

March 12-79

To the Planning Division,  
Dear Timbuckly Director.  
we have always had Wild-  
life in our yards! You are  
just overlaying more junk  
(HC WC) on us! Please!  
Reduce our Property Tax  
Cut it in half. We have  
had this Property since 1961  
We have always had Bear -  
Bob Cat - Mt. Lion - Deer -  
Possum - Raccoon - Coyote  
Fox. We have always had  
a water tub for them, especially  
when the weather is hot,  
even the Turkey Vultures come  
in for a swim. So as  
far as I'm concerned this  
is more County overkill.  
The Thomas fire killed 2 Bears,  
the neighbor was coming in  
after dark - saw a Shaggy  
Dog running up the Road, when  
they were closer it was another  
Bear that went into the Oil  
Lease on Sulphur Mt. Rd.

So they know how to get  
around without Kimbel's  
Protection. I would like to  
know who the Stake holders  
Farmers, Ranchers, Conservation  
Organizations are that want  
to Balance the County's  
Biodiversity! Because our  
rights are being squeezed!  
Don't have deer side lights, Barb  
wire fences have always been  
here the animals either go over  
under or through it, we  
have always had Oak Trees  
Walnut Trees Apricot Trees  
the animals enjoy the fruit  
so cut our Property Tax in  
1/2 Then we can talk. At 94  
we are too old to get another  
kick in the A -- by the Co.  
Stupid Visitors or Planning  
office Oh By the way  
we are in a 40 Acre zone  
so your Stake Holders, Planning  
Division are blowing smoke  
They don't know what is around  
here - Thank you Ernestine Koe owner

## Wildlife corridor

We've spent 20 years in our wildlife corridor. Lots of it outdoors, horse backing riding in the riverbed, walking and yard working. Watched lots of wildlife daily. We've had a race with a bobcat, a mountain lion and cub walk through our granddaughters birthday party BBQ and a bobcat and cubs lair within 15 feet of our access road. Three or four days after I saw these cats, I came across their remains, recognized by the pointy ears. The work of coyotes.

There are avocados everywhere there aren't lemons. Coyotes and most animals love avocados. The coyotes are bigger, healthier, and bolder than ever before. No longer shy and afraid of humans.

If you really care about these wildlife corridor animals, focus on cutting down on the coyote numbers.

These corridor animals go where they want, over, under the highway, through drains, even climb trees and down branches to the other sides. Their numbers rise and fall because of the natural order of predators etc. We'll have lots of quail until the roadrunners numbers increase.

We have concerns about the brush clearance and fire risk. We are on the river and that means lots of brush we can't control so we need to maintain a fire break.

We have a seasonal creek within 100 feet of our house. If it should burn down, would we have to relocate it?

We're in the shadow of South Mountain and it can be very dark at night. Sometimes we need more light than you want to allow.

When you two retiring supervisors retire, go spend lots of time outside in some wild area and experience some actual wildlife. You'll be surprised at how smart they are.

If you still want to mix up the bigger cat genes, did you think about catching some and relocating them across the freeway.

Cynthia Baumgartner  
19828 E Telegraph Rd  
Santa Paula CA 93060  
805 933 0125

Dear Supervisors,

After careful consideration, I am opposed to this ordinance in its current form due to security issues, mapping inaccuracies, fire danger and the lack of environmental review.

This ordinance is based on regional biological studies that are 13 years old. The result is a set of **flawed maps** that do not achieve the objective of wildlife passage through undeveloped lands.

The mapped corridors unnecessarily pass through residential neighborhoods, commercial and industrial zones, existing agricultural preserves, and 2 college campuses. The maps must be adjusted to avoid these existing areas.

Restrictions on brush clearance required in stream buffers throughout the corridors are a threat to fuel management efforts that are critical to protect adjacent cities from devastating wildfires like the recent Thomas, Hill and Woosley Fires.

The restrictions on fencing and lighting have no consideration for security needs of properties near public access trails, parks, schools, businesses and safety hazards.

I urge you to follow all of the recommendations made by your trusted Planning Commission on 1-31-19. In a 5-0 vote the Commissioners outlined further study and many changes to the ordinance. As this decision is being rushed through without time to rectify the mapping errors, security issues, fire hazards and environmental review, I recommend that you VOTE NO on this ordinance.

Sincerely,

Dana Stuart Moore  
10348 Creek Rd  
Oak View Ca 93022



MAR 11 2019

Clerk of the Board

Supervisors Steve Bennett, Linda Parks, Kelly Long, Bob Huber, John Zaragoza  
800 S. Victoria Ave.  
Ventura, CA.

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Sincerely,

Name: *HANNELIESE E. STETA*

Address: *1202 LOMA DR. #59 Ojai, CA 93023*

✓ cc: Clerk of the Board

cc: Co-Lab Ventura County

## Rocky High Property Owners: Wildlife Corridor

**Honorable Supervisors:**

March 11, 2019

The residents of Rocky High Rd. respectfully request that our 8 residential properties contiguous with Camelot Estates, be excluded from the Wildlife Corridor Map. While we respect the rights of wildlife to travel in our area, we are already 100% fenced on the outer edges of our properties to prevent wild animal access from interfering with agriculture, livestock, children and domestic animals. Inclusion within the wildlife corridor serves no purpose for the migrating wildlife and further poses undue hardship and burdens to each of the residences on Rocky High Rd.

On March 5, 2019 an emergency meeting of the Santa Rosa Valley MAC was called by the chair to allow the residents of Rocky High Rd. to meet Supervisor Linda Parks for an open discussion. None of the property owners had received any prior notice other than the one mailed on March 1, 2019. This notice stated a Planning Commission meeting was to be held on March 12, 2019. The residents were not afforded the prior knowledge to attend meetings when many others had their properties excluded from this process.

The Santa Rosa Valley MAC unanimously voted to exclude Rocky High Rd. properties from the wildlife corridor process. In discussion with Supervisor Parks, she stated the Rocky High parcels were included for two reasons, the size of the parcels (10 acres) and the proximity or overlay of the blue line waterways, which I understand is now no longer an issue. Per the current map, several 10 acre parcels have already been excluded, such as Andalusia Estates. Rocky High properties are all ten acre parcels for the most part, so with this in question why are we not treated the same?

Supervisor Parks has assured us Rocky High properties are not directly in contact with the arroyo or other water features. Please reference our submittal: Pictures "J-M", the ditches as noted on the map originating from the Wildwood Hills, remain dry, water is only present after a substantial rainfall, then immediately dries up providing no continuous water source.

Picture "U" highlights the fenced areas of Rocky High Rd. properties. Please note the extensive use of wildlife as shown by the obvious wildlife trails outside the fencing in the photos provided. Pictures "N-Q"

As no water is directly accessible through Rocky High Rd. and the properties have already been fenced to their boundaries, we clearly have shown we do not provide for an access way or "Choke Hold" on animal travel. Andalusia Estates was granted an exclusion, which in fact unlike Rocky High Rd. does provide for an animal "Choke Hold". We respectfully request to be excluded from the Wildlife Corridor process as so many others before us in Santa Rosa Valley.

Thank you for your consideration.

Sincerely,

Melissa Dundas

We need a surge plan. When Police depart, have sick calls and the job still needs to be done they mandate overtime. When we as nurses are overstaffed it's sense we flex off. But when over crowded we page for help and often no one comes, plans stressed. Flood out charges down slowing, admits. We need on call pool of nurses. We need a surge plan, not a prayer plan.

Unfortunately in the last year the problem has not gotten better, it's only gotten worse, to the point where many seem to think this is the new normal.

One reason mortality rates go up when boarding patients in the ER is because instead of admitted patient being on a stable unit, the ER nurses and doctors are forced to prioritize stabilizing unstable and dying patients against the needs of the more stable patient that should be on the floor. Often as a result the more stable patients don't get their treatments in a timely manner.

To make matters more challenging, most trauma centers have multiple ER techs such as EMTs or CNAs in the ER any time to do such tasks as EKG, splinting, vital signs as well as many other critical tasks that are delegated to them by the nursing staff.

In our ER due to the **staffing levels set by The County years ago**, we are lucky to have one tech on at any given time and often without one all together. With the size of the ER that we have now coupled with the volume of ER patients and boarding patients we should have no less than 3 ER techs on any given shift. Without the help of ER techs, the ER nurses are slowed to providing life-sustaining treatments because they are burdened with doing tasks they could ordinarily delegate.

In fact, in spite of being in an **ER that is roughly 4 times the size of the old ER** we continue to do the job with the same staffing levels as set by The County in the old ER. **This is unsafe.**

We today have **over 50 fewer inpatient beds** than we did in our old hospital. Instead of doing whatever it takes to get the Finner wing of the old hospital demoed and rehabilitated to modern code to accept all of these boarding patients, little progress has taken place.

For months Hillmont has been understaffed which leads to more patients waiting untreated for their psychiatric conditions in a non-secured ER, which at times has led to violent outbursts by psychiatric patients in the ER.

For the last two weeks, Hillmont Psychiatric has been on quarantine due to what is believed to be a Norovirus outbreak resulting in even more psychiatric patients on a 5150s to expire without treatment for

their conditions, and yet carpet still exists within patient treatment areas, which makes sanitizing treatment areas almost impossible.

As previously stated, "Crowding is not an emergency department-based problem. Rather, it is a symptom of dysfunction in interrelated parts of the broader health care system." The challenges that have been outline cannot be fixed by working harder. We are at a breaking point but not at a point of no return.

1. You must complete the remodeling of our old patient spaces as soon as humanly possible in order to clear out the boarding patients from the ER, the patients deserve better.
2. We need more staff. The ER needs more ER nurses and more ER techs to provide safe and timely treatment.
3. We need more nurses to take care of the boarding patients in the ER so they don't fall through the cracks.
4. We can't continue to except outside transfers when we are already boarding patients in the ER. This is first and foremost an unsafe practice, since we often don't even have enough staff to take care of the already boarding patients in the ER.

*\* We need on call nurses to fill the need when the surge plan comes into place*

*\* These challenges are at your feet, and can only remedied by you. ~~This is not a ma~~*

**The hospital administrators are powerless to complete the remodel without the authorization and funding from you.**

**The hospital staffing numbers can't be adjusted to the current conditions unless you give Human Resources the authorization to do so.**

**Please help us do the jobs we all signed up to do. Help us to help our patients. We are counting on you.**

*These challenges are not a matter of opinion, but a matter of fact.*

"Crowding is not an emergency department-based problem. Rather, it is a symptom of dysfunction in interrelated parts of the broader health care system. A stubborn misperception persists that crowding results from uninsured patients' seeking nonemergency care in the emergency department. <sup>5</sup> However, as the Institute of Medicine and the Government Accountability Office now recognize, the main driver of emergency department crowding is patient outflow obstruction: an inability to move admitted patients to inpatient beds in a timely manner."

This same journal went on to state that, mortality generally increased from 2.5% in patients boarded < 2 hours to 4.5% in patients boarding 12 hours or more.

*Project HOPE—*

*The People-to-People Health Foundation, Inc.*

*Aug 2012*

Another way of restating this fact is that mortality rates increase 80 percent when patients in the ER hold more than 12 hours or more.

Within the last 2 weeks, in our 26 bed ER, we bordered between psychiatric & medical 30 patients! That's 4 more patients than we had beds. We were boarding patients in the hallways because we had run out of rooms, all while continuing to see ER patients awaiting treatment in the waiting room.

All ambulances coming to our ER with the exception of major traumas went right to the waiting room, because we had run out of beds.

While this took place, physicians continued to accept trauma, surgical, pediatric and stroke transfer patients to our hospital from outlying hospitals to only board as admissions with no beds to put them in.

Last week I saw a patient with life altering medical conditions leave against medical advise simply because there was no room for them other than in the ER.

In addition, the number of patients leaving from the waiting without being seen by an ER doctor has gone up because there was simply not a physical gurney or hallway space for them to be seen.



FROM: <https://www.dnb.com/duns-number/lookup.html> and manta.com.

The following is the DUNS number for **COUNTY OF VENTURA**:

DUNS number: **066691122**

800 S Victoria Ave, Ventura, CA 93009-0001 (805) 654-2644

The screenshot shows the Dun & Bradstreet website's DUNS lookup results. The browser address bar shows the URL <https://www.dnb.com/duns-number/lookup.html>. The page title is "D&B D-U-N-S Number Lookup". Below the browser window, the page displays "510 Search Results". A message states: "See your company listed below? You can have your D-U-N-S number emailed to you or view/update your company information. If you don't see your company's name in the search results, search again or request a new D-U-N-S number by clicking the link at the bottom of the screen." The results list includes:

- COUNTY OF VENTURA**  
800 S Victoria Ave, Ventura, CA 93009-0001  
805 654-2644  
Headquarters: Active  
Email D-U-N-S Number (link)  
View / Edit Company Information (link)
- VENTURA COUNTY OFFICE OF EDUCATION**  
5189 Verdugo Way, Camarillo, CA 93012-8653  
805 383-1900  
Headquarters: Active  
Email D-U-N-S Number (link)  
View / Edit Company Information (link)
- AREA HOUSING AUTHORITY OF THE COUNTY OF VENTURA**  
1400 W Hilmar St, Newbury Park, CA 91320-2720  
Headquarters: Active  
Email D-U-N-S Number (link)  
View / Edit Company Information (link)

At the bottom of the results section, there are three buttons: "CALL US (866) 990-5845", "CONTACT US" (with a dropdown arrow), and "START A LIVE CHAT". The Windows taskbar at the bottom shows the time as 9:07 AM on 3/12/2019.

The screenshot shows an Outlook email interface. The email is titled "Your DUNS Lookup Request for County of Ventura" and is from "Dun & Bradstreet". The email body contains the following text:

Having trouble seeing this email? [View it online](#)

**dun & bradstreet**

03/12/2019

**Janet Fischer,**

The following is the Dun & Bradstreet D-U-N-S® number for County of Ventura  
D-U-N-S number: **066691122**

If this is **YOUR COMPANY**, take advantage of [CreditBuilder™](#), our next generation credit building solution

**With CreditBuilder you can:**

- Get unlimited access to your business credit file
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The Outlook interface shows the email in the "Inbox" folder. The Windows taskbar at the bottom shows the time as 9:07 AM on 3/12/2019.

Browser: <https://manta.com> Search results for county of ...

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 1171 Verdugo Way  
 Camarillo, CA 93617  
 (805) 299-1100

Do you own this business? [Verify](#)




**County Of Ventura**  
 800 South Victoria Avenue  
 Ventura, CA 93009  
 (714) 926-5853

Do you own this business? [Verify](#)



**County Of Ventura**  
 101 North Hill Street  
 Santa Barbara, CA 93101  
 (805) 545-5715

Do you own this business? [Verify](#)



**County Of Ventura**  
 146 County Square Drive #

Do you own this business? [Verify](#)

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Browser: <https://manta.com> County Of Ventura CA 930...

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**County Of Ventura**  
 800 South Victoria Avenue  
 Ventura, CA 93009  
 Phone: [Show Number](#)  
 Web: [www.ventura.org](http://www.ventura.org)

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County Of Ventura is a privately held company in Ventura, CA and is a Single Location business  
 Categorized under Executive Offices

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Taskbar: 9:27 AM 3/12/2019

The following is the DUNS number for **SUPERIOR COURT OF CALIFORNIA**:

DUNS number: **784264280** 800 S Victoria Ave, Ventura CA 93009

From manta.com: Superior Court of California is a privately held company in Ventura, CA and is an Unknown business. Categorized under Court and Convention Reporters. Our records show it was established in 2006 and incorporated in California. Current estimates show this company has an annual revenue of unknown and employs a staff of approximately 250 to 499.

The screenshot shows a web browser window with the URL <https://dbs.com>. The page displays search results for "SUPERIOR COURT OF CALIFORNIA". The results list the company name, address (800 S Victoria Ave, Ventura, CA 93009-0001), phone number (905 654-2920), and status (Single, Active). It also provides links to "Email D-U-N-S Number" and "View / Edit Company Information". Below this, there are two more entries for "THE JUDICIAL COUNCIL OF CALIFORNIA" with similar details.


The screenshot shows an Outlook email interface. The email is titled "Your DUNS Lookup Request for Superior Court of California". The sender is "Janet Fischer" and the date is "03/12/2019". The email content states: "The following is the Dun & Bradstreet D U N S number for Superior Court of California D-U-N-S number: 784264280". It also mentions "CreditBuilder" and provides a link to "Access My Account". The email interface includes a sidebar with folders like "Inbox", "Sent Items", and "Deleted Items".




Browser: <https://manta.com> Search results for superior c...

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**Superior Court of California**  
800 South Victoria Avenue 250  
Ventura, CA 93009  
Phone (805) 961-1111




**Superior Ct Of Ca County Of**  
800 South Victoria Avenue 250  
Ventura, CA 93009  
Phone (805) 961-1111




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U.S. > Ventura, CA > Government > Courts > State Courts > Superior Ct Of Ca County Of

**Superior Ct Of Ca County Of**  
800 South Victoria Avenue  
Ventura, CA 93009  
Phone (805) 961-1111  
Web [www.judicialcouncilwatcher.com](http://www.judicialcouncilwatcher.com)

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## The voice of business since 1949!

*VCEDA's Mission Statement: To advocate for policies, legislation and programs that stimulate business and a vital economy as the foundation for a vibrant quality of life in Ventura County.*

March 11, 2019

Ventura County Board of Supervisors  
800 S. Victoria Ave.  
Ventura, CA 93003

### RE: OPPOSITION to proposed Wildlife Corridor ordinance

Dear Ventura County Board of Supervisors,

For 69 years, the Ventura County Economic Development Association (VCEDA) has served as the unified regional voice of business on issues affecting the economy of Ventura County. As such, please accept this letter in opposition to the proposed County of Ventura's Wildlife Corridor ordinance currently under consideration.

Local residents, businesses and the ag community peacefully co-exist with a number of species that enjoy the ability to roam freely throughout their property and beyond. While we appreciate the County's efforts to provide additional "areas of contiguous natural habitat" for wildlife as well as the efforts of Planning staff to address the concerns of stakeholders during the comment process, we continue to have significant concerns with this ordinance as written.

This ordinance subjects more than 400,000 acres of unincorporated county lands to a host of new regulations by turning regional wildlife corridors into an overlay zone. Much of this zone includes private properties within the unincorporated areas of Ventura County. Nearly 200 of these stakeholders attended the January 31, 2019 Planning Commission hearing and voiced their concerns which should not go unrecognized.

This ordinance places yet another layer of regulations and zoning requirements on lands – ignoring standards already in place to protect operations, workers and nearby communities. It contradicts those existing requirements and standards meant to ensure best management practices currently in place. Equally, after a full review of the draft ordinance, VCEDA believes the ordinance is subject to the California Environmental Quality Act (CEQA). As such, Ventura County is required to analyze and disclose to the public potential environmental impacts which could occur as a result of the project, including cumulative impacts. VCEDA believes that the proposed draft ordinance may result in significant effects on the environment and would ask the County study those impacts to ensure the results they are looking to achieve by drafting this ordinance.

Because the draft ordinance has the potential for significant environmental impacts, VCEDA strongly recommends that Ventura County prepare an Environmental Impact Report (EIR). It should be noted that, while the draft ordinance requires an analysis of individual projects/activities, VCEDA believes the County is obligated to analyze how this proposed ordinance impacts the NCZO. Furthermore, Ventura County has an obligation to disclose potential impacts of the NCZO amendment to members of the public.

Sincerely,

Michele Newell,  
Board Chair, Ventura County Economic Development Association

CC: Supervisor Steve Bennett, Supervisor Bob Huber, Supervisor Kelly Long, Supervisor Linda Parks, Supervisor John Zaragoza, RMA Director Kim Prillhart, Clerk of the Board Rosa Gonzales

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Board Chair, Ventura County Economic Development Association

CC: Supervisor Steve Bennett, Supervisor Bob Huber, Supervisor Kelly Long,  
Supervisor Linda Parks, Supervisor John Zaragoza, RMA Director Kim Prillhart,  
Clerk of the Board Rosa Gonzales

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Maria Ventura, SoCalGas

Celina Zacarias, CSU Channel Islands

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## United States Department of the Interior

### U.S. FISH AND WILDLIFE SERVICE

Ecological Services  
Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003



IN REPLY REFER TO:  
08EVEN00-2019-CPA-0049

County of Ventura

MAR 11 2019

March 8, 2019

Clerk of the Board

Clerk of the Board  
800 South Victoria Avenue, L#1920  
Ventura, California 93009-1920

Subject: Support for Ventura County Habitat Connectivity and Wildlife Corridors Program

Dear Ventura County Board of Supervisors:

We are responding to your notice, received in our office via electronic mail on March 1, 2019, for the upcoming Ventura County Board of Supervisors hearing on the Ventura County Habitat Connectivity and Wildlife Corridors Program (Program). We are writing to express our support for the Program and the County's efforts to balance development with maintaining connected habitats. As we have noted in previous letters and testimony, the geographic location of Ventura County is uniquely situated to provide the regional habitat connectivity necessary for facilitating wildlife movement and maintaining the integrity of the County's unique ecological communities.

We are fortunate to have large areas of protected habitat within Ventura County in the relatively undisturbed Santa Monica Mountains National Recreational Area to the south and the Los Padres National Forest to the north, as well as natural open spaces that connect these habitats. It is essential that we preserve this connectivity to maintain gene flow and the genetic fitness of native plants and animals, and to allow for adaptation to environmental changes including projected future climate change. Connected habitats allow species with limited ranges such as reptiles and small mammals to shift to adjacent areas if populations experience loss of habitat, and facilitate movement of wide-ranging species such as mountain lions (*Puma concolor*) that require large areas to secure needed resources. Even highly mobile animals including birds and insects require habitat connectivity to sustain their populations, such as monarch butterflies (*Danaus plexippus*) which use patches of native habitat to secure needed nectar resources along their migratory journey. Connectivity areas also help maintain critical ecological processes for example pollination, seed dispersal, and predator-prey interactions in the habitats they connect.

In addition to facilitating the movement of individuals and maintenance of ecological processes, the County's habitat connectivity areas provide important "live-in" and breeding habitat that sustains populations of many federally listed plants and animals the U.S. Fish and Wildlife Service works to protect, including areas of designated critical habitat for several species. Federally listed species occurring in the proposed Habitat Connectivity and Wildlife Corridors



Overlay Zone include riparian nesting birds such as least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*); aquatic species including California red-legged frog (*Rana draytonii*), tidewater goby (*Eucyclogobius newberryi*), and Riverside fairy shrimp (*Streptocephalus wootoni*); and a range of plant species including Lyon's pentachaeta (*Pentachaeta lyonii*), Braunton's milkvetch (*Astragalus brauntonii*), and Conejo dudleya (*Dudleya parva*). The Ventura River corridor also provides habitat for two species currently being considered for listing under the Endangered Species Act, the southwestern pond turtle (*Actinemys pallida*) and two-striped garter snake (*Thamnophis hammondi*).

We wish to draw particular attention to the Tierra Rejada Valley area and encourage you to preserve its inclusion as a Critical Wildlife Passage Area (CWPA) in the final Program. Along with the Simi Hills, the Tierra Rejada Valley represents a critical link in the modeled wildlife corridor that facilitates animal movement between the Santa Monica Mountains and mountain ranges to the north, and is threatened by ongoing development and land conversion. In addition to its key role in maintaining regional habitat connectivity, the Tierra Rejada Valley encompasses significant areas of coastal sage scrub vegetation that provide essential nesting habitat for the federally threatened coastal California gnatcatcher (*Poliophtila californica californica*). Coastal sage scrub habitats have been greatly reduced in California in recent decades due to development, and gnatcatchers nest almost exclusively in this vegetation type. Nonetheless, coastal California gnatcatchers have been found in substantial numbers in and around the Tierra Rejada Valley in recent years. Extension of the more protective development standards proposed for CWPAs to the Tierra Rejada Valley, including clustering of development, would help minimize loss of coastal sage scrub vegetation and, in turn, help ensure the continued survival of coastal California gnatcatchers in Ventura County.

We support the County's proposed inclusion of setbacks (buffers) from important wildlife crossing structures and surface water features. Ideally, the specification of an appropriate minimum setback distance to ensure that a landscape feature continues to provide functional connectivity should be based on the best available science. However, while there is a growing body of scientific literature on this topic, defining an appropriate science-based buffer is challenging because the minimum recommended distance may depend upon the species, habitat, topography, and impact type (e.g. night lighting, noise, spread of invasive species, disturbance from domestic pets, etc.) under consideration. For example, the Service typically requires a 500-foot buffer around occupied least Bell's vireo nests to minimize the likelihood of noise disturbance to nesting vireos, though this buffer may be reduced in some cases if intervening barriers to the transmission of noise exist on the landscape. Because focused research is seldom available for a given species, impact, and location, and because Ventura County's proposed buffers would be implemented to address a range of impacts to multiple species, our recommendation is that a larger setback distance (i.e. 200 feet) is more likely to preserve the value and function of crossing structures, surface waters, and other connectivity features for wildlife.

In summary, the Service supports the many important elements of the County's proposed Program and we encourage you to retain these in the final Program, including:

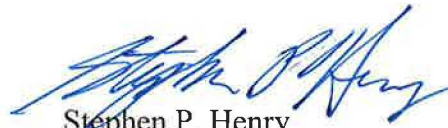
- Inclusion of the Tierra Rejada Valley, Simi Hills, and Oak View Critical Wildlife Passage Areas
- Clustering of development features within CWPAs
- Provision of adequate buffers around surface water features, with 200 feet preferred
- Inclusion of the Ventura and Santa Clara River corridors in the Overlay Zone
- Provisions to reduce impacts of night lighting and promote wildlife permeable fencing
- Protection and enhancement of wildlife crossing structures
- Possible addition of the Santa Susana Field Lab in the Overlay Zone

Proactive land use planning which includes mapping of intact connectivity areas and identification of potential threats to their integrity can play a critical role in maintaining habitat connectivity for the benefit of plants, animals, and ecological processes. Land use policies and regulations can promote local and regional habitat connectivity in a variety of ways, such as clustering development away from wildlife movement areas. In concert with highway wildlife crossings, permanent protection of connectivity areas through conservation easements or land acquisition, and other tools, regulatory mechanisms such as Ventura County's proposed Program can help maintain regional habitat connectivity as development proceeds.

The U.S. Fish and Wildlife Service's mission is working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The Ventura County Habitat Connectivity and Wildlife Corridors Program is consistent with that mission, and it may also be beneficial for other Federal agencies in Ventura County who are looking for opportunities to meet the requirements of section 7(a)(1) of the Endangered Species Act of 1973, as amended, for Federal agencies to use their authorities to carry out programs for the conservation of federally listed species.

Our office is ready to assist in accomplishing the goals of the Ventura County Habitat Connectivity and Wildlife Corridors Program. We are encouraged by and support this and other efforts involving multiple agencies and stakeholders to promote the conservation of plants and wildlife and the habitats on which they depend. If you have any questions regarding this matter, please contact Mark Ogonowski of my staff at (805) 677-3350.

Sincerely,



Stephen P. Henry  
Field Supervisor

cc:  
Shelley Sussman, Ventura County Planning Division

**LOS PADRES FORESTWATCH**  
**CALIFORNIA CHAPARRAL INSTITUTE • CALIFORNIA NATIVE PLANT SOCIETY**  
**CALIFORNIA STATE PARKS FOUNDATION • CALIFORNIA TROUT**  
**CALIFORNIA WILDERNESS COALITION • CENTER FOR BIOLOGICAL DIVERSITY**  
**CENTER FOR REGENERATIVE AGRICULTURE**  
**CENTRAL COAST LEAGUE OF CONSERVATION VOTERS • CHANNEL ISLANDS RESTORATION**  
**CITIZENS FOR RESPONSIBLE OIL & GAS • CONEJO OAK TREE ADVOCATES**  
**CONEJO VALLEY AUDUBON SOCIETY • DEFENDERS OF WILDLIFE • EARTHJUSTICE**  
**FOOD AND WATER WATCH • FRIENDS OF THE SANTA CLARA RIVER**  
**FRIENDS OF THE VENTURA RIVER • GREENLATINOS • KEEP SESPE WILD**  
**MATILIJA COALITION • MOUNTAIN LION FOUNDATION**  
**NATIONAL PARKS CONSERVATION ASSOCIATION • NORTH RANCH MOUNTAIN BIKERS**  
**OJAI RAPTOR CENTER • OJAI VALLEY GREEN COALITION • ONCE UPON A WATERSHED**  
**PASO PACIFICO • POISON FREE MALIBU • PUBLIC LAND ALLIANCE NETWORK**  
**SAVE OPEN SPACE AND AGRICULTURAL RESOURCES (SOAR)**  
**SAVE OPEN SPACE/SANTA MONICA MOUNTAINS • SIERRA CLUB, LOS PADRES CHAPTER**  
**SURFRIDER FOUNDATION, VENTURA COUNTY CHAPTER**  
**TEMESCAL CANYON ASSOCIATION • THE NATURE CONSERVANCY**  
**VENTURA AUDUBON SOCIETY • VENTURA CITIZENS FOR HILLSIDE PRESERVATION**  
**VENTURA COUNTY WILDLIFE TRACKERS • WILDEARTH GUARDIANS**  
**WILDLIFE CARE OF SOUTHERN CALIFORNIA**

March 11, 2019

Ventura County Board of Supervisors  
800 S. Victoria Ave.  
Ventura, CA 93009

Re: Support for Habitat Connectivity and Wildlife Movement Corridor Ordinance  
Agenda Item #31, Board of Supervisors Hearing, March 12, 2019

Dear Chair Bennett and Members of the Board:

We applaud the County of Ventura for its multi-year effort to identify wildlife corridors and develop a set of standards to protect our local wildlife as the county continues to grow. The protection of wildlife



corridors will safeguard animals and their habitat within key travel ways that connect the Los Padres National Forest, Santa Monica Mountains National Recreation Area, and other open space throughout the county.

Scientists have long studied population dynamics of local wildlife species, the decline of which has been attributed to habitat loss and fragmentation throughout our region. Animals that exemplify Ventura County's rugged nature and reflect its residents' strong will and tenacity depend on the conservation of connected habitat in order to survive long into the future. This proposal will encourage smarter development practices that will undoubtedly protect mountain lions, bears, bobcats, foxes, coyotes, badgers, birds, aquatic species, and other wildlife for generations to come.

Our region's wildlife are increasingly impacted by non-native plant infestations, outdoor night lighting, wildlife impermeable fencing, and development in sensitive areas such as along streams and across critical animal movement pathways. The proposed ordinance would substantially reduce these effects by prohibiting the intentional planting of invasive species near streams, limiting the amount and type of lighting that can be used at night, reducing the cumulative area of wildlife impermeable enclosures, and discouraging sprawling development—especially in sensitive areas. Without these standards, wildlife that live in and traverse Ventura County will continue to be negatively affected.

Importantly, the proposal benefits wildlife without placing excessive burdens on landowners. The ordinance contains dozens of exemptions designed for agricultural producers, livestock managers, and other landowners. It does not prohibit activities and development but rather relies on the County's existing permitting process to improve the mitigation of environmental impacts. For example, the ordinance will make some types of development subject to discretionary permitting rather than ministerial near surface water features. This is something already employed by neighboring counties such as Santa Barbara.

Contrary to the talking points of well-financed opponents of this proposal, the ordinance contains exemptions allowing landowners to continue creating and maintaining defensible space around their structures to protect them from wildfire. The County Fire Chief stated in a letter dated January 8, 2019 that "there are sufficient accommodations and exemptions in the ordinance to allow the Ventura County Fire Department the ability to maintain vegetation management and fuel treatments in the proposed wildlife corridors," and the Ventura County Fire Protection District stated numerous times during the January 31, 2019 Planning Commission hearing that wildfire mitigation would not be impacted by the ordinance.

Unfortunately, the draft ordinance before you now is less robust than the version that County staff presented to the Planning Commission in January 2019. We urge you to reject some of the changes which serve to weaken the ordinance's goal of protecting wildlife habitat connectivity and movement. The ordinance is already the result of significant compromise—it should not be diminished further. Specifically, the Board should approve the ordinance and reject the following amendments:

- exclusion of large areas from the overlay zones, especially the Tierra Rejada Valley; and

- reduction of surface water feature setbacks from 200 feet to 100 feet that would allow development to further encroach on sensitive riparian zones—buffer areas that help to protect all water resources downstream.

The forethought of this proposal and the Board's original direction cannot be understated. Adoption of a strong ordinance will position Ventura County as a leader in wildlife protection not only throughout the state but throughout the nation as well. This major step forward will ensure that our children and their children will get to experience both the wonder of our local wildlife and the critical benefits that wildlife provide to the healthy ecosystems on which we rely.

Sincerely,

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**CAROL GRAVELLE GRAPHIC DESIGN  
DELICATE PRODUCTIONS  
ECOLOGIC LIFE  
FLETCHER CHOUINARD DESIGNS  
GARY BULLA'S FLYFISHING ADVENTURES  
GREYFOX INVESTORS LLC  
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RINCON-VITOVA INSECTARIES  
THE MOB SHOP  
THE OJAI RETREAT  
THE REFILL SHOPPE  
TIMOTHY TEAGE PHOTOGRAPHY  
TOPA TOPA BREWING CO.**

March 11, 2019

Ventura County Board of Supervisors  
800 S. Victoria Ave.  
Ventura, CA 93009

Re: Business Support for Habitat Connectivity and Wildlife Movement Corridor Ordinance  
Agenda Item #31, Board of Supervisors Hearing, March 12, 2019

Dear Chair Bennett and Members of the Board:

The long-term survival of wildlife in Ventura County is critical to the success of our beautiful and ecologically-diverse region as it continues to grow and develop. The proposed protections for wildlife corridors you are considering are an important step forward for both the wildlife and the people who call Ventura County home.



Wildlife help ensure that our local ecosystems are healthy. We rely on the places that provide habitat for local plants and animals for clean air, pure water, opportunities for outdoor recreation, and the aesthetic that makes Ventura County such an incredible place in which to live and work. When these ecosystems are functioning properly, we humans—and the companies we represent—reap health and economic benefits.

In short, healthy ecosystems are good for business, good for our employees and their families, and good for the community in which we live, work, and play. We therefore urge you to adopt a strong and effective ordinance that protects wildlife and their habitat throughout Ventura County. This forward-thinking action will ensure that our area's rich natural heritage is preserved for current and future generations.

Sincerely,

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F.H. MALZACHER

E.C. MALZACHER

(805) 525-2739



SANTA PAULA, CALIFORNIA U.S.A.



March 12, 2019

Kim L. Prillhart, Director  
Ventura County Planning Division  
Attn: Wildlife Corridors  
800 S. Victoria Avenue  
Ventura, Ca 93009

Dear Ms. Kim L. Prillhart,

This letter is to acknowledge our receipt of the notice for the public hearing on March 12, 2019 and to formally address our concerns, should the project go forward as proposed. It should be noted that we have experienced problems in the past with decisions that the County Planning Department has made and that the result was serious inverse consequences to our property. The purpose of this letter is to state that any authority that you are proposing to assert onto property owners that fall in this "corridor" be addressed with each property owner and detailed how this Habitat Connectivity and Wildlife Corridor (HCWC) will specifically affect his or her property.

This will be the 3<sup>rd</sup> time that my family has come to speak to you. The first time was in 2005 when the City of Santa Paula asked you to annex land that was protected under the Williamson Act to build the Santa Paula Treatment Plant. The second time was on MARCH 16, 2011 when Limoneria wanted to turn farm land into housing developments.

In 2005, we were informed at the time by Everett Millais and Kim Ullrich that you could not tell them how to build a sewage plant only the place they could put it. Had you listened then and used the power you have for "orderly development" and not just rubber stamped the projects we might not be here today. Unfortunately, history tells us that governmental agencies do not have a problem destroying other people's property for their own gain.

Because of the choice you made then it now impacts the decision you want to make today, how is that possible you think? This is how. The city of SP placed percolation ponds directly in front of our home, precisely about 100 feet. We have unsuccessfully been trying to work with the City of SP for years. They had originally promised to put several rows of lemon or avocado trees but when all these attempts failed, they have just let the land become a fire hazard with brush growing wildly up the side of the percolation pond barriers.

The reason why we are addressing this today is that we do not want whatever you plan to pass to adversely affect us. Your notice did little to really describe what you want to impose regulations on what brush can and cannot be cleared. We have been requesting that this brush be cleared for some

time and planted with fruit trees as it was before. Your statement that this HCWC ordinance will revise the vegetation modification exemption to state "as allowed by" instead of "as required by" the Fire Department and add exceptions for vegetation modification within surface water features to include all bona fide conservation efforts.

To be specific about our parcel, the Santa Clara River runs through the lower portion of our almost 30 acre citrus and avocado ranch. We do not want any governmental agency to be able to take away our property rights and tell us what we can and cannot do with our property. Further, we do not want any conservationists to say that brush around the water treatment plant can stay as brush because it is a habitat. We have brush on our property and if we want to turn it into farm land, we should be able to do so. Your letters were vague and I am writing this just to make sure we have stated that we do not want any more restrictions on our property that deliberately lower the value of our property without compensation.

We also want to point out that the approval of the SP Water Treatment plant did the opposite of conservation but rather has put stress on the aquifer and local eco system. The city is currently putting treated sewage into their percolation ponds of 150 ppm of chlorides when the level should be no more than 90-100ppm. Since a large part of Ventura counties income is agriculture, less chlorides means more income for farmers but also less contamination to wildlife. The effects of all the pathogens and chemicals cannot be good for our ego system.

This is where you make a choice for Orderly development and you should require for the future that all of the cities within the County of Ventura put in RO plants and not water treatment plants that simply make things worse.

We also ask that this letter become a part of the ongoing documentation and discussion of this project.

Thank you for the consideration and ongoing evaluation of these concerns. We may be reached at (805) 656-1760 or (805) 415-9009.

Sincerely,



Katherine Malzacher-Maxwell

Trustee for Fred and Elaine Malzacher Irrevocable Trust



**Subject:**Comment/ Question for the record re 12Mar2019 Hearing regard  
Corridors and Santa Paula Airport  
**Date:**Mon, 11 Mar 2019 18:16:00 -0700  
**From:**Stephen Wolpin <swolpin@earthlink.net>  
**To:**ClerkOfTheBoard@ventura.org

Stephen  
Wolpin

11Mar2019

RE: Santa Paula Airport

Ms. Gonzalez and Members of the Ventura County Board Of Supervisors:

Recognizing that most of the Santa Paula Airport property lies within the City of Santa Paula and is therefore exempt from any new County Ordinance jurisdiction regarding the proposal and adoption of this Corridor, we have the following comments & request:

1. Security is an ongoing concern for all real property, personal property and the users of the airport and all adjacent aviation-use properties with approved access and use of the Santa Paula Airport facilities. The threat of wild animals coming in contact with operating aircraft and unauthorized people needing to be kept off airport property and away from the attractive nuisance of aircraft and other personal property are of ongoing concern to this and every airport.
2. Similarly, safety of operations on the subject properties and in the vicinity of the airport is an ongoing concern.
3. Operational lighting & security lighting and fencing are critical to assure these safety & security outcomes. Motion activated lighting exists at various locations on the airport at this time and is intended to be installed and maintained —together with security fencing— along the southern property line of the airport, immediately adjacent to the Santa Clara River. The nature of airport lighting is generally downward-pointing and facing the airport property, however we want to be assured that the trespassing nature of airport lighting, aircraft lighting & operations in general and of our security lighting & fencing in particular will not be in violation, should the Board of Supervisors adopt the proposed Habitat Connectivity and Wildlife Movement Corridors against our objections previously stated in our letter 08Mar2019 or any future proposals adopted by the BOS.
4. Until this Wildlife proposal is more thoroughly studied and its impacts fully defined and mitigated, we urge you to reject resolution/ adoption.
5. In any event we request and would appreciate specific exceptions for Santa Paula Airport in all the cases stated herein relative to this Wildlife proposal and/or any other future proposals of any kind brought before the BOS which might adversely impact the nearly 90 year-old heritage airport which is a gem of Santa Paula and Heritage Valley.

Respectfully,

Stephen Wolpin  
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March 12, 2019

File Number: 23BX-259117

## VIA HAND DELIVERY

Board of Supervisors  
County of Ventura  
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800 S. Victoria Ave.  
Ventura, CA 93009

Re: Comments on Proposed Wildlife Movement Ordinance Amending the Ventura County General Plan and Articles 2, 3, 4, 5, 9 and 18 of the Ventura County Non-Coastal Zoning Ordinance, PL 16-0127

Dear Honorable Supervisors:

We write on behalf of The Newhall Land and Farming Company (Newhall), a subsidiary of Five Point Holdings, LLC, to provide comments on the County of Ventura's (County) proposed amendments to the Ventura County General Plan and Articles 2, 3, 4, 5, 9 and 18 of the Ventura County Non-Coastal Zoning Ordinance, PL 16-0127 (collectively, the Ordinance). Newhall owns approximately 16,050 acres in Ventura County, including approximately 8,787 acres that could be subject to the Ordinance as currently proposed (**Exhibit 1**). Newhall has owned the property for approximately 130 years, and its property supports a variety of established uses that are important to the County's economy and way of life, including commercial agriculture and grazing, filming, habitat conservation and compensatory mitigation.

Newhall shares the County's desire to protect wildlife habitat values, and has committed substantial resources to ensure that its property will provide opportunities for wildlife movement on a local and regional scale, now and in the future. Approximately 11,975 acres, or nearly 75 percent, of Newhall's property are already subject to various conservation instruments and binding commitments that restrict development and protect habitat values, including a settlement agreement with the County that establishes a wildlife corridor on the property (**Exhibit 2**). These areas are adjacent to thousands of acres of additional land that Newhall owns in Los Angeles County, which is also permanently dedicated to habitat conservation and open space purposes. Nonetheless, Newhall does not support the adoption of the Ordinance as currently proposed, due to concerns about the legal defects in the process the County has followed in developing the Ordinance, the unlawful exaction of additional property from Newhall beyond that provided for in the settlement agreement, and the impact of the Ordinance on commercial agriculture and other lawful, established uses of Newhall's property.

Rather than rushing to adopt the current, flawed Ordinance, the Board of Supervisors (Board) should remand the Ordinance to the County's Planning Commission to correct

procedural flaws, remove Newhall's property from the proposed overlay zone, address other substantive issues that remain unresolved, and hold a public hearing on the revised draft Ordinance. Even if the Board is determined to move forward with the Ordinance, it should, at minimum, revise the Ordinance to exclude from the proposed HCWC zoning overlay all property used for commercial agriculture and related uses. Doing so would be consistent with the County's stated intent to exempt commercial agriculture from the Ordinance, but would be far more effective, efficient and certain than relying on textual exemptions in the Ordinance for various agriculture-related activities.

## I. Background

As described in our comment letter to the Planning Commission dated January 31, 2019 (January 31 Comments), Newhall owns approximately 16,050 acres in eastern Ventura County, primarily south of SR126, including areas within the Santa Clara River and its adjacent floodplain, and rugged hill country (**Exhibit 1**).<sup>1</sup> Approximately 1,300 acres of the property are developed with commercial agriculture uses, of which approximately 782 acres lie within the proposed HCWC overlay (**Exhibit 3**). Uses and facilities within this area include orchards, cultivated fields, farm roads, fencing, river crossings, ranch offices and houses, maintenance and storage facilities, water wells and pipelines, a reservoir, drainage and flood control facilities, and related, legally established structures and improvements (**Exhibit 4**). These agricultural operations employ approximately 30 full-time workers and as many as 250 seasonal workers.

Although the proposed Ordinance would significantly affect Newhall's property interests, Newhall received no notice the County was developing the Ordinance, and only learned of it from third parties shortly before the Planning Commission's hearing on the Ordinance on January 31, 2019. Notwithstanding the lack of notice, Newhall submitted extensive written comments on the draft Ordinance and testified at the Planning Commission hearing. Newhall explained that the Ordinance would conflict with commercial agricultural operations on the Newhall property, would interfere with existing conservation commitments, would violate the settlement agreement between Newhall and the County, and suffers from other legal flaws. In addition to requesting that the Planning Commission defer action on the Ordinance until it had addressed these flaws, Newhall also submitted suggestions for revisions to the text of the Ordinance to clarify the exemptions for certain land uses and facilities.

Despite the concerns expressed by Newhall and many other property owners, the Planning Commission voted to recommend that the Board adopt the Ordinance, but with further changes to be made to the proposed Ordinance by County Planning staff following the January 31 hearing. After the hearing, Planning staff revised the draft Ordinance, including adopting most of Newhall's suggested revisions to the textual exemptions, and modified the boundary of the proposed HCWC overlay and CWPA to remove certain properties. The current proposed Ordinance under consideration by the Board reflects the changes undertaken by Planning staff, which the Planning Commission has not reviewed or approved.

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<sup>1</sup> The written comments that Sheppard Mullin submitted to the Planning Commission on behalf of Newhall, dated January 31, 2019, are incorporated herein by reference.



Newhall appreciates that the County has revised the language of the proposed Ordinance to adopt suggestions from Newhall and other stakeholders. However, the changes do not resolve Newhall's concerns about the impact of the Ordinance on its commercial agriculture operations, and do not fully address the recommendations made by the Planning Commission at the January 31 hearing. The changes also do not cure the legal defects in the Ordinance or the County's legislative process.

## **II. The Ordinance remains legally flawed and subject to invalidation by the courts.**

Our January 31 Comments identified several fatal flaws in the Ordinance and the process used to develop it. In addition, the process followed at the January 31 Planning Commission hearing, and since then, suffers from further legal flaws that would render the Board's adoption of the Ordinance in its current form invalid.

### **A. Legal flaws identified in Newhall's January 31 Comments**

As described in our January 31 Comments, an existing settlement agreement between Newhall and the County provides for the establishment of a 1,517-acre wildlife corridor on Newhall's property. The Ordinance would violate the agreement by burdening existing agricultural uses, which are protected under the agreement; imposing management requirements for the corridor that conflict with the agreement's requirement that the corridor be managed consistent with the adjacent High Country Special Management Area in Los Angeles County; and exacting additional property from Newhall for wildlife movement purposes. Based on the settlement agreement, Newhall's property should be excluded from the operation of the Ordinance.

The Ordinance also would unlawfully burden existing uses and property rights, raising due process and regulatory takings concerns. Moreover, the factual basis for the Ordinance is flawed and does not support the findings required by law for adoption of the Ordinance. In addition, the County violated state law by failing to provide Newhall with any notice of the proposed Ordinance, and by failing to conduct any California Environmental Quality Act (CEQA) review of the Ordinance despite its clear potential to cause significant environmental effects.

### **B. Additional legal flaws**

The revisions to the Ordinance since January 31 do not cure the legal defects that Newhall previously identified. Furthermore, the process followed at the Planning Commission hearing, and since then, does not comply with state law in several respects.

First, the Planning Commission failed to make a written recommendation on the Ordinance that complies with Gov. Code Section 65855, including the requirement to provide (i) the reasons for the recommendation; and (ii) the relationship of the proposed Ordinance to applicable general and specific plans. Planning Commission Resolution No. 19-02 includes only a bare recitation that adoption of the Ordinance is in the public interest and consistent with good zoning practice; it provides no reasons for adoption, and no explanation of how the

Ordinance would relate to the County's General Plan or to Specific Plans that the new zoning overlay may affect.

Second, Planning staff have made significant changes to the draft Ordinance recommended by the Planning Commission, without any opportunity for public participation or review by the Commission. Some of these changes, such as the removal of specific properties from the overlay zone without any direction from the Planning Commission, raise serious questions about whether the County has afforded equal treatment to similarly situated property owners. See Letter from K. Prillhart, Resource Management Agency Director, to Board of Supervisors, dated March 12, 2019, p. 6 (indicating that staff "revised the proposed HCWC overlay zone map to exclude certain developed areas within residential subdivisions in Oak Park and the Santa Rosa Valley") (Prillhart Letter). In other cases, Planning staff have failed to adequately address the issues identified by the Planning Commission. For instance, staff did not establish a "clearly communicated appeals process" for addressing issues related to individual properties, as directed in the Planning Commission's first recommendation. See *id.*

Staff also did not meaningfully address the Planning Commission's third recommendation, to recognize existing conservation commitments on properties such as the Tash property and the Newhall property, *id.* at 8. The proposed exemptions for such commitments are drawn so narrowly as to be meaningless. See revised Ordinance, §§ 8109-4.8.3.4(b), 8109-4.8.3.5(c) (limiting exemption to conservation instruments that prohibit development from being sited "within a specified distance" from a surface water feature or wildlife crossing structure). The narrow exemptions proposed by staff essentially provide no credit or acknowledgment for the fact that Newhall has already made permanent conservation commitments covering nearly 12,000 acres of its property, including 1,517 acres specifically dedicated as a wildlife corridor. Newhall does not believe this approach accurately reflects the intent of the Planning Commission's recommendation.

Given the wide latitude afforded to staff to revise the draft Ordinance, and its failure to accurately reflect the Commission's direction, the current draft of the Ordinance cannot be considered to have been recommended by the Planning Commission. The Commission must hold another public hearing to consider the proposed Ordinance and decide whether to recommend its adoption. See Gov. Code § 65854 ("The planning commission shall hold a public hearing on the proposed zoning ordinance or amendment to a zoning ordinance.") Moreover, because the current proposed Ordinance contains modifications not considered by the Planning Commission during its January 31 hearing, state law prohibits the Board from adopting the Ordinance without first referring the modifications back to the Commission for report and recommendation. Gov. Code § 65857.

These are additional grounds to overturn the Ordinance, if adopted in its current form and through the current, flawed process.



### **III. The revised Ordinance still imposes unnecessary burdens on commercial agriculture and other uses.**

Despite the County's stated intent to exempt commercial agriculture from the application of the Ordinance, the current draft Ordinance contains many restrictions and prohibitions that would interfere with agriculture-related activities, including restrictions on lighting, fencing, and vegetation modification. See, e.g., draft Ordinance, §§ 8109-4.8.2.4, 8109-4.8.3.3 – 5. Although the Ordinance exempts certain activities from these restrictions, there are many uses and facilities that are necessary for carrying out a commercial agriculture operation that may not be captured by these textual exemptions. Even where exemptions appear to apply, it is unknown how County staff will interpret and apply the exemptions, leaving landowners and agricultural operators facing substantial uncertainty and the potential burden of unnecessary permitting requirements. Attempting to interpret and apply these provisions on agricultural properties will also divert scarce County resources from application of the Ordinance to areas where it is appropriate and necessary.

By imposing unnecessary burdens on commercial agriculture operations, the Ordinance will have substantial adverse consequences on businesses that represent one of the County's most important economic engines and provide a key source of jobs in the County. These heritage agricultural operations are also important to the County's cultural and economic identity.

In addition to burdening agriculture, the revised Ordinance also continues to impose unnecessary and unreasonable burdens on conservation activities, infrastructure and other lawful uses of landowners' property, as described in Newhall's January 31 Comments.

### **IV. The Board should not adopt the Ordinance as proposed.**

There is no urgent need to impose new restrictions on tens of thousands of acres of property within the County. The Board has ample time to address wildlife conservation through a lawful and transparent process that achieves the goal of protecting wildlife without unduly impacting private property rights and the County's economy. Given the substantive and procedural flaws identified in these comments, the Board should not adopt the Ordinance in its current form and should, instead, remand the Ordinance to the Planning Commission to address the significant outstanding issues, correct procedural flaws, and hold a public hearing on the revised draft Ordinance. The County should also comply with CEQA by preparing an Environmental Impact Report to evaluate the significant environmental effects of the Ordinance. Following that process, and after excluding Newhall's property in accordance with the settlement agreement, the Board can consider adoption of the Ordinance in accordance with state law.

### **V. At minimum, the Board should exclude all commercial agriculture property from the overlay zone created by the Ordinance.**

If the Board is determined to move forward with the Ordinance despite the legal flaws that Newhall and others have pointed out, the Board should, at minimum, revise the Ordinance



to exclude from the HCWC zoning overlay all property used for commercial agriculture and appurtenant uses and facilities, such as water reservoirs, ranch housing, roadways and other supporting infrastructure. Doing so would be consistent with the County's stated intent to exempt commercial agriculture, but would be far more effective, efficient and certain than relying on textual exemptions in the Ordinance for various agriculture-related activities.

Excluding agricultural properties would not undermine the goals of the Ordinance, as these properties generally do not provide optimum wildlife movement opportunities compared to adjacent areas. However, to the extent the properties do support wildlife movement, directly or indirectly, they would continue to do so. For example, on Newhall's property, areas used for commercial agriculture make up less than 10% of the area currently proposed for inclusion in the HCWC zone (see Exhibit 1). Newhall's own wildlife movement data and observations indicate that wildlife generally avoids these areas, preferring to move through the Santa Clara River corridor, and/or to follow natural topographic features such as valleys and washes within the more than 7,000 acres of undeveloped land to the south that would still be within the HCWC overlay. Both these areas are already protected by existing conservation commitments (Exhibit 2).

Restricting the agricultural areas provides no additional conservation benefit, and removing these areas from the zone would have a minimal effect on the HCWC overlay at a regional scale (Exhibit 3). If empirical evidence subsequently showed that applying additional restrictions to agricultural properties were justified and necessary to meet the goals of the Ordinance, the Board could take further action to do so in a targeted manner that would minimize disruption to commercial operations. This is a far better approach than presuming that all agricultural areas provide wildlife movement resources that require additional legal protections, as the current Ordinance does.

We understand the County Agriculture Commissioner maintains a GIS database of parcels in the County used for commercial agriculture. The County should make this data publicly available, as it has done with the proposed zoning overlay, and provide an opportunity for landowners to ensure it accurately reflects the extent of agricultural uses and to correct the database if needed. After that process is completed, the County should update the HCWC overlay boundary to exclude the agricultural areas, if it intends to proceed with adoption of the Ordinance.

**VI. The Board should also exclude property subject to existing conservation commitments.**

In addition to excluding agricultural property, the Board should remove from the HCWC overlay zone all property that is subject to existing conservation commitments. The revisions to the Ordinance made by Planning staff in response to the Planning Commission's recommendation do not adequately address this issue. See Prillhart Letter, p. 8. As explained above, Planning staff created exemptions for "development" within surface water features and wildlife crossing structure setbacks that apply to areas subject to existing conservation instruments, but these exemptions apply only where the existing conservation instrument prohibits development from being sited "within a specified distance" from a surface water feature

or wildlife crossing structure, "for the "express purpose of protecting biological habitat or wildlife movement." Ordinance, §§ 8109-4.8.3.4(b), 8109-4.8.3.5(c). These requirements elevate form over substance and ensure that no existing conservation instrument will qualify for the exemption.

The proposed exemptions also do not recognize *voluntary* conservation commitments, as they require the conservation instrument to be created pursuant to a permit, order, or agreement, or a mitigation plan or similar plan approved by a government agency. *Id.* Disregarding voluntary conservation commitments will eliminate incentives for landowners to undertake such efforts, which have the potential to provide more benefit than the prohibitions in the Ordinance, as they can include affirmative efforts to restore and enhance wildlife habitat, especially in critical areas such as those near wildlife crossings and surface water features.

## VII. Conclusion

Newhall supports the goal of protecting and enhancing wildlife movement opportunities, and has worked cooperatively with many governmental agencies to accomplish that goal, including through voluntary conservation efforts on its property and data sharing to aid regional efforts. However, Newhall cannot support the County's proposed Ordinance, which was developed without meaningful opportunities for input from Newhall and other property owners, and which unnecessarily burdens commercial agriculture operations that play a key role in the County's economy. The Board should not adopt the Ordinance as proposed, and should remand it to the Planning Commission for further consideration and compliance with state law, including CEQA. If the Board does adopt the Ordinance, it must, at minimum, revise the HCWC overlay boundary to reflect the Newhall settlement agreement, and to exclude parcels used for commercial agriculture.

Sincerely,



James F. Rusk  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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Attachments: Exhibits 1-3

cc: Don Kimball, Newhall Ranch Community President, FivePoint  
Matt Carpenter, Vice President Environmental Resources, FivePoint



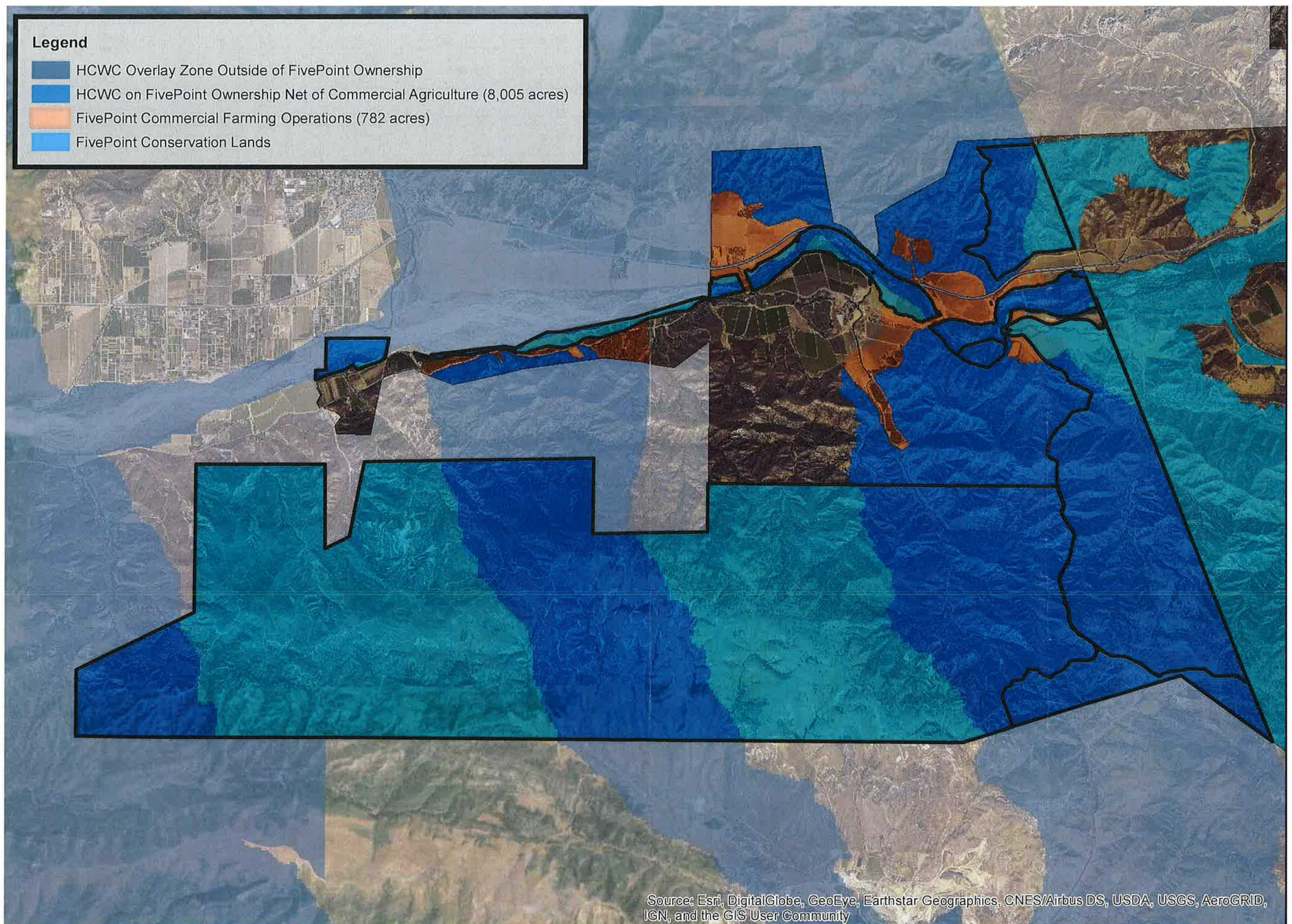
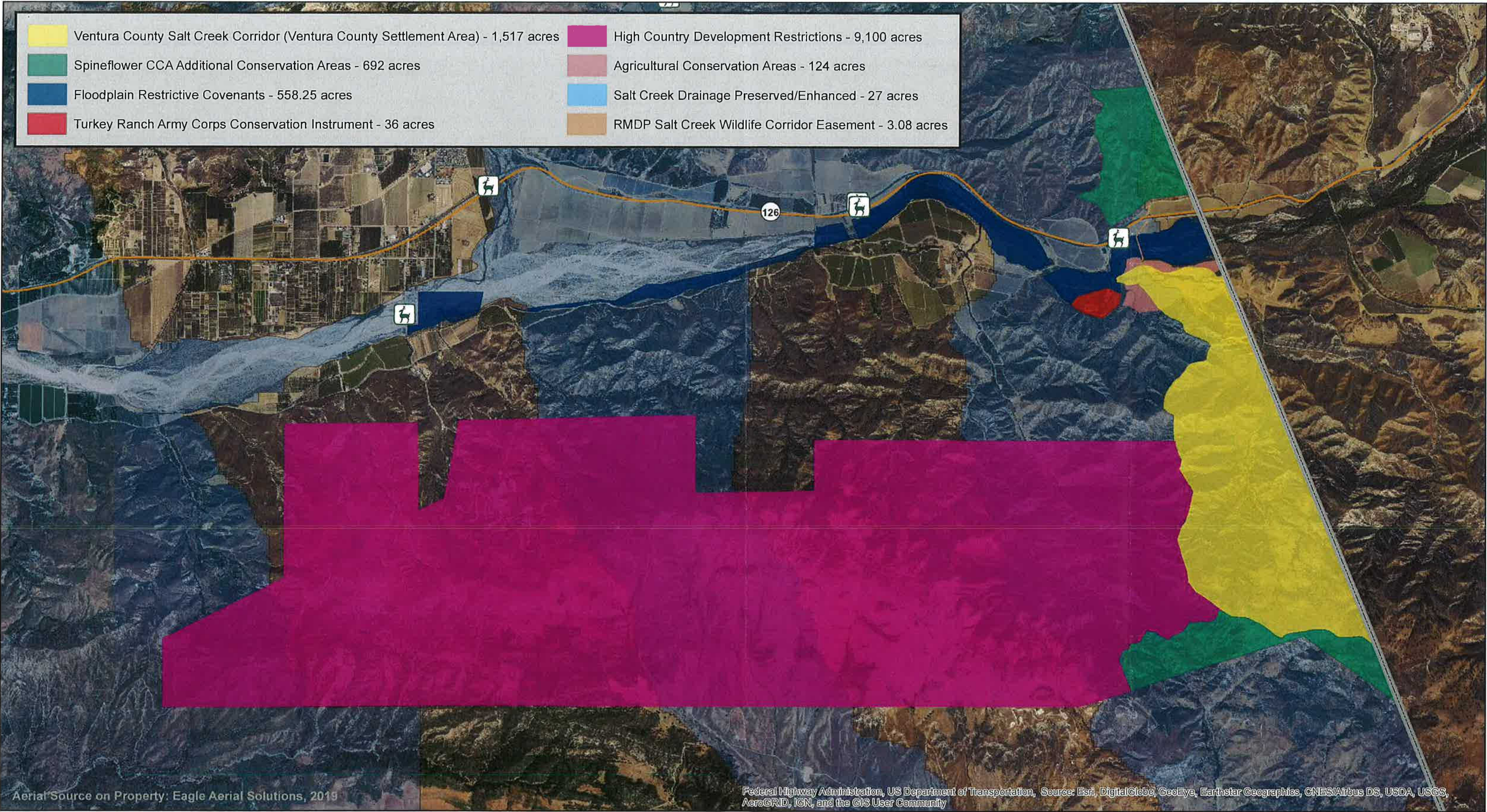
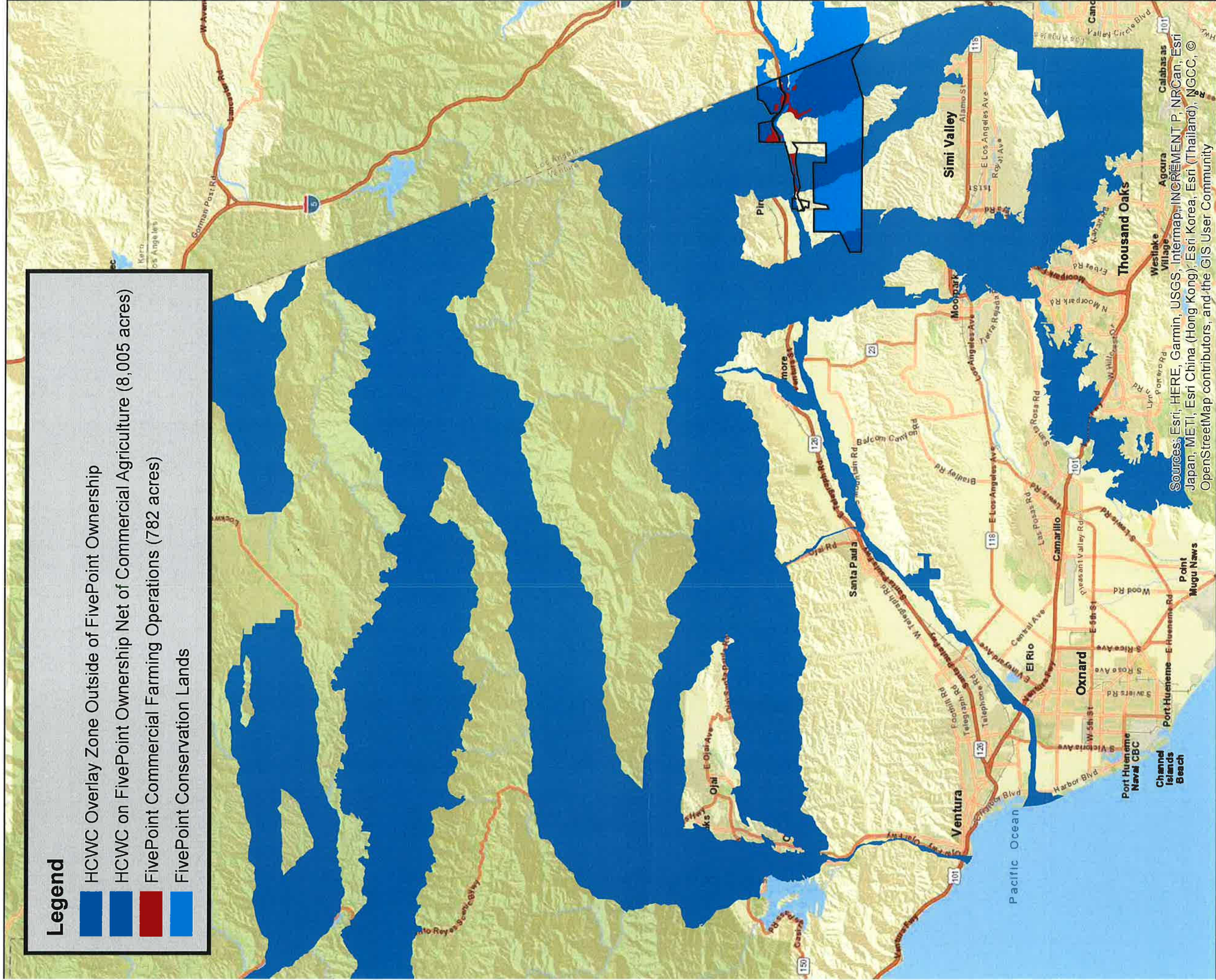




EXHIBIT 2







**Legend**

- HCWC Overlay Zone Outside of FivePoint Ownership
- HCWC on FivePoint Ownership Net of Commercial Agriculture (8,005 acres)
- FivePoint Commercial Farming Operations (782 acres)
- FivePoint Conservation Lands

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

**EXHIBIT 3**



# EXHIBIT 4

