

## **MEMORANDUM**

**FROM:** Tom Holm, AICP, Senior Environmental Planner  
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**DATE:** January 28, 2019

**RE:** Proposed Ventura County Wildlife Corridor Ordinance and Protection of Mining and Mineral Resources

The purpose of this memorandum is to review potential impacts of the proposed *Ventura County (County) Ordinance Code, Non-Coastal Zoning Ordinance to Regulate Development Within the Habitat Connectivity and Wildlife Corridor (HCWC) Overlay Zone and Critical Wildlife Passage Overlay Zone* (Ordinance) on mining and mineral resources in the County. This analysis addresses 1) the areal extent of state-designated Mineral Resource Zones (MRZ) that are encompassed by proposed wildlife corridors in the Ordinance, 2) provisions for the protection of mineral resources and mining in the County's General Plan, Initial Study Guidelines and Zoning Code, and 3) the need for a California Environmental Quality Act (CEQA) review of potential impacts that implementation of the proposed Wildlife Corridor Ordinance would have on mining operations and future mining opportunities in the County. Graphics used to support the review are included as attachments to this memorandum.

### **Relationship of Proposed Wildlife Corridors to Established Mineral Resource Zones**

Figure 1 depicts the extent of State-classified Mineral Resource Zones (MRZ) coverage in the southern portion of Ventura County. Figure 2 identifies mining properties and provides an overlay of the proposed Wildlife Corridors on areas known to contain significant mineral deposits (MRZ-2), and areas with known or inferred mineral deposits of unknown significance (MRZ-3 and MRZ-3a). A breakdown of MRZ acres by each of the three proposed Wildlife Corridors (Santa Monica-Sierra Madre, Sierra Madre-Castaic, and Ventura River) is presented in Table 1.

Approximately 160,000 acres within state-designated MRZs (MRZ-1, -2, -3, or -4) are encompassed by the proposed Santa Monica-Sierra Madre, Sierra Madre-Castaic, and Ventura River Regional Wildlife Corridors. Of this total, approximately 13,897 acres within the proposed Santa Monica-Sierra Madre wildlife corridor overlay zone are included in State-designated MRZ-2 areas known to contain significant mineral deposits. MRZ-2 areas are identified as Mineral Resource Protection (MRP) areas in the Ventura County General Plan and the MRP Overlay Zone in the County's Non-Coastal Zoning Ordinance. Approximately 87,913 acres of the proposed corridors overlay areas with known or inferred mineral deposits of undetermined significance (MRZ-3, -3a).

**Table 1 - Ventura County Mineral Resource Zones Area Impacted by Proposed Wildlife Corridors**

<b>Proposed Wildlife Corridor</b>	<b>MRZ-1 Acres</b>	<b>MRZ-2 Acres</b>	<b>MRZ-3 Acres</b>	<b>MRZ-3a Acres</b>	<b>MRZ-4 Acres</b>	<b>Not MRZ</b>	<b>Grand Total</b>
Santa Monica—Sierra Madre	26,634	13,897	61,503	5,518	3,705	1,131	112,388
Sierra Madre--Castaic	30,378	--	17,699	2,561	5,411	260,017	316,066
Ventura River	--	-	20	612	--	2	634
<b>Total Within Wildlife Corridors</b>	57,012	13,897	79,222	8,691	9,116	261,150	429,088
<b>Outside Wildlife Corridor</b>	149,900	19,816	153,386	31,742	34,817	--	389,661
<b>County Grand Total</b>	<b>206,912</b>	<b>33,713</b>	<b>232,608</b>	<b>40,433</b>	<b>43,932</b>	<b>261,150</b>	<b>818,748</b>

Source: ECorp GIS (11/2018)

Note: New Wildlife Corridor data provided by Ventura County (1/18/19) introduced 8,776.5 acres of overlap between the Santa Monica-Sierra Madre and Sierra Madre-Castaic Corridors. To account for overlap double-counting, the total MRZ acres covered by these corridors would be reduced from 429,088 acres to 420,311.5 acres

Numerous mining properties within protected MRZ-2 areas are included within the proposed Ventura River Wildlife Corridor. Other mining properties are located within or in close proximity to the proposed Santa Monica-Sierra Madre Wildlife Corridor.

### **County General Plan Mineral Resource Protection Goals and Policies**

According to the County General Plan Goals, Policies and Programs (12/13/16), the County's Mineral Resources include petroleum (oil and gas), and aggregate resources (principally sand and gravel) and other minerals of commercial mining value within Ventura County, including asphalt, clay, expansible shale, gypsum, limestone, and phosphate. Among the Goals and Policies designed to protect mineral resources and mining are the following:

- Goal. Manage mineral resources in a manner which effectively plans for the access to, development and conservation of mineral resources for existing and future generations.
- Goal. Identify and manage mineral resources in order to:
  - Safeguard future access to the resource;
  - Facilitate a long-term supply of mineral resources within the County;
  - Minimize incompatibility between the extraction and production of the resource and neighboring land uses and the environment;
  - Provide notice to landowners and the general public of the presence of significant mineral resource deposits.
- Policy. All General Plan amendments, zone changes, and discretionary developments shall be evaluated for their individual and cumulative impacts on access to and extraction of recognized mineral resources, in compliance with the California Environmental Quality Act.

These General Plan Mineral Resources Goals and Policies are also consistent with the stated purposes of the Mineral Resources Protection (MRP) Overlay Zone (Section 8104-7.2) of the Ventura County Non-Coastal Zoning Ordinance (9/22/15).

### **Ventura County Initial Study Assessment Guidelines – Mineral Resources**

The proposed Wildlife Corridor Ordinance is a zone change that requires evaluation under CEQA for its potential direct, indirect, and cumulative impacts on mining operations and mineral resource protection goals and policies. CEQA review of the environmental impacts of the proposed Wildlife Corridor Ordinance impact on mining operations should address the following significance criteria in Section 3a of the Ventura County Initial Study Assessment Guidelines [Ventura County Guidelines] for Mineral Resources – Aggregate:

- Any land use or project activity which is proposed to be located on or immediately adjacent to land zoned Mineral Resource Protection (MRP) overlay zone, or adjacent to a principal access road to an existing aggregate Conditional Use Permit (CUP), and which has the potential to hamper or preclude extraction of or access to the aggregate resources, shall be considered to have a significant adverse impact on the environment.
- A project would have a cumulative impact on aggregate resources if when considered with other pending and recently approved projects in the area, hampers or precludes extraction or access to identified resources.

CEQA review of the environmental impact of the proposed Wildlife Corridor Ordinance on mining operations must address these impact significance criteria.

### **Overview of Proposed Wildlife Corridor Ordinance**

Ventura County acknowledges that wildlife movement corridors are impacted by projects that it approves through discretionary actions, which require County permits or environmental review, or ministerial actions, which are actions that are not subject to County permits or environmental review. Impacts to wildlife movement corridors in Ventura County are evaluated and mitigated, where appropriate, through the CEQA process associated with discretionary County actions (e.g., development permit issuance). Ventura County's General Plan, Land Use Maps, Non-coastal Zoning Ordinance (NCZO), Subdivision Ordinance, and Initial Study Assessment Guidelines all provide opportunities for regulating discretionary action impacts to wildlife movement corridors (Ventura County, 2017).

The County currently has no mechanism to regulate impacts to wildlife movement corridors for non-discretionary, ministerial actions that do not trigger CEQA review (Ventura County, 2017). The proposed Ordinance would allow Ventura County to regulate impacts to wildlife movement corridors when associated with ministerial actions, or otherwise permit-exempt actions, and would revise regulatory language in the General Plan and NCZO such that wildlife corridor impact reviews and mitigation would be applied consistently between discretionary and ministerial/exempt actions.

In approving and implementing the proposed Ordinance, the County believes it will improve countywide habitat connectivity between protected resource areas such as the Santa Monica Mountains National Recreation Area and the Los Padres National Forest (Ventura County, 2017).

Ventura County is accordingly proposing that its Ordinance Code be amended to add two new overlay zones to contribute to achieving these objectives, including:

- Habitat Connectivity and Wildlife Corridor (HCWC) Overlay Zone (proposed new Section 8104-7)
- Critical Wildlife Passage Area Overlay Zone (proposed new Section 8104-8)

### **Habitat Connectivity and Wildlife Corridor (HCWC) Overlay Zone**

The County's purpose in proposing the HCWC Zone is to preserve functional connectivity of regional habitat linkages by minimizing the impacts of barriers, habitat fragmentation, and corridor chokepoints. In total, approximately 429,088 acres are designated as HCWC within Ventura County. The broad HCWC Overlay Zone, as maintained in the County GIS, imposes five conditions on development and/or use related to the following:

**Outdoor Nighttime Lighting.** All outdoor lighting installed after the Ordinance is effective will be (a) fully shielded fixtures, (b) shall have maximum installation heights (varies), (c) shall be no more than 3,000 kelvin on the chromaticity scale, and (d) shall have a maximum brightness of 850 lumens per fixture. Other compliance criteria would be required for security lighting, parking area lighting, outdoor recreation area lighting, service station lighting, wireless communication facility lighting, and greenhouse lighting (collectively, compliance criteria). Existing outdoor lighting that does not meet these compliance criteria will have a 3-year period to be made compliant. If not made compliant, existing non-compliant lighting must be turned off between 10 pm and sunrise.

**Surface Water Feature Buffers.** Development of new structures, new uses of existing structures, or vegetation removal within 200 feet of a surface water feature (lake, pond, creek), as mapped by the National Wetlands Inventory (NWI), will require a Planned Development Permit (PDP) from the County. The County maintains an inventory of surface water features in its GIS, as mapped by the NWI. County issuance of a PDP would be a discretionary action triggering and CEQA compliance. County issuance of a PDP would be a discretionary action triggering compliance with Initial Study Assessment Guidelines. Invasive plants may be removed from surface water feature buffers through County issuance of a Zoning Clearance, which requires owner submittal of a vegetation removal plan to the County. Structures and other improvements damaged by fire may be conditionally rebuilt (in place) in surface water feature buffers.

**Wildlife Crossing Structures Buffers.** Vegetation removal within 200 feet of a wildlife crossing structure (WCS) will require a PDP from the County. The County maintains an inventory of WCSs in its GIS. County issuance of a PDP would be a discretionary action triggering applicant compliance with Initial Study Assessment Guidelines. Structures and other improvements damaged by fire may be conditionally rebuilt (in place) in WCS buffers.

***Invasive Plant Species.*** Invasive plants not commercially grown for agricultural markets may not be planted in the HCWC Overlay Zone.

***Wildlife Impermeable Fencing.*** Wildlife Impermeable Fencing (WIF) is defined as including one or more of the following design features, (a) greater than 60 inches above ground level, (b) electrified, or (c) solid walls or fencing or wrought iron, plastic mesh, woven wire, razor wire, chain link fencing. WIF on lots zoned as Open Space or Agricultural Exclusive may be permitted through either a ministerial or discretionary permitting process.

WIF may be permitted via the ministerial permitting process if (a) new fencing will not enclose more than 10 percent of a lot gross area containing no existing WIF, (b) fencing will not enclose more than 10 percent of a lot gross area containing existing WIF, including new and existing WIF.

If not exempt or otherwise permissible through the ministerial process, WIF may be permitted via the discretionary permitting process by applying for a PDP. County issuance of a PDP would be a discretionary action triggering applicant preparation of an LDAA and compliance with Initial Study Assessment Guidelines.

The five conditions stated above apply to new construction, reconstruction, addition, modification, alteration, relocation, and replacement of structures, or alteration of a physical site, within all properties in the mapped HCWC Zone. Under provisions of the Ordinance mining operators would need to apply for a planned development permit (PDP) for any new wildlife impermeable fencing or proposed vegetation removal within 200 feet of a surface water feature. Under the PDP requirement mining operators would need to pay for any applicable analysis required by the County's *Initial Study Guidelines*, including the *Initial Study Biological Assessments*. Limitations on fencing height and outdoor nighttime lighting may have the potential to adversely affect the security of active mining sites. The application of the five HCWC conditions to mining properties imposes further limitations that have the potential to limit mining expansion in designated mineral resource areas

### **Critical Wildlife Passage Area (CWPA) Overlay Zone**

The County's purpose in proposing CWPA Zones is to address habitat fragmentation by requiring that structures be sited in compact development patterns within individual lots, thereby preserving more space for species movement. Three CWPAs (totaling 8,961 acres) were identified by Ventura County, all of which are entirely contained in the County-designated HCWCs. The acreage numbers stated here coincide with the County's previous version of the Ordinance but the boundaries appear to have been changed slightly in the version of the Ordinance going before the Planning Commission on January 31, 2019. The County had not made the digital mapping files for the new boundaries of the CWPAs available at the time this memorandum was prepared. The three CWPAs are described below:

***The Simi Hills CWPA*** is 4,672 acres and is located in the mountainous region between Simi Valley (to the west) and Chatsworth/Canoga Park (to the east).

**The Oak View CWPA** is 1,143 acres and is located on a ridgetop between Lake Casitas (to the west) and the City of Oakview (to the east).

**The Tierra Rejada CWPA** is 3,146 acres and is located in the mountainous region between Moorpark (to the west) and Simi Valley (to the east).

The three CWPA Overlay Zones are subsets of the HCWC Overlay Zone and properties located within CWPAs are also subject to the HCWC regulations noted above.

### **Mining Properties and Wildlife Corridor Overlays**

The location of mining properties and relationship to the County's proposed HCWC Overlay Zones and CWPA Zones is depicted in Figure 3. Mining properties with active permits are identified on Figure 4. Site specific GIS analysis indicates at least six mining properties are overlaid partially or wholly by wildlife corridors in the HCWC Zone (Table 2).

**Table 2 – Mines Overlaid by Habitat Corridors**

<b>Mining Property/CUP/APN</b>	<b>Acres (Approx.)</b>	<b>MRZ Designation</b>	<b>Wildlife Corridor</b>	<b>Corridor Overlay Acres (Approx.)</b>	<b>Coverage</b>
Cemex (CUP 4633) APN 500010025	677.0	MRZ-2	Santa Monica-Sierra Madre	75.7	11.2%
PW Gillibrand (CUP 1367) APN 615006028	1,190.5	MRZ-2	Santa Monica-Sierra Madre	217.5	18.3%
Tapo Rock & Sand (CUP 4609) APN 615008020	93.9	MRZ-2	Santa Monica-Sierra Madre	7.1	7.5%
Pacific Rock, Inc. (CUP 3817-4) APN 234006022	242.5	MRZ-3	Santa Monica-Sierra Madre	242.5	100%
Ozena Valley Ranch (CUP 5170) APN 002014007	623.1	NA	Sierra Madre-Castaic	600.3	96.3%
Ojai Quarry (Schmidt Const.) (CUP 3489) APN 009009016	42.8	NA	Sierra Madre-Castaic	42.8	100%

Source: Mine permit/boundary data per Ventura County GIS

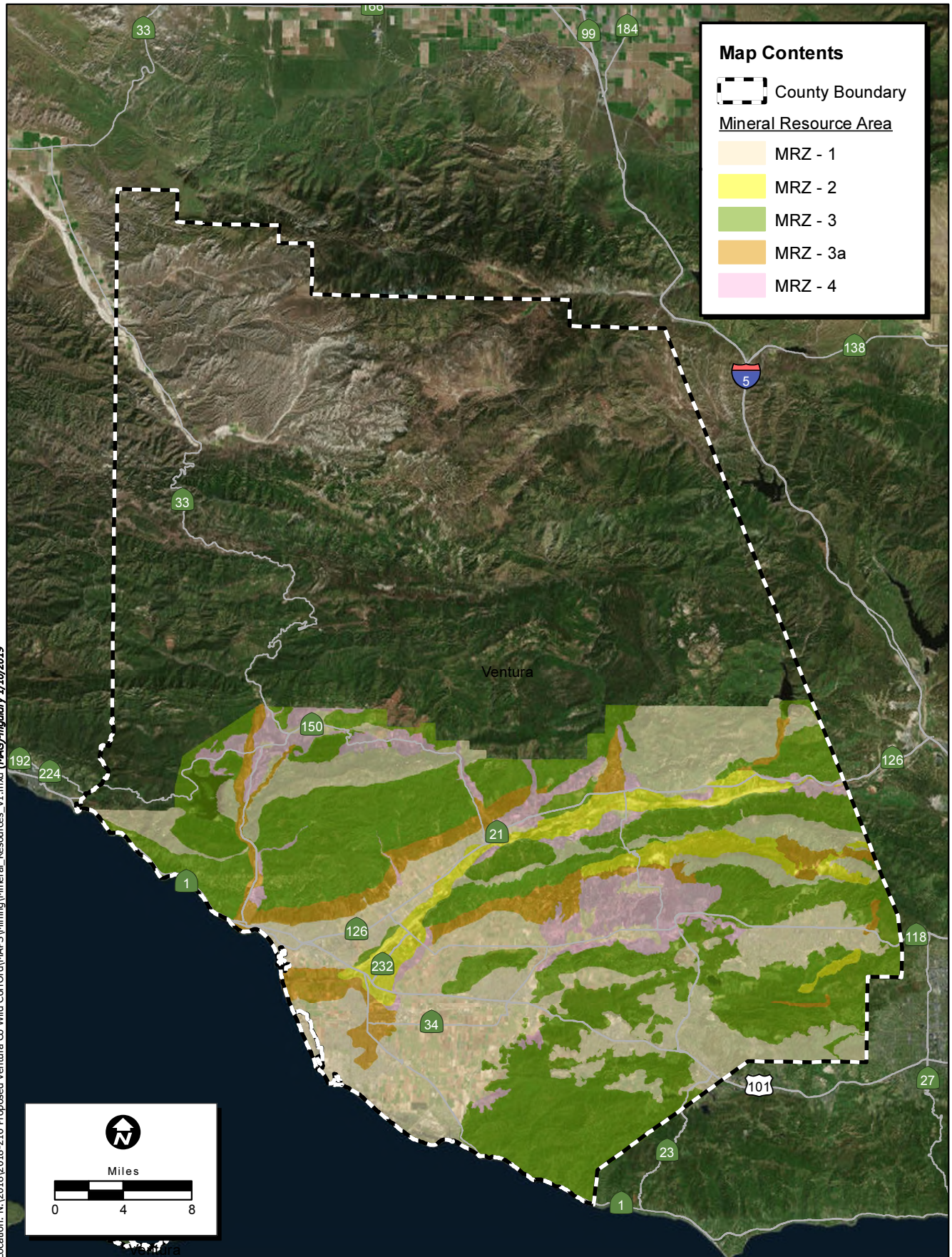
Three of the mines in Table 2 have protected status under the County's Mineral Resource Protection Zone (MRZ-2). Attached Figure 4A provides Parcel Detail images of 13 County-permitted mining properties. These include the six properties in Table 2 overlaid by wildlife corridors and seven properties without any wildlife corridor overlay.

## Conclusions

Adoption of the Ordinance as currently proposed has the potential to adversely affect mining in Ventura County. Conclusions derived from the analysis of potential impacts are as follows:

- HCWC Zone preconditions placed on outdoor nighttime lighting, fencing, surface water feature buffers, and wildlife crossing structure buffers have the potential to adversely impact mining properties and any future plans for expansion, new construction, or the reconstruction, addition, modification, alteration, relocation, and replacement of structures, or other alterations within or adjacent existing mining sites.
- Adoption of the Wildlife Corridor Ordinance will directly impact the six properties with active mining permits (Table 2) and may indirectly impact other mining operations within Mineral Resource Zones. To alleviate potential use conflicts, the County should remove the HCWC Overlay from all mining properties.
- The proposed Wildlife Corridor Ordinance is a zone change that, to be consistent with County policy and its Initial Study Guidelines for Mineral Resources, requires evaluation under CEQA for its potential direct, indirect and cumulative impacts on mining operations and mineral resource protection goals and policies. A CEQA review of the environmental impact of the proposed Wildlife Corridor Ordinance on mining operations must specifically address the impact significance criteria in the Initial Study Guidelines for Mineral Resources.
- The proposed Ordinance has the potential to hamper or preclude extraction or access to aggregate resources within or adjacent to land in the Mineral Resource Protection (MRP) zones and would have a significant impact according to the Ventura County Guidelines. Indirect impacts to other resources would also occur if access to mineral resources was limited or precluded. For example, if access to local aggregate resources are limited or precluded, construction projects in Ventura County would be forced to go outside of the region, potentially to Kern, Los Angeles, or San Bernardino counties or as far as Arizona or Nevada, to obtain aggregate materials. Indirect impact from trucking in aggregate from outside of the region include transportation impacts from increased vehicle miles traveled, increases in air emissions (including potential health risks from diesel fuel emissions), increased greenhouse gas emissions, and increased noise from truck travel.





Map Date: 11/21/2018  
Photo Source: Esri World Imagery



