

*Added  
Handout*  
July 14, 2014

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Humboldt County Board of Supervisors  
825 Fifth Street, Room 111  
Eureka, CA 95501

Re: Streamside Setbacks in California Counties

Dear Supervisors:

Regarding the Biological Resources chapter of the Conservation & Open Space Element of the County's General Plan Update (GPU), please look beyond Mendocino County's streamside setbacks and study this Stream Setback Ordinance Survey conducted by the California Water Resources control Board, in 2009.

For this survey, directors of both County Public Works Directors and City Planning Departments, were surveyed by Molly Munz, in the Nonpoint Source Pollution Control Program of the Division of Water Quality.

#### **SANTA CRUZ COUNTY**

On page nine, the Water Board summarizes Santa Cruz County's stream-side buffers as being a "Very clear description, definitions, and enforceability. This could be a good model" to eliminate or minimize any development activities in the riparian corridor in order to preserve, protect, and restore riparian corridors. Santa

Cruz code defines buffer widths as "being dependent" upon the slope of an arroyo. An arroyo is defined as "a gully, ravine, or canyon created by a perennial, intermittent or ephemeral stream."

## SOLANO COUNTY

On page 10, the Water Board also described Solano County's setbacks as having "very clear maps and process for...rezon[ing] any portion of the Conservation Overlay."

Please review the attached document for other California county General Plan Updates and codes for adequate stream buffers to protect fragile ecosystems species, to provide flood protection, to filter sediments, and maintain Streamside Management Areas (riparian zones).

I support the 2012 General Plan Update Planning Commission Approved Draft recommendations for Streamside Management Areas (BR-S5), calling for:

- 150' buffers on perennial fish-bearing streams
- 75' buffers on perennial non-fish-bearing streams.

Thank you for studying these counties as models when updating the biological resources chapter of the general plan for Humboldt County.

Sincerely,

A handwritten signature in black ink that reads "Ali O. Lee". The signature is written in a cursive, flowing style.

Ali O. Lee  
Bayside, CA

## Stream Setback Ordinance Survey

Conducted by Molly Munz  
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### Summary of Findings:

On February 11, 2009 an on-line survey was sent to an email list of County Public Works Directors and Directors of City Planning Departments. Emails were provided by Tacy Currey, Executive Director of California's Association of Resource Conservation Districts. A survey cover letter and survey link was sent to 125 total emails, of those 16 email addresses were bounced back and therefore invalid emails. Out of the 109 valid email contacts, only 27 responded to the survey which indicates a 25% response. Of those 27 individuals that started the survey, only 19 or 70.4% completed the survey. The following are the responses to the survey.

The majority (66.7%) respondents have a stream setback ordinance or similar type of regulation or standard that limits development within a certain distance from a stream. Most (75%) respondents that did not have any ordinance or standard to limit development adjacent to streams were not considering developing one; about 25% were considering developing one. The stream setback ordinance were multi-objective, the majority (75-88%) were designed to protect or enhance water quality, and for wildlife and aquatic-life habitat protection. About 13% of the stream setbacks were required as part of the 100-year flood protection administered by the Federal Emergency Management Agency (FEMA). Stream setbacks for other flood protection purposes were more than double (31%) that of the FEMA designated stream setbacks. Approximately 56% of the stream setback ordinances apply to all streams and at least 37% apply to only some streams. The response to the follow-up question, "what type(s) of stream does the stream setback ordinance apply to?" was inconclusive and further research needs to be done.

Most of total widths for the stream setback were based on fixed distances which were dependent on site-specific conditions. The minimum distances were usually between 20 to 30 feet and were measured from mid-stream, mean high water line, top of stream bank or channel, or from riparian vegetation. Some conditions were based on land-use, for example: larger setbacks were used in coastal and rural areas than in urban areas. In one case, stream setbacks were considered part of the infrastructure and the setbacks from perennial streams were similar to those used for ditches (50') and ephemeral stream setbacks were treated like setbacks from sewer lines (25'). Other conditions were based on biological resources and clearly a result of the Endangered Species Act (ESA), where the setback widths reached a maximum of 200 feet in two cases. Most of the maximum widths were around 100 feet. In a few cases a maximum of 150-200 feet was cited, these conditions seemed the most complicated with conditions based on land-use, slope, soil type, type of stream, and vegetation type. A few respondents used variable setbacks widths that were either determined by: 1) the Department of Fish and Game in a Biological Opinion as part of the ESA requirements,

2) were 5 times the width of the stream with a minimum of 20 feet in width, and 3) were completely dependent on site specific conditions such as whether the stream is perennial or intermittent, located in an urban or rural land use, if the stream-side vegetation was riparian and other factors.

## Survey Results

### 1) Does your local government or municipality have a riparian or stream setback ordinance?

100% or all 27 responders answered this question.

Yes = 66.7% (18)

No = 22.2% (6)

In Progress = 0%

I don't know = 11.1% (3)

### Is your local government or municipality considering adopting a stream setback ordinance?

100% or 9 who answered "no" or "I don't know" to question 1, answered this question.

Yes = 9.5% (2)

No = 28.6% (6)

In Depends = 4.8% (1)

N/A = 57.1% (12)

If yes,

#### a) What is the purpose of the stream setback ordinance? Please check all that apply.

89% or 16 of the 18 who responded as Yes to question 1 answered.

12.5% (2) = FEMA 100-year floodplain designation

0 = FEMA 200-year floodplain designation

31.3% (5) = flood control (other than FEMA designation)

87.5% (14) = water quality improvements (i.e. riparian buffer, forested buffer, vegetated buffer)

81.3% (13) = wildlife conservation

75% (12) = aquatic life habitat protection

6.3% (1) = N/A

#### b) What is the approximate total width or methodology for determining the stream setback?

83% or 15 of the 18 who responded as Yes to question 1 answered this question.

##### 53.3% (8) = Fixed Width

1. 20-30 foot setback, with conditions

2. Stream, body of water, ditch 50' from septic, 100' from Leach line or seepage pit, 25' from sewer line/Seasonal streams 25' septic tank and leach field, 50' from seepage pit, 10' from sewer line

3. 50 in urban zone, 100' coastal/inland rural areas

4. A range of 25 to 200 ft. Biological report is required.

5. "100 feet from the high water line of any lake, reservoir, river, stream or spring..."

6. 5 times the width or 20 feet or greater

7. Minimum 20 feet from Top of Bank of concrete channelized creek

8. 50 feet from top of bank or from riparian vegetation

**66.7% (10) = varies**

1. distance measured from top of stream bank
2. For septic 50ft, Leach 50ft, solid pipe 25ft
3. measured from high water mark
4. Report setback recommendations are referred to DFG
5. 50 feet from riparian habitat or 100 feet from mean high water. For discretionary projects.
6. 25 to 200 feet, land use, slope, soil erosivity
7. varies and somewhat complicated. Depends on whether stream in perennial or intermittent, urban or rural, vegetation associated with riparian corridor and other factors.
8. Add additional width dependent on type of creek, slope and soils
9. 30 - 100 feet depending on location
10. 50 - 150 ft depending on whether it is seasonal or perennial

**Does the steam setback ordinance apply to all streams?**

88% or 16/18 who responded as Yes to question 1 answered this question.

56.3% (9) = Yes

37.5% (6) = No

6.3% (1) = N/A

**If no, what type(s) of stream does the stream setback ordinance apply to?**

83% or 15/26 who responded as Yes to question 1 answered this question.

40% (6) = Ephemeral - flows only during or immediately after periods of precipitation; generally less than 30 days per year.

60% (9) = intermittent (flows only during certain times of the year; seasonal flow typically lasting at least 30 days per year)

73.3% (11) = perennial (flow continuously during both wet and dry times; is dependent on groundwater as a constant source)

66.7% (10)= U.S. Geological Survey Blue Line

0 = don't know

13.3% (2) = N/A

The results to this question are not valid because more responses were given than the expected six "No" answers from the question above. These are obviously not mutually exclusive answers either, because 37 responses were recorded, this is more than the expected 18 (municipalities with stream setback ordinances) if these were either or answers. The only information gleaned from this response is that there are multiple streams that are affected by the various stream setback ordinances and further research needs to be done.

**Additional Information**

In some cases, the respondent cited the code where their stream setback ordinance could be found. I went to each of the provided links and in some cases found the links myself. Below is a summary table of the results from the research and the URL where the information was copied from.

Name of City or County	Language taken from the Ordinance or from General Plan as it relates to stream setbacks.
URL Notes	

<p><b>City of Berkeley</b>  <a href="http://www.ci.berkeley.ca.us/bmc/Berkeley_Municipal_Code/Title_17/08/index.html">http://www.ci.berkeley.ca.us/bmc/Berkeley_Municipal_Code/Title_17/08/index.html</a></p> <p>Very user friendly webpage with clear regulations and enforceability.</p>	<p>Construction within 30 feet of the centerline of an open creek is regulated to protect water quality and riparian habitat. An open creek may carry water either intermittently or continuously.</p> <p>For building expansions and proposed new buildings within 25 feet of the centerline of a culverted creek, the applicant/property owner must provide verification of the culverted creek location. If proposed development is within 15 feet of a culverted creek, an administrative Culverted Creek Permit, issued by the Department of Public Works, is required</p>
<p><b>City of Oakland</b>  <a href="http://www.oaklandpw.com/Page159.aspx">http://www.oaklandpw.com/Page159.aspx</a></p> <p>Clearly designed for the developer looking for building permits. Website has educational material and seems easy to use.</p>	<p>A creek is a watercourse that is a naturally occurring swale or depression, or engineered channel that carries fresh or estuarine water either seasonally or year round. If you are a creekside property owner, this Ordinance may affect you. Any development or construction work you undertake may threaten the creek running through your property.</p> <p>Requires a Creek Protection Permit for development projects near a creek.</p> <p>Risk based permit that depends on how close to the center line of the creek, activities are taking place and what the activities are. For a full description visit the website. If the exterior work is conducted from the centerline of the Creek to within 20 feet from the top of the Creek bank, then a hydrology report needs to be submitted as well.</p>
<p>Glenn County  <a href="http://www.countyofglenn.net/govt/county_code/?cc_t_id=17">http://www.countyofglenn.net/govt/county_code/?cc_t_id=17</a></p>	<p>I could not find the relevant development standards on the website</p>
<p><b>Humboldt County</b>  <a href="http://co.humboldt.ca.us/planning/building/ordinances/2275_Grad_Control/str_mnt.pdf">http://co.humboldt.ca.us/planning/building/ordinances/2275_Grad_Control/str_mnt.pdf</a></p> <p>This appears to be the same as USACE 404/RWQCB 401 permits regarding no dredge and fill.</p>	<p><b>TITLE 3  LAND USE AND DEVELOPMENT  DIVISION 1, PLANNING ZONING REGULATIONS  CHAPTER 6 - GENERAL PROVISIONS AND EXCEPTIONS  SECTION 314-61.1  STREAMSIDE MANAGEMENT AREA ORDINANCE</b></p> <p>Streamside Management Areas (SMAs) and other wet areas such as: natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year-long or riparian vegetation).</p> <p>Requires mitigation measures and monitoring plan.</p>
<p><b>Marin County</b>  <a href="http://www.co.marin.ca.us/depts/CD/Forms/SFRDG_Appx-BOS_Final.pdf">http://www.co.marin.ca.us/depts/CD/Forms/SFRDG_Appx-BOS_Final.pdf</a>  Appendix G,  Streams and  Riparian Resources</p>	<p>Stream Conservation Areas consist of a zone or buffer area that extends along all natural watercourses shown as blue line on the most recent appropriate USGS quad map, or other natural watercourses that support riparian vegetation for a length of 100 feet or more. The zone consists of the watercourse and surrounding banks on both sides and a strip of land extending laterally outward from the top of bank to a minimum width of 100 feet in the Coastal and Inland Rural Corridor and a minimum width of 50 feet in the</p>

<p>The SCA policies are implemented through the Community Development Agency's development review process.</p>	<p>City Centered Corridor. Where large tracts of land in the City Centered Corridor are proposed for development, the normal 50-foot buffer is extended up to 100 feet if consistent with legal requirements and other planning and environmental goals. In the Coastal and Inland Rural Corridor, the zone is extended by including a buffer area 50 feet landward from the edge of riparian vegetation. The SCA policies prohibit most new land uses and improvements within the above buffers with limited exceptions for existing structures, water supply and flood control projects, fish and wildlife habitat restoration or improvements, grazing of livestock and other agricultural uses, channel maintenance for erosion control and other purposes, road and utility line crossings, trails and water monitoring installations. Etc...</p> <p>The SCA policies are implemented through the Community Development Agency's development review process, including, but not limited to, single-family residential projects that are subject to Design Review. Because the SCA policies may have a major bearing on the feasibility and design of a development proposal, prospective permit applicants are strongly encouraged to conduct a thorough investigation of the presence of streams and natural drainages on the development site during the preliminary planning and design stages of the project. If a question arises regarding whether a particular watercourse is subject to the SCA policies, prospective applicants should first review the appropriate USGS quad sheet to determine if the parcel is traversed by or is adjacent to a blue line stream. Consulting with a biologist or other qualified professional with a sufficient level of expertise in this area may also be helpful or necessary to resolve questions regarding the status of a stream or drainage, especially with respect to those that are not identified on a USGS quad sheet.</p> <p>The potential hazards created by development, grading and alteration of drainage patterns on hillsides are not only a concern of the development itself but may cause damage to properties downhill of the property. For this reason, the larger off-site implications of all proposed buildings and improvements such as roads, driveways, and other built improvements such as parking areas, landform grading and drainage should be considered in all Design Review projects.</p>
<p><b>Mono County</b>  <a href="http://www.monocounty.ca.gov/services.html">http://www.monocounty.ca.gov/services.html</a></p> <p>No clear way of enforcing the policies from the Land-Use and Conservation Element.  The policies did not seem to translate to</p>	<p>Relevant policies...  <u>From Land-Use Element</u></p> <ul style="list-style-type: none"> <li>- Maintain or enhance the integrity of critical wildlife habitat in the county by limiting development in those areas and requiring mitigation in conformance with CEQA and this General Plan. Examples of critical wildlife habitat include, but are not limited to: key winter ranges, holding areas, migration routes, and fawning areas for mule deer; habitat for other big game species; leks, and winter and summer range for sage grouse; fisheries and associated habitat; and riparian and wetland habitat.</li> <li>- Restrict development in areas which are constrained by natural hazards, including but not limited to, flood, fire,</li> </ul>

<p>the Land Development Regulations.</p>	<p>geologic hazards, and avalanche hazards.</p> <p><u>From Conservation Element</u></p> <ul style="list-style-type: none"> <li>- Hydroelectric Resources: County policies are directed toward restoring damage which has already occurred, preventing additional damage from occurring, and minimizing unacceptable change to stream environments</li> <li>- - Work with appropriate agencies, organizations, and individuals to preserve additional open space permanently.</li> <li>- Future development projects shall avoid potential significant impacts to animal or plant habitats or mitigate impacts to a level of non-significance, unless a statement of overriding considerations is made through the EIR process.</li> <li>- Protect and restore threatened and endangered plant and animal species <b>and their habitats</b>.</li> <li>- Prohibit construction activities such as grading in sensitive habitats prior to environmental review in compliance with CEQA and the <u>Mono County Grading Ordinance</u>.</li> <li>- Support efforts to regulate in-stream flows and lake levels to maintain fishery and other wildlife values, including riparian habitat [via Cooperate with the DFG to obtain adequate habitat protection in connection with Stream or Lake Alteration Agreements and in-stream flow agreements when required for developments].</li> <li>- Regulate out-of-basin water transfers <b>from private lands</b> in the unincorporated area of the County, in accordance with the following actions. [this relates to newly developing projects and CEQA documenting proposed project meets all reasonable beneficial water needs, including in-stream uses, within the basin of origin; and that the proposed project adequately protects water quality, in-stream flows, lake levels, and related resources. Projects that do not adequately protect these resources shall be denied.</li> <li>- <u>Policy 1</u>: Work with the appropriate agencies to develop and implement a comprehensive <b>water</b> management plan for Mono Basin and the downstream areas of the aqueduct system. The <b>water</b> management plan should ensure that Mono Lake and the local aqueduct system are managed in a manner that protects the ecological and fisheries values of the Mono Basin and downstream areas of the aqueduct system.</li> <li>- <u>Action 1.1</u>: <b>Support a minimum</b> lake level of 6,377 feet for Mono Lake. <b>In addition, support a buffered range of water levels (from 6377 to 6390 feet) to provide protection for Mono Lake during climatic fluctuations.</b></li> <li>- <u>Policy 1</u>: Support efforts to establish minimum flows in <b>all</b> streams impacted by water diversions. <b>In establishing minimum stream flows, allow for appropriate flushing flows as needed.</b></li> <li>- <u>Policy 2</u>: Provide land use controls which <b>facilitate</b> the restoration of impacted stream channels and adjacent areas.</li> </ul>
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	<ul style="list-style-type: none"> <li>- <b>Policy 4:</b> Establish buffer zones where recharge occurs, including adjacent to surface waters and riparian areas.</li> <li>- <b>Action 4.1:</b> Amend the Zoning Code to specify uses and setback requirements from recharge, riparian, and wetland areas. Continue to enforce setback requirements from surface waters.</li> </ul>
<p><b>San Joaquin County</b>  <a href="http://www.sjgov.org/commdev/cgi-bin/cdyn.exe/handouts-&lt;br/&gt;planning_ca_sjc_dev_T09-D15?grp=handouts-planning&amp;obj=ca_sjc_dev_T09-D15">http://www.sjgov.org/commdev/cgi-bin/cdyn.exe/handouts- planning_ca_sjc_dev_T09-D15?grp=handouts-planning&amp;obj=ca_sjc_dev_T09-D15</a></p> <p>Fixed width based on presence of vegetation and biological resource protection.</p>	<p>9-1405.6 Water Obstruction (Ord. 3675). Prohibits the grading of natural flow of storm waters, whether surface flow or confined flow so that flooding and erosion do not occur.</p> <p>9-1510 Riparian Habitat Requires a Riparian Habitat Mitigation Plan.</p> <p>1510.5 Natural Bank Buffer Nesting and foraging habitat of open space with a minimum width of 100', measured from the mean high water level of the natural bank or 50' back from existing riparian habitat – whichever is greater. Water dependent uses may be permitted in this buffer.</p>
<p><b>San Luis Obispo</b>  <a href="http://www.slocounty.ca.gov/Assets/PL/Land+Use+Ordinances/Title+23+-+Coastal+Zone+Land+Use+Ordinance/Title+23+Coastal+Zone+Land+Use+Ordinance.pdf">http://www.slocounty.ca.gov/Assets/PL/Land+Use+Ordinances/Title+23+-+Coastal+Zone+Land+Use+Ordinance/Title+23+Coastal+Zone+Land+Use+Ordinance.pdf</a>  CH 7  Or  <a href="http://services.sloclearkrecorder.org/code/_DATA/TITLE23/Chapter 23 07 COMBINING DESIGNATION/index.html">http://services.sloclearkrecorder.org/code/_DATA/TITLE23/Chapter 23 07 COMBINING DESIGNATION/index.html</a></p>	<p>23.07.174 Streams and riparian vegetation. Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.</p> <p>(1) Development Adjacent to a Coastal Stream. Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.</p> <p>(2) Limitation on Streambed Alteration. Channelization, dams or other substantial alteration of stream channels are limited to:  (A) Water supply projects; provided, that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional capacity of streams, wetlands, estuaries and lakes;  (B) Flood control projects, where such protection is necessary for public safety or to protect existing commercial or residential structures, when no feasible alternative to streambed alteration is available;  (C) Construction of improvements to fish and wild life habitat;  (D) Maintenance of existing flood control channels. Streambed alterations shall not be conducted unless all applicable provisions of this title are met and if applicable, permit approval from the California Department of Fish and Game, the U.S. Army Corps of Engineers, and California State Water Resources Control Board.</p> <p>(3) Stream Diversion Structures. Structures that divert all or a portion of streamflow for any purpose, except for agricultural stock ponds with a capacity less than ten acre-feet, shall be designed and</p>

	<p>located to not impede the movement of native fish or to reduce streamflow to a level that would significantly affect the production of fish and other stream organisms.</p> <p>(4) Riparian Setbacks. New development shall be setback from the upland edge of riparian vegetation a minimum of fifty feet within urban areas (inside the USL) and one hundred feet in rural areas (outside the USL), except as provided in subsection (2) of this section, and as follows:</p> <p>(A) Permitted Uses Within the Setback. Permitted uses are limited to those specified in Section 23.07.172 (4)(A) (for wetland setbacks); provided, that the findings required by that section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and nonstructural agricultural uses.</p> <p>(B) Riparian Habitat Setback Adjustment. The minimum riparian setback may be adjusted through minor use permit approval, but in no case shall structures be allowed closer than ten feet from a stream bank, and provided the following findings can first be made:</p> <p>(i) Alternative locations and routes are infeasible or more environmentally damaging; and</p> <p>(ii) Adverse environmental effects are mitigated to maximum extent feasible; and</p> <p>(iii) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and</p> <p>(iv) The adjustment is the minimum that would allow for the establishment of a principal permitted use.</p> <p>(5) Alteration of Riparian Vegetation. Cutting or alteration of natural vegetation that protects a riparian habitat shall not be permitted except:</p> <p>(A) For streambed alterations allowed by subsections (1) and (2) above;</p> <p>(B) Where no feasible alternative exists;</p> <p>(C) Where an issue of public safety exists;</p> <p>(D) Where expanding vegetation is encroaching on established agricultural uses;</p> <p>(E) Minor public works projects, including but not limited to utility lines, pipelines, driveways and roads, where the planning director determines no feasible alternative exists;</p> <p>(F) To increase agricultural acreage; provided, that such vegetation clearance will:</p> <p>(i) Not impair the functional capacity of the habitat,</p> <p>(ii) Not cause significant streambank erosion,</p> <p>(iii) Not have a detrimental effect on water quality or quantity,</p> <p>(iv) Be in accordance with applicable permits required by the Department of Fish and Game;</p> <p>(G) To locate a principally permitted use on an existing lot of record where no feasible alternative exists and the findings of subsection (2) of this section can be made. (Ord. 2344 § 1 (Exh. A) (part), 1988)</p>
<b>Santa Cruz County</b>	Chapter 16.30 Riparian Corridor and Wetlands Protection

<p><a href="http://www.codepublishing.com/ca/santacruzcounty/">http://www.codepublishing.com/ca/santacruzcounty/</a></p> <p>Very clear description, definitions, and enforceability. This could be a good model.</p>	<p>The purpose of this chapter is to eliminate or minimize any development activities in the riparian corridor in order to preserve, protect, and restore riparian corridors for: protection of wildlife habitat; protection of water quality; protection of aquatic habitat; protection of open space, cultural, historical, archeological and paleontological, and aesthetic values; transportation and storage of floodwaters; prevention of erosion; and to implement the policies of the General Plan and the Local Coastal Program Land Use Plan.</p> <p>Use the word Arroyo. A gully, ravine or canyon created by a <u>perennial, intermittent or ephemeral stream</u>, with characteristic steep slopes frequently covered with vegetation. An arroyo includes the area between the top of the arroyo banks defined by a discernible break in the slope rising from the arroyo bottom. Where there is no break in slope, the extent of the arroyo may be defined as the edge of the 100 year floodplain. Riparian Corridor. Any of the following:</p> <ol style="list-style-type: none"> <li>(1) Lands within a stream channel, including the stream and the area between the mean rainy season (bankfull) flowlines;</li> <li>(2) Lands extending 50 feet (measured horizontally) out from each side of a perennial stream. Distance shall be measured from the mean rainy season (bankfull) flowline;</li> <li>(3) Lands extending 30 feet (measured horizontally) out from each side of an intermittent stream. Distance shall be measured from the mean rainy season (bankfull) flowline;</li> <li>(4) Lands extending 100 feet (measured horizontally) from the high watermark of a lake, wetland, estuary, lagoon or natural body of standing water;</li> <li>(5) Lands within an arroyo located within the Urban Services Line, or the Rural Services Line.</li> <li>(6) Lands containing a riparian woodland.</li> </ol> <p>Buffer width is dependent on slope within 30' of edge and if the area is developed or otherwise disturbed.</p> <p>The buffer shall always extend fifty (50) feet from the edge of riparian woodland and twenty (20) feet beyond the edge of other woody vegetation as determined by the drip-line, except as provided for in Section <u>16.30.060</u>. Once the buffer is determined, a ten (10) foot setback from the edge of the buffer is required for all structures, to allow for construction equipment and use of yard area.</p>
<p><b>Sierra County</b>  <a href="http://www.sierracounty.ws/county_docs/bos/Full%20Code.pdf">http://www.sierracounty.ws/county_docs/bos/Full%20Code.pdf</a></p> <p>ACE 404/RWQCB 401 permitting</p>	<p>Chapter 9.04 Water Ways  <b>9.04.050 Disturbing Bed or Waters</b>  It is unlawful for any person to tow, pull, or use any drag line or heavy motorized equipment, to excavate, fill or drag the bottom bed or bank of any public waters or waterways, disturbing the flora or fauna growing therein without first having secured a special use permit from the Planning Commission. (Ord. 201, 525, eff. 4/6/78, prior Section 9.04.050)</p>
<p><b>Solano County</b>  <a href="http://www.solanocounty.com/depts/RM/planning_services/d">http://www.solanocounty.com/depts/RM/planning_services/d</a></p>	<p>RESOURCES section of the General Plan  Conservation overlay to protect habitat.  Establish a resource mitigation overlay district within the Zoning Ordinance to site and permit mitigation</p>

<p><a href="#">efault.asp</a>  <a href="http://www.solanocoounty.com/civica/filebank/blobdload.asp?BlobID=6494">http://www.solanocoounty.com/civica/filebank/blobdload.asp?BlobID=6494</a></p> <p>Very clear maps and process for City Council to rezone any portion of the Conservation Overlay. Clearly a product of ESA and mitigation banking.</p>	<p>banks. The ordinance should include incentives to focus mitigation banks within the Resource Conservation Overlay areas.</p> <p>Together with DFG, USFWS, Solano Water Agency and other agencies, determine and map critical wildlife movement and habitat corridors and riparian buffer areas. Ensure that the areas are sufficient in size to maintain landscape ecological functions and viable populations. Add the mapped critical corridors to the Resource Conservation Overlay.</p> <p>RS.1-10. Develop an agricultural riparian incentive program that encourages farmers and ranchers and other landowners to maintain or create riparian habitat along streams, creeks, canals, and wetlands. Collaborate with other agencies and organizations (Including, but not limited to Solano Land Trust, RCD, Department of Fish and Game, Central Valley Regional Water Quality Control Board (RWQCB), Farm Bureau, Bay Delta Authority, Ducks Unlimited, Sierra Club, Audubon Society) to develop funding mechanisms, including grant funds, to support longterm riparian conservation and restoration efforts.</p> <p>The program should fund wildlife-compatible fencing of sensitive riparian areas. The program should also develop strategies to pay farmers and ranchers for habitat protection. Strategies could include payment for ecosystems services provided, purchase of conservation easements, or fee simple purchase of riparian areas.</p>
<p><b>Sonoma County</b>  <a href="http://library.municode.com/index.aspx?clientid=16331&amp;stateid=5&amp;stateName=California">http://library.municode.com/index.aspx?clientid=16331&amp;stateid=5&amp;stateName=California</a>  Chapter 7B, Flood Damage Prevention</p> <p>FEMA 100 year floodplain and FIRM maps, restricted development</p>	<p><b><u>Sec. 7B-2. - Applicability.</u></b></p> <p>The Federal Emergency Management Agency's Flood Insurance Study (FIS) for the County of Sonoma dated September 6, 2006, its accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), also dated September 6, 2006, and all subsequent amendments and/or revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. This chapter applies to all areas of special flood hazard identified in the FIS and its attendant maps, and to other areas recommended to the Board of Supervisors by the floodplain administrator. The FIS, FIRMs, and FBFMs are on file at the Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa CA 95403</p> <p><b><u>Sec. 7B-12. - Floodways.</u></b></p> <p>Located within areas of special flood hazard established in Section 7B-2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion</p>

	<p>potential, the following provisions apply:</p> <p>(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice and certified by a registered professional engineer or architect licensed in the state of California that the proposed encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.</p> <p>(2) If paragraph (1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.</p> <p>(3) Prohibit the placement of any manufactured homes, except in an existing manufactured home park or existing manufactured home subdivision.</p>
<p><b>Tulare County</b> <a href="http://www.codepublishing.com/CA/tularecounty/">http://www.codepublishing.com/CA/tularecounty/</a></p> <p>FEMA 100 year floodplain, restricted development</p>	<p>7-27-1020 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD:</p> <p>The areas of special flood hazard identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Tulare County, California," dated September 29, 1986, with an accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, dated September 29, 1986, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the County Public Works Department. (Amended by Ord. No. 3212, effective 10-29-98)</p> <p>7-27-1215 FLOODWAYS:</p> <p>Areas designated as floodways are located within areas of special flood hazard established in section <u>7-27-1020</u>. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:</p> <p>(a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.</p> <p>(b) If no floodway is identified, the Public Works Director may require the permit holder to provide an engineering study for the project area that establishes a setback where no encroachment of any new development will be allowed that would increase the water surface elevation of the base flood plus one (1) foot; or establish a setback from the stream bank equal to five (5) times the width of the</p>

	<p>stream at the top of the bank or twenty (20) feet on each side from the top of the bank, whichever is greater.</p> <p>(c) No mobilehome shall be placed in a floodway, except in an existing mobilehome park or existing mobilehome subdivision.</p> <p>(d) The requirements of section 14.7 of the County Zoning Ordinance (Ordinance No. 352 as amended) shall also be applicable at such time that the County Zoning Map is amended to apply F I zoning within the floodway.</p>
<p><b>Yuba County</b>  <a href="http://www.co.yuba.ca.us/departments/bos/documents/ordinance/titleVII.pdf">http://www.co.yuba.ca.us/departments/bos/documents/ordinance/titleVII.pdf</a></p> <p>Could not a stream setback ordinance, only some restrictions in certain land use designations described to the right.</p>	<p><b>ZONING</b></p> <p><b>CHAPTER 12.62"RPZ" RESOURCE PRESERVE ZONE</b>  No restriction on single family residential, limit of 20 acre per lot. Public Cemeteries and similar uses, public utilities, commercial stables, etc.</p> <p><b>CHAPTER 12.65 "TPZ" TIMBERLAND PRESERVE ZONE</b></p> <p><b>CHAPTER 12.70 "FP-1" FLOOD PLAIN ZONING</b></p>

**References Provided by Respondents:**

1. please see general plan requirements posted at [www.monocounty.ca.gov](http://www.monocounty.ca.gov)
2. <http://www.ci.berkeley.ca.us/contentdisplay.aspx?id=830&portalID=20>
3. The County of San Benito does not currently have a Stream Setback Ordinance.
4. <http://www.solanocounty.com/civica/filebank/blobdload.asp> -
5. <http://www.co.yuba.ca.us/departments/bos/documents/ordinance/titleVII.pdf>
6. Marin County community development agency
7. [www.co.humboldt.ca.us/planning/building/grading.htm](http://www.co.humboldt.ca.us/planning/building/grading.htm)
8. [http://www.sierracounty.ws/county\\_docs/bos/Full%20Code.pdf](http://www.sierracounty.ws/county_docs/bos/Full%20Code.pdf)
9. See Chapter 9-1510 of Development Title at [sjgov.org/departments/communitydevelopment](http://sjgov.org/departments/communitydevelopment)
10. Nathan Quarles, Sonoma County Permit and Resource Management, [nquarles@sonoma-county.org](mailto:nquarles@sonoma-county.org), 707 565-3507
11. [http://www.co.santa-cruz.ca.us/County\\_Code.html](http://www.co.santa-cruz.ca.us/County_Code.html)
12. <http://www.codepublishing.com/CA/tularecounty/> Part 7, 7-27-1215
13. [www.oaklandpw.com/creeks](http://www.oaklandpw.com/creeks)
14. SLO County Coastal Zone Land Use Ordinance Chapter 7
15. Yuba County General Plan
16. not a separate ordinance but part of the standards for development [http://www.countyofglenn.net/govt/county\\_code/?cc\\_t\\_id=17](http://www.countyofglenn.net/govt/county_code/?cc_t_id=17)