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**COMMUNITY PLANNING &  
ECONOMIC DEVELOPMENT DEPARTMENT**

Joshua Cummings, Director

*Creating Solutions for Our Future*

**MEMORANDUM**

**TO:** Thurston County Planning Commission  
**FROM:** Brett Bures, Planning Manager, Community Planning & Economic Development (CPED)  
**DATE:** January 22, 2020  
**SUBJECT:** Work session and set public hearing: Amend Critical Area Determination validity period (2018/2019 Official Development Code Docket A-16-part)

**Background**

Any person seeking to determine whether a proposed activity, property or an area is subject to the regulations of the Critical Area Ordinance (CAO) may apply for a Critical Area Determination (CAD).

The CAD process is an important tool for citizens to help determine feasibility. Thurston County's population is growing. Property values are increasing. Most of the remaining undeveloped vacant property has critical area issues. Property owners, permit applicants, prospective real-estate professionals, and property buyers/sellers may use the results of a CAD to obtain some level of certainty before making a major financial commitment. Property or project feasibility is the most-asked question we receive.

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.

**Critical Issues**

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.

Critical areas are reviewed under many different types of applications, each with differing approval periods.

The industry standard for the validity of most critical area reports, such as wetland delineations and geotechnical assessments, is 3 to 5 years. Unless a major geological or flood event occurs, most critical areas do not change year-to-year.

Currently, the most common critical area that we receive questions about is gopher occupancy, but there is no application process available for a “gopher review only” that provides a clear validity period.

An interim gopher review process and protocol was developed, with guidance from the Board of County Commissioners, to allow for a 3 year validity thru issuance of a Critical Area Review Permit (CARP). The requirement for the additional CARP adds confusion and cost to the applicant.

Applicants would like the option to apply for a “gopher review” CAD only. With this code change, the CAD will allow citizens to obtain a 3 year validity for gopher review, without being associated with a specific permit application or need for a CARP.

**Decision Points**

We request the Planning Commission to set a public hearing for A-16.

**Attachments**

Attachment A: Code section TCC 24.05.070 with proposed change

## Attachment A: Revised Code section 24.50.070 of the Thurston County Critical Area Ordinance (Title 24)

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

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### 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.

(Ord. No. 14773, § 3(Att. B), 7-24-2012)