

**What is the purpose of the Guidelines and Standards for Land Use Near Streams?**

The Guidelines and Standards for Land Use Near Streams (G&S) was developed by the Santa Clara Water Resources Collaborative. The Collaborative consists of representatives of local jurisdictions in Santa Clara County, the Santa Clara County Valley Water District (SCVWD) and other interested community, business and environmental groups. The G&S contains the requirements and guidance for development adjacent to streams. The Town Council adopted a resolution implementing the G&S at their meeting of February 20, 2007.

**Who Approves Projects Adjacent to Streams?**

Beginning March 1, 2007, the SCVWD will no longer issue permits for projects adjacent to streams except for land they hold in fee or easement. The Town will review potential impacts to streams as part of the development review process. Projects adjacent to streams will be forwarded to the SCVWD for comment. SCVWD will continue to issue permits for projects adjacent to property they hold in fee or easement (this is in addition to approvals required by the Town). Staff will assist you in determining if your property is adjacent to a stream or held in fee or easement by SCVWD.

**Are there special setbacks for stream side properties?**

To minimize impacts to streams, structures are required be setback from the stream. The required setback between the stream and the structure is called the “slope stability protection area”. Structures are to be located outside the slope stability as follows:

- a. All improvements (except in R-1 zones) are to be located outside a slope stability protection area, which is the greater of 20 feet inward from the top of bank or to a point

measured at a ratio of 2:1 (horizontal: vertical) inward from the toe of bank

- b. In R-1 zones, improvements are to be located outside a slope stability protection area which is:
  - (i) 20 feet inward from the top of bank for lots 10,000 square feet or less and 25 feet for lots greater than 10,000 (for creeks 10 feet deep or less)
  - (ii) For creeks deeper than 10 feet, the setback is measured at a ratio of 2:1 (horizontal: vertical) inward from the toe of bank
  - (iii) 15 feet inward from the top of bank for concrete stream channels
- c. The following structures/uses are not allowed within the slope stability protection area:
  - (i) Any structure larger than 120 square feet in area (including accessory and other structures)
  - (ii) Decks over 30-inches in height
  - (iii) Swimming pools
  - (iv) Parking lots
  - (v) Other structures subject to the Uniform Building Code

**Can greater setbacks be required?**

The setbacks for the slope stability protection area are to be considered minimums and greater setbacks may be required based on site specific conditions through the CEQA and permitting process. To determine the appropriate setback, an assessment of onsite biotic and riparian conditions by a qualified expert may be required.

**Are there exceptions to the required setbacks?**

Exceptions may be granted to allow a structure to be located within the slope stability protection area where a slope stability analysis is provided and maintenance or repair of the stream will be

provided. The study will be required to assess the geotechnical soil and slope stability conditions and determine:

- Whether or not the location of a proposed structure may threaten bank stability
- Whether or not the bank instability may threaten and/or potentially cause a health and safety hazard

In some cases, such as for streams with highly erodable banks, geotechnical analysis may be required even for structures located outside the slope stability area.

**Applicability**

The provisions apply to all properties abutting a steam or in proximity to a stream, including all properties within 50 feet from the top of a stream except for the uses listed below.

- Ministerial projects in residential zones
- Less than 3 cubic yards of earthwork
- Replacement of utility service laterials
- Interior construction
- Storage buildings less than 120 square feet
- Re-roofing
- Wood fences less than six feet in height
- Exterior decks less than 30 -inches above grade

These uses may be allowed in the slope stability area, but may not encroach beyond or overhand the top of bank. The exemption for ministerial projects in residential zones essentially applies to single-story homes that do not require a grading permit and two-story additions less than 100 square feet.

**Riparian Corridor Protection**

The following standards have been development to protect the riparian corridor and make development compatible with the creek, the

following measures are to be incorporated into development proposals:

- a. New fences should be constructed a minimum of three feet inward from the top of bank.
- b. Native riparian vegetation should be retained unless it presents a threat to public health or its removal will improve the riparian habitat. Mitigation planting is required when native riparian vegetation is allowed to be removed.
- c. Non-native plants species should not be planted between top of banks or within an existing riparian corridor.
- d. Avoid locating loading docks, trash enclosures, chemical storage areas, and stationary noise-producing mechanical equipment next to streams and riparian corridors.
- e. Avoid nighttime lighting in riparian corridors, direct lighting away from the riparian corridor and maximize distance of lighting from the riparian corridor.
- f. Avoid bright colors and glossy or glare producing building finishes on structures facing the stream or riparian areas.
- g. Irrigation systems shall be designed such that they do not cause soil erosion.
- h. Decks, pathways, buildings or any other structures (excluding road crossings, outfalls, and bank protection structures) may not overhang or encroach beyond or within the top of bank.

**Definitions**

Stream

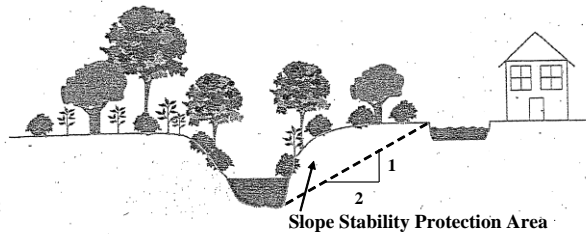
A stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks. This may include a watercourse having a surface or subsurface flow that supports or has supported vegetation, fish or other aquatic life.

Alteration to a natural watercourse such as the construction of culverts or other improvements within the bed of a stream does not affect its status as a natural watercourse.

A watercourse, which does not meet the above definitions, may be considered a stream if the director of the permitting agency determines that it complies with criteria 2F on page 2.13:

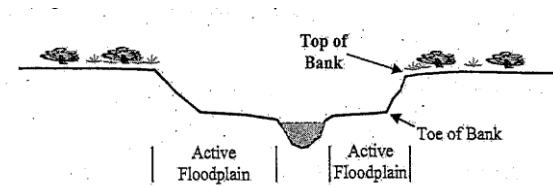
Slope Stability Protection Area:

The slope stability area is the area between the stream and a structure.



Top of Bank

Top of bank designates a stream boundary where a majority of normal discharges and channel forming activities take place. The top of bank will contain the active channel, active floodplain, and their associated banks. Where there is no distinguishable feature to locate the top of bank, the local permitting agency will make a determination. In the absence of this determination, the 100-year water surface will be



use.

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**Summary Handout**