



San Juan County

## COMMUNITY DEVELOPMENT & PLANNING

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### CRITICAL AREA REGULATIONS FOR WETLANDS

On March 31, 2014, San Juan County's new "critical area" regulations will go into effect. These regulations are in San Juan County Code (SJCC) sections 18.30.110-160. Critical areas include wetlands, areas subject to flooding and 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 this 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 300 feet of wetlands. Wetlands do not include man-made ponds and other features constructed in non-wetland areas.
- 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](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 wetlands and associated fish and wildlife it is necessary to retain a buffer of vegetation, and in some cases trees, around the wetland. Buffer sizes range from 25 to 300 feet depending on the wetland rating and the land use intensity of the development.
- Application of the regulations for wetlands can be simplified by siting development at least 300 feet from the edge of wetlands.
- Most activities that are allowed within wetlands and their buffers are listed in Table 3.5 of the regulations (SJCC 18.30.150.D.3). In addition, there are provisions for roads and trails that cross wetlands and buffers and for exterior lighting.
- A qualified professional must delineate the edge of a wetland.

- Some areas with wetlands 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 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>.
- Some areas with wetlands may have a risk of soil liquefaction during earth quakes, causing more intense shaking. Maps of potential geologic hazards are available on the above County web page.
- 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 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 County web page.
- In the Eastsound and Lopez Village “urban growth areas” water quality buffers may be reduced if adverse impacts are mitigated in accordance with SJCC 18.30.110.E.
- When developing property on or near wetlands, the following are situations that may result in additional development restrictions, approval processes, cost and/or risk of property damage:
  - Activities that require mitigation of adverse impacts.
  - Development in areas of special flood hazard and those areas subject to soil liquefaction during earthquakes.