

Chapter 24.40

CRITICAL AREA REVIEW PERMIT

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24.40.010 Critical area review permit – Generally.

Unless otherwise provided in this Title, a critical area review permit is required for all development permits for properties that may be impacting critical areas and associated buffers or critical area evaluation areas on their property. A critical area review permit will not be required for reasonable use exceptions in chapter 24.45 TCC, initial emergency authorizations in chapter 24.90 TCC, critical area determinations in TCC 24.05.070, and county initiated amendments to this title or the Thurston County Comprehensive Plan (Type IV permits). The critical area review permit shall comply with all provisions of this title.

24.40.020 Critical area review permit – Review process.

- A. Type I critical area review permits shall include permits:
 - 1. Where the underlying permit or application for review would be classified as a Type I permit as defined in title 14 TCC, title 17 TCC, title 18 TCC, title 20 TCC, title 21 TCC, title 22 TCC, and title 23 TCC; and
 - 2. Where there is no underlying permit for review and SEPA review under chapter 17.09 TCC is not required.
- B. Type II critical area review permits shall include permits:
 - 1. Where the underlying permit or application for review would be classified as a Type II or Type III permit as defined in, title 14 TCC, title 17 TCC, title 18 TCC, title 20 TCC, title 21 TCC, title 22 TCC, and title 23 TCC; and
 - 2. Where there is no underlying permit for review and SEPA review under chapter 17.09 TCC is required.

- C. Review processes and procedures are described in chapter 24.05 TCC. Coordination requirements for critical area review permits are located in TCC 24.05.030. Where there is no underlying permit, a Type I review process shall be used.

24.40.030 Critical area review permit – Application requirements.

The application for a critical area review permit shall be filed with the Resource Stewardship Department in accordance with chapter 24.05 TCC.

24.40.040 Critical area review permit – Decision – Required findings.

- A. The approval authority shall enter a decision in conformance with this title. In making the decision, the approval authority shall enter written findings of fact upon which the decision is based. The findings of fact shall address each critical area requirement separately and the review criteria in TCC 24.40.050.
- B. The approval authority shall confirm the nature and type of the critical and shall evaluate any special reports submitted by consultants who are professionals in the pertinent field.

24.40.050 Critical area review permit – Review criteria.

In addition to any review criteria required for State Environmental Policy Act reviews in chapter 17.09 TCC, or any other required permit reviews, the approval authority shall approve, or approve with conditions, the critical area review permit if:

- A. The critical area review permit is consistent with the requirements, purposes, and intent of this title, and other requirements of the Thurston County Code; and
- B. The requested development activity is consistent with the goals and policies of the Thurston County Comprehensive Plan; and
- C. The requested development activity results in no net loss of the functions and values of critical areas as defined in this title. If the approval authority determines that it is necessary, the proposal shall include a mitigation plan consistent with this title and credible scientific evidence as determined by the director. Mitigation measures shall address any impacts and shall occur onsite first, or if necessary, offsite.

24.40.060 Critical area review permit – Subject to conditions.

The approval authority may grant a critical area review permit subject to conditions and safeguards designed to ensure no net loss to critical area functions and values. The written conditions shall not violate the purpose and intent of this title and the Thurston County Comprehensive Plan. The conditions shall be included with the decision and findings required by TCC 24.40.040.

24.40.070 Critical area review permit – Limitation on review.

The fact that property may be utilized more profitably than allowed based on strict interpretation of this title shall not be an element of consideration in any review of a critical area review permit. Except as authorized by this title, an approval for a critical area review permit shall not result a waiver or variance of the requirements of this title, and shall not permit a use variance.

24.40.080 Critical area review permit – Time limits – Expiration.

Knowledge of the time limits and expiration of a critical area review permit is the responsibility of the applicant. The duration of a critical area review permit within critical areas, which includes associated buffers, shall be as follows:

- A. Authorization to undertake regulated uses and activities shall be valid for the specific time period established for any associated development permit (e.g., building permit and special use authorization); or
- B. For permits not associated with any development permit, authorization to undertake regulated uses and activities shall expire if the use or activity for which it is granted a building permit has not been issued within three (3) years of final approval. An extension of the three (3) year period shall not be permitted; and
- C. The critical area review permit shall also expire when the use or activity specifically allowed through a critical area review permit is vacated for a period of three years.

24.40.090 Critical area review permit – Amendments.

Any amendment or modification of an approved project shall require a new application and review following the same process as the initial approval unless the amendment or modification is minor in nature and is within the scope of the original critical area review permit, as determined by the director.