



UTILITIES Critical Area and Archaeological/Historic Requirements

Community Development & Planning
(360) 378-2354

Review areas: Critical area review should be completed for all development, uses, activities and structures with regulations within the following areas:

- Critical aquifer recharge area - entire County
- Frequently flooded area
- 200 feet from a geologically hazardous area
- 300 feet from a wetland
- 200 feet from a fish and wildlife habitat conservation area (most marine waters, naturally occurring ponds, lakes and streams and habitats of some specific plants and animals)
- 1,000 feet from a golden eagle nest, or ¼ mile from peregrine falcon or great heron nests

Exemptions: San Juan County Code 18.30.110 exempts the following development, uses and activities when they are conducted in accordance with the stated conditions and requirements.

- 1. Emergency Response** including activities necessary to prevent an imminent threat to public health, safety, or the environment, or to public or private property, and that require remedial or preventive action in a time frame too short to allow for critical area review and approval. Within 7 days of the emergency, the person/agency undertaking the action shall report to the director the extent of the action taken and any resulting adverse impacts to critical area functions and values. Mitigation and/or restoration necessary to bring the action into compliance with the requirements shall be undertaken pursuant to a mitigation plan or other plan consistent with the critical area requirements. The CD&P director shall be the decision-maker for these plans.
- 2. The operation, maintenance, repair, remodel, or replacement of existing structures, facilities, infrastructure systems, development areas and uses, provided:**
 - there is no further intrusion into geologically hazardous areas, frequently flooded areas, wetlands, or fish and wildlife habitat conservation areas or their buffers;
 - soil erosion is controlled, disturbed areas are promptly stabilized; and
 - actions do not have an additional adverse effect on the functions and values of critical areas.

Existing structures, uses and activities located within shorelines of the state are addressed separately (see SJCC 18.30.110.B and 18.30.160).

- 3. a. Installation, construction of electrical, telecommunications, cable, water, sewer, and other utility lines and equipment within existing structures, facilities, infrastructure systems, development areas and uses, utility easements, and public and private rights-of-way, provided:**
 - there is no further intrusion into geologically hazardous areas, frequently flooded areas, wetlands, or fish and wildlife habitat conservation areas or their buffers;
 - soil erosion is controlled;
 - disturbed areas are promptly stabilized; and
 - actions do not have any additional adverse effect on the functions and values of critical areas.

3. b. Installation and construction of new utility lines and equipment provided that reasonable efforts are made to avoid impacts to critical area functions and values, and:

- BMPs are used to minimize clearing, erosion, sedimentation and other soil disturbance;
- Disturbed areas are promptly stabilized and re-vegetated; and
- Any adverse impacts to critical areas are mitigated in accordance with SJCC18.30.110(E).

Determining if a proposal intrudes further into a critical area: Further intrusion into a critical area is interpreted to include activities that intrude into critical areas located outside of a development area.

Development area: SJCC 18.20.040 defines development area as the area that is directly altered as a result of development. This includes, but is not limited to, the area containing structures, driveways, gardens, landscaped areas, areas of grading, excavation, or fill.

Determining if there are any additional adverse effects on the functions and values of critical areas:

Explain in narrative and on plans how the magnitude of adverse impacts to water quality and critical area functions, and risks to people and property, will not be increased. Areas that must be addressed include:

- a. Steps that will be taken to remove contaminants and infiltrate or safely discharge additional runoff and pollutants;
- b. Steps that will be taken to prevent erosion and maintain stability of the site and adjacent areas;
- c. Steps that will be taken to protect, relocate, or replace trees, shrubs and rare/sensitive plants;
- d. Steps that will be taken to protect or mitigate adverse impact to wetland habitat and the habitat of protected animals, including any construction timing restrictions;
- e. Steps that will be taken to protect habitats of local importance;
- f. Steps that will be taken for shoreline modifications (e.g. docks, bulkheads) to prevent adverse impacts to the size of shoreline substrate; the flow of sediment along the shore; and protected aquatic plants, animals and habitats.

Mitigation plan requirements, submittal and review: When mitigation of adverse impacts to critical areas is required, mitigation plans must be prepared by qualified professionals (see SJCC 18.20.170) and comply with SJCC 18.30.110.E. If a separate permit is required, mitigation plans must be submitted to CD&P and the decision-maker for the underlying permit or approval (CD&P director or the hearing examiner) must review and approve the plans. If there is no related permit, these plans must be reviewed and approved by CD&P staff.

Archaeological/cultural review: Prior to siting utilities, the project should be reviewed for compliance with the archaeological/historic preservation regulations in SJCC 18.50.050 and 18.60.210 and with State requirements. Staff can assist you with a review of appropriate maps to ensure that a compliant utility site is located.

Should archaeological materials (e.g. bones, shell, stone tools) or human remains be observed during ground-disturbing and construction activities, all work in the immediate vicinity must stop. Contact Gretchen Kaehler with the Washington Department of Archaeology and Historic Preservation at (360) 586-3088) or Gretchen.Kaehler@dahp.wa.gov immediately in order to assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.