



COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

3000 Pacific Ave SE, Olympia, WA 98501

TTY/TDD call 711 or 1-800-833-6388

Website: ThurstonCPED.org

Creating Solutions for Our Future

Ashley Arai, Director

TO: Thurston County Planning Commission

FROM: Claire Swearingen, Associate Planner

DATE: September 17, 2025

SUBJECT: Thurston County Critical Areas Ordinance Update

What are critical areas, and what does a Critical Areas Ordinance do?

Thurston County is preparing to embark on a significant Critical Areas Ordinance (CAO) update. The County is pursuing this update in order to stay up-to-date with the latest science and recommendations, improve the usability and transparency of the CAO, and simplify permit processes, among other benefits. Critical area protections help conserve crucial environmental functions, and they protect people and property from environmental hazards such as floods and landslides.

This project is in the very early stages. Staff will return in October to present a draft project schedule that the Planning Commission and public can provide feedback on. Be prepared to share priority focus areas and ask questions to help shape the way the new code is developed. In the future, staff will present current agency guidance and BAS for each critical area and ask the PC and the public to guide important policy choices that will ultimately inform development of proposed code language.

The Growth Management Act (GMA) requires that CAOs are reviewed and, if necessary, revised at least every ten years. The GMA also requires jurisdictions to consider and utilize the best available science (BAS), and incorporate other new requirements from state legislation. Periodically updating the CAO also enables the County to incorporate other best practices and technical and administrative recommendations, solve known implementation issues, optimize resource management, and reflect input from stakeholder organizations and the community.

Increasing efficiency and employing common sense in implementation are central goals to the process, and the anticipated result is a CAO that works effectively to protect the environment, while being user-friendly for applicants and county staff alike.

Thurston County's CAO designates and regulates the following critical areas, as required by Washington State:

- Wetlands
- Critical aquifer recharge areas (CARAs)
- Fish and wildlife habitat conservation areas (FWHCAs)
- Frequently flooded areas
- Geologically hazardous areas

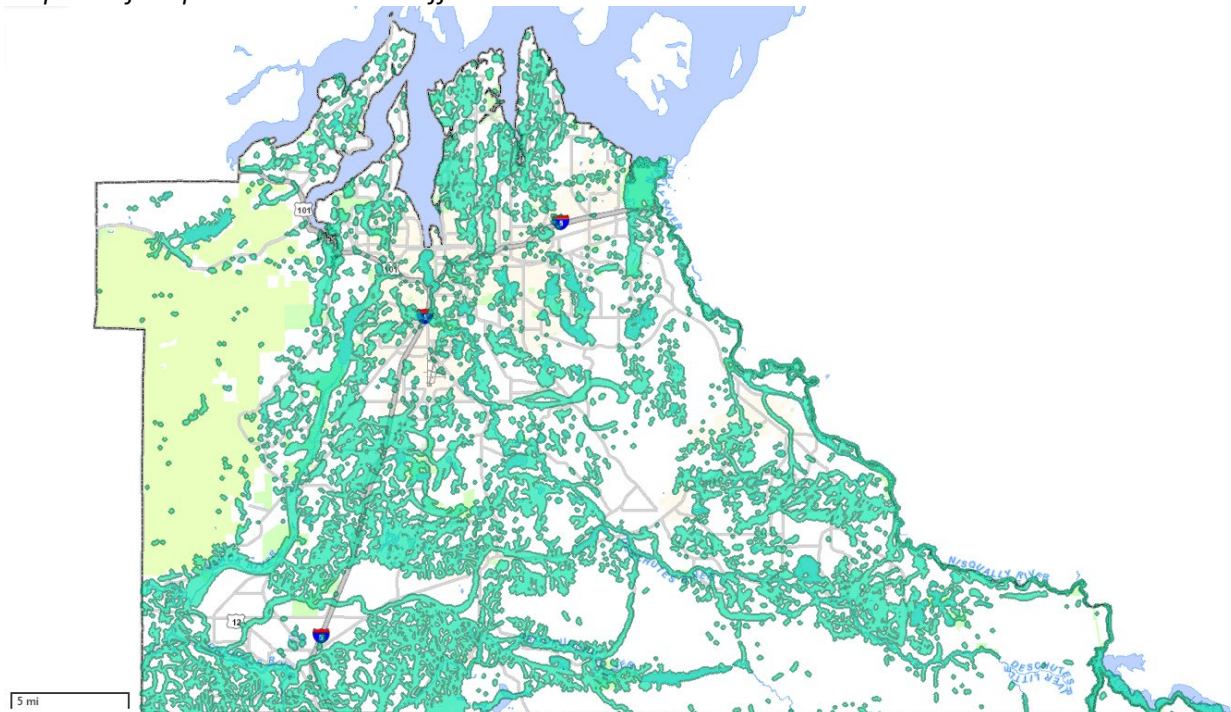
Guidance for all critical areas can be found in the [Washington Department of Commerce Critical Areas Handbook](#). Each critical area also has specific guidance, with examples listed below.

Wetlands

Wetlands are, generally, areas of land that are regularly either covered by water, or that regularly have their soils saturated with water. This means that wetlands support special kinds of plants that grow in these wet conditions. Wetlands include features like swamps and bogs, but don't include manmade features like drainage ditches or stormwater ponds. Wetlands can be connected to other surface waters like ponds, rivers, and coastlines, or they may be more isolated. Wetlands provide valuable habitat for wildlife, and help to maintain water quality, mitigate flooding, stabilize shorelines, and help maintain groundwater aquifers and adequate streamflow.

The type and amount of benefit a wetland provides depends on its size, location, and other features. Wetlands are protected by avoiding (or mitigating for) development within the wetland or its buffers. Wetland buffers are calculated by biologists based on the habitat functions a wetland provides, and based on manuals from the Department of Ecology.

Map: 300-foot potential wetland buffers.



Washington State guidance examples:

[Wetlands in Washington State, Volume 1: A Synthesis of the Science](#), Ecology, 2005

[Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands](#), Ecology, 2005

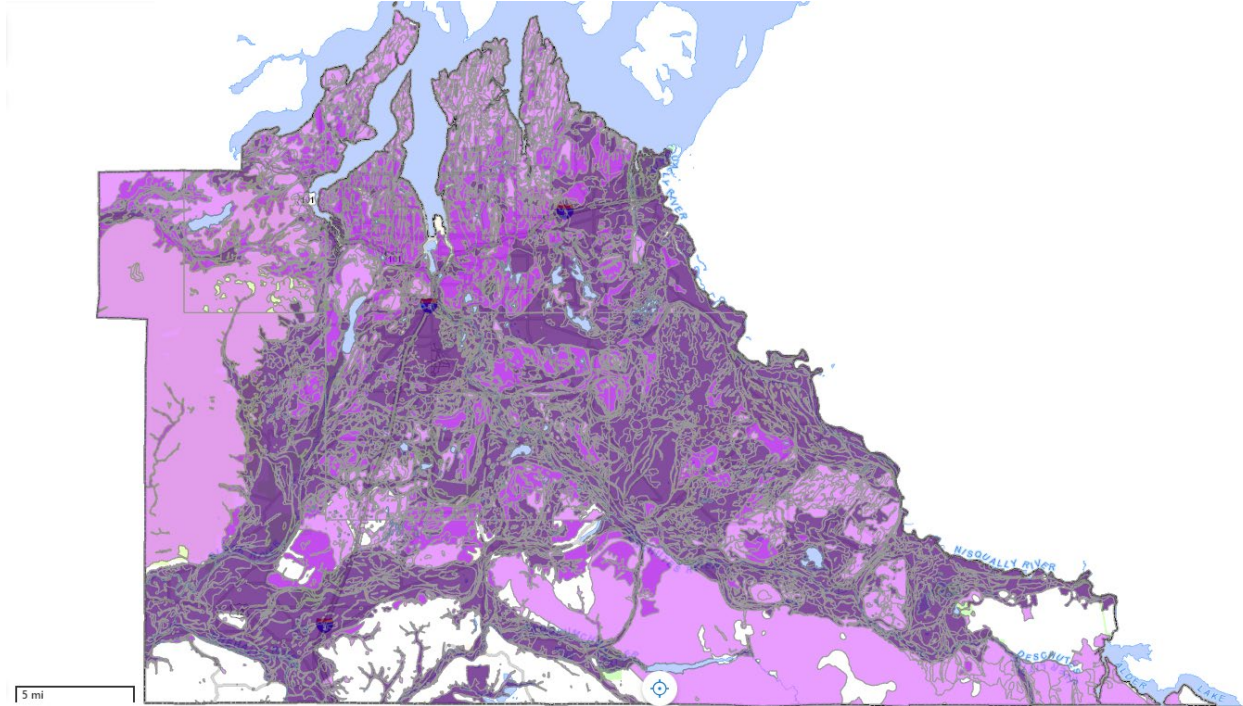
[Wetland Guidance for Critical Areas Ordinance \(CAO\) Updates](#), Ecology 2022

Critical Aquifer Recharge Areas

Critical aquifer recharge areas (CARAs) also play an important role in maintaining water quality and quantity in our region. Specifically, they are areas that contribute to potable groundwater (i.e. well

water). Disruptions to CARAs may cause drinking water to become contaminated, or for the supply to be limited, so our CAO limits potentially harmful development in these areas.

Map: CARAs. Darker shades indicate more sensitive areas.

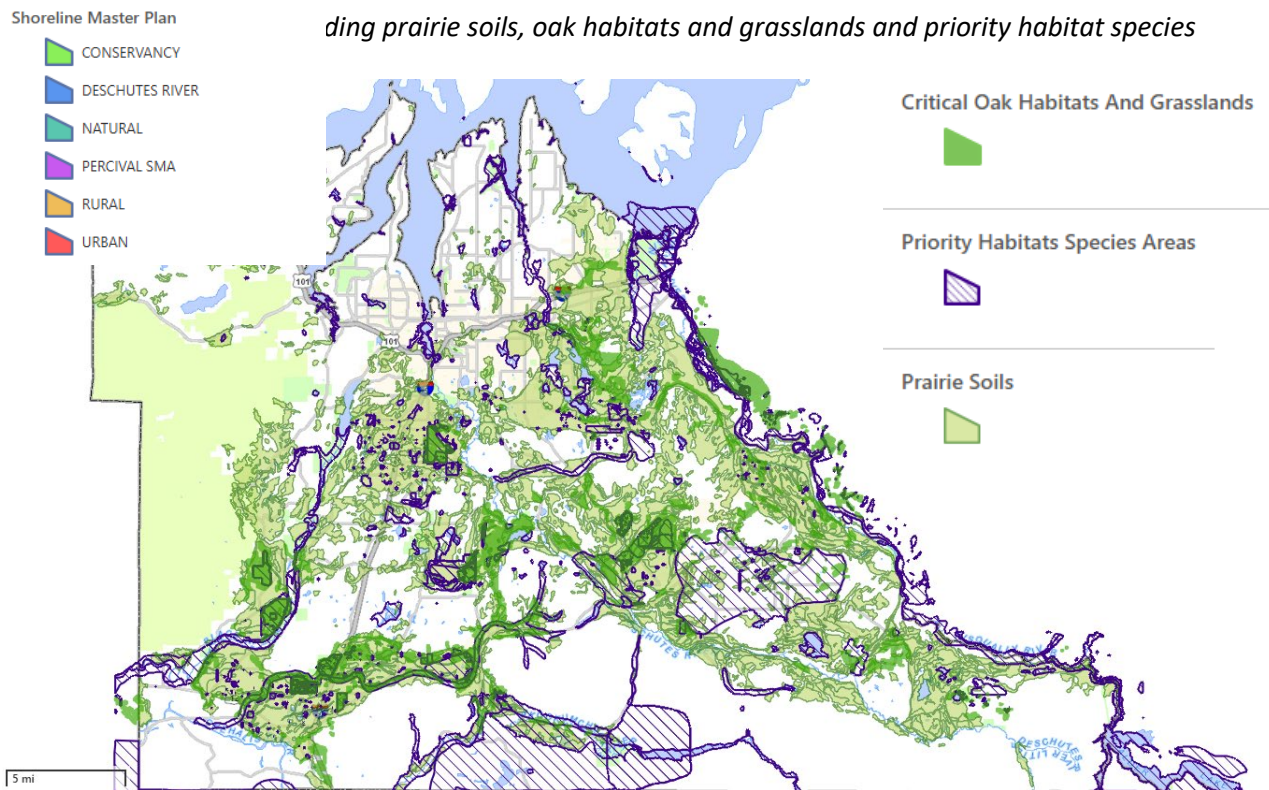


Washington State guidance examples:

[2021 Critical Aquifer Recharge Areas: Guidance Document](#), Ecology, 2021

Fish and Wildlife Habitat Conservation Areas

Fish and wildlife habitat conservation areas (FWHCAs) include parts of the natural environments where endangered species may live, habitats for species of local importance, areas that support shellfish, fish spawning, and game fish (including planted game fish), kelp and eelgrass beds, waters of the state, and all waterbodies that support fish habitat. Prominent FWHCAs in Thurston County include Oregon White Oak prairies and the riparian areas along our streams, rivers, and shorelines. Riparian areas are the traditional parts of the landscape between water and dry land, and in these areas, the features of the land like trees, plants, and sediment, contribute to the function of the aquatic habitat. The most important riparian areas are usually contained within the buffer assigned to a stream or waterbody. FWHCAs are protected by avoiding or mitigating for development within these areas and their buffers.



Map: Freshwater FWCAs including rivers, streams, ponds, lakes, and shorelines.



Washington State guidance examples:

[Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications](#), WDFW, 2020

[Riparian Ecosystems, Volume 2: Management Recommendations](#), WDFW, 2020

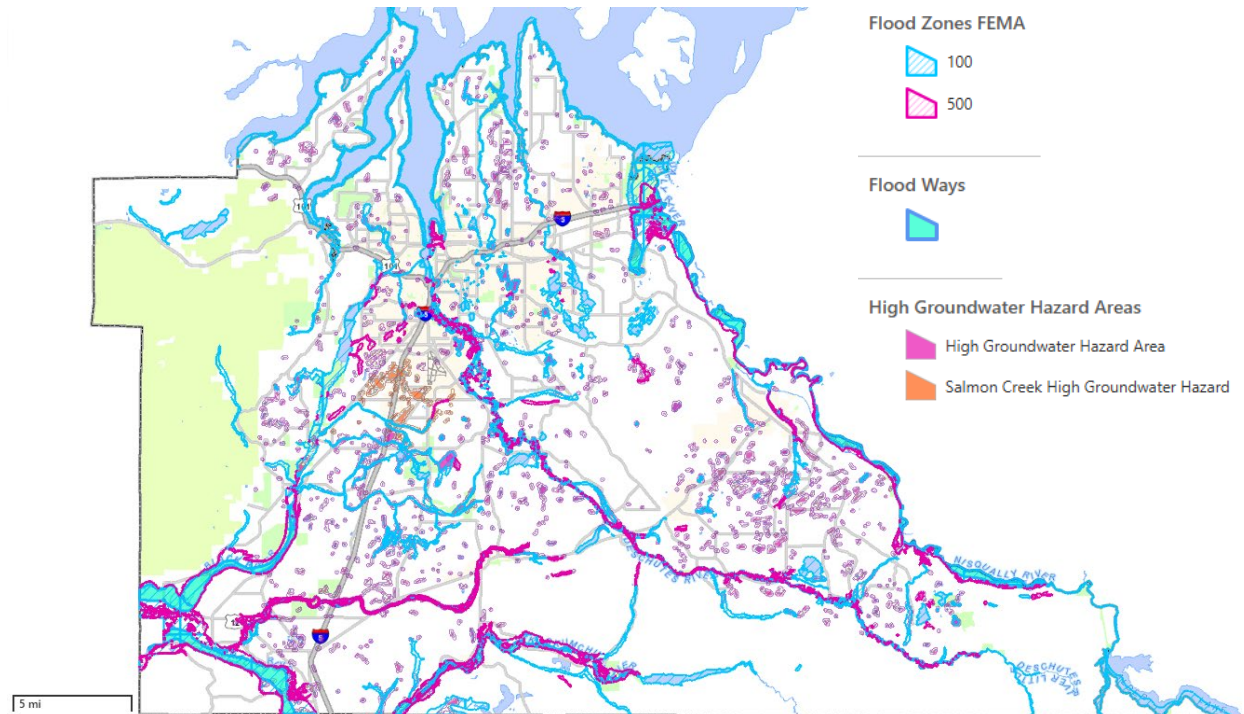
[Best management practices for mitigating impacts to Oregon White Oak priority habitat](#), WDFW, 2024

[*Priority Habitats and Species Management Recommendations: Mazama Pocket Gopher*](#), WDFW, 2011

Frequently Flooded Areas

Frequently flooded areas are locations that are particularly prone to floods, and may present a danger to human life and property. These include areas with a one percent or greater chance of flooding each year, areas within the highest recorded flood elevation, and areas with high groundwater hazards. These are all included on federal Flood Insurance Rate Maps. Development is restricted or prohibited in these areas to protect safety and property.

Map: Frequently flooded areas including FEMA flood zones, flood ways, and high groundwater hazard areas.



Washington State guidance examples:

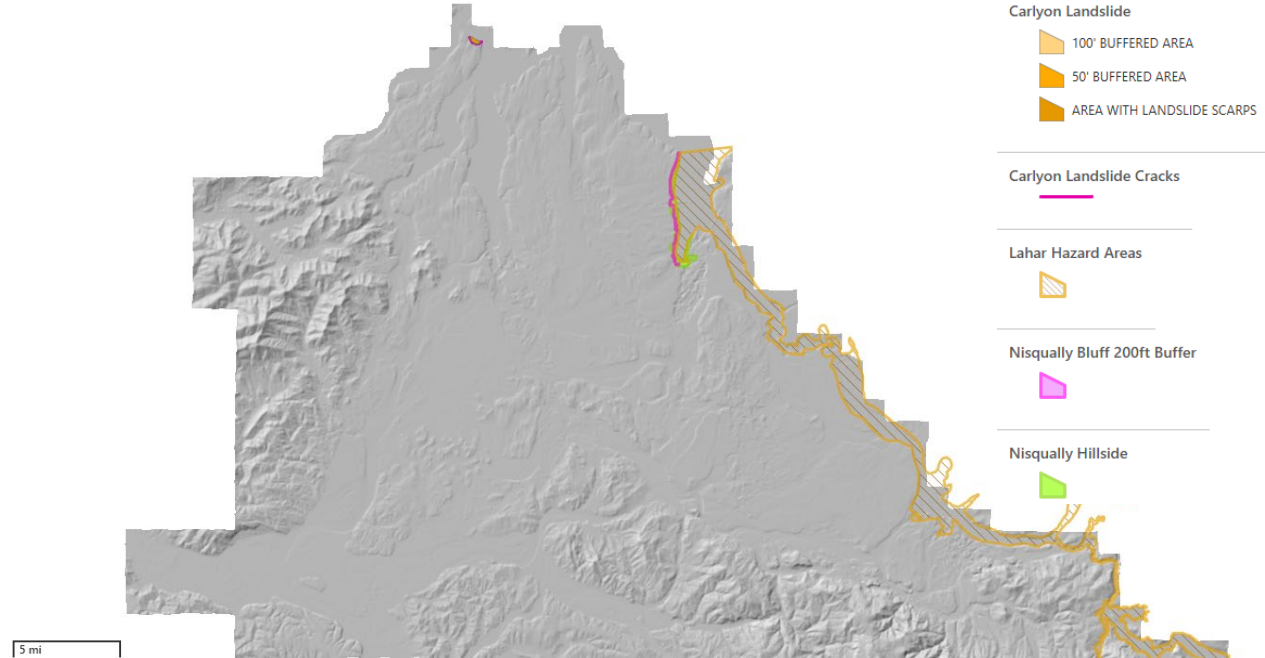
[*Frequently Flooded Areas: Critical Areas Ordinance \(Webpage\)*](#), Ecology, 2025

[*National Marine Fisheries Service Biological Opinion*](#), NMFS, 2011

Geologic Hazard Areas

Geologic hazard areas are locations where the conditions or structure of the soil or earth create a potential hazard for people and property. These areas may be at risk for landslides, erosion, volcanic lahar flows, or seismic soil liquefaction. Some development is allowed in volcanic and seismic hazard areas, but it is limited in order to protect human safety. Development in areas made potentially hazardous by mining activity requires technical reports and must meet additional requirements to ensure safety. Development near marine bluffs and other landslide hazard areas is protected by preserving an undisturbed vegetated buffer to ensure slope stability.

Map: Shaded slopes, Carlyon and Nisqually Bluff landslide areas, and lahar hazard areas.



Washington State guidance examples:
[Geologic Planning \(Webpage\)](#), WA DNR, 2025

How the CAO applies

The CAO applies any time a property owner proposes development on a piece of land that will impact critical areas, or potential indicators of critical areas. County staff uses GIS maps to screen whether a critical area review permit is required. Critical area review happens at the beginning of a development project (such as a new home, expansion or addition of a structure, subdivision, or new commercial development). Critical area review is done under a permit type called a Critical Areas Review Permit (CARP). CARPs are required regardless of what other permit types a project needs. This permit type gives county staff the ability to ensure the critical areas are adequately protected.

To obtain a CARP, an applicant submits a preliminary site plan, property information sheets, and any required critical areas reports to help county staff determine what impacts may occur to critical areas, what mitigation requirements or other project conditions will be applied, and that the project is consistent with TCC Title 24 – Critical Areas Ordinance.

If a project can't avoid critical areas on a property, and this prevents the owner from reasonably using their property, they can apply for a Reasonable Use Exception (RUE). This type of permit allows property owners to exercise their right to reasonable use of their land while avoiding impacts to critical areas as much as possible, and is important for balancing property rights with environmental protection. In addition to County staff review, RUEs are reviewed by a hearing examiner, who also accepts and reviews public comments, and holds a public hearing.

Update history and current scope items

The last major CAO updated happened in 2012. By the time this update is completed, it will have been nearly 15 years since the last major update. In that time, new research has been published, and

Thurston County has grown and changed. This update will allow the County to adapt to the needs of residents and respond to feedback while adopting effective and up-to-date protections. The following items are already established as part of the project scope:

- Updates to reflect new requirements from the Department of Commerce or other State agencies
- Updates to reflect the current Best Available Science
- Work to be performed under the Department of Commerce's Salmon Recovery Program grant to improve regulatory tools for salmon habitat protection
- Updates to align with the new Habitat Conservation Program, Shoreline Master Program, and Comprehensive Plan policies.
- Improvements for ease of implementation and permitting

Some things won't be part of this update. Items outside the scope of the update include:

- Updates to the Comprehensive Plan
- Updates to TCC sections outside of TCC Title 24
- Urban growth areas
- As a separate process under joint code planning efforts, separate critical areas ordinances will be adopted by reference or developed to suit the zoning and development standards in UGAs and allow the County to meet the goal of 5% rural population growth.

What is the scoping process and why are we taking this approach?

The collaborative scoping process, facilitated through the Thurston County Planning Commission, will allow both the commissioners and the community to inform the CAO update at the earliest possible stage. During this process, staff will learn about community ideas, concerns, and priorities, and work to incorporate that feedback into the structure and scope of the CAO update. The goals of the scoping process are to:

- Provide information that is accessible, inclusive, and easily understandable for a diverse audience.
- Provide information to help the community understand laws and regulations that shape the CAO update process.
- Seek input through written and oral comments and in-person feedback at meetings from a broad range of individuals and community groups.
- Ensure elected officials and staff are aware of and understand community viewpoints and concerns that relate to the CAO update.
- Help the community engage in an informed and effective way.
- Improve access to accurate information.
- Get diverse community feedback early and throughout the entire process.
- Leverage the knowledge and experience of key regional partners and subject matter experts.

How to prepare to engage in this process

Participation in future meetings and engagement efforts will be best supported by thinking about:

- Priorities and ideas for the update
- Questions for staff about the scope, purpose, and outcomes of the update
- Information, science, and research that could support the update
- Other interested parties or key contacts to engage

Additional Resources

[WA Dept. of Commerce Critical Areas Handbook](#)

[WA Dept. of Commerce Critical Areas Webpage](#)

[Municipal Research and Services Center Critical Areas Webpage](#)

Court Decisions

[Clallam County v. W. Washington Growth Mgmt. Hearings Board](#) (2005)

[Whidbey Environmental Action Network v. Island County](#) (2020)

[Ferry Cty. v. Growth Mgmt. Hearings Bd.](#) (2014)

[Yakima County v. E. Wash. Growth Mgmt. Hearings Bd.](#) (2012)

[Olympic Stewardship Found. v. W. Wash. Growth Mgmt.](#) (2012)

[Stevens County v. Futurewise](#) (2008)

[Swinomish Indian Tribal Community. v. W. Washington Growth Mgmt. Hearings Board](#) (2007)

[Futurewise v. Snohomish County](#) (2019)

[KAPO v. Central Puget Sound Growth Mgmt. Hearings Board](#) (2011)

[Stevens County v. E. Wash. Growth Mgmt. Hearings Bd.](#) (2011)

CAOs From Other Jurisdictions

[Whatcom County](#)

[Skagit County](#)

[Kitsap County](#)

[Pierce County](#)