

Chapter 22.102 SIGNIFICANT ECOLOGICAL AREAS

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the update of regulations for Significant Ecological Areas and associated provisions.

...

SECTION 1. Division 2 - Definitions are hereby amended to read as follows:

...

~~--“SEATAC” means the significant ecological areas technical advisory committee.~~

-- “Significant Ecological Areas Technical Advisory Committee (SEATAC)” means an expert advisory committee which assists the Department in their administration of Chapter 22.102 and provides recommendations regarding development within the designated SEAs.

...

~~--“Significant eEcological aArea (SEA)” means land identified to hold important biological resources representing the wide-ranging biodiversity of the County, based on the criteria for SEA designation established by the General Plan and as defined in the adopted SEA Policy Map. A.~~

~~Significant ecological areas/habitat management areas designated on the special management areas map of the general plan.~~

~~B. Environmentally sensitive habitat areas, sensitive environmental resource areas, and rare plant habitat areas, identified in the Santa Catalina Island Local Coastal Program depicting any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.~~

...

SECTION 2. Chapter 22.102 is hereby deleted in its entirety.

...

SECTION 3. Chapter 22.102 is hereby added to read as follows:

SIGNIFICANT ECOLOGICAL AREAS

SECTIONS:

22.102.010 Purpose

22.102.020 Definitions

22.102.030 Applicability

22.102.040 Exemptions

22.102.050 SEA Counseling

22.102.060 SEA Review

22.102.070 SEA Conditional Use Permit

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22.102.120 Review Procedures for County Projects

22.102.130 Review Procedures for Habitat Restoration Projects

22.102.140 Significant Ecological Areas Technical Advisory Committee

22.102.010 Purpose.

This Chapter establishes regulations to conserve the unique biological and physical diversity of the natural communities found within Significant Ecological Areas (SEA) by requiring development to be designed to avoid and minimize impacts to SEA Resources. These requirements will help ensure the long-term survival of the SEAs and their connectivity to regional natural resources.

This Chapter regulates development within SEAs by:

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- A. Protecting the biodiversity and unique resources contained in SEAs from incompatible development, as specified in the General Plan;
- B. Ensuring that projects reduce the effects of habitat fragmentation by providing additional technical review of existing resources, potential impacts, and required mitigations;
- C. Ensuring that development within an SEA conserves biological diversity, habitat quality, and connectivity to sustain species populations and their ecosystem functions into the future; and
- D. Directing development to be designed in a manner which considers impacts to SEA resources within the Los Angeles County region.

22.102.020 Definitions.

For purposes of this Chapter, the following definitions apply:

- A. “Biological Constraints Analysis (BCA)” means a report, prepared by a qualified biologist as listed in the SEATAC Certified Biologist List maintained by the Department, which assesses the biological resources on a project site and in the surrounding area. A comprehensive list of what should be included in the BCA is found in the BCA Checklist to be maintained by the Department.
- B. “Biological Constraints Map (BCM)” means a map of the project site prepared by a qualified biologist as listed in the SEATAC Certified Biologist List maintained by the Department, which identifies all SEA Resources, as defined within this Chapter. A comprehensive list of what should be included in the BCM is found in the BCM Checklist to be maintained by the Department.
- C. “Biota Report” means a report prepared by a qualified biologist as listed in the SEATAC Certified Biologist List maintained by the Department that addresses project impacts on the biological resources identified in the BCM or BCA and outlines proposed mitigation

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strategies. A comprehensive list of what should be included in the Biota Report is found in the Biota Report Checklist to be maintained by the Department.

- D. “Building site” means the proposed areas of a project site that is or will be developed, including building pad and all graded slopes, all structures, decks, patios, impervious surfaces, and parking areas. For the purpose of limiting the building site area to 20,000 square feet per Section 22.102.080(A)(5), the following development may be excluded from the total building site area:
1. The area of one access driveway or roadway that does not exceed 20 feet in width and 300 feet in length, and is the minimum design necessary, as required by the County Fire Department;
 2. The area of one approved Fire Department turnaround that is the minimum design necessary to ensure safety and comply with Los Angeles County Fire Department requirements and not located within the approved building pad;
 3. Graded slopes exclusively associated with the access driveway or roadway and hammerhead safety turnaround indicated above, and grading necessary to correct an adverse geological condition; and
 4. Fuel modification area required by the County Fire Department.
- E. “Conservation easement” means a legal agreement between a landowner and a land trust or government agency in which the land owner places restrictions to permanently limit uses of the land in order to protect its conservation values and the land trust or government agency monitors and enforces the restrictions.
- F. “Conservation or mitigation bank” means permanently protected lands that are conserved and permanently managed for specific natural resource values, for which a specified number of habitat or species credits may be sold to developers to offset adverse impacts from their projects.

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- G. “Conservation in-lieu fee” means a fee that is provided by a project developer to a mitigation sponsor, such as a natural resource management entity, in lieu of providing required compensatory mitigation, which the mitigation sponsor pools with other in-lieu fees to create one or more sites to compensate for the resource functions lost as a result of the development.
- H. “County Biologist” means a biologist employed by, or under contract to, the Department.
- I. “Deed restriction” means a land use restriction that is added to the deed of a property and restricts the use of the property.
- J. “Development” means any of the following activities within an SEA:
1. Alteration to existing vegetation, including but not limited to vegetation removal for fuel modification, landscaping, or active recreational activities;
 2. Alteration to topography, including excavation, drilling, blasting, dredging, tillage and disking, earthwork, and grading of any amount, such as cut, fill, or combination thereof;
 3. Construction, placement, modification, expansion, or demolition of any access road, driveway, street or highway, including all associated construction staging;
 4. Construction, placement, modification, expansion, or demolition of any infrastructure, including but not limited to, water and sewerage lines, drainage facilities, telephone lines, and electrical power transmission and distribution lines, including all associated construction staging;
 5. Construction, placement, modification, expansion, or demolition of any structure, including all associated construction staging;
 6. Fenced areas used for livestock or companion animals including riding rings, kennels, paddocks, and grazing lands;

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7. Land divisions, except for projects with all development rights dedicated to the County, to another public agency that manages conserved natural land, or to an accredited land conservancy; and
 8. Construction, placement, modification, expansion, or demolition of trails (biking, hiking, equestrian, etc.).
- K. “Development footprint” means the area of disturbance for development, including but not limited to, all structures, driveways and access, fuel modification areas, and direct habitat disturbances associated with the development.
- L. “Ecosystem” means a biological community of interacting organisms and their physical environment.
- M. “Ecosystem function” means the natural processes (chemical, biological, geochemical, and physical), that take place within an ecosystem and contribute to its self-maintenance.
- N. “Ecosystem service” means the results of ecosystem functions which provide a benefit to the natural environment and humans. Examples of ecosystem services include air pollution reduction, maintenance and/or improvement of water quality, temperature moderation, fertile soil and scenic views.
- O. “Exploratory testing” means any excavation for the purpose of evaluating soil and/or hydrologic conditions, or geologic hazards. This includes exploratory test holes for water wells, percolation testing for on-site wastewater treatment systems, the access road to the test site, and any other activity associated with evaluating a site for development.
- P. “Formation Type” means the generalized structure of a stand of vegetation or physical feature. Formation types recognized in this Chapter include the following:
1. Beach and dune is habitat defined by generally sparse vegetation and prevalence of wind- or wave-deposited sand.
 2. Chaparral is a vegetation dominated by tall woody shrubs 2 meters and taller.

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3. Herbland is a vegetation dominated by annual or herbaceous perennial species including native and non-native grasslands.
 4. Rock Outcrops and Rockland are defined by the presence of rocky habitats, typically largely barren of vegetation. Plant life may be generally limited to lichen, liverworts or mosses, although vascular plants may be present within cracks, crevices, pockets, etc.
 5. Scrub is a vegetation dominated by low-growing shrubs up to 2 meters in size.
 6. Stream is a physical feature which at least periodically conveys water through a channel or linear topographical depression, defined by the presence of hydrological and vegetative indicators.
 7. Wetland is an area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, with determinations following guidelines defined in the Corps of Engineers Wetland Delineation Manual.
 8. Woodland is vegetation dominated by trees. Trees may be widely spaced with as little as five percent (5%) canopy cover (e.g., savanna), densely arrayed with nearly complete canopy closure, or various densities in between. Understory may vary from herbaceous to shrubby.
- Q. “Fragmentation” means the process by which a landscape is broken into small islands of vegetation within a mosaic of other forms of land use or ownership, such as islands of a particular age class (e.g. old growth) that remain within areas of younger-aged forest
- R. “Habitat Type” is a subdivision of Formation Type that more precisely identifies dominant species rather than growth form or physical structure. Habitat types are generally referable to vegetation types as defined by standard references, such as Holland (1988) or Sawyer et al (2009).

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- S. “Large Lot Parcel Map” is a map with parcels with 20 acres or more and less than 40 acres with no improvements and with required access to a public street or highway, or, parcels with 40 acres or more without improvements and not required to have access to a public street or highway.
- T. “Linkage” means an area of land that possesses sufficient cover, food, forage, water, and other essential elements to serve as a movement pathway between two or more major areas of habitat.
- U. “Natural Community” means a distinctive assemblage of plant species that live together and are linked by their effects on one another and their environment, and which present a characteristic appearance based on size, shape, and spacing that is reflective of the effects of local climate, soil, water, disturbance, and other environmental factors.
- V. “Previously disturbed farmland” means farmland not grazed by domestic stock identified within the State of California Farmland Mapping and Monitoring Program (published in 2017) that has been inactive for a period of less than three consecutive years.
- W. “Priority Biological Resource” means SEA Resource Categories 1, 2, and/or 3.
- X. “SEA Resource” means the biological and physical natural resources that contribute to and support the biodiversity of SEAs and the ecosystem services they provide. SEA Resources include the species listed below within the five SEA Resource categories. SEA Resources are generally ranked based on rarity, sensitivity, and level of protection as it relates to the SEAs.
 - 1. “SEA Resource Category 1” includes natural communities ranked G1 or S1 by the California Department of Fish and Wildlife (CDFW) or utilizing NatureServe’s Conservation Status Assessment methodology for unranked communities; plant species categorized by the California Native Plant Society (CNPS) as California Rare Plant Rank (RPR) 1A, 1B, 2A, 2B, or 3; plant and animal species formally listed or proposed for listing under the State and/or Federal Endangered Species

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Acts and habitat occupied by any such species; and water resources as defined by this Ordinance.

2. “SEA Resource Category 2” includes natural communities ranked G2 or S2 by CDFW or utilizing NatureServe’s Conservation Status Assessment methodology for unranked communities; animals listed by CDFW as Species of Special Concern and habitat occupied by any such species; native trees included on the Trees Species List maintained by the Department; oak woodlands as defined by the Los Angeles County Oak Woodland Conservation Management Plan; and any biological or physical natural resource identified in the Sensitive Local Native Resources list maintained by the Department.
 3. “SEA Resource Category 3” includes natural communities ranked G3 or S3 by CDFW or utilizing NatureServe’s Conservation Status Assessment methodology for unranked communities.
 4. “SEA Resource Category 4” includes natural communities ranked G4, S4, G5 or S5 by CDFW or utilizing NatureServe’s Conservation Status Assessment methodology for unranked communities; plant species categorized by CNPS as RPR 4; and habitat occupied by annual or herbaceous RPR 4 plant species.
 5. “SEA Resource Category 5” includes disturbed or isolated resource elements, such as plant communities dominated by non-native species, agricultural fields, hedges, and non-native trees, which continue to provide habitat and movement opportunities for wildlife, buffers between development and wildlands, and ecosystem functions valuable to the resilience of the SEAs.
- Y. “Sensitive Local Native Resources” means species identified by the Department to be rare or uncommon in the County or within a specific SEA, due to, but not limited to, being at the outer limits of their known range, having declining populations in the region, occurring in naturally small populations, being dependent on habitat that is declining in size and

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quality, having few records within the region, or having historically been abundant in the region but for which there are no recent records. A list of Sensitive Local Native Resources is maintained by the Department.

- Z. “Vegetation” means ground cover that includes trees, shrubs, bushes, grasses, wildflowers, and other plant life.
- AA. “Water resources” means sources of surface water, including but not limited to lakes, reservoirs, ponds, rivers, streams, marshes, seeps, springs, vernal pools, and playas. Additional information about specific water resources is provided in the General Plan 2035.
- BB. “Wildlife” means all animal life, including mammals, birds, reptiles, amphibians, fish, and invertebrates.
- CC. “Wildlife Corridor” means an area of open space with sufficient width to permit larger, mobile species (such as, but not limited to foxes, bobcats, and coyote) to pass between or disperse from one major area of open space or region to another.
- DD. “Wildlife permeable fencing” means a fence, wall, or gate that can be easily bypassed by all species of wildlife found within SEAs (such as, but not limited to deer, coyotes, bobcats, mountain lions, rodents, amphibians, reptiles, and birds).

22.102.030 Applicability

- A. Applications submitted on or after the effective date of this ordinance are subject to the regulations herein. Pending projects with a complete application prior to the date of applicability for this Chapter may choose to be subject to the SEA Ordinance applicable at time of complete application submittal or the amended SEA regulations made effective through this Chapter.
- B. This Chapter applies to all activities that meet the definition of development herein where occurring within all areas designated in the General Plan and related maps as SEAs.

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- C. Where a provision of the zone, supplemental district, or anywhere else in this Title 22 regulates the same matter as this Chapter, whichever provision is more protective of biological resources shall apply.
- D. Until such time as the Santa Catalina Island Local Coast Program (“LCP”) is amended, development within SEAs as mapped in the LCP shall be regulated by the version of the SEA Ordinance in effect at the time of certification of the LCP.
- E. Until such time as the Santa Monica Mountains North Area Community Standards District (“SMMNA CSD”) is amended, development occurring within SEAs in the boundaries of the Santa Monica Mountains North Area Plan shall be regulated by the version of the SEA Ordinance in effect at the time of the adoption of the Los Angeles County General Plan 2035.

22.102.040 Exemptions

The following developments are exempt from the regulations of this Chapter. Development that does not qualify for any of the exemptions listed below is subject to the regulations of this Chapter.

- A. Within the boundaries of the Antelope Valley Area Plan:
 - 1. Construction of a new single-family residence regardless of size, additions to existing single-family residences regardless of size, associated landscaping, new accessory structures, additions to existing accessory structures, and new or expanded animal keeping areas and facilities.
 - 2. All previously disturbed farmland as defined by Section 22.102.020 (Definitions).
- B. All areas outside the boundaries of the Antelope Valley Area Plan:
 - 1. Additions or modifications to existing single-family residences, or associated accessory structures and animal keeping areas/structures, as long as such addition or modification does not increase the total building site area to more than

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20,000 square feet, or encroach into more than 10% dripline for up to four SEA Native Trees.

- C. A maximum of one animal keeping structure less than 120 square feet shall be permitted. Such structure shall be located no more than 100 feet from the primary use.
- D. Maintenance, minor additions, or changes to existing legally established development previously reviewed for impacts to SEA Resources, if:
 - 1. Maintenance, additions, or changes do not expand the previously approved development footprint; or
 - 2. Maintenance, additions, or changes are operating under a valid use permit and found to be in substantial compliance with such permit.
- E. Development requiring renewal of previously approved use permits, if:
 - 1. The previously approved development footprint is not expanded; and
 - 2. Impacts to SEA Resources were reviewed under the prior permit.
- F. Projects within expanded SEA boundaries requiring renewal of previously approved discretionary permits, if:
 - 1. The previously approved development footprint is not expanded; and
 - 2. Impacts to SEA Resources were reviewed under the prior permit.
- G. Any development regulated by an adopted Specific Plan, provided that such development complies with the applicable provisions of the Specific Plan and can be demonstrated that the project received adequate biological review of the SEA resources and impacts to them.
- H. The rebuilding and replacement of legally built structures which have been damaged or partially destroyed and will not increase the previously existing development footprint.
- I. Land divisions for the purposes of the California Land Conservation Act of 1965 commonly referred to as the Williamson Act.
- J. Legally required fuel modification and brush clearance activities, as approved by the Fire Department, associated with existing structures for the purpose of fire protection.

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- K. Surface mining permits and reclamation plans approved or otherwise authorized to operate under Chapter 22.190 (Surface Mining Permits) during the life of that grant, including the periodic reviews established in Section 22.190.080 (Reclamation Plan), provided that such periodic review does not include proposed changes that would result in expanded development, and is consistent with valid permits.
- L. Development activity necessary for the maintenance of existing legally established driveways, streets, and highways.
- M. Development where the only impact to SEA Resources involve trees planted as required per Titles 21 and 22.
- N. Emergency removal of any tree listed on the SEA Native Tree list maintained by the Department, due to a hazardous or dangerous condition, being irretrievably damaged or destroyed through flood, fire, wind, lightning, drought, pests, or disease, as determined after visual inspection by a licensed forester with the Fire Department or a County Biologist.
- O. Tree maintenance, limited to removal of dead wood and pruning of branches not to exceed 20 percent of live foliage, intended to insure the continued health of an SEA native tree, in accordance with guidelines published by the National Arborists Association.

22.102.050 SEA Counseling

Prior to the submittal of an application for activities involving development within an SEA, a preliminary review of proposed development activities and consideration of the associated impacts on SEA Resources shall occur through a SEA Counseling meeting (“SEA Stop”), unless waived at the discretion of the Director.

- A. Application Materials. The applicant shall submit the following:
 - 1. SEA Stop Application;
 - 2. Biological Constraints Map (BCM); and
 - 3. Conceptual Project Design.

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- B. Recommendation. The Director shall recommend at the SEA Stop the two subsections:
1. The conceptual project demonstrates the ability to comply with Section 22.102.080 (SEA Development Standards) and only a ministerial SEA review shall be required; or
 2. The conceptual project does not demonstrate the ability to comply with Section 22.102.080 (SEA Development Standards) and an SEA CUP shall be required per 22.102.070 (SEA Conditional Use Permit).

22.102.060 SEA Review

- A. An SEA Review shall be required for any development to determine compliance with the following:
1. Development is consistent with Section 22.102.080 (SEA Development Standards); and
 2. Open space preservation is provided in compliance with Section 22.102.090 (Open Space).
- B. Site Visit. A site visit by the County Biologist may be deemed necessary by the Director or County Biologist to adequately determine compliance with Sections 22.102.080 (SEA Development Standards) and 22.102.090 (Open Space).
- C. The SEA Review shall be a biological review, conducted by the County Biologist, to accompany the review process for the use permit required by the underlying zone and other provisions of this Title 22. If the development does not require a use permit, the SEA Review shall be processed as a site plan review.
- D. Application Materials. In addition to the required application materials for the appropriate use permit, the following materials shall be submitted for the SEA Review:
1. Site Plan. A site plan identifying:

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- a. All proposed development, including on-site and off-site ground disturbing activity and vegetation removal;
 - b. Grading activity location, description, and quantities identified by cut, fill, import, natural grade, export and, when applicable, remedial and over-excavation is required;
 - c. Areas to be re-vegetated or restored, including a plant identification list with the botanical and common names of all planting materials;
 - d. Location and square footage of decorative landscaping and crops, including proposed groundcover areas, shrub mass, and existing and proposed tree locations, for all common or open space areas not left in a natural state. Plant identification lists shall include botanical and common names of all planting materials; and
 - e. On-site open space preservation, as applicable.
2. A Biological Constraints Map (BCM).
 3. Open Space Recordation Documentation per Section 22.102.090 (Open Space) with an attached exhibit identifying the required preserved open space area.

22.102.070 SEA Conditional Use Permit

An SEA Conditional Use Permit (“SEA CUP”) is required for development which cannot demonstrate compliance with Sections 22.102.080 (SEA Development Standards) and 22.102.090 (Open Space).

A. Additional Review.

1. Site Visit. A site visit by the County Biologist may be deemed necessary by the Director or County Biologist to adequately evaluate the impacts to SEA Resources.

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2. SEATAC Review. Review by Significant Ecological Areas Technical Advisory Committee (“SEATAC”) is required of all SEA CUPs prior to a public hearing, unless waived by the Director. The scope of the SEATAC Review shall be consistent with Section 22.102.140 (SEATAC).
3. Director’s Report. The Director shall provide the following analyses and recommendations as part of the public hearing staff report:
 - a. Evaluation of the proposed development and impacts to SEA Resources;
 - b. Evaluation of the SEA Resources contained within and adjacent to the project site;
 - c. Evaluation of the cumulative losses to the SEA Resources resulting from proposed and prior project development activity;
 - d. Appraisal of measures proposed to avoid, mitigate, or protect the identified impacts to resources contained within the SEA;
 - e. Evaluation of whether the project, as proposed, is in compliance with Section 22.102.100 (Findings);
 - f. Recommended changes, if any, to the proposed development necessary or desirable to achieve compliance with Sections 22.102.080 (SEA Development Standards) and 22.102.100 (Findings), and relevant objectives and policies of the General Plan;
 - g. Recommended conditions, if any, to be imposed to ensure that the proposed development will be in accordance with Section 22.102.100 (Findings) and the relevant objectives and policies of the General Plan;
 - h. SEATAC’s determination of project compatibility and applicable recommendations; and
 - i. Any relevant information as deemed necessary by the Director or County Biologist.

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B. Application Materials and Review Procedures.

1. In addition to the application materials listed in Subsection 22.102.060.D (Application Materials), the applicant shall submit the following to the satisfaction of the Director in consultation with the County Biologist:
 - a. Biological Constraints Analysis (BCA);
 - b. Biota Report; and
 - c. Additional materials and information that may be deemed necessary by the Director, County Biologist, or SEATAC to adequately evaluate the application.
 - d. The Director may waive one or more of the items in this Section when deemed unnecessary to process the application.
2. An application for an SEA CUP shall be filed and processed in compliance with Section 22.230 (Type III Review – Discretionary).

22.102.080 SEA Development Standards

Development in SEAs shall avoid or minimize impacts to SEA resources, habitat linkages, and wildlife corridors in accordance with this Section:

- A. SEA Resource Categories. Development is permitted to disturb up to the threshold amounts listed herein. Preserved open space shall be provided on-site, in accordance to Section 22.102.090 (Open Space) within this Chapter.
 1. SEA Resource Category 1
 - a. No amount may be disturbed.
 2. SEA Resource Category 2
 - a. Disturbances shall not exceed 500 square feet and shall preserve a minimum of two times the disturbed area of the same type of SEA Resource.

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- b. No den, burrow, roost, nest, or other such special habitat feature utilized by animals included in SEA Resource Category 2 may be disturbed.
 - c. A minimum 15-foot setback from the dripline of an SEA native tree is required.
3. SEA Resource Category 3
- a. Disturbances not exceeding 500 square feet shall preserve an amount equal to the disturbed area of the same type of SEA Resource.
 - b. Disturbances that exceed 500 square feet shall preserve a minimum of two times the disturbed area of the same type of SEA Resource.
4. SEA Resource Category 4
- a. Disturbances that exceed 500 square feet shall preserve an amount equal to the disturbed area of the same type of SEA Resource.
 - b. Disturbance of more than 10 individual rare plants in this category shall preserve an equal number of the same species of rare plants of the same type of SEA Resource.
5. In addition to above, the total building site area shall be no more than 20,000 square feet.

B. Water Resources. All development, inclusive of fuel modification/brush clearance is subject to the following setbacks from a water resource:

Water Resource	Water Resource Size	Setback
Lakes, reservoirs & ponds	Any Size	150 feet or the watershed boundary, whichever is greater
Rivers & streams	Less than 50 feet wide during or immediately following a 10-year storm event	100 feet
	50 to 100 feet wide during or immediately following a 10-year storm event	150 feet

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	Greater than 100 feet wide during or immediately following a 10-year storm event	300 feet
Marshes, seeps and springs	Less than one-half acre	100 feet
	One-half acre up to one acre	150 feet
	Greater than one acre	300 feet
Vernal pools and playas	Any size	150 feet or the watershed boundary, whichever is greater

C. Area-wide Development Standards

1. Impermeable Fencing, Wall or Enclosure. Wildlife-impermeable fencing, walls, and enclosures shall be permitted within the development footprint.
2. Permeable Fencing. When needed to delineate lot boundaries or to section off development features, such as streets, trails, driveways, active recreation areas, or animals keeping structures, wildlife-permeable fencing shall be used outside of the development footprint. Permeable fencing shall be designed as follows:
 - a. Fences shall be of an open design and made of materials visible to wildlife, such as wood rail, steel pipe, vinyl rail, PVC pipe, recycled plastic rail, or coated wire;
 - b. The bottom edge of the lowest horizontal element shall be no closer than 18 inches from the ground; and
 - c. Except where a different height is stated, the top edge of the topmost horizontal element shall be no higher than 42 inches from the ground;
3. Fencing Materials. Fencing shall be designed with materials not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor wire, and nets. All hollow fence and sign posts, or posts with top holes, such as metal pipes

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or sign posts with open bolt holes, shall be capped and the bolt holes filled to prevent the entrapment of bird species.

4. Window Reflectivity. All windows shall be comprised of non-glare/non-reflective glass.
5. Outdoor Lighting. Outdoor lighting shall be provided in accordance with applicable provisions of Chapter 22.80 (Rural Outdoor Lighting District) and shall be directed to avoid light trespass upwards into the night sky and onto natural habitat areas.
6. Open Space Buffer. Habitable structures shall be set back at least 200 feet from existing and proposed preserved open space located within the project site lot(s) or preserved open space recorded on adjacent lots, unless the Fire Department approves a modified distance specified in an approved fuel modification plan.
7. Landscaping. Plants listed on the Invasive Species list maintained by the Department shall be prohibited in all proposed landscaped and restoration areas.
8. Open Space. Driveways, streets, roads, or highways shall not be placed within required preserved open space areas.

D. Land Use Specific Development Standards

1. Crops. Crops shall consist of non-invasive species and shall be located entirely within a required irrigated fuel modification zone.
2. Exploratory Testing.
 - a. Permitted use. Exploratory testing as a primary or accessory use shall be permitted in areas where this Chapter is applicable and shall comply with the following:
 - i. Access for exploratory testing shall use existing roads, previously graded or disturbed areas, or track-mounted drill rigs.

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- ii. Vegetation removal activities shall be conducted in a manner that protect existing vegetative root stock to the maximum extent feasible.
 - iii. Any development exempt from this Chapter per Section 22.102.040 (Exemptions) is herein exempt from this development standard, for exploratory testing accessory to the primary use.
 - b. Exploratory Testing Stabilization. Within 90 days from completion of exploratory testing, areas of disturbance resulting from exploratory testing shall be stabilized with temporary erosion control measures and seeded with locally indigenous species to prevent erosion and instability.
 - c. Exploratory Testing Restoration. Full restoration of areas of disturbances resulting from exploratory testing shall be conducted as follows:
 - i. Where a project is withdrawn, denied or determined to be infeasible, or exploratory testing areas are found to be unusable, restoration of the disturbed area shall commence within one year of withdrawal, denial or determination of infeasibility.
 - ii. Where a project is approved, the exploratory testing areas that will be utilized for the approved development shall be stabilized per Subsection D.2.b (Exploratory Testing), above. Exploratory testing locations outside of the approved development footprint shall be restored, with restoration commencing within one year of disturbance.
 - iii. All required restoration shall be completed to the satisfaction of the Director.
- 3. Land Divisions. Land divisions shall not exceed a maximum disturbed developed area of 25 percent of the project site. Development areas shall be designed in one

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contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.

4. Large Lot Parcel Map. Large lot parcel maps for sale, lease, finance, or transfer purposes, shall demonstrate that all resulting parcels have reasonable potential for future development that meets the standards for SEA Review per 22.102.080 (SEA Development Standards), (e.g. adequate areas of SEA Resource Categories 4 and/or 5, setback from water resources).

22.102.090 Open Space

This Section sets forth the preservation and recordation requirements for open space when required by this Chapter, either in compliance with Section 22.102.080 (SEA Development Standards) or to offset impacts to SEA Resources through a SEA CUP.

A. Open Space Requirements. Development within a mapped SEA shall preserve natural open space as follows:

1. Provided on-site as required per Section 22.102.080 (SEA Development Standards); or
2. For projects unable to meet requirements per Section 22.102.080 (SEA Development Standards, as approved by the Regional Planning Commission or Hearing Officer.
3. For land division projects, at least 75 percent of the net area of the development site shall be provided as required preserved open space.
4. Prior to grading, removal of vegetation, or occupancy occurs.

B. Open Space Configuration.

1. Preserved open space shall be configured into one contiguous area, to the maximum extent feasible, unless the County Biologist determines that multiple, noncontiguous areas is the environmentally superior configuration.

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2. Preserved open space areas shall be contiguous with natural open space areas on adjoining lots or parcels, to the maximum extent feasible.
 3. Driveways, streets, roads, or highways may be placed within the preserved open space area if the Hearing Officer or Regional Planning Commission finds it necessary to ensure adequate circulation or access. Such driveways, streets, roads, or highways shall not be counted as a portion of the total required preserved open space provided. Such driveways, streets, roads, or highways shall include any necessary wildlife crossings and/or other features necessary to avoid biological impacts.
- C. Open Space Use. Preserved open space required by this Chapter shall be maintained in its natural undeveloped condition. There shall be no removal of trees or vegetation or other disturbance of natural features, with the following exceptions as deemed appropriate by the Director prior to the disturbance:
1. Disease control and/or control of non-native plants;
 2. Habitat restoration;
 3. Paths constructed and maintained to minimize environmental impact to the area;
 4. Wildlife permeable fences constructed and maintained to minimize environmental impact to the area;
 5. Fire protection, when determined by the County Biologist to be compatible with the SEA Resources being preserved; or
 6. Activities, including animal grazing, when recommended by the County Biologist to maintain a specific habitat condition.
- D. Open Space Preservation Mechanisms.
1. Development that complies with Section 22.102.080 (SEA Development Standards) shall provide required open space preservation through a permanent on-site deed restriction or a covenant between the County and the property owner.

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2. Development unable to comply with Section 22.102.080 (SEA Development Standards) shall provide required open space preservation through one or more of the following, listed in the order of County preference:
 - a. Dedication to a non-profit land conservation organization that meets the qualifications of non-profits requesting to hold mitigation land pursuant to Government Code section 65965, et seq.;
 - b. Dedication to a government entity, such as a county, city, state, federal, or joint powers authority;
 - c. Permanent on-site deed restriction;
 - d. Covenant between County and property owner;
 - e. A conservation easement recorded in the office of the County Registrar-Recorder/County Clerk as an irrevocable offer to dedicate or equivalent instrument that requires the open space to remain in perpetuity and extinguishes all future development rights;
 - f. Conservation or Mitigation Bank; or
 - g. In-lieu Fees.

22.102.100 Findings

The Regional Planning Commission or Hearing Officer shall approve an application for a conditional use permit for development in SEAs if the Regional Planning Commission or Hearing Officer finds that the application substantiates, in addition to those required by Section 22.56.090 (Conditional Use Permit), the following findings:

- A. The proposed development is highly compatible with the SEA Resources, including the preservation of natural open space areas and providing for the long-term maintenance of ecosystem functions;

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- B. The proposed development avoids or minimizes impacts to the SEA Resources and wildlife movement;
- C. The proposed development buffers important habitat areas from development by retaining sufficient natural vegetation cover and/or natural open spaces and integrating sensitive design features;
- D. The proposed development maintains ecological and hydrological functions of water bodies, watercourses, and their tributaries;
- E. The proposed development ensures that roads, access roads, driveways, and utilities do not conflict with Priority Biological Resources, habitat areas or migratory paths; and
- F. The proposed development promotes the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency cannot be preserved when the proposed development may cause any of the following:
 - 1. Bisection of the SEA;
 - 2. Removal of the only known location of a Priority Biological Resource;
 - 3. Removal of habitat that is the only known location of a new or rediscovered species; or
 - 4. Other factors as identified by SEATAC.

22.102.110 Fees

- A. Filing Fees
 - 1. Filing fees for SEA Counseling found within Section 22.60.100.
 - 2. Filing fees for SEA Review found within Section 22.60.100.
 - 3. Filing fees for SEA CUP found within Section 22.60.100.
 - 4. Filing fees for Biologist Site Visit found within Section 22.60.100.
 - 5. SEATAC Review Fee.

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- a. Development subject to SEATAC Review shall require a filing fee per Section 22.60.100.
- b. The SEATAC Review Fee shall cover a maximum of three SEATAC meetings. Additional review meetings by SEATAC will require a new fee.
- c. This fee may be refunded if a written request is received from the applicant prior to the scheduling of the first SEATAC meeting and if the development project is re-designed to meet standards outlined in Section 22.102.080 (SEA Development Standards).

22.102.120 Review Procedures for County Projects

County projects considered development in an SEA shall submit for a review by the Department. County projects and maintenance activities performed as a result of emergency or hazard management shall be documented. The documentation shall be provided to the Department for a determination of the applicability of this Chapter. Emergency or hazard management activities include, any activity required, requested, authorized, or permitted by a local, state, or Federal agency, in response to an emergency.

- A. Information Required. Prior to the start of the project, the lead County Department shall provide the following:
 1. Project scope of work;
 2. Location map;
 3. Environmental documents, if applicable; and
 4. Regulatory permit requirements, if applicable.
- B. Review.
 1. Initial Review. The County Biologist shall review the project; and
 2. SEATAC Review. The County Biologist may determine that SEATAC Review is necessary based on the project proposal.

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- C. Recommendation. The County Biologist and SEATAC as necessary, may submit a report to the lead County Department that includes recommendations on the project design and compatibility with Section 22.102.100 (Findings).

22.102.130 Review Procedures for Habitat Restoration Projects

Proposed habitat restoration, not required as a mitigation for an approved permit, shall submit for a review by the Department of a restoration or enhancement plan that illustrates how an area is proposed to restore habitat function consistent with this Chapter.

- A. Information Required. A restoration or enhancement plan shall be submitted that includes the following:
 - 1. Description and map of the area proposed to be restored or enhanced;
 - 2. Description of restoration or enhancement activities, including incidental activities, and their timeline;
 - 3. An inventory of SEA Resources onsite, including an evaluation of existing habitat quality;
 - 4. Statement of goals and performance standards;
 - 5. Revegetation and restoration methodologies to be implemented; and
 - 6. Maintenance and monitoring provisions, including a monitoring period of no less than five (5) years for individual restoration projects.
 - 7. An existing plan or equivalent that fulfills the above requirements may be accepted.
- B. Review.
 - 1. The Director, in consultation with the County Biologist, shall review the project proposal.
 - 2. Site Visit. A site visit by the County Biologist may be deemed necessary by the Director or County Biologist to adequately evaluate the impacts to SEA Resources.

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3. Subsequent activities that fall within the scope of the approved restoration or enhancement plan will not require further review by the Department.
4. If the proposed habitat restoration is not found to be in compliance with Section 22.102.100 (Findings), then an SEA CUP will be required per Section 22.102.070 (SEA Conditional Use Permit).

22.102.140 Significant Ecological Areas Technical Advisory Committee (SEATAC)

SEATAC serves as an expert advisory committee that assists the Department in assessing a project's impact on SEA Resources.

- A. Rules and Procedure. The Director shall adopt rules and procedures necessary or convenient for the conduct of SEATAC's business.
- B. SEATAC Review. SEATAC shall evaluate projects requiring SEATAC review per Section 22.102.070 (SEA Conditional Use Permit), as follows:
 1. Ruling on the adequacy of the BCA and Biota reports, if applicable;
 2. Recommending redesign and/or mitigation measures to minimize or mitigate impacts to SEA Resources; and
 3. Recommending a determination of the compatibility of the development project and this Chapter, including consideration of the following:
 - a. The projects ability to comply with Section 22.102.080 (SEA Development Standards);
 - b. The project's ability to mitigate impacts to SEA Resources through open space preservation;
 - c. The project's ability to meet the findings of Section 22.102.100 (Findings); and
 - d. The Project's avoidance of disturbance to Regional Habitat Linkages.

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SECTION 4. Section 22.56.1410 is hereby amended to read as follows:

22.56.1410 Reclamation plan—Findings prerequisite to approval.

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A. In approving a reclamation plan, the hearing officer:

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1. Shall require as a condition of approval financial assurances in accordance with Section 27773.1 of the Public Resources Code;
2. Shall require that the mine operator file a covenant against the property with the Los Angeles County Registrar Recorder's office containing the following statement before commencing operation of a new surface mine or, in the case of an existing mine as described in subsection D of Section 22.56.1260, within 30 days following notice of approval:

This property is subject to Reclamation Plan (enter case number), requiring, together with other conditions, the completion of a reclamation program before use of the property for a purpose other than surface mining, except otherwise provided in said plan. Agents of the County of Los Angeles and the State of California may enter upon such land to enforce a reclamation plan and to effect reclamation, subject to compliance with applicable provisions of law.

The hearing officer may require modification of the reclamation plan or impose such conditions that the hearing officer deems necessary to ensure that the plan is in accord with the requirements of Section 22.56.1420; and

3. Shall verify that the reclamation plan for any surface mining operation located in a Significant Ecological Area, was reviewed by SEATAC in accordance with Section 22.102.140 (Significant Ecological Areas Technical Advisory Committee).

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SECTION 5. Section 22.60.100 is hereby amended to read as follows:

22.60.100 Filing fees and deposits.

A. For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees shall accompany the application or petition:

...

~~— Conditional Use Permits for Significant Ecological Areas—\$19,995.00.~~

~~— Conditional Use Permits for Significant Ecological Areas, for construction projects up to 3,500 square feet of total new building area and where no land division is proposed— \$9,699.00.~~

— Conditional Use Permits for Significant Ecological Areas—\$

...

— County Biologist Site Visit -- \$

...

— Significant Ecological Area Counseling Meeting (SEA Stop) -- \$

— Significant Ecological Area Review (SEA Review) -- \$

— Significant Ecological Area Technical Advisory Committee Review (SEATAC Review) -- \$

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