

RESOLUTION NO.

19-20

**A RESOLUTION ADOPTING CITY OF MONTICELLO  
STREAM PROTECTION POLICY**

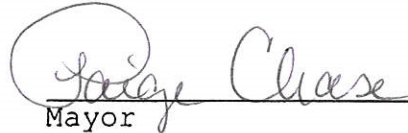
WHEREAS, the Monticello Stream Protection Policy is set forth Attachment "1" hereto;

WHEREAS, the Monticello Stream Protection Policy is complimentary of the City of Monticello Stream Protection Ordinance.

NOW, THEREFORE BE IT RESOLVED by the City Council of Monticello, Arkansas that the Monticello Stream Protection Policy as set forth on Attachment "1" hereto is approved.

(END OF RESOLUTION)

ADOPTED on this 25<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
Mayor

Attested:

By:

  
\_\_\_\_\_  
Whit Barton  
City Attorney

## MONTICELLO STREAM PROTECTION POLICY

The Monticello Stream Protection Policy is complimentary of the City of Monticello Stream Protection Ordinance.

**INTENT:** The purpose of the Monticello Stream Protection Policy and City of Monticello Stream Protection Ordinance is to establish minimal acceptable requirements for buffers to protect the streams, wetlands, and flood plains within the City of Monticello to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources and to protect the City of Monticello' riparian and aquatic ecosystems; and to provide for the environmentally sound use of the City's land resources by:

1. Safeguarding and preserving streams and Riparian Corridors in a natural state;
2. Preserving and enhancing stream side vegetation and wildlife;
3. Preventing activities that would contribute significantly to flooding, erosion or sedimentation, or that would destroy riparian areas or would inhibit their restoration;
4. Enhancing recreational and beneficial uses of streams;
5. Controlling erosion and sedimentation; and increasing flood protection;
6. Protecting the public health and safety, and public and private property.
7. Protect and enhance the water quality, the aquatic and riparian habitat, and the structure and ecological functions of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the federal Clean Water Act and FEMA flood protection guidelines.

**DEFINITIONS:** The following definitions apply to terms as set forth in the City of Monticello Stream Protection Ordinance and Monticello Stream Protection Policy, to-wit:

**Active Channel:** The area of the stream channel that is subject to frequent flows (approximately once per one and a half years) and that includes the portion of the channel below the floodplain.

**Armoring of stream:** Protective covering of a stream's bed or banks with erosion-resistant material such as rock or concrete. Armoring often causes losses of riparian vegetation, and increases in stream flow velocities and water temperatures, resulting in losses of aquatic and riparian habitat, and water quality.

**Bank full channel:** The stream channel formed by bank full

discharge. Bank full discharge corresponds to the water stage where the flow first overtops the banks.

**Best Management Practices:** Conservation practices or management measures that control soil loss and Practices (BMPs) reduce water quality degradation caused by nutrients, animal wastes, toxics, sediment, and runoff.

**Bioengineering:** Use of native soils and/or plant material to provide bank stabilization, erosion control, and/or re-direct stream flows in a stream system.

**Buffer:** A native vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, reservoir, or coastal estuarine area. Buffer means the area of land immediately adjacent to the banks of a stream in its existing or enhanced state of vegetation (established by Subsection 4.2 herein).

**Department:** Department means the City of Monticello Planning Commission

**Development or Work:** any act of filling, depositing, clearing, grubbing, mining, drilling, paving or, earthwork, or removing any natural material, or constructing, reconstructing, repairing or enlarging any structure, or any activity that requires a building, plumbing, electrical, mechanical or demolition Permit.

**Director:** Director means the designee of the Department.

**Impervious Cover:** Impervious Cover or Impervious Surface means any paved, hardened or structural surface, including but not limited to, buildings, concrete decks, driveways, parking areas, patios, streets, swimming pools, tennis courts, walkways, and other structures.

**Land Development:** Land Development means:

- 1) All activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy or habitation, other than for agricultural purposes devoted strictly to the cultivation of the land, dairying or animal husbandry. Such activities include land disturbance (clearing and grubbing the land of vegetation and stumps, and grading) and the construction of improvements such as but not limited to streets, driveways or parking areas, water or sewer mains, storm water drainage facilities, sidewalks or other structures permanently placed on or in the property.

- 2) Where appropriate to the context, the term "development" also may be used to denote a specific subdivision or project which is a single entity or intended to be constructed as in

interrelated whole, whether simultaneously or in phases. Land Development Activity means those actions or activities which comprise, facilitate or result in land development. Land Disturbance means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, clearing and grubbing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices. Land Disturbance Activity means those actions or activities which comprise, facilitate or result in land disturbance.

**Lot or Parcel:** Lot/Parcel means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**Floodplain:** Floodplain means those lands subject to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed; i.e., the regulatory flood.

**Major Remodel:** Any remodeling of a main building whenever the aggregate value of all alterations of any remodeling project exceeds 50 percent of the replacement cost of the main building.

**Multi-use Trail:** Multi-use Trail means a hard surface (concrete, asphalt, boardwalk, etc.) transportation structure specifically constructed for alternative transportation such as walking, biking, roller blading, etc. and not intended to transport motorized vehicles such as cars, trucks, motorcycles, etc.

**Nonpoint Source:** Pollution that is generated by various land use activities rather than from pollution an identifiable or discrete source and is conveyed to waterways through natural processes, such as rainfall, storm water runoff, or groundwater seepage rather than direct discharges.

**Permit:** Permit means the permit issued by the Planning Commission required for undertaking land development or land forming activity involving land clearing, grubbing, shaping, filling, excavating or any other activity that will cause soil erosion.

**Perennial Stream:** Perennial Stream means a watercourse having a source, terminus, banks and channel through which water flows on a continuous basis as depicted on the most recent United States Geological Survey 7.5-minute quadrangle map (scale 1:24,000).

**Person:** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Arkansas, interstate body or any other legal entity.

**Pollution:** Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to:

1. Public health, safety, or welfare
2. Domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses
3. Livestock, wild animals, or
4. Fish or other aquatic life

**Riparian:** Riparian means belonging or related to the bank of a river, stream, lake, pond or impoundment.

**Riparian Corridor:** whichever of the following covers the larger area: (a) a Watercourse together with its Bank and its Setback; or (b) a Watercourse together with an area of adjacent Riparian Vegetation which may be identified through field investigation.

**Riparian Vegetation:** plant species typically native to Riparian Corridors.

**Stream Protection Area:** Stream Protection Area or Protection Area means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

**Setback:** Setback means, with respect to a stream, the area established by Subsection 4.1.2 extending beyond any buffer applicable to the stream.

**Stream:** A Watercourse that is a naturally occurring swale or depression, or engineered channel which carries fresh or Estuarine water either seasonally or year-round within the City boundaries, and/or any area identified through field investigation by a trained biologist, engineer, landscape architect, hydrologist, fluvial geomorphologist, or ecologist as meeting the above criteria. Streams include tributary drainages that carry storm water runoff and connect to larger streams. The normal stream flow is any flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from the groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfall or snow melts; or a point in the stream channel with a drainage area of 20 acres or more.

**Stream Bank:** Stream Bank means the confining cut of a stream channel.

**Stream Channel:** Stream Channel means the portion of a watercourse that contains the base flow of the stream.

**Stream Protection Zones:** a protected area in and adjacent to a Stream, including Flood Control Channels. For all Streams, the City of Monticello recognizes three Stream Protection Zones: an area within the top of the banks called Stream Protection Primary Zone; an area adjacent to the stream banks 30 foot wide called Stream Protection Buffer Zone and a 20 feet wide strip on the outside of each buffer zone called Stream Protection Set Back Zone.

**Structure:** Any works or constructions of any kind, including those of earth or rock, permanent or temporary, and including but not limited to fences, patios, swimming pools, decks, poles, buildings, paving, inlets, levees, tide gates, spillways, drop structures, retaining walls, erosion control devices and similar facilities.

**Toe of Bank:** the point at which the Bank slope intersects the bottom of the Watercourse nearest the side of the proposed Development.

**Top of Bank:** The point at which a line projected from the Toe of the Bank toward the top of the

Bank at a slope of 2 to 3 (horizontal) to 1 (vertical) intersects surrounding level ground.

**Utility:** Utility means a public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by local and state infrastructure system.

**Watercourse:** Watercourse means any natural or artificial waterway, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, gully, ravine, or wash in which water flows either continuously or intermittently, having a definite channel, bed and bank, and included any area adjacent thereto which is subject to inundation by reason of overflow or flood water.

**Watershed:** Watershed means the land area that drains into a particular stream.