
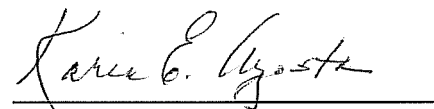


AMENDMENTS TO SJCC 18.30.110, GENERAL
PROVISIONS FOR CRITICAL AREAS; ADDING A
RELATED SECTION TO SJCC 18.80 ESTABLISHING
PROVISIONS FOR FINANCIAL GUARANTEES; AND
AMENDING ASSOCIATED DEFINITIONS
AS APPROVED BY THE PLANNING COMMISSION

AUGUST 19, 2011



Susan Dehlendorf, Chair



Karin Agosta, Secretary

**Amendments to SJCC 18.30.110, General Provisions for Critical Areas; Adding
a Related Section to SJCC 18.80 Establishing Provisions for Financial Guarantees; and Amending Associated
Definitions**

August 19, 2011 Planning Commission Draft

SECTION 1. San Juan County Code (SJCC) Chapter 18.20.020 "B" definitions shall be amended to read as follows:

"Best Available Science" means current scientific information used in the process of designating, protecting, or restoring Critical Areas, that is derived from a valid scientific process as described in WAC 365-195-900 through 925.

SECTION 2. San Juan County Code (SJCC) Chapter 18.20.030 "C" definitions shall be amended to read as follows:

"Critical Area Functions and Values" means the beneficial roles served by Critical Areas and the values people derive from these roles including but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation and protection from hazards.

SECTION 3. San Juan County Code (SJCC) Chapter 18.20.040 "D" definitions shall be amended to read as follows:

"Development area" means the area that will be permanently altered as a result of development. This includes but is not limited to the area containing structures, driveways, landscaped areas, waste treatment facilities, and any grading, excavation, fill, or removal of vegetation. For this definition, permanent means a change with a duration exceeding 24 months, unless the Director approves an extension of this time for good cause.

"Development means a permanent, man made change to the land, including but not limited to the division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any clearing, draining, dredging, drilling, filling, grading, paving, excavation, mining, landfill, or any extension of the use of land. (See also "shoreline development."). Division of a parcel into two or more saleable parcels is also considered development. For this definition, permanent means a change with a duration exceeding 24 months, unless the Director approves an extension of this time for good cause.

SECTION 4. San Juan County Code (SJCC) Chapter 18.20.170 "Q" definitions shall be amended to read as follows:

"Qualified Professional" means a person with training and experience in the pertinent scientific discipline. With regard to Critical Areas, a person who is a qualified scientific expert in accordance with WAC 365-195-905. A qualified professional must be licensed and/or certified where such licensing or certification are required, and must be working within their areas of expertise. When certification is not required the professional must a) have obtained a B.S., B.A. or equivalent degree in biology, engineering, environmental

studies, fisheries, geomorphology, or related field, and b) have at least five years of related work experience.

1. Wetlands. A qualified wetlands professional is a person who has an understanding of hydrology and advanced skills in plant identification and soils classification, has been trained in the procedures of the 1987 Federal wetland delineation manual, and has the qualifications to conduct wetland studies and make recommendations for wetland mitigation. These qualifications include specialization in wetland soils, botany, or hydrology, with appropriate education and experience.
2. Fish and Wildlife Habitat Conservation Areas. A qualified professional for habitat must have a degree in biology or a related degree and professional experience related to the subject species.
3. Geologically Hazardous Areas. A qualified professional for a geological hazard shall be either a geotechnical engineer, qualified civil engineer, or certified engineering geologist with experience analyzing geologic, hydrologic, and ground water flow systems and shall be licensed to practice in the state of Washington. When the proposed development is located in an area subject to wave attack, beach processes, and littoral drift, the professional should also have demonstrated experience in assessing and providing management recommendations on sites with active coastal processes.
4. Critical Aquifer Recharge Areas. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

SECTION 5. SJCC Section 18.30.110 and Ord. 15-2005, Exh. B § 2a shall be amended to read as follows:

18.30.110 Critical Areas.

A. Purpose. ~~The Critical areas overlay districts are is adopted to protect the functions and values of Critical Areas in conformance with the requirements of the Washington Growth Management Act and the implement the policies of the San Juan County Comprehensive Plan for the protection of critical areas. The purpose is to protect the functions and values of critical areas and to protect people, public and private property, and natural ecosystems.~~ There are five types of critical areas as defined in SJCC 18.30.120 through 18.30.160:

1. Geologically hazardous areas.
2. Frequently flooded areas.
3. Critical aquifer recharge areas.
4. Wetlands.
5. Fish and wildlife habitat areas.

B. Applicability. ~~These This overlay districts provides regulations for land use and development in Critical Areas and Critical Area buffers and as established in this code within 300 feet of critical areas.~~

~~Any land use or development activity which is subject to a development permit or approval under this code may be undertaken on land located within or containing a critical area or its buffer only if the provisions of this section are met. The appendices are incorporated herein by reference. A copy is on file at the auditor's office and planning department.~~

~~C. Allowable Uses. All uses shall be subject to requirements specified in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040 for the underlying district, unless otherwise specified in this code.~~

DC. General Exemptions. The following uses and activities are exempt from Critical Area regulations the provisions of this section; provided that they are otherwise consistent with other sections in this code:

1. ~~Emergencies that threaten the public health, safety, and welfare. An emergency is an unanticipated and imminent threat to the public health or safety or to the environment which requires immediate action within a period of time too short to allow full compliance with this code.~~

Emergencies. Those 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 review and approval in accordance with Critical Area requirements.

Prior to taking action the organization, agency, property owner or owner's representative shall notify the Director of the emergency and action being taken. Within seven days of the emergency, the person or agency undertaking the action shall report to the Director the extent of the action taken and any impacts to Critical Areas. Except in instances of a catastrophic natural event, mitigation and/ or restoration is required when necessary to bring the site into compliance with this Critical Area requirements, and the Director may require submission of a mitigation and/or restoration plan to guide this work . Final approval of the plan, and any required restoration or mitigation, shall be in accordance with regulations for Critical Areas.

2. ~~Routine maintenance and repair of existing structures, utilities, sewage disposal systems, water systems, drainage facilities, ponds, public and private roads, and driveways.~~

Operation, maintenance, repair, remodel or replacement of existing structures, facilities, and infrastructure systems including utilities, water and sewage disposal systems, roads and driveways, development areas, fences, vegetation, ponds, dikes, levees, and drainage facilities, provided structures and facilities are not expanded, soil erosion is controlled, disturbed areas are promptly revegetated, and actions do not have an additional negative effect on the functions and values of Critical Areas.

3. Installation, construction, replacement, or modification of (a) electrical lines or electrical facilities; (b) telecommunication lines; or (c) water and sewer ~~distribution~~ lines within private or public rights of way, provided that soil erosion is controlled and disturbed areas are promptly revegetated ; provided, that a prior written statement of exemption is obtained from the administrator.

(Staff note: Some version of the following exemption will be considered in the sections on wetlands and FWHCA's.)

4. ~~Establishment and routine maintenance and repair of lawns, landscaping, gardens, orchards, and fences accessory to a single family residential use; provided, that where a regulated wetland or its buffer is present the provisions of SJCC 18.30.150, Wetlands, shall apply.~~

45. Removal of trees and shrubs within 30 feet of buildings, and removal of trees that are a hazard to people, domestic or commercial livestock, and structures that house them. hazardous, diseased, or dead trees and vegetation and, when necessary, measures to control a fire or halt the spread of disease or damaging insects.

6. ~~Land divisions exempt from the land division requirements as specified in SJCC 18.70.010(C).~~

5. Forest practices regulated under the provisions of RCW Chapter 76.09 and WAC Title 222.

6. Installation of navigation aids and survey markers.
7. With the exception of sites with archaeological or historical significance, site investigative work associated with land use applications, such as surveys, soil borings and test holes, provided that Critical Areas are protected and disturbed areas are immediately restored.

(Staff Note: Agricultural and other exemptions and allowances will be considered in the sections on wetlands and FWHCAs.)

ED. Reasonable Use Exception.

~~1. If the application of Critical Area regulations this section will~~ would result in denial of all economically beneficial or productive ~~reasonable use of a parcel property (i.e., denial of all economically beneficial or productive use of the land)~~, development may be allowed which is consistent with the land use designation, the general purposes of this code, this section, and the public interest. "Reasonable use," for the purposes of this section, shall include improved area(s) totaling not more than 21,780 square feet or 80 percent of the parcel, whichever is less, on any parcel which constituted a legal building site prior to the adoption of these regulations. Within the improved area(s) the critical area may be cleared, filled, drained, excavated or otherwise altered by development. All improvements, including parking and driving areas, with the exception of a driveway for a single-family residence, shall be included in the improved area(s) unless the improvements are otherwise exempt under this section. Reasonable Use Exceptions from the provisions of this section shall be subject to all of the following criteria:

- ~~1. The application of this section would deny all reasonable use of the property so that there is no reasonable use, other than that proposed, with a lesser impact on the critical area;~~
- ~~2. The proposed development does not pose an unreasonable threat to the public health, safety or welfare; and~~
- ~~3. Any proposed improved area shall be located in such a way as to minimize the impact to the critical area.~~

2. Reasonable Use Exceptions only apply to compliance with Critical Area requirements. They do not relieve the applicant of the duty to comply with other local, State or Federal building, development and environmental protection requirements.

3. In determining eligibility for a Reasonable Use Exception, the burden of proof is on the applicant to prove the need.

4. Reasonable Use Exceptions are only available to be used for salable, buildable parcels created before the effective date of this ordinance and which have less than 1/2 acre available for development once Critical Areas and Critical Area Buffers have been applied.

5. Two options are available under the Reasonable Use Exception.

Option One – No Mitigation:

- a. A development footprint of up to 2500 s.f. of low impact development could be located in a Critical Area Buffer.

- b. A development footprint of up to 1500 s.f. of low impact development could be located in a Critical Area.
- c. A combined development footprint of 2500 s.f. of low impact development of which no more than 1500 s.f. could be in the Critical Area and the balance in the Critical Area Buffer.
- d. All development on these parcels shall be located to reduce the impacts on the Critical Areas to the maximum extent possible.

Option Two – With Mitigation

- a. Up to one half (1/2) acre may be developed with full mitigation of impacts to Critical Area functions and values.
- b. Low Impact Development is encouraged in all development under the Reasonable Use Exception and is required for all development on parcels developing over 10,890 s.f.
- c. All development on these parcels shall be located to reduce the impacts on the Critical Areas to the maximum extent possible.

6. Applications for Reasonable Use Exceptions are project permits reviewed and approved by the Director as a provisional permit.

7. Application for a Reasonable Use Exception shall include:

- a. For development in and adjacent to low importance wetlands, a generic mitigation plan that will be provided by the Department.
- b. For development in and adjacent to other Critical Areas with a site specific mitigation plan:
 - i. The applicable items listed in SJCC Section 18.80.020.C (Project Permit Applications-Forms) along with photos of the site and a detailed site plan showing the location of all Critical Areas within 300 feet of the development area;
 - ii. Any related project documents such as applications to other agencies or environmental documents prepared pursuant to the State Environmental Policy Act;
 - iii. Required Critical Area reports, Critical Area delineations and Best Available Science documents supporting the proposal.
 - iv. A copy of proposed or approved storm water and erosion control plans as required by SJCC 18.60.060-070.
 - v. A narrative describing anticipated impacts to Critical Areas, based on Best Available Science, and explaining how the proposal meets the Reasonable Use Exception approval criteria.
 - vi. Mitigation and Associated Monitoring Plan. A plan, meeting the requirements of this chapter and approved by the department, for mitigating any unavoidable impacts to the functions and values of Critical Areas, and for monitoring the effectiveness of mitigation actions.
 - vii. A cost estimate, prepared by a qualified professional, for implementing mitigation and monitoring plans.
 - viii. Financial Guarantee. If mitigation of impacts to Critical Areas is necessary, a financial guarantee covering 115% of the cost of implementing the mitigation and monitoring plan is required. This guarantee and the associated agreement must meet the requirements SJCC 18.80.

8. Reasonable Use Exception Approval Criteria. The Director shall approve, approve with conditions, or

deny the request based on the following:

- a. The application was complete and included all applicable items listed in SJCC 18.30.110.D.6.
- b. The standard application of Critical Area requirements would deny reasonable use of the property;
- c. The need for the exception is not the result of action by current or previous property owners after the effective date of this ordinance (e.g. creating new parcels without a building site or means of access).
- d. Any proposed improved area shall be located in such a way as to avoid impacts to the functions and values of critical areas, considering the Best Available Science.
- e. Unavoidable impacts shall be mitigated in accordance with an approved mitigation plan so that there will be no net loss of Critical Area functions and values, considering the Best Available Science. When feasible, impacts shall be mitigated on site. If this is not possible and off site mitigation is proposed, the mitigation site shall be located on the same island as close as possible to the development site, and shall be capable of providing substitute conditions that will compensate for those negatively impacted by the project.
- f. The proposal is consistent with the requirements of this section.

9. Recording of Approved Exception, Site Plan, and Notice to Title.

The County shall record a copy of the approved exception and site plan, along with a Notice to Title referencing the plan, with the cost of recordation included in the application fee.

E. Public Agency and Utility Exceptions.

1. If the application of Critical Area regulations would preclude a development proposal by a public agency, public utility, or private utility regulated by the Washington Utilities and Transportation Commission or serving an Urban Growth Area, the development may be allowed provided it is consistent with this section and other applicable regulations, and will benefit public health, safety or welfare.
2. Public Agency and Utility Exceptions only apply to compliance with Critical Area requirements. They do not relieve the applicant of the duty to comply with other building, development and environmental protection codes.
3. In determining eligibility for Public Agency and Utility Exceptions, the burden of proof is on the applicant to provide adequate information supporting the request.
4. Applications for Public Agency and Utility Exceptions are project permits reviewed by the Hearing Examiner using the hearing and notice procedures established for conditional use permits.
5. Application for a Public Agency and Utility Exception shall include:
 - a. The applicable items listed in SJCC Section 18.80.020.C (Project Permit Applications-Forms) along with photos of the site and a detailed site plan showing the location of all Critical Areas within 300 feet of the development area.
 - b. Any related project documents such as applications to other agencies or environmental documents prepared pursuant to the State Environmental Policy Act.
 - c. Required Critical Area reports, Critical Area delineations and Best Available Science documents supporting the proposal.

- d. A copy of proposed or approved storm water and erosion control plans as required by SJCC 18.60.060-070.
 - e. A narrative describing anticipated impacts to Critical Areas, based on Best Available Science, and explaining how the proposal meets the Public Agency and Utility Exception approval criteria.
 - f. Mitigation and Associated Monitoring Plan. A plan, meeting the requirements of this chapter and approved by the department, for mitigating any unavoidable impacts to the functions and values of Critical Areas, and for monitoring the effectiveness of mitigation actions.
 - g. A cost estimate, prepared by a qualified professional, for implementing mitigation and monitoring plans.
 - h. Financial Guarantee. If mitigation of impacts is necessary, a financial guarantee covering 115% of the cost of implementing the mitigation and monitoring plan is required. This guarantee and the associated agreement must meet the requirements SJCC 18.80.
6. Public Agency and Utility Exception Approval Criteria. The Hearing Examiner shall approve, approve with conditions, or deny the request based on the following:
- a. The application was complete and included all applicable items listed in SJCC 18.30.110.E.5.
 - b. The applicant is a public agency, public utility, or private utility regulated by the Washington Utilities and Transportation Commission or serving an Urban Growth Area.
 - c. The proposed project will benefit the public health, safety or welfare.
 - d. The standard application of Critical Area regulations would preclude the proposed project.
 - e. Proposed improved areas shall be located in such a way as to avoid impacts to the functions and values of critical areas, considering the Best Available Science.
 - f. Unavoidable impacts shall be mitigated in accordance with an approved mitigation plan so that there will be no net loss of Critical Area functions and values, considering the Best Available Science. When feasible, impacts shall be mitigated on site. If this is not possible and off site mitigation is proposed, the mitigation site shall be located on the same island as close as possible to the development site, and shall be capable of providing substitute conditions that will compensate for those negatively impacted by the project.
 - g. The proposal is consistent with the requirements of this section.

F. Critical Area Mitigation Requirements.

1. This section outlines the provisions for mitigating unavoidable impacts to Critical Areas when mitigation is authorized or required by this code. Mitigation actions include minimizing impacts as well as re-establishment, rehabilitation, restoration, creation, and enhancement.
2. Mitigation and associated monitoring plans must be developed by a qualified professional(s).
3. Mitigation and monitoring plans are administratively reviewed and approved by the Department.
4. Preparation of a mitigation and monitoring plan and its review by the County, which may include referral to independent qualified professionals, shall be at the applicant's expense. If review by a third party is necessary, the Department may require advance payment of fees for this review based on the estimated review time. As an alternative to third party review, the applicant and the Director may jointly select the qualified professional who will complete the plan.
5. Mitigation plans must include the following:
 - a. For both the proposed development area and the proposed mitigation site, the applicable items listed in SJCC Section 18.80.020.C (Project Permit Applications-Forms) as well as photos of both the

development and mitigation sites, and a detailed site plan showing the location of all Critical Areas within 300 feet of these areas;

- b. Any related project documents such as applications to other agencies or environmental documents prepared pursuant to the State Environmental Policy Act;
- c. For both the proposed development area, and the proposed mitigation site, applicable Critical Area reports, Critical Area delineations and Best Available Science documents supporting the proposal.
- d. For both the development area and the mitigation site, copies of the proposed or approved storm water and erosion control plan as required by SJCC 18.60.060-070.
- e. A narrative describing anticipated Critical Area impacts, the mitigation proposal (including the goals of the proposal, performance standards that will be used to gauge the effectiveness of the proposal, construction methods, and sequence and timing of actions), and explaining how the proposal meets the plan approval criteria. Assessment of Critical Area impacts and of the effectiveness of proposed mitigation shall be based on the Best Available Science.
- f. For off site mitigation actions, an explanation of why on-site mitigation was not feasible, along with the site selection criteria to be employed.
- g. Grading and excavation details. If grading or excavation are proposed, pre and post construction contour plans are required at a scale that is suitable for the site.
- h. A planting plan (if planting is proposed) identifying plant species, quantities, sizes, locations, spacing, and density, along with proposed measures to protect and maintain the plants until they are established.
- i. Any other drawings necessary to illustrate the proposal.
- j. A monitoring and adaptive management plan for the project. This plan must describe measurable data that will be collected to assess the effectiveness of the project, must include a monitoring schedule (monitoring is required at least once each year, with a report submitted to the Department by November 1), and must explain corrective actions that will be taken to deal with any problems. The project shall be monitored for at least three (3) years or for a longer period if the Director determines that it is necessary to establish that performance standards have been met.
- k. A description of the report author's education and experience relevant to implementing the proposed actions.
- l. A cost estimate, prepared by qualified professional(s), for implementing the plan and monitoring the site for a period of three (3) years.
- m. Financial Guarantee. A financial guarantee and associated agreement covering 115% of the cost of implementing the mitigation and monitoring plan. This guarantee and the associated agreement must meet the requirements of SJCC 18.80, and for mitigation of impacts to Wetlands and Fish and Wildlife Habitat Conservation Areas it must remain in effect for at least three (3) years.
- n. A statement, signed by the property owner, agreeing to periodic County inspections, as established in the monitoring plan, to determine compliance with approved plans, provided that inspections are by appointment or following advance written notice.

6. Mitigation Plan Approval Criteria. The department shall approve, approve with conditions, or deny the request based on the following:

- a. The application included the applicable items listed in SJCC 18.30.110.F.5.
- b. Mitigation is authorized or required by this code.
- c. For wetlands, this plan, including associated wetland replacement ratios, shall be consistent with the guidance provided in *Wetland Mitigation in Washington State - Part 1: Agency Policies and Guidance, Ecology publication 06-06-011a*; and *Wetland Mitigation in Washington State - Part 2, publication 06-06-011b*. These and other wetland mitigation and monitoring guidance documents are available from the Department of Ecology at <http://www.ecy.wa.gov/mitigation/guidance.html> and <http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/guidance/monitoring.html>. As an alternative, mitigation requirements may be determined through application, by a qualified professional, of procedures

described in Ecology Publication No. 10-06-011, *Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington*.

d. Proposed development is located in such a way as to avoid impacts to the functions and values of Critical Areas, considering the Best Available Science. Unavoidable impacts will be mitigated so that there will be no net loss of Critical Area functions and values, considering the Best Available Science. When feasible, impacts shall be mitigated on site. In this is not possible and off site mitigation is proposed, the mitigation site shall be located on the same island as close as possible to the development site, and shall be capable of providing substitute conditions that will compensate for those negatively impacted by the project.

e. The proposal is consistent with the requirements of this section.

7. As a condition of approval, the Director may require additional actions or additional monitoring if the goals, objectives and performance standards of the plan are not met.

G. Conditions of Approval. In granting approval for a project or application, the Director may apply conditions to ensure compliance with Critical Area requirements.

H. **Nonconforming structures and uses.** A non-conforming structure or use is one that did conform to the applicable codes which were in effect on the date of its creation, but which no longer complies because of subsequent changes in the code. Legal, non-conforming structures and uses are commonly referred to as "grandfathered".

The following standards apply to structures and uses that existed on _____ (the effective date of these regulations) and are non-conforming with Critical Area protection standards established in this Chapter. For non-conformance with Critical Area requirements, these provisions take the place of those found in other sections of this code, and for structures and uses subject to the requirements of the County Shoreline Master Program, these provisions apply until the comprehensive update of the Master Program is completed and in effect.

1. Non-conforming structures may be maintained, repaired, modified, replaced and relocated, provided the degree of non-conformity is not increased, any required project or development permits are obtained, there are no additional negative impacts to water quality or the functions and values of Critical Areas, and that replacement structures are completed within 48 months of removal or destruction of the original structure.
2. Non-conforming uses, including use of buffer areas, may be continued, replaced with other uses, or relocated, provided the degree of non-conformity is not increased, any required development permits are obtained, and there are no additional negative impacts to water quality or the functions and values of Critical Areas. Relocation of a non-conforming use shall be reviewed as a Provisional Use.
3. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
4. Abandonment. Nonconforming uses shall be considered abandoned if the use ceases to operate or is discontinued for 48 consecutive months.

NEW SECTION. Section 6. A new section shall be added to SJCC Chapter 18.80 to read as follows:

Financial Guarantees

- A. For some types of development, this code requires a financial guarantee to ensure completion of required improvements. This section outlines the requirements associated with these financial guarantees.
- B. San Juan County accepts the following types of financial guarantees:
1. Irrevocable letter of credit from a bank or credit union.
 2. Cash deposit with the County.
 3. Cash deposit, for the benefit of the County, into an escrow account managed by an independent financial institution.
 4. Surety bond.
- C. Financial guarantees shall cover 115% of the expected cost of construction and/or monitoring.
- D. The expiration date of the guarantee shall be at least thirty (30) days after the expected final approval date for the project.
- E. Project cost estimates shall be prepared by the qualified professional(s) who prepare the associated plans. If it is anticipated that improvements will be completed over a period of time, separate financial guarantees should be provided so they may be released as components of the project are approved. Partial releases from a single financial guarantee are not permitted.
- F. Failure to complete construction or correct deficiencies in accordance with a financial guarantee agreement and approved plans shall be cause for the County to draw on the financial guarantee to stabilize the site and/or complete the work. In addition to direct costs for construction and monitoring, the County may withdraw funds to cover administrative costs. Prior to taking action, the County shall give the property owner written notice by both first class mail and certified mail.
- G. Release of financial guarantee. Financial guarantees shall not be released until the actions guaranteed by the agreement have been completed and demonstrated to function. When completed, the qualified professional(s) and property owner shall provide the department with written approval of the project, and the department will conduct an inspection to verify that it has been completed according to approved plans. Partial releases from a single financial guarantee are not permitted.
- H. Signatures of property owners and contractors shall be notarized.
- I. Financial Guarantee Agreements. A financial guarantee agreement, signed by the property owner and approved by the County, shall accompany each financial guarantee. Required elements of financial guarantee agreements include but are not limited to:
1. Name, mailing address and phone number of the property owner and County Administrator. If someone other than the property owner provides the financial guarantee (developer, contractor), their name, mailing address and phone number (in addition to that of the property owner).
 2. Description of the project location including section, township, range and address (if available).
 3. Tax Parcel number(s).
 4. Size of parcel/ project in acres.
 5. Reference to improvements being completed in accordance with the San Juan County Code and approved plans on file with the Department.
 6. Permit number.

7. Exhibit A – Description of required improvements and cost estimate for completion of the improvements provided a qualified professional(s).
8. A statement that the applicant has established a financial guarantee to ensure completion of required improvements in the amount of 115% of the estimated cost, with the amount listed
9. Type of the guarantee.
10. Exhibit B – original financial guarantee (for cash deposit, a copy of the check and receipt).
11. Exhibit C - A completion schedule for the required improvements. Anticipated completion date for the project must be at least thirty (30) days before expiration of the financial guarantee.
12. A statement that this agreement is considered a contract between the parties.
13. A statement that if the County is forced to take action under this agreement, that does not discharge the obligation of the property owner to complete required mitigation, maintenance, monitoring, or restoration.
14. Statement that, upon completion of the improvements, the qualified professional(s) and property owner will provide written notice of completion to the department. After final inspection by the department and confirmation that work was completed in accordance with approved plans, the County shall release the financial guarantee.
15. Statement acknowledging that partial releases are not permitted. (Note: If improvements will be completed in phases, the applicant should provide separate financial guarantees with separate agreements).
16. Statement that if the required improvements are not completed and approved by the qualified professionals and property owner prior to the established completion date, or within the time allowed by a written extension granted by the Director, that the County may, after providing written notice by first class mail, withdraw the necessary funds from the financial guarantee and complete the improvements. In addition to contracting or other costs to complete the work, the County may also withdraw funds to cover administrative costs. Any remaining funds after completion of improvements shall be returned to the party that provided the financial guarantee.
17. Process for renegotiating the agreement.
18. Process by which the agreement may be transferred, with County approval, to a property owner or contractor's successor.
19. Governing laws shall be the laws of the State of Washington. The venue for any dispute shall be San Juan County.
20. Notarized signature block for the property owner(s).
21. If the financial guarantee is provided by someone other than the property owner (e.g. contractor), notarized signature block for that party, in addition to that for the property owner.
22. Signature block for approval by the County Administrator .