



SANTA CLARA VALLEY  
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley  
Transportation Authority



# Santa Clara Valley Habitat Plan FEES AND CONDITIONS WORKSHEET

Habitat Plan Application File Number  
(Assigned by jurisdiction)

Planning Office File Number  
(Assigned by jurisdiction)

*This worksheet enables private applicants to identify potential Habitat Plan fees and conditions for projects covered under the Habitat Plan (referred to as “covered projects”). This form should be completed prior to preparation of the Application for Private Projects. Applicants may work with planning or building office staff of the applicable jurisdiction—Santa Clara County, City of Gilroy, City of Morgan Hill, or City of San José.*

**Disclaimer:** *This worksheet should be used as a guide but not a final determination of Habitat Plan fees and conditions. The final determination occurs during the local jurisdiction’s development review and permit issuance process and requires a field verification of the land cover on each site. Please contact the planning or building office of the applicable local jurisdiction with questions or for further assistance.*

## Step 1—Complete the Coverage Screening Form

Not all private development projects within the Habitat Plan Permit Area are required to obtain endangered species permits under the Habitat Plan. To determine if a project can obtain permits and be a covered project under the Habitat Plan, first complete the Coverage Screening Form (available for download at [www.scv-habitatplan.org](http://www.scv-habitatplan.org)).

The Coverage Screening Form requests information regarding the location and size of a project to determine if it is a covered project. This form should be submitted to the planning or building office of the applicable local jurisdiction for confirmation regarding its conclusion (i.e., if a project is or is not a covered project).

Per the Coverage Screening Form (and verified by the planning or building office), is the project a covered project under the Habitat Plan?

- YES** Continue with this worksheet; go to Step 2 below
- NO** Do not continue with this worksheet; the project is not covered by the Habitat Plan (fees and conditions do not apply)

## Step 2—Use the Habitat Agency Geobrowser to Find the Property

The Habitat Agency [Geobrowser](http://www.hcpmaps.com) is an online mapping tool that shows the Habitat Plan fee zones and special areas where specific Habitat Plan conditions are required. The Geobrowser can be accessed at [www.hcpmaps.com](http://www.hcpmaps.com). A property can be located with the Geobrowser by using the property’s Assessor’s Parcel Number (APN).

The applicability of many of the fees and conditions that are discussed in this worksheet can be preliminarily determined by viewing the maps in the [Geobrowser](http://www.hcpmaps.com).

### Step 3—Verify the Land Cover on the Property

The [Geobrowser](#) described in Step 2 above shows maps created for the Habitat Plan for different fee zones and special areas where certain conditions apply (such as wildlife surveys). In many instances, the applicability of these fees and conditions depends on the type of habitat—or “land cover”—found on each property. The Habitat Plan shows land cover maps that were created at a very large scale (10-acre units), and thus they only provide an approximation of the actual land cover found on each individual property in the Permit Area.

To confirm the fees and conditions applicable to each project, the actual land cover affected by a development project must be verified. Follow Steps 3A and 3B below to determine which land covers are mapped on the property and which verification method is required.

**3A.** Using the [Geobrowser](#), open the [Land Cover](#) map. List the land cover types that are found on the parcel or area where development is proposed.

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**3B.** In Table 1 below, match the types of land cover listed in Step 3A to the method of field verification required.

**Table 1. Field Verification Methods Required for Specific Land Covers**

Land Cover	Field Verification Method
California Annual Grassland, Reservoir, Orchard, Vineyard, Grain, Row Crop, Hay and Pasture, Disked/Short-Term Fallowed, Agriculture Developed, Urban-Suburban, Rural-Residential, Golf Courses/Urban Parks, Landfill, Barren	Site Plans, Site Photos <i>Planning staff may also use aerial photos or a site visit for verification</i>
Mixed Oak Woodland and Forest, Coast Live Oak Forest and Woodland, Mixed Evergreen Forest, Redwood Forest	Mapping by Arborist, Forester, or Qualified Biologist <sup>a</sup> <i>Requires site visit by arborist, forester, or qualified biologist and mapping of land covers</i>
All other land covers not listed above, such as: Serpentine Bunchgrass Grassland, Northern Mixed Chaparral, Mixed Riparian Forest, Seasonal Wetland	Mapping by a Qualified Biologist <sup>a</sup> <i>Requires site visit by qualified biologist and mapping of land covers</i>

<sup>a</sup> A “qualified biologist” is a biologist trained to perform the given task; such a person is, more specifically, a wildlife biologist or botanist. For land cover verification, the qualified biologist must be competent in land cover delineation. Applicants will provide the local jurisdiction with a brief resume of the biologist to verify his or her qualifications. If the task has the potential to result in take of covered species (e.g., discouraging use of a den by a San Joaquin kit fox), the biologist must be approved by the Habitat Agency and Wildlife Agencies prior to conducting such tasks.

**3C.** Complete the field verification method listed in Step 3B and submit materials to the planning or building office as part of the planning approval process.

## Step 4—Determine Applicable Fees

Complete Steps 4A through 4C below to determine what types of fees are applicable to the proposed project.

### 4A. Nitrogen Deposition Fee

The nitrogen deposition fee applies to all projects that create new vehicle trips. This fee accounts for indirect impacts from vehicle emissions on sensitive habitats within the Habitat Plan Permit Area. This fee is based on the number of new daily vehicle trips generated by the project.

Does the project create net new vehicle trips (i.e., generate new traffic)?

- YES** Complete Table 2 below
- NO** Go to Step 4B below

**Table 2. Nitrogen Deposition Fee Worksheet**

Project Type	Fee Rate	New Residences or Trips	Total Amount
Residential Unit	\$63.26 per unit		
Other development types (commercial)	\$6.69 per new daily vehicle trip <sup>a</sup>		
<b>Total fee</b>			<b>\$</b>

<sup>a</sup> If the project will be evaluated through a traffic study, the results of this study can be used to determine the net new vehicle daily trips and nitrogen deposition fee. If the project does not require a traffic study, the *Institute of Transportation Engineers Trip Generation Manual* (eighth edition) can be used to determine the new vehicle daily trips and nitrogen deposition fee. A summary of these generation rates for different development types (e.g., commercial, office, etc.) can be downloaded from the Habitat Agency website at [www.scv-habitatplan.org](http://www.scv-habitatplan.org).

### 4B. Land Cover Fees

Using the [Geobrowser](#), turn on the Land Cover Fee Zone map. On this map, identify the fee zone within which the project is located and check the applicable box below.

- Zone A (Ranchlands and Natural Lands): \$26,953 per acre
- Zone B (Agricultural and Valley Floor Lands): \$18,598 per acre
- Zone C (Small Vacant Sites under 10 Acres): \$6,740 per acre
- Urban Areas: no land cover fees

*If the project **is not** in a Land Cover Fee Zone or Specialty Fee Zone, go to Step 6.*

### 4C. Specialty Fees

Using the [Geobrowser](#), turn on the Fee Zone maps as listed below to determine if the property overlaps one of more of the fee zones listed below. Check the applicable boxes below.

- Wetland Fee Zones:
- Central California Sycamore Alluvial Woodland: \$518,551 per acre
  - Coastal and Freshwater Marsh: \$259,236 per acre
  - Willow Riparian Forest and Scrub or Mixed Riparian Forest and Woodland: \$259,215 per acre
  - Pond: \$259,241 per acre
  - Seasonal Wetland: \$518,483 per acre
  - Stream (not mapped on Geobrowser): \$714 per linear foot
- Serpentine Fee Zone: \$84,958 per acre
- Burrowing Owl Fee Zone: \$85,162 per acre

## Step 5—Calculate Fees

First determine the method of calculating fees in Step 5A and then calculate applicable fees in Step 5B below.

### 5A. Fee Calculation Method

If the project is in the Land Cover Fee Zone or Specialty Fee Zone (as determined in Steps 4B and 4C), determine the method of calculating fees from one of the three methods below. To determine if the project is an urban or rural project, turn on the [Urban Service Area](#) map in the [Geobrowser](#) or verify with the planning or building office.

***Do I pay fees on my neighbor's property?***  
*No—Fee and impact buffers only extend to the parcel boundary and do not extend onto the adjacent properties. Fees and impact calculations are only applicable to the parcel(s) on which the project is located.*

#### ***Urban Projects (projects inside the Urban Service Area)***

1. If the property is **less than 10 acres**, fees are calculated based on the *entire area of the subject property* where the development project occurs.<sup>2</sup>
2. If the property is **10 or more acres**, fees are calculated based on the *development area* for the project. This includes all permanent improvements plus a 50-foot buffer *and* temporary improvements plus a 10-foot buffer. See attached [Exhibit 1](#) for an example.

#### ***Rural Projects (projects outside the Urban Service Area)***

3. Fees are calculated based on the *development area* for the project. This includes all permanent improvements plus a 50-foot buffer *and* temporary improvements plus a 10-foot buffer. See attached [Exhibit 1](#) for an example.

***Specialty Fees.*** The burrowing owl and serpentine fees are calculated using the method described above. Wetland fees are calculated based on the amount of verified land cover affected by the covered project and shall be calculated by a qualified biologist.

***Temporary vs. Permanent Impact Fees.*** Temporary fees are paid for areas that are temporarily disturbed but later restored, such as construction laydown areas or the installation of underground utilities. Temporary fees are paid for areas where the disturbance occurs for 1 year or less and the restoration occurs in 1 year.

### 5B. Calculate Fees

#### ***Permanent Impact Fees***

Based on the selected fee zones from Step 4 and the calculation method from Step 5A, use Table 3 below to calculate the applicable permanent impact fees for the proposed project.

#### ***Temporary Impact Fees***

Temporary impact fees can be calculated using the methodology above but prorated based on the duration of the activity. This fee is calculated by multiplying the total calculated fee amount (development area x fee rate) x (the number of calendar years for disturbance + number of calendar years for the site to return to pre-project conditions [maximum 1 year], all divided by 50).<sup>3</sup> For example, if disturbance is 1 year and the time it takes to return to pre-project conditions is 1 year, multiply the calculated fee amount by **0.04**  $([1+1]/50)$ . Use this multiplication fee factor, as calculated for your project, to complete Table 4.

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<sup>2</sup> See Habitat Plan, page 9-27.

<sup>3</sup> See Habitat Plan, page 9-37.

**Table 3. Permanent Impact Fees**

Fee Type	Fee Rate	Acres (or linear feet)	Total
<i>Land Cover Fees</i>			
Zone A		per acre	
Zone B		per acre	
Zone C		per acre	
Urban Areas	No fee		
<i>Specialty Fees (fees are in addition to land cover fees)</i>			
Wetland			
Central California Sycamore Alluvial Woodland		per acre	
Coastal and Freshwater Marsh		per acre	
Willow Riparian Forest and Scrub or Mixed Riparian Forest and Woodland		per acre	
Pond		per acre	
Seasonal Wetland		per acre	
Stream		per linear foot	
Burrowing owl		per acre	
Serpentine		per acre	
<i>Other Fees</i>			
Nitrogen deposition fee (from Table 2, Nitrogen Deposition Fee Worksheet)			
<b>Total</b>			<b>\$</b>

**Table 4. Temporary Impact Fees**

Fee Type	Fee Rate	Acres (or linear feet)	Fee Multiplication Factor	Total
<i>Land Cover Fees</i>				
Zone A		per acre		
Zone B		per acre		
Zone C		per acre		
Urban Areas	No fee			
<i>Specialty Fees (fees are in addition to land cover fees)</i>				
Wetland				
Central California Sycamore Alluvial Woodland		per acre		
Coastal and Freshwater Marsh		per acre		
Willow Riparian Forest and Scrub, Mixed Riparian Forest and Woodland		per acre		
Pond		per acre		
Seasonal Wetlands		per acre		
Stream		per linear foot		
Burrowing owl		per acre		
Serpentine		per acre		
<b>Total</b>				<b>\$</b>

## Step 6—Determine Habitat Plan Conditions

The Habitat Plan has conditions that apply to covered projects. These conditions are intended to minimize impacts on sensitive habitats and/or wildlife and plant species. Some conditions apply to all projects while other conditions apply based on the project's location or type. The full text of the Habitat Plan conditions is available in Chapter 6 of the Habitat Plan.

Check which conditions below apply to the project.

### A. **Conditions Applicable to All Projects**

The two conditions listed below are applicable to all covered projects under the Habitat Plan.

- Avoid Direct Impacts on Protected Plant and Wildlife Species (Condition 1)**  
This condition requires that development projects avoid impacting a protected plant species, protected mammal species, and several protected bird species. This condition applies to projects that impact wetlands, certain riparian areas, and large trees.
  
- Maintain Hydrologic Conditions (Condition 3)**  
This condition requires that development projects avoid or minimize water quality impacts, consistent with existing National Pollution Discharge Elimination System standards required by the San Francisco and Central Coast Regional Water Quality Control Boards.

### B. **Conditions Based on Project Location**

The conditions listed below apply to projects located within certain geographic areas of the Habitat Plan or those that affect certain land cover types. The [Geobrowser](#) can be used to determine if the project is located within the applicable areas or contains the mapped land cover where these conditions apply.

NOTE: Per Step 3 above, the land cover on the property must be verified to determine if many of the conditions listed below apply to a development project.

- Urban Reserve Interface Design Requirements (Condition 2)**  
*Geobrowser Map = Urban Reserve System Interface Zones*  
This condition sets design standards for urban development adjacent to existing Habitat Plan reserves or areas eligible for future acquisition into the Reserve System.
  
- In-Stream Projects (Condition 4)**  
*Geobrowser Map = Category 1 Stream Buffers and Setbacks, Wetland Fee Zones*  
This condition establishes design requirements and construction measures for projects that affect streams and riparian corridors (bridges, culverts).
  
- Rural Development Design and Construction (Condition 7)**  
*Geobrowser Map = Urban Service Areas*  
This condition applies to rural development projects located outside of urban service areas. It has design criteria and construction measures applicable to all development projects and certain types of activities (new roads, vineyards).
  
- Riparian Setbacks (Condition 11)**  
*Geobrowser Map = Category 1 Stream Buffers and Setbacks*  
This condition requires setbacks from streams and riparian areas. For Category 1 streams (mapped in the [Geobrowser](#)), the setback is between 100 and 200 feet. Category 2 streams are smaller streams that are not

mapped but can be identified in the field. If a Category 2 stream is identified on the property where development is proposed, the setback is 35 feet.<sup>4</sup>

**Wetland and Pond Avoidance (Condition 12)**

Geobrowser Map = Wetland Fee Zones

This condition requires projects to minimize impacts on wetlands and ponds.

**Serpentine Avoidance and Minimization (Condition 13)**

Geobrowser Map = Serpentine Fee Zones

This condition requires development projects to minimize effects on serpentine habitat and associated species.

**Valley Oak and Blue Oak Woodlands (Condition 14)**

Geobrowser Map = Valley and Blue Oak Woodlands

This condition sets design standards for development projects to minimize effects on Oak Woodlands.

**C. Conditions Based on Wildlife and Plant Species**

**Wildlife Surveys and Avoidance (Conditions 15–18)**

Geobrowser Map = Wildlife Survey Areas

These conditions require surveys for several wildlife species and avoidance of direct impacts on these species should they be located on a project site and be impacted by construction. Properties located within the Wildlife Survey Areas map must also have the appropriate land cover to require wildlife surveys (e.g., Serpentine Bunchgrass Grassland land cover for Bay checkerspot butterfly).

List wildlife type if applicable \_\_\_\_\_

**Plant Surveys and Avoidance (Conditions 19 and 20)**

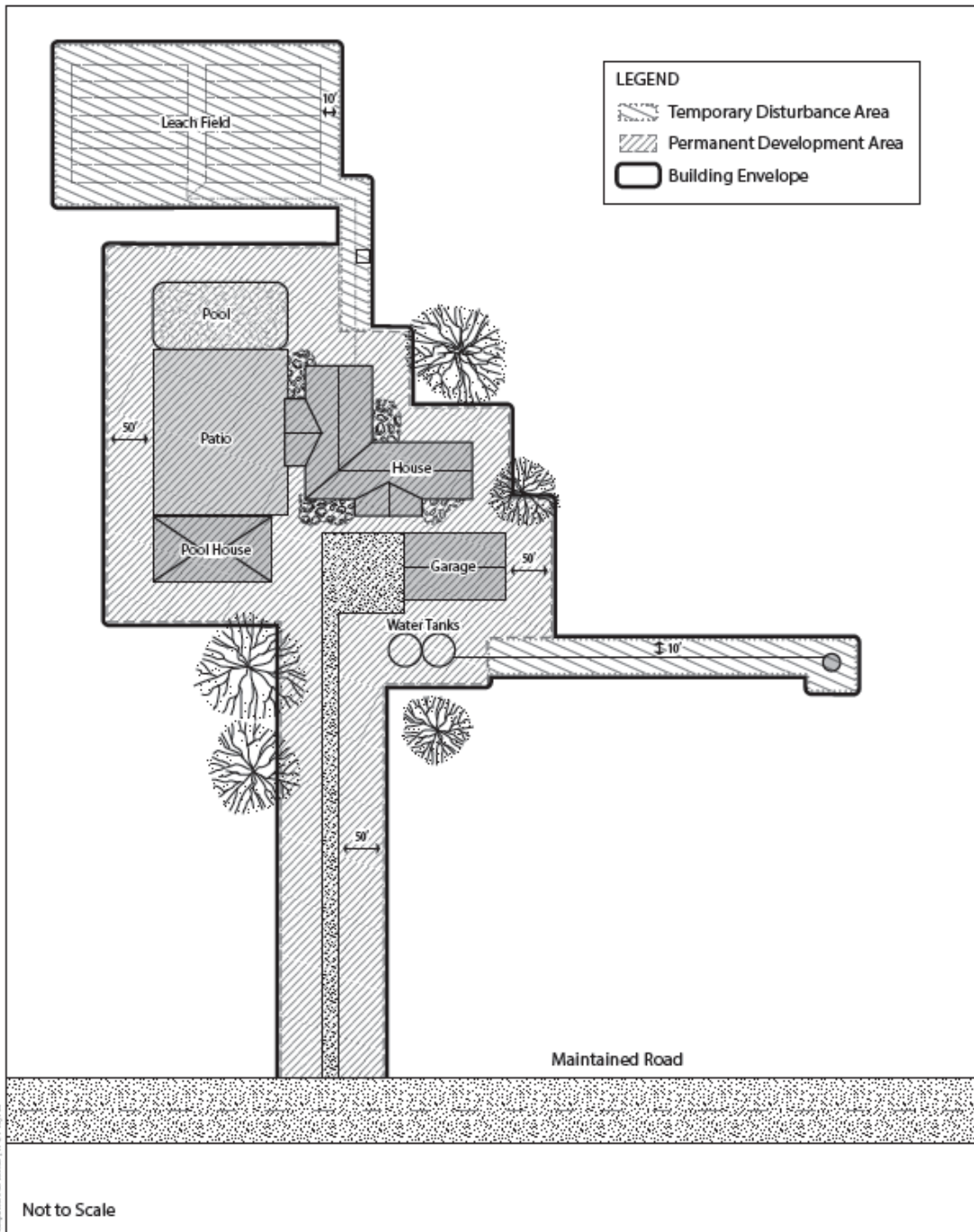
Geobrowser Map = Plant Survey Areas

These conditions require surveys for several plant species and avoidance or minimization of impacts on plant species that could be affected by construction.

List plant type if applicable \_\_\_\_\_

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<sup>4</sup> The process for identifying a Category 2 stream is described on page 6-48 of the Habitat Plan.



**Exhibit 1**  
**Schematic for Calculating Development Area**



Note: The development area used for calculating fees, impacts, and determining conditions is defined as the project footprint with a 50-foot buffer around permanent impacts and 10-foot buffer around temporary impacts. Exhibit 1 is different from Exhibit A in the screening form—the permanently disturbed footprint is only used to determine if your project is eligible for coverage under the Habitat Plan.