

## ARTICLE 29

### SEC. 21-29 REGULATIONS FOR THE WETLANDS OR ‘W’ COMBINING DISTRICT.

**29.1 Purpose:** To preserve and protect environmentally sensitive wetlands valuable for their plant and animal habitat and natural appearance and character. Within the “W” Wetlands combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “W” combining district.

**29.2 Applicability:** This district may be applied in the following areas:

(a) Areas identified as:

1. “Wetlands Protected”, Figure V-13, Lake County General Plan.
2. Wetlands shown as “Natural Areas”, Figure V-5, Lake County General Plan.
3. Wetlands shown as “Critical Resource and Conservation Areas”, Figure V-6, Lake County General Plan.

(b) Wetlands, marshes, bogs, swamps and vernal pools: Those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

### **29.3 Uses permitted:**

(a) All uses permitted in the base zoning district.

### **29.4 Uses permitted subject to first obtaining a Minor Use Permit and approval of a Management Plan in each case: (Ord. No. 2172, 8/12/1993)**

(a) Any use permitted in the base zoning district involving grading, dredging, filling, excavation of soil and gravel or other activities that would alter existing topographic characteristics, except those exemptions provided in Section 29.10.

This Section shall not be interpreted to include customary agricultural maintenance activities such as plowing, disking, harrowing, seeding, fencing and the burning of tules or stubble; or the planting of pasture, orchards, vineyards, or field and row crops, unless topographic alteration in excess of one (1) foot will occur.

### **SEC. 21-29.10 MAJOR USE PERMIT AND MANAGEMENT PLAN EXEMPTIONS.**

**29.11 Exemptions:** The following activities shall be exempt from Section 29.4 of this Article.

- (a) Activities of a governmental agency including:
  - 1. The repair, rehabilitation or replacement of any previously authorized, currently serviceable fill, provided that the fill has not or will not be put to uses differing from uses specified for it in any permit authorizing its original construction.
  - 2. Utility line crossings.
  - 3. Bank stabilization.
- (b) Maintenance and operation of existing flood control, irrigation and drainage facilities, including maintenance dredging.
- (c) Emergency filling measures for the protection of human safety, health or welfare.
- (d) Accumulated silt removal, down to original grade.

**SEC. 21-29.20 MANAGEMENT PLANS.**

**29.21 Management plan required:** Applicants for major use permits pursuant to Section 29.4 shall submit, as part of the use permit application, a wetlands management plan for review and approval by the Planning Commission. The wetlands management plan shall include:

- (a) A plot plan drawn to scale showing all existing vegetative cover, identifying all types such as pasture, orchards, vineyards, tules, cattails, willows, cottonwoods, aquatic vegetation, oaks, etc.
- (b) A plot plan showing existing topography at one (1) foot intervals and identifying the following for areas adjacent to Clear Lake: zero (0) Rumsey, seven-point-seven-nine (7.79) Rumsey, and eleven-point-five (11.5) Rumsey.
- (c) A vicinity map identifying the wetlands on all adjacent properties.
- (d) A plot plan showing the intended development including all proposed structures, roads, drainage facilities, fill areas, dredging areas, final topographic contours, and water control facilities such as levees, dikes, berms, etc.
- (e) A plant and wildlife habitat management, protection and enhancement program.

**29.22 Findings required:** Any use permit approval shall include as a condition, an approved wetlands management plan. A wetlands management plan shall only be approved if it is found that the proposed project and management plan will:

- (a) Not significantly adversely affect existing water quality.

- (b) Materially affect the long term preservation of lands capable of supporting wetlands vegetation.
- (c) Not affect any rare or endangered plants or animals.