



Planning Director Staff Report Hearing on November 13, 2025

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009 • (805) 654-2478 •

<https://rma.venturacounty.gov/divisions/planning/>

BATES RANCH RESTORATION PROJECT COASTAL PLANNED DEVELOPMENT (PD) PERMIT CASE NO. PL22-0179

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Coastal Planned Development (PD) Permit for the restoration of 0.88 acre Environmentally Sensitive Habitat Area (ESHA) that was impacted by unpermitted grading [Ventura County Coastal Zoning Ordinance (CZO) Section 8174-5 – Grading, Excavation, or Fill Pursuant to Sec. 8174-5.17(Case No. PL22-0179)].
2. **Applicant/Property Owner:** Ms. Jehanne Brown, 1565 Seacoast Rd, Carpinteria, CA 93013
3. **Applicant's Representative:** Jeff Damron, P.R., G.E., Padre Associates, Inc., 1861 Knoll Dr, Ventura CA 93003
4. **Decision-Making Authority:** Pursuant to the Ventura County Coastal Zoning Ordinance (CZO) (Section 8174-5 and Section 8181-3 et seq.), the Planning Director is the decision-maker for the requested Coastal PD Permit.
5. **Project Site Size, Location, and Parcel Number:** The 230.16-acre property is immediately north of the Southern Pacific rail line at the Ventura/Santa Barbara County line, and approximately 1 mile southwest of the intersection of Rincon Hill Road and State Route 150 (SR 150) and , near the community of Rincon Point in the unincorporated area of Ventura County. The Tax Assessor's parcel number that constitutes the project site is 008-0-160-470 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Coastal Area Plan Land Use Map Designation: Agriculture
 - c. Zoning Designation: Coastal Agriculture 40-acre minimum lot size (CA-40 ac)

7. Adjacent Zoning and Land Uses/Development (Exhibit 2):

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	Coastal Agricultural – 40-acre minimum lot size, (CA-40 ac); Agricultural Exclusive – 40 Acre	Agriculture – orchard, cut flowers, nursery start plantings, wild land/ open space area
East	CA -40 ac	Agriculture – orchard plantings
South	Coastal Open Space – 10-acre minimum lot size, slope density formula (COS – 10 ac-sdf)	Bluff (wildland area), Union Pacific Railroad tracks, Interstate 10 Freeway
West	Santa Barbara County	Single-family dwellings, Rincon Creek

- 8. History:** On July 23, 2010, the Ventura County Planning Director approved Parcel Map Waiver/ Large Lot Subdivision (Case SD08-0045) and Coastal Planned Development Permit (LU10-0062), allowing the subdivision of a 584.17-acre parcel into smaller lots. This approval resulted in the creation of the subject property, which consists of 230.16 acres (Parcel A). As part of this approval, a Mitigative Negative Declaration (MND) was adopted.

The subject parcel has been used for single-family residential uses and agriculture for an undetermined amount of time. On March 6, 2012, the Ventura County Planning Director authorized a minor modification to the approved subdivision. Following this approval, the applicant fulfilled all required conditions associated with the subdivision and a concurrently filed Coastal Planned Development Permit.

One of the mitigation measures included the recordation of a Declaration and Agreement to Restrict the Use of Property also known as a Biological Restrictive Covenant, on December 4, 2013. This measure was informed by an Initial Study Biological Assessment completed by Padre Associates in 2008 and updated in November 2009. The assessment supported the subdivision and informed the location of areas restricted from disturbance and the building sites, which in turn determined the areas subject to the Declaration and Agreement to Restrict the Use of Property.

- 9. Project Description:** The project involves the restoration of a 38,332 square foot (0.88 acres) area within the subject property that was impacted by approximately 7,000 cubic yards of unpermitted grading. This disturbance is located in a restricted area, as designated by the Declaration and Agreement to Restrict the Use of Property – Biological Restrictive Covenant (Document No. 20131204-00195542-0), which was established as part of the mitigation measures for Parcel Map Waiver/Large Lot Subdivision Case No. SD08-0045/LU10-0062.

To restore the area the Permittee will follow the plan outlined in the Coastal Initial Biological Assessment Bates Ranch Agricultural Fill Restoration (Padre Associates, Inc., February 2024). The project consists of two main components:

1. **On-site restoration:** This involves grading and revegetation within 0.88 acres (38,332 sq. ft.) of unpermitted disturbance. Specific measures include:
 - Minimal earthwork to restore the natural terrain
 - Preservation of protected trees located in the restoration area
 - Installation of a pipe culvert and energy dissipater adjacent to the unnamed access road
 - Mitigation through revegetation with arroyo willow thickets, wildrye grassland, and coastal wetland habitat
2. **Off-site mitigation:** This involves the conversion 0.36 acres (15,681 sq. ft.) of abandoned vineyard land located along the ephemeral drainage downstream of the project site to provide the balance of arroyo willow thicket and coastal wetland mitigation. Off-site mitigation plans include:
 - removal of all vines, support posts, wires, irrigation tubing and any other related debris
 - Removal of existing non-native vegetation
 - Limited removal of native vegetation, avoiding protected trees and retaining sapling oak trees and larger native shrubs
 - Installation of drip irrigation system
 - Planting of arroyo willow cuttings
 - Maintenance of the off-site mitigation site for a period of 5-years

The 1.24-acre project site is located at 3810 Bates Ranch Road in unincorporated Ventura County (APNs 008-0-160-470). The site is developed with an existing principal single-family dwelling and agricultural crop production, neither of which will be modified as part of this project. Access to the site will be provided by a private road connecting to Bates Ranch Road.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review.

California Public Resources Code section 21083.3, as implemented by CEQA Guidelines section 15183, provides an exemption from additional environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an environmental impact report (EIR) was certified, except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site. CEQA Guidelines section 15183(f) further specifies “the effect of the project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by a city or county with a finding that the development policies or standards will substantially mitigate the environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the

environmental effect. The finding shall be based on substantial evidence which need not include an EIR.”

Furthermore, the project is also found to be exempt from CEQA environmental impact review in accordance the provisions for Categorical Exemptions found in Guidelines Section 15300. Specifically, the project was also found to be consistent with Section 15333 (Class 33 – Small Habitat Restoration Projects) which permit the implementation of small (not to exceed five acres in size) habitat restoration projects like the proposed. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. Pursuant to Guidelines, the project is comprised of a restoration project located within a natural drainage area that will result in revegetation in the location of a grading violation. Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

Therefore, this project is categorically exempt pursuant to Sections 15183 and 15333 (Class 33) of the CEQA Guidelines. Therefore, based on the foregoing information, the project complies with the requirements of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN /COASTAL AREA PLAN

The proposed project has undergone analysis and has been determined to be consistent with all applicable General Plan and Coastal Area Plan policies. A detailed consistency analysis, which assesses the project’s alignment with the policies of the General Plan is included as Exhibit 6 of this Staff Report.

D. ZONING ORDINANCE COMPLIANCE

The proposed project is subject to the requirements of the Ventura County CZO. According to Section 8174-4 of the CZO, habitat restoration is permitted in the Coastal Agricultural zone district if a Coastal PD Permit is granted. Once the permit is issued and its conditions are met, the project will be compliant with the CZO. Notably, this project does not involve the construction of buildings or other development.

The project involves alterations to an Environmentally Sensitive Habitat Area (ESHA), which is governed by special use standards outlined in Section 8178-2 of the CZO. A detailed analysis of the project’s compliance with these standards is provided in Exhibit 5 of this staff report, titled “Zoning Consistency Analysis”. This exhibit lists the applicable special use standard and describes how the project complies with them.

E. COASTAL PD PERMIT FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must determine that the project meets the standards of Section 8181-3.5 of the CZO. With conditions and limitations the following findings can be made with certain conditions and limitations:

1. The proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program [Section 8181-3.5.a].

Based on the information and analysis presented in Sections C and D and Exhibits 5 and 6 of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program can be made.

2. The proposed development is compatible with the character of surrounding development [Section 8181-3.5.b].

The proposed development, which involves restoring 1.24 acres of land to address a code violation, is compatible with character of the surrounding area of the North Coast Community of the Rincon. This determination is based on several key points:

1. **Restoration of Open Space:** The project aims to restore protected ESHA that was inappropriately disturbed, promoting the preservation and enhancement of open space uses in the area.
2. **Environmental Benefit:** Restoration projects are recognized for their environmental benefits, including the promotion of biodiversity and ecosystem health, which aligns with the community's character and values.
3. **Character of Surrounding Development:** The North Coast Community is located at the Ventura County/ Santa Barbara County line, at the southern boundary of the Santa Ynez Mountains. The community is characterized by large lot estates, agricultural uses, and significant open space and natural wild land areas. By restoring the affected 0.88-acres and an additional 0.36-acres off-site area as ESHA, the project contributes to maintaining this character.
4. **Compliance with CZO Section 8181-3.5.b:** The Ventura County Coastal Zoning Ordinance requires that developments be compatible with the character of the surrounding development. By enhancing open space and promoting ESHA the project complies with this requirement.

Therefore, based on the information provided, it is concluded that the proposed development is indeed compatible with the character of the surrounding area, as it supports the preservation of open spaces and enhances the natural environment, which is integral to the community's identity and landscape.

3. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located [Section 8181-3.5.c].

Since the proposed development is not a conditionally permitted use, the requirement for compatibility with planned land uses in the general area does not apply to this project.

Therefore, based on the information provided this finding is not applicable to the proposed development, as it falls outside of the scope of the conditionally permitted uses that would require such an assessment.

4. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [Section 8181-3.5.d].

The proposed development is expected to have a positive impact on the surrounding area and neighboring properties. The key points supporting this conclusion include:

1. **Compatibility with Surrounding Land Use:** The restoration project aligns with the open space land use in the area, ensuring that it does not introduce incompatible or conflicting uses.
2. **Allowed Use:** The implementation of the restoration plan is supportive of the open space land use designation and the residential and agricultural development in the surrounding area as the proposed development is an allowed use in the CA zone.
3. **Noise Measures:** To mitigate potential disturbances, the project will be subject to conditions construction noise to within County's Construction Noise Threshold Criteria and Control Plan (Exhibit 7, Condition No. 21), preventing excessive noise that could be obnoxious or harmful to neighboring properties.
4. **Minimization of Fugitive Dust and Particulate Matter:** and the project is also conditioned to minimize fugitive dust and particulate matter resulting from site preparation and grading activities (Exhibit 7, Condition No. 30), reducing the potential for air quality impacts on neighboring areas.

Given these considerations, it can be concluded that the proposed development will not be obnoxious or harmful or impair the utility of neighboring property or uses, thereby satisfying the requirements outlined in Section 8181-3.5.d.

5. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8181-3.5.e].

The proposed project is not expected to have a detrimental effect on the public interest, health, safety, convenience, or welfare. This conclusion is supported by the following points:

1. **Assessment of Impacts:** A thorough assessment of the potential impacts of the project has been conducted, as presented in Sections C and D and Exhibits 5 and 6 of this staff report.
2. **Temporary Impacts Addressed:** Although temporary impacts upon water quality, air quality, and paleontological and archaeological resources are anticipated, these effects will be addressed through the implementation standard conditions of approval.

3. **Water Quality Protection:** Condition of Approval No. 28 (Exhibit 7) requires the applicant to implement and maintain construction best management practices, reducing watershed pollution during construction.

4. **Air Quality Control:** Condition of Approval No. 30 (Exhibit 7) ensures the site is stabilized and construction equipment is well-maintained, minimizing dust and air quality impacts.

5. **Protection of Paleontological and Archaeological Resources:** Conditions of Approval No. 18 and 19 (Exhibit 7) require the applicant to report any accidental discoveries of paleontological or archaeological resources during ground disturbing activities, ensuring their preservations.

By incorporating these conditions into the project, the potential impacts are reduced to a less-than-significant level, and, the proposed restoration project is not expected to negatively impact the surrounding area or the public interest. Therefore, it can be concluded that the proposed development will not be detrimental to the public interest, health, safety, convenience, or welfare, satisfying the requirements of Section 8181-3.5.e.

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

6. Development Within or Adjacent to ESHA – All ESHA policies and standards of the LCP have been met and the project design has been found to constitute the least environmentally damaging alternative pursuant to Section 8178-2.6.

As discussed in Sections C and Exhibits 6 of this staff report, the proposed restoration project meets all applicable requirements of the LCP. Furthermore, it has been determined that the project represents the least environmentally damaging alternative for several reasons:

- No buildings are proposed with this action;
- The project will result in the restoration of 1.24 acres of habitat, including arroyo willow [*Salix lasiolepis* Shrubland Alliance], and giant wildrye grassland [*Leymus* Wildrye Herbaceous Alliance];
- The restoration is necessary to mitigate temporal impacts from the unpermitted grading performed on the site.

The Coastal Initial Study Biological Assessment (CISBA), attached as Exhibit 3, supports this conclusion. As a restoration project, there are no feasible alternatives that would achieve the same environmental benefits. Moreover, the project is comprised solely of the restoration of area impacted by unpermitted grading, therefore resulting in no adverse impacts to ESHA or ESHA Buffers.

Based on this analysis, it can be concluded that the proposed restoration project meets all applicable ESHA policies and standards of the LCP and constitutes the least environmentally damaging alternative. Therefore, this finding can be made.

- 7. Increase of a Mandatory Fuel Modification Zone – New development with a mandatory fuel modification zone greater than the standard 100-foot width requires a finding supported by a determination made by the Ventura County Fire Protection District, that the increased fuel modification zone of up to 200-feet is needed to protect life and property from wildland fires based on site-specific environmental conditions and that there are no other feasible mitigation measures possible.**

The proposed development is a restoration project that does not involve any new buildings or structures. No fuel modification is proposed as part of this project; and the project complies with required finding by default, since there is no increase to a mandatory fuel modification zone.

The project's focus on revegetation and restoration of 1.24 acres of ESHA, addressing unpermitted grading and providing compensatory mitigation, does not trigger the need for a fuel modification zone or any modifications to the Ventura County fire protection standards.

Based on this analysis, it can be concluded that the proposed restoration project meets the requirements of this finding, as no increase to a mandatory fuel modification zone is proposed. Therefore, this finding can be made.

- 8. Expanded Fuel Modification Zone – If the width of a fuel modification zone exceeds 100 feet, the Ventura County Fire Protection District has authorized the expanded fuel modification zone, and determined that it is necessary to protect life, property, and natural resources from unreasonable risks associated with wild land fires and there are no other mitigation measures possible.**

The proposed development is a restoration project that does not involve any new buildings or structures. No fuel modification is proposed as part of this project; and the project complies with the required finding by default, since there is no increase to a mandatory fuel zone.

The project's focus on revegetation and restoration of 1.24 acres of ESHA, addressing unpermitted grading and providing compensatory mitigation, does not trigger the need for a fuel modification zone or any modifications to the Ventura County fire protection standards.

Based on this analysis, it can be concluded that the proposed restoration project meets the requirements of this finding, as no increase to a mandatory fuel modification zone is proposed. Therefore, this finding can be made.

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

The proposed restoration project does not involve any deviation from a policy or standard of the LCP. As discussed in Sections C and Exhibits 6 of this staff report, the project meets all applicable requirements of the LCP.

The project's purpose is to correct a grading violation and restore 1.24 acres of environmentally sensitive habitat (ESHA), with no buildings or structures proposed for construction. The subject property already has an authorized building pad, as indicated in the Biological Restrictive Covenant encumbering the property (Exhibit 8, Item 3), and no modification to this residential building pad is proposed.

Given that the project does not involve any deviation from LCP policies or standards and does not impact the authorized building pad, it can be concluded that this project does not affect economically beneficial uses on site. Therefore, this finding can be made.

10. Site Specific ESHA Determinations and Maps – The physical extent of habitat meeting the definition of ESHA and buffer zone on the entirety of the lot containing the project site is accurately mapped within the CISBA, is consistent with the LCP policies and standards (e.g., definition of ESHA, buffer zone determinations) and available independent evidence, and has been review by the Planning Staff Biologist or a County's Biological Consultant.

In accordance with the policy requirements and regulations of related to project-specific site assessment for biological resources, a Coastal Initial Study Biological Assessment (CISBA) was prepared for the proposed project, dated February 2024, by Padre Associates, Inc.(Exhibit 3). The CISBA includes an ESHA delineation map (Figure 3 of Exhibit 3), which has been reviewed by the Ventura County Planning Division. As the proposed restoration project is an allowable use in ESHA, a limited site survey was conducted within 500 feet around the violation area. The mapping and assessment have been found to be consistent with LCP policies and standards, as well as available independent evidence.

Based on this review, it has been determined that the physical extent of habitat meeting the definition of ESHA and buffer zone on the project site is accurately mapped and consistent with the requirements of the LCP. Therefore, this finding can be made.

11. Compensatory Mitigation – All direct and indirect adverse impacts to ESHA resulting from the development and any unpermitted development are fully

mitigated consistent with the LCP policies and standards, and required financial assurances are provided. All on-site and off-site areas subject to compensatory mitigation will be preserved in perpetuity consistent with Section 8178-2.10.1(c).

The Coastal ISBA (Exhibit 3) has identified the project related impacts including the temporal loss of 0.22 acres of vegetation ESHA (0.18 acres of arroyo willow thickets and 0.04 acres of giant wildrye grassland) and 0.01 acres of California Rare Plan Rank 4 habitat ESHA, and impacts to 0.13 acres of coastal wetland ESHA. The mitigation ratios established for the project are as follows:

Impact Type	Impact Area	Ratio	Mitigation Area
Vegetation ESHA arroyo willow thickets	0.18 acres	3:1	0.54 acres
Vegetation ESHA Giant Wildrye Grassland	0.04 acres	3:1	0.12 acres
Coastal Wetland ESHA	0.12 acres	4:1	0.52 acres ¹
Total	0.35 acres ²	Total ESHA Restored	1.24

The total area to be mitigated is 0.35 acres, and the applicant has proposed to implement compensatory mitigation through the restoration of the project site and an off-site mitigation receiver area. This will involve the conversion of an abandoned vineyard along the ephemeral drainage downstream of the violation area.

The applicant will be responsible for restoring a total of 1.24 acres of ESHA, as stipulated in Condition of Approval Nos. 1 (Project Description) and 23 (Compensatory Mitigation for Loss of Environmentally Sensitive Habitat Areas (ESHA)) (Exhibit 7). This will be accomplished through the restoration of the 0.88-acre project site and the 0.36-acre off-site vineyard area.

Furthermore, the project site and other open space areas on the subject property are already permanently encumbered under Biological Restrictive Covenant Instrument No. 2013204-00195542-0, as implemented with the Parcel Map Waiver SD08-0045. This ensures that the mitigated areas will be preserved in perpetuity.

¹ Note that these mitigation areas are not additive because arroyo willow thickets are also coastal wetland and fulfill mitigation requirements for vegetation and wetland ESHA.

² Includes the potential loss of one or more Plummer's Baccharis individuals, a plant of limited distribution (California Rare Plant Rank 4).

Therefore, it has been determined that all direct and indirect adverse impacts to ESHA resulting from the unpermitted development is fully mitigated, consistent with LCP policies and standards, and required financial assurances have been provided. This finding can be made.

12. Open Space Restriction – All ESHA, buffer zones, and slopes over 30 percent gradient located on the lot outside of the building site and mandatory fuel modification zone are preserved in perpetuity through a conservation easement or conservation instrument except as otherwise set forth in the project’s associated Coastal Development Permit and any allowable future development that is consistent with Section AE-2.2.2.

The proposed project is in compliance with this provision, as the project site and other open space areas on the subject property are already permanently encumbered under Biological Restrictive Covenant Instrument No. 2013204-00195542-0, implemented with the Parcel Map Waiver SD08-0045. This conservation instrument restricts future development of the area and ensures that the ESHA, buffer zones, and slopes over 30 percent gradient are preserved in perpetuity.

Both on-site and off-site restoration areas are located within Parcel A1 of the Biological Restrictive Covenant Area, which further supports the finding that the project is in compliance with the LCP provision. Additionally, the project is subject to Condition of Approval No. 10 – requiring a Notice of Land Use Entitlement to be recorded against the title, the implementation of an ESHA Mitigation Plan, and site monitoring for 5 years through Condition of Approval 23 – Compensatory Mitigation for loss of Environmentally Sensitive Habitat Area (ESHA).

As the proposed Coastal PD Permit solely proposes the restoration of ESHA and does not involve the development of buildings, it is consistent with the LCP provision. Therefore, this finding can be made, confirming that all ESHA, buffer zones, and slopes over 30 percent gradient located on the lot outside of the building site and mandatory fuel modification zone are preserved in perpetuity through a conservation easement or conservation instrument.

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

No land division is proposed with this action. Therefore, there is no potential for new, adverse impacts to ESHA or buffer zones resulting from a land division.

Furthermore, the proposed PD Permit will have a beneficial effect on ESHA, as it will result in the restoration of ESHA, taking into account for temporal impacts and

providing compensatory mitigation. The project's conditions of approval ensure that the restoration efforts will not only offset the impacts but also result in new ESHA, thereby enhancing the overall environmental quality of the site.

Given that no land division is proposed and the project will have a beneficial effect on ESHA, this finding can be made, confirming that the proposed project complies with the LCP's requirements regarding land divisions and ESHA.

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

The project will result in the remediation of 1.24 acres from degraded open space to restored ESHA. This will have a positive impact on the environment and will not result in any adverse impacts to large unfragmented ESHA.

Furthermore, the project will not increase the loss of ESHA, but rather will restore and enhance existing ESHA, resulting in a net benefit to the environment. Given that the project will result in the preservation and enhancement of ESHA, without increasing the loss of ESHA or resulting in greater impacts to ESHA or buffer zones, this finding can be made. The project meets the requirements of the LCP regarding ESHA preservation incentives, and it is determined that the proposed project will have a beneficial effect on the environment.

F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), CZO (Section 8181-6.2 et seq.). On October 31, 2025, the Planning Division mailed notice to owners of property within 300 feet and residents within 100 feet of the property on which the project site is located. On November 2, 2025, the Planning Division placed a legal ad in the *Ventura County Star*.

G. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;

2. **FIND** that this project is categorically exempt from CEQA pursuant to Sections 15183 and 15333 (Class 33 – Small Habitat Restoration Projects) of the CEQA Guidelines.
3. **MAKE** the required findings to grant a Coastal PD Permit pursuant to Section 8181-3.5 of the Ventura County CZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** Coastal PD Permit Case No. PL22-0179, subject to the conditions of approval (Exhibit 7).
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 10th day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact John Oquendo at (805) 654-3588 or John.Oquendo@ventura.org.

Prepared by:



John Oquendo, Case Planner
Residential Permits Section
Ventura County Planning Division

Reviewed by:



WJ
Winston Wright, Planning Manager
Ventura County Planning Division

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Coastal Initial Study Biological Assessment (Padre Associates, Inc, February 2024)
- Exhibit 4 CEQA Consistency Analysis
- Exhibit 5 Zoning Ordinance Consistency Analysis
- Exhibit 6 General Plan Consistency Analysis
- Exhibit 7 Conditions of Approval
- Exhibit 8 Biological Restrictive Covenant (20131204-00195542-0)



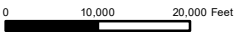
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



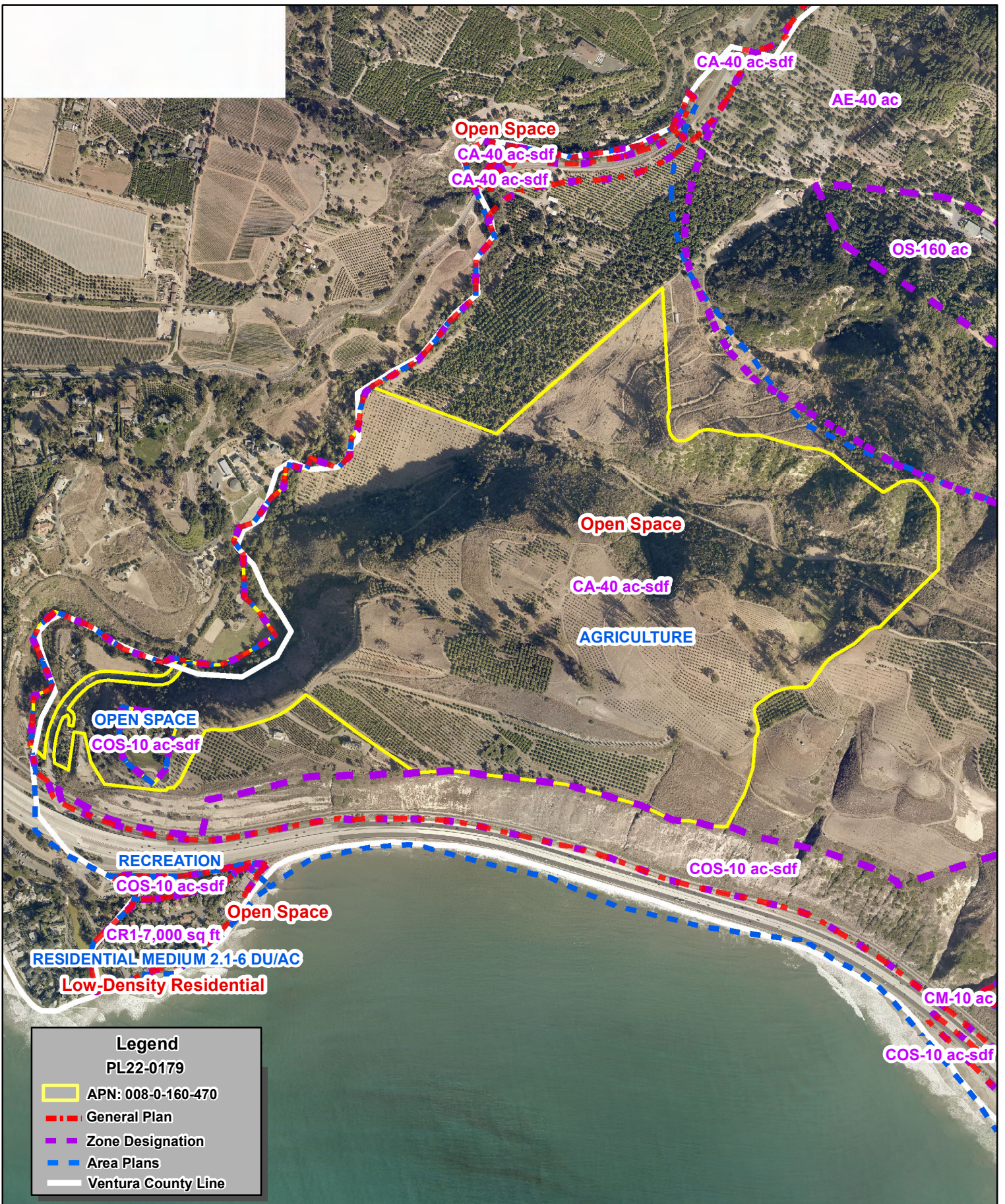
Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map created on 07-05-2024



County of Ventura
 Planning Director Hearing
 Case No. PL22-0179
 Exhibit 2 - Maps



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map nor does it make any decision involving a risk of economic loss or physical injury should be made in reliance thereon.

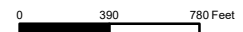


Ventura County California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 07-05-2024
 This aerial imagery is under the
 Source: Pictometry 2019



**County of Ventura
 Planning Director Hearing
 APN: 008-0-160-470
 PL22-0179**

General Plan & Zoning Map



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.





008-0-160-470

RINCON RD

RINCON HILL RD

BATES RD

S 101 FW

UNION PACIFIC RR

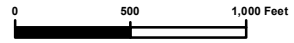
N 101 FW N 101 FW



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 07-05-2024
This aerial imagery is under the
copyrights © Vexcel /Imagery 2022



County of Ventura
Planning Director Hearing
APN: 008-0160-470
PL22-0179
Aerial Photography



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.



RH

COASTAL INITIAL STUDY BIOLOGICAL ASSESSMENT

BATES RANCH AGRICULTURAL FILL RESTORATION

Case No. PL22-0179



Prepared for:

Mac Brown Excavating c/o Mike Isacc
P.O. Box 8
Carpinteria, CA 93014

Prepared by:

Matt Ingamells
Padre Associates, Inc.
1861 Knoll Drive
Ventura, CA 93003
(805) 644-2220

February 2024

Project No. 2004-5201

County of Ventura
Planning Director Hearing
Case No PL22-0179
Exhibit 3 - Coastal Initial
Study Biological Assessment

TABLE OF CONTENTS

	Page
1.0 REPORT SUMMARY	1
2.0 INTRODUCTION/BACKGROUND.....	1
2.1 Baseline	3
2.2 Project Site Information.....	3
2.3 Contact Information.....	3
2.4 Report Preparation Details	3
2.5 Statement	4
2.6 Project Summary Description.....	4
3.0 EXISTING PHYSICAL AND BIOLOGICAL CONDITIONS	6
3.1 Regional Context	6
3.2 Physical Characteristics	6
3.3 Biological Conditions.....	7
4.0 PERMIT HISTORY	20
5.0 REMOVED OR DEGRADED VEGETATION	20
6.0 LIST OF POTENTIAL ESHA AND SPECIES.....	21
6.1 ESHA.....	21
6.2 Protected Trees	22
6.3 Special-Status Plant Species	24
6.4 Special-Status Wildlife Species.....	27
7.0 FIELD SURVEY/MAPS	31
7.1 Methodology	31
7.2 Results.....	31
8.0 ESHA IMPACT ANALYSIS.....	32
8.1 Least Damaging Alternatives Analysis	32
8.2 ESHA.....	32
8.3 Sensitive Plant Communities	33
8.4 Protected Trees	33
8.5 Special-Status Plant Species	33

TABLE OF CONTENTS (CONTINUED)

	Page
8.6 Special-Status Wildlife Species.....	33
8.7 Wildlife Connectivity.....	34
8.8 Wet Environments.....	34
9.0 ESHA MITIGATION.....	35
9.1 Mitigation Ratios.....	35
9.2 Project Modifications.....	35
9.3 Off-site Mitigation.....	36
10.0 REFERENCES.....	38

FIGURES

Figure 1 Regional Map.....	5
Figure 2 Survey and Vegetation Map.....	9
Figure 3 Pre-Grading Vegetation Map.....	10
Figure 4 Coastal Wetland Delineation Map.....	11
Figure 5 ESHA and Protected Tree Map.....	12
Figure 6 Survey Area Photographs.....	13
Figure 7 Site and Watch List Plant Photographs.....	14
Figure 8 Off-site Mitigation Area Location Map.....	37

TABLES

Table 1 Vegetation and ESHA Summary.....	7
Table 2 Summary of Observed Wildlife.....	16
Table 3 Coastal Wetland Delineation Data Summary.....	19
Table 4 Change in Project Site Vegetation from Baseline.....	20
Table 5 Protected Trees Observed in the Survey Area.....	23
Table 6 Definitions of Special-Status Plant Species.....	25
Table 7 Special-Status Plant Species Reported within Five Miles of the Survey Area ..	25
Table 8 Definitions of Special-Status Wildlife Species.....	28
Table 9 Special-Status Wildlife Species Reported within Five Miles of the Survey Area	28
Table 10 Field Survey Summary.....	31

TABLE OF CONTENTS (CONTINUED)

APPENDICES

- Appendix A Vascular Plant Flora Observed within the Bates Ranch Survey Area, Ventura County, California
- Appendix B Vertebrate Animal Species Observed at Bates Ranch and/or the Survey Area for the Bates Ranch Agricultural Fill Restoration Project, Ventura County, California
- Appendix C California Natural Diversity Data Base Element Occurrence Listing
- Appendix D California Natural Diversity Data Base California Native Species Field Survey Forms

1.0 REPORT SUMMARY

Based on the findings of this Coastal ISBA, unpermitted grading resulted in the following impacts to Environmentally Sensitive Habitat Areas (ESHA) and other biological resources:

- Loss of 0.18 acres of arroyo willow thickets and 0.04 acres of giant wildrye grassland, which are considered ESHA as these plant communities are vulnerable to extirpation.
- Loss of 0.13 acres of coastal wetlands, also considered ESHA (included under arroyo willow thickets listed above).
- Potential loss of one or more Plummer's baccharis individuals, a plant of limited distribution (California Rare Plant Rank 4).

These impacts would be mitigated by restoration of the unpermitted grading area through implementation of the Grading and Drainage Plan and Revegetation Plan (as revised, see Section 9.2) and off-site restoration, to ensure impacted resources are replaced at mitigation ratios required by the Coastal Zoning Ordinance.

2.0 INTRODUCTION/BACKGROUND

Bates Ranch (8310 Bates Road, APN 008-0-160-470) was part of a larger parcel (088-0-160-440) that was subdivided into four smaller parcels. Padre Associates completed an Initial Study Biological Assessment (ISBA) on November 11, 2008 (revised November 10, 2009) for this Parcel Map Waiver/Large Lot Subdivision (Case no. SD08-0045) and assessed impacts to biological resources associated with a single building pad on each of the four parcels.

The Parcel Map Waiver/Large Lot Subdivision was approved on July 23, 2010, and included Condition 12 which requires a Biological Restrictive Covenant to be recorded for all portions of the affected parcels outside areas of active agricultural cultivation and the four building pads assessed in the ISBA.

A portion of the Biological Restrictive Covenant underwent some unpermitted fill and grading and associated impacts to native and non-native vegetation between 2017 and 2019, with the majority of the unpermitted grading occurring in 2018 after the Thomas Fire. It has been estimated that about 7,000 cubic yards of earth material was imported and spread within an approximately 0.88-acre area. This area of unpermitted grading is located adjacent to an unpaved access road and extends north into an unnamed ephemeral tributary to Rincon Creek, approximately 0.6 miles east of Rincon Creek (see Figure 1).

The applicant has indicated that the purpose of the unpermitted grading was to address erosion and stabilize the access road, which provides critical access for maintenance of existing regional natural gas and water pipelines, as well as access to cultivated areas at Bates Ranch.

The Ventura County Planning Division issued a Notice of Violation (Case No. GC19-0034) noting the fill and subsequent grading was in violation of the Biological Restrictive Covenant.

In October 2020, Padre Associates developed a Grading and Drainage Plan to stabilize and restore the unpermitted grading site, including:

- Re-grade the fill material to form a level area adjacent to the existing farm road and a 2:1 slope extending down to the adjacent ephemeral drainage.
- Place 12 to 24-inch diameter rock riprap along the toe of the resulting slope to minimize erosion by storm flows in the adjacent ephemeral drainage.
- Construct an earthen berm at the top of the slope to prevent storm run-off flowing down the constructed slope.
- Install a 12-inch diameter pipe culvert with a 6-foot by 6-foot rock riprap energy dissipator to direct storm run-off from the level area and farm road away from the constructed slope.
- Fine grade the level area above the slope to provide positive drainage to the culvert pipe inlet.
- Track walk the constructed slope with a dozer and revegetate by hand broadcasting a native seed mix.

On March 8, 2022, the Ventura County Planning Division provided the results of a pre-submittal development review with a proposed means of resolution for the Notice of Violation, which included the following:

- The site is required to be restored based upon a similar nearby reference site that has not been disturbed.
- The applicant shall hire an independent, qualified biologist who specializes in riparian restoration to prepare a restoration plan that shows the site will be restored to a pre-disturbance community or within a set restoration monitoring period.

In May 2022, Padre Associates completed a Revegetation Plan for the unpermitted grading site, including an assessment of the biological resources of the site and vicinity, revegetation goals, site preparation recommendations, implementation plan (planting and irrigation), maintenance recommendations, monitoring plan, success criteria (including comparison to reference sites) and reporting requirements.

Following implementation of the County's revised Coastal Zoning Ordinance on September 9, 2022, the Planning Division required that a Coastal ISBA be prepared in compliance with Appendix E1 of the Coastal Zoning Ordinance. The focus of this Coastal ISBA is to:

- Identify ESHA and other biological resources within the project site, both prior to disturbance by unpermitted grading and current conditions.
- Determine the short-term and long-term impacts of the unpermitted grading on ESHA.
- Identify any portions of the unpermitted grading area to be protected in place to minimize impacts to ESHA and other sensitive biological resources (as appropriate).

- Coordinate with the project geotechnical engineer to modify the Grading and Drainage Plan to avoid encroachment into the ephemeral tributary of Rincon Creek.
- Revise the Revegetation Plan and/or provide an alternative mitigation plan to offset impacts to ESHA.

2.1 BASELINE

For the purposes of this Coastal ISBA, the analysis baseline is conditions present at the project site and survey area when the Parcel Map Waiver/Large Lot Subdivision was approved and the Biological Restrictive Covenant was recorded (2010). This baseline represents biological conditions prior to unpermitted grading, but also prior to the Thomas Fire which burned most of the survey area.

2.2 PROJECT SITE INFORMATION

For the purposes of this Coastal ISBA, the project site is defined as the 0.88-acre unpermitted grading area. In addition, a potential mitigation site within Bates Ranch downstream of the project site was assessed to determine the suitability of this site to mitigate ESHA impacts. The regional Thomas Fire burned the project site in December 2017.

The project site is located within the Ventura County Coastal Zone on APN 008-0-160-470 (230.16 acres). This parcel is zoned as Coastal Agriculture, 40-acre minimum lot size (CA-40 ac-SDF) and has an Agriculture General Plan land use designation.

The project site is located on the coastal slope approximately 0.5 miles north of U.S. Highway 101 and approximately one mile east of the City of Carpinteria. A regional location map is provided as Figure 1. The project site is accessed by a private paved road (9300 Highway 150), which extends from State Route 150 to the east and intersects the unpaved access road which leads to the project site.

2.3 CONTACT INFORMATION

Mac Brown Excavating
c/o Mike Issac
P.O. Box 8
Carpinteria, CA 93014

2.4 REPORT PREPARATION DETAILS

This Coastal ISBA was completed by Matt Ingamells of Padre Associates on February 8, 2024, a qualified biologist approved by the Ventura County Resource Management Agency. He has earned a B.S in Environmental and Systematic Biology from California Polytechnic State University, San Luis Obispo and a M.A. in Biology from the University of California, Santa Barbara and has over 33 years of local experience as a professional biologist. Mr. Ingamells has prepared over 25 ISBA's for projects in Ventura County.

2.5 STATEMENT

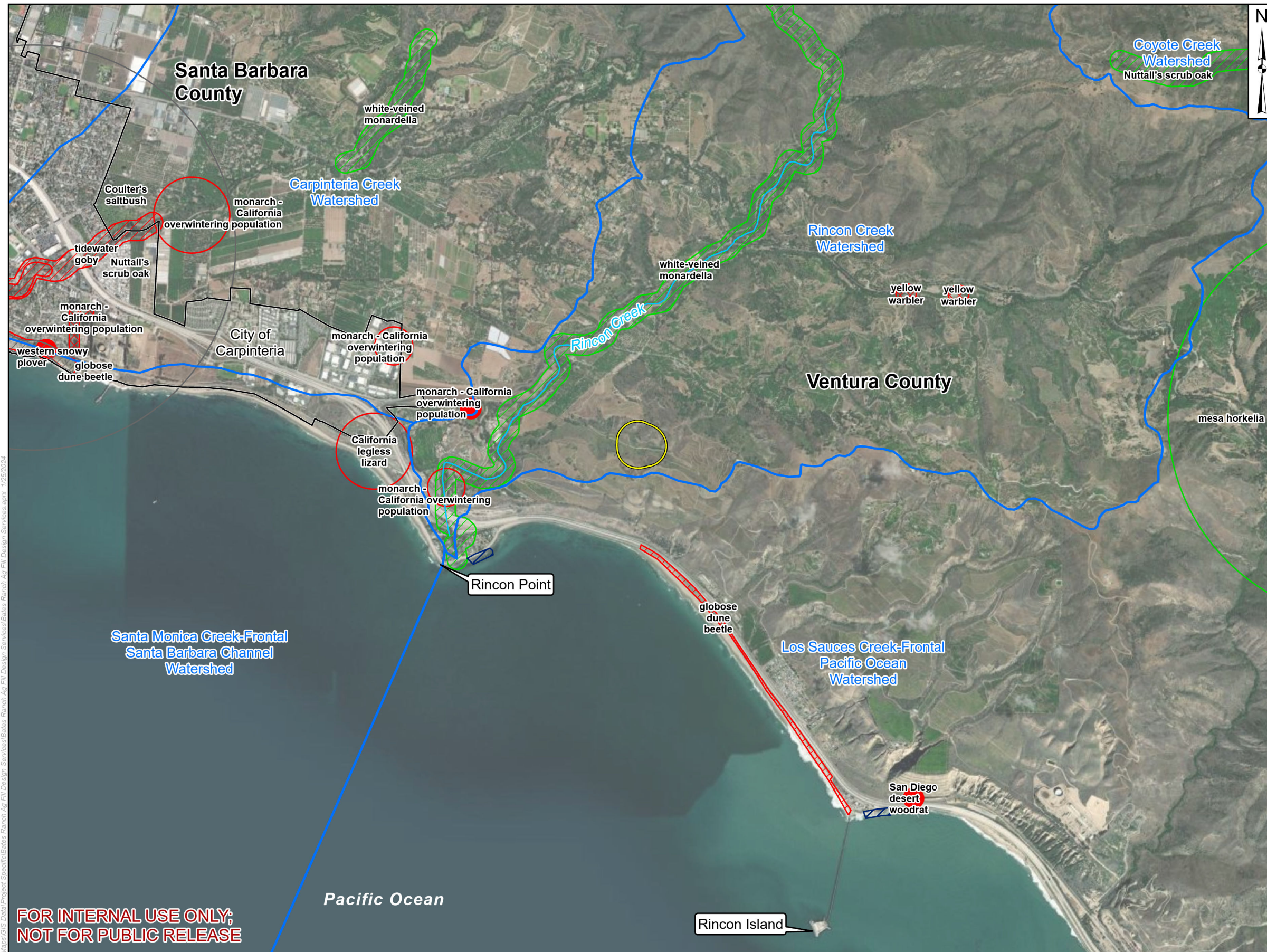
This Coastal ISBA was prepared according to the requirements listed in Section AE-1.3 of the Coastal Zoning Ordinance and represents an unbiased professional assessment of the biological resources of the project site (and 500-foot buffer) and potential effects of the unpermitted grading on these resources.

The map of Environmentally Sensitive Habitat Areas for the North Coast (including the project site, see Figure 4.1.3-1 of the Coastal Land Use Plan) only provides rough locations of rocky tidepools and does not delineate ESHA. Therefore, one of the primary purposes of this Coastal ISBA is to delineate ESHA within and adjacent to the project site, both currently and under baseline conditions (2010). ESHA affected by unpermitted grading included sensitive vegetation (vulnerable to extirpation) and coastal wetlands. Therefore, the County's official ESHA maps should be revised to be consistent with Figure 5 of this Coastal ISBA.

2.6 PROJECT SUMMARY/DESCRIPTION

The project (Case No. PL22-0179) consists of implementation of the Grading and Drainage Plan and Revegetation Plan described in Section 2.0 to address unpermitted grading. The purpose of this Coastal ISBA is to:

- Identify ESHA within the project site and 500-foot analysis buffer under current conditions.
- Identify ESHA within the project site and 500-foot analysis buffer under baseline conditions.
- Determine the impacts to ESHA and other biological resources associated with unpermitted grading.
- Provide measures to offset impacts to ESHA and other biological resources, potentially including modifications to the Grading and Drainage Plan and Revegetation Plan, and off-site restoration as mitigation.



LEGEND:

- Rincon Creek
- Survey Area
- Watershed Boundary
- City of Carpinteria Boundary
- Mapped ESHA (tidepools)

CNDDDB Occurrences

- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Multiple (non-specific)
- Multiple (circular)

MAP EXTENT:



**FOR INTERNAL USE ONLY;
NOT FOR PUBLIC RELEASE**



Source: Esri Online Imagery Basemap, CNDDDB 2023
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
 Notes: CNDDDB = California Natural Diversity Database;
 This map was created for informational and display purposes only.



PROJECT NAME: BATES RANCH AGRICULTURAL FILL VENTURA COUNTY, CA	
PROJECT NUMBER: 2004-5201	DATE: January 2024

REGIONAL MAP

**FIGURE
1**

3.0 EXISTING PHYSICAL AND BIOLOGICAL CONDITIONS

3.1 REGIONAL CONTEXT

The subject parcel is located on the coastal slope with a bluff to the southwest. The bluff rises from a low terrace along the Pacific Ocean created by construction of U.S. Highway 101 and the Union Pacific Railroad tracks to an elevation of about 400 feet.

Adjacent development includes residences along Rincon Hill Road located 0.8 miles to the west, the former Pacific Operators Offshore oil and gas processing facility located 0.7 miles to the southeast, and agricultural lands (orchards to the south, east and west).

Mapped ESHA in the project area is limited to rocky tidepools on the east side of Rincon Point and Punta Gorda, as close as 0.9 miles to the southwest of the survey area (see Figure 1). Wet environments as defined in the Coastal Zoning Ordinance occur in Rincon Creek, approximately 0.6 miles west of the survey area and the unnamed tributary within the survey area.

The project area is relatively undeveloped and wildlife movement is unlikely to be constrained. However, wildlife movement may be concentrated along Rincon Creek, as it connects coastal areas to the open space and expansive wildlife habitats of the Los Padres National Forest.

The regional Thomas Fire burned the survey area and slopes to the north in December 2017.

3.2 PHYSICAL CHARACTERISTICS

The survey area (project site with 500-foot buffer) is located in a small coastal canyon at an elevation of approximately 350 feet (graded area), approximately 1.1 miles northeast of Rincon Point, and 0.6 miles east of Rincon Creek. It is located within the Rincon Creek watershed. The Pacific Ocean and U.S Highway 101 (which parallels the coastline) is located approximately 0.5 miles to the south.

An ephemeral tributary of Rincon Creek is located along the northern boundary of the project site and bisects the survey area. This tributary is approximately 0.8 miles long and originates approximately 125 feet upstream of the survey area. The applicant indicates that stormwater run-off from adjacent orchards is directed to this drainage by buried culvert pipes. Additional information about this drainage is provided in Section 3.3.6.

The survey area slopes up from the ephemeral tributary of Rincon Creek to the south and to the north to elevated terraces supporting orchards. The elevation ranges from about 300 feet at the tributary to about 550 feet at the southern terrace and 400 feet at the northern terrace.

The soils of the survey area have been mapped as Calleguas very channery loam (30-50 percent slopes) south of the ephemeral drainage and Millsholm loam (15-30 percent slopes) north of the ephemeral drainage. The survey area is underlain by landslide deposits of Holocene to Pleistocene age (south of the ephemeral drainage) and Santa Barbara Formation north of the ephemeral drainage (marine shale, siltstone and silty to clayey sandstone) (Minor and Brandt, 2015).

3.3 BIOLOGICAL CONDITIONS

This section describes the biological resources of the survey area (see Figure 2) which includes the project site and 500-foot buffer.

3.3.1 Botanical Resources

Botanical surveys were conducted of the survey area on January 18 and 30, 2024. A botanical survey of the project site was conducted on April 26, 2022 as part of preparation of the Revegetation Plan (see Section 2.0). A protected tree survey was conducted on January 30, 2024. The botanical surveys encompassed the flowering period for most special-status plant species known from the area (see Section 6.3).

A total of 81 vascular plant species, including 45 native species (56 percent) were observed within the 28.3-acre survey area. The large number of non-native plant species (36) observed reflects the disturbance history of the area and the effects of the recent Thomas Fire. A list of plants observed during the botanical survey is provided as Appendix A.

3.3.2 Vegetation

The classification system provided by A Manual of California Vegetation was used to identify and classify vegetation in the survey area. Based on field mapping conducted for this Coastal ISBA, the vegetation of the survey area has been classified into 11 types, including five native plant communities (arroyo willow thickets, giant wildrye grassland, lemonade berry scrub, toyon chaparral and purple sage scrub). Five non-native vegetation types were identified, including annual brome grassland, upland mustards, eucalyptus groves, cape ivy infestations and agriculture. An eleventh cover type (developed) is used in the vegetation map to describe the mostly unvegetated existing access road. Observed plant communities are described below, including the A Manual of California Vegetation classification assigned to the plant community (in parentheses).

Figure 2 provides a current vegetation map of the survey area. Figure 3 provides a pre-grading (baseline) vegetation map based on an April 26, 2011 aerial photograph. Figures 6 and 7 provide photographs of the survey area. Table 1 provides the area of each plant community/cover type within the survey area.









Table 1. Vegetation and ESHA Summary

Plant Community/Cover Type	Condition	ESHA?	Area with the Survey Area (acres)	Area within the Project Site (acres)
Annual brome grassland (AG)	Very good, may have spread since the December 2017 Thomas Fire	No, non-native vegetation	3.02	0.00
Arroyo willow thickets (AW)	Good, most areas had been burned in the December 2017 Thomas Fire but have mostly recovered	Yes, under the coastal wetland definition	0.82	0.00

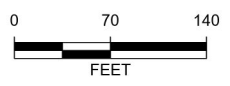
Plant Community/Cover Type	Condition	ESHA?	Area with the Survey Area (acres)	Area within the Project Site (acres)
Cape ivy infestations (CI)	Very good, may have spread since the December 2017 Thomas Fire	No, non-native vegetation	0.66	0.01
Eucalyptus groves (EG)	Good, little affected by the Thomas Fire	No, non-native vegetation	0.81	0.00
Giant wildrye grassland (GG)	Mostly good, most areas had been burned in the December 2017 Thomas Fire but have mostly recovered, Cape ivy infestations affecting some areas	Yes , vulnerable rarity ranking (S3)	9.47	0.03
Lemonade berry scrub (LS)	Good, not substantially affected by the December 2017 Thomas Fire	Yes , vulnerable rarity ranking (S3)	6.24	0.00
Agriculture (OR)		No, non-native vegetation	0.89	0.00
Purple sage scrub (PS)	Good, not substantially affected by the December 2017 Thomas Fire	No, common plant community	3.34	0.02
Toyon chaparral (TC)	Mostly good, Cape ivy infestations affecting some areas	No, not a vulnerable plant community	1.54	0.00
Upland mustards (UM)	Very good, likely expanded after the Thomas Fire	No, non-native vegetation	0.83	0.74
Developed (DV)			0.69	0.06
Vegetation ESHA (AW+GG+LS)			16.54	0.03



LEGEND:

-  Photograph Location (see Figures 6 and 7)
 -  Fish's milkwort
 -  Survey Route
 -  Plummer's baccharis
 -  Project Site
 -  Survey Area (500-foot buffer)
 -  Assessor Parcel Boundary
 -  **Vegetation Type**
- AG - Annual brome grassland
 - AW - Arroyo willow thickets
 - CI - Cape ivy infestations
 - DV - Developed (access road)
 - EG - Eucalyptus groves
 - GG - Giant wildrye grassland
 - LS - Lemonade berry scrub
 - OR - Agriculture (orchards)
 - PS - Purple sage scrub
 - TC - Toyon chaparral
 - UM - Upland mustards

MAP EXTENT:



Source: Google Earth Imagery 3/1/21
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
 Notes: This map was created for informational and display purposes only.



PROJECT NAME: BATES RANCH AGRICULTURAL FILL VENTURA COUNTY, CA	
PROJECT NUMBER: 2004-5201	DATE: February 2024

SURVEY AND VEGETATION MAP

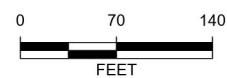


LEGEND:

- Project Site
- Survey Area (500-foot buffer)
- Assessor Parcel Boundary
- ESHA (AW + GG + LS)
- Vegetation Type**

- AG - Annual brome grassland
- AW - Arroyo willow thickets
- CI - Cape ivy infestations
- DV - Developed (access road)
- EG - Eucalyptus groves
- GG - Giant wildrye grassland
- LS - Lemonade berry scrub
- OR - Agriculture (orchards)
- PS - Purple sage scrub
- TC - Toyon chaparral
- UM - Upland mustards

MAP EXTENT:

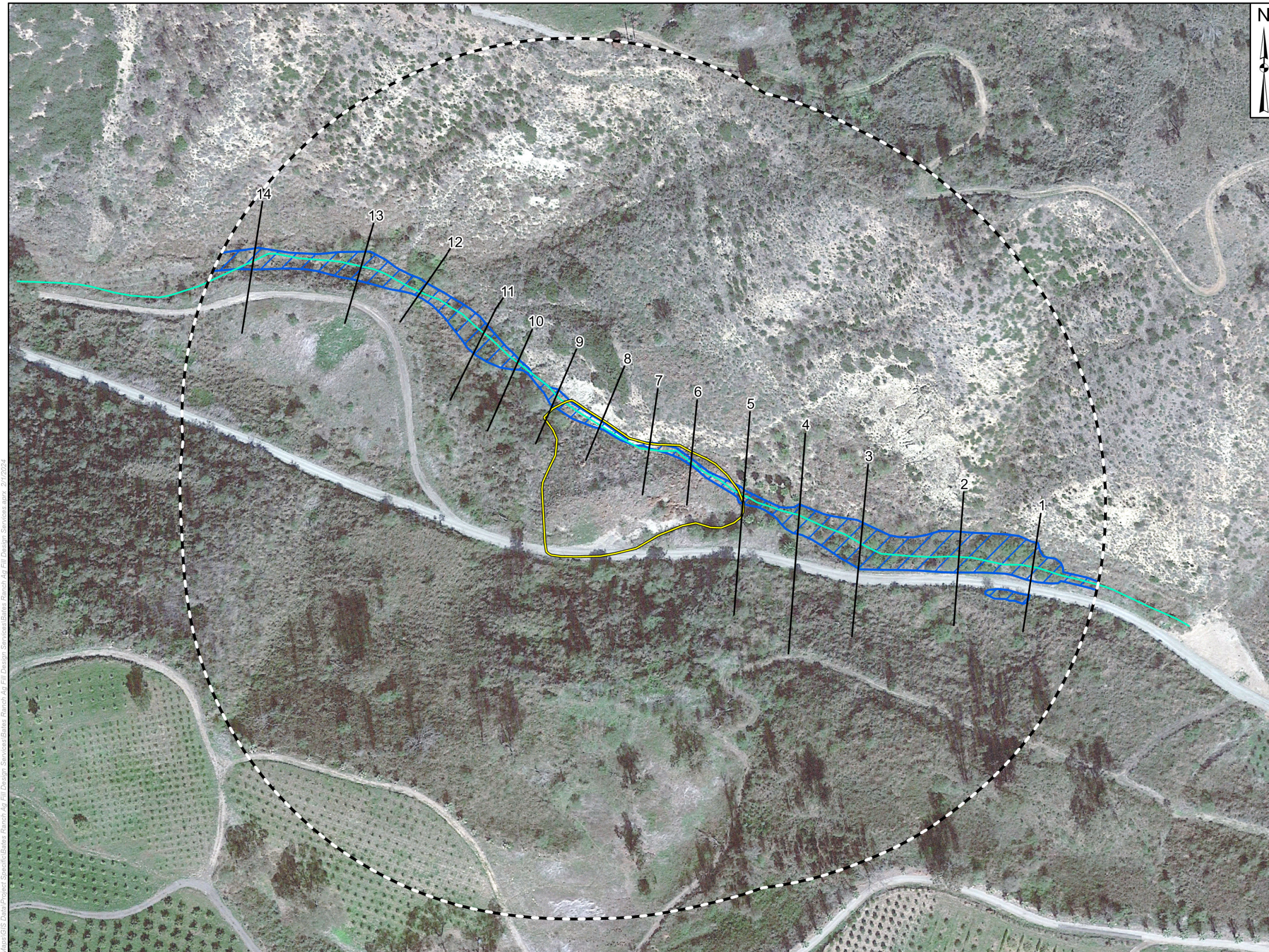


Source: Google Earth Imagery 4/26/11
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
 Notes: This map was created for informational and display purposes only.



PROJECT NAME:
 BATES RANCH AGRICULTURAL FILL
 VENTURA COUNTY, CA
 PROJECT NUMBER:
 2004-5201
 DATE:
 January 2024

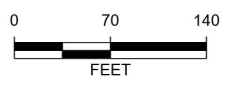
**PRE-GRADING / PRE-FIRE
 VEGETATION MAP**



LEGEND:

- Rincon Creek Tributary
- Wetland Transect
- Project Site
- Survey Area (500-foot buffer)
- Coastal Wetlands

MAP EXTENT:



Source: Google Earth Imagery 3/1/21
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
 Notes: This map was created for informational and display purposes only.



PROJECT NAME: BATES RANCH AGRICULTURAL FILL VENTURA COUNTY, CA	
PROJECT NUMBER: 2004-5201	DATE: February 2024

**COASTAL WETLAND
 DELINEATION MAP**

**FIGURE
 4**

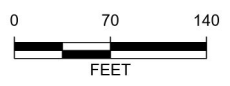
Z:\GIS\Projects\GIS Maps\GIS Data\Project Specific\Bates Ranch Ag Fill Design Services\Bates Ranch Ag Fill Design Services.aprx 2/1/2024



LEGEND:

- Protected Trees
- Project Site
- Survey Area (500-foot buffer)
- Assessor Parcel Boundary
- ESHA (Vegetation Types AW + GG + LS + Watch List Plant Habitat)

MAP EXTENT:



Source: Google Earth Imagery 3/1/21
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
 Notes: This map was created for informational and display purposes only.



PROJECT NAME: BATES RANCH AGRICULTURAL FILL VENTURA COUNTY, CA	
PROJECT NUMBER: 2004-5201	DATE: February 2024

**ESHA AND
PROTECTED TREE MAP**

**FIGURE
5**

F:\GIS\Projects\GIS Maps\GIS Data\Project Specific\Bates Ranch Ag Fill Design Services\Bates Ranch Ag Fill Design Services.mxd 2/1/2024



a. Graded area (project site), facing northwest



b. Project site with drainage channel (blue line)



c. Graded area (project site), facing northeast



d. Northern slope with lemonade berry scrub and purple sage scrub



a. Project site with southern slope (giant wildrye grassland) in background



b. Proposed off-site mitigation location, downstream of project site



c. Plummer's baccharis at toe of southern slope



d. Fish's milkwort at toe of southern slope

Annual Brome Grassland (Wild Oats and Annual Brome Grasslands). This plant community occurs in disturbed areas near the access road in the western portion of the survey area, and is dominated by rip-gut grass (*Bromus diandrus*) with scattered summer mustard (*Hirschfeldia incana*).

Arroyo Willow Thickets (*Salix lasiolepis* Shrubland Alliance). This plant community occurs along the ephemeral drainage, with a patch on the toe of the slope south of the access road. Arroyo willow thickets within the survey area are dominated by arroyo willow (*Salix lasiolepis*), but cape ivy (*Delairea odorata*), giant wildrye (*Elymus condensatus*) and California sagebrush (*Artemisia californica*) may co-dominate within the survey area. The NatureServe rarity ranking of arroyo willow thickets is S4/G4, meaning this plant community is apparently secure at a fairly low risk of extinction or elimination.

Cape Ivy Infestations. This term is used to describe dense areas of the highly invasive non-native cape ivy in the survey area, which vary from nearly pure stands to areas where cape ivy blankets other vegetation such as shrubs and giant wildrye. These infestations mostly occur along the ephemeral drainage and along the access road.

Eucalyptus Groves (Eucalyptus - Tree of Heaven - Black Locust Groves). This term is used to describe red gum eucalyptus (*Eucalyptus camaldulensis*) plantings on the slopes, north and south of the access road.

Giant Wildrye Grassland (*Leymus condensatus* Herbaceous Alliance). This plant community occurs on the southern slope and the lower portion of the northern slope in the survey area and is dominated by giant wildrye. Other native species present in this community within the survey area include coyote brush (*Baccharis pilularis*), California sagebrush and purple sage (*Salvia leucophylla*). The NatureServe rarity ranking of giant wildrye grassland is S3/G3, meaning this plant community is vulnerable, at moderate risk of extinction or elimination.

Lemonade Berry Scrub (*Rhus integrifolia* Shrubland Alliance). This plant community occurs on the upper portion of the northern slope in the survey area and is dominated by lemonade berry (*Rhus integrifolia*). Other species present in this community within the survey area include giant wildrye, California sagebrush and purple sage. The NatureServe rarity ranking of lemonade berry is S3/G3, meaning this plant community is vulnerable, at moderate risk of extinction or elimination.

Agriculture (Orchards). This term is used to describe orchards planted on the elevated terraces north and south of the survey area. A portion of the southern orchard is located within the survey area.

Purple Sage Scrub (*Artemisia californica* - *Salvia leucophylla*) Shrubland Alliance). This plant community occurs in the lower portion of the northern slope in the survey area and is dominated by purple sage and California sagebrush. Other species present in this community within the survey area include giant wildrye, lemonade berry and California brittle-bush (*Encelia californica*). The NatureServe rarity ranking of purple sage scrub is S5/G5, meaning this plant community is secure, at very low risk of extinction or elimination.

Toyon Chaparral (*Prunus ilicifolia* - *Heteromeles arbutifolia* - *Ceanothus spinosus* Shrubland Alliance). This term is used to describe areas dominated by toyon (*Heteromeles arbutifolia*) on the southern slope of the survey area. Other species common in this plant community within the survey area include mountain mahogany (*Cercocarpus betuloides*) lemonade berry and green-bark ceanothus (*Ceanothus spinosus*). The NatureServe rarity ranking of this shrubland alliance is S4/G5, meaning this plant community is apparently secure at a fairly low risk of extinction or elimination.

Upland Mustards (*Brassica nigra* - *Centaurea solstitialis*, *melitensis* Herbaceous Semi-Natural Alliance). This term is used to describe areas dominated by the non-native summer mustard (*Hirschfeldia incana*) which mostly occur within the unpermitted grading area. Other species present in this community within the survey area include black mustard (*Brassica nigra*), sweet fennel (*Foeniculum vulgare*), smilo grass (*Stipa miliacea*) and scattered native shrubs such as giant wildrye and coyote brush.

3.3.3 Wildlife Resources

Amphibians and reptiles observed during the field surveys were limited to Baja California treefrog and western fence lizard. Treefrogs were heard calling from the vicinity of the ephemeral drainage.

Birds observed during one or more of the field surveys (including surveys of the proposed development areas at Bates Ranch conducted in 2008) are turkey vulture, American kestrel, Cooper's hawk, great horned owl, barn owl, red-shouldered hawk, red-tailed hawk, mourning dove, Anna's hummingbird, northern flicker, blue-gray gnatcatcher, California scrub-jay, American crow, common raven, bushtit, wren, Bewick's wren, oak titmouse, greater roadrunner, California quail, black phoebe, Say's phoebe, orange-crowned warbler, common yellowthroat, American robin, California thrasher, California towhee, spotted towhee, song sparrow, house sparrow, lesser goldfinch, Brewer's blackbird, dark-eyed junco, black-headed grosbeak and house finch.

Mammals observed during one or more of the field surveys (including surveys of the proposed development areas at Bates Ranch conducted in 2008) are California ground squirrel, big-eared woodrat, gray tree squirrel, pocket gopher, raccoon, black-tailed deer and coyote. A summary of wildlife species observed during field surveys is provided as Table 2. A list of all wildlife species observed with scientific names is provided as Appendix B.

Table 2. Summary of Observed Wildlife

Taxonomic Group	Number of Species Observed during Field Surveys
Amphibians	1
Reptiles	1
Birds	35
Mammals	7

3.3.4 Wildlife Corridors

Wildlife migration corridors are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Migration corridors may be local such as between foraging and nesting or denning areas, or they may be regional in nature. Migration corridors are not unidirectional access routes; however, reference is usually made to source and receiver areas in discussions of wildlife movement networks. "Habitat linkages" are migration corridors that contain contiguous strips of native vegetation between source and receiver areas. Habitat linkages provide cover and forage sufficient for temporary inhabitation by a variety of ground-dwelling animal species. Wildlife migration corridors are essential to the regional ecology of an area as they provide avenues of genetic exchange and allow animals to access alternative territories as fluctuating dispersal pressures dictate.

The survey area is not located within a County-designated Habitat Connectivity and Wildlife Corridor (HCWC), Critical Wildlife Passage Area or regional habitat linkage. The nearest HCWC is located along the Ventura River, approximately 8.5 miles to the east. The nearest regional habitat linkage (Sierra Madre-Castaic) is located just east of Lake Casitas, approximately 7.4 miles to the northeast.

The survey area is located in a large open space area encompassing the coastal terrace and foothills, extending to the Santa Ynez Mountains and the Los Padres National Forest to the north. Nearby development is limited to rural residential to the west and orchards to the east, west and south. Barriers that may limit wildlife movement in the region are limited to State Routes 150 and 33. However, relatively low traffic volumes and speeds (as compared to a freeway) prevent these roadways from severely limiting wildlife movement. Other roadways in the region are mostly along the coast and do not limit wildlife movement between habitats of the coastal plain and the Santa Ynez Mountains and the Los Padres National Forest.

There are no fences within or adjacent to the survey area and there are no physical features nearby (such as major roadways) that act as barriers to wildlife movement. The ephemeral drainage within the survey area supports dense willow thickets (difficult for larger mammals to traverse), does not provide cover or a topographic connection to open space areas and does not appear to focus wildlife movement.

U.S. Highway 101 is located immediately adjacent to the coastline and does not prevent regional wildlife movement, but may be considered a barrier to those species that may reside in upland areas and forage on the beach and coastal strand, such as black rat, woodrat, raccoon, opossum and ground squirrel. Wildlife movement may be concentrated along Rincon Creek as it may connect coastal areas to the open space and expansive wildlife habitats of the Los Padres National Forest.

3.3.5 Invasive Species and Level of Disturbance

The California Invasive Plant Council has developed an Invasive Plant Inventory which rates weedy non-native plant species based on their potential to have severe ecological effects (high, moderate, limited). Twenty-six of the 81 plant species found within the survey area (32 percent) are listed as invasive. Three species rated as “high” for invasiveness were found within the survey area: red brome (*Bromus rubens*), freeway iceplant (*Carpobrotus edulis*) and cape ivy. In addition, 12 plant species rated as “moderate” and 11 species rated as “limited” for invasiveness were found within the survey area. These plant species are identified in Appendix A.

Cape ivy has formed dense stands within the survey area and was observed outside the survey area along Rincon Creek, another unnamed tributary along the Bates Ranch entrance road from State Route 150 and many of the north-facing slopes at the Ranch. A small patch of freeway iceplant is located within the unpermitted grading area.

3.3.6 Wet Environments/Wetlands

Definitions.

The Ventura County Coastal Zoning Ordinance defines wet environments as:

Terrestrial environments that are associated with the presence of water, either perennially or ephemerally. Wet environments include wetlands, rivers, lakes, streams, estuaries, lagoons, seeps, springs, and the vegetative communities associated with these physical settings. Does not include beaches that abut the sea, except where the beach includes an estuary, lagoon or wetland.

The Ventura County Coastal Zoning Ordinance defines wetlands as:

Land which may be covered periodically or permanently with shallow water. A wetland includes, but is not limited to, saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, vernal pools, and fens.

The coastal wetland definition used in this Coastal ISBA is taken from the Coastal Act wetland definition (Public Resources Code Section 30121), the California Code of Regulations (14 CCR 13577) and the Coastal Zoning Ordinance. The Coastal Commission’s regulations establish a “one parameter definition” that only requires evidence of a single parameter to establish wetland conditions (either wetland hydrology, hydrophytic vegetation or hydric soils):

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats (14 CCR Section 13577).

The Coastal Commission’s regulations provide general decision rules for establishing the upland boundary of wetlands:

- The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
- The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
- In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not (14 CCR Section 13577).

Delineation. Coastal wetlands were delineated within the survey area based on observed hydrophytic vegetation (primarily arroyo willow thickets, see Figure 2) and data collected at 14 transects established along the ephemeral drainage. Data collected included ordinary high-water marks (OHW, extent of wetland hydrology) and the limits of riparian vegetation (hydrophytic vegetation). Hydrophytic plant classifications are taken from the 2020 National Wetland Plant List, Arid West region (Corps of Engineers, 2020). Table 3 provides a summary of wetlands data collected. Figure 4 provides the location of the 14 transects and the area of coastal wetlands. Overall, 0.89 acres of coastal wetlands occur with the survey area, and 0.05 acres occur within the unpermitted grading area.

Table 3. Coastal Wetland Delineation Data Summary

Transect no.	OHW Width (feet)	Hydrophytic Vegetation Width (feet)	Dominant Plant Species	Hydrophytic Plant Species Observed	Wetland Width (feet)
1	5	48	Arroyo willow	Arroyo willow (FACW)	48
2	7	55	Arroyo willow	Arroyo willow (FACW)	55
3	7	60	Arroyo willow, cape ivy	Arroyo willow (FACW), cape ivy (FAC)	60
4	6	35	Arroyo willow, giant wildrye, cape ivy	Arroyo willow (FACW), cape ivy (FAC)	35
5	1.5 + 2.5	20	Arroyo willow, Mexican fan palm, giant wildrye	Arroyo willow (FACW), Mexican fan palm (FACW)	20
6	7	0	California sagebrush, summer mustard	None	7
7	4	0	Coyote brush, summer mustard	None	4
8	4	0	California sagebrush	None	4
9	7	22	Arroyo willow, giant wildrye	Arroyo willow (FACW)	22
10	7	0	Giant wildrye, toyon, sweet fennel, cape ivy	Cape ivy (FAC)	7

Transect no.	OHW Width (feet)	Hydrophytic Vegetation Width (feet)	Dominant Plant Species	Hydrophytic Plant Species Observed	Wetland Width (feet)
11	3 + 4	40	Arroyo willow, cape ivy, poison oak, California blackberry	Arroyo willow (FACW), cape ivy (FAC), California blackberry (FAC)	40
12	6	20	Arroyo willow, cape ivy	Arroyo willow (FACW), cape ivy (FAC)	20
13	6	40	Arroyo willow, cape ivy, giant wildrye	Arroyo willow (FACW), cape ivy (FAC)	40
14	7	25	Arroyo willow, giant wildrye, cape ivy	Arroyo willow (FACW), cape ivy (FAC)	25

FAC Facultative plant species
 FACW Facultative-wetland plant species

4.0 PERMIT HISTORY

The project site is located on APN 008-0-160-470 which was created in 2010 as part of a Parcel Map Waiver/Large Lot Subdivision (Case no. SD-0045/LU10-0062). As discussed in Section 2.0, areas outside actively cultivated areas and the four building pads analyzed in the 2009 ISBA have been protected within a Biological Restrictive Covenant.

The applicant has submitted an application for planned development to the Ventura County Planning Division to authorize restoration of the area affected by unpermitted grading. This application has been assigned Case no. PL22-0179.

5.0 REMOVED OR DEGRADED VEGETATION

Vegetation was affected when unpermitted fill and grading occurred within the Biological Restrictive Covenant (at the project site) between 2017 and 2019. No additional vegetation removal has occurred within the Biological Restrictive Covenant, including ESHA as recently defined in the Coastal Zoning Ordinance. Table 4 provides a summary of changes in vegetation within the project site based on a comparison of existing conditions to a 2011 aerial photograph.

Table 4. Change in Project Site Vegetation from Baseline

Plant Community	Baseline (acres, see Figure 3)	Existing (acres, see Figure 2)	Change (acres)
Arroyo willow thickets (AW)	0.18	0.00	-0.18
Giant wildrye grassland (GG)	0.07	0.03	-0.04
Purple sage scrub (PS)	0.04	0.02	-0.02
Upland mustards (UM)	0.54	0.74	+0.20
ESHA (AW+GG)	0.25	0.03	-0.22

6.0 LIST OF POTENTIAL ESHA AND SPECIES

6.1 ESHA

6.1.1 Definition

As identified in Sections 8178-2.4 and AE-1.2.3 of the Coastal Zoning Ordinance, ESHA is defined as:

- a. Areas of Special Biological Significance as identified by the State Water Resources Control Board.
- b. Coastal bluff habitats supporting California bush sunflower, giant coreopsis, prostrate golden-bush, prickly pear, our lord's candle or *Dudleya* species.
- c. Coastal dune habitats.
- d. Coastal sage scrub and chaparral plant communities in the Santa Monica Mountains.
- e. Seasonal habitats supporting the following critical life stages (bat roosts or breeding colonies for special status species, denning or breeding sites for bears, mountain lions, bobcats, coyotes, and other special status species identified below, occupied grunion spawning sites, monarch butterfly roost site habitat, occupied marine mammal rookery and haul-out areas, bird nesting, staging/stopover and roosting sites.
- f. Habitat connectivity corridors.
- g. Native grasslands and savannah habitats consisting of perennial native needlegrasses (purple needlegrass, foothill needlegrass, nodding needlegrass) and their associated native forb species.
- h. Oak and other native tree savanna and woodland communities.
- i. Rock outcrop habitats.
- j. Special-status species habitats including:
 1. Habitat that supports rare/special status plant and animal species, including species listed as endangered, threatened, or rare under the Federal or State Endangered Species Acts.
 2. Habitat that supports federal or state candidate species for listing.
 3. Habitat that supports California Fully Protected Species.
 4. U.S. Fish and Wildlife Service designated critical habitat that is occupied or has a history of being occupied and the habitat retains the functions of the primary constituent elements of its designation.

5. Habitat that supports plant communities ranked G1 or S1 (critically imperiled globally or within the state), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) in the California Department of Fish and Wildlife's California Natural Diversity Database or by NatureServe's Natural Heritage Program
 6. Habitat that supports plant species assigned a California Rare Plant Rank (CRPR) 1 (plants presumed extinct in California, or rare, threatened, or endangered in California and elsewhere), 2 (plants that are rare, threatened, or endangered in California but more common elsewhere), or 4 (watch list, plants of limited distribution in California) by the California Native Plant Society.
 7. Habitat that supports species tracked by the California Natural Diversity Database that are classified as species of greatest conservation concern.
 8. Habitat that supports California Species of Special Concern.
 9. Habitat that supports species on the Ventura County Locally Important Species List.
- k. Wet environments defined as wetlands, estuaries, lagoons, lakes, rivers, streams, seeps, springs, and their associated riparian or alluvial scrub habitat.

6.1.2 ESHA Determination

ESHA found within the survey area includes:

- Plant communities ranked as S3/G3 (vulnerable to extirpation or extinction) which are giant wildrye grassland and lemonade berry scrub (ESHA under definition j.5 above) (see Figures 2 and 5).
- Native grasslands (giant wildrye grassland, ESHA under definition g. above) (see Figures 2 and 5).
- Coastal wetlands (ESHA under definition k. above) (see Figure 4).
- Plant communities supporting Plummers baccharis and Fish's milkwort (50-foot buffer in suitable habitat, see Figure 5) (CRPR 4, ESHA under definition j.6 above).

6.2 PROTECTED TREES

6.2.1 Definition

As defined in Section 8178-7 of the Coastal Zoning Ordinance, protected trees are:

- Native trees with a minimum trunk diameter of three inches at 4.5 feet above existing grade.
- Historic trees that embody distinguishing characteristics that are inherently valuable and are associated with landscape or land use trends that shaped the social and cultural history of Ventura County.

- Heritage trees: non-native, non-invasive or non-invasive watch list species trees that have a single trunk of 28 inches or more in diameter or with multiple trunks, two of which collectively measure 22 inches or more in diameter; or if the tree species has naturally thin trunks when full grown (such as Washington palms), or trees with unnaturally enlarged trunks due to injury or disease (e.g. burls and galls), the tree must be at least 60 feet tall; or at least 75 years old.

6.2.2 Protected Trees within the Survey Area

The only native trees found in the survey area were coast live oak, arroyo willow and blue elderberry. Other tree species found in the survey area (red gum, myoporum, Mexican fan palm) are invasive and do not qualify as protected trees under the Coastal Zoning Ordinance. Table 5 provides a summary of protected trees found in the survey area (native trees at least three inches in diameter at 4.5 feet above existing grade). Protected trees are mapped in Figure 5. Only one protected tree (no. 15) is located within the project site.

Table 5. Protected Trees Observed in the Survey Area

Tree no.	Species	Trunk Diameter* at 4.5 feet Above Existing Grade (inches)	Tree Location
1	Arroyo willow	4	Survey area
2	Arroyo willow	6	Survey area
3	Arroyo willow	4	Survey area
4	Arroyo willow	4,2	Survey area
5	Arroyo willow	5	Survey area
6	Blue elderberry	6,8	Survey area
7	Coast live oak	4	Survey area
8	Blue elderberry	4,5	Survey area
9	Blue elderberry	8,7,5	Survey area
10	Blue elderberry	8,5,5	Survey area
11	Blue elderberry	7,5	Survey area
12	Coast live oak	8	Survey area
13	Coast live oak	12	Survey area
14	Coast live oak	6	Survey area
15	Arroyo willow	5	Project site
16	Blue elderberry	8,8	Survey area
17	Blue elderberry	10,10	Survey area
18	Coast live oak	10,6	Survey area
19	Coast live oak	6	Survey area
20	Coast live oak	6	Survey area

Tree no.	Species	Trunk Diameter* at 4.5 feet Above Existing Grade (inches)	Tree Location
21	Coast live oak	4	Survey area
22	Coast live oak	6	Survey area
23	Coast live oak	10,6,6	Survey area
24	Coast live oak	18	Survey area
25	Arroyo willow	4,4	Survey area
26	Arroyo willow	4,4,3	Survey area
27	Arroyo willow	6	Survey area
28	Arroyo willow	3	Survey area
29	Arroyo willow	4	Survey area
30	Arroyo willow	4	Survey area

* Multiple values indicate more than one primary trunk

6.3 SPECIAL-STATUS PLANT SPECIES

6.3.1 Definition

Special-status plant species are either listed as endangered or threatened under the Federal or California Endangered Species Acts, or rare under the California Native Plant Protection Act, or considered to be rare or of scientific interest (but not formally listed) by resource agencies, professional organizations (e.g., Audubon Society, California Native Plant Society [CNPS], The Wildlife Society), and the scientific community. For the purposes of this project, special-status plant species are defined in Table 6. Note that protected trees are addressed in Section 6.2 and Table 5.

6.3.2 Species that May Occur within the Survey Area

The literature search conducted for this impact analysis included the California Natural Diversity Data Base (CNDDDB), the CNPS on-line inventory of rare plants, the Consortium of California Herbaria (CCH) specimen data base. A listing of all element occurrences reported to the CNDDDB within 10 miles of the survey area is provided as Appendix C. Sixteen special-status plant species were observed or have the potential to occur within the survey area. Table 7 lists these species, their current status, habitat preference, flowering phenology, the nearest known location relative to the survey area and potential to occur within the survey area.

Plummer’s baccharis, Fish’s milkwort and coast live oak were the only special-status plant species observed during the botanical surveys. A native species field survey form was completed for Plummer’s baccharis and Fish’s milkwort observations (see Appendix D) and were submitted to the CNDDDB. Both Plummer’s baccharis and Fish’s milkwort are considered a plant of limited distribution (watch list) by CNPS (CRPR 4) and not considered rare or endangered for the purposes of the California Environmental Quality Act (see State CEQA Guidelines Section 15380). Plummer’s baccharis occurs in coastal foothills from Los Angeles to San Luis Obispo counties. Fish’s milkwort occurs in Santa Barbara, Ventura, Los Angeles, Orange, San Diego and Riverside counties, and in Baja California.

The location of Plummer’s baccharis and Fish’s milkwort is shown in Figure 2. Other special-status plant species known from the region (see Table 7) would have been identifiable during the botanical surveys and were not observed. Therefore, these species are considered absent from the survey area.

Table 6. Definitions of Special-Status Plant Species

<ul style="list-style-type: none"> ➤ Plants listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (50 CFR 17.12 for listed plants and various notices in the Federal Register for proposed species). ➤ Plants that are candidates for possible future listing as threatened or endangered under the Federal Endangered Species Act (Federal Register, June 27, 2023). ➤ Plants that meet the definitions of rare or endangered species under the CEQA (<i>State CEQA Guidelines</i>, Section 15380). ➤ Plants considered by the California Native Plant Society (CNPS) to be "rare, threatened, or endangered" in California (CRPRs 1B and 2). ➤ Plants listed by CNPS as plants about which we need more information and plants of limited distribution (CRPRs 3 and 4). ➤ Plants listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (14 CCR 670.5). ➤ Plants listed under the California Native Plant Protection Act (California Fish and Game Code 1900 et seq.). ➤ Plants considered sensitive by other Federal agencies (i.e., U.S. Forest Service, Bureau of Land Management), State and local agencies or jurisdictions. ➤ Plants considered sensitive or unique by the scientific community or occurring at the limits of its natural range (<i>State CEQA Guidelines</i>). ➤ Locally important plants as designated by the Ventura County Resource Management Agency. ➤ Trees protected under Section 8178-7 of the Ventura County Coastal Zoning Ordinance
--

Table 7. Special-Status Plant Species Reported within Five Miles of the Survey Area

Species	Status	Habitat Description & Phenology	Nearest Known Location to the Survey Area	Potential to Occur within the Survey Area
Coulter’s saltbush (<i>Atriplex coulteri</i>)	CRPR 1B, LIP	Coastal bluff scrub, coast scrub, coastal dunes, grassland: flowers March-October	Carpinteria bluffs (historic, 1927), 2.6 miles to the west (CCH, 2024)	Not observed during the botanical surveys, considered absent

Species	Status	Habitat Description & Phenology	Nearest Known Location to the Survey Area	Potential to Occur within the Survey Area
Plummer's baccharis (<i>Baccharis plummerae</i> ssp. <i>plummerae</i>)	CRPR 4	Chaparral, woodland, broad-leaf forest; flowers May-October	About 50 individuals were observed in the survey area	Present
Catalina mariposa lily (<i>Calochortus catalinae</i>)	CRPR 4	Coastal scrub, chaparral, woodland, grassland; flowers February-May	Casitas Pass area (historic, 1925), about 3.5 miles to the east (CCH, 2024)	Not observed during the botanical surveys, considered absent
Late flowering mariposa lily (<i>Calochortus fimbriatus</i>)	CRPR 1B, LIP	Chaparral, cismontane and riparian woodlands; flowers June-August	Franklin Canyon Trail (historic, 1923), 3.9 miles to the northwest (CNDDDB, 2024)	Not observed during the botanical surveys, no suitable habitat, considered absent
Salt marsh birds-beak (<i>Chloropyron maritimum</i> ssp. <i>maritimum</i>)	FE, SE, CRPR 1B, LIP	Saltmarshes; flowers May-October	Carpinteria Salt Marsh (2013), 3.9 miles to the west (CNDDDB, 2024)	Not observed during the botanical surveys, no suitable habitat, considered absent
Ojai fritillary (<i>Fritillaria ojaiensis</i>)	CRPR 1B	Chaparral, broadleaf forest, lower coniferous forest; flowers March-May	Catharina Creek area (1996), 3.7 miles to the north-northeast (CNDDDB, 2024)	Not observed during the botanical surveys, considered absent
Mesa horkelia (<i>Horkelia cuneata</i> ssp. <i>puberula</i>)	CRPR 1B	Chaparral, cismontane woodland, coastal scrub; flowers February to September	Casitas Pass area (historic, 1902), about 3.6 miles to the east (CNDDDB, 2024)	Not observed during the botanical surveys, considered absent
Coulter's gold-fields (<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>)	CRPR 1B, LIP	Marshes, vernal pools; flowers February-June	Carpinteria Salt Marsh (2013), 4.2 miles to the west (CNDDDB, 2024)	Not observed during the botanical surveys, no suitable habitat, considered absent
Santa Barbara honeysuckle (<i>Lonicera subspicata</i> var. <i>subspicata</i>)	CRPR 1B	Chaparral, woodland, coastal scrub; flowers May-December	Near Gobernador Creek (2012), 2.9 miles to the north (CNDDDB, 2024)	Not observed during the botanical surveys, considered absent
White-veined monardella (<i>Monardella hypoleuca</i> ssp. <i>hypoleuca</i>)	CRPR 1B	Chaparral, cismontane woodland; flowers June-August	Upper Rincon Creek watershed (historic, 1922), 1.5 miles to the north-northeast (CNDDDB, 2024)	Not observed during the botanical surveys, no suitable habitat, considered absent
Coast live oak (<i>Quercus agrifolia</i>)	CZO- TPR	Woodlands, chaparral, grassland; flowers March-April	11 protected trees were observed in the survey area	Present

Species	Status	Habitat Description & Phenology	Nearest Known Location to the Survey Area	Potential to Occur within the Survey Area
Nuttall's scrub oak (<i>Quercus dumosa</i>)	CRPR 1B	Closed-cone coniferous forest, chaparral, coast scrub; flowers February-April	Poverty Canyon (2002), 3.9 miles to the east (CNDDDB, 2024)	Not observed during the botanical surveys, considered absent
Fish's milkwort (<i>Rhinotropus cornuta</i> var. <i>fishae</i>)	CRPR 4	Chaparral, oak woodland; flowers May-August	One individual was observed in the survey area	Present
Arroyo willow (<i>Salix lasiolepis</i>)	CZO- TPR	Drainages, canyon bottoms, seeps; flowers January-June	12 protected trees were observed in the survey area	Present
Blue elderberry (<i>Sambucus nigra</i> ssp. <i>caerulea</i>)	CZO- TPR	Woodlands, creeks, canyon bottoms; flowers March-September	Seven protected trees were observed in the survey area	Present
Woolly seablite (<i>Suaeda taxifolia</i>)	CRPR 4	Coastal bluff scrub, coastal dunes, marsh margins; flowers January-December	North of La Conchita on bluff (historic, 1931), 0.5 miles to the south (CCH, 2024)	Not observed during the botanical surveys, no suitable habitat, considered absent

Status Codes:

- CZO-TPR Coastal Zoning Ordinance Tree Protection Regulations
- FE Federal Endangered (USFWS)
- LIP Ventura County Locally Important Plant
- CRPR 1B Rare or endangered in California and Elsewhere (California Native Plant Society/CDFW)
- CRPR 4 Watch list, plants of limited distribution (CNPS/CDFW)
- SE State Endangered (CDFW)

6.4 SPECIAL-STATUS WILDLIFE SPECIES

6.4.1 Definition

Special-status wildlife species are defined in Table 8. The potential for these species to occur in the vicinity of the survey area was determined by literature review including the CNDDDB, sight records from other environmental documents and range maps including Zeiner et al. (1988, 1990a, 1990b).

6.4.2 Species that May Occur within the Survey Area

A listing of all element occurrences reported to the CNDDDB within 10 miles of the survey area is provided as Appendix C. The literature search conducted for this impact analysis indicates 19 special-status wildlife species were observed or have the potential to occur in the survey area. Table 9 lists these species, their habitat preference, current status, nearest known location relative to the survey area and potential to occur.

Table 8. Definitions of Special-Status Wildlife Species

<ul style="list-style-type: none"> ➤ Animals listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (50 CFR 17.11 for listed animals and various notices in the Federal Register for proposed species). ➤ Animals that are candidates for possible future listing as threatened or endangered under the Federal Endangered Species Act (Federal Register, June 27, 2023). ➤ Animals that meet the definitions of rare or endangered species under the CEQA (<i>State CEQA Guidelines</i>, Section 15380). ➤ Animals listed or proposed for listing by the State of California as threatened and endangered under the California Endangered Species Act (14 CCR 670.5). ➤ Animal species of special concern to the CDFG (Shuford & Gardali, 2008 for birds; Williams, 1986 for mammals; Moyle et al., 2015 for fish; and Thomson et al., 2016 for amphibians and reptiles). ➤ Animal species that are fully protected in California (California Fish and Game Code, Section 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]). ➤ Locally important animals as designated by the Ventura County Resource Management Agency.

Table 9. Special-Status Wildlife Species Reported within Five Miles of the Survey Area

Common Name Scientific Name	Habitat	Status	Nearest Known Location	Potential to Occur within the Survey Area
Western monarch (<i>Danaus plexippus</i>)	Coastal tree groves	FC	Rincon Creek (2017), 1.0 miles to the west (Xerces Society, 2023)	None, no suitable roosting habitat is present
Wandering skipper (<i>Panoquina errans</i>)	Coastal saltmarsh	IUCN-NT	Carpinteria Salt Marsh (2007), 4.5 miles to the west-northwest (CNDDDB, 2024)	None, no suitable habitat present
Globose dune beetle (<i>Coelus globosus</i>)	Coastal dunes	IUCN-VU	La Conchita-Punta Gorda (<1976), 2.1 miles to the southeast (CNDDDB, 2024)	None, no dune habitat present
Crotch's bumblebee (<i>Bombus crotchii</i>)	Coastal scrub, grasslands	SC	Carpinteria Salt Marsh (2019), 4.8 miles to the west-northwest (CNDDDB, 2024)	Moderate, may occur in purple sage scrub which provides suitably dense floral resources
Southern California coast steelhead (<i>Oncorhynchus mykiss irideus</i>)	Coastal rivers and streams	FE, SC	Rincon Creek, 1.3 miles to the north-northeast (Becker and Reining, 2008)	None, no aquatic habitat present
Tidewater goby (<i>Eucyclogobius newberryi</i>)	Coastal estuaries, streams	FE, IUCN-NT	Carpinteria Creek, 3.0 miles to the west (Padre, 2016)	None, no aquatic habitat present
Coast range newt (<i>Taricha torosa</i>)	Coastal streams	CSC	Coyote Creek, (2004), 4.9 miles to the northeast (CNDDDB, 2024)	None, no aquatic habitat present
California red-legged frog (<i>Rana draytoni</i>)	Coastal streams, ponds	FT, CSC	Santa Monica Creek (2005), 4.8 miles to the northwest (CNDDDB, 2024)	None, no aquatic habitat present

Common Name Scientific Name	Habitat	Status	Nearest Known Location	Potential to Occur within the Survey Area
Two-striped garter snake (<i>Thamnophis hammondi</i>)	Streams	CSC	Santa Monica Creek, 5.0 miles to the northwest (M. Ingamells, personal observation, 2011)	None, no aquatic habitat present
California legless lizard (<i>Anniella</i> sp.)	Woodlands, canyon bottoms (moist loose soil)	CSC	Near Poverty Canyon (1989), 3.3 miles to the east (CNDDDB, 2024)	Low, due to the Thomas Fire and recent disturbance
Western pond turtle (<i>Emys marmorata</i>)	Streams, ponds	CSC	Carpinteria Creek, 3.0 miles to the west (Padre, 2016)	None, no aquatic habitat present
Western snowy plover (<i>Charadrius alexandrinus nivosus</i>)	Coastal beaches, dunes	FT, CSC	Carpinteria Salt Marsh (2020), 4.2 miles to the west (Padre, 2020)	None, no suitable habitat in the survey area
Allen's hummingbird (<i>Selasphorus sasin</i>)	Woodlands, landscaping	BCC	Bates Road bridge (2023), 0.8 miles to the west-southwest (eBird, 2024)	Moderate, not observed during field surveys, woodland habitat very limited in survey area
Cooper's hawk (<i>Accipiter cooperi</i>)	Woodlands, chaparral, grasslands	WL	Observed at Bates Ranch in 2008 (Padre, 2009)	Moderate, suitable nesting habitat is very limited
Oak titmouse (<i>Baeolophus inornatus</i>)	Oak woodland	BCC	Observed at Bates Ranch in 2008 (Padre, 2009)	Low, suitable habitat is very limited
Wrentit (<i>Chamaea fasciata</i>)	Chaparral, coastal scrub	BCC	Observed within the survey area during field surveys	Present
Yellow warbler (<i>Setophaga petechia</i>)	Riparian woodlands	CSC	Casitas Pass area, about 1.5 miles to the northeast (CNDDDB, 2024)	Very low, no suitable habitat in the survey area
Belding's savannah sparrow (<i>Passerculus sandwichensis beldingi</i>)	Coastal saltmarsh	SE, BCC	Carpinteria Salt Marsh, 4.5 miles to the west (CNDDDB, 2024)	None, no saltmarsh habitat present
San Diego desert woodrat (<i>Neotoma lepida intermedia</i>)	Rocky coastal scrub & chaparral	CSC	Along Union Pacific Railroad tracks, 2.2 miles to the southeast (CNDDDB, 2024)	Very low, due to lack of rocky habitat and observed nests

Status Codes: BCC Birds of Conservation Concern (USFWS)
CSC California Species of Special Concern (CDFW)
FC Federal Candidate for listing (USFWS)
FE Federal Endangered (USFWS)
FT Federal Threatened (USFWS)
IUCN-NT International Union for the Conservation of Nature-Near Threatened
IUCN-VU International Union for the Conservation of Nature-Vulnerable
SC State Candidate for listing as Endangered (CDFW)
SE State Endangered (CDFW)
WL Watch List (CDFW)

Crotch's Bumblebee. This bumblebee is social and forms annual colonies composed of queens, workers and males. The nests are formed each spring by a single mated queen that overwinters in loose soil, leaf litter, woodpiles, rock walls and similar sites providing shallow cavities. From about March through April, these mated queens find and establish nest sites which can include rodent burrows, vacant bird nests, hollow logs, tree cavities and similar structures. The queen forages and lays eggs to start a new colony each year. The workers and males forage for pollen and nectar from about May through September to feed themselves and the larvae of the colony. In the fall, the entire colony dies except for mated queens which leave the nest and overwinter to establish a new nest and colony the following spring.

Crotch's bumblebee historically occurred from the northern Central Valley to Baja Mexico, but has been lost from 70 percent of its range in California and now primarily persists in coastal southern California habitats, though also survives in a few areas around Sacramento (Hatfield and Jepsen, 2021). This species is listed as a candidate under the California Endangered Species Act and is protected as an endangered species under Section 2085 of the California Fish and Game Code. Crotch's bumblebee was reported approximately 4.8 miles northeast of the survey area at the Carpinteria Salt Marsh.

This species was not observed during the field surveys; however, focused surveys during active periods for this species were not conducted. Therefore, Crotch's bumblebee may occur within the survey area on a seasonal basis. Although this species may forage in other habitats in the survey area, purple sage scrub provides the greatest floral resources for bumblebees including purple sage, thistles, phacelia and lupines. The project site is dominated by mustard and provides poor quality habitat.

Allen's Hummingbird. This species is considered a bird species of conservation concern on a regional basis (most of coastal California) by the U.S. Fish and Wildlife Service (USFWS) but is not assigned any special-status by California Department of Fish and Wildlife (CDFW). In the south coastal portion of Santa Barbara County, Allen's hummingbird is considered a fairly common to common permanent resident, and nests in residential areas and in oak and riparian woodland (Lehman, 2022). Based on many years of field experience by Padre Associates biologists, this species is very common in Ventura County and can be found in most woodland areas, and is commonly observed foraging in suburban landscaping.

Cooper's Hawk. This species was formerly considered a species of special concern by CDFW. However, breeding populations have increased in California and expanded into urban areas (Shuford et al., 2008). Cooper's hawk has been placed on CDFW's watch list to identify any downward population trends. In nearby Santa Barbara County, a substantial increase in the numbers of Cooper's hawks began during the late 1990s, as this species began to adapt to foraging and nesting in residential areas and in small stands of trees (e.g., those along creeks and in parks) in otherwise urban settings. In 1997, new nesting sites included Atascadero Creek, Lake Los Carneros, and upper Devereux Creek in Goleta (Lehman, 2022). Cooper's hawk is routinely observed at the Bates Road bridge over Rincon Creek (eBird.org, 2024).

Wrentit. This species is considered a bird species of conservation concern on a regional basis (most of coastal California) by the USFWS, but is not assigned any special-status by CDFW. Wrentits are found in areas of dense brush and most common in chaparral, coastal sage scrub, and stands of poison oak scrub, and are uncommon to fairly common in riparian growth and well-vegetated residential areas (Lehman, 2022). Based on many years of field experience by Padre Associates biologists, this species is very common in Ventura County and can be found in nearly any area with large intact stands of coastal scrub or chaparral.

7.0 FIELD SURVEYS/MAPS

7.1 METHODOLOGY

The survey area includes the project site with a 500-foot buffer (see Figure 2). General biological field surveys were conducted by walking transects where feasible; however, steep slopes and dense vegetation limited access. Binoculars were used to map vegetation on steep slopes and areas with dense vegetation. The wetlands delineation methodology is discussed in Section 3.3.6 and included establishing 14 transects along the ephemeral drainage and collecting wetland hydrology and hydrophytic vegetation data at each transect. The survey route for the January 18, 2024 field survey is provided on Figure 2. Survey dates, timing and surveyor names are provided in Table 10.

Table 10. Field Survey Summary

Survey Date	Survey Time Period	Acreage Surveyed	Survey Focus	Methods/Constraints	Surveyor
4/26/22	Not recorded	8	Revegetation opportunities, reference site vegetation sampling, rare plants	Walked project site and two reference sites	Ken Gilliland
1/18/24	8:10 am to 1:00 pm	28	ESHA, vegetation, wildlife, rare plants, wetlands	Walked survey area using transects when feasible, collected wetlands data at 14 transects along the drainage. Spring flowering herbaceous rare plants not detectable	Matt Ingamells
1/30/24	7:15 to 10:30 am	28	Protected trees, plants and wildlife	Identified and mapped protected trees, recorded additional plant and wildlife species	Matt Ingamells

7.2 RESULTS

The results of the field surveys are provided in Section 3.3.

8.0 ESHA IMPACT ANALYSIS

Potential impacts to ESHA and other sensitive biological resources associated with the unpermitted grading are discussed below.

8.1 LEAST DAMAGING ALTERNATIVES ANALYSIS

Section 8178-2.3(b) of the Coastal Zoning Ordinance requires a least damaging alternatives analysis for projects that would potentially result in adverse impacts to ESHA or ESHA buffers. The proposed project is comprised of restoration of an area affected by unpermitted grading. Therefore, there are no feasible alternatives.

8.2 ESHA

8.2.1 Direct Impacts

Based on a comparison of Figures 2 and 3 (see Table 4) unpermitted grading resulted in the loss of 0.22 acres of vegetation ESHA (0.18 acres of arroyo willow thickets and 0.04 acres of giant wildrye grassland) and 0.01 acres of CRPR 4 plant habitat ESHA (portion of 50-foot buffer outside otherwise designated ESHA).

8.2.2 Indirect Impacts

Based on the results of the field surveys and wetland delineation, the unpermitted grading did not substantially affect drainage of the project site such that indirect impacts to downstream wetlands ESHA are minimal. The removal of arroyo willow thickets at the project site resulted in some fragmentation of this habitat along the ephemeral drainage. However, due to the small scale of this impact (approximately 0.18 acres and 310 linear feet), substantial adverse effects to wildlife movement are not expected.

8.2.3 Long-Term Impacts

In the absence of restoration of the project site, arroyo willow thickets are anticipated to become reestablished along the ephemeral drainage. Some expansion of purple sage scrub and giant wildrye grassland into upland mustard areas may also occur.

8.2.4 Cumulative Impacts

Bates Ranch has not proposed any other projects that would affect ESHA in the region. Three other projects are currently under review in the project area by the Ventura County Planning Division:

- PL18-0047: time extension for emergency communication facilities.
- PL22-0147: lot line adjustment.
- PL23-0091: replacement of 2.49 miles of 16-inch diameter natural gas pipelines.

PL23-0091 is likely to result in some loss or degradation of ESHA. However, as impacts have already occurred, the proposed project would not incrementally contribute to cumulative impacts to ESHA.

8.3 SENSITIVE PLANT COMMUNITIES

Giant wildrye grassland and lemonade berry scrub occurs within the survey area and have been ranked as S3/G3 (vulnerable to extirpation or extinction) by NatureServe and are considered ESHA. Approximately 0.04 acres of giant wildrye grassland was affected by unpermitted grading (see Table 4).

8.4 PROTECTED TREES

As listed in Table 5, 30 protected trees are located within the survey area, with one protected tree (arroyo willow) present within the project site. Based on review of pre-grading aerial photographs, the only native tree species affected by unpermitted grading was arroyo willow. As indicated in Section 8.2.1, 0.18 acres of arroyo willow thickets were affected by unpermitted grading. It is unknown how many of these trees were at least 3 inches in diameter at 4.5 feet above natural grade and qualify as protected trees. The one protected tree (no. 15) may be removed as part of the Grading and Drainage Plan proposed to stabilize the unpermitted grading area.

8.5 SPECIAL-STATUS PLANT SPECIES

As discussed in Section 6.3, Plummer's baccharis and Fish's milkwort were observed within the survey area during the botanical surveys. These species are mostly located south of the access road and away from the project site. However, one Plummer's baccharis plant was observed adjacent to the limits of unpermitted grading (see Figure 2). Therefore, it is possible that one or more Plummer's baccharis plants were affected by unpermitted grading.

8.6 SPECIAL-STATUS WILDLIFE SPECIES

8.6.1 Crotch's Bumblebee

This species was not observed during the field surveys but has a moderate potential to occur within the survey area. Although this species may forage in other habitats in the survey area, purple sage scrub provides the greatest floral resources (nectar and pollen) for bumblebees including purple sage, thistles, phacelia and lupines. As shown in Figure 3, the project site primarily supported mustards prior to unpermitted grading, which is poor quality habitat for this species. Arroyo willow thickets were present prior to unpermitted grading, but do not provide suitable floral resources for Crotch's bumblebee.

Unpermitted grading resulted in the loss of only 0.02 acres of suitable habitat (purple sage scrub, see Table 4), which is not anticipated to have substantially affected foraging resources for Crotch's bumblebee (if present in the area) and any impacts would be less than significant.

8.6.2 Allen's Hummingbird

This species was observed at Bates Ranch but not within the survey area. Allen's hummingbird has a moderate potential to occur within the survey area as it is very common in Ventura County. Unpermitted grading resulted in the loss of potential nesting habitat including arroyo willow thickets and purple sage scrub. The small amount of habitat loss associated with unpermitted grading (0.2 acres) is not anticipated to have had a substantial effect on the local Allen's hummingbird population.

8.6.3 Cooper's Hawk

This species was observed at Bates Ranch but not within the survey area. Cooper's hawk has a moderate potential to occur within the survey area. Unpermitted grading resulted in the loss of approximately 0.2 acres of suitable foraging habitat. However, larger trees suitable for nesting were not affected. The small amount of foraging habitat loss associated with unpermitted grading is not anticipated to have had a substantial effect on the local Cooper's hawk population.

8.6.4 Wrentit

This species was observed during field surveys on January 18 and 30, 2024. Although considered a conservation concern on a regional basis, wrentit is very common in Ventura County. The small amount of habitat loss associated with unpermitted grading (0.02 acres of purple sage scrub) is not anticipated to have had any effect on the local wrentit population.

8.7 WILDLIFE CONNECTIVITY

The project site is not located within a County-designated Habitat Connectivity and Wildlife Corridor (HCWC), Critical Wildlife Passage Area or regional habitat linkage. The project site is located in a large open space area encompassing the coastal terrace and foothills, extending to the Santa Ynez Mountains and the Los Padres National Forest to the north. Barriers that may limit wildlife movement in the region are limited to State Routes 150 and 33. However, relatively low traffic volumes and speeds (as compared to a freeway) prevent these roadways from severely limiting wildlife movement. There are no fences within or adjacent to the project site or survey area and there are no physical features nearby (such as major roadways) that act as barriers to wildlife movement. The ephemeral drainage within the survey area supports dense willow thickets (difficult for larger mammals to traverse), does not provide cover or a topographic connection to open space areas and does not appear to focus wildlife movement.

The removal of arroyo willow thickets at the project site resulted in some fragmentation of this habitat along the ephemeral drainage. However, due to the small scale of this impact (approximately 0.18 acres and 310 linear feet), substantial adverse effects to wildlife movement are not expected.

8.8 WET ENVIRONMENTS

Wet environments within the project site and survey area are coastal wetlands (ESHA) comprised of the ephemeral drainage and associated arroyo willow thickets. Based on review of pre-grading aerial photographs, unpermitted grading reduced the coastal wetlands (ESHA) area from approximately 0.18 acres (pre-grading arroyo willow thickets and channel) to 0.05 acres (remaining channel-wetland hydrology). Therefore, the loss of coastal wetlands associated with unpermitted grading is 0.13 acres.

9.0 ESHA MITIGATION

9.1 MITIGATION RATIOS

Consistent with Section 8178-2.10.6 of the Coastal Zoning Ordinance, the following mitigation ratios are proposed:

- Vegetation ESHA (3:1 ratio): 0.18 acres of arroyo willow thickets * 3 (0.54 acre) and 0.04 acres of giant wildrye grassland * 3 (0.12 acres).
- Coastal wetland ESHA (4:1 ratio): 0.13 acres * 4 (0.52 acres).

Note that these mitigation areas are not additive because arroyo willow thickets are also coastal wetlands and fulfill mitigation requirements for vegetation and wetland ESHA.

9.2 PROJECT MODIFICATIONS

The Grading and Drainage Plan will be revised to allow for full revegetation of the project site, including replacement of arroyo willows in the drainage. These revisions will include:

1. Delete proposed rock riprap along the ephemeral drainage.
2. Minimize earthwork to the extent required by the Ventura County Public Works Land Development Services Division to address the grading violation.
3. Preserve protected trees.
4. Relocate the proposed pipe culvert and energy dissipater closer to the access road, to maximize the area available for revegetation.

The Revegetation Plan will be revised to include planting of arroyo willows along the ephemeral drainage and planting Plummer's baccharis to replace any lost to unpermitted grading. These revisions will include:

1. Plant arroyo willow cuttings along the drainage to restore pre-grading (baseline) conditions (0.18 acres, see Table 4) obtained from donor plants within the subject parcel.
2. Propagate Plummer's baccharis from seed or cuttings obtained within the survey area or adjacent areas, establish the plants in a nursery and plant and maintain at least ten Plummer's baccharis within the restoration area.
3. A planting plan showing at least 0.12 acres of giant wildrye grassland (the Revegetation Plan already includes planting this species).

These project modifications would provide:

- 0.18 acres of the 0.54 acres of arroyo willow thickets mitigation.
- All of the giant wildrye grassland mitigation (0.12 acres).
- 0.18 acres of the 0.52 acres of coastal wetlands mitigation.

9.3 OFF-SITE MITIGATION

The balance of the arroyo willow thickets and coastal wetland mitigation (0.36 acres) will be provided by converting an abandoned vineyard along the ephemeral drainage downstream of the project site (see Figures 7.b and 8) to arroyo willow thickets. The off-site mitigation area is located within the Biological Restrictive Covenant and not subject to future agricultural cultivation or other disturbance.

An off-site mitigation plan will be prepared and include the following components:

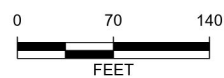
- Removal of all vines, support posts, wire, irrigation tubing and any other related debris.
- Removal of existing non-native vegetation.
- Removal of native vegetation only as needed, while avoiding protected trees and retaining sapling oak trees and larger native shrubs where feasible.
- Install a drip irrigation system.
- Obtain arroyo willow cuttings from donor plants within the subject parcel.
- Plant arroyo willow cuttings on four-foot centers (approximately 980 cuttings).
- Maintain (irrigate and weed) and monitor the mitigation planting for 5 years.



LEGEND:

- Project Site
- Survey Area (500-foot buffer)
- Assessor Parcel Boundary
- Off-Site Mitigation Area (0.36 acres)

MAP EXTENT:



Source: Google Earth Imagery 3/1/21
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
 Notes: This map was created for informational and display purposes only.



PROJECT NAME: BATES RANCH AGRICULTURAL FILL VENTURA COUNTY, CA	
PROJECT NUMBER: 2004-5201	DATE: February 2024

**OFF-SITE MITIGATION
LOCATION MAP**

**FIGURE
8**

Z:\GIS\Projects\GIS Maps\GIS Data\Project Specific\Bates Ranch Ag Fill Design Services\Bates Ranch Ag Fill Design Services\Bates Ranch Ag Fill Design Services.aprx 2/7/2024

10.0 REFERENCES

- Becker, G. and I. Reining. 2008. *Steelhead/Rainbow Trout (Oncorhynchus mykiss) Resources South of the Golden Gate, California*.
- California Native Plant Society. 2024. On-line Inventory of Rare and Endangered Vascular Plants of California.
- California Natural Diversity Data Base (CNDDDB). 2024. RAREFIND query for the Carpinteria, Ventura, Matilija, Pitas Point and White Ledge Peak 7.5-minute quadrangles. California Department of Fish and Wildlife. Sacramento, CA.
- Consortium of California Herbaria. 2024. On-line specimen database. Accessed January 15, 2024 at www.cch2.org/portal.
- eBird. 2024. Hotspot bird list for the Bates Road bridge (eBird.org). Accessed January 15, 2024.
- Lehman, P. 1994 (revised 2022). *The Birds of Santa Barbara County*.
- Minor S. and T. Brandt. 2015. *Geologic Map of the Southern White Ledge Peak and Matilija Quadrangles, Santa Barbara and Ventura Counties, California*.
- Natural Resources Conservation Service. 2024. On-line web soil survey. Accessed January 15, 2024 at www.websoilsurvey.nrcs.usda.gov.
- Padre Associates, Inc. 2009. Initial Study Biological Assessment prepared for Case SD08-0045.
- Padre Associates, Inc. 2016. *Final Environmental Impact Report for the Carpinteria Avenue Bridge (51C-172) Replacement Project*.
- Padre Associates, Inc. 2020. *Proposed Final Subsequent Environmental Impact Report, Santa Barbara County Flood Control District Updated Carpinteria Salt Marsh Enhancement Plan*.
- Padre Associates, Inc. 2022. *Revegetation Plan, Bates Ranch 8310 Bates Road, Carpinteria, California 93013, Case No. GC19-0034*.
- Penrod K., C. Cabanero, P. Beier, W. Spencer, C. Luke and E. Rubin, R. 2005. *South Coast Missing Linkages Project: A Linkage Design for the Sierra Madre-Castaic Connection*.
- Sawyer, J.O., T. Keeler-Wolf and J.M. Evens. 2009. *A Manual of California Vegetation (Second Edition)*. California Native Plant Society.
- Shuman W. and T. Gardali (eds.). 2008. *California Bird Species of Special Concern*.
- U.S. Army Corps of Engineers. 2020. National Wetlands Plant List, version 3.5 (wetland-plants.usace.army.mil).

Xerces Society. 2023. Western Monarch Thanksgiving Count (spreadsheet summary). Accessed December 11, 2023 at www.westernmonarchcount.org.

Zeiner, D., W. Laudenslayer, Jr. and K. Mayer. 1988. *California's Wildlife, Volume I, Amphibians and Reptiles*. California Department of Fish and Game. Sacramento, CA.

Zeiner, D., W. Laudenslayer, Jr., K. Mayer, and M. White. 1990a. *California's Wildlife, Volume II, Birds*. California Department of Fish and Game. Sacramento, CA.

Zeiner, D., W. Laudenslayer, Jr., K. Mayer, and M. White. 1990b. *California's Wildlife, Volume III, Mammals*. California Department of Fish and Game. Sacramento, CA.

APPENDIX A

VASCULAR PLANT FLORA OBSERVED WITHIN THE BATES RANCH SURVEY AREA, VENTURA COUNTY, CALIFORNIA

Appendix A

Vascular Plant Flora Observed with the Bates Ranch Survey Area, Ventura County, California

Scientific Name	Common Name	Habit	Family	Wetland Status	Invasiveness Rating
<i>Ambrosia psilostachya</i>	Western ragweed	PH	Asteraceae	FACU	
<i>Artemisia californica</i>	California sagebrush	S	Asteraceae	*	
<i>Artemisia douglasiana</i>	Mugwort	PH	Asteraceae	FAC	
<i>Baccharis pilularis</i>	Coyote brush	S	Asteraceae	*	
<i>Baccharis plummerae</i> ssp. <i>plummerae</i>	Plummer's baccharis	S	Asteraceae	*	
<i>Baccharis salicifolia</i>	Mule fat, seep-willow	S	Asteraceae	FAC	
<i>Brassica nigra</i> *	Black mustard	AH	Brassicaceae	*	Moderate
<i>Bromus diandrus</i> *	Ripgut grass	AG	Poaceae	*	Moderate
<i>Bromus rubens</i> *	Red brome	AG	Poaceae	UPL	High
<i>Calystegia macrostegia</i> ssp. <i>cyclostegia</i>	Chaparral morning glory	PV	Convolvulaceae	*	
<i>Carduus pycnocephalus</i> *	Italian thistle	AH	Asteraceae	*	Moderate
<i>Carpobrotus edulis</i> *	Hottentot fig	PH	Aizoaceae	*	High
<i>Ceanothus spinosus</i>	Green-bark ceanothus	S	Rhamnaceae	*	
<i>Cercocarpus betuloides</i> var. <i>betuloides</i>	Birch-leaf mountain mahogany	S	Rosaceae	*	
<i>Chenopodium murale</i> *	Nettle-leaf goose-foot	AH	Chenopodiaceae	FACU	
<i>Cirsium vulgare</i> *	Bull thistle	AH	Asteraceae	FACU	Moderate
<i>Conium maculatum</i> *	Poison hemlock	PH	Apiaceae	FACW	Moderate
<i>Crassula arborescens</i> *	Crassula	S	Crassulaceae	*	
<i>Datura wrightii</i>	Jimsonweed	PH	Solanaceae	UPL	
<i>Delairea odorata</i> *	Cape ivy	PV	Asteraceae	FAC	High
<i>Diplacus aurantiacus</i>	Bush monkeyflower	S	Phrymaceae	*	
<i>Echium candicans</i> *	Pride of Madiera	S	Boraginaceae	*	Limited
<i>Elymus condensatus</i>	Giant wild rye	PG	Poaceae	*	
<i>Encelia californica</i>	California brittle-bush	S	Asteraceae	*	
<i>Epilobium canum</i> ssp. <i>latifolium</i>	California fuschia	PH	Onagraceae	*	
<i>Epilobium brachycarpum</i>	Panicled willow herb	AH	Onagraceae	FAC	
<i>Erigeron canadensis</i>	Horse-weed	AH	Asteraceae	FACU	
<i>Eriogonum cinereum</i>	Ashy-leaf buckwheat	S	Polygonaceae	*	
<i>Eriophyllum confertiflorum</i>	Golden yarrow	S	Asteraceae	*	
<i>Erodium cicutarium</i> *	Redstem filaree	AH	Geraniaceae	*	Limited
<i>Eucalyptus camadulensis</i> *	Red gum	T	Myrtaceae	FAC	Limited
<i>Euphorbia lathyris</i> *	Gopher spurge	PH	Euphorbiaceae	*	Watch
<i>Euphorbia peplus</i> *	Petty spurge	AH	Euphorbiaceae	*	
<i>Foeniculum vulgare</i> *	Sweet-fennel	PH	Apiaceae	*	Moderate
<i>Galium angustifolium</i>	Bedstraw	PH	Rubiaceae	*	
<i>Hazardia squarrosa</i> var. <i>grindelioides</i>	Sawtooth goldenbush	S	Asteraceae	*	
<i>Helminthotheca echioides</i> *	Bristly ox-tongue	AH	Asteraceae	FAC	Limited
<i>Heteromeles arbutifolia</i>	Toyon	S	Rosaceae	*	
<i>Hirschfeldia incana</i> *	Summer mustard	BH	Brassicaceae	*	Moderate
<i>Hordeum murinum</i> *	Barley	AG	Poaceae	FACU	Moderate
<i>Isocoma menziesii</i> var. <i>menziesii</i>	Coastal golden-bush	S	Asteraceae	*	

Appendix A

Vascular Plant Flora Observed with the Bates Ranch Survey Area, Ventura County, California

Scientific Name	Common Name	Habit	Family	Wetland Status	Invasiveness Rating
<i>Keckiella cordifolia</i>	Heart-leaved penstemon	S	Plantaginaceae	*	
<i>Lactuca serriola</i> *	Prickly lettuce	AH	Asteraceae	FACU	
<i>Limonium perezii</i> *	Marsh-rosemary	PH	Plumbaginaceae	*	
<i>Malacothrix saxatilis var. tenuifolia</i>	Cliff aster	PH	Asteraceae	*	
<i>Malva parviflora</i> *	Cheese-weed	AH	Malvaceae	*	
<i>Marah macrocarpus var. macrocarpus</i>	Wild cucumber	PV	Cucurbitaceae	*	
<i>Marrubium vulgare</i> *	Horehound	PH	Lamiaceae	FACU	Limited
<i>Melilotus albus</i> *	White sweet-clover	PH	Fabaceae	*	
<i>Myoporum laetum</i> *	Myoporum	T	Scrophulariaceae	FACU	Moderate
<i>Nicotiana glauca</i> *	Tree tobacco	S	Solanaceae	FAC	Moderate
<i>Oxalis pes-caprae</i> *	Bermuda buttercup	PH	Oxalidaceae	*	Moderate
<i>Paeonia californica</i>	California peony	PH	Paeoniaceae	*	
<i>Plantago lanceolata</i> *	English plantain	PH	Plantaginaceae	FAC	Limited
<i>Polypogon monspeliensis</i> *	Annual beard grass	AG	Poaceae	FACW	Limited
<i>Quercus agrifolia var. agrifolia</i>	Coast live oak	T	Fagaceae	*	
<i>Raphanus sativus</i> *	Radish	BH	Brassicaceae	*	Limited
<i>Rhamnus crocea</i>	Red-berry	S	Rhamnaceae	*	
<i>Rhamnus ilicifolia</i>	Holly-leaved redberry	S	Rhamnaceae	*	
<i>Rhinotropus cornuta var. fishae</i>	Fish's milkwort	PH	Polygalaceae	*	
<i>Rhus integrifolia</i>	Lemonade berry	S	Anacardiaceae	*	
<i>Ribes malvaceum</i>	Chaparral currant	S	Grossulariaceae	*	
<i>Ribes speciosum</i>	Fuschia-flowered gooseberry	S	Grossulariaceae	*	
<i>Ricinus communis</i> *	Castor bean	S	Euphorbiaceae	FACU	Limited
<i>Rubus ursinus</i>	California blackberry	PV	Rosaceae	FAC	
<i>Salix lasiolepis</i>	Arroyo willow	T	Salicaceae	FACW	
<i>Salsola tragus</i> *	Russian thistle	AH	Chenopodiaceae	FACU	Limited
<i>Salvia leucophylla</i>	Purple sage	S	Lamiaceae	*	
<i>Sambucus nigra ssp. caerulea</i>	Blue elderberry	T	Adoxaceae	FACU	
<i>Scrophularia californica</i>	California figwort	PH	Scrophulariaceae	FAC	
<i>Solanum douglasii</i>	White nightshade	AH	Solanaceae	FAC	
<i>Solanum xanti</i>	Purple nightshade	PH	Solanaceae	*	
<i>Sonchus oleraceus</i> *	Common sow thistle	AH	Asteraceae	UPL	
<i>Stachys bullata</i>	Hedge-nettle	PH	Lamiaceae	*	
<i>Stipa miliacea var. miliacea</i> *	Smilo grass	PG	Poaceae	*	Limited
<i>Toxicodendron diversilobum</i>	Poison oak	S	Anacardiaceae	FACU	
<i>Tropaeolum majus</i> *	Garden natrutium	PV	Tropaeolaceae	UPL	
<i>Venegasia carpesioides</i>	Canyon sunflower	S	Asteraceae	*	
<i>Verbena lasiostachys var. scabrida</i>	Verbena	PH	Verbenaceae	FAC	
<i>Washingtonia robusta</i> *	Mexican fan palm	T	Arecaceae	FACW	Moderate
<i>Xanthium strumarium</i>	Cockle-bur	AH	Asteraceae	FAC	

Appendix A

Vascular Plant Flora Observed with the Bates Ranch Survey Area, Ventura County, California

Scientific Name	Common Name	Habit	Family	Wetland Status	Invasiveness Rating
-----------------	-------------	-------	--------	----------------	---------------------

Notes:

Scientific nomenclature follows The Jepson Manual Second Edition (Baldwin et al., 2012), including supplements (old names in brackets).

An "*" indicates non-native species which have become naturalized or persist without cultivation.

An "***" indicates species which have been planted and may not persist without cultivation.

Habit Definitions:

AF = annual fern or fern ally.

AG = annual grass.

AH = annual herb.

BH = biennial herb.

PF = perennial fern or fern ally.

PG = perennial grass.

PH = perennial herb.

PV = perennial vine.

S = shrub.

T = tree.

Invasiveness Rating from the online database of the California Invasive Plant Council

Wetland Status from Arid West 2020 Regional Wetland Plant List

OBL - Obligate wetland: almost always occurs in wetlands (>99% probability)

FACW - Facultative-Wetland: usually occurs in wetlands (67-99% probability)

FAC - Facultative: equally likely to occur in wetlands or non-wetlands (34-66% probability)

FACU - Facultative-Upland: usually occurs in non-wetlands (1-33% probability)

UPL - Upland: almost always occurs in non-wetlands (>99% probability)

*: not addressed in the wetland plant list, non-wetland species

APPENDIX B

VERTEBRATE ANIMAL SPECIES OBSERVED AT BATES RANCH AND/OR THE SURVEY AREA FOR THE BATES RANCH AGRICULTURAL FILL RESTORATION PROJECT, VENTURA COUNTY, CALIFORNIA

Appendix B

Vertebrate Animal Species Observed at Bates Ranch and/or the Survey Area for the Bates Ranch Agricultural Fill Restoration Project, Ventura County, California

Common Name	Scientific Name	Protected Status	Habitat Use
AMPHIBIANS			
Baja California treefrog*+	<i>Pseudacris hypochondriaca</i>	--	B/F
REPTILES			
Western fence lizard*	<i>Sceloporus occidentalis</i>	--	B/F
BIRDS			
Turkey vulture*	<i>Cathartes aura</i>	M	F
American kestrel*	<i>Falco sparverius</i>	M	B/F
Cooper's hawk*	<i>Accipiter cooperi</i>	M, WL	B/F
Red-shouldered hawk*+	<i>Buteo lineatus</i>	M	F
Red-tailed hawk*+	<i>Buteo jamaicensis</i>	M	F
Great horned owl*	<i>Bubo virginianus</i>	M	B/F
Barn owl*	<i>Tyto alba</i>	M	B/F
Mourning dove*	<i>Zenaidura macroura</i>	M	B/F
Anna's hummingbird+	<i>Calypte anna</i>	M	B/F
Northern flicker+	<i>Colaptes auratus</i>	M	B/F
Blue-gray gnatcatcher+	<i>Poliophtila caerulea</i>	M	B/F
California scrub-jay+	<i>Aphelocoma californica</i>	M	B/F
American crow*	<i>Corvus brachyrhynchos</i>	M	B/F
Common raven*	<i>Corvus corax</i>	M	B/F
Bushtit*	<i>Psaltriparus minimus</i>	M	B/F
Wrentit*+	<i>Chamaea fasciata</i>	M, BCC	B/F
Bewick's wren*+	<i>Thyromanes bewickii</i>	M	B/F
Oak titmouse*	<i>Baeolophus inornatus</i>	M, BCC	B/F
Greater roadrunner*	<i>Geococcyx californianus</i>	M	F
California quail*+	<i>Callipepla californica</i>	M	B/F
Black phoebe*	<i>Sayornis nigricans</i>	M	B/F
Say's phoebe*	<i>Sayornis saya</i>	M	BF
Orange-crowned warbler+	<i>Oreothlypis celata</i>	M	B/F
Common yellowthroat+	<i>Geothlypis trichas</i>	M	B/F
American robin+	<i>Turdus migratorius</i>	M	B/F
California thrasher*+	<i>Toxostoma redivivum</i>	M	B/F
California towhee*+	<i>Melospiza crissalis</i>	M	B/F
Spotted towhee+	<i>Pipilo maculatus</i>	M	B/F
Song sparrow+	<i>Melospiza melodia</i>	M	B/F
House sparrow+	<i>Passer domesticus</i>	--	B/F
Lesser goldfinch*	<i>Spinus psaltria</i>	M	B/F
Brewer's blackbird*	<i>Euphagus cyanocephalus</i>	M	B/F
Dark-eyed junco*	<i>Junco hyemalis</i>	M	B/F
Black-headed grosbeak*	<i>Pheucticus melanocephalus</i>	M	
House finch*+	<i>Carpodacus mexicanus</i>	M	B/F

Appendix B

Vertebrate Animal Species Observed at Bates Ranch and/or the Survey Area for the Bates Ranch Agricultural Fill Restoration Project, Ventura County, California

Common Name	Scientific Name	Protected Status	Habitat Use
MAMMALS			
California ground squirrel*	<i>Spermophilus beecheyi</i>	--	B/F
Big-eared woodrat+	<i>Neotoma macrotis</i>	--	B/F
Gray tree squirrel*	<i>Sciurus griseus</i>	--	B/F
Botta's pocket gopher*+	<i>Thomomys bottae</i>	--	B/F
Raccoon*	<i>Procyon lotor</i>	--	F
Coyote*+	<i>Canis latrans</i>	--	F
Black-tailed deer*+	<i>Odocoileus hemionus</i>	--	F

* Observed at Bates Ranch during field surveys on 9/23/2008 and/or 10/8/2008

+ Observed within or near the survey area on January 18 and/or 30, 2024

Habitat Use

B – Breeding

F – Foraging

Protected Status

BCC: Birds of Conservation Concern (USFWS)

M: Protected under the Migratory Bird Treaty Act (USFWS)

WL Watch list (CDFW)

Amphibian and reptile nomenclature based on Jensen (1983)

Bird nomenclature after American Ornithologists Union (2022)

Mammal nomenclature after Hall (1981)

APPENDIX C

CALIFORNIA NATURAL DIVERSITY DATA BASE ELEMENT OCCURRENCE LISTING

Appendix C

California Natural Diversity Data Base Element Occurrence Listing (within 10 miles of the Survey Area)

Scientific Name	Common Name	Occ Number	Accuracy	Presence	Site Date	Elm Date	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank	CDFW Status	Other Status
Quercus dumosa	Nuttall's scrub oak	2	non-specific area	Presumed Extant	19920530	19920530	None	None	G3	S3	1B.1		BLM_S; IUCN_EN; SB_CRES; USFS_S
Calochortus fimbriatus	late-flowered mariposa-lily	8	non-specific area	Presumed Extant	19230724	19230724	None	None	G3	S3	1B.3		SB_SBBG; USFS_S
Calochortus fimbriatus	late-flowered mariposa-lily	7	non-specific area	Presumed Extant	19520705	19520705	None	None	G3	S3	1B.3		SB_SBBG; USFS_S
Anniella spp.	California legless lizard	35	1/10 mile	Presumed Extant	20120125	20120125	None	None	G3G4	S3S4		SSC	
Nolina cismontana	chaparral nolina	69	specific area	Presumed Extant	20090509	20090509	None	None	G3	S3	1B.2		SB_CalBG/RSABG; SB_SBBG; USFS_S
Anniella spp.	California legless lizard	127	1/10 mile	Presumed Extant	1983XXXX	1983XXXX	None	None	G3G4	S3S4		SSC	
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	160	80 meters	Presumed Extant	20121128	19951126	Candidate	None	G4T1T2Q	S2			IUCN_EN; USFS_S
Quercus dumosa	Nuttall's scrub oak	191	specific area	Presumed Extant	20XXXXXX	20XXXXXX	None	None	G3	S3	1B.1		BLM_S; IUCN_EN; SB_CRES; USFS_S
Lonicera subspicata var. subspicata	Santa Barbara honeysuckle	33	specific area	Presumed Extant	201205XX	201205XX	None	None	G5T2?	S2?	1B.2		SB_SBBG; USFS_S
Quercus dumosa	Nuttall's scrub oak	90	80 meters	Presumed Extant	20071121	20071121	None	None	G3	S3	1B.1		BLM_S; IUCN_EN; SB_CRES; USFS_S
Thamnophis hammondi	two-striped gartersnake	170	80 meters	Presumed Extant	20130521	20130521	None	None	G4	S3S4		SSC	BLM_S; IUCN_LC; USFS_S
Southern Sycamore Alder Riparian Woodland	Southern Sycamore Alder Riparian Woodland	45	specific area	Presumed Extant	19871118	19871118	None	None	G4	S4			
Chloropyron maritimum ssp. maritimum	salt marsh bird's-beak	51	specific area	Presumed Extant	20180705	20180705	Endangered	Endangered	G4?T1	S1	1B.2		BLM_S; SB_CalBG/RSABG; SB_CRES; SB_SBBG
Monardella hypoleuca ssp. hypoleuca	white-veined monardella	13	2/5 mile	Presumed Extant	19650803	19650803	None	None	G4T3	S3	1B.3		SB_SBBG
Emys marmorata	western pond turtle	1076	80 meters	Presumed Extant	19960715	19960715	Proposed Threatened	None	G3G4	S3		SSC	BLM_S; IUCN_VU; USFS_S
Eucyclogobius newberryi	tidewater goby	74	non-specific area	Presumed Extant	1995XXXX	1995XXXX	Endangered	None	G3	S3			AFS_EN; IUCN_NT
Navaretia ojaiensis	Ojai navaretia	2	80 meters	Presumed Extant	19990714	19990714	None	None	G2	S2	1B.1		SB_CalBG/RSABG; USFS_S
Rana boylei pop. 6	foothill yellow-legged frog - south coast DPS	57	1 mile	Extirpated	2014XXXX	19660511	Endangered	Endangered	G3T1	S1			BLM_S; USFS_S
Calochortus fimbriatus	late-flowered mariposa-lily	32	non-specific area	Presumed Extant	19290711	19290711	None	None	G3	S3	1B.3		SB_SBBG; USFS_S
Calochortus fimbriatus	late-flowered mariposa-lily	6	4/5 mile	Presumed Extant	XXXXXXX	XXXXXXX	None	None	G3	S3	1B.3		SB_SBBG; USFS_S
Southern Coast Live Oak Riparian Forest	Southern Coast Live Oak Riparian Forest	44	specific area	Presumed Extant	19861210	19861210	None	None	G4	S4			
Quercus dumosa	Nuttall's scrub oak	189	80 meters	Presumed Extant	1999XXXX	1999XXXX	None	None	G3	S3	1B.1		BLM_S; IUCN_EN; SB_CRES; USFS_S
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	1	non-specific area	Presumed Extant	202201XX	202111XX	Candidate	None	G4T1T2Q	S2			IUCN_EN; USFS_S
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	268	1/10 mile	Presumed Extant	201711XX	201701XX	Candidate	None	G4T1T2Q	S2			IUCN_EN; USFS_S
Taxidea taxus	American badger	421	80 meters	Presumed Extant	20080428	20080428	None	None	G5	S3		SSC	IUCN_LC
Nolina cismontana	chaparral nolina	24	4/5 mile	Presumed Extant	XXXXXXX	XXXXXXX	None	None	G3	S3	1B.2		SB_CalBG/RSABG; SB_SBBG; USFS_S
Calochortus palmeri var. palmeri	Palmer's mariposa-lily	91	non-specific area	Presumed Extant	19810531	19810531	None	None	G3T2	S2	1B.2		BLM_S; SB_CalBG/RSABG; SB_SBBG; USFS_S
Thamnophis hammondi	two-striped gartersnake	162	80 meters	Presumed Extant	20161006	20161006	None	None	G4	S3S4		SSC	BLM_S; IUCN_LC; USFS_S
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	163	80 meters	Presumed Extant	201711XX	20001128	Candidate	None	G4T1T2Q	S2			IUCN_EN; USFS_S
Calochortus fimbriatus	late-flowered mariposa-lily	43	80 meters	Presumed Extant	20100805	20100805	None	None	G3	S3	1B.3		SB_SBBG; USFS_S
Emys marmorata	western pond turtle	1421	specific area	Presumed Extant	20130422	20130422	Proposed Threatened	None	G3G4	S3		SSC	BLM_S; IUCN_VU; USFS_S
Centromadia parryi ssp. australis	southern tarplant	42	non-specific area	Possibly Extirpated	19971106	19740801	None	None	G3T2	S2	1B.1		SB_CalBG/RSABG; SB_CRES; SB_SBBG
Anniella spp.	California legless lizard	124	1/10 mile	Presumed Extant	1983XXXX	1983XXXX	None	None	G3G4	S3S4		SSC	
Bombus crotchii	Crotch bumble bee	395	non-specific area	Presumed Extant	20190716	20190716	None	Candidate Endangered	G2	S2			IUCN_EN
Delphinium umbraculorum	umbrella larkspur	1	non-specific area	Presumed Extant	19640521	19640521	None	None	G3	S3	1B.3		BLM_S; SB_CalBG/RSABG; USFS_S
Athene cucularia	burrowing owl	1959	80 meters	Presumed Extant	20151030	20151030	None	None	G4	S2		SSC	BLM_S; IUCN_LC; USFWS_BCC
Emys marmorata	western pond turtle	1308	specific area	Presumed Extant	20160310	20160310	Proposed Threatened	None	G3G4	S3		SSC	BLM_S; IUCN_VU; USFS_S
Anniella spp.	California legless lizard	31	1/10 mile	Presumed Extant	19890701	19890701	None	None	G3G4	S3S4		SSC	
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	435	specific area	Presumed Extant	20220204	20220204	Candidate	None	G4T1T2Q	S2			IUCN_EN; USFS_S
Monardella hypoleuca ssp. hypoleuca	white-veined monardella	10	80 meters	Presumed Extant	2011XXXX	2011XXXX	None	None	G4T3	S3	1B.3		SB_SBBG
Thamnophis hammondi	two-striped gartersnake	184	specific area	Presumed Extant	20180509	20180509	None	None	G4	S3S4		SSC	BLM_S; IUCN_LC; USFS_S
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	377	non-specific area	Presumed Extant	202111XX	201901XX	Candidate	None	G4T1T2Q	S2			IUCN_EN; USFS_S
Calochortus fimbriatus	late-flowered mariposa-lily	1	1 mile	Presumed Extant	1960XXXX	1960XXXX	None	None	G3	S3	1B.3		SB_SBBG; USFS_S
Emys marmorata	western pond turtle	1419	specific area	Presumed Extant	20130419	20130419	Proposed Threatened	None	G3G4	S3		SSC	BLM_S; IUCN_VU; USFS_S
Bombus crotchii	Crotch bumble bee	396	1/10 mile	Presumed Extant	20200709	20200709	None	Candidate Endangered	G2	S2			IUCN_EN
Charadrius nivosus nivosus	western snowy plover	43	non-specific area	Extirpated	1978XXXX	1960XXXX	Threatened	None	G3T3	S3		SSC	
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	379	1/5 mile	Presumed Extant	19951107	19951107	Candidate	None	G4T1T2Q	S2			IUCN_EN; USFS_S
Emys marmorata	western pond turtle	822	1/5 mile	Presumed Extant	19690205	19690205	Proposed Threatened	None	G3G4	S3		SSC	BLM_S; IUCN_VU; USFS_S
Vireo bellii pusillus	least Bell's vireo	17	1/5 mile	Presumed Extant	1980XXXX	1980XXXX	Endangered	Endangered	G5T2	S3			
Coelus globosus	globose dune beetle	14	non-specific area	Presumed Extant	19340703	19340703	None	None	G1G2	S1S2			IUCN_VU
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	270	non-specific area	Presumed Extant	202201XX	199901XX	Candidate	None	G4T1T2Q	S2			IUCN_EN; USFS_S
Rana draytonii	California red-legged frog	480	specific area	Presumed Extant	20161109	20161109	Threatened	None	G2G3	S2S3		SSC	IUCN_VU
Anniella spp.	California legless lizard	125	1/5 mile	Presumed Extant	19460424	19460424	None	None	G3G4	S3S4		SSC	
Atriplex coulteri	Coulter's saltbush	15	1 mile	Presumed Extant	19271127	19271127	None	None	G3	S1S2	1B.2		SB_CalBG/RSABG; SB_CRES
Delphinium umbraculorum	umbrella larkspur	2	non-specific area	Presumed Extant	19620506	19620506	None	None	G3	S3	1B.3		BLM_S; SB_CalBG/RSABG; USFS_S
Quercus dumosa	Nuttall's scrub oak	1	1/5 mile	Presumed Extant	199208XX	199208XX	None	None	G3	S3	1B.1		BLM_S; IUCN_EN; SB_CRES; USFS_S
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	159	1/5 mile	Presumed Extant	202201XX	201711XX	Candidate	None	G4T1T2Q	S2			IUCN_EN; USFS_S
Muhlenbergia utilis	aparejo grass	7	2/5 mile	Presumed Extant	19640521	19640521	None	None	G4	S2S3	2B.2		
Calochortus fimbriatus	late-flowered mariposa-lily	60	specific area	Presumed Extant	20110802	20110802	None	None	G3	S3	1B.3		SB_SBBG; USFS_S
Thamnophis hammondi	two-striped gartersnake	164	non-specific area	Presumed Extant	20160606	20160606	None	None	G4	S3S4		SSC	BLM_S; IUCN_LC; USFS_S
Monardella hypoleuca ssp. hypoleuca	white-veined monardella	11	non-specific area	Presumed Extant	19220919	19220919	None	None	G4T3	S3	1B.3		SB_SBBG
Anniella spp.	California legless lizard	34	non-specific area	Presumed Extant	19800119	19800119	None	None	G3G4	S3S4		SSC	

Appendix C

California Natural Diversity Data Base Element Occurrence Listing (within 10 miles of the Survey Area)

Scientific Name	Common Name	Occ Number	Accuracy	Presence	Site Date	Elm Date	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank	CDFW Status	Other Status
California Walnut Woodland	California Walnut Woodland	37	specific area	Extirpated	19871118	19871118	None	None	G2	S2.1			
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	271	non-specific area	Presumed Extant	202201XX	201911XX	Candidate	None	G4T1T2Q	S2			IUCN EN; USFS S
Calochortus fimbriatus	late-flowered mariposa-lily	11	1 mile	Presumed Extant	XXXXXXX	XXXXXXX	None	None	G3	S3	1B.3		SB_SBBG; USFS S
Calochortus fimbriatus	late-flowered mariposa-lily	58	specific area	Presumed Extant	20090509	20090509	None	None	G3	S3	1B.3		SB_SBBG; USFS S
Lonicera subspicata var. subspicata	Santa Barbara honeysuckle	27	specific area	Presumed Extant	20140528	20140528	None	None	G5T2?	S2?	1B.2		SB_SBBG; USFS S
Emys marmorata	western pond turtle	1352	80 meters	Presumed Extant	20160606	20160606	Proposed Threatened	None	G3G4	S3		SSC	BLM S; IUCN VU; USFS S
Anaxyrus californicus	arroyo toad	11	non-specific area	Presumed Extant	2004XXXX	2004XXXX	Endangered	None	G2G3	S2		SSC	IUCN EN
Oncorhynchus mykiss irideus pop. 10	steelhead - southern California DPS	3	non-specific area	Presumed Extant	19930104	19930104	Endangered	Candidate Endangered	G5T1Q	S1			AFS EN
Fritillaria ojaiensis	Ojai fritillary	10	non-specific area	Presumed Extant	194XXXXX	194XXXXX	None	None	G3	S3	1B.2		SB_SBBG; USFS S
Monardella hypoleuca ssp. hypoleuca	white-veined monardella	5	1/10 mile	Presumed Extant	19690905	19690905	None	None	G4T3	S3	1B.3		SB_SBBG
Anniella spp.	California legless lizard	128	1/5 mile	Presumed Extant	19520627	19520627	None	None	G3G4	S3S4		SSC	
Nolina cismontana	chaparral nolina	23	1/5 mile	Presumed Extant	19860602	19860602	None	None	G3	S3	1B.2		SB_CalBG/RSABG; SB_SBBG; USFS S
Rana draytonii	California red-legged frog	811	1/10 mile	Presumed Extant	20050419	20050419	Threatened	None	G2G3	S2S3		SSC	IUCN VU
Atriplex coulteri	Coulter's saltbush	86	non-specific area	Presumed Extant	19630602	19630602	None	None	G3	S1S2	1B.2		SB_CalBG/RSABG; SB_CRES
Astragalus didymocarpus var. milesianus	Miles' milk-vetch	12	1 mile	Presumed Extant	19450408	19450408	None	None	G5T2	S2	1B.2		
Southern Coast Live Oak Riparian Forest	Southern Coast Live Oak Riparian Forest	43	specific area	Presumed Extant	19861210	19861210	None	None	G4	S4			
Gymnogyps californianus	California condor	7	specific area	Presumed Extant	19760921	19760921	Endangered	Endangered	G1	S2		FP	CDF S; IUCN CR
Coelus globosus	globose dune beetle	42	non-specific area	Presumed Extant	XXXXXXX	XXXXXXX	None	None	G1G2	S1S2			IUCN VU
Panoquina errans	wandering (=saltmarsh) skipper	16	specific area	Presumed Extant	20070820	20070820	None	None	G4	S2			IUCN NT
Pelazoneuron puberulum var. sonorense	Sonoran maiden fern	8	non-specific area	Presumed Extant	19780324	19780324	None	None	G5T3	S2	2B.2		USFS S
Quercus dumosa	Nuttall's scrub oak	151	1 mile	Presumed Extant	19290406	19290406	None	None	G3	S3	1B.1		BLM S; IUCN EN; SB_CRES; USFS S
Fritillaria ojaiensis	Ojai fritillary	18	4/5 mile	Presumed Extant	19960308	19960308	None	None	G3	S3	1B.2		SB_SBBG; USFS S
Monardella hypoleuca ssp. hypoleuca	salt spring checkerbloom	9	non-specific area	Presumed Extant	19620510	19620510	None	None	G4	S2	2B.2		USFS S
Quercus dumosa	Nuttall's scrub oak	149	non-specific area	Presumed Extant	2000XXXX	2000XXXX	None	None	G3	S3	1B.1		BLM S; IUCN EN; SB_CRES; USFS S
Emys marmorata	western pond turtle	1348	specific area	Presumed Extant	20161103	20161103	Proposed Threatened	None	G3G4	S3		SSC	BLM S; IUCN VU; USFS S
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	269	specific area	Presumed Extant	202201XX	202201XX	Candidate	None	G4T1T2Q	S2			IUCN EN; USFS S
Lonicera subspicata var. subspicata	Santa Barbara honeysuckle	18	80 meters	Presumed Extant	20100805	20100805	None	None	G5T2?	S2?	1B.2		SB_SBBG; USFS S
Anniella spp.	California legless lizard	32	non-specific area	Presumed Extant	19800308	19800308	None	None	G3G4	S3S4		SSC	
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	158	80 meters	Possibly Extirpated	199903XX	199811XX	Candidate	None	G4T1T2Q	S2			IUCN EN; USFS S
Aphanisma blitoides	aphanisma	8	non-specific area	Presumed Extant	19630601	19630601	None	None	G3G4	S2	1B.2		SB_CRES; SB_SBBG
Monardella hypoleuca ssp. hypoleuca	white-veined monardella	9	non-specific area	Presumed Extant	19460630	19460630	None	None	G4T3	S3	1B.3		SB_SBBG
Neotoma lepida intermedia	San Diego desert woodrat	21	80 meters	Presumed Extant	19920715	19920715	None	None	G5T3T4	S3S4		SSC	
Emys marmorata	western pond turtle	1430	80 meters	Presumed Extant	20140329	20140329	Proposed Threatened	None	G3G4	S3			BLM S; IUCN VU; USFS S
Cicindela hirticollis gravida	sandy beach tiger beetle	20	non-specific area	Extirpated	1979XXXX	19060701	None	None	G5T2	S2			
Lasthenia glabrata ssp. coulteri	Coulter's goldfields	5	1/5 mile	Presumed Extant	19470225	19470225	None	None	G4T2	S2	1B.1		BLM S; SB_CalBG/RSABG; SB_SBBG
Fritillaria ojaiensis	Ojai fritillary	40	specific area	Presumed Extant	20160426	20160426	None	None	G3	S3	1B.2		SB_SBBG; USFS S
Quercus dumosa	Nuttall's scrub oak	192	80 meters	Presumed Extant	20XXXXXX	20XXXXXX	None	None	G3	S3	1B.1		BLM S; IUCN EN; SB_CRES; USFS S
Passerculus sandwichensis beldingi	Belding's savannah sparrow	2	specific area	Presumed Extant	20010419	20010419	None	Endangered	G5T3	S3			USFWS_BCC
Fritillaria ojaiensis	Ojai fritillary	19	2/5 mile	Presumed Extant	XXXXXXX	XXXXXXX	None	None	G3	S3	1B.2		SB_SBBG; USFS S
Setophaga petechia	yellow warbler	113	80 meters	Presumed Extant	20160418	20160418	None	None	G5	S3		SSC	IUCN LC
Eucyclogobius newberryi	tidewater goby	111	specific area	Presumed Extant	200111XX	200111XX	Endangered	None	G3	S3			AFS EN; IUCN NT
Anniella spp.	California legless lizard	126	non-specific area	Presumed Extant	1983XXXX	1983XXXX	None	None	G3G4	S3S4		SSC	
Rana draytonii	California red-legged frog	1027	80 meters	Presumed Extant	20080703	20080703	Threatened	None	G2G3	S2S3		SSC	IUCN VU
Atriplex pacifica	south coast saltscale	89	1/10 mile	Presumed Extant	19720610	19720610	None	None	G4	S2	1B.2		SB_CalBG/RSABG; SB_CRES
Southern Sycamore Alder Riparian Woodland	Southern Sycamore Alder Riparian Woodland	43	specific area	Presumed Extant	19861210	19861210	None	None	G4	S4			
Quercus dumosa	Nuttall's scrub oak	89	80 meters	Presumed Extant	20100805	20100805	None	None	G3	S3	1B.1		BLM S; IUCN EN; SB_CRES; USFS S
Monardella hypoleuca ssp. hypoleuca	white-veined monardella	12	non-specific area	Presumed Extant	19370712	19370712	None	None	G4T3	S3	1B.3		SB_SBBG
Southern Sycamore Alder Riparian Woodland	Southern Sycamore Alder Riparian Woodland	44	specific area	Presumed Extant	19861210	19861210	None	None	G4	S4			
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	161	non-specific area	Presumed Extant	202201XX	202111XX	Candidate	None	G4T1T2Q	S2			IUCN EN; USFS S
Southern Coastal Salt Marsh	Southern Coastal Salt Marsh	18	specific area	Presumed Extant	1976XXXX	1976XXXX	None	None	G2	S2.1			
Calochortus fimbriatus	late-flowered mariposa-lily	5	1 mile	Presumed Extant	19460708	19460708	None	None	G3	S3	1B.3		SB_SBBG; USFS S
Lonicera subspicata var. subspicata	Santa Barbara honeysuckle	3	non-specific area	Presumed Extant	19260412	19260412	None	None	G5T2?	S2?	1B.2		SB_SBBG; USFS S
Rana draytonii	California red-legged frog	1576	specific area	Presumed Extant	20180604	20180604	Threatened	None	G2G3	S2S3		SSC	IUCN VU
Lasthenia glabrata ssp. coulteri	Coulter's goldfields	122	specific area	Presumed Extant	20130324	20130324	None	None	G4T2	S2	1B.1		BLM S; SB_CalBG/RSABG; SB_SBBG
Calochortus fimbriatus	late-flowered mariposa-lily	95	specific area	Presumed Extant	20090509	20090509	None	None	G3	S3	1B.3		SB_SBBG; USFS S
Emys marmorata	western pond turtle	869	1 mile	Presumed Extant	1987XXXX	1987XXXX	Proposed Threatened	None	G3G4	S3		SSC	BLM S; IUCN VU; USFS S
Thamnophis hammondi	two-striped gartersnake	161	80 meters	Presumed Extant	20161001	20161001	None	None	G4	S3S4		SSC	BLM S; IUCN LC; USFS S
Rana draytonii	California red-legged frog	1504	specific area	Presumed Extant	20170912	20170912	Threatened	None	G2G3	S2S3		SSC	IUCN VU
Taricha torosa	Coast Range newt	53	non-specific area	Presumed Extant	20040615	20040615	None	None	G4	S4		SSC	
Emys marmorata	western pond turtle	1420	specific area	Presumed Extant	20130403	20130403	Proposed Threatened	None	G3G4	S3		SSC	BLM S; IUCN VU; USFS S
Pelazoneuron puberulum var. sonorense	Sonoran maiden fern	18	80 meters	Presumed Extant	20110123	20110123	None	None	G5T3	S2	2B.2		USFS S
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	317	1/10 mile	Presumed Extant	201711XX	199811XX	Candidate	None	G4T1T2Q	S2			IUCN EN; USFS S

Appendix C

California Natural Diversity Data Base Element Occurrence Listing (within 10 miles of the Survey Area)

Scientific Name	Common Name	Occ Number	Accuracy	Presence	Site Date	Elm Date	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank	CDFW Status	Other Status
<i>Fritillaria ojaiensis</i>	Ojai fritillary	50	specific area	Presumed Extant	20110319	20110319	None	None	G3	S3	1B.2		SB_SBBG; USFS_S
<i>Phrynosoma blainvillii</i>	coast horned lizard	502	80 meters	Presumed Extant	20020324	20020324	None	None	G4	S4		SSC	BLM_S; IUCN_LC
<i>Vireo bellii pusillus</i>	least Bell's vireo	128	3/5 mile	Presumed Extant	20100503	19190508	Endangered	Endangered	G5T2	S3			
<i>Thamnophis hammondi</i>	two-striped gartersnake	29	1/5 mile	Presumed Extant	19850316	19850316	None	None	G4	S3S4		SSC	BLM_S; IUCN_LC; USFS_S
<i>Streptanthus campestris</i>	southern jewelflower	16	non-specific area	Presumed Extant	19940617	19940617	None	None	G3	S3	1B.3		BLM_S; SB_CRES; USFS_S
Southern Coast Live Oak Riparian Forest	Southern Coast Live Oak Riparian Forest	42	specific area	Presumed Extant	19861210	19861210	None	None	G4	S4			
<i>Fritillaria ojaiensis</i>	Ojai fritillary	20	specific area	Presumed Extant	20110319	20110319	None	None	G3	S3	1B.2		SB_SBBG; USFS_S
<i>Neotoma lepida intermedia</i>	San Diego desert woodrat	22	80 meters	Presumed Extant	19920715	19920715	None	None	G5T3T4	S3S4		SSC	
<i>Horkelia cuneata var. puberula</i>	mesa horkelia	38	1 mile	Presumed Extant	19020508	19020508	None	None	G4T1	S1	1B.1		SB_CalBG/RSABG; USFS_S
<i>Eumops perotis californicus</i>	western mastiff bat	93	1 mile	Presumed Extant	19070820	19070820	None	None	G4G5T4	S3S4		SSC	BLM_S
<i>Bombus pensylvanicus</i>	American bumble bee	129	3/5 mile	Presumed Extant	19600803	19600803	None	None	G3G4	S2			IUCN_VU
<i>Astragalus pycnostachyus var. lanosissimus</i>	Ventura Marsh milk-vetch	6	5 miles	Possibly Extirpated	19870830	191108XX	Endangered	Endangered	G2T1	S1	1B.1		SB_CalBG/RSABG; SB_SBBG
<i>Chloropyron maritimum ssp. maritimum</i>	salt marsh bird's-beak	17	specific area	Presumed Extant	20170906	20170906	Endangered	Endangered	G4?T1	S1	1B.2		BLM_S; SB_CalBG/RSABG; SB_CRES; SB_SBBG
<i>Bombus crotchii</i>	Crotch bumble bee	409	80 meters	Presumed Extant	20200616	20200616	None	Candidate Endangered	G2	S2			IUCN_EN
<i>Quercus dumosa</i>	Nuttall's scrub oak	150	3/5 mile	Presumed Extant	2002XXXX	2002XXXX	None	None	G3	S3	1B.1		BLM_S; IUCN_EN; SB_CRES; USFS_S
Southern California Steelhead Stream	Southern California Steelhead Stream	2	non-specific area	Presumed Extant	199005XX	199005XX	None	None	GNR	SNR			
<i>Calochortus palmeri var. palmeri</i>	Palmer's mariposa-lily	54	2/5 mile	Presumed Extant	XXXXXX	XXXXXX	None	None	G3T2	S2	1B.2		BLM_S; SB_CalBG/RSABG; SB_SBBG; USFS_S
<i>Danaus plexippus plexippus pop. 1</i>	monarch - California overwintering population	376	1/10 mile	Presumed Extant	202201XX	202201XX	Candidate	None	G4T1T2Q	S2			IUCN_EN; USFS_S
<i>Horkelia cuneata var. puberula</i>	mesa horkelia	104	1 mile	Presumed Extant	19290504	19290504	None	None	G4T1	S1	1B.1		SB_CalBG/RSABG; USFS_S
<i>Quercus dumosa</i>	Nuttall's scrub oak	190	specific area	Presumed Extant	20XXXXXX	20XXXXXX	None	None	G3	S3	1B.1		BLM_S; IUCN_EN; SB_CRES; USFS_S
<i>Lonicera subspicata var. subspicata</i>	Santa Barbara honeysuckle	19	80 meters	Presumed Extant	20071121	20071121	None	None	G5T2?	S2?	1B.2		SB_SBBG; USFS_S
<i>Anniella spp.</i>	California legless lizard	33	non-specific area	Presumed Extant	19800308	19800308	None	None	G3G4	S3S4		SSC	
<i>Danaus plexippus plexippus pop. 1</i>	monarch - California overwintering population	378	80 meters	Presumed Extant	202011XX	199812XX	Candidate	None	G4T1T2Q	S2			IUCN_EN; USFS_S
<i>Navarretia peninsularis</i>	Baja navarretia	37	1/5 mile	Presumed Extant	2002XXXX	2002XXXX	None	None	G3	S2	1B.2		SB_CalBG/RSABG; USFS_S
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	313	1 mile	Presumed Extant	19410830	19410830	None	None	G4	S2		SSC	BLM_S; IUCN_LC; USFS_S
<i>Rallus obsoletus levipes</i>	light-footed Ridgway's rail	4	specific area	Presumed Extant	2007XXXX	2002XXXX	Endangered	Endangered	G3T1T2	S1		FP	
<i>Eucyclogobius newberryi</i>	tidewater goby	73	specific area	Possibly Extirpated	1984XXXX	19230517	Endangered	None	G3	S3			AFS_EN; IUCN_NT
<i>Setophaga petechia</i>	yellow warbler	97	specific area	Presumed Extant	20150514	20150514	None	None	G5	S3		SSC	IUCN_LC
<i>Calochortus fimbriatus</i>	late-flowered mariposa-lily	59	specific area	Presumed Extant	20110803	20110803	None	None	G3	S3	1B.3		SB_SBBG; USFS_S

APPENDIX D

CALIFORNIA NATURAL DIVERSITY DATA BASE CALIFORNIA NATIVE SPECIES FIELD SURVEY FORMS

CNDDDB Online Field Survey Form Report



California Natural Diversity Database
Department of Fish and Wildlife
1416 9th Street, Suite 1266
Sacramento, CA 95814
Fax: 916.324.0475
cnddb@wildlife.ca.gov
www.dfg.ca.gov/biogeodata/cnddb/



Source code ING24F0001
Quad code 3411944
Occ. no. _____
EO index no. _____
Map index no. _____

This data has been reported to the CNDDDB, but may not have been evaluated by the CNDDDB staff

Scientific name: *Baccharis plummerae ssp. plummerae*

Common name: *Plummer's baccharis*

Date of field work (mm-dd-yyyy): 01-30-2024

Comment about field work date(s):

OBSERVER INFORMATION

Observer: *Matt Ingamells*

Affiliation: *Padre Associates*

Address: *8476 Eureka St , Ventura, CA 93004*

Email: *ingamellsmatt@gmail.com*

Phone: *(805) 701-0245*

Other observers:

DETERMINATION

Keyed in: *Jepson Manual*

Compared w/ specimen at:

Compared w/ image in:

By another person:

Other: *Familiar with species from other observations*

Identification explanation:

Identification confidence: *Very confident*

Species found: *Yes* If not found, why not?

Level of survey effort: *Vegetation mapping*

Total number of individuals: *about 50*

Collection? *No*

Collection number:

Museum/Herbarium:

PLANT INFORMATION

Phenology: *100 %*

vegetative

flowering

fruiting

SITE INFORMATION

Habitat description: *Giant wildrye grassland*

Slope: *30-50%*

Land owner/manager: *Bates Ranch*

Aspect: *North*

Site condition + population viability: *Fair*

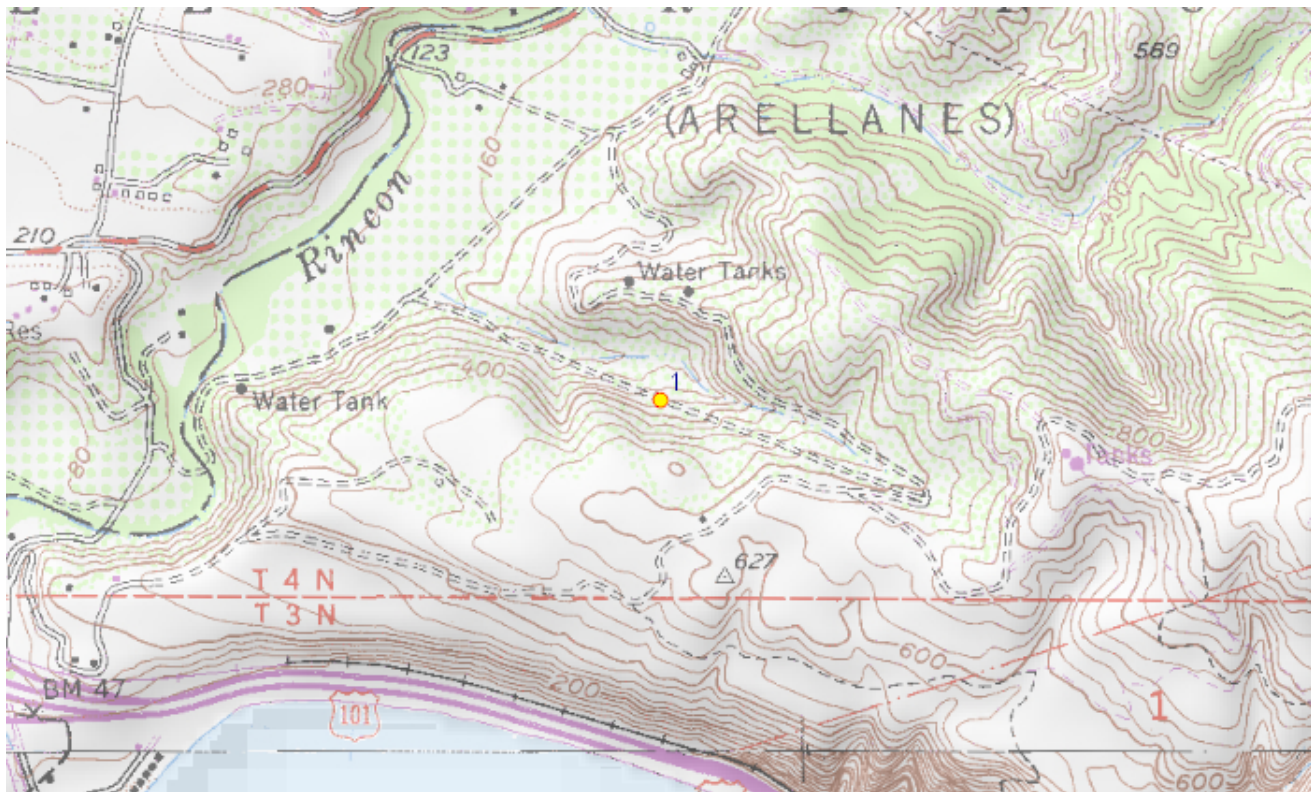
Immediate & surrounding land use: *Open space, orchards nearby*

Visible disturbances: *Giant wildrye appears to be crowding out Plummer's baccharis*

Threats: [Cape ivy infestation](#)

General comments:

MAP INFORMATION



ID	County	24K Quadrangle	Elev. (ft)	Latitude NAD83	Longitude NAD83	UTM E NAD83	UTM N NAD83	UTM Zone
	Ventura	White Ledge Peak	322	34.38166	-119.46257	273584	3807224	11
1	Public Land Survey	Feature Comment						
	S T04N R25W 35							

The mapped feature is accurate within: 5 m

Source of mapped feature: [GPS](#)

Mapping notes:

Location/directions comments:

Attachment(s): [IMG_6125.JPG](#), [Photo of Plummers baccharis](#)

CNDDDB Online Field Survey Form Report



California Natural Diversity Database
Department of Fish and Wildlife
1416 9th Street, Suite 1266
Sacramento, CA 95814
Fax: 916.324.0475
cnddb@wildlife.ca.gov
www.dfg.ca.gov/biogeodata/cnddb/



Source code ING24F0002
Quad code 3411944
Occ. no. _____
EO index no. _____
Map index no. _____

This data has been reported to the CNDDDB, but may not have been evaluated by the CNDDDB staff

Scientific name: *Polygala cornuta var. fishiae*

Common name: Fish's milkwort

Date of field work (mm-dd-yyyy): 01-18-2024

Comment about field work date(s):

OBSERVER INFORMATION

Observer: [Matt Ingamells](#)

Affiliation:

Address: 8476 Eureka St , Ventura, CA 93004

Email: ingamellsmatt@gmail.com

Phone: (805) 701-0245

Other observers:

DETERMINATION

Keyed in: [Jepson Manual](#)

Compared w/ specimen at:

Compared w/ image in:

By another person:

Other: [Familiar with species from other observations](#)

Identification explanation:

Identification confidence: [Very confident](#)

Species found: [Yes](#) If not found, why not?

Level of survey effort: [Vegetation mapping](#)

Total number of individuals: [1](#)

Collection?

Collection number:

Museum/Herbarium:

PLANT INFORMATION

Phenology: [100 %](#)

vegetative

flowering

fruiting

SITE INFORMATION

Habitat description: [Giant wildrye grassland](#)

Slope: [30-50%](#)

Land owner/manager: [Bates Ranch](#)

Aspect: [North](#)

Site condition + population viability: [Fair](#)

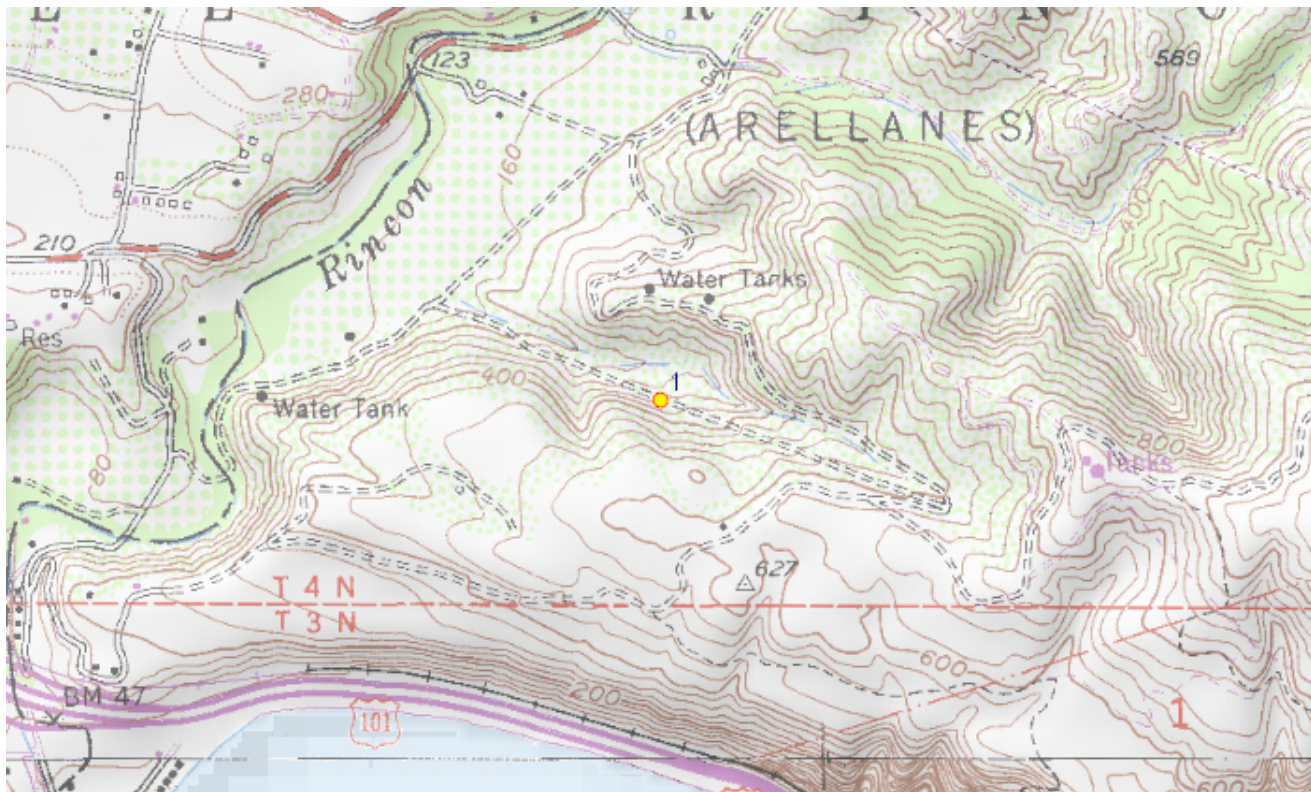
Immediate & surrounding land use: [Open space, orchards nearby](#)

Visible disturbances: [Giant wildrye crowding out Fish's milkwort](#)

Threats: [Cape ivy infestation](#)

General comments:

MAP INFORMATION



ID	County	24K Quadrangle	Elev. (ft)	Latitude NAD83	Longitude NAD83	UTM E NAD83	UTM N NAD83	UTM Zone
	Ventura	White Ledge Peak	314	34.38180	-119.46304	273541	3807240	11
1	Public Land Survey	Feature Comment						
	S T04N R25W 35							

The mapped feature is accurate within: 5 m

Source of mapped feature: [GPS](#)

Mapping notes:

Location/directions comments:

Attachment(s): [IMG_6101.JPG](#), [Photo of Fish's milkwort](#)



May 15, 2024
Project no. 2004-5201

Ventura County Resource Management Agency
Planning Division
800 South Victoria Avenue; L-1740
Ventura, CA 93009

Attention: Mr. John Oquendo, Senior Planner

**Subject: Bates Ranch Restoration Project: CPD Case no. PL22-0179
8310 Bates Road, APN 008-0-160-470**

Dear John:

This letter was prepared as a response to the Second Determination of Application Completeness dated April 10, 2024. The determination requested Combined Vegetation Rapid Assessment and Releve Field Forms for sensitive vegetation communities observed within the Coastal Initial Study Biological Assessment survey area. These forms are attached and include completed Forms for giant wild-rye grassland, lemonade berry scrub and arroyo willow thickets, which occur within the survey area and are considered ESHA as they are vulnerable to extirpation.

Your determination also required these Forms to be submitted to the California Department of Fish and Wildlife (CDFW), with proof they have been submitted. To date, I have not been successful in submitting the Forms to CDFW. On April 22, 2024, I contacted CDFW's Biogeographic Data Branch and requested information on submitting these Forms. As I did not receive a response, I contacted CDFW's Biogeographic Data Branch again on April 30. On April 30, CDFW's Biogeographic Data Branch forwarded my request to the VegCAMP section of CDFW, which manages vegetation data. As I did not get a response from the VegCAMP section, I inquired directly to VegCAMP on May 7, 2024 and have not received a response to date.

We have prepared and submitted the requested Forms to the Planning Division (see attached) and have made a good faith effort to submit the Forms to CDFW, and request you find the application complete.

Sincerely,

PADRE ASSOCIATES, INC.

A handwritten signature in black ink that reads "Matt Ingamells". The signature is written in a cursive style with a large, looping "M" and "I".

Matt Ingamells
Senior Biologist/Project Manager

Attachments: Combined Vegetation Rapid Assessment and Releve Field Forms
Emails demonstrating our effort to submit the Forms to CDFW

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised January 10, 2024)

For Office Use:	Final database #:	Final vegetation type:	Alliance: <u>Giant wild-rye grassland</u> Association:
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or <u>RA</u>
Database #:	Date: <u>4/23/24</u>	Name of recorder: <u>Ingamells</u>	□ □ □
	UID:	Other surveyors:	
		Location Name: <u>Bates Ranch</u>	
GPS name: _____		For Relevé only: Bearing°, left axis at ID point _____ of <u>Long</u> / Short side	
UTME _____	UTMN _____	Zone: <u>11</u> NAD83 GPS error: ft./m./PDOP _____	
Decimal degrees: LAT <u>34.38228</u>		LONG <u>119.46235</u>	
GPS within stand? Yes / No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____			
and record: Base point ID _____		Projected UTM: UTME _____ UTMN _____	
Camera Name:	Cardinal photos at ID point: <u>N, E, S, W (attached)</u>		
Other photos: _____			
Stand Size (acres): <1, <u>1-5</u> , >5	Plot Area (m²): <u>100</u>	Plot Dimensions _____ x _____ m	RA Radius <u>10</u> m
Exposure, Actual °: _____ NE NW SE SW Flat Variable		Steepness, Actual °: _____ 0° 1-5° >5-25° <u>>25</u>	
Topography: Macro: <u>top</u> upper mid lower bottom		Micro: convex flat <u>concave</u> undulating	
Geology code: <u>SHAL</u> Soil Texture code: <u>loam</u>		Upland or Wetland/Riparian (circle one) Landform _____	
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H2O: _____	BA Stems: <u>90</u>	Litter: <u>10</u>	Bedrock: _____ Boulder: _____ Stone: _____ Cobble: _____ Gravel: _____ Fines: =100%
% Current year bioturbation <u><</u>		Past bioturbation present? Yes / <u>No</u> % Hoof punch <u>0</u>	
Fire evidence: <u>Yes</u> / No (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments: <u>Thomas Fire burned site in December 2017, mostly recovered.</u>			
Disturbance code / Intensity (L,M,H): <u>L / 05</u> / _____ / _____ / _____ / _____ "Other" _____ / _____			
II. HABITAT DESCRIPTION			
Tree DBH : <u>T1</u> (<1" dbh), <u>T2</u> (1-6" dbh), <u>T3</u> (6-11" dbh), <u>T4</u> (11-24" dbh), <u>T5</u> (>24" dbh), <u>T6</u> multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: <u>S1</u> seedling (<3 yr. old), <u>S2</u> young (<1% dead), <u>S3</u> mature (1-25% dead), <u>S4</u> decadent (>25% dead)			
Herbaceous: <u>H1</u> (<12" plant ht.), <u>H2</u> (>12" ht.)			
Desert Riparian Tree/Shrub: <u>1</u> (<2ft. stem ht.), <u>2</u> (2-10ft. ht.), <u>3</u> (10-20ft. ht.), <u>4</u> (>20ft. ht.)			
Desert Palm/Joshua Tree: <u>1</u> (<1.5" base diameter), <u>2</u> (1.5-6" diam.), <u>3</u> (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>Giant wild-rye grassland</u>			
Field-assessed Association name (optional): _____			
Adjacent Alliances/direction: _____ / _____, _____ / _____			
Confidence in Alliance identification: L M <u>H</u> Explain: _____			
Phenology (E,P,L): Herb <u>50</u> Shrub <u>50</u> Tree _____ Other identification or mapping information: _____			



a. View to north of the stand (4/23/24)



b. View to the east of the stand (4/23/24)



c. View to the south of the stand (4/23/24)



d. View to the west of the stand (4/23/24)

GIANT WILD-RYE GRASSLAND STAND PHOTOGRAPHS

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised January 10, 2024)

For Office Use:	Final database #:	Final vegetation type:	Alliance: <u>Lemonade Berry Scrub</u> Association: <u>Rhus integrifolia - Artemisia californica</u>
-----------------	-------------------	------------------------	--

I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION circle: Relevé or **RA**

Database #:	Date: <u>4/23/24</u>	Name of recorder: <u>Ingamells</u>
		Other surveyors:
	UID:	Location Name: <u>Bates Ranch</u>

GPS name: _____ For Relevé only: Bearing°, left axis at ID point _____ of Long / Short side

UTME _____ UTMN _____ Zone: 11 NAD83 GPS error: ft./m./PDOP _____

Decimal degrees: LAT 34.38190 LONG 119.45894

GPS within stand? **Yes** No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____

and record: Base point ID _____ Projected UTM: UTME _____ UTMN _____

Camera Name: _____ Cardinal photos at ID point: N, E, S, W (attached)

Other photos: _____

Stand Size (acres): <1, 1-5, **>5** | Plot Area (m²): **100** | Plot Dimensions _____ x _____ m | RA Radius 10 m

Exposure, Actual °: _____ NE NW **SE** SW Flat Variable | Steepness, Actual °: _____ 0° 1-5° > 5-25° **> 25**

Topography: Macro: top **upper** mid lower bottom | Micro: convex **flat** concave undulating

Geology code: SHAL Soil Texture code: loam | **Upland** or Wetland/Riparian (circle one) | Landform _____

% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)

H₂O: BA Stems: 50 Litter: 40 Bedrock: _____ Boulder: _____ Stone: _____ Cobble: _____ Gravel: _____ Fines: =100%

% Current year bioturbation < 1 Past bioturbation present? Yes / **No** | % Hoof punch 0

Fire evidence: **Yes** / No (circle one) If yes, describe in Site history section, including date of fire, if known.

Site history, stand age, comments:

Thomas Fire burned area in December 2017
Most shrubs recovered

Disturbance code / Intensity (L,M,H): L / 05 / _____ / _____ / _____ / _____ "Other" _____ / _____

II. HABITAT DESCRIPTION

Tree DBH: **T1** (<1" dbh), **T2** (1-6" dbh), **T3** (6-11" dbh), **T4** (11-24" dbh), **T5** (>24" dbh), **T6** multi-layered (T3 or T4 layer under T5, >60% cover)

Shrub: **S1** seedling (<3 yr. old), **S2** young (<1% dead), **S3** mature (1-25% dead), **S4** decadent (>25% dead)

Herbaceous: **H1** (<12" plant ht.), **H2** (>12" ht.)

Desert Riparian Tree/Shrub: **1** (<2ft. stem ht.), **2** (2-10ft. ht.), **3** (10-20ft. ht.), **4** (>20ft. ht.)

Desert Palm/Joshua Tree: **1** (<1.5" base diameter), **2** (1.5-6" diam.), **3** (>6" diam.)

III. INTERPRETATION OF STAND

Field-assessed vegetation Alliance name: Lemonade Berry Scrub

Field-assessed Association name (optional): ~~Rhus integrifolia - Artemisia californica~~

Adjacent Alliances/direction: _____ / _____, _____ / _____

Confidence in Alliance identification: L M **H** Explain: _____

Phenology (E,P,L): Herb Shrub Tree Other identification or mapping information: _____



a. View to north of the stand (4/23/24)



b. View to the east of the stand (4/23/24)



c. View to the south of the stand (4/23/24)



d. View to the west of the stand (4/23/24)

LEMONADE BERRY SCRUB STAND PHOTOGRAPHS

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised January 10, 2024)

For Office Use:	Final database #:	Final vegetation type:	Alliance: <u>Arroyo willow Thicket</u> Association:
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or RA
Database #:	Date: <u>4/23/24</u>	Name of recorder: <u>Ingamells</u>	
	UID:	Other surveyors:	
		Location Name: <u>Bates Ranch</u>	
GPS name: _____		For Relevé only: Bearing°, left axis at ID point _____ of <u>Long</u> / <u>Short</u> side	
UTME _____		UTMN _____ Zone: 11 NAD83 GPS error: ft./ m./ PDOP _____	
Decimal degrees: LAT <u>34.38146</u>		LONG <u>119.46069</u>	
GPS within stand? Yes / No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____			
and record: Base point ID _____ Projected UTM: UTME _____ UTMN _____			
Camera Name: _____		Cardinal photos at ID point: _____	
Other photos: _____			
Stand Size (acres): <1, 1-5 , >5 Plot Area (m ²): 100 Plot Dimensions _____ x _____ m RA Radius <u>10</u> m			
Exposure, Actual °: _____ NE NW SE SW Flat Variable Steepness, Actual °: _____ 0° 1-5° >5-25° >25			
Topography: Macro: top upper mid lower bottom Micro: convex flat concave undulating			
Geology code: <u>MIAL</u> Soil Texture code: <u>clay loam</u> Upland or Wetland/Riparian (circle one) Landform _____			
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H ₂ O: BA Stems: 70 Litter: 30 Bedrock: Boulder: Stone: Cobble: Gravel: Fines: =100%			
% Current year bioturbation <u>71</u> Past bioturbation present? Yes / No % Hoof punch <u>0</u>			
Fire evidence: Yes No (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments: <u>Thomas Fire burned site in December 2017, some willows killed, most recovering</u>			
Disturbance code / Intensity (L,M,H): <u>L / 05</u> / _____ / _____ / _____ / _____ "Other" _____ / _____			
II. HABITAT DESCRIPTION			
Tree DBH : T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)			
Herbaceous: H1 (<12" plant ht.) H2 (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>Arroyo willow thickets</u>			
Field-assessed Association name (optional): _____			
Adjacent Alliances/direction: _____ / _____, _____ / _____			
Confidence in Alliance identification: L M H Explain: _____			
Phenology (E,P,L): Herb Shrub Tree Other identification or mapping information: _____			



a. View to north of the stand (4/23/24)



b. View to the east of the stand (4/23/24)



c. View to the south of the stand (4/23/24)



d. View to the west of the stand (4/23/24)

ARROYO WILLOW THICKETS STAND PHOTOGRAPHS

Matt Ingamells

From: Matt Ingamells
Sent: Tuesday, May 7, 2024 7:01 AM
To: vegcamp@wildlife.ca.gov
Subject: FW: Natural Communities data submittal

Dear Sir/Madam:

I understand you accept vegetation mapping data sets. My firm has been required to submit a Combined Vegetation Rapid Assessment and Releve Field Form for three on-site plant communities (S3 rarity) by the Ventura County Planning Division to CDFW as part of a biology study for a small solar project. I originally contacted the Biogeographic Data Branch, and they referred me to your group (see email below). Let me know if you will accept these data and the best way to submit.

Thanks

NOTE I AM OFF EVERY FRIDAY

Matt Ingamells
Senior Biologist/Project Manager
Padre Associates, Inc.
1861 Knoll Drive, Ventura, CA 93003
Tel. 805/644-2220 ext. 413
Cell 805/701-0245

The information contained in this message may be CONFIDENTIAL and is for the intended addressee only. Any unauthorized use, dissemination of the information, or copying of this message is prohibited. If you are not the intended addressee, please notify the sender immediately and delete this message. Thank you.

Please consider the environment before printing this email.

From: Wildlife BDB <BDB@wildlife.ca.gov>
Sent: Tuesday, April 30, 2024 9:48 AM
To: Matt Ingamells <mingamells@padreinc.com>
Subject: RE: Natural Communities data submittal

Hello Matt,

I forwarded your inquiry to VegCAMP. You should hear back from them soon. Here is their email address: vegcamp@wildlife.ca.gov (in case you need to contact them in the future)

Kind regards,

Kristine Spencer
BDB Information Services Coordinator
California Department of Fish and Wildlife
Biogeographic Data Branch
1700 9TH Street, 4th Floor
Sacramento, CA 95811

BDB Branch Line (916) 322-2493

Please note that I am currently working remotely Tuesday thru Thursday. If you would like to conduct business via phone, please send an email with a number you can be reached at and a preferred time.

Every Californian should conserve water. Find out how at:



SaveOurWater.com · Drought.CA.gov

This message and any attached documents contain information from the California Department of Fish and Wildlife CNDDDB that may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute, or use this information. If you have received the transmission in error, please notify the sender immediately by reply e-mail and delete this message.

From: Matt Ingamells <mingamells@padreinc.com>

Sent: Tuesday, April 30, 2024 9:22 AM

To: Wildlife BDB <BDB@wildlife.ca.gov>

Subject: Natural Communities data submittal

You don't often get email from mingamells@padreinc.com. [Learn why this is important](#)

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

CDFW Staff:

I plan to collect vegetation data using the Combined Vegetation Rapid Assessment and Releve Field Form for several natural communities. How do I submit these data?

Thanks

NOTE I AM OFF EVERY FRIDAY

Matt Ingamells
Senior Biologist/Project Manager
Padre Associates, Inc.
1861 Knoll Drive, Ventura, CA 93003
Tel. 805/644-2220 ext. 413
Cell 805/701-0245

The information contained in this message may be CONFIDENTIAL and is for the intended addressee only. Any unauthorized use, dissemination of the information, or copying of this message is prohibited. If you are not the intended addressee, please notify the sender immediately and delete this message. Thank you.

Please consider the environment before printing this email.

From: Matt Ingamells
Sent: Monday, April 22, 2024 1:04 PM
To: bdb@wildlife.ca.gov
Subject: Natural Communities data submittal

CDFW Staff:

I plan to collect vegetation data using the Combined Vegetation Rapid Assessment and Releve Field Form for several natural communities. How do I submit these data?

Thanks

NOTE I AM OFF EVERY FRIDAY

Matt Ingamells
Senior Biologist/Project Manager
Padre Associates, Inc.
1861 Knoll Drive, Ventura, CA 93003
Tel. 805/644-2220 ext. 413
Cell 805/701-0245

The information contained in this message may be CONFIDENTIAL and is for the intended addressee only. Any unauthorized use, dissemination of the information, or copying of this message is prohibited. If you are not the intended addressee, please notify the sender immediately and delete this message. Thank you.

Please consider the environment before printing this email.

EXHIBIT 4
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE FOR THE
COASTAL PLANNED DEVELOPMENT CASE NO PL22-0179

Pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., (CEQA)) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review.

California Public Resources Code section 21083.3, as implemented by CEQA Guidelines section 15183, provides an exemption from additional environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an environmental impact report (EIR) was certified, except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site. CEQA Guidelines section 15183(f) further specifies “the effect of the project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by a city or county with a finding that the development policies or standards will substantially mitigate the environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR.”

The following CEQA compliance analysis first addresses the applicability of the CEQA Guidelines section 15183 exemption to the project, then analyzes the project pursuant to the exemption, and concludes with the required exemption findings.

Coastal Act Compliance as Functional Equivalent of CEQA Compliance

In accordance with the requirements of CEQA and the CEQA Guidelines, on September 13, 2020, the Ventura County Board of Supervisors certified the EIR that was prepared to address the environmental impacts of implementation of the 2040 Ventura County General Plan. The 2040 General Plan is a set of goals and policies that guide the general distribution, location, and extent of the various land uses throughout unincorporated Ventura County. The General Plan includes Area Plans that specifically address growth and resource concerns within nine of the county’s identified communities. The Coastal Area Plan (CAP) addresses the County’s coastal resources within the County’s designated coastal zone. The goals, policies, and programs of an Area Plan are designed to supplement, not duplicate, the General Plan.

Land use development within the coastal zone is governed by the provisions of the General Plan and the Ventura County Local Coastal Program (LCP) which consists of the CAP, the Coastal Zoning Ordinance (CZO), and two adopted Categorical Exclusion Orders (Order E-83-1 and amendment E-83-1A). The County obtained authority to issue permits in the coastal zone based on the California Coastal Commission’s (Coastal Commission) 1982 certification of the County’s CAP and its 1983 certification of the CZO.

The County's LCP and all coastal development permits granted within the coastal zone are subject to the Coastal Act and its implementing regulations (Cal. Code of Regs., tit. 14, §§ 13000 et seq.).

CEQA, at section 21080.9 of the Public Resources Code, exempts local government from CEQA's environmental review process in connection with the local government's activities and approvals necessary for the preparation and adoption of an LCP. Instead, the Coastal Commission's LCP review and approval program under the Coastal Act is deemed to be functionally equivalent to CEQA's environmental review process. Thus, under Public Resources Code section 21080.5, no EIR is prepared for legislative actions involving the LCP because CEQA-equivalent environmental review is conducted pursuant to the Coastal Act and its implementing regulations. Pursuant to Section 21080.9 of the Public Resources Code (CEQA), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists.

Public Resources Code section 30514 states that a certified LCP and all local implementing ordinances, regulations, and other actions may be amended by the local government, but that no such amendment shall take effect until certified by the Coastal Commission. The Coastal Commission must certify proposed LCP amendments if, as set forth in Coastal Act sections 30512 through 30513, the amendments are in conformance with Coastal Act policies, the CZO amendments are adequate to carry out the provisions of the CAP, and the Coastal Commission makes the related findings for certification as set forth in the California Code of Regulations, title 14, section 13540. An amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment. (14 C.C.R. §§ 13540(f) and 13555(b).)

Environmentally sensitive habitat areas (ESHA) cover pockets of the geography in the North Coast of the county's coastal zone due to the geographic extent of coastal sage scrub and chaparral (CSS/chaparral) which are classified as ESHA¹ as well as other areas that include habitats which support rare individual species. The North Coast subarea of the Ventura County Coastal Area Plan includes areas that provide habitat for several unique, rare, or endangered plant and animal species. These areas are easily damaged by human activities. In recognition of the biological importance of the Coastal Zone and its habitat, the County has developed specialized policies, standards, and

¹ The Coastal Commission classified CSS/chaparral as ESHA in 2003 within its findings for the City of Malibu LCP, and Ventura County received a memo from John Dixon (the Commission's lead biologist) dated March 25, 2003 titled "Designation of ESHA in the Santa Monica Mountains". The Dixon memo is cited in the County's Initial Study Assessment Guidelines, adopted in 2010. In its LCP for the Santa Monica Mountains, L.A. County also classified this habitat as ESHA.

incentives to help preserve the unique and rare plant and animal species within these sensitive coastal areas.

On September 9, 2022, the Coastal Commission certified the ESHA amendments to the County's LCP. The certified ESHA amendments updated definitions, identified development standards, clarified compensatory mitigation requirements, and established permit approval findings for projects that could adversely impact ESHA in the coastal zone. Pursuant to Public Resources Code (PRC) sections 21002 and 21080.5(d)(2)(A), and California Code of Regulations (14 CCR S 1351 1), the Coastal Commission's certification of the Ventura County ESHA LCP amendments was based, in part, on a finding that no feasible alternatives or feasible mitigation measures are available which would substantially lessen any potentially significant adverse effects on the environment associated with the ESHA amendments. The Coastal Commission's certification of the ESHA amendments was found to conform with the Coastal Act and represents the most environmentally protective alternative for ESHA. Specifically, the Coastal Commission, in its staff report dated March 24, 2022, for Case No. LCP-4-VNT-21-0069-2, on pages 39 through 40, determined in its certification action:

“Section 21080.9 of the California Public Resources Code-within the California Environmental Quality Act (CEQA)-exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's local coastal program review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each local coastal program.”

“Nevertheless, the Commission is required, in approving a local coastal program submittal to find that the approval of the proposed local coastal program, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended local coastal program will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R §§ 13540(f) and 13555(b).”

“The County's LCP amendment consists of an LUP amendment and an IP amendment. As discussed above, the LUP amendment as originally submitted does not conform with and is not adequate to carry out Chapter 3 of the Coastal Act. The Commission has, therefore, suggested modifications to the proposed LUP to include all feasible measures to ensure that such significant environmental impacts of new development are minimized to the maximum extent feasible consistent with requirements of the Coastal Act. These modifications represent the Commission's analysis and thoughtful consideration of all significant environmental issues raised

in public comments received, including with regard to potential direct and cumulative impacts of the proposed LUP amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed amendment into conformity with the policies of the Coastal Act.”

“Further, the IP amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the LUP, as amended. The Commission has, therefore, suggested modifications to the proposed IP to include all feasible measures to ensure that such significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act. These modifications represent the Commission's analysis and thoughtful consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed IP amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed IP amendment into conformity with the LUP, as amended, consistent with the requirements of the Coastal Act.”

“Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.”

Project Analysis

The project aims to restore 38,332 square feet (0.88 acres) that was impacted by 7,000 cubic yards of unpermitted grading. The affected area is located within a restricted portion of the subject property, which is bound by a Declaration and Agreement to Restrict the Use of Property – Biological Restrictive Covenant (Document No. 20131204-00195542-0). This covenant was established as a part of the mitigation measures for Parcel Map Waiver/Large Lot Subdivision Case No. SD08-0045/LU10-0062 (Brown).

The Property Owner proposes to restore the area of unpermitted grading in accordance with the Coastal Initial Biological Assessment report, “Bates Ranch Agricultural Fill Restoration,” prepared by Padre Associates, Inc. in February 2024. The project involves regrading and revegetation activities within the disturbed area, as well as restoration efforts on other areas of the subject property.

To comply with the requirements of the Ventura County Local Coastal Program, the project includes the restoration of a 0.36-acre (15,681 square foot) area that was used as a vineyard that was subsequently abandoned. This offsite mitigation measure is designed to offset the temporal environmental impacts of the unpermitted grading.

The project site includes sensitive plant communities and vegetation cover types that are classified as ESHA that have been impacted as a result of the unpermitted grading. These include arroyo willow thickets (*Salix lasiolepis* Shrubland Alliance) and Giant wildrye grassland (*Leymus condensatus herbaceous* Alliance), which were identified in the Coastal Initial Study Biological Assessment (CISBA), prepared by Padre Associates, Inc. in February 2024 (Exhibit 3). Approximately, 0.35 acres of ESHA were removed without the benefit of a permit. A total of 1.24 acres of ESHA will be restored with the applicable mitigation ratios; consistent with CAP Policies 10.1 and 10.4 and CZO Section 8178-2.10.1(a) (2) and 8187-2.10.6.

Impacts to coastal sage scrub and other chaparral habitats are not unique to the subject property and the restoration proposed is similar to other coastal revegetation projects. The restoration of the disturbed area plus the restoration of abandoned vineyard is substantially mitigated by the imposition of uniformity applied development policies and standards identified in the Ventura County LCP and Ventura County 2040 General Plan EIR. Consequently, no additional environmental review is required.

The proposed project aligns with the purpose of the Open Space General Plan land use designation, which aims to protect and preserve the natural areas of the North Coast subarea as unique coastal resources. Furthermore, the implementation of the policies and development standards in the Ventura County LCP ensures that impacts to coastal resources are subject to specific protective measures, as discussed in Section C (Consistency with General Plan/Coastal Area Plan) and Section D, Zoning Ordinance Compliance) of the staff report.

Findings for Exemption from Additional Environmental Review pursuant to CEQA Guidelines § 15183

Pursuant to General Plan Conservation and Open Space Policy COS-1.1, when special-status species are identified during protocol-level surveys, mitigation measures should prioritize avoiding impacts, minimizing impacts, and compensating for impacts. The Coastal Area Plan Policy 2.1 requires a site specific environmental assessment, known as a Coastal Initial Study Biological Assessment (CISBA), to accurately identify ESHA and assess the impacts of proposed development on these areas.

The CISBA requirements are outlined in CZO Appendix E1 while CAP Policy 10.2 and CZO Sections 8178-2.10.1(a)(2) and 8178-2.10.3 provide guidelines for compensatory mitigation for impacts to ESHA. The LCP specifies a protocol to reduce impacts to less than significant levels through implementation of on-site and off-site restoration, preservation of ESHA, and an in-lieu fee.

Staff has determined that the proposed project (Coastal PD Case No. PL22-179) is consistent with Ventura County's General Plan and LCP, as outlined in Section C of the staff report. The CISBA analysis, prepared in accordance with CZO Appendix AE-1, follows the required protocol outlined in the certified Ventura County LCP. Furthermore,

the prescriptive ESHA policies and development standards assigned to the project as conditions of approval (Exhibit 7, Condition Nos. 23-26) exceed the standards and criteria set for biological resources in the County LCP (Exhibit 7, Conditions Nos. 23-26).

Therefore, based on the California Resources Code, small habitat restoration projects such as this one are exempt from additional environmental review under CEQA Guidelines Sections 15183 and 15333, as they comply with the LCP's prescriptive policies and development standards

Summary of Findings

In accordance with CEQA Guidelines section 15183, the project qualifies for an exemption based on the following findings:

1. The project is consistent with the development density established by existing zoning, community plan or general plan policies for which the County's LCP and General Plan Update EIR were certified.

Response: The project site is designated as Open Space in the General Plan and is zoned Coastal Agricultural (CA) with a maximum density of one dwelling unit per parcel and a minimum lot size of 40 acres. The property already contains a single-family dwelling, but the applicant is not proposing any new development for human occupancy with this request. Therefore the Ventura County density standards do not apply.

The proposed restoration project aligns with the underlying General Plan land use designation and zoning. Moreover, the project will bring the property into compliance with the County's LCP and General Plan Update EIR by addressing a code violation related to unauthorized development in the Coastal Zone and grading without a permit. By undertaking this restoration project, the applicant can obtain necessary permits and inspections for the violation area and restore the ESHA.

2. There are no project specific effects which are peculiar to the project or its site.

The project impacts were analyzed for consistency with the Ventura County LCP in Section C of the Planning Director Staff Report. Although the site is located in a sensitive area adjacent to the Santa Ynez Mountains and the Rincon Creek area, with vegetation communities that warrant protection, the proposed project aims to correct a documented grading violation and unauthorized removal of Environmentally Sensitive Habitat Area (ESHA).

The LCP has thoroughly addressed biological resources through its policies, including:

- ESHA policies (4.1.3-2.1.1 through 1.4)
- Environmental Review Policies (4.1.3-2.2.1 and 4.1.3-2.2.2)

- ESHA and Buffer Zone Determination and Delineation Policies (4.1.3-2.3.1 through 4.1.3-2.3.4)
- Allowable Uses in ESHA or Buffer Zone Policies (4.1.3-2.4.1 through 4.1.3-2.4.3)
- Siting and Design Techniques for Development Policies (4.1.3-2.5.1 through 4.1.3-2.5.20)
- Wet Environments and Wetlands Policies (4.1.3-2.6.10 through 4.1.3-2.6.19)
- Compensatory Mitigation Policies (4.1.3-2.10.1 through 4.1.3-2.10.7)

The applicable Coastal Zoning Ordinance (CZO) development standards that implement LCP policies have been applied uniformly to all properties with ESHA, including this project, as conditions of approval (Exhibit X, Condition Nos. 23 through 26). This ensures that the project is subject to the same environmental protections as other similar projects in the area. In summary, the project's impacts have been thoroughly analyzed and are consistent with the Ventura County LCP, ensuring that the proposed restoration project will correct existing environmental violations while protecting sensitive habitat areas.

3. There are not project specific impacts which the County's LCP and General Plan Update EIR failed to analyze as significant effects.

Response: The Rincon Creek area and its surroundings provide habitats for several unique, rare, or endangered plant and animal species. The updated LCP effectively captures wildland areas within the North Coast subarea through the revised definitions of ESHA. This approach is consistent with the designation of coastal sage scrub/chapparral and the areas of undeveloped native habitat in the Santa Monica Mountains as ESHA, recognizing their valuable roles in the ecosystem².

The County's General Plan Policy COS-1.9 and Coastal Area Plan (CAP) Policy 2.1(c) acknowledge the importance of this area and require consultation with natural resource agencies when development is proposed that may disturb ESHA. To minimize potential impacts to ESHA, General Plan Policy COS-1.1 establishes a hierarchy for site planning: avoid the resource, minimize potential impacts, or compensate for impacts through mitigation.

CAP Policy 4.2 and Coastal Zoning Ordinance (CZO) Section 8178-2.3(a)(1)(i) require that proposed projects be designed as the least environmentally damaging alternative. To achieve this, CAP Policy 2.1 and CZO Section 8178-2.3 mandate that applicants submit a Coastal Impact Statement and Biological Assessment (CISBA) that accurately identifies ESHA and assesses the impacts of proposed development on these areas.

² John Dixon Memorandum dated March 25, 2003.

The subject property is currently developed with agricultural uses and a single-family dwelling, and the proposed project involves restoring an area of unpermitted grading. Although the proposed restoration project does not impact ESHA, approximately 0.23 acres of ESHA were affected by the unpermitted grading that occurred without prior approval. To compensate for this impact, the project will involve restoring the unpermitted grading area, as well as an off-site area located downstream of the project site on the same property, and planting arroyo cuttings subject to review by the Planning Director.

As a condition of approval, the project has been required to restore 1.24 acres of ESHA (Exhibit 7, Condition No. 23). The restoration area will include other areas that were not found to contain ESHA at the time the violation was discovered. Since the project site and off-site mitigation occur within an area restricted under a Declaration and Agreement to Restrict the Use of Property – Biological Restrictive Covenant (Document No. 20131204-00195542-0), no additional deed restriction is required.

The proposed project will not conflict with the existing Biological Restrictive Covenant, which was dedicated as part of the mitigation implementation for Parcel Map Waiver/Large Lot Subdivision Case No. SD08-0045/LU10-0062 (Brown). In conclusion, the certified LCP has adequately analyzed all significant effects related to the project, and there are no project-specific impacts that were not considered.

4. There are no potentially significant off-site and/or cumulative impacts which the County's LCP and General Plan Update EIR failed to evaluate.

The County's Local Coastal Program (LCP) and General Plan Update Environmental Impact Report (EIR) have thoroughly evaluated potentially significant off-site and cumulative impacts. In accordance with California Code of Regulations, Title 14, Section 13552, the LCP amendments submitted to the Coastal Commission included an analysis of compliance with the Coastal Act and a review of potentially significant adverse cumulative impacts to coastal access.

As detailed in the cumulative impact analysis for the ESHA amendments to the LCP, County staff concluded that no feasible alternatives or additional mitigation measures exist that would substantially reduce significant adverse environmental impacts resulting from approval of the proposed LCP amendments. In fact, the ESHA-related amendments are expected to yield beneficial environmental outcomes compared to previous development standards.

To comply with CEQA, specifically Public Resources Code Sections 21002 and 21002, discretionary development must incorporate all feasible measures to mitigate significant impacts on biological resources. The Coastal Act requires protecting ESHA,

which entails providing proportional mitigation for direct, indirect, and cumulative impacts associated with development.

The County currently implements these requirements through mitigation measures. However, as discussed earlier, the certified development standards are no longer necessary as mitigation measures and can instead be assigned as conditions of approval, including compensatory mitigation for ESHA impacts. The proposed policies for compensatory mitigation are outlined in CAP ESHA Goal 10, which aims to safeguard ESHA and its ecosystems against significant disruption by mitigating unavoidable impacts on sensitive biological resources.

These policies are implemented through standards in Section 8178-2.10 of the Coastal Zoning Ordinance (CZO), as detailed in Exhibit 7 of this staff report. Therefore, there are no potentially significant off-site or cumulative impacts that the County's LCP and General Plan Update EIR failed to evaluate.

5. There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.

There is no substantial new information that would indicate more severe environmental impacts from the proposed project than those previously anticipated and analyzed in the General Plan Update EIR.

During the analysis for the project there was no new information that would suggest more severe impacts than those already considered and mitigated in the certified Local Coastal Program (LCP).

EXHIBIT 5 – ZONING ORDINANCE CONSISTENCY ANALYSIS FOR COASTAL PLANNED (PD) PERMIT CASE NO. PL22-0179

The proposed project is subject to the special use standards of the Ventura County CZO (Section 8175-5.17 et seq.). The following list includes all the applicable grading and brush removal standards, along with Planning Division staff's analysis of the proposed project's consistency with each of the standards.

1. **Ventura County CZO Section 8175-5.17.1:** Grading plans shall minimize all areas of earth disturbance. If it is determined that a project is feasible with less alteration of the natural terrain than is proposed, that project shall be denied.

Ventura County CZO Section 8175-5.17.2: *All earth disturbance shall be designed to minimize impacts and alterations of physical features and processes of the site (i.e., geological, soils, hydrological, siltation, water percolation, runoff, the spread of invasive or invasive watch list species and adverse impacts on biological resources), to the maximum extent feasible. During the winter rainy season (October 1 – April 15), grading and brush/vegetation removal is prohibited, except when such activities are conducted in accordance with best management practices, and the Planning Director, in consultation with the Public Works Agency, determines that one or more of the following circumstances apply:*

- a. *Grading or brush/vegetation removal is necessary to remediate or prevent hazardous geologic conditions that endanger public health and safety.*
- b. *A grading permit was issued, and grading was initiated prior to the rainy season, but was not completed due to unforeseen circumstances or construction delays, and completion of grading would be more protective of sensitive environmental resources or would reduce erosion and sedimentation.*
- c. *Identified, active bird nesting/roosting sites at the project site prevented grading or brush/vegetation removal during the prior non-rainy season (April 16 – Sept. 30).*
- d. *Minor grading or brush/vegetation removal is necessary to maintain safe public access on existing roads or trails in public parks managed by the California Department of Parks and Recreation.*

Ventura County CZO Section 8175-5.17.3: *For permitted grading or brush/vegetation removal operations on hillsides with slopes that exceed 20 percent gradient, the smallest practical area of land shall be exposed at any onetime during development, and the length of exposure shall be kept to the shortest practicable amount of time. All erosion control measures, per the approved permit, shall be installed prior to any on-site grading and brush/vegetation removal activities.*

The proposed project involves implementing a grading and drainage plan, along with a revegetation plan, as a corrective action to address issues related to 7,000 cubic yards (cu. yd.) of unpermitted grading. According to the Coastal Initial Study Biological Assessment (Exhibit 8) there are no feasible alternatives to the project. The project will minimize earthwork by confining the work to two areas identified in the project description with the 38,332 square foot (sq. ft.) (0.88 acres) area to be restored that was the subject of the violation and the off-site mitigation of 15,681 sq. ft. (0.36 acres). This represents the minimum area necessary for restoration, thereby minimizing impacts and alterations of natural features. Additionally, the applicant will implement Conditions of Approval aimed at reducing the project's impacts drainage, protecting watercourses from construction related effects, the avoiding nesting birds (Exhibits 7 – Conditions Nos. 20, 28 & 29). No new buildings are proposed as part of this action.

Based on the above analysis, the proposed project is consistent with Ventura County CZO Section 8175-5.17.1, 8175-5.17.2, and 8175-5.17.3.

2. **Ventura County CZO Section 8175-5.17.4:** *Sediment containment systems and erosion control methods (e.g., desilting basins or silt traps) shall be installed, per the approved grading permit, on the project site prior to or concurrent with the initial grading operations and maintained by the applicant through the development process to capture sediment from runoff waters. All captured sediment shall be retained on-site unless removed to an appropriate approved dumping location.*

Ventura County CZO Section 8175-5.17.5: *All stormwater protection measures shall be installed, per the approved grading permit, prior to any grading or brush/vegetation removal and prior to the winter rainy season (October 1 – April 15). All stormwater protection measures shall be maintained to function as designed throughout the winter rainy season. Where construction will extend into the winter rainy season, the following standards shall apply:*

- a. *Suitable stabilization methods shall be used to protect all areas of disturbance from erosion. The appropriate methods shall be prepared by a qualified storm water designer and approved by the Ventura County Public Works Agency.*
- b. *The smallest practical area of land shall be exposed at any one-time during development, and the length of exposure shall be kept to the shortest practicable amount of time.*
- c. *Stormwater quality protection measures for hillsides with slopes that exceed 20 percent gradient and for areas with ESHA or buffer zone shall be consistent with the standards required for "high risk sites".*

Ventura County CZO Section 8175-5.17.6: *All areas of disturbance shall be fully stabilized at the completion of rough grading. Within 90 days of rough grading, at*

least 60 percent of the disturbed areas shall be covered with native plantings, and all remaining areas shall be covered with mulch, rock lining, or similar materials to control erosion. Within ESHA or buffer zones, revegetation planting shall be of native grasses and shrubs, and completed in accordance with Sections 8178-2.7.4.2, 8178-7, and 8178-8. Outside ESHA or buffer zones, restoration planting shall be conducted in accordance with Section 8178-8.4.2.5.1.

The Planning Division has determined that the project, as conditioned, complies with the grading and erosion control requirements. Conditions of approval require the installation and maintenance of best management practices to prevent pollution from runoff during construction and address potential air quality impacts from dust (see Exhibit 7, Conditions of Approval Nos. 28 and 30). Additionally, Condition of Approval No. 24 ensures that within 90 days of the completing rough grading, at least 60 percent of the site will be covered with native plantings, thereby achieving the desired revegetation and permanent stabilization.

Based on the discussion above, the proposed project is consistent with Ventura County CZO Section 8175-5.17.4, 8175-5.17.5, and 8175-5.17.6.

- 3. Ventura County CZO Section 8175-5.17.7:** *Development shall be designed so that any difference (i.e., increase) in storm flow rate or amount must either be percolated into the ground onsite or released at the undeveloped flow rate from the site. Site discharge shall occur in a manner that avoids adverse impacts downstream (in velocity or duration) as follows:*
- a. Grading permit applications must include a hydrology and hydraulics report, prepared by a civil engineer, that includes a map showing the entire drainage area and the estimated runoff of the area.
 - b. The report shall examine several frequencies of storms consisting of 2-year, 10-year, 50-year, and 100-year events, and demonstrate that the proposed site drainage design will either retain or detain the difference between the pre-development storm flow rate and post-development storm flow rate for the storm events listed above.
 - c. The civil engineer preparing the hydrology and hydraulics report shall consider alternative, low-impact design methods to handle and improve stormwater quality runoff.

With respect to post-development storm flow rate management, the project involves the after-the-fact approval of 7,000 cu. yds. of fill material placed on the property. To address this, the applicant will be responsible for submitting of grading permits for the unauthorized work. The applicant is responsible for preparing grading plans that demonstrate compliance with applicable provisions of Ventura Building Code Appendix J, including surface drainage requirements Section J105.3.5, including ensuring that the difference in storm flow rate is percolated into the ground onsite or released at the undeveloped flow rate from the site.

The requirement for submitting grading permits is attached to this permit under Condition of Approval No. 27 (Exhibit 7). This requirement adequately addresses the intent of Ventura County CZO Section 8175-5.17.7, ensuring the development in EHSA does not negatively impact drainage.

Based on this analysis, the proposed project is consistent with Ventura County CZO Section 8175-5.17.7, which regulates storm flow rate management to prevent adverse impacts downstream.

4. **Ventura County CZO Section 8175-5.17.8:** *Degradation of the water quality of groundwater basins or wet environments shall not result from development of the site. Pollutants such as chemicals, fuels, lubricants, raw sewage, or other harmful waste shall not be discharged into or alongside coastal streams, wetlands or other wet environments either during or after construction.*

Ventura County CZO Section 8175-5.17.9: *The Ventura County Resource Conservation District and the State Department of Fish and Wildlife shall be consulted for grading of hillsides that exceed 20 percent gradient and brush clearance in excess of one-half acre. In all cases, best management practices shall be used.*

The project area contains wetlands, or terrestrial environments that are associated with the presence of water, either perennially or ephemerally. The project occurs within a California Department of Water Resources defined ground water basin known as the Carpinteria Basin (DWR Basin No. 3-018) and County-defined basin named North Coast Rincon Basin. The Coastal ISBA identifies approximately 0.05 acres of wetland within the perimeter of unpermitted grading.

To ensure compliance with these regulations, Planning Division staff initiated consultation with the California Department of Fish and Wildlife (CDFW) Staff to determine the sufficiency of conditions of approval for the project, including mitigation ratios. A consultation meeting took place on July 31, 2024, and the comments received during the consultation were addressed in a final communication to CDFW on September 19, 2024.

Additionally, staff contacted the Army Corp of Engineers and the Central Coast Regional Water Quality Control Board (California Region 3) but did not receive any separate requests from these agencies for consultation. The Ventura County Resource Conservation District will be notified of this hearing and no further consultation shall be required for this restoration project.

The project, as conditioned, will not result in the discharge of pollutants or the degradation of wetlands or groundwater basins. This will be achieved through the implementation of requirements related to the placement and maintenance of best

management practices for stormwater pollution control, the implementation of operation and maintenance of site conditions, vehicles, and equipment, and requirements related to site maintenance and revegetation (Exhibit 7, Condition of Approval Nos. 3, 23, 27, 28 and 30).

Based on the discussion above, the proposed project is consistent with Ventura County CZO Sections 8175-5.17.8 and 8175-5.17.9, which regulate water quality and wetland protection. The project will not result in the degradation of groundwater basins or wet environments, and will implement best management practices to prevent pollution and protect these sensitive areas.

Ventura County CZO Section 8175-5.17.10: *When an approved grading permit expires for a construction site, the permittee shall be responsible for the installation and maintenance of permitted, permanent erosion and sedimentation measures.*

To address a notice of noncompliance attached to the subject property, the applicant will submit grading permits for the unauthorized placement of 7,000 cu. yds. of fill material. Corrective grading is likely necessary to finish and stabilize the violation area in accordance with Ventura County Building Code Appendix J.

The applicant will prepare grading plans that demonstrate compliance with applicable provisions of Appendix J related to erosion control, including but not limited to section J111 which requires the installation and maintenance of permanent erosion and sedimentation measure to control erosion and prevent sedimentation (Appendix J Section J105.3.5). Final grading plans will be prepared for this action pursuant to Condition of Approval 27 (Exhibit 7).

Based on the discussion above, the proposed project is consistent with Ventura County CZO Section 8175-5.17.10,

5. Ventura County CZO Section 8178-2.6.1 – Least Environmentally Damaging Alternative *Any development allowed in ESHA or buffer zones, pursuant to Section 8178-2.5 shall constitute the least environmentally damaging alternative. The following findings shall be made regarding the development:*

- a. *The development consists of a feasible project design alternative that results in the least damage (i.e., direct/indirect/cumulative impacts) to ESHA, when compared to other feasible alternatives, and protects ESHA (both on and off-site) against significant disruption of habitat values;*
- b. *If the development is authorized to provide an economically beneficial use, the project shall, in addition to complying with Policies 4.2 and 4.3 of the Coastal Area Plan: (1) consist of a design alternative that avoids adverse impacts to ESHA (both on and off-site) to the maximum extent feasible; (2) include a building site that is consistent with the standards in Section 8178-2.6.2; and (3)*

minimize development outside the building site for access roads, fuel modification zone, and site grading.

The project, as designed, constitutes the least environmentally damaging alternative. Since, there are no buildings proposed with this action, and the project will result in the restoration of 1.24 acres for arroyo willow [*Salix lasiolepis* Shrubland Alliance], and giant wildrye grassland [*Leymus Wildrye* Herbaceous Alliance]. The supporting CISBA (Exhibit 3) determined that because the project is a restoration project there are no feasible alternatives to the proposed project and the project is comprised solely of the restoration of area impacted by unpermitted grading, therefore resulting in no adverse impacts to ESHA or ESHA Buffers. The subject property already possesses an authorized building pad as indicated in the Biological Restrictive Covenant encumbering the property (Exhibit 8, Item 3), and no modification to this residential building pad is proposed with this action. Accordingly, this project does not impact economically beneficial uses on site.

Based on the discussion above, the proposed project will comply with Ventura County CZO Section 8178-2.6.1, as it constitutes the least environmentally damaging alternative and meets the required findings. The project's restoration goals and lack of adverse impacts to ESHA or ESHA buffers ensure that it will have a positive environmental outcome.

EXHIBIT 6 - CONSISTENCY WITH THE GENERAL PLAN AND COASTAL AREA PLAN FOR COASTAL PLANNED DEVELOPMENT, CASE NO. PL22-0179

The Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.

Furthermore, the Ventura County CZO (Section 8181-3.5. a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County Coastal Area Plan.

The proposed project is a Coastal Planned Development Permit for the authorization of restoration of a 38,332 square foot area impacted by unpermitted grading.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs*, as well as the Coastal Area Plan *Goals and Policies*.

- 1. Ventura County General Plan Land Use Policy LU-16.1 Community Character and Quality of Life:** *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

LU-16.10 Visual Access for Rural Development: *The County shall encourage discretionary development in rural areas to maintain views of hillsides, beaches, forests, creeks, and other distinctive natural areas through building orientation, height, and bulk.*

General Plan Conservation and Open Space Policy COS-1.6 Discretionary Development on Hillsides and Slopes: *The County shall require discretionary development on hillsides and slopes, which have an average natural slope of 20 percent or greater in the area where the proposed development would occur, to be sited and designed in a manner that will minimize grading, alteration of natural land forms, and vegetation removal to avoid significant impacts to sensitive biological resources to the extent feasible.*

General Plan Conservation and Open Space Policy COS-3.6 Open Space Character: *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. Discretionary development should integrate design, construction, and*

maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.

California Coastal Act § 30251 Scenic and Visual Qualities: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Area Plan Policy 4.1.7.7: *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.*

Staff Analysis: The proposed project involves corrective grading to 0.88-acre area and restoration mitigation to address the loss of Environmentally Sensitive Habitat Area (ESHA) as identified in the Coastal Initial Biological Assessment (Exhibit 3, Padre Associates, Inc., dated February 2024). The total area covered by the restoration request is 1.24 acres. The grading will take place in a canyon area near an unnamed tributary to Rincon Creek, but does not include the construction of structures or modifying natural features that would impact visual resources.

The project area is characterized by large agricultural properties and single-family dwellings on large lots, with surrounding wildland areas. Staff has determined that the restoration project is consistent with the character of the surrounding Rincon area and aligns with the underlying Open Space land use designation and Coastal Agricultural Zone. The proposed restoration project is permissible in within the Coastal Agricultural Zone.

Although the project is located in an area with a 50% slope, the corrective grading project with a restoration plan conforms to the requirement for projects to minimize grading. As a restoration project, there are no feasible alternatives to the proposed project.

The project area is identified in the Exhibit 3 (Figure 2-5). According to Ventura County Geographic information, the project is located near an eligible State scenic highways. State Route 150\ to the north and the 101 Freeway to the south. However, based on an evaluation of the project site, it has been determined that the project will have no impact on scenic or visual resources from the shoreline and public recreational areas. This is because the project is a restoration effort that will restore the visual condition of the on-site restoration area and off-sites

through seed plating and arroyo cutting placement. The restoration areas are approximately 2,000 lineal feet from State Route 150 and views to the project site may be obscured by vegetation around the highway.

Regarding views to the ocean, the project site is not visible from the ocean nor is it located along any vantage point from a public road or trail to the shore or coastal waters. The site is in a small coastal canyon located at an elevation of 350 above mean sea level (ASL) which is not visible from the low terrace bluffs of the subject property near Highway 101. Additionally, the unnamed public trail which is located on the subject property, will not be impacted by the project due to the site's topography and the nature of the proposed work.

In conclusion, the grading and restoration associated with the proposed project will have no impacts upon views to the Ocean, either from sandy beach areas or from public recreation areas. Based on this analysis the proposed project is consistent with General Plan Policies LU-16.1, LU16.10, COS-1.6, COS-3.6, California Coastal Act Section 30251, and Coastal Area Plan 4.1.7.7.

2. **General Plan Conservation and Open Space Policy COS-4.4** *Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation: The County shall require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional and shall be designed to protect existing resources. Whenever possible, significant impacts shall be reduced to a less-than-significant level through the application of mitigation and/or extraction of maximum recoverable data. Priority shall be given to measures that avoid resources.*

Coastal Act Section 30244: *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Coastal Area Plan Archaeological Resource Policy 4.1.1.1: *Discretionary development shall be reviewed to identify potential locations for sensitive archaeological resources.*

Coastal Area Plan Archaeological Resource Policy 4.1.1.2: *New development shall be sited and designed to avoid adverse impacts to archaeological resources to the maximum extent feasible. If there is no feasible alternative that can eliminate all impacts to archaeological resources, then the alternative that would result in the fewest or least significant impacts to resources shall be selected. Impacts to archaeological resources that cannot be avoided through siting and design alternatives shall be mitigated. When impacts to archaeological resources cannot be avoided, mitigation shall be required and shall be designed in accordance with*

established federal, state and/or County standards and shall be consistent with the policies and provisions of the LCP.

Coastal Area Plan Archaeological Resource Policy 4.1.1.6: *Protect and preserve archaeological resources from destruction and avoid impacts to such resources where feasible.*

Coastal Area Plan Paleontology Policy 4.1.2.1: *Discretionary development shall be reviewed to determine the geologic unit(s) to be impacted and paleontological significance of the geologic rock units containing them.*

Coastal Area Plan Paleontology Policy 4.1.2.2: *New development shall be sited and designed to avoid adverse impacts to paleontological resources to the maximum extent feasible. If there is no feasible alternative that can eliminate all impacts to paleontological resources, then the alternative that would result in the fewest or least significant impacts to resources shall be selected. Impacts to paleontological resources that cannot be avoided through siting and design alternatives shall be mitigated. When impacts to paleontological resources cannot be avoided, mitigation shall be required that includes procedures for monitoring grading and handling fossil discoveries that may occur during development.*

Coastal Area Plan Paleontology Policy 4.1.2.3: *Protect and preserve paleontological resources from destruction and avoid impacts to such resources where feasible.*

Staff Analysis: The proposed project is located within an area of unknown archaeological sensitivity. To address this the Planning Division contacted the South Central Coastal Information Center for a review of relevant historic records and solicit recommendations for a cultural resources report. Although the center unable to determine the site's specific sensitivity, they recommended that the site be monitored by a professional archaeologist.

In accordance with Public Resources Code Section 21080.3.1 et seq, notifications requesting consultation were sent to five local Native American tribes. The Santa Ynez Band of Chumash Indians responded and worked with Planning staff to address potential conditions of approval related to archaeological resources and cultural resources including Condition of Approval Nos. 19 and 26 (Exhibit 7).

Condition No. 19 requires the applicant to protect any archaeological resources or human remains uncovered during ground disturbing activities. Instead of requiring archaeological monitoring, the applicant will provide worker environmental awareness training with the Santa Ynez Band of Chumash Indians. where the contractor, owner and construction personnel engage in pre-grading training related to the identification and protection of tribal cultural resources with tribal representatives.

Given the project's limited scope and the nature of the restoration project, it is unlikely to impact archaeological or cultural resources. The majority of the grading will occur in previously disturbed areas, and the corrective grading of 0.88 acres and offsite mitigation area of 0.36 acres will have minimal effects. The proposed conditions of approval adequately address any accidental discovery of archaeological resources which may occur, though no impact is anticipated based on the limited scope of the project.

The project area contains alluvial deposits formation from the Pleistocene geologic age (Qoa) and Monterrey formation from the Miocene geologic age (Tmy). According to CZO Section 8178-3.2, Qoa soils have no paleontological importance, while Tmy soils have moderate paleontological importance.

Although, the project does not involve extensive grading or the construction of structures, corrective grading will still cause ground disturbance. Given the limited scope of the project and its ameliorative nature (correcting the unpermitted placement of imported soils within the project site), the Planning Division has determined that the applicant should be subject to the standard accidental discovery condition of approval (Condition No. 18, Exhibit 7). This requires work halt in the event of accidental discovery of paleontological resources and the permittee and contractors must report any findings to the Planning Director and retain a qualified professional to assess and preserve the discovery. The proposed condition of approval adequately potential paleontological resource discovery.

Based on the discussion above, the proposed project is consistent with General Plan Policies COS-4.4, Coastal Act Section 30244, Coastal Area Plan Policies 4.1.1.1, 4.1.1.2, 4.1.1.6, 4.1.2.1, 4.1.2.2 and 4.1.2.3.

- 3. General Plan Conservation and Open Space Policy COS-1.1, Protection of Sensitive Biological Resources:** *The County shall ensure that discretionary development that could potentially impact sensitive biological resources be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures that fully account for the impacted resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and compensate for impacts. If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.*

General Plan Conservation and Open Space Policy COS-1.4, Consideration of Impacts to Wildlife Movement: *When considering proposed discretionary development, County decision-makers shall consider the development's potential project-specific and cumulative impacts on the movement of wildlife at a range of spatial scales including local scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles).*

General Plan Conservation and Open Space Policy COS-1.9, Agency Consultation Regarding Biological Resources: *The County shall consult with the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Fish and Wildlife Service, National Audubon Society, California Native Plant Society, National Park Service for development in the Santa Monica Mountains or Oak Park Area, and other resource management agencies, as applicable during the review of discretionary development applications to ensure that impacts to biological resources, including rare, threatened, or endangered species, are avoided or minimized.*

General Plan Policy Land Use Policy LU-19.4 Consultation with State and Federal Agencies: *The County shall continue to consult with applicable state and federal regulatory agencies during project review and permitting activities.*

Coastal Act Section 30231: *"The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference of ground water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams."*

Coastal Act Section 30233: *Diking, filling or dredging; continued movement of sediment and nutrients*

(a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

(1) *New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*

(2) *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*

(3) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

(4) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

- (5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (6) *Restoration purposes.*
- (7) *Nature study, aquaculture, or similar resource dependent activities.*
- (b) *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.*
- (c) *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division. For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.*
- (d) *Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

Section 30236 Water supply and flood control: Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) 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 (3) developments where the primary function is the improvement of fish and wildlife habitat.

Coastal Act Section 30240:

- a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

- b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.*

Section 30253 Minimization of adverse impacts: New development shall do all of the following:

- a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- d) Minimize energy consumption and vehicle miles traveled.
- e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30607.1 Wetlands dike and fill development; mitigation measures:

Where any dike and fill development is permitted in wetlands in conformity with Section 30233 or other applicable policies set forth in this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or the replacement site shall be purchased before the dike or fill development may proceed. The mitigation measures shall not be required for temporary or short-term fill or diking if a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

Coastal Area Plan Policy 4.1.3-2.1.1, 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 those cases, adverse impacts on ESHA shall be avoided, to the maximum extent feasible, and unavoidable impacts shall be minimized and mitigated.*

Coastal Area Plan Policy 4.1.3-2.1.2, 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.*

Coastal Area Plan Policy 4.1.3-2.1.3, 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.*

Coastal Area Plan Policy 4.1.3-2.1.4, Applicability of ESHA Policies: *The provisions of this section apply to all coastal development permit application with the potential to result in adverse impacts to an ESHA or buffer zone as follows:*

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

Coastal Area Plan Policy 4.1.3-2.2.1, Environmental Review: *Within the coastal zone, the environmental review process for proposed development shall be conducted as follows:*

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

Mountains (M) overlay zone, new coastal development permit applications shall be provided to federal/state natural resource agencies and conservation organizations that operate in the area for review and comment.

Coastal Area Plan Policy 4.1.3-2.3.1, ESHA Determinations: *ESHA shall be defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Habitat categories that qualify as ESHA are set forth in Section 8178-2.4.1 of the Coastal Zoning Ordinance. Habitat areas that previously met the definition of ESHA shall continue to be defined as ESHA under any of the following circumstances: (a) ESHA is retained within an expanded fuel modification zone in accordance with an ESHA Vegetation Management Plan; (b) the ESHA supports a critical life stage for a special status species (e.g., nesting, denning, breeding or roosting sites); (c) the ESHA was illegally removed or degraded; or (d) the ESHA was damaged or destroyed by natural disaster except when the County finds that the ESHA was permanently destroyed, in accordance with Sec. 8178-2.4.2 of the Coastal Zoning Ordinance.*

Coastal Area Plan Policy 4.1.3-2.3.2, Site-Specific ESHA Maps: *Site-specific ESHA maps shall be used to accurately identify and map the impacts of proposed new development on ESHA. To accurately identify and assess such impacts, each coastal development permit application that has the potential to result in adverse impacts to ESHA shall include a site-specific map that delineates the location of all ESHA and buffer zones. Site-specific ESHA maps shall be based on site-specific biological surveys and maps. All areas that meet the definition of ESHA shall be mapped as ESHA, and the extent of ESHA on site-specific biological resource maps shall be based on ESHA determinations made in accordance with ESHA Policy 3.1 [Definition of ESHA].*

Coastal Area Plan Policy 4.1.3-2.3.3, Adopted ESHA Maps: *The general location of the ESHA within the coastal zone is depicted on Figures 4.1.3-1 through 4.1.3-3 as follows:*

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

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

Coastal Area Plan Policy 4.1.3-2.4.1: *Allowable uses in ESHA or buffer zone shall be limited to the resource-dependent and non-resource-dependent uses identified below. When a new use is allowed in ESHA or buffer zone, the associated development shall be the minimum amount necessary, shall constitute the least environmentally damaging alternative, and shall be sited and designed in accordance with the policies and provisions of the LCP:*

- a. *Resource-Dependent Use: Only resource dependent uses may be allowed within ESHA or buffer zones. Resource-dependent uses include passive recreation, nature study, and habitat restoration. Also, see the list of resource dependent uses set forth in Section 8178-2.5 of the Coastal Zoning Ordinance. Exceptions to this policy are provided by ESHA Policies 4.1(b), 4.2, and 4.3 below.*
- b. *Non-Resource-Dependent Use: A non-resource dependent use may only be allowed in ESHA or buffer zone when necessary for a new wireless communication facility mandated by federal law¹⁹ or a new public works facility is necessary to protect public health/safety or provide essential public services for legally permitted development. Existing public works facilities may be maintained and repaired in accordance with Coastal Zoning Ordinance provisions in Sec. 8174-6.3.2 – Statutory Exemptions and Categorical Exclusions. Also, see ESHA Policy 5.6 (fuel modification zones), Policy 6.3 (sand removal on a beach); Policy 6.8 (shoreline protection structures), Policy 6.12 (water supply and flood control projects), and Policy 8.1(c) (vector control).*

Coastal Area Plan Policy 4.1.3-2.4.3: *Additional findings are required to approve a coastal development permit to avoid a constitutional taking of property pursuant to Policy 4.2. A coastal development permit that allows a deviation from a policy or standard of the LCP regarding ESHA or a buffer zone to provide an economically beneficial use of the applicant’s property as a whole may be approved or conditionally approved only if the County makes the following permit findings:*

- a. *Based on detailed economic, ownership, and land use information provided by the applicant, as well as any other relevant evidence, each project development allowed by the LCP policies and/or standards would not provide an economically beneficial use of the applicant’s property as a whole;*
- b. *Application of the LCP policies and/or standards would unreasonably interfere with the applicant’s reasonable investment-backed expectations;*
- c. *The proposed development is a new residential use on a “buildable lot” meeting the standards set forth in the CZO, or other principally permitted use within the zone;*
- d. *The use and project design, siting, and size are the minimum necessary to avoid an unconstitutional taking of property without just compensation;*

- e. *The project is the least environmentally damaging feasible alternative and is consistent with all provisions of the certified LCP other than the provision(s) for which the deviation is requested; and*
- f. *The development will not constitute a public nuisance or violate other background principles of property law such as the public trust doctrine.*

Coastal Area Plan Policy 4.1.3-2.5.1, Least Environmentally Damaging Alternative: *Development, including the fuel modification zone, shall be sited and designed to protect ESHA against any significant disruption of habitat values and avoid adverse impacts to the ESHA ecosystem (both on-site and off-site). Where development is permitted in ESHA or buffer zone pursuant to ESHA policies 4.2 and 4.3 – Economically Beneficial Use, such development shall be sited and designed to protect ESHA and avoid adverse impacts to the ESHA ecosystem to the maximum extent feasible. If there is no feasible alternative that avoids all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Mitigation shall not be used as a substitute for the selection of the least damaging site-design alternative. During the least damaging alternatives analysis, an applicant shall confirm the width of the proposed fuel modification zone with the Ventura County Fire Protection District. A least damaging alternatives analysis shall include evaluation of the proposed fuel modification zone and maximum allowable expanded zone. A least damaging alternatives analysis is not required for a project that is limited to expanding upon an existing fuel modification zone for existing, legally established development.*

Coastal Area Plan Policy 4.1.3-2.5.9, Alteration of Land Forms: *Development shall be sited and designed in a manner that will minimize grading, alteration of natural land forms, and brush/vegetation removal to avoid adverse effects on the ecological function of (and water quality within) wet environments, wetlands, coastal waters, and other ESHA.*

Coastal Area Plan Policy 4.1.3-2.5.10 Water Quality and Coastal Waters: *Development shall be sited and designed to protect water quality and minimize impacts to wetlands, wet environments, and coastal waters. When appropriate, utilize open space restrictions to protect such areas from adverse impacts associated with the development.*

Coastal Area Plan Policy 4.1.3-2.5.12 Invasive Plants: *To reduce the spread of invasive or invasive watch list plant or animal species, landscaping shall primarily consist of native, drought-tolerant vegetation and be designed in accordance with best management practices developed for reducing the spread of such species. (Also, see Section 4.1.6 - Water Efficient Landscaping, Policies 8 and 10; and Section 4.1.4 – Tree Protection, Non-Native Invasive or Invasive Watch Species Trees, Policies 9 and 10.)*

Coastal Area Plan Policy 4.1.3-2.5.17, Habitat Preservation Priority: *When locating development, the preservation of unfragmented or biologically significant patches of habitat shall be prioritized over fragmented areas of habitat.*

Coastal Area Plan Policy 4.1.3-2.6.10: *All development on land adjacent to or within a wetland or wet environment, or within 500 feet of such environments, shall be sited and designed to maintain water quality and prevent degradation of the ecosystem function. The purposes of such development projects shall be limited to those set forth in Section 30233(a) and 30236 of the Coastal Act. Discretionary development that would adversely impact a wetland habitat shall be prohibited unless there is no feasible less environmentally damaging alternative and if feasible mitigation measures are provided to minimize adverse environmental effects.*

Coastal Area Plan Policy 4.1.3.2.6.11: *The diking, filling or dredging of wetlands, estuaries, lakes, and open coastal waters may only be permitted in accordance with Coastal Act Policy 30233 (see Chapter 2, Section 2.2 – Environmentally Sensitive Habitats). Such actions may only occur when there is no feasible, less environmentally damaging alternative and where feasible mitigation measures are provided that minimize adverse environmental effects.*

Coastal Area Plan Policy 4.1.3-2.6.12: *The channelization or other substantial alteration of a river or stream shall be prohibited, except for the following:*

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

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

Coastal Area Plan Policy 4.1.3-2.6.14: *Coastal wetlands at the Santa Clara River mouth, McGrath Lake, Ormond Beach, and other locations shall be protected and, where feasible, restored. Restoration projects shall take into account projected sea level rise to allow for the migration of wetlands to the extent feasible. Passive*

recreational uses adjacent to such areas shall be sited and designed to avoid adverse impacts on biological and coastal resources

Coastal Area Plan Policy 4.1.3-2.6.17: *The removal or alteration of tree communities that constitute ESHA is prohibited, and development, including roads or driveways, shall be sited and designed to avoid damage to such tree communities.*

Coastal Area Plan Policy 4.1.3-2.6.18: *Grassland restoration plans shall include measures that protect, enhance, and, where possible, expand or restore native grassland communities and savannahs.*

Coastal Area Plan Policy 4.1.3-2.6.19: *Development shall be sited and designed to support biodiversity and to protect and enhance wildlife and plant habitat connectivity corridors as follows:*

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

Coastal Area Plan Policy 4.1.3-2.7.2: *During bird breeding seasons, nesting and roosting areas shall be protected from disturbance associated with development or outdoor festivals/outdoor sporting events. Also, during bird migration seasons, such disturbance shall be avoided within bird staging/stopover sites.*

Coastal Area Plan Policy 4.1.3-2.10.1: *When development is allowed within ESHA or buffer zone, and adverse impacts to the ESHA ecosystem cannot be avoided through the selection of a least environmentally damaging alternative (see ESHA Policy 5.1), compensatory mitigation is required as follows:*

- a. Mitigation requirements shall account for, and provide proportionate in-kind mitigation for, all adverse impacts to ESHA associated with the proposed development;*
- b. Acceptable types of compensatory mitigation are as follows:*
 - 1. On-site restoration, establishment or enhancement; or*
 - 2. Off-site preservation, restoration, establishment or enhancement of ESHA;*
or

3. *Specific types of on/off-site mitigation required for wetlands, wet environments, or other specialized habitats regulated by federal or state natural resource agencies; and*
- c. *Compensatory mitigation required for adverse impacts to coastal sage scrub and chaparral may be implemented on or off-site. Priority shall be given to onsite mitigation for adverse impacts to wet environments and oak/native woodland habitats unless off-site restoration, establishment, or enhancement is provided through an available federal/state mitigation bank or in-lieu fee program. For all other types of ESHA, preference shall be given to on-site mitigation unless the County determines that off-site mitigation is more protective of the ESHA ecosystem impacted by the project or the off-site mitigation property was prioritized for conservation through a County approved regional conservation plan. In all cases, off-site mitigation may be provided when it is not feasible to fully mitigate impacts on-site due to an insufficient supply of available, suitable areas for on-site restoration, enhancement, or establishment of ESHA.*

Coastal Area Plan Policy 4.1.3-2.10.2: *When ESHA is illegally removed or degraded, the impacted area shall be fully restored on-site and compensatory mitigation shall be required, except as follows:*

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

Coastal Area Plan Policy 4.1.3-2.10.3: *Mitigation measures for impacts to ESHA shall be imposed and implemented that ensure all components of the ESHA ecosystem are protected and mitigated and that increase the potential for the success and long-term sustainability of the ESHA. Also, compensatory mitigation sites shall exhibit characteristics such as habitat connectivity, proximity to the impacted ESHA ecosystem, and the potential to achieve ecologically functioning ESHA.*

Coastal Area Plan Policy 4.1.3-2.10.4: *Mitigation ratios required for compensatory mitigation shall account for the type of habitat impacted; temporal loss of ecosystem function 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.*

Coastal Area Plan Policy 4.1.3-2.10.6: *Where any dike or fill development is permitted in wetlands (see Policy 6.10), additional mitigation measures shall, at a*

minimum, include the acquisition of equivalent areas of equal or greater biological productivity or other reasonable measures required by the County to carry out the provisions of Sections 30607.1, 30233, subdivisions b., c., and d., and 30253, subdivision b., of the Coastal Act.

Coastal Area Plan Policy 4.1.3-2.10.7: *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.*

Staff Analysis: The project site is located within the North Coast subarea of Ventura County, within the Coastal Zone. The project site is subject a violation of the Local Coastal Program requirements due to the unpermitted placement of approximately 7,000 cubic yards of fill material within an unnamed tributary to Rincon Creek (Notice of Grading Noncompliance 202111027001655410). The unpermitted fill and grading occurred between 2017 and 2019 within a Biological Restrictive Covenant (Exhibit 8),

This request seeks an after-the-fact authorization of the grading, coupled with the implementation of a restoration plan that will result in revegetation of the affected area. The proposed Coastal Planned Development Permit will ultimately authorize permitting and inspection by the Ventura County Public Works Agency, subject to Conditions of Approval issued for the project (Exhibit 7). It is worth noting that other parts of the property are presently used for residential, agricultural, and open space purposes, with the project site occupying a small fraction of the overall property.

The subject property is located along a coastal slope, with coastal bluff occurring to the southwest, outside of the project site. Mapped Environmentally Sensitive Habitat Area (ESHA¹) within the North Coast Subarea of the LCP is limited to existing rocky tidepools on the east side of Rincon Point and Punta Gorda (Coastal Area Plan Figure 4.1.3-1) located 0.9 miles and 2.17 miles to the southwest respectively. The project site is located 1.1 miles northeast of Rincon point and 0.6 miles east of Rincon Creek. The project site is comprised of large open space area encompassing the coastal terrace and foothills, extending to the Santa Ynez Mountains and the Los Padres National Forest to the north. The ephemeral tributary where the project occurs is 0.8 miles long and originates approximately

¹ As defined by Article 2 of the Ventura County Coastal Zoning Ordinance (CZO) - Environmentally Sensitive Habitat Area (ESHA) is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development.

125 feet upstream from the project site. According to the applicant, historical drainage occurs to the ephemeral drainage from the nearby orchard via a culvert. The project site slopes up from Rincon Creek to terraced agricultural orchards located south of the project site.

In accordance with the policy requirements and regulations related to project specific site assessments for biological resources in the Ventura County Local Coastal Program (LCP), the project is the subject of a Coastal Initial Study Biological Assessment (CISBA), dated February 2024 prepared by Padre Associates, Inc. (Exhibit 3), which assesses impacts of the proposed restoration project upon the environment.

The surveyed area (Exhibit 3 - Figure 1) was classified by the consulting biologist into 11 vegetation communities/cover types with 5 identified as native plant communities (arroyo willow thickets, giant wildrye grassland, lemonade berry scrub, toyon chaparral and purple sage scrub), 45 native species vascular plants were observed, and various animal and insect species were observed including treefrog, western fence lizard, big-eared woodrat, and pocket gopher. The project site contains the following vegetation types which are classified as ESHA: arroyo willow thickets (*Salix lasiolepis* Shrubland Alliance) (AW, Rarity Ranking S4/G4), Giant wildrye grassland (*Leymus condensatus* herbaceous Alliance) (GG – Rarity Ranking S3, vulnerable). Approximately, 0.35 acres of ESHA were removed without the benefit of a permit. Additionally, native trees found in the project site include coast live oak, arroyo willow and blue elderberry; only Tree No. 15, an Arroyo willow with a 5-inch trunk diameter, is documented within the project site.

The consulting biologist determined that the project site is not located within a designated critical wildlife passage area or regional habitat linkage (migrations corridors that contain contiguous strips of native vegetation between source and receiver areas). The unnamed ephemeral drainage supports dense willow thickets but does not provide cover or a topographic connection to open space areas, and does not appear to focus wildlife movement. As a restoration project, the proposed development will have no impact upon wildlife movement as the project proposes no reduction in open space or wildland areas, and proposes no development of buildings as part of this request that would restrict wildlife movement.

The project area contains wetlands, or terrestrial environments that area associated with the presence of water, either perennially or ephemerally. The Coastal ISBA identifies approximately 0.05 acres which occur within the perimeter of unpermitted grading. In accordance with the requirements of the Ventura County General Plan, Planning Division staff-initiated consultation with the California Department of Fish and Wildlife Staff to determine the sufficiency of conditions of approval to be implemented for the project including the requirements for permits and mitigation ratios. A consultation meeting took place on July 31, 2024, and the comments received during the consultation were addressed in a final

communication to CDFW delivered via email on September 19, 2024. Additionally, staff contacted Army Corp of Engineers and the Central Coast Regional Water Quality Control Board (California Region 3) and did not receive any separate requests from these agencies for consultation.

The Ventura County Local Coastal Program defines the requirements for impacts to ESHA, including the ratios defined for compensatory mitigation. Mitigation is required for all adverse direct and indirect impacts to ESHA. The project, which consists of corrective grading and revegetation of the two areas d, has been categorized as a project with unpermitted impacts under CZO Section 8178-2.10.1 (2). Under this this classification, the requested action is subject to the requirement that all impacted area be restored on-site, less an approved development envelope² (selected as the least damaging environmental alternative). In this case, no buildings are proposed with this action and the entirety of the development envelope authorized with this request will be restored.

The CZO also sets the requirements for mitigation ratios under CZO Section 8178-2.10.6. The breakdown of the resultant mitigation ratios applied to the project are discussed below, however, the impacts associated with the violation exceed the area of the on-site restoration. Accordingly, off-site restoration will be required to address the full scope of impacts. The off-site area is located outside of the area of disturbance of the violation but located on the same parcel, just 500 feet west and downstream of the violation area. The CZO also sets parameters for compensatory mitigation that include requirements for type/in kind habitat restoration, the preservation of the compensatory areas mitigation in perpetuity, and requirements related to other types of impacts requiring compensation (temporal versus permanent, losses to the services provided by the ecosystem function). The applicant has selected restoration as the type of compensatory mitigation, which entails restoration of existing, degraded ESHA to its historic natural state.

Based on the analysis in the Coastal ISBA (Exhibit 3), the project related impacts include the temporal loss of 0.22 acres of vegetation ESHA (0.18 acres of arroyo willow thickets and 0.04 acres of giant wildrye grassland) and 0.01 acres of California Rare Plan Rank 4 habitat ESHA, and impacts to 0.13 acres of coastal wetland ESHA. The mitigation ratios established for the project are as follows:

Impact Type	Impact Area	Ratio	Mitigation Area
Vegetation ESHA	0.18 acres	3:1	0.54 acres

² Article 2 of the CZO is defined as “The full extent of allowable development on a legal lot. In addition to structures or other development within a building site, the development envelope may include, but is not limited to, driveway or road, fire department turnarounds, fuel modification zone, water tanks (firefighting), entry gate/fences, utility trenches and other site grading, septic systems, wells, and drainage improvements. (See definition for Building Site.)

arroyo willow thickets			
Vegetation ESHA Giant Wildrye Grassland	0.04 acres	3:1	0.12 acres
Coastal Wetland ESHA	0.12 acres	4:1	0.52 acres ³
Total	0.35 acres ⁴	Total ESHA Restored	1.24

In accordance with the requirements of the Ventura County Coastal Zoning Ordinance Section 8178-2.10, the applicant has elected to implement compensatory mitigation by providing for the loss of 0.35 acres ESHA, removed without the benefit of a permit, through the restoration of the disturbance area and an off-site mitigation receiver area that will convert an abandoned vineyard along the ephemeral drainage downstream of the violation area. This will be implemented by the applicant with the oversight of the County via Condition of Approval No. 24. Under this condition, the applicant will prepare a grading and drainage plan to allow for the full revegetation of the project site including the replacement of the arroyo willows in the drainage. Based upon the CISBA, the applicant will be responsible for the restoration of 1.24 acres as stipulated in Condition of Approval Nos. 1 (Project Description) and 23 (Compensatory Mitigation for Loss of Environmentally Sensitive Habitat Areas (ESHA)) (Exhibit 7). This will be accomplished with the restoration of the 0.88-acre project site and the 0.36-acre off-site vineyard area.

In accordance with the requirements of the LCP, the proposed restoration project would be designed to protect ESHA against any significant disruption of habitat values and avoid adverse impacts with the implementation of this Coastal Planned Development Permit's Conditions of Approval (Exhibit 7). No buildings are proposed, and the project will solely result in the restoration of ESHA. Survival and monitoring of the restoration will be accomplished by the applicant through the preparation and implementation of an ESHA Mitigation Plan under Condition of Approval No. 24. The approved final landscaping plan shall demonstrate that it does not propose invasive species, and that the planting palette and planting quantities are in conformance with all applicable the requirements of this permit (i.e. seed mix is appropriate for the identified habitat areas and the arroyo cuttings are planted in appropriate locations for reestablishing habitat).

³ Note that these mitigation areas are not additive because arroyo willow thickets are also coastal wetland and fulfill mitigation requirements for vegetation and wetland ESHA.

⁴ Includes the potential loss of one or more Plummer's Baccharis individuals, a plant of limited distribution (California Rare Plant Rank 4).

The LCP and the Coastal Act also require the protection of water quality for wetlands and coastal waters. Accordingly, the applicant will be subject to filing for a Streambed Alteration Agreement with the California Department of Fish and Wildlife or verification that one is not required (Exhibit 7, Condition of Approval No. 24). The applicant will also be required to file for Section 404 and 401 permits with the United States Army Corp of Engineers and the Regional Water Quality Control Board or provided verification from the responsible agencies that these permits are not required (Exhibit 7, Condition of Approval No. 25). The applicant will also be required to implement the regulations of the Public Works Agency- Watershed Protection Agency County Stormwater Program (PWA-WPD CSP) to prevent illicit construction-related discharges and the implementation and maintenance of construction best management practices (BMP) to reduce pollutants from runoff from construction sites. Prior to the commencement of grading, the applicant will be subject to the filing of form SW-HR (Best Management for Construction at High-Risk Sites) with the PWA-WPD CSP, wherein the applicant will demonstrate that BMPs will be implemented during the corrective grading activities and will address potential construction pollution.

The proposed action has been evaluated by the Planning Division, and it has been determined that the existing Biological Restrictive Covenant (Exhibit 8) sufficiently encumbers the site as this instrument clearly restricts future development of the areas that are the subject of compensatory mitigation (See Exhibit 8 – Exhibit B). In this case, the covenant was in place at the time of the violation and, the County pursued correction of the violation and asserted the restrictions on use of property enumerated in the covenant. The restrictive covenant also establishes an approved building pad on the subject property to accommodate one single-family dwelling. No modification to this previously approved building pad occurs with this request, and no assessment of the economically beneficial uses of the property. The restoration of ESHA is compatible with the surrounding unmodified ESHA as well as any buffers occurring in the project area. Accordingly, there are no feasible alternatives to the project and the proposed development is selected as the least environmentally damaging alternative to the project.

Based on the discussion above, the proposed project is consistent with General Plan Policies COS-1.1, 1.4, & 1.9 and Land Use Policy :LU-19.4, Coastal Act Sections 30231, 30233, 30236, 30240, 30253, 30607.1, Coastal Area Plan ESHA Policies 4.1.3–2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.2.1, 2.3.1, 2.3.2, 2.3.3, 2.4.1, 2.4.3, 2.5.1, 2.5.9, 2.5.10, 2.5.12, 2.5.17, 2.6.10, 2.6.11, 2.6.12, 2.6.14, 2.6.17, 2.6.18, 2.6.19, 2.7.2, 2.10.1, 2.10.2, 2.10.3, 2.10.4, 2.10.6, and 2.10.7.

- 4. General Plan Circulation and Transportation Policy CTM-2.28 Emergency Access:** *The County shall ensure that all new discretionary projects are fully evaluated for potential impacts to emergency access. Mitigation of these impacts shall be handled on a project-by-project basis to guarantee continued emergency service operations and service levels.*

General Plan Public Facilities, Services and Infrastructure Policy PFS-1.7 Public Facilities, Services, and Infrastructure Availability: *The County shall only approve discretionary development in locations where adequate public facilities, services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.*

Staff Analysis: The proposed development, a restoration project affecting 1.24 acres, is accessed by the Ventura County Regional Roadway network via Bates Ranch Road which connects to agricultural roads located on the subject property. The agricultural roads were determined to be present on-site before the classification of the site under Biological Restrictive Covenant Instrument No. 20131204-00195542-0 (Exhibit 8), and the covenant permits necessary maintenance for existing roads. No additional or expanded roads are proposed with this action, and existing roads will serve the construction/development phase of the implementation of the restoration plan, with equipment, vehicles and personnel able to access the site via these existing agricultural roads.

The restoration project will not result in any new permanent traffic generation as no new buildings are proposed with this action and temporary traffic will be adequately served by existing roads. No infrastructure or utility extensions are required to complete the proposed project

Based on the discussion above, the proposed project is consistent with General Plan Policies Circulation and Transportation Policy CTM 2.28 and Public Facilities, Services, and Infrastructure PFS-1.7.

- 5. General Plan Hazards and Safety Policy HAZ-9.1 Limiting Unwanted Noise:** *The County shall prohibit discretionary development which would be impacted by noise or generate project-related noise which cannot be reduced to meet the standards prescribed in Policy Haz-9.2. This policy does not apply to noise generated during the construction phase of a project.*

General Plan Hazards and Safety Policy HAZ-9.2 Noise Compatibility Standards: *The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:*

- 1. New noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*

2. *New noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed L10 of 60 dB(A)*
3. *New noise sensitive uses proposed to be located near airports:*
 - a. *Shall be prohibited if they are in a Community Noise Equivalent Level (CNEL) 65 dB or greater, noise contour; or*
 - b. *Shall be permitted in the Community Noise Equivalent Level (CNEL) 60 dB to CNEL 65 dB noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 dB or less.*
4. *New noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:*
 - a. *Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;*
 - b. *Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and*
 - c. *Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*

Construction noise and vibration shall be evaluated and, if necessary, mitigated in accordance with the Construction Noise Threshold Criteria and Control Plan (Advanced Engineering Acoustics, November 2005).

Staff Analysis: The proposed project will involve noise-generating construction activities that have the potential to adversely affect surrounding residential uses. Therefore, pursuant to the requirements of the Ventura County Construction Noise Threshold Criteria and Control Plan, the proposed project will be subject to a condition of approval to limit noise-generating activities to the days and times when construction noise is least likely to adversely affect surrounding residential uses (Exhibit 7, Condition of Approval No. 21).

Based on the discussion above, the proposed project is consistent with General Plan Policy HAZ-9.1 and HAZ-9.2.

6. **General Plan Water Resources Policy WR-1.2 Watershed Planning:** *The County shall consider the location of a discretionary project within a watershed to determine whether or not it could negatively impact a water source. As part of discretionary project review, the County shall also consider local watershed management plans when considering land use development.*

General Plan Water Resources Policy WR-1.12 Water Quality Protection for Discretionary Development: *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris,*

waste and other pollutants into surface runoff, drainage systems, surface water bodies, and groundwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.

General Plan Water Resources Policy WR-3.3 Low-Impact Development: *The County shall require discretionary development to incorporate low impact development design features and best management practices, including integration of stormwater capture facilities, consistent with County's Stormwater Permit.*

Staff Analysis: Domestic water to the property is provided by an active domestic water well identified as State Water Well (SWN) 04N25W35L01S, the proposed restoration project will not include connection to the existing water supply, water usage on the site will not increase.

The project results in the development of a restoration project. The subject site is located in the Rincon Coastal Water Shed, and runoff in the area provides numerous beneficial uses including municipal and domestic water supply, cold freshwater habitat, recreation, and habitat. The proposed project will not create an obstruction of flow to existing drainage as site runoff will maintain the drainage patters that presently exist, and stormwater runoff flow rates and drainage patters will not measurable change as a result of the project. With the implementation of Condition of Approval Nos. 27 and 28, the applicant will demonstrate that the grading performed does not impact drainage negatively and no pollution will occur during construction with the implementation of protective stormwater best management practices.

Based on the discussion above, the proposed project is consistent with General Plan Policies Water Resources WR-1.2, WR1.12, WR-3.3.

EXHIBIT 7 - DRAFT CONDITIONS OF APPROVAL FOR COASTAL PLANNED (PD) PERMIT CASE NO. PL22-0179

RESOURCE MANAGEMENT AGENCY (RMA)

Planning Division Conditions

1. Project Description

This Coastal Planned Development (PD) Permit is based on and limited to compliance with the project description stated in this condition below, Exhibit 3 of the Planning Director hearing on November 13, 2025, and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The project description is as follows:

The project involves the restoration of a 38,332 square foot (0.88 acres) area within the subject property that was impacted by approximately 7,000 cubic yards of unpermitted grading. This disturbance is located in a restricted area, as designated by the Declaration and Agreement to Restrict the Use of Property – Biological Restrictive Covenant (Document No. 20131204-00195542-0), which was established as part of the mitigation measures for Parcel Map Waiver/Large Lot Subdivision Case No. SD08-0045/LU10-0062.

To restore the area the Permittee will follow the plan outlined in the Coastal Initial Biological Assessment Bates Ranch Agricultural Fill Restoration (Padre Associates, Inc., February 2024). The project consists of two main components:

1. **On-site restoration:** This involves grading and revegetation within 0.88 acres (38,332 sq. ft.) of unpermitted disturbance. Specific measures include:
 - Minimal earthwork to restore the natural terrain
 - Preservation of protected trees located in the restoration area
 - Installation of a pipe culvert and energy dissipater adjacent to the unnamed access road
 - Mitigation through revegetation with arroyo willow thickets, wildrye grassland, and coastal wetland habitat
2. **Off-site mitigation:** This involves the conversion 0.36 acres (15,681 sq. ft.) of abandoned vineyard land located along the ephemeral drainage downstream of

the project site to provide the balance of arroyo willow thicket and coastal wetland mitigation. Off-site mitigation plans include:

- removal of all vines, support posts, wires, irrigation tubing and any other related debris
- Removal of existing non-native vegetation
- Limited removal of native vegetation, avoiding protected trees and retaining sapling oak trees and larger native shrubs
- Installation of drip irrigation system
- Planting of arroyo willow cuttings
- Maintenance of the off-site mitigation site for a period of 5-years

The 1.24-acre project site is located at 3810 Bates Ranch Road in unincorporated Ventura County (APNs 008-0-160-470). The site is developed with an existing principal single-family dwelling and agricultural crop production, neither of which will be modified as part of this project. Access to the site will be provided by a private road connecting to Bates Ranch Road.

The grading, restoration, and maintenance of the property, the size, shape, arrangement, and the protection and preservation of resources shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

2. Required Improvements for Coastal PD

Purpose: To ensure the project site conforms to the plans approved at the Planning Director hearing in support of the project.

Requirement: The Permittee shall ensure that all required off-site and on-site improvements for the Project, including landscaping are completed in conformance with the approved plans stamped as hearing Exhibit 3 - Coastal Initial Study Biological Assessment (Padre Associates, Inc, February 2024). The Permittee shall prepare and submit all grading and site plans for the County's review and approval in accordance with the plans approved with this Coastal PD.

Documentation: The Permittee shall obtain Planning Division staff's stamped approval on the project plans and submit them to the County for inclusion in the Project file. The Permittee shall submit additional plans to the Planning Division for review and stamped approval (e.g., tree protection and landscape plans) for inclusion in the Project file, as necessary.

Timing: Prior to the issuance of a Zoning Clearance for grading the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and/or Public Works Agency Director allow the Permittee to provide financial security and a final executed agreement, approved as to form by the County Counsel, that ensures completion of such improvements, the Permittee shall

complete all required improvements prior to the release of Notice of Grading Noncompliance GC19-0034 (Instrument No. 20211027-00195541-0). The Permittee shall maintain the required improvements for the life of the Project.

Monitoring and Reporting: The Public Works Agency Grading Inspector and/or Planning Division staff have the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of §8183-5 of the Ventura County Coastal Zoning Ordinance.

3. Site Maintenance

Purpose: To ensure that the Project site is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside of the Project site.

Requirement: The Permittee shall maintain the Project site in a neat and orderly manner, and in compliance with the Project description set forth in Condition No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description shall be stored within the Project site during the life of the Project.

Documentation: The Permittee shall maintain the Project site in compliance with Condition No. 1 and the approved plans for the Project.

Timing: The Permittee shall maintain the Project site in a neat and orderly manner and in compliance with Condition No. 1 throughout the life of the Project.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

4. Coastal PD Modification

Prior to undertaking any restoration-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this Coastal PD. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a Coastal PD modification is required. If a Coastal PD modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and

- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

5. Development Activities

Prior to any grading, the Permittee shall obtain a Zoning Clearance from the Planning Division and a Grading Permit from the Public Works Agency.

6. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this Coastal PD Permit and/or commencement of the development authorized by this Coastal PD Permit constitute's the Permittee's formal agreement to comply with all conditions of this Coastal PD Permit. Failure to abide by and comply with any condition of this Coastal PD Permit shall constitute grounds for enforcement action provided in the Ventura County Coastal Zoning Ordinance (Article 13), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Suspension of the permitted land uses (Condition No. 1);
- c. Modification of the Coastal PD Permit conditions listed herein;
- d. Recordation of a "Notice of Noncompliance" on the deed to the subject property;
- e. The imposition of civil administrative penalties; and/or
- f. Revocation of this Coastal PD Permit.

The Permittee is responsible for being aware of and complying with the Coastal PD Permit conditions and all applicable federal, state, and local laws and regulations.

7. Time Limits

- a. Use inauguration:

- (1) The approval decision for this Coastal PD Permit becomes effective upon the expiration of the 10-day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for Grading to initiate the land uses set forth in Condition No. 1.
- (2) This Coastal PD Permit shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for grading within one year from the date the approval decision of this Coastal PD becomes effective. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the

Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.

- (3) Prior to the issuance of the Zoning Clearance for grading, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for grading, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this Coastal PD Permit.

8. Documentation Verifying Compliance with Other Agencies' Requirements Related to this Coastal PD Permit

Purpose: To ensure compliance with, and notification of, federal, state, and/or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that is the subject of this Coastal PD Permit.

Requirement: Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of this Coastal PD Permit) to verify that the Permittee has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

Documentation: The Permittee shall provide this documentation to Planning Division staff in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for grading.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective Project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency.

9. Notice of Coastal PD Permit Requirements and Retention of Coastal PD Permit Conditions On Site

Purpose: To ensure full and proper notice of these Coastal PD Permit conditions affecting the use of the subject property.

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors who regularly conduct activities associated with the Project, of the pertinent conditions of this Coastal PD Permit.

Documentation: The Permittee shall maintain a current set of Coastal PD Permit conditions and exhibits at the project site during the restorative grading phase of the project.

Timing: Prior to the commencement of grading and the Permittee shall provide a copy of the permit to the grading contractor who shall retain a copy onsite during grading activities.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

10. Recorded Notice of Land Use Entitlement

Purpose: The Permittee shall record a “Notice of Land Use Entitlement” form and the conditions of this Coastal PD Permit with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this Coastal PD Permit.

Requirement: The Permittee shall sign, have notarized, and record with the Office of the County Recorder, a “Notice of Land Use Entitlement” form furnished by the Planning Division and the conditions of this Coastal PD Permit, with the deed of the property that is subject to this Coastal PD Permit.

Documentation: Recorded “Notice of Land Use Entitlement” form and conditions of this Coastal PD Permit.

Timing: The Permittee shall record the “Notice of Land use Entitlement” form and conditions of this Coastal PD Permit, prior to issuance of a Zoning Clearance for grading.

Monitoring and Reporting: The Permittee shall return a copy of the recorded “Notice of Land Use Entitlement” form and conditions of this Coastal PD Permit to Planning Division staff to be included in the Project file.

11. Financial Responsibility for Compliance Monitoring and Enforcement

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Coastal Zoning Ordinance (§ 8183-5) related to this Coastal PD Permit. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and

attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

b. Establishment of Revolving Compliance Account:

Within 10 calendar days of the effective date of the final decision approving this Coastal PD Permit, the Permittee shall submit the following deposit and reimbursement agreement to the Planning Director:

(1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in 11.a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.

(2) An executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

c. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this Coastal PD Permit. The Permittee shall have the right to challenge any charge or penalty prior to payment.

12. Defense and Indemnification

a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this Coastal PD Permit. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.

- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.
- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the development, maintenance, land use, or operations conducted pursuant to this Coastal PD Permit, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this Coastal PD Permit, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this Coastal PD Permit serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

13. Invalidation of Condition(s)

If any of the conditions or limitations of this Coastal PD Permit are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining Coastal PD Permit conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this Coastal PD Permit, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This Coastal PD Permit shall continue in full force unless, until, and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this Coastal PD Permit, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures

to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this Coastal PD Permit may be revoked.

14. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or resources of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this Coastal PD Permit, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 1 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

15. Relationship of Coastal PD Conditions, Laws, and Other Entitlements

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any Coastal PD Permit condition contained herein is in conflict with any other Coastal PD Permit condition contained herein, when principles of law do not provide to the contrary, the Coastal PD Permit condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this Coastal PD Permit for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval of this Coastal PD Permit, nor compliance with the conditions of this Coastal PD Permit, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

16. Contact Person

Purpose: To designate a person responsible for responding to complaints.

Requirement: The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this Coastal PD Permit.

Documentation: The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the Project site.

Timing: Prior to the issuance of a Zoning Clearance for grading the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

17. Change of Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of Permittee.

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this Coastal PD Permit.

Timing: The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

18. Paleontological Resources Discovered During Grading

Purpose: In order to mitigate potential impacts to paleontological resources that may be encountered during ground disturbance or construction activities.

Requirement: If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall:

- a. Cease operations and assure the preservation of the area in which the discovery was made;
- b. Notify the Planning Director in writing, within three days of the discovery;
- c. Obtain the services of a paleontological consultant or professional geologist who shall assess the find and provide a report that assesses the resources and sets forth recommendations on the proper disposition of the site;
- d. Obtain the Planning Director's written concurrence with the recommended disposition of the site before resuming development; and
- e. Implement the agreed upon recommendations.

Documentation: The Permittee shall submit the paleontologist's or geologist's reports. Additional documentation may be required to demonstrate that the Permittee has implemented the recommendations set forth in the paleontological report.

Timing: If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall provide the written notification to the Planning Director within three days of the discovery. The Permittee shall submit the paleontological report to the Planning Division immediately upon completion of the report.

Monitoring and Reporting: The Permittee shall provide the paleontological report to the Planning Division to be made part of the Project file. The Permittee shall implement any recommendations made in the paleontological report to the satisfaction of the Planning Director. The paleontologist shall monitor all ground disturbance activities within the area in which the discovery was made, in order to ensure the successful implementation of the recommendations made in the paleontological report. The Planning Division has the authority to conduct site inspections to ensure that the Permittee implements the

recommendations set forth in the paleontological report, consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

19. Archaeological Resources Discovered During Ground Disturbance

Purpose: In order to mitigate potential impacts to archaeological resources discovered during ground disturbance.

Requirement: The Permittee shall implement the following procedures:

- a. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
 - (1) Cease operations and assure the preservation of the area in which the discovery was made;
 - (2) Notify the Planning Director in writing, within three days of the discovery;
 - (3) Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - (4) Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
 - (5) Implement the agreed upon recommendations.
- b. If any human burial remains are encountered during ground disturbance or activities, the Permittee shall:
 - (1) Cease operations and assure the preservation of the area in which the discovery was made. In accordance with Public Resources Code Section 5097, there shall be no further exaction or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until (2) and (3) are completed;
 - (2) Immediately notify the County Coroner and the Planning Director;
 - (3) If the County Coroner determines the remains to be Native American:
 - a. The County Coroner shall contact the Native American Heritage Commission with 24 hours;

- b. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American;
- c. The most likely descendant may make recommendations to the property owner, contact person, and/or the Permittee for the means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods provided in Public Resource Code Section 5097.98; or
- d. The property owner, contact person, and/or the Permittee shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance where the following conditions occur:
 - i. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation with 24 hours after being notified by the commission;
 - ii. The descendant identified fails to make a recommendation; or
 - iii. The property owner, contact person, and/or the Permittee rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the land owner.

The law makes obtaining or possessing Native American artifacts or human remains taken from a grave or cairn a felony, except as otherwise provided by law or in accordance with an agreement reached pursuant to Public Resources Code Sections 5097.94 and 5097.98 that pertain to Native American possession and transportation of Native American artifacts and/or human remains. The law applies to archaeological investigations as well as accidental discovery.

- (4) Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
- (5) Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
- (6) Implement the agreed upon recommendations.

Documentation: If archaeological remains are encountered, the Permittee shall submit a report prepared by a County-approved archaeologist including recommendations for

the proper disposition of the site. Additional documentation may be required to demonstrate that the Permittee has implemented any recommendations made by the archaeologist's report.

Timing: If any archaeological remains are uncovered during ground disturbance or construction activities, the Permittee shall provide the written notification to the Planning Director within three days of the discovery. The Permittee shall submit the archaeological report to the Planning Division immediately upon completion of the report.

Monitoring and Reporting: The Permittee shall provide the archaeological report to the Planning Division to be made part of the Project file. The Permittee shall implement any recommendations made in the archaeological report to the satisfaction of the Planning Director. The archaeologist shall monitor all ground disturbance activities within the area in which the discovery was made, in order to ensure the successful implementation of the recommendations made in the archaeological report. The Planning Division has the authority to conduct site inspections to ensure that the Permittee implements the recommendations set forth in the archaeological report, consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

20. Avoidance of Nesting Birds

Purpose: In order to prevent impacts to birds protected under the Migratory Bird Treaty Act, land clearing, and construction activities shall be regulated.

Requirement: The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), and construction in such a way as to avoid nesting native birds. This can be accomplished by implementing one of the following options:

- a. Timing of land clearing or construction: Prohibit land clearing or construction activities during the breeding and nesting season January 1 – September 15, in which case the following surveys are not required; or
- b. Surveys and avoidance of occupied nests: Conduct site-specific surveys prior to land clearing or construction activities during the breeding and nesting season January 1 – September 15 and avoid occupied bird nests. A County-approved biologist shall conduct surveys to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The County-approved biologist shall conduct an initial breeding and nesting bird survey 30 days prior to the initiation of land clearing or construction activities. The County-approved biologist shall continue to survey the Project site on a weekly basis, with the last survey completed no more than 3 days prior to the initiation of land clearing activities. The nesting bird survey must cover the development footprint and 300 feet from the

development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the County-approved biologist. Land clearing activities can also occur outside of the setback areas. Pursuant to the recommendations of the California Department of Fish and Wildlife, the required setback is 300 feet for most birds and 500 feet for raptors. This setback can be increased or decreased based on the recommendation of the County-approved biologist and approval from the Planning Division.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring of any occupied nests discovered, and establishment of mandatory setback areas. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

Timing: If land clearing or construction activities will occur between January 1 – September 15, the County-approved biologist shall conduct the nesting bird surveys 30 days prior to initiation of land clearing or construction activities, and weekly thereafter. The last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing or construction activities. The Permittee shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract to the Planning Division prior to issuance of a zoning clearance for construction. The Permittee shall submit the Mitigation Monitoring Report within 14 days of completion of the land clearing or construction activities.

Monitoring and Reporting: The Planning Division reviews the Survey Report and signed contract for adequacy prior to issuance of a Zoning Clearance for grading. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file.

21. Construction Noise

Purpose: In order for this project to comply with the Ventura County General Plan Goals, Policies and Programs Hazards Policy HAZ-9.2 and the County of Ventura Construction Noise Threshold Criteria and Control Plan (Amended 2010).

Requirement: The Permittee shall limit construction activity for site preparation and development to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. Saturday, Sunday, and State holidays. Construction

equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

Documentation: The Permittee shall post a sign stating these restrictions in a conspicuous location on the Project site, in order so that the sign is visible to the general public. The Permittee shall provide photo documentation showing posting of the required signage to the Planning Division, prior to the commencement of grading and construction activities. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the public. The Permittee shall maintain a "Complaint Log," noting the date, time, complainant's name, complaint, and any corrective action taken, in the event that the Permittee receives noise complaints. The Permittee must submit the "Complaint Log" to the Planning Division upon the Planning Director's request.

Timing: The Permittee shall install the sign prior to the issuance of a building permit and throughout all grading and construction activities. The Permittee shall maintain the signage on-site until all grading and construction activities are complete. If the Planning Director requests the Permittee to submit the "Complaint Log" to the Planning Division, the Permittee shall submit the "Complaint Log" within one day of receiving the Planning Director's request.

Monitoring and Reporting: The Planning Division reviews, and maintains in the Project file, the photo documentation of the sign and the "Complaint Log." The Planning Division has the authority to conduct site inspections and take enforcement actions to ensure that the Permittee conducts grading and construction activities in compliance with this condition, consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

22. Restoration Requirement: Invasive Species Seeding and Landscaping

Purpose: To ensure protection of adjacent ESHA from the introduction of invasive species as required under the Local Coastal Program and the Coastal Act.

Requirements: Invasive plant species shall not be included in any erosion control seed mixes and landscaping plans associated with the Project. The California Invasive Plant Inventory Database contains a list of non-natives, invasive plants (California Invasive Plant Council [Updated 2022] or its successor).

Documentation: The Permittee shall submit the erosion control seed mix and a final landscape plan, for review and approval by the Planning Division. The Permittee shall provide photographs demonstrating that the Permittee installed all landscaping and irrigation in accordance with the approved plans.

Timing: Prior to issuance of a Zoning Clearance for grading, the Permittee shall submit the erosion control seed mix and a final landscape plan, for review and approval by the

Planning Division. All planting and irrigation shall be installed prior to Certificate of Occupancy of the single-family dwelling.

Monitoring and Reporting: The Permittee shall provide photos of the landscaping to the Planning Division, or schedule a site inspection with the Planning Division, to verify that the Permittee installed landscaping and irrigation according to the approved plans. The Planning Division maintains copies of the approved plans and photographs in the Project file. The Planning Division, Public Works Agency Grading Inspectors, and Building and Safety, have the authority to conduct site inspections to ensure compliance with this condition consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

23. Mitigation for Loss of Environmentally Sensitive Habitat Areas (ESHA)

Purpose: Provide compensatory mitigation for the loss of 0.35 acres of ESHA removed without the benefit of a permit and to comply with the applicable provisions of the Ventura County Coastal Zoning Ordinance Section 8178-2.10 (Compensatory Mitigation for ESHA) and Appendix E2, Section AE-2.1. Impacts to ESHA are identified in the Coastal Initial Study Biological Assessment as the result of unpermitted grading and include: Loss of 0.18 acres of arroyo willow thickets and 0.04 acre of giant wildrye grassland, which are considered ESHA as these plan communities are vulnerable to extirpation, loss of 0.13 acres of coastal wetlands, also considered ESHA (included under arroyo willow thickets listed above), and the potential loss of one or more Plummer's Baccharis individuals, a plant of limited distribution (California Rare Plant Rank 4).

Requirement: The Permittee is required to mitigate 1.24 acres of ESHA based upon the following ratios: Vegetation ESHA (3:1 ratio): 0.18 acres of arroyo willow (*Salix lasiolepis* Shrubland Alliance), and 0.04 acres of giant wildrye grassland (*Leymus Wildrye* Herbaceous Alliance), Coastal Wetland ESHA (4:1 ratio): 0.13 acres. The Permittee shall prepare an ESHA Mitigation Plan pursuant to the requirements of Ventura County Coastal Zoning Ordinance Appendix E2 and information Contained in the Coastal ISBA prepared by Padre Associates, Inc. dated February 2024 for the purposes of restoring approximately 1.24 acres of ESHA. Within 90 days of rough grading, at least 60 percent of the disturbed areas shall be covered with native plantings. Within ESHA or buffer zones, revegetation planting shall be of native grasses and shrubs, and completed in accordance with Sections 8178-2.7.4.2, 8178-7, and 8178-8. The Permittee shall ensure that a County-approved, qualified biologist prepares a ESHA Mitigation Plan that includes the following:

1. Restoration of vegetation specified in the Coastal ISBA (Padre Associates, Inc., February 2024) for arroyo willow [*Salix lasiolepis* Shrubland Alliance], and giant wildrye grassland [*Leymus Wildrye* Herbaceous Alliance].
2. A reference site for each vegetation alliance (arroyo willow [*Salix lasiolepis* Shrubland Alliance] and giant wildrye grassland [*Leymus Wildrye* Herbaceous

Alliance]) that is an ecologically intact example of the alliance with minimal disturbance, with the following documented for each reference site:

- a. Total percent cover by native plant species;
 - b. Species richness; and
 - c. Total percent cover by non-native plant species.
3. A plant palette and methods of salvaging, propagating, and planting. The plant palette shall consist only of plants propagated from locally collected (on the project site or adjacent to the project site) seeds or cuttings.
 4. Methods of soil preparation.
 5. Method and timing of irrigation.
 6. Best Management Practices to avoid impacting the surrounding vegetation alliances and coastal wetlands.
 7. Maintenance and monitoring necessary to ensure that the restored plant communities meet the following success criteria by Year 5 of the maintenance and monitoring program:
 - a. 90 percent of the native plant cover found for the reference site;
 - b. 100 percent of the species richness found for the reference site; and
 - c. Equal or lower percent cover by non-native plant species as that found for the reference site.

The Permittee shall ensure that the Restoration Plan is fully implemented.

Documentation: The Permittee shall submit to the Planning Division an ESHA Mitigation Plan, prepared by a County-approved qualified biologist, to restore 1.24 acres pursuant to Ventura County Coastal Zoning Ordinance Section 8178-2.10.1.2(i). The Permittee shall submit a report with photographs of the restoration area and a description of the restoration work to demonstrate to the Planning Division that implementation of the ESHA Mitigation Plan has commenced. The Permittee shall provide annual reports prepared by a County-approved qualified biologist on the progress of the restoration area for 5 years (or more, if the success criteria have not been met by Year 5). Refer to Ventura County Coastal Zoning Ordinance Appendix E2, Section AE-2.1.

Timing: Prior to issuance of a Zoning Clearance for grading, the Permittee shall (1) provide the ESHA Mitigation Plan and final site plan to Planning Division staff for review and approval; (2) record these conditions of approval; and (3) provide a copy of the recorded conditions of approval and final/approved ESHA Mitigation Plan to the Planning Division. Implementation of the ESHA Mitigation Plan shall commence prior to release of

Notice of Grading Noncompliance GC19-0034 (Instrument No. 20211027-00195541-0). The annual reports must be provided to the Planning Division by May 31st of each year during the monitoring period.

Monitoring and Reporting: The Planning Division reviews the draft and final ESHA Mitigation Plan to determine compliance with the requirements of this condition. The restoration area must be monitored by a County-approved qualified biologist for at least 5 years (or more, if the success criteria have not been met by Year 5). The biologist shall provide an annual report on the status of the restoration area, including results of qualitative monitoring (i.e., photographs taken at permanent photo-points, observations of the health and condition of plantings and wildlife use of the restoration area) and quantitative monitoring (i.e., randomly placed transects to estimate cover and richness), to the Planning Division for the length of the monitoring period. The Permittee shall submit the annual reports to the Planning Division to demonstrate compliance with this condition and the success criteria. The release of the requirement for monitoring the restoration area may occur when the Planning Division determines that the success criteria have been met by Year 5 or later, based on the annual reports and a Planning Division staff site inspection. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

24. California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (SAA)

Purpose: To ensure compliance with California Fish and Game Code Section 1602.

Requirement: The Permittee shall obtain a SAA from the CDFW for any excavation, fill, or other land disturbance activity within the limits of riparian vegetation and adjacent wetland of an unnamed ephemeral tributary of Rincon Creek.

Documentation: The Permittee shall provide written proof or documentation to the County that the Permittee has obtained either: (1) the SAA from the CDFW; or, (2) written verification from CDFW stating that a SAA is not required.

Timing: The Permittee shall provide the SAA or written verification from the CDFW to the Planning Division prior to issuance of a Zoning Clearance for grading.

Monitoring and Reporting: The Planning Division maintains a copy of the SAA provided by the Permittee in the Project file. Monitoring of any mitigation measures required as part of the SAA is the responsibility of CDFW.

25. Discharge of Dredged, Excavated or Fill Material to Waters of the United States

Purpose: To ensure compliance with Sections 401 and 404 of the Clean Water Act.

Conditions for Coastal PD Permit Case No.
PL22-0179
Exhibit 7 Date of Public Hearing: November 13,
2025
Date of Approval: TBD

Permittee: Ms. Jehanne Brown
8310 Bates Ranch Road, Rincon
Page 20 of 23

Requirement: The Permittee shall obtain a Section 404 permit from the U.S. Army Corps of Engineers and a Section 401 Certification from the Regional Water Quality Control Board for excavation or fill activity within the unnamed ephemeral tributary of Rincon Creek if work is located with the ordinary high water mark.

Documentation: The Permittee shall provide written proof or documentation to the County that the Permittee has obtained either: (1) a Section 404 permit and Section 401 Certification; or, (2) letters from the responsible agencies stating that a Section 404 permit and/or the Section 401 Certification are not required.

Timing: The Permittee shall provide the Section 404 permit and Section 401 Certification, or letters, prior to issuance of a Zoning Clearance for grading.

Monitoring and Reporting: The Planning Division maintains a copy of the Section 404 Permit and Section 401 Certification, or letters, in the Project file.

26. Pre-Construction Meeting

Purpose: To ensure implementation of CZO Section 8178-3.1.3(b), Condition of Approval No. 19 of this Project, and to inform the Owner, Contractors and Construction Personnel of the archaeological sensitivity of the area and appropriate procedures to be carried out if necessary to avoid cultural resources.

Requirement: The Contact Person who receives all orders, notices, and communications regarding matters of condition and code compliance at the Project site is responsible for contacting the Resource Management Agency Planning Division to schedule a preconstruction meeting. The preconstruction meeting shall include Worker Environmental Awareness Program (WEAP Training) that provides information on regulatory requirements for the identification and protection of tribal cultural resources. Training shall cover proper procedures to follow in the event that construction personnel discover tribal cultural resources during ground disturbing activities. WEAP training may be provided by the Santa Ynez Band of Chumash Indians or their designated representatives.

Documentation: The Permittee shall have a copy of all conditions of approval for Case No. PL22-0179 onsite in an easily accessible location. The Planning Division maintains the Contact Person's contact information in the Project file.

Timing: The Contact Person shall contact the Ventura County Resource Management Agency, Planning Division, Attention John Oquendo, at least two weeks prior to commencement of grading and construction activities to schedule a pre-construction meeting with the Owner, Contractors and Construction Personnel. The pre-construction meeting shall be conducted prior to any ground disturbance activities.

Monitoring and Reporting: The Planning Division has the authority to periodically conduct site inspections to ensure ongoing compliance with Condition No. 19 consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

PUBLIC WORKS AGENCY (PWA)

Development and Inspection Services Conditions

27. Grading Permit

Purpose: In order to ensure the Permittee performs all grading in compliance with Appendix J of the Ventura County Building Code.

Requirement: The Permittee shall submit a grading plan showing existing and proposed elevations to the Public Works Agency's Land Development Services Division for review and approval. If a grading permit is required, a civil engineer registered in the State of California must prepare and submit the grading plans, geotechnical and hydrology reports as necessary, to Land Development Services Division for review and approval. The Permittee must post sufficient surety in order to ensure proper completion of the proposed grading.

Documentation: If a grading permit is required, all deposits, fees, and materials detailed on Public Works Agency Grading Permit Submittal Checklist, must be submitted to Land Development Services Division for review and approval.

Timing: All applicable documentation, as specified above, must be submitted for review and approval prior to issuance of a Zoning Clearance for development.

Monitoring and Reporting: Public Works Agency staff will review grading plans and reports for compliance with Ventura County codes, ordinances and standards, as well as state and federal laws. Public Works Agency inspectors will monitor the proposed grading to verify that the work is done in compliance with the approved plans and reports.

Watershed Protection District (WPD) Conditions

County Stormwater Program Section

28. Compliance with Stormwater Development Construction Program

Purpose: To ensure compliance with the Central Coast Regional Water Quality Control Board NPDES Municipal Stormwater Permit, No. CAS004004 (Permit), the proposed project will be subject to the construction requirements for surface water quality and storm water runoff, in accordance with Part 4.F., "Development Construction Program", of the Permit.

Requirement: The construction of the proposed project shall meet requirements

contained in Part 4.F., "Development Construction Program", of the Permit through the inclusion of an effective combination of construction best management practices (BMPs) during all ground disturbing activities. In addition, Part 4.F requires additional inspections to be conducted by the Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer (QSD), Qualified SWPPP Practitioner (QSP), or a Certified Professional in Erosion and Sediment Control (CPESC).

Documentation: The Permittee shall submit a completed and signed SW-HR form (Best Management Practices for Construction at High Risk Sites) to the Public Works Agency - County Stormwater Program (CSP) for review and approval, a template for which can be found at <https://www.onestoppermits.vcrma.org/departments/stormwater-program>.

Timing: The above listed item shall be submitted to the CSP for review and approval prior to issuance of a zoning clearance for grading.

Monitoring and Reporting: The CSP will review the submitted materials for consistency with the Permit. Grading permit inspectors will conduct inspections during construction to ensure effective installation of the required BMPs and record keeping of the required inspections by the project proponent's QSD, QSP, or CPESC.

OTHER VENTURA COUNTY AGENCIES

Ventura County Air Pollution Control District (APCD) Conditions

29. Complaint-Driven for Air Pollutants

Purpose: To ensure that discharge of air contaminants (odor, dust, etc.) that may result from site construction or operations are minimized to the greatest extent feasible.

Requirement: Construction and operation shall be operated in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District, with emphasis on Rule 51, Nuisance, as described below.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

Documentation: There is no documentation required for this condition.

Timing: Throughout the lifetime of the CDP, including grading and restoration activities.

Reporting and Monitoring: Monitoring and Enforcement of the Nuisance Rule shall be conducted by APCD inspectors on a complaint-driven basis.

30. Dust Generation for Restoration/Grading

Purpose: To ensure that fugitive dust and particulate matter that may result from construction activities are minimized to the greatest extent feasible.

Requirement: The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Documentation: The project applicant shall ensure compliance with the following provisions:

- I. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust;
- II. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water should penetrate sufficiently to minimize fugitive dust during grading activities;
- III. All trucks shall cover their loads as required by California Vehicle Code §23114.
- IV. Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering.
- V. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods, such as water and roll compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days.
- VI. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- VII. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to be a nuisance or hazard to adjacent properties). During periods of high winds, all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite.

Timing: Throughout the construction phases of the project.

Reporting and Monitoring: Monitoring and enforcement of dust-related provisions shall be conducted by APCD staff and is complaint-driven.

RECORDING REQUESTED BY:

JENSEN DESIGN
1672 DONLON STREET
VENTURA, CA 93003
ATTN: Lisa Woodburn



20131204-00195542-0 1/20

Ventura County Clerk and Recorder
MARK A. LUNN
12/04/2013 02:26:02 PM
775459 \$72.00 VA

RETURN TO:

VENTURA COUNTY PLANNING DIVISION
800 S. VICTORIA AVENUE L#1740
VENTURA, CA 93009
ATTN: Michelle Glueckert D'Anna

ASSESSOR PARCEL NOS.: 008-0-160-440 (portion)

CASE NO: SD08-0045 and LU10-0062

DATE OF PERMIT APPROVAL: July 23, 2010

**DECLARATION AND AGREEMENT TO RESTRICT THE USE OF PROPERTY -
BIOLOGICAL RESTRICTIVE COVENANT**

This Declaration and Agreement to Restrict the Use of Property with a **BIOLOGICAL RESTRICTIVE COVENANT** as hereinafter set forth ("RESTRICTIVE COVENANT") is made by the Property Owner: Anthony E. & Jehanne Khoury Brown ("OWNER"). OWNER promises and agrees to restrict the use of the PROPERTY described below in accordance with the terms, conditions and restrictions of this RESTRICTIVE COVENANT.

- 1. **PROPERTY:** OWNER is the record owner of the following described real property consisting of:

That portion of Lots 1 and 2 of Section 36, Township 4 North, Range 25 West, San Bernardino Meridian, in the unincorporated territory of the County of Ventura, State of California, together with a portion of Rancho el Rincon as described in Book A, Page 349 of Patents, in the Office of the County Recorder, described as Parcel A in Exhibit A of Parcel Map Waiver No. SD08-0045 recorded December, 4, 2013, Document No. 20131204-00195542-0 of Official Records of said County.

- 2. **RESTRICTED AREA:** OWNER agrees to restrict the use of a certain portion of the PROPERTY, the description of which is attached as EXHIBIT A (TEXT) and EXHIBIT B (MAP) (the "RESTRICTED AREA"), in accordance with the terms, conditions and restrictions of this RESTRICTIVE COVENANT

County of Ventura
Planning Director Hearing
Case No. PL22-0179
Exhibit 8 - Biological Restrictive
Covenant

3. **PROJECT:** OWNER applied to the County of Ventura, Planning Division, ("COUNTY") for a Parcel Map Waiver/Large Lot Subdivision (PMW/LLS) No. SD08-0045 and Coastal Planned Development Permit LU10-0062 ("PROJECT"). The project subdivided 584.17 acres, resulting in Parcel "A" (230.16 acres), Parcel "B" (43.60 acres), Parcel "C" (223.14 acres) & Parcel "D" (87.24 acres). A building pad was established on each parcel to accommodate one single family residence per parcel. The approximate sizes of the building pads of the four parcels are as follows: Parcel A = 0.4 acre, Parcel B = 0.4 acre, Parcel C = 0.9 acre, and Parcel D = 0.25 acre. Access to the proposed building pads is through the existing ranch roads.
4. **CONDITIONAL APPROVAL OF PROJECT:** The PROJECT was tentatively and conditionally approved by the Planning Director on July 23, 2010, with Condition No. 12 of the PROJECT requiring a biological restrictive covenant to inform present and future property owners of restrictions on development, described in Section 5 of this Covenant, which exist beyond those imposed by the Zoning Ordinance.
5. **RESTRICTIONS ON USE OF PROPERTY:** In consideration of the COUNTY'S approval of the PROJECT, OWNER agrees to, declares and establishes, on behalf of himself/herself/his/her heirs, successors in interest and assigns, the following covenants and restrictions on the RESTRICTED AREA:

OWNER shall ensure that none of the following activities occur in the RESTRICTED AREA without prior express written approval from the COUNTY Planning Director and all necessary permits are first obtained. Approval will require an Initial Study Biological Assessment, and if the activity would result in potentially significant impacts on biological resources, either mitigation of significant impacts or a statement of overriding considerations is required.

- i Removal, mining, excavation, or disturbance of the soil or surface rocks or decaying material such as fallen trees;
- ii Dumping, filling, storing, disposal, burying or stockpiling of any natural or manmade materials;
- iii Erection of buildings or structures of any kind, including but not limited to: fencing, corrals, advertising signs, antennas, light poles;
- iv Placement of pavements, concrete, asphalt and similar impervious materials, laying of decomposed granite for pathways, or setting of stones, paving bricks or timbers, except as necessary for maintenance of existing roads;
- v Removal or alteration of native trees or plants, except as necessary for fuel reduction required by Ventura County Fire Protection District, removal of non-native species and sensitive habitat restoration or maintenance (which must be under the direction of a qualified biologist);
- vi Application of insecticides or herbicides, poisons, or fertilizers;
- vii Planting, introduction or dispersal of invasive, exotic plant or animal species;

- viii Hunting or trapping, except live trapping for purposes of scientific study or removal of non-native species;
- ix Manipulating, impounding or altering any natural watercourse, body of water or water circulation on the RESTRICTED AREA, and activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters.
- x Light pollution. The OWNER shall ensure that no lighting is directed towards the RESTRICTED AREA.

The above-described terms and conditions set forth in this section shall be referred to herein as the "RESTRICTIONS."

6. **NOTICE OF RESTRICTIONS ON USE OF PROPERTY:** The recordation of this RESTRICTIVE COVENANT is to inform the present and future owners of the PROPERTY, in whole or in part, of the RESTRICTIONS which are binding and enforceable upon them.

AGREEMENT

7. **EFFECTIVE DATE:** This RESTRICTIVE COVENANT is effective upon its recordation.
8. **RECORDATION OF RESTRICTIVE COVENANT REQUIRED FOR PROJECT APPROVAL:** OWNER acknowledges and agrees that without the imposition of this RESTRICTIVE COVENANT, the PROJECT cannot be in compliance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines, 14 Cal. Code of Regs. Section 15000 et seq., specifically that the Mitigated Negative Declaration prepared for the PROJECT could not have been certified by the COUNTY and therefore, the PROJECT could not have been approved by the COUNTY. Accordingly, this RESTRICTIVE COVENANT is a necessary prerequisite for the COUNTY'S approval of the PROJECT.
9. **COMPLIANCE WITH SECTION No. 5 (Restrictions on Use of Property):** OWNER agrees to comply with each and every RESTRICTION set forth in Section No. 5 as stated above.
10. **MODIFICATIONS, CHANGES, AMENDMENTS, AND TERMINATION OF RESTRICTIVE COVENANT:** The terms of this RESTRICTIVE COVENANT, including but not limited to the RESTRICTIONS, may only be modified, amended, terminated, or revoked by the prior written authorization and consent of the COUNTY Planning Director ("CONSENT TO AMEND OR TERMINATE"). To be effective, a CONSENT TO AMEND OR TERMINATE must be executed by the COUNTY Planning Director or his/her designee and recorded in the Official Records of the COUNTY. Any attempt to modify, amend, terminate, or revoke any the RESTRICTIVE COVENANT or the terms thereof without an effective CONSENT TO AMEND OR TERMINATE shall be deemed

Any forbearance by COUNTY to exercise its rights hereunder in the event of any violation of this RESTRICTIVE COVENANT shall not be deemed or construed to be a waiver of the COUNTY'S rights to enforce that violation or any subsequent violation. This anti-waiver provision shall apply regardless of the number of violations of this RESTRICTIVE COVENANT which occur, or the length of time the violation remains un-enforced.

16. **NOTIFICATION OF RESTRICTIVE COVENANT:** In addition to being recorded, the terms and conditions of this RESTRICTIVE COVENANT shall be explicitly included in any instrument of transfer, conveyance, or encumbrance of the PROPERTY or any part thereof.
17. **NOTICES:** All notices given pursuant to this RESTRICTIVE COVENANT shall be in writing and given by (i) personal delivery, (ii) registered or certified mail, postage prepaid, return receipt requested, or (iii) overnight delivery or email to the parties at the addresses set forth below:

To OWNER/ APPLICANT: Anthony E. & Jehanne Khoury Brown
1565 Seacoast Way
Carpinteria, CA 93013

EMAIL: Jehanne K. Brown – rinconbrown@gmail.com
Anthony E. Brown – rincondelmarranch@yahoo.com

To COUNTY: VENTURA COUNTY PLANNING DIVISION
800 S. Victoria Avenue L#1740
Ventura, CA 93009
Attn: Planning Director
FAX: 805-654-2509

Any party may, from time to time, by written notice to the other, designate a different address, which shall be substituted for the one specified above.

18. **KNOWING, VOLUNTARY AGREEMENT:** Each party to this RESTRICTIVE COVENANT acknowledges that it has been represented by legal counsel, and that each party has read, reviewed, understood, accepted, and has had the benefit of legal counsel's advice concerning, all the terms and conditions of this RESTRICTIVE COVENANT.
19. **AUTHORITY TO EXECUTE:** Each party to this RESTRICTIVE COVENANT represents and warrants that the person who has signed this RESTRICTIVE COVENANT on its behalf is duly authorized to enter into this Agreement, and to bind that party to the terms and conditions of this RESTRICTIVE COVENANT.

Attachments:

Exhibit A – Legal Description of RESTRICTED PROPERTY

Exhibit B – Map of RESTRICTED PROPERTY SD08-0045 / LU10-0062

PROPERTY OWNERS: Anthony E. and Jehanne Khoury Brown

By: Anthony E. Brown

Jehanne Khoury Brown
[signature]

Dated: November 20th, 2013

By: Jehanne Khoury Brown

Anthony E. Brown
[signature]

Dated: 11-20-13

ACKNOWLEDGEMENT

State of California

County of Ventura

On 11-20-13, before me LINDA HERNANDEZ
Date (insert Name and Title of the Officer)

personally appeared JEHANNE KHOURY BROWN AND ANTHONY E. BROWN

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to within the instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Linda Hernandez

(seal)

Approved as to form:

Dated: 11-19-13

Kimberly L. Prillhart
Kimberly L. Prillhart, Ventura County Planning Director

ACKNOWLEDGEMENT

State of California
County of Ventura

On November 20, 2013, before me Denise Lydia Susi, Notary Public
Date (insert Name and Title of the Officer)

personally appeared Kimberly L. Prillhart

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose ^{name} ~~name(s)~~ is/~~are~~ subscribed to within the instrument and acknowledged to me that he/~~she/they~~ executed the same in ~~his/her/their~~ authorized capacity(~~ies~~), and that by ~~his/her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature D. L. Susi

(seal)

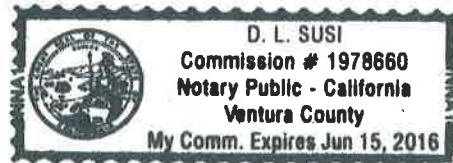


EXHIBIT "A"
LU 10-0062
(RESTRICTIVE COVENANT)
(PMW NO SD 08-0045)

PARCEL "A1"

That portion of Rancho el Rincon in the unincorporated territory of the County of Ventura, State of California, as described in Book A, Page 349 of Patents, in the Office of the County Recorder of said county, being a portion of Parcel 1 per Parcel Map Waiver No. 1157 recorded April 8, 2003 as Document No. 2003-0116322 of Official Records, also being a portion of Parcel "A" of Parcel Map Waiver No. SD 08-0045, recorded December 9, 2013 as Document No. 20131209-00195540-0 of Official Records, described as follows:

Beginning at the westerly terminus of that certain course shown as "S86°22'58"E, 291.69 feet" on said Parcel Map Waiver No. 1157, said point also being on the northwesterly boundary of said Parcel "A" of Parcel Map Waiver No. SD 08-0045; thence continuing along said northwesterly boundary by the following 15 courses,

- 1st South 86°22'58" East, a distance of 291.69 feet; thence,
- 2nd North 59°52'02" East, a distance of 263.98 feet; thence,
- 3rd North 29°22'02" East, a distance of 192.04 feet; thence,
- 4th North 31°07'58" West, a distance of 174.22 feet; thence,
- 5th North 36°52'58" West, a distance of 118.79 feet; thence,
- 6th North 23°37'58" West, a distance of 211.84 feet; thence,
- 7th North 43°35'12" West, a distance of 56.20 feet; thence,
- 8th North 01°24'13" West, a distance of 34.40 feet; thence,
- 9th North 37°31'10" West, a distance of 99.94 feet; thence,
- 10th North 22°54'28" East, a distance of 96.87 feet; thence,
- 11th North 69°58'40" East, a distance of 100.43 feet; thence,
- 12th North 26°33'55" East, a distance of 208.49 feet; thence,
- 13th North 48°26'14" East, a distance of 94.89 feet; thence,
- 14th North 07°22'01" East, a distance of 157.14 feet; thence,

- 15th South 75°19'02" East, a distance of 132.74 feet; thence leaving said westerly line of Parcel "A",
- 16th South 17°39'16" West, a distance of 324.21 feet; thence,
- 17th North 87°38'12" East, a distance of 351.36 feet; thence,
- 18th North 70°13'28" East a distance of 225.20 feet; thence,
- 19th North 71°34'31" East a distance of 351.39 feet; thence,
- 20th North 61°58'58" East, a distance of 309.05 feet; thence,
- 21st South 24°05'58" East, a distance of 56.32 feet; thence,
- 22nd South 32°40'24" East, a distance of 77.06 feet; thence,
- 23rd North 57°15'41" East, a distance of 75.37 feet; thence,
- 24th North 74°16'46" East, a distance of 150.39 feet; thence,
- 25th North 62°46'00" East, a distance of 266.10 feet; thence,
- 26th North 21°47'15" East, a distance of 15.92 feet; thence,
- 27th North 03°14'04" West, a distance of 64.40 feet; thence,
- 28th North 88°43'23" East, a distance of 158.86 feet; thence,
- 29th South 53°09'32" East, a distance of 64.38 feet; thence,
- 30th South 79°03'25" East, a distance of 203.36 feet; thence,
- 31st North 81°01'13" East, a distance of 442.04 feet, more or less, to the southerly line of Parcel "B" of said Parcel Map Waiver No SD 08-0045; thence along said southerly line by the following 15 courses,
- 32nd South 44°37'46" East, a distance of 1.40 feet to the beginning of a tangent curve concave northeasterly having a radius of 60.00 feet; thence along said curve,
- 33rd Southeasterly an arc distance of 46.96 feet, through a central angle of 44°50'28"; thence,
- 34th South 89°28'14" East, a distance of 10.73 feet to the beginning of a tangent curve concave northerly having a radius of 75.00 feet; thence along said curve,
- 35th Northeasterly an arc distance of 49.46 feet, through a central angle of 37°46'57"; thence,

- 36th North 52°44'49" East, a distance of 55.91 feet to the beginning of a tangent curve concave southerly having a radius of 130.00 feet; thence along said curve,
- 37th Northeasterly an arc distance of 101.64 feet, through a central angle of 44°47'49"; thence,
- 38th South 82°27'22" East, a distance of 71.79 feet; thence,
- 39th South 76°09'36" East, a distance of 103.40 feet to the beginning of a tangent curve concave northerly having a radius of 70.00 feet; thence along said curve,
- 40th Southeasterly an arc distance of 17.37 feet, through a central angle of 14°12'56"; thence,
- 41st North 89°37'28" East, a distance of 115.91 feet to the beginning of a tangent curve concave southerly having a radius of 70.00 feet; thence along said curve,
- 42nd Southeasterly an arc distance of 19.76 feet, through a central angle of 16°10'37"; thence,
- 43rd South 74°11'54" East, a distance of 304.15 feet; thence,
- 44th North 89°44'33" East, a distance of 45.17 feet; thence,
- 45th South 79°56'47" East, a distance of 52.11 feet; thence,
- 46th South 69°01'57" East, a distance of 91.81 feet to the southeasterly corner of said Parcel "B", thence along the westerly line of Parcel "C" of said Parcel Map Waiver No SD 08-0045 by the following 17 courses,
- 47th South 52°21'57" East, a distance of 239.79 feet; thence,
- 48th South 54°13'52" East, a distance of 182.53 feet; thence,
- 49th North 57°39'23" East, a distance of 133.80 feet; thence,
- 50th North 82°32'03" East, a distance of 53.74 feet; thence,
- 51st South 83°41'21" East, a distance of 36.89 feet; thence,
- 52nd South 65°31'17" East, a distance of 40.17 feet; thence,
- 53rd South 41°50'37" East a distance of 58.62 feet; thence,
- 54th South 36°44'57" East, a distance of 126.40 feet; thence,
- 55th South 13°23'53" East, a distance of 31.05 feet; thence,

- 56th South 00°04'57" East, a distance of 384.33 feet; thence,
- 57th South 45°37'38" West, a distance of 545.29 feet to the beginning of a non-tangent curve concave southerly having a radius of 125.00 feet from which the radius point bears South 00°50'05" East; thence along said curve,
- 58th Southwesterly an arc distance of 94.48 feet, through a central angle of 43°18'24"; thence,
- 59th South 45°51'31" West, a distance of 77.93 feet to the beginning of a tangent curve concave northerly having a radius of 215.00 feet; thence along said curve,
- 60th Southwesterly an arc distance of 55.93 feet, through a central angle of 14°54'15"; thence,
- 61st South 60°45'46" West, a distance of 112.01 feet to the beginning of a tangent curve concave southeasterly having a radius of 250.00 feet; thence along said curve,
- 62nd Southwesterly an arc distance of 113.11 feet, through a central angle of 25°55'19"; thence,
- 63rd South 34°50'27" West, a distance of 34.46 feet; thence leaving said westerly line of Parcel "C",
- 64th North 51°22'10" West, a distance of 81.48 feet; thence,
- 65th North 26°35'20" West, a distance of 62.68 feet; thence,
- 66th North 60°40'04" East, a distance of 128.72 feet; thence,
- 67th North 39°15'18" East, a distance of 221.69 feet; thence,
- 68th North, a distance of 133.12 feet; thence,
- 69th North 63°27'32" West, a distance of 117.60 feet; thence,
- 70th North 75°05'00" West, a distance of 108.88 feet; thence,
- 71st South 12°32'29" West, a distance of 226.10 feet; thence,
- 72nd North 74°37'41" West, a distance of 106.58 feet; thence,
- 73rd North 53°09'32" West, a distance of 87.64 feet; thence,
- 74th North 65°00'21" West, a distance of 58.04 feet; thence,
- 75th North 71°34'59" West, a distance of 88.71 feet; thence,
- 76th North 87°24'00" West, a distance of 77.23 feet; thence,

77th South 87°08'26" West, a distance of 70.23 feet; thence,
78th North 33°43'04" West, a distance of 75.81 feet; thence,
79th North 26°35'20" West, a distance of 54.85 feet; thence,
80th North 59°03'45" West, a distance of 61.33 feet; thence,
81st North 84°33'55" West, a distance of 73.98 feet; thence,
82nd South 84°48'40" West, a distance of 77.47 feet; thence,
83rd South 67°24'05" West, a distance of 45.58 feet; thence,
84th South 08°58'54" West, a distance of 67.39 feet; thence,
85th South 15°57'41" West, a distance of 51.01 feet; thence,
86th South 22°24'04" West, a distance of 64.42 feet; thence,
87th South 82°34'34" West, a distance of 81.34 feet; thence,
88th South 78°07'24" West, a distance of 68.09 feet; thence,
89th North 57°22'54" West, a distance of 150.99 feet; thence,
90th North 17°22'16" West, a distance of 58.73 feet; thence,
91st North 43°05'57" West, a distance of 220.70 feet; thence,
92nd North 25°02'23" West, a distance of 174.00 feet; thence,
93rd North 83°17'50" West, a distance of 60.03 feet; thence,
94th North 78°42'06" West, a distance of 89.41 feet; thence,
95th North 78°04'05" West, a distance of 186.39 feet; thence,
96th North 09°52'34" West, a distance of 81.79 feet; thence,
97th North 40°37'51" West, a distance of 96.94 feet; thence,
98th South 84°28'41" West, a distance of 109.22 feet; thence,
99th South 78°42'06" West, a distance of 160.93 feet; thence,

- 100th South 75°26'00" West, a distance of 895.22 feet; thence,
101st North 67°24'30" West, a distance of 20.13 feet; thence,
102nd South 29°04'48" West, a distance of 40.34 feet; thence,
103rd South 07°07'57" East, a distance of 71.70 feet; thence,
104th South 54°00'04" East, a distance of 44.02 feet; thence,
105th South 09°18'10" West, a distance of 172.04 feet; thence,
106th South 66°23'33" West, a distance of 57.11 feet; thence,
107th South 29°04'48" West, a distance of 48.69 feet; thence,
108th South 03°34'48" East, a distance of 170.11 feet; thence,
109th South 20°20'33" West, a distance of 90.85 feet; thence,
110th South 52°37'25" West, a distance of 145.20 feet; thence,
111th South 47°12'16" West, a distance of 202.54 feet; thence,
112th South 15°39'28" West, a distance of 54.35 feet; thence,
113th South 48°59'47" West, a distance of 129.52 feet to the beginning of a tangent curve concave northwesterly having a radius of 530.00 feet; thence along said curve,
114th Southwesterly an arc distance of 222.21 feet, through a central angle of 24°01'18"; thence,
115th South 73°01'05" West, a distance of 151.52 feet to the beginning of a tangent curve concave northerly having a radius of 410.00 feet; thence along said curve,
116th Westerly an arc distance of 137.60 feet, through a central angle of 19°13'43"; thence,
117th North 83°05'14" West, a distance of 98.13 feet; thence,
118th North, a distance of 19.80 feet; thence,
119th North 34°18'22" West, a distance of 33.44 feet; thence,
120th North 56°19'45" West, a distance of 40.76 feet; thence,
121st South 81°09'52" West, a distance of 57.21 feet; thence,

- 122nd South 59°53'47" West, a distance of 79.12 feet, more or less, to the northeast corner of that certain land shown on the Record of Survey recorded November 11, 1991, in Book 46, at Page 55 of Record of Surveys in the Office of the County Recorder of said county; thence along the northerly line said land,
- 123rd North 79°45'51" West, a distance of 381.00 feet to the northwest corner of said land shown on said Record of Survey; thence along the westerly prolongation of said northerly line,
- 124th North 79°45'51" West, a distance of 129.33 feet; thence leaving said westerly prolongation,
- 125th North 29°22'53" West, a distance of 144.21 feet, more or less, to a point on the southeasterly line of Bates Road (60 feet wide), defined by existing traveled way as shown on the Record of Survey filed in Book 51 at Page 5, in the Office of the County Recorder of said County; thence along said southeasterly line of Bates Road,
- 126th Easterly and northeasterly to the intersection with said northwesterly boundary of Parcel "A"; thence along said northwesterly boundary,
- 127th South 70°53'01" East a distance of 137.85 feet, more or less, to the **Point of Beginning**.

Contains: 3,735,837 Square Feet, 85.76 Acres, more or less.

PARCEL "A2"

That portion of Rancho el Rincon in the unincorporated territory of the County of Ventura, State of California, as described in Book A, Page 349 of Patents, in the Office of the County Recorder of said county, being a portion of Parcel 1 per Parcel Map Waiver No. 1157 recorded April 8, 2003 as Document No. 2003-0116322 of Official Records, also being a portion of Parcel "A" of Parcel Map Waiver No. SD 08-0045, recorded December 4, 2013 as Document No. 20131204-00195540-0 of Official Records, described as follows:

Commencing at the most northerly corner of Parcel 2 of said Parcel Map Waiver No. 1157; thence, North 43°52'19" East, a distance of 170.32 feet to the **Point of Beginning**; thence,

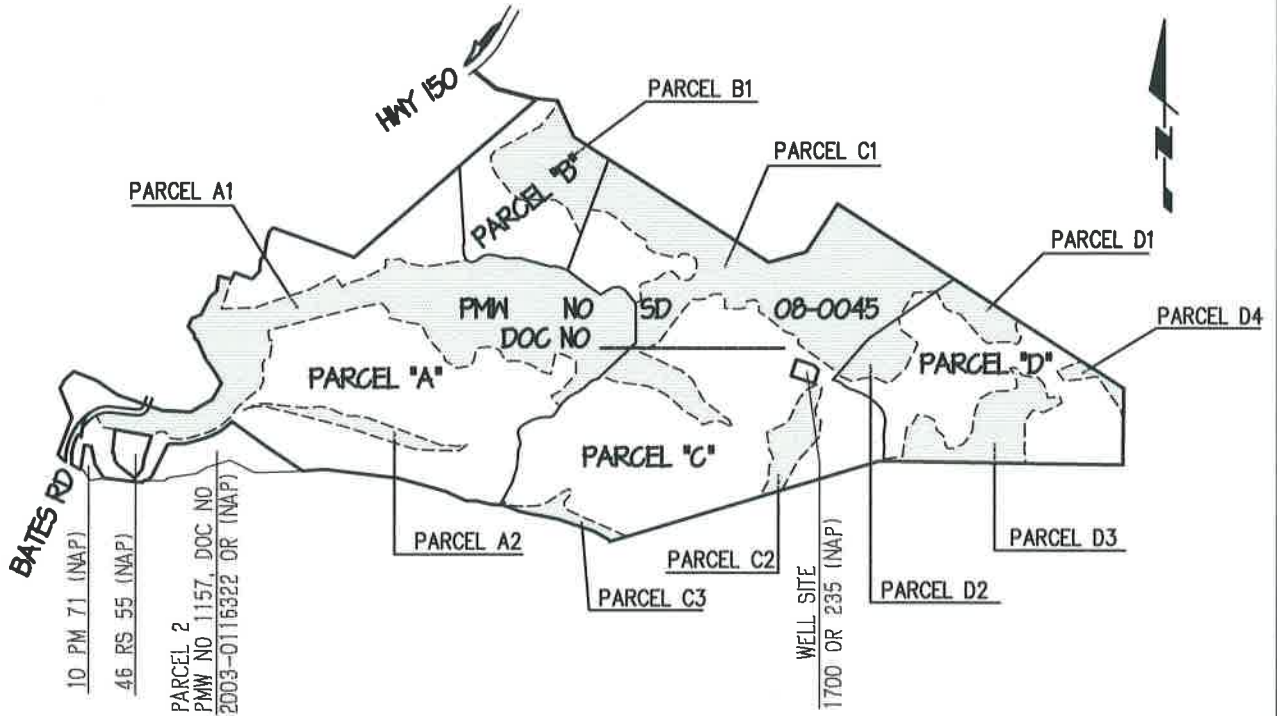
- 1st North 70°53'44" East, a distance of 65.46 feet to the beginning of a tangent curve concave southerly having a radius of 330.00 feet; thence along said curve,
- 2nd Southeasterly an arc distance of 194.32 feet, through a central angle of 33°44'19"; thence,
- 3rd South 75°21'57" East, a distance of 830.96 feet; thence,

- 4th South 71°44'02" East, a distance of 673.79 feet to the beginning of a tangent curve concave northerly having a radius of 530.00 feet; thence along said curve,
- 5th Northeasterly an arc distance of 155.96 feet, through a central angle of 16°51'37"; thence,
- 6th South 88°35'39" East, a distance of 340.04 feet to the beginning of a tangent curve concave northerly having a radius of 90.00 feet; thence along said curve,
- 7th Northeasterly an arc distance of 59.13 feet, through a central angle of 37°38'35"; thence,
- 8th North 53°45'46" East, a distance of 74.10 feet; thence,
- 9th South 83°29'03" West, a distance of 104.14 feet; thence,
- 10th North 86°25'39" West, a distance of 168.66 feet; thence,
- 11th North 69°19'09" West, a distance of 813.41 feet; thence,
- 12th North 82°06'04" West, a distance of 127.46 feet; thence,
- 13th West, a distance of 94.69 feet; thence,
- 14th North 65°34'43" West, a distance of 211.83 feet; thence,
- 15th North 82°08'59" West, a distance of 79.20 feet; thence,
- 16th South 84°33'55" West, a distance of 147.96 feet; thence,
- 17th North 84°17'43" West, a distance of 176.22 feet; thence,
- 18th North 82°37'18" West, a distance of 190.95 feet; thence,
- 19th West, a distance of 126.25 feet; thence,
- 20th South 65°44'53" West a distance of 155.72 feet, more or less, to the **Point of Beginning**.

Contains: 234,871 Square Feet, 5.39 Acres, more or less.

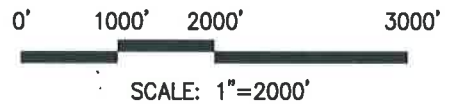
EXHIBIT "B"

LU 10-0062
(RESTRICTIVE COVENANT - PMW SD 08-0045)



AREA

Name	Sq. Feet	Acres
PARCEL A1	3735837	85.76
PARCEL A2	234871	5.39
PARCEL B1	791887	18.18
PARCEL C1	3492576	80.18
PARCEL C2	327272	7.51
PARCEL C3	145091	3.33
PARCEL D1	277045	6.36
PARCEL D2	298355	6.85
PARCEL D3	737857	16.94
PARCEL D4	97335	2.23



SHEET LEGEND

- SHEET 2 PARCELS "A1" & "A2"
SHEET 3 LINE AND CURVE DATA - PARCELS "A1" & "A2"

LEGEND

- DOC DOCUMENT
MR MISCELLANEOUS RECORDS
NAP NOT A PART
OR OFFICIAL RECORDS
PM PARCEL MAP
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
(R) RADIAL
RS RECORD OF SURVEY

SHADED AREA DENOTES LAND DESCRIBED IN THE ATTACHED EXHIBIT "A"

William T. Hurdle 11-19-2013

WILLIAM T. HURDLE
PLS 5453

DATE

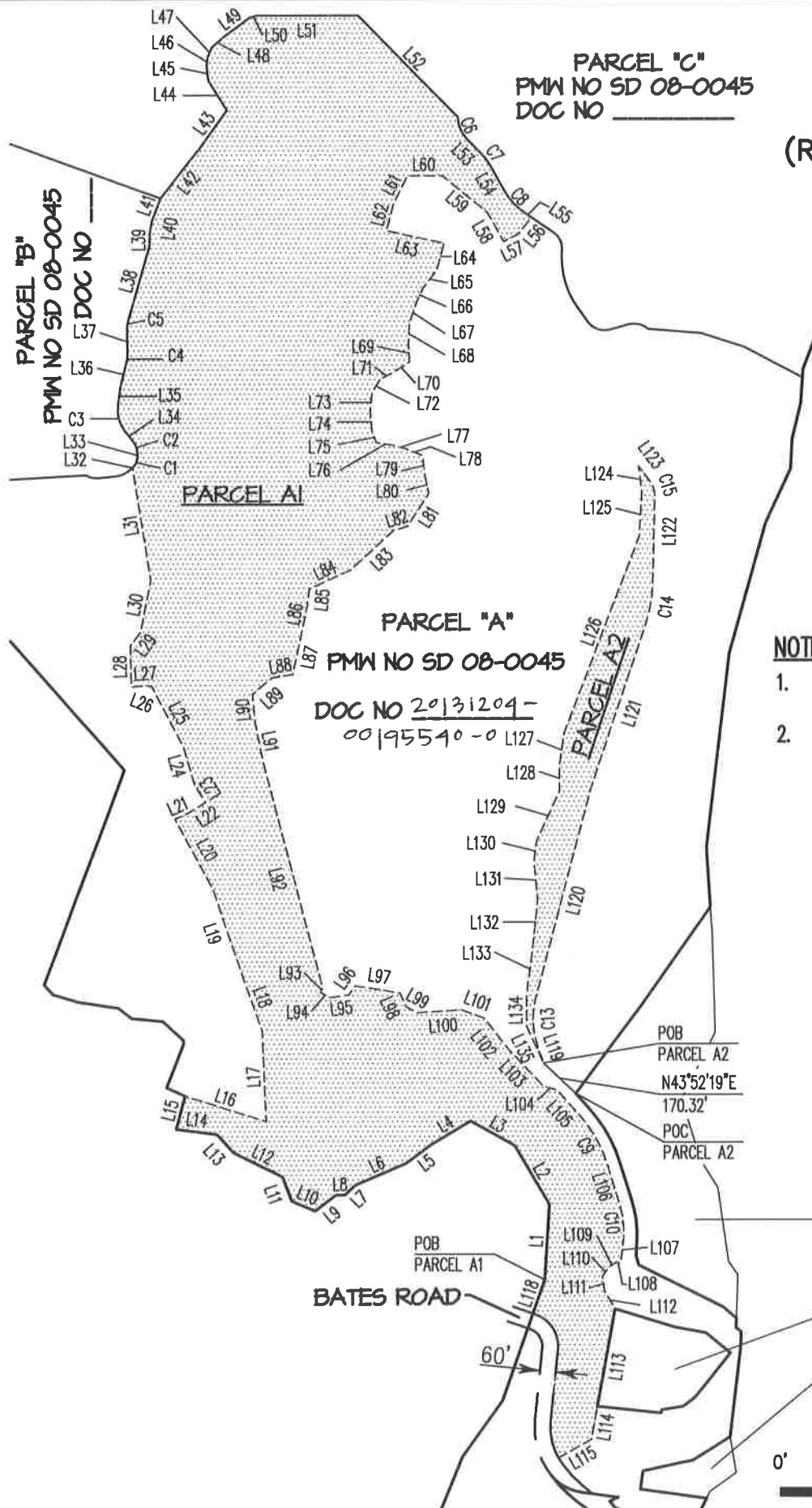


EXHIBIT "B"

LU 10-0062
(RESTRICTIVE COVENANT)
(PMW SD 08-0045)

PARCEL "C"
PMW NO SD 08-0045
DOC NO _____

PARCEL "B"
PMW NO SD 08-0045
DOC NO _____



NOTES:

1. SEE SHEET 3 FOR LINE AND CURVE DATA
2. SEE SHEET 1 FOR LEGEND AND ACREAGE

POB
PARCEL A2
N43°52'19"E
170.32'
POC
PARCEL A2

PARCEL 2 PMW NO 1157
DOC NO 2003-0116322 OR (NAP)

46 RS 55 (NAP)

10 PM 71 (NAP)

0' 300' 600' 1200'

SCALE: 1"=600'

EXHIBIT "B"

LU 10-0062

(RESTRICTIVE COVENANT)

(PMW SD 08-0045)

LINE DATA - PARCELS "A1 & A2" (SHEET 2)


NO	BEARING	DISTANCE	NO	BEARING	DISTANCE	NO	BEARING	DISTANCE	NO	BEARING	DISTANCE
L1	S86°22'58"E	291.69'	L35	S82°27'22"E	71.79'	L70	N33°43'04"W	75.81'	L105	S48°59'47"W	129.52'
L2	N59°52'02"E	263.98'	L36	S76°09'36"E	103.40'	L71	N26°35'20"W	54.85'	L106	S73°01'05"W	151.52'
L3	N29°22'02"E	192.04'	L37	N89°37'28"E	115.91'	L72	N59°03'45"W	61.33'	L107	N83°05'14"W	98.13'
L4	N31°07'58"W	174.22'	L38	S74°11'54"E	304.15'	L73	N84°33'55"W	73.98'	L108	NORTH	19.80'
L5	N36°52'58"W	118.79'	L39	N89°44'33"E	45.17'	L74	S84°48'40"W	77.47'	L109	N34°18'22"W	33.44'
L6	N23°37'58"W	211.84'	L40	S79°56'47"E	52.11'	L75	S67°24'05"W	45.58'	L110	N56°19'45"W	40.76'
L7	N43°35'12"W	56.20'	L41	S69°01'57"E	91.81'	L76	S08°58'54"W	67.39'	L111	S81°09'52"W	57.21'
L8	N01°24'13"W	34.40'	L42	S52°21'57"E	239.79'	L77	S15°57'41"W	51.01'	L112	S59°53'47"W	79.12'
L9	N37°31'10"W	99.94'	L43	S54°13'52"E	182.53'	L78	S22°24'04"W	64.42'	L113	N79°45'51"W	381.00'
L10	N22°54'28"E	96.87'	L44	N57°39'23"E	133.80'	L79	S82°34'34"W	81.34'	L114	N79°45'51"W	129.33'
L11	N69°58'40"E	100.43'	L45	N82°32'03"E	53.74'	L80	S78°07'24"W	68.09'	L115	N29°22'53"W	144.21'
L12	N26°33'55"E	208.49'	L46	S83°41'21"E	36.89'	L81	N57°22'54"W	150.99'	L116	INTENTIONALLY REMOVED	
L13	N48°26'14"E	94.89'	L47	S65°31'17"E	40.17'	L82	N17°22'16"W	58.73'	L117	INTENTIONALLY REMOVED	
L14	N07°22'01"E	157.14'	L48	S41°50'37"E	58.62'	L83	N43°05'57"W	220.70'	L118	S70°53'01"E	137.85'
L15	S75°19'02"E	132.74'	L49	S36°44'57"E	126.40'	L84	N25°02'23"W	174.00'	L119	N70°53'44"E	65.46'
L16	S17°39'16"W	324.21'	L50	S13°23'53"E	31.05'	L85	N83°17'50"W	60.03'	L120	S75°21'57"E	830.96'
L17	N87°38'12"E	351.36'	L51	S00°04'57"E	384.33'	L86	N78°42'06"W	89.41'	L121	S71°44'02"E	673.79'
L18	N70°13'28"E	225.20'	L52	S45°37'38"W	545.29'	L87	N78°04'05"W	186.39'	L122	S88°35'39"E	340.04'
L19	N71°34'31"E	351.39'	L53	S45°51'31"W	77.93'	L88	N09°52'34"W	81.79'	L123	N53°45'46"E	74.10'
L20	N61°58'58"E	309.05'	L54	S60°45'46"W	112.01'	L89	N40°37'51"W	96.94'	L124	S83°29'03"W	104.14'
L21	S24°05'58"E	56.32'	L55	S34°50'27"W	34.46'	L90	S84°28'41"W	109.22'	L125	N86°25'39"W	168.66'
L22	S32°40'24"E	77.06'	L56	N51°22'10"W	81.48'	L91	S78°42'06"W	160.93'	L126	N69°19'09"W	813.41'
L23	N57°15'41"E	75.37'	L57	N26°35'20"W	62.68'	L92	S75°26'00"W	895.22'	L127	N82°06'04"W	127.46'
L24	N74°16'46"E	150.39'	L58	N60°40'04"E	128.72'	L93	N67°24'30"W	20.13'	L128	WEST	94.69'
L25	N62°46'00"E	266.10'	L59	N39°15'18"E	221.69'	L94	S29°04'48"W	40.34'	L129	N65°34'43"W	211.83'
L26	N21°47'15"E	15.92'	L60	NORTH	133.12'	L95	S07°07'57"E	71.70'	L130	N82°08'59"W	79.20'
L27	N03°14'04"W	64.40'	L61	N63°27'32"W	117.60'	L96	S54°00'04"E	44.02'	L131	S84°33'55"W	147.96'
L28	N88°43'23"E	158.86'	L62	N75°05'00"W	108.88'	L97	S09°18'10"W	172.04'	L132	N84°17'43"W	176.22'
L29	S53°09'32"E	64.38'	L63	S12°32'29"W	226.10'	L98	S66°23'33"W	57.11'	L133	N82°37'18"W	190.95'
L30	S79°03'25"E	203.36'	L64	N74°37'41"W	106.58'	L99	S29°04'48"W	48.69'	L134	WEST	126.25'
L31	N81°01'13"E	442.04'	L65	N53°09'32"W	87.64'	L100	S03°34'48"E	170.11'	L135	S65°44'53"W	155.72'
L32	S44°37'46"E	1.40'	L66	N65°00'21"W	58.04'	L101	S20°20'33"W	90.85'			
L33	S89°28'14"E	10.73'	L67	N71°34'59"W	88.71'	L102	S52°37'25"W	145.20'			
L34	N52°44'49"E	55.91'	L68	N87°24'00"W	77.23'	L103	S47°12'16"W	202.54'			
			L69	S87°08'26"W	70.23'	L104	S15°39'28"W	54.35'			

CURVE DATA - PARCELS "A1 & A2" (SHEET 2)

NO	DELTA	LENGTH	RADIUS	RADIAL BEARING-IN	RADIAL BEARING-OUT
C1	44°50'28"	46.96'	60.00'	N45°22'14"E	N00°31'46"E
C2	37°46'57"	49.46'	75.00'	N00°31'46"E	N37°15'11"W
C3	44°47'49"	101.64'	130.00'	S37°15'11"E	S07°32'38"W
C4	14°12'56"	17.37'	70.00'	N13°50'24"E	N00°22'32"W
C5	16°10'37"	19.76'	70.00'	S00°22'32"E	S15°48'06"W
C6	43°18'24"	94.48'	125.00'	S00°50'05"E	S44°08'29"E
C7	14°54'15"	55.93'	215.00'	N44°08'29"W	N29°14'14"W
C8	25°55'19"	113.11'	250.00'	S29°14'14"E	S55°09'33"E
C9	24°01'18"	222.21'	530.00'	N41°00'13"W	N16°58'55"W
C10	19°13'43"	137.60'	410.00'	N16°58'55"W	N02°14'48"E
C11	INTENTIONALLY REMOVED				
C12	INTENTIONALLY REMOVED				
C13	33°44'19"	194.32'	330.00'	S19°06'16"E	S14°38'03"W
C14	16°51'37"	155.96'	530.00'	N18°15'58"E	N01°24'21"E
C15	37°38'35"	59.13'	90.00'	N01°24'20"E	N36°14'15"W

RECORDING REQUESTED BY:

JENSEN DESIGN
1672 DONLON STREET
VENTURA, CA 93003
ATTN: Lisa Woodburn


20131204-00195543-0 1/12
Ventura County Clerk and Recorder
MARK A. LUNN
12/04/2013 02:26:02 PM
775459 \$48.00 VA

RETURN TO:

VENTURA COUNTY PLANNING DIVISION
800 S. VICTORIA AVENUE L#1740
VENTURA, CA 93009
ATTN: Michelle Glueckert D'Anna

ASSESSOR PARCEL NOS.: 008-0-160-370, and portion of 008-0-160-440

CASE NO: SD08-0045 and LU10-0062

DATE OF PERMIT APPROVAL: July 23, 2010

**DECLARATION AND AGREEMENT TO RESTRICT THE USE OF PROPERTY -
BIOLOGICAL RESTRICTIVE COVENANT**

This Declaration and Agreement to Restrict the Use of Property with a BIOLOGICAL RESTRICTIVE COVENANT as hereinafter set forth ("RESTRICTIVE COVENANT") is made by the Property Owner: Anthony E. & Jehanne Khoury Brown ("OWNER"). OWNER promises and agrees to restrict the use of the PROPERTY described below in accordance with the terms, conditions and restrictions of this RESTRICTIVE COVENANT.

1. **PROPERTY:** OWNER is the record owner of the following described real property consisting of:

That portion of Lots 1 and 2 of Section 36, Township 4 North, Range 25 West, San Bernardino Meridian, in the unincorporated territory of the County of Ventura, State of California, together with a portion of Rancho el Rincon as described in Book A, Page 349 of Patents, in the Office of the County Recorder, described as Parcel B in Exhibit A of Parcel Map Waiver No. SD08-0045 recorded December 2, 4, 2013, Document No. 20131204-00195543-0 of Official Records of said County.

2. **RESTRICTED AREA:** OWNER agrees to restrict the use of a certain portion of the PROPERTY, the description of which is attached as EXHIBIT A (TEXT) and EXHIBIT B (MAP) (the "RESTRICTED AREA"), in accordance with the terms, conditions and restrictions of this RESTRICTIVE COVENANT

3. **PROJECT:** OWNER applied to the County of Ventura, Planning Division, ("COUNTY") for a Parcel Map Waiver/Large Lot Subdivision (PMW/LLS) No. SD08-0045 and Coastal Planned Development Permit LU10-0062 ("PROJECT"). The project subdivided 584.17 acres, resulting in Parcel "A" (230.16 acres), Parcel "B" (43.60 acres), Parcel "C" (223.14 acres) & Parcel "D" (87.24 acres). A building pad was established on each parcel to accommodate one single family residence per parcel. The approximate sizes of the building pads of the four parcels are as follows: Parcel A = 0.4 acre, Parcel B = 0.4 acre, Parcel C = 0.9 acre, and Parcel D = 0.25 acre. Access to the proposed building pads is through the existing ranch roads.

4. **CONDITIONAL APPROVAL OF PROJECT:** The PROJECT was tentatively and conditionally approved by the Planning Director on July 23, 2010, with Condition No. 12 of the PROJECT requiring a biological restrictive covenant to inform present and future property owners of restrictions on development, described in Section 5 of this Covenant, which exist beyond those imposed by the Zoning Ordinance.

5. **RESTRICTIONS ON USE OF PROPERTY:** In consideration of the COUNTY'S approval of the PROJECT, OWNER agrees to, declares and establishes, on behalf of himself/herself/his/her heirs, successors in interest and assigns, the following covenants and restrictions on the RESTRICTED AREA:

OWNER shall ensure that none of the following activities occur in the RESTRICTED AREA without prior express written approval from the COUNTY Planning Director and all necessary permits are first obtained. Approval will require an Initial Study Biological Assessment, and if the activity would result in potentially significant impacts on biological resources, either mitigation of significant impacts or a statement of overriding considerations is required.

- i Removal, mining, excavation, or disturbance of the soil or surface rocks or decaying material such as fallen trees;
- ii Dumping, filling, storing, disposal, burying or stockpiling of any natural or manmade materials;
- iii Erection of buildings or structures of any kind, including but not limited to: fencing, corrals, advertising signs, antennas, light poles;
- iv Placement of pavements, concrete, asphalt and similar impervious materials, laying of decomposed granite for pathways, or setting of stones, paving bricks or timbers, except as necessary for maintenance of existing roads;
- v Removal or alteration of native trees or plants, except as necessary for fuel reduction required by Ventura County Fire Protection District, removal of non-native species and sensitive habitat restoration or maintenance (which must be under the direction of a qualified biologist);
- vi Application of insecticides or herbicides, poisons, or fertilizers;
- vii Planting, introduction or dispersal of invasive, exotic plant or animal species;