a voluntary stewardship program county watershed work plan has been developed for Thurston County, a property owner may opt in to participate in the program to protect critical areas. ~~Regulations in chapter 17.15 TCC shall serve as the minimum requirements for agricultural agricultural enrolled in the voluntary stewardship program until new regulations are adopted by Thurston County to address the program.~~

F. Section 17.15.412 TCC shall be amended to read as follows:

17.15.412 - Administrative actions—Critical area administrative review (CAAR).

- A. An applicant for an agricultural land use or activity that meets the criteria for categorical exemption from SEPA and that has critical areas or buffers affecting the project site shall apply for a critical area administrative review (CAAR) on a form provided by the county.
- B. CAAR applications shall contain all information necessary to evaluate the proposed activity, its impacts and its compliance with the provisions of this chapter, including any special reports.
- C. The review authority shall confirm the nature and type of the critical areas by an on-site inspection and shall evaluate any special reports submitted by consultants who are professionals in the pertinent field.
- D. The review authority may condition the activity as necessary to serve the purposes of this chapter.

G. Section 17.15.430 TCC shall be amended to read as follows:

17.15.430 - Administrative actions—Enforcement.

...

- G. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (title 24) the Thurston County Agricultural ~~Activities Uses and Lands~~ Critical Areas Ordinance (chapter 17.15 TCC, Thurston County Forest Land Conversion Ordinance (chapter 17.25 TCC), Thurston

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County Zoning Ordinances (titles 20, 21, 22 and 23 TCC), Thurston County Platting and Subdivision Ordinance (title 18 TCC), Sanitary Code for Thurston County, Shoreline Master Program for the Thurston Region or title 14TCC (Buildings and Construction).

...

H. Section 17.15.515 TCC shall be amended to read as follows:

17.15.515 - Aquifer recharge areas—Uses and activities.

A. Those uses and activities listed in Table 2 related to an primary-agricultural activity use are allowed in aquifer recharge areas as set forth in that table. All non-agricultural activities uses are governed by the Thurston County Critical Areas Ordinance (title 24).

...

I. The first paragraph of Section 17.15.520 TCC shall be amended to read as follows:

17.15.520 - Aquifer recharge areas—Performance standards for allowed uses and activities.

The following performance standards apply to those uses and activities in Table 2 related to an agricultural activity use when carried out within an aquifer recharge area. Where no performance standards have been developed for the uses and activities in Table 2, the review authority shall review projects based upon the purposes and provisions of this chapter.

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J. Section 17.15.615 TCC shall be amended to read as follows:

17.15.615 - Geologic hazard areas—Performance standards for allowed uses and activities.

The following performance standards apply only to ~~existing and ongoing~~ agricultural ~~uses and~~ activities in Table 5 when carried out within a critical area or its buffer. Where no performance standards have been developed for the uses and activities in Table 5, the review authority shall review projects based upon the purposes and provisions of this chapter.

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K. Section 17.15.710 TCC shall be amended to read as follows:

17.15.710 - Important habitats and species—Allowable uses and activities.

A. Those agricultural land uses and activities listed in Table 5 are allowed in important habitat areas or within six hundred feet of a mapped point location of an important species as set forth in that table and subject to the performance standards set forth in TCC 17.15.715.

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- B. All other agricultural land uses and activities not allowed pursuant to subsection A, above, are prohibited.
- C. Differences in critical areas regulations for agricultural land uses and activities because of the overlap of two or more critical areas are governed by TCC 17.15.405.
- L. Section 17.15.850 TCC shall be amended to read as follows:

17.15.745 – Stewardship options.

Stewardship options available to the private property owner with an area of important habitat and species include but are not limited to the following:

- A. The "Open Space Tax Act" (RCW Chapter 84.34) allows Thurston County to designate lands which should be taxed at their current use value. The county has programs for agricultural lands, small forest lands less than twenty acres in size, and other open space lands. Thurston County has adopted a public benefit rating system which classifies properties on the basis of their relative importance of natural and cultural resources the availability of public access and the presence of a "conservation easement." These features are given a point value, and the total point value determines the property tax reduction. The open space program has property tax reductions of fifty, seventy or ninety percent. Lands with an important habitat or species would commonly qualify for this voluntary program. Applications are approved by the board of county commissioners following a public hearing.
- B. A "conservation easement" is a legal agreement a property owner makes to restrict the type and amount of development that may occur on a parcel. Each easement is tailored to the particular property and to the interest of the individual owner. The property owner grants an easement to an appropriate governmental agency or non-profit land trust. It provides significant property and federal income tax benefits to the property owner.
- C. Some property owners in Thurston County have benefitted from combining both aforementioned options.
- M. Section 17.15.850 TCC shall be amended to read as follows:

17.15.850 - Special management areas—Wellhead protection areas map.

The requirements of TCC 17.15.855, 17.15.856 and 17.15.857 shall apply to agricultural ~~activities uses and lands~~ within the one, five and ten year time of travel zones of those wellhead protection areas depicted on the map entitled "Designated Wellhead Protection Areas." A copy of this map shall be on file with the department. Refer to Figures 30 and 31 for a general location of these designated areas.

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N. Section 17.15.855 TCC shall be amended to read as follows:

17.15.855 - Special management areas—Wellhead protection area standards.

The following standards shall apply to new agricultural ~~activities and uses~~ land uses proposed to be located within the designated wellhead protection areas defined in TCC 17.15.850.

- A. The following uses shall be prohibited within the designated one-year time of travel zone:
 - 1. Land spreading disposal facilities (as defined by chapters 173-304 and 173-308 WAC, disposal above agronomic rates);
 - 2. Agricultural operations with over two hundred animal units. For purposes of this section, one animal unit is the equivalent number of livestock and/or poultry as defined by the U.S. Department of Agriculture Natural Resource Conservation Service Animal Waste Field Handbook; and
 - 3. Gas storage (except underground storage of heating oil or agricultural fueling in quantities less than one thousand one hundred gallons for consumptive use on the parcel where stored), and liquid petroleum products pipelines;

...

O. Section 17.15.856 TCC shall be amended to read as follows:

17.15.856 - Special management areas—Wellhead protection area standards for expansion of existing uses.

The following shall apply to expansion of ~~agricultural~~ use of facilities for agricultural activities located within the designated wellhead protection areas defined in TCC 17.15.850.

- A. Expansion of the following uses will be prohibited within the designated one year time of travel zone:
 - 1. Land spreading disposal facilities (as defined by chapters 173-304 and 173-308 WAC, disposal above agronomic rates);
 - 2. Gas storage (except underground storage of heating oil or agricultural fueling in quantities less than one thousand one hundred gallons for consumptive use on the parcel where stored), and liquid petroleum products pipelines; and
 - 3. Agricultural operations with less than two hundred animal units cannot expand to over two hundred animal units. For purposes of this section, one animal unit is the equivalent number of livestock and/or poultry as defined by the U.S. Department of Agriculture Natural Resource Conservation Service Animal Waste Field Handbook.
- B. Expansion of the following uses related to an agricultural ~~activity~~ use shall be prohibited within the designated one, five and ten year time of travel zones:

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1. Hazardous waste transfer, storage and disposal facilities; and
2. Wood and wood products preserving; and

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P. Section 17.15.925 TCC shall be amended to read as follows:

17.15.925 - Floodplains, Streams, and wetlands—Allowable uses and activities within floodplains, streams, wetlands, and their buffers.

- A. Those agricultural land uses and activities listed in Table 5 are allowed in floodplains, streams, wetlands or their buffers as set forth in that table and subject to the performance standards set forth in TCC 17.15.930.
- B. All other land uses and activities not allowed pursuant to Table 5 are prohibited.
- C. Differences in regulations because of the overlap of two or more critical areas are governed by TCC 17.15.405.
- D. Agricultural activities, uses and lands must meet the requirements of chapter 14.38 TCC.

Q. Section 17.15.930 TCC shall be amended to read as follows:

17.15.930 - Floodplains, streams, and wetlands—Performance standards for allowed uses and activities.

The following performance standards apply to those agricultural uses and activities in Table 5 when carried out within a critical area or its buffer. Where no performance standards have been developed for the uses and activities in Table 5 the review authority shall review projects based upon the purposes and provisions of this chapter.

...

- F. Alteration or Expansion of a Nonconforming, Agricultural Activity, Use or Structure.
 1. The expansion of a nonconforming, agricultural activity, use or structure is prohibited.
 2. An intensification of use is permitted provided that the use is contained within the existing structure, or area that has been used, and is not different in kind from the existing nonconforming use.
 3. Alteration, repair and maintenance of a nonconforming, nonresidential structure is permitted within the current building footprint.

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- G. Agricultural Access Road/Street—Repair and Maintenance. Refer to "Agricultural Access Road/Street—New Agricultural Access Road."
- H. Agricultural Access Road/Street—New Agricultural Access Road. Crossings of streams, wetlands, or floodplains shall be avoided to the extent possible. Crossings shall follow all applicable local, state, and federal laws and the following criteria:
1. Crossings or new facilities shall be located, if possible, in the buffers of streams or wetlands, rather than within this area;
 2. Bridges are preferred for Type 1, 2 and 3 streams and Class I wetlands. For other streams or wetlands, the most suitable type of new crossing shall be determined on a case by case basis;
 3. Crossings using culverts shall use superspan or oversize culverts;
 4. Crossings shall be constructed and installed during summer low flow between June 15th and September 15th;
 5. Crossings shall not occur in salmonid spawning areas unless no other feasible crossing site exists;
 6. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;
 7. Crossings shall minimize the potential for creating a dam in the floodplain and public road crossings may not increase the floodway elevation more than one foot immediately upstream of a crossing;
 8. Crossings shall provide for maintenance of culverts, bridges, and utilities;
 9. Crossings shall serve multiple properties whenever possible; and
 10. Crossings of critical areas allowed by the state through a Forest Practices Permit which do not meet the requirements of this chapter, shall be removed and that area restored as a condition of the development proposal.
- I. Shoreline Protective Structures—Nonstructural Techniques or Bioengineering. The preferred methodology for stream channel and bank stabilization is bioengineering or some combination of bioengineering and more traditional structural solutions. Bioengineering involves use of plant materials to stabilize eroding stream channels and banks.

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J. Shoreline Protective Structures—Structural Techniques (Bulkhead, Gabion, Riprap or Wall).

1. Structural techniques are prohibited from use with streams and wetlands when a nonstructural technique or bioengineering is available.
2. Structural techniques may be allowed as a part of another use or activity listed on Table 5. For example, riprap may be part of a new bridge and so refer to "Agricultural Access Road/Street—New Agricultural Access Road."

K. Single Family Residence Related to an Agricultural Activity, Appurtenant Structure, Boathouse, Deck, and Garage.

1. In the one-hundred-year floodplain, a new single family residence related to an agricultural activity may be constructed on a lot created in a subdivision if:
 - a. A complete application for preliminary approval of the subdivision was submitted before February 1, 1994; and
 - b. A complete application for a building permit for the single family residence related to an agricultural activity was either submitted before February 1, 1994 or within five years of the filing of the final plat.
2. All other construction of new single family residences related to an agricultural activity in the one-hundred-year floodplain is prohibited.
3. For purposes of this subsection, "subdivision" includes subdivisions, short subdivisions, and large lot subdivisions as defined in Chapter 18.08 TCC.

L. Single Family Residence Related to an Agricultural Activity —Access Road.
Construction of a private access road to serve one single family residence related to an agricultural activity shall be allowed provided an alternative location outside the wetland is not reasonable and the fill on which the road is placed is the minimum dimensions possible.

M. Single Family Residence Related to an Agricultural Activity —Alteration or Expansion of a Nonconforming Farm Residence.

1. Alteration, repair and maintenance of a nonconforming single family residence related to an agricultural activity is allowed within the existing building footprint, which includes attached decks, porches, or patios.
2. No expansion of the nonconforming portion of the structure is allowed.

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3. If only a portion of the structure is nonconforming (e.g., lies within a critical area or required buffer), expansion of the conforming portion of the structure is permitted provided the expansion does not extend into the critical area or required buffer.
4. Enclosing existing, nonconforming decks, porches, or patios for use as livable space is not permitted, unless the deck, porch, or patio is already covered by an existing, permanent roof structure as determined by the approval authority.
5. Vertical addition to a nonconforming residence or nonconforming portion of a single family residence related to an agricultural activity is allowed up to current height regulations provided the addition is not cantilevered to extend beyond the existing footprint of the single family residence related to an agricultural activity into the critical area and/or buffer.

N. Single Family Residence Related to an Agricultural Activity —Replacement of Nonconforming Residence.

1. Replacement of a nonconforming single family residence related to an agricultural activity would be prohibited if located within the shoreline management jurisdiction pursuant to the Shoreline Master Program for the Thurston Region (1990), as amended.
2. The replacement of a damaged or destroyed nonconforming single family residence related to an agricultural activity may be allowed pursuant to Section 20.56.050 of this code, as amended.
3. Replacement of a nonconforming, single family residential structure related to an agricultural activity (excluding those described in subsections (T)(1) and (T)(2) of this section and subsection (T)(4) of this section is not permitted unless no buildable area exists on the property outside the critical area and/or buffer, as determined through an administrative variance under section 17.15.420, and then a replacement would only be allowed within the existing building footprint. Replaced structures must conform to all the requirements of this chapter.
4. A mobile or manufactured home with nonconforming placement may be replaced with a new or improved mobile or manufactured home, subject to the requirements of this subsection, this chapter, and other applicable county ordinances.

~~KO.~~ Stormwater—Private Retention/Detention Facility for an agricultural activity.

1. New surface water discharges to wetlands from temporary sediment control ponds, retention/detention facilities, or other surface water management structures may be allowed provided that the discharge complies with the provisions of the

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Drainage Design and Erosion Control Manual for Thurston County (~~2009~~1994), as amended.

2. Use of buffers for stormwater facilities shall be limited to the upper twenty-five percent of the buffer and may be allowed only if the applicant demonstrates:
 - a. No practicable alternative exists;
 - b. The facility does not exceed twenty-five percent of the buffer on site; and
 - c. The functions of the buffer and either the stream or wetland are not adversely impacted (refer to Figure 21).

~~LP.~~ Stormwater—Temporary Agricultural Activity Erosion Control Pond. Refer to "Stormwater—Private Retention/Detention Facility for an agricultural activity."

~~MQ.~~ Stream Enhancement. Enhancement of streams on lands with agricultural activities~~lands~~ may be allowed in order to enhance stream function, as determined by the city and any state agency with jurisdiction. Such enhancement shall be performed under a plan for the design, implementation, maintenance and monitoring of the project approved by a civil engineer and a qualified biologist, and shall be carried out under the direct supervision of a qualified biologist.

~~NR.~~ Stream Relocation. No stream on lands with agricultural activities~~land~~ shall be relocated without a state permit and unless the replacement stream channel provides an increase of in-stream fisheries resources, equal or better level of floodplain protection, and the following minimum performance standards:

1. The natural channel dimensions shall be replicated including substantially identical depth, width, length and gradient at the original location and the original horizontal alignment (meander lengths) shall be replaced;
2. The bottom shall be restored with identical or similar materials;
3. The bank and buffer configuration shall be restored to the original conditions;
4. The channel, bank and buffer areas shall be replanted with native vegetation which replicates the original in species, size and densities; and
5. The original habitat value shall be recreated.

~~OS.~~ Trails and Trail-Related Facilities. Public and private trails and trail-related facilities on lands with agricultural activities, such as picnic tables, benches, interpretive centers and signs, viewing platforms, and campsites, may be allowed, and the use of impervious surfaces shall be minimized. Trails and trail related facilities may only be authorized

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within wetlands and streams when the review authority determines that there is no practicable or reasonable upland alternative. Trail planning, construction, and maintenance shall adhere to the following additional criteria:

...

PT. Utility Transmission Lines for agricultural activities. Underground utility transmission lines for agricultural activities should be avoided within critical areas, but the review authority may allow underground utility lines within these areas when he/she determines that there are no practicable upland alternatives. The no practicable alternative requirement shall be waived when the utility line is consolidated with a road crossing or parallels another utility's existing crossing.

Utility corridor alignment, construction, restoration, and maintenance shall adhere to the following additional criteria:

...

QU. Vegetation Management for Agricultural Activities—Aquatic Weeds. All aquatic vegetation management shall be conducted pursuant to the "Pest and Vegetation Management Policy" (1993), as amended.

RV. Vegetation Removal for Agricultural Activities—Native and Forest Practices. Native vegetation removal along streams, within wetlands, and the buffers of both shall be prohibited except as provided in the following:

...

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R. Table 5 - Uses and Activities Within Critical Areas and Their Buffers shall be amended to read as follows:

Table 5—Agricultural Uses and Activities Within Critical Areas and Their Buffers

The Thurston County Critical Areas Ordinance governs nonagricultural uses and subdivisions.

	Landslide Hazards	Marine Bluff Hazards	Important Habitats and Species	Floodplains: 100-year and Nonfloodway *	Floodways and Volcanic Hazards	Streams	Wetland Class I	Wetland Class II	Wetland Class III
Agricultural Uses and Activities Permitted Without County Review under this Chapter									
1. Agriculture—existing and ongoing	P	P	P	P*	P	P	P	P	P
2. Agricultural—ditch maintenance	-	-	P	P*	P	-	P	P	P
3. Open space—(critical area tract)	P	P	P	P*	P	P	P	P	P
4. Research—(education, scientific, and site investigation)	P	P	P	P*	P	P	P	P	P
5. <u>Agricultural Access Road/street—repair and maintenance</u>	P	P	P	P*	P	P	P	P	P
6. Signs—(interpretation, critical area tract, and survey markers)	P	P	P	P*	P	P	P	P	P
7. Utility—existing and ongoing, and installation in improved roads and utility corridors	P	P	P	P*	P	P	P	P	P
8. Wildlife—blind or nesting structure	P	P	P	P*	P	P	P	P	P
Agricultural Uses and Activities Subject to Critical Areas Review under this Chapter									
9. Agricultural—access road	S	S	S	S*	S	S	X	Sa	S
10. Agricultural—building	S	X	S	P*	X	Sb	X	Sa	S
11. Agricultural-ponds	X	X	P	P*	P	X	X	Sa	S
12. Agricultural-wetland conversion	-	-	-	-	-	-	X	Sa	S
13. Beaver pond—removal	-	-	-	-	-	SP	SP	SP	SP
14. Critical facilities—see Table 7	X	X	S	X	X	X	X	X	X

P =	Permitted without county review under this chapter.	() =	Includes those uses and activities as examples.
S =	Subject to review under this chapter.	a =	Permitted only within a long-term and Nisqually agriculture districts, otherwise prohibited.
SP =	State permit subject to the standards and requirements of this chapter.	b =	Permitted only within the buffer, otherwise prohibited.
V =	Verbal authorization required from planning director.	c =	Permitted only as allowed in the performance standards, otherwise prohibited.
X =	Prohibited.	² =	Permitted only at the toe of the slope, otherwise prohibited
- =	Not applicable.	*	May be subject to habitat assessment under chapter 14.38 TCC Flood Hazard Mitigation

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Table 5—Agricultural Uses and Activities Within Critical Areas and Their Buffers (Cont.)

	Landslide Hazards	Marine Bluff Hazards	Important Habitats and Species	Floodplains: 100-year and Nonfloodway *	Floodways and Volcanic Hazards	Streams	Wetland Class I	Wetland Class II	Wetland Class III
Uses and Activities Subject to Critical Areas Review under this Chapter (Cont.)									
15. Drainage ditch maintenance—active district	-	-	S	S*	S	S	S	S	S
16. Drainage ditch maintenance—private	-	-	S	P*	S	S	X	X	S
17. Emergency—temporary authorization	V	V	V	V*	V	V	V	V	V
18. Fill—(not a part of another use or activity listed on this table)	S	S	S	X	X	S	X	X	V
19. Fish hatchery	-	-	S	S*	S	S	X	S	S
20. Float—(floating dock, mooring buoy, navigational aid, and swimming float)	-	-	S	-	-	S	S	S	S
<u>21. Nonconforming use—expansion of</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S*</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
22 22. Site—mitigation, restoration or revegetation	S	S	S	S*	S	S	S	S	S
22 23. Outdoor recreation activities—(bird watching, nonmotorized boating, bicycling, canoeing, fishing, hiking, horseback riding, hunting, jogging, photography, swimming, and similar activities)	P	P	S	<u>P*</u>	P	P	S	P	P

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X =	Prohibited.	² =	Permitted only at the toe of the slope, otherwise prohibited
- =	Not applicable.	*	May be subject to habitat assessment under chapter 14.38 TCC Flood Hazard Mitigation

Table 5—Agricultural Uses and Activities Within Critical Areas and Their Buffers (Cont.)

	Landslide Hazards	Marine Bluff Hazards	Important Habitats and Species	Floodplains: 100-year and Nonfloodway	Floodways and Volcanic Hazards	Streams	Wetland Class I	Wetland Class II	Wetland Class III
Uses and Activities Subject to Critical Areas Review under this Chapter (Cont.)									
23 <u>24</u> . Shoreline access—pedestrian path or hand launch boat site	-	S	-	S*	S	S	S	S	S
24 <u>25</u> . Shoreline access—stair tower, stairway or mechanical lift to access agricultural activities	-	S	-	S*	S	S	X	X	X
25 <u>26</u> . Shoreline access—boat ramp, vehicle access or marine railway to access agricultural activities	-	S	-	S*	S	S	X	X	X
26 <u>27</u> . Shoreline protective structures for agricultural activities—nonstructural techniques or bioengineering	-	S	-	S*	S	S	-	-	-
27 <u>28</u> . Shoreline protective structures for agricultural activities—structural techniques (bulkhead, gabion, riprap, or wall)	-	S	-	S*	S	S	-	-	-
<u>29</u> . Single family residence related to an agricultural	<u>X</u>	<u>S</u>	<u>S</u>	<u>Sc*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

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<u>activity, appurtenant structures, boathouse, deck and garage</u>									
<u>30. Single family residence related to an agricultural activity —access road</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>
<u>31. Single family residence related to an agricultural activity —alteration to nonconforming residence</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S*</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>

Notes:

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S =	Subject to review under this chapter.	a =	Permitted only within a long-term and Nisqually agriculture districts, otherwise prohibited.
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X =	Prohibited.	² =	Permitted only at the toe of the slope, otherwise prohibited
- =	Not applicable.	*	May be subject to habitat assessment under chapter 14.38 TCC Flood Hazard Mitigation

Table 5—Agricultural Uses and Activities Within Critical Areas and Their Buffers (Cont.)

	Landslide Hazards	Marine Bluff Hazards	Important Habitats and Species	Floodplains: 100-year and Nonfloodway	Floodways and Volcanic Hazards	Streams	Wetland Class I	Wetland Class II	Wetland Class III
Uses and Activities Subject to Critical Areas Review under this Chapter (Cont.)									
<u>32. Single family residence related to an agricultural activity —replacement of nonconforming residence</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S*</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>33. Single family residence related to an agricultural activity —septic drainfield</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P*</u>	<u>X</u>	<u>X</u>	<u>Sb</u>	<u>Sb</u>	<u>Sb</u>
<u>34. Single family residence related to an agricultural activity —water well/pump house</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S*</u>	<u>X</u>	<u>Sb</u>	<u>Sb</u>	<u>Sb</u>	<u>Sb</u>
28 <u>35. Slope stabilization or retaining wall to protect agricultural activities (not a bulkhead)</u>	S	S	S	<u>S*</u>	S	S	S	S	S
29 <u>36. Stormwater—private retention and detention facility for agricultural activities</u>	<u>Sb²</u>	S	S	<u>S*</u>	X	Sb	X	<u>Sb⁺</u>	Sb

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3037 . Stormwater—temporary sediment control ponds for agricultural activities	Sb ²	X	S	P*	S	Sb	X	X	Sb
3138 . Stream—enhancement	-	-	-	-	-	S	-	-	-
3239 . Stream—relocation	-	-	-	-	-	SP	-	-	-
3340 . Vegetation management—aquatic weeds	-	-	SP						
3441 . Vegetation removal—native and forest practices	S	S	S	-	-	S	S	S	S

Notes:

P =	Permitted without county review under this chapter.	() =	Includes those uses and activities as examples.
S =	Subject to review under this chapter.	a =	Permitted only within a long-term and Nisqually agriculture districts, otherwise prohibited.
SP =	State permit subject to the standards and requirements of this chapter.	b =	Permitted only within the buffer, otherwise prohibited.
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PLANNING COMMISSION DRAFT

AMENDMENTS TO THE CRITICAL AREAS REGULATIONS AGRICULTURAL ACTIVITIES CORRECTIONS TITLE 24

- A. Section 24.01.025 shall be amended to clarify that agricultural activities in Chapter 17.15 of the Thurston County Code includes new and existing agricultural activities as follows:

24.01.025 General provisions – Applicability of critical areas regulations.

The provisions of this title for regulating critical areas shall apply to all land, all water areas and all structures, and all uses irrespective of lot lines in the unincorporated territory of Thurston County, Washington, except for agricultural activities (new and existing). Agricultural activities meeting the requirements of TCC 17.15.110 shall be regulated by chapter 17.15 TCC.

...

- B. Section 24.18.050 shall be amended to remove a reference to agricultural buildings as follows:

24.18.050 Mine hazard area – Standards for mine hazard studies.

In addition to the geologic hazard assessment requirements in Chapter 24.35 TCC for special reports, the following are also required in mine hazard areas:

...

- E. The director may waive or reduce engineering study and design requirements for alterations in mine hazard areas for ~~the following: additions or alterations to legally existing structures meeting the requirements in place at the time of construction that do not increase occupancy or significantly affect the risk of structural damage or injury.~~

~~1. Additions or alterations to legally existing structures meeting the requirements in place at the time of construction that do not increase occupancy or significantly affect the risk of structural damage or injury; and~~

~~2. Buildings that are defined as agricultural buildings in 14.46.010 TCC.~~

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C. Table 24.20-1 shall be amended as follows:

**Table 24.20-1
Allowable Uses and Activities in Flood and Channel
Migration Hazard Areas**

Uses and Activities	Floodways	100-year Floodplains	Channel Migration Hazard Areas	High Ground water Hazard Areas/RDZ	Coastal Flood Hazard Areas
....					
Ponds – New creation <1 acre (see chapter 17.15 TCC for agricultural ponds) <i>TCC 24.20.080</i>	X	P	P	P	X
...					

D. Section 24.18.050 shall be amended as follows:

24.30.280 Wetlands – Roads/streets, railroads, bridges and culverts – New and expanded.

Proposed road and railroad crossings of wetlands and/or associated buffers shall be avoided unless the approval authority determines that it is not possible. Proposed road or railroad crossings of wetlands and buffers and expansion of existing roads exceeding the limitations of TCC 24.30.270 shall follow all applicable local, state, and federal laws and the applicable requirements listed below. These requirements also apply to private access roads and driveways. (Also see TCC 24.25.280).

...

C. Access roads and driveways shall be subject to the following requirements, as well as subsection D below.

1. Utility maintenance access. The director may allow maintenance roads for utility corridors accommodating transmission lines, pipelines, and similar major utilities when the applicant demonstrates to the director’s satisfaction that the road is necessary. Maintenance roads shall not be allowed where they would adversely impact bogs, Natural Heritage Wetlands, or wetlands with a score for habitat of 29 or more points under Ecology’s Wetland Rating System for Western Washington.

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If allowed, maintenance roads shall be located in the least impactful location in the outer twenty-five percent of the buffer contiguous to the utility corridor, on the side away from the wetland. To the maximum extent practicable, access for utility maintenance within wetland buffers shall be limited to access points rather than by a continuous access road extending through the buffer. The width of the maintenance road shall be minimized; in no event shall it be wider than fifteen feet.

2. Agricultural access. Refer to chapter 17.15 TCC for regulations on ~~existing and ongoing~~ agricultural activities.

...

E. Section 24.92.010 shall be amended as follows:

24.92.010 Enforcement, Violations, and Penalties – Generally.

...

- F. For the purposes of this chapter, a land use violation is a violation of this title, the Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance (chapter 17.15 TCC), Thurston County Forest Land Conversion Ordinance (chapter 17.25 TCC), the Thurston County Zoning Ordinances (titles 20, 21, 22, and 23 TCC), the Thurston County Platting and Subdivision Ordinance (title 18 TCC), Sanitary Code for Thurston County, Shoreline Master Program (title 19 TCC), or the Buildings and Construction Code (title 14 TCC).

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THURSTON COUNTY PLANNING DEPARTMENT

PLANNING COMMISSION DRAFT

**AMENDMENTS TO THE CRITICAL AREAS REGULATIONS
AGRICULTURAL ACTIVITIES REFERENCE CORRECTIONS
CHAPTER 2.05, TITLES 13, 14, 17, 18, 19, 20, 21, 22, 23, AND 24**

7/17/2012

All sections of the Thurston County Code must be updated to amend references to chapter 17.15 to change the name from the Agricultural Uses and Lands Critical Areas Ordinance to the Agricultural Activities Critical Areas Ordinance.

PART I: CHAPTER 2.05, CHAPTER 2.06, TITLE 13 AND TITLE 14

A. Section 2.05.020 TCC shall be amended as follows:

2.05.020 Docketing.

Docketing refers to the process of establishing and maintaining a list of proposals to amend comprehensive plans or development regulations administered by the county pursuant to the Washington State Growth Management Act (RCW 36.70A.470). Dockets are useful for providing information about amendment proposals that may be considered by the county in advance of public hearings and other review procedures.

- A. The county shall maintain separate dockets for comprehensive plan amendments and development regulation amendments.
2. The development regulation amendment docket shall include amendment proposals to the following elements of the Thurston County Code:
 - a. State Environmental Policy Act, chapter 17.09;
 - c. Critical Areas, title 24 and ~~chapter~~ 17.15;
 - d. Platting and Subdivisions, title 18;
 - e. Shoreline Master Program, title 19;
 - f. Zoning, titles 20, 21, 22 and 23.

B. Section 13.56.100 TCC shall be amended to read as follows:

13.56.100 Location.

A. Utility installations shall be located to minimize need for later adjustment to accommodate future roadway improvements and to permit access to servicing such

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installations with minimum interference to roadway traffic. The county shall make available to permittees a copy of its six-year transportation improvement program (or capital facilities and transportation plan where required), in order to minimize both utility customer and road user inconvenience should future road improvements (on existing or new alignment) require adjustment or relocating of the utility facilities. Utility installations shall also be located to minimize impacts to critical areas, as defined in the Thurston County's Critical Areas Ordinance, title 24 Thurston County Code, or the Thurston County Agricultural ~~Activities~~ Uses and Lands Critical Areas Ordinance, chapter 17.15 Thurston County Code.

.....

C. Section 13.56.270 TCC shall be amended to read as follows:

13.56.270 Vegetation management.

...

C. The utilities IVM plan shall be consistent with the Thurston County Critical Areas Ordinance and the Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance and any future groundwater and wellhead protection ordinances. After the county approves the initial IVM plan, revisions shall be submitted and approved annually.

...

D. Section 14.48.100 TCC shall be amended to read as follows:

14.48.100 Contents of application.

For an application to be deemed complete for purposes of beginning the formal project review and starting the review clock, the following basic submittal information shall be provided. During project review, additional information or studies may be requested in writing by the resource stewardship department if needed to address particular aspects of the project or site. While the project review clock will formally stop during the time that the additional information is being assembled, department review of other aspects of the project will continue. The resource stewardship department has the authority to defer certain application requirements listed below to subsequent phases of the project.

A. Nonresidential and Multifamily Residential Permits (Type I and II Applications). Submittals shall be required to show compliance with the codes referenced in Chapters 14.17, 14.18, 14.19, 14.32 and 14.34. The number of sets and size of plans required for each submittal requirement shall be as stated on the Nonresidential Construction Drawing

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Submittal Form. Each application for a nonresidential and multifamily residential permit shall contain the following in a clear, accurate and intelligible form:

...

- 11. A narrative summary of all uses and activities proposed to occur on-site, including hours of operation. For nonresidential developments, provide a statement which indicates whether hazardous materials, as defined in chapter 24.03 of the Thurston County Critical Areas Ordinance or TCC 17.15.200 of the Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance, will be used, stored or disposed of on-site, or as a result of site activities;

...

II. TITLE 17 ENVIRONMENT

- A. Section 17.09.150 TCC shall be amended to read as follows:

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 Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance_(chapter 17.15 TCC);

...

- B. Section 17.09.170 TCC shall be amended to read as follows:

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, 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 Activities~~Uses and Lands~~ Critical Areas Ordinance (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.

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C. Section 17.25.400 TCC shall be amended to read as follows:

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 Activities~~Uses and Lands~~ Critical Areas Ordinance;

...

D. Section 17.25.500 TCC shall be amended to read as follows:

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, otherwise known as the Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance;

...

E. Section 17.25.600 TCC shall be amended to read as follows:

17.25.600 Administration.

...

C. Authority and Duties of the County and Director.

...

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 Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance (chapter 17.15 of the Thurston County Code) which provide for flexible standards for agricultural uses.

...

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F. Section 17.25.800 TCC shall be amended to read as follows:

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 17.15.430 for agricultural activities governed by the Thurston County Agricultural ~~Activities~~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.

...

H. Permit Approval Limitations. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (title 24 of the Thurston County Code), the Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance (chapter 17.15 of the Thurston County Code), Thurston County Forest Land Conversion Ordinance (chapter 17.25 of the Thurston County Code), Thurston County Zoning Ordinances (titles 20, 21, 22 and 23 of the Thurston County Code), Thurston County Platting and Subdivision Ordinance (title 18 of the Thurston County Code), Sanitary Code for Thurston County, Shoreline Master Program for the Thurston Region or ~~T~~title 14 of the Thurston County Code (Buildings and Construction).

...

III: TITLE 18 PLATTING AND SUBDIVISION

A. Section 18.10.050 TCC shall be amended to read as follows:

18.10.050 Contents of application.

For an application to be deemed complete for purposes of beginning the formal project review and starting the review clock, the following basic submittal information shall be provided. During project review, additional information or studies may be requested in writing by the county if needed to address particular aspects of the project or site. While the project review clock will formally stop during the time that the additional information is being assembled, county review of other aspects of the project will continue.

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If the application is deemed incomplete or if additional information is required, the applicant shall have one hundred eighty calendar days to submit the required information to the department. The department shall notify the applicant as to when the one-hundred-eighty-day period will end. If the applicant does not submit the required information within the one-hundred-eighty-day period, the application shall lapse. Prior to the expiration date, the applicant may request in writing an extension of time. The department director may grant an extension if the required studies or information warrants additional time.

...

C. Type II and III Applications. Each application for a Type II or Type III action shall contain the following in a clear, accurate and intelligible form:

...

10. Applicable environmental documents, e.g., SEPA Checklist, critical areas permit application or review form under the Thurston County Critical Areas Ordinance (Title 24) or the Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance (Chapter 17.15), or written agreement to complete an environmental impact statement;

...

B. Section 18.10.090 TCC shall be amended to read as follows:

18.10.090 Permit approval limitations.

No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (Title 24 of the Thurston County Code), the Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance (Chapter 17.15 of the Thurston County Code), Thurston County Forest Land Conversion Ordinance (Chapter 17.25 of the Thurston County Code), Thurston County Zoning Ordinances (Titles 20, 21, 22 and 23 of the Thurston County Code), Thurston County Platting and Subdivision Ordinance (Title 18 of the Thurston County Code), Sanitary Code for Thurston County, Shoreline Master Program for the Thurston Region or Title 14 of the Thurston County Code (Buildings and Construction).

A permit or approval may be granted if conditioned on having the violation remedied within a reasonable time as provided by the approval authority. If a permit or approval is conditioned on remedial action, security in the form of a letter of credit or similar instrument shall be required unless waived by the approval authority for good cause. This section shall not apply to requests for a permit or approval to remedy a violation.

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C. Section 18.32.140 TCC shall be amended to read as follows:

18.32.140 Preliminary action..

...

C. The ~~development services~~ department shall consider the proposed short subdivision and make written findings with regard to:

...

- 3. The physical characteristics of the short subdivision site. Disapproval may be made based upon noncompliance with the Thurston County Critical areas Ordinance (Title 24 TCC) or the Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance (Chapter 17.15 TCC). Construction of protective improvements may be required as a condition of approval; and

...

D. Section 18.47.090 TCC shall be amended to read as follows:

18.47.090 Rights and duties.

The owners of open space shall have the following rights which may be exercised in respect of such land, subject to restrictive covenants or other restrictions:

...

C. The right to cover up to but not exceeding ten percent of the land with impervious substances reasonably necessary to exercise the rights provided in subsections A and B of this section unless additional impervious surface is needed to comply with Section 18.47.040C. The development and location of impervious surfaces requires compliance with the Drainage Design and Erosion Control Manual, Chapter 15.05 TCC, the Thurston County Critical Areas Ordinance, Title 24 TCC, and the Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance, Chapter 17.15 TCC;

...

IV: TITLE 19 SHORELINES MASTER PROGRAM

A. Section 19.14.010 TCC shall be amended to read as follows:

19.14.010 Permit approval limitations.

No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (Title 24 of the Thurston County Code), Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance (Chapter 17.15 of the Thurston County Code), Thurston County Forest Land Conversion Ordinance (Chapter 17.25 of the Thurston County Code), Thurston County Zoning Ordinance (Titles 20, 21, 22 and 23 of the Thurston County Code), Thurston County Platting and Subdivision Ordinance (Title 18 of the Thurston

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County Code), Sanitary Code for Thurston County, Shoreline Master Program for the Thurston Region or Title 14 of the Thurston County Code (Buildings and Construction).

IV: TITLE 20 ZONING

A. Section 20.09A.060 TCC shall be amended to read as follows:

20.09A.060 Additional regulations.

Refer to the following chapters for provisions which may qualify or supplement the regulations presented above:

...

9. Chapter 17.15, Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance; and

10. Chapter 20.23, McAllister Geologically Sensitive Area District;

11. Title 24, Thurston County Critical Areas Ordinance.

B. Section 20.09B.025 TCC shall be amended to read as follows:

20.09B.025 Accessory uses.

...

5. Accessory uses for agriculture and forestry involving the storage of explosives, fuels and chemicals, subject to all applicable local, state and federal regulations including the additional standards for special uses in chapter 20.54. Also, see the Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance, chapter 17.15, and the Thurston County Critical Areas Ordinance, title 24.

C. Section 20.09B.060 TCC shall be amended to read as follows:

20.09B.060 Additional regulations.

Refer to the following chapters for provisions which may qualify or supplement the regulations presented above:

...

9. Chapter 17.15, Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance;

10. Title 24, Thurston County Critical Areas Ordinance.

D. Section 20.09C.025 TCC shall be amended to read as follows:

20.09C.025 Accessory uses.

Subject to the provisions of this title, the following accessory uses are permitted in this district:

...

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5. Accessory uses for agriculture and forestry involving the storage of explosives, fuels and chemicals, subject to all applicable local, state and federal regulations including the additional standards for special uses in chapter 20.54. Also, see the Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance, chapter 17.15, and the Thurston County Critical Areas Ordinance, title 24.

E. Section 20.09C.060 TCC shall be amended to read as follows:

20.09C.060 Additional regulations.

Refer to the following chapters for provisions which may qualify or supplement the regulations presented above:

...

9. Chapter 17.15, Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance;

10. Title 24, Thurston County Critical Areas Ordinance.

F. Section 20.09D.025 TCC shall be amended to read as follows:

20.09D.025 Accessory uses.

Subject to the provisions of this title, the following accessory uses are permitted in this district:

...

5. Accessory uses for agriculture and forestry involving the storage of explosives, fuels and chemicals, subject to all applicable local, state and federal regulations. Also, see the Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance, Chapter 17.15, and the Thurston County Critical Areas Ordinance, Title 24.

G. Section 20.09D.060 TCC shall be amended to read as follows:

20.09D.060 Additional regulations.

Refer to the following chapters for provisions which may qualify or supplement the regulations presented above:

...

9. Chapter 17.15, Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance;

10. Title 24, Thurston County Critical Areas Ordinance.

H. Section 20.56.030 TCC shall be amended to read as follows:

20.56.030 Expansion and intensification of nonconforming, non residential uses.

...

4. Expansions of nonconforming, nonresidential uses involving critical areas shall be subject to the provisions of the Thurston County Critical Areas Ordinance(title 24) and

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the Thurston County Agricultural ~~Activities Uses and Lands~~ Critical Areas Ordinance (chapter 17.15).

I. Section 20.60.030 TCC shall be amended to read as follows:

20.60.030 Contents of application.

For an application to be deemed complete for purposes of beginning the formal project review and starting the review clock, the following basic submittal information shall be provided. During project review, additional information or studies may be requested in writing by the department if needed to address particular aspects of the project or site. While the project review clock will formally stop during the time that the additional information is being assembled, department review of other aspects of the project will continue.

If the application is deemed incomplete or if additional information is required, the applicant shall have one hundred eighty calendar days to submit the required information to the department. The department shall notify the applicant as to when the one-hundred-eighty-day period will end. If the applicant does not submit the required information within the one-hundred-eighty-day period, the application shall lapse. Prior to the expiration date, the applicant may request in writing an extension of time. The director may grant an extension if the required studies or information warrant additional time.

...

3. Type II and III Applications. Each application for a Type II or III permit shall contain the following in clear and intelligible form (with exceptions as provided in Section 20.60.030(3)(p) and (q) below):

...

b. A narrative summary of all uses and activities proposed to occur on-site, including hours of operation. For nonresidential developments, provide a statement which indicates whether hazardous materials, as defined in chapter 24.03 of the Thurston County Critical Areas Ordinance or section 17.15.200 of the Thurston County Agricultural ~~Activities Uses and Lands~~ Critical Areas Ordinance for agricultural uses, will be used, stored or disposed of on-site, or as a result of site activities;

...

J. Section 20.60.050 TCC shall be amended to read as follows:

20.60.050 Violations, civil-infractions and penalties.

...

2. Any violations of Section 20.34.020(8)(b)(iii)—(iv), 20.34.020(8)(c)(iii)—(iv), 20.34.020(8)(d)(iii) and 20.34.020(10) shall be designated as a Class 1 civil infraction. The violation of any other provision of Title 20 shall be designated as a Class 2 civil infraction. Each day of any such violation is a separate civil infraction; a notice of infraction may be issued for each day of any such violation, however the enforcement

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officer is not required to issue a notice of infraction for each day of such violation. Civil infractions shall be heard and determined according to Chapter 7.80 RCW and Section 20.60.055.

The civil infraction procedures adopted in this section and by Section 20.60.055 provide an additional method of civil enforcement to procedures found in subsections 1, 3 and 4 of Section 20.60.050. The initiation of proceedings under subsections 1, 3 and 4 does not preclude the initiation of a civil infraction proceeding under Section 20.60.055.

No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (Title 24 of the Thurston County Code), Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance (Chapter 17.15 of the Thurston County Code), Thurston County Forest Land Conversion Ordinance (Chapter 17.25 of the Thurston County Code), Thurston County Zoning Ordinances (Titles 20, 21, 22 and 23 of the Thurston County Code), Thurston County Platting and Subdivision Ordinance (Title 18 of the Thurston County Code), Sanitary Code for Thurston County, Shoreline Master Program for the Thurston Region or Title 14 of the Thurston County Code (Buildings and Construction).

...

V: TITLE 21 ZONING ORDINANCE FOR THE LACEY URBAN GROWTH AREA

A. Section 21.54.010 TCC shall be amended to read as follows:

21.54.010 - Wetland areas.

All regulated wetland areas as designated or described by the Thurston County Critical Areas Ordinance (title 24 TCC) or the Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance (chapter 17.15 TCC) for agricultural ~~Activities~~uses shall be subject to the review processes, standards and conditions as specified in the applicable critical areas ordinance.

B. Section 21.54.020 TCC shall be amended to read as follows:

21.54.020 - Floodplain areas.

All floodplains or flood hazard areas as designated or described by the Thurston County Critical Areas Ordinance (title 24 TCC) or the Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance (chapter 17.15 TCC) for agricultural ~~activities~~uses shall be subject to the review processes, standards and conditions as specified in the applicable critical areas ordinance.

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C. Section 21.54.030 TCC shall be amended to read as follows:

21.54.030 - Important habitat areas.

All important habitat areas or fish and wildlife habitat conservation areas as designated or described by the Thurston County Critical Areas Ordinance (title 24 TCC) or the Thurston County Agricultural ~~ActivitiesUses and Lands~~ Critical Areas Ordinance (chapter 17.15 TCC) for agricultural Activitiesuses shall be subject to the review processes, standards and conditions as specified in the applicable critical areas ordinance.

D. Section 21.54.040 TCC shall be amended to read as follows:

21.54.040 - Aquifer recharge areas.

All aquifer recharge areas as designated or described by the Thurston County Critical Areas Ordinance (title 24 TCC) or the Thurston County Agricultural ~~ActivitiesUses and Lands~~ Critical Areas Ordinance (chapter 17.15 TCC) for agricultural activitiesuses shall be subject to the review processes, standards and conditions as specified in the applicable critical areas ordinance.

E. Section 21.54.050 TCC shall be amended to read as follows:

21.54.050 - Geological hazard areas.

All geological hazard areas as designated or described by the Thurston County Critical Areas Ordinance (title 24 TCC) or the Thurston County Agricultural ~~ActivitiesUses and Lands~~ Critical Areas Ordinance (chapter 17.15 TCC) for agricultural activitiesuses shall be subject to the review processes, standards and conditions as specified in the applicable critical areas ordinance.

F. Section 21.70.080 TCC shall be amended to read as follows:

21.70.080 - Design criteria for multifamily projects, condominiums and townhouses.

Staff decisions on all multifamily projects, condominiums and townhouses which have more than four dwelling units shall be based on the following criteria (see Illustrations 4—10):

...

C. Natural Features. The purpose for this section is to encourage the development of multifamily projects that respect the natural features of the land.

...

- 5. Any wetlands and associated buffers shall be saved in accordance with the Thurston County Critical Areas Ordinance (title 24) or the Thurston County Agricultural ~~ActivitiesUses and Lands~~ Critical Area Ordinance; (TCC chapter 17.15), for agricultural activitiesuses.

...

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G. Section 21.81.060 TCC shall be amended to read as follows:

21.81.060 - Contents of application.

For an application to be deemed complete for purposes of beginning the formal project review and starting the review clock, the following basic submittal information shall be provided. During project review, additional information or studies may be requested in writing by the department if needed to address particular aspects of the project or site. While the project review clock will formally stop during the time that the additional information is being assembled, department review of other aspects of the project will continue.

If the application is deemed incomplete or if additional information is required, the applicant shall have one hundred eighty calendar days to submit the required information to the department. The department shall notify the applicant as to when the one-hundred-eighty-day period will end. If the applicant does not submit the required information within the one-hundred-eighty-day period, the application shall lapse. Prior to the expiration date, the applicant may request in writing an extension of time. The director may grant an extension if the required studies or information warrants additional time.

...

C. Type II and III Applications. Each application for a Type II or III action shall contain the following in clear and intelligible form (with exceptions as provided in Section 21.81.060C18 through 22 below):

1. An application form provided by Thurston County containing all of the information requested on the form, including a single applicant contact to receive all determinations and notices;
2. A narrative summary of all uses and activities proposed to occur on-site, including hours of operation. For nonresidential developments, provide a statement which indicates whether hazardous materials, as defined in chapter 24.03 of the Thurston County Critical Areas Ordinance or section 17.15.200 of the Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance for agricultural ~~activities~~uses, will be used, stored or disposed of on-site, or as a result of site activities;

...

H. Section 21.93.030 TCC shall be amended to read as follows:

21.93.030 - Expansion and intensification of nonconforming, nonresidential uses.

...

C. Expansions involving critical areas shall be subject to the provisions of the Thurston County Critical Areas Ordinance (title 24 TCC) or the Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance for agricultural ~~activities~~uses.

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I. Section 21.102.010 TCC shall be amended to read as follows:

21.102.010 - Violations, civil infractions and penalties.

...

E. Permit Approval Limitations. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (Title 24 of the Thurston County Code), Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance (Chapter of the 17.15 Thurston County Code), Thurston County Forest Land Conversion Ordinance (Chapter of the 17.25 Thurston County Code), Thurston County Zoning Ordinances (Titles 20, 21, 22 and 23 of the Thurston County Code), Thurston County Platting and Subdivision Ordinance (Title 18 of the Thurston County Code), Sanitary Code for Thurston County, Shoreline Master Program for the Thurston Region or Title 14 of the Thurston County Code (Buildings and Construction).

...

VI: TITLE 22 TUMWATER UGA ZONING ORDINANCE AND TITLE 23 OLYMPIA UGA ZONING ORDINANCE

A. Section 22.08.050 TCC shall be amended to read as follows:

22.08.050 - Density regulations.

Density regulations in the RSR zone district are as follows:

...

B. Density Calculation. The calculation of the density requirements in Section 22.08.050A above is based on the portion of the site that contains lots devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

...

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by Thurston County Code Title 24, Thurston County Critical Areas Ordinance, or Chapter 17.15, Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance and land that is to be used for private roads. Provided, that portion of open space/park areas that consists of stormwater facilities that are designed for active and/or passive

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recreational purposes in accordance with the Drainage Design and Erosion Control Manual for Thurston County shall not be excluded from density calculations;

...

B. Section 22.10.050 TCC shall be amended to read as follows:

22.10.050 - Density regulations.

Density regulations in the SFL zone district are as follows:

...

B. Density Calculation. The calculation of the density requirements in Section 22.10.050A above is based on the portion of the site that contains lots devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by Thurston County Code Title 24, Thurston County Critical Areas Ordinance, or Chapter 17.15, Thurston County Agricultural ~~Activities Uses and Lands~~ Critical Areas Ordinance and land that is to be used for private roads. Provided, that portion of open space/park areas that consists of stormwater facilities that are designed for active and/or passive recreational purposes in accordance with the Drainage Design and Erosion Control Manual for Thurston County shall not be excluded from density calculations,

...

C. Section 22.12.050 TCC shall be amended to read as follows:

22.12.050 - Density regulations.

Density regulations in the SFM zone district are as follows:

...

B. Density Calculation. The calculation of the density requirements in Section 22.12.050A above is based on the portion of the site that contains lots devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by Thurston County Code Title 24, Thurston County Critical Areas Ordinance, or Chapter 17.15, Thurston County

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~~Agricultural Activities Uses and Lands~~ Critical Areas Ordinance and land that is to be used for private roads. Provided, that portion of open space/park areas that consists of stormwater facilities that are designed for active and/or passive recreational purposes in accordance with the Drainage Design and Erosion Control Manual for Thurston County shall not be excluded from density calculations,

...

D. Section 22.14.050 TCC shall be amended to read as follows:

22.14.050 - Density regulations.

...

B. Density Calculation. The calculation of the density requirements in Section 22.14.050A above is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by Thurston County Code Title 24, Thurston County Critical Areas Ordinance, or Chapter 17.15, Thurston County ~~Agricultural Activities Uses and Lands~~ Critical Areas Ordinance and land that is to be used for private roads. Provided, that portion of open space/park areas that consists of stormwater facilities that are designed for active and/or passive recreational purposes in accordance with the Drainage Design and Erosion Control Manual for Thurston County shall not be excluded from density calculations,

...

E. Section 22.16.050 TCC shall be amended to read as follows:

22.16.050 - Density regulations.

Density regulations in the MFH zone district are as follows:

...

B. Density Calculation. The calculation of the density requirements in Section 22.16.050A above is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

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1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by Thurston County Code Title 24, Thurston County Critical Areas Ordinance, or Chapter 17.15, Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance and land that is to be used for private roads. Provided, that portion of open space/park areas that consists of stormwater facilities that are designed for active and/or passive recreational purposes in accordance with the Drainage Design and Erosion Control Manual for Thurston County shall not be excluded from density calculations,

...

F. Section 22.30.060 TCC shall be amended to read as follows:

22.30.060 - Landscaping.

The preservation or enhancement of existing native plant materials shall be the predominant characteristic of landscape treatment in this district. Clearing of plant materials shall be subject to the requirements of Title 24, Thurston County Critical Areas Ordinance, or Chapter 17.15, Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance, as applicable.

...

G. Section 22.54.030 TCC shall be amended to read as follows:

22.54.030 - Expansion and intensification of nonconforming, nonresidential uses.

...

- C. Expansions involving critical areas shall be subject to the provisions of Title 24, Thurston County Critical Areas Ordinance, or Chapter 17.15, Thurston County Agricultural Activities~~Uses and Lands~~ Critical Areas Ordinance, as applicable.

...

H. Section 22.62.030 TCC shall be amended to read

22.62.030 - Contents of application.

...

- C. Type II and III Applications. Each application for a Type II or III permit shall contain the following in clear and intelligible form (with exceptions as provided in Section 22.62.030C15 below):

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1. An application form provided by Thurston County containing all of the information requested on the form, including a single applicant contact to receive all determinations and notices;
2. A narrative summary of all uses and activities proposed to occur on-site, including hours of operation. For nonresidential developments, provide a statement which indicates whether hazardous materials, as defined in chapter 24.03 of the Thurston County Critical Areas Ordinance or section 17.15.200 of the Thurston County Agricultural Uses and Lands Critical Areas Ordinance for agricultural Activities ~~uses~~, will be used, stored or disposed of on-site, or as a result of site activities;

...

I. Section 22.64.030 TCC shall be amended to read as follows:

22.64.030 - Violations, civil infractions and penalties.

...

E. Permit Approval Limitations. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (Title 24 of the Thurston County Code) Thurston County Agricultural Activities ~~Uses and Lands~~ Critical Areas Ordinance (Chapter 17.15 of the Thurston County Code), Thurston County Forest Land Conversion Ordinance (Chapter 17.25 of the Thurston County Code), Thurston County Zoning Ordinances (Titles 20, 21, 22 and 23 of the Thurston County Code), Thurston County Platting and Subdivision Ordinance (Title 18 of the Thurston County Code), Sanitary Code for Thurston County, Shoreline Master Program for the Thurston Region or Title 14 of the Thurston County Code (Buildings and Construction).

J. Section 23.36.060 TCC shall be amended to read as follows:

23.36.060 General Requirements – All zones.

...

J. Stormwater Pond and Swales.

1. Stormwater drainage ponds and swales shall be located, to the greatest extent possible, where they will not unreasonably impede pedestrian access to or between buildings. They shall also be attractively landscaped and integrated into the site design. If properly located and designed, stormwater facilities may serve as an amenity and be counted toward landscape requirements.

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- 2. Existing waterbodies and wetlands should be incorporated into the site design as an amenity, but only when their function and value is enhanced and when permitted by the Thurston County Critical Areas Ordinance, TCC Title 24 or the Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance, TCC Chapter 17.15, as applicable.

...

K. Section 23.36.100 TCC shall be amended to read as follows:

23.36.100 Alternative landscaping plans.

- A. The applicant may formally request in writing a modification from the landscaping requirements set forth in this chapter; provided, there is no reduction in critical area and buffer, unless permitted by the Thurston County Critical Areas Ordinance, or Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance, as applicable.

...

L. Section 23.37.030 shall be amended to read as follows:

23.37.030 Expansion and intensification of nonconforming, nonresidential uses.

...

- C. Expansions involving critical areas shall be subject to the provisions of the Thurston County Critical Areas Ordinance (Title 24 TCC), or Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance (Chapter 17.15 TCC), as applicable.

...

M. Section 23.57.060 TCC shall be amended to read as follows:

23.57.060 Presubmission conference.

...

- B. The department will make available pertinent information as may be on file relating to the proposal. It is the purpose of this conference to eliminate as many potential problems as possible in order for the MPD to be processed without delay. The conference should take place prior to detailed work by the applicant's architect, engineer or surveyor. Discussion topics at this time include such things as:

...

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4. Thurston County Critical Areas Ordinance, TCC Title 24, the Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance, TCC Chapter 17.15, and the State Environmental Policy Act, indicating the environmental impact of the development;

...

N. Section 23.73.030 shall be amended to read as follows:

23.73.030 Violations, civil infractions and penalties.

- E. Permit Approval Limitations. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (Title 24 Thurston County Code), Thurston County Agricultural ~~Activities~~Uses and Lands Critical Areas Ordinance (Chapter of the 17.15 Thurston County Code), Thurston County Forest Land Conversion Ordinance (Chapter of the 17.25 Thurston County Code), Thurston County Zoning Ordinances (Titles 20, 21, 22 and 23 of the Thurston County Code), Thurston County Platting and Subdivision Ordinance (Title 18 of the Thurston County Code), Sanitary Code for Thurston County, Shoreline master Program for the Thurston Region or Title 14 of the Thurston County Code (Buildings and Construction).

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Attachment B:

Critical Area Review Permit
Amendments

THURSTON COUNTY PLANNING DEPARTMENT

PLANNING COMMISSION DRAFT

**AMENDMENTS TO THE CRITICAL AREAS REGULATIONS
AMENDMENTS TO CRITICAL ARE REVIEW PERMIT PROCESS
SECTION 24.05.030 AND CHAPTER 24.40 TCC**

24.05.030 Administrative procedures – Coordination with other application reviews.

A proposed project action involving a permit under this title shall be processed in a consolidated manner, as specified below:

- A. Decisions on and review of critical area review permits under chapter 24.40 TCC associated with other related development applications ~~may occur with~~shall occur at the same time as the State Environmental Policy Act review and determination required under chapter 17.09 TCC. However, the decision on the critical area review permit is a separate decision.
- B. If no State Environmental Policy Act determination is required, then:
1. The decision shall be issued such that the appeal period shall expire a minimum of fifteen (15) calendar days prior to a public hearing; or
 2. Where no public hearing is required, the decision ~~shall be issued a minimum of fifteen (15) calendar days prior to a~~shall occur prior to or at the same time as the decision on any associated development application.

The above requirement does not work well with current application procedures, and may add unnecessary time to a project permit.

C. Critical area review permits may be combined with the underlying permit when the requested action does not include:

1. Buffer averaging or reconfiguration;
2. Buffer reductions or riparian area reductions;
3. Landslide hazard area stabilizations;
4. Critical area map amendments;
5. Permits that require hearing examiner approval;
6. Subdivisions, short plats, large lot subdivisions, binding site plans;

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7. Intensive uses in wetlands and fish and wildlife habitat conservation areas;
8. Stream relocation;
9. Direct impacts to a critical area, for activities that do not require a reasonable use exception (including wetlands, geologic hazard areas, riparian areas, frequently flooded areas, and other fish and wildlife conservation areas) and mitigation for lost or diminished critical area and buffer functions;
10. Intensification of a legally established nonconforming use;
11. Discretionary replacement of a nonconforming use or structure; and
12. Other requested actions where the review authority has determined that the scope of the requested action may adversely impact a critical area or its buffer.

After the first year, it has been found that it would be better for the reviewer and the permit applicant for allowing simple critical area review permits to be combined with the underlying permit review. The subjects above require more complex review, and are best reviewed with a separate permit. Applicants would still have the option to submit a separate critical area review permit.

~~D.B.~~ Decisions on and review of reasonable use exceptions under chapter 24.45 TCC associated with other related development applications that require a public hearing before the hearing examiner shall occur concurrent with the related development applications; unless the applicant chooses to initiate the reasonable use exception first.

~~E.C.~~ Decisions on reasonable use exceptions under chapter 24.45 TCC associated with other related development applications that do not require a public hearing before the hearing examiner shall occur prior to a decision on the development applications.

Chapter 24.40

CRITICAL AREA REVIEW PERMIT

Sections:

- 24.40.010 Critical area review permit – Generally.
- 24.40.020 Critical area review permit – Review process and classifications.
- 24.40.030 Critical area review permit – Application requirements.
- 24.40.040 Critical area review permit – ~~Director d~~Decision – Required findings.
- 24.40.050 Critical area review permit – Review criteria.
- 24.40.060 Critical area review permit – Subject to conditions.
- 24.40.070 Critical area review permit – Limitation on review.
- 24.40.080 Critical area review permit – Time limits – Expiration.

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24.40.090 Critical area review permit – Amendments.

24.40.010 Critical area review permit – Generally.

Unless otherwise provided in this Title, a critical area review permit is required for all development permits for properties that may be impacting critical areas and associated buffers or critical area evaluation areas on their property. A critical area review permit may be combined with other permits, please see 24.05.030TCC. A critical area review permit will not be required for reasonable use exceptions in chapter 24.45 TCC, initial emergency authorizations in chapter 24.90 TCC, critical area determinations in TCC 24.05.070, and county initiated amendments to this title or the Thurston County Comprehensive Plan (Type IV permits). The critical area review permit shall comply with all provisions of this title.

24.40.020 Critical area review permit – Review process and classification.

A. Type I critical area review permits shall include permits:

1. Where the underlying permit or application for review would be classified as a Type I permit as defined in title 14 TCC, title 17 TCC, title 18 TCC, title 20 TCC, title 21 TCC, title 22 TCC, and title 23 TCC; and
2. Where ~~the~~ there is no underlying permit for review and SEPA review under chapter 17.09 TCC is not required.

B. Type II critical area review permits shall include permits: where the underlying permit or application for review would be classified as a Type II or Type III permit as defined in, title 14 TCC, title 17 TCC, title 18 TCC, title 20 TCC, title 21 TCC, title 22 TCC, and title 23 TCC.

- ~~1. Where the underlying permit or application for review would be classified as a Type II or Type III permit as defined in, title 14 TCC, title 17 TCC, title 18 TCC, title 20 TCC, title 21 TCC, title 22 TCC, and title 23 TCC; and~~
- ~~2. Where there is no underlying permit for review and SEPA review under chapter 17.09 TCC is required.~~

Subsection 2 above is extraneous.

C. Review processes and procedures are described in chapter 24.05 TCC. Coordination requirements for critical area review permits are located in TCC 24.05.030. Where there is no underlying permit, a Type I review process shall be used.

24.40.030 Critical area review permit – Application requirements.

The application for a critical area review permit shall be filed with the Resource Stewardship Department in accordance with chapter 24.05 TCC. When a critical area review permit is

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combined with another permit, the underlying permit application shall also include the information required for a critical area review permit.

24.40.040 Critical area review permit – Decision – Required findings.

- A. The approval authority shall enter a decision in conformance with this title. In making the decision, the approval authority shall enter written findings of fact upon which the decision is based. The findings of fact shall address each critical area requirement separately and the review criteria in TCC 24.40.050.
- B. The approval authority shall confirm the nature and type of the critical and shall evaluate any special reports submitted by consultants who are professionals in the pertinent field. Peer review and/or third party review may be necessary in order for the approval authority to adequately evaluate and review special reports.

Peer review is already an option for special reports. The above text clarifies that the approval authority may require third party.

24.40.050 Critical area review permit – Review criteria.

In addition to any review criteria required for State Environmental Policy Act reviews in chapter 17.09 TCC, or any other required permit reviews, the approval authority shall approve, or approve with conditions, the critical area review permit if:

- A. The critical area review permit is consistent with the requirements, purposes, and intent of this title, and other requirements of the Thurston County Code; and
- B. The requested development activity is consistent with the goals and policies of the Thurston County Comprehensive Plan; and
- C. The requested development activity results in no net loss of the functions and values of critical areas as defined in this title. If the approval authority determines that it is necessary, the proposal shall include a mitigation plan consistent with this title and credible scientific evidence as determined by the director. Mitigation measures shall address any impacts and shall occur onsite first, or if necessary, offsite.

24.40.060 Critical area review permit – Subject to conditions.

The approval authority may grant a critical area review permit subject to conditions and safeguards designed to ensure no net loss to critical area functions and values. The written conditions shall not violate the purpose and intent of this title and the Thurston County Comprehensive Plan. The conditions shall be included with the decision and findings required by TCC 24.40.040.

24.40.070 Critical area review permit – Limitation on review.

The fact that property may be utilized more profitably than allowed based on strict interpretation of this title shall not be an element of consideration in any review of a critical area review permit, or when that review is combined with other permit reviews. Except as authorized by this

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title, an approval for a critical area review permit shall not result in a waiver or variance of the requirements of this title, and shall not permit a use variance. A waiver or variance of the requirements of this title may only be requested through a reasonable use exception.

Permitting staff requested the above text in the last sentence to clarify that variances and waivers need a reasonable use exception.

24.40.080 Critical area review permit – Time limits – Expiration.

Knowledge of the time limits and expiration of a critical area review permit is the responsibility of the applicant. The duration of a critical area review permit within critical areas, which includes associated buffers, shall be as follows:

- A. Authorization to undertake regulated uses and activities shall be valid for the specific time period established for any associated development permit (e.g., building permit and special use authorization); or
- B. For permits not associated with any development permit, authorization to undertake regulated uses and activities shall expire if the use or activity for which it is granted a building permit has not been issued within three (3) years of final approval. An extension of the three (3) year period shall not be permitted; and
- C. The critical area review permit shall also expire when the use or activity specifically allowed through a critical area review permit is vacated for a period of three years.

24.40.090 Critical area review permit – Amendments.

Any amendment or modification of an approved project shall require a new application and review following the same process as the initial approval unless the amendment or modification is less impactful to the critical area~~minor in nature~~ and is within the scope of the original critical area review permit, as determined by the director.

Permitting staff requested the above change. The term “minor in nature” creates issues for implementation.

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Attachment C:
Other Amendments

PLANNING COMMISSION DRAFT

**AMENDMENTS TO THE CRITICAL AREAS REGULATIONS
CLARIFICATIONS AND CORRECTIONS
TITLE 24**

7/17/2013

- A. Section 24.01.055 shall be amended to clarify that subdivisions of land must meet the requirements of this title, and that subsequent conversions out of agricultural activities are subject to Title 24, and that agricultural activities can continue as follows:

24.01.055 General provisions – Discontinuation of agricultural uses/activities.

- A. The following shall apply to lands that were not considered ~~agricultural~~ lands with agricultural activities prior to July 24, 2012, but subsequently became ~~agricultural~~ lands with agricultural activities:
 - ~~A1.~~ The critical area provisions of this title shall apply to new uses when the land use changes from an agricultural activity meeting the requirements of TCC 17.15.110 to a nonagricultural activity;
 - ~~B2.~~ Any critical areas that were on the property prior to the agricultural activity shall be restored to the condition that the critical areas were in prior to the establishment of the agricultural activity; and
 - ~~C3.~~ If restoration is not possible, onsite or offsite mitigation may be required.
- B. Subdivision of land is not included in the definition of agricultural activities in RCW 36.70A. Lots created through subdivision of land, short plats, large lots, and binding site plans shall show buildable areas for each lot created that meet the requirements of this title. A notice shall be recorded on the plat map that conversions out of agricultural activities are subject to this title, and that agricultural activities can continue subject to the Thurston County Agricultural Activities Critical Areas Ordinance (chapter 17.15), as amended.

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B. Chapter 24.03 shall be amended as follows:

Chapter 24.03

DEFINITIONS

Sections:

24.03 Definitions.

24.03 Definitions.

The following definitions shall apply to this ~~title~~chapter:

...

“Buildable area” or “building envelope” means the three-dimensional space within which a structure or development is permitted to be built on a lot and which is defined by regulations in this title and subject to other provisions of the Thurston County Code, state and federal laws.

The addition of a definition for buildable area has been requested by Resource Stewardship.

...

“Development proposal” means any of the activities relating to the use and/or development of land requiring a permit or approval from Thurston County as described in this ~~title~~chapter.

...

“Hazard tree” or “danger tree” means a tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years, and where there is a residence or residential accessory structure within a tree length of the base of the trunk, or where the top of a bluff or ~~landslide hazard area~~steep slope is endangered. Where not immediately apparent to the review authority, the danger tree determination shall be made after review of a report prepared by an arborist certified in Washington State.

The definition for the term “steep slope” is being consolidated with the term “landslide hazard area.”

...

“Intensification” means to alter the character of a use to the extent that the use generates new or greater impacts on the critical area and/or any associated buffers. Please see section 24.50.035 TCC.

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Section 24.50.035 addresses intensification of uses.

...

~~"Prior converted croplands" please see section 17.15.200 Definitions—Critical areas, categories and terms, as amended.~~

The term prior converted croplands is not used in Title 24.

...

“Pond” means a naturally existing or artificially created body of standing water less than twenty acres in size and not defined as “Shorelines of the State” by chapter 90.58 RCW (Shoreline Management Act) or as a wetland under this title. Ponds can include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream, but shall exclude, wholly man-made legally permitted ski lakes, stormwater or agricultural stock ponds within the Nisqually or long-term agricultural districts. A pond is bounded by the ordinary high water mark or the extension of the elevation of the pond’s ordinary high water mark within the stream, where the stream enters the pond.

...

The above change would add wholly man-made legally permitted ski lakes to the list of items not included in the definition of Pond. There are several of these ski lakes that were created prior to the adoption of critical areas ordinances, and they were usually associated with an approved subdivision.

“Replacement” or “total replacement” of a structure involves the removal of more than fifty percent of the lineal footage of existing exterior ground floor walls ~~or~~ and the cost of repairs exceeds fifty percent of the structure’s current market value as determined by an accredited appraisal or the Assessor’s valuation, at the owner’s option. The value shall be determined based the value of the structure either before the repair, maintenance, alternation, or expansion is started, or if the structure has been damaged, and is being restored, before the damage occurred.

...

“Steep slope” see the definition for “landslide hazard area.”~~means an area which is equal to or in excess of forty percent slope and where there is a vertical height of at least fifteen feet.~~

The definition for landslide hazard area includes the criteria in the definition for the term steep slope. Including both has created some confusion. Staff is proposing to simplify the code and only use the term landslide hazard area. The term steep slope is being removed from the CAO.

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C. Section 24.05.100 shall be amended as follows:

24.05.100 Administrative procedures – Recordation – Critical areas on property – Notice.

For a development proposal that does not involve the division of land where critical areas have been identified, the owner of a lot with a critical area and/or buffer shall record a notice and map on the title with the Thurston County Auditor that identifies the critical area location. This notice and map is not required if a preexisting notice has already been recorded that identifies the critical area in the same location. The applicant shall submit proof that any required notice and map ~~have~~ has been filed for recording as a prerequisite to permit approval. The notice and map shall be approved by the director prior to recordation, and, shall at a minimum, include a map and legal description of the critical area, and a notice substantially similar to the following:

“Prior to and during the course of any grading, building construction or other development activity on this property containing or abutting a critical area, the area of development activity must be fenced or otherwise marked to the satisfaction of Thurston County. The critical area 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 in the critical area.”

Staff proposes adding requirements for recording a critical area map with the critical area notice. This has the benefit of showing future property owners and permit reviewers the location of a critical area.

D. Section 24.18.050 shall be amended as follows:

24.15.015 Geologic hazard areas – Standard buffer for landslide hazard areas and marine bluff hazard areas.

Development in a landslide and marine bluff hazard areas requires an undisturbed buffer of approved vegetation, except as otherwise provided for in this chapter. The required buffer shall be the greater amount of the following:

- A. Fifty feet from toe and top of slope; or
- B. A distance measured as follows:
 - 1. Landslide Hazard Areas. A buffer from the toe and top of slope equal to the following: The distance measured from the toe of slope upward at a slope of 2:1 (horizontal to vertical) to a point that intersects with the existing topography of the site; or
 - 2. Marine Bluff Hazard Areas. A distance from the ordinary high water mark landward at a slope of 2:1 (horizontal to vertical) which intersects with the existing topography of the site; or

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- C. The minimum distance recommended by the geotechnical professional in the geological assessment, based on review of the extent of unstable landform and definition of the potential hazard area from each site investigation, as measured outward from the toe and top of slope; or:-
- D. Buffers for marine bluff hazard areas shall also comply with TCC 24.25.045-055, and all applicable sections of the Shoreline Master Program for the Thurston Region, as amended.

The word “or” was inadvertently left out of the final version when subsection “D” was added.

- E. Section 24.15.130 shall be amended as follows:

24.15.130 Geologic hazard areas – Recreation facilities (Passive), trails/paths, elevated walkways, and associated facilities – New.

Trails and trail related passive recreation facilities shall only be authorized within geologic hazard areas subject to the following criteria (also see TCC 24.15.180-230, 24.25.270, and 24.30.260):

...

- F. Trails and related passive recreation facilities shall provide water quality protection measures to assure that runoff from them does not create channels or otherwise directly adversely affect the stability of the landslide hazard areas~~steep slope~~ or marine bluff;

...

- F. Section 24.15.140 shall be amended as follows:

24.15.140 Geologic hazard areas – Roads/streets/driveways – New and expanded.

New roads, ~~and streets, driveways and private access roads~~ are prohibited in marine bluff hazard areas and associated buffers. Proposed road crossings or encroachments into other geologic hazard areas or associated buffers shall follow all applicable local, state, and federal laws and the requirements listed below. These requirements also apply, as applicable, to road expansion within existing rights-of-way, footbridges, ~~and private access roads, and driveways.~~

There has been some question as to if driveways and private access roads are prohibited in marine bluff hazard areas, and whether or not the term “private access roads” in this section include driveways.

- A. Road alignments shall avoid landslide hazard areas and associated buffers, except where there is no alternative and safeguards will be employed to minimize the risk of slope failure and potential habitat degradation, consistent with a geological assessment. (See chapter 24.35 TCC). In deciding on the placement of roadway alignments, the placement

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of the road alignment shall adhere to mitigation sequencing as specified in section 24.01.037 TCC, and the review authority shall make findings for each of the mitigation sequencing steps on why they do not apply to the proposed activity.

The text above is a reminder that placement of roadways must adhere to the mitigation sequencing in 24.01.037 TCC, and that findings are required.

- B. Mitigation measures shall be provided that ensure the roadway prism and/or bridge structure will not be susceptible to damage from active erosion or seismically-induced ground deformation.
- C. Expansion of roads in marine bluff hazard areas shall be prohibited unless it is needed for public safety. Expansion shall not result in an increase in road capacity and shall not exacerbate or create risks to public safety associated with the geologic hazard.
- D. There may be other requirements in the Thurston County Code that may prohibit the placement of a road in a landslide hazard area.

The above section is a reminder that other sections of the critical areas ordinance or the Thurston County Code may prohibit the placement of a road in a landslide hazard area.

H. Table 24.20-1 shall be amended as follows:

**Table 24.20-1
Allowable Uses and Activities in Flood and Channel Migration Hazard Areas**

Uses and Activities	Floodways	100-year Floodplains <u>Frequently Flooded Areas (except floodways and high groundwater hazard areas)</u>	Channel Migration Hazard Areas	High Ground water Hazard Areas/RDZ	Coastal Flood Hazard Areas
...					
Fill – <u>Associated with a permitted use</u> <i>TCC 24.20.100</i> <i>TCC 14.38</i>	X	P	P	P	X
...					
Forestry - Non-Conversion Class IV forest practice <i>TCC 24.20.080</i>	P	P	P	P	P

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Hazardous substances <i>TCC 24.20.120</i>	P X	P X	P	P X	P X
<u>Hazardous substances – Residential Scale</u> <i>TCC 24.20.120</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
...					
(Active) Recreation facilities (e.g., swimming access, public and private parks, day camps and camping sites not including cabins structures) <i>TCC 24.20.080</i>	X	P	P	P	P
...					
Stair tower, stairway or mechanical lift <i>TCC 24.20.080</i>	X	S P	X	P	P
...					

The title of the 100-year flood plain column is proposed to be changed to frequently flooded area. The column was intended to provide a list of permitted uses for frequently flooded areas, with the exception of the other categories addressed in the code. As it reads now, the CAO may allow a use in an area within the “flood of record” area which may not be included in the 100-year flood plain on FEMA’s flood hazard maps.

G. Section 24.20.135 shall be amended as follows:

24.20.100 Frequently flooded areas - Fill.

A. High ground water flood hazard areas.

1. No fill may be placed within a designated high groundwater flood hazard area or no development zone, except to the minimum extent necessary, as determined by the approval authority, to elevate existing access roads serving existing, developed lots to the base flood elevation. Any such fill material shall be stabilized consistent with TCC 14.38.050(A)(5).
2. Fill may be used in the restricted development zone as follows:

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- a. The approval authority may approve balanced cut and fill to the minimum extent necessary for construction of an approved use listed in Table 24.20-1, if a professional civil engineer licensed in the State of Washington demonstrates that the fill or grading will not block natural drainage or increase flood hazards on or offsite.
- b. Fill may be used to the minimum extent necessary, as determined by the approval authority, to construct a road to access essential public facilities or primary structures if no less damaging or hazardous alternative location exists for the access road outside of the restricted development zone. The access road's surface shall be constructed to an elevation equal to the base flood elevation.
- c. The approval authority may allow the road to be elevated up to two feet above the base flood elevation provided arched, bottomless culverts will be installed to allow passage of water and the applicant's professional civil engineer licensed in the State of Washington demonstrates that flooding will not be increased offsite or inundate structures.
- d. Fill material authorized pursuant to this section and any subsequent stabilization shall be such that the fill is stable during flooding, consistent with TCC 14.38.050(A)(5).

B. Floodplain. The approval authority may only approve balanced cut and fill with compensatory flood storage within the 100-year floodplain, landward of the floodway, to the minimum extent necessary for construction of an approved use listed in Table 24.20-1 or to provide access to essential public facilities, if a qualified professional engineer licensed in the State of Washington and a qualified wildlife habitat biologist demonstrate that there is no other alternative method for constructing the proposed use and that such grading and filling will not block stream side channels, increase flood hazards, inhibit channel migration or degrade important habitats (see chapter 24.25 TCC), and that the proposal meets the requirements of chapter 14.38 TCC. Applications for balanced cut and fill with compensatory flood storage shall include a winter water study.

C. Coastal flood hazard areas. Fill for structural support of buildings is prohibited in coastal high hazard areas.

H. Section 24.20.135 shall be amended as follows:

24.20.135 Frequently flooded areas – Residential – Single family homes.

A. Residential and ~~accessory-appurtenant~~ structures, and typical residential-scale activities are prohibited, except as allowed under chapters 24.50 and 24.55 TCC, this chapter, and other applicable sections of the Thurston County Code and Thurston County Sanitary Code. Onsite septic systems, including those associated with residential uses, are

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addressed in TCC 24.20.130. Gardens for personal consumption are permitted as consistent with Table 24.20-1.

The above changes replaces the word appurtenant with accessory. The use of the term accessory structures is consistent with other sections of the Thurston County Code and is defined in the CAO.

B. Use and storage of hazardous materials at typical residential scale are allowed for legally approved residential uses, subject to applicable sections of the Thurston County Code and Thurston County Sanitary Code.

I. Section 24.25.025 shall be amended as follows:

24.25.025 Fish and wildlife habitat conservation areas – Reduced riparian habitat area width.

Except when inconsistent with TCC 24.25.030 below, the approval authority, in consultation with the Washington Department of Fish and Wildlife (WDFW) and others with expertise, may reduce the riparian habitat area width specified in Table 24.25-1. Riparian habitat areas may not be reduced for fish bearing streams or marine waters without the approval of a reasonable use exception except as otherwise allowed in this section and Chapter 24.50 TCC. The applicant shall provide the approval authority with sufficient information to enable a determination as to whether the subject area qualifies for a habitat area or buffer reduction under this section. The approval authority may require technical review by a qualified professional, at the applicant’s expense, to evaluate and verify the information submitted by the applicant.

Reduction of riparian habitat areas is not allowed for fish bearing streams. The above sentence clarifies this.

A. Type Np and Ns streams and other streams not listed above. The width of standard riparian habitat areas along Type Np and Ns streams more than one quarter mile upstream from confluence with a Type F or S stream, Puget Sound, a Category I-III wetland (see chapter 24.30 TCC), or a lake or pond protected by this chapter may be reduced up to a total of twenty-five percent for Np streams and fifty percent for Ns streams and other streams not listed above, if:

1. The land use abutting the riparian habitat area will not generate pollutants or sediment that would reach the stream, elevate water temperature, or increase peak stream flows; and
2. Best management practices (BMPs) or other mitigation measures will be employed as warranted to protect all of the riparian habitat functions and prevent pollutants and sediment from reaching the stream.
3. The approval authority determines that the proposed reduction in buffer width, coupled with any the proposed mitigation plan, would result in protection of the

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stream and stream functions or improved buffer functions than the standard buffer without such enhancement. The approval authority shall make this determination based on the applicant's proposed mitigation plan and a comparative analysis of all stream and buffer functions under existing and enhanced conditions (e.g., filtration of sediments, excess nutrients, and pollutants; flood storage; erosion control; moderation of storm water impacts; and shading for water temperature moderation) prepared by the applicant, or applicant's consultant if appropriate.

Factors to be considered include, but are not limited to, the surface roughness of the buffer (e.g., the presence of fallen trees and other material that slow the flow of water and increase the buffer's ability to retain sediment and infiltrate stormwater); the composition and density of vegetation; the stream's position in the landscape; slope; and soils. The approval authority may consult with Ecology, WDFW or others with expertise as necessary to evaluate the applicant's proposal.

B. Isolated riparian areas/buffers.

1. If topographic breaks (e.g., bluffs) or a road (not including logging roads), railroad or other lineal facility or barrier separates and functionally isolates a portion of the riparian habitat area or buffer, the approval authority, in consultation with the WDFW, may reduce the riparian habitat area or buffer width to the minimum extent necessary to exclude the isolated area if:
 - a. The barrier occurs naturally or the facility or barrier was legally established prior to July 24, 2013; and
 - b. The area proposed to be segregated from the riparian habitat area or buffer does not perform any biological, water quality, or hydrological functions related to the remainder of riparian habitat area, buffer, or adjacent waterbody.

- C. Culvert and pipe removal. Applicants proposing to daylight or open up a stream by removing a pipe or culvert from a stream shall submit a critical area report (see chapter 24.35 TCC) demonstrating that no net loss of habitat or reduction in water quality would occur as a result of such action, and what buffers are present to protect the stream functions. Water quality protection methods may include, but are not limited to, a combination of a berm and vegetation beside the stream, a stormwater treatment system; or dense, continuous vegetative ground cover at least 100 feet in width. In order to protect water quality of the stream, a proposed buffer with a slope of five percent or more or has a channelized drainage path that would allow untreated stormwater to enter the stream, the approval authority may require that a device (e.g., a perforated pipe) be installed at the outer edge of the buffer or that the slope be graded to induce sheet flow of stormwater.

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D. When evaluating the proposal, the approval authority shall consider the sensitivity of the stream onsite and downstream, the potential of adjoining uses to contaminate the stream; the ability of the existing and proposed vegetation to filter sediment and pollutants; slope; drainage patterns; the likelihood that proposed water treatment method(s) will be effective in maintaining water quality; and other relevant factors.

J. Section 24.30.270 shall be amended as follows:

24.30.270 Wetlands – Road replacement and minor expansion.

Existing roads and driveways constructed prior to July 24, 2013 may be repaired, replaced or widened (e.g., for safety improvements) within the footprint of the existing road bed and in portions of the right-of-way that have been previously cleared or graded as part of permitted road work, consistent with state and federal regulations, provided that all of the following criteria are met:

- A. Capacity. The capacity of the road is not increased;
- B. Minimize impact. No wetlands are filled or degraded, except as provided for in this chapter. When possible, given physical and technical constraints, road widening shall occur on the side of the road furthest from the wetland. In the event other critical areas are present, the approval authority, in consultation with others with expertise, shall determine where the proposed road expansion would have the least impact on the critical areas; and
- C. Expansion limits. Such road expansion does not extend beyond the outer edge of existing roadside ditches, or encroach into areas that are predominately covered with native vegetation. In no case shall a road expansion authorized pursuant to this section extend more than ten feet beyond the existing roadbed. Only one minor expansion shall be allowed per road segment pursuant to this section.

K. Section 24.35.120 shall be repealed:

~~**24.35.120 Geologic hazards – Minimum standards for special reports – Flood elevation certificate.**~~

~~A. A Flood Elevation Certificate shall be required for a structure when a property lies within the one hundred year floodplain (flood hazard zone) of any river, lake, pond, wetland, or marine waters within Thurston County consistent with TCC 14.38.~~

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L. A new section, Section 24.35.205, shall be added to Chapter 24.35 Special Reports:

24.35.205 Frequently Flooded Areas – Flood elevation certificate.

A Flood Elevation Certificate shall be required for a structure when a property lies within the one-hundred-year floodplain (flood hazard zone) of any river, lake, pond, wetland, or marine waters within Thurston County consistent with TCC 14.38.

M. The name of Chapter 24.50 and table of contents shall be amended as follows:

The word “existing” is proposed to be added to the chapter. The chapter addresses existing uses, structures and lots as well as nonconforming uses, structures, and lots.

Chapter 24.50

EXISTING AND NONCONFORMING USES, STRUCTURES AND LOTS

Sections:

- 24.50.010 Existing Nnonconforming uses, structures, and lots – Purpose.**
- 24.50.020 Existing Nnonconforming uses, structures, and lots – Alteration or expansion of legally established nonconforming structures – General rules.**
- 24.50.025 Existing Nnonconforming uses, structures, and lots – Expansion of impervious surfaces in riparian areas and pond buffers.**
- 24.50.030 Existing Nnonconforming uses, structures, and lots – Alteration, expansion, repair, and maintenance – Frequently flooded areas.**
- 24.50.035 Existing Nnonconforming uses, structures, and lots – Intensification.**
- 24.50.040 Existing Nnonconforming uses, structures, and lots – Destruction and restoration.**
- 24.50.050 Existing Nnonconforming uses, structures, and lots – Discretionary replacement or relocation of nonconforming structures.**
- 24.50.060 Existing Nnonconforming uses, structures, and lots – Development of existing lots – Critical areas excluding frequently flooded areas.**
- 24.50.065 Existing Nnonconforming uses, structures, and lots – Development of existing lots – Frequently flooded areas.**
- 24.50.070 Existing Nnonconforming uses, structures, and lots – Replacement of mobile or manufactured home – Discretionary.**

N. The name of section 24.50.010 shall be amended as follows:

24.50.010 Existing Nnonconforming uses, structures, and lots – Purpose.

The purpose of this chapter is to establish provisions governing the development and redevelopment of existing uses, structures and lots affected by critical areas that do not conform

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to this title. Other requirements in the Thurston County Code and/or state/federal law may also apply that further restrict development of nonconforming uses, structures, and lots.

O. The name of section 24.50.020 shall be amended as follows:

24.50.020 Existing Nonconforming uses, structures, and lots – Alteration or expansion of legally established nonconforming structures – General rules.

Alteration or expansion of legally established nonconforming structures or uses, including structures or uses that do not require a permit, is allowed subject to all of the following:

- A. Maintenance. All legally established, nonconforming structures can be maintained (e.g., painting and repairs);
- B. Alteration. Legally established nonconforming structures may be altered within their existing building footprint. Additionally, attached decks, porches, and patios may be altered in their existing footprint, excluding the addition of permanent roof structures. If applicable, also see chapter 24.20 TCC regarding limitations in frequently flooded areas. Legally established, attached nonconforming decks, porches, or patios shall not be enclosed for use as livable space, unless the deck, porch, or patio is already covered by an existing permanent roof structure as determined by the approval authority;
- C. Expansion of conforming portions of a legally established nonconforming structure. If only a portion of the structure is nonconforming (e.g. lies within an important habitat area), expansion of the conforming portion of the structure is permitted provided the expansion does not extend into the critical area or associated buffer; and
- D. Vertical additions. Expansion of the established nonconforming portion of the structure is prohibited, except for vertical additions consistent with applicable height regulations in the zoning district. Additions shall not be cantilevered to extend beyond the existing structure's footprint (outside wall at the foundation) into a critical area or associated buffer. Vertical additions to legally established portions of a nonconforming structure are only allowed within marine bluff or landslide hazard areas, or their buffers, if a geological assessment demonstrates that it will not negatively impact slope stability.
- E. Cantilevered alterations, expansions or additions to nonconforming portions of structures shall not extend beyond the existing building footprint into the critical area or its associated buffer.

P. The name of section 24.50.025 shall be amended as follows:

24.50.025 Existing Nonconforming uses, structures, and lots – Expansion of impervious surfaces in riparian areas and pond buffers.

The approval authority may allow up to a five hundred (500) square foot expansion of impervious surface, including an existing structure's footprint, within a riparian habitat area or pond buffer if it is determined that:

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- A. All new impervious surfaces, which include structures, will be sited at a distance that is greater than or equal to the original structure(s) setback from the water body;
- B. The expansion would occur at least one hundred feet from a Type “S” or “F” stream and Type “N” stream draining to a Type “S” or “F” stream or marine waters;
- C. The area proposed for the expansion was lawfully developed prior to [the effective date of this ordinance] or, if not, the unlawful development was not caused by the present landowner or did not occur within the past seven years;
- D. If the riparian habitat area or pond buffer on the site between the water body and the primary structure has been degraded, the degraded area, or a portion of the degraded area equal to the size of the expansion, whichever is less, will be restored with native vegetation. The degraded area chosen must be the area nearest the most sensitive habitat as determined by the approval authority;
- E. The expansion, coupled with any proposed mitigation, would be at least as effective in protecting all of the riparian habitat or pond buffer’s functions as under current conditions;
- F. The proposed expansion would be consistent with the Shoreline Master Program for the Thurston Region, as amended, the impervious surface limits in the applicable zoning district, and other applicable provisions of this title;
- G. The applicant provides a performance surety consistent with chapter 24.70 TCC to ensure survival or replacement of plants used in the restoration;
- H. No previous expansion has been allowed pursuant to this subsection; and
- I. The applicant will record a document with the subject property’s title indicating that no further expansion of the structure’s footprint or impervious surface is allowed within the riparian habitat area or pond buffer on the property.
- Q. The name of section 24.50.030 shall be amended as follows:

24.50.030 Existing Nonconforming uses, structures, and lots – Alteration, expansion, repair, and maintenance – Frequently flooded areas.

Repair, maintenance, alteration, or expansion of a lawfully established nonconforming structure in frequently flooded areas shall only be allowed in the 100-year flood plain, channel migration hazard area, or a high groundwater hazard area no development zone (NDZ) when consistent with all of the following:

- A. Alteration within existing footprint. Alteration, repair, and maintenance of a legally established nonconforming structure are allowed within the existing building footprint

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(outside wall at the foundation) including attached decks, porches, and patios. However, within the floodway, repair, maintenance, alteration, expansion or improvements to a structure shall not increase the ground floor area, and the cost of repairs shall not exceed fifty percent of the structure's market value as determined by an accredited appraisal or the Assessor's valuation, at the owner's option. The value shall be determined based on the value of the structure either before the repair, maintenance, alteration, or expansion is started, or if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary or safety codes or to structures identified as historic buildings is not subject to the value limit above. The cumulative value of all past known alterations, repairs, and expansions conducted on or after July 24, 2013 shall be included when determining the cost of a proposed project;

- B. Vertical addition. Expansion of the nonconforming portion of a structure (i.e., the portion of the structure in the critical area) is prohibited with the exception of vertical additions consistent with applicable height regulations in the zoning district and the value limits specified in subsection "A" of this section. However, such additions shall not be cantilevered to extend beyond the existing structure's footprint into a flood or channel migration hazard area;
- C. Enclosing decks, porches, and patios. Enclosing legally established nonconforming decks, porches, or patios for use as livable space is not permitted, unless the deck, porch, or patio is already covered by an existing, permitted, permanent roof structure, as determined by the approval authority consistent with the value limits specified in subsection "A" of this section; and
- D. Expansion of conforming portions of the structure. If only a portion of the structure is nonconforming, expansion of the conforming portion of the structure is permitted provided the expansion does not extend into the critical area consistent with chapter 14.38 TCC.
- R. The name of section 24.50.035 shall be amended as follows:

24.50.035 Existing Nonconforming uses, structures, and lots – Intensification.

An intensification of a legally established nonconforming use is permitted provided that it is consistent with all of the following:

- A. The use is contained within the existing or expanded (per this title for nonconforming structures and uses) structure, or an area that has been legally used to accommodate the use;
- B. It is not different in kind from the legally existing nonconforming use; and it would not cause increased harm to the critical area, or increase the risk associated with the hazard, as determined by the approval authority;

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- C. Intensification of a legally established nonconforming use shall not exacerbate flood or channel migration hazards, or pose an increased risk of water contamination in the event the site is inundated with flood waters, as determined by the approval authority;
- D. Intensification of legally established nonconforming uses shall not increase the net amount of impervious surface within a critical area and its associated buffer; and
- E. The approval authority may require use of best management practices to avoid potential impacts associated with the more intensive use.
- S. The name of section 24.50.040 shall be amended as follows:

24.50.040 Existing Nonconforming uses, structures, and lots – Destruction and restoration.

Restoration or rebuilding of legally established nonconforming structures and/or related appurtenances damaged or destroyed by accident, fire, explosion, act of God, or public enemy may be allowed pursuant to the applicable requirements of this chapter, and the Shoreline Master Program for the Thurston Region, as amended, provided that:

- A. Restoration or replacement of legally established nonconforming structures and/or related appurtenances shall not be allowed in the floodway;
- B. The structure may be restored or rebuilt in a nonconforming manner to the same extent (e.g. building footprint, impervious surface and square footage) that, but no more than, the pre-existing structure was nonconforming, as determined by the approval authority, unless the nonconforming structure is located in a 100-year floodplain, 100-year channel migration hazard area, or high groundwater flood hazard area NDZ, where restoration or reconstruction of a nonconforming structure is only permitted in accordance with chapter 14.38 TCC. The cumulative value of all past known restorations or replacements conducted on or after July 24, 2013 shall be included when determining the cost of a proposed project;
- C. The building permit application for repair or reconstruction shall be submitted within twenty-four (24) months of the occurrence of damage or destruction;
- D. The building or structure is not voluntarily destroyed; and
- E. If the building or structure is proposed to be relocated from the original building site, then the original building site and other degraded areas immediately adjacent to the building site shall be restored with native vegetation as a condition of the relocation, as required by the approval authority. Important wildlife habitats and areas regulated by the Shoreline Master Program, as amended, may have additional vegetation requirements.

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T. Section 24.50.050 shall be amended as follows:

24.50.050 Existing Nonconforming uses, structures, and lots – Discretionary replacement or relocation of nonconforming structures.

Discretionary replacement of legally established nonconforming structures and/or related appurtenances may be allowed pursuant to the applicable requirements of this chapter, and the Shoreline Master Program for the Thurston Region, as amended, provided that:

- A. Discretionary replacement of legally established nonconforming structures within frequently flooded areas, 100-year channel migration hazard areas, and high groundwater flood hazard area NDZ is prohibited;
- B. There is no alternative outside of the critical area and associated buffer, or there is not minimally sufficient buildable area (not to exceed 3,500~~5,000~~ square feet) on the property outside the critical area and associated buffer to accommodate the building/structure, as determined by the approval authority;

This should have been changed at the direction of the Board of County Commissioners. It was inadvertently left as 5,000 square feet.

- C. The replacement of a nonconforming structure and/or related appurtenances shall be prohibited if located within the shoreline management jurisdiction, unless otherwise permitted by the~~pursuant to the~~ Shoreline Master Program, as amended;
- D. If there is no alternative location outside of the critical area and associated buffer to accommodate the structure, then replacement/relocation would occur consistent with this section and provisions for the development of existing lots in TCC 24.50.060 and TCC 24.50.065, if applicable;
- E. When possible and practical, driveways, patios, and walkways located within a critical area buffer shall be made of pervious materials and roof top runoff shall be dispersed and directed into bioretention facilities. See Chapter 15.05 TCC for additional requirements. In geologic hazard areas, the approval authority may require stormwater to be treated, tight lined and/or infiltrated, as warranted, to avoid destabilizing a slope or bluff (See TCC 24.15.170); and
- F. If a structure is relocated, the original building site and other degraded habitat immediately adjacent to the original building site shall be restored. The applicant shall submit a restoration plan that employs native trees and vegetation. The applicant shall provide a performance surety consistent with chapter 24.70 TCC to insure that the vegetation used in the restoration project survives or is replaced.

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U. Section 24.50.060 shall be amended as follows:

24.50.060 Existing Nonconforming uses, structures, and lots – Development of existing lots – Critical areas excluding frequently flooded areas.

Existing, ~~undeveloped~~ lots with critical areas and their associated buffers, excluding frequently flooded areas, for which a complete application for a short plat, large lot subdivision, or subdivision, as defined in chapter 18.08 TCC, was submitted before July 24, 2013 and other legally existing lots may be developed as follows with a critical area review permit:

- A. Except for seismic, volcanic, and mine hazard areas, all new construction of structures, facilities, utilities, access driveways and appurtenances shall be located outside of the critical area and the associated buffer unless otherwise permitted in this title;
- B. New development may be permitted on legal lots containing wetlands or buffers, consistent with other applicable provisions of this title.
- C. No new development or construction of structures, facilities, utilities, access driveways and appurtenances shall create a public safety risk, as determined by the approval authority;
- D. Enhancement or restoration (mitigation) of the affected critical area or associated buffer shall be required to offset the impacts of the proposed development, as approved by the approval authority;
- E. If a legal lot has less than 3,500 square feet of buildable area outside of the critical area and its associated buffer, to accommodate the single family residential development including the primary structure, ordinary appurtenances, landscaping, and accessory structures, the approval authority may, with a critical area review permit, allow development to occupy a portion of the critical area buffer to the minimum extent necessary to provide a development site totaling no more than 3,500 square feet provided:
 - 1. The development site shall be located in the outer 50 percent of the standard critical area buffer, except for wetlands and riparian habitat areas, where the development site shall be located in the outer 25 percent of the standard buffer. Development in the critical area and the inner 50 percent of the associated critical area buffer—or inner 75 percent of wetland and riparian area buffers—will require a reasonable use exception;
 - 2. The applicant shall demonstrate that due to physical constraints (e.g., topography, soil conditions, or the site’s configuration), another configuration would not allow the development to occur without intrusion or with less intrusion into the critical area or buffer than the proposal;

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3. The location and scale of existing development on surrounding properties shall not be the basis for granting or determining the location, scale and impact of a single family use allowed under this section;
 4. The encroachment into the critical area buffer shall be consistent with other requirements of this section for development on existing lots, requirements for a critical area review permit, and shall not have an adverse impact on species of concern, as determined by the approval authority;
 5. Site development, including clearing, grading, construction of structures, utilities, related appurtenances, and landscaping shall occupy the minimum area necessary to accommodate the use;
 6. Native tree and vegetation removal shall only be permitted to the minimum extent necessary to accommodate the proposed development, and shall not create a public safety risk;
 7. A revegetation plan consistent with this title for disturbed areas shall be submitted with the development application, and shall be completed prior to final occupancy or use;
 8. Landscaping shall not extend more than fifteen feet from the primary structure toward the important habitat or wetland;
 9. Any new structures within a critical area buffer shall be sited to avoid the creation of hazard trees;
 10. The approval authority may establish a construction setback to avoid encroachment into portions of the buffer not authorized for development, consistent with TCC 24.01.030;
 11. The approval authority may authorize use of additional area to the minimum extent necessary in a critical area buffer to accommodate an onsite sewage disposal system or well, consistent with other requirements of this title, only if there is no alternative;
 12. The use of this single-family residential exception shall not be a result of a self-created hardship such as subdividing the property, adjusting a boundary line, or other actions thereby creating the undevelopable conditions after July 24, 2013, or a self-created hardship created under the applicable standards of chapter 17.15 TCC after February 1, 1994; and
- F. All other development or construction of primary structures, accessory structures, and appurtenances in the critical area and associated buffer is prohibited.

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V. The name of section 24.50.065 shall be amended as follows:

24.50.065 Existing Nonconforming uses, structures, and lots – Development of existing lots – Frequently flooded areas.

Existing, undeveloped lots within 100-year channel migration hazard areas, frequently flooded areas and their associated buffers, for which a complete application for a short plat, large lot subdivision, or subdivision, as defined in chapter 18.08 TCC, was submitted before [the effective date of the ordinance] and other legally existing lots may be developed as follows:

- A. All new structures, facilities, utilities and appurtenances shall be located out of the 100-year floodplain and area that falls below the base flood elevation;
- B. All new nonresidential structures, facilities, utilities and appurtenances shall be located out of the high groundwater flood hazard area;
- C. No new construction of structures, facilities, utilities and appurtenances shall create a public safety risk, as determined by the approval authority, and new construction shall be consistent with chapter 14.38 TCC; and
- D. Construction of structures, utilities and appurtenances located in the high groundwater hazard area restricted development zone shall meet the following:
 - 1. All new residential structures shall be constructed to have the lowest floor, materials, and systems susceptible to flood damage, including mechanical support systems, located a minimum of two vertical feet above the base flood elevation;
 - 2. All new non-residential construction shall be elevated a minimum of two vertical feet above the base flood elevation; and
 - 3. Structures shall be located where they are least likely to be flooded.

W. The section 24.50.070 shall be amended as follows:

24.50.070 Existing Nonconforming uses, structures, and lots – Replacement of mobile or manufactured home – Discretionary.

A mobile or manufactured home with nonconforming placement may be replaced with a new or improved manufactured home subject to applicable county regulations. However, if the size of the structure is increased by more than ~~five~~six hundred (~~500~~600) square feet, it shall conform to TCC 24.50.050. Mobile or manufactured homes may only be increased in size once pursuant to this section.

It has been found through permit review that the 500 square foot expansion limit will severely restrict replacing an older manufactured home with a newer one. 600 square feet will better accommodate newer models of manufactured homes.

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X. The section 24.60.030 shall be amended as follows:

24.60.030 Critical area signs and fencing – Required signage.

Within wetlands, fish and wildlife habitat conservation areas, landslide hazard areas, marine bluffs and their associated buffers, signs are required as a condition of any permit or authorization issued pursuant to this chapter. Signs and their locations shall be inspected by the director, or designee, prior to commencement of any permitted activity. The applicant shall be required to install permanent signs along the boundary of a critical area tract, delineated critical area, or along the edge of the buffer. Permanent signs shall consist of an enamel-coated metal face attached to a metal post or another non-treated material of equal durability. The signs shall be worded as follows or with alternative language approved by the approval authority.

(Critical Area)
Do Not Disturb
Contact the Thurston County Resource Stewardship Department
Regarding Uses and Restrictions

These signs shall be located at the point where lot lines intersect with the buffer, at corners where the buffer makes a change of direction, and not less than every three hundred feet. The approval authority may allow the signage to be at larger intervals when the sign would be visible from an adjacent sign and installation of a sign at a shorter distance would interfere with reasonable use of the property. The property owner shall maintain the signs.

Y. The section 24.65.040 shall be amended as follows:

24.65.040 Critical area tracts and delineations – 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, lots containing critical areas, conservation areas, or conservation lots:

“Critical area tracts, critical areas and their buffers, 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 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 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:

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“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 tract or lot containing critical areas and their associated buffers 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.”

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THURSTON COUNTY PLANNING DEPARTMENT

PLANNING COMMISSION DRAFT

**AMENDMENTS TO THE CRITICAL AREAS REGULATIONS
TITLE 20 REFERENCE CORRECTIONS**

07/17/2013

A. Section 20.09A.040 TCC shall be amended to read as follows:

20.09A.040 Density.

The base density for this district is a maximum of one unit per five acres, or one unit per 1/128 of a section of land. This base density shall be modified as follows:

1. Academic schools with sewer service, not including on-site disposal systems, that are permitted within this district are exempted from the density provisions of this chapter, subject to any conditions required for special use permit approval; and
2. The maximum number of dwelling units allowed shall be determined by:
 - a. Subtracting from the parcel area: documented high groundwater hazard areas, wetlands twenty-two thousand square feet or more and two thousand five hundred square feet or more if adjacent to a stream or within its one-hundred-year floodplain, marine bluff hazard areas to the top of the bluff and landslide hazard areas; one-hundred-year floodplains; and submerged lands as defined in the Shoreline Master Program for the Thurston Region, as amended;
 - b. Critical area buffers shall not be subtracted from the parcel for purposes of making the density calculation; and
 - c. The zoning density shall be applied to the remainder of the parcel.
 - d. For the purposes of calculating density, the documented area of a wetland shall not be subtracted from the parcel area if a property owner opts to develop a planned rural residential development as specified in Chapter ~~20.30A~~20.30B TCC.

B. The title of Chapter 20.09C TCC shall be amended to read as follows:

20.09C.060 ~~C~~-Rural - One Dwelling Unit per Ten Actes (R1/10).

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C. Section 20.24.030 TCC shall be amended to read as follows:

20.24.030 Basic density.

Residential development shall comply with the density provisions of RL 1/1, Section 20.11A.02035, and design standards, Section 20.11A.040.

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