

Watershed/Habitat Policy Compendium

Land Use Element

(Available online @ http://longrange.sbcountyplanning.org/landuse_element2.php)

Hillside and Watershed Protection Policies:

1. Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.

2. All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

Streams and Creeks Policy:

1. All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

Local Coastal Plan

(Available online @ http://longrange.sbcountyplanning.org/programs/coastal_lup.php)

Policy 2-11:

All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

Policy 3-13:

Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.

Policy 3-14:

All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

Policy 9-2:

Because of their State-wide significance, coastal dune habitats shall be preserved and protected from all but resource dependent, scientific, educational, and light recreational uses. Sand mining and oil well drilling may be permitted if it can be shown that no alternative location is feasible and such development is sited and designed to minimize impacts on dune vegetation and animal species. Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation is made a condition of project approval. Such re-vegetation shall be with native California plants propagated from the disturbed sites or from the same species at adjacent sites.

Policy 9-9:

A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10.

Policy 9-14:

New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.

Conservation Element

(Available online @

http://longrange.sbcountyplanning.org/programs/conservationelement/programs/conservationelement/conservation_element.php)

Ecological Communities of Greatest Interest

Within the County, fourteen ecological communities have been judged as either rare and/or endangered. The following summary descriptions list the characteristic plants within each community and the major locations. More detailed information, including the value, tolerance, and intensity classifications assigned to each area, is presented in the section on Mapped Areas and Communities.

Mixed Evergreen Forest - This plant community consists of trees and shrubs commonly associated with the cool redwood forests of the northern coast ranges and the Sierra Nevada. Characteristic plants include Tanoak (*Lithocarpus densiflora*), Madrone (*Arbutus menziesii*), California Bay (*Umbellularia californica*), Bigleaf Maple (*Acer macrophyllum*), and California Huckleberry (*Vaccinium ovatum*). In the County, this community exists only on the cool, north-facing slopes and canyons of the Santa Ynez Range. Known localities include the north-facing slopes on Mt. Tranquillon, Kinevan Canyon, Painted Cave, Jualachichi Summit, and the north face of the Santa Ynez - especially between Gaviota and San Marcos Passes.

Closed Cone Pine Forest - Bishop Pine (*Pinus muricata*), the only closed cone pine in Santa Barbara County, is distributed spottily in areas which receive the cool damp oceanic influence. The tree is uncommon both statewide and in the County. Besides being limited to coastal localities, the trees are generally found on low hills and flats. Known localities include Vandenberg Air Force Base, Mt. Tranquillon, the Purisima Hills, an area near Orcutt, the extreme western end of the Santa Ynez Mountains, Jualachichi Summit, and small areas on hills near Lompoc.

Southern Oak Woodland - This plant community, as defined by Munz (1973), is now quite uncommon due to the rareness of the California Walnut (*Juglans californica*), an important indicator species. California Walnut (*Juglans californica*) is found in only four localities in the County, with the two best stands along Jalama and Rincon Creeks. Coast Live Oak (*Quercus agrifolia*) and other community components also occur at these two spots.

Coastal Bluff - The uncommon plant community in this habitat resides on the steep terrain between the extreme intertidal and the point at which the incline becomes level, with the best examples in the Point Sal area and on Santa Cruz Island. On the South Coast, the dominant plants include *Atriplex* spp., *Coreopsis* spp., *Dudleya* spp. *Encelia californica*, *Opuntia* spp., *Phacelia* spp., and *Rhus intergrifolia*. North of Point Conception, the floristic composition of the community changes with the addition of *Amsinckia spectabilis* and *Erigeron glaucus*. Certain plants also are lost north of Point Conception. Due to the typical steepness of its habitat, any activity which accelerates erosion, such as agriculture, grazing, or construction, is a peril to this community.

Native Grassland - Prior to the introduction of domestic grazers and non-native grasses, large portions of the state were covered with native grasses. At present, native grassland is almost nonexistent. Isolated patches of some native grasses grow in the County; probably the largest patch is along Las Tunas Road in Santa Barbara. Other small patches border Camino Cielo Road along the crest of the Santa Ynez range and the coast, west of Goleta.

Well-preserved Marine Intertidal Zones - Examples of well preserved intertidal zones are rare. At present, there may be very short stretches of the habitat along the beaches of Vandenberg Air Force Base. Most beaches in the County have been depleted of some of the larger and more conspicuous species. At present, even with newly enacted laws, it is still possible to collect anything which is edible. Furthermore, many beach users ignore or are unfamiliar with the laws and collect ornamental items such as shells and starfish. Fishermen use numerous worms and mussels for bait. Curious beach-goers kill many organisms by walking on them, exposing them to harsh conditions (by turning rocks), or by picking them up. As more and more intertidal areas are thus depleted of organisms, the process of replacement of lost individuals by young is slowed and even halted.

43 & 70. Chaparral and Coastal Pine in the Western Santa Ynez Mountains (4-2-2 and 1-2-2)
Location: Slopes of the western Santa Ynez Mountains; principally between Point Conception and Gaviota Pass.

Biological comments: This relatively undisturbed area, consisting of much of the old Hollister Ranch, is of biological interest for several reasons. - Several of the canyon edges, by virtue of cool ocean breezes and fog, support groups of Bishop Pine (*Pinus muricata*). Closed cone pines, a group to which the Bishop Pine belongs, are uncommon and local in the statewide distributions; so efforts should be made to preserve existing stands. The endangered Yerba Santa (*Eriodictyon capitatum*), found only in Santa Barbara County, is to be found scattered about the area; and, according to Munz (1970), is closely associated with closed cone pine forests. The area also is extremely scenic. The train ride on the coastal edge of the area offers views of spring wildflower displays, wooded canyons, and graceful oaks.

Recommendations: The presence of *Pinus muricata* and *Eriodictyon capitatum* argues strongly for preservation of large portions of the area. To best preserve the "untouched" beauty of the area, recreation usage should be light, and grazing cattle should be prohibited in the Pine-Yerba Santa community.

69. Mixed Evergreen Forest

Locations:

Painted Cave Area (5-2-2)

Kinevan Canyon Area (5-2-2)

Jualachichi Summit on Jalama Road (5-2-2)

North slope of Tranquillon Mountain (5-2-2)

Several other mapped localities on north slope of Santa Ynez Range between Gaviota Pass and Dos Pueblos Creek drainage (5-2-2)

Biological comments: Munz (1970) characterizes this plant community as lying “along inner edge of the redwood forest and on higher hills within it, mostly in the North Coast Ranges....” Plants associated with the community include Tanbark Oak (*Lithocarpus densiflora*), Madrone (*Arbutus menziesii*), California Bay (*Umbellularia californica*), and Bigleaf Maple (*Acer macrophyllum*). The Mixed Evergreen community, where it exists in the County, represents the persistence of a plant community that was more widely distributed when the climate was wetter and cooler. Animals associated with the community represent a diverse assemblage. Some of the species are found elsewhere in the County, but others, like the plants, are species that require cool, damp conditions (e.g. *Ensatina eschscholtzi*) and are abundant only further north.

Recommendations: Disturbance of the community should be minimized. Roads in the area should not be widened, and further development should be curtailed. These “islands” of vegetation are of tremendous scientific, educational, scenic, and light recreational value.

69-70. Jualachichi Summit (5-2-2, 4-2-2)

Location: A small (one quarter square mile) area southeast of the sharp turn at the Jualachichi Summit, six air miles from Jalama Ranch and slightly off Jalama Road.

Biological comments: This small area is of extreme botanical interest, and represents an “island” of north-coast vegetation in a “sea” of chaparral and grassland. A small stand of Bishop Pine (*Pinus muricata*) is surrounded by Mixed Evergreen elements (*Lithocarpus densiflora*, *Vaccinium ovatum*, *Myrica californica*, etc.). It is believed that the cool ocean breezes and fog contribute to the persistence of this small community. Pockets of native grasses, now quite rare, also grow where fine, sandy soil exists. The surrounding rocky soil supports a well-developed chaparral community, and on the south-facing slopes the rare and endangered Refugio Manzanita (*Arctostaphylos refugioensis*) is found. A handsome wildflower display also can be seen in this area including the uncommon Chocolate Lily (*Pritilaria bicolor*).

Recommendations: Widening of Jalama Road in the Jualachichi Summit area must not be contemplated. Destruction of the north-facing slopes in this small area will eliminate this interesting community. Grazing should be limited to areas well away from the summit. The presence of such an unusual community, as well as an endangered plant, calls for sensitive planning in this unusual and delicate area.

Article II Zoning Ordinance

(Available online @ <http://www.sbcountyplanning.org/PDF/A/Article%20II.pdf>)

1. In order to protect natural and visual resources of the Coastal Zone between Ellwood and Gaviota, development of recreational facilities shall not impede views between U. S. Highway 101 and the ocean, shall minimize grading, removal of vegetation, and paving, and be compatible with the rural character of the area. Existing natural features shall remain undisturbed to the maximum extent possible, and landscaping shall consist of drought-tolerant species.
2. Campgrounds and ancillary facilities sited south of U. S. Highway 101 between Ellwood and Gaviota shall be set back as far as feasible from the beach in order to reserve near-shore areas for day use. Where feasible, new recreational facility development, particularly campgrounds and parking lots, shall be located north of U. S. Highway 101.
3. The vegetation in the small canyons at the mouths of Canada San Onofre and Canada del Molino streams shall not be disturbed by recreational development or use.

Sec. 35-97.7 Conditions on Coastal Development Permits in ESH.

A Coastal Development Permit may be issued subject to compliance with conditions set forth in the permit which are necessary to ensure protection of the habitat area(s). Such conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat. The conditions may also include deed restrictions and conservation and resource easements. Any regulation, except the permitted or conditionally permitted uses, of the base zone district may be altered in furtherance of the purpose of this overlay district by express condition in the permit.

Sec. 35-97.8 Development Standards for Dune Habitats.

1. Because of their statewide significance, coastal dune habitats shall be preserved and protected from all but resource dependent, scientific, educational, and light recreational uses. Sand mining and oil well drilling may be permitted if it can be shown that no alternative location is feasible and such development is sited and designed to minimize impacts on dune vegetation and animal species. Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation is made a condition of development approval. Such re-vegetation shall be with native California plants propagated from the disturbed sites or from the same species at adjacent sites.
2. All non-authorized motor vehicles shall be banned from beach and dune areas.
3. All permitted industrial and recreational uses shall be regulated both during construction and operation to protect critical bird habitats during breeding and nesting seasons. Controls may include restriction of access, noise abatement, and restrictions on hours of operations of public or private facilities.
4. For all permitted uses, including recreation, foot traffic on vegetated dunes shall be minimized. Where access through dunes is necessary, well-defined footpaths shall be developed and used.

Sec. 35-97.9 Development Standards for Wetland Habitats.

1. All diking, dredging, and filling activities shall conform to the provisions of PRC Section 30233 and 30607.1 of the Coastal Act. Presently permitted maintenance dredging, when consistent with these provisions and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat, shall be subject to the following conditions:

- a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.
- b. Dredging shall be limited to the smallest area feasible.
- c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diaphragms, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials. During permitted dredging operations, dredge spoils may only be temporarily stored on existing dikes, or on designated spoil storage areas, except in the Atascadero Creek area (including San Jose and San Pedro Creeks) where spoils may be stored on existing storage areas as delineated on the Spoil Storage Map dated February 1981. (Projects which result in discharge of water into a wetland require a permit from the California Regional Water Quality Control Board.

2. Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be significantly adversely affected. When feasible, spoils should be deposited in the littoral drift, except when contaminants would adversely affect water quality or marine habitats, or on the beach.

3. Except in Ocean Beach County Park, boating shall be prohibited in all wetland areas except for research or maintenance purposes.

4. Except for lots which abut the El Estero (Carpinteria Slough), a buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Paragraph 5 of this Section, below. The upland limit of a wetland shall be defined as:

- a. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or
- b. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
- c. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not. Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.

5. Light recreation such as bird-watching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.

6. Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.

7. Wetland sandbars may be dredged, when permitted pursuant to paragraph 1 of this Section and when necessary for maintenance of tidal flow to ensure the continued biological productivity of the wetland.

8. No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.

9. New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.

10. Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Spraying shall be avoided during nesting seasons to protect wildlife, especially the endangered light-footed clapper rail and Belding's savannah sparrow. Biological controls are encouraged.

11. No grazing or other agricultural uses shall be permitted in coastal wetlands except at the mouth of the Santa Maria River.

Sec. 35-97.10 Development Standards for Native Grassland Habitats.

1. Grazing shall be managed to protect native grassland habitats.

2. Development shall be sited and designed to protect native grassland areas.

Sec. 35-97.11 Development Standards for Vernal Pool Habitats.

1. No mosquito control activity shall be carried out in vernal pools unless it is required to avoid severe nuisance.

2. Grass cutting for fire prevention shall be conducted in such a manner as to protect vernal pools. No grass cutting shall be allowed within the vernal pool area or within a buffer zone of five feet or greater.

3. Development shall be sited and designed to avoid vernal pool sites as depicted on the resource maps.

Sec. 35-97.12 Development Standards for Butterfly Tree Habitats.

1. Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.

2. Adjacent development shall be set back a minimum of 50 feet from the trees.

Sec. 35-97.13 Development Standards for Marine Mammal Rookery and Hauling Ground Habitats.

1. Recreational activities near or on areas used for marine mammal hauling grounds shall be carefully monitored to ensure continued viability of these habitats.

2. Marine mammal rookeries shall not be altered or disturbed by recreational, industrial, or any other uses during the times of the year when such areas are in use for reproductive activities, i.e., mating, pupping, and pup care.

NOTE: At present, the only marine mammal rookeries in Santa Barbara County are harbor seal rookeries on the mainland and Santa Cruz and Santa Rosa Islands. There is the possibility that other species of marine mammals may establish rookeries in other areas in the future, particularly on the Islands.

Times of year when marine mammals use rookery areas:

Harbor seals: February through April.

Northern Elephant seals: Mid-December through February.

Sea Lions and fur seals: May through September.

Sec. 35-97.14 Development Standards for White-Tailed Kite Habitats.

1. There shall be no development including agricultural development, i.e., structures, roads, within the area used for roosting and nesting.

2. Recreational use of the roosting and nesting area shall be minimal, i.e., walking, bird watching. Protective measures for this area should include fencing and posting so as to restrict, but not exclude, use by people.

3. Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.

4. In addition to preserving the ravine plant communities on More Mesa for nesting and roosting sites, the maximum feasible area shall be retained in grassland to provide feeding area for the kites.

Sec. 35-97.15 Development Standards for Rocky Points and Intertidal Habitats.

1. In order to prevent destruction of organisms which thrive in intertidal areas, no unauthorized vehicles shall be allowed on beaches adjacent to intertidal areas.

2. Only light recreational uses shall be permitted on public beaches which include or are adjacent to rocky points or intertidal areas.

3. Shoreline structures, including piers, groins, breakwaters, drainages, seawalls, and pipelines, should be sited or routed to avoid significant rocky points and intertidal areas.

Sec. 35-97.16 Development Standards for Subtidal Reef Habitats.

1. Naples reef shall be maintained primarily as a site for scientific research and education. Recreational and commercial uses shall be permitted as long as such uses do not result in depletion of marine resources. If evidence of depletion is found, the County shall work with the California Department of Fish and Game and sport and commercial fishing groups to assess the extent of damage and implement mitigating measures.

Sec. 35-97.17 Development Standards for Seabirds Nesting and Roosting Site Habitats.

Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance to seabird populations, particularly during nesting season.

Sec. 35-97.18 Development Standards for Native Plant Community Habitats.

Examples of such native plant communities are: coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered

and rare plant species as designated by the California Native Plant Society, and other plants of special interest such as endemics.

1. Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.

2. When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

Sec. 35-97.19 Development Standards for Stream Habitats.

1. The minimum buffer strip for streams in rural areas, as defined by the Coastal Land Use Plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the California Department of Fish and Game and California Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:

- a. Soil type and stability of stream corridors.
- b. How surface water filters into the ground.
- c. Slope of land on either side of the stream.
- d. Location of the 100-year flood plain boundary.

Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.

2. No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible.

3. Dams or other structures that would prevent upstream migration of anadromous fish shall not be allowed in streams targeted by the California Department of Fish and Game unless other measures are used to allow fish to bypass obstacles. These streams include: San Antonio Creek (Los Alamos area), Santa Ynez River, Jalama Creek, Santa Anita Creek, Gaviota Creek, and Tecolote Creek.

4. All development, including dredging, filling, and grading within stream corridors shall be limited to activities necessary for the construction of uses specified in paragraph 2 of this Section, above. When such activities require removal of riparian plant species, re-vegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.

5. All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

6. Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams in the Coastal Zone shall be permitted unless consistent with the provisions of Public Resources Code Section 30236 of the Coastal Act.

Land Use & Development Code

(Available online @

http://www.sbcountyplanning.org/pdf/forms/LUDC/CountyLUDC_August2009.pdf)

(The following two overlays are applicable to the Goleta planning area, but are included here as a useful example when considering potential resource protection standards for the Gaviota coast)

35.28.100 - Environmentally Sensitive Habitat Area-Goleta (ESH-GOL) Overlay Zone

A. Purpose and Intent. The Environmentally Sensitive Habitat Area - Goleta (ESH-GOL) overlay zone is intended to:

1. Protect and preserve specified areas in which plant or animal species and/or their habitats are either rare, or have special value because of their role in the ecosystem, and which could be easily disturbed or degraded by human activities and developments; and

2. Ensure that each project permitted in the overlay zone is designed and carried out in a manner that will provide the maximum protection to sensitive habitat areas.

B. Applicability. The ESH-GOL overlay may only be applied in the Inland area. The provisions of this overlay zone shall apply to any area designated as ESH-GOL on the applicable Santa Barbara County Zone Overlay Map.

1. Determination of applicability. If a particular lot or lots within an ESH-GOL overlay zone are determined by the Department not to contain the pertinent species or habitat, the regulations of this overlay zone shall not apply.

2. Relationship to primary zone. Each land use and proposed development within the ESH-GOL overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.

C. Permit and processing requirements.

1. Land Use Permit requirement. For development proposed within an area subject to this Section, a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required for the following, in addition to those required to have a Land Use Permit by the primary zone.

a. The removal of vegetation from an area greater than 5,000 square feet.

b. The removal of a significant amount of vegetation along 50 linear feet of creek bank.

c. The removal of vegetation that, when added to the previous removal of vegetation within the affected habitat, would total more than 5,000 square feet, or longer than 50 linear feet of vegetation along a creek bank.

d. Grading in excess of 50 cubic yards of cut or fill.

e. The removal of any native tree greater than six inches in diameter measured four feet above existing grade, or more than six feet in height, or non-native trees that are used as habitat by the Monarch Butterflies for roosting, or by nesting raptors, unless the Department makes one or more of the following findings:

(1) The tree is dead and is not of significant habitat value.

(2) The trees prevent the construction of a project for which a Land Use Permit has been issued in compliance with Section 35.82.110 (Land Use Permits) and this Section, and project redesign is not feasible.

(3) The tree is diseased and poses a danger to healthy trees in the immediate vicinity. The Department may require evidence of this to be presented by an arborist, licensed tree surgeon, or other qualified person.

(4) The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.

2. Minor Conditional Use Permit requirement. A Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) is required where a significant amount of vegetation is proposed to be removed which would exceed one acre, or 500 linear feet of creek bank, or where grading would exceed 1,500 cubic yards of cut and fill.

3. Boundary determination and effect of determination. If, upon receipt of an application for development within the ESH-GOL overlay zone, the Director determines that the proposed development is not located in an environmentally sensitive habitat area, the requirements of this Section shall not apply. If the Director determines that the proposed development is located in an environmentally sensitive habitat area, a site inspection shall be required, if the Director determines it necessary, by a qualified biologist to be selected jointly by the Department and the applicant. Upon completion of the site inspection, and if determined by the review authority to be necessary, conditions shall be applied to the permit that will protect the environmentally sensitive habitat area to the maximum extent feasible, consistent with the biological habitat, goals, objectives, policies, development standards, and actions of the Goleta Community Plan.

D. Application requirements. An application for a Land Use Permit (Section 35.82.110) for development with an ESH-GOL overlay zone shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

E. Findings required for permit approval. Prior to issuance of any permit for a project within the ESH-GOL overlay zone the review authority shall first find that the proposed development is consistent with all applicable biological goals, objectives, policies, actions and development standards of the Goleta Community Plan, in addition to all other findings required by this Development Code for permit approval.

F. Conditions of approval. A permit may be issued subject to compliance with conditions of approval that are necessary to ensure consistency with habitat protection provisions of the Goleta Community Plan.

1. The conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat.

2. The conditions may also include deed restrictions and easements for resource protection. Any regulation of the primary base zone specifying building height limit, distance between buildings, setback, yard, parking, building coverage and landscaping or screening requirements may be altered by express conditions in the permit to achieve the purposes of this overlay zone.

35.28.170 - Riparian Corridor - Goleta (RC-GOL) Overlay Zone

A. Purpose and intent. The Riparian Corridor - Goleta (RC-GOL) overlay zone is applied within rural areas designated Agriculture to protect and preserve mapped riparian corridors that could be easily disturbed or degraded by development and other human activities. This overlay recognizes the differing goals and policies of the Comprehensive Plan by providing riparian corridor protection requirements that are compatible with reasonable agricultural uses. The overlay is also intended to maintain a continuous canopy of trees along each riparian corridor, and protect the overall ecological integrity of the mapped stream system.

B. Applicability. This overlay may be applied only to inland area riparian corridors within Rural Areas that are designated Agriculture by the Comprehensive Plan.

1. Determination of applicability.

a. If, upon receipt of an application for grading or the removal of vegetation the Director determines that the site does not contain the pertinent species or habitat, the provisions of this overlay shall not apply.

b. If the provisions of this overlay apply and the Director determines it necessary, a site inspection shall be conducted by a qualified biologist to be selected jointly by the Department and the applicant. Upon completion of the site inspection, and if determined to be necessary, conditions shall be applied to the permit that will protect the riparian corridor to the maximum extent feasible, consistent with the biological habitats goals, objectives, policies, development standards, and actions of the Goleta Community Plan.

2. Relationship to primary zone. Each land use and proposed development within the RC-GOL overlay shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.

C. Permit and processing requirements.

1. Land Use Permit requirement. A Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) is required for the following types of grading or vegetation removal, in addition to the activities required to have a Land Use Permit by the primary zone.

a. The removal of vegetation over an area greater than 20,000 square feet.

b. The removal of a significant amount of vegetation along 100 linear feet or more of creek bank.

c. The removal of vegetation that when added to the previous removal of vegetation within the affected habitat on a lot would total more than one acre or longer than 200 linear feet of creek bank.

d. Grading in excess of 150 cubic yards.

2. Minor Conditional Use Permit requirement. A Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) is required where a significant amount of vegetation is proposed to be removed within an area that exceeds one acre or 500 linear feet of creek bank, or where grading would exceed 1,500 cubic yards of cut and fill.

D. Application requirements. A required application for any grading or vegetation removal shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

E. Findings required for permit approval. Prior to the approval of any permit for grading or vegetation removal within the RC-GOL overlay zone, the review authority shall first find that the proposed project complies with all applicable biological goals, objectives, policies, actions and development standards in the Goleta Community Plan.

F. Conditions of approval. A permit shall be conditioned to ensure consistency with the Goleta Community Plan.

1. The conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, and/or stage the work over time to ensure protection of the habitat.

2. The conditions may also include deed restrictions and resource protection easements. Any regulation of the primary zone specifying building height limits, distance between buildings, setback, yard, parking, building coverage and landscaping or screening requirements may be altered by express condition in the permit to achieve the purposes of this overlay zone.