

Thurston County

Critical Areas Ordinance Administrative Procedures Manual

Dated June 15, 2025

PURPOSE OF MANUAL

The Community Planning & Economic Development (CPED) is responsible for the issuance of building and land-use permits in unincorporated Thurston County. Under Thurston County Code (TCC) 24.010.030, the director reviews and resolves any questions involving the proper interpretation or application of the provisions under Title 24, also known as the Critical Areas Ordinance (CAO).

This manual is issued as part of an ongoing review process to ensure transparent and consistent application of the CAO. It is intended to be used both by community members pursuing development projects in unincorporated Thurston County and by County staff implementing the CAO. This document, as updated from time to time, serves as guidance for the implementation of the CAO. Actual application of the CAO to specific facts or proposals may differ from procedures in this manual. In the event County staff deviates from the manual, staff are encouraged to provide the policy, factual, or legal reason for why certain findings or conclusions may be nuanced or inconsistent with the manual.

HOW TO USE THE MANUAL

The manual is structured with the applicable *code provision(s)* identified in italics followed by the administrative procedures. The manual may be revised in the future to address questions that arise, changes in interpretation, or reflect changes in administrative processing and legal requirements. A current copy of the CAO Administrative Procedures Manual will be posted on Thurston County's website and available to review in the Building Development Center.

QUESTIONS ABOUT THE MANUAL

Persons with questions or feedback about the Critical Areas Ordinance Manual may contact:

Planning@co.thurston.wa.us

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GENERAL PROVISIONS – TCC 24.01

24.01.030 (E) – Interpretations

E. When the exact location of a critical area or buffer is in doubt, or where there appears to be a conflict between a mapped boundary and actual field conditions, county personnel shall determine the correct boundary. The approval authority may also require submittal of a report by a qualified professional, at the applicant's expense, as needed to make such determinations. The approval authority may, at the applicant's expense, require a third party review of a report. The approval authority shall determine the third party reviewer.

[Administrative Procedures \(24.01.030\(E\)\)](#)

When the approval authority requires submittal of a report by a qualified professional to determine the exact location of a critical area or buffer, the findings and recommendations of the report shall be accepted, except in the following circumstances:

1. The report is incomplete per the provisions of TCC 24.35 – Special Reports;
 1. The property site features identified in the report do not reflect observable data, currently available aerial imagery or LiDAR. In these cases, third party review may be required to determine the exact location of the critical area or buffer.; or
 2. The findings and recommendations of the report are inconsistent with data or analysis that has been submitted and approved for the subject critical area extent. In these cases, third party review may be required to determine the exact location of the critical area or buffer.

Under certain circumstances the Director may authorize a site visit to confirm the validity of a report. In the case where a consultant submits a series of three distinct reports requiring third party review, the director may determine the consultant does not meet minimum qualifications as set forth in TCC 24.35.022.

24.01.030 (M) – Interpretations *Continued*

M. ... The term "director" shall always mean the community planning & economic development director or designee.

[Administrative Procedures \(24.01.030\(M\)\)](#)

The director's designee shall be anyone authorized by the county to complete permit intake, review, compliance and/or inspection, including: employees of the department of CPED; and consultant(s) under contract with CPED to complete permit review and/or inspection. For the remainder of this manual, any reference to "director" shall include "designee".

24.01.040 - Critical areas maps.

A. Official Maps. The CPED department director, or designee, shall maintain the official critical areas maps.

[Administrative Procedures \(24.01.040\)](#)

The official critical areas maps for administering TCC Title 24 are as follows:

Critical Areas Ordinance Administrative Procedures Manual

Critical Area	Map / Data Layer Name	Data Source
Critical Aquifer Recharge Area	CARA Agricultural	TC GeoData
Critical Aquifer Recharge Area	CARA	TC GeoData
Critical Aquifer Recharge Area	Groundwater Concern Areas	TC GeoData
Critical Aquifer Recharge Area	Groundwater Sensitive Areas	TC GeoData
Critical Aquifer Recharge Area	McAllister Groundwater Sensitive Areas	TC GeoData
Fish and Wildlife Habitat Conservation Areas	Prairie Soils	TC GeoData
Fish and Wildlife Habitat Conservation Areas	Priority Habitat and Species	WDFW
Fish and Wildlife Habitat Conservation Areas	Soils (USDA)	TC GeoData
Fish and Wildlife Habitat Conservation Areas	Streams	TC GeoData
Fish and Wildlife Habitat Conservation Areas	DNR Forest Practices Permit Mapping Tool	DNR
Frequently Flooded Areas	Flood of Record Monuments	TC GeoData
Frequently Flooded Areas	Flood Zones FEMA	TC GeoData
Frequently Flooded Areas	Flooded Areas 1996	TC GeoData
Frequently Flooded Areas	Floodways	TC GeoData
Frequently Flooded Areas	High Groundwater Hazard Areas	TC GeoData
Frequently Flooded Areas	High Groundwater Review Areas	TC GeoData
Geologic Hazards	DNR Landslide Hazard	DNR
Geologic Hazards	Carlyon Landslide	TC GeoData
Geologic Hazards	Lahar Landslide Hazard Areas	TC GeoData
Geologic Hazards	Steep Slopes	TC GeoData
Habitat Conservation Plan	Mazama Pocket Gopher Soils	TC GeoData
Habitat Conservation Plan	Species Areas	TC GeoData
Habitat Conservation Plan	Known Species Location	TC GeoData
Shoreline Master Plan	Shoreline Master Plan	TC GeoData
Wetland	Hydric Soils	TC GeoData
Wetland	Waterbodies	TC GeoData
Wetland	Wetland Delineations	TC GeoData
Wetland	Wetlands	TC GeoData
Wetland	Wetlands (300 ft Buffer)	TC GeoData
Wetland	Wetlands Review Areas	TC GeoData
Wetland	Suspected Wetlands	TC GeoData
Wetland	Wetlands (NWI)	TC GeoData
Wetland	DNR Wetlands	TC GeoData
Wetland	SalmonScope	WDFW

ADMINISTRATIVE PROCEDURES – TCC 24.05

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/or accepted scientific or technical criteria; or*
- 3. The submission contains faulty analysis, faulty analytical procedures, substantive differences of interpretation of submitted data or analysis, or other findings made through the review of the proposal that support commissioning third party review; or*
- 4. Specialized expertise is required for adequate review of a proposal.*

D. *The approval authority shall select the third party reviewer.*

[Administrative Procedures \(24.05.022\)](#)

Third party review shall be required when the findings and recommendations of a special report are inconsistent with observable data, currently available aerial imagery or LiDAR, or data or analysis that has been submitted and approved for the subject critical area extent. Third party review shall also be required if special expertise is necessary for adequate review of a proposal, including, but not limited to review of:

1. Hydrogeological reports and groundwater monitoring for mineral extraction and asphalt production (TCC 17.20.200 and TCC 24.10)

The director shall select third party reviewers from the Public Works Small Works Roster, [MRSC Roster](#) or [Department of Enterprise Services Roster or Consultant List](#). A standard third party review form shall be provided to the applicant and the full cost of third party review shall be at the applicant's expense. In cases where the County is the contracting agency, the hourly rates and associated fees of a third party reviewer shall be provided to the applicant for review prior to proceeding with a contract.

24.05.027 - Critical area review process.

The sequence of review related to critical areas and associated buffers generally is as follows:

- A. *County Site Visit. When a critical area screening tool or other source of information indicate the possible presence of a critical area or associated buffer on a subject property, the director shall visit the site to verify what critical areas or associated buffers may exist on site. Depending on*

the type of critical area being evaluated, the size of the parcel, the nature of surrounding development, and the level of degradation or development already existing on site, the director may be able to determine that no jurisdictional critical area exists on the subject property, or that the proposed activity will not impact the functions of any critical areas or associated buffers on site.

[Administrative Procedures \(24.05.027\(A\)\)](#)

Critical area screening tools shall consist of the official critical areas maps identified under TCC 24.01.040. Other screening tools may include past studies and reports submitted for the same or neighboring parcels. If screening tools during initial review triggers the need for additional reporting/surveying, the applicant has two options.

1. The applicant may waive the requirement for a site visit under TCC 24.05.027 and proceed to completing the professional survey/reporting as requested by CPED at the initial phase of review.
2. The applicant may contest the need for further surveying/reporting by requesting a site visit for further verification. Depending on staff availability, the director may rely upon third party review when verification is requested. *See also* other applicable code pertaining to third party review, TCC 24.05.022.

B. Professional Survey. If the director determines that a critical area may exist, or are unsure of the nature or condition of a critical area on site, the applicant may be required by the county to hire a professional to determine the nature and extent of critical areas and associated buffers on the property. Critical area buffer requirements are specified in each individual critical area chapter of this title. Specific requirements for special reports, and criteria for determining who is qualified to prepare them, are located in Chapter 24.35 TCC.

[Administrative Procedures \(24.05.027\(B\)\)](#)

If the director requires submittal of a report by a qualified professional (as set forth in TCC 24.35.022) to determine the exact location of a critical area or buffer, the findings and recommendations of the report shall be accepted, except in the following circumstances:

2. The report is incomplete per the provisions of TCC 24.35 – Special Reports.
3. The property site features identified in the report do not reflect observable data, currently available aerial imagery or LiDAR.
4. The findings and recommendations of the report are inconsistent with data or analysis that has been submitted and approved for the subject critical area extent. In these cases, third party review will be required to determine the exact location of the critical area or buffer.

In the case where a consultant submits a series of three distinct reports requiring third party review, the Director may determine the consultant does not meet minimum qualifications as set forth in TCC 24.35.022.

24.05.050 - Appeals.

A. Appeals of administrative decisions may be taken to the hearing examiner by any person aggrieved or by any officer, department, board or commission of the county affected by any order, requirement,

permit, decision or determination made by an administrative official in the administration or enforcement of this title...

[Administrative Procedures \(24.05.050\(A\)\)](#)

Appeals of administrative decisions are paid for solely by the applicant. In addition to the base fee found on the Thurston County Land Use Application Fee Schedule, an hourly rate shall be applied for all overages of the base fee. The base and any overage fees are nonrefundable unless the applicant voluntarily dismisses the appeal prior to a prehearing conference held by the Hearings Examiner.

24.05.060 - Code interpretations.

Any person may request in writing an interpretation of any provision of this title. The department shall issue a written determination to the person requesting the interpretation in accordance with Type I procedures in TCC 20.60.020(1). The letter of request shall serve as the Type I application for code interpretations. A fee may be assessed for code interpretations consistent with TCC 24.05.110.

[Administrative Procedures \(24.05.060\)](#)

The purpose of a formal code interpretation is to inform a project proponent how the code may be applied to a given proposal prior to investing the time and cost needed for application submittal. As such, a letter of request for a code interpretation must include essential information, including relevant facts involved with the proposal and the specific code sections or subsections being interpreted.

When a Type I application for a code interpretation is submitted, any active permitting review process associated with the interpretation will pause. All review timelines will toll during the pendency of a code interpretation as well as any appeal that may result.

Any code interpretation issued by CPED under 24.05.060 shall be made available on the department website for public reference.

24.05.100 - Recordation—Critical areas on property—Notice.

For a development proposal that does not involve the division of land where critical areas have been identified, the owner of a lot with a critical area and/or buffer shall record a notice and map on the title with the Thurston County Auditor that identifies the critical area location. This notice and map is not required if a preexisting notice has already been recorded that identifies the critical area in the same location. The applicant shall submit proof that any required notice and map have been filed for recording as a prerequisite to permit approval. The notice and map shall be approved by the director prior to recordation, and, shall at a minimum, include a map and legal description of the critical area, and a notice substantially similar to the following:

"Prior to and during the course of any grading, building construction or other development activity on this property containing or abutting a critical area, the area of development activity must be fenced or otherwise marked to the satisfaction of Thurston County. The critical area shall be maintained in its existing condition, except as provided for by Title 24 of the Thurston County Code, the Critical Areas Ordinance. Yard waste, debris, fill, equipment, vehicles, and materials shall not be placed in the critical area."

[Administrative Procedures \(24.05.100\)](#)

For purposes of compliance with 24.05.100, notice shall be signed and recorded prior to permit issuance in a form of substantial substance as follows:

PUBLIC NOTICE IS HEREBY GIVEN:

This property contains critical areas as defined by the Thurston County Community Planning & Economic Development Department and pursuant to Thurston County Code Chapter 24, the Thurston County Critical Areas Ordinance. This property was the subject of a residential development proposal reviewed through Project #####.

Restrictions on use or alteration of the critical area exist due to natural conditions of the property and resulting regulations. Review of such application has provided information on the location of the critical area and restrictions on its use. Any alteration to this critical area or change in the development plan must comply with the Thurston County Critical Areas Ordinance in effect at the time of any proposed alteration and must be approved by Thurston County.

As owner, I hereby affirm and certify that the information provided is accurate.

SPECIAL REPORTS – TCC 24.35

24.35.270 - Waiver of special reports.

The director may waive the submittal of any and all of the fish and wildlife habitat conservation areas special reporting requirements identified in this chapter under the following conditions:

- A. The removal of vegetation is minimal and will not impact the values or functions of an important habitat area or associated buffer;*
- B. Project activities will not impact the values or functions of an important habitat area or associated buffer; and*
- C. In the judgment of the director, any waived special reporting requirements would not be required to adequately address the potential critical area impacts and required mitigation.*

[Administrative Procedures \(24.35.270\)](#)

Special reporting requirements shall not apply to prairie habitat where it overlaps any land parcel with known habitat, potential habitat, or known occupancy of covered species identified in TCC 17.40 – Habitat Conservation Plan Implementation. Overlap shall be determined by looking at the extent of official critical area maps for prairie habitat and current maps maintained for Habitat Conservation Plan implementation under 17.40.020(B). If a Habitat Conservation Plan Program Review is required for the proposal, then a special report and additional mitigation for prairie review shall not be required.

24.35.360 - Wetlands—Critical area report—Minor projects

A. A wetland critical area report - minor projects shall be submitted for:

- 1. Projects with less than five thousand square feet of impervious surfaces that will not encroach into a wetland or buffer; and*

2. Other projects on sites containing wetlands or buffers where all of the proposed development would be located at least four hundred feet from all wetlands, as verified in the field. This does not include intensive uses identified in TCC 24.30.200.

AND

24.35.370 - Wetlands—Critical area report

Applicants for projects that do not qualify under TCC 24.35.360 shall submit a report and accompanying plan/data sheets containing, at a minimum, the information specified in this section.

Administrative Procedures (24.35.360(A)(1-2) AND 24.35.370)

1. No wetland critical area report will be required at the time of application when the project envelope is located greater than 400 feet from all mapped wetlands.
2. A wetland critical area minor report (identification), as described in TCC 24.35.360, shall be submitted at the time of building permit or environmental health application when the project contains less than 5,000 square feet of impervious surface area and will not encroach into a wetland buffer. The Department shall provide a standard form and affidavit to be completed by a qualified wetland scientist (defined in TCC 24.03) and property owner.
3. A wetland critical area report (delineation), as described in TCC 24.35.370, shall be submitted at the time of Critical Area Review Permit application when the project exceeds the thresholds for a Minor Project.

In a case where the required form of wetland critical area report is unclear, at the request of an applicant, the requirements and form of a wetland critical area report will be provided during the completeness review of an application.

List of Title 24, Critical Areas Ordinance Code and Policy Interpretations

[Oregon White Oak \(Policy: CPED.DS.01\)](#)

[Critical Area Review Requirement \(Policy: CPED.DS.03\)](#)

[Noxious Weed Definition \(Policy: CPED.DS.05\)](#)