



Critical Areas

B-44

Division of Building and Code Enforcement

PROTECTION OF CRITICAL AREAS was mandated by Washington State's Growth Management law. Spokane County adopted critical area policies in the Comprehensive Plan, and in August 1996, adopted the Critical Areas Ordinance (CAO). This ordinance limits land uses or development and establishes review procedures for three critical areas: *Wetlands*, *Fish and Wildlife Habitat*, and *Geological Hazards*.

WETLANDS — involve a combination of water, soil type, and water oriented plants, man-made or naturally occurring. They have a variety of appearances ranging from a marsh with cattails to a field without exposed water. There are four different types of wetlands that can only be determined by the vegetation, soil and water. A site investigation is conducted by a wetlands specialist to determine if and where there are wetlands on the property, and if so, determine the type of wetland. Different wetland categories have different buffers, ranging from Category-1, 200 feet, 150 ft., 75 ft. and down to a 25 ft. buffer for Category-4. Wetland buffers are not to be disturbed and must remain in native vegetation. If wetlands are filled/eliminated, a wetland mitigation plan developed by a qualified wetland specialist is necessary and requires creation of new wetlands at greater than a 1:1 ratio, or wetland enhancement, along with a 5-year financial performance bond or guarantee that the new wetland improvements become established.

FISH AND WILDLIFE HABITAT — involves priority wildlife species and habitats and includes Riparian Habitats along flowing rivers and creeks. Development in these areas may require a Habitat Management Plans prepared by a qualified biologist that identifies how development impacts to wildlife or habitat are going to be mitigated. This Plan is reviewed by the Washington State Department of Fish and Wildlife who advises Spokane County as to its adequacy. The Riparian Habitat found along flowing water of rivers, streams and creeks has buffers of 250 ft., 100 ft., 75 ft. and 25 ft. for different channel widths. These habitat buffers are to remain in natural vegetative cover which can limit development and uses of this portion of the property. Lakes and ponds do not have riparian habitat buffers, only flowing water, however, other regulations, including State and County Shoreline requirements, may apply if greater than 20 acres of water surface.

GEOLOGICAL HAZARDS — typically involve property with 30% or greater slopes or property with soil characteristics that have severe potential for erosion or landslides. Development and land uses can be limited in these areas and may require a Geo-Hazard Mitigation Plan prepared by a qualified landslide or erosion specialist (typically a civil engineer).

“HOW WAS I SUPPOSED TO KNOW?” Is a common reaction to being notified of critical area problems or violations. This is especially true for property owners who for years have made changes to their land or watched their neighbor make changes which are now prohibited or limited.

Because of the technical nature of identifying these critical areas many property owners may not realize they have one or more type of critical area on or adjacent to their property. Additionally, many may not be aware of these regulations, which need to be considered before making changes to your property: You may be making plans to improve property, remove brush and trees or do some grading to fill-in or change the shape of your land only to discover that the project is in violation of the CAO and that you may be required to spend more time and money to correct the violation.

Many times Spokane County is able to assist in identifying and understanding these new regulations because the owner has applied for a development permit. During permit review, projects are evaluated for compliance with the standards for critical areas. But many projects do not require a development permit and the CAO does not require a separate permit for critical area development.

Well placed **Questions** and **Information** are the best tools to prevent a land owner from wasting time and money on a project and becoming involved in a costly, upsetting and time consuming violation process.

Anyone who is thinking about developing or changing the physical aspects of their property should *CALL FIRST*, before it becomes necessary to correct a problem. Contact Spokane County Division of Building and Code Enforcement at (509) 477-3675 for assistance before starting design work, developing or changing your property within the unincorporated portion of Spokane County. This includes any development in the water, next to water/marsh/wet areas, next to flowing water, in areas covered by native vegetation, steep slopes and areas that show land movement (landslides) or erosion.

The Spokane County CAO is about 70 pages and can be purchased at the Spokane County Division of Building and Code Enforcement in the Public Works Building at 1026 West Broadway Avenue, next to the Spokane County Courthouse.

For more information or an appointment contact:

Spokane County Division of Building and Code Enforcement
Permit Center - 1026 W. Broadway Avenue
Spokane, WA 99260-0050
(509) 477-3675

or

Spokane County Division of Planning
1026 W. Broadway Avenue
Spokane, WA 99260-0240
(509) 477-7200