USER MANUAL

GUIDELINES & STANDARDS FOR LAND USE NEAR STREAMS

A Manual of Tools, Standards and Procedures to Protect Streams and Streamside Resources in Santa Clara County

Prepared by the Santa Clara Valley Water Resources Protection Collaborative

August, 2005
Revised July 2006

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City of Cupertino
City of Gilroy
City of Los Altos
Town of Los Altos Hills
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CHAPTER 1

INTRODUCTION

1A. GENERAL INTRODUCTION TO THE GUIDELINES AND STANDARDS FOR LAND USE NEAR STREAMS

This User's Manual has been developed to provide essential information to local permitting agencies, homeowners, and developers about the requirements and procedures related to the Proposed Guidelines and Standards for Land Use Near Streams (Guidelines and Standards) in Santa Clara County. The Guidelines and Standards have been developed as part of a cooperative decision-making process known as the Santa Clara Valley Water Resources Protection Collaborative (Collaborative). All of the cities, the County, the Santa Clara Valley Water District, citizen, business, agriculture and community groups in Santa Clara County are members of the Collaborative.

In 2003, these organizations joined as the Collaborative with the goals of:

1. **Identifying and addressing typical issues associated with development next to streams;**
2. **Developing clear, consistent guidance to property owners and developers about how to design and construct streamside development projects in a way that protects streams and streamside resources;**
3. **Clarifying and streamlining the permitting process for streamside property owners throughout the County; and**
4. **Developing Guidelines and Standards for streamside developments that focus on local control of the permitting process for these lands.**

By working together to protect streams and streamside resources, 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, in many instances, increased property values if trees and streamside amenities are left intact or enhanced.

A river is the report card for its watershed.

-Alan Levere, Connecticut Department of Environmental Protection, 2000

1B. CONTENTS OF THE PROPOSED GUIDELINES AND STANDARDS FOR LAND USE NEAR STREAMS

The Guidelines and Standards are designed to address land use activities near streams and to protect surface and groundwater

Photo Courtesy of Urban Advantage

quality and quantity in Santa Clara County. They are based on a recent compilation of the existing practices the Santa Clara Valley Water District (SCVWD) uses when reviewing permits for land uses near streams under its current requirements based on Ordinance 83-2. Each Guideline and Standard is tied to a specific land use activity (i.e., structures built near channels, encroachments, grading and drainage, erosion repair, etc.).

The Guidelines and Standards are intended to be used for the purposes of development review of proposed land use activities for new development, major redevelopment and where appropriate, single family units. In developing the Guidelines and Standards, the Collaborative has considered how to make them realistic, implementable, and easy to administer. They are designed to ensure that single family property owners are not unduly burdened by extensive or expensive permit requirements.

Finally, the Guidelines and Standards are intended to compliment existing regulations, such as the City/County/SCVWD National Pollutant Discharge Elimination System (NPDES) Permitting Program provisions, which address some related water quality issues. It is assumed that each jurisdiction will also continue to follow these and other existing regulations that protect streams and/or surface water quality.

1C. APPLICATION OF THE GUIDELINES AND STANDARDS

Each city, the County and SCVWD all have slightly different permitting processes, and based on these, will implement the Guidelines and Standards and related Permitting Tools in ways that reflect each communities' permit, building and planning processes. To ensure that the permitting processes remain clear, consistent and fair, there will be an 18 month transition period, starting in September 2005 and ending in February 2007, as the cities, the County, and SCVWD evaluate how best to incorporate these practices and commence to apply them to local streamside land use activities. By early 2006, the Santa Clara Valley Water District plans to incorporate the Guidelines and Standards into an ordinance which replaces existing Ordinance 83-2.

By February 2007, each city and the County will choose how it wants to integrate the Guidelines and Standards into its existing processes and what level of responsibility it wants to assume in permitting land use activities in and near streams. The SCVWD will keep its permit authority for activities within its right-of-way.

1D. PURPOSE AND CONTENTS OF THE USER MANUAL

This User Manual is designed to provide in one location a list of the Guidelines and Standards, copies of the model Permitting Tools that outline the types of information that will be required in the permitting process, as well as specific guidance for homeowners and developers.

The specific sections of this User's Manual are listed below:

Chapter 1 - *Introduction*

Chapter 2 – *Permitting Tools for Guidelines and Standards*

Chapter 3 – *Guidelines and Standards for Land Use Near Streams*

Chapter 4 – *Design Guides for the Guidelines and Standards for Land Use Near Streams*

Chapter 5 – *Guidance for Homeowners*

Chapter 6 – *Guidance for Developers*

Chapter 7 – *Model Enhanced Practices*

Chapter 8 – *SCVWD Ordinance 83-2*

Chapter 9 – *GIS Mapping Tool to Support Stream Protection*

We hope you find this User Manual useful. If you have questions related to its use or contents, please contact your local planning or public works department or the Community Projects Review Unit at the Santa Clara Valley Water District.

1E. QUICK REFERENCE GUIDE TO THIS MANUAL

IF YOU ARE . . .	THEN . . .
Wondering how best to use the User Manual...	Read this Easy Reference Guide. The User Manual is targeted to a diverse audience of planners, designers, engineers, decision makers, and citizens. It can be used in a variety of ways. For more information please call the Planning or Public Works department in your local jurisdiction. For additional information, you may also contact the Santa Clara Valley Water District at (408) 265-2607, ext. 2258.
Working for a local government agency that has a role in reviewing and approving projects for land use near streams	Read Chapter 3 to understand the Guidelines and Standards, and Chapter 2 for information on related Permitting Tools. In addition, please read Chapter 9 to find out how to use the web-based GIS Mapping Tool to help you in reviewing streamside projects.
A developer considering how to integrate stream protection measures into your project plans...	Read the Guidance for Developers in Chapter 6. Read Chapters 3 for information on specific Guidelines and Standards, and Chapter 7 to find out ways to integrate Model Enhanced Practices into your project. Also, Chapter 9 provides you information on how to access and use a web-based GIS Mapping Tool to learn more about water resource protection issues related to your property.
An engineer or architect developing plans for a project near a stream...	Review the Guidelines and Standards in Chapter 3, and use the Design Guides in Chapter 4. Also, read the Model Enhanced Practices in Chapter 7, and information on how to access and use a web-based GIS Mapping Tool in Chapter 9.
A homeowner concerned about the stream on or near your property...	Read the Guidance for Homeowners in Chapter 5, including Best Management Practices. Also, please look over the Introduction to the Guidelines and Standards (G&S's) in Chapter 3 to learn more about any specific G&S's that may apply to your particular project. In addition, please read Chapter 5 to find out how you may be able to incorporate Model Enhanced Practices into your project. Finally, please consult Chapter 9 to learn how you can access and use a web-based GIS Mapping Tool to learn more about water resource protection issues related to your property.
Curious about best practices and the benefits of integrating land use planning and stream stewardship...	Read Chapter 7 to learn more about Model Enhanced Practices.

CHAPTER 2

PERMITTING TOOLS FOR THE GUIDELINES AND STANDARDS

2A. INTRODUCTION TO THE PERMITTING TOOLS FOR THE GUIDELINES AND STANDARDS

This chapter contains the Permitting Tools that accompany the Guidelines and Standards for Land Use Near Streams.

The purpose of the Permitting Tools is to:

1. **Promote permit streamlining;**
2. **Provide clarity and consistency in how permits are processed;**
3. **Promote ease of implementation of the Guidelines and Standards for Land Use Near Streams;**
4. **Provide information about streams and streamside resources;**
5. **Provide opportunities for integrating this information into plans for development in a way that protects and preserves streams and streamside resources.**

HOW THE PERMITTING TOOLS WERE DEVELOPED

Representatives from the permitting agencies that serve on the Santa Clara Valley Water Resources Protection Collaborative, including the 15 cities in the Santa Clara County, the County, the Santa Clara Valley Water District (SCVWD) and other Collaborative members representing business, industry, homeowners, environmental and agriculture interests, worked for over a year to develop the Permitting Tools. The Permitting Tools are considered an essential companion to the Guidelines and Standards process. The Permitting Tools were developed with these users in mind:

- **Permitting Agencies**
- **Homeowners**
- **Developers**

Preserving and enhancing the watershed will require changes to the spatial structure of land use in the Basin, from one continuous swath of urbanized land to a more fine-grained pattern characterized by more intensely urbanized areas that are interstitial to broad, continuous stream corridors.

—Santa Clara Basin Watershed Management Initiative, Watershed Action Plan, 2003

HOW PERMITTING AGENCIES WILL USE THE PERMITTING TOOLS

Some permitting agencies (ie. the cities, the County and the SCVWD) will adopt and use the Permitting Tools in the same format as they appear in this chapter, while some agencies will modify the Tools to fit into their existing permit procedures. For example, some agencies will integrate the content of the Tools into existing permit intake questionnaires, CEQA checklists, etc., rather than using them as stand-alone documents. Whether or not your permitting agencies uses the Tools exactly as they appear, or have elected to excerpt relevant portions to integrate into their existing permit materials, it will benefit all permit applicants to use the Tools in this chapter to gather necessary information and prepare related materials (ie. project site plans) which integrate the protection of streams and streamside resources into development plans.

HOW TO USE THE PERMITTING TOOLS

The Permitting Tools, and suggestions for how and when to use them, are as follows:

- **Streamside Permit Review Process Flow Chart:** a graphic summary listing all of the Permitting Tools on one page, the suggested sequence for using them and how they relate to other steps in the permit process. It also includes tips for when to time a field visit and when to meet with agencies to discuss preliminary development plans.

- **List of Exemptions for Land Use Activities:** a summary of specific land use activities that are exempt from the Guidelines and Standards.

- **Designation of Streamside Review Area:** helps determine if a parcel is subject to the Guidelines and Standards, namely, if a parcel abuts "or is in proximity of a stream including all properties located within 50 feet from the top of stream bank."

- **Definition of a Stream:** summarizes different ways in which a watercourse is defined as a stream.

- **Criteria to Identify or Verify a Watercourse as a Stream:** summarizes a simple step-by-step way of identifying or verifying the presence of a stream.

- **Definition of Top of Bank:** summarizes how to locate and find the top of a streambank, which is used to measure certain requirements in the Guidelines and Standards. Includes sample illustrations showing different types of Top of Bank.

- **Streamside Resource Protection Questions:** a standardized set of questions to allow an applicant and permit agency to gather important information about site and stream resource conditions to consider when planning and evaluating a project.

- **Streamside Resource Protection Questions for Single Family Units:** a simpler version of the standardized questions to allow an applicant and permit agency to gather important information about site and stream resource conditions to consider when planning and evaluating a new or remodeled single-family unit.

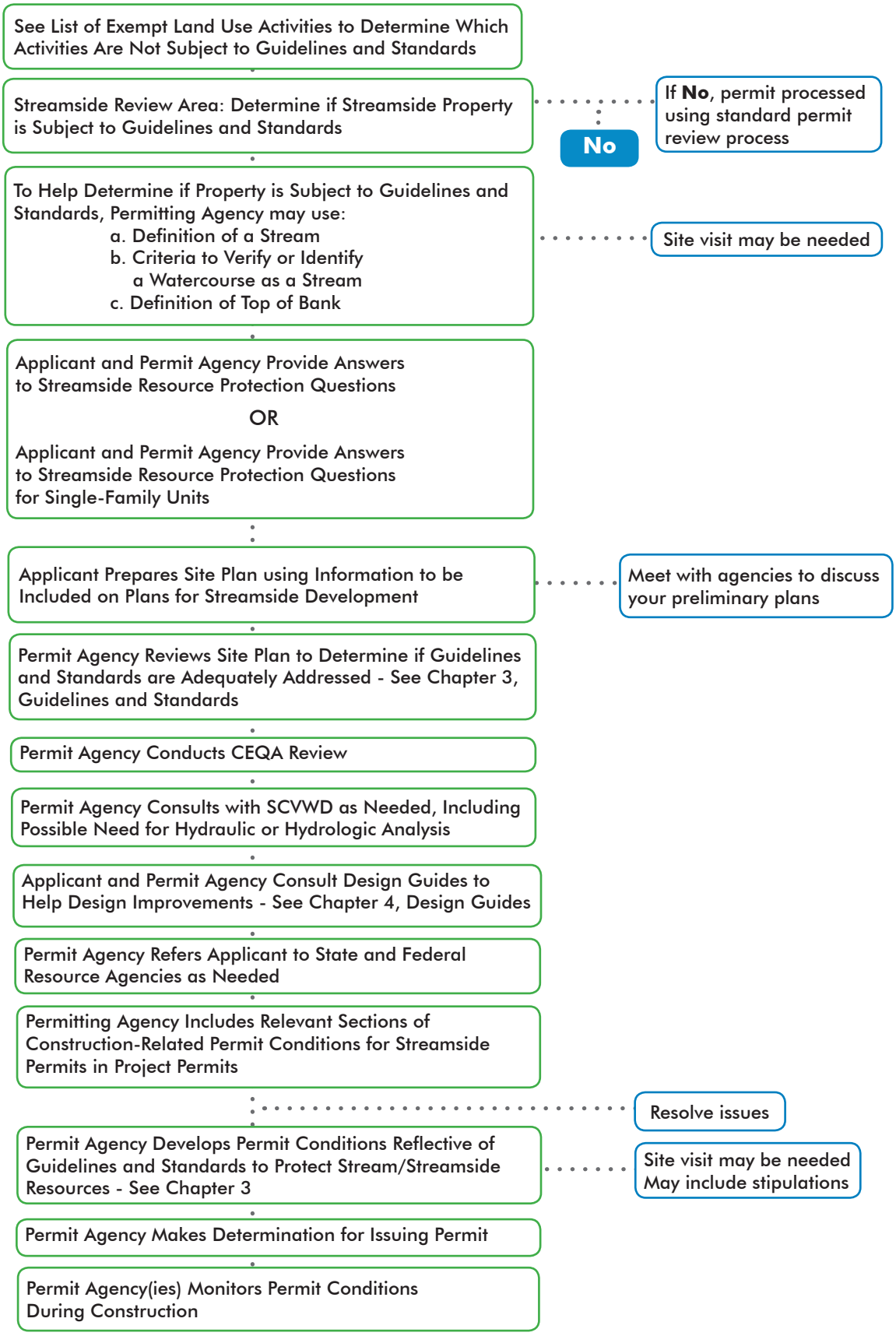
- **Information to be Included on Plans for Streamside Development:** a summary of the type of stream-related information to be included on plans for streamside development, such as a Site Plan. Much of this information is derived from the answers provided when filling out the Streamside Resource Protection Questions.

- **Resource Agency Referrals for Streamside Development:** a summary of the different regional, state and Federal agencies which may require a separate permit for planned improvements to a stream or streamside parcel. Includes the types of issues which may trigger these permits and how to contact each agency.

- **Construction-related Permit Conditions for Streamside Permits:** a standardized list of typical permit conditions needed to protect streams and streamside resources during the construction phase of a project.

Note: The Permitting Tools for the Guidelines and Standards appear next, starting with the Flow Chart. Each Tool starts on a new page.

2B. STREAMSIDE PERMIT REVIEW PROCESS FLOW CHART



2C. LIST OF EXEMPT LAND USE ACTIVITIES

(Ratified by Collaborative July 22, 2004)

INTRODUCTION

The following land use activities are exempt from the Guidelines and Standards for Land Use Near Streams.[1] These activities may require a local building permit, and should not be located in a stream channel.

a. Less then 3 cubic yards of earthwork, or

b. Interior building construction and alterations, or

c. Erection of storage buildings not greater than 120 sq. ft., or

d. Replacement of sewer or water laterals, or

e. Re-roofing, or

f. Wood fences six feet in height or less,

or

g. Exterior decks less or equal to 30" above grade.

Interior construction (b), replacement of sewer laterals (d), and re-roofing (e) are subject to local building permit requirements. In most jurisdictions minor grading (a), small storage buildings (c), fencing (f) and low decks are not subject to building permits. However, if you do plan on adding a storage shed, a fence or a deck, please consider how to design, site and build them in a manner that causes the least disruption to the stream and streamside resources. Decks should not overhang or extend beyond the creek bank. Fences should also be set back from the top of the bank.

[1] For jurisdictions where Single-Family Ünits are approved with no descretionary review, remodels of existing SFU's in residential zones on parcels 10,000 sq. ft. or less may be exempt.

2D. DESIGNATION OF STREAMSIDE REVIEW AREA

(Ratified by Collaborative June 24, 2004)

Purpose

The purpose of designating a Streamside Protection Area is to establish a permit review 'trigger' when land use changes are considered near streams. This 'trigger' would be a mechanism to identify stream resources which may require protection. This 'trigger' will be part of each permitting agencies land use permit review process. This Streamside Protection Area 'trigger'' is defined as follows:

> **"The Streamside Protection Area shall include all properties abutting or in proximity to a stream, including all properties located within 50 ft. from the top of bank".** [2]

Database and Mapped Information

A computerized database has been provided to each permitting agency by the SCVWD. It includes every parcel abutting each stream in the County. Permitting agencies can use this database to determine if a specific parcel(s) fall within the Streamside Protection Area. This database also includes Assessor Parcel Numbers for District right of ways and easements. In addition, the District has provided each permitting agency with maps showing parcels abutting District right of ways. All of this information will be useful to permitting agencies when they review permit applications for land use changes near streams. SCVWD has developed a GIS Mapping Tool to support Water Resource Protection. Please see Chapter 9 for more information on how to use the Mapping Tool.

[1] Refer to separate Definition of Top of Bank

2E. DEFINITION OF A STREAM

(Ratified by Collaborative July 22, 2004)

INTRODUCTION

The following definition of a stream has been developed to aid in the identification of stream resources that are subject to the Guidelines and Standards for Land Use near Streams.

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

The presence of a stream is often shown as follows:[1]

1. As designated by a solid line or dash and three dots symbol on the largest scale of the USGS maps most recently published or any replacement to that symbol; or,
2. As designated by the Santa Clara Valley Water District as shown on maps maintained by the District; or,
3. As designated on the most recent maps of Santa Clara County and cities within Santa Clara County; or,
4. On a site plan which may be required by a permitting agency using the *Criteria to Verify or Identify a Watercourse as a Stream*.

An alteration to a natural watercourse such as the construction of culverts or other improvements within the bed of the stream does not affect its status as a natural watercourse. Streams do not include features such as street gutters and asphalt or concrete ditches which drain paved parking lots.

A watercourse, which does not meet the above definitions, may be considered a stream if the director of the permitting agency determines that the watercourse complies with the criteria and features on the attached page titled *Criteria to Verify or Identify a Watercourse as a Stream*.

Appeals to the determination of the presence of a stream may be undertaken consistent with appeals procedures of the local agency.

[1] Streams may include watercourses such as rivers, creeks and gulches, if they meet the definition above and/or the *Criteria to Verify or Identify a Watercourse as a Stream*.

2F. CRITERIA TO VERIFY OR IDENTIFY A WATERCOURSE AS A STREAM[1]

(Ratified by Collaborative July 22, 2004)

A watercourse which does not meet any of the stream definitions may be considered a stream if the director of the permitting agency determines that the watercourse complies with the following three features and criteria:

(1) the watercourse is hydrologically connected to a waterway above and below the site or is connected to a spring, headwaters, lake, and/or bay and satisfies the conditions identified in paragraph (A) below; and

(2) the watercourse is within a defined channel which includes a bed, bank, and exhibits features that indicated actual or potential sediment movement and satisfies the conditions identified in paragraph (B) below; and

(3) the watercourse occupies a specific topographic position and satisfies the conditions identified in paragraph (C) below.

In determining whether the subject watercourse possesses these three (3) features, the director will consider the following conditions as examined and summarized in writing by a qualified expert to the satisfaction of the permitting agency. In addition to the following, the director may require the applicant to provide such additional information as he/she deems necessary to determine if the watercourse satisfies the three criteria listed below.

A. **Hydrologic Connectivity**—Criteria #1 above will be considered met if any of the following conditions are present:

1. Stream headwaters, springs, storm drain culverts, underground seepage, or groundwater flow are considered connectivity. Sections above and/or below this connectivity are streams if they meet the other required features (i.e., a stream flowing through a culvert is a stream both above and below the culvert.)

2. Streams may be connected across or over manmade improvements such as roads. When flowing across or over such improvements within the public right-of-way, other than stream channel improvements, it is not considered a stream. Sections above and/or below this connectivity are streams if they meet the other required features.

B. **Channel Form**- Criteria #2 above will be considered met if any of the following conditions are present:

1. Stream channels may be natural, altered, or engineered.

2. Stream channels begin at the point of bed and bank initiation.

3. Springs are considered the start of a stream if located uphill from stream initiation.

4. A stream channel must have enough flow under present-day conditions to maintain channel form and to move sediment. A non-engineered stream channel bed and bank are created and maintained by erosion and sedimentation, thus the presence of a channel with bed and bank is itself evidence of sufficient flow. Flow volume or timing is not criteria for stream determination.

[1]Excerpted from the City of Oakland Municipal Code Chapter 13.16, Stream Protection, Storm Water Management and Discharge Control Ordinance.

5. Scour, sedimentation, sediment sorting, undercut banks and/or other erosion, deposition, or transport features are signs of sediment movement.

6. Engineered or altered channels are partially or wholly made of earth, concrete, rip rap, or other materials. The hardened nature of these channels bed and banks, and a lack of available sediment along the channel reach, may prevent signs of sediment movement or scour. Such channels need not have explicit evidence of sediment transport.

7. If a stream is connected underground and the area overlying this underground connection is considered a wetland using the Army Corps of Engineers wetland delineation criteria, this portion is a stream despite possibly lacking stream channel form.

8. If a stream is underground due to being filled without appropriate permits from all applicable regulatory agencies (federal, state, and local), or due to a landslide, it is considered a stream.

C. **Topographic Position**- Criteria #3 above will be considered met if any of the following conditions are present:

1. The watercourse is either 'U' shape or 'V' shape channel typically located at the low point of a macro-topographic feature.

2. The watercourse consists of bowl, 'U', or 'V' shaped topography with high points draining to valley or ravine as part of a large drainage network leading to large streams, lakes and/or a bay.

3. The watercourse located on flatland consists of shallow bowl or 'U' shaped topography. Generally these streams flow from the hills toward a bay following the slope of the land.

4. Stream topography can be indicated on a topography map by a 'U' or 'V' shape pointed in the uphill direction.

A stream begins at the first point at which all three features identified in paragraphs (1), (2) and (3) are met.

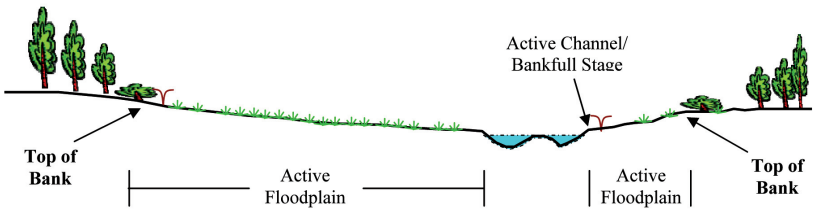
2G. DEFINITION OF TOP OF BANK

(Ratified by Collaborative June 24, 2004)

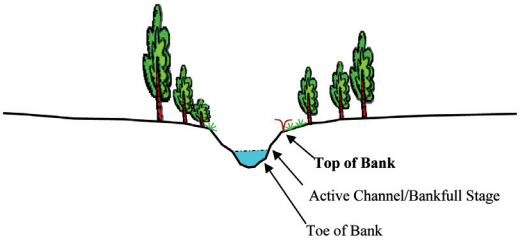
Top of bank designates a stream boundary where a majority of normal discharges and channel forming activities takes place. The top of bank boundary will contain the active channel, active floodplain, and their associated banks. Top of bank of streams with levees will be delineated on the inner edge of the levee. Where there are no distinguishable features to locate top of bank, the local permitting agency or the Santa Clara Valley Water District will make a determination and document as appropriate. In the absence of this determination, the 100-year water surface will be used.

Examples

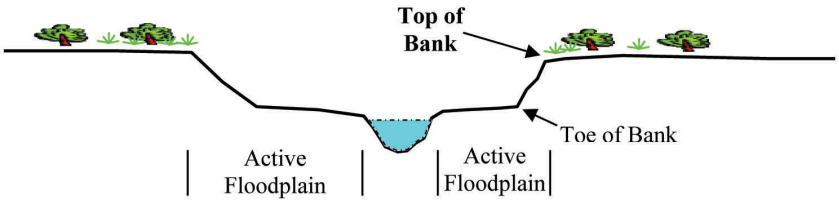
1. Wide meandering stream with a discernable active floodplain



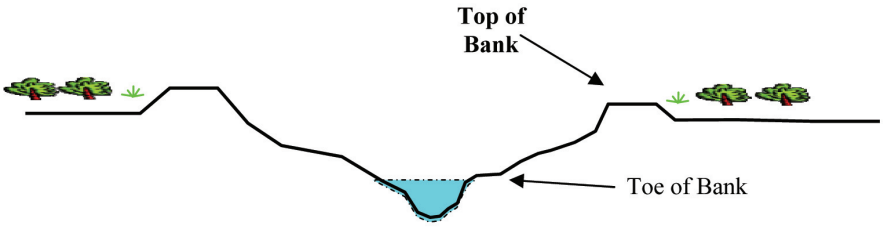
2. Stream in steep sloped area and/or area with little potential for lateral movement, but distinguishable bankfull stage



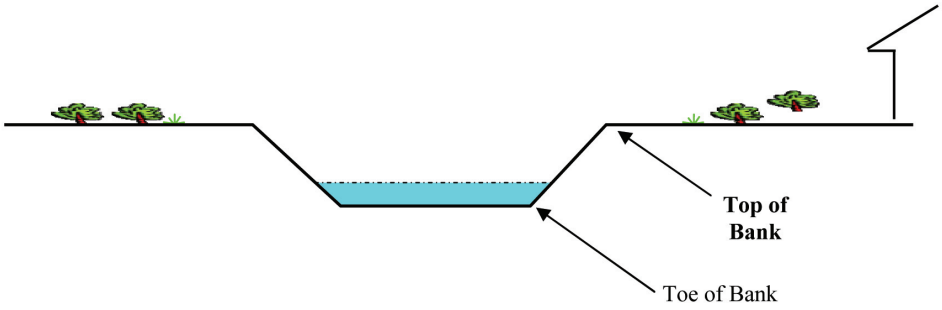
3. Meandering stream with active floodplain



4. A stream with levees



5. A concrete lined or other bank protected stream



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2H. STREAMSIDE RESOURCE PROTECTION QUESTIONS

(Ratified by Collaborative on March 24, 2005 and revised on July 2005 to be consistent with other Implementing Tools.)

When to Use these Questions

These questions are be used as part of the local permitting agency's initial review of permit applications for development of streamside parcels, after a streamside resource review has been has triggered by finding that a parcel(s) are within the Streamside Review Area. These questions may be used for review of single family permits, or, you can use the shorter Streamside Resource Protection Questions for Single-Family Units for the review of single-family unit permit applications.

How to Use these Questions

These questions may be used by permitting agencies as a stand-alone document, or, they may be added to existing permit intake or CEQA questionnaires, as long as all questions are included in some manner as part of the permit application process.

Purpose of these Questions

The purpose of these questions is to gather important information about past, present and proposed conditions on specific streamside parcels where development is proposed. After you have identified that a parcel(s) that is proposed for development is adjacent to a stream (i.e., the streamside 'trigger' has been activated), and you review the Checklist for Review of Land Use Near Streams to determine that the proposed project is not exempt from streamside permit review, the next step is to complete these questions.

This first set of questions is to be filled out by the project applicant, then, the second set of questions is to be completed by staff for the local permitting agency. You may need to consult with staff from other departments to provide the information required to complete these questions. You will find it helpful to consult information sources such as the database and area maps administered by the Santa Clara Valley Water District, USGS maps, etc. SCVWD has developed a GIS Mapping Tool to support Water Resource Protection. Please see Chapter 9 for more information on how to use the Mapping Tool. You may find it necessary to visit the parcel(s) in question to gather or confirm site-specific conditions.

Providing Photos of the Project Site

You may find it helpful to provide a few photos of the project site, which show conditions such as:

1. Top of Bank
2. The appearance and upland boundary of riparian vegetation
3. Existing structures and improvements
4. Stream(s) on or adjacent to the site
5. Other conditions such as wetlands, streamside slopes, erosion conditions, etc.

These photos will help provide the information to complete these questions, and could save the Applicant and agency staff time in the long run.

Next Steps After Answering these Questions:
After these questions are answered, refer to the Guidelines and Standards for Land Use In and Near Streams, and related Best Management Practices (BMP's). The Guidelines and Standards and related BMP's will provide guidance for:

1. How to incorporate design changes in the proposed project to protect stream resources, and;
2. Which conditions of approval for development should be part of the permit for the proposed project.

Instructions for Answering these Questions
When providing responses to these questions, if responses to specific questions are 'yes', please provide a written summary with details in the space provided. If additional space is needed, please create a separate sheet with the parcel number and/or address listed at the top and attach it to the completed list of questions.

Questions to be Completed by Project Applicant

1. Name of applicant and application number:
2. Name of property owner (if different than applicant):
3. Property address (es) and assessor parcel number(s):
4. Name of stream(s), watercourse(s) and/or other surface water bodies within 100 ft. of the proposed activity:
5. Is all or part of a stream(s) and/or waterbody(ies) within the boundaries of the site? Please identify by name and describe.
6. Is all or part of stream(s)/waterbody(ies) described in #5 (may answer 'yes, no or maybe'):
   a. perennial (flows all year)
   b. intermittent (flows part of year)
   c. ephemeral (only flows in response to rain or a spring)

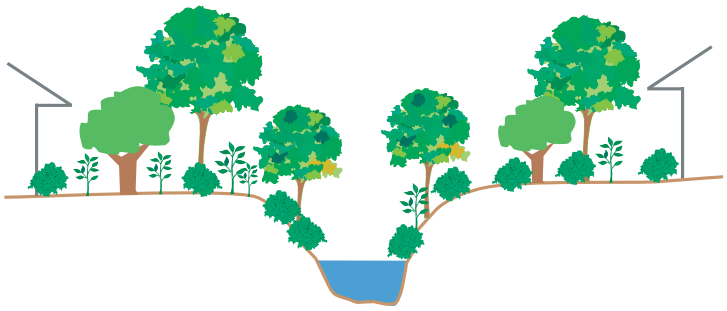
7. What type(s) of stream(s) and/or waterbody(ies) are within 100 ft. of site or within the boundaries of the site? If surface water resources are not on but are near site, this may be important information to help inform permit review.

Please note below for each item a-g whether stream/waterbody is within boundaries of site or within 100 ft. of site.

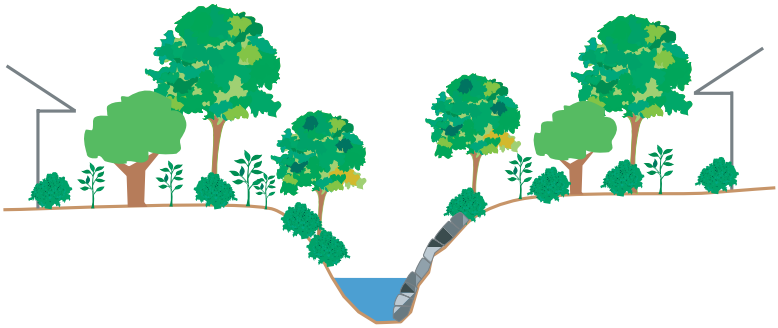
a. "Natural" channel with little or no hardening
b. "Natural" channel hardened with riprap, gabions, sacked concrete, etc.
c. Modified earthen channel
d. Concrete lined channel (U shaped or trapezoidal)
e. Enclosed by levee
f. Enclosed by floodwall
g. Enclosed in a pipe or culvert

Please see graphics below for stream types.

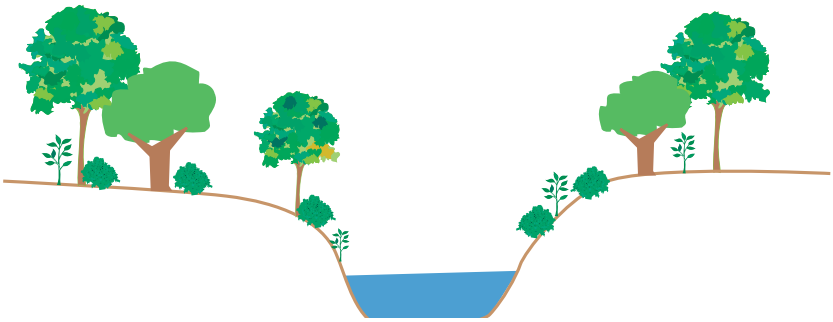
A. "Natural" channel with little or no hardening



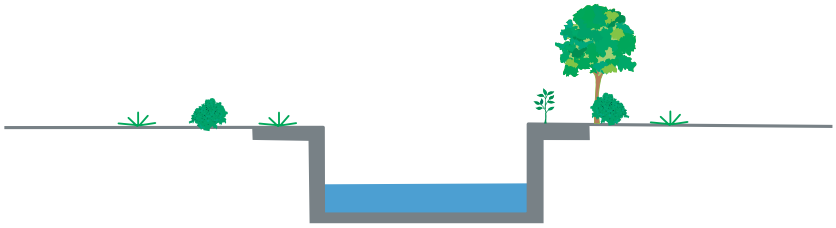
B. "Natural" channel with riprap, gabions, sacked concrete, etc.



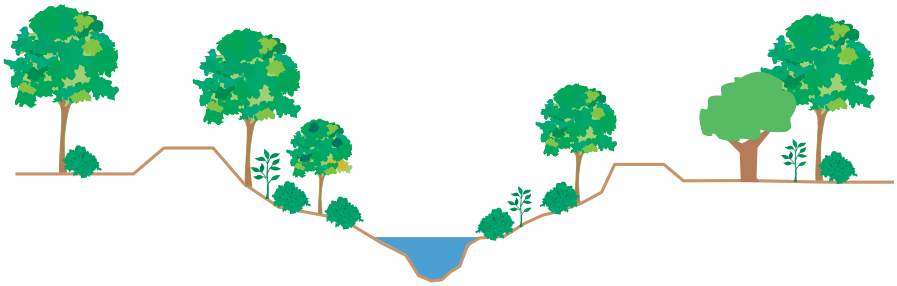
C. Modified earthen channel



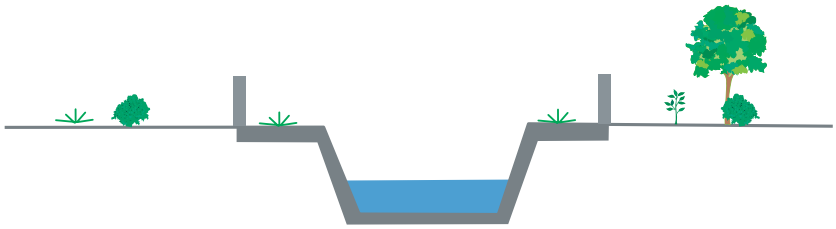
D. Concrete lined channel



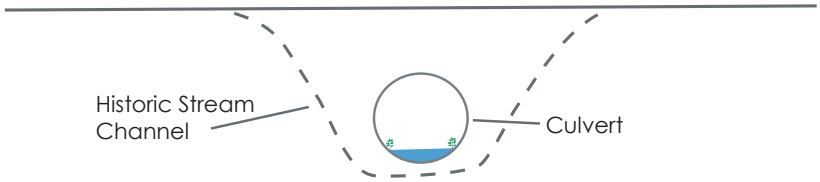
E. Enlcosed by levee



F. Enclosed by floodwall



G. Enlcosed in a pipe or culvert



If stream/waterbody is a combination of a-g please describe:

8. Is there a wetland on or within 200 feet of the site? Is it a Section 404 Federally delineated wetland? (May answer 'yes, no or maybe'):
9. Will grading and/or earth movement occur within an existing floodplain? If so, how much?
10. Does the proposed project involve any construction within a stream or waterbody and/or between an existing Top of Bank?
11. Does the project involve utility pipe lines, directional boring or trenching?
12. Does the project propose to divert the natural flow or change the existing bed of a stream or waterbody?
13. Does the project involve the present or planned removal of water from a stream or waterbody for storage or use on site?
14. Does the project have the potential to involve the disposal or deposition of debris, waste or any material that could pass into a stream, waterbody or wetland?
15. Does the project involve the removal or alteration of existing riparian vegetation or trees? Please describe how and where this would occur on the on site.[1]
16. If you can, tell us if there are patches of invasive plants on the site, such as Giant reed (Arundo donax) or Pampus grass (Cortaderia selloana), which can rapidly spread and crowd out native riparian plants. If invasive plants are removed and replaced with native riparian plants, this will improve the local streamside ecosystem. This information may be used to help identify, in cooperation with the Santa Clara Valley Water District, if and how invasive plants can be removed and replaced with plants appropriate to the watershed to maintain the capacity of local flood channels.

[1]Plants adapted to moist growing conditions along streams, waterways, ponds, etc., usually endemic or native to the area.

Questions to be Completed by Permitting Agency Staff

1. Is project located within a streamside parcel?
2. Is all or part of stream or waterbody at the site owned in fee or held in easement by the SCVWD?
3. Is all or a portion of the site located within an area prone to flooding as shown on FEMA, California Dept. of Water Resources or SCVWD maps?
4. Does the project affect the following (may answer 'yes, no or maybe'):

a. Fish Habitat Management Plan Area (FHMPA);

b. Mitigation and Monitoring Plan Area (MMP and SCVWD Project);

c. Mitigation and Monitoring Plan approved by a local jurisdiction;

d. Habitat Conservation Plan(s) approved by a local jurisdiction?

e. Existing or planned restoration project(s) approved by a local jurisdiction?

f. Existing or planned flood protection project

Note: please identify information sources if answer is 'yes' to a-f

5. Does the project propose enhancements for vegetation, wildlife or fish resources? Please summarize.
6. Does the project propose the use, generation or storage of hazardous materials on site?
7. Does a problem exist on the site, such as significant streambed or bank erosion, that appears to be related to off-site activities?
8. Will a hydrology report or hydraulic analysis be required for the project?
9. Is it likely that other local, State or Federal permits may be needed for the proposed project? Has the Applicant been provided with the attached list of Federal and State natural agencies)?
10. Will a site visit be conducted? If so, by whom? Please summarize any important observations made.

2I. STREAMSIDE RESOURCE PROTECTION QUESTIONS FOR SINGLE-FAMILY UNITS

(Ratified by the Collaborative May 23, 2005)

When to Use These Questions

These questions are to be used as part of the local permitting agency's initial review of permit applications for development of individual single-family parcels, after a streamside resource review has been triggered by finding that a parcel is within the Streamside Review Area. Individual single-family projects such as remodels of existing homes in urban areas may be exempt from these questions; consult with your permitting agency for this determination. Typically, new streamside single-family homes on larger urban, suburban or rural lots and some remodels/rebuilds will be subject to these questions.[1]

This Questionnaire is to be used for individual single-family unit permit applications only; it is not to be used for larger developments, such as residential subdivision and planned developments, industrial and commercial developments and capital improvement projects. Those projects need to use the longer list of questions on the Streamside Resource Protection Questions. Please ask staff from your local permitting agency for assistance if you need this longer list of questions for larger projects.

Purpose of this Questionnaire

The purpose of this Questionnaire is to gather important information about past, present and proposed conditions on specific streamside parcels where development is proposed. After you have identified that a parcel(s) that is proposed for development is adjacent to a stream (i.e., the streamside 'trigger' has been activated), and you review the Checklist for Review of Land Use Near Streams to determine that the proposed project is not exempt from streamside permit review (Categories 2, 3 or 4), the next step is to complete this Questionnaire.

This Questionnaire is to be filled out by staff for the local permitting agency and the project applicant, as it requires technical knowledge of stream and site conditions. You may need to consult with staff from other departments to provide the information required to complete this Questionnaire. You will find it helpful to consult information sources such as the database and area maps administered by the Santa Clara Valley Water District, USGS maps, etc. You may find it necessary to visit the parcel(s) in question to gather or confirm site-specific conditions.

Providing Photos of the Project Site

You may find it helpful to provide a few photos of the project site, which show conditions such as:

1. Top of Bank
2. The appearance and upland boundary of riparian vegetation
3. Existing structures and improvements
4. Stream(s) on or adjacent to the site
5. Other conditions such as wetlands, streamside slopes, erosion conditions, etc.

These photos will help provide the information to complete these questions, and could save the Applicant and agency staff time in the long run.

[1]This Questionnaire may be used by permitting agencies as a stand-alone document, or, they may excerpt questions that are not on their existing permit intake questionnaires and add them to an existing questionnaire.

Next Steps After Answering these Questions

After these questions are answered, refer to the Guidelines and Standards for Land Use Near Streams, and related Best Management Practices (BMP's). The Guidelines and Standards and related BMP's will provide guidance for:

1. How to incorporate design changes in the proposed project to protect stream resources, and;
2. Which conditions of approval for development should be part of the permit for the proposed project.

Instructions for Answering these Questions

When providing responses to these questions, if responses to specific questions are yes', please provide a written summary with details in the space provided. If additional space is needed, please create a separate sheet with the parcel number and/or address listed at the top and attach it to the completed list of questions.

Questions to be Completed by Project Applicant

1. Name of applicant and application number:
2. Name of property owner (if different than applicant):
3. Property address(es) and assessor parcel number(s):
4. Name of stream(s), watercourse(s) and/or other surface water bodies in the vicinity of the proposed activity:
5. What type(s) of stream(s) and/or waterbody(ies) are within 100 ft. of site or within the boundaries of the site? Please note below for each item a-g whether stream/waterbody is within boundaries of site or within 100 ft. of site.

a. "Natural" channel with little or no hardening

b. "Natural" channel hardened with riprap, gabions, sacked concrete, etc.

c. Modified earthen channel

d. Concrete lined channel (U shaped or trapazoidal)

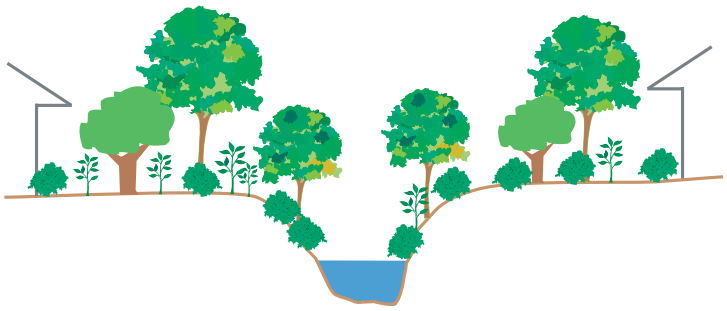
e. Enclosed by levee

f. Enclosed by floodwall

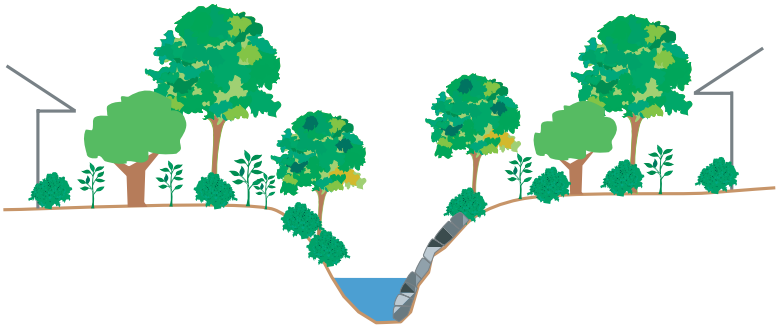
g. Enclosed in a pipe or culvert

Please see graphics below for stream types.

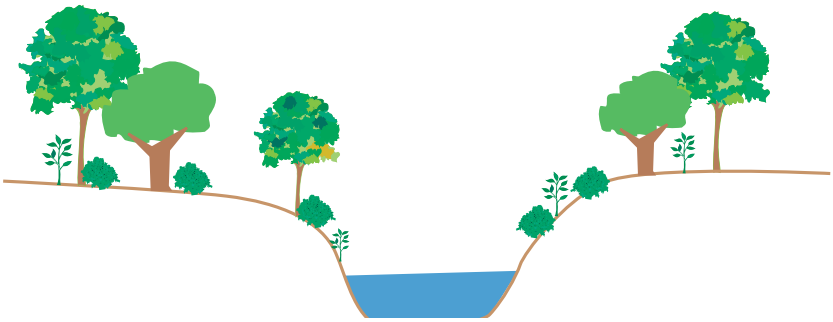
A. "Natural" channel with little or no hardening



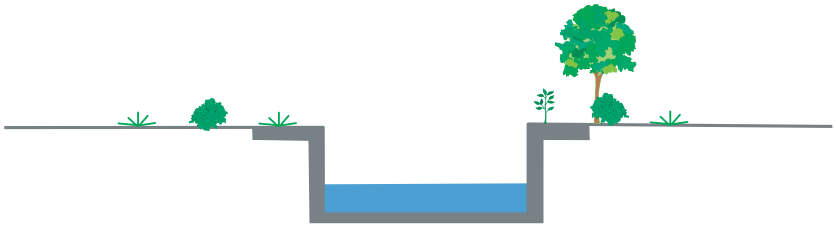
B. "Natural" channel with riprap, gabions, sacked concrete, etc.



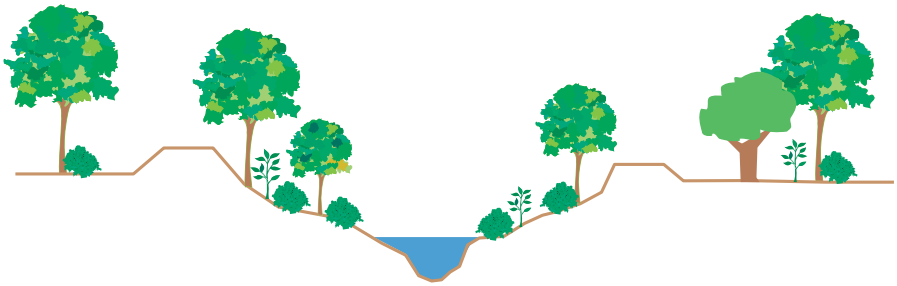
C. Modified earthen channel



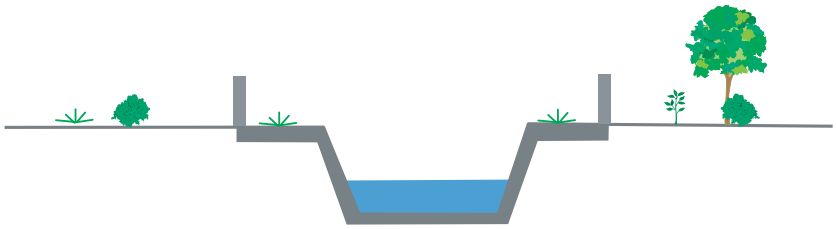
D. Concrete lined channel



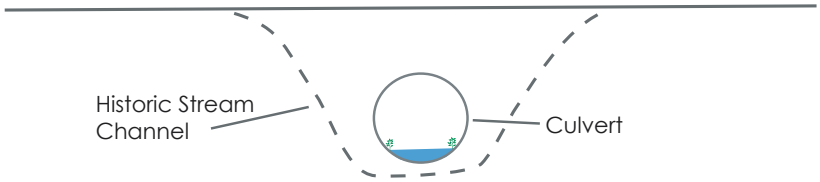
E. Enlcosed by levee



F. Enclosed by floodwall



G. Enlcosed in a pipe or culvert



If stream/waterbody is a combination of a-g above please describe:

6. Is all or part of a stream(s) and/or waterbody(ies) within the boundaries of the site? Please identify by name and describe.
7. Is all or part of stream(s)/waterbody(ies) described in #5 (may answer 'yes', 'no' or 'maybe'):

   a. perennial (flows all year)
   b. intermittent (flows part of year)
   c. ephemeral (flows in response to rain)

8. Does the proposed project involve any construction within a stream or waterbody and/or between an existing Top of Bank)?
9. Does the project involve the present or planned removal of water from a stream or waterbody for storage or use on site?
10. Does the project have the potential to involve the disposal or deposition of debris, waste or any material that could pass into a stream, waterbody or wetland?
11. Does the project involve the removal or alteration of riparian vegetation or trees? Please describe how and where this would occur on the on site.
12. If you can, tell us if there are patches of invasive plants on the site, such as Giant reed (Arundo donax or Pampus grass (Cortaderia selloana, which can spread rapidly and crowd out native plants. If invasive plants are removed and replaced with native riparian plants, this will improve the local streamside ecosystem. If you do remove substantial stands of invasive plants, please consult the following to find out the correct methods to use when removing them: California Native Plant Council website at http://groups.ucanr.org/ceppc/; and/or the Community Projects Review Unit at the SCVWD, (408) 265-2607 ext. 2650.

Questions to be Completed by Permitting Agency Staff

1. Is all or part of stream or waterbody on the site owned in fee or held in easement by the SCVWD?
2. Is there a need to require that Best Management Practices be required as conditions of permit approval? If so, do they relate to:

   a. Water Quality
   b. Streambank and/or Streambed Conditions
   c. Riparian Vegetation
   d. Fisheries

3. Are other local, State or Federal permits needed for the proposed project (see attached list of Federal and State resource agencies)?

California Native Plant Council Web site:
http://groups.ucanr.org/ceppc/

2J. INFORMATION TO BE INCLUDED ON PLANS FOR STREAMSIDE DEVELOPMENT

(Ratified by Collaborative on March 24, 2005)

Purpose of a Site Plan for Streamside Development

The purpose of a Site Plan for Streamside Development is to show pertinent information related to existing and proposed conditions which may affect sensitive streamside natural resources. This information will then be considered by the local permitting agency, along with other pertinent information, as the permit review process is conducted for the proposed development.

In addition to the other requirements of the permitting agency for Site Plans, please show the following on the Site Plan for the proposed project.

Existing Conditions

a. Location of all existing and proposed improvements, including existing and proposed buildings, other structures, concrete and/or other impervious surfaces, fences, decks, swimming pools and related discharge connection(s), septic tanks, leach fields, utilities, trails, easements, wells etc.).

b. Location of all surface water resources, including where stream(s) waterbody(ies), wetland(s) (including any Section 404 Federally protected wetlands, or State protected, wetlands) or other surface water resources are located on or within 100 ft. of the proposed activity.

c. Location of Top of Bank and distances between any improvements and Top of Bank, and site topography with appropriate contour intervals as required by the permitting agency.

d. Location and direction of existing and proposed surface drainage, including runoff from roof, downspouts, gutters, roads, parking areas and culverts, including proposed storm water infiltration devices

e. Existing condition of stream bank and/ or stream bed (i.e. vegetation, roads, paths, erosion problems, etc.).

f. All parts of the site that are located within an area prone to flooding as shown on FEMA or Santa Clara Valley Water District maps.

Proposed Conditions

a. Specific measures and/or improvements to protect stream(s) and/or waterbody(ies) from water quality impacts.

b. Location and type of existing and proposed landscaping materials, including riparian vegetation.

c. Plans for modifying existing vegetation, including riparian vegetation.

d. Proposed grading and earth movement including quantity and depth of cut and fill, placement of fill and how it will be treated in proximity to a stream(s)/ waterbody(ies). Please provide typical cross-sections through graded area(s).

e. Proposed alteration(s)to banks and beds of stream(s)/waterbody(ies).

f. All improvements intended to enhance, protect or restore natural resources on the site and in adjacent stream(s) and/or waterway(s).

2K. REGULATORY AGENCIES

SANTA CLARA VALLEY WATER DISTRICT

COMMUNITY PROJECTS REVIEW UNIT
5750 Almaden Expressway
San Jose, CA 95118
(408) 265-2607, ext. 2258
(408) 265-2607, ext. 2350
www.valleywater.org

UNITED STATES ARMY CORP OF ENGINEERS – SAN FRANCISCO DISTRICT

US ARMY CORPS OF ENGINEERS
333 Market Street
San Francisco, CA 94105-2197
(415) 977-8604
www.spn.usace.army.mil/

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION
1515 Clay St., Suite 1400,
Oakland, CA 94612
(510) 622-2300
www.waterboards.ca.gov/sanfranciscobay

CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
(805) 549-3458
(805) 549-3147
www.waterboards.ca.gov/centralcoast/index.htm

CALIFORNIA DEPARTMENT OF FISH AND GAME

20 Lower Ragsdale Drive, #100
Monterey, CA 93940
(831) 768-8797
(831) 649-2870

CENTRAL COAST REGION 3

7329 Silverado Trail
Napa, CA 94558

P.O. Box 47
Yountville, CA 94599
(707) 944-5517

US FISH AND WILDLIFE SERVICE

(916) 414-6600

SANTA CLARA COUNTY NOAA

(707) 575-6060

2L. CONSTRUCTION-RELATED PERMIT CONDITIONS FOR STREAMSIDE RESOURCE PROTECTION

(Ratified by the Collaborative on March. 24,2005)

INTRODUCTION

The following are standard measures needed to protect stream resources during construction. There may be other regulatory programs or regulations that also address these issues. When approving permits for development in streamside areas, the local permitting agency will include these as conditions of approval for each permit granted.

On the proposed projects Site Plan, or as an attachment to it, show specific measures/ improvements, including illustrations or diagrams, which address and include:

a. Wet weather protection measures

b. Erosion protection measures

c. Methods and locations for cleaning tools and equipment

d. Dust control measures

e. Litter prevention measures

f. Debris collection and removal measures

g. Wash out facility for concrete, paint, drywall, etc.

h. Location of portable toilets

i. Construction-related storm water management controls (i.e., sediment traps, berms, silt fences, sand bags, dikes, geotextiles and mats, mulching, seeding and plantings).

j. Measures for managing hazardous material on site, including fuel.

k. As appropriate, stream protection and permit conditions for the project.