CRITICAL AREAS ORDINANCE
REFERENCE CHANGES TITLE 21
LACEY UGA ZONING ORDINANCE

21.03.050 Permitted intrusions into required yards.
...

D. Awnings and marquees may be allowed within required front yards and over sidewalks or public right-of-way in commercial and industrial zones if all the following requirements are satisfied:
1. The director and the director of the public works roads and transportation services department or their designees determine that placement of the awning or marquee within the setback areas or over the public sidewalk does not impede vehicular or pedestrian traffic flow or create any other type of hazard to the public.

21.06.265 Department.
“Department” means the Thurston County development services resource stewardship department.

21.03.273 Director.
“Director” means the Director of the Thurston County development services resource stewardship department, or designee.

21.06.400 Lacey Joint Plan.
"Lacey Joint Plan" means the City of Lacey and Thurston County Land Use Element for the City of Lacey and the Lacey Urban Growth Area, dated October 1994, in the custody of the Thurston County development services planning department, as amended from time to time.

B. Similar, related or compatible uses permitted, and criteria for determination of similarity, relatedness or compatibility, include:

1. Uses similar to, or related to, or compatible with those listed or described in subsection (A)(1) of this section are permitted upon a finding by the development services director that a proposed use does not conflict with the intent of this chapter or the policies of the Lacey urban growth area.


It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the development services director may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 21.57 of this title. Failure of the department to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title.

21.44.060 - Timing of master plan submittal.

B. 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 planning 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 planning commission 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 commission 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.

21.50.020 Definitions.

"Common open space" means a parcel, or parcels, of land, an area of water, or a combination of land and water including floodplain and wetland areas (consistent with the applicable sections of Title 27 TCC or Chapter 17.15 TCC) within a development site designed and intended for the use and enjoyment of residents of the development and, where designated, the community at large. The area of parking facilities serving the activities in the common open space may be included in the required area computations. Common open space shall not include:
1. The land area of lots allocated for single-family dwellings and duplex dwellings, front yards, side yards, and rear yards, whether or not the dwellings are sold or rented;

2. The land area of lots allocated for apartment and townhouse dwellings, including front yards, side yards, rear yards, interior yards, and off street parking facilities whether or not the dwellings are sold or rented;

3. The land area of lots allocated for total commercial use, including front yards, side yards, rear yards, and parking facilities whether or not the commercial facilities are sold or rented;

4. The land area of lots allocated for semipublic uses, community clubs and community facilities, including open space for playgrounds and athletic fields which are a part of the principal use and may not be open to the general public of the village center; and front yards, side yards, rear yards, and other open space around the buildings; and parking facilities whether or not the schools and churches are sold or rented;

5. Street rights-of-way, planter strips along streets, driveways, off-street parking, and service areas.


... 

H. Administration and Enforcement.

1. Building permits and other permits required for the construction or development of property under the provisions of this chapter shall be issued only when the work to be performed meets the requirements of the master plan, applicable plat, and site plan review.

2. Minor Administrative Alterations. Once a preliminary plat or other development permit reviewed by the hearing examiner has been approved, it shall not be altered unless approved by both the department and the public works roads and transportation services department upon a determination that the alteration is not substantial enough to constitute a change to the binding master plan.

Chapter 21.54 - ENVIRONMENTALLY SENSITIVE AREAS

Sections:

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 Uses and Lands Critical Areas Ordinance (TCC Chapter 17.15 TCC) for agricultural uses shall be subject to the review

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Staff Comments: Italics Unaffected Omitted Text: (...)
processes, standards and conditions as specified in the applicable critical areas ordinance. Chapter 17.15 (see Part 900).

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 Uses and Lands Critical Areas Ordinance (TCC Chapter 17.15 TCC) for agricultural uses shall be subject to the review processes, standards and conditions as specified in the applicable critical areas ordinance. Chapter 17.15 (see Part 900).

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 Uses and Lands Critical Areas Ordinance (TCC Chapter 17.15 TCC) for agricultural uses shall be subject to the review processes, standards and conditions as specified in the applicable critical areas ordinance. Chapter 17.15 (see Part 900).

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 Uses and Lands Critical Areas Ordinance (TCC Chapter 17.15 TCC) for agricultural uses shall be subject to the review processes, standards and conditions as specified in the applicable critical areas ordinance. Chapter 17.15 (see Part 500).

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 Uses and Lands Critical Areas Ordinance (TCC Chapter 17.15 TCC) for agricultural uses shall be subject to the review processes, standards and conditions as specified in the applicable critical areas ordinance. Chapter 17.15 (see Part 600).

21.66.020 Permitted Uses.
Specific types of uses permitted in accordance with the intent of this chapter, and subject to reasonable conditions imposed by the county, are categorized and identified as follows:

... 4. Temporary uses are subject to the following regulations:
   a. 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.

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

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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 Uses and Lands Critical Area Ordinance, (TCC Chapter 17.15), for agricultural uses.  

...  

E. Vehicular and Pedestrian Access. The proposal should provide for visual continuity of the street, ease and safety of pedestrian movement, and relationship of vehicular and pedestrian access to the buildings on-site.  

...  

2. Pedestrian Access.  

...  

d. Provide signage to identify pedestrian/bicycle routes according to the public works roads and transportation services department guidelines;  

...  

21.75.090 - Temporary signs.  
The following signs are classified as temporary (nonpermanent). Temporary signs are permitted subject to the applicable limitations:  

...  

F. Banners or Cloth Signs. Such signs may be permitted and extend across a public street by permission of the director of development services or his designee. Such signs may only be placed at county designated locations and erected by county personnel.  

...  

21.81.040 - Application review procedures.  
A. Type I Procedure—Ministerial Decision (see Appendix Table 21T.26).  
1. 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 21.81.060. 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.

3. Within fifty-eight calendar days of the date that the Type I application is submitted, the approval authority, as provided in Illustration 1 of this chapter, 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:

a. 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;

4. 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.

5. The decision may be appealed pursuant to Section 21.81.070.

6. If the approval authority is unable to issue its decision within the time limits provided for in subsection A3 above, 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.

B. Type II Procedure—Administrative Decision (see Appendix Table 21T.27).
1. 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 21.81.060. 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.

2. 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.

3. 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.

4. 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. It shall also be mailed to the applicant and other interested parties. The notice of application shall include the following:

   ... c. The identification of other permits not included in the application to the extent known by the development services department;...

   ... h. Any other information determined appropriate by the development services department.
5. 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.

6. 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 TCC.

9. Within the time limits provided in subsection B7 above, 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 TCC, 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 21.81.070.

10. 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:

12. If the approval authority is unable to issue its decision within the time limits provided for in subsection B7 above, 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.

13. Final review of planned industrial developments shall also follow the procedures in Chapter 21.43.

C. Type III Procedure—Quasi-Judicial Decision (see Appendix Table 21T.28).
1. 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 21.81.060. The department shall render its decision on the completeness of the application in the manner prescribed in Section 21.81.040B1 and 2 above.

2. 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.

3. 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 Section 21.81.040B4 above, except that the mailing radius from the project site shall be expanded for the following special use permit applications:
   a. One-thousand-four-hundred-foot radius: airports, landing strips and freestanding WCFs;
   b. Two-thousand-six-hundred-foot radius: solid waste disposal facilities and secure community transition facilities.

4. The development services department shall accept public comments in response to the notice of application in the manner prescribed in Section 21.81.040B5 above.

5. 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.

6. 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.
7. 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:

... 

10. Within the time limits provided in subsection (C)(8) 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 Chapter 2.06 of this code.

11. 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:

... 

13. If the approval authority is unable to issue its decision within the time limits provided for in subsection (C)(8) 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.

... 

21.81.050 - 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 Illustration 1). 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 Illustration 1) shall be acted upon prior to the processing of the lower numbered permit types.

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
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 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 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;

... 

11. 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;

... 

22. An application for a quasi-judicial (site-specific) rezone shall contain only the following in clear and intelligible form:

... 

11. 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.
21.81.070 - Appeal procedures.
A. 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 Illustration 1). 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 of this code.

B. 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 Illustration 1, 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 in Chapter 2.06 of this code.

C. Judicial Appeals. The final decision by the board of county commissioners on Type IV actions and on Type I, II and III appeals, as provided in Illustration 1, may be appealed to Superior Court, as follows:

1. Any judicial action to challenge, set aside or void any amendment to this title or any decisions made pursuant to the provisions of this title must be commenced within twenty days from the date of amendment or decision.

2. The plaintiff bringing any such action shall pay the full cost of transcription of the record prepared for judicial review of the matter being appealed.

21.81.080 - 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 21.81.040A. The letter of request shall serve as the Type I application for code interpretations.

21.84.010 - General provisions.
A. Site plan review and approval shall be required for any of the following activities:

2. A change of land use at an existing site or structure when the new activity requires either a change of occupancy according to the Uniform Building Code or is a change of land use according to the Standard Industrial Classification code.
and, in the opinion of the development services director, results in an intensification of land use and will require new planning conditions to comply with existing planning regulations. This provision may not apply to malls (buildings with ten or more tenants sharing common parking) where original conditions to establish the mall complex anticipated a range of tenants and existing facilities and where it can be shown existing infrastructure can accommodate the new intensified use;

5. Uses and activities within designated environmentally sensitive areas or their buffers pursuant to the applicable requirements of Title 24 or Chapter 17.15;

6. Home occupations as provided for in Chapter 21.69.

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 Uses and Lands Critical Areas Ordinance for agricultural uses.

21.102.010 - Violations, civil infractions and penalties.

C. 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.

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 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).