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**COMMUNITY PLANNING &  
ECONOMIC DEVELOPMENT DEPARTMENT**

*Creating Solutions for Our Future*

Joshua Cummings, Director

## MEMORANDUM

**TO:** Thurston County Planning Commission

**FROM:** Andrew Boughan, Associate Planner  
Amelia Schwartz, Associate Planner

**DATE:** February 1, 2023

**SUBJECT:** Code Clarifications & Corrections Amendment

### **PURPOSE**

The purpose of this meeting is to discuss several proposed clarifications and amendments to the county code. At this work session, staff will review Development Code Docket Items #A-28 and #A-29 and receive questions and feedback from the Planning Commission. Development Code Docket Item #A-13 will be introduced but reviewed at the following work session.

### **PROJECT DESCRIPTION**

The “Code Clarifications & Corrections Amendment” comprises three (3) docketed projects on the 2022-2023 Development Code Docket. The projects included in the proposal are:

- A-13 - Miscellaneous Clerical Errors (*Introducing February 15, 2023*)
- A-28 - Clarification on Expansion of Non-Conforming Non-Residential Uses and Structures
- A-29 - Update Sign Board Posting Procedures

The scope, background, and affiliated changes for Development Code Docket Items #A-28 and #A-29 are described below. Development Code Docket Item #A-13 Miscellaneous Clerical Errors will be introduced on February 15, 2023.

### **A-28 - Clarification on Expansion of Non-Conforming Non-Residential Uses and Structure**

The intent of this docket item is to clarify regulations for expansions of academic schools.

In 2021, the Thurston County Hearing Examiner proposed an update to the Thurston County Code after hearing an application that had circumstances not addressed by the existing code. Specifically, a nonconforming school wanted to expand site coverage beyond what was currently allowed and in order to do so, needed to apply for a separate Special Use and Variance permits. This is a costly and timely permit process.

The proposed code language would allow the Hearing Examiner to grant an expansion of site coverage up to an additional percentage. This is similar to the existing authority given to the Hearing Examiner when reviewing maximum heights for specific special use permits.

#### Changes to County Code

Amendments to TCC 20.54.070 include reorganization of the order of the code section and language authorizing the hearing examiner to increase building square footage and impervious surface. This amendment includes placing a maximum 15% increase approvable by the hearing examiner into development standards for an Academic School expansion application.

### **A-29 - Update Sign Board Posting Procedures**

The intent of this docket item is to improve permitting efficiency by switching specific noticing responsibilities from County staff to project applicants.

The Thurston County Development Services proposed this update in December 2021. This proposal would shift specific sign-posting responsibilities from the County staff to the project applicant, specifically for Type III applications. This proposal impacts TCC 20, Title 21, Title 22, and Title 23.

The current system requires county staff to drive to and from the project site to install and remove the public hearing notice signs for Type III applications. This proposal would instead require the applicant to pick up the sign board from the County, install the sign on the project site, provide proof of installation, and then remove the sign board after the application review period.

#### Changes to County Code

Amendments to Thurston County code include removing the sign board posting responsibility from County staff and placing it with the project applicant. Additional regulations were added to govern the placement on the property and confirmation of the installation.

### **TIMELINE**

Staff anticipates the following schedule for review of the proposed code clarification & corrections amendment:

- February 1, 2023 – Clarification on Expansion of Non-Conforming Non-Residential Uses and Structures (A-28) and Update Sign Board Posting Procedures (A-29)
- February 15, 2023 – Miscellaneous Clerical Updates (A-13) and tentatively request to set a public hearing
- March 15, 2023 – Tentative public hearing date; follow-up work session for Recommendation

### **ATTACHMENTS**

- Attachment A: A-28 - Clarification on Expansion of Non-Conforming Non-Residential Uses and Structure Code Amendments
- Attachment B: A-29 - Update Sign Board Posting Procedures Code Amendments

**Thurston County  
Community Planning and Economic Development Department  
Community Planning Division**

**PLANNING COMMISSION  
DELIBERATIVE DRAFT**

February 1, 2023

**Clarification on Expansion of Non-Conforming Non-Residential Uses and Structures Code Amendment**

Section I: Title 20, Chapter 20.54 – Special Use\*

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Staff Comments:	<i>Italics</i>	Unaffected Omitted Text	...

Amendments to TCC 20.54.070 include reorganizing the order of the code section, and including building square footage and impervious surface to the development standards that the hearing examiner has the authority to increase. This amendment includes placing a maximum 15% increase that the hearing examiner may authorize to development standards of a Special Use Academic School application for expansion.

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## ATTACHMENT A

### **Clarification on Expansion of Non-Conforming Non-Residential Uses and Structures Code Amendment**

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**I. Thurston County Code Chapter TCC 20.54 (SPECIAL USE\*) shall be amended to read as follows:**

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20.54.070 – Use—Specific standards.

The following standards apply to specific special uses and are in addition to those established in other sections of this chapter. The zoning districts in which a special use is authorized are identified in Table 1.

1. Academic Schools.
  - a. Minimum Site Size
    - i. For Public Schools. Minimum site size shall be as required by the Superintendent of Public Instruction.
    - ii. For Private Schools. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a private school in excess of four students, shall be determined by the approval authority.
  - b. Density: The density shall not exceed one hundred students per one acre of ground nor shall there be more than one square foot of floor area to two square feet of ground area
  - c. Development Standards
    - i. Expansions: The Hearing Examiner shall be able to increase the project-wide amount by a maximum of fifteen percent (15%) for each of the following:
      - A. Building Height:
        - i. The height of any auditorium or gymnasium shall be set by the approval authority.
      - B. Building Square Footage
      - C. Impervious Surface

- ii. No further expansions shall be approved if the cumulative expansion would exceed ten percent of the original size. If expansion is requested past this amount, approval of a variance application would be required.
- iii. Expansions shall conform to all other provisions of Thurston County Code and shall not cause any significant adverse impact to surrounding properties.
- iv. The approving authority may impose conditions upon the expansion of the use to mitigate adverse impacts with surrounding uses.

~~The density shall not exceed one hundred students per one acre of ground nor shall there be more than one square foot of floor area to two square feet of ground area.~~

- ~~b<sub>d</sub>. Any portion of the site which abuts upon a residential use shall be screened in such a manner as to reduce the noise generated by activities on the school grounds.~~
- ~~e. The height of any auditorium or gymnasium shall be set by the approval authority.~~

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**Thurston County**  
**Community Planning and Economic Development Department**  
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**PLANNING COMMISSION**  
**DELIBERATIVE DRAFT**

February 1, 2023

**Update Sign Board Posting Procedures**  
**Code Amendment**

Section I:	Title 20, Chapter 20.60 – Administrative Procedures
Section II:	Title 21, Chapter 21.81 – Administration and Enforcement
Section III:	Title 22, Chapter 22.60 – Administration and Appeals
Section VI:	Title 23, Chapter 23.72 – Administration

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Staff Comments:	<i>Italics</i>	Unaffected Omitted Text	...

Thurston County Development Services proposed an update to noticing procedures for sign boards. Specifically, the amendments will update the posting procedures for Type III application public hearings. This proposal would shift certain sign-posting responsibilities from the County staff to the project applicant. The noticing requirements remain unchanged. This proposal impacts TCC Title 20, Title 21, Title 22, and Title 23.

Current regulations require county staff to post signs – which includes a drive to and from the project site to install and then later remove the public hearing noticing signs for Type III applications. The proposed amendments shift the responsibility to post signs notifying the public of hearings to the applicants. Applicants would pick up the sign board from the County, install the sign on the project site, and then remove the sign board after the application review period.

## ATTACHMENT B

### Update Sign Board Posting Procedures Code Amendment

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**I. Thurston County Code Chapter TCC 20.60 (ADMINISTRATIVE PROCEDURES) shall be amended to read as follows:**

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20.60.020 – Application review procedures.

...

3. Type III Procedure—Quasi-Judicial Decision (see Appendix Figure 17).

...

g. At least ten (10) calendar days prior to the hearing examiner public hearing on a Type III application, the department shall provide notice of the public hearing as follows:

i. Publish ~~N~~notice; The department shall provide published notice, including the project location, description, type of permit(s) required, comment period dates and location where the complete application may be reviewed, in the newspaper of general circulation in Thurston County;

ii. Mail ~~N~~notice; The department shall provide mail notice, including all items described in subsection (3)(g)(i) of this section, to owners of property surrounding the project site, the applicant and other interested parties in the same manner prescribed in Section 20.60.020(3)(c) above;

iii. Posted N~~notice~~; The department shall prepare a sign board for the applicant, including the project number, name and description, parcel number, date, time and location of public hearing, and telephone number where the county staff can be contacted for more information, in a conspicuous place visible to the public on or near the project site.

A. The applicant shall post one (1) county-provided sign board on the property subject to the development application as follows:

i. The sign board shall be installed in a conspicuous place visible to the public, the midpoint along the site street frontage at a location five (5) feet inside the property line, or as otherwise directed by the responsible official to maximize visibility.

- ii. The sign board shall be secured to a stationary object such as a fence, post, or other object that may be able to withstand typical weather conditions including high wind and heavy rain. The top of the sign board shall be placed to be between four (4) and six (6) feet above grade.
- iii. Installation and Removal Requirements. The sign board shall be installed on the site at least ten (10) calendar days in advance of the public hearing. The applicant shall maintain the sign board in good condition throughout the application review period, which shall extend through the time of the final county decision on the proposal including the expiration of the applicable appeal period of the hearings examiner’s decision if submitted. If the sign board is removed, county review of the land use application may be discontinued until the board is replaced and has remained in place for the required period of time.
- iv. The applicant shall remove the sign board within fourteen (14) calendar days after final county decision on the application, including expiration of applicable appeal periods, and return the sign board to the county.
- v. Affidavit of Installation. The applicant shall execute an affidavit certifying where and when the sign board was posted and submit to the responsible official for inclusion in the project file at least seven (7) days prior to the hearing. The applicant shall provide digital proof to the responsible official that the sign has been posted according to requirements.
- vi. If for some reason the required posted sign boards in the area or on the site for which the public hearing is being held is inadvertently moved through no fault of the County, this in no way invalidates the legal notice requirements of the scheduled public hearing or other public comment opportunity.

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**II. Thurston County Code Chapter TCC 21.81 (ADMINISTRATION AND ENFORCEMENT) shall be amended to read as follows:**

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21.81.040 – Application review procedures.

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C. Type III Procedure—Quasi-Judicial Decision (see Appendix Table 21T.28).

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7. At least ten (10) calendar days prior to the hearing examiner public hearing on a Type III application, the department shall provide notice of the public hearing as follows:
  - a. Publish Notice; The department shall provide published notice, including the project location, description, type of permit(s) required, comment period dates and location where the complete application may be reviewed, in the newspaper of general circulation in Thurston County;
  - b. Mail Notice; The department shall provide mail notice, including all items described in subsection (C)(7)(a) of this section, to owners of property surrounding the project site, the applicant and other interested parties in the same manner prescribed in Section 21.81.040(C)(3) above;
  - c. Posted Notice; The department shall prepare a sign board for the applicant, including the project number, name and description, parcel number, date, time and location of public hearing, and telephone number where the county staff can be contacted for more information, in a conspicuous place visible to the public on or near the project site.
    - i. The applicant shall post one (1) county-provided sign board on the property subject to the development application as follows:
      - (A) The sign board shall be installed in a conspicuous place visible to the public, the midpoint along the site street frontage at a location five (5) feet inside the property line, or as otherwise directed by the responsible official to maximize visibility.
      - (B) The sign board shall be secured to a stationary object such as a fence, post, or other object that may be able to withstand typical weather conditions including high wind and heavy rain. The top of the sign board shall be placed to be between four (4) and six (6) feet above grade.
      - (C) Installation and Removal Requirements. The sign board shall be installed on the site at least ten (10) calendar days in advance of the public hearing. The applicant shall maintain the sign board in good condition throughout the application review period, which shall extend through the time of the final county decision on the proposal including the expiration of the applicable appeal period of the hearings examiner's decision if submitted. If the sign board is removed, county review of the land use application may be discontinued until the board is replaced and has remained in place for the required period of time.

(D) The applicant shall remove the sign board within fourteen (14) calendar days after final county decision on the application, including expiration of applicable appeal periods, and return the sign board to the county.

(E) Affidavit of Installation. The applicant shall execute an affidavit certifying where and when the sign board was posted and submit to the responsible official for inclusion in the project file at least seven (7) days prior to the hearing. The applicant shall provide digital proof to the responsible official that the sign has been posted according to requirements.

(F) If for some reason the required posted sign boards in the area or on the site for which the public hearing is being held is inadvertently moved through no fault of the County, this in no way invalidates the legal notice requirements of the scheduled public hearing or other public comment opportunity.

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**III. Thurston County Code Chapter TCC 22.62 (ADMINISTRATION AND APPEALS) shall be amended to read as follows:**

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22.62.020 – Application review procedures.

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C. Type III Procedure—Quasi-Judicial Decision (see Appendix Figure 3).

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7. At least ten (10) calendar days prior to the hearing examiner public hearing on a Type III application, the department shall provide notice of the public hearing as follows:

a. ~~Publish Notice;~~ The department shall provide published notice, including the project location, description, type of permit(s) required, comment period dates and location where the complete application may be reviewed, in the newspaper of general circulation in Thurston County;

b. ~~Mail Notice;~~ The department shall provide mail notice, including all items described in subsection (C)(7)(a) of this section, to owners of property surrounding the project site, the applicant and other interested parties in the same manner prescribed in Section 22.62.020(C)(3) above;

- c. Posted Notice; The department shall prepare a sign board for the applicant, including the project number, name and description, parcel number, date, time and location of public hearing, and telephone number where the county staff can be contacted for more information, in a conspicuous place visible to the public on or near the project site.
  - i. The applicant shall post one (1) county-provided sign board on the property subject to the development application as follows:
    - (A) The sign board shall be installed in a conspicuous place visible to the public, the midpoint along the site street frontage at a location five (5) feet inside the property line, or as otherwise directed by the responsible official to maximize visibility.
    - (B) The sign board shall be secured to a stationary object such as a fence, post, or other object that may be able to withstand typical weather conditions including high wind and heavy rain. The top of the sign board shall be placed to be between four (4) and six (6) feet above grade.
    - (C) Installation and Removal Requirements. The sign board shall be installed on the site at least ten (10) calendar days in advance of the public hearing. The applicant shall maintain the sign board in good condition throughout the application review period, which shall extend through the time of the final county decision on the proposal including the expiration of the applicable appeal period of the hearings examiner’s decision if submitted. If the sign board is removed, county review of the land use application may be discontinued until the board is replaced and has remained in place for the required period of time.
    - (D) The applicant shall remove the sign board within fourteen (14) calendar days after final county decision on the application, including expiration of applicable appeal periods, and return the sign board to the county.
    - (E) Affidavit of Installation. The applicant shall execute an affidavit certifying where and when the sign board was posted and submit to the responsible official for inclusion in the project file at least seven (7) days prior to the hearing. The applicant shall provide digital proof to the responsible official that the sign has been posted according to requirements.
    - (F) If for some reason the required posted sign boards in the area or on the site for which the public hearing is being held is inadvertently moved through no fault of the County, this in no

way invalidates the legal notice requirements of the scheduled public hearing or other public comment opportunity.

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**IV. Thurston County Code Chapter TCC 23.72 (ADMINISTRATION) shall be amended to read as follows:**

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23.72.040 – Application review procedures.

...

C. Type III Procedure—Quasi-Judicial Decision (see Appendix Figure A-3).

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7. At least ten (10) calendar days prior to the hearing examiner public hearing on a Type III application, the department shall provide notice of the public hearing as follows:

a. Publish ~~N~~notice; The department shall provide published notice, including the project location, description, type of permit(s) required, comment period dates and location where the complete application may be reviewed, in the newspaper of general circulation in Thurston County;

b. Mail ~~N~~notice; The department shall provide mail notice, including all items described in subsection (C)(7)(a) of this section, to owners of property surrounding the project site, the applicant and other interested parties in the same manner prescribed in Section 23.72.040(C)(3) above;

c. Posted ~~N~~notice; The department shall prepare a sign board for the applicant, including the project number, name and description, parcel number, date, time and location of public hearing, and telephone number where the county staff can be contacted for more information, in a conspicuous place visible to the public on or near the project site.

i. The applicant shall post one (1) county-provided sign board on the property subject to the development application as follows:

(A) The sign board shall be installed in a conspicuous place visible to the public, the midpoint along the site street frontage at a location five (5) feet inside the property line, or as otherwise directed by the responsible official to maximize visibility.

- (B) The sign board shall be secured to a stationary object such as a fence, post, or other object that may be able to withstand typical weather conditions including high wind and heavy rain. The top of the sign board shall be designed to be between four (4) and six (6) feet above grade.
- (C) Installation and Removal Requirements. The sign board shall be installed on the site at least ten (10) calendar days in advance of the public hearing. The applicant shall maintain the sign board in good condition throughout the application review period, which shall extend through the time of the final county decision on the proposal including the expiration of the applicable appeal period of the hearings examiner’s decision if submitted. If the sign board is removed, county review of the land use application may be discontinued until the board is replaced and has remained in place for the required period of time.
- (D) The applicant shall remove the sign board within fourteen (14) calendar days after final county decision on the application, including expiration of applicable appeal periods, and return the sign board to the county.
- (E) Affidavit of Installation. The applicant shall execute an affidavit certifying where and when the sign board was posted and submit to the responsible official for inclusion in the project file at least seven (7) days prior to the hearing. The applicant shall provide digital proof to the responsible official that the sign has been posted according to requirements.
- (F) If for some reason the required posted sign boards in the area or on the site for which the public hearing is being held is inadvertently moved through no fault of the County, this in no way invalidates the legal notice requirements of the scheduled public hearing or other public comment opportunity.

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