

**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 is hereby amended to read as follows:

...

-- **Significant eEcological aArea (SEA).** Land that is 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 mapped 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.~~

...

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

-- **Significant Ecological Areas Technical Advisory Committee (SEATAC).**  
An expert advisory committee, which assists the Department in their administration of Chapter 22.102 and provides recommendations regarding development within the designated Significant Ecological Areas.

...

**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** Ministerial SEA Review

**22.102.070** Protected Tree Permit

**22.102.080** SEA Conditional Use Permit

**22.102.090** SEA Development Standards

**22.102.100** Natural Open Space Preservation

**22.102.110** Enforcement

**22.102.120** Fees

**22.102.130** Review Procedures for County Projects

**22.102.140** Review Procedures for Habitat Restoration Projects

**22.102.150** 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.

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

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:

- A. Protecting the biodiversity, unique resources, and geological formations contained in SEAs from incompatible development, as specified in the Conservation and Natural Resources Element of the General Plan;
- B. Ensuring that projects reduce the effects of habitat fragmentation and edge effects by providing additional technical review of existing resources, potential impacts, and required mitigations;
- C. Ensuring that development within a 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 and avoids 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).** A report prepared by a qualified biologist listed in the Significant Ecological Areas Technical Advisory Committee (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 shall be included in the BCA is found in the BCA Checklist to be maintained by the Department.
- B. **Biological Constraints Map (BCM).** A map of the project site prepared by a qualified biologist listed in the SEATAC Certified Biologist List maintained by the Department, which identifies all SEA Resources, as defined within this Chapter. A

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

- comprehensive list of what shall be included in the BCM is found in the BCM Checklist to be maintained by the Department.
- C. **Biota Report.** A report prepared by a qualified biologist listed in the SEATAC Certified Biologist List maintained by the Department that addresses project impacts on the biological resources identified in the BCM and/or BCA and outlines proposed mitigation strategies. A comprehensive list of what shall be included in the Biota Report is found in the Biota Report Checklist to be maintained by the Department.
  - D. **Conservation easement.** A recorded legal agreement between a landowner and an accredited 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 accredited land trust or government agency monitors and enforces the restrictions.
  - E. **Conservation or mitigation bank.** 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 project developers to offset adverse impacts from their projects.
  - F. **Conservation in-lieu fee.** 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 may pool with other in-lieu fees to create one or more sites to compensate for the resource functions lost as a result of the development.
  - G. **County Biologist.** A biologist employed by, or under contract to, the Department.
  - H. **Deed restriction.** A land use restriction that is added to the deed of a property through recordation with the Registrar-Recorder/County Clerk that restricts the use of the property.

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

- I. **Development.** Any of the following activities within a 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 discing, earthwork, and rough or precise grading of any amount, such as cut, fill, or combination thereof;
  3. Construction, placement, repair, 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, or for security reasons/purposes;
  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 trust; and
  8. Construction, placement, modification, expansion, or demolition of trails (biking, hiking, equestrian, etc.).
  9. Change or intensification of use.
- J. **Development footprint.** The area of disturbance for development, both temporary and permanent, including but not limited to, all structures, driveways and access, fuel modification areas, and direct habitat disturbances associated with the development.

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

1. **Building site area.** The portion of the development footprint 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 Subsection 22.102.060.A (Review Procedures), the following development associated with the primary use may be excluded from the total building site area calculation:
  - a. 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 Fire Department;
  - b. The area of one turn-around not located within the approved building pad, and is the minimum design necessary to ensure safety and comply with Fire Department requirements;
  - c. Graded slopes exclusively associated with the access driveway or roadway and safety turnaround indicated above; and
  - d. Fuel modification area required by the Fire Department.
- K. **Ecosystem.** A biological community of interacting organisms and their physical environment.
- L. **Ecosystem function.** The natural processes (chemical, biological, geochemical, and physical), that take place within an ecosystem and contribute to its self-maintenance.
- M. **Ecosystem service.** 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.
- N. **Edge effects.** The effects of development on adjacent natural areas due to introduction of structures, non-native and/or non-local plants, and animals. Structures

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

change the microclimate or constitute barriers to movement. Introduced species displace native species or interact with natural processes and change conditions so that the native species are no longer well-adapted to the altered environment.

- O. **Encroachment.** An intrusion, disturbance, or construction activity within the protected zone of a tree.
- P. **Exploratory testing.** 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.
- Q. **Fragmentation.** The process by which a landscape is broken into small islands of natural habitat within a mosaic of other forms of land use or ownership.
- R. **Fuel modification.** The process of providing a defensible space for fire suppression forces and protection of structures from radiant and convective heat through project design and the reduction of fuel loads. A Fire Department-approved Fuel Modification Plan is required for all new structures and additions to existing structures that are equal to or greater than 50% of the existing square footage located in the Very High Fire Hazard Severity Zone. A Fuel Modification Plan typically consists of the following zones:
  - 1. **Zone A.** The Setback Zone requires clearing of all vegetation except for irrigated ground cover, lawn, adequately-spaced low-growing plant species, or hardscape.
  - 2. **Zone B.** The Irrigated Zone requires an irrigated landscape or thinning of native vegetation and removal of plant species constituting high-fire risk.
  - 3. **Zone C.** The Thinning Zone requires thinning the density of existing native vegetation to reduce the amount of fuel and slow the rate of fire spread, slow

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

flame lengths, and reduce the intensity of fire before it reaches the irrigated zones.

- S. **Geological features.** Landform and physical features, such as beaches, dunes, rock outcrops, and rocklands, formed through natural geological processes.
- T. **Landscaping.** Any activity that modifies the visible features of an area of land through alteration of natural elements, such as altering the contours of the ground or planting trees, shrubs, grasses, flowers, and other plants.
- U. **Land trust.** A non-profit organization that actively works to conserve land by undertaking or assisting in land or conservation easement acquisition, and is responsible to ensure the applicable preservation mechanisms required by this Chapter for lands received and terms of the conservation easement are upheld through stewardship activities.
- V. **Large Lot Parcel Map.** A map with parcels between 20 and 40 acres in size with no improvements, and with required access to a public street or highway; or parcels with minimum 40 acres or more with no improvements, and not required to have access to a public street or highway.
- W. **Linkage.** An area of land that possesses sufficient cover, food, forage, water, and other essential elements to serve as a movement pathway for species between two or more areas of habitat.
- X. **Natural community.** 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.
- Y. **Natural open space.** Lands preserved in their natural, undeveloped condition.



***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

- Z. **Previously disturbed farmland.** Farmland not grazed by domestic stock identified within the State of California Farmland Mapping and Monitoring Program or proved to have been used for agricultural production at some time during the past four years to the satisfaction of the Director.
- AA. **Priority Biological Resource.** SEA Resource Categories 1, 2, and/or 3.
- BB. **Protected zone.** The area within the dripline of a tree and extending therefrom to a point at least five feet outside the dripline, or 15 feet from the trunk, whichever is greater.
- CC. **Restoration Plan.** A plan that delineates the process of habitat restoration in order to return the habitat to a close resemblance of its condition prior to disturbance. A Restoration Plan shall be prepared by a biologist or restoration ecologist, and 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 and pre-disturbance habitat quality;
  4. Statement of restoration 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 years for individual restoration projects.
- DD. **SEA Protected Trees.** Native trees listed in the SEA Protected Tree List maintained by the Department are protected under the provisions of this Chapter, as described below:

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

1. Any listed native tree with a trunk diameter that meets or exceeds the diameter listed in the SEA Protected Tree List maintained by the Department, as measured 54 inches above natural grade.
  2. Any listed native tree with two or more trunks that measure a total of at least 8 inches in diameter, as measured 54 inches above natural grade.
  3. **Heritage Tree.** Any listed native tree with a trunk diameter that measures 36 inches or more in a single trunk or two trunks that measures a total of 54 inches or more in diameter. Exceptions to this are Joshua and juniper trees; heritage trees of those species have a height of 20 feet or a canopy spread of 35 feet, respectively. A Heritage Tree is considered irreplaceable because of the tree's rarity, distinctive features (e.g. size, form, shape, color), or prominent location within a community or landscape.
- EE. **SEA Resource.** 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 accepted by California Department of Fish and Wildlife (CDFW) and ranked G1 or S1 by 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 Acts and habitat occupied by any such species; and water resources as defined by this Chapter.

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

2. **SEA Resource Category 2.** Includes natural communities accepted by CDFW and 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.
  3. **SEA Resource Category 3.** Includes natural communities accepted by CDFW and ranked G3 or S3 by CDFW, or utilizing NatureServe's Conservation Status Assessment methodology for unranked communities; 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.
  4. **SEA Resource Category 4.** Includes natural communities accepted by CDFW and 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, early successional, 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.
- FF. **Sensitive Local Native Resources.** 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 quality, having few records within the region, or having

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

- 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.
- GG. **Stream.** Stream is a physical feature that at least periodically conveys water through a channel or linear topographical depression, defined by the presence of hydrological and vegetative indicators.
- HH. **Trim or prune.** The cutting of or removal of any limbs, branches, or roots of trees.
- II. **Vegetation.** Ground cover that includes trees, shrubs, bushes, grasses, wildflowers, and other plant life.
- JJ. **Water resources.** Sources of permanent or intermittent surface water, including, but not limited to, lakes, reservoirs, ponds, rivers, streams, marshes, seeps, springs, vernal pools, and playas.
- KK. **Wetland.** 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 delineations following guidelines defined in the USFW Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, 1979).
- LL. **Wildlife.** All animal life, including mammals, birds, reptiles, amphibians, fish, and invertebrates.
- MM. **Wildlife corridor.** An area of open space with sufficient width to permit larger, mobile species (such as, but not limited to, foxes, bobcats, and coyotes) to pass between or disperse from one major area of open space or region to another.
- NN. **Wildlife-permeable fencing.** 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).

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

**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 comply with the SEA Ordinance applicable at the time of a complete application submittal or the amended SEA regulations ~~made effective through this ordinance amending~~ [herein](#) this Chapter.
- B. This Chapter applies to all activities that meet the definition of development herein where occurring within all areas designated [as SEA](#) in the General Plan and related maps ~~as SEAs~~.
- 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 Coastal 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:

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

1. Construction of a new single-family residence, regardless of size;
  2. Improvements accessory to a single-family residence, regardless of size:
    - a. Additions to an existing single-family residence;
    - b. Landscaping;
    - c. New accessory structures;
    - d. Additions to existing accessory structures; and
    - e. New or expanded animal keeping areas and facilities.
  3. Agricultural uses on 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, associated accessory structures, or animal keeping areas/structures, as long as such addition or modification does not increase the total building site area to more than 20,000 square feet or encroach into more than 10 percent of the dripline for up to four SEA Protected Trees.
  2. A maximum of one accessory animal keeping structure less than 120 square feet. Such structure shall be located no more than 100 feet from the primary use.
- C. Maintenance, minor additions or changes to existing legally established development, 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.
- D. Development requiring renewal of previously approved discretionary permits, if:
1. The previously approved development footprint is not expanded; and
  2. Impacts to biological resources were reviewed under the prior permit.

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

- E. Renewal of previously approved discretionary permits located within the adopted expanded SEA boundaries, if:
  - 1. The previously approved development footprint is not expanded; and
  - 2. Impacts to biological resources were reviewed under the prior permit.
- F. Any development regulated by an adopted Specific Plan, provided that such development complies with the applicable provisions of the Specific Plan and can demonstrate that the development received adequate review of biological resources and impacts to them.
- G. The rebuilding and replacement of legally built structures which have been damaged or partially destroyed and will not increase the previously existing development footprint.
- H. Land divisions for the purposes of the California Land Conservation Act of 1965 commonly referred to as the Williamson Act.
- I. Legally required fuel modification and brush clearance activities with the exception of tilling and discing, as approved by the Fire Department, associated with existing legal structures for the purpose of fire protection.
- J. Periodic reviews established in Section 22.190.080 (Reclamation Plan) for previously approved surface mining permits and reclamation plans authorized to operate under Chapter 22.190 (Surface Mining Permits) provided that such periodic review is conducted during the life of that grant, does not include proposed changes that would result in expanded development, and is consistent with valid permits.
- K. Development activity necessary for the repair or maintenance of existing legally established driveways, streets, and highways, provided that and will it does not increase the existing development footprint or impact drainages or streams.

***Significant Ecological Areas Ordinance Update***

*BOS Public Hearing Draft (May 7, 2019)*

- L. Development where the only impact to SEA Resources involves trees planted as required per Titles 21 and 22, Low Impact Development per Title 12, or Green Building requirements per Title 31.
- M. Emergency removal of any tree listed on the SEA Protected Tree List maintained by the Department, due to a hazardous or dangerous condition, or being irretrievably damaged or destroyed through flood, fire, wind, lightning, drought, pests, or disease, as determined after visual inspection by a Forester with the Fire Department in consultation with a County Biologist.
- N. Tree maintenance, limited to removal of dead wood and pruning of branches not to exceed two inches in diameter and 25 percent of live foliage within a two-year period, intended to ensure the continued health of a SEA Protected Tree, in accordance with guidelines published by the National Arborists Association. Should excessive maintenance, trimming, or pruning adversely affect the health of the tree, as determined by the County Biologist or Forester with the Fire Department, a Protected Tree Permit per Section 22.102.070 (Protected Tree Permit) or SEA Conditional Use Permit (SEA CUP) per Section 22.102.080 (SEA Conditional Use Permit) may be required.
- O. Emergency or routine maintenance by a public utility necessary to protect or maintain essential components of an existing utility or transmission system.
- P. Introduction of trees which qualify for protection under the definition of SEA Protected Tree, but which can be demonstrated to have been planted by a person for the purposes of affecting the architecture, climate, or aesthetics of a given place and are, therefore, considered landscape features, or subsequent removal or other alteration of only those trees that qualify as introduced. Removal or other alteration of an introduced tree shall require documentation of the introduction. Trees planted as mitigation do not qualify as introduced.



**22.102.050 SEA Counseling**

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

A. **Application Materials.** The applicant shall submit the following:

1. SEA Counseling Application and applicable fees;
2. Biological Constraints Map (BCM); and
3. Conceptual Project Design.

B. **Recommendation.** The Director shall recommend at the SEA Counseling meeting one of the following:

1. The conceptual project demonstrates the ability to comply with Section 22.102.090 (SEA Development Standards), and only a Ministerial SEA Review shall be required per Section 22.102.060 (Ministerial SEA Review);
2. The conceptual project demonstrates the ability to comply with Section 22.102.090 (SEA Development Standards) with the exception of Subsection 22.102.090.B (SEA Protected Trees), and a Ministerial SEA Review and Protected Tree Permit shall be required per Sections 22.102.060 (Ministerial SEA Review) and 22.102.070 (Protected Tree Permit); or
3. The conceptual project does not demonstrate the ability to comply with Section 22.102.090 (SEA Development Standards), and a SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit).

**22.102.060 Ministerial SEA Review**

A. **Review Procedures.** The Ministerial 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 Ministerial SEA Review shall ~~be processed as~~ consist of a biological review and a Site Plan (Type ~~H~~ I) Review. A Ministerial SEA Review shall be required for any development to determine compliance with the following:

1. The total building site area shall be no more than 20,000 square feet;
2. Development is consistent with Section 22.102.090 (SEA Development Standards); and
3. Natural open space preservation is provided in compliance with Section 22.102.100 (Natural Open Space Preservation).

B. **Application Materials.** In addition to the required application materials for the appropriate use permit, the following materials shall be submitted for the Ministerial SEA Review:

1. **Site Plan.** A site plan identifying:
  - 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 or crops, including proposed groundcover areas, shrub mass, and existing and proposed tree

**Significant Ecological Areas Ordinance Update**

BOS Public Hearing Draft (May 7, 2019)

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 natural open space preservation, as applicable.
2. A Biological Constraints Map (BCM).
3. Natural Open Space Recordation documentation per Section 22.102.100 (Natural Open Space Preservation) with an attached exhibit identifying the required preserved natural open space area.

**C. Additional Review.**

1. **Site Visit.** A site visit by the County Biologist may be deemed necessary by the Director to adequately determine compliance with Sections 22.102.090 (SEA Development Standards) and 22.102.100 (Natural Open Space Preservation).

**22.102.070 Protected Tree Permit**

Trees serve a significant role in the SEAs by providing habitat and ecosystem services. The intent of the following tree protection regulations is to encourage the responsible management of trees in the SEAs.

**A. Permit Required.** A Protected Tree Permit shall be required for development that complies with Section 22.102.090 (SEA Development Standards) with the exception of Subsection 22.102.090.B (SEA Protected Trees), and which includes any of the following impacts:

1. Pruning or trimming of branches of SEA Protected Trees in excess of two inches in diameter or 25 percent of live foliage for one or more trees;
2. Encroachments of up to 30 percent into a SEA Protected Tree's protected zone. Any encroachment of more than 30 percent into the protected zone of a tree shall be considered as a tree removal as described in Subsection A.3 below; or

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

3. Removal of up to two SEA Protected Trees that are not designated as Heritage Trees.
  4. Tree relocation poses significant risk to the health or survival rate of a tree. Any relocation of a SEA Protected Tree shall therefore be processed as a removal as described in Subsection A.3 above.
- B. A SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit) for the following impacts:
1. Removal of more than two SEA Protected Trees; or
  2. Removal of any SEA Protected Tree designated as a Heritage Tree.
- C. **Application Materials.** The following materials shall be submitted for the Protected Tree Permit:
1. Application materials for Type II Review;
  2. Protected Tree Report prepared by an arborist or a resource specialist shall include the following:
    - a. Associated tree survey map;
    - b. Descriptions and locations of all existing SEA Protected Trees on the subject property and impacted SEA Protected Tree(s) adjacent to the subject property;
    - c. Existing health and potential impacts of development of each SEA Protected Tree;
    - d. Identification of all proposed SEA Protected Tree removals and encroachments; and
    - e. Recommendations for avoiding, minimizing, and/or mitigating SEA Protected Tree impacts.
  3. Oak tree species may require additional application materials as stated in Chapter 22.174 (Oak Tree Permits).

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

D. **Burden of Proof.** In addition to the materials required per Subsection 22.102.070.BC (Application Materials), the application shall substantiate to the satisfaction of the Commission or Hearing Officer the following facts:

1. That any proposed construction will be accomplished without endangering the health of the remaining SEA Protected Tree(s), if any, on the property; and
2. That the removal or encroachment of the SEA Protected Tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters that cannot be satisfactorily mitigated.

E. **Findings.** A Protected Tree Permit may be approved only if the action proposed will not be contrary to or be in substantial conflict with the intent and purpose of the Protected Tree Permit procedures and the following findings are made:

1. That the proposed impacts to SEA Protected Tree(s) will be mitigated in compliance with Subsection 22.102.070.F (Mitigation); and
2. One or more of the findings below:
  - a. That the required action is necessary to allow reasonable economic or other enjoyment of the property and there is no other feasible design alternative that would avoid impact to the SEA Protected Tree(s); or
  - b. That the SEA Protected Tree(s) proposed for removal, encroachment, or pruning interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the SEA Protected Tree(s); or
  - c. That the condition of the SEA Protected Tree(s) proposed for removal, encroachment, or pruning due to disease, danger, or falling is such that it cannot be remedied through reasonable preservation practices.

**F. Mitigation.**

1. **Mitigation Ratios.** Impacts to SEA Protected Trees shall be mitigated per the mitigation ratios in Table 22.102.070-A.

<b>TABLE 22.102.070-A: MITIGATION RATIOS FOR PROTECTED TREE PERMIT</b>	
<b>Impact</b>	<b>Mitigation Requirements</b>
Pruning of branches larger than two inches in diameter or in excess of 25 percent of live foliage	Monitoring per Subsection <a href="#">EF.2</a>
Up to 30 percent encroachment into protected zones	Monitoring per Subsection <a href="#">EF.3</a>
Removal of trees not designated as Heritage Trees	2:1 Replacement Ratio and Monitoring per Subsection <a href="#">EF.4</a>
Removal of Heritage Tree	SEA CUP required

2. Where pruning or trimming of SEA Protected Trees exceeds 25 percent of live foliage or involves cutting of branches greater than two inches in diameter, each affected tree shall be monitored for a period of not less than seven years, with monitoring visits conducted by the County Biologist or Forester with the Fire Department occurring in years two, four, and seven. Should any of these trees be lost or suffer unacceptable decline of health or vigor as a result of the pruning, the applicant shall mitigate the impacts at a 2:1 replacement ratio per Subsection [EF.4](#) below.
3. Where development encroaches up to 30 percent of the protected zone of SEA Protected Trees, each affected tree shall be monitored for a period of not less than seven years, with monitoring visits conducted by the County Biologist or Forester with the Fire Department occurring in years two, four, and seven. Should any of these trees be lost or suffer unacceptable decline of health or vigor as a result of the proposed development, the applicant shall mitigate the impacts at a 2:1 replacement ratio per Subsection [EF.4](#) below.

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

4. Required replacement trees shall consist exclusively of native trees of the same species being removed, and shall be in the ratio required in Table 22.102.070-A. Each replacement tree shall be monitored by the County Biologist or Forester with the Fire Department for a period of not less than seven years, with monitoring visits in years two, four, and seven. Replacement trees shall be properly cared for and maintained during the full monitoring period and shall be replaced by the applicant or permittee should any of these trees be lost or suffer unacceptable decline of health or vigor at the end of the monitoring period.
5. **Protected Tree Fund.** If replacement on the project site of SEA Protected Trees proposed for encroachment or removal is inappropriate, a Forester with the Fire Department or County Biologist may recommend that the applicant pay into the Protected Tree Fund the amount equivalent to the resource value of the trees described in the Protected Tree Report. The resource value shall be calculated by the applicant and approved by a Forester with the Fire Department or County Biologist according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
  - a. Funds collected shall be used for the following purposes:
    - i. Establishing and planting native trees on public lands;
    - ii. Maintaining existing native trees on public lands;
    - iii. Purchasing native tree woodlands; and/or
    - iv. Purchasing sensitive native trees of ecological, cultural, or historic significance.
  - b. Not more than twenty percent of the funds collected may be used to study and identify appropriate programs, including but not limited to outreach and educational programs, for accomplishing the purposes described in Subsection F.5.a above.

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

- G. **Noticing and Public Hearing.** Noticing and public hearing procedures for a Protected Tree Permit shall be consistent with the requirements of Type II Review stated in Division 9.
- H. **Enforcement.** In interpreting the provisions of Section 22.102.070 (Protected Tree Permit) as applied to this Chapter, each individual tree cut, destroyed, removed, relocated or damaged in violation of these provisions shall be deemed a separate offense.

**22.102.080 SEA Conditional Use Permit**

- A. **Permit Required.** A discretionary SEA Conditional Use Permit (SEA CUP) application shall be required for development which cannot demonstrate compliance with Section 22.102.070 (Protected Tree Permit), or Sections 22.102.090 (SEA Development Standards) and 22.102.100 (Natural Open Space Preservation).
- B. **Application Materials.** An application for a SEA CUP shall be filed and processed in compliance with Chapter 22.230 (Type III Review – Discretionary).
  - 1. In addition to the application materials listed in Subsection 22.102.060.B (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.
  - 2. The Director may waive one or more of the items in this Subsection B when deemed unnecessary to process the application.



**Significant Ecological Areas Ordinance Update**

BOS Public Hearing Draft (May 7, 2019)

**C. Additional Review.**

1. **Site Visit.** Site visit(s) by the County Biologist may be deemed necessary by the Director to adequately evaluate the impacts to SEA Resources.
2. **SEATAC Review.** Prior to a public hearing, a SEA CUP application shall be required to undergo review by the SEATAC, unless waived by the Director. The scope of the SEATAC review shall be consistent with Section 22.102.150 (Significant Ecological Areas Technical Advisory Committee).
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 consistent with Subsection 22.102.080.D (Findings);
  - f. Recommended changes, if any, to the proposed development necessary or desirable to achieve compliance with Section 22.102.090 (SEA Development Standards) and consistent with Subsection 22.102.080.D (Findings), and relevant goals and policies of the General Plan;
  - g. Recommended conditions, if any, to be imposed to ensure that the proposed development will be consistent with Subsection 22.102.080.D (Findings) and ~~the~~ [relevant](#) goals and policies of the General Plan;

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

- h. SEATAC's determination of project compatibility and applicable recommendations; and
- i. Any relevant information as deemed necessary by the Director or County Biologist.

D. **Findings.** The Commission or Hearing Officer shall approve an application for a SEA CUP if the Commission or Hearing Officer finds that the application substantiates, in addition to those required by Section ~~22.56.090 (Conditional Use Permit)~~ [22.158.050 \(Findings and Decisions\)](#), the following findings:

1. 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;
2. The proposed development avoids or minimizes impacts to the SEA Resources and wildlife movement through one or more of the following:
  - a. Avoiding habitat fragmentation;
  - b. Minimizing edge effects; and/or
  - c. Siting development in the least sensitive location.
3. Important habitat areas are adequately buffered from development by retaining sufficient natural vegetation cover and/or natural open spaces and integrating sensitive design features;
4. The proposed development maintains ecological and hydrological functions of water bodies, watercourses, and their tributaries;
5. The proposed development ensures that roads, access roads, driveways, and utilities do not conflict with Priority Biological Resources, habitat areas, migratory paths, or wildlife corridors; and

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

6. The proposed development promotes the resiliency of the SEA to the greatest extent possible. For purposes of this finding, SEA resiliency is not promoted when the proposed development may cause any of the following:
  - a. Significant unmitigated loss of contiguity or connectivity of the SEA;
  - b. Significant unmitigated impact to a Priority Biological Resource;
  - c. Removal of habitat that is the only known location of a new or rediscovered species; or
  - d. Other factors as identified by SEATAC.

**22.102.090 SEA Development Standards**

All new 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.** The following are disturbance thresholds and onsite natural open space preservation requirements organized by SEA Resource Category. SEA Resource preservation shall be provided on-site, in accordance with Section 22.102.100 (Natural Open Space Preservation) within this Chapter.

1. **SEA Resource Category 1.** No amount shall be disturbed.
2. **SEA Resource Category 2.**
  - a. Disturbances shall not exceed 500 square feet and shall preserve at least two times the disturbed area of the same type of SEA Resource.
  - b. Development shall not result in abandonment or failure of any den, burrow, roost, nest, or special habitat feature utilized by animals included in SEA Resource Category 2.
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.

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

- b. Disturbances that exceed 500 square feet shall preserve at least two times the disturbed area of the same type of SEA Resource.

**4. SEA Resource Category 4.**

- a. Disturbances that exceed 5,000 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.

**B. SEA Protected Trees.**

- 1. A minimum five-foot setback from the dripline or 15-foot setback from the trunk, whichever is greater, of a SEA Protected Tree shall be required.
- 2. Encroachment into no more than 10 percent of the protected zone of up to four SEA Protected Trees listed in the SEA Protected Tree List maintained by the Department may be permitted.
- 3. Removal of one SEA Protected Tree that is not designated as a Heritage Tree may be permitted.

**C. Water Resources.** All development, inclusive of fuel modification/brush clearance is subject to the following setbacks from a water resource per Table 22.102.090-A.

<b>TABLE 22.102.090-A: SETBACKS FROM WATER RESOURCES</b>		
<b>Water Resource</b>	<b>Water Resource Size</b>	<b>Setback</b>
Lakes, reservoirs, and ponds	Any Size	150 feet or the watershed boundary, whichever is greater
Rivers and 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

**Significant Ecological Areas Ordinance Update**

BOS Public Hearing Draft (May 7, 2019)

	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

**D. Other Development Standards.**

1. **Wildlife-Impermeable Fencing, Wall or Enclosure.** Wildlife-impermeable fencing, walls, and enclosures shall be permitted within the building site area. One impermeable enclosure for the purpose of protecting livestock or companion animals shall be permitted within the development footprint.
2. **Wildlife-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 building site area. Wildlife-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 required per Title 21 or 22, the top edge of the topmost horizontal element shall be no higher than 42 inches from the ground.

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

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 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 or utilize methods to achieve non-reflectivity.
5. **Outdoor Lighting.** Outdoor lighting in all SEAs 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. **Natural Open Space Buffer.** Habitable structures shall be set back at least 200 feet from existing and proposed natural open space located within the project site lot(s) or natural open space recorded on adjacent lots, unless the Fire Department approves a modified distance specified in an approved fuel modification plan.
7. **Landscaping and Fuel Modification.** Landscape plans shall be submitted with an application for new development, that includes all cut and fill slopes, areas disturbed by the proposed construction activities, required fuel modification or brush clearance, and any proposed restoration area(s).
  - a. All new development shall minimize removal of natural vegetation to minimize erosion and sedimentation, impacts to scenic resources, and impacts to biological resources.
  - b. All cut and fill slopes and other areas disturbed by construction activities shall be landscaped or revegetated.

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

- c. Plantings within the building site area and Fuel Modification Zones A and B shall consist of a mix of locally indigenous, drought-tolerant plant species and non-invasive, drought-tolerant ornamental plants and gardens, with associated irrigation.
  - d. Fuel Modification Zone C shall consist of thinning the density of existing native vegetation. Should additional planting be needed in Zone C or outside of fuel modification areas, the plant palette shall consist entirely of locally indigenous, drought-tolerant plant species that blend with the existing natural vegetation and habitats on the site.
  - e. All vegetative species utilized in landscaping shall be consistent with Fire Department requirements and all efforts shall be made to conserve water.
  - f. Plants listed on the Invasive Species list maintained by the Department shall be prohibited in all proposed landscaped and restoration areas.
  - g. Tilling and discing shall be prohibited for fuel modification and brush clearance activities in all Fuel Modification Zones.
8. **Natural Open Space.** Driveways, streets, roads, or highways shall not be placed within required natural open space areas.

**E. Land Use-Specific Development Standards**

1. **Crops.**

- a. Crops as an accessory use shall consist of non-invasive species and shall be located entirely within required Fuel Modification Zone B (Irrigated Zone).
- b. Crops as a primary use shall consist of non-invasive species and shall be located entirely within SEA Resource Category 5.

2. **Exploratory Testing.**

- a. *Permitted use.* Exploratory testing as a primary or accessory use shall be permitted and shall comply with the following:

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

- i. Access for exploratory testing shall consist of existing roads, previously graded or disturbed areas, or use track-mounted drill rigs.
    - ii. Vegetation removal activities shall be conducted in a manner that protects existing vegetative rootstock.
    - iii. Any exploratory testing accessory to a primary use where such primary use development is exempt from this Chapter per Section 22.102.040 (Exemptions) shall herein be exempt from this development standard.
    - iv. A Restoration Plan shall be required at the time of application submittal.
  - 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 subsequent 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 subsequent project is approved, the exploratory testing locations outside of the approved building site area 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.** All land division projects shall be required to preserve at least 75 percent of the original undivided parcels as natural open space and shall not exceed a maximum development footprint of 25 percent of the original undivided



**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

parcels. Development areas shall be designed in one contiguous location and result in the largest, intact blocks of habitat with the lowest perimeter to area ratio, to the maximum extent feasible.

- a. *Large Lot Parcel Map.* Large lot parcel maps for sale, lease, financing, or transfer purposes, shall demonstrate that all resulting parcels have reasonable potential for future development that meets Section 22.102.090 (SEA Development Standards), (e.g., adequate areas of SEA Resource Categories 4 and/or 5, setback from water resources, 75 percent open space, and clustered development) based on the original undivided parcels.

**22.102.100 Natural Open Space Preservation**

This Section sets forth the preservation and recordation requirements for natural open space when required by this Chapter, either in compliance with Section 22.102.090 (SEA Development Standards) or to offset impacts to SEA Resources through a SEA CUP.

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

1. **Ministerial SEA Review.** Provide on-site as required per Section 22.102.090 (SEA Development Standards); or
2. **SEA CUP.** Provide on-site or off-site per Subsection D.2 (Natural Open Space Preservation Mechanisms), as approved by the Commission or Hearing Officer.
  - a. For land division projects, at least 75 percent of the original undivided parcels shall be preserved as required natural open space.
3. Natural open space recordation shall occur prior to any grading, removal of vegetation, construction, or occupancy.

**B. Natural Open Space Configuration.**

1. Preserved natural 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.
2. Preserved natural open space areas shall be contiguous with other natural open space areas on adjoining lots, to the maximum extent feasible.
3. Driveways, streets, roads, or highways shall be prohibited in natural open space area(s), unless the Commission or Hearing Officer 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 natural open space provided, and shall include any necessary wildlife crossings and/or other features necessary to avoid biological impacts.

**C. Natural Open Space Use.** Preserved natural 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 to maintain a specific habitat condition, including animal grazing, when recommended by the County Biologist and accompanied by an approved management plan.

**D. Natural Open Space Preservation Mechanisms.**

1. **Ministerial SEA Review.** Development that complies with Section 22.102.090 (SEA Development Standards) shall provide required natural open space preservation on-site through a permanent deed restriction or a covenant between the County and the property owner.
2. **SEA CUP.** Development not in compliance with Section 22.102.090 (SEA Development Standards) shall provide required natural open space preservation within or contiguous with the same SEA through one or more of the following, listed in the order of County preference:
  - a. Dedication of land for the purpose of natural open space preservation to:
    - i. An accredited land trust that meets the qualifications of non-profits requesting to hold mitigation land pursuant to Section 65965, et seq. of the California Government Code; or
    - ii. A government entity, such as a county, city, state, federal, or joint powers authority for the purpose of natural open space preservation;
  - b. Conservation or mitigation bank;
  - c. A conservation easement recorded with the Registrar-Recorder/County Clerk as an irrevocable offer to dedicate or equivalent instrument that requires the natural open space to remain in perpetuity and extinguishes all future development rights;
  - d. Permanent on-site deed restriction;
  - e. Covenant between County and property owner; or
  - f. Conservation in-lieu fees.

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

**22.102.110 Enforcement**

- A. Any activity defined as development in the SEAs which occurs prior to receiving an approved permit is prohibited.
- B. Unpermitted disturbed areas shall be stabilized with temporary erosion control measures and temporarily seeded with locally indigenous species within 30 days of issuance of a Notice of Violation, as directed by the County Biologist.
- C. **Restoration Permit.** If a permit is not obtained per Sections 22.102.060 (Ministerial SEA Review), 22.102.070 (Protected Tree Permit), or 22.102.080 (SEA Conditional Use Permit), or restoration of disturbed exploratory testing area is not completed per Section 22.102.090.E.2 (Exploratory Testing), a Restoration Permit shall be required.
  - 1. **Application Materials.**
    - a. Application materials for Type II Review; and
    - b. Restoration Plan.
  - 2. **Findings.** The Commission or Hearing Officer shall approve an application for a Restoration Permit in a SEA if the Commission or Hearing Officer finds that the application substantiates the following findings:
    - a. The restoration corresponds with the SEA Resources, habitats, and ecosystem services that were degraded by the unpermitted development;
    - b. The restoration will create and enhance biologically functional habitats;
    - c. The restoration resolves any violations of unpermitted development; and
    - d. The restoration is consistent with Section 22.102.010 (Purpose) and Subsection 22.102.080.D (Findings).
  - 3. **Noticing and Public Hearing.** Noticing and public hearing procedures for a Restoration Permit shall be consistent with the requirements of Type II Review stated in Division 9.

**Significant Ecological Areas Ordinance Update**

BOS Public Hearing Draft (May 7, 2019)

- D. When a Notice of Violation has been issued by the Department, the Director may set the matter for a public hearing before the Commission to consider a five-year ban on filing any new application, or acting upon any application for the subject property. In such case, all procedures relative to notification, public hearing, and appeal shall be the same as for a SEA CUP per Section 22.102.080 (SEA Conditional Use Permit). Following a public hearing, the Commission may place up to a five-year ban on filing any applications but may exempt emergency permits and/or permits deemed by the Director, as necessary, for the subject property to address a violation or permit revocation on the property. The five-year period shall commence from the date of the hearing. The Director shall record such five-year ban ~~in with the office of the County Registrar-Recorder/County Clerk.~~

**22.102.120 Fees**

- A. **Filing Fees.** Fees and deposits shall be in compliance with Section 22.222.080 (Fees and Deposit).
- B. **SEA Counseling Fee.**
1. The SEA Counseling Fee shall cover up to two SEA Counseling meetings.
  2. The SEA Counseling Fee shall be applied to projects filed within one year of the SEA Counseling meeting.
- C. **SEATAC Review Fee.** Development subject to SEATAC Review shall require an additional filing fee per Section 22.222.080 (Fees and Deposit), subject to the following:
1. The SEATAC Review Fee shall cover up to three SEATAC meetings. Additional review meetings by SEATAC shall require a new fee.
  2. The SEATAC Review 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

**Significant Ecological Areas Ordinance Update**

BOS Public Hearing Draft (May 7, 2019)

development is re-designed to meet standards outlined in Section 22.102.090 (SEA Development Standards).

**22.102.130 Review Procedures for County Projects**

County projects proposing development in a SEA shall submit an application 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.
2. **SEATAC Review.** The County Biologist may determine that SEATAC review is necessary based on the project proposal.

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 Subsection 22.102.080.D (Findings).

**22.102.140 Review Procedures for Habitat Restoration Projects**

Proposed habitat restoration, if not required as [a direct](#) mitigation for an approved permit, shall submit for review by the Department a restoration or enhancement plan that demonstrates how habitat function consistent with this Chapter shall be restored.

A. **Information Required.** A Restoration Plan shall be submitted. An existing plan or equivalent that fulfills the requirements of a Restoration Plan may be accepted as a substitute.

**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 to adequately evaluate the impacts to SEA Resources.
3. Subsequent activities that fall within the scope of the approved restoration or enhancement plan shall not require further review by the Department.
4. ~~If the proposed h~~Habitat restoration ~~is not found to~~ [shall be required to demonstrate how the project substantiates](#) Subsection 22.102.080.D (Findings); ~~then a SEA CUP shall be required per Section 22.102.080 (SEA Conditional Use Permit).~~

**22.102.150 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 establish 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 22.102.080 (SEA Conditional Use Permit), as follows:

**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

1. Ruling on the adequacy of the BCA and Biota reports, if applicable;
2. Recommending redesign and/or mitigation measures to avoid, minimize, or mitigate impacts to SEA Resources; and
3. Recommending a determination of the consistency of the development project with this Chapter, including consideration of the following:
  - a. The project's ability to comply with Section 22.102.090 (SEA Development Standards);
  - b. The project's ability to mitigate impacts to SEA Resources through natural open space preservation;
  - c. The project's ability to meet the findings of Subsection 22.102.080.D (Findings); and
  - d. The Pproject's avoidance of disturbance to regional habitat linkages.

**SECTION 4.** Section 22.190.080 is hereby amended to read as follows:

**22.190.080 Reclamation Plan**

...

**A. Findings Prerequisite to Approval.**

...

3. In approving a Reclamation Plan, the Commission or Hearing Officer shall:

...

- e. Require as a condition of approval, financial assurances in accordance with Section 2773.1 of the California Public Resources Code.
- f. Require that the mine operator file a covenant against the property with the Registrar-Recorder/County Clerk containing the following statement before commencing operation of a new surface mine or, in the case of an existing



**Significant Ecological Areas Ordinance Update**

*BOS Public Hearing Draft (May 7, 2019)*

mine as described in Section 22.190.030.D.4, 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 as 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 such Reclamation Plan and to effect reclamation, subject to compliance with applicable provisions of law.”

g. Verify that the reclamation plan for any surface mining operation located in a Significant Ecological Area was reviewed by SEATAC in accordance with Section 22.102.150 (Significant Ecological Areas Technical Advisory Committee).

4. The Commission or Hearing Officer may require modification of the Reclamation Plan or impose such conditions that the Commission or Hearing Officer deems necessary to ensure that the plan is in accord with the requirements ~~of~~ in Subsection C, below.

...

**SECTION 5.** Section 22.250.010 is hereby amended to read as follows:

**22.250.010 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, as provided in Table 22.250.010-A, below, shall accompany the application or petition. Table 22.250.010-A may be referred to as the Filing Fee Schedule.

**Significant Ecological Areas Ordinance Update**  
 BOS Public Hearing Draft (May 7, 2019)

<b>TABLE 22.250.010-A: FILING FEE SCHEDULE</b>		
...		
Conditional Use Permit	...	
	Concurrent filing (except SEA CUPs)	\$8,951.00
	...	
	Significant Ecological Areas	\$20,717.00
	Significant Ecological Areas, construction projects up to 3,500 square feet of total new building areas and no land division	\$9,473.00
	Significant Ecological Areas, development within	\$18,217.00
...	...	
Minor Conditional Use Permit	Permit	\$1,621.00
	Protected Tree Permit	\$1,621.00
	Residential Infill	\$1,326.00
	Restoration Permit	\$1,621.00
...		
Significant Ecological Areas Counseling		\$361.00
Significant Ecological Areas Review, Ministerial	SEA Ministerial Review, biological review	\$401.46
	SEA Ministerial Review, Site Plan Review	\$518.00
	County Biologist Site Visit	\$267.64
Significant Ecological Areas Technical Advisory Committee Review (SEATAC Review)		\$2,500.00
...		

...