



SENSITIVE AREA PERMIT OR EXCEPTION SUBMITTAL REQUIREMENTS

The purpose of a sensitive area permit is to review projects that may have substantial impacts on sensitive area functions, but do not require other permits.

Submittal Requirements (for Permit or Exception):

Planning Permit Master Application form

Certification and Transfer of Applicant Status form

Sensitive Area Identification Form

2 Copies of a site plan

2 Copies of a sensitive area report (*deferred submittal if required by process criteria*)

2 Copies of a clearing & grading plan, erosion control plan, drainage plan & mitigation plan (*if required*)

Application and Deposit fee

Process:

- The Natural Resources Director shall review available sensitive area maps and data and conduct a site inspection to review sensitive area conditions on site if needed.
- The Natural Resources Director will make a determination as to whether any sensitive areas may be affected by the proposal and if a sensitive area report will be required.

No sensitive areas present. If, after a site visit, it is found that the project area is not within or adjacent to a sensitive area and that the proposed activity is unlikely to degrade the functions or values of a sensitive area, then it will be ruled that the sensitive area is complete and noted on the determination form the reasons that no further review is required.

~or~

Sensitive areas present, but no impact-report waiver. If it is found that there are sensitive areas within or adjacent to the project area, but the proposed activity is outside of required buffer areas and is unlikely to degrade the functions or values of the sensitive area, the administrator may waive the requirement for a sensitive area report. A summary of this analysis and the findings shall be included in any staff report or decision on the underlying permit.

~or~

Sensitive area may be affected by the proposal. If it is determined that a sensitive area or areas may be adversely affected by the proposal, then the administrator shall notify the applicant that a sensitive area report must be submitted prior to further review of the project, and indicate each of the sensitive area types that should be addressed in the report.

Sensitive area jurisdiction decisions shall be final unless, unknown information is brought to the attention of Natural Resources Director.

Process for Exception:

- The Natural Resources Director shall prepare a recommendation to the Hearing Examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with the applicable public agency and utility exception review criteria.
- The Hearing Examiner shall review the application, consider the recommendation of the Natural Resources Director, and consider public testimony at a public hearing.
- The Hearing Examiner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the applicable exception criteria.

Exception Review Criteria:

- ***Type 1: Public Agencies and Public Utilities Exception***

There is no other practical alternative to the proposed development with less impact on the sensitive areas;

The application of this chapter would unreasonably restrict the ability to provide utility services to the public;

The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

The proposal attempts to protect and mitigate adverse impacts to the sensitive area functions and values; and

The proposal is consistent with other applicable regulations and standards.

- ***Type 2: Private Property Reasonable Use Exception***

The application of this chapter would deny all reasonable economic use of the property;

No other reasonable economic use of the property has less impact on the sensitive area;

The proposed impact to the sensitive area is the minimum necessary to allow for reasonable economic use of the property;

The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor;

The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

The proposal will result in no net loss of sensitive area functions and values; and

The proposal is consistent with other applicable regulations and standards.