

March 12, 2019

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

SUBJECT: Public Hearing Regarding County-Initiated Proposal to Amend the General Plan and Articles 2, 3, 4, 5, 9 and 18 of the Non-Coastal Zoning Ordinance (PL16-0127) to Establish a Habitat Connectivity and Wildlife Corridors Overlay Zone and a Critical Wildlife Passage Areas Overlay Zone, and to Adopt Regulations for These Areas; Find that the Proposed Amendments are Exempt from Environmental Review Under the California Environmental Quality Act; All Supervisorial Districts.

RECOMMENDED ACTIONS:

1. **CERTIFY** that your Board has reviewed and considered this Board letter and all exhibits hereto, the attached Planning Commission staff report and all exhibits thereto, and all other comments, materials and testimony offered during the public hearing process regarding this matter;
2. **FIND** that the adoption of the proposed amendment to the Ventura County General Plan (Exhibits 2 - 4 and 18) and adoption of the proposed ordinances amending the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Exhibits 5 and 7) are 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 the project may cause a significant adverse effect on the environment; **FIND** that because the project consists of regulations intended to benefit the environment, it is also exempt from CEQA pursuant to CEQA Guidelines sections 15307 and 15308; and **FIND** that there is no reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances, or that the project is otherwise not eligible for a CEQA categorical exemption pursuant to CEQA Guidelines section 15300.2;
3. **FIND** that the General Plan amendment (Exhibits 2 – 4 and 18) is in the public interest, and has the potential to benefit the general welfare, and is consistent with good planning practice;



4. **FIND** that the ordinances amending Articles 2, 3, 4, 5, 9 and 18 of the NCZO (Exhibits 5 and 7) are in the interest of public health, safety or general welfare and good zoning practice, and are consistent with the Ventura County General Plan;
5. **ADOPT** a resolution (Exhibit 8) approving the proposed amendments to the Ventura County General Plan (Exhibits 2 – 4 and 18);
6. **ADOPT** the proposed ordinance amending Articles 2, 3, 4, 5 and 9 of the NCZO (Exhibit 5);
7. **ADOPT** the proposed ordinance amending Article 18 of the NCZO (Exhibit 7); and
8. **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.

FISCAL IMPACTS/MANDATES:

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

The recommended actions can be completed with existing staff and within the existing Planning Division budget allocations. Implementing the recommended actions is expected to take an additional 160 hours of staff time and is included in the Planning Division's adopted budget. This time will be used to complete post-adoption tasks such as codification of the approved ordinances, preparation of additional public information materials, preparation of reconsideration request template, training of Code Compliance Division and Planning Division staff, and meetings with the community upon request.

Current FY 2018-19 Budget Projection for Unit 2913 Plans and Ordinances				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/Deficit
Appropriations	\$ 6,073,736	\$ 7,777,852	\$ 8,316,835	\$ (538,983)
Revenue	\$ 4,058,736	\$ 4,058,736	\$ 3,694,720	\$ 364,016
Net Cost	\$ 2,015,000	\$ 3,719,116	\$ 4,622,115	\$ (902,999)

BACKGROUND

On January 24, 2017, your Board directed the Planning Division to prepare draft amendments to the General Plan and the Non-Coastal Zoning Ordinance (NCZO) to improve and preserve habitat connectivity throughout the County's mapped wildlife movement corridors by developing regulations for these specific areas to achieve four primary objectives:

1. Minimize habitat fragmentation;
2. Maintain corridor widths or enhance corridor "chokepoints" to facilitate species movement between natural areas;¹
3. Minimize physical barriers to wildlife movement (e.g., roads, fences, etc.); and
4. Minimize indirect barriers to wildlife movement (e.g., lighting, domestic animals, human presence, etc.).

The January 24, 2017 Board letter is attached as SR Exhibit 17.

Mapping the Habitat Connectivity and Wildlife Corridor Boundaries

The proposed amendments to the NCZO establish a Habitat Connectivity and Wildlife Corridors (HCWC) overlay zone and a Critical Wildlife Passage Areas (CWPA) overlay zone within which a set of development standards and permitting requirements will apply. The configuration of the HCWC overlay zone is based on research and mapping first initiated in 2001 by a group of scientists, regulatory agencies, academics, land managers, private property owners, businesses, and non-profits throughout California, which identified the location of and threats to the most important movement corridors for California's wildlife. This group collectively selected animal and plant species to represent a diversity of habitat needs and movement patterns. Geographic Information System (GIS) analysis and field studies were used to delineate habitat linkage designs and identify the best potential movement routes to support the selected species.

Additional work conducted in 2005-06 to identify critical linkages in Southern California was led by a biological non-profit group called SC Wildlands. The goal of this project, known as the *South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion* (SCML), was to develop a regional habitat network that would help maintain and restore critical habitat linkages among existing open space throughout Southern California. The resulting report, which was issued in 2008, identified two critical habitat linkages in Ventura County:

- 1) The Santa Monica – Sierra Madre Connection, which includes the Santa Clara River; and

¹ A chokepoint is defined in the County's Initial Study Assessment Guidelines as a narrow, impacted, or otherwise tenuous wildlife movement corridor or linkage.

- 2) The Sierra Madre – Castaic Connection. This links several important wildlife habitat networks including the Santa Monica Mountains, Santa Susana Mountains, Simi Hills, Santa Clara River Corridor, and the Los Padres National Forest.

In addition to the areas identified by the SCML project, the lower reach of the Ventura River has long been recognized as a significant biological resource and critical linkage area by the County and is included as a corridor within the proposed HCWC overlay zone.

Critical Wildlife Passage Areas

Planning Division staff identified three critically important wildlife passage areas located within the larger HCWC overlay zone, which together form the proposed Critical Wildlife Passage Areas overlay zone (CWPA): Oak View, Simi Hills, and the Tierra Rejada Valley (Exhibits 5, 6, and 7 of the Planning Commission staff report). Staff has prepared additional proposed development standards and permitting requirements for these areas to address the project objective calling for the maintenance of corridor widths and management of chokepoints. Staff initially intended to determine an appropriate minimum corridor width that would be used to identify chokepoints within the mapped linkages. In researching an appropriate standard, however, it became clear that the minimum width of a linkage often depends on other factors and can vary substantially. Factors such as the likelihood of future urbanized development (which can include gradual vegetation clearing, fragmentation of open space, and increased edge effects),² or the presence of landscape features commonly used by wildlife, are often more salient factors when considering linkage vulnerability.

Staff therefore determined that factors other than geographic width should be used to identify those areas that are at highest risk of functional connectivity loss, and developed the proposed CWPA overlay zone regulations – which focus on encouraging clustering of development – to address this project objective in those particularly sensitive areas.

DISCUSSION

The proposed amendments to the NCZO (Exhibits 5 and 7) incorporate your Board's previous direction and are intended to implement your Board's project objectives. A legislative version of the amendments to Articles 2, 3, 4, 5 and 9 of the NCZO is attached as Exhibit 6. The following table summarizes the proposed regulatory mechanisms and corresponding project objectives:

² Edge effects can include adverse changes to species abundance, presence and behavior. They can occur when habitats are fragmented, and the proportion of edge habitat increases relative to interior habitat. Edge effects can be caused by irrigation, artificial night-lighting, habitat degradation and removal, and introduction of invasive species.

Proposed Zoning Regulation	Project Objective
Limit certain outdoor lighting	Minimize indirect barriers
Encourage certain development to occur outside buffer around mapped surface water features	Minimize vegetation loss and habitat fragmentation
Encourage certain development to occur outside buffer around mapped wildlife road crossing structures	Minimize vegetation loss and habitat fragmentation
Limit certain impermeable fencing	Minimize direct barriers
Encourage compact siting in CWPAs	Minimize vegetation loss and habitat fragmentation; Protect/enhance chokepoints
Prohibit non-commercial planting of invasive plants	Minimize vegetation loss and habitat fragmentation

Where only a portion of a parcel is located within the HCWC overlay zone, only the portion within the overlay zone boundary is subject to the proposed regulations. For example, if only five acres of a 20-acre parcel is within the HCWC overlay zone, only that five-acre portion would be subject to the regulations listed above. However, if only a portion of a parcel is within the CWPA overlay zone, the CWPA regulations do not apply to the parcel at all, as it may be impossible or impractical for a property owner to comply with the CPWA's compact siting regulations if only a portion of a parcel is subject to them.

A complete discussion of the proposed amendments is contained in the Planning Commission staff report attached as Exhibit 1.

Planning Commission Hearing

On January 31, 2019, the Planning Commission considered the proposed project at a nine-hour public hearing. After close of the public hearing and deliberations, the Planning Commission voted unanimously (5 to 0) to adopt a resolution (Exhibit 9) recommending that your Board approve the project, provided that the Planning Division: (1) research and provide information to your Board regarding specified issues; and (2) make specified revisions to the proposed amendments to the General Plan and NCZO for presentation to your Board. The Planning Commission's specified issues and recommended legislative revisions are discussed below.

The Planning Commission's recommendations were informed by hundreds of public comments received prior to and at the Commission hearing. The comments included concerns related to potential fire risk allegedly associated with the proposed regulation of

certain fuel modification within mapped surface water features, landowners' ability to use security lighting, corridor boundary mapping issues, surface water feature identification/mapping issues, the applicability of the proposed regulations to areas subject to existing conservation instruments, and policy disagreements over the regulatory scheme developed for compact siting within the proposed CWPAs.

Copies of the comment letters received as part of the Planning Commission hearing process are attached as exhibits to the Planning Commission staff report (Exhibit 1). Copies of comment letters received after the Planning Commission hearing are attached as Exhibits 10, 21, 22 and 23 hereto.

Planning Commission Recommendations

The Planning Commission recommendations along with a description of how each issue has been addressed are discussed below.

- 1. The program should have a clearly communicated appeals process for resolving the inevitable complications of individual properties and also have mechanisms for revisions to the program.**

Public testimony at the Planning Commission hearing included concerns regarding portions of the proposed HCWC overlay zone boundary which bisect certain residential subdivisions in Oak Park and the Santa Rosa Valley. As explained in more detail in the Planning Commission staff report (Exhibit 1), the HCWC overlay zone map is based on the geographic extent of the critical landscape linkages within Ventura County as reflected in the *South Coast Missing Linkages: A Wildland Network for the South Coast* (SCML) report. As the SCML map was created on a regional landscape-based scale, in some instances the proposed HCWC overlay zone map does not precisely align with neighborhood boundaries. Moreover, the HCWC map does not account for development that has occurred since the publication of the SCML report in 2008.

Since the Planning Commission hearing, staff has carefully reviewed and revised the proposed HCWC overlay zone map to remove areas where the map contains overlay zone boundary anomalies within a given neighborhood, community, or street. For example, in a few instances the mapped overlay boundary included a small portion of a neighborhood, while the much larger remaining portion of the neighborhood was not within the overlay zone. Similarly, in a few instances, the overlay zone boundary curved in, around, and through neighborhoods resulting in several discontinuities. Based on this evaluation, staff has revised the proposed HCWC overlay zone map to exclude certain developed areas within residential subdivisions in Oak Park and the Santa Rosa Valley. Maps showing each of these excluded/removed areas are included as Exhibits 12 and 13. In addition, these revisions are reflected in Exhibits 2, 7B, and 11. Removing individual parcels from the HCWC or CWSA overlay zone, once established, would require amending the maps comprising the overlay zones through legislative action.

2. Request the Ventura County Sheriff to review security issues regarding the program's lighting standards.

The proposed HCWC overlay zone lighting standards are based largely on regulations contained in the Dark Sky ordinance adopted by your Board on September 25, 2018 which applies to portions of the Ojai Valley (referred to as the "Dark Sky Ordinance"). In developing the Dark Sky Ordinance, Planning Division staff worked with Captain James Fryhoff of the Ventura County Sheriff's Department to address the security lighting issue. Captain Fryhoff serves as the City of Ojai Chief of Police and is familiar with a Dark Sky-type ordinance adopted by the City of Ojai.

Following his initial review, Captain Fryhoff recommended that an exemption be provided for lighting used for security, where essential, to deter crime. Based on this input, Planning Division staff drafted the Dark Sky Ordinance to allow essential lighting³ to remain on at all times if lamp brightness is 850 lumens or less. Captain Fryhoff also stated that although lighting can help to deter crime, lighting that is fully-shielded and reduces glare is more appropriate for security. In addition, he noted that lighting controlled by motion sensors or dimmers is a better deterrent to crime than lighting that is left on. The Dark Sky Ordinance, as well as the proposed HCWC lighting regulations, are consistent with Captain Fryhoff's input.

Following the Planning Commission's public hearing regarding the Dark Sky Ordinance, the Commission recommended that staff conduct additional research regarding the effect of the proposed regulations on the use of security lighting. In response, Planning Division staff conferred with several lighting engineers and security companies regarding the effect of lumen (brightness) and Kelvin (color) limitations on security camera operations. This research revealed that security camera systems are diverse and differ in specifications and functionality. While some security cameras use infrared emitters that are heat-based and function perfectly with low-level lighting, other systems may require lighting with a cooler color (exceeding 3,000 Kelvin). Based on this input, the Dark Sky Ordinance's security lighting standards were revised to allow security lighting to exceed the lighting color requirement of 3,000 Kelvin per luminaire when used in conjunction with security cameras. These revisions were incorporated into the version of the Dark Sky Ordinance adopted by your Board, and have also been incorporated into the proposed lighting standards for the HCWC overlay zone.

The Planning Commission also recommended that Planning Division staff eliminate the Dark Sky Ordinance's requirement for motion sensors on security lighting used for agricultural operations in agricultural zones. Agricultural uses primarily occur in the Agricultural Exclusive (AE), Open Space (OS) and Rural Agricultural (RA) zones. These revisions were also incorporated into the version of the Dark Sky Ordinance adopted by your Board, and have been incorporated into the proposed lighting standards for the HCWC overlay zone.

³ Essential lighting is defined as lighting for security or safety purposes, including lights at building entrances such as porch lights and lights used for walkways and driveways.

3. Clarify the effect of the program on properties that have granted conservation easements such as Tash and Newhall.

The Planning Division received correspondence and testimony at the Planning Commission hearing from Debra Tash and Newhall Land and Farming Company (Newhall) regarding recorded legal instruments, such as deed restrictions and conservation easements (and/or commitments to record such instruments), intended to preserve biological habitat and/or wildlife movement on their properties (hereinafter referred to as “conservation instruments”). Both commenters expressed their belief that their existing conservation instruments serve the same purpose as the proposed HCWC regulations and thus that their properties should be exempt from the HCWC and CWPAs regulations.

Because the proposed HCWC and CWPAs regulations are generally applicable land use rules, under default law, they would generally apply to all properties within the overlay zones, including those subject to conservation instruments, unless the proposed NCZO amendment includes an exception or exemption stating otherwise. Conservation instruments are typically required by a public permitting or regulatory agency as CEQA mitigation and/or as a condition of approval to compensate for the impacts that a property owner’s proposed project could have on biological resources. While conservation instruments impose development restrictions that help preserve biological habitat and/or wildlife movement in some fashion, such development restrictions may be less comprehensive and protective of wildlife movement than the proposed HCWC and CWPAs regulations. Moreover, if a conservation instrument is recorded at the request of a public entity other than the County (i.e., the State Department of Fish and Wildlife), the County would not necessarily know of the instrument’s existence and would typically lack the legal authority to monitor and enforce a property owner’s compliance with the instrument.

The Planning Division proposes a limited exception to address the concerns of Debra Tash, Newhall and other property owners who have encumbered their properties with conservation instruments that establish specific development buffers around surface water features or wildlife crossing structures pursuant to a County, federal or state approval. Proposed development near these areas that are encumbered by such conservation instruments will not be subject to the proposed HCWC regulations pertaining to surface water features and/or wildlife crossing structures. (See Exhibit 5, NCZO §§ 8109-4.8.3.4.b, 8109-4.8.3.5.c.) However, the parcels will be subject to all other applicable HCWC and CWPAs regulations.

4. Clarify what effect the vegetation modification regulations have on the Ventura County Fire Protection District brush clearance requirements and fire risk.

The proposed HCWC regulations encourage certain development to occur outside of “surface water features”⁴ which are mapped streams, rivers and other natural, non-human-

⁴ Surface water feature is defined as an area containing a stream (including ephemeral or intermittent), creek, river, wetland, seep, or pond, the riparian habitat area associated with the feature, as well as a development buffer area that is 100 feet as measured from

made water features. Mapped surface water features also include a development buffer measured from the edge of the associated riparian habitat. If specified development occurs within a surface water feature, including the development buffer, the proposed HCWC regulations require a discretionary permit to authorize the development.

Although “vegetation modification”⁵ within mapped surface water features is one form of development that is generally subject to this regulation, multiple exemptions exist for vegetation modification, including “fuel modification,”⁶ that is conducted to address fire risk. In particular, vegetation modification and fuel modification are exempt – and can thus be conducted within mapped surface water features without the need for any County land use permit – either if it is: (1) conducted on public property by a public entity; (2) conducted pursuant to a Community Wildfire Protection Plan or similar fuel modification/wildfire protection plan; (3) conducted to create defensible space within 100 feet of a dwelling or other structure as required by Ventura County Fire Protection District (VCFPD) Ordinance 30; and/or (4) conducted pursuant to a VCFPD-approved burn permit. (See Exhibit 5, NCZO Sec. 8109-4.8.3.2.h and k.) Planning Division staff worked closely with VCFPD staff to develop these exemptions. Another exemption exists for vegetation modification performed on up to 10 percent of the portion of a parcel located within a surface water feature every year. (Exhibit 5, NCZO Sec. 8109-4.8.3.2.b.)

In response to public comments and Planning Commission direction received at the Planning Commission hearing (see also Planning Commission Recommendation No. 10 below), Planning Division staff again worked closely with VCFPD to develop another exemption for fire risk-related vegetation modification. This proposed exemption, which is included in the recommended NCZO amendment at Sec. 8109-4.8.3.2.k, would allow vegetation and fuel modification within surface water features – again, without the need for any County land use permit – that is performed with hand-operated tools and without heavy equipment (i.e., without heavy-duty vehicles designed for performing construction tasks such as earthwork operations), if otherwise allowed under Sec. 8107-25 (Tree Protection Regulations), and state and federal law. According to the VCFPD, to the extent fuel

the farthest extent of the surface water feature and its associated riparian area. The data used to designate the areas is obtained from the U.S. Fish and Wildlife Service National Wetlands Inventory Dataset. Areas designated as surface water features are shown on the “Surface Water Feature Buffer” map within the Planning GIS Wildlife Corridor layer of the County of Ventura - County View Geographic Information System (GIS), as may be amended by the Planning Director. The term surface water feature does not include ponds, lakes, marshes, wetlands or agricultural water impoundments or associated riparian habitat areas that are legally established and human-made.

⁵ Vegetation modification is defined as human-caused alteration of vegetation through direct actions including, but not limited to, complete removal, mowing, thinning, or chaining.

⁶ Fuel modification is defined as a method of modifying fuel load by reducing the amount of non-fire resistive vegetation or altering the type of vegetation to reduce the fuel load. Fire resistive vegetation is that which does not readily ignite from a flame or other ignition source.

modification is warranted within surface water features to address fire risk, performing it with hand-operated tools is the most appropriate method in order to target undergrowth without harming mature habitat and causing erosion.

5. Clarify stream bed mapping where it may be incorrect.

The NCZO amendment's proposed definition of a "surface water feature" specifically excludes "human-made" water features such as agricultural water impoundments, wetlands and ponds that are legally established. Such human-made water features are not subject to the proposed regulations at all. When mapping surface water features on the County's GIS system prior to the Planning Commission hearing, Planning Division staff intended to exclude all such human-made water features from the maps. However, based on public testimony at the Planning Commission hearing, it appears that not all human-made water features were in fact removed.

After the Planning Commission hearing, the Planning Division biologist reviewed the entire surface water feature GIS layer and compared it to historical aerial photos from 1945 and 2002. Based on this analysis, staff removed human-made wetlands, ponds, and water impoundments that clearly do not qualify as natural surface water features. To the extent the Planning Division has not removed all human-made water features from the regulatory maps, the proposed NCZO amendments includes a "reconsideration" process whereby an applicant can request a Planning Director determination that a mapped surface water feature does not in fact qualify as such, either because it is human-made or does not otherwise meet the ordinance's definition of surface water feature. Also in response to public comment, this "reconsideration" process has been revised to increase its flexibility regarding information and documents applicants are required to submit, to state that applicants will not be charged for the first one hour of Planning Division staff time, and to remove the prohibition on applicants administratively appealing Planning Director determinations. (See Exhibit 5; NCZO § 8109-4.8.3.5.d.)

6. Consider including the entire Boeing, Santa Susana Field Lab land in the Habitat Connectivity and Wildlife Corridors overlay zone and add exemptions for temporary cleanup actions.

At the Planning Commission hearing, a representative of The Boeing Company (Boeing) testified that only a portion of the legal lot comprising approximately 2,400 acres of the 2,850-acre Santa Susana Field Lab (SSFL) land is included in the HCWC and the CWPAs overlay zones, and requested that the entire lot be included in both overlay zones. The Planning Commission agreed with this suggestion, and recommended that the entire SSFL be added to the HCWC overlay zone.⁷ The remaining 450-acre portion of the SSFL site is owned by the National Aeronautics and Space Administration (NASA), a federal agency. (Exhibit 14.) Planning Division staff recommends adding the entire SSFL site in the HCWC and CWPAs overlay zones. Planning Division staff has contacted NASA representatives at the SSFL to notify them of the proposed addition of the federally owned land. Maps showing the addition

⁷ The Planning Commission did not address whether the SSFL should also be included in the CWPAs overlay zone.

of the balance of the SSFL site to the HCWC and the CWPA overlay zones, respectively, are included as Exhibits 15 and 16. In addition, these revisions are reflected in Exhibits 2, 4, 7B, 7F and 11.

Including the SSFL lots in the HCWC and CPWA overlay zones would be consistent with good land use planning practice and further the objectives of this project. Boeing's lot must be preserved as open space habitat pursuant to a conservation easement recorded in 2017, and is also located between two other protected open space areas that are important for habitat connectivity in this area (i.e., Sage Ranch Park and Ahmanson Ranch). Moreover, there is clear photographic evidence that the SSFL site is populated with a wide variety of plants and animals. Notably, one of the principal authors of the SCML report recently stated her support for including this property, "*We believe that recent acquisitions and easements that intersect with the [overlay zone], such as the Santa Susana Field Laboratory Conservation Easement, should be added to the [overlay zone].*" (K. Penrod letter – SR Exhibit 16.)

7. Reduce surface water feature setback from 200 feet to 100 feet.

Based primarily on concerns regarding the potential impediments that a 200-foot wide surface water feature development buffer could have on agricultural operations, including ranching and farming, the Planning Commission directed that the surface water feature development buffer be reduced to 100 feet. Pursuant to this direction, Planning Division staff has revised the definition of surface water feature to reduce from 200 feet to 100 feet the width of the development buffer area which is measured from the farthest extent of the surface water feature and its associated riparian area. (Article 2, § 8102-0.)

However, it was not clear to Planning Division staff what specific impacts to agricultural operations were of concern to the Planning Commission. The proposed HCWC regulations already include an exemption for vegetation modification associated with both active agricultural production and vegetation modification on agricultural land that is not being actively cultivated. The specific exemption language states that vegetation can be modified for the "*planting or harvesting of crops or orchards that will be commercially sold, including vegetation modification necessary to construct or maintain a driveway or road internal to a lot*" used for commercial agricultural activity. (Exhibit 5, NCZO § 8109-4.8.3.2.f [italics added].) There is another exemption for vegetation modification conducted on "*previously cultivated agricultural land left uncultivated for up to 10 years,*" or on land classified by the Important Farmland Inventory that is associated with the cultivation of agricultural crops. (Exhibit 5, NCZO § 8109-4.8.3.2.g [italics added].) And there is another exemption from the regulation addressing surface water features for livestock grazing. (Exhibit 5, NCZO § 8109-4.8.3.2.i.)

8. Remove Lockwood Valley from the Habitat Connectivity and Wildlife Corridor overlay zone.

Several commenters at the Planning Commission hearing noted that the proposed HCWC regulations are not needed in the Lockwood Valley because the area is sparsely developed and essentially surrounded by the Los Padres National Forest, which commentators opined provides adequate areas for wildlife movement. In response to these comments, the

Planning Commission recommended that the Lockwood Valley be removed from the HCWC overlay zone, which Planning Division staff has done.

For purposes of removing the Lockwood Valley from the HCWC overlay zone map, Planning Division staff referred to USGS topographic maps to identify the general boundaries of the Lockwood Valley. As a significant portion of land in the vicinity of Lockwood Valley is federally owned, staff also reviewed property ownership records in the same area. Based on ownership records, staff removed an area from the HCWC representing the largest concentration of privately owned land while retaining as much federally owned land as possible in the overlay zone. Although the County's land use authority does not extend to federally owned lands, these lands are nevertheless considered as important components of the regional wildlife linkages and thus should be retained, if only to reflect the more contiguous linkage boundary as originally mapped by the South Coast Missing Linkages project. A detailed map showing the privately owned land within the Lockwood Valley that was removed from the HCWC overlay zone is included as Exhibit 17. In addition, these revisions are reflected in Exhibits 2 and 7B.

Removing the Lockwood Valley from the HCWC overlay zone also removes regulatory protection for two wildlife crossing structures located within the Lockwood Valley. A revised list of wildlife crossing structures subject to the HCWC regulations is attached as Exhibit 19.

9. Remove Tierra Rejada from the Critical Wildlife Passage Areas overlay zone.

Many commenters objected to the compact siting standards and permitting requirements applicable to certain development within the proposed CWPAs overlay zone. In addition to general policy objections, several commenters believed the CWPAs regulations are not needed for the Tierra Rejada Valley based on speculation that animals could use the Simi Hills linkage as an alternative wildlife movement corridor. And many commentators questioned whether the CWPAs compact siting regulations would create additional undeveloped areas that would be used for wildlife movement. Based on the Planning Commission's recommendation, the Tierra Rejada Valley has been removed from the CWPAs overlay zone. However, the Tierra Rejada Valley will still be included within the HCWC overlay zone and subject to those regulations. This revision is reflected in the revised CWPAs overlay zone map attached as Exhibit 16.

The proposed General Plan amendment has also been revised to reflect the Planning Commission's recommendation to remove the Tierra Rejada Valley from the CWPAs overlay zone. The revised General Plan amendment is included as Exhibit 18.

10. Revise vegetation modification exemption to state "as allowed by" instead of "as required by" the VCFPD.

This recommendation reflects the Planning Commission's belief that the HCWC regulations should not unduly hinder private property owners from conducting reasonable fuel modification activities on their property, including within mapped surface water features. As explained in response to Planning Commission Recommendation No. 4 above, the proposed HCWC regulations have been revised to allow property owners to conduct vegetation and fuel modification within surface water features using hand-

operated tools. No permit or approval is required from either the VCFPD or Planning Division for property owners to do so.

11. Modify vegetation modification exemption to include all bona fide conservation efforts.

A conservation organization commented at the Planning Commission hearing that the proposed HCWC regulations should exempt vegetation modification conducted by a conservation organization on private land that is managed, even if not owned, by the conservation organization. In response, Planning Division staff has revised the HCWC ordinance to exempt all vegetation modification conducted by a conservation organization for the purpose of maintaining or enhancing biological habitat or functional connectivity. (See Exhibit 5, NCZO § 8109-4.8.3.2.i.)

Additional Revisions Recommended by the Planning Division

In addition to revising the proposed HCWC and CWPAs regulations pursuant to the Planning Commission's above-stated recommendations, Planning Division staff recommends the additional revisions described below.

Revision to CWPAs Compact Siting Standard for Undeveloped Parcels

Public opposition has been expressed to the proposed CWPAs compact siting standard applicable to undeveloped parcels. Under this standard, the owner of an undeveloped parcel is allowed to engage in either site development on one-half of the parcel as designated by the property owner with a ministerial Zoning Clearance, or site development in a manner that conflicts with this standard (i.e., initial and subsequent development can be sited anywhere on the parcel) with a discretionary Planned Development permit. (See Exhibit SR 14, NCZO § 8109-4.9.3.a.) This has been colloquially dubbed the "50-percent" standard.

In response to public testimony on this matter, Commissioner King suggested that the "50-percent" standard be replaced with a revised compact siting standard for undeveloped parcels. Although this suggestion was not incorporated into the Planning Commission's motion, Planning Division staff believes this is a logical approach.

Under the revised standard, the owner of an undeveloped parcel is allowed to site an initial principal structure/use anywhere on the parcel with a ministerial Zoning Clearance (if a discretionary permit is not otherwise required pursuant to the NCZO), without designating any portion of the parcel for development. All subsequent development on the parcel would thereafter be subject to the CWPAs compact siting standard for developed parcels. Under this standard, the owner of a developed parcel is allowed to engage in either site development within 100 feet of an existing structure, public road, trail or internal agricultural access road with a ministerial Zoning Clearance, or site development in a manner that conflicts with this standard (i.e., development can be sited anywhere on the parcel) with a discretionary Planned Development permit. (See Exhibit 5, NCZO § 8109-4.9.3.) This revised standard will provide owners of undeveloped parcels greater flexibility while continuing to encourage clustered, compact development.

Additional Recommended Revisions

The Planning Division recommends the following additional post-Planning Commission hearing revisions that have been incorporated into the proposed NCZO amendments as shown in Exhibit 5:

- Sec. 8102 (Definitions): Revise definition of “surface water feature” to clarify that surface water features include creeks and ephemeral and intermittent streams, and to clarify that human-made surface water features must be legally established.
- Sec. 8102 (Definitions): Revise definition of “conservation organization” to clarify which public and private entities qualify as such.
- Sec. 8109-4.8.1.f (Applicability of HCWC Regulations): Revise for internal consistency.
- Sec. 8109-4.8.2.2.d (Exemptions from HCWC Lighting Regulations): Add exemption for temporary or intermittent lighting used for surface mining operations.
- Sec. 8109-4.8.2.2.j (Exemptions from HCWC Lighting Regulations): Add exemption for 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.
- Sec. 8109-4.8.2.3.c (Lighting Prohibitions): Revise allowance for uplighting so that it may occur until 10:00 p.m. or until people are no longer present in exterior areas being illuminated, whichever occurs latest.
- Sec. 8109-4.8.2.4.b(11) (HCWC Lighting Standards): Various nonsubstantive clarifications. Add new provision stating outdoor lighting used for surface mining operations and oil exploration and production may deviate from general lighting standards and requirements, must be specified in a lighting plan approved by the County during the discretionary permitting process, and must be designed and operated to minimize impacts on wildlife passage to the extent feasible.
- Sec. 8109-4.8.3: Revise section heading to read: “Applicability and Exemptions, Prohibitions, Wildlife Crossing Structures, Surface Water Features, Vegetation Modification, Permitting.”
- Sec. 8109-4.8.3.2.a (General Exemptions from HCWC Regulations): Add exemption for vegetation modification conducted pursuant to any condition or requirement of any permit, approval or order issued by a federal or state agency.
- Sec. 8109-4.8.3.2.m (General Exemptions from HCWC Regulations): Clarify exemption for development dependent upon being located within a surface water feature or near a wildlife crossing structure.
- Sec. 8109-4.8.3.2.p (General Exemptions from HCWC Regulations): Add exemption for vegetation modification reasonably required to maintain, repair or replace existing transportation, utility and public safety infrastructure.
- Sec. 8109-4.8.3.2.q (General Exemptions from HCWC Regulations): Add exemption for development, including but not limited to vegetation modification, carried out as part of a habitat preservation, restoration or enhancement project when specified by a mitigation measure, habitat conservation plan or similar plan approved by a federal or state agency responsible for protection of aquatic resources.

- Sec. 8109-4.8.3.2.r (General Exemptions from HCWC Regulations): Add exemption for vegetation modification carried out as part of a habitat preservation, restoration or enhancement project when specified by a mitigation measure, habitat conservation plan or similar plan approved by a federal or state agency responsible for conservation of wildlife resources.
- Secs. 8109-4.8.3.8 and 8109-4.9.4 (Permitting): Clarify reference to Ventura County Fire Protection District (VCFPD)-required fuel modification in these permitting sections by adding reference to VCFPD Ordinance 30.
- Sec. 8109-4.9.1.g (Applicability of CWPA Regulations): Revise for internal consistency.
- Sec. 8109-4.9.2.c (General Exemptions from CWPA Regulations): Add exemption for installation of wildlife impermeable fencing used to enclose commercially grown agricultural crops or products.
- Sec. 8109-4.9.2.d (General Exemptions from CWPA Regulations): Add the following facilities to existing exemption for public and utility improvements: Flood control improvements, wireless communication facilities, structures related to such facilities, and wildlife impermeable fencing required to protect such facilities.
- Sec. 8109-4.9.2.m(16) (General Exemptions from CWPA Regulations): Add exemptions for the following uses: "Agricultural Crop and Orchard Production Including Packaging or Preliminary Processing Involving No Structures" and "Wholesale Nurseries for Propagation."
- Sec. 8109-4.9.2.l (General Exemptions from CWPA Regulations): Add exemption for development required to be sited in a specific location, or wildlife impermeable fencing required to form an enclosed area in a specific location, 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.
- Uncodified Ordinance amending NCZO at Sec. 7 (Effective Date; Implementation): Clarify that proposed ordinance would become effective 30 days after adoption and would become operative 60 days after adoption.

ENVIRONMENTAL REVIEW

Planning Division staff has determined that the adoption of the proposed project 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. "Significant effect on the environment" is defined by the California Public Resources Code as "a substantial, potentially substantial, **adverse** change in the environment." (Cal. Pub. Resources Code, § 21068 [emphasis added].) Here, to the extent the project affects the environment, the effect is expected to be beneficial since the proposed project is intended to protect biological resources by discouraging and requiring additional environmental review regarding certain development that could impair wildlife movement.

Moreover, because the project consists of regulations intended to benefit the environment, it is also exempt pursuant to CEQA Guidelines Sections 15307 and 15308, *Actions by Regulatory Agencies for Protection of Natural Resources* and *Actions by*

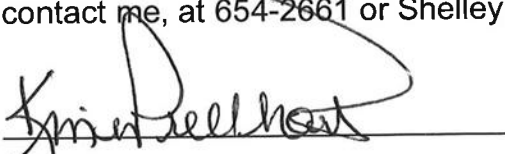
Regulatory Agencies for Protection of the Environment, respectively. These two classes of exemptions consist of actions taken by regulatory agencies to assure the maintenance, restoration, or enhancement of a natural resource or the environment. As described above, this project is intended to meet these criteria.

Finally, staff has determined this project is not excepted from the above-stated categorical CEQA exemptions on the basis of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2. In particular, staff has determined that: (1) no substantial evidence supports a finding that the project presents unusual circumstances that differ from the general circumstances of other categorically exempt actions by regulatory agencies for the protection of the environment and natural resources; and (2) no substantial evidence exists creating a reasonable possibility that the project would have a significant effect on the environment due to such unusual circumstances. Staff has also determined that no substantial evidence exists establishing that the project would have a significant effect on the environment.

PUBLIC NOTICE

The Planning Division provided public notice regarding this Board hearing in accordance with Government Code section 65091 and Ventura County NCZO sections 8115-2 and 8111-3.1. A notification letter was sent to approximately 4,400 property owners within the HCWC overlay zone, as was done for the Planning Commission hearing. A standard one-eighth page legal notice of the Board hearing was published on March 2, 2019 in the *Ventura County Star* and notices were placed in the *Ojai Valley News* and *Mountain Enterprise* in Frazier Park on March 1, 2019. Additionally, the Planning Division emailed notices to all interested parties (totaling approximately 400 people).

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 me, at 654-2661 or Shelley Sussman at 654-2493.



Kim L. Prillhart
Resource Management Agency Director

EXHIBITS

Exhibit 1 – January 31, 2019 Planning Commission Staff Report, including all staff report exhibits (shown below with prefix “SR”)

SR Exhibit 2 – Geographic Map of the Habitat Connectivity and Wildlife Corridors in the South Coast Ecoregion

SR Exhibit 3 – Habitat Connectivity and Wildlife Corridors in the North Half of the Ventura County Unincorporated Area

SR Exhibit 4 – Habitat Connectivity and Wildlife Corridors in the South Half of the Ventura County Unincorporated Area: Index Map and Subareas

SR Exhibit 5 – Oak View Critical Wildlife Passage Area Map

SR Exhibit 6 – Simi Hills Critical Wildlife Passage Area Map

SR Exhibit 7 – Tierra Rejada Critical Wildlife Passage Area Map

SR Exhibit 8 – Habitat Connectivity and Wildlife Corridors Map (Resources Appendix – Figure 1.5.5)

SR Exhibit 9 – Oak View Critical Wildlife Passage Area Map (Resources Appendix Figure 1.5.6)

SR Exhibit 10 – Simi Hills Critical Wildlife Passage Area Map (Resources Appendix Figure 1.5.7)

SR Exhibit 11 – Tierra Rejada Critical Wildlife Passage Area Map (Resources Appendix Figure 1.5.8)

SR Exhibit 12 – Draft Planning Commission Resolution

SR Exhibit 13 – Amendments to the General Plan – Goals, Policies, and Programs and Resources Appendix

SR Exhibit 14 – NCZO Amendments (Articles 2, 3, 4, 5, and 9)

SR Exhibit 15 – Ordinance Amending the Zoning Classifications and Zoning Maps in the NCZO (Article 18)

SR Exhibit 15A – Amendments to Zoning Classifications for the Habitat Connectivity and Wildlife Corridors Overlay Zone

SR Exhibit 15B – Habitat Connectivity and Wildlife Corridors Overlay Zone Map

SR Exhibit 15C – Amendments to Zoning Classifications for the Oak View Portion of the Critical Wildlife Passage Areas Overlay Zone

SR Exhibit 15D – Oak View Portion of the Critical Wildlife Passage Areas Overlay Zone Map

SR Exhibit 15E – Amendments to Zoning Classifications for the Simi Hills Portion of the Critical Wildlife Passage Areas Overlay Zone

SR Exhibit 15F – Simi Hills Portion of the Critical Wildlife Passage Areas Overlay Zone Map

SR Exhibit 15G – Amendments to Zoning Classifications for the Tierra Rejada Portion of the Critical Wildlife Passage Areas Overlay Zone

SR Exhibit 15H – Tierra Rejada Portion of the Critical Wildlife Passage Areas Overlay Zone Map

SR Exhibit 16 – Letter dated October 17, 2018 from Kristeen Penrod

SR Exhibit 17 – January 2017 Board of Supervisors Staff Report

SR Exhibit 18 – Glossary of Applicable Terms from the Dark Sky Ordinance

SR Exhibit 19 -- Letter dated January 8, 2019 from Ventura County Fire District Chief Mark Lorenzen

SR Exhibit 20 – List of Wildlife Crossing Structures Subject to Proposed NCZO Amendments

SR Exhibit 21 -- Technical Appendix: Selection of Wildlife Crossing Structures Subject to Proposed NCZO Amendments

SR Exhibit 22 – Bibliography

SR Exhibit 23 – Public Comments

SR Exhibit 24 – Tash Comment Letter and Staff Response

SR Exhibit 25 – Comment Letters Received after January 17, 2019

SR Exhibit 26 – Comment Letters Received after January 21, 2019

SR Exhibit 27 – Comment Letters Received January 30, 2019

SR Exhibit 28 – Errata Memo

SR Exhibit 29 – Staff Reponse to David Jones, CEO Boy Scouts of America

SR Exhibit 30 – Staff Errata Memo dated January 31, 2019

SR Exhibit 31 – Staff PowerPoint

SR Exhibit A – Boeing Comment Letter dated January 21, 2019

SR Exhibit B – Tash Comment Letter Received 1/25/2019

SR Exhibit C – Letter Received from JMBM, Samimi

SR Exhibit D – Letter Received from JMBM, Shapiro (including all sub exhibits)

SR Exhibit E – Presentation PowerPoint by Dr. Seth Riley

SR Exhibit F – Ventura County COLAB Questions submitted January 31, 2019

SR Exhibit G – Sheppard Mullin Comments dated January 31, 2019

SR Exhibit H – VCEDA Comment Letter Dated January 29, 2019

SR Exhibit I – Debra Tash Documents Submitted January 31, 2019

SR Exhibit J – Save Open Space Correspondence dated January 31, 2019

SR Exhibit K – Building Industry Association of Southern California
Correspondence dated 1/30/2019

SR Exhibit L – Sol Choolijian correspondence dated January 31, 2019

Exhibit 2 – Revised Habitat Connectivity and Wildlife Corridors Map (Resources Appendix
– Figure 1.5.5)

Exhibit 3 – Oak View Critical Wildlife Passage Area Map (Resources Appendix Figure
1.5.6)

Exhibit 4 – Simi Hills Critical Wildlife Passage Area Map (Resources Appendix Figure
1.5.7)

Exhibit 5 – Non-Coastal Ordinance Amendments (Articles 2, 3, 4, 5 and 9)

Exhibit 6 – Non-Coastal Ordinance Amendments (Articles 2, 3, 4, 5 and 9) in Legislative
Format

Exhibit 7 – Ordinance Amending the Zoning Classifications and Zoning Maps in the NCZO
(Article 18)

- Exhibit 7A Revised Amendments to Zoning Classifications for the Habitat
Connectivity and Wildlife Corridors Overlay Zone
- Exhibit 7B Revised Habitat Connectivity and Wildlife Corridors Overlay
Zone Map
- Exhibit 7C Amendments to Zoning Classifications for the Oak View
Portion of the Critical Wildlife Passage Areas Overlay Zone

- Exhibit 7D Oak View Portion of the Critical Wildlife Passage Areas Overlay Zone Map
- Exhibit 7E Revised Amendments to Zoning Classifications for the Simi Hills Portion of the Critical Wildlife Passage Areas Overlay Zone
- Exhibit 7F Revised Simi Hills Portion of the Critical Wildlife Passage Areas Overlay Zone Map

- Exhibit 8 – Board Resolution adopting General Plan Amendment
- Exhibit 9 – Signed Planning Commission Resolution
- Exhibit 10 – Comment letters received after Planning Commission hearing
- Exhibit 11 – Revised Habitat Connectivity and Wildlife Corridors in the South Half of the Ventura County Unincorporated Area: Index Map and Subareas
- Exhibit 12 – Detail Map of the Revised Habitat Connectivity and Wildlife Corridors Overlay Zone Reflecting the Removal of Land in the Oak Park Area
- Exhibit 13 – Detail Map of the Revised Habitat Connectivity and Wildlife Corridors Overlay Zone reflecting the removal of land in the Southeastern Portion of the Santa Rosa Valley
 - Exhibit 13A - Detail Map of the Revised HCWC Overlay Zone to Reflect Removal of Land Southwest of the Intersection of E. Las Posas and Santa Rosa Road
 - Exhibit 13B - Detail Map of the Revised HCWC Overlay Zone to Reflect Removal of Land Southeast of the Intersection of E. Las Posas and Santa Rosa Road
- Exhibit 14 – Ownership Map of the Parcels Comprising the Santa Susana Field Laboratory Site
- Exhibit 15 – Detail Map of the Revised Habitat Connectivity and Wildlife Corridors Overlay Zone Reflecting the addition of all Parcels Comprising the Santa Susana Field Laboratory Site
- Exhibit 16 – Critical Wildlife Passage Areas Overlay Zone Map
- Exhibit 17 – Revised Habitat Connectivity and Wildlife Corridors Overlay Zone Reflecting the Removal of Land Within Lockwood Valley
- Exhibit 18 – Amendments to the General Plan – Goals, Policies, and Programs and Resources Appendix
- Exhibit 19 – List of Wildlife Crossing Structures Subject to the HCWC Overlay Zone Standards
- Exhibit 20 – Map of Lockwood Valley area removed from the HCWC Overlay Zone
- Exhibit 21 – “Wildlife Corridors Not High-Speed Rail Coming to California” by J. Davis, February 25, 2019
- Exhibit 22 – HCWC Public Comments Received February 28, 2019
- Exhibit 23 – HCWC Public Comments Received February 29, 2019 through March 3, 2019.