

EXHIBIT 2

COASTAL COMMISSION SUGGESTED MODIFICATIONS TO PHASE 2C LOCAL COASTAL PROGRAM AMENDMENTS In Legislative Format with Staff Explanations

All proposed text is shown in the following “legislative format”:

- Local Coastal Program (LCP) text that will be retained is shown as plain black text (not underlined). This includes text which was recently adopted by the Board of Supervisors on October 19, 2021.
- Newly proposed text (Coastal Commission recommended modifications) is shown as black underlined text.
- Locally adopted text that is proposed for deletion is shown as “~~strike through~~” across the word/sentence.
- *Black italicized text* indicates that the term is defined in the Glossary of the Coastal Area Plan (CAP) or in Article 2 of the Coastal Zoning Ordinance (CZO).
- Planning Division staff explanations are shown as *blue italicized text and will not be included in the LCP*.

Please see Exhibit 6 – Coastal Commission Staff Report for more detailed explanation behind a specific suggested modification.

1. Suggested Modifications to the Coastal Area Plan¹

Land Use Plan Coastal Appendices shall be modified as follows:

Coastal Area Plan Appendices

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

~~Appendix 1 Statewide Interpretive Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats (1981)~~

Appendix 12 Archaeological Guidelines (1980)

Appendix 23 Paleontological Guidelines (1980)

Appendix 34 Guidelines for Implementation of the California Land Conservation Act of 1965 (The Williamson Act) (2000)

Appendix 45 California Department of Navigation and Ocean Development, Survey of Ventura County Beaches (1977)

Appendix 56 Policy for the Location of Onshore Oil Facilities (1968)

¹ The County’s Coastal Area Plan is referred to by the Coastal Commission as a “Land Use Plan”.

The following Appendices are contained in the coastal Zoning Ordinance, which is available at: https://vcrma.org/docs/images/pdf/planning/ordinances/coastal_zone_ord.pdf

Appendix 67	(T1) Tree Removal, Alteration, and Planting Standards (2017)
Appendix 78	(L1) Landscape and Irrigation Plan Requirements (2017)
Appendix 89	(L2) Calculating the Water Budget of a Project Site (2017)
Appendix 910	(L3) Sample Water Efficient Landscape Worksheet (2017)
Appendix 101	(L4) Estimated Total Water Use (2017)
Appendix 112	(L5) Examples for Calculating the Water Budget (2017)
Appendix 123	(L6) Sample Certificate of Completion (2017)
Appendix 134	(L7) Invasive Plant List (2017)
Appendix 145	(E1) Site-Specific Environmental Assessments for ESHA (2022)
Appendix 156	(E2) ESHA Mitigation Plans / Legal Instruments for Conservation (2022)

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 <https://vcrma.org/coastal-plan-map-gallery>

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

Environmentally Sensitive Habitat Areas (ESHA):

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

North Coast

Figure 4.2-21: Rincon Creek

Figure 4.2-65: Agricultural Preserves and Prime Soils

Figures 4.2-110 thru 4.2-165: Existing Communities (Rincon Point, La Conchita, Mussel Shoals, Sea Cliff, Faria, Solimar)

Central Coast

Figure 4.3-21: Santa Clara River Mouth

Figure 4.3-32: McGrath Lake

Figure 4.3-45: Agricultural Preserves and Prime Soils

Figure 4.3-910 Land Use Map: Harbor

South Coast

Figure 4.4-43: Agricultural Preserves and Prime Soils

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

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

[Staff explanation: The Commission's recommended modifications to ESHA Appendices were proposed because 1) the Statewide Interpretive Guidelines were replaced by the new Appendix AE-1 Coastal Initial Study Biological Assessment and 2) the LCP's ESHA South Coast Map had a zoning outline depicted on the map which made it look like a portion of the Santa Monica Mountains were not within the M-Overlay Zone. In addition, the numbering of the figures was revised.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 1.1 shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification to ESHA Policy 1.1 is a minor grammatical edit.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 1.4 and corresponding footnote shall be modified as follows:

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

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

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

Footnotes:

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

[Staff explanation: The Commission's recommended modification to ESHA Policy 1.4 is to remove an incorrect reference to the Coastal Act and a statement about the applicability of the Army Corp's dredging permit exemption.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 3.1 shall be modified as follows:

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 ESHA habitat was illegally removed or degraded damaged or destroyed by the illegal removal/degradation of ESHA~~; or (d) ~~habitat areas that previously met the definition of ESHA shall continue to be defined as ESHA when the ESHA habitat was damaged or destroyed by natural disaster except when the County finds that the ESHA was permanently destroyed, in accordance with Sec. 8178- 2.4.2 of the Coastal Zoning Ordinance.~~

[Staff explanation: The Commission's recommended modification to ESHA Policy 3.1 are minor grammatical edits to improve readability and remove duplicative statements.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 3.4 shall be modified as follows:

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

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

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

[Staff explanation: The Commission's recommended modification to ESHA Policy 3.4 are minor grammatical edits.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA)
Policy 4.1 shall be modified as follows:

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 may ~~shall~~ be maintained, and repaired, ~~and replaced~~ in accordance with Coastal Zoning Ordinance provisions in Sec. 8174-6.3.2 – Statutory Exemptions and Categorical Exclusions.

Footnotes:

⁹Wireless 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.

[Staff explanation: The Commission's recommended modification to ESHA Policy 4.1 are minor corrections to language associated with the maintenance and repair exemptions and categorical exclusions. The statute allows for their maintenance and repair, not their replacement.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA)
Policy 5.1 shall be modified as follows:

Least Environmentally Damaging Alternative: *Development*, including the *fuel modification zone* shall be sited and designed to protect *ESHA* against any significant disruption of habitat values and avoid adverse impacts to the *ESHA ecosystem* (both on-site and off-site) ~~to the maximum extent feasible. Where development is permitted in ESHA or buffer zone pursuant to ESHA Policies 4.2 and 4.3 – Economically Beneficial Use,~~ such development shall be sited and designed to protect ESHA and avoid adverse impacts to the ESHA ecosystem to the maximum extent feasible. If there is no feasible alternative that avoids all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Mitigation shall not be used as a substitute for the selection of the least damaging site-design alternative. During the least damaging *alternatives analysis*, an applicant shall confirm the width of the proposed *fuel modification zone* with the Ventura County Fire Protection District. A least damaging alternatives analysis shall include evaluation of the proposed fuel modification zone and maximum allowable expanded zone. A least damaging *alternatives analysis* is not required for a project that is limited to expanding upon an existing *fuel modification zone* for existing, legally established *development*.

[Staff explanation: The Commission's recommended modification to ESHA Policy 5.1 replicated language from the Coastal Act which requires the protection of ESHA from any significant disruption of habitat values. An alternatives analysis is needed when the development sited in ESHA cannot be avoided and is allowed to provide economically beneficial use to the property owner. In addition, with consideration of changes to State fire safety laws, the Commission wanted to clarify that the maximum allowable width of the expanded fuel modification zone is analyzed when the new development is initially sited to ensure that the development is placed in the least damaging location, including consideration of if the fuel modification zone is expanded at a later time.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA)
Policy 5.2 shall be modified as follows:

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, the building site shall not exceed the maximum lot coverage allowed by zoning, and a smaller *building site* shall be required if the proposed *development* would adversely impact a *wetland* or other *wet environment*. In all cases, new development in these existing communities shall be subject to all other policies and provisions of the LCP and shall not increase the size or degree of any existing ESHA buffer non-conformity.
- c. Outside the areas subject to subsections (a) and (b) above, the maximum allowable *building site* shall be limited to that needed to accommodate the minimum amount of *development* necessary for the property owner to make an *Economically Beneficial Use* of the subject parcel(s), as determined on a case-by-case basis using the standards/procedures set forth in Appendix E2 of the Coastal Zoning Ordinance for an Economically Beneficial Use Determination for the associated *coastal development permit* application.

[Staff explanation: The Commission's recommended modification to ESHA Policy 5.2 is a clarification of the policy to ensure that development that was legally established prior to the Coastal Act, is not modified or expanded in conflict with the existing regulations.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA)

Policy 5.3 shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification to ESHA Policy 5.3 is a minor grammatical edit.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 5.4 shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification to ESHA Policy 5.4 are minor clarifications and removal of a cross referenced policy.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 5.6 shall be modified as follows:

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

a. All Fuel Modification Zones.

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

- b. **Mandatory Fuel Modification Zones.** The standard width of the *mandatory fuel modification zone* around legally-established structures within the *building site* is 100 feet. Under unique site-specific conditions, the Ventura County Fire Protection District may determine that it is necessary to expand the *mandatory fuel modification zone* of new development to 200 feet if needed to protect life and property from wildland fires. Allowable *development* outside the *building site* but within the first 100 feet of the *fuel modification zone* shall be limited to the following:
1. *Resource-dependent* and *non-resource dependent uses* pursuant to Coastal Area Plan ESHA Policy 4.1;
 2. Drought-tolerant native landscaping (see Coastal Area Plan Section 4.1.8 - Water Efficient Landscaping, Policies 1, 4, 8 and 9);
 3. Confined animal facilities that do not require additional *fuel modification*; and
 4. Water wells/septic drainage fields not located in the *building site*.
- c. **Expanded Fuel Modification Zones.**
1. Pursuant to Section AE-2.5, An expanded fuel modification zone may be authorized up to 300 feet from a *legally-established structure within the building site* or to the property line, whichever distance is shorter, if it is determined by the Ventura County Fire Protection District that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wildland fires. In making this determination, the Ventura County Fire Protection District may consider whether there are any other feasible mitigation measures possible. Notwithstanding the foregoing, a 300-foot-wide fuel modification zone is allowed to protect the existing communication and tactical assets facility of U.S. Naval Base Ventura County at Laguna Peak.
 2. An *ESHA Vegetation Management Plan* shall be required for an *expanded fuel modification zone* that contains *ESHA* or *buffer zone*.
 3. *Expanded fuel modification zones* that ~~retain~~ contain *ESHA* and *buffer zones* shall be protected and maintained for the life of the permitted *development* through an *ESHA Vegetation Management Plan*. The County shall condition *coastal development permits* to record a notice on the property title that discloses the maintenance requirements associated with the *ESHA Vegetation Management Plan* including a copy of said plan. Any modifications to the *ESHA Vegetation Management Plan* shall be recorded on the property title upon approval of the modified plan.
 4. Allowable uses in *expanded fuel modification zones* shall be limited to *thinning for fuel modification* and *resource-dependent uses* (see Coastal Area Plan ESHA Policy 4.1) that do not require any additional expansions of the *fuel modification zone*.
 5. ~~A proposed expanded fuel modification zone shall not encroach onto an adjacent property without written consent from the adjacent property owner.~~

[Staff explanation: The Commission's recommended modifications to ESHA Policy 5.6 clarify that the mandatory fuel modification zone only can be expanded when the Ventura County Fire Protection District determines it is needed to protect life and property from wildland fires. Subsection 5 was deleted because expanded full modification zones cannot encroach onto adjacent properties, therefore the statement was unneeded and misleading. In addition, the modifications contain minor grammatical edits and clarifications.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 5.7 shall be modified as follows:

Water and On-Site Wastewater Treatment Systems:

- a. Water Wells - Construction of water wells to support new development or an intensified use of existing development 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).

[Staff explanation: The Commission's recommended modification to ESHA Policy 5.7 is a minor clarification of the uses and development that the policy is targeting.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 5.8 shall be modified as follows:

Steep Slopes and Open Space Requirement:

- a. 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.
- b. All Coastal Development Permits that include the approval of *development* within *ESHA*, *buffer zones*, *steep slopes*, or adjacent to parklands shall be conditioned to require the remaining identified *ESHA*, *buffer zones*, and *slopes* over 30 percent gradient located outside of the approved *building site* and *mandatory fuel modification zone development envelope* on the same *lot* shall be are preserved in perpetuity through a conservation easement or conservation instrument, according to the policies and standards of the LCP permanently maintained in their natural state.

[Staff explanation: The Commission's recommended modification to ESHA Policy 5.8 is a clarification to an existing policy that ESHA (undeveloped areas) located outside the permitted building site and mandatory fuel modification zones shall be protected in perpetuity. This is already current practice.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 5.18 shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification to ESHA Policy 5.18 included more detail regarding the intent of the policy.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 5.19 shall be modified as follows:

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

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

[Staff explanation: The Commission's recommended modifications to ESHA Policy 5.19 are removal of an inaccurate heading reference to the Santa Monica Mountains (M) Overlay when the policies should apply across the coastal zone, and a minor grammatical edit to ensure that impacts to wildlife movement are avoided as required by the Coastal Act, and not minimized.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 6.1 shall be modified as follows:

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

- a. ~~Development that would result in significant disruption the substantial degradation, erosion, or destruction of coastal dunes, or the removal of native vegetation in such areas, 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 those 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.~~
- cb. ~~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.~~
- dc. ~~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.~~
- ed. ~~Native vegetation, preferably grown from local seed sources, shall be used to stabilize coastal dunes and restore dune habitat, and non-native vegetation shall be removed where appropriate.~~

[Staff explanation: The Commission's recommended modification to ESHA Policy 6.1 contains edits for consistency with Coastal Act language (e.g., significant disruption) and the removal of references to sea level rise because it is being addressed in a later update.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 6.3 shall be modified as follows:

Sand Removal: Sand removal/movement may be allowed on County beaches that *abut* existing *development* at Hollywood ~~by the Sea~~ and Silver Strand Beaches if conducted for the sole purpose of preventing physical damage to existing, legally permitted beachfront residential/commercial *development* from wind-blown sand inundation. Such

activities shall only be allowed pursuant to a valid *Coastal Development Permit*, be the minimum necessary to prevent physical damage, and shall be conducted in a manner that avoids adverse impacts to *ESHA*, including *dune habitats* and *special status species* shorebirds.

[Staff explanation: The Commission's recommended modification to ESHA Policy 6.3 is a name correction for Hollywood Beach and clarification that all sand removal activities occurring on beaches require a coastal development permit.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 6.5 shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification to ESHA Policy 6.5 is a minor edit to ensure that the policy is interpreted to cover all beach maintenance activities, not just the removal of beach wrack.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 6.8 shall be modified as follows:

Shoreline protection devices: ~~When shoreline protective devices, such as revetments, seawalls, groins, or breakwaters are permitted, they shall~~ incorporate mitigation measures that reduce *intertidal* or nearshore *habitat* losses and impacts on local shoreline and sand supply to the maximum extent feasible (see Policy 6.9 below).

[Staff explanation: The Commission's recommended modification to ESHA Policy 6.8 is a minor edit that clarifies that the policy is consistent with the Coastal Act.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 6.10 shall be modified as follows:

~~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 sea level rise projections over a minimum of 20 years. The purposes of such development projects shall be limited to those set forth in Section 30233(a) and 30236 of the Coastal Act. Discretionary development that would adversely impact a wetland habitat shall be prohibited unless there is no feasible less environmentally damaging alternative and if feasible mitigation measures are provided to minimize adverse environmental effects. adopted that would reduce the impact to a less than significant level. Notwithstanding the foregoing, within the existing communities of Rincon Point, La Conchita, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the-Sea, Silver Strand, and Solromar, no adverse impacts to wetlands shall occur unless a statement of overriding considerations is adopted by the decision-making body.~~

[Staff explanation: The Commission's recommended modification to ESHA Policy 6.10 removes references to sea level rise because the topic will be addressed in a future amendment. In addition, edits were made to clarify that the policy is aligned with Coastal Act requirements and not California Environmental Quality Act language.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA)
Policy 6.15 shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification to ESHA Policy 6.15 corrects and clarifies when breaching of estuaries are prohibited.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA)
Policy 7.3 shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification to ESHA Policy 7.3 is a minor edit for simplification and clarification.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA)
Policy 8.3 shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification to ESHA Policy 8.3 is a minor edit agreed to by the California Department of Pesticide Regulation. The intent of the policy is unaltered.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA)
Policy 9.1 shall be modified as follows:

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 to the 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*.

[Staff explanation: The Commission's recommended modifications is a minor grammatical edit.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Policy 10.5 shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification to ESHA Policy 10.5 is a minor grammatical edit.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Program 5 shall be modified as follows:

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

The *In-Lieu Fee* Program allows an applicant to pay a fee to the County's Coastal Habitat Impact Fund to meet compensatory mitigation requirements for impacts to *coastal sage scrub and chaparral habitats* (CSS/*chaparral*) classified as *ESHA* in the Santa Monica Mountains (see Coastal Zoning Ordinance, Sec. 8178-2.10.8(d) – County-Sponsored In-Lieu Fee Program). All accumulated fees in the Coastal Habitat Impact Fund will be transferred to a *third-party provider* to purchase and *preserve CSS/chaparral habitats* in the Santa Monica Mountains. During the first five years of the program, an interim fee² of ~~\$29,170~~ 28,603 per acre (full ESHA compensation) and ~~\$7,340~~ 7,197 (thinned ESHA) in an *expanded fuel modification zone*, will be used for each acre of conservation land purchased through the Coastal Impact Fund (fees shall be increased annually based on the regional Consumer Price Index). During that same period, the RMA/Planning Division will either independently conduct an *in-lieu* fee study, utilize the Habitat Fee Study completed by Los Angeles County, or utilize a fee as determined by the California Coastal Commission. The selected permanent fee for impacts to *CSS/chaparral habitats* shall be included in submitted as an LCP amendment to the Coastal Commission within six years from the date of [DATE OF ORDINANCE EFFECTIVE DATE]. Also, the Planning Division may evaluate the potential expansion of the In-Lieu Fee Program to include impacts to *CSS/chaparral habitats* throughout the *coastal zone*.

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

² This interim in lieu-fee is based on the following factors: 1) Base Fee certified for the LA County In-Lieu Fee (2014, Local Implementation Plan, Sec. CO-86 (c)(1)); Regional Consumer Price Index Adjustment for inflation (2014-2022), In-Lieu Fee Program Mitigation Ratio Adjustment for Coastal Sage Scrub and Chaparral; and Administrative Costs.

requirements in Section 8178-2.10.8(d) of the Coastal Zoning Ordinance, the Planning Division shall conduct the following activities necessary to establish and maintain the administrative functions for the County's *in-lieu fee* program:

- a. **Coastal Habitat Impact Fund** - Establish a dedicated fund, called a Coastal Habitat Impact Fund, that will be used solely for compensatory mitigation for impacts to *CSS/chaparral habitats*. A maximum of five percent (5%) of the funds in the Coastal Habitat Impact Fund will be used to cover administrative costs for the *in-lieu fee* program. (Administrative funds will be split between the Planning Division and the *third-party provider* to cover the program's administrative costs). Funds from the Coastal Habitat Impact Fund will be periodically transferred, at least every three years and more frequently if necessary to facilitate the purchase of property, to a County-approved *third-party provider* for the acquisition and *preservation* of land in the Santa Monica Mountains.
- b. **Agreements with Third-Party Providers** - Select and develop formal agreements with one or more *third-party providers* that will be responsible for the acquisition, *preservation* and management of conservation land purchased through the Coastal Impact Fund. Agreements with *third-party providers* shall be subject to approval by the Resource Management Agency Director. *Third-party providers* must be a *natural resource agency* or County-approved *conservation organization* with the necessary track record, qualified personnel, and organizational/fiscal capacity to perform the responsibilities for the *in-lieu fee* program and to conduct long-term management of preserved properties (see Coastal Zoning Ordinance Section 8178-2.10.8).
- c. **Administrative Procedures/Records** - Establish and maintain ongoing administrative procedures and records for the *in-lieu fee* program, which include the following:
 - Records that summarize *ESHA* impacts mitigated through the *in-lieu fee* program (e.g., acreage, habitat classifications); state the amount of *in-lieu fees* collected, fees forwarded to *third-party providers*, and cumulative fees held in the Coastal Habitat Impact Fund; and describe acquisitions made through *in-lieu fees* (locations, acreage, and habitat composition).
 - Coordinate the selection and management of *third-party providers*;
 - Document acquisitions made by the selected *third-party providers*;
 - On an annual basis, process inflation-based adjustments to the *in-lieu fee* using the regional Consumer Price Index that captures changes to land acquisition and *preservation* costs.
 - Interim Fee: The County shall prepare an annual monitoring report that contains the following: (1) cumulative acreage of *CSS/chaparral habitats* impact that was mitigated using the interim fee; (2) amount of funds collected in the Coastal Habitat Impact Fund from the interim fee and the amount forwarded to third-party providers; and (3) acreage purchased by County-approved *conservation organizations* or *natural resource agencies* using funds from the Coastal Habitat Impact Fund.
- d. **Timing** - Administrative functions for the County's *interim in-lieu fee* program will be established within a year following [DATE OF ORDINANCE EFFECTIVE DATE] certification of the Phase 2C LCP amendments, and prior to approval of a Coastal Development Permit that allows for use of the subject fee. and

‡The interim in-lieu fee will be made available to project applicants once the County's administrative functions are in place. The County's permanent in-lieu fee, including any modified administrative functions, will be made available to applicants following Coastal Commission certification of an LCP amendment (see 5.3).

[Staff explanation: The Commission's recommended modification to ESHA Program subsection 5.1, includes changes to the opening statement giving the County increased flexibility to submit the LCP amendment for the permanent in-lieu fee to be certified by the Coastal Commission from five years to six years. Also, the amount of the in-lieu fee was adjusted for annual inflation (2021-2022) and a footnote was added to describe sources and references for how the interim fee was calculated. The calculation is also available in an Exhibit 12 from the 2021 Planning Commission Staff Report entitled "Comparison of ESHA Mitigation Ratios in Coastal Communities" as well as within the staff explanations that accompanied the proposed amendment, but it was not included anywhere in the finalized LCP text until now.]

The modifications in subsection 5.1 require the Habitat Impact Funds to be distributed every three years or more frequently if necessary, provide the amount of funds distributed to third-party providers (e.g. when reporting to the Coastal Commission), and specify when the interim and permanent in-lieu fee programs will be made available to applicants.]

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

- Cost of acquiring land in fee or preserving land pursuant to a *conservation easement*;
- Funding for long-term stewardship and monitoring;
- The mitigation ratio adjustment for coastal sage scrub and chaparral habitat;
- Transaction costs (surveys, appraisals, title research, etc.);
- Preparation of baseline condition reports for the mitigation site;
- Escrow costs and title insurance; and
- Administrative costs (County, *third-party provider*)₇.

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

[Staff explanation: The Commission's recommended modification to ESHA Program subsection 5.2 requires that the permanent in-lieu fee study include long-

term management fees and the initial mitigation ratio calculation for the in-lieu fee. This modification was also in response to public comment.]

- 5.3 **LCP Amendment for Permanent Fee:** ~~The results of the in-lieu fee study, permanent in-lieu fee and any related required amendments to the Ventura County LCP for administration of the permanent County-sponsored in-lieu fee program, shall be submitted to the Coastal Commission for certification no later than five six years after [DATE OF ORDINANCE EFFECTIVE DATE] certification of the ESHA (Phase 2C) LCP amendments. Use of the interim fee shall expire six years after [DATE OF ORDINANCE EFFECTIVE DATE], although the Executive Director of the Coastal Commission may extend this expiration date if additional time is needed for submittal or for Commission consideration of a complete Ventura County LCP amendment application. After expiration of the interim fee, no coastal development permits may utilize the in-lieu fee program until the amount of the permanent in-lieu fee is incorporated into this LCP through an LCP amendment that is certified by the Coastal Commission. If additional time beyond the five years is necessary to complete the local adoption of the LCP Amendment prior to submission to the Coastal Commission, the County Planning Director shall prepare a status report on the progress made on the LCP Amendment including the anticipated completion schedule and transmit the status report to the Board of Supervisors and the Coastal Commission Executive Director.~~

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

[Staff explanation: The Commission's recommended modification to ESHA Program subsection 5.3 clarifies that the interim in-lieu fee amount expires in six years. It also allows flexibility for the County to use the interim fee amount as long as a complete LCP amendment application for a permanent in-lieu fee has been submitted for certification to the Coastal Commission.]

Land Use Plan Coastal Environmentally Sensitive Habitat Areas (ESHA) Program 6 shall be added as follows:

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

- a. ~~Based on the availability of funding and grants, the County in coordination with the California Coastal Commission will develop a comprehensive beach management plan for Hollywood and Silver Strand Beaches to address multiple uses and activities, such as, but not limited to dune restoration, public access, off-road vehicle use, sea level rise adaptation, and beach maintenance activities. The management plan will consider the protection and restoration of ESHA, community and infrastructure adaptations from sea level rise, and ensure public access is maintained and balanced with the preservation of coastal resources. Public education, outreach and coordination will be included with landowners, federal, state and local agencies that have jurisdiction on these beaches.~~
- b. ~~The County Harbor Department will apply for a multi-year "master permit" within three years of [DATE OF ORDINANCE EFFECTIVE DATE] to comprehensively address development, including beach maintenance activities conducted by the County at Hollywood and Silver Strand Beaches. If the geographic area covered by the permit includes land under the permit jurisdiction of the County and the California Coastal Commission, then a consolidated permit may be processed through the Coastal Commission, pursuant to Coastal Act Section 30601.3. Beach maintenance activities~~

require a Coastal Development Permit.

[Staff explanation: The Commission's recommended addition of ESHA Program 6 was previously a part of the proposed amendments in earlier drafts, but it was put on hold after staff conducted public outreach in 2018 and before the 2018 Planning Commission Hearing. Program 6 was reinserted by Coastal Commission staff because beach management activities are required to be permitted. See BOS letter for additional explanation of this program.]

Land Use Plan Coastal Visual Resources Policy 10 shall be modified as follows:

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 light trespass or spill, glare, skyglow and light pollution to preserve the night sky.

[Staff explanation: The Commission's recommended modification clarified what the minimization measures are supposed to be addressing – light trespass, spill or glare.]

2. Suggested Modifications to the Coastal Zoning Ordinance

Section 8172-1 of the Implementation Plan³ shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification to the buffer zone definition was made because not all coastal resources are "natural".]

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

[Staff explanation: The Commission's recommended modification to the conservation instrument definition was made because they preferred only having a deed restriction used to protect on-site ESHA, not other mechanisms such as a restrictive covenant.]

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

³ The County's Coastal Zoning Ordinance is referred to by the Coastal Commission as an "Implementation Plan".

[Staff explanation: The Commission's recommended modification is a minor grammatical edit.]

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

[Staff explanation: The Commission's recommended modification is a minor edit.]

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

[Staff explanation: The Commission's recommended modification is a minor edit to clarify that it depicts the location of the fuel modification zone.]

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

[Staff explanation: The Commission's recommended modification is a minor grammatical edit that clarifies that structures requiring fuel modification zones must be legal.]

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

[Staff explanation: The Commission's recommended modification is an edit that clarifies that structures requiring fuel modification zones must be legal and located within the building site. In addition, it also clarifies that if the Fire Department determines that the complete removal of vegetation in the mandatory fuel modification zone is required, it can be done up to 200 feet in ESHA.]

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

[Staff explanation: The Commission's recommended modification is a minor grammatical edit that clarifies that structures requiring fuel modification zones must be legal and located within the building site.]

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

[Staff explanation: The Commission's recommended modification is a minor grammatical edit. Lagoons can include a mix of fresh, brackish and salt water.]

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

[Staff explanation: This definition was taken from previously Board approved-text in Section 8178-2.4.2, because of its reference throughout the LCP.]

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

[Staff explanation: The Commission's suggested modification is to clarify that grazing is not considered a low intensity vegetation removal technique because of the indiscriminate ability for the grazer to impact ESHA other potential indirect impacts associated with soil compaction and erosion.]

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

[Staff explanation: The Commission's suggested modification is to move previously Board approved text in Section 8178-2.10.3 to be a define the term, because of its reference throughout the mitigation section in the Ordinance.]

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

[Staff explanation: The Commission's recommended modification is a minor edit for clarification.]

Shoreline Protective Devices - ~~A s~~Seawalls, revetments, breakwaters, bluff retaining wall, or and other such construction permanent or semi-permanent structure intended to reduce or prevent coastal erosion due to wave action and other natural forces that alter natural shoreline processes.

[Staff explanation: The Commission's recommended modification is a minor edit for clarification.]

Section 8175-5.2.4 of the Implementation Plan shall be modified as follows:

Animal husbandry, and the keeping of animals and fowl as accessory to dwellings, shall conform to the following standards. NOTE: The offspring of animals are allowed and shall not be counted until they are weanable or self-sufficient age. Dogs and cats shall be counted at four months of age or more.

- a. *Pet Animals* - Each *dwelling unit* is permitted the following (in addition to the animal units permitted under Section 8175-5.2.4b):

COS CA CR CRE CR1	Up to 4 of any combination of the following: Chickens (excluding roosters), cooped Ducks and similar fowl, penned goose or turkey (limit 1), penned	4 dogs and 4 cats	4 rabbits or other domestic animals of similar size at maturity, caged.	<i>Domestic birds</i> (must be kept inside the <i>dwelling</i> ; see also Sec. 8175-5.2.3).			
CR2, RB, CRPD							
RBH		2 dogs and 2 cats*					

*Any combination of dogs and cats totaling not more than four animals.

(AM.ORD.4451-12/11/12)

b. Farm Animals – Farm animals are permitted in accordance with the following table:

Zone	Minimum Lot Area Required (c)	Number of Animals (a)	Minimum Setbacks (b)
Santa Monica Mountains (M) Overlay Zone	1 Acre	Two (2) animal units for first acre, one (1) animal unit for each additional acre, and a maximum of ten (10) animal units per lot.	Farm animals and fowl shall not be housed, stabled, lodged, kept, maintained, pastured or confined within <i>ESHA</i> or 100 feet of <i>ESHA</i> , except as permitted by Sec. 8178-2.6.11 – (Confined Animal Facilities).
CA and COS, except Santa Monica Mountains (M) Overlay Zone	20,000 sq. ft.	<i>Lots of 10 acres or less: one animal unit for each 10,000 sq. ft. of lot area (more with a Conditional Use Permit). Lots over 10 acres: no limit.</i>	Farm animals and fowl shall not be housed, stabled, lodged, kept, maintained, pastured or confined within 40 feet of any school, church, hospital, public place, business, <i>dwelling</i> or other <i>structure</i> used for human habitation, other than the personal residence of the owner or keeper thereof.
CR	20,000 sq. ft.	One animal unit for each 10,000 sq. ft. of <i>lot area</i> .	

Notes to Animal Unit Table

One Animal Unit Equals:

- 1 cow, bull, horse, pony, llama, mule or donkey;
- or 3 sheep and/or female goats (or a combination thereof totaling 3);
- or up to 6 of any combination of geese, swans or turkeys;
- or up to 10 of any combination of chickens, ducks or game hens;
- or 2 miniature horses, pigs, male goats, ostriches, peacocks or guinea fowl (or a combination thereof totaling 2);

- or 20 fur-bearing animals, such as rabbits, and others of a similar size at maturity.

Other Notes

- In calculations for permitted animals, fractional numbers are to be rounded to the lower whole number.
 - These separation requirements do not apply to *pet animals*.
 - *Abutting lots* that are under unified control, either through ownership or by means of a lease, may be combined in order to meet minimum area requirements for animal-keeping or to keep a larger number of animals, but only for the duration of such common ownership or lease, and only in zones that allow the keeping of animals as a *principal use*.
- c. Notwithstanding the *nonconforming use* regulations in Section 8182-5, the farm animal regulations for the Santa Monica Mountains (M) overlay zone pursuant to Section 8175-5.2.4 shall only apply to *animal keeping uses* and *structures* that are established after [DATE OF ORDINANCE EFFECTIVE DATE]. Legally-established farm *animal keeping uses* in existence as of [DATE OF ORDINANCE EFFECTIVE DATE] that do not conform to the standards in the table above (subsection (b)) may continue until the use is discontinued or the project site is redeveloped.
- d. Within the Santa Monica Mountains (M) overlay zone, or within 500 feet of *habitats* identified as *habitat connectivity corridors* (see Section 8178-2.7.5), the conditions of approval for new *development* shall include a requirement that any small to mid-size animal (e.g., chickens, goats, sheep, and llamas) that is subject to predation from wild animals (e.g., mountain lion, coyote, bobcat) will be kept in a wildlife-proof *structure* approved by the County. The Planning Director may grant an exception to this requirement based on a finding supported by substantial evidence that the applicant has proposed and will implement a recognized, alternative method for protecting livestock (e.g., use of Anatolian Shepard Dog). See Section 8178-2.6.11 for additional standards associated with *animal keeping* in *ESHA* or *buffer zones*.

[Staff explanation: The Commission's recommended modification to subsection c is a minor edit for clarification to ensure that animal keeping uses are brought into conformity if the project site is redeveloped.]

Section 8175-5.9 of the Implementation Plan shall be modified as follows:

Public Works facilities are subject to the provisions of this Section and all other provisions of this Chapter and the LCP land use plan. The types of facilities include, but are not limited to, the following: Roads, turnouts for emergency vehicles, reservoirs, drainage channels, watercourses, flood control projects, pump stations, utility lines, septic systems, water wells and water storage tanks.

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

- b. New service extensions required beyond the stable urban boundary (as shown on the LCP Land Use Plan maps) must be designed to mitigate any effects on agricultural viability.
- c. Electrical transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the *coastal zone*, especially in scenic rural areas, and to avoid locations that are on or near sensitive *habitats* (ESHA), or recreational or *archaeological resources*, whenever *feasible*. Scarring, grading, or other vegetative removal shall be repaired and the affected areas revegetated with plants similar to those in the area to the extent that safety and economic considerations allow. (AM.ORD.4451-12/11/12)
- d. In important scenic or *environmentally sensitive habitat areas* (ESHA), where aboveground transmission line placement would unavoidably affect views or ESHA, undergrounding shall be required where it is technically and economically *feasible* unless it can be shown that other alternatives are less environmentally damaging. When aboveground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent that safety and economic considerations allow.

[Staff explanation: The Commission's recommended modification is a minor edit for clarification to include the standard of review for impacts to ESHA derived from the Coastal Act, which is significant disruption of habitat values.]

Section 8177-4.1.2 of the Implementation Plan shall be modified as follows:

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

- Section 8174-4 Environmentally Sensitive Habitat Areas
- Section 8175-5.2.4(b) - Animals and Fowl
- Section 8178-2.3 (c) – Environmental Reviews
- Section 8178-2.4.1 (d) – Definition of ESHA
- Section 8178-2.6.2 - Maximum Allowable Building Site in ESHA or Buffer Zone
- Section 8178-2.6.3(d)– General Siting and Building Design Standards
- Section 8178-2.6.8(e) – Access Roads and Driveways in ESHA
- Section 8178-2.6.14 – Fences, Gates and Walls
- Section 8178-2.6.15 – Outdoor Lighting Standards
- Section 8178-2.6.16 – Noise Standards
- Section 8178-2.8(a) – Pesticides and Pest Management in the Coastal Zone
- Section 8178-2.9.4 – ESHA Preservation Incentive (Santa Monica Mountains)
- Section 8178-2.10.8(d) – Ventura County In-Lieu Fee Program
- Section 8178-8 – Water Efficient Landscaping Requirements
- Section 8181-3.5.2 - Additional Findings for Development in the Santa Monica Mountains Overlay Zone

[Staff explanation: The Commission's recommended modifications are minor edits for clarification. References were corrected.]

Section 8177-4.1.9 of the Implementation Plan shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification is a minor grammatical correction.]

Section 8177-4.1.11.2 of the Implementation Plan shall be modified as follows:

Sec. 8177-4.1.11.2 - Exemptions

The standards and requirements of this Section 8177-4.1.11 do not apply to *outdoor lighting* for the following *development* or uses:

- a. Federal Standards – If the standards in this Section 8177-4.1.11 conflict with *outdoor lighting* standards mandated for a *development* by preemptive federal law, the federal standards shall apply.
- b. Lighting For Emergencies and Temporary Uses:
 1. Temporary emergency lighting.
 2. Temporary lighting for *public works* construction projects.
 3. Temporary lighting for film production, outdoor festivals, sporting events and other temporary outdoor uses authorized by this Chapter. See *outdoor lighting* regulations and standards in Sections 8175-5.6, and 8178-2.6.15, that may apply to these uses.
 4. Temporary *seasonal or festive lighting* that is not used as permanent landscape lighting (e.g., string lighting). String lights under a color-correlated temperature of 2700 Kelvin that are used only in occupied dining and entertainment areas are exempted.
- c. Outdoor *light fixtures downward facing and fully shielded* with a maximum output of 60 lumens or less, including solar lights. The maximum output of a *light fixture* (e.g., string lights) shall be calculated based upon the total output of the entire lighting component installed, not by each individual bulb. However, if such a *light fixture* is located in *ESHA* or *buffer zone* it is regulated by Section 8178-2.6.15.
- d. Lighting in a swimming pool that is accessory to a legally established dwelling or is associated with a legally established camp use.

[Staff explanation: The Commission's recommended modification is a minor edit that requires exempt lighting to be downward facing and fully shielded. This was done for consistency with lighting regulations in other Local Coastal Programs for the Santa Monica Mountains.]

Section 8178-2.2 of the Implementation Plan shall be modified as follows:

Section 8178-2 applies to all new/modified *development*, including repair/maintenance

activities, which meets both of the following criteria:

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

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

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

See Section 8178-7.5 for regulations regarding the *alteration*, *transplantation*, or *removal* of a tree classified as *ESHA*.

[Staff explanation: The Commission's recommended modifications are minor clarifications to the intent of the applicability section. They add a reference to additional data sources referenced in the appendices, remove an incorrect reference to the ESHA Vegetation Management Plan, and allow the Director to identify whether maintainer activities not identified in the section could still result in impacts to ESHA.]

Section 8178-2.3 of the Implementation Plan shall be modified as follows:

Sec. 8178-2.3- Environmental Reviews

To ensure that adverse impacts to *ESHA* are avoided to the maximum extent feasible, all *Coastal Development Permit* applications shall be evaluated for compliance with all applicable *ESHA* policies and standards of the LCP. During environmental review, if

⁴For buffer zone standards, see Sections 8178-2.4.4, 8178-2.7.6, 8178-2.7.7, 8178-2.7.8, and 8178-2.7.9.

multiple environmental resource regulations are applicable to the proposed project, the regulation that is the most protective of the *ESHA ecosystem* shall be used to regulate the *development*. Environmental reviews shall include a site-specific environmental assessment and a least damaging *alternatives analysis*, and shall be based on an evaluation of the following:

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

1. Site-Specific ESHA Map - To accurately identify and assess the impacts of proposed *development* on *ESHA* and *buffer zones*, ~~or to apply for a reduced compensatory mitigation fee (See Section 8178-2.10.1 (e))~~, a site-specific *ESHA* map is required that delineates all *ESHA* and *buffer zones* ~~as follows on all portions of the subject lot and shall include the following:~~

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

ii. The geographic extent of field surveys/maps for a monarch *butterfly overwintering site* is a 1000-foot radius of the proposed *development envelope*.

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

2. Environmental Analysis - An analysis of all potentially adverse direct, indirect, and cumulative *impacts* on *ESHA* resources. All areas that meet the definition of ESHA or buffer zone shall be mapped as *ESHA* or *buffer zone* on a site-specific *ESHA* map and shall be accorded all protections for ESHA required by the policies or standards of the LCP.

3. Minor Development – A new CISBA is not required for *minor development* (e.g., a *fence* or small *accessory structure*) in an approved *building site* if the project includes no grading, would not result in an increased *building site* or *fuel modification zone*, and is located at least 100 feet from a *wet environment*.

4. The Planning Staff Biologist, County's designated biological consultant, or Coastal Commission on appeal shall determine if the content and conclusions of the CISBA and the graphic depiction of habitats on the site-specific ESHA map were completed pursuant to the policies and standards of the LCP.

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

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

[Staff explanation: The Commission's recommended modifications are made to clarify that the entire lot must be mapped to determine what location is the least damaging alternative siting for the proposed development. In addition, text from subsection (b) below, describing the data sources needed in the analysis, was moved from below for reorganization purposes. A provision was also added that requires a biological expert to determine whether the technical materials submitted are sufficient for a complete application.]

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

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

[Staff explanation: The Commission's recommended modifications above are made for clarity and reorganization. Text struck out in subsection b.1 was moved into a.1 above, describing biological site assessments.]

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

[Staff explanation: The Commission's recommended modifications were made to clarify that the fuel modification zones must be authorized by the Ventura County Fire Protection District.]

3. ~~2.~~ Tabular summary that includes comparative data for the project design alternatives. The data provided shall include cubic yards of cut/fill for grading and acres of impacts on ESHA or *buffer zone*, sorted by *habitat* type; and
4. ~~3.~~ Written summary and findings that explain how the proposed project meets the requirements of Section 8178-2.6.1. If the proposed *development* is only allowed to provide an *economically beneficial use* (see Section 8178-2.5.3), include a list

of LCP policies and standards that are not met by the project design alternatives;
and

5. ~~4.If the Planning Director or designee County staff cannot~~ determines that there is inadequate evidence to indicate that the proposed project constitutes the least damaging alternative, the applicant shall be required to submit one or more additional project design alternatives.

[Staff explanation: The Commission's recommended modification is a minor clarification that the Planning Director or designee decides whether the least damaging alternative includes sufficient technical information to approve the project.]

- c. **Natural Resource Agency Consultations:** County staff and applicants for *development* projects shall consult with the California Department of Fish and Wildlife, US. Fish and Wildlife Service, NOAA Fisheries, U.S. Army Corps of Engineers, and other *natural resource agencies*, as applicable based on each *agency's* jurisdiction over the subject resources, to ensure that any potential impacts to *wetlands, streams*, or other specific *coastal resources* under their jurisdiction are avoided or minimized in a manner consistent with state and federal laws. In addition, in the Santa Monica Mountains (M) Overlay Zone, permit applications shall be provided for review and comment to the National Park Service, State Department of Parks and Recreation, Santa Monica Mountains Conservancy, Mountains Recreation and Conservation Authority and other *conservation organizations* holding property in the Santa Monica Mountains.

[Staff explanation: The Commission did not have a recommended modification to subsection c above. It is included here for context.]

Section 8178-2.4.2 of the Implementation Plan shall be modified as follows:

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

- a. If the applicant's CISBA contains substantial evidence that an area mapped as *ESHA* on the County's certified *ESHA* map does not contain *habitat* that meets the definition of *ESHA* (Appendix E1) ~~or that an area not mapped as ESHA on the County's certified map does contain habitat that meets the definition of ESHA (Appendix E1)~~, then the County shall ~~determine the physical extent of ESHA on the project site~~ revise the documented extent of ESHA based on information in the CISBA and the standards in this section. If the County determines that an area is not *ESHA*, the LCP policies and standards for the protection of *ESHA* shall not apply. The County shall maintain a record of *ESHA* determinations (see Appendix E1, Section AE-1.3 AE-1.2.1(c)), and such records shall be used to support periodic updates of the certified *ESHA* map.

[Staff explanation: The Commission's recommended modifications ensure that ESHA that is not mapped and included in the LCP can still be mapped and on a site-specific basis and evaluated during discretionary application review.]

- b. An area that previously met the definition of *ESHA* but was damaged or destroyed by illegal removal or degradation of the *habitat* shall continue to qualify as *ESHA*.
- c. An area that previously met the definition of *ESHA* but was damaged or destroyed by *natural disaster* shall continue to qualify as *ESHA*. Notwithstanding the foregoing, the County's decision-making authority may find that such an area is no longer *ESHA* based on a finding, supported by substantial evidence in the site-specific environmental assessment (Appendix E1, Section AE-1.2.2(c)), establishing that, 20

15 or more years after the *natural disaster*, the destroyed *ESHA* has been permanently replaced by alternative *habitat* not defined as *ESHA*.

- d. ~~For purposes of this Section 8178-2.4.2, the term "existing, legally established development" means development established before the effective date of the Coastal Act (January 1, 1977) in conformity with all applicable local laws in effect at the time, or development established after the effective date of the Coastal Act and authorized by an effective coastal development permit. Areas occupied by existing, legally established development shall not constitute ESHA. Notwithstanding the foregoing, any ESHA and/or buffer zone that has been retained within an expanded fuel modification zone in accordance with an approved ESHA Vegetation Management Plan (See Appendix E2, AE-2.4- ESHA Vegetation Management Plan) shall be protected as ESHA or buffer zone.~~

[Staff explanation: The Commission's recommended modification moves the strike out text into a definition in Article 2 because this term is used throughout the ESHA amendments.]

- e. With the exceptions described within subsection (d) above, a *legally established fuel modification zone* is not classified as *ESHA* under the following circumstances:
1. The *fuel modification zone* width is specified in an approved *coastal development permit*; or
 2. If the width of the *fuel modification zone* is not specified in an approved *coastal development permit*, the *fuel modification zone* shall be considered the width of the *fuel modification zone* shown around the *legally established development* in aerial photographs taken on October 18, 2018 and October 31, 2018 on file with the Planning Division, or up to 200 feet measured from the edge of *legally established* habitable *structures*, whichever area is smaller. Continued vegetation clearance outside the *fuel modification zone* that occurred after the October 2018 aerial photographs dates (referenced above) shall be considered unauthorized development.
 3. If the *fuel modification zone* was established prior to the effective date of the Coastal Act, in conformity with all applicable laws in effect at the time, and is not otherwise reflected in a permit, the size of the *fuel modification zone* consistently maintained as of January 1, 1977 shall be considered *legally established development*. However, if the historically maintained *fuel modification zone* was 100 feet or less on January 1, 1977, then the property owner shall be allowed to maintain the existing *fuel modification zone* width as described in subsection (e)(2) above.
- f. Unless vegetation is altered or removed as part of an existing, *legally established development* or as part of an associated *fuel modification zone* which is not classified as *ESHA* pursuant to subsection (d) or (e) above, the alteration or removal of vegetation shall constitute unauthorized *development* (see Appendix E1, Section AE-1.2.2 - Additional Factors for ESHA Determinations).

[Staff explanation: The Commission recommended modification to subsection e.3 above is a clarification that brush clearance practices in ESHA for fire safety that pre-date the Coastal Act are only allowed to be continued if the land uses were legal at the time.]

Section 8178-2.4.4 of the Implementation Plan shall be modified as follows:

Buffer zones shall be established to provide distance and physical barriers between

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

[Staff explanation: The Commission's recommended modification is a minor edit that includes siting in addition to designing the development to protect adjacent resources.]

Section 8178-2.5.1.1 of the Implementation Plan shall be modified as follows:

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

- a. Necessary water supply projects.
- b. Flood control, where no other method for protecting existing *structures* in the floodplain is feasible and where such protection is necessary for public safety or to protect existing *development*.
- c. *Developments* where the primary function is the improvement of fish and wildlife *habitat*.

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

[Staff explanation: The Commission's recommended modification ensures that the best mitigation measures feasible are used when river or stream corridors are impacted.]

Section 8178-2.5.1.2 of the Implementation Plan shall be modified as follows:

~~In addition to *resource-dependent uses*,~~ ~~The~~ diking, dredging, or filling of *wetlands*, open coastal waters, lakes, *lagoons*, and *estuaries* may be permitted for the following uses:

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

The uses listed above may only be permitted if otherwise consistent with the LCP and where there is no feasible, less environmentally damaging alternative and where feasible

mitigation measures have been provided to minimize adverse environmental effects.

[Staff explanation: The Commission's recommended modification removes a reference to water extractions from this list of allowed uses and activities that is based on Coastal Act Section 30236. This provision of the Coastal Act does not include water extraction for wildfire suppression.]

Section 8178-2.5.2 of the Implementation Plan shall be modified as follows:

Within *ESHA* or a *buffer zone*, the following non-resource dependent uses may be permitted, provided that such uses are the minimum necessary, meet the standards for a least damaging alternative (see Section 8178-2.6.1), and are sited, designed, and mitigated in a manner consistent with the standards in Sections 8178-2.6, 8178-2.7, and 8178-2.10:

- a. New or modified wireless communication facilities, when the approval of the facility is mandated by federal law (see Sections 8175-5.20.3(g) and 8175-5.20.5).
- b. ~~Public Works~~ projects required to repair, maintain, or replace an existing ~~public works~~ facility, provided that the use, capacity, size, and location is consistent with the General Exclusions provisions of Section 8174-6.3.6(a)(9). Existing public works facilities may be maintained and repaired in accordance with Coastal Zoning Ordinance provisions in Sec. 8174-6.3.2 – Repair or Maintenance Activities.
- c. *Public Works* Facilities in accordance with this Article and Section 8175-5.9, and all other applicable provisions of this Chapter and the LCP Land Use Plan, provided that such facilities are necessary to protect public health/safety or essential public services for legally permitted development or accommodate development allowed by the LCP.
- d. *Shoreline protective devices* (see Section 8178-2.7.1.2(a)).
- e. Non-resource dependent uses allowed pursuant to the economically beneficial use exception in Section 8178-2.5.3.

An existing, legally established *principal structure* may be rebuilt if it is destroyed by fire or a *natural disaster*. If it is an otherwise *nonconforming use*, it shall not be rebuilt within *ESHA* or the *buffer zone*. See the following sections for uses allowed in a *buffer zone*: Sections 8178-2.6.9.1, 8178-2.7.1.4, and 8178-2.6.2(b).

[Staff explanation: The Commission's recommended modification ensures the policy and standard are internally consistent. The corrected referenced maintenance section only allows for the repair and maintenance of Public Works facilities, and not replacement.]

Section 8178-2.6.1 of the Implementation Plan shall be modified as follows:

Sec. 8178-2.6.1 – Least Environmentally Damaging Alternative

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

- a. The development consists of a feasible project design alternative that results in the least damage (i.e., direct/indirect/cumulative impacts) to *ESHA*, when compared to other feasible alternatives, and protects ~~avoids adverse impacts to~~ *ESHA* (both on and off-site) against significant disruption of habitat values to the maximum extent feasible; and

- b. If the *development* is authorized to provide an *economically beneficial use*, the project shall, in addition to complying with Policies 4.2 and 4.3 of the Coastal Area Plan: (1) consist of a design alternative that avoids adverse impacts to ESHA (both on and off-site) to the maximum extent feasible; (2) include a *building site* that is consistent with the standards in Section 8178-2.6.2; and (3) minimize *development* outside the *building site* for access roads, *fuel modification zone*, and site grading.

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

[Staff explanation: The Commission's recommended modifications are necessary to ensure that this requirement is properly stating the standard of review for ESHA, which is protection against any significant disruption of habitat values and that the siting of the development must protect ESHA to the maximum extent feasible.]

Section 8178-2.6.2 of the Implementation Plan shall be modified as follows:

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

- a. Santa Monica Mountains: Within the Santa Monica Mountains (M) overlay zone, the maximum allowable *building site* shall be 10,000 square feet, or 25 percent of the *legal lot* size, whichever is less. The allowable *building site* may be increased above the maximum allowed by this Section when authorized pursuant to the incentive program in Section 8178-2.9.4.1, and it may be decreased pursuant to Section 8178-2.6.2.2(b). If the development is authorized to provide an economically beneficial use the permit shall be conditioned to require the remaining area of the lot located outside of the building site and mandatory fuel modification zone is preserved in perpetuity through a conservation easement or conservation instrument, except as otherwise set forth in the project's associated Coastal Development Permit and any allowable future development that is consistent with Section AE-2.2.2.
- b. Existing Communities:⁴ On *legal lots* zoned Residential Beach (RB), Residential Beach Harbor (RBH), Coastal Residential Planned Development (CRPD), Coastal One-Family Residential (CR1), Coastal Two-Family Residential (CR2), Coastal Rural Exclusive (CRE-20,000 sf only), and Coastal Commercial (CC), the allowable *building site* shall be determined as follows:
1. *Development* shall not be subject to a maximum allowable *building site* solely because the *lot* contains the required *buffer zone* for off-site ESHA. This standard is not applicable to a *lot* that contains the *buffer zone* for an off-site *wet environment* and, in such cases, additional encroachment into the *buffer zone* ~~may will not only be authorized if no new adverse impacts would occur to the wet environment.~~
 2. Most *lots* in existing communities are currently developed. If a *lot* does contain on-site ESHA, the maximum allowable *building site* shall be ~~the maximum lot coverage allowed by zoning, up to a maximum of 10,000 square feet or 25 percent of the legal lot size (whichever is greater) but shall not exceed the maximum lot coverage allowed by zoning.~~
For *lots* that contain a *wet environment* or its *buffer zone*, see Section 8178-2.6.2.2(b).

- c. Other Coastal Areas: Except as provided by subsections (a) and (b) above, the

maximum allowable *building site* shall be determined on a case-by-case basis for the allowed *principally-permitted use*. The maximum allowable *building site* shall be limited to the area needed for the property owner to make an *economically beneficial use* of the applicant's property as a whole (Refer to Section 8178-2.5.3 and AE-2.3).

- d. In all cases, the maximum allowable *building site* shall be subject to the general requirements in Section 8178-2.6.2.1 and the adjustments in Section 8178- 2.6.2.2.

[Staff explanation: The Commission's recommended modification are necessary to ensure that this requirement is properly stated as protecting ESHA against any significant disruption of habitat values (subsection a) and clarify that while economically beneficial use is allowed on legal parcels, the siting of the development and remainder of the site must protect ESHA to the maximum extent feasible.]

Section 8178-2.6.3 of the Implementation Plan shall be modified as follows:

- a. Location of *Development* – To minimize impacts to *ESHA* and *buffer zones*, *development* shall be located as follows:
 1. Distance from ESHA - The *development envelope* shall be located as far as possible from *ESHA* and outside *buffer zones*.
 2. Avoid Steep Slopes - *Development* shall not be permitted in areas with 30 percent *slope* or higher. Remediation of unstable *slopes* that threaten public health or safety is permitted if the least environmentally damaging method is used to stabilize the *slopes*.
 3. Clustered Development - *Development* shall be clustered and located near existing *structures*, roadways and services (e.g., water, sewer)
 4. Minimize Grading – Locate roads, *structures*, and other *development* in areas with minimal topographic constraints to minimize grading and alteration of natural landforms.
- b. Minimize Fuel Modification – To minimize the extent of the *fuel modification zone* and its associated impacts on *ESHA* or *buffer zones*, all *development* shall, to the maximum extent feasible, be located and designed to meet the following standards:
 1. Utilize an approximately square or circular shape *building site*, which by design minimizes the area of the *fuel modification zone*, unless an elongated shape is needed to protect *coastal resources* or to minimize grading on a *slope* over 20 percent gradient.
 2. Fire safe site design and building techniques shall be utilized in all *development* to minimize the size of *fuel modification zones*. These techniques include, but are not limited to the following: ember resistant building materials, closed eaves, roof sprinkler system, fireproof vents, and insulated temper glassed windows, etc.
 3. To take advantage of overlapping *fuel modification zones*, *structures within the building site and building sites on nearby lots* shall be clustered, including as part of land divisions including and lot line adjustments, and ~~*building sites*~~ shall be located near existing ~~*structures on the subject property or on nearby lots.*~~

[Staff explanation: The Commission's recommended modifications are made to clarify that not only are building sites required to be clustered when sited in ESHA, but the structures on the lot as well.]

4. No *development* shall be approved that results in a *fuel modification zone* that extends off-site onto federal or state parklands without the written authorization

of the National Park Service or State Department of Parks and Recreation, as applicable.

5. To protect off-site *ESHA* and conservation lands from vegetation removal practices associated with the potential expansion of a *fuel modification zone*, *development* shall not, to the maximum extent feasible, be sited within 300 feet of off-site: (i) *ESHA* or *buffer zone*; or (ii) undeveloped parkland/open space areas owned or managed by a *natural resource agency* or *conservation organizations* for *habitat* protection (see Section 8177-4.1.7, for additional *development* siting standards *adjacent* to park boundaries in the Santa Monica Mountains).

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

[Staff explanation: The Commission's recommended modifications deleted the text because expanded full modification zones cannot encroach onto adjacent properties according to State law, therefore the statement was unneeded and misleading.]

7. Except Section 8178-2.6.3 (b)(4) and (6), deviations from the above standards may be permitted if the application of a standard would result in increased impacts to *ESHA*.
- c. Best Management Practices - *Best management practices* that minimize adverse impacts on *ESHA* and *buffer zones* shall be used for vegetation removal or alteration, the control and removal of *invasive or invasive watch list plant species*, construction management, water quality protection, *habitat restoration*, and use of toxic chemical substances.
 - d. Water Quality – Water quality shall be protected by minimizing the use of impervious surfaces and by utilizing bioswales or other *best management practices* that promote stormwater infiltration and limit stormwater runoff. *Development* shall be located away from *wetlands*, other *wet environments*-natural drainage features, and their associated vegetation. The disturbance of such features shall be minimized when avoidance is infeasible.
 - e. ~~On-Site Open Space Requirements~~ ~~Development Restrictions~~– *Development* shall not be permitted in areas with greater than or equal to 30 percent *slope*. All on-site *ESHA*, *buffer zones*, and *slopes* over 30 percent shall be permanently maintained in their natural state through a *conservation easement* or *conservation instrument* when such ~~areas are~~: (1) identified on an applicant prepared site-specific *ESHA* map, and/or (2) located in the Coastal Open Space (COS) zone, Santa Monica Mountains (M) overlay zone, or Coastal Industrial (CM) zone.
 - f. Buildable Lot Standards – A buildable *lot* for residential use is a *legal lot* that can feasibly accommodate the following *structures* and improvements in a manner that is consistent with the policies and provisions of the LCP and that meets established public health and safety standards: (1) a *principal structure*; (2) legally accessible, all-weather access road; (3) *development* is located outside known geological hazard areas; and (4) the *lot* is served by public water/sewer or can accommodate an on-site site well and/or wastewater treatment system that is adequate to serve the proposed *development*.

[Staff explanation: The Commission's recommended modifications to subparts e. and f. above are made to clarify that conservation instruments can be used to protect ESHA and that the buildable lot standards are consistent with the other policies and provisions of the

Section 8178-2.6.8 of the Implementation Plan shall be modified as follows:

New or expanded access roads and driveways in *ESHA* or *buffer zones* shall be sited and designed as follows:

- a. Except where access improvements are necessary to meet Ventura County Fire Protection District standards or to provide one access road/driveway to permitted development on a *lot*, the construction and/or improvement of access roads and driveways that would increase access to any property shall be permitted only when it has been determined that environmental resources in the area will not be adversely impacted by the increased access;
- b. The number, width and length of access roads and driveways shall be limited to the minimum necessary to establish access to permitted *development* and shall follow natural contours; and
- c. Within the Santa Monica Mountains (M) overlay zone, access roads and driveways shall meet the following standards:
 1. No more than one driveway, with one hammerhead-type turnaround area, shall be permitted for an individual *lot*. The length of new driveways, as measured from the property line, shall be limited in length to 300 feet, or one-third the parcel depth, whichever is less. Deviations from this standard may be permitted where a longer driveway is required as part of the least damaging alternative.
 2. To the maximum extent feasible, a single driveway shall be used to provide a combined source of access to *adjoining lots*.
 3. Secondary access roads shall not be permitted unless the Ventura County Fire Protection District determines there are no feasible alternatives and a secondary route is needed to ensure adequate fire safety or to provide a necessary, secondary emergency route for an existing residential area served by a dead-end road whose length exceeds the Ventura County Fire Protection District's emergency access standards.

See standards for access roads used for *geotechnical testing* in Section 8178-2.6.5.

[Staff explanation: The Commission's recommended modifications are made to clarify that new access roads are only allowed for permitted development.]

Section 8178-2.6.9 of the Implementation Plan shall be modified as follows:

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

- a. A new or *expanded fuel modification zone* shall only be authorized through a new or modified *Coastal Development Permit*. Vegetation removed for *fuel modification* purposes shall be conducted in accordance with a Planning Division and Ventura County Fire Protection District-approved *Fuel Modification Plan* ~~and~~ *ESHA Vegetation Management Plan*, as applicable (See Appendix E2, Section AE-2.4). *Low-intensity vegetation removal techniques* shall be used when removing vegetation in ESHA or *buffer zone*.
- b. An existing *fuel modification zone* which is expanded or modified within *ESHA* or a

buffer zone requires a CISBA. (See Appendix E1, Section AE-1.3.2 (g)(1)(iv)).

- c. ~~If *ESHA* or *buffer zone* is retained within a proposed expanded fuel modification zone, Where an expanded fuel modification zone is proposed within *ESHA* or *buffer zone*, an approved *ESHA* Vegetation Management Plan (see Appendix E2, Section AE-2.4) is required to retain the *ESHA* or *buffer zone* within that area.~~
- d. To protect from unintentional removal of *ESHA* or *buffer zone* that overlaps with a *fuel modification zone*, the outer boundary of each vegetation removal or thinning zone (e.g., 100 ft, 150 ft, 200 ft) shall be delineated with permanent zone markers so that the extent of vegetation thinning or removal zones are easily recognizable during maintenance activities.
- e. For landscaping requirements within a *fuel modification zone*, see Sections 8178-8.4.2.3 and 8178-8.4.2.4.

[Staff explanation: The Commission's recommended modifications are made to clarify that vegetation thinning is only allowed in expanded fuel modification zones that contain ESHA, and all retained ESHA will be managed through an ESHA Vegetation Management Plan.]

Section 8178-2.6.9.1 of the Implementation Plan shall be modified as follows:

- a. Outside the *building site* and within the first 100 feet of a *fuel modification zone* (the mandatory fuel modification zone), only the following development and uses may shall be allowed:
 - 1. Uses permitted in a *buffer zone* (Section 8178-2.5);
 - 2. Fire-resistant, drought-tolerant native trees and landscaping (pursuant to Section 8178-8.4.2.3);
 - 3. Confined animal facilities (pursuant to Section 8178-2.6.11) that do not require additional *fuel modification*;
 - 4. Water wells/septic *drainage* fields; and
 - 5. Drainage and pollution *runoff* control devices (see Section 8178-2.6.3(d)) required and approved by the County to protect *ESHA* from erosion or degradation.
- b. Allowable uses within an *expanded fuel modification zone* shall be limited to approved vegetation management activities for fire protection purposes in accordance with Appendix AE-2.5 (~~when applicable~~), and *resource-dependent uses* described in Section 8178-2.5.1 that do not require the further expansion of any *fuel modification zone*.

[Staff explanation: The Commission's recommended modifications clarify the first 100 feet of a fuel modification zone is considered the mandatory fuel modification zone.]

Section 8178-2.6.9.2 of the Implementation Plan shall be modified as follows:

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

- a. The width of a *fuel modification zone* shall be measured from the edge of the *legally established buildings or structures located within the building site*, not from the boundary of the *building site*.
- b. The standard width of the *mandatory fuel modification zone* for legally established

structures is 100 feet, except for the U.S. Naval Base Ventura County tactical critical assets at Laguna Peak which is 300 feet as measured from the existing perimeter of the facility⁶.

- c. If the Ventura County Fire Protection District determines that there are unique site-specific conditions for new development, the mandatory fuel modification zone may be expanded to 200 feet if needed to protect life and property from wildland fires.
- ed. An expanded *fuel modification zone* thinned pursuant to AE-2.5 may be authorized up to 300 feet from a *legally established structure located within the building site* or to the property line, whichever distance is shorter, if it is determined by the Ventura County Fire Protection District that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wildland fires. In making this determination, the Ventura County Fire Protection District may consider whether there are any other feasible mitigation measures possible.

[Staff explanation: The Commission's recommended modifications are made to clarify the standards and requirements when a mandatory fuel modification zone may be expanded to 200 feet in ESHA and the standards associated when the fuel modification zone is expanded beyond 200 feet in ESHA.]

Section 8178-2.6.10 of the Implementation Plan shall be modified as follows:

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

- a. To the maximum extent feasible, areas used for passive recreation, such as hiking trails, shall utilize established trails when available, follow natural contours, minimize grading and stormwater *runoff* and be located outside *ESHA wet environments*. To the maximum extent feasible, all recreational *development* shall be located outside an *ESHA* or *buffer zone*. Where such passive recreation areas are allowed in *ESHA* or *buffer zone*, well-defined trails, sustainable trail design (e.g., trails with negligible soil loss/movement, minimal maintenance requirements), fencing, signage or other techniques to protect and control access into sensitive areas shall be utilized;
- b. Areas used for recreational aircraft, including drones, are prohibited within 1,000 feet of *ESHA*.

Recreational facilities/areas shall not be located where they would adversely impact the *habitat* of a species listed as threatened or endangered by a federal or state *natural resource agency*.

[Staff explanation: The Commission's recommended modifications are necessary to ensure that this requirement properly states the standard for review for protecting ESHA, which is the protection against any significant disruption of habitat values.]

Section 8178-2.6.13 of the Implementation Plan shall be modified as

⁶Specific requirements for the fuel modification zone at the U.S. Naval Base facility on Laguna Peak will be determined by the Ventura County Fire Protection District.

follows:

The following standards apply to all pre-construction and construction activities including related grading, land clearing, and vegetation/brush removal, which are collectively referred to as "construction" in this Section 8178-2.6.13.

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

[Staff explanation: The Commission's recommended modifications are necessary to ensure that the construction equipment staging area is only placed in the buffer zone when there are no other options to allow for economically beneficial use of the property.]

- b. Access Roads and Driveways - The construction of access roads and driveways shall occur in conjunction with the construction of the *structures* and use they are intended to serve, except when a temporary road is necessary to conduct *geotechnical testing* pursuant to Section 8178-2.6.5.
- c. Construction Noise - Construction noise is subject to the noise threshold in Section 8178-2.6.16. Outdoor construction within, *abutting*, or *adjacent* to an *ESHA noise sensitive receptor* is prohibited after sunset;
- d. Alterations to a *Wet Environment* - Construction shall occur during a period of low flow, and construction time and/or equipment shall be kept to a minimum. Construction activities shall also utilize *best management practices* required by the County's Public Works Agency and the LCP to protect water quality, protect sensitive resources, or minimize the discharge of sediment into *drainages*. See subsection (f) for measures that limit the spread of aquatic invasive species.
- e. Bird Nesting Survey - An applicant shall be required to prepare a bird nesting survey prior to the issuance of a *Zoning Clearance* authorizing construction activities if: (1) the project is within the *buffer zone* for breeding bird *habitats* during nesting season; or (2) trees or other vegetation classified as *ESHA* are allowed to be *altered, transplanted*, or removed during the bird *nesting season* (January 1 - September 15, see Section 8178-7.4.2). The required *bird nesting survey* report shall conform to the requirements provided by subsection (g) below and Section 8178-7.7.4.1.1, including bird breeding and nesting protocols.
- f. Invasive Species - The following measures shall be taken to limit the spread of *invasive* or *invasive watch list plant species* during construction activities:
 1. Infestations of *invasive* or *invasive watch list* species listed by the California Invasive Plant Council shall be eradicated within the *development envelope* before construction activities begin. The contractor shall carefully dispose of soils, seeds, and plant parts or invertebrates found during inspection and cleaning.
 2. Trail construction staging and work sites shall be inspected and pre-treated for noxious weeds before such areas are used during construction.
 3. Prior to moving equipment onto the project site, or prior to moving equipment out of an infested area and into an uninfested area, all soil, seeds, plant parts, and invertebrates shall be cleaned from the exterior surfaces of the equipment to the maximum extent feasible.
 4. Construction activities within a *wet environment* shall be designed to prevent the spread of aquatic invasive species and contaminants (see Section 8178-2.7.3.2).

5. *Best management practices* shall be used when moving or disposing wood products (e.g., downed trees, firewood, compost, mulch) on or off-site to prevent the spread of the invasive species or invasive diseases.

See *landscape area development* standards in Section 8178-8.4., which prohibit the use of *invasive* or *invasive watch list plant species*.

- g. Special Status Species – When potential adverse impacts are identified to *special status species* within the Site-Specific Environmental Assessment (CISBA) for the project or within a Tree Survey for the removal of an ESHA *protected tree* (Section 8178-7.7.4), the following standards shall be applied prior to construction or before an ESHA *protected tree* removal or alteration:

1. If special status plants are discovered during construction or pre-construction surveys, impacts shall first be avoided to the maximum extent feasible by protecting the plant and its surrounding *microclimate* with fencing. If the impact is unavoidable, individual plants shall be relocated to suitable *habitat* or new, replacement plants shall be provided in a *restoration* site used as compensatory mitigation.
2. Construction activities shall be timed to avoid the disturbance of *special status species*, or the *habitats* of such species, during a *critical life stage* (e.g., breeding, nesting, denning, *roosting*) as identified in the Coastal Initial Study Biological Assessment.
3. The applicant shall survey the area⁶ 20 to 30 days prior to site disturbance if there is potential for special status wildlife to move into the construction area, or if *habitats* that support a *critical life stage* (e.g., nesting, *roosting*/staging, denning, overwintering sites, etc.) of a *special status species* were identified within 500 feet of the construction area. In such cases, a County-approved, *qualified biologist* shall conduct a pre-construction survey(s) one to three days prior to initiation of any construction activities, including vegetation/brush removal, and periodically during construction as determined by the *qualified biologist* in consultation with the Planning Division Planning Staff Biologist or County contracted *qualified biologist*. If a *special status species* vulnerable to vegetation/brush removal or earth disturbance is found during pre-construction surveys, the Planning Division Planning Staff Biologist or County contracted *qualified biologist* may condition the permit to require an additional survey on the day of construction, prior to vegetation/brush removal or earth disturbance activities.
4. If a *special status species* is found within the disturbance area that is in a *critical life stage* and sensitive to the proposed construction disturbance, then construction shall be postponed until the occupied area is vacated or the wildlife shall be relocated to suitable, undisturbed *habitat* by a *qualified biologist* if authorized pursuant to a valid collecting permit (when required by an *agency* with jurisdiction over the wildlife). If the species *critical life stage* may not be sensitive to disturbance from the proposed construction activity (e.g., an occupied woodrat midden), then a *qualified biologist* shall monitor the nest as needed based on the recommendation by the Planning Staff Biologist or County contracted *qualified biologist*.
5. If a *special status species*-occupied *habitat* supporting a *critical life stage* is located within 500 feet of the disturbance area, and construction activities cannot occur without infringing on the required *buffer zone* for the occupied *habitat*, then construction shall be postponed until the occupied areas are either vacated and/or

⁶ Please see Appendix E1 for survey requirements. USFWS, XERCES and CDFW protocol level surveys shall be followed when applicable.

the fledglings/juveniles leave the area. Construction activities shall not resume until the County confirms there is no evidence of a second attempt at occupation of the *habitat* by breeding birds or other *special status species*. An exception may be authorized where the CISBA and/or the pre-construction bird survey demonstrates that encroachment into the *buffer zone* will not harm the *special status species* and is consistent with the criteria provided in Section 8178-2.7.7.

6. Bat Roosts - The conditions of approval for the permit shall include stop-work procedures if *special status species* bats are discovered during the construction process. If *special status species* bats are discovered during construction activities, any relocation or removal of the bat(s) shall occur without injuring or killing the bat(s) and shall be conducted by a professional holding a current California Department of Fish and Wildlife Trapping License.

Also, see Sections 8178-2.6.5 and 8178-2.6.7.

Section 8178-2.6.14.1 of the Implementation Plan shall be modified as follows:

- a. *ESHA and Buffer Zone – Fences, gates, and walls are prohibited in an ESHA or buffer zone outside the development envelope, except when used for habitat protection or restoration and when specified by a County-approved ESHA Mitigation Plan (see Section 8178-2.10.9). Within these plans, permanent fencing is allowed in buffer zones that are located in publicly accessible areas to protect ESHA that are particularly sensitive to human impacts. Non-wildlife permeable fencing or walls may be permitted along road corridors if the sole purpose of such fencing or walls is to funnel wildlife to safe road crossings (i.e., underpass, overpass).*
- b. *Development Envelope: Wildlife-permeable fencing is allowed throughout an approved development envelope except within an expanded fuel modification zone, if any (see Section 8178-2.6.14.4 for standards). ~~and g~~ Gates are allowed at entry points to a property when located in the development envelope. Perimeter fencing of a parcel is prohibited.*
- c. *Building Site: All types of fencing, gates and walls are permitted in an approved building site, subject to the standards of Section 8175-3.11 and subsections (d) and (e) below.*
- d. *Isolation of Wildlife: New fences and walls shall not result in the isolation of on-site ESHA from off-site ESHA, habitat connectivity corridors, or protected open space areas.*
- e. *Prohibited Materials: Fences, gates and walls shall not be constructed of, or topped with, spikes, barbs, glass, razors, or any similar material. Barbed-wire fencing is prohibited. Exceptions may be allowed for telecommunication or public/utility facilities (e.g., freeway or major highway, electrical substation, water storage tank) that require such fencing for public safety or security purposes.*

[Staff explanation: The Commission's recommended modification brings the LCP language into conformity with other LCP fencing standards that do not allow perimeter fencing of lots, nor fencing throughout an expanded fuel modification zone when within ESHA.]

Section 8178-2.6.15.2 of the Implementation Plan shall be modified as follows:

The following regulations and standards apply to *outdoor lighting* and use thereof in

ESHA or buffer zones:

- a. ESHA — Outdoor *light fixtures* shall only be installed outside ESHA and in locations where light trespass into and the direct illumination of ESHA are avoided, except when *outdoor lighting* is necessary for a *resource-dependent use* within ESHA that is authorized by Section 8178-2.5. If *outdoor lighting* is required for *resource dependent uses* in ESHA, additional specific measures shall be developed in the site-specific environmental assessment to reduce impacts from *outdoor lighting* to the maximum extent feasible.
- b. Buffer Zones — To the maximum extent feasible, outdoor *light fixtures* shall be installed outside a *buffer zone* and in locations where *light glare* and *light trespass* into the *buffer zone* is minimized to avoid or minimize impacts to biological resources. When *outdoor lighting* is ~~placed~~ allowed in a *buffer zone*, it shall comply with the following:
 1. Section 8177-4.1.11.5.
 2. Outdoor *light fixtures* identified in Section 8177-4.1.11.4 are prohibited.
 3. ~~Outdoor lighting for a pool, tennis court, or other recreational facility that is accessory to a dwelling shall be shielded or screened from nearby ESHA. If such lighting causes light trespass in excess of 0.1 foot-candles at the vertical plane and the horizontal plane at the edge of a buffer zone or ESHA, then the facility shall not be illuminated between 10 p.m. and sunrise. Outdoor lighting for tennis courts or other recreational facilities that are accessory to a dwelling is prohibited to avoid or minimize impacts to biological resources.~~
 4. *Outdoor lighting* shall utilize the minimum output necessary for the intended purpose and the correlated color temperature shall be 2700 Kelvin or less ~~necessary for the intended purpose~~. All *essential* and *security lighting* shall be controlled by a motion detector or timer programmed to turn off no more than five minutes after activation.
- c. If application of the regulations and standards in this Section 8178-2.6.15.2 does not avoid potential adverse impacts to ESHA, additional standards shall be considered and utilized to reduce impacts from *outdoor lighting* to the maximum extent feasible.

[Staff explanation: The Commission's recommended modification was made to avoid adverse impacts to ESHA resulting from night lighting. The modification is required to reduce unnecessary night lighting of new accessory facilities such as tennis courts and other recreational facilities that have the potential for significant individual and cumulative adverse impacts to ESHA and the scenic, rural dark-sky character of the area. This section does not apply to existing development.]

Section 8178-2.7.1.1 of the Implementation Plan shall be modified as follows:

Development that would result in the degradation, erosion or destruction of coastal *dune habitats* is prohibited. Prohibited activity in a *dune habitat* and its *buffer zone* includes, but is not limited to, motorized or non-motorized vehicle traffic, mining, filling and the dumping/disturbance of vegetated areas, mechanized *beach grooming*, and sand removal or sand redistribution, except as allowed by Section 8178-2.7.1.4. *Development*, including *outdoor festivals* and *outdoor sporting events*, that could adversely affect a *dune habitat* shall be subject to the following standards:

- a. Outdoor Festivals/Outdoor Sporting Events - If such events are proposed on a beach, the event shall be located outside the *buffer zone* for *dune habitats*. To protect the *dune habitat* during an *outdoor festival* or *outdoor sporting event*, signage prohibiting

entry shall be posted and temporary barriers (e.g., fencing) shall be placed along the *buffer zone* boundary when permanent barriers are absent.

- b. Design Standards - When *development* is permitted in a *dune habitat*, it shall be sited and designed utilizing subject matter experts, ~~and the best available science that includes, but is not limited to, the higher levels of current sea level rise projections over a minimum of 20 years~~ and coastal *dune habitat* morphology as follows:
 - 1. Features such as raised walkways, foot paths, signage and physical barriers shall be used to control pedestrian and domestic pet movement and activities within the *dune habitat* and *buffer zone*.
 - 2. Existing coastal *dune habitat* formations and native vegetation shall be retained, except when the subject *dune habitat* is being *restored* or *enhanced* as part of the project pursuant to a County-approved *ESHA Mitigation Plan* (see Section 8178-2.10.9).
- c. Dune Restoration - If *dune habitat* vegetation is being *restored* as part of the project, then the vegetation shall be *restored* in a manner that accommodates the ecological needs of sensitive native *dune habitat* species (e.g., native vegetation communities). If *dune habitat restoration* includes the removal of existing vegetation, then the lowest- intensity, effective vegetation removal techniques shall be utilized to minimize impacts on the *dune habitat*. The design and implementation of all coastal *dune habitat restoration* projects shall be conducted by a *dune restoration specialist* and based off of the best available science ~~that includes the higher levels of sea level rise projections for the area (minimum of 20 years)~~, coastal dune morphology, and other appropriate scientific research associated with coastal beach ecology.

See standards in Section 8178-2.7.1.4 for sand removal near a coastal dune habitat.

[Staff explanation: The Commission's recommended modification removes references to sea level rise because it is being addressed in a later update.]

Section 8178-2.7.1.2 of the Implementation Plan shall be modified as follows:

- a. An applicant for any *Coastal Development Permit*, including a permit for a *shoreline protective device*, must show that the proposal will not cause long-term adverse impacts on a beach. Impacts include, but are not limited to, smothering of organisms, contamination from improperly treated wastewater or oil, and *runoff* from streets and parking areas. Findings to be made shall include proper wastewater disposal.
- b. Except for emergency access, no vehicle shall be allowed below the monthly highest tide line from March 1 to August 31, which is when grunion eggs are present, or within 500 feet of a *shorebird colony* during the March 1 to September 30 nesting season, unless otherwise authorized by a *Coastal Development Permit*. To the maximum extent feasible, to avoid disturbing a nesting bird or a nesting *shorebird colony*, trash cans shall be placed outside the *buffer zone* for nesting shorebirds (i.e., 300 feet for a nesting bird, 500 feet for a nesting bird colony). If placement outside the *buffer zone* is infeasible, trash cans shall be placed at locations where public walkways or roads provide points of public access to the beach.

[Staff explanation: The Commission's recommended modification is a minor grammatical correction.]

Section 8178-2.7.1.3 of the Implementation Plan shall be modified as

follows:

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

- a. *Beach grooming* is permitted year-round when limited to the hand removal of trash/debris or driftwood that presents a clear public safety hazard, and the activity does not disturb spawning grunions or nesting shorebirds.
- b. Except as allowed by subsection (c) below, mechanical *beach grooming* is prohibited year-round below the monthly highest tide line. Above the monthly highest-tide line, mechanical *beach grooming* is permitted when such activities occur outside an *ESHA* or *buffer zone* (e.g., *lagoon/estuary/wetland*, *coastal dune habitat*, nesting shorebirds, designated *Important Bird Area*).
- c. The removal or disturbance of *beach wrack* is prohibited below the monthly highest-tide line unless trash/debris/driftwood entangled in the wrack poses a clear threat to public safety. In such cases, the trash/debris may be removed mechanically or by hand. To ensure the "take" or disturbance of a *special status species* does not occur, a qualified on-site biological monitor experienced with the species shall be present when the emergency removal or disturbance of *beach wrack* is located in an area occupied by a nesting *shorebird colony* or is within 300 feet of a nesting shorebird.

[Staff explanation: The Commission's recommended modification clarifies that a coastal development permit is needed to move sand and groom beaches at Hollywood and Silverstrand Beaches.]

Section 8178-2.7.1.4 of the Implementation Plan shall be modified as follows:

Within the existing communities of Hollywood-by-the-Sea and Silverstrand Beach, sand removal and redistribution may be conducted to remove sand from public accessways to the beach and to prevent physical damage from wind-blown sand inundation of public facilities or existing, legally permitted *development* that *abuts* Hollywood or Silverstrand beaches. The removal and redistribution of sand shall only be permitted when conducted in accordance with an approved *Coastal Development Permit* and the following standards:

- a. Allowable Sand Removal/Sand Redistribution Area:
 1. Sand removal shall be limited to a 50-foot area that extends from the property line of the existing private *development* or that is within the existing public accessway. Sand removal may occur within the *buffer zone* of a *dune habitat*, but sand removal is prohibited in *ESHA* or the *buffer zone* of a nesting bird(s) or *shorebird colony*.
 2. Sand redistribution shall be limited to an area that extends 150 feet seaward from the edge of the 50-foot sand removal area. Sand redistribution, which may include the leveling of sand, shall only occur outside *ESHA* and *buffer zones* and above the highest monthly high tide line.
- b. Vehicles/Equipment - Vehicles and equipment used for sand removal and sand redistribution shall not come into contact with the *intertidal* zone or ocean waters, and shall be cleaned and maintained at an off-site location to prevent the discharge of any harmful or foreign materials on the beach or in the ocean;
- c. Special Status Species: Whenever feasible, sand removal and redistribution activities shall occur outside the nesting season for rare or endangered shorebirds (e.g., western

snowy plover or California least tern, with a nesting season of March 1 – Sept. 15). If sand removal and redistribution is necessary during the nesting season to avoid sand inundation, and the beach is occupied by a rare or endangered shorebird, then such activities may only be authorized if conducted in accordance with the standards in Sections 8178-2.7.6 and 8178-2.7.7, and the following additional standards:

1. Sand removal shall be limited to two coordinated events for all affected properties during each nesting season¹⁰ ; and
2. No “take” or disturbance of a threatened or endangered species shall occur, and the U.S. Fish and Wildlife Service or California Dept. of Fish and Wildlife shall be consulted regarding the scheduling of, and required survey or monitoring procedures for, sand removal and redistribution events.

If necessary to protect public safety, sand removal and redistribution activities may occur during a declared public emergency if conducted in accordance with an emergency permit (see Section 8181-3.7).

[Staff explanation: The Commission's recommended modification clarifies that sand redistribution must occur above the highest monthly tide line to avoid impacts on spawning grunion.]

Section 8178-2.7.1.5 of the Implementation Plan shall be modified as follows:

- a. Beach replenishment may be allowed pursuant to a valid *Coastal Development Permit*. Sediment may only be used for beach sand replenishment when it is free of contaminants, of a suitable grain size, color, and type that is compatible with the sand at the placement site, and when demonstrated through testing to be in accordance with federal and state standards.¹¹
- a. Beach replenishment shall not occur if the process would cause adverse impacts to coastal processes or *habitats* such as *intertidal* reefs, grunion spawning grounds, *estuaries*, marsh, offshore *habitats* or other interconnected *ESHA ecosystems*. An exception may be provided for *ESHA restoration* and *establishment* projects to create new *dune habitats* if the project is designed to minimize adverse impacts on beach, *intertidal* and offshore resources. Beach alteration projects shall be carried out utilizing the best available science that includes, but is not limited to, sea level rise projections, and in consultation with the California Department of Fish and Wildlife and other *natural resource agencies*.
- b. For beach replenishment projects, an evaluation shall be provided by the applicant that includes the following information:
 1. The type of material, method of material placement, time of year of placement, and sensitivity of the placement area;
 2. Impacts on coastal processes or *habitats*, including but not limited to the project's effects on *adjacent* and *downstream habitats* and *structures*, net littoral drift, and downcoast beach profiles;
 3. Characteristics of the receiving area, such as unnourished beach width, *adjacent* land uses or *structures* and *habitat* types, access locations, proximity to coastal *streams* or river mouths, and historic erosion trends; and

¹⁰ See Appendix E1, Section AE-1.2.3, for additional information on coastal *dune habitats* and *buffer zones*.

¹¹ Standards are established by the Environmental Protection Agency (EPA), U.S. Army Corp of Engineers (USACE), and Regional Water Quality Control Board (RWQCB).

4. Measures that will be used to avoid or minimize adverse impacts to biological resources and public access and to monitor/document shoreline changes in the project vicinity.

[Staff explanation: The Commission's recommended modification clarifies that sand replenishment activities require a coastal development permit.]

Section 8178-2.7.2 of the Implementation Plan shall be modified as follows:

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

[Staff explanation: The Commission's recommended modification clarifies and simplifies the standard because the setback distance to ESHA is already defined as 100 feet and not distance to a bluff-based ESHA habitat.]

Section 8178-2.7.3 of the Implementation Plan shall be modified as follows:

~~All developments adjacent to or within 500 feet of a wet environment shall be sited and designed using the higher levels of sea level rise projections over a minimum of 20 years to prevent impacts that would significantly degrade those habitats and to ensure that development is~~ shall be compatible with the continuance and viability of such *habitats*.

[Staff explanation: The Commission's recommended modifications include minor edits for clarity and the removal of language associated with sea level rise because it will be addressed within the future sea level rise updates.]

Section 8178-2.9.1 of the Implementation Plan shall be modified as follows:

The following requirements apply to *Coastal Development Permits* authorizing any *land division* proposed on one or more *legal lots* that contain *ESHA* or *buffer zone*, except where the *lot* is dedicated to open space *preservation*. The *Coastal Development Permit* application shall not be approved unless the County decision-making authority makes findings, supported by substantial evidence, that the proposed *land division* meets all requirements of this Section 8178-2.9 as well as the additional requirements for *land divisions* in Section 8178-2.9.2 or *lot line adjustments* in Section 8178-2.9.3, as applicable.

- a. Applications for proposed *land divisions* shall describe and designate the locations of all *development* on all resulting *lots*, including the following: (1) *building site*; (2) access road and/or driveway; (3) necessary *service infrastructure* (e.g., septic system, water supply); (4) on- or off-site grading; and (5) on- or off-site *fuel modification zones*.
- b. The requested *Coastal Development Permit* shall be evaluated to ensure that any new or reconfigured *lots* will allow future *development* that is consistent with the *ESHA* policies, standards, and provisions of the LCP. All proposed *building sites*, access roads, water/wastewater systems, and *fuel modification zones* shall meet the policies/standards provided by the LCP (see Section 8178-2.6). For example, the

building sites shall be clustered near existing or proposed *development*, near existing services, and configured to maximize the use of overlapping *fuel modification zones*. Where potential *development* cannot occur consistent with the LCP, the requested *Coastal Development Permit* shall be denied.

- c. All *lots* proposed for residential use must constitute a *buildable lot* (see Section 8178-2.6.3(f)).
- d. If any provision of this Section 8178-2.9 conflicts with a County regulation or requirement pertaining to *land divisions* that is not included in the LCP (e.g., a regulation or requirement in the County's Subdivision Ordinance), then the provision of this Section shall take precedence.
- e. A *Coastal Development Permit* authorizing a *land division* shall include conditions of approval that restrict *development* to an approved *development envelope*. Outside the *development envelope*, future *development* shall be prohibited within any onsite *ESHA(s)*, *buffer zone(s)*, and/or areas with *slopes* over 30 percent gradient. Notwithstanding the foregoing Areas subject to such *development* restrictions shall be permanently maintained in their natural state except as otherwise provided in Section AE-2.2.1 through recordation of an deed restriction *conservation easement* or other *conservation instrument*.
- f. With respect to *land divisions* other than *lot line adjustments*, all *conservation instruments*, *conservation easements*, offers of dedication, conditions of approval, and similar legal instruments protecting public access routes, *ESHA* and *buffer zones*, steep *slopes*, and other areas shall be shown on the tract map or parcel map and recorded no later than final map recordation.

The standards in this Section 8178-2.9 do not apply to a *lot* within a *land division* that is proposed solely for the purpose of dedicating or restricting its uses to conservation and/or open space, provided the *lot* is preserved in perpetuity pursuant to a *conservation easement* or donated *fee-simple* to a *conservation organization*.

[Staff explanation: The Commission's recommended modification clarifies that areas outside the development envelope shall be protected and maintained in their natural state with a conservation easement.]

Section 8178-2.9.2 of the Implementation Plan shall be modified as follows:

In addition to the requirements of Section 8178-2.9.1 above, a *Coastal Development Permit* authorizing a *land division*, other than a *lot line adjustment* (see Section 8178-2.9.3 below), shall only be approved for a *lot* that contains *ESHA* or *buffer zone* if, based on substantial evidence, the *land division* will not result in new, adverse impacts to *ESHA* or *buffer zone* and meets the following standards:

- a. The *land division* does not result in a new *building site* located on a beach.
- b. Each proposed new *lot* is equal to or greater than the minimum *lot* size required by the subject zone and the *slope density formula* (Section 8175-2 (c)) and is no smaller than the average size of surrounding parcels (see Coastal Act Section 30250 and Appendix E1, AE-1.3.2(c)).
- c. When the subject *lot* is in the Santa Monica Mountains (M) overlay zone, and it *abuts* a public park or a *lot* permanently protected by a *conservation easement*, then all *lots* proposed to be created that *abut* such areas shall include a 3200-foot setback along the boundary of the *abutting* public park or the land that is permanently protected from

development. See Section 8177-4.1.6 for *development* setback requirements to park lands.

[Staff explanation: The Commission's recommended modification clarifies that the setback area is now 300 feet because of the maximum allowable width of the expanded fuel modification zone.]

Section 8178-2.9.4.1 of the Implementation Plan shall be modified as follows:

The maximum allowable *building site* for *development* in *ESHA* or *q-buffer zone* may be increased from 10,000 square feet to 15,000 square feet for a *legal lot* that meets the minimum *lot* size requirements of the LCP if the applicant voluntarily accomplishes one of the following through a *Coastal Development Permit*:

- a. ~~1.~~ Merges the lot upon which the proposed building site is located with an abutting legal lot or lots containing at least three acres of undeveloped land and meeting the standards for an off-site preservation lot stated in Section 8178-2.10.5(b). All areas of the resulting lot outside of the *building site* and *mandatory fuel modification zone development envelope* must be preserved in perpetuity through a *conservation easement* or *conservation instrument*, except as otherwise set forth in the project's associated *Coastal Development Permit* and any allowable future *development* that is consistent with Section AE-2.2.1; or
- b. ~~2.~~ Permanently retires the *development* rights for a non-abutting *legal lot* or *lots* which must be undeveloped, consist of at least three acres, and meet the standards for an off-site preservation *lot* stated in Section 8178-2.10.5(b). The off-site *lot(s)* must be preserved in perpetuity with a *conservation easement* or through encumbrance with an open space deed restriction and subsequent conveyance of the entire *lot* in fee title to a County-approved *natural resource agency* or *conservation organization* (see Appendix E2, Section AE-2.2).

[Staff explanation: The Commission's recommended modification clarifies that areas outside the building site and mandatory fuel modification zone shall be protected and maintained in their natural state.]

Section 8178-2.10.1 of the Implementation Plan shall be modified as follows:

- a. **Removal/Degradation of ESHA** – Mitigation that is proportional to the impact is required for all adverse direct and indirect impacts to *ESHA*. The level of compensatory mitigation is specified by the ratios in Section 8178-2.10.6. Compensatory mitigation shall be subject to the following standards:
 1. Permitted Impacts: Compensatory mitigation is required when there is no feasible project siting or design alternative that can avoid all adverse direct or indirect impacts to *ESHA* (see Section 8178-2.6.1) and the project is determined to be the least environmentally damaging alternative. The applicant shall be responsible for providing compensatory mitigation.
 2. Unpermitted Impacts: Compensatory mitigation is required for unauthorized *development* that causes direct or indirect impacts to *ESHA*. In such cases, compensatory mitigation shall be provided through the following:
 - i. The impacted area shall be restored on-site unless: ~~(1) all, or a portion of, the impacted *ESHA* area is within the approved *development envelope* of the least~~

~~environmentally damaging alternative. In such cases, compensatory mitigation for the area included in the development envelope may be accomplished through on-site or off-site mitigation. The remaining amount of required compensatory mitigation shall occur on-site unless: an insufficient supply of suitable land is available for the on-site restoration, enhancement, or establishment of ESHA. An "insufficient supply of suitable land" occurs when: (a) no on-site ESHA is in need of restoration or enhancement; (b) no on-site areas contain the environmental conditions to support an in-kind habitat; or (c) the area is isolated from protected core habitats. In such cases, an equivalent area of ecologically functional ESHA shall be restored or established off-site; or (2) all, or a portion of, the impacted ESHA area is within the approved development envelope of the least environmentally damaging alternative. In such cases, compensatory mitigation for the area included in the development envelope may be accomplished through on-site or off-site mitigation.~~

- ii. Additional on-site or off-site mitigation shall be provided in accordance with the baseline mitigation ratios in Section 8178-2.10.6.
3. Temporary Construction Impacts - *Habitat restoration* of the impacted area is required for temporary impacts to an ESHA or *buffer zone* that occur due to construction activities authorized by a *Coastal Development Permit*.
- b. **In-Kind Habitats** – Compensatory mitigation shall be limited to *in-kind habitat*. If an applicant must obtain a permit or approval from a federal or state *natural resource agency* based on the proposed *development* project's potential impact to a species or *habitat* under that *agency's* jurisdiction, then County staff shall consult with the responsible *agency* prior to the County's approval of the compensatory mitigation for the *development* project.
- c. **Preservation of Compensatory Mitigation Sites** - All areas subject to compensatory mitigation conducted by the applicant (Section 8178-2.10.8) shall be preserved in perpetuity for conservation and/or open space purposes through one of the following measures:
 1. Encumbrance with an open space deed restriction and subsequent conveyance of the *lot* in fee title to a *natural resource agency* or County-approved *conservation organization* for ownership.
 2. Encumbrance with a *conservation easement* conveyed to a County-approved *natural resource agency* or *conservation organization*.
 3. If a County-approved *natural resource agency* or *conservation organization* cannot be identified that will accept conveyance of a *conservation easement* for a small, on-site area of a *lot* for *preservation*, a *conservation instrument* may be used instead to restrict future *development* of the area.

Also, see Appendix E2, Section AE-2.4 for additional requirements and information.

d. **ESHA Mitigation Plan**

1. To increase the potential for the success and long-term sustainability of ESHA mitigation, an *ESHA Mitigation Plan* is required for all compensatory mitigation (see Section 8178-2.10.9).
2. If a mitigation area is impacted by a *natural disaster* and the installation or monitoring goals have not been achieved according to the approved *ESHA Mitigation Plan*, the plan shall be amended to reflect conditions after the *natural disaster* and the appropriate *restoration* approach needed to meet pre-impact compensatory mitigation requirements.

- e. **Reduced County In-Lieu Fee for Coastal Sage Scrub and Chaparral ESHA**
Coastal Sage Scrub and Chaparral ESHA retained within an *expanded fuel modification zone* in accordance with the standards in Appendix E1, AE-2.5 – Expanded Fuel Modification Zone Thinning Standards, may qualify for a reduced mitigation fee using the Ventura County In-Lieu Fee Program (see Section 8178-2.10.8(d)). All remaining *ESHA* or *buffer zone* within this *expanded fuel modification zone* shall be protected and maintained by the property owner for the life of the permitted *development* in accordance with an *ESHA Vegetation Management Plan* (Appendix E1, AE-2.4 - ESHA Vegetation Management Plan).

[Staff explanation: The Commission's recommended modifications clarify that the least damaging alternatives analysis must be conducted to determine the least damaging alternative for the building envelope and then apply compensatory mitigation.]

Section 8178-2.10.3 of the Implementation Plan shall be modified as follows:

Compensatory mitigation measures shall include the *restoration, preservation, establishment, or enhancement* of *ESHA* as follows:

- a. *Preservation* – Existing, off-site *ESHA* is preserved and managed in perpetuity. The *preservation* of on-site *ESHA* cannot be used as compensatory mitigation.
- b. *Restoration* – Existing, degraded *ESHA* that has the capacity to be *ecologically functional* and is actively *restored* to its historic natural state. *ESHA* may be *restored* either on- or off-site.
- c. *Enhancement* – Existing, ~~intact or~~ degraded *ESHA* that has the capacity to improve specific *ecological functions or services* (e.g., water quality improvement, flood water retention, wildlife *habitat* improvement, *habitat connectivity corridor* improvement). *ESHA* may be enhanced either on- or off-site. ~~*Passive restoration* is classified as *enhancement*. *Passive restoration* may be utilized as one component of an *ESHA Mitigation Plan* if it the mitigation *habitat* contains the physical and biological conditions necessary for the sustainability of the *ESHA* and the *passive restoration* meets the criteria in Section 8178-2.10.5(a).~~
- d. *Establishment* – The creation of *ecologically functional ESHA* where it did not previously exist. *ESHA* may be established either on- or off-site. *ESHA establishment* may only be used under the following circumstances: (i) *restoration* opportunities are not feasible; (ii) the *establishment* project has a high probability of success and would improve the overall *function* of the *ESHA ecosystem*; and (iii) the *establishment* project will not result in the conversion of *ESHA* types.

A specific type of compensatory mitigation may be required for unpermitted impacts (see Section 8178-2.10.1) and impacts to specific coastal *habitats* (see Section 8178-2.10.7). *Restoration* or *establishment* is required for impacts to *wet environments*, and other *habitat* types regulated by federal or state *natural resources agencies*.

[Staff explanation: The Commission's recommended modification moved the language for passive restoration into a definition. In addition, a minor grammatical edit was made.]

Section 8178-2.10.4 of the Implementation Plan shall be modified as follows:

- a. On-Site Versus Off-Site Mitigation:

1. Either on- or off-site mitigation may be used for impacts to *coastal sage scrub* and *chaparral*;
2. On-site mitigation must be used for impacts to a *wet environment habitat* or for oak woodland/savannah and native woodland *habitat* unless: (i) on-site *restoration, establishment, or enhancement* is infeasible due to an insufficient supply of suitable land. An "insufficient supply of suitable land" occurs when: (a) no on-site *ESHA* is in need of *restoration or enhancement*; or (b) no on-site areas contain the necessary environmental conditions to support an *in-kind habitat*; or (ii) off-site *restoration, establishment, or enhancement* is provided through an available federal/state *mitigation bank* or *in-lieu fee* program (see Section 8178-2.10.8).

For other *habitat* types, on-site mitigation is preferred but off-site mitigation may be authorized if the off-site mitigation area meets all of the standards in Section 8178-2.10.4 and Section 8178-2.10.5, and one of the following circumstances applies: (i) on-site *restoration, establishment, or enhancement* is infeasible due to an insufficient supply of suitable land; or (ii) the off-site *habitat* is a higher-quality *habitat* (i.e., higher percentage of pristine/intact *habitat*, better connectivity to large blocks of *habitat*, more suitable soils or *microclimate*, or fewer *invasive* or *invasive watch list plant* species); or (iii) the off-site mitigation site was prioritized for conservation through an available, County-approved regional conservation plan.

b. Off-Site Mitigation:

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

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

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

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

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

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

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

Priority 2 - Santa Monica/Sierra Madre Linkage habitat connectivity and wildlife

corridor in the Santa Monica Mountains' biogeographic region in Ventura County.

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

[Staff explanation: The Commission's recommended modifications clarify which areas require off-site mitigation when properties are bisected by the coastal zone boundary and include other minor grammatical edits.]

Section 8178-2.10.5 of the Implementation Plan shall be modified as follows:

Compensatory mitigation sites shall contain *ESHA* or *habitats* that can be successfully used for the selected type of *ESHA* mitigation. Compensatory mitigation sites shall exhibit ecological characteristics such as *habitat* quality and connectivity to larger intact *ESHA*. Sites used for specific types of compensatory mitigation shall meet the following standards:

- a. **Land Used for Restoration, Enhancement, or Establishment** – On-site or off-site mitigation sites used for *ESHA* restoration, establishment or enhancement must contain suitable environmental conditions (e.g., hydrology, soil type, compatible adjacent land uses, functional connectivity) to support the proposed type of mitigation. Such sites must be connected to other *habitat* areas required for species survival. (See Section 8178-2.10.7 for specific requirements for *wet environments*, *dunes*, *oak woodland/savannah*, *native woodland habitats*, and *monarch butterfly overwintering sites*.) If passive restoration is proposed as a component of ESHA enhancement, then it must be supplemented with other enhancement activities that address the level of ESHA degradation at the mitigation site (e.g., soil conditions, amount of invasive or invasive watch list plant species, lack of native seed bank) and the resilience of the ESHA ecosystem. Enhancement methods may include non-native and invasive species removal, temporary irrigation and supplementary native planting and seeding. shall be consistent with the use of passive restoration as a form of ESHA enhancement.
- b. **Lots Used for Off-Site Preservation** - Off-site mitigation *lots* used for *ESHA* preservation must be undeveloped, *legal lots* that are used solely to implement compensatory mitigation. Such off-site mitigation *lots* must meet all the following standards:
 1. **Environmental Resources** – All off-site mitigation sites used for *ESHA* preservation shall contain the following environmental resources:
 - i. At least 90 percent of the *lot* shall be *ecologically functioning ESHA* and/or an *ESHA wet environment buffer zone*; or
 - ii. At least 50 percent of the *lot* shall be *ecologically functioning ESHA* and/or *ESHA wet environment buffer zone* plus one of the following: (1) an identified *habitat connectivity corridor*; (2) a *wet environment, rock outcrops, dunes*, or U.S. Fish and Wildlife Service (USFWS)-designated critical *habitat ESHA*; or (3) a *lot* is located within an *acquisition area* designated for conservation through a policy or planning document adopted by a federal, state, or County *natural resource agency* or a County-approved *conservation organization*.
 2. **Connectivity** - The *lot* shall not be isolated by *development* or other physical factors that would limit the movement of species to larger protected *core ESHA areas*. Specifically, the *lot* must be connected to a protected *core ESHA* or open space area by an intact native vegetation area that is at least 400 feet wide and less than 500 feet long. Wildlife must be able to move from the subject *lot* to *core ESHA*

without encountering a major barrier (e.g., high-traffic road without *wildlife-safe crossings*, large facilities, etc.). An exception to this requirement may be allowed if the *lot* contains one of the following:

- i. A sensitive biological resource that can persist in isolation (e.g., narrow endemic species or unique *habitats* such as vernal pools); or
 - ii. A *habitat* that functions as a *stepping stone* for *special status species* between protected *core areas*.
3. Preservation and Management - The *lot* shall be *preserved* and managed in perpetuity for *habitat* conservation and open space purposes through one of the legal instruments identified in Section 8178-2.10.1(c) and in compliance with a County-approved *ESHA Mitigation Plan* (see Section 8178-2.10.9(a)).

See Section 8178-2.10.8, for information on how off-site mitigation sites are used for compensatory mitigation.

[Staff explanation: The Commission's recommended modification clarifies how passive restoration may be used for compensatory mitigation of ESHA impacts.]

Section 8178-2.10.8 of the Implementation Plan shall be modified as follows:

Compensatory mitigation measures shall be implemented pursuant to a County-approved *ESHA Mitigation Plan* (Section 8178-2.10.9), through one or more of the following means:

- a. The applicant is responsible for the completion of compensatory mitigation through one or more of the following:
 1. When compensatory mitigation includes off-site *ESHA preservation*, the applicant may implement the mitigation requirement through the purchase of an off-site mitigation *lot*.
 2. When compensatory mitigation includes on-site or off-site *ESHA restoration, enhancement or establishment*, the applicant must hire a *restoration specialist* to complete the *ESHA Mitigation Plan* (see Section 8178-2.10.9). Off-site mitigation areas shall be encumbered with a *conservation easement* or owned and managed by a *natural resource agency* or County-approved *conservation organization*.
 3. When an approved *mitigation bank* (see subsection (b)) or available *in-lieu fee* program (see subsection (d)) accepts payment from an applicant, the responsibility for completion of the mitigation requirements resides with the *mitigation bank* or *in-lieu fee* program.
- b. **Mitigation Bank:** A *mitigation bank* must meet the requirements of Section 8178-2.10.4(b)(2) and provide adequate mitigation of the impacted resource by the relevant federal or state *natural resource agency or conservation organization* (i.e., Conservation Bank - U.S. Fish and Wildlife; *Mitigation Bank* - California Department of Fish and Wildlife, U.S. Army Corp of Engineers, U.S. Environmental Protection Agency). Through a payment to such a bank, the permittee transfers its responsibility for implementation of the required compensatory mitigation to the *mitigation bank*.
- c. **Federal or State In-Lieu Fee Programs:** If available, an alternate, Coastal Commission approved *in-lieu fee* program(s) operated or managed by one or more *natural resource agencies* (e.g., US Fish and Wildlife, California Department of Fish and Wildlife, U.S. Army Corp of Engineers, Coastal Conservancy) could be used to satisfy compensatory mitigation requirements for impacts to *wetlands, wetland buffer zones, dune habitats* or other specific coastal *ESHA*.

- d. **Ventura County In-Lieu Fee Program:** The County's *in-lieu fee* program allows a permittee to substitute payment of a fee to the County's Coastal Habitat Impact Fund to meet compensatory mitigation requirements for impacts to *ESHA* through the off-site *preservation of in-kind ESHA*. This program will be established as follows:
1. Objective – Provide adequate compensatory mitigation for the loss of *coastal sage scrub* and *chaparral* plant communities in the Santa Monica Mountains (M) overlay zone in a manner that allows the County to target successful conservation efforts while providing permittees with a simple mechanism to accomplish mitigation.
 2. Types of Impacts – Impacts to *coastal sage scrub* and *chaparral* in the Santa Monica Mountains that meet the definition of *ESHA* pursuant to Section 8178-2.4.1(d).
 3. Type of Compensatory Mitigation – *In-lieu fees* will be used to acquire, *preserve, monitor* and manage land that contains *coastal sage scrub* and *chaparral habitat*.
 4. Mitigation Area – Mitigation sites shall be in the Santa Monica Mountains and meet the locational criteria in Section 8178-2.10.4(b)(3).
 5. Environmental Standards - Mitigation sites preserved through the *in-lieu fee* program shall meet the environmental/*preservation* standards in Section 8178-2.10.5(b) and all such sites shall be preserved in perpetuity.
 6. Ownership and Long-Term Management Strategy and Sponsors – Compensatory mitigation (i.e., land acquisition, *preservation* and management) shall be conducted by a County-approved *conservation organization* or *natural resource agency*. Available funds will be transferred to the contracted organization/*agency* when the County is notified that an off-site mitigation property is available for purchase.
 7. Compensation Planning Framework – A framework will be established for the selection and *acquisition* of conservation properties based on the criteria in Section 8178-2.10.4(b)(3) and the service area's needs, opportunities, and *preservation* challenges.
 8. Timing of Compensatory Mitigation – Whenever feasible¹, land acquisition shall be conducted within three years of the receipt of fees in the Coastal Habitat Impact Fund. Fees will be paid prior to a *Zoning Clearance development project's impacts*.
 9. Program Administration – Administrative and reporting protocols, accounting and implementation procedures, records, agreements between County and the County-approved *conservation organization* or *natural resource agency*, assumption of responsibilities, default and closure provisions, and other administrative components of the *in-lieu fee* program shall be established and maintained by the RMA/Planning Division. See Coastal Area Plan, *ESHA Program #5*, for information on program administration.
 10. Amount of In-Lieu Fee – The fee shall be calculated on a per-acre basis for each acre, or portion thereof, required as compensatory mitigation for impacts to *CSS/chaparral* (see mitigation ratios, Section 8178-2.10.6). The *in-lieu fee* shall be determined as follows:
 - i. Interim In-Lieu Fee: For a six five-year period following certification of the LCP amendments for *ESHA*, an *in-lieu fee* of \$29,170 ~~28,603~~ per acre (which shall be adjusted annually for inflation) shall be used for each acre of land, or a portion thereof, required as compensatory mitigation. An interim temporary

¹ Land acquisition within the established period may not be feasible if: (a) funds are insufficient to purchase available lots, or (b) no lots are available that meet the County's standards for off-site mitigation sites.

in-lieu fee of ~~\$7,3407,197~~ per acre (which shall be adjusted annually for inflation) shall be used for each of acre of land, or a portion thereof, required as compensatory mitigation when *ESHA* is thinned within an *expanded fuel modification zone* that exceeds 100 feet pursuant to Section 8178-2.10.1(e). After the ~~six~~ five-year period, the County-sponsored administered interim *in-lieu fee* program will ~~expire~~ be discontinued unless a permanent *in-lieu fee* program is certified by the California Coastal Commission, ~~although the Executive Director of the Coastal Commission may extend this expiration date if additional time is needed for submittal or Commission consideration of a complete Ventura County LCP amendment application.~~ After expiration of the interim fee, ~~no coastal development permits may utilize the in-lieu fee program until the amount of the permanent in-lieu fee and corresponding administrative procedures are incorporated into this LCP through an LCP amendment that is certified by the Coastal Commission.~~ See Coastal Area Plan, *ESHA* Program 5, for administrative details associated with the interim *in-lieu fee*.

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

See Coastal Area Plan, Section 4.1.3, *ESHA* Program 5.

[Staff explanation: The Commission's recommended modifications first clarify that compensatory mitigation must be provided before the zoning clearance for construction is issued. Additional edits also correct the amount of the interim in-lieu fee with higher inflation costs than previously expected for recent years, provide the County with an additional year to determine and adopt the final in-lieu fee for the program, and clarify when the interim in-lieu fee program expires.]

Section 8181-3.5.3 of the Implementation Plan shall be modified as follows:

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

- a. Development Within or Adjacent to *ESHA* – All *ESHA* policies and standards of the LCP have been met and the project design has been found to constitute result in the least environmentally damaging alternative e to *ESHA* pursuant to Section 8178-2.6. In addition, any direct or indirect impacts to *ESHA* will be mitigated pursuant to Section 8178-2.10.
- b. Increase of a Mandatory Fuel Modification Zone – New development with a mandatory fuel modification zone greater than the standard 100-foot width requires a finding supported by a determination made by the Ventura County Fire Protection District, that the increased fuel modification zone of up to 200-feet is needed to protect life and property from wildland fires based on site-specific environmental conditions and that there are no other feasible mitigation measures possible.
- c. Expanded Fuel Modification Zone – If the width of a *fuel modification zone* exceeds 100 feet, the Ventura County Fire Protection District has authorized the *expanded fuel modification zone*, and determined that it is necessary to protect life, property, and

natural resources from unreasonable risks associated with wild land fires and there are no other mitigation measures possible.

- de. *Economically beneficial use* – If a *Coastal Development Permit* allows a deviation from a policy or standard of the LCP pursuant to Coastal Area Plan Policy 4.2, permit findings shall meet the requirements in Coastal Area Plan Policy 4.3.
- e. Site Specific ESHA Determinations and Maps – The physical extent of habitat meeting the definition of ESHA and buffer zone on the entirety of the lot containing the project site is accurately mapped within the CISBA, is consistent with the LCP policies and standards (e.g., definition of ESHA, buffer zone determinations) and available independent evidence, and has been review by the Planning Staff Biologist or a County's Biological Consultant.
- f. Compensatory Mitigation – All direct and indirect adverse impacts to ESHA resulting from the development and any unpermitted development are fully mitigated consistent with the LCP policies and standards, and required financial assurances are provided. All on-site and off-site areas subject to compensatory mitigation will be preserved in perpetuity consistent with Section 8178-2.10.1(c).
- g. Open Space Restriction – All ESHA, buffer zones, and slopes over 30 percent gradient located on the lot outside of the building site and mandatory fuel modification zone are preserved in perpetuity through a conservation easement or conservation instrument except as otherwise set forth in the project's associated Coastal Development Permit and any allowable future development that is consistent with Section AE-2.2.2.
- h. Land Divisions – For a lot(s) that contain ESHA or buffer zone and is proposed for land division, substantial evidence was provided that demonstrates that the land division will not result in new, adverse impacts to ESHA or buffer zone including those that could occur due to an economically beneficial use of the property.
- i. ESHA Preservation Incentives – If a Coastal Development Permit is being granted pursuant to an ESHA preservation incentive, then the proposed land division will result in the preservation of large areas of unfragmented ESHA. Also, the proposed land division will not result in greater impacts to ESHA or buffer zones, and will not increase the loss of ESHA, when compared to the development that could occur without use of the incentive.

[Staff explanation: The Commission's recommended modifications ensure that all required ESHA permit findings referenced in the LCP are located within Section 8181-3.5.3.]

Appendix AE-1, Sec. AE-1.2.2 of the Implementation Plan shall be modified as follows:

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

- 1. ~~a.~~ The Planning Staff Biologist or County's designated biological consultant finds that the *habitat* no longer meets the definition of *ESHA*. Such determinations shall

be supported by substantial evidence prepared by a *qualified biologist* in accordance with Section AE-1.2.1. If the destruction of one *ESHA* type led to its replacement by another *ESHA* type, the area shall remain classified as *ESHA*. For example, if an *ESHA coastal sage scrub habitat* was replaced by an *ESHA grassland habitat*, the area shall remain classified as *ESHA*; and

2. b. The Planning Staff Biologist finds that 20 ~~15~~ or more years passed since the most recent *natural disaster* (with no intervening *natural disaster* events). For all areas cleared of native vegetation that contain ruderal vegetation (or bare ground), historical aerial imagery shall be reviewed, and a determination shall be made that the *ESHA* was destroyed by *natural disaster* unaided by human intervention. A description of the *natural disaster(s)* shall be provided in conformance with Section AE-1.3.2(h) and Section AE-1.3.3(c); and
3. c. All modifications to the *ESHA* map must be approved by the decision-making body for the *Coastal Development Permit* and shall be conducted in accordance with standards in Sections AE-1.3.2, AE-1.2.3, and AE-1.2.1.

[Staff explanation: The Commission's recommended modifications include any contracted biological consultant the County may hire to make ESHA determinations during discretionary permit application review, and correct the years needed between natural disasters that coastal sage scrub and chaparral communities would be expected to recover from a natural disaster from 15 to 20.]

Appendix AE-1, Section AE-1.2.3 of the Implementation Plan shall be modified as follows:

A comprehensive list of the *habitat* groups classified as *ESHA* in the Ventura County *coastal zone* is in CZO Section 8178-2.4.1. Additional information on many of the *habitat* groups classified as *ESHA* is provided below:

- a. **Coastal Bluff Habitats** – *Coastal bluff habitats* are found in the northern and southern portion of the County's *coastal zone*. They are characterized by cliff faces (with at least 10 feet of vertical relief) whose toe is or was subject to marine erosion. The vegetative community (referred to as *coastal bluff scrub*) includes California bush sunflower (*Encelia californica*) and giant coreopsis (*Leptosyne gigantea*) and several succulent species, including localized forms of more widespread species (e.g., prostrate goldenbush, (*Isocoma menziesii* vars.), as well as a mixture of coastal cactus scrub types including but not limited to, prickly pear (*Opuntia* spp.), our lord's candle (*Hesperoyucca whipplei*) and live-forevers (*Dudleya* species)).
- b. **Coastal Dune Habitats** - Coastal sand dune systems occur in areas with actively or formerly shifting sand that is associated with the immediate coastal environment. Moving landward from the shore, dunes may become stabilized by vegetation communities characterized by distinct species. In Article 2, a *dune habitat* is defined as follows:

A fragile habitat that contains accumulations of sand in ridges, hummocks, or mounds, which typically support native and non-native species of vegetation located landward of the sea.

The foredune *habitat* that is closest to the sea, is most exposed to onshore winds and salt spray and is typically characterized by species such as beach bur (*Ambrosia chamissonis*), beach saltbush (*Atriplex leucophylla*), sand verbena (*Abronia umbellata*), red sand-verbena (*Abronia maritima*), beach morning glory (*Calystegia soldanella*), beach evening-primrose (*Camissoniopsis cheiranthifolia*, as *Camissonia*

cheiranthifolia), and salt grass (*Distichlis spicata*) with few other species. Interdune and back dune (dune scrub) vegetation communities are characterized by species such as California croton (*Croton californicus*), California mock heather (*Ericameria ericoides*), Menzies' goldenbush (*Isocoma menziesii*), etc. Non-natives plants brought to stabilize dunes and change dune formation patterns include European beach grass (*Ammophila arenaria*), and iceplant (*Carpobrotus* spp.).

[Staff explanation: The Commission's recommended modification makes a minor clarification that dunes can still exist with sands that have been stabilized with vegetation, otherwise known as "back dunes".]

- c. **Coastal Sage Scrub and chaparral (Santa Monica Mountains)** - *Coastal sage scrub and chaparral* (CSS/chaparral) may be defined as *ESHA* because some members of the plant community ~~qualifies~~ are identified as a *special status species* (e.g., the rarity ranking is S1-S3 or G1-G3, see CZO Section 8178-2.4.1). In 2003, the California Coastal Commission found that "large contiguous areas of relatively pristine native *habitat* in the Santa Monica Mountains meet the definition of *ESHA* under the Coastal Act". The result of the Commission's action is that most areas that contain *coastal sage scrub* (CSS) and *chaparral* are now classified as *ESHA* within the Santa Monica Mountains. This *habitat* is described in a March 25, 2003 memorandum from the Commission¹⁷ as follows:

Coastal Sage Scrub / Chaparral - *Coastal sage scrub* is characterized primarily by aromatic drought-deciduous shrubs such as California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), California sunflower (*Encelia californicus*), laurel sumac (*Malosma laurina*), and black (*Salvia mellifera*) and purple sage (*Salvia leucophylla*) and provides important *habitat* for wildlife. This community has been substantially reduced from its historical extent due to *development*, with approximately 15% remaining in California. *Chaparral* is dominated by deep-rooted evergreen shrubs such as chamise (*Adenostoma fasciculatum*), redshank (*Tringa totanus*), manzanita (*Arctostaphylos* spp.), and ceanothus (*Ceanothus* spp.). While still relatively common, *chaparral habitats* serve a wide variety of essential *ecosystem* roles in the Santa Monica Mountains.

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

1. The plant community within the polygon is an association (as defined in the Manual of California Vegetation) in which the dominant, co-dominant, or characteristic plants are native *chaparral* or *coastal sage scrub* species; and
2. The defined area meets Criteria 2 in Section AE-1.2.1 above.

[Staff explanation: The Commission's recommended modification makes a minor grammatical change to the language characterizing coastal sage scrub as ESHA.]

- d. **Habitat Connectivity Corridors.** A *habitat connectivity corridor* is an area of contiguous natural *habitats* of sufficient width to facilitate the movement, migration, foraging, breeding, and dispersal of multiple animal or plant species between two or more *core habitat* areas. These areas provide important *ecological functions* such as seed and wildlife dispersal or pollination, a connection for species with limited mobility to other wildlife sub-populations, and escape routes for species during a wildfire or drought conditions. *Habitat connectivity corridors* are defined at regional and local planning scales as follows:

1. Regional *Habitat Connectivity and Wildlife Corridors* - Regional scale corridors link large protected *core habitats* across the Counties of Ventura, Los Angeles, Santa Barbara, and Kern. The two regional-scale corridors in the *coastal zone* are the Ventura

River and the Santa Clara River. These corridors contain large, relatively intact vegetation communities that link remaining undeveloped coastal areas to large protected *core habitats* in the Los Padres National Forest and the Sierra Madre Mountain Range. These two regional corridors are necessary to the long-term health of remaining *core habitat areas* in the *coastal zone*. The geographic extent of a regional corridor shall be based on: (i) regional maps adopted by the Board of Supervisors; or (ii) the combination of the *wet environment* and *its buffer zone*, whichever is greater.

2. Local Corridors – The local *habitat connectivity corridor* is a smaller-scale linear area that contains specific *habitats* and landscape features that are frequently used for plant dispersal and wildlife movement. The first type of local corridor occurs within linear *wet environments* (e.g., *streams*, elongated *estuary* or *wetland*). The second type of local corridor provides linkages between *adjacent* headwater *streams* (see Figure AE-1.2.3 and Figure AE-1.2.4).

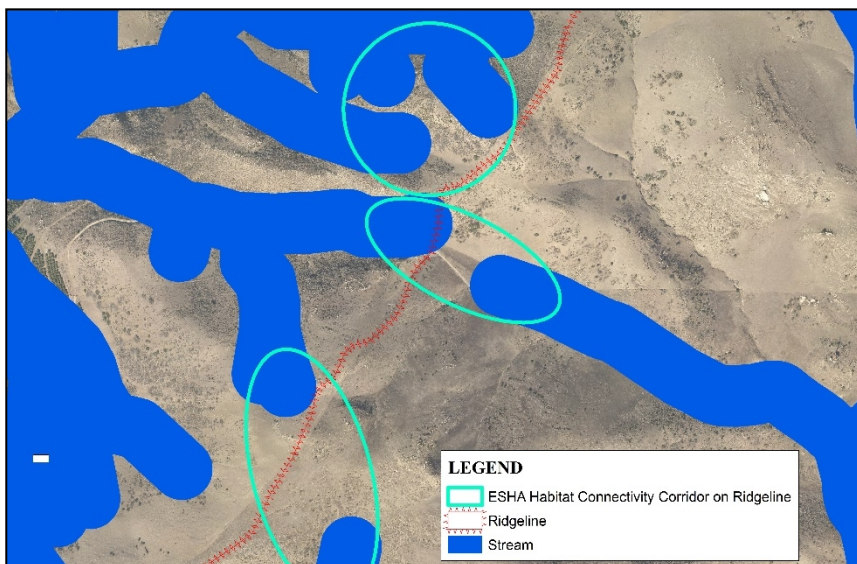


Figure AE-1.2.3
- The red line shows a local ridgeline corridor where undeveloped areas occur along a ridgeline where headwater streams meet between two drainages.

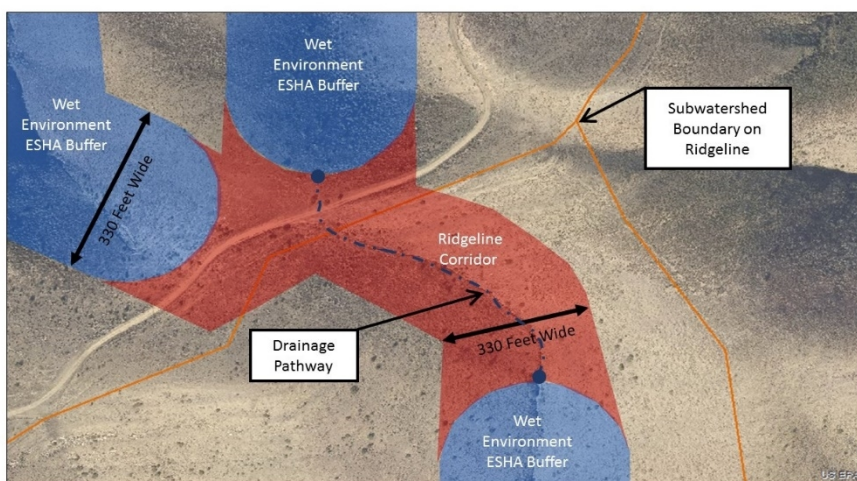


Figure AE-1.2.4
Diagram illustrating a ridgeline corridor. See subsection (ii).

Ridgeline corridors are defined using two criteria: (i) The *ridgeline* must serve as a boundary between subwatersheds using the highest USGS Hydrologic Unit Code (HUC) available to define subwatershed boundaries; and (ii) the delineated *stream buffer*

zones from the adjoining watersheds must be in reasonable proximity to one another on the *ridgeline* (approximately 1000 feet). The geographic extent of a local corridor shall be based on the following:

- i. For a linear *wet environment*, the minimum width of a *local corridor* shall be 330 feet or the combined width of the *ESHA wet environment* and its *buffer zone*, whichever is greater.
 - ii. For a *ridgeline* corridor, the minimum width shall be 330 feet (see area shaded in red, Figure AE-1.2.4). The corridor shall be delineated using the following guidance: 1) the centerline of the *ridgeline* corridor shall follow the drainage pathway⁹ of each headwater *stream* to the top of the *ridgeline* (where the *slope* levels off - see dotted navy blue line in diagram above); and 2) The centerline of the corridor shall then follow the shortest distance between the headwater *streams* at the top of the *ridgeline*. In Figure AE-1.2.4, the topography levels at the dirt road, where then a direct link is made to the centerline of the *wet environment buffer zone* from the adjoining subwatershed.
 - iii. Adjustments to the width of a local corridor may be approved based on the recommendation of the Planning Staff biologist or County contracted *qualified biologist* if substantial evidence provided that shows that width adjustments will not adversely impact the function of the *habitat connectivity corridor* due to species requirements supported by the *habitat* type/area; quality or type of *habitat* within and *adjacent* to the *habitat connectivity corridors*, presence of *chokepoint*, topography, and land use within or *adjacent* to the corridor.
- e. **Native Grassland Habitat.** Native grassland *habitat* consists of perennial native needlegrasses: purple needlegrass, (*Nassella pulchra*), foothills needlegrass, (*Stipa lepida*) and nodding needlegrass (*Nassella cernua*) in addition to associated native *forb* species (e.g., golden-stars (*Bloomeria crocea*)) as well as non-native annual species that are characteristic of California annual grassland. Native grassland *habitat ESHA* determinations are made on a case by case basis as they must take into consideration several factors - including patch size, number of patches/level of *habitat fragmentation*, connectivity of patches, connectivity to other *ESHA*, and the nature of *adjacent habitat* (level of disturbance, *ESHA* classification). Areas supporting 10 percent or more native grassland species cover (including both grasses and *forbs*) have typically been defined as native grassland *habitat* by the CNDDDB, but areas with a lower percentage of native cover may also be considered native grasslands based on assessment of the above factors. See Section AE-1.3.2(g)(6) for additional information on the delineation of native grassland communities.
- f. **Oak and Native Woodland Habitats.** Coast live oak woodland occurs mostly on north *slopes*, shaded ravines and canyon bottoms. Besides the coast live oak, this plant community includes hollyleaf cherry (*Prunus ilicifolia*), California bay laurel (*Umbellularia californica*), redberry (*Rhamnus crocea*), and poison oak (*Toxicodendron diversilobum*). California black walnut (*Juglans californica*) and other native tree (e.g., California bay laurel (*Umbellularia californica*), sycamore (*Plantus* spp.), alder (*Alnus* spp.) are common native woodland species. While these woodland *habitats* are most often components of *riparian habitats*, they also occur in mesic conditions found in pockets, canyons, and west, north-west, and/or north-east facing *slopes*.
- g. **Rock Outcrop Habitats.** *Rock outcrop habitats* are exposed rock areas that support a distinctive and unique flora including lichens, spikemoss (*Selaginella* sp.), liverworts, and rare or regionally-restricted plant taxa found in few parts of the *coastal zone*, including

⁹ The pathway that water would travel down the slope of the mountain.

Santa Susana tarplant (*Deinandra minthornii*), several species/ subspecies of liveforever (*Dudleya* spp.), Wright's buckwheat (*Eriogonum wrightii* var. *membranaceum*), silverleaf trefoil (*Lotus argophyllus*) and others. Rock outcrops serve as refugia for various sensitive and localized native plants and animals and are found on the County's north coast and in the Santa Monica Mountains.

- h. **Wet Environments** – A *wet environment* is associated with the presence of water, either perennially, intermittently, or ephemerally. *Wet environments* include *wetlands*, rivers, lakes, *streams*, *estuaries*, *lagoons*, seeps, springs, and the vegetative communities associated with these physical settings. *Wet environments* do not include beaches that *abut* the sea, except where the beach includes an *estuary*, *lagoon* or *wetland*.

1. **Wetlands.** A *wetland* is defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. Some types of *wetlands* lack vegetation, and the soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such *wetlands* can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or *adjacent* to, vegetated *wetlands* or deep-water *habitats*. (14 CCR Section 13577). This definition requires evidence of a single parameter to establish *wetland* conditions. See Section AE-1.3.2 (g)(8) for additional information on *wetland* delineation.

Conversely, a *wetland* created by the presence of (and associated with) *agricultural* ponds and reservoirs, where the pond/reservoir was constructed by a farmer/rancher for *agricultural activities*, is not defined as *wetland* unless there is evidence (e.g., aerial photographs, historical survey) showing that the *wetland habitat* pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes are not considered *wetlands*.

2. **Seeps or Springs.** Seeps and springs are small, discrete communities with their own associated flora and fauna, including numerous specialized ferns, wildflowers, invertebrates, and amphibians (especially salamanders). Their component species differ according to the surrounding plant communities. For example, seeps in shady oak woodlands will support different species than seeps in arid *chaparral*. While some of these *habitats* could be maintained or augmented by anthropogenic water sources, in general these *habitats* are treated as fully natural features. Important springs microhabitats include: cave environments, wet walls, madicolous (fast-flowing water) *habitats*, hyporheic (saturated subfloor) *habitats*, open-water pools, spring *streams* (including those partially or more completely dominated by surface flow), wet meadows, *riparian habitats*, waterfall spray zones, and barren rock *habitats adjacent* to springs. Due to their small size, seeps and springs are rarely identified on certified *ESHA* maps and must be identified during the site-specific mapping process. See Section AE-1.3.2 (g)(8) for additional information on seep or spring delineation.
3. **Vernal Pools.** A vernal pool is a *habitat* typically inundated by shallow water during the wet season and dry during the warm season. Vernal pools are most common on coastal terraces where there is a seasonally perched water table or impenetrable clay or hardpan soil. They hold water long enough to allow some purely aquatic organisms to grow and reproduce, but not long enough to permit the *development* of a typical *wetland ecosystem*. Many vernal pool species are found only in vernal pools. All species that occur in vernal pools must be able to tolerate a wide range of conditions and grow/reproduce in a short time frame. Vernal pool species include but are not limited to blue-eyed grass (*Sisyrinchium bellum*), red maids (*Calandrinia ciliata*), California tiger salamanders (*Ambystoma californiense*), and invertebrates such as fairy shrimp

(*Anostraca* spp.). See Section AE-1.3.2 (g)(8) for additional information on vernal pool delineation.

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

5. **Vegetative Communities for Wet Environments:**

- i. **Riparian Habitat:** The transitional *habitat* between terrestrial and aquatic *ecosystems* located *adjacent* to perennial, *intermittent*, and *ephemeral streams*, lakes, and estuarine-marine shorelines. *Riparian habitat* is distinguished by gradients in biophysical conditions, ecological processes, and biota, where surface and subsurface hydrology are connected to the terrestrial system. In the Ventura County *coastal zone*, *riparian habitat* includes all vegetation (canopy and understory species) associated with a creek or *stream* or other waterbody including, but not limited to, sycamore (*Platanus racemosa*), coast live oak (*Quercus agrifolia*), black walnut (*Juglans californica*), white alder (*Alnus rhombifolia*), Fremont cottonwood (*Populus fremonti*), black cottonwood (*Populus trichocarpa*), mulefat (*Baccharis salicifolia*), arroyo willow (*Salix lasiolepis*), red willow (*Salix laevigata*), blackberry (*Rubus ursinus*), California mugwort (*Artemisia douglasiana*), and Mexican elderberry (*Sambucus Mexicana*). Where *chaparral* and/or *coastal sage scrub* occur within or *adjacent* to creeks or *streams* and function as *riparian habitat*, the area is considered to be *riparian habitat* or *alluvial scrub* (see below).
- ii. **Alluvial Scrub Habitat:** This vegetation community occurs on drainages and outwash fans at elevations that range between sea level and 1,800 m. It is typically found on coarse-grained recent-alluvial soils near flood channels in areas that are occasionally or rarely inundated. Examples of soils that support *alluvial scrub* communities in Ventura County may include the following soil series: Anacapa, Corralitos, Cortina, Garretson, Gaviota, Hueneme, Metz, Moco, Pico, Riverwash, Sorrento, Vina, Zamora, and Sandy Alluvial Land. Soils supporting *alluvial scrub* drain rapidly, have slow *runoff*, and contain low amounts of organic matter. These areas typically do not support extensive hydrophytic (i.e., *wetland*) vegetation because of the scarcity of surface water for much of the year. *Alluvial scrub* is made up predominantly of phreatophytes¹⁰, where the dominant species is scalebroom (*Lepidospartum squamatum*). *Alluvial scrub* also shares many of the same species with *coastal sage scrub* and *chaparral habitats* because of the *ephemeral* hydrology associated with these systems. Other shrubs present may include California sagebrush (*Artemisia californica*), big sagebrush (*Artemisia tridentata*), redberry (*Rhamnus crocea*) mountain mahogany (*Cercocarpus montanus* var. *glaber*), bladderpod (*Isomeris arborea*), brittlebush (*Encelia farinosa*), California buckwheat (*Eriogonum fasciculatum*), burrobrush (*Hymenoclea salsola*), chaparral yucca (*Yucca whipplei*), thick-leaf yerba santa (*Eriodictyon crassifolium*), Deerweed (*Acmispon glaber*), Mulefat (*Baccharis salicifolia*), Poison oak (*Toxicodendron diversilobum*), prickly pear cactus (*Opuntia* spp.), and sugar sumac (*Rhus ovata*). Emergent individuals of Western Sycamore (*Platanus racemosa*), Southern California black walnut (*Juglans californica* var. *californica*), Fremont Poplar (*Populus fremontii*), laurel sumac (*Malosma laurina*), lemonade berry (*Rhus integrifolia*), and Mexican elderberry

¹⁰ Plants that send their roots down to a (relatively) shallow ground water table.

(*Sambucus Mexicana*) may be present. Periodic disturbances such as floods and fires remove shrubs and trees. If stands are not disturbed for a long period of time, emergent trees gradually take over this shrubland.

[Staff explanation: The Commission's recommended modification addresses an incorrect reference in subsection h.4 above.]

Appendix AE-1, Section A.E-1.3.2 of the Implementation Plan shall be modified as follows:

- a. **Report Summary.** This section will be written as an "executive summary" of the CISBA and will include a condensed synopsis of the findings of the report. The length of the report summary depends directly on the nature and complexity of the biological resources within the survey area, the potential impacts of the proposed project, the measures that will be implemented to avoid and minimize those impacts, and how unavoidable adverse impacts will be mitigated pursuant to CZO Section 8178-2.10.
- b. **Introduction.** The introduction shall describe the proposed project and provide information on existing and historical uses or *development* on the subject property. The format of the report is as follows:
 1. *Project Site Information:* Address; Assessor Parcel Number (APN); land use regulations (General Plan designation, Area Plan designation, Zoning classification); and size of the project site.
 2. *Contact Information.* Names, phone numbers and addresses of the property owner, applicant, and project consultants.
 3. *Report Preparation Details.* The dates, names, and qualifications of the persons preparing the report.
 4. *Statements.* Provide a statement specifying the accuracy of the report. If applicable, provide a statement that defines areas where the County should alter the official *ESHA* map during an LCP amendment process.
 5. *Project Summary:* A description of the proposed project, identification of the type of permit requested, list of any previous permits issued for the property (see Permit History). The description of the project shall contain a description of the approximate size and purpose of all proposed *development*. Include details such as disturbance area (i.e., the total area of the proposed *development envelope*, as well as subsets for size of *building site* and size of *fuel modification zone*), grading volumes and areas, stormwater *best management practices* (BMPs), parking and staging areas, roads (and associated fire hazard brush clearance areas), fire department turnarounds, utility *infrastructure* (water wells, pipelines, and septic fields and setbacks), *agricultural operations* and cultivation species (includes garden areas), confined animal facilities, *fences*, and *outdoor lighting* (when applicable). See Section AE-1.3.3 for related map/data requirements. Provide a general timeline of construction and maintenance tasks, including heavy equipment needed for each task.
- c. **Existing Physical and Biological Conditions:** Information on regional and local site conditions shall be provided using historical/current aerial photographs, site specific survey maps, as well as photographic documentation. Refer to Section AE-1.3.3 for related map/data requirements for the subsections below. The CISBA shall include necessary information regarding the local and regional context of the proposed project, including the following:

1. *Regional Context*: Description and map(s) of the regional features showing the project location, including watershed boundaries, *wet environments*, *wetlands*, *ESHA*, existing mapped sensitive species (Section 1.3.2 (f)), existing *adjacent* land uses and *development*, *habitat connectivity* to protected conservation areas and all roads. The map shall depict the location of any mature tree stands 1000 feet from the edge of the proposed *development envelope* (Section AE-1.3.2 (g)(1)(iii)). For regional extent of the cumulative impact evaluation, see Section AE-1.3.2 (i)(6) below.

For proposed land divisions only. All *lot* sizes (or parcel sizes if the *legal lot* status is unknown) shall be identified within a quarter-mile radius from the edge of the subject *lot*. To determine whether a proposed *land division* meets the rural *land division* criteria of Section 30250 of the Coastal Act, also provide a calculation of the median size of the existing *lots* within the quarter-mile radius.

2. *Physical Characteristics*: A description, maps and photos of the physical characteristics (e.g., topography, soil types/disturbance, *slope* orientation) or prominent features (e.g., rock outcroppings, caves, cliff faces, drainages) of the project site (i.e., the *legal lot*) that may be important for unique biological conditions on the site.
3. *Biological Conditions*: Provide a site description with accompanying maps and photos of the overall *habitat* quality on the subject property (the current capacity of *ESHA* serving its natural *function* within the *ecosystem*) that includes the following information: disturbance history (removed or degraded vegetation, *fire frequency* and history, soil disturbance (Section AE-1.3.2 (d)-(f)), results of site specific mapping of vegetative communities (including the presence/density of *invasive or invasive watch list plant species* (Section AE-1.3.2 (f)-(h)), *ESHA* types, man-made or natural barriers or *chokepoints* to species movement proximity to wildlife/*habitat* corridors, and the connectivity to surrounding offsite *core habitats* and *connectivity corridors*.
- d. **Permit History.** Provide a list and summary of all permits, including permit numbers, for previously authorized *development* on the project site. Include a written summary, maps, and a tabular/quantitative summary of *ESHA* removed, degraded or altered through permitted *development* (see below). Also provide documentation that shows whether compensatory mitigation was provided for the impacted area.
- e. **Removed or Degraded Vegetation.** Summarize and map all *ESHA* that was removed, degraded or altered on the *lot* project site since January 1, 1977. This includes all *ESHA* altered without legal documentation, as well as, *ESHA* altered from legally established *development* (See Section 8178-2.4.2 and Subsection (d) above). Within the discussion, include a tabular/quantitative summary of *ESHA* impacted. The tabular information shall identify the *habitat* type/category, acres impacted, year of impact, and if area has grown back to the pre-disturbance vegetative community (only areas with no soil disturbance/grading/*invasives* or *invasive watch list plant species*). To determine the extent and type of *ESHA* present before disturbance, the applicant shall provide a legible depiction of historic aerial images of the site (January 1, 1977 to current), database searches, the results of site-specific surveys on and *adjacent* to the subject parcel, and other available evidence.

[Staff explanation: The Commission's recommended modification to subsection e above makes minor corrections to references and removes the dates since the map and

summary should show the extent of the ESHA prior to the disturbance, regardless of the date.]

f. List of Potential ESHA and Species.

1. Before conducting the field survey(s) (see AE-1.3.2 (g)), the *qualified biologist* shall review and prepare a comprehensive list of all *ESHA* and special status *habitats/species* that could occur on the project site. Provide a brief summary of the potential *ESHA* and special status *habitats/species* on the project site in the body of the report and include the comprehensive list previously prepared as an appendix to the CISBA. The comprehensive table shall contain the following:
 - i. Recommended survey date(s) for each potential, special-status species on the project site (see Section AE-1.3.2(g)(3)).
 - ii. Protection status;
 - iii. *Habitat* requirements; and
 - iv. Likelihood of its occurrence on-site given the physical and biological conditions (non, low, moderate, high, or observed). For observed species, provide the number of each species observed (See Section AE-1.3.2(g)(2)).
2. Existing, mapped biological information shall be supplemented with evidence or data from other published sources that include the following:
 - i. CDFW RareFind, *California Natural Diversity Database* (CNDDDB), Natural Communities List;
 - ii. USFWS National Wetland Inventory Database (NWI), USGS National Hydrographic Dataset, and California Rapid Assessment Method field results

- in EcoAtlas;
 - iii. Watershed Protection District Data;
 - iv. Mapped Habitat Connectivity and Wildlife Corridors;
 - Ventura County Habitat Connectivity and Wildlife Corridor
 - Data Basin Climate Resilient Connectivity Prioritized Linkage Network
 - v. Vegetation Classification of the Santa Monica Mountains National Recreation Area and Environs (See CZO Section 8178-2.4.1(j) for list of *habitat* and sensitive species categories);
 - vi. USFWS Critical Habitat, Environmental Conservation Online System (ECOS) and Information, Planning, and Conservation System (IPaC);
 - vii. Audubon *Important Bird Areas*;
 - viii. Ventura County Locally Important Species List;
 - ix. California Native Plant Society Inventory of Rare and Endangered Plants of California;
 - x. Xerces Society and Audubon Red Lists; and
 - xi. Site-Specific Environmental Assessments (CISBA) for *abutting* or *adjacent* properties (when applicable).
3. Some sensitive species may only occur after fires, in certain soils, elevations, etc. Therefore, the following additional sources are recommended to help determine the suitability of the site for the potential presence of listed species:
- i. USGS Web Soil Survey;
 - ii. California Fire Plan, the Fire and Resource Assessment Program (FRAP) Fire Perimeter Data; and
 - iii. USGS GAP Analysis Program (GAP) GIS Datasets.

[Staff explanation: The Commission's recommended modifications reference the County's non-coastal zone wildlife corridors that connect to ESHA in the Coastal Zone and add useful new geographical data tools that were recently released to the public.]

- g. **Field Surveys and Maps:** This section identifies the information required for field surveys and related maps within the CISBA. It includes information on the geographic extent of biological field surveys, the timing of field surveys, and survey/mapping requirements for specific types of wildlife/*habitats*. The *qualified biologist* shall use a GPS to map all species/plant communities present within the survey area. Refer to Section AE-1.3.3 for detailed map/data requirements for mapping standards and other data requirements for subsections (1)-(9).
1. **Geographic Extent of Field Surveys/Maps.** All biological field surveys shall be conducted within a minimum of 500-feet from the edge of the proposed *development envelope*¹¹. Additional information, and exceptions to the 500-foot standards, are provided as follows:
- i. *Additional Surveys/Maps for Least Damaging Alternative Analysis:* General floristic mapping of all *ESHA* plant communities shall be conducted for all portions of the subject *lot* that lie outside the required 500-foot survey area. Such mapping shall be completed using available GIS vegetation maps, aerial photographs, and other available information (See Section AE-1.3.2 (f) for a list of available resources). At the request of the Planning

¹¹ See definition for *development envelope* in Article 2. It includes on-site and off-site *development*.

Staff Biologist or County contracted *qualified biologist*, the *qualified biologist* preparing the CISBA shall conduct a field visit to ground-truth mapped vegetation data. Refer to Section AE-1.3.2 (g)(8) for surveying *wet environments* or *wetlands* partially/fully located off-site within the survey area.

- ii. *Survey Data for Off-Site Locations*: When a portion of the survey area lies outside the property, a field survey of that area is not required if the land is privately-owned or is publicly-owned but not accessible. For such areas, an assessment and map of biological conditions shall be conducted based on a visual survey with binoculars and a review of aerial photographs, biological assessments prepared for permits processed on *abutting/adjacent* properties, and *habitat*/wildlife information available from federal/state/local *natural resource agencies*¹²; and
 - iii. *Monarch Overwintering Roosts*: When suitable Western monarch butterfly overwintering *habitat* is within 1000 feet of a proposed *development envelope*, two targeted monarch butterfly overwintering surveys each conducted by a different *qualified biologist* shall be required for all *habitat* that has the characteristics of a suitable *roost site* (see Section AE-1.3.2(g)(4)(iv)(below)). Suitable *habitat* includes trees that provide shelter from storms or prevailing winds, with nearby water and nectar sources in fall/winter.
 - iv. *Expanded Fuel Modification Zones for Existing Development*: A biological field survey shall be required for an *expanded fuel modification zone* for existing *development*. The geographic extent of the survey area shall include a 100 foot radius beyond the *extended fuel modification zone*.
2. **Field Survey Results**. The *qualified biologist* carrying out the field survey(s) shall identify, characterize, and delineate all site characteristics and *ESHA* that may be found in the site area based on the list of potential species (e.g., rare plants, bat, insects, and birds). All field surveys shall be conducted in accordance with the requirements of this section, and field survey results shall include the following information:
- i. A table that contains the recommended protocol detection dates to conduct the species/*habitat* survey(s), the survey date and time (start/end), acreage surveyed, name of County-approved biologist and conducting the surveys;
 - ii. A map depicting the area surveyed and survey route;
 - iii. A discussion of all field methods employed, including the methods for formal protocol surveys, and survey methods used to detect *special-status species* or sensitive plant communities. Constraints on the accuracy of the report (e.g., wrong season, time-of-day) should be explicitly discussed;
 - iv. A map depicting the area surveyed, all vegetation sampling locations and survey route.
 - v. *ESHA* delineation/mapping products (include location of rare plants, nests, burrows, dens, *colonial roosts*), site condition assessments (include vegetation communities, soil disturbance, wildlife barriers, *chokepoints*, connectivity features), photographs/videos associated with field surveys,

¹² Examples of such resources include the National Park Service vegetation maps, Ventura County and other GIS data available for soils and slopes, wildlife tracking GIS data, *monarch butterfly overwintering sites*, and *California Natural Diversity Database*.

shall be used to prepare the following maps and discussions: Section AE-1.3.2 (a) Executive Summary, (c) Existing Physical and Biological Conditions, (e) Removed or Degraded *ESHA*, (f) List of Potential *ESHA* and Species, (h) Site-Specific *ESHA* Map (i) *ESHA* Impact Analysis, (j) *ESHA* Mitigation Analysis, and Appendix E2, AE-2.5 (b)(2) *ESHA* Vegetation Management Plan.-

- vi. If *special status species* or vegetation communities are observed, copies of the CNDDDB California Native Species Field Survey Forms, Combined Vegetation Rapid Assessment and Releve' Field Forms, and/or a California Natural Community Field Survey Form shall be sent to CDFW and included in the CISBA.
 - vii. Color photographic or video documentation of the existing condition of the proposed *development envelope*, rare plants, and other noteworthy features (Appendix E1, AE-1.3.3; Appendix E2, AE-2.4 (b)(2)).
3. **Field Survey Timing.** At least one field survey shall be conducted for the CISBA. While field surveys are typically conducted in the spring, the number/timing of field surveys is dependent upon the types of potential *special status species* that may be found on the site (see AE-1.3.2 (f)), and more than one field survey is often required due to different blooming periods, migration arrival times, and breeding seasons. Wildlife surveys shall not be conducted during periods of excessive cold, heat, wind, rain, or other inclement weather that individually or collectively reduces the likelihood of detection. To avoid project delays, consultation with the Planning Staff Biologist or County contracted *qualified biologist* is recommended, as the County may determine that one or more additional surveys are required based on a site visit and/or the following criteria:
- i. The likelihood that the detection window for special status plant/bryophyte communities, such as rare native annuals, is limited to a particular time of year or during a year following normal/high rainfall. In successive dry years, requirements associated with yearly rainfall will be evaluated on a case-by-case basis. CDFW's most recent protocol(s) for surveying for rare plants, (Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities) shall be followed when conducting surveys for special status plant/bryophyte communities. If special status plants are discovered, they shall be avoided.
 - ii. To detect rare invertebrate species (e.g., terrestrial snails (*Helminthoglypta*), monarch butterfly (*Danaus plexippus*) or Crotch bumblebee (*Bombus crotchii*), surveys shall be conducted during the flowering period of flowers on which the invertebrates depend or when microsite characteristics (e.g., shelter from prevailing wind, temperature, nectar, water) may support *habitat* use during the overwintering season;
 - iii. Presence of year-round water (i.e., surface water in the dry season (late summer/fall)) rock outcrops, vegetation containing large woody debris, *chaparral*, etc. that are capable of providing *habitat* for sensitive amphibians and reptiles (e.g., coast range newt (*Taricha torosa torosa*), California red-legged frog (*Rana draytoni*), California Glossy Snake (Arizona elegans occidentalis), San Diego Mountain Kingsnake (*Lampropeltis zonata pulchra*), or southwestern pond turtle (*Actinemys pallida*);
 - iv. During drought years, schedule site visits for the identification of *ephemeral wet environments* during the rainy season. Historic aerial photographs also

may be used to aide in the identification of *wet environments*, particularly during multi-year drought periods. See Section AE-1.3.2 (g)(8)(iii) below.

- v. Arrival of special-status nesting birds that would be possible to detect only during specific times during spring/early summer (e.g., yellow warbler (*Setophaga petechia*), summer tanager (*Piranga rubra*), yellow-breasted chat (*Icteria virens*), or Least-Bell's vireo (*Vireo bellii pusillus*));
- vi. Survey timing for sites containing appropriate *habitat* for roosts used by special-status bats (e.g., Western Mastiff Bat (*Eumops perotis*), Mexican Long Tongue Bat (*Choeronycteris mexicana*), or Pallid Bat (*Antrozous pallidus*); and
- vii. Survey timing for sites containing appropriate foraging *habitat* for *raptors* during winter and early spring migration period (e.g., northern harrier (*Circus cyaneus*), golden eagle (*Aquila chrysaetos*), sharp-shinned hawk (*Accipiter striatus*) or peregrine falcon (*Falco peregrinus*).
- viii. When an expanded fuel modification zone reduced County In-Lieu Fee for ESHA thinning pursuant to Section 8178-2.6.9.3 is proposed, pre-disturbance vegetation surveys for the *expanded fuel modification zone* shall be conducted when vegetation growth is at its greatest density (e.g., March-June). This survey may be combined with the general floristic mapping required for the site-specific ESHA map.

[Staff explanation: The Commission's recommended modification makes a minor correction to the expanded fuel modification zone reference.]

4. **Surveys for Special Status Species.** Additional surveys shall be conducted to determine the presence of any *special status species* with the potential to occur on the site as follows:

- i. For certain *special status species that potentially occur on site*, state or Federal *agency* protocol surveys are required for the species (consult California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Xerces Society, US Forest Service (USFS), etc.).
- ii. Where trees suitable for nesting or *roosting* or significant foraging *habitat* are present, the biologist should search for evidence of sensitive bird species and *raptor* use. If there is independent evidence of significant sensitive bird species or *raptor* use on or near the property, formal protocol survey(s) shall be conducted using the most recent *raptor* protocol surveys¹³ (USFWS or CDFW protocols for similar genus, USFS, etc.).
- iii. A daytime bat assessment that identifies the presence of on-site sensitive bat species roosts shall be required when the distribution and range of a sensitive bat species coincides with the site location and the site contains suitable *habitat* to support such species (e.g., water sources, trees with cavities, shedding bark, rock faces with cracks). If the daytime assessment identifies evidence of on-site bat roosts (e.g., guano piles, urine stains), additional bat surveys (e.g., acoustic detection) are required during bat activity periods for sensitive bat species. Provide photographs of confirmed roost sites and surrounding *habitat* in the four cardinal directions.
- iv. Surveys to identify *overwintering roosts* for monarch butterflies shall be required when the site contains suitable *habitat* to support such species

¹³ USFS Multiple Species Inventory and Monitoring Technical Guide, Gen. Tech. Report WO-73 August 2006.

(e.g., shelter from storms/prevaling winds, nearby water, fall/winter nectar source). Monarch butterfly *habitat* includes the clustered trees that monarchs use as roosts as well as surrounding trees/shelter that influence the *microclimate* of the grove. If an initial assessment identifies potential monarch overwintering *habitat* within 1000 feet of the proposed *development*, then two surveys shall be conducted by two different *qualified biologists* to account for seasonal or annual differences in environmental conditions at the microsite level (e.g., wind, temperature, humidity). Conduct the first survey during the first half of the overwintering season (e.g., November), and conduct the second survey during the second half of the season (e.g., January). Provide photographs of confirmed *overwintering roost sites* and surrounding *habitat* in the four cardinal directions.

- v. Surveys to detect the presence of special status reptile species shall be conducted during appropriate weather conditions (e.g., cool and sunny; or overcast and warm). If applicable to the site, evening road surveys shall be conducted during appropriate weather conditions such as after a warm day (crepuscular/nocturnal snakes).

5. **Survey/Mapping of Rare Plant Populations and Plant Communities.** Plant communities and rare plant populations shall be inventoried and mapped using a GPS for all the *habitat*/plant community types. Rare plant populations and association level vegetation mapping shall be conducted using the most recent versions of California Native Plant Society (CNPS) "Guidelines for mapping rare vegetation" and California Department of Fish and Wildlife's (CDFW) "Survey of California Vegetation Classification and Mapping Standards. A description, tables, maps, and photos depicting vegetation onsite shall include the following:

- i. A map and photos that document all rare plant populations using the State Vegetation Classification System maintained by the Vegetation Classification and Mapping Program of CDFW, described in the Manual of California Vegetation by Sawyer et al. 2009 or subsequent editions;
- ii. An association-level vegetation map that highlights the location and identification of *invasive* or *invasive watch list plant species* on the site as defined by the California Invasive Plant Council, CDFW, US Department of Agriculture (USDA), and US Geological Survey (USGS);
- iii. A table containing all plant associations and rare plant species present onsite and their acreages or population numbers (See Section AE-1.3.2 (f));
- iv. Description and photos of the ecological context of the plant community in terms of species diversity, *structure* (seral stage), overall condition (i.e., disturbance type, burned, intact, diseased density and distribution of *invasives* or *invasive watch list plant species*, and level of connectivity (on-site and off-site) to adjoining *ESHA*. The overall condition of the plant community will include an analysis of the frequency of wildfires affecting the proposed *development* site that includes the length of time since the last burn and the impact of fire on the natural *habitat* on site;
- v. The *qualified biologist*/botanist shall use a GPS to map all the *habitat*/plant community types present within the survey area.
- vi. The location of plant communities using aerial photography interpretation or other methods defined in Section AE-1.3.2(g)(1) above for the following: (i) on-site areas that lie; and (ii) off-site areas that lie within the survey area;

- vii. For proposed *development* that will have an *expanded fuel modification zone*, the density of the *ESHA* vegetation communities (association level) shall be measured using the most recent version of the California Department of Fish and Wildlife – California Native Plant Society Protocol for the Combined Vegetation Rapid Assessment and Releve' Field Form and percent cover diagram, as may be amended. A description and photos/videos shall depict the density of the plant community and the location of the sampling quadrats using the most recent aerial photos with respect to the sampling date; and
 - viii. Vegetative sampling units shall be defined using the standards in Section AE-1.3.2(g)(6) below.
 - ix. Results of inventory and mapping shall be presented in appropriate tables and discussions outlined in Section AE-1.3.2 (g)(2).
6. **Survey/Mapping of Grassland Communities.** Grassland communities shall be inventoried and mapped by species composition using the most recent version of CDFW-CNPS Sampling Protocol for the Combined Vegetation Rapid Assessment and Releve Field Form and CDFW's "Survey of California Vegetation Classification and Mapping Standards to map native grassland and *forb habitat*. The minimum width of the mapping polygons depends on the project size but is generally no less than 30 feet. Results of inventory mapping shall be presented in appropriate tables and discussions outlined in Section AE-1.3.2 (g)(2).
7. **Survey/Mapping of Protected Trees.** An inventory and health assessment shall be prepared for all *protected trees*, including those classified as *ESHA* (see requirements in Section 8178-7.8). Results of inventory mapping shall be presented in appropriate tables and discussions outlined in Section AE-1.3.2 (g)(2).
8. **Survey/Delineation of Wet Environments.** All *wet environments* shall be mapped (See Section AE-1.3.2(g)(3)(iv) for survey timing during drought years), along with mapped information for topography, soils, and vegetation between the proposed *development* and the *wet environment*. If the *wet environment* is partially/fully located off-site and will not be directly impacted by the project, mapping of the *wet environment* may occur using aerial imagery at the 1":200' or greater resolution. Initial identification of a *wet environment* can occur using the National Hydrography Dataset (NHD) from USGS in conjunction with USFWS National Wetland Inventory. However, the NHD may not accurately reflect the total extent of *ephemeral* or *intermittent streams*, as it does not include *stream* segments less than one mile in length, combines intermittent and *ephemeral streams*, and is based on 1:100,000 scale topographic maps. The NHD dataset should be supplemented with the most recent guidance documents used to delineate *wet environment* features as follows:
- i. ~~Wetland features shall be identified through a delineation that is prepared in conformance with the California Coastal Commission, October 5, 2011 Briefing, Definition and Delineation of Wetlands in the coastal zone (Coastal Area Plan - Appendix 1), where the presence of any hydrophytic vegetation, hydric soils, or hydrology will classify it as a wetland.~~ The technical guidelines and methods of the 1987 Army Corps of Engineers Wetland Delineation Manual and the 2008 Arid West Supplement shall be used to delineate *wetlands*. U.S. *wetland* delineations must be conducted per the definitions of *wetland* boundaries contained in Section 13577(b) of Title 14 of the California Code of Regulations where the presence of hydrophytic vegetation, hydric soils, or hydrology may classify it as a wetland. The delineation maps shall be prepared using the standards for wet

environments listed below. When delineating vernal pools, seeps, springs, estuaries, and *lagoons*, use the same guidance documents as those cited for *wetland* delineations, supplemented with technical guidance provided by the USFWS Cowardin Classification System.

[Staff explanation: The Commission's recommended modification corrects dated content to ensure that wetland delineations are carried out appropriately pursuant to the newly proposed criteria in the subject amendment.]

- ii. *Stream* features shall be identified through CDFW's "A Review of *Stream* Processes and Forms in Dryland Watersheds"¹⁴ and a delineation and map that is prepared in conformance with the California Energy Commission's Appendix G: Field Guide to Mapping Episodic *Stream* Activity (MESA) (12/18/2014).
- iii. The delineation survey report shall include (at a minimum):
 - A map at a scale of 1":200' or greater resolution with polygons delineating all *wet environments*, polygons delineating all areas of vegetation with a preponderance of *wetland* indicator species, and the location of sampling points; and
 - A description of the surface indicators used for delineating the *wetland* polygons. Paired sample points will be placed inside and outside of vegetation polygons and *wetland* polygons identified by the consultant doing the delineation.
 - Seasonally timed photographs of *wetland* features.
 - Results of inventory mapping shall be presented in appropriate tables and discussions outlined in Section AE-1.3.2 (g)(2).

9. **Measurements for Buffer Zones.** *Buffer zone* widths shall be measured from the outer extent of the *ESHA* vegetation or as follows:

- i. *Riparian* Areas: The outer edge of the cover of *riparian* vegetation community, or the outer edge of the bank of the subject *stream* if *riparian* vegetation is not present.
- ii. *Alluvial Scrub*: Edge of alluvial soils located on alluvial fans, alluvial valley slopes, *stream* deltas, and along *stream* bottoms.
- iii. Native Woodland: The outer edge of the woodland tree canopy stand.
- iv. *Wetland*: The upland limit of *wetland habitat*. In the case of *wetlands* without vegetation or soils, the setback shall be the boundary between land that is flooded or saturated at times (during years of normal precipitation) and land that is not.
- v. *Rocky Outcrops*: The outer extent of the plant community supported by the *rocky outcrop habitat*.
- vi. Protected Parkland/Open Space: The outer edge of the boundary for parkland/ open space areas acquired by *natural resource agencies* or *conservation organizations* for *habitat* protection.

- h. **Site-Specific ESHA and Buffer Zone Map.** A site-specific map of all *ESHA* and *buffer zones* shall be provided that includes illegally removed *ESHA* and *buffer zone* locations.

¹⁴ The CZO definition of *stream* does not include the historic flow regime as described in this document.

The map shall be based on field survey results (see subsection (g) above) and LCP standards for site-specific maps (see CZO Sections 8178-2.3 and 8178-2.4). If applicable, also provide a written justification, based on substantial evidence, to support the following *ESHA* determinations made when preparing the site-specific map:

1. Extent of *ESHA* based on the evaluation of legally removed or degraded vegetation ~~since January 1, 1977~~ (see subsection (e) above); and
2. Revisions to the mapped extent of *ESHA* on an adopted *ESHA* map in the Coastal Area Plan; and
3. Revisions to the mapped extent of *ESHA* due to *natural disaster*, when determined pursuant to CZO Section 8178-2.4.2.

The Planning Staff Biologist will conduct a site visit to confirm the conclusions of the proposed classification or reclassification of *ESHA* within the site-specific *ESHA* map.

[Staff explanation: The Commission's recommended modification has minor grammatical corrections and clarifies that to be legally established development, the analysis may have to review more than if the development existed on the site prior to January 1, 1977. The development must be reviewed in context of the existing laws at the time and the reference to the date was removed.]

- i. **ESHA Impact Analysis.** The CISBA shall contain a discussion and analysis of all unavoidable *direct, indirect, and cumulative* adverse impacts to *ESHA* that would result from the implementation of the proposed project. Information required to support the discussion and analysis within this subsection is detailed in Section AE-1.3.). For each *ESHA* species/vegetative community observed (See Section AE-1.3.2 (f) and (g)(2)), discuss and analyze the potential for adverse impacts to any *ESHA* as follows:
 1. Based upon the project description in Section AE-1.3.2 (b), and the biological and physical characteristics of the site (Section AE-1.3.2 (c)), discuss and analyze all direct impacts to observed *ESHA* that may: reduce a population (mortality or injury/damage); reduce a *habitat* (vegetation removal or degradation); increase *habitat fragmentation* (see (4) below); and restrict reproductive capacity. Use maps and tables to locate and quantify adverse direct impacts.
 2. Provide a map, a detailed description and an analysis of potential indirect impacts to *ESHA* outside the *development envelope* that includes but is not limited to project-related factors such as stormwater *runoff*, noise, lighting, *animal keeping*, or other impacts that encroach into a *buffer zone*.
 3. Evaluate all *cumulative impacts* from existing, recently approved, and reasonably foreseeable future projects that may directly or indirectly impact *ESHA* species/communities. The following factors shall be considered:
 - i. The spatial limits of the cumulative analysis may be broader than the site-specific survey boundary because the analysis must consider all activities that affect those environmental components, even outside the area affected by the proposed *development* (see AE-1.3.2 (c)).
 - ii. If the proposed activities affect (or could affect) *ESHA*, the cumulative analysis shall take into account activities that occurred before the proposed action is initiated and after the proposed action is completed. ~~the cumulative analysis shall take into account activities that occurred before the proposed action is initiated as well as after the proposed action is completed.~~ It should describe the incremental contribution of the proposed *development* to *cumulative effects*.

- iii. Discuss the significance of the impacted *ESHA* on a local and regional scale, as well as, the rarity or abundance of the resource in the region or elsewhere.
4. Identify local or regional *habitat connectivity corridors* (see CZO Section 8178-2.7.5), and evaluate movement barriers or constrained areas (*chokepoints, stepping stones*) for species identified in the field survey (see Section AE-1.3.2 (g)). Provide maps and an analysis of the project site's location in relation to local or regional *habitat connectivity corridors* and the potential of the project site to contribute *habitat-value* to local or regional *habitat connectivity corridors*.
5. Proposals to alter a *wet environment* (e.g., channelization, diversion, diking, bridging) shall include an analysis of potential impacts on the depletion of *groundwater*, wildlife migration, *downstream* erosion and sedimentation, sand supplies to beaches, as well as the identification of risks and procedures to prevent the spread of aquatic invasive species and contaminants (e.g., USFWS Hazard Analysis and Critical Control Point Planning).
6. Provide an analysis of the native *biodiversity* in the study area and quantify the degradation or loss (historic and current) of the *ESHA* in the area. (Refer to Section AE-1.3.2 (c), (d), (e), and (g)(2) for data associated with this discussion. For proposed on-site *restoration* or *enhancement* projects, the analysis, shall contain recommendations for the successful *restoration* of any degraded *ESHA* on the project site relative to any listed potential or observed *ESHA* species/community to utilize the site if *ESHA* is restored on-site after *development*.
7. If Oak Woodland/Savannah and Native Tree Woodland is present, provide an analysis of project alternatives that would avoid removal or encroachment (see CZO Section 8178-2.7.4.1).
8. Provide information on the proposed project design features and other measures required to minimize or avoid impacts to *ESHA*. This information shall include: 1) A description of construction methods and timing required to avoid adverse impacts; 2) If confined *animal keeping* facilities are proposed within a *fuel modification zone* that overlaps with *ESHA* or *buffer zone*, then these measures shall address manure management, BMPs/site design for *runoff*, livestock security from predators (if applicable), minimizing wildlife attractants, poison use, lighting, etc.
- j. **ESHA Mitigation Summary.** Include a summary discussion of the steps that will be taken to avoid and mitigate adverse impacts to *ESHA* (all potential *direct, indirect* and *cumulative* impacts to *ESHA* are considered significant and cumulatively considerable). Refer to Section AE-1.3.3 for detailed map/data requirements. Present a preliminary plan to mitigate unavoidable impacts, in accordance with the compensatory mitigation requirements in CZO Section 8178-2.10, including but not limited to the following information:
 1. Provide a summary of project design features and other mitigation measures (see Section AE-1.3.2(i)(8) above) that shall be incorporated into the project design or conditions of approval for the project.
 2. Provide a quantitative summary of the number of acres for each impacted *habitat* type that will be required to adequately compensate for *ESHA* loss or degradation. Refer to Coastal Zoning Ordinance, Figure 8178-2.10 — ~~Illustrative Diagram of Compensatory Mitigation Requirements~~;

3. Describe the proposed approach to compensatory mitigation, including the type of mitigation (e.g., *preservation*, *restoration*) and whether on-site and off-site compensatory mitigation; and
4. If off-site mitigation is proposed outside of an *in-lieu fee* program or approved *mitigation bank*, include preliminary information on available off-site mitigation areas, including one primary and one contingency mitigation site that meet the criteria set forth in the LCP (see CZO Section 8178-2.10)

This information will also be applicable to Appendix E2, Sections AE-2.1.1(a)(1) and AE-2.4 if an *expanded fuel modification zone* is requested.

[Staff explanation: The Commission suggested modification deleted replicated text in subsection (i)(3)(ii). Minor formatting was also corrected in subsection (j)(2).]

Appendix AE-1, Section A.E-1.3.3 of the Implementation Plan shall be modified as follows:

- a. Digital *GIS* file formats and legibly depicted printed maps to scale must be provided with all CISBAs and shall include, but not be limited to, the following:
 1. All *habitats/ESHA* boundaries, along with any appropriate metadata (e.g., address, APN, Permittee's name, purpose of files; *GIS* data- map projection, date data collected, map processing steps, etc.). *ESHA* data shall be provided in accordance with the County's metadata standards and shall be digitized using a GPS for uploading to a *GIS* system.
 2. If an *ESHA* or *buffer zone* overlaps with any ~~*extended fuel modification zone*~~ that has been widened for the proposed project beyond the 100-foot mandatory fuel modification standard, then a written determination ~~documentation shall be obtained from the Ventura County Fire Protection District confirming the authorization of that states the~~ expanded widened fuel modification zone (see CZO Section 8178-2.6.9.2 (c) ~~is necessary to protect life and property from wildland fires. This determination shall be used for the permit findings for the project site and for alternate sites identified in during the least damaging alternatives analysis (see CZO Section 8178-2.3 (b)).~~
- [Staff explanation: The Commission's recommended modification clarifies the requirements when fuel modification zones are expanded beyond 100 feet.]*
3. If the on-site vegetation map does not conform to the County's digital certified *GIS ESHA* map (greater than a five percent plus-or-minus margin of error), additional data shall be required within the CISBA to provide substantial evidence for any proposed *ESHA* map changes. The Planning Staff Biologist may recommend an adjustment to the *ESHA* map after a site visit and the evaluation of the following documentation:
 - i. Photos with GPS location, date, time, and directional bearing of the area in question;
 - ii. A modified map that shows the location(s) of the increase or decrease in the respective *habitat* category(s); and
 - iii. An estimate of the difference in area (increases or decreases) measured in square feet (or acres), based on the spatial data.

The Planning Division is responsible for maintaining all recommendations on *ESHA* map adjustments within the County's database. Such recommendations will be compiled within the County's database and maintained by the Planning Staff Biologist. However,

official changes to the *ESHA* map will only occur through an LCP amendment process.

b. Required Data in CISBA Sections

1. **Sec. AE-1.3.2(b)(5): Introduction (Project Description).** Provide a site plan that shows all proposed components of the *development* and surrounding *coastal resources* that include the following (when applicable):
 - i. All proposed *buildings, structures, parking and staging areas, fuel modification zones (mandatory and expanded), roads, fire department turnarounds, utility infrastructure (water wells, water tanks, pipelines, and septic fields and setbacks), agricultural facilities and cultivation areas, confined animal facilities, fences, recreational facilities, landscaped areas, and outdoor lighting* locations (See Section AE-1.3.2 (b)(5) and (h)).
 - ii. Property lines, *development envelope, building site*, and boundaries of easements.
 - iii. Boundaries of *ESHA, ESHA buffer zones*, existing/proposed *slope*, and other pertinent environmental features (see (3) below).
 - iv. Stormwater treatment areas that are within or *adjacent* to *ESHA* or *buffer zone*.
2. **Sec. AE-1.3.2 (c)(1): Regional Context Map.** Provide a map of features within the *biogeographic region* showing the project location with the following spatial data: watershed boundaries, existing *streams/wetlands* (highest USGS Hydrological Unit Code), topography, existing land use and *development* (including protected conservation public lands or *core habitat areas*), *special status species* that occur within 5-miles of the project site (Section AE-1.3.2 (f)) and potential on-site or off-site *western monarch overwintering roosts* (Section AE-1.3.2(g)(2)(iv)), and existing/proposed roads. The context map should depict *habitat* connectivity within and outside the property boundaries. Include *GIS* layers that may represent barriers to wildlife movement and any features that promote connectivity (e.g., road crossing *structures, habitat corridors*).-
3. **Sec. AE-1.3.2 (c)(2): Physical and Biological Maps.** Below are data requirements for physical and biological maps and data. Depending on the site conditions, the biological and physical maps may be combined into one map provided that all features requested can be clearly illustrated.
 - i. **Map of Physical Features:** Provide legible map(s) of the project property and survey area that shows all physical features (i.e., topography (*slopes*), *slope* orientation, rock outcroppings, riprap, caves, cliff faces) and areas where fire, soils, or disturbance history (e.g., soil disturbance, areas of degraded *habitat*) that affects the existing biological community. Label wildlife barriers or *chokepoints*.
 - ii. **Map of Biological Features:** Depict the location of all vegetation communities as described in Section AE-1.3.2(g), subsections (5-8), types of *ESHA* (include location of observed rare plants, nests, burrows, *colonial roosts*, or denning sites detected with field surveys), protected or *core habitat* areas within or immediately outside the property.
4. **Sec. AE-1.3.2 (d) and (e)): Permit History and Removed/Degraded Vegetation.**
 - i. If available, any maps or data associated with previous permits issued documenting *ESHA* removal, alteration, mitigation;

- ii. If any major vegetation has been removed or disturbed on site, provide historic aerial images of the site that pinpoint the timeframe and area(s) that removal and/or disturbance took place (i.e., photo(s) before and after removal and/or disturbance) since January 1, 1977; and
- iii. A table of *ESHA* removed or degraded specifying: either permitted/non-permitted removal, *ESHA* type, acres/individuals impacted, year of impact, and if area has recovered (no soil disturbance/grading/*invasives* or *invasive watch list plant species*).

[Staff explanation: The Commission's recommended modification clarifies that to be legally established development, the analysis may have to review more than if the development existed on the site prior to January 1, 1977.]

5. **Sec. AE-1.3.2 (f): List of Potential ESHA and Species.** Provide a table of all potential *special status species* and communities that contain the following information: recommended survey dates (Section AE-1.3.2(g)(3)), date and time field survey was conducted, protection status, *habitat* requirements, and likelihood of species occurrence (none, low, moderate, high, or observed). For observed species, provide the number of individuals (rare or special status) and acreage of plant communities observed (Section AE-1.3.2(g)(2)).
6. **Sec. AE-1.3.2 (g): Field Survey Maps and Data.**
 - i. Provide maps of all survey areas, vegetation and *wetland* sampling locations, and field survey routes.
 - ii. Provide a table of potential species/communities on site, recommended detection dates for potential species being surveyed, the date and time the field survey was conducted, acreage surveyed, and name of *qualified biologist* conducting survey; and
 - iii. For any *special status species* or vegetative communities detected, provide copies sent to the California Department of Fish and Wildlife of the CNDDDB California Native Species Field Survey Form and/or a California Natural Community Field Survey Form.
7. **AE-1.3.2 (g)(1)(d): Expanded Fuel Modification Zones:** If applicable, provide two site plan maps pursuant to Appendix E2, Section AE-2.4 (b)(1) and Appendix 1, Section AE-1.3.2 (g)(1)(iv).
8. **Sec. AE-1.3.2 (h), (i), and (j): Site-Specific ESHA/Buffer Zone Map, Adverse Impacts to ESHA, and Mitigation.** The following information shall be provided to identify and quantify all adverse impacts to *ESHA*:
 - i. Provide a map and table of *ESHA* types and *buffer zones* - removed without a permit and/or proposed to be removed, altered, or degraded within the survey area. The table shall include *ESHA* and *buffer zone* types impacted, acreage of impact, and whether it is permitted or unpermitted removal. Impacts to *ESHA* resulting from encroachment into the *buffer zone* from lighting, noise, erosion, etc. (see CZO Section 8178-2.4) and should also be evaluated;
 - ii. Provide a table summarizing potential environmental impacts (*direct*, *indirect*, and temporary) associated with project construction (Section AE-1.3.2 (i)(2)-(4), (6)-(7));
 - iii. If applicable, provide *GIS* files to support the classification or reclassification of the County *ESHA* Map (Section AE-1.3.3(c)); and

- iv. Maps of proposed protected mitigation area locations (on-site and/or off-site) relative to proposed *development*.
- c. **Videos and Photographs:** Provide color photographic documentation of the existing condition of the proposed *development* site and other noteworthy features, such as:
 1. Prominent physical features (bluffs, cliffs, drainages, etc.) (Sections AE-1.3.2 (c)(2) and AE-1.3.2 (f)) and overall condition of the plant communities;
 2. *ESHA* and *wetlands* (Sections AE-1.3.2 (c)(3) and AE-1.3.2 (g)(4) - (8) and (h));
 3. Aerial photographs or other maps/photo evidence to document any historical removal or degradation of *ESHA* (Section AE-1.3.2 (d) and (e));
 4. Any wildlife crossing *structures*, barriers, or other features associated with wildlife movement or seed dispersal (Section AE-1.3.2 (i)(7)).
 5. If applicable, provide photos to support the classification or reclassification of the *ESHA* (Section AE-1.3.3(c)); and-If applicable, provide pre-clearance video/photos of the entire *expanded fuel modification zone* (Appendix E2, AE-2.4).

[Staff explanation: The Commission did not have any more recommended modifications to Appendix A.E-1.3.3.]

Appendix AE-2, Section A.E-2.1.1 of the Implementation Plan shall be modified as follows:

AE-2.1.1 - Habitat Mitigation Plan

A *Habitat Mitigation Plan* (see CZO Section 8178-2.10.9) shall include the following components:

- a. **Executive Summary.** Summary of the proposed approach to *ESHA* mitigation, including the following information:
 1. A table and associated description of all on-site or off-site *ESHA* or *buffer zones* that will be impacted and require compensatory mitigation (see CZO Section 8178-2.10). The mitigation shall be directly proportionate to the amount of *ESHA* degraded or removed. Where the applicant can demonstrate that the *fuel modification zone* results in less acreage of *ESHA* removal due to the method of measurement, or sloped topography ~~and the like~~, the required mitigation may shall be adjusted downward accordingly;
[Staff explanation: The Commission's recommended modification makes minor grammatical edits and allows more flexibility for determining required mitigation depending on the site-specific conditions.]
 2. Description of compensatory mitigation sites, including the location and rationale for site selection. Summarize evidence that shows the mitigation site meets the standards of the LCP (see subsection (b) below);
 3. If the applicant is purchasing mitigation credits from a state/federally approved *mitigation bank*, or paying a fee to a County-approved mitigation site owned/managed by a *conservation organization* or *natural resource agency*, or *in-lieu fee* program, a summary of the credits or payments and a short explanation of how the required fee or credit provides adequate compensation for impacts to *ESHA* or *buffer zones* shall be included. *Mitigation agreements* conducted by a *natural resource agency for the applicant* shall also include detailed cost estimates associated with the *restoration/enhancement* installation and

monitoring/maintenance period. (See CZO Section 8178-2.10.8 for additional information on mitigation options.)

4. Identify the type of *conservation easement* or *conservation instrument* that will be used to permanently protect the compensatory mitigation site (see CZO Section 8178-2.10.1(c)).

b. Project Goals and Objectives.

1. **Goals.** Describe the purpose and goals of the mitigation project. If the proposed mitigation includes *ESHA restoration*, *establishment*, or *enhancement*, then the goal statement(s) shall address the improvement of specific physical, chemical, and/or biological functions at the mitigation site. If the proposed mitigation includes *ESHA preservation*, then the goal statement(s) shall address the long-term conservation of *ESHA* in relation to the needs of the watershed, biogeographic region, or other regional conservation needs.
2. **Objectives.** Identify specific and quantitative objectives that will implement the purpose and goals of the mitigation project. Provide a description of the *ESHA* type(s) and amount(s) that will be provided by the mitigation and how the mitigation method (i.e., *restoration*, *establishment*, *enhancement*, and/or *preservation*) will achieve the mitigation project goals. Long term management goals for *preservation* properties *should* be related to the condition of biological communities, water quality, etc. and the long-term management or maintenance of *ESHA*.

c. Identification of Mitigation Sites. A description of proposed, on- or off-site mitigation areas, and an explanation as to how the site(s) meet the standards in CZO Section 8178-2.10.4. The description shall include a summary of the baseline conditions of the mitigation site(s) (see below) and all substantial evidence that shows the mitigation site provides *ESHA* of equal or greater function as the *ESHA*(s) impacted by the project (see CZO Section 8178-2.10.1). Include a map showing the locations and distance between the impact and mitigation site(s) that shows the sub-watershed, biogeographic region, and jurisdictional boundaries) (See Appendix E1, Section AE-1.3.3 (f)). Include a table that depicts the characteristics of the mitigation site(s) (including acreage) that are relevant to the type of resource proposed as compensation. Baseline information of existing conditions shall include:

1. Description of the biological resources at the mitigation site. This requirement shall be met for on-site mitigation sites by attaching the CISBA site-specific *ESHA* map to the *Habitat Mitigation Plan*. For off-site mitigation areas, a site-specific *ESHA* map shall be prepared showing all types and other notable natural features pursuant to Appendix E1, Sections AE-1.3.2(c) and AE-1.3.3 (g)(3).
2. Description of the historical and existing conditions on the proposed mitigation site and area immediately *adjacent* to site (hydrology, vegetation, soils, surrounding landscape setting and land uses, and *ecosystem functions*);
3. If *wetland establishment* or *restoration* is proposed for compensatory mitigation, then include a description of the proposed hydroperiod for the site and the site design requirements necessary to ensure there is sufficient water to support the proposed mitigation project; and
4. A description of any physical, chemical, and/or biological degradation occurring within the proposed mitigation site. If the mitigation site will be used for *ESHA preservation*, then identify signs of trespassing, encroachment, dumping, or other concerns that should be addressed in the *Habitat Management Plan* for the mitigation site.

5. If the mitigation area is located off-site (See CZO Section 8178-2.10.4), identify how the off-site location meets all the mitigation criteria pursuant to Section 8178-2.10.
6. Copy of Site Access Agreement that allows County staff to enter the proposed mitigation site to perform an evaluation of ongoing mitigation activities. Access to the property shall be limited to those portions of the *lot* used for mitigation (e.g., *restoration*, management, or monitoring work) and private roads or property that must be traversed to gain access to the mitigation site.
- d. **Performance Criteria.** Define clear and measurable performance standards for each objective to evaluate the success of the compensatory mitigation. For *ESHA restoration* or *establishment* projects, performance standards shall represent measurable changes in the *ESHA* function of the mitigation site that can be maintained without nurturing, protection, or supplemental care. Measurable changes shall be based on the difference between the baseline condition and end-of-project condition, or they can be based on the difference between the condition of a reference site and the baseline condition of the mitigation site. *ESHA* function can be measured in percent absolute cover of bare ground, percent relative cover by non-natives, plant species richness, and other selected factors. For *ESHA preservation* projects, performance standards should include the management and maintenance activities (e.g., *invasive* or *invasive watch list plant species* removal, fencing for trespass, etc.) needed to meet the defined project goals and objectives¹⁵.
- e. **Contingency Plan.** Adaptive management measures shall be identified, in advance, to address unforeseen changes in site conditions or other components of the mitigation project. Such measures will also allow corrective actions to be taken when performance criteria are not met during the mitigation monitoring period. Adaptive management measures can include additional site protection, replacement or supplemental plantings, and irrigation system adjustments. Adequate flexibility *should* be provided within the contingency plan to allow corrective measures to be used to address conditions that were not anticipated or addressed within the *Habitat Mitigation Plan*.

[Staff explanation: The Commission did not have any more recommended modifications to Appendix A.E-2.1.1.]

Appendix AE-2, Section A.E-2.2 of the Implementation Plan shall be modified as follows:

The information in this Section shall be used in conjunction with the definitions in Article 2 and the regulatory requirements in CZO Sections 8178-2.6.3(e), and 8178-2.10.1(c). The referenced regulations require the following:

- Except as allowed by CZO Section 8178-2.6.3(e) or 8178-2.10.8, a *conservation easement* shall be used to conserve areas providing compensatory mitigation. Off-site mitigation areas may be encumbered either by a *conservation easement* or a deed restriction¹⁶ and subsequently conveyed to a County-approved *natural resource agency* or *conservation organization* for ownership.
- A *conservation instrument* shall be used to conserve on-site *ESHA*, *buffer zones*, and *slopes* over 30 percent located outside of the *building site* and *mandatory fuel*

¹⁵ Additional *development* that may be required (e.g., fencing, permanent signs) to meet the project goals and objectives should be included in the proposed permit.

¹⁶ A deed restriction is used to ensure the *ESHA* will be *preserved* when a property is conveyed in its entirety to a County-approved *conservation organization* or *natural resource agency*.

~~*modification zone development envelope*~~ that are not used as compensatory mitigation, ~~provided that such areas are identified on a site-specific ESHA map.~~ The *conservation instrument area* shall be preserved in perpetuity, except as otherwise set forth in the project's associated *Coastal Development Permit* and any allowable future development that is consistent with Section AE-2.2.2.

[Staff explanation: The Commission's recommended modification clarifies that ESHA outside the building site and mandatory fuel modification zone is protected in perpetuity once economically beneficial use has been entitled on the property.]

Appendix AE-2, Section A.E-2.2.1 of the Implementation Plan shall be modified as follows:

The following regulations are applicable when a *conservation easement* or deed restriction is used to conserve areas as compensatory mitigation:

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

[Staff explanation: The Commission's recommended modification makes minor grammatical edit to clarify that the conservation easement is placed in favor of the people of the State of California.]

- b. **Deed Restriction and Property Conveyance In Lieu Of Conservation Easement.** The applicant shall provide the County Planning Division with a preliminary title report, issued by a licensed title insurance company, not more than six months old, establishing that the area to be placed in an open space deed restriction and subsequent ownership transfer appear on the property's title. The applicant shall record an open space deed restriction, which shall be subject to County review and approval prior to recordation, encumbering the required open space conservation area in perpetuity, and thereafter convey the *lot* in fee title to the County-approved entity accepting ownership of the property subject to the deed restriction. The deed restriction shall state that no *development* shall occur within the open space area except as otherwise set forth in the project's applicable *Coastal Development Permit* condition(s), consistent with the allowable uses identified in Section AE-2.2.1 below. The applicant shall provide the County Planning Division with a copy of the deed restriction as recorded with the Ventura County Recorder. The applicant shall

thereafter provide the County Planning Division with documentation establishing that fee title to the open space conservation site(s) has been successfully conveyed to a County-approved *natural resource agency, conservation organization, or County agency* approved by the County, and that the document effectuating the conveyance was recorded with the Ventura County Recorder.

c. **Allowable Uses and Development: Conservation Easements and Deed Restrictions Used for Compensatory Mitigation.**

When a *conservation easement* or deed restriction is used to conserve areas as compensatory mitigation, the *conservation easement* or deed restriction shall include terms and conditions such that the instrument meets the following: (1) definition for a *conservation easement* in CZO Article 2; and (2) the requirements for compensatory mitigation in CZO Section 8178-2.10.1~~(c)~~. New uses and *development* in the conservation area shall only be allowed pursuant to a valid *coastal development permit* and shall be limited to the following:

[Staff explanation: The Commission's recommended modification corrects a reference.]

1. ~~a.~~ Planting of native vegetation, and other *habitat restoration* and *maintenance* activities or *development* (e.g., wildlife permeable fencing, signs), if allowed pursuant to a County-approved *ESHA Mitigation Plan* (CZO Section 8178-2.10.9);
2. ~~b.~~ Construction and maintenance of public hiking trails;
3. ~~c.~~ Construction and maintenance of roads, trails, and utilities consistent with existing easements;
4. ~~d.~~ Minor grading and vegetation ~~/brush~~ removal necessary to ~~protect/repair or maintain~~ an existing legally established roadway; and
5. ~~e.~~ Fire safety activities carried out by the Ventura County Fire Protection District, such as the preparation of fire breaks to protect existing, permitted *development* during a declared fire *emergency*. *Fuel modification* required by the Ventura County Fire District, if undertaken in accordance with a *Fuel Modification Plan* ~~or ESHA Vegetation Management Plan~~ approved by the County pursuant to a *Coastal Development Permit*. Replacement compensatory mitigation shall be provided for any *fuel modification* on land used as compensatory mitigation.

The *conservation easement* or deed restriction shall include a prohibition of other uses and *development* within the conservation area.

[Staff explanation: The Commission's recommended modifications make minor corrections to the terminology used for consistency with other sections and includes a few grammatical edits.]

Appendix AE-2, Section A.E-2.2.2 of the Implementation Plan shall be modified as follows:

When a *conservation instrument* is used for on-site *development* restrictions, ~~pursuant to CZO Section 8178-2.6.3(e),~~ the *conservation instrument* shall include terms and conditions such that the instrument meets the definition in Article 2 and the requirements in CZO Section 8181-3.5.3~~(i)(2)~~. New (or modified) uses and *development* in the restricted area shall only be allowed pursuant to a valid *coastal development permit* (or discretionary permit modification) and shall be limited to the following:

- a. General Requirements - When a deed restriction ~~or similar mechanism~~ is used as a *conservation instrument* to avoid potential impacts associated with *development*, it

shall include terms and conditions such that the instrument meets the definition of a *conservation instrument* in Article 2.

- b. Allowable Uses and Development - New uses and *development* in the area subject to the deed restriction/permit condition shall be limited to the following:
1. All allowable uses provided by Sections AE-2.2.1(c) and 8178-2.5.1; and
 2. Replacement of a failed water well and associated water tank or septic system that meets the following standards: (i) a replacement system was not identified by the existing permit, and (ii) substantial evidence is provided that no feasible, alternate location is available within the approved *development envelope*; and
 3. Fuel modification authorized by the Ventura County Fire Protection District, if undertaken in accordance with an ESHA Vegetation Management Plan approved by the County pursuant to a Coastal Development Permit.
 4. The siting of safety infrastructure required by state law (e.g., fire department turn arounds, roads, water tank) that is based upon substantial evidence that no feasible alternate location is available within the previously entitled building site or mandatory fuel modification zone.

The *conservation instrument* shall include a prohibition on other types of uses and *development* within the protected area. All *development* associated with the allowable uses in this Section are subject to the permitting and compensatory mitigation requirements provided by the LCP.

[Staff explanation: The Commission's recommended modifications corrects or removes unnecessary references, ensures a deed restriction is only used as a conservation instrument, and allows for fuel modification, the replacement of water tanks, and the siting of safety infrastructure in areas under deed restrictions. Minor formatting corrections were also made.]

Appendix AE-2, Section A.E-2.4 of the Implementation Plan shall be modified as follows:

An *ESHA Vegetation Management Plan* is required for *expanded fuel modification zones* that retain any *ESHA* or *buffer zone*; such plans shall include, but are not limited to the following components:

- a. **Purpose of Plan.** Every *ESHA Vegetation Management Plan* shall include the following introductory language:

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

All vegetation within the *expanded fuel modification zone* shall be managed according to this Plan for the life of the permitted land use.

Any new or expanded *fuel modification zones* shall only be authorized through a new or modified *Coastal Development Permit*, and property owners shall only conduct *fuel modification* in accordance with an approved *Coastal Development*

Permit.

Any changes that occur to the *expanded fuel modification zone* or changes to the type or density of *ESHA* shall require a revised *ESHA Vegetation Management Plan* to be submitted to the Planning Division for review and approval.

Any deviation from the approved Plan that is implemented without County review and approval(s) shall constitute a violation of the *Coastal Development Permit*.

[Staff explanation: The Commission's recommended modification makes a minor clarification of ESHA and buffer zone in the text.]

b. **ESHA Vegetation Management Plan.**

The *ESHA Vegetation Management Plan* for an *expanded fuel modification zone* shall contain the following components:

1. **Description and Map of Pre and Post Treatment Areas.** Provide two site plans that clearly illustrate before and after vegetation management activities within the *expanded fuel modification zone* as follows:

- i. **Fuel Treatment Plan.** Using vegetation community maps from the CISBA, clearly label and depict which vegetation communities will receive vegetation management treatments (thinning/removal);
- ii. **Final ESHA Vegetation Management Plan.** The final *ESHA* Vegetation Management Site Plan shall be developed using a Global Positioning System (GPS) to accurately map (+/- 2 m accuracy) retained vegetation communities. Describe and depict the location of:
 - Vegetation treatment areas;
 - Permanent fuel zone markers at boundary of vegetation treatment changes; and
 - All retained *ESHA* and *buffer zones* after vegetation management treatments have occurred.

The following base information shall be represented on both site plan maps:

- i. Boundaries of the *development envelope*, *building site*, *structures*, *fuel modification zones*, *ESHA*, *buffer zones*, and *slope*.
- ii. Location, species or vegetation community, and size or acreage of retained *ESHA* (CZO Section 8178-2.4.1). Note the acreage and ecological succession stage (primary, secondary, climax) associated with all *ESHA* or *buffer zones* polygons mapped;
- iii. Location and types of easements, *conservation instruments*, or firebreaks (include and specify those areas that are not maintained by the property owner); and
- iv. Any protective temporary fencing or other markers used to delineate location of *ESHA* so that a property owner could easily identify it in the field during maintenance activities.

2. **Description of ESHA and Buffer Zone Impacts.**

Summarize the *ESHA* Impact Analysis for the *expanded fuel modification zone* from the CISBA (Appendix E1, AE-1.3.2 (i)). The discussion shall include, but not be limited to the following:

- i. Using the Site Plan Maps, identify and quantify the amount of *ESHA* or *buffer zone* within the *expanded fuel modification zone* that will be removed or altered and all *ESHA* or *buffer zone* areas retained. Applicants applying for the reduced

~~County in-lieu mitigation fee for coastal sage scrub and chaparral habitat removal~~ shall provide a detailed explanation of the methods and calculations used to determine the total percent of the ~~coastal sage scrub and chaparral habitat or buffer zone proposed for removal~~ vegetation thinned pursuant to AE-2.5. If priority vegetation removal could not be met, describe why.

[Staff explanation: The Commission's recommended modifications clarify that ESHA thinned within an expanded fuel modification zone is not always done under a reduced in-lieu fee and that full vegetation removal is not an option within the expanded fuel modification zone.]

- ii. Provide videos or photos of the *expanded fuel modification zone*, pre- and post-treatment.
 - A pre-installation video or photos of the *expanded fuel modification zone* shall depict what *ESHA* treatments (i.e., removal, thinning) are proposed for existing vegetation. The video or photos must provide a general overview of the *expanded fuel modification zone* and clearly identify the plant communities associated with the vegetation management treatment areas. The pre-clearance video or photos shall be submitted with the permit application along with the CISBA.
 - A post-treatment video or photos of the *expanded fuel modification zone* shall clearly depict all vegetation management treatments, retained *ESHA* or *buffer zone* areas, boundary markers, and the measures implemented to avoid accidental removal or degradation of retained *ESHA* or *buffer zone*. Commentary within the video or photo descriptions shall tie into what was shown in the pre-clearance videos or photos. If requested by Planning staff, the post-clearance videos or photos may be confirmed by way of a site visit.

3. **Fuel Modification Zone Maintenance Plan.**

Maintenance of the *expanded fuel modification zone* shall be in accordance with the approved *ESHA* Vegetation Management Site Plan (subsection (b)(1) above). The following components shall be included in the *Fuel modification Zone* Maintenance Plan:

- i. A plan for maintaining the proposed fuel-reduction measures. Describe vegetation management (clearing) methods and timetables for managing vegetation within the *expanded fuel modification zone* during the life of the project. *Low-intensity vegetation removal techniques* shall be used when in *ESHA* or *buffer zone*.
 - Elements of the plan shall include removal of vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.
 - Describe how remaining *ESHA* will be protected for the life of the project and any special management activities that may be required.
- ii. Identify the holders and the location of any easements or firebreaks that are not maintained by the property owner; and
- iii. Include the map of permanent boundary markers between vegetation management zones and include notations that markers must be maintained to provide a clear visual boundary for all maintenance activities for the life of the *fuel modification zone*. Visual demarcation of remaining *ESHA* is strongly encouraged to avoid loss of reduced mitigation fee or required *restoration* if *ESHA* is accidentally removed.

- iv. Provide a statement that habitats that support a *critical life stage* for a *special status species* wildlife (e.g., nesting, denning, breeding or roosting sites) are considered ESHA and that the LCP policies and standards shall apply. For ESHA tree and riparian area protections in fuel modification zones, refer to Section 8178-7.3.1 and Appendix E1, AE-1.2.2(c). If a *special status species* is found within the vegetation clearance area that is in a *critical life stage*, then provide the recommendation for fuel clearance implementation and annual requirements, such as shall be postponed until the occupied areas are either vacated and/or the fledglings/juveniles leave the area.

4. County In-Lieu Fee Payments and Proof of Notice on Property Title.

Where an approved *ESHA Vegetation Management Plan* is required for compensatory mitigation purposes associated with an *expanded fuel modification zone*, the following requirements shall be incorporated within the conditions of approval for the subject *Coastal Development Permit*:

- i. Provide a summary and documentation showing payments to the County's In-Lieu Fee Program prior to the issuance of a *Zoning Clearance* necessary for any required condition compliance.
- ii. Record a notice on the property title to current and future property owners disclosing the existing *ESHA* and *buffer zone* maintenance requirements within the *ESHA Vegetation Management Plan*. A disclosure statement shall be required to notify any future property owners of the maintenance requirements associated with the *ESHA Vegetation Management Plan*.
- iii. Post-vegetation removal video or photos and the final *ESHA Vegetation Management Plan* site map (subsection (b)(2) above)(with GPS mapping) shall be incorporated into the Conditions of Approval for the permit.

[Staff explanation: The Commission did not have any more recommended modifications to Appendix A.E-2.4.]

Appendix AE-2, Section A.E-2.5 of the Implementation Plan shall be modified as follows:

The following standards shall be used to thin and maintain existing *vegetation* within the *expanded fuel modification zone*:

- a. Existing vegetative canopy area (i.e., dead, dying, non-native, native, live) within the *expanded fuel modification zone* shall not exceed 50% of vegetation removal per ¼ acre within the 101-150-foot zone and 30% per ¼ acre within the 151(+)-foot zone;
- b. Consistent with the fuel management objectives ((a) above), steps shall be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds.
- bc. No biological (e.g., grazing) or, chemical-vegetation removal methods are allowed., In addition, no mechanical vegetation removal methods that will compact soils (e.g., use of heavy equipment) or significantly disturb or remove the root systems of existing vegetation (e.g. grubbing) are permitted in the expanded fuel modification zone. Low-intensity vegetation removal techniques shall be used when in ESHA or buffer zone.
- ed. Vegetation removal shall be concentrated in areas with non-native species and dead/dying plant material. The retained vegetation should consist of existing native plants. In all cases, non-native *invasive* or *invasive watch list plant species*, as inventoried by the California Invasive Plant Council, shall be removed. This does not include standing dead trees that may provide *habitat* for wildlife (see (de)(1i) below);

- d~~e~~. When feasible, maximize the retention of native vegetation within islands of undisturbed vegetation to minimize disruption of *habitat value*;
- e~~f~~. When it is not possible to reduce cover through the removal of non-native vegetation or dead/dying plant material (~~see (i) below for requirements associated with dead trees~~), a *qualified biologist* shall retain the existing vegetation in the following order of priority:
- i. Biologically significant standing or fallen dead trees (greater than 12 inches diameter at breast height (dbh) and at least 15 feet tall) that provide potential *habitat* for birds, bats, or other special status animal species. Retained snags shall pose no threat to power lines or firefighter access roads;
 - ii. Special-status plants, prioritized by rarity, shall be retained with a *buffer zone* (minimum of 15 feet) that protects and maintains microsite characteristics (shading/overstory) for the plant;
 - iii. Herbaceous non-*ESHA* native species;
 - iv. Woody non-*ESHA* native species.

[Staff explanation: The Commission's recommended modifications are minor edits to clarify that when conducting fuel modification activities in ESHA or buffer zones steps will be taken to minimize erosion, soil disturbance, the spread of invasives, and utilize low impact vegetation removal methods. In addition, a minor clarification was made to remove confusing text associated with dead trees and reformat the numbering of the section.]