

**2022-2023 Development Code Docket
Agricultural Activities – Critical Areas
Public Hearing Staff Report**

Date: November 2, 2022

Prepared by: Ashley Arai, Agriculture Community Program Manager

Public Hearing Date: November 2, 2022

Proponent/Applicant: Thurston County
Community Planning and Economic Development

Proposal Description: Amend Chapter 17.15 TCC, Agricultural Activities Critical Areas, and Title 24 TCC, Critical Areas Ordinance to create a conservation planning option for new agricultural uses. Existing and ongoing agricultural uses would not be affected by the proposed update.

Action Requested: Amend Thurston County’s Chapter 17.15 TCC, Agricultural Activities Critical Areas and Title 24 TCC, Critical Areas Ordinance to integrate with the County’s approved Voluntary Stewardship Program Work Plan and create a conservation planning option for new agricultural uses.

Location: Rural Thurston County and Urban Growth Areas

- Comprehensive Plan Changes: Map Changes Text Changes Both
 Development Code Amendments (Chapter 17.15 & Title 24)
 Affected Jurisdictions (_____)

1 **TOPIC**
2 Item (#A-18) on the “2022-23 OFFICIAL DOCKET OF PROPOSED DEVELOPMENT CODE
3 AMENDMENTS” Agricultural Activities – Critical Areas Ordinance considers updates to Chapter 17.15
4 TCC, Agricultural Activities Critical Areas, and Title 24 TCC, Critical Areas Ordinance (CAO) to
5 integrate with the County’s approved Voluntary Stewardship Program (VSP) Work Plan and establish a
6 conservation planning option for any new agricultural activities and facilities not covered by the Work
7 Plan. This proposal is comprised of one (1) chapter that would be repealed and replaced and one Title that
8 would be amended, including updated definitions and references, and revisions to use tables.
9
10 **BACKGROUND:**
11 The purpose of the Agricultural Activities Critical Areas Chapter (17.15 TCC) is to establish critical areas
12 protections for new agricultural activities not covered by the County’s approved Voluntary Stewardship
13 Program (VSP) Work Plan. VSP was enacted by the Washington State Legislature in 2011 to create a
14 voluntary process to achieve Growth Management Act critical area protection and agricultural viability
15 goals (RCW 36.70A.700-760). In enacting the Voluntary Stewardship Program, the state legislature

1 allowed counties to “opt into” a voluntary, non-regulatory and collaborative process to maintain and
2 enhance agricultural viability while also protecting and enhancing the functions and values of critical
3 areas, which are evaluated on a watershed basis.

4
5 The Thurston Board of County Commissioners opted into VSP on January 12, 2012, and on April 20,
6 2017, the Washington State Conservation Commission formally approved the county’s VSP Work Plan.
7 As approved, this plan covers all existing and ongoing agricultural activities. Following approval of the
8 VSP Work Plan, the Department of Commerce recommends a code update to clarify development
9 regulations for any new agricultural activities and facilities not covered by the Work Plan.

10
11 The proposed code update would create a conservation planning option for new agricultural activities and
12 facilities, building on the success of VSP to balance the protection of both critical areas and working
13 farmlands. This option would be voluntary and agricultural operators would reserve the option to comply
14 with Title 24, Critical Areas Ordinance as a default. A conservation planning option would also provide
15 more flexibility and opportunities to incentivize conservation enhancement projects and climate-smart
16 activities. Finally, this approach reflects current guidance from the Department of Commerce on
17 protecting critical areas in natural resource lands.

18 19 **DEPARTMENT ANALYSIS:**

20
21 **Repeal and replacement of Chapter 17.15 TCC Agricultural Activities Critical Areas.** The proposal
22 would repeal and replace Chapter 17.15 TCC to create a conservation planning option for new
23 agricultural activities and facilities not otherwise covered under the County’s approved VSP Work Plan.
24 The proposed chapter contains a new purpose statement and definitions that are agriculture focused.
25 There are new sections clarifying existing/ongoing versus new agricultural uses, and provisions that
26 remove barriers to conservation enhancement projects and climate mitigation activities. The remaining
27 sections of the proposed chapter detail out conservation planning standards, monitoring, and compliance.

28
29 **Amendment to Title 24 TCC Critical Areas Ordinance.** Amendments to Title 24 TCC would update
30 definitions and references to integrate with the new Chapter 17.15 TCC. Provisions for new agricultural
31 activities and facilities would also be added to the use tables for Critical Aquifer Recharge Areas, Geologic
32 Hazard Areas, Frequently Flooded Areas, Fish and Wildlife Habitat Conservation Areas, and Wetlands so
33 that compliance with Title 24 will remain as a default option.

34 35 **CONSISTENCY WITH OTHER REGULATIONS, PLANS, AND POLICIES**

36 37 **Chapter 2 - Environment Recreation and Open Space Goals, Objectives, and Policies:**

38
39 ***Goal 3, Objective C: Implement the Comprehensive Plan through county programs and regulations.***

- 40
41
 - (Policy 3) Certainty, understanding, and efficiency of the permitting process should be promoted.

42
43 **Staff Finding:** Agricultural uses are currently subject to three different sets of critical areas regulations.
44 Existing/ongoing agricultural activities are regulated by the County’s approved VSP Work Plan, while new
45 agricultural activities are regulated by Chapter 17.15 TCC and new agricultural facilities by Title 24 TCC

1 Critical Areas Ordinance. The proposed code update is intended to clarify what constitutes a new versus
2 existing/ongoing agricultural use, as well as create more certainty around the permitting processes for new
3 agricultural uses subject to County critical areas regulations. The conservation planning option included in
4 proposed Chapter 17.15 TCC would apply to both new agricultural activities and facilities. Title 24 TCC
5 would also be updated to include provisions for new agricultural activities and facilities, so that it remains
6 a default option.

7 8 **Chapter 3 – Natural Resource Lands**

9
10 *Goal 1, Objective C: Provide regulations that are supportive to long-term agricultural use.*

- 11
- 12 • (Policy 1) Farmers often need to work with a variety of federal, state, and local government
13 regulations and agencies. Thurston County staff should be trained to assist farmers in working their
14 way through this often time-consuming and complex process.
- 15
- 16 • (Policy 2) The county should encourage farmer participation in the Voluntary Stewardship Program to
17 promote the long-term viability of agricultural activities in participating watersheds while protecting
18 and enhancing critical areas as so to help relieve the regulatory burden.
- 19

20 **Staff Finding:** The proposed code update includes a conservation planning option for new agricultural uses
21 that integrates with and recognizes other plans and permits required under federal, state, and local
22 regulations. In addition to identifying best management practices to protect and enhance critical areas,
23 conservation plans can be used to leverage and qualify for funding from federal and state sources to support
24 implementation efforts. Once a new agricultural use has been established and any impacts have been
25 adequately mitigated for, it will be included in the County’s Voluntary Stewardship Program and
26 subsequent agricultural activities will be considered existing/ongoing.

27 28 **Chapter 9 - Environment Recreation and Open Space Goals, Objectives, and Policies:**

29
30 *Goal 3, Objective 1: To manage surface water in a manner that will protect or improve the quality of water*
31 *sustaining human use, wildlife, and aquatic life.*

- 32
- 33 • (Policy 6) The county should prevent development and activities in streams, riparian areas, and
34 wetlands and any associated buffers that would damage water quality or habitat functions, except to the
35 minimum extent necessary when there is no reasonable alternative for accommodating an essential use
36 (e.g., an essential road or utility crossing).
- 37
- 38 • (Policy 8) The county should require, to the extent legally permissible, restoration of degraded buffers
39 and wetlands associated with lakes, streams, rivers, and Puget Sound as a part of new land uses and
40 development activity.
- 41

42 *Goal 5, Objective 1: Identify important fish, wildlife, and plant habitats and develop strategies for*
43 *protecting or restoring important habitats, particularly if they are at risk of significant degradation.*

- 1 • (Policy 4) The county should establish and protect riparian habitat areas to maintain or enhance the
2 functions sustaining aquatic life and terrestrial wildlife, consistent with best available science.
3
- 4 • (Policy 15) The county should prevent development and activities in streams, riparian areas, wetlands,
5 other protected wildlife habitats and any associated buffers that would damage their functions, except
6 to the minimum extent necessary when there is no reasonable alternative for accommodating an
7 essential use (e.g., an essential road or utility crossing).
8

9 **Staff Finding:** The proposed package of code amendments would create a conservation planning option
10 for new agricultural uses to protect and enhance critical areas and water quality. This option reflects state
11 guidance on critical areas protections for agricultural uses. The Washington State Department of Commerce
12 *2018 Critical Areas Handbook, Chapter 5: Protecting Critical Areas in Natural Resources Lands*, state:
13

14 “Farm management plans are intended to help agricultural operators maintain productive
15 and economically viable agricultural land, while protecting and enhancing critical areas
16 and water quality using best available science and effective mitigation measures. Farm
17 management or conservation plans are not limited to large commercial operations; farms
18 of all sizes can benefit from a farm plan. Plans can effectively reduce impacts from farm
19 activities on natural resources with solutions unique to each farm to avoid or minimize
20 adverse impacts with mitigation techniques... Farm plans are an optional and
21 recommended strategy to protect critical areas, particularly for existing and ongoing
22 agricultural activities. In the case of new agriculture, counties may choose to require a
23 farm plan before new or expanded agricultural activities may take place.”
24

25 As proposed, agricultural operators would be provided an option to submit a conservation plan for any new
26 or expanded agricultural uses. Alternatively, agricultural operators could choose to comply with the
27 provisions set forth in Title 24 TCC, Critical Areas Ordinance. The proposed conservation plan
28 requirements in Chapter 17.15 TCC reflect State guidance and include standards for working with an NRCS
29 approved technical service provider to inventory critical areas functions and values, identify mitigating
30 conservation practices, establish an implementation timeline, and detail out requirements for monitoring
31 and compliance. All conservation plans prepared by a technical service provider would need to be reviewed
32 and approved by Thurston County to ensure any identified impacts to critical area functions and values are
33 mitigated for on-site. Near-term monitoring would be achieved through a combination of County
34 inspections and certified self-assessments by the agricultural operator. Any potential concerns associated
35 with conservation practice implementation would be addressed through the use of adaptive management.
36

37 **PLANNING COMMISSION REVIEW:**

38 The Planning Commission held two work sessions on July 20 and October 5, 2022, and a public hearing on
39 November 2, 2022, to discuss the amendments to Chapter 17.15 TCC and Title 24 TCC to integrate with
40 the County’s approved VSP Work Plan and create a conservation planning option for new agricultural uses.
41

42 Attachments and other supporting materials for these meetings can be viewed on the project website at:

43 <https://www.thurstoncountywa.gov/planning/Pages/devcode-ag-cao.aspx>
44

45 **SEPA**

1 An environmental determination for the proposed code amendment in unincorporated Thurston County is
2 required pursuant to WAC 197-11-704; and will be completed prior to a public hearing on the amendments
3 before the Board of County Commissioners.

4

5 **NOTIFICATION**

6 Notification for this public hearing was posted online and published in *The Olympian* on October 11, 2022.

7

8 **PUBLIC COMMENT**

9 No public comment has been received at this time.

10

11 **ATTACHMENTS:**

12 ATTACHMENT A: New Agricultural Uses – Critical Areas

13 ATTACHMENT B: Draft Environmental Checklist

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

**THURSTON COUNTY
PLANNING COMMISSION**

ATTACHMENT A – DRAFT CODE AMENDMENT

November 2, 2022

**Agricultural Uses – Critical Areas
Code Amendment**

- Section I: Title 17, Chapter 17.15 Agricultural Activities Critical Areas**
- Section II: Title 24, Chapter 24.01 General Provisions**
- Section III: Title 24, Chapter 24.03 Definitions**
- Section IV: Title 24, Chapter 24.10 Critical Aquifer Recharge Areas**
- Section V: Title 24, Chapter 24.15 Geologic Hazard Areas**
- Section VI: Title 24, Chapter 24.20 Frequently Flooded Areas**
- Section VII: Title 24, Chapter 24.25 Fish and Wildlife Habitat Conservation Areas**
- Section VIII: Title 24, Chapter 24.30 Wetlands**
- Section IX: Title 24, Chapter 24.45 Reasonable Use Exceptions**
- Section X: Title 24, Chapter 24.50 Nonconforming Uses, Structures, and Lots**

Deleted Text:	Strikethrough	Proposed Changes:	<u>Underlined</u>
Staff Comments:	<i>Italics</i>	Unaffected Omitted Text	...

The proposed amendments contained herein are included on the 2022/2023 Official Development Code Docket as Item A-18. Development Code Docket Item A-18 is a legislative proposal to update Chapter 17.15 TCC, Agricultural Activities Critical Areas and Title 24 TCC, Critical Areas Ordinance to integrate with the County’s approved Voluntary Stewardship Program Work Plan. This proposal is comprised of one (1) chapter that would be repealed and replaced and one Title that would be amended, including updated definitions and references, and revisions to use tables.

- I. **Thurston County Code Chapter 17.15 TCC (AGRICULTURAL ACTIVITIES AND CRITICAL AREAS) shall be repealed and replaced with the following:**

Chapter 17.15
Agricultural Uses and Critical Areas

17.15.100 - Purpose

It is the policy of Thurston County to accomplish the following in relation to agricultural uses and critical areas:

- A. Minimize loss of life, injury, and property damage due to natural hazards such as flooding, landslides, seismic events, and volcanic eruptions, minimize the need for emergency rescue, and avoid the cost of replacing public facilities.
- B. Promote innovative programs to protect and enhance the functions and values of critical areas as identified in Title 24 TCC – Critical Areas while maintaining and improving the long-term viability of agriculture.
- C. Maintain water quality and quantity to meet human, agricultural, and wildlife needs.
- D. Recognize and address cumulative adverse impacts that could degrade or deplete water resources, wetlands or fish and wildlife habitat, or exacerbate flooding and landslide hazards.
- E. Establish enforcement tools and processes designed to deter activities in violation of this chapter and provide for remedial action for unauthorized impacts to critical area functions and values.
- F. Carry out the goals and policies of the Washington State Growth Management Act (RCW 36.70A) and Thurston County Comprehensive Plan.
- G. Ensure compliance and coordination with applicable federal and state protections.

17.15.110 - Applicability

The provisions of this chapter shall apply to agricultural uses, activities, and facilities where they intersect with critical areas in the unincorporated territory of Thurston County, Washington.

On July 1, 2022, the United States Fish and Wildlife Service (USFWS) approved the Thurston County Habitat Conservation Plan and issued a 30-year Incidental Take Permit that provides Endangered Species Act authorization for six species associated with prairie and wetland/riparian habitats across the County. The species covered include Olympia, Tenino and Yelm pocket gopher, Taylor’s checkerspot butterfly, Oregon spotted frog, and Oregon vesper sparrow. Potential impacts on any of these six species and their habitat shall be governed by Chapter 17.40 TCC. If or when Thurston County’s USFWS Incidental Take Permit is no longer valid, such impacts shall be regulated by Title 17 as necessary.

17.15.200 – Definitions

The following definitions and those found in Section 20.03.040 and Chapter 24.03 TCC shall apply to this chapter.

“Adaptive management” means changing approaches for protecting and managing critical areas in response to monitoring and effectiveness results.

“Agricultural activity, existing/ongoing” as defined in RCW 90.58.065 means agricultural uses and practices that were commenced on or before July 24, 2012; including, but not limited to:

1. Producing, breeding, or increasing agricultural products;
2. Rotating and changing agricultural crops;
3. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
4. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions
5. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement
6. Conducting agricultural operations
7. Maintaining, repairing, and replacing agricultural equipment
8. Maintaining, repairing, and replacing agricultural facilities and structures, provided that the replacement facility is within the existing footprint and no closer to the critical area than the original facility; and
9. Maintaining agricultural lands under production or cultivation.

"Agricultural activity, new" means: (1) Any agricultural or agroforestry activity that was commenced after July 24, 2012; or (2) use of land for agricultural activities after a previously used wetland, critical fish or wildlife habitat area, or flood hazard area, and/or its associated buffer, has lain idle for more than 5 years, unless the idle land is registered in a federal or state soils conservation program; or (3) any actions that serve to expand the existing agricultural activity beyond the original geographic limits and/or causes greater impacts to the functions or values of a wetland, critical fish or wildlife habitat area, or flood hazard area and/or its associated buffer.

"Agricultural ditch maintenance" means the cleaning of a previously existing drainage system where the original outlet, size or elevation will not be changed. This shall also include the replacement of sections of previously existing tile drainage systems.

"Agricultural facilities" and "agricultural equipment" as defined in RCW 90.58.065 includes, but is not limited to: (1) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (2) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (3) farm residences and associated equipment, lands, and facilities; and (4) roadside stands and on-farm markets for marketing fruit or vegetables.

“Agroforestry” means the intentional integration of trees and shrubs into crop and animal farming systems to create environmental, economic, and social benefits, such as alley cropping, forest farming, silvopasture, riparian forest buffers, and windbreaks.

"Animal unit" means one thousand pounds of live weight of any given livestock species or any combination of livestock species. Animal equivalents are calculated for each livestock and poultry sector according to estimated rates of manure production for each species. Common examples of livestock species include, but are not limited to, cattle (beef and dairy), horses, goats, pigs, and llamas. For additional information, refer to the U.S. Department of Agriculture Natural Resource Conservation Service Animal Waste Field Handbook.

“Conservation practices” means tools that agricultural operators can use to reduce soil and fertilizer runoff, properly manage animal waste, diversify habitat, and protect water and air quality on their farms.

“Climate-smart mitigation activities” means conservation practices that deliver quantifiable reductions in greenhouse gas emissions and/or increases in carbon sequestration.

“Farm Conservation Plan” is a site-specific plan for expanded and/or new agricultural activities or facilities that identifies farming or ranching activities and conservation practices to protect and/or enhance critical areas while improving agricultural viability. A Farm Conservation Plan must be developed in accordance with Natural Resource Conservation Service Best Management Practices or other applicable best management practices, and the provisions of TCC Chapter 17.15 TCC.

“Habitat conservation plan” (HCPs) are planning documents required as part of an application for an Incidental Take Permit. They describe the anticipated effects of the proposed taking, how those impacts will be minimized or mitigated; and how the HCP is to be funded. HCPs can apply to both listed and non-listed species, including those that are candidates or have been proposed for listing.

“Individual Stewardship Plan” is a site-specific plan prepared on behalf of existing/ongoing agricultural activities as part of the Voluntary Stewardship Program.

"Prior converted croplands" means wetlands that before December 23, 1985, were drained, dredged, filled, leveled, or otherwise manipulated including the removal of woody vegetation, for the purpose, or to have the effect, of making the production of an agricultural commodity possible and an agricultural commodity has been produced at least once before December 23, 1985. This determination is made by the Natural Resource Conservation Service.

“Technical Service Provider” means an individual, private business, nonprofit organization, tribe, and / or public agency that is certified by the Natural Resources Conservation Service to offer services to agricultural producers such as farmers, ranchers, and private forest landowners to help plan, design, and implement conservation practices or develop conservation activity plans to improve agricultural operations.

“Thurston HCP” means the Thurston County Habitat Conservation Plan dated February 22, 2022, that covers the Olympia pocket gopher, Oregon spotted frog, Oregon vesper sparrow, Taylor’s checkerspot butterfly, Tenino pocket gopher, and Yelm pocket gopher, and may be revised from time to time.

“Voluntary Stewardship Plan (VSP)” means a non-regulatory, incentive-based approach to protecting critical areas for existing/ongoing agricultural activities, while maintaining agricultural viability; enabled under the state’s Growth Management Act (RCW 36.70A.700) on July 22, 2011.

17.15.300 - General requirements.

- A. No Net Loss of Critical Area Functions. All new agricultural activities and facilities carried out pursuant to this chapter shall result in equivalent or if the agricultural operator chooses, greater critical area functions and value.
- B. Mitigation Sequencing. All new agricultural activities and facilities shall be located, designed, and constructed to avoid, minimize to the greatest extent practicable and mitigate for unavoidable adverse impacts to critical areas and associated buffers using Natural Resource Conservation Service (NRCS) approved conservation practices or other applicable best management practices.
- C. Monitoring. In addition to the specific monitoring requirements in this chapter, the approval authority may require that permitted agricultural activities and facilities be reviewed at appropriate intervals as necessary to ensure they are functioning consistently with the plan approval and applicable provisions of this chapter. The approval authority may require adaptive management strategies to ensure no net loss of critical area functions.
- D. Access to Enable Administration. Property owners shall grant access to the county, or designee, for the purpose of inspecting sites proposed for new agricultural activities or facilities, and performing monitoring required pursuant to this chapter.
- E. Construction Setbacks. Construction activity must occur outside of critical areas and associated buffers unless specifically authorized pursuant to this chapter.
- F. Flood Hazards and Frequently Flooded Areas. Existing/ongoing and new agricultural activities and facilities shall comply with all applicable requirements of Chapter 14.38 TCC—Development in Flood Hazard Areas and Chapter 24.20 TCC—Frequently Flooded Areas.

17.15.400 - Existing/ongoing agricultural activities

- A. Agricultural activities and facilities established on or before July 24, 2012, are exempt from the critical area requirements of this chapter. Where existing/ongoing agricultural activities intersect with critical areas, protection of critical areas is attained through the county’s Voluntary Stewardship Program (VSP) as established under RCW 36.70A.705. This includes repair, maintenance, and replacement of agricultural facilities within the existing footprint.
- B. Thurston County opted into the Voluntary Stewardship Program (VSP) as an alternative to regulatory protection of critical areas on agricultural lands with existing/ongoing agricultural activities. A working group comprised of agricultural groups, environmental groups, and tribes developed a work plan that identifies goals and benchmarks to protect critical areas while maintaining the viability of agriculture through voluntary, incentive-

based measures (WAC 365-191-010). If the work plan, approved by the Washington State Conservation Commission on April 26, 2017, fails to meet goals, benchmarks, or receive adequate funding, the provisions and policies of this chapter will apply to existing agricultural activities (RCW 36.70A.735).

- C. Once a new agricultural activity or facility has been installed, constructed and mitigated for in accordance with the provisions of this chapter, any subsequent agricultural activities will be covered by the county's Voluntary Stewardship Program (VSP).
- D. Exemption from this chapter shall not be deemed to grant exemption from any other provisions of the Thurston County Code and all applicable state and federal laws including the Federal Clean Water Act, the Washington Water Pollution Control Act, the U.S. Endangered Species Act, and the Washington State Environmental Policy Act.

17.15.500 - New agricultural activities and facilities

A. New agricultural activities and facilities that affect the functions and values of critical areas as identified in Title 24 – Critical Areas, shall be permitted to do so either in accordance with:

- 1. Title 24 TCC - Critical Areas;
- 2. A Farm Conservation Plan voluntarily prepared on behalf of the agricultural operator and approved by the county pursuant to the provisions of this chapter; or
- 3. A written decision by the approval authority finding that the agricultural operator's compliance with other state or federal permits provides sufficient protection on the site to satisfy related critical areas requirements of this chapter.

B. The approval authority may issue an administrative exemption from Section 17.15.510 TCC for new agricultural facilities listed below that are associated with an existing/ongoing agricultural activity enrolled in the Voluntary Stewardship Program. Requests for exemption shall be accompanied by all referenced documentation, such as a project sponsorship letter, grant award, and/or Individual Stewardship Plan. Any confidential or proprietary information contained in the exemption request shall be redacted prior to public disclosure.

- 1. New agricultural conservation enhancement projects that accomplish a net reduction in nutrient pollution to surface and groundwater resources, as applicable, provided that the project meets all the following criteria:
 - a. The project is sponsored by a conservation district, state, or federal agency, or identified through a grant program; and
 - b. The project is documented in an Individual Stewardship Plan as a conservation enhancement project that will improve benchmark conditions of critical area functions and values.

2. New agricultural climate mitigation activities that accomplish a net reduction in greenhouse gas emissions provided that the project meets all the following criteria:

- a. The project is sponsored by a conservation district, state, or federal agency, or identified through a grant program; and
 - b. The project is documented in an Individual Stewardship Plan as an NRCS recognized climate mitigation activity designed to reduce greenhouse gas emissions and increase carbon sequestration.
- 3. New renewable energy projects that accomplish a net reduction in greenhouse gas emissions and air pollution provided that the project meets all the following criteria:
 - a. The project is sponsored by a conservation district, state, or federal agency, or identified through a grant program; and
 - b. The project is documented in an Individual Stewardship Plan as a climate mitigation activity to accomplish a net reduction in greenhouse gas emissions and offset reliance on non-renewables for agricultural operations.
- D. Once a new agricultural activity or facility has been installed and constructed in accordance with the provisions of this chapter, any subsequent agricultural activities will be covered by the county's Voluntary Stewardship Program (VSP) as an existing/ongoing use.

17.15.510 - Administration.

- A. Applicability. This section applies to any new agricultural activities or facilities for any property located within Thurston County.
- B. Appeals. Any aggrieved person may appeal an administrative decision made under this chapter to the Thurston County hearing examiner. Such appeals are governed by Chapter 2.06 TCC of the Thurston County Code. The decision of the hearing examiner on an appeal under this chapter is final. The hearing examiner shall not entertain motions for reconsideration. The decision of the hearing examiner may only be appealed to Superior Court pursuant to the Land Use Petition Act, Chapter 36.70C RCW, or other applicable statute.
- C. Application Review Procedures
 - 1. It shall be the duty of the department to administer the provisions of this chapter.
 - 2. The approval authority shall review applications, issue permits, impose conditions, and conduct inspections as necessary to assure compliance with the provisions of this chapter.
 - 3. The director shall perform those other duties, as necessary, to implement the purposes and requirements of this chapter.
 - 4. The director shall establish written administrative procedures to expedite the accurate and thorough review of any application made under authority of this chapter.
 - 5. The director may approve alternative measures or procedures to the standards of this chapter on a case by case basis, provided such alternatives provide equal or better results in accomplishing the purposes of this chapter.

D. Application Requirements. Any application for a Farm Conservation Plan subject to review under this chapter will not be deemed complete unless it contains the following, where applicable:

1. A completed "Farm Conservation Plan" form as provided by the department; and
2. A Farm Conservation Plan completed in accordance with Section 17.15.530 TCC; and
3. A completed environmental checklist when required by the State Environmental Policy Act and Chapter 17.09 TCC; and
4. An application fee, as established by resolution from the Thurston County Board of County Commissioners.

E. Application Procedure and General Conditions. The application for a Farm Conservation Plan shall be processed according to the same permitting procedures described in Chapter 20.60 TCC. For purposes of this chapter:

1. A Type I process involves any proposed new agricultural activity or facility that requires a county permit but does not require an environmental checklist.
2. A Type II process involves any proposed new agricultural activity or facility that requires a county permit and an environmental checklist.
3. A Type III process involves any proposed new agricultural activity or facility associated with any other Type III process provided for by the Thurston County Code.
4. Certificates of Inclusion to the Thurston HCP, issued under Chapter 17.40 TCC, shall also be processed and consolidated in a manner consistent with how critical area review reports are addressed in this Section.
5. The department shall forward a copy of the Farm Conservation Plan to the Thurston County assessor for their use.
6. A Farm Conservation Plan approval by the county is valid for a period of three years or the duration of the associated development permit or approval. The county may authorize an extension of one year.
7. The director may approve an amendment to the county's approval if the amendment is consistent with Farm Conservation Plan standards. If granted, the department shall provide a written record of the amendment and will provide a copy of it to the agricultural operator.

17.15.530 - Farm Conservation Plans – general standards and plan requirements

A. Farm Conservation Plans shall identify the farming or ranching activities and the conservation practice(s) necessary to avoid, minimize, and/or mitigate their potential negative impacts, such as degradation of riparian areas, or pollution to surface / groundwater from nutrients, pathogens, or sediment. Conservation practice selection will depend upon the types of livestock raised and crops grown. At a minimum Farm Conservation Plans shall:

1. Be developed by an agricultural operator with the assistance of a technical service provider in accordance with the requirements of NRCS conservation practices and best management practices to ensure no net loss of critical area functions and values.
2. Identify and delineate all critical areas and critical area buffers, both on-site and on adjacent properties, including but not limited to shorelines, wetlands, streams, steep

slopes, and special habitats. Off-site information obtained from available county mapping is sufficient.

3. Include benchmark conditions of existing critical area functions and values at the time of application.
4. Include all selected conservation practices to maintain benchmark conditions, including specification of when implementation will occur relative to project construction.
5. Provide for monitoring and adaptive management on a long-term basis to determine whether the selected conservation practices are successful. The length of time for monitoring and adaptive management should be sufficient to determine if benchmark conditions have been maintained.

B. Regulatory Differences. All uses and activities subject to this section shall meet the requirements that provide the most protection to the critical areas involved. Uses and activities located in the Permit Area of the Thurston HCP are prohibited if they are inconsistent with the Thurston HCP requirements.

C. Other plans prepared for compliance with state or federal regulations (e.g. nutrient management plans), or to obtain an accredited private third-party certification (e.g., GLOBALG.A.P.), or similar plans may be used as part of or in lieu of a Farm Conservation Plan if the approval authority determines they adequately address the requirements of this chapter.

D. Any confidential or proprietary information contained in a Farm Conservation Plan shall be redacted prior to public disclosure.

17.15.540 - Farm Conservation Plans - monitoring and compliance.

A. The Farm Conservation Plan shall include self-assessment and certification by the agricultural operator for the first two years after permit issuance, or periodic inspections by the county in accordance with Section 24.01.035(D) TCC. Prior to a site inspection, the county shall provide reasonable notice to the agricultural operator for entry onto private property and afford at least two weeks in selecting a date and time for the visit.

B. The conservation practices described in an approved Farm Conservation Plan to maintain benchmark conditions will be deemed to comply with this chapter so long as the agricultural operator is properly and fully implementing said practices and responding to any adaptive management requirements according to the timeline in the plan. This will be verified through Farm Conservation Plan implementation and monitoring.

C. Agricultural activities shall cease to comply with this chapter when the approval authority determines one of the following three conditions is met. In such an event, a new or revised Farm Conservation Plan may be required, or the noncompliance may be referred for formal compliance action in accordance with Title 26 TCC – Code Enforcement:

1. When implementation of the Farm Conservation Plan fails to protect critical areas. If so, a new or revised plan shall be required to protect the values and functions of critical areas at the benchmark condition.

2. When substantial changes in the proposal have occurred that render the approved Farm Conservation Plan ineffective. Substantial changes are those that degrade conditions below the established benchmark or result either in a direct discharge or potential discharge of pollution to surface or groundwater.

3. When a new or revised Farm Conservation Plan is required, and the new plan has not been provided in the specified time period. After being advised in writing by the approval authority, agricultural operators will be given 90 days to submit a new Farm Conservation Plan with an option to request a 30-day extension. Refusal or inability to provide a new plan within the time period shall be sufficient grounds to revoke the approved Farm Conservation Plan and require compliance with the standard provisions of Title 24 TCC – Critical Areas.

17.15.600 - Conversion of agricultural activities.

A. The critical areas provisions of Title 24 TCC– Critical Areas shall apply when an existing/ongoing agricultural activity is being converted to a nonagricultural use.

1. Unless otherwise authorized by the county, any critical areas that were on the property prior to the agricultural activity being established shall be restored.

2. If restoration is not possible, onsite or offsite mitigation may be required.

B. Subdivision of land is not included in the definition of agricultural activities in RCW 36.70A. Lots created through subdivision of land, short plats, large lots, and binding site plans shall show buildable areas for each lot created that meet the requirements of this title. A notice shall be recorded on the plat map that conversions out of agricultural activities are subject to this title.

II. Thurston County Code Chapter 24.01 TCC (GENERAL PROVISIONS) shall be amended to read as follows to recognize new agricultural activities and facilities as a use:

24.01.010 Purpose—Statement of policy for critical areas.

These regulations are intended to:

- A. Minimize loss of life, injury, and property damage due to natural hazards such as flooding, landslides, seismic events, and volcanic eruptions, minimize the need for emergency rescue, and avoid the cost of replacing public facilities;
- B. Identify and protect the functions and values of unique, fragile, and vulnerable elements of the environment such as fish and wildlife habitats, wetlands, and other ecosystems;
- C. Maintain water quality and quantity to meet human and wildlife needs;
- D. Recognize and address cumulative adverse impacts that could degrade or deplete water resources, wetlands or fish and wildlife habitat, or exacerbate flooding and landslide hazards;
- E. Alert the public to the development limitations and hazards associated with critical areas;
- F. Protect critical areas, associated buffers designed to protect the functions of critical areas, and their functions and values while allowing reasonable use of property by: directing activities not essential in such areas to other locations; providing for review of proposed uses and activities on properties containing critical areas or their buffers to achieve compliance with standards designed to minimize impacts to critical areas and associated buffers; and providing for mitigation of unavoidable impacts;
- G. Establish enforcement tools and processes designed to deter activities in violation of this chapter and provide for remedial action for unauthorized impacts to critical areas and their buffers;
- H. Promote programs to protect and enhance critical areas where agricultural activities are conducted, while maintaining and improving the long-term viability of agriculture;
- II. Implement the Washington State Growth Management Act (RCW 36.70A), including consideration of best available science in the designation, protection, and management of critical areas, with special consideration for the protection of anadromous fish; and
- III. Carry out the goals and policies of the Thurston County Comprehensive Plan.

...

~~24.01.055 Discontinuation of agricultural uses/activities.~~

- ~~A. The following shall apply to lands that were not considered lands with agricultural activities prior to July 24, 2012, but subsequently became lands with agricultural activities:~~

~~1. The critical area provisions of this title shall apply to new uses when the land use changes from an agricultural activity meeting the requirements of TCC Section 17.15.110 to a nonagricultural activity;~~

~~2. Any critical areas that were on the property prior to the agricultural activity shall be restored to the condition that the critical areas were in prior to the establishment of the agricultural activity; and~~

~~3. If restoration is not possible, onsite or offsite mitigation may be required.~~

~~B. Subdivision of land is not included in the definition of agricultural activities in Chapter 36.70A RCW. Lots created through subdivision of land, short plats, large lots, and binding site plans shall show buildable areas for each lot created that meet the requirements of this title. A notice shall be recorded on the plat map that conversions out of agricultural activities are subject to this title, and that agricultural activities can continue subject to the Thurston County Agricultural Activities Critical Areas Ordinance (Chapter 17.15), as amended.~~

III. Thurston County Code Chapter 24.03 TCC (DEFINITIONS) shall be amended to read as follows:

24.03.010 Definitions.

The following definitions, as well as those found in Section 17.15.200 TCC shall apply to this title:

...

IV. Thurston County Code Chapter 24.10 TCC (CRITICAL AQUIFER RECHARGE AREAS) shall be amended to read as follows:

...

24.10.020 Standards and restricted and prohibited uses.

Table 24.10-1 identifies the new, expanded, and altered land uses and activities that are restricted or prohibited in the CARA depicted on the critical aquifer recharge areas map. These restricted and prohibited uses and activities are subject to the applicable standards in TCC 24.10.030-250 and all other applicable regulations. (See Article III of the Rules and Regulations of the Thurston County Board of Health Governing Water Supplies; Article IV, Rules and Regulations of the Thurston County Board of Health Governing Disposal of Sewage; and Article VI, Rules and Regulations of the Thurston County Board of Health Governing Nonpoint Pollution).

The general standards listed in TCC 24.10.030 apply to all uses in Table 24.10-1. Standards provided in TCC 24.10.040-250 apply to specific uses in CARAs, and are in addition to other requirements of this title. Table 24.10-1 contains the primary section references for each activity covered by this chapter.

Table 24.10-1. Prohibited and Restricted Uses and Activities Within Critical Aquifer Recharge Areas

RESTRICTED USES AND ACTIVITIES	AQUIFER RECHARGE AREA CATEGORY				
	I			II	III
	Wellhead Protection Areas		Other CARA I		
	1-year time of travel zone	5- and 10-year time of travel zones			
Abandoned wells (decommissioning of wells) (TCC 24.10.040)	A	A	A	A	A
<u>Agricultural activities that do not use hazardous materials or generate hazardous waste</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Agricultural activities that use or generate less than two hundred twenty pounds of hazardous waste or materials per month as described in WAC 173-303 (TCC 24.10.100)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

...

LEGEND:

A = Allowed without a critical area permit, subject to requirements of this title

P = Permitted, subject to critical area permit and requirements of this title

X = Prohibited

X/P = As determined by the approval authority, small scale uses or those using nonhazardous materials may be permitted when the quantity, nature of materials processed and mitigation methods are determined to contain no significant risk to groundwater.

...

24.10.100 Agricultural, cCommercial and industrial uses—General standards.

Agricultural, cCommercial and industrial uses and activities are allowed in CARAs as specified in Table 24.10-1, subject to Article VI of the Thurston County Sanitary Code, as amended, and the following standards, as applicable:

- A. Where floor drains are allowed, any floor drains in areas where hazardous materials are used, stored or otherwise present shall have a removable lip or barrier that will prevent spilled hazardous material from entering the drain, consistent with Chapter 14.28 TCC, Uniform Plumbing Code. The approval authority may require that a sump or other device be used to ensure that hazardous material does not drain to the soil, sewage disposal system, or a water body.
- B. Areas where hazardous materials are used or stored shall not drain to the soil, a stormwater system, water body, or a sewage disposal system. The approval authority may require that a sump or other device, as appropriate to address the contaminants of concern, be used to ensure protection of ground water quality.
- C. All vehicle and equipment washing must be done in a self contained area (e.g., with recycling system) designed to ensure that hazardous materials do not reach the soil, a water body or a sewage disposal system. This does not apply to discharges to a sewer that were approved by the sewer utility, consistent with Chapter 14.28 TCC. Water used in wash down areas shall be treated to remove contaminants prior to discharge. (See Chapter 173-216 WAC and the BMPs for Vehicle and Equipment Discharges, Department of Ecology WQR 95-56, as amended).
- D. An integrated pest management plan shall be drafted to be consistent with the integrated pest management policies approved by the health officer. The plan shall be implemented upon approval by the department. The county may periodically verify compliance with the approved plan.
- E. All new agricultural, commercial and industrial land uses that involve the use, handling, storage, disposal, or transportation of hazardous materials or dangerous/extremely dangerous wastes, as defined in Chapter 173-303 WAC, shall be required to prevent contact between the aforementioned materials and stormwater. This may not apply to materials applied in an outdoor setting as part of an approved activity's landscaping maintenance plan. This includes, but is not limited to, gas stations, fuel distributors, car/truck washes, trucking companies, asphalt plants and paint shops. The generation of hazardous materials or dangerous waste is separated into two categories:

1. A small quantity generator can generate up to two hundred twenty pounds of dangerous waste, or up to 2.2 pounds of certain pesticides or poisons, each month. Small quantity generators can accumulate up to two thousand two hundred pounds of dangerous waste, or 2.2 pounds of certain pesticides or poisons, at their site before sending the waste off-site for proper disposal or recycling.
2. Businesses that generate more than two hundred twenty pounds of hazardous wastes during any month must comply with the Washington State Dangerous Waste Regulations, Chapter 173-303 WAC.

...

24.10.135 Greenhouse/nursery.

Wholesale and retail greenhouses and nurseries (~~excluding facilities defined as agricultural activities in Chapter 17.15 TCC~~) shall comply with integrated pest management standards established in TCC 24.10.100. Any fertilizers shall be applied at an agronomic rate in accordance with the timing and amount of crop demand for nitrate, unless the approval authority determines that a lower rate of application is appropriate to protect surface and groundwater quality.

...

V. Thurston County Code Chapter 24.15 TCC (GEOLOGIC HAZARD AREAS) shall be amended to read as follows:

...

24.15.025 Standards and allowable uses and activities within geologic hazard areas and associated buffers.

- A. Those uses and activities listed in Table 24.15-1 are only allowed in geologic hazard areas or their buffers as set forth in that table, subject to the performance standards set forth in TCC 24.15.030-240;
- B. All other land uses and activities not allowed pursuant to Table 24.15-1, or not mentioned in Table 24.15-1, are prohibited, unless determined otherwise pursuant to TCC 24.01.030(B);
- C. Differences in regulations because of the overlap of two or more critical areas are governed by Chapter 24.01 TCC.

The general standards listed in TCC 24.15.030 apply to all uses in Table 24.15-1. The standards provided in TCC 24.15.040—24.15.240 apply only to those uses and activities in Table 24.15-1 when carried out within a geologic hazard area (i.e., landslide, marine bluff, erosion) or buffer. Where no specific performance standards are specified for the uses and activities in Table 24.15-1, the approval authority shall review projects based upon the purposes and provisions of this chapter. Table 24.15-1 contains the primary section references for each activity covered by this chapter.

Table 24.15-1. Restricted Uses and Activities in Geologic Hazard Areas and Associated Buffers

RESTRICTED USES AND ACTIVITIES	Landslide Hazards	Marine Bluff Hazards	Erosion Hazards
<u>Agricultural activity, new</u>	<u>P</u>	<u>X</u>	<u>P</u>
<u>Agricultural facility, new</u>	<u>X</u>	<u>X</u>	<u>X</u>

...

LEGEND:

- A = Allowed without a critical area review permit, subject to requirements of this title
- P = Permitted, subject to critical area review permit and requirements of this title
- X = Prohibited

VI. Thurston County Code Chapter 24.20 TCC (FREQUENTLY FLOODED AREAS) shall be amended to read as follows:

...

24.20.070 Frequently flooded areas—Standards and allowable uses and activities.

Table 24.20-1 identifies the land uses and activities that are allowable in frequently flooded areas (i.e., one-hundred-year floodplains, one-hundred-year flood zone (one percent flood zone), floodways, high ground water hazard areas/restricted development zones, channel migration hazard areas, and coastal flood hazard areas) and one-hundred-year channel migration hazard areas. All land uses and activities not allowed by or not mentioned in Table 24.20-1, except water dependent uses allowed under the Shoreline Master Program for Thurston Region, are prohibited within the flood and channel migration hazard areas regulated by this section, except as otherwise provided in Chapter 24.01 TCC. In addition to this chapter, these allowable uses and activities may be subject to the following:

- A. Other applicable provisions of this title and requirements of the applicable zoning district;
- B. The provisions of Chapter 14.38 TCC, Development in Flood Hazard Areas;
- C. The Shoreline Master Program for the Thurston Region;
- D. The Drainage Design and Erosion Control Manual for Thurston County, as amended (Chapter 15.05 TCC); and
- E. All other applicable county, state, and federal regulations.

Table 24.20-1. Allowable Uses and Activities in Flood and Channel Migration Hazard Areas

Uses and Activities	Floodways	Frequently Flooded Areas (except floodways and high groundwater hazard areas)	Channel Migration Hazard Areas	High Ground Water Hazard Areas/RDZ	Coastal Flood Hazard Areas
Accessory structures - Construction TCC 24.20.080	X	P	P	P	P
<u>Agricultural activity, new</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>
<u>Agricultural facility, new</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>

LEGEND:

A = Allowed, subject to applicable standards

P = Allowed, subject to applicable standards and Critical Areas Review Permit

X = Prohibited

VII. Thurston County Code Chapter 24.25 TCC (FISH AND WILDLIFE HABITAT CONSERVATION AREAS) shall be amended to read as follows:

...

24.25.080 - Standards and approvable uses and activities within important habitats.

The land uses and activities listed in Table 24.25-3 are allowed in important habitats (i.e., streams; riparian habitat areas; lakes, ponds and associated buffers; priority habitats, habitats and species of local importance; priority species conservation areas, and important marine habitats) and associated buffers and management zones subject to the standards in TCC 24.25.090—24.25.420, the applicable zoning district and the Shoreline Master Program for the Thurston Region. Water dependent uses allowed by the Shoreline Master Program are permitted subject to the requirements of that program and this chapter. All other land uses and activities not allowed by Table 24.25-3 are prohibited within the important habitats regulated by this chapter.

The general standards listed in TCC 24.25.090 apply to all uses in Table 24.25-3. Standards provided in TCC 24.25.100—24.25.420 apply to specific uses in areas where important habitats and species exist, and are in addition to other requirements of this title. Table 24.25-3 contains the primary section references for each activity covered by this chapter.

Table 24.25-3. Approvable Uses and Restrictions Within Fish and Wildlife Habitat Conservation Areas

Uses and Activities	Riparian Habitat Areas	Riparian and Marine Management Zones	Streams	Ponds and Buffers	Marine Habitat Areas and Buffers	Important Species and Habitats
<u>Agricultural activity, new</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Agricultural facility, new</u>	<u>P</u>	<u>P</u>	<u>P</u> <u>(BUFFER ONLY)</u>	<u>P</u>	<u>P</u>	<u>P</u>

LEGEND:

A = Allowed without a Critical Area Review Permit, subject to requirements of this title

P = Permitted, subject to Critical Area Review Permit and requirements of this title

X = Prohibited

...

VIII. Thurston County Code Chapter 24.30 TCC (WETLANDS) shall be amended to read as follows:

...

24.30.085 Wetlands—Standards and allowable uses and activities within wetlands and associated buffers.

The land uses and activities listed in Table 24.30-4 are allowable in wetlands and associated buffers as specified in that table, subject to the standards of this title, the applicable zoning district, and the shoreline master program, as amended. Water dependent uses allowed by the shoreline master program are permitted subject to the requirements of that program and this chapter. Uses and activities inconsistent with the shoreline master program and all land uses and activities not allowed or addressed by Table 24.30-4 are prohibited within wetlands and associated buffers. The general standards listed in TCC 24.30.090 apply to all uses in Table 24.30-4. Standards provided in TCC 24.30.100—24.30.420 apply to specific uses in wetlands and their buffers, and are in addition to other requirements of this title. Table 24.30-4 contains the primary section references for each activity covered by this chapter.

Table 24.30-4. Allowable Uses in Wetlands and Buffers and Related Restrictions

	Wetland Category			
	I	II	III	IV
Asphalt batch plants	X	X	P	P
<u>Agricultural activity, new</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Agricultural facility, new</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>

LEGEND:

A = Allowed without a Critical Area Review Permit, subject to requirements of this title

P = Permitted, subject to Critical Area Review Permit and requirements of this title

X = Prohibited

...

24.30.280 Wetlands—Roads/streets, railroads, bridges and culverts—New and expanded.

Proposed road and railroad crossings of wetlands and/or associated buffers shall be avoided unless the approval authority determines that it is not possible. Proposed road or railroad crossings of wetlands and buffers and expansion of existing roads exceeding the limitations of TCC Section 24.30.270 shall follow all applicable local, state, and federal laws and the applicable requirements listed below. These requirements also apply to private access roads and driveways. (Also see TCC Section 24.25.280).

- A. Public Safety. Expansion of existing roads is allowed in all wetlands and buffers to the minimum extent necessary to protect public safety, consistent with subsection

(D) below. This provision does not apply to expansion for capacity. Expansion for additional capacity shall comply with the criteria for new or expanded roads.

B. Criteria for Allowing Crossings. The approval authority may authorize new and expanded road crossings in wetlands and buffers as follows:

1. Category I and II Wetlands and Buffers. Category I and II wetlands shall not be crossed unless it is necessary to accommodate public safety improvements to an existing road. Category I and II wetlands and the inner seventy-five percent of their standard buffers may only be crossed by roads through a Reasonable Use Exception and by meeting all of the criteria in this section.
2. Category III—IV Wetlands and Buffers. The most suitable type of new crossing shall be determined by the approval authority on a case-by-case basis. New and expanded roads are permitted in Category III and IV wetlands and their buffers that meet the criteria for replacement under TCC 24.30.090(C). New and expanded roads may be permitted in Category III-IV wetlands and buffers not meeting the criteria in TCC 24.30.090(C), if:
 - a. The wetland is not a functional part of a mosaic wetland (as described in Ecology's Wetland Rating System for Western Washington);
 - b. The road complies with subsection (D) below.

C. Access roads and driveways shall be subject to the following requirements, as well as subsection D below.

1. Utility Maintenance Access. The director may allow maintenance roads for utility corridors accommodating transmission lines, pipelines, and similar major utilities when the applicant demonstrates to the director's satisfaction that the road is necessary. Maintenance roads shall not be allowed where they would adversely impact bogs, wetlands of high conservation value, or wetlands with a score for habitat of eight or more points under Ecology's Wetland Rating System for Western Washington.

If allowed, maintenance roads shall be located in the least impactful location in the outer twenty-five percent of the buffer contiguous to the utility corridor, on the side away from the wetland. To the maximum extent practicable, access for utility maintenance within wetland buffers shall be limited to access points rather than by a continuous access road extending through the buffer. The width of the maintenance road shall be minimized; in no event shall it be wider than fifteen feet.

- ~~2. Agricultural Access. Refer to chapter 17.15 TCC for regulations on agricultural activities.~~

IX. Thurston County Code Chapter 24.45 TCC (REASONABLE USE EXCEPTION) shall be amended to read as follows:

24.45.020 Certain properties not eligible.

The inability of an applicant to derive reasonable use shall not be a result of a self-created hardship such as subdividing the property, adjusting a boundary line, or other actions thereby creating the undevelopable conditions after July 24, 2012, ~~or a self-created hardship created under the applicable standards of Chapter 17.15 TCC after February 1, 1994.~~

X. Thurston County Code Chapter 24.50 TCC (EXISTING NONCONFORMING USES, STRUCTURES AND LOTS) shall be amended to read as follows:

24.50.060 Development of existing lots—Critical areas excluding frequently flooded areas.

Existing lots with critical areas and their associated buffers, excluding frequently flooded areas, for which a complete application for a short plat, large lot subdivision, or subdivision, as defined in Chapter 18.08 TCC, was submitted before July 24, 2012, and other legally existing lots may be developed as follows with a critical area review permit:

- A. Except for seismic, volcanic, and mine hazard areas, all new construction of structures, facilities, utilities, access driveways and appurtenances shall be located outside of the critical area and the associated buffer unless otherwise permitted in this title;
- B. New development may be permitted on legal lots containing wetlands or buffers, consistent with other applicable provisions of this title.
- C. No new development or construction of structures, facilities, utilities, access driveways and appurtenances shall create a public safety risk, as determined by the approval authority;
- D. Enhancement or restoration (mitigation) of the affected critical area or associated buffer shall be required to offset the impacts of the proposed development, as approved by the approval authority;
- E. If a legal lot has less than three thousand five hundred square feet of buildable area outside of the critical area and its associated buffer, to accommodate the single family residential development including the primary structure, ordinary appurtenances, landscaping, and accessory structures, the approval authority may, with a critical area review permit, allow development to occupy a portion of the critical area buffer to the minimum extent necessary to provide a development site totaling no more than three thousand five hundred square feet provided:

...

- 12. The use of this single-family residential exception shall not be a result of a self-created hardship such as subdividing the property, adjusting a boundary line, or other actions thereby creating the undevelopable conditions after July 24, 2012; ~~or a self-created hardship created under the applicable standards of Chapter 17.15 TCC after February 1, 1994; and~~



Community Planning & Economic Development
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SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.



THURSTON COUNTY
Community Planning and Economic Development
ENVIRONMENTAL CHECKLIST

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:

2. Name of applicant:

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

**** OFFICIAL USE ONLY ****
Folder Sequence # _____
Project # : _____
Related Cases: _____
Date Received: _____ By: _____
**** OFFICIAL USE ONLY ****

DRAFT

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.



THURSTON COUNTY
Community Planning & Economic Development
ENVIRONMENTAL ELEMENTS

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

a. General description of the site: (check one):

Flat

Rolling

Hilly

Steep Slopes

Mountainous

Other:

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. Water [\[help\]](#)

a. Surface Water: [\[help\]](#)

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
- 2) Could waste materials enter ground or surface waters? If so, generally describe.
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened and endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

e. List all noxious weeds and invasive species known to be on or near the site.

5. Animals [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any:

e. List any invasive animal species known to be on or near the site.

6. Energy and Natural Resources [\[help\]](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental Health [\[help\]](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

- 1) Describe any known or possible contamination at the site from present or past uses.
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
- 4) Describe special emergency services that might be required.
- 5) Proposed measures to reduce or control environmental health hazards, if any:

b. *Noise*

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated,

how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversized equipment access, the application of pesticides, tilling, and harvesting? If so, how:

- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

9. **Housing** [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- b. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would

be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

h. Proposed measures to reduce or control transportation impacts, if any:

15. Public Services [\[help\]](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities [\[help\]](#)

a. Check utilities currently available at the site:

electricity natural gas water refuse service telephone sanitary sewer
septic system Other _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee _____

Position and Agency/Organization _____

Date Submitted: _____

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.