
Sec. 35-97. ESH Environmentally Sensitive Habitat Area Overlay District.

Sec. 35-97.1. Purpose and Intent.

Within the County of Santa Barbara there are areas which contain unique natural resources and/or endangered species of animal or plant life and existing and potential development may have the impact of despoiling or eliminating these resources. The purpose of this overlay district is to protect and preserve areas in which plant or animal life or their habitats are either rare or especially valuable because of their role in the ecosystem and which could be easily disturbed or degraded by human activities and developments. The intent of this overlay district is to ensure that all development in such areas is designed and carried out in a manner that will provide maximum protection to sensitive habitat areas.

Sec. 35-97.2. Applicability and District Boundaries as a Guide.

The provisions of this overlay district shall apply to land or water zoned ESH on the applicable Santa Barbara County Zoning Map. For purposes of determining the application of this overlay district to any lot of land or water, the zoning maps shall be the guide. If the habitat area delineated on the applicable zoning maps is determined by the Coastal Planner not to be located on the particular lot or lots, the regulations of this overlay district shall not apply.

Sec. 35-97.3. Identification of Newly Documented Sensitive Habitat Areas.

If a newly documented environmentally sensitive habitat area, which is not included in the ESH Overlay District, is identified by the County on a lot or lots during application review, the provisions of Secs. 35-97.7. - 35-97.19. shall apply. The County will periodically update the application of the ESH Overlay District to incorporate these new habitat areas (including the 250 foot area around the habitat).

Sec. 35-97.4. Affect of ESH Overlay District.

Within the ESH Overlay District, all uses of land or water shall comply with the regulations of the base zone district. In addition, such uses must comply with the additional regulations of the ESH Overlay District before the issuance of a coastal development permit under Sec. 35-169. See Sec. 35-53. concerning conflict between provisions of ESH and base zone district.

Sec. 35-97.5. Processing.

In addition to the application requirements of the base zone district, applications for a coastal development permit for any development in the ESH Overlay District shall include:

1. A description of the flora and fauna which occupy the site or are occasionally found thereon, setting forth with detail those areas where unique plant and animal species or their habitats may be found on the site.
2. A delineation of all streams, rivers, water bodies, and wetlands located on the site.
3. A clear delineation of all areas which shall be graded, paved, surfaced, or covered with structures, including description of the surfacing material to be used.
4. Any other information pertinent to the particular development which might be necessary for the review of the project requested by the Planning and Development Department.

Upon receipt of an application for development within the ESH Overlay District, the Coastal Planner shall determine the potential of the proposed development to adversely impact an environmentally sensitive habitat area. If the proposed development is exempt from CEQA and is determined by the Coastal Planner to have no potential for adverse impacts on an environmentally sensitive habitat area and meets all the other requirements for a coastal development permit, the Coastal Planner shall issue the permit.

If the proposed development is exempt from CEQA and the Coastal Planner determines that the proposed development has potential for adverse impacts on an environmentally sensitive habitat area, the project shall be processed through environmental review and where necessary, a site inspection by a qualified biologist to be selected jointly by the County and the applicant shall be required. If the environmental document indicates that the development has no significant unavoidable adverse impacts on an environmentally sensitive habitat area and meets all the other requirements for a coastal development permit, the Coastal Planner shall issue the coastal development permit with appropriate conditions if necessary. If the environmental document indicates that the development has significant unavoidable adverse impacts on an environmentally sensitive habitat area, the

Coastal Planner shall refer the project to the Planning Commission for decision after a noticed public hearing.

Sec. 35-97.6. Finding Required for Approval of Coastal Development Permits.

Prior to issuance of a coastal development permit for any development within the ESH Overlay District, a finding shall be made that the proposed development meets all applicable development standards in Secs. 35-97.8. through 35-97.19.

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 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 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 §§ 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, diapers, 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 P.R.C. § 30236 of the Coastal Act.