

EXHIBIT 1

Planning Commission Staff Report
dated November 3, 2022, including
Exhibits 2-13 (Exhibits shown with
prefix “SR” for “Staff Report”)

Proposed Ordinance Establishing Setbacks from 16
Wildlife Crossing Structures in the Northern Portion of
the Ventura County Unincorporated Area



Planning Commission Staff Report for Hearing on November 3, 2022

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

Subject: Public Hearing to Consider County-Initiated Amendments to Articles 2 and 6 of the Ventura County Non-Coastal Zoning Ordinance to Establish Setbacks from 16 Wildlife Crossing Structures Located in the Northern Portion of the Ventura County Unincorporated Area; and to Consider a Finding that the Project is Exempt from the California Environmental Quality Act (PL19-0088).

A. PROJECT INFORMATION

1. **Applicant:** County of Ventura ("County"), 800 S. Victoria Avenue, Ventura, California, 93009.
2. **Location:** Certain parcels located in the northern, non-coastal unincorporated area of the County of Ventura that are within 200 feet of wildlife crossing structures, as specified in the proposed ordinance.
3. **Request:** Planning Division staff requests that your Commission review this staff report and its attachments and adopt a resolution (Exhibit 2) recommending that the Board of Supervisors (Board) adopt the recommended actions stated in Section E of this report, which include approval of the proposed amendments to the Non-Coastal Zoning Ordinance (NCZO) to establish 200 foot setbacks from 16 important wildlife crossing structures in the northern portion of the County unincorporated area (Proposed Ordinance) and a finding that the adoption of the Proposed Ordinance is exempt from CEQA. The Proposed Ordinance is included in Exhibit 4 of the staff report. A legislative (strike-out) version of the Proposed Ordinance is also included as Exhibit 3, with staff explanations.
4. **Review/Decision-Making Authority:** Under the NCZO and state law, your Commission is required to review, conduct a public hearing on, consider and make recommendations to the Board regarding the Proposed Ordinance. The Board, at a subsequent public hearing, will consider your Commission's recommendations and decide whether to adopt, not adopt, or adopt with modifications the Proposed Ordinance.
5. **Project Background and Description:**
 - a. **Introduction**

The effects of roads and highways on wildlife populations have been well documented.¹ Vehicle collisions may occur anytime wildlife cross a roadway.

¹ Clevenger, A. P., and M. P. Huijser. 2011. *Wildlife crossing structure handbook: design and evaluation in North America*. FHWA-CFL/TD-11-003. US DOT, Federal Highway Administration, Lakewood, Colorado, USA. Jenny L. Vander Pluym, David B. Eggleston & Jay F. Levine (2008) Impacts of Road Crossings on Fish Movement and Community Structure, *Journal of Freshwater Ecology*, 23:4, 565-574, DOI: 10.1080/02705060.2008.9664244

Not only can animals die after being struck by vehicles, but they also avoid roads, which disrupts normal animal movements. This in turn, has been found to reduce reproductive success due to isolation from other populations. Aside from the toll on wildlife, collisions between motor vehicles and wildlife pose a major problem globally, amounting to financial costs of more than 8 billion dollars (USD)², resulting in an estimated 26,000 human injuries³, and causing countless wildlife fatalities annually in the United States alone⁴.

The presence of above-grade (overpasses) or below-grade (underpasses) road structures reduce adverse effects on wildlife by providing a safer means of passage over or under a road or highway. When these structures, which typically take the form of bridges, stormwater conveyance culverts, tunnels, etc., are used by wildlife as an alternative means to cross a road or highway, they are described as “wildlife crossing structures.” In some cases, terrestrial wildlife crossing structures are primarily designed for the purpose of wildlife safety (such as the planned Liberty Canyon Wildlife Crossing Highway 101 overpass in the Los Angeles County, Agoura Hills area). In other cases, structures such as culverts or bridges used primarily for vehicle crossings or stormwater conveyance can also function as wildlife crossing structures despite not being specifically designed as such.

Although no structures designed specifically for terrestrial wildlife passage currently exist in Ventura County, numerous culverts and bridges within the County have been identified as having features that facilitate wildlife use (Exhibit 10) and therefore are used by wildlife as safer alternatives for crossing roads or highways. Studies have shown that the extent to which wildlife utilize crossing structures is a function of certain features associated with the structures as well as the areas immediately surrounding their entrances and exits. Some of the more important features for areas outside functioning crossing structures include the presence of nearby vegetative cover, proximity to suitable habitat⁵, and the amount of disturbance such as light, noise, and human activity⁶. For more details on features important for the utilization of wildlife crossing structures see Exhibit 10.

b. Project Background

On March 12 and 19, 2019, the Board approved amendments to the Ventura County General Plan and the NCZO creating two overlay zones, the Habitat

² Huijser, M. P., McGowan, P., Hardy, A., Kociolek, A., Clevenger, A. P., Smith, D. & Ament, R. Wildlife-vehicle collision reduction study: Report to congress (2008).

³ Conn, J. M., Annett, J. L. & Dellinger, A. Nonfatal motor-vehicle animal crash related injuries—United States, 2001–2002. *J. Saf. Res.* 35, 571–574 (2004).

⁴ Romin, L. A. & Bissonette, J. A. Deer-vehicle collisions and status of state monitoring activities and mitigation efforts. *Wildl. Soc. Bull.* 24, 276–283 (1996).

⁵ Ng, S. J., Dole, J. W., Sauvajot, R. M., Riley, S. P., & Valone, T. J. (2004). Use of highway undercrossings by wildlife in southern California. *Biological Conservation*, 115(3), 499-507.

⁶ Barrueto, M., Ford, A. T., & Clevenger, A. P. (2014). Anthropogenic effects on activity patterns of wildlife at crossing structures. *Ecosphere*, 5(3), 1-19.

Connectivity and Wildlife Corridor (HCWC) overlay zone and Critical Wildlife Passage Areas (CWPA) overlay zone, new land use regulations applicable within the zones, and related amendments to the General Plan. In general, the regulations applicable within the HCWC and CWPA overlay zones include development standards for certain types of land use and development activities, not otherwise exempt, including regulations addressing outdoor lighting, wildlife impermeable fencing, development within surface water features and near wildlife crossing structures, and prohibiting the intentional planting of invasive plants. Additional compact siting standards apply in the CWPA overlay zone. The HCWC was based on the critical habitat corridors, or “linkages”, identified in a report titled, *South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion*⁷. While the northern Ventura County unincorporated area was originally proposed for inclusion in the HCWC overlay, the Board elected to exclude this area from the HCWC overlay zone when it adopted the HCWC and CWPA overlay zones on March 19, 2019.

In addition to the above legislative actions, the Board directed Planning staff to develop a subsequent project to create an overlay zone for the purpose of regulating development near wildlife crossing structures on private property within the Los Padres National Forest.

In developing the project, Planning staff conducted a detailed review and Geographic Information System (GIS) analysis of the project area and determined that the 16 wildlife crossing structures located in the northern Ventura County unincorporated area could be regulated more effectively through development setbacks, rather than an overlay zone for the following reasons: (1) the limited scale of the project planning area; (2) the rural character of the northern unincorporated area; and (3) the limited number of wildlife crossing structures (i.e., total of 16 bridges and culverts) that would be the subject of the proposed regulations. Additionally, as explained in more detail later in Section (d) below, very few existing structures are located within the proposed 200-foot setback areas. Therefore, the proposed setback regulations would apply to certain new development, land uses, and activities, not otherwise exempt, and would address the few examples of when an existing structure may wish to expand.

c. Project Purpose

The purpose of the Proposed Ordinance is to maintain and improve functional connectivity for wildlife across roadway barriers by prohibiting certain new development, land uses, and activities from occurring within a 200-foot setback area of 16 important wildlife crossing structures that would minimize vegetation removal and disturbances to wildlife. The Proposed Ordinance will improve

⁷ South Coast Wildlands. 2008. *South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion*. Produced in cooperation with partners in the South Coast Missing Linkages Initiative. Available online at <http://www.scwildlands.org>.

safe passage for both wildlife and vehicles along roadways in the northern Ventura County unincorporated area.

d. Project Description

In collaboration with wildlife biologists from the National Park Service and the California Department of Transportation (Caltrans), Planning staff analyzed detailed data provided by the Public Works Agency, Transportation Division and Caltrans for 195 bridges and culverts located in the northern unincorporated area. The analysis included a vetting process involving a group of biologists from Caltrans, the National Park Service, and the County who have expertise in the study of wildlife and the impacts of roads (i.e., road ecology). Details regarding the methodology and associated research used to evaluate and select the wildlife crossing structures are included as Exhibit 10.

As explained in Exhibit 10, twenty functional crossing structures were identified in the northern portion of the County unincorporated area. Four of those structures and the surrounding lands are under federal ownership and therefore are not subject to the proposed setback regulations. The remaining 16 crossing structures, which are located on and/or surrounded by private property, are the focus of the proposed setback regulations. One is a County-owned bridge, five are County-owned culverts, and ten are Caltrans bridges. The Proposed Ordinance includes two tables identifying the 16 wildlife crossing structures that would be subject to the setback regulations. (Exhibit 4, Tables 1 and 2.) Maps of these structures and the affected parcels that would be subject to the setback regulations are included as Exhibits 5 through 9.

The existing land uses are generally undeveloped and characterized by streams, fencing, roadways, and orchards. Within four of the setback areas, there are two single-family residences and one accessory structure (Exhibit 6, ID 322 and Exhibit 7, ID 52-0066), an agricultural building (Exhibit 7, ID 52-0042), and a parking lot for a gravel quarry (Exhibit 7, ID 52-0043). However, the proposed amendments would exempt these existing uses, as described in the next section.

6. Summary of the Proposed Ordinance

The following is a summary of the Proposed Ordinance. The Proposed Ordinance is shown in legislative format in Exhibit 3, and a clean version in Exhibit 4.

Amendments to Article 2 of the NCZO:

Definition for Wildlife Crossing Structure

The Proposed Ordinance makes minor modifications to the definition of “wildlife crossing structure” to clarify that wildlife crossing structures are used by both terrestrial and aquatic wildlife and that human made barriers may include floodplain facilities. In addition, the Proposed Ordinance revises the definition to identify the GIS map layer that will be updated to include the 16 wildlife crossing structures subject to the proposed setback regulations.

Amendments to Article 6 of the NCZO:

Section 8106-6.5 – Wildlife Crossing Structures and Setback Areas (North County Unincorporated Area)

Section 8106-6.5 provides an introduction and defines the purpose of establishing setback regulations to maintain vegetation cover and minimize disturbances to wildlife utilizing the crossing structures in the northern portion of the unincorporated County to improve functional connectivity across road barriers in the landscape.

Section 8106-6.5.1 – Wildlife Crossing Structures

This section identifies the 16 wildlife crossing structures that the proposed regulations would apply to and provides in table form the agency (County/Caltrans), identification number, road name, latitude (N), and longitude (W) for each wildlife crossing structure.

Sec. 8106-6.5.2 – Prohibited Development, Structures, Land Uses and Activities

This section identifies the types of development, structures, land uses and activities that would be prohibited from occurring within the 200-foot setback area of a wildlife crossing structure. The proposed setback regulations do not apply to existing development, uses, and/or activities, but rather apply only to certain new development, structures, land uses, and activities constructed or occurring after the effective date of the ordinance. The following new development, structures, land uses and activities would be prohibited in the 200-foot setback area, unless exempt pursuant to Section 8106-6.5.3 or otherwise allowed pursuant to Section 8106-6.5.5: (a) any new structure, land use, or activity that requires a Zoning Clearance or other permit under Article 5; (b) any expansion or enlargement of an existing structure that requires a permit under Article 5, including any associated new fuel modification zone; (c) new or replacement wildlife impermeable fencing within a bank or bed of a stream or river; (d) vegetation modification activities; (e) new or modified landscape areas; (f) new or replacement outdoor lighting; and (g) new indoor lighting in transparent greenhouses for agricultural operations.

Section 8106-6.5.3 – General Exemptions

This section lists the development, land uses, and activities that are exempt from, and therefore not subject to, the 200-foot setback regulations. The exemptions are organized in three categories: “vegetation modification”, “structures, development, land uses, and activities”, and “outdoor lighting and related activities” as follows:

Vegetation modification that is: (1) required to comply with federal or state law, the requirement of any permit, approval or order by a federal or state agency; (2) conducted for habitat preservation, restoration or enhancement when specified by an agency approved plan; (3) conducted by a conservation organization for the purpose of maintaining or enhancing biological habitat or enhances wildlife movement; (4) reasonably required to maintain, repair or replace existing infrastructure performed by a public agency or their designee; (5) performed by a public agency on publicly owned or maintained property; (6) associated exclusively with vegetation intentionally planted within a landscape area; (7) fuel modification

activities as specified; (8) conducted to construct or maintain a driveway or road that is utilized to plant or harvest a crop or orchard that will be commercially sold.

The following structures, development, land uses, and activities: (1) the repair or maintenance of an existing, legally established structure or fence; (2) wildlife impermeable fencing that is required by federal or state law, permit, approval or order; (3) the rebuilding of structures involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster, as specified; (4) the restoration of land or rebuilding of fences, improvements, and structures destroyed by fire, flood, landslide, or natural disaster, as specified; (5) structures, wildlife impermeable fencing or improvements that are temporary or are located underground; (6) planting or harvesting of crops or orchards that will be commercially sold; (7) livestock grazing; (8) beehives used for apiculture activities; (9) surface mining operations authorized by an approved conditional use permit; and (10) structures, development, land uses, and activities which are protected by a vested right or to the minimum extent necessary to avoid a constitutional taking of property.

The following outdoor lighting and related activities: (1) temporary lighting for road and utility construction; (2) temporary emergency lighting; (3) temporary lighting associated with a use authorized by the NCZO or a permit granted pursuant to the NCZO; (4) temporary or intermittent outdoor night lighting necessary for agricultural activities or used for oil and gas exploration and production; (5) seasonal or festive lighting; (6) outdoor lighting with a maximum output of 60 lumens or less that is fully shielded and directed downward; (7) outdoor lighting on public and private streets; (8) outdoor lighting used for any facility, equipment or activity that is required to comply with any federal or state law, or condition or requirement of any permit, approval or order by a federal or state agency; and (9) replacement of outdoor essential luminaires for existing structures that utilize the minimum output necessary for safety and security purposes, subject to certain criteria.

Section 8106-6.5.4 – Wildlife Crossing Structure Setback Area

This section describes the 200-foot setback area and how it is measured. For small culverts that are less than or equal to 10 feet in diameter, the setback area is measured from the center of the culvert. For larger culverts or bridges with spans greater than 10 feet in diameter (or width) the setback shall be measured from the outside perimeter of the opening because the center can generally be between 50 to 200 feet from the perimeter opening, making the setback substantially less, potentially impacting wildlife use of the crossing structure.

Section 8106-6.5.5 – Nonconforming Structures

This section allows the expansion or enlargement of existing structures within the setback area if the expansion meets specified criteria.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE AND EXEMPTION DETERMINATION

Pursuant to the requirements of the California Environmental Quality Act (Public Resources Code, Division 13 §21000-21178, "CEQA"), and State CEQA Guidelines (Title 14, California Code of Regulations, §15000-15387), the proposed project was evaluated for compliance with CEQA. Planning Division staff has determined that the adoption of the Proposed Ordinance (Exhibit 4) is exempt from CEQA review pursuant to the CEQA Guidelines as follows: (1) the project is exempt under Section 15061(b)(3) because it can be seen with certainty that there is no possibility the Proposed Ordinance may cause a significant effect on the environment; (2) the project is categorically exempt under Sections 15307 (Class 7) and 15308 (Class 8) as a regulatory action to assure the maintenance and protection of the environment; and (3) no unusual circumstances or other exception set forth in CEQA Guidelines section 15300.2 preclude application of the Class 7 and Class 8 exemptions.

The project's effects on the environment will be beneficial since it will increase protections for biological and other environmental resources; maintain the functional nature of identified important wildlife crossings to help prevent wildlife mortality; and help increase wildlife connectivity within the landscape. Increased landscape connectivity promotes genetic diversity among wildlife populations and is beneficial to threatened or endangered species. In addition, increased landscape connectivity also allows populations to move across the landscape when experiencing environmental stressors such as drought, fire, or other changes in climate. Additionally, the Proposed Ordinance may also indirectly help protect water quality associated with the stream/river areas that intersect the crossing structures by reducing erosion, soil disturbance, and impervious surface area due to the setbacks imposed on future development.

C. NCZO AMENDMENT FINDINGS AND SUPPORTING EVIDENCE

Section 8115-0 et seq. of the NCZO authorizes the Board to amend the zoning ordinance "*whenever the public health, safety, or general welfare, good zoning practice, and consistency with the General Plan justify such action...*" provided that the Board makes certain findings. The required findings are evaluated below for your Commission's consideration in making its recommendations to the Board.

- **The proposed amendment would not be detrimental to the public health, safety or general welfare**
Protecting the natural environment by conserving the ability of native wildlife to access the fullest possible extent of their habitats is an important factor in protecting the public health and general welfare. Wildlife crossing structures have been shown to reduce the average number of wildlife-vehicle collisions per mile of roadway and therefore, the proposed amendment would help protect public health,

safety and general welfare⁸. In addition, while the federal lands in the Los Padres National Forest area are currently protected, the wildlife crossing structure setback areas represent strategic sites for preservation that are located on non-federal lands.

The Proposed Ordinance would restrict the direct impacts of certain forms of development on 16 highly functional wildlife crossing structures (Exhibit 5) within the northern portion of the County unincorporated area and larger wildlife migration corridors⁹. The Proposed Ordinance furthers the purposes of biological resources protection, while also allowing for reasonable development and enjoyment of property, including, for example, by exempting certain development activities and allowing for the expansion of existing nonconforming structures under specified circumstances. Therefore, based on the evidence in the record, the Proposed Ordinance serves to protect, and would not be detrimental to, the public health, safety, and general welfare.

- **The proposed amendments constitute good zoning practice**

The Proposed Ordinance would establish regulatory setbacks for wildlife crossing structures that provide clear standards prohibiting certain new development, land use, and activities from occurring within the proposed setback areas, but do not create an undue burden on development due to allowances for the expansion of existing development, reasonable use, and exemptions. While the 200-foot setbacks from the entry and exit points of the 16 crossing structures are small in scale for conservation purposes, they were selected at strategic locations based on scientific studies (Exhibit 10) to regulate human activities and vegetation disturbance to increase fish and wildlife use of the structures to cross roadways. The 200-foot setbacks support the preservation of natural resources, including habitat for fish and wildlife. Therefore, the proposed amendments constitute good zoning practice because they focus on regulating new development, include a range of balanced exemptions, and support habitat for fish and wildlife through methods supported by scientific studies.

- **The proposed amendments are consistent with the Ventura County General Plan**

Staff conducted a review of the goals and policies of the General Plan and determined that the Proposed Ordinance will not conflict and is consistent with the General Plan. Specifically, the Proposed Ordinance will support the implementation of the following General Plan Goal and policies from the

⁸ Ament, R., Jacobson, S., Callahan, R., & Brocki, M. (2021). Highway Crossing Structures for Wildlife: Opportunities for Improving Driver and Animal Safety. Gen. Tech. Rep. PSW-GTR-271. Albany, CA: US Department of Agriculture, Forest Service, Pacific Southwest Research Station. 51 p., 271.

⁹ South Coast Wildlands. 2008. South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion. Produced in cooperation with partners in the South Coast Missing Linkages Initiative. Available online at <http://www.scwildlands.org>.

Conservation and Open Space (COS), and Circulation, Transportation and Mobility (CTM) Elements:

GOAL: COS-1

To identify, preserve, protect, and restore sensitive biological resources, including federal and state-designated endangered, threatened, rare, or candidate species and their supporting habitats; wetland and riparian habitats; coastal habitats; habitat connectivity and wildlife corridors; and habitats and species identified as “locally important” by the County.

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).

COS-1.11 Discretionary Development Sited Near Wetlands

The County shall require discretionary development to be sited 100 feet from wetland habitats, except as provided below. The 100-foot setback may be increased or decreased based upon an evaluation and recommendation by a qualified biologist and approval by the decision-making body based on factors that include, but may not be limited to, soil type, slope stability, drainage patterns, the potential for discharges that may impair water quality, presence or absence of endangered, threatened or rare plants or animals, direct and indirect effects to wildlife movement, and compatibility of the proposed development with use of the wetland habitat area by wildlife. Discretionary development that would have a significant impact on a wetland habitat shall be prohibited unless mitigation measures are approved that would reduce the impact to a less than significant level. Notwithstanding the foregoing, discretionary development that would have a significant impact on a wetland habitat on land within a designated Existing community may be approved in conjunction with the adoption of a statement of overriding considerations by the decision-making body.

COS-9.3 Open Space Preservation

The County shall place a high priority on preserving open space lands for recreation, habitat protection, wildlife movement, flood hazard management, public safety, water resource protection, and overall community benefit.

CTM-2.4 Transportation System Safety

The County shall strive to provide safe operating conditions for all appropriate modes and uses of County roadways.

The Proposed Ordinance is consistent with the General Plan goal COS-1 and policies COS-1.4, 1.11, and 9.3. The purpose of these policies is to consider and minimize the impacts of development on wildlife movement, to facilitate wildlife passage and preserve open space; the Proposed Ordinance helps further these purposes. Lastly, the Proposed Ordinance implements policy CTM-2.4 by helping to reduce collisions between vehicles and wildlife by facilitating the use of wildlife crossing structures in the northern portion of the County unincorporated area.

D. PUBLIC OUTREACH, PLANNING COMMISSION HEARING NOTICE AND COMMENTS

On September 21, 2022, at 5:30 p.m., the Planning Division held an informational webinar on Zoom regarding the Proposed Ordinance. The Planning Division mailed post cards over two weeks before the meeting to property owners within a 300-foot radius of the 16 identified wildlife crossing structures, as well as to various stakeholder groups such as the Ventura County Coalition of Labor, Agriculture and Business (CoLab) and Los Padres ForestWatch. A total of six participants joined the September 21, 2022 meeting webinar.

In addition, the Planning Division provided public notice regarding the Planning Commission hearing in accordance with the Government Code section 65091 and NCZO section 8111-3.1. On October 21, 2022, the Planning Division mailed notice to owners of property within 300 feet of the wildlife crossing structures. The Planning Division also placed a legal advertisement in the *Ventura County Star* and the *Mountain Enterprise* in Frazier Park on October 21, 2022.

As of October 27, 2022, there were no public comments submitted to the Planning Division for the Proposed Ordinance. Please see Exhibit 11 for all submitted correspondence between October 27th and November 2nd, 2022.

E. RECOMMENDED ACTIONS

Based upon the preceding analysis and information provided above, Planning Division staff recommends that the Planning Commission take the following actions:

1. **CERTIFY** that the Planning Commission has reviewed and considered this staff report and all exhibits hereto, and has considered all comments received during the public comment and hearing process; and
2. **ADOPT** a resolution (Exhibit 2) recommending that the Board of Supervisors take the following actions regarding the Proposed Ordinance:
 - a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter and all exhibits thereto, the Planning Commission staff report and all exhibits thereto, and has considered all other materials

and public comments received during the public comment and hearing processes;

- b. **FIND**, on the basis of the entire record and as set forth in Section B of this Planning Commission staff report that the adoption of the Proposed Ordinance amending Articles 2 and 6 of the Non-Coastal Zoning Ordinance (Exhibit 4) is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment; **FIND** that because the project consists of regulations for the benefit and protection of natural resources and the environment, it is also exempt from CEQA pursuant to CEQA Guidelines sections 15307 and 15308; and **FIND** that no substantial evidence exists precluding the use of the above categorical exemptions based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2;
- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, that the Proposed Ordinance (Exhibit 4) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare;
- d. **ADOPT** the Proposed Ordinance amending Articles 2 and 6 of the Non-Coastal Zoning Ordinance (Exhibit 4); and
- e. **SPECIFY** that the Clerk of the Board of Supervisors 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 these decisions are based.

The Board of Supervisors hearing to consider the proposed amendments is tentatively scheduled for December 6, 2022, in the Board of Supervisor's Hearing Room.

If you have any questions concerning the information above, please contact Abigail Convery, Case Planner at (805) 654-2489 or by email at Abigail.Convery@ventura.org. You may also contact Aaron Engstrom, Planning Manager, at (805) 654-2936 or by email at Aaron.Engstrom@ventura.org.

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Reviewed by:



Dave Ward, Planning Director, AICP
RMA/Planning Division

EXHIBITS¹⁰:

- Exhibit 1 Reserved
- Exhibit 2 Planning Commission Resolution
- Exhibit 3 Proposed NCZO Ordinance Amendments in Legislative Format
- Exhibit 4 Clean Version of Proposed NCZO Ordinance Amendments
- Exhibit 5 Locator Map: Wildlife Crossing Structures in the Northern Ventura County Unincorporated Area
- Exhibit 6 Wildlife Crossing Structure Detail Maps Located on Gridley Road
- Exhibit 7 Wildlife Crossing Structure Detail Maps Located in the Wheeler Gorge and Matilija Canyon Area
- Exhibit 8 Wildlife Crossing Structure Detail Maps Located in the Cuyama River and Lockwood Valley Area
- Exhibit 9 Wildlife Crossing Structure Detail Maps Located in the Boy Scout Rd and Lockwood Valley Rd Area
- Exhibit 10 Selection of Wildlife Crossing Structures
- Exhibit 11 Public Comments
- Exhibit 12 **Errata Memo**

¹⁰ Within the Board of Supervisors letter, the Planning Commission staff report will be included as Exhibit 1.

SR EXHIBIT 2

Draft Planning Commission Resolution

Proposed Ordinance Establishing Setbacks from 16
Wildlife Crossing Structures in the Northern Portion of
the Ventura County Unincorporated Area

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Planning Commission Resolution

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

RESOLUTION 21-XX FOR PL19-0088 REGARDING PROPOSED COUNTY-INITIATED ORDINANCE AMENDING THE VENTURA COUNTY NON-COASTAL ZONING ORDINANCE TO ESTABLISH SETBACKS FROM 16 WILDLIFE CROSSING STRUCTURES IN THE NORTHERN PORTION OF THE COUNTY UNINCORPORATED AREA; AND RELATED FINDING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on November 3, 2022, the Ventura County Planning Commission ("Commission") held a legally noticed public hearing to consider a county-initiated ordinance amending Articles 2 and 6 of the Ventura County Non-Coastal Zoning Ordinance (NCZO) to establish setbacks from 16 wildlife crossing structures in the northern portion of the Ventura County unincorporated area (Proposed Ordinance); and to consider a finding that the project is exempt from the California Environmental Quality Act (CEQA);

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

WHEREAS, after the close of the public hearing, Commissioner **XXX** made a motion to **approve** staff's recommended actions, seconded by Planning Commissioner **XXX**;

WHEREAS, the motion **carried X-X-X**; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the following actions be taken by the Board of Supervisors with respect to the Proposed Ordinance:

1. **CERTIFY** that the Board has reviewed and considered the Board letter and all exhibits thereto, the Planning Commission staff report and all exhibits thereto, and has considered all other materials and public comments received during the public comment and hearing processes;
2. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report that the adoption of the Proposed Ordinance amending Articles 2 and 6 of the Non-Coastal Zoning Ordinance (Exhibit 4) is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment; **FIND** that because the project consists of regulations for the benefit and protection of natural resources and the environment, it is also exempt from CEQA

pursuant to CEQA Guidelines sections 15307 and 15308; and **FIND** that no substantial evidence exists precluding the use of the above categorical exemptions based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2;

3. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, the Proposed Ordinance (Exhibit 4) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare;
4. **ADOPT** the Proposed Ordinance (Exhibit 4) amending Articles 2 and 6 of the Non-Coastal Zoning Ordinance; and
5. **SPECIFY** that the Clerk of the Board of Supervisors 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 these decisions are based.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission's reasons for the above-stated recommendations to the Board, and the relationship between the Proposed Ordinance and the General Plan, are specified in Sections A, B, and C of the Planning Commission staff report and exhibits thereto. As a general summary, the Proposed Ordinance would establish 200-foot setbacks from 16 road crossing structures identified as highly functional wildlife crossing structures in the northern Ventura County unincorporated area (Exhibit 10). The Planning Commission finds that the Proposed Ordinance furthers the purposes of biological resource protection, while also allowing reasonable development and enjoyment of property. The Proposed Ordinance is consistent with the General Plan and helps further various policy objectives that seek to minimize impacts to wildlife movement, facilitate wildlife passage, and preserve open space. The Proposed Ordinance also helps to reduce collisions between vehicles and wildlife by facilitating the use of wildlife crossing structures.

This is to certify that the foregoing is a true and correct copy of the Resolution reflecting the actions taken by the Ventura County Planning Commission at a public hearing regarding the above-described matter on November 3, 2022.

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

SR EXHIBIT 3

Proposed Non-Coastal Zoning Ordinance Amendments in Legislative Format

Proposed Ordinance Establishing Setbacks from 16
Wildlife Crossing Structures in the Northern Portion of
the Ventura County Unincorporated Area

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ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA
AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2 AND 6 OF THE VENTURA
COUNTY ORDINANCE CODE, NON-COASTAL ZONING ORDINANCE TO
ESTABLISH SETBACKS FROM 16 WILDLIFE CROSSING STRUCTURES LOCATED
IN THE NORTHERN PORTION OF THE VENTURA COUNTY UNINCORPORATED
AREA**

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

Section 1

**ARTICLE 2:
DEFINITIONS**

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended by revising the following existing definition to read as follows:

Wildlife Crossing Structure—A *structure* (such as a culvert, bridge or underpass) containing features that enhance its suitability for use by wildlife (terrestrial or aquatic) to safely cross human-made barriers (such as flood plain facilities, roadways and highways). Examples of such features include the presence of *vegetation* providing cover or habitat near the entrances and/or natural light visible at the opposite entrance. The locations of the *wildlife crossing structures* are shown on the "Wildlife Crossing Structures" map layer within the ~~Planning GIS Wildlife Corridor and Wildlife Crossing Structure Overlay Zone layer~~ of the County of Ventura, Resource Management Agency, County View Geographic Information System (GIS), as may be amended by the *Planning Director*. ~~The term~~ definition of wildlife crossing structures does not include cattle guards.

[Staff Explanation: In addition to roadways and highways, flood plain facilities can also be a barrier to wildlife connectivity depending upon their location and design. The wildlife crossing structures that would be subject to the proposed setbacks are located exclusively in the northern portion of the Ventura County unincorporated area. The wildlife crossing structures identified in Section 8106-6.5.1 of the Proposed Ordinance would be added to an existing map layer in the County View GIS. The current map layer includes wildlife crossing structures that are located within the Habitat Connectivity and Wildlife Corridors (HCWC) and Critical Wildlife Passage Areas (CWPA) overlay zones, which are subject to the regulations set forth in Sections 8109-4.8 and 8109-4.9. The Proposed Ordinance makes no changes to the HCWC and CWPA overlays, no changes to the wildlife crossing structures located within the HCWC and CWPA overlays, and no changes to the regulations applicable to wildlife crossing structures in the HCWC and CWPA overlays. Changes to the definition of "wildlife crossing structure" are proposed to reflect the addition of the 16 wildlife crossing structures identified in Section 8106-6.5.1 to the map layer in the County GIS in addition to a few other minor grammatical non-substantive changes.]

Section 2

**ARTICLE 6:
LOT AREA AND COVERAGE, SETBACKS, HEIGHT
AND RELATED PROVISIONS**

Article 6, Sec. 8106-6.5 within Sec. 8106-6 – Miscellaneous Setback Regulations is hereby added to the Ventura County Ordinance Code to read as follows:

Section 8106-6.5 – Wildlife Crossing Structures and Setback Areas (Northern Unincorporated Area)

The purpose of this Section 8106-6.5 is to establish setbacks for certain development, land uses, and activities adjacent to *wildlife crossing structures* in the northern portion of the Ventura County unincorporated area to improve *functional connectivity* for terrestrial and aquatic wildlife across road barriers in the landscape by preserving vegetation cover and minimizing disturbances immediately adjacent to the entry and exit points of *wildlife crossing structures*.

[Staff Explanation: The new section states the purpose of the regulations and describes the establishment of setbacks to improve the function of the identified wildlife crossing structures.]

Section 8106-6.5.1 – Wildlife Crossing Structures

The regulations within this Section 8106-6.5 shall apply to *wildlife crossing structures* identified in Tables 1 and 2 (below), and the 200-foot setback area set forth in Section 8106-6.5.4.

Table 1 – Ventura County Wildlife Crossing Structures Located Within the Northern Portion of the Ventura County Unincorporated Area.

Agency	Culvert/Bridge ID	Road Name	Latitude (N)	Longitude (W)
Ventura County	<u>69112-1-1</u>	<u>Gridley Road</u>	<u>34.468831</u>	<u>119.224146</u>
	<u>322</u>		<u>34.46688</u>	<u>119.224354</u>
	<u>50825-3-14</u>	<u>Lockwood Valley Road</u>	<u>34.740338</u>	<u>119.087179</u>
	<u>50821-3-4</u>	<u>State Route 33, Maricopa Highway</u>	<u>34.690638</u>	<u>119.343011</u>
	<u>50822-5-7</u>		<u>34.71555</u>	<u>119.265543</u>
	<u>50825-4-14</u>		<u>34.740637</u>	<u>119.086688</u>

Table 2 – California Department of Transportation (Caltrans) Wildlife Crossing Structures Located Within the Northern Portion of the Ventura County Unincorporated Area.

Agency	Bridge ID	Location	Road Name	Latitude	Longitude
Caltrans	<u>52 0092</u>	<u>07-VEN-033-50.70</u>	State Route. 33, Maricopa Highway	<u>344236</u>	<u>1192236</u>
	<u>52 0088</u>	<u>07-VEN-033-51.78</u>		<u>344318</u>	<u>1192300</u>
	<u>52 0086</u>	<u>07-VEN-033-48.69</u>		<u>344118</u>	<u>1192130</u>
	<u>52 0043</u>	<u>07-VEN-033-15.52</u>		<u>342912</u>	<u>1191812</u>
	<u>52 0044</u>	<u>07-VEN-033-15.82</u>		<u>342918</u>	<u>1191818</u>
	<u>52 0066</u>	<u>07-VEN-033-17.41</u>		<u>343024</u>	<u>1191736</u>
	<u>52 0067</u>	<u>07-VEN-033-17.84</u>		<u>343036</u>	<u>1191712</u>
	<u>52 0173</u>	<u>07-VEN-033-16.13</u>		<u>342930</u>	<u>1191818</u>
	<u>52 0087</u>	<u>07-VEN-033-50.91</u>		<u>344248</u>	<u>1192248</u>
	<u>52 0042</u>	<u>07-VEN-033-14.58</u>		<u>342806</u>	<u>1191706</u>

[Staff Explanation: Section 8106-6.5.1 identifies the 16 wildlife crossing structures that would be subject to proposed setback regulations. The wildlife crossing structures identified in Tables 1 and 2 are all located in the northern portion of the Ventura County unincorporated area and are maintained by either the County or Caltrans. Six of the 16 wildlife crossing structures that would be subject to the proposed setback regulations are maintained by the County and the remaining ten are maintained by Caltrans.]

Sec. 8106-6.5.2 – Prohibited Development, Structures, Land Uses and Activities

Unless otherwise exempt by Section 8106-6.5.3, or excepted pursuant to Section 8106-6.5.5, the following types of new development, structures, land uses, and activities constructed or occurring after [the effective date of these amendments] shall be prohibited from occurring within the 200-foot setback area described in Section 8106-6.5.4 of any wildlife crossing structure identified in Tables 1 and 2 of Section 8106-6.5.1 above.

- a. Any new structure, land use, or activity that requires a Zoning Clearance or other permit under Article 5.
- b. Any expansion or enlargement of an existing structure that requires a permit under Article 5, including any associated new fuel modification authorized or required by the Ventura County Fire Protection District.
- c. New or replacement wildlife impermeable fencing within the bank or bed of a stream or river.
- d. Any vegetation modification.
- e. New or modified landscape areas.
- f. New or replacement outdoor lighting.
- g. New indoor luminaires within translucent or transparent enclosed structures for agricultural operations.

[Staff Explanation: This section 8106-6.5.2 would prohibit certain future development, structures, land uses, and activities from occurring within the 200-foot setback area of a wildlife

crossing structure as described in Section 8106-6.5.1. By prohibiting certain development, structures, land uses, and activities from occurring within the setback area, the proposed regulations will help to enhance vegetation cover and minimize disturbances to increase wildlife use and improve the functionality of wildlife crossing structures.]

Section 8106-6.5.3 – General Exemptions

The following types of development, land uses, structures and activities are not subject to Section 8106-6.5.

a. Vegetation modification that is:

- (1) Required to comply with any federal or state law, or requirement of any permit, approval or order issued by a federal or state agency.
- (2) Carried out as part of a habitat preservation, restoration or enhancement project when specified by an agency approved mitigation plan, habitat conservation plan, or similar plan.
- (3) Conducted by a conservation organization for the purpose of maintaining or enhancing biological habitat or wildlife movement.
- (4) Reasonably required to maintain, repair or replace existing transportation, utility, and public safety infrastructure performed by a public agency or contracted designee. Examples include roads, bridges, pipelines, utility lines, flood control improvements, and drainage and utility ditches.
- (5) Performed by a public agency on publicly owned or maintained property.
- (6) Associated exclusively with vegetation that has been intentionally planted within a landscape area.
- (7) Conducted in accordance with one or more of the following: (i) as required or authorized by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Fire Code, as may be amended; (ii) pursuant to a Community Wildfire Protection Plan or similar fuel modification/wildfire protection plan adopted and/or amended by VCFPD; or (iii) pursuant to a burn permit approved by VCFPD.
- (8) Conducted to construct or maintain a driveway or road internal to a legal lot that is utilized to plant or harvest a crop or orchard that will be commercially sold.

b. The following structures, development, land uses, and activities:

- (1) Repair or maintenance of an existing, legally established structure or fence.
- (2) The installation of wildlife impermeable fencing that is required to comply with any federal or state law, or any condition or requirement of any permit, approval or order issued by a federal or state agency.
- (3) Structures involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster rebuilt to their original state and in their original location if (i) less than 50 percent of the structure is damaged or destroyed and (ii) a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration. Notwithstanding any other provision of this Chapter, the rebuilding of structures following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the requirements of this Section 8106-6.5.
- (4) Land, fences, or improvements other than structures involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster restored or rebuilt to their original state and in their original location if a complete building permit application is submitted to the County within three years of the date that the damage occurred,

and the permit once approved is diligently pursued to completion prior to expiration, or if no permit is required, the rebuilding commences within the aforementioned three-year period and is diligently pursued to completion. Notwithstanding any other provision of this Chapter, the restoration of land, or rebuilding of fences, or improvements following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the requirements of this Section 8106-6.5.

- (5) Structures, wildlife impermeable fencing or improvements that are temporary, or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems). Pools are considered to be in-ground, not underground and do not qualify for this exemption.
- (6) Planting or harvesting of crops or orchards that will be commercially sold.
- (7) Livestock grazing.
- (8) Bee hives used for apiculture activities.
- (9) Surface mining operations, including but not limited to associated structures, fuel modification, fencing and lighting, that are authorized by an approved conditional use permit.
- (10) Structures, development, land uses and activities which are protected by vested right or to the minimum extent necessary to avoid a constitutional taking of property, provided they comply with the following to the maximum extent feasible: (1) are sited the furthest distance from the entry or exit points of a wildlife crossing structure; and (2) any outdoor lighting is fully-shielded, directed downward, and maintained in such a manner to avoid light trespass beyond the bank of a stream or river. If light trespass occurs beyond the bank of a stream or river, the lighting shall be operated by motion sensor or a timer switch and shall be programmed to turn off no more than five minutes after activation.

c. The following outdoor lighting and related activities:

- (1) Temporary lighting for road and utility construction.
- (2) Temporary emergency lighting.
- (3) Temporary lighting associated with a use authorized by this Chapter or a permit granted pursuant to this Chapter.
- (4) Temporary or intermittent outdoor night lighting necessary to conduct agricultural activities including outdoor lighting used during weather events such as frosts, and temporary or intermittent outdoor night lighting used for oil and gas exploration and production regardless of the location or number of lights used. As used in this Section 8106-6.5.3, the term "intermittent" means a period of between 31 and 90 calendar days within any 12- month period. For example, the use of intermittent lighting in cases where it is used simultaneously to illuminate multiple, discreet facilities (well sites, multiple tanks, etc.) is not limited provided that each individual location is illuminated no longer than 90 calendar days within any 12-month period.
- (5) Seasonal or festive lighting.
- (6) Outdoor lighting with a maximum output of 60 lumens or less that is fully shielded and directed downward, including solar lights.
- (7) Outdoor lighting on public and private streets.
- (8) Outdoor lighting used for any facility, equipment, or activity that is required to comply with any federal or state law, or any condition or requirement of any permit, approval or order issued by a federal or state agency.

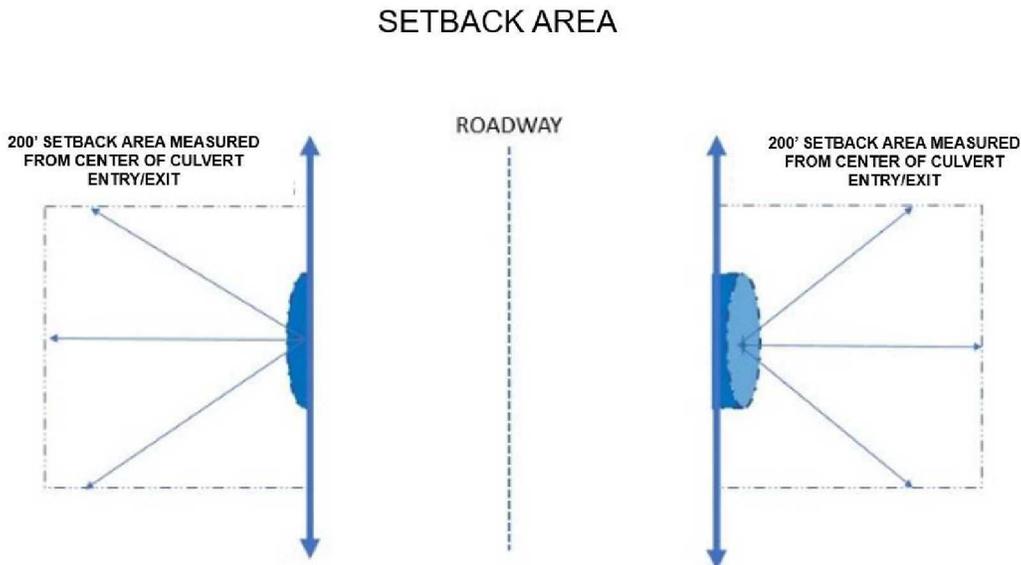
- (9) Replacement of outdoor essential luminaires for existing legally permitted structures that utilize the minimum output necessary for safety and security purposes, with a correlated color temperature of 2700 Kelvin or less, that are directed downward and fully shielded to the maximum extent possible, and controlled by a motion detector and timer that are programmed to turn off no more than five minutes after activation.

[Staff Explanation: Section 8106-6.5.3 exempts certain development, land uses and activities from the proposed setback regulations to accommodate, among other things, public health and safety and the reasonable use of one's property; the proposed exemptions help ensure that the proposed setback regulations will improve the functionality of crossing structures without compromising public safety or unduly burdening property interests.]

Section 8106-6.5.4 – Wildlife Crossing Structure Setback Area

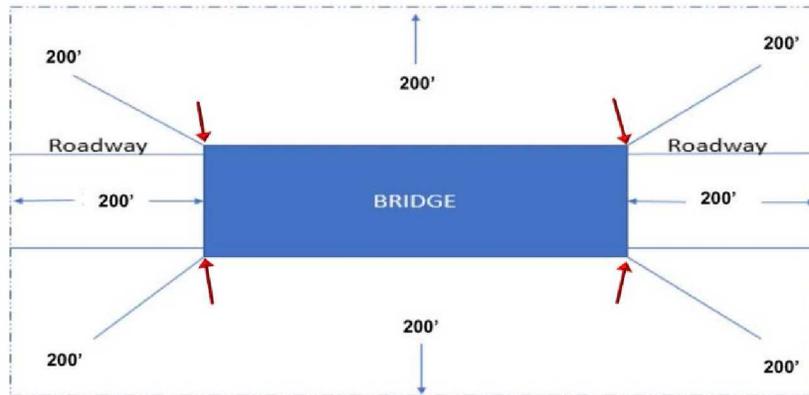
The 200-foot-setback area surrounds the entry and exit point of each identified wildlife crossing structure and shall be measured as follows:

- a. The setback for culverts that span less than or equal to 10 feet in diameter or width shall be measured from the center of the entry and exit point, as shown in the diagram below;



- b. The setback for bridge structures and culverts with widths or diameters greater than 10 feet, shall be measured from the outside perimeter of the opening, as shown by the red arrows in the diagram below.

SETBACK AREA



[Staff Explanation: How the 200-foot setback area is measured depends on whether it is a small culvert (10 foot diameter or less) or a large bridge or culvert. For wide bridges and culverts (i.e., those larger than 10 feet in diameter or width), if the setback is measured from the center of the structure, it may not be of suitable size to buffer disturbances or contain enough vegetative cover for wildlife to feel comfortable enough to utilize the crossing structure. Section 8106-6.5.4 takes this into account by specifying that the measurement is either from the center of the entry and exit points, or from the outside perimeter, of the crossing structure, depending on the diameter/width of the wildlife crossing structure.]

Section 8106-6.5.5 – Nonconforming Structures

Section 8113-1 shall apply to nonconforming structures located partially or wholly within the 200-foot setback area that existed as of [effective date of these amendments]. For purposes of Section 8113-1, an expansion or enlargement of a nonconforming structure shall be deemed in conformance with this Section 8106-6.5 if the expansion or enlargement, including any associated new fuel modification, is located completely outside of the 200-foot setback area or does not increase the footprint of the nonconforming structure, provided that the expansion does not increase any nonconformity with the prohibitions set forth in Section 8106-6.5.2, subdivisions (c) through (d).

[Staff Explanation: Section 8106-6.5.5 addresses situations when property owners may wish to expand or enlarge an existing structure that is rendered nonconforming by Section 8106-6.5. This section would allow for a structure to be enlarged if the expansion is either located outside the setback area or does not increase the footprint of the nonconforming structure (e.g., the property owner builds up rather than out), provided that the expansion does not increase any nonconformity with the prohibitions set forth in Section 8106-6.5.2, subdivisions (c) through (g) (e.g., prohibitions against certain wildlife impermeable fencing, vegetation modification, landscape areas, outdoor lighting, and indoor luminaires).]

Section 3

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The

Ventura County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that any one or more provisions may be deemed invalid or unconstitutional.

Section 4

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this ___ day of _____, 2022, by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

ABSENT: Supervisors _____

CHAIR, BOARD OF SUPERVISORS

ATTEST:
DR. SEVET JOHNSON
Clerk of the Board of Supervisors
County of Ventura, State of California

By _____
Deputy Clerk of the Board

SR EXHIBIT 4

Clean Version of Proposed Non-Coastal Zoning Ordinance Amendments

Proposed Ordinance Establishing Setbacks from 16 Wildlife Crossing Structures in the Northern Portion of the Ventura County Unincorporated Area

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ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA
AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2 AND 6 OF THE VENTURA
COUNTY ORDINANCE CODE, NON-COASTAL ZONING ORDINANCE TO
ESTABLISH SETBACKS FROM 16 WILDLIFE CROSSING STRUCTURES LOCATED
IN THE NORTHERN PORTION OF THE VENTURA COUNTY UNINCORPORATED
AREA**

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

Section 1

**ARTICLE 2:
DEFINITIONS**

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended by revising the following existing definition to read as follows:

Wildlife Crossing Structure—A *structure* (such as a culvert, bridge or underpass) containing features that enhance its suitability for use by wildlife (terrestrial or aquatic) to safely cross human-made barriers (such as flood plain facilities, roadways and highways). Examples of such features include the presence of *vegetation* providing cover or habitat near the entrances and/or natural light visible at the opposite entrance. The locations of the *wildlife crossing structures* are shown on the "Wildlife Crossing Structures" map layer within the County of Ventura, Resource Management Agency, County View Geographic Information System (GIS), as may be amended by the *Planning Director*. The definition of wildlife crossing structure does not include cattle guards.

Section 2

**ARTICLE 6:
LOT AREA AND COVERAGE, SETBACKS, HEIGHT
AND RELATED PROVISIONS**

Article 6, Sec. 8106-6.5 within Sec. 8106-6 – Miscellaneous Setback Regulations is hereby added to the Ventura County Ordinance Code to read as follows:

Section 8106-6.5 – Wildlife Crossing Structures and Setback Areas (Northern Unincorporated Area)

The purpose of this Section 8106-6.5 is to establish setbacks for certain development, land uses, and activities adjacent to *wildlife crossing structures* in the northern portion of the Ventura County unincorporated area to improve *functional connectivity* for terrestrial and aquatic wildlife across road barriers in the landscape by preserving vegetation cover and minimizing disturbances immediately adjacent to the entry and exit points of *wildlife crossing structures*.

Section 8106-6.5.1 – Wildlife Crossing Structures

The regulations within this Section 8106-6.5 shall apply to *wildlife crossing structures* identified in Tables 1 and 2 (below), and the 200-foot setback area set forth in Section 8106-6.5.4.

Table 1 – Ventura County Wildlife Crossing Structures Located Within the Northern Portion of the Ventura County Unincorporated Area.

Agency	Culvert/Bridge ID	Road Name	Latitude (N)	Longitude (W)
Ventura County	69112-1-1	Gridley Road	34.468831	119.224146
	322		34.46688	119.224354
	50825-3-14	Lockwood Valley Road	34.740338	119.087179
	50821-3-4	State Route. 33, Maricopa Highway	34.690638	119.343011
	50822-5-7		34.71555	119.265543
	50825-4-14		34.740637	119.086688

Table 2 – California Department of Transportation (Caltrans) Wildlife Crossing Structures Located Within the Northern Portion of the Ventura County Unincorporated Area.

Agency	Bridge ID	Location	Road Name	Latitude	Longitude
Caltrans	52 0092	07-VEN-033-50.70	State Route. 33, Maricopa Highway	344236	1192236
	52 0088	07-VEN-033-51.78		344318	1192300
	52 0086	07-VEN-033-48.69		344118	1192130
	52 0043	07-VEN-033-15.52		342912	1191812
	52 0044	07-VEN-033-15.82		342918	1191818
	52 0066	07-VEN-033-17.41		343024	1191736
	52 0067	07-VEN-033-17.84		343036	1191712
	52 0173	07-VEN-033-16.13		342930	1191818
	52 0087	07-VEN-033-50.91		344248	1192248
	52 0042	07-VEN-033-14.58		342806	1191706

Sec. 8106-6.5.2 – Prohibited Development, Structures, Land Uses and Activities

Unless otherwise exempt by Section 8106-6.5.3, or excepted pursuant to Section 8106-6.5.5, the following types of new development, *structures*, land uses, and activities constructed or occurring after [the effective date of these amendments] shall be prohibited from occurring within the 200-foot setback area described in Section 8106-6.5.4 of any *wildlife crossing structure* identified in Tables 1 and 2 of Section 8106-6.5.1 above.

- a. Any new *structure*, land use, or activity that requires a Zoning Clearance or other permit under Article 5.
- b. Any expansion or enlargement of an existing *structure* that requires a permit under Article 5, including any associated new *fuel modification* authorized or required by the Ventura County Fire Protection District.
- c. New or replacement *wildlife impermeable fencing* within the bank or bed of a stream or river.
- d. Any *vegetation modification*.
- e. New or modified *landscape areas*.
- f. New or replacement *outdoor lighting*.
- g. New indoor *luminaires* within translucent or transparent enclosed structures for agricultural operations.

Section 8106-6.5.3 – General Exemptions

The following types of development, land uses, *structures* and activities are not subject to Section 8106-6.5.

- a. *Vegetation modification* that is:
 - (1) Required to comply with any federal or state law, or requirement of any permit, approval or order issued by a federal or state agency.
 - (2) Carried out as part of a habitat preservation, restoration or enhancement project when specified by an agency approved mitigation plan, habitat conservation plan, or similar plan.
 - (3) Conducted by a *conservation organization* for the purpose of maintaining or enhancing biological habitat or wildlife movement.
 - (4) Reasonably required to maintain, repair or replace existing transportation, utility, and public safety infrastructure performed by a public agency or contracted designee. Examples include roads, bridges, pipelines, utility lines, flood control improvements, and drainage and utility ditches.
 - (5) Performed by a public agency on publicly owned or maintained property.
 - (6) Associated exclusively with vegetation that has been intentionally planted within a *landscape area*.
 - (7) Conducted in accordance with one or more of the following: (i) as required or authorized by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Fire Code, as may be amended; (ii) pursuant to a Community Wildfire Protection Plan or similar *fuel modification*/wildfire protection plan adopted and/or amended by VCFPD; or (iii) pursuant to a burn permit approved by VCFPD.
 - (8) Conducted to construct or maintain a driveway or road internal to a legal lot that is utilized to plant or harvest a crop or orchard that will be commercially sold.

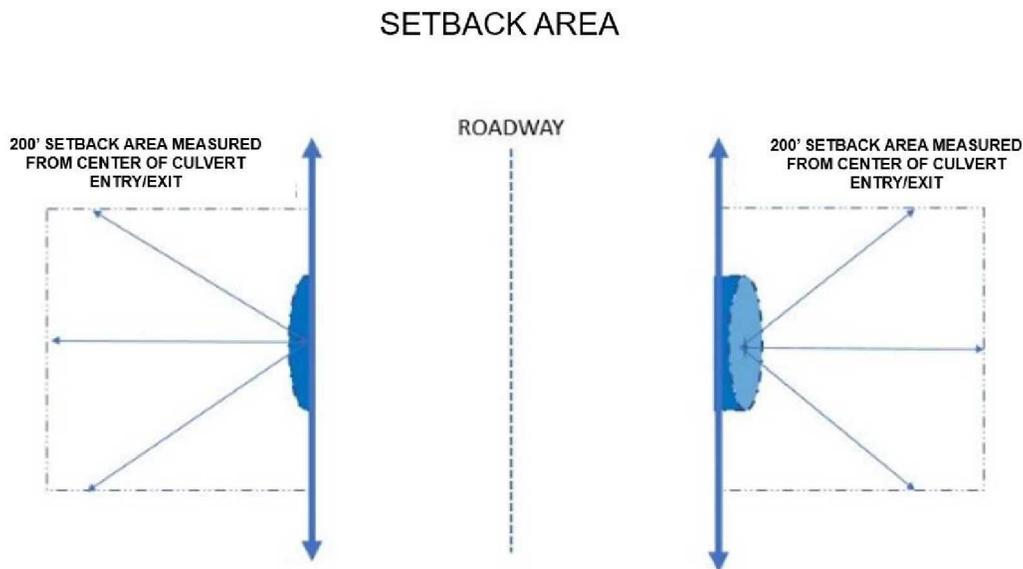
- b. The following *structures*, development, land uses, and activities:
- (1) Repair or maintenance of an existing, legally established *structure* or fence.
 - (2) The installation of *wildlife impermeable fencing* that is required to comply with any federal or state law, or any condition or requirement of any permit, approval or order issued by a federal or state agency.
 - (3) *Structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster rebuilt to their original state and in their original location if (i) less than 50 percent of the *structure* is damaged or destroyed and (ii) a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration. Notwithstanding any other provision of this Chapter, the rebuilding of *structures* following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the requirements of this Section 8106-6.5.
 - (4) Land, *fences*, or improvements other than *structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster restored or rebuilt to their original state and in their original location if a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration, or if no permit is required, the rebuilding commences within the aforementioned three-year period and is diligently pursued to completion. Notwithstanding any other provision of this Chapter, the restoration of land, or rebuilding of *fences*, or improvements following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the requirements of this Section 8106-6.5.
 - (5) *Structures*, *wildlife impermeable fencing* or improvements that are *temporary*, or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems). Pools are considered to be in-ground, not underground and do not qualify for this exemption.
 - (6) Planting or harvesting of crops or orchards that will be commercially sold.
 - (7) Livestock grazing.
 - (8) Bee hives used for apiculture activities.
 - (9) Surface mining operations, including but not limited to associated structures, fuel modification, fencing and lighting, that are authorized by an approved conditional use permit.
 - (10) Structures, development, land uses and activities which are protected by vested right or to the minimum extent necessary to avoid a constitutional taking of property, provided they comply with the following to the maximum extent feasible:
 - (1) are sited the furthest distance from the entry or exit points of a wildlife crossing structure; and
 - (2) any outdoor lighting is fully-shielded, directed downward, and maintained in such a manner to avoid light trespass beyond the bank of a stream or river. If light trespass occurs beyond the bank of a stream or river, the lighting shall be operated by motion sensor or a timer switch and shall be programmed to turn off no more than five minutes after activation.
- c. The following *outdoor lighting* and related activities:
- (1) *Temporary* lighting for road and utility construction.
 - (2) *Temporary* emergency lighting.
 - (3) *Temporary lighting associated with a* use authorized by this Chapter or a permit granted pursuant to this Chapter.

- (4) *Temporary* or intermittent *outdoor night lighting* necessary to conduct agricultural activities including *outdoor lighting* used during weather events such as frosts, and *temporary* or intermittent *outdoor night lighting* used for oil and gas exploration and production regardless of the location or number of lights used. As used in this Section 8106-6.5.3, the term "intermittent" means a period of between 31 and 90 calendar days within any 12- month period. For example, the use of intermittent lighting in cases where it is used simultaneously to illuminate multiple, discreet facilities (well sites, multiple tanks, etc.) is not limited provided that each individual location is illuminated no longer than 90 calendar days within any 12-month period.
- (5) Seasonal or festive lighting.
- (6) *Outdoor lighting* with a maximum output of 60 *lumens* or less that is fully shielded and directed downward, including solar lights.
- (7) *Outdoor lighting* on public and private streets.
- (8) *Outdoor lighting* used for any facility, equipment, or activity that is required to comply with any federal or state law, or any condition or requirement of any permit, approval or order issued by a federal or state agency.
- (9) Replacement of outdoor *essential luminaires* for existing legally permitted *structures* that utilize the minimum output necessary for safety and security purposes, with a *correlated color temperature* of 2700 *Kelvin* or less, that are directed downward and *fully shielded* to the maximum extent possible, and controlled by a motion detector and timer that are programmed to turn off no more than five minutes after activation.

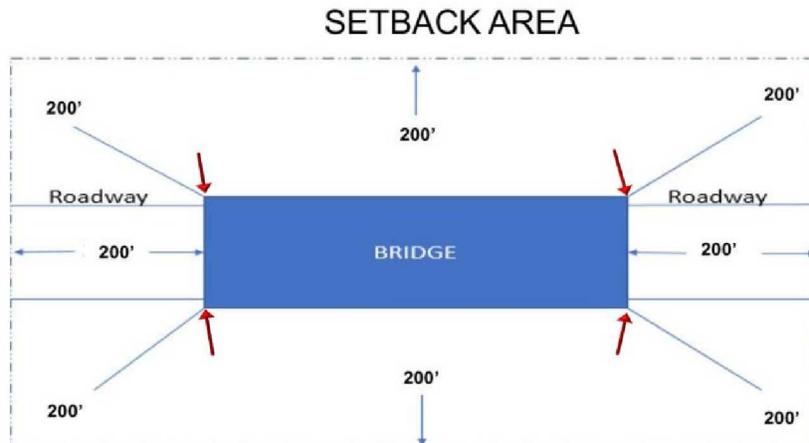
Section 8106-6.5.4 – Wildlife Crossing Structure Setback Area

The 200-foot-setback area surrounds the entry and exit point of each identified *wildlife crossing structure* and shall be measured as follows:

- a. The setback for culverts that span less than or equal to 10 feet in diameter or width shall be measured from the center of the entry and exit point, as shown in the diagram below;



- b. The setback for bridge *structures* and culverts with widths or diameters greater than 10 feet, shall be measured from the outside perimeter of the opening, as shown by the red arrows in the diagram below.



Section 8106-6.5.5 – Nonconforming Structures

Section 8113-1 shall apply to nonconforming *structures* located partially or wholly within the 200-foot setback area that existed as of [effective date of these amendments]. For purposes of Section 8113-1, an expansion or enlargement of a nonconforming *structure* shall be deemed in conformance with this Section 8106-6.5 if the expansion or enlargement, including any associated new *fuel modification*, is located completely outside of the 200-foot setback area or does not increase the footprint of the nonconforming structure, provided that the expansion does not increase any nonconformity with the prohibitions set forth in Section 8106-6.5.2, subdivisions (c) through (d).

Section 3

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that any one or more provisions may be deemed invalid or unconstitutional.

Section 4

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this ___ day of _____, 2022, by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

ABSENT: Supervisors _____

CHAIR, BOARD OF SUPERVISORS

ATTEST:

DR. SEVET JOHNSON

Clerk of the Board of Supervisors

County of Ventura, State of California

By _____

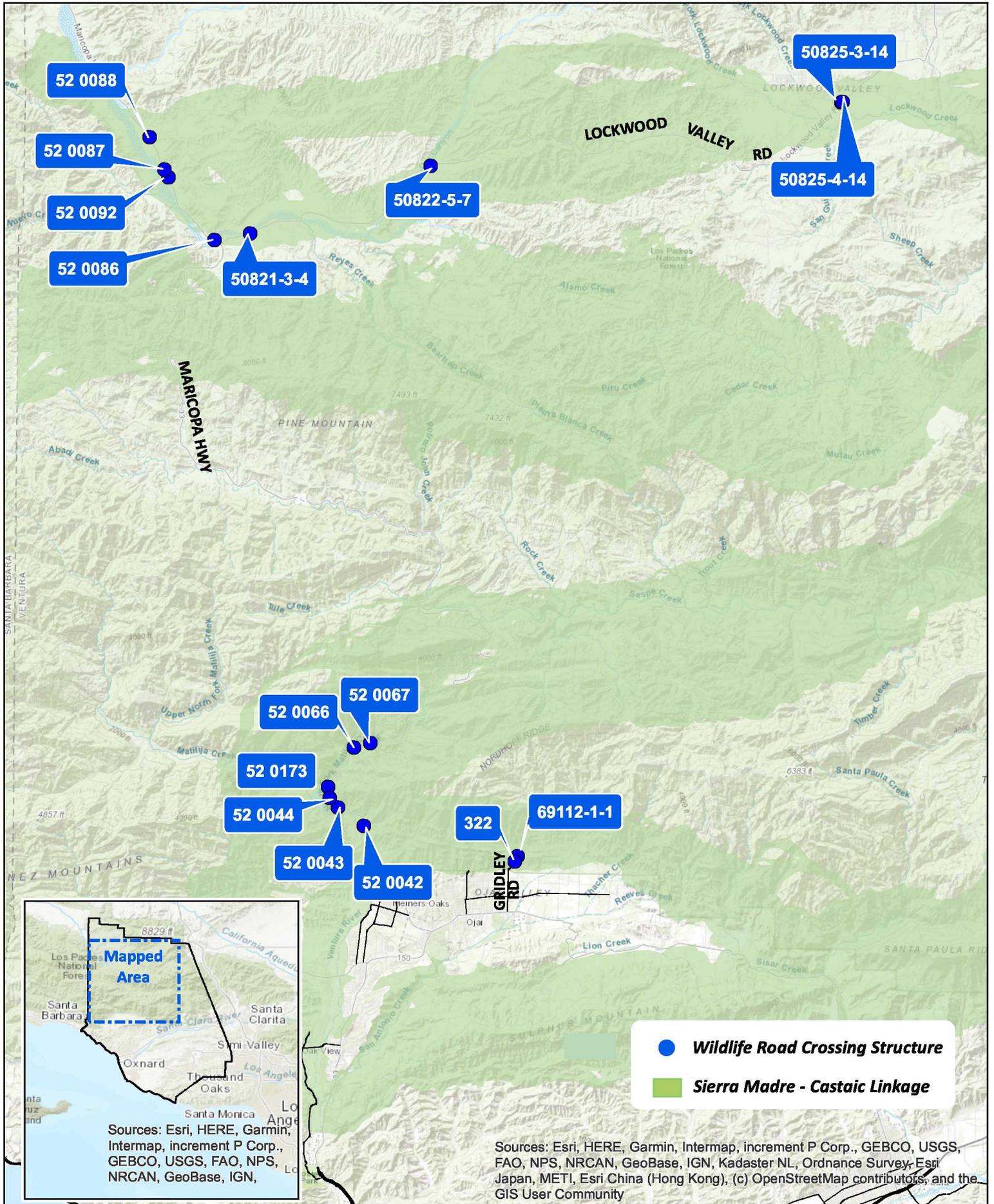
Deputy Clerk of the Board

SR EXHIBIT 5

Locator Map: Wildlife Crossing Structures in Northern Ventura County Unincorporated Area

Proposed Ordinance Establishing Setbacks from 16
Wildlife Crossing Structures in the Northern Portion of
the Ventura County Unincorporated Area

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Mapped Area

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN,

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

**LOCATOR MAP:
Wildlife Crossing Structures
Within the Unincorporated Areas
of Los Padres National Forest**

0 4,000 8,000 16,000 Feet

Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems 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 therein

SR EXHIBIT 6

Wildlife Crossing Structure Detail Maps Located on Gridley Road

Proposed Ordinance Establishing Setbacks from 16
Wildlife Crossing Structures in the Northern Portion of
the Ventura County Unincorporated Area

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Legend



Wildlife Crossing Structures

— Roads



GRIDLEY TL

GRIDLEY CANYON RD

69112-1-1

322

GRIDLEY RD

ORANGE RD



● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

▬ Parcels/Property Lines

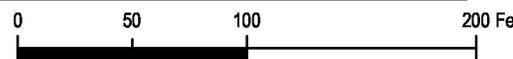
** Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.*



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



Ventura County Culvert ID: 69112-1-1 & ~ 200 Foot Setback Area



Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems 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 therein

● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

▬ Parcels/Property Lines

* Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.

014003005

014003022

GRIDLEY RD

014004022

014004017

014004023

014004024

014004014

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

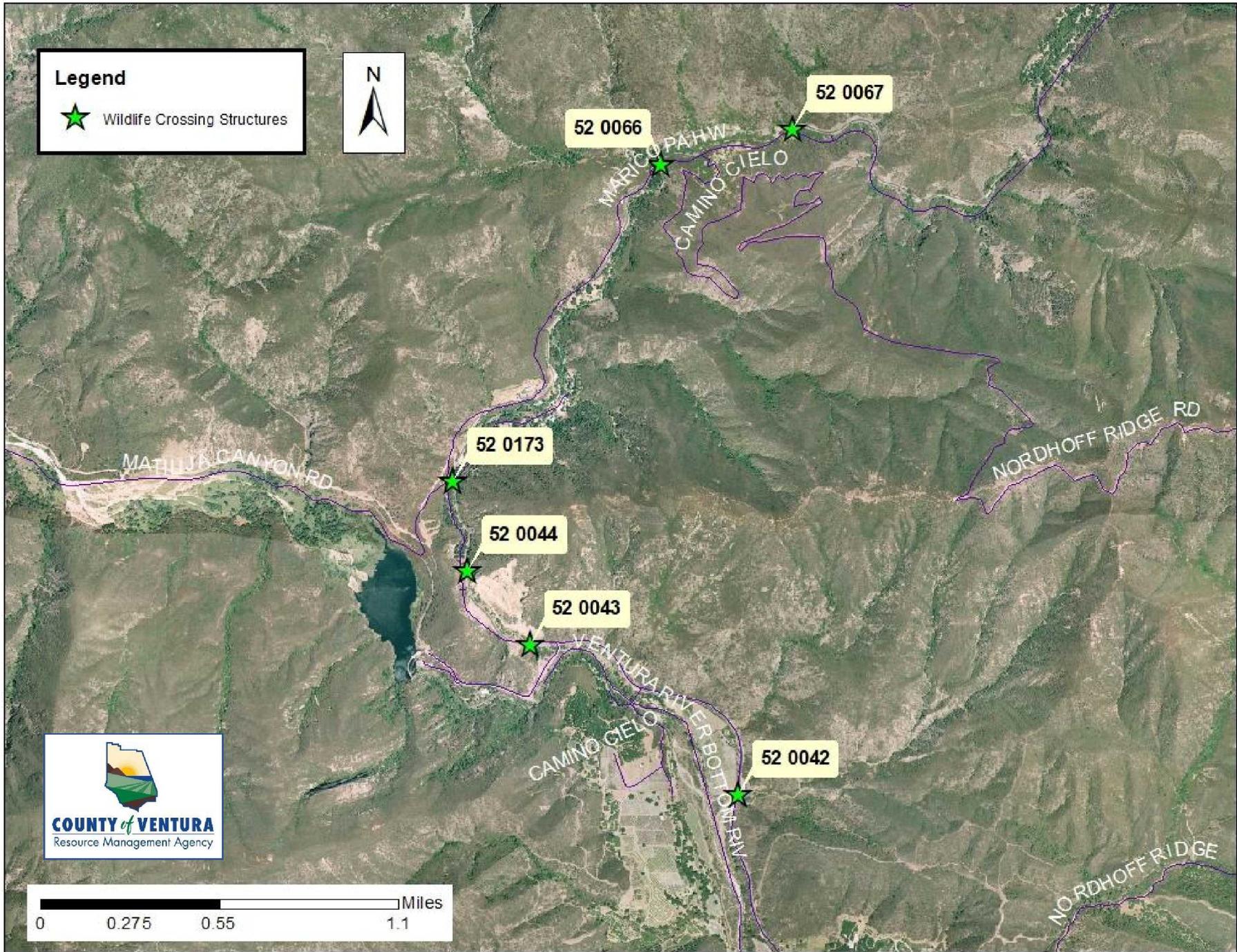


SR EXHIBIT 7

Wildlife Crossing Structure Detail Maps Located in the Wheeler Gorge and Matilija Canyon Area

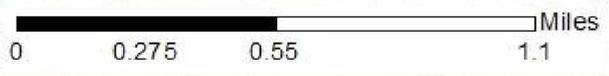
Proposed Ordinance Establishing Setbacks from 16
Wildlife Crossing Structures in the Northern Portion of
the Ventura County Unincorporated Area

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Legend

- ★ Wildlife Crossing Structures



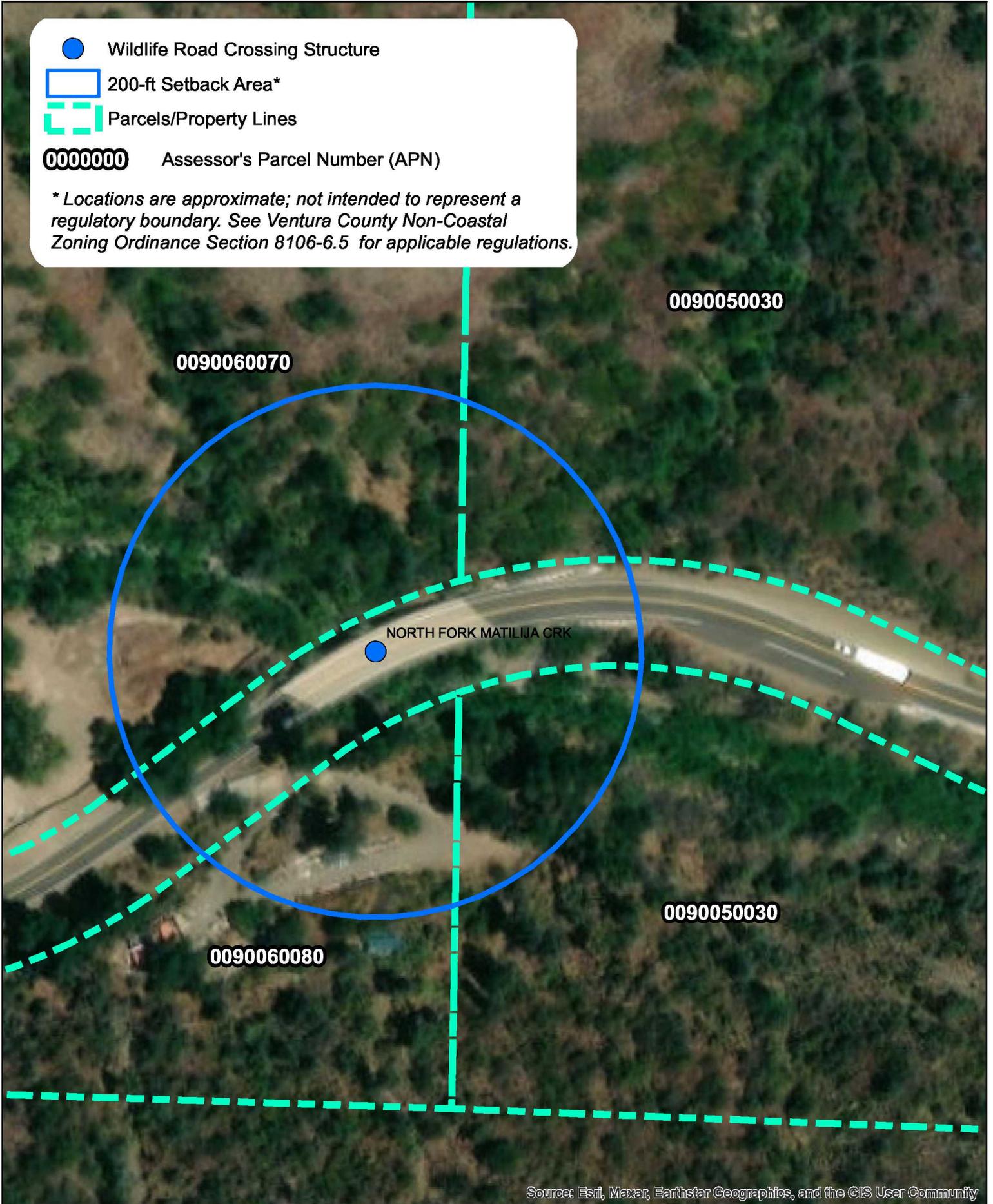
● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

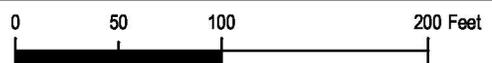
--- Parcels/Property Lines

0000000 Assessor's Parcel Number (APN)

* Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



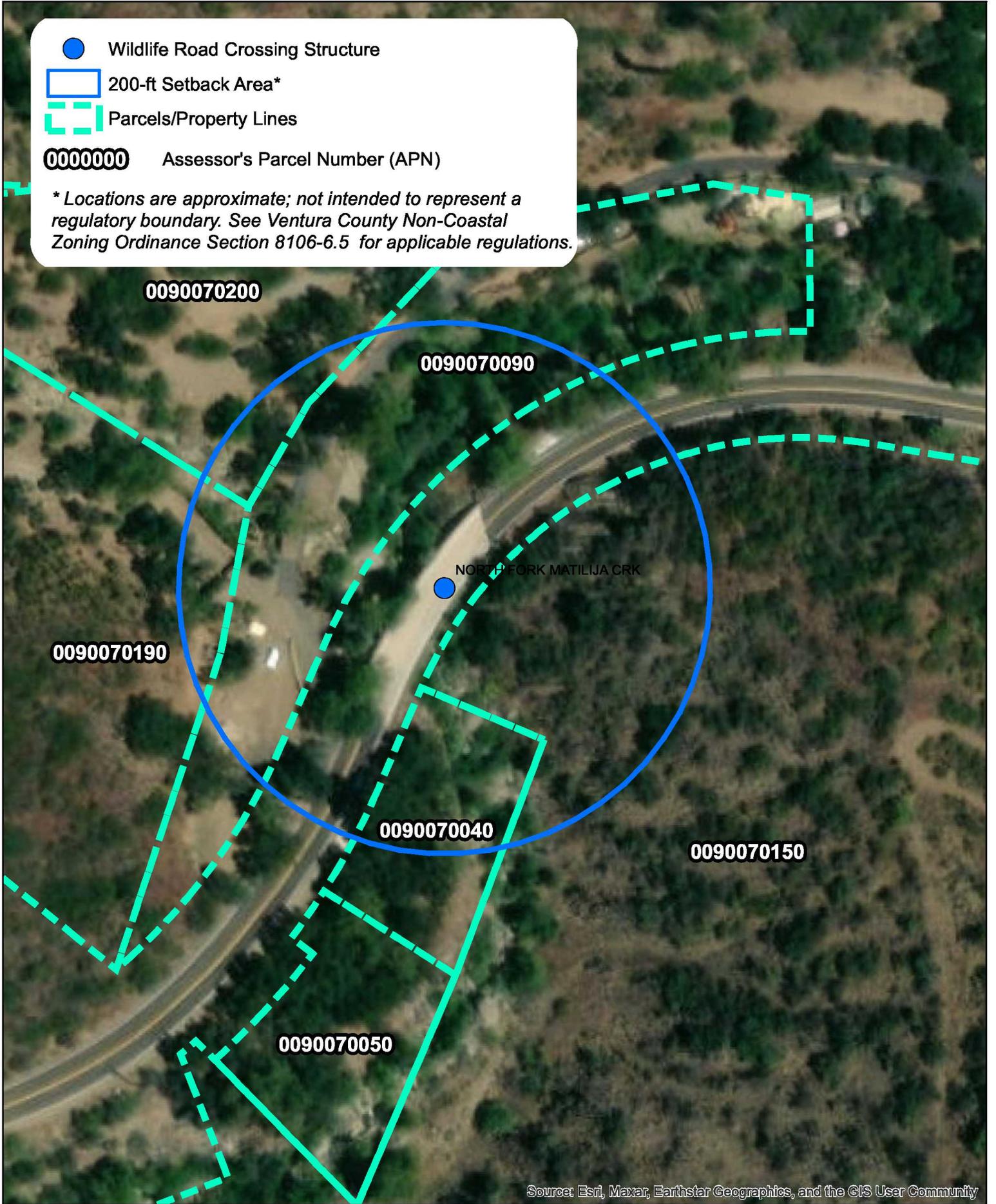
● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

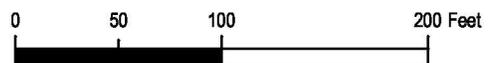
▬ Parcels/Property Lines

0000000 Assessor's Parcel Number (APN)

* Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



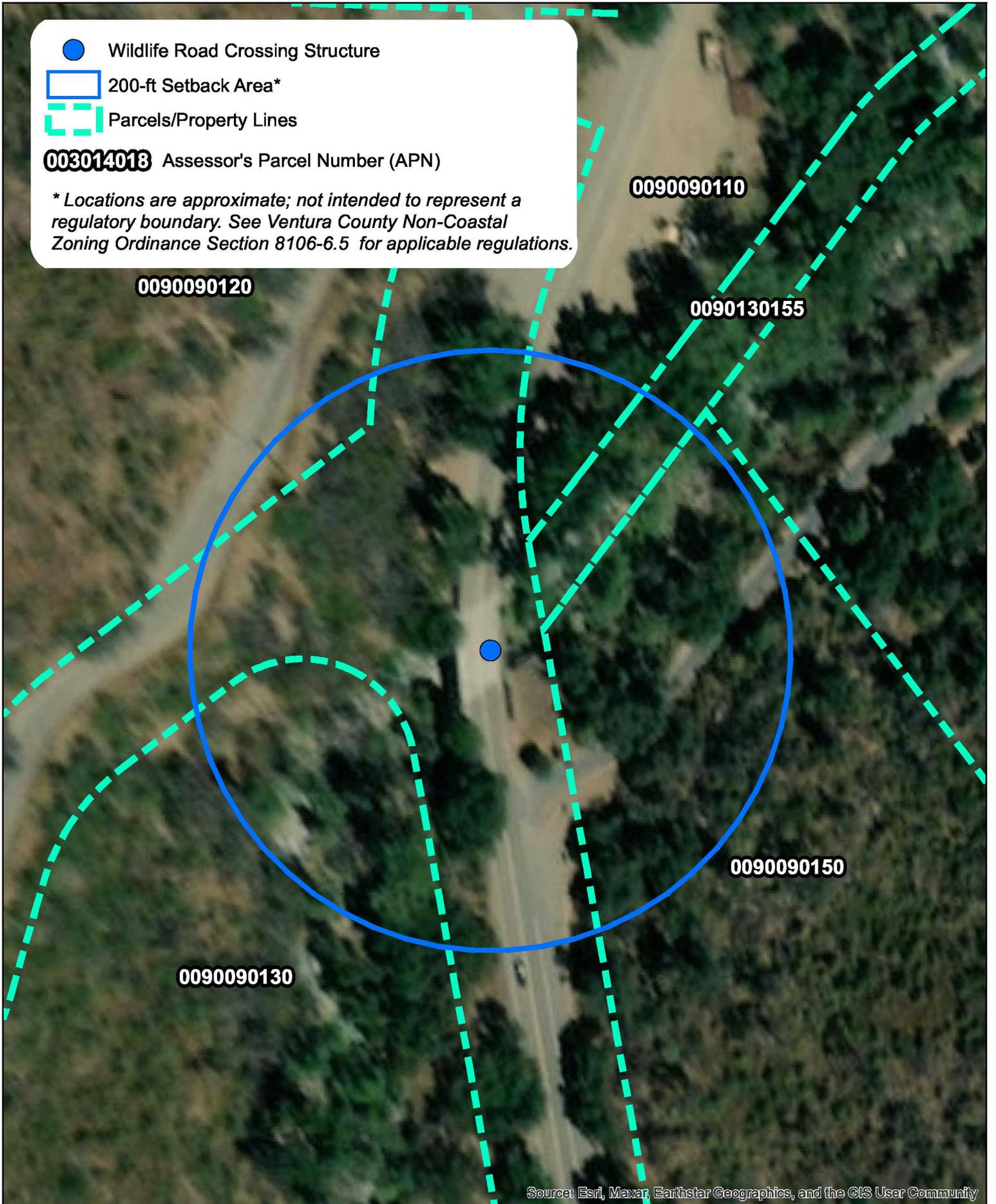
● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

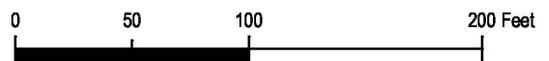
--- Parcels/Property Lines

003014018 Assessor's Parcel Number (APN)

** Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.*



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



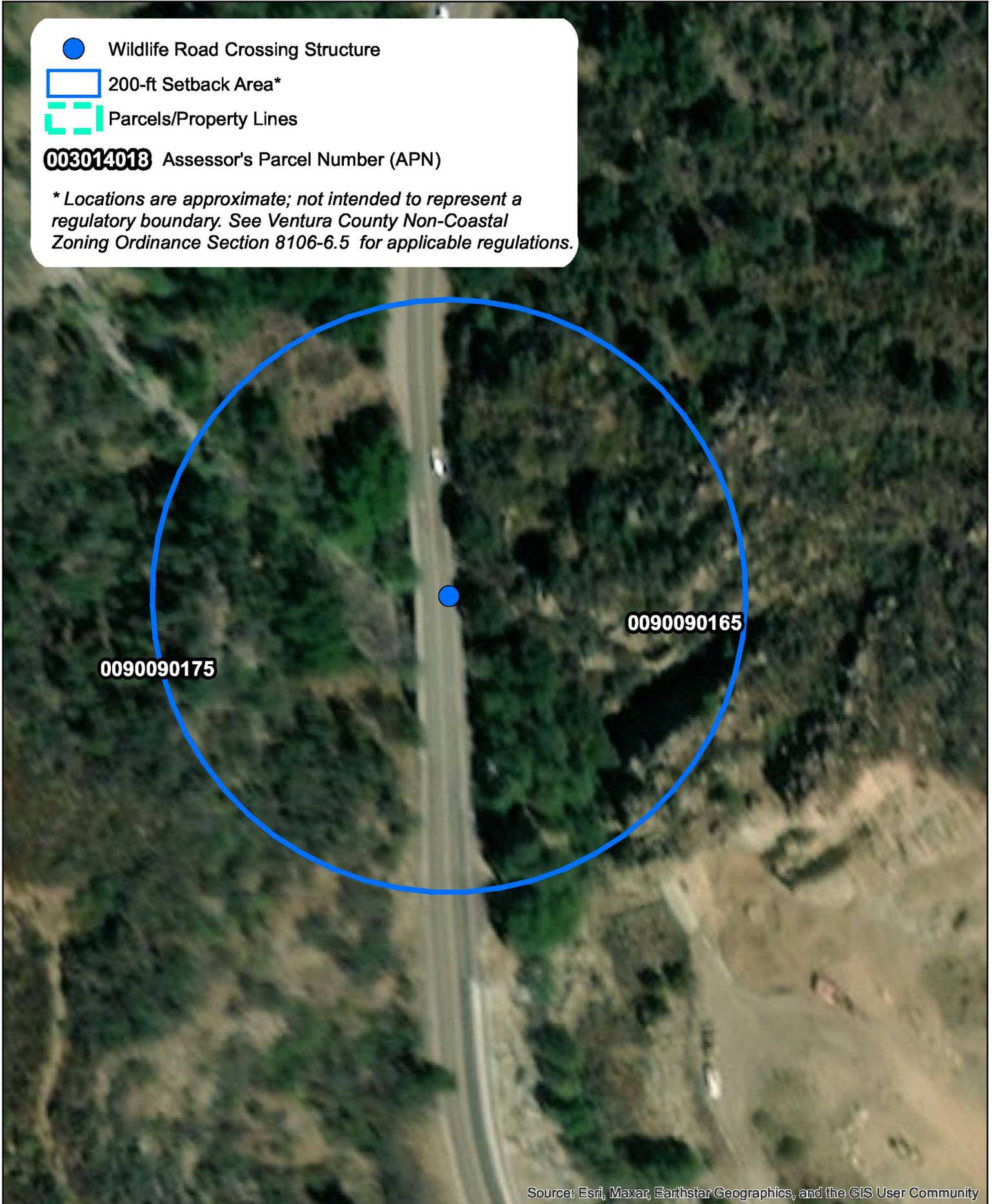
● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

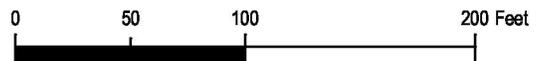
▬ Parcels/Property Lines

003014018 Assessor's Parcel Number (APN)

** Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.*



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

▬ Parcels/Property Lines

003014018 Assessor's Parcel Number (APN)

** Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.*

010002003

009009018

010018037

009009019

010018019 010018050

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



Caltrans Bridget ID: 52 0043 & ~ 200 Foot Setback Area

Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems 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 therein

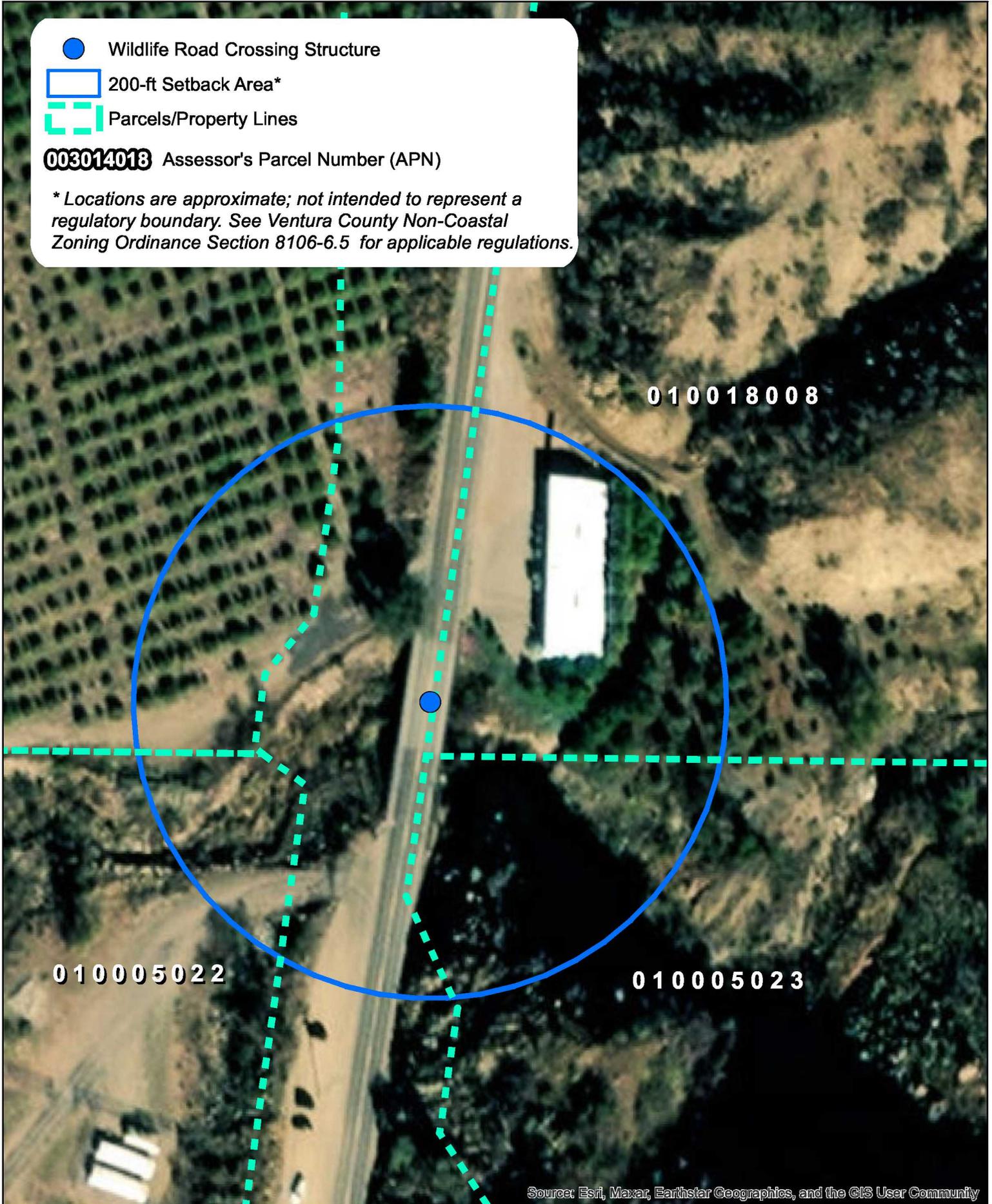
● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

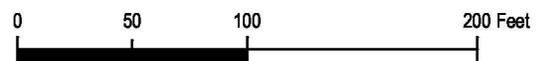
▬ Parcels/Property Lines

003014018 Assessor's Parcel Number (APN)

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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

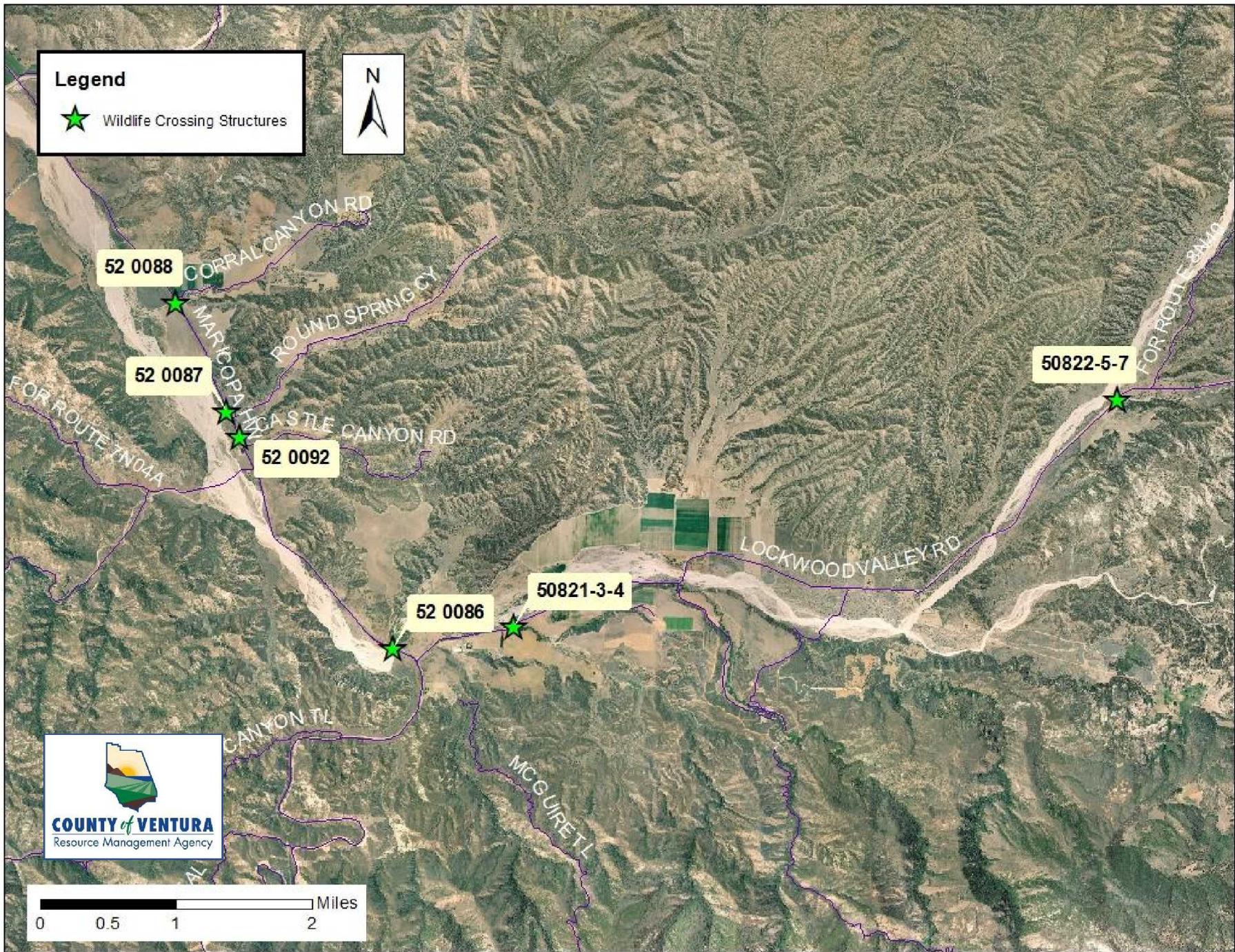


SR EXHIBIT 8

Wildlife Crossing Structure Detail Maps Located in the Cuyama River and Lockwood Valley Area

**Proposed Ordinance Establishing Setbacks from 16
Wildlife Crossing Structures in the Northern Portion of
the Ventura County Unincorporated Area**

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Legend

★ Wildlife Crossing Structures



52 0088

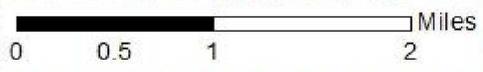
52 0087

52 0092

52 0086

50821-3-4

50822-5-7



● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

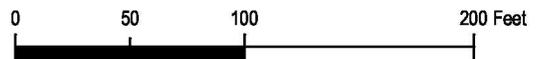
▬ Parcels/Property Lines

003014018 Assessor's Parcel Number (APN)

** Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.*



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

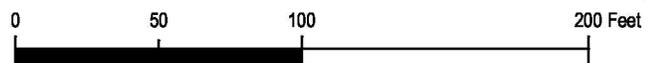
▬ Parcels/Property Lines

003014018 Assessor's Parcel Number (APN)

** Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.*



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

▬ Parcels/Property Lines

003014018 Assessor's Parcel Number (APN)

** Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.*

0020080215

0020080235

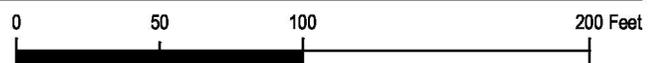
0020080285

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0020100140

0020100050

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



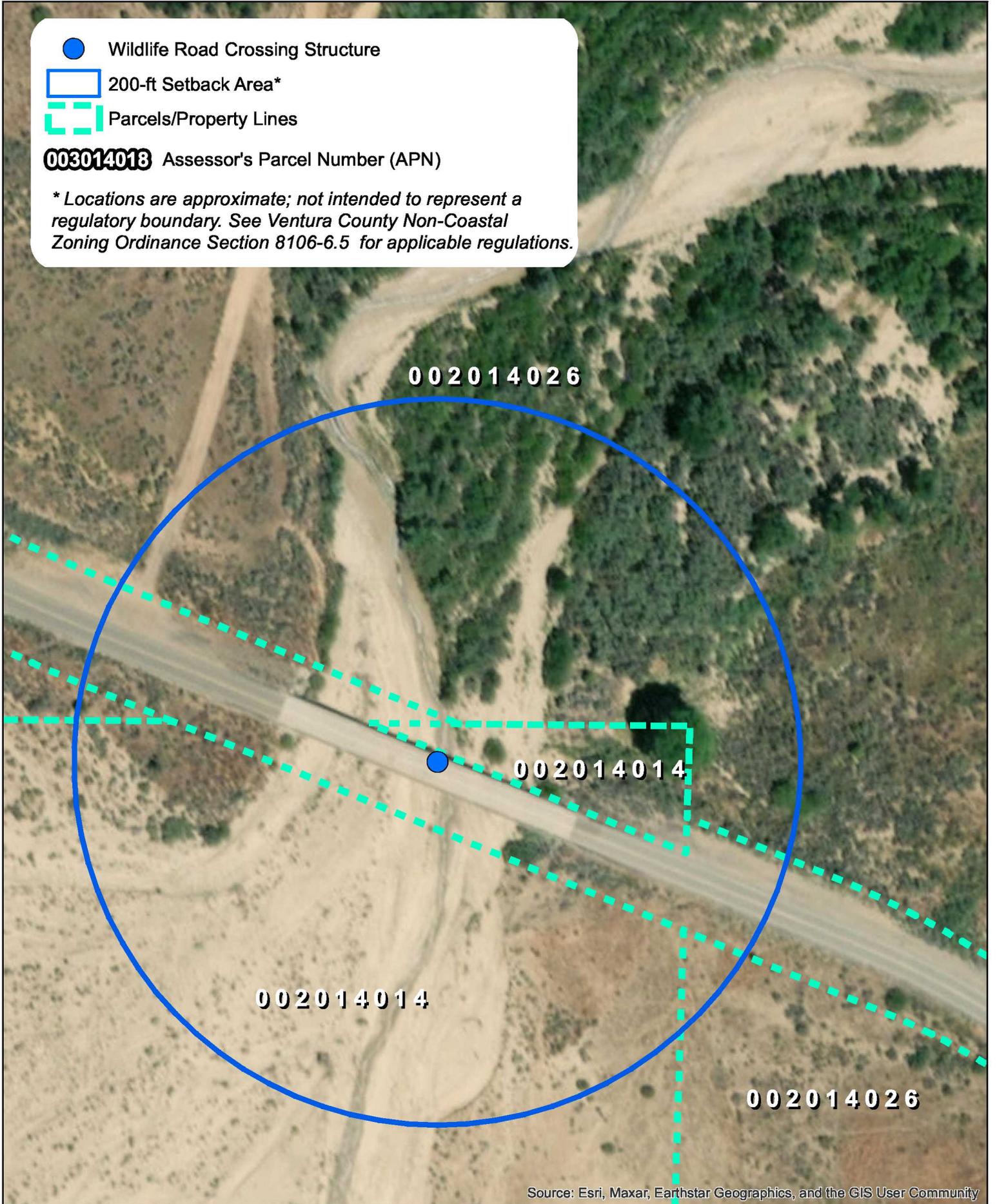
● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

▬ Parcels/Property Lines

003014018 Assessor's Parcel Number (APN)

** Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.*



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



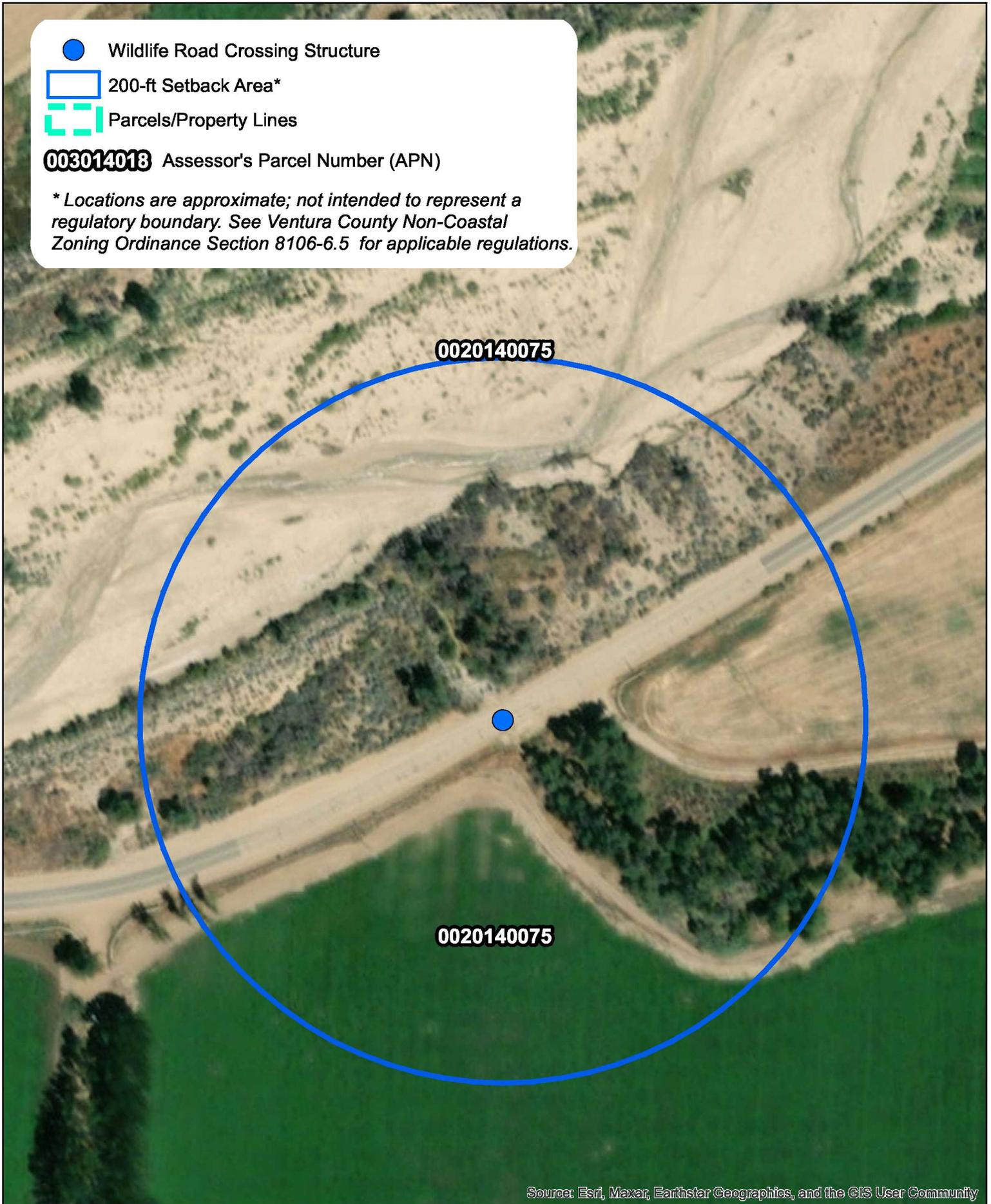
● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

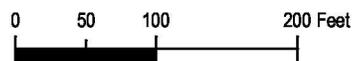
▬ Parcels/Property Lines

003014018 Assessor's Parcel Number (APN)

** Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.*



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



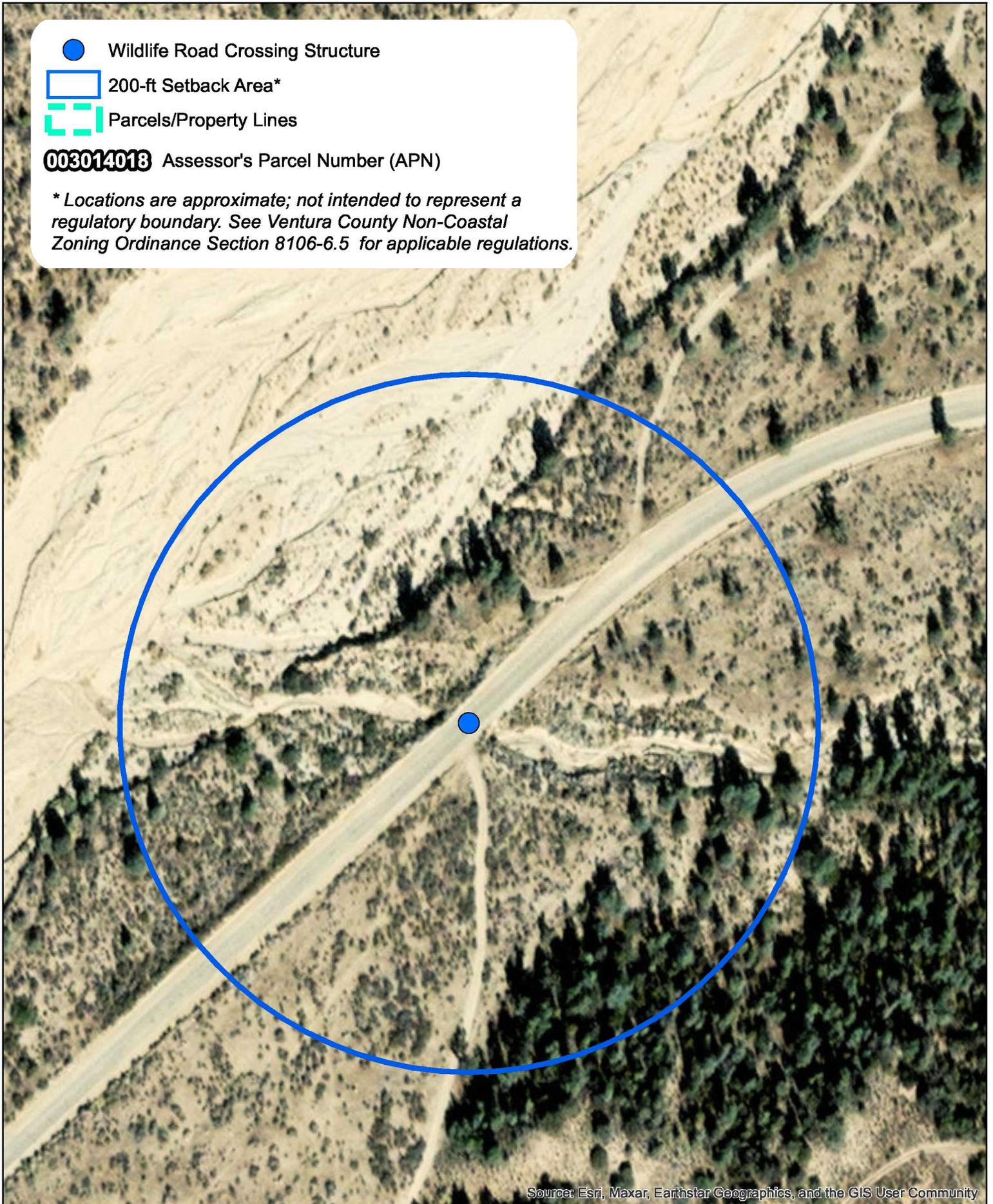
● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

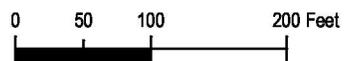
▬ Parcels/Property Lines

003014018 Assessor's Parcel Number (APN)

** Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.*



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



SR EXHIBIT 9

Wildlife Crossing Structure Detail Maps Located in the Boy Scout Rd and Lockwood Valley Rd Area

Proposed Ordinance Establishing Setbacks from 16
Wildlife Crossing Structures in the Northern Portion of
the Ventura County Unincorporated Area

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Legend



Wildlife Crossing Structures

— Roads

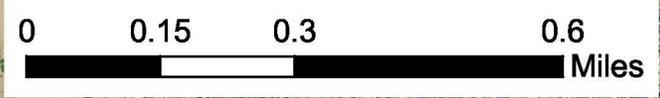


BOY SCOUT CAMP RD

LOCKWOOD VALLEY RD

LOCKWOOD VALLEY RD

50825-4-14



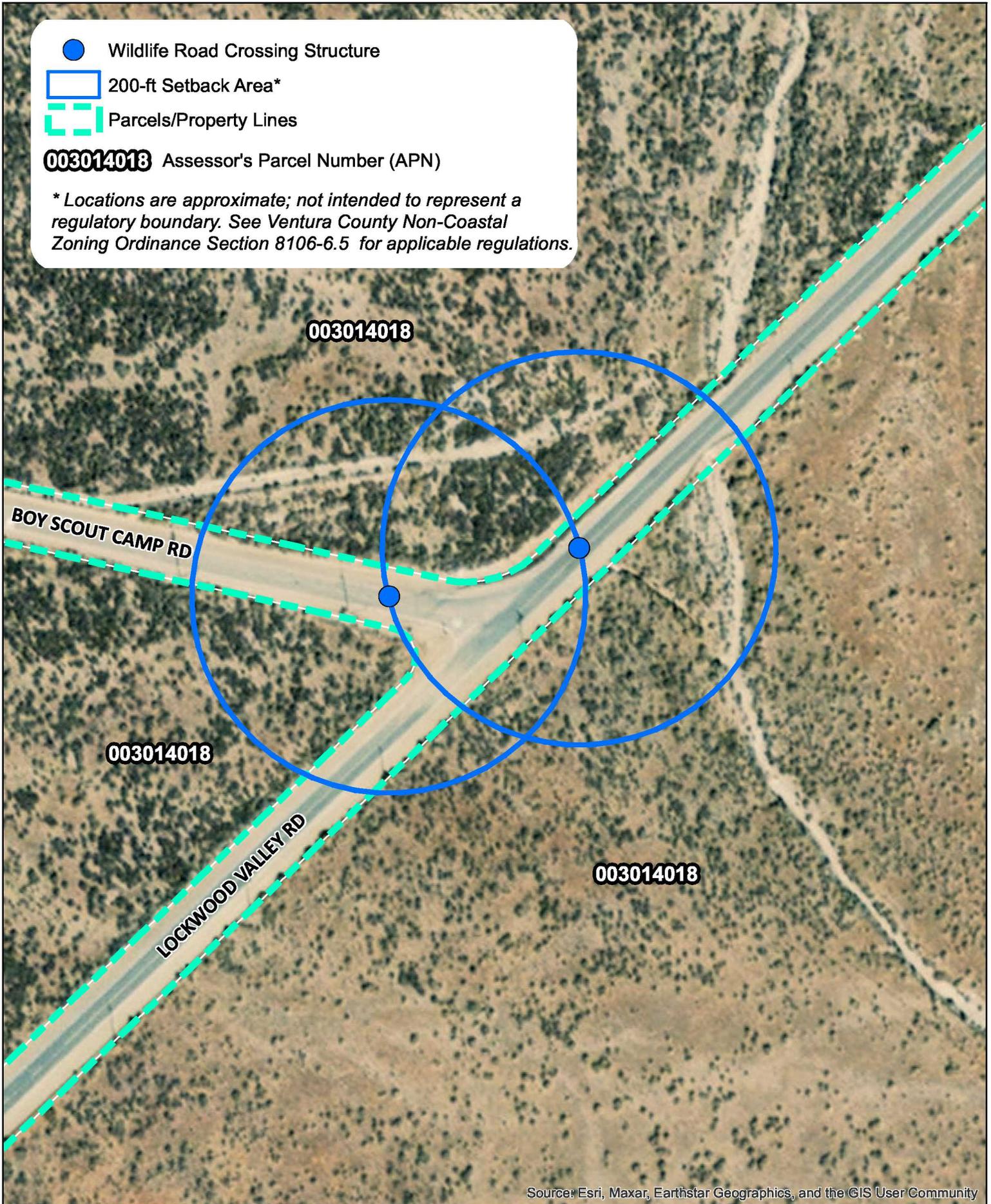
● Wildlife Road Crossing Structure

□ 200-ft Setback Area*

▬ Parcels/Property Lines

003014018 Assessor's Parcel Number (APN)

** Locations are approximate; not intended to represent a regulatory boundary. See Ventura County Non-Coastal Zoning Ordinance Section 8106-6.5 for applicable regulations.*



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems 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 therein



Ventura County Culvert IDs: 50825-3-14 & 50825-4-14 & ~ 200 foot Setback Areas



Ventura County RMA
Information Systems GIS
Services and Planning Division
Final map created on 9/28/2022

SR EXHIBIT 10

Selection of Wildlife Crossing Structures

Proposed Ordinance Establishing Setbacks from 16 Wildlife Crossing Structures in the Northern Portion of the Ventura County Unincorporated Area

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Wildlife Crossing Structure Selection Process

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

Background

Multiple studies of terrestrial wildlife movement through freeways and highways, including US 101, SR-23, SR-126, and SR-118 in Ventura County, conclude that culverts and underpasses are used by a variety of wildlife to bypass these barriers (Brown and Riley, 2014; Riley et al., 2014; Sikich and Riley, 2012). Culverts under smaller roadways are also important for wildlife passage and studies indicate wildlife are willing to try to cross small roadways, resulting in mortality from vehicle collisions (Ament et al., 2008, Riley et al., 2006, Brown and Riley 2014, Van Langevelde et al., 2009). In addition, studies conducted in the Ventura River watershed show that fish passage through culverts and bridges associated with roads in the northern portion of Ventura County are extremely important for aquatic wildlife that migrate for a portion of their life cycle such as the federally endangered steelhead trout (*Oncorhynchus mykiss*)¹.

Studies have also shown that terrestrial wildlife of all sizes utilize crossings and that different species have different preferences for crossings with different features which may increase or decrease their use of a given crossing (Clevenger et al., 2001, McDonald and St Clair, 2004). These features can include position in the landscape, the crossing's "openness" as defined by its height, width, and length, and proximity to high quality habitat. Wildlife most susceptible to landscape-scale connectivity issues are those that generally avoid roads, have multiple resource needs, require large geographic areas, occur at low densities, and have low reproductive rates. Medium and larger animals tend to utilize crossings with a larger openness ratio (defined as the cross-sectional area of a crossing divided by the length) which often means it has a larger diameter. However, many wildlife species that occur in Ventura County (e.g., bobcat, coyote) tend to be opportunistic users of crossings, making many existing crossings capable of facilitating wildlife movement (Kintsch et al., 2015).

The availability of vegetative cover near the entrance of a crossing structure can determine whether a particular species will use it. Natural vegetation can enhance the "attractiveness" of crossing structures to different animals, allow a continuity of habitat, and reduce negative effects of lighting and noise (Clevenger and Waltho, 2005; Rodriguez et al., 1996; McDonald & St Clair, 2004). Other best management practices recommended for areas adjacent to wildlife crossing structure include the following: fencing to funnel wildlife to crossing entrances, limit development and other human activities associated with lighting, noise, domesticated animal keeping, use of poisons,

¹ <https://storymaps.arcgis.com/stories/193dc29701ae4e6b81f57a5c9cd024ef>

habitat loss and degradation (trails, off highway vehicle use), and minimizing wildlife attractants (Beier et al., 2008a; California State Parks, 2000; Clevenger and Waltho, 2005; Rodriguez et al., 1996).

For aquatic wildlife in Ventura County, the suitability of the culvert or bridge for fish passage depends upon the timing and presence of water, in addition to the types of fish species present. These factors will be used to assess the structure's functional design (Caltrans, 2014). If a federally or state protected species is present, then specific criteria will depend on which regulating agency has jurisdiction for the protected species (R. Marlow, personal communication, April 27th, 2021). While the wildlife crossing structure assessment in this exhibit is limited to identifying **existing** road crossing structures that are **currently functional** for terrestrial wildlife, a summary of existing road crossing structures that have been prioritized for important **aquatic retrofits** for the northern portion of Ventura County can be found in the Ventura River Watershed Management Plan (Ventura River Watershed Council, 2015). However, while many of the identified terrestrial wildlife crossing structures may overlap or are nearby identified structures identified for aquatic retrofits (e.g., Bridge ID 52-0043/44) as discussed in the next paragraph, the proposed setback distance selected for this amendment would also support the needs of aquatic species that utilize these identified wildlife crossing structures (conserve riparian vegetative cover). For example, water quality associated with runoff and increased temperatures from lack of a riparian buffer are also responsible for decreasing steelhead population sizes (Katz et al., 2013; Sloat and Osterback 2013; Dagit et al., 2020).

A common planning tool used to address these types of negative impacts on wildlife and their habitats can be a "setback" or a "buffer" which serves to protect a target area by creating a surrounding "buffer" that restricts future development or uses. Natural vegetation may or may not currently exist within that setback. Current research associated with setback distances for wildlife along wetland, riparian or creek/river drainages (wildlife crossing structures in this project) can vary between 100 to more than 5000 feet for wildlife protection and movement. To determine a setback distance for wildlife movement (and in this case, within a creek/river to encourage entrance outside of a wildlife crossing structure), the research literature suggests that the following factors should be considered: type of wildlife species and their life-history characteristics, vegetation cover type, current condition of vegetation cover, current and future permitted land uses (Alberta, 2012; Kihslinger, et al. 2008; Beacon Environmental, 2012). Based upon these factors, an average setback distance of 200 feet was selected to balance the needs of the species (CDFW, 2018a; CDFW, 2022b; South Coast Wildlands, 2005), property owner rights, and varying environmental conditions such as vegetative cover, slope, soils, water, etc.

Methods

The Ventura County Planning Division conducted an assessment of wildlife connectivity needs in the northern portion of Ventura County using a landscape level approach to identify wildlife crossing structures for this project (Clevenger and Huijser, 2011) in the summer of 2018. Data sources included aerial photos, topographic maps, wildlife data, vegetation data, modeling data from the South Coast Missing Linkages project (South Coast Wildlands, 2005) and various types of transportation data from the California Department of Transportation (Caltrans) and the Ventura County Public Works Agency Transportation Division. The initial dataset included a total of 195 structures, 135 County maintained structures and 60 Caltrans maintained structures.

The data was evaluated with respect to a set of exclusionary features and functional features. Exclusionary features make a crossing uninviting or impractical for wildlife to utilize to overcome a roadway or other barrier. If a crossing had any one or more of the exclusionary features, it resulted in the removal of the crossing as functional for wildlife and not included as a wildlife crossing structure for the proposed amendment.

Exclusionary Features

1. A vertical pipe serves as an entrance or exit to a crossing.
2. A covering or grate over the entrance or exit may occur that would prevent all but the smallest wildlife species from accessing the entrances.
3. The crossing does not entirely traverse a barrier and instead leads from the road to adjacent areas, for instance, a road may contain culverts to divert drainage.
4. A crossing entrance with a diameter less than 24 inches, or with a cross sectional area less than 6 square feet.
5. A crossing entrance immediately adjacent to extremely steep slopes, defined as slopes with an angle of approximately 65 degrees or higher, or areas with extremely steep slopes that a majority of wildlife are likely incapable, or unwilling to scale to get to the surrounding landscape.
6. Crossings directly adjacent to Federal Lands as the Planning Division would have no land use authority in applying development setbacks on these lands.
7. Crossings on roads with extremely low traffic volumes were excluded with 200 vehicle trips per day or less.

Functional Features

The County culverts, County bridges, and Caltrans crossings were also evaluated based on approximately ten functional features used to assess their potential to provide connectivity for wildlife. The functional features for culverts and bridges are slightly different based on their characteristics. For example, the exclusionary feature of a vertical

pipe inlet was excluded from the bridge analysis. A list of these functional features along with a description of how they contribute to wildlife use is provided in Table 1 (below).

Table 1: Functional Features and their Support of Functional Connectivity

Feature	Feature Description	Feature's Contribution to Functional Connectivity
Vegetation	The presence of vegetation within approximately 40 meters of crossing entrances was evaluated. Vegetation could be any plant material, native, non-native, orchards, etc. Grass less than 12 inches high were not considered.	Natural vegetation can enhance the "attractiveness" of crossing structures to different animals and allow a continuity of habitat (Clevenger and Waltho, 2005; Rodriguez et al., 1996).
Light Visibility	Visibility through crossing entrance was based on one of the following two factors: 1) Inspection photos demonstrated visibility from one entrance; or (2) All of the following conditions were met: (a) openness ratio is greater than 0.20 feet; (b) no bend in the crossing; and (3) crossing slope is less than 10%.	Input from National Park Service wildlife biologists that study wildlife movement have stated that crossings in which light is visible at entrances appears to result in higher use by wildlife. The presence of light can indicate that a crossing will allow an individual to safely bypass a barrier.
Openness Ratio	The openness ratio is defined as the cross-sectional area of a crossing (height*width) divided by the length or distance an individual must travel to get to the other end.	Larger, more open crossings tend to get more use, especially among medium to large mammals (Beier et al., 2008b). As a result, a crossing with an openness ratio of 0.20 feet or greater was counted as a functional feature.
Suitable Habitat	The presence of suitable habitat within approximately 0.5 miles. Suitable habitat was defined broadly as areas that likely support native vegetation or provide habitat for a variety of fauna within Ventura County.	Nearby suitable habitat was shown to be a factor that strongly correlated with crossing use in a study conducted monitoring wildlife movement in Ventura and Los Angeles Counties (Ng et al. 2004).
Fencing	Fencing that funnels wildlife to a crossing or fencing that excludes wildlife from roadways can increase nearby crossing use by wildlife.	Fencing or other barriers can lead to preferential use of the crossing structure instead of crossing over the road (Ng et al 2004).

Wildlife Crossing Structure Selection in the Northern Unincorporated County

Case No. PL19-0088

Page 5 of 8

Feature	Feature Description	Feature's Contribution to Functional Connectivity
Crossing Potential	Crossing is at grade with the surrounding terrain, while the barrier (road) is below or above grade.	Wildlife are more likely to utilize a crossing structure instead of cross a road if it is set above or below the road grade. Clevenger and Waltho (2005) found vertebrates were 93% less susceptible to road-kills on roads raised on embankments, compared to roads at grade.
Landscape Context Crossing Potential	Crossing structures located within topographical features such as drainages, ridgelines or away from development may be more frequently utilized because most types of wildlife are more likely to follow these topographical features to travel through the landscape.	Drainages, riparian zones, ridgelines, and other topographical features are commonly used as by wildlife to travel through the landscape (Regan, K. ,2020; Carlin, M.R. 1996; Olson, D.H. 2009).
Natural Substrate	The presence of natural substrate through a crossing (e.g., soil, rock, vegetation).	Natural substrate within a crossing structure can provide a continuity of habitat for wildlife to move through a barrier uninhibited (Yanes et al., 1995; Jackson, 2000).
Proximity to Other Suitable Crossings	This factor was assessed by determining if suitable crossings were located within 0.5 miles of the crossing.	By providing multiple crossing structures nearby one another helps accommodate changing dynamics of habitat and climatic conditions, as well as wildlife populations (Clevenger and Huijser, 2011).

Analysis Process

Wildlife biologists with the California Department of Transportation (Caltrans), the National Park Service, and the RMA-Ventura County Planning Division who specialize in wildlife movements through urban landscapes and their use of road crossings used the criteria to assess the functional connectivity of each structure. The process also included site visits for a small subset of crossings to examine the conditions at crossing locations if the site was not documented by inspection crews or visited by the biologists recently. Once all biologists reached agreement on the functional capacity of the crossing structures selected, the vetting process was complete. Out of 195 bridges and culverts evaluated within the northern portion of Ventura County, 20 structures were determined to have the functional features to be classified as a wildlife crossing structures within the County. Four of the

identified structures and the surrounding lands are under federal ownership and therefore are not subject to the County's jurisdiction and the Board of Supervisor's directive for the proposed amendment. Therefore, they were not included in the proposed setback regulations.

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SR EXHIBIT 11

Public Comments

Proposed Ordinance Establishing Setbacks from 16
Wildlife Crossing Structures in the Northern Portion of
the Ventura County Unincorporated Area

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No public comments were received by 5:00 pm on November 2, 2022

SR EXHIBIT 12

Errata Memorandum

Proposed Ordinance Establishing Setbacks from 16
Wildlife Crossing Structures in the Northern Portion of
the Ventura County Unincorporated Area

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MEMORANDUM

DATE: November 2, 2022

TO: Clerk of the County of Ventura Planning Commission and Planning Commissioners

FROM: Aaron Engstrom, Area Plan and Resources
Dave Ward, Planning Director, AICP

SUBJECT: Amendment to November 3, 2022, 8:30 AM Agenda Item #7B, Public Hearing to Consider County-Initiated Amendments to Articles 2 and 6 of the Ventura County Non-Coastal Zoning Ordinance to Establish Setbacks from 16 Wildlife Crossing Structures Located in the Northern Portion of the Ventura County Unincorporated Area; and to Consider a Finding that the Project is Exempt from the California Environmental Quality Act (PL19-0088).

The following revisions to Exhibit 3 - Proposed Non-Coastal Zoning Ordinance in Legislative Format with Staff Explanations, page 3 and Exhibit 4 - Clean Version of Non-Coastal Zoning Ordinance Amendments, page 3 are submitted as an amendment to your Planning Commission packet for item No. 7B on the Planning Commission Agenda of November 3, 2022. The following text in Section 8106-6.5.2 (a) was corrected to clarify that if a new structure, land use, or activity requires new fuel modification to occur within the 200-foot setback area, the fire clearance associated with the permit would likewise be prohibited from occurring within the setback area. The language was inadvertently left off and is needed for consistency with the following provision in subsection 8106-6.5.2 (b). Note that the exemption in Section 8106-6.5.3 (a) (7) does not apply to new fuel modification that would be required for new structures or for expansions of existing structures pursuant to Section 8106-6.5.2 (a) and (b), respectively. These revisions are summarized below and will be explained in more detail during the staff presentation.

Note: Inclusions and deletions to the sections are indicated in **red text** with **underline** and **strikeouts** respectively.

Sec. 8106-6.5.2 – Prohibited Development, Structures, Land Uses and Activities

Unless otherwise exempt by Section 8106-6.5.3, or excepted pursuant to Section 8106-6.5.5, the following types of new development, structures, land uses, and activities constructed or occurring after [the effective date of these amendments] shall be prohibited from occurring within the 200-foot setback area described in Section 8106-6.5.4 of any wildlife crossing structure identified in Tables 1 and 2 of Section 8106-6.5.1 above.

- a. Any new *structure*, land use, or activity that requires a Zoning Clearance or other permit under Article 5-, including any associated new *fuel modification* authorized or required by the Ventura County Fire Protection District.
- b. Any expansion or enlargement of an existing *structure* that requires a permit under Article 5, including any associated new *fuel modification* authorized or required by the Ventura County Fire Protection District.
- c. New or replacement *wildlife impermeable fencing* within the bank or bed of a stream or river.
- d. Any *vegetation modification*.
- e. New or modified *landscape areas*.
- f. New or replacement *outdoor lighting*.
- g. New indoor *luminaires* within translucent or transparent enclosed structures for agricultural operations.

SR EXHIBIT 13

Planning Commission Presentation

Proposed Ordinance Establishing Setbacks from 16
Wildlife Crossing Structures in the Northern Portion of
the Ventura County Unincorporated Area

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November 3, 2022

Planning Commission Hearing

**Non-Coastal Zoning Ordinance Amendments
to Establish Setbacks from 16 Wildlife Crossing
Structures Located in the Northern Portion of
Unincorporated Ventura County (PL19-0088)**



Resource Management Agency, Planning Division

Abigail Convery, Case Planner

Area Plans and Resources Section

Presentation Outline

1. Project Background
2. Proposed Amendments to the Non-Coastal Zoning Ordinance
3. CEQA Exemption and Findings
4. Public Outreach and Comments
5. Recommended Actions

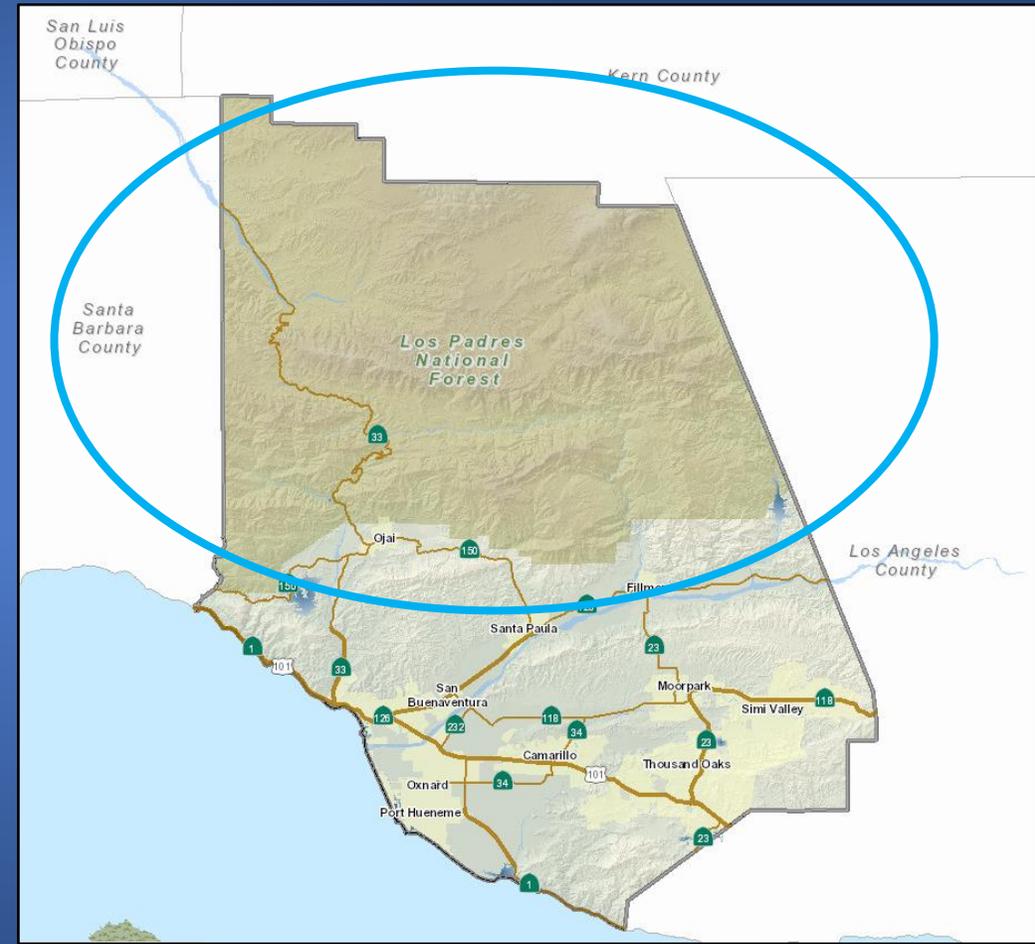




Project Background

Board of Supervisors March 2019 Directive to Planning Division

Regulate Development
Near Wildlife Crossings
on Private Property
Within the
Unincorporated Area of
Northern Ventura County



Wildlife Crossing Structures

A structure used by wildlife to safely cross a human-made barrier



Road Barriers and Wildlife

Roads and highways have dramatic effects on wildlife movement and landscape connectivity.



New study by UC Davis shows wildlife-vehicle collisions cost California ~\$2 billion over last 5-years

- Involved over 400 species including mammals, birds, amphibians, and reptiles
- Most wildlife-vehicle collisions are not reported
- Wildlife crossing structures with the help of fencing have been shown that it can alleviate this problem

What Makes Wildlife Use an Existing Road Crossing Structure?

Sample Characteristics of a Functional Wildlife Crossing Structure

- Entrances Are Accessible
- Light Visibility at Entrances
- Openness Ratio of Structure
- Suitable Habitat Connectivity

Characteristics Adjacent Entrances Include:

- Presence of vegetative cover or suitable habitat
- Fencing that funnels wildlife to entrance
- Human disturbance sources are minimized



Wildlife Crossing Structure Selection

- Group of Biologists/Researchers from Caltrans, Ventura County, and National Park Service Evaluated Existing Road Undercrossing Structures
- Utilized Established Criteria to Identify Functional Wildlife Crossing Structures
- Additional Criteria for the Proposed Project
 - Vehicle Trips Per Day (> 200)
 - Located within Unincorporated County

16 Wildlife Crossing Structures Identified in Unincorporated Northern Ventura County

Existing Setting

- Undeveloped
- Streams
- Orchards/Crop Land
- Roadways/Fencing
- Large Lots
- 4 Structures





Proposed Amendments to the Non-Coastal Zoning Ordinance (Articles 2 and 6)

What Would the Proposed Setbacks Prohibit?

Unless exempt, the following types of **NEW** development, structures, land uses, and activities would be prohibited from occurring within the 200-foot setback area

- New structures or additions to structures that require a permit under Article 5 **including any associated fuel modification zones**
- Vegetation modification
- New or modified landscape areas
- New/replacement wildlife impermeable fencing installed within the bed or bank of a stream/river
- New or replacement outdoor lighting
- New indoor lighting for see-through greenhouses

Exemption Categories

- Overall, 27 exemptions are proposed for:
- Vegetation Modification
- Development, Land Uses, & Activities
- Lighting



Exemptions for Vegetation Modification Activities

- Conducted for fire safety and fuel modification requirements/activities
- Required to maintain, repair or replace existing public infrastructure
- Performed by a public agency on publicly owned or maintained property
- Required by federal or state law, permit, approval or order
- Conducted in a landscape area
- To construct or maintain a driveway or road that is utilized to plant or harvest a crop or orchard that will be commercially sold
- Through an agency approved habitat restoration or enhancement plan
- Conducted by a conservation organization for wildlife/biological habitat

Exemptions for Development, Land Uses, & Activities

- Repair or maintenance of an existing, legally established structure or fence
- Land, fences, improvements, and structures destroyed by fire, flood, landslide, or natural disaster
- Structures, wildlife impermeable fencing or improvements that are temporary, or are located underground
- Surface mining operations authorized by an approved conditional use permit
- Planting or harvesting of crops or orchards that will be commercially sold
- Livestock grazing
- Apiculture

Exemptions for Development, Land Uses & Activities

- The installation of wildlife impermeable fencing that is required by federal or state law, permit, approval or order
- Uses protected by vested right or to the minimum extent necessary to avoid a constitutional taking of property

If development must be sited within the setback area, site it the furthest distance from the crossing structure and any outdoor lighting is maintained to avoid light trespass.

Outdoor Lighting Exemptions

- Temporary lighting for road & utility construction & emergencies
- Temporary/intermittent lighting for agricultural or oil & gas activities
- Public and private street lighting
- Lighting required by federal or state law, permit, or order
- Seasonal or festive lighting
- Lighting shielded & directed downward with an output of 60 lumens or less
- Replacement of safety and security lighting that minimizes light impacts to the extent feasible for safety and security purposes



Nonconforming Structures

The expansion of an existing structure may occur if either:

- Located completely outside the 200-foot setback area; OR
- Does not increase the footprint of the structure in the setback area and it meets the specified criteria



Proposed Addendum

Sec. 8106-6.5.2 – Prohibited Development, Structures, Land Uses and Activities

Unless otherwise exempt by Section 8106-6.5.3, or excepted pursuant to Section 8106-6.5.5, the following types of new development, structures, land uses, and activities constructed or occurring after [the effective date of these amendments] shall be prohibited from occurring within the 200-foot setback area described in Section 8106-6.5.4 of any wildlife crossing structure identified in Tables 1 and 2 of Section 8106-6.5.1 above.

- a. Any new structure, land use, or activity that requires a Zoning Clearance or other permit under Article 5, including any associated new fuel modification authorized or required by the Ventura County Fire Protection District.
- b. Any expansion or enlargement of an existing structure that requires a permit under Article 5, *including any associated new fuel modification authorized or required by the Ventura County Fire Protection District.*
- c.

Exemption for Existing Development and Land Uses

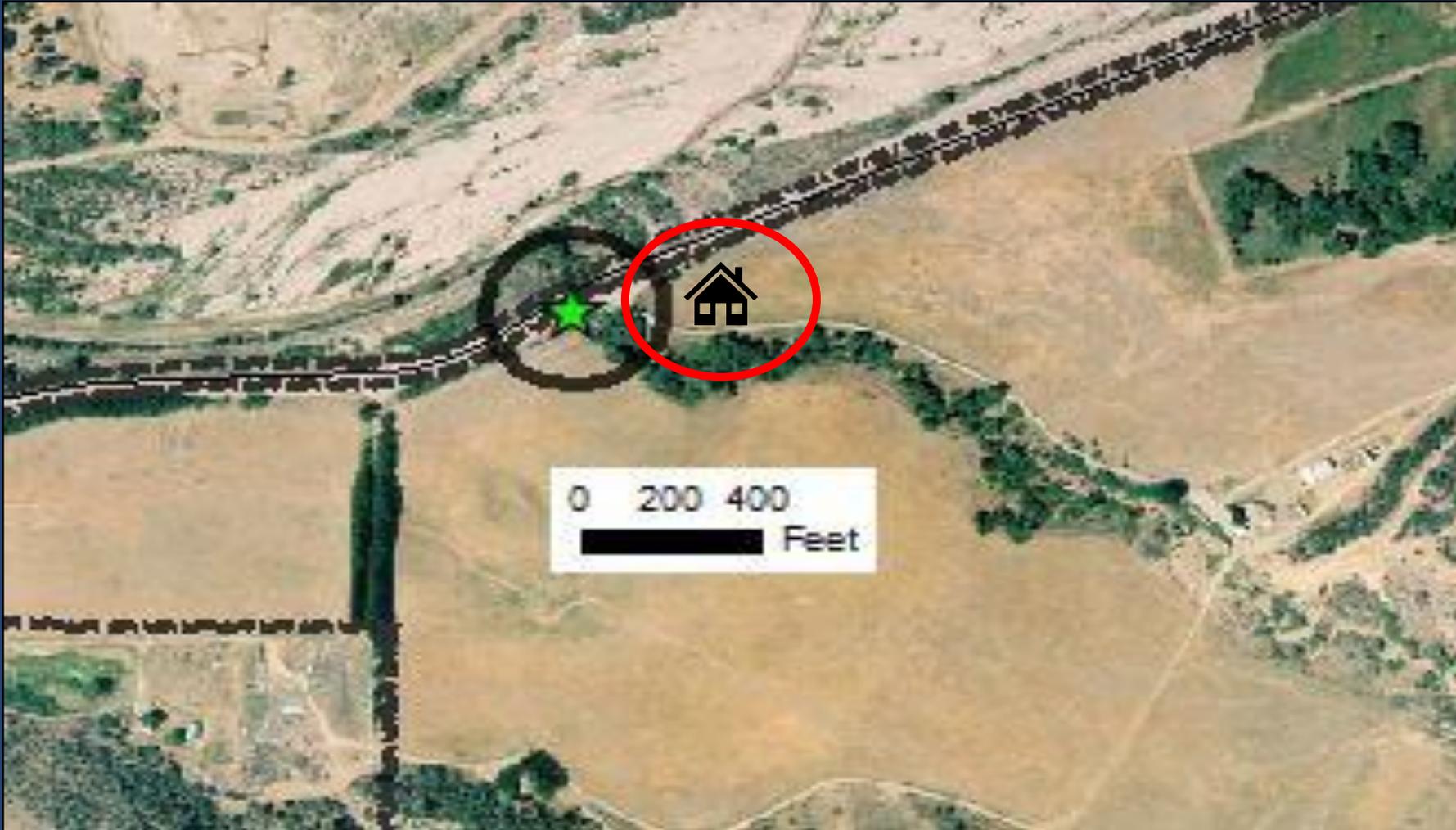
Section 8106-6.5.3 – General Exemptions

The following types of development, land uses, structures and activities are not subject to Section 8106-6.5.

(a) Vegetation modification that is:

(7) Conducted in accordance with one or more of the following: (i) as required or authorized by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Fire Code, as may be amended; (ii) pursuant to a Community Wildfire Protection Plan or similar fuel modification/wildfire protection plan adopted and/or amended by VCFPD; or (iii) pursuant to a burn permit approved by VCFPD.

Proposed Addendum





CEQA Exemption and Ordinance Amendment Findings

CEQA Exemption

The Proposed Ordinance (**Exhibit 5**) is exempt from CEQA review pursuant to CEQA Guidelines Sections 15061(b)(3), 15307, and 15308. In addition, no unusual circumstances or other exception set forth in CEQA Guidelines section 15300.2 preclude application of the above stated exemptions.

NCZO Amendment Findings

Pursuant to NCZO Section 8115-0, the proposed NCZO Amendment to Articles 2 and 6 (**Exhibit 5**):

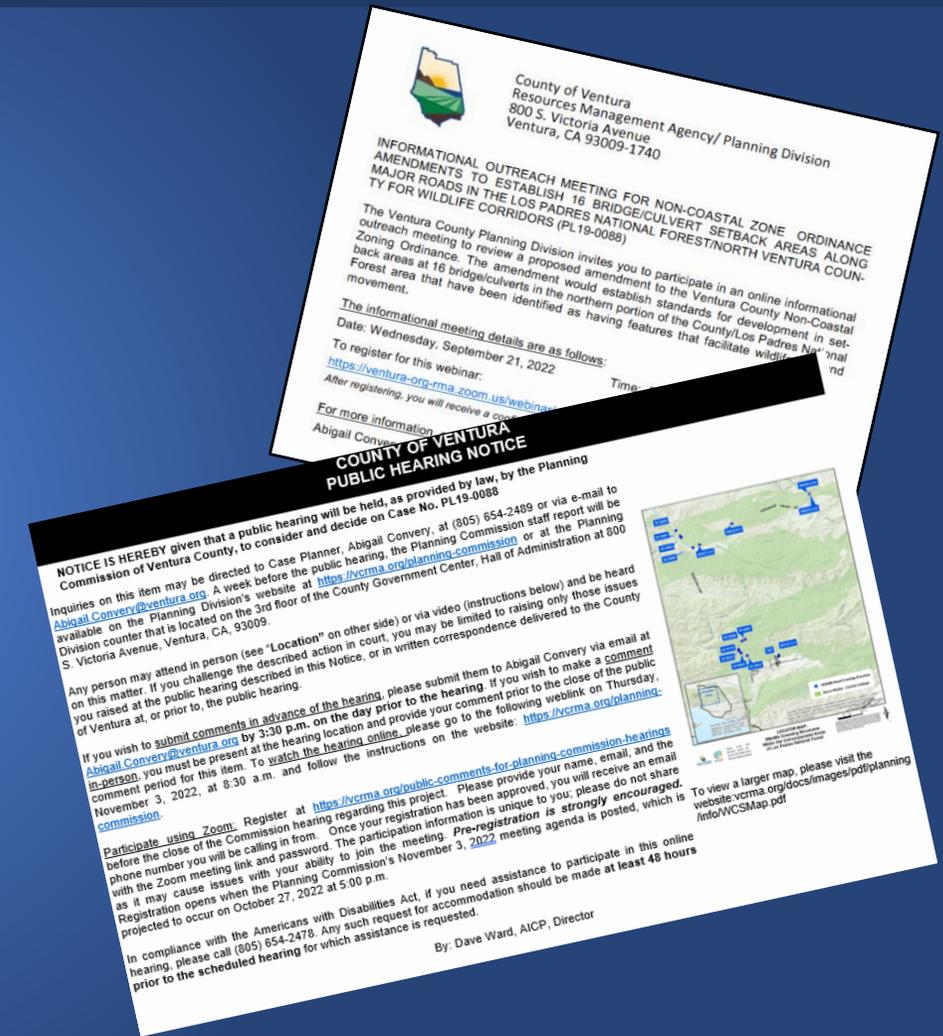
- Would not be detrimental to the public health, safety or general welfare;
- Does not increase fire risk
- Represents good zoning practice; and
- Is consistent with the Ventura County General Plan



Public Outreach and Public Comments Received

Public Outreach/Information

- Postcards mailed to all property owners within 300 feet of wildlife crossing structures and interested parties
- Legal Notice published in VC Star and *Mountain Enterprise*
- Informational webinar held for property owners and interested parties
- Private meetings, phone calls, and emails responding to property owners' questions and concerns associated with proposed ordinance





Recommended Actions

Recommended Actions

1. **CERTIFY** that the Planning Commission has reviewed and considered this staff report and all exhibits hereto, and has considered all comments received during the public comment and hearing process;
2. **ADOPT** a Resolution (**Exhibit 3**) recommending that the Board of Supervisors take the following actions regarding the Proposed Ordinance:
 - a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff report and all exhibits thereto and has considered all comments received during the public comment and hearing process; and

Recommended Actions

- b. **FIND**, on the basis of the entire record and as set forth in Section B of this Planning Commission staff report that the adoption of the Proposed Ordinance amending Articles 2 and 6 of the Non-Coastal Zoning Ordinance (**Exhibit 4**) is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment; **FIND** that because the project consists of regulations for the benefit and protection of natural resources and the environment, it is also exempt from CEQA pursuant to CEQA Guidelines sections 15307 and 15308; and **FIND** that no substantial evidence exists precluding the use of the above categorical exemptions based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2; and

Recommended Actions

- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, that the Proposed Ordinance (**Exhibit 4**) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare; and
- d. **ADOPT** the Proposed Ordinance amending Articles 2 and 6 of the Non-Coastal Zoning Ordinance (**Exhibit 4**); and
- e. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

The Board of Supervisors hearing for adoption of the Proposed Ordinance is tentatively scheduled for **December 6, 2022**



Questions?

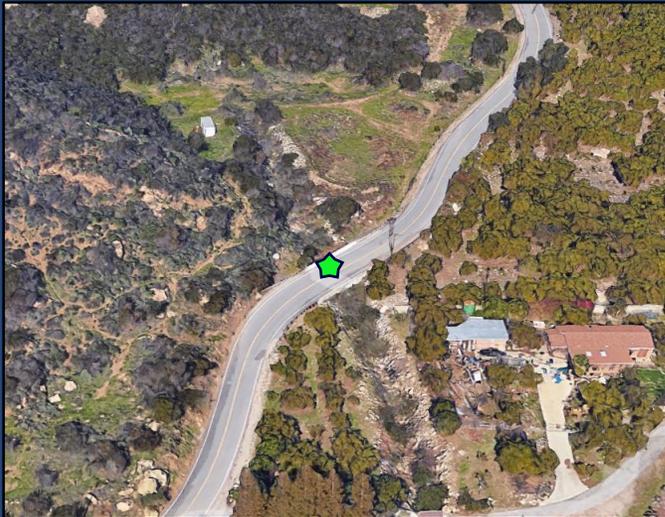
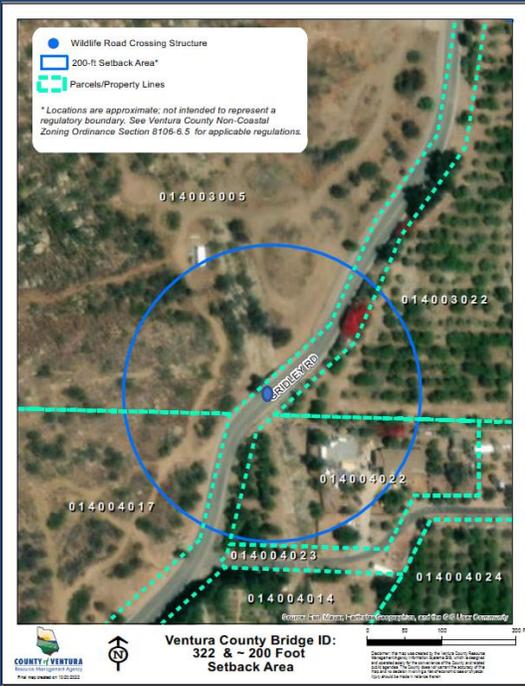


Planning Commission Public Comments

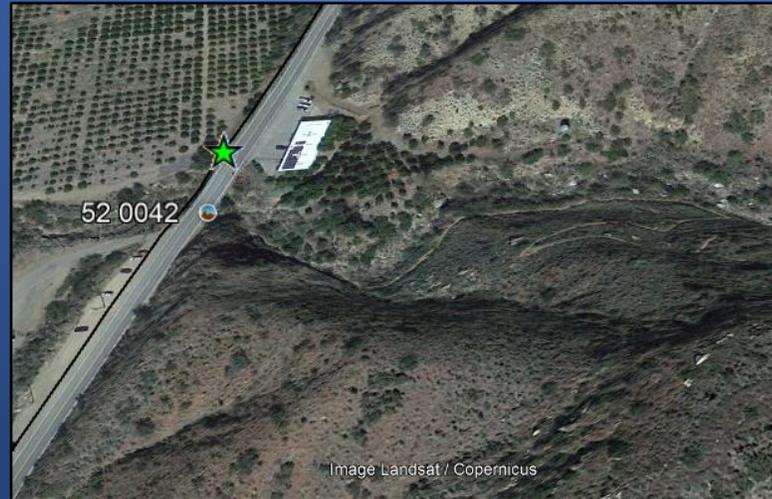
CASE NUMBER PL19-0088 – Agenda Item # 7B FOR PARTICIPANTS ON ZOOM

https://ventura-org-rma.zoom.us/webinar/register/WN_ZHJQIKqySFGjytWsXn3fBw

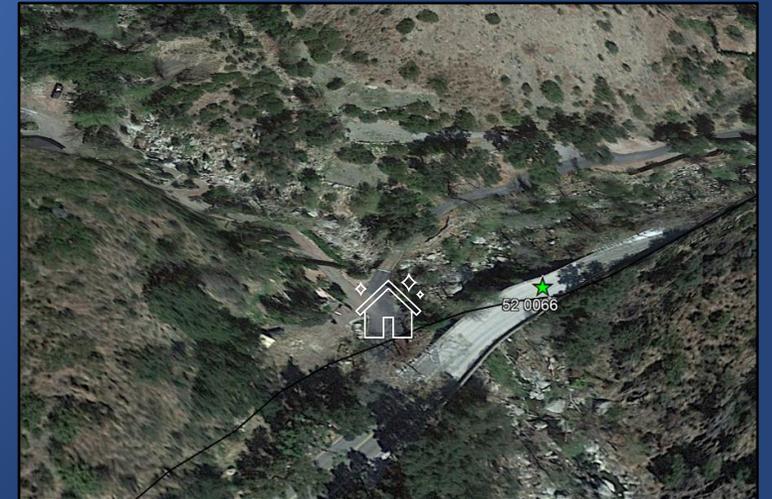
Members of the public who wish to speak, please press the raise hand button on Zoom now and you will be connected at the appropriate time. If participating by telephone, please press * and then 9 to be queued. This is for agenda item # 7B



Bridge ID 322



Bridge ID 52-0042



Bridge ID 52-0066