Determinaton of Nonsignificance (DNS)

Project No.: PCODES-13-0001 – Critical Area Ordinance Response to August 20, 2014, Growth Management Hearings Board (Board) Decision


(Note: The ordinance title will be updated as soon as a critical area technical correction ordinance amending SJCC 18.30.150 is adopted.)

Applicant: San Juan County

Location: Unincorporated San Juan County

Responsible Official: Sam Gibboney, Director

A determination of nonsignificance is issued regarding proposed amendments to San Juan County’s critical area regulations. The amendments are proposed to comply with the Growth Management Hearings Board’s August 20, 2014, decision regarding compliance of the regulations with the Growth Management Act (GMA) and a February 17, 2015 compliance deadline. The amendments address two areas of noncompliance.

In Ordinance Section 1, SJCC 18.30.110.C.3.a, the exemption for utility construction in existing development areas (SJCC 18.20.040) is amended to comply with the GMA by requiring compensatory mitigation consistent with the requirements of SJCC 18.30.110.E.7 and by providing specific mitigation steps. Mitigation of long-term harm to wetlands through the County’s mitigation sequence is designed to reduce the severity of negative impacts to functions and values and to provide compensation for those impacts when appropriate. The mitigation requirements are consistent with Ecology’s recommendations and the Best Available Science.

In Ordinance Section 2, SJCC 18.30.150 Table 3.5.u.ii pertaining to sleeved and water-tight drainfield lines is amended by changing “yes” to “no” in the wetland column. The construction of drainfield lines will not be permitted in a wetland.

In Ordinance Section 3, a scriveners error is corrected in SJCC 18.30.160 Tale 3.8 item (g)

San Juan County, the lead agency for this nonproject proposal, has determined that the nonproject action will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) will not be required under RCW 43.21C.030(2)(c). This determination was made after review of a completed environmental checklist and other information on file at the San Juan County Community Development and Planning Department and which is available upon request. San Juan County has determined that existing requirements for environmental analysis,
protection, and mitigation are adequate and that additional mitigation measures under SEPA will not be required.

This determination is issued pursuant to WAC 197-11-340(2). San Juan County will not act on this proposal for at least 14 days from October 1, 2014, and mailing of this determination to agencies with jurisdiction. Comments must be submitted in writing to the Community Development and Planning Department by Wednesday, October 15, 2014. Following a final decision this determination may be appealed with the underlying action to Superior Court or State Boards as provided in RCW 36.70A, RCW 90.58, and RCW 36.70C. For appeals to Superior Court the appeal period in 21 days and for appeals to the Growth Management Hearing’s Board the appeal period is 60 days.

Copies of the ordinance, SEPA Determination and associated documents are available from the San Juan County Community Development and Planning Department. For copies or more information contact Linda Kuller at (360) 370-7572 or lindak@sanjuanco.com.

Signature: ____________________________ Date: October 1, 2014