

Attachment E

Planning Commission Resolution for R-21-08

Phase 2C Amendments to the Local Coastal
Program: Environmentally Sensitive Habitat Areas
(ESHA)



Planning Commission Resolution Hearing on August 19, 2021

County of Ventura • Resource Management Agency

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RESOLUTION 21-08 FOR PL17-0083 REGARDING PROPOSED COUNTY-INITIATED GENERAL PLAN AMENDMENT TO THE LOCAL COASTAL PROGRAM (COASTAL AREA PLAN AND COASTAL ZONING ORDINANCE) PERTAINING TO THE HARBOR PLANNED DEVELOPMENT (HPD) ZONE, SANTA MONICA MOUNTAINS (M) OVERLAY DARK SKY LIGHTING, AND THE REGULATION OF ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA) IN THE COASTAL ZONE

Whereas, on August 23, 2018, the Ventura County Planning Commission deliberated and voted 5-0 to approve staff recommended actions for Phase 2C amendments to the Local Coastal Program (LCP) for Environmentally Sensitive Habitat Areas (ESHA) with additional direction to the Planning Division to address the following issues prior to presenting the proposed amendments to the Board of Supervisors: (1) meet with Fire Protection District staff to arrive at a consensus on fire clearance issues including evaluation of the Southern California Edison public safety power shutoff protocol in high fire risk areas; (2) re-visit the fairness and appropriateness of mitigation fees for property owners who thin ESHA beyond 100 feet for fire protection; and, (3) provide additional opportunity for public comment; and

WHEREAS, on August 19, 2021, the Ventura County Planning Commission held a legally noticed public hearing to consider a general plan amendment to the Coastal Area Plan amending Chapter 1, Section 1.3 – Relationship to Other County General Plan Documents; and Chapter 4, Section 4.1 – The Coastal Zone, Section 4.1.3 – Environmentally Sensitive Habitat Areas, Section 4.1.5 – Tree Protection, Section 4.1.7 – Visual Resources, Section 4.1.8 – Water Efficient Landscaping, Section 4.2.9 – Environmentally Sensitive Habitat Areas (North Coast), Section 4.3.10 – Environmentally Sensitive Habitat Areas (Central Coast), and Section 4.4.10 – Environmentally Sensitive Habitat Areas (South Coast) (Exhibit 4); and consider proposed amendments to the Coastal Zoning Ordinance Division 8, Chapter 1.1 as follows: Background and History, Article 1, Section 8171-9 (Establishment of Use Zones), Article 2, Section 8172-1 (Application of Definitions); Article 3, Section 8173-12 (Harbor Planned Development (HPD) Zone); Article 4, Sections 8174-4 (Environmentally Sensitive Habitat Areas) and 8174-5 (Permitted Uses by Zone); Article 5, Section 8175-2 (Schedule of Specific Development Standards by Zone), Section 8175-3.11 (Fences, Walls and Hedges), Section 8175-5.2.4 (Animals and Fowl); Section 8175-5.6.1.2.1 (Temporary Filming on a Sandy Beach), Section 8175-5.6.4 (Standards for Film Production Activities in all Zones), Section 8175-5.9 (Public Works Facilities), Section 8175-5.17 (Grading and Brush/Vegetation Removal), Section 8175-5.20.3(t) (Development Standards) and Section 8175-5.20.10 (Permit Application Requirements); Article 7, Section 8177-4 (Standards and Procedures for the Santa Monica Mountains (M) Overlay Zone); Article 8, Section 8178-2 (Environmentally Sensitive Habitat Areas (ESHA)), Section 8178-7 (Tree Protection Regulations), and Section 8178-8 (Water Efficient Landscaping Requirements); Article 11, Section 8181-2 (Legal Lot Requirements) and Section 8181-3.5 (Permit Findings); and Appendices (addition of Appendix E1 – Site-Specific



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Environmental Assessments for ESHA and Appendix E2 – Implementing Development in ESHA: ESHA Mitigation Plans and Legal Instruments for Conservation) (Exhibit 5); and

WHEREAS, the Planning Commission considered all written and oral testimony from County staff and public on this matter;

WHEREAS, after the close of the public hearing, Planning Commissioner Aidukas, District 5, made a motion to approve staff's recommended actions, with the inclusion of Exhibits 16, 17, A-Z, AA, BB into the record, and to incorporate the revisions shown in the Errata Memo (Exhibit 16), thereby amending the Coastal Area Plan (Exhibit 4) and the Coastal Zoning Ordinance (Exhibit 5), and with the direction for the Planning Division to address the following issues prior to presenting the proposed LCP amendments to the Board of Supervisors: (1) require that the two required monarch roost site surveys are conducted by independent biologists (Exhibits 4 and 5); (2) modify the amendment language associated with toxic substances (CAP Section 4.1.3-2 Policies 8.1 and 8.2 and CZO Section 8178-2.8) to apply to "new development and development that involves the use and application of pesticide" (Exhibits 4 and 5); and (3) coordinate with the City of Malibu to receive any comments the City has on their recently adopted pesticide ordinance and policy language that the County should consider and discuss the City's current implementation efforts with their community on the pesticide prohibition that the Planning staff should consider for our County implementation; and provide the results of this discussion in the Board Letter to the Board of Supervisors.

WHEREAS, the motion carried 4-1 (Commissioner McPhail dissenting); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the following actions be taken by the Board of Supervisors with respect to the general plan amendment to the LCP Coastal Area Plan and ordinance amendments to the Coastal Zoning Ordinance:

- a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff reports dated August 23, 2018 and August 19, 2021 and all exhibits thereto and has considered all comments received during the public comment process;
- b. **FIND** on the basis of the entire record and as set forth in Section B of the Planning Commission staff report that the adoption of the proposed amendments to the Coastal Area Plan and Coastal Zoning Ordinance are exempt from California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.9 and CEQA guidelines Section 15265 because it can be seen with certainty that the project complies with the California Coastal Act (Exhibits 6,7,8) which, under Public Resources Code section 21080.5, is the functional equivalent for CEQA review, provided that the Coastal Commission ultimately finds the amendments to be consistent with the Coastal Act;



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- c. **FIND**, based on the substantial evidence set forth in Sections A, B, C and D of the 2021 Planning Commission staff report, the public testimony received and the entire record, that the proposed general plan amendment to the Coastal Area Plan and the proposed ordinance amending the Background and History, Articles 1, 2, 3, 4, 5, 7, 8, 11 and Appendices of the Coastal Zoning Ordinance is consistent with federal/state law and the Goals, Policies and Programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety or general welfare (Exhibit 8);
- d. **ADOPT** the proposed general plan amendment amending Chapters 1 and 4 of the Ventura County Coastal Area Plan (Exhibit 4);
- e. **ADOPT** the proposed ordinance amending Background and History, Articles 1, 2, 3, 4, 5, 7, 8, 11 and Appendices of the Ventura County Coastal Zoning Ordinance (Exhibit 5); and
- f. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

This is to certify that the foregoing is a true and correct copy of the Resolution reflecting the Ventura County Planning Commission's actions taken at its August 19, 2021 public hearing regarding the above-described matter.

A handwritten signature in blue ink, appearing to read "Dave Ward", written over a horizontal line.

Dave Ward, AICP, Secretary to the
Ventura County Planning Commission