

ATTACHMENT 5 OF STAFF REPORT

Changes To: Table of June 2007 SWMP Analysis and Required Revisions

Note: This table provides the changes to the original “Table of June 2007 SWMP Analysis and Required Revisions”. All other required revisions shown on the original Table are still in effect.

Acronyms:

BMP - Best Management Practice
SWMP - Storm Water Management Plan

Ref. No.	SWMP Section	Subject	Concern	Required Revisions
12	BMP 3.21	Tree planting list	No measurable goal of % parks or acreage that will use low-pesticide/LID-compatible trees, or other quantitative goal given Unclear whether the goal is that all development will use only listed trees	Provide a measurable goal for LID-compatible tree plantings.
19	Sections C, f, g, H, and J beginning on page 4-10	Updating City’s Zoning Code, Grading Standards, Storm Water Ordinance, Storm Water Master Plan, and	SWMP discusses Kennedy/Jenks review of existing documents as if it is a future event. The consultant released its comments in Technical Memorandum No. 1 (Tech Memo) on Dec. 31,	1. Re-word sections to explain that the consultant has already reviewed and commented on the relevant documents. 2. Include Tech Memo as appendix or place on-line and include web address.

Ref. No.	SWMP Section	Subject	Concern	Required Revisions
		City's Standard Specification Document,	2006. This information should have been incorporated into this SWMP version, or into Ordinances, Codes, and Standards referenced in the Tech Memo.	3. City must address contents of the Tech Memo in the SWMP. If the City does not follow the consultant's suggested methods of meeting Permit requirements, then the City must explain their preferred alternative method of meeting requirements. If taking action, tell when and how. Specifically address each sub-section in Tech Memo section 4.2, pages 10 — 15.
28	BMP 6.17 on page 6-24	Public awareness survey	<ol style="list-style-type: none"> 1. If comparing yr. 2 survey against year 5 survey, why change location? Should try and hold variables constant to get better comparison. 2. Measurable goal does not address how the City will use the survey information. <p>There is a BMP 6.17 on page 6-17 that differs from the BMP 6.17 on page 6-24.</p>	<p>Change BMP to the following, or an equivalent function: "Conduct comparable public awareness surveys. In years 2 and 4, conduct public awareness surveys as part of the Monterey County Fair. In years 3 and 5, conduct mail-out written surveys in conjunction with the local waste hauler BFI. Document and analyze results to determine if SWMP BMPs should be modified."</p> <p><u>BMP "6.11 and 6.17" must include requirements for the City to utilize public survey information to modify, improve, or verify the applicability of the current BMPs"</u></p> <p>Remove BMP 6.17 from the BMP 6.11 on page 6-17</p>
39	Page 10-2, and Page 4-17, Sections F and G	References Stormwater Ordinance and Standards to Control Excavations, Cuts, Fills,	City did not address RWQCB comments in ordinance.	<ol style="list-style-type: none"> 1. Add BMP in Element 4 or 5 that requires riparian zone protection with wording the same as, or equivalent in function to the wording in footnote 2 of this table. <p><i>See edited footnote.</i></p>

Ref. No.	SWMP Section	Subject	Concern	Required Revisions
		Clearing, Grading, Erosion and Sediment (2007) (Grading Standards		
43	Applies to all sections of the SWMP	Public notice and public input	The California Water Code requires, and the RWQCB Board (in response to written and verbal public comments) has directed the City to ensure the public has ample opportunity for review and comment on storm water related issues. These issues include, but are not limited to, the SWMP, design standards, ordinances.	<p>SWMP Element 6 must include a BMP that requires the following: Thirty (30) day or more public notice and opportunity for public comment for stormwater related documents prepared for City Council adoption. Stormwater related documents include, but are not limited to, SWMP revisions, Design Standards, grading and stormwater ordinances, design or development standards affecting stormwater runoff or creek or riparian zones. Substantive public comments must be addressed in a timely manner by City staff in a written format.</p> <p><u>SWMP Element 6 must include a BMP that requires the following: City will make all reasonable attempts to provide a 30-day or more public notice and opportunity for public comment for stormwater- or riparian-related documents prepared for City Council adoption. At the minimum, City will provide a 15-day public review period for storm water- or riparian-related ordinances, standards, and modifications to the SWMP. Substantive public comments must be addressed in a timely manner by City staff in a written format. The measurable goal(s) will include compliance with this BMP, and reasonable public satisfaction (demonstrated by lack of substantive complaints) regarding opportunity to provide input.</u></p>

² ~~BMP for Stream, Creek, Riparian Zones, and Drainage Course Protection.~~

~~1. Applicability. The section shall apply to all streams, creeks, riparian zones, and drainage courses~~

~~a) Development, including clearing, compaction, excavation, construction of buildings, fences and walls, shall be setback from the top of bank or edge of riparian habitat, whichever is farther from the creek flow line. Minimum Development Setbacks for Streams, Creeks, Riparian Zones, and Drainage Courses is as follows:~~

~~i) Santa Rita Creek, Natividad Creek, Gabilan Creek, and Alisal Creek (Reclamation Ditch): a minimum setback of 35 feet. Exceptions may be made through application of a conditional use permit and based upon consideration of recommendations from a Phase I Archeological Study; a biology report; and a hydrogeomorphology report, the setback may provide for an average of 35 feet within a proposed project area but under no circumstance shall any portion be less than 25 feet.~~

~~ii) All other Creeks and Drainage Ways: a minimum setback of 25 feet.~~

~~2. Fences and other structures such as culverts, walls and bridges which must be constructed within the floodway shall be designed in accordance with all applicable best management practices so as to prevent an obstruction or diversion of flood and drainage flow and to minimize adverse effects to natural riparian habitat. Fences may be permitted in the Development setback if designed to allow for wildlife passage and the unimpeded flow of water.~~

~~3. Clearing of significant vegetation canopy cover or herbaceous ground cover; removal of any native plant species within the riparian area is prohibited within the Setback area. A tree permit may be requested for trees potentially affecting public safety.~~

~~4. Existing agricultural operations are exempt from creek setback standards established herein.~~

~~5. Exceptions to the requirements established in this section can be made only upon a finding that its application would violate federal and state law.~~

² 1. BMP for Stream, Creek, Riparian Zones, and Drainage Course Protection

a) Development, including clearing, compaction, excavation, construction of buildings, fences and walls, shall be setback a minimum of 30 feet whenever possible from the top of bank for Santa Rita Creek, Natividad Creek, Gabilan Creek, and Alisal Creek including the section called "the Reclamation Ditch", and other named or unnamed streams, creeks, riparian zones, and drainage courses.

b) Setbacks on Gabilan and Natividad Creeks and other streams in the planning area will be defined by, and regulated according to Salinas General Plan COS-17, pg. COS-51, Sept. 2002 version, <http://www.ci.salinas.ca.us/CommDev/GenPlan/GenPlanFinal/GPindex.html>

c) Exceptions may be made through application of a conditional use permit and based upon consideration of recommendations from a Phase I Archeological Study; a biology report; and a hydrogeomorphology report.

2. Fences and other structures such as culverts, walls and bridges which must be constructed within the floodway shall be designed in accordance with all applicable best management practices so as to prevent an obstruction or diversion of flood and drainage flow and to minimize adverse effects to natural riparian habitat. Fences may be permitted in the Development setback if designed to allow for wildlife passage and the unimpeded flow of water.

3. Clearing of significant vegetation canopy cover or herbaceous ground cover; removal of any native plant species within the riparian area is prohibited within the Setback area. A tree permit may be requested for trees potentially affecting public safety.

4. Existing agricultural operations are exempt from creek setback standards established herein.

5. Exceptions to the requirements established in this section can be made only upon a finding that its application would violate federal and state law.