THURSTON COUNTY PLANNING DEPARTMENT

PLANNING COMMISSION
RECOMMENDATION

AMENDMENTS TO THE CRITICAL AREAS REGULATIONS

Title 20
5/2/2012

CRITICAL AREAS ORDINANCE
Reference Changes Title 20
Rural Zoning Ordinance

20.03.030 Interpretations.
9. The terms "board of Thurston County commissioners," "planning commission," "hearing examiner," "development services resource stewardship director," "health officer," "building officer," "building inspector" and other similar offices shall mean the respective boards, commissions, and officers of Thurston County and/or their authorized agents. The use of the term "board" shall always mean the board of Thurston County commissioners, the use of the abbreviation "examiner" shall always mean the hearing examiner, the use of the term "director" shall always mean the director of the development services resource stewardship department; and the use of the term "commission" shall always mean the planning commission. The use of the term “department” by itself shall always mean the resource stewardship department, unless otherwise indicated in the specific section.

...

20.03.040 Definitions.
...
35.1 “Department” when used by itself in this title means the resource stewardship department, unless otherwise indicated in the specific section.
...
84.5 "Mineral extraction" means the removal of minerals, including, but not limited to, sand, gravel, shale, rock, coal, soil, peat or clay, from an excavation in the earth. This shall not include the following:
...
b. Excavation and grading in public rights-of-way for the purpose of on-site road construction, or in private rights-of-way for the same purpose if authorized by the roads and transportation services public works department; or

...d. Excavation and grading in connection with and at the site of any creek, river or flood-control or storm drainage channel for the purpose of enlarging hydraulic capacity or changing the location or constructing a new channel or storm drain where such work has been approved by the roads and transportation services public works department; or

138.9 "Transferable development right" means a certificate issued by Thurston County development services which represents a unit of density derived from a TDR sending area parcel. Such rights may be (a) severed from the TDR sending area parcel and used in a TDR receiving area in accordance with the TDR receiving area regulations of the applicable Thurston County jurisdiction; or (b) attached to a TDR sending area parcel when required.

...b. Excavation and grading in public rights-of-way for the purpose of on-site road construction, or in private rights-of-way for the same purpose if authorized by the roads and transportation services public works department; or

20.06.010 Zoning map.
The location and boundaries of the zoning districts established by this title are as indicated on a parcel specific map entitled "Official Zoning Map, Thurston County, Washington," a copy of which shall be on file in the development services department. This map is adopted as a part of this title insofar as it indicates such designations, locations and boundaries of zoning districts, and shall be deemed to be part of this title.

20.07.050 Reduction in yard requirements.
1. Administrative Front Yard Variance to Block Average. In any residential district, where a front yard less than that required by this title has been maintained on lots having fifty percent or more of the total frontage of the block, each structure built after the effective date of this title may maintain a front yard the same size as the average front yard of such existing structures. The applicant shall request such variance from the development services department and shall provide setback measurements for the subject block or group of lots.

2. Administrative Variance to All Yard Requirements. A reduction in yard requirements shall be permitted after development services department review and approval when:

3. Practical Difficulty. A practical difficulty is present where the harm to the applicant denied a variance will be greater than the probable effect on neighboring properties if the
variance is granted. The development services department shall consider the following factors in making a determination of practical difficulty: the nature of the zone in which the property lies, the character of the immediate vicinity and the uses intended therefor, and whether, if restrictions were removed, neighboring property would be seriously affected, and whether, if restrictions were not removed, they would create unnecessary hardship for the owner in relation to efforts to make normal improvements given the property's permitted use. An applicant's mere desire for a variance, even when motivated by economic reasons, does not constitute a practical difficulty.

5. Conditions. Conditions of approval may be attached to any variance granted by the development services department.

6. Expiration of variance approval. If a building permit has not been issued, or if construction activity or operation has not commenced within three years from the date of final approval by the development services department, the variance shall expire. The variance shall also expire when vacated for a period of three years. Knowledge of the expiration date is the responsibility of the applicant. The county is not responsible for providing notification prior to expiration.

20.07.070 Use limitations on corner lots.

2. Since the purpose of this provision is to promote public safety by preserving reasonable sight distances for vehicular traffic at street intersections, the roads and transportation services public works director may vary the specific requirements in those instances where structures or plantings between the two horizontal planes do not in fact interfere with sight distances.

20.07.060 Unclassified uses.

1. Determination. In the event a use is proposed which is not listed in the title as permitted, accessory or special use, the development services director shall determine whether the use should be treated as one of the listed uses. Such determination shall be based on:

20.08A.030 Family member unit.

2. Persons wishing to establish a family member unit shall furnish proof of family member status and shall receive written approval to establish such unit from the development services department before locating or constructing the unit.

20.08A.035 Subdivision standards.

1. The development services director or hearing examiner shall find that the proposed subdivision meets the purpose and intent of the long-term agriculture district as a prerequisite to approval.
20.08D.030 Family member unit.

2. Persons wishing to establish a family member unit shall furnish proof of family member status and shall receive written approval to establish such unit from the development services department before locating or constructing the unit.

20.09.030 Family member unit.

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20.09A.030 Family member unit.

2. Persons wishing to establish a family member unit shall furnish proof of family member status and shall receive written approval to establish such unit from the development services department before locating or constructing the unit.

20.09A.050 Design Standards.

The following standards are established to insure that the purpose of this district is achieved and maintained as new lots are created and new buildings are constructed:

7. Vegetation Retention Within the Green Cove Creek Drainage Basin.
   a. Tree Tracts. Subdivisions, short subdivisions, large lot subdivisions, and other developments within the basin, except construction of dwellings on individual lots/parcels, shall retain at least sixty percent of the site within tree tracts held in common ownership by the homeowner's association or comparable entity. For purposes of this section, a tree tract is a lot or area of land dedicated to tree retention for purposes of absorbing stormwater runoff. A tree tract may be included in a resource use parcel created as part of a planned rural residential development. However, there shall be no harvesting of trees from the tree tract. The tree tract(s) should be located downslope of the developed portion of the site, unless otherwise determined by the approval authority. Passive recreational uses, such as picnic areas and trails, which would not jeopardize the survival of protected trees (e.g. by damaging roots, compacting soil, or altering drainage), can be located in tree tracts with written approval of the development services department. The department may also authorize stormwater ponds in tree tracts if trees would not be removed and tree roots would not be damaged during construction or by saturated soil conditions such that their survival would be jeopardized. Prior to acting on the request, the approval authority may require the proponent to supply a written analysis from a qualified professional forester regarding the proposal's potential impact on the protected trees.
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 Uses and Lands Critical Areas Ordinance; and

10. Chapter 20.23, McAllister Geologically Sensitive Area District;

11. Title 24, Thurston County Critical Areas Ordinance.

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 Uses and Lands Critical Areas Ordinance, Chapter 17.15, and the Thurston County Critical Areas Ordinance, Title 24.

20.09B.035 Additional housing units.

1. Farm Housing. Upon written approval by the Development Services Department of an affidavit submitted on a form available at the Development Services Department and recorded with the County Auditor, farm housing accessory to the farm residence on property meeting the definition of a farm in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises, as provided:

... 

2. Family Member Units. Upon written approval by the Development Services Department of an affidavit submitted on a form available at the Development Services Department and recorded with the County Auditor, one temporary mobile/manufactured home or modular home, in addition to the maximum number of dwelling units authorized by Section 20.09B.040 and excluding farm housing units, may be located upon a lot for the purpose of housing a person or persons who are family members to a person residing in an existing structure on the lot. A person is a family member when related by blood, civil union, marriage or adoption. Approval is subject to the following conditions:

... 

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 Uses and Lands Critical Areas Ordinance;

10. Title 24, Thurston County Critical Areas Ordinance.
20.09C.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 including the additional standards for special uses in Chapter 20.54. Also see the Thurston County Agricultural Uses and Lands Critical Areas Ordinance, Chapter 17.15, and the Thurston County Critical Areas Ordinance, Title 24.

20.09C.035 Additional housing units.
1. Farm Housing. Upon written approval by the Development Services Department of an affidavit submitted on a form available at the Development Services Department and recorded with the County Auditor, farm housing accessory to the farm residence on property meeting the definition of a farm in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises, as provided:

...  
2. Family Member Units. Upon written approval by the Development Services Department of an affidavit submitted on a form available at the Development Services Department and recorded with the County Auditor, one temporary mobile/manufactured home or modular home, in addition to the maximum number of dwelling units authorized by Section 20.09C.040 and excluding farm housing units, may be located upon a lot for the purpose of housing a person or persons who are family members to a person residing in an existing structure on the lot. A person is a family member when related by blood, civil union, marriage or adoption. Approval is subject to the following conditions:

...  
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 Uses and Lands Critical Areas Ordinance;  
10. Title 24, Thurston County Critical Areas Ordinance.

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 Uses and Lands Critical Areas Ordinance, Chapter 17.15, and the Thurston County Critical Areas Ordinance, Title 24.

20.09D.035 Additional housing units.
Additional housing units are allowed in this district as follows:
1. Family Member Units. Upon written approval by the Development Services Department of an affidavit submitted on a form available at the department and recorded with the county auditor, one temporary mobile/manufactured home or modular home, in addition to the maximum number of dwelling units authorized by Section 20.09D.040 and excluding farm housing units, may be located upon a lot for the purpose of housing a person or persons who are family members to a person residing in an existing structure on the lot. A person is a family member when related by blood, civil union, marriage or adoption. Approval subject to the following conditions:

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 Uses and Lands Critical Areas Ordinance;
10. Title 24, Thurston County Critical Areas Ordinance.

20.10A.030 Family member unit.

2. Persons wishing to establish a family member unit shall furnish proof of family member status and shall receive written approval to establish such unit from the Development Services Department before locating or constructing the unit.

20.30B.035 Application requirements.
1. An application for designation shall be filed with the department as a comprehensive plan amendment and shall include:

b. A map at a scale of one inch equals eight hundred feet or greater of the project site and surrounding area, including the area within one thousand feet of the site, and which shows parcel boundaries, adjacent land uses and zoning, and known critical areas and their type or class, if known, as defined in Title 24 TCC or Chapter 17.15 TCC to demonstrate that the requirements of this chapter have been complied with.

20.10A.040 Design Standards.

5. Vegetation Retention Within the Green Cove Creek Drainage Basin.
a. Tree Tracts. Subdivisions, short subdivisions, large lot subdivisions, and other developments within the basin, except construction of dwellings on individual lots/parcels, shall retain at least sixty percent of the site within tree tracts held in common ownership by the homeowner's association or comparable entity. For purposes of this section, a tree tract is a lot or area of land dedicated to tree retention for purposes of absorbing stormwater runoff. A tree tract may be included in a resource use parcel created as part of a planned rural residential development. However, there shall be no harvesting of trees from the tree tract.
The tree tract(s) should be located downslope of the developed portion of the site, unless otherwise determined by the approval authority. Passive recreational uses, such as picnic areas and trails, which would not jeopardize the survival of protected trees (e.g. by damaging roots, compacting soil, or altering drainage), can be located in tree tracts with written approval of the development services department. The department may also authorize stormwater ponds in tree tracts if trees would not be removed and tree roots would not be damaged during construction or by saturated soil conditions such that their survival would be jeopardized. Prior to acting on the request, the approval authority may require the proponent to supply a written analysis from a qualified professional forester regarding the proposal’s potential impact on the protected trees.

20.11A.030 Family member unit.

2. Persons wishing to establish a family member unit shall furnish proof of family member status and shall receive written approval to establish such unit from the Development Services Department before locating or constructing the unit.

20.11A.040 Design Standards.

5. Vegetation Retention Within the Green Cove Creek Drainage Basin.
   a. Tree Tracts. Subdivisions, short subdivisions, large lot subdivisions, and other developments within the basin, except construction of dwellings on individual lots/parcels, shall retain at least sixty percent of the site within tree tracts held in common ownership by the homeowner's association or comparable entity. For purposes of this section, a tree tract is a lot or area of land dedicated to tree retention for purposes of absorbing stormwater runoff. A tree tract may be included in a resource use parcel created as part of a planned rural residential development. However, there shall be no harvesting of trees from the tree tract. The tree tract(s) should be located downslope of the developed portion of the site, unless otherwise determined by the approval authority. Passive recreational uses, such as picnic areas and trails, which would not jeopardize the survival of protected trees (e.g. by damaging roots, compacting soil, or altering drainage), can be located in tree tracts with written approval of the development services department. The department may also authorize stormwater ponds in tree tracts if trees would not be removed and tree roots would not be damaged during construction or by saturated soil conditions such that their survival would be jeopardized. Prior to acting on the request, the approval authority may require the proponent to supply a written analysis from a qualified professional forester regarding the proposal’s potential impact on the protected trees.

20.23.027 Family member unit.
3. Persons wishing to establish a family member unit shall furnish proof of family member status and shall receive written approval to establish such unit from the development services department before locating or constructing the unit.

20.27.020 Permitted uses.

... Other.

... i. Unclassified Uses.

i. Determination. In the event a use is proposed which is not listed in this chapter as permitted, the development services director shall determine whether the use should be treated as one of the listed uses. Such determination shall be based on:

20.30.060 Open space standards.

... Equivalent Facilities. When areas proposed for dedication do not meet the criteria for dedication in Section 20.30.060(1), such land may be improved by grading, filling, landscaping, or with installation of recreation equipment so as to be equivalent in result to the intent of this chapter. Determination of equivalency shall be made by the development services department according to the following guidelines:

20.30.090 Administration and enforcement.

1. Building permits and other permits required for the construction or development of property under the provisions of this section shall be issued only when in the opinion of the development services director, the work to be performed meets the requirements of the final plan and program elements of the PRD.

2. Minor and Major Adjustments.

a. Minor adjustments may be made and approved by the development services director when a building permit is issued. Minor adjustments are those which may affect the precise dimensions or siting of buildings, but which do not affect the basic character or arrangement of buildings approved in the final plan, nor the density of the development or the open space requirements. Such dimensional adjustments shall not vary more than ten percent from the original.

b. Major adjustments are those which, in the opinion of the development services director, substantially change the basic design, density, open space or other requirements of the planned residential development. When, in the opinion of the development services director, a change constitutes a major adjustment, no building or other permit shall be issued without prior review and approval by the hearing examiner of such adjustment.
20.30A.090 Administration and enforcement.
1. Building permits and other permits required for the construction or development of property under the provisions of this section shall be issued only when in the opinion of the development services director, the work to be performed meets the requirements of the final plan of the planned rural residential development.

2. Minor and Major Adjustments.
   a. Minor adjustments may be made and approved by the development services director when a building permit is issued. Minor adjustments are those which may affect the precise dimensions or siting of buildings, but which do not affect the basic character or arrangement of buildings approved in the final plan, nor the density of the development or the resource use/open space parcel requirements.

   b. Major adjustments are those which, in the opinion of the development services director, substantially change the basic design, density, resource use/open space parcel or other requirements of the planned rural residential development. When, in the opinion of the development services director, a change constitutes a major adjustment, no building or other permit shall be issued for such an adjustment without prior review and approval by the original approval authority of the planned rural residential development.

20.31.020 Mobile/manufactured home parks – Establishment.
Where permitted, mobile/manufactured home parks shall meet the following minimum requirements:

6. A minor alteration to the approved plan may be approved by the development services department. If the alteration is determined to be of a substantial nature by the development services department, then it shall be reviewed in the same manner as the original approved plan.

7. Improvements required by the approved plan shall be completed or bonded pursuant to Chapter 18.24 TCC (Platting and Subdivision Ordinance). Failure to comply with the requirements of the development services department and/or the official approved plan shall be sufficient grounds to revoke the special use permit.

8. The duration of the approval shall be in accordance with Section 20.54.040(4).

20.31.030 Mobile/manufactured home parks-Performance regulations.
In granting special use permits for mobile/manufactured home parks, the following regulations shall apply, except as specifically modified by the hearing examiner:

3. Circulation System:

   c. Park roads shall have widths and surfacing as follows:
ii. Park roads shall have surfacing depths as proposed by a licensed engineer and approved by the roads and transportation services public works director.

... 

e. Points of ingress and egress with county rights-of-way shall be in accordance with the roads and transportation services public works department's standards.

**20.32.060 Equivalent facilities.**

When areas proposed for dedication do not meet the criteria for dedication in Section 20.32.030, such land may be improved by grading, filling, landscaping, or with installation of recreation equipment so as to be equivalent in result to the intent of this chapter. Determination of equivalency shall be made by the development services department according to the following guidelines:

... 

**20.33.050 Application requirements.**

... 

3. Additional Requirements for Freestanding WCF/Antenna Support Structures. For freestanding WCFs/antenna support structures, the following additional studies/information shall be submitted:

a. Balloon testing shall be performed and photographs shall be submitted as follows:

i. A three-foot diameter, brightly colored balloon shall be flown by the applicant at the proposed antenna support structure's maximum height and proposed location. The balloon shall be flown for at least eight consecutive daylight hours between seven a.m. and seven p.m.

ii. Fourteen days in advance of the balloon test, the applicant shall provide notice of the test to property owners within the notice radius required for the permit and the public as specified in Section 20.60.020(3) and inform the development service department of the test in writing. The notice shall include the test date, an alternate date in case of poor visibility or strong winds on the initial date, the time period when the test will be conducted, and the location.

iii. The applicant shall submit photographs of the balloon and site taken from the following perspectives: at the property line, at approximately one-half mile from the proposed antenna support structure site, and approximately one mile from the site; all beginning at approximately true north and continuing clock-wise at approximately forty-five degree intervals. The development services department may waive this requirement where access is not possible, where there are no residences or public roads at the specified vantage points, and for sites approved for clusters of antenna support structures, provided that the proposed antenna support structure does not exceed the height of existing antenna support structures by more than fifteen feet.
20.33.060 Third party technical review.

1. Consultant Qualifications.
   a. Consultants hired to conduct third party review shall have an appropriate combination of training, experience, and/or certification in one of the following fields: telecommunications/radiofrequency engineering; assessment of electromagnetic fields (e.g., a registered electrical engineer accredited by the state of Washington who holds a Federal Communications General Radio Telephone Operator License); structural engineering; and, if determined by the county to be necessary, other fields.

   b. Consultants performing third party review in accordance with the provisions of this chapter shall work under the direction of the development services department. Copies of the consultant's report shall be made available to the applicant and the public not less than thirty days prior to any administrative decision or a public hearing before the hearing examiner regarding the proposal, as applicable. The applicant and the public shall be given an opportunity to respond to the report prior to issuance of a decision regarding the application by the approval authority.

2. Confirming Compliance with FCC Regulations.

   d. The county or third party shall perform tests, at the permittee's expense, and submit a report to the development services department consistent with subsections (2)(b) and (c) of this section for any modification of an existing facility for which testing is required under subsection 20.33.060(2)(a) that would increase its radio frequency emissions, including the activation of any additional channels. The permittee shall inform the development services department of such proposed modification or change in use of the facility at least five working days before it becomes operational.

20.33.080 Location and design standards for freestanding WCFs and remote freestanding WCFs/antenna support structures.

2. Siting.

   e. WCFs and other antenna support structures shall be sited consistent with the provisions of the Thurston County Agricultural Uses and Lands Critical Areas Ordinance (Chapter 17.15 TCC) Critical Areas, the Thurston County Critical Areas Ordinance (Title 24), and as follows:

      i. To minimize the potential for birds to collide with towers, WCFs/antenna support structures shall not be located within one thousand feet of wetlands, staging areas, or rookeries supporting birds listed as priority species by the Washington Department of Fish and Wildlife, listed as endangered or threatened species under
the federal Endangered Species Act (64 FR 14307), listed in Title 24 TCC or Chapter 17.15 TCC as species of local importance, and as amended, or within one thousand feet of publicly owned wildlife refuges, unless the applicant demonstrates that the proposed location will not have a significant impact on such birds. Where possible, WCFs/antenna support structures shall not be located where they would interfere with migratory flyways documented by state or federal agencies.

7. Screening/Camouflaging.
   d. Screening. WCFs/antenna support structures shall be located among or beside trees wherever possible.
      i. If the site proposed to accommodate an antenna support structure is treed within fifty feet of the proposed antenna support structure's location such that substantial year-round screening of the structure and related facilities is provided, as determined by the approval authority, the applicant shall cause an easement signed by the property owner, or other instrument approved by the Thurston County prosecuting attorney's office, establishing a tree retention buffer to be recorded with the county auditor prior to the issuance of building permits. This buffer shall remain in effect for as long as the WCF/antenna support structure is in place. A copy of the recorded easement/instrument shall be provided to the development services department. The buffer shall be a minimum of fifty feet wide and shall extend around the perimeter of the facilities, excluding the access point.

   The approval authority may require the buffer area to be enhanced to provide sufficient screening of ground level facilities. The buffer shall be maintained so long as the antenna support structure is located on the site. Any tree within the buffer that dies or is removed due to disease or wind throw shall be replaced during the next planting season with a minimum of two conifer trees a minimum of six feet in height at the time of planting, unless the approval authority determines that the spacing would be too close when the trees mature.

   e. Camouflaged WCFs/Antenna Support Structures. Camouflaged WCFs/antenna support structures shall be designed appropriate to the context, as determined by the approval authority, so they do not appear to be out of place. Camouflage proposals shall be modeled after design concepts approved by the development services department director or designee.

20.37.040 Review procedures.

2. Pursuant to Chapter 20.60 (see Table 2), the approval authority shall be the development services director or designee. The approval authority shall review the proposed site plan for compliance with the provisions of this title and other applicable laws and regulations,
and shall determine whether the proposed development serves and makes appropriate provision for the public health, safety and general welfare.

20.39.050 Form and contents of application for master plan approval.

1. The applicant shall submit the master plan and supplementary data including an environmental impact statement if required to the development services department. The development services department shall inform the applicant within thirty days of the date of receipt of the application of any deficiencies found in the master plan application. Accuracy for all data and information submitted on or with a master plan shall be the responsibility of the applicant.

2. An application for master plan approval shall include:

   b. Master Plan Map and Supporting Maps. A master plan map and any maps necessary to show the major details of the proposed planned community must contain the following minimum information at an appropriate scale, as determined by the development services department:

   xi. Any additional information as required by the development services department necessary to evaluate the character and impact of the proposed planned community (e.g., soils, geology, hydrology or groundwater).

20.39.060 Timing of master plan submittal.

2. Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The county will not provide notification of expirations. All requests for an extension of time must be submitted to the development services department at least thirty days prior to expiration of planned community conceptual approval. The development services department shall schedule the request for extension for public hearing before the hearing examiner upon such notice and in accordance with the planned community conceptual approval procedures of this chapter. An extension may be granted for up to three years at a time, if the examiner finds that an extension would be in the public interest and that delay in submitting the master plan was for good cause. If an extension of time is approved, the master plan shall be subject to all new and amended regulations, requirements, policies or standards which are adopted after the date of conceptual approval.

20.39.070 Administration and enforcement.

3. Minor Administrative Alterations. Once a preliminary plat, site plan or other development permit reviewed by the hearing examiner has been approved, it shall not be altered unless approved by both the planner and the roads and transportation services public works department upon a determination that the alteration is not substantial enough to constitute a change to the master plan.
20.40.038 Directional Signs.
The following directional signs may be erected within county rights-of-way subject to the requirements of this section and written authorization from the director of public works roads and transportation services or his/her designee:

2. Administrative Requirements and Standards.
   a. Applicants for a directional sign shall submit a completed application on a form provided by the public works department of roads and transportation services and pay the fee specified on the department's fee schedule.
   b. Successful applicants shall supply the public works department of roads and transportation services with the approved directional sign(s).
   c. The public works director of roads and transportation services shall determine the location of directional signs, subject to the provisions of this section. Wherever practical, directional signs shall be grouped in a coordinated display. The director may limit the number of directional signs placed on any section of right-of-way to maintain public safety and the visibility of traffic control signage.
   d. Approved directional signs shall be installed and maintained by the public works department of roads and transportation services. The owner shall be responsible for the cost to replace or repair signs or support structures that are damaged or defaced following installation, or that are badly deteriorated. If the county does not receive payment for such repair or replacement within thirty days of notification, it will dispose of the sign.
   e. Directional signs for seasonal businesses or facilities shall be covered, removed or posted with closed sign during the off-season by the public works department of roads and transportation services or the sign owner, at the direction of the department.
   f. Directional signs shall be removed by the county if the nature of the destination, facility, or business no longer complies with subsection (1)(a) or (b) of this section. The county may also remove directional signs if the public works director of roads and transportation services determines, due to changed circumstances, that they jeopardize public safety. If such signs are not claimed by the owner within thirty days of notification, they will be disposed of by the county.

20.44.020 Parking standards.
When off-street parking is required pursuant to Section 20.44.030, then the following provisions and standards shall apply:

2. Access to Parking Areas.
   a. All parking facilities shall be provided with safe and convenient access to a street. Ingress and egress to public streets shall be provided only through driveway openings of such dimension, location and construction as may be approved by the roads and transportation services department. Driveway openings
onto collector and arterial streets shall conform to adopted standards limiting encroachments onto such streets and shall be combined where possible.

3. Location of Parking Areas.

b. On collector or arterial streets, parking areas shall not be located across the street from the use to which they pertain. Exceptions may be granted by the roads and transportation services public works director provided public safety is assured.

7. Joint Parking Facilities. Reduction in required parking may be granted for joint facilities when operating hours of users do not conflict. Evidence of joint use agreements, assurance from all parties regarding nonconflicting hours of operation or other items may be required by the development services director or hearing examiner prior to such reductions.

20.44.050 Design requirements for off street parking.

7. Within the Grand Mound, Tenino, Rainier and Yelm unincorporated urban growth areas parking areas shall be surfaced with lattice block pavement, asphalt concrete or portland cement concrete, except that the roads and transportation services public works director may require a surface of grass (which may be reinforced with geotextiles) in parking areas which are used lightly enough to allow the survival of such a surface.

8. Outside urban growth areas, required parking areas shall be surfaced with lattice block pavement, asphalt concrete, portland cement concrete or compacted gravel, except that the roads and transportation services public works director may require a surface of grass reinforced with geotextiles in parking areas which are used lightly enough to allow the survival of such a surface.

20.52.060 Filing of application for variance.

Each application for a variance shall be filed with the development services department in accordance with Chapter 20.60.

20.54.015 Approval authority.

1. Administrative Approval. Applications for the following types of special uses shall be reviewed and approved, modified or denied by the development services department:

20.54.020 Authorization.

When an application for a special use is filed with the development services department, the approval authority may authorize establishment of those uses that are expressly listed as special uses in a particular zoning district. No special use shall be issued unless the use complies with all of the applicable standards of this chapter and all other applicable requirements of this title.

20.54 Table 1 Special Uses – Distribution in County Zoning Districts
X = Special use permit (approval authority is hearing examiner)
A = Administrative special use permit (approval authority is staff)
1 = Summit Lake overlay zone, Chapter 20.30C special management area, as defined in the Critical Areas, Chapter 17.15
2 = Except as prohibited or limited in Chapter 20.23
3 = Applies to uses related to public parks, trails and preserves and not otherwise permitted in Chapter 20.08E
* May qualify as an essential public facility; refer to Section 20.54.065

The notes section of the table would be amended to reflect the change for Summit Lake.

20.54.065 Applications for essential public facilities.
Applications for uses which qualify as essential public facilities are subject to the following requirements:
1. In order to enable the development services director to determine the appropriate classification for the use, at least ninety days before submitting an application, the prospective applicant shall identify the approximate geographic area within which the proposed use could potentially have adverse impacts, such as increased traffic, public safety risks, noise, glare, emissions, or other environmental impacts. Classifications are as follows:

2. Type 1 Facilities. The following requirements apply to those essential public facilities identified as Type 1 facilities by the development services director:

3. Type 2 Facilities. The following requirements apply to those essential public facilities identified as Type 2 facilities by the development services director:

4. Type 3 Facilities. Those essential public facilities identified as Type 3 essential public facilities by the development services director are subject to the standard notification requirements for special uses.

20.54.070 Use – Specific standards.

7. Cemeteries.
   a. Access to roads shall be at least two hundred feet from any intersection. A turning lane shall be provided if required by Thurston County public works roads and transportation services department.

   a. Home occupations are subordinate to the primary residential use and are permitted in any dwelling unit and include, but are not necessarily limited to, the following:

   x. Kennels housing four to ten dogs with the following standards:

...
20.18

(D) Kennels within the McAllister geologically sensitive area (MGSA) district shall be subject to a waste management plan approved by the Development Services department which minimizes the risk of groundwater contamination.


... a. Accessory Uses.
   i. The following accessory uses are allowed only when expressly permitted in a special use permit issued by the approval authority: washing, sorting or crushing of rock or gravel, asphalt production (batching or drum mixing), concrete batching, storage or use of fuel, oil or other hazardous materials, and equipment maintenance. Limited manufacturing of concrete products from sand and gravel excavated on-site may be allowed by the department as an accessory use to a permitted concrete batching facility; provided, that retail sales of such products are prohibited. All other accessory uses are allowed only when approved after administrative review by the development services, resource stewardship and the roads and transportation services, public works departments.

   c. Application and Review Procedures. In addition to the information required in Chapter 20.60, the application to the county for a special use permit for mineral extraction shall include:

      i. A contour map, drawn to the scale of one hundred feet to the inch and contour intervals of two feet, or at a scale and topographic interval determined to be adequate by the development services department, showing current field topography, including the location of water courses of the tract intended for the proposed operation and estimated thickness of overburden and mineral-bearing strata in the tract intended for the proposed operation;

... 41.5 Temporary Uses.

... d. Temporary uses are subject to the following regulations:

   i. No temporary use shall be permitted on public rights-of-way, unless a right-of-way obstruction permit is authorized by the public works, roads and transportation services department.

20.56.020 Nonconforming legal lots.

1. For a period of five years following the date of final plat approval, lots in a final plat filed for record, regardless of whether the lots are in single and separate or contiguous ownership, may be developed for uses and densities approved for the lot at the time of final plat approval. As to development regulations other than use and density, the lot must be developed pursuant to the standards contained in this title, unless the development...
services director finds that the application of a given standard would result in an extreme and unreasonable building design or configuration.

...

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 the Thurston County Agricultural Uses and Lands Critical Areas Ordinance (Chapter 17.15).

20.60.010 - Title enforcement.

This title shall be administered and enforced by the development services department, which shall have all necessary authority on behalf of the board to administer and enforce the provisions of this title. The authority shall include the ability to order, in writing, the remedy of any condition found in violation of this title and the ability to institute legal action with the prosecuting attorney's office to insure compliance with the provisions, including injunction, abatement or other appropriate action or proceeding.

20.60.020 - Application review procedures.

1. Type I Procedure—Ministerial Decision (see Appendix Figure 15).
   a. Within twenty-eight calendar days of receiving a Type I application, the development services department shall decide whether the application includes the applicable information listed in Section 20.60.030. If the application is deemed complete, the development services department shall begin substantive review of the application. If the application is deemed incomplete, the development services department shall notify the applicant in writing as to what basic submittal information is required to make the application complete. The department shall make a determination of completeness within fourteen calendar days of submittal of any additional information. An application shall be deemed complete if the department does not provide a written determination to the applicant that the application is incomplete as provided in this subsection.
   ...
   c. Within fifty-eight calendar days of the date that the Type I application is submitted, the approval authority, as provided in Table 2, shall approve, approve with conditions, or deny the application, and shall mail the decision to the applicant. In determining the number of days that have elapsed after the application! submittal date, the following periods shall be excluded:
      i. Any period during which the applicant has been requested by the development services department to correct plans, perform required studies, or provide additional required information;
   ...
   d. At any time after the application is submitted, the development services department may request additional information or studies that are needed to complete the review due to the particular aspects of the project or site or if substantial changes are made to the proposed project. If this occurs, the applicant...
will be notified in writing as to what additional information is needed and the
review clock will stop during the time that the applicant is assembling this
information. The review clock will begin again once this additional information is
submitted and deemed complete. The department shall make a determination of
completeness within fourteen calendar days of submittal of any additional
information.

e. The decision may be appealed pursuant to Section 20.60.060.

f. If the approval authority is unable to issue its decision within the time limits
provided for in subsection (1)(c) of this section, the development services
department shall provide written notice of this fact to the project applicant. The
notice shall include a statement of reasons why the time limits have not been met
and an estimated date for issuance of a decision. A copy of this notice shall be
forwarded to the board of county commissioners.

2. Type II Procedure—Administrative Decision (see Appendix Figure 16).

a. Within twenty-eight calendar days of receiving a Type II application, the
development services department shall decide whether the application includes
the applicable information listed in Section 20.60.030. If the application is
deemed complete, the development services department shall send a letter of
complete application to the applicant and shall begin substantive review of the
application. If the application is deemed incomplete, the development services
department shall send a letter of incomplete application to the applicant, listing
the basic submittal information that is required to make the application complete.
An application shall be deemed complete if the department does not provide a
written determination to the applicant that the application is incomplete as
provided in this subsection.

b. Within fourteen calendar days after an applicant has submitted the additional
information identified in the letter of incomplete application as being necessary
for a complete application, the development services department shall notify the
applicant in writing whether the application is complete or what basic submittal
information is still needed to make the application complete.

c. Once the application is deemed complete, a one hundred calendar day review
clock begins. Either as part of the letter of complete application or as a separate
written notification during the formal review period, the development services
department may request additional information or studies that are needed to
complete the review due to the particular aspects of the project or site or if
substantial changes are made to the proposed project. If this occurs, the applicant
will be notified in writing as to what additional information is needed and the
review clock will stop during the time that the applicant is assembling this
information. The department shall make a determination of completeness within
fourteen calendar days of submittal of any additional information. The review
clock will begin again once this additional information is submitted and deemed complete.

d. Within nine calendar days after the application is deemed complete, the development services department shall mail a notice of application to all owners of property within a radius of three hundred feet of the project site if the site is inside an urban growth area or to owners of property within a radius of five hundred feet of the project site if the site is outside an urban growth area. It shall also be mailed to the applicant and other interested parties. The notice of application shall include the following:

...  

e. The development services department shall accept public comments in response to the notice of application for up to twenty calendar days from the date of such notice. The department shall mail to the applicant a copy of comments timely received in response to the notice and shall consider such comments in the review of the application. The department may consider comments received after the twenty-day period has elapsed.

f. Except for a determination of significance, the development services department shall not issue its SEPA threshold determination or issue a decision on the application until the expiration of the public comment period on the notice of application. However, the department may combine the comment period for a determination of nonsignificance with the comment period on the notice of application. Once the combined comment period ends, the department shall issue the threshold determination with or without a comment period, pursuant to Chapter 17.09 of this code.

...  

i. Within the time limits provided in subsection (2)(g) of this section, the development services department shall mail a notice of decision to the applicant, the county assessor and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The notice of decision shall include a description of the decision, any mitigating conditions, a statement of any SEPA threshold determination made under Chapter 17.09 of this code, notice that affected property owners may request a change in valuation for property tax purposes, and the procedures for appeal. The decision may be appealed pursuant to Section 20.60.060.

j. In determining the number of days that have elapsed after the development services department has issued the letter of complete application, the following periods shall be excluded:

...
1. If the approval authority is unable to issue its decision within the time limits provided for in subsection (2)(g) of this section, the development services department shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of decision. A copy of this notice shall be forwarded to the board of county commissioners.

3. Type III Procedure—Quasi-Judicial Decision (see Appendix Figure 17).
   a. Within twenty-eight calendar days of receiving a Type III application, the development services department shall decide whether the application includes the applicable information listed in Section 20.60.030. The department shall render its decision on the completeness of the application in the manner prescribed in Section 20.60.020(2)(a) and (b) above.
   b. Once the application is deemed complete, a one hundred twenty calendar day review clock begins. Either as part of the letter of complete application or as a separate written notification during the one hundred twenty day review period, the development services department may request additional information or studies that are needed to complete the review due to the particular aspects of the project or site or if substantial changes are made to the proposed project. If this occurs, the applicant will be notified in writing as to what additional information is needed and the review clock will stop during the time that the applicant is assembling this information. The department shall make a determination of completeness within fourteen calendar days of submittal of any additional information. The review clock will begin again once this additional information is submitted and deemed complete.
   c. Within nine calendar days after the application is deemed complete, the development services department shall mail out a notice of application in the manner prescribed in subsection (2)(d) of this section, except that the mailing radius from the project site shall be expanded for the following special use permit applications:
      ... 
   d. The development services department shall accept public comments in response to the notice of application in the manner prescribed in Section 20.60.020(2)(e) above.
   e. Except for a determination of significance, the development services department shall not issue its SEPA threshold determination or issue a decision on the application until the expiration of the public comment period on the notice of application. However, the department may combine the comment period for a determination of nonsignificance with the comment period on the notice of application. Once the combined comment period ends, the department shall issue the threshold determination with or without a comment period, pursuant to Chapter 17.09 of this code.
f. At least ten calendar days prior to the hearing examiner public hearing, the development services department shall complete the SEPA review and appeal process, pursuant to Chapter 17.09 of this code.

g. At least ten calendar days prior to the hearing examiner public hearing on a Type III application, the development services department shall provide notice of the public hearing as follows:

... 

j. Within the time limits provided in subsection (3)(h) of this section, the development services department shall mail a notice of decision to the applicant, the county assessor and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The notice of decision shall include a description of the decision, any mitigating conditions, a statement of any SEPA threshold determination made under Chapter 17.09 of this code, notice that affected property owners may request a change in valuation for property tax purposes, and the procedures for appeal. The decision may be appealed pursuant to Section 20.60.060.

k. In determining the number of days that have elapsed after the development services department has issued the letter of complete application, the following periods shall be excluded:

... 

**20.60.025 - Optional consolidated permit processing.**

A proposed project action involving two or more land use permit applications is encouraged to be processed in a consolidated manner, following the review and approval process of the highest numbered permit type represented among the required permits (see Table 2). The development services department shall designate a permit coordinator when two or more permit applications are processed concurrently.

The applicant may determine whether the multiple permit applications shall be processed concurrently or individually. If the applications are processed individually, the highest numbered permit type (see Table 2) shall be acted upon prior to the processing of the lower numbered permit types.

**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 development services 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 development services 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 development services 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 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;

k. Applicable environmental documents, e.g. SEPA Checklist, applicable critical areas permit or review under title 24 or chapter 17.15 of the Thurston County Code critical areas administrative review form or written agreement to complete an environmental impact statement;

p. Each application for a quasi-judicial rezone shall contain only the following in clear and intelligible form:

v. Applicable environmental documents, e.g. SEPA checklist, applicable critical areas permit or review under title 24 or chapter 17.15 of the Thurston County Code critical areas administrative review form or written agreement to complete an environmental impact statement;

20.60.035 Fees.
Applicants for permits or other approvals pursuant to this title shall pay to the development services department the applicable fee identified on the fee schedule, which is adopted by reference and incorporated in this section.

20.60.040 - Zoning compliance.
No building permit or septic tank permit shall be issued unless the development services director or designee has determined that all applicable provisions of this title have been met.
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 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 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 Plating 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).

4. The development services director may, in writing, suspend or revoke a permit or approval required by this title whenever the permit is issued in error or on the basis of incorrect information, or in violation of any ordinance or regulation or any provision of this title, or when a use or building is being maintained in a manner contrary to the terms of the permit or approval.

20.60.055 - Civil infraction procedures.

3. Designation of Enforcement Officer. The enforcement officer(s) for violations of this title for civil infraction purposes will be designated by resolution of the board of county commissioners upon the recommendation of the director of development services.

6. Administrative Responsibilities. The director of the Thurston County development services department is responsible for assuring county compliance with RCW 7.80.150.
The development services director may publicize a list of persons found guilty of violations in the newspaper or other means deemed appropriate.

...  

20.60.060 - Appeal procedures.
1. Appeals of Administrative Decisions. Appeals may be taken to the hearing examiner by any person aggrieved or by any officer, department, board or commission of the county affected by any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this title or any amendment thereto (Type I and II permits; see Table 2). Appeals shall be filed in writing with the development services department within fourteen calendar days of the date of the notice of the decision being appealed, on a form provided by the department. Appeals shall be considered in the manner prescribed by Chapter 2.06 TCC.

2. Appeals of Hearing Examiner Decisions. The final decision by the hearing examiner on Type III permits and on Type I and II appeals, as provided in Table 2, may be appealed to the board of county commissioners by any aggrieved person or agency directly affected by the hearing examiner's decision. Appeals shall be filed in writing with the development services department within fourteen calendar days of the date of the notice of the decision being appealed, on a form provided by the department. Appeals shall be considered in the manner prescribed by Chapter 2.06 TCC.

...  

20.60.070 - Code interpretations.
Any person may request in writing an interpretation of any provision of this title that pertains to an application under review or to a proposal that has been the subject of a presubmission conference. The development services department shall issue a written determination to the person requesting the interpretation in accordance with the Type I procedures in Section 20.60.020(1). The letter of request shall serve as the Type I application for code interpretations.

20.62.030 - Allocation of transferable development rights.
Every parcel of land located in the TDR sending area shall have credited to it, upon certification by Thurston County development services, transferable development rights in the amount set forth below. These transferable development rights allotted in accordance with this section may be used to obtain approval for established residential densities on lands located within TDR receiving areas, in accordance with the zoning in the TDR receiving areas.

...  

20.62.040 - Certification and transfer of transferable development rights.
1. Application for Certification of Number of Transferable Development Rights.
   a. Thurston County development services shall issue a certification of the number of transferable development rights on the sending area parcel and serially numbered individual certificates for each transferable development right credited to that
parcel upon satisfactory application for certification of transferable development rights (TDRs) by the sending area parcel owner. The issuance of TDR certificates shall be recorded in the chain of title for the subject property.

2. Transfer of Development Rights (TDR) Easement. In order to validly convey the transferable development rights certified on a sending area parcel, a TDR easement shall be signed between the owner of the sending area parcel and Thurston County and recorded with the Thurston County auditor. To validly retain the transferable development rights which have been certified on a sending area parcel when an original owner sells such parcel, a TDR easement shall be signed by the purchaser of the subject parcel and Thurston County and recorded with the Thurston County auditor. The TDR easement shall be on a form approved by the board of Thurston County commissioners and shall contain the following provisions:

a. All of the serial numbers of the transferable development rights which have been certified by Thurston County development services on the sending area parcel which is the subject of the TDR easement;

3. Deed of Transfer.

...