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LCP-4-VNT-21-0069-2 (ESHA Update)

April 6, 2022

Exhibits

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SUGGESTED MODIFICATIONS TO THE COASTAL AREA PLAN (LUP)
LCP Amendment No. LCP-4-VNT-21-0069-2
(ESHA)

Existing language of the certified Coastal Area Plan (LUP) is shown in straight type. The County's proposed amendment language to the certified Coastal Land Use Plan is shown in ~~strikeout~~ and underline. Language recommended by Commission staff to be deleted is shown in ~~double-strikeout~~. Language recommended by Commission staff to be inserted is shown in double underline. Other instructional suggested modifications to revise maps or figures are shown in *italics*.

1. Policy 1.1: Environmentally Sensitive Habitat Areas (ESHA):

Environmentally Sensitive Habitat Areas (ESHA). ESHA shall be protected against any significant disruption of *habitat* values, and only uses dependent upon those resources shall be allowed within those areas, except as specifically allowed in ESHA Policy 4.1(b) and Policy 4.2 below. In ~~those~~ all cases, adverse impacts on ESHA shall be avoided, to the maximum extent feasible, and unavoidable impacts shall be minimized and mitigated.

2. Policy 1.4: Applicability of ESHA Policies and corresponding footnote:

Applicability of ESHA Policies⁸: The provisions of this section apply to all *coastal development permit* applications with the potential to result in adverse impacts to an ESHA or *buffer zone* as follows:

- a. Areas mapped as ESHA, and areas that meet the definition of ESHA (whether or not such areas are identified as ESHA on certified LCP maps), shall be subject to the ESHA-related policies and provisions of the LCP; and
- b. Where multiple ESHA policies have different requirements that are applicable, then the policy that is most protective of the biological resource shall apply ~~(see Public Resources Code section 30007.5)~~. However, if policies specifically allow or regulate uses in *wetlands* or *rivers/streams* that would otherwise not be allowed in ESHA, those specific policies shall apply to those uses, not the more general ESHA policies.

Permit applications that are subject to ESHA policies in Section 4.1.3-2 of the Coastal Area Plan are set forth in the Coastal Zoning Ordinance, Section 8178-2.2.

⁸The annual dredging operation at Channel Islands Harbor, when conducted by the U.S. Army Corps of Engineers (USACE), is reviewed by the Federal Consistency Unit of the Coastal Commission (see Sec. 8174-6.3.1 of the Coastal Zoning Ordinance for the maintenance dredging exemption, ~~which is applicable to the USACE's annual dredging operation at Channel Islands Harbor~~).

3. Policy 3.1: ESHA Determinations:

ESHA Determinations: ESHA shall be defined as any area in which plant or animal life or their *habitats* are either rare or particularly especially valuable because of their special nature or role in an *ecosystem* and which could be easily disturbed or degraded harmed by human activities and *developments*. *Habitat* categories that qualify as ESHA are set forth in Section 8178-2.4.1 of the Coastal Zoning Ordinance. Habitat areas that previously met the definition of ESHA shall continue to be defined as ESHA under any of the following circumstances: (a)

ESHA is retained within an expanded fuel modification zone in accordance with an ESHA Vegetation Management Plan; (b) the ESHA supports a critical life stage for a special status species (e.g., nesting, denning, breeding or roosting sites); (c) the ESHA habitat was illegally removed or degraded damaged or destroyed by the illegal removal/degradation of ESHA; or (d) habitat areas that previously met the definition of ESHA shall continue to be defined as ESHA when the ESHA habitat was damaged or destroyed by natural disaster except when the County finds that the ESHA was permanently destroyed, in accordance with Sec. 8178-2.4.2 of the Coastal Zoning Ordinance.

4. Policy 3.4: Buffer Zones:

Buffer Zones: To provide distance and physical barriers to human disturbance, buffer zones shall be established between new development and 1) ESHA; and for 2) parklands/protected open space areas acquired by natural resource agencies or conservation organizations for natural resource protection (e.g., Point Mugu State Park, Leo Carrillo State Park). Buffer zones shall meet the following criteria:

- a. The width shall be sufficient to ensure the biological integrity and preservation of the biologically sensitive area and ecosystem they are designed to protect, and the minimum width of a buffer zone shall be 100 feet; and
- b. ESHA buffer zones shall be designed to protect the adjacent ecosystem and be compatible with the continuance of the protected habitat.

Also, see ESHA Policy 5.2(b) for information on the application of buffer zones in existing communities and Policy 5.14 for parkland/open space buffers.

5. Part b of Policy 4.1: Allowable Uses

b. Non-Resource-Dependent Use: A non-resource dependent use may only be allowed in ESHA or buffer zone when necessary for a new wireless communication facility mandated by federal law or a new public works facility is necessary to protect public health/safety or provide essential public services for legally permitted development. Existing public works facilities may shall be maintained, and repaired, and replaced in accordance with Coastal Zoning Ordinance provisions in Sec. 8174-6.3.2 – Statutory Exemptions and Categorical Exclusions.

6. Policy 5.1: Least Environmentally Damaging Alternative

Least Environmentally Damaging Alternative: Development, including the fuel modification zone, including all private and public recreational uses, shall be sited and designed to preserve protect ESHA against any significant disruption of habitat values and avoid adverse impacts to the ESHA ecosystem (both on-site and off-site). Where development is permitted in ESHA or buffer zone pursuant to ESHA Policies 4.2 and 4.3 – Economically Beneficial Use, such development shall be sited and designed to protect ESHA and avoid adverse impacts to the ESHA ecosystem to the maximum extent feasible. all unique native vegetation, such as Giant Coreopsis and Dudleya cymosa ssp. marcescens. If there is no feasible alternative that avoids all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Mitigation shall not be used as a substitute for the selection of the least damaging site-design alternative. During the least damaging

alternatives analysis, an applicant shall confirm the width of the proposed fuel modification zone with the Ventura County Fire Protection District. A least damaging alternatives analysis shall include evaluation of the proposed fuel modification zone and maximum allowable expanded zone. A least damaging alternatives analysis is not required for a project that is limited to expanding upon an existing fuel modification zone for existing, legally established development.

7. Part B of Policy 5.2: Allowable Building Site (Economically Beneficial Use):

b. In the existing communities of Rincon Point, La Conchita, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the Sea, Silver Strand, and Solromar (outside (M) overlay zone), development shall not be subject to a maximum allowable building site if required solely because an existing legal lot contains the buffer zone of off-site ESHA. If an existing legal lot contains ESHA, the maximum allowable building site is 10,000 square feet, or 25 percent of the lot size, whichever is greater. In either case, the building site shall not exceed the maximum lot coverage allowed by zoning, and a smaller building site shall be required if the proposed development would adversely impact a wetland or other wet environment. In all cases, new development in these existing communities shall be subject to all other policies and provisions of the LCP and shall not increase the size or degree of any existing ESHA buffer non-conformity.

8. Policy 5.3: Adjacent Development:

Adjacent Development: Development in areas adjacent to ESHA, in buffer zones, and in parklands/protected open space areas acquired by natural resource agencies or conservation organizations for natural resource protection, shall be sited and designed to prevent the degradation of, and be compatible with the continuance of, the adjacent biological resources.

9. Policy 5.4: Clustered Development:

Clustered Development: To minimize the loss or fragmentation of ESHA, proposed development shall be located away from ESHA and steep slopes and clustered near existing/~~proposed~~permitted development and roadways/services. Also, if a building site is in or adjacent to ESHA or buffer zone, pursuant to ESHA Policy 4.2 — Economically Beneficial Use, then structures within the building site shall be configured to maximize the use of overlapping fuel modification zones.

10. Policy 5.6: Fuel Modification Zones in ESHA or Buffer Zone

Fuel modification zones are permitted in ESHA or buffer zones to protect legally established structures ~~development~~ from identified wildfire hazards. The following regulations are intended to minimize adverse impacts of vegetation management activities to ESHA and buffer zones:

a. All Fuel Modification Zones.

1. Site development techniques and/or building design measures, such as clustered development, ember resistant building materials, etc. shall be used to

- minimize the size of *fuel modification zones* that results in the loss or fragmentation of *ESHA* or *buffer zone*.
2. When vegetation removal or thinning are ~~is~~ conducted for fire safety, vegetation removal and thinning techniques shall be utilized that minimize impacts to *native vegetation* and water quality to the maximum extent feasible.
 3. To the maximum extent feasible, *development* shall be sited and designed to locate all *fuel modification zones* onsite when the proposed *fuel modification zone* would impact (i) *ESHA* or *buffer zone* on an *adjacent lot* or (ii) impact undeveloped open space that is owned or managed by a *natural resource agency* or *conservation organization*.
 4. No *development* shall be approved that results in a *mandatory fuel modification zone* that extends onto federal or state parklands without written authorization from the National Park Service, the California Department of Parks and Recreation as applicable.
 5. Structural storm water retention or protection features shall only be allowed within a *mandatory fuel modification zone* when there is no feasible alternative for placing them within the *building site*.
- b. Mandatory Fuel Modification Zones. The standard width of the *mandatory fuel modification zone* around legally-established structures within the *building site* is 100 feet. Under unique site-specific conditions, the Ventura county Fire Protection District may determine that it is necessary to expand the mandatory fuel modification zone of new development to 200 feet if needed to protect life and property from wildland fires. Allowable *development* outside the *building site* but within the first 100 feet of the *fuel modification zone* shall be limited to the following:
1. *Resource-dependent* and non-resource dependent uses pursuant to Coastal Area Plan ESHA Policy 4.1;
 2. Drought-tolerant native landscaping (see Coastal Area Plan Section 4.1.8 - Water Efficient Landscaping, Policies 1, 4, 8 and 9);
 3. Confined animal facilities that do not require additional *fuel modification*; and
 4. Water wells/septic drainage fields not located in the *building site*.
- c. Expanded Fuel Modification Zones.
1. Pursuant to Section AE-2.5, An *expanded fuel modification zone* may be authorized up to 300 feet from a legally-established structure within the *building site* or to the property line, whichever distance is shorter, if it is determined by the Ventura County Fire Protection District that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wildland fires. In making this determination, the Ventura County Fire Protection District may consider whether there are any other feasible mitigation measures possible. Notwithstanding the foregoing, a 300-foot wide fuel modification zone

is allowed to protect the existing communication and tactical assets facility of U.S. Naval Base Ventura County at Laguna Peak.

2. An ESHA Vegetation Management Plan shall be required for an expanded fuel modification zone that contains ESHA or buffer zone.

3. Expanded fuel modification zones that ~~retain~~ contain ESHA and buffer zones shall be protected and maintained for the life of the permitted development through an ESHA Vegetation Management Plan. The County shall condition coastal development permits to record a notice on the property title that discloses the maintenance requirements associated with the ESHA Vegetation Management Plan including a copy of said plan. Any modifications to the ESHA Vegetation Management Plan shall be recorded on the property title upon approval of the modified plan.

4. Allowable uses in expanded fuel modification zones shall be limited to thinning for fuel modification and resource-dependent uses (see Coastal Area Plan ESHA Policy 4.1) that do not require any additional expansions of the fuel modification zone.

~~5. A proposed expanded fuel modification zone shall not encroach onto an adjacent property without written consent from the adjacent property owner.~~

11. Part a of Policy 5.7: Water and On-Site Wastewater Treatment Systems:

Water and On-Site Wastewater Treatment Systems:

- a. Water Wells - Construction of ~~Development~~ dependent upon a water wells to support new development or an intensified use of existing development may be permitted ~~approved~~ only if such well(s) would not either individually or cumulatively cause significant adverse impacts on affected groundwater aquifers, streams, riparian vegetation areas, or other coastal resources. This policy shall be implemented as data becomes available through the County CEQA process and other review procedures based on assessments submitted by a qualified professional during the discretionary permitting process. Although water can be imported by truck to serve existing, permitted development during a severe water shortage (i.e. a well runs dry for a residential home), new or intensified development shall not be permitted based on a water supply delivered by truck.

12. Policy 5.8: Steep Slopes:

Steep Slopes and Open Space Requirement:

a. To minimize impacts on ESHA, ~~building site development~~ shall not be permitted in areas of slope over 30 percent gradient, unless there is no other feasible location on the subject lot and the development is allowed pursuant to Biological Resource Policy 4.3- Economically Beneficial Use.

b. All coastal development permits that include the approval of development within ESHA, buffer zones, steep slopes, or adjacent to parklands shall be conditioned to require the

~~remaining identified ESHA, buffer zones, environmentally sensitive habitat areas and slopes over 30 percent gradient located outside of the approved building site and mandatory fuel modification zone development envelope on the same lot shall be~~ are preserved in perpetuity through a conservation easement or conservation instrument permanently maintained in their natural state.

13. Policy 5.18: Outdoor Lighting:

Outdoor Lighting: Development, outdoor festivals, and outdoor sporting events shall be sited and designed to avoid light encroachment into ESHA, as well as to minimize outdoor lighting in the Santa Monica Mountains to reduce light trespass or spill, glare, skyglow and light pollution and to preserve the night sky.

14. The heading above Policy 5.19 and Policy 5.19: Fencing, Gates, and Walls:

~~Standards for ESHA, Buffer Zones and the Santa Monica Mountains (M) Overlay Zone:~~

Fencing, Gates, and Walls: Fences, gates and walls are prohibited within ESHA or buffer zones, except when the fence is located within an approved development envelope or the fence is used for habitat protection or restoration. Fences, gates and walls within the development envelope shall not isolate wildlife from core habitat areas and shall be sited and designed to avoid in areas that minimize impacts to the movement of wildlife.

15. Policy 6.1: Coastal Dune Habitats:

~~a. Development that would result in significant disruption the substantial degradation, erosion, or destruction of coastal dunes, or the removal of native vegetation in such areas, will shall not be permitted-allowed.~~

~~b. The modification or disturbance of coastal dunes shall not be permitted, except as permitted by the "allowable use" provisions in ESHA Policies 4.1 and 4.2. In those all cases, coastal dune modification or disturbance shall be the minimum amount necessary to accommodate the allowable use and shall utilize the higher levels of current sea level rise projections.~~

16. Policy 6.3: Sand Removal:

Sand Removal: Sand removal/movement may be allowed on County beaches that abut existing development at Hollywood-by-the-Sea and Silver Strand Beaches if conducted for the sole purpose of preventing physical damage to existing, legally permitted beachfront residential/commercial development from wind-blown sand inundation. Such activities shall only be allowed pursuant to a valid Coastal Development Permit, be the minimum necessary to prevent physical damage, and shall be conducted in a manner that avoids adverse impacts to ESHA, including dune habitats and special status species shorebirds.

17. Policy 6.5: Shorebird Populations:

Shorebird Populations: Beach maintenance activities, such as the removal of beach wrack, shall not adversely impact nesting and foraging shorebird populations.

18. Policy 6.8: Shoreline Protective Devices:

Shoreline protection devices: When shoreline protective devices structures, such as revetments, seawalls, groins, or breakwaters are permitted, are allowed when they are necessary to protect existing developments, coastal dependent land uses, and public beaches. Any structures built under these conditions will they shall incorporate mitigation measures that reduce intertidal or nearshore habitat losses and impacts on local shoreline and sand supply to the maximum extent feasible (see Policy 6.9 below).

19. Policy 6.10:

All development projects on land adjacent to or within a wetland or wet environment, either in a stream or creek corridor or within 100 500 feet of such environments, shall be sited and designed to maintain water quality and prevent degradation of the ecosystem function. ~~Development shall be sited and designed to avoid the degradation of such habitats using the higher levels sea level rise projections over a minimum of 20 years.~~ The purposes of such development projects shall be limited to those set forth in Section 30233(a) and 30236 of the Coastal Act. Discretionary development that would adversely impact a wetland habitat shall be prohibited unless there is no feasible less environmentally damaging alternative and if feasible mitigation measures are provided to minimize adverse environmental effects. ~~adopted that would reduce the impact to a less than significant level. Notwithstanding the foregoing, within the existing communities of Rincon Point, La Conchita, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood by the Sea, Silver Strand, and Solromar, no adverse impacts to wetlands shall occur unless a statement of overriding considerations is adopted by the decision-making body.~~

20. Policy 6.15:

Breaching or water level modification of lagoons or estuaries is prohibited, except during a public health or safety emergency if there is no feasible, less environmentally damaging alternative and all feasible measures are implemented to minimize adverse environmental effects. To the maximum extent feasible, approved beach elevation management plans shall be utilized to avoid emergency breaching or water level modification of lagoons or estuaries.

21. Policy 7.3:

Natural features used as bat roost sites by for special status species shall be protected and preserved from disturbance and degradation. Adverse impacts to bat roosts shall be avoided during the siting and design of new development, During construction activities, and outdoor festivals/outdoor sporting events, adverse impacts to bat roosts shall be avoided, to the extent feasible, during critical life stages (such as breeding and raising of young) of a special status species.

22. Policy 8.3:

Except in cases where to the extent that more protective standards are required by other policies of this LCP require more protective measures, the use of second-generation anticoagulant rodenticides shall be prohibited as set forth in Food and Agricultural Code Section 12978.7.

23. Part a of Policy 9.1:

a. No new or reconfigured lot created by the land division will result in new adverse impacts to ESHA or buffer zones, including adverse impacts that could occur due to the allowance for an Economically Beneficial Use of the property pursuant to ESHA Policy 4.2;

24. Policy 9: Outdoor Lighting in the Santa Monica Mountains:

Development, outdoor festivals, and outdoor sporting events shall be sited and designed to avoid light encroachment outside the building site and to minimize outdoor lighting in the Santa Monica Mountains (M) Overlay Zone to reduce light trespass or spill, glare, skyglow and light pollution to preserve the night sky.

25. Policy 10.5

Expanded fuel modification zones that retain contain ESHA and/or buffer zones shall be protected and maintained for the life of the permitted land use through an ESHA Vegetation Management Plan. Coastal sage scrub and chaparral ESHA may qualify for a reduced compensatory mitigation fee using the Ventura County In-Lieu Fee Program. The County shall condition coastal development permits to notify current and future property owners of the requirements associated with the ESHA Vegetation Management Plan.

26. Program 5: ~~County-Sponsored~~ Administered In-Lieu Fee Program:

The In-Lieu Fee Program allows an applicant to pay a fee to the County's Coastal Habitat Impact Fund to meet compensatory mitigation requirements for impacts to coastal sage scrub and chaparral habitats (CSS/chaparral) classified as ESHA in the Santa Monica Mountains (see Coastal Zoning Ordinance, Sec. 8178-2.10.8(d) – County-Sponsored In-Lieu Fee Program). All accumulated fees in the Coastal Habitat Impact Fund will be transferred to a third-party provider to purchase and preserve CSS/chaparral habitats in the Santa Monica Mountains. During the first five years of the program, an interim fee¹ of \$29,170~~28,603~~ per acre (full ESHA compensation) and \$7,340~~7,197~~ (thinned ESHA) in an expanded fuel modification zone, will be used for each acre of conservation land purchased through the Coastal Impact Fund (fees shall be increased annually based on the regional Consumer Price Index). During that same period, the RMA/Planning Division will either independently conduct an in-lieu fee study, utilize the Habitat Fee Study completed by Los Angeles County, or utilize a fee as determined by the California Coastal Commission. The selected permanent fee for impacts to CSS/chaparral habitats shall be submitted as included in an LCP amendment to the Coastal Commission within six years from the date of [DATE OF ORDINANCE EFFECTIVE DATE]. Also, the Planning Division may evaluate the potential expansion of the In-Lieu Fee Program to include impacts to CSS/chaparral habitats throughout the coastal zone.

¹ This interim in lieu-fee is based on the following factors: 1) Base Fee certified for the LA County In-Lieu Fee (2014, Local Implementation Plan, Sec. CO-86 (c)(1)); Regional Consumer Price Index Adjustment for inflation (2014-2022), In-Lieu Fee Program Mitigation Ratio Adjustment for Coastal Sage Scrub and Chaparral; and Administrative Costs.

The RMA/Planning Division will be responsible for the following administrative functions of the *in-lieu fee* program:

- 5.1 Administrative Functions: In accordance with the *in-lieu fee* program requirements in Sec. 8178-2.10.8(d) of the Coastal Zoning Ordinance, the Planning Division shall conduct the following activities necessary to establish and maintain the administrative functions for the County's *in-lieu fee* program:
- a. Coastal Habitat Impact Fund - Establish a dedicated fund, called a Coastal Habitat Impact Fund, that will be used solely for compensatory mitigation for impacts to CSS/*chaparral habitats*. A maximum of five percent (5%) of the funds in the Coastal Habitat Impact Fund will be used to cover administrative costs for the *in-lieu fee* program. (Administrative funds will be split between the Planning Division and the *third-party provider* to cover the program's administrative costs). Funds from the Coastal Habitat Impact Fund will be periodically transferred, at least every three years and more frequently if necessary to facilitate the purchase of property, to a County-approved *third-party provider* for the acquisition and *preservation* of land in the Santa Monica Mountains.
 - b. Agreements with Third-Party Providers - Select and develop formal agreements with one or more *third-party providers* that will be responsible for the acquisition, *preservation* and management of conservation land purchased through the Coastal Impact Fund. Agreements with *third-party providers* shall be subject to approval by the Resource Management Agency Director. *Third-party providers* must be a *natural resource agency* or County-approved *conservation organization* with the necessary track record, qualified personnel, and organizational/fiscal capacity to perform the responsibilities for the *in-lieu fee* program and to conduct long-term management of preserved properties (see Coastal Zoning Ordinance Section 8178-2.10.8).
 - c. Administrative Procedures/Records - Establish and maintain ongoing administrative procedures and records for the *in-lieu fee* program, which include the following:
 - Records that summarize *ESHA* impacts mitigated through the *in-lieu fee* program (e.g., acreage, habitat classifications); state the amount of *in-lieu fees* collected, fees forwarded to *third-party providers*, and cumulative fees held in the Coastal Habitat Impact Fund; and describe acquisitions made through *in-lieu fees* (locations, acreage, and habitat composition).
 - Coordinate the selection and management of *third-party providers*;
 - Document acquisitions made by the selected *third-party providers*;
 - On an annual basis, process inflation-based adjustments to the *in-lieu fee* using the regional Consumer Price Index that captures changes to land acquisition and *preservation costs*.

- Interim Fee: The County shall prepare an annual monitoring report that contains the following: (1) cumulative acreage of *CSS/chaparral habitats* impact that was mitigated using the interim fee; (2) amount of funds collected in the Coastal Habitat Impact Fund from the interim fee and the amount forwarded to *third-party providers*; and (3) acreage purchased by County-approved *conservation organizations* or *natural resource agencies* using funds from the Coastal Habitat Impact Fund.
- d. Timing - Administrative functions for the County's interim *in-lieu fee* program will be established within a year following [DATE OF ORDINANCE EFFECTIVE DATE] certification of the Phase 2C LCP amendments, and prior to approval of a coastal development permit that allows for use of the subject fee. and The interim *in-lieu fee* will be made available to project applicants once the County's administrative functions are in place. The County's permanent *in-lieu fee*, including any modified administrative functions, will be made available to applicants following Coastal Commission certification of an LCP amendment (see 5.3).

5.2 In-Lieu Fee Study for Permanent Fee: The Planning Division will either independently conduct an *in-lieu fee* study or utilize the Habitat Fee Study completed by Los Angeles County, or utilize a fee as determined by the California Coastal Commission, to determine adjustments for the *in-lieu fees* based on an assessment of the costs associated with providing proportional, compensatory mitigation for impacts to *CSS/Chaparral habitats* in the Santa Monica Mountains. The Planning Division also will determine whether the fee study and *in-lieu fee* program should be extended to include impacts to *CSS/Chaparral habitats* throughout the Ventura County coastal zone. The *in-lieu fee* study will include an assessment of the following factors:

- Cost of acquiring land in fee or preserving land pursuant to a *conservation easement*;
- Funding for long-term stewardship and monitoring;
- The mitigation ratio adjustment for coastal sage scrub and chaparral habitat;
- Transaction costs (surveys, appraisals, title research, etc.);
- Preparation of baseline condition reports for the mitigation site;
- Escrow costs and title insurance; and
- Administrative costs (County, *third-party provider*)=;

The *in-lieu fee* shall be applied to the acreage required as mitigation for *development* in *ESHA*, in accordance with CZO Sec. 8178-2.10.6 – Compensatory Mitigation Ratios and the fee shall provide adequate funding to conduct the activities listed above.

5.3 LCP Amendment for Permanent Fee: The ~~results of the *in-lieu fee* study,~~ permanent *in-lieu fee* and ~~any related~~ required amendments to the Ventura County LCP for administration of the permanent County-sponsored *in-lieu fee* program, shall be submitted to the Coastal Commission for certification no later than ~~five-six~~ years after [DATE OF ORDINANCE EFFECTIVE DATE] ~~certification of the *ESHA* (Phase 2C) LCP amendments.~~ Use of the interim fee shall expire six years after [DATE OF ORDINANCE EFFECTIVE DATE], although the Executive Director of the Coastal Commission may extend this expiration date if additional time is needed for submittal

or for Commission consideration of a complete Ventura County LCP amendment application. After expiration of the interim fee, no coastal development permits may utilize the in-lieu fee program until the amount of the permanent in-lieu fee is incorporated into this LCP through an LCP amendment that is certified by the Coastal Commission. If additional time beyond the five years is necessary to complete the local adoption of the LCP Amendment prior to submission to the Coastal Commission, the County Planning Director shall prepare a status report on the progress made on the LCP Amendment including the anticipated completion schedule and transmit the status report to the Board of Supervisors and the Coastal Commission Executive Director.

See Coastal Zoning Ordinance, Sec. 8178-2.10.8(d) for a description of the County-sponsored *in-lieu* fee program.

27. The following program shall be added:

ESHA Program 6: County Beach Maintenance Master Permit and Beach Management Plan:

a. Based on the availability of funding and grants, the County in coordination with the California Coastal Commission will develop a comprehensive beach management plan for Hollywood and Silver Strand Beaches to address multiple uses and activities, such as, but not limited to dune restoration, public access, off-road vehicle use, sea level rise adaptation, and beach maintenance activities. The management plan will consider the protection and restoration of ESHA, community and infrastructure adaptations from sea level rise, and ensure public access is maintained and balanced with the preservation of coastal resources. Public education, outreach and coordination will be included with landowners, federal, state and local agencies that have jurisdiction on these beaches.

b. The County Harbor Department will apply for a multi-year “master permit” within three years of [DATE OF ORDINANCE EFFECTIVE DATE] to comprehensively address development, including beach maintenance activities conducted by the County at Hollywood and Silver Strand Beaches. If the geographic area covered by the permit includes land under the permit jurisdiction of the County and the California Coastal Commission, then a consolidated permit may be processed through the Coastal Commission, pursuant to Coastal Act Section 30601.3. Beach maintenance activities implemented prior to issuance of the master permit shall be required to obtain a separate coastal development permit.

28. *Appendix 1: Statewide Interpretative Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats (1981) shall be deleted, and subsequent appendices shall be renumbered.*

29. *Figure 4.1.3-3 – Environmentally Sensitive Habitat Areas (ESHA) on the South Coast shall be modified to accurately depict the extent of the M-overlay.*

SUGGESTED MODIFICATIONS TO THE COASTAL ZONING ORDINANCE
LCP Amendment No. LCP-4-VNT-21-0069-2
(ESHA)

Existing language of the certified Coastal Zoning Ordinance (LIP) is shown in straight type. The County's proposed amendment language to the certified Coastal Land Use Plan is shown in ~~strikeout~~ and underline. Language recommended by Commission staff to be deleted is shown in ~~double-strikeout~~. Language recommended by Commission staff to be inserted is shown in double underline.

1. Section 8172-1 – Definitions:

Buffer Zone Area - An area that provides distance between two incompatible uses to protect ~~natural coastal~~ resources. A *buffer zone* that protects *ESHA* is a transitional *habitat* between human activity or *development* and either an *environmentally sensitive habitat area (ESHA)* or a protected parkland/open space area acquired by *natural resource agencies or conservation organizations* for *habitat* protection. *Buffer zones* are sized and designed to protect the sensitive *habitat/species*, or protected parkland/open space area, from significant disruption or degradation. The area within 100 feet of the boundary of any *environmentally sensitive habitat area (ESHA)*.

Conservation Instrument – A legal mechanism used to ensure the protection of *coastal resources* from *development* in the form of a deed restriction ~~or other similar mechanism~~ executed by, or on behalf of, the owner of the land that is binding upon successive owners of the land. Such instruments shall contain a written description of the legal arrangements – including site ownership, management, and enforcement of any use restrictions – and be legally sufficient, enforceable, properly recorded in the chain of title, and able to ensure the protection of the coastal resource in perpetuity.

Development Envelope – The full extent of allowable *development* on a *legal lot*. In addition to *structures* or other *development* within a *building site*, the *development envelope* may include, but is not limited to, *driveway or road, fire department turnarounds, fire/fuel modification zone(s), water tanks (firefighting), entry gate/fences, utility trenches and other site grading, septic systems, wells, and drainage improvements.* (See definition for *Building Site*.)

Dune, Habitat – A fragile *habitat* that contains accumulations of sand in ridges, hummocks, or mounds that may be supported and stabilized by native and/or non-native species of vegetation that is associated with the immediate coastal environment located landward of the beach. Also called “coastal dune habitat”. Sand accumulations on privately owned inland properties within an existing community (i.e., *lots that do not abut a beach in Rincon Point, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the-Sea, Silver Strand, and Solromar*) are not defined as a coastal *dune habitat*. See Appendix E1, Section AE-1.2.3 for additional information on the definition of a coastal *dune habitat*.

Fuel Modification Plan – A *site plan depicting and stating a permittee's requirements to minimize and mitigate fire hazards associated with permitted *development*.*

Fuel Modification Zone – The area around a *legally established structure* where the existing vegetation is altered (e.g. brush or vegetation *removal*, including thinning) to reduce fuel load for fire protection purposes.

Fuel Modification Zone, Mandatory - The minimum area of vegetation removal around legally established *structures* located in the *building site* that is required by the Ventura County Fire Protection District Ordinance. The width of the *mandatory fuel modification zone* is 100 feet as measured from each side and from the front and rear of the *legally established structure*. Under unique site-specific conditions, the Ventura County Fire Protection District may determine that it is necessary to expand the *mandatory fuel modification zone* for new *development* to 200 feet if needed to protect life and property from wildland fires.

Fuel Modification Zone, Expanded – The area of expanded vegetation thinning for fire protection around legally established structures located in the *building site* that is beyond the standard *mandatory fuel modification zone*. The maximum width of the *expanded fuel modification zone* is 300 feet from a *legally established structure* or to the property line, whichever distance is shorter, if it is determined by the Ventura County Fire Protection District that the *expanded fuel modification zone* is necessary to protect life, property, and natural resources from unreasonable risks associated with wild land fires.

Lagoon - A shallow body of ~~salt~~ water close to the ocean but separated from it by other shoreline features such as a sand bar, rocks, or a narrow strip of land. Coastal lagoons are partly or entirely enclosed, and many show variations of salinity throughout the year. Lagoons can be a shallow pond or lake close to a larger lake or river but separated from it by a barrier, such as a levee.

Legally Established Structure - *Structure or development* established before the effective date of the Coastal Act (January 1, 1977) in conformity with all applicable local laws in effect at the time, or development established after the effective date of the Coastal Act and authorized by an effective *coastal development permit* or other required Local Coastal Program approval.

Low-Intensity Vegetation Removal Techniques - Techniques to remove vegetation (e.g., hand-pulling, mowing, mulching) that do not disturb the surrounding *habitat* or *ecosystem* when compared to alternative techniques, such as *grazing* or the use of heavy equipment that can compact or disturb soils or ESHA.

Passive Restoration – Passive restoration allows natural succession to occur in an ecosystem after removing a source of disturbance.

Planned Development Permit – A *coastal development permit* based upon a discretionary decision that is required prior to initiation of specified uses and *development* which are subject to site plan review and which may be conditioned in order to assure compliance with the requirements of the *Local Coastal Program*.

Shoreline Protective Devices - ~~A *seawall*, *revetment*, *breakwater*, *bluff retaining wall*, or and other such construction permanent or semi permanent structure intended to reduce or prevent coastal erosion due to wave action and other natural forces that alter~~

~~natural shoreline processes~~ construction that alter shoreline processes. (AM.ORD.4451-12/11/12)

2. Section 8175-5.2.4(c) – Animals and Fowl:

Notwithstanding the *nonconforming use* regulations in Section 8182-5, the farm animal regulations for the Santa Monica Mountains (M) overlay zone pursuant to Section 8175-5.2.4 shall only apply to *animal keeping* uses and *structures* that are established after [DATE OF ORDINANCE EFFECTIVE DATE]. Legally-established farm *animal keeping* uses in existence as of [DATE OF ORDINANCE EFFECTIVE DATE] that do not conform to the standards in the table above (subsection (b)) may continue until the use is discontinued or the project site is redeveloped.

3. Section 8175-5.9(a) – Public Works Facilities:

New or expanded *public works facilities* (including roads, flood control measures, water and sanitation) shall be designed to serve only the potential population of the unincorporated and incorporated areas within LCP boundaries, and to avoid eliminate impacts on *agriculture*, and open space lands to the maximum extent feasible, and ensure that environmentally sensitive *habitats* (ESHA) are protected against any significant disruption of habitat values. to the maximum extent feasible. See Section 8178-2.5.2(c) if such facilities are proposed within *ESHA* or *buffer zone*.

4. Section 8177-4.1.2:

All new *upland development* shall be sited and designed to avoid adverse impacts on *environmentally sensitive habitat areas* (ESHA). Refer to Section 8178-2 for contains development standards that apply to areas of the Santa Monica Mountains (M) Overlay Zone that contain *ESHA* or *buffer zones* (see Coastal Area Plan, Figure 4.1.3-3). Properties located within the Santa Monica Mountains (M) Overlay Zone are also subject to specific ESHA development policies and standards of the LCP, including those set forth in the following sections:

5. Section 8177-4.1.9:

During the permitting process, the applicant shall provide the County with any documentation in ~~the~~ their possession, or any information they are aware of, regarding the potential or contemplated acquisition of the subject property or portion thereof by a public *natural resource agency* or non-profit *conservation organization*.

6. Part C of Section 8177-4.1.11.2 – Outdoor Lighting:

c. Outdoor *light fixtures* downward facing and fully shielded with a maximum output of 60 lumens or less, including solar lights. The maximum output of a *light fixture* (e.g., string lights) shall be calculated based upon the total output of the entire lighting component installed, not by each individual bulb. However, if such a *light fixture* is located in *ESHA* or *buffer zone* it is regulated by Section 8178-2.6.15.

7. Section 8178-2.2 – Applicability:

Section 8178-2 applies to all new/modified *development*, including repair/maintenance activities, which meets both of the following criteria:

- a. The *development* or repair/maintenance activities require a *Coastal Development Permit* or discretionary *Coastal Development Permit* modification (i.e., *development* and repair/maintenance activities which are exempt or excluded from *Coastal Development Permit* requirements pursuant to Section 8174-6 are not subject to this Section 8178-2); and
- b. The proposed *development envelope* or repair/maintenance activities are located ~~within 500 feet of a wet environment or are located~~ in one or more of the following areas:
 1. *Habitats* classified as an *ESHA* (see Section 8178-2.4.1), which include but are not limited to areas with mapped *ESHA* on certified *ESHA* maps (see Coastal Area Plan, Figures 4.1.3-1 through Figure 4.1.3-3); or
 2. *Habitats* or areas classified as a *buffer zone*¹ (see Section 8178-2.4.4) or areas located within ~~4300~~ 300 feet of either: land protected by a *conservation easement* or land acquired by a *conservation organization*; or
 3. *Habitats* or areas within 300 feet of land owned by a federal/state *natural resource agency* and used for *habitat* protection (e.g., Point Mugu State Park).
 4. Within 500 feet of a *wet environment*.

In all cases, informational sources used to make *ESHA* or *buffer zone* determinations ~~or to develop an *ESHA Vegetation Management Plan*~~ shall include certified *ESHA* maps, site-specific environmental assessments/maps, aerial photographs, and *habitat*/wildlife information available from federal/state/local *natural resource agencies* (e.g., National Park Service or other vegetation maps, wildlife tracking GIS data, *monarch butterfly overwintering sites*, *California Natural Diversity Database*). See Appendix AE-1.3.2(f) for a complete list of information sources. If inadequate information is available in existing, available informational sources to determine whether the proposed *development* is in *ESHA* or *buffer zone*, the site-specific environmental assessment prepared for the proposed project shall be used to determine the applicability of Section 8178-2.

The Planning Director or designee may determine based on available biological evidence that this section applies to new/modified *development*, including repair/maintenance activities, that does not meet the above criteria, but that has the potential to result in adverse impacts to *ESHA* or *buffer zone*.

8. Section 8178-2.3 – Environmental Reviews:

- a. Site-specific environmental assessment: Except as provided by subsection (3) below, a site-specific environmental assessment (Coastal Initial Study Biological Assessment, or CISBA) shall be prepared pursuant to the requirements of Section AE-1.3, including ~~that includes~~ the following:

1. Site-Specific ESHA Map - To accurately identify and assess the impacts of proposed *development* on *ESHA* and *buffer zones*, ~~or to apply for a reduced compensatory mitigation fee (See Section 8178-2.10.1 (e))~~, a site-specific *ESHA* map is required that delineates all *ESHA* and *buffer zones* on all portions of the subject lot and shall include the following ~~as follows~~:
 - i. The ~~geographic area covered by a~~ site-specific map shall be adequate to determine all potentially adverse direct, indirect and *cumulative* impacts to *ESHA* resources and confirm that the proposed project is the least environmentally damaging alternative. The minimum geographic extent of field surveys for a site-specific *ESHA* map shall be the area within a 500-foot radius of the proposed *development envelope*, unless an *expanded fuel modification zone* is proposed for existing structures ~~development~~ in which case the geographic extent of the field surveys ~~site-specific *ESHA* map~~ shall include a 100 foot radius beyond the proposed *expanded fuel modification zone* (see in Appendix E1, Section AE-1.3.2.(g)(1)(iv). All portions of the subject *lot* that lie outside the required 500-foot field survey area shall be mapped using certified *ESHA* maps, aerial photographs and/or *habitat/wildlife* information available from federal/state/local *natural resource agencies* (e.g., National Park Service or other vegetation maps, wildlife tracking *GIS* data, *monarch butterfly overwintering sites*, *California Natural Diversity Database*. (See Appendix E1, Section AE-1.3.1(a) and AE-1.3.2(g)(2)); and
 - ii. The geographic extent of field surveys/maps for a monarch *butterfly overwintering site* is a 1000-foot radius of the proposed *development envelope*.

See Section 8178-2.4.3 and Appendix E1, Section AE-1.3.1(b) for information on the geographic extent for specific types of surveys.

2. Environmental Analysis - An analysis of all potentially adverse direct, indirect, and cumulative *impacts* on *ESHA* resources. All areas that meet the definition of *ESHA* or *buffer zone* shall be mapped as *ESHA* or *buffer zone* on a site-specific *ESHA* map and shall be accorded all protections for *ESHA* required by the policies or standards of the LCP.
3. Minor Development – A new CISBA is not required for *minor development* (e.g., a *fence* or small *accessory structure*) in an approved *building site* if the project includes no grading, would not result in an increased *building site* or *fuel modification zone*, and is located at least 100 feet from a *wet environment*.
4. The Planning Staff Biologist or County's designated biological consultant shall determine if the content and conclusions of the CISBA and the graphic depiction of habitats on the site-specific *ESHA* map were completed pursuant to the policies and standards of the LCP.

See Appendix E1 for a description of the required contents and procedures for a site-specific environmental assessment (i.e., Coastal Initial Study Biological

Assessment (CISBA)). See Section 8178-2.4 for information on the determination and delineation of *ESHA* and *buffer zones*.

- b. Least Environmentally Damaging Alternatives Analysis: If the proposed project would potentially result in adverse impacts to ~~is in~~ *ESHA*, or encroach within the *buffer zone*, an *alternatives analysis* shall be provided to determine whether the project constitutes the least environmentally damaging alternative. This requirement is not applicable to a project that is limited to an *expanded fuel modification zone* for existing, legally established structures ~~development~~. The least damaging *alternatives analysis* shall include the following:

- ~~1. If the geographic extent of the site-specific *ESHA* map does not include the entire lot, *ESHA* located on the remainder of the lot shall be delineated using certified *ESHA* maps, aerial photographs and/or habitat/wildlife information available from federal/state/local natural resource agencies (e.g., National Park Service or other vegetation maps, wildlife tracking GIS data, monarch butterfly overwintering sites, California Natural Diversity Database. (See Appendix E1, Section AE-1.3.1(a) and AE-1.3.2(g)(2)).~~

12. Written description and graphic depiction of two or more project design alternatives on a site plan that provide a reasonable range of options that minimize direct and indirect, adverse impacts on *ESHA* and encroachment within *buffer zones*. Project design alternatives shall depict all proposed *development* and shall include different locations, shapes and sizes that include, but are not limited to the following project components: *building site*, *structures* (e.g., house, garage, barn), *site features* (e.g., pool, patio, *fences*, landscaping), *fuel modification zones*, water tanks and other proposed *development* sited outside the *building site*, animal containment areas, driveway/access road(s), and water/wastewater systems. The width of the *mandatory fuel modification zone* and the maximum allowable ~~mandatory or~~ *expanded fuel modification zone* shall be evaluated ~~proposed~~ for each location. The ~~and~~ design alternatives for the proposed *fuel modification zone* shall be the width recommended and authorized by the Ventura County Fire Protection District for ~~each alternative that location~~.

2. Tabular summary that includes comparative data for the project design alternatives. The data provided shall include cubic yards of cut/fill for grading and acres of impacts on *ESHA* or *buffer zone*, sorted by *habitat type*; and
3. Written summary and findings that explain how the proposed project meets the requirements of Section 8178-2.6.1. If the proposed *development* is only allowed to provide an *economically beneficial use* (see Section 8178-2.45.3), include a list of LCP policies and standards that are not met by the project design alternatives; and
4. If the Planning Director or designee ~~County staff cannot~~ determines that there is inadequate evidence to indicate that the proposed project constitutes the least damaging alternative, the applicant shall be required to submit one or more additional project design alternatives.

9. Section 8178-2.4.2 – ESHA Determinations:

~~ESHA shall be mapped and protected through the County's certified ESHA map and an applicant's Coastal Initial Study Biological Assessment (CISBA) site-specific ESHA map in accordance with the ESHA policies and standards of the LCP, and as follows:~~

- a. ~~If the applicant's CISBA contains substantial evidence that an area mapped as ESHA on the County's certified ESHA map does not contain *habitat* that meets the definition of ESHA (Appendix E1) or that an area not mapped as ESHA on the County's certified map does contain *habitat* that meets the definition of ESHA (Appendix E1), then the County shall determine the physical extent of ESHA on the project site revise the documented extent of ESHA based on information in the CISBA and the standards in this section. If the County determines that an area is not ESHA, the LCP policies and standards for the protection of ESHA shall not apply. The County shall maintain a record of ESHA determinations (see Appendix E1, Section AE-1.3AE-1.2.4(c)), and such records shall be used to support periodic updates of the certified ESHA map.~~
- b. ~~An area that previously met the definition of ESHA but was damaged or destroyed by illegal removal or degradation of the *habitat* shall continue to qualify as ESHA.~~
- c. ~~An area that previously met the definition of ESHA but was damaged or destroyed by *natural disaster* shall continue to qualify as ESHA. Notwithstanding the foregoing, the County's decision-making authority may find that such an area is no longer ESHA based on a finding, supported by substantial evidence in the site-specific environmental assessment (Appendix E1, Section AE-1.2.2(c)), establishing that, 20 ~~45~~ or more years after the *natural disaster*, the destroyed ESHA has been permanently replaced by alternative *habitat* not defined as ESHA.~~
- d. ~~For purposes of this Section 8178-2.4.2, the term "existing, legally established development" means development established before the effective date of the Coastal Act (January 1, 1977) in conformity with all applicable local laws in effect at the time, or development established after the effective date of the Coastal Act and authorized by an effective coastal development permit. Areas occupied by existing, legally established *development* shall not constitute ESHA. Notwithstanding the foregoing, any ESHA and/or buffer zone that has been retained within an expanded fuel modification zone in accordance with an approved ESHA Vegetation Management Plan (See Appendix E2, AE-2.4– ESHA Vegetation Management Plan) shall be protected as ESHA or buffer zone.~~
- e. ~~With the exceptions described within subsection (d) above, a legally established *fuel modification zone* is not classified as ESHA under the following circumstances:~~
 1. ~~The *fuel modification zone* width is specified in an approved coastal development permit; or~~
 2. ~~If the width of the *fuel modification zone* is not specified in an approved coastal development permit, the *fuel modification zone* shall be considered the width of~~

the fuel modification zone shown around the legally established development in aerial photographs taken on October 18, 2018 and October 31, 2018 on file with the Planning Division, or up to 200 feet measured from the edge of legally established habitable structures, whichever area is smaller. Continued vegetation clearance outside the fuel modification zone that occurred after the October 2018 aerial photographs dates (referenced above) shall be considered unauthorized development.

3. If the fuel modification zone was established prior to the effective date of the Coastal Act in conformity with all applicable laws in effect at the time, and is not otherwise reflected in a permit, the size of the fuel modification zone consistently maintained as of January 1, 1977 shall be considered legally established development. However, if the historically maintained fuel modification zone was 100 feet or less on January 1, 1977, then the property owner shall be allowed to maintain the existing fuel modification zone width as described in subsection (e)(2) above.

10. Section 8178-2.4.4 – Buffer Zone Delineations:

Buffer zones shall be established to provide distance and physical barriers between protected resources and human disturbance. All development shall be sited and designed to protect the adjacent resources and be compatible with the continuance of the habitat. See Sections 8178-2.6.3 and 8178-2.6.4 for additional requirements when siting development adjacent to ESHA, buffer zones, and parklands/open space areas.

11. Section 8178-2.5.1.1 – Allowable Uses in Streams and Rivers:

In addition to resource-dependent uses, the following uses may be permitted within streams and rivers:

- a. Necessary water supply projects. necessary to agricultural operations or to serve developments permitted by the LCP Land Use Plan designations
- b. Flood control projects, where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development.
- c. Restoration projects or developments where the primary function is the improvement of fish and wildlife habitat.

Channelization or other substantial alterations to river or stream, or creek corridors shall be conducted in a manner that minimizes impacts to coastal resources and shall incorporate the best mitigation measures feasible to that mitigates unavoidable impacts to the maximum extent feasible, including the depletion of groundwater.

12. Section 8178-2.5.1.2 – Allowable Uses in Wetlands and Open Coastal Waters:

~~In addition to resource-dependent uses, the~~ The diking, dredging, or filling of development in wetlands, open coastal waters, lakes, lagoons, and estuaries may be permitted for the following uses: mitigation measures shall, at a minimum, include those listed in Section 30607.1 of the Coastal Act. Other reasonable measures shall also be required as determined by the County to carry out the provisions of Sections 30233(b and c) of the Coastal Act.

- a. New or expanded port, energy, and coastal-dependent industrial facilities.
- b. Mineral extractions, including sand for beach restoration, except in ESHA.
- c. New or expanded boating facilities, and the placement of structural pilings for public recreational piers (this use excludes wetlands).
- d. Nature study, aquaculture, or similar resource-dependent activities.
- e. Habitat restoration or enhancement.
- ~~f. Water extractions from lakes/ponds by the Ventura County Fire Protection District (or authorized emergency response personnel) when necessary to protect public health/safety during a wildfire event.~~
- f. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- g. Maintenance of existing, or restoration of previously dredged depths, in existing navigational channels, turning basins, vessel berthing/mooring areas, and boat launching ramps.

The uses listed above may only be permitted if otherwise consistent with the LCP and where there is no feasible, less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.

13. Part B of Section 8178-2.5.2 – Allowable Non-Resource Dependent Uses in ESHA or Buffer Zones:

- ~~b. Public Works projects required to repair, maintain, or replace an existing public works facility, provided that the use, capacity, size, and location is consistent with the General Exclusions provisions of Section 8174-6.3.6(a)(9). Existing public works facilities may be maintained and repaired in accordance with Coastal Zoning Ordinance provisions in Sec. 8174-6.3.2 – Repair or Maintenance Activities.~~
- c. Public Works Facilities in accordance with this Article and Section 8175-5.9, and all other applicable provisions of this Chapter and the LCP Land Use Plan, provided that such facilities are necessary to protect public health/safety or essential public services for legally permitted development or accommodate development allowed by the LCP.
- d. Shoreline protective devices (see Section 8178-2.7.1.2(a)).

14. Section 8178-2.6.1 – Least Damaging Alternative:

Sec. 8178-2.6.1 – Least Environmentally Damaging Alternative

Any development allowed in ESHA or buffer zones, pursuant to Section 8178-2.5 – Allowable Uses in ESHA or buffer zone, shall constitute the least environmentally damaging environmental alternative. The following findings shall be made regarding the development:

- a. The development consists of a feasible project design alternative that results in the least damage (i.e., direct/indirect/cumulative impacts) to ESHA, when compared to other feasible alternatives, and protects avoids adverse impacts to ESHA (both on and off-site) against significant disruption of habitat values to the maximum extent feasible; and
- b. If the development is authorized to provide an economically beneficial use, the project shall, in addition to complying with Policies 4.2 and 4.3 of the Coastal Area Plan: (1) consist of a design alternative that avoids adverse impacts to ESHA (both on and off-site) to the maximum extent feasible; (2) include a building site that is consistent with the standards in Section 8178-2.6.2; and (23) minimize development outside the building site for access roads, fuel modification zone, and site grading.

Mitigation shall not be used as a substitute for selection of the least environmentally damaging project design alternative.

15. Section 8178-2.6.2 – Maximum Allowable Building Site in ESHA or Buffer Zone:

If development is allowed in ESHA or buffer zone pursuant to Section 8178-2.5.3, then the following standards shall be used to determine the maximum allowable building site based upon the County analysis of documentation and information provided by the applicant for development (See Appendix E2, Section AE-2.4:

- a. Santa Monica Mountains: Within the Santa Monica Mountains (M) overlay zone, the maximum allowable building site shall be 10,000 square feet, or 25 percent of the legal lot size, whichever is less. The allowable building site may be increased above the maximum allowed by this Section when authorized pursuant to the incentive program in Section 8178-2.9.4.1, and it may be decreased pursuant to Section 8178-2.6.2.2(b). If the development is authorized to provide an economically beneficial use be conditioned to require the remaining area of the parcel located outside of the building site and mandatory fuel modification zone is preserved in perpetuity through a conservation easement or conservation instrument.
- b. Existing Communities:¹ On legal lots zoned Residential Beach (RB), Residential Beach Harbor (RBH), Coastal Residential Planned Development (CRPD), Coastal One-Family Residential (CR1), Coastal Two-Family Residential (CR2),

Coastal Rural Exclusive (CRE-20,000 sf only), and Coastal Commercial (CC), the allowable *building site* shall be determined as follows:

1. *Development* shall not be subject to a maximum allowable *building site* solely because the *lot* contains the required *buffer zone* for off-site *ESHA*. This standard is not applicable to a *lot* that contains the *buffer zone* for an off-site *wet environment* and, in such cases, additional encroachment into the *buffer zone* ~~may will not only be authorized if no new adverse impacts would occur to the wet environment.~~
2. Most *lots* in existing communities are currently developed. If a *lot* does contain on-site *ESHA*, the maximum allowable *building site* shall be ~~the maximum lot coverage allowed by zoning, up to~~ a maximum of 10,000 square feet or 25 percent of the *legal lot* size (whichever is greater), but shall not exceed the maximum *lot* coverage allowed by zoning.

For *lots* that contain a *wet environment* or its *buffer zone*, see Section 8178-2.6.2.2(b).

- c. Other Coastal Areas: Except as provided by subsections (a) and (b) above, the maximum allowable *building site* shall be determined on a case-by-case basis for the allowed *principally-permitted use*. The maximum allowable *building site* shall be limited to the area needed for the property owner to make an *economically beneficial use* of the applicant's property as a whole (Refer to Section 8178-2.5.3 and AE-2.3).
- d. In all cases, the maximum allowable *building site* shall be subject to the general requirements in Section 8178-2.6.2.1 and the adjustments in Section 8178-2.6.2.2.

16. Numbers 3 and 6 in Part B, Part E, and Part F of Section 8178-2.6.3 – General Siting and Design Standards:

3. To take advantage of overlapping *fuel modification zones*, structures within the *building site* and *building sites* on nearby *lots* shall be clustered, including as part of *land divisions* ~~including and lot line adjustments, and building sites shall be located near existing structures on the subject property or on nearby lots.~~

6. A proposed *expanded fuel modification zone* shall not encroach onto an *adjacent* property ~~without written consent from the adjacent property owner. This requirement shall not apply to areas where the proposed *fuel modification zone* overlaps with an existing permitted *mandatory fuel modification zone* on the adjacent property.~~

e. ~~On-Site Open Space Requirements Development Restrictions~~ – *Development* shall not be permitted in areas with greater than or equal to 30 percent *slope*. All on-site *ESHA*, *buffer zones*, and/or *slopes* over 30 percent shall be permanently maintained in their natural state through a *conservation easement* or *conservation instrument* when a *coastal development permit* that includes approval of development within *ESHA*, *buffer zone*, and *slopes* over 30 percent, including for development ~~such areas are:~~ (1)

identified on an applicant prepared site-specific ESHA map, and/or (2) located in the Coastal Open Space (COS) zone, Santa Monica Mountains (M) overlay zone, or Coastal Industrial (CM) zone, an easement or deed restriction that shall be recorded on the final map, or on a grant deed as a deed restriction submitted with the final map. ~~Development shall not be permitted in areas over 30 percent slope.~~

f. Buildable Lot Standards – A buildable lot for residential use is a legal lot that can feasibly accommodate the following structures and improvements in a manner that is consistent with the policies and provisions of the LCP and that meets established public health and safety standards: (1) a principal structure; (2) legally accessible, all-weather access road; (3) development is located outside known geological hazard areas; and (4) the lot is served by public water/sewer or can accommodate an on-site site well and/or wastewater treatment system that is adequate to serve the proposed development.

17. Part A of Section 8178-2.6.8 – Access Roads and Driveways in ESHA:

a. Except where access improvements are necessary to meet Ventura County Fire Protection District standards or to provide one access road/driveway to permitted development on a lot, the construction and/or improvement of access roads and driveways that would increase access to any property shall be permitted only when it has been determined that environmental resources in the area will not be adversely impacted by the increased access;

18. Section 8178-2.6.9 – Fuel Modification Zone Requirements in ESHA or Buffer Zone:

- a. A new or expanded fuel modification zone shall only be authorized through a new or modified Coastal Development Permit. Vegetation removed for fuel modification purposes shall be conducted in accordance with a Planning Division and Ventura County Fire Protection District-approved Fuel Modification Plan and/or ESHA Vegetation Management Plan (See Appendix E2, Section AE-2.4). Low-intensity vegetation removal techniques shall be used when removing vegetation in ESHA or buffer zone.
- b. An existing fuel modification zone which is expanded or modified within ESHA or a buffer zone requires a CISBA. (See Appendix E1, Section AE-1.3.2 (g)(1)(iv)).
- c. ~~If ESHA or buffer zone is retained within a proposed expanded fuel modification zone,~~ Where an expanded fuel modification zone is approved within ESHA or buffer zone, an approved ESHA Vegetation Management Plan (see Appendix E2, Section AE-2.4) is required.
- d. To protect from unintentional removal of ESHA or buffer zone that overlaps with a fuel modification zone, the outer boundary of each vegetation ~~removal or~~ thinning zone (e.g., 100 ft, 150 ft, 200 ft) shall be delineated with permanent zone markers so that the extent of vegetation thinning ~~or removal~~ zones are easily recognizable during maintenance activities.

- e. For landscaping requirements within a *fuel modification zone*, see Sections 8178-8.4.2.3 and 8178-8.4.2.4.

19. Part A of Section 8178-2.6.9.1- Allowable Uses in Fuel Modification Zones:

a. Outside the *building site* and within the first 100 feet of a *fuel modification zone* (the mandatory fuel modification zone), only the following *development* and uses may ~~shall~~ be allowed:

20. Section 8178-2.6.9.2 – Width of Fuel Modification Zones:

When all or a portion of a *fuel modification zone* overlaps with *ESHA* or *buffer zone*, those areas shall meet the following standards:

- a. The width of a *fuel modification zone* shall be measured from the edge of the legally established ~~buildings or structures~~ located within the *building site*, not from the boundary of the *building site*.
- b. The standard width of the *mandatory fuel modification zone* for legally established *structures* is 100 feet, except for the U.S. Naval Base Ventura County tactical critical assets at Laguna Peak which is 300 feet as measured from the existing perimeter of the facility¹.
- c. If the Ventura county Fire Protection District determines that there are unique site-specific conditions for new development, the mandatory fuel modification zone may be expanded to 200 feet if needed to protect life and property from wildland fires.
- d. An expanded *fuel modification zone* may be authorized up to 300 feet from a legally established *structure* located within the *building site* or to the property line, whichever distance is shorter, if it is determined by the Ventura County Fire Protection District that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wildland fires. In making this determination, the Ventura County Fire Protection District may consider whether there are any other feasible mitigation measures possible.

21. Section 8178-2.6.10 – Standards for Recreational Development:

The applicant of a proposed new or expanded, *resource-dependent* recreational use/facility (see Section 8178-2.5.1) in ~~environmentally sensitive habitat areas~~ *ESHA* or *buffer zones* ~~areas shall develop a management program site and design the facility/area to control the kinds, intensities, and locations of uses to protect ESHA against significant disruption of habitat values preserve habitat resources to the maximum extent feasible.~~ The following site design/development techniques shall be used to protect ~~minimize adverse impacts on~~ *ESHA*:

22. Part A of Section 8178-2.6.13 – Construction Standards:

a. Construction Equipment and Materials - Construction equipment storage and staging areas shall be graphically depicted on approved site, grading and building plans. The extent of construction equipment storage and staging areas shall be limited to existing, legally disturbed areas and the approved *development envelope*. ~~To the maximum extent feasible, locate such areas outside the *buffer zone* and away from adjoining ESHA unless approved to allow for an *economically beneficial use*.~~

23. Parts A and B of Section 8178-2.6.14.1- General Requirements:

- a. *ESHA and Buffer Zone – Fences, gates, and walls are prohibited in an ESHA or buffer zone outside the *development envelope*, except when used for *habitat protection or restoration* and when specified by a County-approved *ESHA Mitigation Plan* (see Section 8178-2.10.9). Within these plans, permanent fencing is allowed in *buffer zones* that are located in publicly accessible areas to protect *ESHA* that are particularly sensitive to human impacts. Non-wildlife permeable fencing or walls may be permitted along road corridors if the sole purpose of such fencing or walls is to funnel wildlife to safe road crossings (i.e., underpass, overpass).*
- b. *Development Envelope: Wildlife-permeable fencing is allowed throughout an approved *development envelope* except within an expanded fuel modification zone, if any (see Section 8178-2.6.14.4 for standards), and ~~g~~Gates are allowed at entry points to a property when located in the *development envelope*. Perimeter fencing of a parcel is prohibited.*

24. Numbers 3 and 4 in Part B of Section 8178-2.6.15.2 – Regulations and Standards:

3. ~~Outdoor lighting for a pool, tennis court, or other recreational facility that is accessory to a dwelling shall be shielded or screened from nearby ESHA. If such lighting causes light trespass in excess of 0.01 foot-candles at the vertical plane and the horizontal plane at the edge of a *buffer zone* or *ESHA*, then the facility shall not be illuminated between 10 p.m. and sunrise. Outdoor lighting for tennis courts or other recreational facilities is prohibited.~~

4. ~~Outdoor lighting shall utilize the minimum output necessary for the intended purpose and the correlated color temperature shall be 2700 Kelvin or less necessary for the intended purpose.~~ All essential and security lighting shall be controlled by a motion detector or timer programmed to turn off no more than five minutes after activation.

25. Parts B and C of Section 8178-2.7.1.1 – Coastal Dunes:

b. Design Standards - When *development* is permitted in a *dune habitat*, it shall be sited and designed utilizing subject matter experts, ~~and the best available science that includes, but is not limited to, the higher levels of current sea level rise projections over a minimum of 20 years~~ and coastal *dune habitat* morphology as follows:

...

c. Dune Restoration - If *dune habitat* vegetation is being *restored* as part of the project, then the vegetation shall be *restored* in a manner that accommodates the ecological needs of sensitive native *dune habitat* species (e.g., native vegetation communities). If *dune habitat restoration* includes the removal of existing vegetation, then the lowest-intensity, effective vegetation removal techniques shall be utilized to minimize impacts on the *dune habitat*. The design and implementation of all coastal *dune habitat restoration* projects shall be conducted by a *dune restoration specialist* and based off of the best available science ~~that includes the higher levels of sea level rise projections for the area (minimum of 20 years)~~, coastal dune morphology, and other appropriate scientific research associated with coastal beach ecology.

26. Part B of Section 8178-2.7.1.2 – Beaches:

b. Except for emergency access, no vehicle shall be allowed below the monthly highest tide line from March 1 to August 31, which is when grunion eggs are present, or within 500 feet of a *shorebird colony* during the March 1 to September 30 nesting season, unless otherwise authorized by a *Coastal Development Permit*. To the maximum extent feasible, to avoid disturbing a nesting bird or a nesting *shorebird colony*, trash cans shall be placed outside the *buffer zone* for nesting shorebirds (i.e., 300 feet for a nesting bird, 500 feet for a nesting bird colony). If placement outside the *buffer zone* is infeasible, trash cans shall be placed at locations where public walkways or roads provide points of public access to the beach.

27. Section 8178-2.7.1.3 – Beach Grooming:

Beach grooming, which includes the removal of driftwood, debris and seaweed (*beach wrack*) from beaches, ~~which~~ and may include leveling sand, may be allowed on Hollywood Beach and Silver Strand Beach when conducted pursuant a valid *coastal development permit*. *Beach grooming* is subject to the following standards:

28. Part A(2) of Section 8178-2.7.1.4 – Sand Removal/Redistribution on a Beach:

2. Sand redistribution shall be limited to an area that extends 150 feet seaward from the edge of the 50-foot sand removal area. Sand redistribution, which may include the leveling of sand, shall only occur outside *ESHA* and *buffer zones* and above the highest monthly high tide line.

29. Part A of Section 8178-2.7.1.5 – Beach Replenishment:

a. Beach replenishment may be allowed pursuant to a valid *Coastal Development Permit*. Sediment may only be used for beach sand replenishment when it is free of contaminants, of a suitable grain size, color, and type that is compatible with the sand at the placement site, and when demonstrated through testing to be in accordance with federal and state standards.¹ ~~for its intended use, Dredge spoils should~~

30. Section 8178-2.7.2 – Coastal Bluff Habitats:

~~Non resource dependent d~~Development allowed within coastal bluff habitats shall be set back a sufficient distance from the bluff habitat to ensure the protection of bluff ESHA. Development shall be designed to incorporate best management practices that minimize pollution, runoff, and siltation from developed areas to the coastal bluff habitat.

31. Section 8178-2.7.3 – Wet Environments:

~~c.1. All developments on land either in a stream or creek corridor or adjacent to or within 100-500 feet of such corridor (buffer area), a wet environment shall be sited and designed using the higher levels of sea level rise projections over a minimum of 20 years to prevent impacts that would significantly degrade riparian those habitats and to ensure that development is shall be compatible with the continuance and viability of such habitats. (AM.ORD.4451-12/11/12)~~

32. Part E of Section 8178-2.9.1 – General Requirements:

~~e. A Coastal Development Permit authorizing a land division shall include conditions of approval that restrict development to an approved development envelope. Outside the development envelope, future development shall be prohibited within any onsite environmentally sensitive habitat areas ESHA(s), buffer zone(s), and/or areas with slopes over 30 % percent gradient. Areas subject to such development restrictions shall be permanently maintained in their natural state except as otherwise provided in Section AE-2.2.2 through recordation of a through an easement or easement or deed restriction or other conservation instrument that shall be recorded on the final map or non-a grant deed as a deed restriction submitted with the final map.~~

33. Part C of Section 8178-2.9.2 – Requirements for Land Divisions in ESHA or Buffer Zone:

~~c. When the subject lot is in the Santa Monica Mountains (M) overlay zone, and it abuts a public park or a lot permanently protected by a conservation easement, then all lots proposed to be created that abut such areas shall include a 3200-foot setback along the boundary of the abutting public park or the land that is permanently protected from development. See Section 8177-4.1.6 for development setback requirements to park lands.~~

34. Part A of Section 8178-2.9.4.1 – Expansion of Building Site:

~~a. Merges the lot upon which the proposed building site is located with an abutting legal lot or lots containing at least three acres of undeveloped land and meeting the standards for an off-site preservation lot stated in Section 8178-2.10.5(b). All areas of the resulting lot outside of the building site and mandatory fuel modification zone development envelope must be preserved in perpetuity through a conservation easement or conservation instrument; or~~

35. Part A of Section 8178-2.10.1 – General Requirements:

a. Removal/Degradation of ESHA – Mitigation that is proportional to the impact is required for all adverse direct and indirect impacts to ESHA. The level of compensatory mitigation is specified by the ratios in Section 8178-2.10.6. Compensatory mitigation shall be subject to the following standards:

1. Permitted Impacts: Compensatory mitigation is required when there is no feasible project siting or design alternative that can avoid all adverse direct or indirect impacts to ESHA (see Section 8178-2.6.1) and the project is determined to be the least environmentally damaging alternative. The applicant shall be responsible for providing compensatory mitigation.
2. Unpermitted Impacts: Compensatory mitigation is required for unauthorized development that causes direct or indirect impacts to ESHA. In such cases, compensatory mitigation shall be provided through the following:
 - i. The impacted area shall be restored on-site unless all, or a portion of, the impacted ESHA area is within the approved development envelope of the least environmentally damaging alternative. In such cases, compensatory mitigation for the area included in the development envelope may be accomplished through on-site or off-site mitigation. The remaining amount of required compensatory mitigation shall occur on-site unless: (4) an insufficient supply of suitable land is available for the on-site restoration, enhancement, or establishment of ESHA. An “insufficient supply of suitable land” occurs when: (a) no on-site ESHA is in need of restoration or enhancement, (b) no on-site areas contain the environmental conditions to support an in-kind habitat, or (c) the area is isolated from protected core habitats. In such cases, an equivalent area of ecologically functional ESHA shall be restored or established off-site; or (2) all, or a portion of, the impacted ESHA area is within the approved development envelope of the least environmentally damaging alternative. In such cases, compensatory mitigation for the area included in the development envelope may be accomplished through on-site or off-site mitigation.

36. Part C of Section 8178-2.10.3 – Types of Compensatory Mitigation:

c. Enhancement – Existing, intact or degraded ESHA that has the capacity to improve specific ecological functions or services (e.g., water quality improvement, flood water retention, wildlife habitat improvement, habitat connectivity corridor improvement). ESHA may be enhanced either on- or off-site. Passive restoration is classified as enhancement. Passive restoration may be utilized as one component of an ESHA Mitigation Plan if it the mitigation habitat contains the physical and biological conditions necessary for the suitability of the ESHA and the passive restoration meets the criteria in Section 8178-2.10.5(a).

37. Part B of Section 8178-2.10.4 – Location of Compensatory Mitigation Sites:

b. Off-Site Mitigation:

1. ~~Permittee - At least 50 percent of the~~ Off-site compensatory mitigation area must be located within the Ventura County *coastal zone*. Off-site mitigation sites shall be selected based on proximity to the impacted *ESHA ecosystem*, in the following order of priority:

Priority 1 - The site is in the same sub-watershed (defined as U.S. Geological Survey's 12-digit hydrological unit code (HUC or higher, when available) as the impacted area.

Priority 2 – The site is in the same *biogeographic region* as the impacted area.

Priority 3 - The site is in the same watershed as the impacted area.

If no suitable site is ~~feasibly~~ available within the *coastal zone*, then a site ~~e~~ in Ventura County that is located outside the *coastal zone* may be selected if the area is located in a regional habitat connectivity and wildlife corridor in Ventura County (i.e., Santa Monica - Sierra Madre Linkage, Ventura River Linkage, Santa Clara River Linkage) and is located in the same *biogeographic region* as the impacted site. Preference also may be given to an off-site area that adjoins public parkland or protected native *habitat* (i.e., land protected by a *conservation easement* or owned/managed by a *natural resource agency*).

2. Federal or State Program - Off-site mitigation areas conserved with funding from an available federal or state *mitigation bank* or *in-lieu fee* program shall be in the *coastal zone* of Ventura County, Los Angeles County or Santa Barbara County.
3. ~~County-Sponsored~~ Administered In-Lieu Fee Program - Off-site mitigation areas conserved with funding from the County's *in-lieu fee* program shall be located in the Santa Monica Mountains and selected in the following order of priority:

Priority 1 – Ventura County *coastal zone* (up to 50% of the area may be outside the *coastal zone* if a property is bisected by the *coastal zone* boundary).

Priority 2 – Santa Monica/Sierra Madre Linkage habitat connectivity and wildlife corridor in the Santa Monica Mountains' biogeographic region in Ventura County.

Priority 3 – *Coastal zone* of Los Angeles County. Priority 3 areas shall not be used unless no Priority 1 or Priority 2 site are available and, if a Priority 3 areas is used to mitigate, it shall be the closest available areas to Ventura County.

38. Part A of Section 8178-2.10.5 – Environmental Standards for Mitigation Sites:

a. Land Used for Restoration, Enhancement, or Establishment – On-site or off-site mitigation sites used for ESHA restoration, establishment or enhancement must contain suitable environmental conditions (e.g., hydrology, soil type, compatible adjacent land uses, functional connectivity) to support the proposed type of mitigation. Such sites must be connected to other habitat areas required for species survival. (See Section 8178-2.10.7 for specific requirements for wet environments, dunes, oak woodland/savannah, native woodland habitats, and monarch butterfly overwintering sites.) If passive restoration is proposed as a component of ESHA enhancement, then it must be supplemented with other enhancement activities that address the level of ESHA degradation at the mitigation site (e.g., soil conditions, amount of invasive or invasive watch list plant species, lack of native seed bank) and the resilience of the ESHA ecosystem. Enhancement methods may include non-native and invasive species removal, temporary irrigation and supplementary native planting and seeding. ~~the level of ESHA degradation at the mitigation site (e.g., soil conditions, amount of invasive or invasive watch list plant species, native seed bank) and the resilience of the ESHA ecosystem shall be consistent with the use of passive restoration as a form of ESHA enhancement.~~

39. Numbers 8 and 10 of Part D of Section 8178-2.10.8 – Implementation Options for Compensatory Mitigation:

d. Ventura County In-Lieu Fee Program: The County's in-lieu fee program allows a permittee to substitute payment of a fee to the County's Coastal Habitat Impact Fund to meet compensatory mitigation requirements for impacts to ESHA through the off-site preservation of in-kind ESHA. This program will be established as follows:

8. Timing of Compensatory Mitigation – Whenever feasible¹, land acquisition shall be conducted within three years of the receipt of fees in the Coastal Habitat Impact Fund. Fees will be paid prior to a zoning clearance for construction ~~development project's impacts.~~

10. Amount of In-Lieu Fee – The fee shall be calculated on a per-acre basis for each acre, or portion thereof, required as compensatory mitigation for impacts to CSS/chaparral (see mitigation ratios, Section 8178-2.10.6). The in-lieu fee shall be determined as follows:

- i. Interim In-Lieu Fee: For a ~~six~~five-year period following certification of the LCP amendments for ESHA, an in-lieu fee of \$29,170 ~~28,603~~ per acre (which shall be adjusted annually for inflation) shall be used for each acre of land, or a portion thereof, required as compensatory mitigation. An interim ~~temporary~~ in-lieu fee of \$7,340 ~~7,197~~ per acre (which shall be adjusted annually for inflation) shall be used for each of acre of land, or a portion thereof, required as compensatory mitigation when ESHA is thinned within an expanded fuel modification zone that exceeds 100 feet pursuant to Section 8178-2.10.1(e). After the ~~six~~five-

year period, the County-sponsored administered interim *in-lieu fee* program will expire ~~be discontinued~~ unless a permanent *in-lieu fee* program is certified by the California Coastal Commission although the Executive Director of the Coastal Commission may extend this expiration date if additional time is needed for submittal or Commission consideration of a complete Ventura County LCP amendment application. After expiration of the interim fee, no *coastal development permits* may utilize the in-lieu fee program until the amount of the permanent in-lieu fee and corresponding administrative procedures are incorporated into this LCP through an LCP amendment that is certified by the Coastal Commission. See Coastal Area Plan, ESHA Program 5, for administrative details associated with the interim *in-lieu fee*.

- ii. Permanent In-Lieu Fee: The interim *in-lieu fee* will be replaced after ~~five~~ six years by a permanent *in-lieu fee* once it is certified by the Coastal Commission (see Coastal Area Plan, ESHA Program 5). The proposed permanent fee and all associated LCP amendments shall be submitted to the Coastal Commission for certification. Once a permanent *in-lieu fee* is certified, it will be adjusted annually for inflation.

See Coastal Area Plan, Section 4.1.3, ESHA Program 5 – County Sponsored In-Lieu Fee Program.

40. Section 8181-3.5.3 – Additional finding for Development in ESHA or Buffer Zone:

A Coastal Development Permit authorizing development in ESHA or a buffer zone may be granted or conditionally granted only if the decision-making authority makes all of the findings, to the extent applicable to the project, required by the LCP as follows:

a. Development Within or Adjacent to ESHA – All ESHA policies and standards of the LCP have been met and the project design has been found to constitute ~~result in the least environmentally damaging alternative~~ *e to ESHA* pursuant to Section 8178-2.6. ~~In addition, any direct or indirect impacts to ESHA will be mitigated pursuant to Section 8178-2.10.~~

b. Expanded Fuel Modification Zone – If the width of a fuel modification zone exceeds 100 feet, the Ventura County Fire Protection District has authorized the expanded fuel modification zone, provided documentation illustrating the width of the expanded zone, and determined that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wild land fires.

c. Economically beneficial use – If a Coastal Development Permit allows a deviation from a policy or standard of the LCP pursuant to Coastal Area Plan Policy 4.2, permit findings shall meet the requirements in Coastal Area Plan Policy 4.3.

d. Site Specific ESHA Determinations and Maps – The physical extent of habitat meeting the definition of ESHA and buffer zone on the entirety of the lot containing the

project site is accurately mapped within the CISBA, is consistent with the LCP policies and standards (e.g., definition of ESHA, buffer zone determinations) and available independent evidence, and has been review by the Planning Staff Biologist or a County's Biological Consultant.

e. Compensatory Mitigation – All direct and indirect adverse impacts to ESHA resulting from the development and any unpermitted development are fully mitigated consistent with the LCP policies and standards, and required financial assurances are provided. All on-site and off-site areas subject to compensatory mitigation will be preserved in perpetuity consistent with Section 8178-2.10.1(c).

f. Open Space Restriction – All ESHA, buffer zones, and slopes over 30 percent gradient located on the lot outside of the building site and mandatory fuel modification zone are preserved in perpetuity through a *conservation easement or conservation instrument*.

g. Land Divisions – For a lot(s) that contain ESHA or buffer zone and is proposed for land division, substantial evidence was provided that demonstrates that the land division will not result in new, adverse impacts to ESHA or buffer zone including those that could occur due to an economically beneficial use of the property.

h. ESHA Preservation Incentives – If a *Coastal Development Permit* is being granted pursuant to an ESHA *preservation* incentive, then the proposed *land division* will result in the *preservation* of large areas of unfragmented ESHA. Also, the proposed *land division* will not result in greater impacts to ESHA or *buffer zones*, and will not increase the loss of ESHA, when compared to the *development* that could occur without use of the incentive.

41. Sec. AE-1.2.2 – Additional Factors for ESHA Determinations:

Habitat removed/degraded by *natural disaster* that met the definition of *ESHA* before the *natural disaster* shall be afforded the protections of *ESHA* (see CZO Section 8178-2.4.2). Also, areas subject to the minimal *fuel modification* measures that are required in *riparian* or woodland *habitats* meet the definition of *ESHA* (see CZO Section 8178-8.4.2.3). An exception to this provision may be provided for an *ESHA* that was permanently destroyed by a *natural disaster*, in accordance with CZO Section 8178-2.4.2(b), provided that such determinations meet all the following standards:

1. The Planning Staff Biologist or County's designated biological consultant finds that the *habitat* no longer meets the definition of *ESHA*. Such determinations shall be supported by substantial evidence prepared by a *qualified biologist* in accordance with Section AE-1.2.1. If the destruction of one *ESHA* type led to its replacement by another *ESHA* type, the area shall remain classified as *ESHA*. For example, if an *ESHA coastal sage scrub habitat* was replaced by an *ESHA grassland habitat*, the area shall remain classified as *ESHA*; and
2. The Planning Staff Biologist finds that 20 ~~45~~ or more years passed since the most recent *natural disaster* (with no intervening *natural disaster* events). For all areas cleared of native vegetation that contain ruderal vegetation (or bare ground), historical aerial imagery shall be reviewed, and a determination shall be

made that the *ESHA* was destroyed by *natural disaster* unaided by human intervention. A description of the *natural disaster(s)* shall be provided in conformance with Section AE-1.3.2(h) and Section AE-1.3.3(c); and

3. All modifications to the *ESHA* map must be approved by the decision-making body for the *Coastal Development Permit* and shall be conducted in accordance with standards in Sections AE-1.3.2, AE-1.2.3, and AE-1.2.1.

42. Parts B, C, and H(4) of Section AE-1.2.3 – Habitat Categories Classified as ESHA:

b. Coastal Dune Habitats - Coastal sand dune systems occur in areas with actively or formerly shifting sand that is associated with the immediate coastal environment. Moving landward from the shore, dunes may become stabilized by vegetation communities characterized by distinct species. In Article 2, a *dune habitat* is defined as follows:

c. Coastal Sage Scrub and chaparral (Santa Monica Mountains) - *Coastal sage scrub and chaparral* (CSS/chaparral) may be defined as *ESHA* because some members of the plant community ~~qualifies~~ are identified as a *special status species* (e.g. the rarity ranking is S1-S3 or G1-G3, see CZO Section 8178-2.4.1). In 2003, the California Coastal Commission found that “large contiguous areas of relatively pristine native *habitat* in the Santa Monica Mountains meet the definition of *ESHA* under the Coastal Act”. The result of the Commission’s action is that most areas that contain *coastal sage scrub* (CSS) and *chaparral* are now classified as *ESHA* within the Santa Monica Mountains. This *habitat* is described in a March 25, 2003 memorandum from the Commission¹ as follows:

...

Within Ventura County’s portion of the Santa Monica Mountains, *coastal sage scrub* or *chaparral* communities that ~~are not classified as~~ do not support a *special status species* are defined as *ESHA* if the *habitat* meets all the following criteria:

h(4). A topographic feature that periodically (*intermittent* or *ephemeral*) or continuously (*perennial*) conveys water through a bed or channel. This term also applies to watercourses having a surface or subsurface flow that support or have supported *riparian* or *alluvial vegetation*. See Section AE-1.3.2 (g)(8~~7~~) for additional information on *stream* delineation.

43. Parts E, F(2)(iv), and G(8)(i) of Section A.E-1.3.2 – Required Content of CISBA Components:

e. Summarize and map all *ESHA* that was removed, degraded or altered on the lot project. This includes ~~site since January 1, 1977. Include~~ all *ESHA* altered without legal documentation, as well as, *ESHA* altered from legally established *development* (See Section 8178-2.4.2 and Subsection (d) above). Within the discussion, include a tabular/quantitative summary of *ESHA* impacted. The tabular information shall identify the *habitat* type/category, acres impacted, year of impact, and if area has grown back to

the pre-disturbance vegetative community (only areas with no soil disturbance/grading/~~invasives~~ or *invasive watch list plant species*). To determine the extent and type of *ESHA* present before disturbance, the applicant shall provide a legible depiction of historic aerial images of the site (~~January 1, 1977 to current~~), database searches, the results of site-specific surveys on and *adjacent* to the subject parcel, and other available evidence.

F(2)(iv). Mapped Habitat Connectivity and Wildlife Corridors:

- Ventura County Habitat Connectivity and Wildlife Corridor
- Data Basin Climate Resilient Connectivity Prioritized Linkage Network

G(8)(i). ~~Wetland features shall be identified through a delineation that is prepared in conformance with the California Coastal Commission, October 5, 2011 Briefing, Definition and Delineation of Wetlands in the coastal zone (Coastal Area Plan Appendix 1), where the presence of any hydrophytic vegetation, hydric soils, or hydrology will classify it as a wetland.~~ The technical guidelines and methods of the 1987 Army Corps of Engineers Wetland Delineation Manual and the 2008 Arid West Supplement shall be used to delineate *wetlands*. U.S. *wetland* delineations must be conducted per the definitions of *wetland* boundaries contained in Section 13577(b) of Title 14 of the California Code of Regulations where the presence of hydrophytic vegetation, hydric soils, or hydrology may classify it as a wetland. The delineation maps shall be prepared using the standards for *wet environments* listed below. When delineating vernal pools, seeps, springs, estuaries, and *lagoons*, use the same guidance documents as those cited for *wetland* delineations, supplemented with technical guidance provided by the USFWS Cowardin Classification System.

44. Part H and Part I(3)(ii) of Section A.E-1.3.2 - Site-Specific ESHA and Buffer Zone Map and ESHA Impact Analysis:

H. 1. Extent of *ESHA* based on the evaluation of legally removed or degraded ~~ation of vegetation since January 1, 1977~~ (see subsection (e) above); and

2. Revisions to the mapped extent of *ESHA* on an adopted *ESHA* map in the Coastal Area Plan; and

I(3)(ii) If the proposed activities affect (or could affect) *ESHA*, the cumulative analysis shall take into account activities that occurred before the proposed action is initiated and after the proposed action is completed. ~~the cumulative analysis shall take into account activities that occurred before the proposed action is initiated as well as after the proposed action is completed.~~ It should describe the incremental contribution of the proposed *development* to *cumulative effects*.

45. Part (b)(4)(ii) of Section A.E- 1.3.3 – Summary of CISBA Maps and Data:

If any major vegetation has been removed or disturbed on site, provide historic aerial images of the site that pinpoint the timeframe and area(s) that removal and/or disturbance took place (i.e. photo(s) before and after removal and/or disturbance) since January 1, 1977; and

46. Part (a)(1) of Section AE-2.1.1 – Habitat Mitigation Plan:

A table and associated description of all on-site or off-site *ESHA* or *ESHA* buffer zones that will be impacted and require compensatory mitigation (see CZO Section 8178-2.10). The mitigation shall be directly proportionate to the amount of *ESHA* degraded or removed. Where the applicant can demonstrate that the *fuel modification zone* results in less acreage of *ESHA* removal due to the method of measurement, or *sloped* topography and the like, the required mitigation may ~~shall~~ be adjusted downward accordingly;

47. Section AE-2.2 – Legal Instruments for Conservation:

A *conservation instrument* shall be used to conserve on-site *ESHA*, *buffer zones*, and *slopes* over 30 percent located outside of the building site and mandatory *fuel* modification zone ~~development envelope~~ that are not used as compensatory mitigation; ~~provided that such areas are identified on a site-specific *ESHA* map.~~

48. Part A of Section AE-2.2.1 – Conservation Easements and Deed Restrictions:

The *conservation easement*, which shall be subject to County Planning Division review and approval prior to recordation, shall be prepared by a licensed surveyor, include a formal legal description of the entire *lot*, and include a metes-and-bounds legal description and graphic depiction of the *conservation easement* area. A preliminary title report less than six months old shall be obtained, issued by a licensed title insurance company that demonstrates the *lot* is free of prior liens, including tax liens, and encumbrances that could interfere with the instrument's purpose of conserving the subject *habitat* in perpetuity. The *conservation easement* shall be permanent and state that no *development* shall occur within the open space *conservation easement* area except as otherwise set forth in the project's applicable *Coastal Development Permit* condition(s), consistent with the allowable uses identified in Section AE-2.2.1 below. The *conservation easement* shall state that the resources being protected are of significance to the people of the State of California. Following recordation, the applicant shall provide the County Planning Division with a copy of a preliminary title report establishing that the *conservation easement* appears on the property's title, as recorded with the Ventura County Recorder. The applicant shall provide the County Planning Division with documentation establishing that the County-approved *natural resource agency* or *conservation organization*, or County *agency*, has formally accepted the *conservation easement* in favor of the People of the State of California.

49. Parts D and E of Part C of Section AE-2.2.1 – Allowable Uses and Development: Conservation Easements and Deed Restrictions Used for Compensatory Mitigation:

d. Minor grading and vegetation ~~brush~~ removal necessary to protect/repair or maintain an existing legally established roadway; and

e. Fire safety activities carried out by the Ventura County Fire Protection District, such as the preparation of fire breaks to protect existing, permitted *development* during a declared fire *emergency*. *Fuel modification* required by the Ventura County Fire District, if undertaken in accordance with a *Fuel Modification Plan* ~~or ESHA Vegetation Management Plan~~ approved by the County pursuant to a *Coastal Development Permit*. Replacement compensatory mitigation shall be provided for any *fuel modification* on land used as compensatory mitigation.

50. Part A of Section AE-2.2.2 – Allowable Uses and Development: Conservation Instruments Used for On-Site Development Restrictions:

a. General Requirements - When a deed restriction ~~or similar mechanism~~ is used as a *conservation instrument* to avoid potential impacts associated with *development*, it shall include terms and conditions such that the instrument meets the definition of a *conservation instrument* in Article 2.

b. Allowable Uses and Development - New uses and *development* in the area subject to the deed restriction/permit condition shall be limited to the following:

1. All allowable uses provided by Section AE-2.2.1(c); ~~and~~

2. Replacement of a failed water well or septic system that meets the following standards: (i) a replacement system was not identified by the existing permit, and (ii) substantial evidence is provided that no feasible, alternate location is available within the approved *development envelope*; ~~and~~

3. *Fuel modification* required by the Ventura County Fire District, if undertaken in accordance with a *ESHA Vegetation Management Plan* approved by the County pursuant to a *Coastal Development Permit*.

51. Part A of Section AE-2.4 – ESHA Vegetation Management Plan:

This *ESHA Vegetation Management Plan* (Plan) has been prepared for the (insert planning permit case number, APN, and common name of the project here) to maintain defensible space that will reduce the intensity of a wildfire within or *adjacent to ESHA or buffer zone*. The Plan identifies areas where *ESHA or buffer zone* were retained within the *expanded fuel modification zone* associated with the permitted *development*. The installation and long-term maintenance of the *fuel modification zone* is subject to *ESHA fuel modification zone* landscaping requirements when in *ESHA* and the ~~it overlaps with~~ *buffer zone* (See CZO, Section 8178-8.4.2.3, 8178-8.4.2.4 and Appendix E1, Section AE-2.4-2.5).

52. Parts B, C and E of AE-2.5 – Expanded Fuel Modification Zone Thinning Standards:

- b. No biological (e.g., grazing) or chemical vegetation removal methods are allowed.
~~or~~ In addition, no mechanical vegetation removal methods that will compact soils (e.g., use of heavy equipment) or significantly disturb or remove the root systems of existing vegetation (e.g. grubbing) are permitted in the *expanded fuel modification zone*. *Low-intensity vegetation removal techniques* shall be used when in ESHA or *buffer zone*.
- c. Vegetation removal shall be concentrated in areas with non-native species and dead/dying plant material. The retained vegetation should consist of existing native plants. In all cases, non-native *invasive* or *invasive watch list plant species*, as inventoried by the California Invasive Plant Council, shall be removed. This does not include standing dead trees that may provide *habitat* for wildlife (see (e)(4i) below);
- e. When it is not possible to reduce cover through the removal of non-native vegetation or dead/dying plant material (~~see (i) below for requirements associated with dead trees~~), a *qualified biologist* shall retain the existing vegetation in the following order of priority:

RESOLUTION NO. 21-142

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA ADOPTING AMENDMENTS TO THE CERTIFIED LOCAL COASTAL PROGRAM AND TRANSMITTING THEM TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, the County of Ventura ("County") has prepared and approved the following amendments to its certified Local Coastal Program ("LCP") which are hereinafter referred to as the "Phase 2C Amendments":

- (1) Amendments to the County's certified Coastal Area Plan, as shown in Exhibits 20 (in legislative format) and 21 (in clean format) to the Board of Supervisors of the County of Ventura ("Board") board letter dated October 19, 2021 regarding the Phase 2C Amendments ("Board Letter"); and
- (2) Amendments to the Ventura County Municipal Code, Division 8, Chapter 1.1, Coastal Zoning Ordinance as shown in Exhibits 22 (in legislative format) and 24 (in clean format) to the Board Letter.

WHEREAS, on August 23, 2018, the Ventura County Planning Commission ("Planning Commission") held a legally noticed public hearing regarding the Phase 2C Amendments at which time it heard and received oral and written testimony from the general public and County staff, including the staff report and all exhibits attached thereto (Exhibit 2);

WHEREAS, the Planning Commission voted 5-0 to recommend that the Board approve the Phase 2C Amendments and directed the Planning Division staff to meet with the Ventura County Fire Protection District ("VCFPD") staff to arrive at consensus on fire clearance issues, including an evaluation of the Southern California public safety power shutoff protocol in high fire risk areas, to revisit the fairness and appropriateness of mitigation fees for property owners who thin ESHA beyond 100 feet for fire protection, and also to conduct additional public engagement with the Santa Monica Mountains residents prior to a hearing before the Board;

WHEREAS, the Planning Division staff and VCFPD staff reached a consensus in regards to fire clearance issues (Exhibit 1), and Planning staff completed the evaluation of impacts of the Southern California public safety power shutoff protocol (Exhibit 9);

WHEREAS, Supervisor Parks' office (District 5) conducted a survey in the winter of 2019 on "Dark Sky" outdoor lighting provisions for Santa Monica Mountain residents. Of those that responded to the survey, 79 percent were interested in adding additional lighting restrictions for night lighting and 69 percent wanted the restrictions to apply it to both existing and new development (Exhibit 10);

WHEREAS, the Planning Division staff conducted a public workshop to explain Phase 2C LCP fire safety and Dark Sky outdoor lighting provision changes to residents in the Santa Monica Mountains and received comments on April 16, 2020

(Exhibit 10). Planning Division staff subsequently incorporated these changes into the proposed CAP and CZO Amendments during the fall of 2020 through the spring of 2021;

WHEREAS, on August 19, 2021, the Planning Commission held a legally noticed public hearing regarding the Phase 2C Amendments at which time it heard and received oral and written testimony from the general public and County staff in addition to receiving the staff report and all exhibits attached thereto (Exhibits 1-18);

WHEREAS, the Planning Commission voted 4-1 to recommend that the Board approve the Phase 2C Amendments and directed the Planning Division staff to include all changes recommended in staff's correction memo (Exhibit 16), require that monarch roost site surveys are conducted by independent biologists, change the ESHA toxic substance language to apply to "new development and development that involves the use and application of pesticides," and have Planning staff speak with the City of Malibu to collaborate on the implementation and enforcement of the recommended pesticide language and report the results of this discussion to the Board;

WHEREAS, the Planning Division staff fulfilled the Planning Commission's directive to engage with the City of Malibu which resulted in further communication and collaboration with the California Department of Pesticide Regulation ("CDPR"), the California Coastal Commission ("CCC"), and the Ventura County Agricultural Commissioner on the implementation and enforcement of the proposed pesticide policies for ESHA in the Santa Monica Mountains. Planning Division staff incorporated the Planning Commission's directives and feedback from the City of Malibu, CDPR and CCC into the proposed CAP and CZO Amendments;

WHEREAS, the required six-week public notification of the Phase 2C Amendments was published on September 7, 2021 and posted on the County's website. Notice was also provided to Santa Barbara and Los Angeles Counties, the cities of Oxnard and Port Hueneme and the Naval Base Ventura County;

WHEREAS, the Board held a legally noticed public hearing regarding the Phase 2C Amendments in Ventura, California, on October 19, 2021;

WHEREAS, the Board considered the Planning Commission's recommendations, the board letter dated October 19, 2021 and all attachments thereto and all written and oral testimony from County staff and members of the public regarding the Phase 2C Amendments;

WHEREAS, the Board found the County's approval of the Phase 2C Amendments to be exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080.9 and CEQA Guidelines section 15265;

WHEREAS, the Board found the Phase 2C Amendments to the Coastal Area Plan to be consistent with the California Coastal Act and all other applicable federal and state laws; to be in the public interest; and to further the goals, policies and programs of the Ventura County General Plan;

WHEREAS, the Board further found the Phase 2C Amendments to the Coastal Zoning Ordinance to be in the interest of public health, safety or general welfare; to be consistent with the California Coastal Act and all other applicable federal and state laws; to be consistent with the County's certified Coastal Area Plan; and to constitute good zoning practice; and

WHEREAS, this Resolution transmitting the Phase 2C Amendments to the California Coastal Commission ("Coastal Commission") for certification is prepared pursuant to and in furtherance of Public Resources Code section 30514 and title 14 of the California Code of Regulations, section 13551.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby intends that the Phase 2C Amendments, once certified by the Coastal Commission, shall be carried out in a manner that fully complies with the California Coastal Act and the County's certified Local Coastal Program; and

BE IT FURTHER RESOLVED, ORDERED, AND DETERMINED that the Phase 2C Amendments shall become effective and operative upon the County's receipt of written notice that the Coastal Commission has approved certification of the amendments and upon public notice of such certification and approval as may be required by applicable law.

Upon a motion by Supervisor Parks, and seconded by Supervisor Huber, duly carried, the foregoing Resolution was passed and adopted this 19th day of October 2021.

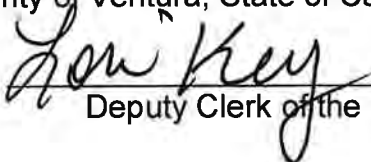


Supervisor Linda Parks
Chair, Board of Supervisors
County of Ventura

ATTEST:

MICHAEL POWERS,
Clerk of the Board of Supervisors
County of Ventura, State of California

By:


Deputy Clerk of the Board

2021 BOS Hearing Post Adoption

Coastal Area Plan (legislative format, with staff explanations)

Phase 2C Amendments to the Local Coastal Program

List of Amended Sections:

- *Section 1.3 – Relationship to Other County General Plan Documents*
- *Section 4.1.3 – Environmentally Sensitive Habitat Areas:* Contains a package of new and revised goals, policies and programs for ESHA.
- *Section 4.1.5 – Tree Protection:* Minor amendments are proposed to existing regulations.
- *Section 4.1.7 – Visual Resources:* Existing policies 7 and 8 for the Santa Monica Mountains were moved to this section.
- *Section 4.1.8 – Water Efficient Landscaping:* A minor amendment is proposed to address irrigation systems in a *buffer zone*.

Three sections that currently address Environmentally Sensitive Habitat Areas (ESHA) will be deleted and replaced by Section 4.1.3 (see above):

- Section 4.2.9 (North Coast),
- Section 4.3.10 (Central Coast), and
- Section 4.4.10 (South Coast).

Following the Planning Commission hearing on August 23, 2018, the following sections related to ESHA were modified due to Planning Commission directive: Sections 1.3, 4.1, 4.1.3, 4.1.5, 4.1.7 and 4.1.8, as well as Figure 4.1.3-3 (south coast ESHA map). See "[staff explanation](#)" in each of these sections for more information. Minor edits to correct spelling, formatting, grammar, and references were also completed. See the Planning Division's website for the August 23, 2018 Planning Commission hearing for the original text in Exhibit 2.

Staff Explanation for CAP Amendments:

[Staff Explanation: This document contains draft revisions to the Coastal Area Plan (CAP) for ESHA. The CAP currently includes resource protection goals, policies and programs. CAP policies are implemented through standards or permitting requirements in the Coastal Zoning Ordinance (CZO). The draft CAP amendments are shown in two groups:

- *Proposed Goals, Policies and Programs: Updated ESHA goals, policies, and programs are in Chapter 4, Section 4.1.3 and address resource issues throughout the coastal zone.*
- *Existing Goals, Policies and Programs: Existing, certified text is in three sections of the CAP: North, Central and South Coast Subareas. While this text will be deleted, many existing policies were relocated to the new ESHA section in Chapter 4.*

Legislative Format:

Draft text on the following pages is shown in "legislative format" as follows:

- *Certified text that will be retained is shown as plain black text (not underlined). Existing, certified text that is being deleted is shown as "~~striketrough~~" across the word/sentence. Proposed text is shown as black underlined text.*

ACKNOWLEDGEMENTS

The following persons are acknowledged for their contribution to the preparation of the Ventura County Coastal Area Plan. Without their dedication and hard work, the preparation of this land use plan – and the implementation program – would not have been possible. Ventura County is grateful for their many hours of service and contribution to this planning effort.

Ventura County Board of Supervisors

Matt LaVere	First District
Steve Bennett	Second District
Linda Parks	Third District
Kelly Long	Fourth District
Bob Huber	Fifth District
Peter C. Foy	
<u>Carmen Ramirez</u>	
John C. Zaragoza	

Ventura County Planning Commission

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Vacant	Second District
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Richard Rodriguez	

Resource Management Agency

Kim Prillhart, AICP, ~~Christopher Stephens~~, Director

Planning Division

Dave Ward, AICP, Planning Director
Aaron Engstrom, ~~Tricia Maier~~, Planning Manager
Abigail Convery, Planning Staff Biologist, Project Manager
~~Aaron Engstrom, Associate Planner~~

Contributors:

Tricia Maier, Planning Programs Manager
Rosemary Rowan, Project Manager
Jennifer Trunk, Permitting Manager
Linda Blackburn, Senior Planner

A portion of this Plan was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under provisions of the Federal Coastal Zone Management Act of 1972. Amendments dated 2013 through 2017 were prepared with financial assistance from the U.S. Department of the Interior Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) Coastal Impact Assistance Program (CIAP).

For Copies/More Information:

To purchase the Ventura County Coastal Area Plan:

Call 805/654-2478 or 805/654-2805

or ~~go to the Resource Management Agency receptionist~~ visit the Planning Division on the
3rd floor of the Government Center Hall of Administration
800 S. Victoria Avenue, Ventura, CA

This Coastal Area Plan is also available on the Planning Division website:

<http://vcrma.org/planning/programs/local-coastal/index.html>

Local Coastal Program Area Plan Appendices

The following CAP Appendices are contained in a separate document available at: http://vcrma.org/planning/pdf/plans/CAP_Appendices.pdf

- Appendix 1 Statewide Interpretive Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats (1981)
- Appendix 2 Archaeological Guidelines (1980)
- Appendix 3 Paleontological Guidelines (1980)
- Appendix 4 Guidelines for Implementation of the California Land Conservation Act of 1965 (The Williamson Act) (2000)
- Appendix 5 California Department of Navigation and Ocean Development, Survey of Ventura County Beaches (1977)
- Appendix 6 Policy for the Location of Onshore Oil Facilities (1968)

The following Appendices are contained in the Coastal Zoning Ordinance at: http://vcrma.org/planning/pdf/ordinances/zoning/coastal_zone_ord.pdf

- Appendix 7 (T1) Tree Removal, Alteration, and Planting Standards (2017)
- Appendix 8 (L1) Landscape and Irrigation Plan Requirements (2017)
- Appendix 9 (L2) Calculating the Water Budget of a Project Site (2017)
- Appendix 10 (L3) Sample Water Efficient Landscape Worksheet (2017)
- Appendix 11 (L4) Estimated Total Water Use (2017)
- Appendix 12 (L5) Examples for Calculating the Water Budget (2017)
- Appendix 13 (L6) Sample Certificate of Completion (2017)
- Appendix 14 (L7) Invasive Plant List (2017)
- Appendix 15 (E1) Site-Specific Environmental Assessments for ESHA (202X)
- Appendix 16 (E2) – ESHA Mitigation Plans / Legal Instruments for Conservation (202X)

Ventura County Coastal Area Plan Digital Maps

Some of the maps in the Ventura County Coastal Area Plan (listed below) have been updated in digital format. Because these maps reflect more current data, they may not exactly reflect the corresponding map in the Coastal Area Plan. **These maps are not the official maps.** These maps are available for viewing at <http://vcrma.org/planning/programs/local-coastal/coastal-plan-map-gallery.html>

Land Use Maps

- Figure 3-2: North Coast Land Use Map
- Figure 3-4: Central Coast Land Use Map
- Figure 3-6: South Coast Land Use Map

North Coast

Figure 4.2-2: Rincon Creek

Figure 4.2-6: Agricultural Preserves and Prime Soils

Figures 4.2-11 thru 4.2-16:

Existing Communities (Rincon Point, La Conchita, Mussel Shoals, Sea Cliff, Faria, Solimar)

Central Coast

Figure 4.3-2: Santa Clara River Mouth

Figure 4.3-3: McGrath Lake

Figure 4.3-6: Agricultural Preserves and Prime Soils

Figure 4.3-10 Land Use Map: Harbor

South Coast

Figure 4.4-4: Agricultural Preserves and Prime Soils

Environmentally Sensitive Habitat Areas (ESHA):

Figure 4.1.3-3 – Environmentally Sensitive Habitat Areas (ESHA) on the South Coast

The following maps themes were not assigned figure numbers but are available for viewing at <http://vcrma.org/planning/programs/local-coastal/coastal-plan-map-gallery.html>

- Hazards – Tsunami Inundation
- Hazards – Faults
- Hazards – Non-Earthquake Induced Landslides
- Hazards – Earthquake Induced Landslides
- Hazards – Liquefaction Areas
- Hazards – Groundshaking Acceleration

History of Ventura County's Local Coastal Program

Federal and State Legislation		
Date	Source and Statute	Description
October 27, 1972	U. S. Congress: Title 16 U.S.C. 1451-1464	Established a federal coastal zone management policy and created a federal coastal zone. Congress declares that it is a national policy "to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone." Coastal states are provided a policy and source of funding for the implementation of federal goals.
November 7, 1972	Voter Initiative: California Coastal Zone Conservation Act (Proposition 20)	A temporary measure that set up six regional Coastal Commissions with permit authority and a directive to prepare the California Coastal Zone Conservation Plan to the California State Legislature for its adoption and implementation.
January 1, 1977,	California State Legislature: California Coastal Act (Public Resources Code Division 20)	Coastal Act establishes a permanent coastal management program for California. Permanent enacting law that establishes a set of policies that regulate land uses in the designated coastal zone. Further, it provides for the transfer of permitting authority, with certain limitations reserved for the State, to local governments through adoption and certification of Local Coastal Programs (LCP) by the Coastal Commission.

Ventura County's Local Coastal Program		
Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
November 18, 1980 Resolution 222		Adoption of the Land Use Plan (Coastal Area Plan) of the Local Coastal Program.
December 19, 1980		Ventura County Resource Management Agency (RMA) submits the Local Coastal Program (LCP) Land Use Plan (CAP) to the South Central Regional Commission.
	February 20, 1981 Regional Commission Hearing #1	Regional Commission raises ten specific issues with respect to the adequacy of the County's Plan.

Ventura County's Local Coastal Program		
Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
March 3, 1981		Board postpones second Regional Commission hearing in order to provide time for County and Commission staffs to meet and negotiate the ten issues.
April 14, 1981 Resolution 222 Amendment No. 1 to the LCP		Denial of that portion of the plan covering Channel Islands Harbor; Adopted amendments to the previously approved Land Use Plan (CAP) to address comments from Coastal Commission staff regarding housing and agricultural grading, adding energy facilities as a permitted use in Coastal Open Space (COS), deleting the Union Oil storage tank facility from the Central Coast subarea land use map and identification of all access points on the land use maps,
	May 16, 1981 Regional Commission Hearing #2	Disapproval of County's Local Coastal Program (LCP); All ten issues were not resolved, added a new issue, agricultural grading; Upheld County's recommendation to designate the Seacliff agricultural land (Hoffman Property) as Coastal Open Space (COS); the Cliff House as Coastal Commercial (CC) and the Coastal Lemon property Coastal Industrial (CM)
June 2, 1981		Board decides to appeal the Regional Commission's disapproved portions of the Plan to the State Coastal Commission.
	July 16, 1981 State Coastal Commission Hearing #1	Substantial Issues Raised: Planning for federal lands and questions regarding the need for new policies to address Santa Monica Mountains
	August 20, 1981 State Coastal Commission Hearing #2	Conditional Certification: Requested equivalent language for policies related to agriculture, environmentally sensitive habitats, grading ocean-front visitor-serving recreational facilities, access and recreation, housing and Santa Monica Mountains.
November 10, 1981 Resolution 222		Approval of Coastal Commission's Conditional Certification. Changes made to LCP Land Use Plan (LUP)/Coastal Area Plan (CAP). Two major issues still unresolved: Planning for federal lands and minimum lot size for non-prime agricultural land.
December 1, 1981 Resolution 222	January 19, 1982	Resolution approving Coastal Commission's conditional certification with modifications that required specific policy language and text changes to LCP Land Use Plan (LUP)/Coastal Area Plan (CAP).
March 30, 1982 Resolution 222 Amendment No. 2 to the LCP	Certified June 18, 1982 Certified April 28, 1983	Designate Mussel Shoals Cliff House Coastal Commercial (CC). Deletion of the "housing" sections in the north, central and south coast subareas. Authorize the Director of Resource Management Agency (RMA) to submit Local Coastal Program (LCP) Coastal Area Plan (CAP) to California Coastal Commission (CCC) for certification.

Ventura County's Local Coastal Program

Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
July 26, 1983 Ordinance 3654		Chapter 1 of Division 8 (Planning and Zoning) of the Ventura County Ordinance Code is hereby amended by adding 1.1 (to be known as the Zoning Ordinance for the Coastal Zone)
September 6, 1983 Ordinance 3656	October 26, 1983	Adoption of Ventura County official zoning maps for the coastal zone and rezoning all property in conformance with LCP Land Use Plan and Coastal Zoning Ordinance (CZO). County assumes permit authority in the coastal zone.
October 15, 1985 Ordinance 3745 GPA 85-3 Z-2755/2756		CZO Amendment. Rezone from Residential Beach Harbor (RBH) zone to Coastal Commercial (CC) zone; 0.43 acres on the east side of Ocean Drive, 70 feet south of the intersection of Los Altos Street and Ocean Drive
October 29, 1985 Ordinance 3743	LCP No. 1-85 (Major) December 19, 1985 (Minor) February 7, 1986	CZO Amendment. Regulations for satellite dish antennas in the Residential Beach Harbor (RBH) zone in response to Emergency Ord. 3732 which placed a 45-day moratorium on the construction of new satellite antennas in the RBH zone.
May 13, 1986 Ordinance 3772		CZO Amendment. Re-codification of the Coastal Zoning Ordinance (format and structure to be consistent with NCZO, addition of specific uses to certain coastal zones, clarification of permit requirements).
August 26, 1986 Ordinance 3787	LCP No. 1-86 (Major and Minor) July 8, 1986 LCP No. 2-86 (Minor) December 10, 1986 LCP No. 3-86 (Minor) January 14, 1987	CZO Amendment. Add and modify definitions in Article 2, provide detailed regulations for kennels and building height measured in the Residential Beach Harbor (RBH) zone, disallow athletic fields in the Coastal Open Space (COS) zone, clarify discretionary permits are appealable to the Coastal Commission, clarify most repair and maintenance is exempt from <i>coastal development permit</i> requirements, update provisions for lot mergers and the use of non-conforming lots.
December 20, 1988 Ordinance 3883 Z-2822 GPA 88-4	LCP No. 2-88 (Minor) January 11, 1989 LCP No. 1-89 (Major) May 10, 1989	CZO Amendment. Camp Hess Kramer (APN 700-0-060-14 and APN 700-0-060-30) developed camp areas rezoned from Coastal Open Space (COS) Santa Monica Mountains Overlay (M) to Coastal Rural Exclusive CRE-10 acres and CRE 20 acres. Solromar (APN 700-0-070-05) rezone from COS (M) to Coastal Rural Exclusive (CRE) 5-acres.
June 20, 1989 GPA 89-1	LCP No. 2-89-A (Minor) October 10, 1989 LCP No. 2-89-B (Minor) October 11, 1989 LCP No. 2-89-C (Major) October 10, 1989	CAP Amendment. Correct clerical errors, clarifications, add tables that show intensity of land use permitted in each land use designation with total area, building intensity, population and employment capacity, and population and employment density for each subarea of the Coastal Plan as required by State law, add a land use designation/zoning classification compatibility matrix, replace four outdated appendices (The Guidelines for Orderly Development, State of California Interpretive Guidelines for Wetlands and Other Wet,

Ventura County's Local Coastal Program

Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
		Environmentally Sensitive Habitats, Guidelines for Implementation of the California Land Conservation Act of 1965 (aka Land Conservation Act Guidelines), and Conditional Use Permit Conditions for Oil Operations), and replace out-of-date material in the Local Coastal (Area) Plan. The amendments do not involve changes or redefinitions of coastal land use designations.
July 10, 1990 Ordinance 3946		CAP Amendment. Incorporating State mandated requirements for implementation of Ventura County's Hazardous Waste Management Plan.
Amended Ordinance 3964 December 11, 1990 Z-2843 GPA 90-4	LCP No. 1-90 (Minor) September 11, 1990 LCP No. 1-91 (Major and Minor) March 15, 1991	CZO Amendment. Silverstrand (APN 206-0-171-26) rezoned from Coastal Commercial (CC) to Residential Beach Harbor (RBH)
Adopted October 19, 1993 Ordinance 4042 Z-2857 GPA 93-3	LCP No. 1-93 (Major) February 16, 1994	CZO Amendment. Lazy-J Ranch Camp (APN 701-0-030-100) rezoned from Coastal Open Space (COS) Santa Monica Overlay (M) to Coastal Rural Exclusive (CRE) 40-acres.
Adopted February 1, 1994 Ordinance 4055		CZO Amendment. Clarify zone suffix designation, lot coverage per building, setbacks, off-street parking, recycling facilities, nonconformities and substandard lot, administrative penalties and procedures. minimum lot sizes per zoning designation, etc.
	LCP No. 1-95 (De-Minimis) December 13, 1995	Ventura County de Minimis LCP Amendment No. 1-95
Adopted December 10, 1996 Ordinance 4127 Z-2909 GPA 96-3	LCP No. 1-97 (Major) April 10, 1997 LCP No. 2-96 (Major) July 9, 1997	CZO Amendment. (Rural Intensity and La Conchita), La Conchita (APNs 060-0-050-090; -130; -155; -165; -180; -195; -205; -235; -255) rezoned from Coastal Rural (CR) 1-acre to Coastal Open Space (COS) 10-acres
	LCP No. 2-97 (Major) September 9, 1997	Approved Ventura County LCP Amendment No. 2-97 (Hollywood Beach) Designation of APN 206-0-233-165) from Residential Beach Harbor (RBH) to Coastal Residential, Planned Development (CRPD).
Adopted May 25, 1999 Ordinance	LCP No. 1-99 (Minor) August 13, 1999	CZO Amendment. Addition of Section 8178-3.6 Standards for Off-Site Parking Spaces

Ventura County's Local Coastal Program		
Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
4186		
Adopted December 5, 2000 Ordinance 4219		CZO Amendment. Add definitions and establish procedures for emergencies and divided jurisdictional authority, modernize standards relating to oil and energy facilities, change symbols in the use matrix
	Time Extension March 13, 2001	Extend time for action on Ventura County LCP Amendment No. VNT-MAJ-1-00 Time Extension: Text and appendices to County's LCP to achieve consistency with General Plan and NCZO
		Approval of Ventura County LCP Amendment No. VNT-MAJ-1-00 (Part A): Amendments to energy development
Adopted November 20, 2001 Ordinance 4249 GPA 00-3	LCP No. 1-00-A (Major) LCP No. 1-00-B (Major) January 11, 2002	County: CZO Amendment. Add definitions and establish procedures for emergencies and divided jurisdictional authority, modernize standards relating to oil and energy facilities, change symbols in the use matrix. CCC: Approval of Ventura County LCP Amendment No. VNT-MAJ-1-00 A & B Certification review
Adopted May 14, 2002 Ordinance 4263 Z-2943	LCP No. 1-02 (Minor) LCP No. 2-02 (Minor) July 11, 2002	CZO Amendment. Hollywood Beach (APN 206-0-254-210) rezone from Coastal Residential Planned Development (CRPD) to Residential Beach Harbor (RBH).
Adopted May 14, 2002 Ordinance 4264 Z-2943	LCP No. 1-02 (Minor) LCP No. 2-02 (Minor) July 11, 2002	CZO Amendment. Hollywood Beach (APN 206-0-254-200) rezone from Coastal Residential Planned Development (CRPD) to Residential Beach Harbor (RBH)
Adopted June 3, 2003 Ordinance 4283		CZO Amendment. Amend standards related to second dwelling units
	LCP No. 1-03 (De Minimis) January 14, 2004	Approved Ventura County LCP Amendment No. 1-03: Permitting secondary housing units
Adopted October 10, 2006 Ordinance 4351 ZN04-0002 GPA-06-1		CZO Amendment. Crown Pointe Estates Tract 5457: Subdivide Lot 10 of Tract 4483 to create five lots: four lots zoned Coastal Rural (CR) 1-acre and one commercial lot (Neptune's Net) zoned Coastal Commercial (CC).

Ventura County's Local Coastal Program		
Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
	Time Extension August 8, 2007	Time Extension: County of Ventura LCP Amendment No. 1-2007 (Crown Pointe Estates) Time Extension: Rezone Residential and Neptune's Net
Adopted January 29, 2008 Ordinance 4378		LCP Amendment. Convert existing official zoning maps from hard copy to official zoning data, GIS format and to omit hyphens in existing zoning classification abbreviations.
	LCP No. 1-07 (Major) April 9, 2008	Approved with Modifications Ventura County LCP Amendment No. 1-07 (Crown Pointe Estates)
Amended September 16, 2008 LCP 1-2007		CZO Amendment. Crown Pointe Estates Tract 5457 Rezone from Coastal Commercial (CC) to Coastal Rural (CR) 1-acre and a required mitigation fee of \$557,084 to offset the loss of the 2.9 acres of commercial zoned property to residential.
Adopted September 23, 2008 Ordinance 4391	LCP No. 1-07 (Major) October 16, 2008	Approved Ventura County LCP Amendment No. VNT-MAJ-01-07 (Crown Pointe Estates) Certification Review
Adopted June 28, 2011 Ordinance 4435		CZO Amendment. Amend sections related to special needs housing and reasonable accommodation
Adopted January 24, 2012 Ordinance 4443		CZO Amendment. Crown Pointe Estates Rezone APN 700-0-260-140 from Coastal Rural Exclusive (CRE); Santa Monica Mountains Overlay (M) to Coastal Rural Exclusive (CRE) 2-acres (M) Overlay.
	LCP No. 1-12 (Major) June 14, 2012	Approved Ventura County LCP Amendment No. MAJ-1-12: Crown Pointe Estates
	LCP No. 2-12 (Major) November 15, 2012	Approved with Modifications Ventura County LCPP Amendment No. MAJ-2-12 (Phase I Update): Amend CZO with code updates, land use clarifications, permit processing procedures, spelling and grammar corrections
Adopted December 11, 2012 Ordinance 4451		CZO Amendment. Adoption of a resolution to accept California Coastal Commission Modifications to County Coastal Zoning Ordinance ZN12-0002, Text Amendments
	LCP No. 2-12 (Major) February 7, 2013	Approved Ventura County LCP Amendment No. VNT-MAJ-2-12 (Phase I Update) Certification Review.
Adopted <u>June 21, 2016</u> <u>Resolution No. 17-016</u>	<u>May 11, 2017</u> <u>(Major)</u>	<u>Approved Ventura County LCP Amendment No. LCP-4-VNT-16-0033-1 (Phase 2A) May 11, 2017</u>

Ventura County's Local Coastal Program		
Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
<u>Ord. 4492</u>		
<u>Adopted December 6, 2016 Resolution No. 17-023 Ord. 4498</u>	<u>June 7, 2017 (Major)</u>	<u>Approved Ventura County LCP Amendment No. LCP-4-VNT-16-0069-2 (Phase 2B) June 7, 2017</u>
<u>Adopted XXX, 2021 Resolution No. 21-XXX Ord. XXXX</u>	<u>Date TBD (Major)</u>	<u>Approved Ventura County LCP Amendment No. LCP-X-XXX-XX-XXXX-X (Phase 2C) Date TBD</u>

Chapter 1 - Goals, Policies and Programs, Section 1.3 - Relationship to Other County General Plan Documents, of the Ventura County Coastal Area Plan is hereby amended to read as follows:

1.3 Relationship to Other County General Plan Documents

The Ventura County General Plan is the general land use plan by which the unincorporated portions of Ventura County may develop in the future.

The Ventura County General Plan consists of:

- (a) Countywide Goals, Policies and Programs
- (b) Technical appendices which contain background information and data in support of the Countywide Goals, Policies and Programs, and
- (c) Area Plans, including the Coastal Area Plan (CAP), which contain Goals, Policies and Programs for specific geographic areas of the County.

The Coastal Area Management Act requires that the 61 cities and 15 counties in coastal California have a certified local land use plan in accordance with Chapter 3 of the Coastal Act and guidelines established by the California Coastal Commission. The County's CAP is a collection of Goals, Policies, and Programs that focus on the coastal zone within unincorporated Ventura County. The CAP also includes land use maps that define the type and intensity of allowable *development* within the *coastal zone*. It is therefore amended, by resolution of the Board of Supervisors, as an amendment to the Ventura County General Plan. All Objectives, Policies and Programs set forth in the Coastal Area Plan must be consistent with the Ventura County General Plan.

General Statements

- ~~1. Development within environmentally sensitive areas is discouraged. Existing County procedures and ordinances are not adequate to protect environmentally sensitive habitats to the extent required by the Coastal Act. In particular, uses allowed in buffer areas will be more limited than those allowed in the "C-O-S" (Coastal Open Space) zone, and feasible mitigation measures will be required consistent with Sections 30230 and 30231 of the Act.~~
- ~~2. New development in buffer zones shall be limited to access paths, fences necessary to protect environmentally sensitive areas, and similar uses which have either beneficial effects on wildlife or no significant adverse effects.~~

[Staff Explanation. The two items shown above were transferred from the introduction to the ESHA section of the CAP. All other General Statements were deleted during a prior set of LCP amendments therefore the subheading is no longer necessary. After the 2018 Planning Commission hearing, a minor edit was made to write out the meaning of the CAP abbreviation.]

CHAPTER 4

Goals, Policies and Programs

Chapter 4 - Goals, Policies and Programs, Section 4.1 - The Coastal Zone, of the Ventura County Coastal Area Plan is hereby amended to read as follows:

4.1 THE COASTAL ZONE

The section below, titled “Coastal Zone – Goals, Policies and Programs”, was added to the Coastal Area Plan (CAP) in 2016. This section contains information organized by topic, and the coastal-resource based topics contained within this section include:

- Archaeological and Paleontological Resources
- Environmentally Sensitive Habitat Areas
- Coastal Trail
- Coastal Tree Protection
- Visual Resources
- Water Efficient Landscaping.
- Wireless Communication Facilities.

The original CAP, adopted in 1980, was organized by geographic area (north, central and south) rather than by topic. However, that organizational structure frequently resulted in the same objectives, policies and programs repeated within each of the three geographic areas. The format established within the “Coastal Zone Objectives, Policies and Programs” section will therefore serve as a model for future CAP amendments.

“Coastal Zone Objectives, Policies and Programs” ~~is a new~~ was added to in the CAP in 2017. ~~Currently~~ Previously the Coastal Area Plan (CAP) was organized by geographic areas, specifically the north, central and south coasts. The abstracts, objectives and policies developed for *coastal resources* are repeated in each geographic area creating redundancy to the plan. The 2017 LCP amendments initiated a new format for the CAP, consolidating the abstracts, objectives and policies by coastal resource instead of by geographic area. Archaeological and Paleontological Resources introduced this new format under the heading Coastal Resource Policies. Coastal Tree Protection, Visual Resources, ~~and~~ Water Efficient Landscaping, and Environmentally Sensitive Habitat Areas ~~were~~ have been also added under this new section. As funds become available, the remaining *coastal resources* will be consolidated following the new format that will improve the Plan’s readability.

[Staff Explanation. A minor edit was made after the 2018 Planning Commission hearing to add the ESHA section as part of this chapter. After the 2021 Planning Commission hearing, minor edits were made to update the paragraph.]

Chapter 4 - Goals, Policies and Programs, Section 4.1.3 - Environmentally Sensitive Habitat Areas, of the Ventura County Coastal Area Plan is hereby amended to read as follows:

4.1.3 Environmentally Sensitive Habitat Areas (ESHA)

~~(Reserved section for updated ESHA goals, policies and programs.)~~

4.1.3-1. Introduction

Ventura County Coastal Ecosystems

Ventura County's coastline extends 43 miles from Santa Barbara County on the north to Los Angeles County on the south. Extending landward from this coastline is an area, designated as the coastal zone pursuant to the California Coastal Act, which encompasses approximately 1,873 square miles. Large portions of this area contain rare plants and animals that are easily disturbed and degraded by human activities and are therefore considered an "environmentally sensitive habitat area"¹(ESHA). The Coastal Act requires the protection of ESHA from destruction and degradation of habitat values due to development. In addition to ESHA, the Coastal Act protects the biological productivity and water quality of wetlands and all coastal waters. This section of the Coastal Area Plan (CAP) establishes policies that are consistent with the requirements of the Coastal Act concerning ESHA, wetlands and coastal waters.

The County lies within one of only five areas on earth characterized by the warm, dry summers and cool, wet winters known as Mediterranean climate. Mediterranean climates occur over only about 2 percent of the land area of the earth. Areas subject to such climate, however, support over 15 percent of the world's plant species, including many species occurring nowhere else on earth². Several areas along Ventura's coast were identified with natural resources of statewide, national, and global significance. For example, one of the largest pristine Mediterranean coastal sage and chaparral communities that remain in coastal southern California is in the Santa Monica Mountains, which is in Ventura County, Los Angeles County, and the City of Malibu³. Furthermore, the Ormond Beach/Mugu Lagoon and Santa Clara River (Figure 4.1.3-4) estuaries are of global importance for migratory birds. Over 270 migratory bird species, including five endangered species, utilize these estuarine marshes⁴.

Development over the last 200 years significantly altered the natural environment in what is now the coastal zone of Ventura County. Historically, an extensive dune system spanned the coast from Rincon Creek to Point Mugu Park. This system, which extended inland over a half-

Footnotes:

¹ Italicized terms are defined in Article 2, Section 8172-1 of the Ventura County Coastal Zoning Ordinance.

² Rundel, Philip. (2007). Santa Monica Mountains: Biogeography and cultural history.

³ Dixon, J. 2003. Memorandum to Ventura Staff (California Coastal Commission): Designation of ESHA in the Santa Monica Mountains. March 25, 2003.

⁴Audubon California. "Important Bird Areas in California.", <https://ca.audubon.org/important-bird-areas-9> . Accessed July 11, 2021.

mile, was comprised of sand hills up to 60 feet tall⁵. Remnants of this once-extensive *dune* complex, and its associated tidal marshes/*wetlands*, are scattered throughout the Central Coast of the County at Point Mugu Naval Station, Ormond Beach, Mandalay, and McGrath Lake (Figure 4.1.3-5) areas⁵ above. While these shoreline *dune* systems are relatively intact, several challenges to their continued viability must be addressed in future conservation efforts. These challenges include potential degradation that may result from growth of *invasive or invasive watch list plant species*, human disturbance, and pollutant runoff from the Oxnard Plain.

Two major rivers reach the ocean in the Ventura County coastal zone. These include the Santa Clara River, which is the largest Southern California river system remaining in a relatively natural state, and the Ventura River, which at one time supported large populations of salmon and steelhead trout⁵ above. Other smaller *drainages* include Rincon Creek (which also historically supported steelhead trout) (Figure 4.1.3-2), Calleguas Creek, and northern and southern County mountain *streams* of Madranio Canyon, Javon Canyon, Padre Juan Canyon, Line Canyon, La Jolla Canyon, Big Sycamore Canyon, Serrano Canyon, Deer Creek Canyon, and Little Sycamore Canyon. Calleguas Creek is located along the western edge of the Santa Monica Mountains, and its tributaries support *riparian habitat* as well as aquatic life in Mugu Lagoon. The Calleguas Creek watershed is seriously impaired with pollutants such as DDT, PCBs, metals, and pesticides that negatively affect the wildlife in the lagoon⁶. The quality of runoff waters in these *streams* affects the health of nearshore *ESHA*.

Species populations in the coastal zone are becoming increasingly isolated by urban development, such as roads and highways. This isolation and fragmentation leads to the disruption of basic ecosystem functions such as pollination, seed-dispersal, nutrient cycling and genetic diversity⁷. *Habitat connectivity corridors* that connect coastal areas to inland habitats within the County's Habitat Connectivity and Wildlife Corridor

(HCWC) overlay zone include the Ventura and Santa Clara River beds, and the open space areas located between the cities of Camarillo and Thousand Oaks (collectively, "the Santa Monica-Sierra Madre Connection"). While most of the areas within the HCWC fall outside of the coastal zone, the protection of these habitats is extremely important to the long-term

Footnotes:

⁵ Beller, EE, RM Grossinger, MN Salomon, SJ Dark, ED Stein, BK Orr, PW Downs, TR Longcore, GC Coffman, AA Whipple, RA Askevold, B Stanford, JR Beagle, 2011. Historical ecology of the lower Santa Clara River, Ventura River, and Oxnard Plain: an analysis of terrestrial, riverine, and coastal habitats. Prepared for the State Coastal Conservancy. A report of SFEI's Historical Ecology Program, SFEI Publication #641, San Francisco Estuary Institute, Oakland, CA.

⁶US Environmental Protection Agency, Calleguas Creek Watershed, <https://19january2017snapshot.epa.gov/www3/region9/water/watershed/measurew/calleguas/index.html>, accessed July 11, 2021.

⁷ Penrod, K., Cabañero, C. R., Beier, P., Luke, C., Spencer, W., Rubin, E., ... & Kamradt, D. (2006). South coast missing linkages project. A linkage design for the Santa Monica-Sierra Madre Connection. South Coast Wildlands and National Park Service.

viability of many species populations that live along the coast, particularly within the Santa Monica Mountains.

Policies for the Protection of ESHA

Adverse impacts on ESHA can result from natural events, such as wildfires and floods, and from human activities, including development. The policies included in this CAP serve to protect and preserve ESHA throughout the coastal zone of Ventura County. The primary purpose of these policies is to regulate development in a manner that protects ESHA against significant disruption of habitat values. These policies also protect the biological productivity and quality of coastal waters and wetlands, as required by the Coastal Act. Adverse impacts, such as individual and cumulative habitat loss and fragmentation, can be avoided or minimized through limits on development envelope(s), buffer zones, requirements for development to be clustered, and protection of undisturbed ESHA ecosystems in perpetuity. When the loss of ESHA is unavoidable due to site-specific circumstances, mitigation policies in the CAP will require the reestablishment, restoration, enhancement, and/or preservation of similar ESHA elsewhere. To maximize conservation benefits, the programs in the CAP are designed to encourage collaboration between the County, partner agencies, and non-governmental organizations. Through these collaborative efforts, the County, partner agencies, and non-governmental organizations will be encouraged to acquire, protect, and restore ESHA.

California Coastal Act Section 30240 states that only uses dependent on the resource be allowed in ESHA. The Coastal Commission has defined a resource-dependent use as a use that is dependent on the sensitive habitat resource to function. Examples of resource-dependent uses include hiking and educational trails, low-impact camping, and habitat restoration. However, most of the development proposals in the Santa Monica Mountains are for residential development, which does not qualify as resource-dependent development. Coastal Act section 30240 therefore requires denial of residential development proposals and most other non-resource dependent projects in ESHA. Nevertheless, if the application of Section 30240 would result in an unconstitutional taking of private property without just compensation under applicable law, a principally-permitted use may be allowed within ESHA. The disturbance of ESHA to accommodate such development, however, is limited to the minimum necessary to prevent loss of all economically beneficial use and avoid an unconstitutional taking of the subject property. In addition, such development must be consistent with all other applicable policies of the LCP.

The Coastal Area Plan contains two certified ESHA maps (Figures 4.1.3-1 and 4.1.3-2) that identify the general locations of ESHA in the North Coast Subarea and the Central Coast Subarea. Also, an up-to-date ESHA map is provided for the South Coast Subarea and the Santa Monica Mountains (Figure 4.1.3-3), which contains a significant portion of the ESHA in the coastal zone. Other ESHA maps, certified during the 1980s, may not depict the location of all ESHA. In all cases, precise boundaries of ESHA and other sensitive coastal habitats will be determined on a case-by-case basis based on evidence such as site-specific biological surveys and site-specific maps.

[Staff Explanation. Minor edits were made after the 2018 Planning Commission Hearing to the introduction for consistency of terms, formatting, readability, and the citations throughout the introduction were placed as footnotes. Also, the term “invasive watch list plant species” was added to be consistent with the recently adopted 2021 Non-Coastal Zone landscaping requirements since invasive species are a County and Statewide issue of concern. Invasive watch list species are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future within California.]

4.1.3-2. Environmentally Sensitive Habitat Areas (ESHA) Goals and Policies

This section of the CAP addresses biological resources protected under the California Coastal Act. Also, see a summary of Coastal Act policies relevant to biological resources in Chapter 2, Section 2.2 – Environmentally Sensitive Habitats. When applying the policies in this section to permit applications for new development, also see the implementation procedures and standards in Article 8, Section 8178-2 – Environmentally Sensitive Habitat Areas of the Coastal Zoning Ordinance.

ESHA Goal 1: ESHA Protection

Goal: To protect ESHA against any significant disruption of habitat values.

Policies

- 1.1 Environmentally Sensitive Habitat Areas (ESHA).** ESHA shall be protected against any significant disruption of habitat values, and only uses dependent upon those resources shall be allowed within those areas, except as specifically allowed in ESHA Policy 4.1(b) and Policy 4.2 below. In all cases, adverse impacts on ESHA shall be avoided, to the maximum extent feasible, and unavoidable impacts shall be minimized and mitigated.
- 1.2 Development Adjacent to ESHA.** Development in areas adjacent to ESHA shall be sited and designed to prevent impacts which would significantly degrade ESHA and shall be compatible with the continuance of the habitat.
- 1.3 Coastal Waters, Wetlands, and Marine Resources.** Protect, maintain and, where feasible, restore the biological productivity and quality of coastal waters, streams, wetlands, estuaries, lakes, and marine resources.

[Staff Explanation. The three policies above include key provisions for ESHA, as required by Public Resources Code (PRC) Sections 30230, 30231, and 30240.]

1.4 Applicability of ESHA Policies⁸: The provisions of this section apply to all coastal development permit applications with the potential to result in adverse impacts to an ESHA or buffer zone as follows:

- a. Areas mapped as ESHA, and areas that meet the definition of ESHA (whether or not such areas are identified as ESHA on certified LCP maps), shall be subject to the ESHA-related policies and provisions of the LCP; and
- b. Where multiple ESHA policies have different requirements that are applicable, then the policy that is most protective of the biological resource shall apply (see Public Resources Code section 30007.5). However, if policies specifically allow or regulate uses in wetlands or rivers/streams that would otherwise not be allowed in ESHA, those specific policies shall apply to those uses, not the more general ESHA policies.

Permit applications that are subject to ESHA policies in Section 4.1.3-2 of the Coastal Area Plan are set forth in the Coastal Zoning Ordinance, Section 8178-2.2.

[Staff Explanation. Minor edits were made after the 2018 Planning Commission Hearing to for readability and a reference to the Coastal Act was added for clarification. The purpose of this proposed 1.4 policy is to provide clarity for landowners and County staff processing permits. For example, the provisions of this section are only applicable to proposed “development” (as defined by the Coastal Act) or maintenance activities that require a coastal development permit (e.g., a Planned Development Permit, Conditional Use Permit). A footnote to this policy was provided to clarify that the LCP is not applicable to the annual dredging operation at Channel Islands Harbor, as federal law applies and the Coastal Commission, not the County, is responsible for reviewing permits for the federal government’s annual dredging operation).]

ESHA Goal 2: Environmental Review

Goal: To protect ESHA and its associated ecosystems against significant disruption of habitat values through the evaluation of potential impacts of proposed development.

Policies

2.1 Environmental Review: Within the coastal zone, the environmental review process for proposed development shall be conducted as follows:

Footnotes:

⁸ The annual dredging operation at Channel Islands Harbor, when conducted by the U.S. Army Corps of Engineers (USACE), is reviewed by the Federal Consistency Unit of the Coastal Commission (see Sec. 8174-6.3.1 of the Coastal Zoning Ordinance for the maintenance dredging exemption, which is applicable to the USACE’s annual dredging operation at Channel Islands Harbor).

- a. To accurately identify ESHA and assess the impacts of proposed development on ESHA, each application for development that may result in the degradation or destruction of ESHA shall include a site-specific environmental assessment that includes: (1) a site-specific biological resource map (see ESHA Policy 3.2), including a wet environment delineation (if applicable), and an analysis of all potentially adverse impacts (on-site, off-site) on those biological resources; and (2) a least environmentally damaging alternatives analysis (see ESHA Policy 5.1). Requirements for the site-specific environmental assessment and least environmentally damaging alternatives analysis are set forth in the Coastal Zoning Ordinance.
- b. Any area defined as ESHA, or mapped as ESHA or buffer zone on site-specific maps, shall be accorded all protections provided for such areas in the LCP; and
- c. When applicable, applicants for a coastal development permit shall consult with responsible federal/state natural resource agencies to ensure that potential impacts to ESHA under their jurisdiction are avoided or minimized in a manner consistent with federal/state law. Also, in the Santa Monica Mountains (M) overlay zone, new coastal development permit applications shall be provided to federal/state natural resource agencies and conservation organizations that operate in the area State Department of Parks and Recreation for review and comment.

[Staff Explanation. This policy summarizes the requirements for an environmental review process for development that could impact ESHA. It reflects the requirements of the Coastal Act, which includes stronger environmental regulations for ESHA than what is required by CEQA. For example, CEQA may require that impacts be minimized to insignificant levels, but the Coastal Act requires that impacts to ESHA be reduced to the “maximum extent feasible”. This policy also would replace existing South Coast Creek Policy 6, which required that development incorporate provisions of the Santa Monica Mountains (SMM) Comprehensive Plan. However, the SMM Comprehensive Plan was adopted nearly three decades ago and its policies are now in conflict with existing County LCP policies such as development density or subdivision frontage requirements. Jurisdictions such as Los Angeles County no longer utilize the now-outdated plan. To resolve potential conflicts, references to the SMM Comprehensive Plan were removed from the LCP. A minor edits were made to the policy after the 2018 Planning Commission hearing for consistent use of the term “development”. In addition, subsection (c) was modified to address comments received from the National Park Service to provide other conservation organizations and agencies that operate in the Santa Monica Mountains the opportunity to review and comment on proposed development.]

2.2 Lots Subject to Near-Term Conveyance Agreement for Preservation: All new upland ~~development~~ shall be sited and designed to avoid adverse impacts on sensitive environmental habitats. When such impacts of ~~development~~ would be unavoidable, the County shall ascertain within the specific project review period whether any public agency or non-profit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State

Department of Parks and Recreation, County Recreation Services, and Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been specifically authorized to acquire any portion of the property which would be affected by the proposed development, and funds for the acquisition are available or could reasonably be expected to be available within one year of the date of application for the permit. If the permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again on the same ground. The County shall ascertain through the documentation provided by the applicant or through the environmental review process if the subject property, or a portion thereof, is subject to a near term conveyance agreement for preservation. A near term conveyance agreement for preservation is a contract by which the subject property will be conveyed, within 24 months or less, to a natural resource agency or non-profit conservation organization and is used primarily for conservation or open space purposes. No permit authorizing development on a property subject to such a near-term conveyance agreement for preservation shall be approved unless the natural resource agency or conservation organization to which the property will be conveyed informs the County that it approves of the development.

[Staff Explanation. ESHA Policy 2.2 is based on existing, certified text from SMM Policy 3, bullet 2. Modifications were made after the 2018 Planning Commission hearing to clarify that the applicant must provide the information associated with the near-term conveyance agreement. The standard amount of time necessary for review by County agencies to process such agreements was also modified based upon consultation with those that use these agreements.]

ESHA Goal 3: ESHA and Buffer Zone Determination and Delineation

Goal: To protect ESHA and associated ecosystems against significant disruption of habitat values due to development by utilizing an accurate, site-specific map of habitat areas that define the location of ESHA and establish setback areas (called buffer zones) that protect ESHA, parklands/protected open space areas, and other sensitive coastal resources.

Policies

- 3.1 **ESHA Determinations:** ESHA shall be defined as any area in which plant or animal life or their habitats are either rare or particularly especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded harmed by human activities and developments. Habitat categories that qualify as ESHA are set forth in Section 8178-2.4.1 of the Coastal Zoning Ordinance. Habitat areas that previously met the definition of ESHA shall continue to be defined as ESHA under any of the following circumstances: (a) ESHA is retained within an expanded fuel modification zone in accordance with an ESHA Vegetation Management Plan; (b) the ESHA supports a critical life stage for a special status species (e.g., nesting, denning, breeding or roosting sites); (c) the habitat was damaged or destroyed by the illegal removal/degradation of ESHA; or (d) habitat

areas that previously met the definition of ESHA shall continue to be defined as ESHA when the habitat was damaged or destroyed by natural disaster except when the County finds that the ESHA was permanently destroyed, in accordance with Sec. 8178-2.4.2 of the Coastal Zoning Ordinance.

[Staff Explanation. Following the 2018 Planning Commission hearing, the text above modified because of the Planning Commission's directive to revisit the inclusion of a reduced mitigation fee for ESHA thinned in an expanded fuel modification zone. The policy above addresses circumstances where the ESHA determination may not be clear, but it is still considered to be protected as ESHA. For example, if ESHA is impacted by natural disaster but can recover over time, or when a habitat is considered ESHA on a seasonal basis (e.g., supports a bird nest). The text was modified to include the new circumstance associated with an expanded fuel modification zone. Specifically, when ESHA is retained within the expanded fuel modification zone for a reduced mitigation fee. In addition, the term "natural disaster" was defined and the examples of such were removed.]

- 3.2 Site-Specific ESHA Maps:** Site-specific ESHA maps shall be used to accurately identify and map the impacts of proposed new development on ESHA. To accurately identify and assess such impacts, each coastal development permit application that has the potential to result in adverse impacts to ESHA shall include a site-specific map that delineates the location of all ESHA and buffer zones. Site-specific ESHA maps shall be based on site-specific biological surveys and maps. All areas that meet the definition of ESHA shall be mapped as ESHA, and the extent of ESHA on site-specific biological resource maps shall be based on ESHA determinations made in accordance with ESHA Policy 3.1.

[Staff Explanation. Maps are an important illustrative tool to help identify potential resources, but Coastal Commission interpretations of the PRC hold that the actual presence of ESHA on the site, not previously prepared maps, dictate when a site-specific map is required to implement the ESHA policy above. In addition to ESHA, site-specific maps also identify other resources, such as wetlands, that may not be classified as ESHA but are protected by the Coastal Act. After the 2018 Planning Commission hearing, a minor edit was made to clarify the use of site-specific ESHA maps – to identify and “map” impacts of proposed development.]

- 3.3 Adopted ESHA Maps:** The general location of ESHA within the coastal zone is depicted on Figures 4.1.3-1 through 4.1.3-3 as follows:

- North Coast Subarea (Figure 4.1.3-1)
- Central Coast Subarea (Figure 4.1.3-2)
- South Coast Subarea, including Santa Monica Mountains (Figure 4.1.3-3).

Pursuant to ESHA Policy 3.2, the precise boundaries of ESHA shall be determined on a site-specific basis using site-specific biological resource maps, and areas mapped as ESHA (whether or not such areas are identified as ESHA on adopted maps) shall be subject to ESHA-related policies and provisions of the LCP. If a site-specific biological resource map is different from an adopted ESHA map, then the County shall maintain a record of such discrepancies for use during an ESHA map update process (see ESHA Program 1).

[Staff Explanation. Maps are an important illustrative tool to help identify potential resources. Unfortunately, the federal grant used to support this update did not include funds to update the County's existing ESHA maps. However, much of the ESHA in the County's coastal zone is in the Santa Monica Mountains, and an updated ESHA map is included for the Santa Monica Mountains. Preparation of updated ESHA maps for all areas outside the Santa Monica Mountains will occur through proposed Program 3.1. A minor edit was made to the policy after the 2018 Planning Commission hearing for consistency of terms and clarity - the use of "adopted" rather than "certified" maps.]

3.4 **Buffer Zones:** To provide distance and physical barriers to human disturbance, buffer zones shall be established between new development and ESHA and for parklands/protected open space areas acquired by natural resource agencies or conservation organizations for natural resource protection (e.g., Point Mugu State Park, Leo Carrillo State Park). Buffer zones shall meet the following criteria:

- a. The width shall be sufficient to ensure the biological integrity and preservation of the biologically sensitive area and ecosystem they are designed to protect, and the minimum width of a buffer zone shall be 100 feet; and
- b. ESHA buffer zones shall be designed to protect the adjacent ecosystem and be compatible with the continuance of the protected habitat.

Also, see ESHA Policy 5.2(b) for information on the application of buffer zones in existing communities and Policy 5.14 for parkland/open space buffers.

[Staff Explanation: The Coastal Commission requires an adequate and functional natural vegetation buffer to ensure that sensitive habitats are protected against any significant disruption of habitat values (PRC Sections 30231 and 30240). Detailed information on buffer zones is set forth in the Coastal Zoning Ordinance). Current CAP statements ("General Statements: Environmentally Sensitive Habitats") address allowed development in buffer zones to ESHA. However, the CAP currently lacks a policy stating the purpose or importance of buffers or that provides direction regarding treatment of such areas. This policy includes clarification for when buffer zones to ESHA are required and the rationale for requiring them. A minor edit was made to the title of the policy and text after the 2018 Planning Commission hearing for consistency in the use of the term "buffer zone". Also, an unneeded footnote was removed.]

ESHA Goal 4: Allowable Uses in ESHA or Buffer Zone

Goal: To protect ESHA and its associated ecosystems from a significant disruption of habitat values by limiting the types of new uses allowed in ESHA or buffer zones.

Policies

4.1 Allowable uses in ESHA or buffer zone shall be limited to the resource-dependent and non-resource-dependent uses identified below. When a new use is allowed in ESHA or buffer zone, the associated development shall be the minimum amount necessary, shall constitute the least environmentally damaging alternative (see ESHA Policy 5.1), and shall be sited and designed in accordance with the policies and provisions of the LCP:

- a. **Resource-Dependent Use:** Only resource dependent uses ~~dependent on such resources~~ may be allowed within ESHA or buffer zones. Resource-dependent uses include passive recreation, nature study, and habitat restoration. Also, see the list of resource-dependent uses set forth in Section 8178-2.5 of the Coastal Zoning Ordinance. Exceptions to this policy are provided by ESHA Policies 4.1(b), 4.2, and 4.3 below.
- b. **Non-Resource-Dependent Use:** A non-resource dependent use may only be allowed in ESHA or buffer zone when necessary for a new wireless communication facility mandated by federal law⁹ or a new public works facility is necessary to protect public health/safety or provide essential public services for legally permitted development. Existing public works facilities shall be maintained, repaired, and replaced in accordance with Coastal Zoning Ordinance provisions in Sec. 8174-6 – Statutory Exemptions and Categorical Exclusions.

Also, see ESHA Policy 5.6 (fuel modification zones), Policy 6.3 (sand removal on a beach), Policy 6.8 (shoreline protection structures), Policy 6.12 (water supply and flood control projects), and Policy 8.1(c) (vector control).

[Staff Explanation: Proposed ESHA Policy 4.1 is based on Coastal Act Section 30240, which says that “environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas”. However, Policy 4.1(b) is also based on Coastal Act Section 30254, which allows new or expanded public works facilities that accommodate development permitted by the Coastal Act or through Economically Beneficial Use. The text comes from the CAP Introduction and the existing CZO, which includes a citation of PRC Section 30240 in the summary of Coastal Act policies.]

This section also identifies the acceptable range of non-resource dependent uses allowed in ESHA or buffer zones, which are limited by Section 30240 of the Coastal Act. See Coastal Zoning Ordinance, Section 8178-2.5.2 for more detailed information on allowable Public Works projects in ESHA or buffer zone. Minor edits were made to the policy after the 2018 Planning Commission hearing to remove an unnecessary footnote and correct cross references.]

- 4.2 **Economically Beneficial Use:** Where full adherence to all CAP policies and development standards regarding ESHA or a buffer zone would deprive the property owner of a constitutionally protected economically beneficial use of the applicant's subject property as a whole, the County shall allow the minimum economic use of the property as necessary to avoid an unconstitutional taking of private property without just compensation. Such proposed development may only consist of a new residential use on a “buildable lot” meeting the standards set forth in the CZO, or other principally permitted use within the zone. An applicant who requests approval

Footnotes:

⁹ Wireless communication facilities are mandated by federal law under limited circumstances. For information, see Coastal Area Policy 4.1.7, Wireless Communication Facilities and related Coastal Zoning Ordinance standards.

of development on this basis must provide, as part of the coastal development permit application, substantial evidence sufficient to support the request and to make the additional findings required pursuant to Policy 4.3 (below). There is no unconstitutional taking of private property that needs to be avoided if the proposed development constitutes a nuisance or is otherwise prohibited pursuant to other background principles of property law. Continued use of an existing legally established structure, including with any permissible repair and maintenance, may provide an economically beneficial use. Development on a lot that is already developed in a manner that provides an Economically Beneficial Use shall not result in new disturbance or loss of ESHA or buffer zone that conflicts with the ESHA policies of the LCP. If development is allowed pursuant to this policy, it must be consistent with all applicable LCP policies and development standards to the maximum extent feasible, including by constituting the least environmentally damaging alternative. This policy is not intended to increase or decrease the rights of any property owner under the U.S. or California Constitutions.

4.3 Additional findings are required to approve a coastal development permit to avoid a constitutional taking of property pursuant to Policy 4.2. A coastal development permit that allows a deviation from a policy or standard of the LCP regarding ESHA or a buffer zone to provide an economically beneficial use of the applicant's property as a whole may be approved or conditionally approved only if the County makes the following permit findings:

- a. Based on detailed economic, ownership, and land use information provided by the applicant, as well as any other relevant evidence, each project development allowed by the LCP policies and/or standards would not provide an economically beneficial use of the applicant's property as a whole;
- b. Application of the LCP policies and/or standards would unreasonably interfere with the applicant's reasonable investment-backed expectations;
- c. The proposed development is a new residential use on a "buildable lot" meeting the standards set forth in the CZO, or other principally permitted use within the zone;
- d. The use and project design, siting, and size are the minimum necessary to avoid an unconstitutional taking of property without just compensation;
- e. The project is the least environmentally damaging feasible alternative and is consistent with all provisions of the certified LCP other than the provision(s) for which the deviation is requested; and
- f. The development will not constitute a public nuisance or violate other background principles of property law such as the public trust doctrine.

[Staff Explanation: Section 30010 of the Coastal Act states that it shall not be construed as authorizing the Coastal Commission or a local government to exercise its

power to grant or deny a permit in a manner that will take private property for public use without just compensation. As such, a non-resource dependent use may be permitted to avoid a taking of private property. Edits were made to this policy after the 2018 Planning Commission hearing to align it with the policies being developed for Sea Level Rise by County Counsel. A new policy (4.3) was created to centralize and revise the beneficial use findings language from the CZO into the CAP.]

ESHA Goal 5: Siting and Design Techniques for Development

Goal: Use siting and design techniques to protect the quality of coastal waters and to minimize the degradation, cumulative loss, and fragmentation of ESHA ecosystems.

Policies

- 5.1 **Least Environmentally Damaging Alternative:** *Development, including the fuel modification zone, including but not limited to those involving private and public recreational uses, shall be sited and designed to preserve protect ESHA and avoid adverse impacts to the ESHA ecosystem (both on-site and off-site) to the maximum extent feasible. all unique native vegetation, such as Giant Coreopsis and Dudleya eymosa ssp. marcescens. If there is no feasible alternative that avoids all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Mitigation shall not be used as a substitute for the selection of the least damaging site-design alternative. During the least damaging alternatives analysis, an applicant shall confirm the width of the proposed fuel modification zone with the Ventura County Fire Protection District. A least damaging alternatives analysis is not required for a project that is limited to expanding upon an existing fuel modification zone for existing, legally established development.*

[Staff Explanation. Existing Santa Monica Mountains Policy 1 is being amended and restated as Biological Resource Policy 5.1. The amended policy addresses the primary strategy to minimize adverse impacts to ESHA, which is avoiding impacts through siting and design techniques – such as clustered development, locating development in already disturbed areas, minimizing fire clearance, and locating development near existing or shared access roads. This policy is consistent with Public Resources Code Section 30250, which requires new residential, commercial, or industrial development to be located within, contiguous with, or near existing developed areas. After the 2018 Planning Commission hearing, changes to state law allows for the expansion of a fuel modification zone up to 300-feet if authorized by the Ventura County Fire Protection District. Additional text was added to clarify that any authorized size of the fuel modification zone would need to be accounted for in the least damaging alternatives analysis and that existing legally established development that is proposed to have an expanded fuel modification zone is not required to conduct a least damaging alternatives analysis.]

- 5.2 **Allowable Building Site (Economically Beneficial Use):** *Where development is permitted in ESHA or buffer zone pursuant to ESHA Policies 4.2 and 4.3 – Economically Beneficial Use, a maximum allowable building site shall be established that constitutes the minimum amount necessary to avoid a taking of private property, in accordance with the following:*

- a. In the Santa Monica Mountains, the maximum allowable building site is 10,000 square feet, or 25 percent of the legal lot size, whichever is less, but a smaller building site shall be required when adequate land is not available due to public health/safety hazards or the presence of habitats (e.g., wetlands, threatened species habitats) that are specifically protected by federal/state law in addition to the Coastal Act. A larger building site may be approved as an ESHA Preservation Incentive in accordance with ESHA Policy 9.2.
- b. In the existing communities of Rincon Point, La Conchita, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the Sea, Silver Strand, and Solromar (outside (M) overlay zone), development shall not be subject to a maximum allowable building site if required solely because an existing legal lot contains the buffer zone of off-site ESHA. If an existing legal lot contains ESHA, the maximum allowable building site is 10,000 square feet, or 25 percent of the lot size, whichever is greater. In either case, a smaller building site shall be required if the proposed development would adversely impact a wetland or other wet environment.
- c. Outside the areas subject to subsections (a) and (b) above, the maximum allowable building site shall be limited to that needed to accommodate the minimum amount of development necessary for the property owner to make an Economically Beneficial Use of the subject parcel(s), as determined on a case-by-case basis using the standards/procedures set forth in Appendix E2 of the Coastal Zoning Ordinance for an Economically Beneficial Use Determination for the associated coastal development permit application.

[Staff Explanation. The Coastal Act restricts the types of uses allowed in ESHA or an ESHA buffer zone to coastal-dependent resources, but non-resource dependent uses are allowed in ESHA when necessary to provide "Economically Beneficial Use" and avoid a private-property takings challenge. There is no state-wide standard for what constitutes "Economically Beneficial Use" in ESHA, and many jurisdictions, such as Santa Barbara County and Marin County, rely on a case-by-case review to determine allowable development levels. In this case, three different scenarios are addressed. A detailed staff explanation is in the CZO, and a summary explanation is provided below:

- *Santa Monica Mountains* - A 10,000-square-foot lot size, or 25% of the lot,-- whichever is greater, standard was approved for the Santa Monica Mountains in the City of Malibu and Los Angeles County LCPs, and that same standard is proposed for the Santa Monica Mountains in Ventura County;
- *Existing Communities* –*In certain coastal existing communities (e.g., beachfront properties), all development along the shoreline requires a coastal discretionary permit. When the proposed development is then subject to discretionary review, it will also be subject to the 10,000-square-foot beneficial economic use standard in the policy above. Analysis of the lots along the shoreline in Existing Communities revealed that 97.5 percent are smaller than 10,000 square feet; therefore a development footprints are also less than 10,000 square feet .*

- Case-By Case Review - In other parts of the coastal zone, most of the land is already developed, and existing uses include agriculture (row crops, pasture land), oil/gas production, and transportation (Highway 101, Union Pacific rail line). Most of the lots are large, and ESHA is far less prevalent than in the Santa Monica Mountains. Therefore, a process is provided in the event an applicant requests development in ESHA and an Economically Beneficial Use determination is required.
- Minor edits were made to the policy after the 2018 Planning Commission hearing to update cross-references, remove unnecessary language, correct grammatical errors, and clarify the intent of the ordinance.]

5.3 **Adjacent Development:** Development in areas adjacent to ESHA, in buffer zones, and in parklands/protected open space areas acquired by natural resource agencies or conservation organizations for natural resource protection, shall be sited and designed to prevent the degradation of, and be compatible with the continuance of, the adjacent biological resources.

[Staff Explanation. After the 2018 Planning Commission hearing, a minor edit was made to correct a grammatical error.]

5.4 **Clustered Development:** To minimize the loss or fragmentation of ESHA, proposed development shall be located away from ESHA and steep slopes and clustered near existing/proposed development and roadways/services. Also, if a building site is in ESHA or buffer zone, pursuant to ESHA Policy 4.2 – Economically Beneficial Use, then structures within the building site shall be configured to maximize the use of overlapping fuel modification zones.

[Staff Explanation. This policy combines existing Santa Monica Mountains Policies 3 through 5, and it addresses the issues in Public Resources Code Section 30250.]

5.5 **Access Roads and Driveways:** To minimize adverse impacts to ESHA from road construction, the number of driveways or access roads shall be limited to the minimum necessary, and the following siting and design techniques shall be employed in new development:

- No more than one driveway shall be permitted for residential development, and secondary access roads are prohibited unless required for fire safety by the Ventura County Fire Protection District;
- Whenever feasible, utilize existing roads to provide access for development or temporary uses – such as geotechnical testing, outdoor festivals, and outdoor sporting events;
- Grading cuts and fills shall be minimized by combining the access ways to and driveways among adjacent properties to a single, shared road wherever possible; and

- d. When access roads are required, minimize the length, width, and grading necessary for such roads, except when a wider road is required for fire safety by the Ventura County Fire Protection District.

See ESHA Policy 6.13 for road crossings that traverse a wet environment.

[Staff Explanation. Road construction can result in the removal of ESHA for the road itself and fire clearing, and grading cuts/fills for roadways impact the topography, vegetation, and drainage of an area. Item (b) is based on Santa Monica Mountains Policy 4, which was amended to clarify the circumstances associated with permitting stream crossings. By limiting secondary access roads that are not essential, the loss, fragmentation, and the degradation of ESHA is minimized or avoided. After the 2018 Planning Commission hearing, a minor edit was made to remove needless language (“Also”) and correct a cross-reference.]

5.6 **Fuel Modification Zones in ESHA or Buffer Zone:** Fuel modification zones are permitted in ESHA or buffer zones to protect legally established development from identified wildfire hazards. The following regulations are intended to minimize adverse impacts of vegetation management activities to ESHA and buffer zones:

a. **All Fuel Modification Zones.**

1. Site development techniques and/or building design measures, such as clustered development, ember resistant building materials, etc. shall be used to minimize the size of fuel modification zones that results in the loss or fragmentation of ESHA or buffer zone.
2. When vegetation removal is conducted for fire safety, vegetation removal techniques shall be utilized that minimize impacts to native vegetation and water quality to the maximum extent feasible.
3. To the maximum extent feasible, development shall be sited and designed to locate all fuel modification zones onsite when the proposed fuel modification zone would impact (i) ESHA or buffer zone on an adjacent lot or (ii) impact undeveloped open space that is owned or managed by a natural resource agency or conservation organization.
4. No development shall be approved that results in a fuel modification zone that extends onto federal or state parklands without written authorization from the National Park Service or the California Department of Parks and Recreation, as applicable.
5. Structural storm water retention or protection features shall only be allowed within a mandatory fuel modification zone when there is no feasible alternative for placing them within the building site.

- b. **Mandatory Fuel Modification Zones.** The standard width of the mandatory fuel modification zone around structures within the building site is 100 feet. Allowable development outside the building site but within the first 100 feet of the fuel modification zone shall be limited to the following:

1. Resource-dependent and non-resource dependent uses pursuant to Coastal Area Plan ESHA Policy 4.1;
2. Drought-tolerant native landscaping (see Coastal Area Plan Section 4.1.8 - Water Efficient Landscaping, Policies 1, 4, 8 and 9);
3. Confined animal facilities that do not require additional fuel modification; and
4. Water wells/septic drainage fields not located in the building site.

c. **Expanded Fuel Modification Zones.**

1. An expanded fuel modification zone may be authorized up to 300 feet from a legally-established structure or to the property line, whichever distance is shorter, if it is determined by the Ventura County Fire Protection District that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wildland fires. In making this determination, the Ventura County Fire Protection District may consider whether there are any other feasible mitigation measures possible. Notwithstanding the foregoing, a 300-foot wide fuel modification zone is allowed to protect the existing communication and tactical assets facility of U.S. Naval Base Ventura County at Laguna Peak.
2. An ESHA Vegetation Management Plan shall be required for an expanded fuel modification zone that contains ESHA or buffer zone.
3. Expanded fuel modification zones that retain ESHA and buffer zones shall be protected and maintained for the life of the permitted development through an ESHA Vegetation Management Plan. The County shall condition coastal development permits to record a notice on the property title that discloses the maintenance requirements associated with the ESHA Vegetation Management Plan including a copy of said plan. Any modifications to the ESHA Vegetation Management Plan shall be recorded on the property title upon approval of the modified plan .
4. Allowable uses in expanded fuel modification zones shall be limited to thinning for fuel modification and resource-dependent uses (see Coastal Area Plan ESHA Policy 4.1) that do not require any additional expansions of the fuel modification zone.
5. A proposed expanded fuel modification zone shall not encroach onto an adjacent property without written consent from the adjacent property owner.

[Staff Explanation: This section was revised after the 2018 Planning Commission hearing to address the following: 1) the Planning Commission directive to work with the Fire Protection District to arrive at consensus on fire clearance issues; 2) conform with AB 2911 and Public Resource Code 4291 et. seq. that has been adopted by the State

since the Planning Commission hearing; 3) minor edits for consistency, reorganization and readability due to the required changes from 1 and 2. Specifically, the edits address considerations for fuel modification zones that may be sited on adjacent properties, the expansion of fuel modification zones beyond 100 feet according to state law, as well as incorporating the comments received from the National Park Service (Within the 2018 Planning Commission Exhibit 2, SR Exhibit N – Planning Commission Hearing).]

5.7 Water and On-Site Wastewater Treatment Systems:

- a. Water Wells - Construction of Development ~~dependent upon~~ a water wells to support an intensified use may be permitted ~~approved~~ only if such well(s) would not either individually or cumulatively cause significant adverse impacts on groundwater aquifers, streams, riparian vegetation areas, or other coastal resources. This policy shall be implemented ~~as data becomes available through the County CEQA process and other review procedures based on assessments submitted by a qualified professional during the discretionary permitting process. Although water can be imported by truck to serve existing, permitted development during a severe water shortage (i.e. a well runs dry for a residential home), new or intensified development shall not be permitted based on a water supply delivered by truck.~~

[Staff Explanation. The policy is a modified version of existing Santa Monica Mountains Policy 5. The revised policy is consistent with the California Coastal Commission's approach to new water wells, as reflected in the certified Los Angeles County and Malibu LCPs and proposed revisions broaden the policy to include all areas within the coastal zone.]

- b. On-Site Wastewater Treatment Systems (OWTS) - OWTS shall be sited and designed in a manner that will minimize impacts to ESHA, including wetlands and other wet environments, due to grading, site disturbance, ground saturation, or seepage from leach field(s) or seepage pit(s).

5.8 Steep Slopes: To minimize impacts on ESHA, ~~building-site development~~ shall not be permitted in areas of slope over 30 percent gradient, unless there is no other feasible location on the subject lot and the development is allowed pursuant to Biological Resource Policy 4.3- Economically Beneficial Use. All identified ESHA environmentally sensitive habitat areas and slopes over 30 percent gradient located outside of the approved development envelope on the same lot shall be permanently maintained in their natural state.

[Staff Explanation. This proposed policy is existing certified text from South Coast, Santa Monica Mountains Policy 6, bullet 2, which requires that all remaining on-site ESHA and 30 percent slopes be protected from future development through an easement. The deleted certified text will be moved to the CZO.]

5.9 Alteration of Land Forms - Development shall be sited and designed in a manner that will minimize grading, alteration of natural land forms, and brush/vegetation

removal to avoid adverse effects on the ecological function of (and water quality within) wet environments, wetlands, coastal waters, and other ESHA.

[Staff Explanation. This policy addresses adverse impacts to ESHA that can result from grading. For example, the amount, timing, location, and techniques used to conduct grading can affect runoff and the water quality of coastal waters or ESHA habitats. Grading standards, currently located in the CAP, will be moved to the CZO.]

- 5.10 **Water Quality and Coastal Waters:** Development shall be sited and designed to protect water quality and minimize impacts to wetlands, wet environments, and coastal waters. When appropriate, utilize open space restrictions to protect such areas from adverse impacts associated with the development.

- 5.11 **Bird Mortalities:** Bird mortalities resulting from bird collisions with buildings shall be reduced through application of bird-friendly building standards.

[Staff Explanation. Per the State's LCP guidance document, policies were added to reduce mortalities on birds. Buildings and windows are the top killer of wild birds in North America. It is estimated that nearly 600 million birds are killed annually by crashing into buildings in the U.S., with roughly 44% percent of mortality due to residences (1 to 3 stories in height), 56 percent due to low-rise structures (4 to 11 stories in height), and less than 1 percent due to high-rises (United States Fish and Wildlife Service 2002; Klem 2009; SR Loss, 2014). Between one and ten percent of the total migratory bird population dies in window crashes annually (Klem, 2009). Many of these are endangered or threatened species. After the 2018 Planning Commission hearing, the text was modified for clarity and readability.]

- 5.12 **Invasive Plants:** To reduce the spread of invasive or invasive watch list plant or animal species, landscaping shall primarily consist of native, drought-tolerant vegetation and be designed in accordance with best management practices developed for reducing the spread of such species. (Also, see Section 4.1.6 - Water Efficient Landscaping, Policies 8 and 10; and Section 4.1.4 - Tree Protection, Non-Native Invasive or Invasive Watch Species Trees, Policies 9 and 10.)

[Staff Explanation. Invasive nonindigenous plant and animal species threaten the diversity and abundance of native species, the ecological stability of infested habitats Coastal-dependent commercial, agricultural, aquaculture, and recreational activities may be dependent on such habitats. After the 2018 Planning Commission Hearing, the term "invasive watch list plant species" was added to be consistent with the recently adopted 2021 Non-Coastal Zone landscaping requirements since invasive species are a County and Statewide issue of concern. Invasive watch list species are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future within California.]

- 5.13 **Recreational Facilities:** When a recreational facility is proposed on a property with ESHA or buffer zone, the development shall be sited and designed to control the type, intensity, and location of uses in a way that avoids or minimizes adverse impacts on ESHA (See Coastal Area Plan Section 4.2.2(B) - Access, Policy 3).

[Staff Explanation. This policy is based on existing Policy 4.2.2 North Coast Access, and Environmentally Sensitive Habitats Policy 3. A cross-reference was added because the CAP recreational section has since been amended since the 2018 Planning Commission hearing.]

- 5.14 **Parkland/Open Space Protections:** Open space setbacks/buffers and use restrictions shall be used to protect parklands or open space areas acquired by natural resource agencies or conservation organizations for natural resource protection (e.g., Point Mugu State Park, Leo Carrillo State Park). Such setbacks shall be sufficient to provide distance and a physical barrier to human disturbance and to be compatible with the continuance of the parkland or protected open space area.

[Staff Explanation. This policy complements the ESHA buffer policy, and it clarifies that open space setbacks are also required for parks and protected open space. This policy was not included with the buffer policy, which is focused on required buffers for ESHA, as greater flexibility may be required for parklands.]

- 5.15 **Film Production:** Temporary film production activities shall not result in adverse impacts to wetland, ESHA, or ~~ESHA~~ buffer zone, including indirect effects from outdoor lighting or noise.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to correct inconsistent term usage (buffer zone).]

- 5.16 **Signs:** Signs are prohibited within ESHA except for resource protection or trail interpretative and educational signage, or signage necessary to ensure public safety. Signage within ESHA or its buffer shall be sited and designed to minimize impacts on the resource to the maximum extent feasible.

- 5.17 **Habitat Preservation Priority:** When locating development, the preservation of unfragmented or biologically significant patches of habitat shall be prioritized over fragmented areas of habitat.

- 5.18 **Outdoor Lighting:** Development, outdoor festivals, and outdoor sporting events shall be sited and designed to avoid light encroachment into ESHA, as well as to minimize outdoor lighting in the Santa Monica Mountains.

[Staff Explanation. The location and design of buildings or other development affects light levels within ESHA, and excessive outdoor night lighting can negatively affect people and wildlife. To address those issues, the number, location, and design of light fixtures will be regulated to ensure that only the intended areas are illuminated. After the 2018 Planning Commission hearing, the text was moved above the heading for standards for the Santa Monica Mountains Overlay Zone for clarity. The CZO ESHA standards apply throughout the Coastal Zone. The new Dark Sky standards will apply to the Santa Monica Mountains and that policy was placed in the Visual Resource section of the CAP.]

Standards for ESHA, ~~ESHA~~ Buffer Zones and the Santa Monica Mountains (M) Overlay Zone:

[Staff Explanation. A minor edit was made to the heading after the 2018 Planning Commission hearing to correct the consistency of a term and edits for clarity were added within policy 5.19.]

5.19 **Fencing, Gates and Walls:** Fences, gates and walls are prohibited within ESHA or buffer zones, except when the fence is located within an approved development envelope or the fence is used for habitat protection or restoration. Fences, gates and walls within the development envelope shall not isolate wildlife from core habitat areas and shall be in areas that minimize impacts to the movement of wildlife.

5.20 **Noise:** Development, outdoor festivals, and outdoor sporting events shall be sited and designed to avoid adverse noise impacts to ESHA.

[Staff Explanation. The location and design of new roads, buildings, or other development affects noise levels within ESHA, and excessive noise can negatively affect people and wildlife. The effect of noise varies by species.]

ESHA Goal 6: Siting and Design Techniques for Specific Coastal Habitats

Protect and preserve the ecological function, integrity, unique physical structure, and biota of specific coastal habitat areas from disturbance, pollution, and other adverse impacts associated with development, human activities, and sea level rise.

Policies

The following additional policies identify requirements for specific types of ESHA and shall be used in conjunction with all other ESHA policies.

Coastal Dunes and Other Shoreline Resources:

6.1 **Coastal Dune Habitats:** Coastal dune habitat shall be protected as follows:

- a. Development that would result in the substantial degradation, erosion, or destruction of coastal dunes, or the removal of native vegetation in such areas, will shall not be permitted-allowed.
- b. The modification or disturbance of coastal dunes shall not be permitted, except as permitted by the "allowable use" provisions in ESHA Policies 4.1 and 4.2. In all cases, coastal dune modification or disturbance shall be the minimum amount necessary to accommodate the allowable use and shall utilize the higher levels of current sea level rise projections.
- c. Avoid foot traffic through coastal dunes, except where limited foot traffic is necessary to provide coastal access. Under such circumstances, utilize siting and design techniques to minimize degradation of the coastal dunes.
- d. Disturbed dune habitats shall be restored in a manner that accommodates the ecological needs of sensitive native dune species. Dune habitat restoration shall,

to the maximum extent feasible, utilize low-intensity vegetation removal techniques that are least impactful on the dune ecosystem.

- e. Native vegetation, preferably grown from local seed sources, shall be used to stabilize coastal dunes and restore dune habitat, and non-native vegetation shall be removed where appropriate.

[Staff Explanation. This policy combines and updates to existing, certified text as follows:

- *Replaces Central Coast Coastal Dunes Policy 1 and 2;*
- *Replaces South Coast Coastal Dunes Policy 1;*
- *Moves CZO Section 8178-2.4(a) (ESHA), Coastal Dunes, to the CAP, as the text is more appropriate as a CAP policy.*

Item “a” is a revised version of existing Central Coast Dune Policy 1 and 2. Policy 1 states: “Coastal sand dunes on County unincorporated land are designated ‘Open Space’ or ‘Agriculture,’...to provide for maximum coastal dune protection.” However, simply applying these use designations to land does not provide an effective mechanism for protecting coastal dunes. As a result, Policy 1 was substantially revised to be consistent with Public Resources Code Section 30240. The proposed policy does not allow the use of coastal dunes for agriculture but does allow for modifications associated with the protection of existing properties, the protection of dune ecosystems, and establishing use of a legal lot. To align ESHA policies with those being developed for the VC Resilient Sea Level Rise project, the policy was modified after the 2018 Planning Commission hearing to acknowledge sea level rise planning recommendations. In addition, a minor grammatical error was corrected.]

- 6.2 **Dune/Wetland Habitats:** To maintain existing dune ecosystems, the County will encourage the public acquisition, restoration/enhancement and protection of dune and dune/wetland habitats near McGrath Lake, Hollywood Beach, and privately-owned properties near Ormond Beach. Appropriate scientific experts and the best available science, including sea level rise projections, should be drawn upon in any restoration or enhancement projects. The County also supports coastal wetlands restoration and sea level rise adaptation planning in unincorporated areas near the Santa Clara River, McGrath Lake, and other suitable locations along the coast.

[Staff Explanation. Central Coast Coastal Dunes Policy 3 has been amended and retained to include all dune habitats for conservation that are unprotected in the County. The amendment eliminates specific references to agencies and properties (e.g., McGrath Lake dunes by State Parks) and offers a broader policy of dune ecosystem protection. To align ESHA policies with those being developed for VC Resilient Sea Level Rise project, the policy was modified after the 2018 Planning Commission hearing to acknowledge sea level rise planning recommendations. In addition, a minor grammatical error was corrected.]

- 6.3 **Sand Removal:** Sand removal/movement may be allowed on County beaches that abut existing development at Hollywood-by-the-Sea and Silver Strand Beach if conducted for the sole purpose of preventing physical damage to existing, legally

permitted beachfront residential/commercial development from wind-blown sand inundation. Such activities shall be the minimum necessary to prevent physical damage and shall be conducted in a manner that avoids adverse impacts to ESHA, including dune habitats and special status species shorebirds.

[Staff Explanation. The only communities that contain existing development that abut beaches that lie above the high-tide line on a year-round basis are Hollywood Beach and Silver Strand Beach. Some existing communities (e.g., La Conchita, Solromar) contain no beachfront development, and other existing communities (e.g., Seacliff, Mussel Shoals) abut beaches that frequently lie below the high tide line.]

- 6.4 **Nearshore Water Environments:** To reduce impacts on nearshore shallow water environments that are used by fish, shellfish, birds, and other aquatic organisms, best management practices and other mitigation measures shall be used within development to protect the water quality of terrestrial wet environments connected to the Pacific Ocean. Adverse impacts to coastal resources shall be prevented by timing the construction of the project to avoid disruption of breeding and/or nesting of birds or fishes. Development shall be sited to avoid coastal hazards, taking into account projected sea level rise, and to allow for the migration of habitat areas to the maximum extent feasible.

[Staff Explanation. Aquatic ecosystems are continually changing, driven by human uses, tides and weather, dredging activities, and climate change. Nearshore environments are also affected by water quality of terrestrial surface waters and nearby land uses. The protection and management of ecosystems is paramount if these areas are to continue to provide habitats that support estuarine flora and fauna. This policy was taken from the existing Tidewater and Beaches sections (north coast, south coast) of the CAP, which has the protection of tidepools as an objective. To align ESHA policies with those being developed for VC Resilient Sea Level Rise project, the policy was modified after the 2018 Planning Commission hearing to acknowledge sea level rise planning recommendations.]

- 6.5 **Shorebird Populations:** Beach maintenance activities, such as the removal of beach wrack, shall not adversely impact nesting and foraging shorebird populations.

[Staff Explanation. Beach maintenance activities can physically disturb shorebirds and remove naturally occurring beach materials, such as beach wrack (loose seaweed on wet and dry sand subject to tidal movements), which are an important nutrient source for the beach ecosystem. Detailed standards that implement this policy are provided in the CZO. After the 2018 Planning Commission hearing, the Harbor Department requested a modification to the language for clarity.]

- 6.6 **Grunion Fish:** During spawning periods for grunion (March through August), beach maintenance activities shall not disturb grunion eggs.

[Staff Explanation. The purpose of this policy is to limit beach grooming and other beach maintenance activities (e.g., removal of beach wrack, sand movement, vehicles on sand) during the breeding season for grunion, which are a sardine-sized fish species

found only off the coast of California and Baja California, Mexico (Pacific Ocean and Gulf of California coasts). Many people enjoy catching grunion at events called "grunion runs." Grunion are known for their unusual mating ritual, wherein at very high tides, the females maneuver themselves onto sandy beaches to lay their eggs, and the males deposit sperm on the eggs. For the next 10 days, the grunion eggs remain hidden in the sand. At the next set of high tides, the eggs hatch and the young grunion are washed out to sea. After the 2018 Planning Commission hearing, the Harbor Department requested a modification to the language for clarity.]

- 6.7 Interpretive programs:** Shoreline ecology and watershed ecology interpretive programs will be coordinated by all appropriate agencies for new or existing recreation and ESHA restoration sites within all unincorporated coastal areas of the County. Coastal ecology should be included in interpretive programs as they are developed for new State or County recreation areas and parks.

[Staff Explanation. This policy is an updated version of North Coast Tidepools and Beaches Policy 1, Central Coast Wetlands Policy 8, and South Coast Tidepools and Beaches Policy 1.]

- 6.8 Shoreline protection devices:** ~~Shoreline protective on devices structures, such as~~ *Shoreline protective on devices structures, such as* ~~revetments, seawalls, groins, or breakwaters, are allowed when they are necessary to protect existing developments, coastal dependent land uses, and public beaches. Any structures built under these conditions will~~ *revetments, seawalls, groins, or breakwaters, are allowed when they are necessary to protect existing developments, coastal dependent land uses, and public beaches. Any structures built under these conditions will* shall incorporate mitigation measures that reduce *intertidal* or nearshore *habitat* losses and impacts on local shoreline and sand supply to the maximum extent feasible (see Policy 6.9 below).

[Staff Explanation. After the 2018 Planning Commission hearing, the text above was modified to mirror what was being proposed for the sea level rise policies that are being prepared. This amendment clarifies that impacts to ESHA from shoreline protective devices need to be mitigated, and the intent is not to describe when shoreline protective devices are allowed. These policies are currently located in the ESHA sections of the CAP (i.e., see North Coast, Environmentally Sensitive Habitats, Tidepools and Beaches, Policy 3, and a similar South Coast policy under Tidepools). After the 2018 Planning Commission hearing, edits were made to maintain consistency in the use of terms, such as device vs. structure, correcting terms for consistency, and requiring that mitigation is provided to the "maximum extent feasible" to reduce impacts on local shoreline and sand supply.]

6.9 Beaches/Intertidal Areas:

- a. An applicant for any coastal project, including *shoreline protective devices*, will show that its proposal will not cause long-term adverse impacts on beach or *intertidal areas*. Impacts include, but are not limited to, shoreline sand supply, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated waste water or oil, and runoff from streets and parking areas. Findings to be made will include, but not be limited to, proper waste water disposal.

- b. ~~a.~~ Placement or removal of any sand, fill, rocks or dredged material along ~~the North Coast beaches or intertidal areas, including beach replenishment and the creation of new dune habitats,~~ shall be carried out utilizing the best available science that includes, but is not limited to, sea level rise projections, and in consultation with the State Department of Fish and Wildlife and other natural resource agencies. ~~Game.~~ Such activities shall be designed in order to ensure that the to minimize adverse impacts on beach, intertidal, and offshore coastal resources.
- c. ~~b.~~ The County shall encourage State Parks and Caltrans to implement beach erosion reduction measures, such as beach nourishment along Highway 1, to reduce the potential for existing roadway encroachment upon ESHA or buffer zones.

Staff Explanation. *North Coast Tidepools and Beaches Policy 4 is being retained in 6.9 above with minor edits for clarity. Proposed Policy 6.9(a) is derived from Policy 5, North Coast Tidepools and Beaches. Proposed Policy 6.9(b) is derived from North Coast Policy 4 and Central Coast Wetlands Policy 5. The updated policy applies throughout the coastal zone. Also, a reference to the "California Department of Fish and Game" was updated to the "California Department of Fish and Wildlife". After the 2018 Planning Commission hearing, the text was modified to acknowledge sea level rise planning recommendations.]*

Wet Environments and Wetlands

Wet environments are terrestrial environments that are associated with the presence of water, either perennially or ephemerally. Wet environments can include rivers, lakes, streams, estuaries, lagoons, ephemeral drainages, seeps, springs and the vegetative communities associated with each. Wetlands are lands which may be covered periodically or permanently with shallow water and include saltwater marshes, swamps, mudflats, vernal pools and fens. Wetlands are protected by both federal and state law (Clean Water Act, Coastal Act).

6.10 All development projects on land adjacent to or within a wetland or wet environment, either in a stream or creek corridor or within 100 500 feet of such environments, shall be sited and designed to maintain water quality and prevent degradation of the ecosystem function. Development shall be sited and designed to avoid the degradation of such habitats using the higher levels of sea level rise projections over a minimum of 20 years. The purposes of such development projects shall be limited to those set forth in Section 30233(a) and 30236 of the Coastal Act. Discretionary development that would adversely impact a wetland habitat shall be prohibited unless mitigation measures are adopted that would reduce the impact to a less than significant level. Notwithstanding the foregoing, within the existing communities of Rincon Point, La Conchita, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the Sea, Silver Strand, and Solromar, no adverse impacts to wetlands shall occur unless a statement of overriding considerations is adopted by the decision-making body.

[Staff Explanation. This policy consolidates three existing policies: North Coast Creek

Policy 1, Central Coast Wetlands Policy 1, and South Coast Creek Policy 2 because the existing policies are similar and somewhat repetitive. This policy is also consistent with PRC Section 30231 and 30233, which requires that development maintain or enhance the biological productivity and functional capacity of wet ESHA environments (coastal waters, streams, wetlands, estuaries, etc.). After the 2018 Planning Commission hearing, the policy was revised to add VC Resilient Sea Level Rise project recommendations for ESHA. In addition, the intent of the regulation was clarified for wetland impacts within an existing community and an existing footnote was included within the policy.]

- 6.11 The diking, filling or dredging of wetlands, estuaries, lakes, and open coastal waters may only be permitted in accordance with Coastal Act Policy 30233 (see Chapter 2, Section 2.2 – Environmentally Sensitive Habitats). Such actions may only occur when there is no feasible, less environmentally damaging alternative and where feasible mitigation measures are provided that minimize adverse environmental effects.

[Staff Explanation. Coastal Act policies related to diking, filling, and other activities within a wet environment are complicated, which is why this policy relies on a reference to the Coastal Act. A detailed summary of Coastal Act Policy 30233 is included in Chapter 2 of the CAP. After the 2018 Planning Commission hearing, a minor grammatical correction was made for readability.]

- 6.12 The channelization or other substantial alteration of a river or stream shall be prohibited, except for the following: ~~improvement of fish and wildlife habitat or, where no feasible alternative exists, necessary water supply projects and flood protection for existing development~~

- a. Necessary water supply projects;
- b. 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 legally established development; and
- c. Development where the primary function is the improvement of fish and wildlife habitat.

In all cases, such alterations shall only be permitted if there is no feasible, less environmentally damaging alternative and when the development is ~~When permitted, the channelization or stream alteration shall be sited and designed to minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures are implemented to mitigate unavoidable impacts. Bioengineering alternatives that primarily rely on “soft solutions”, such as vegetated berms, are preferred for flood protection over “hard” solutions, such as concrete or riprap channels. Private and public development~~

projects that include a river or stream alteration shall provide habitat restoration, including improvements to fish passage and habitat.

[Staff Explanation. This proposed policy would establish consistency with Coastal Act Policy 30236, and other Coastal Act provisions, by ensuring that necessary bridge development, or other types of alterations to rivers, streams, creeks, etc. only occurs when necessary and in a manner that minimizes impacts to the wet environment. After the 2018 Planning Commission hearing Policy 6.13 was moved into policy 6.12 to clarify that these mitigation measures are also part of the feasible mitigation measures when disturbing stream or rivers. In addition, minor text alterations were done for readability and clarity including the clarification that the policy applies to legally established development.]

- 6.13 Alteration of a wet environment is prohibited for the purpose of constructing new road crossings, except where there is no feasible, less environmentally damaging alternative to provide access to public recreation areas or legally established development. If river/stream alterations are allowed, the new road crossing shall be accomplished by bridging, and bridge columns shall be located outside the bed and bank.

[Staff Explanation. After the 2018 Planning Commission hearing, minor text alterations were done for consistent use of terms throughout the document.]

- 6.14 Coastal wetlands at the Santa Clara River mouth, McGrath Lake, Ormond Beach, and other locations shall be protected and, where feasible, restored. Restoration projects shall take into account projected sea level rise to allow for the migration of wetlands to the extent feasible. Passive recreational uses adjacent to such areas shall be sited and designed to avoid adverse impacts on biological and coastal resources.

[Staff Explanation. This policy replaces Central Coast Wetlands Policies 6 and 9. Existing Policy 6 addresses the formal recognition and restoration of Ormond Beach. Existing Policy 9 addresses the need for cooperation with other agencies to manage coastal wetlands. Restored wetlands and associated habitat are expected to create a self-sustaining biological system and enough tidal prism and flushing action to maintain health and hydrologic function. The policy incorporates public passive access and education provisions from Central Coast wetlands Policy 9, South Coast Dune Policy A Introduction, and Mugu Lagoon Policy 1. After the 2018 Planning Commission hearing, the policy was revised to add VC Resilient Sea Level Rise project recommendations for ESHA.]

- 6.15 Breaching or water level modification of lagoons or estuaries is prohibited during a public health or safety emergency if there is no feasible, less environmentally damaging alternative and all feasible measures are implemented to minimize adverse environmental effects. To the maximum extent feasible, approved beach elevation management plans shall be utilized to avoid emergency breaching or water level modification of lagoons or estuaries.

[Staff Explanation. After the 2018 Planning Commission hearing, a grammatical error was corrected.]

Plant and Tree Communities

The policies below should be used in conjunction with policies that protect oaks, native trees, and other protected trees not classified as ESHA in Section 4.1.5 – Tree Protection of the Coastal Area Plan.

- 6.16 Oak and native tree woodlands defined as ESHA shall be protected from fragmentation and loss through the preservation and restoration of woodland habitat.
- 6.17 The removal or alteration of tree communities that constitute ESHA is prohibited, and development, including roads or driveways, shall be sited and designed to avoid damage to such tree communities.
- 6.18 Grassland restoration plans shall include measures that protect, enhance, and, where possible, expand or restore native grassland communities and savannahs.

[Staff Explanation. Despite the dominance of invasive grasses, native grassland habitats are still important for grassland dependent species, including a significant number of threatened and endangered species.]

Wildlife and Plant Habitat Connectivity Corridors

- 6.19 Development shall be sited and designed to support biodiversity and to protect and enhance wildlife and plant habitat connectivity corridors as follows:
- a. Avoid the fragmentation of core habitat areas;
 - b. Avoid the creation of corridor chokepoints and enhance habitat within existing corridor chokepoints;
 - c. Minimize indirect impacts (e.g., lighting, noise, human-wildlife interactions) that alter wildlife behavior; and
 - d. Avoid the placement of new structures or other barriers that disrupt species movements through habitat connectivity corridors.

(Also, see ESHA Policies 5.18, 5.19 and 5.20, which contain requirements for fencing, noise, and lighting within a habitat connectivity corridor).

[Staff Explanation. Landscape-scale connections between large core habitat areas, as well as smaller features such as riparian zones and canyons, are important to sustaining wildlife populations. The effects of human-made barriers may isolate animals and limit their capacity to supplement declining populations, recolonize habitats where extinctions have occurred, or colonize new habitats.]

ESHA Goal 7: Habitats Supporting Critical Life Stages

Goal: Protect habitats that support critical life stages of a species from human disturbance and development.

Policies

- 7.1 Construction activities, outdoor festivals, and outdoor sporting events shall not result in the disturbance of special status species utilizing habitats during a critical life stage (e.g., breeding, nesting, denning, roosting, habitats of such species).
- 7.2 During bird breeding seasons, nesting and roosting areas shall be protected from disturbance associated with development or outdoor festivals/outdoor sporting events. Also, during bird migration seasons, such disturbance shall be avoided within bird staging/stopover sites.

[Staff Explanation. This policy is consistent with the Migratory Bird Treaty Act, which protects native bird nesting habitat and provides long-term protection of breeding, roosting, and nesting habitat from any disturbance or destruction. A minor text edit was made after the 2018 Planning Commission hearing for the consistent use of a term.]

- 7.3 Natural features used as bat roost sites for special status species shall be protected and preserved from disturbance and degradation. During construction and outdoor festivals/outdoor sporting events, adverse impacts to bat roosts shall be avoided, to the extent feasible, during critical life stages (such as breeding and raising of young) of a special status species.

[Staff Explanation. California has the fourth highest diversity of bat species in the United States, with 25 species representing three families. Twenty-four of these species occur in the south coast ecoregion of the state, and two-thirds of the region's bat species are officially recognized as sensitive by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and/or Federal land management agencies. The proposed policy is designed to minimize impacts to the different roosting conditions used by bats at different times of the year. The greatest threat in the south coast ecoregion is urban/suburban expansion and its associated impacts to roosts and foraging habitat. Loss or conversion of habitat at the lower elevations, particularly of riparian and oak woodlands, has likely had significant impacts on regional bat fauna.]

- 7.4 Colonial roosting habitat for butterflies, such as monarch butterfly overwintering sites, shall be preserved and protected from disturbance and degradation associated with development. (Also, see Section 4.1.4 Tree Protection, Policy 1.)

[Staff Explanation. A report issued by the USFWS and Xerces Society in June of 2016 identifies 12 known Monarch Roosts in Ventura County (including Ventura and Oxnard jurisdictions) with seven of those sites located within the coastal zone, two located in the Santa Monica Mountains (Little and Big Sycamore Canyons), one in City of Ventura's Seaside Wilderness Park (County jurisdiction), one inactive site (San Jon Road and 101 Freeway) and the remaining two destroyed (Taylor Ranch, La Jolla Canyon) or partially destroyed (Harbor Boulevard). There always is the potential for new roost sites.]

- 7.5 Marine mammal rookeries and hauling ground habitats shall be preserved and protected from disturbance and degradation associated with development, outdoor festivals, and outdoor sporting events.

[Staff Explanation. Currently, the only marine mammal rookery in Ventura County is in the Point Mugu Lagoon, but other species of marine mammals may establish rookeries in other areas.]

ESHA Goal 8: Pesticides and Pest Management in the Coastal Zone

Goal: To minimize adverse impacts on ESHA, coastal water quality, and wildlife through the reduced use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances.

[Staff Explanation Toxic substances such as rodenticides and herbicides travel through mechanisms such as stormwater runoff, air pollution, and dumping. Pesticides and fertilizers can contaminate soil and waterways, kill beneficial organisms, such as pollinators and pest predators, and pose health risks to humans and wildlife. In addition, wildlife that consume animals that were poisoned are often poisoned themselves. These toxic chemicals break down slowly or not at all, and they accumulate in the bodies of wildlife and humans and cause cancer, reproductive problems, or DNA damage. Additionally, the loss of bees, butterflies and other pollinator species are becoming a problem for our agriculture industry and ecosystems. The promotion of best management practices for pesticide use can help reduce losses of these declining species. Since the 2018 Planning Commission hearing, AB 1788 was passed to limit the use of all second-generation anticoagulant rodenticides in the State of California as of January 1, 2021. The proposed amendments provide a reference to the law to educate and discourage toxic substance use in existing and new development. After the 2021 Planning Commission hearing, minor edits were made to the title and goal to reduce any conflicts with state laws.]

Policies

8.1 Ventura County Agency/Department Pest Management: County agencies, departments, and their contractors shall minimize the use of pesticides, including insecticides, herbicides, rodenticides, or any other similar toxic chemical substances, throughout the coastal zone. This policy shall be accomplished through the following measures:

- a. The use of pesticides, including insecticides, herbicides, rodenticides, or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade ESHA, coastal water quality, or harm wildlife. This prohibition applies to development and repair/maintenance activities requiring a Coastal Development Permit, except where it has been determined that non-chemical methods are infeasible and toxic chemical substances are necessary under the following circumstances: i) to protect or enhance the habitat itself; or ii) vegetation maintenance activities for the eradication of invasive or invasive watch list plant species; or iii) habitat restoration. Deviations from this prohibition may be allowed only if the Coastal Development Permit includes an integrated pest management plan and there is no feasible alternative that would result in fewer adverse impacts to ESHA, coastal water quality, or wildlife. When

allowed, the least toxic product and method shall be used, and to the maximum extent feasible, toxic chemical substances shall be derived from natural sources and shall be biodegradable;

- b. The County shall utilize *best management practices* that minimize unintended contact between toxic chemical substances and *ESHA ecosystems*; and
- c. County mosquito abatement activities shall be limited to those necessary to protect public health. Larvicides shall be specific to mosquito larvae and shall not have any significant adverse impacts on non-target species (e.g., fish, frogs, turtles, birds, or other insects or invertebrates). The use of mosquitofish is prohibited in *ESHA wet environments*.

[Staff Explanation. After the 2021 Planning Commission hearing direction to meet with the City of Malibu, Planning staff conferred with the City of Malibu which resulted in further staff communication with the California Coastal Commission and the California Department of Pesticide Regulation on implementation efforts associated with the ESHA and pesticide use policy. Minor edits were made to mimic portions of the Malibu pesticide policy that was certified by the Coastal Commission. For example, the certified policy language targets specific pesticides such as “insecticides, herbicides, rodenticides, and any other similar toxic substances”, rather than a more general reference to “toxic substances”.]

- 8.2 **Pest Management in the Santa Monica Mountains:** Except as authorized by Policy 8.1 above, development in the Santa Monica Mountains that involves the use of pesticides, including insecticides, herbicides, rodenticides, or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade ESHA, coastal water quality, or harm wildlife. Herbicides may be used for the eradication of *invasive plant species* or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

[Staff Explanation. After the 2018 Planning Commission hearing, edits were made to policies 8.1 and 8.2 to clarify the intent of the proposed amendments, as follows: ensure that exceptions to the prohibition on chemical substances would minimize the toxicity of the types used, and not focus on just herbicides and insecticides; define the word “toxic”; ensure that not only pollinators and wildlife are protected from unintended contact, but also protect coastal waters and other habitats (through the use of the term “ecosystem” in Policy 8.1 (b)); include Public Works agency maintenance efforts that control specific invasive species within road rights-of-way; incorporate language that more-closely reflects the certified City of Malibu's policy for ESHA and pesticide use that occurred in May 2021; refine the language associated with the use of mosquito fish to only apply to wet environments (see staff explanation in CZO Section 8178-2.8 for more detail); and other minor edits for clarity and consistency of terminology in the proposed amendments. Also, the term “invasive watch list plant species” was added to

be consistent with the recently adopted 2021 Non-Coastal Zone landscaping requirements, since invasive species are a County and Statewide issue of concern. Invasive watch list plant species have been assessed by the California Invasive Plant Council as posing a high risk to native species in California.

The language in policies 8.1 and 8.2, were modified after the 2021 Planning Commission hearing to more closely align with the certified policy that was adopted by the City of Malibu in May 2021. This is a result of Planning staff's communication with State agencies and discussion about balancing state directives pursuant to the Coastal Act and Food and Agricultural Code 11501.1, which preempts local regulation of pesticides, including those in the coastal zone. This modification was needed to be consistent with coordinated efforts and a compromise reached between the City of Malibu, Coastal Commission staff, and the Department of Pesticide Regulation. These changes to Policies 8.1 and 8.2 are also consistent with the Planning Commission directive to verify the policy language with Malibu, and subsequent coordination indicated revisions were needed, therefore the recently certified policy language has been mimicked in Policy 8.1 and inserted in Policy 8.2.]

- 8.3 Except to the extent that more protective standards are required by other policies of this LCP, the use of second-generation anticoagulant rodenticides shall be prohibited as set forth in Food and Agricultural Code Section 12978.7.

[Staff Explanation. After the 2018 Planning Commission hearing, the policy was added to address current state law that restricts the use of second-generation rodenticides for most new and existing development. In addition, after the 2021 Planning Commission hearing, the reference to Food and Agricultural Code Section 12978.7 was modified based upon Planning staff communication with the City of Malibu and the Coastal Commission. The minor modification would avoid any conflicts that could occur between the amended CAP policy language and the expected future changes to the State code.]

ESHA Goal 9: Land Divisions in ESHA or Buffer Zone

Protect Ventura County's environmentally sensitive coastal areas, and the species and ecological functions they support, from habitat fragmentation, and other adverse impacts associated with land divisions.

Policies

- 9.1 Land divisions shall only be permitted if substantial evidence is provided that demonstrates the following as applicable:
- a) No new or reconfigured lot created by the land division will result in new adverse impacts to ESHA or buffer zones, including adverse impacts that could occur due allowance for an Economically Beneficial Use of the property pursuant to ESHA Policy 4.2;
 - b) A lot line adjustment between existing, legal lots, it may be permitted only when the adjustment is designed so the reconfigured lots would result in the same or

reduced impacts to ESHA or buffer zone when compared to the original lot configurations; and

- c) In all cases, new or reconfigured lot(s) shall accommodate development (e.g., building site, access roads, service infrastructure, fuel modification zone) in a manner that conforms with LCP policies and standards, except when the lot will be dedicated to open space preservation.

[Staff Explanation: This policy clarifies existing permitting requirements for subdivisions and lot line adjustments within the coastal zone. The County's current LCP protects ESHA in the Santa Monica Mountains (SMM) from development associated with subdivision but in a much more roundabout way (SMM - Policy 1, 4, and 6). The existing policy was updated to clarify that new subdivisions will not occur that create development rights in ESHA, pursuant to "reasonable use" standards, for non-resource dependent uses. The policy also clarifies the requirements of state law within the LCP (PRC 30240), which limits uses in ESHA to resource-dependent uses (land divisions are not a resource-dependent use) and defines a subdivision as "development". The policy is also a revised version of existing Policy 6 (1st paragraph) within the SMM, which helps ensure that lot line adjustments are consistent with LCP policies for ESHA. While most lot line adjustments are minor, lot-line adjustments on undeveloped lots can result in greater impacts to ESHA. Examples are: (1) the new lots will require longer access roads or roads that bridge a stream or wetland; (2) the lot line adjustment is between a large lot and a small, undevelopable lot, which effectively creates a newly developable lot; and (3) a lot with an existing, disturbed area that could be used for development is reconfigured into a lot covered by ESHA, where a "reasonable use" argument can be used to remove ESHA. The policy is consistent with State law (PRC 30240 and 30250), which requires that development within ESHA occur in a manner that avoids adverse effects to coastal resources. After the 2018 Planning Commission hearing, minor edits were made to the text for term consistency and readability.]

- 9.2 **ESHA Preservation Incentive:** An ESHA preservation incentive may be authorized to encourage the preservation of areas of unfragmented ESHA in the Santa Monica Mountains (M) overlay zone, to allow an increased maximum allowable building site if the applicant voluntarily agrees to permanently retire the development rights for an undeveloped, buildable legal lot (or lots) that contains a high proportion of unfragmented ESHA in the Santa Monica Mountains (M) overlay zone. The County shall only authorize this ESHA preservation incentive if the proposed or potential development on the subject lot(s), and the retirement of buildable lot(s) for the permanent protection of its/their habitat and open space value(s), will result in reduced impacts to ESHA, and no increased loss of high value habitat, when compared to the development that could legally occur without use of the ESHA preservation incentive.

[Staff Explanation: After the 2018 Planning Commission hearing, minor edits were made to the text for readability. The proposed policy would help preserve ESHA by providing incentives for landowners to retire the development rights on small lots that contain ESHA habitat.]

ESHA Goal 10: Compensatory Mitigation

Goal: To protect *ESHA* and its associated *ecosystems* against significant disruption of *habitat values* through the mitigation of unavoidable loss or degradation of *ESHA* or sensitive biological resources.

Policies

10.1 When development is allowed within ESHA or buffer zone, and adverse impacts to the ESHA ecosystem cannot be avoided through the selection of a least environmentally damaging alternative (see ESHA Policy 5.1), compensatory mitigation is required as follows:

- a. Mitigation requirements shall account for, and provide proportionate in-kind mitigation for, all adverse impacts to ESHA associated with the proposed development;
- b. Acceptable types of compensatory mitigation are as follows:
 1. On-site¹⁰ restoration, establishment or enhancement; or
 2. Off-site preservation, restoration, establishment or enhancement of ESHA; or
 3. Specific types of on/off-site mitigation required for wetlands, wet environments, or other specialized habitats regulated by federal or state natural resource agencies; and
- c. Compensatory mitigation required for adverse impacts to coastal sage scrub and chaparral may be implemented on or off-site. Priority shall be given to on-site mitigation for adverse impacts to wet environments and oak/native woodland habitats unless off-site restoration, establishment, or enhancement is provided through an available federal/state mitigation bank or in-lieu fee program. For all other types of ESHA, preference shall be given to on-site mitigation unless the County determines that off-site mitigation is more protective of the ESHA ecosystem impacted by the project or the off-site mitigation property was prioritized for conservation through a County-approved regional conservation plan. In all cases, off-site mitigation may be provided when it is not feasible to fully mitigate impacts on-site due to an insufficient supply of available, suitable areas for on-site restoration, enhancement, or establishment of ESHA.

[Staff Explanation. This policy establishes the basic requirements for compensatory mitigation, which are fleshed out in greater detail within the CZO. It reflects the requirements of CEQA and the Coastal Act, which includes stronger environmental regulations for ESHA than what is required by CEQA. After the 2018 Planning Commission Hearing a minor edit was made for readability.]

Footnotes:

¹⁰ In the coastal zone, the preservation of existing, on-site habitat cannot be used to satisfy compensatory mitigation requirements.

- 10.2 When ESHA is illegally removed or degraded, the impacted area shall be fully restored on-site and compensatory mitigation shall be required, except as follows:
- If restoration or establishment of the impacted area is infeasible due to an insufficient supply of available areas, then an equivalent area of ecologically functioning ESHA shall be restored or established on-site or off-site; and
 - If any portion of the impacted area is within the approved development envelope, then any type of acceptable compensatory mitigation (see Policy 10.1(b)) may be used for that portion of the impacted area.

[Staff Explanation. The removal or degradation of ESHA requires a discretionary permit, and mitigation is required because such actions constitute “development” under the Coastal Act. To address the impacts of unpermitted removal/degradation of ESHA, the landowner must restore or reestablish ESHA within the impacted area. However, if a permit is being processed that includes the impacted area within the approved “development envelope”, then the project applicant cannot restore that area and will need to provide another type of mitigation (i.e., on or off-site restoration, off-site preservation, etc.).]

- 10.3 Mitigation measures for impacts to ESHA shall be imposed and implemented that ensure all components of the ESHA ecosystem are protected and mitigated and that increase the potential for the success and long-term sustainability of the ESHA. Also, compensatory mitigation sites shall exhibit characteristics such as habitat connectivity, proximity to the impacted ESHA ecosystem, and the potential to achieve ecologically functioning ESHA. Habitat mitigation will include, but not be limited to, timing of the project to, timing of the project to avoid disruption of breeding and/or nesting species of birds and fishes, minimal removal of native vegetation, or the reclamation or enhancement as specified in the California Coastal Commission “Interpretive Guidelines for Wetlands” and a plan for spoils consistent with the following policy.

[Staff Explanation. This is an existing, certified policy (Central Coast- Wetland Policy 4), where modifications were made to update terms or remove references that may become outdated. In addition, the detailed requirements of this policy were moved to the mitigation section of the CZO. Reference to the California Coastal Commission “Interpretive Guidelines for Wetlands” was not included because that document is out-of-date. Coastal Commission staff recommended that the reference be deleted. Instead, a reference is provided in Appendix E1 to Sec. 13577(b). After the 2018 Planning Commission hearing, the text was modified for clarity.]

- 10.4 Mitigation ratios required for compensatory mitigation shall account for the type of habitat impacted; temporal loss of ecosystem function¹¹; and the uncertainty that replacement habitats will adequately compensate for the habitat value and ecosystem services previously provided by the impacted ESHA or protected biological habitat.

Footnotes:

¹¹ Temporal impacts occur to the ecosystem during the period between the ESHA impact and the successful completion of mitigation.

- 10.5 Expanded fuel modification zones that retain ESHA and/or buffer zones shall be protected and maintained for the life of the permitted land use through an ESHA Vegetation Management Plan. Coastal sage scrub and chaparral ESHA may qualify for a reduced compensatory mitigation fee using the Ventura County In-Lieu Fee Program. The County shall condition coastal development permits to notify current and future property owners of the requirements associated with the ESHA Vegetation Management Plan.

[Staff Explanation. Following the 2018 Planning Commission hearing, the text above was added to address the Planning Commission's directive to revisit the fairness and appropriateness of mitigation fees for property owners who thin ESHA beyond 100 feet for fire protection. Planning staff worked closely with the Ventura County Fire Protection District and the California Coastal Commission to address the request and find an acceptable solution that would allow for a reduced County in-lieu mitigation fee in expanded fuel modification zones within the Santa Monica Mountains. The addition of this policy required the reformatting of the remaining policies within the Section.]

- 10.6 Where any dike or fill development is permitted in wetlands (see Policy 6.10), additional mitigation measures shall, at a minimum, include the acquisition of equivalent areas of equal or greater biological productivity or other reasonable measures required by the County to carry out the provisions of Sections 30607.1, 30233, subdivisions b., c., and d., and 30253, subdivision b., of the Coastal Act.

[Staff Explanation. This policy is a modified version of existing Central Coast Wetlands Policy 2. Amendments were made to cover all wet environments for consistency with Public Resource Code 30233, Diking, Filling or Dredging Continued Movement of Sediment and Nutrients and 30607.1 (Wetlands, dike and fill development; mitigation measures), and 30253b (Minimization of adverse impacts), and to summarize policies under "wet environments" category. After the 2018 Planning Commission hearing, minor edits were made to the text for readability.]

- 10.7 Where development is permitted in wetlands and wet environments, the County shall establish the mitigation measures for those areas under the jurisdiction of the California Department of Fish and Wildlife or U.S. Army Corps of Engineers (e.g., estuary, lagoon, wetlands, riparian/alluvial, or lake habitats) after consultation with the responsible agency(s). Compensatory mitigation ratios for impacts to such habitats shall be no less than the ratio required by the LCP, and the type of mitigation shall be limited to on-site or off-site habitat restoration or establishment.

4.1.3-3. ESHA Programs

The following programs are necessary for, or would contribute to, the successful implementation of the biological resource goals and policies herein. Timelines for the implementation of the following Biological Resource Programs are dependent upon available funding and staff resources at the direction of and with the priorities established by the Board of Supervisors.

[Staff Explanation. After the 2018 Planning Commission Hearing, the text was clarified so that the implementation of such programs is clearly defined.]

ESHA Program 1: ESHA Map Updates

The Planning Division will seek grant funds or other funding to update outdated ESHA maps for the coastal zone that contain data originally developed during the 1980s:

Figure 4.1.3-1 – Environmentally Sensitive Habitats on the North Coast

Figure 4.1.3-3 – Environmentally Sensitive Habitats on the Central Coast.

The updated ESHA maps will be submitted to the Coastal Commission for certification as an LCP amendment approximately five years following certification of the Phase 2C amendments to the LCP. If adequate resources are unavailable to update all maps within a five-year period, then priority shall be given to an update of Figure 4.1.3-1, which contains mapped biological resources within the North Coast subarea. Once certified, the updated maps will be placed in the County's GIS database and made available for use by County staff, biological consultants, and members of the public. In addition, following the completion of the initial ESHA map updates, the Planning Division will periodically (approximately once every 20 years) update its ESHA maps to reflect new information and changes based on site-specific biological surveys prepared for coastal development permits.

ESHA maps will be updated using biological resource information from site-specific maps. If a site-specific ESHA map, prepared in accordance with LCP provisions for an authorized coastal development permit, differs from what is represented on the certified LCP ESHA map(s), then the certified ESHA Map will be revised accordingly. ESHA map updates will also be based on vegetation mapping made available by natural resource agencies or conservation organizations (e.g., vegetation mapping, mountain lion GIS data and other habitat connectivity corridor target species, monarch butterfly overwintering sites, etc.). Also, areas acquired by natural resource agencies or conservation organizations for habitat protection, or areas subject to habitat restoration projects, will be considered for ESHA designation and mapping. In all cases, the updated biological resource maps will be prepared in conformance with all policies or standards of the LCP (e.g., the definition of ESHA, requirements for the delineation of ESHA).

[Staff Explanation. This program requires the Planning Division to seek funding and to hire consultants to prepare updated ESHA maps for the coastal zone. Except for the Santa Monica Mountains map, existing maps are out-of-date and no longer identify all areas defined as ESHA. Up-to-date maps are needed to fully implement the ESHA provisions of the LCP.]

ESHA Program 2: Pre-Application Consultation Service

The Planning Division will develop a voluntary, fee-based program to assist project applicants with the permitting process. The primary purpose of this service is to determine whether the proposed development is designed in conformance with applicable ESHA policies and other provisions of the LCP. If needed, the service can be used to facilitate the development of alternatives that avoid or minimize impacts on ESHA. During a consultation, staff will also describe what type of information is needed for the application

submittal. Project applicants that use this service could reduce time delays and project costs associated with consultant services or ESHA mitigation. The Pre-Application Consultation Service shall be conducted in a manner established by the Planning Director.

ESHA Program 3: Inter-Agency /Jurisdictional Coordination

The Planning Division will coordinate and collaborate with other County agencies/departments County-affiliated agencies, nearby jurisdictions, state agencies, and conservation organizations to protect and enhance sensitive biological resources in the coastal zone through the following actions:

a. **Pesticide Use and ESHA:**

1. The Planning Division will distribute certified LCP policies and provisions related to the use of pesticides and similar toxic chemical substances to the County's Agricultural Commissioner, General Services Agency, RMA/Environmental Health Division, Public Works Department, and other applicable State, County and County-affiliated agencies;
2. The Planning Division will coordinate with the Ventura County Agricultural Commissioner, the California Coastal Commission, the California Department of Pesticide Regulation, City of Malibu, Los Angeles County, and other entities regarding the County's Pesticide Management in Santa Monica Mountains (CAP Section 4.1.3-2, Policy 8.2) and, if a regional approach with best practices is developed, the Planning Division will return to the Board of Supervisors for implementation direction, which may include an additional LCP amendment.

[Staff Explanation. After the 2021 Planning Commission hearing, Planning staff conferred with the City of Malibu, the County's Agricultural Commissioner, California Department of Pesticide Regulation, and the California Coastal Commission on an implementation structure associated with the recently certified Malibu LCP pesticide policy. There is no implementing zoning ordinance framework that has been developed for the certified policy and it is unclear at this time how the policy would be implemented. Therefore, the County is proposing a program which would allow Planning staff to collaborate with these entities on implementing the pesticide regulation set forth in ESHA Policy 8.2, above.

- b. **Threatened/Endangered Species:** Continue to participate with federal, state, and county natural resource agencies, and other applicable stakeholders, to address the management of threatened and endangered species in the coastal zone;
- c. **Mugu Lagoon/Tributaries:** Continue to support Naval Base Ventura County, Watershed Coalition of Ventura County (WCVC), and other partnerships to maintain and enhance the ecological productivity and integrity of Mugu Lagoon/Estuary and its tributaries, including its marine mammal populations, through watershed planning and joint federal-state plans in a manner consistent with the LCP and national security; and
- d. **Ecosystem Improvements:** Continue to support the efforts of natural resource agencies and conservation organizations to improve water quality, coastal ecosystems,

and enhancements to natural areas through the restoration of watercourses, riparian corridors, wetlands and open space areas.

- e. **Sea Level Rise Adaptation Strategies for ESHA:** Participate and encourage efforts to implement recommended interjurisdiction sea level rise adaptation planning strategies for sensitive habitats and vulnerable species. These planning efforts will help to prioritize conservation resources, as well as develop management actions triggered by definitive changes in sea level rise, human use, and other climate change hazards.

[Staff Explanation. Following the 2018 Planning Commission hearing, the text above was modified to address changes in terminology used in Policies 8.1 and 8.2, and the Agricultural Commissioner was added to the list of County agencies that will receive the certified LCP. In addition, program (e) was added to address sea level adaptation strategies for sensitive habitats and vulnerable species based upon comments received prior to the August 19, 2021 hearing (Exhibit 18- Comment letter L).]

ESHA Program 4: Public Information

The Planning Division will prepare and make available to the public the following informational materials:

- a. **Notification Regarding Pesticide Use in ESHA:** The Planning Division in coordination with the County Agricultural Commissioner shall notify residents in the Santa Monica Mountains, local pesticide companies, and all other stakeholders to educate the public about the value of minimizing the use of pesticides in the ESHA ecosystem and explain the ESHA pesticide provisions that are applicable to land uses in the Santa Monica Mountains. Such public information will also be distributed through social media, at the public counter, and through the Planning Division and the Agricultural Commissioner websites.

[Staff Explanation. After the 2021 Planning Commission hearing, Planning staff conferred with the City of Malibu and revised the program above to align with their implementation and community outreach efforts associated with their recently certified Coastal Land Use Plan pesticide policy.]

- b. **Landscape Materials:** A list of plants that can be used in a fuel modification zone that is within or adjacent to one of the following: (a) an ESHA or a buffer zone, or (b) the Santa Monica Mountains (M) overlay zone. The plant list will include fire-resistant, drought-tolerant native trees and landscaping. This information will be made available through the Planning Division website.
- c. **Brochure for Development in the Santa Monica Mountains:** Prepare an informational brochure that summarizes the type and extent of biological resources in this area. The brochure will include a summary of the County's permitting requirements for the removal of vegetation classified as ESHA. Also, it will include a description and illustrations that depict the County's fuel modification regulations in the coastal zone when fuel modification occurs in ESHA or a buffer zone.
- d. **Fuel Modification and ESHA in the Santa Monica Mountains:** Prepare an informational brochure for project applicants that compares fire protection effectiveness and the long-term economic and environmental trade-offs between using fire safe site

development techniques and building design measures versus expanding the 100-foot mandatory fuel modification zone in ESHA to larger widths. This program would be dependent upon available funding or grant opportunities.

[Staff Explanation. Program (d) was modified after the 2018 Planning Commission hearing to help applicants lower required mitigation fees associated with the development (including expanded fuel modification zones) by providing materials that compare the cost, ecological impacts, and effectiveness of various approaches (fire safe building and site design, fire safe home retrofits, expanded fuel modification zones, etc.) for protecting life and property from wildfires. After the 2021 Planning Commission hearing, the heading for program (c) was modified for clarity.]

ESHA Program 5: County-Sponsored In-Lieu Fee Program

The In-Lieu Fee Program allows an applicant to pay a fee to the County's Coastal Habitat Impact Fund to meet compensatory mitigation requirements for impacts to coastal sage scrub and chaparral habitats (CSS/chaparral) classified as ESHA in the Santa Monica Mountains (see Coastal Zoning Ordinance, Sec. 8178-2.10.8(d) – County-Sponsored In-Lieu Fee Program). All accumulated fees in the Coastal Habitat Impact Fund will be transferred to a third-party provider to purchase and preserve CSS/chaparral habitats in the Santa Monica Mountains. During the first five years of the program, an interim fee of \$28,603 per acre (full ESHA compensation) and \$7,197 (thinned ESHA) in an expanded fuel modification zone, will be used for each acre of conservation land purchased through the Coastal Impact Fund (fees shall be increased annually based on the regional Consumer Price Index). During that same period, the RMA/Planning Division will either independently conduct an in-lieu fee study, utilize the Habitat Fee Study completed by Los Angeles County, or utilize a fee as determined by the California Coastal Commission. The selected permanent fee for impacts to CSS/chaparral habitats shall be included in an LCP amendment. Also, the Planning Division may evaluate the potential expansion of the In-Lieu Fee Program to include impacts to CSS/chaparral habitats throughout the coastal zone.

[Staff Explanation. Following the 2018 Planning Commission hearing, the text above was added to address the Planning Commission's directive to revisit the fairness and appropriateness of mitigation fees for property owners who thin ESHA beyond 100 feet for fire protection. Planning Division staff worked closely with the Ventura County Fire Protection District and the California Coastal Commission to address the request and find an acceptable solution that would allow for a reduced County in-Lieu mitigation fee within expanded fuel modification zones within the Santa Monica Mountains. In addition, due to the amount of time that has passed, it is very likely that Ventura County can use the Los Angeles County fee study that was done for their ESHA program. Therefore, the text was modified to address this possibility.]

The RMA/Planning Division will be responsible for the following administrative functions of the in-lieu fee program:

5.1 Administrative Functions: In accordance with the in-lieu fee program requirements in Sec. 8178-2.10.8(d) of the Coastal Zoning Ordinance, the Planning

Division shall conduct the following activities necessary to establish and maintain the administrative functions for the County's in-lieu fee program:

- a. **Coastal Habitat Impact Fund** - Establish a dedicated fund, called a Coastal Habitat Impact Fund, that will be used solely for compensatory mitigation for impacts to CSS/chaparral habitats. A maximum of five percent (5%) of the funds in the Coastal Habitat Impact Fund will be used to cover administrative costs for the in-lieu fee program. (Administrative funds will be split between the Planning Division and the third-party provider to cover the program's administrative costs). Funds from the Coastal Habitat Impact Fund will be periodically transferred to a County-approved third-party provider for the acquisition and preservation of land in the Santa Monica Mountains.
- b. **Agreements with Third-Party Providers** - Select and develop formal agreements with one or more third-party providers that will be responsible for the acquisition, preservation and management of conservation land purchased through the Coastal Impact Fund. Agreements with third-party providers shall be subject to approval by the Resource Management Agency Director. Third-party providers must be a natural resource agency or County-approved conservation organization with the necessary track record, qualified personnel, and organizational/fiscal capacity to perform the responsibilities for the in-lieu fee program and to conduct long-term management of preserved properties (see Coastal Zoning Ordinance Section 8178-2.10.8).

[Staff Explanation. Additional text added after the 2018 Planning Commission hearing for subsection (b) above in response to testimony at the hearing. The modifications clarify how third-part providers will be selected for the in-lieu fee program.]

- c. **Administrative Procedures/Records** - Establish and maintain ongoing administrative procedures and records for the in-lieu fee program, which include the following:
 - Records that summarize ESHA impacts mitigated through the in-lieu fee program (e.g., acreage, habitat classifications); state the amount of in-lieu fees collected, fees forwarded to third-party providers, and cumulative fees held in the Coastal Habitat Impact Fund; and describe acquisitions made through in-lieu fees (locations, acreage, and habitat composition).
 - Coordinate the selection and management of third-party providers;
 - Document acquisitions made by the selected third-party providers;
 - On an annual basis, process inflation-based adjustments to the in-lieu fee using the regional Consumer Price Index that captures changes to land acquisition and preservation costs.
 - Interim Fee: The County shall prepare an annual monitoring report that contains the following: (1) cumulative acreage of CSS/chaparral habitats impact that was mitigated using the interim fee; (2) amount of funds collected in the Coastal Habitat Impact Fund from the interim fee; and (3)

acreage purchased by County-approved conservation organizations or natural resource agencies using funds from the Coastal Habitat Impact Fund.

[Staff Explanation. After the 2018 Planning Commission hearing, the section above (Interim Fee) was moved from the CZO to this program, as it addresses a detailed administrative function that is more appropriate in this location. In addition, minor edits were made for readability and clarity.]

- d. **Timing** - Administrative functions for the County's in-lieu fee program will be established following certification of the Phase 2C LCP amendments, and the in-lieu fee will be made available to project applicants once the County's administrative functions are in place.

5.2 In-Lieu Fee Study: The Planning Division will either independently conduct an in-lieu fee study or utilize the Habitat Fee Study completed by Los Angeles County, or utilize a fee as determined by the California Coastal Commission, to determine adjustments for the in-lieu fees based on an assessment of the costs associated with providing proportional, compensatory mitigation for impacts to CSS/Chaparral habitats in the Santa Monica Mountains. The Planning Division also will determine whether the fee study and in-lieu fee program should be extended to include impacts to CSS/Chaparral habitats throughout the Ventura County coastal zone. The in-lieu fee study will include an assessment of the following factors:

- Cost of acquiring land in fee or preserving land pursuant to a conservation easement;
- Transaction costs (surveys, appraisals, title research, etc.);
- Preparation of baseline condition reports for the mitigation site;
- Escrow costs and title insurance; and
- Administrative costs (County, third-party provider).

The in-lieu fee shall be applied to the acreage required as mitigation for development in ESHA, in accordance with CZO Sec. 8178-2.10.6 – Compensatory Mitigation Ratios and the fee shall provide adequate funding to conduct the activities listed above.

5.3 LCP Amendment: The results of the in-lieu fee study, and any related amendments to the Ventura County LCP for the County-sponsored in-lieu fee program, shall be submitted to the Coastal Commission for certification no later than five years after certification of the ESHA (Phase 2C) LCP amendments. If additional time beyond the five years is necessary to complete the local adoption of the LCP Amendment prior to submission to the Coastal Commission, the County Planning Director shall prepare a status report on the progress made on the LCP Amendment including the anticipated completion schedule and transmit the status report to the Board of Supervisors and the Coastal Commission Executive Director.

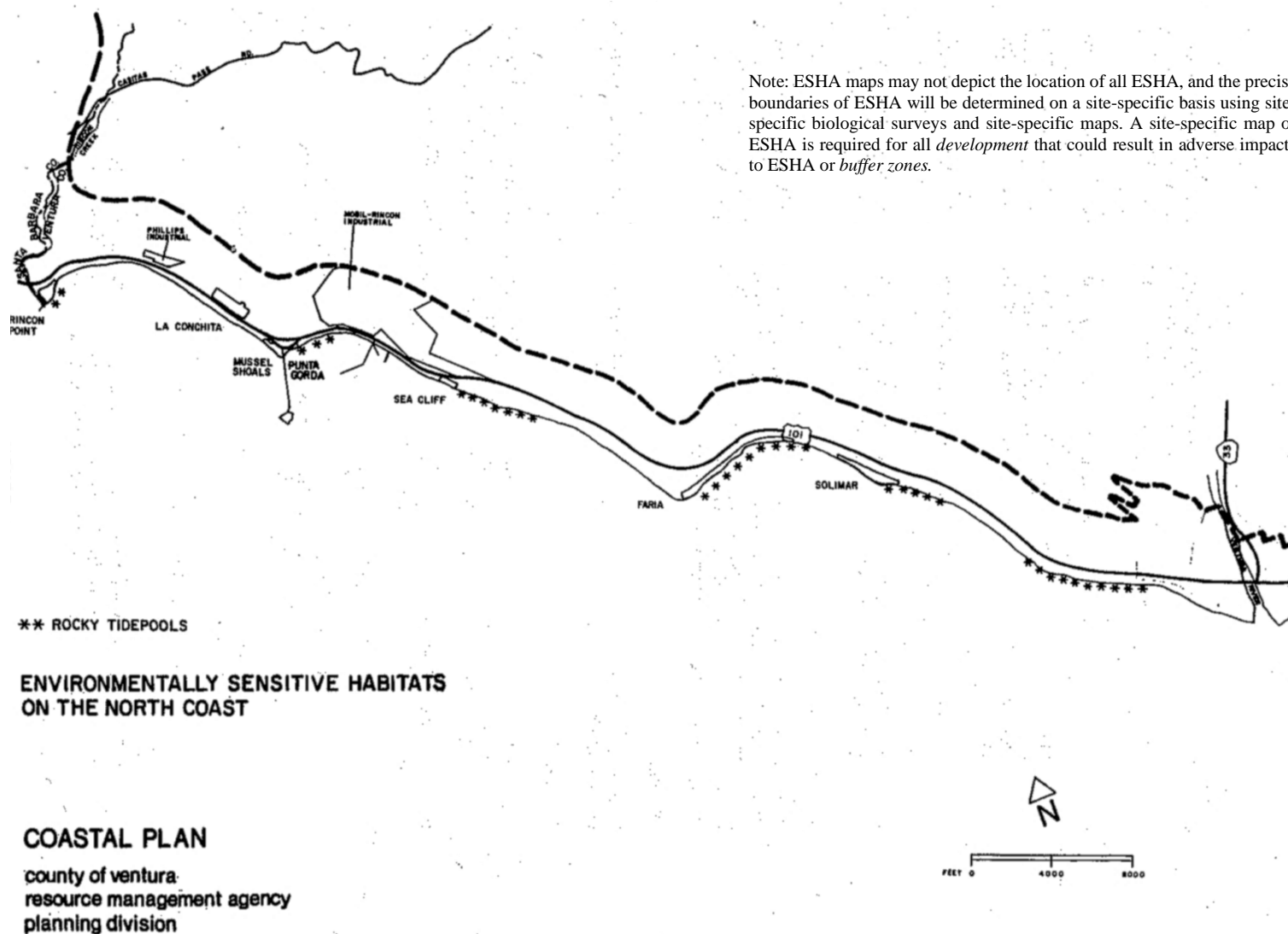
See Coastal Zoning Ordinance, Sec. 8178-2.10.8(d) for a description of the County-sponsored in-lieu fee program.

[Staff Explanation. Item 5.1 outlines the responsibilities of the RMA/Planning Division to establish and maintain administrative functions for the in-lieu fee program, which will be limited

to mitigation for impacts to coastal sage scrub and chaparral (CSS/Chaparral) in the Santa Monica Mountains for the first five-year period. Items 5.2 and 5.3 contain the activities needed to establish a permanent in-lieu fee program. As described in CZO Sec. 1878-2.10.8(d), the County's in-lieu fee will be introduced in a two-step process. The basic program functions for the Santa Monica Mountains will be established in the first phase, and the County will initially use interim in-lieu fees that are based on the fees used by Los Angeles County for its (interim) in-lieu fee program.

After the 2018 Planning Commission hearing, the text was modified to use the fee study prepared by Los Angeles County, or a fee developed by the Coastal Commission rather than conduct a new fee study and a fair and reasonable reduced mitigation fee for extended fuel modification zones was incorporated into the in-lieu fee program. In addition, the text was amended to provide flexibility in the anticipated 5-year implementation schedule to address unforeseen events that could result in a delay and the fee study removed consideration for the stewardship and monitoring fees associated with the required conservation easements placed on the mitigation properties once purchased.]

Figure 4.1.3-1 - Environmentally Sensitive Habitat Areas (ESHA) on the North Coast



ENVIRONMENTALLY SENSITIVE HABITATS ON THE CENTRAL COAST

COASTAL PLAN

LEGEND:

- STATE PRESERVE
- COASTAL DUNES
- WETLANDS

Map Labels:

- VENTURA HARBOR
- 101
- 1
- STATE PRESERVE
- COASTAL DUNES
- WETLANDS
- HOLLYWOOD BEACH
- CHANNEL ISLANDS HARBOR
- SILVER STRAND
- PORT PUERMEQUE HARBOR
- SEE DETAIL "A" ON FIG. 20
- SEE DETAIL "B" ON FIG. 20
- DUPLICATE

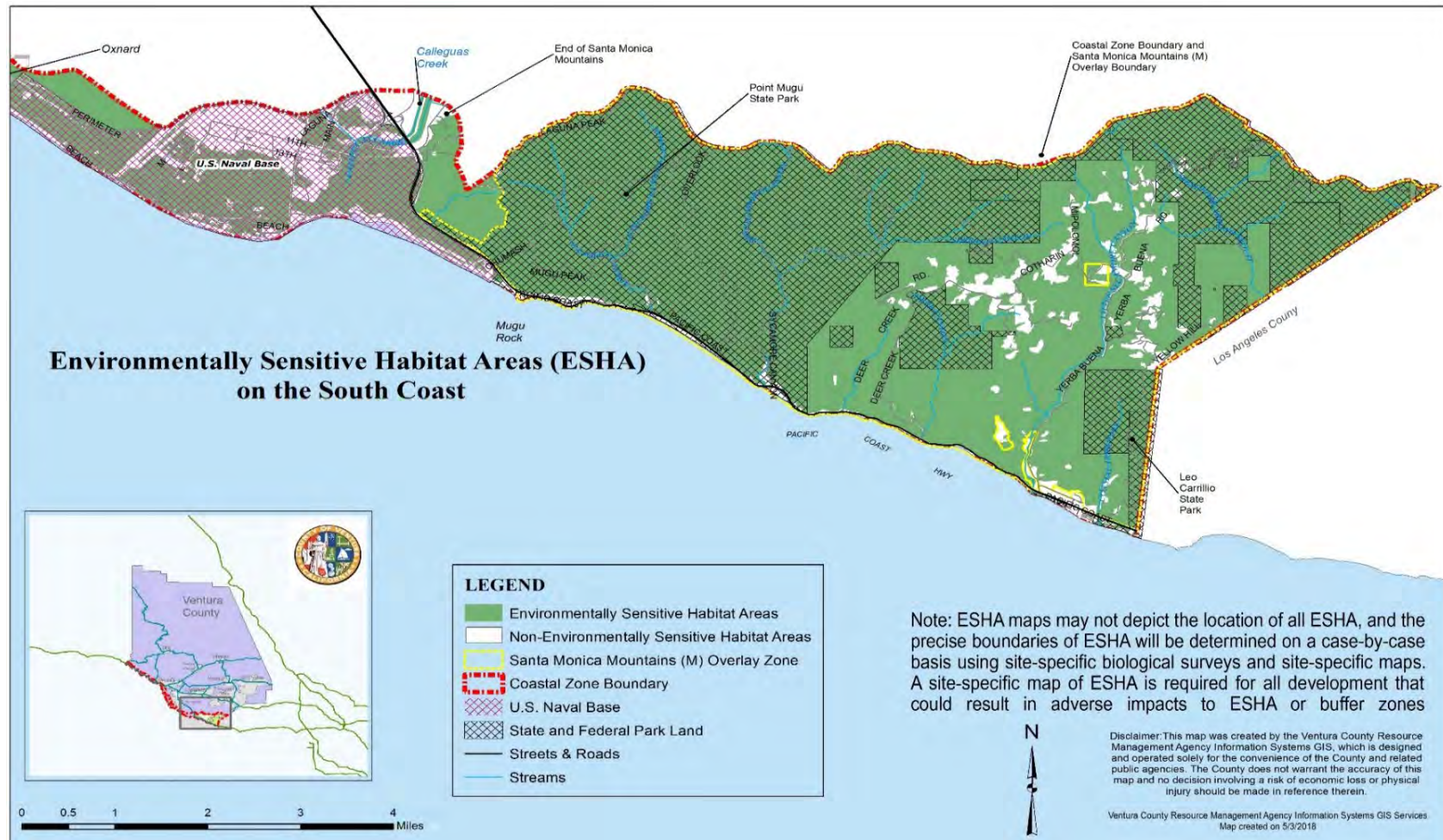
Scale: 0 6000 12000 FEET

North Arrow

COASTAL PLAN

Note: ESHA maps may not depict the location of all ESHA, and the precise boundaries of ESHA will be determined on a site-specific basis using site-specific biological surveys and site-specific maps. A site-specific map of ESHA is required for all *development* that could result in adverse impacts to ESHA or *buffer zones*.

Figure 4.1.3-3 Environmentally Sensitive Habitat Areas (ESHA) on the South Coast



Chapter 4, Goals Policies and Programs, Section 4.1.5 - Tree Protection, of the Ventura County Coastal Area Plan is hereby amended to read as follows:

4.1.5 Tree Protection

Trees are an important component of coastal biological *habitats*. *Trees* also contribute to the visual beauty of coastal areas, serve as windscreens to reduce erosion within *agricultural* areas, and provide historic landmarks that recall important eras or events in Ventura County's history. *Trees* are part of our living heritage and provide multiple benefits. They can sooth and relax us and help us connect to nature and our surroundings. They provide color, flowers, fruit, and interesting shapes and visual forms. They also play a crucial role in life. *Trees* absorb carbon dioxide and release oxygen, provide a canopy and *habitat* for wildlife, and reduce *runoff* and erosion. *Trees* increase real property values by preserving and enhancing the aesthetic qualities of residential or commercial areas. They screen unattractive views and provide shade that breaks up urban "heat islands" and glare. Flowering *trees* announce the arrival of different seasons or help define the character of a particular residential area.

The multiple benefits provided by *trees* are lost when unnecessary *tree removal* takes place or when we fail to plant new replacement *trees*. For example, *tree* reductions can result in an increase in carbon dioxide release. As *tree* coverage declines and impervious surfaces increases, average temperatures rise. Taken together, the loss of *trees* in Ventura County can influence global warming and extreme weather events.

Conversely, *invasive or invasive watch list species trees* displace *native vegetation* thus reducing native wildlife *habitat* and altering *ecosystem* processes. *Invasive or invasive watch list species trees* owe their success by being able to tolerate a variety of adverse *habitat* conditions, reproduce via multiple pathways, release chemicals that inhibit the growth or kill surrounding native plants, and outcompete native plants for water and sunlight. Only in instances where an *invasive or invasive watch list species tree* is historic, provides a butterfly, *colonial bird roosting* or *raptor* nesting site and/or provides *habitat* for other sensitive wildlife species, would it require protection.

Goals and policies within the CAP are designed to retain the important functions of *trees* and avoid adverse effects that result from *tree removal*, certain types of *tree alteration*, and the planting of *invasive or invasive watch list species trees*. More specifically, policies within the CAP identify when existing *trees* must be preserved and when *tree removal* or alteration must be mitigated through the planting of replacement *trees* or through another form of mitigation.

[Staff Explanation. After the 2018 Planning Commission hearing, the term "invasive watch list plant species" was added to be consistent with the recently adopted 2021 Non-Coastal Zone landscaping requirements since invasive species are a County and Statewide issue of concern. Invasive watch list species are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future within California.]

Tree Protection Goal 1

Protect *trees* that function as important biological, watershed, visual and *historic resources* within coastal areas of Ventura County.

Policies

All Trees

1. With the exception of *emergency tree removal*, the *alteration* or *removal* of any tree in the *coastal zone* shall not be conducted during the following times: a) a designated Western Monarch Overwintering Period (i.e., October through March), where the subject tree is part of suitable monarch overwintering habitat¹, unless two protocol level roost surveys are conducted to ensure the tree removal will not adversely impact a roost site; or b) the bird breeding and nesting season (i.e. January 1 through September 15); ~~unless~~ If the County receives a bird survey prepared by a *qualified biologist* or *ornithologist* indicating that no breeding or nesting birds were found within the *tree* to be *altered* or *removed*, that no *raptor* breeding or nesting activities are present within 500 feet of the subject *tree*, and that no breeding or nesting behaviors are present within 300 feet of the subject *tree* for all other types of birds, then alteration or removal of the subject tree(s) may be conducted. Notwithstanding the foregoing, any evidence that the tree(s) are used by nesting raptors or function as a colonial roost/nesting site is discovered or known, then the tree may only be removed or altered pursuant to Policies 4.1.5.3 and 4.1.5.4 below.

[Staff Explanation. After the 2018 Planning Commission hearing the text for the policy was clarified that trees that support special status species year after year may not be removed or altered without meeting the requirements associated with ESHA tree removal.]

Protected Trees

2. The following types of *trees* shall be classified as *protected trees* when located within the *coastal zone* of Ventura County:
 - *Trees* that contribute to the function and *habitat* value of an *Environmentally Sensitive Habitat Area* (referred to as *ESHA*);
 - *Native trees*;
 - *Historical trees*; and
 - *Heritage trees*.

Unless a *tree* is classified as one of the groups listed above, *non-native trees* shall not be classified as a *protected tree*.
3. The *removal* of a *protected tree* that is *ESHA*, or *tree alteration* that damages *ESHA*, shall be prohibited except where:
 - a. The *tree* poses an imminent hazard to life, health, existing *structures*, or essential public services and where approved through an Emergency Permit; or
 - b. *Removal* or *alteration* of the *tree* is necessary to allow for a principal use or structure, and its associated *fuel modification*, where no feasible alternative exists

Footnotes:

¹ Suitable monarch butterfly habitat includes clustered trees that provide protection from winds, it also includes the surrounding trees that maintain the *microclimate* of the grove. Other factors of suitable monarch overwintering habitat include nearby water and fall/winter nectar sources.

to provide an ~~E~~conomically ~~B~~eneficial ~~U~~se of the property, as evidenced by the *alternatives analysis*; or

- c. *Removal or alteration of the tree is a necessary component of an approved habitat restoration plan.*

[Staff Explanation. After the 2018 Planning Commission hearing the text for the policy was revised to correct capitalization of the term economically beneficial use.]

4. For *protected trees* not classified as *ESHA*, new *development* shall be sited and designed to avoid the *removal* of the *protected tree* or *alteration* that damages a *protected tree*. If there is no *feasible* project alternative that avoids such impacts to *protected trees*, then the project alternative shall be selected that would minimize damage to *protected trees* in the following order of priority: *native trees*, *historical trees*, and *heritage trees*. *Protected tree removal or alteration* shall be undertaken in the following manner:
 - i. *Principal Permitted Use/Structure*. *Protected tree removal or damage* may be permitted where no *feasible* alternative exists to provide an ~~E~~conomically ~~B~~eneficial ~~U~~se of the property, as evidenced by the *alternatives analysis*; and
 - ii. *Accessory Uses/Structures*: With the exception of *non-native heritage trees*, removal of a *protected tree* shall be prohibited to increase the footprint of an existing *use/structure* or the placement of a new *use/structure* not previously approved with the original discretionary permit. Any approved *development* (e.g. paving, *fence posts*), including grading or excavation, that *encroaches* into the *tree's protected zone* shall be the minimum necessary to provide *access*, utility service, security, or privacy to the property.

[Staff Explanation. After the 2018 Planning Commission hearing the text for the policy was revised to correct capitalization of the term economically beneficial use.]

5. *Fire Clearance*: With the exception of *non-native heritage trees*, new *development* shall be located and designed to minimize fire clearance and *fuel modification* maintenance that requires the *removal* of a *protected tree*, or *alterations/protected zone encroachments* that damage a *protected tree*. New accessory *buildings* or *uses* that extend fire clearance and *fuel modification* maintenance in a manner that requires the *removal* of a *protected tree* shall be prohibited.
6. *Pruning*: Pruning of a *protected tree* may be conducted in accordance with the Tree Ordinance Appendix T-1, provided that such actions are taken to protect public safety, maintain *access*, or maintain the health of the *tree*. Pruning of *ESHA trees* identified as *monarch butterfly roost sites* shall be prohibited within the overwintering season (October through March).
7. *Mitigation Measures*: When new *development* will result in the loss or degraded health of a *protected tree*, mitigation measures shall be required that include (but are not limited to) the planting of replacement *native trees* in the following manner:
 - a. Replacement *tree* planting shall occur within suitable, onsite areas at ratios that ensure success of the planted species; ~~and~~
 - b. A monitoring program shall be implemented to ensure the successful *establishment* of replacement *trees*; and

- c. Mitigation measures for protected trees classified as ESHA shall be developed in accordance with ESHA Mitigation Policies 10.1 - 10.76 (see section 4.1.3 - Environmentally sensitive habitat areas (ESHA)).

Offsite mitigation, or contribution to an established *in-lieu fee* program, may be permitted when on-site mitigation is not *feasible*.

[Staff Explanation. Minor revisions are proposed to the existing policies for tree protection because this section regulates trees defined as ESHA. After the 2018 Planning Commission hearing corrections to cross-referenced policies were corrected.]

8. Discretionary *development* shall be conditioned to ensure *tree* protection during construction, including but not limited to measures such as protective fencing, flagging, use of hand tools, and biological monitors to avoid damage to the *protected zone* of *protected trees*.

Non-Native Invasive and Watch List Trees

9. The planting of *invasive and watch list species trees* shall be prohibited.
10. During the discretionary *development* process, encourage the removal of existing, *non-native invasive or watch list species trees* except when such *trees* are classified as a *protected tree*.

[Staff Explanation. After the 2018 Planning Commission hearing, invasive watch list species were added to the restrictions associated with invasive species to provide the County with consistent landscape policies across the Coastal and Non-Coastal Zone.]

Tree Protection Programs

1. Prepare regulations within the CZO that implement *tree* protection provisions for offsite mitigation and *in-lieu fees* to ensure compensatory *native tree* mitigation on a project-by-project basis. Implementation standards shall be treated as an LCP amendment and shall be subject to the approval of the Coastal Commission.
2. Periodically review and update existing regulations or standards related to *protected trees* in order to bring them into alignment with new advances in *tree* protection and management, pursuant to a LCP amendment.

Chapter 4, Goals Policies and Programs, Section 4.1.7 - Visual Resources, of the Ventura County Coastal Area Plan is hereby amended to read as follows:

4.1.7 Visual Resources

The Ventura County *coastal zone* contains *scenic resources* of regional and national importance.

Visual Resource Goal 1

Maintain and enhance the County's scenic and visual resources for the current and future enjoyment of its residents and visitors.

Policies

Signs:

1. *Signs* shall be designed and located to minimize impacts to *scenic resources*, including views to and along the ocean and other scenic coastal areas.
2. *Signs* shall be visually compatible with surrounding areas.
3. Off-site commercial advertising signs are prohibited.

Wireless Communication Facilities:

- ~~4~~4. *Wireless communication facilities* shall be sited and designed to minimize alteration of natural land forms and to blend with the surrounding area in a manner that is consistent with community character, the natural environment, and existing *development*.
- ~~2~~5. *Wireless communication facilities* shall be sited and designed to protect views from *public viewing areas* to the ocean or to *scenic resources*.
- ~~3~~6. *Wireless communication facilities* – including accessory equipment, lighting, utility lines, security measures and *access roads* – shall be sited and designed to minimize adverse impacts on *public access*, *ESHA* and *ESHA buffer zones*.

Santa Monica Mountains Coastal Development:

- ~~4~~7. *New development* shall be sited and designed to protect public views to and from the shoreline and *public recreational areas*. Where *feasible*, *development* on sloped terrain shall be set below road *grade*.
- ~~2~~8. *Development* shall not be sited on *ridgelines* or hilltops when alternative sites on the *parcel* are available and shall not be sited on the crest of major *ridgelines*.

[Staff Explanation. Existing visual and scenic resource policies for the Santa Monica Mountains were moved from the South Coast Subarea section to Section 4.1.7 – Visual Resources. No changes are proposed to the existing policies, moving Policies 7 and 8 to this location means they apply to the entire coastal zone, not just the Santa Monica Mountains. The heading of this section was edited after the 2018 Planning Commission hearing for clarity and formatting errors were corrected.]

Outdoor Lighting in the Santa Monica Mountains:

9. *Development, outdoor festivals, and outdoor sporting events shall be sited and designed to avoid light encroachment outside the building site and to minimize outdoor lighting in the Santa Monica Mountains (M) Overlay Zone to reduce skyglow and light pollution to preserve the night sky.*

[Staff Explanation. After the 2018 Planning Commission hearing, a policy was added to meet the 2016 Board Directive for creating Dark Sky lighting standards and policy for the Santa Monica Mountains overlay zone.]

Chapter 4, Goals Policies and Programs, Section 4.1.8 - Water Efficient Landscaping, of the Ventura County Coastal Area Plan is hereby amended to read as follows:

4.1.8 Water Efficient Landscaping

Water Efficient Landscaping Goal 1

Require landscape design, installation, maintenance and management to be water efficient.

Policies

1. Landscaping shall be sited and designed to protect *coastal resources*, including *environmentally sensitive habitat areas (ESHA)*, *scenic resources*, water quality, and water supply.
2. Landscaping shall be used to screen views of utilities, *trash enclosures*, large blank walls or *building facades*, and parking areas as seen from *public viewing areas*. Screening shall not be used as a substitute for project alternatives such as re-siting or reducing *height* or bulk of *structures*.
3. Residential projects that include a model home(s) shall provide at least one model home with landscaping and irrigation that demonstrates the principles of water conservation.
4. Landscaping *adjacent* to *ESHA*, designated open space and parkland areas shall preserve, protect and, where *feasible*, enhance such areas.
5. Landscape design shall be compatible with the character of the surrounding rural, urban, and environmental setting. Compatibility shall be established by minimizing landform alterations and by utilizing new vegetation that is similar in type, size and scale to the surrounding environment.
6. Landscaping visible from *public viewing areas*, including eligible or designated *scenic highways* shall not obstruct public views of *scenic resources* and shall not detract from the area's scenic value.
7. Landscaping shall not encroach or block *coastal access* or *access* to roads, water supplies, or *emergency* facilities.
8. When a *landscape plan* is required for a discretionary project, the plant palette shall be limited to native, drought-tolerant vegetation except as follows:
 - Non-native, non-*invasive*, or non-invasive watch list species vegetation may be used when located within the approved *building envelope*.
 - Drought tolerant and *fire-resistant non-native plants*, as approved by the Ventura County Fire Protection District, may be used in the *fuel modification zone*, except when the *fuel modification zone* is within an *ESHA buffer zone*.

- When located in areas not conducive to native plant establishment.
9. Irrigation for landscaping shall incorporate water conservation measures such as low water usage plumbing fixtures, emitters, *micro-spray*, and other measures designed to reduce water usage. No permanent irrigation systems are permitted in the fuel modification overlap zone in ESHA or buffer zone, except when within 50 feet of a legally established habitable structure within a mandatory fuel modification zone.
 10. When a *landscape plan* is required for a discretionary project, no *invasive or invasive watch list plant* shall be included in the *landscape plan*.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to allow residents to irrigate around habitable structures within the building site regardless of whether it was in an ESHA buffer or not in high fire hazard areas. A minor modification to correct the use of the term "buffer zone" for consistency and watch list species was added to the prohibition on invasive plants because they are plants that have been determined by the California Invasive Plant Council to have a high risk of becoming invasive in the future in California. This category of invasive species has also been prohibited in landscaping within the Non-Coastal Zoning Ordinance which was just passed after the Planning Commission hearing and therefore the edit was made for consistency across regulations. Also, the term invasive watch list species was added to the restrictions associated with invasive species to provide the County with consistent landscape policies across the Coastal and Non-Coastal Zone.]

11. Temporary vegetation, seeding, *mulching*, or other suitable stabilization methods shall be used to protect soils subject to erosion that were disturbed during grading or *development*. Any plants or seeds used in these stabilization efforts shall be non-invasive or non-invasive watch list plant species.
12. Projects that include large areas of landscaping, such as maintained parks, shall use recycled/*reclaimed water* for irrigation when such systems are available.
13. In order to protect the *scenic resources* in the *coastal zone*, landscaping, when mature, shall not impede public views of *scenic resources*. Existing natural features shall remain undisturbed to the maximum extent *feasible*.

[Staff Explanation. After the 2018 Planning Commission hearing, the term invasive watch list species was added to the restrictions associated with invasive species to provide the County with consistent landscape policies across the Coastal and Non-Coastal Zone.]

Chapter 4, Goals Policies and Programs, Section 4.2.9 - Environmentally Sensitive Habitats (ESHA), of the Ventura County Coastal Area Plan is hereby deleted in its entirety.

~~4.2.9 Environmentally Sensitive Habitats (ESHA)~~

~~A. Tidepools and Beaches~~

~~Tidepools occur at Faria, Mussel Shoals, Seacliff and Emma Wood State Beach (Figure 4.2-4). Subtidal rock outcrops provide anchorage for kelp, which in turn provides *habitat* for a multitude of organisms. Intertidal and subtidal diversity creates feeding *habitat* for a variety of water birds. The sandy beach *adjacent* to the rocky areas serves as resting *habitat* for shorebirds, and is important for shellfish and as grunion spawning grounds.~~

~~Tidepools and Beaches Goal 1~~

~~The protection of tidepools.~~

~~Policies~~

- ~~1. Shoreline interpretive programs will be coordinated by all appropriate agencies for existing recreation sites, including Hobson and Faria County Parks, and Emma Wood State Beach. Coastal ecology should be included into interpretive programs as they are developed for new State recreation areas and parks.~~

[Staff Explanation. North coast Tidepools and Beaches Policy 1 is being amended and restated as ESHA Policy 6.7.]

- ~~2. Provisions will be made for the proper disposal of recreation generated wastewater effluent and solid waste at public sites along the North Coast. County Service Area (CSA) 29 will help provide an acceptable wastewater disposal system for portions of the North Coast.~~

[Staff Explanation. Wastewater effluent disposal for recreational uses were previously addressed along the North Coast. Additionally, wastewater disposal systems for the North Coast were developed for all communities except La Conchita. Finally, North coast Tidepools and Beaches Policy 2 is generally addressed in ESHA Policy 5.7, as well as related development standards in the CZO for new development.]

- ~~3. Shoreline protection *structures*, such as revetments, seawalls, groins, or breakwaters, are allowed when they are necessary to protect existing *developments*, coastal-dependent land *uses*, and public beaches. Any *structures* built under these conditions will incorporate mitigation measures that reduce intertidal or nearshore *habitat* losses and impacts on local shoreline and sand supply.~~

[Staff Explanation. North coast Tidepools and Beaches Policy 3 is being retained as ESHA Policy 6.8.]

- ~~4. Placement of any *fill* or dredged material along the North Coast beach intertidal area shall be carried out in consultation with the State Department of Fish and Game, in order to ensure that the timing and location of such activities does not disrupt the life cycles of intertidal or sandy beach species.~~

[Staff Explanation. North coast Tidepools and Beaches Policy 4 is being amended and restated as ESHA Policy 6.9. Amended Policy 4 omits reference to north coast so that the policy applies throughout the coastal zone and corrects reference to California Department of Fish and Game to Fish and Wildlife. The original name no longer reflected the department's mission to manage California's diverse fish, wildlife and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.]

5. ~~An applicant for any coastal project, including shoreline protective devices, will show that their proposal will not cause long-term adverse impacts on beach or intertidal areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated waste water or oil, and runoff from streets and parking areas. Findings to be made will include, but not be limited to, proper waste water disposal.~~

[Staff Explanation. North coast Tidepools and Beaches Policy 5 is being retained and restated with minor clarifications as ESHA Policy 6.9.]

6. ~~Policies 2 through 5 are also applicable to projects involving alterations to existing shoreline protection structures.~~

[Staff Explanation. North coast Tidepools and Beaches Policy 6 is addressed in ESHA Policy 6.8 and 6.9.]

7. ~~The adopted State "Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats" will be used when analyzing any projects that may impact or alter tidepools.~~

[Staff Explanation: North coast Tidepools and Beaches Policy 7 is being amended and restated as ESHA Policy 6.9 and 10.3.]

B. Creek Corridors

~~Rincon Creek is the only perennial riparian corridor on the North Coast (Figure 4.2-2). However, other stream or creek corridors are considered to be watercourses, either perennial or intermittent, as shown on USGS quadrangle maps, as measured between the high water mark, or the break in each bank. Maintenance of native vegetation will help diffuse floods and runoff, minimize soil erosion, and retard sedimentation.~~

Creek Corridors Goal 1

~~To maintain creek corridors in as natural a state as possible while still accommodating the needs of public health and safety.~~

Policies

1. ~~All projects on land either in a stream or creek corridor or within 100 feet of such corridor (buffer area), shall be sited and designed to prevent impacts which would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.~~

[Staff Explanation. North coast Creek Corridors Policy 1 is being amended and covered by ESHA Policy 6.10 and 6.11, which has updated the policy to meet current standards (evaluate within 500 feet rather than 100 feet) and summarized duplicative policies into one. ESHA Policy 5.11 is consistent with Public Resources Code 30231 Biological

productivity, water quality and the preservation of a buffer of natural vegetation to protect riparian habitats and minimizing alteration of natural streams.]

- ~~2. Substantial alterations (channelizations, dams, etc.) to river, stream, or creek corridors are limited to:~~
 - ~~a. necessary water supply projects;~~
 - ~~b. flood control projects where no other method for protecting existing structures in the flood plan is feasible, and where such protection is necessary for public safety or to protect existing development; or~~
 - ~~c. developments where the primary function is the improvement of fish and wildlife habitat.~~

[Staff Explanation. North coast Creek Corridors Policy 2 is being amended and restated as ESHA Policy 6.12. It is consistent with Public Resources Code 30236 Water Supply and Flood Control.]

- ~~3. Projects allowed per the above policies will incorporate the best mitigation measures feasible.~~

[Staff Explanation. North coast Creek Corridors Policy 3 is retained and modified in ESHA Policies 6.10-6.12 and includes numerous other biological resource protection policies for streams, and creeks, and other coastal resources.]

- ~~4. Criteria set forth in the adopted Coastal Commission's "Statewide Interpretive Guidelines for Wetlands and Other Environmentally Sensitive Wet Habitats" will be used in evaluating projects proposed within the Rincon Creek corridor.~~

[Staff Explanation. North coast Creek Corridors Policy 4 is being amended and modified as ESHA Policy 6.14 and 10.3 to cover all wet environments.]

~~G. Miscellaneous~~

~~Policies~~

~~Film Production, Temporary~~

- ~~1. Temporary film production activities shall not result in adverse impacts to wetland, ESHA, or ESHA buffer, including indirect effects from outdoor lighting or noise.~~

[Staff Explanation. This existing North Coast policy will be retained as ESHA Policy 5.15.]

~~Signs~~

- ~~1. Signs are prohibited within ESHA except for resource protection or interpretative and educational signage, or signage necessary to ensure public safety. Signage within ESHA or its buffer shall be sited and designed to minimize impacts on the resource to the maximum extent feasible.~~

[Staff Explanation. This existing North Coast policy will be retained as ESHA Policy 5.16.]

Chapter 4, Goals Policies and Programs, Figure 4.2 - 1

Environmentally Sensitive Habitat Areas on the North Coast, of the Ventura County Coastal Area Plan is hereby deleted and the remaining Figures 4.2- 2 through 4.2-16 are renumerated to read as follows:

Figure 4.2-1
Environmentally Sensitive Habitats on the North Coast
[Staff Explanation. This figure will be moved to Sec. 4.1.3 and retained as Figure 4.1.3-1.]

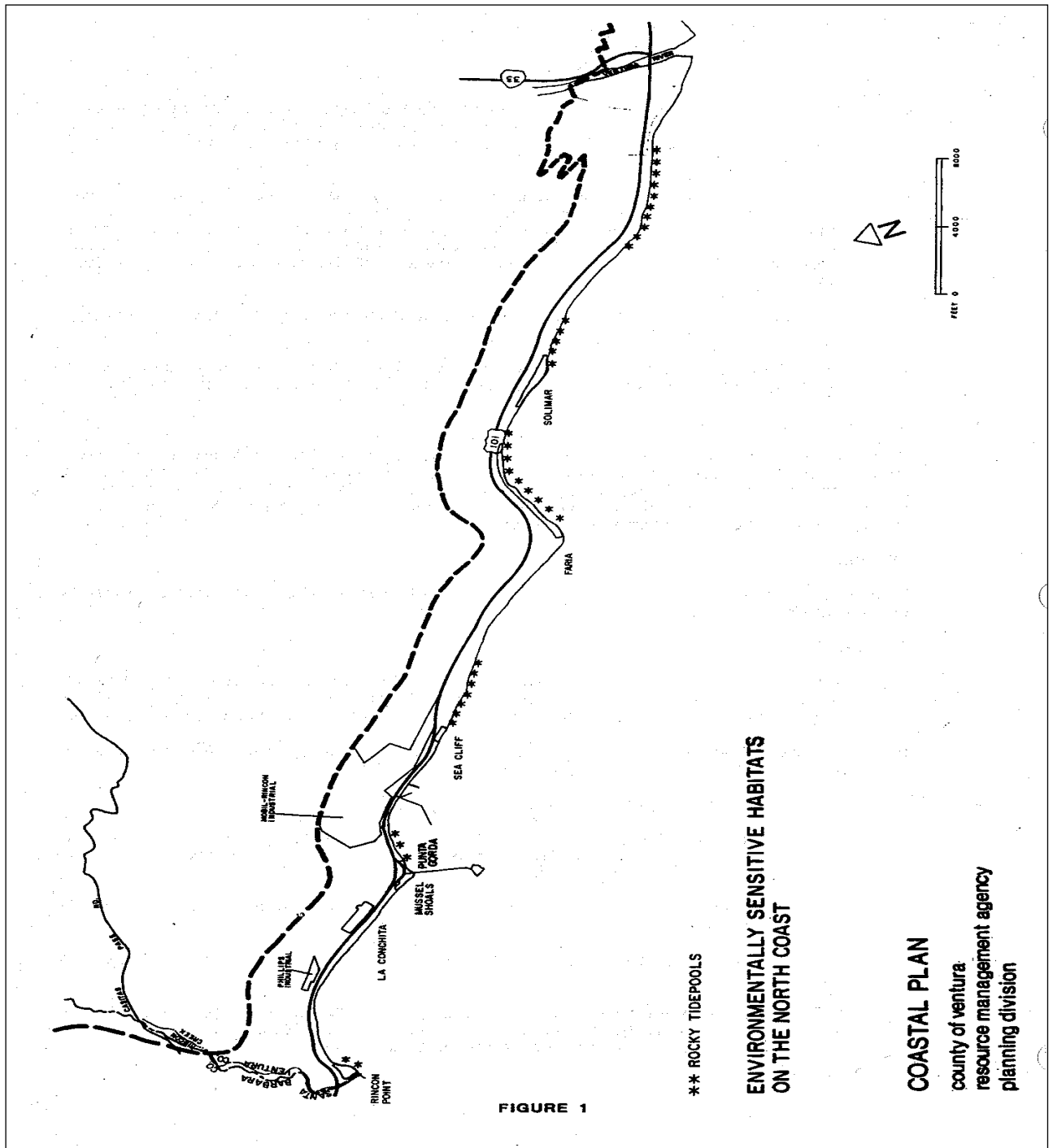
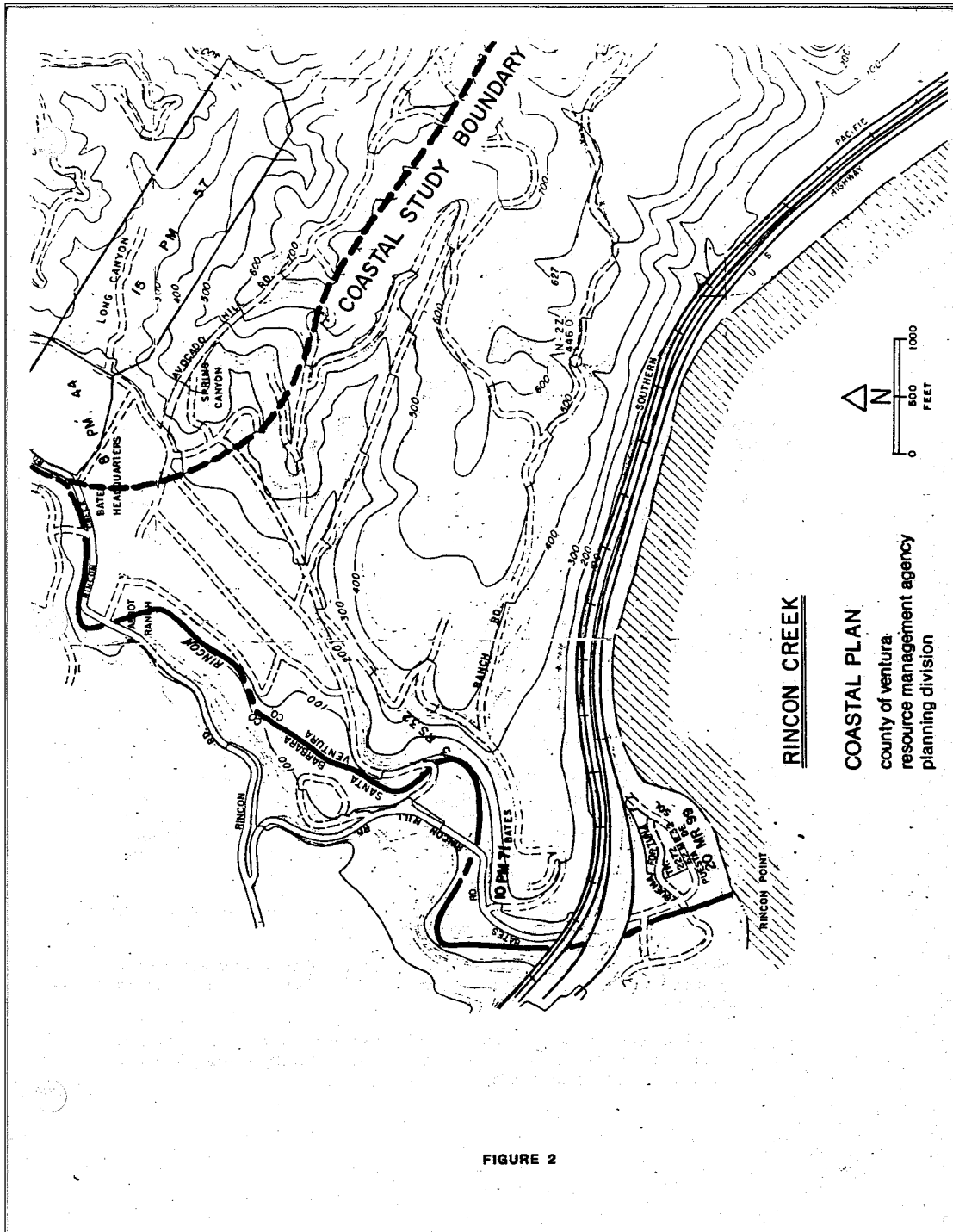


Figure 4.2-1 2
Rincon Creek



**Figure 4.2-2 3
North Coast Recreation and Parking Facilities**

Facilities	Total Acreage	Linear Frontage (Ft.)	Number Of Parking Spaces	Number Of Camping Spaces
Developed Facilities				
Rincon Point State Surfer Access	2.67	75	67	-
Hobson County Park	1.17	679	-	29
Faria County Park	2.4	684	-	45
Rincon Parkway	-	11,700	180	289
Emma Wood State Beach	100.94	16,000	100 (within City of San Buenaventura)	150
Undeveloped Facilities				
Highway 1 - Rincon Point to Punta Gorda	-	8,200	270*	
Highway 1 - Punta Gorda to Seacliff	-	8,000	260*	
TOTALS	45,338 linear ft. (8.6 miles)	877	513	

Source: Recreation and Access LCP Issue Paper, Ventura County Resource Management Agency, 1980

Footnotes:

* Unmarked spaces - assumed 30 ft. per space

Figure 4.2-3 4
Recreational Areas on the North Coast

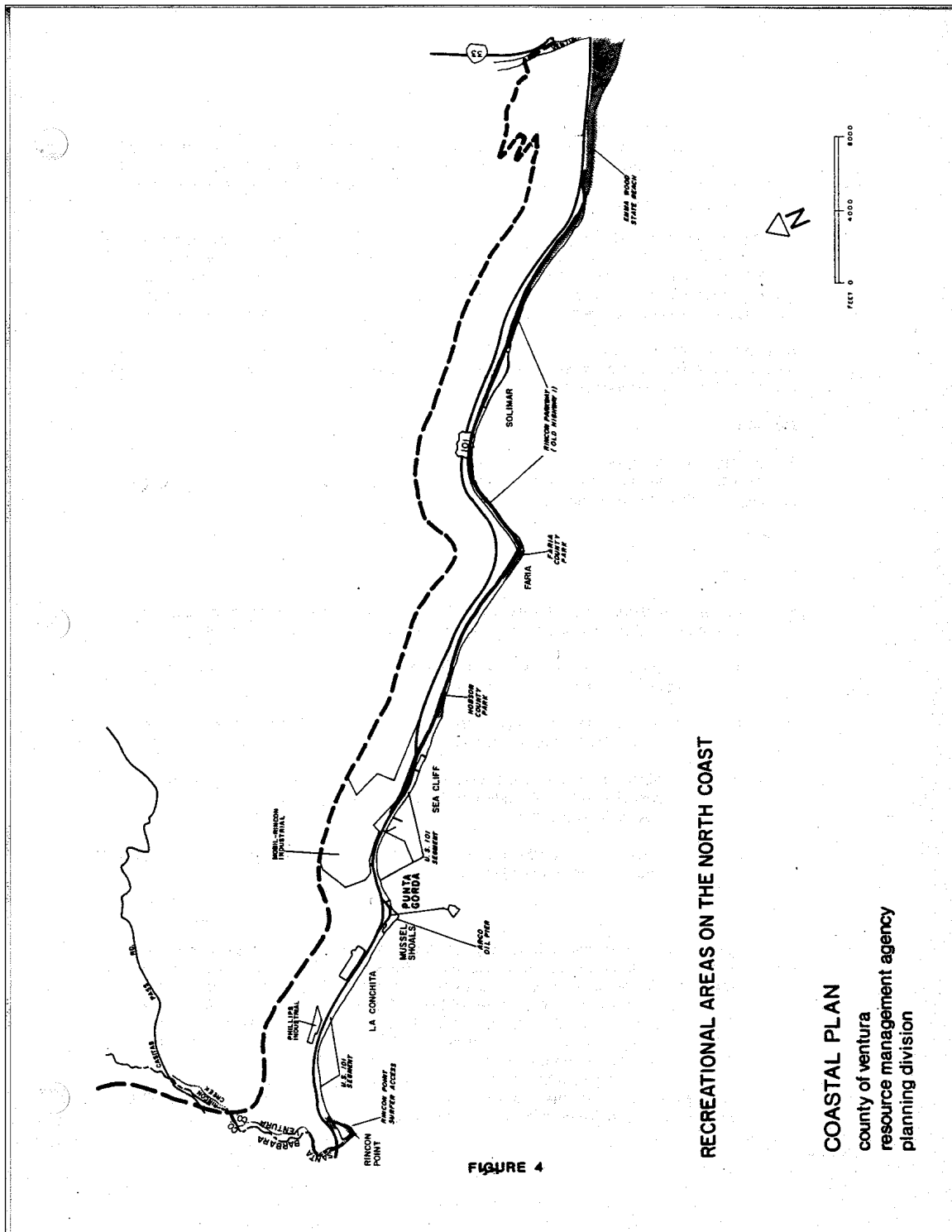


Figure 4.2-4 5
North Coast Access Inventory

NO.*	Name & Location	Access Type	Size	Frontage	Open	Signed	Owned By	Managed By	Remarks
1.	Rincon Point State Surfer Park, West of 101 at County Line	Park	2.67 ac.	75 ft.	Yes	- - -	State Parks	State Parks	
2.	Highway 1 Rincon Point to Punta Gorda	Parking	- - -	8,200 ft.	Yes	No	Caltrans	Caltrans	Undeveloped facility - consists of unmarked parking along Old Coast Highway.
		Lateral							
		Vertical							
3.	Highway 1 Punta Gorda to Seacliff	Parking	- - -	8,000 ft.	Yes	No	Caltrans	Caltrans	Same as above.
		Lateral							
		Vertical							
4.	Hobson County Park West of 101, South of Seacliff	Park	1.7 ac	679 ft.	Yes	Yes	County	County	
5.	Rincon Parkway	Parking	- - -	11,700 ft.	Yes	Yes	Caltrans	Caltrans	Includes two improvements to beach seawall to construct ladders to improve <i>vertical access</i> . Ladders maintained by Ventura Co.
		Lateral							
		Vertical							
6.	Faria Co. Park South of 101, 5.5 miles west of Ventura	Park	2.4 ac.	684 ft.	Yes	Yes	County	County	
7.	4270 Faria Road Faria Tract	Lateral	To Seawall	43 ft.	Yes	No	Private	Owner	Pass and Repass only.
8.	3912-3024 Pacific Coast Highway, Faria Tract	Lateral	To Seawall	150 ft.	Yes	No	Private	Owner	Pass and Repass only.
9.	3488 Pacific Coast Highway, Faria Tract	Lateral	To Seawall	27 ft.	Yes	No	Private	Owner	Pass and Repass only.
10.	3438 Pacific Coast Highway, Faria Tract	Lateral	To Seawall	35 ft.	Yes	No	Private	Owner	Pass and Repass only.
11.	3974 Pacific Coast Highway, Faria Tract	Lateral	To Seawall	50 ft.	Yes	No	Private	Owner	Pass and Repass only.
12.	Emma Wood State Beach West of 101, 3 miles north of Ventura	Park	100 ac.	16,000 ft.	Yes	Yes	State Parks	State Parks	

Footnotes:

* Keyed to Local Coastal Area Plan Land Use Map for the North Coast, [Section 3.3.1 – The South Coast](#), Figure ~~16.2~~ 3-2 (Separate Map) 6/20/89

Figure 4.2-5 6
Agricultural Preserves and Prime Soils on the North Coast

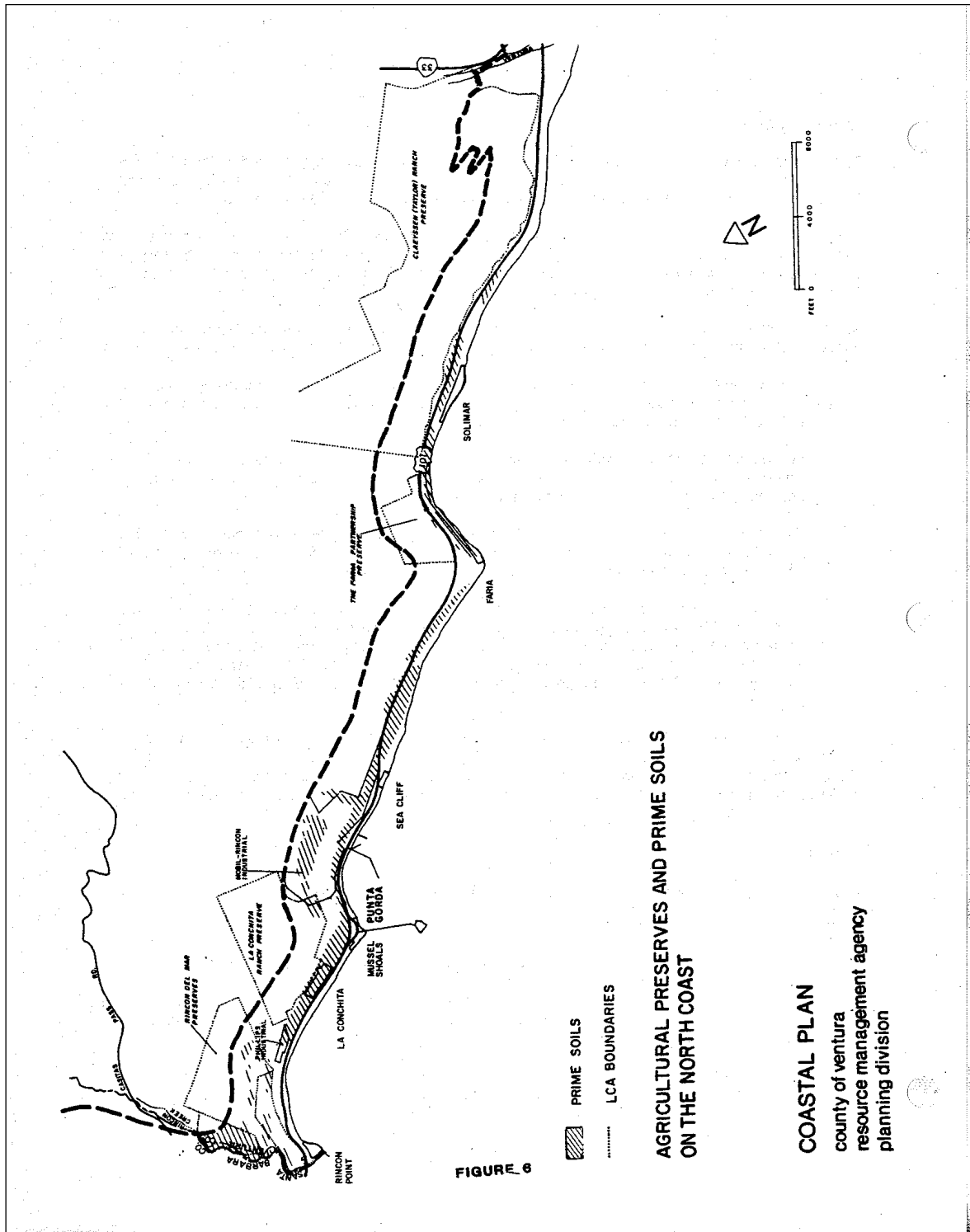
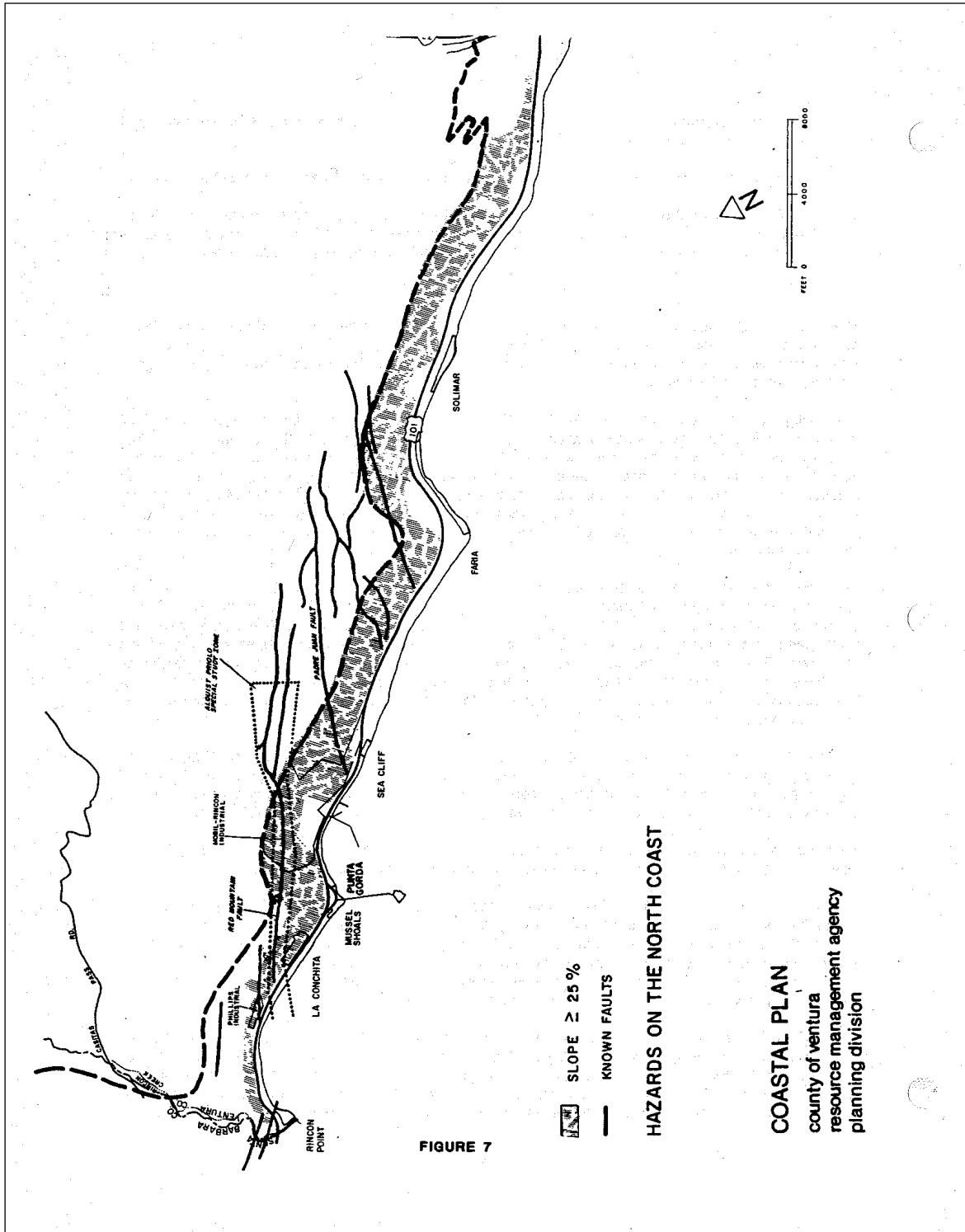


Figure 4.2-6 7
Hazards on the North Coast



DEPARTMENT OF CONSERVATION

CALIFORNIA

7.5 MINUTE SERIES (TOPOGRAPHIC)

SW 1/4 VENTURA 15 QUADRANGLE

1:50,000 I.E.D.

1972

Punta Corda

Sea Cliff

OIL WELLS

PARK No. 31

LA. CONCHITA

COASTAL STUDY BOUNDARY

FAULT EXTENDS EASTWARD BUT IS MOSTLY OBSCURED BY TERRACE

FIGURE 8

CALIFORNIA STATE OF CALIFORNIA
COUNTY OF VENTURA
RESOURCE MANAGEMENT AGENCY
PLANNING DIVISION

COASTAL PLAN

CALIFORNIA STATE OF CALIFORNIA
COUNTY OF VENTURA
RESOURCE MANAGEMENT AGENCY
PLANNING DIVISION

COASTAL STUDIES ZONES

Figure 4.2-8 9

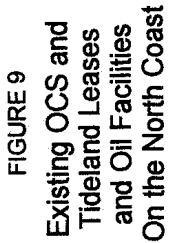


Figure 4.2-9 10
Energy Facilities on the North Coast

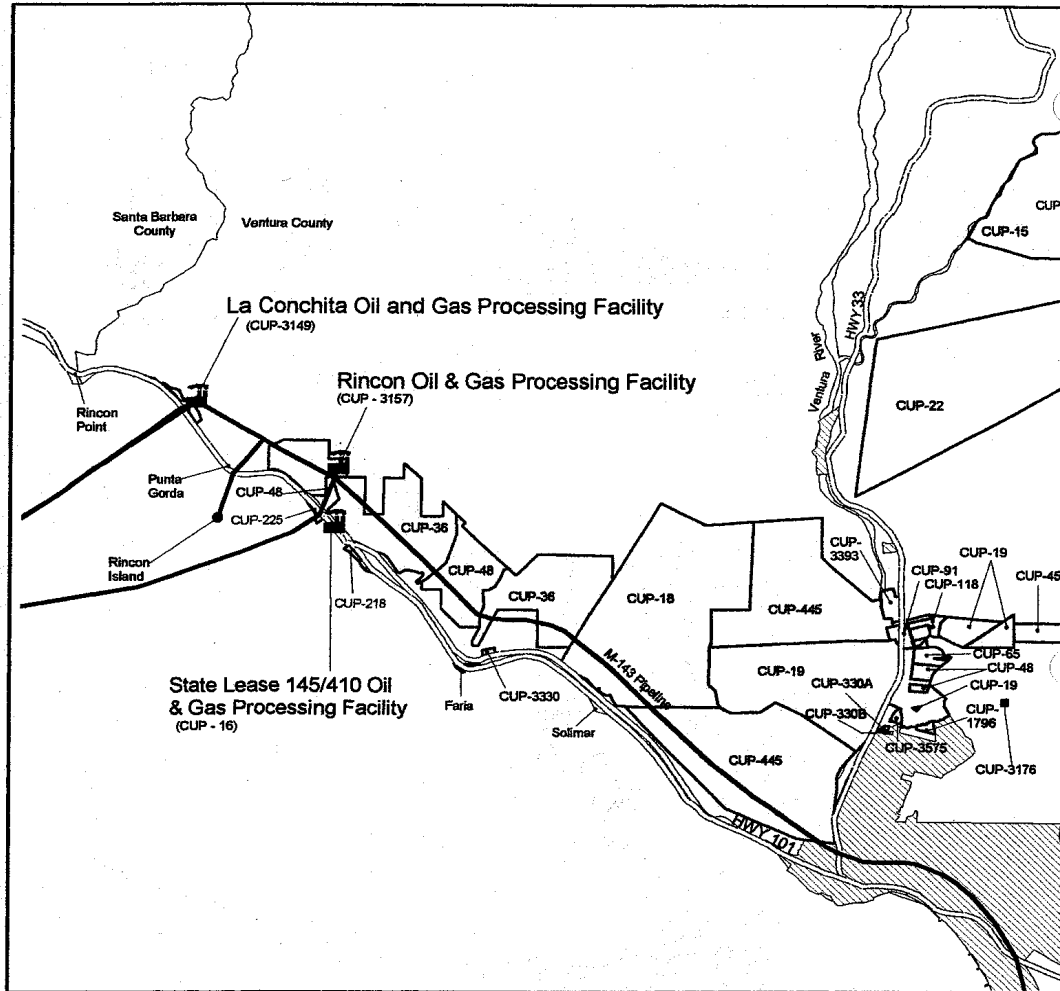






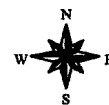


FIGURE 10

ENERGY FACILITIES ON THE NORTH COAST

-  Oil & Gas Onshore Facilities
-  Pipelines
-  Highway
-  CUP Boundaries
-  City Boundary
-  San Buenaventura



COASTAL PLAN
 COUNTY OF VENTURA
 RESOURCE MANAGEMENT AGENCY
 PLANNING DIVISION

Projection: State Plane Zone V NAD

Date: April, 2002

NOTE: This Figure was updated to reflect changes to the text of the Coastal Area Plan as approved by the Ventura County Board of Supervisors on November 20, 2001 and by the California Coastal Commission on January 11, 2002.
 This Figure is for informational purposes only.

Figure 4.2-10 44
Rincon Point Residential Community

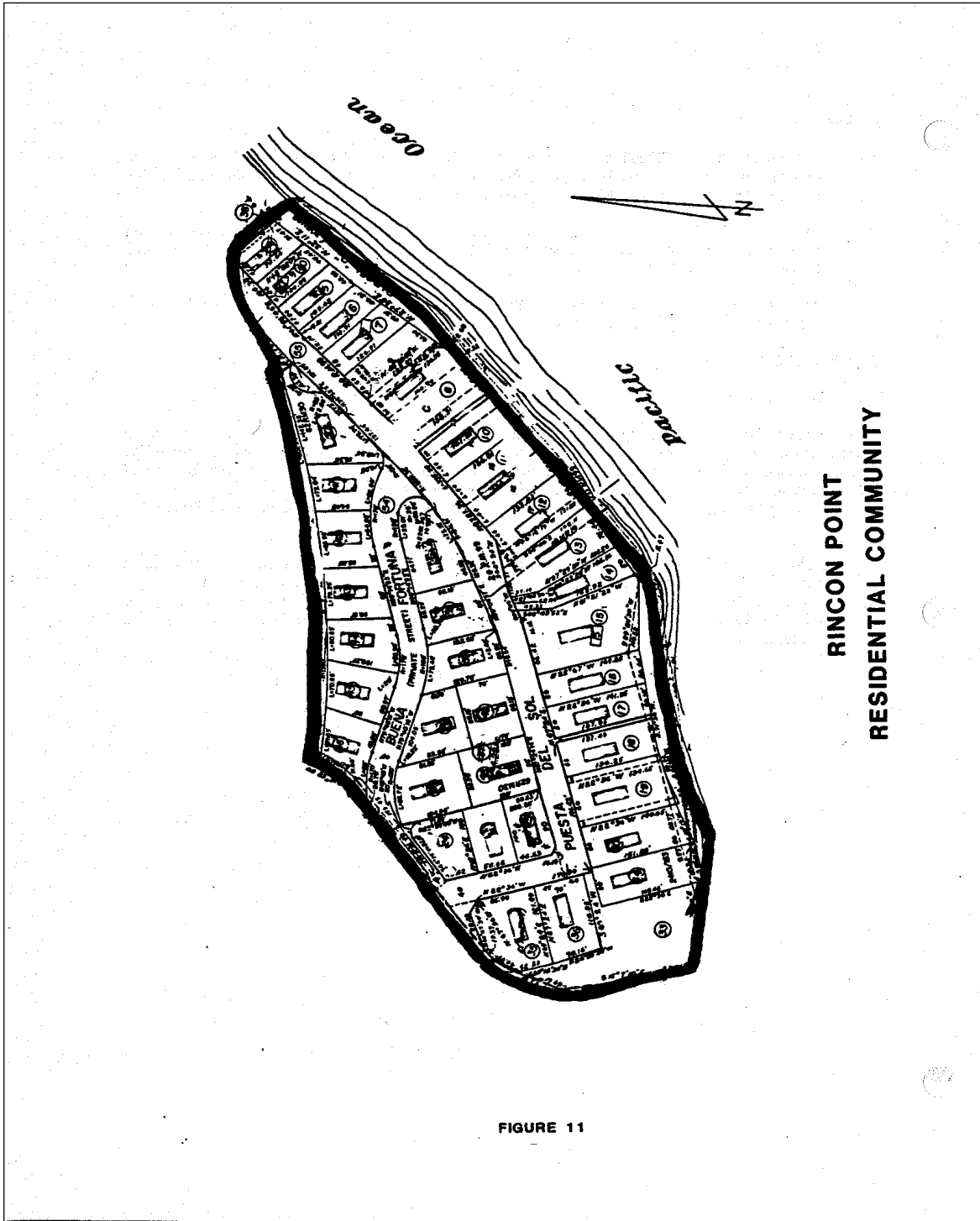


FIGURE 11

Figure 4.2-11-42
La Conchita Residential Community

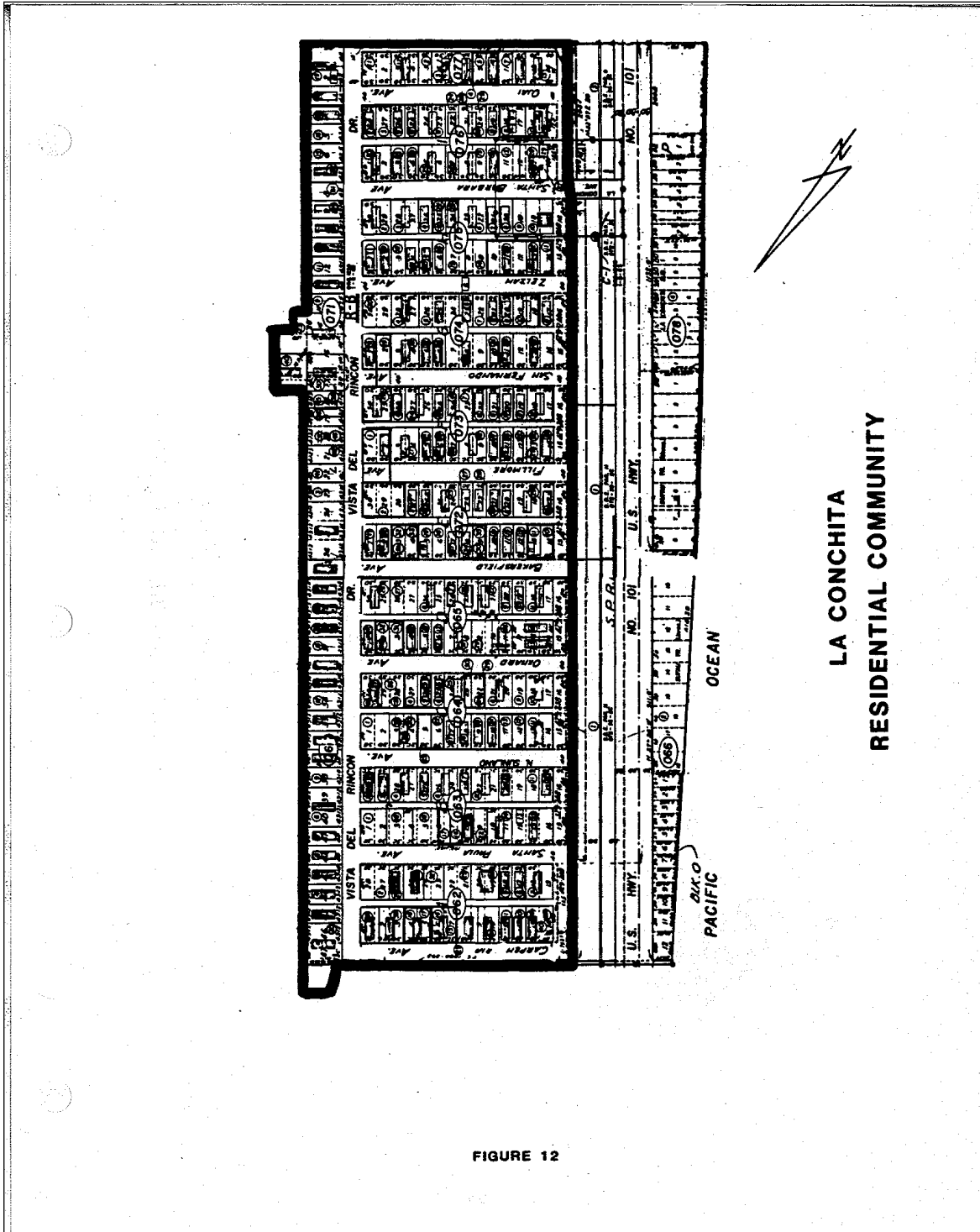


Figure 4.2-12 43
Mussel Shoals Residential Community

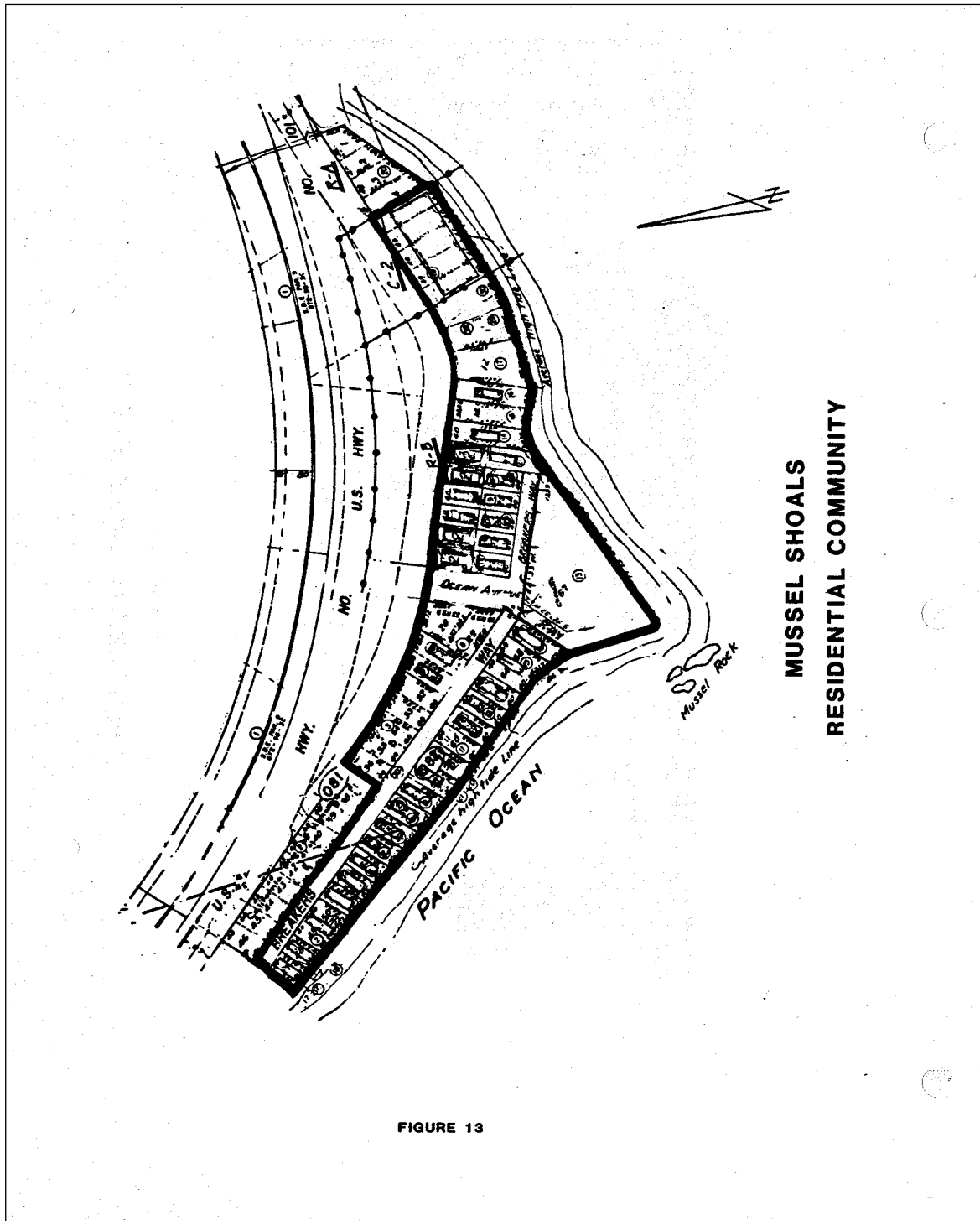


Figure 4.2-13 44
Sea Cliff Residential Community

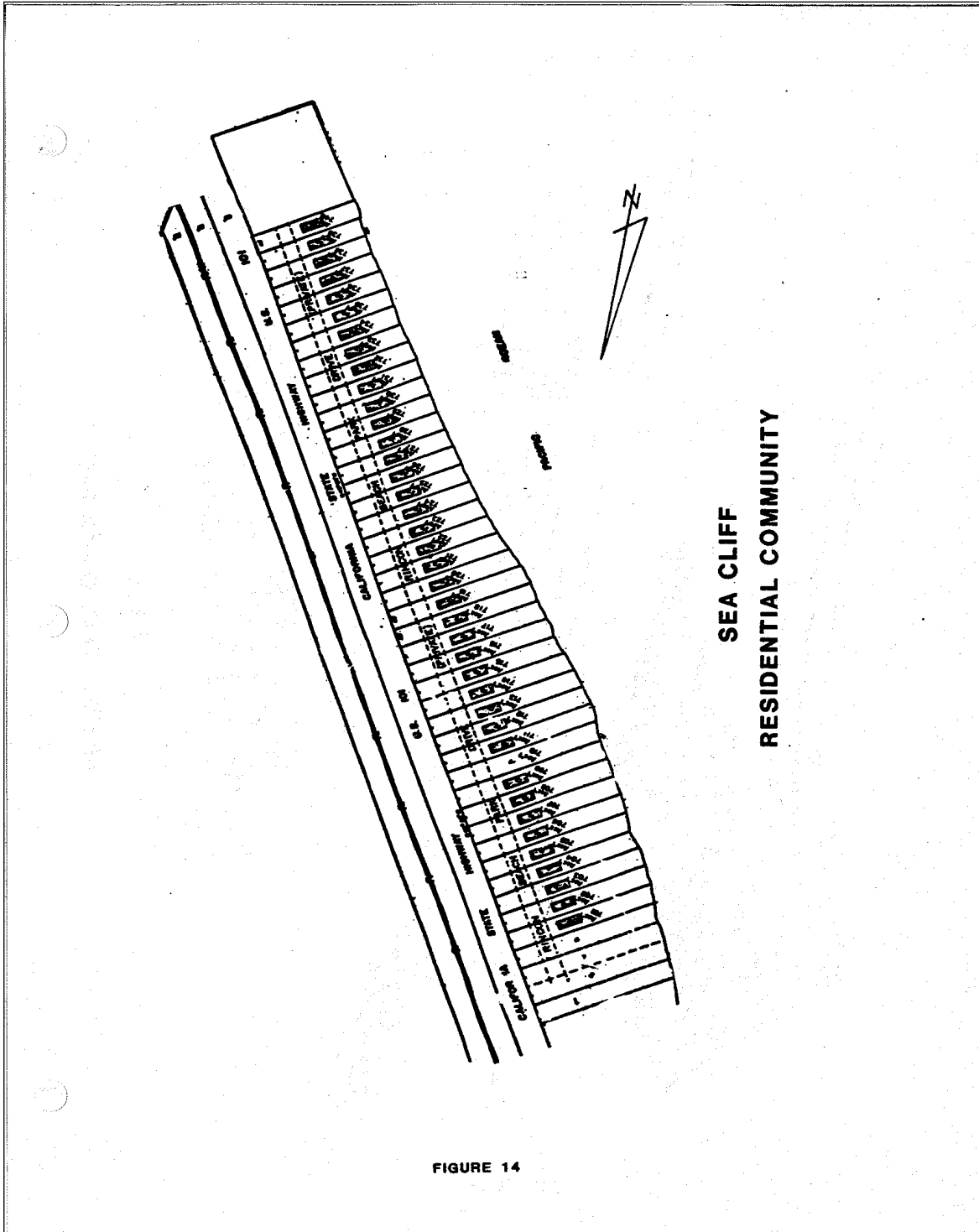


FIGURE 14

Figure 4.2-14 45
Faria Residential Community

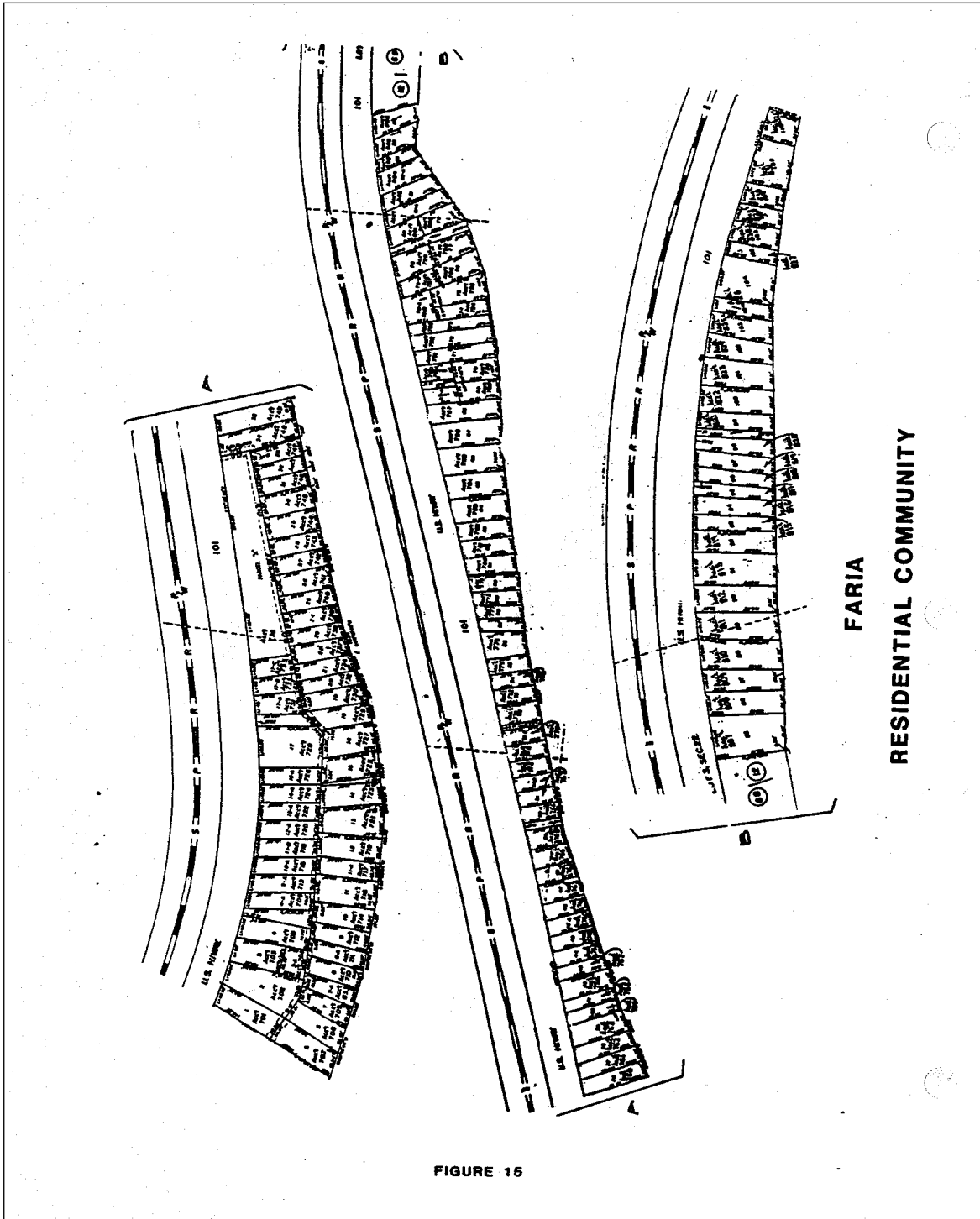


Figure 4.2-15 46
Solimar Residential Community

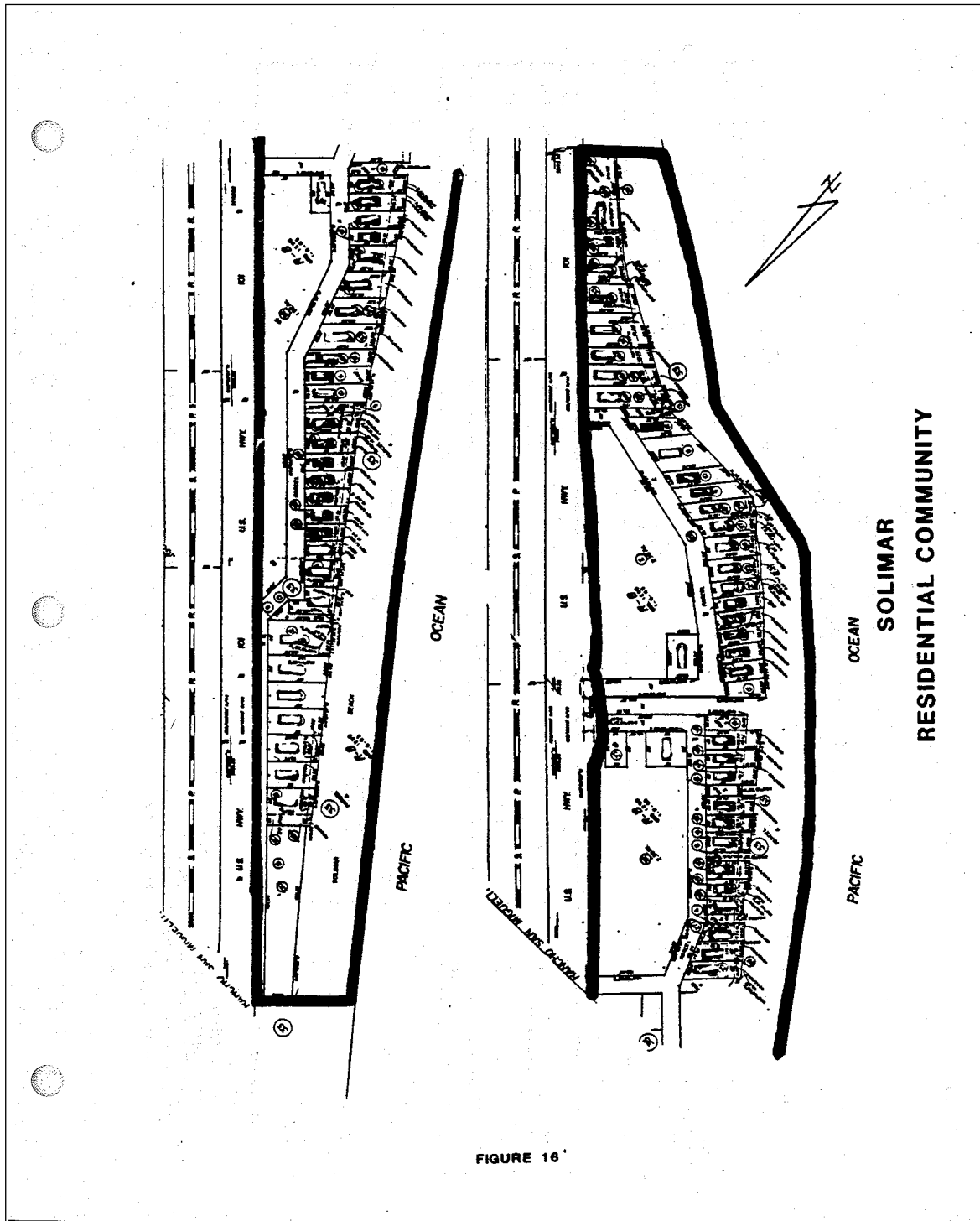


FIGURE 16

Chapter 4, Goals Policies and Programs, Section 4.3.10 - Environmentally Sensitive Habitats (ESHA), of the Ventura County Coastal Area Plan is hereby deleted in its entirety.

~~4.3.10 Environmentally Sensitive Habitats Areas (ESHA)~~

~~A. Coastal Dunes~~

~~Remnants of the once-extensive Mandalay coastal dune complex are scattered throughout the Central Coast. Viable dunes within the County's jurisdiction are found near McGrath Lake. Approximately 80 acres are within the unincorporated area, while the rest of the complex falls within the City of Oxnard's jurisdiction (Figure 4.3-1).~~

~~The dunes surround the lake, effectively sheltering the rare freshwater *habitat* from wind and erosion. The lake is used by numerous water birds, and the area supports a variety of other coastal species.~~

~~Some of the unincorporated area has been identified for potential acquisition by the California Department of Parks and Recreation as part of McGrath State Beach. The active West Montalvo oil field extends in part beneath the dunes. Oil wells and a Chevron Oil Company processing plant are next to the proposed acquisition. The unincorporated dune area seaward of Harbor Boulevard is designated "Open Space" in this Coastal Plan. Landward of Harbor Boulevard, the dune area is designated "Agriculture" in this Coastal Plan.~~

~~ESHA Goal 1~~

~~To protect the County's coastal sand dunes, their communities, and the processes that form them from degradation and erosion.~~

~~Policies~~

- ~~1. Coastal sand dunes on County unincorporated land are designated "Open Space" or "Agriculture," in this Coastal Plan as well as "Open Space" or "Agricultural" on the County's General Plan Land Use Map in order to provide for maximum coastal dune protection.~~
- ~~2. Activities leading to degradation, erosion or destruction of coastal dunes will not be allowed. This includes, but is not limited to, use by off-road vehicles, sand mining, *filling*, or dumping.~~

[Staff Explanation. Central coast Coastal Dunes Policy 2 is being amended and restated as ESHA Policy 6.1 (a).]

- ~~3. The County encourages acquisition of the McGrath Lake dunes by State Parks, and the designation of the area as a State Preserve.~~

[Staff Explanation. Central coast Coastal Dunes Policy 3 is being omitted. On April 12, 2002, the California Coastal Commission approved an amendment to the City of Oxnard's LCP for the North Shore project, a residential subdivision located in the north east corner of Harbor Boulevard and West 5th Street. A lawsuit was filed by the California Native Plant Society (CNPS) against the City of Oxnard and North Shore at Mandalay Bay (the developer) for inadequate mitigation to protect the Ventura Marsh Milkvetch, dune scrub, and wetland habitats. In addition to increasing the onsite preserve, the settlement to the lawsuit also requires the developer to restore and enhance the wetland dune habitat

adjacent to McGrath Lake. The City of Oxnard has since purchased approximately six acres of high-quality dune habitat adjacent to McGrath Lake restricting development in this area. Although, it is unclear it is designated for a State Preserve.]

4. ~~The County supports less than fee acquisitions by the State as a means of preservation, such as open space easements and tax incentives.~~

[Staff Explanation. Central coast Coastal Dunes Policy 4 is being omitted from the CAP. Less than fee acquisitions is a mitigation strategy. Examples of acceptable mitigation measures that implement the policies requiring the preservation of open space are noted in CZO Section 8178-2.10 Compensatory Mitigation for ESHA.]

B. Wetlands

~~Only small portions of the Central Coast's once-extensive wetlands remain today. One of the best remnants is the mouth of the Santa Clara River, which encompasses a variety of habitats with coastal flora and fauna including approximately 60 acres of pickleweed (*Salicornia virginica*) marsh. The endangered Belding's savannah sparrow, the rare California black rail, the endangered light-footed clapper rail, and the endangered California least tern have all been observed in the area.~~

~~West of Harbor Boulevard, the Santa Clara River is under the jurisdiction of the Cities of San Buenaventura and Oxnard, and the California Department of Parks and Recreation. The part of the river within McGrath State Beach has been designated State Preserve. East of Harbor Boulevard another portion of the wetland is within County jurisdiction (Figure 4.3-2) and it is zoned "COS" (Coastal Open Space, 10-acre minimum).~~

~~McGrath Lake is immediately south of McGrath State Beach and west of Harbor Boulevard (Figure 4.3-3). While it is a natural freshwater lake, probably formed in association with the sand dunes, most of its water now comes from agricultural runoff. The freshwater marsh around the edge attracts a variety of birds and small animals. The northern end of the lake and the land surrounding it are within the County and zoned "COS". A large portion of the wetland is within the City of Oxnard's jurisdiction. Near the southern end of the lake (Figure 4.3-2) is another segment of County land zoned "COS". The area is designated "Open Space" in this Coastal (Area) Plan and in the County's General Plan.~~

~~South of Port Hueneme and immediately north of Mugu Lagoon is Ormond Beach, historically the site of some of the most extensive wetlands in the County. Today there are approximately 100 acres of saltmarsh remaining. Most of the marsh is within the City of Oxnard's jurisdiction. Historically, the area was part of an extensive tidal marsh. According to saltmarsh experts, the marsh is still in relatively viable condition as characterized by dense stands of pickleweed and the presence of a variety of characteristic Southern California saltmarsh species. Few scientific studies have been done on the area. However, the endangered California least tern and Belding's savannah sparrow have been observed in the marsh. Additionally, this is one of the few areas in Southern California with an intact dune-transition zone-marsh system (R. Vogl, C. Onuf, pers. comm.).~~

~~Another wetland segment south of the Edison Plant is within the City of Oxnard's jurisdiction. The remnant tidal saltmarsh is also being considered for acquisition and restoration by the California Department of Parks and Recreation. It is used by the off-road vehicles and suffering soil compaction and vegetation damage. In their 1979 study, "A Concept Plan for Waterfowl Wintering Habitat Preservation," the U.S. Fish and Wildlife Service point out that the greatest opportunities for maintaining waterfowl populations~~

~~along the Pacific Flyway would be in the restoration or enhancement of diked, formerly tidal, marsh. The marsh areas at Ormond Beach may afford such opportunities.~~

~~In "Recommended Coastal Properties for Public Acquisition" the California Coastal Commission (1976) placed Ormond Beach wetlands in its second priority group for acquisition: "Recreational sites that serve urban populations and environmental resource areas that need protection or restoration."~~

~~The privately-owned Ventura County Game Preserve, another freshwater wetland now artificially maintained, is partially located in the coastal zone.~~

ESHA Goal 2

~~To protect wetlands in the Central Coast and encourage their acquisition, restoration or enhancement by the State to perpetuate their value to onshore and nearshore coastal life, and to the people of California.~~

Policies

- ~~1. All projects on land either in a designated wetland, or within 100 feet of such designation, shall be sited and designed to prevent impacts which would significantly degrade the viability of the wetland. The purposes of such projects shall be limited to those in Section 30233(a) of the Coastal Act.~~

[Staff Explanation. Central coast Wetlands Policy 1 is being amended and restated as ESHA Policies 6.10 and 6.12.]

- ~~2. Where any dike or fill development is permitted in wetlands, mitigation measures will, at a minimum, include those listed in Section 30607.1 of the Coastal Act. Other reasonable measures will also be required as determined by the County to carry out the provisions of Sections 30233 (b and c) of the Coastal Act.~~

[Staff Explanation. Central coast Wetlands Policy 2 is being amended and restated as ESHA Policies 6.10 and 10.6.]

- ~~3. Channelization, dams, and other river or stream alterations will be limited to:
 - a. Necessary water supply projects.
 - b. Flood control projects to secure public safety in the flood plain when there are no other feasible protection methods.
 - c. Projects necessary for protection and enhancement of wetlands habitats.~~

~~Such permitted projects will incorporate feasible mitigation measures.~~

[Staff Explanation. Central coast Wetlands Policy 3 is being amended and restated as ESHA Policy 6.12. It is consistent with Public Resources Code 30236 Water Supply and Flood Control.]

- ~~4. Habitat mitigation will include, but not be limited to, timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of native vegetation, reclamation or enhancement as specified in the California Coastal Commission "Interpretive Guidelines for Wetlands" and a plan for spoils consistent with the following policy.~~

[Staff Explanation. Central coast Wetlands Policy 4 is being amended and updated as ESHA Policy 10.3. Detailed requirements of the policy were moved to mitigation sections of the CZO.]

- ~~5. Dredge spoils should not be used for beach replenishment unless it can be shown that the process would not adversely impact coastal processes or *habitats*, such as intertidal reefs, grunion spawning grounds, or marsh. The California Department of Fish and Game, as well as other appropriate agencies, will be consulted when spoils deposition on a beach is under consideration.~~

[Staff Explanation. Central coast Wetlands Policy 5 is consistent with Public Resources Code 30233(b) and is being amended and restated as ESHA Policy 5.10 and 6.9.]

- ~~6. The County supports formal recognition of the value of the Ormond Beach saltmarshes and their *enhancement or restoration* as such by the landowners, California Department of Fish and Game, the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and other appropriate agencies. Appropriate scientific experts and the current literature should be drawn upon in any reclamation or *enhancement* attempts.~~

[Staff Explanation. Central coast Wetlands Policy 6 is being amended and restated as ESHA Policy 6.14 and ESHA Program 3 Inter-Agency and Inter-Jurisdictional Coordination, subsection 3.]

- ~~7. The landowners and appropriate agencies, including the Coastal Commission, the Coastal Conservancy, and State Parks should work to limit off-road vehicle access to the Ormond Beach marsh areas, including (but not limited to) fencing of areas.~~

[Staff Explanation. Central coast Wetlands Policy 7 is being amended and restated as ESHA Policy 6.2 and ESHA Program 4 Inter-Agency and Inter-Jurisdictional Coordination, subsection d. Presently, there is no third party that manages the public accessway to Ormond Beach. The City of Oxnard has made several attempts to prohibit access with mixed results. Until such a time that access can be monitored, off-road vehicle use will continue to be a problem.]

- ~~8. Recreation in the Central Coast saltmarshes will include resource compatible *uses* such as nature observation, scientific study, educational trips, and possibly fishing. Appropriate public agencies will provide the public with off-site, as well as on-site, interpretive opportunities within existing programs as *feasible*. As funds become available, new programs should be developed.~~

[Staff Explanation. Central coast Wetlands Policy 8 is being amended and restated as ESHA Policy 6.7.]

- ~~9. The County will work in close cooperation with other agencies and jurisdictions to provide comprehensive and biologically sound management of coastal *wetlands*.~~

[Staff Explanation. Central coast Wetlands Policy 9 is being amended and restated as ESHA Policy 6.14 and ESHA Program 3 Inter-Agency and Inter-Jurisdictional Coordination, subsection d.]

~~C. Film Production, Temporary~~

~~Policies~~

- ~~1. *Temporary film production activities* shall not result in adverse impacts to wetland, ESHA, or ESHA buffer, including indirect effects from *outdoor lighting* or noise.~~

[Staff Explanation. Central coast temporary film production Policy 1 is being retained as ESHA Policy 5.15.]

D. ~~Signs~~

~~Policies~~

- ~~1. Signs are prohibited within ESHA except for resource protection or interpretative and educational signage, or signage necessary to ensure public safety. Signage within ESHA or its buffer shall be sited and designed to minimize impacts on the resource to the maximum extent feasible.~~

[Staff Explanation. Central coast Sign Policy 1 is being retained as ESHA Policy 5.16.]

Chapter 4, Goals Policies and Programs, Figure 4.3 - 1 Environmentally Sensitive Habitat Areas on the Central Coast, of the Ventura County Coastal Area Plan is hereby deleted and the remaining Figures 4.2- 2 through 4.2-9 are renumbered to read as follows:

Figure 4.3-1
Environmentally Sensitive Habitats on the Central Coast
[Staff Explanation. This figure will be moved to Sec. 4.1.3 and retained as Figure 4.1.3-2.]

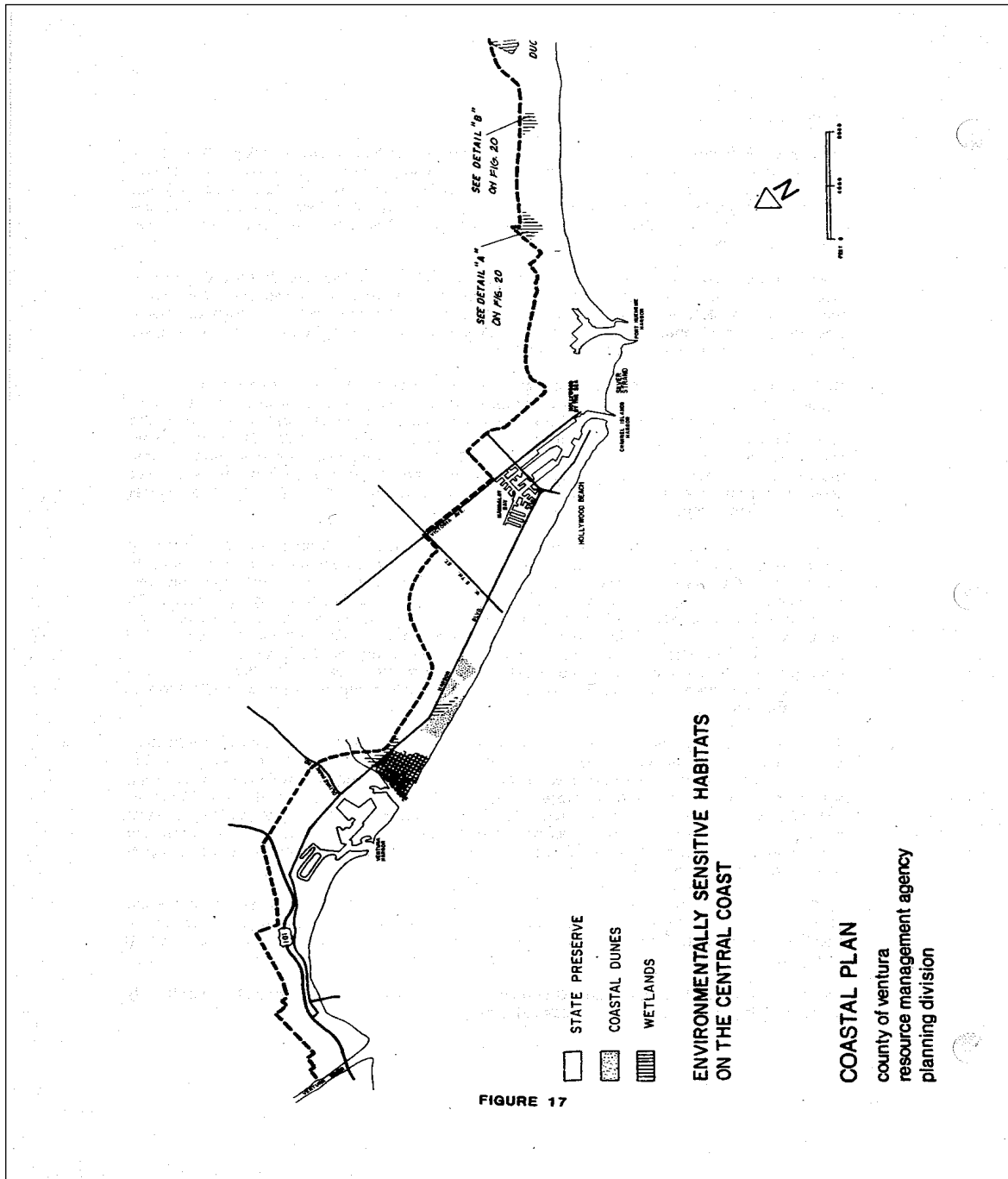


Figure 4.3-21
Santa Clara River Mouth

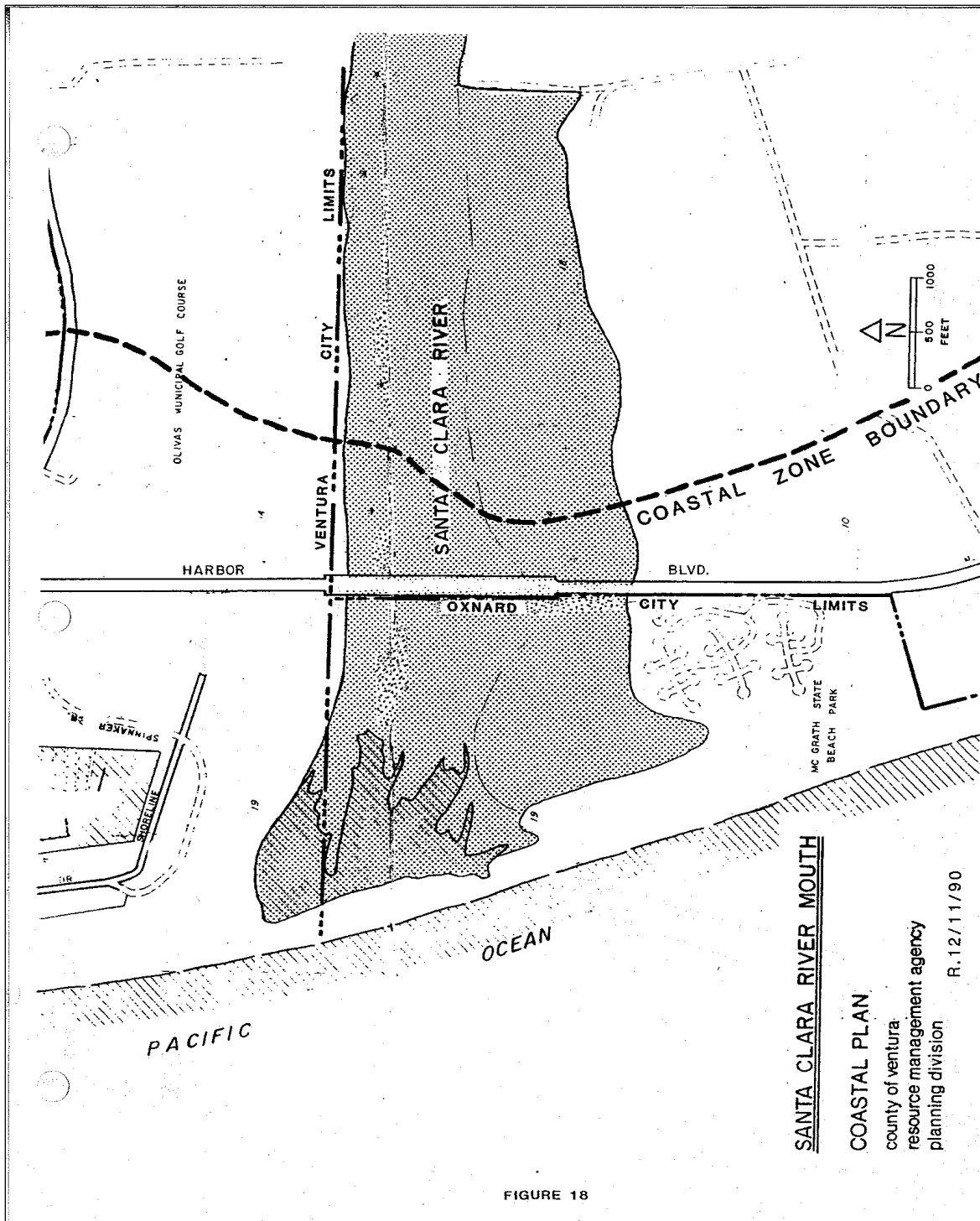


FIGURE 18

Figure 4.3-32
McGrath Lake

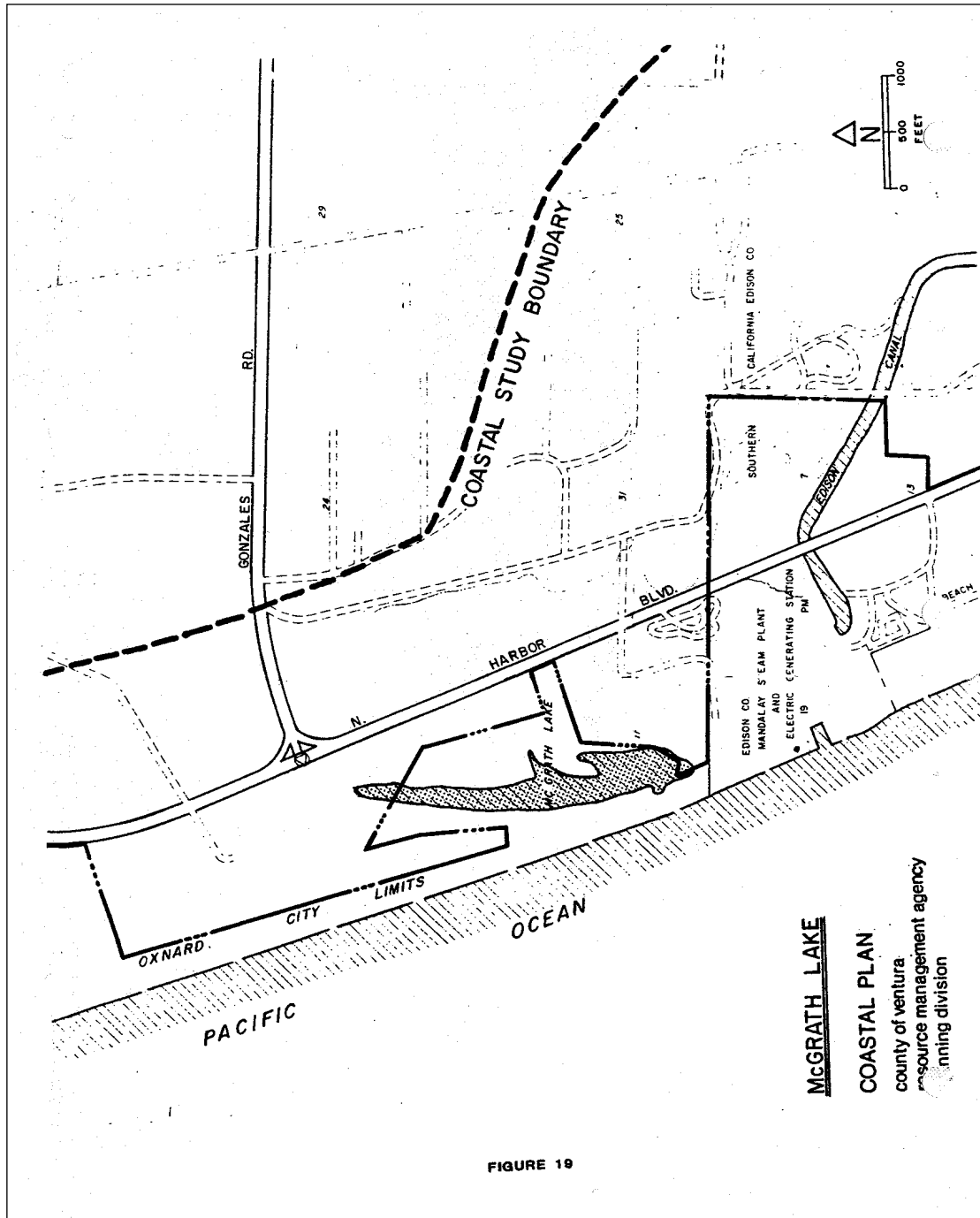


FIGURE 19

Figure 4.3-43
Recreational Areas on the Central Coast

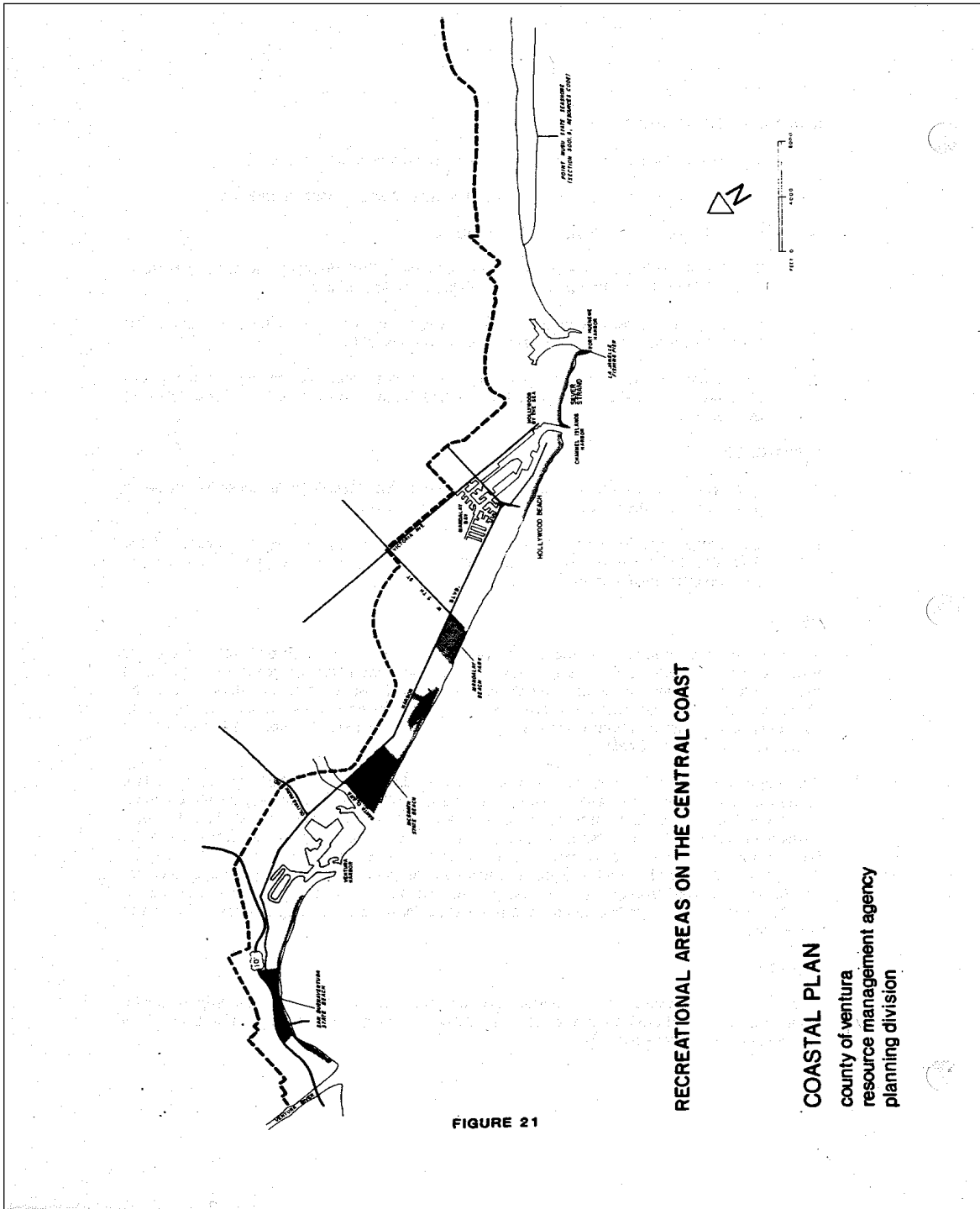


Figure 4.3-4 5
Central Coast Access Inventory

Name and Location	Access Type	Size	Frontage	Open	Signed	Owned By	Managed By
Hollywood Beach*	Park	50 ac.	--	Yes	Yes	County	County
Silver Strand Beach*	Park	41 ac.	--	Yes	Yes	County	County

6/20/89

Footnotes:

* See Local Coastal Area Plan Land Use Maps for the Central Coast and Harbor Area, in [Section 3.3.2 – The Central Coast](#), Figures ~~3-4 and 4.3-10~~ (separate maps).

FIGURE 23

PRIME SOILS
LCA BOUNDARIES

**AGRICULTURAL PRESERVES AND PRIME SOILS
ON THE CENTRAL COAST**

COASTAL PLAN
county of ventura
resource management agency
planning division

Figure 4.3-67
Central Coast Restricted Development Area
(Map of Pt. Mugu NAS)

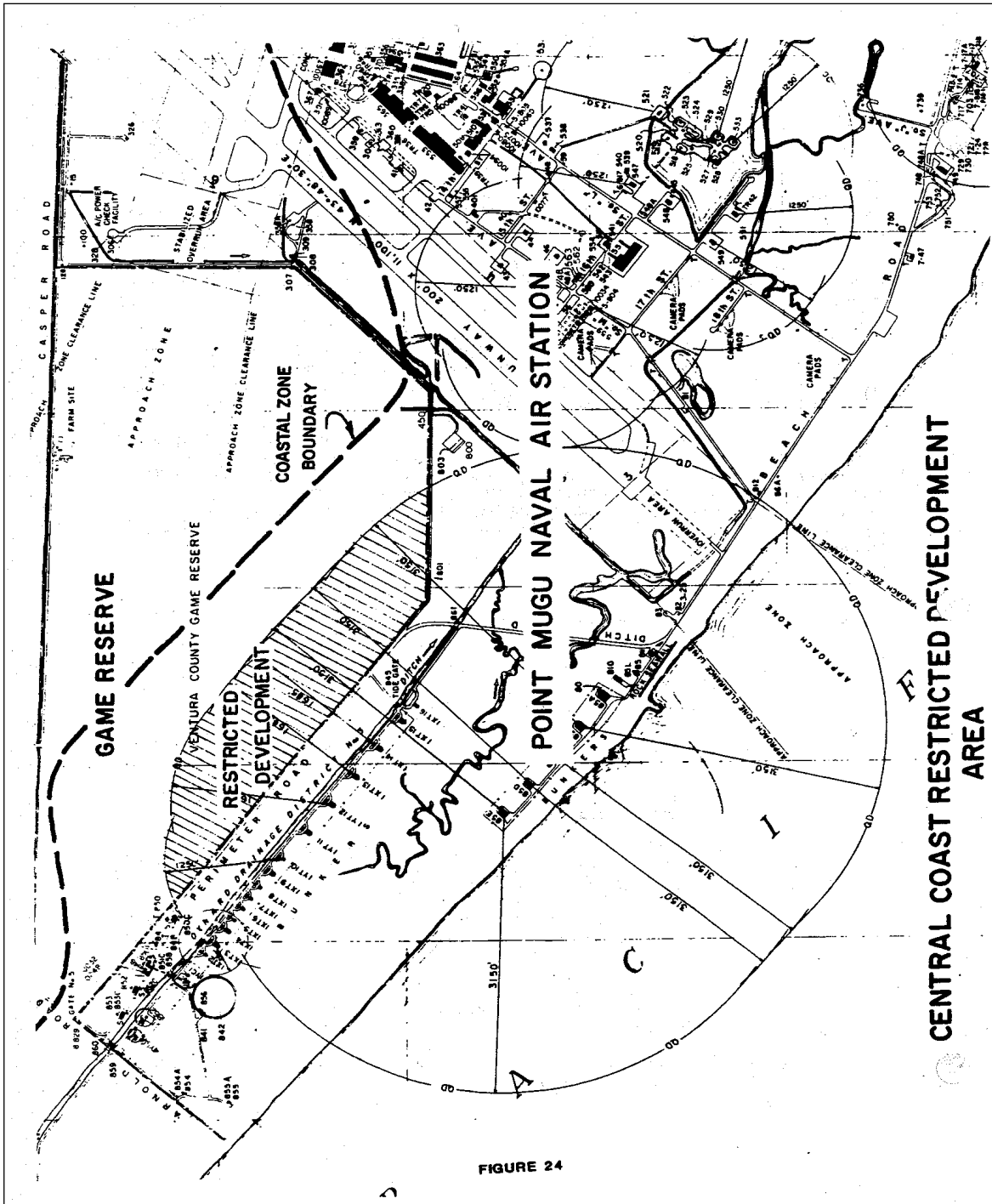
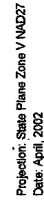
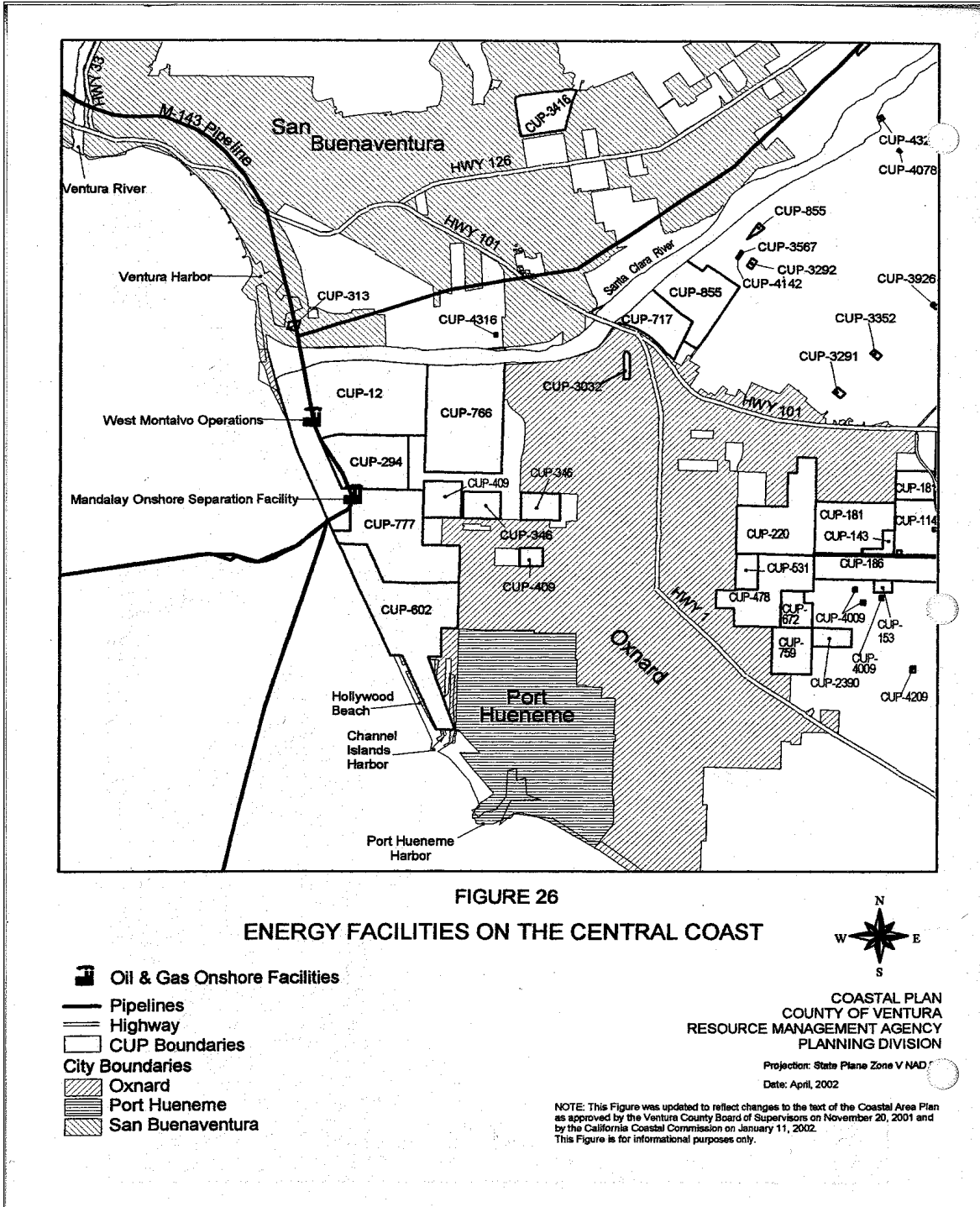


FIGURE 25
Existing OCS and
Tideland Leases
and Oil Facilities
On the Central Coast



NOTE: This Figure was updated to reflect changes to the text of the Coastal Area Plan as approved by the Ventura County Board of Supervisors on November 20, 2001 and by the California Coastal Commission on January 11, 2002. This Figure is for informational purposes only.

Figure 4.3-8 9
Energy Facilities on the Central Coast



Chapter 4, Goals Policies and Programs, Section 4.4.10 – Environmentally Sensitive Habitat Areas (ESHA), of the Ventura County Coastal Area Plan is hereby deleted in its entirety.

~~4.4.10 Environmentally Sensitive Habitats Areas (ESHA)~~

~~The South Coast sub-area contains numerous *environmentally sensitive habitat areas* (Figure 4.4-1). Therefore, a special overlay zone classification has been applied to most of the land easterly and southeasterly of the U.S. Navy Pacific Missile Test Center at Point Mugu. The only area that is not covered by the special overlay zone is the land within the Solromar "Existing Community". This special "Santa Monica Mountains" (M) overlay zone was implemented in order to recognize that Santa Monica Mountains are a *coastal resource* of statewide and national significance. The mountains provide *habitats* for several unique, rare or endangered plant and animal species. Such *habitats* may be easily damaged by human activities. Therefore, *development* in the overlay zone area requires case-by-case consideration, and, where applicable, shall be consistent with Sections 30230 and 30231 of the Coastal Act.~~

~~A. Coastal Dunes~~

~~La Jolla Beach, 40 acres of sandy beach and dunes with a prominent climbing, wind-formed dune, is part of Point Mugu State Park. While public ownership provides some protection of this dune area, its *access and use* should be reviewed by the State. The "Resource Management Plan for Point Mugu State Park" points out that the hillside dune needs protection from off-road vehicle *use*, and suggests that the area be included in the La Jolla Valley Nature Preserve. While the County does not have jurisdiction over these dunes, it is nevertheless concerned with their *preservation* (Figure 4.4-1).~~

~~The quality of dune *habitats* may be preserved by measures such as restricted vehicular *access*, clearly defined pathways, revegetation with native plants, interpretive centers and public education.~~

~~ESHA Goal 1~~

~~To encourage the State to adequately control *access* to the sand dunes and protect them against degradation.~~

~~*[Staff Explanation. South Coast ESHA Goal 1 will be replaced by ESHA Goal 6.1, which addresses coastal dunes and other specific coastal resources.]*~~

~~Policies~~

- ~~1. The County encourages State Parks to control those activities that lead to dune degradation, including *use of off-road vehicles, or dumping.*~~

~~*[Staff Explanation. South coast Coastal Dunes Policy 1 is being amended and restated as ESHA Policy 6.1.]*~~

~~B. Tidepools~~

~~Tidepools are located near Point Mugu Rock, and between Big Sycamore Canyon and Deer Creek Canyon. Although not actually within the County's jurisdiction, it is significant to note that the offshore area between Laguna Point and Point Dume in Los Angeles County~~

~~has been designated an "Area of Special Biological Significance" by the Regional Water Quality Control Board (see *Public Works* section), and that nearshore, intertidal and terrestrial coastal areas are ecologically closely interrelated.~~

ESHA Goal 2

~~To support the State in the protection of the tidepools.~~

[Staff Explanation. South Coast ESHA Goal 2 will be replaced by ESHA Goal 6.9 and Policy 6.4, which addresses specific shoreline resources.]

Policies

- ~~1. The State should include interpretive programs regarding coastal ecology in any future development of recreational facilities.~~

[Staff Explanation. South coast Tidepools Policy 1 is being amended and restated as ESHA Policy 6.7 and ESHA Program 3 Inter-Agency and Inter-Jurisdictional Coordination, subsection d.]

- ~~2. Wastewater effluent and solid waste at public sites along the South Coast are to be properly disposed of.~~
- ~~3. Ventura County Environmental Health Division and the Ventura Regional County Sanitation District coordinate with the State to find acceptable alternatives for wastewater effluent disposal on the South Coast.~~

[Staff Explanation. South coast Tidepools Policies 2 and 3 are being deleted because they are outdated. All wastewater disposal is subject to "AB 885" standards. These new standards were adopted by the State Water Resources Control Board in June, 2012, and have been effect in the County since 2013.]

- ~~4. Shoreline protection structures such as revetments, seawalls, groins, or breakwaters are allowed when they are necessary to protect existing developments, coastal dependent land uses and public beaches. Any structures built under these conditions that affect tidepools will incorporate mitigation measures that reduce intertidal or nearshore habitat loss as feasible.~~
- ~~5. An applicant for any new coastal project, including shoreline protective devices, will demonstrate that their proposal will not cause long-term adverse impact on the beach or intertidal areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated wastewater and findings to be made will include, but not be limited to, proper wastewater disposal.~~

[Staff Explanation. North coast Tidepools and Beaches Policies 3 and 5 are repeated as south coast Tidepools Policies 4 and 5. South coast Policies 4 and 5 are being amended and restated as ESHA Policies 6.4, 6.8 and 6.9.]

- ~~6. The Statewide "Guidelines for Wetlands and Other Environmentally Sensitive Wet Habitats" will be used in analyzing any projects with the potential to impact tidepools.~~

[Staff Explanation. South coast Policy 6 [Tidepools] is repeated as north coast Policy 7 [Tidepools and Beaches] and Policy 7 [Creek Corridors]. ESHA Policy 6.9 and 10.3 as amended, conveys this information.]

~~C. Creek Corridors~~

~~Major creek corridors on the South Coast include Calleguas Creek, La Jolla Canyon, Big Sycamore Canyon, Serrano Canyon, Deer Creek Canyon and Little Sycamore Canyon (Figure 4.4-1).~~

~~Calleguas Creek watershed includes over 343 square miles of land and empties into the ocean via Mugu Lagoon south of Point Mugu Naval Air Station, north of the Santa Monica Mountains. The flood plain and agricultural lands along the creek are subject to extreme flooding during heavy rains.~~

~~The riparian corridors in the Santa Monica Mountains (Big Sycamore, Serrano, Deer Creek, and Little Sycamore) are important watershed areas. Maintenance of their compliment of native vegetation will help diffuse floods and runoff, minimize soil erosion, and diminish sedimentation.~~

~~ESHA Goal 3~~

~~To maintain creek corridors in as natural a state as possible while still accommodating needs for public health and safety.~~

~~[Staff Explanation. South Coast ESHA Goal 3 will be replaced by ESHA Goal 6, which addresses specific shoreline resources.]~~

~~Policies~~

- ~~1. Stream or creek corridors are considered to be watercourses, either perennial or intermittent, as shown on USGS quadrangle maps, as measured between the high water mark, or the break in each bank.~~

~~[Staff Explanation. South coast Creek Corridors Policy 1 does not carry out the goal of maintaining creek corridors in a natural state and instead describes a watercourse and is being omitted. CZO Article 2 Definitions include the addition of the following terms: watercourse, intermittent and ephemeral streams to clarify the types of watercourses.]~~

- ~~2. All projects on land either in a stream or creek corridor or within 100 feet of such corridor, shall be sited and designed to prevent impacts which would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.~~

~~[Staff Explanation. South coast Creek Corridors Policy 2 is repeated as north coast Creek Corridors Policy 1 and Central coast Wetlands Policy 1 and is being amended and restated as ESHA Policy 6.10-6.12.]~~

- ~~3. Substantial alterations (channelizations, dams, etc.) to river, stream, or creek corridors are limited to:~~
 - ~~a. Necessary water supply projects;~~
 - ~~b. 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; or~~
 - ~~c. Developments where the primary function is the improvement of fish and wildlife habitat.~~

Staff Explanation. *South coast Creek Corridors Policy 3 is repeated as north coast Creek Corridors Policy 2 and is being amended and restated as ESHA Policy 6.12.]*

- ~~4. Projects allowed per the above policies will incorporate the best mitigation measures feasible.~~

Staff Explanation. *South coast Creek Corridors Policy 4 is repeated as north coast Creek Corridors Policy 3 which is retained and modified in ESHA Policies 6.10-6.12, 10.3 and includes numerous other biological resource protection policies for streams, and creeks, and other coastal resources.]*

- ~~5. The Coastal Commission's adopted "Statewide Interpretive Guidelines for Wetlands and Other Environmentally Sensitive Habitats" will be used when evaluating new projects in creek corridors.~~

Staff Explanation. *South coast Creek Corridors Policy 5 is repeated as north coast Tidepools and Beaches Policy 7 and Creek Corridors Policy 7 and south coast Tidepools Policy 6 and is being amended and restated as Policy 6.14 and 10.3.]*

- ~~6. The County supports the policies found in the Santa Monica Mountains Comprehensive Plan and has adopted a resolution agreeing to incorporate that Plan when analyzing any development request in the Mountains. In addition, the County will routinely submit development proposals to the Santa Monica Mountains National Recreation Area for review.~~

Staff Explanation. *South coast Creek Corridors Policy 6 is being amended and restated as ESHA Policy 2.1. On July 24, 1979, the Ventura County Board of Supervisors adopted Resolution 222 agreeing to implement the Santa Monica Mountains Comprehensive Plan. Reference to the Board's Resolution has been omitted to simplify the policy by simply requiring all project proposals be referred to the Santa Monica Mountains National Recreations Area for review.]*

~~D. Film Production, Temporary~~

~~Policies~~

- ~~1. Temporary film production activities shall not result in adverse impacts to wetland, ESHA, or ESHA buffer, including indirect effects from outdoor lighting or noise.~~

Staff Explanation. *The existing South Coast policy on temporary film production will be retained as ESHA Policy 5.15. No changes to this policy are proposed.]*

~~E. Signs~~

~~Policies~~

- ~~1. Signs are prohibited within ESHA except for resource protection or interpretative and educational signage, or signage necessary to ensure public safety. Signage within ESHA or its buffer shall be sited and designed to minimize impacts on the resource to the maximum extent feasible.~~

Staff Explanation. *The existing South Coast policy on signs will be retained as ESHA Policy 5.16. No changes to this policy are proposed.]*

~~F. Santa Monica Mountains~~

~~The Santa Monica Mountains contain some of the most significant inland *habitats* in the County's *coastal zone*. Many creeks and streams with their *riparian* corridors, coastal dunes, and rare native bunchgrass and giant coreopsis can be found in the mountains. In addition, grasslands, *chaparral*, and oak woodlands are found.~~

~~Some of these *environmentally sensitive habitats* are mapped, but others occur in several small areas throughout the mountains, making them impractical to accurately map.~~

ESHA Goal 4

~~To preserve and protect the upland *habitats* of the Santa Monica Mountains.~~

[Staff Explanation. The existing Santa Monica Mountains goal will be replaced by ESHA Goal 1]

Policies

- ~~1. New *development*, including all private and public recreational uses, shall preserve all unique *native vegetation*, such as Giant Coreopsis and Dudleya cymosa ssp. marcescens.~~

[Staff Explanation. Santa Monica Mountains Policy 1 is being amended as Policy 5.1, which provides many more examples of ESHA and the requirement that ensures development proposals avoids areas that provide habitat for plants and animals instead of limiting it to native vegetation consistent with PRC 30240(a).]

- ~~2. The County shall update its inventory of upland *habitats*, wildlife travel networks, nesting sites, and appropriate buffer areas as part of the Implementation Phase of the *Local Coastal Program* (LCP). This update may use existing information and shall involve consultation with appropriate environmentalists, scientists and government agencies dealing with the Santa Monica Mountains as a whole. A map focusing on *sensitive environmental habitats* and their buffers shall be prepared and included in the LCP and shall be continually updated as additional information becomes available. *Environmentally sensitive habitats* shall conform to the definition in the Act, PRC Section 30107.5.~~

[Staff Explanation. Santa Monica Mountains Policy 2 is essentially a program for updating the County's ESHA map for the Santa Monica Mountains. While the County did not implement this policy/program, County staff did work in cooperation with Coastal Commission staff to prepare a detailed map of the environmentally sensitive habitat areas (ESHA) in the Santa Monica Mountains (see Figure 4-1.3-7). This map will be included as a component to the CAP. However, additional work is needed to complete the mapping of ESHA in the Santa Monica Mountains. Within the CAP, ESHA mapping is addresses in two areas: ESHA Policy 1.2 and ESHA Program 1.]

- ~~3. All new *upland development* shall be sited and designed to avoid adverse impacts on *sensitive environmental habitats*:~~
 - ~~• In cases where *sensitive environmental habitats* are located on a project site where the impacts of *development* are mitigated consistent with the Plan, the County shall assure that all *habitat* areas are permanently maintained in open space through an easement or other appropriate means.~~
 - ~~• When such impacts of *development* would be unavoidable, the County shall ascertain within the specific project review period whether any public agency or~~

~~non-profit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, County Recreation Services, and Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been specifically authorized to acquire any portion of the property which would be affected by the proposed development, and funds for the acquisition are available or could reasonably be expected to be available within one year of the date of application for the permit. If the permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again on the same ground.~~

[Staff Explanation. Santa Monica Mountains Policy 3 [bullet 1] is being amended as Policy 5.8 to ensure the preservation of ESHA and 30% slopes. Santa Monica Mountains Policy 3 [bullet 2] is being amended and restated as Policy 2.2.]

- ~~4. Where possible for subdivision and undeveloped contiguous lots, construction and/or improvements of driveways/accessways which would increase access to the subject area or adjacent areas shall be permitted only when it has been determined that environmental resources in the area will not be adversely impacted by the increased access. Grading cuts shall be minimized by combining the accessways of adjacent property owners to a single road where possible. The intent is to reduce the number of direct ingress-egress points off public routes and to reduce grading. At stream crossings, driveway access for nearby residences shall be combined. Hillside roads and driveways shall be as narrow as feasible and follow natural contours.~~

[Staff Explanation. Santa Monica Mountains Policy 4 is being amended and restated as Policies 4.2, 4.4, 4.5, 4.11, 9.1, and 9.2. Ventura County Fire Protection District Access Standards determine the need for secondary access for public safety purposes.]

- ~~5. Development dependent upon a water well shall be approved only if such well would not either individually or cumulatively cause adverse impacts on affected riparian areas or other coastal resources. This policy shall be implemented as data becomes available through the County CEQA process and other review procedures.~~

[Staff Explanation. Santa Monica Mountains Policy 5 is being amended and restated as Policy 5.7.]

- ~~6. All proposals for land divisions in the Santa Monica Mountains shall be evaluated to assure that any future development will be consistent with the development policies contained in this Plan. Where potential development cannot occur consistent with the development policies contained in this plan, the request for division shall be denied. Environmental assessments shall accompany tentative map applications and shall evaluate the ecological resources within and adjacent to the site and the consistency of the proposed division and development with the standards of the Local Coastal Program.~~

- ~~• All applications shall identify future building envelopes and shall be identified on the final map. Building envelope is defined as:~~

~~The one area of a proposed parcel which shall contain all structures, including but not limited to: the primary residential structure, other accessory residential structures, barns, garages, swimming pools, and storage sheds. Specifically excluded are fences and walls which may be placed along property lines.~~

- ~~• All identified environmentally sensitive habitat areas and/or slopes over 30% shall be permanently maintained in their natural state through an easement or other appropriate means and shall be recorded on the final tract or parcel map or on a grant deed as a deed restriction submitted with the final map. Development shall not be permitted in areas over 30% slope.~~
- ~~• All offers to dedicate trail easements consistent with recreation policy #8 below, shall be recorded on the final map. Trail easements established by deed restriction shall be recorded on the deed no later than final map recordation.~~

[Staff Explanation. The introduction to Santa Monica Mountains Policy 6 is being amended and restated as Policies 9.1 and 9.2]

[Staff Explanation. Santa Monica Mountains Policy 6 [bullet 1] is being amended and restated within the CZO as Sec. 8178-2.9.1 – General Requirements and “Development Envelope” and “Building Site” has been added to CZO Article 2 Definitions.]

[Staff Explanation. Santa Monica Mountains Policy 6 [bullet 2] is being amended and restated as Policy 5.8 and within the CZO as Sec. 8178-2.9.2 – Requirements for Tentative Maps and Parcel Map Waivers. The amended policy identifies recordation for lot line adjustments.]

[Staff Explanation. Santa Monica Mountains Policy 6 [bullet 3] is being amended and restated as CZO Section 8177-4.1.3 – Requirements for Tentative Maps and Parcel Map Waivers. See amended Access and Recreation Policy 8 and compliance with State Law.]

~~Scenic and Visual Qualities:~~

- ~~7. New development shall be sited and designed to protect public views to and from the shoreline and public recreational areas. Where feasible, development on sloped terrain shall be set below road grade.~~
- ~~8. Development shall not be sited on ridgelines or hilltops when alternative sites on the parcel are available and shall not be sited on the crest of major ridgelines.~~

[Staff Explanation. Policies 7 and 8 above, which address scenic and visual resources in the Santa Monica Mountains, will be relocated to Section 4.1.7 – Visual Resources.]

- ~~9. Except within the Solromar “Existing Community”, all development proposals located within 1,000 feet of publicly owned park lands shall be sited and designed to mitigate potential adverse visual impacts upon park lands. Appropriate mitigation measures include additional landscaping, use of natural materials, low building profile, earth tone colors, and the like. Development shall not be sited within 500 feet of a park boundary unless no alternative siting on the property is possible consistent with the policies of this Coastal Area Plan.~~

[Staff Explanation. Policy 9 above was relocated to Goal 1, Policy 3 of the South Coast section.]

~~G. Mugu Lagoon and San Nicholas Island~~

~~Although completely on Federal land and thus not in the coastal zone, Mugu Lagoon deserves discussion in this Plan because of its important habitat values and its relationship biologically to intertidal and offshore waters, both State and Federal, and its related importance for commercial and sport fisheries.~~

~~Mugu Lagoon is the last Southern California estuary to remain in its approximate natural site. Numerous sociological research programs indicate its importance. A number of species found in the Lagoon have been exterminated in other estuaries. The Lagoon serves as a nursery for offshore species. A variety of marine mammals feed and rest in the Lagoon.~~

~~Much of the credit for preservation of the Lagoon goes to the U.S. Navy. Protection of fish and wildlife is assured through, among other sources, the 1967 Fish and Wildlife Plan for Point Mugu and San Nicholas Island, jointly subscribed by the State and Federal governments. Although the Lagoon is within the Pacific Missile Test Center (PMTC) and therefore on federal land, it is impacted by activities in the unincorporated, non-federal surrounding lands, particularly those along Calleguas Creek and Revlon Slough. A small portion of this tributary area is in the Coastal Zone where development activities will be reviewed for consistency with the policies of this Coastal Area Plan.~~

~~However, many upstream activities affecting Mugu Lagoon may involve Federal participation or Federal assistance, and these will be subject to Coastal Commission review for consistency with the California Coastal Management Program.~~

~~The Calleguas Creek watershed includes over 343 square miles, including the major urbanized areas of Simi Valley, Thousand Oaks, Moorpark and Camarillo, and as well, major agricultural lands in the Oxnard Plain. A portion (approximately 400-500 feet) within the Coastal zone of Calleguas Creek drains into the Lagoon. Rapid urbanization and increased agricultural irrigation has resulted in increased runoff and sedimentation in the Lagoon.~~

~~According to the State Department of Fish and Game and the U.S. Fish and Wildlife Service (June 1976), sedimentation from Calleguas Creek may elevate the Mugu Lagoon wetland above the tidal prism (ocean tide flooding) and thereby change the water quality and environmental characteristics of the wetland. Urbanization in the upstream watershed increase runoff, both in total volume and in the magnitude of the peak flow. Further, conversion of native watershed to urban and agricultural land increases summer flows (low flows) to the proximity of Mugu Lagoon. Increased flows lead to potentially lowered salinity in the Lagoon, increased pollution and increased erosion in unprotected areas along the unimproved channel reaches which ultimately may deliver more sediments to the Lagoon. The result is damage to both flora and fauna in the Lagoon (California Department of Fish and Game, 1976).~~

~~An important concern regarding any alterations of Calleguas Creek is the impact on endangered species in the Lagoon area. According to the U.S. Fish and Wildlife Service (USFWS), the endangered light-footed clapper rail, Belding's savannah sparrow and California least tern utilize the Lagoon.~~

~~Some flood control improvements (such as those that decrease sedimentation) along Calleguas Creek may be necessary for the maintenance or enhancement of the wetland. According to the Ventura County Flood Control District (Ventura County Coastal Planning Study, Flood Control Planning, Surface and Groundwater Hydrology, 1972), without improvements to reduce sedimentation and to maintain an optimum exchange of tidal and fresh waters, the Mugu wetland may ultimately cease to exist or become severely degraded as a wetland area.~~

ESHA Goal 5

To maintain Mugu Lagoon, including the main estuary and the entire wetland system within the Pacific Missile Test Center, in as natural a state as possible, to the extent consistent with national security needs.

[Staff Explanation: The County's CAP policies for Mugu Lagoon and San Nicholas Island are being deleted (due to lack of jurisdiction) and incorporated into more general policies and implementation program for this specific ESHA.]

Policies

- ~~1. Upstream development and activities subject to Federal consistency review, including solid waste disposal, soil management practices, flood control, water reclamation, sewage treatment, use of pesticides and fertilizers, etc. should not impair the biological productivity of Mugu Lagoon nor its value for scientific and educational purposes, nor the offshore fisheries with which it is linked.~~

[Staff Explanation. Mugu Lagoon and San Nicholas Island Policy 1 is represented within Policies 3.1, 3.2, 6.11 - 6.15, 7.1 - 7.5]

- ~~2. Flood control projects should avoid intrusion into Mugu Lagoon, be sited and designed to prevent degradation of the wetland, and incorporate feasible mitigation measures. Channelization, dams, and other river or stream alterations should be limited to necessary water supply projects, flood control projects necessary for public safety, and projects necessary to protect and enhance wetlands habitats and to reduce sedimentation in Mugu Lagoon.~~

[Staff Explanation. Mugu Lagoon and San Nicholas Island Policy 2 is represented within Policy 6.12.]

- ~~3. Projects which adversely impact habitat should include mitigation measures such as timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of native vegetation, reclamation or enhancement programs.~~

[Staff Explanation. Mugu Lagoon and San Nicholas Island Policy 3 is represented within Policy 10.3.]

- ~~4. Dredging, diking or filling of Mugu Lagoon should be limited to restoration and nature study purposes or projects required for national security. Any fill or degradation of wetlands should be accompanied, where feasible, by creation or enhancement of equivalent wetlands area.~~

[Staff Explanation. Mugu Lagoon and San Nicholas Island Policy 4 is represented within Policy 10.6.]

- ~~5. The County supports the work already done, and any future plans the Navy may propose to maintain and enhance the productivity of the Mugu Lagoon consistent with the Local Coastal Program.~~
- ~~6. The County supports continued and future reliance on joint Federal-State plans such as the 1967 Fish and Wildlife Management Plan for Point Mugu and San Nicholas Island. Marine mammal populations should be protected or, in the case of sea otters, re-established where feasible consistent with national security needs.~~

[Staff Explanation. Mugu Lagoon and San Nicholas Island Policies 5 and 6 are incorporated within ESHA Program 3 Inter-Agency and Inter-Jurisdictional Coordination.]

Chapter 4, Goals Policies and Programs, Figure 4.4 - 1 Environmentally Sensitive Habitat Areas on the South Coast, of the Ventura County Coastal Area Plan is hereby deleted and the remaining Figures 4.2- 2 through 4.2-5 are renumbered to read as follows:

Figure 4.4-1 **Environmentally Sensitive Habitat on the South Coast**

[Staff Explanation. The South Coast Subarea map is being replaced by an updated map for the subarea. See Figure 4.1.3-3.]

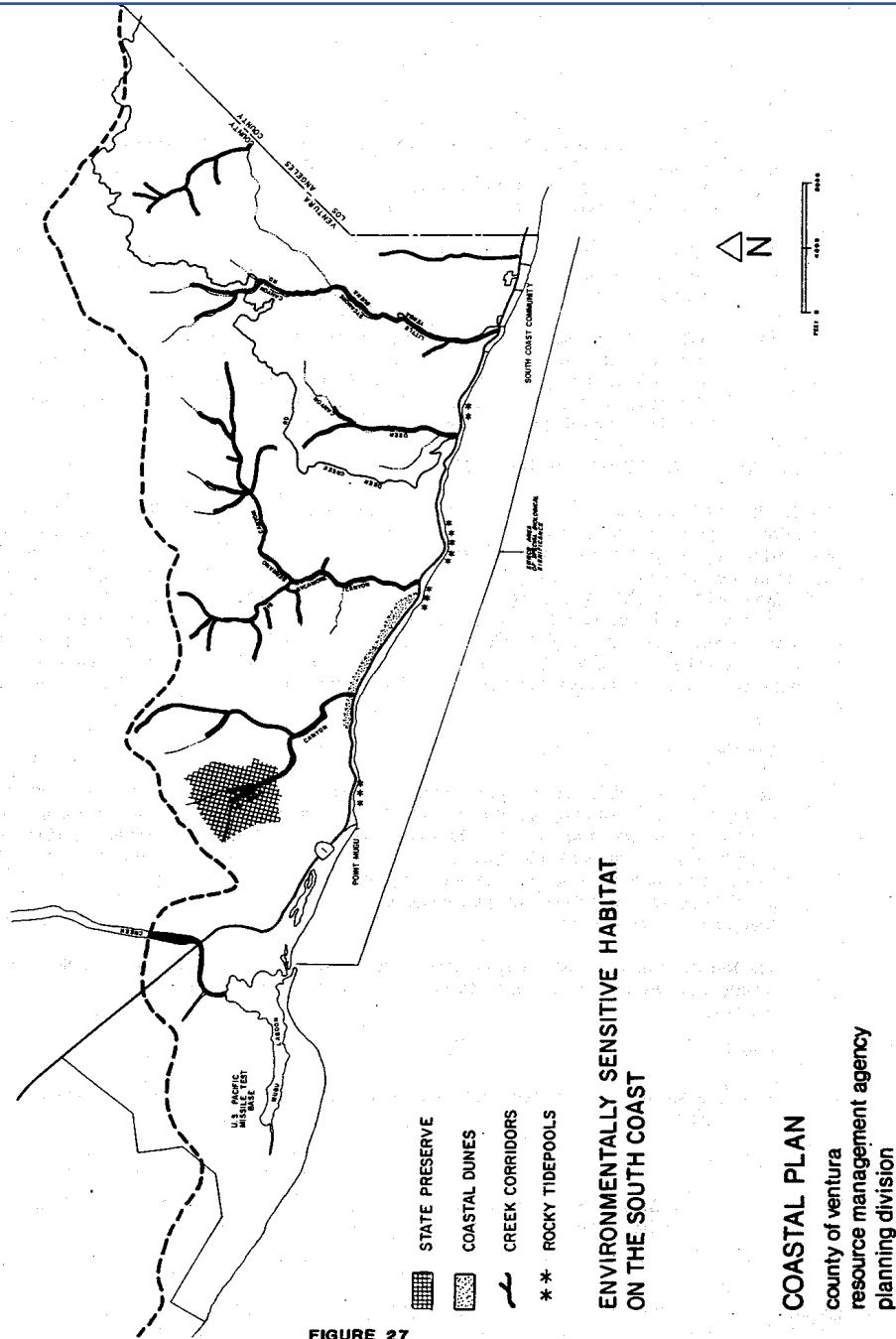


FIGURE 27

**ENVIRONMENTALLY SENSITIVE HABITAT
ON THE SOUTH COAST**

COASTAL PLAN
 county of ventura
 resource management agency
 planning division

RECREATIONAL AREAS ON THE SOUTH COAST

COASTAL PLAN
 county of ventura
 resource management agency
 planning division

FIGURE 28

**Figure 4.4-2 3
South Coast Access Inventory**

NO.*	Name & Location	Access Type	Size	Frontage	Open	Signed	Owned By	Managed By	Remarks
1.	Vista Point - Mugu Rock West of Hwy. 1, 9 miles South of Oxnard	View	---	---	Yes	Yes	Caltrans	Caltrans	
2.	Point Mugu State Park East and West of Hwy. 1, 10 miles south of Oxnard	Park	15,200 ac.	3.6 miles	Yes	Yes	State Parks	State Parks	
3.	Bass Rock Point Lookout West of Hwy. 1, 11 miles south of Oxnard	View	---	---	Yes	Yes	Caltrans	Caltrans	
4.	Vista Point West of Hwy. 1, 12 miles south of Oxnard	View	---	---	Yes	Yes	Caltrans	Caltrans	
5	Leo Carrillo State Beach	Park	32 ac.	1.1 miles	Yes	Yes	State Parks	State Parks	Ventura County portions of park are undeveloped at this time.

6/20/89

Footnotes:

* Keyed to the Local Coastal Area Plan Land Use Map for the South Coast, [in Section 3.3.3 – The South Coast](#), Figure 3-6 (separate map).

Figure 4.4-3 4
Agricultural Preserves and Prime Soils on the South Coast

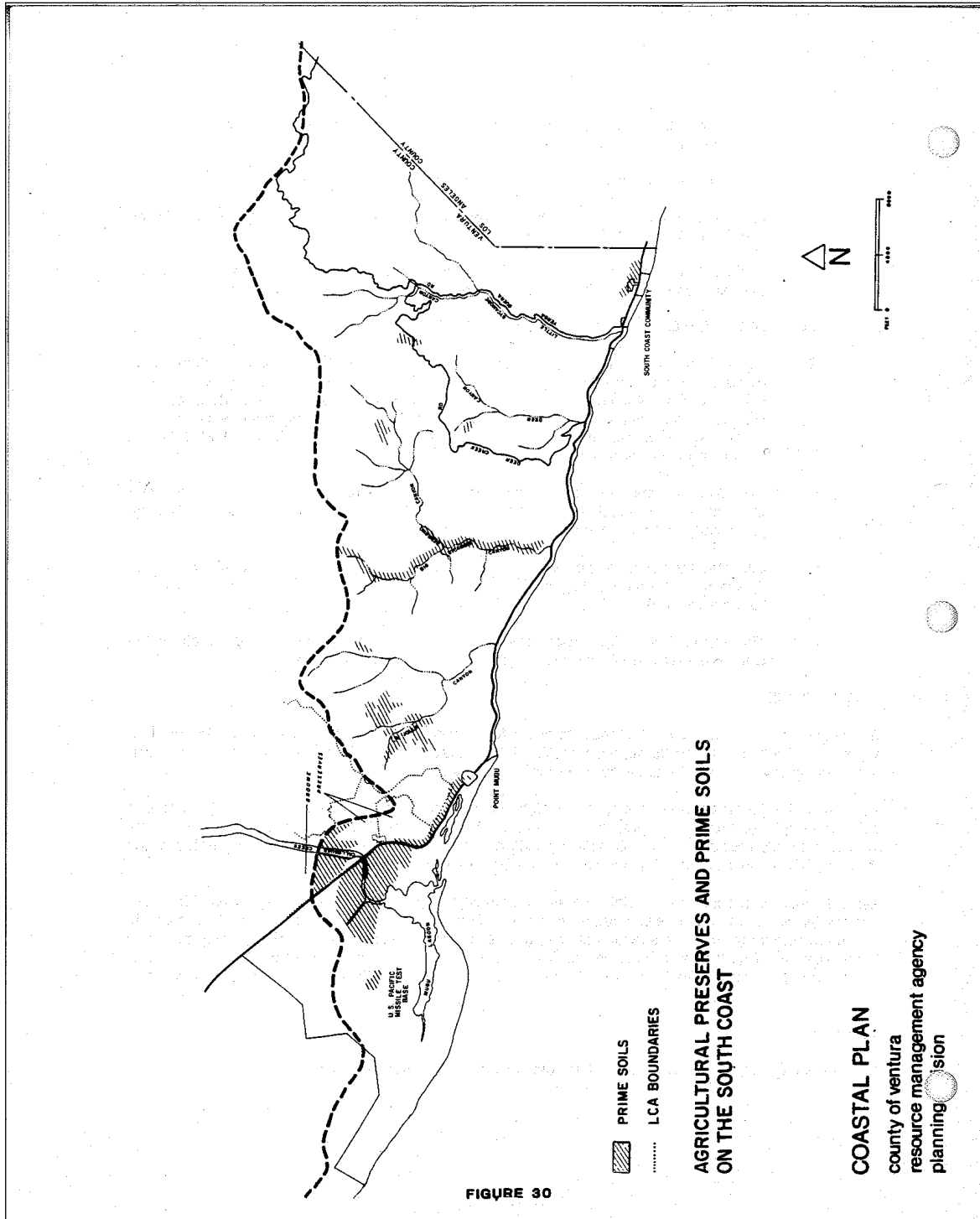
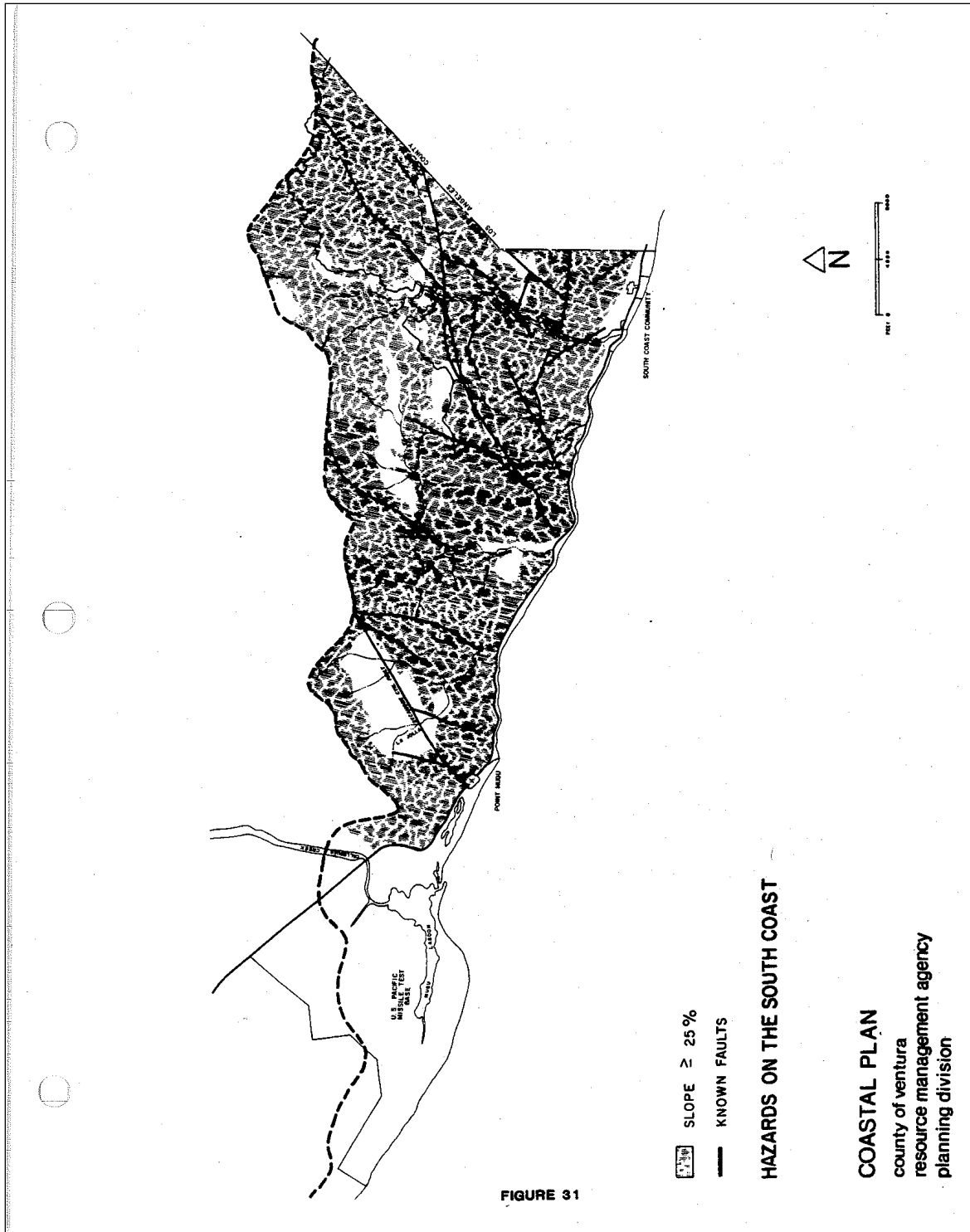


Figure 4.4-4 5
Hazards on the South Coast



2021 BOS Hearing Post Adoption

Coastal Zoning Ordinance (legislative format with staff explanations)

Phase 2C Amendments to the Local Coastal Program

List of Amended Sections:

Section 1 / Background and History

Section 2 / Article 1:

- *Section 8171-9 - Establishment of Use Zones*

Section 3 / Article 2:

- *Section 8172-1 - Application of Definitions*

Section 4 / Article 3 – Purposes of Zones:

- *Section 8173-12 – Harbor Planned Development (HPD) Zone*

Section 5 / Article 4 – Permitted Uses:

- *Section 8174-4 – Environmentally Sensitive Habitat Areas*
- *Section 8174-5 - Permitted Uses by Zone*

Section 6 / Article 5 – Development Standards/Conditions – Uses:

- *Section 8175-2 - Schedule of Specific Development Standards by Zone*
- *Section 8175-3.11 - Fences, Walls and Hedges*
- *Section 8175-5.2.4 – Animals and Fowl*
- *Section 8175-5.6.1.2.1 – Temporary Filming on the Sandy Beach*
- *Section 8175-5.6.4 – Standards for Film Production Activities in all Zones*
- *Section 8175-5.9 – Public Works Facilities*
- *Section 8175-5.17 – Grading and Brush/Vegetation Removal*
- *Section 8175-5.20.3(t) – Development Standards (Wireless Facilities)*
- *Section 8175-5.20.10 – Permit Application Requirements*

Section 8 / Article 7 - Standards for Specific Zones:

- *Section 8177-4 – Standards and Procedures for the Santa Monica Mountains (M) Overlay Zone*

Section 9 / Article 8 – General Development Standards/Conditions (Resource Protection):

- *Section 8178-2 – Environmentally Sensitive Habitat Areas (ESHA)*
- *Section 8178-7 – Tree Protection Regulations*
- *Section 8178-8 – Water Efficient Landscape Requirements*

Section 10 / Article 11 – Entitlements (Process and Procedures):

- *Section 8181-2 – Legal Lot Requirements*
- *Section 8181-3.5 – Required Permit Findings (see Section 8181-3.5.2 and Section 8181-3.5.3)*

Section 11 / Appendices:

- *Appendix E1 – Site-Specific Environmental Assessments for ESHA*
- *Appendix E2 – Implementing Development in ESHA*

Staff Explanation for CZO Amendments:

[Staff Explanation: The Local Coastal Program (LCP) includes two documents: Coastal Area Plan (CAP) and Coastal Zoning Ordinance (CZO). This document contains draft revisions to the CZO, which implement policies in the CAP through standards or permitting requirements. Most of the proposed revisions are in Article 8, Section 8178-2 – Environmentally Sensitive Resource Areas (ESHA). Please note that throughout the document formatting corrections (“Sec”. to “Section”) occurred for consistency and are not mentioned in the staff explanations.]

Legislative Format:

All draft text is shown in “legislative format” as follows:

- *Certified CZO text that will be retained is shown as plain black text (not underlined).*
- *Text that is being proposed is shown as black underlined text.*
- *Existing, certified text that is being deleted is shown as “~~strikethrough~~” across the word/sentence.*
- *Text in **black italics** is a defined term. Defined terms are in Article 2 – Definitions of the Coastal Zoning Ordinance.]*

VENTURA COUNTY COASTAL ZONING ORDINANCE

DIVISION 8, CHAPTER 1.1 OF THE VENTURA COUNTY ORDINANCE CODE

LAST AMENDED BY BOARD OF SUPERVISORS: ~~04-25-17~~ (DATE TO BE ADDED)

LAST CERTIFICATION BY COASTAL COMMISSION: ~~06-07-17~~ (DATE TO BE ADDED)

LEGALLY EFFECTIVE: ~~07-01-17~~ (DATE TO BE ADDED)

VENTURA COUNTY PLANNING DIVISION

To purchase the Ventura County Coastal Zoning Ordinance:

Call 805/654-2478 or 805/654-2805

Go to the Resource Management Agency ~~receptionist~~ Planning Division
3rd floor of the Government Center Hall of Administration
800 S. Victoria Avenue, Ventura, CA

(We can no longer provide free supplements as the ordinance is updated.)

This Zoning Ordinance is also available on our website:

<http://vcrma.org/planning>
under Ordinances and Regulations

For general questions about this ordinance, call

the Planning Division at:

805/654-2488 or 654-2451

Section 1

Background and History, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Section 1

BACKGROUND AND HISTORY

The Ventura County *Zoning Ordinance* was enacted on March 18, 1947, by Ordinance No. 412. Each formal action by the Board of Supervisors to establish or amend the code is done by enacting an "ordinance." These actions are numbered sequentially. For example, the creation of the first County *Zoning Ordinance* was the 412th ordinance action taken by the Supervisors. It should be noted that the *Zoning Ordinance* falls within Division 8 of the total Ventura County Ordinance Code and is specifically referenced as Chapter 1 of Division 8. The discussion that follows is intended to provide the reader with a general understanding of the *Zoning Ordinance's* evolution and structure. It is not a definitive analysis.

The *Zoning Ordinance* was adopted at the same time as the Uniform Building Code and collectively established the initial regulatory scheme for *structures* and *land uses*. The *Zoning Ordinance* provided little regulation, but it did establish the initial zoning of land. This initial *Zoning Ordinance* bears little resemblance to modern-day *Zoning Ordinances* and has undergone numerous amendments since 1947.

Amendments during the 1950s added significantly to the Ordinance and by 1962 it was necessary to "reorder" it into a more coherent format. Another major reformatting occurred in 1968. By the late 1960s, numerous individual zoning districts (e.g. M-1 Industrial, RBH Residential Beach Harbor) had been created and most of the basic regulatory provisions of the present code had been established.

During the 1970s, environmental laws and legal decisions, particularly those requiring consistency between zoning and the General Plan, led to further expansions of the Ordinance. The 1980s saw amendments that enhanced the County's ability to regulate oil and mining activities, and recover costs for permit processing and abatement of violations.

The cumulative additions to the Ordinance since the 1960s led to an unwieldy document that once again needed restructuring. This was addressed through the re-codification of 1983 (Ordinance No. 3658). The restructured code appeared in "letter-size" format and introduced a "matrix" to depict *uses* allowed in each zone. It also reduced the number of separate zones and centralized *development* standards. The general format established at this time is still in use today.

1983 was also the year that the *Zoning Ordinance* was divided into the Coastal *Zoning Ordinance* (Ordinance No. 3654) for coastal areas and the Non-coastal *Zoning Ordinance* that covers all areas outside the *coastal zone*. The two codes are structured in parallel, but differ in many detailed ways. Over the years they have grown apart as the Non-coastal *Zoning Ordinance* has undergone more frequent amendments which were not simultaneously incorporated into the Coastal *Zoning Ordinance*.

Phased Amendments - From 2011 through 2022, a series of phased amendments to the LCP were undertaken as part of a Board-directed project that was primarily funded under the federal Coastal Impact Assistance Program (CIAP) and that comprised the largest set of modifications to the LCP since its certification in the 1980s. The LCP was updated through a series of amendments as follows:

- Certified by the Coastal Commission in February 2013, the Phase 1 amendments included regulatory clarifications and minor policy changes that brought many Coastal Zoning Ordinance regulations into conformance with federal/state standards.
- Certified by the Coastal Commission on May 11, 2017, the Phase 2A amendments included revisions to the Coastal Area Plan Introduction and Summary of Coastal Act Policies and addressed seven topic areas: archaeological/paleontological resources, filming, parking, public noticing, signs, tree protection and water efficient landscaping.
- Certified by the Coastal Commission on June 7, 2017, the Phase 2B amendments addressed three topic areas: California Coastal Trail, wireless communication facilities, and civil administrative penalties.
- Certified by the Coastal Commission on DATE, 2022, the Phase 2C amendments addressed three topic areas: *Environmentally Sensitive Habitat Areas (ESHA)*, Dark Sky outdoor lighting provisions for the Santa Monica Mountains, and the deletion of the Harbor Planned Development zone. These amendments helped establish a consistent set of regulations for the coastal portion of the Santa Monica Mountains in Ventura County, the City of Malibu, and Los Angeles County.

Prior to July of 2002 the Ordinance was published solely by the County Clerk's Office. Beginning in mid-2002 the Planning Division began publishing an "un-official" version of the Coastal Zoning Ordinance that is electronically indexed and located on the Division's website. Every possible effort has been made to ensure that the contents of the Planning Division's version are consistent with the Clerk's version which is published by an outside contractor. The Planning Division's version differs in format and style to facilitate its incorporation onto the internet. The Planning Division's version of the Coastal Zoning Ordinance includes a footer on each page that identifies when the code was last amended. An index of amendments by section number will be added so one can determine where amendments have occurred in the code.

The Clerk of the Board of Supervisors keeps the only official record of each individual amendment to the Zoning Ordinance. The Planning Division keeps copies of the milestone versions of the codified Zoning Ordinance, e.g. the versions from 1968, 1983, and 1995, among others. These documents may be useful if one wants to research various amendments. Changes since 1983 can be tracked by noting the parenthetical dates and ordinance numbers at the end of a given code section or following the heading of a given Article in the Zoning Ordinance. These notations indicate when the Section or Article was added or last amended. Where no note appears, the language typically dates from the re-codification of 1983, although some wording may have been carried forward from preceding versions of the code.

Individuals who purchase the Coastal Zoning Ordinance can up-date it by consulting the Planning Division's website <http://vcrma.org/planning/> and downloading the current version, or portions of it. The Planning Division no longer provides up-dated pages for previously purchased Ordinances. Entire copies of the Coastal Zoning Ordinances ~~cost about \$15.00 each and~~ can be ordered through the Planning Division Resource Management Agency receptionist at (805) 654-2478 or (805) 654-2805.

[Staff explanation: After the 2018 Planning Commission hearing, the text above was modified to include the most recent history of certified amendments to the Coastal Zoning Ordinance shown in the bullet list above and to correct a minor informational error.]

DIVISION 8 - PLANNING AND DEVELOPMENT
CHAPTER 1.1 - ZONING (COASTAL)

(REP. & REEN. ORD. 4492 - 6/21/2016; 06/01/2017; **ADD DATE**)

Section 2

**ARTICLE 1:
AUTHORITY, PURPOSE, AND APPLICATION OF
CHAPTER**

Article 1, Section 8171-9 – Establishment of Use Zones, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8171-9 - Establishment of Use Zones

In order to classify, regulate, restrict and segregate the *uses* of land and *buildings*; to regulate the *height* and size of *buildings*; to regulate the area of *setbacks* and other open spaces around *buildings*; and to regulate the density of population, the following classes of *use zones* are established along with their abbreviations and minimum *lot areas*. Alternative minimum *lot areas* may be established pursuant to Section 8171-9.1 et seq. Minimum *lot area* requirements are expressed in "gross" area for land *uses* and *structures*. The minimum *lot area* for subdivision purposes is expressed in "net" area for *parcels* of less than 10 acres, and "gross" area for *parcels* of 10 acres or more. (AM.ORD.4451-12/11/12)

Zoning District Base Zones	Abbreviation	Minimum Lot Area
Coastal Open Space	COS	10 Acres
Coastal Agriculture	CA	40 Acres
Coastal Rural	CR	1 Acre
Coastal Rural Exclusive	CRE	20,000 sq. ft
Coastal Single-Family Residential	CR1	7,000 sq. ft
Coastal Two-Family Residential	CR2	7,000 sq. ft
Residential Beach	RB	3,000 sq. ft.
Residential Beach Harbor	RBH	*
Coastal Residential Planned Development	CRPD	As Specified by Permit
Harbor Planned Development	HPD	As Specified by Permit
Coastal Commercial	CC	20,000 sq. ft.
Coastal Industrial	CM	10 Acres

Overlay Zones	Abbreviation	Minimum Lot Area
Santa Monica Mountains	M /	Not Applicable

*See Section 8175-2 for specifics. (AM.ORD.4055-2/1/94, AM.ORD. 4451-12/11/12)

Section 3

ARTICLE 2: DEFINITIONS

Article 2, Section 8172-1 – Application of Definitions, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8172-1 - Application of Definitions

Terms defined in Article 2 below are italicized whenever they appear in the main text of this ordinance.

Unless the provision or context otherwise requires, the definitions of words and term as follows shall govern the construction of this Chapter. Additional definitions may be found in Appendix 7 of the LCP Land Use Plan appendices.

Definitions - A

A-Frame Structure - A *structure* shaped in the configuration of the letter A, with angled exterior walls that also serve as a roof to the *structure* and that meet at the top ridge. (AM.ORD.4451-12/11/12)

Abut - To touch physically, to border upon, or to share a common property line with. *Lots* that touch at corners only shall not be deemed abutting. Adjoining and contiguous shall mean the same as abutting. (AM.ORD.4451-12/11/12)

Access - The place or way by which pedestrians and/or vehicles shall have safe, adequate, usable ingress and egress to a property or *use* as required by this Chapter.

Accessory Structure - A detached *structure* containing no *kitchen* or cooking facilities, and located upon the same *lot* as the *building* or *use* to which it is accessory, and the *use* of which is customarily incidental, appropriate and subordinate to the *use* of the principal *building*, or to the *principal use* of the land. (AM.ORD.4451-12/11/12)

Accessory Use - A *use* customarily incidental, appropriate and subordinate to the *principal use* of land or *buildings* located upon the same *lot*.

Acquisition Area = Biologically significant areas that are identified for permanent conservation protection within planning documents of a *natural resource agency* or *conservation organization*.

Adjacent = A *building*, *lot* or geographic area that is nearby or in proximity to another *building*, *lot* or geographic area. Also may be used to mean *abut* or *adjoin* (see “*abut*”).

Agency – Any federal, state or local governmental *agency* created by statute or official action.

Agricultural activity, operation, or facility - Includes but is not limited to, the cultivation and tillage of the soils, dairying, the production, irrigation, frost protection, cultivation, growing, pest and disease management, harvesting and field processing of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or market, or delivery to carriers for transportation to market.

Agriculture - Farming, including *animal husbandry* and the production and management of crops (including aquatic crops) for food, fiber, fuel and ornament.

Aircraft - Includes helicopters, all fixed wing airplanes, hang-gliders and ultra-light aircraft.

Airfields and Landing Strips, Private - An *aircraft* landing strip or heliport for agricultural crop dusting or personal use of the property owner or tenants, not available for public use, and with no commercial operations.

Albedo – A measure of a material's ability to reflect sunlight on a scale of zero to one, with a value of 0.0 indicating the surface absorbs all solar radiation (e.g. charcoal) and a value of 1.0 representing total reflectivity (e.g. snow).

Alley - A private way permanently reserved as a secondary means of vehicular access to adjoining property. (AM.ORD.4451-12/11/12)

Alluvial Scrub Habitat— A distinctive and rare plant community found mainly on the alluvial fans and floodplains (a mass of sediment, especially silt, sand, and gravel deposited by water) emanating from the coastal side of the Transverse ranges and in certain portions of the Peninsular ranges. See Appendix AE-1.2.3 for a more detailed description of the plant communities within ESHA Alluvial Scrub Habitat.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing for consistency in the use of the term throughout the LCP and to also direct the reader to the biological description of the habitat in the Appendix.]

Alluvium – A deposit of clay, silts, sand, and gravel left by flowing *streams* in a river valley or delta, but may be deposited at any point where the river overflows its banks. Loose alluvial material that is deposited or cemented into a lithological unit, or lithofied, is called an alluvial deposit.

Alternatives Analysis - The evaluation of a range of alternatives (e.g., strategies) with the objective of selecting the least environmentally damaging feasible alternative.

Amortize - To require the termination of (a *nonconforming use or structure*) at the end of a specified period of time.

Animal Caretaker - A *person* employed full time on the same property for activities associated with Animal Husbandry or *Animal Keeping*. (ADD.ORD. 4451-12/11/12)

Animal Husbandry - A branch of *agriculture* for the raising or nurturing and management of animals, including breeding, pasturing or ranching for such purposes as animal sales, food production, fiber production, ornament, or beneficial use (e.g. insectaries). (AM.ORD.4451-12/11/12)

Animal Keeping - The keeping of animals other than for husbandry or pet purposes, with or without compensation; including such activities as boarding, stabling, pasturing, rehabilitating, training of animals and lessons for their owners, and recreational riding by the owners of the animals; but excluding such activities as the rental use of the animals by people other than the owners, and excluding events such as organized competitions, judging and the like. (ADD.ORD. 4451-12/11/12)

Animals, Pet - Domesticated animals such as dogs, cats, and rabbits, which are customarily kept for pleasure rather than *animal husbandry* or *animal keeping*. (AM.ORD.4451-12/11/12)

Animals, Wild - Animals that are wild by nature and not customarily domesticated. This definition does not include birds, small rodents or small, nonpoisonous reptiles commonly used for educational or experimental purposes, or as pets. (AM.ORD.4451-12/11/12)

Antenna – A whip (omni-directional *antenna*), panel (directional *antenna*), disc (parabolic antenna), or similar device used for transmission or reception of radio waves or microwaves. Devices used to amplify the transmission and reception of radio waves, such as remote radio units, are not included. (AM.ORD.4498-07/01/17)

Apiculture - Beekeeping, which includes one or more hives or boxes, occupied by bees (hives or boxes includes colonies), but does not include honey houses, extraction houses, warehouses or appliances.

Applied Water - The portion of water supplied by the irrigation system to the *landscape area*.

Aquaculture – A form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes.

Appeal, Development Subject to Appeal – A *development* whose approval or denial by the County of Ventura may be appealed to the Coastal Commission. In compliance with Public Resources Code Section 30603(a), *development* subject to appeal consists of the following:

1. *Development* approved by the County between the sea and the first *public road* paralleling the sea, or within 300 feet of the inland extent of any beach, or within 300 feet of the *mean high tide line* of the sea where there is no beach, whichever is the greater distance.
2. *Development* approved by the County that is not included within paragraph 1 above and is located on *tidelands*; submerged lands, public trust lands; within 100 feet of any *wetland*, *estuary*, or *stream*; or within 300 feet of the top of the seaward face of any *coastal bluff*.
3. Any *development* approved by the County that is not designated as the *principally-permitted use* under this Ordinance.
4. Any *development* that constitutes a *major public works project* or a *major energy facility*.

(AM.ORD.4451-12/11/12)

[Staff explanation: This definition title was corrected after the 2018 Planning Commission hearing to correct a consistency issue with its placement in Article 2.]

Aquaculture – A form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes.

Archaeological Resource – The material remains (artifacts, *structures*, refuse, etc.) produced purposely or accidentally by members of human cultures predating the 19th century with one or more of the following characteristics:

1. Possessing a special quality such as oldest, best example, largest, or last surviving example of its kind;
2. Are at least 100 years old; and possessing substantial stratigraphic integrity;
3. Are significant to Chumash or Native American prehistory or history;

4. Are significant to the maritime history of California including European exploration, Spanish Colonial and Mission period, Mexican period, and United States statehood.
5. Contain sacred, burial ground, traditional ceremonial material gathering sites, or other significant artifacts;
6. Relate to significant events or persons;
7. Are of specific local importance;
8. Have yielded, or may be likely to yield, information in prehistory or history;
9. Can provide information that is of demonstrable public interest and is useful in addressing scientifically consequential and reasonable research questions; or
10. Involve important research questions that historical research has shown can be answered only with archaeological methods.

Archaeologist, Qualified Consultant – A consultant who meets one or more of the following professional qualifications in archeology, subject to approval of the *Planning Director*:

1. Holds an advanced degree from an accredited institution (M.A., M.S., Ph.D.) in Archaeology, Anthropology, or related discipline;
2. Holds a B.A. or B.S. degree including 12 semester units in supervised archaeology field work experience; or
3. Has at least five years of relevant research in field work experience or presents evidence of professional certification or listing on a Register of Professional Archaeologists (ROPA) as recognized by the Society for American Archaeology (SAA), Society of Professional Archeologists (SOPA), the Society for Historical Archaeology (SHA), and the governing board of the Archaeological Institute of America (AIA).

Artificial Fill - A layer of well-graded soil material that is designed and compacted to engineered specifications in order to support a roadbed, *building*, or other improvement or *structure*.

Artificial Turf - A man-made surface manufactured from synthetic materials which simulate the appearance of live *turf*, grass, sod, or lawn.

Assembly Use – A *building* or *structure* where groups of individuals voluntarily meet to pursue their common social, educational, religious, or other interests. For the purpose of this definition, assembly uses include but are not limited to libraries, schools and hospitals, and do not include Temporary *Outdoor Festivals* or *Outdoor Sporting Events*.

Average Slope - The mean *slope* of an entire *parcel* of land before grading has commenced. Average *slope* is measured by the formula detailed in the Coastal Open Space (COS) or Coastal Agricultural (CA) Zones in this Chapter, and, in part, determines minimum *parcel* size(s) for proposed subdivisions. (AM.ORD.4451-12/11/12)

Aviary - Any *lot* or premises on which *domestic birds* are kept for commercial purposes.

Definitions - B

Backflow Prevention Device - A safety device used to prevent contamination of the drinking water supply system due to the reverse flow of water from the irrigation system.

Bathroom - A room with a sink, a toilet, and a bathtub and/or shower. (AM.ORD.4451-12/11/12)

Beach Erosion - The removal and wearing away of the beach area by wave, wind or storm action.

Beach Grooming - The removal of driftwood, debris and *beach wrack* from beaches, which may include leveling sand.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing for consistency in the use of terms throughout the documents.]

Beach Wrack - Organic material (e.g., kelp, seagrass, and wood) that is cast up onto the beach by surf, tides, or wind.

Bed-and-Breakfast Inn – A single family dwelling with guest rooms where lodging and one or more meals are offered for compensation to overnight guests. (AM.ORD.4451-12/11/12)

Bed rock – The relatively solid, undisturbed rock in place either at the ground surface or beneath superficial deposits of *alluvium*, colluvium and/or soil.

Best Management Practices (BMPs) - A practice, or combination of practices, that constitute an effective and practicable means of conducting *development* in a manner that prevents or reduces impacts on the environment.

Biodiversity - The variety of life and its processes. Biodiversity includes the variety of living organisms, the genetic differences among them, and describes the variability within species, between species, and between the *ecosystems* in which they occur. Implicit in the concept of biodiversity is the interrelationship among organisms and the *ecological functions* they collectively perform such as pollination, seed dispersal, and decomposition.

Biogeographic Regions = The grouping of similar plants and wildlife species and their spatial distribution on earth. Ventura's *Coastal Zone* contains seven biogeographic regions (listed north to south): Rincon Mountain, Red Mountains, Lower Ventura River, Pierpont Bay, Santa Clara River, Oxnard Plain, and the Santa Monica Mountains (See mapped regions at right).



Biogeographic Regions (Part)
(Credit: David Magney)

Biologist, Qualified – A person who graduated from an accredited college or university with a bachelor or higher degree in biology, botany, wildlife biology, natural resources, ecology, conservation biology or environmental biology, and who also possesses at least four years of professional experience with the preparation of biological resources assessments. The County's staff biologist serves as a qualified biologist with the authority to review permit application materials prepared by other qualified biologists.

Bioretention – A *water quality best management practice* that consists of a depressed area that utilizes soil and plants to slow *runoff* velocity, remove pollutants, and temporarily retain stormwater to increase infiltration into the ground.

Bird-Safe Glazing/ Window Treatments – Treatments that reduce the reflectivity of glass, windows or other similar surfaces to eliminate or significantly reduce bird mortality associated with birds striking the surface in flight.

Board and Care of Horses - The keeping, feeding, exercising, etc., of horses owned by others, for compensation.

Boardinghouse - A dwelling unit wherein two or more rooms are rented to residents for

whom daily meals are furnished.

Boarding Schools - Schools providing lodging and meals for the pupils.

Boatel - A *building* or *buildings* containing guest rooms or *dwelling units* that are used wholly or in part for the accommodation of boat transients, and are located near or *abutting* a river, lake or ocean. (AM.ORD.4451-12/11/12)

Botanic Gardens and Arboreta – An area managed by a scientific or educational institution for the purpose of advancing and diffusing knowledge and appreciation of plants, and that meets all of the following criteria:

1. The area functions as an aesthetic display, educational display, or research site that may be open to the public;
2. Plant records are maintained for the area. At least one staff member (paid or unpaid) experienced in horticulture that maintains and manages the area; and
3. Visitors can identify plants at the area through labels, guide maps, or other interpretive materials.

Breeding Colony – An aggregation of breeding ~~birds-animals~~, of one or more species, which may include large numbers of individual ~~animals~~ birds. Also, referred to as a rookery (birds) or nursing site (bats).

[Staff explanation: A correction was made to the definition after the 2018 Planning Commission hearing. Birds are not the only species to breed in colonies, for example, mammals such as bats form breeding colonies.]

Buffer Zone Area – An area that provides distance between two incompatible uses to protect natural resources. A buffer zone that protects ESHA is a transitional habitat between human activity or development and either an environmentally sensitive habitat area (ESHA) or a protected parkland/open space area acquired by natural resource agencies or conservation organizations for habitat protection. Buffer zones are sized and designed to protect the sensitive habitat/species, or protected parkland/open space area, from significant disruption or degradation. The area within 100 feet of the boundary of any environmentally sensitive habitat area (ESHA).

[Staff explanation: After the 2018 Planning Commission hearing, a minor edit to remove the word “area” was made for term consistency and to remove the term “barrier”, to more accurately capture what a buffer zone is.]

Building - Any *structure* having a roof supported by columns or walls, and intended for the shelter, housing or enclosure of *persons*, animals, or personal property of any kind.

~~Building Envelope – The area of a proposed *parcel* that contains all *structures*, including but not limited to: the primary residential *structure*, other accessory residential *structures*, barns, garages, swimming pools, and storage sheds. Specifically excluded are fences and walls. (AM.ORD.4451-12/11/12)~~

Building Site – The primary, developed area of a legal lot that contains all structures for a residential, commercial, agricultural or industrial use, including but not limited to the building pad, all primary structure(s) and accessory structures/uses (e.g., animal enclosures, barns, deck/patio, garages, parking areas, swimming pool, storage sheds, water storage tank). For example, the building site for industrial use includes oil/gas drilling operations (e.g., drilling pad, equipment storage areas, processing facilities, pumps or well sites, associated equipment). For agricultural use, the building site includes equipment storage areas, greenhouses, sales facilities, farmworker housing, row crops, and orchards.

The building site is included in the *development envelope*. (See definition for *development envelope*).

Definitions - C

California Natural Diversity Database (CNDDDB) – The program and associated *GIS* database through which the California Department of Fish and Wildlife inventories the status and locations of rare and special status plants and animals in California.

Camp - A rural facility with permanent *structures* for overnight accommodation and *accessory structures* and *buildings*, which is used for temporary leisure, recreational or study purposes, and provides opportunities for the enjoyment or appreciation of the natural environment. (AM.ORD.3882-12/20/88)

Campground - A rural facility without permanent *structures* for overnight accommodation, but with limited *accessory structures* and *buildings*, which is used for temporary leisure or recreational purposes and provides opportunities for the enjoyment or appreciation of the natural environment. (ADD.ORD.3882-12/20/88)

Campground, Low-Impact – A campground consisting of camping sites that do not significantly alter the physical setting nor disturb the overall function of the surrounding ecosystem. Low-impact camping sites are used for carry-in, carry-out tent camping accessed by foot and have no access roads, no permanent structures, and few or no support facilities or services (e.g., picnic areas, trash removal, restrooms).

Caretaker - An employee who must be on the property for a substantial portion of each day for security purposes or for the vital care of people, plants, animals, equipment or other conditions of the site.

Certificate of Completion – A document provided by the Planning Division to the permittee that confirms the *landscape area* was planted, and irrigation was installed, as applicable, in accordance with the approved *landscape documentation package*.

Certification – Written documentation signed by an appropriate expert (as determined by the *Planning Director*) which states, in a manner consistent with this Chapter, his/her opinion that there is no reasonable and appropriate alternative to *altering* or *removing* a given *tree*. The term “certification” may also mean that a written statement is true or correct or that something or someone has met certain standards or requirements.

Chaparral Habitat – A vegetation type common to coastal areas of central and southern California that is dominated by drought-tolerant, woody shrubs with evergreen leaves adapted to the region’s Mediterranean climate. See Appendix AE-1.2.3 for a more detailed description of the plant communities within ESHA Chaparral Habitat.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing for consistency in the use of the term throughout the LCP and to also direct the reader to the biological description of the habitat in the Appendix.]

Check Valve – A valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system and prevent drainage from sprinkler heads when the sprinkler is off.

Chokepoint – A narrow, impacted, or otherwise tenuous wildlife movement corridor or linkage (like the *chokepoint* of an hourglass). See photo to right, which depicts an example of a *chokepoint* (the bridge over the freeway is a narrow point in the *habitat connectivity corridor*).



Example of chokepoint

Class 1 Pathway – A right-of-way which is completely separated from the paved portion of the road (i.e. travel-way, parking and shoulder) for use by bicyclists, pedestrians, and other non-motorized forms of transportation (e.g. equestrians). (AM.ORD.4498-07/01/17)

Class 2 Bike Lane – A striped lane within the road right-of-way for one-way travel by bicyclists. Also includes “Bike Lane” signage. (AM.ORD.4498-07/01/17)

Clear Sight Triangle - The area of unobstructed visibility at street intersections or driveways that allows a driver to see approaching vehicles. (ADD.ORD. 4451-12/11/12)

Clubhouse - Any *building* or premises used by an association of *persons*, whether incorporated or unincorporated, organized for some common purpose, but not including a *gun club* or an association or group organized to render, purchase or otherwise make use of a service customarily carried on as a commercial enterprise.

Coastal Access - The ability of the public to reach, use or view the shoreline, coastal waters, coastal recreation areas, inland public recreation areas or public trails, and other significant coastal resource areas such as natural open space and *habitats*. Coastal access includes all such public access areas within the coastal zone and is not limited to shoreline locations.

Coastal Access Parking – Parking areas that facilitate the ability of the general public to reach, use or view coastal resource areas including, but not limited to, the shoreline, coastal waters, public open space or recreation areas, and trails. These parking areas may be dedicated for coastal access purposes or may be available for general public use.

Coastal Bluff – An escarpment or steep face of rock, decomposed rock, or soil that is near or adjacent to the ocean and is caused by erosion, earthquake faults, or folding of the land mass. A coastal bluff is 10 feet or more in height, and the toe is subject to marine erosion (or was subject to erosion within the last 200 years). See Appendix AE-1.2.3 for a more detailed description of the plant communities within ESHA Coastal Bluff Habitat.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing for consistency and to reference the biological description of the habitat in the Appendix.]

Coastal-Dependent Development or Use - Any *development* or *use* which requires a site on, or *adjacent* to, the sea to be able to function at all.

Coastal Development Permit – A discretionary permit required pursuant to this chapter or subdivision (a) of Section 30600 of the Coastal Act. Conditional Use Permits, *Planned Development Permits* and Public Works Permits are *Coastal Development Permits*. (ADD.ORD. 4451-12/11/12)

Coastal-Related Development or Use - Any *development* or *use* which is dependent on a *coastal-dependent development or use*.

Coastal Resources – Areas that include but are not limited to: public access facilities and opportunities; recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities); visitor serving opportunities; scenic resources; public views; natural landforms; marine resources; water quality; watercourses (e.g.,

rivers, streams, creeks, etc.) and their related corridors; water bodies (e.g., wetlands, estuaries, lakes, etc.), and uplands; ground water resources; biological resources; environmentally sensitive habitat areas; wetlands; agricultural lands; and archaeological and paleontological resources.

Coastal Sage Scrub (CSS) Habitat– A vegetation type found in discontinuous coastal areas of central and southern California dominated by semi-woody, low-statured, drought-tolerant, aromatic shrubs with drought-deciduous leaves adapted to the region's Mediterranean climate. See Appendix AE-1.2.3 for a more detailed description of the plant communities that are included within ESHA Coastal Sage Scrub Habitat.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing for consistency and to reference the biological description of the habitat in the Appendix.]

Coastal Zone - That portion of the land and water area of Ventura County as shown on the "Coastal Zone" maps adopted by the California Coastal Commission.

Colonial Roosts – An area used as a resting location by a group of ~~migratory birds~~ animals of one or more species, such as birds, bats, or insects (e.g., Monarch butterfly). ~~Birds~~ Animals may also breed in aggregations of many individuals, which is known as a breeding colony or nesting colony.

[Staff explanation: A correction was made to the definition after the 2018 Planning Commission hearing. Birds are not the only species to roost colonially, for example, bats and butterflies also utilize this strategy.]

Commercial Vehicle – A motor vehicle designed or regularly used for the transportation of persons for hire, compensation, or profit or that is designed and maintained to carry freight or merchandise, whether loaded or empty, including buses. This definition does not include vehicles used for emergency purposes, vanpools, or recreational vehicles operating under their own power. Examples of a commercial vehicle include the following:

- Any single vehicle with a gross vehicle weight rate (GVWR) greater than 10,000 pounds.
- A vehicle designed to transport 10 or more passengers including the driver.
- A van or bus designed to transport 15 or more passengers including the driver.
- Any size vehicles which requires hazardous material placards or is carrying materials listed as a select agent or toxin in Title 42, Code of Federal Regulations (CFR), Part 73.

Commission – The California Coastal Commission.

Community Center - A meeting place where people living in the same community may carry on cultural, recreational, or social activities, but excluding any facility operated as a business or for commercial purposes.

Conference Center/Convention Center - An urban facility for the assembly of *persons* for study and discussion, which includes permanent *structures* for dining, assembly and overnight accommodation. (ADD.ORD.3882-12/20/88)

Conservation Easement – A legally-binding instrument that retains the land predominantly in its natural, scenic, agricultural, forested, or open space condition or that preserves and protects native plants, animals and biotic communities. A conservation easement creates an interest in real property, is recorded in a deed and granted to a third party by, or on behalf of, the landowner and is binding upon successive owners of such land. Conservation

easements must be held by a *natural resource agency*, a *County-approved conservation organization*, or the *County of Ventura*.

Conservation Instrument – A legal mechanism used to ensure the protection of *coastal resources* from *development* in the form of a deed restriction or other similar mechanism executed by, or on behalf of, the owner of the land that is binding upon successive owners of the land. Such instruments shall contain a written description of the legal arrangements – including site ownership, management, and enforcement of any use restrictions – and be legally sufficient, enforceable, properly recorded in the chain of title, and able to ensure the protection of the coastal resource in perpetuity.

Conservation Organization – A *natural resource agency* or a private, non-profit organization, whose primary purpose is the *preservation and protection of land* in its natural, scenic, historical, recreational or open space condition. Qualifying private, non-profit organizations must be chartered under the U.S. Code, Title 26, Part 501(c)(3) and must operate as an international, national, or statewide organization or, if the organization operates as a local or community-based organization, then its membership must include at least 500 individuals and/or businesses. Qualifying private, non-profit organizations also must have owned or managed natural resource/open space property, at least 50 acres in area, for at least one year and must have the institutional and economic ability to conserve and maintain property.

Conversion Factor - The conversion factor of 0.62 required to convert acre-inches-per-acre-per-year to gallons-per-square-foot-per-year in the calculation of the *Maximum Applied Water Allowance (MAWA)*.

Core Habitat Areas – Extensive areas of *habitat*, usually containing more than one *habitat* type and supporting multiple wildlife species.

Correlated Color Temperature (CCT) – A measure in degrees Kelvin (K) of the warmth or coolness of light. Lamps with a CCT of less than 3,000 K are yellowish and considered warm. Lamps with a CCT greater than 4,000 K are bluish-white and considered cool.

[Staff explanation: The definition was added after the 2018 Planning Commission hearing because of modifications to the outdoor lighting section in response to incorporating Dark Sky requirements for the Santa Monica Mountains and ESHA.]

Critical Life Stage – A stage in the life cycle of a species where the species is vulnerable to disturbance. Disturbance to an individual animal/plant during its *critical life stage* can decrease its reproductive success or threaten its survival.

Cultural Heritage Site - An improvement, natural feature, site, or district that has completed the legally-required procedures to have it designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors, as a District, Landmark, Site of Merit, or Point of Interest.

Cumulative Effect – A term used to describe the incremental environmental effects of an individual project in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Definitions - D

Day Care Center – Any child care facility licensed by the State of California, except for a *Family Day Care Home*, such as infant centers, preschools, care of the developmentally disabled, and child extended care facilities.

Decision, Discretionary - *Discretionary decisions* involve cases that require the exercise of judgment, deliberation, or decision on the part of the *decision-making authority* in the process of approving or disapproving a particular activity, as distinguished from situations where the *decision-making authority* merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. Examples of cases requiring *discretionary decisions* to be made by the Board of Supervisors, Planning Commission and *Planning Director* include all those not classified as "ministerial" such as: Conditional Use Permits, Variances, Zone Changes, *Planned Development Permits*, Tentative Subdivision Maps and Time Extensions thereto, General Plan Amendments; and appeals, modifications and revocations, where applicable, of the above referenced decisions. (AM.ORD.4451-12/11/12)

Decision, Ministerial - *Ministerial decisions* are approved by a decision-making authority based upon a given set of facts in a prescribed manner in obedience to the mandate of legal authority. In such cases, the authority must act upon the given facts without regard to its own judgment or opinion concerning the property or wisdom of the act although the statute, ordinance or regulation may require, in some degree, a construction of its language by the decision-making authority. In summary, a *ministerial decision* involves only the *use* of fixed standards or objective measurements without personal judgment. (AM.ORD.4451-12/11/12)

Decision-Making Authority - An individual or body vested with the authority to make recommendations or act on application requests. The final *decision-making authority* is the one that has the authority to act on a request by approving or denying it. (AM.ORD.4451-12/11/12)

Development - Shall mean, on land or in or under water, the placement or erection of any solid material or *structure*; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of *use* of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including *lot* splits, except where the *land division* is brought about in connection with the purchase of such land by a public *agency* for public recreational *use*; change in the intensity of *use* of water, or of *access* thereto; construction, reconstruction, demolition, or alteration of the size of any *structure*, including any facility of any private, public, or municipal utility; and the removal or harvesting of *major vegetation* other than for agricultural purpose, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Act of 1973 (commencing with Section 4511).

As used in this section, "*structure*" includes, but is not limited to, any *building*, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Development Envelope – The full extent of allowable *development* on a *legal lot*. In addition to *structures* or other *development* within a *building site*, the *development envelope* may include, but is not limited to, driveway or road, fire department turnarounds, fire/fuel modification zone(s), water tanks (firefighting), entry gate/fences, utility trenches and other site grading, septic systems, wells, and drainage improvements. (See definition for *Building Site*.)

[Staff explanation: This definition was modified after the 2021 Planning Commission hearing to include gravity fed water tanks for firefighting purposes that are required by the Ventura

County Fire Protection District. In some locations it is not possible to site these within the building site.]

Development, Upland - See "Upland Development."

Diffused Light/Illumination – Soft light reflected from an *adjacent* surface or projected through a semi-transparent material, such as frosted light bulbs.

District – An area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Domestic Birds - Doves, finches, mynah birds, parrots and similar birds of the psittacine family, pigeons, ravens and toucans.

Drilling, Temporary Geologic - Bona fide temporary search and sampling activities that, in the case of oil-related testing, use drilling apparatus smaller than that used in oil production. (AM.ORD.4451-12/11/12)

Drip Irrigation – An irrigation method that minimizes water use through the application of water that drips slowly to the roots of plants, either onto the soil surface or directly into the root zone, through a network of valves, pipes, tubing, and emitters.



Drive Aisle - A driving area within a parking area or parking *structure* used by motor vehicles to maneuver, turn around, and/or access parking spaces.

Dune, Habitat – A fragile *habitat* that contains accumulations of sand in ridges, hummocks, or mounds supported and stabilized by native and/or non-native species of vegetation located landward of the beach. Also called "coastal dune habitat". Sand accumulations on privately owned inland properties within an existing community (i.e., lots that do not abut a beach in Rincon Point, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the-Sea, Silverstrand, and Solromar) are not defined as a coastal *dune habitat*. See Appendix E1, Section AE-1.2.3 for additional information on the definition of a coastal *dune habitat*.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing to correct extraneous word usage of the word "Also" and the name of the term "dune habitat" was corrected to "coastal dune habitat". A clarification was also added that sand accumulations on inland properties within an existing urban community (i.e., lots that do not abut a beach) are not considered ESHA dunes. In addition, a footnote associated with the definition of ESHA and dune habitats in Section 8178-2.4.1 was moved into the definition.]

Dwelling - A *building* or portion thereof designed for or occupied exclusively for residential purposes.

Dwelling, Animal Caretaker - A *dwelling unit* occupied by *animal caretaker(s)*, and their families, employed full time and working on the same *lot* on which the *dwelling unit* is located, or on other land in Ventura County that is under the same ownership or lease as the subject *lot*. (ADD.ORD. 4451-12/11/12)

Dwelling, Caretaker - A *dwelling unit* occupied by a *caretaker*, and his or her family, employed full time and working on the same *lot* on which the *dwelling unit* is located or on other land in Ventura County that is under the same ownership or lease as the subject *lot*. (AM.ORD.4451-12/11/12)

Dwelling, Farm Worker - A *dwelling unit* occupied by *farm worker(s)*, and their families, employed full time and working on the same *lot* on which the *dwelling unit* is located or on

other land in Ventura County that is under the same ownership or lease as the subject *lot*. (AM.ORD.4451-12/11/12)

Dwelling, Multi-Family - A *building*, or portion of a *building* containing three or more *dwelling units*.

Dwelling, Single-Family - A *building* constructed in conformance with the Uniform Building Code, or a *mobilehome* constructed on or after June 15, 1976, containing one principal *dwelling unit*. (AM.ORD.4451-12/11/12)

Dwelling, Two-Family - A *building* containing two principal *dwelling units*. (AM.ORD.4451-12/11/12)

Dwelling Unit - One or more rooms in a dwelling, with internal *access* between all rooms, that provide complete independent living facilities for one *family*, including permanent provisions for living, sleeping, eating, cooking and sanitation, but contain only one *kitchen*. (AM.ORD.4451-12/11/12)

Dwelling Unit, Second - A *dwelling unit* that is *accessory* to a principal *dwelling*. *Second dwelling units* include, but are not limited to, guest quarters, guesthouses, maid's quarters, granny flats, and sleeping rooms. Where a room or rooms have bathing facilities (i.e., a shower or bathtub) or a *kitchen*, or both, and no means of internal *access* to the principal *dwelling*, the room or rooms shall be a *second dwelling unit*. (AM.ORD.4451-12/11/12)

Definitions - E-F

Ecological Integrity - The long-term capacity of an *ecosystem* to support and maintain its biological diversity, natural resources, and the full range of *ecosystem function*.

Economically Beneficial Use: A level of economic use or *development* of real property; that would not otherwise constitute a nuisance or be prohibited pursuant to other background principles of property law and that is limited to the minimum necessary to avoid an unconstitutional taking of private property without just compensation under applicable law. This definition is not intended to increase or decrease the rights of any property owner under the U.S. or California Constitutions.

[Staff explanation: This definition was revised after the 2018 Planning Commission hearing to maintain consistency with terms being developed for sea level rise policies being developed.]

Ecosystem – An ecosystem is the combination of all living organisms (biotic) and the nonliving (abiotic) physical features of their environment (e.g., air, water and soil), which work or interact together as a system. An *ecosystem* is defined by the network of interactions among its organisms, and between those organisms and their environment. The biotic and abiotic components of an ecosystem are linked together through nutrient cycles and energy flows. While an ecosystem can be of any size, it usually comprises a specific geographic area.

Ecosystem Function – The interaction between the components (e.g., plants, animals, water, air, and soil) or processes (e.g., water cycle, nutrient cycle) of an *ecosystem*. Ecosystem function is measured through changes in the types, numbers, and distribution of plants and animals that occupy the *ecosystem* and by changes to the water quality/quantity and soil types within the *ecosystem*. Also referred to as “ecological function” or “ecologically functional”.

[Staff explanation: This definition was revised after the 2018 and 2021 Planning Commission hearing to capture all forms of this term usage in the LCP.]

Ecosystem Services - Ecosystem functions provide environmental services to human communities and are grouped into four broad categories: (1) provisioning (e.g., production of food, water, raw materials, genetic resources, minerals); (2) regulating (e.g., carbon sequestration, pollination, pest and disease control, waste decomposition and detoxification, air and water purification); (3) supporting (e.g., soil formation, water cycling); and (4) cultural (e.g., recreational, scientific and educational benefits).

Emergency – A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. This may include such occurrences as fire, flood, and earthquake or other soil or geologic movements. (AM.ORD.4451-12/11/12)

Energy Facility - Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other sources of energy (See also “Major Public Works Project and Energy Facility”). (AM.ORD.4451-12/11/12)

Environmentally Sensitive Habitat Area (ESHA) - Any area in which plant or animal life or their *habitats* are either rare or especially valuable because of their special nature or role in an *ecosystem* and which could be easily disturbed or degraded ~~harm~~ed by human activities and *development*. (For a definition of *habitats* classified as ESHA, see ~~Section 8178-~~ 2.4) including, but not limited to: ~~Areas of Special Biological Significance as identified by the State Water Resource Control Board; rare and endangered species habitats identified by the State Department of Fish and Game; all coastal wetlands and lagoons; all marine, wildlife, and education and research reserves; nearshore reefs; stream corridors; lakes; tidepools; seacaves; islets and offshore rocks; kelp beds; significant coastal dunes; indigenous dune plant habitats; and wilderness and primitive areas.~~ (AM.ORD.4451-12/11/12)

ESHA Vegetation Management Plan – A plan that identifies the location of protected ESHA and buffer zones that remain within fuel clearance areas of a permitted *development*. Current and future property owners are required to protect and maintain the retained ESHA for the life of the entitlement unless the Plan is amended by the Planning Division. See Appendix E2, Section AE-2.4 – ~~ESHA Vegetation Management Plan~~.

ESHA Mitigation Plan – A plan that summarizes all *ESHA* compensatory mitigation requirements associated with a permitted *development* that includes a *Habitat Mitigation Plan*, and one or more of the following components depending on the compensatory mitigation type: 1) *Habitat Restoration Plan*; 2) *Habitat Maintenance and Monitoring Plan*; or 3) *Habitat Management Plan*. See Appendix E2, AE-2.1 *ESHA Mitigation Plan Requirements*.

[Staff explanation: Two definitions were added after the 2018 Planning Commission hearing for clarity.]

Established Landscaping – The level of plant growth or coverage specified in the approved *landscape documentation package* that satisfies the *landscape plan performance criteria*.

Estimated Total Water Use (ETWU) - The annual total amount of water estimated to keep plants in a healthy state. ETWU is calculated from the *evapotranspiration rate*, the size of the *landscaped area*, plant water demand, and the efficiency of the irrigation system within each *hydrozone*.

Estuary - A partially enclosed coastal body of brackish water, with one or more rivers or *streams* flowing into it, that is connected to the open sea. Estuaries form a transition zone between river and maritime environments. They are subject to riverine influences (e.g., influx

of fresh water and sediment) and marine influences (e.g., tides, influx of saline water). The inflows of both sea water and fresh water provide high levels of nutrients, making estuaries among the most productive natural *habitats* in the world.

Evapotranspiration - The loss of water from a vegetated surface through the combined processes of soil evaporation and plant transpiration.

Exterior Storage - The outdoor placement or keeping of materials in an area not fully enclosed by a storage *structure*. (Also see Section- 8175-5.1(j).) (AM.ORD.4451-12/11/12)

Family - An individual, or two or more *persons* living together as a single housekeeping unit in a *dwelling unit*. Includes residents and operators of a residential facility under the Community Care Facilities Act.

Family Day Care Home – A home licensed by the State of California to provide care, protection, and supervision for periods less than 24 hours per day for 14 or fewer children, including children under the age of 10 years who reside at the provider's home.

Farm Plan – A plan for new agriculture in text and map form which includes but is not limited to information on irrigated crop types, crop locations, and phased implementation.

Farm Worker - A *person* principally employed for *agriculture* or agricultural operations. (AM.ORD.4451-12/11/12)

Feasible - Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fence - Any type of fence, wall, hedge or thick growth of shrubs used as screens, but not including windbreaks for the protection of orchards or crops.

Fence, See-Through - A *fence*, such as the chain link type, that permits at least 50 percent open visibility throughout the *fence*. (AM.ORD.4451-12/11/12)

Field, Athletic - A level, open expanse of land intended to be used for organized team sports such as baseball, football and soccer.

Fill - Earth or any other substance or material, including pilings placed for the purposes of erecting *structures* thereon, placed in a submerged area.

Film, Base Camp – An area where trailers, vehicles, equipment, and catering services are located during *film production activities*.

Film Location – Each contiguous or noncontiguous parcel used for *film production activities*. Each *film location* may contain multiple *film permit areas*.

Film Permit - The written authorization issued by the Planning Division that allows the permit holder to conduct *film production activities*. *Film permits* may be issued as *Zoning Clearances* or *Planned Development Permits* as provided herein.

Film Permit Area – Areas that are temporarily dedicated to *film production activities*. Such areas include the *film base camp* and *film set*.

Film Production Activities - All uses, *structures* and activities including but not limited to *film production preparation*, *film production striking*, *film base camp*, and aviation services, that are related to the production of motion pictures, television programming, music and corporate videos, advertisements, web production, and *film still photography* for sale or use for a commercial purpose. For the purposes of this definition, *film production activities* do not include permanent film studios.

Film Production, Preparation - Onsite work or activities preceding *film production activities* including but not limited to the transportation of trailers, vehicles, equipment, catering services, and film crew to the *film permit area(s)*; the installation of equipment (lighting, audio, cameras, etc.); construction of the *film set*; and rigging for stunts/*film special effects*.

Film Production, Striking – Onsite work or activities following *film production activities* including but not limited to dismantling film production equipment; un-rigging stunts/*film special effects*; and removing trailers, vehicles and equipment from the *film permit area*.

Film Production, Temporary – *Film production activities* of limited duration which do not exceed 180 days and which do not involve permanent *structures*.

Film Pyrotechnics – The use of explosive materials during film production activities. The term “explosive” refers to incendiary devices or ingredients that ignite by fire, friction, or detonation to cause visual and/or auditory effects. Film pyrotechnics include but are not limited to dynamite and fireworks that require a state explosives license from the California State Fire Marshall.

Film Set - The geographic areas used for filming, which include scenery and props arranged for *film production activities*. The *film set* and *film base camp* constitute the two areas used for *film production activities*.

Film Special Effects – An image or sound created during *film production activities*. *Film special effects* include but are not limited to snow, rain, wind, fog, smoke, fire, firearms, blank cartridges, and bullet hits (squibs).

Film, Still Photography - Taking photographs of people or objects for sale or commercial publication with assistance from a production crew and equipment used in photography (e.g. lighting, wardrobe, makeup, etc.). Still photography also includes a person who photographs a film production for purposes related to the film production.

Financial Assurance – A cash-equivalent deposit posted with the County by a permittee to ensure that required mitigation measures (or other conditions of approval) will be implemented in the event the permittee fails to do so. Financial assurances can be cash deposits, certifications of deposit, escrow accounts, irrevocable letters of credit, or other mechanisms approved by the County.

Fire Frequency – The average interval between fires in an ecosystem or area of habitat. Plant species in naturally, fire-prone landscapes are evolutionarily adapted to a particular fire frequency, and their survival and reproduction may be adversely affected when fire frequency is altered by human actions.

Fire Resistant Plants – Plants that do not readily ignite from a flame or other ignition source. These plants can be damaged or even killed by fire, but their foliage and stems do not significantly contribute to the fuel load or the fire's intensity. Also referred to as “fire-resistant vegetation.”

[Staff explanation: This definition was revised after the 2018 Planning Commission hearing to capture all forms of this term as used in the LCP.]

Forb - An herbaceous flowering plant (not woody like a shrub or tree) that is not a grass.

Friable - A soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

Fuel Modification – A method of modifying fuel load by reducing the amount of non-fire resistive vegetation or altering the type of vegetation to reduce the fuel load.

Fuel Modification Plan – A plan stating a permittee's requirements to minimize and mitigate fire hazards associated with permitted development.

[Staff explanation: This definition was added after the 2018 Planning Commission hearing for clarity.]

Fuel Modification Zone – The area around a structure where the existing vegetation is altered (e.g. brush or vegetation removal, including thinning) to reduce fuel load for fire protection purposes.

Fuel Modification Zone, Mandatory – The minimum area of vegetation removal around legally established structures required by the Ventura County Fire Protection District Ordinance. The width of the mandatory fuel modification zone is 100 feet as measured from each side and from the front and rear of the structure.

Fuel Modification Zone, Expanded – The area of expanded vegetation thinning for fire protection around legally established structures beyond the standard mandatory fuel modification zone. The maximum width of the expanded fuel modification zone is 300 feet from a structure or to the property line, whichever distance is shorter, if it is determined by the Ventura County Fire Protection District that the expanded fuel modification zone is necessary to protect life, property, and natural resources from unreasonable risks associated with wild land fires.

[Staff explanation: These definitions were added after the 2018 Planning Commission hearing to meet the Planning Commission's directive to work with the Fire Protection District to resolve fuel modification permitting issues and revisit mitigation fees for areas outside the 100-foot required fuel clearance area.]

Functional Connectivity – Describes the degree to which a physical setting facilitates or impedes the movement of organisms. Functional connectivity is a product of both the features of the physical setting (e.g., vegetation and physical development) and the response of plants and animals to these physical features.

Definitions - G-H

Geotechnical and Soils Testing – Exploratory borings and excavations conducted under the direction of a Soils Engineer or Engineering Geologist, but excluding the construction of access roads or pads for exploratory excavations. (ADD.ORD. 4451-12/11/12)

GIS – Geographic Information System; within the coastal zone, the digital data system that includes zoning and land use data that conforms to the zoning and land use maps officially certified by the California Coastal Commission. (ADD.ORD. 4451-12/11/12)

Grade – Adjacent ground level. For purposes of building height measurement, grade is the average of the finished ground level along the walls of a building. In the case where walls are parallel to and within five feet of a sidewalk, the finished ground level is measured at the sidewalk. (AM.ORD.4451-12/11/12)

Graywater - Untreated wastewater that has not been contaminated by toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes but is not limited to wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

Graywater System - A system of tanks, valves, filters, and pumps designed to collect and transport *graywater* for distribution to a landscape irrigation system.

Gross Floor Area - The area included within the surrounding exterior walls of all floors or levels of a *building*, exclusive of unenclosed shafts and courtyards, or, if the *structure* lacks walls, the area of all floors or levels included under the roofed/covered area of a *structure*. (AM.ORD.4451-12/11/12)

Groundcover – Any low-growing plant that grows over an area of ground and is used to provide protection from erosion and to improve its aesthetic appearance by concealing bare soil. *Groundcover* does not include *turf*.

Groundwater - Water that occurs beneath the land surface and fills the pore spaces of the alluvium, soil, or rock formation in which it is situated. It excludes soil moisture, which refers to water held by capillary action in the upper unsaturated zones of soil or rock.

Gun Club - Any *building* or premises where there are facilities of any sort for the firing of handguns, rifles or other firearms.

Habitat - The natural environment of a plant or animal species.

Habitat Connectivity Corridor – An area of contiguous natural *habitats* of sufficient width to facilitate the movement, migration, foraging, breeding, and dispersal of multiple animal or plant species between two or more *core habitat areas*. *Habitat connectivity corridors* facilitate important *ecological functions* such as seed and wildlife dispersal or pollination. *Riparian habitats, streams, canyons, and wooded ridgelines* function as *habitat connectivity corridors* and in some cases, areas of natural vegetation within developed areas may function as a movement corridor for certain species.

Habitat Fragmentation – The process by which *habitat loss* results in the division of large, continuous *habitats* into smaller, more isolated remnants.

Habitat Maintenance and Monitoring Plan – A component of a *ESHA Mitigation Plan* that provides a detailed description of the required activities during the maintenance and monitoring period associated with the *restoration, enhancement, or establishment of ESHA* to help ensure the success of the mitigation actions.

Habitat Management Plan – A component of a *ESHA Mitigation Plan* that establishes the steps necessary to acquire and permanently preserve and maintain an undeveloped *lot(s)* containing intact *ESHA*, including the details of the *conservation instrument* or *conservation easement*.

Habitat Restoration Plan – A program whereby the site is intentionally altered to establish a defined, indigenous, historic biological community or *ecosystem* with the goal of returning full functions to lost or degraded *native habitats*. A component of a *ESHA Mitigation Plan* that describes how physical alterations to *ESHA* will be implemented to ensure the success of the proposed mitigation action.

Habitat Mitigation Plan – A required component of an *ESHA Mitigation Plan* that provides a summary of all compensatory mitigation measures required for the permitted development.

[Staff explanation: The four definitions above were modified or added after the 2018 Planning Commission hearing for clarity and readability throughout the LCP. The definition of “Habitat Restoration Plan” was also modified so that the definition was consistent with what was proposed in the CZO regulations.]

Habitat Value - An area's ability to support one or more species, including both the physical and biological features necessary to support the existence of a plant or animal - such as suitable temperature and moisture levels, food, water, shelter, protection from predators, and mates.

Harbor Uses - ~~This heading includes only the following uses: Anchorages, mooring slips, docks, outboard ramps and public landings; construction, repair, storage and sales of boats; fish-icing plants, handling base for fish, and kelp production; private recreation areas; public *buildings*; public and private utility *buildings*; service facilities, including sport fishing; storage and transshipment facilities; water dispensing and production facilities; and accessory uses required for harbor operations.~~

[Staff explanation: The term "harbor uses" is only used in the Permitted Use Matrix (see Article 4 below) to describe allowable uses in Harbor Planned Development (HPD) zone, which is proposed for deletion. The term is not used elsewhere in the LCP.]

Hardscape – Paved areas (*pervious* or non-pervious), patios, walls, decks, *water features*, walkways and other nonliving or human-made fixtures of a planned landscape. For the purpose of Section= 8178-8, ~~Water Efficient Landscaping Requirements~~, *hardscapes* do not include parking lots.

Hazard Fire Area – Private- or publicly-owned land that is covered with grass, grain, brush, or forest that is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas, which are designated by the fire code official, typically include any location within 500 feet of a forest, brush, grass, or grain covered land.

Hazardous Waste - A waste product, or combination of waste products, that because of its quantity, concentration, or physical, chemical or infectious characteristics may do any of the following:

1. Cause, or significantly contribute to, an increase in mortality.
2. Increase serious irreversible, or incapacitating reversible, illness.
3. Pose a substantial present or potential future hazard to human health or environment due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bio-accumulative properties, or persistence in the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Unless expressly provided otherwise, the term "*hazardous waste*" shall be understood to also include extremely *hazardous waste* and acutely *hazardous waste*. (ADD.ORD. 3946-7/10/90, AM.ORD. 4451-12/11/12)

Hazardous Waste Facility - All contiguous land and *structures*, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery disposal, or recycling of *hazardous waste*. A *hazardous waste* facility may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling *hazardous waste* management units, or combinations of those units. (ADD.ORD. 3946- 7/10/90)

Height - The vertical distance from the *adjacent grade* or other datum point to the highest point of that which is being measured.

High Fire Hazard Areas - Certain areas in the unincorporated territory of the County classified by the County Fire Protection District and defined as any areas within 500 feet of uncultivated brush, grass, or forest-covered land wherein authorized representatives of

said District deem a potential fire hazard to exist due to the presence of such flammable material.

High-Value Habitat – A *habitat* that exhibits a high ecological value due to its physical and biological features. *Habitat value* is measured by species diversity and abundance, biological productivity, size, and ecosystem services. For example, wet environments are considered high-value habitats because of their overall biological productivity and ecosystem services.

Historic Resource - A resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources, the Ventura County Historical Landmarks & Points of Interest, or in an adopted local historic register. A *historic resource* has one or more of the following characteristics:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Examples of a historic resources include but are not limited to an object, *building, structure, site, area, place, record, or manuscript* which the Ventura County Cultural Heritage Board determines is historically or archaeologically important in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Home Occupation - Any commercial activity that is clearly incidental and secondary to the residential use of a *dwelling* and does not change the character thereof. (AM.ORD.4451-12/11/12)

Home Range – A biological term used to indicate the estimated area in which an animal lives and moves. *Home range size* is determined by the spatial distribution of the population and by the type/quality of resources required for that organism to survive.

Hostel - Overnight sleeping accommodations that provide lodging for travelers, and that may provide *kitchen* and eating facilities. Occupancy is generally of a limited duration. (AM.ORD.4451-12/11/12)

Hotel - A *building* with one main entrance, or a group of *buildings*, containing guest rooms where lodging with or without meals is provided for compensation. (AM.ORD.4451-12/11/12)

Hydromulch – A method for erosion prevention whereby water and a mixture of other ingredients (a combination of wood/cellulose fiber *mulch*, seed mix, and bonding agents) is sprayed through a hose onto disturbed soils.

Hydrozone - A portion of the landscaped area that contains plants with similar water needs and root depth. A *hydrozone* may be irrigated or non-irrigated.

Definitions - I-L

Important Bird Area (IBA) – An area designated by the American Bird Conservatory and the National Audubon Society as being globally important for the conservation of bird populations.

In-lieu Fee – A payment to the County, a natural resource agency (state, federal, or local) or a County-approved conservation organization for implementation of compensatory mitigation. The in-lieu fee is used to satisfy compensatory mitigation requirements for a Coastal Development Permit.

[Staff explanation: The definition was clarified after the 2018 Planning Commission hearing.]

Inoperative Vehicle - A vehicle that is not fully capable of movement under its own power, or is not licensed or registered to operate legally on a public right-of-way. (AM.ORD.4451-12/11/12)

Integrated Pest Management (IPM) – An ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, etc. Pesticides are used only after monitoring the implementation of the integrated pest management plan and the observations indicate they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

[Staff explanation: The definition was revised for clarity after the 2018 Planning Commission hearing.]

Interpretive Center - A site, with or without structures, that is used for the display of architecture, art or other artifacts associated with the site and which may also depict the cultural and social history and prehistory of Ventura County.

Intertidal Area – The transition zone between land and sea, which is defined as the area between the ocean's highest high tide and its lowest low tide.

Inundation - Temporary flooding of normally dry land area caused or precipitated by an overflow or accumulation of water on or under the ground, or by the existence of unusual tidal conditions. (AM.ORD.4451-12/11/12)

Invasive Plants - Species of plants not indigenous to Ventura County that can thrive and spread aggressively with potentially negative effects on native species and ecosystems. Also referred to as "invasive species", "invasive tree", or "invasive vegetation". Also see invasive watch-list invasive plant species.

[Staff explanation: The definition was modified after the 2018 Planning Commission hearing to refer to all uses of the term "invasive" plants. In addition, a cross-reference was added to the new term invasive watch-list plant species.]

Invasive Plants, Watch List - Any species of plant that has been classified by the California Invasive Plant Council to be at a high risk to become invasive in California in the future. Also referred to as a "invasive watch list tree species" or "invasive watch list species".

[Staff explanation: This definition was added after the 2018 Planning Commission hearing to be consistent with other County documents, where the installation of these plants are prohibited in landscape plans. It is important to remain consistent with respect to invasive plants because of how they spread across a landscape.]

Kelvin - A unit of measure used to describe the hue (or correlated color temperature) of a light source.

[Staff explanation: The definition was added after the 2018 Planning Commission hearing because of modifications to the outdoor lighting section in response to incorporating Dark Sky requirements for the Santa Monica Mountains and ESHA.]

Kennel - Any lot or premises where five or more dogs or cats (or any combination thereof) of at least four months of age are kept, boarded or trained, whether in special buildings or runways or not.

Kitchen - Any room in a dwelling designed or used as a place for food preparation and cooking, and containing two or more of the following: (a) a counter sink; (b) a stove, hotplate, or conventional or microwave oven; (c) a refrigerator of more than four cubic feet capacity. (ADD.ORD. 4451-12/11/12)

Lagoon - A shallow body of salt water close to the ocean but separated from it by other shoreline features such as a sand bar, rocks, or a narrow strip of land. Coastal lagoons are partly or entirely enclosed, and many show variations of salinity throughout the year. Lagoons can be a shallow pond or lake close to a larger lake or river but separated from it by a barrier, such as a levee.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing to correct extraneous word usage of "Also".]

Land Division - The division of improved or unimproved land including subdivisions (e.g., parcel or tract maps, parcel map waivers), lot line adjustments, and any other divisions of land, including but not limited to lot splits, re-divisions, mergers, reversions to acreage, and legalization of lots purported to be created by a method that was not in compliance with applicable laws.

Landmark - A building or place that has been designated by either the County Cultural Heritage Board or the Board of Supervisors and satisfies one of the following criteria:

1. It exemplifies special elements of the County's social, aesthetic, engineering, architectural or natural history;
2. It is associated with events that have made a significant contribution to the broad patterns of Ventura County or its cities, regional history, or the cultural heritage of California or the United States;
3. It is associated with the lives of persons important to Ventura County or its cities, California, or natural history;
4. It has yielded, or has the potential to yield, information important to the prehistory or history of Ventura County or its cities, California, or the nation.

Landscape Area - Areas on a lot(s) that are required to be landscaped as part of development pursuant to Section 8178-8, ~~Water Efficient Landscaping Requirements~~.

Landscape, Licensed Architect - A person who is licensed to practice landscape architecture in the State of California.

Landscape Contractor - A qualified landscape designer who holds a C-27 (landscaping contractor) license issued by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

Landscape Documentation Package - The complete set of documents required to be submitted to the Planning Division pursuant to Section 8178-8, ~~Water Efficient Landscaping Requirements~~.

Landscape Plan – A component of the *landscape documentation package* that includes a plan of the project site drawn to scale and superimposed on a plan sheet that includes, but is not limited to, the location of all landscaped areas, a plant list, and a planting plan.

Landscape, Qualified Designer - An individual who, through a combination of education, training, licenses and certificates for professional proficiency, and work experience, can demonstrate to the satisfaction of the *Planning Director* that the individual possesses the necessary skills and abilities to design a *landscape screen* or other minor landscape improvements.

Landscape Screen – Materials used to: 1) hide or minimize views of a *development* or land use to promote visual compatibility with surrounding areas; 2) provide privacy or security; 3) mitigate environmental conditions such as wind, noise, dust, and light. Screening may consist of fencing, walls, plant materials, earthen mound, or any combination thereof.

Lateral Access - A recorded dedication or easement granting to the public the right to pass and repass over dedicatory's real property generally parallel to, and up to 25 feet inland from, the *mean high tide line*, but in no case allowing the public the right to pass nearer than ten feet to any living unit on the property.

Lattice Tower – A *structure*, guyed or freestanding, erected on the ground, which generally consists of metal crossed strips or bars to support *antennas* and equipment. (AM.ORD.4498-07/01/17)

Light Fixture – A complete lighting unit that includes the lamp and all components directly associated with the distribution, positioning and protection of the lighting unit. Also referred to as a luminaire.

Light Fixture, Fully-Shielded - A luminaire or light fixture constructed and installed in such a manner that all light emitted by the fixture is projected below the horizontal plane through the fixture's lowest light-emitting part.

Light Fixture, Partially-Shielded - A luminaire constructed and installed such that most light emitted by the fixture is projected below the horizontal plane through the fixture's lowest light-emitting part. Light emitted above the horizontal plane arises only from decorative elements or diffusing materials such as frosted/colored glass or plastic.

Lighting, Essential - A light fixture used for safety or security purposes. Safety lighting are outdoor light fixtures used by pedestrians to navigate safely along walkways between building entries, parking areas, and other legally established structures within the building site. Security lighting are light fixtures found at entry gates, building entries, and in parking areas that are primarily intended to deter or detect intrusions or other unwanted activity. Also referred to as "Essential Light fixture".

[Staff explanation: The definition was added after the 2018 Planning Commission hearing because of modifications to the outdoor lighting section in response to incorporating Dark Sky requirements for the Santa Monica Mountains and ESHA. After the 2021 Planning Commission hearing the definition was moved to its current location. Please see Exhibit 16- Errata Memo in the August 19, 2021 Planning Commission hearing package for more details.]

Lighting, Glare – The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted causing annoyance, discomfort, or loss in visual performance and visibility.

Lighting, Outdoor - Any *light fixture* or *luminaire* that is installed outside the interior of a structure. The *luminaire* could be mounted to the exterior of a structure, mounted to poles, fences or other freestanding structures, or placed so as to provide direct illumination on any exterior area, object or activity. Outdoor lighting includes but is not limited to *luminaires* used for porches, *hardscapes*, *landscapes*, *security lighting*, *driveways* and *walkways*, *parking areas*, and *outdoor recreation areas*.

Lighting, Seasonal or Festive – Temporary lighting installed and operated in connection with holidays, traditions or festivities.

Lighting, Security – A *light fixture* that is primarily intended to deter or detect intrusions or other unwanted activity. Also see the definition for “Lighting, Essential”.

[Staff explanation: After the 2021 Planning Commission hearing the definition was modified to not conflict with the definition of “Essential Lighting”. Please see Exhibit 16- Errata Memo in the August 19, 2021 Planning Commission hearing package for more details.]

Light Trespass or Light Spillover- Light emitted from a *light fixture* or *luminaire* that shines beyond the boundaries on which it is sited.

Littoral Drift - Longshore transportation of sediments by wave action.

Living Space - Any room other than a *bathroom*, closet, or stairwell.

Local Coastal Program (LCP) - The County's certified Coastal Land Use Plan, *zoning ordinances*, and zoning district maps.

Lot - An area of land.

Lot Area - The total area, measured in a horizontal plane, within the *lot lines* of a *lot*. For determining minimum *lot* size for subdivisions, the following areas shall be used: for *lots* 10 acres or larger, use gross area; for *lots* less than 10 acres, use *net area*.

Lot, Corner - A *lot* situated at the intersection of two or more streets or highways, which streets or highways have an angle of intersection of not more than 135 degrees.

Lot Depth - The horizontal distance between the front and *rear lot lines*, measured in the mean direction of the *side lot lines*.

Lot, Interior - A *lot* other than a *corner lot*.

Lot, Legal - A *lot* which met all local, Subdivision Map Act, and California Coastal Act of 1976 requirements when it was created, and which can be lawfully conveyed as a discrete unit separate from any contiguous *lot*. ~~or A legal lot is also a lot which has been issued a Coastal Development Permit pursuant to the Coastal Zoning Ordinance, and a certificate of compliance or conditional certificate of compliance pursuant to the Subdivision Map Act and the Ventura County Subdivision Ordinance, and which can lawfully be conveyed as a discrete unit separate from any contiguous lot. A lot for which only a conditional certificate of compliance has been issued, pursuant to the Subdivision Map Act and County Subdivision Ordinance, is not defined as a legal lot under the Ventura County Local coastal program (see Sections 8174-4.4 and 8181-2).~~

(AM.ORD.3788- 8/26/86)

[Staff Explanation: Currently, Sec. 8174-4.4 of the Coastal Zoning Ordinance states: “No permit or entitlement shall be issued for any use or construction on a lot that is not a legal lot. Sec. 8181-2, “Legal Lot Requirement,” likewise states: “No permit shall be issued for construction on a lot that is not a legal lot.” Note that “permit,” as used in Sec. 8181-2, refers not only to discretionary permits, but also to ministerial zoning clearances. By amending the definition of legal lot as proposed, the LCP will prohibit the issuance of any permit or entitlement for a lot for which only a conditional certificate of compliance has been issued. Thus, to “legalize” a lot and make it eligible for permitting under the LCP, the property owner must obtain another subdivision approval, such as a parcel map, that must be processed and approved concurrently with a requested coastal development permit that must comply with all policies and provisions of the LCP.]

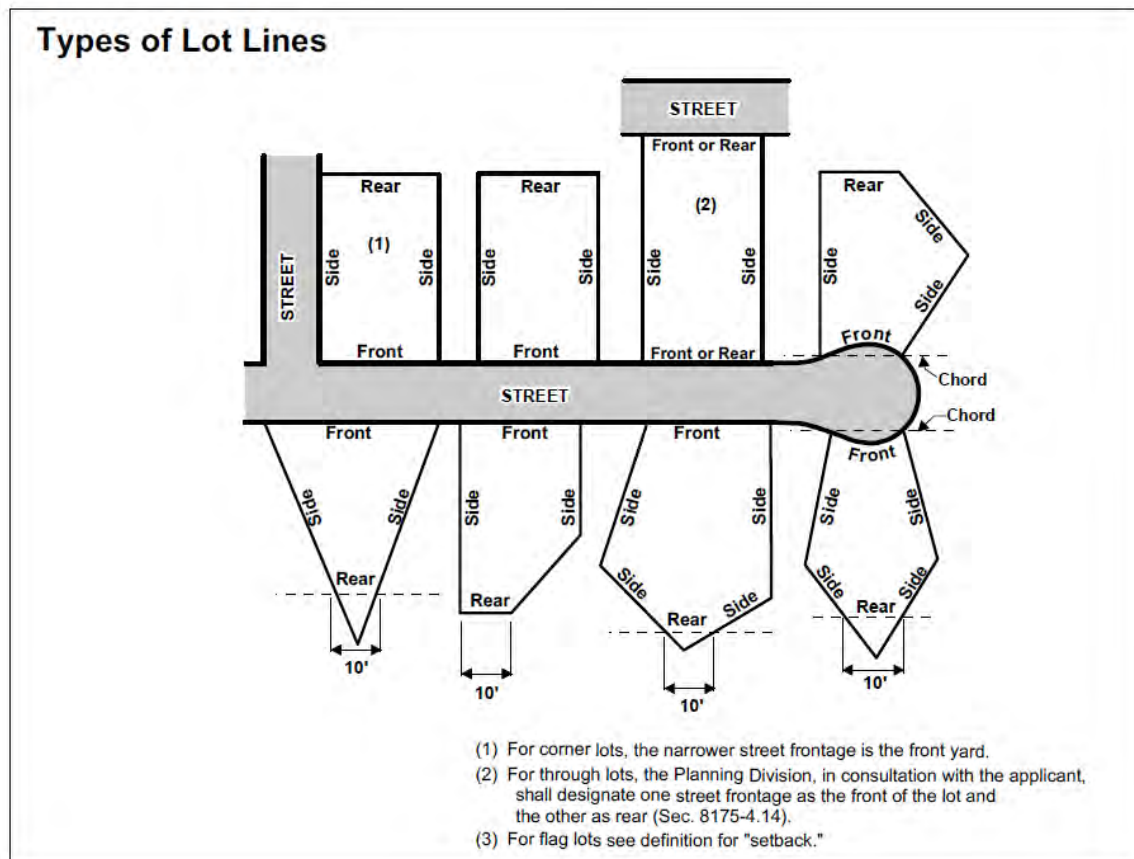
Lot Line

Front - A line separating an interior *lot* from the street, or a line separating the narrower street frontage of a *corner lot* from the street, except for flag *lots* (see “setbacks”). (AM.ORD.4451-12/11/12)

Side - Any *lot* boundary line that is not a front line or a *rear lot line*. (AM.ORD.4451-12/11/12)

Rear - A *lot line* that is opposite and most distant from the *front lot line*. For a triangular or irregular-shaped *lot*, the *rear lot line* shall mean a line ten feet in length within the *lot* that is parallel to the *front lot line*, or parallel to the chord of a curved *front lot line*, and at the maximum distance from the front *lot line*. (AM.ORD.4451-12/11/12)

See illustration below:



Lot Line Adjustment – A lot reconfiguration that includes the modification of one or more lines that form the boundary(ies) between two or more *adjacent* lots, where the number of lots remains the same or is fewer than existed prior to the *lot line adjustment*.

Lot, Reverse-Corner - A *corner lot*, the rear of which *abuts* the side of another *lot*. Interior *lots adjacent* to *flag lots* are not considered *reverse-corner lots*. (AM.ORD.4451-12/11/12)

Lot, Through - A *lot*, other than a *corner lot*, having frontage on two parallel or approximately parallel streets. (AM.ORD.4451-12/11/12)

Lot Width - The horizontal distance between the *side lot lines*, measured at the *front setback*.

Low-Intensity Vegetation Removal Techniques - Techniques to remove vegetation (e.g., hand-pulling, mowing, mulching) that do not disturb the surrounding *habitat* or *ecosystem* when compared to alternative techniques, such as the use of heavy equipment that can compact or disturb soils.

[Staff explanation: The definition was modified after the 2018 Planning Commission hearing for clarification. The reference to “targeted herbicide applications” was removed because the example should not promote their widespread use, just their use when necessary as described in Sec. 8178-2.8].

Lumen - Unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from a “watt,” which is a measure of power consumption).

[Staff explanation: The definition was added after the 2018 Planning Commission hearing because of modifications to the outdoor lighting section in response to incorporating Dark Sky requirements for the Santa Monica Mountains and ESHA.]

Luminaire - See definition of *light fixture*.

Definitions - M-O

Major Public Works Project and Major Energy Facility - Any *public works* project or *energy facility* that costs more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index¹, except for those governed by the provisions of Sections 30610, 30610.5, 30611 or 30624 of the Public Resources Code.

In addition, a *major public works project* also means a publicly financed recreational facility that serves, affects, or otherwise impacts regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities. (AM.ORD.4451-12/11/12)

Major Vegetation - Grassland, coastal scrub, *riparian* vegetation, and *native* and *nonnative* trees, other than landscaping with *development*.

Master Valve – An electrical valve that controls all water flow into the irrigation system.

Maximum Applied Water Allowance – A calculated maximum annual volume of water allowed to be applied per-acre or per-square-foot of an *established landscaped area*.

¹ Data from the Construction Cost Index is available from Coastal Commission staff or online at . This definition is consistent with Code of Regulations § 13012(a), which became effective in January 1983. Construction costs of \$100,000 in 1983 were equal to \$208,771.04 as of December 2008.

Mean High Tide Line - A line representing the intersection of a particular shoreline with the average *height* of all high waters over a 18.6-year lunar cycle. The *mean high tide line* may vary in location (or "ambulate") over time as a result of climatic and other influences.

Mechanical Parking Lifts – Automated or manual, indoor or outdoor, lift systems designed to stack one or more motor vehicles vertically.

Microclimate - The climate of a small, specific area that may contrast with the climate of the overall *landscape area* due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

Micro-spray Irrigation - Micro-spray Irrigation - A type of low-pressure irrigation system with outlets that include one or more openings that operate at a flow rate of less than 30 gallons per hour at a pressure of 30 psi. *Microspray irrigation* may include but is not limited to microbubblers, microspinners and micro-spray jets.



Minor Development - A *development* that satisfies all of the following requirements:

1. The *development* is consistent with the County of Ventura Certified LCP;
2. The *development* requires no discretionary approvals other than a Public Works Permit or a *Planned Development Permit*; and
3. The *development* has no adverse effect either individually or cumulatively on *coastal resources* or public access to the shoreline or along the coast.

(ADD.ORD. 4451-12/11/12)

Mitigation Bank - A mitigation bank is a natural resource area that has been restored, established, enhanced, or (in certain circumstances) preserved for the purpose of providing off-site compensation for unavoidable impacts to a similar resource. A mitigation bank may be created when a government agency, corporation, nonprofit organization, or other entity undertakes these activities under a formal agreement with the California Department of Fish and Wildlife, US Fish and Wildlife, or US Army Corps of Engineers.

Mitigation, Enhancement - The manipulation of the physical, chemical or biological characteristics of an existing habitat to heighten, intensify, or improve a specific ecosystem function(s). Examples of enhancement activities include fencing to restrict access and protect from erosion, or controlling non-native or invasive or invasive watch list plant species. Enhancement results in improvements to specific ESHA functions, but it does not result in increased acreage of ESHA.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

Mitigation, Establishment - The manipulation of the physical, chemical, or biological characteristics of a site to create ecologically functional habitat where it did not previously exist. When used as compensatory mitigation, the establishment of new ESHA may result in an increase in ESHA acreage.

[Staff Explanation. After the 2021 Planning Commission hearing, the footnote was deleted because the term was defined.]

Mitigation, In-kind – The replacement of adversely impacted *habitat* with similar *habitat* of equal or higher quality containing the same plant and animal species/communities and providing similar *ecological functions* as the impacted *habitat*.

Mitigation, Preservation - The protection of existing ESHA in perpetuity using legal instruments such as a *conservation easement*.

Mitigation, Restoration - The manipulation of the physical, chemical, and biological characteristics of a site to bring back the site's original natural or historic *habitat*, species, and *ecological functions*. May include the *re-establishment* of *habitat* at sites where *ecological function* was wholly or partially lost or degraded.

Mixed Use Development – A *development* project that includes a mixture of two or more of the following uses on the same site: residential, commercial, institutional, and industrial use.

Mobilehome - A *structure*, transportable in one or more sections, designed and equipped to be used as a *dwelling unit*, but not including a *recreational vehicle*, commercial coach, or factory-built housing.

Monarch Butterfly Roost Sites or Habitat– Groves of native or non-native trees, water sources, and associated understory plants, occupied by groups of monarch butterflies typically during the October through March overwintering period. Roosts are typically (but not always) occupied every year, although the number of butterflies may fluctuate from year to year or during the overwintering season dependent upon microsite characteristics. Also referred to as "*overwintering habitat*" or "*overwintering roost habitat*".

[Staff explanation: After the 2018 Planning Commission hearing, a correction was made to the definition to make it one term that is consistently used throughout the ordinance. In addition, because the microsite characteristics that make a site suitable for a Monarch overwintering roost is a critical component of the roost site, the reference to the "habitat" was included.]

Monopole – A *structure* composed of a single spire or pole used to support *antennas* and connecting appurtenances for a *non-commercial antenna* or a *wireless communication facility*. (AM.ORD.4498-07/01/17)

Motel - *Building(s)* that provide lodging in guest rooms primarily for tourists traveling by automobile. *Motel buildings* typically have direct access from the rooms to the outdoors. *Motels* include auto courts, motor lodges, and tourist courts. (AM.ORD.4451-12/11/12)

Mulch – A layer of material applied to the surface of an area of soil or mixed with the soil. Its purpose is to conserve moisture, improve the fertility and health of the soil, reduce weed growth, and enhance the visual appeal of the area. A mulch is usually but not exclusively composed of organic material such as leaves, grass clippings, weeds, yard trimmings, wood waste, branches, stumps, and whole plants or trees that are mechanically reduced in size. Mulch can be used as a ground cover or as a soil conditioner. Mulch may be permanent or temporary, and it may be applied to bare soil or around existing plants. Mulches of manure or compost will be incorporated naturally into the soil by the activity of worms and other organisms.

Native Vegetation – Vegetation that is indigenous to Ventura County. Native vegetation includes, but is not limited to, oak woodland, *coastal sage scrub*, *chaparral*, perennial grassland, California annual grassland, *riparian woodland*—and ~~*riparian alluvial scrub habitats*~~. Native vegetation does not include ruderal vegetation, ~~and~~ *invasive or invasive watch list plant species*. In addition, native vegetation does not include ornamental,

landscape or crop vegetation, including sod and lawn grasses and actively managed fallow farmland.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing so that consistent vegetation community terms are used. Also, the text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

Natural Disaster – Natural disasters are catastrophic events with atmospheric, geological, hydrological, and/or biological origins (e.g., droughts, earthquakes, floods, typhoons, landslides, wildfires, disease and pest epidemics) that can cause fatalities, property damage, and the significant disruption to the current status of society and the environment.

[Staff explanation: This definition was added after the 2018 Planning Commission hearing to replace examples of natural disaster provided in multiple locations of the CZO and to provide a formal definition to a term used within the ESHA and Tree Sections.]

Natural Resource Agency – Any federal, state or local governmental agency created by statute or official action to protect natural resources. Such agencies include, but are not limited to, the U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), the California Department of Fish and Wildlife (CDFW), State Parks, Regional Water Quality Control Board, and the Ventura County Watershed Protection District.

Nest, Active/Occupied – The nest of a bird that is under construction or that contains eggs or young. Nests which are critical to the life history of the individual (e.g. individuals of species that exhibit site fidelity, colonial nesters, and *raptors*) are considered an Active Nest year-round.

Nest, Inactive – An abandoned bird nest once occupied by nestlings or fledglings that are no longer dependent on the nest.

Net Area - The total land area of a *lot* exclusive of: (a) areas within an existing or proposed public or private street, road, or easement used for ingress or egress, and (b) the area within an existing or proposed easement where the owner of the *lot* or *parcel* is prohibited from using the surface of the ground. Included in the "*net area*" is the area lying within public utility easements (except as otherwise provided in Section 8241 of Chapter 2 of this code), sanitary sewer easements, landscaping easements, public service easements, and tree maintenance easements. (AM.ORD.4451-12/11/12)

Noise Sensitive Receptors – Within ESHA, this includes wildlife species sensitive to noise disruption (bird, mammal, insect, etc.) or locations that contain or support species that elicit a negative biological response to specific types or levels of noise.

Non-Commercial Antenna– A device for transmitting or receiving radio signals. *Non-commercial antennas* are used to operate amateur radios, such as HAM radios and citizen band *antennas*, for purposes of the non-commercial exchange of messages, including emergency response training and operations. (AM.ORD.4498-07/01/17)

Nonconforming Structure - A *structure*, or portion thereof, that was lawfully erected or altered and maintained, but that no longer conforms with *development* standards, including standards for *lot* coverage, *setbacks*, *height*, parking, and *buffer zones* for *environmentally sensitive habitat areas*, solely because of revisions made to *development* standards of this Chapter, including standards for ~~ESHA-buffers-zone~~, *lot* coverage, *lot* area per *structure*, *height*, and *setbacks*. (AM.ORD.4451-12/11/12)

[Staff explanation: After the 2018 Planning Commission hearing, a minor edit was made for term consistency – corrected to “buffer zone”.]

Nonconforming Use - A use that was lawfully established and maintained but that, because of revisions made to this Chapter is (1) no longer permitted in the zone in which it is located or, (2) no longer in conformance with the parking requirements of the use in the zone in which it is located. (AM.ORD.4451-12/11/12)

Nonprime Agricultural Land - Agricultural lands not defined as Prime that are suitable for agriculture. (AM.ORD.4451-12/11/12)

Off-Site Parking - Parking provided at a site other than the site on which the use served by such parking is located.

Oil and Gas Exploration and Production - The drilling, extraction and transportation or subterranean fossil gas and petroleum, and necessary attendant uses and structures, but excluding refining, processing or manufacturing thereof.

Ornithologist – A type of zoologist who studies ornithology, the branch of science devoted to birds.

Outdoor Festivals - Events such as amusement rides, animal and art shows, concerts, craft fairs, and itinerant shows. ~~and religious revival meetings.~~

Outdoor Sporting Events - Recreational events or activities, other than spectator-type animal events, that require a natural environment, are carried on by one or more groups of people, and do not involve structures, motorized vehicles, aircraft or firearms.

(ADD.ORD.3787-8/26/86, AM.ORD. 4451-12/11/12)

Oversized Vehicle – An oversized vehicle is defined as one of the following:

- Any single vehicle that exceeds 25 feet in length, 6 feet 8 inches in width, or 6 feet 10 inches in height, exclusive of projecting lights or devices.
- Boat and cargo trailers.
- Recreational vehicles including but not limited to fifth-wheel travel trailers and travel coaches.

Overspray – Irrigation water that is delivered outside of the *landscape area*.

Definitions – P-Q

Paleontological Resource, Important – The fossilized remains or indications of once-living plant or animal life that are found in geologic formations and have one or more of the following characteristics:

1. The fossils are well preserved;
2. The fossils are identifiable;
3. The fossils are type/topotypic specimens;
4. The fossils are age diagnostic, or can be used as index fossils in a biostratigraphic context;
5. The fossils are useful in environmental reconstruction;
6. The fossils represent rare and/or endemic taxa;
7. The fossils represent a diverse assemblage;

8. The fossils represent associated marine and non-marine taxa.

Paleontological Resources, Significant Fossils – Identified sites or geologic deposits containing individual fossils or assemblages of fossils that are unique or unusual, diagnostically or stratigraphically important, and add to the existing body of knowledge in specific areas, stratigraphically, taxonomically, or regionally.

Paleontologist, Qualified Consultant – A professional geologist licensed by the State of California or other person determined by the *Planning Director* to be qualified. An unlicensed person may be considered to be a *qualified paleontologist consultant* by the *Planning Director* if he or she meets all of the following standards:

1. Holds a Bachelor of Science (B.S.) degree in paleontology, geology, or related discipline;
2. Has a minimum of five years of experience performing paleontological, geological, or related studies;
3. Can demonstrate expertise in local and regional vertebrate and invertebrate paleontology;
4. Has experience in fossil collection, curation and report preparation; and
5. Can demonstrate professional experience and competency with paleontological resource mitigation procedures and techniques.

Parcel - For the purposes of this Chapter, the word "*parcel*" shall have the same meaning as the word "*lot*." (AM.ORD.4451-12/11/12)

Parking Lot – An improved, off street parking facility containing four or more parking spaces and that is designed and used primarily for the parking of operable motor vehicles and bicycles. Parking lots may be located at *grade*, above-ground, or below-ground. Parking lots include parking spaces, drive aisles, loading areas, and required landscaping and screening. Parking lots do not include individual residential garages, parking spaces/areas for single-family or two-family dwelling units, including those used for caretaker or farmworker housing.

Parkway – The portion of a public road right-of-way that is typically reserved for public utility facilities, street trees or landscaping, and pedestrian access facilities (e.g. sidewalks or trails). The *parkway* is located between the outside edge of the road right-of-way and the road pavement (i.e. shoulder and travel-way), a boundary that is often defined by a curb and gutter. (AM.ORD.4498-07/01/17)

Performance Criteria – An expectation of interim or final results, stated in the *landscape documentation package* or other plan requiring County approval, that identifies benchmarks for vegetative growth and coverage against which performance is measured.

Perimeter Landscaping – The area located within the required setbacks of a lot when such setbacks must be set aside and used primarily for landscaping.

Permitted Use - A *use* listed in Section 8174-5 as a *permitted use*, which may be allowed subject to obtaining the necessary permits and compliance with all applicable provisions of the LCP. (ADD.ORD. 4451-12/11/12)

Person - Any individual, organization, partnership, or other business association or corporation, including any utility and any federal, state, local government or special district, or any *agency* thereof.

Pervious Pavement - A porous surface that allows the passage of water through the material and into the underlying soil. *Pervious pavement* is used to decrease the volume of stormwater *runoff* and to increase the infiltration of water into the ground.

Planned Development Permit – A permit based upon a discretionary decision that is required prior to initiation of specified uses and development which are subject to site plan review and which may be conditioned in order to assure compliance with the requirements of the *Local Coastal Program*.

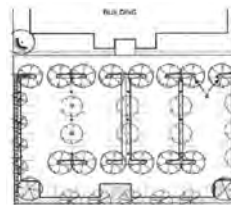
[Staff explanation: This definition was added after the 2018 Planning Commission hearing for clarity.]

Planning Director - The Deputy Director, Ventura County Resource Management Agency, for the Planning Division, or his or her designee. (AM.ORD.4451-12/11/12)

Plant Factor - A factor used in the *water budget calculation* to estimate the amount of water needed for plants. *Plant factors* range from 0.1 to 0.9 and are divided into four categories: very low < 0.1; low 0.1 - 0.3; moderate 0.4 - 0.6; and high 0.7 - 0.9.

Planter, Finger – A *landscape planter* located at the end of a parking aisle that defines *parking lot* circulation aisles and that provides a place to plant trees within the parking lot.

Examples of Finger Planters



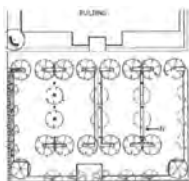
Planter, Landscape – An area devoted to plants that is defined with a raised curb or other material that separates the *landscape area* from *adjacent* uses.

Examples of Landscape Planters



Planter, Landscape Strip – A long, narrow *landscape planter* located in front of or between rows of parking spaces or *adjacent* to a property line that borders a public sidewalk or street.

Landscape strip planters are typically used to reduce storm-water *runoff* or to visually screen parking lots from public walkways or streets.



Examples of Landscape Strip Planters

Point of Interest - The location of, or site of, a former improvement or natural feature or of an event possessing historical or cultural characteristics.

Pony - A small or young horse under 58 inches high at the shoulders.

Preliminary Processing - Basic activities and operations instrumental to the preparation of agricultural goods for shipment to market, excluding canning or bottling.

Prime Agricultural Land - Means any of the following:

- All land which qualifies for rating as Class I or Class II in the Natural Resource Conservation Service land *use* capability classifications.
- Land which qualifies for rating 80 through 100 in the Storie Index Rating.
- Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of *Agriculture*.
- Land planted with fruit- or nut-bearing *trees*, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.

(AM.ORD.4451-12/11/12)

Principal Use/Principal Structure – The primary *use*(s) or primary *structure*(s) on a *lot* to which other *uses* and *structures* are *accessory*. This term is unrelated to the definition of "*principally-permitted use*," which indicates *development* that is not appealable to the Coastal Commission, unless located within an appealable area (see definition of "*Principally-Permitted Use*"). (ADD.ORD. 4451-12/11/12)

Principally-Permitted Use – The primary *use* of land that clearly carries out the land *use* intent and purpose of a particular zone, as specified in ~~Section~~ 8174-5. Where a land *use* is identified as a *principally-permitted use*, the County's approval of a *Coastal Development Permit* for that *development* is not appealable to the Coastal Commission unless it otherwise meets the definition of "*Development Subject to Appeal*." See definition of "*principal use/principal structure*" for *development* that is the primary *use* or primary *structure* on a *lot*. (ADD.ORD. 4451-12/11/12)

Produce Stand - A *structure* used to sell raw, unprocessed fruits, nuts and seeds, and vegetables, flowers and ornamental plants.

Public Art - Art that is located in publicly-accessible places (e.g., government *buildings*, schools, public parks and waterfront areas), not including temporary arts activities or events such as street theatre, open-air music, or pavement artists.

Public Road or Street - Any road or street or thoroughfare of whatever nature, publicly maintained and open to the *use* of the public for the purpose of vehicular travel.

Public Viewing Areas - Public areas that afford views of scenic resources. Such views may be fleeting or expansive as experienced from individual locations or along transportation corridors. *Public viewing areas* include, but are not limited to, beaches, coastal *streams* and waters used for recreational purposes, coastal trails and accessways, highways, public parklands, public roads, public sidewalks or trails, scenic overlooks, vistas and vista points.

Public Viewshed – A geographical area that is visible from a *public viewing area*.

Public Works - Means the following:

- a. All production, storage, transmission, and recovery facilities for water, sewerage,

telephone, and other similar utilities owned or operated by any public *agency* or by a utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

- b. All public transportation facilities, including streets, roads, highways, public *parking lots* and *structures*, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
- c. All publicly-financed recreational facilities, all projects of the State Coastal Conservancy, and any *development* by a special district.
- d. All community college facilities.

See also "*Major Public Works Project and Major Energy Facility.*" (AM.ORD.4451-12/11/12)

Qualified Storm Water Designer - A licensed civil engineer, Qualified Stormwater Pollution Prevention Plan (SWPPP) Practitioner (QSP), Qualified SWPPP Developer (QSD), or Certified Erosion and Sediment Control Specialist (CPESC).

Definitions - R

Rain Garden - A planted area that captures stormwater *runoff*. A *rain garden* is designed to withstand moisture and concentrations such as nitrogen and phosphorus found in rainwater *runoff* from impervious urban areas like roofs, driveways, walkways, and *parking lots*.

Raptor – Birds in the biological order called Falconiformes, which includes eagles, hawks, falcons, and ospreys and any bird dependent on consumption of other animals for food, including scavengers such as vultures and condors.

Rebuild - A rebuild or reconstruction occurs when extensive changes or repairs are made to the exterior envelope of any *structure*. (ADD.ORD. 4451-12/11/12)

Reclaimed Water - Treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and *water features*. This water is not intended for human consumption and must be appropriately identified with colored pipes and signage, if appropriate.

Recreational Area – Areas designed for shoreline/beach, water oriented, passive, and commercial recreation, including but not limited to, multiple-use paths and trails, natural or wilderness parks, and developed parks. Recreational areas include "public" and "privately-operated" recreational opportunities that are available to the general public.

Recreational Vehicle - A vehicle of any size that (a) is self-propelled or is towed by another vehicle, (b) is not designed to be used as a permanent *dwelling*, (c) has self-contained plumbing, heating and electrical systems that may be operated without connection to outside utilities and, (d) does not meet the definition of a *structure*. *Recreational vehicles* do not fall within the definition of *mobilehomes*. (AM.ORD.4451-12/11/12)

Recreational Vehicle Park - Any area of land developed primarily for temporary *use* by *recreational vehicles* for which utility connections (sewer, water, electricity) are provided. (AM.ORD.3881-12/20/88)

Rehabilitated Landscape - Any re-landscaping or landscaping modification project that would change 50 percent or more of the total *landscape area*, and that requires the issuance of a new or modified discretionary permit.

Remodel - A *remodel* is an interior alteration to an existing approved, permitted and inspected *structure* where the foundation, exterior walls and *roof structure* remain in place without modification. (ADD.ORD. 4451-12/11/12)

Residential Care Facility - A nonmedical facility providing any of the following services on a 24-hour basis: care for the mentally ill, handicapped, physically disabled, elderly, dependent or neglected children, wards of the Juvenile Court, and other *persons* in need of personal services, supervision, or assistance essential for sustaining the activities of everyday living or for protection of the individual. Included within this definition are "intermediate care facilities/developmentally disabled-nursing" and "intermediate care facilities/developmentally disabled-habilitative" with six or fewer beds, and congregate living health facilities, pursuant to the Health and Safety Code. A facility is considered nonmedical if the only medication given or provided is the kind that can normally be self-administered. (AM.ORD.4451-12/11/12)

Residential (or "R") Zone - A base zone classification under this Chapter that contains the letter "R" in its abbreviation. (AM.ORD.4451-12/11/12)

Resource-Dependent Uses – A use that is reliant on the resource (i.e., ESHA) to function. Resource-dependent uses include nature observation, research/education, and passive recreation, including low-impact camping and hiking.

Rest Home - A licensed facility where lodging and meals, and nursing, dietary and other personal services are rendered for nonpsychiatric convalescents, invalids, and aged *persons* for compensation. Excludes cases of contagious or communicable diseases, and surgery or primary treatments such as are customarily provided in sanitariums and hospitals.

Restoration Specialist – A County-approved, *qualified biologist* that has the knowledge and demonstrable experience to plan and implement a *habitat restoration, establishment, or enhancement* project for the *environmentally sensitive habitat area* (ESHA).

Retail Trade - Businesses engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. Examples of *retail trade* businesses are: bakeries, delicatessens, grocery stores and meat markets; retail stores for the sale of books, cameras, clothing, flowers, hardware, jewelry, pets, shoes, sporting goods and toys; bait and fishing tackle rental; drug stores; gift shops, hobby shops and music stores. (AM.ORD.4451-12/11/12)

Ridgeline - A ridge or mountain ridge is a geological feature consisting of a chain of mountains or hills that form a continuous elevated crest for some distance. A ridgeline is the line along the crest of this geological feature, which is formed by the highest points, with the terrain dropping down on either side of the ridgeline.

Riding Stable - A facility where there are stables for horses that are rented to members of the public for recreational purposes, including riding lessons, whether or not the facility is advertised or promoted as such, and whether or not the riding occurs on the property on which the horses are kept. (AM.ORD.4451-12/11/12)

Riparian Habitat – A zone of transitional *habitat* between terrestrial and aquatic *ecosystems* dependent on the existence of perennial, *intermittent*, or *ephemeral* surface or subsurface water. The riparian vegetation community is located in an area *adjacent* to a natural watercourse, such as a perennial or intermittent *stream*, lake or other body of fresh water, where related vegetation and associated animal species live or are located. See Appendix E1, AE1.2.3(h)(8) for a more detailed description of the plant communities within riparian habitat/vegetation.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing for consistency and to reference the biological description of the habitat in the Appendix.]

Rocky Outcrop Habitat: An outcropping of rock that provides *habitat* to many specialized and endemic species that are adapted to persist on generally dry, nutrient poor soils or that require rocky formations for different *critical life stages*. A visible exposure of bedrock or ancient superficial deposits on the surface of the earth that forms a natural topographic feature of scenic or historic value. See Appendix AE-1.2.3 for a more detailed description of the plant communities within ESHA Rocky Outcrop Habitat.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing for consistency and to reference the biological description of the habitat in the Appendix.]

Roof Structures - Structures located on the roof of a *building* for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the *building*; fire or parapet walls, safety rails, skylights, towers, flagpoles, chimneys, smokestacks, solar collectors, residential satellite, and digital T.V. dishes less than one meter in diameter, T.V. antennas and similar *structures*. A *wireless communication facility* is not included in the definition of *roof structures*. (AM.ORD.4498-07/01/17)

Rooming House - A *dwelling unit* with one *family* in permanent residence wherein two to five bedrooms, without meals, are offered for compensation.

Roosting Sites - Sites used by birds or other winged animals for nesting, breeding, resting, or sleeping.

Runoff – Water that flows across the earth’s surface rather than being infiltrated into the ground or transpired by plants.

Definitions – S

Sandy Beach Area – A public or privately-owned sandy area fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

Scenic Highway - A route or byway that is officially designated as a *scenic highway* pursuant to State law which travels through an area comprised primarily of scenic and natural features.

Scenic Highway Corridor – The visible area outside the right-of-way of an eligible or designated *scenic highway* comprised primarily of scenic and natural features.

Scenic Resources – The landscape patterns and features which are visually or aesthetically pleasing and which are visible from a *public viewing area*, including but not limited to the beach or ocean, coastline, mountains, canyons, *ridgelines*, significant hillsides and open space, estuaries, *wetlands* and lagoons, other unique natural or manmade features such as the Channel Islands Harbor.

Season, Breeding/Nesting (Bird) – January 1 through September 15 of each calendar year. Times during the calendar year when bird species nest and breed. While the breeding/nesting season varies for different species of birds, January through Mid-September of each calendar year is generally considered the breeding/nesting season for birds within Ventura County.

Season, Non-Breeding/Non-Nesting (Bird)— September 16 through December 31 of each calendar year. Times during the calendar year when bird species are not nesting or breeding. While this period varies for different species of birds, Mid-September through December of

each calendar year is generally considered the non-breeding/nesting season for birds within Ventura County.

[Staff explanation: These definitions were integrated after the 2018 Planning Commission hearing to remove duplicate definitions.]

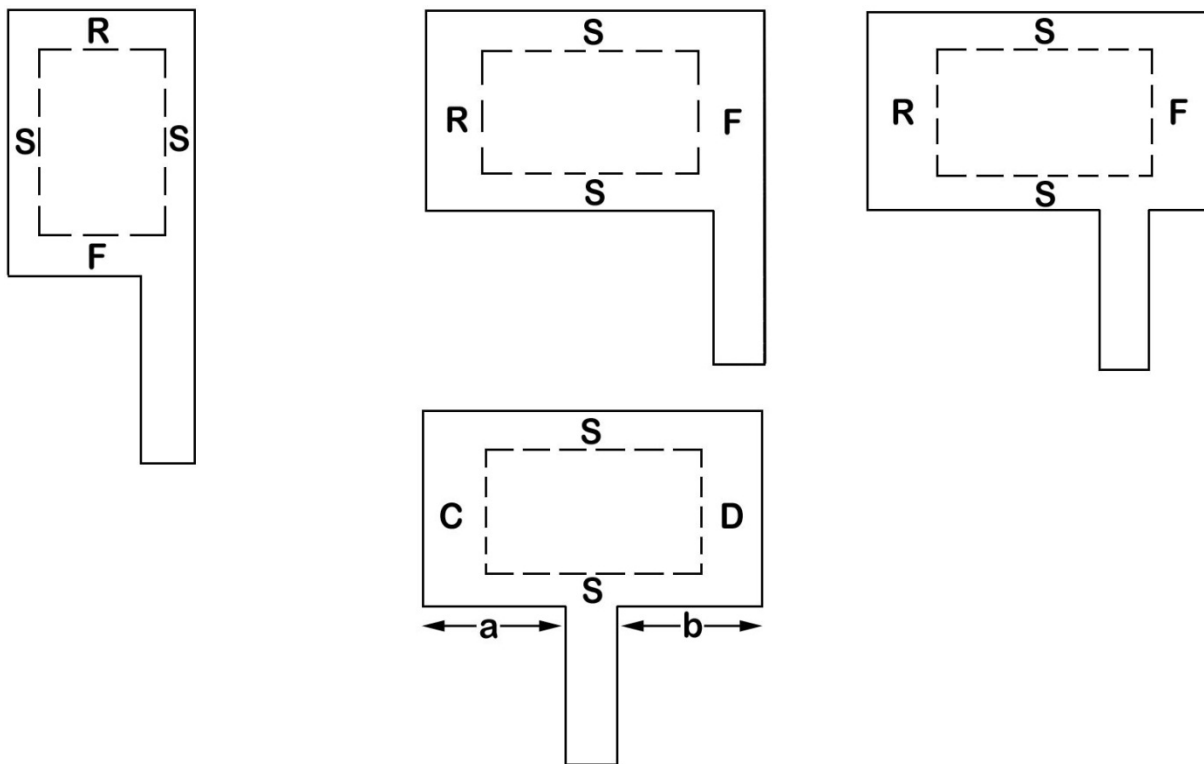
Second Dwelling – See Dwelling, Second. (AM.ORD.4451-12/11/12)

Second Generation Rodenticides – Products used to poison certain types of rodents (e.g. rats, mice) containing the active ingredients brodifacoum, bromadiolone, difethialone, and difenacoum.

Service Infrastructure - Roads, electrical cable lines, water wells or pipes, sewer pumps and leach fields, and other development that provides essential services to a structure or facility.

Setback - The distance on an individual *lot* that is intended to provide an open area measured from a property line or other boundary line to a *structure* or *use*, and includes front (F), rear (R) and side (S) setbacks. (AM.ORD.4451-12/11/12)

In the case of "flag" *lots*, the setbacks shall be measured from the applicable front, rear and sides of the *lot* as designated in the following diagram.



If a = b, applicant designates C or D as front.

Setback, Front - An open area that extends between *side lot lines* across the front of a *lot*, the depth of which is the required minimum horizontal distance between the *front lot line* and a line parallel thereto on the *lot*. (ADD.ORD. 4451-12/11/12)

Setback, Rear - An open area that extends across the rear of the *lot* between the inner *side lot lines* that is the required minimum horizontal distance between the *rear lot line* and a line parallel thereto on the *lot*. (ADD.ORD. 4451-12/11/12)

Setback, Side - An open area that extends from the *front setback*, or the *front lot line* where no *front setback* is required, to the rear yard; the width of the required side setback shall be measured horizontally from the nearest part of the *side lot line*. (ADD.ORD. 4451-12/11/12)

Shall and May - "Shall" is mandatory; "May" is permissive.

Shared Parking - Shared parking is a means by which *adjacent* property owners share their parking areas and thereby reduce the number of parking spaces that each would provide on their individual properties. Shared parking is commonly applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day.

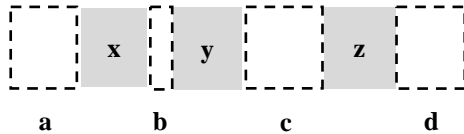
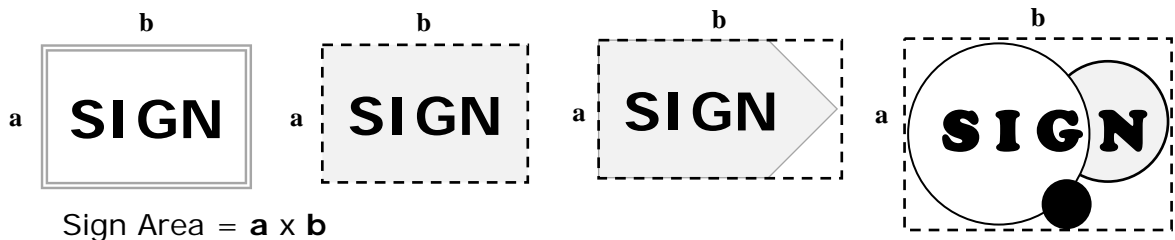
Shorebird Colony – A large congregation of shorebirds of one or more species that nest or roost in proximity at a particular location. See definition for Colonial Roost.

[Staff explanation: The reference to Colonial Roost was added after the 2018 Planning Commission hearing for consistency and clarity.]

Shoreline Protective Devices - A seawalls, revetments, breakwaters, bluff retaining wall, or other permanent or semi-permanent structure intended to reduce or prevent coastal erosion due to wave action and other natural forces construction that alter shoreline processes. (AM.ORD.4451-12/11/12)

Sign - A communication device using words or symbols, *illuminated* or non-illuminated, that is visible from any public place or is located on private property and exposed to the public and that directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary display designed to advertise, identify or convey information.

Sign Area – The total area within the physical or visual frame of the *sign*, or the sum of the total area of graphical elements where there is no frame. For *double-faced signs*, the *sign area* is the total area of a single side of the *sign*. Time and temperature devices without advertising *copy* are not included in the *sign area*. See Section= 8175-5.13.9.1 Number and Dimension of Signs, to determine maximum *sign area*.



Area **x** + area **y** + area **z** =
1.5 x (avg. of area of **a**, **b**, **c** & **d**)

Sign Area = area **a** + area **b** +
 area **c** + area **d**

Sign, Attached – Any *sign* posted, painted on, or constructed or otherwise attached to the wall, façade, canopy, marquee, or other architectural part of a *building*.

Sign, Canopy - Any *sign* attached to, or constructed in or on, a canopy or marquee.



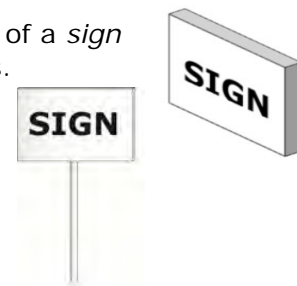
Sign or Message/Content, Commercial - A *sign* or message that relates primarily to economic interests such as the exchange of goods and services. Different types of *commercial signs* are more particularly defined in this Article.

Sign, Construction – A *temporary, on-site sign* directly related to a construction project.

Sign Copy - The words and/or graphics printed on a *sign*.

Sign, Directional - Any *on-site sign* that serves solely to designate entrances or exits, or the location or direction of any onsite area.

Sign, Double-faced - A *sign structure* with messages on both sides of a *sign* board or panel; or a *sign structure* with two attached parallel faces.



Sign, Freestanding - Any *sign* that is anchored directly to the ground or is supported from the ground and detached from any *building* or *structure*.

Sign, Incidental – An *on-site sign* providing non-advertising information about a location or business such as hours of operation, contact information, and whether or not the location or business is open or has vacancy.

Sign, Identification - An *on-site sign* that only indicates the name of the occupant, business and/or address.

Sign, Illuminated – A *sign* that is illuminated by a light source that is contained inside the sign.

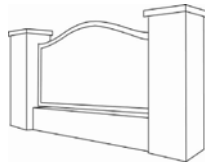
Sign, Interpretive – A *sign* that explains the meaning, origin, or purpose of an historical, natural, or cultural resource or site.

Sign, Legal Nonconforming – A *sign* that does not conform to the current applicable *development* standards of this Chapter but was lawfully in existence and in use prior to and at the time the provisions of this Chapter with which it does not conform became effective. (see Section= 8175-5.13.11).

Sign, Light Emitting Diodes (LED) – An internally illuminated *sign* that utilizes light-emitting diodes, or similar technology, and colored lens assembled in single and tri-color matrixes instead of incandescent light bulbs, neon, or fluorescent tubes. Does not include electronic variable message *signs* that would allow for images that appear to move with video-like quality such as but not limited to electronic message boards and marquee *signs*.

Sign, Locational – A *sign* that informs the public about the location of noncommercial destinations such as coastal access points, trailheads, parks and *campgrounds*, government facilities and other points of interest, and that is maintained by a public *agency*.

Sign, Monument - A *freestanding sign* detached from a *building* sitting directly on the ground or near ground level and having a solid support *structure* as opposed to being supported by poles or similar support *structures*.



Sign, Mural – A painting or other work of art executed directly on a wall.

Sign Message/Content, Noncommercial – A *sign* or message which is not of a *commercial* nature. Such *signs* or messages typically relate to politics or public policy, civics, art, science, public service, social issues, religion, or spirituality.

Sign, Off-site - A *sign* that displays content related to property, goods, activities, or services not found on, or related to, the lot on which the *sign* is located.

Sign, On-site - A *sign* located on the same site as the occupant, business, trade or profession to which it relates.

Sign, Open House – A *temporary, off-site sign* providing direction to residential real property during the period it is on public display for sale or lease.



Sign, Permanent - A *sign* intended to be displayed and maintained for a period of more than 60 consecutive days.

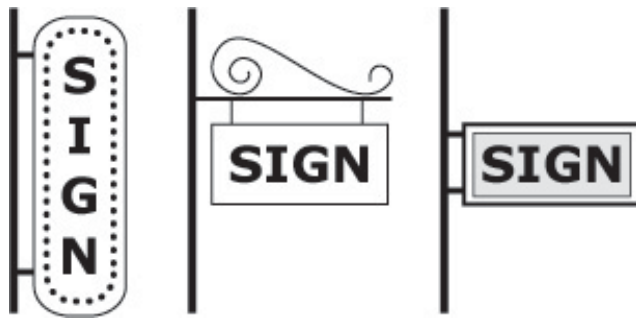
Sign Permit – The written authorization issued by the Planning Division that allows the permit holder to place, erect, modify, alter, repaint or maintain a *sign*. *Sign permits* may be issued as *Zoning Clearances* or *Planned Development Permits* as provided herein.

Sign, Political - A *temporary sign* with *noncommercial content* pertaining to an election for public office or to a ballot measure to be placed before voters in a federal, state, or local election.

Sign, Portable – A *temporary sign* that can be moved from one location to another. The term portable sign includes signs mounted on a trailer or other moveable object and towed by a motor vehicle. Such *signs* do not include a *sign* that is attached or magnetically affixed to the body or other integral part of the vehicle.

Sign Program – A plan that includes a range of *sign* types and styles that support the overall continuity of the design of the *signs* that will serve multiple *buildings* or tenants leasing space in a *building(s)* on one or more parcels.

Sign, Projecting - An *attached sign* that projects outward perpendicularly or at an angle from a wall or *building* face.



Sign, Promotional Temporary – A *temporary on-site sign* such as a banner, pennant, or inflatable object located, attached, or tethered to the ground, site, merchandise, or *structure*.

Sign, Real Estate - A *temporary, on-site sign* advertising the sale, rental or lease of the property on which it is maintained.



Sign, Residential Subdivision - A *temporary sign* advertising the sale of two or more lots located within the same subdivision.

Sign, Road – A *sign* that provides information to control the flow of traffic, warns of hazards ahead, future destinations, or roadway services, and that is maintained by the State Department of Transportation or local *agency*.

Sign, Roof - Any *sign* erected upon, against or directly above a roof or on top of or above the parapet of a *building*.



Sign, Symbol – A *permanent on-site sign* with a graphic representation of goods or services sold or rendered on the premises, or a traditional emblem associated with a trade, and that contains no written content, pictures or symbols such as business logos or trademarks.

Sign, Temporary – A *sign* displayed for a limited period of time not exceeding 60 consecutive days or such other duration as specified for a particular *sign* in this Chapter.

Sign, Wall – A *sign* attached to or erected against the wall of a *building* or *structure* with the exposed face of the *sign* parallel to the plane of such wall.

Sign, Window - A *sign* attached to, suspended behind, placed or painted upon the window or glass door of a *building* and is intended for viewing from the exterior of such *building*. Does not include merchandise offered for sale onsite, when on display in a window.

Site of Merit - Sites of historical, cultural, architectural or aesthetic merit which have not been officially otherwise designated and have been surveyed according to Federal standards and assigned a National Register Status Code of 1 through 5.

Sky glow - The brightness of the night sky caused by artificial lights used for development, which is most often noticed as a glowing dome over cities.



Example of sky glow

Slope - The relationship between the change in elevation (rise) of land and the horizontal distance (run) over which that change in elevation occurs, measured along a straight line. The percent of any given *slope* is determined by dividing the rise by the run on the natural *slope*, and multiplying by 100.

Slope/Density Formula – An engineering formula based on the *average slope* of an existing *lot* that is used to determine the minimum *lot area* of all proposed *lots* of a *land division* in the COS zone, and in the CA zone when not *prime agricultural land*. (ADD.ORD. 4451-12/11/12)

Soils Report – A report prepared by a geotechnical engineer or soils engineer licensed by the State of California for one or more of the following purposes: identifying the nature and distribution of existing soils; stating conclusions and recommendations for grading procedures; stating soil design criteria for *structures*, embankments or landscaping; and, where necessary, setting forth slope stability studies.

Sound Measurements, dB and dBA – Measured in decibels, these units on the logarithmic scale are based on the ratio between the actual measured sound pressure and the reference sound pressure. The dBA measurement for sound is adjusted to represent the way the human hearing system responds to sound/noise.

Sound Measurements, Leg(h) and L(max) – Measurements for sounds that vary over time. Leg(h) is the energy equivalent level of sound within a given time period. Lmax is the maximum sound level measured within a given time period.

Special Landscape Area – An area of the project site designated principally for one of the following purposes: (a) the production of food crops such as vegetable gardens or orchards; (b) irrigation with recycled water (i.e. *water features*); and (c) use for active recreation such as golf courses, sports fields, school yards, picnic grounds, or other areas where *turf* provides a playing surface or serves other high-use recreational purposes.

Special Status Species – A term used in the scientific community for species that are considered sufficiently rare that they require special consideration and/or protection. Groups categorized as *special status species* are recognized by federal, state and local natural resource agencies as threatened, endangered, rare, candidate species/species of special concern, California fully protected species, or are species listed as of “greatest conservation concern” due to the decline of the species. See Section 8178-2.4 for specific ranks and groups classified as *special status species*.

Stable, Private - An accessory building or structure used for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stepping Stones– Isolated patches of suitable *habitat* used by a species, often only for temporary occupancy, to facilitate movement through the larger landscape.

Stopover/Staging Sites - A stopover area is a site used by birds to rest and feed during migration, while a staging area is a site that contains abundant, predictable food resources that attract large numbers of birds.

Store - An enclosed building housing an establishment offering a specified line of goods or services for retail sale.

Stormwater Management Landscaping - Landscape features that make use of vegetation, land forms, soil, or filtering media to provide retention, treatment, *evapotranspiration*, or infiltration of stormwater. Examples include *bioretention* areas, *rain gardens*, *vegetated drainage swales*, *vegetated buffer zones*, *landscape strip planters*, *tree box filters*, *infiltration trenches*, and *dry swales*.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to maintain consistency of terms (buffer “zone”).]

Stream - A topographic feature that conveys water over the land perennially, intermittently, or ephemerally through a bed or channel with banks. This term also applies to watercourses having a surface or subsurface flow that support or have supported *riparian* or *alluvial* vegetation. Referred to as “creek”, “drainage” or “watercourse”. A perennial or intermittent watercourse mapped by the U.S. Geologic Survey or identified in the LCP. (AM.ORD.4451-12/11/12)

[Staff Explanation. After the 2021 Planning Commission hearing, the text was modified to include cross references to stream definitions.]

Structural Alterations - Any change in roof lines or exterior walls, or in the supporting members of a building such as foundations, bearing walls, columns, beams, girders, floor joists, roof joists, or rafters. This includes any physical change that could affect the integrity of a wall, including partial or total removal, moving a wall to another location or expanding the wall in terms of *height* or *length*. Minor actions such as adding a doorway, walkway, passage or window, or attaching architectural features or adornments, are not considered to be *structural alterations*. (AM.ORD.4451-12/11/12)

Structure - Anything constructed or erected on the ground, or that requires location on the ground, or is attached to something having a location on or in the ground. (AM.ORD.4451-12/11/12)

Subsurface Irrigation – An irrigation system that uses perforated underground pipe to provide water to the plants' root zones.

Definitions - T-V

Tandem Parking - The placement of parking spaces one behind the other, so that the space nearest the driveway or street *access* serves as the only means of *access* to the other space.

Third-Party Provider = A natural resource agency, County-approved conservation organization or specialized business that is contracted to implement compensatory mitigation.

Through Lot - See "Lot, Through."

Tidelands - All lands that are located between the lines of mean high tide and mean low tide. (ADD.ORD. 4451-12/11/12)

- Rocky pools of water on the shoreline that are subject to the ebb and flow of ocean tides and which may exist as isolated pools at low tide or when the ocean recedes.

Topotypic – A specimen from the locality at which the type was first collected.

Townhouse Development - A subdivision consisting of attached *dwelling units* in conjunction with a separate *lot* or *lots* of common ownership, wherein each *dwelling unit* has at least one vertical wall extending from ground to roof dividing it from adjoining units, and each unit is separately owned, with the owner of such unit having title to the land on which it sits.

Trash Enclosure - An area where trash or recyclable material containers or any other type of waste or refuse containers are stored and which may include *fences* or walls to secure the area.

Tree – A perennial palm or plant that includes at least one well-defined stem or trunk that may, at maturity, be kept clear of leaves and branches at least six feet above *grade*.

Tree, Alter - To *prune*, cut, trim, poison, over-water, trench within a tree's roots, or otherwise transform or damage a *tree*.

Tree Canopy – The horizontal projection of a *tree's* limbs, branches, twigs, leaves and buds.

Tree, Certified Arborist – An individual who specializes in the care and maintenance of *trees* and is *certified* by the International Society of Arboriculture.

Tree, Diameter Measurements – The *diameter* of a *tree* trunk measured in inches at a height of 4.5 feet above the ground while standing on level ground or from the uphill side of a *tree*. If a *tree* splits into *multiple trunks* below 4.5 feet, the trunk is measured at its most narrow point beneath the split. Where an elevated *root crown* is encountered which enlarges the trunk at four and one-half feet above *grade*, the trunk shall be measured above the *crown* swell where the normal trunk resumes. The *diameter* of limbs shall be measured just beyond the swell of the branch where the limb attaches to the main trunk or their supporting limbs.

Tree, Dripline - The area created by extending a vertical line from the outermost portion of the limb *canopy* to the ground.

Tree, Emergency – A natural occurrence, disaster, or disease that would jeopardize public health or safety due to a *hazardous tree*.

Tree, Encroachment – The direct or indirect invasion of the *tree protected zone* which may damage or transform any part of a *protected tree* or its *root system* including but not limited to such activities as: trenching; digging; placement of heavy equipment; paving; storing vehicles and other materials; irrigation and landscaping; grading; or placement of *structures*.

Tree, Fell - See *tree removal*.

Tree, Hazardous – A *tree* that has succumbed to disease or pests or a *tree* with one or more structural defects that predispose it to failure. To be defined as *hazardous*, the *tree* must be located in an area where personal injury or damage to private property (e.g. a *structure* such as a house, garage, *fence*, carport, or access leading to such areas) could occur if the *tree*, or a portion of the *tree*, fails.

Tree, Heritage – A non-native, non-invasive or non-invasive watch list species of tree or group/grove of *trees* that has unique value or is considered irreplaceable because of its rarity, distinctive features (e.g. size, form, shape color), or prominent location with a community or landscape.

[Staff explanation: The definition was added to include invasive watch list species which have a high probability that they will be classified as an invasive species according to the California Invasive Species Plant Council.]

Tree, Historic - Any *tree* or group of *trees* identified by the County as having historic value to Ventura County, the State or the nation. The County may designate an historic tree as a landmark, or it may be identified on the Federal or California Historic Resources Inventory to be of historic or cultural significance, or otherwise identified as contributing to a site or *structure* of historical or cultural significance.

Tree, Invasive – Any *non-native tree* or group of *trees* that spread into an area where they displace native plants or *native trees* or bring about changes in species composition, community *structure*, or *ecosystem function*.

Tree, ISA Standards – *Pruning* standards promulgated by the International Society of Arboriculture.

Tree, Multiple Trunk - A *tree* which has two or more trunks forking below 4.5 feet above the uphill side of the *root crown*.

Tree, Native - Any *tree* indigenous to Ventura County not planted for commercial agriculture.

Tree, Non-Native – Any *tree* not indigenous to Ventura County.

Tree Permit – A ministerial *Zoning Clearance*, discretionary *Planned Development Permit*, or Emergency *Coastal Development Permit*, issued by the Planning Division authorizing the *alteration* or *removal* of a *protected tree*.

Tree, Protected – Any *tree* that meets the criteria set forth in Section= 8178-7.3.

Tree, Protected Zone - The surface and subsurface area in which the loss, disturbance, or damage to any *roots* may adversely affect the *tree's* long-term health and structural stability. See Section= 8178-7.4.3 to calculate *Tree, Protected Zone*.

Tree, Protected Zone Buffer – A distance measured from the edge of the *tree protected zone* which allows for future growth. See Section= 8178-7.4.3.

Tree Protection, Planting, and Monitoring Plan – A plan required in the event that a protected tree is adversely impacted by proposed development. Examples of when a plan would be required, include but are not limited to: the relocation of a protected tree , the

planting of replacement trees or the monitoring of a tree encroached upon by the development.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing to clarify the required documentation for tree replacement requirements.]

Tree, Pruning - Removal of all, or portions of, a *tree's* shoots, branches, limbs or *roots*.

Tree, Qualified Consultant - An individual who is a *certified arborist* or an individual who can demonstrate, to the satisfaction of the Planning Director, that he or she possesses the necessary *certifications*, experience, and skills to provide competent advice as required by the applicable provisions of this Chapter.

Tree, Qualified Service Company – A tree service company that has a *qualified tree consultant* on staff, holds a California C-61 Limited Specialty D-49 Tree Service License, and maintains current certificates of liability insurance.

Tree, Qualified Trimmer - A qualified tree trimmer shall have a minimum of three years of full-time, practical work experience managing the establishment and maintenance of *trees* and shall be licensed to conduct business in Ventura County.

Tree Removal - The destruction or displacement of a *tree* by cutting, bulldozing, or using a mechanical or chemical method to physically destroy or otherwise cause the death of the tree, including transporting the *tree* from its site without ensuring the health and survivability of the *tree*.

Tree, Root Crown - The area of a *tree* where the trunk(s) meet the *roots*, sometimes called the collar of the *tree*.

Tree, Root System - The non-leaf, non-nodes bearing part of the tree that typically lies below the surface of the soil. The *root system* is responsible for absorbing and storing water and nutrients and anchoring the *tree* to the ground.

Tree Row - A row of *trees* planted and presently used for the purpose of providing shelter from wind for commercial agriculture; also known as a windbreak or windrow.

Tree, Sapling – A young *tree* that is typically no more than three inches in diameter at existing *grade*.

Tree Seedling – A *tree* that is grown from seed and is less than three feet in height.

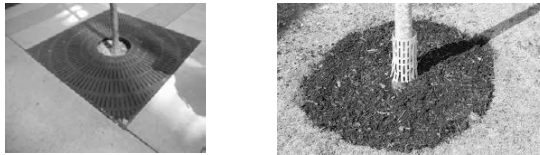
Tree, Street - A *tree* whose trunk (all or part) is located within the County road right-of-way. The *canopy* of a *street tree* may extend beyond the County road right-of-way.

Tree Survey - A report that describes the general condition and health of all onsite *protected tree(s)* and includes but is not limited to identifying tree species, location, trunk *diameter*, extent of *tree protected zone*, proposed *tree* maintenance and *alteration*, and any necessary *tree* protection measures for *trees* that are to remain.

Tree Topping - *Pruning* the top of a *tree*, also known as the *tree* crown, for the purpose of providing safe and reliable utility service.

Tree, Transplant – The moving of living *trees* from one place to another.

Tree Well – The area around the trunk of a tree that creates a visual boundary between a tree and landscaped area or improved surface.



Examples of Tree Wells

Tribal Cultural Resources - Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are included in one of the following: (a) state register of historical resources or resources determined to be eligible for inclusion in the state register, (b) local register of historical resources, or (c) resources identified by the County (at its discretion) as a tribal cultural resource.

Turf – An area planted with grass.

T.V. Antenna – An *antenna* designed to receive only television broadcast signals. (AM.ORD.4498-07/01/17)

Unbroken, Glass/Glazed – The glass surface of a fence or building that is not visually (or physically) broken up by mullions or solid building materials.

Unique Vegetation - Plants found in the Santa Monica Mountains and elsewhere in the *coastal zone*, which are considered either rare and endangered, rare but not endangered, or rare in California but not elsewhere.

Upland Development - All *development* found in the valleys and mountain areas beyond the coastal shelf.

Use - The purpose for which land or a *building* or *structure* is arranged, designed or intended to be used, or for which it is or may be used, occupied or maintained.

Vegetated Swale - A form of *bioretention* designed as a broad, shallow channel densely planted with a variety of trees, shrubs and/or grasses that attenuate and infiltrate *runoff* volume from *adjacent* impervious surfaces.

Vegetation, Major - See "*Major Vegetation*."

Vertical Access - A recorded dedication or easement granting to the public the privilege and right to pass and repass over dedicatory's real property from a *public road* to the *mean high tide line*.

Visual Qualities – The distinctive visual characteristics or attributes of natural or man-made areas that are visible to the public.

Definitions - W-Z

Waste Treatment and Disposal - Public or private disposal facilities or transfer stations, operated for the purpose of recycling, reclaiming, treating or disposal of garbage, sewage, rubbish, offal, dead animals, oilfield wastes, *hazardous waste*, or other waste material originating on or off the premises. (ADD.ORD. 3946-7/10/90)

Water Budget - An estimate of the annual volume of water required to irrigate a specific *landscape area*. *Water budget* calculations require measured areas of each irrigated *hydrozone* and reference *evapotranspiration* for the *landscape area*.

Water Feature – A design element within a *landscape area* that performs an aesthetic or recreational function in which water is supplied by plumbing fixtures. *Water features*

include but are not limited to manufactured ponds, lakes, waterfalls, fountains, and streams.

Water Harvesting - A method for inducing, collecting, storing and conserving local surface runoff for reuse.

Water Quality Best Management Practices - A program, siting criteria, operational method, or engineered system, to prevent or reduce the discharge of pollutants and sedimentation to the County storm drain system and receiving waters.

Water Use Classification of Landscape Species – A publication of the California Department of Water Resources which lists common landscape plants and their water requirements by region, using the categories high, moderate, low, and very low.

Watercourse/Drainage, Ephemeral – A natural watercourse, or portion thereof, which only flows after a rainfall and whose channel is always above the groundwater reservoir. An ephemeral watercourse/drainage may also be referred to as a stream.

Watercourse/Drainage, Intermittent – A well-defined channel that only flows continuously at certain times of the year. An intermittent watercourse may flow when it receives water from a spring or a ground-water source. A seasonal, intermittent watercourse may flow when water is received from melting snow or winter rains. At low flow, the watercourse may have dry segments that alternate with flowing segments. An intermittent or seasonally intermittent watercourse may also be referred to as a stream.

[Staff explanation: The two definitions were modified to add “may also be” after the 2018 Planning Commission hearing for consistency and clarity.]

Wet Bar – A bar or counter used for mixing drinks that is located in an area separate from the kitchen and includes a sink with running water. (AM.ORD.4451-12/11/12)

Wet Environment - Terrestrial environments that are associated with the presence of water, either perennially or ephemeraly. Wet environments include wetlands, rivers, lakes, streams, estuaries, lagoons, seeps, springs, and the vegetative communities associated with these physical settings. Does not include beaches that abut the sea, except where the beach includes an estuary, lagoon or wetland. See Appendix AE-1.2.3 for a more detailed description of a wet environment.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing for consistency and to reference the biological description of the habitat in the Appendix.]

Wetland - Land which may be covered periodically or permanently with shallow water. A wetland includes, but is not limited to, are saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, vernal pools, and fens.

[Staff explanation: This definition was modified after the 2018 Planning Commission hearing for grammar.]

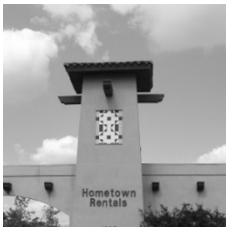
Wildlife-Permeable Fence – Fencing that allows native wildlife (e.g. deer, coyotes, bobcats, mountain lions, ground rodents, amphibians, reptiles and birds) to freely pass through.

Wildlife-Safe Crossings – Structural passages that allow wildlife to move through areas where movement is impeded by a barrier (e.g., roadways, cliffs, water diversion facilities). These crossings, typically located above or below the barrier, are designed to facilitate safe wildlife movement using techniques such as fencing that funnels animals to a safe crossing,

tunnels or bridges, and associated *habitat* creation or *restoration* within or *adjacent* to the crossing.

Wireless Communication Facility (or Facilities) – A facility that transmits or receives signals for television, satellites, wireless phones and data, personal communication services, pagers, wireless internet, specialized mobile radio services, or other similar services. The facility may include, but is not limited to, *antennas*, radio transmitters, equipment shelters or cabinets, air vents, towers, masts, air conditioning units, fire suppression systems, emergency back-up generators with fuel storage, *fences*, and *structures* primarily designed to support *antennas*. (AM.ORD.4498-07/01/17)

Wireless Communication Facility, Building-Concealed – A *stealth wireless communication facility* designed and constructed as an architectural feature of an existing *building* in a manner where the *wireless communication facility* is not discernible from the remainder of the *building*. Standard *building* architectural features used to conceal a *wireless communication facility* include, but are not limited to, parapet walls, windows, cupolas, clock towers, and steeples. (AM.ORD.4498-07/01/17)



Examples of Building-Concealed Wireless Communication Facilities

Wireless Communication Facility, Collocation – The placement or installation of one or more *wireless communication facilities* on a single tower, mast/pole, *structure*, or *building* with one or more existing *wireless communication facilities*. *Collocated wireless communication facilities* may be separately owned and used by more than one public or private entity. (AM.ORD.4498-07/01/17)

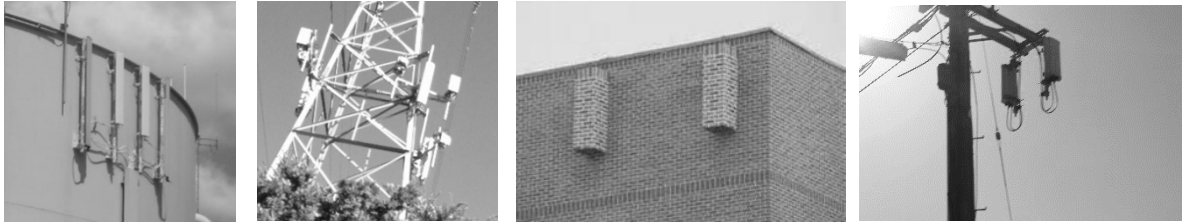
Wireless Communication Facility, Data Collection Unit – A *wireless communication facility* used by utility companies to collect data from gas, water or electricity meters. *Data collection units* typically consist of a telemetry device, solar panel, and whip *antennas*. *Wireless communication facilities* operated by a telephone corporation or a commercial mobile telecommunications phone service provider are excluded from this definition. (AM.ORD.4498-07/01/17)

Wireless Communication Facility, Faux Tree – A *stealth, ground-mounted wireless communication facility* camouflaged to resemble a tree, including mono-broadleaves, mono-pines, and mono-palms. (AM.ORD.4498-07/01/17)



Examples of Faux Trees (Wireless Communication Facilities)

Wireless Communication Facility, Flush-Mounted – A *stealth wireless communication facility antenna* that is attached directly to the exterior of a *structure or building* and that remains close and is generally parallel to the exterior surface of the *structure or building*. (AM.ORD.4498-07/01/17)



Examples of Flush Mounted Wireless Communication Facilities

Wireless Communication Facility, Ground-Mounted – A *wireless communication facility* that is placed on the ground, which consists of a *monopole, lattice tower, or any other freestanding structure* that supports an *antenna*. (AM.ORD.4498-07/01/17)

Wireless Communication Facility, Modification – Any physical change to a *wireless communication facility* or a change to operational characteristics for that facility that are subject to existing permit conditions. Modifications do not include repair and maintenance. (AM.ORD.4498-07/01/17)

Wireless Communication Facility, Non-Stealth – A *wireless communication facility* that is not disguised or concealed or does not meet the definition of a *stealth facility or building-concealed facility*. For the purpose of this ordinance, any facility that exceeds eighty-feet in height is defined as a non-stealth facility. (AM.ORD.4498-07/01/17)



Examples of Non-Stealth Wireless Communication Facilities

Wireless Communication Facility, Prominently Visible – A *wireless communication facility* is considered to be prominently visible if it stands out as an obvious or noticeable feature within its setting when seen from a *public viewing area* without the aid of any magnifying equipment such as cameras, binoculars, etc. (AM.ORD.4498-07/01/17)

Wireless Communication Facility, Propagation Diagrams – A set of maps showing the location of the service provider's existing *wireless communication facilities*, existing service coverage area, and the proposed service coverage area at varied *antenna heights* for the proposed facility. A *propagation diagram* also includes a narrative description summarizing how service coverage area changes with height in layman's terms. (AM.ORD.4498-07/01/17)

Wireless Communication Facility, Roof-Mounted – A *stealth wireless communication facility* that is mounted directly on the roof of a *building*. (AM.ORD.4498-07/01/17)

Examples of Roof-Mounted Wireless Communication Facilities

Antenna on roof,
concealed behind
a parapet



Wireless Communication Facility, Section 6409(a) Modification – A modification of an existing wireless tower or base station that involves the *collocation*, removal or replacement of transmission equipment that does not substantially change the physical dimensions of such wireless tower or base station. Such modifications qualify for approval pursuant to Section 6409(a) of the federal 2012 Middle Class Tax Relief and Job Creation Act (now codified at 47 U.S.C. §1455(a)). (AM.ORD.4498-07/01/17)

Wireless Communication Facility, Slim-Line Pole – A *ground-mounted, stealth wireless communication facility* where the *antenna* is *flush-mounted* on a pole. This type of facility generally does not include a faux design, but rather utilizes distance from *public viewing areas*, location (e.g. facility is hidden by existing *buildings* or trees), coloration, low height, and slim structural profile to blend with the surrounding environment. (AM.ORD.4498-07/01/17)

Examples of Slim-Line Poles



Wireless Communication Facility, Stealth – A *wireless communication facility* that blends into the surrounding visual setting. A *stealth* facility utilizes concealment elements such as design (size, height, color material, and *antenna* type) or siting techniques to camouflage, partially conceal, or integrate the *wireless communication facility* into the design of an existing facility, *structure* or its surrounding visual setting. Examples of *stealth facilities* include but are not limited to the following:

1. Facilities disguised as other objects typically found within a setting, such as *faux trees*, monorocks, and water tanks (photos 1 and 2);
2. Panel *antennas flush-mounted* on existing utility facilities, water tanks, and integrated with *building facades* (see photos under *flush-mounted*);
3. Facilities that are camouflaged or partially concealed by objects within an existing setting, such as a cluster of trees or utility poles (photo 3); or,
4. Whip *antennas* and *slim-line poles* that use simple camouflage techniques, such as size and color, to render them virtually unnoticeable from *public viewing areas* (photo 4). (AM.ORD.4498-07/01/17)



Photo 1



Photo 2



Photo 3



Photo 4

Examples of Stealth Wireless Communication Facilities

Zoning Clearance - A permit that certifies that a proposed *development* and/or *use* of land meets all requirements of the Ventura County Zoning Code and, if applicable, the conditions of any previously approved permit. (AM.ORD.4451-12/11/12)

Zoning Ordinance - An ordinance authorized by Section 65850 of the Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of its charter.

Section 4

ARTICLE 3: PURPOSES OF ZONES

Article 3, Section 8173-12 – Harbor Planned Development (HPD) Zone, of the Ventura County Ordinance Code, is hereby deleted in its entirety:

~~Sec. 8173-12 – Harbor Planned Development (HPD) Zone~~

~~The purpose of this zone is to provide for uses consistent with harbor- and tourist-oriented developments. (AM.ORD.4451-12/11/12)~~

[Staff explanation: The HPD zone is proposed for deletion because it is no longer used in the unincorporated County's coastal zone. This zone was previously applied to land and water parcels at Channel Islands Harbor, which is in the City of Oxnard and is governed by a separate, certified Channel Islands Harbor Public Works Plan (CIH-PWP).]

Article 3, Section 8173-13 – Santa Monica Mountains (M) Overlay Zone, of the Ventura County Ordinance Code, is hereby renumbered as **Section 8173-12** to read as follows:

Sec. 8173-12 - Santa Monica Mountains (M) Overlay Zone

The Santa Monica Mountains are a unique coastal resource of statewide and national significance. The mountains provide *habitats* for several unique, rare, or endangered plant and animal species. These *habitats* can be easily damaged by human activities; therefore, the mountains require specific protective measures. The purpose of this overlay zone is to provide these specific protective measures.

Section 5

ARTICLE 4:

PERMITTED USES

Article 4, Section 8174-4 – Environmentally Sensitive Habitat Areas (ESHA), of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8174-4 - Environmentally Sensitive Habitat Areas (ESHA)

[Staff explanation: The existing text in Sec. 8174-4 and 8174-5 related to ESHA will be consolidated into one section, shown below. Also, the existing text in Sec. 8174-4 for allowable uses in ESHA will be moved to Sec. 8178-2.5 – Allowable Uses in ESHA or Buffer Zones, and a reference to that section is provided below.]

Except as allowed by Section 8174-6, a Coastal Development Permit is required for development in an environmentally sensitive habitat area (ESHA) or buffer zone. However, If a property lot is determined to be all or in part within an environmentally sensitive habitat area (ESHA) or buffer zone area, only limited uses are permitted, in accordance with Section 8178-2.5. Additionally, properties lots located within the Santa Monica Mountains Overlay Zone (denoted by /M after the base zoning) are subject to specific development standards (see Section 8177-4). Lots in ESHA or buffer zone also are subject to specific development standards (see Section 8178-2).

~~Within an ESHA, as defined in Article 2, or a buffer area, only the following uses, subject to all applicable standards and policies, are permitted:~~

- ~~1. Nature study;~~
- ~~2. Developments where the primary function is habitat enhancement or restoration;~~
- ~~3. Shoreline protective devices;~~
- ~~4. Passive recreational uses not involving structures;~~
- ~~5. Uses dependent on habitat values such as aquiculture and scientific research;~~
- ~~6. Public Works facilities in accordance with the Article and Section 8175-5.9, and all other applicable provisions of the Chapter and the LCP Land Use Plan.~~

~~Exceptions:~~

~~Within the buffer area, no new principal structures will be permitted unless prohibition of the structure from the buffer will preclude the utilization of the larger parcel for its designated use. When it is necessary to allow structures within the buffer, they shall be located as far from the habitat resource as possible and mitigations shall be required to eliminate or reduce their impacts on an insignificant level. If a principal structure exists as of the adoption of this Plan, it may be rebuilt within the buffer zone if it is destroyed by fire or a natural disaster. If it is an otherwise nonconforming use, it shall not be rebuilt within the buffer.~~

[Staff explanation: The deleted text above was moved to Sec. 8178-2.5 – Allowable Uses in ESHA or Buffer Zone.]

Article 4, Section 8174-5 – Permitted Uses by Zone, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8174-5 – Permitted Uses by Zone

The following zoning matrix (Table 8174-5) establishes the type of permit required for land uses permitted in each zoning district as well as the decision-making authority for each type of permit. See Sections 8174-4 for permitting requirements in an ESHA or buffer zone and Section 8178-2.5 for allowable uses in an ESHA or buffer zone. ~~However, if a property is determined to be all or in part within an environmentally sensitive habitat area (ESHA) or buffer area, only limited uses are permitted. (See Sec. 8174-4 for uses permitted in an ESHA, and Sec. 8178-2 for specific standards applicable to an ESHA.)~~

~~Additionally, properties located within the Santa Monica Mountains Overlay Zone (denoted by /M after the base zoning) are subject to specific development standards (see Sec. 8177-4).~~

[Staff explanation (Permit Use Matrix, next page): The entire column dedicated to the Harbor Planned Development (HPD) zone is proposed for removal from the Permitted Use Matrix, as the zone is no longer used. Uses only allowed in that zone would be deleted from the table. A line would be added to the “Land Division” section (formerly Subdivision section) to clarify that, in the coastal zone, all types of land divisions require a discretionary permit unless exempted by the County’s Categorical Exclusion Order (Sec. 8174-6.3.6). See definition for “land division” in Article 2. These legal clarifications are recommended by County Counsel. Also, a reference was added to Sec. 8178-2.9, which contains specific regulations for land divisions in ESHA. After the 2018 Planning Commission hearing, the Tree Alteration and Removal matrix descriptions were clarified to accurately reflect the existing protections in the LCP as well as the amendments that were previously accepted during the 2018 Planning Commission. Other corrections included the italicization of defined terms, addition of invasive watch list plant species references and corrections for the consistent use of the term “buffer zone”]

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPB
AGRICULTURE AND AGRICULTURAL OPERATIONS (No Retail Except Produce Stands)												
Animal Husbandry (see Sec. 8175-5.2)	PDP	PDP										
• Apiculture (see Sec. 8175-5.2.1)	PDP	PDP										
• Structures for up to 25 Animal Units	PDP	PDP										
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC										
▪ Structures for More Than 25 Animal Units	CUP	CUP										
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC										
• More Animals Than Are Permitted By Sec. 8175-5.2.4	CUP	CUP										
• Wild Animals	CUP											
Apiculture	PDP	PDP										
Contractors' Service and Storage Yards and Buildings		CUP										
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5		ZC										
Crop Production	E	E	E	E	E	E	E	E	E	E	E	
▪ With Brush or Vegetation Removal	Permit May Be Required. See "Brush or Vegetation Removal"											
▪ With Grading, Excavation or Fill	Permit May Be Required. See "Grading, Excavation or Fill"											
Growing, Packing, Storage or Preliminary Processing, in Structures												
• Total Floor Area Per Lot												
up to 20,000 sq. ft.	PD	PD	PD									
over 20,000 to 100,000 sq. ft.	PD	PD	CUP									

E = Exempt*	PDP = PD Permit, Principally-Permitted**	Not Allowed	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
ZC = Zoning Clearance*	PW = Public Works Permit					
PD = Planned Development Permit	CUP = Conditional Use Permit					

*Not Appealable to the Coastal Commission

**Principally-permitted uses are only appealable to the Coastal Commission in accordance with the criteria in Public Resources Code Section 30603(a) 1-3 and 5.

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPB
over 100,000 sq. ft.	CUP	CUP										
▪ If exempt per Sec. 8174-6.1, 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5												
Total Floor Area up to 100,000 sq. ft.	ZC	ZC	ZC									
Total Floor Area over 100,000 sq. ft.	ZC	ZC										
Improvements to Agricultural Structures	See "Improvements to Structures, Other Than Single Family Dwellings or Public Works Facilities"											
Uses and Structures, Accessory	PD	PD	PD									
• If exempt per Sec. 8174-6.1, 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC									
• Dwellings, Farm Worker or Animal Caretaker:												
one on lot meeting the minimum lot size per zone		PDP										
one on lot not meeting the minimum lot size per zone		CUP										
more than one per lot		CUP										
If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5		ZC										
• Fences and walls	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
If exempt per Sec. 8174-6.1, 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
• Fuel Storage, 10,000 Gallons Maximum		PD										
If exempt per Sec. 8174-6.3.2		ZC										
• Offices		PD										
If exempt per Sec. 8174-6.1, 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5		ZC										

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
• Packing, Storage or Preliminary Processing of Crops (No Structures)	ZC	ZC										
within a maximum 20,000 sq. ft. structure per lot	PD	PD										
• Produce Stands, Retail, Accessory to Crop Production (Sec. 8175-5.8)		PD										
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5		ZC										
AIRFIELDS AND LANDING PADS AND STRIPS, PRIVATE	CUP	CUP									CUP	
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC									ZC	
AMBULANCE SERVICES										PD		
ANIMALS, KEEPING OF (See Sec. 8175-5.2)	PDP	PDP										
Apiculture (see Sec. 8175-5.2.1)	PDP	PDP										
Structures:												
• For Up To 25 Animal Units	PDP	PDP										
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC										
• For More Than 25 Animal Units	CUP	CUP										
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC										
More Animals Than Are Permitted By Sec. 8175-5.2.4	CUP	CUP										
Wild Animals	CUP											
ART GALLERIES										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
AUTOMOBILE REPAIRING										CUP		

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	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
If exempt per Sec. 8174-6.3.4 or 8174-6.3.5										ZC		
AUTOMOBILE SERVICE STATIONS										PD		
If exempt per Sec. 8174-6.3.4 or 8174-6.3.5										ZC		
BANKS, SAVINGS AND LOANS AND RELATED OFFICES AND INSTITUTIONS										PD		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
BARBER AND BEAUTY SHOPS										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
BARS, TAVERNS AND NIGHTCLUBS										CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
BOARDINGHOUSES, ROOMING HOUSES AND BED-AND-BREAKFAST INNS				CUP	CUP					CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5				ZC	ZC					ZC		
BRUSH OR VEGETATION REMOVAL	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
If exempt per Sec. 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
With tree alteration and removal	See Tree Alteration and Removal Below and Sec. 8178-7											
BUS TERMINALS										PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
CARE FACILITIES												
Day:												
• Care of Six or Fewer Persons	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
• Care of Seven or More Persons			CUP	CUP	CUP	CUP						
If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5			ZC	ZC	ZC	ZC						
Residential: Care of Six or Fewer Persons	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
▪ If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
CARWASHES, SELF-SERVICE OR AUTOMATIC										CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
CHURCHES AND OTHER BUILDINGS USED FOR RELIGIOUS WORSHIP			PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
CLUBHOUSES			CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		PD
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		ZC
CONFERENCE CENTERS/CONVENTION CENTERS										CUP		CUP
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		ZC
DOG GROOMING										PDP		
DREDGING	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
If exempt per Sec. 8174-6.3.1 or 8174-6.3.2	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
DRILLING, TEMPORARY GEOLOGIC (Testing Only)	PD	PD	PD	PD							PD	
DWELLINGS												
Demolition of Single Family Dwellings and Accessory Structures	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
▪ If exempt per Sec. 8174-6.2 or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
Improvements to Residential Structures												

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE												
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD	
▪ Improvements to Single Family Dwellings and Accessory Structures	PD	PD	PD	PD	PD	PD	PD	PD	PD				
▪ If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC				
▪ Improvements to Other Dwellings and Accessory Structures	See “Improvements to Structures, Other Than Single Family Dwellings or Public Works Facilities”												
One Single-Family	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP				
▪ If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC				
One Two-Family or Two Single-Family (also see Sec. 8175-3.10)						PDP	PDP	PDP	PDP				
▪ If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5						ZC	ZC	ZC	ZC				
Multi-Family									PDP				
▪ If exempt per Sec. 8174-6.2, 8174-6.3.2 or 8174-6.3.5									ZC				
Mobilehome, Continuing Nonconforming	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP					
DWELLINGS – ACCESSORY USES AND STRUCTURES													
Animals													
Apiculture (see Sec. 8175-5.2.1)	PD	PD											
Aviaries (see Sec. 8175-5.2.2)	PD	PD	PD	CUP	CUP								
Board and Care of Horses on Lots of 10 Acres or More	CUP		CUP										
Farm, Including Private Stables (see Sec. 8175-5.2.4b)	PD	PD	PD										
Pet Animals (consistent with Sec. 8175-5.2.4a)	E	E	E	E	E	E	E	E	E				
More Than Are Permitted By Sec. 8175-5.2.4	CUP	CUP											
Wild Animals	CUP												

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Non-Commercial Antennas, Freestanding, above 40 feet (see Sec. 8175-5.1i). See "wireless communication facilities" for all other antenna facilities.	PD	PD	PD	PD	PD	PD	PD	PD	PD			
▪ If exempt per Sec. 8174-6.3.4 or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
Exterior Storage consistent with Sec. 8174-6.2.5 and 8175-5.1j	E	E	E	E	E	E	E	E	E			
Fences and Walls	PD	PD	PD	PD	PD	PD	PD	PD	PD	See "Uses and Structures accessory to a Commercial or Industrial Use"		
▪ If exempt per Sec. 8174-6.2, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	See "Uses and Structures accessory to a Commercial or Industrial Use"		
Home Occupations (see Sec. 8175-5.1f)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
Mobilehome/RV as Temp. Dwelling During Construction, consistent with standards in Sec. 8175-5.1e	PD	PD	PD	PD								
▪ If exempt per Sec. 8174-6.3.6	ZC	ZC	ZC	ZC								
Second Dwellings (see Sec. 8175-5.1g)	PD	PD	PD	PD	PD	PD	PD	PD	PD			
▪ If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
Septic Systems, Construction or Expansion of	PD	PD	PD	PD	PD	PD	PD	PD	PD			
Water Wells, Construction or Expansion	PD	PD	PD	PD	PD	PD	PD	PD	PD			
• Incidental, appropriate and subordinate to a <i>principally-permitted use</i>	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
• With Brush or Vegetation Removal	Permit May Be Required. See "Brush or Vegetation Removal"											

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPB
• With Grading, Excavation or Fill	Permit May Be Required. See "Grading, Excavation or Fill"											
Water Wells, Testing to Determine Water Availability	See "Water Facilities"											
Accessory Uses and Structures Not Otherwise Listed	PD	PD	PD	PD	PD	PD	PD	PD	PD			
▪ If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
ENERGY FACILITIES , Including Energy Production From Renewable Sources	CUP										CUP	
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC										ZC	
FILM PRODUCTION, TEMPORARY (See Sec. 8175-5.6)												
Lasting up to 14 days per production See Sec. 8175-5.6.1.1 for exceptions that require a PD permit	ZC	ZC	ZC	ZC	ZC	ZC	See Sec. 8175-5.6.5		ZC	ZC	ZC	
Lasting 15 to 180 days	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
Conducted in beach areas												
▪ Lasting up to 14 days per production. See Sec. 8175-5.6.1.2.1	ZC			ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Conducted with film pyrotechnics as defined in Article 2.	PD	PD	PD							PD	PD	
Conducted solely for non-commercial student projects or personal, private, or family use.	E	E	E	E	E	E	E	E	E	E	E	
▪ Except where Sec. 8175-5.6.1.1 applies.	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
▪ Except where Neighborhood Consent is required per Sec. 8175-5.6.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Conducted for purposes of reporting on current news events	E	E	E	E	E	E	E	E	E	E	E	
FIRE STATIONS	PD	PD	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
GRADING, EXCAVATION, OR FILL, Pursuant To Sec. 8175-5.17	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
▪ If exempt per Sec. 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
GEOTECHNICAL AND SOILS TESTING												
Without Brush or Vegetation Removal, and Without Grading	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
With Brush or Vegetation Removal	Permit May Be Required. See Brush or Vegetation Removal											
With Grading, Excavation or Fill	Permit May Be Required. See Grading, Excavation or Fill											
HARBOR USES (See Definitions)												PD
Fleet Base Activities, Accessory to Offshore Drilling												CUP
Fuel Storage and Sales												CUP
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5												ZC
HEALTH CLINICS										PDP		
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
HOTELS, MOTELS, AND BOATELS										CUP		CUP
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		ZC
IMPROVEMENTS TO STRUCTURES, OTHER THAN SINGLE FAMILY DWELLINGS OR PUBLIC WORKS FACILITIES	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
KENNELS	PD											
LABORATORIES; RESEARCH, SCIENTIFIC, MEDICAL OR DENTAL										CUP	CUP	
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC	ZC	
LAND DIVISIONS	See Sec. 8178-2.9 for <i>land divisions</i> in <i>ESHA</i> or <i>buffer zone</i> .											

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Parcel Map Waivers	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
• <i>Lot Line Adjustments</i>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
▪ If exempt per Sec. 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
Tentative Maps (TM)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Tentative Parcel Maps (TPM)	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
<i>All other Land Divisions</i>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
LAUNDRY AND DRY CLEANING ESTABLISHMENTS: 5 OR FEWER EMPLOYEES										PDP		
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
LIBRARIES			CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
MAINTENANCE/REPAIRS , No Additions or Enlargements	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
▪ If exempt per Sec. 8174-6.3.2 or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
MOBILEHOME PARKS (See Sec. 8175-5.5)			CUP	CUP	CUP	CUP	CUP	CUP	CUP			
▪ If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5			ZC	ZC	ZC	ZC	ZC	ZC	ZC			
OFFICES: BUSINESS, PROFESSIONAL AND ADMINISTRATIVE , Excluding Storage, Wholesale Trade and Veterinary Clinics										PD	PD	
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC	ZC	
OIL AND GAS: EXPLORATION AND PRODUCTION, UNLESS PREEMPTED (See Sec. 8175-5.7)	CUP	CUP								CUP	CUP	

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	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD	
Refining, Processing, Manufacture, and Bulk Storage											CUP		
▪ If exempt per Sec. 8174-6.3.2											ZC		
PARKING LOTS, PUBLIC										CUP		PD	
PIPELINES AND TRANSMISSION LINES, AND APPURTENANT STRUCTURES	CUP	CUP	CUP								CUP		
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC	ZC								ZC		
PUBLIC UTILITY FACILITIES													
Without Service Yards	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
With Service Yards	CUP		CUP							CUP	CUP		
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	ZC		ZC							ZC	ZC		
Offices Only										PD	PD		
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6										ZC	ZC		
PUBLIC WORKS FACILITIES (See Sec. 8175-5.9)	See “Wireless Communication Facilities” for antenna installations.												
County Initiated	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW	
▪ If exempt per Sec. 8174-6.3.2 or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Not County-Initiated	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
▪ If exempt per Sec. 8174-6.3.2 or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
REAL ESTATE TRACT OFFICES, TEMPORARY (See Sec. 8175-5.1k)	PD	PD	PD	PD	PD	PD	PD	PD	PD				

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ZC = Zoning Clearance*	PW = Public Works Permit					
PD = Planned Development Permit	CUP = Conditional Use Permit					

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5 	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
RECREATIONAL USES												
Campgrounds (see Sec. 8175-5.3)	CUP		CUP									
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5 	ZC		ZC									
Camps (see Sec. 8175-5.4)			CUP	CUP								
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5 			ZC	ZC								
Community Centers										CUP		
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5 										ZC		
Fields, Athletic (Seating: Portable Only, for Not More Than 100 People)			CUP	CUP	CUP	CUP			CUP	CUP		
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5 			ZC	ZC	ZC	ZC			ZC	ZC		
Golf Courses, Except Miniature Golf	CUP											
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5 	ZC											
Outdoor Festivals, Temporary, and Outdoor Sporting Events	CUP											
Parks and Picnic Grounds	PD		PDP	PDP	PDP	PDP	PDP	PDP	PDP	PD	PD	PD
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5 	ZC		ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
Recreational Vehicle Parks (see Sec. 8175-5.10)	CUP		CUP									
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5 	ZC		ZC									
Recreational Uses (as Permitted by This Table), County Initiated	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5 	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		

E = Exempt* ZC = Zoning Clearance* PD = Planned Development Permit	PDP = PD Permit, Principally-Permitted** PW = Public Works Permit CUP = Conditional Use Permit	Not Allowed	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE												
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD	
Caretaker Recreational Vehicle, Accessory, pursuant to the standards in Sec. 8175-5.15	E	E	E	E	E	E	E	E	E	E			
Riding Stables	PD		CUP										
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC		ZC										
• With Accessory Lodging Facilities	CUP												
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC												
Swimming and Tennis Clubs, and the Like										CUP			
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC			
Youth Hostels										PD			
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC			
REPAIR OF PERSONAL GOODS (Such As Jewelry, Shoes And Small Appliances)										PDP			
RESTAURANTS, CAFES, AND CAFETERIAS										PDP			
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC			
RETAIL TRADE (See Definitions)										PDP			
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC			
Liquor Stores										CUP			
Nurseries										CUP			
SCHOOLS, Public or Private, Nonboarding					CUP		CUP	CUP					
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5					ZC		ZC	ZC					
SHORELINE PROTECTIVE DEVICES (See Sec. 8175-5.12.2)	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	

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ZC = Zoning Clearance*	PW = Public Works Permit					
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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
▪ If exempt per Sec. 8174-6.3.2	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
Signs												
Sign, Permanent, Freestanding See Sec. 8175-5.13.6(a)	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
Sign, Illuminated		PD								PD		
Sign Mural										PD		
Sign Program		PD								PD	PD	
Sign, Temporary (in <i>ESHA</i> or <i>ESHA</i> <i>buffer zone</i>) See Sec. 8175-5.13.3(c)	PD											
Sign Alterations See Sec. 8175-5.13.5(a)	ZC	ZC								ZC	ZC	ZC
Signs Affixed to a <i>Structure</i> See Sec. 8175-5.13.5(b)	ZC	ZC								ZC	ZC	ZC
▪ If exempt per Sec. 8174-6.3.5 Disaster Replacement of <i>Structures</i>	ZC	ZC								ZC	ZC	ZC
Signs, Promotional Temporary See Sec. 8175-5.13.5(d)	ZC	ZC								ZC	ZC	ZC
Identification Sign & Flags See Sec. 8175-5.13.4(a) & (c)	E	E	E	E	E	E	E	E	E	E	E	E
Repair and Maintenance Activities See Sec. 8175-5.13.4(d)	E	E	E	E	E	E	E	E	E	E	E	E
Natural Gas, Chilled Water and Steam Facility Signs See Sec. 8175-5.13.4(e)	E	E	E	E	E	E	E	E	E	E	E	E
Sign, Temporary (not in <i>ESHA</i>) See Sec. 8175-5.13.4(f)	E	E	E	E	E	E	E	E	E	E	E	E
Sign, Incidental See Sec. 8175-5.13.4(f)	E	E								E	E	E
STORAGE OF BUILDING MATERIALS, TEMPORARY (See Sec. 8175-16)	Same permit as <i>principal use</i>											
SUBDIVISIONS	See: <i>Land Divisions</i>											

E = Exempt*	PDP = PD Permit, Principally-Permitted**	Not Allowed	Exempt	Approved by <i>Planning Director</i> or Designee	Approved by <i>Planning Commission</i>	Approved by <i>Board of Supervisors</i>
ZC = Zoning Clearance*	PW = Public Works Permit					
PD = Planned Development Permit	CUP = Conditional Use Permit					

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Parcel Map Waivers	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
• <i>Lot Line Adjustments</i>	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
• If exempt per Sec. 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
Tentative Maps (TM)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Tentative Parcel Maps (TPM)	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD
TAILOR SHOPS										PDP		
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
USES AND STRUCTURES, ACCESSORY TO A COMMERCIAL OR INDUSTRIAL USE										PD	PD	
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC	ZC	
Brush or Vegetation Removal	Permit May Be Required. See "Brush or Vegetation Removal"											
Dwelling, for Proprietor or Employee (2 ND or 3 rd Floor Only)										PDP	PD	
▪ If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC	ZC	
Fences and walls	See "Dwelling – Accessory Uses and Structures"									PD	PD	PD
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	See "Dwelling – Accessory Uses and Structures"									ZC	ZC	ZC
Game Machines, Three or Fewer										PD		
Grading, Excavation or Fill	Permit May Be Required. See "Grading, Excavation or Fill"											
Improvements to Structures	See "Improvements to Structures, other than Single Family Dwellings or Public Works Facilities"											
Recreational Facilities, Restaurants and Cafes: For Employees Only											PD	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5											ZC	
Repair of Products Retailed										PD		

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PD = Planned Development Permit	CUP = Conditional Use Permit					

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Temporary <i>Buildings</i> During Construction (see Sec. 8175-5.14)										PD	PD	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC	ZC	
USES AND STRUCTURES, ACCESSORY, NOT OTHERWISE LISTED	Same permit as <i>principal use</i>											
TREE ALTERATION AND REMOVAL:												
TREE REMOVAL												
Removal or transplantation of a protected tree per Sec. 8178-7.5.1	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
Except for historical and heritage trees, the Removal of a non-native or invasive/ <i>invasive watch-list species</i> of tree during bird nesting season pursuant to Sec. 8178-7.5.2	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
TREE ALTERATION												
Tree alteration or encroachment into the tree protected zone of a protected tree, pursuant to Sec. 8178-7.5.1	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	PD	
Minor alteration of a non-native, non-ESHA or <i>invasive/ invasive watch list species</i> of tree during bird nesting season pursuant to Sec. 8178-7.5.2	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Minor alteration of a protected non-ESHA tree pursuant to Sec. 8178-7.5.2.1 (* inspection required)	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	
EMERGENCY TREE ALTERATION OR REMOVAL	See Sec. 8178-7.5.4											
VETERINARY CLINICS , Excluding Livestock										CUP		
If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5										ZC		
WASTE TREATMENT AND DISPOSAL	See also " <i>Public Works Facilities</i> "											

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ZC = Zoning Clearance*	PW = Public Works Permit					
PD = Planned Development Permit	CUP = Conditional Use Permit					

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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
Waste Disposal, Including Sanitary Landfills	CUP										CUP	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6	ZC										ZC	
Waste Treatment											CUP	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6											ZC	
Recycling Facilities and Centers											CUP	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, 8174-6.3.5, or 8174-6.3.6											ZC	
WATER FACILITIES	See also "Public Works Facilities"											
Water Storage and Distribution Facilities: Private Agencies	PD	PD	PD	PD	PD	PD	PD	PD		PD	PD	
• If exempt per Sec. 8174-6.3.2, 8174-6.3.4, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		ZC	ZC	
Water Wells, Testing to Determine Water Availability	PD	PD	PD	PD	PD	PD	PD	PD	PD			
• Incidental, appropriate and subordinate to a <i>principally-permitted use</i>	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP			
• With Brush or Vegetation Removal	Permit May Be Required. See "Brush or Vegetation Removal"											
• With Grading, Excavation or Fill	Permit May Be Required. See "Grading, Excavation or Fill"											
WIRELESS COMMUNICATION FACILITIES	See "Dwellings – Accessory Uses and Structures", "Antennas, Freestanding" for non-commercial antenna/amateur radios installed as an <i>accessory</i> to a dwelling.											
<i>Stealth</i> facilities, except in the public road right-of-way (see Sec.8175-5.20.3)	CUP	CUP	CUP	CUP	CUP	CUP				CUP	CUP	
<i>Stealth</i> facilities exclusively located within the public road right-of-way (see Sec. 8175-5.20.3,4)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
<i>Non-Stealth</i> facilities (see Sec. 8175-5.20.3(b))	CUP	CUP									CUP	

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ZC = Zoning Clearance*	PW = Public Works Permit					
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LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPB
<i>Data Collection Units</i> on existing utility poles within the public road right-of-way (see Sec. 8175-5.20.4)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	

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ZC = Zoning Clearance*		Not Allowed	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
PD = Planned Development Permit	PW = Public Works Permit					
	CUP = Conditional Use Permit					

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Section 6

ARTICLE 5:

DEVELOPMENT STANDARDS/CONDITIONS - USES

Article 5, Section 8175-2 – Schedule of Specific Development Standards by Zone, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8175-2 – Schedule of Specific Development Standards by Zone

The following table indicates the *lot area*, *lot width*, *setback*, *height*, and *building coverage* standards that apply to individual *lots* in the zones specified. See Articles 6 and 7 for other general standards and exceptions. (AM.ORD.4055-2/1/94, AM.ORD. 4451-12/11/12)

Zone	Minimum <i>Lot Area</i> (a)	Maximum Percentage of <i>Building</i> Coverage	Minimum <i>Lot</i> Width	Required Minimum <i>Setbacks</i> (b)				Maximum <i>Height</i> (b)		
				Front	Side		Rear	<i>Principal Structure</i>	Exceptions (<i>Principal Structure</i>)	<i>Accessory Structure</i>
					Interior & <i>Corner Lots</i> , Except Reverse Corner	Reverse <i>Corner Lots</i> : Street Side				
COS	10 Acres (c)	See Sec. 8175-2.1	40'	20'	10'	20'	15'	25'	Height May Be Increased to 35' if Each <i>Side setback</i> is at Least 15'	Same as <i>Principal Structure</i>
CA	40 Acres (c)				5'	10'				
CR	One Acre									
CRE	20,000 Sq. Ft.			20' (d)	5'	10'				
CR1	7000									
CR2	Sq. Ft.									
RB	3,000 Sq. Ft. (e)		25'	10'	3'	5'	14' (f)	28', measured to the highest point of the finished roof (i)	Height May Be Increased to 30' for <i>A-frame Structures</i>	15'
RBH	(g)	20' (h)		3' (q)	6' (r)					

Zone	Minimum <i>Lot Area</i> (a)	Maximum Percentage of <i>Building</i> Coverage	Minimum <i>Lot</i> Width	Required Minimum <i>Setbacks</i> (b)				Maximum <i>Height</i> (b)		
				Front	Side		Rear	<i>Principal Structure</i>	Exceptions (<i>Principal Structure</i>)	<i>Accessory Structure</i>
					Interior & <i>Corner Lots</i> , Except Reverse Corner	Reverse <i>Corner Lots</i> : Street Side				
CRPD	As Specified by Permit	See Sec. 8175-2.1	As Specified by Permit	See Sec. 8177-1.3				25'	N/A	
HPD				15'	(j)	10'	15'	35' (p)		
CC	20,000 Sq. Ft.			(k) (j)	(l) (k)		(m) (l)	35'		
CM	10 Acres		40'	(n) (m)				(o) (n)		

[Staff explanation: The row that provides development standards for the Harbor Planned Development (HPD) zone is proposed for removal from the table above. Also, noted "j" and "p" would be deleted from the list below, as those standards are only used for the HPD zone. Also, because two items are being removed from the list, the letters assigned to other standards would be adjusted, starting with the letter "j". However, all other existing development standards would remain the same, and only the letter references would change.]

(AM.ORD.3876-10/25/88)

(AM.ORD.4055-2/1/94)

(AM.ORD.4451-12/11/12)

- (a) See ~~Sections~~ 8175-4.10 through 8175-4.12 for exceptions.
- (b) See ~~Sections~~ 8175-4 and 8175-5 for exceptions.
- (c) For all proposed *land divisions* in the COS and CA zones, the parent *parcel* shall be subject to the following *slope/density formula* for determining minimum *lot area*.

$$S = \frac{(100) (I) (L)}{A} \text{ Where:}$$

- S = average slope (%)
- I = contour interval (feet)
- L = total length of all contour lines (feet)
- A = total area of the lot (square feet)

Once the *average slope* has been computed, the following table shall be used to determine a minimum *lot* size for all proposed *lots* (numbers should be rounded to the nearest tenth):

COS:	0% - 15% = 10 acres	CA:	0% - 35% = 40 acres
	15.1% - 20% = 20 acres		Over 35% = 100 acres

20.1% - 25% = 30 acres

25.1% - 35% = 40 acres

Exception (CA): Property with a land use designation of "Agriculture" in the Coastal Area Plan that is not *prime agricultural land* shall have a *lot area* not less than 200 acres, regardless of *slope*.

(AM.ORD.4451-12/11/12)

- (d) *Dwellings* constructed with carports or garages having a curved or "swing" driveway, with the entrances to the garages or carports facing the side property line, may have a minimum *front setback* distance of 15 feet. (AM.ORD.4451-12/11/12)
- (e) Minimum 1500 sq. ft. of *lot area* per *dwelling unit*; maximum two *dwelling units* per *lot*.
- (f) If the *front setback* distance is 20 feet or more, the *rear setback* distance may be reduced to six feet. (AM.ORD.4451-12/11/12)
- (g) 1,750 sq. ft. per *single-family dwelling*; 3,000 sq. ft. per *two-family dwelling*.
- (h) Where there is a two- or three-storied *structure*, such second or third stories may intrude not more than four feet into the required *front setback*. Eaves may extend a maximum of two feet beyond the outside walls of such second or third floor extension. (AM.ORD.4451-12/11/12)
- (i) See also Section 8175-3.13. (AM.ORD.4451-12/11/12)
- ~~(j) Five feet for lots used for dwelling purposes, and five feet on any side abutting a residential zone (any zone with an "R" in the title); otherwise, as specified by permit.~~
- ~~(k) Ten feet if the lot abuts a residential zone on the side; otherwise, as specified by permit.~~
- ~~(k) Five feet on any side abutting a residential zone. Also, when the rear of a corner lot abuts a residential zone, the side setback distance from the street shall be at least five feet; otherwise, as specified by permit. (AM.ORD.4451-12/11/12)~~
- ~~(m) Ten feet if the rear of the lot abuts a residential zone; otherwise, as specified by permit.~~
- ~~(m) From street: the greater of 15 feet or 15% of lot width or depth. Interior: the greater of five feet or 10% of lot width or depth. The Planning Director is authorized to modify or entirely waive the interior setback requirements in cases where such reductions are necessary for efficient utilization of property and will not adversely affect the public health, safety or welfare, and rail access is provided to the lot.~~
- ~~(n) No building or structure located within 100 feet of any property in a residential zone shall exceed 60 feet in height; otherwise, as specified by permit.~~
- ~~(p) A lower height limit may be required by the permit authorizing the use.~~
- ~~(q) Exception: Each dwelling unit of a two-family dwelling may have a zero side setback distance if constructed on a lot (other than a through lot) of at least 3,500 square feet in area created prior to February 26, 1987, if that lot is subdivided along a common side wall of the two dwelling units. (AM.ORD.4451-12/11/12)~~

- (f) Exception: Each *dwelling unit* of a *two-family dwelling* may have a zero *rear setback* distance if constructed on a *through lot* of at least 4,000 square feet in area created prior to February 26, 1987, if that *lot* is subdivided along a common rear wall of the two *dwelling units*, and the *front setback* distance of each resulting *lot* is at least 20 feet. (AM.ORD.4451-12/11/12)

Sec. 8175-2.1 – Building Coverage Standards

The following table indicates the *building* coverage standards by land use designation.

Coastal Area Plan Designation	Maximum <i>Building</i> Coverage
Open Space	5% (a)
<i>Agriculture</i>	5% (a)
Recreation	5%
Residential – Rural	25% (b)
Residential – Low	29%
Residential – Medium	42%
Residential – High	65%
Commercial	40%
Industrial	40%

- (a) Excludes greenhouses, hothouses, and the like. For nonconforming *lots*, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 22.3 square feet of *lot area* over 5,000 square feet.
- (b) Excludes greenhouses, hothouses, and the like. For nonconforming *lots*, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 4.6 square feet of *lot area* over 5,000 square feet.

(ADD.ORD. 4451-12/11/12)

Article 5, Section 8175-3.11 – Fences, Walls, and Hedges, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8175-3.11 - Fences, Walls, and Hedges

The following standards apply to fences, walls and hedges within the coastal zone. See Section 8178-2.6.14 for standards that apply to fences and walls in an ESHA, buffer zone, and the Santa Monica Mountains (M) overlay zone which, in the event of a conflict, shall take precedence over standards in this Section.

- No *fences*, walls or hedges over three feet high may be placed in the required *setback* area *adjacent* to a street. A maximum six-foot-high wall, *fence* or hedge may be located anywhere on the *lot* except in the *clear sight triangle* or required *setback* area *adjacent* to a street. On vacant land in the CC or CM zones, *fences*, walls and hedges are subject to this six-foot *height* limit, to any specific *setback* requirements of Section= 8175-2, and to the *clear sight triangle* regulations of Section= 8175-3.11a above. On *through lots*, the *setback* regulations given for *structures* in Section= 8175-4.1d shall apply to *fences* over three feet in *height*.
- A maximum eight-foot-high see-through *fence* may be located on any *lot* zoned COS or CA that contains an agricultural operation, or in a subdivision that *abuts* an agricultural operation in a COS or CA zone, provided that such *fence* is located at or near the boundary line separating such properties.
- A maximum twelve-foot-high see-through *fence* may be located around a tennis court anywhere on a *lot*, except in a required *setback* area *adjacent* to a street or within any public view to or along the coast.

- d. When there is a difference in the ground level between two adjoining *lots*, the *height* of any wall or *fence* constructed along any property line may be determined by using the *lot* level line of the higher *lot*, as measured within five feet of the *lot line* separating such *lots*.
- e. The provisions of this Section shall not apply to a *fence* or wall necessary as required by any law or regulation of the United States or State of California or any *agency* thereof.
- f. Fences and walls shall not be constructed of, or topped with, spikes, barbs, broken glass, razors, or any other similar material. Barbed-wire fencing is prohibited, except when used to secure permitted telecommunication, industrial or utility facilities. When such fencing is allowed, it shall be sited as close as possible to the secured facility.

(AM.ORD.4451-12/11/12)

[Staff explanation: A cross-reference was added to fencing standards in Sec. 8178-2. Also, types of fences that result in high mortality for animals would be prohibited. For example, about 70% of deer that die in fencing get caught in the top two wires when trying to jump a fence, and 90% of carcasses found near fences were baby fawns separated from their mothers and unable to cross (Harrington 2005, Harrington and Conover 2006). This standard is in L.A. County and Malibu LCP's.]

Article 5, Section 8175-5.2.4 – Animals and Fowl, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8175-5.2.4 - Animals and Fowl

Animal husbandry, and the keeping of animals and fowl as *accessory* to *dwellings*, shall conform to the following standards. NOTE: The offspring of animals are allowed and shall not be counted until they are weanable or self-sufficient age. Dogs and cats shall be counted at four months of age or more.

- a. Pet Animals - Each *dwelling unit* is permitted the following (in addition to the animal units permitted under Section 8175-5.2.4b):

COS CA CR CRE CR1	Up to 4 of any combination of the following: Chickens (excluding roosters), cooped Ducks and similar fowl, penned goose or turkey (limit 1), penned	4 dogs and 4 cats	4 rabbits or other domestic animals of similar size at maturity, caged.	Domestic birds (must be kept inside the dwelling; see also Sec. 8175-5.2.3).			
CR2, RB, CRPD							
RBH		2 dogs and 2 cats*					

*Any combination of dogs and cats totaling not more than four animals.

(AM.ORD.4451-12/11/12)

- b. Farm Animals – Farm animals are permitted in accordance with the following table:

Zone	Minimum Lot Area Required (c)	Number of Animals (a)	Minimum Setbacks (b)
<u>Santa Monica Mountains (M) Overlay Zone</u>	<u>1 Acre</u>	<u>Two (2) animal units for first acre, one (1) animal unit for each additional acre, and a maximum of ten (10) animal units per lot.</u>	<u>Farm animals and fowl shall not be housed, stabled, lodged, kept, maintained, pastured or confined within ESHA or 100 feet of ESHA, except as permitted by Sec. 8178-2.6.11 – (Confined Animal Facilities).</u>
CA and COS, <u>except Santa Monica Mountains (M) Overlay Zone</u>	20,000 sq. ft.	<i>Lots of 10 acres or less: one animal unit for each 10,000 sq. ft. of lot area (more with a Conditional Use Permit). Lots over 10 acres: no limit.</i>	Farm animals and fowl shall not be housed, stabled, lodged, kept, maintained, pastured or confined within 40 feet of any school, church, hospital, public place, business, <i>dwelling</i> or other <i>structure</i> used for human habitation, other than the personal residence of the owner or keeper thereof.
CR	20,000 sq. ft.	One animal unit for each 10,000 sq. ft. of <i>lot area</i> .	

Notes to Animal Unit Table

One Animal Unit Equals:

- 1 cow, bull, horse, pony, llama, mule or donkey;
- or 3 sheep and/or female goats (or a combination thereof totaling 3);
- or up to 6 of any combination of geese, swans or turkeys;
- or up to 10 of any combination of chickens, ducks or game hens;
- or 2 ~~ponies~~ miniature horses, pigs, male goats, ostriches, peacocks or guinea fowl (or a combination thereof totaling 2);
- or 20 fur-bearing animals, such as rabbits, and others of a similar size at maturity.

Other Notes to Animal Unit Table

- ~~a)~~ — In calculations for permitted animals, fractional numbers are to be rounded to the lower whole number.
- ~~b)~~ These separation requirements do not apply to *pet animals*.
- ~~c)~~ *Abutting lots* that are under unified control, either through ownership or by means of a lease, may be combined in order to meet minimum area requirements for animal-keeping or to keep a larger number of animals, but only for the duration of such common ownership or lease, and only in zones that allow the keeping of animals as a *principal use*.
- c) Notwithstanding the *nonconforming use* regulations in Section 8182-5 – ~~The Keeping of Animals~~, the farm animal regulations for the Santa Monica Mountains (M) overlay zone pursuant to Section 8175-5.2.4 shall only apply to animal keeping uses and structures that are established after [DATE OF ORDINANCE EFFECTIVE DATE]. Legally-established farm animal keeping

uses in existence as of [DATE OF ORDINANCE EFFECTIVE DATE] that do not conform to the standards in the table above (subsection (b)) may continue.

- d) Within the Santa Monica Mountains (M) overlay zone, or within 500 feet of habitats identified as habitat connectivity corridors (see Section 8178-2.7.5), the conditions of approval for new development shall include a requirement that any small to mid-size animal (e.g. chickens, goats, sheep, and llamas) that is subject to predation from wild animals (e.g., mountain lion, coyote, bobcat) will be kept in a wildlife-proof structure approved by the County. The Planning Director may grant an exception to this requirement based on a finding supported by substantial evidence that the applicant has proposed and will implement a recognized, alternative method for protecting livestock (e.g., use of Anatolian Shepard Dog). See Section 8178-2.6.11 for additional standards associated with animal keeping in ESHA or buffer zones.

[Staff explanation: The proposed regulations for farm animals include a separate line item for land in the Santa Monica Mountains (M) overlay zone, which contains a high level of environmentally sensitive habitat areas (ESHA). The current animal unit regulations allow an intensity of use that is not compatible with ESHA (or the proposed ESHA policies in the CAP). Additionally, standards are provided for animal containment structures for small to mid-sized livestock in the Santa Monica Mountains or identified habitat connectivity corridors. The purpose of these standards is to reduce the odds of livestock predation by mountain lions and the need for a take permit to kill a mountain lion within a population that is currently struggling. Finally, additions were made to the list of animals that constitute an animal unit, with animals grouped by average weight. Following the 2018 Planning Commission hearing, the "Table Notes" were reformatted for clarity. Subsection (c) was added to clarify that the new regulations for the Santa Monica Mountains do not apply to existing legally established farm animal keeping. Text in subsection (d) was modified for clarity regarding wildlife-proof structures, grammar correction, and the removal of extraneous words such as "Also".]

Article 5, Section 8175-5.6.1.2.1 – Temporary Filming on the Sandy Beach, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8175-5.6.1.2.1 – Temporary Filming on the Sandy Beach

- a. Outside the peak summer months between Memorial Day and Labor Day, *film production activities* on all *sandy beach areas* within the County's permit jurisdiction shall be authorized by a *Zoning Clearance*, provided that all of the following criteria are met:
1. The *film production activities* will be 14 days or less in duration;
 2. The *film production activities* are located at least 100 feet from all tide pools, ~~sand~~ *coastal dunes habitats*, and tributaries that discharge into the ocean;
 3. The *film production activities* are located outside any ESHA or ~~ESHA~~ *buffer zone*;
 4. *Public access* will be maintained to and along the coast; and
 5. Adequate coastal access parking is available for the general public.

- b. During the peak summer months between Memorial Day through Labor Day, a *Zoning Clearance* shall only be approved if the *film production activities* meet all of the following criteria:
 1. The *film production activities* comply with all requirements of Section- 8175-5.6.1.2.1(a) above;
 2. *Film production activities* that occupy a portion of the *sandy beach area* is scheduled on weekdays only, and not on any holiday; and
 3. An off-site *base camp* will provide sufficient space for trailers, vehicles, equipment, catering services, etc.;
- b. To avoid adverse impacts on the federally protected Western Snowy Plover (*Charadrius alexandrinus nivosus*) and California Least Tern (*Sterna antillarum browni*), no filming shall be permitted on Hollywood Beach during the species' breeding season of March 1 through September 31.

[Staff Explanation. This standard was introduced to avoid disturbance of a federally protected species during its nesting season. Over the last two years (2015 and 2016), Hollywood Beach's least tern colony and Western snowy plover population experienced an alarming decline in reproductive success due to human disturbance. A prohibition on filming at this location was selected because most film permits are issued as a zoning clearance. After the 2018 Planning Commission hearing, a minor edit was made for term consistency by removing the word "ESHA" and adding "zone".]

Article 5, Section 8175-5.6.4 – Standards for Film Production Activities in all Zones, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8175-5.6.4 – Standards for Film Production Activities in all Zones

Film production activities shall be carried out in accordance with the following regulations:

- a. Hours
 1. All *film production activities* shall occur between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and between the hours of 8:00 a.m. and 8:00 p.m. on weekends.
 2. *Film production activities* that occur outside the hours identified in (1) above require neighborhood consent (see Section 8175-5.6.5).
- b. *Film Permit Area*
 1. All *film production activities*, including but not limited to the operation of a *film base camp*, film equipment placement and operation, catering, *film production preparation*, *striking*, and filming, shall be confined to the boundaries of the *film permit area(s)* designated on the site plan approved with the *film permit*.
 2. Removing, trimming or cutting of native vegetation or protected native and non-native trees is prohibited except where such activities are authorized pursuant to Section- 8178-7, ~~Tree Protection Regulations~~.

3. *Film production activities* shall not change, alter, modify, remodel, remove or significantly affect any eligible or designated cultural heritage site.
 4. *Film production activities* shall not result in permanent alteration to the filming location or surrounding area. The permittee shall restore the filming location to a condition equivalent to its pre-filming condition following *film production, striking*.
 5. Production vehicles, cast, and crew responsible for the production of a motion picture, television show, music video, advertisement, web production or *film still photography* shall not arrive at the *film location* prior to the hours specified in the permit.
 6. All *film production activities*, including but not limited to the *film base camp*, film equipment placement and operation, catering, *film production preparation, striking* and filming, shall comply with the provisions of Section 8175-5.6, and all other applicable provisions of this Chapter and the certified *Local Coastal Program*.
 7. Film production activities shall not remove or alter vegetation or landforms within *ESHA*, its 100-foot *buffer*, or otherwise adversely impact an *ESHA*.
 8. Except where permitted by a *Planned Development Permit*, film production activities shall not occupy a public *recreational area* in a manner that would preclude use by the general public.
 9. *Film production activities* conducted at any time between Memorial Day through Labor Day, and located within one mile of the beach, shall not cause traffic delays that exceed three minutes on any public road.
 10. *Film production activities* shall maintain public access to and along the coast including areas upcoast and downcoast of the subject *film permit area* and where feasible, passage around the site on wet sand or dry sand areas.
 11. *Film production activities* shall minimize grading and landform alteration.
- c. Noise and Lighting

Noise and lighting shall not create a nuisance upon nor otherwise negatively impact neighboring areas or *ESHA* as follows:

1. *Film pyrotechnics* and *film special effects* that emit sound associated with gunfire or similar devices shall be prohibited in *ESHA* or within 100 feet of *ESHA*.
2. Except as permitted with neighborhood consent (see Section 8175-5.6.5), lighting used for the illumination of *film production activities* (such as perimeter lighting, flood lighting, and external lighting) shall only be permitted when the light source is hooded or shielded so that no direct beams from the *film production activities* fall upon public streets, highways or private property not located within the *film permit area(s)*.

3. Temporary exterior night lighting is prohibited in *ESHA*. Within areas *adjacent* to *ESHA*, temporary exterior night lighting may be allowed if the light source is hooded ~~or~~ and shielded so that no ~~direct beams~~ light trespass from the *film production activities* fall upon *ESHA*.

[Staff explanation: Following the 2018 Planning Commission hearing, minor corrections were added to the section to replace the description "direct beams" with a defined term "light trespass" for consistency of terms, clarity and readability.]

Article 5, Section 8175-5.9 - Public Works Facilities, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8175-5.9 - Public Works Facilities

Public Works facilities are subject to the provisions of this Section and all other provisions of this Chapter and the LCP land use plan. The types of facilities include, but are not limited to, the following: Roads, turnouts for emergency vehicles, reservoirs, drainage channels, watercourses, flood control projects, pump stations, utility lines, septic systems, water wells and water storage tanks.

- a. New or expanded *public works facilities* (including roads, flood control measures, water and sanitation) shall be designed to serve only the potential population of the unincorporated and incorporated areas within LCP boundaries, and to ~~avoid~~ eliminate impacts on *agriculture*, open space lands, and environmentally sensitive *habitats (ESHA)* to the maximum extent feasible. See Section 8178-2.5.2(c) ~~— Allowable Non-Resource Dependent Use in ESHA or Buffer Zones if such facilities are proposed within ESHA or buffer zone.~~
- b. New service extensions required beyond the stable urban boundary (as shown on the LCP Land Use Plan maps) must be designed to mitigate any effects on agricultural viability.
- c. Electrical transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the *coastal zone*, especially in scenic rural areas, and to avoid locations that are on or near sensitive *habitats (ESHA)*, or recreational or *archaeological resources*, whenever *feasible*. Scarring, grading, or other vegetative removal shall be repaired and the affected areas revegetated with plants similar to those in the area to the extent that safety and economic considerations allow. (AM.ORD.4451-12/11/12)
- d. In important scenic or environmentally sensitive habitat areas (ESHA), where aboveground transmission line placement would unavoidably affect views or ESHA, undergrounding shall be required where it is technically and economically *feasible* unless it can be shown that other alternatives are less environmentally damaging. When aboveground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent that safety and economic considerations allow.

For information on permitting requirements for existing *Public Works Facilities*, see Section 8174-6.3.2 and Section 8174-6.3.6(a)(9). For *Public Works Facilities* in *ESHA* or *buffer zone*, also see Section 8178-2.

[Staff Explanation. The proposed revisions add public safety-related facilities to the list of Public Works facilities. Other revisions provide a balanced approach to potential conflicts between the preservation of coastal resources and needed public works facilities, as well as cross-references to related sections of the CZO. After the 2018 Planning Commission hearing, a cross reference was added to the ESHA regulations pertaining to the standard.]

Article 5, 8175-5.17 - Grading and Brush Removal, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8175-5.17 - Grading and Brush/Vegetation Removal

The following standards shall apply to all *development* involving grading and/or brush/vegetation removal, ~~involving more than 50 cubic yards of grading or more than one-half acre of brush removal, unless such activities the grading and/or brush/vegetation removal does not require a Coastal Development Permit, pursuant to the General Exclusions set forth in Section 8174-6.3.6.~~ The Public Works Agency and Resource Management Agency staff shall review all ~~proposals~~ Coastal Development Permit applications subject to these standards (such permits are referred to as "grading permits" in this Section 8175-5.17) in the *coastal zone* for conformance with the standards. ~~(REPEALED AS 8175-5.4 AND RE-ENACTED AS 8175-5.17 BY ORD. 3882-12/20/88)~~ See Section 8178-2 for permitting requirements and standards for grading and brush/vegetation removal in an *ESHA* or *buffer zone*.

[Staff explanation: This text was modified after the 2018 Planning Commission hearing to remove the word "Also" and improve readability.]

Sec. 8175-5.17.1

Grading plans shall minimize ~~cut and fill operations~~ all areas of earth disturbance. If it is determined that a project is feasible with less alteration of the natural terrain than is proposed, that project shall be denied.

Sec. 8175-5.17.2

All earth disturbance development shall be designed to minimize impacts and alterations of physical features and processes of the site (i.e., geological, soils, hydrological, siltation, water percolation, *runoff*, the spread of invasive or invasive watch list species and adverse impacts on biological resources), to the maximum extent feasible. During the winter rainy season (~~November~~ October 1 – April 15), grading and brush/vegetation removal is prohibited, except when such activities are conducted in accordance with best management practices, and the Planning Director, in consultation with the Public Works Agency, determines that one or more of the following circumstances apply:

- a. Grading or brush/vegetation removal is necessary to remediate or prevent hazardous geologic conditions that endanger public health and safety.
- b. A grading permit was issued, and grading was initiated prior to the rainy season, but was not completed due to unforeseen circumstances or construction delays, and completion of grading would be more protective of sensitive environmental resources or would reduce erosion and sedimentation.

- c. Identified, active bird nesting/roosting sites at the project site prevented grading or brush/vegetation removal during the prior non-rainy season (April 16 – Sept. 30).
- d. Minor grading or brush/vegetation removal is necessary to maintain safe public access on existing roads or trails in public parks managed by the California Department of Parks and Recreation.

If none of the circumstances listed above apply, then grading and brush/vegetation removal activities shall be halted at the onset of the winter rainy season, and installed erosion control measures shall be maintained, in accordance with the approved permit, until grading resumes after the winter rainy season. (See Section 8175-5.17.5 for stormwater protection measures required during winter rainy season.)

[Staff Explanation. This regulation was amended to address grading during the rainy season, particularly during drought conditions. At times, construction projects are midway through grading, and the permittee is obligated to halt grading. Thus, barren areas are exposed and subject to erosion and sediment runoff. By prohibiting vegetation disturbance, rather than grading, during the rainy season, the County would be assured that no new areas are disturbed during the rainy season while allowing grading to be completed on areas that are vulnerable to erosion, in accordance with the protection measures specified in the regulation. After the 2018 Planning Commission hearing, a minor correction removed the word “Also”, a term was corrected for consistency (“Roosting site”), and to be consistent with requirements in the updated Non-Coastal Zoning Ordinance, where the installation of watch-list invasive plants are prohibited in all landscape plans.]

Sec. 8175-5.17.3

For permitted grading or brush/vegetation removal operations on hillsides with slopes that exceed 20 percent gradient, the smallest practical area of land shall be exposed at any one time during *development*, and the length of exposure shall be kept to the shortest practicable amount of time. All erosion control measures, per the approved permit, ~~for removing sediments and stabilizing slopes~~ shall be in place installed prior to ~~or concurrent with~~ any on-site grading and brush/vegetation removal activities.

[Staff Explanation. This regulation was revised to address conflicts with existing state MS-4 and County code requirements. When a grading permit is required, appropriate measures must be implemented by a Civil engineer, QSD, QSP or Certified Erosion Professional, not a licensed landscape architect.]

Sec. 8175-5.17.4

~~Where appropriate,~~ Sediment containment systems and erosion control methods basins (e.g., ~~debris basins,~~ desilting basins, or silt traps) shall be installed, per the approved grading permit, on the project site prior to or concurrent with the initial grading operations and maintained by the applicant through the *development* process to ~~remove~~ capture sediment from *runoff* waters. All captured sediment shall be retained on-site unless removed to an appropriate approved dumping location.

Sec. 8175-5.17.5

All stormwater protection measures shall be installed, per the approved grading permit, prior to any grading or brush/vegetation removal and prior to the winter

rainy season (October 1 – April 15). All stormwater protection measures shall be maintained to function as designed throughout the winter rainy season. Where construction will extend into the winter rainy season, ~~temporary vegetation, seeding, mulching, or other~~ the following standards shall apply:

[Staff Explanation. After the 2018 Planning Commission hearing, a minor correction removed the word “Also”.]

- a. Suitable stabilization methods shall be used to protect all areas of disturbance ~~from soils subject to erosion~~. The appropriate methods shall be prepared by a licensed landscape architect qualified storm water designer and approved by the Ventura County Public Works Agency.

[Staff Explanation. This regulation was updated to be consistent with existing state MS-4 and County code requirements. Text was also added to clarify which County department handles grading permits.]

- b. The smallest practical area of land shall be exposed at any one time during *development*, and the length of exposure shall be kept to the shortest practicable amount of time.

[Staff Explanation. This existing text is in Sec. 8175-3, which applies to hillsides, but it was added here because the same requirement is applicable to winter rainy season grading.]

- c. Stormwater quality protection measures for hillsides with slopes that exceed 20 percent gradient and for areas with ESHA or buffer zone shall be consistent with the standards required for “high risk sites”.

[Staff Explanation. This regulation clarifies that grading in steep slopes or ESHA must be conducted using the highest-level stormwater protection standards, consistent with existing state MS-4 and County code requirements. After the 2018 Planning Commission hearing, a minor edit was made for term consistency to remove “ESHA” from the term “buffer zone”.]

Sec. 8175-5.17.6

~~Cut and fill slopes~~ All areas of disturbance shall be fully stabilized at the completion of ~~final~~ rough grading. Within 90 days of rough grading, at least 60 percent of the disturbed areas shall be covered with native plantings, and all remaining areas shall be covered with mulch, rock lining, or similar materials to control erosion. ~~To the greatest extent feasible, Within ESHA or buffer zones, revegetation~~ planting shall be of native grasses and shrubs ~~or appropriate nonnative plants, using accepted planting procedures and completed in accordance with Sections 8178-2.7.4.2 8178-7, and 8178-8. Outside ESHA or buffer zones, restoration~~ planting shall be conducted in accordance with Section 8178-8.4.2.5.1. Such planting shall be adequate to provide 90 percent coverage within 90 days, and shall be repeated if necessary to provide such coverage. This requirement shall apply to all disturbed soils.

[Staff Explanation. This regulation was modified to reference recent changes to ESHA and Tree LCP updates. Also, the 90% coverage requirement was modified because it's a difficult standard to meet in the 90-day timeframe, especially given drought and variable site/soil conditions that do not support such a high coverage requirement. Site stabilization requirements will prevent impacts associated with erosion. After the 2018 Planning Commission hearing, a minor edit was made to correct references and to remove “ESHA” from the term “buffer zone”.]

Sec. 8175-5.17.7

~~Provisions shall be made to conduct surface water runoff to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Where feasible and appropriate, water runoff shall be retained on-site to facilitate groundwater recharge, unless to do so would require significant grading or brush removal not otherwise necessary, and the cumulative impacts of such on-site retention would be greater than the cumulative impacts of not facilitating recharge, within the same drainage area.~~

Development shall be designed so that any difference (i.e., increase) in storm flow rate or amount must either be percolated into the ground onsite or released at the undeveloped flow rate from the site. Site discharge shall occur in a manner that avoids adverse impacts downstream (in velocity or duration) as follows:

- a. Grading permit applications must include a hydrology and hydraulics report, prepared by a civil engineer, that includes a map showing the entire drainage area and the estimated runoff of the area.
- b. The report shall examine several frequencies of storms consisting of 2-year, 10-year, 50-year, and 100-year events, and demonstrate that the proposed site drainage design will either retain or detain the difference between the pre-development storm flow rate and post-development storm flow rate for the storm events listed above.
- c. The civil engineer preparing the hydrology and hydraulics report shall consider alternative, low-impact design methods to handle and improve stormwater quality runoff.

All stormwater management practices shall be updated as necessary to prevent erosion and control construction related pollutants from discharging from the site. Erosion and sediment controls shall be maintained in good working order. Erosion control plans shall describe the measures to minimize erosion and control runoff such that the transport of sediment from the work site to watercourses, other sensitive habitat areas (ESHA), and to offsite property is minimized, and to ensure that peak stormwater flow rate/amount does not exceed peak flow rate/amount under the preconstruction conditions.

[Staff Explanation. This regulation was amended to reflect the existing code. As currently adopted, it's in direct conflict with the state MS-4 and County code requirements. Conducting surface water to storm drains does not prevent erosion or protect ESHA or coastal water quality. Proposed language mirrors the building code (Appendix J in Building Code Sec. J105.2.2, subsection (3)).]

Sec. 8175-5.17.8 40

~~Degradation of the water quality of groundwater basins, near streams, or wetlands wet environments shall not result from development of the site. Pollutants such as chemicals, fuels, lubricants, raw sewage, and or other harmful waste shall not be discharged into or alongside coastal streams, wetlands or other wet environments either during or after construction.~~

[Staff Explanation. This regulation was amended to reflect updated terms within the ESHA section.]

Sec. 8175-5.17.9 44

The Ventura County Resource Conservation District and the State Department of Fish and Wildlife Game shall be consulted for grading of hillsides that exceed 20

percent gradient and brush clearance in excess of one-half acre. In all cases, best ~~accepted~~ management practices shall be used.

(Repealed as 8175-5.4 and re-enacted as 8175-5.17 by ORD.3882-12/20/88, AM.ORD. 4451-12/11/12)

[Staff Explanation. This regulation was amended to reflect Agency name changes.]

Sec. 8175-5.17.10 42

When an approved grading permit expires for a construction site, the permittee shall be responsible for the installation and maintenance of permitted, permanent erosion and sedimentation measures.

[Staff Explanation. This regulation addresses construction sites where grading is not finished but permits have expired. Permanent erosion control measures are required if the site will be left in that condition for an undefined amount of time.]

Article 5, Sec. 8175-5.20.3 – Development Standards (Wireless Facilities), of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8175-5.20.3-Development Standards

The following *development* standards apply to all wireless communication facilities. In the event of a conflict between the standards prescribed in this section (~~Section=~~ 8175-5.20.3) and the standards prescribed for the public road rights-of-way (~~Section=~~ 8175-5.20.4), the standards that are most protective of *coastal resources* shall prevail.

- a. **Concealment Requirements:** To minimize visual impacts, the following standards shall apply:

1. Any facility that is 50 feet or less in height shall be designed as a *stealth* facility;
2. Whenever technically feasible, any facility that is 51 to 80 feet in height shall be designed as a *stealth* facility; and
3. Any facility that exceeds 80 feet in height shall be defined as a *non-stealth* facility but shall utilize all feasible concealment techniques in the facility design.

Any facility that is not designed as a *stealth* facility, or any facility that exceeds 80 feet in height, is subject to the requirements of Section 8175-5.20.3(b) below. Technical expert review of *propagation diagrams*, alternative sites analysis, and the information provided to satisfy each provision in Section 8175-5.20.3(b) below will be required for a *wireless communication facility* that exceeds 80 feet in height to demonstrate that the height is necessary to meet service coverage needs.

- b. **Exceptions to Stealth Facilities:** A *non-stealth wireless communication facility* shall only be authorized where such a facility is required pursuant to federal law as described in Section 8175-5.20.5. Applications for a *non-stealth* facility shall include an alternative sites analysis and written and graphic information that demonstrates each of the following:

1. One or more shorter *stealth facilities* would be technically infeasible (i.e.

the applicant demonstrates that adequate service coverage cannot be met by one or more *stealth facilities*); and

2. The proposed facility is designed to blend with the environment to the maximum extent feasible (see Sec. 8175-5.20.3(c)); and
3. A *stealth* facility consistent with the height limits in Section 8175-5.20.3(h) would be inconsistent with one or more key provisions of the federal Telecommunications Act (see Sec. 8175-5.20.5).

c. **Making Wireless Communication Facilities Compatible with the Existing Setting:** *Wireless communication facilities* shall be located and designed to be compatible with the existing setting as follows:

1. Location: To the maximum extent feasible, facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility;
2. Facility Design: Facilities shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting to the maximum extent feasible; and
3. Interference with Access and Transportation: Facilities shall not interfere with public *access* to and along the coast, and shall not alter any method of transportation, conflict with requirements of the Americans with Disabilities Act, block or reduce coastal access, or obstruct clear line-of-sight triangles within the public right-of-way.
4. Military Compatibility: Facilities should be sited and designed for compatibility with military security requirements and frequency spectrum needs to avoid interference with military operations.

d. **Siting Criteria:** The order of priority for siting a *wireless communication facility* is as follows:

1. In a "preferred" location pursuant to subsection (e) below; or
2. In a "neutral" location, which is defined as a site that is not identified as a "preferred", "non-preferred" or "restricted" location; or
3. In a "non-preferred" location pursuant to subsection (f) below; or
4. In a "restricted" location pursuant to subsection (g) below.

With the exception of a "preferred" location, the applicant shall demonstrate, based on substantial evidence provided by an alternative sites analysis (see Sec. 8175.20.10(j)), that all higher priority locations are infeasible. In a restricted location, technical expert review of *propagation diagrams*, alternative sites analysis, and other information will be required for a *wireless communication facility* to demonstrate that the proposed facility is necessary to meet service coverage needs (see Sec. 8175-5.20.5.1).

e. **Preferred Locations:** The following sites are defined as "preferred" locations:

1. *Collocated* on an existing *wireless communication facility* with adequate height and structure to accommodate additional *wireless communication facilities* (see Sec. 8175-5.20.6), with the exception of locations where a *collocated* facility would degrade the *visual quality* of the area.

2. Flush-mounted on an existing structure, pole, or building when located in the COS, CA and CM zones.
 3. Within the public road rights-of-way along existing developed roadways and mounted on existing overhead utility facilities, streetlight poles, or traffic signals, with the exception of facilities located on scenic or eligible scenic highways.
 4. In locations where the existing setting includes features of sufficient height and mass to effectively conceal the *wireless communication facility*, such as settings where the facility can be concealed in an existing building or nestled within an existing grove of trees.
 5. Located within, contiguous with, or in close proximity to existing *wireless communication facilities*, provided that the clustered facilities will be more protective of *coastal resources* when compared to a non-clustered facility configuration.
- f. **Non-Preferred Locations:** The following sites are defined as “non-preferred” locations:
1. On a ridge where the facility is not a silhouette from *public viewing areas*.
 2. On a structure, site or in a district designated as a local, state, or federal historical landmark (see Sec. 8175-5.20.3(k)).
 3. On *slopes* greater than 20 percent;
- g. **Restricted Locations:** The following sites are defined as “restricted” locations:
1. Within an *ESHA* or within an *ESHA buffer zone* (see Sec. 8175-5.20.3(m)), except where a *wireless communication facility* is allowed within a developed public road right-of-way in a location that is also within an *ESHA buffer zone*, and then it may be processed as a preferred location pursuant to subsection (e) above, provided that no extension of fuel modification into *ESHA* results from the facility.
 2. On lots between the mean high tide line and the first public road parallel to the sea, with the exception of *building-concealed facilities*.
 3. On a ridgetop or a ridge where the facility is a silhouette from *public viewing areas*.
- h. **Height:**
1. **How to Measure:** Unless otherwise indicated in this section (Sec. 8175-5.20.3), the height of a ground-mounted *wireless communication facility* shall be measured from the adjacent, average existing *grade* to the highest point of the facility (i.e. *antenna*, equipment, concealment elements, *faux* structure, or other component of the facility).
 2. **Minimizing Visual Impacts:** The height of a *wireless communication facility* shall be limited to what is necessary to provide adequate service or coverage.
 3. **Building-Concealed Facility Height:** *Building-concealed wireless communication facilities* shall not exceed the maximum building height limits of the zone in which the building is located (see Sec. 8175-2 for maximum

building height limits and Sec. 8175-3.13 for measurement of building height) unless one of the following apply:

- (a) The height standard in Section 8175-5.20.3(h)(4)(d) applies when a *building-concealed facility* is located in a rooftop addition such as a cupola, faux chimney, or similar type of *roof structure* or architectural projection (see Sec. 8175-4.8). Architectural projections (e.g. steeples or bell towers) which are traditionally attached to assembly use buildings, such as community centers or churches, may extend above the height standard if the architectural projection is proportionate to the structure to which it is attached.
- (b) An existing building that exceeds the maximum building height limit (i.e. a legally non-conforming structure) may be used to conceal a *wireless communication facility*.

4. **Stealth Facility Height:** The maximum heights of specific types of *stealth facilities* are as follows:

- (a) The maximum height of a faux structure is defined in Table 1 below or, alternatively, the maximum height may be calculated as the average height of similar (representative) structures found in the local setting plus 5 feet, whichever is less.

Table 1

Maximum Height of Faux Structures

Type of Structure	Maximum Height
Faux Water Tank	50 feet
Faux Windmill	50 feet
Faux Flag Pole	50 feet
Faux Light Pole	40 feet
Faux Utility Pole	40 feet

- (b) *Faux trees* shall maintain a natural appearance and shall be similar in height to nearby trees (see i, ii, and iii below). The maximum allowable height of a *faux tree* shall be as follows:
 - i. **No Nearby Trees:** Maximum heights in Table 2 apply if there are no trees within a 150-foot radius of the *faux tree*.

Table 2

Maximum Height of Faux Trees¹

Type of Structure	Maximum Height
Mono-Broadleaves*	60 feet

¹ The maximum height limits for *faux trees* are based on the height of a mature tree for selected species, as established by the U. S. Department of Agriculture, Natural Resources Conservation Service's plants database.

Table 2

Maximum Height of Faux Trees¹

Type of Structure	Maximum Height
Mono-Palm*	65 feet
Mono-Pine*	80 feet

* See Sec. 8175-5.20.3(r) for tree planting height requirements and Sec. 8178-8.4.1.2 for restrictions on the types of trees which can be planted in the *coastal zone*.

- ii. **Tree Canopy:** The maximum height of a *faux tree* located within, or adjacent to, a tree canopy may extend up to 15 feet above the height of the existing tree canopy when both of the criteria listed below are met:

- The applicant demonstrates, to the satisfaction of the Planning Director, that a lower *faux tree* height would result in obstructed coverage of the proposed facility due to the existing tree canopy; and
- The average tree height of the canopy is at least 30 feet high, and the nearest tree in the canopy is located within 150 feet of the *faux tree*; and the *faux tree* is sited behind the canopy relative to *public viewing areas*.

Calculations for the height of the existing tree canopy may be increased to include the estimated growth of trees within the canopy at the end of the permit period, provided that such estimates are prepared by a certified arborist.

- iii. **Surrounding Trees (non-canopy):** A *faux tree* may extend up to 5 feet above the maximum height of trees within a 150-foot radius. The maximum height of surrounding trees should be measured using existing tree heights, unless a certified arborist provides an estimated maximum height that includes average growth of the surrounding trees at the end of the permit period.

- (c) *Slim-line pole wireless communication facilities* shall not exceed 50 feet in height.
- (d) *Roof-mounted wireless communication facilities* shall not exceed six feet in height from the finished roof of the existing building.
- (e) *Flush-mounted wireless communication facilities* shall not extend above the finished building height. If mounted on a structure other than a building, such as a pole, then the *antenna* shall not extend more than six feet above the structure.

i. Setbacks:

1. All *wireless communication facilities* shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an *antenna* array shall extend beyond the property lines.

2. *Ground-mounted wireless communication facilities* shall be set back a distance equal to the total facility height or 50 feet, whichever is greater, from any offsite *dwelling* unit.
 3. Whenever feasible, a new *ground-mounted wireless communication facility* shall be set back from a property line to avoid creating the need for *fuel modification zone* clearance on adjacent properties.
- j. **Retention of Concealment Elements:** No *modification* of an existing *wireless communication facility* shall be authorized that would defeat the concealment elements of the permitted facility. Concealment elements are defeated if any of the following occur:
1. A *stealth* facility is modified to such a degree that it results in a *non-stealth* facility; or
 2. The *stealth* facility no longer meets the applicable development standards for *stealth facilities* in Sections 8175-5.20.3 and 8175-5.20.4(a); or
 3. Equipment and *antennas* are no longer concealed by the permitted *stealth* design features; or
 4. Proposed modifications to a *stealth* facility, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design.
- k. **Additional Standards for Specific Types of Wireless Communication Facilities:**
1. **Building-Concealed Facilities:**
 - (a) *Wireless communication facilities* shall not increase building width or create building features that protrude beyond the exterior walls of the building.
 - (b) *Wireless communication facilities* concealed within a building addition shall be limited to the area/volume required for the wireless technology and shall not increase habitable floor area, include general storage area, or provide any *use* other than wireless technology concealment. Building additions shall only be approved where the addition would otherwise be allowed consistent with all other policies and provisions of the LCP, including zone standards.
 2. **Roof-Mounted Facilities:**
 - (a) Shall be hidden by an existing or newly created building or architectural feature (such as a parapet), or shall be concealed from *public viewing areas* using architectural features, screening devices, or by siting the facility so that it is concealed from offsite viewpoints.
 - (b) Shall be compatible with the architectural style, color, texture, façade design, and materials and shall be proportional to the scale and size of the building. Newly created architectural features or wireless equipment shall not protrude beyond the exterior walls of the building.

3. **Flush-Mounted Facilities:** A *wireless communication facility* may be *flush-mounted* on a building or other structure pursuant to the following standards:
- (a) Shall be designed as a *stealth* facility and shall be compatible with the architectural style, color, texture, façade, and materials of the structure. Panel *antennas* shall not interrupt architectural lines of building façades, including the length and width of the portion of the façade on which it is mounted. Mounting brackets, pipes, and coaxial cable shall be screened from view.
 - (b) Any light pole, utility pole, or traffic signal with a *flush-mounted wireless communication facility* must exhibit a similar appearance to existing local light poles, utility poles, and traffic signals.
 - (c) Should be attached to a vertical surface. However, when *flush-mounting* is infeasible, the facility may be mounted atop a light pole, atop a traffic signal pole, or hung from a utility pole on a horizontal antenna mount. Panel *antennas* shall be mounted no more than 18 inches from building surfaces or poles, and shall appear as an integral part of the structure. Panel *antennas* may be mounted a greater distance than 18 inches from *lattice towers*, utility poles, and other industrial structures provided that concealment elements are not defeated (see above Sec. 8175-5.20.3(j)).
 - (d) Associated equipment for the *antenna* is located inside an existing building, on a rooftop, underground, at the ground level, or on a pole other than a *slim-line pole*.
4. **Faux Trees:**
- (a) Shall incorporate a sufficient amount of “structural branches” (including density and vertical height) and design materials (e.g. faux bark) so that the structure is as natural in appearance as technically feasible.
 - (b) *Antennas* and *antenna* support structures shall be screened or colored to match the components (i.e. branches and leaves) of the faux tree.
 - (c) Shall be the same type of tree (i.e. similar in color, height, shape, etc.) as existing trees in the surrounding area (i.e. within approximately a 150-foot radius of the proposed facility location). If there are no existing trees, see tree planting requirements in Section 8175-5.20.3(r).
 - (d) Wireless communication facilities designed as a faux tree shall not resemble *non-native, invasive trees* (see Appendix L6, Invasive Plant List).

5. **Monorocks:**

- (a) Shall only be located in areas with existing, natural rock outcroppings.
- (b) Shall match the color, texture, and scale of rock outcroppings adjacent to the proposed project site.
- (c) Shall not destabilize or substantially alter existing, natural rock outcroppings.

6. **Other Stealth Facilities:**

- (a) Faux structure types, including but not limited to water tanks, flag poles, windmills, and light poles, may be used as a *stealth* facility when that type of structure is commonly found within the local setting of the *wireless communication facility*.
- (b) Any faux light pole or faux utility pole must exhibit a similar appearance (e.g. color, materials, shape, etc.) to existing light poles or utility poles within that vicinity.
- (c) *Slim-line poles* may be utilized in settings which are deficient in existing structures or trees and where the planting of new trees is not feasible. Such *facilities* shall utilize *flush-mounted antenna* and shall not have mechanical equipment arms or *antenna* arrays extending from the sides. The pole diameter shall be the minimal width necessary to provide structural support, and shall not exceed 16 inches. Facility color and materials shall be selected to visually blend into the setting. Associated equipment for the *antenna* shall be located inside an existing building, on a rooftop, underground, or at the ground level but shall not be located on the pole.

7. **Other Concealment Techniques:** A *non-stealth* facility permitted in accordance with Section 8175-5.20.3(b) shall include technically feasible camouflage or concealment design elements that minimize visual impacts. Such elements may include the following:

- (a) Coloration, texture, location, and orientation techniques that blend the facility into the existing setting;
- (b) Tree planting, concealment within a grove of trees, and other screening techniques listed in Section 8175-5.20.3(r).

l. **Historical Landmarks/Sites of Merit:** A *wireless communication facility* shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior's (SOI) Standards. If the facility does not meet these standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.

m. **Environmentally Sensitive Habitat Areas:** All *wireless communication facilities* and their accessory equipment in environmentally sensitive habitat areas shall be sited, designed, and conditioned as follows:

- 1. The placement of facilities within *ESHA* or an *ESHA buffer zone* shall be restricted (see restricted location regulations in Sec. 8175-5.20.3(g)).

2. The facility shall be designed to minimize the size of the footprint and removal of vegetation, including all associated development and required fuel modification.
 3. Where feasible, the facility shall be located in an existing, legally disturbed area.
 4. *Wireless communication facilities* shall have daytime visual markers on guy wires to prevent collisions by birds.
 5. All impacts on *ESHA* due to the development of *wireless communication facilities* shall be mitigated.
- n. **Ridgelines:** All *wireless communication facilities* and associated accessory equipment on ridgelines shall be sited, designed, and conditioned as follows:
1. The placement of facilities on a ridgetop, or on a ridge where the facility is a silhouette above the ridgeline, shall be restricted (see restricted location regulations in Sec. 8175-5.20.3(g)).
 2. The placement of facilities on a ridge where the facility is not located on the ridgetop and is not a silhouette shall be avoided (see non-preferred location regulations in Sec. 8175-5.20.3(f)).
 3. Where a *wireless communication facility* is allowable on or along a ridgeline, the feasible alternative with the fewest and least significant impacts on coastal resources shall be selected and all impacts shall be fully mitigated
 4. Facilities sited on a ridgeline or hillside shall blend with the surrounding natural and man-made environment to the maximum extent possible. Blending techniques that should be utilized include the use of non-reflective materials, paint, or enamel to blend exterior surfaces with background color(s); the placement of facilities behind earth berms or existing vegetation; siting of associated equipment below ridgelines, and the use of small *stealth facilities* (such as *stealth slim-line poles* or whip *antennas*) that blend in with the surrounding vegetation.
- o. **Public Viewing Areas:** *Wireless communication facilities* that are *prominently visible* from public viewing areas, including a designated or eligible scenic highway shall be sited, designed, and conditioned to achieve the following:
1. Minimize visibility from public viewing areas by reducing mass and height or by siting the facility away from public viewing areas.
 2. Minimize grading, landform alteration, and clearance of vegetation.
- p. **Accessory Equipment:** All accessory equipment associated with the operation of a *wireless communication facility* shall be incorporated within existing structures, located underground, or placed at ground-level and screened to prevent the facility from being *prominently visible* from a *public viewing area* to the maximum extent feasible. If such locations are not feasible, then accessory equipment may be located on a utility pole or other structure, provided that the equipment meets the following standards:
1. The battery cabinet, amplifiers, microwave *antennas*, and equipment mounts shall be designed or painted to match the color of the support structure;

2. The battery cabinets shall be located within three feet of the ground surface unless this placement would impede access pursuant to the Americans with Disabilities Act; and
3. Cables shall be installed within steel poles when feasible. External cables shall be taut and loops of cable shall not be exposed.

Also see Sec. 8175-5.20.4(a)(5) for equipment boxes and cabinets located on *wireless communication facilities* in the road right-of-way.

- q. **Colors and Materials:** All *wireless communication facilities* shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.
- r. **Landscaping for Screening:** If landscaping is used to screen a facility, the following standards apply:
 1. The permittee shall plant, irrigate and maintain drought-tolerant landscaping during the life of the permit when such vegetation is deemed necessary to screen the *wireless communication facility* from being *prominently visible* from a *public viewing area*.
 2. New landscaping of a sufficient height and density shall be planted to provide the desired effect within three (3) years of growth. Landscaping trees shall be planted at a sufficient height to reach 75 percent of the *faux tree's* height within five (5) years of growth.
 3. If there are no existing trees within the surrounding area of a faux tree (i.e. within approximately a 150-foot radius of the proposed facility location), the vicinity of the facility shall be landscaped with newly planted *native*, or *non-invasive* trees (see Sec. 8178-8.4.1.2). The trees should be compatible with the *faux tree* design.
 4. New trees required as part of a landscape plan for a *faux tree* shall be a minimum size of 36-inch box to help ensure survival of the tree. Palm trees shall have a minimum brown trunk height of 16 feet.
- s. **Security:**
 1. Each *wireless communication facility* shall be designed to prevent unauthorized *access*, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized *access* and vandalism. All security measures shall be evaluated as part of the *wireless communication facility* permit and shall be sited and designed in a manner that is most protective of *coastal resources*.
 2. All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited except where the chain link fence is not visible from a *public viewing area*.
- t. **Lighting:**
 1. Any necessary *security lighting* shall be down shielded and controlled using motion sensors to minimize *glare* and light directed at *adjacent* properties or *environmentally sensitive habitats areas* (see also Section 8178-2.6.15 for additional regulations for outdoor lighting in ESHA and buffer zone).

2. Other types of illumination may be permitted when required by the Federal Aviation Administration (FAA).
3. *Wireless communication facilities* greater than 200 feet in height shall not exceed FAA standards for pilot warning and obstruction avoidance lighting. If such a facility is located within the Santa Monica Mountains (M) Overlay zone, see Section 8177-4.1.11.5 (j) for additional lighting requirements.

[Staff Explanation. Cross references were added after the 2018 Planning Commission hearing to the Santa Monica Mountains dark sky and ESHA regulations.]

- u. **Signage:** A permanent, weather-proof identification sign, subject to the sign regulations in Section 8175-5.13, shall be displayed at eye level in a prominent location and shall be directly attached to the facility, on any utility pole which the facility is mounted, or on the gate or fence surrounding the *wireless communication facility*. The sign must identify the current facility operator(s), provide the operator's address, and specify a local or toll-free 24-hour telephone number at which the operator can be reached for response to a maintenance issue or during an emergency.
- v. **Access Roads:**
 1. Where feasible, *wireless communication facility* sites shall be accessed by existing public or private *access roads* and easements.
 2. When the construction of a new access road cannot be avoided, the road shall be sited in a manner that is most protective of *coastal resources* and shall only be approved when consistent with all other policies and provisions of the LCP.

Article 5, Sec. 8175-5.20.10 – Permit Application Requirements, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8175-5.20.10 – Permit Application Requirements

In addition to meeting standard application requirements of Section 8181-5, the applicant requesting a new or modified *wireless communication facility* permit shall be required to submit the following information.

- a. **Project Description:** A written project description for the proposed *wireless communication facility* that includes, but is not limited to, a general description of the existing land use setting, the type of facility, visibility from *public viewing areas*, proximity to *ESHA*, proximity to coastal access and public trails, *stealth* design features, *propagation diagrams*, on and off-site *access*, grading, *fuel modification* requirements, landscaping, and facility components (support *structure*, *antennas*, equipment shelters or cabinets, emergency back-up generators with fuel storage, security measures, etc.).
- b. **Visual Impact Analysis:** A visual impact analysis includes photo simulations and other visual information, as necessary, to determine visual impact of the proposed *wireless communication facility* on the existing setting or to determine compliance with design standards established by this Section. At least three (3) photo simulations shall include "before" and "after" renderings of the site, its surroundings, the proposed facility and *antennas* at maximum

height, and any *structures*, vegetation, or topography that will visually screen or blend the proposed facility into its setting when viewed from a *public viewing area*. The visual impact analysis should include views from the closest or most prominent *public viewing areas* to the proposed facility. For *building-mounted wireless communication facilities* that cannot be seen from a *public viewing area*, include a close-in simulation which shows the relationship between the proposed facility and surrounding *buildings* or architectural features. All photo simulations and other graphic illustrations shall include accurate scale and coloration of the proposed facility.

- c. **Authorization and License Information:** A letter of authorization from the property owner and the communications carrier that demonstrates knowledge and acceptance of the applicant's proposed project's *structures* and *uses* on the subject property. This information shall also include a copy of the FCC radio spectrum lease agreement or the FCC registration number (FRN).
- d. **FCC Compliance:** Documentation prepared by a qualified radio frequency engineer that demonstrates the proposed *wireless communication facility* will operate in compliance with applicable FCC Regulations. Documentation of FCC compliance shall be required for all *wireless communication facility* permits, including permit modifications.
- e. **Site Plan and Design Specifications:** This documentation shall fully describe the project proposed, all on- and off-site improvements, and include information such as: scale, property information, facility dimension/orientation, a vicinity map, a project information list, delineated physical site features, grading statistics, elevation plans, manufacturer equipment specifications, and components required to address fire prevention, water conservation, and satisfy other regulatory requirements.
- f. **Maintenance and Monitoring Plan:** A maintenance and monitoring plan shall describe the type and frequency of required maintenance activities to ensure continuous upkeep of the facility and other components of the project.
- g. **Noise/Acoustical Information:** This documentation shall include manufacturer's specifications for all noise-generating and noise attenuating equipment, such as air conditioning units and back-up generators, as well as a scaled diagram or site plan that depicts the equipment location in relation to adjoining properties.
- h. **Hazardous Materials:** This documentation shall include the quantity, type, purpose, and storage location for containment of hazardous materials, such as the fuel and battery back-up equipment, proposed for the *wireless communication facility*.

The Planning Division may require that the applicant submit the following additional application materials and information as well:

- i. **Propagation Diagram:** *Propagation diagrams* showing the type and extent of the signal coverage of the applicable regulated carrier shall be required if the proposed *wireless communication facility* would exceed 30 feet in height, and may be required at lower heights if the facility is proposed on or along a ridge, within the Santa Monica Mountains (M) overlay zone, or is visible from a *public viewing area*. *Propagation diagrams* shall be required for facilities listed in Section 8175-5.20.5.1. One or more *propagation diagrams* or other evidence may be required to demonstrate that the proposed *wireless*

communication facility is the minimum height necessary to provide adequate service (i.e., radio frequency coverage) in an area served by the carrier proposing the facility. Existing obstacles such as *buildings*, topography, or vegetation that cannot adequately be represented in the *propagation diagrams*, yet may cause significant signal loss and therefore require additional facility height, should be clearly described and/or illustrated through additional visual analyses, such as line-of-sight or 3-D modeling diagrams.

j. **Alternative Site Analysis:** An alternative site analysis shall be required if the *wireless communication facility* is proposed as a *non-stealth* facility (Section 8175-5.20.3(b) or is sited outside a “preferred” location (Section 8175-55.20.3(e)). An alternative sites analysis also may be required, as needed, to determine that the facility is sited in a manner that is most protective of *coastal resources*. The alternative site analysis shall include the following documentation:

1. Substantial Evidence that the applicant has attempted to site the facility in accordance with the preferred, neutral, non-preferred, and restricted location “siting criteria” in Section 8175-5.20.3(d), (e), (f), and (g);
2. Analysis of alternative sites and facility configurations, including potential *collocation* and locations outside of the *coastal zone*, that would provide coverage of the subject area as demonstrated on a series of alternative *propagation diagrams*;
3. Analysis and conclusions, prepared by an applicable qualified professional, that describes how each alternative site will avoid or minimize impacts on *coastal resources* (e.g. *ESHA*, *public access*, *scenic resources*, etc.) to the maximum extent feasible, consistent with the provisions of the LCP;
4. Demonstrated efforts to secure alternative sites or *collocate* the proposed facility on an existing facility – including copies of correspondence sent to other landowners, carriers, or *wireless communication facility* owners requesting a site lease or *collocation* on their facilities. If alternative sites or *collocation* are not feasible, the applicant shall demonstrate to the satisfaction of the Planning Division that technical, physical, or legal obstacles render alternative sites or *collocation* infeasible.

Lack of ownership, leases, or permits for alternate sites shall not suffice as a valid consideration regarding the feasibility of alternate sites unless the applicant demonstrates that substantial efforts were made to obtain ownership, leases or permits for alternate sites.

The table provided below generally summarizes when an alternative sites analysis is required and how the information will be used to verify that the *wireless communication facility* is necessary:

Siting Criteria (Sec. 8175-5.20.3(d)) and Facility Type (Sec. 8175-5.20.3(b))	Alternative Sites Analysis (Sec. 8175-5.20.10(j))	Federal Telecommunications Act Preemption (Sec. 8175-5.20.5)	Technical Expert Review (Sec. 8175-5.20.3(a))*
Preferred Location			
Neutral Location	X		
Non-Preferred Location	X	X	

Non-Stealth Facility <= 80 feet in height	X	X	
Restricted Location	X	X	X
Non-Stealth Facility > 80 feet in height	X	X	X

*Section 8175-5.20.8 states that the County may contract for technical expert review for any proposed wireless communication facility.

- k. **Landscape Documentation Package:** When a *landscape documentation package* is required, it shall be prepared pursuant to the water efficient landscaping requirements of Section 8178-8. See appendix L1 for *landscape plan* requirements.
- l. **Geotechnical Requirements:** A geotechnical report, prepared by a California licensed engineer or a California certified engineering geologist with experience in soils engineering, shall include information such as: soils and geologic characteristics of the site, foundation design criteria, *slope* stability analysis; grading criteria and other pertinent information that evaluates potential geologic, fault, and liquefaction hazards, recommendations to minimize any hazards, and proposed mitigation.
- m. **Consent to Future Collocation:** A written statement shall be provided that states whether or not the applicant consents to the future collocation of other wireless communication facility carriers on the proposed facility (see Section 8175-5.20.6).
- ~~n. **Consent to Future Collocation:** A written statement shall be provided that states whether or not the applicant consents to the future collocation of other wireless communication facility carriers on the proposed facility (see Sec. 8175-5.20.6).~~
- ~~p-n. **Additional Information:** Additional information determined by the Planning Division as necessary for processing the requested wireless communication facility entitlement.~~

[Staff explanation: After the 2018 Planning Commission hearing typographical errors associated with an additional line was removed.]

Section 7

ARTICLE 7:

STANDARDS FOR SPECIFIC ZONES

Article 7, 8177-4 – Standards and Procedures for Santa Monica Mountains (M) Overlay Zone of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8177-4 – Standards and Procedures for Santa Monica Mountains (M) Overlay Zone

[Staff explanation: This section contains regulations for Environmentally Sensitive Habitat Areas (ESHA) in the Santa Monica Mountains (M) overlay zone. Most of those regulations will be removed from this section and relocated to the ESHA regulations in Article 8, Sec. 8178-2 – Environmentally Sensitive Habitat Areas. Existing text related to visual and recreational uses will be retained in this section.]

The standards and procedures ~~found~~ in this Article shall apply to all property in the Santa Monica Mountains overlay zone whose zoning district carries the (M) suffix [example: COS(M)]. (AM.ORD.4451-12/11/12). All other pertinent standards in this Chapter shall also apply, including the applicable resource-protection standards in Article 8, Section 8178-2.

Sec. 8177-4.1 - Development Standards

The following additional resource protection standards shall apply to *developments* proposed in the Santa Monica Mountains overlay zone (M). (AM.ORD.4451-12/11/12). See applicable resource-protection standards for the (M) overlay zone in Section 8178-2.

Sec. 8177-4.1.1

New *development*, including all private and public recreational uses, shall preserve all *unique vegetation* such as *Coreopsis gigantea* (giant coreopsis) and *Dudleya cymosa* ssp. *Marcescens* (*marcescent dudleya*). (AM.ORD.4451-12/11/12)

[Staff explanation: The deleted text below was replaced by regulations within Sec. 8178-2 – Environmentally Sensitive Habitat Areas (ESHA). The updated regulations for ESHA generally apply throughout the Santa Monica Mountains (M) overlay zone because most of that area is classified as ESHA or buffer zone. After the 2018 Planning Commission hearing, the extraneous word “Also” was removed from the referenced section.]

Sec. 8177-4.1.2

All new *upland development* shall be sited and designed to avoid adverse impacts on *environmentally sensitive habitat areas (ESHA)*. Refer to Section 8178-2 for development standards that apply to areas of the Santa Monica Mountains (M) Overlay Zone that contain ESHA or buffer zones (see Coastal Area Plan, Figure 4.1.3-3). Properties located within the Santa Monica Mountains (M) Overlay Zone

are subject to specific ESHA development standards set forth in the following sections:

- Section 8174-4 Environmentally Sensitive Habitat Areas
- Section 8175-5.2.4(b) - Animals and Fowl
- Section 8178-2.3 (c) - Environmental Reviews
- Section 8178-2.4.1 (d) - Definition of ESHA
- Section 8178-2.6.2 - Maximum Allowable Building Site in ESHA or Buffer Zone
- Section 8178-2.6.3(d) - General Siting and Building Design Standards
- Section 8178-2.6.8(c) - Access Roads and Driveways in ESHA
- Section 8178-2.6.14 - Fences, Gates and Walls
- Section 8178-2.6.15 - Outdoor Lighting Standards
- Section 8178-2.6.16 - Noise Standards
- Section 8178-2.8 -Pesticides and Pest Management in the Coastal Zone
- Section 8178-2.9.4 - ESHA Preservation Incentive (Santa Monica Mountains)
- Section 8178-2.10.8(d) - Ventura County In-Lieu Fee Program
- Section 8178-8 - Water Efficient Landscaping Requirements
- Section 8181-3.5.2 - Additional Findings for Development in the Santa Monica Mountains Overlay Zone

[Staff explanation: After the 2018 Planning Commission hearing, corrections were made to include all sections that pertain to development within the (M) Overlay Zone. Minor edits were made for readability and additional cross-references were added.]

~~a. In cases where environmentally sensitive habitat areas are located on a project site where the impacts of development are mitigated consistent with the LCP Land Use Plan, the County shall assure that all habitat areas are permanently maintained in open space through a recorded easement or deed restriction.~~

[Staff explanation: See Sec. 8178-2.6.3 – General Siting and Building Design Standards for updated regulations that require on-site development restrictions for areas with ESHA, buffer zones, and 30% slopes.]

~~b. When such impacts of development would be unavoidable, the County shall ascertain within the specified project review period whether any public agency or nonprofit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, County Property Administration Agency, and Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been specifically authorized to acquire any portion of the property that would be affected by the proposed development and funds for the acquisition are available or could reasonably be expected to be available within one year of the date of application for the permit. If the permit is denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again for the same reasons.~~

~~(AM.ORD.4451-12/11/12)~~

[Staff explanation: The item above was moved to the CAP, Section 4.1.3 – Environmentally Sensitive Habitat Areas, ESHA Policy 2.2. In the CZO, a related permit finding was added to the Article 11, Sec. 8181-3.5.3 –Additional Permit Findings for Development in ESHA or Buffer Zone.]

~~Sec. 8177-4.1.3~~

~~Construction and/or improvements of driveways or accessways that would increase access to any property shall be permitted only when it has been determined that environmental resources in the area will not be adversely impacted by the increased access. Grading cuts shall be minimized by combining the accessways of adjacent property owners to a single road where possible. The intent is to reduce the number of direct ingress-egress points from public roads and to reduce grading. At stream crossings, driveway access for nearby residences shall be combined. Hillside roads and driveways shall be as narrow as is feasible and shall follow natural contours. (AM.ORD.4451-12/11/12)~~

[Staff explanation: See Sec. 8178-2.6.8 for updated regulations for access roads and Sec. 8178-2.6.7 for updated grading regulations for ESHA and buffer zones.]

~~Sec. 8177-4.1.43~~

~~All For proposals for land divisions in the Santa Monica Mountains, shall be evaluated to assure that any future development will be consistent with the development policies contained in the LCP Land Use Plan. Where potential development cannot occur consistent with the LCP, the request for division shall be denied. Environmental assessments shall accompany tentative map applications and shall evaluate the ecological resources within and adjacent to the site and the consistency of the proposed division and development with the standards of the LCP. In addition, the following shall apply:~~

- ~~a. Future building envelopes shall be identified on all applications and on the final subdivision map.~~
- ~~b. All identified environmentally sensitive habitat areas and/or slopes over 30 percent shall be permanently maintained in their natural state through an easement or deed restriction that shall be recorded on the final map, or on a grant deed as a deed restriction submitted with the final map. Development shall not be permitted in areas over 30 percent slope.~~

[Staff explanation: This regulation was moved to Sec. 8178-2.6.3(d).]

- ~~e. All offers of dedication for trail easements shall be recorded on the final map. Trail easements established by deed restriction shall be recorded on the deed no later than final map recordation. See Section 8178-2.9.2.~~

(AM.ORD.4451-12/11/12)

[Staff explanation: See Sec. 8178-2 – Environmentally Sensitive Habitat Areas for updated regulations related to environmental assessments and permit application requirements.]

~~Sec. 8177-4.1.54~~

~~New development shall be sited and designed to protect public views to and from the shoreline and public recreational areas. Where feasible, development on sloped terrain shall be set below road grade. (AM.ORD.4451-12/11/12)~~

~~Sec. 8177-4.1.65~~

Development shall not be sited on *ridgelines* or hilltops when alternative sites on the *parcel* are available, and shall not be sited on the crest of major *ridgelines*. (AM.ORD.4451-12/11/12)

Sec. 8177-4.1.76

Except within the existing South Coast community, as shown on the south coast subarea Land Use Plan map, all *development* proposals located within 1000 feet of publicly owned park lands shall be sited and designed to mitigate potential adverse visual impacts upon park lands. Appropriate mitigation measures include additional landscaping, *use* of natural materials, low *building* profiles, earth tone colors, and the like. *Development* shall not be sited within 500 feet of a park boundary unless no alternative siting on the property is possible consistent with the policies of the Plan. (AM.ORD.4451-12/11/12)

Sec. 8177-4.1.87

Development shall neither preclude continued *use* of, nor preempt, the option of establishing inland recreational trails along routes depicted on the LCP Land Use Plan maps. A recorded offer of dedication or a deed restriction creating a trail easement shall be required as a condition of approval on property crossed by trails shown on the LCP Land Use Plan maps. (AM.ORD.4451-12/11/12)

Sec. 8177-4.1.98

All new trail corridors shall be a minimum of 25 feet in width, with a larger corridor width for major feeder trails. The routing of trails shall be flexible in order to maintain an adequate *buffer zone* from *adjacent development*. Where *feasible*, *development* shall be sited sufficiently distant from the trail so as not to interfere with the trail route. (AM.ORD.4451-12/11/12)

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to maintain consistency of terms (buffer “zone”).]

Sec. 8177-4.1.409

~~Before a permit for *development* of any *lot* is approved, the suitability of that *lot* for public recreational *use* shall be evaluated within the specified project review period by the County in consultation with the State Department of Parks and Recreation and the National Park Service. If the County determines that the property may be suitable for such *use*, the County shall ascertain whether any public agency or nonprofit organization (see Sec. 8177-4.1.2b for examples) is planning or contemplating acquisition of any part of the subject property, or whether such agencies are specifically authorized to acquire any portion of the property that would be affected by the proposed *development*, or whether funds for the acquisition are available or could reasonably be expected to be available within one year from the date of application for permit. If a permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again for the same reasons.~~

During the permitting process, the applicant shall provide the County with any documentation in the their possession, or any information they are aware of, regarding the potential or contemplated acquisition of the subject property or portion thereof by a public *natural resource agency* or non-profit *conservation organization*.

[Staff Explanation. After the 2018 Planning Commission hearing, the policy within the CAP concerning Near Term Conveyances (4.1.3-2, Policy 2.2) was modified and

the proposed changes to the text reflect the revised policy change in the Coastal Area Plan. After the 2021 Planning Commission hearing, the heading was removed for consistency.]

Sec. 8177-4.1.4410

Any areas within the Santa Monica Mountains used for private recreational purposes shall continue to be so used unless it becomes unfeasible to do so. These properties are subject to the following:

- a. The only *principally-permitted uses* (not appealable to the Coastal Commission) on such properties are recreational *uses*. *Planned Development Permits* for new recreational *uses*, or the expansion of existing recreational *uses*, shall be reviewed for conformance with Section 8178-2 and may be issued by the *Planning Director* in accordance with Article 11. Permits for all other *uses* shall be decided upon in accordance with Articles 4 and 11, and all other applicable provisions of this Chapter and the certified LCP Land Use Plan.
- b. Prior to the granting of a permit that allows a conversion of recreational *uses* to non-recreation *uses*, Section- 8177-4.1.409 shall be followed.

(AM.ORD.4451-12/11/12)

[Staff explanation: The second part of subsection (a) addresses new or expanded recreational uses, which will be subject to the updated ESHA regulations in Sec. 8178-2.]

Sec. 8177-4.1.11 – Outdoor Lighting

[Staff explanation: The new section has been added to the LCP amendment after the 2018 Planning Commission hearing at the direction of the Board in 2016 to incorporate Dark Sky standards for the Santa Monica Mountains (M) overlay zone. Please see the 2021 Planning Commission Staff Report for more detail.]

The following standards and requirements apply to all outdoor lighting for development in the Santa Monica Mountains (M) Overlay Zone. If ESHA or a buffer zone is located on the lot or may be impacted by proposed outdoor lighting, additional outdoor lighting standards and restrictions may apply to the lighting pursuant to Section 8178-2.6.15. If development is subject to the standards of more than one section in this Chapter with respect to outdoor lighting, the more restrictive standards shall apply.

Sec. 8177-4.1.11.1 - Applicability

All outdoor lighting shall be installed and maintained pursuant to this Section 8177-4.1.11 as follows, except to the extent outdoor lighting is exempt pursuant to Section 8177-4.1.11.2 or is authorized by an approved deviation pursuant to Section 8177-4.1.11.6:

- a. The standards and requirements of Section 8177-4.1.11.4, and Section 8177-4.1.11.5, shall apply to all new or modified outdoor light fixtures, and to all new or modified night lighting within translucent or transparent enclosed structures for agricultural operations.
- b. Any outdoor light fixture installed prior to [effective date of ordinance adopting these text amendments] that does not comply with any standard or requirement of Section 8177-4.1.11.5, shall be subject to the requirements of Section 8111-4.11.3.

- ~~c. The use of any existing outdoor light fixture that is prohibited by Section 8177-4.1.11.4, shall be discontinued no later than [one year after effective date of ordinance adopting these text amendments].~~

[Staff explanation: Based upon public comment received for the 2021 Planning Commission hearing, phone calls received from Santa Monica Mountain residents, and conversations with District 2, Supervisor Linda Parks Office, a revision adopted at the 2021 Board hearing would require existing lighting within the Santa Monica Mountains (M) Overlay zone to comply with the new Dark Sky lighting provisions within one year of the enactment of the ordinance, rather than requiring compliance with the ordinance when the light fixtures are replaced.]

Sec. 8177-4.1.11.2 - Exemptions

The standards and requirements of this Section 8177-4.1.11 do not apply to outdoor lighting for the following development or uses:

- a. Federal Standards – If the standards in this Section 8177-4.1.11 conflict with outdoor lighting standards mandated for a development by preemptive federal law, the federal standards shall apply.
- b. Lighting For Emergencies and Temporary Uses:
 1. Temporary emergency lighting.
 2. Temporary lighting for public works construction projects.
 3. Temporary lighting for film production, outdoor festivals, sporting events and other temporary outdoor uses authorized by this Chapter. See outdoor lighting regulations and standards in Sections 8175-5.6, and 8178-2.6.15, that may apply to these uses.
 4. Temporary seasonal or festive lighting that is not used as permanent landscape lighting (e.g., string lighting). String lights under a color-correlated temperature of 2700 Kelvin that are used only in occupied dining and entertainment areas are exempted.
- c. Outdoor light fixtures with a maximum output of 60 lumens or less, including solar lights. The maximum output of a light fixture (e.g., string lights) shall be calculated based upon the total output of the entire lighting component installed, not by each individual bulb. However, if such a light fixture is located in ESHA or buffer zone it is regulated by Section 8178-2.6.15.
- d. Lighting in a swimming pool that is accessory to a legally established dwelling or is associated with a legally established camp use.

Sec. 8177-4.1.11.3 - Existing Lighting

The provisions of Article 12-Nonconformities and Substandard Lots, do not apply to any lighting subject to this Section 8177-4.1.11. Any outdoor light fixture installed before [effective date of ordinance adopting these text amendments] shall comply with Section 8177-4.1.11 within [one year after effective date of ordinance adopting these text amendments]. Any

noncompliant lighting still in place after [one year after effective date of ordinance adopting these text amendments] shall remain extinguished at all times.

[Staff explanation: After the 2021 Planning Commission hearing, subsection (b) Essential Light fixtures was modified in accordance with the Planning Commission directive – See Exhibit 16- Errata Memo in the August 19, 2021 Planning Commission hearing package. Based upon public comment received for the 2021 Planning Commission hearing, phone calls received from Santa Monica Mountain residents, and conversations with District 2, Supervisor Linda Parks Office, a revision adopted at the 2021 Board hearing would require existing lighting within the Santa Monica Mountains (M) Overlay zone to comply with the new Dark Sky lighting provisions within one year of the enactment of the ordinance, rather than requiring compliance with the ordinance when the light fixtures are replaced.]

Sec. 8177-4.1.11.4 - Prohibited Lighting

The use of any existing outdoor light fixture prohibited by this Section 8177-4.1.11.4 shall be discontinued no later than [one year after effective date of ordinance adopting these text amendments]. The following outdoor light fixtures are prohibited:

- a. Lights that blink, flash, rotate, fade intermittently or have strobe light illumination.
- b. Outdoor lighting located along the perimeter of a lot, except for security lighting located at entry gates that are controlled by a motion detector to turn off no more than ten minutes after activation.
- c. Uplighting of landscapes (e.g., trees, fountains), building exteriors, outdoor statues and similar features, or for other aesthetic purposes.
- d. Permanent landscape lighting (including string lights) located outside of occupied dining and entertainment areas.
- e. Outdoor lighting in the ultraviolet spectrum range.

Sec. 8177-4.1.11.5 - General Outdoor Lighting Standards

Except as provided in Section 8177-4.1.11.3 regarding existing lighting, the following standards and requirements apply to lighting and use thereof that is subject to and not prohibited by Section 8177-4.1.11. The purposes of these standards are to preserve the natural darkness of the night sky, reduce sky glow, minimize light trespass, improve star viewing, and decrease energy consumption:

- a. **Public Rights-of-Way.** Outdoor lighting used by public transportation agencies for the principal purpose of illuminating public roads and rights-of-way or controlling traffic shall be shielded and directed downward when feasible.
- b. **Outside Building Site.** Outdoor light fixtures located outside the building site shall be limited to essential lighting for security lighting at entry gates.

Private driveways or access roads shall use solar lights, reflectors, or other low lumen options (under 60 lumens) for safe passage.

c. **Shielding and Direction of Light Fixtures.**

1. All outdoor light fixtures shall be fully shielded, directed downward, and installed and maintained in such a manner to avoid light trespass in excess of 0.1 foot-candles at the vertical plane and the horizontal plane at the edge of the building site.
2. Landscaped berms, fences, landscape screening, building placement, and similar techniques shall be utilized to shield outdoor lighting.

d. **Lighting Color.** The correlated color temperature of each outdoor light fixture, except those used for security lighting (see Section= 8177-4.1.11.5(h)), shall not exceed 2,700 Kelvin.

e. **Maximum Lumens Per Light Fixture.** All outdoor lighting shall have a maximum lumen output per light fixture as follows:

1. Walkway lighting shall have a maximum output of 100 lumens per light fixture.
2. See subsection (h) for lumen standards regarding security lighting.
3. See subsection (i) for lumen standards regarding outdoor recreational facility lighting.
4. All other lighting shall have a maximum output of 850 lumens.

f. **Maximum Height Allowance.**

1. Lighting fixtures should be mounted as low as possible for the needed purpose.
2. Freestanding light fixtures used to light walkways, or hardscaping shall be located no higher than two feet above ground level.
3. In cases where light fixtures are affixed to fences, the top of the fixture shall not be higher than the height of the fence or greater than 6 feet, whichever is less.
4. All other freestanding light fixtures shall be no higher than 20 feet above ground level.

g. **Dark Hours.** Outdoor lighting shall be turned off from 10:00 p.m. until sunrise, or when people are no longer present in exterior areas being illuminated, whichever is the latest. Photocells or photocontrols shall be used to ensure all outdoor lighting is automatically extinguished (or not triggered by motion sensors) when sufficient daylight is available. Automated controls should be fully programmable and supported by battery or similar backup.

h. **Essential Lighting.**

1. Essential lighting shall be placed on motion sensors with timers programmed to turn off the light(s) after no more than 10 minutes. Security lighting may remain on through dark hours when the light fixture output is less than 850 lumens and light trespass does not occur beyond the building site pursuant to subsection (c)(1) above.
 2. Where security lighting output exceeds 850 lumens, or light trespass occurs pursuant to (c)(1), light fixtures with motion sensors and timers shall be programmed to turn off the light(s) no more than 10 minutes after activation regardless of dark hours requirements. See Section 8178-2.6.15.2(b)(4) for timer duration of security lighting located in ESHA or buffer zone.
 3. Outdoor light fixtures used for security lighting shall be attached to legally established buildings or entry gate structures and controlled by motion sensors which extinguish no later than ten (10) minutes after activation. Security lighting shall not exceed a maximum output of 2,600 lumens per light fixture.
 4. Where security cameras are used in conjunction with security lighting, the lighting color may exceed 3,000 Kelvin but shall be the minimum necessary for effective operation of the security camera.
- i. **Lighting for Commercial and Accessory Use Outdoor Recreational Facilities.**
1. Outdoor recreational facility lighting may exceed 850 lumens and 3,000 Kelvin per light fixture. Lighting levels for these facilities shall not exceed those recommended in the Lighting Handbook available online by the Illuminating Engineering Society of North America (IESNA) for the class of play (Sports Class I, II, III or IV).
 2. In cases where fully-shielded light fixtures would cause impairment to the visibility required for the intended recreational activity, partially-shielded light fixtures and directional lighting methods may be utilized to reduce light pollution, glare and light trespass.
 3. With the exception of essential lighting, outdoor recreational facilities shall not be illuminated between 10:00 p.m. and sunrise, except to complete a recreational event or activity that is in progress as of 10:00 p.m.
 4. Light fixtures affixed to structures for the purpose of lighting outdoor recreational facilities (such as equestrian arenas, pool areas, batting cages, tennis courts, basketball courts, etc.) shall not be mounted higher than 15 feet above ground level.
 5. The lighting system design (including lumens, Kelvin, etc.) shall be prepared by a qualifying engineer, architect or landscape architect, in conformance with this Section 8177-4.1.11.

6. The proposed lighting design shall be consistent with the purposes of this Section 8177-4.1.11.5 and minimize the effects of light on surrounding properties.
- j. **Night Lighting for Translucent or Transparent Enclosed Agriculture Structures.** All night lighting within translucent or transparent enclosed structures used for ongoing agriculture or agricultural operations (e.g., greenhouses for crop production) shall use the following methods to reduce sky glow, beginning at 10:00 p.m. until sunrise:
 1. Fully- or partially-shielded light fixtures that are directed downward; and
 2. Blackout screening for the walls and roof, preventing interior night lighting from being visible outside the structure.
- k. **Wireless Communication Facilities.** In addition to all other applicable standards for wireless communication facilities specified in Section= 8175-5.20.3(t), wireless communication facilities (including radio and television towers) that are higher than 200 feet shall not use red-steady lights unless otherwise required by the Federal Aviation Administration (FAA). Only white strobe or red strobe lights or red flashing LED lights shall be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (i.e., longest duration between flashes/dark phase) allowable by the FAA. To the extent feasible, light flashes emanating from a single tower shall be set (synchronized) to flash simultaneously.

Section= 8177-4.1.11.6 - Deviation from Standards and Requirements

- a. The Planning Director may authorize deviations from any standard or requirement of this Section 8177-4.1.11 during the processing of an application for a discretionary permit or approval. The decision to authorize each deviation must include written findings of fact supported by substantial evidence in the record establishing that the applicant's proposed lighting will be the functional equivalent, with regard to the strength and duration of illumination, glare, and light trespass, of the lighting that would otherwise be required by the applicable standard or requirement.
- b. The request shall state the circumstances and conditions relied upon as grounds for each deviation, and shall be accompanied by the following information and documentation:
 1. Plans depicting the proposed light fixture(s), identifying the location of the light fixture(s) for which the deviation is being requested, the type of replacement light fixture(s) to be used, the total light output (including lumens, Kelvin, etc.), and the character of the shielding, if any;
 2. Detailed description of the use of proposed light fixtures and the circumstances which justify the deviation. The description shall include

documentation supporting the making of the required findings of fact as stated in subsection (a) above;

3. Supporting documentation such as a lighting plan, if requested; and
4. Other data and information as may be required by the Planning Division.

Section 8
ARTICLE 8:
GENERAL DEVELOPMENT STANDARDS/CONDITIONS
– RESOURCE PROTECTION

Article 8, 8178-2 – Environmentally Sensitive Habitat Areas (ESHA) of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-2 – Environmentally Sensitive Habitat Areas (ESHA)

~~The provisions of this section apply to all areas of the County's coastal zone that fall within the definition of "environmentally sensitive habitat areas," or within the designated buffer areas around such habitats. (AM.ORD.4451-12/11/12)~~

~~**Sec. 8178-2.1 – Permitted Uses**~~

~~See Sec. 8174-4 for uses permitted within environmentally sensitive habitat areas and buffer areas. (AM.ORD.4451-12/11/12)~~

[Staff Explanation. Allowable use regulations are now located in Sec. 8178-2.5 – Allowable Uses in ESHA or Buffer Zones.]

~~**Sec. 8178-2.2 – Identification of Environmentally Sensitive Habitat Areas (ESHA)**~~

~~If a new ESHA is identified by the County on a lot or lots during application review, the provisions of this Article shall apply. The County shall periodically review and update its maps pertaining to environmentally sensitive habitat areas in the coastal zone. (AM.ORD.4451-12/11/12)~~

[Staff Explanation. This issue is now addressed in the applicability section (see Sec. 8178-2.2). An updated ESHA map is proposed for the South Coast Subarea, which will be included in the CAP and a CAP program is provided to update the North Coast and Central Coast subarea ESHA maps.]

~~**Sec. 8178-2.3 – Recreational Projects**~~

~~The applicant of a proposed recreational facility in environmentally sensitive habitat areas or buffer areas shall develop a management program to control the kinds, intensities, and locations of uses to preserve habitat resources to the maximum extent feasible. This program shall be a part of development approval.~~

[Staff Explanation. This regulation will be replaced by standards for recreational projects in Sec. 8178-2.6.10 – Standards for Recreational Development in ESHA. The text above will also be retained as an existing policy in the Recreation and Access section of the CAP, which is not part of the current LCP update.]

~~**Sec. 8178-2.4 – Specific Standards**~~

~~The following specific standards shall apply to the types of habitats listed.~~

- a. ~~Coastal Dunes~~ Activities leading to degradation, ~~erosion~~ or destruction of coastal dunes are not permitted. This includes, but is not limited to, ~~use~~ by off-road vehicles, sand mining, filling, or dumping.

[Staff Explanation: The existing text will be revised and incorporated into updated standards for coastal dunes, which are located in Sec. 8178-2.7.1.1 – Coastal Dunes.]

b. ~~Tidepools and Beaches~~

1. Placement of any ~~fill~~ or dredged material along beach ~~intertidal~~ areas shall be carried out in consultation with the State Department of Fish and Game, in order to ensure that the timing and location of such activities does not disrupt the life cycles of ~~intertidal~~ or sandy beach species.

[Staff Explanation: The existing text will be revised and incorporated into updated standards for beaches in ~~Section~~ 8178-2.7.1 – Coastal Dunes and Beaches. More specifically, the text above was incorporated into Sec. 8178-2.7.1.4 – Sand Removal/Redistribution on a Beach.]

2. An applicant for any ~~coastal development~~, including ~~shoreline protective devices~~, must show that the proposal will not cause long-term adverse impacts on beach or ~~intertidal~~ areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated wastewater or oil, and ~~runoff~~ from streets and parking areas. Findings to be made shall include proper wastewater disposal.

[Staff Explanation: The existing text, with minor revisions, was incorporated into Sec. 8178-2.7.1.2 – Beaches (see subsection (a).)]

c. ~~Creek Corridors~~

1. All ~~developments~~ on land either in a ~~stream~~ or creek corridor or within 100 feet of such corridor (~~buffer area~~), shall be sited and designed to prevent impacts that would significantly degrade ~~riparian habitats~~, and shall be compatible with the continuance of such ~~habitats~~. (AM.ORD.4451-12/11/12)

[Staff Explanation: The existing development standard for creek corridors was revised and restated in Sec. 8178-2.7.3 – Wet Environments.]

2. Substantial alterations (channelizations, dams, etc.) to river, ~~stream~~, or creek corridors are limited to: water supply projects necessary to agricultural operations or to serve ~~developments~~ permitted by the LCP Land Use Plan designations; 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~~; or ~~developments~~ where the primary function is the improvement of fish and wildlife ~~habitat~~.

[Staff Explanation: Allowable uses in rivers, streams and creek corridors is now located in Sec. 8178-2.5.1.1 – Allowable Uses in Streams and Rivers. Also, a more detailed set of standards for development in rivers, streams, or creek corridors is located in Sec. 8178-2.7.3.2 – Standards for Development in Wet Environments.]

3. ~~Developments~~ allowed per the above policies shall incorporate the best mitigation measures ~~feasible~~.

[Staff Explanation: An expanded set of standards for development in rivers, streams, or creek corridors, including the use of best management practices, is addressed in Sec. 8178-2.7.3.2.]

d. Wetlands

- ~~1. All developments on land either in a designated wetland, or within 100 feet of such designation, shall be sited and designed to prevent impacts that would significantly degrade the viability of the wetland. The purposes of such projects shall be limited to those in Section 30233(a) of the Coastal Act. (AM.ORD.4451-12/11/12)~~

[Staff Explanation: Allowable use in a wetland is defined in Sec. 8178-2.5.1.2 – Allowable Uses in Wetlands and Open Coastal Waters. Also, the development standard above was retained and restated in Sec. 8178-2.7.3.1.]

- ~~2. Where any dike or fill development is permitted in wetlands, mitigation measures shall, at a minimum, include those listed in Section 30607.1 of the Coastal Act. Other reasonable measures shall also be required as determined by the County to carry out the provisions of Sections 30233(b and c) of the Coastal Act.~~

[Staff Explanation: The mitigation measure above will be retained and revised in Sec. 8178-2.10.7(a), which addresses compensatory mitigation for development in wetlands. The updated section is aligned with provisions in the Coastal Act.]

- ~~3. Habitat mitigation shall include, but not be limited to, timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of native vegetation, reclamation or enhancement as specified in the California Coastal Commission "Interpretive Guidelines for Wetlands" and a plan for spoils consistent with paragraph (4) below. The Department of Fish and Game, as well as other appropriate agencies, shall be consulted as to appropriate mitigation measures.~~

[Staff Explanation: Habitat mitigation requirements for ESHA are now located in an expanded section on compensatory mitigation in Sec. 8178-2.10. Also, specific mitigation requirements for wetlands are provided by Sec. 8178-2.10.7(a).]

- ~~4. Dredge spoils should not be used for beach replenishment unless it can be shown that the process would not adversely impact coastal processes or habitats, such as intertidal reefs, grunion spawning grounds, or marsh. The California Department of Fish and Game, as well as other appropriate agencies, must be consulted when spoils deposition on a beach is under consideration.~~

[Staff Explanation: Standards for beach replenishment are located in Sec. 8178-2.7.1.4 – Sand Removal/Redistribution on a Beach.]

Sec. 8178-2.1 – Purpose and Content

The purpose of this section is to provide regulatory standards for the protection of sensitive biological resource areas (ESHA) in the coastal zone and to ensure that development is sited and designed to avoid impacts to, and to be compatible with, the long-term preservation of these coastal resources.

Sections:

- 8178-2.1 Purpose
- 8178-2.2 Applicability
- 8178-2.3 Environmental Reviews
- 8178-2.4 ESHA and Buffer Zone Determination and Delineation
- 8178-2.5 Allowable Uses in ESHA or Buffer Zones
- 8178-2.6 Development Standards in ESHA and Buffer Zone
- 8178-2.7 Additional Standards for Specific Coastal Habitats
- 8178-2.8 Pesticides and Pest Management in the Coastal Zone
- 8178-2.9 Land Divisions and ESHA Preservation Incentives
- 8178-2.10 Compensatory Mitigation
- 8178-2.11 Processing Permits for Development in ESHA or Buffer Zone

[Staff Explanation. A purpose statement was added to reflect changes to ESHA protection regulations since the 1980s, including a requirement that ESHA be avoided and buffered from adverse impacts from development. After the 2018 Planning Commission hearing, the name of a section was modified which required a correction here. After the 2021 Planning Commission hearing, the title of the pesticide section was modified.]

Sec. 8178-2.2 – Applicability

~~The provisions of this section apply to all areas of the County's coastal zone that fall within the definition of "environmentally sensitive habitat areas," or within the designated buffer areas around such habitats. (AM.ORD.4451-12/11/12)~~

Section 8178-2 applies to all new/modified development, including repair/maintenance activities, which meet both of the following criteria:

- a. The development or repair/maintenance activities require a Coastal Development Permit or discretionary Coastal Development Permit modification (i.e., development and repair/maintenance activities which are exempt or excluded from Coastal Development Permit requirements pursuant to Section 8174-6 are not subject to this Section 8178-2); and
- b. The proposed development envelope or repair/maintenance activities are located within 500 feet of a wet environment or are located in one or more of the following areas:
 - 1. Habitats classified as an ESHA (see Section 8178-2.4.1), which include but are not limited to areas with mapped ESHA on certified ESHA maps (see Coastal Area Plan, Figures 4.1.3-1 through Figure 4.1.3-3); or
 - 2. Habitats or areas classified as a buffer zone² (see Section 8178-2.4.4) or areas located within 100 feet of either: land protected by a conservation easement or land acquired by a conservation organization; or
 - 3. Habitats or areas within 300 feet of land owned by a federal/state natural resource agency and used for habitat protection (e.g., Point Mugu State Park).

In all cases, informational sources used to make ESHA or buffer zone determinations or to develop an ESHA Vegetation Management Plan shall include certified ESHA maps, site-specific environmental assessments/maps, aerial photographs, and habitat/wildlife information available from federal/state/local natural resource

² For buffer zone standards, see Sections 8178-2.4.4, 8178-2.7.6, 8178-2.7.7, 8178-2.7.8, and 8178-2.7.9.

agencies (e.g., National Park Service or other vegetation maps, wildlife tracking GIS data, monarch butterfly overwintering sites, California Natural Diversity Database). If inadequate information is available in existing, available informational sources to determine whether the proposed development is in ESHA or buffer zone, the site-specific environmental assessment prepared for the proposed project shall be used to determine the applicability of Section 8178-2.

See Section 8178-7.5 – Tree Permits, for regulations regarding the alteration, transplantation, or removal of a tree classified as ESHA.

[Staff explanation: Following the 2018 Planning Commission hearing, the text was modified to address the Planning Commission's directive to revisit the fairness and appropriateness of mitigation fees for property owners who thin ESHA beyond 100 feet for fire protection. To meet this objective, an ESHA Vegetation Management Plan was required by the California Coastal Commission for the protection and maintenance of any remaining ESHA that receives a reduced mitigation fee. A reference to the plan was needed to clarify how the management plan should be developed. The text was also modified to clarify that the ESHA regulations are applicable to privately-initiated development within 300 feet of federal or state park lands, not within 100 feet of such lands, as such development can result in off-site impacts to ESHA due to fuel modification zones that may be expanded up to 300 feet under Assembly Bill 2911 (2018). Also, a minor edit was made to the footnote above to remove the term "ESHA" in front of "buffer zone", to be consistent with the definition in Article 2.]

Sec. 8178-2.3- Environmental Reviews

To ensure that adverse impacts to ESHA are avoided to the maximum extent feasible, all Coastal Development Permit applications shall be evaluated for compliance with all applicable ESHA policies and standards of the LCP. During environmental review, if multiple environmental resource regulations are applicable to the proposed project, the regulation that is the most protective of the ESHA ecosystem shall be used to regulate the development. Environmental reviews shall include a site-specific environmental assessment and a least damaging alternatives analysis, and shall be based on an evaluation of the following:

- a. **Site-specific environmental assessment:** Except as provided by subsection (3) below, a site-specific environmental assessment (Coastal Initial Study Biological Assessment, or CISBA) shall be prepared that includes the following:
 1. Site-Specific ESHA Map - To accurately identify and assess the impacts of proposed development on ESHA, or to apply for a reduced compensatory mitigation fee (See Section 8178-2.10.1 (e)), a site-specific ESHA map is required that delineates all ESHA and buffer zones as follows:
 - i. The geographic area covered by a site-specific map shall be adequate to determine all potentially adverse direct, indirect and cumulative impacts to ESHA resources. The minimum geographic extent of a site-specific ESHA map shall be the area within a 500-foot radius of the proposed development envelope, unless an expanded fuel modification zone is proposed for existing development in which case the geographic extent of the site-specific ESHA map shall include a 100 foot radius beyond the proposed expanded fuel modification zone (see in Appendix E1, Section AE-1.3.2.(g)(1)(iv); and

- ii. The geographic extent of field surveys/maps for a monarch butterfly overwintering site is a 1000-foot radius of the proposed development envelope.

See Section 8178-2.4.3 and Appendix E1, Section AE-1.3.1(b) for information on the geographic extent for specific types of surveys.

2. Environmental Analysis - An analysis of all potentially adverse direct, indirect, and cumulative impacts on ESHA resources. All areas mapped as ESHA or buffer zone on a site-specific ESHA map shall be accorded all protections for ESHA required by the policies or standards of the LCP.
3. Minor Development - A new CISBA is not required for minor development (e.g., a fence or small accessory structure) in an approved building site if the project includes no grading, would not result in an increased building site or fuel modification zone, and is located at least 100 feet from a wet environment.

See Appendix E1 for a description of the required contents and procedures for a site-specific environmental assessment (i.e., Coastal Initial Study Biological Assessment (CISBA)). See Section 8178-2.4 for information on the determination and delineation of ESHA and buffer zones.

[Staff Explanation. A site-specific environmental assessment (CISBA) is needed to determine the location of and potential impacts to ESHA. Such assessments are currently required by the County's adopted Initial Study Assessment Guidelines. Detailed information on the contents of a CISBA will be located in Appendix E1. To help reduce applicant costs for landowners with large lots, the geographic area for site-specific surveys is generally limited to a 500-foot radius around the proposed development, a distance that reflects current requirements for surveying wet environments (streams, creeks, etc.) that could be impacted by the development. A smaller radius (100-feet) is also identified for specific types of minor projects and expanded fuel modification zones. After the 2018 Planning Commission hearing, this text was edited to include a reduced survey requirement associated with existing development and expanded fuel modification zones according to two of the Planning Commission's directives: 1) to work with the Fire Protection District to arrive at consensus on fire clearance issues; and 2) to revisit the inclusion of a reduced mitigation fee for ESHA thinned in an expanded fuel modification zone. Also the text was modified to maintain consistency of terms ("monarch butterfly overwintering site" and add cross-references.)]

- b. **Least Damaging Alternatives Analysis:** If the proposed project is in ESHA or buffer zone, an alternatives analysis shall be provided to determine whether the project constitutes the least environmentally damaging alternative. This requirement is not applicable to a project that is limited to an expanded fuel modification zone for existing, legally established development. The least damaging alternatives analysis shall include the following:

[Staff Explanation. Following the 2018 Planning Commission hearing, the text above was modified to clarify that this requirement does not apply to the expansion of a fuel modification zone, as such projects are based on existing conditions.]

1. If the geographic extent of the site-specific ESHA map does not include the entire lot, ESHA located on the remainder of the lot shall be delineated using certified ESHA maps, aerial photographs and/or habitat/wildlife information available from federal/state/local natural resource agencies (e.g., National Park Service or other

vegetation maps, wildlife tracking GIS data, monarch butterfly overwintering sites, California Natural Diversity Database. (See Appendix E1, Section AE-1.3.1(a) and AE-1.3.2(g)(2)):

2. Written description and graphic depiction of two or more project design alternatives on a site plan that provide a reasonable range of options that minimize direct and indirect, adverse impacts on ESHA and buffer zones. Project design alternatives shall depict all proposed development and shall include different locations, shapes and sizes that include, but are not limited to for the following project components: building site, structures (e.g., house, garage, barn), site features (e.g., pool, patio, fences, landscaping), fuel modification zones water tanks and other proposed development sited outside the building site, animal containment areas, driveway/access road(s), and water/wastewater systems. The width of the mandatory or expanded fuel modification zone proposed for each location and design alternative shall be the width recommended and authorized by the Ventura County Fire Protection District for that location.
3. Tabular summary that includes comparative data for the project design alternatives. The data provided shall include cubic yards of cut/fill for grading and acres of impacts on ESHA or buffer zone, sorted by habitat type: and
4. Written summary and findings that explain how the proposed project meets the requirements of Section 8178-2.6.1. If the proposed development is only allowed to provide an economically beneficial use (see Section 8178-2.45.3), include a list of LCP policies and standards that are not met by the project design alternatives; and
5. If County staff cannot determine that the proposed project constitutes the least damaging alternative, the applicant shall be required to submit one or more additional project design alternatives.

[Staff Explanation. The least damaging alternatives analysis is required to provide consistency with the ESHA provisions of the Coastal Act. For example, structures placed in a clustered development pattern will result in less vegetation removal for fuel modification. Locating development away from a stream will result in fewer impacts to water quality, riparian vegetation, and wildlife that depend on the riparian area. If impacts to ESHA or buffer zone are proposed, then the entire site needs to be mapped to confirm that the project represents the least damaging alternative. A minor modification was made to the text after the 2018 Planning Commission for clarity associated with what is expected to be depicted on the site plans for the least damaging alternatives analysis. In addition, after the passage of new fire safety laws, additional text was added that the Fire Protection District will need to recommend what the required size of the fuel modification zone will be for each location and that a written summary must be given for the selected alternative.]

- c. **Natural Resource Agency Consultations:** County staff and applicants for development projects shall consult with the California Department of Fish and Wildlife, US. Fish and Wildlife Service, NOAA Fisheries, U.S. Army Corps of Engineers, and other natural resource agencies, as applicable based on each agency's jurisdiction over the subject resources, to ensure that any potential impacts

to wetlands, streams, or other specific coastal resources under their jurisdiction are avoided or minimized in a manner consistent with state and federal laws. In addition, in the Santa Monica Mountains (M) Overlay Zone, permit applications shall be provided for review and comment to the National Park Service, State Department of Parks and Recreation, Santa Monica Mountains Conservancy, Mountains Recreation and Conservation Authority and other conservation organizations holding property in the Santa Monica Mountains.

[Staff Explanation. Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority were added to the list above after the Planning Commission hearing on 8/23/18 based on a letter from the National Park Service.]

Sec. 8178-2.4 – ESHA and Buffer Zone Determination and Delineation

[Staff Explanation. Sec. 8178-2.1 - Definition of ESHA incorporates PRC Section 30107.5 and it includes examples of ESHA to provide clarification. Pursuant to PRC Section 30107.5, in order to determine whether an area constitutes an ESHA, the California Coastal Commission (CCC) found that the habitat area must be sensitive to human-introduced disturbance or degradation and meet either of these two conditions: 1) there are rare species/habitat in the subject area; or 2) the species or habitat is considered an especially valuable ESHA habitat. Certain species habitats are considered valuable when they support overall critical life stages for special status species. When either of these two conditions are met and the habitat is sensitive to human-introduced disturbance or degradation, regardless if it is shown on a map, the Commission found the area to be ESHA. At the end of the list below, three categories were removed from existing certified text because the habitats are located outside the County's jurisdiction (i.e. nearshore environments - reefs, tidepools, sea caves, islets and offshore rocks, and kelp beds) and are covered by the Marine Resource section of the Coastal Act or outside the jurisdiction of the coastal zone (designated wilderness or primitive areas).]

Sec. 8178-2.4.1 - Definition of ESHA

ESHA is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Each of the following landforms and habitat types constitute ESHA. This list shall be used in conjunction with the detailed information on ESHA determinations in Appendix E1:

- a. Areas of Special Biological Significance as identified by the State Water Resource Control Board (i.e., Mugu Lagoon to Latigo Point Area of Special Biological Significance State Water Quality Protection Area).
- b. Coastal bluff habitats.
- c. Coastal dune habitats.
- d. Coastal sage scrub (CSS) and chaparral plant communities in the Santa Monica Mountains (See coastal sage scrub and chaparral in special status species habitats).³

³ The Coastal Commission classified coastal sage scrub and chaparral plant communities in the Santa Monica Mountains as ESHA in 2003. See memo from John Dixon to Ventura County titled 'Designation of ESHA in the Santa Monica Mountains', dated March 25, 2003.

[Staff Explanation. The County's Initial Study Assessment Guidelines, adopted on April 2011, state that "ESHA within upland habitats of the Santa Monica Mountains can be identified using the Coastal Commission's methodology (Memorandum from the Coastal Commission to Ventura Staff titled 'Designation of ESHA in the Santa Monica Mountains', 2003". In February 2003, the Coastal Commission classified Coastal sage scrub and chaparral in the Santa Monica Mountains as ESHA in its environmental findings for the City of Malibu. Three jurisdictions that contain upland habitats of the Santa Monica Mountains (City of Malibu, L.A. County, Ventura County) now classify Coastal sage scrub and chaparral as ESHA. The text was modified after the 2018 Planning Commission hearing to remove the word "Also" and the footnote for coastal dune habitats was moved to the definition section.]

- e. Critical life stages – Seasonal habitats supporting the following, critical life stages of a species:

1. Bat roosts or breeding colonies for special status species.
2. Denning or breeding sites for bears, mountain lions, bobcats, coyotes, and other special status species identified in subsection (j) below.
3. Occupied grunion spawning sites.
4. Monarch butterfly roost site habitat.
5. Occupied marine mammal rookery and haul-out areas.
6. Bird nesting, staging/stopover and roosting sites.

[Staff Explanation. Critical times exist during a species life where the plant/animal is vulnerable to disturbance. Habitats that support species during breeding, hibernation, migration, etc. are directly tied to the fitness of the species and constitute a valuable component of the ecosystem. These ESHA types tend to be seasonal in nature. The text was modified after the 2018 Planning Commission hearing for consistency in the use of terms pertaining to monarch butterfly habitats and bat roosts.]

- f. Habitat Connectivity Corridors (see Section 8178-2.7.5 for corridor types/widths).

[Staff Explanation. Habitat connectivity corridors provide critical ecological linkages from one habitat to another, are often essential to the survival of the species, and are easily disturbed by human activity.]

- g. Native grasslands and savannah habitats consisting of perennial native needlegrasses (purple needlegrass, foothills needlegrass, nodding needlegrass) and their associated native forb species. Site-specific determinations are required to determine if non-native annual species characteristic of California annual grassland represent ESHA, and such determinations will depend on factors that include the size of native grass patches, number of patches, and their connectivity.

[Staff Explanation. California's native grassland habitats are becoming increasingly rare. They contain a diversity of species and provide critical ecological services such as high infiltration rates from storm events, which leads to a gradual release of stormwater to streams and improved water quality. Native grasslands also support pollinators and provide excellent carbon storage potential. Many native grassland-dependent species are extremely susceptible to non-native weed invasion associated with human activities, as well as structural changes from shrub invasion.]

- h. Oak and other native tree savanna and woodland communities.
- i. Rock outcrop habitats.

[Staff Explanation. Rock outcrop habitats support many special status species that are easily disturbed by human activities and development. In the L.A. County LCP, this habitat was classified as one of the most sensitive habitats (H1 Habitat).]

j. Special Status Species Habitats:

1. Habitat that supports rare/special status plant and animal species, including species listed as endangered, threatened, or rare under the Federal or State Endangered Species Acts.
2. Habitat that supports federal or state candidate species for listing.
3. Habitat that supports California Fully Protected Species.
4. U.S. Fish and Wildlife Service-designated critical habitat that is occupied or has a history of being occupied and the habitat retains the functions of the primary constituent elements of its designation.

[Staff Explanation. The text above was modified after the 2018 Planning Commission hearing to clarify what type of habitat meets the federal definition of a critical habitat. Even though it may be designated as critical habitat by the USFWS, it does not include areas where roads and other types of development have eliminated the habitat itself.]

5. Habitat that supports plant communities ranked G1 or S1 (critically imperiled globally or within the state), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) in the California Department of Fish and Wildlife's California Natural Diversity Database (CNDDB) or by NatureServe's Natural Heritage Program.
6. Habitat that supports plant species assigned a California Rare Plant Rank of 1 (plants presumed extinct in California, or rare, threatened, or endangered in California and elsewhere), 2 (plants that are rare, threatened, or endangered in California but more common elsewhere), or 4 (plants of limited distribution in California) by the California Native Plant Society.
7. Habitat that supports species tracked by the California Natural Diversity Database that are classified as species of greatest conservation concern.
8. Habitat that supports California Species of Special Concern.
9. Habitat that supports species on the Ventura County Locally Important Species List.

[Staff Explanation. Locally important species are, by definition, considered to be "a quality example or unique species within the County and region". They include plant species that are "declining throughout the extent of their range and have five or fewer element occurrences in Ventura County". Locally important animals are listed when "habitat in Ventura County is crucial for their existence either globally or in Ventura County".]

ESHA supporting special status species constitutes ESHA at the scale necessary for that species to be supported over its critical life stages or home range. Gaps

or degraded areas within a contiguous stretch of ESHA may be included as part of the protected area for the special status species.

- k. Wet Environments: Wetlands,⁴ estuaries, lagoons, lakes, rivers, streams, seeps, springs, and their associated riparian or alluvial scrub habitat, including unimproved reaches of Ventura County Water Bodies listed on the Clean Water Act 303(d) List.

~~All marine, wildlife, education, and research reserves;~~

~~Wilderness and Primitive areas;~~

~~Nearshore reefs, tidepools, seacaves, islets and offshore rocks, and kelp beds;~~

Sec. 8178-2.4.2 – ESHA Determinations

ESHA shall be mapped and protected through the County's certified ESHA map and an applicant's Coastal Initial Study Biological Assessment (CISBA) site-specific ESHA map in accordance with the ESHA policies and standards of the LCP, as follows:

- a. If the applicant's CISBA contains substantial evidence that an area mapped as ESHA on the County's certified ESHA map does not contain habitat that meets the definition of ESHA (Appendix E1), then the County shall revise the documented extent of ESHA based on information in the CISBA and the standards in this section. If the County determines that an area is not ESHA, the LCP policies and standards for the protection of ESHA shall not apply. The County shall maintain a record of ESHA determinations (see Appendix E1, Section AE-1.2.1(c)), and such records shall be used to support periodic updates of the certified ESHA map.
- b. An area that previously met the definition of ESHA but was damaged or destroyed by illegal removal or degradation of the habitat shall continue to qualify as ESHA.
- c. An area that previously met the definition of ESHA but was damaged or destroyed by natural disaster shall continue to qualify as ESHA. Notwithstanding the foregoing, the County's decision-making authority may find that such an area is no longer ESHA based on a finding, supported by substantial evidence in the site-specific environmental assessment (Appendix E1, Section AE-1.2.2(c)), establishing that, 15 or more years after the natural disaster, the destroyed ESHA has been permanently replaced by alternative habitat not defined as ESHA.
- d. For purposes of this Section 8178-2.4.2, the term "existing, legally established development" means development established before the effective date of the Coastal Act (January 1, 1977) in conformity with all applicable local laws in effect at the time, or development established after the effective date of the Coastal Act and authorized by an effective coastal development permit. Areas occupied by existing, legally established development shall not constitute ESHA. Notwithstanding the foregoing, any ESHA or buffer zone that has been retained within an expanded fuel modification zone in accordance with an approved ESHA Vegetation Management Plan (See Appendix E2, AE-2.4– ESHA Vegetation Management Plan) shall be protected as ESHA or buffer zone.

⁴ See Appendix E1 for information on wetlands defined as ESHA.

- e. With the exceptions described within subsection (d) above, a legally established fuel modification zone is not classified as ESHA under the following circumstances:
1. The fuel modification zone width is specified in an approved coastal development permit; or
 2. If the width of the fuel modification zone is not specified in an approved coastal development permit, the fuel modification zone shall be considered the width of the fuel modification zone shown around the legally established development in aerial photographs taken on October 18, 2018 and October 31, 2018 on file with the Planning Division, or up to 200 feet measured from the edge of legally established habitable structures, whichever area is smaller. Continued vegetation clearance outside the fuel modification zone that occurred after the October 2018 aerial photographs dates (referenced above) shall be considered unauthorized development.
 3. If the fuel modification zone was established prior to the effective date of the Coastal Act, and is not otherwise reflected in a permit, the size of the fuel modification zone consistently maintained as of January 1, 1977 shall be considered legally established development. However, if the historically maintained fuel modification zone was 100 feet or less on January 1, 1977, then the property owner shall be allowed to maintain the existing fuel modification zone width as described in subsection (e)(2) above.
- f. Unless vegetation is altered or removed as part of an existing, legally established development or as part of an associated fuel modification zone which is not classified as ESHA pursuant to subsection (d) or (e) above, the alteration or removal of vegetation shall constitute unauthorized development (see Appendix E1, Section AE-1.2.2 - Additional Factors for ESHA Determinations).

[Staff Explanation. Following the 2018 Planning Commission hearing, the text was modified as a consequence of two of the Planning Commission's directives: 1) to work with the Fire Protection District to arrive at consensus on fire clearance issues that included compliance with PRC 4291 and 4291.3 which went into effect January 1, 2019 with the passage of AB 2911; and 2) to revisit the inclusion of a reduced mitigation fee for ESHA thinned in an expanded fuel modification zone. When staff researched the expansion of fuel modification zones for existing development, permits granted before 2009 did not specify the width of the fuel modification zones. The ordinance solution above finds a compromise for those homeowners who cleared ESHA without a permit. And finally, minor clarifications were made to improve the clarity and readability of the text.]

Sec. 8178-2.4.3 – ESHA Delineation in Site-Specific ESHA Maps

Within a site-specific ESHA map (Section 8178-2.3(a)), all areas that meet the definition of ESHA shall be mapped and protected as ESHA. The precise boundaries of ESHA on a site-specific map shall be based on the following:

- a. Areas that meet the definition of ESHA, as set forth in Section 8178-2.4.1 and the ESHA determination/delineation criteria and procedures set forth in Section 8178-2.4.2 and Appendix E1, shall be mapped as ESHA. Such determinations shall be based on substantial evidence and information obtained from site-specific biological surveys, aerial photographs, and federal/state/local natural resource agency resources.

b. Wetland delineations shall be conducted according to the definitions of wetland boundaries contained in Section 13577(b) of Title 14 of the California Code of Regulations, and in conformance with the 1987 Army Corps of Engineers Wetland Delineation Manual and the 2008 Arid West Supplement.

ESHA delineation in site-specific ESHA maps shall be based on the applicant's site-specific environmental assessment, available independent evidence, and review by the Planning Division staff biologist.

[Staff Explanation. Coastal Commission interpretations of the PRC hold that the actual presence of ESHA on the site, not previously prepared maps, dictate whether ESHA policies apply. The proposed standards for natural disasters and the illegal removal of ESHA are similar to those adopted for L.A. County, and they are consistent with the Coastal Commission's LCP Update Guide for ESHA (2013). The standard for natural disasters, such as fires, reflects the fact that such events are part of the natural cycle and rarely lead to permanent damage/removal of the ESHA. For example, fire is a natural part of the life cycle of plant communities, and habitat impacted by fire is still present in the form of root systems that will re-sprout and generate new growth following the rainy season. A provision is also provided that allows the County to make a determination that an area previously classified as ESHA was permanently destroyed by a natural disaster. In Appendix E2, an ESHA mapping methodology is provided that was developed by Planning Division staff as part of the Coastal Biology project, and it will be used to facilitate ESHA mapping during permit reviews.]

Sec. 8178-2.4.4 – Buffer Zone Delineations

Buffer zones shall be established to provide distance and physical barriers between protected resources and human disturbance. All development shall be designed to protect the adjacent resources and be compatible with the continuance of the habitat. See Sections 8178-2.6.3 and 8178-2.6.4 for additional requirements when siting development adjacent to ESHA, buffer zones, and parklands/open space areas.

[Staff Explanation. Following the 2018 Planning Commission hearing, the text was modified to simplify and remove repetitive text and to place a cross-reference to the replicated text in a different section of the ordinance.]

Sec. 8178-2.4.4.1 – Width of Buffer Zones

Buffer zones shall be of sufficient width to avoid adverse impacts to ESHA or parkland/protected open space areas. The width of a buffer zone shall be delineated as follows:

- a. The minimum width of a buffer zone shall be 100 feet, except for a local habitat connectivity corridor, which does not require a buffer zone (Section 8178-2.7.5).
- b. A buffer zone that exceeds 100 feet is required when necessary to avoid adverse impacts to special status species (including habitats supporting critical life stages for such species). See Section 8178-2.7.6, 8178-2.7.8 8178-2.7.9, 8178-2.7.2, 8178-2.7.3. Buffer zone widths that exceed 100 feet for habitats such as wetlands or other wet environments shall be identified during the environmental review process.
- c. During construction and temporary outdoor festivals and sporting events, seasonal buffer zones shall be used to protect critical life stage habitats in

accordance with the standards established in Sections 8178-2.6.13(g), 8178-2.7.6, 8178-2.7.7, 8178-2.7.9, as follows:

1. Raptor and bird nesting and roosting sites (300-500 feet):
2. Bat roosts for special status species (200-500 feet):
3. Occupied marine mammal rookery and hauling ground habitats (300-500 feet):
4. Occupied grunion spawning sites (mechanical equipment, above highest tide wrack line); and
5. Denning or breeding sites for bears, mountain lions, bobcats, coyotes, and other special status species (200-650 feet).

See Sections 8177-4.1.7 for information on buffer zones required when development is located within 1,000 feet of publicly owned parklands; 8178-2.6.2(b) for information on the application of buffer zones for off-site ESHA in existing shoreline communities; and 8178-2.7.1.4 for information on buffer zones for limited sand removal. See Appendix E1 for information on the delineation of buffer zones for specific ESHA and Section 8178-2.4.4.2.

[Staff Explanation. Following the 2018 Planning Commission hearing, the text was modified to edit for term consistency, add applicable cross-references, and to remove superfluous wording (e.g., "Also") , and move footnote references into the text.]

Sec. 8178-2.4.4.2 – Measurements for Buffer Zones

Buffer zone widths shall be measured from the outer extent of the vegetation that makes up the habitat or as follows:

- a. Riparian Areas: The outer edge of the cover of riparian vegetation community, or the outer edge of the bank of the subject stream if riparian vegetation is not present.
- b. Alluvial Scrub: Edge of alluvial soils located on alluvial fans, alluvial valley slopes, stream deltas, and along stream bottoms.
- c. Native woodland: The outer edge of the woodland tree canopy stand.
- d. Wetland: The upland limit of wetland habitat. In the case of wetlands without vegetation or soils, the setback shall be the boundary between land that is flooded or saturated at times (during years of normal precipitation) and land that is not.
- e. Rocky Outcrops: The outer extent of the plant community supported by the rocky outcrop habitat.
- f. Protected Parkland/Open Space: The outer edge of the boundary for parkland/open space areas acquired by natural resource agencies or conservation organizations for habitat protection.

Appendix E1 also contains information on the delineation of buffer zones.

Sec. 8178-2.5 - Allowable Uses in ESHA or Buffer Zones

[Staff Explanation. The existing text, shown below, is from Sec. 8174-4, which will be replaced by the expanded set of standards in this Section.]

~~Within an ESHA, as defined in Article 2, or a buffer area, only the following uses, subject to all applicable standards and policies, are permitted:~~

- ~~a. Nature study;~~
- ~~b. Developments where the primary function is *habitat enhancement or restoration*;~~
- ~~c. Shoreline protective devices;~~
- ~~d. Passive recreational uses not involving structures;~~
- ~~e. Uses dependent on *habitat values* such as aquiculture and scientific research;~~
- ~~f. Public Works facilities in accordance with the Article and Section 8175-5.9, and all other applicable provisions of the Chapter and the LCP Land Use Plan.~~

~~Exceptions:~~

~~Within the buffer area, no new *principal structures* will be permitted unless prohibition of the *structure* from the buffer will preclude the utilization of the larger parcel for its designated use. When it is necessary to allow *structures* within the buffer, they shall be located as far from the *habitat* resource as possible and mitigations shall be required to eliminate or reduce their impacts on an insignificant level. If a *principal structure* exists as of the adoption of this Plan, it may be rebuilt within the *buffer zone* if it is destroyed by fire or a *natural disaster*. If it is an otherwise *nonconforming use*, it shall not be rebuilt within the buffer.~~

Allowable uses (or development associated with such uses) in ESHA or buffer zones shall be limited to uses that are dependent on the biological resource, except where a non-resource dependent use is allowed pursuant to this Section 8178-2. All uses allowed in ESHA or buffer zones shall meet the standards for a least damaging alternative (see Section 8178-2.6.1), and such uses shall be sited, designed, and mitigated in a manner consistent with the standards in Sections 8178-2.6, 8178-2.7, and 8178-2.10.

[Staff Explanation. After the 2018 Planning Commission Hearing, a cross-reference title was corrected.]

Sec. 8178-2.5.1 – Allowable Resource-Dependent Use in ESHA or Buffer Zones

Within an ESHA, as defined in Article 2, or an ESHA buffer area zone, only the following new resource-dependent uses are may be permitted:

- a. Nature study and environmental research. interpretive signage designed to provide information about the value and protection of resources;
- b. Passive recreational uses, not involving structures, such as public access-ways, trails for hiking, bicycling or horseback riding, and low-impact campgrounds.
- c. Directional, education, and interpretive signs or displays.
- d. Habitat restoration, preservation, or enhancement, including the following:
 - 1. Temporary fencing deemed necessary to prevent encroachment in the ESHA or buffer zone.
 - 2. Vegetation management, including the removal of non-native vegetation, planting native species, weeding, supplemental plantings, and other maintenance measures when conducted for the purpose of ESHA restoration, establishment, or enhancement pursuant to an approved Habitat Restoration Plan (see Section 8178-2.10.9).
 - 3. The placement/repair of site features within coastal dune habitats (e.g., raised walkways, fencing, predator-exclusion cages for shorebird nests), or the

restoration of dune topology using sand replenishment or contouring or non-native invasive or invasive watch list plant species removal to facilitate the protection of native species reliant on a dune ecosystem. In all cases, coastal dune habitat modification or disturbance shall be the minimum amount necessary to accommodate the identified uses.

[Staff Explanation. This proposed regulation is similar to existing CZO standards in Article 4 – Permitted Uses, Sec. 8174-4 – Environmentally Sensitive Areas. It is consistent with State law (PRC 30240), which restricts development within ESHA to uses that are dependent on the resource. After the 2018 Planning Commission hearing, the text was edited to remove unnecessary language, add an additional example for trail use (bicycling), add a reference to “invasive watch list plant species”, and an edit was made for term consistency in the use of “buffer zone”. In addition, the term education was removed because its intent is covered under nature study and it could be broadly misinterpreted.]

Sec. 8178-2.5.1.1 – Allowable Uses in Streams and Rivers

In addition to resource-dependent uses, the following uses may be permitted within streams and rivers:

- a. Necessary water supply projects. ~~necessary to agricultural operations or to serve developments permitted by the LCP Land Use Plan designations~~
- b. Flood control ~~projects~~, where no other method for protecting existing *structures* in the floodplain is feasible and where such protection is necessary for public safety or to protect existing *development*.
- c. ~~Restoration projects or d-~~ Developments where the primary function is the improvement of fish and wildlife *habitat*.

Channelization or other substantial alterations to river or stream, or creek corridors shall be conducted in a manner that minimizes impacts to coastal resources and that mitigates unavoidable impacts to the maximum extent feasible, including the depletion of groundwater.

[Staff Explanation: This section is based on existing text from Sec. 8178-2.4 - Specific Standards and Public Resource Code 30236, which defines allowable types of development in streams, rivers, and creeks. The standards are also based on Public Resource Code 30236, which defines allowable types of development in streams and rivers.]

Sec. 8178-2.5.1.2 – Allowable Uses in Wetlands and Open Coastal Waters

In addition to resource-dependent uses, the diking, dredging, or filling of ~~development~~ in wetlands, open coastal waters, lakes, lagoons, and estuaries may be permitted for the following uses: mitigation measures shall, at a minimum, include those listed in Section 30607.1 of the Coastal Act. Other reasonable measures shall also be required as determined by the County to carry out the provisions of Sections 30233(b and c) of the Coastal Act.

- a. New or expanded port, energy, and coastal-dependent industrial facilities.
- b. Mineral extractions, including sand for beach restoration, except in ESHA.
- c. New or expanded boating facilities, and the placement of structural pilings for public recreational piers (this use excludes wetlands).

- d. Nature study, aquaculture, or similar resource-dependent activities.
- e. Habitat restoration or enhancement.
- f. Water extractions from lakes/ponds by the Ventura County Fire Protection District (or authorized emergency response personnel) when necessary to protect public health/safety during a wildfire event.
- g. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- h. Maintenance of existing, or restoration of previously dredged depths, in existing navigational channels, turning basins, vessel berthing/mooring areas, and boat launching ramps.

The uses listed above may only be permitted if otherwise consistent with the LCP and where there is no feasible, less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.

[Staff Explanation. This proposed regulation is similar to existing CZO standards and it is consistent with State law (PRC 30607.1 and 30233), which restricts development in wetlands and coastal waters. The text was modified after the 2018 Planning Commission hearing to maintain consistency between the language used in the Coastal Area Plan and the standard that supports it (added term lagoon), and to correct the name of the Fire Protection District within the code.]

Sec. 8178-2.5.2 – Allowable Non-Resource Dependent Use in ESHA or Buffer Zones

Within ESHA or a buffer zone, the following non-resource dependent uses may be permitted, provided that such uses are the minimum necessary, meet the standards for a least damaging alternative (see Section 8178-2.6.1), and are sited, designed, and mitigated in a manner consistent with the standards in Sections 8178-2.6, 8178-2.7, and 8178-2.10:

- a. New or modified wireless communication facilities, when the approval of the facility is mandated by federal law (see Sections 8175-5.20.3(g) and 8175-5.20.5).
- b. Public Works projects required to repair, maintain, or replace an existing public works facility, provided that the use, capacity, size, and location is consistent with the General Exclusions provisions of Section 8174-6.3.6(a)(9).
- c. Public Works Facilities in accordance with this Article and Section 8175-5.9, and all other applicable provisions of this Chapter and the LCP Land Use Plan, provided that such facilities are necessary to protect public health/safety or accommodate development allowed by the LCP.
- d. Shoreline protective devices (see Section 8178-2.7.1.2(a)).
- e. Non-resource dependent uses allowed pursuant to the economically beneficial use exception in Section 8178-2.5.3.

~~If a~~ An existing, legally established principal structure exists as of the adoption of this Plan, it may be rebuilt if it is destroyed by fire or a *natural disaster*. If it is an

otherwise *nonconforming use*, it shall not be rebuilt within *ESHA* or the *buffer zone*. See the following sections for uses allowed in a *buffer zone*: Sections 8178-2.6.9.1, 8178-2.7.1.4, and 8178-2.6.2(b).

[Staff Explanation. The purpose of this provision provides a limited range of allowable, non-resource dependent uses in *ESHA* or *buffer zone*:

- Wireless communication facilities – Federal law requires that these facilities be approved under certain circumstances, as outlined in the CAP and CZO sections for these facilities;
- Economically Beneficial Use – See Section 2.5.3 below.
- Existing development – Coastal Act Section 30610(g) allows development in *ESHA* to remain following a fire or natural disaster, provided that it was legally permitted.]
- Shoreline protection devices – This provision is based on existing, certified text and is consistent with proposed CAP Policies 6.8 and 6.9, which allow shoreline protection devices when necessary to protect existing development, coastal dependent uses, and public beaches and with Coastal Act Section 30235, which allows such structures to protect existing structures or public beaches in danger from erosion or when designed to eliminate/mitigate adverse impacts on the local shoreline sand supply.
- Public Works Facilities – Existing provisions in the LCP and Coastal Act Section 30254 address public works facilities (e.g., roads, drainage channels, flood control projects, utility lines), which currently are listed as an allowable use in *ESHA*. Sec. 8175-5.9 would allow public works facilities in *ESHA* if impacts to *ESHA* are avoided to the maximum extent feasible, and additional restrictions are provided in Sec. 8178-2. For example, development must be the minimum necessary, adhere to siting/design standards, and represent the least environmentally damaging alternative. The repair, maintenance and replacement of existing public works facilities is currently allowed in *ESHA* with a coastal development permit, pursuant to Section 8174-6 – Statutory Exemptions and Categorical Exclusions.
- After the 2018 Planning Commission hearing, the text was corrected for consistency across terms (“legally permitted” to “legally established”), grammatical corrections, and to correct references associated with the changes based upon the Planning Commission directive for fuel modification zones.]

Sec. 8178-2.5.3 – Economically Beneficial Use

If the application of the policies, standards or provisions of the LCP regarding use of property designated as *ESHA* or *buffer zone* would deny all *economically beneficial use* of an applicant’s property as a whole, an otherwise prohibited *development* may be allowed in *ESHA* or *buffer zone* in accordance with Policies 4.2 and 4.3 of the Coastal Area Plan and all other applicable regulations and requirements of the LCP. *Development* on a *lot* that is already *developed* in a manner that provides an *Economically Beneficial Use* shall not result in new disturbance or loss of *ESHA* or *buffer zone* that conflicts with the *ESHA* policies of the LCP. Applicants seeking approval of *development* pursuant to this *economically beneficial use* exception shall provide the information and documentation required pursuant Appendix E2 at Section

AE-2.3, and the County's decision-making authority must make the findings required by Policy 4.3 of the Coastal Area Plan.

[Staff Explanation: Section 30010 of the Coastal Act states that it does not authorize the Commission or a local government to exercise its power to grant or deny a permit in a manner that will take private property for public use without just compensation. As such, a use that is not consistent with the ESHA use standards may be permitted when necessary to avoid a taking of private property. The existing CZO does not define what is meant by "Economically Beneficial Use" when developing in ESHA, and this section (and Sec. 8178-2.6.2 – Maximum Allowable Building Site) clarifies what constitutes an Economically Beneficial Use exception. After the 2018 Planning Commission hearing, the text was revised to be consistent the regulations developed for sea level rise.]

Sec. 8178-2.6 – Site and Building Design Standards in ESHA

The purpose of the standards in this Section 8178-2.6 is to facilitate the conservation and protection of ESHA.

[Staff Explanation: The standards in this section implement proposed site/building design policies in the CAP. They include existing and new provisions and address Coastal Act requirements that development be sited and designed to minimize impacts on ESHA. Standards were derived from the following sources: existing text in Sec. 8174-4; Public Resources Code Sections 30240, 30250, 30253; and the recently certified L.A. County Implementation Plan.]

Sec. 8178-2.6.1 – Least Damaging Alternative

Any development allowed in ESHA or buffer zones, pursuant to Section 8178-2.5 – Allowable Uses in ESHA or buffer zone, shall constitute the least damaging environmental alternative. The following findings shall be made regarding the development:

- a. The development consists of a feasible project design alternative that results in the least damage (i.e., direct/indirect/cumulative impacts) to ESHA, when compared to other feasible alternatives, and avoids adverse impacts to ESHA (both on and off-site) to the maximum extent feasible; and
- b. If the development is authorized to provides an economically beneficial use, the project shall, in addition to complying with Policies 4.2 and 4.3 of the Coastal Area Plan: (1) include a building site that is consistent with the standards in Section 8178-2.6.2; and (2) minimize development outside the building site for access roads, fuel modification zone, and site grading.

Mitigation shall not be used as a substitute for selection of the least damaging project design alternative.

[After the 2018 Planning Commission hearing, the text was modified to correct cross-references, grammatical errors, and remove references to sections that were significantly modified and no longer are correct.]

Sec. 8178-2.6.2 – Maximum Allowable Building Site in ESHA or Buffer Zone

If development is allowed in ESHA or buffer zones pursuant to Section 8178-2.5.3, then the following standards shall be used to determine the maximum allowable

building site based upon the County analysis of documentation and information provided by the applicant for development (See Appendix E2, Section AE-2.4:

- a. Santa Monica Mountains: Within the Santa Monica Mountains (M) overlay zone, the maximum allowable building site shall be 10,000 square feet, or 25 percent of the legal lot size, whichever is less. The allowable building site may be increased above the maximum allowed by this Section when authorized pursuant to the incentive program in Section 8178-2.9.4.1.
- b. Existing Communities:⁵ On legal lots zoned Residential Beach (RB), Residential Beach Harbor (RBH), Coastal Residential Planned Development (CRPD), Coastal One-Family Residential (CR1), Coastal Two-Family Residential (CR2), Coastal Rural Exclusive (CRE-20,000 sf only), and Coastal Commercial (CC), the allowable building site shall be determined as follows:
 1. Development shall not be subject to a maximum allowable building site solely because the lot contains the required buffer zone for off-site ESHA. This standard is not applicable to a lot that contains the buffer zone for an off-site wet environment and, in such cases, additional encroachment into the buffer zone may only be authorized if no new adverse impacts would occur to the wet environment.
 2. Most lots in existing communities are currently developed. If a lot does contain on-site ESHA, the maximum allowable building site shall be the maximum lot coverage allowed by zoning, up to a maximum of 10,000 square feet or 25 percent of the legal lot size (whichever is greater).

For lots that contain a wet environment or its buffer zone, see Section 8178-2.6.2.2(b).

- c. Other Coastal Areas: Except as provided by subsections (a) and (b) above, the maximum allowable building site shall be determined on a case-by-case basis for the allowed principally-permitted use. The maximum allowable building site shall be limited to the area needed for the property owner to make an economically beneficial use of the applicant's property as a whole.
- d. In all cases, the maximum allowable building site shall be subject to the general requirements in Section 8178-2.6.2.1 and the adjustments in Section 8178-2.6.2.2.

[Staff Explanation. The Coastal Act restricts the types of uses allowed in an ESHA or buffer zone, but non-resource dependent uses are allowed in ESHA when necessary to provide "economically beneficial use" and avoid a private-property takings challenge. There is no state-wide standard for what constitutes "economically beneficial use" in ESHA, and many jurisdictions, such as Santa Barbara County and Marin County, rely on a case-by-case review to determine allowable development levels. In this case, three different scenarios are provided:

Santa Monica Mountains - In the Santa Monica Mountains, the 10,000-square-foot (or 25% of lot) standard is based on regulations approved for the Santa Monica Mountains in L.A. County and the City of Malibu. In the Santa Monica Mountains,

⁵ The zones listed above are only used within the existing communities of Rincon Point, La Conchita, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the Sea, Silverstrand, and Solimar (outside (M) overlay zone).

residential use is the primary form of development. Unless the lot is less than 1 acre, the 10,000 square foot standard would apply.

Existing Communities - Historically developed communities occupy 0.6% of the land area in the County's coastal zone. Most of these communities are located along the County's shoreline and are fully developed. Also, much of the development within these communities is exempt from a discretionary permit due to the County's Categorical Exclusion Order. However, the Categorical Exclusion Order does not exempt development on beachfront lots beach and it does not exempt the redevelopment of a lot. Thus, future development of a deck or a building addition could be affected by the buffer zone of an off-site coastal dune habitat. The existing community most affected by the proposed regulation is Hollywood-by-the-Sea, where coastal dunes are located near existing, developed lots. Also, the 500-foot buffer zone seasonally affects a number of existing lots. Lots along this stretch of beach are typically built out to the setback lines. The proposed regulation would ensure that all lots can be built out in a similar manner, as there's no reason to conclude that a building addition or larger deck in an otherwise fully developed area would result in new impacts to an off-site coastal dune or seasonal shorebird colony. An exception was provided to address existing streams (e.g., Rincon Point, Solmar), which affect a small number of shoreline properties. Finally, a maximum allowable building site standard is provided to address rare occasions where ESHA may be present on a lot. The standard is based on the high value of properties within these communities and the size of existing lots (97.5% of the lots are 10,000 sf or less).

Case-By Case Review - The third standard is primarily applicable to rural areas of the North Coast Subarea, as ESHA is generally limited to shoreline locations in the Central Coast Subarea. While the eastern portion of the North Coast Subarea contains large lots that may contain ESHA, most of the land is already developed for agricultural, oil/gas drilling, coastal recreation, or transportation uses (e.g., Route 101, Pacific Coast Highway). Also, ESHA is less prevalent in the North Coast Subareas than in the Santa Monica Mountains, which means that development can typically occur without impacting ESHA or buffer zones. In such cases, landowners would not typically rely on "economically beneficial use" provisions to develop land. Nevertheless, to address the possibility that development is proposed in ESHA in other coastal areas, a "Economically Beneficial Use Determination" process is provided in Appendix E2, Sec. AE-2.3, which is based on regulations in the Santa Barbara County LCP.

After the 2018 Planning Commission hearing, a minor correction removed the word "Also", remove an unnecessary footnote, and correct a cross-reference. In addition text was modified for clarity and readability.]

Sec. 8178-2.6.2.1 – General Requirements for Maximum Allowable Building Sites

- a. Building Site Calculations - Area calculations for the building site may exclude the area of one access driveway or roadway, the area of one hammerhead safety turnaround, graded slopes exclusively associated with the access driveway or roadway and hammerhead safety turnaround, and grading necessary to correct an adverse geological condition. Fuel modification authorized by the Ventura County Fire Protection District for approved structures may extend beyond the approved building site area. The size and design of development excluded from the building site shall meet all applicable

standards of the LCP or, when such standards are not specified, shall be based on minimum standards provided by the Ventura County Fire Protection District and the Public Works Agency.

- b. Least Damaging Alternative - Development within the building site shall be the least damaging alternative (see Section 8178-2.6.1), and siting and design techniques shall be used to minimize impacts to ESHA and buffer zones.

Sec. 8178-2.6.2.2 – Adjustments to Maximum Allowable Building Site

The maximum allowable building site is subject to adjustment in the following circumstances:

- a. Incentive Programs: The allowable building site may be increased above the maximum allowed by this Section 8178-2.6.2 when authorized pursuant to the incentive program in Section 8178-2.9.4.1; and
- b. Highly Constrained Lots: The allowable building site shall be reduced below the maximum allowed by this Section 8178-2.6.2 when adequate land is not available due to one or more of the following circumstances:
 - 1. A reduction is necessary to meet public health and safety standards (e.g., established building codes, fire codes, flood hazard requirements, slope stability hazard requirements).
 - 2. A reduction of the size of the building site is necessary to avoid disturbance of a wetland habitat (e.g., vernal pools, estuaries, lagoons, lake habitats), habitat within 100 feet of riparian habitat, or the top of the bank of a river/stream where riparian habitat is not present, or habitats occupied by special status species (see Section 8178-2.4.1). Any reduction of the building site on this basis shall be supported by the Coastal Initial Study Biological Assessment (CISBA) (Section 8178-2.4.3(a)).
 - 3. A reduction is necessary to avoid placement of a fuel modification zone on adjacent public park land (i.e., land managed by the National Park Service or the State Department of Parks and Recreation) or avoid placement of an extended fuel modification zone onto an adjacent property.

[Staff Explanation. Reductions to the allowable building site are limited to circumstances where substantial physical or environmental constraints exist on a lot. For example, a lot may be characterized by steep slopes that are susceptible to landslides or it may be occupied by a threatened or endangered species. Generally, such constraints would only affect small lots. A larger allowable building site is also provided for lot mergers in the Santa Monica Mountains (M) overlay zone, as described in Sec. 8178-2.9.4.1. Following the 2018 Planning Commission hearing, item “3” above was added in response to the Planning Commission Directive to arrive at consensus with the Ventura County Fire Protection District on fire clearance issues, which also included compliance with PRC 4291 and 4291.3. These laws went into effect January 1, 2019 with the passage of AB 2911. The edits were made to comply with federal and state laws associated with fuel clearance for a private residence overlapping onto parklands. Federal/state regulations limit or prohibit privately-initiated development, including off-site fuel modification, from impacting protected parklands.]

Sec. 8178-2.6.3 - General Siting and Building Design Standards

- a. Location of Development – To minimize impacts to ESHA and buffer zones, development shall be located as follows:
1. Distance from ESHA - The development envelope shall be located as far as possible from ESHA and outside buffer zones.
 2. Avoid Steep Slopes - Development shall not be permitted in areas with 30 percent slope or higher. Remediation of unstable slopes that threaten public health or safety is permitted if the least environmentally damaging method is used to stabilize the slopes.
 3. Clustered Development - Development shall be clustered and located near existing structures, roadways and services (e.g., water, sewer)
 4. Minimize Grading – Locate roads, structures, and other development in areas with minimal topographic constraints to minimize grading and alteration of natural landforms.
- b. Minimize Fuel Modification – To minimize the extent of the fuel modification zone and its associated impacts on ESHA or buffer zones, all development shall, to the maximum extent feasible, be located and designed to meet the following standards:
1. Utilize an approximately square or circular shape building site, which by design minimizes the area of the fuel modification zone, unless an elongated shape is needed to protect coastal resources or to minimize grading on a slope over 20 percent gradient.
 2. Fire safe site design and building techniques shall be utilized in all development to minimize the size of fuel modification zones. These techniques include, but are not limited to the following: ember resistant building materials, closed eaves, roof sprinkler system, fire proof vents, and insulated temper glassed windows, etc.
 3. To take advantage of overlapping fuel modification zones, building sites shall be clustered as part of land divisions including lot line adjustments, and building sites shall be located near existing structures on the subject property or on nearby lots.±
 4. No development shall be approved that results in a fuel modification zone that extends off-site onto federal or state parklands without the written authorization of the National Park Service or State Department of Parks and Recreation, as applicable.
 5. To protect off-site ESHA and conservation lands from vegetation removal practices associated with the potential expansion of a fuel modification zone, development shall not, to the maximum extent feasible, be sited within 300 feet of off-site: (i) ESHA or buffer zone; or (ii) undeveloped parkland/open space areas owned or managed by a natural resource agency/es or conservation organizations for habitat protection (see Section 8177-4.1.7, for additional development siting standards adjacent to park boundaries in the Santa Monica Mountains.

6. A proposed expanded fuel modification zone shall not encroach onto an adjacent property without written consent from the adjacent property owner. This requirement shall not apply to areas where the proposed fuel modification zone overlaps with an existing permitted mandatory fuel modification zone on the adjacent property.
7. Except Section 8178-2.6.3 (b)(4) and (6), deviations from the above standards may be permitted if the application of a standard would result in increased impacts to ESHA.
- c. Best Management Practices - Best management practices that minimize adverse impacts on ESHA and buffer zones shall be used for vegetation removal or alteration, the control and removal of invasive or invasive watch list plant species, construction management, water quality protection, habitat restoration, and use of pesticides.
- d. Water Quality – Water quality shall be protected by minimizing the use of impervious surfaces and by utilizing bioswales or other best management practices that promote stormwater infiltration and limit stormwater runoff. Development shall be located away from wetlands, other wet environments, natural drainage features, and their associated vegetation. The disturbance of such features shall be minimized when avoidance is infeasible.
- e. On-Site Development Restrictions – Development shall not be permitted in areas with greater than or equal to 30 percent slope. All on-site ESHA, buffer zones, and/or slopes over 30 percent shall be permanently maintained in their natural state through a conservation instrument when such areas are: (1) identified on an applicant prepared site-specific ESHA map, and/or (2) located in the Coastal Open Space (COS) zone, Santa Monica Mountains (M) overlay zone, or Coastal Industrial (CM) zone, an easement or deed restriction that shall be recorded on the final map, or on a grant deed as a deed restriction submitted with the final map. Development shall not be permitted in areas over 30 percent slope.
- [Staff Explanation. Following the 2018 Planning Commission hearing, the text was modified as a consequence of the Planning Commission directives to work with the Fire Protection District to arrive at consensus on fire clearance issues. This included edits that were made to comply with amended PRC 4291 and 4291.3 which went into effect January 1, 2019 with the passage of AB 2911. In addition, edits were done to comply with federal requirements pointed out in a letter received from the National Park Service. Sec. 8178-2.6.9.1 - Siting of Building Sites and Structures was moved and integrated within the fuel modification section above that also contained siting standards for fuel modification zones. Minor edits were also made for term consistency, formatting corrections, references, adding the term “invasive watch-list plant species” for control and removal efforts and to improve the clarity and readability of the text.]*
- f. Buildable Lot Standards – A buildable lot for residential use is a legal lot that can feasibly accommodate the following structures and improvements in a manner that meets established public health and safety standards: (1) a principal structure; (2) legally accessible, all-weather access road; (3) development is located outside known geological hazard areas; and (4) the lot is served by public water/sewer or can accommodate an on-site site well and/or wastewater treatment system that is adequate to serve the proposed development.

[Staff Explanation. The buildable lot standard is intended for limited use prior to the submittal of a permit or early in the development review process. This standard is not intended to address the full range of LCP requirements. It includes essential components required to develop residential use on a lot. After the 2018 Planning Commission hearing, the first sentence of the text was modified for clarity and readability.]

Sec. 8178-2.6.4 –Buffer Zone Standards

Buffer zones (see Section 8178-2.4.4) shall meet the following standards:

- a. Whenever feasible, use natural topographic features, such as hills and bluffs adjacent to ESHA, to buffer ESHA from development (e.g., locate development on the opposite side of the hill from the ESHA).
- b. Buffer zones shall contain native vegetation around parklands, ESHA, or protected open space areas to serve as transitional habitat and protect the ESHA ecosystem.
- c. Buffer zones for wet environments in or adjacent to public areas shall include a wildlife-permeable fence or a natural barrier (e.g., vegetation or water) to provide a physical barrier to control entry into the wet environment when species in the wet environment (e.g., wetlands, estuaries, marsh) are particularly sensitive to human impacts or are visible from publicly accessible areas or trails. Such barriers shall be located at the outside boundary of the buffer zone and shall only be allowed when specified by a County-approved ESHA Mitigation Plan (Section 8178-2.10.9). Visual screening may be provided by using landscape material or vegetation that is compatible with the wet environment.
- d. When a project involves the restoration of a stream that was previously channelized or otherwise altered, existing legally-established development within the required buffer zone of such a restored stream may remain pursuant to Section 8178-2.5.2.
- e. Water quality improvement best management practices required for development shall be located outside the buffer zone, except when required within a fuel modification zone that overlaps with ESHA or buffer zone (see Section 8178-2.6.9.1) to protect other ESHA from erosion and degradation.

[Staff Explanation. This section provides standards for buffer zones and implements the CAP policies for buffer zones. In past permit actions, the Coastal Commission required that development be located no closer than 100 feet from ESHA. The purpose of the 100-foot requirement is to protect the ecological integrity of the ESHA, provide space for transitional vegetated buffer areas, and minimize human intrusion. This provision is also consistent with the intent of existing General Plan Policy 4 – buffer areas, which allows an increase or decrease in buffers upon evaluation and recommendation by a qualified biologist and approval by the decision-making body. Buffer zones less than 100 feet may occur where legal requirements dictate that a reduction occur to provide “economically beneficial use” of a property. Conversely, a buffer zone that exceeds 100 feet may be necessary to protect highly sensitive biological resources such as lagoons, raptor nesting sites, and nesting shorebird colonies. After the 2018 Planning Commission hearing, a minor edit was made to remove a confusing term “ESHA fuel modification overlap zone” and correct the term “buffer zone” for term consistency. The use of fencing to protect wet environments was also clarified that it was

only needed for those areas that may be impacted by the public. Minor modifications also occurred for readability.]

Sec. 8178-2.6.5 – Geotechnical Testing in ESHA or Buffer Zones

Geotechnical testing includes exploratory activities associated with evaluating a site for allowable, potential development. Such activities include drilling or excavation conducted to evaluate soil, geologic hazards, or hydrologic conditions (e.g., exploratory test holes for water wells, percolation testing for on-site wastewater treatment systems). When conducted in ESHA or buffer zone, such activities require a Coastal Development Permit (see Section 8178-2.4). Geotechnical testing shall be sited and designed to minimize adverse impacts to ESHA and buffer zones, and the following standards shall apply:

- a. Access Roads - To the extent feasible, access to a project site for geotechnical testing (e.g., wells, percolation tests) shall be provided by existing roads or track-mounted drill rigs. If a temporary access road is permitted, the volume and extent of grading shall be limited to the minimum required to accommodate the equipment. Existing topsoil and vegetative root stock shall be stockpiled and retained for use during site restoration.
- b. Required Restoration - Within 90 days from completion of exploratory testing, all temporary roads shall be restored to the original topographic contours, and all disturbed areas shall be restored with the original (previously stockpiled) topsoil and revegetated with species indigenous to the project site. Revegetated areas shall be monitored to ensure successful restoration.

See additional road standards in Section 8178-2.6.8.

[Staff Explanation. Development standards associated with exploratory testing are primarily based on the L.A. County Implementation Plan Section 22.44.1430. After the 2018 Planning Commission hearing, the text was corrected to remove superfluous words – “Also”.]

Sec. 8178-2.6.6 – Water Wells and Wastewater Systems

Water wells and wastewater systems shall be sited and designed to minimize impacts to ESHA, including impacts from grading, site disturbance, the introduction of increased amounts of water, and soil erosion.

Sec. 8178-2.6.6.1 – Water Wells

When a water well is proposed to serve a project, the applicant shall demonstrate, to the satisfaction of the Ventura County Watershed Protection District, as well as the applicable Groundwater Sustainability Agency that the proposed well will not have significant adverse individual or cumulative impacts on *groundwater, streams, or natural resources*. For a well location in close proximity of a *stream, drainage courses, and similar surface water conveyance*, a *groundwater* assessment must be performed by a qualified professional to ensure surface water will not adversely impact *groundwater* quality. The applicant shall be required to do a test well and provide data relative to depth of water, geologic *structure*, production capacities, degree of drawdown. To approve a well the County must find, based on substantial evidence, that it will not cause significant adverse impacts, either individually or cumulatively, on *coastal resources*.

[Staff Explanation. This provision is based on existing Sec. 8181-3.5.2 – Additional

Findings for Development in the Santa Monica Mountains Overlay Zone. It includes updated agency names. After the 2018 Planning Commission hearing, a grammatical correction was made.]

Sec. 8178-2.6.6.2 – Onsite Wastewater Treatment Systems

The County's Environmental Health Division (EHD) is responsible for enforcing onsite wastewater treatment system (OWTS) regulations and design standards. The design, installation, operation and maintenance of such systems shall be approved by EHD and, if applicable, the Los Angeles Regional Water Quality Control Board. The following standards complement existing public health and safety standards. New and replacement OWTS, including primary and expansion wastewater disposal areas, shall be sited and designed to minimize impacts on ESHA and buffer zones as follows:

- a. To the maximum extent feasible, OWTS shall be located away from wet environments and outside the protected zone (see Section 8178-7.4.3) of trees classified as ESHA (see Section 8178-7.3.1), and adequate setbacks shall be required to protect these areas from lateral seepage;
- b. New OWTS shall be sized to serve only the approved development and shall be sited within the approved building site and/or fuel modification zone; and
- c. To the maximum extent feasible, OWTS components that require maintenance (e.g., pumping septic tanks, maintaining effluent screens) shall be located in an area that can be accessed from exiting or approved access roads.

[Staff Explanation. OWTS standards for ESHA were developed in conjunction with the RMA/Environmental Health Division. Sources used included existing CZO text (Sec. 8178-2.4 (b.)(2), Sec. 8175-5.1(b), 8175-5.1(g)(6), Sec. 8175-5.4.5, Sec. 8175-5.17.10, Sec. 8177-3.6.3, Sec. 8178-4.2(6), and Sec. 8181-3.5.2 (c)) and certified standards in the L.A. County or City of Malibu LCPs. After the 2018 Planning Commission hearing, an additional cross reference was added and one was corrected.]

Sec. 8178-2.6.7 – ESHA Grading Standards

The standards of this Section 8178-2.6.7 shall be used in conjunction with those in Section 8175-5.17 when grading is permitted on property that contains ESHA, buffer zone, or a fuel modification zone which overlaps with a buffer zone:

- a. Development shall be designed to minimize alteration of natural landforms by using clustered development and split-level or stepped building pads on slopes that exceed 20 percent gradient.
- b. To reduce erosion and sediment loss, development shall be sited and designed to minimize vegetation clearing, grading and to limit disturbance of natural drainage features.
- c. Best management practices shall be used to minimize erosion and control runoff, and materials and techniques shall be utilized that avoid impacts on ESHA and water quality within wet environments.
- d. Erosion control measures used during project construction shall meet the following standards:
 1. Erosion and sediment control products shall not contain netting, except when the netting is manufactured from 100 percent biodegradable natural materials

and is comprised of a loose-weave, wildlife-safe design with movable joints between the horizontal and vertical twines (i.e., with twines that can move independently). In areas of geologic instability, the use of non-biodegradable netting and geotextiles fabrics that are manufactured with polypropylene fibers may be permitted for geologic slope support and stabilization.

2. Temporary silt fences reinforced with plastic mesh are prohibited.
3. When no longer required, temporary erosion and sediment control products shall be removed.
- e. Trenches, test pits, and other excavations shall be designed in a manner that prevents wildlife from entering and that provides a way for wildlife to escape if trapped.

(See Section 8178-2.6.5)

[Staff Explanation: Activities that adversely impact ESHA can occur during grading for construction, and setbacks from ESHA help avoid adverse impacts during construction. Best Management Practices (BMP) is a term used to describe a type of water pollution control or stormwater management plan that uses structural, engineered devices, and natural solutions such as bioswales to treat polluted stormwater, as well as operational or procedural practices to minimize the use of fertilizers and pesticides. After the 2018 Planning Commission hearing, the text was modified to remove confusing terms, remove unnecessary words ("Also") and modify terms "buffer zone" and "brush" to "vegetation" for consistent terminology use throughout the LCP.]

Sec. 8178-2.6.8 – Access Roads and Driveways in ESHA

New or expanded access roads and driveways in ESHA or buffer zones shall be sited and designed as follows:

- a. Except where access improvements are necessary to meet Ventura County Fire Protection District standards or to provide one access road/driveway to a lot, the construction and/or improvement of access roads and driveways that would increase access to any property shall be permitted only when it has been determined that environmental resources in the area will not be adversely impacted by the increased access;
- b. The number, width and length of access ~~hillside~~ roads and driveways shall be as ~~narrow as feasible~~ limited to the minimum necessary to establish access to permitted development and shall follow natural contours; and
- c. Within the Santa Monica Mountains (M) overlay zone, access roads and driveways shall meet the following standards:
 1. No more than one driveway, with one hammerhead-type turnaround area, shall be permitted for an individual lot. The length of new driveways, as measured from the property line, shall be limited in length to 300 feet, or one-third the parcel depth, whichever is less. Deviations from this standard may be permitted where a longer driveway is required as part of the least damaging alternative.
 2. To the maximum extent feasible, a single driveway shall be used to provide a combined source of access to adjoining lots. Grading cuts shall be minimized

~~by combining the accessways of adjacent property owners to a single road where possible. The intent is to reduce the number of direct ingress-egress points off public routes and to reduce grading. (AM.ORD.4451-12/11/12~~

3. Secondary access roads shall not be permitted unless the Ventura County Fire Protection District determines there are no feasible alternatives and a secondary route is needed to ensure adequate fire safety or to provide a necessary, secondary emergency route for an existing residential area served by a dead-end road whose length exceeds the Ventura County Fire Protection District's emergency access standards.

See standards for access roads used for geotechnical testing in Section 8178-2.6.5.

[Staff Explanation: After the 2018 Planning Commission hearing, the text was corrected to remove the superfluous word – “Also”.]

Sec. 8178-2.6.9 – Fuel Modification Requirements in ESHA or Buffer Zones

- a. A new or expanded fuel modification zone shall only be authorized through a new or modified Coastal Development Permit. Vegetation removed for fuel modification purposes shall be conducted in accordance with a Planning Division and Ventura County Fire Protection District-approved Fuel Modification Plan or ESHA Vegetation Management Plan (See Appendix E2, Section AE-2.4). Low-intensity vegetation removal techniques shall be used when removing vegetation in ESHA or buffer zone.
- b. An existing fuel modification zone which is expanded or modified within ESHA or a buffer zone requires a CISBA. (See Appendix E1, Section AE-1.3.2 (g)(1)(iv)).
- c. If ESHA or buffer zone is retained within a proposed expanded fuel modification zone, an approved ESHA Vegetation Management Plan (see Appendix E2, Section AE-2.4) is required.
- d. To protect from unintentional removal of ESHA or buffer zone that overlaps with a fuel modification zone, the outer boundary of each vegetation removal or thinning zone (e.g., 100 ft, 150 ft, 200 ft) shall be delineated with permanent zone markers so that the extent of vegetation thinning or removal zones are easily recognizable during maintenance activities.
- e. For landscaping requirements within a fuel modification zone, see Sections 8178-8.4.2.3 and 8178-8.4.2.4.

Sec. 8178-2.6.9.1 – Allowable Uses in Fuel Modification Zones

- a. Outside the building site and within the first 100 feet of a fuel modification zone, the following development and uses shall be allowed:
 1. Uses permitted in a buffer zone (Section 8178-2.5);
 2. Fire-resistant, drought-tolerant native trees and landscaping (pursuant to Section 8178-8.4.2.3);
 3. Confined animal facilities (pursuant to Section 8178-2.6.11) that do not require additional fuel modification;
 4. Water wells/septic drainage fields; and

5. Drainage and pollution runoff control devices (see Section 8178-2.6.3(d)) required and approved by the County to protect ESHA from erosion or degradation.
- b. Allowable uses within an expanded fuel modification zone shall be limited to approved vegetation management activities for fire protection purposes in accordance with Appendix AE-2.5 (when applicable), and resource-dependent uses described in Section 8178-2.5.1 that do not require the further expansion of any fuel modification zone.

[Staff Explanation. Following the 2018 Planning Commission hearing, the text was modified as a consequence of the Planning Commission directives to work with the Fire Protection District to arrive at consensus on fire clearance issues and to provide a potential reduced mitigation fee for expanded fuel modification zones. The previous subsection (b) in Sec. 8178-2.6.9.3 – Fuel Modification Overlap Zones was moved into this newly created section for allowable uses within a fuel modification zone. The new section incorporated a new standard for expanded fuel modification zone uses. In addition the text clarified the intent that the use regulations apply to outside the development site and the term ESHA Buffer zone was modified to “buffer zone” for term consistency.]

Sec. 8178-2.6.9.2 – Width of Fuel Modification Zones

When all or a portion of a fuel modification zone overlaps with ESHA or buffer zone, those areas shall meet the following standards:

- a. The width of a fuel modification zone shall be measured from the edge of the legally established buildings or structures, not from the boundary of the building site.
- b. The standard width of the mandatory fuel modification zone for legally established structures is 100 feet, except for the U.S. Naval Base Ventura County tactical critical assets at Laguna Peak which is 300 feet as measured from the existing perimeter of the facility⁶.
- c. An expanded fuel modification zone may be authorized up to 300 feet from a legally established structure or to the property line, whichever distance is shorter, if it is determined by the Ventura County Fire Protection District that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wildland fires. In making this determination, the Ventura County Fire Protection District may consider whether there are any other feasible mitigation measures possible.

[Staff Explanation: Following the 2018 Planning Commission hearing, the text was modified as a consequence of two of the Planning Commission’s directives: 1) to work with the Fire Protection District to arrive at consensus on fire clearance issues; and 2) to revisit the inclusion of a reduced mitigation fee for ESHA thinned in an expanded fuel modification zone. The section was reorganized to address allowable fuel modification zone widths in the Coastal Zone. A standard associated with how

⁶ Specific requirements for the fuel modification zone at the U.S. Naval Base facility on Laguna Peak will be determined by the Ventura County Fire Protection District.

to measure the fuel modification zone (a) was moved from Sec. 8178-2.6.9.1 (3) – Siting of Building Sites and Structures into this new section. References to fuel modification overlap zone were removed for clarity and the diagram for a fuel modification zone was updated to include the new expanded fuel modification zone, which is used beyond the first 100 feet of a fuel modification zone in compliance with the County's Fire Code. Additional edits were made to comply with amended PRC 4291 and 4291.3 which went into effect January 1, 2019 with the passage of AB 2911. And finally, minor changes associated with consistency of terms, corrections to formatting, the previously described reorganization, and minor edits to improve the clarity and readability of the text. After the 2021 Board hearing the text was modified to include that the Fire Protection District may consider whether there are any other feasible mitigation measures possible.]

Sec. 8178-2.6.9.3 – Reduced County In-Lieu Fee for ESHA Coastal Sage Scrub and Chaparral Thinning

The thinning of ESHA coastal sage scrub and chaparral within an expanded fuel modification zone as authorized by a Coastal Development Permit or modification thereto, may be eligible for a reduced ESHA compensatory mitigation fee pursuant to the County In-Lieu Fee Program (see Section 8178-2.10.1(e)).

[Staff Explanation. Following the 2018 Planning Commission hearing, Sec. 8178-2.6.9.3 was added to address the Planning Commissions directive to revisit the fairness and appropriateness of mitigation fees for property owners who thin ESHA beyond 100 feet for fire protection. The reduced in-lieu fee can only apply to Coastal Sage scrub and chaparral communities in the Santa Monica Mountains because this type of habitat is not under the jurisdiction of other state or federal agencies (wetlands, riparian, special status species, etc.).]

Sec. 8178-2.6.10 – Standards for Recreational Development

The applicant of a proposed new or expanded, resource-dependent recreational use/facility (see Section 8178-2.5.1) in environmentally sensitive habitat areas ESHA or buffer zones areas shall develop a management program site and design the facility/area to control the kinds, intensities, and locations of uses to preserve habitat resources to the maximum extent feasible. The following site design/development techniques shall be used to minimize adverse impacts on ESHA:

- a. To the maximum extent feasible, areas used for passive recreation, such as hiking trails, shall utilize established trails when available, follow natural contours, minimize grading and stormwater runoff and be located outside ESHA wet environments. To the maximum extent feasible, all recreational development shall be located outside an ESHA or buffer zone. Where such passive recreation areas are allowed in ESHA or buffer zone, well-defined trails, sustainable trail design (e.g., trails with negligible soil loss/movement, minimal maintenance requirements), fencing, signage or other techniques to protect and control access into sensitive areas shall be utilized;
- b. Areas used for recreational aircraft, including drones, are prohibited within 1,000 feet of ESHA.
- c. Recreational facilities/areas shall not be located where they would adversely impact the habitat of a species listed as threatened or endangered by a federal or state natural resource agency.

[Staff Explanation. This standard is based on existing North Coast Sensitive Habitats Policy 3. However, additional text was added to clarify that the standard is targeted towards resource-dependent recreational use (e.g., trails, low-impact camping), which is an allowable use in ESHA or buffer zones. Specialized standards are not provided for recreational uses classified as a non-resource-dependent use. After the 2018 Planning Commission hearing, the text was modified to clarify the intent of the ordinance, ensure trails are sited outside sensitive wet environments when possible and improve readability.]

Sec. 8178-2.6.11 – Confined Animal Facilities in ESHA or Buffer Zone

Within ESHA or buffer zones, new or expanded confined animal facilities (e.g., corrals), including associated structures (e.g., stables, barns, shelters), are subject to the following standards:

- a. Building Site – Structures for confined animal facilities are allowed within an approved building site on lots that exceed one acre (see Section 8175-5.2.4 – Animals and Fowl).
- b. Fuel Modification Zone - When a confined animal facility is allowed in a mandatory fuel modification zone that overlaps with ESHA or buffer zone outside the building site, pursuant to Section 8178-2.6.9.1, such facilities are limited to corrals, fencing, water troughs and unenclosed shade structures, and shall meet the following standards:
 1. No component shall result in the expansion of the fuel modification zone.
 2. The facility shall be located on slopes less than 20 percent and outside the required buffer zone for an ESHA wet environment.
 3. Lighting and irrigation (i.e., irrigated pasture) are prohibited.
 4. A manure management plan shall be submitted for County review and approval requiring that animal waste, chemicals and other such potentially harmful materials be stored in a sealed area, inside a structure, or in a covered container with an impervious bottom surface.
 5. Protective fencing shall be provided around the dripline of native trees to protect the trees from rubbing, chewing, soil compaction or other direct impacts.
 6. All fencing shall be wildlife-permeable and consistent with the standards for such fencing in Section 8178-2.6.14 – Fences, Gates and Walls.
- c. Sediment, animal waste, and stormwater runoff shall not be discharged from an animal containment facility to ESHA or buffer zone. Animal waste, fertilizers, and chemicals shall be retained within the boundary of the animal containment facility through the following measures:
 1. Use vegetated berms or other measures to divert and percolate stormwater runoff from holding pens and areas where animal waste, compost, fertilizer, or amended soil products are disposed of or stored.
 2. Filter strips, native vegetation, gravel, sand, vegetated swales, or other similar materials or measures shall be used along the periphery of corrals.

pens, animal showers, and storage areas to absorb oils, chemicals and fertilizers and treat stormwater runoff.

See Section 8175-5.2.4 - Animals and Fowl for additional standards for a confined animal facility.

[Staff Explanation. The proposed standards for confined animal facilities are designed to minimize the adverse effects on ESHA, which can occur if the facility is not sited and designed properly. For example, small-scale confined animal areas are generally characterized by compacted soils, a denuded landscape devoid of vegetation, large amounts of nutrient runoff, the introduction on invasive plant species, and the presence of rodents and pests. Well-sited and designed facilities alleviate the overall impact on nearby ESHA, especially when these facilities are in a fuel modification zone that overlaps with ESHA or buffer zone. After the 2018 Planning Commission hearing the term “ESHA fuel modification overlap zone” was removed for readability, the term “for horses” was removed because the standards pertain to all animal containment facilities, and clarification that the facilities that are sited outside of the building site in the mandatory fuel modification zone is the intent of the ordinance.]

Sec. 8178-2.6.12 – Bird-Friendly Building Standards

The following standards are designed to reduce bird mortalities caused by a bird’s inability to see reflective, transparent surfaces.

Sec. 8178-2.6.12.1 – Applicable Development

Bird-safe treatments are required on all new structures, new structure additions, and remodel(s) of existing, non-conforming structures that include the replacement of the glass or windows on at least one façade of the existing structure (see Section 8182-2). Buildings classified as a National Historic Landmark, State Historical Landmark or Point of Historical Interest, or a County Historical Landmark or Site of Merit are exempt from all standards in this Section 8178-2.6.12

Sec. 8178-2.6.12.2 –Bird-Friendly Treatments for Structural Features

The following structural features are considered bird hazards: freestanding clear glass walls/fences; balconies with unbroken glazed segments (16 square feet or larger); transparent glass-like components on rooftops; uncovered atriums; and uncovered/enclosed courtyards enclosed in glass. Building features that are considered bird hazards shall be avoided or treated with bird-safe glazing treatments.

Sec. 8178-2.6.12.3 – Bird-Friendly Window Treatments

Bird-safe glazing treatments are required on unbroken glazed segments that are 16 square feet or larger. Acceptable bird-friendly window treatments include, but are not limited to, the following:

- a. Glass/glazing treatments: Ultra-violet patterned glass, fritting, netting, permanent stencils, frosted glass, window films, etched glass, and glass block. Mirrored glass is prohibited.
- b. Architectural features added to the exterior of windows, such as window screens, louvers, shutters, latticework, decorative grilles, or exterior shades.

Physical grids or horizontal/vertical lines used for bird-safe window treatments shall meet the 2x4 rule — horizontal spaces must be less than 2 inches high and vertical spaces must be less than 4 inches wide. Treatments that contribute to a bird-friendly building include balconies or overhangs, deeply recessed windows, awnings, window mullions, and tinted glass. The Planning Director may approve equivalent bird-safe glazing treatments based upon the recommendation of the Planning Staff Biologist or County-contracted qualified biologist.



What birds see



What we see

Photo: Ornilux GlassGlass that uses UV patterns to allow birds to detect the glass, while it appears clear to humans.

[Staff Explanation. The Coastal Commission's LCP guidance document recommends that standards be provided to reduce bird mortalities, as research shows that buildings and windows are the primary killer of wild birds in North America. Roughly 44 percent of bird fatalities are associated with 1 to 3 story residences. Estimations are that 1 to 10 percent of the total migratory population dies in window crashes annually (Klem, 2009), and many are endangered or threatened bird species. Birds see reflections of vegetation and sky in a window and respond as if the reflections are reality. A wide range of affordable products are available, including films and glass that do not hinder views. After the 2018 Planning Commission hearing, the term County-contracted qualified biologist was added to provide flexibility to the County if there is no biologist on staff.]

Sec. 8178-2.6.13 – Construction Standards

The following standards apply to all pre-construction and construction activities including related grading, land clearing, and vegetation/brush removal, which are collectively referred to as "construction" in this Section 8178-2.6.13.

- a. Construction Equipment and Materials - Construction equipment storage and staging areas shall be graphically depicted on approved site, grading and building plans. The extent of construction equipment storage and staging areas shall be limited to existing, legally disturbed areas and the approved development envelope. To the maximum extent feasible, locate such areas outside the buffer zone and away from adjoining ESHA.
- b. Access Roads and Driveways - The construction of access roads and driveways shall occur in conjunction with the construction of the structures and use they are intended to serve, except when a temporary road is necessary to conduct geotechnical testing pursuant to Section 8178-2.6.5.
- c. Construction Noise – Construction noise is subject to the noise threshold in Section 8178-2.6.16. Outdoor construction within, abutting, or adjacent to an ESHA noise sensitive receptor is prohibited after sunset;
- d. Alterations to a Wet Environment - Construction shall occur during a period of low flow, and construction time and/or equipment shall be kept to a minimum. Construction activities shall also utilize best management practices required by the County's Public Works Agency and the LCP to protect water quality, protect

sensitive resources, or minimize the discharge of sediment into drainages. See subsection (f) for measures that limit the spread of aquatic invasive species.

- e. Bird Nesting Survey - An applicant shall be required to prepare a bird nesting survey prior to the issuance of a Zoning Clearance authorizing construction activities if: (1) the project is within the buffer zone for breeding, bird habitats during nesting season; or (2) trees or other vegetation classified as ESHA are allowed to be altered, transplanted, or removed during the bird nesting season (January 1 - September 15, see Section 8178-7.4.2). The required bird nesting survey report shall conform to the requirements provided by subsection (g) below and Section 8178-7.7.4.1.1, including bird breeding and nesting protocols.
- f. Invasive Species - The following measures shall be taken to limit the spread of invasive or invasive watch list plant species during construction activities:
 - 1. Infestations of invasive or invasive watch list species listed by the California Invasive Plant Council shall be eradicated within the development envelope before construction activities begin. The contractor shall carefully dispose of soils, seeds, and plant parts or invertebrates found during inspection and cleaning.
 - 2. Trail construction staging and work sites shall be inspected and pre-treated for noxious weeds before such areas are used during construction.
 - 3. Prior to moving equipment onto the project site, or prior to moving equipment out of an infested area and into an uninfested area, all soil, seeds, plant parts, and invertebrates shall be cleaned from the exterior surfaces of the equipment to the maximum extent feasible.
 - 4. Construction activities within a wet environment shall be designed to prevent the spread of aquatic invasive species and contaminants (see Section 8178-2.7.3.2).
 - 5. Best management practices shall be used when moving or disposing wood products (e.g., downed trees, firewood, compost, mulch) on or off-site to prevent the spread of the invasive species or invasive diseases.

See landscape area development standards in Section 8178-8.4.1, which prohibit the use of invasive or invasive watch list plant species.

[Staff Explanation. Invasive, nonindigenous plant and animal species threaten the diversity and abundance of native species, the ecological stability of infested habitats, and commercial, agricultural, aquaculture or recreational activities dependent on such habitats. Invasive watch list species are species that have a high probability of becoming invasive in California, but have yet to be officially classified by the California Invasive Plant Council.]

- g. Special Status Species – When potential adverse impacts are identified to special status species within the Site Specific Environmental Assessment (CISBA) for the project or within a Tree Survey for the removal of an ESHA protected tree (Section 8178-7.7.4), the following standards shall be applied prior to construction or before an ESHA protected tree removal or alteration:
 - 1. If special status plants are discovered during construction or pre-construction surveys, impacts shall first be avoided to the maximum extent feasible by

protecting the plant and its surrounding microclimate with fencing. If the impact is unavoidable, individual plants shall be relocated to suitable habitat or new, replacement plants shall be provided in a restoration site used as compensatory mitigation.

2. Construction activities shall be timed to avoid the disturbance of special status species, or the habitats of such species, during a critical life stage (e.g., breeding, nesting, denning, roosting) as identified in the Coastal Initial Study Biological Assessment.
3. The applicant shall survey the area⁷ 20 to 30 days prior to site disturbance if there is potential for special status wildlife to move into the construction area, or if habitats that support a critical life stage (e.g., nesting, roosting/staging, denning, overwintering sites, etc.) of a special status species were identified within 500 feet of the construction area. In such cases, a County-approved, qualified biologist shall conduct a pre-construction survey(s) one to three days prior to initiation of any construction activities, including vegetation/brush removal, and periodically during construction as determined by the qualified biologist in consultation with the Planning Division Planning Staff Biologist or County contracted qualified biologist. If a special status species vulnerable to vegetation/brush removal or earth disturbance is found during pre-construction surveys, the Planning Division Planning Staff Biologist or County contracted qualified biologist may condition the permit to require an additional survey on the day of construction, prior to vegetation/brush removal or earth disturbance activities.
4. If a special status species is found within the disturbance area that is in a critical life stage and sensitive to the proposed construction disturbance, then construction shall be postponed until the occupied area is vacated or the wildlife shall be relocated to suitable, undisturbed habitat by a qualified biologist if authorized pursuant to a valid collecting permit (when required by an agency with jurisdiction over the wildlife). If the species critical life stage may not be sensitive to disturbance from the proposed construction activity (e.g., an occupied woodrat midden), then a qualified biologist shall monitor the nest as needed based on the recommendation by the Planning Staff Biologist or County contracted qualified biologist.
5. If a special status species-occupied habitat supporting a critical life stage is located within 500 feet of the disturbance area, and construction activities cannot occur without infringing on the required buffer zone for the occupied habitat, then construction shall be postponed until the occupied areas are either vacated and/or the fledglings/juveniles leave the area. Construction activities shall not resume until the County confirms there is no evidence of a second attempt at occupation of the habitat by breeding birds or other special status species. An exception may be authorized where the CISBA and/or the pre-construction bird survey demonstrates that encroachment into the buffer zone will not harm the special status species and is consistent with the criteria

⁷ See Appendix E1 for survey requirements. USFWS, XERCES and CDFW protocol level surveys shall be followed when applicable.

provided in Section 8178-2.7.7 – Breeding, Staging and Stopover Bird Habitats.

6. Bat Roosts - The conditions of approval for the permit shall include stop-work procedures if special status species bats are discovered during the construction process. If special status species bats are discovered during construction activities, any relocation or removal of the bat(s) shall occur without injuring or killing the bat(s) and shall be conducted by a professional holding a current California Department of Fish and Wildlife Trapping License.

See Sections 8178-2.6.5 and 8178-2.6.7.

[Staff Explanation. After the 2018 Planning Commission hearing, minor edits were made to correctly reference protocol surveys (within footnote), correct errors (staging and stopover habitats are used for migration- not breeding), clarify intent (applicant not permittee), correct cross-references, add invasive watch list species to invasive species actions, remove an unnecessary footnote, correct terms for consistency, and remove superfluous language (“Also”) for readability. In addition, modifications were made to incorporate flexibility for scenarios that the special status species is not sensitive to the proposed construction activity and to provide concrete examples of avoidance measures to take if a protected plant is found during construction.]

Sec. 8178-2.6.14 – Fences, Gates and Walls

The following standards apply to an ESHA or buffer zone and all areas within the Santa Monica Mountains (M) overlay zone.

Sec. 8178-2.6.14.1 – General Requirements

- a. ESHA and Buffer Zone – Fences, gates, and walls are prohibited in an ESHA or buffer zone outside the development envelope, except when used for habitat protection or restoration and when specified by a County-approved ESHA Mitigation Plan (see Section 8178-2.10.9). Within these plans, permanent fencing is allowed in buffer zones that are located in publicly accessible areas to protect ESHA that are particularly sensitive to human impacts. Non-wildlife permeable fencing or walls may be permitted along road corridors if the sole purpose of such fencing or walls is to funnel wildlife to safe road crossings (i.e., underpass, overpass).
- b. Development Envelope: Wildlife-permeable fencing is allowed throughout an approved development envelope (see Section 8178-2.6.14.4 for standards), and gates are allowed at entry points to a property when located in the development envelope.
- c. Building Site: All types of fencing, gates and walls are permitted in an approved building site, subject to the standards of Section 8175-3.11 and subsections (d) and (e) below.
- d. Isolation of Wildlife: New fences and walls shall not result in the isolation of on-site ESHA from off-site ESHA, habitat connectivity corridors, or protected open space areas.
- e. Prohibited Materials: Fences, gates and walls shall not be constructed of, or topped with, spikes, barbs, glass, razors, or any similar material. Barbed-wire fencing is prohibited. Exceptions may be allowed for telecommunication or

public/utility facilities (e.g., freeway or major highway, electrical substation, water storage tank) that require such fencing for public safety or security purposes.

[Staff Explanation. After the 2018 Planning Commission hearing, minor edits were made to clarify the intent of the ordinance, remove superfluous language or correct referenced plans (“Also” or “Habitat Restoration Plan”) for readability. At the request of the Harbor Department, the text was modified to clarify that permanent fencing would be allowed in a buffer zone to protect ESHA from areas of high public use – such as Hollywood Beach.]

Sec. 8178-2.6.14.2 – Temporary Fencing for Habitat Protection and Restoration

Temporary fencing may be used in ESHA and buffer zones for habitat protection or restoration, including but not limited to fencing deemed necessary to protect shorebird nests from predators, prevent wildlife and people from entering habitat restoration areas, and protect shorebird nesting colonies. Such fencing may be wildlife-permeable or non-wildlife permeable.

Sec. 8178-2.6.14.3 - Off-Highway Vehicle Barriers

Wildlife permeable fencing shall be used when new fencing is deemed necessary to prevent off-highway vehicles from entering wet environments, beaches, or other wildlife habitat areas.

Sec. 8178-2.6.14.4 – Standards for Wildlife-Permeable Fencing

Wildlife-permeable fencing is defined as fencing that can be easily passed through by all species of wildlife, including but not limited to deer, coyotes, bobcats, mountain lions, ground rodents, amphibians, reptiles and birds. Wildlife-permeable fencing is subject to the following standards:

- a. Fence material shall be wood or a material that looks like wood (e.g., wood composite, recycled wood products, vinyl), except as provided by subsection (d) below.
- b. Fence posts shall be set at 20-foot maximum intervals to ensure visibility by animals, and posts shall not be hollow at the top to avoid smaller animals falling into the fence post.
- c. Horizontal fence components shall be split-rail or flat-board with no more than three horizontal rails or boards, except as provided by subsection (d) below, and shall meet the following standards:
 1. The lower edge of the bottom horizontal rail or board shall be at least 18 inches from the ground;
 2. A minimum two-foot gap shall be provided between each rail or board; and
 3. The maximum height of the fence shall be 48 inches from the ground.
- d. Wire may be used as the horizontal fence component for an animal containment facility when it is located in a fuel modification zone that overlaps with ESHA and buffer zone. The wire used is subject to the following standards:
 1. Only smooth wires are permitted and barbed wire is prohibited; and

2. High-visibility tape/braid, vinyl siding trim, small diameter PVC tubing, or other visual markers must be added to the top and middle wires. Flagging and other materials that degrade over time are not permitted.

[Staff Explanation. The standards for wildlife permeable fencing are derived from documents that discuss fencing guidelines and specifications and are similar to those used by state wildlife agencies. The standards are designed to accommodate passage of the widest range of wildlife species, consistent with the other functions for which fencing is erected. After the 2018 Planning Commission hearing, a minor edit removed the term “ESHA fuel modification overlap zone” and the standard was edited for readability.]

Sec. 8178-2.6.15 – Outdoor Lighting Standards in ESHA and Buffer Zones

[Staff explanation: After the 2018 Planning Commission hearing, Planning staff was asked to incorporate Dark Sky lighting standards for the Santa Monica Mountains overlay zone within the ESHA amendment to streamline processing with the California Coastal Commission certification process. Therefore, Planning staff removed the portion of the ESHA outdoor lighting text that specifically targeted the Santa Monica Mountains and specialized use requirements. Outdoor lighting policies specifically targeted to ESHA remain below. However, the basic standards associated with Dark Sky lighting are now referenced to avoid the replication of ordinance language.]

The following standards apply to all outdoor lighting installed on or after [effective date of ordinance] that could impact ESHA in the coastal zone. For outdoor lighting within the Santa Monica Mountains (M) overlay zone, see Section 8177-4.1.11 for additional lighting standards and requirements.

Sec. 8178-2.6.15.1 - Exemptions

The regulations and standards of this Section 8178-2.6.15 do not apply to outdoor lighting for development or uses to the extent stated below:

- a. Development and uses identified in Section 8177-4.1.11.2 (a), (b)(1), (2) & (4) and (d).
- b. Outside the (M) overlay zone, temporary or intermittent illumination of ESHA or buffer zones for crop production that is consistent with usual or customary agricultural activities, including during weather events.

Sec. 8178-2.6.15.2—Regulations and Standards

The following regulations and standards apply to outdoor lighting and use thereof in ESHA or buffer zones:

- a. ESHA —Outdoor light fixtures shall only be installed outside ESHA and in locations where light trespass into and the direct illumination of ESHA are avoided, except when outdoor lighting is necessary for a resource-dependent use within ESHA that is authorized by Section 8178-2.5. If outdoor lighting is required for resource dependent uses in ESHA, additional specific measures shall be developed in the site-specific environmental assessment to reduce impacts from outdoor lighting to the maximum extent feasible.

[Staff Explanation. Most development is not allowed in an ESHA, and light fixtures are considered development. However, light fixtures located outside the ESHA can result in the direct illumination of wildlife and can increase overall light levels in sensitive habitats. The proposed standard for ESHA is consistent with Coastal Act Policy 30240 – Environmentally Sensitive Habitat Areas, as it would prohibit light fixtures in ESHA and the direct illumination of ESHA.]

- b. Buffer Zones — To the maximum extent feasible, outdoor light fixtures shall be installed outside a buffer zone and in locations where light glare and light trespass into the buffer zone is minimized. When outdoor lighting is placed in a buffer zone, it shall comply with the following:
 - 1. Section 8177-4.1.11.5 – General Outdoor Lighting Standards.
 - 2. Outdoor light fixtures identified in Section 8177-4.1.11.4 are prohibited.
 - 3. Outdoor lighting for a pool, tennis court, or other recreational facility that is accessory to a dwelling shall be shielded or screened from nearby ESHA. If such lighting causes light trespass in excess of 0.1 foot-candles at the vertical plane and the horizontal plane at the edge of a buffer zone or ESHA, then the facility shall not be illuminated between 10 p.m. and sunrise.
 - 4. Outdoor lighting shall utilize the minimum output and correlated color temperature necessary for the intended purpose. All security lighting shall be controlled by a motion detector or timer programmed to turn off no more than five minutes after activation.
- c. If application of the regulations and standards in this Section 8178-2.6.15.2 does not avoid potential adverse impacts to ESHA, additional standards shall be considered and utilized to reduce impacts from outdoor lighting to the maximum extent feasible.

Sec. 8178-2.6.16 – Noise Standards

The following standards apply to an ESHA or buffer zone and all areas within the Santa Monica Mountains (M) overlay zone. All development, including outdoor festivals, outdoor sporting events, and temporary film productions,⁸ shall be sited and designed to minimize noise in ESHA or buffer zones through the application of the following standards:

- a. Noise Threshold for Non-Residential Development – For non-residential development, noise levels within an ESHA shall not exceed a noise threshold of 50-dB Leq (h). In areas where the ambient noise level is above 50-dB Leq (h) (e.g., near freeways or rail lines), noise levels shall not exceed the measured ambient hourly equivalent noise level Leq(h) plus 3 dB within adjoining ESHA. In addition, instantaneous Lmax noise levels shall not exceed the threshold criteria by 20 dBA more than 8 times per hour.

⁸ Noise standards in this Section only apply to temporary film productions that require a coastal development permit. For permitting requirements, see Section 8174-5.

- b. Helicopter Pads - No private helicopter pads shall be permitted within the Santa Monica Mountain (M) overlay zone, except where needed by an agency for emergency services.
- c. Outdoor Equipment - When sound-producing outdoor equipment is proposed on a lot that could impact a nearby ESHA noise sensitive receptor, the equipment shall be sited and designed to meet the following standards:
 - 1. Locate sound-producing outdoor equipment (e.g., roof/ground-mounted HVAC, pumps, generators, compressors, and fans) as far as practicable from the ESHA noise sensitive receptor(s) or locate the equipment in an area where existing or proposed structures or solid walls act as a noise barrier between the noise source and ESHA noise sensitive receptor(s).
 - 2. Cooling towers for power facilities and other industrial uses shall be sited and designed to direct noise away from ESHA noise sensitive receptor(s). When feasible, cooling towers shall be sited in such a manner that nearby structures or equipment acts as a noise transmission barrier.

See Section 8178-2.6.13(c) for construction noise standards.

[Staff Explanation. The location and design of new roads, buildings, or other development affects noise levels within environmentally sensitive habitats, and excessive noise can negatively affect wildlife. The effect of noise varies by species, and the proposed noise threshold is designed to avoid noise levels that produce negative responses in wildlife (e.g., changes in reproduction levels, abundance, stress hormone levels, and species richness). To put noise measurements in context, the typical noise level of a quiet suburban street is 40 to 50-dBA. For an arterial roadway, the typical noise level is 50 to 60 dbA. In addition, the EPA established a 55-dBA threshold to protect the health and welfare of the American public. The two thresholds for short-term noise levels are based on the County's Construction Noise Threshold Criteria and Control Plan, which has a 50-dBA Leq(h) construction noise threshold during the evening within residential neighborhoods. That same threshold applies to an area ten feet from the nearest noise sensitive building. Because sound levels can vary significantly over a short period of time, the proposed standard is based on the Leq(h) noise measurement, which represents the noise level averaged over an hour (h). After the 2018 Planning Commission hearing, a minor edit was made to remove superfluous wording ("Also").]

Sec. 8178-2.7 – Additional Standards for Specific Coastal Habitats

Sec. 8178-2.7.1–Coastal Dunes and Beaches

Sec. 8178-2.7.1.1 – Coastal Dunes

Development activities leading to that would result in the degradation, erosion or destruction of coastal dune habitats are not permitted is prohibited. Prohibited activity in a dune habitat and its buffer zone includes, but is not limited to, use by off-road vehicles, motorized or non-motorized vehicle traffic, sand mining, filling and the dumping/disturbance of vegetated areas, mechanized beach grooming, and sand removal or sand redistribution, except as allowed by Section 8178-2.7.1.4. Development, including outdoor festivals and outdoor sporting events, that could adversely affect a dune habitat shall be subject to the following standards:

- a. Outdoor Festivals/Outdoor Sporting Events - If such events are proposed on a beach, the event shall be located outside the buffer zone for dune habitats. To protect the dune habitat during an outdoor festival or outdoor sporting event, signage prohibiting entry shall be posted and temporary barriers (e.g., fencing) shall be placed along the buffer zone boundary when permanent barriers are absent.
- b. Design Standards - When development is permitted in a dune habitat, it shall be sited and designed utilizing subject matter experts and the best available science that includes, but is not limited to, the higher levels of current sea level rise projections over a minimum of 20 years and coastal dune habitat morphology as follows:
 - 1. Features such as raised walkways, foot paths, signage and physical barriers shall be used to control pedestrian and domestic pet movement and activities within the dune habitat and buffer zone.
 - 2. Existing coastal dune habitat formations and native vegetation shall be retained, except when the subject dune habitat is being restored or enhanced as part of the project pursuant to a County-approved ESHA Mitigation Plan (see Section 8178-2.10.9).
- c. Dune Restoration - If dune habitat vegetation is being restored as part of the project, then the vegetation shall be restored in a manner that accommodates the ecological needs of sensitive native dune habitat species (e.g., native vegetation communities). If dune habitat restoration includes the removal of existing vegetation, then the lowest-intensity, effective vegetation removal techniques shall be utilized to minimize impacts on the dune habitat. The design and implementation of all coastal dune habitat restoration projects shall be conducted by a dune restoration specialist and based off of the best available science that includes the higher levels of sea level rise projections for the area (minimum of 20 years), coastal dune morphology, and other appropriate scientific research associated with coastal beach ecology.

See standards in Section 8178-2.7.1.4 for sand removal near a coastal dune habitat.

[Staff Explanation. Coastal dunes provide habitat for shoreline birds and other species and act as a buffer against storm extreme tides and storm surges. However, the vegetation that holds a dune together can be easily damaged. Due to the fragile nature of the dune ecosystem, most development or human activity will degrade or destroy the physical, vegetative, and functional makeup of a dune ecosystem. The proposed regulations are designed to keep dunes dune habitat intact. They are based on certified policies in LCPs for the City of Malibu, Los Angeles County, and Mendocino County. The regulations are also consistent with General Plan Policy 1.10.1(2), which states that “discretionary developments which would result in the removal of dune vegetation shall be conditioned to replace the vegetation”. After the 2018 Planning Commission hearing, additional text associated with sea level rise policies being developed by the County were included. In addition, a minor edit was made to remove superfluous wording (“Also”) and to correct the document terminology associated with mitigation requirements.]

Sec. 8178-2.7.1.2 – Beaches

- a. An applicant for any *Coastal Development Permit*, including a permit for a *shoreline protective device*, must show that the proposal will not cause long-term adverse impacts on a beach. ~~or intertidal areas~~. Impacts include, but are not limited to, ~~destruction of the rocky substrate~~, smothering of organisms, contamination from improperly treated wastewater or oil, and *runoff* from streets and parking areas. Findings to be made shall include proper wastewater disposal.
- b. Except for emergency access, no vehicle shall be allowed below the monthly highest tide line from March 1 to August 31 when grunion eggs are present, or within 500 feet of a shorebird colony during the March 1 to September 30 nesting season, unless otherwise authorized by a Coastal Development Permit. To the maximum extent feasible, to avoid disturbing a nesting bird or a nesting shorebird colony, trash cans shall be placed outside the buffer zone for nesting shorebirds (i.e., 300 feet for a nesting bird, 500 feet for a nesting bird colony). If placement outside the buffer zone is infeasible, trash cans shall be placed at locations where public walkways or roads provide points of public access to the beach.

[Staff Explanation. Existing text from Sec. 8178-2.2 - Identification of Environmentally Sensitive Habitat Areas (ESHA), subsection (2)(b) Tidepools and Beaches, was replaced by the more detailed beach grooming and replenishment standards below. After the 2018 Planning Commission hearing, a minor modification was made to subsection (a) to clarify the intent of the ordinance.]

Sec. 8178-2.7.1.3 – Beach Grooming

Beach grooming includes the removal of driftwood, debris and seaweed (beach wrack) from beaches, which may include leveling sand. Beach grooming is subject to the following standards:

- a. Beach grooming is permitted year-round when limited to the hand removal of trash/debris or driftwood that presents a clear public safety hazard, and the activity does not disturb spawning grunions or nesting shorebirds.
- b. Except as allowed by subsection (c) below, mechanical beach grooming is prohibited year-round below the monthly highest tide line. Above the monthly highest-tide line, mechanical beach grooming is permitted when such activities occur outside an ESHA or buffer zone (e.g., lagoon/estuary/wetland, coastal dune habitat, nesting shorebirds, designated Important Bird Area).
- c. The removal or disturbance of beach wrack is prohibited below the monthly highest-tide line unless trash/debris/driftwood entangled in the wrack poses a clear threat to public safety. In such cases, the trash/debris may be removed mechanically or by hand. To ensure the “take” or disturbance of a special status species does not occur, a qualified on-site biological monitor experienced with the species shall be present when the emergency removal or disturbance of beach wrack is located in an area occupied by a nesting shorebird colony or is within 300 feet of a nesting shorebird.

[Staff Explanation. After the 2018 Planning Commission hearing, a minor correction was made to the text to clarify that it is not only the federally listed western snowy plovers that nest on the County’s beaches, but other shorebirds nest here as well, such as the California least tern.]

Sec. 8178-2.7.1.4 – Sand Removal/Redistribution on a Beach

Within the existing communities of Hollywood-by-the-Sea and Silverstrand Beach, sand removal and redistribution may be conducted to remove sand from public accessways to the beach and to prevent physical damage from wind-blown sand inundation of public facilities or existing, legally permitted development that abuts Hollywood or Silverstrand beaches. The removal and redistribution of sand shall only be permitted when conducted in accordance with an approved Coastal Development Permit and the following standards:

a. Allowable Sand Removal/Sand Redistribution Area:

1. Sand removal shall be limited to a 50-foot area that extends from the property line of the existing private development or that is within the existing public accessway. Sand removal may occur within the buffer zone of a dune habitat, but sand removal is prohibited in ESHA or the buffer zone of a nesting bird(s) or shorebird colony.
2. Sand redistribution shall be limited to an area that extends 150 feet seaward from the edge of the 50-foot sand removal area. Sand redistribution, which may include the leveling of sand, shall only occur outside ESHA and buffer zones.

b. Vehicles/Equipment - Vehicles and equipment used for sand removal and sand redistribution shall not come into contact with the intertidal zone or ocean waters, and shall be cleaned and maintained at an off-site location to prevent the discharge of any harmful or foreign materials on the beach or in the ocean;

c. Special Status Species: Whenever feasible, sand removal and redistribution activities shall occur outside the nesting season for rare or endangered shorebirds (e.g., western snowy plover or California least tern, with a nesting season of March 1 – Sept. 15). If sand removal and redistribution is necessary during the nesting season to avoid sand inundation, and the beach is occupied by a rare or endangered shorebird, then such activities may only be authorized if conducted in accordance with the standards in Sections 8178-2.7.6, and 8178-2.7.7, and the following additional standards:

1. Sand removal shall be limited to two coordinated events for all affected properties during each nesting season⁹; and
2. No “take” or disturbance of a threatened or endangered species shall occur, and the U.S. Fish and Wildlife Service or California Dept. of Fish and Wildlife shall be consulted regarding the scheduling of, and required survey or monitoring procedures for, sand removal and redistribution events.

If necessary to protect public safety, sand removal and redistribution activities may occur during a declared public emergency if conducted in accordance with an emergency permit (see Section 8181-3.7).

[Staff Explanation. The sand removal and redistribution standards are limited to Hollywood Beach and Silverstrand Beach because they are the only beaches in the County’s coastal zone that contain existing development that abuts beaches that lie

⁹ See Appendix E1, Section AE-1.2.3, for additional information on coastal dune habitats and buffer zones.

above the high-tide line on a year-round basis. Existing development outside those two areas is not subject to damage due to wind-blown sand inundation. Some existing communities (e.g., La Conchita, Solromar) contain no beachfront development, and other existing communities (e.g., Seacliff, Mussel Shoals) abut beaches that frequently lie below the high tide line.]

Sec. 8178-2.7.1.5 – Beach Replenishment

- a. Sediment may only be used for beach sand replenishment when it is free of contaminants, of a suitable grain size, color, and type that is compatible with the sand at the placement site, and when demonstrated through testing to be in accordance with federal and state standards.¹⁰ ~~for its intended use, Dredge spoils should~~
- b. ~~Dredge spoils should not be used for b~~ Beach replenishment ~~unless it can be shown that the process shall not occur if the process would cause would not~~ adverse impacts to coastal processes or *habitats* such as *intertidal* reefs, grunion spawning grounds, *estuaries*, marsh, *offshore habitats* or other interconnected *ESHA ecosystems*. An exception may be provided for ESHA restoration and establishment projects to create new dune habitats if the project is designed to minimize adverse impacts on beach, intertidal and offshore resources. Beach alteration projects shall be carried out utilizing the best available science that includes, but is not limited to, sea level rise projections, and in consultation with the California Department of Fish and Wildlife and other natural resource agencies. ~~The Department of Fish and Game, as well as other appropriate agencies, shall be consulted as to appropriate mitigation measures.~~
- c. For beach replenishment projects, an evaluation shall be provided by the applicant that includes the following information:
 1. The type of material, method of material placement, time of year of placement, and sensitivity of the placement area;
 2. ~~This includes a survey of potential environmental impacts;~~ Impacts on coastal processes or habitats, including but not limited to the project's effects on *adjacent* and *downstream habitats and structures*, net littoral drift, and downcoast beach profiles;
 3. Characteristics of the receiving area, such as unnourished beach width, adjacent land uses or structures and habitat types, access locations, proximity to coastal streams or river mouths, and historic erosion trends; and
 4. Measures that will be used to avoid or minimize adverse impacts to biological resources and public access and to monitor/document shoreline changes in the project vicinity.

[Staff Explanation. Existing CZO Sec. 8178-2.2 (4)(d) - Identification of Environmentally Sensitive Habitat Areas (ESHA) Wetlands was updated to include recommended changes from BEACON. Also, certified language from the CAP was

¹⁰ Standards are established by the Environmental Protection Agency (EPA), U.S. Army Corp of Engineers (USACE), and Regional Water Quality Control Board (RWQCB).

moved to this section of the CZO (Beach Erosion, policy 5, and ESHA, wetlands, policy 5. After the 2018 Planning Commission hearing, the text was modified to add sea level rise planning recommendations.]

Sec. 8178-2.7.2—Coastal Bluff Habitats

Non-resource dependent development allowed within coastal bluff habitats shall be set back a sufficient distance from the bluff habitat to ensure the protection of bluff ESHA. Also, development shall be designed to incorporate best management practices that minimize pollution, runoff, and siltation from developed areas to the coastal bluff habitat.

[Staff Explanation. Blufftop development is susceptible to erosion and loss of substrate from rain, wind, and ocean events. Setbacks from a coastal bluff account for future substrate loss over the life of the development, and setbacks are also designed to minimize adverse impacts on the structural integrity and visual quality of the bluff. The proposed standard was taken from LCPs for San Luis Obispo and Santa Barbara Counties. After the 2018 Planning Commission hearing, a minor edit was made to remove superfluous wording (“Also”).]

Sec. 8178-2.7.3 – Wet Environments

~~e.1. All developments on land either in a stream or creek corridor or adjacent or within 400-500 feet of such corridor (buffer area); a wet environment shall be sited and designed using the higher levels of sea level rise projections over a minimum of 20 years to prevent impacts that would significantly degrade riparian those habitats and shall be compatible with the continuance and viability of such habitats. (AM.ORD.4451-12/11/12)~~

~~d. 1. All developments on land either in a designated wetland, or within 100 feet of such designation, shall be sited and designed to prevent impacts that would significantly degrade the viability of the wetland. The purposes of such projects shall be limited to those in Section 30233(a) of the Coastal Act. (AM.ORD.4451-12/11/12)~~

[Staff Explanation. Existing text from subsections (c)(1) and (d)(1) within Sec. 8178-2.4 - Specific Standards were combined into the section above. This regulation implements Public Resource Code 30236, which requires that development in areas adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade ESHA. After the 2018 Planning Commission hearing, the text was modified to add sea level rise planning recommendations.]

Sec. 8178-2.7.3.1 – Wetlands and Open Water Habitats

New development within 500 feet of a wetland or other coastal ESHA open water habitat (i.e., estuary, lagoon, or lake) shall not result in the reduction in the size of the wetland or ESHA open water habitat. Such development also shall not adversely impact the ecological function or water quality of such habitats, or obstruct the unimproved reaches of Ventura County water bodies listed on the Clean Water Act 303(d) List that drain into these areas. Measures shall be imposed and utilized to avoid adverse impacts to wetland and open water habitats such as restricting the timing of project implementation to avoid disruption of wildlife breeding and/or nesting of birds and fishes activities, and minimal restricting the removal of native vegetation. Restoration projects shall take into account projected sea level rise to allow for the migration of wetlands to the extent feasible.

(See related standards in Sections 8178-2.5.1.2 and 8178-2.10.7).

[Staff Explanation. Development standards for wetlands are derived from guidance associated with Public Resource Code 30233 and the Coastal Commission's LCP Guidance for ESHA. After the 2018 Planning Commission hearing, the text was modified to add sea level rise planning recommendations and a minor edit was made to remove superfluous wording ("Also").]

Sec. 8178-2.7.3.2 – Standards for Development in Wet Environments

When development is allowed in a wet environment (see Section 8178-2.5), it shall be sited and designed to meet the following standards:

- a. Publicly Accessible Land - Public/private recreational or commercial areas that are accessible to the public and that contain or are adjacent to a wet environment shall include trash receptacles and pet leashing signs.
- b. Flood Control – Allowable flood control measures (see Section 8178-2.5.1.1) shall not diminish or change the capacity, percolation rates, or habitat values of the watercourse, and shall be designed to facilitate wildlife movement. “Hard” solutions, such as concrete or rip-rap channels may be permitted only if less intrusive flood control efforts (see subsection (e) below) are technically infeasible.
- c. Crossing Structures - Alteration of a wet environment for a new crossing structure is prohibited unless there is no feasible, less environmentally damaging alternative to provide access to a public recreation area or legally established development. When such alterations are allowed, the following standards shall be met:
 1. Bridges shall be constructed for all crossings, except for crossings meeting the requirements of subsection (4) below, and bridge columns shall be located outside streambeds and banks;
 2. Bridges and or crossing structures shall not impede the movement of fish and other wildlife.
 3. At stream crossing structures, driveway access for nearby residences shall be combined.
 4. Culverts may be used for crossings of small, minor drainages where the culvert is designed to allow unrestricted movement of fish or other wildlife and to convey a discharge equal to or less than the 50-year reoccurrence period plus two feet of freeboard.¹¹ To mimic the natural hydrology and maintain upstream and downstream conditions, the bottom of the culvert shall be designed to meet the following criteria:
 - i. The culvert shall not result in a higher water velocity, shallower water depth, or different drainage elevations than those of the natural watercourse; and

¹¹ Freeboard is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. It compensates for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway condition, thereby reducing flood risk.

- ii. The bottom of the culvert shall be as wide as possible and installed at least 20 centimeters below the surface of the substrate.
- 5. To minimize the area of a stream crossing, its width shall be the minimum required to meet Ventura County Fire District access requirements.
- d. Alteration of a River or Stream - When alterations to a river or stream are allowed pursuant to Section 8178-2.5.1.1, the following design measures shall be incorporated:
 - 1. Bioengineering methods or "soft solutions" (e.g., biostructures, soil bioengineering, vegetated slopes instead of rip-rap, etc.) shall be utilized when feasible, except when the use of such measures will compromise the facility's capacity or integrity.
 - 2. If bioengineering methods are demonstrated to compromise the integrity or capacity of the facility, then other alternatives (e.g., rock rip-rap revetments, vertical retaining walls, or other "hard structures") may be used if the selected method is the least damaging to ESHA. When used, the following measures shall be incorporated to the maximum extent feasible:
 - i. Where rock rip-rap revetments are determined necessary, the rock shall cover the smallest area and retain the largest amount of vegetation;
 - ii. Grout shall not be applied in rock rip-rap used in energy dissipating devices or revetments within or abutting the watercourse. Rip-rap shall be laid at a low-to-moderate slope and vegetated, incorporating geotextile filter fabric, live willow stakes or other suitable native plantings in the construction design.
 - 3. Watercourse alteration projects shall include the restoration of the former bed, its associated vegetation, and adjacent areas impacted by the development (e.g., grading to restore contours, establish or restore riparian vegetation).
 - 4. Proposed alterations shall be designed and implemented in a manner that prevents the spread of contaminants and aquatic invasive species (see Section 8178-2.6.13(f)(4) and Appendix E1, Section AE-1.3.2(i)(8)).
 - 5. Where feasible, rivers and streams shall be restored and fish passage and habitat improved. Restoration methods include the removal of existing concrete linings, removal of fish barriers, and planting native trees or shrubs on stream banks when such plantings do not significantly impede stream flows.

See related water quality standards (Section 8178-2.6.3(d)) and grading standards (Sections 8175-5.17 and 8178-2.6.7).

[Staff Explanation. This policy is a modified version of existing north coast Tidepools and Beaches Policy 7. Currently, Appendix 1 includes the outdated State "Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats" (1981). The outdated document will be deleted and replaced by a reference in the CAP to

appropriate federal and state documents. Although outside references are avoided in an LCP, these were recommended by Coastal Commission staff, and this approach will ensure that the most up-to-date version of these documents is used when reviewing proposed development. After the 2018 Planning Commission hearing, a minor edit was made to remove superfluous wording (“Also”), correct references, and to clarify that the regulations for crossing water features do not only apply to roads, but any built crossing structure.]

Sec. 8178-2.7.4 – Plant and Tree Communities

Trees classified as ESHA, including trees that contribute to the function and habitat value of an ESHA, and trees planted or protected pursuant to a Tree Protection, Planting, and Monitoring Plan or an ESHA Mitigation Plan, are subject to applicable tree protection regulations in Section 8178-7.

Sec. 8178-2.7.4.1 – Oak Woodlands/Savannah and Native Tree Woodlands

All development, including roads and driveways, shall be sited and designed to prevent any encroachment into the root zone of trees classified as oak woodlands or native tree woodlands, and an adequate buffer zone shall be provided outside the root zone of such trees to allow for future growth.

Sec. 8178-2.7.4.2 – Native Grasslands

- a. Where vegetative erosion control is required for development that is within native grasslands, or that abuts or is adjacent to such grasslands, native grassland and forb communities shall be planted with native grass mixes for erosion control.
- b. Within ESHA grassland areas approved for restoration, a grassland Habitat Restoration Plan within the ESHA Mitigation Plan shall be prepared by a County-approved restoration specialist and accepted by the County before construction begins to help ensure that the project includes proper site selection of restoration areas, salvage of native grassland plants, timing of topsoil stripping, and other measures necessary to the success of a grassland restoration project.

[Staff Explanation. A minor correction was made after the 2018 Planning Commission hearing to use reference the correct mitigation Plan terminology (also in 8178-2.7.4) and to clarify where the grassland restoration plan can be found. The successful restoration of a native grassland requires a qualified biologist that has the knowledge and experience to plan and implement such a project. A qualified biologist may have a general set of qualifications associated with the identification of resources, and not a specialized set of skills associated with restoring an ecosystem, which is needed here.]

Sec. 8178-2.7.4.3 – Coastal Sage Scrub and Chaparral

When evaluating proposed development, areas of intact, unfragmented coastal sage scrub and chaparral habitat or native vegetation containing biologically significant patches of coastal sage scrub habitats shall be prioritized for preservation over fragmented or degraded areas of such vegetation. Significant patches of coastal sage scrub habitats would contain intact coastal sage scrub

patches, combined with rare species and vegetation or habitat types found elsewhere within the core habitat area.

[Staff Explanation. This standard would prioritize the preservation of large undisturbed areas of coastal sage scrub over fragmented, disturbed patches during project design. Coastal sage scrub is comprised of many different plant sub-communities. Estimates of the reduction in the historical extent of southern coastal sage scrub range are as high as 90%. The extent of coastal sage scrub was greatly reduced by agricultural, industrial, and residential development; flood control projects; and rock quarries. Much of the remaining coastal sage scrub habitat is fragmented or degraded. Only about 7% of the remaining coastal sage scrub is on public lands managed for conservation, so about 93% is located on private lands. After the 2018 Planning Commission hearing, minor modifications were made to move the footnote into the text and correct a defined term.]

Sec. 8178-2.7.5 – Habitat Connectivity Corridors

The purpose of this Section 8178-2.7.5 is to minimize adverse impacts on identified habitat connectivity corridors.

Sec. 8178-2.7.5.1 – Regional and Local Corridors

- a. Regional Corridor – In the coastal zone, portions of the County's adopted Habitat Connectivity and Wildlife Corridor overlay zone are located along the Ventura River and Santa Clara River floodplain areas.
- b. Local Corridors – Local habitat connectivity corridors are defined as undeveloped linear wet environments (e.g., streams and elongated estuaries, lagoons, lakes or wetlands) and areas along ridgelines where headwater streams meet between two drainages that function as a habitat connectivity corridor.

See Appendix E1, Section AE-1.2.3(d), for further details.

[Staff Explanation. Habitat connectivity corridors play a special role in an ecosystem by providing linkages between habitats that are easily disturbed by human activity. In the coastal zone, most regional and local linkages occur along rivers, streams or other wet environments that are classified as ESHA. However, such corridors also occur on ridgelines where headwater streams meet between two watersheds. Retaining these corridors becomes increasingly important for species with limited mobility because it provides a connection to other wildlife sub-populations and, for fire prone areas or areas subject to drought conditions, these connections provide escape routes from an impacted watershed. After the 2018 Planning Commission hearing, the text was modified to represent the name of the County's adopted Regional Habitat Connectivity and Wildlife Corridor overlay zone and minor edits were made to simplify the text for readability.]

Sec. 8178-2.7.5.2 = Development Standards for Local Habitat Connectivity Corridors

If development is allowed within a local habitat connectivity corridor, it shall be located and designed in accordance with the following standards:

- a. Except for recreational trails that may traverse a *habitat connectivity corridor*, *development* shall be located at the outer edge of the *corridor* and clustered within an elongated footprint that lies parallel to the *corridor*.
- b. The shape, location, and other physical characteristics of the *development* shall be designed to maximize wildlife movement and avoid the creation of a *chokepoint* within the *habitat connectivity corridor*.
- c. The following measures shall be used to maximize wildlife movement within the *habitat connectivity corridor* and to maintain *functional connectivity* between preserved *ESHA* and a *habitat connectivity corridor*:
 1. Road, floodplain, and other infrastructure improvements that may impede wildlife movement shall incorporate measures that include, but are not limited to, fencing to funnel wildlife through the barrier, underpasses or overpasses that accommodate wildlife passage, and vegetation restoration in areas that *abut* wildlife passage areas.
 2. Areas with no or little native vegetation within a *habitat connectivity corridor* shall be targeted for restoration as part of a restoration project and/or as a requirement included in a project's mitigation measures.
 3. When outdoor garbage storage or pickup areas are located within 500 feet of a *habitat connectivity corridor*, then all garbage containers shall be wildlife proof or resistant (i.e., animals cannot open, overturn or remove the garbage) or shall be located in an enclosed area that cannot be accessed by wildlife.

(See Section 8178-2.6.14 through 8178-2.6.16 for fencing, noise, and lighting regulations related to *development* within *habitat connectivity corridors*.)

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to clarify the intent of the ordinance language. Areas used for wildlife passage are to be targeted for restoration, not roadways or the other actual barriers. In addition, superfluous text ("Also") was removed.]

Sec. 8178-2.7.6 – Special Status Species Habitats

Features used as roost sites for *special status species* shall be protected and preserved. Construction activities, outdoor festivals, outdoor sporting events, and other permitted uses shall not result in the disturbance of *special status species*, and the *habitats* of such species, during a *critical life stage* (e.g., breeding, nesting, denning, roosting). When the use or activity is located within 500 feet of an *ESHA* that supports a *critical life stage* of a *special status species*, the *ESHA* shall be protected from disturbance through the following measures:

- a. Establishment of a *buffer zone* between *ESHA* and the disturbance area; and
- b. Erection of barriers (e.g., fencing), signage, and/or restrictions on allowable activities or hours of operation.

See Sections 8178-2.6.13 and 8178-2.6.7, for wildlife friendly erosion control standards.

[Staff Explanation. After the 2018 Planning Commission hearing, minor edits were made to the text for readability.]

Sec. 8178-2.7.7 – Breeding, Staging and Stopover Bird Habitats

During bird breeding and migration seasons, nesting, roosting, and stop over areas used for breeding or migration during one or more of the previous five-year periods (i.e., critical life stage habitats) shall be protected from disturbance associated with development including outdoor festivals and outdoor sporting events, as follows:

- a. Critical life stage habitats utilized by birds shall be protected during breeding and nesting seasons through measures that include, but are not limited to, access restrictions or setbacks (e.g., temporary fencing of the nesting, roosting or stopover area), noise limits, limits and restrictions on hours of operation.
- b. A 500-foot buffer zone shall be established for raptor and/or colonial bird nesting, roosting, and staging/stopover sites, and a 300-foot buffer zone shall be established for individual nests for all bird species. An exception may be authorized for the encroachment into the buffer zone if substantial evidence (e.g., a video) is provided in the CISBA or the pre-construction/maintenance bird survey that the encroachment will not disturb birds in the raptor or colonial bird nesting, roosting, and staging/stopover site. Encroachments into the buffer zone shall be justified by and comply with the following:
 1. The buffer zone encroachment would not cause disturbance or flushing of individual birds or species from the site/nest area. For a threatened or endangered bird species, coordination with and approval from the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife is required.
 2. Bird surveys shall be conducted by a qualified biologist who, in cases of a threatened or endangered species, shall have demonstrated experience with that species. The bird surveys shall include tests consisting of the following:
 - i. Variable approach speeds (slow, medium, high) to nesting area;
 - ii. Approach pattern to the site (from north, south, east and west quadrants);
 - iii. Seasonal variation in response to timing of disturbance (nesting stage, critical life stage); and

Tests shall be conducted using the same machinery, transportation, and tools that will be utilized for the proposed development, maintenance activity, or temporary outdoor festival/sporting event.

- c. Habitat used as bird nesting sites, including dead standing trees ("snags"), shall not be removed or altered until birds leave the nesting area, independent of human interference, or until chicks have fledged and left the area and there is no sign of second nesting attempts.
- d. Trees and habitat composed of large, woody vegetation, including snags used as hunting perches for raptors, shall not be removed or altered except when they pose a serious threat to life or property (see Section 8178-7.5.4) or prevent economically beneficial use of the property (Section 8178-2.5.3).

- e. To avoid electrocution and line strike hazards for birds, power distribution lines shall be undergrounded wherever feasible.

[Staff Explanation. Migratory Birds, Bald and Golden Eagles are federally protected through the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and Public Law 95-616 - a treaty with Russia that specifies both nations must take measures to protect identified ecosystems of special importance to migratory birds against pollution, detrimental alterations, and other environmental degradations ("Convention Between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment). These laws protect migratory birds, eagles, and important staging areas from the effects of development.]

Sec. 8178-2.7.8 – Monarch Butterfly Roosting Sites

To protect colonial roosting habitat for the monarch butterfly from disturbance and degradation, development, including outdoor festivals and outdoor sporting events, shall meet the following standards:

- a. Roost Site Identification - Potential roost habitat for overwintering monarch butterflies, as well as known historical overwintering roost sites occupied by monarch butterflies in one or more years within the previous 20-year period, shall be considered potentially active monarch butterfly roost sites.

[Staff explanation: After the 2021 Planning Commission hearing subsection (a) was modified in accordance with the Planning Commission directive – See Exhibit 16- Errata Memo in the August 19, 2021 Planning Commission hearing package.]

- b. Tree Removal or Alterations - If tree removal or alteration within or adjacent to a monarch butterfly roost site is permitted according to Section 8178-7.4.2 (a), the tree alteration or removal shall be conducted as follows:
 - 1. Alterations to a tree identified as monarch butterfly habitat must be conducted outside the overwintering season (October through March); and
 - 2. Tree alterations intended to improve a monarch butterfly roost habitat must be done in accordance with an approved habitat management plan and under the supervision of a County-approved qualified biologist and arborist.
- c. Buffers - A minimum 125-foot buffer zone is required for new development from the outermost trees identified as a monarch butterfly roost site, unless larger buffer zones are necessary due to one of the following:
 - 1. Microhabitat conditions at the monarch butterfly roost site will be adversely affected by vegetation removal or earth disturbance outside the 125-foot buffer zone; or
 - 2. One or more additional monarch butterfly roost sites are located within 1,000 feet of the project site, and the sites are collectively used throughout the overwintering season.
- d. Roost Site Mitigation - If the removal or alteration of an unoccupied but known historical monarch butterfly roost site is unavoidable due to development authorized pursuant to Sections 8178-2.5 or 8178-7.4.2, the conditions of

approval for the project shall include a requirement for the establishment or restoration of an equivalent monarch butterfly roost habitat. (See Section 8178-2.10.7, for additional mitigation requirements.)

[Staff Explanation. Overwintering sites are considered critical to the monarch butterfly's life cycle, providing a suitable microclimate and protection from weather extremes, but such sites may be degraded by tree pruning, the loss of trees, or other alterations. Numerous known overwintering locations in California were lost to new or expanding development. A complex set of site characteristics is needed for a suitable, overwintering habitat. For example, desirable microhabitat conditions include dappled sunlight, specific temperature ranges and humidity conditions, nectar sources, and wind protection. Additionally, alterations to an area that surrounds an overwintering site can impact its long-term suitability. While the October through March overwintering period is based on surveys conducted in Central California from fall 2009 to spring 2012 (California Fish and Game 101(1):40-50), many species recently altered their migration and breeding patterns due to climate and weather shifts. After the 2018 Planning Commission hearing, minor edits were made to the use of terms to be consistent throughout the text. In addition, superfluous wording was removed ('Also').]

Sec. 8178-2.7.9 – Marine Mammal Rookery and Hauling Ground Habitats

To preserve occupied marine mammal rookery and hauling ground habitats, development, including outdoor festivals and outdoor sporting events, shall be sited and designed to meet the following standards:

- a. Recreational Uses - Recreational uses proposed near or within occupied marine mammal hauling grounds shall be located at least 500 feet from the rookery or hauling ground habitat, and trails or observation sites shall include fences, signage, and other barriers that maintain a minimum 300-foot buffer zone from such habitats.
- b. Seasonal Requirements - Marine mammal rookeries shall not be altered or disturbed during times of the year when such areas are in use for reproductive activities such as mating, pupping, and pup care, as shown in the table below:

<u>Marine Mammal:</u>	<u>Seasonal Limitation:</u>
<u>Harbor seals:</u>	<u>February through April</u>
<u>Northern Elephant seals</u>	<u>Mid-December through February</u>
<u>Sea Lions and fur seals</u>	<u>May through September</u>

[Staff Explanation. After the 2018 Planning Commission hearing, minor edits were made to the use of terms to be consistent throughout the text ('buffer zone').]

Sec. 8178-2.8 – Pesticides and Pest Management in the Coastal Zone

[Staff explanation: After the 2021 Planning Commission hearing, Planning staff conferred with the City of Malibu implementing the Commission's direction which resulted in further communications with the California Department of Pesticide Regulation and the California Coastal Commission on the implementation associated with the recently certified Malibu LCP pesticide policy. There is no implementing zoning ordinance framework that has been developed for the certified policy and it is unclear at this time how the policy would be implemented for development. Therefore, the County has removed subsection (a) above for implementing Policy 8.2 and instead the County has proposed to create a program which

would allow Planning staff to collaborate with these entities on pesticide use and report back to the Board of Supervisors as more information becomes available.]

a. Second-Generation Anticoagulant Rodenticides

Except to the extent that more protective LCP policies or regulations apply, the use of second-generation anticoagulant rodenticides shall be prohibited as set forth in Food and Agricultural Code Section 12978.7.

[Staff explanation: After the 2021 Planning Commission hearing, a modification was added to ensure there is no future conflicts with the County's LCP and State law. Please see the October 19, 2021 Board Letter for further detailed discussion associated with the modification.]

b. Mosquitofish Use

The use of mosquitofish is prohibited in ESHA wet environments. Mosquito abatement activities shall be limited to those necessary to protect public health, that are specific to the eradication of mosquito larvae, and that do not result in significant adverse effects on non-target species (e.g., fish, frogs, turtles, birds, or other insects or invertebrates).

[Staff explanation: After the 2021 Planning Commission hearing, the section was reorganized because of the removal of the Santa Monica Mountains regulations. While mosquitofish are provided by a County agency to interested residents, the regulation still applies throughout the Coastal Zone and not just to a County agency.]

c. Use of Pesticides by County Agencies, Departments and Their Contractors.

The following standards apply to County agencies departments and their contractors, for development and repair/maintenance activities requiring a Coastal Development Permit on County owned or maintained facilities:

1. Whenever feasible, an integrated pest management plan shall be used to control unwanted rodents or other pests and minimize the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances. New public infrastructure shall be designed with rodent-resistant construction materials.
2. The use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances that have the potential to significantly degrade ESHA or coastal water quality or harm wildlife, is prohibited for development and repair/maintenance activities requiring a Coastal Development Permit, except where it has been determined that non-chemical methods are infeasible and pesticides are necessary under the following circumstances: i) to protect or enhance the habitat itself; or ii) vegetation maintenance activities such as the eradication of invasive or invasive watch-list plant species; or iii) habitat restoration. Deviations from this standard are allowed only if the Coastal Development Permit includes an integrated pest management plan that is compliant with subsection (i) and (ii) below and there is no feasible alternative that would result in fewer adverse effects to ESHA, coastal water quality, or wildlife. When the application of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances that significantly degrade ESHA, coastal water quality, or harm wildlife are allowed, the substances shall be applied in the following manner:

- i. Upon request of the Planning Director, the applicant or permittee must submit a clear rationale as to why non-chemical control method(s) are not feasible relative to the chemical methods selected. Factors to be considered by the decision maker in determining whether to grant the request for use of a pesticide may include, but are not limited to, the following:
 - (1) Overall damage to the environment from the treatment;
 - (2) Likelihood of the treatment's success;
 - (3) Effectiveness of the treatment relative to the biology of the plant/pest; and
 - (4) Other factors associated with the overall project such as the scale of the project, project location, the long-term cost effectiveness of the treatment, and safety.
- ii. The pesticide shall be applied in the following manner:
 - (1) Application is restricted to the least-toxic product and, to the maximum extent feasible, shall be biodegradable, time-limited, and derived from natural sources.
 - (2) The method used to apply the substance(s) shall minimize the potential for introduction of the pesticide into the aquatic environment or onto adjacent, non-targeted vegetation.
 - (3) The pesticide(s) is/are used in accordance with label requirements and applicable regulations or guidelines from the California Department of Agriculture and California Department of Pest Regulation.

[Staff explanation: After the 2018 Planning Commission hearing, the section was modified to comply with changes to state law and recent interpretation of pesticide use in ESHA based on the May 2021 Coastal Commission hearing for the City of Malibu's LCP amendment. Please see the staff report for a more detailed discussion. The text was also modified to be more specific about the types of ESHA habitats mosquito fish would be prohibited to avoid unintended consequences of it applying to all ESHA habitats and buffer zones. The program restricts the use of mosquito fish to artificial containers such as a koi pond or fountain. However those containers could potentially fall within a buffer zone of ESHA that may border a backyard (e.g., coastal sage scrub, oak woodland, etc.). Therefore the language was modified to apply to only ESHA wet environments so that the ordinance targets the intended resource. Edits were also made to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California. After the 2021 Planning Commission hearing, the section above was moved to apply to County agencies since the Santa Monica restrictions were removed. Because mosquitofish are distributed by the County to residents, the standard was moved to apply throughout the coastal zone.]

Sec. 8178-2.9 – Land Divisions and ESHA Preservation Incentives

Sec. 8178-2.9.1 – General Requirements

The following requirements apply to Coastal Development Permits authorizing any land division proposed on one or more legal lots that contain ESHA or buffer zone.

except where the lot is dedicated to open space preservation. The Coastal Development Permit application shall not be approved unless the County decision-making authority makes findings, supported by substantial evidence, that the proposed land division meets all requirements of this Section 8178-2.9 as well as the additional requirements for land divisions in Section 8178-2.9.2 or lot line adjustments in Section 8178-2.9.3, as applicable.

- a. Applications for proposed land divisions shall describe and designate the locations of all development on all resulting lots, including the following: (1) building site; (2) access road and/or driveway; (3) necessary service infrastructure (e.g., septic system, water supply); (4) on- or off-site grading; and (5) on- or off-site fuel modification zones.
- b. The requested Coastal Development Permit shall be evaluated to ensure that any new or reconfigured lots will allow future development that is consistent with the ESHA policies, standards, and provisions of the LCP. All proposed building sites, access roads, water/wastewater systems, and fuel modification zones shall meet the policies/standards provided by the LCP (see Section 8178-2.6). For example, the building sites shall be clustered near existing or proposed development, near existing services, and configured to maximize the use of overlapping fuel modification zones. Where potential development cannot occur consistent with the LCP, the requested Coastal Development Permit shall be denied.
- c. All lots proposed for residential use must constitute a buildable lot (see Section 8178-2.6.3(f)).
- d. If any provision of this Section 8178-2.9 conflicts with a County regulation or requirement pertaining to land divisions that is not included in the LCP (e.g., a regulation or requirement in the County's Subdivision Ordinance), then the provision of this Section shall take precedence.
- e. A Coastal Development Permit authorizing a land division shall include conditions of approval that restrict development to an approved development envelope. Outside the development envelope, future development shall be prohibited within any onsite environmentally sensitive habitat areas-ESHA(s), buffer zone(s), and/or areas with slopes over 30 % percent gradient. Areas subject to such development restrictions shall be permanently maintained in their natural state through recordation of a through an easement or deed restriction or other conservation instrument that shall be recorded on the final map or non-a grant deed as a deed restriction submitted with the final map.
- f. With respect to land divisions other than lot line adjustments, all conservation instruments, conservation easements, offers of dedication, conditions of approval, and similar legal instruments protecting public access routes, ESHA and ESHA buffer zones, steep slopes, and other areas shall be shown on the tract map or parcel map and recorded no later than final map recordation.

The standards in this Section 8178-2.9 do not apply to a lot within a land division that is proposed solely for the purpose of dedicating or restricting its uses to conservation and/or open space, provided the lot is preserved in perpetuity pursuant to a conservation easement or donated fee-simple to a conservation organization.

[Staff Explanation. The regulations in the section above outline the basic requirements that must be met to process a land division in the coastal zone. After the 2018 Planning

Commission hearing, a minor edit was made to the term “buffer zone”, to be consistent with the definition in Article 2 and fix formatting.]

Sec. 8178-2.9.2 – Requirements for Land Divisions in ESHA or Buffer Zone

In addition to the requirements of Section 8178-2.9.1 above, a Coastal Development Permit authorizing a land division, other than a lot line adjustment (see Section 8178-2.9.3 below), shall only be approved for a lot that contains ESHA or buffer zone if, based on substantial evidence, the land division will not result in new, adverse impacts to ESHA or buffer zone and meets the following standards:

- a. The land division does not result in a new building site located on a beach.
- b. Each proposed new lot is equal to or greater than the minimum lot size required by the subject zone and the slope density formula (Section 8175-2 (c)) and is no smaller than the average size of surrounding parcels (see Coastal Act Section 30250 and Appendix E1, AE-1.3.2(c)-Existing Physical and Biological Conditions).
- c. When the subject lot is in the Santa Monica Mountains (M) overlay zone, and it abuts a public park or a lot permanently protected by a conservation easement, then all lots proposed to be created that abut such areas shall include a 200-foot setback along the boundary of the abutting public park or the land that is permanently protected from development. See Section 8177-4.1.6 for development setback requirements to park lands.

[Staff Explanation. This section includes existing standards for land divisions in the Santa Monica Mountains (see existing Sec. 8177-4.1.4). as well as new standards for land divisions that reflect Coastal Act requirements. The proposed regulations implement related CAP policies, which clarify that you cannot subdivide (or adjust lot lines) on a property if it will result in new or greater adverse impacts on ESHA or buffer zones. The County’s CZO currently protects ESHA in the Santa Monica Mountains from development associated with subdivision but in a much more roundabout way (see SMM- Policy 1, 4, and 6). The Malibu and L.A. County LCPs each have comparable subdivision regulations for lots that contain ESHA. After the 2018 Planning Commission hearing, a minor edit was made to the term “buffer zone”, to be consistent with the definition in Article 2, fix formatting, and a cross reference to requirements within the Appendix.]

Sec. 8178-2.9.3 – Requirements for Lot Line Adjustments in ESHA or Buffer Zone

In addition to the requirements in Section 8178-2.9.1 above, a Coastal Development Permit application authorizing a lot line adjustment for one or more lots that contain ESHA or buffer zone may only be approved if, based on substantial evidence, the land division meets the following requirements:

- a. When compared to the original lot configuration, the resulting lots shall not result in one or more of the following:
 1. Increased impacts to ESHA or buffer zones or increased loss of high-value habitat (e.g., wetland, riparian areas), including impacts that may subsequently be allowed on a resulting lot pursuant to Section 8178-2.5.3.
 2. Increased alteration of natural landforms.
 3. A new, buildable lot for residential use in the zone (see Section 8178-2.6.3(f)).

4. Increased subsequent *land division* potential of a resulting *lot*, except when such a *lot* is established as a permanently preserved open space *lot*.
- b. All *lots* included in the proposed *lot line adjustment* must be *legal lots*, except where the *lot line adjustment* is proposed for the sole purpose of combining two or more parcels as a means of reversing a purported but illegal division of property.
- c. If a *lot line adjustment* is approved, the applicant shall be required to record County-approved deeds or records of survey containing the descriptions of all resulting parcels as they will exist after the *lot line adjustment*.

[Staff Explanation. Requirements for the lot line adjustment implement policies within the CAP regarding impacts on ESHA. For example, a lot-line adjustment could result in the following: (1) lots that require longer access roads or roads that bridge a stream or wetland; (2) a previously unbuildable lot becomes a buildable lot; and (3) a lot with an existing, disturbed area that could be used for development is reconfigured into a lot covered by ESHA, where a reasonable use argument can be used to remove ESHA. After the 2018 Planning Commission hearing, a minor edit was made to the term “buffer zone”, to be consistent with the definition in Article 2, fix formatting, and correct terminology.]

Sec. 8178-2.9.4 – ESHA Preservation Incentive (Santa Monica Mountains)

This Section 8178-2.9.4 provides a voluntary incentive for the retirement of development rights on existing legal lots that contain ESHA in the Santa Monica Mountains (M) overlay zone. The purpose of the incentive is to encourage the preservation of large areas of unfragmented ESHA that are connected to a protected core habitat ESHA or open space area by intact native vegetation.

Sec. 8178-2.9.4.1 – Expansion of Building Site:

The maximum allowable building site for development in ESHA or ~~a~~ buffer zone may be increased from 10,000 square feet to 15,000 square feet for a legal lot that meets the minimum lot size requirements of the LCP if the applicant voluntarily accomplishes one of the following through a Coastal Development Permit:

1. Merges the lot upon which the proposed building site is located with an abutting legal lot or lots containing at least three acres of undeveloped land and meeting the standards for an off-site preservation lot stated in Section 8178-2.10.5(b). All areas of the resulting lot outside of the development envelope must be preserved in perpetuity through a conservation easement or conservation instrument; or
2. Permanently retires the development rights for a non-abutting legal lot or lots which must be undeveloped, consist of at least three acres, and meet the standards for an off-site preservation lot stated in Section 8178-2.10.5(b). The off-site lot(s) must be preserved in perpetuity with a conservation easement or through encumbrance with an open space deed restriction and subsequent conveyance of the entire lot in fee title to a County-approved natural resource agency or conservation organization (see Appendix E2, Section AE-2.2).

[Staff explanation: After the 2018 Planning Commission hearing, a minor edit was made to the term “buffer zone”, to be consistent with the definition in Article 2, fix formatting to maintain in title consistency.]

Sec. 8178-2.9.4.2 – Required Finding for ESHA Preservation Incentive

A Coastal Development Permit may only be granted pursuant to the ESHA preservation incentive in this Section 8178-2.9.4 if the County’s decision-making authority finds that the proposed land division will result in: (1) the preservation of large areas of unfragmented ESHA; and (2) proposed or potential development with reduced impacts to ESHA and/or high value habitat when compared to the development that could legally occur without use of the ESHA preservation incentive.

[Staff Explanation. This incentive may be attractive for a landowner with multiple lots that is willing to exchange development of the individual lots for a larger building site on a merged lot. Indirect benefits include reduced development costs and reduced mitigation costs. The table below provides a summary of the difference in impacts on ESHA.

<i>Building site</i>	<i>Fire Clearance</i>	<i>Total ESHA Impacts</i>	
<i>10,000 SF</i>	<i>80,000 SF</i>	<i>90,000 SF</i>	<i>2.1 Acres</i>
<i>15,000 SF</i>	<i>90,000 SF</i>	<i>105,000 SF</i>	<i>2.4 Acres</i>
<i>20,000 SF</i>	<i>100,000 SF</i>	<i>120,000 SF</i>	<i>2.8 Acres</i>

Note: Data is based on a square building site, with a fuel modification zone that begins at the edge of the building site.

After the 2018 Planning Commission hearing, a minor edit was made to the term “buffer zone”, to be consistent with the definition in Article 2, fix formatting to maintain in title consistency.]

Sec. 8178-2.10 – Compensatory Mitigation for ESHA

All compensatory mitigation for impacts to ESHA shall meet the standards of this Section 8178-2.10.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was corrected to clarify the intent of the ordinance. Both direct and indirect impacts to ESHA require compensatory mitigation. A buffer zone is a tool to minimize indirect impacts to ESHA – but impacts to buffer zones are not required to be mitigated, as long as another approach is as effective to mitigate the indirect impact of the proposed development. If a buffer zone is encroached upon by a proposed development and no other mitigations are proposed to minimize the development’s identified indirect impacts to ESHA, then compensatory mitigation would be required for such an encroachment. However, if the applicant can propose other ways to minimize the indirect impact – then the encroachment into the buffer zone has been addressed and no compensatory mitigation would be required for the indirect impacts to ESHA.]

Sec. 8178-2.10.1 – General Requirements

- a. **Removal/Degradation of ESHA** – Mitigation that is proportional to the impact is required for all adverse direct and indirect impacts to ESHA. The level of compensatory mitigation is specified by the ratios in Section 8178-2.10.6. Compensatory mitigation shall be subject to the following standards:
1. Permitted Impacts: Compensatory mitigation is required when there is no feasible project design alternative that can avoid adverse direct or indirect impacts to ESHA (see Section 8178-2.6.1). The applicant shall be responsible for providing compensatory mitigation.
 2. Unpermitted Impacts: Compensatory mitigation is required for unauthorized development that causes direct or indirect impacts to ESHA. In such cases, compensatory mitigation shall be provided through the following:
 - i. The impacted area shall be restored unless: (1) an insufficient supply of suitable land is available for the on-site restoration, enhancement, or establishment of ESHA. An "insufficient supply of suitable land" occurs when: (a) no on-site ESHA is in need of restoration or enhancement; (b) no on-site areas contain the environmental conditions to support an in-kind habitat; or (c) the area is isolated from protected core habitats. In such cases, an equivalent area of ecologically functional ESHA shall be restored or established off-site; or (2) all, or a portion of, the impacted ESHA area is within the approved development envelope of the least damaging alternative. In such cases, compensatory mitigation for the area included in the development envelope may be accomplished through on-site or off-site mitigation.
 - ii. Additional on-site or off-site mitigation shall be provided in accordance with the baseline mitigation ratios in Section 8178-2.10.6.
 3. Temporary Construction Impacts - Habitat restoration of the impacted area is required for temporary impacts to an ESHA or buffer zone that occur due to construction activities authorized by a Coastal Development Permit.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was corrected to clarify the intent of the ordinance. Both direct and indirect impacts to ESHA require compensatory mitigation. A buffer zone is a tool to minimize the indirect impacts to ESHA – Impacts to buffer zones are not required to be mitigated, as long as another approach used was as effective to mitigate the indirect impact of the proposed development. If an buffer zone is encroached upon by a proposed development and no other mitigations are proposed to minimize the development's identified indirect impacts to ESHA, then compensatory mitigation would be required for such an encroachment. However, if the applicant can propose other ways to minimize the indirect impact – then the encroachment into the buffer zone has been addressed and no compensatory mitigation would be required for indirect impacts to ESHA. Other minor edits include corrections to terminology and moving a footnote into the text.]

- b. **In-Kind Habitats** – Compensatory mitigation shall be limited to in-kind habitat. If an applicant must obtain a permit or approval from a federal or state natural

resource agency based on the proposed development project's potential impact to a species or habitat under that agency's jurisdiction, then County staff shall consult with the responsible agency prior to the County's approval of the compensatory mitigation for the development project.

- c. **Preservation of Compensatory Mitigation Sites** - All areas subject to compensatory mitigation conducted by the applicant (Section 8178-2.10.8) shall be preserved in perpetuity for conservation and/or open space purposes through one of the following measures:
1. Encumbrance with an open space deed restriction and subsequent conveyance of the lot in fee title to a natural resource agency or County-approved conservation organization for ownership.
 2. Encumbrance with a conservation easement conveyed to a County-approved natural resource agency or conservation organization.
 3. If a County-approved natural resource agency or conservation organization cannot be identified that will accept conveyance of a conservation easement for a small, on-site area of a lot for preservation, a conservation instrument may be used instead to restrict future development of the area.

Also, see Appendix E2, Section AE-2.4 – Legal Instruments for Conservation, for additional requirements and information.

d. **ESHA Mitigation Plan**

1. To increase the potential for the success and long-term sustainability of ESHA mitigation, an ESHA Mitigation Plan is required for all compensatory mitigation (see Section 8178-2.10.9).
2. If a mitigation area is impacted by a natural disaster and the installation or monitoring goals have not been achieved according to the approved ESHA Mitigation Plan, the plan shall be amended to reflect conditions after the natural disaster and the appropriate restoration approach needed to meet pre-impact compensatory mitigation requirements.

- e. **Reduced County In-Lieu Fee for Coastal Sage Scrub and Chaparral ESHA** Coastal Sage Scrub and Chaparral ESHA retained within an expanded fuel modification zone in accordance with the standards in Appendix E1, AE-2.5 – Expanded Fuel Modification Zone Thinning Standards, may qualify for a reduced mitigation fee using the Ventura County In-Lieu Fee Program (see Section 8178-2.10.8(d)). All remaining ESHA or buffer zone within this expanded fuel modification zone shall be protected and maintained by the property owner for the life of the permitted development in accordance with an ESHA Vegetation Management Plan (Appendix E1, AE-2.4 – ESHA Vegetation Management Plan).

[Staff Explanation. Following the 2018 Planning Commission hearing, the text was modified as a consequence of two of the Planning Commission's directives: 1) to work with the Fire Protection District to arrive at consensus on fire clearance issues; and 2) to revisit the inclusion of a reduced mitigation fee for ESHA thinned in an expanded fuel modification zone. Additional edits were made to comply with amended PRC 4291 and 4291.3 which went into effect January 1, 2019 with the

passage of AB 2911. Modifications were also made to clarify that both direct and indirect impacts to ESHA require mitigation, correct for consistency of terms, corrections to formatting, and minor edits to improve the clarity and readability of the text.]

Sec. 8178-2.10.2 - Types of Impacts Compensated

Compensatory mitigation for direct and indirect adverse impacts to ESHA ~~or buffer zone~~ shall include compensation for the type of impacted habitat, temporal and permanent losses to the services provided by the ecosystem function of the habitat, and the uncertainty associated with whether the mitigation will be fully, successfully completed. These factors are incorporated into the baseline mitigation ratios, and the adjustments to those ratios, shown in Section 8178-2.10.6.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to clarify that direct and indirect impacts to ESHA will require compensatory mitigation, but compensatory mitigation is not required for impacts to a buffer zone, assuming that alternative methods are proposed to minimize impacts to ESHA without the buffer zone.]

Sec. 8178-2.10.3 - Types of Compensatory Mitigation

Compensatory mitigation measures shall include the restoration, preservation, establishment, or enhancement of ESHA as follows:

- a) Preservation – Existing, off-site ESHA is preserved and managed in perpetuity. The preservation of on-site ESHA cannot be used as compensatory mitigation.
- b) Restoration – Existing, degraded ESHA that has the capacity to be ecologically functional and is actively restored to its historic natural state. ESHA may be restored either on- or off-site.
- c) Enhancement – Existing, intact or degraded ESHA that has the capacity to improve specific ecological functions or services (e.g., water quality improvement, flood water retention, wildlife habitat improvement, habitat connectivity corridor improvement). ESHA may be enhanced either on- or off-site. Passive restoration is classified as enhancement. Passive restoration may be utilized as one component of an ESHA Mitigation Plan if the mitigation habitat contains the physical and biological conditions necessary for the sustainability of the ESHA and the passive restoration meets the criteria in Section 8178-2.10.5(a).
- d) Establishment – The creation of ecologically functional ESHA where it did not previously exist. ESHA may be established either on- or off-site. ESHA establishment may only be used under the following circumstances: (i) restoration opportunities are not feasible; (ii) the establishment project has a high probability of success and would improve the overall function of the ESHA ecosystem; and (iii) the establishment project will not result in the conversion of ESHA types.

A specific type of compensatory mitigation may be required for unpermitted impacts (see Section 8178-2.10.1) and impacts to specific coastal habitats (see Section 8178-2.10.7). Restoration or establishment is required for impacts to wet environments, and other habitat types regulated by federal or state natural resources agencies.

[Staff Explanation. Subsection (b) is based on existing, certified text (Sec. 8178-2.4 - Specific Standards, subsection (d) Wetlands, (3)), with modifications made to update terms, remove references that may become obsolete, and allow all types of mitigation to compensate for loss of ESHA. After the 2018 Planning Commission hearing, modifications were made to correct errors in references and a minor edit to improve readability of the text.]

Sec. 8178-2.10.4 – Location of Compensatory Mitigation Sites

a. On-Site Versus Off-Site Mitigation:

1. Either on- or off-site mitigation may be used for impacts to coastal sage scrub and chaparral:
2. On-site mitigation must be used for impacts to a wet environment habitat or for oak woodland/savannah and native woodland habitat unless: (i) on-site restoration, establishment, or enhancement is infeasible due to an insufficient supply of suitable land. An "insufficient supply of suitable land" occurs when: (a) no on-site ESHA is in need of restoration or enhancement; or (b) no on-site areas contain the necessary environmental conditions to support an in-kind habitat; or (ii) off-site restoration, establishment, or enhancement is provided through an available federal/state mitigation bank or in-lieu fee program (see Section 8178-2.10.8).

[Staff Explanation. Representatives from federal/state natural resource agencies expressed a preference for off-site restoration, establishment or enhancement when conducted through established mitigation banks or in-lieu fee programs, as such programs provide a far more successful track record than does on-site mitigation. After the 2018 Planning Commission hearing, the definition of insufficient supply of suitable land was copied to this location.]

3. For other habitat types, on-site mitigation is preferred but off-site mitigation may be authorized if the off-site mitigation area meets all of the standards in Section 8178-2.10.4 and Section 8178-2.10.5, and one of the following circumstances applies: (i) on-site restoration, establishment, or enhancement is infeasible due to an insufficient supply of suitable land; or (ii) the off-site habitat is a higher-quality habitat (i.e., higher percentage of pristine/intact habitat, better connectivity to large blocks of habitat, more suitable soils or microclimate, or fewer invasive or invasive watch list plant species); or (iii) the off-site mitigation site was prioritized for conservation through an available, County-approved regional conservation plan.

b. Off-Site Mitigation:

1. Permittee - At least 50 percent of the off-site compensatory mitigation area must be located within the Ventura County coastal zone. Off-site mitigation sites shall be selected based on proximity to the impacted ESHA ecosystem, in the following order of priority:

Priority 1 - The site is in the same sub-watershed (defined as U.S. Geological Survey's 12-digit hydrological unit code (HUC or higher, when available)) as the impacted area.

Priority 2 - The site is in the same biogeographic region as the impacted area.

Priority 3 - The site is in the same watershed as the impacted area.

If no suitable site is feasibly available within the coastal zone, then a c in Ventura County that is located outside the coastal zone may be selected if the area is located in a regional habitat connectivity and wildlife corridor in Ventura County (i.e., Santa Monica - Sierra Madre Linkage, Ventura River Linkage, Santa Clara River Linkage) and is located in the same biogeographic region as the impacted site. Preference also may be given to an off-site area that adjoins public parkland or protected native habitat (i.e., land protected by a conservation easement or owned/managed by a natural resource agency).

2. Federal or State Program - Off-site mitigation areas conserved with funding from an available federal or state mitigation bank or in-lieu fee program shall be in the coastal zone of Ventura County, Los Angeles County or Santa Barbara County.
3. County-Sponsored In-Lieu Fee Program - Off-site mitigation areas conserved with funding from the County's in-lieu fee program shall be located in the Santa Monica Mountains and selected in the following order of priority:

Priority 1 - Ventura County coastal zone (up to 50% of the area may be outside the coastal zone).

Priority 2 - Santa Monica/Sierra Madre Linkage habitat connectivity and wildlife corridor in the Santa Monica Mountains' biogeographic region in Ventura County.

Priority 3 - Coastal zone of Los Angeles County. Priority 3 areas shall not be used unless no Priority 1 or Priority 2 site are available and, if a Priority 3 areas is used to mitigate, it shall be the closest available areas to Ventura County.

[Staff Explanation. Following the 2018 Planning Commission hearing, the section was modified to allow a broader range of mitigation options for conducting off-site restoration, enhancement or establishment. Minor changes were also made throughout the mitigation section to allow off-site mitigation "sites" instead of "lots". The purpose of these changes were to provide opportunities for lower-cost off-site mitigation than a requirement to purchase an entire lot, which helps meet the Planning Commission directive to find fair and reasonable mitigation options for fuel clearance. In addition, invasive watch list species was added when referencing invasive species.]

Sec. 8178-2.10.5 - Environmental Standards for Mitigation Sites

Compensatory mitigation sites shall contain ESHA or habitats that can be successfully used for the selected type of ESHA mitigation. Compensatory mitigation sites shall exhibit ecological characteristics such as habitat quality and connectivity to larger intact ESHA. Sites ~~lots~~ used for specific types of compensatory mitigation shall meet the following standards:

- a. **Land Used for Restoration, Enhancement, or Establishment** - On-site or off-site mitigation sites used for ESHA restoration, establishment or enhancement must contain suitable environmental conditions (e.g., hydrology, soil type, compatible adjacent land uses, functional connectivity) to support the proposed type of mitigation. Such sites must be connected to other habitat areas required for species survival. (See Section 8178-2.10.7 for specific requirements for wet

environments, dunes, oak woodland/savannah, native woodland habitats, and monarch butterfly overwintering sites.) If passive restoration is proposed as a component of ESHA enhancement, then the level of ESHA degradation at the mitigation site (e.g., soil conditions, amount of invasive or invasive watch list plant species, native seed bank) and the resilience of the ESHA ecosystem shall be consistent with the use of passive restoration as a form of ESHA enhancement.

b. **Lots Used for Off-Site Preservation** - Off-site mitigation lots used for ESHA preservation must be undeveloped, legal lots that are used solely to implement compensatory mitigation. Such off-site mitigation lots must meet all the following standards:

1. Environmental Resources - All off-site mitigation sites used for ESHA preservation shall contain the following environmental resources:

- i. At least 90 percent of the lot shall be ecologically functioning ESHA and/or an ESHA wet environment buffer zone; or
- ii. At least 50 percent of the lot shall be ecologically functioning ESHA and/or ESHA wet environment buffer zone plus one of the following: (1) an identified habitat connectivity corridor; (2) a wet environment, rock outcrops, dunes, or U.S. Fish and Wildlife Service (USFWS)-designated critical habitat ESHA; or (3) a lot is located within an acquisition area designated for conservation through a policy or planning document adopted by a federal, state, or County natural resource agency or a County-approved conservation organization.

2. Connectivity - The lot shall not be isolated by development or other physical factors that would limit the movement of species to larger protected core ESHA areas. Specifically, the lot must be connected to a protected core ESHA or open space area by an intact native vegetation area that is at least 400 feet wide and less than 500 feet long. Wildlife must be able to move from the subject lot to core ESHA without encountering a major barrier (e.g., high-traffic road without wildlife-safe crossings, large facilities, etc.). An exception to this requirement may be allowed if the lot contains one of the following:

- i. A sensitive biological resource that can persist in isolation (e.g., narrow endemic species or unique habitats such as vernal pools); or
- ii. A habitat that functions as a stepping stone for special status species between protected core areas.

3. Preservation and Management - The lot shall be preserved and managed in perpetuity for habitat conservation and open space purposes through one of the legal instruments identified in Section 8178-2.10.1(c) and in compliance with a County-approved ESHA Mitigation Plan (see Section 8178-2.10.9(a)).

See Section 8178-2.10.8, for information on how off-site mitigation sites are used for compensatory mitigation.

[Staff Explanation. This section provides clarification on the types of lots acceptable for off-site mitigation. These options provide flexibility for applicants that need off-site mitigation. Following the 2018 Planning Commission hearing, the section was modified address the Planning Commission directive to assess fair and reasonable mitigation options for the clearance of fuel modification zones in ESHA. This change allows a

broader range of mitigation options for conducting off-site restoration, enhancement or establishment. Minor changes were also made to allow off-site mitigation “sites” instead of “lots” and remove unnecessary language for readability (“Also”). In addition, invasive watch list species was added when referencing invasive species.]

Sec. 8178-2.10.6 – Compensatory Mitigation Ratios

- a. **Baseline Mitigation Ratios** - Baseline ESHA mitigation ratios are based on the type of ESHA being removed or degraded:

- 2:1 Baseline Ratio: Coastal sage scrub or chaparral, except when occupied by federal or state endangered or threatened species.
- 4:1 Baseline Ratio: Wetland, estuary, lagoon, or lakes.
- 3:1 Baseline Ratio: All other ESHA types, including wet environments not listed above, and habitat occupied by federal or state endangered or threatened species.

Baseline mitigation ratios shall be used as the foundation for compensatory mitigation requirements for impacts to ESHA. These ratios capture the types of impacts to the ESHA ecosystem, identified in Section 8178-2.10.2, such as expected temporal losses and the uncertainties associated with mitigation success. Adjustments to the Baseline Mitigation Ratios may be made to reflect the factors listed in subsection (b) below.

[Staff Explanation. The mitigation ratios above are based on the California Coastal Commission’s Local Coastal Program (LCP) Update Guide (Section 4 - Environmentally Sensitive Habitats). The proposed mitigation ratios are also consistent with federal/state standards for specific habitat types and are similar to the mitigation ratios used in LCPs adopted since 2012 for L.A. County, the City of Solana Beach, and the City of San Diego.]

- b. **Adjustments to Mitigation Ratios** - The baseline mitigation ratios, or mitigation requirements that result from such ratios, may be adjusted based on the following:

1. Early Mitigation – Baseline mitigation ratios will be reduced to 1:1 when an approved in-kind ESHA restoration or establishment project, including required monitoring, is successfully completed before impacts occur to ESHA due to the subject project’s development.¹² Portions of the compensatory mitigation project not successfully completed before impacts occur are not eligible for this mitigation ratio reduction. To obtain this reduced mitigation ratio, the applicant must demonstrate that the ESHA restoration or establishment project meets the performance criteria associated with the project’s ESHA Mitigation Plan (see Section 8178-2.10.9 – ESHA Mitigation Plan, Appendix E2). The early mitigation adjustment is not available for unpermitted impacts to ESHA, mitigation properties located outside the coastal zone, or if a proposed development project could impact biological resources under the jurisdiction of a federal or state natural resource agency.

¹² This adjustment also applies to the purchase of restoration/establishment credits from a mitigation bank or a County-approved conservation organization (See Section 8178-2.10.9).

2. Federal or State Jurisdiction - If an applicant must obtain a permit or approval from a federal or state *natural resource agency* based on the proposed *development project's potential impact to a species or habitat* under the *agency's jurisdiction*, *County staff shall consult with the responsible agency prior to setting the mitigation ratio, in which the mitigation ratio may be increased.*

[Staff Explanation. Adjustments to baseline ratios are used by state and federal agencies requiring compensatory mitigation, which includes the California Department of Fish and Wildlife (CDFW), the US Army Corps of Engineers, and the US Fish and Wildlife Service. The reduced ratio for early mitigation reflects the fact that the temporal impacts (impacts that occur over time) do not occur when mitigation occurs prior to, or at the same time as, the impacts to ESHA.]

Sec. 8178-2.10.7 – Compensatory Mitigation for Specialized Habitats

This Section states additional compensatory mitigation requirements for *wet environments, monarch butterfly overwintering sites, special status species roosting or breeding sites, and coastal dunes*. See Section 8178-2.10.6 for required mitigation ratios for all specialized coastal habitats.

- a. **Wetlands** - *Habitat restoration or establishment is required as compensatory mitigation for impacts to wetlands. Additionally, when any dike or fill development is permitted in wetlands, in conformity with Section 30233 or other applicable policies of the Coastal Act, additional mitigation measures shall, at a minimum, include the following: those listed in Section 30607.1 of the Coastal Act*
 1. *The acquisition of equivalent areas of equal or greater biological productivity or the opening of equivalent areas to tidal action, provided that no appropriate restoration site is available; or*
 2. *Development permitted in wetlands and other coastal waters is also subject at a minimum to include specific mitigation those listed in 30607.1 of the Coastal Act. Additionally, other reasonable measures will also be required, as determined by the County, to carry out the provisions of Sections 30233, subdivisions b., c., and d., and 30253, subdivision b., of the Coastal Act (e.g., project timing, financial responsibilities (see Section 8178-2.10.9, and suitable mitigation sites).*

[Staff Explanation. The wetlands standards were modified from existing regulations (Sec. 8178-2.4 - Specific Standards, subsection (d) Wetlands, (2)), to include referenced text from the coastal act (which is too complex to summarize). The examples provided are consistent with PRC 30233 (diking, filling or dredging), PRC 30607.1 (wetlands, dike and fill development; mitigation measures), and PRC 30253b (minimization of adverse impacts). After the 2018 Planning Commission hearing, a cross reference was corrected and introductory text corrected.]

- b. **Wet Environments Other Than Wetlands** - *Habitat restoration or establishment is required as compensatory mitigation for impacts to other wet environments, excluding wetlands. Mitigation measures for wet environments also under the jurisdiction of the California Department of Fish and Game Wildlife or U.S. Army Corps of Engineers shall be established by the County after*

consultation with the responsible agency(ies). However, compensatory mitigation ratios shall be no less than the baseline mitigation ratios required by this LCP.

- c. **Oak Woodland/Savannah and Native Woodland Habitats** - Habitat restoration, enhancement or preservation is required as compensatory mitigation for impacts to oak woodland/savannah or native woodland habitat. When on-site mitigation for adverse impacts to ESHA woodlands and savannah is infeasible because on-site conditions (i.e., lack of suitable, available habitat) do not allow for the restoration, enhancement, or establishment of an ecologically functioning ESHA, an off-site mitigation site shall be selected that contains one or more of the following:
1. Oak and native woodland habitats with large trees, dense canopies, and diverse age structure;
 2. Oak woodland/savannah with opportunities to enhance or restore grassland or oak woodland communities;
 3. Habitat that supports the restoration or enhancement of like-species trees; or
 4. Habitat with like-species trees within a regional or local habitat connectivity corridor.

See Section 8178-7.6.1. for mitigation requirements for trees that constitute ESHA.

[Staff Explanation. Following the 2018 Planning Commission hearing, minor changes were made to allow off-site mitigation "sites" instead of "lots" to meet the Planning Commission directive to find fair and appropriate mitigation for fuel modification.]

- d. **Monarch Butterfly Roosts** = The conditions of approval of a Coastal Development Permit for development impacting monarch butterfly overwintering habitat shall require the permittee to provide, for the County's review and approval, a management plan for the preservation of the existing roost site and/or the restoration or enhancement of an historical roost site that is prepared by a qualified biologist.
- e. **Coastal Dunes** = Off-site dune habitat mitigation may include the establishment, restoration, enhancement and protection of dune and dune/wetland habitats near McGrath Lake, Hollywood Beach, or Ormond Beach.
- f. **Bat Roost Replacements** = When compensatory mitigation includes the replacement of an existing bat roost or breeding habitat, bat boxes shall not be used as a like-for-like replacement for existing bat roosts.

[Staff Explanation. After the 2018 Planning Commission hearing, edits were made to use the term for monarch overwintering habitat consistently, and bat breeding habitat was added to the bat roost replacement standards. This.]

Sec. 8178-2.10.8 – Implementation Options for Compensatory Mitigation

Compensatory mitigation measures shall be implemented pursuant to a County-approved ESHA Mitigation Plan (Section 8178-2.10.9), through one or more of the following means:

- a. The applicant is responsible for the completion of compensatory mitigation through one or more of the following:

1. When compensatory mitigation includes off-site ESHA preservation, the applicant may implement the mitigation requirement through the purchase of an off-site mitigation lot.
2. When compensatory mitigation includes on-site or off-site ESHA restoration, enhancement or establishment, the applicant must hire a restoration specialist to complete the ESHA Mitigation Plan (see Section= 8178-2.10.9). Off-site mitigation areas shall be encumbered with a conservation easement or owned and managed by a natural resource agency or County-approved conservation organization.

[Staff Explanation. Following the 2018 Planning Commission hearing, section "2" above was modified to meet the Planning Commission directive to investigate fair and appropriate mitigation for fuel modification. The modification allows for a broader range of mitigation options for conducting off-site restoration, enhancement or establishment. When restoration is conducted on land managed by a conservation organization or a natural resource agency, long term management costs also may be reduced or eliminated.]

3. When an approved mitigation bank (see subsection (b)) or available in-lieu fee program (see subsection (d)) accepts payment from an applicant, the responsibility for completion of the mitigation requirements resides with the mitigation bank or in-lieu fee program-

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to correct references, clarify the intent and readability of the section.]

- b. **Mitigation Bank:** A mitigation bank must meet the requirements of Section 8178-2.10.4(b)(2) and provide adequate mitigation of the impacted resource by the relevant federal or state natural resource agency or conservation organization (i.e., Conservation Bank - U.S. Fish and Wildlife; Mitigation Bank - California Department of Fish and Wildlife, U.S. Army Corp of Engineers, U.S. Environmental Protection Agency). Through a payment to such a bank, the permittee transfers its responsibility for implementation of the required compensatory mitigation to the mitigation bank.

- c. **Federal or State In-Lieu Fee Programs:** If available, an alternate, Coastal Commission approved in-lieu fee program(s) operated or managed by one or more natural resource agencies (e.g., US Fish and Wildlife, California Department of Fish and Wildlife, U.S. Army Corp of Engineers, Coastal Conservancy) could be used to satisfy compensatory mitigation requirements for impacts to wetlands, wetland buffer zones, dune habitats or other specific coastal ESHA.

[Staff Explanation. State and federal agencies have been developing a Southern California Regional In-Lieu Fee Program for wetland and surrounding upland area mitigation, with fees from that program expected to help fund the restoration of Ormond Beach. The program is included here as an "if available" option to avoid the need to process an LCP amendment later to use a program that's been approved by the Coastal Commission.]

- d. **Ventura County In-Lieu Fee Program:** The County's in-lieu fee program allows a permittee to substitute payment of a fee to the County's Coastal Habitat Impact

Fund to meet compensatory mitigation requirements for impacts to ESHA through the off-site preservation of in-kind ESHA. This program will be established as follows:

1. Objective – Provide adequate compensatory mitigation for the loss of coastal sage scrub and chaparral plant communities in the Santa Monica Mountains (M) overlay zone in a manner that allows the County to target successful conservation efforts while providing permittees with a simple mechanism to accomplish mitigation.

[Staff Explanation. After the 2018 Planning Commission hearing a minor edit was made for readability.]

2. Types of Impacts – Impacts to coastal sage scrub and chaparral in the Santa Monica Mountains that meet the definition of ESHA pursuant to Section 8178-2.4.1(d).
3. Type of Compensatory Mitigation – In-lieu fees will be used to acquire, preserve, monitor and manage land that contains coastal sage scrub and chaparral habitat.

[Staff Explanation. After the 2018 Planning Commission hearing a minor edit was made to capture all the requirements ("monitor") of the in-lieu fee program.]

4. Mitigation Area – Mitigation sites shall be in the Santa Monica Mountains and meet the locational criteria in Section 8178-2.10.4(b)(3).

[Staff Explanation. After the 2018 Planning Commission hearing a minor edit was made to correct a reference.]

5. Environmental Standards – Mitigation sites preserved through the in-lieu fee program shall meet the environmental/preservation standards in Section 8178-2.10.5(b) and all such sites shall be preserved in perpetuity.
6. Ownership and Long-Term Management Strategy and Sponsors – Compensatory mitigation (i.e., land acquisition, preservation and management) shall be conducted by a County-approved conservation organization or natural resource agency. Available funds will be transferred to the contracted organization/agency when the County is notified that an off-site mitigation property is available for purchase.
7. Compensation Planning Framework – A framework will be established for the selection and acquisition of conservation properties based on the criteria in Section 8178-2.10.4(b)(3) and the service area's needs, opportunities, and preservation challenges.
8. Timing of Compensatory Mitigation – Whenever feasible¹³, land acquisition shall be conducted within three years of the receipt of fees in the Coastal Habitat Impact Fund. Fees will be paid prior to a development project's impacts.
9. Program Administration – Administrative and reporting protocols, accounting and implementation procedures, records, agreements between County and

¹³ Land acquisition within the established period may not be feasible if: (a) funds are insufficient to purchase available lots, or (b) no lots are available that meet the County's standards for off-site mitigation sites.

the County-approved conservation organization or natural resource agency, assumption of responsibilities, default and closure provisions, and other administrative components of the in-lieu fee program shall be established and maintained by the RMA/Planning Division. See Coastal Area Plan, ESHA Program #5, for information on program administration.

10. Amount of In-Lieu Fee – The fee shall be calculated on a per-acre basis for each acre, or portion thereof, required as compensatory mitigation for impacts to CSS/chaparral (see mitigation ratios, Section 8178-2.10.6). The in-lieu fee shall be determined as follows:

- i. Interim In-Lieu Fee: For a five-year period following certification of the LCP amendments for ESHA, an in-lieu fee of \$28,603 per acre (which shall be adjusted annually for inflation) shall be used for each acre of land, or a portion thereof, required as compensatory mitigation. A temporary in-lieu fee of \$7,197 per acre (which shall be adjusted annually for inflation) shall be used for each of acre of land, or a portion thereof, required as compensatory mitigation when ESHA is thinned within an expanded fuel modification zone that exceeds 100 feet pursuant to Section 8178-2.10.1(e). After the five-year period, the County-sponsored in-lieu fee program will be discontinued unless a permanent in-lieu fee program is certified by the California Coastal Commission. See Coastal Area Plan, ESHA Program 5, for administrative details associated with the interim in-lieu fee.

[Staff Explanation. After the 2018 Planning Commission hearing, the section above was modified to allow a reduced in-lieu fee for a “thinning zone” when conducting fuel modification in ESHA or buffer zone, as directed by the Planning Commission. The reduced in-lieu fee for vegetation thinning is based on an interim fee approved for L.A. County in 2014. See staff explanation below for more information on how the fee was calculated. Language associated with the program process steps was moved to a more appropriate location within the new in-lieu fee program description within the Coastal Area Plan.]

- ii. Permanent In-Lieu Fee: The interim in-lieu fee will be replaced after five years by a permanent in-lieu fee (see Coastal Area Plan, ESHA Program 5). The proposed permanent fee and all associated LCP amendments shall be submitted to the Coastal Commission for certification. Once a permanent in-lieu fee is certified, it will be adjusted annually for inflation.

See Coastal Area Plan, Section 4.1.3, ESHA Program 5 – County Sponsored In-Lieu Fee Program.

[Staff Explanation. The in-lieu fee program would provide funds to conservation organizations for the purchase and preservation of land. Groups such as the Santa Monica Mountains Conservancy will function act as third-party provider. Normally, in-lieu fees are based on a fee study conducted in accordance with state regulations to ensure that the fee provides the required level of mitigation (i.e., the same level as is required by the mitigation ratios). In this case, a fee study will be conducted for a permanent fee within five years of certification of the ESHA amendments. Alternately,

Ventura County may be able to use the in-lieu fee study conducted by L.A. County for its permanent in-lieu fee, which is due to the Coastal Commission in 2019.

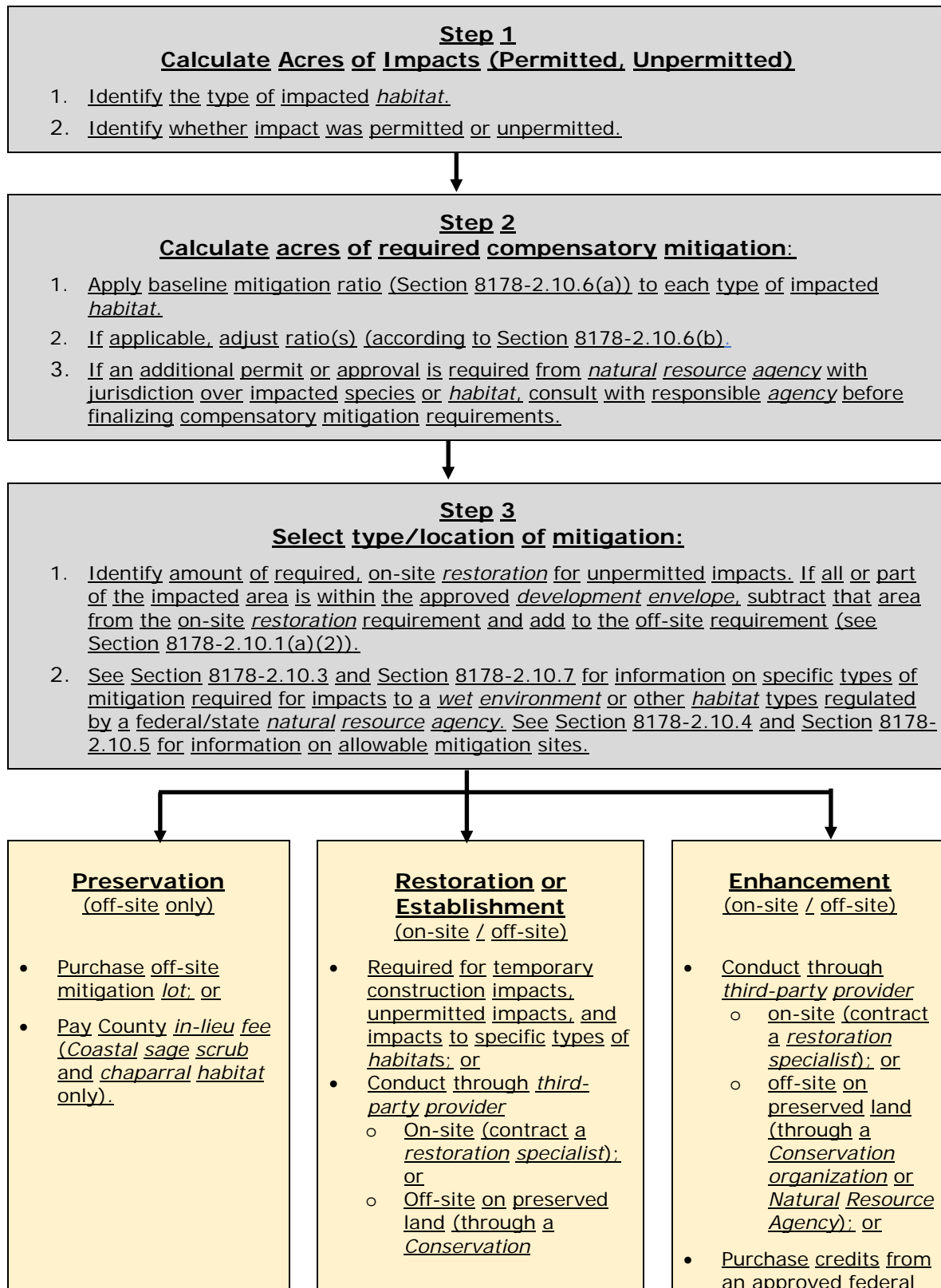
Interim In-Lieu Fee: Ventura County is proposing two interim fees that **provide the same level of mitigation** as the interim in-lieu fees approved by the Coastal Commission for L.A. County. Adjustments were made to the L.A. County in-lieu fees for its use in Ventura County as follows:

Adjustments:	Calculation		Comments
	Removal	Thinning (1)	
L.A. County in-lieu fee	\$15,500	\$3,900	In-lieu fee was approved in 2014 for a five-year period. L.A. County also guaranteed expenditure of \$2,000,000 of public funds.
• Inflation Adjustment (2014 to 2022)	\$18,161	\$4,569	An adjustment of 2% per year was added to the L.A. County in-lieu fee to account for inflation from 2014 to 2022 (the probable year of certification).
• Mitigation Ratio Adjustment	\$27,241	\$6,854	L.A. County uses a higher mitigation ratio (3:1) than Ventura County (2:1) for coastal sage scrub and chaparral. The adjustment will ensure the Ventura County fee results in the same level of mitigation as the L.A. County fee.
• Administrative Costs	\$28,603 Proposed Fee	\$7,197 Proposed Fee	A 5% administrative fee was added to cover County staff and third-party costs to administer this program.

(1) A lower fee applies to thinning ESHA beyond the 100-foot standard in a fuel modification zone.

A fee study will be conducted to confirm that Ventura County's in-lieu fee will result in the level of mitigation required by the LCP for impacts to Coastal sage scrub and chaparral. Administrative process associated with the in-lieu fee study was moved to the In-lieu Fee Program 5 in the Coastal Area Plan. (Note - On the next page, the diagram was updated following the 2018 Planning Commission hearing to include the reduced in-lieu fee option and a broader range of off-site options for ESHA restoration, establishment, or enhancement. Text was also modified for readability.)

Figure 8178-2.10 – Illustrative Diagram of Compensatory Mitigation Requirements



	<u>organization or Natural Resource Agency): or</u> <ul style="list-style-type: none"> • <u>Purchase credits from an approved federal or state mitigation bank or In-Lieu Fee Program.</u> 	<u>or state mitigation bank or In-Lieu Fee Program.</u>
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[Staff Explanation. The diagram was updated following the 2018 Planning Commission hearing to include the reduced in-lieu fee option and a broader range of off-site options for ESHA restoration, establishment, or enhancement. Text was also modified for readability.]

Sec. 8178-2.10.9 – ESHA Mitigation Plan

Required compensatory mitigation measures for the proposed development shall be described within an ESHA Mitigation Plan that meets the standards established in Appendix E2. An Habitat Mitigation Plan shall provide a summary of the mitigation measures required to offset all impacts to ESHA. It must include project goals and objectives, performance standards and criteria, identification of mitigation sites, detailed implementation schedule, a contingency plan, a cost plan, any required financial assurances, and a description of the mechanisms proposed for the long-term preservation of the mitigation site. Additional components of an ESHA Mitigation Plan will be dependent on the mitigation approach required for individual projects, and will include one or more of the following components:

- a. *Habitat Restoration Plan* - This component is required for mitigation that includes habitat restoration, establishment, or enhancement as a compensatory measure. It must include a description of how a project will be coordinated, a project schedule, and plans for the plant palette, temporary irrigation system, weed eradication, erosion control, fencing. This document also includes a cost estimate for completing compensatory mitigation and other measures identified to ensure project success based on site-specific factors.
- b. *Habitat Maintenance and Monitoring Plan* – Provides a detailed description of the required activities during the maintenance and monitoring period (see Appendix E2) associated with the *Habitat Restoration Plan* to help ensure the success of the ESHA Mitigation Plan. It must include performance standards, procedures for the periodic monitoring and implementation of corrective measures, and maintenance tasks used to ensure the continued viability of habitat mitigation requirements once initial construction is complete.
- c. *Habitat Management Plan* – This component is required for mitigation that includes habitat preservation as a compensatory mitigation measure. It must include documented proof that the mitigation property is protected in perpetuity.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to include the reference to the requirement from Coastal Act § 30607.1 Wetlands Dike and Fill Development; Mitigation Measures, where wetland restoration may require financial assurances. In addition, text was clarified for the components within an ESHA Mitigation Plan for readability.]

Sec. 8178-2.11 – Processing Permits for Development in ESHA or Buffer Zone

Sec. 8178-2.11.1 – General Requirements

All discretionary permit applications shall be reviewed against all applicable LCP policies and standards, including but not limited to the Coastal Area Plan policies in Section 4.1.3 and the Coastal Zoning Ordinance regulations/standards in Section 8178-2. The conditions of approval for a Coastal Development Permit shall be subject to the required findings of fact in Section 8181-3.5.3.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to remove superfluous wording (“Also”).]

Sec. 8178-2.11.2 – Coastal Development Permit Application Requirements

In addition to the information required by Section 8181-5, the following information and documentation must be provided with all permit applications:

- a. Coastal Initial Study Biological Assessment (CISBA) – An assessment shall be submitted of the environmental resources on the project site, as well as account for adverse impacts to ESHA that would result from the proposed project. The CISBA shall include information needed to determine the type and amount of compensatory mitigation that is required to mitigate for all unpermitted impacts and unavoidable, permitted impacts to ESHA that would result from the proposed project. The CISBA shall meet the requirements of Section 8178-2.3(a) and Appendix E1 – Site Specific Environmental Assessments for ESHA.
- b. Least Damaging Alternatives Analysis – This submittal shall include graphic and written materials needed to demonstrate that the proposed project meets the standards established by Sections 8178-2.3(b) and 8178-2.6.1.
- c. Site Plan –The site plan shall, at a minimum, identify the location of the following: (1) on-site ESHA, wetlands, and their buffer zone(s); (2) existing development, including any unpermitted structures, grading and vegetation removal; (3) the proposed building site and development envelope with all proposed buildings, structures, landscaping, outdoor lighting, service infrastructure (including testing sites for utility or access needs), temporary and permanent roads/driveways and fuel modification zones; (4) off-site development (e.g., access road(s), structures); (5) off-site parks and protected open-space that abut the lot; and (6) slopes that exceed 30 percent.
- d. Written Summary – The written submittal shall address project siting and design methods used to avoid or minimize impacts on ESHA and buffer zones.
- e. Comparative Analysis for Land Divisions – For applications involving a land division (including lot mergers, lot line adjustments, ESHA preservation incentive), a comparative analysis shall be provided assessing the development potential for the original and the proposed lot configuration and a summary of unavoidable impacts to ESHA or buffer zone. See applicable sub-sections of Section 8178-2.9 for additional information.
- f. Emergency Permits for Tree Removal – When applicable, see Section 8178-7.5.4 – Emergency Tree Alteration or Removal for permitting requirements applicable to a Coastal Emergency Permit issued for a protected tree classified as ESHA.

The Planning Director or designee may require additional information and documentation if needed to determine compliance with the policies and standards of the LCP.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to capture all ESHA requirements, and add cross- references for clarity and readability.]

Article 8, Sec. 8178-7.3.1 – Trees that Contribute to the Function and Habitat Value of an ESHA, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-7.3.1 – Trees that Contribute to the Function and Habitat Value of an ESHA

Any *tree* that meets one or more of the following criteria shall be classified as ESHA:

- a. The *tree* is located within any ESHA or is classified as ESHA by a *qualified biologist*. Non-native, *invasive or invasive watch-list* trees shall not be classified as ESHA unless the tree meets the definition of ESHA in Section 8178-2.4.1.
- b. The *tree* exhibits evidence of supporting a ~~raptor~~ nesting, breeding colony, colonial roost, *bird nest* (for migratory birds), or has been identified as a denning or breeding site, as determined in writing by a *qualified biologist* or *ornithologist*, or as determined by the County biologist based on historic or current data.
- c. The *tree* was required to be planted or protected pursuant to a ESHA Mitigation Plan, ESHA Vegetation Management Plan, or Habitat Restoration Plan-Tree Protection, Planting, and Monitoring Plan.

[Staff explanation: After the 2018 Planning Commission hearing, a correction was made to reference the required documentation for tree replacement requirements and a modification of the term “Monarch butterfly roosting habitat” for consistent defined term use throughout the CZO Also, invasive watch list species of trees will not be considered ESHA unless they are defined as ESHA.]

Article 8, Sec. 8178-7.3.4 Heritage Tree, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-7.3.4 – Heritage Trees

- a. *Heritage trees* are defined as non-native, non-*invasive or non-invasive watch list species* trees or group/grove of *trees* with unique value that are considered irreplaceable because of the tree’s rarity, distinctive features (e.g. size, form, shape color), or prominent location with a community or landscape. To be considered a *heritage tree*, a *tree* (or group/grove of *trees*) shall meet either of the following criteria:
 1. The tree has a single trunk of 28 inches or more in diameter or with multiple trunks, two of which collectively measure 22 inches or more in diameter; or
 2. If the tree species has naturally thin trunks when full grown (such as Washington Palms), or trees with unnaturally enlarged trunks due to injury or disease (e.g. burls and galls), the tree must be:
 - i. at least 60 feet tall; or
 - ii. at least 75 years old, as verified by historical accounts, photographs, or associations with historic structures. Age shall not be determined by growth ring counts in cores taken from the edge to the center of the *tree*.

[Staff explanation: After the 2018 Planning Commission hearing, the text was modified to include invasive watch list species of trees included as a species not to be preserved.]

Article 8, Sec. 8178-7.4 - Development Standards for Protected Trees, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-7.4 – Development Standards for Protected Trees

The purpose of these development standards is to ensure the conservation of *protected trees* that may provide critical life stage habitats for special status species ~~breeding and nesting birds~~ that are protected by the Fish and Game Code, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act and other federal, state, or local regulations ~~for all bird species of special concern~~. The development standards are also intended to ensure that *protected trees* are preserved where they are an important component of the visual character of the *coastal zone*.

[Staff explanation: After the 2018 Planning Commission hearing, the text was modified to include all special status species, not just birds, that utilize protected trees for critical life stages such as breeding, denning, or roosting habitats like Western Monarch Overwintering sites, denning sites for mountain lions or bobcats, maternity roost for protected bat species, etc.]

Article 8, Sec. 8178-7.4.1 General Standards, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-7.4.1 - General Standards

- a. A new *principal use or structure* shall be sited and designed to avoid damage to native, historic, and heritage *protected trees* to the maximum extent feasible, as evidenced through an *alternatives analysis*. If there is no feasible alternative that can avoid damage to a *protected tree*, then the project alternative that would result in the least damage to such a *tree* shall be selected, and damage to a *protected tree* that cannot be avoided through implementation of siting and design alternatives shall be mitigated consistent with the mitigation requirements in Section 8178-7.6.
- b. A new *principal use or structure* shall be sited and designed to avoid damage to *protected trees* that are classified as *ESHA* pursuant to Section 8178-7.3-12.4.1. However, if there is no feasible alternative that can avoid all impacts to a *protected tree* designated as *ESHA*, and still allow a *principal use or structure* that is the minimum necessary to provide ~~reasonable~~ economically beneficial use of the property (as evidenced through an *alternatives analysis*), the project alternative that would result in the least damage to such a *tree* shall be selected. Impacts ~~to trees classified as ESHA~~ that cannot be avoided through implementation of siting and design alternatives, including reduction of the *building* footprint, shall be mitigated consistent with the mitigation requirements in Sections 8178-7.6, 8178-2.10, and 8178-2.10.7 (as applicable).
- c. Once the original land use entitlement has been issued for a *principally permitted use or structure*, and the use has commenced or the *structure* has been built, an addition or expansion that would require the *removal* of a *protected tree*, or *alteration/protected zone encroachments* that damage a

protected tree shall be prohibited (see Section 8178-7.6.1). A *heritage tree* is excluded from this prohibition.

- d. *Development* shall be sited and designed to avoid *encroachment* into the *protected zone* of a *protected tree* to the maximum extent feasible. *Encroachments* shall be fully mitigated consistent with the mitigation requirements in Section 8178-7.6.
- e. The removal of a *protected tree*, or *alterations/protected zone encroachments* that damage a *protected tree*, shall be prohibited for *accessory uses* or *structures* except for existing, legal *structures* (see Section 8178-7.6.1). Notwithstanding the foregoing, a *heritage tree* may be removed for the purpose of constructing a second dwelling unit.
- f. New *discretionary development* shall be sited and designed to comply with the following:
 - 1. Irrigation and landscaping shall be prohibited within the *protected zone* except where the *protected tree* is tolerant of water, the landscape is comprised of shallow-rooted, herbaceous perennials, bulbs or *groundcover*, and a *qualified tree consultant* verifies the *protected tree* would not be adversely affected by the level of irrigation, compaction of soil, or root disturbance associated with the proposed landscaping.
 - 2. A minimum *buffer zone* of five feet from edge of the *tree protected zone* shall be provided to allow for future growth of a *protected tree* unless a *qualified tree consultant* provides justification in writing that the *buffer zone* may be decreased in size because the *protected tree* is regarded as “tolerant” due to the *tree* species, age, health or location.
 - 3. New drainage systems shall be directed away from all *root zones* of all *protected trees*, replacement offset *trees*, and *transplanted trees*.
- g. When a *public works* project includes the repair or maintenance of drainage devices and road-side *slopes*, the project may not result in the *alteration* or *removal* of a *protected tree* except as follows:
 - 1. The *development* is the minimum design necessary to protect existing public roads;
 - 2. The project avoids removal or alteration of *protected trees* to the maximum extent feasible, and
 - 3. All impacts to *protected trees* are mitigated pursuant to Section 8178-7.6.

This provision shall not apply to trees classified as *ESHA*, which are subject to more protective requirements pursuant to Section 8178-2.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to maintain consistency of terms (buffer “zone”, “economically beneficial use”), to clarify intent of the ordinance (delete the use of “provision” and replace with “subsection”, and add cross-references.)]

Article 8, Sec. 8178-7.4.2 - Tree Removal and Alteration, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-7.4.2 - Tree Removal and Alteration

- a. The *alteration* or *removal* of a *tree* that is *ESHA* pursuant to Section 8178-7.3.12.4.1 shall only be permitted when:
 1. The *tree* poses an imminent hazard to life or property and there is no feasible alternative to ensure public health and safety (see Section 8178-7.5.4 ~~Emergency Tree Alteration or Removal~~); or
 2. *Tree alteration* or *removal* is necessary to allow a new *principal use* that is the minimum necessary to provide a ~~reasonable~~ economically beneficial use of the property (see Section 8178-7.4.1 General Standards and 8178-2.5.3); or
 3. ~~Removal or alteration~~ of the *tree* is a necessary component of an approved ~~habitat restoration plan~~, ESHA Mitigation Plan, Monarch overwintering roost habitat management plan (Section 8178-2.10.7(d)), or ESHA Vegetation Management Plan.
 4. There is no current or historical evidence or knowledge that the tree is used by the following: 1) nesting raptors; or 2) as a denning site for mountain lions, bobcats, coyotes, or other special status species; or 3) it functions as a colonial roost/breeding site (See Sections 8178-2.4.1 and 8178-2.7.8(a)).
 5. A dead tree classified as ESHA shall not be removed unless it poses a hazard to persons or property that cannot be remedied through other means or alterations.
- b. ~~Except as authorized pursuant to Section 8178-7.5.4 – Emergency Tree Alteration or Removal, removal of a protected tree shall not be deemed necessary when a feasible alternative development plan exists that does not require the removal of the protected tree.~~
- c. ~~The alteration of a protected tree that is not classified as ESHA shall only be permitted for pruning to maintain the health and structure of the tree or for the same reasons set forth in subsection (c) below for removal of a protected tree. c. Except as authorized pursuant to Sec. 8178-7.5.4 – Emergency Tree Alteration or Removal, removal of a protected tree shall not be deemed necessary when a feasible alternative development plan exists that does not require the removal of the protected tree. In addition, the removal of a protected tree shall only be permitted for one or more of the following reasons:~~
 1. Is required to provide necessary access to *development* approved in a *Planned Development Permit*;
 2. Is required to allow the *development* of a *principal permitted use* or *structure* at a particular location, and is the minimum area necessary to provide a ~~reasonable economic use~~ economically beneficial use of the property, as evidenced through an *alternatives analysis*;
 3. Is required to allow the construction of a second dwelling unit, provided that the tree is classified only as a *heritage tree*.
 4. Is required to establish the ~~required~~ mandatory *fuel modification zone* for new *development* where no feasible alternative location for the *development* exists; or

5. The tree is dead, diseased or poses a danger to healthy trees in the immediate vicinity, or is in a condition that poses a hazard to persons or property that cannot be remedied through other means or alterations. In these circumstances, a *qualified tree consultant* shall verify the status and health of the tree and provide recommendations and evaluation of alternatives for restoring the health of the tree where feasible.

[Staff explanation: After the 2018 Planning Commission hearing, the previous subsections (a), (b) and (c) were reorganized to combine repetitive text and to clarify what regulations pertained to ESHA and non-ESHA trees. Also cross-reference titles were removed for formatting corrections and to maintain consistency of terms (“mandatory fuel modification zone”, “economically beneficial use”) and 6) relocate other cross-references associated with mitigation to a later tree mitigation section.]

d. Timing:

1. Bird breeding and nesting - To safeguard *protected trees* that may provide *habitat* for breeding and nesting birds protected by the Fish and Game Code, the Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act, all *tree removal* and *tree alteration* is prohibited during the bird breeding and nesting season (January 1 to September 15) unless the *Planning Director*, in consultation with a *qualified tree consultant*, determines that the *tree* poses an imminent hazard to life or property. This prohibition may also be waived when a bird survey is conducted pursuant to Section 8178-7.7.4.1.1 and evidence of active breeding or nesting birds is not discovered within the project site. Any evidence that the tree(s) are used by nesting raptors or function as a colonial roost/nesting site is discovered or known, then the tree may only be removed or altered pursuant to Section 8178-7.4.1(b). Any discretionary action approved, pursuant to this section, for *tree alteration* or *removal* during the bird breeding and nesting season shall be conditioned to require a bird survey no more than three days prior to commencement of the approved work to confirm that no bird breeding or nesting activity is present.
 2. Monarch butterfly - To safeguard *protected trees used as a monarch butterfly overwintering habitat* (Section 8178-2.7.8), two roost surveys for subject trees shall be conducted by two different independent qualified biologists during the October – March period (see Appendix E1, Section AE-1.3.2(g)).
- e. If the *Planning Director* determines, based upon substantial evidence, that the *removal* or *alteration* of a *protected tree* may result in unintentional damage to existing *development* including but not limited to utilities, buildings, other *protected trees*, or *ESHA*, a *qualified tree service company* or *qualified tree trimmer* shall be retained to *alter* or *remove* the *protected tree*.

[Staff explanation: After the 2018 Planning Commission hearing, subsections (a)(4) and (d) were modified to clarify that a “negative” survey does not allow for the removal or alteration of an ESHA tree. Certain species reuse tree habitats year after year to breed or roost because of the specific microclimate conditions

associated with the habitat or tree and those trees are considered to be ESHA based on the Coastal Act. These trees are protected year round as ESHA because of how critical to maintaining the size and viability of the animal population. Tree removal can occur with trees that are used by species that may alter their breeding site from year to year (e.g., smaller birds when their nesting attempts are unsuccessful). Also the text was edited to maintain consistency of terms, add applicable cross-references, and to help with readability (removed "such" and added "subject"). After the 2021 Planning Commission hearing subsection(d)(ii) was modified in accordance with the Planning Commission directive from the August 19, 2021 Planning Commission hearing.]

Article 8, Sec. 8178-7.4.4 – Project Construction Standards, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-7.4.4 – Project Construction Standards

- a. Construction impacts to *protected trees* shall be avoided. Before the commencement of any clearing, grading, ground disturbance, or other construction activities, erosion control and tree protection measures shall be installed including but not limited to protective fencing at the edge of the *tree protected zone* of each *protected tree*.
- b. For *trees with an active raptor nest or colonial breeding sites, which are classified as ESHA*, a *buffer zone* shall be provided during construction that is no less than 500 feet. For all other active bird nests, the *buffer zone* shall be no less than 300 feet. The required *buffer zone* shall be provided during construction until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. If the required *buffer zone* cannot be achieved, the maximum setback shall be provided and construction activities that occur within the required *buffer zone* shall be monitored by a *qualified biologist or ornithologist* to detect any breeding or nesting behavior. In the event nesting birds are encountered, construction shall be halted in the area of the nest until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. A weekly report shall be submitted to the Planning Division that discloses the findings of the observations conducted for that time period. The *buffer zone* shall be designated by protective fencing. For other *buffer zone* requirements for trees classified as ESHA, see Sections 8178-2.4.4.1, 8178-2.6.13, 8178-2.7.6, and 8178-2.6.7.
- c. No ground disturbances, grading, trenching, construction activities, or structural *development* shall occur within the *tree protected zone* or *buffer zone* except where it may be allowed pursuant to ~~See Sections 8178-7.4.1, or 8178-7.4.2,~~ consistent with the standards of this Sections 8178-7 or 8178-2; and as specifically authorized by the permit and the approved *Tree Protection, Planting, and Monitoring Plan, ESHA Vegetation Management Plan or ESHA Mitigation Plan.*
- d. Any approved *development* (e.g. paving, or the installation of *fence posts*), including grading or excavation (e.g. utility trench) that *encroaches* into the *tree's protected zone* shall be constructed using only hand-held tools.

- e. If disturbance is permitted within the *tree protected zone* or *buffer*, a *qualified biologist* shall monitor the temporary disturbance and fencing shall be temporarily modified to allow work to be completed. Fencing shall remain in place until all construction and grading activities have ceased.
- f. Construction equipment storage and staging areas shall be located outside of the fencing area or *buffer zone* described above, and graphically depicted on approved site, grading, and building plans.
- g. Unless the activity is conducted in accordance with ~~See~~ Sections 8178-7.4.1 and 8178-7.4.2 and is specifically authorized by the *development's* land use permit, the burning, application of toxic substances, overwatering, storing materials, operating machinery, or any other disturbance within the *tree protected zone* or *buffer*, is prohibited. Refer to Section 8178-2.8, for requirements associated with the application of pesticides.
- h. Prior to earth disturbing activities, project construction standards and any additional recommendations in the approved *Tree Protection, Planting, and Monitoring Plan, ESHA Vegetation Management Plan, or ESHA Mitigation Plan* shall be implemented.

See Section 8178-2.6.13(f) for standards to minimize *invasive* or *invasive watch list plant species* in *ESHA* and *buffer zone*.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to maintain consistency of terms (buffer "zone"), refer to invasive watch list species that are referenced in the ESHA standards, clarify what ESHA the regulations apply to, and add cross-references to other applicable sections associated with the standards. After the 2021 Planning Commission hearing, terminology referring to pesticide use was modified.]

Article 8, Sec. 8178-7.5 –Tree Permits, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-7.5 –Tree Permits

- a. A *tree permit* is required for the *alteration, transplantation, or removal* of a *tree* unless exempt from a *permit* pursuant to Section 8178-7.5.3. There are three types of *tree permits*: a *Planned Development Permit* (see Section 8178-7.5.1), *Zoning Clearance* (see Section 8178-7.5.2), and an *Emergency Coastal Development Permit* (see Section 8178-7.5.4 and Section 8181-3.7).

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to remove superfluous wording because the sentence is under Sec. 8178-7.5.1 below.]

- b. If *tree alteration, removal, or transplantation*, is part of a *development* requiring a discretionary permit, then the *tree permit* application and approval process shall accompany the *development* project that requires a discretionary permit.
- c. If a person applies for a permit to *alter* or *remove* a *tree* located in an area subject to state or federal regulations (e.g. Fish and Game Code or Clean Water Act) that are more stringent than the regulations set forth in this Section 8178-7, the stricter requirements shall prevail in establishing the conditions of approval for that permit.

Sec. 8178-7.5.1 - Planned Development Permit

No person shall *remove, alter, or transplant* a *protected tree* without obtaining a *Planning Director* approved *Planned Development Permit*, unless it is exempt from a permit (pursuant to Section 8178-7.5.3) or requires only a *Zoning Clearance* (pursuant to Section 8178-7.5.2) or ~~*Emergency Coastal Development Permit*~~ (see Section 8178-7.5.4). A *Planned Development Permit* is required to *remove, alter, or transplant* a *protected tree* classified as *ESHA*. A *Planned Development Permit* shall also be required for:

- a. *Post-Removal, -Alteration, or -Transplantation.* A *Planned Development Permit* shall be required when a *protected tree* was *removed, altered or transplanted* without the required permit and/or a person seeks to *remove the tree, roots or limbs* from the *lot*.
- b. *Tree Alteration.* A *Planned Development Permit* shall be required for the following types of *alterations* to a *protected tree*:
 1. The *alteration* may compromise the health of the *tree* and results in a *qualified tree consultant's* recommendation for *tree removal*.
 2. *Encroachment* into the *tree protected zone*. Examples of encroachments include but are not limited to changing the existing *grade*, landscaping or irrigation, excavating for utilities or *fence* posts, or paving associated with driveways and streets.
 3. *Pruning* of *tree canopy* greater than 20 percent.
- c. *Emergency Tree Alteration or Removal.* A *Planned Development Permit* shall be required following issuance of an ~~*Emergency Coastal Development Permit*~~ in accordance with Section 8178-7.5.4.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to correct the use of defined terms "emergency" "Coastal Development Permit".]

Sec. 8178-7.5.1.1 – Planned Development Permit Findings

- a. A *Planned Development Permit* may be approved only when the applicable decision-maker makes one or more of the following findings, as applicable:
 1. The proposed project conforms to the development standards in Section 8178-7.4.
 2. The proposed project is sited and designed to avoid the *removal or transplantation* of *protected trees* except as allowed by this Section 8178-7 and where no feasible alternative exists that would avoid or further minimize the *removal, transplantation, or damage* to *protected trees*.
 3. To the maximum extent feasible, the proposed project is sited and designed to avoid any *encroachment* into the *protected zone* of a *protected tree* that would lead to the decline or death of the *protected tree*.
 4. The adverse impact of *tree removal, tree transplantation, or encroachment* in the *tree protected zone* cannot be avoided because such impacts cannot be reduced or avoided through a feasible alternative.

5. All feasible mitigation measures that would substantially lessen any damage to *protected trees* were incorporated into the approved project through project design features or conditions of approval.
 6. For trees classified as ESHA, the permit findings shall include those provided in Section 8181-3.5.3.
- b. In addition to the required findings in subsection "a" above, one or more of the following findings may be used to substantiate the reason for *removal, transplantation, or encroachment of a protected tree*:
1. A *protected tree's* continued existence in its present form or location denies reasonable access to the subject property or denies the development of the principal permitted use that is the minimum necessary to provide a reasonable economic use of the property.
 2. The location of a *protected tree* prevents the continuation or safe operation of an existing utility service and there are no feasible alternatives that would eliminate or reduce the impacts.
 3. The *protected tree(s)* proposed for *removal* has a debilitating disease or is in danger of falling, and such conditions cannot be remedied through preservation procedures and practices, and the *tree(s)* is located in an area where falling limbs or trunks would be a danger to persons or property (i.e. existing structures).
 4. The alteration or removal of a *protected tree* is required for a public works project that entails the repair and/or maintenance of drainage devices and road-side slopes and is the minimum design necessary to protect existing public roads.

8178-7.5.1.2 – Modifications to a Discretionary Permit

A *protected tree* that was planted pursuant to a Tree Protection, Planting, and Monitoring Plan, a mitigation measure, or an approved *landscape plan*, and that is proposed to be *removed* due to its decline or death, may be substituted with an alternate species subject to the following:

- a. The requested substitution is justified in writing by a *qualified biologist* and/or *qualified tree consultant* and fulfills the mitigation requirements or performance standards set forth by the original discretionary permit, and the monitoring and successful establishment of the substituted species is required by a permit condition.
- b. An application for modification of the subject permit is filed in compliance with Sec. 8181-10.4.2.

Sec. 8178-7.5.2 – Zoning Clearance

- a. A person may *alter or remove a non-native₁ or ~~non-native~~ invasive or invasive watch list species of tree* with a *Zoning Clearance* when such actions occur outside the bird *breeding and nesting season* (January 1 to September 15), except when such trees are classified as an ESHA protected tree pursuant to Section 8178-7.3.1. ~~Within the bird breeding and nesting season, tree removal may also occur in accordance with Sec. 8178-7.7.4.1.1, which allows tree removal if a bird survey is conducted and no nesting birds are found in the project area.~~

- b. Overhead Utility Lines. *Alteration of a protected tree, except when such trees are classified as an ESHA protected tree pursuant to Section 8178-7.3.1, below or adjacent to public overhead lines located in State Responsibility Areas (as mapped by the Department of Forestry and Fire Protection), where the primary financial responsibility for preventing and suppressing wildland fires rests with the State and when necessary to maintain existing overhead lines. Alteration shall be the minimum necessary to provide safe fire clearance.*

[Staff Explanation. After the 2018 Planning Commission hearing, a correction was made to remove a text that allowed a tree to be removed if a bird survey was conducted and no birds were found nesting. Certain species reuse tree habitats year after year to breed or roost because of the specific microclimate conditions associated with the habitat or tree. These trees are protected year round because of how critical they are to maintaining the size and viability of the animal population. Tree removal can occur with trees that are used by species that may alter their breeding site from year to year (e.g., smaller birds when their nesting attempts are unsuccessful). Also, invasive watch list species of trees will not be considered ESHA unless they are defined as ESHA.]

Sec. 8178-7.5.2.1 – Zoning Clearance with Inspection

- a. *Development that encroaches less than 10 percent into a protected tree's tree protection zone that is not an ESHA protected tree (See Section 8178-7.3.1) may be permitted with a zoning clearance with inspection. A certified arborist or qualified tree consultant shall submit the following, in writing:*
- 1. The purpose of the encroachment, degree of encroachment within the tree protected zone, recommendations to avoid and minimize potential impacts to tree roots during construction, in accordance with Section-8178-7.4.4 – Project Construction Standards, and a statement that the proposed encroachment is not expected to result in permanent damage to the protected tree.*
 - 2. In the event that the certified arborist or qualified tree consultant determines the proposed tree encroachment is below 10 percent but development has the potential to harm the protected tree, a Planned Development Permit shall be required in accordance with Section-8178-7.5.1.*
- b. *Pruning of a protected tree's live limbs, provided such trimming does not endanger the life of the tree or result in an imbalance in structure, or remove more than 20 percent of its tree canopy. Unless justification is provided in writing by a qualified tree consultant, removing a protected tree's branches larger than four inches in diameter shall be prohibited.*

[Staff Explanation. After the 2018 Planning Commission hearing, a cross reference was added and the text to clarify that the Zoning Clearance with Inspection does not include trees classified as ESHA.]

Sec. 8178-7.5.3 - Exemptions

The alteration or removal of protected trees is only exempt from a permit under the following circumstances, and in accordance with ~~timing requirements of Section- 8178-7.4.2(a) and (d) 4.1-1, which prohibits tree alteration or removal~~

~~during the bird breeding and nesting season (January 1 to September 15) unless a survey determines no nesting birds are present in the project area:~~

a. Commercial *Tree Operations*:

1. The *removal* or *alteration* of *trees* planted, grown, or held for sale by lawfully established nurseries and *tree* farms, or *trees removed* or *transplanted* from such a nursery as part of its operation.
2. In areas zoned Coastal Agricultural (CA), *trees* such as avocado, citrus, and nut bearing *trees* planted, grown, and presently harvested for commercial *agricultural* purposes. This does not include the alteration, *transplanting*, or removal of *protected trees* or their limbs that were not planted for *agricultural* purposes. Examples of generally accepted agricultural activities that do not require a permit include but are not limited to the following:
 - i. Converting land planted with for mature avocado *trees* to grazing (animal husbandry) or *crop production* uses.
 - ii. Replacement of mature lemon *trees* with young lemon *trees*.
 - iii. Thinning of *trees* in an orchards to allow more vigorous growth and production on the part of the remaining *trees*.
 - iv. Harvesting, planting, and tending crops and crop-type conversions (e.g. orchards to grapes, or lemon *trees* to avocado *trees*).

b. *Minor Tree Alterations*:

1. *Fuel Modification Zone Maintenance*. Maintenance of *protected trees* within the required *fuel modification zone*, including but not limited to *alteration* of a *protected tree's live limbs* to effectively manage fuels or to prevent the transmission of fire from native vegetation to a *structure*. See Section 8178-2.6.9 for maintenance requirements of retained ESHA protected trees within extended fuel modification zones.

c. Dead or Fallen *Tree* or Limb:

1. Any naturally fallen dead *protected tree* or dead limb that no longer exhibits the structural integrity of a healthy *protected tree* or limb and is determined to be a fire hazard by the Fire Department or is in danger of falling and threatening public safety, may be removed, unless that *tree* is classified as or located in ESHA. Naturally fallen dead *trees* located in ESHA shall not be removed unless that *tree* poses a serious nuisance (i.e. the *tree* blocks a primary access road) or the fallen *tree* poses an imminent threat to persons or property, and under such circumstances an emergency Coastal Development Permit is required. Artificial, mechanical, or human induced damage to a *protected tree* does not constitute a naturally fallen tree.
2. Removal of *trees* destroyed by *natural disaster*, or a catastrophic (sudden and complete) failure (vehicle accident, *structure* collapse, etc.).
3. Prior to *tree removal* or *alteration*, property owners are encouraged to submit documentation verifying the *tree* removal was exempt from a tree permit pursuant to ~~Section~~ 8178-7.7.1.

[Staff Explanation. After the 2018 Planning Commission hearing, cross references were added and corrected, and the text was corrected to ensure that all ESHA protected trees supporting colonial roost sites, breeding sites, etc. cannot be removed if a survey does not find them there for part of the year. Also, a reference to standards associated with retained ESHA within extended fuel modification zones.]

Sec. 8178-7.5.4 - Emergency Tree Alteration or Removal

- a. An *emergency*, as defined in this Section- 8178-7.5.4, is a sudden unexpected occurrence where a *protected tree*, because of its lack of structural integrity, demands immediate action to prevent or mitigate loss or damage to life, a significant loss of property, and where there is no feasible alternative to ensure public health and safety.
- b. In an *emergency* situation, *tree alteration* or *removal* may proceed without first obtaining a *tree permit* and shall be limited to such actions that are necessary to address an imminent hazard to life, health, property or essential public services.
- c. In an *emergency* situation, permit applications shall be made and processed in accordance with Section- 8181-3.7 (~~Emergency Coastal Development Permits~~). If the *emergency Coastal Development Permit* includes the *alteration or removal of a protected tree* classified as *ESHA*, then the following information shall be included with the permit:
 1. Two to four colored photographs of the affected *tree*. The photos shall be taken from different vantage points, clearly illustrate the reason for the request to remove or alter the *tree*, and should identify the *tree's* location relative to nearby vegetation or landmarks;
 2. Site Sketch or Plan, drawn to scale with north arrow that shows the location and species name of the affected *tree(s)*, including any benchmarks that identify the tree location; and
 3. A summary of the measures taken during the tree removal or alteration process to minimize adverse impacts on *ESHA* or *buffer zones*.
- d. Within 90 days following the issuance of an *emergency Coastal Development Permit*, a *Planned Development Permit* application for the *emergency removal* or *alteration* of a *protected tree* shall be submitted.

[Staff explanation: After the 2018 Planning Commission hearing, a minor edit was made to the term “buffer zone” and “coastal development permit”, to be consistent with the definition in Article 2 .]

Article 8, Sec. 8178-7.6 – Mitigation Requirements, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-7.6 – Mitigation Requirements

To protect the ecological value and visual quality of *protected trees*, all appropriate and practicable steps shall be taken to avoid and minimize damage to *protected trees* consistent with the provisions of this Section- 8178-7.6. The following mitigation measures to reduce damage to *protected trees* shall be undertaken in the following order:

- (a) Avoidance. Avoid direct and indirect impacts to *protected trees* through project siting and design. Adverse impacts to *protected trees* shall be avoided if there is a feasible alternative with less adverse impacts.
- (b) Onsite Mitigation. If damage to *protected trees* cannot be avoided, mitigation for the *removal, alteration, or transplantation* of a *protected tree* shall be in the form of *transplanting* or planting replacement *trees* on the same property where the *protected trees* were impacted.
- (c) Off-Site Mitigation. When avoidance or onsite mitigation is infeasible, all or in part, due to crowding or other physical constraints, *transplanting* or planting replacement *trees* may be allowed, all or in part, in an off-site location that contains suitable *habitat* that is sufficient in area to accommodate the numbers and required types of replacement trees. Off-site locations must be within the Ventura County *coastal zone* and, whenever feasible, within the same watershed in which the *protected tree* was removed.
- (d) *In-lieu Fees*. In special circumstances, required *tree* mitigation may be in the form of an *in-lieu fee* into the Planning Division's Tree Mitigation Fund. The *Tree Mitigation Fund* cannot be used as compensatory mitigation for *protected trees* classified as *ESHA* (See Section 8178-2.10). Special circumstances shall be limited to situations where no appropriate on- or off-site locations are identified for *tree* replacement (i.e. on- and off-site mitigation is infeasible), and such circumstances shall be confirmed by documented site characteristics or other evidence. Mitigation measures that include payment of *in-lieu fees* shall be approved by the *Planning Director* and administered as follows:
 - 1. The County's Tree Mitigation Fund shall be the depository for all *in-lieu fee* payments.
 - 2. The amount of the *in-lieu fee* shall be established by the Planning Division using the most current edition of the International Society of Arboriculture's "Guide to Plant Appraisal," which represents the cost to replace and install a tree of the same species and size as the *protected tree* being removed or encroached upon. The *in-lieu fee* shall also include an amount to cover the costs to maintain and monitor required replacement trees for a 10-year period.
 - 3. The County Tree Mitigation Fund shall be used to plant *protected trees* at suitable sites in the *coastal zone* of unincorporated Ventura County and, if possible, within the same watershed as the *protected tree(s)* being removed. Suitable sites shall be limited to land restricted from *development* (public land, land owned by *conservation organizations*, or land subject to a *conservation easement* or equivalent legal instrument). Suitable sites shall also be limited to *habitats* that support the *protected tree*. Preference shall be given to sites zoned Coastal Open Space (COS), including but not limited to *native tree* woodland or savanna *habitat* areas, properties containing areas designated *ESHA*, or public parkland. Project funds may only be awarded to public agencies or *conservation organizations*. Projects selected may provide *habitat restoration* and shall, at a minimum, result in an equivalent number of as would occur through on-site or off-site mitigation.
 - 4. No more than seven percent of the in lieu fees collected may be used by the Planning Division to develop and implement appropriate programs for the above-described in-lieu mitigation measures.

Sec. 8178-7.6.1 - Tree Replacement for Altered or Removed Protected Trees

Where unavoidable adverse impacts to *protected trees* may result from *development*, including the *alteration* or *removal* of a *protected tree*, the impacts shall be mitigated in accordance with the following standards:

- a. Trees classified as ESHA. Compensatory mitigation requirements for protected trees classified as ESHA (Section 8178-7.3.1) shall be mitigated in accordance with Section 8178-2.10For individual trees removed through an *emergency Coastal Development Permit*, impacts shall be mitigated at a 1:1 ratio or as required by the standards in this Section.
- ab. *Native tree* replacement shall occur as follows:
 1. *Native trees* shall be replaced at a ratio of no less than 10 replacement *native trees* for every *native protected tree* removed and for any *tree alteration* that results in the loss or decline in health or vigor of a *native protected tree*.
 1. Seedlings shall be grown from acorns collected from the same watershed the *protected tree* was removed from, or from nursery stock grown from locally-sourced acorns.
 2. Naturally occurring *native tree* seedlings or *saplings* that have trunks less than 3 inches at 4.5 feet above existing *grade*, growing on the same *lot* as the *removed tree* may be counted as *offset replacement trees*. Seedlings/ *saplings* shall be boxed for future planting and/or protected in place as shown on the approved *Tree Protection, Planting, and Monitoring Plan*.
 3. When available, replacement planting locations shall be selected that provide supportive *habitat* (i.e. *habitat* characteristics similar to those found in *riparian* and valley/foothill woodland *habitat*) for the replacement *trees*.
- bc. *Historic Trees*. Mitigation for the removal of a *historic tree* shall be determined by the *Planning Director* in consultation with the Cultural Heritage Board.
- ed. *Heritage Trees*. Mitigation for the removal of a *heritage tree* shall be determined by the following:
 1. If the *heritage tree* (or grove of *trees*) is not an *invasive* or *invasive watch list plant tree* species and is located in a public area or a prominent location as seen from *public viewing areas*, then mitigation shall include: (1) the planting of replacement *trees* of the same species on a 1:1 ratio; (2) the size of the replacement *tree* shall be comparable to the *tree(s)* being removed; and (3) the replacement *tree(s)* shall be planted in location that is close to where the *heritage tree(s)* was removed.
 2. If a *heritage tree* is not located in a public area or a prominent location as seen from *public viewing areas*, then mitigation shall include the planting of replacement *native trees* on a 1:1 ratio.
- de. *Transplanted Protected Trees*. In the event that a transplanted tree dies during the required 10-year monitoring period, or the tree health is poor or declining during the monitoring period, replacement trees shall be planted pursuant to Section 8178-7.6.1(a) above.

- ef. *Encroachment into the Tree Protected Zone.* When permitted *development* results in encroachment within the *tree protected zone*, potential impacts shall be mitigated in accordance with the following standards:

Encroachment	Mitigation Ratio (Number of replacement trees required for every one tree impacted/removed)
Less than 10% encroachment	<i>Zoning Clearance</i> with Inspection. No mitigation required when conducted pursuant to Section 8178-7.5.2.1(a).
10 to 30% encroachment (or less than 10% pursuant to Section= 8178-7.5.2.1(a)(2))	Leave tree in place, and Mitigate at 5:1 in accordance with Sections= 8178-7.6 and See= 8178-7.6.1; or Pay an <i>in-lieu fee</i> in accordance with Section= 8178-7.6(d)
Greater than 30% encroachment, or within 3 feet of a tree trunk	Remove tree or keep in place. Mitigation is same as tree removal for the species. See Sections= 8178-7.6 and See= 8178-7.6.1

- fg. *Emergency Tree Alteration or Removal.* If an *emergency Coastal Development Permit* is issued for the *alteration or removal* of a *protected tree*, the follow-up *Planned Development Permit* shall include corrective measures to *restore* and stabilize the disturbed areas after the *tree* has been removed in accordance with a *Tree Protection, Planting, and Monitoring Plan for a non-ESHA protected tree* ~~habitat restoration plan or an ESHA Mitigation Plan for an ESHA protected tree~~. Alternatively, ~~such non-ESHA~~ areas may be *restored* or stabilized through the application of mulch, pheromone traps or insecticides in accordance with a *Tree Protection, Planting, and Monitoring Plan* pursuant to ~~Section=~~ 8178-7.7.4(d). The requirements for mitigating the loss of the *protected tree* shall be waived unless the following applies:

1. Tree replacement shall be at a 1:1 ratio for the *emergency removal* of a *protected tree* that is required by an approved ~~landscape plan, ESHA Mitigation Plan, or habitat restoration plan~~ *Tree Protection, Planting, and Monitoring Plan*.

[Staff explanation: After the 2018 Planning Commission hearing, a correction was made to distinguish the required documentation for tree replacement requirements for ESHA and non-ESHA and the term emergency Coastal Development Permit was corrected for consistency. Also, deleted cross-references that are defined and added invasive watch list species to text that addresses invasive species.]

Article 8, Sec. 8178-7.7.4 - Planned Development Permit, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-7.7.4 - Planned Development Permit

A *tree permit* application shall be filed with the Planning Division in accordance with Section= 8181-5 and signed by the applicant or authorized agent. A *Planned Development Permit* application shall include the following:

- a. Application. All items required for a *Zoning Clearance* permit application (see Section= 8178-7.7.2 above, items a-e).
- b. *Tree Transplantation* Specifications. For *protected trees* proposed to be *transplanted*, the applicant shall submit a written evaluation by a *qualified tree consultant* that includes but is not limited to the location of *roots*, limits of disturbance, pre-*removal* treatments and care, and safety measures, to ensure the method used to *transplant* the affected *tree* will not cause the death of the *tree*.
- c. *Tree Survey*. A *Tree Survey* shall be submitted for the following: (1) If a *protected tree* is proposed to be *removed* or *transplanted*; (2) If construction or grading activities occur within a *tree protected zone* (see Section= 8178-7.4.4); and (3) If new *development* requires alteration or removal of a protected tree or where any new *development* is proposed within a *tree protected zone*.

If a *tree survey* is required, it shall be prepared by a *qualified biologist, certified arborist, or qualified tree consultant*, and include the following:

1. Contact information. Names, phone numbers and addresses of the property owner, applicant, and project consultants, and the street address and Assessor Parcel Number (APN) of the project site.
2. Background and project information. A description of the physical characteristics of the project site including topography, *adjacent* land uses, existing and proposed *development*, construction methods, timing and sequence of *development* activities, construction storage and staging areas, etc.
3. Site observations. A summary of the proposed survey method including but not limited to the date and time the survey was conducted, extent of any unpermitted *protected tree alterations* or *removal* (if applicable), ~~the presence or absence of any nests, evidence or knowledge of breeding, denning, or roosting by~~ *special status species*, areas of potential sensitivity that may influence how the proposed *tree removal* or *alteration* would be conducted (e.g. butterfly *roosting site*, previous *raptor* nesting site, creeks and *streams, wetlands* or oak woodlands).
4. An inventory and assessment of the health of all *protected trees* on the site.
5. A Site Sketch or Plan, drawn to scale with north arrow and bar scale, that provides the following information:
 - (a) ~~i~~—The identification of *trees* proposed to be *altered* or *removed* by the project, as well as the location and dimension of nearby *development* (*buildings*, other *structures*, access roads, utilities, etc.).
 - (b) ~~ii~~—Any proposed change in *grade* within the *tree protected zone*, shown at 2 foot or less contour intervals.
 - (c) ~~iii~~—Identification of *tree species*, location, trunk size, and surveyed extent of *tree canopy* of all *protected trees*.

(d) ~~iv~~—Depiction of the tree protected zone for *protected trees* and identification of areas where proposed *development encroaches* into the *tree protected zone*.

(e) ~~v~~—Identification of *trees* to be *transplanted* and location of receiving site.

The information above may be provided separately or added to the Site Sketch or Plan submitted for the permit application.

6. If necessary, additional information may be requested by the Planning Division to determine compliance with this Chapter.

d. *A Tree Protection, Planting, and Monitoring Plan.* A *Tree Protection, Planting, and Monitoring Plan* shall be prepared in the event that a *protected tree* is proposed for *removal, alteration, or encroachment* and replacement *trees* will be required or relocation of a *protected tree*. The *Tree Protection, Planting, and Monitoring Plan* shall be submitted prior to approval of the *Planned Development Permit* and shall include the following information:

1. Recommendations for onsite or off-site mitigation measures.
2. A requirement for a bird nesting survey to be conducted pursuant to ~~Section~~ 8178-7.7.4.1.1 no more than three days prior to earth disturbing and/or construction activities unless such activities are conducted outside the bird nesting season (January 1 through September 15).
3. Identification of the work area limits where tree alteration or removal will occur, including a requirement that prior to tree alteration or removal activities, flagging and stakes or construction fencing will be installed that define a boundary that contains all tree alteration or removal activities.
4. Replacement Trees. The species and number of replacement trees to be planted as mitigation for the *removal of protected trees*.
5. Replacement tree locations.
6. Identification of protected trees to be transplanted and the receiving site.
7. Planting specifications for transplanted and replacement trees.
8. Tree Care. Recommendations for existing trees during construction including but not limited to pruning, irrigation, aeration, and mulching.
9. A Monitoring Program pursuant to ~~Section~~ 8178-7.7.4(d) described above.
10. Any other measures deemed necessary to protect, replace, or otherwise mitigate impacts associated with the proposed alteration or removal of protected trees.
11. If necessary, additional information will be requested by the Planning Division to determine compliance with this Chapter.
12. Any changes to an approved *Tree Protection, Planting, and Monitoring Plan* shall only be approved in accordance with ~~Section~~ 8181-10.4.2- ~~Discretionary Modifications~~.

e. *Agricultural Commissioner Verification.* If *removal* of one or more *protected trees* in a *tree row* presently serving commercial *crop production* is proposed, the Agricultural Commissioner shall verify in writing that the proposed action

will not increase the potential for loss of *agricultural* soils due to increased wind erosion. If the Agricultural Commissioner determines the *tree removal* will result in the loss of *agricultural* soils, a *Planned Development Permit* pursuant to Section= 8178-7.5.1 shall be required.

- f. *Farm Plan*. If a *protected tree* is removed for the purpose of expanding existing or the establishment of new *crop production*, a *farm plan* shall be prepared.
- g. *Structure or Sewer Line Verifications*:
 - 1. *Structure*: If a *protected tree* is proposed to be altered or removed because the *tree* interferes with an existing *structure* (e.g., a sidewalk or house foundation), then the applicant must submit written verification from a licensed structural engineer or licensed building contractor that the *alteration* of the *tree(s)* is necessary to avoid structural damage. Verification must be submitted, and must include the engineer or contractor's license number and contact information, the parcel address, and a brief description of the *tree*, its location, the nature of the interference or obstruction, and alternatives available to avoid tree removal or alteration.
 - 2. *Private Sewer Line*: If a *protected tree* is proposed to be altered or removed because a *tree* interferes with an existing sewer line, the necessity of the proposed action, and alternatives available to avoid tree removal or alteration must be verified by a qualified plumbing contractor, sewer service provider, or other qualified professional approved by the *Planning Director*.

[Staff explanation: After the 2018 Planning Commission hearing, the text was modified to distinguish survey requirements associated with Planned Development Permits for protected trees classified as ESHA.]

Sec. 8178-7.7.4.1 – Zoning Clearance following approval of a Planned Development Permit

Following the approval of a Planned Development Permit, the applicant shall obtain Zoning Clearance pursuant to S Section= 8181-3.1. Such Zoning Clearance application shall include the following:

Sec. 8178-7.7.4.1.1 – Bird Nesting Survey

If tree alteration, transplantation, or removal occurs during the bird *nesting season* (January 1 through September 15), the Permittee shall provide a *Bird Nesting Survey* Report that includes, but is not limited to, a schedule for breeding and nesting bird surveys and construction protocols. The bird breeding and nesting protocol shall conform to the following:

- a. A *qualified biologist* or *ornithologist* shall perform an initial breeding and nesting bird survey 30 days prior to the initiation of construction or tree modification activities. The project site must continue to be surveyed on a weekly basis with the last survey completed no more than 3 days prior to the initiation, or re-initiation, of construction or tree modification activities.

- b. All *trees* to be *altered* or *removed* and areas 300 feet from these trees (or 500 feet for active *raptor* nests), shall be surveyed for bird breeding and nesting behaviors, herein called the "survey area."
- c. The *qualified biologist* or *ornithologist* shall walk the entire "survey area" to determine if juveniles are present and, if they have fledged any nests, evaluate whether any adults appear to be starting a new clutch (preparing to mate and lay eggs).
- d. After inspecting all *trees* for *active nests* in the specific area scheduled for *tree alterations* or *removal*, the *qualified biologist* or *ornithologist* shall identify those *trees* containing *active nests* with temporary fencing, caution tape, flags, ribbons, or stakes.
- e. The *qualified biologist* or *ornithologist* shall prepare a Bird Nesting Survey Report that includes but is not limited to the following:
 - 1. The results of the initial nesting bird survey and a plan for continued surveys.
 - 2. Protocols and methods that will be implemented to avoid and minimize impacts to nesting birds including establishment of mandatory setback areas during construction of the project.
- f. The *qualified biologist* or *ornithologist* shall conduct a pre-construction meeting, to be held no more than three days prior to the initiation of *tree altering* or *removal*, to instruct the *qualified tree trimmer* and permittee to avoid disturbing all *trees* within the "survey area" during scheduled *tree alterations* or *removal*.
- g. In the event the *qualified tree trimmer* discovers an *active nest* (eggs, nest construction, other evidence of breeding) not previously identified by the project's *qualified biologist* or *ornithologist*, the *qualified tree trimmer* shall immediately cease all *alteration* or *removal* activities in that area of operation and notify both the *qualified biologist* or *ornithologist* and the Planning Division. Thereafter, the *qualified biologist* or *ornithologist* must perform re-inspection of the *tree* containing an *active nest* following the procedures described in this Section.
- h. If active nests are found, construction or tree modification activities within the relevant setback area (i.e., the 500-foot setback for raptors and 300-foot setback for all other birds as described in Section 8178-7.7.4.1.1(b), above) shall be postponed or halted. If *tree alteration* or *removal* activities must be performed within 300 feet of a *tree* with an *active nest* (500 feet in the case of an active *raptor* nest) due to an imminent threat to persons or property, the work must be performed with hand tools.
- i. Construction activities may commence, or re-commence, in the relevant setback area (i.e., the 500-foot setback for raptors or *colonial breeding sites* and 300-foot setback for all other birds as described in Section 8178-7.7.4.1.1(b), above) when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the County-approved biologist.

- j. *Inactive/unoccupied nests* may be removed only after a *qualified biologist* or *ornithologist* documents and photographs the occurrence and confirms that the nests are *inactive* and unoccupied. Copies of photographs and reports shall be filed with the Planning Division.

[Staff explanation: After the 2018 Planning Commission hearing, the text was modified to address colonial breeding buffer requirements.]

Sec. 8178-7.7.4.1.2 - Monarch Butterfly and Other Special Status Species Surveys

If tree alteration, transplantation, or removal is proposed during the monarch butterfly overwintering season (October 1 through March 31), the Permittee shall provide a Monarch Butterfly Survey Report that conforms to the requirements of Sections= 8178-2.7.8 8178-2.10.7(d) and Appendix E1, Section= AE-1.3.2(g). See Section 8178-2.6.13(g) for construction and removal requirements associated with special status species in ESHA protected trees pursuant to Section 8178-7.4.2.

[Staff explanation: After the 2018 and 2021 Planning Commission hearing, the text was modified to cross reference construction requirements for the removal protocol of special status species when necessary.]

Sec. 8178-7.7.4.1.23 - In-Lieu Fee

If an *in-lieu fee* is approved as part of a *Planned Development Permit*, the permittee shall submit payment of the *in-lieu fee* in accordance with Section= 8178-7.6(d). Payment shall be made by certified or cashier's check.

Sec. 8178-7.7.4.1.34 - Contract for Services

The permittee shall provide a copy of a signed contract (financial information redacted) for the following services:

- a. The preparation and implementation of a Bird Nesting Survey and Report by a *qualified biologist* or *ornithologist* including any monitoring of any *active/occupied nests* discovered.
- b. *Tree alteration, transplantation or removal* by a *qualified tree service company* or *qualified tree trimmer* that includes but is not limited to: qualifications of the individuals responsible for conducting the work to be performed; scope of work; *tree removal* and *alteration* specifications; and schedule.
- c. The preparation and implementation of a Monarch Overwintering Survey and report by a *qualified biologist* (see Appendix E1 and Sec. 8178-2.10.7(d)).

Article 8, Section 8178-8.4 – **General Standards**, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-8.4 – Landscape Area Development Standards

The following standards apply to all *landscape areas* required under this ~~Section~~ 8178-8.

Sec. 8178-8.4.1 – General Standards

- a. Native, fire-resistant and drought-tolerant vegetation shall be used for landscaping with the following exceptions:
 - Drought tolerant, non-native, non-invasive or non-invasive watch list species vegetation may be used when located within the approved *building site envelope* for discretionary projects.
 - Drought tolerant plants, and fire resistant non-native plants approved by the Ventura County Fire Protection District, may be used in the *fuel modification zone* except when located within an ~~ESHA~~-buffer zone.
 - When located in areas not conducive to native plant establishment.
Invasive and invasive watch list plant species are prohibited.
- b. *Landscape areas* shall include a variety of plant species, heights, colors and textures and shall be installed according to size constraints, spacing requirements and compatibility with the surrounding area.
- d. The plant palette for a ~~Habitat Restoration Plan-ESHA~~ Habitat Restoration Plan-Tree Protection, Planting, and Monitoring Plan shall be restricted to locally-indigenous native vegetation.
- c. Landscaping shall be sited and designed to protect *coastal resources*, including *ESHA*, scenic resources, water quality, and water supply.

[Staff explanation: After the 2018 Planning Commission hearing, a minor edit was made to correct the terms “buffer zone”, “building site”, “ESHA Mitigation Plan” to be consistent with definitions in Article 2. In addition a reference to required documentation for tree replacement requirements was also added. Also, invasive watch list species are prohibited in landscaping to be consistent with requirements within the Non-Coastal Zone.]

Sec. 8178-8.4.1.1 –Existing Vegetation

- a. All existing *protected trees* may be incorporated into the *landscape area* unless removal is separately permitted as part of the proposed *development* pursuant to ~~Section~~ 8178-7.5.1, *Planned Development Permit*.
- b. Existing non-*invasive* vegetation may be integrated into the *landscape plan* provided existing vegetation is compatible with required landscaping.
- c. Existing vegetation that is considered *invasive or invasive watch list species* shall be removed from the *landscape area*.
- d. Existing vegetation that will remain shall be protected and maintained during the construction phase of the *development*.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

Sec. 8178-8.4.1.2 - Trees

- a. Trees required to be planted as a mitigation measure or as part of an approved ~~landscape plan~~ shall comply with the following standards:
 1. Native Trees. The planting of native trees shall comply with the planting specifications included in the Tree Protection, Planting and Monitoring Plan. (See Section 8178-7.7.2.)
 2. Non-Native Trees. The planting of new, non-native trees is subject to the following requirements:
 - i. Non-native trees shall not be planted in *ESHA* or associated *buffer zone*;
 - ii. In the Coastal Open Space (COS) zone, the planting of new non-native trees shall be restricted to the approved *building site envelope* only; and
 - ii. In the Coastal Industrial (CM) zone, non-native trees shall be restricted to developed areas for the purpose of screening approved *structures*.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to maintain consistency of terms ("building site" and "buffer zone").]

- b. Replacement trees shall be planted immediately after grading activities are completed for site *development* or in accordance with the approved Tree Protection, Planting and Monitoring Plan.
- c. The planting of *invasive* or *invasive watch list species* of trees is prohibited in the *coastal zone*.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

- d. In the Coastal Open Space (COS) and Santa Monica Mountains (M) overlay zone, only *native trees* shall be used in the *landscape area*.
- e. Trees shall be planted wherever adequate space is available, except in the following circumstances:
 1. *Non-native trees* shall not be substituted for *native trees* when *native trees* are used to fulfill a mitigation measure for the *development*.
 2. New trees at maturity shall not extend into overhead utility lines.
- f. At least one tree shall be planted in any required *landscape planter*. Additional trees shall be planted if adequate spacing between trees can be provided.

- g. Trees shall not be planted where they would generate substantial interference with the operation of approved lighting fixtures.
- h. Trees shall not be planted where they would interfere with site access driveways, access to fire suppression equipment such as hydrants.
- i. Trees shall not be located where the tree will interfere with public accessways, public access easements, or where they would otherwise interfere with *coastal access*.
- j. Trees shall not be planted closer than 10 feet from the rear of any traffic or directional sign and 25 feet from the front of any traffic or directional sign. Trees shall be set back further from such signs if necessary for traffic safety.
- k. Trees located in *parking lots* shall be kept trimmed to maintain at least 8½ feet of ground clearance for *adjacent* parking spaces and pedestrian areas, and shall maintain at least 13½ feet of vertical ground clearance over driveways and drive aisles.
- l. The *tree protection zone* of a tree shall be kept free from other types of landscaping except as allowed by Section 8178-7.4.1.
- m. Trees shall not be planted where the tree would reduce visibility within a *clear sight triangle*.

Sec. 8178-8.4.1.2.1 - Street Trees

Street trees required as a condition of approval of a discretionary permit, or that are proposed within a public road right-of-way, shall be installed in conformance with the following:

- a. New street trees shall comply with the Ventura County Public Work Agency's required setbacks from edge of sidewalk, except when *tree wells* are provided in the sidewalk.
- b. Street trees shall be planted where the tree's growth will not damage the components of the street (sidewalk, curb/gutter, etc.) or overhead utility lines.
- c. Street trees shall be selected and planted so the tree does not interfere with pedestrian or vehicular circulation.
- d. When street trees are provided, they shall be spaced an average of 40 feet on center.
- e. Street trees shall be single trunk, not multi-trunked species.
- f. The planting of any street tree shall comply with Section 8175-3.8 ~~Clear Sight Triangles~~ and the planting specifications prescribed by the County Public Works Agency or qualified tree consultant.
- g. Should a street tree be removed that is part of an approved *landscape plan*, that tree shall be replaced pursuant to Section 8178-7.5.2.2.
- h. The applicant shall obtain a separate encroachment permit from the Ventura County Public Works Agency prior to installing a street tree.

Sec. 8178-8.4.1.3 – Shrubs

Shrubs are used within a *landscape area* to provide foliage, texture, and color to landscape themes. Shrubs provide variety of height and mass within a *landscape area*, bring *buildings* into human scale, provide privacy for outdoor areas, and screen undesirable views.

Shrubs should be included in a *landscape area* and shall comply with the following:

- a. One- to 15-gallon size shrubs shall be planted and spaced in accordance with their size at maturity but no less than one shrub for every five linear feet of *landscape planter* or fraction thereof.
- b. Hedges and shrubbery over three feet in height are prohibited within parking *lot* islands and clear site triangles.

Sec. 8178-8.4.1.4 – Groundcover

Groundcover, when established, can prevent the germination of weeds, protect soil from erosion and water loss, provide *habitat* and cover for beneficial insects, and function as an attractive element within a landscape.

Groundcover shall be incorporated into the *landscape area* using the following standards:

- a. Irrigated *groundcovers* may be planted from root cuttings or applied as *hydromulch*.
- b. *Groundcover* applied as *hydromulch* is subject to the following:
 1. The *hydromulch* must be comprised of a locally-indigenous *native* seed mix.
 2. *Hydromulch* seeds should be applied following the first measurable rainfall in the fall of the year or a temporary irrigation method shall be provided to ensure germination and initial growth.
 3. Such planting shall be adequate to provide 90 percent coverage within 90 days. Additional applications shall be repeated as necessary to provide such coverage.
- c. Manufactured (human-made) *slopes* shall be planted with *groundcover*. See ~~Section 8178-8.4.2.5.1(c) Revegetation of Disturbed Areas, Manufactured Slopes.~~

Sec. 8178-8.4.1.5 – Turf (Grass)

The typical California lawn can require several times more water than *groundcover* consisting of *native* or other drought-tolerant plants. To help reduce urban water demand for outdoor purposes, the installation of *turf* shall be limited to the following:

- a. Unless a modification is granted pursuant to ~~Section 8178-8.7~~, *turf* shall not exceed 25 percent of the *landscape area* for residential *development* and no *turf* shall be allowed in non-residential *development* except as authorized by 8178-8.4.1.5(b) below.
- b. A higher percentage of irrigated *turf* on sports fields, golf courses, playgrounds, parks, bioswales, or other areas may be approved to serve a functional need. The use of irrigated *turf* within these areas shall be

minimized to the greatest extent possible.

- c. All *turf* shall be a warm season variety, except within areas used for recreation, which may use cool season varieties.
- d. *Turf* shall not be used on *slopes* greater than 10 percent, except within designated stormwater management areas.
- e. *Turf* shall not be planted in street medians, traffic islands, *landscape planters*, or bulb-outs of any size.
- f. Approved *turf* shall be irrigated by sub-surface irrigation or by technology that creates no *overspray* or *runoff*.

Sec. 8178-8.4.1.6 – Mulch

To conserve moisture and improve the fertility and health of the soil, a layer of *mulch* shall be applied to *landscape areas* as follows:

- a. Whenever possible, prior to any earth disturbance, topsoil shall be removed and stockpiled for future use. Topsoil shall be spread as the final surface layer of soil (prior to the application of mulch) in the *landscape area*, except when the soil is characterized by *invasive* or *invasive watch list plant species* and seeds.
- b. Exposed soil in all non-*turf* and non-*groundcover landscape areas* shall be covered with at least three inches of *mulch* but no more than 12 inches in depth.
- c. Except as allowed by ~~Section~~ 8178-8.4.1.6(c) below, organic *mulch* materials shall be used in required *landscape areas*. Composted organic material is preferred over other products such as bark and wood chips.
- d. The following inorganic materials may be used in conjunction with organic mulch, subject to the following limitations:
 - 1. Plastic: Opaque plastic tarps may be used to cover an area of soil for the purpose of killing weeds and preventing germination of weed seeds. Plastic tarps shall be temporary and removed within six to eight weeks from the date of installation.
 - 2. Stone/Gravel: May be used for *stormwater management landscaping*. When used for other purposes, stone/gravel is considered *hardscape* subject to the limitations specified by ~~Section~~ 8178-8.3(b).
 - 3. Sand: May be used to improve the drainage characteristics of the soil.
 - 4. Landscape Fabric: On property with steep *slopes*, landscape fabric may be used to control erosion and stabilize or protect plants from rain water and soil washout. A minimum two to three inches of organic *mulch* shall be placed over the landscape fabric to prevent weed growth and to promote plant growth.
- d. *Mulch* is not considered *groundcover* for the purpose of meeting minimum landscape requirements.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to include watch list species, who are species that have been

assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

Sec. 8178-8.4.1.7 – Public Safety

- a. Crime Deterrence. To avoid potential interference with police surveillance, landscaping required for discretionary projects in the Coastal Commercial (CC) and Coastal Industrial (CM) zones shall not obstruct views of exterior doors from an *adjacent* public street. Plants also shall not block security light sources or restrict access to emergency apparatuses.
- b. Clear Sight Triangles. *Landscape areas* shall provide plantings that are consistent with safe sight distances for vehicular traffic as required by Section 8175-3.8. No landscaping material (plants and *hardscape*) shall exceed the three-foot height limit within a required clear sight triangle. The *landscape plan* shall include measures that ensure that the required safe site distance is maintained.
- c. *Fuel Modification Zones*. See Section 8178-8.4.2.3 for landscape development standards within a *fuel modification zone*.

Sec. 8178-8.4.1.8 - Solar Access

New vegetation shall not be planted that would impair the function of an existing *building* using passive solar heat collection or that would cast a shadow greater than 10 percent of the collector absorption area on existing solar collector surface or photovoltaic cells at any time between the hours of 10 a.m. and 2 p.m.

Sec. 8178-8.4.1.9 - Public Art

Public art, including but not limited to a mural or sculpture, is a landscape feature that, if proposed for inclusion in the *landscape area*, must be included in the *landscape documentation package* submitted pursuant to Section 8178-8.8. Such art shall be consistent with the resource protection policies and provisions of the LCP and shall comply with the following:

- a. The art shall complement the scale, materials, form and content of the *development* where it is located.
- b. The art shall conform to height and setback standards pursuant to Section 8175-2, Schedule of Specific Development Standards by Zone.
- c. The art should be designed to last as long as the related *building* or *structure* and be vandal/theft resistant.
- d. The art shall not contain advertising.
- e. The permittee shall maintain the public art.

Article 8, Section 8178-8.4.2– Specific Standards, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8178-8.4.2 – Specific Standards

To provide for an attractive landscape appearance, the following specific standards, where applicable, apply to all *landscape areas* required under this Section 8178-8.

Sec. 8178-8.4.2.1 – Perimeter Landscaping

Perimeter landscaping provides a physical and visual separation between *development* and the public right-of-way. *Perimeter landscaping* shall include the following:

- a. Minimum Planter Area – *Landscaped planter* areas shall be a minimum of four feet wide (including curbs). Narrower *landscaped planter* areas may be permitted, but shall not be counted toward meeting the minimum *landscape area* site coverage requirements.
- b. Landscape Strip – A landscape strip shall be provided along property lines *adjacent* to the public or private street right-of-way as follows:
 1. For *commercial* and *institutional land* uses, the landscape strip shall be at least five feet wide.
 2. For *industrial land* uses, the landscape strip shall be at least 10 feet wide, except for parcels zoned Coastal Industrial (CM) that are developed for oil and gas production that cannot be seen from the public rights-of-way. In such cases, a landscape strip is not required.
 3. The landscape strip shall be measured from the inside edge of the public right-of-way.
 4. Frontage *perimeter landscaping* may be crossed by walkways and access drives.
- c. Bus shelters may be located within the *perimeter landscape* area but the area occupied by a bus shelter shall not count towards the required minimum *landscape area*.

Sec. 8178-8.4.2.2 – Landscape Screening

Landscaping and other screening features can be used to define an area, modify or hide a view, create privacy, block wind and dust, control noise, filter light, and direct traffic flow. The following standards shall apply to “landscape and other screens” proposed or required for *developments* where *structures* are visible from *public viewing areas*. Where feasible, *landscape screens* shall be the preferred method of screening.

- a. Plants shall be used as a landscape screen for the following *structures*:
 1. A blank wall or *building* façade (e.g. lacks windows, doors, or other type of articulation) of a commercial, industrial, or multifamily *building* that can be seen from a *public viewing area*.
 2. *Fences* and walls greater than six feet in height, with the exception of *fences* used for farm or ranch purposes as provided by Section 8174-6.1(a)(2).
 3. *Non-commercial antenna* and *wireless communication facilities* that are prominently visible from a *public viewing area*.
 4. *Trash enclosures*, with the exception of single-family residential *lots* served by individual trash and recycling containers (64-gallon or smaller).

5. Outdoor storage of materials and equipment *accessory* to commercial, industrial, institutional, and multi-family residential uses that exceed a height of six feet.
 6. Above ground utility *structures* including, but not limited to, an electrical transformer box, gas meter, telephone switch box, and *backflow prevention device* that are located outside of the public right-of-way and in public view unless a waiver is granted pursuant to Section 8178-8.7.
 7. *Hardscape* landscape elements such as retaining walls, cut-off walls, abutments, bridges, and culverts that are located within a *public viewshed*.
 8. Materials loading areas *adjacent* to a street, residentially zoned parcel, or residential land use.
- b. Landscape or other screening methods shall not be used as a substitute for project alternatives such as re-siting or reducing height or bulk of *structures*.
 - c. *Landscape screens* may be in the form of dense hedges, tree rows, or other plant configurations. Where the screening would be visible from a *public viewing area*, the *landscape screen* shall be visually compatible with the surrounding area. Landscape material shall be selected based on the following:
 1. Size, scale and type of plant material. Establish compatibility through plant material selections that are similar in size, scale and type to plant materials in the surrounding area. Plants shall be selected based on their size at maturity, shall enhance views of the coastal areas, and shall not hinder or block coastline views from *public viewing areas*.
 2. Landscaping in public places and commercial areas. *Landscape screens* shall improve the visual character of public facilities and commercial businesses by utilizing a diverse selection of plants that provide visual interest, color, and contrast.
 3. Use native plants. A *landscape screen* should utilize native *tree* or plant species that are similar to, and compatible with, nearby natural *habitats*.
 4. Enhance abandoned areas. *Landscape screens* shall visually hide or improve areas where landscaping is non-existent or neglected. Existing shrubbery and trees shall only be allowed if the existing plant material can be revitalized and used to augment and blend with the new plant material.

The following projects shall include information that demonstrates compliance with the above standards: large projects, *development* within a half-mile of a scenic highway, projects located on a prominent *ridgeline*, and at the request of the *Planning Director*. To demonstrate compliance, the applicant shall submit photographic simulations that show how the *landscape screen* will blend with the surrounding environment, avoid being a visual point of interest, and not significantly detract or degrade the public view.

- d. Where the plants are intended to form a dense hedge, a minimum of 50 percent of the plants shall be 15-gallon container size or greater and the rest shall be five-gallon container size or greater. The applicant shall demonstrate that the plants, at maturity, will form a dense hedge.
- e. Where plants alone do not provide sufficient *landscape screening* pursuant to (d) above, a *landscape screen* shall be composed of a landscaped berm or solid wall plus plant material that complies with the following:
 1. Where walls are used, the wall shall be set back a minimum of four feet from the property line. Trees and shrubs shall be planted in front of a wall that is visible from a *public viewing area*.
 2. Where earth berms are used, the berm *slope* shall be a maximum one foot rise for every three feet of linear distance (3:1 horizontal to vertical).
 3. At the discretion of the *Planning Director*, *see-through fencing* may be substituted for a wall or berm. (See Section 8175-3.11 Fences, Walls and Hedges.) Where *see-through fencing* is visible from a *public viewing area*, such fencing shall be set back a minimum of four feet from the property line and trees or shrubs shall be planted in front of the *fence*.
 4. The plant material shall comply with Section 8178-8.4.1 ~~General Standards~~.
- f. Height of *Landscape Screens*.
 1. Except as provided in Section 8178-8.4.2.2(e)(2) and (3) above, a *landscape screen* located within a setback area *adjacent* to a public street shall have a maximum height of three feet.
 2. *Landscape screens* installed along interior *lot line(s)* shall have a maximum height of six feet.
 3. When located within a *public viewshed*, *landscape screens* that only use plant material for the purpose of blocking objectionable views (e.g., exterior storage, or manufacturing/production equipment) shall be tall enough to conceal the storage, equipment, or *structure*. If walls or *fences* are used and are in excess of six feet, a *Planned Development Permit* is required pursuant to Section 8174-5.
- g. Where the ground level adjoining the street is below or above street *grade*, the visual screen height may be reduced or increased, as determined appropriate by the applicable County decision-maker, when the height adjustment achieves the same objective as standard height requirements.
- h. At the time of installation, the screening must be at least 40 inches high. The 40-inch height can be achieved by the landscape, berm, wall, or combination thereof.
- i. Trash enclosures shall be constructed with masonry or wood walls. Chain-link is prohibited. Finishes and colors shall be similar to the building materials of the primary *structure(s)* on the site.
- j. The required height and visual opacity (density) of *landscape screening* shall be achieved within three years of installation. An exception shall be

provided for trees, where a five-year period is allowed when needed to meet the *performance criteria*.

Article 8, Sec. 8178-8.4.2.3 – Landscaping in a Mandatory Fuel Modification Zone of the Ventura County Ordinance Code, is hereby amended as follows:

Sec. 8178-8.4.2.3 – Landscaping in a Mandatory ~~Required~~ Fuel Modification Zone

Landscaping in a *fuel modification zone* shall be designed, installed and maintained in conformance with the following standards:

- a. Except as provided in subsection “b” below, only drought tolerant and *fire resistant native* and *non-native plant* species, as recommended by a *qualified biologist*, shall be used in the first 100 feet of mandatory fuel modification zones. *Invasive or invasive watch list plant species* are prohibited as inventoried by the California Invasive Plant Council.
- b. To help preserve and protect ESHA, the following standards shall apply to landscaping within the fuel modification zone when development abuts or is adjacent to ESHA or is within a buffer zone:
 - ~~1. Fuel modification zones within ESHA or a buffer zone shall consist only of locally indigenous, native plant species as recommended by a qualified biologist and be in accordance with an approved Fuel Modification Plan or ESHA Vegetation Management Plan (see Section 8178-2.6.9). Invasive and invasive watch list plants are strictly prohibited as inventoried by the California Invasive Plant Council; The plant palette for a fuel modification overlap zone shall consist of locally indigenous native plant species.~~
 2. Where complete removal of the vegetation is not required by the Ventura County Fire Protection District, fuel load shall be reduced through vegetation thinning or mowing (see Appendix E2, Section AE-2.5):
 3. The disturbance of wildlife and special status species, including nesting birds, shall be avoided during the removal, thinning, or alteration of vegetation:
 4. Vegetation within a fuel modification zone that overlaps with ESHA or buffer zone shall provide native transitional habitat for abutting ESHA while meeting fire protection requirements consistent with the landscaping requirements in Section 8178-8.4.2;
 5. No permanent irrigation systems shall be installed within ESHA or buffer zone, except when such systems are located in a mandatory fuel modification zone and within 50 feet of a legally established habitable structure; and
 6. When allowed by the Ventura County Fire Protection District, trees classified as ESHA shall be retained within all or a portion of a fuel modification zone that overlaps with ESHA or buffer zone.

- c. Except as permitted by Section 8178-7.5.4 or required by the Ventura County Fire Protection District Ordinance and defensible standards, in no case shall the *fuel modification zone* result in the removal of a *native tree* ~~nor~~ or create a bare ring of earth around *structures*. Other vegetation may be retained provided it avoids the spread of fire to other vegetation or to a *building* or *structure* and is located and maintained as follows:
 - 1. Tree canopies and shrubs shall be spaced ~~a minimum of 15 feet from other shrubs or trees in accordance with Ventura County Fire Protection District defensible standards.~~
 - 2. All trees and shrubs shall be trimmed to a minimum vegetative (leaf and branch) clearance in accordance with Ventura County Fire Protection District defensible standards of ~~either 5-6 feet from the ground surface or one-third the height of the tree, whichever is less.~~
- d. All vegetation and *mulch* proposed to be planted in the *fuel modification zone* shall be consistent with the ~~Ventura County Fire Protection District Fuel Modification Plan approved~~ for the site authorized by the Ventura County Fire Protection District.
- e. Approved landscaping installed within a required *fuel modification zone* shall be maintained for the life of the project.

[Staff Explanation: This section was revised after the 2018 Planning Commission hearing to address the Planning Commission directive to work with the Fire Protection District to arrive at consensus on fire clearance issues, which includes conforming with changes in their code to conform with AB 2911 and Public Resource Code 4291 et. seq. that was adopted by the State in 2018 and went into effect in 2019 and other minor edits for consistency. Also, the text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California. After the 2021 Planning Commission hearing subsection (c) was modified in accordance with the Planning Commission directive – See Exhibit 16- Errata Memo in the August 19, 2021 Planning Commission hearing package.]

Article 8, Sec. 8178-8.4.2.4 – Landscaping Adjacent to an Environmentally Sensitive Habitat Area, of the Ventura County Ordinance Code, is hereby amended as follows:

Sec. 8178-8.4.2.4 – Landscaping Adjacent to an Environmentally Sensitive Habitat Area

The plant palette for a *landscape area* within ~~400 feet of~~ *Environmentally Sensitive Habitat Areas (ESHA) or* buffer zones shall be in accordance with an approved ~~Habitat Restoration Plan~~ ESHA Mitigation Plan, ESHA Vegetation Management Plan, Landscape Plan or Tree Protection, Planting, and Monitoring Plan, as applicable and shall consist of locally-indigenous native plant species as recommended by a *qualified biologist*. See standards in Sections 8178-8.4.2.3(b) and 8178-2.6.13(f).

[Staff Explanation. This section was revised after the 2018 Planning Commission hearing to address the Planning Commission directive to work with the Fire Protection District to arrive at consensus on fire clearance issues, which includes conforming with changes in their code associated with landscaping requirements in high fire hazard areas and other minor edits to correctly reference any potential documents that may be required under the circumstances. Also, the text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

Article 8, Sec. 8178-8.5.1 – Irrigation System Standards, of the Ventura County Ordinance Code, is hereby amended as follows:

Sec. 8178-8.5.1 – Irrigation System Standards

- a. Dedicated landscape water meters, which may be provided by a local water purveyor or a privately owned meter or submeter, shall be required for the following:
 1. Irrigated landscapes of 1,000 square feet or more for non-residential *developments*.
 2. Irrigated landscapes of 5,000 square feet or greater for residential *developments*.
- b. At a minimum, landscape irrigation systems shall be designed and operated in conformance with the following requirements:
 1. A *master valve* shall be installed unless the sprinklers are individually controlled, pressurized, and equipped with low pressure shut down features.
 2. A pressure regulator and *check valves* shall be installed at the low end of the irrigation lines to prevent unwanted draining of irrigation lines.
 3. The system shall be equipped with automatic, self-adjusting irrigation controllers that automatically activate and deactivate the irrigation system based on changes in the weather or soil moisture.
 4. Sprinkler heads (*micro-spray* or *drip*) shall be located to minimize landscape water *overspray* onto unplanted areas or areas of dissimilar water demand.
 5. All sprinkler heads installed within the *landscape area* must have a documented distribution uniformity low quarter of 0.65 or higher.
 6. The irrigation system shall provide adequate coverage and sufficient water for the continued healthy growth of all proposed plantings.
 7. Low precipitation sprinklers shall be employed to conserve water and promote continued, healthy growth of the planting.
 8. To protect the irrigation equipment and ensure adequate water coverage, all sprinklers shall be placed outside of any parking space bumper overhangs.
- c. Prior to installation of plants, the soil shall be in a *friable* condition.

- d. *Slopes* that range from three to five feet in height, and that total less than 1,000 square feet in area, are not required to be equipped with a permanent irrigation system and may be irrigated with hose bibs located not more than 50 feet from the area to be irrigated.
- e. *Slopes* that exceed five feet in height, and that total more than 1,000 square feet in area, shall be equipped with a permanent irrigation system.
- f. No permanent irrigation systems shall be installed within 100 feet of ESHA, except when within 50 feet of a habitable structure within a mandatory fuel modification zone.

[Staff Explanation. This section was revised after the 2018 Planning Commission hearing to allow areas adjacent to habitable structures in high fire hazard areas to be irrigated if the homeowner chooses.]

Section 9

ARTICLE 11: ENTITLEMENTS - PROCESS AND PROCEDURES

Article 11, Sec. 8181-2 – Legal Lot Requirement of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8181-2 – Legal Lot Requirement

No permit shall be issued for construction on a *lot* that is not a *legal lot*. A *lot* for which only a conditional certificate of compliance has been issued, pursuant to the Subdivision Map Act and County Subdivision Ordinance, is not a *legal lot* under the LCP, and no permit or entitlement shall be issued authorizing any use or development on such a *lot*.

~~(AM.ORD.3788-8/26/86, AM.ORD. 4451-12/11/12)~~

[Staff Explanation: This section would be modified to clarify that permits cannot be issued for the development of an illegal subdivision, pursuant to the Coastal Act. See additional information under the staff explanation in Article 2, Definitions, for the term "legal lot".]

Article 11, Sec. 8181-3.5.2 – Additional Findings for Development in the Santa Monica Mountains Overlay Zone, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8181-3.5.2 – Additional Findings for Development in the Santa Monica Mountains Overlay Zone

In addition to the provisions of ~~Section~~ 8181-3.5, for any proposed *development* in the Santa Monica Mountains overlay zone the following additional findings must be made through conditions and limitations placed on the *use*:

- a. Private services for each individual *development* requiring potable water will be able to serve the *development* adequately over its normal lifespan.
- b. When a water well is necessary to serve the *development*, the applicant shall be required to do a test well and provide data relative to depth of water, geologic *structure*, production capacities, degree of drawdown, etc. The data produced from test wells shall be aggregated to identify cumulative impacts on *riparian* areas or other *coastal resources*. When sufficient cumulative data is available to make accurate findings, the County must find that there is no evidence that proposed wells will either individually or cumulatively cause significant adverse impacts on the above mentioned *coastal resources*.
- c. All need for sewage disposal over the life span of the *development* will be satisfied by existing sewer service to the immediate area or by location of septic facilities on-site consistent with other applicable provisions of the LCP.
- d. *Development* outside of the established "Community" area shall not directly or indirectly cause the extension of public services (roads, sewers, water etc.) into an open space area.

- e. Any deviations from outdoor lighting requirements make the finding pursuant to Section 8177-4.1.11.

[Staff Explanation: After the 2018 Planning Commission hearing, required permit findings for the new Dark Sky language in the Santa Monica Mountains (M) Overlay zone were added to the section.]

Article 11, Sec. 8181-3.5.3 – Additional Findings for Development in ESHA or Buffer Zone, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8181-3.5.3 – Additional Findings for Development in ESHA or Buffer Zone

[Staff Explanation: After the 2018 Planning Commission hearing, the finding section below was modified The findings above were developed for ESHA and buffer zones, as general findings for a Planned Development Permit do not cover specific issues relevant to ESHA. These findings are directly linked to regulations in Section 8178-2 of the LCP.]

A Coastal Development Permit authorizing development in ESHA or a buffer zone may be granted or conditionally granted only if the decision-making authority makes all of the findings, to the extent applicable to the project, required by the LCP as follows:

- a. Development Within or Adjacent to ESHA – All ESHA policies and standards of the LCP have been met and the project design has been found to result in the least damage to ESHA pursuant to Section 8178-2.6. In addition, any direct or indirect impacts to ESHA will be mitigated pursuant to Section 8178-2.10.
- b. Expanded Fuel Modification Zone – If the width of a fuel modification zone exceeds 100 feet, the Ventura County Fire Protection District has authorized the expanded fuel modification zone and determined that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wild land fires.
- c. Economically beneficial use – If a Coastal Development Permit allows a deviation from a policy or standard of the LCP pursuant to Coastal Area Plan Policy 4.2, permit findings shall meet the requirements in Coastal Area Plan Policy 4.3

The section of Chapter 1.1 of the Ventura County Ordinance Code entitled **Appendices** is hereby amended by adding a new Appendix E1, Site-Specific Environmental Assessments for ESHA, as follows:

APPENDIX E1

Site-Specific Environmental Assessments for ESHA

[Staff explanation: Following the 2018 Planning Commission hearing, Appendix E1 was revised to incorporate changes associated with the Commission's directive 1) to work with the Fire Protection District to come to consensus over fuel clearance issues and 2) to investigate a fair and reasonable mitigation fee for fuel clearance. Minor technical revisions were made throughout Appendix E1 to consolidate repetitive information, removal of confusing terms (ESHA fuel modification overlap zone), improve readability and to ensure consistency throughout the entire CZO. Individual staff explanations are provided for substantive changes outside of the defined minor revisions.]

Sec. AE-1.1 - Purpose and Content

This section provides the requirements for a site-specific environmental assessment in the Ventura County coastal zone, as required by Coastal Zoning Ordinance (CZO) Section 8178-2.3. Site-specific assessments include a site-specific map of all Environmentally Sensitive Habitat Areas (ESHA), which are used in conjunction with the standards provided by CZO Section 8178-2.4. A site-specific assessment includes an analysis of all potentially adverse direct, indirect, and cumulative impacts on ESHA resources. Such assessments are prepared on a case-by-case basis based upon site-specific evidence provided by a biological report called a Coastal Initial Study Biological Assessment (CISBA). The CISBA provides the analysis required for the biological section of an environmental (CEQA) document.

The first section of this appendix contains information on ESHA determinations/mapping, while the second section contains detailed information on the required contents of a CISBA. Information within these two sections is organized as follows:

AE-1.2 - ESHA Determinations:

- AE-1.2.1 - Factors Used for ESHA Determinations
- AE-1.2.2 - Additional Factors for ESHA Determinations
- AE-1.2.3 - Habitat Categories Classified as ESHA

AE-1.3 - Guidelines for Coastal Initial Study Biological Assessments (CISBA):

- AE-1.3.1 - General Requirements
- AE-1.3.2 - Required Content of CISBA Components
- AE-1.3.3 - Summary of CISBA Data and Maps

Sec. AE-1.2 - ESHA Determinations

Sec. AE-1.2.1 - Factors Used for ESHA Determinations

This Section provides background information on the three factors used for ESHA determinations. ESHA is defined as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in

an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Public Resources Code §30107.5). As such, a determination regarding the classification of a habitat or species as ESHA includes an evaluation of the following three elements:

- (1) The presence of species or habitats that are rare; or
- (2) The presence of species or habitats that are especially valuable; and
- (3) The sensitivity of the species or habitat to human introduced disturbance or degradation.

To be considered ESHA, the habitat or species only needs to meet one of the first two criteria (1 or 2) above. In all cases, the third criteria (3) must be met for the habitat or species to be considered ESHA.

Criteria 1 - Rare habitat/species: The first test is to determine the presence of a habitat or a species that is rare. The categories listed below represent types of rare habitats and habitats that support rare plant/animal species:

- a. **Rare Plant Communities.** Plant communities ranked G1 or S1 (critically imperiled globally or sub-nationally [state]), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) by the California Department of Fish and Wildlife's (CDFW) Natural Diversity Database (CNDDB, Vegetation Classification and Mapping Program, List of California Vegetation Alliances, as amended) and by NatureServe's Natural Heritage Program. Native communities are defined based on the general habitat descriptions in "Preliminary Descriptions of the Terrestrial Natural Communities of California" (Holland 1986) and the more detailed membership rules laid out in "A Manual of California Vegetation", second edition (Sawyer, Keeler-Wolf, Evens, 2009) or the most recent version.
- b. **Habitat Areas that Support Rare/Plant and Animal Species.** Native plant and animal species ranked G1 or S1 (critically imperiled globally, sub-nationally, or statewide), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) by the CDFW CNDDB. Species listed as endangered, threatened, or rare under the Federal or State Endangered Species Acts, Candidate Federal or State endangered, threatened, or rare species, California Fully Protected Species, California Species of Special Concern, or any species for which there is compelling evidence of rarity and, pursuant to CEQA Guidelines Section 15380(d). Plant species with a California Rare Plant Rank of 1 (plants presumed extinct in California, or rare, threatened, or endangered in California and elsewhere), 2 (plants that are rare, threatened, or endangered in California but more common elsewhere) (California Native Plant Society (CNPS) "1B", "2A", and "2B" listed plant species).
- c. **US Fish and Wildlife Service (USFWS) Designated Critical Habitat.** For USFWS critical habitat to be designated as ESHA, it must currently or historically have been occupied by the species and retain the functions of the primary constituent elements of its designation. Primary constituent elements are the physical or biological features that qualify the habitat as essential for the species recovery and survival and are listed within the Federal Register announcement when a critical habitat area is designated for a federally listed species.

[Staff Explanation. The text above was modified after the 2018 Planning Commission hearing to clarify what type of habitat meets the federal definition of a critical habitat.

Even though it may be designated as critical habitat by the USFWS, it does not include areas where roads and other types of development have eliminated the habitat itself.]

Criteria 2 - Valuable habitat/species: The second test is to determine the presence of a species or *habitat* that is especially valuable because of its special nature or role in an ecosystem. Areas may be valuable because of their “special nature”, such as being an unusually pristine example of a *habitat* type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. Examples of *habitats* or species that are valuable because of their “special nature” can include, but are not limited to, the following: plants/animals on the County’s Locally Important Species List; all other species tracked by the CNDDDB, which are considered to be those species of greatest conservation concern; or plant species with a California Rare Plant Rank of 4 (plants of limited distribution in California). Species tracked by the CNDDDB are listed in CDFW’s lists of Special Plants and Special Animals.

Habitats or species may also be considered valuable because of their special “role in the ecosystem” because they provide *habitat* for endangered species, protect water quality, provide essential corridors linking one sensitive *habitat* to another, or provide critical ecological linkages, such as the provision of pollinators or crucial trophic connections. Examples include but are not limited to the following:

- a. The *habitat* within the defined areas (i.e., polygons) are connected to other natural areas (i.e., undeveloped areas) plant communities such that plants or wildlife can disperse from the defined area to other *habitats* nearby - for foraging, breeding, migration, or dispersal of offspring. Alternately, the *habitat* is itself a large contiguous area such that wildlife can move within the defined area for foraging, breeding, migration, or dispersal of offspring; or
- b. The *habitat* within the defined area performs one or more of the following *ecological functions*¹⁴ that sustain the *ESHA ecosystem*¹⁵:
 1. Provides a *buffer zone* for *riparian, wetland, or other wet environment habitats*; or
 2. Provides foraging, denning/nesting, or moving/migrating *habitat* for native wildlife; or
 3. Provides *habitat* and linkages for pollinators; or
 4. Provides *habitat* and conditions for abiotic and/or biotic seed dispersal of native plant species, supporting a self-sustaining community capable of natural regeneration.

Criteria 3 – Sensitivity: The third test is to determine whether the species or *habitat* is easily disturbed or degraded by human activities or *development*. Due to the historic

¹⁴ Ecological functions (d) and (e) come from the following reference: Brigham, C. 2007. Managing rare plants at the wildland urban interface: An example from the Santa Monica Mountains and the Simi Hills. In *Flora and ecology of the Santa Monica Mountains: Proceedings of the 32nd annual Southern California Botanists symposium*, ed. D.A. Knapp, 1-17. Southern California Botanists Special Publication No. 4, Fullerton, CA.

¹⁵ The definition of ESHA is not limited to native habitat, as the definition allows consideration of habitat function and not just vegetation type. For a discussion of ecological function, see Longcore, T. and Rich, C. 2003. Protection of Environmentally Sensitive Habitat Areas in Proposed Local Coastal Plan for the City of Malibu. The Urban Wildlands Group, Inc. P.O. Box 24020, Los Angeles, CA 90024.

record of adverse impacts to native plants, animals, and natural communities caused by the urbanization of coastal California, the Coastal Commission has concluded that the third test is met for rare or especially valuable species and *habitats*, which are in danger of direct loss or significant degradation due to human activities and development.

Sec. AE-1.2.2 - Additional Factors for ESHA Determinations

Please see Section 8178-2.4.2 for additional circumstances that can affect an ESHA determination. The following criteria below shall be used in an ESHA determination associated with a *natural disaster*:

✚ *Habitat removed/degraded by natural disaster* that met the definition of ESHA before the *natural disaster* shall be afforded the protections of ESHA (see CZO Section 8178-2.4.2). Also, areas subject to the minimal *fuel modification* measures that are required in *riparian* or *woodland habitats* meet the definition of ESHA (see CZO Section 8178-8.4.2.3). An exception to this provision may be provided for an ESHA that was permanently destroyed by a *natural disaster*, in accordance with CZO Section 8178-2.4.2(b), provided that such determinations meet all the following standards:

1. The Planning Staff Biologist finds that the *habitat* no longer meets the definition of ESHA. Such determinations shall be supported by substantial evidence prepared by a *qualified biologist* in accordance with Section AE-1.2.1. If the destruction of one ESHA type led to its replacement by another ESHA type, the area shall remain classified as ESHA. For example, if an ESHA *coastal sage scrub habitat* was replaced by an ESHA *grassland habitat*, the area shall remain classified as ESHA; and
2. The Planning Staff Biologist finds that 15 or more years passed since the most recent *natural disaster* (with no intervening *natural disaster* events). For all areas cleared of *native vegetation* that contain *ruderal vegetation* (or bare ground), *historical aerial imagery* shall be reviewed, and a determination shall be made that the ESHA was destroyed by *natural disaster* unaided by human intervention. A description of the *natural disaster(s)* shall be provided in conformance with Section AE-1.3.2(h) and Section AE-1.3.3(c); and
3. All modifications to the ESHA map must be approved by the decision-making body for the *coastal development permit* and shall be conducted in accordance with standards in Sections AE-1.3.2, AE-1.2.3, and AE-1.2.1.

[Staff Explanation. Sec. AE-1.2.2 was modified following the 2018 Planning Commission hearing to remove replicative language and refer to the CZO section where such factors are described.]

Sec. AE-1.2.3 - Habitat Categories Classified as ESHA

A comprehensive list of the *habitat* groups classified as ESHA in the Ventura County coastal zone is in CZO Section 8178-2.4.1 – Definition of ESHA. Additional information on many of the *habitat* groups classified as ESHA is provided below:

- a. **Coastal Bluff Habitats** – *Coastal bluff habitats* are found in the northern and southern portion of the County's *coastal zone*. They are characterized by cliff faces (with at least 10 feet of vertical relief) whose toe is or was subject to marine erosion. The vegetative community (referred to as *coastal bluff scrub*) includes California

bush sunflower (*Encelia californica*) and giant coreopsis (*Leptosyne gigantea*) and several succulent species, including localized forms of more widespread species (e.g., prostrate goldenbush, (*Isocoma menziesii* vars.), as well as a mixture of coastal cactus scrub types including but not limited to, prickly pear (*Opuntia* spp.), our lord's candle (*Hesperoyucca whipplei*) and live-forevers (*Dudleya* species)).

- b. **Coastal Dune Habitats** - Coastal sand dune systems occur in areas with actively shifting sand that is associated with the immediate coastal environment. Moving landward from the shore, dunes become stabilized by vegetation communities characterized by distinct species. In Article 2, a dune habitat is defined as follows:

A fragile habitat that contains accumulations of sand in ridges, hummocks, or mounds, which typically support native and non-native species of vegetation located landward of the sea.

The foredune habitat that is closest to the sea, is most exposed to onshore winds and salt spray and is typically characterized by species such as beach bur (*Ambrosia chamissonis*), beach saltbush (*Atriplex leucophylla*), sand verbena (*Abronia umbellata*), red sand-verbena (*Abronia maritima*), beach morning glory (*Calystegia soldanella*), beach evening-primrose (*Camissoniopsis cheiranthifolia*, as *Camissonia cheiranthifolia*), and salt grass (*Distichlis spicata*) with few other species. Interdune and back dune (dune scrub) vegetation communities are characterized by species such as California croton (*Croton californicus*), California mock heather (*Ericameria ericoides*), Menzies' goldenbush (*Isocoma menziesii*), etc. Non-natives plants brought to stabilize dunes and change dune formation patterns include European beach grass (*Ammophila arenaria*), and iceplant (*Carpobrotus* spp.).

- c. **Coastal Sage Scrub and Chaparral (Santa Monica Mountains)**. Coastal sage scrub and chaparral (CSS/chaparral) may be defined as ESHA because the plant community qualifies as a special status species (e.g. the rarity ranking is S1-S3 or G1-G3, see CZO Section 8178-2.4.1). In 2003, the California Coastal Commission found that "large contiguous areas of relatively pristine native habitat in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act". The result of the Commission's action is that most areas that contain coastal sage scrub (CSS) and chaparral are now classified as ESHA within the Santa Monica Mountains. This habitat is described in a March 25, 2003 memorandum from the Commission¹⁶ as follows:

Coastal Sage Scrub / Chaparral – Coastal sage scrub is characterized primarily by aromatic drought-deciduous shrubs such as California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), California sunflower (*Encelia californicus*), laurel sumac (*Malosma laurina*), and black (*Salvia mellifera*) and purple sage (*Salvia leucophylla*) and provides important habitat for wildlife. This community has been substantially reduced from its historical extent due to development, with approximately 15% remaining in California. Chaparral is dominated by deep-rooted evergreen shrubs such as chamise (*Adenostoma fasciculatum*), redshank (*Tringa totanus*), manzanita (*Arctostaphylos* spp.), and ceanothus (*Ceanothus* spp.). While still relatively common, chaparral habitats serve a wide variety of essential ecosystem roles in the Santa Monica Mountains.

¹⁶ See memorandum to Ventura Staff from John Dixon, 2003 (California Coastal Commission): Designation of ESHA in the Santa Monica Mountains, March 25, 2003.

Within Ventura County's portion of the Santa Monica Mountains, *coastal sage scrub* or *chaparral* communities that are not classified as a *special status species* are defined as *ESHA* if the *habitat* meets all the following criteria:

1. The plant community within the polygon is an association (as defined in the Manual of California Vegetation) in which the dominant, co-dominant, or characteristic plants are native *chaparral* or *coastal sage scrub* species; and
2. The defined area meets Criteria 2 in Section AE-1.2.1 above.

[Staff explanation: Following the 2018 Planning Commission hearing, this section was removed because the language was duplicated in Sec. AE-1.2.1 – Factors Used for ESHA Determinations – Criteria 2 (above).]

- d. **Habitat Connectivity Corridors.** A *habitat connectivity corridor* is an area of contiguous natural *habitats* of sufficient width to facilitate the movement, migration, foraging, breeding, and dispersal of multiple animal or plant species between two or more *core habitat* areas. These areas provide important *ecological functions* such as seed and wildlife dispersal or pollination, a connection for species with limited mobility to other wildlife sub-populations, and escape routes for species during a wildfire or drought conditions. *Habitat connectivity corridors* are defined at regional and local planning scales as follows:

1. Regional *Habitat Connectivity* and Wildlife Corridors – Regional scale corridors link large protected *core habitats* across the Counties of Ventura, Los Angeles, Santa Barbara, and Kern. The two regional-scale corridors in the *coastal zone* are the Ventura River and the Santa Clara River. These corridors contain large, relatively intact vegetation communities that link remaining undeveloped coastal areas to large protected *core habitats* in the Los Padres National Forest and the Sierra Madre Mountain Range. These two regional corridors are necessary to the long-term health of remaining *core habitat areas* in the *coastal zone*. The geographic extent of a regional corridor shall be based on: (i) regional maps adopted by the Board of Supervisors; or (ii) the combination of the *wet environment* and its *buffer zone*, whichever is greater.

2. Local Corridors – The local *habitat connectivity corridor* is a smaller-scale linear area that contains specific *habitats* and landscape features that are frequently used for plant dispersal and wildlife movement. The first type of local corridor occurs within linear *wet environments* (e.g., *streams*, *elongated estuary* or *wetland*). The second type of local corridor provides linkages between *adjacent* headwater *streams* (see Figure AE-1.2.3 and Figure AE-1.2.4).

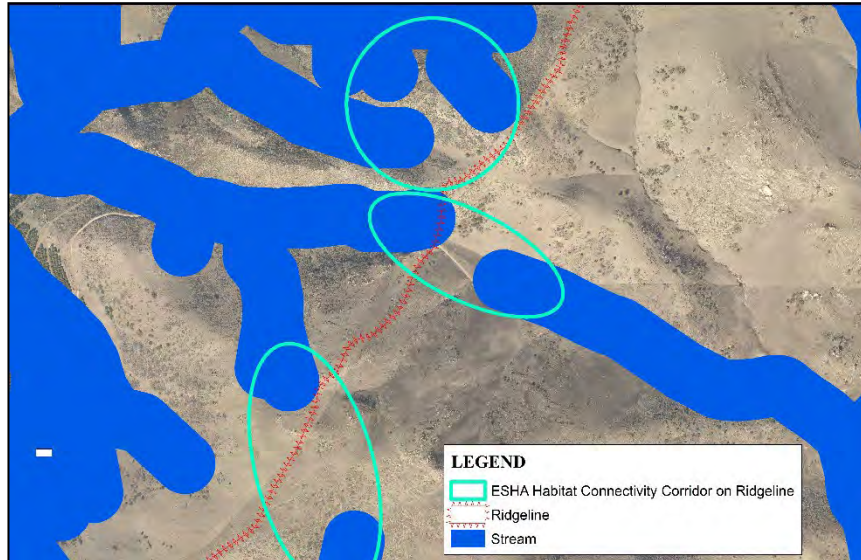


Figure AE-1.2.3
- The red line shows a local ridgeline corridor where undeveloped areas occur along a ridgeline where headwater streams meet between two drainages.

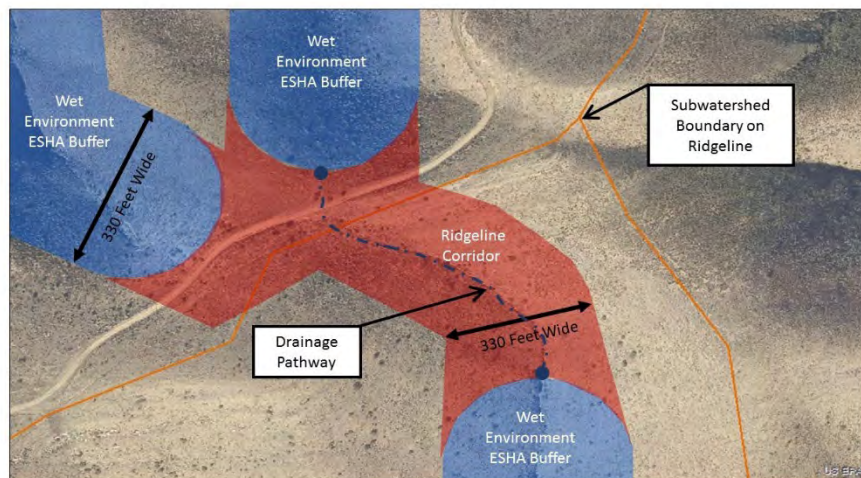


Figure AE-1.2.4
Diagram illustrating a ridgeline corridor. See subsection (ii).

Ridgeline corridors are defined using two criteria: (i) The *ridgeline* must serve as a boundary between subwatersheds using the highest USGS Hydrologic Unit Code (HUC) available to define subwatershed boundaries; and (ii) the delineated *stream buffer zones* from the adjoining watersheds must be in reasonable proximity to one another on the *ridgeline* (approximately 1000 feet). The geographic extent of a local corridor shall be based on the following:

- i. For a linear *wet environment*, the minimum width of a *local corridor* shall be 330 feet or the combined width of the *ESHA wet environment* and its *buffer zone*, whichever is greater.
- ii. For a *ridgeline corridor*, the minimum width shall be 330 feet (see area shaded in red, Figure AE-1.2.4). The corridor shall be delineated using the following guidance: 1) the centerline of the *ridgeline corridor* shall follow the *drainage pathway*¹⁷ of each *headwater stream* to the top of the *ridgeline* (where the *slope* levels off - see dotted navy blue line in diagram above); and 2) The centerline of the corridor shall then follow the shortest distance between the *headwater streams* at the top of the *ridgeline*. In Figure AE-1.2.4, the *topography levels* at the dirt road, where then a direct link is made to the centerline of the *wet environment buffer zone* from the adjoining *subwatershed*.
- iii. Adjustments to the width of a *local corridor* may be approved based on the recommendation of the Planning Staff biologist or County contracted *qualified biologist* if substantial evidence provided that shows that width adjustments will not adversely impact the function of the *habitat connectivity corridor* due to species requirements supported by the *habitat type/area*; *quality or type of habitat* within and *adjacent to the habitat connectivity corridors*, presence of *chokepoint*, *topography*, and *land use* within or *adjacent to the corridor*.

[Staff explanation: Following the 2018 Planning Commission hearing, minor modifications were made to correct the name of the regional wildlife corridor overlay zone as adopted by the County in 2019, correct the color referenced within the diagram, clarify heading text, allow for a consultant hired by the County to make these determinations, and to reference the most current subwatershed boundary scale available so it does not become outdated over time.]

- e. **Native Grassland Habitat.** Native grassland *habitat* consists of perennial native needlegrasses: purple needlegrass, (*Nassella pulchra*), foothills needlegrass, (*Stipa lepida*) and nodding needlegrass (*Nassella cernua*) in addition to associated native *forb* species (e.g., golden-stars (*Bloomeria crocea*)) as well as non-native annual species that are characteristic of California annual grassland. Native grassland *habitat ESHA* determinations are made on a case by case basis as they must take into consideration several factors - including patch size, number of patches/level of *habitat fragmentation*, connectivity of patches, connectivity to other *ESHA*, and the nature of *adjacent habitat* (level of disturbance, *ESHA* classification). Areas supporting 10 percent or more native grassland species cover (including both grasses and *forbs*) have typically been defined as native grassland *habitat* by the *CNDDb*, but areas with a lower percentage of native cover may also be considered native grasslands based on assessment of the above factors. See Section AE-1.3.2(g)(6) - Survey/Mapping of Grassland Communities for additional information on the delineation of native grassland communities.
- f. **Oak and Native Woodland Habitats.** Coast live oak woodland occurs mostly on north *slopes*, shaded ravines and canyon bottoms. Besides the coast live oak, this

¹⁷ The pathway that water would travel down the slope of the mountain.

plant community includes hollyleaf cherry (*Prunus ilicifolia*), California bay laurel (*Umbellularia californica*), redberry (*Rhamnus crocea*), and poison oak (*Toxicodendron diversilobum*). California black walnut (*Juglans californica*) and other native tree (e.g., California bay laurel (*Umbellularia californica*), sycamore (*Plantus spp.*), alder (*Alnus spp.*) are common native woodland species. While these woodland habitats are most often components of riparian habitats, they also occur in mesic conditions found in pockets, canyons, and west, north-west, and/or north-east facing slopes.

- g. **Rock Outcrop Habitats.** Rock outcrop habitats are exposed rock areas that support a distinctive and unique flora including lichens, spikemoss (*Selaginella sp.*), liverworts, and rare or regionally-restricted plant taxa found in few parts of the coastal zone, including Santa Susana tarplant (*Deinandra minthornii*), several species/ subspecies of liveforever (*Dudleya spp.*), Wright's buckwheat (*Eriogonum wrightii* var. *membranaceum*), silverleaf trefoil (*Lotus argophyllus*) and others. Rock outcrops serve as refugia for various sensitive and localized native plants and animals and are found on the County's north coast and in the Santa Monica Mountains.
- h. **Wet Environments** – A wet environment is associated with the presence of water, either perennially, intermittently, or ephemerally. Wet environments include wetlands, rivers, lakes, streams, estuaries, lagoons, seeps, springs, and the vegetative communities associated with these physical settings. Wet environments do not include beaches that abut the sea, except where the beach includes an estuary, lagoon or wetland.
1. **Wetlands.** A wetland is defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. Some types of wetlands lack vegetation, and the soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (14 CCR Section 13577). This definition requires evidence of a single parameter to establish wetland conditions. See Section AE-1.3.2 (g)(8) for additional information on wetland delineation.
- Conversely, a wetland created by the presence of (and associated with) agricultural ponds and reservoirs, where the pond/reservoir was constructed by a farmer/rancher for agricultural activities, is not defined as wetland unless there is evidence (e.g., aerial photographs, historical survey) showing that the wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes are not considered wetlands.
2. **Seeps or Springs.** Seeps and springs are small, discrete communities with their own associated flora and fauna, including numerous specialized ferns, wildflowers, invertebrates, and amphibians (especially salamanders). Their component species differ according to the surrounding plant communities. For example, seeps in shady oak woodlands will support different species than seeps in arid chaparral. While some of these habitats could be maintained or augmented by anthropogenic water sources, in general these habitats are treated as fully

natural features. Important springs microhabitats include: cave environments, wet walls, madicolous (fast-flowing water) habitats, hyporheic (saturated subfloor) habitats, open-water pools, spring streams (including those partially or more completely dominated by surface flow), wet meadows, riparian habitats, waterfall spray zones, and barren rock habitats adjacent to springs. Due to their small size, seeps and springs are rarely identified on certified ESHA maps and must be identified during the site-specific mapping process. See Section AE-1.3.2 (g)(8) for additional information on seep or spring delineation.

3. **Vernal Pools.** A vernal pool is a habitat typically inundated by shallow water during the wet season and dry during the warm season. Vernal pools are most common on coastal terraces where there is a seasonally perched water table or impenetrable clay or hardpan soil. They hold water long enough to allow some purely aquatic organisms to grow and reproduce, but not long enough to permit the development of a typical wetland ecosystem. Many vernal pool species are found only in vernal pools. All species that occur in vernal pools must be able to tolerate a wide range of conditions and grow/reproduce in a short time frame. Vernal pool species include but are not limited to blue-eyed grass (*Sisyrinchium bellum*), red maids (*Calandrinia ciliata*), California tiger salamanders (*Ambystoma californiense*), and invertebrates such as fairy shrimp (*Anostraca* spp.). See Section AE-1.3.2 (g)(8) for additional information on vernal pool delineation.
4. **Streams/Creeks.** A topographic feature that periodically (*intermittent* or *ephemeral*) or continuously (*perennial*) conveys water through a bed or channel. This term also applies to watercourses having a surface or subsurface flow that support or have supported riparian or alluvial vegetation. See Section AE-1.3.2 (g)(7) for additional information on stream delineation.
5. **Vegetative Communities for Wet Environments:**
 - i. ~~Riparian Habitats:~~ The transitional habitat between terrestrial and aquatic ecosystems located adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines. Riparian habitat is distinguished by gradients in biophysical conditions, ecological processes, and biota, where surface and subsurface hydrology are connected to the terrestrial system. In the Ventura County coastal zone, riparian habitat includes all vegetation (canopy and understory species) associated with a creek or stream or other waterbody including, but not limited to, sycamore (*Platanus racemosa*), coast live oak (*Quercus agrifolia*), black walnut (*Juglans californica*), white alder (*Alnus rhombifolia*), Fremont cottonwood (*Populus fremontii*), black cottonwood (*Populus trichocarpa*), mulefat (*Baccharis salicifolia*), arroyo willow (*Salix lasiolepis*), red willow (*Salix laevigata*), blackberry (*Rubus ursinus*), California mugwort (*Artemisia douglasiana*), and Mexican elderberry (*Sambucus Mexicana*). Where chaparral and/or coastal sage scrub occur within or adjacent to creeks or streams and function as riparian habitat, the area is considered to be riparian habitat or alluvial scrub (see below).
 - ii. **Alluvial Scrub Habitat:** This vegetation community occurs on drainages and outwash fans at elevations that range between sea level and 1,800 m. It is typically found on coarse-grained recent-alluvial soils near flood channels in areas that are occasionally or rarely inundated. Examples of soils that

support alluvial scrub communities in Ventura County may include the following soil series: Anacapa, Corralitos, Cortina, Garretson, Gaviota, Hueneme, Metz, Moco, Pico, Riverwash, Sorrento, Vina, Zamora, and Sandy Alluvial Land. Soils supporting alluvial scrub drain rapidly, have slow runoff, and contain low amounts of organic matter. These areas typically do not support extensive hydrophytic (i.e., wetland) vegetation because of the scarcity of surface water for much of the year. Alluvial scrub is made up predominantly of phreatophytes¹⁸, where the dominant species is scalebroom (*Lepidospartum squamatum*). Alluvial scrub also shares many of the same species with coastal sage scrub and chaparral habitats because of the ephemeral hydrology associated with these systems. Other shrubs present may include California sagebrush (*Artemisia californica*), big sagebrush (*Artemisia tridentata*), redberry (*Rhamnus crocea*), mountain mahogany (*Cercocarpus montanus var. glaber*), bladderpod (*Isomeris arborea*), brittlebush (*Encelia farinosa*), California buckwheat (*Eriogonum fasciculatum*), burrobush (*Hymenoclea salsola*), chaparral yucca (*Yucca whipplei*), thick-leaf yerba santa (*Eriodictyon crassifolium*), Deerweed (*Acmispon glaber* ~~*Lotus scoparius*~~), Mulefat (*Baccharis salicifolia*), Poison oak (*Toxicodendron diversilobum*), prickly pear cactus (*Opuntia spp.*), and sugar sumac (*Rhus ovata*). Emergent individuals of Western Sycamore (*Platanus racemosa*), Southern California black walnut (*Juglans californica var. californica*), Fremont Poplar (*Populus fremontii*), laurel sumac (*Malosma laurina*), lemonade berry (*Rhus integrifolia*), and Mexican elderberry (*Sambucus Mexicana*) may be present. Periodic disturbances such as floods and fires remove shrubs and trees. If stands are not disturbed for a long period of time, emergent trees gradually take over this shrubland.

[Staff explanation: After the 2018 Planning Commission hearing, the common names of the listed plants for alluvial scrub habitat were included to maintain consistency across the definitions of all ESHA habitats – which include common names. Also Latin name changes were corrected and one species was added based upon a report done by the Ventura River Watershed Council for the Ventura River (redberry).]

Sec. AE-1.3 : Coastal Initial Study Biological Assessment

Sec. AE-1.3.1 : General Requirements

This section contains a detailed description for the required contents and procedures for a site-specific environmental assessment in the coastal zone, called a Coastal Initial Study Biological Assessment (CISBA). A CISBA that meets the standards of this section is required for proposed development that is subject to the ESHA regulations in CZO Section 8178-2 (see Section 8178-2.2). The CISBA must be completed by a qualified biologist. As required by CZO Section 8178-2.3(a), the CISBA shall include a site-specific ESHA map and an analysis of all potentially adverse direct, indirect, and cumulative impacts on ESHA resources. When preparing the site-specific ESHA map, the biologist shall utilize the ESHA identification requirements in CZO Section 8178-2.4, as well as the

¹⁸ Plants that send their roots down to a (relatively) shallow ground water table.

more detailed ESHA identification requirements in Appendix E1, Section AE-1.2. Utilizing the best available science, the qualified biologist shall provide substantial evidence that supports ESHA determinations and the mapped location and extent of ESHA. Finally, the CISBA shall include information that provides a factual basis for the least damaging alternative analysis (See CZO Section 8178-2.3(b)), which is required for all projects that will potentially result in adverse impacts to ESHA or buffer zone.

- a. **Required CISBA Components.** The CISBA report shall include all the components listed below. All CISBA's received shall be organized and formatted in the following order, where all components of the document clearly depict the requested information (i.e., maps, tables, references). See Section AE-1.3.2 below for detailed information on these CISBA components:

- Report Summary
- Introduction (*)
- Existing Physical and Biological Conditions (*)
- Permit History
- Removed or Degraded Vegetation
- List of Potential ESHA and Species (*)
- Field Surveys/Maps (*)
- Site-Specific ESHA/Buffer Zone Map (*)
- ESHA Impact Analysis
- ESHA Mitigation Summary

[Staff explanation: Following the 2018 Planning Commission hearing, the heading above was corrected to reflect the heading of the subsection.]

CISBA components that will be used during the preparation of the "least damaging alternatives analysis" are indicated with an (*). See CZO Section 8178-2.3(b) for more information on the "least damaging alternatives analysis". See AE-1.3.2(g)(2) – Geographic Extent of Field Surveys/Maps below for information on field survey and mapping requirements for the "least damaging alternatives analysis" and AE-1.3.3 (b) for fuel modification zone documentation.

- b. **Geographic Extent of CISBA.** The geographic area covered by a CISBA shall be adequate to conduct the site-specific environmental assessment; determine all potentially adverse direct, indirect and cumulative impacts to ESHA resources; and confirm that the proposed project represents the least damaging alternative. The geographic scope varies for different components of the CISBA. For example, the permit history, record of unpermitted impacts, and list of potential ESHA and species shall be provided for the entire legal lot. The geographic extent of a cumulative impact analysis extends beyond the boundary of the 500-foot general survey area and usually includes either the watershed or biogeographical area. However, the geographic extent of field surveys/maps will depend on the size of the development envelope and the type/location of the biological resource. For more detailed information on the required geographic extent of field surveys and maps, see Section AE-1.3.2(g)(1).

[Staff explanation: Sec.AE-1.3.2 and 1.3.3 were reorganized to consolidate repetitive information across the sections, improve clarity, and insure consistency throughout the entire CZO. Sec. AE-1.3.2 was revised to clearly describe what is requested in a

particular section of the CISBA and specific data requirements (data that should be presented in tables, maps, etc).were moved to the more appropriate Sec. AE-1.3.3-Summary of Required Data. These edits are not tracked unless a substantive change was made, where as a staff explanation will note why the text was altered from the PC Hearing draft.]

Sec. AE-1.3.2 - Required Content of CISBA Components:

- a. **Report Summary.** This section will be written as an “executive summary” of the CISBA and will include a condensed synopsis of the findings of the report. The length of the report summary depends directly on the nature and complexity of the biological resources within the survey area, the potential impacts of the proposed project, the measures that will be implemented to avoid and minimize those impacts, and how unavoidable adverse impacts will be mitigated pursuant to CZO Section 8178-2.10.
- b. **Introduction.** The introduction shall describe the proposed project and provide information on existing and historical uses or *development* on the subject property. The format of the report is as follows:
 1. **Project Site Information.** Address; Assessor Parcel Number (APN); land use regulations (General Plan designation, Area Plan designation, Zoning classification); and size of the project site.
 2. **Contact Information.** Names, phone numbers and addresses of the property owner, applicant, and project consultants.
 3. **Report Preparation Details.** The dates, names, and qualifications of the persons preparing the report.
 4. **Statements.** Provide a statement specifying the accuracy of the report. If applicable, provide a statement that defines areas where the County should alter the official *ESHA* map during an LCP amendment process.
 5. **Project Summary.** A description of the proposed project, identification of the type of permit requested, list of any previous permits issued for the property (see Permit History). The description of the project shall contain a description of the approximate size and purpose of all proposed *development*. Include details such as disturbance area (i.e., the total area of the proposed *development envelope*, as well as subsets for size of *building site* and size of *fuel modification zone*), grading volumes and areas, stormwater *best management practices* (BMPs), parking and staging areas, roads (and associated fire hazard brush clearance areas), fire department turnarounds, utility infrastructure (water wells, pipelines, and septic fields and setbacks), *agricultural operations* and cultivation species (includes garden areas), confined animal facilities, *fences*, and *outdoor lighting* (when applicable). See Section AE-1.3.3 for related map/data requirements. Provide a general timeline of construction and maintenance tasks, including heavy equipment needed for each task.

[Staff explanation: After the 2018 Planning Commission hearing, the text was reorganized for clarity. The deleted text above was moved below to (c) Existing Physical and Biological Conditions.]

- c. **Existing Physical and Biological Conditions.** Information on regional and local site conditions shall be provided using historical/current aerial photographs, site specific survey maps, as well as photographic documentation. Refer to Section AE-1.3.3 for related map/data requirements for the subsections below. The CISBA shall include necessary information regarding the local and regional context of the proposed project, including the following:

1. *Regional Context:* Description and map(s) of the regional features showing the project location, including watershed boundaries, *wet environments, wetlands, ESHA*, existing mapped sensitive species (Section 1.3.2 (f)), existing *adjacent land uses and development, habitat connectivity* to protected conservation areas and all roads. The map shall depict the location of any mature tree stands 1000 feet from the edge of the proposed *development envelope* (Section AE-1.3.2 (g)(1)(iii)-Monarch Overwintering Roosts). For regional extent of the cumulative impact evaluation, see Section AE-1.3.2 (i)(6).

For proposed land divisions only. All *lot sizes* (or parcel sizes if the *legal lot* status is unknown) shall be identified within a quarter-mile radius from the edge of the subject *lot*. To determine whether a proposed *land division* meets the rural *land division* criteria of Section 30250 of the Coastal Act, also provide a calculation of the median size of the existing *lots* within the quarter-mile radius.

2. *Physical Characteristics:* A description, maps and photos of the physical characteristics (e.g., topography, soil types/disturbance, slope orientation) or prominent features (e.g., rock outcroppings, caves, cliff faces, drainages) of the project site (i.e., the *legal lot*) that may be important for unique biological conditions on the site.
3. *Biological Conditions:* Provide a site description with accompanying maps and photos of the overall *habitat* quality on the subject property (the current capacity of *ESHA* serving its natural function within the ecosystem) that includes the following information: disturbance history (removed or degraded vegetation, fire frequency and history, soil disturbance (Section AE-1.3.2 (d)-(f)), results of site specific mapping of vegetative communities (including the presence/density of *invasive or invasive watch list plant species* (Section AE-1.3.2 (f)-(h)), *ESHA* types, man-made or natural barriers or *chokepoints* to species movement proximity to wildlife/*habitat* corridors, and the connectivity to surrounding offsite *core habitats* and *connectivity corridors*.

[Staff explanation: After the 2018 Planning Commission hearing, subsection (c) modifications included the following: placing text from subsection (b) into the introductory text, clarification of standards from subsection (g)((1)(iii) associated with Western monarch overwintering roosts, providing additional examples for clarification of the intent of the requirement, and moving details of data requirements to the data summary section and the survey section. Remaining text was simplified for reading and grammatical corrections. Also, the text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

- d. **Permit History.** Provide a list and summary of all permits, including permit numbers, for previously authorized *development* on the project site. Include a written summary, maps, and a tabular/quantitative summary of *ESHA* removed,

degraded or altered through permitted development (see below). Also provide documentation that shows whether compensatory mitigation was provided for the impacted area.

[Staff explanation: After the 2018 Planning Commission hearing, subsection (d) modifications included moving details of data requirements to the data summary section and simplifying the text for reading and grammatical corrections.]

- e. **Removed or Degraded Vegetation.** Summarize and map all ESHA removed, degraded or altered on the project site since January 1, 1977. Include all ESHA altered without legal documentation, as well as, ESHA altered from legally established development (Subsection (d) above). Within the discussion, include a tabular/quantitative summary of ESHA impacted. The tabular information shall identify the habitat type/category, acres impacted, year of impact, and if area has grown back to the pre-disturbance vegetative community (only areas with no soil disturbance/grading/invasives or invasive watch list plant species). To determine the extent and type of ESHA present before disturbance, the applicant shall provide a legible depiction of historic aerial images of the site (January 1, 1977 to current), database searches, the results of site-specific surveys on and adjacent to the subject parcel, and other available evidence.

[Staff explanation: After the 2018 Planning Commission hearing, subsection (e) modifications included simplifying the text for reading and grammatical corrections. Also, the text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

f. **List of Potential ESHA and Species.**

1. Before conducting the field survey(s) (see AE-1.3.2 (g)), the qualified biologist shall review and prepare a comprehensive list of all ESHA and special status habitats/ species that could occur on the project site. Provide a brief summary of the potential ESHA and special status habitats/species on the project site in the body of the report and include the comprehensive list previously prepared as an appendix to the CISBA. The comprehensive table shall contain the following:
 - i. Recommended survey date(s) for each potential, special-status species on the project site (see Section AE-1.3.2(g)(3)).
 - ii. Protection status;
 - iii. Habitat requirements; and
 - iv. Likelihood of its occurrence on-site given the physical and biological conditions (non, low, moderate, high, or observed). For observed species, provide the number of each species observed (See Section AE-1.3.2(g)(2)).
2. Existing, mapped biological information shall be supplemented with evidence or data from other published sources that include the following:
 - i. CDFW RareFind, California Natural Diversity Database (CNDDDB), Natural Communities List;

- ii. USFWS National Wetland Inventory Database (NWI), USGS National Hydrographic Dataset, and California Rapid Assessment Method field results in EcoAtlas;
- iii. Watershed Protection District Data;
- iv. Mapped Habitat Connectivity and Wildlife Corridors;
- v. Vegetation Classification of the Santa Monica Mountains National Recreation Area and Environs (See CZO Section 8178-2.4.1(j) for list of *habitat* and sensitive species categories);
- vi. USFWS Critical Habitat, Environmental Conservation Online System (ECOS) and Information, Planning, and Conservation System (IPaC);
- vii. Audubon *Important Bird Areas*;
- viii. Ventura County Locally Important Species List;
- ix. California Native Plant Society Inventory of Rare and Endangered Plants of California;
- x. Xerces Society and Audubon Red Lists; and
- xi. Site-Specific Environmental Assessments (CISBA) for *abutting or adjacent* properties (when applicable).

3. Some sensitive species may only occur after fires, in certain soils, elevations, etc. Therefore, the following additional sources are recommended to help determine the suitability of the site for the potential presence of listed species:

- i. USGS Web Soil Survey;
- ii. California Fire Plan, the Fire and Resource Assessment Program (FRAP) Fire Perimeter Data; and
- iii. USGS GAP Analysis Program (GAP) GIS Datasets.

[Staff explanation: After the 2018 Planning Commission hearing, subsection (f) modifications included reorganization of data sources based on when they are used, correction of names and additional data sources available to qualified biologists that were not previously listed, and aligning requirements between the ISBA and the new CISBA.]

- g. **Field Surveys and Maps.** This section identifies the information required for field surveys and related maps within the CISBA. It includes information on the geographic extent of biological field surveys, the timing of field surveys, and survey/mapping requirements for specific types of wildlife/habitats. The *qualified biologist* shall use a GPS to map all species/plant communities present within the survey area. Refer to Section AE-1.3.3 for detailed map/data requirements for mapping standards and other data requirements for subsections (1)-(9).

- 1. **Geographic Extent of Field Surveys/Maps.** All biological field surveys shall be conducted within a minimum of 500-feet from the edge of the proposed

development envelope¹⁹. Additional information, and exceptions to the 500-foot standards, are provided as follows:

- i. Additional Surveys/Maps for Least Damaging Alternative Analysis: General floristic mapping of all ESHA plant communities shall be conducted for all portions of the subject lot that lie outside the required 500-foot survey area. Such mapping shall be completed using available GIS vegetation maps, aerial photographs, and other available information (See Section AE-1.3.2 (f) for a list of available resources). At the request of the Planning Staff Biologist or County contracted qualified biologist, the qualified biologist preparing the CISBA shall conduct a field visit to ground-truth mapped vegetation data. Refer to Section AE-1.3.2 (g)(8) for surveying wet environments or wetlands partially/fully located off-site within the survey area.
- ii. Survey Data for Off-Site Locations: When a portion of the survey area lies outside the property, a field survey of that area is not required if the land is privately-owned or is publicly-owned but not accessible. For such areas, an assessment and map of biological conditions shall be conducted based on a visual survey with binoculars and a review of aerial photographs, biological assessments prepared for permits processed on abutting/adjacent properties, and habitat/wildlife information available from federal/state/local natural resource agencies²⁰; and
- iii. Monarch Overwintering Roosts: When suitable Western monarch butterfly overwintering habitat is within 1000 feet of a proposed development envelope, two targeted monarch butterfly overwintering surveys each conducted by a different qualified biologist shall be required for all habitat that has the characteristics of a suitable roost site (see Section AE-1.3.2(g)(4)(iv) (below)). Suitable habitat includes trees that provide shelter from storms or prevailing winds, with nearby water and nectar sources in fall/winter.
- iv. Expanded Fuel Modification Zones for Existing Development: A biological field survey shall be required for an expanded fuel modification zone for existing development. The geographic extent of the survey area shall include a 100 foot radius beyond the extended fuel modification zone.

[Staff explanation: This section clarifies the required geographic extent of field surveys and related survey maps. The 1,000-foot perimeter buffer zone for monarch butterfly was recommended by Xerces and the USFWS because the removal of a few trees outside a Western monarch butterfly overwintering grove that supports multiple roost trees can impact the microsite conditions within the grove and make the area unsuitable to overwintering monarchs. Following the 2018 Planning Commission hearing, the text

¹⁹ See definition for development envelope in Article 2. It includes on-site and off-site development.

²⁰ Examples of such resources include the National Park Service vegetation maps, Ventura County and other GIS data available for soils and slopes, wildlife tracking GIS data, monarch butterfly overwintering sites, and California Natural Diversity Database.

above was modified as a consequence of the Planning Commission's directive to revisit the inclusion of a reduced mitigation fee for ESHA thinned in an expanded fuel modification zone. CISBA requirements were also added to minimize the survey area required to install an expanded fuel modification zone for existing development. In addition, modifications were made to allow for a qualified biologist contracted by the County to make the determination for the least damaging alternatives analysis and not only the planning staff biologist, as well as adding additional cross references. After the 2021 Planning Commission hearing subsection (iii) was modified in accordance with the Planning Commission directive from the August 19, 2021 Planning Commission hearing]

2. **Field Survey Results.** The qualified biologist carrying out the field survey(s) shall identify, characterize, and delineate all site characteristics and ESHA that may be found in the site area based on the list of potential species (e.g., rare plants, bat, insects, and birds). All field surveys shall be conducted in accordance with the requirements of this section, and field survey results shall include the following information:
 - i. A table that contains the recommended protocol detection dates to conduct the species/habitat survey(s), the survey date and time (start/end), acreage surveyed, name of County-approved biologist and conducting the surveys;
 - ii. A map depicting the area surveyed and survey route;
 - iii. A discussion of all field methods employed, including the methods for formal protocol surveys, and survey methods used to detect special-status species or sensitive plant communities. Constraints on the accuracy of the report (e.g., wrong season, time-of-day) should be explicitly discussed;
 - iv. A map depicting the area surveyed, all vegetation sampling locations and survey route.
 - v. ESHA delineation/mapping products (include location of rare plants, nests, burrows, dens, colonial roosts), site condition assessments (include vegetation communities, soil disturbance, wildlife barriers, chokepoints, connectivity features), photographs/videos associated with field surveys, shall be used to prepare the following maps and discussions: Section AE-1.3.2 (a) Executive Summary, (c) Existing Physical and Biological Conditions, (e) Removed or Degraded ESHA, (f) List of Potential ESHA and Species, (h) Site-Specific ESHA Map (i) – ESHA Impact Analysis, (j) ESHA Mitigation Analysis, and Appendix E2, AE-2.5 (b)(2) ESHA Vegetation Management Plan.
 - vi. If special status species or vegetation communities are observed, copies of the CNDDB California Native Species Field Survey Forms, Combined Vegetation Rapid Assessment and Releve' Field Forms, and/or a California Natural Community Field Survey Form shall be sent to CDFW and included in the CISBA.
 - vii. Color photographic or video documentation of the existing condition of the proposed development envelope, rare plants, and other

noteworthy features (Appendix E1, AE-1.3.3-Summary of CISBA Maps and Data; Appendix E2, AE-2.4 (b)(2)- ESHA Vegetation Management Plan).

[Staff explanation: After the 2018 Planning Commission hearing, the text was modified to include a mechanism to document the pre-thinning conditions before a fuel modification zone is expanded. This edit was a result of the Planning Commission's directives: 1) to work with the Fire Protection District to arrive at consensus on fire clearance issues; and 2) to revisit the inclusion of a reduced mitigation fee for ESHA thinned in an expanded fuel modification zone. In addition, edits were made to align the requirements to requirements outlined in the existing Initial Study Biological Assessment standards.]

3. **Field Survey Timing.** At least one field survey shall be conducted for the CISBA. While field surveys are typically conducted in the spring, the number/timing of field surveys is dependent upon the types of potential special status species that may be found on the site (see AE-1.3.2 (f) - List of Potential ESHA and Species), and more than one field survey is often required due to different blooming periods, migration arrival times, and breeding seasons. Wildlife surveys shall not be conducted during periods of excessive cold, heat, wind, rain, or other inclement weather that individually or collectively reduces the likelihood of detection. To avoid project delays, consultation with the Planning Staff Biologist or County contracted qualified biologist is recommended, as the County may determine that one or more additional surveys are required based on a site visit and/or the following criteria:
 - i. The likelihood that the detection window for special status plant/bryophyte communities, such as rare native annuals, is limited to a particular time of year or during a year following normal/high rainfall. In successive dry years, requirements associated with yearly rainfall will be evaluated on a case-by-case basis. CDFW's most recent protocol(s) for surveying for rare plants, (Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities) shall be followed when conducting surveys for special status plant/bryophyte communities. If special status plants are discovered, they shall be avoided.
 - ii. To detect rare invertebrate species (e.g., terrestrial snails (*Helminthoglypta*), monarch butterfly (*Danaus plexippus*) or Crotch bumblebee (*Bombus crotchii*), surveys shall be conducted during the flowering period of flowers on which the invertebrates depend or when microsite characteristics (e.g., shelter from prevailing wind, temperature, nectar, water) may support *habitat* use during the overwintering season:
 - iii. Presence of year-round water (i.e., surface water in the dry season (late summer/fall)) rock outcrops, vegetation containing large woody debris, chaparral, etc. that are capable of providing *habitat* for sensitive amphibians and reptiles (e.g., coast range newt (*Taricha*

torosa torosa), California red-legged frog (Rana draytoni), California Glossy Snake (Arizona elegans occidentalis), San Diego Mountain Kingsnake (Lampropeltis zonata pulchra), or southwestern pond turtle (Actinemys pallida);

- iv. During drought years, schedule site visits for the identification of ephemeral wet environments during the rainy season. Historic aerial photographs also may be used to aide in the identification of wet environments, particularly during multi-year drought periods. See Section AE-1.3.2 (g)(8)(iii) below.
- v. Arrival of special-status nesting birds that would be possible to detect only during specific times during spring/early summer (e.g., yellow warbler (Setophaga petechia), summer tanager (Piranga rubra), yellow-breasted chat (Icteria virens), or Least-Bell's vireo (Vireo bellii pusillus));
- vi. Survey timing for sites containing appropriate habitat for roosts used by special-status bats (e.g., Western Mastiff Bat (Eumops perotis), Mexican Long Tongue Bat (Choeronycteris mexicana), or Pallid Bat (Antrozous pallidus); and
- vii. Survey timing for sites containing appropriate foraging habitat for raptors during winter and early spring migration period (e.g., northern harrier (Circus cyaneus), golden eagle (Aquila chrysaetos), sharp-shinned hawk (Accipter striatus) or peregrine falcon (Falco peregrinus).
- viii. When a reduced County In-Lieu Fee for ESHA thinning pursuant to Section 8178-2.6.9.3 is proposed, pre-disturbance vegetation surveys for the expanded fuel modification zone shall be conducted when vegetation growth is at its greatest density (e.g., March-June). This survey may be combined with the general floristic mapping required for the site-specific ESHA map.

[Staff explanation: After the 2018 Planning Commission hearing, the text was modified to depict when ESHA is thinned within the expanded fuel modification zone, the baseline vegetation should be surveyed at the time of year where the vegetation growth is at the greatest density. This edit was a result of the Planning Commission's directives: 1) to work with the Fire Protection District to arrive at consensus on fire clearance issues; and 2) to revisit the inclusion of a reduced mitigation fee for ESHA thinned in an expanded fuel modification zone. In addition, examples of the types of reptile and amphibian species that can be found in Ventura County were added to (iii) and clarification of the habitat characteristics that they are associated with were made.]

- 4. **Surveys for Special Status Species.** Additional surveys shall be conducted to determine the presence of any special status species with the potential to occur on the site as follows:
 - i. For certain special status species that potentially occur on site, state or Federal agency protocol surveys are required for the species

(consult California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Xerces Society, US Forest Service (USFS), etc.).

- ii. Where trees suitable for nesting or roosting or significant foraging habitat are present, the biologist should search for evidence of sensitive bird species and raptor use. If there is independent evidence of significant sensitive bird species or raptor use on or near the property, formal protocol survey(s) shall be conducted using the most recent raptor protocol surveys²¹ (USFWS or CDFW protocols for similar genus, USFS, etc.).
- iii. A daytime bat assessment that identifies the presence of on-site sensitive bat species roosts shall be required when the distribution and range of a sensitive bat species coincides with the site location and the site contains suitable habitat to support such species (e.g., water sources, trees with cavities, shedding bark, rock faces with cracks). If the daytime assessment identifies evidence of on-site bat roosts (e.g., guano piles, urine stains), additional bat surveys (e.g., acoustic detection) are required during bat activity periods for sensitive bat species. Provide photographs of confirmed roost sites and surrounding habitat in the four cardinal directions.
- iv. Surveys to identify overwintering roosts for monarch butterflies shall be required when the site contains suitable habitat to support such species (e.g., shelter from storms/prevailing winds, nearby water, fall/winter nectar source). Monarch butterfly habitat includes the clustered trees that monarchs use as roosts as well as surrounding trees/shelter that influence the microclimate of the grove. If an initial assessment identifies potential monarch overwintering habitat within 1000 feet of the proposed development, then two surveys shall be conducted by two different qualified biologists to account for seasonal or annual differences in environmental conditions at the microsite level (e.g., wind, temperature, humidity). Conduct the first survey during the first half of the overwintering season (e.g., November), and conduct the second survey during the second half of the season (e.g., January). Provide photographs of confirmed overwintering roost sites and surrounding habitat in the four cardinal directions.
- v. Surveys to detect the presence of special status reptile species shall be conducted during appropriate weather conditions (e.g., cool and sunny; or overcast and warm). If applicable to the site, evening road surveys shall be conducted during appropriate weather conditions such as after a warm day (crepuscular/nocturnal snakes).

[Staff explanation: Two ESHA reptile species are found in Ventura County's coastal zone. Surveys must be conducted under appropriate weather conditions and time of day to confirm the presence of these

²¹ USFS Multiple Species Inventory and Monitoring Technical Guide, Gen. Tech. Report WO-73 August 2006.

protected species. After the 2018 Planning Commission hearing, reptile species survey timing was added because it was previously missing and clarification of when photographs are needed in the CISBA to be consistent with the requirements associated with data requirements called for in other sections. After the 2021 Planning Commission hearing subsection (iii) was modified in accordance with the Planning Commission directive from the August 19, 2021 Planning Commission hearing.]

5. **Survey/Mapping of Rare Plant Populations and Plant Communities.**

Plant communities and rare plant populations shall be inventoried and mapped using a GPS for all the *habitat*/plant community types. Rare plant populations and association level vegetation mapping shall be conducted using the most recent versions of California Native Plant Society (CNPS) “Guidelines for mapping rare vegetation” and California Department of Fish and Wildlife’s (CDFW) “Survey of California Vegetation Classification and Mapping Standards. A description, tables, maps, and photos depicting vegetation onsite shall include the following:

- i. A map and photos that document all rare plant populations using the State Vegetation Classification System maintained by the Vegetation Classification and Mapping Program of CDFW, described in the Manual of California Vegetation by Sawyer et al. 2009 or subsequent editions;
- ii. An association-level vegetation map that highlights the location and identification of *invasive* or *invasive watch list plant species* on the site as defined by the California Invasive Plant Council, CDFW, US Department of Agriculture (USDA), and US Geological Survey (USGS);
- iii. A table containing all plant associations and rare plant species present onsite and their acreages or population numbers (See Section AE-1.3.2 (f));
- iv. Description and photos of the ecological context of the plant community in terms of species diversity, *structure* (seral stage), overall condition (i.e., disturbance type, burned, intact, diseased), density and distribution of *invasives* or *invasive watch list plant species*, and level of connectivity (on-site and off-site) to adjoining *ESHA*. The overall condition of the plant community will include an analysis of the frequency of wildfires affecting the proposed *development* site that includes the length of time since the last burn and the impact of fire on the natural *habitat* on site;
- v. The *qualified biologist/botanist* shall use a GPS to map all the *habitat*/plant community types present within the survey area.
- vi. The location of plant communities using aerial photography interpretation or other methods defined in Section AE-1.3.2(g)(1) above for the following: (i) on-site areas that lie; and (ii) off-site areas that lie within the survey area;
- vii. For proposed *development* that will have an *expanded fuel modification zone*, the density of the *ESHA* vegetation communities

(association level) shall be measured using the most recent version of the California Department of Fish and Wildlife – California Native Plant Society Protocol for the Combined Vegetation Rapid Assessment and Revele' Field Form and percent cover diagram, as may be amended. A description and photos/videos shall depict the density of the plant community and the location of the sampling quadrats using the most recent aerial photos with respect to the sampling date; and

- viii. Vegetative sampling units shall be defined using the standards in Section AE-1.3.2(g)(6) below.
- ix. Results of inventory and mapping shall be presented in appropriate tables and discussions outlined in Section AE-1.3.2 (g)(2).

[Staff explanation: After the 2018 Planning Commission hearing, additional text was added to address new standards associated with an expanded fuel modification zone and provide further cross referencing and clarification of data requirements. The fuel modification zone edit was a result of the Planning Commission's directives: 1) to work with the Fire Protection District to arrive at consensus on fire clearance issues; and 2) to revisit the inclusion of a reduced mitigation fee for ESHA thinned in an expanded fuel modification zone. Also, subsection (v) was moved from AE-1.3.3(g)(3) and text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

- 6. **Survey/Mapping of Grassland Communities.** Grassland communities shall be inventoried and mapped by species composition using the most recent version of CDFW-CNPS Sampling Protocol for the Combined Vegetation Rapid Assessment and Revele' Field Form and CDFW's "Survey of California Vegetation Classification and Mapping Standards to map native grassland and forb habitat. The minimum width of the mapping polygons depends on the project size but is generally no less than 30 feet. Results of inventory mapping shall be presented in appropriate tables and discussions outlined in Section AE-1.3.2 (g)(2) – Field Survey Results.

[Staff explanation: Site-specific surveys are required to determine if non-native annual species characteristic of California annual grassland represent ESHA, and such determinations will depend on factors that include the size of native grass and forb patches, number of patches, and their connectivity. Recent guidance from CDFW's Vegetation Classification and Mapping program (Personal communication with Todd Keeler-Wolf) indicates that the 10% relative cover metric was developed using a smaller sample size from a specific location. The mapping program has now evaluated various sampling protocols and mapping techniques across the state and has revised the 10% relative cover recommendation and with the protocol sited within this document. After the 2018 Planning Commission hearing, the mapping scale was modified to meet recommendations by the State mapping program (Personal communication with Todd Keeler-Wolf) and additional cross-references were added.]

- 7. **Survey/Mapping of Protected Trees.** An inventory and health assessment shall be prepared for all protected trees, including those classified as ESHA (see requirements in Section 8178-7.8). Results of inventory mapping shall

be presented in appropriate tables and discussions outlined in Section AE-1.3.2 (g)(2).

8. **Survey/Delineation of Wet Environments.** All *wet environments* shall be mapped (See Section AE-1.3.2(g)(3)(iv) for survey timing during drought years), along with mapped information for topography, soils, and vegetation between the proposed *development* and the *wet environment*. If the *wet environment* is partially/fully located off-site and will not be directly impacted by the project, mapping of the *wet environment* may occur using aerial imagery at the 1":200' or greater resolution. Initial identification of a *wet environment* can occur using the National Hydrography Dataset (NHD) from USGS in conjunction with USFWS National Wetland Inventory. However, the NHD may not accurately reflect the total extent of *ephemeral* or *intermittent streams*, as it does not include *stream* segments less than one mile in length, combines *intermittent* and *ephemeral streams*, and is based on 1:100,000 scale topographic maps. The NHD dataset should be supplemented with the most recent guidance documents used to delineate *wet environment* features as follows:

- i. *Wetland* features shall be identified through a delineation that is prepared in conformance with the California Coastal Commission, October 5, 2011 Briefing, Definition and Delineation of Wetlands in the coastal zone (Coastal Area Plan - Appendix 1), where the presence of any hydrophytic vegetation, hydric soils, or hydrology will classify it as a *wetland*. The technical guidelines and methods of the 1987 Army Corps of Engineers Wetland Delineation Manual and the 2008 Arid West Supplement shall be used to delineate *wetlands*. U.S. *wetland* delineations must be conducted per the definitions of *wetland* boundaries contained in Section 13577(b) of Title 14 of the California Code of Regulations. The delineation maps shall be prepared using the standards for *wet environments* listed below. When delineating vernal pools, seeps, springs, estuaries, and *lagoons*, use the same guidance documents as those cited for *wetland* delineations, supplemented with technical guidance provided by the USFWS Cowardin Classification System.
- ii. *Stream* features shall be identified through CDFW's "A Review of Stream Processes and Forms in Dryland Watersheds"²² and a delineation and map that is prepared in conformance with the California Energy Commission's Appendix G: Field Guide to Mapping Episodic Stream Activity (MESA) (12/18/2014).
- iii. The delineation survey report shall include (at a minimum):
 - A map at a scale of 1":200' or greater resolution with polygons delineating all *wet environments*, polygons delineating all areas of vegetation with a preponderance of *wetland* indicator species, and the location of sampling points; and

²² The CZO definition of *stream* does not include the historic flow regime as described in this document.

- A description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the consultant doing the delineation.
- Seasonally timed photographs of wetland features.
- Results of inventory mapping shall be presented in appropriate tables and discussions outlined in Section AE-1.3.2 (g)(2).

9. **Measurements for Buffer Zones.** Buffer zone widths shall be measured from the outer extent of the ESHA vegetation or as follows:

- Riparian Areas: The outer edge of the cover of riparian vegetation community, or the outer edge of the bank of the subject stream if riparian vegetation is not present.
- Alluvial Scrub: Edge of alluvial soils located on alluvial fans, alluvial valley slopes, stream deltas, and along stream bottoms.
- Native Woodland: The outer edge of the woodland tree canopy stand.
- Wetland: The upland limit of wetland habitat. In the case of wetlands without vegetation or soils, the setback shall be the boundary between land that is flooded or saturated at times (during years of normal precipitation) and land that is not.
- Rocky Outcrops: The outer extent of the plant community supported by the rocky outcrop habitat.
- Protected Parkland/Open Space: The outer edge of the boundary for parkland/ open space areas acquired by natural resource agencies or conservation organizations for habitat protection.

h. **Site-Specific ESHA and Buffer Zone Map.** A site-specific map of all ESHA and buffer zones shall be provided that includes illegally removed ESHA and buffer zone locations. The map shall be based on field survey results (see subsection (g) above) and LCP standards for site-specific maps (see CZO Sections 8178-2.3 and 8178-2.4). If applicable, also provide a written justification, based on substantial evidence, to support the following ESHA determinations made when preparing the site-specific map:

- Extent of ESHA based on the evaluation of removed or degradation of vegetation since January 1, 1977 (see subsection (e) above);
- Revisions to the mapped extent of ESHA on an adopted ESHA map in the Coastal Area Plan; and
- Revisions to the mapped extent of ESHA due to natural disaster, when determined pursuant to CZO Section 8178-2.4.2.

The Planning Staff Biologist will conduct a site visit to confirm the conclusions of the proposed classification or reclassification of ESHA within the site-specific ESHA map.

- i. **ESHA Impact Analysis.** The CISBA shall contain a discussion and analysis of all unavoidable direct, indirect, and cumulative adverse impacts to ESHA that would result from the implementation of the proposed project. Information required to support the discussion and analysis within this subsection is detailed in Section AE-1.3.3). For each ESHA species/vegetative community observed (See Section AE-1.3.2 (f) and (g)(2)), discuss and analyze the potential for adverse impacts to any ESHA as follows:
1. Based upon the project description in Section AE-1.3.2 (b), and the biological and physical characteristics of the site (Section AE-1.3.2 (c)), discuss and analyze all direct impacts to observed ESHA that may: reduce a population (mortality or injury/damage); reduce a habitat (vegetation removal or degradation); increase habitat fragmentation (see (4) below); and restrict reproductive capacity. Use maps and tables to locate and quantify adverse direct impacts.
 2. Provide a map, a detailed description and an analysis of potential indirect impacts to ESHA outside the development envelope that includes but is not limited to project-related factors such as stormwater runoff, noise, lighting, animal keeping, or other impacts that encroach into a buffer zone.
 3. Evaluate all cumulative impacts from existing, recently approved, and reasonably foreseeable future projects that may directly or indirectly impact ESHA species/communities. The following factors shall be considered:
 - i. The spatial limits of the cumulative analysis may be broader than the site-specific survey boundary because the analysis must consider all activities that affect those environmental components, even outside the area affected by the proposed development (see AE-1.3.2 (c)-Regional Context).
 - ii. If the proposed activities affect (or could affect) ESHA, the cumulative analysis shall take into account activities that occurred before the proposed action is initiated and after the proposed action is completed. the cumulative analysis shall take into account activities that occurred before the proposed action is initiated as well as after the proposed action is completed. It should describe the incremental contribution of the proposed development to cumulative effects.
 - iii. Discuss the significance of the impacted ESHA on a local and regional scale, as well as, the rarity or abundance of the resource in the region or elsewhere.
 4. Identify local or regional habitat connectivity corridors (see CZO Section 8178-2.7.5), and evaluate movement barriers or constrained areas (chokepoints, stepping stones) for species identified in the field survey (see Section AE-1.3.2 (g)). Provide maps and an analysis of the project site's location in relation to local or regional habitat connectivity corridors and the potential of the project site to contribute habitat-value to local or regional habitat connectivity corridors.
 5. Proposals to alter a wet environment (e.g., channelization, diversion, diking, bridging) shall include an analysis of potential impacts on the depletion of groundwater, wildlife migration, downstream erosion and sedimentation, sand

supplies to beaches, as well as the identification of risks and procedures to prevent the spread of aquatic invasive species and contaminants (e.g., USFWS Hazard Analysis and Critical Control Point Planning).

6. Provide an analysis of the native *biodiversity* in the study area and quantify the degradation or loss (historic and current) of the *ESHA* in the area. (Refer to Section AE-1.3.2 (c), (d), (e), and (g)(2) for data associated with this discussion. For proposed on-site *restoration* or *enhancement* projects, the analysis shall contain recommendations for the successful *restoration* of any degraded *ESHA* on the project site relative to any listed potential or observed *ESHA* species/community to utilize the site if *ESHA* is restored on-site after development.
7. If Oak Woodland/Savannah and Native Tree Woodland is present, provide an analysis of project alternatives that would avoid removal or encroachment (see CZO Section 8178-2.7.4.1).
8. Provide information on the proposed project design features and other measures required to minimize or avoid impacts to *ESHA*. This information shall include: 1) A description of construction methods and timing required to avoid adverse impacts; 2) If confined *animal keeping* facilities are proposed within a *fuel modification zone* that overlaps with *ESHA* or *buffer zone*, then these measures shall address manure management, BMPs/site design for *runoff*, livestock security from predators (if applicable), minimizing wildlife attractants, poison use, lighting, etc.

Staff explanation: After the 2018 Planning Commission hearing, the impact analysis had significant modifications to simplify the requirements, clarify discussion points, and add additional examples to illustrate the different types of impacts.]

- j. **ESHA Mitigation Summary.** Include a summary discussion of the steps that will be taken to avoid and mitigate adverse impacts to *ESHA* (all potential *direct*, *indirect* and *cumulative* impacts to *ESHA* are considered significant and cumulatively considerable). Refer to Section AE-1.3.3 for detailed map/data requirements. Present a preliminary plan to mitigate unavoidable impacts, in accordance with the compensatory mitigation requirements in CZO Section 8178-2.10, including but not limited to the following information:
 1. Provide a summary of project design features and other mitigation measures (see Section AE-1.3.2(i)(8) above) that shall be incorporated into the project design or conditions of approval for the project.
 2. Provide a quantitative summary of the number of acres for each impacted *habitat* type that will be required to adequately compensate for *ESHA* loss or degradation. Refer to Coastal Zoning Ordinance, Figure 8178-2.10 – Illustrative Diagram of Compensatory Mitigation Requirements;
 3. Describe the proposed approach to compensatory mitigation, including the type of mitigation (e.g., *preservation*, *restoration*) and whether on-site and off-site compensatory mitigation; and
 4. If off-site mitigation is proposed outside of an *in-lieu fee* program or approved *mitigation bank*, include preliminary information on available off-site

mitigation areas, including one primary and one contingency mitigation site that meet the criteria set forth in the LCP (see CZO Section 8178-2.10).

This information will also be applicable to Appendix E2, Sections AE-2.1.1(a)(1) and AE-2.4 if an expanded fuel modification zone is requested.

[Staff explanation: After the 2018 Planning Commission hearing, the subsection was modified to provide cross references and correct terminology.]

AE-1.3.3 - Summary of CISBA Maps and Data

[Staff explanation: After the 2018 Planning Commission hearing, the section below was reorganized and clarified based upon the requirements in previous sections. Detailed data requirements were moved to this summary section. Additional staff comments are only provided for significant changes or as a result of the Planning Commission's directives.]

a. Digital GIS file formats and legibly depicted printed maps to scale must be provided with all CISBAs and shall include, but not be limited to, the following:

1. All habitats/ESHA boundaries, along with any appropriate metadata (e.g., address, APN, Permittee's name, purpose of files; GIS data- map projection, date data collected, map processing steps, etc.). ESHA data shall be provided in accordance with the County's metadata standards and shall be digitized using a GPS for uploading to a GIS system.
2. If an ESHA or buffer zone overlaps with an extended fuel modification zone that for the proposed project, then written documentation shall be obtained from the Ventura County Fire Protection District confirming the authorization of the expanded fuel modification zone (see CZO Section 8178-2.6.9.2 (c) for the project site and for alternate sites identified in the least damaging alternatives analysis.

[Staff explanation: After the 2018 Planning Commission hearing, subsection (2) was added as a result of the Planning Commission's directives: 1) to work with the Fire Protection District to arrive at consensus on fire clearance issues, including compliance with amended PRC 4291 and 4291.3 which went into effect January 1, 2019 with the passage of AB 2911. Under rare circumstances, the regulations allow up to 300 feet of vegetation clearance from a structure or to the property line, whichever distance is shorter, if it is determined by the Ventura County Fire Protection District that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wild land fires.]

3. If the on-site vegetation map does not conform to the County's digital certified GIS ESHA map (greater than a five percent plus-or-minus margin of error), additional data shall be required within the CISBA to provide substantial evidence for any proposed ESHA map changes. The Planning Staff Biologist may recommend an adjustment to the ESHA map after a site visit and the evaluation of the following documentation:
 - i. Photos with GPS location, date, time, and directional bearing of the area in question;

- ii. A modified map that shows the location(s) of the increase or decrease in the respective *habitat* category(s); and
- iii. An estimate of the difference in area (increases or decreases) measured in square feet (or acres), based on the spatial data.

The Planning Division is responsible for maintaining all recommendations on ESHA map adjustments within the County's database. Such recommendations will be compiled within the County's database and maintained by the Planning Staff Biologist. However, official changes to the ESHA map will only occur through an LCP amendment process.

[Staff explanation: After the 2018 Planning Commission hearing, subsection (d) was removed and replaced with headers associated with each section (below). The data requirements detailed in the referenced sections have been moved to the section below to provide a clearer picture of the data requirements and remove repetitive text.]

b. **Required Data in CISBA Sections**

1. **Sec. AE-1.3.2(b)(5): Introduction (Project Description).** Provide a site plan that shows all proposed components of the development and surrounding coastal resources that include the following (when applicable):
 - i. All proposed buildings, structures, parking and staging areas, fuel modification zones (mandatory and expanded), roads, fire department turnarounds, utility infrastructure (water wells, water tanks, pipelines, and septic fields and setbacks), agricultural facilities and cultivation areas, confined animal facilities, fences, recreational facilities, landscaped areas, and outdoor lighting locations (See Section= AE-1.3.2 (b)(5) and (h)).
 - ii. Property lines, development envelope, building site, and boundaries of easements.
 - iii. Boundaries of ESHA, ESHA buffer zones, existing/proposed slope, and other pertinent environmental features (see (3) below).
 - iv. Stormwater treatment areas that are within or adjacent to ESHA or buffer zone.
2. **Sec. AE-1.3.2 (c)(1): Regional Context Map.** Provide a map of features within the biogeographic region showing the project location with the following spatial data: watershed boundaries, existing streams/wetlands (highest USGS Hydrological Unit Code), topography, existing land use and development (including protected conservation public lands or core habitat areas), special status species that occur within 5-miles of the project site (Section AE-1.3.2 (f)), potential on-site or off-site western monarch overwintering roosts (Section AE-1.3.2(g)(2)(iv), and existing/proposed roads. The map should depict habitat connectivity within and outside the property boundaries. Include GIS layers that may represent barriers to wildlife movement and any features that promote connectivity (e.g., road crossing structures, habitat corridors).
3. **Sec. AE-1.3.2 (c)(2): Physical and Biological Maps.** Below are data requirements for physical and biological maps and data. Depending on the site conditions, the biological and physical maps may be combined into one map provided that all features requested can be clearly illustrated.

- i. **Map of Physical Features:** Provide legible map(s) of the project property and survey area that shows all physical features (i.e., topography (*slopes*), *slope* orientation, rock outcroppings, riprap, caves, cliff faces) and areas where fire, soils, or disturbance history (e.g., soil disturbance, areas of degraded *habitat*) that affects the existing biological community. Label wildlife barriers or *chokepoints*.
 - ii. **Map of Biological Features:** Depict the location of all vegetation communities as described in Section AE-1.3.2(g), subsections (5-8), types of *ESHA* (include location of observed rare plants, nests, burrows, *colonial roosts*, or denning sites detected with field surveys), protected or *core habitat* areas within or immediately outside the property.
4. **Sec. AE-1.3.2 (d) and (e): Permit History and Removed/Degraded Vegetation.**
 - iii. If available, any maps or data associated with previous permits issued documenting *ESHA* removal, alteration, mitigation;
 - iv. If any major vegetation has been removed or disturbed on site, provide historic aerial images of the site since January 1, 1977; and
 - v. A table of *ESHA* removed or degraded specifying: either permitted/non-permitted removal, *ESHA* type, acres/individuals impacted, year of impact, and if area has recovered (no soil disturbance/grading/invasives or *invasive watch list plant species*).
5. **Sec. AE-1.3.2 (f): List of Potential ESHA and Species.** Provide a table of all potential *special status species* and communities that contain the following information: recommended survey dates (Section AE-1.3.2(g)(3)), date and time field survey was conducted, protection status, *habitat* requirements, and likelihood of species occurrence (none, low, moderate, high, or observed). For observed species, provide the number of individuals (rare or special status) and acreage of plant communities observed (Section AE-1.3.2(g)(2)).
6. **Sec. AE-1.3.2 (g): Field Survey Maps and Data.**
 - i. Provide maps of all survey areas, vegetation and *wetland* sampling locations, and field survey routes;
 - ii. Provide a table of potential species/communities on site, recommended detection dates for potential species being surveyed, the date and time the field survey was conducted, acreage surveyed, and name of *qualified biologist* conducting survey; and
 - iii. For any *special status species* or vegetative communities detected, provide copies sent to the California Department of Fish and Wildlife of the CNDDB California Native Species Field Survey Form and/or a California Natural Community Field Survey Form.
7. **AE-1.3.2 (g)(1)(d): Expanded Fuel Modification Zones:** If applicable, provide two site plan maps pursuant to Appendix E2, Section AE-2.4 (b)(1) and Appendix 1, Section AE-1.3.2 (g)(1)(iv).

[Staff explanation: After the 2018 Planning Commission hearing, these edits were a result of the Planning Commission's directives: 1) to work with the Fire Protection District to arrive at consensus on fire clearance issues, including compliance with amended PRC 4291 and 4291.3 which went into effect January 1, 2019 with the

passage of AB 2911. Under rare circumstances, the regulations allow up to 300 feet of vegetation clearance from a structure or to the property line, whichever distance is shorter, if it is determined by the Ventura County Fire Protection District that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wild land fires.]

8. **Sec. AE-1.3.2 (h), (i), and (j): Site-Specific ESHA/Buffer Zone Map, Adverse Impacts to ESHA, and Mitigation.** The following information shall be provided to identify and quantify all adverse impacts to ESHA:
 - iv. Provide a map and table of ESHA types and buffer zones - removed without a permit and/or proposed to be removed, altered, or degraded within the survey area. The table shall include ESHA and buffer zone types impacted, acreage of impact, and whether it is permitted or unpermitted removal. Impacts to ESHA resulting from encroachment into the buffer zone from lighting, noise, erosion, etc. (see CZO Section 8178-2.4) and should also be evaluated;
 - v. Provide a table summarizing potential environmental impacts (direct, indirect, and temporary) associated with project construction (Section AE-1.3.2 (i)(2)-(4), (6)-(7));
 - vi. If applicable, provide GIS files to support the classification or reclassification of the County ESHA Map (Section AE-1.3.3(c)); and
 - vii. Maps of proposed protected mitigation area locations (on-site and/or off-site) relative to proposed development.
- c. **Videos and Photographs:** Provide color photographic documentation of the existing condition of the proposed development site and other noteworthy features such as:
 1. Prominent physical features (bluffs, cliffs, drainages, etc.) (Sections AE-1.3.2 (c)(2) and AE-1.3.2 (f)) and overall condition of the plant communities;
 2. ESHA and wetlands (Sections AE-1.3.2 (c)(3) and AE-1.3.2 (g)(4) - (8) and (h));
 3. Aerial photographs or other maps/photo evidence to document any historical removal or degradation of ESHA (Section AE-1.3.2 (d) and (e));
 4. Any wildlife crossing structures, barriers, or other features associated with wildlife movement or seed dispersal (Section AE-1.3.2 (i)(7)).
 5. If applicable, provide photos to support the classification or reclassification of the ESHA (Section AE-1.3.3(c)); and
 6. If applicable, provide pre-clearance video/photos of the entire expanded fuel modification zone (Appendix E2, AE-2.4-ESHA Vegetation Management Plan).

The section of Chapter 1.1 of the Ventura County Ordinance Code entitled **Appendices** is hereby amended by adding a new Appendix E2, Implementing Development in ESHA, as follows:

APPENDIX E2

Implementing Development in ESHA: **ESHA Mitigation Plans and Legal Instruments for** **Conservation**

Appendix E2 contains the following sections:

- AE-2.1 – ESHA Mitigation Plan Requirements
- AE-2.2 – Legal Instruments for Conservation
- AE-2.3 – Economically Beneficial Use Determination
- AE-2.4 – ESHA Vegetation Management Plan
- AE-2.5- Expanded Fuel Modification Zone Thinning Standards

[Staff Explanation. Sections AE-2.4-2.5 were added to Appendix E2 following the 2018 Planning Commission hearing. Also, minor technical revisions were made throughout Appendix E2 to improve its accuracy and readability and to ensure consistency throughout the CZO. Individual staff explanations are provided for substantive changes.]

Sec. AE-2.1 – ESHA Mitigation Plan Requirements

The applicant must submit, and obtain County approval of, an ESHA Mitigation Plan after project approval and before the Zoning Clearance is issued for the project. As shown in the table below, all ESHA Mitigation Plans include a Habitat Mitigation Plan. Other required documentation depends on the mitigation approach taken by the applicant (e.g., restoration, establishment, preservation). Information on the required content of a Habitat Mitigation Plan, Habitat Restoration Plan, Habitat Maintenance and Monitoring Plan, and Habitat Management Plan are provided in this section.

<u>Type of Compensatory Mitigation:</u>	<u>Habitat Mitigation Plan</u>	<u>Habitat Restoration Plan</u>	<u>Habitat Maintenance and Monitoring Plan</u>	<u>Habitat Management Plan</u>
<u>Preservation</u>	<u>Required</u>			<u>Required (2)</u>
<u>Restoration</u>	<u>Required</u>	<u>Required (1)</u>	<u>Required (1)</u>	<u>Required (1)</u>
<u>Establishment</u>	<u>Required</u>	<u>Required (1)</u>	<u>Required (1)</u>	<u>Required (1)</u>
<u>Enhancement</u>	<u>Required</u>	<u>Required (1)</u>	<u>Required (1)</u>	<u>Required (1)</u>

- (1) Required if the applicant is implementing the mitigation through a third-party provider. Not required if the applicant is utilizing an in-lieu fee program, purchasing mitigation credits from a state/federally approved mitigation bank, or mitigation is conducted by a

natural resource agency or a County-approved conservation organization that owns and manages the property.

- (2) Required for off-site preservation and when purchasing an off-site lot for mitigation. Not required if the applicant is purchasing credits from an available in-lieu fee program.

[Staff Explanation. Following the 2018 Planning Commission hearing, the section above was revised to reflect changes to the compensatory mitigation section (Sec. 8178-2.10) based upon direction from the Planning Commission to provide fair and reasonable mitigation for fuel clearance activities, which included the addition of a reduced in-lieu fee when a thinning zone is used for fuel modification and it results in the removal of CSS/chaparral in the Santa Monica Mountains.]

AE-2.1.1 -Habitat Mitigation Plan

A Habitat Mitigation Plan (see CZO Section 8178-2.10.9) shall include the following components:

- a. **Executive Summary.** Summary of the proposed approach to ESHA mitigation, including the following information:

1. A table and associated description of all on-site or off-site ESHA or buffer zones that will be impacted and require compensatory mitigation (see CZO Section 8178-2.10). The mitigation shall be directly proportionate to the amount of ESHA degraded or removed. Where the applicant can demonstrate that the fuel modification zone results in less acreage of ESHA removal due to the method of measurement, sloped topography and the like, the required mitigation shall be adjusted downward accordingly:

[Staff Explanation. Following the 2018 Planning Commission hearing, the section above was revised to address public comment that it may be possible that an applicant is charged more for mitigation due to sloped topography. Also, a minor edit was made to the term “buffer zone”, to be consistent with the definition in Article 2.]

2. Description of compensatory mitigation sites, including the location and rationale for site selection. Summarize evidence that shows the mitigation site meets the standards of the LCP (see subsection (b) below):
3. If the applicant is purchasing mitigation credits from a state/federally approved mitigation bank, or paying a fee to a County-approved mitigation site owned/managed by a conservation organization or natural resource agency, or in-lieu fee program, a summary of the credits or payments and a short explanation of how the required fee or credit provides adequate compensation for impacts to ESHA or buffer zones shall be included. Mitigation agreements conducted by a natural resource agency for the applicant shall also include detailed cost estimates associated with the restoration/enhancement installation and monitoring/maintenance period. (See CZO Section 8178-2.10.8 for additional information on mitigation options.)
4. Identify the type of conservation easement or conservation instrument that will be used to permanently protect the compensatory mitigation site (see CZO Section 8178-2.10.1(c)).

[Staff Explanation. Following the 2018 Planning Commission hearing, the section above was revised based upon the Planning Commission's directive to investigate providing fair and reasonable mitigation for fuel clearance activities. These edits reflect changes to the compensatory mitigation section (Sec. 8178-2.10), which allows for restoration or enhancement to occur on State Park lands if restoration is allowed offsite in order to find . Also, a minor edit was made to the term "buffer zone", to be consistent with the definition in Article 2.]

b. **Project Goals and Objectives.**

1. **Goals.** Describe the purpose and goals of the mitigation project. If the proposed mitigation includes ESHA restoration, establishment, or enhancement, then the goal statement(s) shall address the improvement of specific physical, chemical, and/or biological functions at the mitigation site. If the proposed mitigation includes ESHA preservation, then the goal statement(s) shall address the long-term conservation of ESHA in relation to the needs of the watershed, biogeographic region, or other regional conservation needs.
2. **Objectives.** Identify specific and quantitative objectives that will implement the purpose and goals of the mitigation project. Provide a description of the ESHA type(s) and amount(s) that will be provided by the mitigation and how the mitigation method (i.e., restoration, establishment, enhancement, and/or preservation) will achieve the mitigation project goals. Long term management goals for preservation properties should be related to the condition of biological communities, water quality, etc. and the long-term management or maintenance of ESHA.

c. **Identification of Mitigation Sites.** A description of proposed, on- or off-site mitigation areas, and an explanation as to how the site(s) meet the standards in CZO Section 8178-2.10.4. The description shall include a summary of the baseline conditions of the mitigation site(s) (see below) and all substantial evidence that shows the mitigation site provides ESHA of equal or greater function as the ESHA(s) impacted by the project (see CZO Section 8178-2.10.1). Include a map showing the locations and distance between the impact and mitigation site(s) that shows the sub-watershed, biogeographic region, and jurisdictional boundaries) (See Appendix E1, Section AE-1.3.3 (f)). Include a table that depicts the characteristics of the mitigation site(s) (including acreage) that are relevant to the type of resource proposed as compensation. Baseline information of existing conditions shall include:

1. Description of the biological resources at the mitigation site. This requirement shall be met for on-site mitigation sites by attaching the CISBA site-specific ESHA map to the Habitat Mitigation Plan. For off-site mitigation areas, a site-specific ESHA map shall be prepared showing all types and other notable natural features pursuant to Appendix E1, Sections AE-1.3.2(c) and AE-1.3.3 (g)(3).

[Staff Explanation. Following the 2018 Planning Commission hearing, the section above was revised based upon the Planning Commission's directive to investigate providing fair and reasonable mitigation for fuel clearance activities. These edits reflect changes to the compensatory mitigation section (Sec. 8178-

2.10), which allows for restoration or enhancement to occur on State Park lands if restoration is allowed offsite in order to find . Also, other minor edits were made for clarity and simplification of mitigation plan requirements.]

2. Description of the historical and existing conditions on the proposed mitigation site and area immediately adjacent to site (hydrology, vegetation, soils, surrounding landscape setting and land uses, and ecosystem functions):
 3. If wetland establishment or restoration is proposed for compensatory mitigation, then include a description of the proposed hydroperiod for the site and the site design requirements necessary to ensure there is sufficient water to support the proposed mitigation project: and
 4. A description of any physical, chemical, and/or biological degradation occurring within the proposed mitigation site. If the mitigation site will be used for ESHA preservation, then identify signs of trespassing, encroachment, dumping, or other concerns that should be addressed in the Habitat Management Plan for the mitigation site.
 5. If the mitigation area is located off-site (See CZO Section 8178-2.10.4), identify how the off-site location meets all the mitigation criteria pursuant to Section 8178-2.10.
 6. Copy of Site Access Agreement that allows County staff to enter the proposed mitigation site to perform an evaluation of ongoing mitigation activities. Access to the property shall be limited to those portions of the lot used for mitigation (e.g., restoration, management, or monitoring work) and private roads or property that must be traversed to gain access to the mitigation site.
- c. **Performance Criteria.** Define clear and measurable performance standards for each objective to evaluate the success of the compensatory mitigation. For ESHA restoration or establishment projects, performance standards shall represent measurable changes in the ESHA function of the mitigation site that can be maintained without nurturing, protection, or supplemental care. Measurable changes shall be based on the difference between the baseline condition and end-of-project condition, or they can be based on the difference between the condition of a reference site and the baseline condition of the mitigation site. ESHA function can be measured in percent absolute cover of bare ground, percent relative cover by non-natives, plant species richness, and other selected factors. For ESHA preservation projects, performance standards should include the management and maintenance activities (e.g., invasive or invasive watch list plant species removal, fencing for trespass, etc.) needed to meet the defined project goals and objectives²³.
- d. **Contingency Plan.** Adaptive management measures shall be identified, in advance, to address unforeseen changes in site conditions or other components of the mitigation project. Such measures will also allow corrective actions to be taken when performance criteria are not met during the mitigation monitoring period. Adaptive management measures can include additional site protection, replacement or supplemental plantings, and irrigation system adjustments.

²³ Additional development that may be required (e.g., fencing, permanent signs) to meet the project goals and objectives should be included in the proposed permit.

Adequate flexibility should be provided within the contingency plan to allow corrective measures to be used to address conditions that were not anticipated or addressed within the *Habitat Mitigation Plan*.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

Sec. AE-2.1.2 - Habitat Restoration Plan

A *Habitat Restoration Plan* (see CZO Section 8178-2.10.9) is required when compensatory mitigation includes *ESHA restoration, enhancement, or establishment*. A *Habitat Restoration Plan* shall include the following components:

- a. **Project Coordinator.** A project coordinator shall be identified and function as the main point of contact on the project. The project coordinator shall be a restoration specialist with regional experience in habitat restoration, establishment, or enhancement experience (as applicable) and an understanding of the scientific and technical issues involved in the project.
- b. **Landscape Construction and Maintenance Services.** If applicable, a qualified landscaping company, public agency, or non-profit organization shall be identified that can grow container plants from propagules collected from within the watershed of the mitigation site.
- c. **Project Schedule.** This schedule shall include a list of tasks needed to complete the habitat restoration, enhancement, or establishment project, including the approximate date each task will be accomplished. The project schedule shall include interim milestones that can be used to determine the success of the project and whether an extended project schedule is required.
- d. **Plant Palette.** The following information regarding plant palette shall be included:
 1. **Plant Palette.** The plant palette shall consist of locally indigenous plant species as recommended by a restoration specialist. Non-native and non-native invasive or invasive watch-list plant species are prohibited, and plants shall be propagated as follows:
 - i. Native plants shall be propagated from local seeds and cuttings or transplanted from salvage plants. An exception to this requirement may be provided for restoration sites under ¼ acre, where regional native stock from professional native plant nurseries may be used if deemed acceptable by the restoration specialist and approved by the Planning Staff Biologist or County contracted qualified biologist; and
 - ii. If restoration areas greater than ¼ acre experience the death of original plantings or the required percent vegetation coverage cannot be achieved with propagated plants, regional native plants may be

purchased as local container stock from a professional native plant nursery.

2. The acreage and content of the plant palette shall be consistent with the compensatory mitigation requirements established by the LCP (see CZO Section 8178-2.10).

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

- e. **Irrigation.** Hand watering or a temporary irrigation system that provides time released applications of water shall be installed at the designated restoration/establishment/enhancement site(s) if irrigation is required as determined by the restoration specialist:
 1. The irrigation system shall be installed above-ground, and the temporary irrigation equipment shall be decommissioned and removed at the end of the monitoring period;
 2. All onsite irrigation shall be delivered by drip or micro-spray systems that provide 100 percent coverage of the revegetation areas; and
 3. Supplemental watering shall be terminated once plants are established and meet the performance criteria identified in the *Habitat Maintenance and Monitoring Plan*.
- f. **Soils.** The following reports and actions shall be required to achieve optimum growth and ensure soil is in its native alkalinity:
 1. A soils report, prepared by a certified *soil scientist*²⁴ with experience in soils engineering, shall be provided that indicates the existing nutrient status and pH of the soil at the *mitigation* site, and the plan shall indicate whether such soils will support the proposed plant palette; and
 2. Suitable topsoil²⁵ within the footprint of proposed *development* shall be removed, stockpiled for future use using soil stockpiling *best management practices*, and spread as the final surface layer of soil for any on-site restoration/establishment areas.
- g. **Weed Eradication Plan.** Provide a plan, methodology and schedule for the eradication of *invasive or invasive watch plant species*, non-native plants within the *restoration, enhancement or establishment* site and *buffer zone(s)*.
- h. **Fencing Plan.** To prevent trespassing into a designated mitigation site(s), a temporary fencing plan shall be identified and implemented for the duration of the monitoring period. All temporary fencing shall be removed at the end of the restoration project. See CZO Section 8178-2.6.14 for fencing standards.

²⁴ The American Society of Agronomy (ASA) certifies Soil Scientists as agronomists and crop advisors. The Soil Science Society of America (SSSA) certifies Soil Scientists and soil classifiers. Geotechnical engineers with soil testing certifications will also be accepted.

²⁵ Topsoil stockpiling is only applicable where original, undisturbed soil native to the site must be disturbed.

- i. **Drainage/Erosion Control.** Where needed, drainage and erosion control measures, such as sandbags, fiber rolls, silt fencing, and/or erosion control matting shall be installed (see CZO Section 8178-2.6.7).
- j. **Cost Estimates and Funding.** Provide cost estimates for all labor, materials, potential corrective measures, or other items needed to complete the *Habitat Restoration Plan* and provide documentation of the *financial assurances* made to the County to ensure implementation of the *Habitat Restoration Plan*.

[Staff Explanation. After the 2018 Planning Commission hearing, the text was modified to include watch list species, who are species that have been assessed by the California Invasive Plant Council as posing a high risk of becoming invasive in the future in California.]

Sec. AE-2.1.3 -Habitat Maintenance and Monitoring Plan

A *Habitat Maintenance and Monitoring Plan* (see CZO Section 8178-2.10.9) is required to help ensure the success of the compensatory mitigation (i.e., *habitat restoration, enhancement or establishment*). It identifies the actions necessary to meet the performance standards and monitoring requirements associated with the *habitat restoration, enhancement, or establishment* once all project components are installed or constructed. The following components and standards (when applicable) shall be met during the maintenance and monitoring period associated with *Habitat Preservation or Restoration Plan* components:

- a. **Duration.** The duration of a *Habitat Maintenance and Monitoring Plan* shall be five (5) years, but a longer duration period may be required for specific *habitats* (e.g., oak woodland), during drought periods, or due to biological constraints of the applicable *ESHA ecosystems*, as determined by a Planning Staff Biologist or County-contracted *Qualified Biologist*. The *ESHA* mitigation monitoring period may be reduced to no less than 3 years if the Planning Staff Biologist or County contracted *qualified biologist* determines that all performance criteria are met successfully and all replacement plantings or *enhancements* are capable of surviving without nurturing, protection, or supplemental care for one year under normal rainfall/weather conditions or two years under drought conditions. If the vegetation cannot be sustained without artificial inputs, then the maintenance and monitoring period shall be extended beyond the five-year period until such time as the performance criteria established by the *Habitat Mitigation Plan* are fulfilled. If, at the end of a ten-year period, the performance criteria are not met, then an alternative *ESHA preservation, establishment, restoration or enhancement plan* shall be prepared and implemented to satisfy the compensatory mitigation requirements for the project.
- b. **Maintenance.** The maintenance period shall begin immediately after the installation of the biological components, and it shall continue throughout the established duration period of the *Habitat Maintenance and Monitoring Plan*. Maintenance activities shall be conducted under the direction of a *qualified biologist* throughout the duration of the *Habitat Maintenance and Monitoring Plan*.
- c. **Monitoring.** The monitoring plan shall be used to identify potential problems early and determine appropriate remedial actions. The frequency and duration of monitoring and reporting shall be identified in the *Habitat Maintenance and Monitoring Plan* and shall be adequate to measure specific performance standards

and to meet the stated project goals and objectives relative to site conditions and weather patterns. A monitoring report must be submitted to the County at least once a year, but a shorter period may be required by the Planning Staff Biologist or County contracted *qualified biologist* if the project requires adaptation measures to meet performance standards. The monitoring plan shall include the following:

1. A Monitoring Report shall be prepared by a *qualified biological consultant* and shall, at a minimum, include the following:
 - i. Documentation of the number of species established;
 - ii. Documentation of the sampling design and analysis used to assess performance standards (e.g. quadrants, transects, etc. for sampling; type of statistics used for the assessment);
 - iii. Documentation of species survival percentage and sizes of species and discussion of whether all native species are being protected and nurtured and whether interim performance criteria were met;
 - iv. Detailed description of the project construction activities performed during the previous year and all *restoration* and mitigation efforts performed;
 - v. Color photo documentation of the pre- and current status of the mitigation site conditions;
 - vi. Discussion of monitoring activities and exotic plant control efforts; and
 - vii. Recommendations from a *qualified biologist* with *restoration, establishment, or enhancement* experience that include, but are not limited to, any mid-course corrections and adaptive management actions taken to ensure ongoing progress toward meeting interim and final performance criteria and supplemental required actions, such as the application of soil amendments or other treatments.

All Monitoring Reports shall be submitted to the Planning Division for review and approval during the duration period for the *Habitat Maintenance and Monitoring Plan* (including extensions). If the Monitoring Report does not include the required contents (see above), then a replacement report will be required.

2. Monitoring shall be performed by a *qualified biologist* and shall include, but not be limited to, the following inspections:
 - i. During any grading and construction required for the *habitat restoration, establishment or enhancement* actions, the mitigation site shall be inspected to confirm that *ESHA* project construction standards are being implemented in accordance with the *Habitat Restoration Plan* and, if necessary, to require immediate corrective action if the established standards are not being implemented;
 - ii. Site inspections shall be conducted to verify that all plantings and infrastructure were installed in accordance with the approved *Habitat Restoration Plan* by the *qualified biologist*. Also, prior to issuing a Certificate of Occupancy, Planning Division staff shall conduct a site

- inspection(s) to verify compliance with the approved *Habitat Restoration Plan*; and
- iii. County inspections may also occur on an as-needed basis to evaluate compliance with the performance criteria in the approved *Habitat Mitigation Plan* or the *Habitat Restoration Plan*.
 - iv. A condition compliance account shall be established before a *Zoning Clearance* is issued for the approved project.
- d. **Cost Estimates and Project Timeline.** Provide an estimated timeline for the maintenance and monitoring plan. Also, provide cost estimates for all labor, materials or other items needed to complete the *Habitat Maintenance and Monitoring Plan*, and
- e. **Financial Assurance.** Provide documentation of the *financial assurance* to the County to ensure its implementation. For temporary construction impacts to wetlands, *financial assurance* shall be provided to ensure that adequate funds are available to complete the required *restoration*.

[Staff Explanation: Detailed requirements for the Maintenance and Monitoring Plan are provided within the LCP in order to clarify such requirements for project applicants, consultants, and Planning Division staff. The broad purpose of these plans is to ensure that mitigation measures take place as required, and that corrective actions occur, when needed, to ensure the successful completion of a compensatory mitigation plan.]

AE-2.1.4 -Habitat Management Plan

A *Habitat Management Plan* (see CZO Section 8178-2.10.9) is required for all off-site mitigation areas used for *ESHA preservation*²⁶. The *Habitat Management Plan* shall include the following components:

- a. *Site Information:* (1) A legal description of the *lot* (i.e., metes and bounds) and the area used for compensatory mitigation (if different from the *legal lot* description); (2) an exhibit with a site plan that includes an accurately scaled easement area graphically depicted on the plan, the Assessor Parcel Number(s) (APNs), street address, and name/address of owners; (3) a title report no less than 6 months old; (4) written summary of current site conditions; and (5) additional information requested by the Planning Division.
- b. *Site Preservation Documentation:* Documented proof that the property is protected in perpetuity (i.e., a copy of the recorded *conservation easement* or official documentation for other types of *conservation instruments* allowed pursuant to CZO Section 8178-2.10.1(c). If a *conservation easement* is used to protect the property, then allowable uses shall be limited to those specified by Section AE-2.2 below). Documented proof shall be provided prior to recordation of a *Final Map* for a proposed *land division* or, for other types of permits, prior to issuance of a *Zoning Clearance* for the *development*. A copy of all legal instruments protecting the site in perpetuity shall be provided as an attachment to the *Habitat Management Plan*.

²⁶ All *ESHA preservation* will be located on an off-site mitigation lot, as on-site preservation cannot be used as compensatory mitigation in the coastal zone.

- c. Management Summary: The timing, location, and implementation for all management operations/practices needed within the conservation easement area. Any adaptive management actions identified in the contingency section of the Habitat Mitigation Plan (see Section AE-2.1.1(e)). The complexity of the management operations/practices for preserved properties will depend on the abundance and arrangement of biological components, site location, etc.
- d. Cost Estimates and Funding: Information on the stewardship fund or endowment that will be used to manage the property in the short term (before the endowment is fully collected) and the long-term (once the endowment is fully secured). This information shall, at a minimum, include cost estimates for the long-term maintenance and management of the resources and the fiscal arrangements that will be made for the stewardship fund.

[Staff Explanation. This provision identifies the requirements for permanently protected open space lands. Although land is protected from future development, surrounding land uses, invasive species, and other factors may cause changes to acquired properties, and land management is therefore necessary to sustain particular habitats or manage specific species.]

AE-2.2 – Legal Instruments for Conservation

The information in this Section shall be used in conjunction with the definitions in Article 2 and the regulatory requirements in CZO Sections 8178-2.6.3(e), and 8178-2.10.1(c). The referenced regulations require the following:

- Except as allowed by CZO Section 8178-2.6.3(e) or 8178-2.10.8, a conservation easement shall be used to conserve areas providing compensatory mitigation. Off-site mitigation areas may be encumbered either by a conservation easement or a deed restriction²⁷ and subsequently conveyed to a County-approved natural resource agency or conservation organization for ownership.
- A conservation instrument shall be used to conserve on-site ESHA, buffer zones, and slopes over 30 percent located outside of the development envelope that are not used as compensatory mitigation, provided that such areas are identified on a site-specific ESHA map.

AE-2.2.1 – Conservation Easements and Deed Restrictions

The following regulations are applicable when a conservation easement or deed restriction is used to conserve areas as compensatory mitigation:

- a. **Conservation Easements**. The conservation easement, which shall be subject to County Planning Division review and approval prior to recordation, shall be prepared by a licensed surveyor, include a formal legal description of the entire lot, and include a metes-and-bounds legal description and graphic depiction of the conservation easement area. A preliminary title report less than six months old shall be obtained, issued by a licensed title insurance company that demonstrates the lot is free of prior liens, including tax liens, and encumbrances that could interfere with the instrument's

²⁷ A deed restriction is used to ensure the ESHA will be preserved when a property is conveyed in its entirety to a County-approved conservation organization or natural resource agency.

purpose of conserving the subject *habitat* in perpetuity. The *conservation easement* shall be permanent and state that no *development* shall occur within the open space *conservation easement* area except as otherwise set forth in the project's applicable *Coastal Development Permit* condition(s), consistent with the allowable uses identified in Section AE-2.2.1 below. The *conservation easement* shall state that the resources being protected are of significance to the people of the State of California. Following recordation, the applicant shall provide the County Planning Division with a copy of a preliminary title report establishing that the *conservation easement* appears on the property's title, as recorded with the Ventura County Recorder. The applicant shall provide the County Planning Division with documentation establishing that the County-approved *natural resource agency* or *conservation organization*, or County *agency*, has formally accepted the *conservation easement*.

- b. **Deed Restriction and Property Conveyance In Lieu Of Conservation Easement.** The applicant shall provide the County Planning Division with a preliminary title report, issued by a licensed title insurance company, not more than six months old, establishing that the area to be placed in an open space deed restriction and subsequent ownership transfer appear on the property's title. The applicant shall record an open space deed restriction, which shall be subject to County review and approval prior to recordation, encumbering the required open space conservation area in perpetuity, and thereafter convey the *lot* in fee title to the County-approved entity accepting ownership of the property subject to the deed restriction. The deed restriction shall state that no *development* shall occur within the open space area except as otherwise set forth in the project's applicable *Coastal Development Permit* condition(s), consistent with the allowable uses identified in Section AE-2.2.1 below. The applicant shall provide the County Planning Division with a copy of the deed restriction as recorded with the Ventura County Recorder. The applicant shall thereafter provide the County Planning Division with documentation establishing that fee title to the open space conservation site(s) has been successfully conveyed to a County-approved *natural resource agency*, *conservation organization*, or County *agency* approved by the County, and that the document effectuating the conveyance was recorded with the Ventura County Recorder.

- c. **Allowable Uses and Development: Conservation Easements and Deed Restrictions Used for Compensatory Mitigation.**

When a *conservation easement* or deed restriction is used to conserve areas as compensatory mitigation, the *conservation easement* or deed restriction shall include terms and conditions such that the instrument meets the following: (1) definition for a *conservation easement* in CZO Article 2; and (2) the requirements for compensatory mitigation in CZO Section 8178-2.10.1(c). New uses and *development* in the conservation area shall only be allowed pursuant to a valid *coastal development permit* and shall be limited to the following:

- a. Planting of native vegetation, and other *habitat restoration* and *maintenance* activities or *development* (e.g., wildlife permeable fencing, signs), if allowed pursuant to a County-approved *ESHA Mitigation Plan* (CZO Section 8178-2.10.9);
- b. Construction and maintenance of public hiking trails;

- c. Construction and maintenance of roads, trails, and utilities consistent with existing easements;
- d. Minor grading/brush removal necessary to protect/repair an existing roadway; and
- e. Fire safety activities carried out by the Ventura County Fire Protection District, such as the preparation of fire breaks to protect existing, permitted development during a declared fire emergency. Fuel modification required by the Ventura County Fire District, if undertaken in accordance with a *Fuel Modification Plan* or *ESHA Vegetation Management Plan* approved by the County pursuant to a *Coastal Development Permit*. Replacement compensatory mitigation shall be provided for any fuel modification on land used as compensatory mitigation.

The conservation easement or deed restriction shall include a prohibition of other uses and development within the conservation area.

AE-2.2.2 – Conservation Instruments Used for On-Site Development Restrictions

When a conservation instrument is used for on-site development restrictions, pursuant to CZO Section 8178-2.6.3(e), the conservation instrument shall include terms and conditions such that the instrument meets the definition in Article 2 and the requirements in CZO Section 8181-3.5.3(i)(2). New (or modified) uses and development in the restricted area shall only be allowed pursuant to a valid coastal development permit (or discretionary permit modification) and shall be limited to the following:

- a. General Requirements - When a deed restriction or similar mechanism is used as a conservation instrument to avoid potential impacts associated with development, it shall include terms and conditions such that the instrument meets the definition of a conservation instrument in Article 2.
- b. Allowable Uses and Development - New uses and development in the area subject to the deed restriction/permit condition shall be limited to the following:
 - 1. All allowable uses provided by Section AE-2.2.1(c); and
 - 2. Replacement of a failed water well or septic system that meets the following standards: (i) a replacement system was not identified by the existing permit, and (ii) substantial evidence is provided that no feasible, alternate location is available within the approved development envelope.

The conservation instrument shall include a prohibition on other types of uses and development within the protected area. All development associated with the allowable uses in this Section are subject to the permitting and compensatory mitigation requirements provided by the LCP.

Sec. AE-2.3 – Economically Beneficial Use Determination

Applications for a Coastal Development Permit seeking authorization for development in ESHA or a buffer zone pursuant to CZO Section 8178-2.5.3, shall include the information and documentation required to be submitted pursuant to this section. The information and documentation provided shall address the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application which are collectively referred to below as the "property". Before any

application for a coastal development permit is accepted for processing, the applicant shall provide the following information and documentation, unless the Planning Director determines that one or more of the particular categories of information is not relevant to its analysis:

- a. The date the applicant purchased or otherwise acquired the property, and from whom;
- b. The purchase price paid by the applicant for the property;
- c. The fair market value of the property as a whole at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at that time;
- d. The Ventura County General Plan, Coastal Area Plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition;
- e. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection (d) above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition;
- f. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates;
- g. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased;
- h. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware;
- i. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price;
- j. The applicant's costs associated with the ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs. If the viability of existing agricultural uses is an issue, the determination of "viability" shall include consideration of the following elements for the five years immediately preceding the date of the filing of the Coastal Development Permit application: (1) an analysis of the gross revenue from the agricultural products grown in the area; and (2) an analysis of the operational expenses associated with the production of the agricultural products grown in the area; and
- k. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income, it should be listed on an annualized basis along with a description of the uses that generate or has generated such income; and
- l. Any additional information that the Planning Director requires to make the determination.

[Staff Explanation. Following the 2018 Planning Commission hearing, the Sections AE-2.4 and AE-2.5 were added based upon the Planning Commission's directive to investigate providing fair and reasonable mitigation for fuel clearance activities. In order to receive a reduced mitigation fee, the remaining ESHA must be maintained as part of the agreement. Therefore, the establishment of an ESHA Vegetation Management Plan shows where the remaining ESHA should be preserved by the property owner during future maintenance activities.]

AE-2.4 - ESHA Vegetation Management Plan

An ESHA Vegetation Management Plan is required for expanded fuel modification zones that retain any ESHA or buffer zone; such plans shall include, but are not limited to the following components:

- a. **Purpose of Plan.** Every ESHA Vegetation Management Plan shall include the following introductory language:

This ESHA Vegetation Management Plan (Plan) has been prepared for the (insert planning permit case number, APN, and common name of the project here) to maintain defensible space that will reduce the intensity of a wildfire within or adjacent to ESHA or buffer zone. The Plan identifies areas where ESHA or buffer zone were retained within the expanded fuel modification zone associated with the permitted development. The installation and long-term maintenance of the fuel modification zone is subject to ESHA fuel modification zone landscaping requirements when it overlaps with buffer zone (See CZO, Section 8178-8.4.2.3, 8178-8.4.2.4 and Appendix E1, Section AE-2.4-2.5).

All vegetation within the expanded fuel modification zone shall be managed according to this Plan for the life of the permitted land use.

Any new or expanded fuel modification zones shall only be authorized through a new or modified Coastal Development Permit, and property owners shall only conduct fuel modification in accordance with an approved Coastal Development Permit.

Any changes that occur to the expanded fuel modification zone or changes to the type or density of ESHA shall require a revised ESHA Vegetation Management Plan to be submitted to the Planning Division for review and approval.

Any deviation from the approved Plan that is implemented without County review and approval(s) shall constitute a violation of the Coastal Development Permit.

- b. **ESHA Vegetation Management Plan.**

The ESHA Vegetation Management Plan for an expanded fuel modification zone shall contain the following components:

1. **Description and Map of Pre and Post Treatment Areas.** Provide two site plans that clearly illustrate before and after vegetation management activities within the expanded fuel modification zone as follows:

- i. **Fuel Treatment Plan.** Using vegetation community maps from the CISBA, clearly label and depict which vegetation communities will receive vegetation management treatments (thinning/removal);
- ii. **Final ESHA Vegetation Management Plan.** The final ESHA Vegetation Management Site Plan shall be developed using a Global Positioning System (GPS) to accurately map (+/- 2 m accuracy) retained vegetation communities. Describe and depict the location of:
 - Vegetation treatment areas;
 - Permanent fuel zone markers at boundary of vegetation treatment changes; and
 - All retained ESHA and buffer zones after vegetation management treatments have occurred.

The following base information shall be represented on both site plan maps:

- i. Boundaries of the development envelope, building site, structures, fuel modification zones, ESHA, buffer zones, and slope.
- ii. Location, species or vegetation community, and size or acreage of retained ESHA (CZO Section 8178-2.4.1). Note the acreage and ecological succession stage (primary, secondary, climax) associated with all ESHA or buffer zones polygons mapped;
- iii. Location and types of easements, conservation instruments, or firebreaks (include and specify those areas that are not maintained by the property owner); and
- iv. Any protective temporary fencing or other markers used to delineate location of ESHA so that a property owner could easily identify it in the field during maintenance activities.

2. **Description of ESHA and Buffer Zone Impacts.**

Summarize the ESHA Impact Analysis for the expanded fuel modification zone from the CISBA (Appendix E1, AE-1.3.2 (i)). The discussion shall include, but not be limited to the following:

- i. Using the Site Plan Maps, identify and quantify the amount of ESHA or buffer zone within the expanded fuel modification zone that will be removed or altered and all ESHA or buffer zone areas retained. Applicants applying for the reduced County in-lieu mitigation fee for coastal sage scrub and chaparral habitat removal shall provide a detailed explanation of the methods and calculations used to determine the total percent of the coastal sage scrub and chaparral habitat or buffer zone proposed for removal pursuant to AE-2.5. If priority vegetation removal could not be met, describe why.
- ii. Provide videos or photos of the expanded fuel modification zone, pre- and post-treatment.

- A pre-installation video or photos of the expanded fuel modification zone shall depict what ESHA treatments (i.e., removal, thinning) are proposed for existing vegetation. The video or photos must provide a general overview of the expanded fuel modification zone and clearly identify the plant communities associated with the vegetation management treatment areas. The pre-clearance video or photos shall be submitted with the permit application along with the CISBA.
 - A post-treatment video or photos of the expanded fuel modification zone shall clearly depict all vegetation management treatments, retained ESHA or buffer zone areas, boundary markers, and the measures implemented to avoid accidental removal or degradation of retained ESHA or buffer zone. Commentary within the video or photo descriptions shall tie in to what was shown in the pre-clearance videos or photos. If requested by Planning staff, the post-clearance videos or photos may be confirmed by way of a site visit.
3. **Fuel Modification Zone Maintenance Plan.**
- Maintenance of the expanded fuel modification zone shall be in accordance with the approved ESHA Vegetation Management Site Plan (subsection (b)(1) above). The following components shall be included in the Fuel modification Zone Maintenance Plan:
- i. A plan for maintaining the proposed fuel-reduction measures. Describe vegetation management (clearing) methods and timetables for managing vegetation within the expanded fuel modification zone during the life of the project. Low-intensity vegetation removal techniques shall be used when in ESHA or buffer zone.
 - Elements of the plan shall include removal of vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.
 - Describe how remaining ESHA will be protected for the life of the project and any special management activities that may be required.
 - ii. Identify the holders and the location of any easements or firebreaks that are not maintained by the property owner; and
 - iii. Include the map of permanent boundary markers between vegetation management zones and include notations that markers ~~field~~ must be maintained to provide a clear visual boundary for all maintenance activities for the life of the fuel modification zone. Visual demarcation of remaining ESHA is strongly encouraged to avoid loss of reduced mitigation fee or required restoration if ESHA is accidentally removed.
 - iv. Provide a statement that habitats that support a critical life stage for a special status species wildlife (e.g., nesting, denning, breeding or roosting sites) are considered ESHA and that the LCP policies and standards shall apply. For ESHA tree and riparian area protections in fuel modification zones, refer to Section 8178-7.3.1 and Appendix E1, AE-1.2.2(c). If a special status species is found within the vegetation

clearance area that is in a critical life stage, then provide the recommendation for fuel clearance implementation and annual requirements, such as shall be postponed until the occupied areas are either vacated and/or the fledglings/juveniles leave the area.

4. **County In-Lieu Fee Payments and Proof of Notice on Property Title.**
Where an approved ESHA Vegetation Management Plan is required for compensatory mitigation purposes associated with an expanded fuel modification zone, the following requirements shall be incorporated within the conditions of approval for the subject Coastal Development Permit:
- i. Provide a summary and documentation showing payments to the County's In-Lieu Fee Program prior to the issuance of a Zoning Clearance necessary for any required condition compliance.
 - ii. Record a notice on the property title to current and future property owners disclosing the existing ESHA and buffer zone maintenance requirements within the ESHA Vegetation Management Plan. A disclosure statement shall be required to notify any future property owners of the maintenance requirements associated with the ESHA Vegetation Management Plan.
 - iii. Post-vegetation removal video or photos and the final ESHA Vegetation Management Plan site map (subsection (b)(2) above)(with GPS mapping) shall be incorporated into the Conditions of Approval for the permit.

AE-2.5 - Expanded Fuel Modification Zone Thinning Standards

The following standards shall be used to thin and maintain existing vegetation within the expanded fuel modification zone:

- a. Existing vegetative canopy area (i.e., dead, dying, non-native, native, live) within the expanded fuel modification zone shall not exceed 50% of vegetation removal per ¼ acre within the 101-150-foot zone and 30% per ¼ acre within the 151(+) -foot zone;
- b. No biological, chemical, or mechanical vegetation removal methods that will compact soils (e.g., use of heavy equipment) or significantly disturb or remove the root systems of existing vegetation (e.g. grubbing) are permitted in the expanded fuel modification zone. Low-intensity vegetation removal techniques shall be used when in ESHA or buffer zone.
- c. Vegetation removal shall be concentrated in areas with non-native species and dead/dying plant material. The retained vegetation should consist of existing native plants. In all cases, non-native invasive or invasive watch list plant species, as inventoried by the California Invasive Plant Council, shall be removed. This does not include standing dead trees that may provide habitat for wildlife (see (d)(1) below);
- d. When feasible, maximize the retention of native vegetation within islands of undisturbed vegetation to minimize disruption of habitat value;
- e. When it is not possible to reduce cover through the removal of non-native vegetation or dead/dying plant material (see (i) below for requirements associated with dead trees), a qualified biologist shall retain the existing vegetation in the following order of priority:

- i. Biologically significant standing or fallen dead trees (greater than 12 inches diameter at breast height (dbh) and at least 15 feet tall) that provide potential habitat for birds, bats, or other special status animal species. Retained snags shall pose no threat to power lines or firefighter access roads;
- ii. Special-status plants, prioritized by rarity, shall be retained with a buffer zone (minimum of 15 feet) that protects and maintains microsite characteristics (shading/overstory) for the plant;
- iii. Herbaceous non-ESHA native species;
- iv. Woody non-ESHA native species.

[Staff Explanation: Following the 2018 Planning Commission hearing, the text above was modified as a consequence of two of the Planning Commission's directives: 1) to work with the Fire Protection District to arrive at consensus on fire clearance issues; and 2) to revisit the inclusion of a reduced mitigation fee for ESHA thinned in an expanded fuel modification zone. Additional edits were made to comply with amended PRC 4291 and 4291.3 which went into effect January 1, 2019 with the passage of AB 2911 which also cause this text to be modified.]