

From: Megan Kaun <megan.kaun@gmail.com>
Sent: Thursday, June 23, 2022 2:19 PM
To: Gary Helfrich <Gary.Helfrich@sonoma-county.org>
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Subject: Comment LCP, Glossary definition of "development"

EXTERNAL

Dear Gary and staff,

Please accept this comment on the final draft of the Sonoma County Local Coastal Plan.

I thank you for considering my previous comments on inserting the specific language around pesticide use in the Coastal Zone. There is still, however, some confusion over how the policy will be implemented because the word "Development" has yet to be defined.

I would ask that "development" be clearly defined in the LCP Glossary and that the definition be broad so that it goes beyond only "new construction". According to Coastal Commission Staff, Sonoma County has great flexibility over how to interpret and apply the term, and that **"development" can cover any activity that has the potential to impact coastal waters, wildlife, and Environmentally Sensitive Habitat Areas** (please see details at the bottom of this email.)

For some situation awareness, Malibu is currently going through the process of defining "Development". Ventura County recently approved its LCP with similar pesticide-use language to what is being proposed in the Sonoma County LCP. The Ventura LCP has deferred making a formal definition of "Development" so they can coordinate their policy with the Malibu and LA County LCPs. From the adopted Ventura Coastal Area Plan language (attached):

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1. 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 County's Pesticide Management in the Santa

Monica Mountains policy (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.

Thank you for considering this comment and for the overall collaborative effort you have led over these past months with me and others on my advocacy team. It has been an honor working on this project to better steward our beloved coastal zone.

Best regards,
Megan

An excerpt from a comment submitted on March 20, 2022 to Permit Sonoma by Joel Schulman:

More indication is from our discussions with Coastal staff on February 23, 2021, before the May 13, 2021 Coastal Commission hearing.

Here are two statements from Coastal staff members Barbara Carey and Steve Hudson from our group telecom.

This is close to verbatim.

Barbara Carey –

"The city makes the determination what is "development." If it is development, and not exempt, a CDP is required. The city makes that determination all the time. Coastal can't answer for it if they make that determination for the use of rodenticides. That's a call that the city needs to make."

Joel Schulman

"So given the special circumstances in the Santa Monica mountains, the city can make the determination that certain applications of pesticides are development?"

Steve Hudson

*"The city has the ability **now** to make those determinations on when the development definition is triggered. There is some gray area there about when pesticides would constitute development. Clearly on a lot that is developed with a single-family residence, just having someone spray around your home or garage probably doesn't trigger the definition of development. If you had a vacant lot and you're putting rodenticides on it, that triggers the definition of development. There's no exemption for that under the Coastal Act. There's **already** an existing definition and regulatory framework. It just depends on what we're really talking about, and **that's what we have attempted to do with the policy. The types of activities that need a Coastal Permit – those that have any potential to impact sensitive habitat or water quality.**"*

What Steve Hudson said is that **even without the new LCP language**, there NOW are applications of pesticides that Coastal staff considers to be development and could be declared as such by the city.

All the new LCP amendment language does is clarify *"The types of activities that need a Coastal Permit – those that have any potential to impact sensitive habitat or water quality."*

Coastal staff multiple times said that how the LCP language was to be implemented was up to the city (or county).

Attorney Ball expressed a similar view at your March 3 hearing, see time 00:48:45 in the video.

Hope this helps,

Joel

Joel Schulman
Poison Free Malibu
PoisonFreeMalibu.org

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Megan Kaun
773-677-1639

Exhibit 1.2:

Board Adopted Coastal Area Plan

Phase 2C Amendments to the Local Coastal Program

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2021 BOS Hearing Post Adoption Coastal Area Plan (clean version)

Phase 2C Amendments to
the Local Coastal Program

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
Linda Parks	Second District
Kelly Long	Third District
Bob Huber	Fourth District
Carmen Ramirez	Fifth District

Ventura County Planning Commission

Scott Boydston	First District
Nora Aidukas	Second District
W. Earl McPhail	Third District
Jim King	Fourth District
Veronica Zimmerman-Garcia	Fifth District

Resource Management Agency

Kim Prillhart, AICP, Director

Planning Division

Dave Ward, AICP, Planning Director
Aaron Engstrom, Planning Manager
Abigail Convery, Planning Staff Biologist, Project Manager

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 2021 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 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 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

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.

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,
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, Environmentally Sensitive Habitats, Guidelines for

Ventura County's Local Coastal Program

Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
		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 4186	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
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).
	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.

Ventura County's Local Coastal Program

Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
	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 June 21, 2016 Resolution No. 17-016 Ord. 4492	May 11, 2017 (Major)	Approved Ventura County LCP Amendment No. LCP-4-VNT-16-0033-1 (Phase 2A) May 11, 2017
Adopted December 6, 2016 Resolution No. 17-023 Ord. 4498	June 7, 2017 (Major)	Approved Ventura County LCP Amendment No. LCP-4-VNT-16-0069-2 (Phase 2B) June 7, 2017

Ventura County's Local Coastal Program

Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
[REDACTED]	[REDACTED]	[REDACTED]

Section 1

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.

Section 2

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” section was added to the CAP in 2017. 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, Water Efficient Landscaping, and Environmentally Sensitive Habitat Areas were 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.

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)

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 Malibu^{2, 3}. 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 *lagoon*⁶. 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 viability of many species

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.

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.

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.*
- 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,

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).

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.

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:
- 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 for review and comment.
- 2.2 **Lots Subject to Near-Term Conveyance Agreement for Preservation:** 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*.

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 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*. *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.
- 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.
- 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).

- 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.

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 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.

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.

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).

- 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 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.

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*, shall be sited and designed to protect *ESHA* and avoid adverse impacts to the *ESHA ecosystem* (both on-site and off-site) to the maximum extent feasible. 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*.
- 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.
- 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.
- 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.
- 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*:
- a. 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;
 - b. Whenever feasible, utilize existing roads to provide *access* for *development* or temporary uses – such as *geotechnical testing*, *outdoor festivals*, and *outdoor sporting events*;
 - c. Grading cuts and fills shall be minimized by combining *access ways* 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*.

- 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.

5.7 **Water and On-Site Wastewater Treatment Systems:**

- a. Water Wells - Construction of water wells to support an intensified use may be permitted only if such well(s) would not individually or cumulatively cause significant adverse impacts on *groundwater* aquifers, *streams*, *riparian* vegetation, or other *coastal resources*. This policy shall be implemented 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.
- 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*, *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* 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.

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

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

- 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.*

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, shall not be permitted.*
 - 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.*
- 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.

- 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.
- 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.
- 6.5 **Shorebird Populations:** Beach maintenance activities, such as the removal of *beach wrack*, shall not adversely impact nesting and foraging shorebird populations.
- 6.6 **Grunion Fish:** During spawning periods for grunion (March through August), beach maintenance activities shall not disturb grunion eggs.
- 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.
- 6.8 **Shoreline protection devices:** *Shoreline protective devices*, such as revetments, seawalls, groins, or breakwaters, 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).
- 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. Placement or removal of any sand, fill, rocks or dredged material along *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*. Such activities shall be designed to minimize adverse impacts on beach, *intertidal*, and offshore *coastal resources*.
- c. 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*.

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* on land *adjacent* to or within a *wetland* or *wet environment*, or within 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.
- 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.
- 6.12 The channelization or other substantial alteration of a river or *stream* shall be prohibited, except for the following:

- 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 sited and designed to minimize impacts to *coastal resources*, including the depletion of *groundwater*, and 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*.

- 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.
- 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*.
- 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.

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.

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*).

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*.
- 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*.
- 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.)

- 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*.

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.

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*.
- 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.

- 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.

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*, 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*.
- 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.

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*.
- 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:
- a. If *restoration or establishment* of the impacted area is infeasible due to an insufficient supply of available areas, then an equivalent area of *ecologically*

Footnotes:

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

functioning ESHA shall be *restored or established* on-site or off-site; and

- b. 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.
- 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*.
- 10.4 Mitigation ratios required for compensatory mitigation shall account for the type of *habitat* impacted; temporal loss of *ecosystem function*¹¹; 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*.
- 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*.
- 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.
- 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*.

Footnotes:

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

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.

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*).

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 County's Pesticide Management in the Santa Monica Mountains policy (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.

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.

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.
- 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.

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 Fund⁷ 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*.

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).
- 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.
- 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:

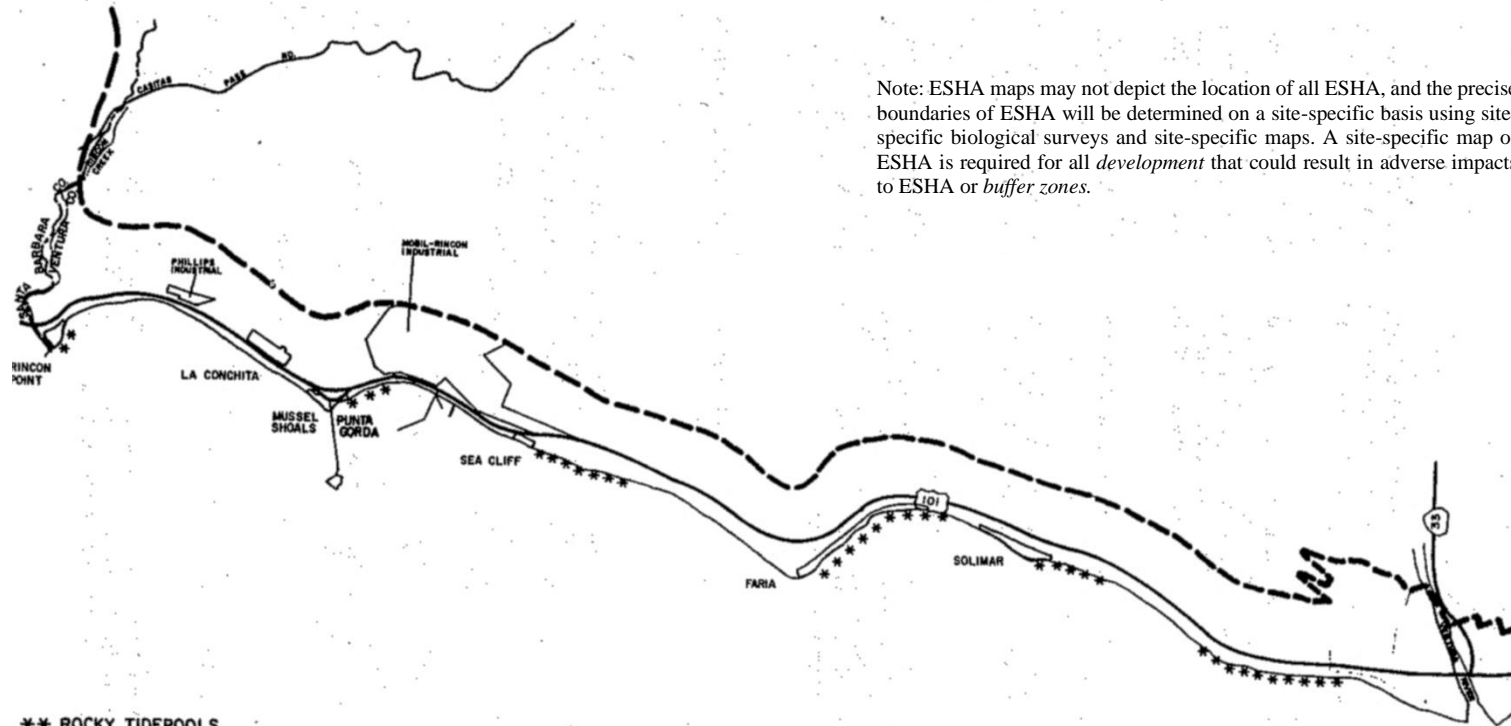
- Cost of acquiring land in fee or preserving land pursuant to a *conservation easement*;
- Transaction costs (surveys, appraisals, title research, etc.);
- Preparation of baseline condition reports for the mitigation site;
- Escrow costs and title insurance; and
- Administrative costs (County, *third-party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

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.

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



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*.

** ROCKY TIDEPOOLS

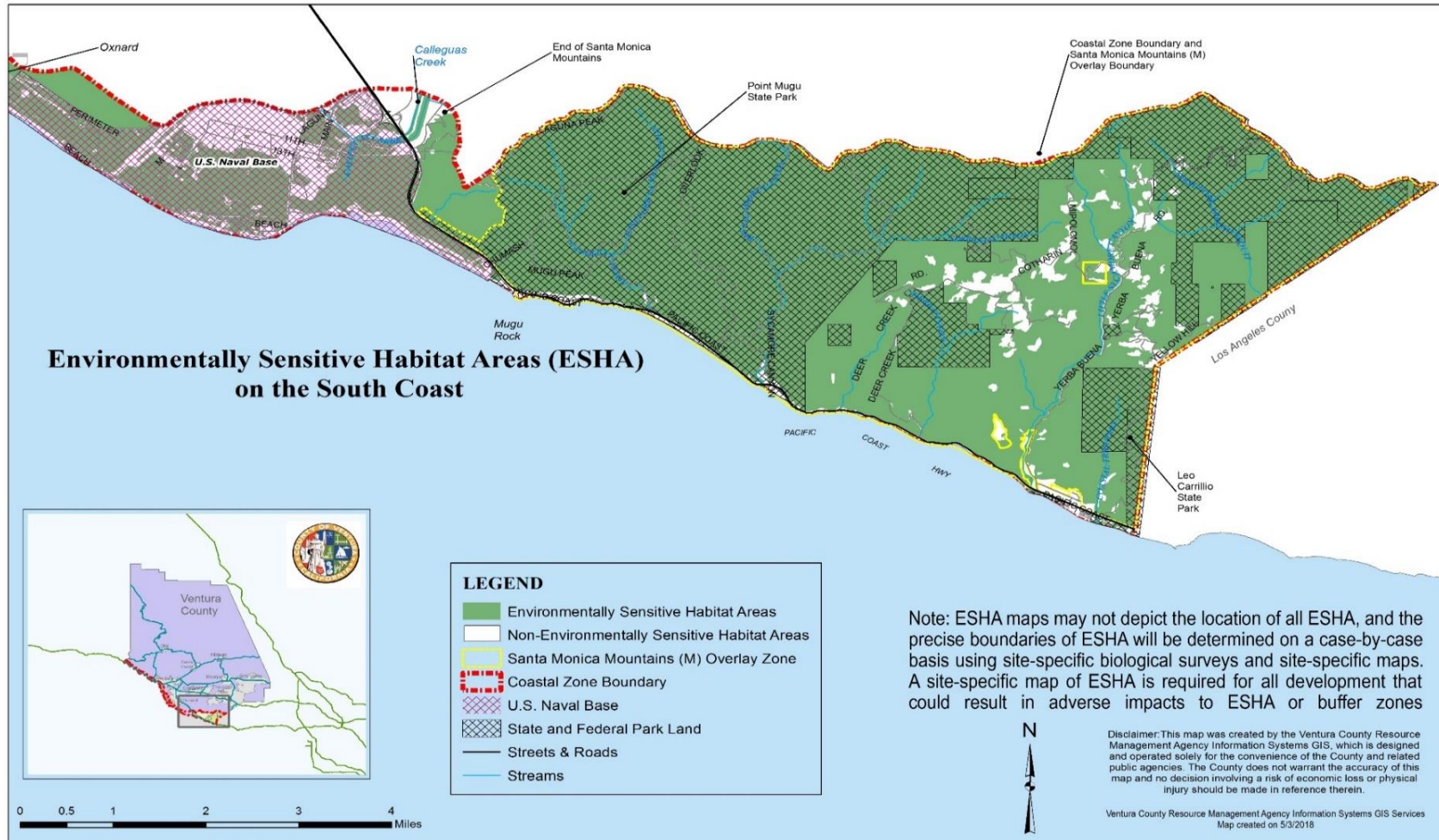
**ENVIRONMENTALLY SENSITIVE HABITATS
ON THE NORTH COAST**

COASTAL PLAN

county of ventura
resource management agency
planning division



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.

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). 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.

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 to provide an *economically beneficial use* 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*.

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

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.

the following manner:

- i. *Principal Permitted Use/Structure*. Protected *tree removal* or damage may be permitted where no *feasible* alternative exists to provide an *economically beneficial use* 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.
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;
 - 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 - 10.7* (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*.
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*.

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. *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*.
5. *Wireless communication facilities* shall be sited and designed to protect views from *public viewing areas* to the ocean or to *scenic resources*.
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*.

Coastal Development:

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*.

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.

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 *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 *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*.
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*.

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.

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 renumbered to read as follows:

**Figure 4.2-1
Rincon Creek**

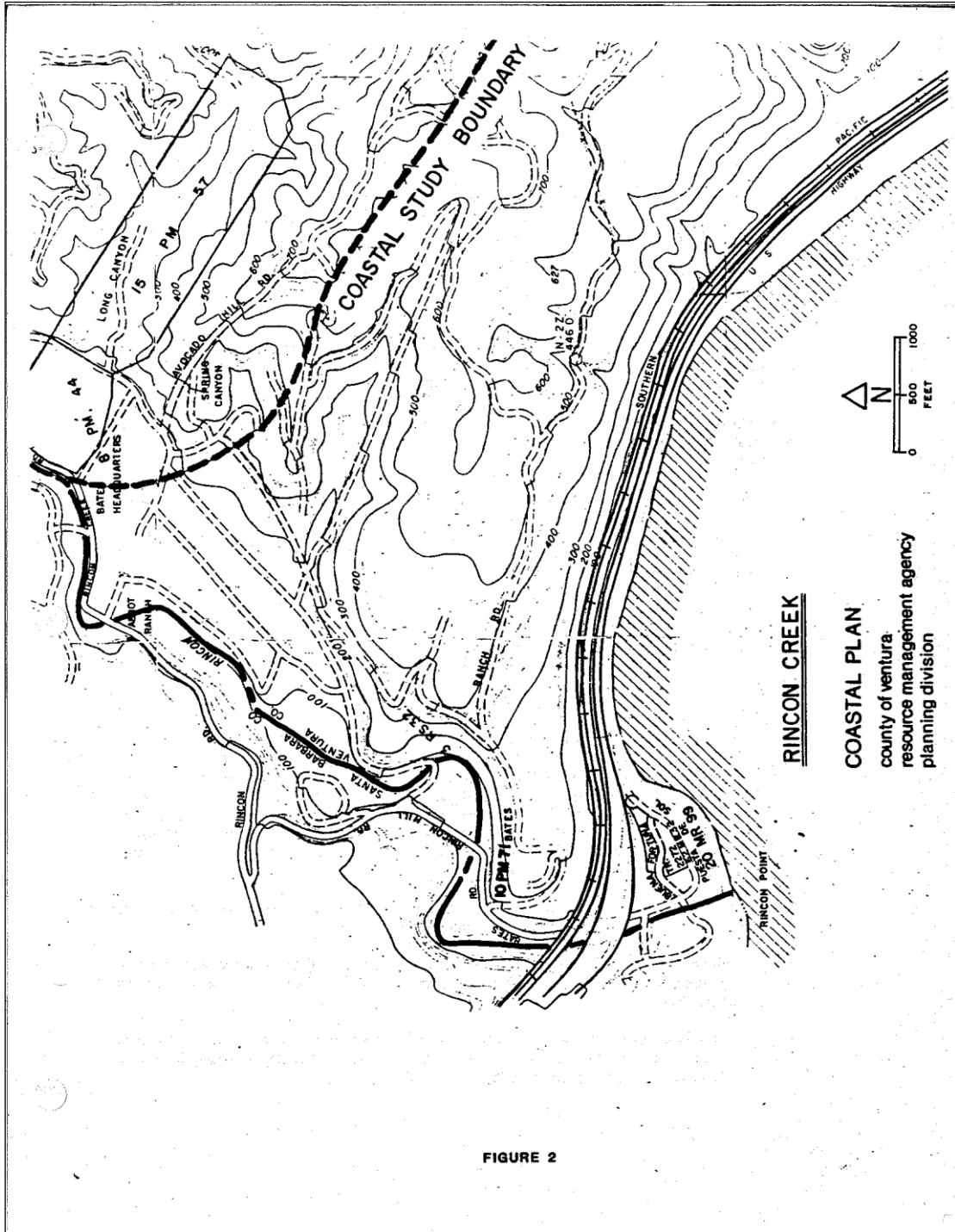


FIGURE 2

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

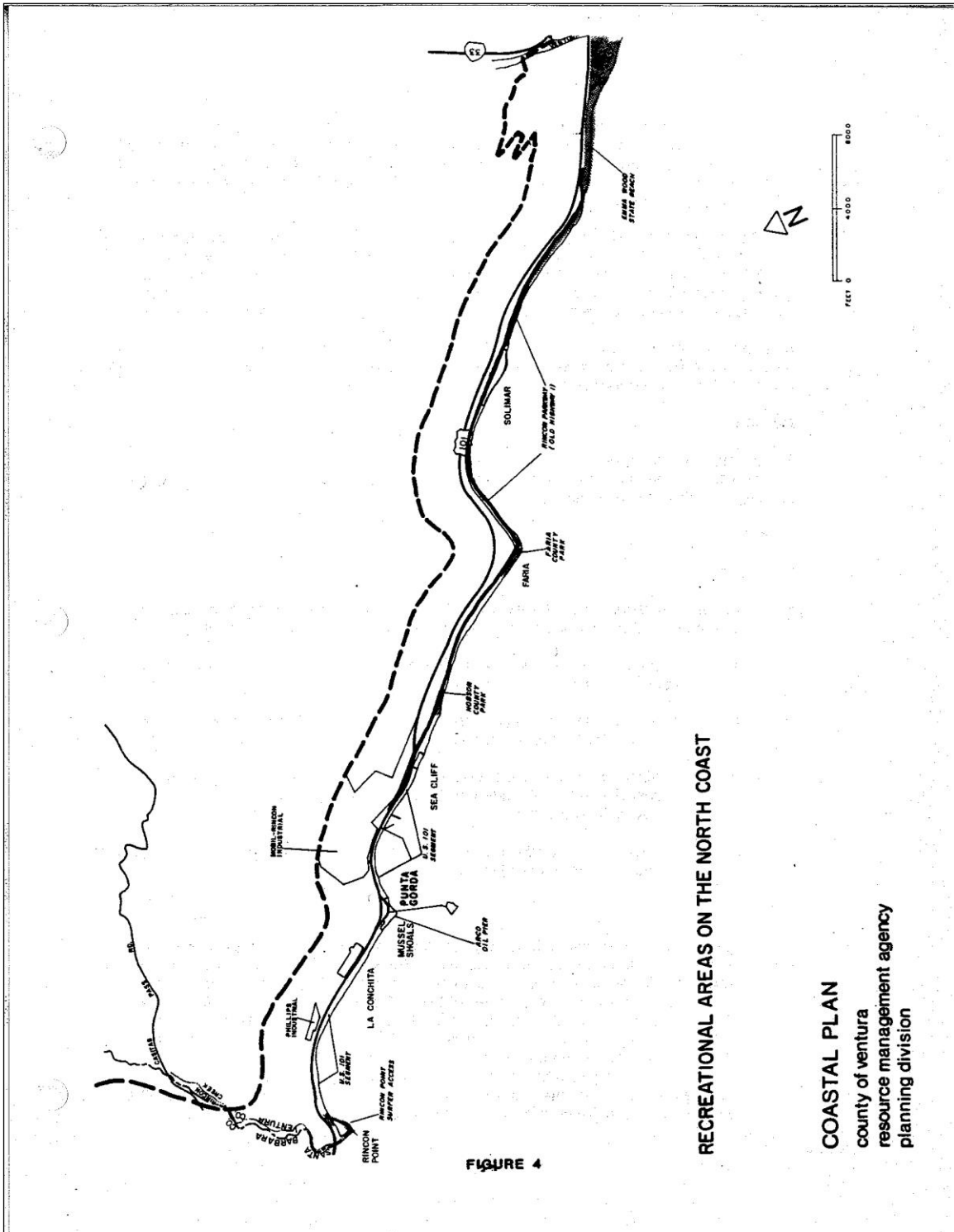
Facilities	Total Acreage	Linear Frontage (Ft.)	Number Of Parking Spaces	Number Of Camping Spaces
Developed Facilities				
Rincon Point State Surfer Access	2.67	75	67	-
Hobson County Park	1.17	679	-	29
Faria County Park	2.4	684	-	45
Rincon Parkway	-	11,700	180	289
Emma Wood State Beach	100.94	16,000	100 (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
Recreational Areas on the North Coast**



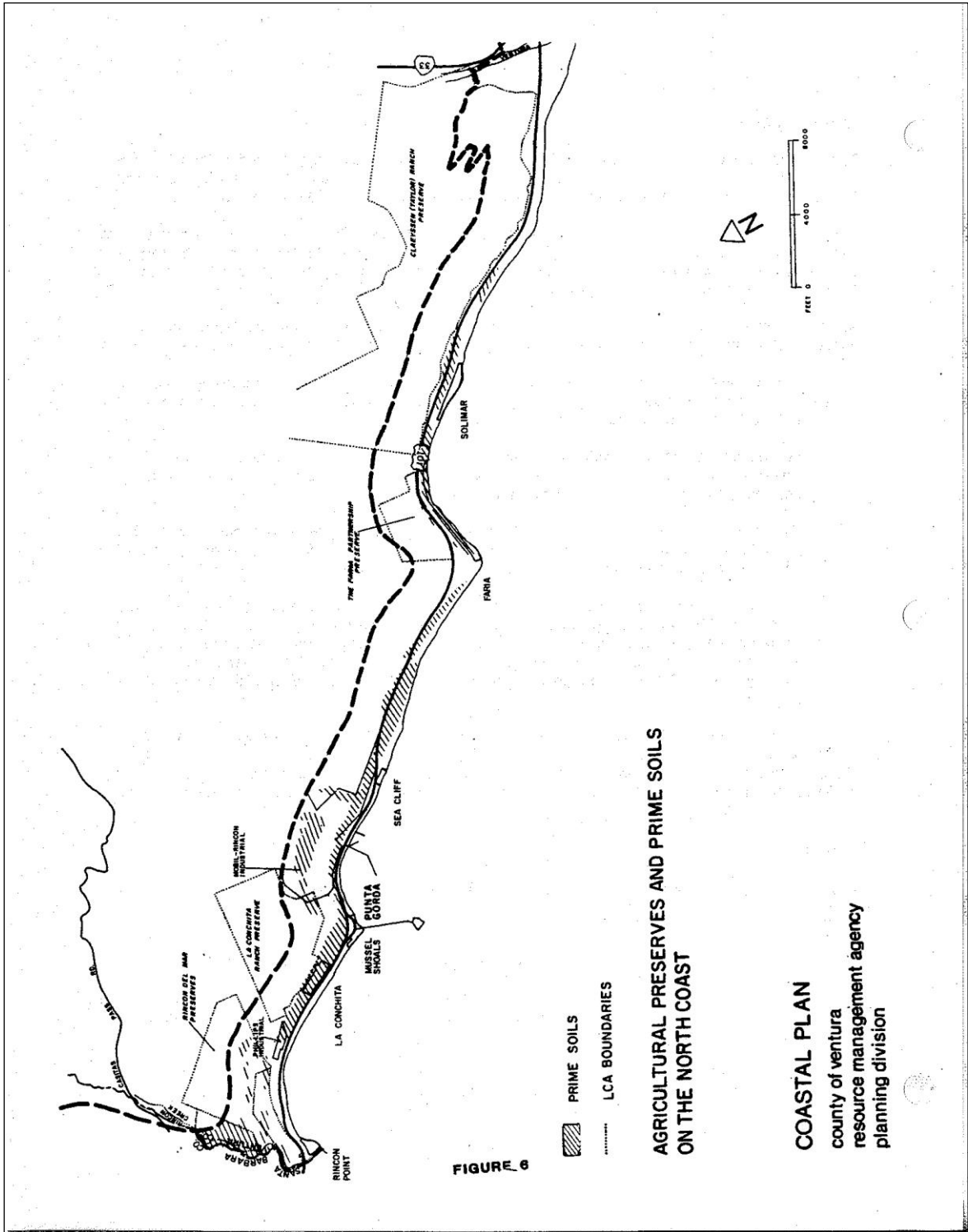
**Figure 4.2-4
North Coast Access Inventory**

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	

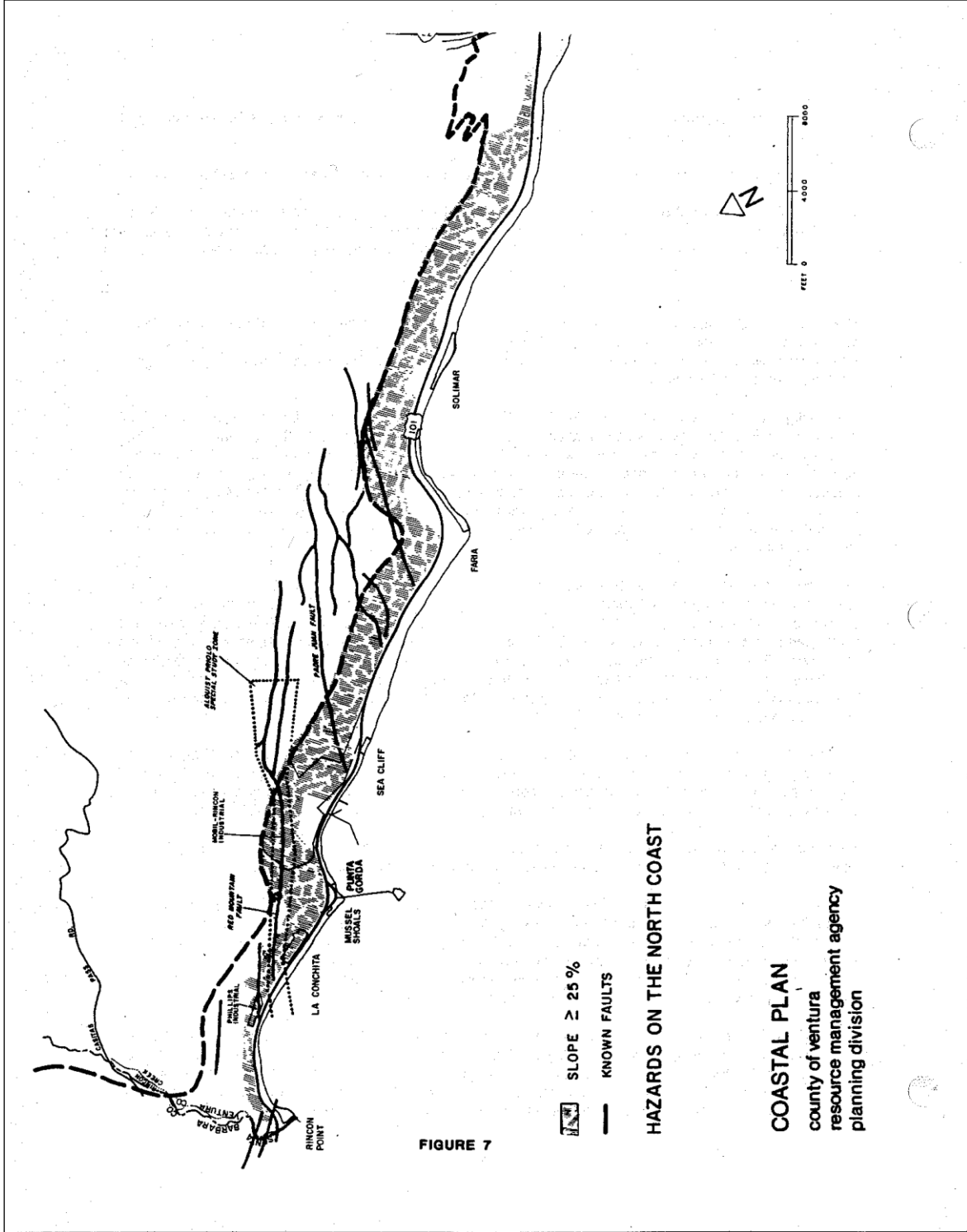
Footnotes:

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

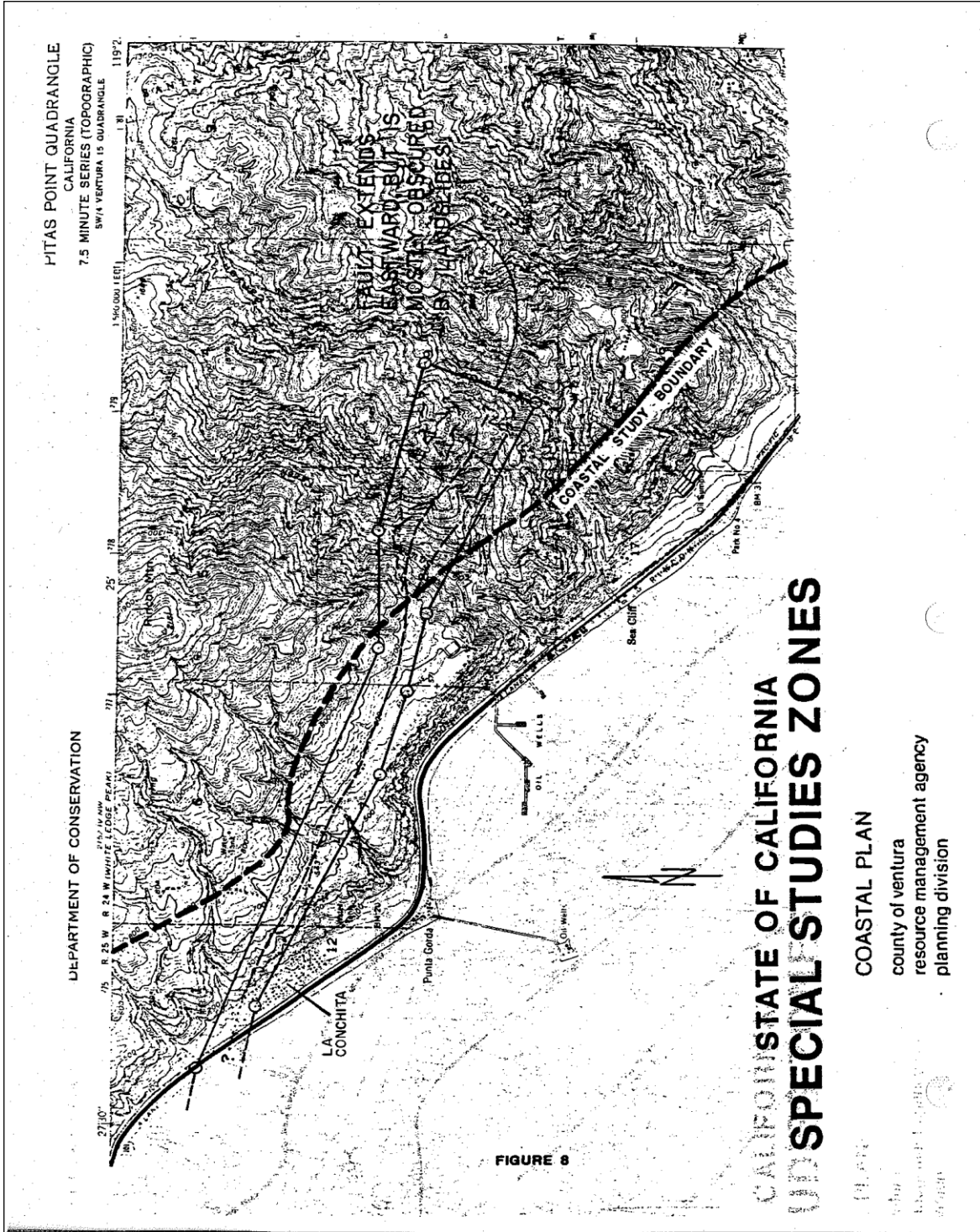
**Figure 4.2-5
Agricultural Preserves and Prime Soils on the North Coast**



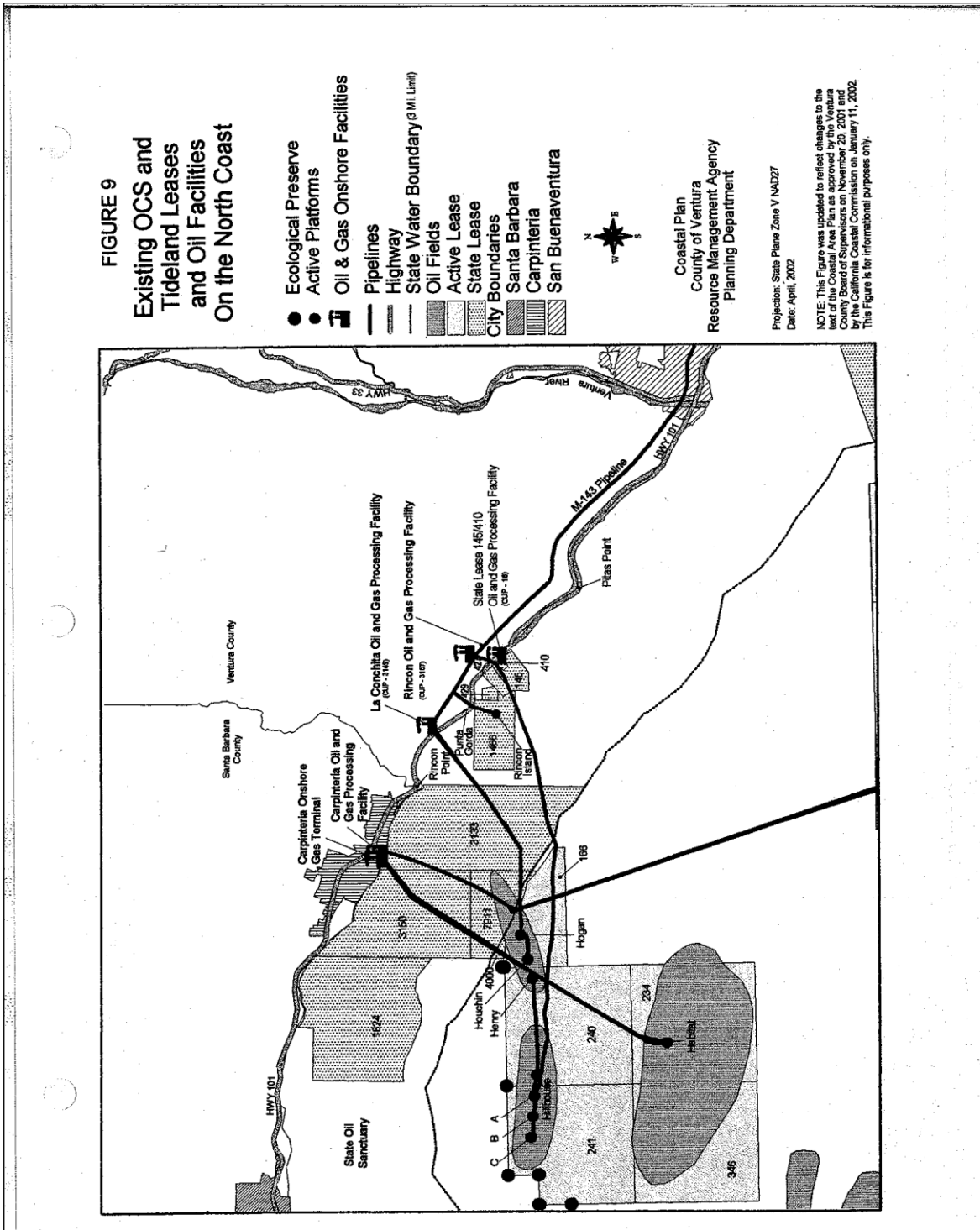
**Figure 4.2-6
Hazards on the North Coast**



**Figure 4.2-7
Pitas Point Quadrangle (Portion) Special Studies Zones**



**Figure 4.2-8
Existing OCS and Tideland Leases and Oil Facilities
on the North Coast**



**Figure 4.2-9
Energy Facilities on the North Coast**

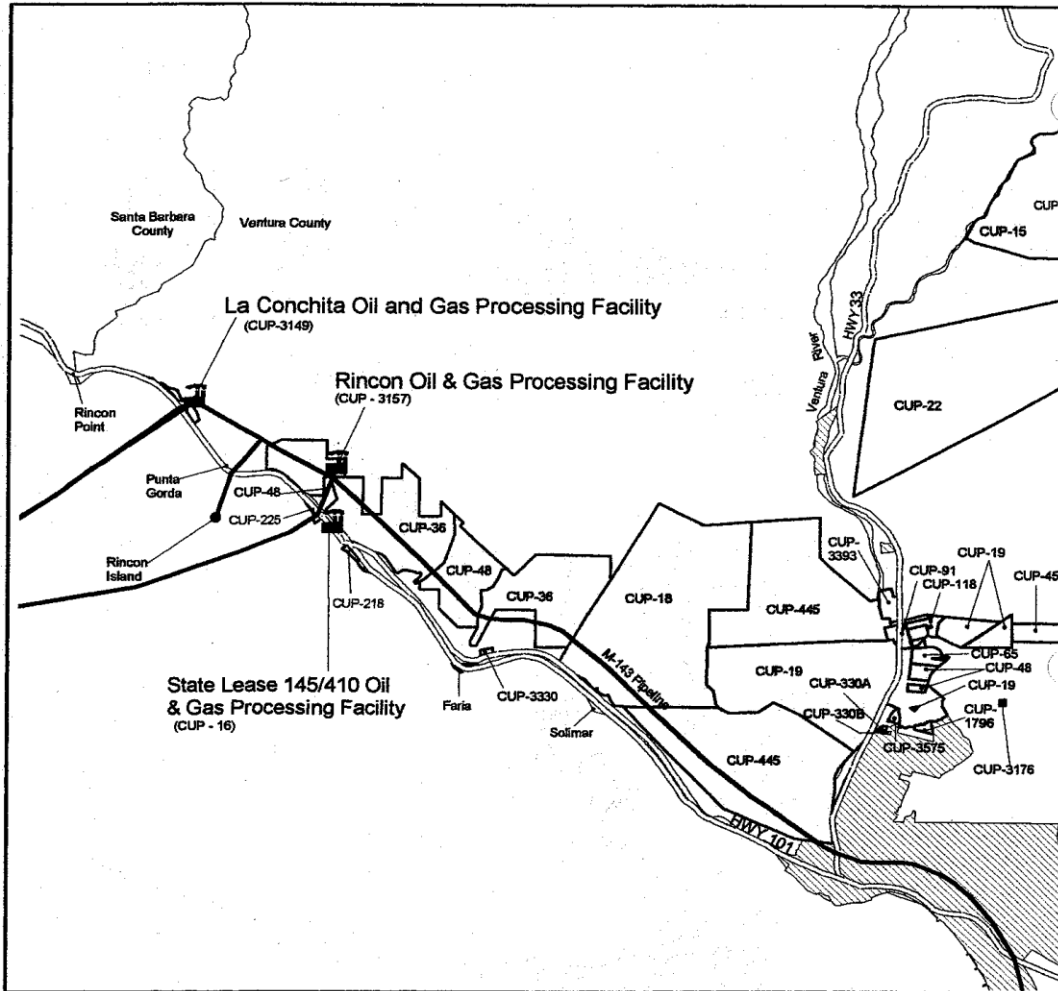








FIGURE 10

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
Rincon Point Residential Community**

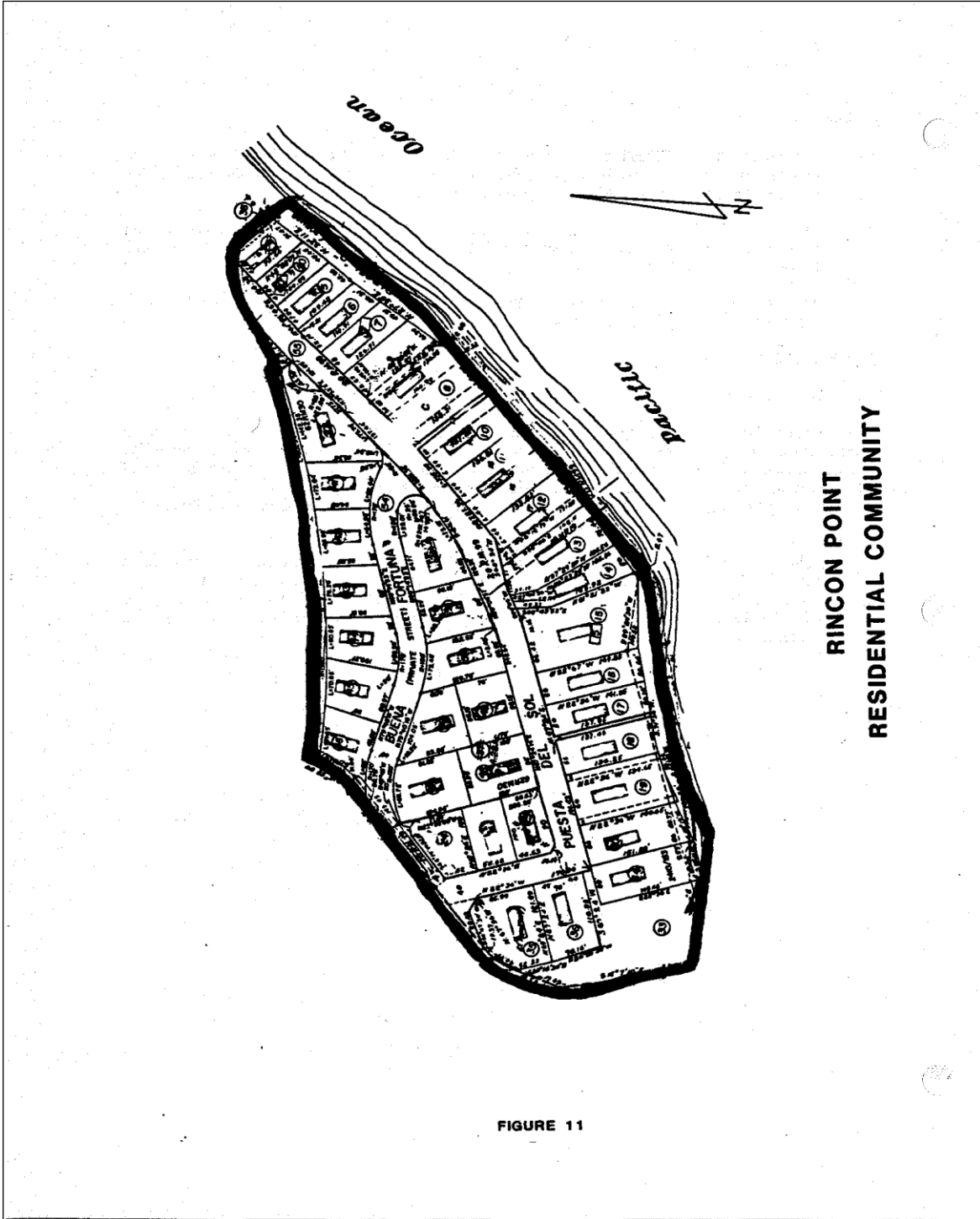


FIGURE 11

Figure 4.2-11
La Conchita Residential Community

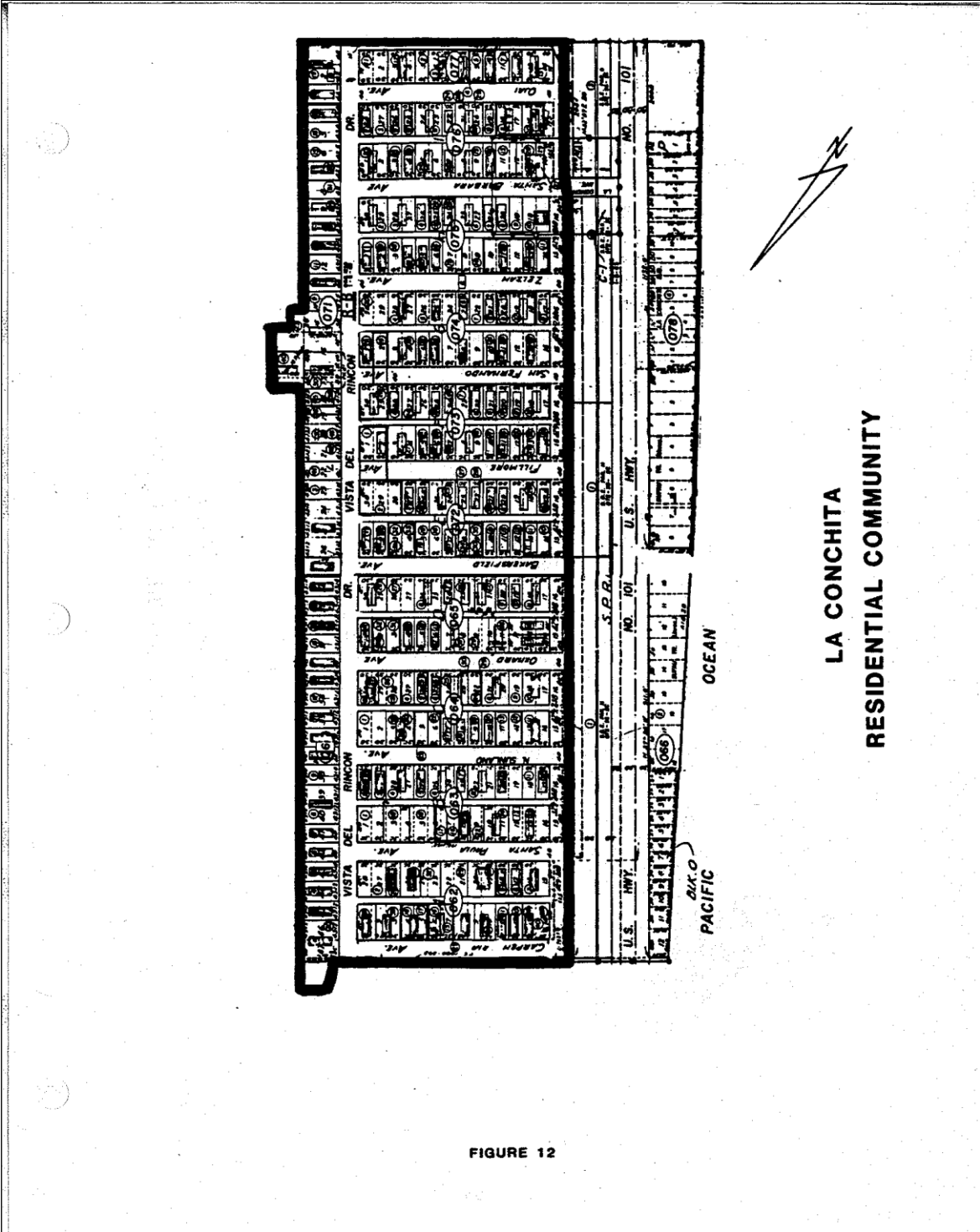
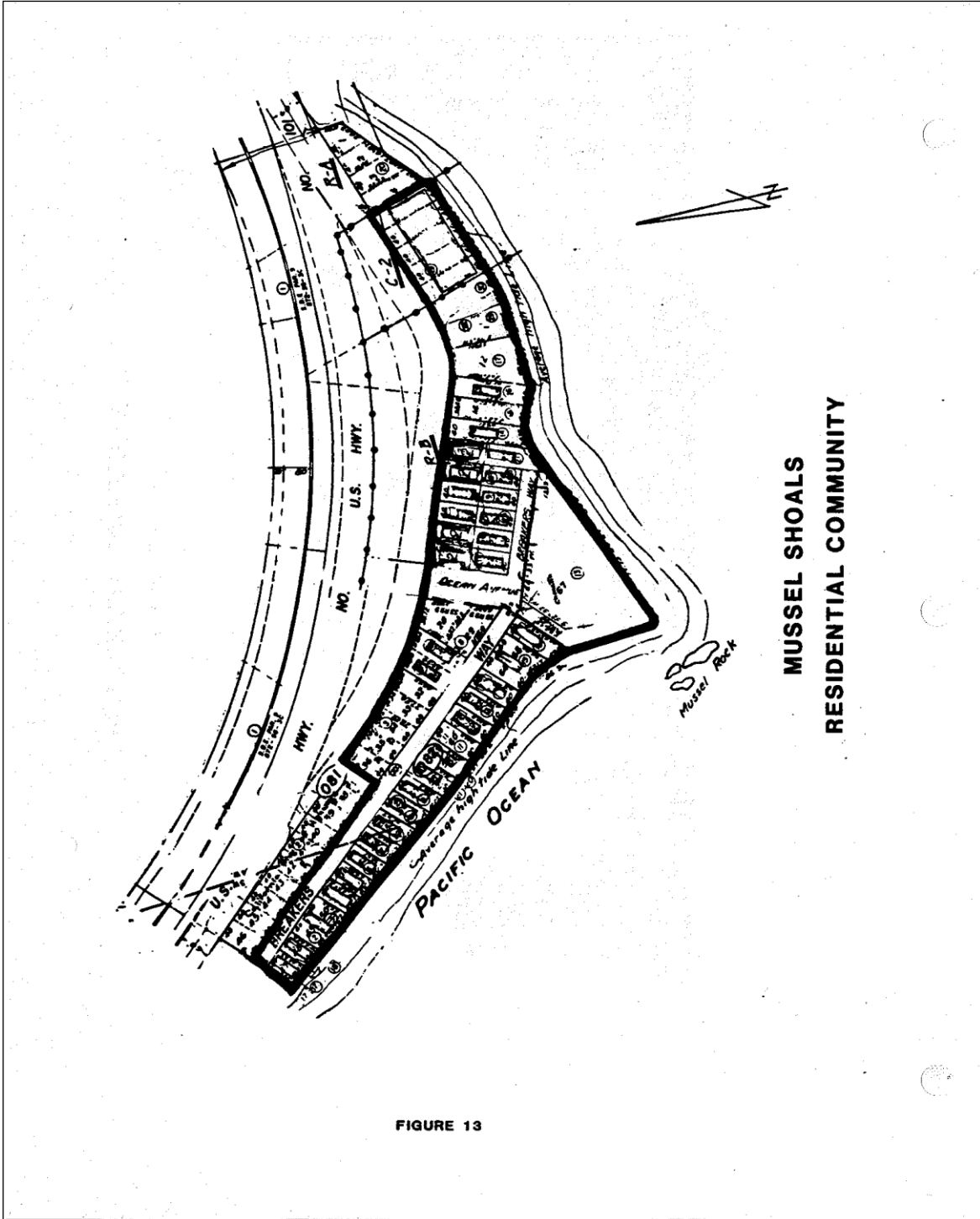
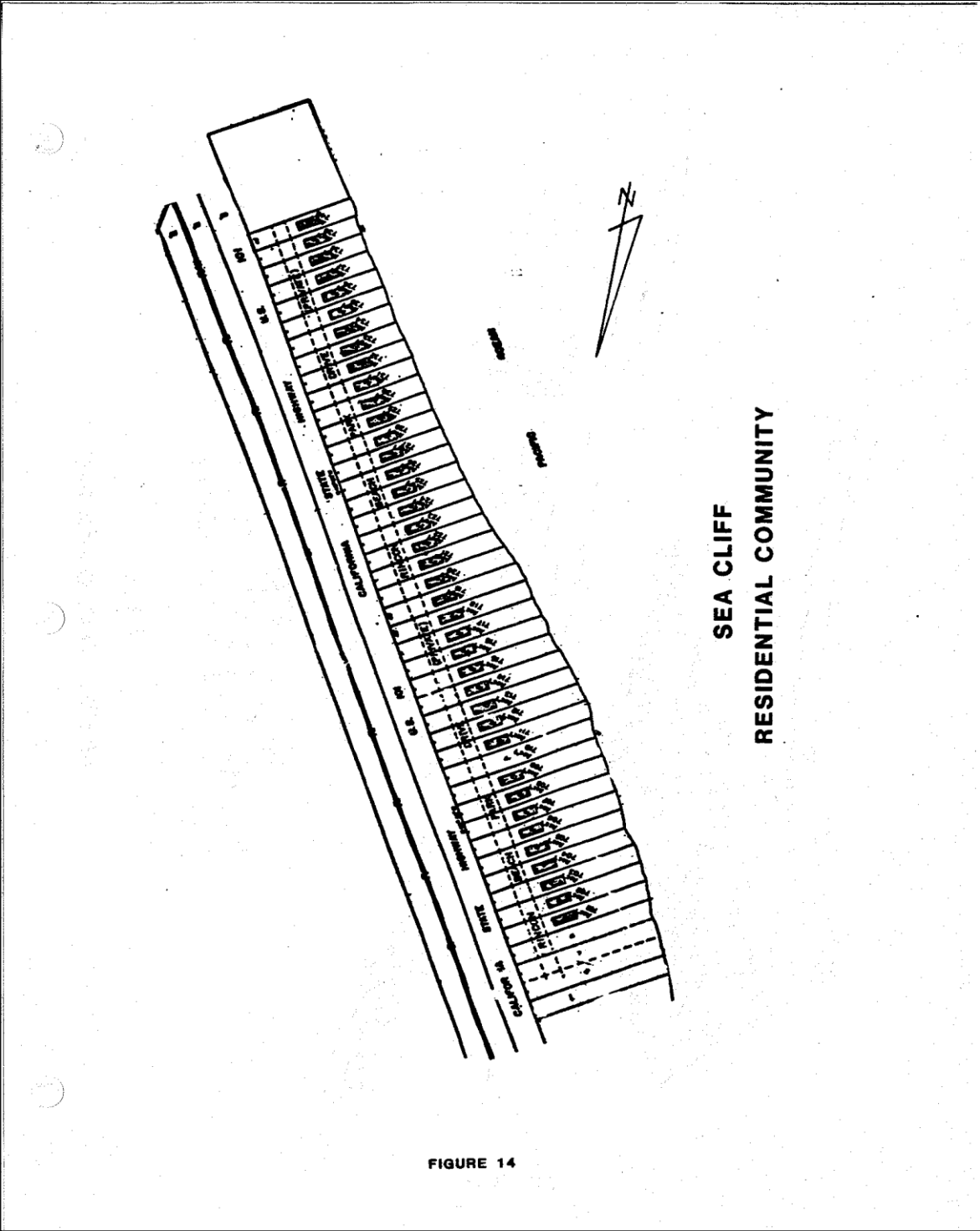


FIGURE 12

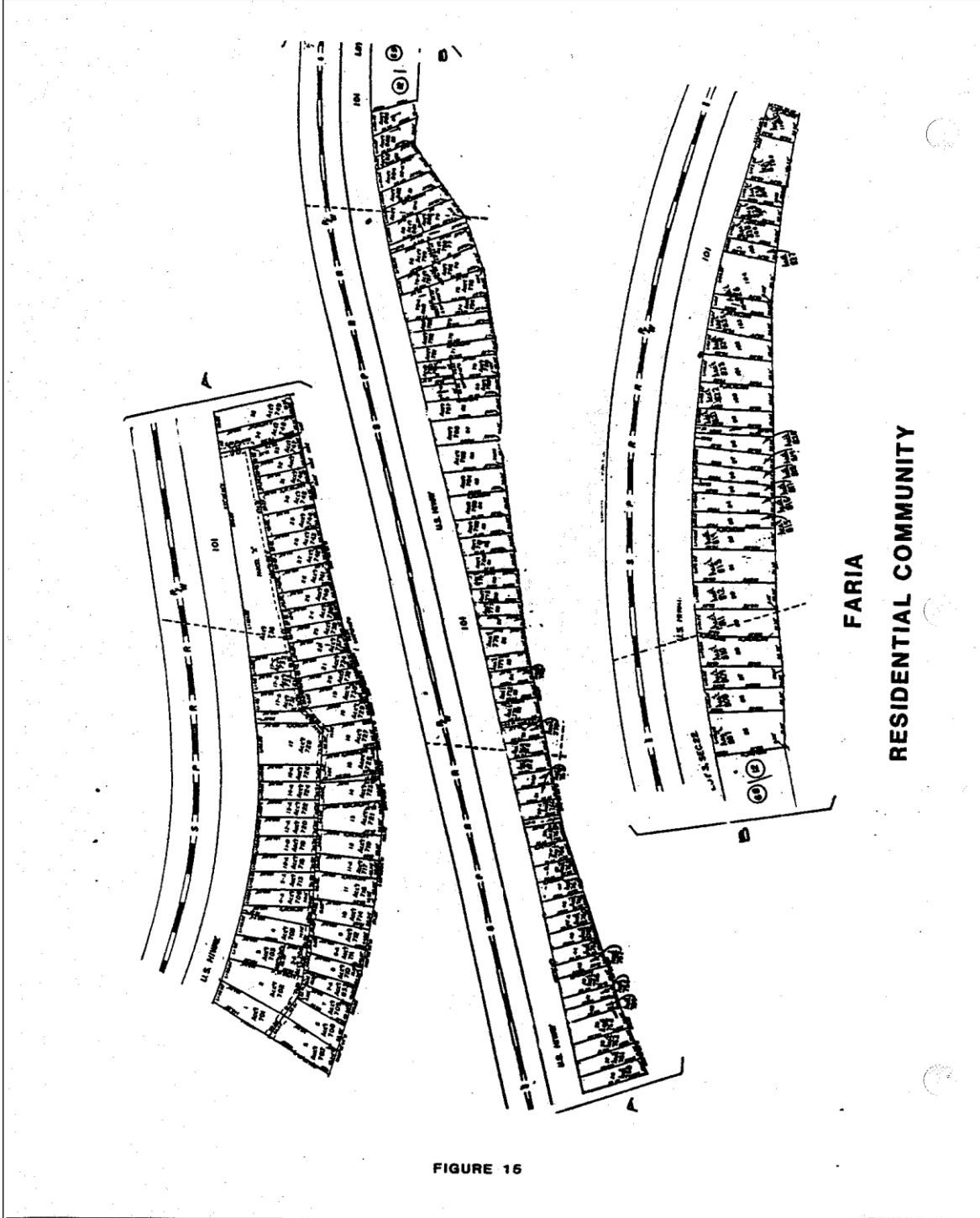
**Figure 4.2-12
Mussel Shoals Residential Community**



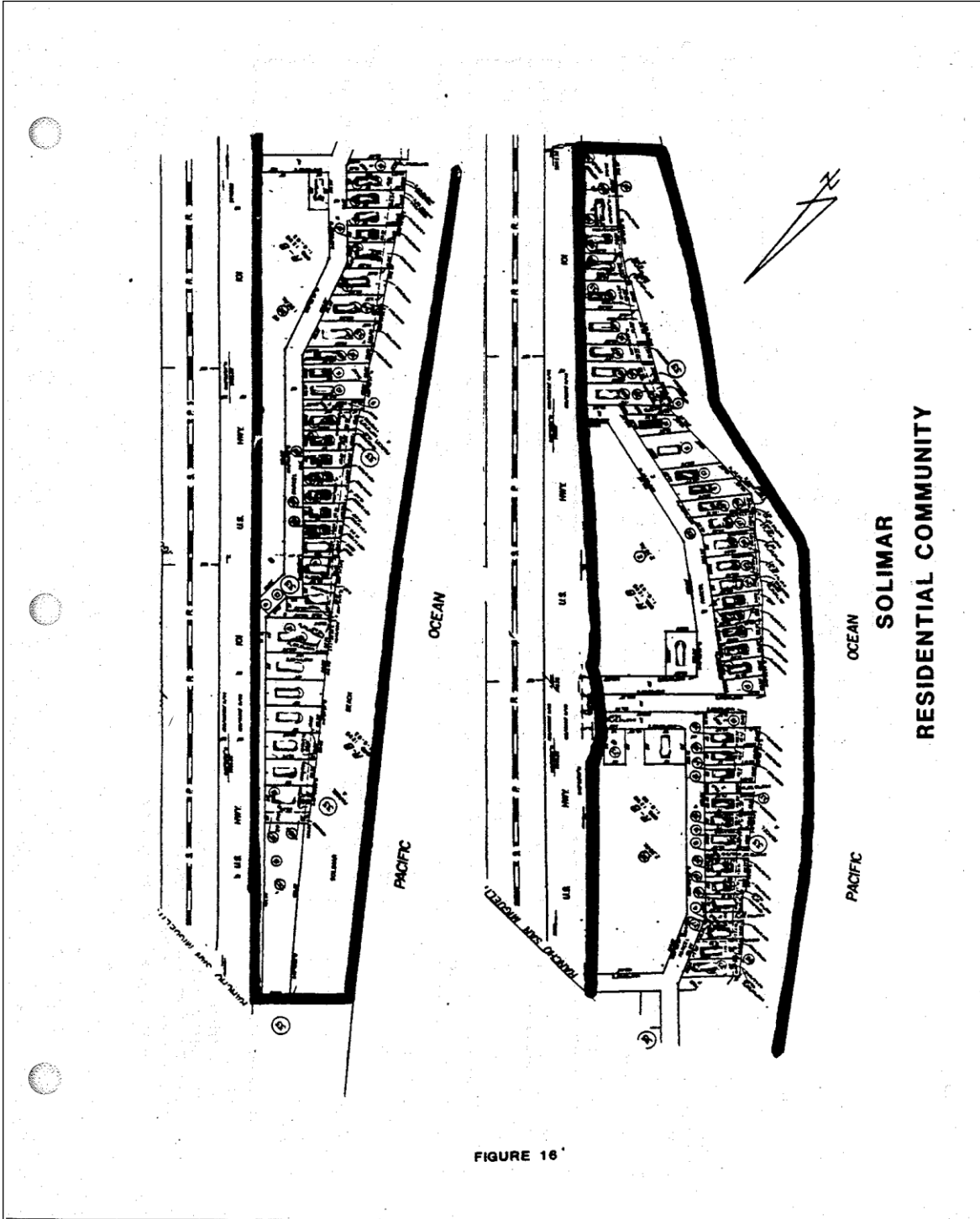
**Figure 4.2-13
Sea Cliff Residential Community**



**Figure 4.2-14
Faria Residential Community**



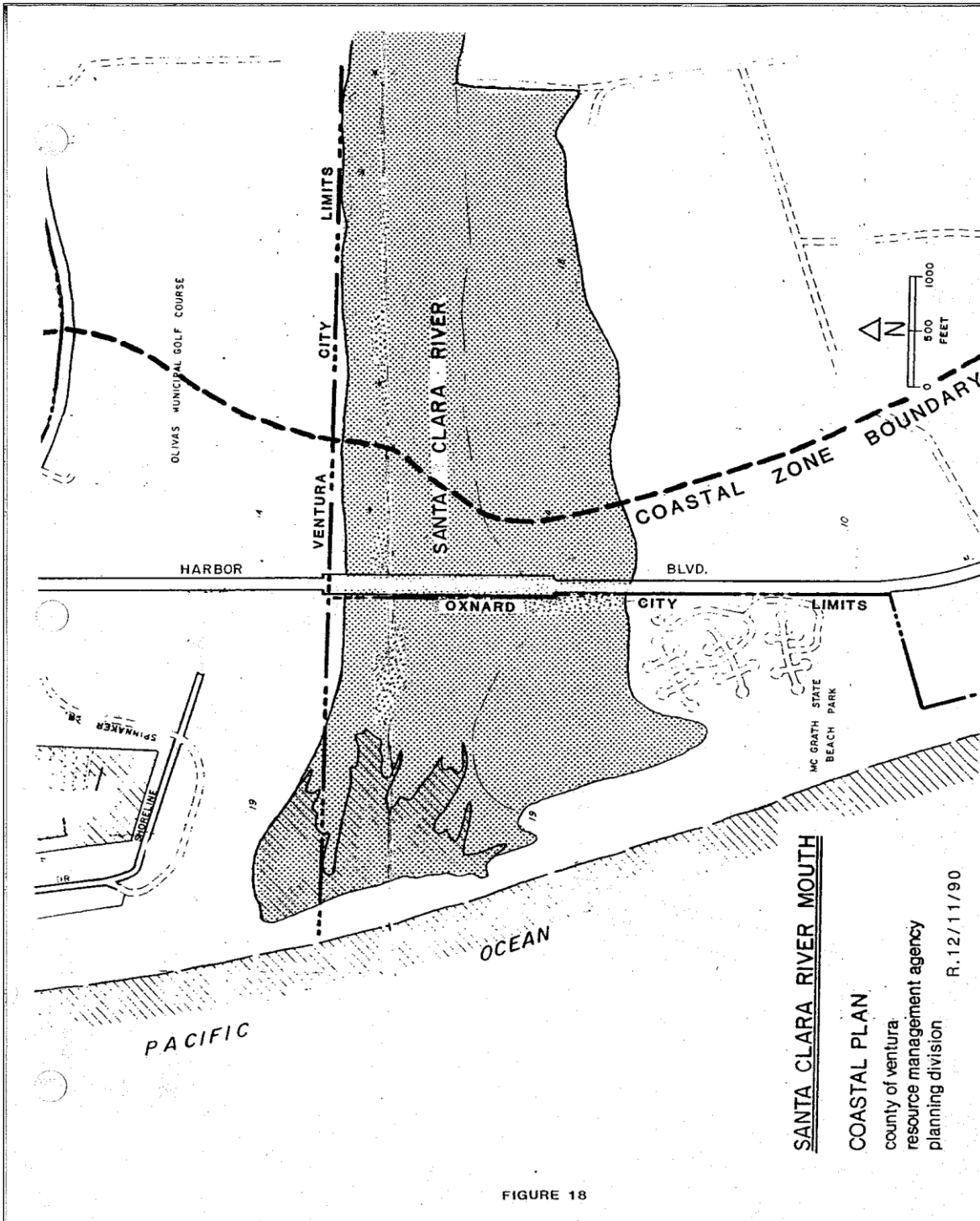
**Figure 4.2-15
Solimar Residential Community**



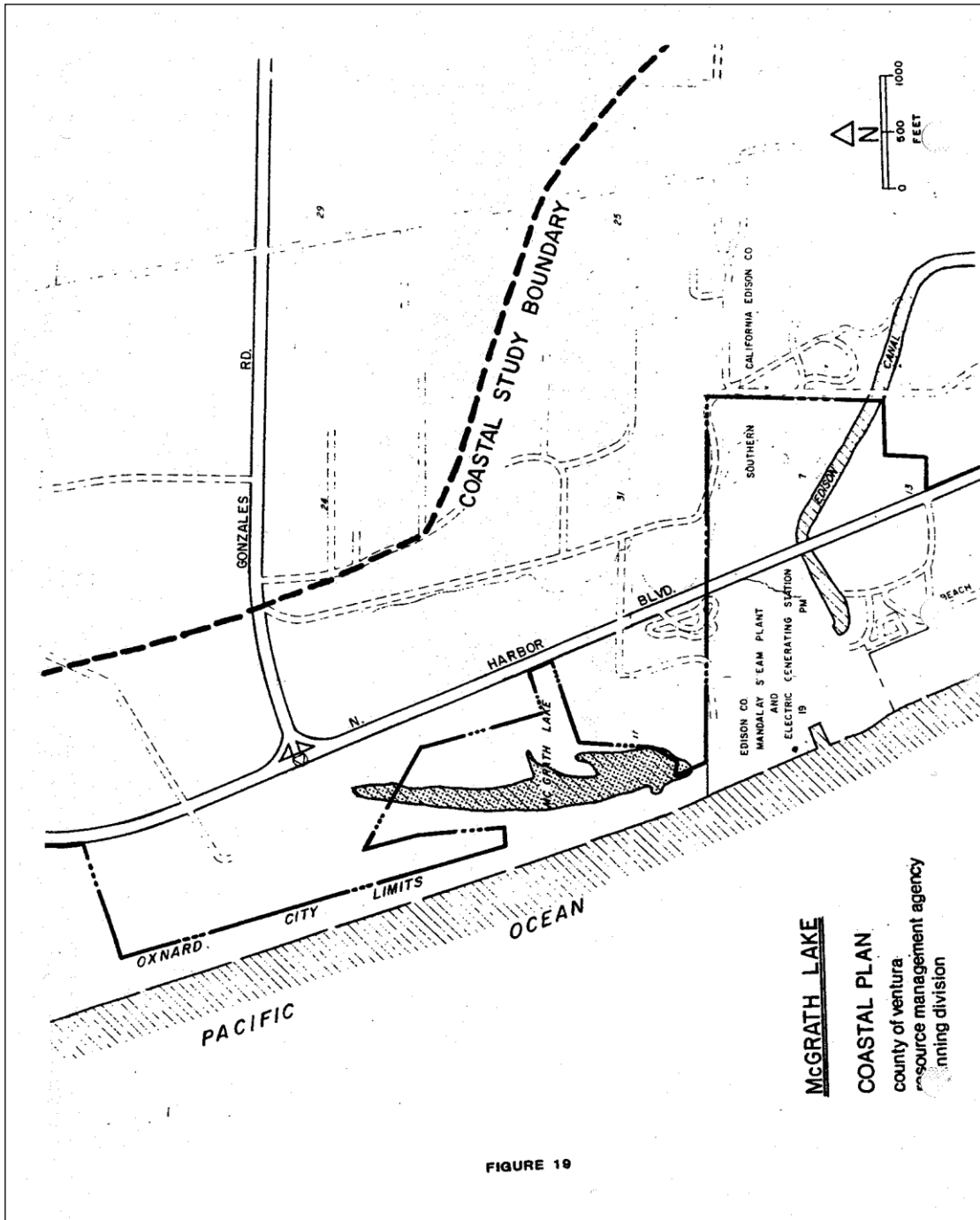
Chapter 4, Goals Policies and Programs, Section 4.3.10 - Environmentally Sensitive Habitats (ESHA), of the Ventura County Coastal Area Plan is hereby deleted in its entirety.

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:

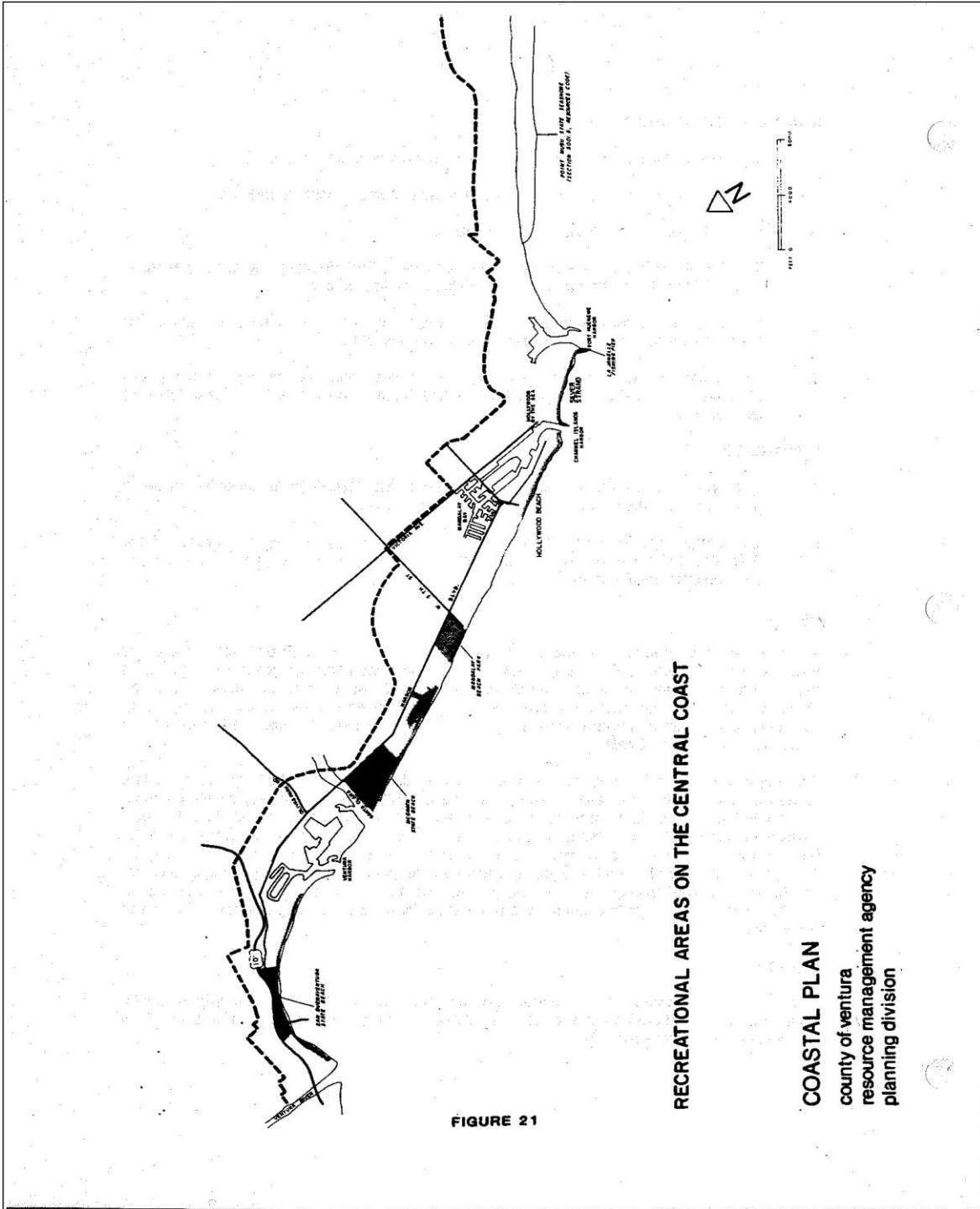
**Figure 4.3-1
Santa Clara River Mouth**



**Figure 4.3-2
McGrath Lake**



**Figure 4.3-3
Recreational Areas on the Central Coast**



**Figure 4.3-4
Central Coast Access Inventory**

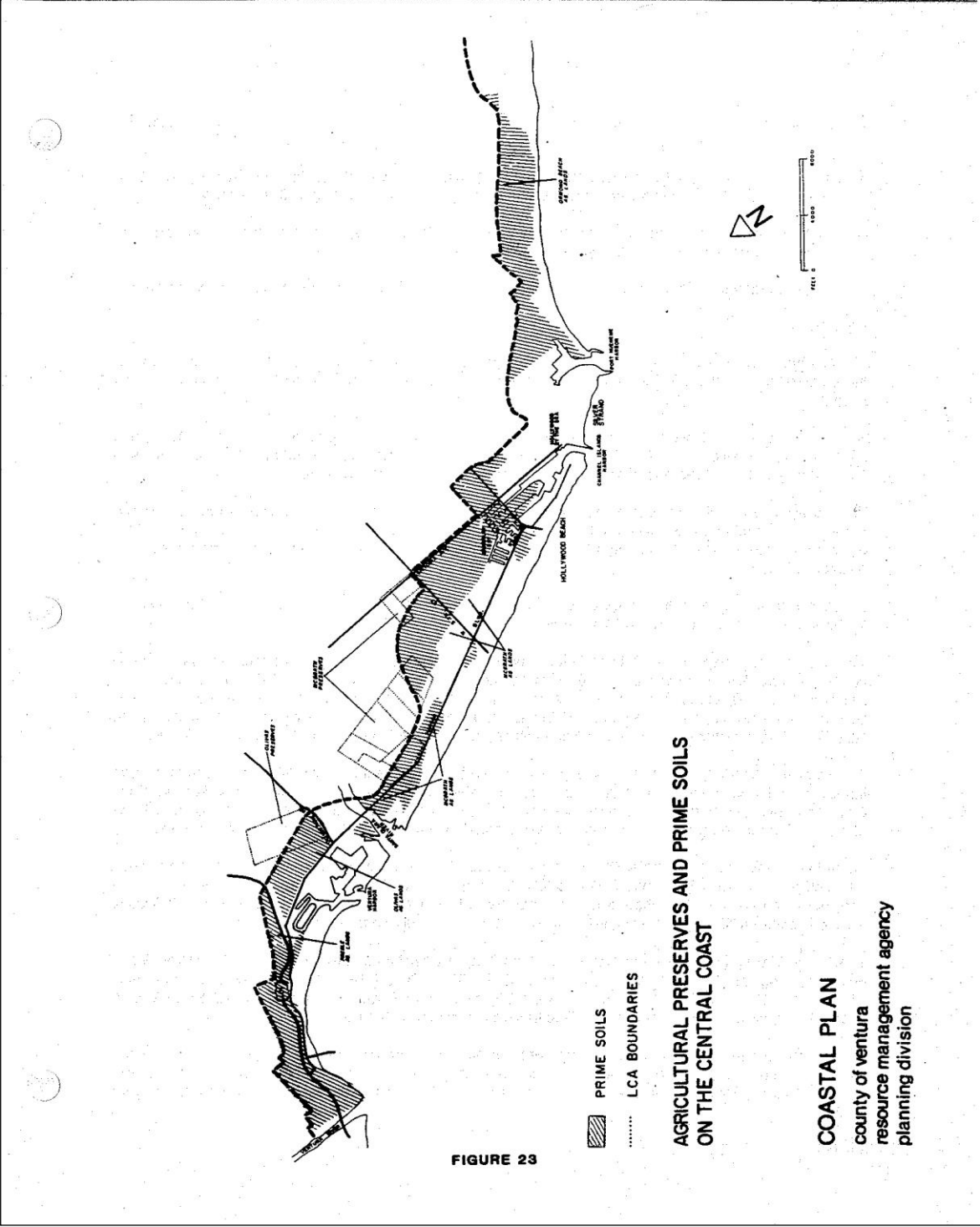
Name and Location	Access Type	Size	Frontage	Open	Signed	Owned By	Managed By
Hollywood Beach*	Park	50 ac.	--	Yes	Yes	County	County
Silver Strand Beach*	Park	41 ac.	--	Yes	Yes	County	County

6/20/89

Footnotes:

* Keyed to the Local Coastal Area Plan Land Use Map for the Central Coast, in Section 3.3.2 – The Central Coast, Figure 3-4.

**Figure 4.3-5
Agricultural Preserves and Prime Soils on the Central Coast**



**Figure 4.3-6
Central Coast Restricted Development Area
(Map of Pt. Mugu NAS)**

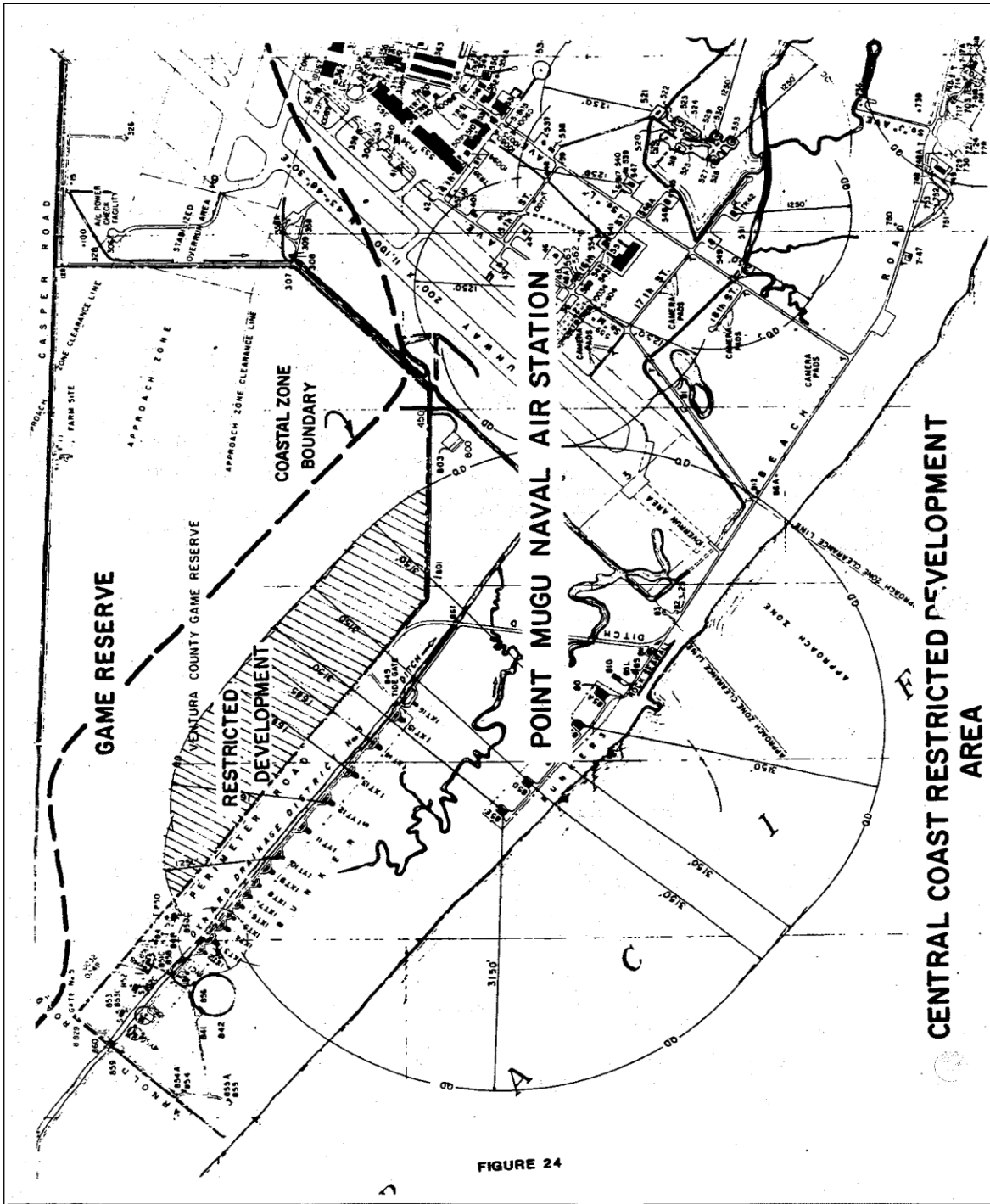


FIGURE 24

**Figure 4.3-7
Existing OCS and Tideland Leases and Oil Facilities
on the Central Coast**

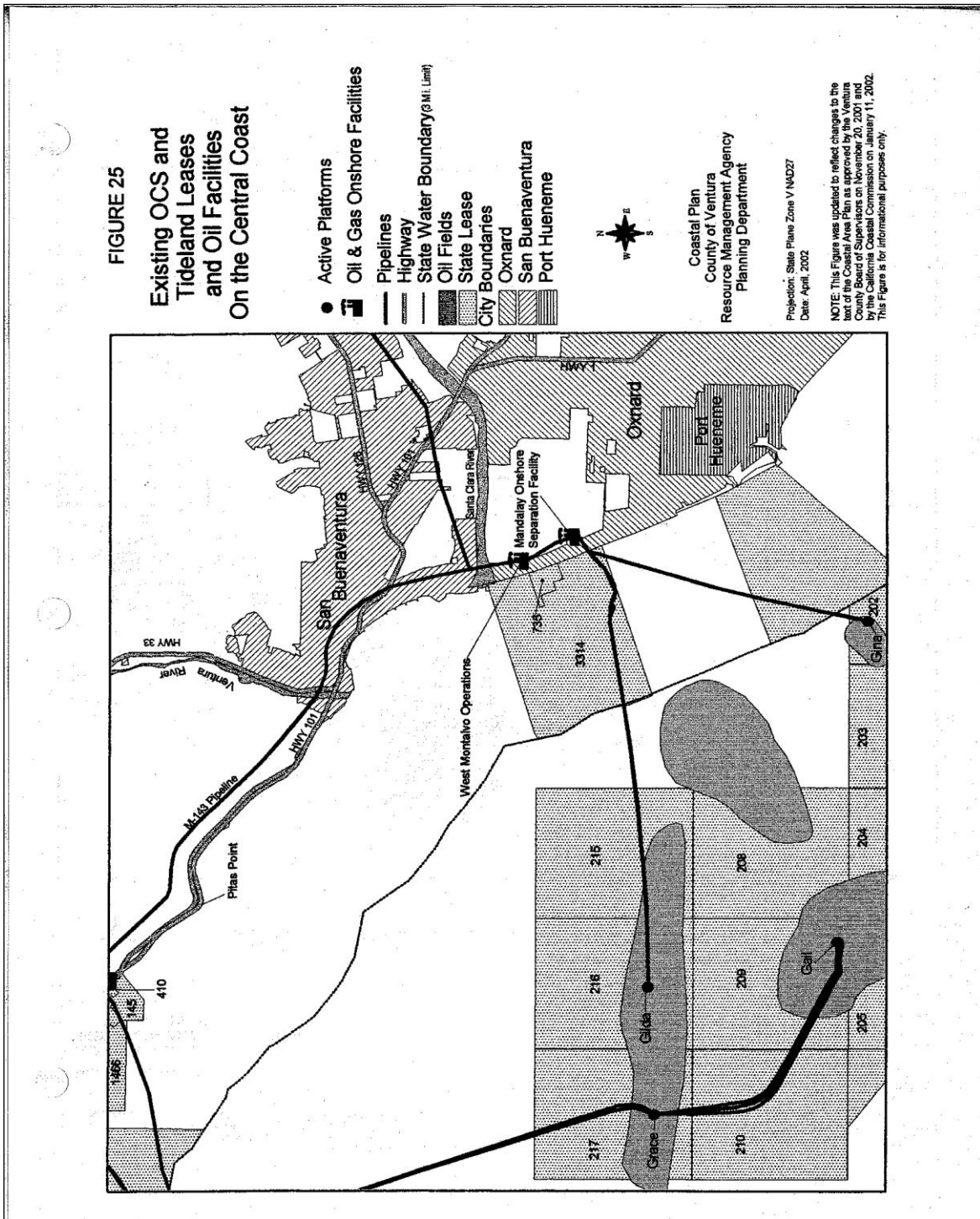
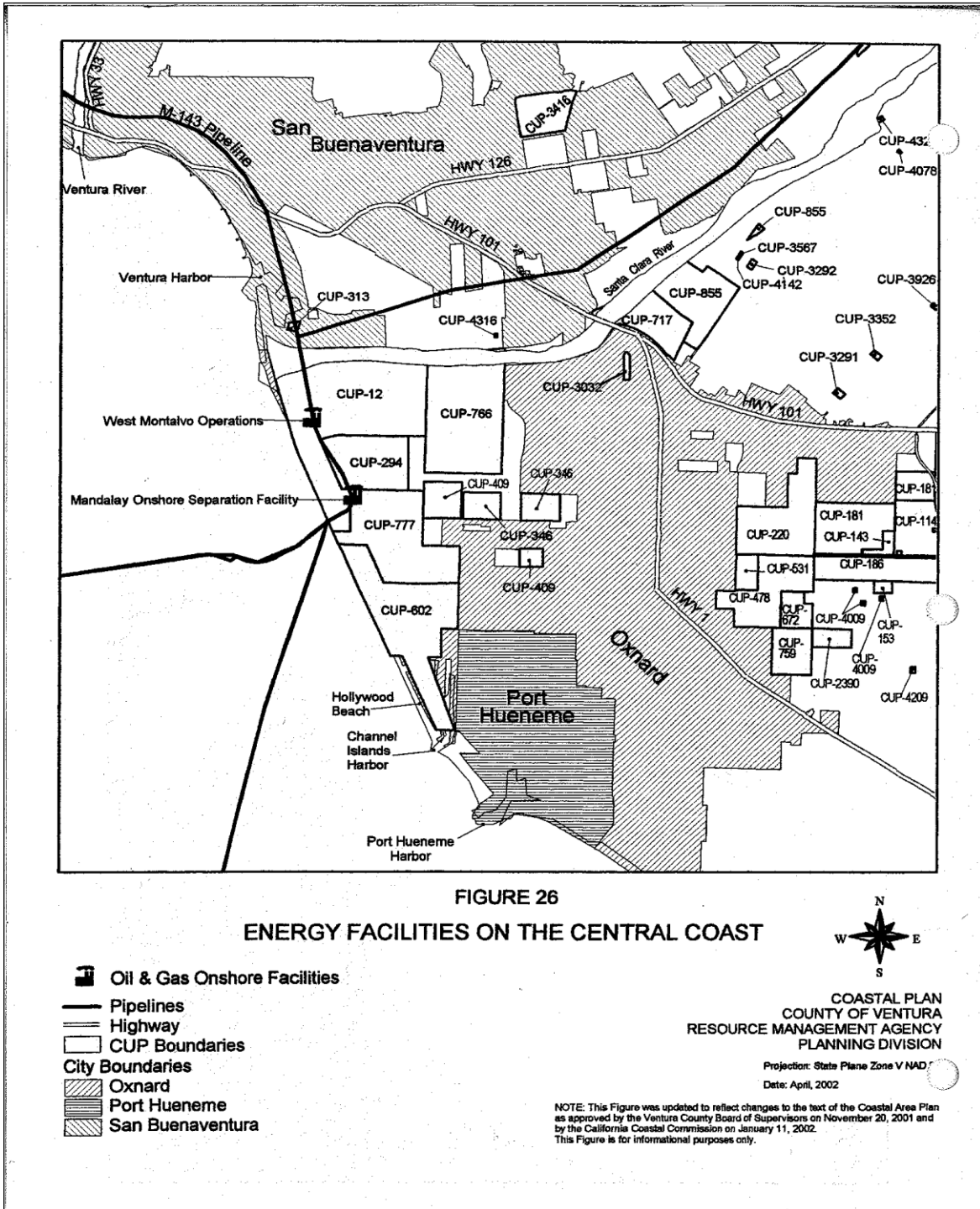


Figure 4.3-8

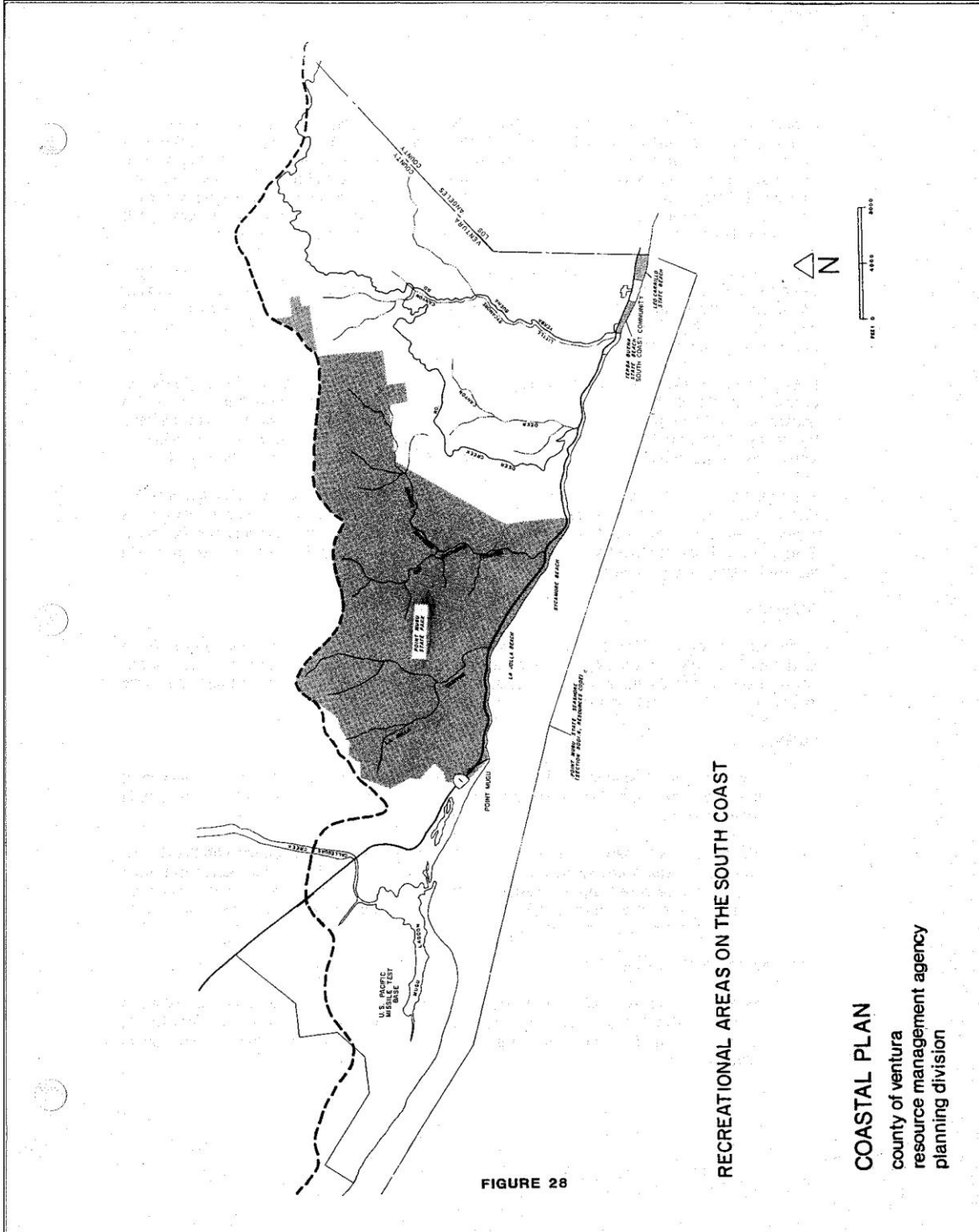


Energy Facilities on the Central Coast

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

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
Recreational Areas on the South Coast**



**Figure 4.4-2
South Coast Access Inventory**

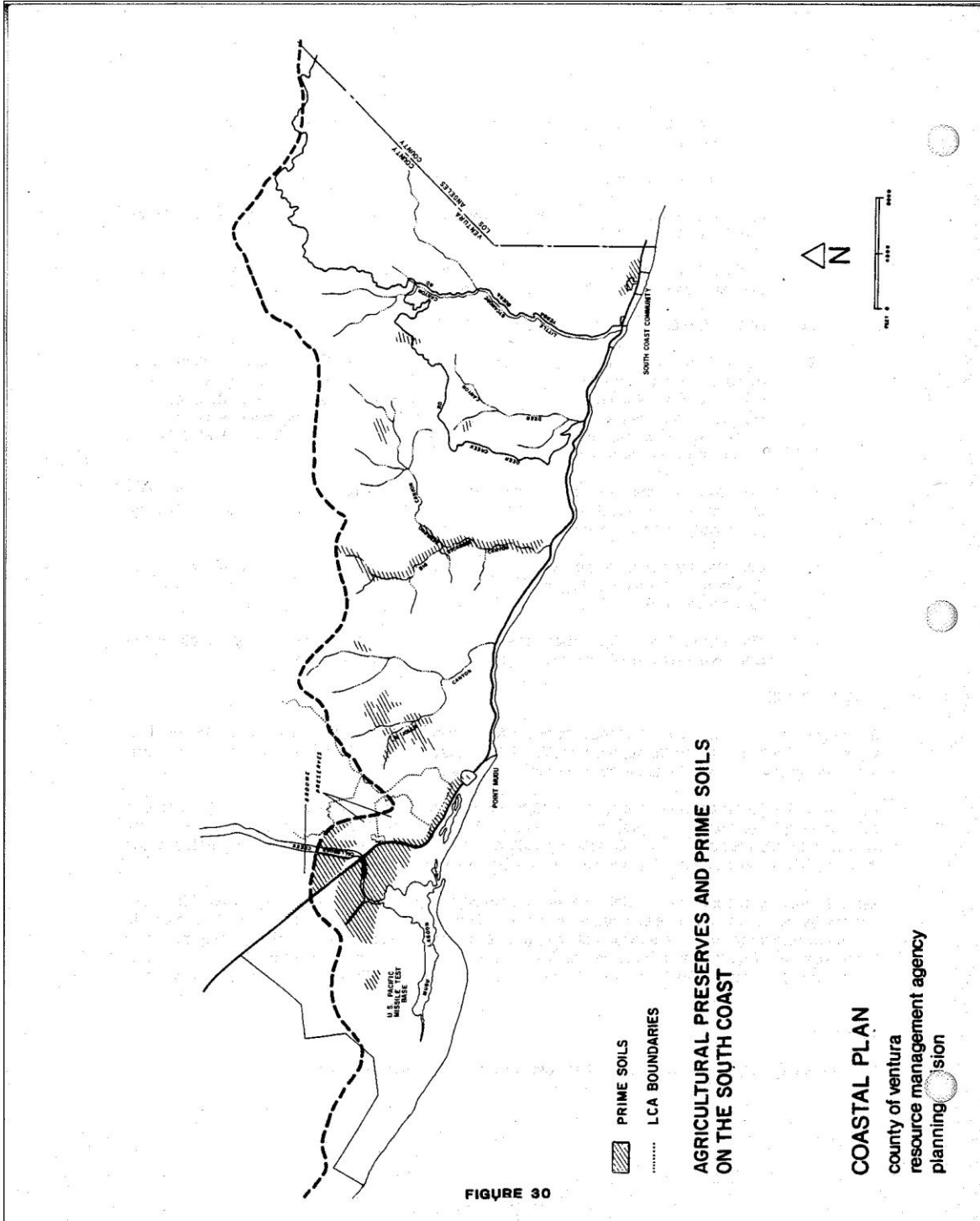
NO.*	Name & Location	Access Type	Size	Frontage	Open	Signed	Owned By	Managed By	Remarks
1.	Vista Point - Mugu Rock West of Hwy. 1, 9 miles South of Oxnard	View	---	---	Yes	Yes	Caltrans	Caltrans	
2.	Point Mugu State Park East and West of Hwy. 1, 10 miles south of Oxnard	Park	15,200 ac.	3.6 miles	Yes	Yes	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.

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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
Agricultural Preserves and Prime Soils on the South Coast**



**Figure 4.4-4
Hazards on the South Coast**

