

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** May 11, 2006  
**Department Name:** P&D  
**Department No.:** 053  
**Agenda Date:** May 23, 2006  
**Placement:** Administrative  
**Estimate Time:** 45 minutes on 6/6/2006  
**Continued Item:** NO  
**If Yes, date from:**  
**Document File Name:** G:\GROUP\Permitting\Case Files\Oa\2000s\06 cases\06ORD-00000-00004 ESH-GOL Overlay Amendment\BOS\Set hearing agenda letter.doc

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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Assistant Director  
Planning & Development

**STAFF CONTACT:** Noel Langle (568-2009)  
Administration Division

**SUBJECT:** Set hearing to consider a zoning ordinance text amendment to Article III of Chapter 35 of the Santa Barbara County Code: Case Nos. 06ORD-00000-00004 to amend the existing text of the Environmentally Sensitive Habitat - Goleta (ESH-GOL) Overlay zone regarding the protection of environmentally sensitive habitats within the Goleta Community Plan area.

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## **Recommendation:**

That the Board of Supervisors set for hearing of June 6, 2006 to consider the recommendations of the County Planning Commission and:

- A. Find that this amendment is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA.
- B. Adopt findings for approval of the proposed amendment.
- C. Adopt an Ordinance (Case No. 06ORD-00000-00004) amending Article III of Chapter 35 of the County Code.

*Estimated hearing time: staff presentation 15 minutes; total time 45 minutes.*

## **Alignment with Board Strategic Plan:**

The recommendations are primarily aligned with Goal No. 1, *An Efficient Government Able to Respond Effectively to the Needs of the Community*, and is required by law or routine business necessity.

## **Executive Summary and Discussion:**

The purpose of this amendment is to revise the existing language of the Environmentally Sensitive Habitat Area - Goleta (ESH-GOL) overlay district that inadvertently exempts certain activities from

having to comply with the permit requirements and resource protections of this overlay. This is inconsistent with stated purpose and intent of the overlay which is to “to protect and preserve specified areas in which plant species, animal species, and/or their habitats are rare or are especially valuable because of their role in the ecosystem, and which could be easily disturbed or degraded by human activities and developments” and to “ensure that any and all projects permitted in such areas are designed and carried out in a manner that will provide maximum protection to sensitive habitat areas.”

The problem with the existing language is that the permit requirements, which provide the mechanism to review the proposed activity and condition the permit so that environmentally sensitive habitats are protected, is triggered upon submission of an application for “development.” Therefore, activities that do not qualify as development are not subject to the requirements of this overlay. Since “agriculture” is defined as not constituting development, agricultural activities such as brushing and grading would not be reviewed for compliance with the requirements of the overlay.

The proposed amendment would affect only a very limited area, i.e., that portion of the Goleta Community Plan area that zoned to include the ESH-GOL overlay. In compliance with Goleta Community Plan policy, the ESH-GOL overlay is not used in conjunction with the Agricultural-II (AG-II) zoning within the rural area of the Goleta Community Plan area.

The County Planning Commission acted to recommend approval of this amendment to Article III by a unanimous vote on April 26, 2006.

A complete staff report along with the necessary resolutions and ordinances will be provided prior to the actual hearing on the amendment on June 6, 2006.

**Mandates and Service Levels:**

Amendments to Article III of Chapter 35 of the County Code are legislative acts under the jurisdiction of the Board of Supervisors. Section 35-325 of Article III requires that the recommendation of the Planning Commission be transmitted to the Board of Supervisors and that the Board schedule and hold a public hearing on the matter.

**Fiscal and Facilities Impacts:**

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-290 of the adopted Planning & Development's budget for fiscal year 2005-06. There are no facilities impacts.

**Special Instructions:**

Planning & Development will satisfy all noticing requirements.

**Concurrence:**

None.