

## San Lorenzo Creek Task Force MEETING NOTES

**HARD Building**

**1099 E Street**

**Hayward, 94541**

**April 17, 2008**

**7:00– 9:00pm**

### Welcome

- Brief discussion about new requirements for flood insurance.
- Brief discussion about upcoming Earth Day events.
- Recently discovered resource put out by San Mateo County Planning “Guide to Creek & Wetland Project Permitting..
- Howard Beckman’s email noted and read aloud for those who haven’t seen it yet.

### Discussion County Progress with Addressing Task Force Issues

- Handout: “Guide: Applying for a subdivision (Tentative Parcel Map or Tentative Tract Map)”, “Subdivision Application”. Submittal process for application has changed a bit, but most has stayed the same. Changes include how the fee is determined and pre-application meeting. Single home on single lot is exempt and any waterway not shown on county maps is exempt. Therefore what the County refers to as “ditches” would be exempt.
- Discussed interim measures task list. How to define riparian area and develop process for ensuring that riparian areas are noticed by County when plans come in. Riparian boundary should be noted on tentative map and not wait until final map to be noted.
- *Grading Issues:* Bill Lepere said that erosion control measures must be in place, some may not survive and need to be replaced. The conditions of the permit are set when the map is approved and recorded. When the rules change the conditions for maps already approved do not change. This is not part of the Watercourse ordinance, this is a planning thing. It was agreed that enforce was a key element.
- There are concerns about projects where the grading begins after the Tentative Parcel Map is submitted and before the final map is recorded. What happens then? Answer: the project is cancelled or delayed. What happens to the portion already graded? No answer given.

#### *Setbacks:*

- What are some of the exceptions to the 2 to 1 plus 20’ rule? Answer: Bridge abutments, outfall structures.
- What is the variance? And who should determine the variance? The taskforce determined the 20’ minimum & riparian consideration, now County should come back with a response.
- Crow Canyon Rd. and Norris Canyon Rd. are exempt because roadways are exempt. Also, existing structures are exempt (grandfathered in).
- What about fencing?

- The County should now determine if the 2 to 1 plus 20' setback is appropriate. Also, come up with possible instances where a permit will be issued within the 20' setback.
- Riparian area needs to be determined.
- Discussion: the County should have rules and policies posted in a public place for anyone to see so that when either the County is not following policy or someone disagrees with what is happening anyone can refer to the policy and get an explanation as to why it is or is not being followed. The County is currently going through an accreditation process that will require this, so it should happen soon.

*Follow-up or Action Items:*

Next meeting... Bill will put together a list of possible instances where building maybe allowed in a determined setback. Sharon will confirm with County Counsel their recommendations regarding change of practices in defining "watercourse" and applying a definition of "riparian" without an ordinance change.

**Comment on Draft Water Course Ordinance Modification**

- *Discussion and comment on the Draft WC ordinance emailed last month to the Task Force.* Taskforce needs to lay each version of the ordinance side by side and explain and define each change.

*Follow-up or Action Items: Bill will send out highlights of the draft changes to the original ordinance.*

**Work Plan Workgroups**

- **Update from Creek Setback Workgroup.** Handout of notes from last workgroup meeting in January and list of issues that need to be resolved. Issue 1) What is the objective of the creek setback? 2) Does a uniform setback achieve our objective? 3) Should setback be different for different situations? And what are these situations? 4) Definitions needed; Riparian, Creek, where creeks are on maps, and floodplain. Two documents were used to determine the objectives listed on the handout; "Berkeley Taskforce analysis of Setbacks" and "Local Government Riparian Buffers in San Francisco Bay Area". One of the topics discussed in these documents was the difference between riparian area, riparian buffer, and setbacks. The term used mainly was riparian buffer and that was defined as an area allowing for plants and animals who need the creek to survive while also allowing for water filtration. Riparian areas/buffers were not determined solely by the presence of vegetation, although native vegetation was a bonus. Sharon clarified that the county does not only consider vegetation, but also soil uptake of water and potential for riparian classification. Other topics covered in the literature were determining your objectives and classification of creeks (ie. urban v. rural, culverted v. natural). Diagram was drawn out to clarify how a set back in an urban area may be ineffective because the pollution is brought to the creek through culverts that are far beyond the setback. In an instance like this where preventing pollution is not plausible perhaps planting trees for

shade may be the solution. This ordinance may be more complex than the examples here because the County has many different varieties of creeks and what is a useful solution for one of them may not be useful in another. The next topic of discussion is what is the job for each workgroup? Is it to come up with a draft recommendation for the Taskforce to review or is it to bring in resources for the Taskforce to use in drafting their recommendation? Discussion: Workgroup process as relates to Taskforce process in achieving final product. All groups should start researching and working on their topic. Bruce will email documents to the group for review and comment.

**Break-out if time allows:**

- *Development within Creek Setback Workgroup*
- *Rights and Responsibilities of Creekside Property Owner Workgroup*
- *Grading (as it relates to creeks) Workgroup*
- *Stormwater Management and Discharge Control Workgroup*

*Follow-up or Action Items:*

8:35 **Public Comment**

- *Hear from interested members of the public*  
No member of public present

8:45 **Housekeeping**

- *Replenishing Task Force.* What should be done when a taskforce member will be missing several meetings? When should we move on/ replace a member? Possibly vote to determine new member. Tabled to next agenda
- *Communicating with the Public.* Communicating with the public may not be advisable right now. Perhaps wait until ready to present interim measures to the board. Maybe a formal letter to the editor.
- *Website.* Tami will take notes and be coordinating website download and posting of meeting notes.
- *Consultant.* Do we need one now? In order to hire a consultant there needs to be defined tasks for them to work on (a scope of work).
- What is the status of the moratorium? Is it on the agenda? Answer: no, the moratorium simply expires.

8:55 **Meeting Evaluation**

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

*Follow-up or Action Items:*

9:00 **Adjourn**