EFFECTS ON STREAMSIDE HOMES (35')

Darcy/Christine

Questions
* How can we meet req. of SEP and also legalize our properties?
* How can we get grants/ other funding?
* How can we resolve lack of trust with County?
* County was threatened by lawsuit (SPAWN)

[Next sheet:]

Christine p. 1

Concerned about requirements to change / demo non-conforming structures

Regulations for hillside vs valley lots

Problems in larger watershed (not just prop. adj to streams)

Repairing creek banks – concern about getting permits for bank restoration

Equitable treatment throughout County & with other agencies / districts (burden not just on prop. owners) – ex.: Water District / O.S. District

Entire County should participate / subsidize costs

Trusting County for consistency

Applying same regs to properties with varying situations

[Next sheet:]

p. 2

Support idea of legaliz. for nonconf. structures in exchange for agreement to do 1 enhancement. (Using grants if possible!) -- From SEP

Two way street (County should walk the talk.)
(Ex: Copper / Arsenic posts in guardrail – Woodacre @ Carson)

County should examine their own practices first

Use bioremediation rather than (in addition to) fixed setbacks

Use most current technology

County should look into these / lead the way

[Next sheet:]

p. 3

Should be looking at graywater alt. technologies

Consider connecting Woodacre to Sanitary system?
But may be better to keep wastewater in valley
(Woodacre Flats Comm. Sanitary / Wastewater Grp)
(Es: Irrig for Golf Course, etc.)

Look for viable solutions

Education for prop owners about what to do to help creek, etc.

County should aggressively pursue best current technology, septic systems, etc.

[Next sheet:]

p. 4

Concerns about leaving downed trees / etc. in creek –
flood hazards
fire danger

Implement SEP with viable state of the art technology, viable solutions (don't rely on old solutions / technologies

Salmon Advis. Group should include prop owners within 35', etc. (more representative)

[Next sheet:]

35' Zone
Effects on streamside Homes
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* Concern about future laws that will prevent improvement & repairs, & might cause loss of homes.

* Clarification of permit processes that exist

* Concern about proposed ordinance that would restrict growth of house size within 35' – e.g., additions

* Consider mitigation

* Additions – go up not out

[Next sheet:]

* Concern about limiting to native vegetation within 35' – want veg. gardens & animals, chickens to be allowed there

* Dog kennels, horses too

* Coliform – evidence – where is it?
    Impact on fish?

* Impacts are less now than past, and there were more creatures then

* Biggest problem – water flows.
    Where is the water
    Past pumps & small dams were an impact
    Dams provided pools for summer habitat
    Private management worked

[Next sheet:]

* Pools helped fish (?) while they stay in stream.

* Help with streambank failure – design solutions, grants. Guidance, lack of clarity, disagreement amongst agencies, need realistic solutions & financial support –
    Streamline permit process
    -- The plan adds to the complexity
    -- Need clarification of who is within 100' or 35' zone
    -- Clear outline – 1 page – of regulations affecting those zones

[Next sheet:]

* Need honesty about what is proposed in future ordinances

* Lack of trust in SPAWN & County a problem – need a third entity that is educated to advise homeowners, e.g., on septics – before you spend thousands
    -- a neutral party

-- Create a SCD to be proactive on making local rules – advocacy

-- If regs come, help prop owners with grants, tax credits to make required changes

[Next sheet:]

-- Want to keep what we have

-- Need community based advocacy to assist individuals in responding to County requirements

-- Constraints on our parcel size, setbacks, etc., make us more protective. Flexibility would be helpful.

-- Be protective in necessary areas and let others go, based on priorities

-- Grandfather in pre-existing development

-- Institute that grand fathering. Formalize.

-- Stays with the property after sale

[Next sheet:]

Promote use of permeable materials
? gravel ? is it allowed for driveways, etc.?

-- Give people enough time to get the $ and do the work

-- Needs – Info.

-- Need measurable data Re impacts
Baseline data – both existing conditions and long term results, e.g., WQ

-- Identify metrics – WQ, temp, flow water table

Info about grants available for this work – public or private $

[Next sheet:]

technical & other info to protect from landslides (e.g., off open space)

-- Leadership from County, OSD, SPAWN.

PROPERTY RIGHTS

* Privacy, ability to do ag in OS.

* Public access over private property. Trespassing

* Ability to raise animals, ag

* Almost total “blue line” because of ACA & redwoods

* Want to be able to have garden, fruit trees, etc., but constrained by SCA

*People feel the need to manage their prop. within SCA to do things like remove downed wood, get rid of invasive species, etc., without interference.

*This process might result in oppressive rules that won’t allow me to garden, put up fences, keep chickens, etc. horses.

* Owners of stream frontage are concerned they will be <u>forced</u> to spend money on creek restoration.

* Non-profit organizations are empowered to implement ESA, and can sue property owners.

[next sheet:]

Property Rights (cont.)

* No retroactive enforcement against existing structures (permitted or unpermitted) within SCA, unless property owner seeks to modify that structure requiring County review.

* It would be ideal if County could review properties on a case by case basis.

* Hoping for outcome that is a collaborative as opposed to coercive, and an outcome that does not promote litigious situations.

* Case by case analysis and minimize cost to prop owners as they are subject to ordinances / SCA.

* Worried that the outcome of this process will limit / inhibit the ag use, make areas unusable.

* Bring back summer dams, the fish like to lay eggs there.

[next sheet:]

* How does a community promote and maintain an atmosphere where neighbors trust neighbors to protect common resources and be accountable to one another? Keep this question alive.

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* How can property owners learn about tax incentives available for conservation easements on land “taken” (partially use restricted) by SCA or other . . . ?

* How can property owners reimbursed for the decrease in value and use of their property for which they pay taxes, mortgages, & ins. but don’t get to use it?

[Next page:]

Property Rights (cont.)

1. What flexibility does the County afford for impri9ovements to meet handicapped access (accessibility accommodations) to properties within SCA? Is the $ available?

*Can I be sued by County if I can’t afford to implement a mandated program/etc. on my property?

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2. Need access to existing & proposed ordinances.

Need thorough noticing of all prop owners.

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3. Nicasio process 5 year voluntary

Napa riparian ordinances (size of lot, slope, stream setbacks

City of Davis

[continued:]

3. continued

EPA website model ordinances

Santa Cruz Creek / River Ords.

State of Illinois (?)

Phoenix, AZ (Rio Salado)

Nicasio Valley Homeowners Assoc.

Mattole Restoration Group

[Next sheet:]

4. Independent Scientists qualifies to evaluate methods used thus far by ecologist

REGULATION V. VOLUNTARY ACTION

SGC on property should be asset not liability
Qualify for program (incentives streamlined policies, cost)

Incentivize – (regulations, cost)

Education – Voluntary actions – "An Owner's Guide" Beginning to end – Process map
(Center for Biological diversity, -------)

Need to have Scientific Prioritization
(e.g., pesticide, septic, gray water, SCA, water rebase, downed trees)

To get the science behind a setback (35' to 100', etc.)

Support City Guidelines with monitoring not regulations with enforcement – moving target

Too many regulations (some conflicting) that impede ability fro owner to fix bank erosion
Concern about ----- one regulation (----)

Towards voluntary compliance

A – Ombudsmen
B – Clear ----- line rules needed – easy and low-cost
C – Need to recognize different types of creek (perennial, seasonal)
D – Homeowner's Guide

Difficult to promote voluntary actions (preferred) when (E) regulations not enforceable or conflict

Problem, complaint-based enforce regulations

Importance of winter flow habitat

Scientific knowledge is evolving (e.g., removal debris)

Recommend elected community council as 1st step if "Enforcement"

Like mediation
Informal

How to do the right thing, keep up with science/BMP without dealing with formal bureaucratic rules

Issue becomes concern when owner wants to do something but not clear on what to do

Development has not mad impact. County should assist (E) rather than pass (N) regulations/costs

What's important? What gets most bang for the buck?

Septic, ordinance – (e.g., would more fish be saved by concentrating efforts and resources outside the SGV?

SALMON & RIPARIAN VEGETATION PROTECTION (1)

Kat Mindel Jones

- native vegetation
  -how to get more native vegetation in my community
  - education of landowners r: native veg.
- Creek improvement
  - how does the creek need to be made better for habitat
- Creek restoration
- removal of "invasives," replacement with native
- impervious surfaces
  - run off, want to learn more
- septic – ways to make them better & affordable
- education from County outreach → ho do rules affect current/existing development
- erosion → property loss
  - creek flow issues

- action through community collaboration
- want to correct/fix/help stream without over regulation

[sheet 2:]

- lack of pools (cool water)
- debris removal without bureaucracy
- flexibility in regulation
- opportunities for
  - buffer averaging
  - off site mitigation
  - conservation easements
- take a "big picture," watershed wide approach
- want to do the right thing but need $$ help/incentives
- one permit for a collective group of landowners
- more education forums → what is a healthy watershed?
- volunteer action
- collaboration at community level → quickly streamlined
- riparian management
- DPW/Parks → projects w/$$

[sheet 3:]

Questions

- What is possible re: streamlining proactive stream protection activities?
- Can we create a valley umbrella, w/ protections and actions?
  - We can be a role model **!**
- Does the County have the obligation to drive these? → to set up a mechanism to streamline the process?
- How do we get funding in SGV?
- What is next? SEP needs to go one last step
  - make subject matter experts available
- <u>Funding</u> → critical
- Mapping → Fact based. To guide us.

[sheet 4:]

<u>LIASON</u>

- Someone in community <u>Liaison</u>
- Helps coordination w/ agencies
  - understands funding sources
  - understands the law
  - Helps streamline the process so it's easier to <u>do the right thing</u>.
- Q: What insurance/fine require v. what salmon require -- balance
- non-natives should be separated between invasive and non-invasive

<u>SALMONID & RIPARIAN HABITAT PROTECTION (2)</u>

Can't remove native plants and rocks from stream banks. How affects Salmon?
Intention to prevent drainage, purpose?
Regulations vs. Suggestions/recommendations
Property rights/freedoms vs. regulations
Septic regulations – so many complaints – reconsidering
What is purpose?
Why have rule if can't enforce?
What is context? Takes lots of pages to explain.
Control/contain flow from entire watershed. Put in pond, treat and release instead of regulating properties along creek.
Less hassle, expense
May be putting in regulations that won't help salmon – may fail anyway
Shut down Marine --- Center
    1,000 seals/sea lions saved – eating fish
Throwing off natural balance
Existing improvements that wouldn't comply with setback/etc. regulations
Need to address
How to balance positive and negative impacts
What can you do? "Existing footprint" crude
Trade offs – (ESA) "conservation banking" – net benefit
Any mandatory changes to existing property? Expense
One rule doesn't fit all
Want to fix houses/property, but hand-cuffed
Why regulating/preventing any plant/rock removal? What impact?
What level of fish protection is appropriate?
Need information and education widespread
Stream bank regulators needed to explain why
What alternative to regulating properties along streams?
Potential to avoid regulating and achieve same result
Hybrid system – side stream protection
What is likelihood efforts will protect/preserve salmon?
How effective/expensive/intrusive?
What steps would have biggest benefit to fish?
Biggest mortality factors – experts to explain
    Seals – Marine Mammal Center
    Otters in stream/raccoons
Fin wagging the fish?

PROPERTY VALUES

GETTING STARTED

[Inge 1/2:]

* Look at the science
    -- where are the impacts to salmon coming from?

* Voluntary vs Regulatory
    What can we do voluntarily?

* What are the costs related to actions / regulations?
    -- Look at return on investment
    -- Benefits to salmon – direct relationships to actions / benefits

* What can be done to make costs equitable across community / County . . . ?

[Inge 2/2:]

Getting Started / Property Values (cont.)

* What are the regulations of other jurisdictions with streams

* Look at entire watershed
    -- Impacts of all owners / users
    -- Responsibilities of all owners

* Discussions with other agencies / specialists
    * Assessors
    * DPW
    * Parks & Open Space
    * Biologists
    * Fire

[Inge 1/3:]

Small Group #1
Property Values

Concerns

* No mandated Regs related to existing development/ vegetations & future

* Maintain Values
    * Responsibilities of prop owners
    * Value = Natural Habitat

* Value impacts of existing / potential Reg.
    -- Compensation --? Prop tax credits

* Value return on home with required regulation

* Liability – Related to Regulations / Requirements related to Realtor

* Ditto above

* Property value [decreases] greater than County

* 1) [Decreased] values due to potential Regs
  2) [Decreased] values of community, schools. (11 people agree)

[Inge 2/3:]

Property Values, Concerns (cont.):

* Uncertainty = [Decreased] Values

* Development process / expenses (permit costs) reduces value

* 1) [Increase] in Regs reduces ability of refinance / sell
  2) Reduced value B/C uncertainty
  -- Fear of new regs = [decreased] appraised values

* Impacts to future Development if destroyed / demolished

* Increase communication & information to public / Realtors

* 1) Credits / $ to those who protect
  2) County role in protection / mitigation

[Inge 3/3:]

Property Values, Concerns (cont.):

* Schools – impacts to $ decrease from prop tax

* Concern with non-captured taxes
  -- How it impacts community / schools

JC

WASTEWATER, WATER QUALITY, SEPTIC SYSTEMS (1)

-- Financially sound (affordable) opportunities for septic systems.

-- Learning what others are doing (farmers, ranchers, other communities – big boat)

-- Investigating relationship of septic pollution to fish, compared to other things (sediment).

--Why not develop septic maint. district like Stinson Beach. –District forms its own rules.

--Determine water quality effect of septic systems

-- County doesn't have resources to manage septic systems. SM District with equitable policies is needed.

[sheet 2:]

Septics (cont.)

-- Deferred maintenance – owners are afraid to deal with County – clearer requirements so thy can act with confidence.

-- County should support efficient septic upgrades and secure grants for upgrades.

-- Retrofit process with County should not be as threatening / costly / invasive

-- Drop costs of permits

-- Use alternatives – less expensive

-- Don't mix graywater with wastewater

-- Problem with some people storing, disposing toxics, debris, and waste

-- Permitting of septics – County makes it tough and costly to limit growth rather than using cheaper, effective systems.

[sheet 3:]

Septics (cont.)

-- graywater use – find a way to use inexpensive systems with inexpensive permits (now fee is $2,500)

-- Septic permit costs of Marin County are highest in Bay Area. – twice as much 2X

* There is an issue with bacterial counts in graywater – can't go into stream, OK in ground – not in irrigation or creek

* Septic systems recharge groundwater to help summer creek flows

[Next sheet:]

1. Questions

-- Septic System role in salmon problem?

-- What ways can we separate gray / black water?

-- Can we use a septic maintenance district to solve the problem and restore local control?

-- What solutions have other communities used?

-- Can the permit structure / fees be improved?

-- How can we tap into grant $, e.g., Fed stimulus

-- Would septic Maint. District (SMD) be more competitive for grants

2. Critical Info

-- Information on alternative; innovative systems, best practices models that could be available

What are impacts of septic systems (net) more water, improperly treated water

-- What would be a funding model for S.M.D.

-- What are other sources of pollution (trash, toxics)

3. Other areas

-- Gray water – Santa Rosa, LA

-- Tomales service district just deployed new wastewater treatment system

[Next sheet:]

4. Agencies Helpful

EHS

California Onsite Wastewater Assoc

Better public understanding of basic hydrology & water quality

Blair Allen RWQCB pt. man for graywater & septic systems.

5.

-- Set up a Yahoo! group

-- Work thru stewards, SGV Group

-- Hold a County workshop

-- email address, website for each particular subject

SEPTICS / WATER QUALITY (2)

"Getting Started"

* Septic System improvement is THE place to start

-- We need to expand list of acceptable cost-efficient systems based on successes in other municipalities

Examples:

> Sonoma Co.
> Bend, Oregon

* County should immediately adopt a policy to allow composting toilets –

--protect water quality
-- save water

* Clearly identify pros & cons of septic system alternatives to allow informed decisions / choices

[Next sheet:]

Septic System / Water Quality (cont.)

* We need to identify potential funding support, i.e., grants, loans, etc.

* Develop boiler plate guidelines for septic systems

* Streamline permitting process – reduce costs / increase consistency

* Develop methods for septic system cooperatives

[Next sheet:]

Septic System / Water Quality (cont.)

* Need participation / expertise of County Environmental Health, RWQCB, others who regulate septic / develop guidelines

[Next sheet:]

Septic System / Water Quality (cont.)

*Need more cost-effective for dealing with failing septics (Sonoma County example)

* County needs to develop more affordable way to deal with permitting of septics

* County should develop basic info on septics for the community

* Need to find less expensive methods for designing & installing systems
> Need “boilerplate” designs

[Next sheet:]

Septic System / Water Quality (cont.)

* Localized community treatment systems (i.e., French Ranch)

* New technology should be considered – composting toilets, gray water (i.e., Sonoma County)

* Alternative systems require too many fees.

* Complicated / expensive permit process drives people underground
[and]
* creates more problems

* Need creative thinking / research for new approaches

[Next sheet:]

Septic System / Water Quality (cont.)

* Cost of septic systems is scary – Bend, Oregon, has good system but not allowed in Marin.

* County needs to expand list of acceptable systems

"Alternative" systems should include less expensive / less complex

* Pilot program for composting toilets in Sonoma County (Occidental)

*Form engineering cooperative to develop system to design septics – support with grant funding

[Next sheet:]

Septic System / Water Quality (cont.)

* Occidental Arts & Ecology Center – grants & pilot programs (ask Brock Dolman)

* Provide info on products / Medications that are safe for Septic

System requirements in County need to be updated to reflect more current technology / developments / research

* Need to look at what other jurisdiction (County/State/other countries) are doing

* Sunmar composting toilets – recognized by NSF

[Next sheet:]

Septic System / Water Quality (cont.)

* Nova Scotia – town of Anapolis Royal is installing composting toilets

* Septic permitting is a barrier to addressing water quality problems

* Identify grants / loans to address septic problems

* National Sanitation Foundation – research on alternatives

* County is in the Dark Ages (or Stone Age) regarding regulation of septic systems

* European systems are examples (Germany)

[Next sheet:]

Septic System / Water Quality (cont.)

* Is County unwilling to consider alternatives because of fear and litigation?