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# Summary Comparison of the Existing Conservation Regulations vs. Proposed Ordinance Amendments

**SUMMARY COMPARISON OF THE EXISTING  
CONSERVATION REGULATIONS (CHAPTER 18.108)  
VS. THE PROPOSED ORDINANCE AMENDMENTS**

	<b>Existing Regulations – Conservation Regulations (Chapter 18.108) or Other Code Sections</b>	<b>Proposed Ordinance Amendments to the Conservation Regulations</b>
<b>Tree Canopy Protection (“Vegetation Canopy Cover”)</b>	A minimum of 60% vegetation canopy cover retention in municipal reservoir watersheds. (Section 18.108.027 (B).)	Increases retention of vegetation canopy cover from a minimum of 60% to a minimum of 70% and applies County-wide not just municipal reservoir watersheds. (Sections 18.108.020 (C) and 18.108.027 (B).)
<b>Shrub and Grassland Protection (“Vegetation Understory”)</b>	A minimum of 40% vegetation understory <i>including</i> grassland in municipal reservoir watersheds. (Section 18.108.027 (B).)	Maintains the existing minimum 40% vegetation understory including grassland retention requirement in municipal reservoir watersheds.  Adds a new minimum 40% retention requirement of chaparral and shrubland vegetation <i>excluding</i> grassland County-wide. (Section 18.108.020 (C).)
<b>Vegetation Canopy Cover Preservation/Replacement Ratio</b>	Not specifically identified in the County Code but General Plan policies require avoidance to the extent feasible and preservation, replacement and replanting on an acreage basis at a 2:1 ratio for oak woodlands, oak woodland habitat, sensitive biotic communities and habitats of limited distribution. Pursuant to CEQA, greater retention ratios are also imposed where project-specific conditions so warrant, based on consultation with resource agencies, or other applicable requirements.	Adds a new requirement that removal of vegetation canopy cover be permanently preserved or replaced on an acreage basis at a 3:1 minimum ratio. (Section 18.108.020 (D).)

	<b>Existing Regulations – Conservation Regulations (Chapter 18.108) or Other Code Sections</b>	<b>Proposed Ordinance Amendments to the Conservation Regulations</b>
<b>Location of Mitigation for Preserved/Replaced Vegetation Canopy Cover</b>	Not specifically identified in the County Code but consistent with General Plan policies and CEQA, staff practice is to prioritize the areas with the highest biological value located on-site, and then to allow off-site mitigation where appropriate.	Adds a new section that identifies priorities for areas subject to mitigation. (Section 18.108.020 (D).)
<b>Stream Setbacks</b>	<p>Setbacks apply to earthmoving and vegetation removal for residential, commercial and agricultural projects and are determined based on slope and range from minimum 35 feet to 150 feet. (Section 18.108.025 (B).)</p> <p>Floodplain and Riparian Management limitations to vegetation removal within the riparian zone up to 100 feet on each side of the floodplain. (Section 16.04.750.)</p>	It would add a minimum setback of 35 feet for ephemeral or intermittent streams, generally equivalent to Class 3 watercourses. (Section 18.108.025 (B)(1).)
<b>Definition of Streams</b>	<p>“Stream” is defined as:</p> <ul style="list-style-type: none"> <li>• USGS mapped “blue line”</li> <li>• Channel depth &gt; 4 feet</li> <li>• Banks with &gt; 3:1 slope</li> <li>• Other watercourses defined in Resolution No. 94-19. (Section 18.108.030)</li> </ul>	A new definition of “ephemeral” or “intermittent streams,” generally equivalent to Class 3 watercourses has been added. (Section 18.108.030)
<b>Definition of Wetlands</b>	Not specifically identified in the County Code. Instead, staff relies on the state or federal definition.	A definition of “wetlands” has been added and means those areas that meet either the state or federal definition, whichever is more protective. (Section 18.108.130.)

	<b>Existing Regulations – Conservation Regulations (Chapter 18.108) or Other Code Sections</b>	<b>Proposed Ordinance Amendments to the Conservation Regulations</b>
<b>Setbacks from Wetlands</b>	<p>25 feet in IP zone (Section 13.28.040.A); all else avoid wetlands to extent feasible (General Plan Policy CON-30).</p> <p>50 feet minimum buffer - current practice unless CEQA basis for larger setback to protect biological resources.</p>	<p>Adds a new a minimum 50 foot setback from wetlands. (Section 18.108.026.)</p>
<b>Setbacks from Sensitive Domestic Water Supply Drainages (Municipal Reservoirs)</b>	<p>200 feet setback from septic systems. (Section 13.28.040 (A).)</p>	<p>Adds a new requirement establishing a minimum 200 foot setback from municipal reservoirs for all earthmoving activities. (Section 18.108.027 (G).)</p>
<b>Earthmoving on Slopes &gt; 30%</b>	<p>Earthmoving on slopes greater than 30% and up to 50% may occur upon grant of an exception in the form of a use permit. (Section 18.108.040 (B).)</p> <p>Earthmoving on slopes greater than 50% requires a variance. (BOS Resolution No. 94-19)</p>	<p>The proposed ordinance generally prohibits earthmoving on slopes greater than 30% and removes the ability of applicants to seek an exception in the form of a use permit for earthmoving on slopes greater than 30%. (Sections 18.108.040 (B) and 18.108.060.)</p>
<b>Fuel Management Exemption</b>	<p>Creation and/or maintenance of firebreaks required by, and completed under the direction of CDF is exempt. (Section 18.108.050 (H).)</p>	<p>The proposed revision limits the exemption for the creation and/or maintenance of firebreaks or implementation of fire management strategies required by, and completed under the direction of CDF to existing legally constructed structures. (Section 18.108.050 (H).)</p>
<b>Existing Agricultural Practices Exemption</b>	<p>Ongoing existing agricultural practices are exempt. (Section 18.108.050 (N) and (O).)</p>	<p>The proposed ordinance combines the two existing agricultural practices exemptions into a single exemption. (Section 18.108.050 (O).)</p>

	<b>Existing Regulations – Conservation Regulations (Chapter 18.108) or Other Code Sections</b>	<b>Proposed Ordinance Amendments to the Conservation Regulations</b>
<b>Rebuilding of Legal Structures Lost to Fire or Other Natural Disaster</b>	Not specifically identified in the Code but limited rebuilding in substantially the same footprint has been authorized in the past by the Board after fire or other natural disasters.	The proposed ordinance would exempt, on a one-time basis, the reconstruction of legal structures lost to fires or natural disasters, up to 125% of the original footprint, so long as the expansion does not encroach into any setbacks. (Section 18.108.050 (V).)
<b>Slope Regulations</b>	<p>Earthmoving on slopes greater than 30% up to 50% may occur upon grant of an exception in the form of a use permit. (Section 18.108.040 (B).)</p> <p>The County Code currently does not include methodologies for calculating slopes to determine where earthmoving activities may occur and instead refers to Resolution No. 94-19.</p>	<p>The proposed prohibits earthmoving on slopes greater than 30%. (Sections 18.108.060 (A) and (B).)</p> <p>The proposed revisions would generally incorporate the language from Resolution No, 94-19 into the Conservation Regulations and provides guidance on calculating slopes in various development scenarios. (Section 18.108.060 (B).)</p>
<b>Forms of Security</b>	The County Code currently allows the Director to require that the applicant post security with the County whenever an erosion control plan meets specific criteria. The security must equal 125% of the cost of the installation of erosion control measures. The security may take several forms, including bond; cash or negotiable bond; instrument of credit; letter of credit; or a lien on the property. (Section 18.108.140 (A)(2)(b).)	The proposed revisions would eliminate a lien on the property as an acceptable form of security for erosion control plans. (Section 18.108.140 (A)(2)(b).)

	<b>Existing Regulations – Conservation Regulations (Chapter 18.108) or Other Code Sections</b>	<b>Proposed Ordinance Amendments to the Conservation Regulations</b>
<b>Applicability</b>		<p>The new requirements would apply to all applications received by the County after the effective date of the ordinance, as well as all pending applications determined by the County to be incomplete at the effective date of the ordinance. (Section 17)</p> <p>The ordinance also provides a one-time exemption for earthmoving activities associated with an agricultural project of five acres or less on slopes less than 15%. These projects would not be subject to the requirements of the new ordinance but are still subject to the Conservation Regulations in effect prior to adoption of the new ordinance and are subject to CEQA. (Section 17)</p>