

Frequently Asked Questions About Water Resources Protection Ordinance (Feb. 2012)

What is the Water Resources Protection Collaborative?

To clarify and streamline local permitting for streamside activities, representatives from the water district, 15 cities, the county, business, agriculture, streamside property owner and environmental interests formed the Water Resources Protection Collaborative in 2002. The Collaborative adopted "Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resource in Santa Clara County.", followed by land use agencies establish resolutions to adopt these Guidelines and Standards and the water district repealing its Ordinance 83-2 and effected Water Resources Protection Ordinance on Feb. 28. 2007.

What are the "guidelines and standards for land use near streams", or "water resource protection zoning ordinances" and the "Water Resources Protection Manual"?

The cities of Santa Clara County, the county, and the Santa Clara Valley Water District adopted Guidelines and Standards for Land Use Near Streams (Guidelines and Standards) for reviewing development proposals near streams. This document includes requirements and recommendations for land use activities in and around Santa Clara County streams that are designed to protect stream resources.

Since Spring 2007, most municipalities adopted the Guidelines and Standards through resolutions and made them a part of standard permitting process. Cities of Cupertino, Gilroy, Sunnyvale, and Palo Alto took a step further and incorporated these Guidelines and Standards into zoning or building ordinances and integrated them into their municipal codes. The District also integrated them into District Board adopted the Water Resources Protection Manual (Manual) for evaluating permit applications and setting permit conditions under the Water Resources Protection Ordinance.

What are the benefits of the guidelines and standards or the Manual?

The guidelines and standards provide uniform guidance to property owners and developers about how to design and construct streamside development in a way that protects both the property and the resource. They serve to clarify shared responsibilities for protecting water resources near streams up front; protect not only an individual property but also other property owners along the stream from flooding, slope failures, erosion, and the deposition of eroded material, and to protect the stability of both structures proposed near streams and the stream bank. Local communities benefit from healthy streams, safe streamside structures, improved flood protection and water quality, and potentially increased property values if streamside habitat is left intact.

How is the permitting process different from before?

Previously, for construction and activities near streams, in addition to resource agency permits, applicants need to obtain two local permits, one from the Santa Clara Valley Water District and a local land use agency (either a city or the county, if unincorporated). Since 2007, each city and the county clarified its permitting authority for streamside activities. Only when the activity is on land either owned by, or under easement to, the district, or affecting underground utility lines such as pipelines or other District assets, the applicant would need to apply an encroachment permit from the District under Water Resources Protection Ordinance. Applicant still needs to consult other state and federal resource agencies, such as the California Department of Fish and Game, the Regional Water Quality Control Board, and the U.S. Army Corps of Engineers for additional permit requirements when working in and around riparian or water resources areas.