

CONFIDENTIAL

FOR DISCUSSION PURPOSES 2/1/2012/4/3/2012

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ORDINANCE NO. _____

An ordinance amending Title 22 . Planning and Zoning . of the Los Angeles County Code related to the revision of additional regulations for Significant Ecological Areas and Hillside Management Areas.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.56.215 is hereby repealed in its entirety.

SECTION 2. Section 22.56.215 is hereby added to read as follows:

22.56.215 Regulation of Development Activities within Significant

Ecological Areas—~~Additional regulations.~~

A. Purpose. This Section is established to regulate development activities in the Significant Ecological Areas (SEAs) designated in the County General Plan to ensure that development activities in these areas do not unduly compromise the underlying ecological systems of the County in such a manner that would threaten the future existence of these systems. ~~without appropriate mitigation.~~ This Section ensures that development activities within the SEAs which have the potential to impact SEA vitality are designed and implemented in a manner consistent with ecologically sensitive site design and consistent with the intent of the SEA Program of the County General Plan. In extending protection to these environmentally sensitive areas, it is intended further to provide a process whereby the reconciliation of potential conflict within these areas may equitably occur. The purpose is not to preclude development activities within these areas but to ensure, to the extent possible, that such development activities **both**

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~~(i) are appropriately mitigated, and (ii) maintain,~~ and, when ~~possible,practicable, can~~ enhance biotic resources in the SEAs.

B. Definitions. For purposes of this Section the following definitions apply:

1. Significant Ecological Area. A ~~Significant Ecological Area~~ ~~is an~~ ecologically important land or water system that ~~supports~~(i) may support valuable habitat for plants and animals integral to the preservation of rare, threatened or endangered species and the conservation of biological diversity in the County. ~~Significant Ecological Areas are delineated, and (ii) is delineated~~ on the Significant Ecological Areas and Coastal Resource Areas policy map of the County General Plan. ~~[This re-definition requires the repeal of the definition of SEAs in 22.08.190 S., which also includes specific reference to the Special Management Area map, etc., and differs from this definition.]~~

~~2. Ecological Transition Area. An Ecological Transition Area is a subset of a Significant Ecological Area, where the natural ecological features or systems have been degraded as a result of past or on-going land use activities but are deemed functionally integral to the Significant Ecological Area or support important plant or animal populations. Ecological Transition Areas are delineated on the Significant Ecological Areas and Coastal Resource Areas policy map of the County General Plan.~~

3. Development Activities. Development activities within a Significant Ecological Area ~~or Ecological Transition Area~~ are defined as any new development, infrastructure or activities, including maintenance, ~~(should not include maintenance, remodeling and rehabbing existing uses and facilities),~~ that would impact the biological

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resources or ecological systems in the Significant Ecological Area, **and which specifically these development activities that** require the issuance of a building permit or grading permit; the approval of a minor land division or subdivision; ~~the relocation of property lines;~~ and the removal of vegetation for development activities.

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4. Coastal Resource Areas. Coastal Resource Areas are areas located within the County's coastal zones as set forth in the California Coastal Act (Division 20 of the California Public Resources Code) and designated as Coastal Resource Areas on the Significant Ecological Areas and Coastal Resource Areas policy map of the County General Plan.

~~5. Mitigation. Mitigation is positively addressing negative impacts by avoiding, minimizing or limiting, rectifying or offsetting, reducing over time or otherwise compensating for negative impacts to vegetation , and can include, but are not limited to, the provision of an alternative site as a set-aside, habitat enhancement or expansion to offset impact or as a mitigation bank || or the payments of fees to an appropriate entity responsible for effectuating mitigation ||.~~

~~6.~~ ~~5.~~ Vegetation Clearance. Vegetation clearance on a lot or parcel of land located within or partially within a Significant Ecological Area or Ecological Transition Area is defined as the removal or killing of any onsite vegetation not maintained by persons for the purposes of landscaping or agriculture. This definition of vegetation clearance does not apply to the routine maintenance of vegetation which is not intended to cause vegetative death, such as trimming of grass and pruning of trees; removal of vegetation suffering from naturally occurring damage or disease; removal of vegetation which is interfering with any built structure or infrastructure; or

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removal of vegetation that ~~is threatening~~threatens or would threaten the safety of persons or structures.

7. Significant Ecological Area Technical Advisory Committee. (Define here ???) [Members, qualifications, terms, etc]

C. Applicability. The provisions of this Section shall not apply to:

1. ~~Complete applications~~Applications for development activities that were filed with the Department of Regional Planning prior to the effective date of the ordinance establishing the current provisions of this Section. Such applications shall be processed in accordance with Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the current provisions of this Section, unless the applicant requests that the current provisions of this Section be applied. To the extent that such an application is modified and resubmitted for approval subsequent ~~change of use or intensity~~to the effective date of the ordinance establishing the current provisions of this section, the subsequent modification and resubmitted application shall be subject to the current provisions of this Section.

Comment [A1]: Consider adding this text to clarify that applicants can choose to be subject to the new more flexible ordinance even if their application is already complete.

2. Valid conditional use permits granted before the effective date of the ordinance establishing ~~this Section.~~In such cases~~the current provisions of this Section.~~ In cases of conditional use permits granted before the effective date of the ordinance establishing the current provisions of this Section, development activities will be governed by the conditional use permit during the life of that permit ~~and the provisions of this Section shall apply at the expiration of the permit term.~~ ~~Any modifications to a valid conditional use permit granted before the effective date of the ordinance establishing this Section shall be subject to the provisions of this Section.~~

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. including any extensions thereto (consider economic delays that occur which delays work and impacts permit life); Modifications approved prior to this ordinance should be exempt.

3. Development activities within Coastal Resource Areas. Development activities on Santa Catalina Island shall be subject to the following Local Coastal Program components: The Santa Catalina Island Local Coastal Plan; the Santa Catalina Island Specific Plan, pursuant to Part 2 of Chapter 22.46; and the former provisions of Section 22.56.215 as it existed they were in effect on the certification date of the Santa Catalina Island Local Coastal Plan. Development activities within the Santa Monica Mountains Coastal Zone shall be subject to the following Local Coastal Program components: The Malibu Land Use Plan and the provisions of Part 6 of Chapter 22.44, which require review by the Environmental Review Board instead of the Significant Ecological Area Technical Advisory Committee.

D. Conditional Use Permit Required. Any development activity proposed on a parcel or parcels of land located wholly or partially within a Significant Ecological Area or Ecological Transition Area, including but not limited to infrastructure development and fuel modification related to development activity, shall require a conditional use permit, as provided in Part 1 of Chapter 22.56, except for the following development activities:

1. Lot Line Adjustments

2. Any development activity where the entire footprint of the development activity, including associated infrastructure, grading and fuel modification areas, is located outside of the Significant Ecological Area or Ecological Transition Area.

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Comment [A2]: Consider adding this limitation which would be consistent with exception 9(e) below.

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~~23.~~ Individual single-family residences, accessory structures, ~~and~~ additions to individual single-family residences and accessory structures, ~~and required fuel modification in connection with individual single-family residences.~~ This exception shall not apply if: ~~clarify if below is exempt or required (language unclear)~~

a. More than one single family residence is proposed to be built on contiguous lots or parcels of land by the same person or entity, or by entities owned or controlled by the same person or same group of people; or ~~existing legal lots, or lots modified/created with lot line adjustment or~~

~~b. Two or more property lines are proposed to be relocated between three or more contiguous lots or parcels of land; or~~

c. Grading of more than 5,000 cubic yards of earthwork is proposed in connection with the development of the single-family residence or the addition to the single-family residence; or

~~d. The cumulative floor area of the single-family residence and all accessory structures exceeds 4,000 square feet.~~

~~3.~~ Grading projects of ~~more~~less than 5,000 cubic yards of earthwork.

~~45.~~ Lot line adjustment of one property line between two parcels.

~~56.~~ Vegetation clearance of less than 2.5 cumulative acres ~~[[pursuant to any one individual undertaking or common plan]]~~.

~~6.~~ 7. Existing agricultural operations and production, including lands that are fallow as part of long term crop management. Agricultural operations may include; irrigated and non-irrigated farmland, nurseries, fruit stands and

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composting facilities. Agricultural operations and productions including access to, installation, repair and maintenance of agricultural related infrastructure.

8. ~~7.~~ Managed grazing lands ~~of horses, cattle, or sheep,~~ for traditional livestock (including resource management) and the construction and maintenance of corrals, barns, sheds, fencing, water systems and access roads as an accessory use, as allowed by this Title 22 and other applicable County regulations, including but not limited to regulations related to time of year, County wildlife preserves, and hazardous dust conditions.

~~8.~~ 9. Existing oil and gas exploration and extraction operations including operation and maintenance of wells, pipelines, tanks, fencing, sheds, access roads and equipment and material storage.

10. Mining projects and reclamation plans that require a Surface Mining Permit, as provided in Part 9 of Chapter 22.56.

911. Any of the following activities undertaken ~~by a governmental agency or,~~ requested or required by a governmental agency:

- a. Removal or thinning of vegetation as required by the Fire Department for fire safety;
- b. Non-native vegetation removal programs for fire and flood prevention;
- c. Native habitat restoration programs for fire prevention; ~~and~~
- d. Hazard management activities in response to public safety.

: and

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~~10e. Any fuel modification that is required by statute or ordinance in the absence of concurrent development activities.~~

~~f. Any work performed by landowner for health and safety reasons~~

~~12. Public facilities and infrastructure. [[??? regardless of . ???]]~~

~~13. Mitigation activities (installation, maintenance and monitoring) including habitat restoration, expansion, enhancement and removal of non-native or invasive species.~~

E. **Minor Conditional Use Permit.** If a development activity requires a Conditional Use Permit pursuant to subsection D and is located only within an Ecological Transition Area, the applicant may request that the Director consider the application in accordance with the Minor Conditional Use Permit provisions in Section 22.56.085.

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F. **Optional Initial Project Appraisal.** If a development activity requires a Conditional Use Permit pursuant to subsection D, the applicant ~~shall complete~~ may seek an optional initial project appraisal before a complete Conditional Use Permit application is submitted to the Department of Regional Planning. The optional initial project appraisal is intended to ~~ensure that~~ provide the prospective applicant ~~is clearly advised of~~ with clear advice about the requirements of this Section. ~~The~~ Any initial project appraisal ~~includes~~ should include submission of partial information about the proposed development activity ~~and a preliminary review meeting with the Significant Ecological Area Technical Advisory Committee.~~

Comment [A3]: This paragraph should be deleted if concept of "Ecological Transition Area" is removed.

Comment [A4]: Make optional not requirement

Comment [A5]: If its optional why does it need to be in the ordinance.

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1. ~~The~~In order to initiate the optional initial project appraisal, the applicant shall prepare and submit the following information to the Director ~~to initiate an initial project appraisal:~~

a. Any materials and information that would ultimately be required by Section 22.56.030 and any other information the Director reasonably determines to be necessary for adequate evaluation of impacts on Significant Ecological Area resources. The Director may waive one or more of the requirements of Section 22.56.030 if he or she deems such information to be unnecessary for adequate evaluation.

b. An initial project appraisal document outlining the proposed development activity, including anticipated site design, ~~and~~ construction, and mitigation measures intended to protect biological and ecological resources. The document shall include the following information for the site of the proposed development activity only:

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i. Number of acres within the Significant Ecological Area.

ii. Number of acres within the Significant Ecological Area retained as natural open space ~~and any associated management provisions.~~

iii. A list of all sensitive vegetation on the site of the proposed development activity tracked by the California Natural Diversity Database, which may include, but is not limited to, the following:

(a). Oak woodland, including individual oaks; ~~[[~~ overbroad???]

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(b). Riparian habitat;

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(c). Wetlands, including seasonal wetlands such as vernal pools;

(d). Walnut woodland; ~~[[not listed ??]]~~

(e). ~~Grassland [needs to be quality] Native grassland, including any grassland with a strong component of forb species; (too broad and general)~~

Comment [A6]: Native grassland

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(f). Coastal sage scrub;

(g). Alluvial fan scrub;

(h). Joshua Tree woodland; and

(i). Desert wash.

iv. Number of acres and ~~percentagethe approximate relative intensity therein~~ of each sensitive vegetation type ~~that is tentatively proposed to be~~ permanently dedicated as natural open space ~~with in the SEA.~~

v. A description of any sensitive species listed by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, ~~III~~, or that are identified on the California Native Plant Society lists 1A, 1B, 2, 3, and 4, and The Western Tanager Los Angeles County Sensitive Bird Species Lists, Part I and II, and a description of any proposed reduction of such sensitive species, ~~III~~.

vi. A description of any riparian resources, including any watercourses or blue line streams, vernal pools, marshes, ponds, seeps, and springs, and a description of any development activity which may bisect, block, divert or otherwise directly or indirectly impact such riparian resources.

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vii. Description of any development activity which may bisect, block, divert or otherwise directly or indirectly impact regulatory water of the State of California or the United States and a list of any applicable state or federal ~~permit~~permits required for such impact.

2. ~~Following completion of an Initial Project Appraisal, the~~The ~~Planning~~ Director may waive the other requirements of this Section if ~~the Significant Ecological Area Advisory Committee~~he or she determines the proposed development activity would have ~~insignificant~~no significant, unmitigated impacts on the Significant Ecological Area. In such a case, the proposed development activity will not be subject to the other requirements of this Section but will be subject to all other applicable requirements of this Title 22.

G. Conditional Use Permit Application. ~~Unless the Director has waived the requirements of this Section pursuant to subsection F.2, the~~The applicant shall prepare a complete Conditional Use Permit application and submit it to the Department of Regional Planning ~~following completion of an Initial Project Appraisal.~~ The complete Conditional Use Permit application shall consist of the following and, unless otherwise specified, may be comprised of analyses and information previously submitted in connection with an Initial Project Appraisal:

1. ~~The~~Any materials and information that would ultimately be required by ~~subsection F.1.a.~~

Section 22.56.030 and any other information the Director reasonably determines to be necessary for adequate evaluation of impacts on ~~2. A complete record of recommendations made by the~~ Significant Ecological Area resources. The Director

Comment [A7]: Note that we proposed to delete section F.1.a under initial project appraisal, if that is the case then we need to replace the reference with the text

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may waive one or more of the requirements of Section 22.56.030 if he or she deems such information to be unnecessary for adequate evaluation. ~~_____ 2. _____~~ **A Technical**

~~Advisory Committee during its review of the Initial Project Appraisal;~~

~~_____ 3. _____~~ A final project appraisal document containing all the information required by subsection ~~F.1.b, which has been revised to contain~~ and, if the applicant

~~has sought an Initial Project Appraisal, a copy of the Initial Project Appraisal as well as~~

accurate reporting of any changes in the proposed development activity since the

preparation of the initial project appraisal document. ~~The final project appraisal~~

~~document shall also describe if and how the changes made to the proposed~~

~~development activity incorporate the recommendations made by the Significant~~

~~Ecological Area Technical Advisory Committee during its review of the Initial Project~~

~~Appraisal~~

4. A biological constraints analysis prepared in accordance with the Department of Regional Planning Biological Constraints Analysis Report Guidelines;

5. A biota report, including but not limited to biological surveys, project details, an impact analysis, and mitigation measures, in accordance with the Department of Regional Planning Biota Report Guidelines; and

6. A written analysis detailing how the application ~~complies with the development standards and guidelines provided in subsection H and~~ substantiates the

findings required by subsection J.

~~H. Standards for Development Standards and Guidelines within Significant Ecological Areas.~~

Comment [A8]: Note that we proposed to delete section F.1.a under initial project appraisal, if that is the case then we need to replace the reference with the text

Comment [A9]: Note that we proposed to delete section F.1.b under initial project appraisal, if that is the case then we need to replace the reference with the text

Comment [A10]: Note that we proposed to delete section F.1.b under initial project appraisal, if that is the case then we need to replace the reference with the text

Comment [A11]: Consider deleting this language, so that any guidelines the Director develops outside of the ordinance are guidelines, not mandatory requirements for a permit.

Comment [A12]: Delete Section

Comment [A13]: Delete all of H. Maybe a paragraph that describes the requirement to prepare guidelines and describes mitigation

Comment [A14]: Delete all of H. Maybe a paragraph that describes the requirement to prepare guidelines and describes mitigation

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1. Site Design and Implementation. ~~Development~~The Director shall develop guidelines to help assure that development activities shall generally be designed and implemented in a manner that prevents, avoids, minimizes or mitigates impacts to sensitive resources within the Significant Ecological Area identified by the Biological Constraints Analysis, the Biota Report, and the Significant Ecological Area Technical Advisory Committee to the ~~greatest extent feasible. The siting of structures and associated infrastructure shall be clustered, where feasible, and shall minimize the overall site disturbance. Site design shall adhere to the following standards, unless a modified design with associated mitigation measures will protect a greater number of sensitive species and larger habitat areas:~~

~~_____ a. Preserved Habitat. Preserved habitat and water resource areas designated as open space shall be contiguous within the project site and with dedicated open space on adjacent parcels. The location of preserved habitat areas should align with regional, local and site specific habitat and wildlife linkages and limit the creation of isolated islands of habitat;~~

~~_____ b. High Fire Areas. Structures and infrastructure in high fire areas shall be set back at least 200 feet from dedicated natural open space within the site and from dedicated natural open space on adjacent parcels to avoid vegetation removal for fire safety;~~

~~_____ c. Wildlife Movement. Structures, infrastructure and fencing shall be designed and installed so as to not significantly impact the movement of wildlife. A proposed development activity that includes any adverse impacts in this regard shall include a mitigation and remediation plan for those impacts;~~

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~~_____ d. Landscaping. Development activities shall be designed to reflect the structure and function of the surrounding natural biotic communities by using similar planting materials that are native and locally indigenous to the region;~~

~~_____ e. Landscaped Buffer Areas. Landscaped parks and open space shall be located between natural open space and structures, as feasible, to buffer sensitive resources from edge affects. Landscape design and materials shall correspond to the native vegetation of the site and be installed in a manner that does not negatively impact remaining native vegetation;~~

~~_____ f. Vegetation Clearance. Development activities that require the removal of vegetation greater than 2.5 cumulative acres, and unrelated to a building or grading permit, shall not encroach upon woodlands or riparian resources;~~

~~_____ g. Water Flow. Structures and landscaping shall be designed to avoid unnatural water flows off the site into habitat areas;~~

~~_____ h. Noise. Noise levels shall remain below 45db(A) at night in canyons and along drainages between 5 p.m. and 7 a.m., unless otherwise expressly permitted; and~~

~~_____ i. Lighting. Outdoor lighting shall be directed toward structures or activities and away from biological resources. Outdoor lights shall be fully shielded, directing the light downward to maintain dark skies.~~

~~_____ 2. Roadways. Development activities shall be designed and implemented in a manner that prevents, avoids, minimizes or mitigates impacts to dedicated open space or movement corridors. Roadways or access corridors, including fire roads, should not bisect sensitive vegetation, habitats or water resource areas.~~

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~~Where there is no feasible, less invasive route, and the roadway crosses a known corridor or linkage, the following shall apply:~~

~~_____ a. Safe Passage. Vegetation, fencing, under crossings, and culverts shall be designed to guide animals to safe passage. Vegetation designed to sustain traversing pollinators, shall be planted, if deemed appropriate;~~

~~_____ b. Signage. Permanent cautionary road signs shall be installed to identify known or suspected corridors of significant wildlife movement; and~~

~~_____ c. Access. Human access to wildlife safe passage areas shall be discouraged.~~

~~_____ 3. Proposed Open Space. Development activities shall be designed to preserve sensitive vegetation, habitat, and water resource areas through the dedication of open space or the establishment of restricted use areas.~~

~~_____ a. Preservation Instrument. A dedication of open space shall be recorded at the time of final map recordation, or prior to the effective date of the permit, that requires the open space to remain as permanent open space in perpetuity and extinguishes all development rights. All dedicated open space shall be recorded as Open Space . Restricted Use Area in the preservation instrument and on all maps. Dedication of open space shall be established using one of the following preservation instruments:~~

~~_____ i. Recordation of a deed restriction;~~

~~_____ ii. Recordation of a conservation easement;~~

~~_____ iii. Recordation of a covenant; or~~

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~~_____ extent practicable. The Guidelines for development within the SEA shall consider the preservation and minimization and mitigation of impacts to habitat, wildlife movement, siting of structures, fuel modification, lighting, noise, hydrology, habitat restoration, and mitigation. ~~iv. _____ Any other preservation instrument the Director deems appropriate.~~~~

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~~_____ b. Ownership and Management. The ownership and management of the open space shall be established to protect the identified resources in perpetuity through one of the following:~~

~~_____ i. Dedication to a government entity such as a county, city, state, federal or joint powers authority, which will hold and manage the land under a mandate to protect natural resources in perpetuity;~~

~~_____ ii. Dedication to a non-profit land conservation organization that meets the Statement of Qualifications of Non-Profits Requesting to Hold Mitigation Land pursuant to Government Code Section 65965; or~~

~~_____ iii. Dedication to any other entity the director deems appropriate.~~

~~_____ 4. Riparian Habitats.~~

~~_____ a. Riparian resources, including oak, scrub, woodlands, and forests shall be preserved on sites. The following types of riparian resources shall be preserved:~~

~~_____ i. The dripline of any native riparian vegetation on either side of a stream channel. If riparian vegetation is absent or sparse, the bed and bank of the stream channel shall be preserved;~~

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~~ii. Desert wash and riparian vegetation, including the bed, bank, and full extent of braided channel;~~

~~iii. Vernal pools, including the supporting sub-watershed;~~
and

~~iv. Marshes, ponds, seeps, and springs, including the extent of saturated soil and adjacent upland that supports the hydrological processes and biotic resources.~~

~~b. Groundwater levels contributing to the identified vegetation, species and riparian resources on the project site shall be protected from direct and cumulative drawdowns that would adversely affect these resources.~~

~~c. Setbacks. Structures shall be set back based on the type and extent of riparian resources as described below, unless a configuration with a lesser setback will protect more sensitive species and habitat or a configuration with a greater setback is required due to the sensitive nature of a resource.~~

~~i. Riparian resources including but not limited to oak, scrub, woodland, forest, and desert wash:~~

~~(a). A minimum 300 foot setback from the outer edge of riparian habitat on each side of a watercourse which is greater than 100 feet wide in a wet year; or~~

~~(b). A minimum 150 foot setback from the outer edge of riparian habitat on each side of a watercourse which is 50 to 100 feet wide in a wet year; or~~

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~~_____ (c). A minimum 75 foot setback from the outer edge of riparian habitat on each side of a watercourse which is less than 50 feet wide.~~

~~_____ ii. Vernal pools: A minimum 150 foot setback from the edge of the pool, or the extent of adjacent upland in a wet year, whichever is greater.~~

~~_____ iii. Marshes, ponds, seeps, and springs:~~

~~_____ (a). A minimum 300 foot setback from the outer edge of riparian habitat if the water resource is greater than one acre in size; or~~

~~_____ (b). A minimum 150 foot setback from the outer edge of riparian habitat if the water resource is one-half acre to one acre in size, or~~

~~_____ (c). A minimum 75 foot setback from the outer edge of riparian habitat if the water resource is less than one-half acre in size.~~

~~_____ 5. Modification. Development activities shall be designed and implemented to meet the purpose of this Section. The director may modify the development standards and guidelines above if:~~

~~_____ a. A biologically superior project alternative is proposed. In such case the Director may impose additional alternative conditions to effectively protect biological resources and ecological systems; or~~

~~_____ b. The site has environmental conditions which make it infeasible to meet all development standards and guidelines, and a modified project design is found to be biologically equivalent to a project design that meets all development standards and guidelines and to not adversely impact the conservation of sensitive species, habitat, or ecological function.~~

I. Conditional Use Permit Application Review.

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1. The Significant Ecological Area Technical Advisory Committee ~~shall~~may, pursuant to procedures established by the Planning Director, expeditiously review ~~each complete~~any Conditional Use Permit application and may recommend site design modifications, conditions of approval, and additional mitigation measures. At the conclusion of its review, the Significant Ecological Area Technical Advisory Committee shall provide the Director with ~~a final determination of its~~ recommendations and advice concerning the proposed development activity's compatibility with reasonable management of the Significant Ecological Area.

2. Director's Report. In all cases where a public hearing is required, the Director shall prepare a report to the Hearing Officer or the Regional Planning Commission containing a detailed review of the complete Conditional Use Permit application, including but not limited to:

a. The Significant Ecological Area Technical Advisory Committee's ~~determination of~~ recommendations and advice concerning the proposed development activity's compatibility with reasonable management of the Significant Ecological Area;

b. Appraisal of measures proposed to avoid or mitigate identified natural hazards;

c. Appraisal of measures taken to protect, avoid, minimize or mitigate potential impacts to ~~scenic, biotic,~~ and other resources;

d. Recommended changes to the proposed development activity that are necessary or desirable to substantiate the findings required by subsection J; and

Comment [A15]: Suggest adding text to clarify that mitigation of biotic resources is an acceptable approach, consistent with other revisions.

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e. Recommended conditions to be imposed to ensure that the proposed development activity substantiates the findings required by subsection J.

J. Findings. The reviewing authority (Director, Hearing Officer, or Regional Planning Commission) ~~shall~~may not ~~approve~~grant a ~~complete~~ Conditional Use Permit application ~~unless if~~ the reviewing authority finds that the application for the permit substantiates ~~all~~ of the following findings, in addition to those required by Section 22.56.090:

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1. The proposed development activity is consistent with the County General Plan as amended through the date of the completed application, any applicable local plans as amended through the date of the completed application, and the purpose of this Section; and

2. The proposed development activity does not significantly compromise the integrity of the natural ecological functions of the Significant Ecological Area; and

3. The proposed development activity is designed, to the extent practicable, to avoid, minimize, or mitigate impacts on or preserve biologically valuable~~essential~~ vegetation, species, corridors, and linkages. ~~—Preservation; and the preservation and avoidance, minimization or mitigation of biologically valuable impacts on essential~~ vegetation, species, corridors, and linkages was adequately considered as the highest priority in the design of the proposed development activity; and

4. The proposed development activity is designed, to the extent practicable, to protect against significant unmitigated adverse impacts to waterbodies, watercourses, wetlands, and the riparian habitats they support. Maintenance of the

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natural water levels, and surface or subsurface flow which supports riparian habitats and wildlife, were adequately considered ~~as a priority~~ in the design and implementation of the proposed development activity; and

5. Roadways or access corridors within the proposed development activity, including fire roads, are designed to ~~avoid~~ the extent practicable to avoid or minimize the bisecting of sensitive vegetation, habitats, riparian areas, dedicated open space, and movement corridors; and

6. Where a conflict exists between a provision in this Section and such other ordinance, statute, regulation, or requirement, the provision that would be most protective of biological diversity applies to the extent permitted by law. SEATAC and Regional Planning department will work diligently with state and federal agencies to remedy any conflicts and provide applicants responses within 30 days.

SECTION 3. Section 22.56.216 is hereby added to read as follows:

22.56.216 Hillside Management Areas -- Additional regulations.

A. Purpose. This Section is established to regulate development activities in Hillside Management Areas (~~HMA+s~~) to protect hillside resources from incompatible development and land uses. This Section ensures that development activities in HMAs protect public health, safety, and welfare; avoid or mitigate landslide, liquefaction, flood, and fire hazards; and conserve natural hillside character, significant geological features, and biological resources through environmentally sensitive site design and open space dedication. In extending protection to these HMAs, it is intended further to provide a process whereby the reconciliation of potential conflict between development and public safety may occur. The purpose is not to preclude development within these areas but to

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ensure, to the extent possible, that such development activities maintain, and when possible, enhance scenic and environmental resources in HMAs.

B. Definitions. For purposes of this Section the following definitions apply:

1. Hillside Management Area. A Hillside Management Area is any terrain with a natural slope of ~~25 percent or greater~~, over an area greater than 2½ acres.

Comment [A16]: Suggest increasing to 50%

2. Development Activities. Development activities within a Hillside Management Area are defined as any new development, infrastructure or activities that would impact ~~scenic and~~ environmental resources in the Hillside Management Area, specifically those development activities that: require the issuance of a building permit or grading permit; and the approval of a minor land division or subdivision; ~~and the relocation of property lines~~.

C. Applicability. The provisions of this Section shall not apply to:

1. ~~Complete applications~~Applications for development activities that were filed with the Department of Regional Planning prior to the effective date of the ordinance establishing the current provisions of this Section. Such applications shall be processed in accordance with Section 22.56.215 as it existed prior to the effective date of the ordinance establishing ~~this Section~~Any the current provisions of this Section, unless the applicant requests that the current provisions of this Section be applied. To the extent that such an application is modified and resubmitted for approval subsequent change of use or intensity to the effective date of the ordinance establishing the current provisions of this section, the subsequent modification and resubmitted application shall be subject to the current provisions of this Section.

Comment [A17]: Same comment made in SEA ordinance: Consider adding this text to clarify that applicants can choose to be subject to the new more flexible ordinance even if their application is already complete.

Comment [A18]: Same as SEA Ordinance: Proposed revised language is too broad. Consider adding text so the new ordinance only applies to development applications that are modified to the level that they need to go back for approval.

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2. Valid conditional use permits granted before the effective date of the ordinance establishing ~~this Section. In such cases~~ the current provisions of this Section. In cases of conditional use permits granted before the effective date of the ordinance establishing the current provisions of this Section, development activities will be governed by the conditional use permit during the life of that permit ~~and the provisions of this Section shall apply at the expiration of the permit term. Any modifications to a valid conditional use permit granted before the effective date of the ordinance establishing this Section shall be subject to the provisions of this Section, including any extensions thereto.~~

D. Conditional Use Permit Required. Any development activity proposed on a parcel or parcels of land located wholly or partially within a Hillside Management Area shall require a conditional use permit, as provided in Part 1 of Chapter 22.56, except for the following development activities:

1. Lot Line Adjustments

2. Fuel Modification areas

1. Any development activity where the entire footprint of the development activity, including associated infrastructure, grading ~~and fuel modification areas,~~ is located outside of the Hillside Management Area.

Comment [A19]: This deletion should only occur if Fuel Mod areas are added as a specific exemption

Comment [A20]: This deletion should only occur if Fuel Mod areas are added as a specific exemption

2. Individual single-family residences, accessory structures, ~~and~~ additions to individual single-family residences and accessory structures. This exception shall not apply if:

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a. More than one single family residence is proposed to be built on contiguous lots or parcels of land by the same person or entity, or by entities owned or controlled by the same person or same group of people; or

~~b. Two or more property lines are proposed to be relocated between three or more contiguous lots or parcels of land; or~~

~~c.~~ Grading of more than 5,000 cubic yards of earthwork is proposed in connection with the development of the single-family residence or the addition to the single-family residence; or

~~d. The cumulative floor area of the single-family residence and all accessory structures exceeds 4,000 square feet.~~

3. Accessory building and structures and additions to accessory buildings and structures.

4. Additions to building and structures, other than additions to individual single-family residences and additions to accessory buildings and structures; ~~provided that such additions do not cumulatively exceed 25 percent of the existing building or structure footprint.~~

5. Grading projects of ~~more~~less than 5,000 cubic yards of earthwork.

~~6. Lot line adjustment of one property line between two parcels.~~

Comment [A21]: Moved to # 1

E. Conditional Use Permit Application. The applicant shall prepare a ~~complete~~ Conditional Use Permit application and submit it to the Department of Regional Planning. The ~~complete~~ Conditional Use Permit application shall consist of the following:

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1. Any materials and information required by Section 22.56.030 and any other information the Director reasonably determines to be necessary for adequate evaluation of impacts on Hillside Management Area resources. The Director may waive one or more of the requirements of Section 22.56.030 if he or she deems such information to be unnecessary for adequate evaluation.

2. Site Photographs. A minimum of 6 panoramic or composite photographs, taken from each corner of the site and from highest elevated points within the site, are required. A minimum of twelve panoramic or composite photographs are required for sites greater than 20 acres in size. [Is it possible to substituting an aerial photograph?]

3. Site Feature Exhibits. The following exhibits, each of the same size and scale, showing the natural topography of the site at no more than 10-foot contour intervals:

a. A slope map, identifying the following slope categories by color and the number of acres within the following slope categories, as determined by a licensed civil engineer, or a licensed land surveyor, or a registered geologist:

- i. Zero to 24.99 percent natural slope;
- ii. 25 to 49.99 percent natural slope; and
- iii. 50 percent or greater natural slope.

b. A hazards and resources map identifying the following:

- i. Earthquake-induced landslide or liquefaction areas based on the applicable California Geological Survey's Seismic Hazard Zone maps;
- ii. Natural slopes of 50 percent or greater;

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iii. Watercourses, 100-year floodplains, and any other physical features that are customarily found on topographic maps prepared by the U.S. Geological Survey;

iv. Significant ridgelines and Significant Ecological Areas, as identified in the General Plan or any applicable local plans or Community Standards Districts; and

~~v. The location of sensitive species as identified by biological surveys, the California Natural Diversity Database, and other available resources.~~

~~v.~~

4. Proposed Project Exhibits. The following exhibits, each of the same size and scale, showing the natural topography of the site at 10-foot contour intervals:

a. A slope map, identifying the following slope categories by color, land use designation(s), lot configuration, proposed streets, grading, and the number of acres within the following slope categories, as determined by a licensed civil engineer, licensed land surveyor, or a registered geologist:

- i. Zero to 24.99 percent natural slope;
- ii. 25 to 49.99 percent natural slope; and
- iii. 50 percent or greater natural slope.

b. An open space exhibit, delineating the following:

i. Lot configuration, proposed streets, grading design, and natural and improved open space areas;

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ii. A table listing each open space lot or restricted use area, including a description of the proposed use, the level of improvement, and the number of acres, including the total acreage for each type of open space; and

iii. A table listing the total open space acreage within each land use category.

5. Proposed Grading. Site plans and tentative maps, as applicable, showing the proposed grading, including the natural and finished elevations of all slopes to be graded. ~~[[? or proposed dedications and easements ??]].~~

6. Information on Proposed Structures. If a new structure is proposed, exterior elevation drawings, at a scale satisfactory to the Director, indicating proposed building heights and major architectural features. ~~(not applicable to subdivisions excluding 25 units).~~

7. ~~Landscape Plan. A landscape plan showing the location and species of proposed groundcover, shrubs, and existing and proposed trees within common or open space areas that are not remaining in a natural state.~~

8. ~~A written analysis detailing how the application complies with the development standards and guidelines provided in subsection F and~~ substantiates the findings required by subsection G.

F. Development Standards and Guidelines.

1. ~~Dedicated~~ Open Space Requirement.

a. At least ~~70~~50 percent of the gross area of the ~~lot(s)project area~~ within a Non-Urban or Rural land use designation shall ~~be permanently dedicated~~ remain open space. At least 25 percent of the net area of the ~~lot(s)project~~

Comment [A22]: Conceptual Landscape plan if required

Comment [A23]: Conceptual Landscape plan if required

Comment [A24]: Same comment as section G.6 in SEA ordinance above. Consider deleting this language, so that any guidelines developed outside of the ordinance are guidelines, not mandatory requirements for a permit.

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area within any other land use designation shall ~~be permanently dedicated~~remain open space.

~~b. Priority Open Space. The following hazard and resource areas shall be mapped on the site plan and prioritized [Exceptions should be provided for inclusion in the required open space area:~~

~~i. Significant ridgelines, as identified in the General Plan small lot developments, planned clusters, and/or any applicable local plans or Community Standards Districts; beneficial density transfers.]~~

~~ii. Earthquake-induced landslide and liquefaction areas, as delineated on the California Geologic Surveys, Seismic Hazard Zone Maps;~~

~~iii. Steep slopes of 50 percent or greater;~~

~~iv. Natural watercourses with a minimum 50 foot buffer from the edge of the banks; and~~

~~v. Significant Ecological Areas, as delineated on the Significant Ecological Areas and Coastal Zone Resources Map in the General Plan or any applicable local plans.~~

~~c.~~ c. Open Space Design and Use Requirements.

i. Required open space shall not be used for continuous or regular commercial activities;

[need exemptions for Agriculture, Grazing, Oil & Gas, Telecommunication towers, Filming, Hunting, etc.]

ii. Required open space shall remain undisturbed in a natural condition, except for the following types of

Comment [A25]: What is the reason for this new category "PRIORITY OPEN SPACE"? Recommend deleting this entire section. All of this information is already required to be submitted.

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improvements, where determined to be compatible with this Section by the director. ~~In no event shall the improved open space uses below exceed one-third of the required open space area.~~

.. The permissible improvements to open spaces are:

- (a). Parks, playgrounds and other recreational facilities;
- (b). Riding, hiking and cycling trails;
- (c). Areas planted with native locally-indigenous vegetation;
- (d). Manufactured slopes;
- (e). Vegetated swales, subject to Department of Public Works design guidelines and approval; and
- (f). Brush clearance, as required by the Fire Department, except in the 50-foot buffer for natural watercourses.

iii. Natural open space shall be contiguous with dedicated open space adjacent to the project site, to the ~~greatest~~ extent ~~feasible~~ practicable;

~~iv. Natural open space shall be configured in the following manner:~~

~~(a). Where a project site is greater than 40 acres, the natural open space shall be contiguous and configured into large lots separate from where development is proposed; and~~

Comment [A26]: This is a new concept of limiting the amount of potential active open space to a percentage of the site. Recommend Deleting as this is requirement of many developments

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~~(b). Where a project site is 40 acres or less, the natural open space shall be contiguous, and may be designated as an Open Space-Restricted Use Area in lieu of separate open space lots.~~

Comment [A27]: Recommend Deleting

d. Dedication of Open Space. A dedication of open space shall be recorded at the time of final map recordation, or prior to the effective date of the permit, that requires the open space to remain as permanent open space ~~in perpetuity and extinguishes all future development rights.~~ All dedicated open space shall be recorded as Open Space-Restricted Use Area in the preservation instrument and on all maps. Dedication of open space shall be established through one of the following preservation instruments:

- i. Recordation on a final map;
- ii. Recordation of a covenant; or
- iii. Any other preservation instrument the Director deems

appropriate.

e. Ownership and Management. The ownership and management of the natural open space shall be established to protect the identified resources through one of the following:

- i. Dedication to a government entity such as a county, city, state, federal or joint powers authority, which will hold and manage the land or easement under a mandate to protect natural resources in perpetuity;
- ii. Dedication to a non-profit land conservation

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organization that meets the Statement of Qualifications of Non-Profits Requesting to Hold Mitigation Land according to Government Code Section 65965; or

iii. Dedication to any other entity the Director deems

appropriate; _____ or

~~2. Site Design. The following site design techniques shall be utilized to integrate structures into the natural topography, to the greatest extent feasible:~~

~~a. Locate development adjacent to existing infrastructure;~~

~~b. Locate landscaped parks and open space between natural open space and structures to buffer sensitive resources from edge effects, where feasible. Landscape design and materials shall correspond to the native vegetation of the site and be installed in a manner that does not negatively impact remaining native vegetation;~~

~~c. Set back structures from the natural or manufactured toe of the slope, in compliance with Department of Public Works requirements; and~~

~~iv. The retention of legal ownership by the applicant with an appropriate easements or restrictions.~~

~~2. Site Design. d. Locate structures away from natural watercourse buffers and Significant Ecological Areas.~~

~~3. Grading. Grading shall utilize the following techniques to create manufactured slopes that replicate the natural topography, to the satisfaction of the reviewing authority (Hearing Officer or Regional Planning Commission):~~

~~a. Contour grading;~~

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- ~~b. Undulating slopes;~~
 - ~~c. Varied slope increments, banks and pad elevations;~~
 - ~~d. Siting of structures so that the long axis follows the contours, if feasible; and~~
 - ~~e. Screening of structures from major roadways with existing landforms or berms.~~
- ~~4. Street and Access Design. Streets and driveways shall incorporate the following standards to minimize grading, where applicable, to the greatest extent feasible:~~
- ~~a. Public, and private and future streets shall meet all county requirements, with the exception that permissible longitudinal grades may be up to 12 percent grade, subject to approval by the Department of Public Works, if the roadway design creates a superior project that reduces grading;~~
 - ~~b. Private drives and fire lanes, in lieu of public streets, shall meet all county requirements with the exception of street frontage, as specified in this Title, subject to approval by the reviewing authority;~~
 - ~~c. Curvilinear streets shall follow the natural topography of the site;~~
 - ~~d. Collector streets shall be located along the edge of development to reduce the impact of traffic on development and create a natural fire break. Where single loaded streets are sited along the edge of development, a parkway reduction to three feet is allowed; and~~

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~~e. Streets shall be routed around unique or important natural features, including but not limited to rock outcroppings over 20 feet in height and heritage oak trees.~~

~~5. Stormwater Runoff. Stormwater retention and detention facilities shall be designed as an extension of the natural drainage system to contain runoff and facilitate groundwater recharge, as follows:~~

~~a. Swales shall meet Low Impact Development (LID) standards and be designed as a landscape, water, or recreational feature; and~~

~~b. Drainage infrastructure, such as concrete culverts and detention basins, shall be built to blend into the topography and be designed with earth-toned materials.~~

~~6. Retaining Walls. Retaining walls shall be designed with varied gradients, as feasible, and colors that blend into the surrounding contours.~~

~~7. Surface Reflectance. Building exteriors shall be designed to minimize the amount of light reflectance on surfaces visible from public streets by using materials having Light Reflective Values (LRV) of 35 percent or less.~~

Comment [A28]: let the guidelines outside the ordinance address this

~~The Director shall develop guidelines that should assist with assuring site design techniques shall generally be utilized to integrate structures into the natural topography to the extent practicable.:~~

~~a. |~~

Comment [A29]: let the guidelines outside the ordinance address this

G. Findings. The reviewing authority (Hearing Officer of Regional Planning Commission) shall not approve a complete Conditional Use Permit application unless

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the reviewing authority finds that the application substantiates all of the following findings, in addition to those required by Section 22.56.090:

1. The proposed development activity is consistent with the County General Plan, ~~as amended [through the date of the completed application]~~, any applicable local plans, ~~as amended [through the date of the completed application]~~, and the purpose of this Section; and

2. The proposed development activity is located and ~~designated~~ designed reasonably to protect, to the extent practicable, the safety of current and future community residents and will not create significant threats to life and/or property due to the presence of seismic, landslide, liquefaction, fire, flood, mud flow, or erosion hazards; and

3. The proposed development activity is, to the extent practicable, compatible with the natural, biotic, cultural, scenic, and open space resources of the area; and

4. The proposed development activity is designed reasonably to protect, to the extent practicable, hillsides and retain large contiguous blocks of natural habitat or open space as specified in this Section; and

5. The proposed development activity is designed reasonably to integrate, to the extent practicable, the structures, if any, into the contours and existing shapes of the hillside; and

6. Where a conflict exists between a provision in this Section and such other ordinance, statute, regulation, or requirement, the provision that would be most protective of hillside resources applies to the extent permitted by law.

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SECTION 4. Section 22.56.085 is hereby amended to read as follows:

22.56.085 Grant or denial of minor conditional use permit by director.

A. Any person filing an application for a conditional use permit may request the Director to consider the application in accordance with this section for the following uses:

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-- Development activities in an ~~Ecological Transition Area~~, as provided in Section 22.56.215.E.

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