

CRITICAL AREAS

What is the purpose of the critical area requirements?

Critical area requirements, commonly referred to as the CAO, implement the goals and policies of the *Washington State Environmental Policy Act*, the *Washington State Growth Management Act*, and the *Grays Harbor County Comprehensive Land Use Plan*, all of which call for protection of public health and safety through protection of environmentally critical areas.

What is a critical protection area?

Critical areas are lands with natural hazards or lands that support certain unique, fragile or valuable resource areas. Lands designated by Grays Harbor County as critical include areas identified as geologically hazardous areas, frequently flooded areas, wetland areas, fish and wildlife habitat conservation areas, and critical aquifer recharge areas. Grays Harbor County Code (GHCC) sets forth special development requirements for critical areas in order to protect public health and safety, and to promote environmental health in the County.

What incentives are available to property owners to protect critical areas?

In many instances, Grays Harbor County can provide benefits to property owners who protect critical areas. In addition to the broad benefits of increased safety and resource protection, the following benefits are available to individual property owners:

- *Subdivision Density Credits.* Density credits provide compensation to owners for parts of their property that cannot be developed because they contain critical areas and/or critical area buffers. Density credits may be available for all critical areas and buffers, except submerged lands. When density credits are allowed, residential development can be concentrated on the portions of the property not restricted by buffers, setbacks or critical areas. The property will be subject to other zoning and development restrictions.
- *Current Use Taxation.* Property owners can enjoy reductions in property tax bills by protecting certain critical areas. This may mean a reduction in property tax for parcels with non-developable critical areas or buffers if an additional public benefit, such as for the protection of an open space resource, is provided. Land approved for open space taxation is subject to certain use limitations.

What is the critical protection area review process?

The CAO review process is dependent on the type of permit or approval being requested, and the type and extent of critical area on or near the site. All projects are screened to some extent for critical areas. As often as possible, the CAO review is performed early in the permit process because of the potential for site constraints and the need to adjust the proposal when warranted. The following are typical levels of detail involving the CAO review process:

- *CAO Inquiry.* The Critical Areas Inquiry is a process that allows a property owner to investigate the feasibility of a general site development proposal with the Planning and Building Division. The process is flexible and can be tailored to meet the needs of the customer. No formal decision is provided, and any CAO determinations are not vested for future permit applications. This is an appropriate process if you have a specific question, such as "Would I be able to expand my house out 20-feet towards an existing critical area?"
- *CAO Permit Review.* All development will be subject to CAO review during the permit process. The County will review the permit application to determine its conformance with the provisions of GHCC 18.06. The review will include the identification of critical protection areas on the development site and determining what, if any, protection measures required by the code will need to be implemented as part of the development project.

In the event that a proposal does not meet the prescriptive standards of the CAO, the CAO contains provisions and criteria for modifying those standards. When the existing flexibility is not adequate to address site constraints, the CAO allows for variances and reasonable use exceptions, often with required compensatory mitigation. The standards for all decisions by the Grays Harbor County Board of Adjustment regarding variances and exceptions, including appeal processes, can be found in the CAO.

How do applicants find out if a property contains a critical area?

In general, the CAO emphasizes the importance of addressing site issues early in the project design process. Doing so improves the efficiency and predictability of permit review and should lower costs by preventing unanticipated project redesigns. Regardless of the type of project proposed, applicants are encouraged to identify the presence of critical areas on the property as early as possible.

The actual presence or absence of critical areas on a development site determines the permit requirements, regardless of what is contained in maps and other documents. Grays Harbor County has not mapped all critical areas on all property within the County.

Customers may contact the Planning and Building Division at (360) 249-5579 to discuss the process of finding out whether a property contains critical protection areas. Please have the Grays Harbor County Assessor Tax Parcel Number for the development site available prior to contacting the County.

How are critical areas protected?

The CAO restricts or prohibits development in critical areas and utilizes protective buffers, usually of undisturbed native vegetation, to be designated around some critical areas. A buffer is an area of land adjacent to a critical area reserved to protect the critical area. In some cases, special studies must be conducted to evaluate risks to proposed projects or to the environment. Only certain alterations are permitted, and compensatory mitigation may be required. Mitigation means any of a number of measures taken to avoid impact to the critical area and/or its buffer or other actions that avoid, minimize, reduce, or compensate for the impact.

Notice on Title

If critical areas exist on the site, a Notice on the title of the development property will be filed with Grays Harbor County Auditor. The CAO Notice on Title states that critical areas and their associated buffers are present on the property, what County CAO development regulations apply to the site, and that these regulations may limit development actions in the critical areas and in the buffers.

Appeal process

When conditions are placed on a proposed project due to critical areas, applicants may file a written appeal according as part of the appeal procedure for the permit or approval involved. If a project requires more than one appeal for which hearings are required, every attempt will be made to consolidate the hearings into a single proceeding. The appeal must be filed with the Grays Harbor County Planning and Building Division.

Fees

Applicants will not be charged a fee for brief consultations.

If an applicant desires a detailed analysis of CAO requirements for a specific project, they are encouraged to schedule a pre-application conference with the County. There is a nominal fee associated with the pre-application conference.

The CAO review conducted as part of the development permit application process does not currently involve a separate fee.

Additional information

The CAO development requirements described in this bulletin are codified in GHCC 18.06, which is available for review on the County's website at: http://www.co.grays-harbor.wa.us/info/pub_svcs/PlanningBuilding.htm

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