17.30.080 Environmentally Sensitive Habitat Areas (ESHA's)

(1) Purpose

The purpose of these regulations is to ensure that environmentally sensitive habitat areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future residents of the City.

The presence of environmentally sensitive habitat in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified biologist using criteria acceptable to the Department of Fish and Game may be necessary and shall be required when wetland characterization and limits cannot be easily identified by a site inspection.

(2) Definitions

(a) "Environmentally Sensitive Habitat Areas" (ESHA's) means anadromous fish streams, perennial and intermittent streams, sensitive species rookeries and nest sites, wetlands, riparian areas and habitats of rare and endangered plants and animals.

(b) "Riparian Corridor" means the area between the top of streambanks or hinge-points of the streambanks containing riparian vegetation and the adjacent upland area.

(c) "Riparian Vegetation" means pertaining to, or situated on the banks of a stream, river, lake or pond such as willows, alders, cottonwood, wax myrtle, big leaf maple, California laurel, red elderberry, etc.

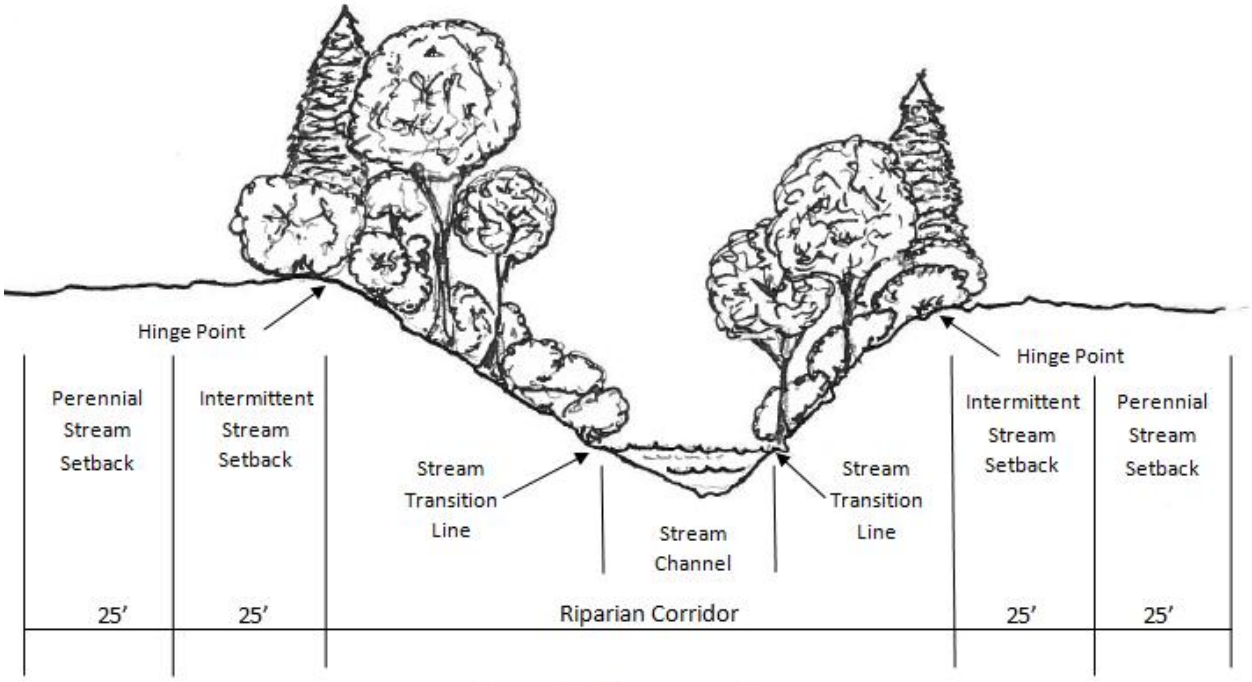
(d) "Stream Channel" means the area of a stream between its stream transition lines.

(e) "Streamside Management Areas (SMA's)" means riparian buffer areas for protecting sensitive fish and wildlife habitats and minimizing erosion, runoff and interference with surface water flows.

(f) "Stream Transition Line" means the line closest to a stream where riparian vegetation is permanently established.

(g) "Wetlands" means lands which may be covered periodically or permanently with shallow water and which include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, fens, and vernal pools. (Fish and Game Code, Section 2785(g)).

(h) Definitions Diagram



Streamside Management Areas

(3) Development Standards

(a) Stream Channels. Development within stream channels is limited to the following projects.

(1) Fishery, wildlife, and aquaculture enhancement and restoration projects.

(2) Road crossings subject to Section 1600 *et seq* of the Fish and Game Code.

(3) Flood control and drainage channels, levees, dikes, and floodgates.

(4) Mineral extraction consistent with other State regulations.

(5) Small-scale hydroelectric power plants in compliance with applicable State regulations.

(6) Wells and spring-boxes, and agricultural diversions.

(7) New fencing, so long as it would not impede the natural drainage or wildlife movement and would not adversely affect the stream environment or wildlife movement.

(8) Bank protection, provided it is the least environmentally damaging alternative.

(9) Other essential projects, including municipal groundwater pumping stations and infiltration galleries provided they are the least environmentally damaging alternative, or necessary for the protection of the public's health and safety.

(b) Streamside Management Areas. Development within Streamside Management Areas shall be limited to the following uses:

(1) Development permitted within stream channels.

(2) Public access parking areas and trails when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.

(3) Timber management and harvests activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(e)

(4) Road and bridge replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.

(5) Removal of vegetation for disease control or public safety purposes.

(6) Bank stabilization projects when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.

(c) Streamside Management Areas are identified and modified as follows:

(1) Fifty (50) feet, measured as the horizontal distance from the hinge-point of the riparian corridor on each side of perennial streams.

(2) Twenty-Five (25) feet, measured as the horizontal distance from the hinge-point of the riparian corridor on each side of intermittent streams.

(d) Where necessary, the width of Streamside Management Areas may be expanded to include significant areas of riparian vegetation adjacent to the buffer area, slides and areas with visible evidence of slope instability, not to exceed 100 feet measured as the horizontal distance from the hinge-point of the riparian corridor on each side of perennial streams and 50 feet measured as the horizontal distance from the hinge-point of the riparian corridor on each side of intermittent streams.

(e) The Streamside Management Area shall be reduced or eliminated where the City determines, based on specific factual findings, that it will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability.

(4) Mitigation Measures.

Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:

(a) Retaining snags unless felling is required by CAL-OSHA, or by California Department of Forestry (CALFIRE) forest and fire protection regulations, or for public health and safety reasons, approved by the appropriate agency. Felled snags shall be left on the ground if consistent with fire protection regulations as long as they have no economic value.

(b) Retain live trees with visible evidence of use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.

(c) Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall not be required unless natural regeneration does not occur within two years of the completion of the development project.

(d) Erosion control measures for development within Streamside Management Areas shall include the following:

(1) During construction, land clearing and vegetation removal shall be minimized.

(2) Construction sites shall be mulched with natural or chemical stabilizers to aid in erosion control and insure re-vegetation.

(3) Long slopes shall be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.

(4) Concentrated runoff shall be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge where discharge is to natural ground or channels.

(5) Runoff shall be controlled to prevent erosion by on-site or off- site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods

include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.

(6) Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Fish and Game and Regional Water Quality Control Board.

(e) Winter operations (generally October 15 thru April 15) shall employ the following special considerations:

(1) Slopes shall be temporarily stabilized by stage seeding and/or planting of fast germinating seeds such as barley or rye grass; and mulched with protective coverings such as natural or chemical stabilizations.

(2) Runoff from the site shall be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.

(5) Other Wet Areas.

Development, except for wells and spring-boxes, in or adjacent to other wet areas, including natural ponds, springs, vernal pools, marshes and wet meadows (exhibiting standing water yearlong or riparian vegetation) shall be consistent with the standards for streamside management areas, where appropriate.