

REASONABLE USE EXCEPTION

Reasonable Use Exception (RUE)

Any property owner may apply for an RUE to carry out a use or activity which is prohibited by the Thurston County Critical Areas Ordinance (Chapter 24.01) or for which approval has been denied under Title 24 due to the location of the use or activity:

How Do I Apply?

Submit a completed application package to the Building Development Center with the applicable fee. Complete package requirements are outlined on the application form and in Chapter 24.05.090 of the Thurston County Code (TCC).

Review Process and Timing

An RUE is reviewed under the Type III procedure specified in TCC 24.05.020(3) and TCC 20.60.020(3). The review time can be up to 148 days. The review time may take longer if a request for additional information is required. Workload may affect the timeline. This process requires public notification and a public hearing. The approval authority is the Hearing Examiner for Thurston County.

In Order to Grant RUE Approval The Hearing Examiner Must Find That:

1. No other reasonable use of the property as a whole is permitted by the Critical Areas Ordinance; and
2. No reasonable use with less impact on the critical area or buffer is possible; and
3. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety or welfare or increase public safety risk on or off the development site; and
4. The proposed reasonable use is the minimum encroachment into the critical area and/or buffer for reasonable use of the property; and

5. The proposed reasonable use will result in minimal alteration of the critical area including but not limited to impacts on vegetation, fish and wildlife resources, hydrological and geologic conditions; and
6. The proposed reasonable use ensures no net loss of critical area functions and values; and
7. The reasonable use will not result in unmitigated adverse impacts to species of concern; and
8. The location and scale of existing development on surrounding properties is not the sole basis for granting or determining a reasonable use exception.

Appeals

All decisions may be appealed. RUE decisions are considered final if not appealed to the Board of County Commissioners within 14 calendar days of the date of the decision. There is a fee for an appeal.

Expiration

An RUE shall expire if the use or activity for which it is granted is not commenced within three (3) years of final approval by the Hearing Examiner. The RUE shall also expire when the use or activity is vacated for a period of three years.

I Still Have Questions...

The information in this bulletin is a general guideline of the procedures and rules. You should not rely on this bulletin to identify the specific requirements for your project. For additional information, speak with a staff member at the Building Development Center, visit www.thurstoncountybdc.com or email planning@co.thurston.wa.us.

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