

ATTACHMENT B

Expanded Discussion of Wetland Buffer Provisions

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| <p>Biological Resource §3400 - §3604 (FP) §3.30 (HBAP)</p> | <p>Protect designated sensitive and critical resource habitats.</p> | <p>A site visit by Department of Fish and Wildlife identified a small isolated wetland near the middle of the parcel. The applicant engaged the services of a biologist who submitted a Preliminary Wetland Delineation (Dains, May 6, 2015) followed by a Wetland Protection Plan (Dains, June 5, 2016) and incorporated in the revised May 2016 site plan. The Wetland Delineation identified the wetland as a 150 square foot seasonal isolated wetland occurring on disturbed ground. Section 3.30.B.6.e of the HBAP allows for the relaxation of the 100 foot wetland setback provided the reduction is necessary to allow development of the parcel with the principally permitted use and the maximum feasible setback is maintained sufficient to protect the wetland's habitat values. The Wetland Protection Plan details measures to implement to ensure the protection and rehabilitation of the wetland area. The 150 square foot wetland will be protected by a no-development setback area 13 times its size. The minimum setback to parking areas is approximately 16 feet. The wetland and setback area will be separated from foot and vehicular traffic by a permanent post and cable fence. A concrete curb will encircle the wetland setback area to prevent parking area runoff from entering the wetland. During construction the wetland setback area will be protected with high visibility fencing and remain undisturbed. After construction the wetland setback area will be planted with native, locally sourced species and monitored and maintained to ensure the plantings survive.</p> <p><u>The HBAP requires that when development occurs within the wetland buffer, as that term is defined in Section 3.30B.6.a and below, the project shall be subject to the mitigation measures set forth in section 3.30B.6.f(1) through (6) inclusive, as applicable. By definition, the wetland buffer from this wetland feature extends to the surveyed property lines of the subject parcel in all directions. These measures will be part of the final development plan for the project (see Page 9 of this staff report, Condition of Approval #23 for full text of this provision). The measures will be satisfied as follows: (1) no more than 25% impervious surfaces – the applicant will meet this standard through limiting hardscape and through use of pervious paving and/or other suitable surfacing materials; (2) release of storm water runoff – runoff will be redirected away from the wetland feature through drainage plan and through incorporation of Low Impact Development features (Condition of Approval #3, 14, 15); (3) dissipation of outfalls, culverts and gutters – drainage plan and to comply with MS4 and on-site detention (Conditions of Approval #3, 4, 8, 14); (4) sewage disposal to meet Basin Plan requirements – the development will be served by Humboldt Community Services District; (5) disturbance within 100 feet of mean high water line – not applicable; and (6) minimize cut and fill, address sediment and revegetate all disturbed areas – the project will use best management practices to control erosion and sediment from construction activities and includes landscaping plan (Condition of Approval -#12, 13, 16).</u></p> <p>The project is conditioned with standard erosion and sediment controls, an oil-water separator, and LID techniques for natural storm water detention. Therefore, minimal impacts to biological resources and/or sensitive or critical habitats resources are expected.</p> |
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| 313-87.3 Signs and Nameplates | In commercial zones signs shall not exceed 300 square feet in the aggregate and shall not be divided into more than six single-faced or double-faced signs. | The project proposes two signs. The first is a double-sided pole mounted sign of approximately 70.7 square feet per side (141.4 square feet total). The height of the pole mounted sign is 21 feet. This sign is proposed to be illuminated. The second sign will be mounted on the building and be approximately 150 square feet and illuminated. Together the signs total 291.5 square feet. |
| 313-38.1 W: Coastal Wetland Areas | <u>The purpose of these provisions is to establish regulations to provide that any development in coastal wetlands will not degrade the wetland, but will maintain optimum populations of marine or freshwater organisms and, where feasible, will enhance wetland resources.</u> | <u>The project proposes the protection, revegetation and restoration of the wetland by implementing the mitigation measures in the environmental document and Section 3.30B6 Wetland Buffers of Humboldt Bay Area Plan and adhering to the Wetland Protection Plan developed for the project.</u> <u>These measures, when implemented, will enhance the wetland resources.</u> |
| 313-125 WETLAND BUFFER AREAS | | |
| 313-125.8 Required Findings | <u>Development within Coastal Wetland Buffer Areas shall be permitted only if the applicable Resource Protection Impact Findings in Chapter 2, Procedures, Supplemental Findings (312-39.15), are made.</u> | <u>As described and depicted on the plot plan, a degraded seasonal wetland (approximate 150 square feet) lies in the southwest portion of the property. By definition, a buffer from this wetland feature extends to South Broadway and the adjoining property lines. Per Section 313-125.7.3 development within the wetland buffer may be sited closer than 100 feet (or the average setback of existing development using the string line method) from the wetland feature. This accommodation may be used if it can be shown that 1) the lesser setback will not result in a significant adverse effect to the wetland habitat and will be compatible with the continuance of such habitat; and 2) additional mitigation measures may be required to ensure that new development does not adversely affect habitat values. The two findings are addressed in the Dains reports (refer to discussion in Section 1 HBAP consistency (above)) and in the Supplemental Findings for Coastal Wetland Buffers 312-39.15 below.</u> |
| 312-39 SUPPLEMENTAL COASTAL RESOURCE PROTECTION IMPACT FINDINGS | | |
| 312-39.14 Coastal Wetlands | | |
| <u>There is no less environmentally damaging feasible alternative</u> | <u>The project proposes to develop a parcel that was subdivided for the purposes of future commercial development. The parcel, including the wetland area, has been previously disturbed by the dumping of fill, asphalt scrap, off road vehicle traffic and parking. The</u> | |

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| | <u>proposed project will result in the enhancement and restoration of the degraded wetland and therefore be less environmentally damaging than the "no project" alternative.</u> |
| <u>The best mitigation measures feasible have been provided to minimize adverse environmental effects</u> | <u>Project mitigation proposed should enhance and restore the wetland to a higher functioning wetland feature. The objective will be to maintain a seasonal wetland with native herb and shrub canopy layers. The wetland will function for groundwater percolation and will retain escape cover with seasonally moist soils. It will provide foraging opportunities for seed and fruit eating birds and nesting opportunities for songbirds.</u> |
| <u>The required mitigation will maintain or enhance the functional capacity of the wetland or estuary</u> | <u>No development within the wetland is proposed. The mitigation measures imposed on the project will effectively enhance the functionality of the wetland.</u> |
| <u>312-39.15 Coastal Wetland Buffers</u> | |
| <u>Development will be sited and designed to prevent impacts which would significantly degrade wetland habitat areas, and shall be compatible with the continuance of such habitat areas</u> | <u>The project includes a number of mitigation measures designed to prevent impacts to the wetland. These include clearly delineating the limits of the wetland to prevent construction activities or other intrusion in the area. During construction the wetland area will be protected with high visibility fencing and remain undisturbed. After construction, the wetland area will be separated from foot and vehicular traffic by a permanent post and cable fence and planted with native, locally sourced species and monitored and maintained to ensure the plantings survive. These measures will prevent impacts to the area and enhance the habitat value of the wetland.</u> |
| <u>The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms shall be maintained, and where feasible, restored.</u> | <u>No development within the wetland is proposed. Project mitigation proposed should enhance and protect the wetland onsite.</u> |

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