

Cypress

Environmental and Land Use Planning

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Autumn Newsletter

October 2012

Greetings and a Happy Autumn Season to You,

In this edition of my newsletter:

- [Cypress Helps Agricultural Landowner Obtain Difficult State Approvals for Better Water Source and Gets an Unusual 30-Year Fish & Game Agreement](#)
Cypress and Waterways Consulting tackle a challenging crop irrigation project for Peninsula Open Space Trust and the Grower at the Johnston Ranch.
- [Healthy Communities - A New Idea for Land Use Planning!](#)
What's land use planning have to do with public health? Actually, quite a lot and some planning agencies are starting to grapple with this issue.
- [Remember About Erosion Control Before the Winter Rains Arrive!](#)
If you have bare soil, the time to protect it is now. Otherwise, your rich topsoil may end up on someone else's property, or even worse, in a stream.



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More below...

Cypress Helps Agricultural Landowner Obtain Difficult State Approvals for a Better Water Source and Gets a 30-Year Fish and Game Agreement

The non-profit land trust, Peninsula Open Space Trust (POST), has been a dynamic force on the Central Coast for preserving both open space lands for biotic conservation and productive agricultural lands for leasing to growers. Now POST and one of its leasee growers, John Giusti, have the necessary approvals they need to relocate the irrigation water intake at the Johnston Ranch to a less impactful location on the Arroyo Leon in coastal San Mateo County. The 862-acre ranch historically diverted 22.2 acre-feet of stream water each year for crop irrigation under a 1986 license approved by the State Water Resources Control Board (SWRCB); but the old diversion used two seasonal in-stream dams.

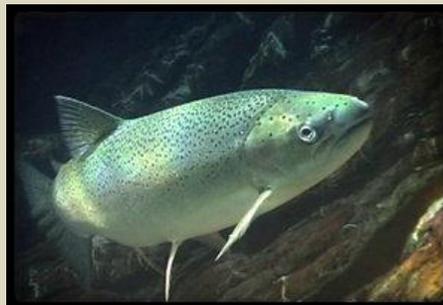
Flashboards would be installed each December to impound the water before piping it to the vegetable crop fields on the ranch during each summer. The flashboards created an insurmountable barrier for steelhead trout and coho salmon migrating upstream to spawn. When the steelhead and coho salmon became listed as threatened species, the National Marine Fisheries Service and the California Department of Fish and Game, urged POST to cease use of the flashboards and find a new diversion location on the stream. When POST approached the SWRCB for a new license to relocate the diversion downstream, the State agency replied that an environmental analysis would first be required but unfortunately they didn't have the staff to conduct the analysis. The SWRCB further said that the Dept. of Fish & Game must also be contacted for their approval. That's when POST contacted Cypress Environmental for help.



John Giusti at the Johnston Ranch. The ranch is owned by the land trust, POST, who lease a portion of it to Mr. Giusti for a variety of row crops.

Cypress was hired to prepare an Expanded Initial Study, as required by the California Environmental Quality Act, and submit it to SWRCB for approval. The Initial Study discussed why the proposed stream diversion location would generate less impacts to fisheries and other aquatic life as compared to the former location. It also identified mitigations to both avoid and substantially reduce any impacts resulting from the use of the diversion facilities. Mitigation measures include restricting the amount of water that could be diverted from the stream and limiting the diversion season to December 15--March 31, when winter rainfall is typically the greatest. The approved Initial Study allowed SWRCB to grant POST a new license at a new diversion location and it was subsequently used by the Dept. of Fish & Game in their review of the project.

[Waterways Consulting](#), a firm specializing in hydrology and water resources science, came on board to collaborate on the Initial Study and to prepare the plans for the design and installation of diversion facilities. Waterways also designed and installed the staff gage to measure stream flows in Arroyo Leon.



Once the diversion license was granted, it was on to the Dept. of Fish and Game. Cypress prepared the expansive application for a Streambed Alteration Agreement (SAA) to allow placement of minimal diversion facilities in the riparian corridor at the new location. Consultation with Fish & Game resulted in their agreeing to a significantly longer SAA than is normally approved. Typically, SAAs are approved for a 5-year period and must be renewed every 5 years.

The Johnston Ranch SAA was approved for 30-years, in large part because of the quality of the Cypress-authored Initial Study and the track record of POST as a good land steward.

Now John Guisti, who was named San Mateo farmer of the year in 2011, can irrigate his crops without fear of losing his water source or wondering if another new analysis will be required after 5 years.

Healthy Communities - A New Idea for Land Use Planning!

According to the Centers of Disease Control, our nation faces a crisis due to the burden of chronic disease. Today, 7 of the 10 leading causes of death in the United States are chronic diseases, and nearly 50% of Americans live with at least one chronic illness. Can how we plan and live in cities and towns and reduce this problem?



The idea of utilizing land use planning to increase public health in communities is a new trend that has picked up steam in the last couple of years. This new trend is a result of the general decline in American health in recent decades and the realization that local planning agencies, not just public health departments, can implement policies to improve our public health. larger leap to create a more "Healthy Community".



Implementing local policies that encourage farmers' markets and provide for a system of neighborhood/community gardens are two ways cities and counties can plan for healthier communities.

The Riverside County Healthy Communities Element (RCHCE) is the *first optional* General Plan Element incorporated into a County's Master Plan in California. General Plans, which each California county and city are required to prepare and implement, can be thought of as a community's "land use bible" that guides zoning and other land use planning activities.

The RCHCE was created in response to increasingly high levels of chronic diseases such as obesity and low-ranking physical environment conducive to health (i.e. poor air quality, lack of pedestrian and bicycle facilities, etc.). This effort emerged from the Riverside County Health Department's realization that key aspects of creating healthy (or unhealthy) communities is related to decisions regarding land use. The Health Department initiated coordination with the County

Planning Department to formulate new health-oriented land use policies for Riverside County. The County's General Plan now contains an entire element devoted to policies that make the connection between the development of the physical environmental and human health.

According to the RCHCE: "How the land uses are arranged and the urban form is constructed are critical to the health and well being of residents because they affect such things as levels of physical activity, access to nutritious food, and the creation and exposure to pollutants. Healthy land use patterns can be achieved by encouraging infill, focusing development in mixed use districts and along major transit corridors, avoiding leap frog development, constructing a diverse mix of uses throughout the County and encouraging land use patterns that promote walking, bicycling and transit use."



Implementing development policies that promote walkability to and within commercial areas creates cleaner air and makes shopping more of an aerobic activity as seen here in Petaluma, CA

Adoption of this new General Plan element includes new land use and development policies for the County including:

- Directing new growth to existing, urbanized areas instead of suburban sprawl;
- Requiring pedestrian-oriented design that encourages the use of bicycles and walking as alternatives to driving and increases levels of physical activity;
- Encouraging the development of neighborhood grocery stores that provide fresh produce;
- Promoting the production and distribution of locally grown food by reducing barriers to farmers markets, food cooperatives, neighborhood or community gardens; and
- Reducing public safety concerns that create barriers to physical activity by requiring adequate lighting and street visibility.

APA's project to Re-invent the General Plan has showcased the RCHCE as a model on how to improve city and county General Plans throughout the state. The complete RDHCE can be viewed at: www.healthyriversidecounty.org/HealthyCommunitiesElement.

In my next newsletter (winter) I'll discuss how a city in Massachusetts is taking a different approach to plan for a more a more "Healthy Community". Stay tuned. We will continue this discussion.

Remember About Erosion Control Before the Winter Rains Arrive!



This old road cut became barren over the years and experienced major slope failure in a 2010 winter storm. Applying erosion control measures before winter would have cost a fraction of the clean-up and remediation expense.

Most local jurisdictions in California, as well as some State and federal resource agencies, use the date of October 15th as the start of the rainy season. So if your construction site or the bare slopes on your land are not "buttoned up" for the winter, the time to do it is now. Controlling erosion is not just good for the environment, it also preserves your soil and avoids the need to clean-up a major eyesore in the middle of the winter.

Much of erosion control is really good surface drainage control. A sizable amount of erosion damage can be prevented by implementing measures to substantially reduce the amount and the velocity of storm runoff. These measures include using water bars, silt fences and temporary berms. Another primary goal of erosion control is soil stabilization. This includes applying seed and mulch

to bare soils and installing jute netting and/or straw wattles or coir rolls. I discussed erosion control in my [Autumn 2011](#) and [Winter 2012](#) newsletters. If you need some ideas on how to control erosion at your property, reading those two articles is a good start.

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