

Ventura County
Local Coastal Program (LCP)
COASTAL AREA PLAN

Phase 2C Amendments

ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)

Public Review Draft

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COASTAL AREA PLAN

Goals, Policies, and Programs

[Staff Explanation: The Local Coastal Program (LCP) includes two documents: Coastal Area Plan (CAP) and Coastal Zoning Ordinance (CZO). This document contains draft revisions to the CAP for Environmentally Sensitive Habitat Areas (ESHA). The CAP currently resource protection goals, policies and programs, but the text primarily dates from the early 1980s and is out-of-date. CAP policies are implemented through standards or permitting requirements in the Coastal Zoning Ordinance (CZO).

The draft CAP amendments are shown in two groups:

- Proposed Goals, Policies and Programs: Updated ESHA goals, policies, and programs will be in Chapter 4, Section 4.1 of the CAP, which addresses resource issues throughout the coastal zone. This material reflects the requirements of the Coastal Act and the recently certified ESHA regulations for Los Angeles County (as source material for the Santa Monica Mountains), customized to suit the unique conditions in Ventura County. This update also includes the removal of implementation regulations in the CAP that are repeated in the CZO, although a limited set of standards are provided in the CAP.*
- Existing Goals, Policies and Programs: Existing, certified text for ESHA is in three separate sections of the CAP: North, Central and South Coast Subareas. For ease of review, all existing text proposed for retention, deletion or revision is included in this package. While the existing ESHA text will be deleted entirely, some of the existing policies will be relocated to the new ESHA section in Chapter 4, and all existing text in Chapter 4 is shown in legislative format (see below).*

Please note that level rise and climate change are not addressed in the proposed LCP amendments. Those subjects will be addressed through the County's General Plan Update (GP2040) and a separate project focused on sea level rise in the coastal zone. The sea level rise project is being funded through a grant from the California Coastal Commission. If changes to the proposed ESHA regulations are warranted to address sea level rise, they will be made through a separate LCP amendment process.

Legislative Format:

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

- Certified CAP text that will be retained is shown as plain black text (not underlined).*
- Text that is being proposed is shown as black underlined text.*
- Existing, certified text that is being deleted is shown as "~~strikethrough~~" across the word/sentence.*
- Text in **black italics** is a defined term. Defined terms are in Article 2 – Definitions of the Coastal Zoning Ordinance.]*

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Chapter 1 - Goals, Policies and Programs of the Ventura County Coastal Area Plan is hereby amended by revisions as follows:

1.3 Relationship to Other County General Plan Documents

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

The Ventura County General Plan consists of:

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

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

General Statements

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

[Staff Explanation. The two items shown above were transferred from the Introduction to the ESHA section of the CAP. All other General Statements were deleted during a prior set of LCP amendments.]

Chapter 3, Land Use Plan, of the Ventura County Coastal Area Plan is hereby amended by revisions as follows:

3.1 Land Use Designations

The land use designations in the Coastal Area Plan are designed to reflect the policies, existing and proposed land uses, existing General Plan land use designations, and zoning categories. This was done to preclude a significant amount of changes to the General Plan and Zoning Code. In some cases, only one or two zoning categories are consistent with a land use designation. All existing zoning categories applied to the *coastal zone* have been modified as necessary to the policies in the Plan.

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The land use categories listed below describe the type and intensity of land use permitted within each category. Summary Tables (Figures 3-1, 3-5 and 3-7) list each land use designation and its total area, building intensity, population and employment capacity, and population and employment density. The purpose of each of the land use categories is described below.

The following are descriptions of each land use designation, including the principal permitted uses for each designation.

- **Open Space** – The purpose of this designation is to provide for the *preservation* and *enhancement* of valuable natural and environmental resources while allowing safety through the management of hazardous areas such as flood plains, fire prone areas, or landslide prone areas. Principal permitted uses are one dwelling unit per parcel, agricultural uses as listed as principal permitted uses in “Agricultural” designation and passive recreational uses that do not alter physical features beyond a minimal degree and do not involve structures. Minimum lot size in the “Open Space” designation is 10 acres, except when a smaller lot results from a lot line adjustment permitted pursuant to ESHA Policy 9.2 – ESHA Preservation Incentives).

[Staff Explanation. This proposed modification is tied to an incentive program that is designed to preserve large, intact lots that contain environmentally sensitive habitat areas, or ESHA.]

Chapter 4 - Goals, Policies and Programs of the Ventura County Coastal Area Plan is hereby amended by revisions as follows:

4.1.3 Environmentally Sensitive Habitat Areas (ESHA)

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

4.1.3-1. Introduction

Ventura County Coastal Ecosystems

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

The County lies within one of only five areas on earth governed by the warm, dry summers and cool, wet winters known as Mediterranean climate. Mediterranean climates occur over only about 2 percent of the land area of the earth. Areas subject to such climate, however, support over 15 percent of the world’s plant species, including many species occurring nowhere else on earth (Rundel and Tiszler 2007). Several areas along Ventura’s coast were identified as resources of statewide, national, and global significance. For example, one of the largest pristine Mediterranean coastal sage and chaparral communities that remain in coastal southern California is in the Santa Monica Mountains, which is in Ventura County, Los Angeles County, and the City of Malibu (California Coastal Commission 2003 (Rundel and Tiszler 2007). Furthermore, the Ormond Beach/Mugu Lagoon and Santa Clara River (Figure 4.1.3-4) estuaries are globally important areas for migratory birds. Over 270 migratory bird species, including five endangered species, utilize these estuarine marshes (Audubon 2012).

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Development over the last 200 years significantly altered the natural environment in what is now the coastal zone of Ventura County. Historically, an extensive dune system spanned the coast from Rincon Creek to Point Mugu Park. This system, which extended inland over a half-mile, was comprised of sand hills up to 60 feet tall (Beller et. Al. 2011). Remnants of this once-extensive dune complex, and its associated tidal marshes/wetlands, are scattered throughout the Central Coast of the County at Point Mugu Naval Station, Ormond Beach, Mandalay, and the McGrath Lake (Figure 4.1.3-5) areas (Beller et. al. 2011). While these shoreline dune systems are relatively intact, several challenges to their continued viability must be addressed in future conservation efforts. These challenges include potential degradation that may result from growth of invasive species, human disturbance, and pollutant runoff from the Oxnard Plain.

Two major rivers reach the ocean in the Ventura County Coastal Zone. These include the Santa Clara River, the largest southern California river system remaining in a relatively natural state, and the Ventura River, which at one time supported large populations of salmon and steelhead trout (Beller et. al. 2011). Other smaller drainages include Rincon Creek (which also historically supported steelhead trout) (Figure 4.1.3-2), Calleguas Creek, and the smaller northern and southern mountain drainages of Madranio Canyon, Javon Canyon, Padre Juan Canyon, Line Canyon, La Jolla Canyon, Big Sycamore Canyon, Serrano Canyon, Deer Creek Canyon, and Little Sycamore Canyon. Calleguas Creek is located along the western edge of the Santa Monica Mountains, and its tributaries support riparian habitat as well as aquatic life in Mugu Lagoon. The Calleguas Creek watershed is seriously impaired with pollutants such as DDT, PCBs, metals, and pesticides that negatively affect the wildlife in the lagoon (US EPA Region 9, 2016). The quality of runoff waters in these drainages affect the health of nearshore ESHA.

Species populations in the coastal zone are becoming increasingly isolated by urban development, such as roads and highways. This isolation and fragmentation leads to the disruption of basic ecosystem functions such as pollination, seed-dispersal, nutrient cycling and genetic diversity (Penrod, K. et al. 2006). Habitat connectivity corridors that connect coastal areas to inland habitats include the Ventura and Santa Clara River beds and the open space areas located between the cities of Camarillo and Thousand Oaks (collectively, "the Santa Monica-Sierra Madre Connection") (Ibid, 2006). While most of the areas within these habitat connectivity corridors fall outside of the coastal zone, the protection of these habitats is extremely important to the long-term viability of many species populations that live along the coast, particularly within the Santa Monica Mountains.

Policies for the Protection of ESHA

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

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

The Coastal Area Plan contains five, certified ESHA maps (Figures 4.1.3-1 through 4.1.3-5 that identify the general locations of ESHA in the North Coast Subarea, Rincon Creek, Central Coast Subarea, Santa Clara River Mouth, and McGrath Lake. Also, an up-to-date ESHA map is provided for the South Coast Subarea and the Santa Monica Mountains (Figure 4.1.3-6), which contains a significant portion of the ESHA in the coastal zone. Other ESHA maps, certified during the 1980s, may not depict the location of all ESHA. In all cases, precise boundaries of ESHA and other sensitive coastal *habitats* will be determined on a site-specific basis – based on substantial evidence, site-specific biological surveys, and site-specific maps.

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

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

ESHA Goal 1: ESHA Protection

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

Policies

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

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

- 1.4 **Applicability of ESHA Policies¹:** The provisions of this section apply to all coastal development permit applications for new/expanded development with the potential to result in adverse impacts to an ESHA or buffer zone. 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. Where multiple ESHA policies have different requirements that are applicable, then the policy that is most protective of the biological resource shall apply. However, if policies specifically allow or regulate uses in wetlands or rivers/streams that would not be allowed in ESHA, those specific policies shall apply over more general ESHA policies.

[Staff Explanation. The purpose of this proposed policy is to provide clarity for landowners and County staff processing permits. For example, the provisions of this section are only applicable to a coastal development permit (e.g., a Planned Development Permit, Conditional Use Permit). A footnote to this policy to this policy was provided to clarify how the ESHA regulations apply to fuel modification zones for existing development. It also states that the LCP is not applicable to the annual dredging operation at Channel Islands Harbor, and the County is not responsible for reviewing permits for the dredging operation.]

- 1.5 **Public Emergencies:** During a duly declared "state of emergency" or "local emergency", as defined by Government Code Section 8558, adverse impacts to ESHA may be permitted to protect life, health, existing structures, or essential public services, provided that such actions are conducted by emergency service personnel and authorized through an Emergency Permit.

ESHA Goal 2: Environmental Review

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

Policies

- 2.1 **Environmental Review:** Within the coastal zone, the environmental review process for proposed development shall be conducted as follows:
- a. To accurately identify ESHA and assess the impacts of proposed new development on ESHA, each application for development that may result in the degradation or destruction of ESHA shall include a site-specific environmental assessment that includes: (1) a site-specific biological resource map (see ESHA Policy 3.2), including a wet environment delineation (if applicable), and an analysis of all potentially adverse impacts (on-site, off-site) on those biological resources; and (2) a least environmentally damaging alternatives analysis (see ESHA Policy 5.1). Requirements for the site-specific environmental assessment and least environmentally damaging alternatives analysis are set forth in the Coastal Zoning Ordinance.

¹ A 100-foot fuel modification zone for existing, legally-permitted uses/structures (or a wider fuel modification zone when specified by the permit) is classified as existing development. The annual dredging operation at Channel Islands Harbor, when conducted by the U.S. Army Corps of Engineers (USACE), is reviewed by the Federal Consistency Unit of the Coastal Commission (see Sec. 8174-6.3.1 of the Coastal Zoning Ordinance for the maintenance dredging exemption, which is applicable to the USACE's annual dredging operation at Channel Islands Harbor).

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- b. Any area defined as ESHA, or mapped as ESHA or buffer zone on site-specific maps, shall be accorded all protections provided for such areas in the LCP; and
- c. When applicable, applicants for a coastal development permit shall consult with responsible federal/state natural resource agencies to ensure that potential impacts to ESHA under their jurisdiction are avoided or minimized in a manner consistent with federal/state law. Also, in the Santa Monica Mountains (M) overlay zone, new coastal development permit applications shall be provided to the National Park Service for review and comment.

[Staff Explanation. This policy summarizes the requirements for an environmental review process for development that could impact ESHA. It reflects the requirements of the Coastal Act, which includes stronger environmental regulations for ESHA than what is required by CEQA. For example, CEQA may require that impacts be minimized to insignificant levels, but the Coastal Act requires that impacts to ESHA be reduced to the “maximum extent feasible”. This policy also would replace existing South Coast Creek policy 6, which required that development incorporate provisions of the Santa Monica Mountains (SMM) Comprehensive Plan. However, the SMM Comprehensive Plan was adopted nearly three decades ago and its policies are now in conflict with existing County LCP policies such as development density or subdivision frontage requirements. Jurisdictions such as L.A. County no longer utilize the now-outdated plan. To resolve potential conflicts, references to the SMM Comprehensive Plan were removed from the LCP. Also, action items for the project will include a request that the Board rescind Resolution 222, dated July 23, 1979, whereby the Board adopted the provisions of the now-outdated Santa Monica Mountains Comprehensive Plan.]

2.2 Lots Subject to Near-Term Conveyance for Preservation: Prior to authorizing a coastal development permit for new development, the County shall ascertain if the subject property, or a portion thereof, is subject to a binding contract pursuant to which it will be conveyed, within 180 days or less, to any natural resource agency or non-profit conservation organization, including but not limited to the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, Ventura County Recreation Services Parks Department, and Trust for Public Lands, and used primarily for conservation or open space purposes. No permit authorizing development on a property subject to such a Near-Term Conveyance for Preservation shall be approved unless the natural resource agency or conservation organization to which the property will be conveyed informs the County that it approves of the development.

[Staff Explanation. ESHA Policy 2.2 is based on existing, certified text from SMM Policy 3, bullet 2. Modifications were made to clarify the existing policy. Detailed procedural information from the existing policy was moved to the CZO.]

ESHA Goal 3: ESHA and Buffer Zone Determination and Delineation

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

Policies

3.1 ESHA Determinations: ESHA shall be defined as any area in which plant or animal life or their habitats are either rare or particularly especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded harmed by human

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activities and *developments*. *Habitat* categories that qualify as ESHA are set forth in Section 8178-2 of the Coastal Zoning Ordinance. Habitat areas that previously met the definition of ESHA shall continue to be defined as ESHA when the habitat was damaged or destroyed by the illegal removal/degradation of ESHA. Also, habitat areas that previously met the definition of ESHA shall continue to be defined as ESHA when the habitat was damaged or destroyed by natural disaster (e.g., fire, landslide, drought, insect infestation/disease), except when the County determines that ESHA was permanently destroyed, in accordance with Sec. 8178-2.4.2 of the Coastal Zoning Ordinance.

[Staff Explanation. The definition of ESHA is consistent with Public Resources Code (PRC) 30107.5. Minor modifications were made to existing LCP text to align it with the Coastal Act. A detailed list of habitat categories is provided in the CZO.]

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

[Staff Explanation. Maps are an important illustrative tool to help identify potential resources, but Coastal Commission interpretations of the PRC hold that the actual presence of ESHA on the site, not previously prepared maps, dictate when a site-specific map is required to implement the ESHA policy above. In addition to ESHA, site-specific maps also include other resources, such as wetlands, that may not be classified as ESHA but are protected by the Coastal Act.]

- 3.3 **Adopted ESHA Maps:** The general location of ESHA within the coastal zone is depicted on Figures 4.1.3-1 through 4.1.3-6 as follows:

- North Coast Subarea (Figure 4.1.3-1)
- Rincon Creek (Figure 4.1.3-2) – part of North Coast subarea
- Central Coast Subarea (Figure 4.1.3-3)
- Santa Clara River Mouth (Figure 4.1.3-4) – part of Central Coast subarea
- McGrath Lake (Figure 4.1.3-5) – part of Central Coast subarea
- South Coast Subarea, including Santa Monica Mountains (Figure 4.1.3-6).

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

[Staff Explanation. Maps are an important illustrative tool to help identify potential resources. Unfortunately, the federal grant used to support this update did not include funds to update the County's existing ESHA maps. However, much of the ESHA in the County's coastal zone is in the Santa Monica Mountains, and an updated ESHA map is included for the Santa Monica Mountains. Preparation of an updated ESHA map for the Santa Monica Mountains will occur as part of a future program (see Biological Resource Program #3).]

- 3.4 **ESHA Buffer Zones:** To provide distance and physical barriers to human disturbance, *buffer zones* shall be established between new *development* and ESHA and for parklands/protected

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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, Deer Creek Canyon Park, etc.). Such *buffer zones*² shall meet the following criteria:

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

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

[Staff Explanation: The Coastal Commission requires an adequate and functional natural vegetation buffer to ensure that sensitive habitats are protected against any significant disruption of habitat values, (PRC Sections 30231 and 30240. Detailed information on buffer zones is set forth in the Coastal Zoning Ordinance). Current CAP statements (“General Statements: Environmentally Sensitive Habitats”) address allowed development in ESHA buffers. However, the CAP currently lacks a policy stating the purpose or importance of buffers or that provides direction regarding treatment of such areas. This policy includes clarification for when ESHA buffers are required and the rationale for requiring them.]

ESHA Goal 4: Allowable Uses in ESHA or Buffer Zone

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

Policies

- 4.1 New, 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 new, *resource dependent* uses dependent on such resources may be allowed within ESHA or *ESHA 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](#) of the Coastal Zoning Ordinance. Exceptions to this policy are provided by ESHA Policies [4.1\(b\)](#) and [4.2](#) below.
 - b. **Non-Resource-Dependent Use**³: A new, *non-resource dependent* use may only be allowed in ESHA or *buffer zone* when necessary for a new *wireless communication facility* mandated by federal law⁴ or a new/expanded public works facility necessary to protect public health/safety or provide essential public services for legally permitted *development*. Existing public works facilities shall be maintained, repaired, and replaced in accordance

² Terms used in Section 4.1.3-2 of the Coastal Area Plan for the type of *buffer zone* defined by ESHA Policy 3.4 are “ESHA buffer zone” or “buffer zone”.

³ Also, see ESHA Policy [5.6\(e\)](#) for information on fuel modification zones in ESHA or *buffer zone* and ESHA Policy [6.2](#) – Sand Removal for information on sand removal at a beach.

⁴ Wireless communication facilities are mandated by federal law under limited circumstances. For information, see Coastal Area Policy 4.1.7, Wireless Communication Facilities and related Coastal Zoning Ordinance standards.

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with Coastal Zoning Ordinance provisions in Sec. 8174-6 – Statutory Exemptions and Categorical Exclusions.

Also, see ESHA Policy 1.5 (declared emergencies), Policy 5.6 (fuel modification zones), Policy 6.2 (sand removal on a beach); Policy 6.8 (shoreline protection structures), Policy 6.12 (water supply and flood control projects), and Policy 8.1(c) (vector control).

[Staff Explanation: Proposed ESHA Policy 4.1 is based on Coastal Act Sec. 30240, which says that “environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas”. However, Policy 4.1(b) is also based on Coastal Act Sec. 30254, which allows new or expanded public works facilities that accommodate development permitted by the Coastal Act or through Reasonable Economic Use. Certified text comes from the CAP Introduction and the existing CZO, which includes a citation of PRC 30240 in the summary of Coastal Act policies. This section also identifies the acceptable range of non-resource dependent uses allowed in ESHA or buffer zones, which are limited by Sec. 30240 of the Coastal Act. See Coastal Zoning Ordinance, Sec. 8178-2.5.2 for more detailed information on allowable Public Works projects in ESHA or buffer zone.]

- 4.2 **Reasonable Economic Use:** If the application of the policies, standards or provisions of the LCP regarding use of property designated as ESHA or ESHA buffer zone would likely deny all reasonable economic use of a legal lot, or otherwise constitute an unconstitutional taking of private property without just compensation pursuant to applicable law, then a residential use or other new, principally-permitted use will be allowed in ESHA or ESHA buffer zone. However, when such uses are allowed in ESHA or buffer zone, the associated development shall be the minimum amount necessary; constitute the least environmentally damaging alternative; and be sited and designed in accordance with the policies and provisions of the LCP, except those provisions for which the reasonable economic use exception is requested.

[Staff Explanation: Section 30010 of the Coastal Act states that it shall not be construed as authorizing the Commission or a local government to exercise its power to grant or deny a permit in a manner that will take private property for public use without just compensation. As such, a non-resource dependent use may be permitted to avoid a taking of private property.]

ESHA Goal 5: Siting and Design Techniques for Development

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

Policies

- 5.1 **Least Environmentally Damaging Alternative:** New development, including fuel modification, including but not limited to those involving private and public recreational uses, shall be sited and designed to preserve protect ESHA and avoid adverse impacts to the ESHA ecosystem (both on-site and off-site) to the maximum extent feasible. All unique native vegetation, such as Giant Coreopsis and Dudleya cymosa ssp. marcescens. If there is no feasible alternative that avoids all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected, with impacts to a buffer zone prioritized over impacts to ESHA. Mitigation shall not be used as a substitute for the selection of the least damaging site-design alternative.

[Staff Explanation. Existing Santa Monica Mountains Policy 1 is being amended and restated as Biological Resource Policy 5.1. The amended policy addresses the first strategy to minimize

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adverse impacts to ESHA, which is avoiding impacts through siting and design techniques – such as clustered development, locating development in already disturbed areas, minimizing fire clearance, and locating development near existing or shared access roads. This policy is consistent with Public Resources Code Section 30250, which requires new residential, commercial, or industrial development to be located within, contiguous with, or near existing developed areas.]

5.2 Allowable Building Site (Reasonable Economic Use): *Where new development is permitted in ESHA or buffer zone pursuant to ESHA Policy 4.2 – Reasonable Economic Use, a maximum allowable building site for new development 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 will 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) protected by federal/state law. Also, a larger building site may be approved as an ESHA Preservation Incentive, in accordance with ESHA Policy 9.2(a);*
- b) *In the existing communities of Rincon Point, La Conchita, Mussel Shoals, Seacliff, Faria, Solimar, Hollywood-by-the Sea, Silverstrand, and Solromar (outside (M) overlay zone), new 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 (see ESHA Policy 3.4). If an existing, legal lot does contain ESHA, the maximum allowable building site is 10,000 square feet, or 25% of the lot size for existing lots that exceed 1 acre.; and*
- c) *Outside the areas defined by 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 viable use of the subject parcel(s), as determined on a case-by-case basis using the standards/procedures set forth in the Coastal Zoning Ordinance for an Economically Viable Use Determination for the associated coastal development permit application.*

In all cases, siting and design techniques shall be used to minimize adverse impacts on ESHA and buffer zones.

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

- *Santa Monica Mountains - The 10,000-square-foot (or 25% of lot) standard was approved for the Santa Monica Mountains in the City of Malibu and L.A. County LCPs, and that same standard is proposed for the Santa Monica Mountains, in Ventura County;*
- *Existing Communities – The County’s historically developed, existing communities occupy 0.6% of the land area in the County’s coastal zone. Most of these communities are located along the County’s shoreline and much development within them is exempt from a discretionary permit due to the County’s Categorical Exclusion Order. However, a discretionary permit is required in certain areas (e.g., beachfront properties) and when redeveloping a lot. In such cases, the allowable building site could be affected by a buffer zone for off-site ESHA. The proposed policy will ensure that further encroachments do not*

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occur into the buffer zones for shoreline wet environments, which affect a limited number of lots, without unnecessarily prohibiting future development in the County's developed, existing communities. With respect to the 10,000 SF standard, it is based on the high value of shoreline properties, combined with the fact that the County's historically developed communities contain small lots (97.5% of the lots are 10,000 SF or less).

- Case-By Case Review - In other parts of the coastal zone, most of the land is already developed, and existing uses include agriculture (row crops, pasture land), oil/gas production, and transportation (SR 101, railroad). Most of the lots are large, and ESHA is far less prevalent than in the Santa Monica Mountains. Although it's unlikely that "reasonable economic use" will be an issue in these areas, a process is nevertheless provided in the event an applicant requests development in ESHA and a reasonable economic use determination is required.]

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

5.4 **Clustered Development:** To minimize the loss or fragmentation of ESHA, proposed development shall be located away from ESHA and steep slopes and clustered near existing/proposed development and roadways/services. Also, if a building site is located in ESHA or buffer zone, pursuant to ESHA Policy 4.3 – Reasonable Economic Use, then structures within the building site shall be configured to maximize the use of overlapping fuel modification zones.

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

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

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

(Also, see ESHA Policy 6.14 for new road crossings that traverse a wet environment.)

[Staff Explanation. Road construction can result in the removal of ESHA for the road itself and fire clearing, and grading cuts/fills for roadways impact the topography, vegetation and drainage of an area. Item (b) is based on Santa Monica Policy 4, which was amended to clarify the circumstances associated with permitting stream crossings. By limiting secondary access roads

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that are not essential, the loss, fragmentation, and the degradation of ESHA is minimized or avoided.]

5.6 Fuel Modification Zones in ESHA or Buffer Zone: Fuel modification zones are permitted in ESHA or buffer zones when required to protect legally-permitted development from identified wildfire hazards. When fuel modification is allowed in ESHA or buffer zone, the following siting and design techniques shall be employed to minimize adverse impacts to ESHA:

- a. For new development, utilize site development techniques or building design measures, such as clustered development, to minimize fuel modification that results in the loss or fragmentation of ESHA or buffer zone;
- b. Allowable development within the fuel modification zone shall be limited to the following: (i) resource-dependent and non-resource dependent uses described in ESHA Policy 4.1; (ii) drought-tolerant native landscaping (see Section 4.1.8 - Water Efficient Landscaping, Policies 1, 4, 8 and 9); (iii) confined animal facilities; and (iv) water wells/septic drainage fields not located in the building site and
- c. The standard width of the fuel modification zone shall be 100 feet unless the Ventura County Fire Department determines that a wider fuel modification zone (not to exceed 200 feet) is required to provide adequate safeguards against fire hazards. Also, a 300-foot wide fuel modification zone may be allowed to protect the existing, tactical critical assets of U.S. Naval Base Ventura County at Laguna Peak.
- d. Whenever feasible, new development that adjoins or is adjacent to areas acquired by natural resource agencies or conservation organizations for habitat protection, or large and permanently protected open space properties containing ESHA, shall be sited and designed to avoid development within required buffer zones and to locate all required fire-preventive brush clearance on-site.
- e. When brush clearance is required for fire safety, brush removal techniques shall be utilized that minimize impacts to native vegetation and water quality. Structural storm water retention or protection features shall only be allowed within a fuel modification zone when there is no feasible alternative for placing them within the building site.

[Staff Explanation. The proposed policy above is an updated version of existing, certified text located in the CAP introduction (see General Statements - Environmentally Sensitive Habitats). Its purpose is to provide protections for ESHA when a fuel modification zone is allowed in ESHA or is located directly adjacent to ESHA (i.e., there's an inadequate buffer zone). The proposed policy would place limits on uses within fuel modification zones. In order to minimize impacts to adjacent ESHA, the types of uses within such fuel modification zones would be limited. The proposed policy would also retain the County's existing 100-foot standard width for a fuel modification zone, consistent with the fire clearance recommendation made by the Ventura County Fire Department following their review of the 2017 Thomas Fire. At that time, the Fire Department concluded that increased clearance would not have made a significant difference during the type of weather pattern the County experienced in December 2017. The Ventura Co. Fire Department is reviewing other types of changes that might be more beneficial in protecting properties, and will retain its authority to authorize a wider fuel modification zone in response to specific topographic or other conditions.]

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

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

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

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

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

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

- 5.9 **Alteration of Land Forms** - New development shall be sited and designed in a manner that will minimize grading, alteration of natural land forms, and brush/vegetation removal to avoid adverse effects on the ecological function of (and water quality within) wet environments, wetlands, coastal waters, and other ESHA.

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

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

- 5.11 **Bird Mortalities:** To reduce bird mortalities resulting from bird collisions with buildings, new development shall incorporate bird-safe window treatments.

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

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

[Staff Explanation. Invasive nonindigenous plant and animal species threaten the diversity and abundance of native species, the ecological stability of infested habitats, and commercial, agricultural, aquaculture, and recreational activities dependent on such habitats.]

- 5.13 Recreational Facilities:** When a new or expanded recreational facility is proposed on a property with ESHA or ESHA buffer zone, the development shall be sited and designed to control the type, intensity, and location of uses in a way that avoids or minimizes adverse impacts on ESHA.

[Staff Explanation. This policy is based on existing North Coast Sensitive Habitats Policy 3. Proposed revisions to the policy would provide more flexibility when requiring a management plan, as such plans (if mandated) may not be warranted for small parks or minor park expansions. The updated policy retains the County's authority to request a management plan, but only when such plans are needed to minimize adverse impacts to ESHA.]

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

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

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

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

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

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

5.18 **Fencing, Gates and Walls:** New 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. New fences, gates and walls within the development envelope shall not isolate wildlife from core habitat areas, and shall be located in areas that minimize impacts to the movement of wildlife.

5.19 **Noise:** New development and outdoor festivals or outdoor sporting events shall be sited and designed to avoid adverse impacts to ESHA.

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

5.20 **Night Lighting:** New development and outdoor festivals or outdoor sporting events shall be sited and designed to avoid light pollution (e.g., skyglow), minimize night lighting in the Santa Monica Mountains, and minimize light encroachment into ESHA or buffer zones.

[Staff Explanation. The location and design of new buildings or other development affects light levels within environmentally sensitive habitats, and excessive outdoor night lighting can negatively affect people and wildlife. To address those issues, the number, location, and design of light fixtures will be considered to ensure that only the intended areas are illuminated.]

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

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

Policies

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

Coastal Dunes and Other Shoreline Resources:

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

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

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

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

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

Item “a” is a revised version of existing Central Coast Dune Policy 1 and 2. Policy 1 states: “Coastal sand dunes on County unincorporated land are designated ‘Open Space’ or ‘Agriculture,’...in order to provide for maximum coastal dune protection.” However, simply applying these use designations to land does not provide an effective mechanism for protecting coastal dunes. As a result, Policy 1 was substantially revised to be consistent with Public Resources Code Section 30240. The proposed policy does not allow the use of coastal dunes for agriculture, but does allow for modifications associated with the protection of existing properties, the protection of dune ecosystems, and establishing use of a legal lot. The proposed policy is also consistent with General Plan Policy 1.10.1(2), which states: “Discretionary developments which would result in the removal of dune vegetation shall be conditioned to replace the vegetation.”]

- 6.2 **Dune/Wetland Habitats:** To maintain existing dune ecosystems, the County will encourage the public acquisition, restoration/enhancement or protection of dune and dune/wetland habitats near McGrath Lake, Hollywood Beach, and privately-owned properties near Ormond Beach.

[Staff Explanation. Central Coast Coastal Dunes Policy 3 has been amended and retained to include all dune habitats for conservation that are unprotected in the County. The amendment eliminates specific references to agencies and properties and offers a broader policy of dune ecosystem protection.]

- 6.3 **Sand Removal:** Sand removal/movement may be allowed on beaches that abut existing development at Hollywood Beach and Silverstrand Beach if conducted for the sole purpose of preventing physical damage to existing, legally-permitted beachfront residential/commercial development from wind-blown sand inundation. Such activities shall be the minimum necessary to prevent physical damage; shall be conducted in a manner that avoids ESHA, including dune habitats and special status species shorebirds; and shall only be allowed pursuant to an approved coastal development permit.

[Staff Explanation. The only communities that contain existing development that abut beaches that lie above the high-tide line on a year-round basis are Hollywood Beach and Silverstrand Beach. Some existing communities (e.g., La Conchita, Solromar) contain no beachfront development, and other existing communities (e.g., Seacliff, Mussel Shoals) abut beaches that frequently lie below the high tide line. If, in the future, climate change leaves additional areas vulnerable to damage from wind-blown sand inundation, this policy will be updated to address such conditions (sea level rise is being addressed by a separate LCP update).]

- 6.4 **Nearshore water environments:** To reduce impacts on nearshore shallow water environments that are used by fish, shellfish, birds, and other aquatic organisms, best

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management practices and other mitigation measures shall be used within new development to protect the water quality of terrestrial wet environments connected to the Pacific Ocean.

[Staff Explanation. Aquatic ecosystems are continually changing, driven by human uses, tides and weather, dredging activities, and climate change. Nearshore environments are also affected by water quality of terrestrial surface waters and nearby land uses. The protection and management of ecosystems is paramount if these areas are to continue to provide habitats that support estuarine flora and fauna. This policy was taken from the existing Tidewater and Beaches sections (north coast, south coast) of the CAP, which has the protection of tidepools as an objective.]

- 6.5 **Shorebird Populations:** Beach maintenance activities, such as the removal of beach wrack, shall be avoided that adversely impact nesting and foraging shorebird populations.

[Staff Explanation. Beach maintenance activities can physically disturb shorebirds and remove naturally occurring beach materials, such as beach wrack, which are an important nutrient source for the beach ecosystem. Detailed standards that implement this policy are provided in the CZO.]

- 6.6 **Grunion Fish:** During spawning periods for grunion (March through August), beach maintenance activities shall be avoided that disturb grunion eggs.

[Staff Explanation. The purpose of this policy is to limit beach grooming and other beach maintenance activities (e.g., removal of beach wrack, sand movement, vehicles on sand) during the breeding season for grunion, which are a sardine-sized fish species found only off the coast of California and Baja California, Mexico (Pacific Ocean and Gulf of California coasts). Many people enjoy catching grunion at events called "grunion runs." Grunion are known for their unusual mating ritual, wherein at very high tides, the females come up on to sandy beaches to lay their eggs, and the males deposit sperm on the eggs. For the next 10 days, the grunion eggs remain hidden in the sand. At the next set of high tides, the eggs hatch and the young grunion are washed out to sea.]

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

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

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

[Staff Explanation. Coastal Commission staff asked that the existing, certified text related to shoreline protective devices be retained for Policy 6.8 and 6.9 (below). The issue of shoreline devices is related to sea level rise, and policies that address that topic will be brought forward at a late date through a comprehensive set of LCP revisions. These policies are currently located in the Environmentally Sensitive Habitats sections of the CAP (i.e., see North Coast, Environmentally Sensitive Habitats, Tidepools and Beaches, Policy 3, and a similar South Coast policy under Tidepools).]

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6.9 Beaches/Intertidal Areas:

- a. An applicant for any coastal project, including *shoreline protective devices*, will show that its proposal will not cause long-term adverse impacts on beach or *intertidal areas*. Impacts include, but are not limited to, shoreline sand supply, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated waste water or oil, and runoff from streets and parking areas. Findings to be made will include, but not be limited to, proper waste water disposal.
- b. Placement or removal of any sand, fill or dredged material along ~~the North Coast beaches~~ or intertidal areas, including beach replenishment and the creation of new dune habitats to protect existing development, shall be carried out in consultation with the State Department of Fish and Wildlife and other natural resource agencies. Game, Such activities shall be designed in order to ensure that the project is designed to minimize adverse impacts on beach, intertidal, and offshore coastal resources.

[Staff Explanation. North Coast Tidepools and Beaches Policies 4 and 5 are being retained with minor edits for clarity. These policies will be revised when the LCP is updated for sea level rise. Proposed Policy 6.9(a) is derived from Policy 5, North Coast Tidepools and Beaches. Proposed Policy 6.9(b) is derived from North Coast Policy 4 and Central Coast Wetlands Policy 5. The updated policy applies throughout the coastal zone. Also, a reference to California Department of Fish and Game to Fish and Wildlife was corrected.]

Wet Environments and Wetlands

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

- 6.10 All new development projects on land adjacent to or within a wetland or wet environment, either in a stream or creek corridor or within 100 500 feet of such environments, shall be designed to maintain water quality and prevent degradation of ecosystem function. The purposes of such development projects shall be limited to those set forth in Section 30233(a) and 30236 of the Coastal Act.

[Staff Explanation. This policy would consolidate three existing policies: North Coast Creek Policy 1, Central Coast Wetlands Policy 1, and South Coast Creek Policy 2) as one proposed policy because the existing policies are similar and somewhat repetitive. This policy is also consistent with PRC Section 30231 and 30233, which requires that development maintain or enhance the biological productivity and functional capacity of wet ESHA environments (coastal waters, streams, wetlands, estuaries, etc.). The proposed policy clarifies when (and how) impacts to such environments should be addressed. The 500-foot distance is consistent with the Board-adopted Initial Study Assessment Guidelines (ISAGs) for the Coastal Zone, and it captures cases when site characteristics (such as steep slopes in the Santa Monica Mountains) would be inadequate to assess impacts of the development.

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

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[Staff Explanation. Coastal Act policies related to diking, filling, and other activities within a wet environment are complicated, which is why this policy relies on a reference to the Coastal Act. A detailed summary of Coastal Act Policy 30233 is included in Chapter 2 of the CAP.]

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

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

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

[Staff Explanation. This proposed policy would establish consistency with Coastal Act Policy 30236, and other Coastal Act provisions, by ensuring that necessary bridge development, or other types of alterations to rivers, streams, creeks, etc. only occurs when necessary and in a manner that minimizes impacts to the wet environment.]

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

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

6.15 Coastal wetlands at the Santa Clara River mouth, McGrath Lake, Ormond Beach, and other locations shall be protected and, where feasible, restored. Passive recreation uses adjacent to such areas shall be sited and designed to avoid adverse impacts on biological and coastal resources.

[Staff Explanation. This policy replaces central coast Wetlands Policies 6 and 9. Existing Policy 6 addresses the formal recognition and restoration of Ormond Beach. Existing Policy 9 addresses the need for cooperation with other agencies to manage coastal wetlands. Restored wetlands and associated habitat are expected to create a self-sustaining biological system and enough tidal prism and flushing action to maintain health and hydrologic function. The policy incorporates public passive access and education from central wetlands Policies 9, South Coast Dune Policy A Introduction, and Mugu Lagoon Policy 1.]

6.16 Breaching or water level modification of lagoons or estuaries are prohibited except during a public health or safety emergency if there is no feasible, less environmentally damaging

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alternative and all feasible measures are implemented to minimize adverse environmental effects. To the maximum extent feasible, approved beach elevation management plans shall be utilized to avoid emergency breaching or water level modification of lagoons or estuaries.

Plant and Tree Communities

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

6.17 Oak and native tree woodlands defined as ESHA shall be protected from fragmentation and loss through the preservation and restoration of woodland habitat.

6.18 The removal or alteration of tree communities that constitute ESHA is prohibited, and new development, including roads or driveways, shall be sited and designed to avoid damage to such tree communities.

6.19 Grassland restoration plans shall include measures that protect, enhance, and, where possible, expand or restore native grassland communities and savannahs.

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

Wildlife and Plant Habitat Connectivity Corridors

6.20 New development shall be sited and designed to support biodiversity and to protect and enhance wildlife and plant habitat connectivity corridors as follows:

- a. Avoid the fragmentation of core habitat areas;
- b. Avoid the creation of corridor chokepoints and enhance habitat within existing corridor chokepoints; and
- c. Minimize indirect impacts (e.g., lighting, noise, human-wildlife interactions) that alter wildlife behavior;
- d. Avoid the placement of new structures or other barriers that disrupt species movements through habitat connectivity corridors.

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

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

ESHA Goal 7: Habitats Supporting Critical Life Stages

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

Policies

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7.1 Construction activities and outdoor festivals or outdoor sporting events shall not result in the disturbance of special status species utilizing habitats during a critical life stage (e.g., breeding, nesting, denning, roosting, habitats of such species).

7.2 During bird breeding seasons, nesting and roosting areas shall be protected from disturbance associated with new development or outdoor festivals/outdoor sporting events. Also, during bird migration seasons, such disturbance shall be avoided within bird staging/stopover areas.

[Staff Explanation. This policy is consistent with the Migratory Bird Treaty Act, which protects native bird nesting habitat and provides long-term protection of breeding, roosting, and nesting habitat from any disturbance or destruction.]

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

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

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

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

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

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

ESHA Goal 8: Effects of Hazardous Chemicals

Goal: To minimize adverse impacts on biological resources through the reduced use of hazardous chemicals.

[Staff Explanation Hazardous chemicals travel through mechanisms such as stormwater runoff, air pollution, and dumping. Pesticides and fertilizers can contaminate soil and waterways, kill beneficial

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organisms, such as pollinators and pest predators, and pose health risks to humans and wildlife. In addition, wildlife that consume animals that were poisoned are often poisoned themselves. Hazardous chemicals break down slowly or not at all, and they accumulate in the bodies of wildlife and humans and cause cancer, reproductive problems, or DNA damage. Additionally, the loss of bees, butterflies and other pollinator species are becoming a problem for our agriculture industry and ecosystems. The promotion of best management practices for pesticide use can help reduce losses of these declining species.]

Policies

8.1 Ventura County agencies shall minimize the use of hazardous chemicals through the following measures:

- a. The use of rodenticides, insecticides, herbicides, or other toxic chemical substances in the development or maintenance of County-owned lands is prohibited within the coastal zone, except where necessary to protect or enhance the habitat itself, such as for eradication of invasive plant species or habitat restoration. Herbicides shall be restricted to the least toxic product and method and, to the maximum extent feasible, shall be derived from natural sources and biodegradable;
- b. County staff shall utilize best management practices that minimize unintended contact between pollinators, wildlife, and pesticides or other chemicals; and
- c. Mosquito abatement activities shall be limited to those necessary to protect public health. Larvicides shall be specific to mosquito larvae, and shall not have any adverse impacts on non-target species (e.g., fish, frogs, turtles, birds, or other insects or invertebrates). The use of mosquitofish is prohibited in ESHA or ESHA buffer zones.

Necessary use of hazardous chemicals shall be limited to situations where there are no feasible alternatives that would result in fewer adverse impact to ESHA or other protected biological resources.

[Staff Explanation. In Ventura County, various County agencies acknowledge the dangers of anti-coagulant rodenticides to native species or domestic animals, which are not intended targets of the poison. The Ventura County Watershed Protection District recently conducted a scientific study that evaluated the effectiveness of providing raptor perches verses using rodenticide bait stations to control rodent damage around critical public infrastructure. The study found that the raptors attracted to the perches did a better job at controlling adverse effects to the infrastructure than the use of rodenticides. proposed policy language would allow the County to continue to protect public facilities, accomplish habitat restoration projects, and eradicate invasive plant species.]

8.2 The use of insecticides, herbicides, rodenticides, or other toxic chemical substances that may significantly degrade biological resources shall be prohibited in the Santa Monica Mountains. Exceptions may be allowed for the use of insecticides and herbicides where necessary to protect or enhance the habitat itself, such as for eradication of invasive plant species or habitat restoration, and where there are no feasible alternatives that would result in fewer adverse effects to the habitat value of the site.

[Staff Explanation: The purpose of the proposed policy is the reduced use of hazardous chemicals within the Santa Monica Mountains, an area that contains a significant portion of the County's identified ESHA. The prohibition of hazardous chemicals throughout the coastal zone would be problematic and unworkable for the County's large commercial agriculture industry, which is already regulated by the California Department of Pesticide Regulation. The Central

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Coast contains a large concentration of commercial agriculture, and the North Coast also contains a significant amount of agriculture. The County's agriculture, and its prime agricultural land, are resources of local and statewide importance. A balanced approach is therefore proposed that would protect the majority of mapped ESHA while targeting hazardous chemical use coastal-wide through County agencies and contractors.]

ESHA Goal 9: Land Divisions in ESHA or Buffer Zone

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

Policies

- 9.1 Land divisions shall only be permitted if substantial evidence is provided that demonstrates the following:
- a) No new or reconfigured lot created by the land division will result in new adverse impacts to ESHA or ESHA buffer zones, including adverse impacts that could occur due to "reasonable economic use" of the property pursuant to ESHA Policy 4.2;
 - b) When the land division is limited to a lot line adjustment between existing, legal lots, it may be permitted only when the adjustment is designed so the reconfigured lots would result in the same or reduced impacts to ESHA or buffer zone when compared to the original lot configurations; and
 - c) In all cases, new or reconfigured lot(s) shall accommodate development (e.g., building site, access roads, service infrastructure, fuel modification zone) in a manner that conforms with LCP policies and standards, except when the lot will be dedicated to open space preservation.

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

- 9.2 **ESHA Preservation Incentives:** The following regulatory exceptions may be permitted to encourage the preservation of large areas of unfragmented ESHA in the Santa Monica Mountains (M) overlay zone:

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- a. For new *development* allowed pursuant to ESHA Policy 4.2 – Reasonable Economic Use, allow an increased maximum allowable *building site* if the applicant voluntarily agrees to permanently retire the *development* rights for an undeveloped, buildable *legal lot* (or lots) that contains a high proportion of unfragmented ESHA in the Santa Monica Mountains (M) overlay zone; and
- b. Allow a *lot line adjustment* for two or more adjoining *legal lots*, where one or more of the resulting lots is smaller than the minimum lot size required by the LCP, if the *lot line adjustment* results in the permanent retirement of *development* rights for a large, undeveloped lot that contains a high proportion of unfragmented ESHA in the Santa Monica Mountains (M) overlay zone. Also, the remaining lots must be large enough to be developed in a manner that meets all provisions of the LCP except minimum lot size.

In all cases, the County shall only authorize an ESHA preservation incentive if the proposed or potential *development* on the subject lots, and the retirement of buildable lots for the permanent protection of their habitat and open space values, will result in reduced impacts to ESHA, and no increased loss of *high value habitat*, when compared to the *development* that could legally occur without use of the ESHA preservation incentive.

[Staff Explanation: The proposed incentives above would help preserve ESHA by providing incentives for landowners to set aside large, core areas of ESHA habitat, which in some cases could function as off-site mitigation lots for the preservation of ESHA. While the details associated with these incentives are set forth in the CZO, authorization to use a larger building site or a smaller lot size must be set forth in the CAP to allow alternate standards within the CZO or Subdivision Ordinance.]

ESHA Goal 10: Compensatory Mitigation

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

Policies

10.1 When *development* is allowed within ESHA or *buffer zone*, and adverse impacts to the ESHA ecosystem cannot be avoided through the selection of a least environmentally damaging alternative (see ESHA Policy 5.1), compensatory mitigation is required. An exception shall be provided for adverse impacts to ESHA authorized during a public emergency, pursuant to ESHA Policy 1.5. Mitigation requirements shall account for, and provide proportionate, *in-kind mitigation* for all adverse impacts to ESHA associated with the proposed *development*. Acceptable types of compensatory mitigation are as follows:

- a. On-site⁵ *restoration, establishment or enhancement*; or
- b. Off-site *preservation, restoration, establishment or enhancement* of ESHA; or
- c. Specific types of on/off-site compensatory required for *wetlands, wet environments, or other specialized habitats* regulated by federal or state *natural resource agencies*.

Compensatory mitigation required for adverse impacts to *coastal sage scrub* and chaparral may be implemented on or off-site, but priority shall be given to on-site mitigation for adverse impacts to *wet environments* and oak/native woodland habitats. For all other types of ESHA,

⁵ In the *coastal zone*, the *preservation* of existing, on-site *habitat* cannot be used to satisfy compensatory mitigation requirements.

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preference shall be given to on-site mitigation, except when substantial evidence is provided that off-site mitigation is more protective of the ESHA ecosystem impacted by the project. In all cases, off-site mitigation may be provided when it is not feasible to fully mitigate impacts on-site due to an insufficient supply of available, suitable areas for on-site restoration, enhancement, or establishment of ESHA.

[Staff Explanation. This policy establishes the basic requirements for compensatory mitigation, which are fleshed out in greater detail within the Coastal Zoning Ordinance. It reflects the requirements of CEQA and the Coastal Act, which includes stronger environmental regulations for ESHA than what is required by CEQA.]

10.2 When ESHA is illegally removed or degraded, the impacted area shall be fully restored on-site and compensatory mitigation shall be required. However, alternate sites for the restoration or establishment of in-kind ESHA may be approved under the following circumstances:

- a. If any portion of the impacted area is within the approved development envelope of the least damaging alternative (see ESHA Policy 5.1), then compensatory mitigation for that portion of the impacted area may be accomplished through on/off-site restoration or establishment or off-site preservation; and
- b. If on-site restoration or establishment is infeasible due to an insufficient supply of available areas, then an equivalent area of ecologically functioning ESHA shall be restored or established off-site.

[Staff Explanation. The unpermitted removal or degradation of ESHA requires a discretionary permit, and mitigation is required because such actions constitute “development” under the Coastal Act. To address the direct and cumulative impacts of unpermitted removal/degradation of ESHA, the landowner must restore or establish the impacted area of ESHA on-site. However, if a permit is being processed that includes all or a portion of, the impacted area with “building site”, then the project applicant cannot restore that area and will need to provide compensatory mitigation through any of the acceptable types of mitigation (i.e., on or off-site restoration, off-site preservation, etc.). However, unpermitted impacts must be restored or established on-site unless that area is included in a “building site” for the “least damaging alternative”.]

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

[Staff Explanation. This is an existing, certified policy (Central Coast- Wetland Policy #4), where modifications were made to update terms or remove references that may become outdated. In addition, the detailed requirements of this policy were moved to the mitigation section of the CZO. Reference to the California Coastal Commission “Interpretive Guidelines for Wetlands” was not included because that document is out-of-date. Coastal Commission staff recommended that the reference be deleted. Instead, a reference is provided in Appendix E1 to Sec. 13577(b) of Title 14, California Code of Regulations.]

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- 10.4 Mitigation ratios required for compensatory mitigation shall account for the type of *habitat* impacted; temporal loss of *ecosystem function*⁶; and the uncertainty that replacement *habitats* will adequately compensate for the *habitat value* and *ecosystem services* previously provided by the impacted ESHA or protected biological *habitat*.
- 10.5 The County shall support an increased supply of off-site mitigation lots by providing regulatory measures that allow a private landowner or *conservation organization* to establish a *legal lot* as a *coastal mitigation lot*, and to sell credits from that lot for use as compensatory mitigation through the coastal development permit process. A coastal mitigation lot shall contain large, permanently *preserved areas* of unfragmented ESHA or unique ESHA *habitats*, be connected to a protected core ESHA *habitat* or open space area by intact native vegetation, and contribute to the preservation of ESHA *ecosystems* within the coastal zone. Specific standards for a *coastal mitigation lot* shall be set forth in the Coastal Zoning Ordinance.
- 10.6 Where any dike or fill *development* is permitted in *wetlands*, additional mitigation measures shall, at a minimum, include the acquisition of equivalent areas of equal or greater biological productivity or other reasonable measures ~~will also be required as determined by the County to carry out the provisions of Sections 30607.1, 30233, subdivisions b., c., and d., and 30253, subdivision b., of the Coastal Act.~~
- [Staff Explanation. This policy is a modified version of existing central coast Wetlands Policy 2. Amendments were made to cover all wet environments for consistency with Public Resource Code 30233 Diking, Filling or Dredging Continued Movement of Sediment and Nutrients and 30607.1 (Wetlands, dike and fill development; mitigation measures), and 30253b (Minimization of adverse impacts) and to summarize policies under “wet environments” category.]*
- 10.7 Where *development* is permitted in *wetlands* and *wet environments*, the County shall establish the mitigation measures for those areas under the jurisdiction of the California Department of Fish and Wildlife or U.S. Army Corps of Engineers (e.g., *estuary, lagoon, wetlands, riparian/alluvial, or lake habitats*) after consultation with the responsible *agency(s)*. Compensatory mitigation ratios for impacts to such *habitats* shall be no less than the ratio required by the LCP, and the type of mitigation shall be limited to on-site or off-site *habitat restoration or establishment*.

4.1.3-3. ESHA Programs

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

ESHA Program 1: ESHA Map Updates

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

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

Figure 4.1.3-2 – Rincon Creek

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

⁶ Temporal impacts occur to the *ecosystem* during the period between the ESHA impact and the successful completion of mitigation.

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Figure 4.1.3-4 – Santa Clara River Mouth

Figure 4.1.3-5 – McGrath Lake

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

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

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

ESHA Program 2: Environmental Review and Coastal Mitigation Lot Services

The Planning Division will develop of the following customer service programs to assist project applicants with the permitting process and to help minimize costs associated with compensatory mitigation:

- a. **Pre-Application Consultation Service** (Voluntary, Fee Based Program): The primary purpose of this service is to determine whether the proposed development is designed in conformance with applicable ESHA policies and other provisions of the LCP. If needed, the service can be used to facilitate the development of alternatives that avoid or minimize impacts on ESHA. During a consultation, staff will also describe what type of information is needed for the application submittal. Project applicants that use this service could reduce time delays and project costs associated with consultant services or ESHA mitigation.
- b. **Environmental Mitigation Services Group (EMSG)** (Voluntary Program, No Fee): This purpose of this service is to help applicants meet their compensatory mitigation responsibilities in an effective and efficient manner. Through this program, project applicants could obtain advice on mitigation strategies or information on available, off-site properties suitable for compensatory mitigation. The EMSG could include individuals with expertise in the fields of restoration, mitigation, and conservation easements; representatives from agencies that operate or approve mitigation banks, and representatives of groups that conduct mitigation banking activities for the area.

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- c. **Coastal Mitigation Lot Program:** The RMA/Planning Division shall be responsible for establishing the administrative protocols, procedures, records, *third-party provider* agreements, and other administrative components associated with the Coastal Mitigation Lot Program, as set forth in the Coastal Zoning Ordinance, Sec. 8178-2.10.8(c) and Appendix E2, Sec. AE-2.4 – Coastal Mitigation Lots. Administrative functions shall be established within a reasonable time period following certification of the LCP amendments for ESHA and will include the following: (1) Preparation of a Coastal Mitigation Lot application form meeting the requirements set forth in CZO Appendix E2, Sec. AE-2.4.2 – Coastal Mitigation Lot Administration; (2) procedures/fees required for the submittal and review of Coastal Mitigation Lot application forms; (3) permanent records for Coastal Mitigation applications/approvals; and (4) administrative records that identify the number/size/location of all approved Coastal Mitigation Lots, the number of credits made available through the program, and the number of credits that remain available for sale to project applicants.

The Pre-Application Consultation Service, the Environmental Mitigation Services Group (EMSG), and the Coastal Mitigation Lot Program shall be conducted in a manner established by the Planning Director.

ESHA Program 3: Inter-Agency Coordination

The County will coordinate and collaborate with County agencies, *natural resource agencies* and *conservation organizations* to protect and enhance sensitive biological resources in the coastal zone through the following actions:

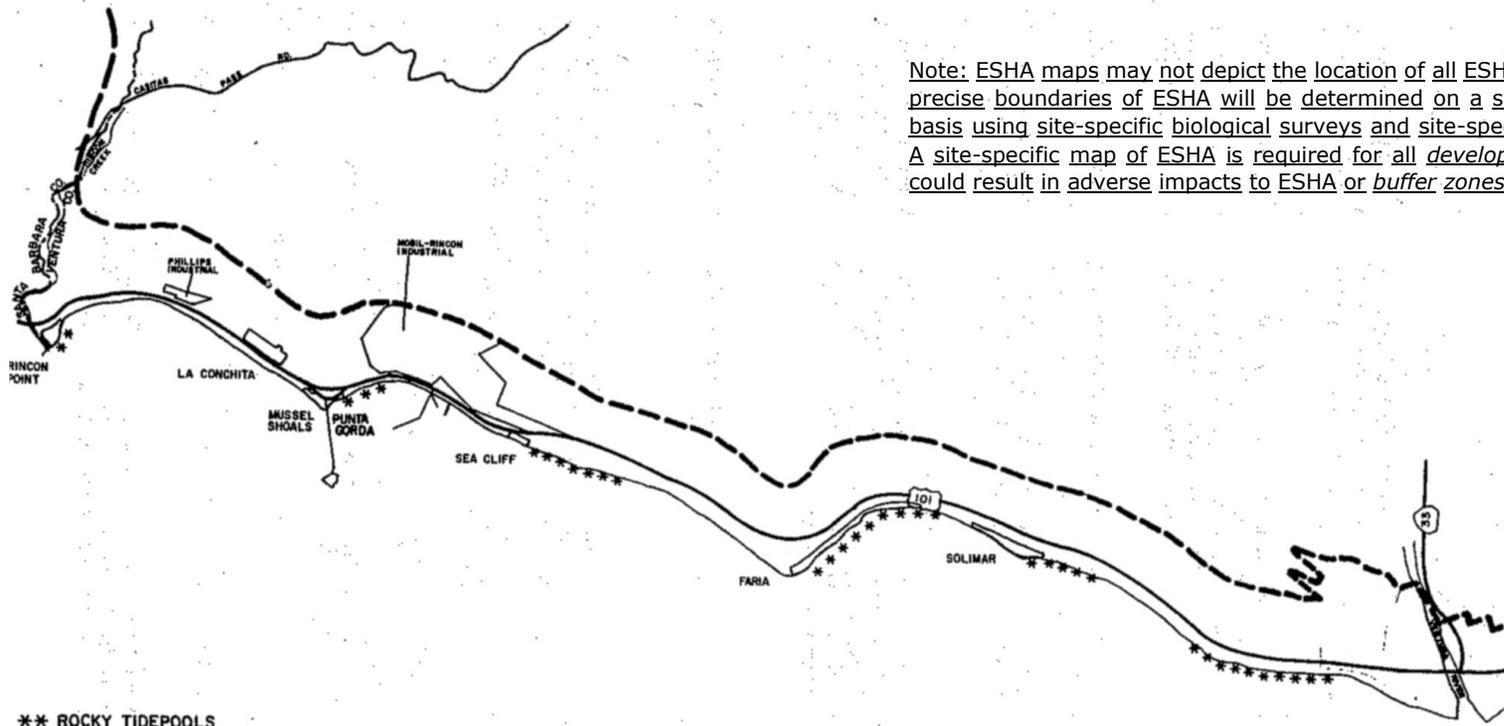
- a. **Hazardous Chemicals:** The Planning Division will distribute certified LCP policies and provisions related to the use of hazardous chemicals to the County's General Service Agency, RMA/Environmental Health, Public Works Departments, and other applicable County organizations;
- b. **Threatened/Endangered Species:** Continue to participate with federal, state, and county *natural resource agencies*, and other applicable stakeholders, to address the management of threatened and endangered species in the coastal zone;
- c. **Mugu Lagoon/Tributaries:** Continue to support Naval Base Ventura County, Watershed Coalition of Ventura County (WCVC), and other partnerships to maintain and enhance the *ecological* productivity and *integrity* of Mugu Lagoon/Estuary and its tributaries, including its marine mammal populations, through *watershed* planning and joint federal-state plans in a manner consistent with the LCP and national security; and
- d. **Ecosystem Improvements:** Continue to support the efforts of *natural resource agencies* and *conservation organizations* to improve water quality, coastal ecosystems, and *enhancements* to natural areas through the *restoration* of watercourses, *riparian* corridors, *wetlands* and open space areas.

ESHA Program 4: Public Information

Hazardous Chemicals: The Planning Division will prepare and distribute public informational materials that explain the hazardous chemicals regulations applicable to the Santa Monica Mountains. For example, public information could be distributed through social media or informational handouts could be made available at the public counter or through the Planning Division web site.

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

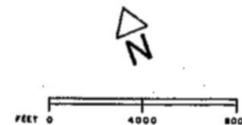


** ROCKY TIDEPOOLS

ENVIRONMENTALLY SENSITIVE HABITATS ON THE NORTH COAST

COASTAL PLAN

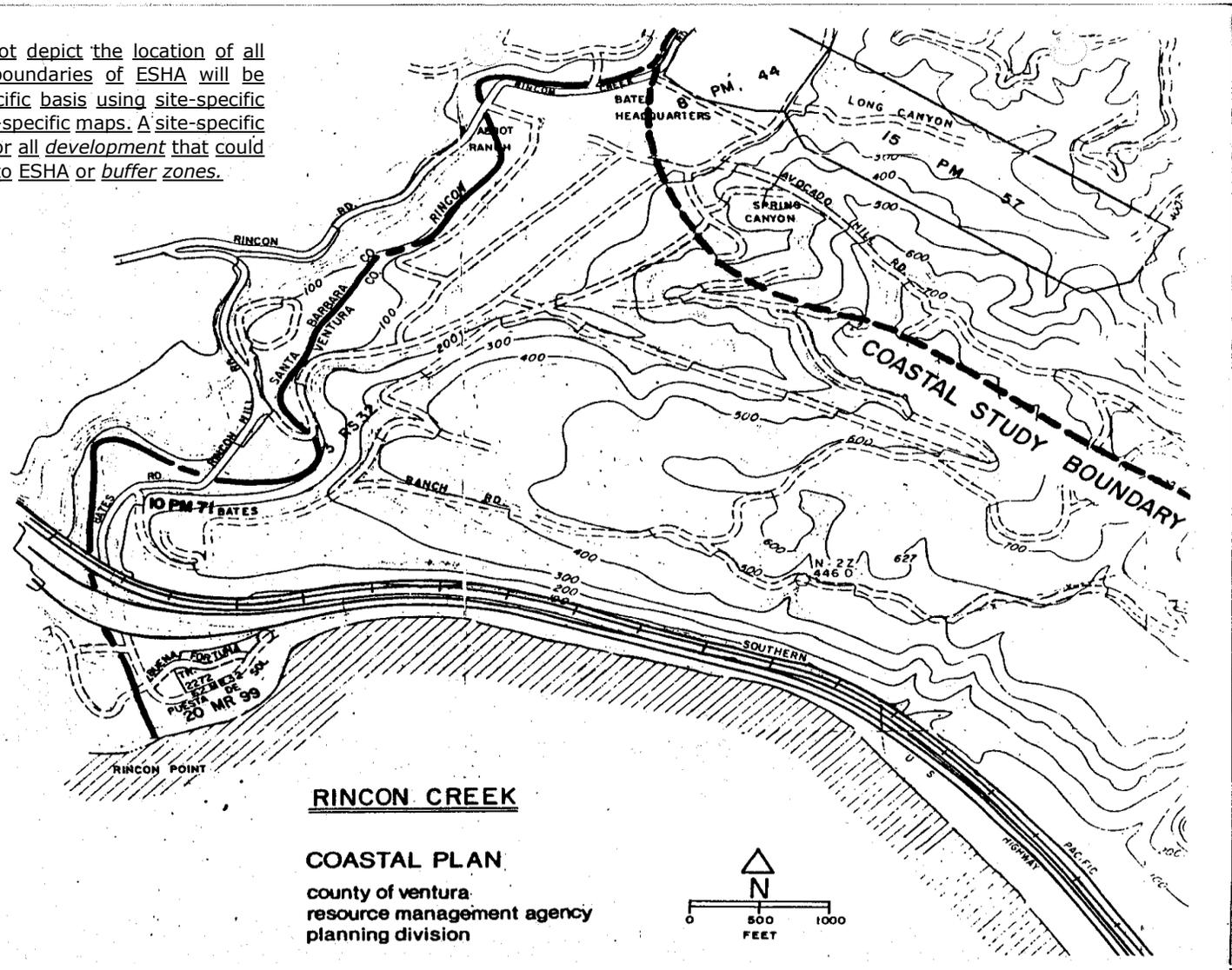
county of ventura
resource management agency
planning division



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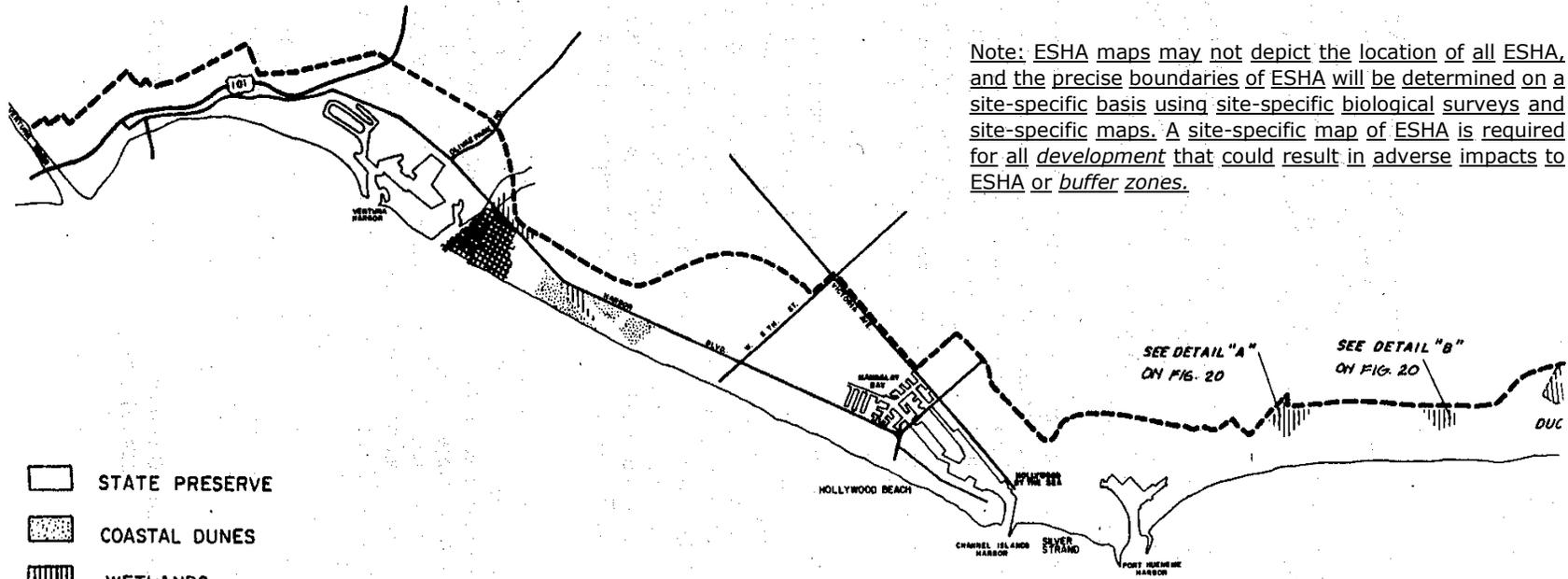
Figure 4.1.3-2 – Rincon Creek

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



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

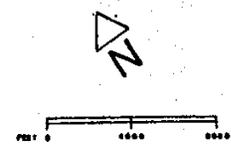


-  STATE PRESERVE
-  COASTAL DUNES
-  WETLANDS

ENVIRONMENTALLY SENSITIVE HABITATS ON THE CENTRAL COAST

COASTAL PLAN

county of ventura
 resource management agency
 planning division



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Figure 4.1.3-4 – Santa Clara River Mouth

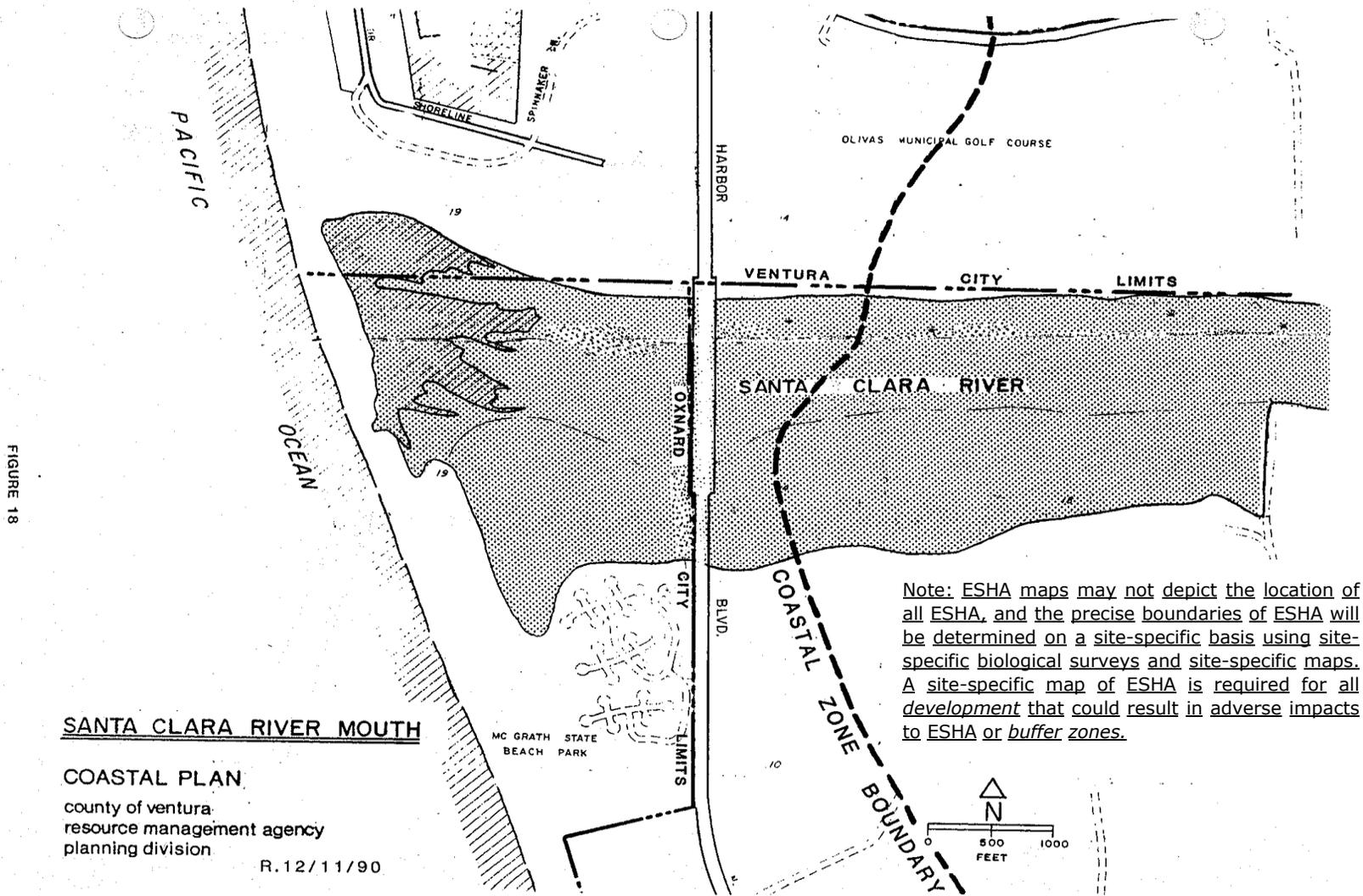
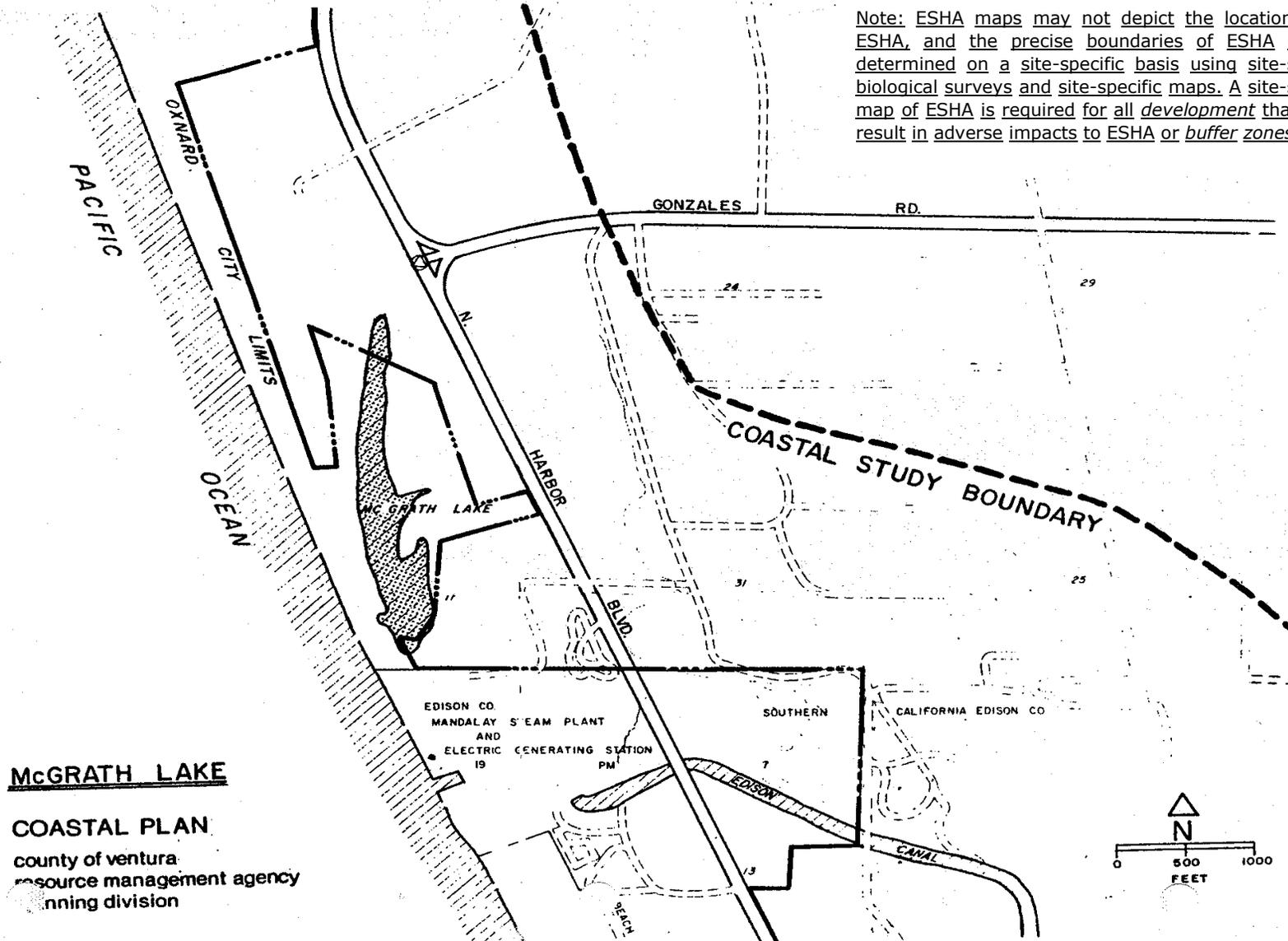


FIGURE 18

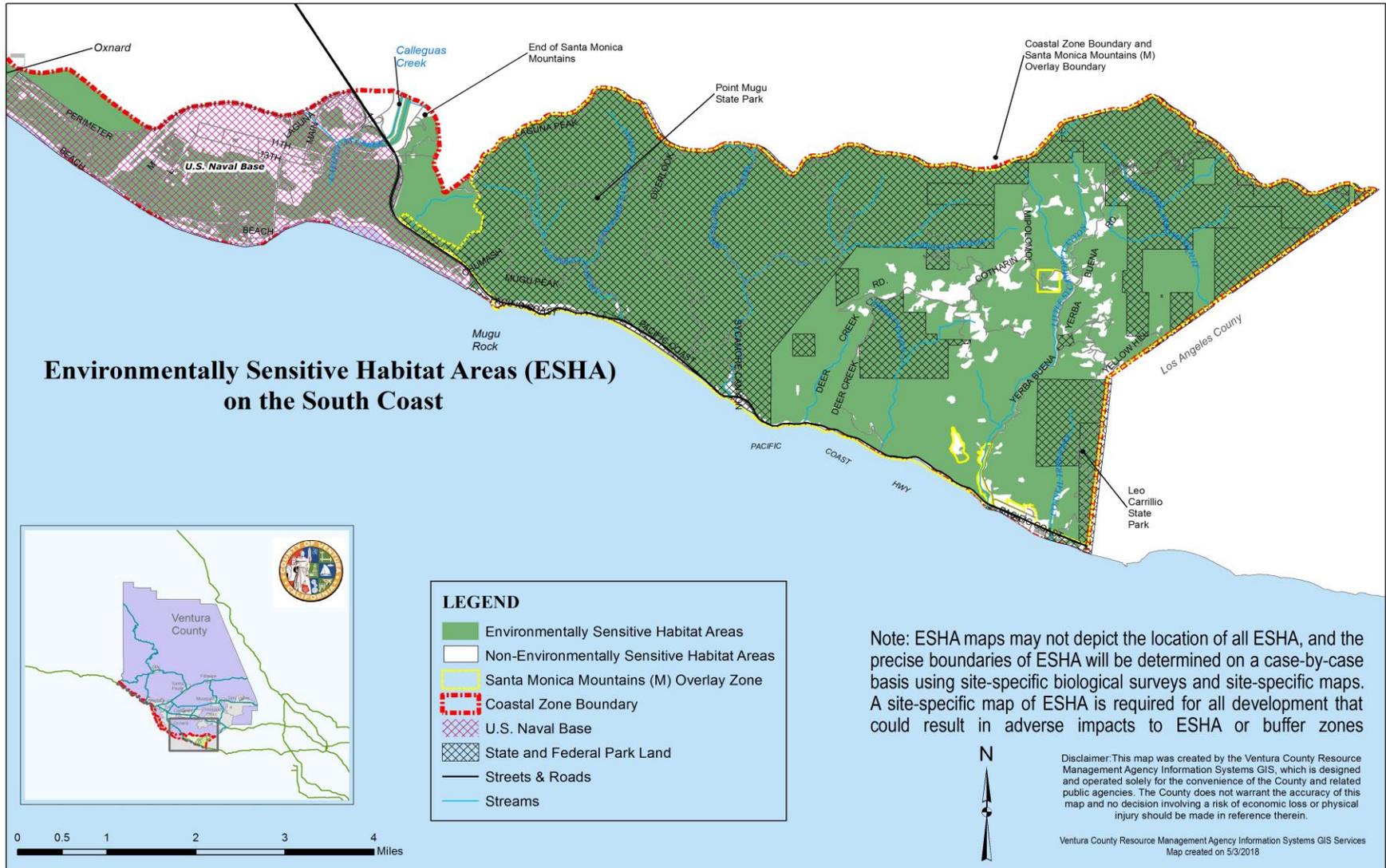
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Figure 4.1.3-5 – McGrath Lake



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Figure 4.1.3-6 Environmentally Sensitive Habitat Areas (ESHA) on the South Coast / Santa Monica Mountains



Section 3

Proposed Goals, Policies, and Programs

COASTAL AREA PLAN (CAP)

Chapter 4, Goals Policies and Programs, of the Ventura County Coastal Area Plan is hereby amended by revisions as follows:

4.1.5 Tree Protection

Policies

3. The *removal* of a *protected tree* that is *ESHA*, or *tree alteration* that damages *ESHA*, shall be prohibited except where:
 - a. The *tree* poses an imminent hazard to life, health, existing *structures*, or essential public services and where approved through an Emergency Permit; or
 - b. *Removal* or alteration of the tree is necessary to allow for a principal use or structure, and its associated fuel modification, where no *feasible* alternative exists to provide a *reasonable economic use* of the property, as evidenced by the alternatives analysis; or
 - c. *Removal* or alteration of the tree is a necessary component of an approved *habitat restoration* plan.
6. Pruning: Pruning of a *protected tree* may be conducted in accordance with the Tree Ordinance Appendix T-1, provided that such actions are taken to protect public safety, maintain *access*, or maintain the health of the *tree*. Pruning of ESHA trees identified as monarch butterfly roost sites shall be prohibited within the overwintering season (October through March).
7. Mitigation Measures: When new *development* will result in the loss or degraded health of a *protected tree*, mitigation measures shall be required that include (but are not limited to) the planting of replacement *native trees* in the following manner:
 - a. Replacement *tree* planting shall occur within suitable, onsite areas at ratios that ensure success of the planted species; ~~and~~
 - b. A monitoring program shall be implemented to ensure the successful *establishment* of replacement *trees*; ~~and~~
 - c. Mitigation measures for *protected trees* classified as *ESHA* shall be developed in accordance with *ESHA Mitigation Policies 10.1 - 10.7* (see section 4.1.3 - *Environmentally Sensitive Habitat Areas (ESHA)*).

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

[Staff Explanation. Minor revisions are proposed to the existing policies for tree protection because this section regulates trees defined as ESHA.]

4.1.7 Visual Resources

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

Visual Resource Goal 1

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

Policies

Signs:

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

Wireless Communication Facilities:

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

Santa Monica Mountains Coastal Zone:

7. New *development* shall be sited and designed to protect public views to and from the shoreline and public *recreational areas*. Where *feasible*, *development* on sloped terrain shall be set below road *grade*.
8. *Development* shall not be sited on ridgelines or hilltops when alternative sites on the *parcel* are available and shall not be sited on the crest of major ridgelines.
9. Except within the Solromar "Existing Community", all *development* proposals located within 1,000 feet of publicly owned park lands shall be sited and designed to mitigate potential adverse visual impacts upon park lands. Appropriate mitigation measures include additional landscaping, *use* of natural materials, low *building* profile, earth tone colors, and the like. *Development* shall not be sited within 500 feet of a park boundary unless no alternative siting on the property is possible consistent with the policies of this Coastal Area Plan.

[Staff Explanation. Existing visual and scenic resource policies for the Santa Monica Mountains were moved from the South Coast Subarea section to Section 4.1.7 – Visual Resources. No changes are proposed to the existing policies. However, moving Policies 7, 8 and 9 to this location means they apply to the entire coastal zone, not just the Santa Monica Mountains.]

4.1.8 Water Efficient Landscaping

Objective

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

Policies

9. Irrigation for landscaping shall incorporate water conservation measures such as low water usage plumbing fixtures, emitters, *micro-spray*, and other measures designed to reduce water usage. No permanent irrigation systems are permitted in the *fuel modification overlap zone*.

[Staff Explanation. A minor revision is proposed to an existing policy for water-efficient landscaping to address irrigation systems located in a fuel modification overlap zone – which is defined as one that overlaps with an ESHA buffer zone. That situation occurs when development is allowed in ESHA pursuant to “reasonable economic use”.]

Section 3

Existing Goals, Policies, and Programs

COASTAL AREA PLAN (CAP)

[Staff Explanation: Existing introductory text and goals/policies for ESHA are currently located in the North Coast, Central Coast, and South Coast sections of the Coastal Area Plan (see CAP Sections 4.2.9, 4.3.9 and 4.4.10 respectively). All existing text will be moved to the new section of the CAP, which is called 4.1 – The Coastal Zone, and the new subsection 4.1.3 – Environmentally Sensitive Habitats. All text is shown as deleted text, but in many cases that only means the text was moved and revised within the new section. The staff explanation below each deleted section provides information on where to find relocated or revised policies. Finally, all existing figures for environmentally sensitive habitats in the North Coast, Central Coast, and South Coast sections will be retained. However, most of the South Coast subarea map was updated with a new map for the Santa Monica Mountains.]

Chapter 4.2, The North Coast, Section 4.2.9 Environmentally Sensitive Habitat Areas (ESHA), of the Ventura County Coastal Area Plan is hereby amended by revisions as follows:

4.2.9 Environmentally Sensitive Habitats (ESHA)

~~A. — Tidepools and Beaches~~

~~Tidepools occur at Faria, Mussel Shoals, Seacliff and Emma Wood State Beach (Figure 4.2-1). Subtidal rock outcrops provide anchorage for kelp, which in turn provides habitat for a multitude of organisms. Intertidal and subtidal diversity creates feeding habitat for a variety of water birds. The sandy beach adjacent to the rocky areas serves as resting habitat for shorebirds, and is important for shellfish and as grunion spawning grounds.~~

~~Tidepools and Beaches Goal 1~~

~~The protection of tidepools.~~

~~Policies~~

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

[Staff Explanation. North coast Tidepools and Beaches Policy 1 is being amended and restated as ESHA Policy 5.7.]

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

[Staff Explanation. Wastewater effluent disposal for recreational uses were previously addressed along the North Coast. Additionally, wastewater disposal systems for the North Coast were developed for all communities except La Conchita. Finally, North coast Tidepools and Beaches Policy 2 is generally addressed in ESHA Policy 4.1, 4.9, 5.12, as well as related development standards in the CZO for new development.]

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

[Staff Explanation. North coast Tidepools and Beaches Policy 3 is being retained as ESHA Policy 5.8.]

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

[Staff Explanation. North coast Tidepools and Beaches Policy 4 is being amended and restated as ESHA Policy 5.10. Amended Policy 4 omits reference to north coast so that the policy applies throughout the coastal zone and corrects reference to California Department of Fish and Game to Fish and Wildlife. The original name no longer reflected the department's mission to manage California's diverse fish, wildlife and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.]

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

[Staff Explanation. North coast Tidepools and Beaches Policy 5 is being retained and restated with minor clarifications as ESHA Policy 5.9.]

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

[Staff Explanation. North coast Tidepools and Beaches Policy 6 is addressed in ESHA Policy 5.8 and 5.9.]

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

[Staff Explanation: North coast Tidepools and Beaches Policy 7 is being amended and restated as ESHA Policy 5.15.]

~~B. Creek Corridors~~

~~Rincon Creek is the only perennial riparian corridor on the North Coast (Figure 4.2-2). However, other stream or creek corridors are considered to be watercourses, either perennial or intermittent, as shown on USGS quadrangle maps, as measured between the high water mark,~~

~~or the break in each bank. Maintenance of native vegetation will help diffuse floods and runoff, minimize soil erosion, and retard sedimentation.~~

~~Creek Corridors Goal 1~~

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

~~Policies~~

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

[Staff Explanation. North coast Creek Corridors Policy 1 is being amended and covered by ESHA Policy 5.11 and 5.12, which has updated the policy to meet current standards (evaluate within 500 feet rather than 100 feet) and summarized duplicative policies into one. ESHA Policy 5.11 is consistent with Public Resources Code 30231 Biological productivity, water quality and the preservation of a buffer of natural vegetation to protect riparian habitats and minimizing alteration of natural streams.]

- ~~2. Substantial alterations (channelizations, dams, etc.) to river, stream, or creek corridors are limited to:~~

- ~~a. necessary water supply projects;~~
- ~~b. flood control projects where no other method for protecting existing structures in the flood plan is feasible, and where such protection is necessary for public safety or to protect existing development; or~~
- ~~c. developments where the primary function is the improvement of fish and wildlife habitat.~~

[Staff Explanation. North coast Creek Corridors Policy 2 is being amended and restated as ESHA Policy 5.11. It is consistent with Public Resources Code 30236 Water Supply and Flood Control.]

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

[Staff Explanation. North coast Creek Corridors Policy 3 is retained and modified in ESHA Policies 9.6-9.8 and includes numerous other biological resource protection policies for streams, and creeks, and other coastal resources.]

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

[Staff Explanation. North coast Creek Corridors Policy 4 is being amended and modified as ESHA Policy 5.15 to cover all wet environments.]

~~C. Miscellaneous~~

~~Policies~~

~~Film Production, Temporary~~

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

[Staff Explanation. This existing North Coast policy will be retained as ESHA Policy 5.14.]

~~Signs~~

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

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

**Figure 4.2-1
Environmentally Sensitive Habitats on the North Coast**

[Staff Explanation. This figure will be retained as Figure 4.1.3-1.]

**Figure 4.2-2
Rincon Creek**

[Staff Explanation. This figure will be retained as Figure 4.1.3-2.]

Chapter 4.3, The Central Coast, Section 4.3.10 Environmentally Sensitive Habitat Areas (ESHA), of the Ventura County Coastal Area Plan is hereby amended by revisions as follows:

4.3.10 Environmentally Sensitive Habitats Areas (ESHA)

A. Coastal Dunes

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

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

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

ESHA Goal 1

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

Policies

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

[Staff Explanation. Central coast Coastal Dunes Policy 2 is being amended and restated as ESHA Policy 5.1 (a).]

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

[Staff Explanation. Central coast Coastal Dunes Policy 3 is being omitted. On April 12, 2002, the California Coastal Commission approved an amendment to the City of Oxnard's LCP for the North Shore project, a residential subdivision located in the north east corner of Harbor Boulevard and West 5th Street. A lawsuit was filed by the California Native Plant Society (CNPS) against the City of Oxnard and North Shore at Mandalay Bay (the developer) for inadequate mitigation to protect the Ventura Marsh Milkvetch, dune scrub, and wetland habitats. In addition to increasing the onsite preserve, the settlement to the lawsuit also requires the developer to restore and enhance the wetland dune habitat adjacent to McGrath Lake. The City of Oxnard has since purchased approximately six acres of high quality dune habitat adjacent to McGrath Lake restricting development in this area. Although, it is unclear it is designated for a State Preserve.]

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

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

B. Wetlands

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

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

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

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

~~Southern California with an intact dune transition zone marsh system (R. Vogl, C. Onuf, pers. comm.).~~

~~Another wetland segment south of the Edison Plant is within the City of Oxnard's jurisdiction. The remnant tidal saltmarsh is also being considered for acquisition and restoration by the California Department of Parks and Recreation. It is used by the off-road vehicles and suffering soil compaction and vegetation damage. In their 1979 study, "A Concept Plan for Waterfowl Wintering Habitat Preservation," the U.S. Fish and Wildlife Service point out that the greatest opportunities for maintaining waterfowl populations along the Pacific Flyway would be in the restoration or enhancement of diked, formerly tidal, marsh. The marsh areas at Ormond Beach may afford such opportunities.~~

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

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

ESHA Goal 2

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

Policies

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

[Staff Explanation. Central coast Wetlands Policy 1 is being amended and restated as ESHA Policies 5.11 and 5.13.]

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

[Staff Explanation. Central coast Wetlands Policy 2 is being amended and restated as ESHA Policy 9.3.]

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

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

[Staff Explanation. Central coast Wetlands Policy 3 is being amended and restated as ESHA Policy 5.11. It is consistent with Public Resources Code 30236 Water Supply and Flood Control.]

- ~~4. Habitat mitigation will include, but not be limited to, timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of native vegetation,~~

reclamation or enhancement as specified in the California Coastal Commission "Interpretive Guidelines for Wetlands" and a plan for spoils consistent with the following policy.

[Staff Explanation. Central coast Wetlands Policy 4 is being amended and updated as ESHA Policy 5.15 and ESHA Policy 9.8. Detailed requirements of the policy were moved to mitigation sections of the CZO.]

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

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

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

[Staff Explanation. Central coast Wetlands Policy 6 is being amended and restated as ESHA Policy 5.16 and ESHA Program 4 Inter-Agency and Inter-Jurisdictional Coordination, subsection 3.]

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

[Staff Explanation. Central coast Wetlands Policy 7 is being amended and restated as ESHA Policy 5.3 and ESHA Program 4 Inter-Agency and Inter-Jurisdictional Coordination, subsections 1 and 3. Presently, there is no third party that manages the public accessway to Ormond Beach. The City of Oxnard has made several attempts to prohibit access with mixed results. Until such a time that access can be monitored, off-road vehicle use will continue to be a problem.]

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

[Staff Explanation. Central coast Wetlands Policy 8 is being amended and restated as ESHA Policy 4.9, 5.7, and 5.16.]

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

[Staff Explanation. Central coast Wetlands Policy 9 is being amended and restated as ESHA Policy 5.16 and ESHA Program 4 Inter-Agency and Inter-Jurisdictional Coordination, subsections 1 and 3.]

~~C. Film Production, Temporary~~

~~Policies~~

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

[Staff Explanation. Central coast temporary film production Policy 1 is being retained as ESHA Policy 5.14.]

D. Signs

Policies

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

[Staff Explanation. Central coast Sign Policy 1 is being retained as ESHA Policy 5.15.]

Figure 4.3-1

Environmentally Sensitive Habitats on the Central Coast

[Staff Explanation. This figure will be retained as Figure 4.1.3-3.]

Figure 4.3-2

Santa Clara River Mouth

[Staff Explanation. This figure will be retained as Figure 4.1.3-4.]

Chapter 4.4, The South Coast, Section 4.4.10 Environmentally Sensitive Habitat Areas (ESHA), of the Ventura County Coastal Area Plan is hereby amended by revisions as follows:

4.4.10 Environmentally Sensitive Habitats Areas (ESHA)

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

A. Coastal Dunes

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

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

ESHA Goal 1

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

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

Policies

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

[Staff Explanation. South coast Coastal Dunes Policy 1 is being amended and restated as ESHA Policy 5.1 (a).]

B. — Tidepools

Tidepools are located near Point Mugu Rock, and between Big Sycamore Canyon and Deer Creek Canyon. Although not actually within the County's jurisdiction, it is significant to note that the offshore area between Laguna Point and Point Dume in Los Angeles County has been designated an "Area of Special Biological Significance" by the Regional Water Quality Control Board (see Public Works section), and that nearshore, intertidal and terrestrial coastal areas are ecologically closely interrelated.

ESHA Goal 2

To support the State in the protection of the tidepools.

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

Policies

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

[Staff Explanation. South coast Tidepools Policy 1 is being amended and restated as ESHA Policy 5.7 and ESHA Program 4 Inter-Agency and Inter-Jurisdictional Coordination, subsection 3.]

2. Wastewater effluent and solid waste at public sites along the South Coast are to be properly disposed of.

3. Ventura County Environmental Health Division and the Ventura Regional County Sanitation District coordinate with the State to find acceptable alternatives for wastewater effluent disposal on the South Coast.

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

4. Shoreline protection structures such as revetments, seawalls, groins, or breakwaters are allowed when they are necessary to protect existing developments, coastal dependent land uses and public beaches. Any structures built under these conditions that affect tidepools will incorporate mitigation measures that reduce intertidal or nearshore habitat loss as feasible.

5. An applicant for any new coastal project, including shoreline protective devices, will demonstrate that their proposal will not cause long term adverse impact on the beach or

~~intertidal areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated wastewater and findings to be made will include, but not be limited to, proper wastewater disposal.~~

[Staff Explanation. North coast Tidepools and Beaches Policies 3 and 5 are repeated as south coast Tidepools Policies 4 and 5. South coast Policies 4 and 5 are being amended and restated as ESHA Policies 5.8 and 5.9.]

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

[Staff Explanation. South coast Policy 6 [Tidepools] is repeated as north coast Policy 7 [Tidepools and Beaches] and Policy 7 [Creek Corridors]. ESHA Policy 5.4 and 5.15, as amended, conveys this information.]

~~G. Creek Corridors~~

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

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

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

~~ESHA Goal 3~~

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

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

~~Policies~~

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

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

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

[Staff Explanation. South coast Creek Corridors Policy 2 is repeated as north coast Creek Corridors Policy 1 and Central coast Wetlands Policy 1 and is being amended and restated as ESHA Policy 5.11 and 5.12.]

- ~~3. Substantial alterations (channelizations, dams, etc.) to river, stream, or creek corridors are limited to:
 - ~~a. Necessary water supply projects;~~~~

~~b. Flood control projects where no other method for protecting existing structures in the flood plain is feasible, and where such protection is necessary for public safety or to protect existing development; or~~

~~c. Developments where the primary function is the improvement of fish and wildlife habitat.~~

***Staff Explanation.** South coast Creek Corridors Policy 3 is repeated as north coast Creek Corridors Policy 2 and is being amended and restated as ESHA Policy 5.11.]*

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

***[Staff Explanation.** South coast Creek Corridors Policy 4 is repeated as north coast Creek Corridors Policy 3 which is retained and modified in ESHA Policies 9.6-9.8 and includes numerous other biological resource protection policies for streams, and creeks, and other coastal resources.]*

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

***[Staff Explanation.** South coast Creek Corridors Policy 5 is repeated as north coast Tidepools and Beaches Policy 7 and Creek Corridors Policy 7 and south coast Tidepools Policy 6 and is being amended and restated as Policy 5.15.]*

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

***[Staff Explanation.** South coast Creek Corridors Policy 6 is being amended and restated as ESHA Policy 1.5. On July 24, 1979, the Ventura County Board of Supervisors adopted Resolution 222 agreeing to implement the Santa Monica Mountains Comprehensive Plan. Reference to the Board's Resolution has been omitted to simplify the policy by simply requiring all project proposals be referred to the Santa Monica Mountains National Recreations Area for review.]*

~~D. Film Production, Temporary~~

~~Policies~~

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

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

~~E. Signs~~

~~Policies~~

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

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

~~F. Santa Monica Mountains~~

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

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

ESHA Goal 4

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

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

Policies

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

[Staff Explanation. Santa Monica Mountains Policy 1 is being amended as Policy 4.1, which provides many more examples of ESHA and the requirement that ensures development proposals avoids areas that provide habitat for plants and animals instead of limiting it to native vegetation consistent with PRC 30240(a).]

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

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

- ~~3. All new upland development shall be sited and designed to avoid adverse impacts on sensitive environmental habitats.~~

- ~~• In cases where sensitive environmental habitats are located on a project site where the impacts of development are mitigated consistent with the Plan, the County shall assure that all habitat areas are permanently maintained in open space through an easement or other appropriate means.~~
- ~~• When such impacts of development would be unavoidable, the County shall ascertain within the specific project review period whether any public agency or non profit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, County Recreation Services, and Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been specifically authorized to acquire any portion of the property which would be affected by the proposed development, and funds~~

~~for the acquisition are available or could reasonably be expected to be available within one year of the date of application for the permit. If the permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again on the same ground.~~

~~*[Staff Explanation. Santa Monica Mountains Policy 3 [bullet 1] is being amended and as Policy 4.10 to ensure the preservation of ESHA and 30% slopes.] [Staff Explanation. Santa Monica Mountains Policy 3 [bullet 2] is being amended and restated as Policy 1.4.]*~~

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

~~*[Staff Explanation. Santa Monica Mountains Policy 4 is being amended and restated as Policies 4.2, 4.4, 4.5, 4.11, 8.1, and 8.2. Ventura County Fire Protection District Access Standards determine the need for secondary access for public safety purposes.]*~~

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

~~*[Staff Explanation. Santa Monica Mountains Policy 5 is being amended and restated as Policy 4.8.]*~~

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

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

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

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

[Staff Explanation. The introduction to Santa Monica Mountains Policy 6 is being amended and restated as Policies 1.3,4.2 and 8.1.]

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

[Staff Explanation. Santa Monica Mountains Policy 6 [bullet 2] is being amended and restated as Policy 4.10 and within the CZO as Sec. 8178-2.9.2 – Requirements for Tentative Maps and Parcel Map Waivers. The amended policy identifies recordation for lot line adjustments.]

[Staff Explanation. Santa Monica Mountains Policy 6 [bullet 3] is being amended and restated as CZO Section 8178-2.9.2(d) – Requirements for Tentative Maps and Parcel Map Waivers. See amended Access and Recreation Policy 8 and compliance with State Law.]

Scenic and Visual Qualities:

- ~~7. New development shall be sited and designed to protect public views to and from the shoreline and public recreational areas. Where feasible, development on sloped terrain shall be set below road grade.~~
- ~~8. Development shall not be sited on ridgelines or hilltops when alternative sites on the parcel are available and shall not be sited on the crest of major ridgelines.~~
- ~~9. Except within the Solromar "Existing Community", all development proposals located within 1,000 feet of publicly owned park lands shall be sited and designed to mitigate potential adverse visual impacts upon park lands. Appropriate mitigation measures include additional landscaping, use of natural materials, low building profile, earth tone colors, and the like. Development shall not be sited within 500 feet of a park boundary unless no alternative siting on the property is possible consistent with the policies of this Coastal Area Plan.~~

[Staff Explanation. The three policies above, which address scenic and visual resources in the Santa Monica Mountains, will be retained but relocated to Section 4.1.7 – Visual Resources.]

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

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

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

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

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

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

According to the State Department of Fish and Game and the U.S. Fish and Wildlife Service (June 1976), sedimentation from Calleguas Creek may elevate the Mugu Lagoon wetland above the tidal prism (ocean tide flooding) and thereby change the water quality and environmental characteristics of the wetland. Urbanization in the upstream watershed increase runoff, both in total volume and in the magnitude of the peak flow. Further, conversion of native watershed to urban and agricultural land increases summer flows (low flows) to the proximity of Mugu Lagoon. Increased flows lead to potentially lowered salinity in the Lagoon, increased pollution and increased erosion in unprotected areas along the unimproved channel reaches which ultimately may deliver more sediments to the Lagoon. The result is damage to both flora and fauna in the Lagoon (California Department of Fish and Game, 1976).

An important concern regarding any alterations of Calleguas Creek is the impact on endangered species in the Lagoon area. According to the U.S. Fish and Wildlife Service (USFWS), the endangered light footed clapper rail, Belding's savannah sparrow and California least tern utilize the Lagoon.

Some flood control improvements (such as those that decrease sedimentation) along Calleguas Creek may be necessary for the maintenance or enhancement of the wetland. According to the Ventura County Flood Control District (Ventura County Coastal Planning Study, Flood Control Planning, Surface and Groundwater Hydrology, 1972), without improvements to reduce sedimentation and to maintain an optimum exchange of tidal and fresh waters, the Mugu wetland may ultimately cease to exist or become severely degraded as a wetland area.

ESHA Goal 5

To maintain Mugu Lagoon, including the main estuary and the entire wetland system within the Pacific Missile Test Center, in as natural a state as possible, to the extent consistent with national security needs.

[Staff Explanation: The County's CAP policies for Mugu Lagoon and San Nicholas Island are being deleted (due to lack of jurisdiction) and incorporated into more general policies and implementation program for this specific ESHA.]

Policies

1. Upstream development and activities subject to Federal consistency review, including solid waste disposal, soil management practices, flood control, water reclamation, sewage treatment, use of pesticides and fertilizers, etc. should not impair the biological productivity of Mugu Lagoon nor its value for scientific and educational purposes, nor the offshore fisheries with which it is linked.

[Staff Explanation. Mugu Lagoon and San Nicholas Island Policy 1 is represented within Policies 3.1, 3.2, 5.11 - 5.16, 7.1 - 7.4.]

2. Flood control projects should avoid intrusion into Mugu Lagoon, be sited and designed to prevent degradation of the wetland, and incorporate feasible mitigation measures. Channelization, dams, and other river or stream alterations should be limited to necessary water supply projects, flood control projects necessary for public safety, and projects necessary to protect and enhance wetlands habitats and to reduce sedimentation in Mugu Lagoon.

[Staff Explanation. Mugu Lagoon and San Nicholas Island Policy 2 is represented within Policy 5.13.]

- ~~3. Projects which adversely impact habitat should include mitigation measures such as timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of native vegetation, reclamation or enhancement programs.~~

[Staff Explanation. Mugu Lagoon and San Nicholas Island Policy 3 is represented within Policy 9.8.]

- ~~4. Dredging, diking or filling of Mugu Lagoon should be limited to restoration and nature study purposes or projects required for national security. Any fill or degradation of wetlands should be accompanied, where feasible, by creation or enhancement of equivalent wetlands area.~~

[Staff Explanation. Mugu Lagoon and San Nicholas Island Policy 4 is represented within Policy 5.13.]

- ~~5. The County supports the work already done, and any future plans the Navy may propose to maintain and enhance the productivity of the Mugu Lagoon consistent with the Local Coastal Program.~~

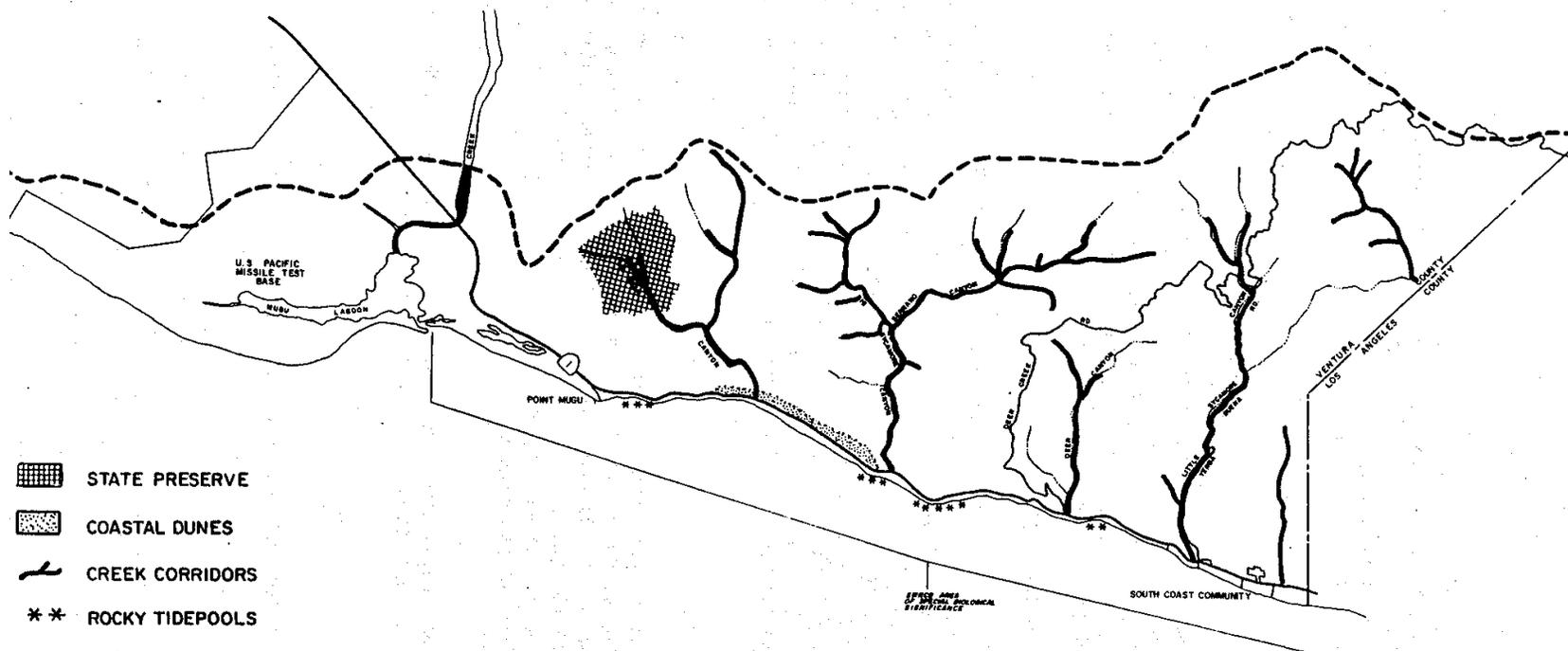
- ~~6. The County supports continued and future reliance on joint Federal State plans such as the 1967 Fish and Wildlife Management Plan for Point Mugu and San Nicholas Island. Marine mammal populations should be protected or, in the case of sea otters, re-established where feasible consistent with national security needs.~~

[Staff Explanation. Mugu Lagoon and San Nicholas Island Policies 5 and 6 are incorporated within ESHA Program 4 Inter-Agency and Inter-Jurisdictional Coordination.]

**Figure 4.3-3
McGrath Lake**

[Staff Explanation. This figure will be retained as Figure 4.1.3-5.]

Figure 27 Environmentally Sensitive Habitats on the South Coast



-  STATE PRESERVE
-  COASTAL DUNES
-  CREEK CORRIDORS
-  ** ROCKY TIDEPOOLS

**ENVIRONMENTALLY SENSITIVE HABITAT
ON THE SOUTH COAST**

[Staff Explanation. The South Coast Subarea map is being replaced by an updated map for the subarea. See Figure 4.1.3-6.]

COASTAL PLAN

county of ventura
resource management agency
planning division

