

## Chapter 20.34 - CREEK BUFFERS

### Sections:

20.34.010 Purpose

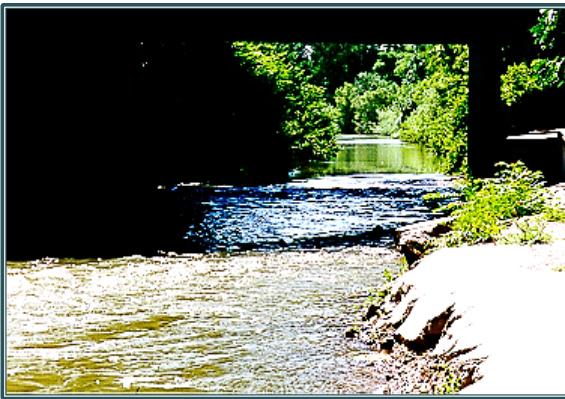
20.34.020 Applicability

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### 20.34.010 Purpose



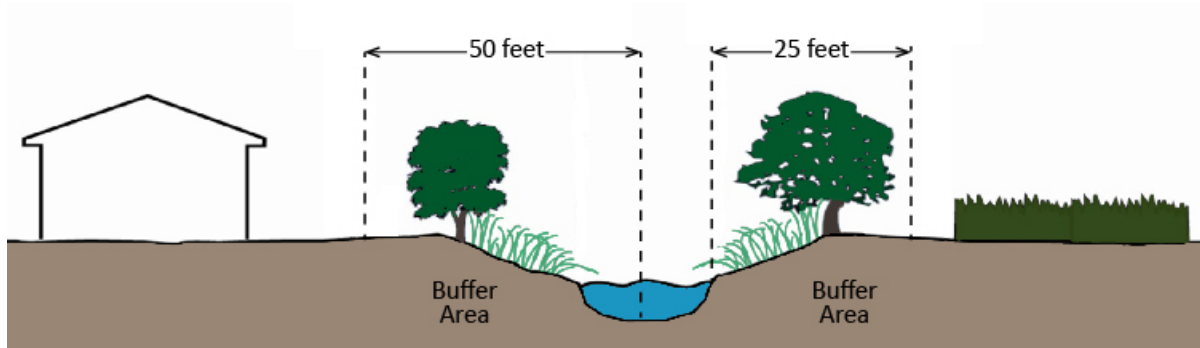
This article establishes standards for land uses and development in areas adjacent to creeks. These standards are intended to:

- A. Reduce risks to property owners and the public from erosion and flooding;
- B. Protect and enhance the chemical, physical, and biological integrity of water resources in the City;
- C. Minimize pollutants entering water bodies from urban stormwater runoff; and,
- D. Preserve riparian vegetation and protect wildlife habitat and wildlife corridors along natural drainage ways.

### 20.34.020 Applicability

The standards in this chapter apply to all riparian areas within the City of Merced. As shown in Figure 20-34-1 (Creek Buffer Measurement), riparian areas are defined as areas between the banks and 25 feet in width measured from the top of bank or 50 feet in width measured from centerline of any intermittent or perennial stream or river landward, whichever is greater. Excluded from this definition are stock ponds and other stock watering facilities, culverted sections of creeks and engineered systems developed by a public agency for collection of storm or flood waters, or systems other than natural creeks designed to deliver irrigation or water supplies.

FIGURE 20.34-1 CREEK BUFFER MEASUREMENT



### 20.34.030 Land Use Regulations

**A. Permitted Activities.** The following activities are permitted by right in riparian areas:

1. Livestock grazing and agricultural practices where permitted by the applicable zoning district;
2. Native landscaping;
3. Fencing that does not interfere with the flow of flood waters or wildlife migration corridors;
4. Utilities, including the installation, operation, and maintenance of water pumps;
5. Storm drains into riparian areas and creeks;
6. Trails, including pedestrian and bicycle trails, and recreational activities not involving the establishment of any structures, except for small accessory structures such as benches or signs;
7. Construction and maintenance of publically-owned culverts, rip-rap, and other drainage facilities; and,
8. Construction and maintenance of publically-owned bridges.



## B. Conditionally Permitted Uses.

1. Uses, structures, and activities permitted in the applicable zoning district are permitted within riparian areas only with approval of a Minor Use Permit.
2. To approve a Minor Use Permit for riparian area development, the Director of Development Services shall make all of the following findings in addition to the findings in Section 20.68.020 (Conditional Use and Minor Use Permits):
  - a. The proposed use, structure, or encroachment cannot be feasibly located outside the riparian area because such location would have a more adverse effect on the stream environment or alter the flood plain.
  - b. Measures are included that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management.

### 20.34.040 Performance Standards



**A. Construction.** Construction is prohibited in riparian areas over which the City maintains jurisdiction unless the necessary permits have been obtained from other responsible governmental agencies and plans have been approved by the Director of Development Services.

**B. Grading or Alterations to Riparian Vegetation.** Grading, alteration of the natural contours of the land, or cutting or alteration of natural vegetation that protects a riparian habitat is prohibited within riparian areas except when such action is:

1. Necessary to protect public health and safety as determined by the Director of Development Services; or,
2. Associated with an approved creek restoration and enhancement project intended to improve the health and environmental integrity of the waterway; or,
3. Associated with an approved land use entitlement.



- C. Streambed Alteration.** Filling, grading, excavating, or obstructing streambeds is prohibited except in the following circumstances or under any applicable provisions of State or Federal law:
1. Placement of City-approved storm drain and irrigation outflow structures shall be designed so as to eliminate or minimize increases in the rate and amount of storm or irrigation water discharge;
  2. Placement of public and nonpublic utility lines;
  3. Construction of bridges and their connecting roadways;
  4. Maintenance activities necessary to protect public health and safety;
  5. Creek restoration and improvement projects; and,
  6. Development associated with an approved land use entitlement.

#### **20.34.050 Coordination with Other Regulatory Agencies**

- A. Required Permits.** All required permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, the California State Water Resources Control Board, the Central Valley Flood Protection Board, Merced Irrigation District (MID), or other applicable agencies, including any permit required under an approved Habitat Conservation Plan, shall be obtained prior to, concurrently with, or as a condition of, the approval of any City permits for development within riparian areas.
- B. Submittal of Approvals.** Evidence of approval or pending approval of any such permit shall be submitted to the Planning Division, including all appropriate supporting materials, environmental documentation, and studies.

