

**San Lorenzo Creek Task Force
MEETING NOTES**

**HARD Building
1099 E Street
Hayward, 94541
October 2, 2008
7:00– 9:00pm**

Welcome

- Review Agenda
- Review of Meeting Notes:

Meeting notes are current and up to date.

- Motion to adopt resolution:

We are dissatisfied with the past record keeping of taskforce meetings and formally request the BOS commit the resources needed to provide an adequate record.

Ayes – 8, Nays – 1, Abstain – 2

- Announcements

Next taskforce meeting will be held at the CDA Planning Office, 224 W. Winton Ave., at 7:00.

Linda and Liz have compiled some samples of Taskforce reports for review and will bring them to the next meeting.

There is a new tent city (homeless encampment) near A Street and Redwood Rd. The Sherriff is unable to break it up because it is on California State property and also on a steep down-slope.

Follow-up or Action Items:

Update on Staff Progress on Interim Measures

There is no new information; no new maps have come in.

Follow-up or Action Items:

7:15 Creek Setback discussion

- Define creek classifications based on criteria list from 9/18/08 meeting
Question: Does anyone know what the maximum and minimum enforceable setback for a non navigable river without spawning habitat?

Some discussion on the topic but no one can think of a setback that is currently enforced and is more than 30' and 2 to 1 slope.

Also, what does the taskforce hope to accomplish by recommending a larger setback?

Round table discussion to determine what issues are important to the taskforce:

- Provide clean water for humans, animals, agriculture and livestock. Especially fish that could and have survived in the creek.
- Filter water before it enters the creek.
- Classification of creeks for determining setbacks.
- Prevent development within setback.

- Protect agriculture.
- Clean water.
- Flexibility in determining setbacks because two properties on the same creek could have very different issues.
- Consider Parcel size and location, and owners rights. All property owners (public and private) should be treated equally.
- Prevent erosion.
- Maintain base flow.
- Protect structures.
- Restore engineered channel downstream of Foothill Blvd.
- Agriculture exemption.
- Protect property owner rights and land use rights.
- Protect property owners from incurring damages due to activities upstream.
- Habitat improvement.

What is more appropriate? Classifying creeks or determining setbacks individually with a list of criteria to consider on every property. Since each property and creek is different perhaps each site should have its setback determined individually.

For the record there is an objection to the idea of the taskforce regulating agricultural land use around the creeks.

Follow-up or Action Items:

Howard will email (see attachment) a brief explanation of his idea about setting criteria by which each property would be evaluated and each setback determined individually.

8:15 Development within Creek Setbacks discussion

Follow-up or Action Items: Postponed to next agenda

8:50 Public Comment

- Hear from interested members of the public

No comments

8:55 Meeting Evaluation

- Share ideas, concerns, suggestions on how to improve future meetings

Follow-up or Action Items: No Comments

9:00 Adjourn

San Lorenzo Creek Watershed Taskforce
Attendance
10/2/08

Name		Supervisor District
1	Howard Beckman	District 3
2	Linda Bennett	District 2
3	Barbara Fields	District 4
4	Diana Hanna	District 4
5	Chris Higgins	District 4
6	Larry Lepore	District 2
7	Robin McCoy	District 4
8	MaryAnn McMillan	District 3
9	Ken Peek	District 4
10	Kristy Peixoto	District 4
11	Greg Rau	District 4
12	Rex Warren	District 2
	Other	
15	Bill Lepere	County PWA
16	Tami Turpin	County PWA

Attachment

10/2/08

Memo from Howard Beckman re: an Alternative to a Creek Classification Scheme,
10/15/08

At the previous meeting I offered an alternative to a classification scheme for determining a creek setback along different segments of creeks. I promised to flesh out this idea, and will try to keep this short and concise. I am not advocating this approach; I brought it up in order to broaden the discussion about how to determine setbacks.

The approach is a balancing test in which several factors are weighed to determine the distance of the setback at any point in a creek. These factors are not simply a list of "criteria". A couple meetings ago we came up with a list of criteria (or factors) for determining creek categories (creek width, soil type, etc.). We also have at least two "laundry lists" of concerns and questions. But together these lists do not constitute a "test" for calculating a setback.

Calculation of a setback needs to factor in various goals we hope to achieve in regulating land use near creeks. We have fixated in the past several months on the concept of a creek "buffer zone" (what it takes to maintain water quality) and to a lesser extent the concept of a "riparian corridor" (what it takes to preserve the riparian flora connected with creek stability and water quality). We have not talked much about preservation of creeks as a public asset apart from the function of the creeks in a drainage system (preservation of aesthetic value, recreational value). We have also not yet talked about the different impacts of different types of land uses or construction on creeks, or of wildlife habitat preservation, or other desirable goals.

Sooner or later we need to answer definitively the question repeatedly asked by Greg, What are we trying to manage and why? There are several answers, not one, to this question, because there are several competing values. (They compete in two ways: because some values are not consistent with each other and because different people rate the importance of something, e.g., creek trails, differently).

Once management (or regulatory) goals are listed, then we need other lists (of factors) that would be used to test the appropriateness or practicality of applying one or another goal to a segment of creek (actually, the parcels along that segment). That is the balancing test. How this leads to a specific distance (ranging from some minimum distance to some maximum) is the challenge.

This approach obviously provides flexibility, as it looks at determination of setback distance in terms of both creek management goals and the reality of the San Lorenzo Creek Watershed: diverse stream conditions in diverse natural and built environments. However, such an approach depends mightily on decisionmakers (planning

commissioners, county supervisors) being genuinely committed to the specific creek management goals that are part of the balancing test (adopted by ordinance). Without that commitment it is a bowl of slippery jello.

What I like about this approach is that it encourages open discussion about creek and watershed management among public officials and the public.