

**DIVISION 5: SPECIAL MANAGEMENT AREAS.**

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**Chapter 22.102 Significant Ecological Areas.**

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**22.102.010 Purpose.**

A Conditional Use Permit (Chapter 22.158) application is required to protect resources contained in Significant Ecological Areas as specified in the General Plan from incompatible development, which may result in or have the potential for environmental degradation. 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. It is not the purpose to preclude development within these areas but to ensure, to the extent possible, that such development maintains and where possible enhances the remaining biotic resources of the Significant Ecological Areas, while allowing for limited controlled development therein.

**22.102.020 Application Required.**

Except as specified in Section 22.102.030 (Exemptions), below, prior to the issuance of any building or grading permits, the relocation of two or more property lines between three or more contiguous lots in a coordinated effort as determined by the Director regardless of the ownership of the involved lots and regardless of whether the relocations are applied for concurrently or through multiple or successive applications, approval of a minor land division or subdivision, or the commencement of any construction or enlargement of any building or structure on a lot which is in or partly in an area designated in the General Plan and related maps as a Significant Ecological Area, a Conditional Use Permit for Significant Ecological Areas shall be applied for and approved as provided by Chapter 22.158 (Conditional Use Permits) and this Chapter only when, unless a Conditional Use Permit is otherwise required by this Title 22, the property contains an area that, on or after January 1, 2012, was designated in the General Plan as a Significant Ecological Area, and if the proposed project includes development on the portion of that property that is located in the Significant Ecological Area.

**22.102.030 Exemptions.**

Permit exemptions include:

A. Accessory buildings and structures as defined in this Title 22.

B. Additions or modifications to existing residences; provided, however, that such additions or modifications do not increase the number of families that can be housed in said residences.

C. Individual single-family residences where not more than one such residence is proposed to be built by the same person on contiguous lots. This exemption shall not apply to the relocation of two or more property lines between three or more contiguous lots as described in Section 22.102.020 (Application Required).

D. Final maps and development approvals (permits) related thereto which are in substantial conformance with a tentative map approved or extended by the County since December 31, 1978, except as State law may otherwise specify.

E. Complete applications for development proposals which were filed for approval prior to February 5, 1981, except at the specific request of the applicant. This exemption shall also apply to the refiling of applications which were denied solely by reason of Sections 65950 through 65967 of the California Government Code and were originally filed prior to February 5, 1981. Any development proposals within this exemption still must be consistent with the General Plan.

F. Property located in both a Significant Ecological Area and a Sensitive Environmental Resource Area.

**22.102.040 Additional Contents of Application.**

In addition to the requirements for a Conditional Use Permit (Chapter 22.158) application, an application for a Conditional Use Permit for Significant Ecological Areas shall contain the following information:

A. Panoramic or composite photographs from all major corners of the subject property and from major elevated points within the property.

B. A map showing the existing topography of the subject property. Commercially available maps may be deemed acceptable. Such map shall identify the

locations of all drainage patterns, watercourses, and any other physical features that are customarily found on topographical maps prepared by the United States Geological Survey.

C. A grading plan to a scale satisfactory to the Director indicating all proposed grading, including the natural and finished elevations of all slopes to be graded.

D. The following, if the construction of dwelling or other structures are part of the proposed project:

1. Exterior elevation drawings, to a scale satisfactory to the Director, indicating proposed building heights and major architectural features; and

2. Plans for decorative landscaping, showing the location of proposed groundcover areas, shrub mass, and existing and proposed tree locations for common or open space areas not left in a natural state. Such plan shall also include botanical and common names of all planting materials.

E. Identification and location of the resources constituting the basis for classification of such area as a Significant Ecological Area where not provided by the environmental assessment or the initial study for an environmental document.

F. Proposed natural open areas, buffer areas, or other methods to be used to protect resource areas from the proposed use.

G. Such other information as the Director determines to be necessary for adequate evaluation. The Director may waive one or more of the above items where the Director deems such items to be unnecessary to process the application.

**22.102.050 Burden of Proof.**

In addition to information required in Section 22.158.050 (Findings and Decision) the Conditional Use Permit for Significant Ecological Areas shall substantiate to the Commission or Hearing Officer the following facts:

A. That the requested development is designed to be highly compatible with the biotic resources present, including by setting aside appropriate and sufficient undisturbed areas;

B. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state;

C. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state;

D. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said development;

E. That where necessary, fences, or walls are provided to buffer important habitat areas from development; and

F. That roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.

**22.102.060 Hearings.**

In all cases where formal filing for an application for a Conditional Use Permit for Significant Ecological Areas is submitted, a public hearing shall be held pursuant to current procedures. In all cases, however, where an application for a Conditional Use Permit for Significant Ecological Areas is filed and processed as a single application with a land division case, such public hearings shall be held concurrently.

**22.102.070 Director's Report.**

A. In all cases where a public hearing is required, the Director shall prepare a report to the Commission or Hearing Officer containing, but not limited to, the following:

1. Detailed review of the applicant's development proposal, including:  
a. Appraisal of measures taken to protect scenic, biotic, and other resources;

b. Recommended changes in the proposed development necessary or desirable to achieve compliance with the findings required by Section 22.102.080 (Findings and Decision), below, and the provisions of the General Plan; and

c. Recommended conditions to be imposed to ensure that the proposed development will be in accord with the findings required by

Section 22.102.080 (Findings and Decision), below, and the provisions of the General Plan.

2. In cases where the proposed development would impact a Significant Ecological Area and where such information is not included in the environmental document, identification and location of the resources constituting the basis for classification of such area as a Significant Ecological Area.

B. The Director, in developing such a report and recommendation, will consult with appropriate agencies and will compile the recommendations and comments of such agencies, including any recommendation of SEATAC.

**22.102.080 Findings and Decision.**

The Commission or Hearing Officer shall not approve an application for a Conditional Use Permit for Significant Ecological Areas unless it finds that the proposal is consistent with the General Plan and that the burden of proof set forth in Section 22.102.050 (Burden of Proof) has been met by the applicant.

**22.102.090 Conditions.**

The Commission or Hearing Officer shall, as a condition of approval, require that the proposed development incorporates those measures necessary to protect identified resources and meet the burden of proof described in Section 22.102.060 (Burden of Proof), above. The Commission or Hearing Officer, in granting approval of the application for the Conditional Use Permit for Significant Ecological Areas, may impose additional conditions.

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**Chapter 22.104 Hillside Management Areas.**

**Sections:**

**22.104.010 Purpose.**