

**San Francisquito Watershed Council
Steering Committee minutes
February 8, 2006**

Introductions. Agenda approved. January 11, 2006, minutes approved with correction that Michael Fox, not Marty Laporte, was present from Stanford Utilities.

Announcements:

- Philippe Cohen (Jasper Ridge Biological Preserve): Jasper Ridge is moving forward with replacing broken equipment at the Bear Creek monitoring station (to repair damage from the New Year's Eve storms). Parts have been ordered and come to about \$15,000.
- Marty Laporte (Stanford Utilities): Likewise with the Piers Lane stations. A while back some parts broke, and Stanford Utilities is now replacing them.

Presentation: Santa Clara Valley Water District's Water Resources Protection Ordinance
(Ann Draper, SCVWD)

Pam Sturner (SFWC) introduced Ann Draper of the SCVWD. The Water District is now updating an ordinance on work around streams that was adopted in 1959; Ann is here to talk about the background and next steps on the update. An interesting aspect for us is that the nature of the update was shaped in part by SCVWD's work with the Santa Clara Valley Water Resources Protection Collaborative, a partnership of land-use authorities in Santa Clara County and representatives from business, agriculture, and the environmental community. The Collaborative developed the *Guidelines and Standards for Land Use near Streams*, which have a role in the update of the ordinance. Trish Mulvey, a Collaborative participant, has reported progress on the creation of this document to us regularly for the past year and a half.

Ann distributed copies of her presentation and a recent newsletter that was sent to 35,000 property owners in Santa Clara County who live next to streams. Ann gave an overview of the water resources of Santa Clara County. The SCVWD is the primary provider of water and the sole provider of flood protection in Santa Clara County. It also plays a key role in outreach to property owners about creek stewardship, since the maintenance of creekside properties has a large influence on water quality and flooding in streams.

The ordinance being updated was written in 1959 and last updated in 1983. When the current update began, several cities in the county approached the Water District with concerns. The Water Resources Protection Collaborative was formed out of these concerns, with representatives drawn from public works, planning, and other departments from all jurisdictions in the county and support from the directors of these departments. The purpose of the Collaborative was to focus on clarifying and streamlining local permitting of land use near streams. The agreement was that the outcome of the Collaborative's process – a document called the *Guidelines and Standards* – and subsequent Water District, city, or county practices would fill in the gaps in existing regulations.

Reviewing land use near waterways is important for resource protection. Many creekside landowners are unaware of both the responsibilities of owning and maintaining creekside

properties and the consequences of their management choices. The review process is meant to help them choose actions that will solve their problems and protect the creek. Currently, activities within 50 feet of the top of the creek bank require a permit from the Water District. In the year 2005, 2159 permit submittals were received.

The purpose of the Water Resources Protection Ordinance and its precursors (the original 1959 ordinance and the 1983 update) is to safeguard water resources and help property owners protect their investment. Unlike the two previous versions, the proposed revised ordinance differentiates between two different kinds of permits. The first is an encroachment permit, which is written permission granted by the Water District pursuant to this ordinance, allowing a permittee to enter or undertake any modification on District facilities. The second is a jurisdictional stream permit, which is written permission granted by the District pursuant to this ordinance allowing a permittee to undertake any modifications on properties adjacent to a jurisdictional stream.

The revised ordinance includes all land use types and keeps the same jurisdictional boundaries. Water District jurisdiction is any waterway in Santa Clara County that drains 320 acres or more. There are several changes between previous versions and the revised ordinance. The first is that the current ordinance requires a permit for activities undertaken within 50 feet of the stream, while the revised ordinance requires a permit for activities undertaken on all streamside parcels. A streamside parcel is defined as any parcel where a portion of that parcel lies within 50 feet of the stream, even if it does not physically abut the stream. Since the revised ordinance is still in draft form, reviewers are considering setting a maximum distance for which this permit requirement applies. For example, if an activity occurs on an extremely large streamside parcel, but is beyond the maximum distance away from the creek, the permit requirement would not apply.

The second change in the revised ordinance is that it introduces the concept of the slope stability area. The slope stability area is defined by a line extending from the toe (bottom) of the creek bank in the landward direction at a slope of 2:1 (horizontal to vertical). Behind (or inside) the slope stability area (between the top of bank and the end of the slope stability line), no new structures can be built. For example, if the bank were 10 feet high, the slope stability area would extend 20 feet landward from the toe of the bank. Exceptions to the slope stability requirement include:

- Less than 3 cubic yards of earthwork;
- A fence six feet or less in height;
- A storage structure less than 120 square feet;
- Interior or exterior additions or alterations to structures within the existing footprint;
- Landscaping on existing single family lots;
- Planting, harvesting, or routine maintenance of agricultural crops; or
- Any other modification that the permit authority determines to be substantially similar in magnitude and effect to the listed exemptions

The revised ordinance also clarifies the basis for permit approvals. For example, jurisdictional stream permits will be issued if the activity or modification:

1. Will not impede, restrict, retard, pollute, change the direction of the flow or water, or catch or collect debris carried by such water;

2. Is located where natural flow of the storm and flood waters will not damage or carry any structure or any part thereof downstream;
3. Will not damage, weaken, erode, cause siltation, or reduce the effectiveness of the banks to withhold storm and flood waters;
4. Will be constructed to resist erosion and siltation and the entry of pollutants and contaminants;
5. Will not interfere with maintenance responsibilities or structures placed or erected for flood control, water conservation, or distribution;
6. Conforms to the requirements of the *Streamside and Facility Protection Manual*; and
7. Meets the purpose and intent of the District Act.

The revised ordinance also calls for the creation of the *Streamside and Facility Protection Manual*. The first installment of this manual is based on *Guidelines and Standards for Land Use near Streams*, which was developed and endorsed by cities, the county, and business, environmental, and private property owner interests.

The revised ordinance also aligns with the municipal process to make the permitting structure and naming more similar to the process already being used by cities and the county. This is in accordance with the California Permit Streamlining Act, which requires that applicants and the public be given an orderly, standardized process for filing reports and actions; makes timeframes consistent with municipal organizations; creates an appeal structure; and clarifies steps for environmental review.

The revised ordinance enables enforcement and abatement through the use of various tools plus resources and judgment. The tools include administrative remedies; the ability to revoke, modify, or suspend a permit; the ability to enforce ordinance requirements; and an abatement process.

The revised ordinance also creates options for decentralization of the permitting process. Jurisdictions within the county can choose to maintain the same process as currently stands, where the city or county permits certain activities and the Water District maintains that authority of others. Or they can choose to adopt the permitting formerly under the authority of the Water District by following the guidelines and standards set forth in the revised ordinance. A third option is to customize the roles of the city or county and the Water District in the permitting process.

The Water District is now in the process of seeking feedback on the ordinance revision. Through the outreach program for the ordinance, District staff is meeting with local policy makers, municipal organizations, creekside property owners, business interests, and the agricultural community. Information about the ordinance and the public input process is posted and updated at www.valleywater.org. The following items are currently posted: the draft ordinance, the draft resolution, the presentation slides, and the outreach calendar.

The Water District has an ambitious timeline for the ordinance approval process: they are conducting outreach and seeking input in January through March and will be finalizing the ordinance in April. The District Board will adopt the ordinance in May, and the cities and county will begin implementation in June.

Questions and comments:

- Is Stanford considered to be one parcel? *Response:* There are 11 parcels on campus and many others on the remainder of Stanford lands.
- (*Dianne Dryer, City of Menlo Park*) The City of Menlo Park currently requires notification of projects within 50 feet of the creek and refers these projects to the Water District for permitting. The City may want to change its notification requirements to match the new ordinance when it is finalized.
- How does the world change for streamside parcel owners regarding the new slope stability area? *Response:* Streamside parcel owners had to get a permit for activities in this area before, and they will still need to now. The District hopes the new ordinance makes the standard for issuing a permit clearer now. They are providing more information on how to do things the right way, as opposed to just what is prohibited. These standards will be consistent throughout the county.
- Let's say your neighbor has a 75-foot tall redwood tree outside of the slope stability area, and the top 25 feet of it falls off in a storm. Would the new ordinance have anything to say about this? *Response:* Not if the tree was outside the 2:1 slope stability limit. It's difficult to control what people plant in their yards.
- (*Dianne Dryer, City of Menlo Park*) Do you want any feedback from Menlo Park, East Palo Alto, and Portola Valley about taking on as much of this as they can? I'd like to see Menlo Park do this, too. *Response:* Cynthia D'Agosta participated in the Collaborative. Maybe any San Mateo side activities can be coordinated through the JPA. The Water District made a presentation to the JPA Board about the revised ordinance about a month ago. *Comment from Dianne Dryer:* I'll talk to Cynthia and then to the City to make sure we are aware of the process. We will try to take parts of it and incorporate them into our own permit process.

Pam Sturmer closed the topic saying that since the Watershed Council does outreach on best practices, we would like to ask Ann Draper to come back and present on the manual and best management practices, especially on erosion control. Steering Committee members agreed that this was a good idea. Ann will not be available until after April.

Comment: It was a collaborative process through which the manual was developed. This fact gives it more clout and makes it easier to show to other non-participating jurisdictions.

New Business: Discussion to solicit idea for SFWC participation in USGS Open House. Confirm date for March meeting.

USGS Open House: The USGS will be holding another Open House this coming June 3rd and 4th. The topic is the science of natural hazards. This is not an area we have a lot of materials on, and we don't have much time to develop materials this spring. The goal today is to brainstorm about ideas on how to approach the exhibit and what materials any members may have to contribute.

Exhibit ideas:

- We could do something on erosion prevention, bank stabilization, and streamside plantings.
- We could ask the JPA to cover flooding.

- Will the Water District be there too? They are currently developing handouts, especially about streamside plantings.
- We could have bank protection diagrams from the Bank Stabilization Master Plan and the Corte Madera Creek Guide.
- We could showcase our streamside planting projects and restoration activities under a title like “Restoration helps prevent erosion.” We have lots of pictures of our sites, and we could do a joint exhibit with the nursery like we did last time and bring plants, along with brochures about what plants to use.
- We should put together a schedule to have volunteer docents sign up. If we do that, we should have a tutorial one week ahead of time so that the docents know what to tell people. We could even do a tour of our sites for the docents or invite them to a workday.
- We could have a map with our workday sites.
- We could bring Jim’s topographic flooding model.

March meeting date: Pam will be out of town on March 8, which would normally be the next Steering Committee meeting date. All agreed to confirm March 22 as the next Steering Committee meeting date.

Staff reports:

Pam Sturner, Project Director

The Watershed Council’s concept proposal to CALFED was accepted; we have been invited to submit a full proposal. The proposal is for \$389,000 over two years. There are three elements:

1. A pilot project in the upper watershed for landowner assistance with streamside property issues, modeled after the Urban Creeks Council’s SMPL program (Stream Management Program for Landowners) in the East Bay. The Watershed Council would partner with the Town of Portola Valley and the Santa Clara Valley Water District for this element.
2. A strategic communications plan to help us figure out how we’re reaching various audiences, and to identify new target audiences and how to deliver our messages.
3. Development of recommendations on new sites for volunteer workday opportunities.

Update on Watershed Council transition to a fiscally sponsored project of Acterra: The Watershed Council’s Management Advisory Committee (MAC) and the Acterra Board have agreed to move the new target date to July 1, 2006. It seems reasonable to complete the conditions by that date, and will be easier for accounting if it starts at the beginning of the fiscal year.

There are 3 remaining conditions to be resolved:

1. Assets and liabilities: The Acterra business manager and accounting firm are done with their financial analysis. Results will go to the MAC at their 3/27/06 meeting.
2. Financial reporting format: We have some expert help. Geoff Nichols from the Acterra board is a software consultant who specializes in developing these kinds of systems. He asks the right questions and has a good approach. We will try to have a working model by April. The goal is for a system that gives Pam the information she needs and for it to give Acterra the information they need to keep the books.

3. Treasurer: Functionally, what is needed per our fiscal sponsorship agreement with Acterra is someone to do financial reporting and transactions. This is what Pam does already, so since there is no board yet, Pam will be the acting treasurer until a board with a treasurer is established. The Acterra Board will consider this proposal at their next meeting.

Question: How is board recruitment going? *Response:* We will revisit the issue of board recruitment in the fall. Our goal will be to meet the other conditions first. At that point we'll ask everyone to consider if they could act on the board, or help recruit and review applicants.

Question: Will there be more discussion about the role of board members at that time?

Response: Yes.

Pam will be away from the office from February 27 through March 9. She will be at a Watershed Partnership Seminar sponsored by CALFED. It will focus on watershed management, science, and leadership, and will be held in Folsom.

Katie Pilat, Restoration Project Manager

We had a great volunteer workday on February 4th at our University Drive site in Menlo Park. It was the first time we tried having volunteers do weeding and planting. In the past, Jim had done all the weeding. The weeds at this site were easy to identify, and the workday went very well. The next workday is a joint workday with the Portola Valley Conservation Committee, removing French broom along Corte Madera Creek. The date is March 4 and the meeting location is Portola Valley Town Center.

We are anticipating submittal of 75% designs for the McGarvey Gulch culvert replacement project for review at our upcoming Steelhead Task Force meeting on February 21. 50% designs for the Los Trancos Creek box culvert projects should be completed soon thereafter.

The residential stormwater project construction is complete. We are now seeing how it holds up in the rains. The second half of the city parking lot project in Menlo Park has not yet begun due to rain.

Pam called for final questions and comments. Hearing none, she adjourned the meeting.

In attendance:

Art Kraemer – Crescent Park Neighborhood Association

Philippe S. Cohen – Jasper Ridge Biological Preserve, Stanford University

Katie Pilat – SFWC

Marty Laporte – Stanford Utilities

Jerry Hearn – Acterra

Dianne Dryer – City of Menlo Park

Libby Lucas – California Native Plant Society

Julie Skelton – Stanford Management Company

Phil Bobel – City of Palo Alto

Marge DeStaebler – Portola Valley Conservation Committee

Viv Blomenkamp – League of Women Voters Palo Alto

Ginger Holt – Stanford Weekend Acres
Bill Springer – Santa Clara Valley Water District

Minutes respectfully submitted by Katie Pilat.