

CHAPTER 16.30
-----RIPARIAN CORRIDOR AND WETLANDS PROTECTION
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16.30.010 PURPOSE. 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. (Ord. 2460, 7/19/77; 3335, 11/23/82)

16.30.020 SCOPE. This chapter sets forth rules and regulations to

limit development activities in riparian corridors; establishes the administrative procedure for the granting of exceptions from such limitations; and establishes a procedure for dealing with violations of this Chapter. This Chapter shall apply to both private and public activities including those of the County and other such government agencies as are not exempted therefrom by state or federal law. Any person doing work in nonconformance with this Chapter must also abide by all other pertinent local, state and federal laws and regulations. (Ord. 2460, 7/19/77; 3335, 11/23/82; 4027, 11/7/89; 4166, 12/10/91)

16.30.025 AMENDMENT. Any revision to this chapter which applies to

the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program When an ordinance revision

constitutes an amendment to the Local Coastal Program such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.03 of the County Code and shall be subject to approval by the California Coastal Commission.

16.30.030 DEFINITIONS. All definitions shall be as defined in the

General Plan or Local Coastal Plan glossaries, except as noted below:

Agricultural Use. Routine annual agricultural activities such as

clearing, planting, harvesting, plowing, harrowing, disking, ridging, listing, land planning and similar operations to prepare a field for a crop.

Arroyo. A gully, ravine or canyon created by a perennial, inter-

mittent or ephemeral stream 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.

Body of standing water. Any area designated as standing water on

the largest scale U.S. Geological Survey Topographic map most recently published, including, but not limited to, wetlands, estuaries, lakes, marshes, lagoons, and man-made ponds which now support riparian biota.

Buffer. The area abutting an arroyo where development is limited

in order to protect riparian corridor or wetland. The width of the buffer is defined in Section 16.30.040 (b).

Development activities. Development activities shall include:

1. **Grading.** Excavating or filling or a combination there-

of; dredging or disposal of dredge material; mining; installation of riprap:

2. **Land clearing.** The removal of vegetation down to bare

soil.

3. **Building and paving.** The construction or alteration of

any structure or part thereof, including access to and construction of parking areas, such as to require a building permit.

4. **Tree and shrub removal.** The topping or felling of any

standing vegetation greater than 8 feet in height.
5. **The deposition of refuse or debris.**
6. **The use of herbicides, pesticides, or any toxic chemical substances.**
7. **Any other activities determined by the Planning Director to have significant impacts on the riparian corridor.**

Disturbed area. An area determined by the Planning Director to

have experienced significant alteration from its natural condition. Such disturbance may typically consist of clearing, grading, paving, landscaping, construction, etc.

Director. The Planning Director or his or her designee.

Emergency. A sudden unexpected occurrence involving a clear and

imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services.

Ephemeral stream A natural watercourse or portion thereof which

flows only in direct response to precipitation, as identified through field investigations.

Intermittent stream Any watercourse designated by a dash-and-dots symbol on the largest scale U.S. Geological Survey Topographic map most recently published, or when it has been field determined that a watercourse either:

1. **Has a significant waterflow 30 days after the last significant storm, or**
2. **Has a well-defined channel, free of soil and debris.**

Minor proposal. Building remodels or additions less than 500

square feet or grading less than 100 cubic yards which takes place within a previously developed or disturbed area; tree removal or trimming for the purpose of mitigating hazardous conditions or allowing solar access; drainage structures (e.g. culverts, downdrains, etc.); erosion control structures (e.g. retaining walls, riprap, checkdams, etc.); emergency measures requiring prompt action; resource management programs carried out under the auspices of a government agency; development

activities within buffer zones which do not require a discretionary permit; other projects of similar nature determined by the Planning Director to cause minimal land disturbance and/or benefit the riparian corridor.

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Perennial stream Any watercourse designated by a solid line symbol on the largest scale U.S. Geological Survey Topographic map most recently published or verified by field investigation as a stream that normally flows throughout the year.

Riparian Corridor. Any of the following:

- (1) Lands within a stream channel, including the stream and the area between the mean rainy season (bankfull) flowlines;
- (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;
- (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;
- (4) Lands extending 100 feet (measured horizontally) from the high watermark of a lake, wetland, estuary, lagoon or natural body of standing water;
- (5) Lands within an arroyo located within the Urban Services Line, or the Rural Services Line.
- (6) Lands containing a riparian woodland.

Riparian vegetation/woodland. Those plant species that typically occur in wet areas along streams or marshes. A woodland is a plant community that includes these woody plant species that typically occur in wet areas along streams or marshes. Characteristic species are: Black Cottonwood (*Populus trichocarpa*), Red Alder (*Alnus oregona*), White Alder (*Alnus rhombifolia*), Sycamore (*Plantanus racemosa*), Box Elder (*Acer negundo*), Creek Dogwood (*Cornus Californica*), Willow (*Salix*).

Vegetation. Any species of plant.

(Ord. 2535, 2/21/78; 2536, 2/21/78; 2800, 10/30/79; 3335, 11/23/82; 3441, 8/23/83; 3601, 11/6/84; 4346, 12/13/94)

16.30.040 PROTECTION. No person shall undertake any development activities other than those allowed through exemptions and exceptions as defined below within the following areas:

- (a) **Riparian corridors.**
- (b) **Areas within the Urban Services Line or Rural Services Line which are within a buffer zone as measured from the**

top of the arroyo. All projects located on properties abutting an arroyo shall be subject to review by the Planning Director. The width of the buffer shall be determined according to the following criteria:

CRITERIA FOR DETERMINING BUFFER FROM ARROYOS**Character of Vegetation in Buffer**

	Live Oak or Riparian Vegetation			Other Woodland		
Average slope within 30 feet of edge	20-30%	10-20%	0-10%	20-30%	10-20%	0-10%
Buffer Distance (feet) from Perennial Streams Wetlands, Marshes, Bodies of Water	50	50	50	50	40	30
Buffer Distance (feet) from Intermittent Streams	50	40	30	30	30	20
Buffer Distance (feet) from Ephemeral Streams	30	30	20	20	20	20

The buffer shall always extend 50 feet from the edge of riparian woodland and 20 feet beyond the edge of other woody vegetation as determined by the dripline, except as provided for in Section 16.30.060. Once the buffer is determined, a 10-foot setback from the edge of buffer is required for all structures, to allow for construction equipment and use of yard area.

See allowable density credits within the General Plan.

CRITERIA FOR DETERMINING BUFFER FROM ARROYOS**Character of Vegetation in Buffer**

	Grassland or Other			Buffer area is developed or other wise disturbed (does not include recent clearing)		
Average slope within 30 feet of edge	20-30%	10-20%	0-10%	20-30%	10-20%	0-10%
Buffer Distance (feet) from Perennial Streams, Wetlands, Marshes Bodies of Water	50	30	20	30	20	20
Buffer Distance (feet) from Intermittent Streams	30	20	10	20	10	10
Buffer Distance (feet) from: Ephemeral Streams	20	10	10	20	10	10

The buffer shall always extend 50 feet from the edge of riparian woodland and 20 feet beyond the edge of other woody vegetation as determined by the dripline, except as provided for in Section 16.30.060. Once the buffer is determined, a 10-foot setback from the edge of buffer is required for all structures, to allow for construction equipment and use of yard area.

See allowable density credits within the General Plan. (Ord. 2460, 7/19/77; 3335, 11/23/82; 4346, 12/13/94)

16.30.050 EXEMPTIONS. The following activities shall be exempt from

the provisions of this chapter.

(a) The continuance of any preexisting nonagricultural'-use, provided such use has not lapsed for a period of one year or more. This shall include change of uses which do not significantly increase the degree of encroachment into or impact on the riparian corridor as determined by the Planning Director.

(b) The continuance of any pre-existing agricultural use, but not establishment or expansion of any Biomedical Livestock Operation, provided such use has been exercised within the last five years. (Ord. 4474-C, 5/19/98)

(c) All activities done pursuant to a valid County timber harvest permit.

(d) All activities listed in the California Food and Agricultural Code pursuant to the control or eradication of a pest as defined in Section 5006, Food and Agriculture Code, as required or authorized by the County Agricultural Commissioner.

(e) Drainage, erosion control, or habitat restoration measures required as a condition of County approval of a permitted project. Plans for such measures shall be reviewed and approved by the Planning Director. (Ord. 2460, 7/19/77; 2537, 2/21/78; 3335, 11/23/82)

(f) The Pajaro River Sediment Removal Project, under the Army Corps of Engineers Permit No. 21212S37, issued May, 1995, or as amended. (Ord. 4374, 6/6/95)

16.30.060 EXCEPTIONS. Exceptions and conditioned exceptions to the

provisions of this Chapter may be authorized in accordance with the following procedures:

(a) **Application.** Application for an exception granted pursuant

to this chapter shall be made in accordance with the requirements of Chapter 18.10, Level III or V, and shall include the following:

1. Applicant's name, address, and telephone number.
2. Property description: The assessor's parcel number, the location of the property and the street address if any.
3. Project description: A full statement of the activities to be undertaken, mitigation measures which shall be taken, the reasons for granting such an exception, and any other information pertinent to the findings prerequisite to the granting of an exception pursuant to this section.

4. Two sets of plans indicating the nature and extent of the work proposed. The plans shall depict property lines, landmarks and distance to existing watercourse; proposed development activities, alterations to topography and drainage channels; mitigation measures, including details of erosion control or drainage structures, and the extent of areas to be revegetated. Plans shall be a minimum size of 18" x 24", except that plans for minor proposals may be a minimum size of 8 1/2" x 11".

5. Applicant's property interest or written permission of the owner to make application .

6. Requested Information: Such further information as the Planning Director may require.

7. Fees: The required filing fee, set by resolution of the Board of Supervisors, shall accompany the application.

(b) Notice. Notices of all actions taken pursuant to this

chapter shall be in accordance with the requirements of Chapter 18.10.

(c) Action. Proposals for minor riparian exceptions may be

acted upon at Level III and proposals for major riparian exceptions may be acted upon at level V pursuant to chapter 18.10.

(d) Findings. Prior to the approval of any exception, the

Approving Body shall make the following findings:

1. That there are special circumstances or conditions affecting the property;
2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property;
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;
4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative; and
5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan.

(e) Conditions. The granting of an exception may be condi-

tioned by the requirement of certain measures to ensure compliance with the purpose of this chapter. Required measures may include, but are not limited to:

1. Maintenance of a protective strip of vegetation between the activity and a stream or body of standing water. The strip should have sufficient filter capacity to prevent significant degradation of water quality, and sufficient width to provide value for wild-life habitat, as determined by the Approving Body.
2. Installation and maintenance of water breaks.
3. Surface treatment to prevent erosion or slope instabilities.
4. Installation and maintenance of drainage facilities.
5. Seeding or planting of bare soil.
6. Installation and maintenance of a structure between toe of the fill and the high water mark.
7. Installation and maintenance of sediment catch basins.

(f) Concurrent Processing of Related Permits. An application

for exception may be processed concurrently with applications for discretionary permits required for the activity in question. No ministerial permit(s) for the activities in question shall be issued until an exception has been authorized. All discretionary permits for the activity in question shall include all conditions included in the exception. Where associated discretionary permits are authorized by the Planning Commission or Board of Supervisors, that body shall be authorized to act in place of the Zoning Administrator in considering an application for an exception if the applications are considered concurrently.

(g) Expiration. Unless otherwise specified, exceptions issued

pursuant to this chapter shall expire one year from the date of issuance if not exercised. Where an exception has been issued in conjunction with a development permit granted pursuant to Chapter 18.10, the exception shall expire in accordance with the provisions of Chapter 18.10. (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335, 11/23/82; 3441, 8/23/83)

16.30.070 INSPECTION AND COMPLIANCE. The Planning Director may

conduct inspections to ensure compliance with this chapter.

(a) Inspection. The following inspections may be performed by

the Director:

1. A pre-site inspection to determine the suitability of the proposed activity and to develop necessary conditions for an exception.
2. A final inspection to determine compliance with conditions, plans and specifications.

These inspections may take place concurrent with inspection required by any permits necessary for the activities in question.

(b) Notification. The permittee shall notify the Director 24

hours prior to start of the authorized work and also 24 hours prior to the time he or she desires a required inspection.

(c) Right of Entry. The application for exception constitutes

a grant of permission for the County to enter the permit area for the purpose of administering this chapter from the date of the application to the termination of any erosion control maintenance period. If necessary, the Director shall be supplied with a key or lock combination or be permitted to install a County lock. (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335, 11/23/82; 3441, 8/23/83)

16.30.080 VIOLATIONS.

(a) It shall be unlawful for any person to do cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within a riparian corridor as defined in Section 16.30.030 unless either (1) a development permit has been obtained and is in effect which authorizes the development activity as an exception; or (2) the activity is exempt from the requirement for a development permit by the provisions of Section 16.30.050 of this chapter.

(b) It shall be unlawful for any person to do, cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within a buffer zone of an arroyo as defined in Section 16.30.030 and as prescribed by the provisions of subsection 16.30.040(b) unless either (1) a development permit has been obtained and is in effect which authorizes the development activity as an exception; or (2) the activity is exempt from the requirement for a development permit by the provisions of Section 16.30.050 of this chapter.

(c) It shall be unlawful for any person to exercise a development permit authorizing development activity as an exception without complying with all of the conditions of such permit.

(d) It shall be unlawful for any person-to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a stop work notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Planning Director. (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335; 11/23/82; 3451-A, 8/23/83)

16.30.081 (Repealed 4/2/96, Ord. 4392A)

16.30.090 (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335, 11/23/82; 3451-A, 8/23/83; Repealed 4/2/96, Ord. 4392A)

16.30.100 (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335, 11/23/82; 3451-A, 8/23/82; Repealed 4/2/96, Ord. 4392A)

16.30.103 (Repealed 4/2/96, Ord. 4392A)

16.30.107 (Repealed 4/2/96; Ord. 4392A)

16.30.110 APPEALS. All appeals of actions taken pursuant to the provisions of this Chapter shall be made in conformance to the procedures of Chapter 18.10. (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335, 11/23/82; 3451-A, 8/23/83)
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