Thurston County Planning Department

Planning Commission Recommendation

Amendments to the Critical Areas Regulations

Title 22
5/2/2012

Critical Areas Ordinance

Reference Changes Title 22

Tumwater UGA Zoning Ordinance

Deleted Text: Strikethrough

Proposed Changes: Underlined

Staff Comments: Italics

Unaffected Omitted Text: (…)

22.04.163 - Department.
"Department" means the resource stewardship department, unless otherwise specified in this title. The department is charged with the administration of the building and occupancy permits and for the interpretation of the Zoning Ordinance codified in this title.

22.04.167 - Development services department (department).
"Development services department" or "department" means the department charged with the administration of the building and occupancy permits and for the interpretation of the Zoning Ordinance codified in this title.

22.04.170 - Director of development services (director).
"Director of development services" or "director" means the director of the resource stewardship department unless otherwise specified in this title. This manager is responsible for all aspects of county development services. The director of resource stewardship development services is responsible for all actions of the resource stewardship development services department, including the administration of the county's land use and related ordinances, interpreting laws on a case-by-case basis, and preparing reports for policy making bodies.

22.04.364 - Mineral extraction.
"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:

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Proposed Changes: Underlined

Staff Comments: Italics

Unaffected Omitted Text: (…)
A. Excavation and grading at building construction sites where such construction is authorized by a valid building permit; or

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 public works roads and transportation services department.

**Chapters 22.08 Through 22.16**

Density Calculation Formula for All Residential Zones

1. Total Area of Lot
   - Critical Areas (areas required to be kept free of development by Title 24 and Chapter 17.15 TCC, e.g., wetlands, buffers, steep slopes, etc., if applicable)
   - Additional Dedicated Open Space (if applicable)
   - Road Rights-of-Way (public rights-of-way and private road easements)
   - Reserve tract (if applicable)
   - Lots devoted to uses other than residential and associated uses (e.g., churches, schools, support facilities other than stormwater uses, if applicable)

\[
\text{Total Net Developable Land} = \text{Total Net Developable Land}\*
\]

*Note: Any required on-site stormwater facilities are to be constructed within this area unless expressly permitted elsewhere by ordinance or by the development services director in accordance with county policy.*

**22.08.050 - Density regulations.**

Density regulations in the RSR zone district are as follows:

A. Site Area. All land divisions are subject to the lot size provisions of this section, provided that all land divisions must meet the following density requirements:

1. Minimum: two dwelling units per acre,
   a. In situations where density requirements and lot size, shape, topography, or location result in a subdivision that cannot reasonably meet the density requirements, a reduction in minimum density, to the maximum reasonable density, may be granted by the development services director or designee. In no event may a reduction in density be granted if it would result in a use that would not be allowed as a permitted use, accessory use, or special use in the district in which the property is located.

2. Maximum: four dwelling units per acre, or if a land division is subject to the clustering provisions of Section 22.08.050E or the applicable critical area protection standards of Thurston County Code (TCC) Title 24 or Chapter 17.15, the maximum density shall be no greater than one hundred twenty-five percent of the maximum density that would otherwise be allowed;
B. Density Calculation. The calculation of the density requirements in Section 22.08.050A above is based on the portion of the site that contains lots devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

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

D. Lot size requirements.

1. Maximum: no maximum lot size,

2. Minimum: nine thousand five hundred square feet, or if a land division is subject to the clustering provisions of Section 22.08.050E or the applicable critical area protection standards of Thurston County Code (TCC) Title 24 or Chapter 17.15, the minimum lot size shall be seven thousand six hundred square feet,

### Table 22.08

<table>
<thead>
<tr>
<th>Residential Districts</th>
<th>RSR</th>
<th>SFL</th>
<th>SFM</th>
<th>MFM</th>
<th>MFH</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family child care home,</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>child mini day care center</td>
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<td>(with approval of</td>
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<tr>
<td>development services director)</td>
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</tbody>
</table>

22.10.050 - Density regulations.
Density regulations in the SFL zone district are as follows:

A. Site Area. All land divisions are subject to the lot size provisions of this section, provided that all land divisions must meet the following density requirements:
1. Minimum: four dwelling units per acre;
   a. In situations where density requirements and lot size, shape, topography, or location result in a subdivision that cannot reasonably meet the density requirements, a reduction in minimum density, to the maximum reasonable density, may be granted by the development services director or designee. In no event may a reduction in density be granted if it would result in a use that would not be allowed as a permitted use, accessory use, or special use in the district in which the property is located.

2. Maximum: seven dwelling units per acre, except that any density greater than six dwelling units per acre shall be obtained only by purchase of transfer of development rights in accordance with Chapter 22.57 of the Thurston County Code; provided, if a land division is subject to the clustering provisions of Section 22.10.050E or the applicable critical area protection standards of Thurston County Code (TCC) Title 24 or Chapter 17.15, the maximum density shall be no greater than one hundred twenty-five percent of the maximum density that would otherwise be allowed;

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

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

D. Lot size requirements:

1. Maximum: None,

2. Minimum: four thousand square feet, or if a land division is subject to the clustering provisions of Section 22.10.050E or the applicable critical area protection standards of Thurston County Code (TCC) Title 24 or Chapter 17.15, the minimum lot size shall be three thousand two hundred square feet,

22.12.050 - Density regulations.
Density regulations in the SFM zone district are as follows:

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Staff Comments: Italic Unaffected Omitted Text: (…)
O:\Track\LONG RANGE PLANNING\CAO\CAO Title Reformat\Planning Commission Recommendation\Clean Copies (Title 24) & Final Amendments (Other Titles)\37_PCR_Title_22_CAO_Reference_Changes.doc
A. Site Area. All land divisions are subject to the lot size provisions of this section, provided that all land divisions must meet the following density requirements:

1. Minimum: six dwelling units per acre;
   a. In situations where density requirements and lot size, shape, topography, or location result in a subdivision that cannot reasonably meet the density requirements, a reduction in minimum density, to the maximum reasonable density, may be granted by the development services director or designee. In no event may a reduction in density be granted if it would result in a use that would not be allowed as a permitted use, accessory use, or special use in the district in which the property is located.

2. Maximum: nine dwelling units per acre, except that any density greater than eight dwelling units per acre shall be obtained only by purchase of transfer of development rights in accordance with Chapter 22.57 of the Thurston County Code; provided, if a land division is subject to the clustering provisions of Section 22.12.050E or the applicable critical area protection standards of Thurston County Code (TCC) Title 24 or Chapter 17.15, the maximum density shall be no greater than one hundred twenty-five percent of the maximum density that would otherwise be allowed;

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

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

D. Lot size requirements:
1. Maximum: none,

2. Minimum: four thousand square feet, or if a land division is subject to the clustering provisions of Section 22.12.050E or the applicable critical area protection standards of TCC Title 24 or Chapter 17.15, the minimum lot size shall be three thousand two hundred square feet,
Accessory uses in the MFM district are as follows:

...  

C. Home occupations, as approved by the director of development services;  

...

2.14.050 - Density regulations.  

...

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

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

...

22.16.050 - Density regulations.  
Density regulations in the MFH zone district are as follows:

...

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

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

Table 22.18
Commercial Zone Districts Permitted and Special Uses

<table>
<thead>
<tr>
<th>Commercial Districts</th>
<th>NC</th>
<th>MU</th>
<th>CD</th>
<th>GC</th>
<th>BP</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail sales (no more than 15,000 square feet, except at discretion of development services director)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Chapter 22.52</td>
<td></td>
</tr>
<tr>
<td>Family child care home (with approval of development services director)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

22.20.060 - Development standards.
Development standards in the mixed use zone are intended to achieve a human-scale, pedestrian and transit-oriented environment.

H. Pedestrian Access.
1. An on-site pedestrian circulation system which links the street and the primary entrance(s) of the structure(s) shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent developments if adequate safety and security can be maintained. Convenient pedestrian access to transit stops shall be provided.

2. Sidewalks, walkways or pedestrian systems shall be required and constructed according to the city's road development standards or as approved by the development services director.

3. Where the pedestrian circulation system crosses driveways, parking areas, and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the
development services director. Striping may be permitted only in conjunction with at least one of the preceding methods.

4. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Site lighting shall be directed downward and inward or other techniques may be utilized to minimize impacts on off-site uses.

<table>
<thead>
<tr>
<th>Industrial Districts</th>
<th>LI</th>
<th>HI</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Child mini day care center (with approval of development services department)</td>
<td>P</td>
<td>P</td>
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<td>P</td>
<td>Chapter 22.52</td>
</tr>
<tr>
<td>...</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 22.24
Industrial Zone Districts Permitted and Special Uses

22.28.050 - Development regulations.
Development regulations in the BP district are as follows:

... 

D. Yards.
1. Front: fifteen percent of the property depth to a maximum requirement of thirty feet;
2. Side: none;
3. Rear: none;
4. Any yard, front, side or rear, adjoining significant waterways shall be a minimum of one hundred feet from the building line to the top of the bank (if this provision conflicts with TCC Title 24 Chapter 17.15, the more restrictive provision shall apply);
5. No building shall be located closer than one hundred feet from external roads.
22.30.060 - Landscaping.
The preservation or enhancement of existing native plant materials shall be the predominant characteristic of landscape treatment in this district. Clearing of plant materials shall be subject to the requirements of Title 24, Thurston County Critical Areas Ordinance, or Chapter 17.15, Thurston County Agricultural Uses and Lands Critical Areas Ordinance, as applicable to Title 24 or Chapter 17.15, Critical Areas.

22.31.020 - Permitted uses.
Permitted uses in the OS district, subject to the applicable requirements of TCC Title 24 or Chapter 17.15, are as follows:

...
22.46.030 - Fences—Height restrictions.
A. Residential Zones.
   1. Front yard: forty-two inches maximum height. On corner lots, fences shall be limited to thirty-six inches in height for a distance of fifteen feet from the intersection of the property lines abutting the street, and to forty-two inches in height for the remainder of the front yards facing on both streets; except that fences may be permitted to a maximum height of seventy-eight inches from the ground in the front and/or side yard on a flanking street if the portion above thirty-six inches is composed of open work in such a manner that eighty percent of any portion is open to light and air;

   On through lots, a seventy-eight inch fence may be allowed in one of the front yards by the director of the development services department or designee, provided the following conditions can be met: (a) the fence will be located in the yard on the back side of the structure; (b) there is no street access from the end of the lot where the fence will be located; (c) the addition of the fence will not be detrimental to the neighborhood in terms of view, light, and air; nor injurious to traffic safety; (d) the fence will not appear obtrusive when compared to the rest of the block face on which it will be placed.

D. Fencing for energy facilities such as substations, switching stations and natural gas gate stations and for utility facilities shall satisfy fence height restrictions described in this section or, in lieu thereof, the utility may submit an alternative plan for review and approval by the development services director.

22.47.020 - General requirements.
A. For any proposed commercial or industrial development with a new building or building expansion that amounts to twenty-five percent or greater of the assessed valuation of the existing building within any twelve-month period, and for any proposed multifamily residential development or residential manufactured home park consisting of five or more dwelling units on a lot, a landscaping plan shall be prepared describing how the requirements of this chapter will be met. The plan should be prepared by a licensed Washington landscape architect, Washington certified nurseryman, or Washington certified landscaper. The development services department shall review a proposed plan for compliance with the requirements of this chapter. The county review shall be limited to compliance with County standards. A proposed plan may consist of a mutually agreed upon alternative plan in accordance with Section 22.47.060. If the development services director believes a proposed plan does not meet the requirements of this chapter, the applicant shall be notified in writing of the director's findings.
E. Where perimeter landscaping is located, breaks in vegetation and/or fencing for pedestrian access and transit passenger pads may be required as determined by the development services department during site plan review.

...

J. Irrigation of landscaped areas is required, except for landscaping which incorporates native or drought-tolerant vegetation. An irrigation plan shall be submitted along with a proposed landscaping plan to the development services department for review and approval.

...

22.47.060 - Alternative landscaping plan.
Alternative landscaping plans may be proposed where strict application of the requirements in this title would prohibit reasonable development of a property. The development services director may consider the topography, shape, size or other natural features of the property or design features of the development when considering the suitability of a proposed alternative landscaping plan. Examples of situations where alternative landscaping plans are more likely to receive favorable consideration are mixed use buildings and developments that qualify for reduced parking under Chapter 22.50. Another technique that can be used in alternative landscaping plans is the enhancement of landscaping in a nearby area to soften the overall effect of the development such as improvement of a nearby existing public right-of-way.

...

22.50.020 Parking and loading general regulations.

...

G. Unlisted Uses. Any use clearly similar to any of the uses listed in Section 22.50.070 as determined by the development services director shall meet the requirement for such use. If a similarity of use is not apparent, the development services director may require a parking demand study or determine the standards that should be applied to the use in question.

...

J. Parking lot lighting not exceeding twenty-four feet in height is required to provide safe access for pedestrians. Outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be...
exempt from these requirements, but must comply with provisions of Chapter 22.44. A plan for proposed lighting shall be submitted to the development services department for review and approval prior to final site plan approval.

22.50.080 - Administrative modification.
A. General Provisions.

...  

3. The project developer shall present all findings and completed worksheets to the development services director prior to any final, discretionary approvals; e.g., site plan approval, environmental review or any planning, building or engineering permits. The development services director shall authorize an increase in parking based upon compliance with Section 22.50.080B.

...

B. Criteria for Modification of Required Parking.

Figure 22.50.080A

<table>
<thead>
<tr>
<th>Decrease or Increase Up To Twenty Percent</th>
<th>Decrease or Increase Up To Forty Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>The development services director may allow up to a twenty percent decrease or increase in required parking after:</td>
<td>The development services director may allow up to a forty percent decrease or increase in required parking after:</td>
</tr>
<tr>
<td>1. Shared and combined parking opportunities are fully explored; and</td>
<td>1. Shared and combined parking opportunities are fully explored; and</td>
</tr>
<tr>
<td>2. On-site park-and-ride opportunities are fully explored; and</td>
<td>2. On-site park-and-ride opportunities are fully explored; and</td>
</tr>
<tr>
<td>3. Compliance with commute trip reduction measures as required by state law, if applicable; and</td>
<td>3. Compliance with commute trip reduction measures as required by state law, if applicable; and</td>
</tr>
<tr>
<td>4. *The site is no closer than three hundred feet from a single-family residential zone; or</td>
<td>4. *The site is no closer than three hundred feet from a single-family residential zone; or</td>
</tr>
<tr>
<td>5. ** Design and facility requirements listed in Section 22.50.080C4 are met; and</td>
<td>5. ** Design and facility requirements listed in Section 22.50.080C4 are met; and</td>
</tr>
<tr>
<td>6. A report is submitted providing a basis for more or less parking. A report providing a basis for less parking must also provide mitigation necessary to offset any negative effects.</td>
<td>6. For a decrease request, a report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects. For an increase request, a report is submitted providing a basis for more parking.</td>
</tr>
</tbody>
</table>
7. *The site is served by transit or will be served within six months of occupancy (within one-fourth mile (one thousand three hundred twenty feet) of the primary entry area to the building).

* Parking decrease only.

** Parking increase only.

In addition to the above criteria for a decrease in required parking, the development services director may require that all or some administrative modification design requirements listed for increased parking be met (e.g., bike racks, landscaping, etc.), and require other measures to ensure all impacts associated with reduced parking are mitigated.

Any motor vehicle parking spill-over which cannot be mitigated to the satisfaction of the development services director will serve as a basis of denial.

C. Process for Modification of Required Parking (requests to reduce parking need only follow subsections C1 through 3).

1. Submit evidence that decreased/increased parking is necessary. This may take the form of a brief report for all decreases and up to a twenty percent increase. The development services director may require additional studies to ensure negative impacts are properly mitigated. A more complete and detailed parking demand study is required for increases greater than twenty percent.

4. If additional parking is still desired, an administrative modification is required. For employers with less than one hundred employees, the site plan must meet design elements in subsections C4a and b below. For employers with one hundred or more employees, the site plan must meet design elements in subsections “C4a” through “h.”

Requirements found below must be included in a project proposal to the satisfaction of the development services director prior to approving any administrative modification to increase parking. In those instances where site constraints impede design requirements, written findings of fact shall be made identifying site and project constraints, and shall be identified in the final project approval letter. In its findings, the development services director shall determine if a good faith effort has been made in building and site design in order to accomplish required design elements.

22.50.090 - Shared and combined parking facilities.

...
B. General Provisions. The development services director may require an applicant to demonstrate that shared or combined parking is feasible when adjacent land uses have different hours of operation. Mixed use and shopping center developments with similar operating hours may also be required to submit a parking demand study to determine if parking can be combined.

1. Authority. In order to eliminate multiple entrances and exits, reduce traffic hazards, to conserve space and to promote orderly development, the development services director and hearings examiner are each authorized to group cooperative parking facilities for a number of uses in such a manner as to obtain the maximum efficiency in parking and vehicular circulation.

2. Agreement. If authorized by the development services director, an agreement establishing shared or combined use of a parking area, approved by the prosecuting attorney, shall be recorded with the county auditor's office. Such agreements shall run with the land for all properties with shared or combined parking and require department approval for any change or termination.

3. Termination of Combined or Shared Use.
   a. In the event that a combined or shared parking agreement is terminated, those businesses or other uses with less than the required parking shall notify the development services director within ten days and take one of the following actions:
      i. Provide at least fifty percent of the required parking within one-hundred eighty days, and provide the remaining required parking within three hundred sixty-five days following the termination of the shared or combined use; or
      ii. Demonstrate, based upon a study deemed reliable by the director of development services, that the available parking is sufficient to accommodate the use's peak parking demand; or
      iii. Apply for and receive an administrative parking modification (see Section 22.50.080).
   b. If sufficient parking is not provided, the use, or that portion of the use out of compliance with this chapter, shall be terminated upon the expiration of the time period specified in subsection B3ai above. This requirement shall be established as a condition of the occupancy permit for uses relying on combined or shared parking.

   a. Shared Parking. For land uses in close proximity of each other that operate or are used at entirely different times of the day or week, the development services director may allow shared parking facilities to satisfy the parking requirements of such uses if the parking facilities are within one-fourth mile (one thousand three
hundred twenty feet) of all primary entry areas to buildings being served by such facilities.

i. When two or more land uses, or uses within a building, have distinctly different hours of operation (e.g., office and church), such uses may qualify for a shared parking credit. Required parking shall be based on the use that demands the greatest amount of parking.

ii. If two or more land uses, or uses within a building, have different daytime hours of operation (e.g., bowling alley and auto parts store), such uses may qualify for a total parking reduction of no more than fifty percent.

b. Combined Parking. Two or more uses which have similar hours of operation and combine parking facilities may qualify to decrease the number of parking spaces (see Figure 22.50.090A. The combined parking facility must be cooperatively established and operated in accordance with Section 22.50.090B2. The development services director may require a parking demand study to ensure sufficient parking is provided.

22.54.030 - Expansion and intensification of nonconforming, nonresidential uses.

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

22.56 Temporary use.

E. Temporary uses are subject to the following regulations:

1. 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.

22.62.010 - Title enforcement.

This title shall be administered and enforced by the development services department, who 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.

22.62.020 - Application review procedures.
A. Type I Procedure—Ministerial Decision (see Appendix Figure 1).
   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 22.62.030. 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.

   ...
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 Figure 2).

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 22.62.030. 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.

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 22.62.050.

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.

C. Type III Procedure—Quasi-Judicial Decision (see Appendix Figure 3).
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 22.62.030. The department shall render its decision on the completeness of the application in the manner prescribed in Sections 22.62.020B1 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 22.62.020B4 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: jails, juvenile detention facilities, work release facilities, essential public facilities, and wireless communication facilities;
   b. Two-thousand-six-hundred-foot radius: prisons and prerelease facilities; Secure community transition facilities; and solid waste handling facilities.

4. The development services department shall accept public comments in response to the notice of application in the manner prescribed in Section 22.62.020B5 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 TCC.

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 TCC.

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 C8 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 Chapter 2.06 TCC.

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 C8 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.

...  

22.62.025 - 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 22.62). 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 22.62) shall be acted upon prior to the processing of the lower numbered permit types.

**22.62.030 - 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 warrants additional time.

...  

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

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;

...  

**22.62.030 - 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 warrants additional time.

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

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;

...  

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

22.62.035 - 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.

22.62.040 - 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.

22.62.050 - 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 Table 22.62). 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.
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 Table 22.62, 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.

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 Table 22.62, 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.

D. The filing of an appeal shall suspend the issuance of either a construction or land use permit related to the appeal until final action is taken on the appeal.

22.62.060 - 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 22.62.020A. The letter of request shall serve as the Type I application for code interpretations.

22.64.030 - Violations, civil infractions and penalties.
...

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

...

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.

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