



Public Information

County of Ventura • Resource Management Agency • Planning Division

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Biological Resources and Development Permitting

Biological resources include plant and animal species and their habitats, communities and ecosystems. Various local, state and federal regulations protect biological resources, especially those whose survival is threatened.

A primary goal of the Ventura County General Plan is to:

“Preserve and protect significant biological resources in Ventura County from incompatible land uses and development. Significant biological resources include endangered, threatened or rare species and their habitats, wetland habitats, coastal habitats, wildlife migration corridors and locally important species/communities.”

If your project requires Planning Director, Planning Commission or Board of Supervisors approval (i.e. discretionary permit/entitlement), then an assessment is required of your project’s potential impact on biological resources. The following information explains this assessment process.

Save Time and Money

Design Your Project to Avoid Sensitive Biological Resources

- Does your property contain natural vegetation?
- Is your property adjacent to natural vegetation?
- Is your property located within 300 feet of a waterway, drainage, or wetland?
- Does your property contain trees?

If you answered yes to any of the above questions, it is in your best interest to learn more about the nature of the biological resources on your property before you design your development project. A qualified biological consultant can help you design your project to avoid or minimize impacts on sensitive and protected biological resources.

Maps of known biological resources in the region can be obtained from the Ventura County Planning Division. To order maps, visit our website at http://www.ventura.org/rma/planning/pdf/bio/Bio_Map_Packet_Request.pdf. Although the County’s Biologi-

cal Resource Maps are a good place to start, the maps are not comprehensive and do not show all biological information for individual parcels of land. For properties in or adjacent to land in a natural, undeveloped state, an on-site biological survey and report prepared by a qualified biologist will be required. Therefore, obtaining the services of a qualified biological consultant before you design your project may save you time and expense caused by project re-designs during permit/entitlement processing.

A biological consultant-prepared Biological Resources Evaluation or Biological Constraints Analysis is a general inventory of the biological resources located on a property or with a strong potential to occur on a prop-

Designing your project to avoid or minimize impacts on sensitive biological resources can reduce the need for costly and time-consuming redesigns and make the permit application process more efficient.

erty. The analysis also identifies the regulations that protect the biological resources and potential constraints to development. This analysis can assist with designing your project to avoid costly impacts on biological resources.

Designing subdivisions of land and locating buildable sites:

For subdivisions of property, applicants are required to identify buildable sites for each proposed lot. However, once a parcel or tract map is recorded, future development of the lots is not limited to the buildable sites. Because development of the new lots could occur anywhere on the lots, the entire property must be evaluated for potential impacts on biological resources, unless the applicant elects to limit development to the identified buildable sites. Similarly, a General Plan Amendment or Zone Change that would reduce the minimum parcel size and allow future subdivision of the property does not limit where future development would occur. Therefore, the entire property must be evaluated for potential impacts on biological resources, unless the applicant elects to limit development to identified buildable sites.

The legal mechanism that is used by an applicant and the County to limit where development can occur on property is a restrictive covenant, which is recorded on the property title. By limiting development to the planned buildable sites, only the buildable sites and other areas subject to potential direct or indirect impacts from development of the buildable sites need to be surveyed and evaluated for impacts by a qualified biologist. This may be a good option for very large properties with relatively small proposed buildable sites, for which a survey and evaluation of the entire property would be expensive. Any future proposed development or land disturbance within a restricted area would require biological review, feasible mitigation measures, and discretionary approval. You should carefully weigh the costs associated with recordation of the restrictive covenant with the costs associated with surveying and evaluating the entire property for biological impacts. This decision should be made after consulting with the Planning Division and a qualified biologist.

Required Biological Assessments What You Need to Know:

When you submit a permit application, it is normally necessary to provide an Initial Study Biological Assessment (ISBA) report prepared by a qualified biologist in compliance with the Planning Division's Standards for ISBA reports, and to delineate on your site plan the significant biological resources found during the assessment, such as wetlands, special-status species or sensitive habitats.

In accordance with the California Environmental Quality Act (CEQA), each project requiring a discretionary permit/entitlement that is not otherwise exempt must be evaluated by County staff for its potential impact on the existing physical environment (see definition of a project at http://www.ventura.org/rma/planning/pdf/ceqa/Admin_Supp_to_CEQA_8-11-09.pdf, Section 4.2). Where there is a potentially significant impact, the County staff must also evaluate and recommend measures to avoid or reduce the impact. CEQA further requires that all feasible mitigation measures be imposed on discretionary permits/entitlements. This evaluation and mitigation process is described below.

The preliminary CEQA evaluation that is prepared by County staff is called the Initial Study. The County of Ventura has adopted Initial Study Assessment Guidelines that are used by County staff in the environmental impact evaluation of proposed projects. These Guidelines provide general threshold criteria and methodologies used for determining potentially significant impacts regarding resources, hazards, land use, and public facilities and services. These Guidelines can be viewed on the Planning Division's website at <http://www.ventura.org/rma/planning/ceqa/isag.html>.

Regarding evaluation of biological resources, there are very few circumstances in which review of aerial imagery and maps alone is sufficient to determine that a project would not impact biological resources. Therefore, a field survey and an Initial Study Biological Assessment (ISBA) report are normally necessary to inventory and evaluate the biological resources present on the project site. However, projects that normally

would not require a field survey or ISBA include the following:

- ☞ **Remodeling an existing structure that does not extend past the existing structure footprint.**
- ☞ **Additions to existing structures that are within a previously permitted graded pad area or, if there is no graded pad, an existing developed/landscaped area, and if additional fire brush clearance is not required.**
- ☞ **Demolition of an existing structure and construction of a new structure within the existing building pad area where no additional fire brush clearance is required.**
- ☞ **Modification to an existing permit that would not extend beyond the approved development pad, for which potential biological impacts were already evaluated and mitigated.**
- ☞ **Projects on land consisting of non-native grasslands totaling less than 1.0 acre that are completely surrounded by existing urban development (such as urban infill lots).**

If the Planning Division determines that a field survey and ISBA are necessary for your proposed project, the ISBA report will normally be required as part of the permit/entitlement application. An ISBA must be conducted by a qualified biologist (one who meets the Division's minimum qualifications), and the report must meet the Division's Standards for ISBA reports (available through the Planning Division's website at http://www.ventura.org/rma/planning/ceqa/bio_consultants.html). The Planning Division maintains a list of pre-qualified biologists, whose qualifications have already been reviewed by the Division. Applicants may select a pre-qualified biologist or, if another biologist is selected, the Division must first verify his/her qualifications. The Planning Division will review the ISBA report submitted with the permit application to ensure that it is consistent with the Division's Standards for ISBA reports and the County's Initial Study Assessment Guidelines. Permit applications will only be considered complete for biological resources when the ISBA report, if required, has been determined complete and consistent with these standards.

In some cases, one biological survey is not sufficient to complete the ISBA, and additional focused surveys for special-status plants or animals may be necessary. For instance, a biological survey conducted in the fall is not appropriate for the observation of most flowering plants; therefore, a focused plant survey may be necessary in the spring to complete the ISBA.

Findings from biological field surveys conducted prior to application submittal (e.g., as part of your project design phase) can be used for the ISBA report. However, because biological resources are dynamic, findings from field surveys have an expiration date of one year. Therefore, biological field surveys for ISBA reports must be conducted no more than one year before permit application. If one year passes after your initial field survey, then a follow-up survey will be necessary. The ISBA report will provide the Planning Division with recommendations on whether project impacts on biological resources are significant; and, if so, what mitigation measures would reduce those impacts. The Planning Division must make the ultimate determination on the significance of biological impacts and whether the impacts can be adequately mitigated. Information supplied in the ISBA report will be used to make this determination.

Environmental Document **What to Expect:**

Depending on the results of your ISBA and County completion of the Initial Study, County staff will require the preparation of the appropriate environmental document.

After the Planning Division reviews your ISBA and completes an Initial Study, one of three possible documents must be prepared (see the Discretionary Permit Process brochure for more detailed information at <http://www.ventura.org/rma/planning/Public/index.html>):

An **Environmental Impact Report (EIR)** is an environmental document that contains detailed information on the potentially significant environmental impacts of a project and mitigation measures to reduce the impacts. It also requires an analysis of alternatives to the proposed project (e.g., no project, different location, modified design). This document can find impacts to be significant and unavoidable if no feasible

mitigation measures would reduce impacts to less-than-significant. However, before the decision-making body can approve a project with significant impacts, the decision-making body must find that there are specific overriding considerations that justify the approval of the project. It should be further noted that there are some policies of the County General Plan that restrict the decision-making body's ability to approve a project where a significant, unmitigated impact would occur (e.g., wetlands). Please refer to our website at http://www.ventura.org/rma/planning/General_Plan/general_plan.html.

A **Negative Declaration (ND)** is an environmental document concluding that the project has no impact or less-than-significant impacts on the environment and requires no mitigation.

A **Mitigated Negative Declaration (MND)** is an environmental document concluding that the project would have less than significant impacts on the environment with mitigation measures incorporated as permit conditions or restrictive covenants and agreed to by the applicant. This document must reduce all impacts to a less-than-significant level.

***Mitigating Biological Impacts
— Permit Conditions &
Biological Restrictive Covenants***

Generally, the most effective way to mitigate potentially significant impacts on biological resources is to avoid developing in areas of sensitive biological resources.

If the ISBA report identifies a biological resource that could be significantly impacted by your project, then an Environmental Impact Report (EIR) is required unless mitigation measures that avoid or reduce the impact to a less-than-significant level are agreed to by yourself and County staff. Generally, avoiding potential impacts is more effective and easier to implement than other measures (e.g., relocating the resource, rehabilitating, restoring or compensating).

In order to avoid or otherwise mitigate a significant impact on biological resources for projects that involve a Planned Development Permit or a Conditional Use Permit, the permit conditions will specify where development (structures, grading and land clearing) and

other activities can and cannot occur on the property, and may specify where and how much biological rehabilitation, restoration or compensation will be required. In order to avoid or otherwise mitigate a significant impact on biological resources for projects that involve a General Plan Amendment, Zone Change, or Subdivision of property, a biological restrictive covenant will be required to specify conditions for future development to avoid or mitigate biological impacts. You should also be aware that any future changes to the restrictive covenant would require biological review, mitigation measures (if feasible), and discretionary approval.

The following are various types of permit conditions/restrictive covenant provisions you might expect on your project if there are biological impacts that require mitigation:

- ✿ **Pre-construction surveys by a qualified biologist for nesting birds and avoidance of nests during construction.**
- ✿ **Pre-construction surveys for and relocation of special-status wildlife by a qualified biologist.**
- ✿ **Development and use restrictions on a biologically sensitive portion of the property (more information on restrictive covenants can be obtained from the Planning Division).**
- ✿ **Preparation and implementation of a restoration or management plan for a biologically sensitive portion of the property.**
- ✿ **Payment into a compensatory mitigation fund, such as the Mountains Recreation and Conservation Authority's Coastal Habitat Impact Mitigation Fund.**

If you agree to the mitigation measures (permit conditions/restrictive covenants) proposed in your ISBA and accepted by County staff, or proposed by County staff, and the mitigation measures would reduce the impacts to a less-than-significant level, then you would not be required to have an EIR prepared for your project. Instead, a Mitigated Negative Declaration would be prepared (assuming there are no other significant impacts that cannot be mitigated to a less-than-significant level).

After County Approval
— State & Federal Fees and Permits

Additional fees and permits may be required by State and Federal laws and regulations.

California Department of Fish and Game (CDFG) Fees – CDFG collects fees during the filing of the Notice of Determination (when the environmental document is complete). The case planner working with you on your permit will notify you of the required fee, which varies depending upon the type of environmental document. The current fees for the various environmental documents can be viewed at http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

If the environmental review determines that your project has no impact on biological resources, you will still need to pay the CDFG fee, UNLESS you request a “No Effect” determination from the Department of Fish and Game. Your case planner can provide you with the request form.

Other Agency Permits: In addition to County permits/entitlements, impacts on threatened or endangered species require permits from state and/or federal agencies. Impacts on waterways or wetlands require permits from state and/or federal agencies as well. Ventura County’s Wetland Project Permitting Guide describes the various wetland permits, situations which require permits, and how to obtain these permits.

For more information on Ventura County’s biological resources and the policies that protect them, visit our website at:
<http://www.ventura.org/rma/planning/ceqa/bio.html>