MEMORANDUM

TO: Thurston County Planning Commission
FROM: Andrew Deffobis, Associate Planner
DATE: March 21, 2011
SUBJECT: Critical Areas Ordinance (CAO) Update – Third Party Review

On March 7, the Planning Commission discussed proposed language for third party review during its CAO work session. Testimony at the Planning Commission’s CAO public hearing requested that language be added to clarify when third party review may be required for a project application.

Staff has attempted to address concerns regarding the perceived ambiguity and applicability of third party review. Language has been added to proposed section 24.05 TCC, which governs administrative procedures (see below). The selected text below includes revisions suggested by the Planning Commission on March 7. Essentially, the proposed language describes scenarios when third party review could be utilized by the approval authority.

24.05.022 Third party review.

A. The purposes of third party review are to protect critical areas, maintain public safety, protect public health and property, and to ensure that the nature and extent of critical areas and any associated buffers are correctly determined.

B. The County shall attempt to resolve any issues with the original author(s) or applicant before requiring third party review.

C. The approval authority may, at the applicant’s expense, require a third party review of any submission if there is reason to determine that:

   1. The submission contains factual errors, omissions, or incomplete analysis; or

   2. Inconsistencies exist between the submitted materials and observable data and accepted scientific or technical criteria; or
3. Faulty analysis, faulty analytical procedures, or other findings made through the review of the proposal support commissioning third party review; or

4. Specialized expertise is required for adequate review of a proposal.

D. The approval authority shall determine the third party reviewer.

(Emphasis Added)

**Items For Discussion**

1. Does the proposed language in this memorandum adequately capture scenarios when third party review would be appropriate during project review?