

**SANTA CRUZ COUNTY PLANNING DEPARTMENT
POLICY/ORDINANCE INTERPRETATION**

Interpretation No.: RIPARIAN-01 (Riparian Corridor Protection in Urban Areas –
Discretionary Projects)
Effective Date: May 6, 2010

Question

*What are the department's practices with regard to addressing proposed
discretionary actions or permits for projects located
adjacent to riparian corridors in urban areas?*

Applicable Regulatory Section(s)

County Code Chapter 16.30
General Plan Policies 5.2.1, 5.2.2, 5.2.3, 5.2.4 & 5.2.7

INTERPRETATION:

When reviewing an application that includes an urban area riparian buffer delineation for discretionary projects adjacent to urban riparian areas, the following practices must be followed:

1. Buffer delineations shall only be valid for a three-year period, after which time a new determination must be made based on an updated field evaluation. See also 6.a. below, regarding delineation based on pre-disturbed conditions.
2. For discretionary projects that may result in increased development potential or density, including, but not limited to, parcel maps, subdivisions, rezoning, General Plan amendments, or Planned Unit Developments that increase allowable density for the affected urban areas, conditions for approving development adjacent to riparian areas and buffers must, at a minimum, include:
 - a. Requiring that all outdoor lighting adjacent to riparian areas and buffers be minimized and ensuring that any lighting that is allowed shall be directed away from the riparian corridor.
 - b. Requiring that open fencing (e.g., split rail or wire) must be installed at the boundary of the riparian buffer to ensure that the current and future property owners are aware of the boundary between the normal backyard and the riparian protection area. Such fencing must be open enough to allow passage of native wildlife.
 - c. Drainage outlets must be located outside of the riparian corridor unless deemed to be necessary by a soils engineer, civil engineer and/or engineering geologist. When required to be located within the riparian corridor, drainage outlets must:
 - Be reviewed by a soils engineer and/or civil engineer to ensure the outlets will not cause slope instability or excessive erosion;
 - Be sited and designed to minimize removal of riparian vegetation;
 - Minimize the use of riprap/fill for energy dissipaters;
 - Minimize concentration of drainage through use of spreader devices, multiple outlet locations, or similar means; and
 - Be installed above the ordinary high water mark.

- d. Evaluate the feasibility and, to the maximum extent reasonably feasible, require the removal of all or a portion of invasive, non-native vegetation within the riparian corridor.

If environmental review is conducted, it may support the need for additional conditions.

3. For discretionary projects that will result in creation of a Home Owners Association or require an on-site manager (e.g., apartment projects of 16 units or more), and for other projects as to the maximum extent reasonably feasible, in urban areas, require that the Home Owners Association, management company (or similar entity) provide:
 - a. An effective means of ensuring ongoing funding for maintenance of the required riparian protection provisions (including fencing, drainage, vegetation management, etc.) and any required reporting (to the County and identified interest groups as a condition of approval); conditions may require monitoring reports prepared by a qualified biotic consultant, and
 - b. An effective means for monitoring and/or enforcing the riparian protection requirements by not only the County of Santa Cruz but also by third parties (typically required through conditions of approval and/or through the Covenants, Conditions and Restrictions).
4. When it is appropriate to recommend a riparian buffer reduction for discretionary projects in urban areas, where feasible require proportionate restoration in conjunction with granting the riparian exception. Any such restoration must require an appropriate monitoring and reporting program.
5. When staff recommends a riparian buffer reduction, limit the area of reduction to only that area needed for the proposed encroachment (i.e. not the entire riparian frontage of the property). Staff will work with applicants to ensure that feasible alternatives are explored and pursued so that encroachments are avoided or minimized.
6. For discretionary projects in urban areas where the riparian corridor has been disturbed over time, the following practices must be employed:
 - a. The riparian buffer delineation shall be based, whenever possible, assuming pre-disturbed conditions as may reasonably be determined. Reviewing conditions on adjacent properties and aerial photographs will assist in making that determination.
 - b. The fact that an area has been previously disturbed shall not serve as the basis for allowing an increase in the degree of encroachment into the riparian buffer, and the area of encroachment must be limited to only that area needed for the encroachment. (e.g., the existence of an existing lawn within the buffer is not the basis for allowing construction of a room addition over that lawn in the buffer area).
 - c. Whenever possible, efforts shall be made to eliminate prior disturbance and restore the riparian corridor to a natural condition.
 - d. The fact that an applicant has expressed a willingness to restore a portion of the riparian area on their or another property shall not be the basis for recommending a riparian exception.

Reason

Over the years, there have been inconsistent practices with regard to implementing the urban riparian policies, particularly with regard to subdivisions. This interpretation is intended to provide a basis for more consistent application of the Riparian Corridor and Wetlands Protection Ordinance and related General Plan policies. These practices will ensure that riparian determinations and exceptions are not approved based on out-of-date information. They will serve to make more consistent the conditioning of subdivisions and certain other development adjacent to urban riparian areas and provide a mechanism for ensuring that permit conditions with regard to riparian protection are implemented over time. They will also provide guidance for permit conditions in those instances when it is appropriate to recommend riparian exceptions. Finally, they will provide direction on how to address development proposed within areas previously disturbed by structures, landscaping, or other features.

Because this interpretation was in part developed to address the terms of the Settlement Agreement in the *Friends of Aptos Creek v. County of Santa Cruz, et al. Case No. 162316*, any proposed amendments to this interpretation shall only be made in a manner consistent with that Settlement Agreement.¹

Kathy M. Previsich, Planning Director

Date

¹ A copy of the Settlement Agreement is on file with the Office of the County Counsel, County of Santa Cruz.