

ARTICLE 37

SEC. 21-37 REGULATIONS FOR THE WATERWAY OR “WW” COMBINING DISTRICT.

37.1 Purpose: To preserve, protect and restore significant riparian systems, streams and their riparian, aquatic and woodland habitats; protect water quality; control erosion, sedimentation and runoff; and protect the public health and safety by minimizing dangers due to floods and earth slides. These purposes are to be accomplished by setting forth regulations to limit development activities in significant riparian corridors and through the establishment of an administrative procedure for the granting of exceptions from such regulations.

Within the “WW” Waterway combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “WW” combining district.

37.2 Applicability: This district may be applied on properties containing the following characteristics as defined in this Section:

- (a) Streams identified as “Natural Areas”, Figure V-5, Lake County General Plan.
- (b) Streams identified as “Critical Resource and Conservation Areas”, Figure V-6, Lake County General Plan.
- (c) Perennial streams: Any watercourse designated by a solid line symbol on the largest scale United States Geological Survey map most recently published. Perennial streams normally flow throughout the year.
- (d) Intermittent streams: Any watercourse designated by a dash and three dots symbol on the largest scale United States Geological Survey map most recently published. Intermittent streams normally flow only in direct response to rainfall and are dry for large parts of the year.
- (e) Areas adjacent to those locations identified in Subsections (a) through (d) above that include:
 1. Wetlands: Those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.
 2. Riparian vegetation: Those plant species that typically occur in wet areas along streams or marshes. Characteristic species are: Fremont Cottonwood (Populus fremontii), White Alder (Alnus rhombifolia), Box Elder (Acer negundo), Dogwood (Cornus nuttallii), Willow (Salix), Big Leaf Maple (Acer macrophyllum).

3. Natural standing water: Any area designated as standing water on the largest scale United States Geological Survey map most recently published, and that is not man-made, and is adjacent to a perennial or intermittent stream.

37.3 Definitions:

- (a) Development activities: Development activities shall include, but are not limited to:

1. Grading and dredging: Excavating or filling or a combination thereof including gravel extraction.
2. Clearing: The removal of vegetation down to bare soil.
3. Building: The construction or alteration of any structure or part thereof, such as to require a building permit.
4. Tree and shrub removal: The topping or felling of any standing vegetation four (4) or more inches in diameter at three (3) feet in height.
5. The deposition of refuse or debris.

This Section shall not be interpreted to include customary agricultural maintenance activities such as plowing, disking, harrowing, seeding, fencing and the burning of tules or stubble; or the planting of pasture, orchards, vineyards, or field and row crops.

- (b) Riparian corridor: Those areas which fall into any of the following four (4) categories:

1. Perennial streams: An area extending outward thirty (30) feet from the top of the streambank.
2. Intermittent streams: An area extending outward twenty (20) feet from the top of the streambank.
3. An area extending outward twenty (20) feet from the high water mark of an adjacent area of wetlands or natural body of standing water; or
4. An adjacent area of riparian vegetation. The boundary shall be defined as the outer limit of the occurrence of riparian vegetation and may extend farther than the above specified distances. This boundary may be determined by the Planning Director or Zoning Administrator.

- (c) Exception or conditional exception: For the purposes of administration of this Article, an exception is equivalent to a minor use permit and subject to all provisions pertaining to minor use permits as set forth in this Chapter.

37.4 Uses permitted:

(a) All uses permitted in the base zoning district; however, no person shall undertake any development activity within a riparian corridor except when:

1. The development activity is exempt from the provisions of this Article pursuant to Section 37.5; or
2. The development activity has been authorized by an exception or conditional exception pursuant to Section 37.6 of this Article.

37.5 Exemptions: The following activities shall be exempt from the provision of this Article:

- (a) The continuance of any pre-existing non-agricultural use provided such use has not been abandoned for a period of one (1) year or more.
- (b) Agricultural activities not involving the placement of structures or the removal of riparian vegetation (defined as vegetation four (4) or more inches in diameter at three (3) feet in height) within twenty (20) feet of the top of the streambank.
- (c) All activities done pursuant to a valid timber harvest permit.
- (d) Emergency clearing and filling measures for the protection of human safety, health or welfare.
- (e) Administrative gravel extraction permits pursuant to [Chapter 24](#) which do not result in the removal of riparian vegetation.
- (f) Clearing or removal of dead, dying, diseased or downed vegetation within the streambed or on the streambank; and the removal of vegetation obstructing streamflow or causing streambed or streambank erosion.
- (g) Maintenance and operation of existing flood control, irrigation and drainage facilities.

37.6 Exceptions: Exceptions and conditional exceptions to the provisions of this Article may be authorized by the Zoning Administrator.

- (a) The granting of an exception may be conditioned by the requirement of measures to ensure compliance with the purposes of this Article. Required measures may include, but are not limited to:
 1. Maintenance of a protective strip of vegetation between the development and a stream, marsh, or body of standing water. The strip should have sufficient filter capacity to prevent significant degradation of water quality, and sufficient width to provide value for wildlife habitat, as determined by the Zoning Administrator.
 2. Installation and maintenance of waterbreaks.

3. Surface treatment to prevent erosion or slope instabilities.
 4. Installation and maintenance of drainage facilities.
 5. Seeding or planting of bare soil including the establishment of ground cover or the planting of woody vegetation.
 6. Installation and maintenance of sediment catch basins.
- (b) Concurrent processing of related permits: An application for exception may be processed concurrently with an application for a permit required for the development activity in question. The Review Authority responsible for issuance of the required permit may also authorize an exception, pursuant to the requirements of this Article. No permit for the activities in question shall be issued until an exception has been authorized. Any permit must include any conditions included in the exception.