

FREQUENTLY ASKED QUESTIONS

1. WHAT IS THE ANTICIPATED BENEFIT/IMPACT ON PROPERTY OWNERS AND THE BROADER COMMUNITY? POSITIVE? NEGATIVE?

The Proposed Guidelines and Standards for Land Use Near Streams (Proposed Guidelines and Standards) are designed to provide clear, consistent guidance to property owners and developers about how to design and construct development projects on streamside parcels. The goal is to help protect Santa Clara County streams and streamside resources.

By achieving this goal, both property owners and local communities will benefit from healthier streams and riparian resources, reduced erosion, more safety for streamside residents and structures, improved flood protection and water quality, and increased property values if trees and streamside amenities are left intact or enhanced.

2. WHEN WILL A PIECE OF PROPERTY/PROJECT BE AFFECTED?

The Proposed Guidelines and Standards apply to land use activities (i.e. building, construction, grading, landscaping subject to development review) associated with new development and redevelopment on parcels adjacent to streams. The Proposed Guidelines and Standards also include some proposed requirements and recommendations for remodels and additions to existing streamside homes that are designed to help protect both the structures themselves as well as stream side resources.

3. WILL THERE BE NEW OR ADDITIONAL REQUIREMENTS FOR STREAMSIDE PROPERTIES?

Yes, there will be some new permit application requirements as well as design and construction requirements.

In terms of the permit application, the applicant will be asked to:

1. Provide information about the size and type of stream on the parcel and describe the types of land use activities proposed in relation to the location of the stream;
2. Describe in the site plan certain existing conditions on site (i.e. bank erosion and flooding) and/or potential streamside impacts related to the development and construction (i.e. removal of riparian vegetation, grading, and drainage over the streambank);
3. Demonstrate how these types of concerns and conditions will be addressed.

In terms of the design and construction requirements, many overlap with or compliment existing stormwater and environmental regulations. They fall into several categories including: protection of riparian habitat, slope stability protection, erosion repair, grading, drainage, outfalls and trail construction. For example, a slope stability protection area varying between 10 to 25 feet, or as otherwise demonstrated by a geotechnical analysis, will need to be maintained to protect people and structures on the site.

DESIGN GUIDES FOR GUIDELINES AND STANDARDS

APPENDIX A

4. DO ALL STREAMSIDE LAND USES HAVE NEW REQUIREMENTS?

No, provisions have been made for exempting many types of land use activities from any streamside permit review. Exemptions include:

- a. Less than 3 cubic yards of earthwork
- b. Interior building construction and alterations
- c. Erection of storage buildings not greater than 120 sq. ft.
- d. Replacement of sewer or water laterals
- e. Re-roofing
- f. Wood fences six feet and height or less, or
- g. Exterior decks less or equal to 30" above grade

In addition, some communities may elect to exempt existing single-family homes on lots 10,000 square feet or less in size. The exact lot size subject to exemption may vary from community to community.

5. HOW IS IT DIFFERENT THAN EARLIER PROCESSES?

Currently, all proposed activities within 50 feet from a District jurisdictional stream are subject to permit review by the Santa Clara Valley Water District (SCVWD). Many communities, including San Jose, with its Riparian Corridor Protection Policy, and West Valley hillside communities, already regulate much of what is contained in the Proposed Guidelines and Standards. The goal has been to establish County-wide a clear, consistent set of Proposed Guidelines and Standards that enables property owners and developers to know ahead of time what information is required and what types of practices are required/recommended.

From a permitting perspective, the main differences will be that some cities and the County will elect to assume permit authority for streamside activities. This will streamline the permitting process for property owners because you will not need to get a separate permit from SCVWD unless the activity is on or next to SCVWD right-of-way. In addition, the Proposed Guidelines and Standards may be applied to smaller streams typically upstream of the historical SCVWD jurisdiction.

6. HOW DOES THE NEW PERMITTING PROCESS WORK?

Under the new approach, when a property owner files a permit application, the permit agency will screen by assessor parcel number to determine if the proposed land use activity is within a streamside parcel. This is called the 'Streamside Review Area'. If a parcel falls within the Streamside Review Area, then the permitting agency will review the permit application using the Proposed Guidelines and Standards to determine how stream resources can be protected.

7. WILL IT LENGTHEN THE DEVELOPMENT/PERMIT REVIEW PROCESS?

One of the primary objectives has been to provide clarity, certainty and predictability in the related permit review requirements. The goal is to decrease the review time by streamlining the permitting process. In addition to the Proposed Guidelines and Standards are a set of Permitting Tools, such as the "Streamside Resource Protection Questions". These tools outline what information required and how that information will be used in reviewing the permit application.

8. WILL THE PROPOSED GUIDELINES AND STANDARDS MAKE GETTING A PERMIT MORE EXPENSIVE?

Large developments presently have to adhere to Regional Water Quality Board requirements for stormwater runoff and related water quality protections, so no additional costs will be incurred in most instances to protect the water quality in streams. There will be some additional nominal cost if a consultant is needed to help complete permit applications for large projects. There may be some cost if a geotechnical analysis needs to be done to assure stability of a steep streamside slope or if a large site requires an assessment of biotic resources, but in some cases, these assessments are already required.

9. WHEN WILL THE PROPOSED GUIDELINES AND STANDARDS GO INTO EFFECT?

The SCVWD is starting to revise its Ordinance regulating permit requirements to incorporate the Proposed Guidelines and Standards. It is anticipated that the SCVWD will continue to permit these activities through February 2007 in most cases. At that time, many cities and/or the County will elect to assume the permit authority, and will incorporate provisions in their regulations to address the Proposed Guidelines and Standards.

10. WHAT KIND OF ASSISTANCE CAN I GET?

In some cases, technical assistance may be needed to accurately assess conditions such as the stability of a streambank or the value of streamside resources, similar to requirements contained in the San Jose Riparian Corridor Policy. For more information, contact your local Planning Department or the Community Projects Review Unit at the SCVWD at (408) 265-2607 x 2650.