

THURSTON COUNTY PLANNING DEPARTMENT

**PLANNING COMMISSION
RECOMMENDATION**

AMENDMENTS FOR THE CRITICAL AREAS REGULATIONS
UPDATE
5/2/2012

CRITICAL AREAS ORDINANCE
REFERENCE CHANGES TITLE 18
PLATTING AND SUBDIVISIONS

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Chapter 18.04 General Provisions

18.04.040 Specific Exemptions.

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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;

...

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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.

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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.

Chapter 18.08 Definitions**Sections:****18.08.133 Department.****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.

18.08.133 Department.

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

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.

18.10.030 Application review procedures.Deleted Text: ~~Strikethrough~~Staff Comments: *Italics*Proposed Changes: Underlined

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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

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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.

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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:

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- 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.

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.

18.10.050 Contents of application.

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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;

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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.

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.

Type IV actions are legislative, and only include text amendments to Title 18. According to RCW 36.70A, the Growth Management Act, text amendments are appealable to the Growth Management Hearings Board and not superior court. Text amendments are subject to the procedure outlined in Chapter 2.05 Growth Management Public Participation.

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.

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.

Chapter 18.12 Preliminary Plat

18.12.150

- 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.

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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.

...

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.

Chapter 18.16 Final Plat

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,

...

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.

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.

...

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 .

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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

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

18.16.110 Effect of approval.

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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.

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;

...

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.

Chapter 18.28 Large Lot Subdivisions

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.

...

18.30.130

Chapter 18.32 Short Plats

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.

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18.32.140 Preliminary action..

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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.

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

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serves the public use and interest. The written approval shall be inscribed upon the face of the short plat.

...

Chapter 18.47 Open Space Standards

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:

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...

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.

...

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:

...

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

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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.

...

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;

...

Chapter 18.48 Penalties and Violations

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:

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