

Sec. 35-250B. ESH-GOL Environmentally Sensitive Habitat Area-Goleta.

(Added by Ord. 4111, 7/20/93)

Sec. 35-250B.1. Purpose and Intent.

The purpose of this overlay district is to protect and preserve specified areas in which plant species, animal species, and/or their habitats are 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. The intent of this overlay district is to ensure that any and all development permitted in such areas is designed and carried out in a manner that will provide maximum protection to sensitive habitat areas.

Sec. 35-250B.2. Applicability.

The provisions of this overlay district shall apply to any areas zoned ESH-GOL on the applicable Santa Barbara County Zoning Map. (If any particular lot or lots within a delineated ESH-GOL area are determined by the County not to contain the pertinent species or habitat, the regulations of this overlay district shall not apply.)

Sec. 35-250B.3. Effect of ESH-GOL Overlay District.

Within the ESH-GOL 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-GOL Overlay District before the issuance of a land use permit under Sec. 35-314. See Sec. 35-203, "Overlay District Designations and Applicability" concerning conflict between provisions of ESH-GOL and base zone district.

Sec. 35-250B.4. Processing.

1. In addition to the application requirement of the base zone district, application for a land use permit for any development in the ESH-GOL Overlay District shall include:
 - a. A brief description of the flora and fauna which occupy the site or are occasionally found thereon, and a brief description of their habitats which may be found on the site.
 - b. A delineation of all streams, rivers, water bodies, and wetlands located on the site.
 - c. A clear delineation of all areas which shall be graded, paved, surfaced, or covered with structures, including a description of the surfacing material to be used, accompanied by a series of photographs clearly showing all areas to be subject to disturbance. For areas of one acre or larger in size which potentially contain ESH-GOL habitats and which are proposed for disturbance, P&D may require a 1 inch to 100 foot scale color recent aerial photograph to assist in determining the extent of

- project impacts within the boundaries of the parcel. The proposed area of site disturbance and any visible landmarks (e.g. roads and creeks) shall be clearly labelled on the aerial photograph.
- d. Any other information pertinent to the particular development which may be necessary for review of the project as requested by the Planning and Development Department (P&D).
2. For development proposed within areas zoned with the ESH-GOL Overlay, in addition to the applicable requirements of the base zone district and Division 10 of this Article, a land use permit shall be required for the following:
- a. The removal of vegetation over an area greater than 5,000 square feet
 - b. The removal of a significant amount of vegetation along 50 lineal feet of creekbank.
 - c. The removal of vegetation that, when added to the previous removal of vegetation within the affected habitat on a parcel, would total an area greater than 5,000 square feet or longer than 50 lineal feet of vegetation along a creekbank.
 - d. Grading in excess of 50 cubic yards of cut or fill.
 - e. The removal of any native trees greater than 6 inches in diameter measured 4 feet above existing grade or more than 6 feet in height or non native trees which are used as a habitat by the Monarch Butterflies for roosting or by nesting raptors, unless P&D makes one of the following findings:
 1. The trees are dead and are not of significant habitat value,
 2. The trees prevent the construction of a project for which a land use permit has been issued consistent with the provisions of this ESH-GOL overlay and project redesign is not feasible.
 3. The trees are diseased and pose a danger to healthy trees in the immediate vicinity. The Planning and Development Department may require evidence of such to be presented by a qualified individual such as an arborist or a licensed tree surgeon.
 4. The trees are 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.
3. Where a significant amount of vegetation is proposed to be removed within an area zoned with the ESH-GOL overlay which exceeds 1 acre in size or 500 linear feet of creekbank, or

where grading would exceed 1500 cubic yards of cut and fill, a minor conditional use permit shall be required.

4. If, upon receipt of an application for development within the ESH-GOL Overlay district, P&D determines that the proposed development is not located in the ESH-GOL area, the provisions of this overlay shall not apply. If P&D determines that the proposed development is located in the ESH-GOL area, a site inspection shall be required, if the County determines it necessary, by a qualified biologist to be selected jointly by the County 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 environmentally sensitive habitat area to the maximum extent feasible, consistent with the biologic habitats, goals, objectives, policies, development standards, and actions of the Goleta Community Plan.

Sec 35-250B.5. Findings.

Prior to issuance of any permits for development within the ESH-GOL Overlay District, in addition to the findings set forth in the applicable section of Division 10, a finding shall be made that the proposed development is consistent with all applicable biologic goals, objectives, policies, actions and development standards from the Goleta Community Plan.

Sec 35-250B.6. Conditions.

A permit may be issued subject to compliance with conditions set forth in the permit which are necessary to ensure consistency with habitat protection provisions of the Goleta Community Plan. Such conditions may, among other things, 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 easements for resource protection. Regulations of the base zone district specifying building height limit, distance between buildings, setback, yard, parking, building coverage and landscaping or screening requirements may be altered on furtherance of the purpose of this overlay district by express condition in the permit.