



March 5, 2021

Clallam County PUD  
c/o Ben Phillips  
PO Box 1000  
Carlsborg, WA 98324  
bphillips@clallmapud.net

RE: Environmentally Sensitive Area Exception – No. 21-08

Dear M. Phillips:

The Department of Community and Economic Development (DCED) has reviewed your application for an Environmentally Sensitive Area permit exception related to replacement of 28 Clallam County PUD utility poles between 60 and 80 feet in height that are located within State Highway 101 right of way between Airport Road in the west and Cherry Street in the east and found it to be complete. Several of the poles are within the Valley Creek and Tumwater Creek stream ravines, which are defined in Section 15.20.070 of the Port Angeles Municipal Code (PAMC) as a locally unique feature with 25-foot environmentally sensitive area (ESA) buffers.

It has been determined that your request qualifies as an Environmentally Sensitive Area exception (ESE) under Sections 15.20.080.A.1.b, 2 and E PAMC, as a proposal that is considered a utility replacement not further disturbing an ESA and is compatible in design, scale, and use with other development or potential development in the immediate vicinity of the subject property in the same zone classification and with similar site constraints. This letter of “Reasonable Use” exception also acts as notification of a complete application.

I have reviewed the request for an Environmentally Sensitive Area Exception within the Valley and Tumwater Creek corridors along State Highway 101 and make the following findings in support of “utility replacement not further disturbing an ESA that is compatible in design, scale, and use with other development or potential development in the immediate vicinity of the subject property in the same zone classification and with similar site constraints.” development exceptions of ESA regulations listed in Chapter 15.20 PAMC:

1. The applicant submitted an ESE permit application No. 21-08 to the Planning Division on February 5, 2021. After review, it was determined that the proposal was incomplete on February 16, 2021. On February 18, 2021 supplemental application materials were provided and the application was deemed complete on February 24, 2021.
2. The proposal identifies exceptions listed in Section 15.20.080.A.1.b, and Staff finds that the proposal falls under 15.20.080.A.2, and E PAMC, as proposal that is considered an utility replacement not further disturbing an ESA that is compatible in design, scale, and use with other



development or potential development in the immediate vicinity of the subject property in the same zone classification and with similar site constraints.

3. The proposal seeks to replace twenty-eight 60 to 80-foot tall utility poles, some of which are within the 200-foot Tumwater and Valley Creek Stream corridors as well as the defined 25 foot top-of-ravine buffers. Mitigation for the impacts of the pole replacement are provided in the application proposal, and include:
  - a. All new utility poles are of Fiberglass construction with an expected life expectancy of >60 years;
  - b. All new Utility poles will be located within a 5ft radius of existing wood poles;
  - c. Holes for the new poles will be either auger drilled or vacuumed. Hole size will not exceed 2x nominal pole diameter;
  - d. Existing wood poles will be removed, and holes filled with crushed rock;
  - e. All spoils from new holes will be removed; and
  - f. Access to poles will be made via existing roads or access roads.
4. Per Section 15.20.080.A.2, PAMC, "Existing structures or improvements that do not meet the requirements of this chapter may be remodeled, reconstructed or replaced provided that the new construction does not further disturb an environmentally sensitive area."
5. Per Section 15.20.080.E PAMC, "Every attempt shall be made to avoid locating utilities within streams. The Director of Community and Economic Development may approve utilities in streams only when he/she determines that there is no practicable or reasonable upland alternative."
6. Section 15.20.080 PAMC – Development Exceptions states, "Exceptions to the development restrictions and standards set forth in sections 15.20.050 and 15.20.070 may be permitted by application to the Director of Community and Economic Development pursuant to the provisions of this section."
7. Staff finds that the proposal is categorically exempt from SEPA review under WAC 197-11-800(23) Utilities, "The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class."

Based on the findings, I make the following conclusions:

1. Per Section 15.20.080.A PAMC, the proposal meets the definition of a utility that is being replaced and will not further disturb an ESA.
2. Per WAC 197-11-800(23) this project is categorically exempt from SEPA compliance.

Based upon these conclusions, I approve the work proposed with the following condition of approval:

1. Work shall be done in accordance with the adopted proposal provided in ESE Application No. 21-08.
2. A right of way construction permit including a stormwater management plan are required prior to construction activity.



This letter of "Reasonable Use" does not exempt the proposed project from other local, state, or federal permitting requirements. All work conducted under this exception must conform to the requirements. If you have any further questions, please contact our Department.

Sincerely,

Emma Bolin, AICP  
*Community Development Manager*