Creeks Task Force: Work Plan

(Approved by the Creeks Task Force on April 4, 2005)

I. Introduction

The goal of the Creeks Task Force (CTF) is to review and make recommendations regarding (i) the existing Creeks Ordinance, Berkeley Municipal Code Chapter 17.08, Preservation and Restoration of Natural Watercourses (also known as the "Creeks Ordinance" or the "Ordinance"), and (ii) overall City policy concerning creeks and culverts.

The City Council set a deadline of May 2006, by which time final recommendations from the CTF are to be submitted to the Planning Commission for approval. By the beginning of April 2005, a Work Plan, timeline, and recommended budget to complete the work by CTF must be submitted to the Planning Commission, which, in turn, will submit the work plan to the City Council for budget approval.

The CTF has met weekly since February 7, 2005. Members have engaged in preliminary discussions concerning the problems to be addressed and specific issues of concern to Staff, property owners, activists, and the community at large. As set forth in more detail below in the discussion of the Initial Statement of the Work, the CTF will consider and make recommendations concerning overall City policy on creeks and culverts, including possible modification and restructuring of the existing Creeks Ordinance.

Before turning to the substance of the CTF's planned work, a brief word about the terminology used in this Work Plan is in order. Water flows from the Hills to the Bay in many types of channels within Berkeley's overall watershed system. Some of those channels are open. Some flow in engineered structures. Some are underground. Some are on public property. Some are on private property. Some flow year round. During much of the year, some are either dry or are simply moist, low-lying depressions.

This Work Plan uses the broad term "water channel" to encompass all channels of drainage flow within the City's watershed system. The existing Creeks Ordinance uses the defined terms "creek" and "culvert" to establish the boundaries of regulation under the Ordinance. By using the terms "creek" and "culvert" in this Work Plan, the CTF does not presuppose one way or the other whether or how it might ultimately recommend changes to these defined terms under the Ordinance.

At this stage, the CTF uses the words "creeks" and "culverts" as terms of convenience referring in an approximate way to a subset of water channels within the broader watershed drainage system of the City. To the extent those terms may ultimately be used in a revised Creeks Ordinance, their exact meaning is a matter the CTF will be considering as part of its work. Nothing in this Work Plan should be taken as an answer to this basic issue of definition.

In developing its recommendations, the CTF will:

- take into account how the Creeks Ordinance affects property on or near water channels, attempt to assist property owners who wish to preserve or restore open water channels and associated habitat zones, and seek to avoid creating regulatory requirements that create disincentives to private preservation and restoration of open water channels.

- ensure that the Creeks Ordinance and overall policy concerning creeks and culverts is appropriately fitted to the varying and different watershed conditions within the City, takes into account a weighing of costs vs. benefits, and, to the extent feasible and appropriate, is based on up-to-date scientific knowledge,

- give careful consideration to health and safety issues and water-quality issues presented by creeks and culverts

- promote flexible and fair enforcement of regulatory requirements and permit rebuilding of existing structures under guidelines established by the City's Building Code as well as the Creeks Ordinance, without undue burden, in the event of damage or destruction of such structures, and

- facilitate identification and pursuit of all potentially available sources of funding for repair, maintenance, daylighting, and other costs of regulation.

The initial Work Plan for the CTF has been developed, with a related schedule and estimated budget, based upon the CTF's current understanding of the issues. The CTF wishes to establish realistic goals for its work that are not only achievable, but that create a basis for lasting and sustainable policy.

As the CTF's work proceeds, as further information and discussion refines and further illuminates the CTF's understanding of the issues, some issues will take greater priority, other issues will be relegated to background consideration, and the Work Plan itself may be altered accordingly. Above all, the CTF believes that flexibility and transparency to the public are essential underpinnings of its process, so that the CTF's final product is as responsive as possible to the needs of the community.

Accordingly, the following section describes the CTF's *initial* understanding of the work to be undertaken, focusing on the key issues that have been raised to date. With one exception explained below – on the threshold issue whether a Creeks Ordinance is needed -- this initial statement of issues should not be understood to constitute or reflect any particular position or policy stance. The CTF's process of formulating prescriptive recommendations is just beginning.

II. Initial Statement of The Work

During the initial organizational phase of its work over the last month, the CTF considered the basic question: Does Berkeley need an ordinance to regulate creeks and culverts? Although some further consideration of that question is appropriate, the strong initial consensus of the CTF

members is that Berkeley *does* need to have such an ordinance and that the objectives of the existing Creeks Ordinance, broadly stated, remain valid today.

The CTF believes, however, that the current Ordinance is outdated and inadequate to achieve the purposes originally envisioned, and that those purposes should be revised to reflect new information, a better understanding of community values, and a more equitable and rational balancing of stakeholder interests.

A. Objectives

Although the CTF is still at a very early stage and is still educating itself about the existing Ordinance, at this stage the CTF perceives the following objectives for regulating water channels, including "creeks" and "culverts" as defined by the Ordinance.

Within the realities of a densely developed urban setting, and while striking a balance between the need to maintain and improve the natural environment and the interests of private property owners, the City should seek to:

- *Protect the remaining open water channels and their associated riparian zones, and to regulate culverting.* Culverting, pollution, erosion and deterioration of creek-beds and the associated corridors that provide natural habitat and landscape along creeks ("riparian zones"), continue today and present the same kinds of risks that were present when the Creeks Ordinance was first adopted.

- *Promote the preservation, rehabilitation, and naturalization of existing and future open water channels and their associated riparian zones as part of the City's underlying natural landscape system.* Although the City is densely built-out with very little of its natural landscape setting remaining, the City still has a network of riparian zones. Opportunities arise from time to time to restore and extend these riparian zones.

- *Establish a watershed-based policy framework for managing surface-water runoff from the Hills to the Bay.* "Creeks" and "culverts" as defined in the Creeks Ordinance are just one part of a larger system of collecting and moving surface water runoff from the Hills to the Bay. The entire runoff system is subject to increasingly stringent water quality and quantity regulation, for both public entities and private properties alike. The City's approach to managing runoff must take into account the relationships, which do and should exist between creeks and culverts, on the one hand, and the City's engineered stormwater drainage system, on the other hand.

- *Establish a regulatory and administrative framework for what has already been developed and what can be developed along water channels, how further development can take place, and under what conditions that development can take place.* Clear, enforceable, equitable, and sound standards for permitting appropriate development along water channels are needed for private and public property alike. This framework must balance the rights of property owners on or near water channels with the objective or preserving the natural environment.

The existing Creeks Ordinance only partially addresses these objectives, and those that the Ordinance does address, it does not address as well as it could.

B. Key Issues To Be Addressed

The following is a first pass at a summary of the key issues that have been raised by City Staff, activists, and property owners. These issues have been culled from the written record and comments offered at CTF meetings. This compilation of issues appears to reflect many of the concerns of the community with respect to the existing ordinance and thus provides some guidance for possible revisions to be considered, information to be collected, and the necessary analysis to be done in support of the CTF's work.

Following the description of each of the issues to be addressed is a listing of information that, at this point, the CTF believes would be useful for proper evaluation of the issue described. These are *examples* of useful information only. It may be that obtaining some of this information is infeasible for various reasons – including, in particular, budgetary constraints. We believe that Staff may be able to assist in obtaining some of the listed information, that other types of information could be generated by outside consultants, and that still other types of information may prove to be beyond the capacity of either Staff or outside consultants to obtain at realistic budget levels. *The CTF will scale back its work, as necessary, where sufficient information to make informed judgments is unavailable*.

1. Definitions

   What constitutes a "creek"? The current definition in the Ordinance includes all water channels (natural creeks and culverted creeks) on public and private property, but specifically excludes engineered storm water systems outside of the historic course of a creek. Broadly, the CTF contemplates that its examination of the basic regulatory definition of a "creek" will begin with whether it makes sense to regulate creeks distinctly from other drainage systems *(i.e.* stormwater); whether more comprehensive regulation of drainage systems is preferable and feasible; and, if the CTF concludes that a separate regime for regulating creeks remains the only feasible option, how the City should set up the definitions in the Ordinance so that the regulatory scheme is appropriately fitted to the actual environment. That may mean, for example, that there should be definitions not only of terms like "creek" and "culvert," but also "stormwater drain," "swale," "seasonal creek," "buried culvert," "open culvert," and other language that seeks to match regulatory requirements to actual environmental conditions.

   Beyond these broad, threshold issues, the problem of defining a "creek" has too many complex facets for a complete statement of them here. One obvious and significant issue deserves mention, however, since it tends to surface frequently in any discussion of what is a "creek." Even though all "creeks" are subject to the regulation under the Ordinance, there are instances throughout the City where storm drain systems have been installed outside the historic location of the creek, in some cases by private property owners, and in other cases by public agencies. The City does not consider these water channels to be

"creeks" under the Ordinance. The CTF expects to examine whether it makes sense to continue using the concept of historic creek location as the basis for whether water channels should fall within the scope of the Ordinance.

Examples of information needed and work that must be done to address this issue.

- Comparable definitions in other city, county, or public agency ordinances.
- Report from City Attorney on definitions in the Ordinance and, more generally, on the language and structure of the Ordinance, and how the Ordinance relates to other, overlapping schemes of regulation.
- Technical bases for various definitions, and standards of the profession.
- Locations of regulated creeks and culverts and un-regulated storm drain systems, according to existing definitions in the Ordinance.
- Review best available information concerning affected properties
- Presentations from most knowledgeable personnel from agencies charged with regulation of drainage systems within the City (i.e. pollution and water quality, sewage treatment).

2. Setbacks

The current Ordinance requires a standard 30' setback from the centerline of any water channel that meets the definition of a creek as a way of addressing potential impacts on the creek. The Creeks Ordinance imposes no setback requirements for unregulated water channels. Open channels and culverts are treated the same even though the conditions of each type of water channel are not the same. Similarly, there is no distinction among the various segments of a creek with specific characteristics that might otherwise merit different setbacks for their protection or enhancement. Creeks and culverts in the hills, near the top of the watershed, are treated the same as creeks and culverts in the flatlands, near the bottom of the watershed, even though the maintenance, restoration and rehabilitation issues raised by creeks and culverts in these different environments are fundamentally different. The 30' setback requirement also has no obvious scientific or technical underpinning, and appears to be at odds with commonly used setback criteria used in other jurisdictions.

Examples of information needed and work that must be done to address this set of issues.

- Review setback standards for creeks and culverts in other municipalities and technical underpinnings used by those municipalities, with particular attention to any municipalities having comparably dense built-out environments.
- Review setback standards for both creeks and culverts in other municipalities, with particular attention to any municipalities having comparably dense built-out environments. Report from City Attorney on this topic.
- Review available technical engineering, biological, and planning input on latest thinking with respect to setback policies, criteria, success measurement, and implementation, specifically with respect to urban water channels.
- Identify and depict alternative means of measuring setbacks along creek corridors, and

assessment of affects (e.g. from top of bank rather than centerline).

- Review of the relative habitat values, hydrologic, and geomorphic conditions of the existing creek corridors in Berkeley, with a correlation to existing and possible alternative setbacks, using best available information (for example from existing studies of Codornices Creek).
- Sampling of different types of properties affected by current setback requirements and determine whether some type of categorization of affected properties is feasible.
- Develop sample inventory of properties not in conformance with existing setback requirements and the nature of non-conformances, with attention to open channel conditions and culvert conditions. Of all properties regulated under the existing Creeks Ordinance, seek to determine approximate percentage of those properties that are non-conforming.
- Review of the relative impacts of the existing pattern of setbacks on open water channels.

3. Regulated Structures

The current Ordinance regulates roofed structures within the 30' setback, whereas other structures such as roads, bridges, decks, walls, etc may have important impacts on creeks as well. On one occasion, a specific modification to the Ordinance was made for a specific property (2323 Glen), which suggests that the Ordinance failed to contemplate the types of structure to which it might apply. Furthermore, the fact that a need to "fix" the Ordinance arose and was carried out a case-by-case basis raises concerns about special treatment. Beyond the issues of whether the Ordinance is adequately fitted to the structures covered by it, there is also the issue of pre-exiting structures. Many -- perhaps most -- regulated structures pre-date the promulgation of the Creeks Ordinance in 1989; indeed, due to densely built urban environment in Berkeley, it may be that the vast majority of structures in Berkeley located near regulated creeks or culverts were non-conforming the moment the Ordinance went into effect. Many owners of structures covered by the Ordinance were unaware of the regulatory impact on their properties, and may still be unaware of it.

When considering the issue of regulated structures, the core question -- a question underlying all of the key issues to be considered by the CTF -- is how best to achieve an equitable balance between the rights of private property owners and the desire to restore the natural environment in a densely built-up urban setting. It is vital to recognize the competing policy objectives at stake and, in striking the appropriate balance, to take into account the regulatory impact of the Ordinance on single family homes, multiple-unit housing, commercial buildings, industrial buildings, institutional properties and any other affected structures in the built environment.

Examples of information needed and work that must be done to address this issue.

- Review comparable policies in other jurisdictions regarding types of regulated structures and relationship with structures that pre-date the ordinance.
- Review technical engineering and other design input on relative impacts of various types of structures and potential mitigations.
- Review enforcement policy and practices to determine (i) how building permit requests for modification of structures not in conformance with setback requirements have been treated,

(ii) how regulated structures have been treated vis-à-vis one another, and (iii) whether any citizens feel unfairly burdened or aggrieved by enforcement policy, and (iv) how to ensure that enforcement policy is perceived to be fair and equitable.

- Review individual cases where application of the Ordinance to regulated structures may have been unduly burdensome to a property owners.

4. Daylighting

Consistent with the City's General Plan, the Ordinance encourages daylighting where safely feasible as well as restoration of natural watercourses in the former culvert location. Daylighting refers to the process of excavating buried streams so that water may flow exposed in an open channel. While the desire to promote daylighting is a general policy objective, the Ordinance is not clear as to priorities for potential projects, criteria for determining feasibility, or how such projects might be implemented. In addition, there is no distinction between public and private properties with respect to daylighting. As a result, the wording of the Ordinance could be interpreted to call for daylighting all water channels in their historic locations; regardless of whether there is any foreseeable circumstance in which daylighting might be possible.

The CTF believes that City policy needs to be revised to address priorities, feasibility criteria, and general implementation strategies. The CTF also believes that the City policy with respect to daylighting should focus on public properties, although the findings would generally apply to a property owner or collections of owners who wish to daylight a creek or their properties.

Potential constraints and opportunities for daylighting vary considerably by individual site. The 30' setback, for instance, may not be adequate to support full daylighting given the depth of the culvert and proximity of non-regulated structures. Other properties may not have room to adequately reconfigure a structure, if a culvert is to be daylighted and the structure retained. The transition between closed culverts and open water channels pose challenging engineering, biological, and aesthetic issues that affect upstream and downstream properties alike. And a single, isolated daylighting project may not offer the kind of ecological linkages that linked projects aspire to achieve.

These are only some of the complexities of creek daylighting policy. Overall, the CTF expects to inquire into daylighting policy in this dense urban area, and to consider how City policy can be revised or refined to accommodate these complexities. As noted above in the description of the "Regulated Structures" issues, the core policy issue to be addressed here is how best to strike an equitable balance between the rights of private property owners and the desire to restore the natural environment in a densely built-up urban setting. In addition, a central issue with respect to the balance, is the consideration of a realistic implementation program rather than a vague policy expectation.

Examples of information needed and work that must be done to address this set of issues.

- Sample locations and conditions of culverts with varying life expectancies.

- Develop a set of detailed "Case Studies" to illustrate regulatory issues presented by different environmental conditions.
- Using best available data, try to determine general condition, size, length and location for culverts needing significant maintenance and/or storm flow upgrading in the near future.
- Review priority opportunity sites for daylighting on public property. Give specific consideration, if appropriate, to whether it is feasible to daylight West Strawberry Creek.
- Review of relative opportunities and constraints of daylighting on private properties, including linked properties.
- Develop information on daylighting and creek preservation "best practices"
- Review of the concept of creating flexible "Riparian Zones," rather than having an arbitrary one-size-fits-all policy.
- Develop comparative cost model for daylighting feasible segments on public vs. private property.
- Review whether there is interest among private property owners near culverts to explore the potential for daylighting on their properties, and, if so, review the extent of such interest and how such property owners might be assisted.
- Review technical input on and assessment of varying lengths of daylighted creeks with respect to habitat values, hydrologic considerations, and geomorphic features.
- Identify and review of sources of funding for daylighting and naturalization projects.

5. Maintenance and Repair

The useful life of many of the culverts and other structures within the water channels in Berkeley is nearing its end and either replacement or repair will increasingly be necessary, at significant cost. The issue of who should bear the financial responsibility of repair or maintenance is *not* within the CTF's purview. But the scope of the repair and maintenance problems remain an issue that the CTF believes it must understand in order to address the other regulatory issues it will be addressing in its recommendations.

The state of repair or disrepair of culverts throughout the City is a matter of critical importance, since it presents a variety of health and safety issues. Absent repairs or maintenance, the ability of the structures to move storm water without impact on neighboring properties will be diminished. The City, similar to other public agencies, takes responsibility for structures within its own jurisdiction, but does not take responsibility for those on private property. Many private property owners were not aware that they had culverts on their properties when they purchased the properties, and were also not aware that the city expected them to maintain and repair those culverts. The costs of culvert maintenance, repair, or replacement are likely to be beyond the ability of most of the property owners to pay.

Examples of information needed and work that must be done to address this set of issues.

- Without addressing who might be responsible for such costs, review of the extent of culvert maintenance and repair required to be done on public and private properties, with attention to relative costs that can be expected for culverts on public vs. private property respectively.
- Potential funding mechanisms for private responsibilities, individually and as larger groups,

and joint public private arrangements.

- Gather and review technical and legal input with respect to potential liability issues arising out of culvert deterioration.

6. Mapping and Ordinance Administration and Enforcement

Using the historic location of water channels as the basis for determining what is and what is not regulated assumes that sufficiently accurate information is available to determine the exact historic course of each of Berkeley's many creeks. The CTF expects to inquire into the fairness and rationality of distinctions based on whether a "creek" is or is not in its historic channel, and, more fundamentally, to examine whether available historic creek maps provide reliable enough information for sound and fair administration of the Ordinance.

There are a host of other issues to consider under the general rubric of Ordinance administration and enforcement. The CTF will examine what the City does or should be doing to monitor and track the condition of creeks and culverts; whether the City seeks to identify opportunities for daylighting in any systematic way, and, if not, whether it could do so; whether the City monitors water quality in creeks and culverts in a way the could help to drive effective enforcement; and whether there are significant issues of discrimination, selective enforcement or preferential treatment that should be addressed.

Examples of information needed and work that must be done to address this issue.

- Gather best available set of available historical maps showing the historical course of every currently regulated creek and culvert in Berkeley.
- Review available maps, with attention to comparing the locations of creeks and culverts shown on the maps to the actual, known locations of creeks and culverts
- Review of whether improvements and refinements to the available maps can or should be made.
- Consider whether there is an effective notification system for properties affected by regulated creeks and culverts and determine how that system, if one exists, could be improved, or, if no such system exists, how one could be put into place.
- Assess how a public archive of maps showing all regulated creeks and culverts, together with a list of potentially affected properties, could be made publicly available and updated regularly.
- Identify and review sample of enforcement actions under Creeks Ordinance.
- Identify and review records of any public complaints concerning enforcement of the Creeks Ordinance.

7. Overall Watershed Policy

From a regulatory standpoint, creeks and culverts are nothing more than defined terms for certain types of water channels within the larger watershed drainage system flowing from the Hills to the Bay. In formulating recommendations for revisions to the Creeks Ordinance, the CTF expects to consider the role of the Ordinance within the broader

context of watershed management policy in Berkeley. This will help to clarify the evaluation of how different approaches to regulation of creeks and culverts might affect all stakeholders who may be impacted within the watershed; to identify sources of funding that might no otherwise be apparent if the approach to regulation looks narrowly at creeks and culverts; and assess water quality issues and public health and safety issues that may be present.

Examples of information needed and work that must be done to address this set of issues.

- Review of structure, characteristics, and capacity of other surface water drainage systems within the watershed (i.e. stormwater drainage system, sanitary sewer system) and how those systems interface, if at all, with creeks and culverts.
- Review of regulatory regimes governing water channels within the watershed, including all applicable State Water Quality Board, Environmental Protection Agency, and Department of Fish & Game standards, regulations, and required permits.
- Review of 1994 Stormwater Drainage Master Plan
- Review of impacts UC Campus on the City's watershed management policy and systems of runoff drainage.
- Review of creeks and culverts regulation within the overall context of the City's General Plan, Landuse Element No. 20.
- Compilation of all available data concerning potential funding sources for comprehensive watershed management costs.
- Review of public health and safety issues raised by creeks and culverts (i.e. discharge and runoff of pollutants, risks of poor flood control, dangers posed to natural wildlife and habitat, potential for causing damages to abutting structures due to erosion creekbeds), in the overall context of all drainage systems within the watershed.
- Develop guidelines along the lines of something entitled "Creeks and Culverts: Best Management Practices Recommendations and Other Resources for Berkeley Residents," designed to aid and encourage private behavior that is consistent with the goals and objectives of regulatory policy.
- Identify and seek presentations on potential sources of funding for to defray costs of creeks and culvert regulation (tax breaks, FEMA, public financing, exemptions from other City Codes, etc.).

C. Estimated Budget

To support its work, the CTF believes that, in addition to the .5 FTE recommended by the Planning Department, it will need a budget of $100,000 for technical consulting services such as sampling existing creek conditions. (See Appendix A for Estimated Budget details.)

III. Topical Meetings

Official CTF meetings attended by Staff will be held approximately twice a month until the CTF completes its work. In between official CTF meetings, the CTF *may* hold certain meetings devoted to specialized topics. These topical meetings will be publicly noticed, agendized, held in a public place, and open to all members of the CTF as well as the public.

- At this point, the CTF sees the possibility that it may wish to hold topical meetings to address the following: (1) Ordinance Drafting, (2) Watershed Policy, and (3) and Repair, Maintenance, Mapping and Enforcement. Other discrete topics, or subsets of those topics, could suggest themselves during the course of CTF's work, but initially the key issues to be addressed appear to break down into clusters along the lines set forth above.
- There will be an agenda item at each official CTF meeting for a status report about each topical meeting that has been held in any interim period between official CTF meetings.
- Topical meetings may lead to individual CTF members taking on discrete tasks on a volunteer basis (*i.e.* the development and drafting of a written Topical Report describing the information developed on a particular topic, so that that information may be fed back to the CTF as a whole).
- Topical meetings are advisory only. No action will be taken at topical meetings that in any respect binds the CTF or that requires a consensus or a majority of the CTF, regardless of whether a majority of CTF members attends the meeting.
- The primary area of focus at any Ordinance Drafting topical meeting – should the CTF decide to hold such a meeting or meetings -- will be on issues concerning the language and structure of the ordinance itself, as outlined preliminarily in items 1, 2 and 3 above concerning "Definitions," "Setbacks" and "Regulated Structures."
- The primary area of focus at any Watershed Policy topical meeting – should the CTF decide to hold such a meeting or meetings -- will be on the broad policy issues preliminarily outlined in items 4 and 7 above concerning "Daylighting" and "Overall Watershed Policy."
- The primary area of focus of the Repair, Maintenance, Mapping and Enforcement topical meetings – should the CTF decide to hold such a meeting or meetings -- will be on the "Repair and Maintenance" issues outlined preliminarily in item 5 and the "Mapping and Ordinance Administration and Enforcement" issues outlined preliminarily in item 6.

IV. Timeline

The CTF will undertake the work set forth above on the following timeline. The CTF expects that there will be some overlap in the work phases delineated below. To understand that overlap, readers may wish to refer to the Excel spreadsheet attached as Appendix A.

Phase I: Data Gathering – May 2005

- Official CTF Meetings May 2, May 16
- Finalize Work Plan
- Continue data gathering and make preliminary findings on topics listed in Section II.B (1. Definitions, 2. Setbacks, 3. Regulated Structures, 4. Daylighting, and 5. Maintenance and Repairs, and 6. Mapping and Ordinance Administration and

Enforcement, and 7. Overall Watershed Policy)
- Consensus on statement of problem and goals
- Consensus on Ordinance policy
- Consensus on identification of key issues and priority for consideration of issues
- Data gathering and develop policy positions on funding, incentives, and management guidance
- Continue periodic tours and site visits, as needed and to the extent feasible.
- Assessment of progress to date

Phase II: Continue Data Gathering, Start of Policy Analysis and Development -- June-September 2005

- Official CTF Meetings June 6, June 20, July 11, July 18, August 1, August 15, September 12, and September 19
- Further refinement of draft language for topics listed in Section II.B. (1. Definitions, 2. Setbacks, 3. Regulated Structures, 4. Daylighting, and 5. Maintenance and Repairs, and 6. Mapping and Ordinance Administration and Enforcement, and 7. Overall Watershed Policy)
- Prioritize resource allocation
- Public comment/hearing
- Continue periodic tours and site visits.
- Assessment of progress to date

Phase III: Comprehensive Assessment and Preparation of Draft CTF Report -- October-December 2005

- Official CTF Meetings on October 3, October 17th, November 7th, November 21st, and December 5th
- In October, conduct comprehensive assessment of information and analyses developed to date and consider whether any "mid-course corrections" are necessary.
- Further refinement of draft language for topics listed in Section II.B. (1. Definitions, 2. Setbacks, 3. Regulated Structures, 4. Daylighting, and 5. Maintenance and Repairs, and 6. Mapping and Ordinance Administration and Enforcement, and 7. Overall Watershed Policy)
- Public comment/hearing
- Assess progress to date
- The CTF will schedule its work during Phase III so that no meetings are held during the Thanksgiving and Christmas seasons.

Phase IV: Consensus Building, Comment Period, Final Preparation of CTF Report -- Jan –April 2006

- Official CTF Meeting dates for 2006 to be announced
- Incorporate Public, City Staff, City Attorney feedback into draft Ordinance and policy recommendations.
- CTF consensus building

- Public hearings

Phase V: Finalize and Present CTF Report to Planning Commission -- April – May 2006

- Finalize CTF Report
- In May, presentation of CTF Report to Planning Commission
- CTF disbands

APPENDIX A

BERKELEY CREEKS TASK FORCE
WORK PLAN BUDGET SUMMARY [1/]

May 2005-06

Topic Area [2/]	CTF Hours [3/]	Staff Hours [4/]	Consultant Hours [5/]	Budget Estimate [6/]
Plan Outline	450	-	-	-
Definitions	325	80	-	-
Setbacks	500	120	350	**$ 35,000**
Regulated Structures	500	120	350	**$ 35,000**
Daylighting	475	100	150	**$ 15,000**
Maint. & Repair	250	60	100	**$ 10,000**
Mapping and Ordinance Administration	250	60	-	-
Watershed Policy	325	80	50	**$ 5,000**
Draft Report/Consensus Building	650	240	-	-
Final Report	500	160	-	-
TOTAL	**4,225**	**1,020**	**1,000**	**$ 100,000**

Notes:

1/ Budget summary represents generally anticipated levels of effort required to complete 13 months of priority Work Plan topic research, consensus building and a final report; actual hours and budgeted consultant dollars may vary and be reallocated among task as needed during the process.

2/ Topics areas for research and discussion as required to review/update creeks ordinance, conduct assessments and investigate daylighting.
3/ Creeks Task Force hours based on 15 members @ avg. 22 hours/mo. for meetings, work groups and research.
4/ Planning Dept. staff hours based on 0.5 FTE for 12 mos.
5/ Professional consulting services required for subject matter expertise (e.g. setback measurements, hydrology, biology, daylighting).
6/ Requested City budget support of $100,000 for 1,000 hours of consulting services @ $100/hr.