



POLICY RESCINDED

FENCE HEIGHT

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DIRECTOR, DCD

NUMBER: BP-2013-02
ISSUED: SEPTEMBER 1, 2022

ANALYSIS:

San Juan County Code regulates building and land use standards for the installation of structures, including fencing. San Juan County Code allows fences not over eight (8) feet in height, when measured vertically from grade to its highest point, to be constructed without a building permit. Fences over eight (8) feet in height require a building permit, at minimum. Multiple regulations apply to fences.

Construction and development activities within the shoreline are subject to additional regulations under the State Shoreline Management Act and County's Shoreline Master Program.

The following San Juan County code specifically exempts fences not exceeding eight (8) feet in height to be constructed without a building permit:

- SJCC 15.04.070(A)(6) - IBC Section **105.2 Work Exempt from Permit**. Specific numbered items are amended to read as follows:
 - 15.04.070(A)(6)(a) Building Item 2: Fences not over 8 feet high [are exempt from a building permit].

In all cases, land use requirements remain applicable, specifically shoreline regulations and fence setbacks from roadways. All work taking place within the shoreline jurisdiction (the land area measured on a horizontal plane from the ordinary high-water mark to a distance of 200 feet upland) requires a project approval to be issued from San Juan County. Project approvals include a Shoreline Substantial Development Permit, Shoreline Exemption, or a Shoreline Variance. SJCC 18.50.030 and SJCC 18.50.050 are also applicable for developments in the shoreline.

Additionally, in accordance with SJCC 18.60.050 Table 6.1 & 6.2 footnote 4, fences are exempt from setback requirements, except when impairing safe sight lines at intersections, as determined by the County engineer.

SHORELINE & CRITICAL AREAS FENCING REQUIREMENTS:

In addition to the regulations already stated, fences are allowed within wetland and wetland buffers provided they do not impede the flow of water or prevent the movement of wetland animals. [Table 18.35.100-4.q]

Within the Shoreline Jurisdiction, fencing is not allowed in critical area buffers (e.g., Fish and Wildlife Habitat Conservation Area water quality buffer, Tree Protection Zone) and the Shoreline Aesthetic

buffer. [SJCC 18.50.540.D] The greater of the three setbacks would apply. The setbacks are as follows:

1. The size of the Fish and Wildlife Conservation Area (FWHCA) water quality buffer, which extends inland from the Ordinary High Water Mark (OHWM), depends on the size of the parcel and the slope from the water to the proposed project. [Table.35.130-1 & Table 18.35.100-2]
 - 75 feet = if the parcel is one acre or more, and the slope is less than 30 percent.
 - 112.5 feet = if the parcel is one acre or more, and the slope is 30 percent or greater.
 - 100 feet = if the parcel is less than one acre and the slope is less than 30 percent.
 - 150 feet = if the parcel is less than one acre and the slope is 30 percent or greater.
2. The Tree Protection Zone extends 110 feet inland of the OHWM of marine waters. [Table 18.35.130-2]
3. The Shoreline Aesthetic buffer extends 50 feet inland from the Top of Bank (TOB) if there is vegetative screening (i.e., trees) and 100 feet inland from the TOB if there is no vegetative screening. If there is no clear TOB, then the Shoreline Aesthetic buffer extends inland from the OHWM. [SJCC 18.50.540.C.3&4]

Note: SJCC 18.50.540.D allows for temporary fencing in the critical area buffers and Shoreline Aesthetic buffer if it is part of a shoreline habitat and natural systems enhancement project as described in SJCC 18.50.590.

THEREFORE:

A policy regulating the height of fencing is not required as the Codes adopted by San Juan County regulate fence height. The previous fence policy is included at the end of this document.



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POLICIES / PROCEDURES / INTERPRETATIONS

FENCE HEIGHT

JOHN GENIUCH
02

NUMBER: BP-2013-

DEPUTY BUILDING OFFICIAL

ISSUED: JUNE 10, 2013

ISSUE:

Current adopted building codes (2009 IRC & 2009 IBC) have provisions for “*work exempt from a permit*”, which includes, among other items, “fences not more than 6 feet in height”. Upcoming 2012 code changes have increased this threshold to 7 feet. SJC Building Division, in preparing the revised code adoption ordinance, has drafted a local amendment to increase this threshold further, to 8 feet. How should current proposals by citizens who desire to build an 8 foot fence be addressed?

ANALYSIS:

The code development process has recognized that no substantial difference between a 6 foot and 7 foot fence exists, from a life safety point of view. When considering construction of fences, 3 main issues arise. First is location on lot (setbacks). Next would be potential damage from a structural failure. The third concern is during a substantial wind event, one approaching design thresholds, fences can become airborne projectiles, potentially endangering surrounding property and occupants.

San Juan County is located in the lowest design wind speed zone. The adopted codes and proposed revisions to the County Code include allowances for 8 foot tall fences to be constructed without a permit. The idea has been presented to the Building Advisory Council and was well received, with no concerns raised or identified. Given the proposed changes and lower general intensity of wind events in the islands, a 2 foot increase in the unpermitted fence threshold height would not present any substantial concerns for public safety.

POLICY:

- Fences up to 8 feet in height are allowed to be constructed without a permit.
- An unpermitted fence shall be designed and constructed to resist all potential imposed loads from wind or seismic events.
- Fences, regardless of height, constructed within the 200 foot shoreline jurisdiction may require a permit and are subject to review and approval by CDPD.
- Fences are exempt from setback requirements, except when impairing safe sight lines at intersections, as determined by the County engineer. [1]

[1] UDC 18.60.050 Table 6.1 & 6.2 footnote 4