

## CATEGORICAL EXCLUSION ORDER E-83-1

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), which categorically excludes from the permit requirements of the California Coastal Act of 1976 the coastal zone of the County of Ventura except as specifically limited under the categories below and except for tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject or potentially subject to the public trust. Within this area the Commission hereby orders that the following developments within the specific area shall not require a coastal development permit:

### I. CATEGORIES OF DEVELOPMENT

Certain types of development as described below will be exempt from the requirements of a coastal development permit. Ordinarily a Planned Development Permit or Conditional Use Permit under the submitted Local Coastal Program Implementation Plan, consistent with the LCP would constitute the coastal permit. Regardless of the coastal permit requirements, a Zoning Clearance would still be required where delineated in the Ventura County LCP Implementation Plan in Section 8192.1. Article 22. Thus, no Planned Development Permit or Conditional Use Permit would be required for the following types of development in the coastal zone of Ventura County.

A. Repair and Maintenance Activities that do not result in the addition to, or enlargement or expansion of, the object of such repair or maintenance activities, and public works facilities being restored to design capacities except for the following extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact:

1. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

b) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

c) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or

- d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 100 feet of coastal waters or streams.
2. Any method of routine maintenance dredging that involves:
    - a) The dredging of 100,000 cubic yards or more within a twelve (12) month period;
    - b) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 100 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 100 feet of coastal waters or streams; or
    - c) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Commission has declared by resolution or the LCP has identified as having a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
  3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 100 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 100 feet of coastal waters or streams that include:
    - a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; and
    - b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.
- B. The following Minor Developments except when proposed on a beach, wetland, sand dune, estuary, stream, river, or edge of a coastal bluff; within 100 feet of such areas; or any area defined as "riparian habitat," "environmentally sensitive habitats" or their buffer zones by the certified Land Use Plan and so designated on the Land Use Plan maps; or on slopes greater than 20%.
1. Fences and walls of six feet or less in height except when such wall or fence may obstruct public access to the beach.
  2. Installation of irrigation lines.
  3. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has previously been granted a permit.
  4. Buildings or structures, or additions thereto, having an aggregate value of \$1,000.00 or less.

5. The structure of solar collection systems to existing buildings or structures.
  6. Grading, excavation, or fill which does not involve 50 cubic yards or more of material, and brush or vegetation removal other than major vegetation of less than one-half acre of land.
  7. Lot line adjustments not resulting in an increase or potential increase in the number of lots, number of building sites, or density of permitted development.
  8. Temporary mobile homes during construction in accordance with Section 8187-4.1g.
  9. Crop production.
  10. Domestic animal keeping in accordance with Section 8187-4.4.
  11. Open storage of material in accordance with Section 8187-4.7.
- C. The Construction of Single Family dwellings on existing vacant legal lots of record in the following areas:
1. Solromar (South Coast Community) - The developed areas inland of the Pacific Coast Highway zoned C-R-E, C-R, and C-R-PD-24U. (Maps 24 & 25, USGS Map 133).
  2. Silver Strand/Hollywood-by-the-Sea - The entire unincorporated area inland of the first public road (Ocean Avenue) to the boundary of the U.S. Naval Construction Battalion Center zoned R-B-H. (Maps 9 & 11-18, USGS Map 131).
  3. Hollywood Beach - The entire unincorporated area inland of the first public road (Ocean Avenue) to the city limits of Oxnard zoned R-B-H. (Maps 10 & 19-23, USGS Map 131).
  4. North Coast Community - Those lots inland of the first row of lots adjacent to the beach and part of the County Service Area 29 zoned R-B. (Maps 1-8, USGS Maps 126-129).
- D. The following Agriculturally Related Development for the following activities and areas zoned C-A and C-O-S. (See USGS Maps 127, 128, 129, 131, 132, 133).
1. Areas
    - a. Located within the coastal zone and inland of the following public roadways: U.S. 101 from Rincon Point to the intersection of Harbor Boulevard; Harbor Boulevard south to City of Oxnard corporate boundary at Wooley Road; and Highway 1 on the South Coast; and
    - b. Zoned "C-A" (Coastal Agricultural), or "C-O-S" (Coastal Open Space); and

- c. A minimum of ten acres in lot size.
- d. Areas not excluded include those within 100 feet of solid or dashed (permanent or intermittent) blue line streams identified on the USGS 7 1/2 minute quadrangle maps nor within 100 feet of any area defined as "riparian habitat" "environmentally sensitive habitats", or their buffer zones identified by the certified Land Use Plan are not subject to this agriculturally exclusion.

## 2. Activities

- a. The construction or demolition of barns, storage, equipment and other necessary buildings for agricultural purposes provided the buildings are for the sole purpose of commodities grown on the subject parcel.
- b. The construction of fences for farm or ranch purposes provided no solid fence designs are used. Any fence which might block existing or proposed public equestrian and/or pedestrian trails requires a coastal permit.
- c. Storage tanks and water distribution lines utilized for on-site agricultural activities.
- d. Water impoundment projects in canyons and drainage areas not identified as solid or dashed blue lines streams USGS 7 1/2 minute quadrangle map, and which do not exceed 2 acre feet either in actual water impounded or in design capacity.

## C. Activities Not Excluded - The following developments are not excluded:

1. Water wells, equestrian facilities, (including boarding stables, riding areas, polo field, etc.), and greenhouses which exceed 400 sq. ft. in total area on the parcel. The exclusion shall not apply to any structure defined as "a qualified historical building or structure" by the Health Safety Code Section 18955, as amended from time to time.
2. Single-family residences.
3. Agricultural processing facilities including storage and accessory structures.
4. The removal of vegetation on more than one-half acre of land or the removal of major vegetation other than for agricultural purposes. Major vegetation includes grassland, coastal scrub, riparian vegetation, native and non-native trees other than landscaping with development.

## II CONDITIONS

1. This exclusion shall not become effective until the County of Ventura has a fully certified Local Coastal Program and permitting authority has been delegated by the Commission pursuant to section 30519 of the Coastal Act.

## 2. Mapping

This order of categorical exclusion shall not be implemented until the County submits to the Executive Director of the Coastal Commission and the Executive Director approves, in writing, a map or maps depicting all of the following:

- a. The geographic area excluded by Commission order,
- b. The zoning designations of the excluded area,
- c. The areas of potential public trust (areas subject to the public trust are seaward of the line of potential public trust and will be adequately depicted),
- d. All coastal bodies of water, riparian corridors, and wetlands as may be shown on any Land Use Plan Resources Maps, or Background Studies,
- e. The boundaries of all lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach,
- f. A map note which clearly indicates that the written terms of this order should be consulted for a complete listing of non-excludable developments. The note shall, to the maximum extent practicable, indicate the topical areas which are non-excludable. It shall state that no development within one hundred feet from the upland limit of any stream, wetland, marsh, estuary, or lake, is excluded by the terms of this order, regardless of whether such coastal waters are depicted on the exclusion map, or not. The map note shall further state that where the natural resource, environmentally sensitive habitat, open space or other similar policies of the certified Local Coastal Program specify a geographically larger area of concern for natural resources, then no development shall occur in the area described in the Local Coastal Program unless authorized by a coastal development permit.

## 3. Determination by Executive Director

The order granting a categorical exclusion for these categories of development in the County of Ventura, pursuant to Public Resources Section 30610, shall not become effective until the Executive Director of the State Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.

## 4. Exclusion Limited to Coastal Permits

This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government agency.

5. Records

The County shall maintain a record of any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request.

6. Notice

On the first Monday of each month, the District Office and any person who has requested such notice shall receive notification of exemptions under this order on a form containing the following information:

- i) developer's name,
- ii) street address and assessor's parcel number of property on which development is proposed,
- iii) brief description of development
- iv) date of application for other local permit(s)
- v) all terms and conditions of development imposed by local government in granting its approval of such other permits.

7. Conformity with LCP

Development under this exclusion shall conform with the County of Ventura Local Coastal Program in effect on the date this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.

8. Amendment of LCP

In the event an amendment of the Local Coastal Program of the County of Ventura is certified by the Coastal Commission pursuant to Section 30514 of the Coastal Act, development under this order shall comply with the amended Local Coastal Program, except where the terms and conditions of this order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.

9. Non-Exclusion of Buffer Zone

This order does not exempt any development within one hundred feet, measured horizontally, from the high water mark of any coastal body of water, stream, wetland, estuary, or lake, regardless of whether such coastal waters are depicted on the exclusion map, or not.

10. Limitation

Any development not falling within this exclusion remains subject to the coastal development permit requirements of the Coastal Act of 1976.