

June 2012 Draft CHANGES	NOVEMBER PRELIMINARY DRAFT	CURRENT SEA (SEA Only)
<p>Kept</p>	<p>A. PURPOSE.</p> <p>This Section is established to regulate development activities in the Significant Ecological Areas (“SEA”s) designated in the County General Plan to ensure that development activities in these areas do not unduly compromise the underlying ecological systems of the County in such a manner that would threaten the future existence of these systems. This Section ensures that development activities within the SEAs which have the potential to impact SEA vitality are designed and implemented in a manner consistent with ecologically sensitive site design and consistent with the intent of the SEA Program of the County General Plan. In extending protection to these environmentally sensitive areas, it is intended further to provide a process whereby the reconciliation of potential conflict within these areas may equitably occur. The purpose is not to preclude development activities within these areas but to ensure, to the extent possible, that such development activities maintain, and when possible, enhance biotic resources in the SEAs.</p>	<p>B. INTENT AND PURPOSE OF REGULATIONS</p> <p>B. Intent and Purpose of Regulations.</p> <p>1. A conditional use permit is required in order to protect resources contained in significant ecological areas and in hillside management areas as specified in the county General Plan from incompatible development, which may result in or have the potential for environmental degradation and/or destruction of life and property. In extending protection to these environmentally sensitive areas, it is intended further to provide a process whereby the reconciliation of potential conflict within these areas may equitably occur. It is not the purpose to preclude development within these areas but to ensure, to the extent possible, that such development maintains and where possible enhances the remaining biotic resources of the significant ecological areas, and the natural topography, resources and amenities of the hillside management areas, while allowing for limited controlled development therein.</p>
	<p>B. DEFINITIONS</p>	
<p>Kept</p>	<p>B. Definitions. For purposes of this Section the following definitions apply:</p>	
	<p>1. Significant Ecological Area. A Significant Ecological Area is an ecologically important land or</p>	

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	<p>water system that supports valuable habitat for plants and animals integral to the preservation of rare, threatened or endangered species and the conservation of biological diversity in the County. Significant Ecological Areas are delineated on the Significant Ecological Areas and Coastal Resource Areas policy map of the County General Plan.</p>	
Kept	<p>2. Ecological Transition Area. An Ecological Transition Area is a subset of a Significant Ecological Area, where the natural ecological features or systems have been degraded as a result of past or on-going land use activities but are deemed functionally integral to the Significant Ecological Area or support important plant or animal populations. Ecological Transition Areas are delineated on the Significant Ecological Areas and Coastal Resource Areas policy map of the County General Plan.</p>	
<p>Deleted/changed to: 4. Ground Disturbance/ Development activity- (Definition forthcoming- this section will substitute for both the vegetation clearance and development activity standards in the November 2011 draft)</p>	<p>3. Development Activities. Development activities within a Significant Ecological Area or Ecological Transition Area are defined as any new development, infrastructure or activities, including maintenance, that would impact the biological resources or ecological systems in the Significant Ecological Area, specifically those development activities that: require the issuance of a building permit or grading permit; the approval of a minor land division or subdivision; the relocation of property lines; and the removal of vegetation.</p>	

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Kept	4. Coastal Resource Areas. Coastal Resource Areas are areas located within the County's coastal zones as set forth in the California Coastal Act (Division 20 of the California Public Resources Code) and designated as Coastal Resource Areas on the Significant Ecological Areas and Coastal Resource Areas policy map of the County General Plan.	
Deleted/changed to: 4. Ground Disturbance/ Development activity- (Definition forthcoming- this section will substitute for both the vegetation clearance and development activity standards in the November 2011 draft)	5. Vegetation Clearance. Vegetation clearance on a lot or parcel of land located within or partially within a Significant Ecological Area or Ecological Transition Area is defined as the removal or killing of any onsite vegetation not maintained by persons for the purposes of landscaping or agriculture. This definition of vegetation clearance does not apply to the routine maintenance of vegetation which is not intended to cause vegetative death, such as trimming of grass and pruning of trees; removal of vegetation suffering from naturally occurring damage or disease; removal of vegetation which is interfering with any built structure or infrastructure; or removal of vegetation that is threatening the safety of persons.	
New definitions added: 5. Minor Modifications <i>(definition forthcoming. This type of use is intended to apply to activities on existing developed parcels which will not impact adjacent undisturbed SEA areas. Examples of potential uses that this definition would cover might include the addition of a second story to a home, use changes</i>		

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<p><i>on the property that do not increase parking or noise, the addition of a cell phone tower on the corner of a parking lot, etc. All uses defined as minor modifications will remain subject to any other part of title 22 which regulates these uses.)</i></p> <p>6. Established Agricultural uses.(definition forthcoming. This type of use is intended to apply to ongoing legally permitted farming in the SEAs, and to distinguish such activity from new farming uses.)¹</p>		
	C. APPLICABILITY.	C. EXEMPTIONS FROM PERMIT.
Applicability Section Substantially changed.	C. Applicability. The provisions of this Section shall not apply to:	C. Exemptions from Permit. Permit exemptions include
Deleted for redundancy	1. Complete applications for development activities that were filed with the Department of Regional Planning prior to the effective date of the ordinance establishing this Section. Such applications shall be processed in accordance with Section 22.56.215 as it existed prior to the effective date of the ordinance establishing this Section. Any subsequent change of use or intensity shall be subject to the provisions of this Section.	1. Accessory buildings and structures as defined in this title;
Deleted for redundancy	2. Valid conditional use permits granted before the effective date of the ordinance establishing this	2. Additions or modifications to existing residences; provided, however, that such additions or modifications do not increase

¹ The November 2011 draft exempted, “existing agricultural production, including lands that are fallow as part of long term crop management,” and, “managed grazing lands of horses, cattle, or sheep, and the construction of corrals as an accessory use...” The new category of Established Agricultural uses will more clearly define ongoing agricultural activities which ought to be exempt from requiring a SEA CUP.

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	<p>Section. In such cases, development activities will be governed by the conditional use permit during the life of that permit and the provisions of this Section shall apply at the expiration of the permit term. Any modifications to a valid conditional use permit granted before the effective date of the ordinance establishing this Section shall be subject to the provisions of this Section.</p>	<p>the number of families that can be housed in said residences;</p>
<p>Kept- shortened.</p>	<p>3. Development activities within Coastal Resource Areas. Development activities on Santa Catalina Island shall be subject to the following Local Coastal Program components: The Santa Catalina Island Local Coastal Plan; the Santa Catalina Island Specific Plan, pursuant to Part 2 of Chapter 22.46; and Section 22.56.215 as it existed on the certification date of the Santa Catalina Island Local Coastal Plan. Development activities within the Santa Monica Mountains Coastal Zone shall be subject to the following Local Coastal Program components: The Malibu Land Use Plan and the provisions of Part 6 of Chapter 22.44, which require review by the Environmental Review Board instead of the Significant Ecological Area Technical Advisory Committee.</p>	<p>3. Individual single-family residences where not more than one such residence is proposed to be built by the same person on contiguous lots or parcels of land. This exemption shall not apply to the relocation of two or more property lines between three or more contiguous parcels as described in subsection A.1. of this section;</p>
		<p>4. In hillside management areas only (these provisions shall not apply where the subject property is also within a significant ecological area):</p>
	<p>D. CONDITIONAL USE PERMIT</p>	<p>A. PERMIT REQUIRED</p>
	<p>D. Conditional Use Permit Required. Any development activity on a parcel or parcels of land located wholly or partially within a Significant Ecological Area or Ecological Transition Area, including but not limited to infrastructure and fuel modification, shall require a conditional use permit,</p>	<p>A.1. Permit Required. Except as specified in subsection C, prior to the issuance of any building or grading permits, the relocation of two or more property lines between three or more contiguous parcels in a coordinated effort as determined by the Director of Planning regardless of the ownership of the involved parcels and regardless of whether</p>

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	as provided in Part 1 of Chapter 22.56, except for the following development activities	the relocations are applied for concurrently or through multiple or successive applications, approval of a minor land division or subdivision, or the commencement of any construction or enlargement of any building or structure on a lot or parcel which is in or partly in an area designated in the County General Plan and related maps as a significant ecological area or within a hillside management area as specified herein, a conditional use permit shall be applied for and approved as provided by this section
Keep	1. Any development activity where the entire footprint of the development activity, including associated infrastructure, grading and fuel modification areas, is located outside of the Significant Ecological Area or Ecological Transition Area.	
Changed	2. Individual single-family residences, accessory structures, and additions to individual single-family residences and accessory structures. This exception shall not apply if:	
Deleted	a. More than one single family residence is proposed to be built on contiguous lots or parcels of land by the same person or entity, or by entities owned or controlled by the same person or same group of people; or	
Keep	b. Two or more property lines are proposed to be relocated between three or more contiguous lots or parcels of land; or	
Deleted	c. Grading of more than 5,000 cubic yards of earthwork is proposed in connection with the development of the single-family residence or the addition to the single-family residence; or	
Deleted	d. The cumulative floor area of the single-family residence and all accessory structures exceeds 4,000 square feet.	

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Deleted	3. Grading projects of more than 5,000 cubic yards of earthwork.	
Kept	4. Lot line adjustment of one property line between two parcels.	
Deleted	5. Vegetation clearance of less than 2.5 cumulative acres.	
Changed	6. Existing agricultural production, including lands that are fallow as part of long term crop management.	
Deleted	7. Managed grazing lands of horses, cattle, or sheep, and the construction of corrals as an accessory use, as allowed by this Title 22 and other applicable County regulations, including but not limited to regulations related to time of year, County wildlife preserves, and hazardous dust conditions.	
Kept	8. Mining projects and reclamation plans that require a Surface Mining Permit, as provided in Part 9 of Chapter 22.56.	
Kept	9. Any of the following activities undertaken by a governmental agency or requested by a governmental agency:	
Kept	a. Removal or thinning of vegetation as required by the Fire Department for fire safety;	

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Kept	b. Non-native vegetation removal programs for fire and flood prevention;	
Kept	c. Native habitat restoration programs for fire prevention; and	
Kept	d. Hazard management activities in response to public safety.	
Deleted	10. Public facilities and infrastructure.	
	Minor Conditional Use Permit	
Deleted- replaced with a two tier process to the CUP.	E. Minor Conditional Use Permit. If a development activity requires a Conditional Use Permit pursuant to subsection D and is located only within an Ecological Transition Area, the applicant may request that the Director consider the application in accordance with the Minor Conditional Use Permit provisions in Section 22.56.085.	
	F. INITIAL PROJECT APPRAISAL.	
Kept. Greatly simplified, review of initial project appraisal conducted by staff biologist not SEATAC.	F. Initial Project Appraisal. If a development activity requires a Conditional Use Permit pursuant to subsection D, the applicant shall complete an initial project appraisal before a complete Conditional Use Permit application is submitted to the Department of Regional Planning. The initial project appraisal is intended to ensure that the prospective applicant is clearly advised of the requirements of this Section. The initial project appraisal includes submission of partial information	

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	about the proposed development activity and a preliminary review meeting with the Significant Ecological Area Technical Advisory Committee.	
	1. The applicant shall prepare and submit the following information to the Director to initiate an initial project appraisal:	
<p>Changed to:</p> <p>i. Items 1 through 6 of subsection A, of Section 22.56.030;²</p>	<p>a. Any materials and information required by Section 22.56.030 and any other information the Director determines to be necessary for adequate evaluation. The Director may waive one or more of the requirements of Section 22.56.030 if he or she deems such information to be unnecessary for adequate evaluation.</p>	
<p>Changed to:</p> <p>ii. In submitting the information required by item 5 of Section 22.56.030 the applicant shall indicate any anticipated site design and construction measures intended to protect biological and ecological resources</p>	<p>b. An initial project appraisal document outlining the proposed development activity, including anticipated site design and construction measures intended to protect biological and ecological resources. The document shall include the following information for the site of the proposed development activity only:</p>	
Kept	i. Number of acres within the Significant Ecological Area.	
	ii. Number of acres within the Significant Ecological Area retained as natural open space and	

² Text of 22.56.030 Application--Information required. A. An application for a conditional use permit shall contain the following information: 1. Name and address of the applicant and of all persons owning any or all of the property proposed to be used; 2. Evidence that the applicant: a. Is the owner of the premises involved, or b. Has written permission of the owner or owners to make such application, or c. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof, or d. In the case of a public agency, is negotiating to acquire a portion of the premises involved; 3. Location of subject property (address or vicinity); 4. Legal description of the property involved; 5. The nature of the requested use, indicating the business, occupation or purpose for which such building, structure or improvement is to be erected, constructed, altered, enlarged, moved, occupied or used; 6. Indicate the nature, condition and development of adjacent uses, buildings and structures;

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	any associated management provisions.	
Deleted	iii. A list of all sensitive vegetation on the site of the proposed development activity tracked by the California Natural Diversity Database, which may include, but is not limited to, the following:	
Deleted	(a). Oak woodland, including individual oaks;	
Deleted	(b). Riparian habitat;	
Deleted	(c). Wetlands, including seasonal wetlands such as vernal pools;	
Deleted	(d). Walnut woodland;	
Deleted	(e). Grassland, including any grassland with a strong component of forb species;	
Deleted	(f). Coastal sage scrub;	
Deleted	(g) Alluvial fan scrub;	
Deleted	(h). Joshua Tree woodland; and	

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Deleted	(i). Desert wash.	
Kept	iv. Number of acres and percentage of each sensitive vegetation type permanently dedicated as natural open space.	
Deleted	v. A description of any sensitive species listed by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or that are identified on the California Native Plant Society lists 1A, 1B, 2, 3, and 4, and The Western Tanager Los Angeles County Sensitive Bird Species Lists, Part I and II, and a description of any proposed reduction of such sensitive species.	
Deleted	vi. A description of any riparian resources, including any watercourses or blue line streams, vernal pools, marshes, ponds, seeps, and springs, and a description of any development activity which may bisect, block, divert or otherwise directly or indirectly impact such riparian resources.	
Deleted	vii. Description of any development activity which may bisect, block, divert or otherwise directly or indirectly impact regulatory water of the State of California or the United States and a list of any applicable state or federal permit required for such impact.	

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Deleted.	2. Following completion of an Initial Project Appraisal, the Director may waive the requirements of this Section if the Significant Ecological Area Advisory Committee determines the proposed development activity would have insignificant impacts on the Significant Ecological Area. In such a case, the proposed development activity will not be subject to this Section but will be subject to all other applicable requirements of this Title 22.	
		<p>HEARINGS.</p> <p>G. Hearings. In all cases where formal filing for a conditional use permit-hillside management and significant ecological areas is submitted, a public hearing shall be held pursuant to current procedures. In all cases, however, where a conditional use permit-hillside management and significant ecological areas is filed and processed as a single application with a land division case, such public hearings shall be held concurrently.</p>
	G. CONDITIONAL USE PERMIT APPLICATION	D. ADDITIONAL CONTENTS OF APPLICATION
Deleted- details forthcoming in the next draft.	G. Conditional Use Permit Application. Unless the Director has waived the requirements of this Section pursuant to subsection F.2, the applicant shall prepare a complete Conditional Use Permit application and submit it to the Department of Regional Planning following completion of an Initial Project Appraisal. The complete Conditional Use Permit application shall consist of the following:	D. Additional Contents of Application. In addition to the material specified in Section 22.56.030, an application for a conditional use permit for hillside management or significant ecological areas shall contain the following information:
Deleted	1. The materials and information required by subsection F.1.a.	1. In all applications:
Deleted	2. A complete record of recommendations made by the Significant Ecological Area Technical Advisory Committee during its review of the Initial Project Appraisal;	a. Panoramic or composite photographs from all major corners of the subject property and from major elevated points within the property;

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Deleted	3. A final project appraisal document containing all the information required by subsection F.1.b, which has been revised to contain accurate reporting of any changes in the proposed development activity since the preparation of the initial project appraisal document. The final project appraisal document shall also describe if and how the changes made to the proposed development activity incorporate the recommendations made by the Significant Ecological Area Technical Advisory Committee during its review of the Initial Project Appraisal	b. Maps showing the existing topography of the subject property. Commercially available maps may be deemed acceptable:
Deleted	4. A biological constraints analysis prepared in accordance with the Department of Regional Planning Biological Constraints Analysis Report Guidelines;	i. One copy of such map shall identify the locations of all drainage patterns, watercourses and any other physical features which are customarily found on topographical maps prepared by the United States Geological Survey,
Deleted	5. A biota report, including but not limited to biological surveys, project details, an impact analysis, and mitigation measures, in accordance with the Department of Regional Planning Biota Report Guidelines; and	ii. A second copy shall delineate all property having a natural slope of 25 to 49.99 percent, and a natural slope of 50 percent or more;
Deleted	6. A written analysis detailing how the application complies with the development standards and guidelines provided in subsection H and substantiates the findings required by subsection J.	c. A grading plan to a scale satisfactory to the director indicating all proposed grading, including the natural and finished elevations of all slopes to be graded;
		d. The following, if the construction of dwelling or other structures are part of the proposed project:
		i. Exterior elevation drawings, to a scale satisfactory to the director, indicating proposed building heights and major architectural features, and
		ii. Plans for decorative landscaping, showing the location of proposed groundcover areas, shrub mass, and existing and proposed tree locations for common or open space areas not

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		left in a natural state. Such plan shall also include botanical and common names of all planting materials;
		3. In significant ecological areas, the following additional information:
		a. Identification and location of the resources constituting the basis for classification of such area as a significant ecological area where not provided by the environmental assessment or the initial study for an environmental document;
		B. Proposed natural open areas, buffer areas, or other methods to be used to protect resource areas from the proposed use;
		Such other information as the planning director determines to be necessary for adequate evaluation. The planning director may waive one or more of the above items where he deems such item(s) to be unnecessary to process the application.
	H. DEVELOPMENT STANDARDS AND GUIDELINES.	
<p>Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.</p>	<p>H. Development Standards and Guidelines.</p> <p>1. Site Design and Implementation. Development activities shall be designed and implemented in a manner that prevents, avoids, minimizes or mitigates impacts to sensitive resources identified by the Biological Constraints Analysis, the Biota Report, and the Significant Ecological Area Technical Advisory Committee to the greatest extent feasible. The siting of structures and associated infrastructure shall be clustered, where feasible, and shall minimize the overall site disturbance. Site design shall adhere to the following standards, unless a modified design with associated mitigation measures will protect a greater number of sensitive species and larger</p>	

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	habitat areas:	
Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.	a. Preserved Habitat. Preserved habitat and water resource areas designated as open space shall be contiguous within the project site and with dedicated open space on adjacent parcels. The location of preserved habitat areas should align with regional, local and site specific habitat and wildlife linkages and limit the creation of isolated islands of habitat;	
Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.	b. High Fire Areas. Structures and infrastructure in high fire areas shall be set back at least 200 feet from dedicated natural open space within the site and from dedicated natural open space on adjacent parcels to avoid vegetation removal for fire safety;	
Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.	c. Wildlife Movement. Structures, infrastructure and fencing shall be designed and installed so as to not significantly impact the movement of wildlife. A proposed development activity that includes any adverse impacts in this regard shall include a mitigation and remediation plan for those impacts;	
Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.	d. Landscaping. Development activities shall be designed to reflect the structure and function of the surrounding natural biotic communities by using similar planting materials that are native and locally indigenous to the region;	
Deleted. Replaced with (forthcoming) development standards for exempt uses and an	e. Landscaped Buffer Areas. Landscaped parks and open space shall be located between natural open space and structures, as feasible, to buffer	

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anticipated design manual for SEA CUPS.	sensitive resources from edge affects. Landscape design and materials shall correspond to the native vegetation of the site and be installed in a manner that does not negatively impact remaining native vegetation	
Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.	f. Vegetation Clearance. Development activities that require the removal of vegetation greater than 2.5 cumulative acres, and unrelated to a building or grading permit, shall not encroach upon woodlands or riparian resources;	
Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.	g. Water Flow. Structures and landscaping shall be designed to avoid unnatural water flows off the site into habitat areas;	
Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.	h. Noise. Noise levels shall remain below 45db(A) at night in canyons and along drainages between 5 p.m. and 7 a.m., unless otherwise expressly permitted; and	
Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.	i. Lighting. Outdoor lighting shall be directed toward structures or activities and away from biological resources. Outdoor lights shall be fully shielded, directing the light downward to maintain dark skies.	
Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.	2. Roadways. Development activities shall be designed and implemented in a manner that prevents, avoids, minimizes or mitigates impacts to dedicated open space or movement corridors. Roadways or access corridors, including fire roads, should not bisect sensitive vegetation, habitats or water resource areas. Where there is no feasible, less invasive route, and the roadway crosses a known corridor or linkage, the following shall apply:	

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	<p>a. Safe Passage. Vegetation, fencing, under crossings, and culverts shall be designed to guide animals to safe passage. Vegetation designed to sustain traversing pollinators, shall be planted, if deemed appropriate;</p> <p>b. Signage. Permanent cautionary road signs shall be installed to identify known or suspected corridors of significant wildlife movement; and</p> <p>c. Access. Human access to wildlife safe passage areas shall be discouraged.</p>	
<p>Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.</p>	<p>3. Proposed Open Space. Development activities shall be designed to preserve sensitive vegetation, habitat, and water resource areas through the dedication of open space or the establishment of restricted use areas.</p>	
<p>Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.</p>	<p>a. Preservation Instrument. A dedication of open space shall be recorded at the time of final map recordation, or prior to the effective date of the permit, that requires the open space to remain as permanent open space in perpetuity and extinguishes all development rights. All dedicated open space shall be recorded as Open Space – Restricted Use Area in the preservation instrument and on all maps. Dedication of open space shall be established using one of the following preservation instruments:</p> <ul style="list-style-type: none"> i. Recordation of a deed restriction; ii. Recordation of a conservation easement; iii. Recordation of a covenant; or iv. Any other preservation instrument the Director deems appropriate. <p>b. Ownership and Management. The ownership and management of the open space shall be established to protect the identified resources in</p>	

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	<p>perpetuity through one of the following:</p> <ul style="list-style-type: none"> i. Dedication to a government entity such as a county, city, state, federal or joint powers authority, which will hold and manage the land under a mandate to protect natural resources in perpetuity; ii. Dedication to a non-profit land conservation organization that meets the Statement of Qualifications of Non-Profits Requesting to Hold Mitigation Land pursuant to Government Code Section 65965; or iii. Dedication to any other entity the director deems appropriate. 	
<p>Deleted. Replaced with (forthcoming) development standards for exempt uses and an anticipated design manual for SEA CUPS.</p>	<p>4. Riparian Habitats.</p> <ul style="list-style-type: none"> a. Riparian resources, including oak, scrub, woodlands, and forests shall be preserved on sites. The following types of riparian resources shall be preserved: <ul style="list-style-type: none"> i. The dripline of any native riparian vegetation on either side of a stream channel. If riparian vegetation is absent or sparse, the bed and bank of the stream channel shall be preserved; ii. Desert wash and riparian vegetation, including the bed, bank, and full extent of braided channel; iii. Vernal pools, including the supporting sub-watershed; and iv. Marshes, ponds, seeps, and springs, including the extent of saturated soil and adjacent upland that supports the hydrological processes and biotic resources. b. Groundwater levels contributing to the identified vegetation, species and riparian resources on the project site shall be protected from direct and cumulative drawdowns that would adversely affect these resources. 	

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	<p>c.Setbacks. Structures shall be set back based on the type and extent of riparian resources as described below, unless a configuration with a lesser setback will protect more sensitive species and habitat or a configuration with a greater setback is required due to the sensitive nature of a resource.</p> <p>i. Riparian resources including but not limited to oak, scrub, woodland, forest, and desert wash:</p> <p>(a). A minimum 300 foot setback from the outer edge of riparian habitat on each side of a watercourse which is greater than 100 feet wide in a wet year; or</p> <p>(b). A minimum 150 foot setback from the outer edge of riparian habitat on each side of a watercourse which is 50 to 100 feet wide in a wet year; or</p> <p>(c). A minimum 75 foot setback from the outer edge of riparian habitat on each side of a watercourse which is less than 50 feet wide.</p> <p>ii. Vernal pools: A minimum 150 foot setback from the edge of the pool, or the extent of adjacent upland in a wet year, whichever is greater.</p> <p>iii. Marshes, ponds, seeps, and springs:</p> <p>(a). A minimum 300 foot setback from the outer edge of riparian habitat if the water resource is greater than one acre in size; or</p> <p>(b). A minimum 150 foot setback from the outer edge of riparian habitat if the water resource is one-half acre to one acre in size, or</p> <p>(c). A minimum 75 foot setback from the outer edge of riparian habitat if the water resource is less than one-half acre in size.</p>	
<p>Deleted. Replaced with (forthcoming) development</p>	<p>5. Modification. Development activities shall be designed and implemented to</p>	

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standards for exempt uses and an anticipated design manual for SEA CUPS.	<p>meet the purpose of this Section. The director may modify the development standards and guidelines above if:</p> <p>a. A biologically superior project alternative is proposed. In such case the Director may impose additional alternative conditions to effectively protect biological resources and ecological systems; or</p> <p>b. The site has environmental conditions which make it infeasible to meet all development standards and guidelines, and a modified project design is found to be biologically equivalent to a project design that meets all development standards and guidelines and to not adversely impact the conservation of sensitive species, habitat, or ecological function.</p>	
	<p>I. CONDITIONAL USE PERMIT APPLICATION REVIEW.</p>	
Keep- except the two tier process for SEA CUPS changes it so that SEATAC will not review all SEA CUPS.	<p>I. Conditional Use Permit Application Review.</p> <p>1. The Significant Ecological Area Technical Advisory Committee shall review each complete Conditional Use Permit application and may recommend site design modifications, conditions of approval, and additional mitigation measures. At the conclusion of its review, the Significant Ecological Area Technical Advisory Committee shall provide the Director with a final determination of the proposed development activity's compatibility with the Significant Ecological Area.</p>	
		<p>H. DIRECTOR'S REPORT</p>
Keep	<p>2. Director's Report. In all cases where a public hearing is required, the Director shall prepare a report to the Hearing Officer or the Regional</p>	<p>H. Director's Report.</p> <p>1. In all cases where a public hearing is required, the director shall prepare a report to the hearing</p>

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	Planning Commission containing a detailed review of the complete Conditional Use Permit application, including but not limited to: J.	officer containing, but not limited to, the following:
Keep	a. The Significant Ecological Area Technical Advisory Committee's determination of the proposed development activity's compatibility with the Significant Ecological Area;	a. Detailed review of the applicant's development proposal, including:
Keep	b. Appraisal of measures proposed to avoid or mitigate identified natural hazards;	i. Appraisal of measures proposed to avoid or mitigate identified natural hazards, and
Keep	c. Appraisal of measures taken to protect scenic, biotic, and other resources;	ii. Appraisal of measures taken to protect scenic, biotic and other resources, and
Keep	d. Recommended changes to the proposed development activity that are necessary or desirable to substantiate the findings required by subsection J; and	iii. Recommended changes in the proposed development necessary or desirable to achieve compliance with the findings required by subsection I of this section and the provisions of the General Plan, and
Keep	e. Recommended conditions to be imposed to ensure that the proposed development activity substantiates the findings required by subsection	iv. Recommended conditions to be imposed to insure that the proposed development will be in accord with the findings required by subsection I and the provisions of the General Plan;
		b. In cases where the proposed development would impact a significant ecological area and where such information is not included in the environmental document, identification and location of the resources constituting the basis for classification of such area as a significant ecological area.
		2. The director, in developing such a report and recommendation, will consult with appropriate agencies and will compile the recommendations and comments of such agencies, including any recommendation of SEATAC. Developments which are located in the Malibu Coastal Zone

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		which are in both a significant ecological area and a sensitive environmental resource area shall be evaluated by the ERB pursuant to the provisions of Part 6 of Chapter 22.44 in lieu of SEATAC to assure the protection of the resources contained in these areas.
	J. FINDINGS.	I. FINDINGS AND DECISION.
Deleted. Findings will be changed to more objective and measurable standards.	J. Findings. The reviewing authority (Director, Hearing Officer, or Regional Planning Commission) shall not approve a complete Conditional Use Permit application unless the reviewing authority finds that the application substantiates all of the following findings, in addition to those required by Section 22.56.090:	I. Findings and Decision. The hearing officer shall not approve an application for a conditional use permit-hillside management and significant ecological areas unless it finds that the proposal is consistent with the General Plan and: 2. In significant ecological areas, that the burden of proof set forth in subsection F has been met by the applicant.
		F. BURDEN OF PROOF
Deleted. Findings will be changed to more objective and measurable standards.	1. The proposed development activity is consistent with the County General Plan, any applicable local plans, and the purpose of this Section; and	F. Burden of Proof. The application for a conditional use permit-hillside management and significant ecological areas shall substantiate to the hearing officer the following facts:
	2. The proposed development activity does not compromise the integrity of the natural ecological functions of the Significant Ecological Area; and	2. Significant Ecological Areas.
Deleted. Findings will be changed to more objective and measurable standards.	3. The proposed development activity is designed to preserve biologically valuable vegetation, species, corridors, and linkages. Preservation of biologically valuable vegetation, species, corridors, and linkages was considered as the highest priority in the design of the proposed development activity; and	a. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas, and
Deleted. Findings will be changed to more objective and measurable standards.	4. The proposed development activity is designed to protect against impacts to waterbodies, watercourses, wetlands, and the riparian habitats they support. Maintenance of the natural water levels, and surface or subsurface flow which	b. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state, and

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	supports riparian habitats and wildlife, were considered as a priority in the design and implementation of the proposed development activity; and	
Deleted. Findings will be changed to more objective and measurable standards.	5. Roadways or access corridors within the proposed development activity, including fire roads, are designed to avoid bisecting sensitive vegetation, habitats, riparian areas, dedicated open space, and movement corridors; and	c. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state, and
Deleted. Findings will be changed to more objective and measurable standards.	6. Where a conflict exists between a provision in this Section and such other ordinance, statute, regulation, or requirement, the provision that would be most protective of biological diversity applies to the extent permitted by law.	d. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development, and
		e. That where necessary, fences or walls are provided to buffer important habitat areas from development, and
		f. That roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas or migratory paths
J. CONDITIONS.		
J. Conditions. Every conditional use permit-hillside management and significant ecological areas shall be subject to the following conditions. All of the following conditions shall be deemed to be conditions of every conditional use permit-hillside management and significant ecological areas, whether such conditions are set forth in the permit or not. The hearing officer, in granting the conditional use permit-hillside management and significant ecological areas, may impose additional conditions, but may not change or modify any of the following conditions except as otherwise provided herein and/or pursuant to the provisions of Part 2 of Chapter 22.56;		
2. Significant Ecological Areas. The hearing officer shall, as a condition of approval, require that the proposed		

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		development plan incorporates those measures necessary to protect identified resources and meet the burden of proof described in subsection F of this section.

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