



Memorandum

County of Ventura • Resource Management Agency • Planning Division

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Date: January 30, 2019

To: Planning Commissioners

From: Shelley Sussman & Kim Uhlich, Project Planners

Subject: Revisions to January 31, 2019 Planning Commission Agenda Item No. 6: County-Initiated Amendments to the County General Plan and Articles 2, 3, 4, 5, 9 and 18 of the Non-Coastal Zoning Ordinance to Establish a Habitat Connectivity and Wildlife Corridors Overlay Zone and a Critical Wildlife Passage Areas Overlay Zone, and to Adopt Regulations Applicable Therein

Please be advised that Exhibits 5, 6, 7, 14 and 18 to the Planning Commission staff report regarding the subject project have been amended. Revisions to the proposed ordinance are attached in both legislative format (Attachment 1) and in a clean format (Attachment 2). An explanation of the revisions is provided below.

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

- I. **January 31, 2019 Planning Commission Staff Report and Exhibits 5, 6, and 7**
Page 7 of the staff report as well as Tables 1 and 4 contain inaccuracies. The total number of acres within the HCWC overlay zone should be 397,535 rather than 520,000 as indicated on page 7 and in Tables 1 and 4. This acreage figure, along with the other reported acreage figures reported in both tables, require revision because they include acreage located within city boundaries, and because the acreage figures are based on County Assessor data instead of County GIS data. The acreages of parcels located within city boundaries have been deleted from the tables because the proposed HCWC overlay zone does not include land located within cities. And the acreage figures are now based on County GIS data which, unlike County Assessor data, can be limited to the portion of certain parcels that are located within the HCWC boundary and thus are subject to the regulations. For example, if only 1 acre of a 20-acre parcel is located within the HCWC boundary, all 20 acres are shown in the Assessor data, even though only the 1 acre located within the HCWC boundary is actually subject to the HCWC regulations.

Revised Tables 1 and 4, as well as the Critical Wildlife Passage Areas (CWPA) maps (Exhibits 5, 6, and 7) are shown below:

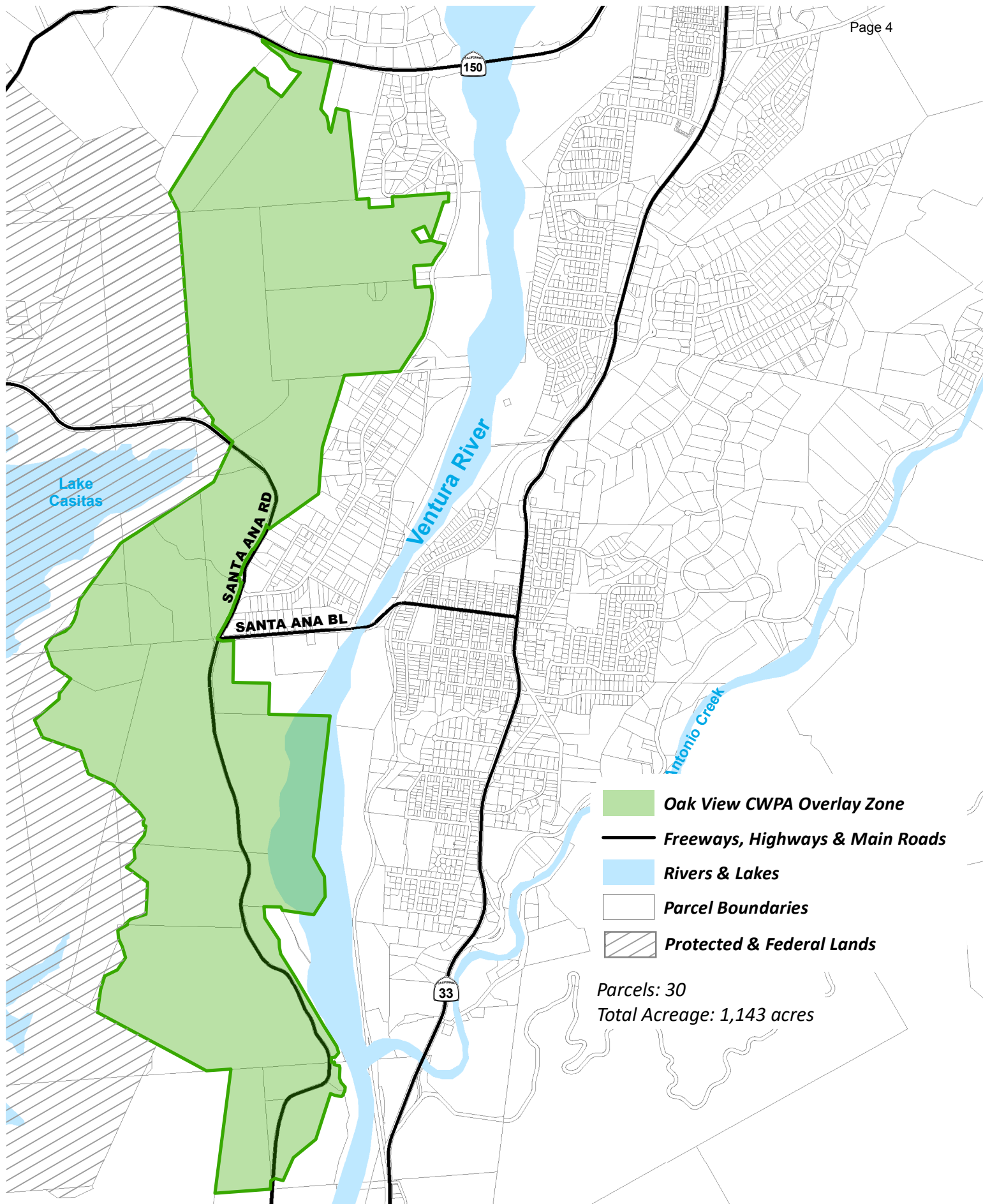
Table 1 - Number of Parcels and Acreage by Base Zone Within Habitat Connectivity and Wildlife Corridor Overlay Zone (HCWC)

Parcel Zoning	Number of Parcels	Percentage of Total Parcels	Number of Acres (approximate)	Percentage of Total Acres
Total	7,395 7,380	100	520,000 397,535	100
Rural and Residential Zones				
Single-Family Residential	347 345	5%	156 92	0.03% 0.02%
Rural Agricultural	286 281	4%	2,808 1,056	0.54% 0.27%
Rural Exclusive/ Single Family Estate	2,362 2,374	32%	3,952 2,794	0.76% 0.70%
Residential Planned Development/ Residential High Density	163 157	2%	131 40	0.03% 0.01%
Agriculture, Open Space, and Special Purpose Zones				
Agricultural Exclusive	1,005 991	14% 13%	88,400 49,451	17% 12%
Open Space	3,154 3,171	43%	421,200 341,269	81% 86%
Timber Preserve Specific Plan	2 8	0.03% 0.11%	2,956 2,779	0.57% 0.70%
Commercial and Industrial Zones				
Commercial Planned Development/ Neighborhood Commercial	22 17	0.30% 0.23%	104 19	0.02% <0.01%
Industrial Zones	46 34	0.62% 0.46%	312 35	0.06% 0.01%

Table 4 – Parcel Summary Information for **Critical Wildlife Passage Area Overlay Zone (CWPAs)**

CWPA Location	Total Acreage	Total Number of Parcels	Number of Undeveloped Parcels (i.e., subject to the Compact Siting Standards) *
Oak View	1,228 1,143	30 29	30 xx
Simi Hills	6,017 4,971	1,883 1,763	637 xx
Tierra Rejada	3,108 3,112	110	109 xx

* See NCZO Secs. 8109-4.9.3 and 8109-4.9.4.



Ventura County
 Resource Management Agency
 Information Systems GIS Services
 Map created on 1/28/2019
 Source: Pictometry©, January 2018

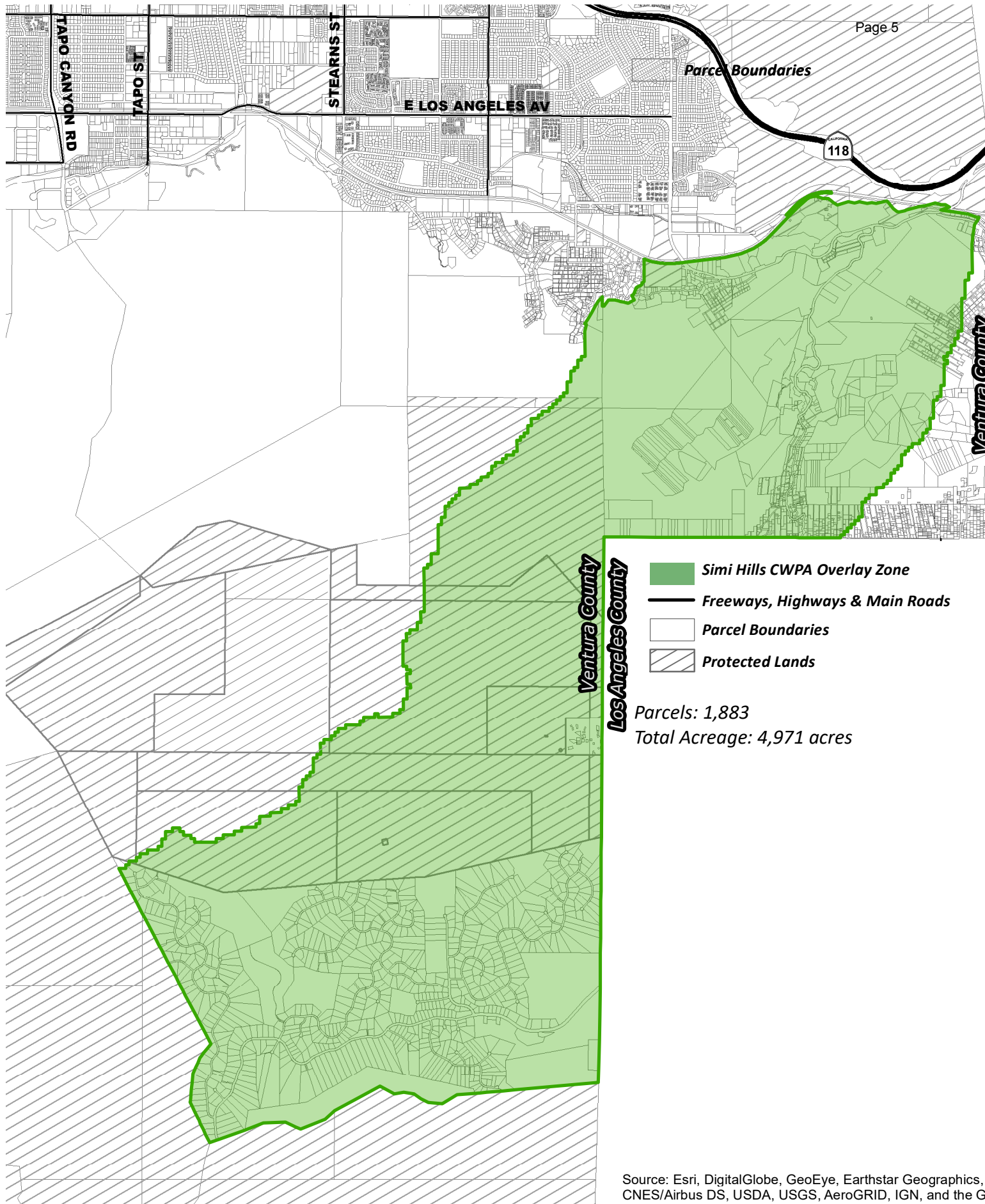


Exhibit 5
Oak View Critical Wildlife
Passage Area Map



Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance therein





- Simi Hills CWPA Overlay Zone**
- Freeways, Highways & Main Roads**
- Parcel Boundaries**
- Protected Lands**

Parcels: 1,883
Total Acreage: 4,971 acres

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS



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Exhibit 6 Simi Hills Critical Wildlife Passage Area Map

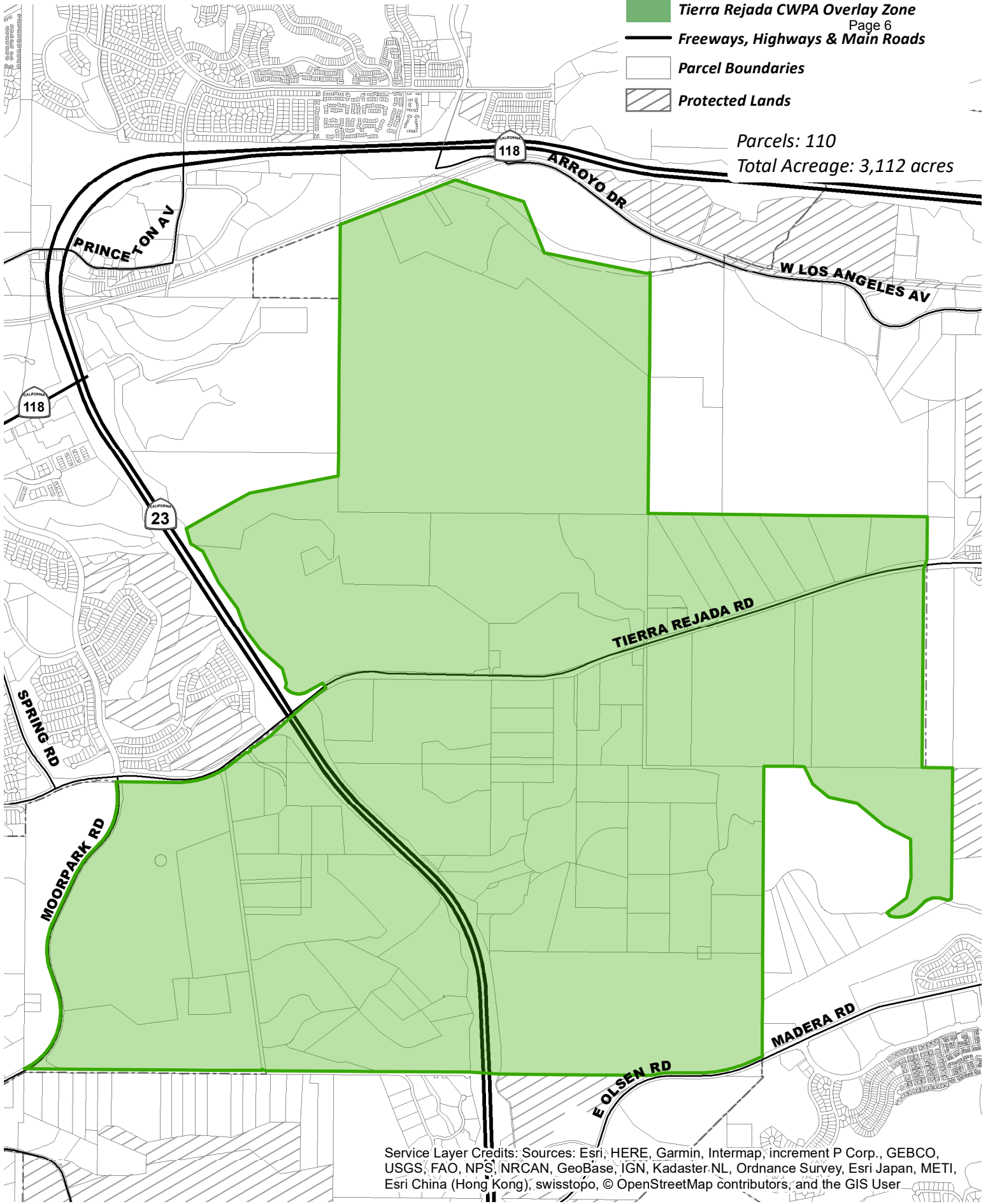


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-  **Tierra Rejada CWWPA Overlay Zone**
-  **Freeways, Highways & Main Roads**
-  **Parcel Boundaries**
-  **Protected Lands**

Parcels: 110
Total Acreage: 3,112 acres



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

Exhibit 7
Tierra Rejada Critical Wildlife
Passage Area Map



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Map created on 1/28/2019
Source: Pictometry©, January 2018



II. EXHIBIT 14

A. Sec. 8109 – 4.8.2.2 – Outdoor Lighting Exemptions

Subsection (d) of Section 8109 – 4.8.2.2 was revised to clarify that the exemption for intermittent outdoor lighting is not limited either by the number or location of lights which may be illuminated for an intermittent time period. And subsection (k) was revised to include an exemption for lighting used in a swimming pool as part of a legally authorized camp use:

Section 8109–4.8.2.2 - Exemptions

The following *outdoor lighting* and related activities are not subject to Sec. 8109-4.8.2:

- a. *Temporary* lighting for construction.
- b. *Temporary* emergency lighting.
- c. Lighting for *wireless communication facilities* to the extent required by the Federal Aviation Administration. (See Section 8109-4.8.2.2(b)(9) for additional requirements related to *wireless communication facilities*.)
- d. *Temporary* or intermittent outdoor night lighting necessary to conduct agricultural activities including *outdoor lighting* used during weather events such as frosts, and *temporary* or *intermittent* outdoor night lighting used for *oil and gas exploration and production* regardless of the location or number of lights used intermittently. As used in this Sec. 8109-4.8.2.2 the term “intermittent” means a period of between 31 and 90 calendar days within any 12-month period. For example, the use of intermittent lighting in cases where it is used simultaneously to illuminate multiple, discrete facilities (well sites, multiple tanks, etc.) is not limited provided that each individual location is illuminated no longer than 90 calendar days within any 12-month period.
- e. *Outdoor lighting* for signage permitted in accordance with Article 10.
- f. Seasonal or festive lighting.
- g. *Outdoor lighting* with a maximum output of 60 *lumens* or less, including solar lights.
- h. *Temporary outdoor lighting* associated with a use authorized by this Chapter or a permit granted pursuant to this Chapter.
- i. Lighting on public and private streets.
- j. Any facility, equipment, or activity that is subject to preemptive state or federal regulations regarding lighting or illumination.

- k. Lighting used in a swimming pool that is an accessory use to a dwelling or in a swimming pool associated with a legally authorized camp use.

B. Sec. 8109 – 4.8.2.4 – Existing Lighting: Standards and Requirements

Subsection (a)(1) of Section 8109 – 4.8.2.4 was revised to clarify that achieving compliance with the lighting standards set forth in Section 8109-4.8.2.4(b) may require actions other than replacing luminaires:

Section 8109–4.8.2.4 – Existing Lighting; Standards and Requirements

a. Existing Lighting:

- (1) Any *outdoor luminaire* installed prior to [Ordinance effective date] that does not comply with any standard or requirement of Sec. 8109-4.8.2.4(b) and is not otherwise approved in conjunction with a land use and/or structure authorized by a discretionary permit granted pursuant to this Chapter may remain in use ~~until replaced by a luminaire that complies~~ until compliance with the standards of Sec. 8109-4.8.2.4(b) is achieved, but shall comply with the following requirements as of [One year from ordinance effective date]:
 - i. *Luminaires* that have adjustable mountings with the ability to be redirected shall be directed downward, to the extent feasible, to reduce *glare* and *light trespass* onto adjacent undeveloped areas; and
 - ii. Lighting shall be turned off at 10:00 p.m. or until people are no longer present in exterior areas being illuminated, whichever occurs latest, and shall remain turned off until sunrise, except for *essential luminaires* which may remain on if used to illuminate circulation areas such as walkways and driveways or building entrances, or if used for safety or *security lighting*, pursuant to the requirements of Sec. 8109-4.8.2.4(b)(5).

C. Sec. 8109 – 4.8.2.4 – Existing Lighting: Standards and Requirements

Subsection (b)(5)(iii) of Section 8109 – 4.8.2.4 was revised to include security lighting used in connection with existing oil and gas exploration and production uses operating under a discretionary permit:

(5) Security Lighting

- i. *Outdoor lighting* installed for *security lighting* shall have a maximum output of 2,600 *lumens* per *luminaire*. If required for proper functioning of a security camera used in conjunction with *security lighting*, the *correlated color temperature* may exceed 3,000 Kelvin. Where the light output exceeds 850 *lumens*, *security lighting* shall be operated by motion sensor or a timer switch and shall be programmed to turn off no more than 10 minutes after activation.

- ii. Notwithstanding subsection (i) above, if *security lighting* is installed within 200 feet of a *surface water feature*, it shall be programmed to turn off no more than five minutes after activation.
- iii. *Outdoor lighting* installed for *security lighting* that is used in connection with agricultural uses on lots zoned Agricultural Exclusive (AE), Open Space (OS), and Rural-Agricultural (RA) or legally authorized oil and gas exploration and production uses operating under a discretionary permit as of [Ordinance effective date] shall not be subject to the requirements for motion sensors and timers set forth in subsections (i) and (ii) above.

D. Sec. 8109 – 4.8.3 – Surface Water Features, Wildlife Crossing Structures, and Wildlife Impermeable Fencing

The title of Section 8109 – 4.8.3 was amended to include *vegetation modification*, which is also regulated in this Section:

Sec. 8109 – 4.8.3 – Surface Water Features, Vegetation Modification, Wildlife Crossing Structures, and Wildlife Impermeable Fencing

E. Sec. 8109 – 4.8.3.1 (Applicability) and Sec. 8109-4.9.1 (Applicability)

Subsection (a)(1) of Section 8109-4.8.3.1 was revised to clarify that Section 8109-4.8.3 applies to development consisting of the construction of additions to existing structures that results in new fuel modification areas being required by the Ventura County Fire Protection District. This subsection was also revised to clarify the original intent for Section 8109-4.8.3 to apply to development consisting of the construction of new structures with a gross floor area of 120 square feet or more inclusive of open-roofed structures.

In addition, subsection (a)(2) of Section 8109-4.8.3.1 was revised to clarify the original intent for Section 8109-4.8.3 to apply to development consisting of the installation of new or replacement wildlife impermeable fencing only on lots zoned Open Space (OS) or Agricultural Exclusive (AE).

Finally, subsection (b)(3) of Section 8109-4.9.1 was revised to clarify that wildlife impermeable fencing with unobstructed *vertical* gaps of at least 24 inches at intervals of 50 linear feet or less does not form an “enclosed” area and is thus not subject to Section 8109-4.8.3:

Section 8109–4.8.3.1 – Applicability

- a. This Sec. 8109-4.8.3 applies to the ~~land uses and~~ *structures and wildlife impermeable fencing* (collectively referred to as “development” in this Sec. 8109-4.8.3) described below, except to the extent any such development is exempt pursuant to Sec. 8109-4.8.3.2:

- (1) ~~Initiation Construction~~ of any new ~~land use, or construction of any new structure~~ structure that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5) with a gross floor area of 120 square feet or more inclusive of open-roofed structures, or any addition to an existing *structure* that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5) and that will result in any new *fuel modification* required by the Ventura County Fire Protection District.
- (2) Installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on lots zoned Open Space (OS) or Agricultural Exclusive (AE), including installation of wildlife impermeable fencing to facilitate livestock grazing. For purposes of this Sec. 8109-4.8, the term “enclosed area” means an area that is enclosed by *wildlife impermeable fencing* regardless of whether the fence or wall contains one or more gates or doors that can be opened to allow access. *Wildlife impermeable fencing* that includes unobstructed vertical gaps of at least 24 inches at intervals of 50 linear feet or less does not form an “enclosed area.”

Section 8109-4.9.1 – Applicability

- a. For purposes of calculating lot sizes to apply the provisions of this Sec. 8109-4.9, the Ventura County Resource Management Agency Geographic Information System (GIS) shall be used.
- b. Except for land uses and *structures* that are exempt pursuant to Sec. 8109-4.9.2, this Sec. 8109-4.9 shall apply to each of the following land uses and *structures* on lots that are two acres or greater (collectively referred to as “development” in this Sec. 8109-4.9):
 - (1) Construction of a new *structure* or addition to an existing *structure* that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5).
 - (2) Initiation of a new land use that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5).
 - (3) Installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on lots zoned Open Space (OS) or Agricultural Exclusive (AE), including when such a *fence* is used to facilitate livestock grazing. For purposes of this Sec. 8109-4.9, the term “enclosed area” means an area that is enclosed by *wildlife impermeable fencing* regardless of whether the *fence* or wall contains one or more gates or doors that can be opened to allow access. *Wildlife impermeable fencing* that includes unobstructed

vertical gaps of at least 24 inches at intervals of 50 linear feet or less does not form an “enclosed area.”

F. Sec. 8109 – 4.8.3.2 – General Exemptions

A new subsection (e) was added to Section 8109-4.8.3.2 exempting from Section 8109-4.8 the rebuilding of land, fences, improvements and structures damaged or destroyed in the Thomas Fire or the Woolsey-Hill Fires in order to allow them to be rebuilt to their original state without being subject to the proposed HCWC regulations, provided that the rebuilding process complies the deadline established for fire victims in Sec. 8113-6.1.1. At present, Sec. 8113-6.1.1 requires Thomas Fire victims to submit building permit applications to the County on or before January 1, 2023, and to thereafter diligently pursue rebuilding prior to permit expiration. The Planning Division intends to amend Sec. 8113-6.1.1 to include a similar rebuilding deadline for Woolsey-Hill Fire victims.

Because the six-year rebuilding deadline referenced in subsections (c) and (d) of Section 8109-4.8.3.2 was intended to apply to the Thomas/Woolsey/Hill fire victims, and the new above-referenced subsection now provides a broader, more specific exemption for these particular fire victims, subsections (c) and (d) were revised to require the permitting/initiation of rebuilding projects from six years to three years for properties and structures damaged or destroyed by other fires, floods, landslides and natural disasters.

Subsection (k) of Section 8109 – 4.8.3.2 was revised to clarify the original intent to exempt from Section 8109-4.8.3 vegetation modification activities performed pursuant to wildfire protection plans adopted by the Ventura County Fire Protection District (VCFPD) (e.g., proscribed burns), and vegetation modification activities performed by property owners pursuant to VCFPD-approved burn permits, in addition to fuel clearance around structures in high fire hazard areas required as part of the VCFPD Fire Hazard Reduction Program.

In addition, new text was added to Section 8109-4.8.3.2 to clarify the original intent to exempt from Section 8109-4.8.3 structures or improvements that are temporary or located substantially underground.

Finally, new text was added to Section 8109-4.8.3.2 to exempt from Section 8109-4.8.3 limited vegetation modification activities conducted as part of the operation of an existing permitted oil and gas exploration and production facility:

Section 8109–4.8.3.2 – General Exemptions

The following are not subject to Sec. 8109-4.8.3:

- a. *Vegetation modification* or the installation of *wildlife impermeable fencing* that is required to comply with any federal, state or local law or regulation.
- b. *Vegetation modification* performed on a maximum cumulative area, within a 12-month period, of 10 percent of the area of the lot that is located within a *surface*

water feature. (For example, *vegetation modification* is exempt if performed on a maximum of 100 square feet on a lot within which 1,000 square feet of the total lot area is a surface water feature).

- c. Land, *fences*, or improvements other than *structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be restored or rebuilt to their original state and in their original location if a complete building permit application is submitted to the County within ~~six~~ three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration, or if no permit is required, the rebuilding commences within the aforementioned ~~six~~ three-year period and is diligently pursued to completion. Notwithstanding any other provision of this Chapter, the restoration or rebuilding of land, *fences* or improvements following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.8.
- d. *Structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be rebuilt to their original state and in their original location if (i) less than 50 percent of the *structure* is damaged or destroyed and (ii) a complete building permit application is submitted to the County within ~~six~~ three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration. Notwithstanding any other provision of this Chapter, the rebuilding of *structures* following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.8.
- e. Notwithstanding subsections (c) and (d) above, land, *fences*, improvements and *structures* damaged or destroyed in the Thomas Fire of 2017-2018 or the Woolsey-Hill Fires of 2018 may be rebuilt to their original state without being subject to Sec. 8109-4.8 if a complete building permit application has been submitted to the Building and Safety Division on or before the applicable deadline set forth in Sec. 8113-6.1.1, and the building permit once approved is diligently pursued to completion prior to permit expiration; or if no building permit is required for the rebuilding of any such land, *fence*, improvement or *structure*, the rebuilding commences before the above-referenced deadline and is diligently pursued to completion.
- f. 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 that is utilized for such a commercial agricultural activity.
- g. *Vegetation modification* on previously cultivated agricultural land left uncultivated for up to 10 years, or on land classified as “Prime,” or “Statewide Importance”, “Unique,” or “Local Importance,” or “Grazing” by the California Department of Conservation Important Farmlands Inventory, that is associated with the cultivation of agricultural crops.

- h. *Vegetation modification* performed by a public agency on publicly-owned or -maintained property.
- i. *Vegetation modification* on land owned or maintained by a conservation organization for the purpose of maintaining or enhancing functional connectivity.
- j. *Vegetation modification* associated exclusively with vegetation that has been intentionally planted as a landscape.
- k. *Vegetation modification* ~~for the purpose of including~~ *fuel modification* as required by the Ventura County Fire Protection District (VCFPD) ~~or a condition to a County-approved land use entitlement adjacent to a legally-established structure existing as of [Ordinance effective date]~~ pursuant to the VCFPD ordinance; or pursuant to a Community Wildfire Protection Plan, as amended, or similar fuel modification/wildfire protection plan adopted by the VCFPD; or pursuant to a burn permit approved by the VCFPD.
- l. Livestock grazing, except that the installation of *wildlife impermeable fencing* which forms an enclosed area to facilitate livestock grazing is not exempt.
- m. Development, or a portion thereof, to the extent dependent upon being located within a *surface water feature* or a *wildlife crossing structure* setback area as described in Sec. 8109-4.8.3.4. Examples include in-stream mining, flood control improvements, and bridges.
- n. Repair or maintenance of an existing, legally-established structure or fence.
- o. Development within a public road right-of-way.
- p. *Structures or improvements that are temporary or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems).*
- q. *Vegetation modification performed with hand-operated tools as part of the operation and maintenance of a legally-established oil and gas exploration and production use operating under a discretionary permit as of [Ordinance effective date]. As used in this Sec. 8109 – 4.8.3.2 the term “hand-operated tools” does not include heavy equipment (i.e., heavy-duty vehicles designed for performing construction tasks such as earthwork operations).*

G. Sec. 8109 – 4.8.3.6 – Wildlife Impermeable Fencing – Exemptions

Section 8109-4.8.3.6 was amended to add non-substantive clarifications:

Section 8109-4.8.3.6 – Wildlife Impermeable Fencing – Permitting Requirements

- a. Unless otherwise exempt pursuant to Sec. 8109-4.8.3.7 below, this Sec. 8109-4.8.3.6 applies to the installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on lots zoned Open Space (OS) or Agricultural Exclusive (AE), including installation of *wildlife impermeable fencing* to facilitate livestock grazing. The standards and requirements of Sec. 8106-8.1 (Fences, Walls and Hedges), as may be amended, also apply to *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3.6.
- b. Installation of *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3.6 requires a Zoning Clearance issued pursuant to Sec. 8111-1.1 if the *wildlife impermeable fencing* forms an enclosed area that does not exceed the following limits:
 - (1) For lots with no *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* does not exceed 10 percent of the gross lot area; or
 - (2) For lots with existing *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* does not exceed 10 percent of the lot area net of the area enclosed by existing *wildlife impermeable fencing*. For example, if a 10-acre lot includes *wildlife impermeable fencing* that existed prior to [the ordinance effective date] and encloses a total area of one acre, the cumulative area enclosed by any new *wildlife impermeable fencing* proposed to be installed after the [ordinance effective date] may not exceed 0.9 acres, or 10 percent of nine acres.
- c. Installation of *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3 requires a Planning Director-approved Planned Development Permit pursuant to Sec. 8111-1.2 if the *wildlife impermeable fencing* forms an enclosed area as follows:
 - (1) For lots with no *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is greater 10 ten percent of the gross lot area; or
 - (2) For lots with existing *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is greater than 10

percent of the lot area net of the area enclosed by existing *wildlife impermeable fencing*. For example, if a 10-acre lot includes *wildlife impermeable fencing* that existed prior to [the ordinance effective date] and encloses a total area of one acre, the cumulative area enclosed by any new *wildlife impermeable fencing* proposed to be installed after [the ordinance effective date] that exceeds 0.9 acres, or 10 percent of nine acres, would require a Planning Director-approved Planned Development Permit.

- d. All applications for a Zoning Clearance or discretionary permit or modification thereto pursuant to this Sec. 8109-4.8.3.6 shall include a fencing site plan depicting the type, design, and location of all existing and proposed *wildlife impermeable fencing* on the subject lot, including calculations for the enclosed area of each existing and proposed *wildlife impermeable fence*.
- e. When any portion of a lot is located outside the Habitat Connectivity and Wildlife Corridors overlay zone, the calculation of gross lot area pursuant to this Sec. 8109 – 4.8.3.6 shall only consist of the portion of the lot that is located within the Habitat Connectivity and Wildlife Corridors overlay zone.

H. Sec. 8109 – 4.8.3.7 – Wildlife Impermeable Fencing - Exemptions

Subsection (a) of Section 8109 – 4.8.3.7 was amended to clarify the original intent for this exemption to apply to wildlife impermeable fencing forming an enclosed area that is either located within 50 feet of a structure related to an agricultural use, or within 50 feet of a legally-established dwelling:

Section 8109–4.8.3.7 – Wildlife Impermeable Fencing – Exemptions

Sec. 8109-4.8.3.6 does not apply to *wildlife impermeable fencing* that forms an enclosed area when:

- a. It forms an enclosed area all of which is located within 50 feet of an exterior wall of a legally-established dwelling or within 50 feet of a structure related to an agricultural use set forth in Article 5. Such portion of the enclosed area is not counted towards the enclosed area limitations of Sec. 8109-4.8.3.6(b) and (c) above.

I. Sec. 8109 – 4.9.2 – Exemptions

For the same reasons stated in the first paragraph of Section IIF above, subsection (h) was added to Section 8109-4.9.2 exempting from Section 8109-4.9 the rebuilding of land, fences, improvements and structures damaged or destroyed in the Thomas Fire or the Woolsey-Hill Fires in order to allow them to be rebuilt to their original state without being subject to the proposed CWPA regulations, provided that the rebuilding process complies the deadline established for fire victims in Sec. 8113-6.1.1.

And for the same reasons stated in the second paragraph of Section IIF above, subsections (f) and (g) were revised to require the permitting/initiation of rebuilding projects from six years to three years for properties and structures damaged or destroyed by other fires, floods, landslides and natural disasters:

Section 8109-4.9.2 – Exemptions

This Sec. 8109-4.9 does not apply to the following development:

- a. Any development on a lot zoned Commercial (CO, C1, CPD).
- b. Any development on a lot zoned Residential (RA, RE, RO, R1, R2, RPD or RHD) located in the Simi Hills Critical Wildlife Passages area as shown on the 'Critical Wildlife Passage Areas' map within the Planning GIS Wildlife Corridor layer of the County of Ventura, County View Geographic Information System (GIS), as may be amended.
- c. Aboveground pipelines or transmission lines.
- d. Facilities for the production, generation, storage, transmission, or distribution of water, including *wildlife impermeable fencing* required to protect such facilities.
- e. *Agricultural shade/mist structures*, animal shade structures authorized by Sec. 8107-34, and above-ground fuel storage as an *accessory use*.
- f. Land, *fences*, or improvements other than *structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be restored or rebuilt to their original state and in their original location if a complete building permit application is submitted to the County within ~~six~~ three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration, or if no permit is required, the rebuilding commences within the aforementioned ~~six~~ three-year period and is diligently pursued to completion. Notwithstanding any other provision of this Chapter, the restoration or rebuilding of land, *fences* or improvements following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.9.
- g. *Structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be rebuilt to their original state and in their original location if (i) less than 50 percent of the *structure* is damaged or destroyed and (ii) a complete building permit application is submitted to the County within ~~six~~ three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration. Notwithstanding any other provision of this Chapter, the rebuilding of *structures* following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.9.

- h. Notwithstanding subsections (f) and (g) above, land, fences, improvements and structures damaged or destroyed in the Thomas Fire of 2017-2018 or the Woolsey-Hill Fires of 2018 may be rebuilt to their original state without being subject to Sec. 8109-4.9 if a complete building permit application has been submitted to the Building and Safety Division on or before the applicable deadline set forth in Sec. 8113-6.1.1, and the building permit once approved is diligently pursued to completion prior to permit expiration; or if no building permit is required for the rebuilding of any such land, fence, improvement or structure, the rebuilding commences before the above-referenced deadline and is diligently pursued to completion.
- i. Construction and maintenance of driveways or roads internal to a lot.
- j. Structures or improvements that are *temporary* or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems).
- k. Repair or maintenance of an existing, legally-established structure or fence.
- l. The following land uses set forth in Art. 5 are exempt except that (1) associated *structures* are not exempt regardless of whether a *structure* itself is subject to a permitting requirement under Art. 5, and (2) the installation of associated *wildlife impermeable fencing* is not exempt if such fencing otherwise qualifies as development pursuant to Sec. 8109-4.9.1(b)(3):
 - (1) Animal Keeping and Animal Husbandry (domestic animals, horses & other equines, including more than permitted by Art. 7)
 - (2) Apiculture
 - (3) Aquaculture/Aquiculture
 - (4) Vermiculture (open beds)
 - (5) Agricultural Promotional Uses
 - (6) Home Occupations
 - (7) Cemeteries
 - (8) Cultural/historic uses
 - (9) Filming Activities
 - (10) Firewood operations
 - (11) Drilling for temporary geologic testing
 - (12) Botanic Gardens and Arboreta
 - (13) Athletic Fields
 - (14) Golf Courses
 - (15) Parks
 - (16) Wholesale Nurseries for Propagation

J. Sec. 8109 – 4.9.3 – Permitting Requirements

Subsection (a)(1) of Section 8109-4.9.3 was revised remove open storage as a use subject to this Section. Subsections (a)(1), (a)(5), (a)(6) and (c) of Section 8109-4.9.3

were revised to clarify that the compact siting standard set forth in Section 8109-4.9.4 applies only to undeveloped parcels consistent with the original intent. In addition, “undeveloped parcel” was defined in this context to mean a parcel that contains no structures other than one or more above-ground pipelines; wireless communication facilities; utility/transmission lines and support structures; flood control improvements; or water production, storage, transmission or distribution facilities.

Finally, Subsection (a)(3) of Section 8109-4.9.3 was revised to delete the standard allowing development to be located within 100 feet of the centerline of a driveway:

Sec. 8109 – 4.9.3 – Permitting Requirements

a. Development subject to this Sec. 8109-4.9 requires a Zoning Clearance pursuant to Sec. 8111-1.1, which shall be issued if the development, including all proposed structures, uses, and ~~open-storage enclosed areas formed by wildlife impermeable fencing~~, complies with one or more of the following applicable siting criteria and meets the general standards set forth in Sec. 8111-1.1.1(b):

- (1) The development is proposed to be located on an undeveloped parcel and meets the compact development siting standard set forth in Sec. 8109-4.9.4 below. For purposes of this Sec. 8109-4.9.3, an “undeveloped” parcel is one that contains no legally-authorized structures as of [Ordinance effective date] other than one or more above-ground pipelines; wireless communication facilities; utility/transmission lines and support structures; flood control improvements; or water production, storage, transmission or distribution facilities.
- (2) The development is not proposed to be located on an undeveloped parcel and meets one or more of the following criteria:
 - i. The development is located entirely within 100 feet of the centerline of a public road;
 - ii. The development is located entirely within 100 feet of any portion of and on the same lot as (i) an existing, legally-established structure, or (ii) ~~the centerline of a driveway leading to an existing, legally-established structure, or (iii) the centerline of a publicly-accessible trail; or~~
 - iii. The development is located entirely within 100 feet of and on the same lot as the centerline of an agricultural access road that supports the production of commercially grown agricultural products. For purposes of this Sec. 8109-4.9.3, the phrase “commercially grown agricultural products” means any plant or animal agricultural product (including food, feed, fiber, ornamentals, or forest), that will be commercially sold, including livestock raised for commercial production.
- (3) For development consisting solely of the installation of *wildlife impermeable fencing* forming an enclosed area on parcel that is not undeveloped, the

enclosed area ~~formed by wildlife impermeable fencing~~ is located entirely within an area described in subsection ~~(2), (3) or (4) above, or both complies with the compact development siting standard set forth in Sec. 8109-4.9.4 (2)(i), (2)(ii) or (2)(iii) above,~~ and:

- i. For lots with no *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is less than 10 percent of the gross lot area; or
 - ii. For lots with existing *wildlife impermeable fencing* forming and enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is more than 10 percent of the gross lot area excluding the cumulative area already enclosed by existing *wildlife impermeable fencing*.
- b. If development subject to this Sec. 8109-4.9 does not qualify for a Zoning Clearance pursuant to Sec. 8109-4.9.3(a) above, a Planning Director-approved Planned Development Permit is required to authorize the development.

In addition to providing all information required by the Planning Division pursuant to Sec. 8111-2.3, an application for a Zoning Clearance or Planned Development Permit required by this Sec. 8109-4.9.3 shall include a site plan showing all existing and proposed *structures*, roads, driveways, and other improvements on the subject lot, and all public roads and publicly-accessible trails on or adjacent to the lot. Such applications for development consisting of the installation of *wildlife impermeable fencing* subject to Sec. 8109-4.9.3(a)(5) or 8109-4.9.3(a)(6) shall also include a fencing site plan depicting the type, design, and location of all existing and proposed *wildlife impermeable fencing* on the subject lot. For development consisting of the installation of wildlife impermeable fencing subject to Sec. 8109-4.9.3(a)(6), applications for development shall including include calculations for the enclosed area of each existing and, if applicable, proposed *wildlife impermeable fence*.

K. Sec. 8109 – 4.9.4 – Compact Development Siting Standard

Subsection (a) of Section 8109-4.9.4 was revised for clarification and to remove open storage as a use subject this section:

Sec. 8109 – 4.9.4 – Compact Development Siting Standard

- a. Development complies with the compact development siting standard if all proposed *structures*, uses and *open-storage enclosed areas formed by wildlife impermeable fencing constituting development under this Sec. 8109-4.9* are sited exclusively in one of the two contiguous areas created by a line bisecting the subject lot into two sections of equal areas (halves). The bisecting line may consist of a single, straight line segment or a series of connected, non-

intersecting line segments that do not form a straight line. Each of the two endpoints of a bisecting line shall coincide with any two lot boundary lines.

- b. In addition to all other application requirements, as part of a Zoning Clearance application for development subject to this Sec. 8109-4.9.4, the applicant shall be required to submit a site plan which shows the location, length, and orientation of each segment of the bisecting line. The site plan shall be drawn to scale and shall identify the area in square feet of each section of land on either side of the bisecting line. Once the location of the bisecting line for the subject lot is established upon approval of a Zoning Clearance, it shall be the basis of siting any future proposed development authorized with a Zoning Clearance pursuant to Sec. 8109-4.9.4's compact development siting standard, except that a lot line adjustment approved pursuant to the Ventura County Subdivision Ordinance shall nullify any bisecting line created previously under this section.

III. EXHIBIT 18

A. Glossary of Applicable Terms from the Dark Sky Ordinance

An incomplete copy of this exhibit was included in the staff report when it was initially provided to the Planning Commission and posted on the Planning Division website. As of January 24, 2019, the complete copy of this exhibit was replaced on the Planning Division website.

If you have any questions concerning the information presented above, please contact Kim Prillhart, Planning Director, at (805) 654-2481 or by email at Kim.Prillhart@ventura.org. You may also contact Shelley Sussman, Project Planner, at (805) 654-2493 or by email at Shelley.Sussman@ventura.org.

Attachments:

- Attachment 1: Proposed Ordinance Amending Articles 2, 3, 4, 5 and 9 of the Non-Coastal Zoning Ordinance - amended ordinance in legislative format.
- Attachment 2: Proposed Ordinance Amending Articles 2, 3, 4, 5 and 9 of the Non-Coastal Zoning Ordinance - amended ordinance in clean format.

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA,
AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2, 3, 4, 5, AND 9
OF THE VENTURA COUNTY ORDINANCE CODE, NON-COASTAL ZONING
ORDINANCE TO REGULATE DEVELOPMENT WITHIN THE HABITAT
CONNECTIVITY AND WILDLIFE CORRIDORS AND THE CRITICAL WILDLIFE
PASSAGE AREAS OVERLAY ZONES**

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

Section 1

**Article 2:
DEFINITIONS**

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended to add the following definitions in appropriate alphabetical order:

Agricultural Water Impoundment – A human-made surface water source used for livestock watering or other agricultural purposes (e.g., agricultural reservoir), also referred to as farm pond or livestock pond, in which water supply is primarily fed by sources other than natural processes such as groundwater seep or precipitation.

Conservation Organization – A public agency or a private, non-profit organization, whose primary purpose is the preservation and protection of land in its natural, scenic, historical, recreational, or open space condition.

Fuel Modification – 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 plants are those that do not readily ignite from a flame or other ignition source.

Functional Connectivity - Describes the degree to which a physical setting (i.e., natural landscape and built environment) facilitates or impedes the movement of organisms. *Functional connectivity* is a product of both the features of the physical setting (e.g., vegetation, physical development) and the behavioral response of plants and animals to these physical features.

Invasive Plant – Any species of plant included on the California Invasive Plant Council *Invasive Plant Checklist for California Landscaping*, as may be amended (<http://www.cal-ipc.org/plants/inventory/>).

Restoration Project - A project that involves the manipulation of the physical, chemical, or biological characteristics of a site to re-establish the site's natural or historic habitat,

Errata Memo – Attachment 1

species, or ecological functions. It may include the re-establishment of habitat at sites where ecological function was wholly or partially lost or degraded.

Riparian/Riparian Area/Riparian Habitat Area – Refers to the bank of a stream, creek or river. Riparian habitat is the aquatic and terrestrial habitats that occur along streams, creeks and rivers.

Surface Water Feature – An area containing a stream, river, wetland, seep, or pond, the *riparian* habitat area associated with the feature, as well as a development buffer area that is 200 feet as measured from the farthest extent of the surface water feature and its associated *riparian area*. The data used to designate the areas is obtained from the United States 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 human-made.

Vegetation – Native and nonnative trees and plant communities such as grassland, coastal scrub, *riparian* vegetation, chaparral, including *invasive plants*. The term *vegetation* does not include human-planted landscaping associated with legally-established development or commercial agricultural products.

Vegetation Modification – Human-caused alteration of *vegetation* through direct actions including, but not limited to, complete removal, mowing, thinning, or chaining.

Wildlife Crossing Structure – A *structure* such as a culvert, bridge or underpass containing certain features that enhance its suitability for use by wildlife to safely cross human-made barriers such as roadways and highways. Examples of these features include the presence of *vegetation* providing cover or habitat near the entrances and/or natural light visible at the opposite entrance. The locations of the wildlife crossing structures are shown on the ‘Wildlife Crossing Structures’ map 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 *wildlife crossing structures* does not include cattle guards.

Wildlife Impermeable Fencing – A *fence* or wall, other than a retaining wall, that prevents various species of wildlife including amphibians, reptiles, mammals, birds, from freely passing through with little or no interference. Except for gates and associated gate support components, all portions of a *fence* that include one or more of the following design features is considered *wildlife impermeable fencing*:

- (1) Any *fence* that is higher than 60 inches above grade, inclusive of any wire strands placed above a top rail of a *fence*.

Errata Memo – Attachment 1

- (2) Electric *fences* comprised of any material or number of electrified strands.
- (3) Any *fence* that is constructed of wrought iron, plastic mesh, woven wire, razor wire, chain link or that consists entirely of a solid surface, such as cinderblock.

Section 2

Article 3:

ESTABLISHMENT OF ZONES, BOUNDARIES AND MAPS

Article 3, Section 8103-0 - Purpose and Establishment of Zones and Minimum Lot Areas, of the Ventura County Ordinance Code, the portion of which sets forth overlay zones, is hereby amended to add the Habitat Connectivity and Wildlife Corridors (HCWC) overlay zone and the Critical Wildlife Passage Areas (CWPA) overlay zone to read as follows:

Overlay Zones	Abbreviation	Minimum Lot Area
Scenic Resource Protection	/SRP	Not Applicable
Mineral Resource Protection	/MRP	Not Applicable
Community Business District	/CBD	Not Applicable
Temporary Rental Unit Regulations	/TRU	Not Applicable
Dark Sky	/DKS	Not Applicable
Habitat Connectivity and Wildlife Corridors	/HCWC	Not Applicable
Critical Wildlife Passage Areas	/CWPA	Not Applicable

Section 3

Article 4:

PURPOSES OF ZONES

Article 4, Section 8104-7 – Overlay Zones, of the Ventura County Ordinance Code is hereby amended by adding a new Section 8104-7.7 – Habitat Connectivity and Wildlife Corridors Overlay Zone, and a new Section 8104-7.8 – Critical Wildlife Passage Areas Overlay Zone, to read as follows:

Section 8104-7.7 – Habitat Connectivity and Wildlife Corridors Overlay Zone

The general purposes of the Habitat Connectivity and Wildlife Corridors overlay zone are to preserve *functional connectivity* for wildlife and *vegetation* throughout the overlay zone by minimizing direct and indirect barriers, minimizing loss of *vegetation* and habitat fragmentation and minimizing impacts to those areas that are narrow,

Errata Memo – Attachment 1

impacted or otherwise tenuous with respect to wildlife movement. More specifically, the purposes of the Habitat Connectivity and Wildlife Corridors overlay zone include the following:

- a. Minimize the indirect impacts to wildlife created by *outdoor lighting*, such as disorientation of nocturnal species and the disruption of mating, feeding, migrating, and the predator-prey balance.
- a. Preserve the *functional connectivity* and habitat quality of *surface water features*, due to the vital role they play in providing refuge and resources for wildlife.
- b. Protect and enhance *wildlife crossing structures* to help facilitate safe wildlife passage.
- c. Minimize the introduction of *invasive plants*, which can increase fire risk, reduce water availability, accelerate erosion and flooding and diminish biodiversity within an ecosystem.
- d. Minimize *wildlife impermeable fencing*, which can create barriers to food and water, shelter, and breeding access to other individuals needed to maintain genetic diversity.

Section 8104-7.8 – Critical Wildlife Passage Areas Overlay Zone

There are three critical wildlife passage areas that are located entirely within the boundaries of the larger Habitat Connectivity and Wildlife Corridors overlay zone. These areas are particularly critical for facilitating wildlife movement due to any of the following: (1) the existence of intact native habitat or other habitat with important beneficial values for wildlife; 2) proximity to water bodies or ridgelines; 3) proximity of critical roadway crossings; 4) likelihood of encroachment by future development which could easily disturb wildlife movement and plant dispersal; or 5) presence of non-urbanized or undeveloped lands within a geographic location that connects core habitats at a regional scale.

Section 4

Article 5:

PERMITTED USES

Article 5, Sections 8105-4 and 8105-5 – Uses and Structures by Zone, are hereby amended regarding the following uses and structures to read as follows:

Errata Memo – Attachment 1

Section 8105-4 - Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP
FENCES AND WALLS 6' HIGH OR LESS PER ART. 6 (42)	E	E	E	E	E	E	E	E	E	E
<u>Wildlife Impermeable Fencing In Overlay Zone*</u>	Pursuant to Article 9									
Over 6' High Per Art. 6 (18, 42)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP
TREES AND NATIVE VEGETATION: REMOVAL, RELOCATION, OR PRUNING OR VEGETATION MODIFICATION (7, 12)										
Protected Trees, And Vegetation, <u>And Vegetation Modification</u> In Overlay Zone*	Pursuant to Articles 7 and 9									
Other Trees And Vegetation <u>Outside Overlay Zone</u> (42)	E	E	E	E	E	E	E	E	E	E

Section 8105-5 - Permitted Uses in Commercial and Industrial Zones

	CO	C1	CPD	M1	M2	M3
FENCES AND WALLS 6' HIGH OR LESS PER ART. 6	E	E	E	E	E	E
<u>Wildlife Impermeable Fencing In Overlay Zone*</u>	Pursuant to Article 9					
Over 6' High Per Art. 6 (18)	ZC	ZC	ZC	ZC	ZC	ZC

	CO	C1	CPD	M1	M2	M3
TREES AND NATIVE VEGETATION: REMOVAL, RELOCATION, OR PRUNING OR VEGETATION MODIFICATION (7, 12)						
Protected Trees, And Vegetation, <u>And Vegetation Modification</u> In Overlay Zone*	Pursuant to Articles 7 and 9					
Other Trees And Vegetation <u>Outside Overlay Zone</u> (42)	E	E	E	E	E	E

E – Exempt; ZC – Zoning Clearance; * There are specific regulations for this use or structure.

Section 5
Article 9:
STANDARDS FOR SPECIFIC ZONES
AND ZONE TYPES

Article 9, Section 8109-4 - Standards for Overlay and Special Purpose Zones, is hereby amended by adding new **Section 8109-4.8 – Habitat Connectivity and Wildlife Corridors Overlay Zone**, and **Section 8109-4.9 – Critical Wildlife Passage Area**, to read as follows:

Section 8109-4.8 – Habitat Connectivity and Wildlife Corridors Overlay Zone

The abbreviated reference for the Habitat Connectivity and Wildlife Corridors overlay zone when applied to a base zone shall be “HCWC.” The suffix “HCWC” shall be added to the base zone covering land so identified (example: AE-40 ac/HCWC). Where applicable, the standards, requirements and procedures in this Sec. 8109-4.8 shall apply to parcels in the Habitat Connectivity and Wildlife Corridors overlay zone in addition to those of the base zone. In the case of conflicting zone standards, requirements or procedures, the more restrictive ones shall apply within the Habitat Connectivity and Wildlife Corridors overlay zone.

Section 8109-4.8.1 – Applicability

- a. Except as otherwise specifically stated in Sec. 8109-4.8.2.1 regarding *outdoor lighting* and Sec. 8109-4.8.3.3 regarding prohibitions, the standards, requirements and procedures of this Sec. 8109-4.8 shall only apply to land uses and *structures* requiring a discretionary permit or modification thereto, or a ministerial Zoning Clearance, the applications for which are decided by the County decision-making authority on or after [Ordinance effective date], or to uses or activities not requiring a discretionary permit or Zoning Clearance which occur after [Ordinance effective date].
- b. If a lot is located both inside and outside of the Habitat Connectivity and Wildlife Corridors overlay zone, the standards, requirements and procedures of this Sec. 8109 - 4.8 shall only apply to the portion of the lot that is located inside the Habitat Connectivity and Wildlife Corridors overlay zone.

Errata Memo – Attachment 1

- c. For purposes of calculating lot sizes to apply the provisions of this Sec. 8109-4.8, the Ventura County Resource Management Agency Geographic Information System (GIS) shall be used.
- d. If a proposed land use or *structure* requires a discretionary permit or modification thereto under a section of this Chapter other than this Sec. 8109-4.8, no additional discretionary permit or Zoning Clearance shall be required for the proposed land use or *structure* pursuant to this Sec. 8109-4.8. Instead, the applicable standards, requirements and procedures of this Sec. 8109-4.8 shall be incorporated into the processing of the application for, and the substantive terms and conditions of, the discretionary permit or modification that is otherwise required by this Chapter.
- e. If the same proposed land use, *structure* or project requires two or more discretionary permits or modifications or Zoning Clearances pursuant to Sec. 8109-4.8 and/or Sec. 8109-4.9, the permit applications shall be processed and acted upon concurrently as part of the same project.
- f. If a permit condition, subdivision condition, or other County-approved covenant, condition, easement, or instrument imposes standards or restrictions on development which is subject to this Sec. 8109-4.9, the more restrictive standards and restrictions shall apply.

Section 8109-4.8.2 – Outdoor Lighting

Section 8109-4.8.2.1 – Applicability

Outdoor lighting standards are intended to minimize potential impacts of light on wildlife movement. Except for *outdoor lighting* that is exempt pursuant to Sec. 8109-4.8.2.2, or authorized pursuant to Sec. 8109-4.8.2.5, the following standards and requirements apply to *outdoor lighting* and to *luminaires* within translucent or transparent enclosed structures for agricultural operations. The provisions of Article 13 shall not apply to any lighting subject to this Sec. 8109-4.8.2.

Section 8109-4.8.2.2 - Exemptions

The following *outdoor lighting* and related activities are not subject to Sec. 8109-4.8.2:

- a. *Temporary* lighting for construction.
- b. *Temporary* emergency lighting.
- c. Lighting for *wireless communication facilities* to the extent required by the Federal Aviation Administration. (See Section 8109-4.8.2.2(b)(9) for additional requirements related to *wireless communication facilities*.)

Errata Memo – Attachment 1

- d. *Temporary* or intermittent outdoor night lighting necessary to conduct agricultural activities including *outdoor lighting* used during weather events such as frosts, and *temporary* or *intermittent* outdoor night lighting used for *oil and gas exploration and production* regardless of the location or number of lights used intermittently. As used in this Sec. 8109-4.8.2.2 the term “intermittent” means a period of between 31 and 90 calendar days within any 12-month period. For example, the use of intermittent lighting in cases where it is used simultaneously to illuminate multiple, discreet facilities (well sites, multiple tanks, etc.) is not limited provided that each individual location is illuminated no longer than 90 calendar days within any 12-month period.
- e. *Outdoor lighting* for signage permitted in accordance with Article 10.
- f. Seasonal or festive lighting.
- g. *Outdoor lighting* with a maximum output of 60 *lumens* or less, including solar lights.
- h. *Temporary outdoor lighting* associated with a use authorized by this Chapter or a permit granted pursuant to this Chapter.
- i. Lighting on public and private streets.
- j. Any facility, equipment, or activity that is subject to preemptive state or federal regulations regarding lighting or illumination.
- k. Lighting used in a swimming pool that is an accessory use to a dwelling or in a swimming pool associated with a legally authorized camp use.

Section 8109–4.8.2.3 – Prohibited Lighting

No *outdoor luminaire* prohibited by this Sec. 8109-4.8.2.3 shall be installed or replaced after [Ordinance effective date]. In addition, the use of any *outdoor luminaire* installed as of [Ordinance effective date] that is prohibited by this Sec. 8109-4.8.2.3 shall be discontinued as of [One year from Ordinance effective date]. The following *luminaires* are prohibited:

- a. Permanently installed *luminaires* that blink, flash, rotate, have intermittent fading, or have strobe light illumination.
- b. *Luminaires* located along the perimeter of a lot except for *security lighting* that complies with all other applicable standards and requirements of Sec. 8109 – 4.8.2.
- c. *Uplighting* of landscapes (e.g., trees, fountains), or for aesthetic purposes (e.g., outdoor statues, buildings) between 10:00 p.m. and sunrise.

Section 8109–4.8.2.4 – Existing Lighting; Standards and Requirements

Errata Memo – Attachment 1

a. Existing Lighting:

- (1) Any *outdoor luminaire* installed prior to [Ordinance effective date] that does not comply with any standard or requirement of Sec. 8109-4.8.2.4(b) and is not otherwise approved in conjunction with a land use and/or structure authorized by a discretionary permit granted pursuant to this Chapter may remain in use ~~until replaced by a luminaire that complies until compliance~~ with the standards of Sec. 8109-4.8.2.4(b) ~~is achieved~~, but shall comply with the following requirements as of [One year from ordinance effective date]:

i. *Luminaires* that have adjustable mountings with the ability to be redirected shall be directed downward, to the extent feasible, to reduce *glare* and *light trespass* onto adjacent undeveloped areas; and

ii. Lighting shall be turned off at 10:00 p.m. or until people are no longer present in exterior areas being illuminated, whichever occurs latest, and shall remain turned off until sunrise, except for *essential luminaires* which may remain on if used to illuminate circulation areas such as walkways and driveways or building entrances, or if used for safety or *security lighting*, pursuant to the requirements of Sec. 8109-4.8.2.4(b)(5).

- (2) Any *outdoor luminaire* installed prior to [Ordinance effective date] that does not comply with any standard or requirement of Sec. 8109-4.8.2 that is approved in conjunction with a land use and/or *structure* authorized by a discretionary permit granted pursuant to this Chapter may remain in use until at least [three years from ordinance effective date] subject to the applicable requirements of subsections (a)(1)(i) and (a)(1)(ii) above. Upon approval of a minor or major modification to the subject discretionary permit, all such lighting shall be required to be modified or replaced so that the lighting conforms to the standards and requirements of Sec. 8109-4.8.2, with the replacement lighting to be phased in within a reasonable time period after [three years from ordinance effective date]

b. Standards and Requirements

- (1) Shielding and Direction of Luminaries - All *outdoor lighting* shall be *fully-shielded*, directed downward, and installed and maintained in such a manner to avoid *light trespass* beyond the property line. Lights at building entrances, such as porch lights and under-eave lights, may be *partially-shielded luminaires*.
- (2) Maximum Height of Lighting

Errata Memo – Attachment 1

i. *Luminaires* affixed to structures for the purposes of lighting *outdoor recreational facility* shall not be mounted higher than 15 feet above ground level. In cases where a *luminaire* is affixed to a fence, the top of the *luminaire* shall be no higher than the height of the fence.

ii. Freestanding light fixtures used to light walkways and driveways shall use *luminaires* that are no higher than two feet above ground level.

iii. All other freestanding light fixtures shall not exceed 20 feet above ground level, unless specified by a discretionary permit granted under this Chapter.

(3) Lighting Color (Chromaticity) - The *correlated color temperature* of all *outdoor lighting* shall not exceed 3,000 Kelvin.

(4) Maximum Lumens - All *outdoor lighting*, except that used for *security lighting*, *outdoor recreational facility* lighting, and driveway and walkway lighting, shall have a maximum output of 850 *lumens* per *luminaire*.

i. Driveway and walkway lighting shall have a maximum output of 100 *lumens* per *luminaire*.

ii. See Section 8109-4.8.2.4(b)(5) for standards regarding *security lighting*.

iii. See Sec. 8109-4.8.2.4(b)(7) for standards regarding *outdoor recreational facility* lighting.

(5) Security Lighting

i. *Outdoor lighting* installed for *security lighting* shall have a maximum output of 2,600 *lumens* per *luminaire*. If required for proper functioning of a security camera used in conjunction with *security lighting*, the *correlated color temperature* may exceed 3,000 Kelvin. Where the light output exceeds 850 *lumens*, *security lighting* shall be operated by motion sensor or a timer switch and shall be programmed to turn off no more than 10 minutes after activation.

ii. Notwithstanding subsection (i) above, if *security lighting* is installed within 200 feet of a *surface water feature*, it shall be programmed to turn off no more than five minutes after activation.

Errata Memo – Attachment 1

iii. *Outdoor lighting* installed for *security lighting* that is used in connection with agricultural uses on lots zoned Agricultural Exclusive (AE), Open Space (OS), and Rural-Agricultural (RA) or legally authorized oil and gas exploration and production uses operating under a discretionary permit as of [Ordinance effective date] shall not be subject to the requirements for motion sensors and timers set forth in subsections (i) and (ii) above.

iv. *Essential luminaires* may remain on if used to illuminate circulation areas such as walkways, driveways or building entrances.

(6) Parking Area Lighting shall comply with the standards set forth in Sec. 8108-5.12 and is not subject to any other standard or requirement set forth in this Sec. 8109-4.8.2.

(7) Outdoor Recreational Facility Lighting

i. *Outdoor recreational facility lighting* may exceed an output of 850 lumens and 3,000 Kelvin per luminaire. Lighting levels for these facilities shall not exceed those levels recommended in the Lighting Handbook available online by the Illuminating Engineering Society of North America (IESNA) for the class of play (Sports Class I, II, III or IV).

ii. In cases where *fully-shielded luminaires* would impair the visibility required for the intended recreational activity, *partially-shielded luminaires* and *directional lighting* methods may be used to reduce *light pollution*, *glare* and *light trespass*.

iii. *Outdoor recreational facility lighting* shall not be illuminated between 10:00 p.m. and sunrise, except to complete a recreational event or activity that is in progress as of 10:00 p.m. Notwithstanding the foregoing, any *essential luminaire* and parking area lighting may be operated as part of the *outdoor recreational facility* in accordance with Sec. 8108-5.12.

iv. A lighting system design and installation plan (including lamps, lumens, Kelvin, etc.) shall be prepared by a qualified engineer, architect or landscape architect, in conformance with this Sec. 8109-4.8.2.2(b)(7).

v. The proposed lighting design shall be consistent with the purpose of this Sec. 8109-4.8.2 and minimize the effects of *light pollution* on adjacent undeveloped areas within the Habitat Connectivity and Wildlife Corridors overlay zone.

Errata Memo – Attachment 1

- (8) Service Station Lighting: All *luminaires* mounted on or recessed into the lower surface of the service station canopy shall be *fully-shielded luminaires* and utilize flat lenses. No additional lighting is allowed on columns of the service station.
- (9) Wireless Communication Facilities: In addition to all other applicable standards for *wireless communication facilities* specified in Sec. 8107-45, *wireless communication facilities* (including radio and television towers) that are higher than 200 feet shall not use red-steady lights unless otherwise required by the Federal Aviation Administration (FAA). Only white strobe or red strobe lights, or red flashing LED lights shall be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (i.e., longest duration between flashes/dark phase) allowable by the FAA. To the extent feasible, light flashes emanating from a single tower shall be set (synchronized) to flash simultaneously.
- (10) Night lighting for Translucent or Transparent Enclosed Agriculture Structures: All night lighting within translucent or transparent enclosed structures used for ongoing agriculture or agricultural operations (e.g., greenhouses for crop production) shall use the following methods to reduce *light pollution* beginning at 10:00 p.m. until sunrise:
 - i. Fully- or partially-shielded directional lighting; and
 - ii. Blackout screening for the walls and roof, preventing interior night lighting from being visible outside the *structure*.

Section 8109-4.8.2.5 – Deviations from Standards and Requirements

- a. Applicants may request deviations from any standard or requirement of this Sec. 8109-4.8.2 as part of an application for a discretionary permit or modification thereto. The decision to authorize each deviation must include written findings of fact supported by substantial evidence in the record establishing that the applicant's proposed lighting will be the functional equivalent, with regard to the strength and duration of illumination, *glare*, and *light trespass*, of the lighting that would otherwise be required by the applicable standard or requirement.
- b. The request shall state the facts and circumstances supporting each deviation, and shall be accompanied by the following information and documentation:
 - (1) Plans depicting the proposed *luminaires*, identifying the location of the *luminaire(s)* for which the deviation is being requested, the type of replacement *luminaires* to be used, the total light output (including *lumens*, *Kelvin*, etc.), and the character of the shielding, if any;

Errata Memo – Attachment 1

- (2) Detailed description of the use of proposed *luminaires* and the facts and circumstances which justify the deviation;
- (3) Supporting documentation such as a lighting plan, if requested; and
- (4) Other data and information as may be required by the Planning Division.

Section 8109-4.8.3 – Surface Water Features, Vegetation Modification, Wildlife Crossing Structures, and Wildlife Impermeable Fencing

Section 8109–4.8.3.1 – Applicability

- a. This Sec. 8109-4.8.3 applies to the ~~land uses and~~ structures and wildlife impermeable fencing (collectively referred to as “development” in this Sec. 8109-4.8.3) described below, except to the extent any such development is exempt pursuant to Sec. 8109-4.8.3.2:
 - (1) ~~Initiation Construction~~ of any new ~~land use, or construction of any new structure that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5) with a gross floor area of 120 square feet or more inclusive of open-roofed structures,~~ or any addition to an existing *structure*, that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5) and that will result in any new *fuel modification* required by the Ventura County Fire Protection District.
 - (2) Installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on lots zoned Open Space (OS) or Agricultural Exclusive (AE), including installation of wildlife impermeable fencing to facilitate livestock grazing. For purposes of this Sec. 8109-4.8, the term “enclosed area” means an area that is enclosed by *wildlife impermeable fencing* regardless of whether the fence or wall contains one or more gates or doors that can be opened to allow access. *Wildlife impermeable fencing* that includes unobstructed vertical gaps of at least 24 inches at intervals of 50 linear feet or less does not form an “enclosed area.”
 - (3) *Vegetation modification* unless otherwise exempt pursuant to Sec. 8109-4.8.3.2 below.
 - (4) *Fence posts, corner posts, and gate uprights* that are prohibited in Sec. 8109-4.8.3.3(d) below.

Section 8109–4.8.3.2 – General Exemptions

The following are not subject to Sec. 8109-4.8.3:

Errata Memo – Attachment 1

- a. *Vegetation modification* or the installation of *wildlife impermeable fencing* that is required to comply with any federal, state or local law or regulation.
- b. *Vegetation modification* performed on a maximum cumulative area, within a 12-month period, of 10 percent of the area of the lot that is located within a *surface water feature*. (For example, *vegetation modification* is exempt if performed on a maximum of 100 square feet on a lot within which 1,000 square feet of the total lot area is a surface water feature).
- c. Land, *fences*, or improvements other than *structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be restored or rebuilt to their original state and in their original location if a complete building permit application is submitted to the County within ~~six~~ three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration, or if no permit is required, the rebuilding commences within the aforementioned ~~six~~ three-year period and is diligently pursued to completion. Notwithstanding any other provision of this Chapter, the restoration or rebuilding of land, *fences* or improvements following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.8.
- d. *Structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be rebuilt to their original state and in their original location if (i) less than 50 percent of the *structure* is damaged or destroyed and (ii) a complete building permit application is submitted to the County within ~~six~~ three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration. Notwithstanding any other provision of this Chapter, the rebuilding of *structures* following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.8.
- e. Notwithstanding subsections (c) and (d) above, land, *fences*, improvements and *structures* damaged or destroyed in the Thomas Fire of 2017-2018 or the Woolsey-Hill Fires of 2018 may be rebuilt to their original state without being subject to Sec. 8109-4.8 if a complete building permit application has been submitted to the Building and Safety Division on or before the applicable deadline set forth in Sec. 8113-6.1.1, and the building permit once approved is diligently pursued to completion prior to permit expiration; or if no building permit is required for the rebuilding of any such land, *fence*, improvement or *structure*, the rebuilding commences before the above-referenced deadline and is diligently pursued to completion.

Errata Memo – Attachment 1

- f. 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 that is utilized for such a commercial agricultural activity.
- g. *Vegetation modification* on previously cultivated agricultural land left uncultivated for up to 10 years, or on land classified as “Prime,” or “Statewide Importance”, “Unique,” or “Local Importance,” or “Grazing” by the California Department of Conservation Important Farmlands Inventory, that is associated with the cultivation of agricultural crops.
- h. *Vegetation modification* performed by a public agency on publicly-owned or -maintained property.
- i. *Vegetation modification* on land owned or maintained by a conservation organization for the purpose of maintaining or enhancing functional connectivity.
- j. *Vegetation modification* associated exclusively with vegetation that has been intentionally planted as a landscape.
- k. *Vegetation modification* ~~for the purpose of including~~ fuel modification as required by the Ventura County Fire Protection District (VCFPD) ~~or a condition to a County-approved land use entitlement adjacent to a legally-established structure existing as of [Ordinance effective date]~~ pursuant to the VCFPD ordinance; or pursuant to a Community Wildfire Protection Plan, as amended, or similar fuel modification/wildfire protection plan adopted by the VCFPD; or pursuant to a burn permit approved by the VCFPD.
- l. Livestock grazing, except that the installation of *wildlife impermeable fencing* which forms an enclosed area to facilitate livestock grazing is not exempt.
- m. Development, or a portion thereof, to the extent dependent upon being located within a *surface water feature* or a *wildlife crossing structure* setback area as described in Sec. 8109-4.8.3.4. Examples include in-stream mining, flood control improvements, and bridges.
- n. Repair or maintenance of an existing, legally-established structure or fence.
- o. Development within a public road right-of-way.

Errata Memo – Attachment 1

- p. Structures or improvements that are *temporary* or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems).
- q. Vegetation modification performed with hand-operated tools as part of the operation and maintenance of a legally-established *oil and gas exploration and production* use operating under a discretionary permit as of [Ordinance effective date]. As used in this Sec. 8109 – 4.8.3.2 the term “hand-operated tools” does not include heavy equipment (i.e., heavy-duty vehicles designed for performing construction tasks such as earthwork operations).

Section 8109-4.8.3.3 – Prohibitions

Unless otherwise exempt pursuant to Sec. 8109-4.8.3.2 above, the following are prohibited in the Habitat Connectivity and Wildlife Corridors overlay zone:

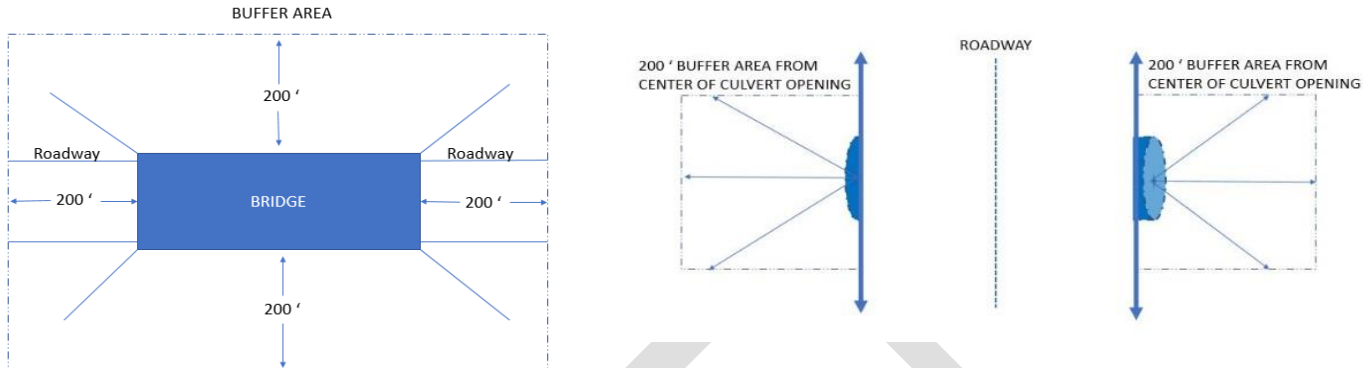
- a. The intentional planting of *invasive plants*, unless planted as a commercial agricultural crop or grown as commercial nursery stock.
- b. The installation of new *wildlife impermeable fencing* that forms an enclosed area on a lot that has no existing, lawfully-established *principal use*.
- c. The installation of new *wildlife impermeable fencing* around the perimeter of a lot that forms an enclosed area, unless exempt pursuant to Sec. 8109–4.8.3.7 below.
- d. Any new *fence* post, corner post, or gate upright with open, vertical pipes on lots zoned as Open Space (OS) or Agricultural Exclusive (AE) that could trap small birds or other animals. All such *fence* posts and gate uprights shall be entirely filled with concrete, sand, gravel, or other material, or covered with commercial caps.

Section 8109 – 4.8.3.4 – Wildlife Crossing Structures – Setbacks and Permitting

Development subject to and not prohibited by this Sec. 8109-4.8.3 requires a Planning Director-approved Planned Development Permit pursuant to Sec. 8111-1.2 if any portion thereof, including any resulting *fuel modification* required by the Ventura County Fire Protection District, is proposed to be sited or conducted within 200 feet from the entry or exit point of a *wildlife crossing structure* as measured from: 1) the center of the inlet or outlet side of a pipe or box culvert; or 2) the perimeter of a bridge structure.

Errata Memo – Attachment 1

Example Illustrations of Setbacks from Bridge Structures and Culverts Section 8109-4.8.3.4



Section 8109 – 4.8.3.5 – Surface Water Features – Setbacks and Permitting

- a. Development subject to and not prohibited by this Sec. 8109-4.8.3, other than the removal of *invasive plants* addressed in subsection (b) below, requires a Planning Director-approved Planned Development Permit pursuant to Sec. 8111-1.2 if any portion thereof, including any resulting *fuel modification* required by the Ventura County Fire Protection District, is proposed to be sited or conducted within a *surface water feature*.
- b. A Zoning Clearance issued pursuant to Sec. 8111-1.1 is required to authorize any *vegetation modification* limited exclusively to *invasive plants* within a *surface water feature*. An application for such a Zoning Clearance shall include, in addition to all other information required by the Planning Division pursuant to Sections 8111-2.1 and 8111-2.3, the following: (i) photographs of all vegetation proposed to be removed; (ii) identification of all *invasive plants* to be removed; (iii) method by which the removal will occur; and (iv) measures that will be taken to ensure that no native vegetation is damaged or removed. The Zoning Clearance shall prohibit the damaging or removal of native vegetation and shall require implementation of the identified measures to ensure that no native vegetation is damaged or removed.
- c. The designation of any area, or portion thereof, as a *surface water feature* may be reconsidered by the Planning Division upon request by an applicant proposing a development subject to this Sec. 8109-4.8.3.5. When reconsideration is requested, the sole issue is whether the area qualifies as a *surface water feature* as the term is defined in Article 2. The reconsideration request shall be submitted on a form provided by the Planning Division and shall include a field survey of the designated *surface*

Errata Memo – Attachment 1

water area that is prepared by a qualified biologist in accordance with the Biological Resources section of the Ventura County Initial Study Assessment Guidelines, as may be amended. The applicant shall be responsible for paying all County fees and costs associated with processing the reconsideration request. The request shall be decided by the Planning Director or designee without a public hearing. The decision shall be final and not subject to administrative appeal pursuant to Sec. 8111-7.

Section 8109-4.8.3.6 – Wildlife Impermeable Fencing – Permitting Requirements

- a. Unless otherwise exempt pursuant to Sec. 8109-4.8.3.7 below, this Sec. 8109-4.8.3.6 applies to the installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on lots zoned Open Space (OS) or Agricultural Exclusive (AE), including installation of *wildlife impermeable fencing* to facilitate livestock grazing. The standards and requirements of Sec. 8106-8.1 (Fences, Walls and Hedges), as may be amended, also apply to *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3.6.
- b. Installation of *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3.6 requires a Zoning Clearance issued pursuant to Sec. 8111-1.1 if the *wildlife impermeable fencing* forms an enclosed area that does not exceed the following limits:
 - (1) For lots with no *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* does not exceed 10 percent of the gross lot area; or
 - (2) For lots with existing *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* does not exceed 10 percent of the lot area net of the area enclosed by existing *wildlife impermeable fencing*. For example, if a 10-acre lot includes *wildlife impermeable fencing* that existed prior to [the ordinance effective date] and encloses a total area of one acre, the cumulative area enclosed by any new *wildlife impermeable fencing* proposed to be installed after [the ordinance effective date] may not exceed 0.9 acres, or 10 percent of nine acres.
- c. Installation of *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3 requires a Planning Director-approved Planned Development Permit pursuant to Sec. 8111-1.2 if the *wildlife impermeable fencing* forms an enclosed area as follows:

Errata Memo – Attachment 1

- (1) For lots with no *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is greater 10 ten percent of the gross lot area; or
 - (2) For lots with existing *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is greater than 10 percent of the lot area net of the area enclosed by existing *wildlife impermeable fencing*. For example, if a 10-acre lot includes *wildlife impermeable fencing* that existed prior to [the ordinance effective date] and encloses a total area of one acre, the cumulative area enclosed by any new *wildlife impermeable fencing* proposed to be installed after [the ordinance effective date] that exceeds 0.9 acres, or 10 percent of nine acres, would require a Planning Director-approved Planned Development Permit.
- d. All applications for a Zoning Clearance or discretionary permit or modification thereto pursuant to this Sec. 8109-4.8.3.6 shall include a fencing site plan depicting the type, design, and location of all existing and proposed *wildlife impermeable fencing* on the subject lot, including calculations for the enclosed area of each existing and proposed *wildlife impermeable fence*.
 - e. When any portion of a lot is located outside the Habitat Connectivity and Wildlife Corridors overlay zone, the calculation of gross lot area pursuant to this Sec. 8109 – 4.8.3.6 shall only consist of the portion of the lot that is located within the Habitat Connectivity and Wildlife Corridors overlay zone.

Section 8109–4.8.3.7 – Wildlife Impermeable Fencing – Exemptions

Sec. 8109-4.8.3.6 does not apply to *wildlife impermeable fencing* that forms an enclosed area when:

- a. It forms an enclosed area all of which is located within 50 feet of an exterior wall of a legally-established dwelling or within 50 feet of a structure related to an agricultural use set forth in Article 5. Such portion of the enclosed area is not counted towards the enclosed area limitations of Sec. 8109-4.8.3.6(b) and (c) above.
- b. It is used to enclose commercially grown agricultural crops or products. For purposes of this Section 8109-4.8.3.6.1 the phrase “commercially grown agricultural crops or products” means any crop or plant product (including orchard, food, plant fiber, feed, ornamentals, or forest), that will be commercially sold.
- c. It is used to enclose a water well or pump house and does not enclose more than 500 square feet.

Errata Memo – Attachment 1

- d. It is installed on publicly-owned or -maintained property for the purpose of restricting wildlife from entering a road right-of-way or directing wildlife toward a *wildlife crossing structure*.
- e. It is used for habitat protection or a restoration project when specified by a habitat preservation plan, habitat restoration plan or similar plan, or a condition of approval or mitigation measure associated with a land use entitlement, that is approved by a public entity; or it is constructed with a grant of public funds or by a *conservation organization*.
- f. It is installed on a lot that has an area of 10,000 square feet or less in size, regardless of base zoning.
- g. It is installed to control access to outdoor shooting ranges.

Section 8109–4.8.3.8 – Discretionary Permit Applications, Development Guidelines, and Permit Approval Finding

The following shall apply whenever a discretionary permit or modification thereto is required to authorize development pursuant to Sec. 8109-4.8.

- a. Permit applications shall include, among all other information required by the Planning Division pursuant to Sections 8111-2.1 and 8111-2.3, documentation, prepared by a qualified biologist, identifying all *surface water features*, *wildlife crossing structures*, landscape features such as *riparian* corridors and ridgelines, undeveloped areas, and other areas and features on the lot that could support *functional connectivity* and wildlife movement, or that could block or hinder *functional connectivity* and wildlife movement such as roads, structures, and *fences*. The permit application and supporting documentation shall also address the proposed development's consistency with the development guidelines stated in subsection (b) below. Additional information and study may be required in order to review a proposed development under the California Environmental Quality Act or other applicable law.
- b. Development, including any resulting *fuel modification* required by the Ventura County Fire Protection District, should comply with the following applicable development guidelines to the extent feasible:
 - (1) Development should be sited and conducted outside the applicable setback areas set forth in Sections 8109-4.8.3.4 and 8109-4.8.3.5 to the extent feasible;
 - (2) Development should be sited and conducted to minimize the removal and disturbance of biological resources, landscape features and undeveloped areas that have the potential to support *functional connectivity* and wildlife movement;

Errata Memo – Attachment 1

- (3) Development should be sited and conducted to provide the largest possible contiguous undeveloped portion of land; and
 - (4) *Wildlife impermeable fencing* should be sited and designed to minimize potential impacts to wildlife movement.
- c. In addition to meeting all other applicable permit approval standards set forth in Sec. 8111-1.2, the following additional permit approval finding must be made or be capable of being made with reasonable conditions and limitations being placed on the proposed development: The development, including any resulting *fuel modification* required by the Ventura County Fire Protection District, is sited and conducted in a manner that is consistent with the development guidelines set forth in Sec. 8109-4.8.3.8(b) to the extent feasible.

Section 8109-4.9 – Critical Wildlife Passage Areas Overlay Zone

The abbreviated reference for the Critical Wildlife Passage Areas overlay zone when applied to a base zone shall be “CWPA.” The suffix “CWPA” shall be added to the base zone covering land so identified (example: RA-40 ac/HCWC/CWPA). Where applicable, standards, requirements and procedures in this Sec. 8109-4.9 shall apply to parcels in the Critical Wildlife Passage Areas overlay zone in addition to those of the base zone and other overlay zones, including but not limited to the Habitat Connectivity and Wildlife Corridors overlay zone. In the case of conflicting zone standards, requirements or procedures, the more restrictive ones shall apply within the Critical Wildlife Passage Areas overlay zone.

Section 8109-4.9.1 – Applicability

- a. For purposes of calculating lot sizes to apply the provisions of this Sec. 8109-4.9, the Ventura County Resource Management Agency Geographic Information System (GIS) shall be used.
- b. Except for land uses and *structures* that are exempt pursuant to Sec. 8109-4.9.2, this Sec. 8109-4.9 shall apply to each of the following land uses and *structures* on lots that are two acres or greater (collectively referred to as “development” in this Sec. 8109-4.9):
 - (1) Construction of a new *structure* or addition to an existing *structure* that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5).
 - (2) Initiation of a new land use that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5).

Errata Memo – Attachment 1

- (3) Installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on lots zoned Open Space (OS) or Agricultural Exclusive (AE), including when such a *fence* is used to facilitate livestock grazing. For purposes of this Sec. 8109-4.9, the term “enclosed area” means an area that is enclosed by *wildlife impermeable fencing* regardless of whether the *fence* or wall contains one or more gates or doors that can be opened to allow access. *Wildlife impermeable fencing* that includes unobstructed vertical gaps of at least 24 inches at intervals of 50 linear feet or less does not form an “enclosed area.”
- c. In cases where any portion of a lot is outside the Critical Wildlife Passage Area overlay zone, this Sec. 8109-4.9 shall not apply to any portion of the lot.
- d. The standards, requirements and procedures of this Sec. 8109-4.9 shall only apply to new development, the discretionary permit or Zoning Clearance application for which is decided by the County decision-making authority on or after ordinance effective date.
- e. If development requires a discretionary permit or modification thereto under a section of this Chapter other than this Sec. 8109-4.9, no additional discretionary permit or Zoning Clearance shall be required for the development pursuant to this Sec. 8109-4.9. Instead, the applicable standards, requirements and procedures of this Sec. 8109-4.9 shall be incorporated into the processing of the application for, and the substantive terms and conditions of, the discretionary permit or modification that is otherwise required by this Chapter.
- f. If the same development or project requires two or more discretionary permits or modifications or Zoning Clearances pursuant to Sec. 8109-4.8 and/or Sec. 8109-4.9, the permit applications shall be processed and acted upon concurrently as part of the same project.
- g. If a permit condition, subdivision condition, or other County-approved covenant, condition, easement, or instrument imposes standards or restrictions on development which is subject to this Sec. 8109-4.9, the more restrictive standards and restrictions shall apply.

Section 8109-4.9.2 – Exemptions

This Sec. 8109-4.9 does not apply to the following development:

- a. Any development on a lot zoned Commercial (CO, C1, CPD).
- b. Any development on a lot zoned Residential (RA, RE, RO, R1, R2, RPD or RHD) located in the Simi Hills Critical Wildlife Passages area as shown on the ‘Critical Wildlife Passage Areas’ map within the Planning GIS

Errata Memo – Attachment 1

Wildlife Corridor layer of the County of Ventura, County View Geographic Information System (GIS), as may be amended.

- c. Aboveground pipelines or transmission lines.
- d. Facilities for the production, generation, storage, transmission, or distribution of water, including *wildlife impermeable fencing* required to protect such facilities.
- e. *Agricultural shade/mist structures*, animal shade structures authorized by Sec. 8107-34, and above-ground fuel storage as an *accessory use*.
- f. Land, *fences*, or improvements other than *structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be restored or rebuilt to their original state and in their original location if a complete building permit application is submitted to the County within ~~six~~ three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration, or if no permit is required, the rebuilding commences within the aforementioned ~~six~~ three-year period and is diligently pursued to completion. Notwithstanding any other provision of this Chapter, the restoration or rebuilding of land, *fences* or improvements following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.9.
- g. *Structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be rebuilt to their original state and in their original location if (i) less than 50 percent of the *structure* is damaged or destroyed and (ii) a complete building permit application is submitted to the County within ~~six~~ three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration. Notwithstanding any other provision of this Chapter, the rebuilding of *structures* following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.9.
- h. Notwithstanding subsections (f) and (g) above, land, *fences*, improvements and *structures* damaged or destroyed in the Thomas Fire of 2017-2018 or the Woolsey-Hill Fires of 2018 may be rebuilt to their original state without being subject to Sec. 8109-4.9 if a complete building permit application has been submitted to the Building and Safety Division on or before the applicable deadline set forth in Sec. 8113-6.1.1, and the building permit once approved is diligently pursued to completion prior to permit expiration; or if no building permit is required for the rebuilding of any such land, *fence*, improvement or *structure*, the rebuilding

Errata Memo – Attachment 1

commences before the above-referenced deadline and is diligently pursued to completion.

- i. Construction and maintenance of driveways or roads internal to a lot.
- j. *Structures* or improvements that are *temporary* or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems).
- k. Repair or maintenance of an existing, legally-established structure or fence.
- l. The following land uses set forth in Art. 5 are exempt except that (1) associated *structures* are not exempt regardless of whether a *structure* itself is subject to a permitting requirement under Art. 5, and (2) the installation of associated *wildlife impermeable fencing* is not exempt if such fencing otherwise qualifies as development pursuant to Sec. 8109-4.9.1(b)(3):
 - (1) Animal Keeping and Animal Husbandry (domestic animals, horses & other equines, including more than permitted by Art. 7)
 - (2) Apiculture
 - (3) Aquaculture/Aquiculture
 - (4) Vermiculture (open beds)
 - (5) Agricultural Promotional Uses
 - (6) Home Occupations
 - (7) Cemeteries
 - (8) Cultural/historic uses
 - (9) Filming Activities
 - (10) Firewood operations
 - (11) Drilling for temporary geologic testing
 - (12) Botanic Gardens and Arboreta
 - (13) Athletic Fields
 - (14) Golf Courses
 - (15) Parks
 - (16) Wholesale Nurseries for Propagation

Section 8109 – 4.9.3 – Permitting Requirements

- a. Development subject to this Sec. 8109-4.9 requires a Zoning Clearance pursuant to Sec. 8111-1.1, which shall be issued if the development, including all proposed *structures*, uses, and *open-storage enclosed areas formed by wildlife impermeable fencing*, complies with one or more of the following applicable siting criteria and meets the general standards set forth in Sec. 8111-1.1.1(b):

Errata Memo – Attachment 1

- (1) The development is proposed to be located on an undeveloped parcel and meets the compact development siting standard set forth in Sec. 8109-4.9.4 below. For purposes of this Sec. 8109-4.9.3, an “undeveloped” parcel is one that contains no legally-authorized structures as of [Ordinance effective date] other than one or more above-ground pipelines; wireless communication facilities; utility/transmission lines and support structures; flood control improvements; or water production, storage, transmission or distribution facilities.
- (2) The development is not proposed to be located on an undeveloped parcel and meets one or more of the following criteria:
- i. The development is located entirely within 100 feet of the centerline of a public road;
 - ii. The development is located entirely within 100 feet of any portion of and on the same lot as (i) an existing, legally-established *structure*, or (ii) ~~the centerline of a driveway leading to an existing, legally-established structure, or~~ (iii) the centerline of a publicly-accessible trail; or
 - iii. The development is located entirely within 100 feet of and on the same lot as the centerline of an agricultural access road that supports the production of commercially grown agricultural products. For purposes of this Sec. 8109-4.9.3, the phrase “commercially grown agricultural products” means any plant or animal agricultural product (including food, feed, fiber, ornamentals, or forest), that will be commercially sold, including livestock raised for commercial production.
- (3) For development consisting solely of the installation of *wildlife impermeable fencing* forming an enclosed area on parcel that is not undeveloped, the enclosed area ~~formed by wildlife impermeable fencing~~ is located entirely within an area described in subsection ~~(2), (3) or (4) above, or both complies with the compact development siting standard set forth in Sec. 8109-4.9.4 (2)(i), (2)(ii) or (2)(iii) above,~~ and:
- i. For lots with no *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is less than 10 percent of the gross lot area; or
 - ii. For lots with existing *wildlife impermeable fencing* forming and enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is more than 10

Errata Memo – Attachment 1

percent of the gross lot area excluding the cumulative area already enclosed by existing *wildlife impermeable fencing*.

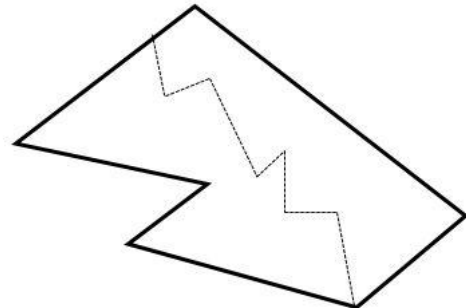
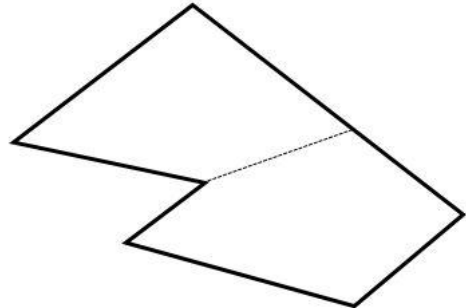
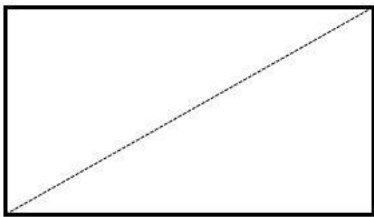
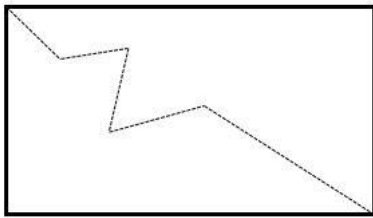
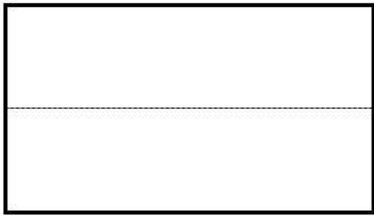
- b. If development subject to this Sec. 8109-4.9 does not qualify for a Zoning Clearance pursuant to Sec. 8109-4.9.3(a) above, a Planning Director-approved Planned Development Permit is required to authorize the development.

In addition to providing all information required by the Planning Division pursuant to Sec. 8111-2.3, an application for a Zoning Clearance or Planned Development Permit required by this Sec. 8109-4.9.3 shall include a site plan showing all existing and proposed *structures*, roads, driveways, and other improvements on the subject lot, and all public roads and publicly-accessible trails on or adjacent to the lot. Such applications for development consisting of the installation of *wildlife impermeable fencing* subject to Sec. 8109-4.9.3(a)(5) or 8109-4.9.3(a)(6) shall also include a fencing site plan depicting the type, design, and location of all existing and proposed *wildlife impermeable fencing* on the subject lot. For development consisting of the installation of *wildlife impermeable fencing* subject to Sec. 8109-4.9.3(a)(6), applications for development shall including include calculations for the enclosed area of each existing and if applicable, proposed *wildlife impermeable fence*.

Section 8109-4.9.4 – Compact Development Siting Standard

- a. Development complies with the compact development siting standard if all proposed *structures*, uses and ~~open-storage~~ enclosed areas formed by *wildlife impermeable fencing* constituting development under this Sec. 8109-4.9 are sited exclusively in one of the two contiguous areas created by a line bisecting the subject lot into two sections of equal areas (halves). The bisecting line may consist of a single, straight line segment or a series of connected, non-intersecting line segments that do not form a straight line. Each of the two endpoints of a bisecting line shall coincide with any two lot boundary lines.
- b. In addition to all other application requirements, as part of a Zoning Clearance application for development subject to this Sec. 8109-4.9.4, the applicant shall be required to submit a site plan which shows the location, length, and orientation of each segment of the bisecting line. The site plan shall be drawn to scale and shall identify the area in square feet of each section of land on either side of the bisecting line. Once the location of the bisecting line for the subject lot is established upon approval of a Zoning Clearance, it shall be the basis of siting any future proposed development authorized with a Zoning Clearance pursuant to Sec. 8109-4.9.4's compact development siting standard, except that a lot line adjustment approved pursuant to the Ventura County Subdivision Ordinance shall nullify any bisecting line created previously under this section.

**Example Illustrations of Lines Bisecting Lots into Two Sections of Equal Area
Section 8109-4.9.4**



Section 8109–4.9.5 – Discretionary Permit Applications and Approval Standards

The following apply whenever a discretionary permit or modification thereto is required to authorize development pursuant to Sec. 8109-4.9.

- a. Permit applications shall include, among all other information required by the Planning Division pursuant to Sections 8111-2.1 and 8111-2.3, documentation, prepared by a qualified biologist, identifying all *surface water features*, *wildlife crossing structures*, landscape features such as *riparian corridors* and *ridgelines*, undeveloped areas, and other areas and features on the lot that could support *functional connectivity* and wildlife movement, or

Errata Memo – Attachment 1

- that could block or hinder *functional connectivity* and wildlife movement such as roads, structures, and *fences*. The permit application and supporting documentation shall also address the proposed development's consistency with the development guidelines stated in subsection (b) below. Additional information and study may be required in order to review a proposed development under the California Environmental Quality Act or other applicable law.
- b. Development, including any resulting *fuel modification* required by the Ventura County Fire Protection District, should comply with the following applicable development guidelines to the extent feasible:
- (1) Development should be sited and conducted to minimize the removal and disturbance of biological resources, landscape features and undeveloped areas that have the potential to support *functional connectivity* and wildlife movement;
 - (2) Development should be sited and conducted to provide the largest possible contiguous undeveloped portion of land; and
 - (3) *Wildlife impermeable fencing* should be sited and designed to minimize potential impacts to wildlife movement.
- c. In addition to meeting all other applicable permit approval standards set forth in Sec. 8111-1.2, the following additional permit approval finding must be made or be capable of being made with reasonable conditions and limitations being placed on the proposed development: The development, including any resulting *fuel modification* required by the Ventura County Fire Protection District, should be sited and conducted in a manner that is consistent with the development guidelines set forth in Sec. 8109-4.9.5(b) to the extent feasible.

Section 6 Severability

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

Section 7 Effective Date; Implementation

This Ordinance shall become effective 60 days after adoption.

Errata Memo – Attachment 1

PASSED AND ADOPTED this xxth day of xxx, 2019 by the following vote:

AYES: Supervisors _____

NOES:

ABSENT:

CHAIR, BOARD OF SUPERVISORS

ATTEST:
MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California
By _____
Deputy Clerk of the Board

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA,
AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2, 3, 4, 5, AND 9
OF THE VENTURA COUNTY ORDINANCE CODE, NON-COASTAL ZONING
ORDINANCE TO REGULATE DEVELOPMENT WITHIN THE HABITAT
CONNECTIVITY AND WILDLIFE CORRIDORS AND THE CRITICAL WILDLIFE
PASSAGE AREAS OVERLAY ZONES**

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

Section 1

**Article 2:
DEFINITIONS**

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended to add the following definitions in appropriate alphabetical order:

Agricultural Water Impoundment – A human-made surface water source used for livestock watering or other agricultural purposes (e.g., agricultural reservoir), also referred to as farm pond or livestock pond, in which water supply is primarily fed by sources other than natural processes such as groundwater seep or precipitation.

Conservation Organization – A public agency or a private, non-profit organization, whose primary purpose is the preservation and protection of land in its natural, scenic, historical, recreational, or open space condition.

Fuel Modification – 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 plants are those that do not readily ignite from a flame or other ignition source.

Functional Connectivity - Describes the degree to which a physical setting (i.e., natural landscape and built environment) facilitates or impedes the movement of organisms. *Functional connectivity* is a product of both the features of the physical setting (e.g., vegetation, physical development) and the behavioral response of plants and animals to these physical features.

Invasive Plant – Any species of plant included on the California Invasive Plant Council *Invasive Plant Checklist for California Landscaping*, as may be amended (<http://www.cal-ipc.org/plants/inventory/>).

Restoration Project - A project that involves the manipulation of the physical, chemical, or biological characteristics of a site to re-establish the site's natural or historic habitat,

Errata Memo – Attachment 2

species, or ecological functions. It may include the re-establishment of habitat at sites where ecological function was wholly or partially lost or degraded.

Riparian/Riparian Area/Riparian Habitat Area – Refers to the bank of a stream, creek or river. Riparian habitat is the aquatic and terrestrial habitats that occur along streams, creeks and rivers.

Surface Water Feature – An area containing a stream, river, wetland, seep, or pond, the *riparian* habitat area associated with the feature, as well as a development buffer area that is 200 feet as measured from the farthest extent of the surface water feature and its associated *riparian area*. The data used to designate the areas is obtained from the United States 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 human-made.

Vegetation – Native and nonnative trees and plant communities such as grassland, coastal scrub, *riparian* vegetation, chaparral, including *invasive plants*. The term *vegetation* does not include human-planted landscaping associated with legally-established development or commercial agricultural products.

Vegetation Modification – Human-caused alteration of *vegetation* through direct actions including, but not limited to, complete removal, mowing, thinning, or chaining.

Wildlife Crossing Structure – A *structure* such as a culvert, bridge or underpass containing certain features that enhance its suitability for use by wildlife to safely cross human-made barriers such as roadways and highways. Examples of these features include the presence of *vegetation* providing cover or habitat near the entrances and/or natural light visible at the opposite entrance. The locations of the wildlife crossing structures are shown on the ‘Wildlife Crossing Structures’ map 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 *wildlife crossing structures* does not include cattle guards.

Wildlife Impermeable Fencing – A *fence* or wall, other than a retaining wall, that prevents various species of wildlife including amphibians, reptiles, mammals, birds, from freely passing through with little or no interference. Except for gates and associated gate support components, all portions of a *fence* that include one or more of the following design features is considered *wildlife impermeable fencing*:

- (1) Any *fence* that is higher than 60 inches above grade, inclusive of any wire strands placed above a top rail of a *fence*.

Errata Memo – Attachment 2

- (2) Electric *fences* comprised of any material or number of electrified strands.
- (3) Any *fence* that is constructed of wrought iron, plastic mesh, woven wire, razor wire, chain link or that consists entirely of a solid surface, such as cinderblock.

Section 2

Article 3:

ESTABLISHMENT OF ZONES, BOUNDARIES AND MAPS

Article 3, Section 8103-0 - Purpose and Establishment of Zones and Minimum Lot Areas, of the Ventura County Ordinance Code, the portion of which sets forth overlay zones, is hereby amended to add the Habitat Connectivity and Wildlife Corridors (HCWC) overlay zone and the Critical Wildlife Passage Areas (CWPA) overlay zone to read as follows:

Overlay Zones	Abbreviation	Minimum Lot Area
Scenic Resource Protection	/SRP	Not Applicable
Mineral Resource Protection	/MRP	Not Applicable
Community Business District	/CBD	Not Applicable
Temporary Rental Unit Regulations	/TRU	Not Applicable
Dark Sky	/DKS	Not Applicable
Habitat Connectivity and Wildlife Corridors	/HCWC	Not Applicable
Critical Wildlife Passage Areas	/CWPA	Not Applicable

Section 3

Article 4:

PURPOSES OF ZONES

Article 4, Section 8104-7 – Overlay Zones, of the Ventura County Ordinance Code is hereby amended by adding a new Section 8104-7.7 – Habitat Connectivity and Wildlife Corridors Overlay Zone, and a new Section 8104-7.8 – Critical Wildlife Passage Areas Overlay Zone, to read as follows:

Section 8104-7.7 – Habitat Connectivity and Wildlife Corridors Overlay Zone

The general purposes of the Habitat Connectivity and Wildlife Corridors overlay zone are to preserve *functional connectivity* for wildlife and *vegetation* throughout the overlay zone by minimizing direct and indirect barriers, minimizing loss of *vegetation* and habitat fragmentation and minimizing impacts to those areas that are narrow,

Errata Memo – Attachment 2

impacted or otherwise tenuous with respect to wildlife movement. More specifically, the purposes of the Habitat Connectivity and Wildlife Corridors overlay zone include the following:

- a. Minimize the indirect impacts to wildlife created by *outdoor lighting*, such as disorientation of nocturnal species and the disruption of mating, feeding, migrating, and the predator-prey balance.
- a. Preserve the *functional connectivity* and habitat quality of *surface water features*, due to the vital role they play in providing refuge and resources for wildlife.
- b. Protect and enhance *wildlife crossing structures* to help facilitate safe wildlife passage.
- c. Minimize the introduction of *invasive plants*, which can increase fire risk, reduce water availability, accelerate erosion and flooding and diminish biodiversity within an ecosystem.
- d. Minimize *wildlife impermeable fencing*, which can create barriers to food and water, shelter, and breeding access to other individuals needed to maintain genetic diversity.

Section 8104-7.8 – Critical Wildlife Passage Areas Overlay Zone

There are three critical wildlife passage areas that are located entirely within the boundaries of the larger Habitat Connectivity and Wildlife Corridors overlay zone. These areas are particularly critical for facilitating wildlife movement due to any of the following: (1) the existence of intact native habitat or other habitat with important beneficial values for wildlife; 2) proximity to water bodies or ridgelines; 3) proximity of critical roadway crossings; 4) likelihood of encroachment by future development which could easily disturb wildlife movement and plant dispersal; or 5) presence of non-urbanized or undeveloped lands within a geographic location that connects core habitats at a regional scale.

Section 4

Article 5:

PERMITTED USES

Article 5, Sections 8105-4 and 8105-5 – Uses and Structures by Zone, are hereby amended regarding the following uses and structures to read as follows:

Errata Memo – Attachment 2

Section 8105-4 - Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP
FENCES AND WALLS 6' HIGH OR LESS PER ART. 6 (42)	E	E	E	E	E	E	E	E	E	E
<u>Wildlife Impermeable Fencing In Overlay Zone*</u>	Pursuant to Article 9									
Over 6' High Per Art. 6 (18, 42)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP
TREES AND NATIVE VEGETATION: REMOVAL, RELOCATION, OR PRUNING OR VEGETATION MODIFICATION (7, 12)										
Protected Trees, And Vegetation, <u>And Vegetation Modification</u> In Overlay Zone*	Pursuant to Articles 7 and 9									
Other Trees And Vegetation <u>Outside Overlay Zone</u> (42)	E	E	E	E	E	E	E	E	E	E

Section 8105-5 - Permitted Uses in Commercial and Industrial Zones

	CO	C1	CPD	M1	M2	M3
FENCES AND WALLS 6' HIGH OR LESS PER ART. 6	E	E	E	E	E	E
<u>Wildlife Impermeable Fencing In Overlay Zone*</u>	Pursuant to Article 9					
Over 6' High Per Art. 6 (18)	ZC	ZC	ZC	ZC	ZC	ZC

	CO	C1	CPD	M1	M2	M3
TREES AND NATIVE VEGETATION: REMOVAL, RELOCATION, OR PRUNING OR VEGETATION MODIFICATION (7, 12)						
Protected Trees, And Vegetation, <u>And Vegetation Modification</u> In Overlay Zone*	Pursuant to Articles 7 and 9					
Other Trees And Vegetation <u>Outside Overlay Zone</u> (42)	E	E	E	E	E	E

E – Exempt; ZC – Zoning Clearance; * There are specific regulations for this use or structure.

Section 5
Article 9:
STANDARDS FOR SPECIFIC ZONES
AND ZONE TYPES

Article 9, Section 8109-4 - Standards for Overlay and Special Purpose Zones, is hereby amended by adding new **Section 8109-4.8 – Habitat Connectivity and Wildlife Corridors Overlay Zone**, and **Section 8109-4.9 – Critical Wildlife Passage Area**, to read as follows:

Section 8109-4.8 – Habitat Connectivity and Wildlife Corridors Overlay Zone

The abbreviated reference for the Habitat Connectivity and Wildlife Corridors overlay zone when applied to a base zone shall be “HCWC.” The suffix “HCWC” shall be added to the base zone covering land so identified (example: AE-40 ac/HCWC). Where applicable, the standards, requirements and procedures in this Sec. 8109-4.8 shall apply to parcels in the Habitat Connectivity and Wildlife Corridors overlay zone in addition to those of the base zone. In the case of conflicting zone standards, requirements or procedures, the more restrictive ones shall apply within the Habitat Connectivity and Wildlife Corridors overlay zone.

Section 8109-4.8.1 – Applicability

- a. Except as otherwise specifically stated in Sec. 8109-4.8.2.1 regarding *outdoor lighting* and Sec. 8109-4.8.3.3 regarding prohibitions, the standards, requirements and procedures of this Sec. 8109-4.8 shall only apply to land uses and *structures* requiring a discretionary permit or modification thereto, or a ministerial Zoning Clearance, the applications for which are decided by the County decision-making authority on or after [Ordinance effective date], or to uses or activities not requiring a discretionary permit or Zoning Clearance which occur after [Ordinance effective date].
- b. If a lot is located both inside and outside of the Habitat Connectivity and Wildlife Corridors overlay zone, the standards, requirements and procedures of this Sec. 8109 - 4.8 shall only apply to the portion of the lot that is located inside the Habitat Connectivity and Wildlife Corridors overlay zone.

Errata Memo – Attachment 2

- c. For purposes of calculating lot sizes to apply the provisions of this Sec. 8109-4.8, the Ventura County Resource Management Agency Geographic Information System (GIS) shall be used.
- d. If a proposed land use or *structure* requires a discretionary permit or modification thereto under a section of this Chapter other than this Sec. 8109-4.8, no additional discretionary permit or Zoning Clearance shall be required for the proposed land use or *structure* pursuant to this Sec. 8109-4.8. Instead, the applicable standards, requirements and procedures of this Sec. 8109-4.8 shall be incorporated into the processing of the application for, and the substantive terms and conditions of, the discretionary permit or modification that is otherwise required by this Chapter.
- e. If the same proposed land use, *structure* or project requires two or more discretionary permits or modifications or Zoning Clearances pursuant to Sec. 8109-4.8 and/or Sec. 8109-4.9, the permit applications shall be processed and acted upon concurrently as part of the same project.
- f. If a permit condition, subdivision condition, or other County-approved covenant, condition, easement, or instrument imposes standards or restrictions on development which is subject to this Sec. 8109-4.9, the more restrictive standards and restrictions shall apply.

Section 8109-4.8.2 – Outdoor Lighting

Section 8109-4.8.2.1 – Applicability

Outdoor lighting standards are intended to minimize potential impacts of light on wildlife movement. Except for *outdoor lighting* that is exempt pursuant to Sec. 8109-4.8.2.2, or authorized pursuant to Sec. 8109-4.8.2.5, the following standards and requirements apply to *outdoor lighting* and to *luminaires* within translucent or transparent enclosed structures for agricultural operations. The provisions of Article 13 shall not apply to any lighting subject to this Sec. 8109-4.8.2.

Section 8109-4.8.2.2 - Exemptions

The following *outdoor lighting* and related activities are not subject to Sec. 8109-4.8.2:

- a. *Temporary* lighting for construction.
- b. *Temporary* emergency lighting.
- c. Lighting for *wireless communication facilities* to the extent required by the Federal Aviation Administration. (See Section 8109-4.8.2.2(b)(9) for additional requirements related to *wireless communication facilities*.)

Errata Memo – Attachment 2

- d. *Temporary* or intermittent outdoor night lighting necessary to conduct agricultural activities including *outdoor lighting* used during weather events such as frosts, and *temporary* or *intermittent* outdoor night lighting used for *oil and gas exploration and production* regardless of the location or number of lights used intermittently. As used in this Sec. 8109-4.8.2.2 the term “intermittent” means a period of between 31 and 90 calendar days within any 12-month period. For example, the use of *intermittent* lighting in cases where it is used simultaneously to illuminate multiple, discreet facilities (well sites, multiple tanks, etc.) is not limited provided that each individual location is illuminated no longer than 90 calendar days within any 12-month period.
- e. *Outdoor lighting* for signage permitted in accordance with Article 10.
- f. Seasonal or festive lighting.
- g. *Outdoor lighting* with a maximum output of 60 *lumens* or less, including solar lights.
- h. *Temporary outdoor lighting* associated with a use authorized by this Chapter or a permit granted pursuant to this Chapter.
- i. Lighting on public and private streets.
- j. Any facility, equipment, or activity that is subject to preemptive state or federal regulations regarding lighting or illumination.
- k. Lighting used in a swimming pool that is an accessory use to a dwelling or in a swimming pool associated with a legally authorized camp use.

Section 8109–4.8.2.3 – Prohibited Lighting

No *outdoor luminaire* prohibited by this Sec. 8109-4.8.2.3 shall be installed or replaced after [Ordinance effective date]. In addition, the use of any *outdoor luminaire* installed as of [Ordinance effective date] that is prohibited by this Sec. 8109-4.8.2.3 shall be discontinued as of [One year from Ordinance effective date]. The following *luminaires* are prohibited:

- a. Permanently installed *luminaires* that blink, flash, rotate, have intermittent fading, or have strobe light illumination.
- b. *Luminaires* located along the perimeter of a lot except for *security lighting* that complies with all other applicable standards and requirements of Sec. 8109 – 4.8.2.
- c. *Uplighting* of landscapes (e.g., trees, fountains), or for aesthetic purposes (e.g., outdoor statues, buildings) between 10:00 p.m. and sunrise.

Section 8109–4.8.2.4 – Existing Lighting; Standards and Requirements

Errata Memo – Attachment 2

a. Existing Lighting:

- (1) Any *outdoor luminaire* installed prior to [Ordinance effective date] that does not comply with any standard or requirement of Sec. 8109-4.8.2.4(b) and is not otherwise approved in conjunction with a land use and/or structure authorized by a discretionary permit granted pursuant to this Chapter may remain in use until compliance with the standards of Sec. 8109-4.8.2.4(b) is achieved, but shall comply with the following requirements as of [One year from ordinance effective date]:

- i. *Luminaires* that have adjustable mountings with the ability to be redirected shall be directed downward, to the extent feasible, to reduce *glare* and *light trespass* onto adjacent undeveloped areas; and

- ii. Lighting shall be turned off at 10:00 p.m. or until people are no longer present in exterior areas being illuminated, whichever occurs latest, and shall remain turned off until sunrise, except for *essential luminaires* which may remain on if used to illuminate circulation areas such as walkways and driveways or building entrances, or if used for safety or *security lighting*, pursuant to the requirements of Sec. 8109-4.8.2.4(b)(5).

- (2) Any *outdoor luminaire* installed prior to [Ordinance effective date] that does not comply with any standard or requirement of Sec. 8109-4.8.2 that is approved in conjunction with a land use and/or *structure* authorized by a discretionary permit granted pursuant to this Chapter may remain in use until at least [three years from ordinance effective date] subject to the applicable requirements of subsections (a)(1)(i) and (a)(1)(ii) above. Upon approval of a minor or major modification to the subject discretionary permit, all such lighting shall be required to be modified or replaced so that the lighting conforms to the standards and requirements of Sec. 8109-4.8.2, with the replacement lighting to be phased in within a reasonable time period after [three years from ordinance effective date]

b. Standards and Requirements

- (1) Shielding and Direction of Luminaries - All *outdoor lighting* shall be *fully-shielded*, directed downward, and installed and maintained in such a manner to avoid *light trespass* beyond the property line. Lights at building entrances, such as porch lights and under-eave lights, may be *partially-shielded luminaires*.

- (2) Maximum Height of Lighting

- i. *Luminaires* affixed to structures for the purposes of lighting *outdoor recreational facility* shall not be mounted higher than 15

Errata Memo – Attachment 2

feet above ground level. In cases where a *luminaire* is affixed to a fence, the top of the *luminaire* shall be no higher than the height of the fence.

ii. Freestanding light fixtures used to light walkways and driveways shall use *luminaires* that are no higher than two feet above ground level.

iii. All other freestanding light fixtures shall not exceed 20 feet above ground level, unless specified by a discretionary permit granted under this Chapter.

(3) Lighting Color (Chromaticity) - The *correlated color temperature* of all *outdoor lighting* shall not exceed 3,000 Kelvin.

(4) Maximum Lumens - All *outdoor lighting*, except that used for *security lighting*, *outdoor recreational facility lighting*, and driveway and walkway lighting, shall have a maximum output of 850 *lumens* per *luminaire*.

i. Driveway and walkway lighting shall have a maximum output of 100 *lumens* per *luminaire*.

ii. See Section 8109-4.8.2.4(b)(5) for standards regarding *security lighting*.

iii. See Sec. 8109-4.8.2.4(b)(7) for standards regarding *outdoor recreational facility lighting*.

(5) Security Lighting

i. *Outdoor lighting* installed for *security lighting* shall have a maximum output of 2,600 *lumens* per *luminaire*. If required for proper functioning of a security camera used in conjunction with *security lighting*, the *correlated color temperature* may exceed 3,000 Kelvin. Where the light output exceeds 850 *lumens*, *security lighting* shall be operated by motion sensor or a timer switch and shall be programmed to turn off no more than 10 minutes after activation.

ii. Notwithstanding subsection (i) above, if *security lighting* is installed within 200 feet of a *surface water feature*, it shall be programmed to turn off no more than five minutes after activation.

iii. *Outdoor lighting* installed for *security lighting* that is used in connection with agricultural uses on lots zoned Agricultural Exclusive (AE), Open Space (OS), and Rural-Agricultural (RA) or legally authorized *oil and gas exploration and production* uses

Errata Memo – Attachment 2

operating under a discretionary permit as of [Ordinance effective date] shall not be subject to the requirements for motion sensors and timers set forth in subsections (i) and (ii) above.

iv. *Essential luminaires* may remain on if used to illuminate circulation areas such as walkways, driveways or building entrances.

(6) Parking Area Lighting shall comply with the standards set forth in Sec. 8108-5.12 and is not subject to any other standard or requirement set forth in this Sec. 8109-4.8.2.

(7) Outdoor Recreational Facility Lighting

i. *Outdoor recreational facility* lighting may exceed an output of 850 lumens and 3,000 Kelvin per luminaire. Lighting levels for these facilities shall not exceed those levels recommended in the Lighting Handbook available online by the Illuminating Engineering Society of North America (IESNA) for the class of play (Sports Class I, II, III or IV).

ii. In cases where *fully-shielded luminaires* would impair the visibility required for the intended recreational activity, *partially-shielded luminaires* and *directional lighting* methods may be used to reduce *light pollution*, *glare* and *light trespass*.

iii. *Outdoor recreational facility lighting* shall not be illuminated between 10:00 p.m. and sunrise, except to complete a recreational event or activity that is in progress as of 10:00 p.m. Notwithstanding the foregoing, any *essential luminaire* and parking area lighting may be operated as part of the *outdoor recreational facility* in accordance with Sec. 8108-5.12.

iv. A lighting system design and installation plan (including lamps, lumens, Kelvin, etc.) shall be prepared by a qualified engineer, architect or landscape architect, in conformance with this Sec. 8109-4.8.2.2(b)(7).

v. The proposed lighting design shall be consistent with the purpose of this Sec. 8109-4.8.2 and minimize the effects of *light pollution* on adjacent undeveloped areas within the Habitat Connectivity and Wildlife Corridors overlay zone.

(8) Service Station Lighting: All *luminaires* mounted on or recessed into the lower surface of the service station canopy shall be *fully-shielded luminaires* and utilize flat lenses. No additional lighting is allowed on columns of the service station.

Errata Memo – Attachment 2

- (9) Wireless Communication Facilities: In addition to all other applicable standards for *wireless communication facilities* specified in Sec. 8107-45, *wireless communication facilities* (including radio and television towers) that are higher than 200 feet shall not use red-steady lights unless otherwise required by the Federal Aviation Administration (FAA). Only white strobe or red strobe lights, or red flashing LED lights shall be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (i.e., longest duration between flashes/dark phase) allowable by the FAA. To the extent feasible, light flashes emanating from a single tower shall be set (synchronized) to flash simultaneously.
- (10) Night lighting for Translucent or Transparent Enclosed Agriculture Structures: All night lighting within translucent or transparent enclosed structures used for ongoing agriculture or agricultural operations (e.g., greenhouses for crop production) shall use the following methods to reduce *light pollution* beginning at 10:00 p.m. until sunrise:
- i. Fully- or partially-shielded directional lighting; and
 - ii. Blackout screening for the walls and roof, preventing interior night lighting from being visible outside the *structure*.

Section 8109-4.8.2.5 – Deviations from Standards and Requirements

- a. Applicants may request deviations from any standard or requirement of this Sec. 8109-4.8.2 as part of an application for a discretionary permit or modification thereto. The decision to authorize each deviation must include written findings of fact supported by substantial evidence in the record establishing that the applicant's proposed lighting will be the functional equivalent, with regard to the strength and duration of illumination, *glare*, and *light trespass*, of the lighting that would otherwise be required by the applicable standard or requirement.
- b. The request shall state the facts and circumstances supporting each deviation, and shall be accompanied by the following information and documentation:
 - (1) Plans depicting the proposed *luminaires*, identifying the location of the *luminaire(s)* for which the deviation is being requested, the type of replacement *luminaires* to be used, the total light output (including *lumens*, *Kelvin*, etc.), and the character of the shielding, if any;
 - (2) Detailed description of the use of proposed *luminaires* and the facts and circumstances which justify the deviation;
 - (3) Supporting documentation such as a lighting plan, if requested; and

Errata Memo – Attachment 2

- (4) Other data and information as may be required by the Planning Division.

Section 8109-4.8.3 – Surface Water Features, Vegetation Modification, Wildlife Crossing Structures, and Wildlife Impermeable Fencing

Section 8109–4.8.3.1 – Applicability

- a. This Sec. 8109-4.8.3 applies to the *structures* and *wildlife impermeable fencing* (collectively referred to as “development” in this Sec. 8109-4.8.3) described below, except to the extent any such development is exempt pursuant to Sec. 8109-4.8.3.2:
- (1) Construction of any new *structure* that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5) with a *gross floor area* of 120 square feet or more inclusive of open-roofed *structures*, or any addition to an existing *structure*, that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5) and that will result in any new *fuel modification* required by the Ventura County Fire Protection District.
 - (2) Installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on lots zoned Open Space (OS) or Agricultural Exclusive (AE), including installation of *wildlife impermeable fencing* to facilitate livestock grazing. For purposes of this Sec. 8109-4.8, the term “enclosed area” means an area that is enclosed by *wildlife impermeable fencing* regardless of whether the fence or wall contains one or more gates or doors that can be opened to allow access. *Wildlife impermeable fencing* that includes unobstructed vertical gaps of at least 24 inches at intervals of 50 linear feet or less does not form an “enclosed area.”
 - (3) *Vegetation modification* unless otherwise exempt pursuant to Sec. 8109-4.8.3.2 below.
 - (4) *Fence posts*, corner posts, and gate uprights that are prohibited in Sec. 8109-4.8.3.3(d) below.

Section 8109–4.8.3.2 – General Exemptions

The following are not subject to Sec. 8109-4.8.3:

- a. *Vegetation modification* or the installation of *wildlife impermeable fencing* that is required to comply with any federal, state or local law or regulation.
- b. *Vegetation modification* performed on a maximum cumulative area, within a 12-month period, of 10 percent of the area of the lot that is located within

Errata Memo – Attachment 2

a *surface water feature*. (For example, *vegetation modification* is exempt if performed on a maximum of 100 square feet on a lot within which 1,000 square feet of the total lot area is a surface water feature).

- c. Land, *fences*, or improvements other than *structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be restored or rebuilt to their original state and in their original location if a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration, or if no permit is required, the rebuilding commences within the aforementioned three-year period and is diligently pursued to completion. Notwithstanding any other provision of this Chapter, the restoration or rebuilding of land, *fences* or improvements following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.8.
- d. *Structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be rebuilt to their original state and in their original location if (i) less than 50 percent of the *structure* is damaged or destroyed and (ii) a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration. Notwithstanding any other provision of this Chapter, the rebuilding of *structures* following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.8.
- e. Notwithstanding subsections (c) and (d) above, land, *fences*, improvements and *structures* damaged or destroyed in the Thomas Fire of 2017-2018 or the Woolsey-Hill Fires of 2018 may be rebuilt to their original state without being subject to Sec. 8109-4.8 if a complete building permit application has been submitted to the Building and Safety Division on or before the applicable deadline set forth in Sec. 8113-6.1.1, and the building permit once approved is diligently pursued to completion prior to permit expiration; or if no building permit is required for the rebuilding of any such land, *fence*, improvement or *structure*, the rebuilding commences before the above-referenced deadline and is diligently pursued to completion.
- f. 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 that is utilized for such a commercial agricultural activity.

Errata Memo – Attachment 2

- g. *Vegetation modification* on previously cultivated agricultural land left uncultivated for up to 10 years, or on land classified as “Prime,” or “Statewide Importance,” “Unique,” or “Local Importance,” or “Grazing” by the California Department of Conservation Important Farmlands Inventory, that is associated with the cultivation of agricultural crops.
- h. *Vegetation modification* performed by a public agency on publicly-owned or -maintained property.
- i. *Vegetation modification* on land owned or maintained by a conservation organization for the purpose of maintaining or enhancing functional connectivity.
- j. *Vegetation modification* associated exclusively with vegetation that has been intentionally planted as a landscape.
- k. *Vegetation modification* including *fuel modification* as required by the Ventura County Fire Protection District (VCFPD) pursuant to the VCFPD ordinance; or pursuant to a Community Wildfire Protection Plan, as amended, or similar fuel modification/wildfire protection plan adopted by the VCFPD; or pursuant to a burn permit approved by the VCFPD.
- l. Livestock grazing, except that the installation of *wildlife impermeable fencing* which forms an enclosed area to facilitate livestock grazing is not exempt.
- m. Development, or a portion thereof, to the extent dependent upon being located within a *surface water feature* or a *wildlife crossing structure* setback area as described in Sec. 8109-4.8.3.4. Examples include in-stream mining, flood control improvements, and bridges.
- n. Repair or maintenance of an existing, legally-established structure or fence.
- o. Development within a public road right-of-way.
- p. *Structures* or improvements that are *temporary* or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems).
- q. *Vegetation modification* performed with hand-operated tools as part of the operation and maintenance of a legally-established *oil and gas exploration and production* use operating under a discretionary permit as of [Ordinance effective date]. As used in this Sec. 8109 – 4.8.3.2 the term “hand-operated tools” does not include heavy equipment (i.e., heavy-duty

Errata Memo – Attachment 2

vehicles designed for performing construction tasks such as earthwork operations).

Section 8109-4.8.3.3 – Prohibitions

Unless otherwise exempt pursuant to Sec. 8109-4.8.3.2 above, the following are prohibited in the Habitat Connectivity and Wildlife Corridors overlay zone:

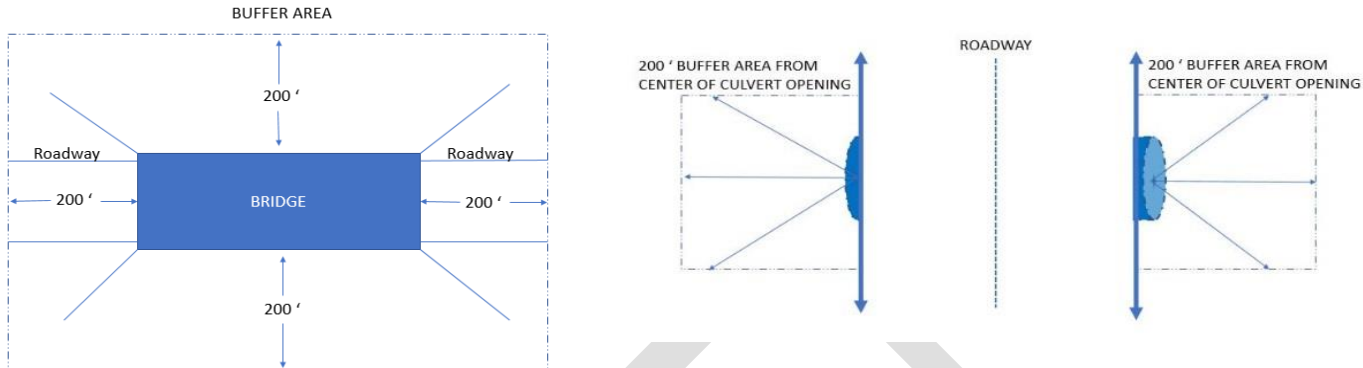
- a. The intentional planting of *invasive plants*, unless planted as a commercial agricultural crop or grown as commercial nursery stock.
- b. The installation of new *wildlife impermeable fencing* that forms an enclosed area on a lot that has no existing, lawfully-established *principal use*.
- c. The installation of new *wildlife impermeable fencing* around the perimeter of a lot that forms an enclosed area, unless exempt pursuant to Sec. 8109-4.8.3.7 below.
- d. Any new *fence* post, corner post, or gate upright with open, vertical pipes on lots zoned as Open Space (OS) or Agricultural Exclusive (AE) that could trap small birds or other animals. All such *fence* posts and gate uprights shall be entirely filled with concrete, sand, gravel, or other material, or covered with commercial caps.

Section 8109 – 4.8.3.4 – Wildlife Crossing Structures – Setbacks and Permitting

Development subject to and not prohibited by this Sec. 8109-4.8.3 requires a Planning Director-approved Planned Development Permit pursuant to Sec. 8111-1.2 if any portion thereof, including any resulting *fuel modification* required by the Ventura County Fire Protection District, is proposed to be sited or conducted within 200 feet from the entry or exit point of a *wildlife crossing structure* as measured from: 1) the center of the inlet or outlet side of a pipe or box culvert; or 2) the perimeter of a bridge structure.

Errata Memo – Attachment 2

Example Illustrations of Setbacks from Bridge Structures and Culverts Section 8109-4.8.3.4



Section 8109 – 4.8.3.5 – Surface Water Features – Setbacks and Permitting

- a. Development subject to and not prohibited by this Sec. 8109-4.8.3, other than the removal of *invasive plants* addressed in subsection (b) below, requires a Planning Director-approved Planned Development Permit pursuant to Sec. 8111-1.2 if any portion thereof, including any resulting *fuel modification* required by the Ventura County Fire Protection District, is proposed to be sited or conducted within a *surface water feature*.
- b. A Zoning Clearance issued pursuant to Sec. 8111-1.1 is required to authorize any *vegetation modification* limited exclusively to *invasive plants* within a *surface water feature*. An application for such a Zoning Clearance shall include, in addition to all other information required by the Planning Division pursuant to Sections 8111-2.1 and 8111-2.3, the following: (i) photographs of all vegetation proposed to be removed; (ii) identification of all *invasive plants* to be removed; (iii) method by which the removal will occur; and (iv) measures that will be taken to ensure that no native vegetation is damaged or removed. The Zoning Clearance shall prohibit the damaging or removal of native vegetation and shall require implementation of the identified measures to ensure that no native vegetation is damaged or removed.
- c. The designation of any area, or portion thereof, as a *surface water feature* may be reconsidered by the Planning Division upon request by an applicant proposing a development subject to this Sec. 8109-4.8.3.5. When reconsideration is requested, the sole issue is whether the area qualifies as a *surface water feature* as the term is defined in Article 2. The reconsideration request shall be submitted on a form provided by the Planning Division and shall include a field survey of the designated *surface*

Errata Memo – Attachment 2

water area that is prepared by a qualified biologist in accordance with the Biological Resources section of the Ventura County Initial Study Assessment Guidelines, as may be amended. The applicant shall be responsible for paying all County fees and costs associated with processing the reconsideration request. The request shall be decided by the Planning Director or designee without a public hearing. The decision shall be final and not subject to administrative appeal pursuant to Sec. 8111-7.

Section 8109-4.8.3.6 – Wildlife Impermeable Fencing – Permitting Requirements

- a. Unless otherwise exempt pursuant to Sec. 8109-4.8.3.7 below, this Sec. 8109-4.8.3.6 applies to the installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on lots zoned Open Space (OS) or Agricultural Exclusive (AE), including installation of *wildlife impermeable fencing* to facilitate livestock grazing. The standards and requirements of Sec. 8106-8.1 (Fences, Walls and Hedges), as may be amended, also apply to *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3.6.
- b. Installation of *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3.6 requires a Zoning Clearance issued pursuant to Sec. 8111-1.1 if the *wildlife impermeable fencing* forms an enclosed area that does not exceed the following limits:
 - (1) For lots with no *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* does not exceed 10 percent of the gross lot area; or
 - (2) For lots with existing *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* does not exceed 10 percent of the lot area net of the area enclosed by existing *wildlife impermeable fencing*. For example, if a 10-acre lot includes *wildlife impermeable fencing* that existed prior to [the ordinance effective date] and encloses a total area of one acre, the cumulative area enclosed by any new *wildlife impermeable fencing* proposed to be installed after [the ordinance effective date] may not exceed 0.9 acres, or 10 percent of nine acres.
- c. Installation of *wildlife impermeable fencing* subject to this Sec. 8109-4.8.3 requires a Planning Director-approved Planned Development Permit pursuant to Sec. 8111-1.2 if the *wildlife impermeable fencing* forms an enclosed area as follows:

Errata Memo – Attachment 2

- (1) For lots with no *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is greater 10 ten percent of the gross lot area; or
 - (2) For lots with existing *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is greater than 10 percent of the lot area net of the area enclosed by existing *wildlife impermeable fencing*. For example, if a 10-acre lot includes *wildlife impermeable fencing* that existed prior to [the ordinance effective date] and encloses a total area of one acre, the cumulative area enclosed by any new *wildlife impermeable fencing* proposed to be installed after [the ordinance effective date] that exceeds 0.9 acres, or 10 percent of nine acres, would require a Planning Director-approved Planned Development Permit.
- d. All applications for a Zoning Clearance or discretionary permit or modification thereto pursuant to this Sec. 8109-4.8.3.6 shall include a fencing site plan depicting the type, design, and location of all existing and proposed *wildlife impermeable fencing* on the subject lot, including calculations for the enclosed area of each existing and proposed *wildlife impermeable fence*.
 - e. When any portion of a lot is located outside the Habitat Connectivity and Wildlife Corridors overlay zone, the calculation of gross lot area pursuant to this Sec. 8109 – 4.8.3.6 shall only consist of the portion of the lot that is located within the Habitat Connectivity and Wildlife Corridors overlay zone.

Section 8109–4.8.3.7 – Wildlife Impermeable Fencing – Exemptions

Sec. 8109-4.8.3.6 does not apply to *wildlife impermeable fencing* that forms an enclosed area when:

- a. It forms an enclosed area all of which is located within 50 feet of an exterior wall of a legally-established dwelling or within 50 feet of a *structure* related to an agricultural use set forth in Article 5. Such portion of the enclosed area is not counted towards the enclosed area limitations of Sec. 8109-4.8.3.6(b) and (c) above.
- b. It is used to enclose commercially grown agricultural crops or products. For purposes of this Section 8109-4.8.3.6.1 the phrase “commercially grown agricultural crops or products” means any crop or plant product (including orchard, food, plant fiber, feed, ornamentals, or forest), that will be commercially sold.
- c. It is used to enclose a water well or pump house and does not enclose more than 500 square feet.

Errata Memo – Attachment 2

- d. It is installed on publicly-owned or -maintained property for the purpose of restricting wildlife from entering a road right-of-way or directing wildlife toward a *wildlife crossing structure*.
- e. It is used for habitat protection or a restoration project when specified by a habitat preservation plan, habitat restoration plan or similar plan, or a condition of approval or mitigation measure associated with a land use entitlement, that is approved by a public entity; or it is constructed with a grant of public funds or by a *conservation organization*.
- f. It is installed on a lot that has an area of 10,000 square feet or less in size, regardless of base zoning.
- g. It is installed to control access to outdoor shooting ranges.

Section 8109–4.8.3.8 – Discretionary Permit Applications, Development Guidelines, and Permit Approval Finding

The following shall apply whenever a discretionary permit or modification thereto is required to authorize development pursuant to Sec. 8109-4.8.

- a. Permit applications shall include, among all other information required by the Planning Division pursuant to Sections 8111-2.1 and 8111-2.3, documentation, prepared by a qualified biologist, identifying all *surface water features*, *wildlife crossing structures*, landscape features such as *riparian* corridors and ridgelines, undeveloped areas, and other areas and features on the lot that could support *functional connectivity* and wildlife movement, or that could block or hinder *functional connectivity* and wildlife movement such as roads, structures, and *fences*. The permit application and supporting documentation shall also address the proposed development's consistency with the development guidelines stated in subsection (b) below. Additional information and study may be required in order to review a proposed development under the California Environmental Quality Act or other applicable law.
- b. Development, including any resulting *fuel modification* required by the Ventura County Fire Protection District, should comply with the following applicable development guidelines to the extent feasible:
 - (1) Development should be sited and conducted outside the applicable setback areas set forth in Sections 8109-4.8.3.4 and 8109-4.8.3.5 to the extent feasible;
 - (2) Development should be sited and conducted to minimize the removal and disturbance of biological resources, landscape features and undeveloped areas that have the potential to support *functional connectivity* and wildlife movement;

Errata Memo – Attachment 2

- (3) Development should be sited and conducted to provide the largest possible contiguous undeveloped portion of land; and
 - (4) *Wildlife impermeable fencing* should be sited and designed to minimize potential impacts to wildlife movement.
- c. In addition to meeting all other applicable permit approval standards set forth in Sec. 8111-1.2, the following additional permit approval finding must be made or be capable of being made with reasonable conditions and limitations being placed on the proposed development: The development, including any resulting *fuel modification* required by the Ventura County Fire Protection District, is sited and conducted in a manner that is consistent with the development guidelines set forth in Sec. 8109-4.8.3.8(b) to the extent feasible.

Section 8109-4.9 – Critical Wildlife Passage Areas Overlay Zone

The abbreviated reference for the Critical Wildlife Passage Areas overlay zone when applied to a base zone shall be “CWPA.” The suffix “CWPA” shall be added to the base zone covering land so identified (example: RA-40 ac/HCWC/CWPA). Where applicable, standards, requirements and procedures in this Sec. 8109-4.9 shall apply to parcels in the Critical Wildlife Passage Areas overlay zone in addition to those of the base zone and other overlay zones, including but not limited to the Habitat Connectivity and Wildlife Corridors overlay zone. In the case of conflicting zone standards, requirements or procedures, the more restrictive ones shall apply within the Critical Wildlife Passage Areas overlay zone.

Section 8109-4.9.1 – Applicability

- a. For purposes of calculating lot sizes to apply the provisions of this Sec. 8109-4.9, the Ventura County Resource Management Agency Geographic Information System (GIS) shall be used.
- b. Except for land uses and *structures* that are exempt pursuant to Sec. 8109-4.9.2, this Sec. 8109-4.9 shall apply to each of the following land uses and *structures* on lots that are two acres or greater (collectively referred to as “development” in this Sec. 8109-4.9):
 - (1) Construction of a new *structure* or addition to an existing *structure* that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5).
 - (2) Initiation of a new land use that is subject to a permitting requirement under Article 5 (i.e., a Zoning Clearance or other permit is required under Article 5).

Errata Memo – Attachment 2

- (3) Installation of new or replacement *wildlife impermeable fencing* that forms an enclosed area on lots zoned Open Space (OS) or Agricultural Exclusive (AE), including when such a *fence* is used to facilitate livestock grazing. For purposes of this Sec. 8109-4.9, the term “enclosed area” means an area that is enclosed by *wildlife impermeable fencing* regardless of whether the *fence* or wall contains one or more gates or doors that can be opened to allow access. *Wildlife impermeable fencing* that includes unobstructed vertical gaps of at least 24 inches at intervals of 50 linear feet or less does not form an “enclosed area.”
- c. In cases where any portion of a lot is outside the Critical Wildlife Passage Area overlay zone, this Sec. 8109-4.9 shall not apply to any portion of the lot.
- d. The standards, requirements and procedures of this Sec. 8109-4.9 shall only apply to new development, the discretionary permit or Zoning Clearance application for which is decided by the County decision-making authority on or after [ordinance effective date].
- e. If development requires a discretionary permit or modification thereto under a section of this Chapter other than this Sec. 8109-4.9, no additional discretionary permit or Zoning Clearance shall be required for the development pursuant to this Sec. 8109-4.9. Instead, the applicable standards, requirements and procedures of this Sec. 8109-4.9 shall be incorporated into the processing of the application for, and the substantive terms and conditions of, the discretionary permit or modification that is otherwise required by this Chapter.
- f. If the same development or project requires two or more discretionary permits or modifications or Zoning Clearances pursuant to Sec. 8109-4.8 and/or Sec. 8109-4.9, the permit applications shall be processed and acted upon concurrently as part of the same project.
- g. If a permit condition, subdivision condition, or other County-approved covenant, condition, easement, or instrument imposes standards or restrictions on development which is subject to this Sec. 8109-4.9, the more restrictive standards and restrictions shall apply.

Section 8109-4.9.2 – Exemptions

This Sec. 8109-4.9 does not apply to the following development:

- a. Any development on a lot zoned Commercial (CO, C1, CPD).
- b. Any development on a lot zoned Residential (RA, RE, RO, R1, R2, RPD or RHD) located in the Simi Hills Critical Wildlife Passages area as shown on the ‘Critical Wildlife Passage Areas’ map within the Planning GIS

Errata Memo – Attachment 2

Wildlife Corridor layer of the County of Ventura, County View Geographic Information System (GIS), as may be amended.

- c. Aboveground pipelines or transmission lines.
- d. Facilities for the production, generation, storage, transmission, or distribution of water, including *wildlife impermeable fencing* required to protect such facilities.
- e. *Agricultural shade/mist structures*, animal shade structures authorized by Sec. 8107-34, and above-ground fuel storage as an *accessory use*.
- f. Land, *fences*, or improvements other than *structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be restored or rebuilt to their original state and in their original location if a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration, or if no permit is required, the rebuilding commences within the aforementioned three-year period and is diligently pursued to completion. Notwithstanding any other provision of this Chapter, the restoration or rebuilding of land, *fences* or improvements following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.9.
- g. *Structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster may be rebuilt to their original state and in their original location if (i) less than 50 percent of the *structure* is damaged or destroyed and (ii) a complete building permit application is submitted to the County within three years of the date that the damage occurred, and the permit once approved is diligently pursued to completion prior to expiration. Notwithstanding any other provision of this Chapter, the rebuilding of *structures* following fire, flood, landslide or natural disaster not meeting the above requirements shall comply with the permitting and all other applicable requirements of this Sec. 8109-4.9.
- h. Notwithstanding subsections (f) and (g) above, land, *fences*, improvements and *structures* damaged or destroyed in the Thomas Fire of 2017-2018 or the Woolsey-Hill Fires of 2018 may be rebuilt to their original state without being subject to Sec. 8109-4.9 if a complete building permit application has been submitted to the Building and Safety Division on or before the applicable deadline set forth in Sec. 8113-6.1.1, and the building permit once approved is diligently pursued to completion prior to permit expiration; or if no building permit is required for the rebuilding of any such land, *fence*, improvement or *structure*, the rebuilding

Errata Memo – Attachment 2

commences before the above-referenced deadline and is diligently pursued to completion.

- i. Construction and maintenance of driveways or roads internal to a lot.
- j. *Structures* or improvements that are *temporary* or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems).
- k. Repair or maintenance of an existing, legally-established structure or fence.
- l. The following land uses set forth in Art. 5 are exempt except that (1) associated *structures* are not exempt regardless of whether a *structure* itself is subject to a permitting requirement under Art. 5, and (2) the installation of associated *wildlife impermeable fencing* is not exempt if such fencing otherwise qualifies as development pursuant to Sec. 8109-4.9.1(b)(3):
 - (1) Animal Keeping and Animal Husbandry (domestic animals, horses & other equines, including more than permitted by Art. 7)
 - (2) Apiculture
 - (3) Aquaculture/Aquiculture
 - (4) Vermiculture (open beds)
 - (5) Agricultural Promotional Uses
 - (6) Home Occupations
 - (7) Cemeteries
 - (8) Cultural/historic uses
 - (9) Filming Activities
 - (10) Firewood operations
 - (11) Drilling for temporary geologic testing
 - (12) Botanic Gardens and Arboreta
 - (13) Athletic Fields
 - (14) Golf Courses
 - (15) Parks
 - (16) Wholesale Nurseries for Propagation

Section 8109 – 4.9.3 – Permitting Requirements

- a. Development subject to this Sec. 8109-4.9 requires a Zoning Clearance pursuant to Sec. 8111-1.1, which shall be issued if the development, including all proposed *structures*, uses, enclosed areas formed by wildlife impermeable fencing, complies with one or more of the following applicable siting criteria and meets the general standards set forth in Sec. 8111-1.1.1(b):
 - (1) The development is proposed to be located on an undeveloped parcel and meets the compact development siting standard set forth in Sec. 8109-

Errata Memo – Attachment 2

4.9.4 below. For purposes of this Sec. 8109-4.9.3, an “undeveloped” parcel is one that contains no legally-authorized structures as of [Ordinance effective date] other than one or more above-ground pipelines; wireless communication facilities; utility/transmission lines and support structures; flood control improvements; or water production, storage, transmission or distribution facilities.

(2) The development is not proposed to be located on an undeveloped parcel and meets one or more of the following criteria:

- i. The development is located entirely within 100 feet of the centerline of a public road;
- ii. The development is located entirely within 100 feet of any portion of and on the same lot as (i) an existing, legally-established *structure*, or the centerline of a publicly-accessible trail; or
- iii. The development is located entirely within 100 feet of and on the same lot as the centerline of an agricultural access road that supports the production of commercially grown agricultural products. For purposes of this Sec. 8109-4.9.3, the phrase “commercially grown agricultural products” means any plant or animal agricultural product (including food, feed, fiber, ornamentals, or forest), that will be commercially sold, including livestock raised for commercial production.

(3) For development consisting solely of the installation of *wildlife impermeable fencing* forming an enclosed area on parcel that is not undeveloped, the enclosed area is located entirely within an area described in subsection (2)(i), (2)(ii) or (2)(iii) above, and:

- i. For lots with no *wildlife impermeable fencing* forming an enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is less than 10 percent of the gross lot area; or
- ii. For lots with existing *wildlife impermeable fencing* forming and enclosed area installed as of [ordinance effective date], the cumulative area enclosed by the proposed *wildlife impermeable fencing* is more than 10 percent of the gross lot area excluding the cumulative area already enclosed by existing *wildlife impermeable fencing*.

b. If development subject to this Sec. 8109-4.9 does not qualify for a Zoning Clearance pursuant to Sec. 8109-4.9.3(a) above, a Planning Director-approved Planned Development Permit is required to authorize the development.

Errata Memo – Attachment 2

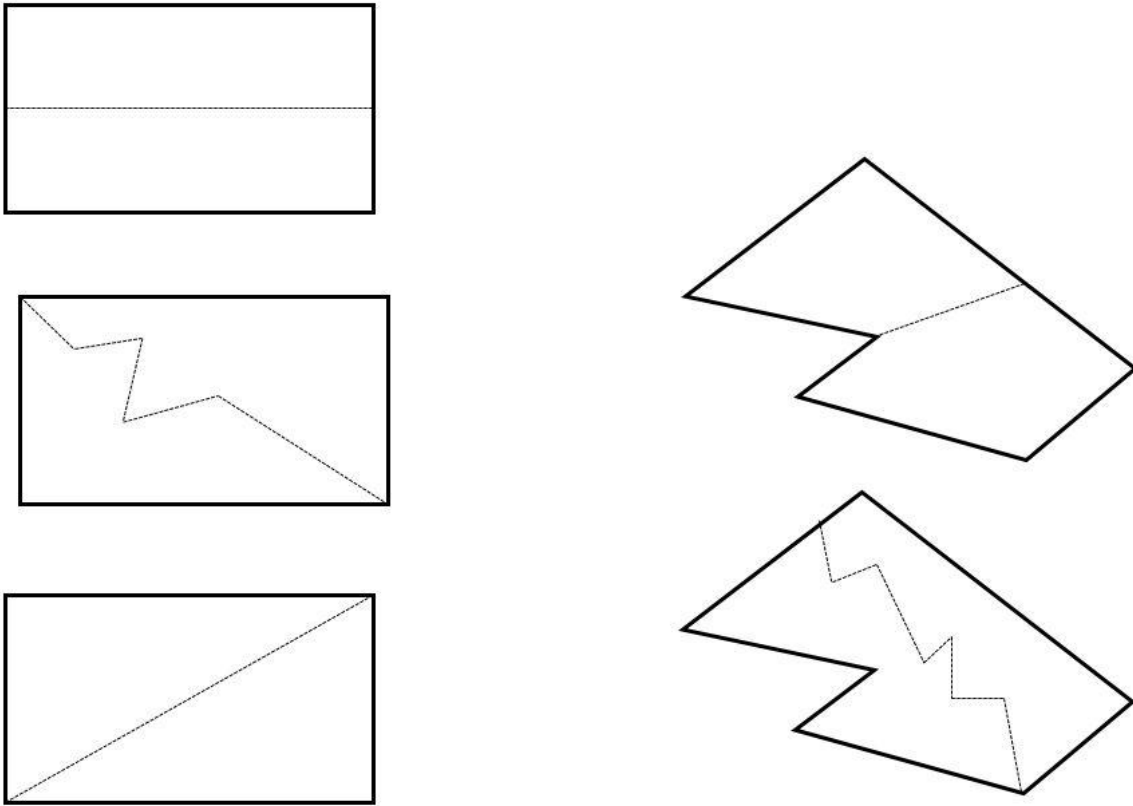
In addition to providing all information required by the Planning Division pursuant to Sec. 8111-2.3, an application for a Zoning Clearance or Planned Development Permit required by this Sec. 8109-4.9.3 shall include a site plan showing all existing and proposed *structures*, roads, driveways, and other improvements on the subject lot, and all public roads and publicly-accessible trails on or adjacent to the lot. Such applications for development consisting of the installation of *wildlife impermeable fencing* subject to Sec. 8109-4.9.3(a)(5) or 8109-4.9.3(a)(6) shall also include a fencing site plan depicting the type, design, and location of all existing and proposed *wildlife impermeable fencing* on the subject lot. For development consisting of the installation of *wildlife impermeable fencing* subject to Sec. 8109-4.9.3(a)(6), applications for development shall include calculations for the enclosed area of each existing and, if applicable, proposed *wildlife impermeable fence*.

Section 8109-4.9.4 – Compact Development Siting Standard

- a. Development complies with the compact development siting standard if all proposed *structures*, uses and enclosed areas formed by *wildlife impermeable fencing* constituting development under this Sec. 8109-4.9 are sited exclusively in one of the two contiguous areas created by a line bisecting the subject lot into two sections of equal areas (halves). The bisecting line may consist of a single, straight line segment or a series of connected, non-intersecting line segments that do not form a straight line. Each of the two endpoints of a bisecting line shall coincide with any two lot boundary lines.
- b. In addition to all other application requirements, as part of a Zoning Clearance application for development subject to this Sec. 8109-4.9.4, the applicant shall be required to submit a site plan which shows the location, length, and orientation of each segment of the bisecting line. The site plan shall be drawn to scale and shall identify the area in square feet of each section of land on either side of the bisecting line. Once the location of the bisecting line for the subject lot is established upon approval of a Zoning Clearance, it shall be the basis of siting any future proposed development authorized with a Zoning Clearance pursuant to Sec. 8109-4.9.4's compact development siting standard, except that a lot line adjustment approved pursuant to the Ventura County Subdivision Ordinance shall nullify any bisecting line created previously under this section.

Errata Memo – Attachment 2

Example Illustrations of Lines Bisecting Lots into Two Sections of Equal Area Section 8109-4.9.4



Section 8109–4.9.5 – Discretionary Permit Applications and Approval Standards

The following apply whenever a discretionary permit or modification thereto is required to authorize development pursuant to Sec. 8109-4.9.

- a. Permit applications shall include, among all other information required by the Planning Division pursuant to Sections 8111-2.1 and 8111-2.3, documentation, prepared by a qualified biologist, identifying all *surface water features*, *wildlife crossing structures*, landscape features such as *riparian* corridors and *ridgelines*, undeveloped areas, and other areas and features on the lot that could support *functional connectivity* and wildlife movement, or that could block or hinder *functional connectivity* and wildlife movement such as roads, structures, and *fences*. The permit application and supporting documentation shall also address the proposed development's consistency with the development guidelines stated in subsection (b) below. Additional information and study may be required in order to review a proposed

Errata Memo – Attachment 2

development under the California Environmental Quality Act or other applicable law.

- b. Development, including any resulting *fuel modification* required by the Ventura County Fire Protection District, should comply with the following applicable development guidelines to the extent feasible:
 - (1) Development should be sited and conducted to minimize the removal and disturbance of biological resources, landscape features and undeveloped areas that have the potential to support *functional connectivity* and wildlife movement;
 - (2) Development should be sited and conducted to provide the largest possible contiguous undeveloped portion of land; and
 - (3) *Wildlife impermeable fencing* should be sited and designed to minimize potential impacts to wildlife movement.
- c. In addition to meeting all other applicable permit approval standards set forth in Sec. 8111-1.2, the following additional permit approval finding must be made or be capable of being made with reasonable conditions and limitations being placed on the proposed development: The development, including any resulting *fuel modification* required by the Ventura County Fire Protection District, should be sited and conducted in a manner that is consistent with the development guidelines set forth in Sec. 8109-4.9.5(b) to the extent feasible.

Section 6 Severability

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

Section 7 Effective Date; Implementation

This Ordinance shall become effective 60 days after adoption.

Errata Memo – Attachment 2

PASSED AND ADOPTED this xxth day of xxx, 2019 by the following vote:

AYES: Supervisors _____

NOES: _____

ABSENT: _____

CHAIR, BOARD OF SUPERVISORS

ATTEST:
MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California
By _____
Deputy Clerk of the Board