



September 12, 2023

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Public Hearing to Consider Adoption of County-Initiated Amendments to Articles 2 and 6 of the Ventura County Non-Coastal Zoning Ordinance to Establish Setbacks from 14 Wildlife Crossing Structures Located in the Northern Portion of the Ventura County Unincorporated Area (Proposed Ordinance); Find the Approval of the Proposed Ordinance is Exempt from the California Environmental Quality Act (Case No. PL19-0088, County Applicant); Supervisorial Districts 1 and 3.

RECOMMENDED ACTIONS:

1. **CERTIFY** that your Board has reviewed and considered this Board letter and all exhibits hereto, 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 process;
2. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report (Exhibit 1), that the adoption of the Proposed Ordinance amending Articles 2 and 6 of the Non-Coastal Zoning Ordinance (NCZO) (Exhibit 4) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment; **FIND** that because the Proposed Ordinance 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 (Exhibit 1), that the Proposed Ordinance (Exhibit 4) is consistent with the Goals, Policies and Programs of the General Plan, and constitutes 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 NCZO; and
5. **SPECIFY** 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.

FISCAL IMPACTS/MANDATES:

Mandated:	No
Source of Funding:	General Fund
Funding Match Required:	None
Impact on Other Departments:	None

<u>Summary of Revenues and Costs:</u>	<u>FY 2023-2024</u>	<u>FY2024-FY2025</u>
Revenues:	\$0	\$0
Costs:		
Direct	\$1,527	\$0
Indirect-Agency/Dept.	\$0	\$0
Indirect-County CAP	\$0	\$0
Total Costs	\$1,527	\$0
Net Costs:	\$1,527	\$0

The Proposed Ordinance can be completed with existing Planning Division staff and within the existing Planning Division budget allocations. Implementing the recommended actions is expected to take an additional 115 hours of staff time and is included in the Planning Division’s FY 2023-2024 adopted budget. Staff time will be used to complete post-adoption tasks such as codification of the ordinance, training Planning Division staff, updating permit processing procedures, website updates, GIS layers, and application materials.

Current FY 2023-24 Budget Projection for RMA Planning - Division 2910				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/Deficit
Appropriations	\$ 10,415,656	\$ 10,415,656	\$ 10,415,656	\$ -
Revenue	\$ 4,371,381	\$ 4,371,381	\$ 4,371,381	\$ -
Net Cost	\$ 6,044,275	\$ 6,044,275	\$ 6,044,275	\$ -

EXECUTIVE SUMMARY:

The Proposed Ordinance will improve safe passage for both wildlife and vehicles by establishing setbacks from 14 wildlife crossing structures along roadways in the northern Ventura County unincorporated area. In March 2019, the Board directed Planning staff to develop a project to establish an overlay zone for the purpose of regulating development near wildlife crossing structures on private property within the Los Padres National Forest area. While some wildlife crossings are on federal land (see Exhibit 8), the Board directive was to focus on crossings within the County's jurisdiction. In developing the project, the Planning Division determined a setback approach would be a more effective approach to protect the wildlife crossing structures than establishing an overlay. As explained in more detail below, the Proposed Ordinance would prohibit certain new development, land uses and activities from occurring within a 200-foot setback area of the entry and exit points of 14 wildlife crossing structures. The Proposed Ordinance would not apply to existing development and includes 27 exemptions (discussed on pages 4-6 of Exhibit 3) that balance private, public, and utility maintenance needs with the protection of the wildlife crossing structures.

The Proposed Ordinance was originally scheduled to be considered by your Board at a public hearing on December 6, 2022, and originally included a total of 16 wildlife crossing structures. However, the item was rescheduled to a later date by the Planning Division to allow staff time to verify certain traffic count data for the wildlife crossing structures in response to a public comment letter (Exhibit 2, BH-9)¹. As discussed in more detail below, based on the most recently obtained traffic counts for Lockwood Valley Road east of Maricopa Highway (State Route 33), two of the original 16 crossing structures have been removed from the Proposed Ordinance.

The following sections of this Board letter provide: (1) a brief background and purpose of the Proposed Ordinance; (2) a summary of the Proposed Ordinance; (3) a summary of the recommendations received from the Planning Commission during the November 3, 2022, public hearing; (4) a summary of the data review that precipitated the rescheduling of the December 2022 Board hearing; (5) a discussion regarding CEQA and the related finding that the Proposed Ordinance is exempt from environmental review; and (6) a summary of the public outreach efforts and public noticing of this Board item.

BACKGROUND:

On March 19, 2019, the Board directed Planning staff to create an overlay zone for the purpose of regulating development near wildlife crossing structures on private property within the Los Padres National Forest area. Planning staff, biologists, and colleagues within Caltrans and the National Park Service conducted a detailed review and analysis

¹ Exhibits shown with prefix "BH" represent exhibits posted for the previously scheduled Board Hearing and exhibits shown with prefix "PC" represent exhibits to the November 3, 2022, Planning Commission staff report, as shown in the list of Attachments at the end of this letter.

of the project area to identify wildlife crossing structures that are highly functional for wildlife movement in the northern County unincorporated area. (Exhibit 1, PC-10)

Roads and highways have been documented to cause harmful effects on wildlife movement through the landscape². Animals entering roadways are often killed and pose a hazard to drivers, who may collide with the animal, or maneuver to try to avoid the animal and incur vehicle damage, injury, and even death³. In a recent report released by the University of California Road Ecology Center, wildlife vehicle collisions cost the State of California an estimated \$2 billion between 2016 and 2020⁴. Studies have also found that the use of wildlife crossing structures significantly decrease the number of wildlife-vehicle collisions^{5,6}. The protection of road crossing structures and the functional characteristics that encourage use by wildlife can help reduce vehicle/wildlife collisions as well as increase connectivity for wildlife movement through the landscape⁷.

Scientific studies reveal that wildlife use of culverts or bridges to cross highways is dependent upon characteristics such as light, openness, and accessibility of the structure, as well as the environmental conditions in the area outside structure entrances such as presence of vegetation, light, noise, human presence, etc. (Exhibit 1, PC-10). This information was used as a basis for the Proposed Ordinance to minimize vegetation removal, restrict new development, and limit human disturbance activities within 200 feet of the entrances of the 14 identified wildlife crossing structures.

The wildlife crossing structures in the northern county unincorporated area will be protected most effectively through development setbacks, rather than an overlay zone due to the limited number of crossing structures, limited scale of the project planning area, and the rural character of the northern unincorporated area. For a more detailed explanation, please see the Planning Commission Staff Report (Exhibit 1, Section A.5 (b) and (d)).

² Clevenger, Anthony P., and Marcel P. Huijser. Wildlife crossing structure handbook: design and evaluation in North America. No. FHWA-CFL-TD-11-003. United States. Federal Highway Administration. Central Federal Lands Highway Division, 2011.

³ IIHS HLDI. Fatality Facts 2021. Collisions with Fixed Objects and Animals. Insurance Institute for Highway Safety. <https://www.iihs.org/topics/fatality-statistics/detail/collisions-with-fixed-objects-and-animals>

⁴ Shilling, Fraser. (2021). From Wildlife-Vehicle Conflict to Solutions for California Wildlife & Drivers. 2021. Road Ecology Center at University California, Davis. https://roadecology.ucdavis.edu/sites/g/files/dgvnsk8611/files/files/CA_Roadkill_Hotspots_2021_2.pdf

⁵ Davis, A. (2021, 11 November). Wildlife-Vehicle Collisions Cost California \$1B Over 5 Years, Involved At Least 400 Species. Newsweek. <https://www.newsweek.com/wildlife-vehicle-collisions-cost-california-1b-over-5-years-involved-least-400-species-1648188>

⁶ Huijser, Marcel P., John W. Duffield, Anthony P. Clevenger, Robert J. Ament, and Pat T. McGowen. (2009) Cost-benefit analyses of mitigation measures aimed at reducing collisions with large ungulates in the United States and Canada: a decision support tool." Ecology and Society, 2009 Dec 1; 14 (2). <https://www.jstor.org/stable/26268301?seq=1>

⁷ Murez, C. (2022, 31 August). Wildlife Crossings Over Highways Save Human Lives, Too. U.S. News. <https://www.usnews.com/news/health-news/articles/2022-08-31/wildlife-crossings-over-highways-save-human-lives-too>

PROPOSED ORDINANCE:

The Proposed Ordinance in legislative format is shown in Exhibit 3 and a clean version for official adoption is shown in Exhibit 4. The Proposed Ordinance consists of the following amendments to the Non-Coastal Zoning Ordinance (NCZO):

(1) *Amendments to Article 2 of the NCZO:*

The definition of “wildlife crossing structure” is proposed to be amended to clarify that flood plain facilities may also be a barrier to wildlife connectivity, that wildlife crossing structures are used by both terrestrial and aquatic wildlife, and to reflect that an existing map layer within the County View Geographic Information System would be updated to include the locations of the 14 wildlife crossing structures that are the subject of the Proposed Ordinance; and

(2) *Amendments to Article 6 of the NCZO:*

A new section is proposed to be included within the section for Miscellaneous Setback Regulations (Section 8106-6.5) titled “Wildlife Crossing Structures and Setback Areas (Northern Unincorporated Area)” where the 14 functional wildlife crossing structures are explicitly identified according to agency of ownership, identification numbers, and location (Section 8106-6.5.1). A description and diagrams are also provided to clarify how the 200-foot setback area would be measured from the culvert or bridge (Section 8106-6.5.4).

The regulations for the setback areas (Section 8106-6.5.4) would only apply to certain new development, structures, land uses, and activities constructed or occurring after the effective date of the ordinance (Section 8106-6.5.2), unless exempt (Section 8106-6.5.3) or otherwise allowed for existing structure expansions (Section 8106-6.5.5), as specified in the Proposed Ordinance. There are 27 exemptions organized in three categories: “vegetation modification”, “structures, development, land uses, and activities”, and “outdoor lighting and related activities”. The exemptions intend to balance private property interests with maintaining suitable conditions around the entrance of the crossing structures to minimize vegetation loss and disturbance for continued use by wildlife. For example, some of the following types of activities or development would be exempt from the Proposed Ordinance: public agency or utility company infrastructure maintenance activities; fuel modification activities for fire safety; activities associated with planting or maintaining commercial crops/orchards or associated roads; maintenance and repair activities for legally established structures/fences; rebuilding after natural disasters, as specified; surface mining operations authorized by an approved conditional use permit; or the replacement of essential lighting when utilizing the minimum output necessary for safety and security purposes. For more detailed background and discussion of each NCZO text amendment, including the exemptions, please see the November 3, 2022, Planning Commission staff report (Exhibit 1, Section A.6).

PLANNING COMMISSION HEARING:

The Proposed Ordinance was presented to the Planning Commission on November 3, 2022. The Planning Commission staff report, errata memorandum and the associated exhibits from the hearing are included hereto as Exhibit 1. The Planning Commission voted 5-0 to approve staff's recommendations, including a recommendation that your Board adopt the Proposed Ordinance. The Planning Commission's resolution regarding the project is attached as Exhibit 2, BH-2.

POSTPONED DECEMBER 6, 2022, BOARD OF SUPERVISORS HEARING:

The Proposed Ordinance was scheduled to be heard by your Board on December 6, 2022. A total of 388 comment letters were received for the hearing. Of those letters, 386 were supportive of the amendment and two expressed opposition. One of the opposition letters questioned the number of vehicle trips for two crossings at Lockwood Valley Road (see Exhibit 2, BH-5). The Planning Director requested to postpone the Board hearing to verify that vehicle trip counts exceed the threshold for the wildlife crossing structures located along County-maintained roads in the Proposed Ordinance.

Following the postponement of the December 6, 2022, Board hearing, Planning Division staff reviewed data reports, structure inventory records, and traffic count data from Caltrans and the County Public Works Agency, Roads and Transportation Division. Traffic count surveys were conducted for the County-maintained roads in April and June of 2023, including for Gridley Road (April 12-16) and Lockwood Valley Road (June 21-25). The traffic counts on Gridley Road and both segments of Lockwood Valley Road were conducted for a five-day period between Wednesday and Sunday to account for both weekday users and weekend recreational users. The survey results were as follows:

- Gridley Road – The survey for Gridley Road resulted in 542 average vehicle trips per day, and there were 699 vehicle trips on Saturday, April 15, 2023. The survey results confirmed that Gridley Road and its associated crossing structures (Wildlife Crossing Structure IDs 69112-1-1 and 322) exceed the 200 vehicle trips per day criterion for inclusion in the Proposed Ordinance.
- Lockwood Valley Road (west of Kern County Line) – The survey resulted in 830 average vehicle trips per day, and there were 892 trips on Saturday, June 24, 2023, confirming that this road segment and its associated crossing structures (Wildlife Crossing Structure IDs 50825-3-14 and 50825-4-14) exceed the 200 -vehicle trip criterion for inclusion in the Proposed Ordinance.
- Lockwood Valley Road (east of Maricopa Highway, State Rt. 33) – The survey resulted in 151 average vehicle trips per day, and there were 204 vehicle trips on Saturday, June 24, 2023. The traffic trip counts for this road segment did not meet the average trip count criterion since the vehicle trip count only exceeded the threshold criteria for one day (Saturday) so its associated crossing structures, Wildlife Crossing Structure IDs 50821-3-4 and 50822-5-7, have been removed from the Proposed Ordinance (Exhibits 3, 4, and 7). The trip counts for this road segment were likely lower due to the closure of State Route 33 since January due to flood damage. See Exhibit 5 for additional traffic data.

In addition to the above, a site visit was conducted to verify there were no undocumented changes to the 14 wildlife crossing structures that would affect wildlife movement since the previous assessments were conducted in 2018 and October 2022. This site visit occurred on July 3, 2023, and no changes were observed that would impact inclusion of the 14 crossing structures in the Proposed Ordinance according to the exclusionary and functional criteria described in Exhibit 1, PC-10.

The Proposed Ordinance was scheduled to be heard by your Board on July 25, 2023, but was rescheduled to September 12, 2023.

ENVIRONMENTAL REVIEW:

The Proposed Ordinance is exempt from environmental review pursuant to CEQA Guidelines sections 15061(b)(3), 15307 and 15308. The Proposed Ordinance is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the Proposed Ordinance may cause a significant negative effect on the environment. The Proposed Ordinance is also categorically exempt pursuant to CEQA Guidelines, Sections 15307 (Class 7) and 15308 (Class 8) as a regulatory action to assure the maintenance and protection of natural resources and the environment. Furthermore, no unusual circumstances or other exception set forth in CEQA Guidelines section 15300.2 would preclude application of the Class 7 and Class 8 exemptions.

The Proposed Ordinance'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 wildlife 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 with the crossing structures by reducing erosion, soil disturbance, and impervious surface area due to the setbacks imposed on certain future development.

PUBLIC NOTICE AND OUTREACH:

On September 21, 2022, at 5:30 p.m. the Planning Division held an informational webinar on Zoom regarding the Proposed Ordinance. Post card notices were sent over two weeks before the meeting to 27 property owners within a 300-foot radius of the proposed 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.

Public notice regarding the Planning Commission hearing was provided in accordance with Government Code section 65091 and NCZO Section 8111-3.1. The Planning Division also placed a legal advertisement that was published in the *Ventura County Star* and the *Mountain Enterprise* in Frazier Park on October 21, 2022. In addition, on October 21, 2022, a postcard notice for the hearing was mailed to property owners within 300 feet of the proposed wildlife crossing structures. There were two speakers at the Planning Commission hearing, one speaker spoke in support of the amendment and the second speaker spoke in opposition to the amendment.

Public notices for the rescheduled Board hearings of December 6, 2022, July 25, 2023, and September 12, 2023, were published, along with a summary of the proposed text amendments, in the *Ventura County Star* on November 23, 2022, July 14, 2023, and September 1, 2023, respectively, as well as in the *Mountain Enterprise* in Frazier Park on November 25, 2022, July 14, 2023 and September 1, 2023. On November 23, 2022, July 14, 2023, and September 1, 2023, postcard notices were mailed to property owners within 300 feet of the proposed wildlife crossing structure setbacks. Email notices were also sent to interested parties who requested to receive updates. Planning staff also met with property owners through video conferences, phone calls, and emails to answer questions and work to address concerns associated with the Proposed Ordinance. Exhibit 2, BH-5 contains public comments received by the Planning Division after the November 3, 2022, Planning Commission hearing. A total of 388 comment letters were received for the postponed December 6, 2022, Board hearing. (Exhibit 2, BH-5.) Between December 5, 2022 and September 4, 2023, a total of 395 public comments were received by the Planning Division (Exhibit 6). A project total of 783 comment letters/emails were received between the November 3, 2022 Planning Commission Hearing and September 4, 2023.

This letter was reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel's Office. If you have any questions regarding this item, 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.



Dave Ward, AICP, Director
Ventura County Planning Division

ATTACHMENTS:

- Exhibit 1: Planning Commission Staff Report dated November 3, 2022, including Exhibits 2-13 (Exhibits shown with prefix "PC" below for "Planning Commission")
- Exhibit PC-2 – Draft Planning Commission Resolution
 - Exhibit PC-3 – Proposed NCZO Ordinance Amendments in Legislative Format
 - Exhibit PC-4 – Clean Version of Proposed NCZO Ordinance Amendments
 - Exhibit PC-5 – Locator Map: Wildlife Crossing Structures in Northern Ventura County Unincorporated Area
 - Exhibit PC-6 – Wildlife Crossing Structure Detail Maps Located on Gridley Road
 - Exhibit PC-7 – Wildlife Crossing Structure Detail Maps Located in the Wheeler Gorge and Matilija Canyon Area
 - Exhibit PC-8 – Wildlife Crossing Structure Detail Maps Located in the Cuyama River and Lockwood Valley Area
 - Exhibit PC-9 – Wildlife Crossing Structure Detail Maps Located in the Boy Scout Rd and Lockwood Valley Rd Area
 - Exhibit PC-10 – Selection of Wildlife Crossing Structures
 - Exhibit PC-11 – Public Comments
 - Exhibit PC-12 – Errata Memorandum
 - Exhibit PC-13 – Planning Commission Staff Presentation
- Exhibit 2: Board of Supervisors Packet dated December 6, 2022, including Exhibits 2-9 (Exhibits shown with prefix "BH" below for "Board Hearing")
- Exhibit BH-2 – Planning Commission Resolution 22-30
 - Exhibit BH-3 – Proposed NCZO Amendments, Legislative Version with Staff Explanations
 - Exhibit BH-4 – Proposed NCZO Amendments, Clean Version for Final Adoption
 - Exhibit BH-5 – Public Comments received between November 3 and December 5, 2022
 - Exhibit BH-6 – Staff Response to Comment Letter Received from Dream Grove LLC
 - Exhibit BH-7 – Wildlife Crossing Structure Rankings
 - Exhibit BH-8 – Errata Memo to Correct Road Name for Three Crossing Structures

Exhibit BH-9 – Rescheduling Memorandum for Board of Supervisors
December 6,2022, Agenda Item No.75

Exhibit BH-10 – Powerpoint Presentation

Exhibit 3: Proposed NCZO Amendments, Legislative Version with Staff Explanations

Exhibit 4: Proposed NCZO Amendments, Clean Version for Final Adoption

Exhibit 5: Ventura County and Caltrans Traffic Count Data

Exhibit 6: Public Comments Received December 5, 2022 through September 4, 2023

Exhibit 7: Updated Wildlife Crossing Structures Maps

Exhibit 8: Crossings on Federal Lands in the Los Padres Forest