

Vegetation Protection Requirements for Buffers and Tree Protection Zones Adjacent to Lakes, Naturally Occurring Ponds, and Bedrock Marine Shorelines

Old CAO Requirements	Current Critical Area Ordinance (CAO) Requirements	SMP Requirements
<p>Requirements did not apply to ponds < 20 acres. They did apply to lakes ≥ 20 acres and marine shorelines with kelp, eelgrass, shellfish or smelt spawning habitat.</p> <p>Regulations required mitigation of significant adverse impacts to the maximum extent feasible using the mitigation sequence.</p> <p>The regulations also required septic system drainfields and replacement areas to be 100 ft. from the water; control of erosion and sedimentation; clearing and grading be limited to that necessary for establishment of the use; and that significant adverse impacts be avoided. Regulations prohibited hazardous substances that would have significant adverse impacts on habitat.</p>	<p>Tree Protection Zone 1 [For areas with trees, first 35 ft. landward from ordinary high water mark (OHWM) of pond, lake or marine shoreline]. Hazard trees meeting the definition in SJCC 18.20.080 may be removed. For buildings existing on March 31, 2014, 30 feet of vegetation around the building can be removed to provide defensible space¹. Other trees must be retained and trees cannot be topped. Minor pruning of trees is allowed except for branches and foliage over the water (max. 20% per year and health of trees must be maintained).</p>	<p>For lakes ≥ 20 acres and marine shorelines, adequate trees and vegetation must be retained to visually buffer structures as viewed from the shoreline, public roads, and adjoining properties. Residential structures must be set back 50 ft. from the top of bank for sites that have screening vegetation, or 100 ft. if there is no screening vegetation. While the SMP allows unrestricted removal of trees and shrubs less than 3” in diameter, the removal of shrubs and trees of all sizes is limited by the CAO.</p>
	<p>Tree Protection Zone 2 [For areas with trees, 35 to 110 ft. from the OHWM]. Hazard trees meeting the definition in SJCC 18.20.080 may be removed. For buildings existing on March 31, 2014, 30 feet of vegetation around the building can be removed to provide defensible space¹. If minimum stocking and other requirements are met tree removal is allowed in some cases (in conjunction with construction of one primary structure and/or to allow for a filtered view from the primary structure). The primary structure must be landward of the water quality buffer and, per SMP requirements, more than 50 ft. from the top of the bank. The remaining forest in the tree protection zone, after trees are removed, must contain trees of all ages (including small ones) that are well distributed across the Tree Protection Zone. Trees cannot be topped.</p>	
	<p>Water Quality Buffer. This area starts at OHWM and for residential development extends landward from 75-150 ft. depending on number of units per acre and slope. Sites with ≤ 1 unit per acre have a 75 ft. buffer if the slope is 0-30% and 112.5 ft. if the slope exceeds 30%. Lots with > 1 unit per acre have a 100 ft. buffer if the slope is 0-30% and 150 ft. if the slope exceeds 30%.</p> <p>Hazard trees meeting the definition in SJCC 18.20.080 may be removed. For buildings existing on March 31, 2014, 30 ft. of vegetation around the building can be removed to provide defensible space¹. Minor pruning of trees and shrubs is allowed except for branches and foliage over the water (max. 20% per year and health of trees and shrubs must be maintained). Some trees in Tree Protection Zone 2 may be removed if associated requirements are met. Shrubs cannot be removed except in conjunction with an allowed activity listed in SJCC Chapter 18.30, Table 3.8. Allowed activities include removing invasive plants; implementing habitat management plans approved by a State or Federal agency; agricultural activities (except construction of structures); and establishment of orchards, gardens, trails, stairs, walkways, fences, wells, septic systems, stormwater systems, roads and trails if they meet associated requirements.</p>	

¹ Though the critical area regulations include an exemption allowing removal of 30 ft. of vegetation around structures existing on March 31, 2014, sites located within shoreline jurisdiction must still retain adequate vegetation to provide screening of structures. Within shoreline jurisdiction proposed tree removal must either be shown on construction plans, or a separate plan must be submitted for approval.