



San Juan County

## COMMUNITY DEVELOPMENT & PLANNING

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135 Rhone Street, P.O. Box 947, Friday Harbor, WA. 98250  
(360) 378-2354 | (360) 378-2116 | Fax (360) 378-3922  
cdp@sanjuanco.com | www.sanjuanco.com

### CRITICAL AREA REGULATIONS FOR PONDS

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, naturally occurring 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 110 feet of naturally occurring ponds.
- 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 naturally occurring ponds and associated fish and wildlife, it is necessary to retain a buffer of vegetation and 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 are 110 feet. Both are measured from the Ordinary High Water Mark (OHWM).
- Application of the regulations can be simplified by siting development at least 110 feet from the OHWM.
- Most activities that are allowed within water quality buffers are listed in Table 3.8 (SJCC 18.30.160.E.2). In addition, there are provisions for some tree removal and/or construction of one primary structure within Zone 2 of tree protection zones; requirements for roads and trails that cross buffers and tree protection zones; and lighting standards. All trees within 35 feet of the OHWM must be retained.

- Some areas near ponds 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 County web page.
- Some areas near ponds 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 some 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 ponds, 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 naturally occurring pond in the middle of the lot, and those that also contain wetlands.
  - Activities requiring mitigation of adverse impacts.
  - Development in areas of special flood hazard and those subject to soil liquefaction, landslides or other geologic hazards.