

## Attachment I

All sections of the Thurston County Code must be updated to add references to the new critical areas ordinance, amend references to chapter 17.15 to only include agricultural uses, and change the department name from Development Services to Resource Stewardship.

The Thurston County Code shall be amended as follows:

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

A. Section 2.05.020 TCC shall be amended as follows:

### **2.05.020 Docketing.**

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

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

B. Section 2.06.010 TCC shall be amended to read as follows:

### **2.06.010 Office Established.**

There is established an office of hearing examiner. The examiner shall hear and decide matters assigned to him by the board, including but not limited to the following land use matters:

- F. Critical areas ordinance (pursuant to title 24 Thurston County Code, and for agricultural activities Chapter 17.15, Thurston County Code);

C. Section 2.06.040 TCC shall be amended to read as follows:

#### **2.06.040 Rules.**

The examiner may prescribe rules for the scheduling and conduct of hearings and other rules of procedure. Application for the consideration of cases to be heard by the examiner shall be made to the ~~development services~~resource stewardship department.

D. Section 2.06.060 TCC shall be amended to read as follows:

#### **2.06.060 Reconsideration by examiner.**

Any aggrieved person or agency who disagrees with the decision of the examiner may make a written request for reconsideration by the examiner within ten days of the date of the written decision. The request for reconsideration shall be filed with the ~~development services~~resource stewardship department upon forms prescribed by the department. If the examiner chooses to reconsider, the examiner may take such further action as he or she deems proper and may render a revised decision, within five working days after the date of filing. Filing a request for reconsideration is not a prerequisite to filing an appeal pursuant to ~~S~~section 2.06.070.

E. Section 2.06.070 TCC shall be amended to read as follows:

#### **2.06.070 Appeal of examiners decision.**

A. The appellant must file a complete written notice of appeal with the ~~development services~~resource stewardship department upon forms prescribed by the department, and pay the appeal fee within fourteen days of the date of the examiner's final decision; provided, that if the examiner was requested to reconsider the decision, then the appeal must be filed within ten days of the date of the examiner's decision on the reconsideration request.

F. Section 2.06.080 TCC shall be amended to read as follows:

#### **2.06.080 Board action on appeals.**

A. General. When an appeal has been timely filed and the deadline for receipt of memoranda has expired, the ~~development services~~resource stewardship department shall deliver to the board a copy of the examiner's decision, and the evidence presented to the examiner, and an audio recording of the hearing before the examiner. The board may view the site either individually or together, only to gain background information on the general appearance of the property; no one other than county staff can accompany the board members during the view. When board members have read the decision, memoranda and evidence, and heard the recording, the clerk of the board shall schedule a date for a closed record appeal meeting by the board at which time the board shall render a decision. The date of the closed record appeal meeting should be not later than fifty-three days following the date the appeal was filed.

...

G. Section 13.56.040 TCC shall be amended to read as follows:

**13.56.040 Applications.**

Applications for annual and individual utility permits to construct, maintain, repair, relocate or remove utility facilities within the rights-of-way shall be submitted upon forms provided by the county. Applications for park or trail permits on park or trail properties shall be submitted to the parks and recreation department and comply with the county's adopted policies, procedures, requirements and fees for nonrecreational use of Thurston County park property, or as it may be hereafter amended. Applications may need to be supplemented with a State Environmental Policy Act (SEPA) Checklist, or applicable critical areas permit or review under title 24 or chapter 17.15 of the Thurston County Code~~Critical Areas Administrative Review (CAAR) Form~~, or shoreline permit, if applicable. The applicant shall pay all associated fees and shall include any additional information as requested by the director. The application shall be accompanied by a description of the utility facilities to be constructed, drawings, plans and specifications in sufficient detail to demonstrate:

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

**13.56.100 Location.**

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

.....

I. Section 13.56.120 TCC shall be amended to read as follows:

**13.56.120 Standards and Codes.**

All utility installations shall be designed in accordance with the standards, codes and regulations applicable to the type of utility. This shall also include any road standards which the county shall deem necessary to provide adequate protection to the road, its safe operation, appearance and maintenance. Permittee shall further comply with any applicable provisions of title 24 and Title 17 Thurston County Code.

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

**13.56.270 Vegetation management.**

...

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

...

- K. Section 14.21.070 TCC shall be amended to read as follows:

**14.21.070 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 and ~~Chapter~~ 17.15 of the Thurston County Code for agricultural activities), 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.

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

- L. Section 14.37.020 TCC shall be amended to read as follows:

**14.37.020 Section J102 amended - Definitions.**

International Building Code section J102.1 Definitions is amended by adding the following definitions:

**BEST MANAGEMENT PRACTICES.** The schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the impacts to the project site, critical areas and adjoining properties.

**CRITICAL AREA.** Critical Areas are as defined by title 24 of the Thurston County Code and for agricultural activities, chapter 17.15 of the Thurston County Code.

**EARTH MATERIAL.** Any rock, natural soil or fill or any combination thereof.

**RECORD DRAWINGS.** Engineering plans for the proposal, including revisions reflecting any and all changes to the plans which occurred during construction.

**REGISTERED DESIGN PROFESSIONAL.** A civil engineer or geologist licensed to practice in the State of Washington.

M. Section 14.37.040 TCC shall be amended to read as follows:

**14.37.040 Section J104 amended – Permit application and submittals.**

International Building Code sections J104.3 and J104.4 are amended to read as follows; and new section J104.5 is added to read as follows:

**J104.3 Soils Report.** A soils report prepared by a registered design professional shall be provided for permits where excavation and fill quantities are equal to or exceed five thousand cubic yards, when required by the Thurston County Code or as required by the County engineer or designee. The report shall contain at least the following:

1. The nature and distribution of existing soils;
2. Conclusions and recommendations for grading procedures;
3. Soil design criteria for any structures or embankments required to accomplish the proposed grading;
4. Where necessary, slope stability studies, and recommendations and conclusions regarding site geology;
5. Liquefaction potential; and
6. Construction inspection procedures.

**J104.4 Drainage & Erosion Control Plans & Report.** A drainage and erosion control plan and report is required. Submittal requirements and design standards are contained in the current Thurston County Drainage Design & Erosion Control Manual.

**J104.5 Environmental Considerations.** Unless exempt from a grading permit under section J103 or exempt under title 24 or chapter 17.15 Thurston County Code (Critical Areas), land development projects, including clearing and grading activities, must have a State Environmental Policy Act (SEPA) checklist completed by the applicant. Permits, project acceptance, and/or

approvals shall not be issued until an environmental determination has been issued and the SEPA appeal period has passed.

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

**14.48.100 Contents of application.**

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

A. Nonresidential and Multifamily Residential Permits (Type I and II Applications). Submittals shall be required to show compliance with the codes referenced in Chapters 14.17, 14.18, 14.19, 14.32 and 14.34. The number of sets and size of plans required for each submittal requirement shall be as stated on the Nonresidential Construction Drawing Submittal Form. Each application for a nonresidential and multifamily residential permit shall contain the following in a clear, accurate and intelligible form:

...

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

...

18. Environmental documents, such as SEPA Checklist, or applicable critical areas permit or review under title 24 TCC or chapter 17.15 TCC; ~~or Critical Areas Administrative Review Form, if applicable;~~

...

B. Residential and Grading Permits (Type I and II Applications). Residential permit submittals shall be required to show compliance with the codes referenced in Chapters 14.17, 14.18, 14.19, 14.32 and 14.34. Grading permit submittals shall be required to show compliance with Appendix J of the International Building Code. The number of sets and size of plans required for each submittal requirement shall be as stated on the Residential Project Submittal Standards Form. Each application for a private residence, its accessory

structures and grading permit shall contain the following in a clear, accurate and intelligible form, except that grading permit applications do not need to include the information in subsections (B)(2), (3), (4), (10), (11) and (12) of this section;

...

9. Environmental documents, such as SEPA Checklist, or applicable critical areas permit or review under title 24 TCC or chapter 17.15 TCC; or Critical Areas Administrative Review Form, if applicable;

...

## II. TITLE 17 ENVIRONMENT

- A. Section 17.09.100 TCC shall be amended to read as follows:

### **17.09.100 Preparation of EIS – Additional considerations.**

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

...

- B. Section 17.09.130 TCC shall be amended to read as follows:

### **17.09.130 Designation of official to perform consulted agency responsibilities for the county.**

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

...

- C. Section 17.09.140 TCC shall be amended to read as follows:

### **17.09.140 Designation of responsible official.**

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

...

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

### **17.09.150 Substantive authority.**

...

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

...

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

...

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

...

- E. Section 17.09.160 TCC shall be amended to read as follows:

#### **17.09.160 Environmental appeals.**

...

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

...

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

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

...

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

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

#### **17.09.170 Critical Areas.**

- A. Applications for land uses, commercial buildings and grading permits shall also apply for the applicable review or permit required by the Thurston County Critical Areas Ordinance (title 24 of the TCC).

- B. Applications for agricultural land uses, ~~commercial~~-building and grading permits that are categorically exempt from SEPA per Section 17.09.055 and that have critical areas or critical area buffers, as defined in the Thurston County Agricultural Uses and Lands Critical Areas Ordinance (chapter 17.15 TCC)~~Chapter 17.15 TCC~~, affecting the project



site, shall apply for a critical area administrative review (CAAR). The CAAR procedures in Chapter 17.15 TCC shall apply.

G. Section 17.25.200 TCC shall be amended to read as follows:

**17.25.200 Definitions**

...

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

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

H. Section 17.25.300 TCC shall be amended to read as follows:

**17.25.300 Exemptions.**

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

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

**17.25.400 North county urban growth area conversion requirements.**

...

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

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

...

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

...

F. Use of Tree Tracts. Recreational uses, such as picnic areas and trails, which would not jeopardize the survival of protected trees (e.g. by damaging roots, compacting soil, or altering drainage), can be located in tree tracts with written approval of the ~~development services~~resource stewardship department. The department may also authorize stormwater

ponds in tree tracts if trees would not be removed and tree roots would not be damaged during construction or by saturated soil conditions such that their survival would be jeopardized. Prior to acting on the request, the approval authority may require the proponent to supply a written analysis from a qualified professional forester regarding the proposal's potential impact on the protected trees.

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

**17.25.500 Rural area and other urban growth area conversion requirements.**

...

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

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

...

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

**17.25.600 Administration.**

...

C. Authority and Duties of the County and Director.

1. It shall be the duty of the Thurston County ~~development services~~resource stewardship department to administer the provisions of this chapter.

...

7. When forest land is being converted to agricultural use, the director may use alternative measures or procedures as allowed by subsection C6 above, and those provisions of the Thurston County Critical Areas Ordinance (Title 24 TCC) and the Thurston County Agricultural Uses and Lands Critical Areas Ordinance (Chapter 17.15 of the Thurston County Code) which provide for flexible standards for agricultural uses.

...

D. Application Requirements. Any application for a forest lands conversion or COHP, subject to review under this chapter, will not be deemed complete unless it contains the following, where applicable:

1. A completed "Forest Lands Conversion Application" form as provided by the ~~development services~~resource stewardship department;

...

E. Application Procedure and General Conditions. The application for forest lands conversion shall be processed according to the same permitting procedures described in Chapter 20.60 of the Thurston County Code.

For purposes of this chapter:

...

4. The ~~development services~~resource stewardship department shall forward a copy of the conversion forest practices and the county's action to the Thurston County assessor for their use.
5. A forest land conversion approval by the county is valid for a period of one year or the duration of the associated development permit or approval. The ~~development services~~resource stewardship department may authorize an extension of one hundred eighty days.
6. The director may approve an amendment to the county's approval if the amendment is consistent with the conversion standards. If granted, the ~~development services~~resource stewardship department shall provide a written record of the amendment and will provide a copy of it to the landowner and/or forester.

L. Section 17.25.700 TCC shall be amended to read as follows:

**17.25.700 Development moratorium requirements.**

...

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

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

...

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

...

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

...

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

...

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

**17.25.800 Enforcement.**

...

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

...

- H. Permit Approval Limitations. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (title 24 of the Thurston County Code), the Thurston County Agricultural 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).

...

III: TITLE 18 PLATTING AND SUBDIVISION

- A. Section 18.04.040 TCC shall be amended to read as follows:

**18.04.040 Specific Exemptions.**

...

- H. Boundary Line Adjustments. A division made for the purpose of adjusting boundary lines which does not create any additional building lot, tract, parcel, building site or division

nor create any building lot, tract, parcel, building site or division which contains insufficient area and dimension to meet minimum requirements for a building site, except as described in subsection (H)(3) of this section, provided:

...

2. The proposed boundary line adjustment meets the following criteria:

...

f. A BLA shall not detrimentally affect access, design, or other public safety and welfare concerns. The evaluation of detrimental effect may include review by the environmental health department, ~~roads and transportation services~~ public works department, or any other applicable agency or department,

...

4. The legal description, scale drawing (map) and notarized declaration shall be recorded with the county auditor by the ~~development services~~ department. The county auditor shall furnish copies to other county agencies as required. The fee for these copies shall be in addition to all other recording fees. All required copies shall bear the auditor's recording data;

...

B. Section 18.04.045 TCC shall be amended to read as follows:

**18.04.045 Legal lot criteria for building or transfer of ownership.**

Thurston County will presume the validity of a lot if it meets any one of the criteria listed below. It shall be the responsibility of the applicant to provide the necessary information. The ~~development services~~ department shall review the submitted materials to determine completeness and authenticity. If determined to be complete and authentic, the lot is deemed legal. Further review is not required unless an appeal is filed or an innocent purchaser claim is made. Any lot created in a legal manner as described below or through innocent purchaser status, remains a separate legal lot regardless of nonconformity, or contiguous ownership.

...

C. Section 18.04.055 TCC shall be amended to read as follows:

**18.04.055 Resource use notice.**

...

B. The resource use notice shall be provided in a form and content prescribed by the ~~development services~~ department director.

D. The table of contents for chapter 18.08 shall be amended to add

**18.08.133 Department.**

E. Section 18.08.043 TCC shall be amended to read as follows:

**18.08.043 Binding site plan.**

"Binding site plan" means a drawing to a scale specified by the ~~development services~~ department which: (A) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this title; (B) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the ~~development services~~ department; and (C) contains provisions making any development be in conformity with the site plan.

F. Section 18.08.133 TCC shall be added to read as follows:

**18.08.133 Department.**

"Department" means the resource stewardship department, its director, or its designee, unless, otherwise specified in this title.

G. Section 18.10.010 TCC shall be amended to read as follows:

**18.10.010 Administration.**

The Thurston County ~~development services~~ resource stewardship department director and department staff, referred to as "planner," is vested with the duty of administering this title and may prepare and require the use of such additional forms which are necessary to effectuate the provisions of this title. Unless otherwise specified in this title, the term "department" means the resource stewardship department, or its designee.

H. Section 18.10.030 TCC shall be amended to read as follows:

**18.10.030 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 18.10.050. 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 Table 1, shall approve, approve with conditioning, 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.

...

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 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 18.10.050. 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 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 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:  
  
...
  - 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 nor 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 18.10.070.

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.

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 18.10.050. The department shall render its decision on the completeness of the application in the manner prescribed in Section 18.10.030B1 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 18.10.030B4 above.
4. The ~~development services~~ department shall accept public comments in response to the notice of application in the manner prescribed in Section 18.10.030B5 above.
5. Except for a determination of significance, the ~~development services~~ department shall not issue its SEPA threshold determination nor shall the hearing examiner hold its public hearing on the permit 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:

...

- d. Mail notice to the State Department of ~~Highways~~ Transportation on every proposed subdivision located within three hundred feet of the right-of-way of a state highway;

...

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 Section 18.10.070

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 of decision. A copy of this notice shall be forwarded to the board of county commissioners.

I. Section 18.10.040 TCC shall be amended to read as follows:

#### **18.10.040 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 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, except that a variance associated with a preliminary plat, short plat or large lot application shall be processed concurrently with the proposed division. For applications that are processed individually, the highest numbered permit type (see Table 1) shall be acted upon prior to the processing of the lower numbered permit types.

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

#### **18.10.050 Contents of application.**

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

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~~ department director may grant an extension if the required studies or information warrants additional time.

...

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

...

3. Full size copies (quantity and size as stated on the application form) and one eleven inches by seventeen inches reduced copy of a preliminary map/site plan drawing or drawings (folded, not rolled) at a scale of not less than two hundred feet to the inch (using a standard interval of engineer scale), which shall include or show:

...

- r. For preliminary plats only, proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in Thurston County and shall be approved by the ~~development services~~ department;

...

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

...

K. Section 18.10.060 TCC shall be amended to read as follows:

### **18.10.060 Fees.**

Applicants for permits or other approvals pursuant to this title shall pay to the ~~development services~~ department the applicable fees identified on the approved fee schedule, which is adopted by reference.

L. Section 18.10.070 TCC shall be amended to read as follows:

### **18.10.070 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 actions; see Table 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 TCC.
- B. Appeals of Hearing Examiner Decisions. The final decision by the hearing examiner on Type III actions and on Type I and II appeals, as provided in Table 1, may be appealed to the board of county commissioners by any aggrieved person or agency directly affected by the hearing examiner's decision, unless otherwise provided in this title. 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 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 calendar 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.

M. Section 18.10.080 TCC shall be amended to read as follows:

### **18.10.080 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 18.10.030A. The letter of request shall serve as the Type I application for code interpretations.

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

**18.10.090 Permit approval limitations.**

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

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

O. Section 18.12.150 TCC shall be amended to read as follows:

**18.12.150 Duration of approval.**

- A. Approval of the preliminary plat shall be effective for five years from the date of approval, during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed without the applicant's consent. A final plat meeting all requirements of this title shall be submitted to the board of county commissioners for approval within five years of the date of preliminary plat approval. An applicant who files a written request with the ~~development services~~ department at least thirty calendar days before the expiration of this five-year period shall be granted a one-year extension of the approval period by the ~~development services~~ department; provided, that the ~~development services~~ department finds that the preliminary plat is consistent with the adopted Comprehensive Plan, is consistent with applicable public health and safety standards, and there are no emerging adverse environmental issues relevant to the project. If the ~~development services~~ department cannot make the above findings, the department shall schedule a public hearing before the hearing examiner to consider the requested one-year extension of time, in accordance with the procedures of this title and Chapter 2.06 TCC.
- B. If the preliminary plat consists of more than two hundred living units or lots and one-half the total lots have received final plat approval, an applicant who files a written request

with the ~~development services~~ department at least thirty calendar days before the expiration of the five-year approval period may be granted up to five one-year extensions of the approval period by the ~~development services~~ department; provided, that a final plat has been filed each year. The ~~development services~~ department shall grant the extension of time upon finding that the preliminary plat is consistent with the adopted Comprehensive Plan, is consistent with applicable public health and safety standards and there are no emerging adverse environmental issues relevant to the project. If the ~~development services~~ department cannot make the above findings, the department shall schedule a public hearing before the hearing examiner to consider the requested one-year extension of time, in accordance with the procedures of this title and Chapter 2.06 TCC.

...

- D. The hearings examiner may approve a preliminary plat with a provisional extended approval clause, allowing sequential one-year extensions of the preliminary approval by the ~~development services~~ department, for up to ten years beyond the initial five-year approval, for a total of fifteen years, subject to all of the following conditions and Section 18.12.150E, below:

...

- E. The ~~development services~~ department may grant up to ten one-year extensions of preliminary approval for a preliminary plat that has been granted a provisional extended approval clause pursuant to Section 18.12.050D, above, provided the following conditions are met:

1. The applicant files a written request with the ~~development services~~ department at least thirty calendar days before the expiration of the most recent preliminary approval period;
2. The ~~development services~~ department finds that the preliminary plat is consistent with the adopted Comprehensive Plan, is consistent with applicable health and safety standards, and there are no emerging adverse environmental issues relevant to the project; and
3. A final plat has been filed each year for all previous one-year extensions.

If the ~~development services~~ department cannot make the findings noted above, the department shall schedule a public hearing before the hearings examiner to consider the requested one-year extension of time, in accordance with the procedures of this title and Chapter 2.06 TCC.

...

- P. Section 18.12.160 TCC shall be amended to read as follows:

**18.12.160 Minor or major adjustments.**

Once the preliminary plat has been approved, it shall not be altered without receiving county approval. Minor adjustments may be approved with concurrence of the ~~development services~~ director and ~~roads and transportation services~~public works director. Major adjustments are alterations that are felt to be of a substantial nature by the ~~development services~~ director or ~~roads and transportation services~~public works director and shall be resubmitted to the hearing examiner for approval through the public hearing process.

Q. Section 18.16.010 TCC shall be amended to read as follows:

**Chapter 18.16.010 Submission.**

The following shall accompany the final plat at the time it is submitted to the planner:

...

- E. A certificate by the ~~roads and transportation services~~public works department that the subdivider has complied with one of the following:

...

- 2. Only minor improvements remain to be installed and an agreement and bond have been executed as provided for in TCC Chapter 18.24 to assure completion of such minor required improvements. Minor improvements shall include, but not be limited to, landscaping, tree planting, and street lights. Prior to and as a condition of entering into such an agreement, the ~~development services~~department director, or designee, shall determine whether the delay in construction of such minor repairs or minor improvements shall constitute a hazard to public health and safety. Minor improvements shall not include drainage or improvements necessary for emergency services.

...

- S. Each and every plat or replat of any property filed for record shall:

- 1. Contain a statement of approval from the ~~roads and transportation services~~public works department or by a licensed engineer acting on behalf of Thurston County as to the survey data, the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems and other structures,

...



R. Section 18.16.030 TCC shall be amended to read as follows:

**18.16.030 Permanent control monuments.**

Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The ~~roads and transportation services~~public works director shall determine the number and location of permanent control monuments within the plat, if any.

S. Section 18.16.060 TCC shall be amended to read as follows:

**18.16.060 Approval.**

A. Upon receipt of the final plat and accompanying data, the ~~development services~~ department director, the ~~roads and transportation services~~public works department, the county treasurer, the county assessor and the Thurston County public health department shall review the final map and documents to determine that the plan conforms with the approved preliminary documents to determine that the plan conforms with the approved preliminary plat, and that there is compliance with provisions of the law and of this title.

...

T. Section 18.16.070 TCC shall be amended to read as follows:

**18.16.070 Composition.**

...

D. The plat shall also show the following certificates:

- 1. Certificate—County Engineer.

Examined and Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2019\_\_\_\_\_.

.....

Thurston County Engineer

- 2. Certificate—Health Officer.

Examined and Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2019\_\_\_\_\_.

.....

Health Officer

- 3. Certificate—Assessor.

Examined and Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2019\_\_\_\_\_.

.....

Thurston County Assessor

4. Certificate—Treasurer.

I hereby certify that all taxes on the land described hereon have been fully paid to and including the year.

.....

Thurston County Treasurer

5. Certificate—~~Development Services~~ Resource Stewardship Department.

Examined and Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2019\_\_\_\_\_.

— .....

~~Development Services~~ Resource Stewardship Director

6. Certificate—Chairman, Board of County Commissioners.

Examined and Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2019\_\_.

.....

Chairman, Board of Thurston County, Commissioners

ATTEST:

*County Auditor and Ex Officio*

Clerk of County Commissioners

7. Certificate—County Auditor.

Filed for record at the request of \_\_\_\_\_ this \_\_\_\_\_ day \_\_\_\_\_ 2019\_\_\_\_\_, at minutes past \_\_\_\_\_ o'clock \_\_\_\_\_ m., and recorded in Volume \_\_\_\_\_ of Plats, on page \_\_\_\_\_ records of Thurston County, Washington.

.....

Thurston County Auditor

.....

Deputy Auditor

U. Section 18.16.100 TCC shall be amended to read as follows:

**18.16.100 Filing.**

The approved final plat shall be recorded within five days after the date the last required signature has been obtained. The ~~development services~~ department shall record the approved plat

V. Section 18.16.110 TCC shall be amended to read as follows:

**18.16.110 Effect of approval.**

A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150(1) (sewage disposal and water supply requirements) and (3) (~~roads and transportation services~~ public works department requirements) for a period of five years after final plat approval unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

W. Section 18.24.010 TCC shall be amended to read as follows:

**18.24.010 Agreement in lieu of completion of improvements – Agreement to assure successful operation of improvements.**

A. Before final approval is given for any division of land pursuant to Title 18, Thurston County Code:

....

2. In lieu of installation of all required minor improvements, the developer may execute and file with the county an agreement guaranteeing completion of such improvements together with any needed replacements or repairs within a specified time. In no case shall final plat approval be given if any related improvements remain uninstalled that shall constitute a hazard to public health and safety as determined by the department~~development services~~ director, or designee. Such agreement:
  - a. May be approved by the director or designee of either the ~~roads and transportation services~~ public works or the resource stewardship ~~development services~~ departments;
  - b. Shall provide the period of time within which all work required shall be completed which shall not exceed one year from the date of approval.

Such agreement may provide for reasonable extensions of time for completion of work. Extensions must be requested, approved by the board of county commissioners or the director or designee of either the ~~roads and transportation services~~ public works or the resource stewardship ~~development services~~ departments, and properly secured as provided in this title in advance of the required initial completion date;

- c. Shall provide that the developer shall notify the public works ~~roads and transportation services~~ department director or designee promptly upon completion of all required improvements and that the director or designee will give notice of approval or disapproval of installation within a reasonable time after receiving notice of completion;

...

- B. Regardless of whether all required improvements are completed prior to final approval of any division of land pursuant to Title 18, Thurston County Code, as a condition of such approval, the developer shall execute an agreement to assure successful operation of such improvements.

...

- 3. The agreement and security may be approved by the director or designee of either the ~~roads and transportation services~~ public works or the resource stewardship ~~development services~~ departments;

...

- X. Section 18.24.020 TCC shall be amended to read as follows:

**18.24.020 Forms and amount of financial security.**

...

- B. The financial security provided for by this section shall be for a sum estimated by the director of public works ~~roads and transportation services~~ as sufficient to cover the costs of the developers failure to comply with the agreements provided for by Section 18.24.010, including all related engineering and incidental expenses, final survey monumentation and certified original reproducible mylar as constructed improvement plans.

- Y. Section 18.28.030 TCC shall be amended to read as follows:

**18.28.030 Preliminary action.**

...

B. The proposed division shall be approved when the ~~development services~~ department finds that:

...

2. Encroachment from the lots to a public road is provided in a manner approved by the ~~roads and transportation services~~public works department, which may specify that encroachments be combined and may designate encroachment locations.

...

Z. Section 18.32.130 TCC shall be amended to read as follows:

**18.32.130 Environmental review.**

If environmental review is required on any short plat, the ~~development services~~ department will take no action on the short plat until the final environmental review has been completed.

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

**18.32.140 Preliminary action..**

...

B. Upon the following subject matters, the public use and interest shall be deemed to require as a minimum the standards set out below:

...

2. Bridges and storm drainage facilities shall be subject to the approval of the roads and ~~transportation services~~public works department.

...

8. A short plat may be denied if the planner, after consultation with the ~~roads and transportation services~~public works director, finds that the creation of an access point from the short plat onto an arterial or collector street will be likely, in view of the anticipated traffic from the short plat, the cumulative effect of similar approvals and other factors, to pose a traffic safety problem; provided, that the short plat may be approved if acceptable alternative access, such as use of adjacent easements, is provided.

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

...

3. The physical characteristics of the short subdivision site. Disapproval may be made based upon noncompliance with the Thurston County Critical areas

Ordinance (Title 24 TCC) or the Thurston County Agricultural Uses and Lands Critical Areas Ordinance (Chapter 17.15 TCC). Construction of protective improvements may be required as a condition of approval; and

...

D. The ~~development services~~ department shall:

1. Approve the preliminary short subdivision with or without conditions; or
2. Disapprove the preliminary short subdivision; or
3. Submit the proposed preliminary short subdivision to the hearing examiner for decision.

BB. Section 18.32.235 TCC shall be amended to read as follows:

**18.32.235 Final approval and recording.**

A. If the applicant complies with all the requirements and conditions of preliminary short plat approval and all other applicable standards or regulations, then final approval shall be given by the ~~development services~~ department based upon a finding that the short plat serves the public use and interest. The written approval shall be inscribed upon the face of the short plat.

...

CC. Section 18.47.040 TCC shall be amended to read as follows:

**18.47.040 Standards for dedication.**

A. Outside the Lacey and Tumwater Urban Growth Areas. An area greater than or equal to ten percent of the gross land area to be divided shall be dedicated for the open space and recreational needs of its residents. This does not require the installation of recreational facilities. Land proposed for dedication shall meet the following additional criteria:

...

3. Types of Open Space.

...

- d. For project sites comprised of at least thirty percent critical areas, the percentage of active recreation area required in the open space portion of the site may be decreased to an appropriate level as determined by the ~~development services~~ department, if it is determined that: (i) inclusion of more critical areas in the required open space would better meet the needs of the subdivision residents; or (ii) meeting the standard would require detrimental grading or other disturbance of the natural setting.

B. Within the Lacey Urban Growth Area. The minimum usable open space dedicated in residential subdivisions shall be ten percent of the total site. The minimum usable open space dedicated in commercial or industrial subdivisions or short plats shall be ten percent of the total site. Required open space area shall at a minimum meet the following standards:

...

5. Existing trees and significant vegetation shall be retained in open space areas unless an alternative landscape plan for such areas is required and approved by the ~~development services~~ department.

C. Within the Tumwater Urban Growth Area. The minimum usable open space/park area dedicated for residential subdivisions shall be ten percent of the total gross site area. For commercial or industrial subdivisions, short plats and binding site plans, the minimum usable open space/park area dedicated shall be five percent of the total site; provided, however, a commercial or industrial land division which includes a master plan that provides for an open space/park area meeting the intent of this provision shall be considered to have fulfilled this requirement. Required open space/park area shall at a minimum meet the following standards:

...

2. All open space/park areas must include any two or more facilities for active and/or passive recreation from the lists below. For open space/park areas within residential developments, at least one of the required recreation facilities must be from the list of active recreation facilities (this area may include stormwater facilities that are designed for active and/or passive recreation opportunities in accordance with Chapter 15.05 TCC, the Drainage Design and Erosion Control Manual).

a. Active Recreation Facilities.

...

iv. Other active recreation facility if approved by the ~~department~~development ~~services~~ director upon consultation with the Tumwater parks manager.

b. Passive Recreation Facilities.

...

v. Other passive recreation facility if approved by the ~~department~~development ~~services~~ director upon consultation with the Tumwater parks manager.

3. The open space/park area shall have convenient access for residences/employees of the development and shall be consolidated to provide maximum access, visibility, minimization of impacts to residential uses, and ease of maintenance. The requirement that the open space/park area be consolidated may be waived by the director of the department~~development services~~ upon a finding that the residents of the development would receive a greater benefit if the required open space/park area were provided in another configuration due to the unique topographic conditions or fish and wildlife habitat values of the site.

...

DD. Section 18.47.070 TCC shall be amended to read as follows:

**18.47.070 Equivalent facilities.**

When areas proposed for dedication do not meet the criteria for dedication in Section 18.47.040A, 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:

...

EE. Section 18.47.080 TCC shall be amended to read as follows:

**18.47.080 Stormwater detention facilities.**

Stormwater detention/retention facilities may be allowed as open space subject to the provisions of this chapter and the criteria contained in Section 20.32.070 TCC. In the event of a stormwater system failure subsequent to final plat approval, the ~~development services~~ department may authorize, with the consent of the affected property owner(s) and consistent with Section 18.04.060, necessary stormwater facilities in designed open space. Also, the ~~development services~~ department may authorize new or expanded stormwater facilities in open space tracts to accommodate stormwater generated by a federal, state or county project if there is no other reasonable alternative.

...

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

**18.47.090 Rights and duties.**

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

...

- C. The right to cover up to but not exceeding ten percent of the land with impervious substances reasonably necessary to exercise the rights provided in subsections A and B of this section unless additional impervious surface is needed to comply with Section 18.47.040C. The development and location of impervious surfaces requires compliance with the Drainage Design and Erosion Control Manual, Chapter 15.05 TCC, the Thurston



County Critical Areas Ordinance, Title 24 TCC, and the Thurston County Agricultural Uses and Lands Critical Areas Ordinance, Chapter 17.15 TCC;

...

GG. Section 18.48.040 TCC shall be amended to read as follows:

**18.48.040 Relief for an innocent purchaser for value.**

...

B. A lot not created in a legal manner and subsequently acquired by an innocent purchaser, as so determined by the Thurston County hearing examiner after a properly noticed public hearing, is deemed legal, wherein such purchaser files a notarized affidavit with the Thurston County ~~development services~~ department attesting to the following:

IV: TITLE 19 SHORELINES MASTER PROGRAM

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

**19.14.010 Permit approval limitations.**

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

IV: TITLE 20 ZONING

A. Section 20.03.030 TCC shall be amended to read as follows:

**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.

...

B. Section 20.03.040 TCC shall be amended to read as follows:

**20.03.040 Defintions.**

...

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.

....

C. Section 20.05.030 TCC shall be amended to read as follows:

**20.05.030 Exemptions.**

1. The following structures and uses shall be exempt from the regulations of this title:

c. Telephone booths and pedestals, underground utility equipment, mailboxes, bus shelters, informational kiosks, public bicycle shelters, or any similar structure or device which in the opinion of the ~~development services~~ director are obviously intended to be located in the public interest.

D. Section 20.06.010 TCC shall be amended to read as follows:

**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.

E. Section 20.07.050 TCC shall be amended to read as follows:

**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 therefore, 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.
- ...

F. Section 20.07.070 TCC shall be amended to read as follows:

**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.

G. Section 20.07.060 TCC shall be amended to read as follows:

**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:

.....

H. Section 20.08.030 TCC shall be amended to read as follows:

**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.

...

I. Section 20.08A.035 TCC shall be amended to read as follows:

**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.

J. Section 20.08D.030 TCC shall be amended to read as follows:

**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.

...

K. Section 20.08D.030 TCC shall be amended to read as follows:

**20.09.030 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.

...

L. Section 20.09A.030 TCC shall be amended to read as follows:

**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.

...

M. Section 20.09A.050 TCC shall be amended to read as follows:

**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.

...

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

**20.09A.060 Additional regulations.**

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

...

9. Chapter 17.15, Thurston County Agricultural Uses and Lands Critical Areas Ordinance; and
10. Chapter 20.23, McAllister Geologically Sensitive Area District;

11. Title 24, Thurston County Critical Areas Ordinance.

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

**20.09B.025 Accessory uses.**

...

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

P. Section 20.09B.035 TCC shall be amended to read as follows:

**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 ~~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 ~~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 TCC 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:

...

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

**20.09B.060 Additional regulations.**

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

...

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

10. Title 24, Thurston County Critical Areas Ordinance.

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

**20.09C.025 Accessory uses.**

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

...

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.

S. Section 20.09C.035 TCC shall be amended to read as follows:

**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 ~~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 ~~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 TCC 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:

...

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

**20.09C.060 Additional regulations.**

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

...

9. Chapter 17.15, Thurston County Agricultural Uses and Lands Critical Areas Ordinance;
10. Title 24, Thurston County Critical Areas Ordinance.

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

**20.09D.025 Accessory uses.**

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

...

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

V. Section 20.09D.035 TCC shall be amended to read as follows:

**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:

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

**20.09D.060 Additional regulations.**

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

...

9. Chapter 17.15, Thurston County Agricultural Uses and Lands Critical Areas Ordinance;
10. Title 24, Thurston County Critical Areas Ordinance.

X. Section 20.10A.030 TCC shall be amended to read as follows:

**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.

...

Y. Section 20.30B.035 TCC shall be amended to read as follows:

**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.

Z. Section 20.10A.040 TCC shall be amended to read as follows:



**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.

...

AA. Section 20.11A.030 TCC shall be amended to read as follows:

**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.

...

BB. Section 20.11A.040 TCC shall be amended to read as follows:

**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.

...

CC. Section 20.23.027 TCC shall be amended to read as follows:

**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.

...

DD. Section 20.27.020 TCC shall be amended to read as follows:

**20.27.020 Permitted uses.**

...

5. 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:

...

EE. Section 20.30.060 TCC shall be amended to read as follows:

**20.30.060 Open space standards.**

...

9. Equivalent Facilities. When areas proposed for dedication do not meet the criteria for dedication in ~~Section TCC~~ 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:

...

FF. Section 20.30.090 TCC shall be amended to read as follows:

**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.

...

GG. Section 20.30A.090 TCC shall be amended to read as follows:

**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.

...

HH. Section 20.31.020 TCC shall be amended to read as follows:

**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 TCC20.54.040(4)~~.

II. Section 20.31.030 TCC shall be amended to read as follows:

**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.

KK. Section 20.32.060 TCC shall be amended to read as follows:

**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:

...

LL. Section 20.33.050 TCC shall be amended to read as follows:

**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~~TCC 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.

...

MM. Section 20.33.060 TCC shall be amended to read as follows:

**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) TCC 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.

NN. Section 20.33.080 TCC shall be amended to read as follows:

**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.

OO. Section 20.37.040 TCC shall be amended to read as follows:

#### **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.

...

PP. Section 20.39.050 TCC shall be amended to read as follows:

#### **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).

QQ. Section 20.39.060 TCC shall be amended to read as follows:

**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.

RR. Section 20.39.070 TCC shall be amended to read as follows:

**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.

...

SS. Section 20.40.038 TCC shall be amended to read as follows:



### **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.

...

TT. Section 20.44.020 TCC shall be amended to read as follows:

### **20.44.020 Parking standards.**

When off-street parking is required pursuant to ~~Section~~TCC 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~~ public works 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.

...

UU. Section 20.44.050 TCC shall be amended to read as follows:

**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.

VV. Section 20.52.060 TCC shall be amended to read as follows:

**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~~ chapter 20.60.

WW. Section 20.54.015 TCC shall be amended to read as follows:

**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:

...

XX. Section 20.54.020 TCC shall be amended to read as follows:

**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.

YY. The notes section of Chapter 20.54 TCC, Table 1, shall be amended to read as follows:

**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~~TCC 20.54.065

ZZ. Section 20.54.065 TCC shall be amended to read as follows:

**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.
        - ...

AAA. Section 20.54.070 TCC shall be amended to read as follows:

**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.

...

16. Home Occupations.

- 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:

...

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

...

21. Mineral Extraction.

...

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.

BBB. Section 20.56.020 TCC shall be amended to read as follows:

#### **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.

...

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

#### **20.56.030 Expansion and intensification of nonconforming, non residential uses.**

...

4. Expansions of nonconforming, nonresidential uses involving critical areas shall be subject to the provisions of the Thurston County Critical Areas Ordinance(title 24) and the Thurston County Agricultural Uses and Lands Critical Areas Ordinance (chapter 17.15).

DDD. Section 20.60.010 TCC shall be amended to read as follows:

#### **20.60.010 - Title enforcement.**

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

EEE. Section 20.60.020 TCC shall be amended to read as follows:

#### **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:

...

- l. 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:

...

FFF. Section 20.60.025 TCC shall be amended to read as follows:

**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.

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

**20.60.030 Contents of application.**

For an application to be deemed complete for purposes of beginning the formal project review and starting the review clock, the following basic submittal information shall be provided. During project review, additional information or studies may be requested in writing by the ~~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 TCC~~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 TCC~~critical areas administrative review form~~ or written agreement to complete an environmental impact statement;

...

HHH. Section 20.60.035 TCC shall be amended to read as follows:

**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.

III. Section 20.60.040 TCC shall be amended to read as follows:

**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.

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

**20.60.050 Violations, civil-infractions and penalties.**

...

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

...

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.

LLL. Section 20.60.055 TCC shall be amended to read as follows:

**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.

...

MMM. Section 20.60.060 TCC shall be amended to read as follows:

**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.

...

NNN. Section 20.60.020 TCC shall be amended to read as follows:

**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.

OOO. Section 20.60.020 TCC shall be amended to read as follows:

**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.

...

PPP. Section 20.60.020 TCC shall be amended to read as follows:

**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.

...

- c. Contents. A deed of transfer shall contain:

...

- viii. The certification of the number of transferable development rights on the sending area parcel and copies of the appropriate certificates of those rights issued by the Thurston County ~~development services~~ as required by this chapter;

...

- xi. The signature of the Thurston County ~~development services~~ staff member who has reviewed the document for completeness.

...

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

A. Section 21.03.050 TCC shall be amended to read as follows:

**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.

B. Section 21.06.265 TCC shall be amended to read as follows:

**21.06.265 Department.**

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

C. Section 21.06.273 TCC shall be amended to read as follows:

**21.06.273 Director.**

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

D. Section 21.06.400 TCC shall be amended to read as follows:

**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.

E. Section 21.39.020 TCC shall be amended to read as follows:

**21.39.020 Permitted uses.**

...

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.

...

F. Section 21.39.040 TCC shall be amended to read as follows:

**21.39.040 - Environmental performance standards.**

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 resourced stewardship~~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.

G. Section 21.44.060 TCC shall be amended to read as follows:

#### **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.

H. Section 21.50.020 TCC shall be amended to read as follows:

#### **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 24 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.

I. Section 21.50.030 TCC shall be amended to read as follows:

**21.50.030 Review Process.**

...

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.

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

**21.54.010 - Wetland areas.**

All regulated wetland areas as designated or described by the Thurston County Critical Areas Ordinance (title 24 TCC) or the Thurston County Agricultural 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).

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

**21.54.020 - Floodplain areas.**

All floodplains or flood hazard areas as designated or described by the Thurston County Critical Areas Ordinance (title 24 TCC) or the Thurston County Agricultural 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).

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

**21.54.030 - Important habitat areas.**

All important habitat areas or fish and wildlife habitat conservation areas as designated or described by the Thurston County Critical Areas Ordinance (title 24 TCC) or the Thurston

County Agricultural 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 700).

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

**21.54.040 - Aquifer recharge areas.**

All aquifer recharge areas as designated or described by the Thurston County Critical Areas Ordinance (title 24 TCC) or the Thurston County Agricultural 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).

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

**21.54.050 - Geological hazard areas.**

All geological hazard areas as designated or described by the Thurston County Critical Areas Ordinance (title 24 TCC) or the Thurston County Agricultural 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).

O. Section 21.66.020 TCC shall be amended to read as follows:

**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.

...

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

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

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

...

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

...

- 5. Any wetlands and associated buffers shall be saved in accordance with the Thurston County Critical Areas Ordinance (title 24) or the Thurston County Agricultural 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;

...

- Q. Section 21.75.090 TCC shall be amended to read as follows:

**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.

...

- R. Section 21.81.040 TCC shall be amended to read as follows:

**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.

...

S. Section 21.81.050 TCC shall be amended to read as follows:

**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.

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



**21.81.060 - Contents of application.**

For an application to be deemed complete for purposes of beginning the formal project review and starting the review clock, the following basic submittal information shall be provided. During project review, additional information or studies may be requested in writing by the ~~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:

...

- 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.

U. Section 21.81.070 TCC shall be amended to read as follows:

**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.

...

V. Section 21.81.080 TCC shall be amended to read as follows:

**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.

W. Section 21.84.010 TCC shall be amended to read as follows:

**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.

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

**21.93.030 - Expansion and intensification of nonconforming, nonresidential uses.**

...

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

...

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

**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).

...

VI: TITLE 22 TUMWATER UGA ZONING ORDINANCE

- A. Section 22.04.163 TCC shall be added to read as follows:

**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.

- B. Section 22.04.167 TCC shall be deleted:

**~~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.~~

- C. Section 22.04.170 TCC shall be amended to read as follows:

**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 manager who 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.

- D. Section 22.04.364 TCC shall be amended to read as follows:

**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:

- 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.
- E. The density calculation formula for all residential zones shall be amended to read as follows:

**Chapters 22.08 Through 22.16**

Density Calculation Formula for All Residential Zones

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)

= Total Net Developable Land\* (portion of property that can be developed at allowable density of dwelling units per acre)

\* 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.

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

**22.08.050 - Density regulations.**

Density regulations in the RSR zone district are as follows:

- 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**

**Residential Zone Districts Permitted and Special Uses**

Residential Districts	RSR	SFL	SFM	MFM	MFH	Applicable Regulations
...						
Family child care home, child mini day care center (with approval of development services director)	P	P	P	P	P	
...						

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

**22.10.050 - Density regulations.**

Density regulations in the SFL zone district are as follows:

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,

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

**22.12.050 - Density regulations.**

Density regulations in the SFM zone district are as follows:

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,

...

I. Section 22.14.030 TCC shall be amended to read as follows:

**22.14.030 - Accessory uses.**

Accessory uses in the MFM district are as follows:

...

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

...

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

**22.14.050 - Density regulations.**

...

- B. Density Calculation. The calculation of the density requirements in Section 22.14.050A above is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:
1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by Thurston County Code Title 24, Thurston County Critical Areas Ordinance, or Chapter 17.15, Thurston County Agricultural 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,

...

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

**22.16.050 - Density regulations.**

Density regulations in the MFH zone district are as follows:

...

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

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**

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

L. Section 22.20.060 TCC shall be amended to read as follows:

**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 22.24**

**Industrial Zone Districts Permitted and Special Uses**

Industrial Districts	LI	HI	Applicable Regulations
...			
Child mini day care center (with approval of <del>development services</del> department)	P	P	
Family child care home (with approval of <del>development services</del> department)	P	P	Chapter 22.52
...			

M. Section 22.28.050 TCC shall be amended to read as follows:

**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.

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

**22.30.060 - Landscaping.**

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

O. Section 22.31.020 TCC shall be amended to read as follows:

**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:

...

P. Section 22.43.040 TCC shall be amended to read as follows:

**22.43.040 - How to use these guidelines.**

These design review guidelines are intended to supplement the development standards of each zoning district. Where provisions of this chapter conflict with other requirements contained in Title 22 (zoning) or the Uniform Building Code (UBC), those requirements shall apply. This chapter contains requirements and guidelines. "Requirements" are mandatory provisions that a

development must meet to comply with this chapter. "Guidelines" are recommended design techniques for meeting the affiliated requirement. A development may require application of more than one design technique to meet the requirement. The guidelines provided in this chapter are not intended to be all inclusive and other equal or better design techniques, as approved by the ~~development services~~ director, may be used to meet the requirement.

Q. Section 22.43.050 TCC shall be amended to read as follows:

**22.43.050 - Design review process.**

The design review process shall be conducted administratively by the ~~development services~~ director. Design review shall occur concurrent with underlying permit review processes. Administrative decisions may be appealed pursuant to Chapter 22.62 of this code.

R. Section 22.43.070 shall be amended to read as follows:

**22.43.070 Residential design guidelines.**

...

C. Site Design—Transit Facilitation.

1. Requirement. Provide for convenient access to public transportation and rideshare vehicles.
2. Guideline. The following are examples of design techniques that may be used to meet this requirement:
  - a. Accommodate public transportation vehicles on the road network that serves the development;
  - b. Consult with Intercity Transit to locate ADA accessible loading/unloading pads, and bus shelters, where such facilities are deemed necessary by the ~~development services~~ director. These facilities shall be designed and located in accordance with the applicable Thurston County road design standards;

...

S. Section 22.46.030 TCC shall be amended to read 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.

T. Section 22.47.020 TCC shall be amended to read as follows:

**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.

...

U. Section 22.47.060 TCC shall be amended to read as follows:

**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.

...

V. Section 22.50.020 TCC shall be amended to read as follows:

**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.

W. Section 22.50.080 TCC shall be amended to read as follows:

**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**

Decrease or Increase Up To Twenty Percent	Decrease or Increase Up To Forty Percent
The <del>development services</del> director may allow up to a twenty percent decrease or increase in required parking after:	The <del>development services</del> director may allow up to a forty percent decrease or increase in required parking after:
1. Shared and combined parking opportunities are fully explored; and	1. Shared and combined parking opportunities are fully explored; and
2. On-site park-and-ride opportunities are fully explored; and	2. On-site park-and-ride opportunities are fully explored; and
3. Compliance with commute trip reduction measures as required by state law, if applicable; and	3. Compliance with commute trip reduction measures as required by state law, if applicable; and
4. *The site is no closer than three hundred feet from a single-family residential zone; or	4. *The site is no closer than three hundred feet from a single-family residential zone; or
5. ** Design and facility requirements listed in Section 22.50.080C4 are met; and	5. ** Design and facility requirements listed in Section 22.50.080C4 are met; and
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.	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 parking demand study, prepared by a transportation engineer licensed in the state of Washington, is submitted which supports the need for more parking.
	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.

X. Section 22.50.090 TCC shall be amended to read as follows:

**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.
4. Allocation.
  - 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.

...

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

**22.54.030 - Expansion and intensification of nonconforming, nonresidential uses.**

...

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

...

Z. Section 22.56.290 TCC shall be amended to read as follows:

**22.56.290 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.

...

AA. Section 22.62.010 TCC shall be amended to read as follows:

**22.62.010 - Title enforcement.**

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

BB. Section 22.62.020 TCC shall be amended to read as follows:

**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.

...

3. Within fifty-eight calendar days of the date that the Type I application is submitted, the approval authority, as provided in Table 22.62, 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.

...

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 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

...

CC. Section 22.62.025 TCC shall be amended to read as follows:

**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.



DD. Section 22.62.030 TCC shall be amended to read

**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;

...

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.

EE. Section 22.62.035 TCC shall be amended to read as follows:

**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

FF. Section 22.62.040 TCC shall be amended to read as follows:

**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.

GG. Section 22.62.050 TCC shall be amended to read as follows:

**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.

HH. Section 22.62.060 TCC shall be amended to read as follows:

**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.

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

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

...

E. Permit Approval Limitations. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (Title 24 of the Thurston County Code) Thurston County Agricultural 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).

JJ. Section 22.64.050 shall be amended to read as follows:

**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.~~

...

KK. Section 23.02.080 TCC shall be amended to read as follows:

**23.02.080 - Interpretations.**

- A. The director of ~~development services~~ shall review and resolve any questions involving the proper interpretation or application of the provisions of this title that may be requested by any property owner, tenant, government officer, department, or other person affected. The director's decision shall be in keeping with the spirit and intent of this title and of the Olympia Joint Plan. Code interpretations shall be processed in accordance with Section 23.72.200.

...

LL. Section 23.02.160 TCC shall be amended as follows:

**23.02.160 - Establishment of land use zoning districts.**

...

- B. Adoption of Land Use Zoning District Map. The boundaries of the land use districts established by this section shall be shown upon the map designated as the "North County Urban Growth Areas Official Zoning Map~~Olympia UGA Official Zoning Map~~" available at the department of ~~development services~~.
- C. The location and boundaries of various use districts are shown on the "North County Urban Growth Areas Official Zoning Map", which is ~~identified by the approving signatures of board of county commissioners, and is~~ on file with the department of ~~development services~~. Such map is adopted as a part of this title. This title, and each and all of its terms, are to be read and interpreted in the light of the contents of such map.

...

MM. Section 23.02.108 TCC shall be amended as follows:

**23.02.108 Definitions.**

...

- B. Definitions – Specific.

...

"Certificate of occupancy" means a permit issued by the ~~development services~~ department prior to occupancy of a structure when the structure is ready for occupancy.

...

"Critical area" means those areas defined by TCC Title 24 or Chapter 17.15 as a critical area, including any of the following areas and ecosystems:

1. Wetlands and streams;
2. Aquifer recharge areas;
3. Geologic hazard areas;
4. Important habitat areas; and
5. Floodplains, streams and wetlands.

"Department" means the Thurston County ~~development services~~ resource stewardship department.

...

"Director" means the director of the Thurston County ~~development services~~ resource stewardship department, and the director's designees.

...

NN. Section 23.04.080 shall be amended to read as follows:

**23.04.080 - Residential districts' development standards.**

Table 4.04 identifies the basic standards for development in each residential district contained in this chapter. The sections referenced in Table 4.04 refer to the list of additional regulations below.

A. Maximum Housing Densities.

1. Calculation of Maximum Density.

- a. The maximum housing densities specified in Table 4.04 are based on the entire site, except critical areas (applicable critical area buffers are included in the maximum density calculation, see Title 24 or Chapter 17.15, TCC) and land to be dedicated or sold for public parks, schools or similar nonresidential uses.

...

5. Density Bonuses. The maximum housing densities identified in Table 4.04 may be increased as follows:

- a. Restoration of Critical Areas. At the request of the applicant, the hearing examiner may grant a density bonus of up to twenty percent for sites on which damaged or degraded wetlands or stream corridors (e.g., streams and stream banks within the outer limits of the buffer required by Title 24 or Chapter 17.15, Critical Areas, TCC) will be restored and maintained according to specifications approved by the county. Property owners within three hundred feet of the site shall be given notice of the proposal and fifteen days to comment. Such notice may be done concurrently with any other notice required by this code. Prior to taking action on a request for a density bonus, the hearing examiner shall consider

the public's comments, the expected public benefit that would be derived from such restoration, the probable net effect of the restoration and the increased density on the site, the relative cost of the restoration and the value of the increased density, and the potential impact of increased density on surrounding land uses, traffic, infrastructure, schools, and parks. The county may require the applicant to provide an estimate of the cost of the proposed restoration and other information as necessary to make this determination.

This bonus does not apply to site features which were damaged in the course of a current project (e.g., under an active permit) or as a result of an illegal or intentional action by the current property owner or their representative.

...

B. Minimum Housing Densities.

1. Calculation of Minimum Density.

Note: Table 4.04 in Chapter 23.04 includes those areas proposed to be devoted to residential and associated uses (e.g., lots or tracts to be occupied by dwellings; private community clubs, tot lots, recreation areas, and greenbelts; and street rights-of-way).

- a. The entire site shall be included in the minimum density calculation except environmentally critical areas and their associated buffers (see Title 24 or Chapter 17.15 TCC); tracts accommodating stormwater facilities required in compliance with the Drainage Manual; tracts required for tree retention pursuant to Chapter 17.25 TCC and/or Section 23.04.080J, existing, opened street rights-of-way and land to be sold or dedicated to the public (e.g., school sites and public parks, but not street rights-of-way to be dedicated as part of the proposed development).
- b. All dwelling units in convalescent homes/nursing homes and accessory dwelling units count toward the minimum density required for the site by Table 4.04.

...

00. Section 23.04.060 TCC shall be amended to read as follows:

**23.04.060 Residential district's use standards.**

...

28. Temporary Uses.

- b. Regulations. 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 ~~roads and transportation services~~public works department;

...

PP. Section 23.05.080 TCC shall be amended to read as follows:

**23.05.080 Development Standards.**

...

**B. Maximum Housing Densities.**

- 1. Calculation of Maximum Density. The maximum densities and average maximum densities specified in Table 5.05 are based on the entire site, with the following limitations:
  - a. The area within critical areas shall not be counted; however, critical area buffers shall be included in the density calculation consistent with Title 24 or Chapter 17.15 TCC, as applicable.~~Critical Areas.~~

...

- 5. Density Bonuses. The maximum housing densities identified in Table 5.05 may be increased as follows:
  - a. Bonus for Restoring Degraded Sites.
    - i. At the request of the applicant, the hearing examiner may grant a density bonus of up to twenty percent for sites on which damaged or degraded wetlands or stream corridors (e.g., streams and stream banks within the outer limits of the buffer required by Chapter Title 24 or Chapter 17.15 TCC, as applicable,~~Critical Areas~~) will be restored and maintained according to specifications approved by the County.

...

**C. Minimum Housing Densities.**

- 1. Calculation of Minimum Density. The minimum average densities specified in Table 5.05 are based on the entire site, with the following limitations (Note: Table 5.05 in Chapter 23.05).
  - a. The entire site shall be included in the minimum density calculation except environmentally critical areas and their associated buffers (see Title 24 or Chapter 17.15, TCC, as applicable) tracts accommodating stormwater facilities required in compliance with the Drainage Design Manual; existing, opened street rights-of-way; and land to be sold or

dedicated to the public, (e.g., school sites and public parks) but not street rights-of-way to be dedicated as part of the proposed development.

...

G. Lot Width.

...

3. Minimum Street Frontage.

- a. Each residential lot, other than for townhouse and cottage housing, shall have a minimum of thirty feet of frontage on a public street.
- b. Exception: The county may allow the street frontage to be reduced (creating a flag lot) to the minimum extent necessary to enable access to property where public street access is not feasible (e.g., due to physical site conditions or preexisting development) or to protect environmentally critical areas (see Title 24 or Chapter 17.15, TCC as applicable).

...

N. Private and Common Open Space.

...

2. Villages and Community Oriented Shopping Centers.

- a. Neighborhood villages, urban villages, and community oriented shopping centers shall contain at least five percent open space available for public use or common use. Ownership of open space areas and type of access will be determined during the master planned development review (see Chapter 23.57, TCC). As much as fifty percent of this open space may be comprised of environmentally critical areas and associated buffers (see Title 24 or Chapter 17.15, TCC, as applicable).
- b. These villages and centers must contain a neighborhood park or green between one and four acres in size located in the village or community center. This park or green shall have an average slope no greater than five percent; adequate drainage to allow active use in summer; and a width and length of no less than one hundred and fifty feet.

QQ. Section 23.06.040 TCC shall be amended to read as follows:

**23.06.040 - Permitted, special, and prohibited uses.**

...



- B. Prohibited and Unspecified Uses. Land uses which are not listed as permitted or special uses are prohibited unless authorized by the director of development services (or the hearing examiner on appeal) consistent with Section 23.02.080, Interpretations.

**Table 6.01  
Permitted and Conditional Uses**

Commercial District	NR	PO/RM	GC	MS	AC	Applicable Regulations
<b>District-Wide Regulations</b>	23.06.060N				23.06.060f1	
<b>1. EATING AND DRINKING ESTABLISHMENTS</b>						
Drinking establishments-Existing		P 23.060.AA				
Drinking establishments			P		P	
Restaurants, with drive-in or drive-through			P			
Restaurants, with drive-in or drive-through, existing			P			
Restaurants, without drive-in or drive-through		S	P	P 23.06.060U	P	
<b>2. INDUSTRIAL USES</b>						
Industry, heavy						
Industry, light			S		P 23.06.060L	<u>TCC Title 24</u> <u>Ch. 17.15</u>
On-site treatment and storage facilities for hazardous waste						
Piers, wharves, landings						
Printing, industrial			S		P 18.06.060(14)	<u>TCC Title 24</u> <u>Ch. 17.15</u>
Publishing		S	S			<u>TCC Title 24</u> <u>Ch. 17.15</u>
Warehousing and storage			P			<u>TCC Title 24</u> <u>Ch. 17.15</u>
Welding and			S			<u>TCC Title 24</u>

fabrication						Ch. 17.15
Wholesale sales		S 23.06.060W	P			TCC Title 24 Ch. 17.15
Wholesale products incidental to retail business			P		P	
<b>3. Office Uses (See also Services, Health)</b>						
Banks		P	P		P 23.06.060D	
Business offices		P	P		P	
Government offices		P	P		P	
Table 6.01(Cont.)						
Commercial District	NR	PO/RM	GC	MS	AC	Applicable Regulations
District-Wide Regulations	23.06.060N				23.06.060f1	
<b>4. Recreation and Culture</b>						
Auditoriums and places of assembly			P		P	
Boat clubs						
Boating storage facilities						
Commercial recreation		S	P		P	
Health fitness centers and dance studios	P	P 23.06.060K	P	P	P	
Libraries	S	S	S	S	P	23.04.060(22)
Marinas/boat launching facilities						
Museums		S	P		P	23.04.060(22)
Parks, neighborhood	P	P	P	P	P	23.04.060(20)
Parks and playgrounds, other	P	P	P	P	P	23.04.060(20)
Theaters (drive-in)			S			TCC Title 24 Ch. 17.15
Theaters (no drive-ins)			P		P	
Art galleries	P	P	P	P	P	
<b>5. Residential</b>						
Apartments		P	P	P 23.06.060P	P	

Apartments above ground floor in mixed use development	P	P	P	P 23.06.060P	P	
Boarding houses		P	P	P 23.06.060P		
Fraternities, dormitories		S	P	P 23.06.060P		
Group Homes (six or less)	P	P	P 23.06.060J	P 23.06.060P		23.04.060(11)
Group Homes (seven or more)	S	S	S 23.06.060J	S 23.06.060P		23.04.060(11)
Mobile or manufactured homes park—existing		S	S	S 23.06.060P		23.04.060(16)
Retirement homes		P	P	P 23.06.060P	P	
Single-family residences	P	P	P	P 23.06.060P		
Single room occupancy units			S			
Townhouses	P	P	P	P 23.06.060P	P	
Duplexes	P	P	P	P 23.06.060P		
Quarters for night watchperson/caretaker						
<b>6. Retail Trade</b>						
Commercial greenhouses, nurseries, bulb farms	S	S 23.04.060(7)	S	S		23.04.060(7), TCC Title 24 Ch. 17.15
Apparel and accessory stores			P		P	
Boat sales and rentals			P		P	TCC Title 24 Ch. 17.15
Building materials, garden and farm supplies	P		P		P	TCC Title 24 Ch. 17.15
Food stores	P	P 23.06.060H	P		P	
Furniture, home furnishings, and appliances			P		P	TCC Title 24 Ch. 17.15
Gasoline	P		P		P	

dispensing facilities accessory to a permitted use	23.06.060S				23.06.060S2	
Gasoline dispensing facility accessory to a permitted use—Existing	P 23.06.060S		P		P 23.06.060S	
General merchandise stores	P	P 23.06.060I	P		P	
Mobile, manufactured, and modular housing sales			P			TCC Title 24 Ch. 17.15
Motor vehicle sales			P			TCC Title 24 Ch. 17.15
Motor vehicle supply stores			P		P	
Office supplies and equipment		P 23.06.060(X)	P		P	
Pharmacies and medical supply stores	P	P 23.06.060(Y)	P	P	P	
Specialty stores	P 23.06.060U3	P 23.06.060U4	P	C 23.06.060U2	P 23.06.060U1	
<b>7. Services, Health</b>						
Hospitals				P		
Nursing, congregate care, and convalescence homes	S	S	S	P		23.04.060(19)
Offices, medical		P	P	P	P	
Veterinary offices/clinics			P		P	
<b>8. Services, Lodging</b>						
Bed and breakfast houses (one guest room)	P	P 23.06.060E	P 23.06.060E	P 23.06.060E		23.04.060(12)(c)(3)
Bed and breakfast houses (two to five guest rooms)	S	P 23.06.060(E)	P 23.06.060(E)	P 23.06.060(E)		23.04.060(12)(c)(3)
Hotels/motels			P	S		
Lodging houses		P	P	P		

Recreational vehicle parks			P			
<b>9. Services, Personal</b>						
Adult day care home	P	P	P	P	P	23.04.60(12)(c)(2)
Child day care centers	S	P	P	P	P	23.04.060(4)
Family child care homes	P	P	P	P	P	23.04.060(12)
Crisis intervention	S	P	S	P	P	23.04.060(9)
Funeral parlors and mortuaries		S	P		P	
Laundries and laundry pick-up agencies	p	p	P	P	P	23.06.060M
Personal services	P	P	P	P	P	
<b>10. Services, Miscellaneous</b>						
Auto rental agencies			P		P	
Equipment rental services, commercial—existing		P				23.06.060(Z)
Equipment rental services, commercial			P		P	
Ministorage—Existing		P				23.06.060(CC)
Ministorage			P		P	
Printing, commercial	P	P	P		P	
Workshops for disabled people	S	S	S	S	P	23.04.060(18)
Public facilities (see also Public Facilities, Essential)	S	S	S	S	P	23.04.060(22)
Radio/T.V. studios		P	P			
Recycling facilities	P	P	P	P	P	23.06.060R
School—colleges and business, vocational or trade schools		S	P		S	23.06.060T
Service and repair shops			P		P	
Service			P		P	

stations/car washes					23.06.060S	
Service stations/car washes—existing			P		P 23.06.060S	
Servicing of personal apparel and equipment	P	P	P		P	
Truck, trailer, and recreational vehicle rentals			P			TCC Title 24 Ch. 17.15
<b>11. Public Facilities, Essential</b>						23.06.060G
Airports			S			23.06.060G
State education facilities		S	S		S	23.06.060G; 23.06.060T
State or regional transportation facilities	S	S	S	S	S	23.06.060G
Jails			S		S	23.06.060G
Other correctional facilities		S	S	S 23.06.060 P		23.06.060G
Inpatient facilities		S	S	S 23.06.060 P		23.06.060G; 23.04.060(11)
Mental health facilities			S	S 23.06.060 P		23.06.060G; 23.04.060(11)
Sewage treatment facilities	S	S	S	S	S	23.06.060G; 23.04.060(20)
Less restrictive alternative housing pursuant to RCW 71.09.092	S	S	S	S	S	RCW 71.09.092
Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities		S	S			23.06.060G
<b>12. Temporary</b>						

<b>Uses</b>						
Contractor offices	P	P	P	P	P	23.04.060(29)(a)
Christmas tree sales	P	P	P	P	P	23.06.060V1
Circus/carnivals			P			23.06.060V2
Emergency housing	P	P	P	P		23.04.060(29)(a)(ii)
Fireworks, as determined by fire department (see temporary stands)			P		P	
Food/retail stands (see temp. stands)		P	P	P	P	
Garage/yard sales	P	P	P	P	P	23.04.060(29)(a)(iii)
Merchandise displays (exterior of building)						23.06.060V2c
Mobile sidewalk sales		P	P		P	23.06.060V2d
Model homes	P	P	P	P	P	23.04.060(29)(a)(iv)
Outdoor art and craft show	P	P	P	P	P	23.04.060(29)(a)(v)
Parking lot sales			P		P	23.06.060(V)(2)(e)
Residences rented for social event (six or less in one year)	P	P	P	P	P	23.04.060(29)(a)(vi)
Residences rented for social event (seven or more in one year)	S	S	S	S	S	23.04.060(29)
Rummage nonprofit sales	P	P	P	P	P	23.04.060(29)(a)(vii)
Temporary stands		P	P	P	P	23.06.060V(2)(f)
<b>13. Other Uses</b>						
Accessory structures	P	P	P	P	P 23.06.060A	23.04.060(1)
Accessory garages, large	S	S	S	S		23.04.060(2)
Accessory uses					P 23.06.060A	23.04.060(1)
Adult-oriented businesses			P			23.06.060B

Agriculture	P	P	P	P	P	
Animals	P	P	P	P	P	23.06.060C
Cemeteries	S	S	S	S		
Conference center			P		S	
Fraternal organizations		P	P		P	
Home occupations	P	P	P	P	P	23.04.060(12)
Parking facility, commercial		P	P		S 23.06.060O	23.04.060(22)
Places of worship	S	S	S	S	P	23.04.060(21)
Racing pigeons	S	S	S	S		23.04.060(25)
Satellite dishes	P	P	P	P	P	23.04.060(27)
Schools	S	S	P	S		23.04.060(28)
Utility facility	P/S	P/S	P/S	P/S	P/S	23.04.060(24)
Wireless communication facilities and antenna support structures	S	S	S	S	S	Chapter 20.33

RR. Section 23.06.100 TCC shall be amended to read as follows:

**23.06.100 Commercial district’s development standards Specific.**

A. Coverage, Building.

1. Arterial Commercial District. Maximum building coverage: forty percent, however, this may be increased up to a maximum of eighty-five percent if the following density bonuses are used:

...		
h.	Projects using porous parking surfaces approved by the <del>roads and transportation services</del> public works department for at least fifty percent of the required parking area provided on site:	10
i.	Projects providing a through-block corridor that facilitates pedestrian access in a location approved by the <del>roads and transportation services</del> public works department:	15
...		

B. Impervious Surface Coverage.

1. Arterial Commercial District. Maximum coverage by impervious surfaces: eighty percent, unless increased up to a maximum of ninety-five percent, if the following density bonuses are used:



...		
e.	Projects providing a through-block corridor that facilitates pedestrian access in a location approved by the <del>roads and transportation services</del> public works department:	15
...		

SS. Section 23.20.110 TCC shall be amended to read as follows:

**23.20.110 - Building design—Remodeled historic buildings.**

- A. Requirement. Protect and preserve buildings of special historic significance and merit. Historic features are those which have been identified by the historic commission on the Thurston County Historic Register pursuant to TCC Chapter 2.106.
- B. Guideline.
  - 1. Restore or retain as many historic features as possible.
  - 2. Maintain or restore original proportions, dimensions and architectural elements.
  - 3. Select paint and material colors which are historically accurate, coordinate the entire facade, and do not conflict with adjacent buildings.
  - 4. Consult available historical resources, the historic commission, or ~~development services~~the department for assistance and detailed information.

TT. Section 23.38.080 TCC shall be amended to read as follows:

**23.38.080 Administrative variance.**

...

- B. Criteria to Reduce and Increase Parking.

..

- 2. Increased Parking. Required parking may be increased if the criteria listed below is met to the satisfaction of the department:

Increase of One Percent to Twenty Percent	Increase of Twenty One Percent to Forty Percent
The department may allow a one percent to twenty percent increase above required parking after:	The department may allow a twenty-one percent to forty percent increase above required parking after:
1. Shared and combined parking opportunities are fully explored; and	1. Shared and combined parking opportunities are fully explored; and
2. On-site park-and-ride opportunities are fully explored; and	2. On-site park-and-ride opportunities are fully explored; and
3. Compliance with commute trip reduction measures as required by state law, if applicable; and	3. Compliance with commute trip reduction measures as required by state law, if applicable; and

4. All design and facility requirements listed in Step 5 below are met to the satisfaction of the department; and	4. All design and facility requirements listed in Step 5 below are met to the satisfaction of the department; and
5. A report is submitted which supports the need for more parking.	5. A parking demand study is submitted, as determined by the <del>roads and transportation services</del> <u>public works</u> department, which supports the need for increased parking.

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

**23.36.060 General Requirements – All zones.**

...

J. Stormwater Pond and Swales.

1. Stormwater drainage ponds and swales shall be located, to the greatest extent possible, where they will not unreasonably impede pedestrian access to or between buildings. They shall also be attractively landscaped and integrated into the site design. If properly located and designed, stormwater facilities may serve as an amenity and be counted toward landscape requirements.
2. Existing waterbodies and wetlands should be incorporated into the site design as an amenity, but only when their function and value is enhanced and when permitted by the Thurston County Critical Areas Ordinance, TCC Title 24 or the Thurston County Agricultural Uses and Lands Critical Areas Ordinance, TCC Chapter 17.15, as applicable.

...

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

**23.36.100 Alternative landscaping plans.**

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

...

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

**23.37.030 Expansion and intensification of nonconforming, nonresidential uses.**

...

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

...

XX. Section 23.38.220 shall be amended to read as follows:

**23.38.220 Design standards – General.**

Off-street parking facilities shall be designed and maintained in accordance with the standards of the latest edition of the Transportation and Traffic Engineering Handbook and those hereunder, unless otherwise stated.

A. General Requirements. (Note: Also refer to specific zone district design standards in this chapter under Section 23.38.160.)

...

1. Driveways. Driveways and curb cuts shall be in accordance with applicable county requirements, TCC Sections 15.04.070, 15.04.080, and plans for such shall be submitted to and approved by the director of public works. ~~of roads and transportation services (RATS).~~
2. Ingress/Egress Requirements.
  - a. The department upon recommendation of the director of public works ~~roads and transportation services (RATS)~~, or designee, and after appropriate traffic study, including consideration of total parcel size, frontage on thoroughfares, uses proposed and other vicinity characteristics, shall have the authority to fix the location, width and manner of approach of a vehicular ingress and egress from a building or parking area to a public street and to alter existing ingress or egress as may be required to control street traffic in the interest of public safety and general welfare.

...

YY. Section 23.48.040 TCC shall be amended to read as follows:

**23.48.040 - Additional conditions.**

The hearing examiner or director of ~~development services~~, as applicable, may impose additional conditions on a particular use if it is deemed necessary for the protection of the surrounding properties, the neighborhood or the general welfare of the public. The conditions may:

...

ZZ. Section 23.50.080 TCC shall be amended to read as follows:

**23.50.080 - Development subject to design review.**

...

4. Administrative design review projects are those in design districts (see Map 6A-1, in Section 23.06A.010 and at the ~~Thurston County development services~~ department for a parcel specific map); multifamily units throughout the Olympia UGA; and buildings over five thousand square feet proposed for residential zones which require a special use permit; and shall be reviewed by the department, including:

...

AAA. Section 23.50.140 TCC shall be amended to read as follows:

**23.50.140 - Application and review process.**

- A. Design Review Submission Requirements. Application for design review shall be filed with the department on forms provided by the department. Submittal requirements shall be written by the department and shall be available on the forms.
- B. Sign Application. Applications for design review of signs which are not part of a development project shall be filed with the ~~development services~~ department on forms provided by the department. Information submitted shall include size, color, materials, location and shall be adequate to evaluate the sign(s) in the context of the entire building or site.
- C. Appeals (see Chapter 23.72, Appeals).

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

**23.57.060 Presubmission conference.**

...

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

...

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

...

CCC. Section 23.64.080 TCC shall be amended to read as follows:

**23.64.080 Development Standards.**

...

C. Density and Lot Area.

- 1. Density. Each townhouse development shall be subject to density provisions contained in the underlying district.
- 2. Lot Size. See Table 4.04, Residential Development Standards, for average and minimum lot sizes for each townhouse unit. The minimum required lot area for individual townhouse dwelling units shall not include critical areas subject to the Thurston County Critical Areas Ordinance, TCC Title 24Chapter 17.15;

...

DDD. Section 23.72.010 TCC shall be amended to read as follows:

**23.72.010 - 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.

EEE. Section 23.72.040 TCC shall be amended to read as follows:

**23.72.040 - Application review procedures.**

A. Type I Procedure—Ministerial Decision (see Appendix Figure A-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 23.72.060. 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 Table 72.01 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;
  - b. Any period of time during which an administrative appeal is being processed;
  - c. Any extension of time mutually agreed upon in writing by the applicant and the department.
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 Chapter 23.72.
  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 Figure A-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 23.72.060. 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:
  - a. The date of application, the date of the letter of complete application, and the date of the notice of application;
  - b. A description of the proposed project and a list of the project permits included in the application and, if applicable, a list of any additional information or studies requested under Section 23.72.040B3 above;
  - c. The identification of other permits not included in the application to the extent known by the ~~development services~~ department;
  - d. The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;
  - e. A statement of the public comment period and statements of the right of any person to comment on the application, receive notice of and participate in any hearings if applicable, request a copy of the decision once made, and any appeal rights;

- f. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency;
  - g. A map showing the project site in relation to other properties; and
  - 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 23.72.190.
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:
- a. Any period during which the applicant has been requested by the department to correct plans, perform required studies or provide additional required information;
  - b. Any period of time during which an administrative appeal is being processed;



- c. Any period of time during which an environmental impact statement is being prepared;
- d. Any extension of time mutually agreed upon in writing by the applicant and the department.

...

- 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 A-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 23.72.060. The department shall render its decision on the completeness of the application in the manner prescribed in Sections 23.72.040B1 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 subsection (B)(4) of this section, 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 and landing strips, jails, juvenile detention facilities, junk yards—wrecking yards, and work release facilities;

- b. Two-thousand-six-hundred-foot radius: composting facilities, feed lots, mineral extraction, petroleum products—processing/storage, plastics, paints, commercial chemicals—manufacture, prisons and prerelease facilities, secure community transition facilities, rifle, pistol and archery ranges—outdoor, wireless communication facilities and other antenna support structures and solid waste disposal facilities.
4. The ~~development services~~ department shall accept public comments in response to the notice of application in the manner prescribed in Section 23.72.040B5 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.
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.
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) 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, 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.
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) 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.

FFF. Section 23.72.050 TCC shall be amended to read as follows:

**23.72.050 - 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 Table 72.01). 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 72.01) shall be acted upon prior to the processing of the lower numbered permit types.

GGG. Section 23.72.060 TCC shall be amended to read as follows:

**23.72.060 - 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 permit shall contain the following in clear and intelligible form (with exceptions as provided in Sections 23.72.060C17 through 19 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;

...

19. An 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.

HHH. Section 23.72.190 TCC shall be amended to read as follows:

**23.72.190 - 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 72.01). 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.
- 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 72.01, 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.

- 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 72.01, 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.

III. Section 23.72.200 TCC shall be amended to read as follows:

**23.72.200 - 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 23.72.040A. The letter of request shall serve as the Type I application for code interpretations. The determination by the department may be appealed in accordance with Section 23.72.190A.

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

**23.73.030 Violations, civil infractions and penalties.**

- E. Permit Approval Limitations. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (Title 24 Thurston County Code), Thurston County Agricultural 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).

LLL. Section 23.73.050 TCC shall be amended to read as follows:

**23.73.050 - 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.

...