

**Transcription  
Charts 6/17/2010**

[Sheet 1C:]

**Woody Riparian Vegetation – Comments & Questions**

Dani

Title: Remove 35' and replace with 20'.

Clear Definition of “Woody Riparian” and how it relates to dead trees, fallen trees, diseased or damaged.

Section V.2

i, ii

expand so it clearly, by exempting, encourages property owners to also improve Fish & Wildlife Habitat, otherwise implies property owners can't be trusted and public agencies can be trusted.

[Sheet 1B:]

Section 10

One sentence, first sentence only.

Whole Draft ordinance

Tone of implied distrust throughout unnecessarily adversarial in tone.

End of this ordinance:

Two years from date of adoption or a determination by a public agency that the coho are extinct, which ever occurs first.

Add section – no fee would be charged for any application made pursuant to this ordinance.

[Sheet 1A:]

Question

How is flood plain, top of bank [defined?]

What happens when there is no top of bank?

[illustration] Where is T.O.B.?

-- Eliminate use of T.O.B. and use centerline of water (midpoint of water course)

-- Does this ordinance apply to non-salmon bearing streams (please clarify intermittent vs. Perennial with regard to this question.

-- Attorneys writing the ordinance need a field trip to understand how it works “on the ground.”

Section VI –

(clarify this:)

Try to minimize hurdles, steps, permits, etc. Keep it to just one step – over the counter permit.

[Sheet 1D:]

Section 6 A – D, please clarify how many need to be satisfied. All? Eliminate B [6.B] because it’s unintelligible.

for example: In A [6.A], are there any parcels that fall entirely in the Riparian Habitat Protection area?

← delete the word “Full.”

B [6.B] does it mean that if the part of a property outside the RHP is more sensitive than RHP it is OK to build/activity in RHP?

or

does it mean that if other properties that contribute to more degradation outside RHP trump the sensitivity of my RHP so that I can build in the RHP?

[Sheet 1E:]

Section 6

D. [6.D] -- eliminate the word “strict” – it’s redundant. Strike “all of the” and replace with “any.”

C. [6.C] – Who defines “essential” if the property owner identifies a tree that is going to fall, and removes it because it is a hazard. Does someone from County have to do a site visit, write a report, and collect a fee and think about it, or can the property owner’s judgment be trusted?

7a [7.a] substitute “of such”.

Definitions should include what constitutes a public agency.

### Agenda

- \* Welcome, purpose of meeting, purpose of ordinance
- \* Ordinance content
- \* Brief public statements by Valley organizations
- \* Comment Circles  
(facilitated)

### WRVP Questions

- § 3 – buffer averaging
  - 35 ft might not work for each parcel
  - negation
- \* mitigation measures
  - if watershed negatively affected
- \* deal with abnormals
- \* flexibility as long as salmonids protected
- \* mechanisms for dealing with the unique situation of each parcel / property
- \* § 4 → clearer → put native before woody
- \* live vs. dead → clarify how you treat them
- \* Is pruning removal?
- \* define “removal”

### § 4, continued

“any action that eliminates the viability”

- \* do you “remove” vegetation that has been “removed,” i.e., dead?

§ (2 i) → Why can't private individual do activities approved by engineer (b/c) already gone through feds

- \* Does PG&E get included?
- \* Why not make public agencies exempt?
- \* What about private individuals removing tree from public property?

[Sheet 2D:]

§ 6 – C → fire → exempt or excepted . . .

- \* make it easier to “do good”  
& restore streams  
→ fed process → F & G / Army Corps
- \* wild / urban interface regs
- \* don't want to get trapped between agencies → Fire \ DPW \ CDA

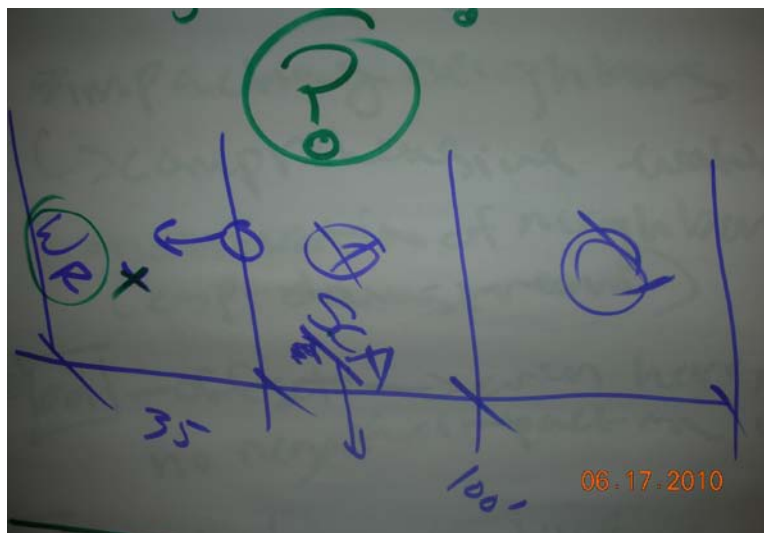
§ 6 a. – How about when a house falls entirely within itself.  
→ Can I show 1x [one time] that I fall under A [6.A] or do I have to do it every year?

[Sheet 2E:]

6.b.

Wildlife biologist necessary

- \* What about if upland is degraded?



[Sheet 2E diagram.JPG]

6.c.

→ What is the fee?

\* How long will it take?

\* Refunds

\* Retroactive?

→ Get tree ordinance for abatement process

[Sheet 2F:]

6c. – (See also 9)

Refundable permits  
if it was a safety hazard

\* non-native

\* impacting neighbors

→ comprehensive evaluation

\* Notification of neighbors (especially, downstream)

6d. – Offset → even here, so no negative impact on watershed

7a. – native / non-native  
lists! & definitions

\* TH → list what will stay

\* Invasive

[Sheet 2G:]

7b.

\* Channel changes?

7c. Watercourse →

natural / once natural – culvert?

→ is a once natural culvert

TH → what about my culvert?

Clarify – especially the “or”

7d.

→ SGV → Why not involve more than “just us”?

TH: We want it now!

[Sheet 2H:]

8. → a 1x [one time] filing.

→ how about submitting a vegetation management plan → 1 submittal

2. How will you enforce this?

\* community volunteers

\* not broad enough?

\* Q: Why are you excluding the remaining RV? This won't fly (C O'C)

\* 9 –

Q: Refund / waiver for safety hazards / improvements

\* Refund if I prove I'm “excepted”

10. SGV CP → cite

[Sheet 3A – page 1:]

### **The Real Cool Group**

-- Why do we need ordinance on streams that don't have and won't have fish –  
and are too steep for 8% ?

-- Different standards for upland smaller streams  
→ they are fire chimney.

-- Is it to protect water temp?

\_\_\_ Is the science of what the fish require sound?

-- Lots of build up of fuels – encourage removal of habitat

-- Make information about what you can or should do easy to find.

--There should not be a SGV-only ordinance, it is a County-wide issue.  
SGV = 5% population

- Define between live and dead
- Distinguish between woody debris in stream vs. on bank
  - in stream causes flood hazard.

[Sheet 3B – page “2”:]

- Procedure for emergencies so no delay for permit
  - without arborist letter
- How long will it take to get a permit?
  - time limit otherwise deemed to be granted
- Emergencies –many are unpredictable
  - (storm damage, loss of bank)
- Removal of vegetation could destabilize bank
- Need global look at this between creek permit & veg. removal ordinance
- Difference between pruning & removal must be clear
  - Pruning is that which will leave viable root system and tree.

[Sheet 3C – page “3”:]

County Fire is available to advise homeowners on defensible space – prefer to do it on neighborhood basis

7a.

- Any plants associated with or relies on water course” – too vague
- look at DFG definition for top of bank
  - ← or don’t look

7b.

- definition of watercourse
    - a lot of valley water goes through conduits, drainage ditches, culverts, before reaching main stream.
- Not Clear

[Sheet 3D – page “4”:]

5b.

you don’t want botanist, you want arborist.

Arborists charge per letter PLUS transit time.

-- licensed tree removal contractor letter should be sufficient.

-- ordinance needs to address R.O.W. owned by others  
ROW on streambed exists.

-- People find it very hard to get all required permits that are legally required –  
they give up or do it anyway –  
Too many regs. Don't need more.

There should be consistency between CWP 100' req. & 35'

-- UWI (WUI) REQUIRES 100' clearance – Why do we have to pay to comply with  
state law?

[Sheet 3E – page “5”:]

CDA should facilitate agreement protocols for environmental and community  
groups to ask permission to enter, inspect or photograph property.

6e.

Not “essential” but more likely than not (Judge Dufficy standard for TRO & public  
nuisance).

15. Need to see the findings – they are the set-up for the law suit  
it's a sham to not tell us what

-- 2 year sunset on ordinance.

-- 2 year local volunteer compliance & restoration trial.

[Sheet 4A “1 of 4”:]

### Tom's Group

\* How would the County know that removal of vegetation occurred?

\* What happens if I'm turned in & have to go through enforcement process?

\* How is top of bank defined?

[Diagram: “Creek” – Where is T.O.B.?

\* Are there things from this Ordinance that we should keep in mind may affect the  
subsequent County-wide ordinance?

\* Can you remove riparian vegetation IF you show it has absolutely No Impact on the creek, fish, habitat, etc.?

\* Predators – Otters kill fish!

\* Enforcement (Is it enforceable? How can you enforce Ord.? What are the steps for enforcement?)

[Sheet 4B “2 of 4”:]

\* Why does it enforce non-fish creeks?  
Provide Map of creeks that are affected)

\* Clarify what types of riparian vegetation can / cannot be removed.  
(I.D. types)—ornamentals / invasives.

\* Is pruning of woody riparian vegetation allowed?

\* Does fire vegetation (WUI) take precedence over riparian vege ordinance?

Can you remove vegetation during an emergency?

\* Can you remove a dead tree? (e.g., S.O.D. Oak)

\* Who decides if a dead (fallen) tree stays or goes?  
(It may provide shade for fish)  
(Creeks are dynamic – Logs shift & move too)

\* Who sets the fees? How much does it cost?

\* What are the submittal requirements?  
(Provide clear list of information, photos, studies, etc., that are needed)  
(Do you need a professional – e.g., Arborist to provide report to support removal?)

[Sheet 4C “3 of 4”:]

What is the Goal?  
(Protect the fish or the habitat?)  
(In my experience, the other animals RULE the habitat, e.g., raccoons, deer, etc.)

-- Does ord. provide flexibility to planners to apply Common Sense in administering it?

-- What's the basis for this ordinance? What's the problem?  
(“I'm not aware of people cutting trees.”)

\* The ordinance doesn't specify potential mitigations to affect impact of vege. removal. (i.e., potential to enhance habitat through mitigation.)

\* Does County take on liability for denying Permit to remove tree that subsequently falls & injures people / damages property?

\* There is not an Exception if removal is needed for Habitat enhancement project (e.g., plant more riparian vegetation)  
(e.g., remove 1 non-native tree to replace 2 natives.)

[Sheet 4D “4 of 4”:]

\* Would County pursue this ordinance if there isn't a threat of a lawsuit from SPAWN?

(Is this a good ordinance? Do we really need it?)

\* Read “Wild Trees”?