In our current code, the CAD is only valid for one year. The proposed code change to a 3 year CAD is necessary to be consistent with other common application types such as land use approvals and septic systems, which are valid for 3 years. This will help clarify the determination process for citizens and staff, and provides more time and flexibility for property owners to plan for future permitting.

During our research for proposed changes under Docket item A-16 (“Amend Zoning Ordinances to Add a Site Plan Review Process for Single Family Residential, Other Permits, and Review Vesting for All Other Permits”) this change emerged as an immediate need.

Option 1:

24.05.070 - Critical area determinations.

A. Determining if Critical Areas are Present. Any person seeking to determine whether a proposed activity or an area is subject to this chapter may request a Critical Area Determination (CAD) on an application provided by the department.

B. The CAD shall be processed as a Type I application.

C. Submission Requirements. Applicants for a CAD shall submit all of the information requested on the application form provided by the department. Based on the quality and detail of information provided, the complexity of the site, or the potential of the proposed use to impact critical areas or buffers, the approval authority may request additional information as necessary to make a determination regarding the site.

D. Director Findings. The director shall review the information submitted by the applicant and other relevant, available information and perform an on-site inspection to determine if a critical area, which includes the associated buffer, is located on the property. If the director cannot determine, based on available information or due to access limitations, whether the proposed development would encroach upon a critical area, the applicant shall be advised as to what is needed to make the determination. This may include full delineation and analysis of the critical area by a qualified professional at the applicant's expense.

E. The critical area determination shall be valid for one year three years.
Option 2:

24.05.070 - Critical area determinations.

A. Determining if Critical Areas are Present. Any person seeking to determine whether a proposed activity or an area is subject to this chapter may request a Critical Area Determination (CAD) on an application provided by the department.

B. The CAD shall be processed as a Type I application.

C. Submission Requirements. Applicants for a CAD shall submit all of the information requested on the application form provided by the department. Based on the quality and detail of information provided, the complexity of the site, or the potential of the proposed use to impact critical areas or buffers, the approval authority may request additional information as necessary to make a determination regarding the site.

D. Director Findings. The director shall review the information submitted by the applicant and other relevant, available information and perform an on-site inspection to determine if a critical area, which includes the associated buffer, is located on the property. If the director cannot determine, based on available information or due to access limitations, whether the proposed development would encroach upon a critical area, the applicant shall be advised as to what is needed to make the determination. This may include full delineation and analysis of the critical area by a qualified professional at the applicant's expense.

E. The critical area determination shall be valid for one year five years. Exception: Negative determinations following Thurston County’s current Site Inspection Protocol for Mazama Pocket Gophers are valid for 3 years.