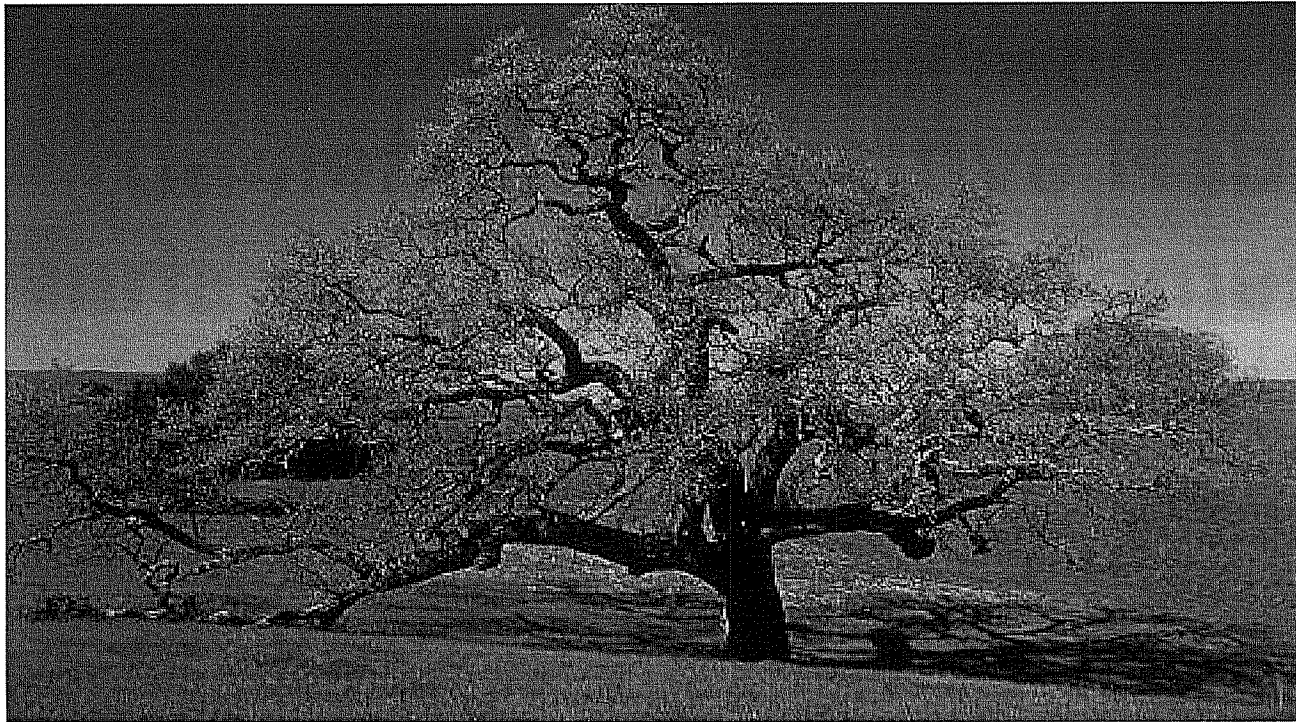


County Board of Supervisors
Environmentally Sensitive Habitat
Overlay Ordinance Amendment
July 7, 2009



#10

Environmentally Sensitive Habitat Overlay

- Ordinance amendment requested by the Montecito Planning Commission
- Purpose to correct deficiencies in the existing ESH Overlay for the Montecito planning area

Environmentally Sensitive Habitat Overlay

- Purpose & Intent of ESH Overlay
 - Protect and preserve specified areas
 - Ensure all permitted projects are designed and implemented to provide maximum protection

Environmentally Sensitive Habitat Overlay

- Current Montecito ESH Overlay
 - Contains development standards designed to protect designated habitat areas
 - Applied during review of application for permit for development
 - Activities that do not require a permit are not regulated
 - Difficult to implement Montecito Community Plan biological resource protection policies

Environmentally Sensitive Habitat Overlay

- Goleta and Toro Canyon ESH Overlays
 - Include specified activities that require a permit
 - Permit can be conditioned to protect the resource

Environmentally Sensitive Habitat Overlay

- Ordinance would amend the Montecito Land Use & Development Code to provide greater protection for ESH areas in Montecito similar to other County ESH overlays

Additional Regulated Activities

- The removal of native vegetation along 50 linear feet or more (cumulative) of a creek bank

- The removal of native vegetation over an area greater than 5,000 square feet (cumulative)
 - Except for vegetation fuel management within 100 feet of an existing structure

Additional Regulated Activities

- The removal of native trees (depending on size) and non-native trees (used as habitat by Monarch butterflies for roosting, or by nesting raptors), unless either:
 - The tree is dead & is not of significant habitat value
 - The tree prevents the construction of a project for which a CDP/LUP has been issued & project redesign is not feasible
 - The tree is diseased & poses a danger to healthy trees in the immediate vicinity
 - The tree is so weakened by age, disease, etc., so as to cause imminent danger to persons or property

Additional Regulated Activities

- Exception for fuel management for fire protection purposes within 100 feet of an existing structure would also apply to tree removal
- New CUP requirement for:
 - Removal of native vegetation in excess of one acre or 500 linear feet of creek bank
 - Where grading exceeds 1,500 cubic yards of cut and fill
 - Exemption for vegetation fuel management within 100 feet of an existing structure

Montecito Planning Commission Review

- March 25, 2009 Montecito Planning Commission hearing
- Request from Montecito Association to base threshold trigger on removal of all vegetation, rather than native vegetation
- Montecito Planning Commission recommends approval of amendment as proposed by staff (using native vegetation)