



San Juan County

COMMUNITY DEVELOPMENT & PLANNING

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CRITICAL AREA REGULATIONS FOR STREAMS

On March 31, 2014, San Juan County's new "critical area" regulations will go into effect. These regulations are found in San Juan County Code (SJCC) sections 18.30.110-160. Critical areas include wetlands, areas subject to flooding, areas with geologic hazards, and certain types of fish and wildlife habitat including marine shorelines, lakes, natural ponds, streams, and habitats associated with particular plants and animals. Complete applications for permits received prior to March 31, 2014 will be processed under the current regulations, and those submitted on or after that date will be subject to the new regulations.

- The purpose of critical area regulations is to prevent property damage and to ensure that development does not harm water quality, groundwater recharge, and some types of fish and wildlife habitat.
- The regulations apply within 110 feet of streams.
- Maps of many critical areas, photos of protected plants and animals, adopted critical area regulations, and other guidance materials are available on the County web site at: http://sanjuanco.com/cdp/CAO_ImplementationDocs.aspx.
- SJCC 18.30.110.C contains exemptions for some common activities.
- Existing, legally established structures, uses and activities may continue in perpetuity and are considered to conform with the new critical area requirements.
- To protect streams and associated fish and wildlife, it is necessary to retain a buffer of vegetation and in some cases trees next to the water. Water quality buffers range from 50 – 100 feet depending on the land use intensity of the development, and tree protection zones range from 0 - 110 feet depending on the type of stream. Both are measured from the top of the streambank. (Note: Tree protection is also required in the water quality buffer.)
- Application of the regulations can be simplified by siting development at least 110 feet from the top of the streambank.
- Most activities that are allowed within water quality buffers are listed in Table 3.8 (SJCC 18.30.160.E.2).

- Tree protection zones and requirements also apply. When a tree protection zone is required (see Table 3.7 in SJCC 18.30.160), all trees within Zone 1 (35 feet from) the top of the streambank must be retained. Within Zone 2 of tree protection zones, some tree removal and/or construction of one primary structure may be permitted. To allow for a view or fire hazard reduction minor trimming and of the foliage is permitted within both Zone 1 and Zone 2 under certain conditions.
- Requirements for roads and trails that cross buffers and lighting standards are included to protect habitat.
- Some areas near streams may have a risk of landslide, soil liquefaction during earth quakes (which causes more intense shaking and damage), and other geologic hazards. Maps of potential geologic hazards are available on the above web site.
- Some areas near streams may be subject to frequent flooding. Development in these areas must follow the County Flood Hazard Control Regulations (SJCC Chapter 15.12). Areas subject to flooding are shown on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps which are available at: <https://msc.fema.gov/webapp/wcs/stores/servlet/CategoryDisplay?catalogId=10001&storeId=10001&categoryId=12001&langId=-1&userType=G&type=1&future=false>.
- There are recommendations, and in some cases requirements, for protecting the habitat of specific plants and animals. These regulations generally apply within 200 feet of protected habitats, but extend to 1,000 ft. for golden eagle nests, and to ¼ mile for peregrine falcon and great blue heron nests. Maps of known locations, photos of protected plants and animals, and protection provisions are described in handouts available on the above web page.
- In the Eastsound and Lopez Village “urban growth areas” buffers and tree protection zones may be reduced if adverse impacts are mitigated in accordance with SJCC 18.30.110.E.
- When developing property near streams, the following are situations that may result in additional development restrictions, approval processes, cost, or risk of property damage:
 - Small lots, especially those with a Type F stream running down the middle of the property and those that also contain a wetland.
 - Activities requiring mitigation of adverse impacts.
 - Development in areas of special flood hazard and those subject to soil liquefaction, landslides, and other geologic hazards.

