Emergency authorization

Chapter 24.90

Emergency Authorization

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24.90.010 Declared emergencies.
Activities within critical areas by public agencies and utility companies to protect public health or safety in response to an emergency declared by the governor or the County, which results in activation of the County Emergency Operations Center, may proceed prior to County authorization. However, such actions are subject to section 24.90.050.

24.90.020 Other emergencies.
Activities within critical areas by public agencies and utility companies to protect public health or safety in response to an emergency may proceed prior to County authorization. However, such actions are subject to section TCC 24.90.050.

24.90.030 Weekends and holidays.
Activities within critical areas by public agencies and utility companies to protect public health or safety in response to an emergency that occurs on a weekend or holiday may proceed prior to County authorization. However, such actions are subject to section 24.90.050.

Sections 24.90.010 and 24.90.030 have been determined to be unnecessary, and so are being removed from the draft.
24.90.040 Temporary authorization in lieu of critical areas permit.
For emergency situations other than in TCC 24.90.020, the approval authority may issue temporary emergency authorization for an activity otherwise requiring a Critical Area Permit (CAP) to respond to an emergency in a critical area or associated buffer if it is determined that:

A. One or more of the following would likely occur if emergency authorization were not granted:
   1. Loss of human life; or
   2. Imminent loss or damage of primary structures, such as dwellings and places of business, and structures significant to the continuation of a legally established business, including barns. This does not include minor accessory structures, such as but not limited to tool and equipment sheds; potting sheds; dog houses; tree houses; or
   3. Imminent loss or damage of public roads; sole access private roads; bridges; septic systems; wells; or other essential facilities, as determined by the approval authority; or
   4. Imminent significant environmental degradation (e.g., a structure at risk of flooding containing hazardous materials that pose a contamination hazard); or
   5. Imminent loss or damage to high value wildlife habitat, such as wetlands associated with streams; and

B. The anticipated loss or impact listed above is likely to occur before a CAP can be issued or modified under the procedures otherwise required by this chapter and other applicable laws; and

C. The authorized activities are the minimum necessary to alleviate the emergency, as determined by the approval authority.

24.90.050 Standards during emergencies.
Any emergency activities shall incorporate, to the greatest extent practicable and feasible, but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this title and shall:

A. Be limited in duration to the time required to complete the emergency activity, not to exceed ninety days; and

B. Require the restoration of any affected critical area and associated buffer altered as a result of the emergency activity within this ninety-day period, except when the approval authority determines that more time will be needed, based on a written request from the responsible party; and
C. Avoid impacts to adjacent properties.

24.90.060 Permits required.
Within thirty days following the emergency action, the property owner/responsible party shall apply for all required permits and approvals required under this chapter for nonemergency action. The issuance of an emergency authorization by the county does not preclude the necessity to obtain any necessary approvals from appropriate federal and state authorities.

24.90.070 Termination.
The emergency authorization may be terminated at any time without prior notice upon determination by the approval authority that the action did not or does not meet the requirements of section 24.90.040.