

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 REGIONAL HABITAT LINKAGES AND THE
CRITICAL WILDLIFE PASSAGE 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.

Compact Development – A design technique that involves grouping development in one area of a lot, while preserving the remaining portion for other uses such as protection of environmentally sensitive areas, such as wildlife movement corridors.

Conservation Organization – A natural resource 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.

Correlated Color Temperature - A measure in degrees *Kelvin* (°K) of the warmth or coolness of light. Lamps with a *correlated color temperature* of less than 3,000°K are pink or yellow in tone and considered warm. Lamps with a *correlated color temperature* greater than 4,000°K are blue–white in tone and considered cool.

Critical Wildlife Passage Areas – Areas of land identified within a *regional habitat linkages* area that are especially valuable due to the existence of one or more of the following elements: 1) intact, native habitat or higher habitat values; 2) proximity to water bodies or ridgelines; 3) proximity of critical roadway crossings; 4) likelihood of encroachment by future development, and within which wildlife movement and plant dispersal could be easily disturbed by development; or 5) presence of undeveloped lands within a geographic location that connects core habitats at a regional scale. These include areas within the Tierra Rejada Valley, areas

within Oak View; and areas within the Simi Hills. These areas are mapped in an overlay on the County Resource Management Agency's Geographic Information System and referred to as "critical wildlife passage areas."

Functional Connectivity - Describes the degree to which a physical setting (landscape) 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.

Glare - The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss in visual performance and visibility.

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

Kelvin - A unit of measure used to describe the hue (or *correlated color temperature*) of a light source.

Least Damaging Alternative Analysis - The evaluation of project alternatives that aims to minimize adverse impacts on *regional habitat linkages* and the resources that facilitate *functional connectivity*, such as *vegetation*, *surface water features*, and *wildlife crossing structures*.

Light Fixture – See *luminaire*

Light Pollution - Adverse effects of artificial light including, but not limited to, *glare* and *light trespass*, and impacts on the nocturnal environment, including light sources that are left on when they no longer serve a useful function.

Light Trespass or Light Spillover - Light emitted from a *luminaire* or installation that shines beyond the boundaries of the property on which it is sited.

Lighting, Directional - Adjustments made to a *luminaire* to focus light where it is needed.

Lighting, Seasonal or Festive – *Temporary* lighting installed and operated in connection with holidays, traditions or festivities.

Lighting, Security – A *luminaire* that is primarily intended to deter or detect intrusions or other unwanted activity. It can also be used to allow safe passage.

Lumen - Unit of measure used to quantify the amount of light produced by a lamp or emitted from a *luminaire* (as distinct from a "watt," which is a measure of power consumption).

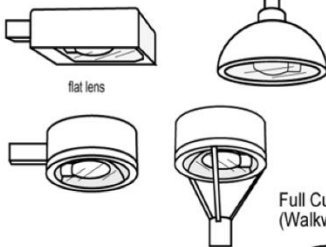
Luminaire - A complete lighting unit consisting of the lamp and all components directly associated with the distribution, positioning and protection of the lighting unit, commonly referred to as a light fixture.

Luminaire, Fully-Shielded - A luminaire constructed and installed in such a manner that all light emitted by the fixture is projected below the horizontal plane through the fixture's lowest light-emitting part.

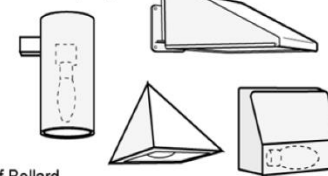
Examples of Fully-Shielded Luminaires



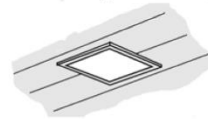
Full Cutoff Fixtures



Wall-mounted, Full Cutoff Fixtures (wallpacks)



Recessed (flush mounted) Under Canopy Fixture



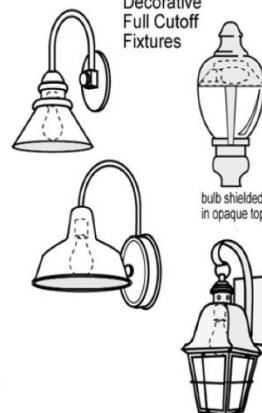
Full Cutoff, Properly-aimed PAR Floodlights



Properly-aimed LED Security Lights



Decorative Full Cutoff Fixtures



Luminaire, Partially-Shielded - A *luminaire* constructed and installed such that most light emitted by the fixture is projected below the horizontal plane through the fixture's lowest light-emitting part. Light emitted above the horizontal plane arises only from decorative elements or diffusing materials such as frosted/colored glass or plastic.

Examples of Partially-Shielded Luminaires



Outdoor Lighting - Any *luminaire* that is installed outside the interior of a structure. The *luminaire* could be mounted to the exterior of a structure, mounted to poles, fences or other freestanding structures, or placed to provide direct illumination on any exterior area, object or activity. Outdoor lighting includes but is not limited to *luminaires* used for porches, landscapes, *security lighting*, *fences*, driveways and walkways, parking areas, and *outdoor recreation areas*.

Outdoor Recreational Area – An area designed for active recreation, whether publicly- or privately-owned, including, but not limited to, baseball and softball diamonds, soccer and football fields, golf courses, equestrian arenas/corrals, and tennis courts.

Regional Habitat Linkages – Areas of contiguous natural habitats or undeveloped land of sufficient width to facilitate the movement, migration, foraging, breeding, and dispersal of multiple wildlife or plant species between two or more *core habitat areas* (as defined in the General Plan). The *regional habitat linkages* within the Regional Habitat Linkage (RHL) overlay zone include the Sierra Madre – Castaic Connection, the Santa Monica – Sierra Madre Connection, and the Ventura and Santa Clara River linkages. The *regional habitat linkages* areas are mapped in the County Resource Management Agency’s Geographic Information System.

Security Lighting – A *luminaire* that is primarily intended to deter or detect intrusions or other unwanted activity. It can also be used to allow safe passage.

Surface Water Feature - Waters depicted on the *National Wetlands Inventory Dataset*, as amended. Data consists of mapped wetlands and riparian areas. Artificially created freshwater ponds, lakes, and agricultural water impoundments are excluded from this definition because their primary purpose is typically agriculture or water supply, they provide marginal habitat value, and they are not essential to the objectives of the regulations of this ordinance. Buffer distances are measured from the furthest extent of both the mapped wetland and riparian areas.

United States Fish and Wildlife Service National Wetlands Inventory Dataset – The United States Fish and Wildlife Service National Wetlands Inventory is a publicly available spatial data set published by the United States government that provides information on the abundance, characteristics, and distribution of U.S. wetlands. The layer specifically includes the California Wetlands Geodatabase, which contains both a Wetlands and a Riparian layer. For the purposes of this definition, artificially created freshwater ponds, lakes, and agricultural water impoundments are excluded because their primary purpose is typically agriculture or water supply, they provide marginal habitat value, and they are not essential to the objectives of the regulations of this ordinance.

Uplighting – A *luminaire* placed or designed to illuminate upward.

Vegetation – Other than landscaping associated with legally permitted development, the term *vegetation* includes native and nonnative trees and plant communities (e.g., grassland, coastal scrub, riparian vegetation, chaparral), including *invasive plants*. For purposes of this definition, commercial agricultural products are excluded.

Wildlife Crossing Structures – *Structures* that allow animals to cross human-made barriers safely, such as culverts, bridges, and underpasses. Cattle guards are not considered *wildlife crossing structures*.

Wildlife Impermeable Fencing - *Fencing* that prevents various species of wildlife (including amphibians, reptiles, mammals, birds), from freely passing through a *fence* with little or no interference. Examples of *wildlife impermeable fencing* include wrought iron, plastic mesh,

woven wire, razor wire, chain link, electric fencing, and solid walls and fences. Retaining walls are excluded from this definition.

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 is hereby amended to add the Regional Habitat Linkages (RHL) overlay zone and the Critical Wildlife Passage Area (CWPA) overlay zone to read as follows:

Overlay Zones

Scenic Resource Protection...../SRP	Not Applicable	
Mineral Resource Protection...../MRP	Not Applicable	
Community Business District	/CBD	Not Applicable
Regional Habitat Linkages	/RHL	Not Applicable
Critical Wildlife Passage Area...../CWPA.....	Not Applicable	

Section 3

ARTICLE 4 – PURPOSES OF ZONES

Article 4- PURPOSES OF ZONES, Section 8104-7 – Overlay Zones, of the Ventura County Ordinance Code is hereby amended by adding a new **Section 8104-7.7 – Regional Habitat Linkages Overlay Zone,** and a new **Section 8104-7.8 – Critical Wildlife Passages Area Overlay Zone,** to read as follows:

Sec. 8104-7.7 – Regional Habitat Linkages (RHL) Overlay Zone

The general purpose of the *RHL overlay zone* is to preserve *functional connectivity* for wildlife and *vegetation* throughout mapped areas defined as *regional habitat linkages* by minimizing direct and indirect barriers, minimizing loss of *vegetation* and habitat fragmentation and minimizing impacts to those areas that are narrow, impacted or otherwise tenuous with respect to wildlife movement. More specifically, the purposes of the *RHL 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.

- b. 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.
- c. Protect and enhance *wildlife crossing structures* to help facilitate safe wildlife passage.
- d. Minimize the introduction of *invasive plants*, which can increase fire risk, reduce water availability, accelerate erosion and flooding and diminish biodiversity within an ecosystem.
- e. Minimize *wildlife impermeable fencing*, which can create barriers to food and water, shelter, and breeding access to other individuals needed to maintain genetic diversity.

Sec. 8104-7.8 – Critical Wildlife Passage Area (CWPA) Overlay Zone

Within the *RHL overlay zone*, three subareas, referred to as *critical wildlife passage areas*, have been identified as particularly critical for facilitating wildlife movement due to (1) intact, native habitat or higher habitat values; 2) proximity to water bodies or ridgelines; 3) proximity of critical roadway crossings; 4) likelihood of encroachment by future development, and within which wildlife movement and plant dispersal could be easily disturbed by development; or 5) presence of undeveloped lands within a geographic location that connects core habitats at a regional scale. The purpose of the *CWPA overlay zone* is to address habitat fragmentation by siting *structures* in a *compact development* pattern within individual lots, thereby preserving more undeveloped, open areas for native plants and wildlife to move.

Section 4

ARTICLE 5 – PERMITTED USES

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

Sec. 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>Within the Regional Habitat Linkages Overlay Zone</u>	<u>Pursuant to Article 9</u>									
Over 6' High Per Art. 6 (18, 42)	△	△	△	△	△	△	△	△	△	△

Sec. 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>Within the Regional Habitat Linkages Overlay Zone</u>			<u>Pursuant to Article 9</u>			
Over 6' High Per Art. 6 (18)	△	△	△	△	△	△

E – Exempt; △ – Zoning Clearance

Section 5

ARTICLE 9 – STANDARDS FOR SPECIFIC ZONES AND ZONE TYPES

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

Sec. 8109 – 4.8 – Regional Habitat Linkages Overlay Zone

Sec. 8109 – 4.8.1 - Applicability

a. The abbreviated reference for the *regional habitat linkages* overlay zone when applied to a base zone shall be “RHL.” The provisions of this overlay zone are intended to apply to areas of the County depicted as *regional habitat linkages* on official RMA/GIS maps (as amended). The suffix “RHL” shall be added to the base zone covering land so identified (example: AE-40 ac/RHL) but shall have no effect on the provisions of the base zone, except as provided herein.

b. Except as provided below, the standards and procedures in this Sec. 8109-4.8 shall apply to all property in the *RHL overlay zone*, including all new construction, reconstruction, addition, modification, alteration, relocation, and replacement of *structures* or alteration of the physical site. Where a property is subject to conflicting standards of more than one overlay zone, the more restrictive standards shall apply. Land within the *RHL overlay zone*, and activities conducted on such land that meet the following criteria are exempt from the standards and requirements of the *RHL overlay zone*:

- (1) Grading or excavation that involves a cumulative area of 500 square feet or smaller, or grading to improve drainage within 50 feet of any existing *structure*, not otherwise regulated by Appendix J of the Ventura County Building Code, as amended;

- (2) Restoration of land and improvements to their prior condition following floods, landslides, or natural disasters;
- (3) Construction of any *structure* pursuant to Sec. 8113-6;
- (4) Planting of crops or orchards that will be commercially sold;
- (5) Removal of agricultural crops or *vegetation* on previously cultivated agricultural land that may have been left uncultivated for up to ten years, or on land classified as “Prime,” or “Statewide Importance”, “Unique,” of “Local Importance,” or “Grazing” by the California Department of Conservation Important Farmlands Inventory;
- (6) *Vegetation* removed pursuant to a restoration plan approved by a public agency or *conservation organization*;
- (7) Removal of *vegetation* that has been intentionally planted as a landscape.
- (8) *Vegetation* modification adjacent to existing buildings as required by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD ordinances, or pursuant to a Community Wildfire Protection Plan or similar fuel modification/wildfire protection plan adopted by the VCFPD; and
- (9) *Vegetation* removed by a public agency as required by, or consistent with regulations to protect public health and safety. This includes but is not limited to *vegetation* removed to properly maintain vehicle sight distances, drainage, or flood control facilities.
- (10) Land subject to more restrictive standards established as a condition of a specific permit.
- (11) Land otherwise exempt by law.

When any development within the *RHL overlay zone* requires a discretionary permit, potential impacts to *functional connectivity* shall be evaluated and any applicable development standards contained within Sec. 8109-4.8 shall apply except as provided in Sec. 8109 – 4.8.2.

Sec. 8109 – 4.8.2 – Deviation from Standards and Requirements

- a. The Planning Director may authorize deviations from any standard or requirement of this Sec. 8109-4.8 during the processing of an application for a discretionary permit or approval. 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 deviation will be the functional equivalent of that which would otherwise be required by the applicable standard or requirement.
- b. The request shall state the circumstances and conditions relied upon as grounds for each deviation, and shall be accompanied by the following information and documentation:

- (1) Plans depicting the proposed project, identifying the location, size, height, and other physical aspects of the deviation, if requested.
- (2) A detailed description of the proposed deviation and the circumstances that justify the deviation.
- (3) Other data and information relevant to the requested deviation as may be required by the Planning Division.

Sec. 8109 – 4.8.3 – Outdoor Lighting – Purpose and Applicability

Outdoor lighting standards are intended to minimize potential impacts of light on wildlife. Except for *outdoor lighting* that is exempt pursuant to Sec. 8109-4.8.3.2 or authorized pursuant to Sec. 8109-4.8.2, this Sec. 8109-4.8.3 shall apply as follows:

- a. The standards and requirements of Sec. 8109-4.8.3.1 and Sec. 8109-4.8.3.3 shall apply to all *outdoor luminaires*, and *luminaires* within translucent or transparent enclosed structures for agricultural operations that were installed or replaced after [ordinance effective date].
- b. In cases where any portion of a lot is outside the *RHL overlay zone*, applicable *outdoor lighting* standards shall only apply to *luminaires* located on the portion of the lot that is within the *RHL overlay zone*.
- c. Any *outdoor luminaire* installed prior to [ordinance effective date] (i.e., existing lighting) that does not comply with any standard or requirement of Sec. 8109-4.8.3.1 may remain in use for up to one year from [ordinance effective date]. Any non-compliant lighting still in place after the compliance deadline shall be turned off between 10:00 p.m. and sunrise.
- d. *Existing lighting* that is prohibited by Sec. 8109-4.8.4 shall be discontinued as of [one year from effective date].
- e. If a permitted *structure* or use requires a major modification to, or time extension of, the underlying discretionary permit, then all *outdoor lighting* within the development impacted by the permit modification or time extension shall be brought into compliance with the standards and requirements of Sec. 8109-4.8.3.

Sec. 8109 – 4.8.3.1 – Outdoor Lighting – General Standards

All *outdoor lighting* installed or replaced after [ordinance effective date] shall comply with the following standards and requirements:

- a. All *outdoor lighting* shall be *fully-shielded luminaires*, 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*.

b. Maximum Height of Lighting

- (1) *Luminaires* affixed to structures for the purposes of lighting *outdoor recreational areas* 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.
- (2) Freestanding light fixtures used to light walkways and driveways shall use *luminaires* that are no higher than two feet above ground level.
- (3) All other freestanding light fixtures shall not exceed 20 feet above ground level, unless specified by a discretionary permit granted under this Chapter.

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

d. 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*, (which is approximately equivalent to the light output of a 60-watt bulb).

- (1) Driveway and walkway lighting shall have a maximum output of 100 *lumens* per *luminaire* (which is approximately equivalent to the light output of a 20-watt bulb).
- (2) See Sec. 8109-4.8.3.1(e) for standards regarding *security lighting*.
- (3) See Sec. 8109-4.8.3.1(g) for standards regarding *outdoor recreational facility lighting*.

e. Security Lighting

- (1) *Outdoor lighting* installed for *security lighting*, shall have a maximum output of 2,600 *lumens* per *luminaire*. 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.
- (2) If *security lighting* is used within 200 feet of a mapped *surface water feature*, it shall be programmed to turn off no more than five minutes after activation. (See Sec. 8109-4.8.4 for additional standards related to *surface water features*).
- (3) *Outdoor lighting* installed for *security lighting* that is not controlled by motion sensor or timer switch as specified by subsections (e) (1) & (2) above are prohibited.
- (4) Agricultural uses located in the Agricultural Exclusive (AE) zone shall not be subject to the requirement for motion sensors.

f. Parking Area Lighting shall comply with the standards set forth in Sec. 8108-5.12 and is not subject to any other standard set forth in this Sec. 8109-4.8.3

g. Outdoor Recreational Area Lighting

(1) *Outdoor recreational area* 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).

(2) 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*.

(3) *Outdoor recreational area lighting* shall not be illuminated between 10:00 p.m. and sunrise, except to complete an organized recreational event that is in progress as of 10:00 p.m. Exceptions include any necessary *security lighting* as specified in Sec. 8109-4.8.3.1(e), and parking area lighting as specified in Sec. 8108-5.12 operated as part of the *outdoor recreational facility*.

(4) The lighting system design (including lamps, *lumens*, *Kelvin*, etc.) and installation shall be prepared by a qualified engineer, architect or landscape architect, in conformance with this Sec. 8109-4.8.3.1(g)

(5) Applicants shall demonstrate that the proposed lighting installation is consistent with the purpose of this section and mitigates the effects of *light pollution* on adjacent undeveloped areas within the RHL overlay zone

h. 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.

i. 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.

j. 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:

(1) *Fully- or partially-shielded directional lighting*; and

(2) Blackout screening for the walls and roof, preventing interior night lighting from being visible outside the structure.

Sec. 8109 – 4.8.3.2 – Outdoor Lighting – Exemptions

The following *outdoor lighting* and activities are not regulated by this section:

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 Sec. 8109-4.8.3.1(i) for additional requirements related to *wireless communication facilities*.)
- d. *Temporary* or intermittent outdoor agricultural night lighting necessary to conduct agricultural activities, including *outdoor lighting* during weather events such as frosts.
- e. *Outdoor lighting* for signage permitted in accordance with Article 10.
- f. *Temporary 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.

Sec. 8109 – 4.8.3.3 – *Outdoor Lighting* – Prohibited Lighting

- 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 those used for security purposes that comply with all other applicable standards and requirements of Sec. 8109 – 4.8.3.
- c. *Uplighting* of landscapes (e.g., trees, fountains), or for aesthetic purposes (e.g., outdoor statues, buildings).

Sec. 8109 – 4.8.4 – Surface Water Features – Purpose and Applicability

The purpose of these standards is to preserve *functional connectivity* within *regional habitat linkages* and protect the habitat quality of *surface water features*. The provisions in this section shall apply to all lots in the *RHL overlay zone*.

In cases where any portion of a lot is outside the *RHL overlay zone*, applicable *surface water feature* standards shall only apply to the portion of the lot that is within the *RHL overlay zone*.

Sec. 8109 – 4.8.4.1 – Surface Water Features – General Standards

- a. Except as otherwise exempt pursuant to Sec. 8109 – 4.8.4.2, all new *structures*, not attached to an existing legally established *structure*, or all existing *structures* for which new uses are proposed, and that are within 200 feet of a *surface water feature* (also referred to herein as the *surface water feature 200-foot buffer area*), shall require a Planned Development permit. *Structures* and uses listed as exempt, or those requiring a zoning clearance in Secs. 8105-4 and

8105-5 shall require a Planning Director-approved planned development permit pursuant to this section.

- b. Except as otherwise exempt pursuant to Sec. 8109 – 4.8.4.2, any *vegetation* removal conducted within a *surface water feature 200-foot buffer area* shall require a Planning Director-approved planned development permit.
- c. The Planning Director or designee may approve a deviation from the *vegetation* removal standards described in (c) above. Applications for deviations shall be submitted in writing to the Planning Division. The request shall include documentation requested by the County Planning Division Biologist, including a field study report characterizing and classifying the vegetation type(s) proposed to be impacted, current photographs of the site, and any additional information requested by the Planning Director that is reasonably related to the deviation requested. A deviation request for a proposal to remove vegetation shall be granted provided that at least 60 percent of the vegetated area to be removed comprises *invasive plants*.
- d. Any Planned Development permit issued pursuant to Sec. 8109 – 4.8.4.1 shall include an approved *least damaging alternative analysis*, as described in Sec. 8109-4.9.7. This analysis is in addition to any other applicable analyses required by the Initial Study Assessment Guidelines, including Initial Study Biological Assessments.

Sec. 8109 – 4.8.4.2 – Surface Water Features – Exemptions

A Planned Development permit is not required for the following:

- a. Any addition to an existing legally established *structure*, or any new *accessory structure* within a mapped *surface water feature 200-foot buffer area*, provided the addition will not result in any *vegetation* modification within the *surface water feature 200-foot buffer area* required by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD ordinances, or pursuant to a Community Wildfire Protection Plan or similar fuel modification/wildfire protection plan adopted by the VCFPD.

Sec. 8109 – 4.8.5 – Wildlife Crossing Structures – Purpose and Applicability

The purpose of these standards is to protect and enhance areas near *wildlife crossing structures* to help facilitate safe wildlife crossing. These *structures* can include culverts, bridges, and underpasses, but do not include cattle guards. Standards set forth in this section apply to both highly-functional (HF) *wildlife crossing structures* and moderately-functional (MF) *wildlife crossing structures*. Both *HF and MF wildlife crossing structures* are typically at least 24 inches in diameter. A *HF wildlife crossing structure* provides a high level of potential *functional connectivity* and includes several features that support increased use by wildlife (e.g., vegetation that provides cover or habitat is present at entrances, light is visible at the opposite entrance, suitable wildlife habitat is located nearby). *MF wildlife crossing structures* provide a moderate level of potential *functional connectivity* and include fewer features that support increased use by wildlife. The locations of both *HF and MF wildlife crossing structures* are identified in RMA/GIS.

The provisions in this section shall apply to all lots in the *RHL overlay zone*. For lots that are partially within the *RHL overlay zone*, this section shall apply only to the portion of the lot within the *RHL overlay zone*.

Sec. 8109 – 4.8.5.1 – Wildlife Crossing Structures – General Standards

a. *HF Wildlife Crossing Structures*

No *vegetation* shall be removed from, and no new *structures* shall be allowed on property outside of the Caltrans or County right-of-way that is within 300 feet of the entry and exit of a *HF wildlife crossing structure* unless a Planning Director-approved Planned Development permit is approved.

b. *MF Wildlife Crossing Structures*

No *vegetation* shall be removed from, and no new *structures* shall be allowed on property outside of the Caltrans or County right-of-way that is within 100 feet of the entry and exit of a *MF wildlife crossing structure* unless a Planning Director-approved Planned Development permit is approved.

c. In cases where a *wildlife crossing structure* is located within a *surface water feature*, the largest buffer applicable to the *surface water feature*, *HF wildlife crossing structure* or *MF wildlife crossing structure*, shall be used.

d. All discretionary permits issued pursuant to this section shall include an approved *least damaging alternative analysis*, as described in Sec. 8109-4.9.7. This analysis is in addition to any other applicable analyses required by the Initial Study Assessment Guidelines, including Initial Study Biological Assessments.

e. The Planning Director or designee may approve a deviation from the *vegetation* removal standards set forth in Secs. 8109-4.8.5.1 a and b. Applications for deviations shall be submitted in writing to the Planning Division. The request shall include, documentation requested by the County Planning Division Biologist, including a field study report characterizing and classifying the vegetation type(s) proposed to be impacted, current photographs of the site, and any additional information requested by the Planning Director that is reasonably related to the deviation requested. A deviation request for a proposal to remove vegetation shall be granted provided that at least 60 percent of the vegetated area to be removed comprises *invasive plants*.

Sec. 8109 – 4.8.5.2 – Wildlife Crossing Structures – Exemptions

A planned development permit is not required for projects that are within or include a portion of land within *wildlife crossing structures* as follows:

a. Regular maintenance required to clean out soil, debris, and overgrowth, consistent with all federal, state, and local regulations and permits.

b. Any addition to an existing legally established structure, or any *new accessory structure* within 300 feet of the entry or exit of a *HF wildlife crossing structure*, or within 100 feet of the entry or exit of a *MF wildlife crossing structure*, in the event that the proposed addition will not result in any *vegetation* modification within those buffer areas pursuant to VCFPD ordinances, or pursuant to a Community Wildfire Protection Plan or similar fuel modification/wildfire protection plan adopted by the VCFPD.

Sec. 8109 – 4.8.6 – Invasive Plants – Purpose and Applicability

The purpose of this standard is to protect areas within the *regional habitat linkages* from further degradation caused by *invasive plants*.

Sec. 8109 – 4.8.6.1 – Invasive Plants – General Standard

The intentional planting of *invasive plants* is prohibited throughout the *RHL overlay zone*, except those planted as commercial agricultural crops or grown as commercial nursery stock.

Sec. 8109 – 4.8.7 – Wildlife Impermeable Fencing – Purpose and Applicability

The purpose of these standards is to limit the direct barriers created by *fencing* and to address geographic areas where the mapped *regional habitat linkages* are constrained, potentially resulting in limited wildlife movement. This section does not apply to any *fencing* installed prior to the effective date of this ordinance amendment (*existing fencing* or *existing wildlife impermeable fencing*).

In cases where any portion of a lot is outside the *RHL overlay zone*, applicable *fencing* standards, including the calculation of gross lot area required by Secs. 8109 – 4.8.7.2 and 8109 - 4.8.7.3, shall only apply to the portion of the lot that is within the *RHL overlay zone*.

Sec. 8109 – 4.8.7.1 – Wildlife Impermeable Fencing – General Standards

For purposes of Sec. 8109-4.8.7, an enclosure is defined as 1) an area that is entirely surrounded by a wall or *fence*, or 2) an area that operates as a functional enclosure due to a wall or fence. Except for gates and associated gate support components, any portion of a new or replacement fence, which forms an enclosure and includes one or more of the following design features shall be considered *wildlife impermeable fencing*:

- a. Any fence that is higher than 60 inches above grade, unless otherwise exempt pursuant to Sec. 8109-4.8.7.4. This includes any wire strands that are placed above a top rail of a fence.
- b. Electric *fences* comprised of any material or number of electrified strands. Electric *fences* are not allowed in Urban Residential Zones, pursuant to Sec. 8106-8.1.3.
- c. Wrought iron, plastic mesh, woven wire, razor wire, chain link, and any solid wall (e.g., brick, cinderblock) or *fence* (e.g., wood or vinyl).

Sec. 8109 – 4.8.7.2 – Wildlife Impermeable Fencing – Ministerial Permit

a. On lots zoned as Open Space (OS) or Agricultural Exclusive (AE), *wildlife impermeable fencing* not exempt pursuant to Sec. 8109-4.8.7.4 may be permitted with a Zoning Clearance provided that the following standards are met:

(1) Except as otherwise required by this section, *fences* shall be consistent with current *fence* standards in Article 6 (Sec. 8106-8.1); and

(2) For lots with no *existing wildlife impermeable fencing*, the cumulative area enclosed by the proposed *fencing* shall not exceed ten percent of the gross lot area; or

(3) For lots with *existing wildlife impermeable fencing* the cumulative area enclosed by the proposed *fencing* shall not exceed ten percent of the gross lot area, excluding the cumulative area already enclosed by *existing wildlife impermeable fencing*.

(4) A *fencing* site plan shall be provided to the Planning Division that includes information about the type, design, and location of all *existing fencing* on the subject lot, including calculations for the area of each *existing fence enclosure*.

Sec. 8109 – 4.8.7.3 – Wildlife Impermeable Fencing – Discretionary Permit

a. On lots zoned Open Space (OS) or Agricultural Exclusive (AE), *wildlife impermeable fencing* not otherwise exempt pursuant to Sec. 8109-4.8.7.4, or subject to a ministerial permit pursuant to Sec. 8109-4.8.7.2, shall not be constructed without, or be inconsistent with, a planned development permit approved pursuant to this section.

b. An application for a planned development permit for proposed *wildlife impermeable fencing* that meet either criteria in Secs. 8109-4.8.7.3.b (1) or (2) below shall include a *fencing* site plan. The *fencing* site plan shall include information depicting the type, design, and location of all *existing* and proposed *fencing* on the subject lot, including calculations for the area of each *fence* enclosure.

(1) For lots with no *existing wildlife impermeable fencing*, the cumulative area enclosed by the proposed *fencing* is greater than ten percent; or

(2) For lots with *existing wildlife impermeable fencing*, the cumulative area enclosed by the proposed *fencing* is greater than ten percent of the gross lot area excluding the cumulative area already enclosed by *existing wildlife impermeable fencing*.

c. An application for a planned development permit for *wildlife impermeable fencing* pursuant to Secs. 8109-4.8.7.3 b (1) or (2) shall include an approved *least damaging alternative analysis*, as described in Sec. 8109-4.9.7. This analysis is in addition to any other applicable analysis required by the *Initial Study Assessment Guidelines*, including the *Initial Study Biological Assessments*.

d. In all zones, any *fence* installed or replaced as part of a new discretionary permit or major permit modification shall be reviewed as part of the whole discretionary entitlement to minimize impacts to wildlife movement.

e. A planned development permit shall not be granted unless a finding can be made that the configuration of any proposed *wildlife impermeable fencing* will not substantially impede wildlife from moving through the remaining connected undeveloped areas within the regional habitat linkages areas. Criteria for making this determination shall be based on the size and configuration of proposed *wildlife impermeable fencing* areas. It shall also take into account the configuration of existing development, areas that provide potential habitat, landscape features that could facilitate wildlife movement such as riparian corridors or ridgelines, major barriers such as freeways, and other undeveloped areas that could facilitate wildlife movement. This analysis shall also consider movement of wildlife at a range of spatial scales, including local scales and movements of hundreds of feet up to regional scales which could include movements of tens of miles.

Sec. 8109 – 4.8.7.4 – Wildlife Impermeable Fencing – Exemptions

A planned development permit is not required for the following activities conducted within the RHL overlay zone:

- a. Any *existing wildlife impermeable fencing*.
- b. Any *wildlife impermeable fencing* that is required by any federal or state law or local regulation.
- c. Any *wildlife impermeable fencing* necessary to enclose commercially grown agricultural products. For purposes of this section, commercially grown agricultural products are defined as any plant product (including food, plant fiber, feed, ornamentals, or forest), that will be commercially sold.
- d. Any *wildlife impermeable fencing* that is required to protect public health and safety as determined by a regulatory agency. This includes any *wildlife impermeable fence*, or portion thereof, installed as an outdoor swimming pool barrier, provided it meets the requirements of the Ventura County Building Code and does not extend more than 50 feet from the edge of the outdoor swimming pool.
- e. On lots zoned as Open Space (OS) and Agricultural Exclusive (AE), any *wildlife impermeable fencing* within 50 feet from the exterior walls of any dwelling or a principal *structure* related to agriculture, provided it is otherwise consistent with existing *fencing* standards included in Sec. 8106-8.1.
- f. Any *wildlife impermeable fencing* used to enclose a water well or pump house, provided the enclosure allows for clearance of up to a maximum of 10 feet from the water well or pump house infrastructure and does not enclose more than 500 square feet.

- g. Any *wildlife impermeable fencing* installed by or for a public agency, including Caltrans and the Ventura County Public Works Agency for the sole purpose of restricting wildlife from entering a road right-of-way or directing wildlife toward road crossing *structures*.
- h. *Wildlife impermeable fencing* or wall spans that do not form an enclosure.
- i. Any *wildlife impermeable fencing* used for habitat protection/restoration by a *conservation organization*, or public agency when specified by a habitat preservation plan or habitat restoration plan approved by a public agency.
- j. In Open Space (OS) and Agricultural Exclusive (AE) zones, any *wildlife impermeable fencing* on lots with an area of 10,000 square feet or less, notwithstanding subsection f.

Sec. 8109 – 4.8.7.5 – Wildlife Impermeable Fencing – Prohibited Fences

The following *wildlife impermeable fencing* is prohibited:

- a. *Wildlife impermeable fencing* on any lot that has no *principal use* or *structure*.
- b. *Wildlife impermeable fencing* around the perimeter of a lot, unless otherwise exempt.

Sec. 8109 – 4.9 – Critical Wildlife Passage Area Overlay Zone

Sec. 8109 – 4.9.1 - Application

The abbreviated reference for the *critical wildlife passage areas* overlay zone when applied to a base zone shall be “CWPA.” The provisions of the *CWPA overlay zone* are intended to apply to areas of the County depicted as *critical wildlife passage areas* on official RMA/GIS maps (as amended). *Critical wildlife passage areas* cover portions of land within the *regional habitat linkage areas* overlay zone as depicted on official RMA/GIS maps (as amended). The suffix “CWPA” shall be added to the base zone covering land so identified (example: RA-40 ac/RHL/CWPA), but shall have no effect on the provisions of the base zone, except as provided herein. Except as noted in Sec. 8109-4.9.6, the provisions of this section shall apply in all *critical wildlife passage areas* to any *structure*, use, or *wildlife impermeable fencing*, on lots meeting the following zoning and size criteria:

- a. Lots zoned Open Space (OS), Agricultural Exclusive (AE), Commercial (CPD), Industrial (M1, M2, or M3), or Timber Preserve (TP) and larger than one acre; or
- b. Any proposed *structure* or use on vacant lots zoned as Residential (RA, RE, RO, R1, R2, RPD, RHD) that are larger than one acre; or
- c. Any addition to any *existing structure* or modification to any existing use on lots zoned as Residential (RA, RE, RO, R1, R2, RPD, RHD) that are larger than two acres.

Sec. 8109 – 4.9.2 – Deviation from Standards and Requirements

a. The Planning Director may authorize deviations from any standard or requirement of this Sec. 8109-4.8 during the processing of an application for a discretionary permit or approval. 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 deviation will be the functional equivalent of that which would otherwise be required by the applicable standard or requirement.

b. The request shall state the circumstances and conditions relied upon as grounds for each deviation, and shall be accompanied by the following information and documentation:

(1) Plans depicting the proposed project, identifying the location, size, height, and other physical aspects of the deviation, if requested.

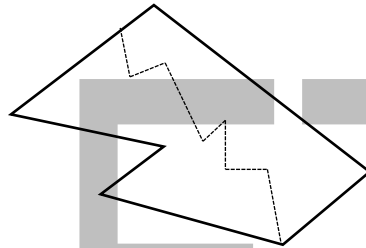
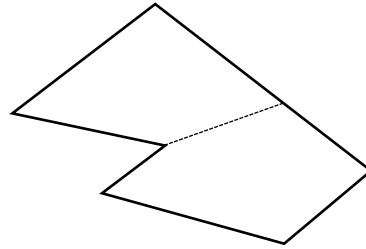
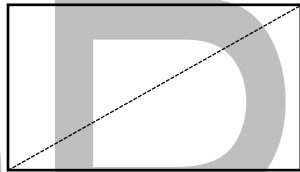
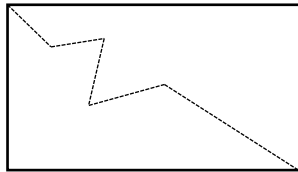
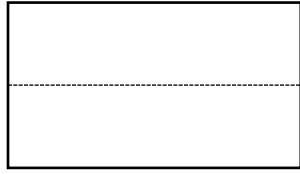
(2) A detailed description of the proposed deviation and the circumstances that justify the deviation.

(3) Other data and information relevant to the requested deviation as may be required by the Planning Division.

Sec. 8109 - 4.9.3 – Compact Development –Siting Standard

Subject to Sec. 8109-4.9.4 or Sec. 8109-4.9.5, any proposed *structure* or use that meets any one of the criteria set forth in Sec. 8109-4.9.1 shall be sited exclusively in one of the two contiguous areas created by a line bisecting a single 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. As part of the Planning Division application for any structure or use for which a ministerial permit is required pursuant to Sec. 8109-4.9.4, or a discretionary permit is required pursuant to Sec. 8109-4.9.5, a site plan shall be submitted 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. If any existing *structure* or use is present within both halves, any new *structure* or use must be sited in the half with the largest relative cumulative area of existing building coverage. Once the location of the bisecting line for a lot is approved by the Planning Division, it shall not be modified and shall be the basis of siting any future *structure* or use pursuant to this section.

Example Illustrations of Lines Bisecting Lots into Two Sections of Equal Area
Section 8109-4.9.3



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Sec. 8109 – 4.9.4 – Compact Development – Ministerial Permit

Except those *structures* or uses that otherwise require a discretionary permit pursuant to Secs. 8105-4 and 8105-5, a zoning clearance shall be required for any new *structure* or use that meets any one of the criteria set forth in Sec. 8109-4.9.1, and that complies with any of the following:

- a. The siting standard set forth in Sec. 8109-4.9.3; or
- b. Located within 50 feet of an existing legally established *structure*, use, public road or street, or driveway; or
- c. Located within 50 feet of an agricultural access road necessary to support the production of *commercially grown agricultural products*. For purposes of this section, *commercially grown agricultural products* are defined as any plant or animal agricultural product (including food, feed, fiber, ornamentals, or forest), that will be commercially sold, including livestock raised for commercial production.

Sec. 8109 – 4.9.5 – Compact Development – Discretionary Permit

A Planning Director-approved planned development permit, including a *least damaging alternative analysis* pursuant to Sec. 8109-4.9.7, shall be required for any *structure* or use described in Sec. 8109-4.9.1 that does not comply with the standards set forth in Sec. 8109-4.9.4.

Sec. 8109 – 4.9.6 – Compact Development – Exemptions

Sec. 8109-4.9 shall not apply to the following:

- a. Lots where only a portion lies within the *CWPA overlay zone*.
- b. Any *structure* or use on property zoned commercial (CO, C1, CPD) or industrial (M1, M2, or M3).
- c. Grading or excavation within 50 feet of an existing *structure* to improve drainage.
- d. Planting of crops and orchards that will be commercially sold.

Sec. 8109 – 4.9.7 – Least Damaging Alternative Analysis

a. The purpose of the *least damaging alternative analysis* is to identify and select project design alternatives that minimize the direct and indirect adverse impacts on biological resources, such as wildlife habitat that potentially support wildlife movement. The objective of the *least damaging alternative analysis* is to provide a reasonable range of options from which to select a development proposal that minimizes these impacts to wildlife movement and habitat connectivity to the greatest extent practicable.

b. The *least damaging alternative analysis* shall evaluate the proposed development with respect to the biological resources both on and near the site, including, but not limited to, undeveloped areas, areas with *vegetation*, crossing *structures*, drainages, and ridgelines.

c. The *least damaging alternative analysis* does not take the place of an Initial Study Biological Assessment (ISBA). If a *least damaging alternative analysis* is required, it shall be completed in addition to an ISBA. The *least damaging alternative analysis* shall be prepared in consultation with the County Planning Division Biologist. The *least damaging alternative analysis* shall include some or all the following elements, as determined by the County Planning Division Biologist:

(1) Written description and graphic depiction of project design alternatives on a site plan that meets the purpose of the *least damaging alternative analysis*, as determined by the County Planning Division Biologist. The description shall include mapped biological resources, including all applicable *vegetation* community types (e.g., coastal sage scrub, chaparral). A description and photographs of all biological resources on the property shall be provided by request of the County Planning Division Biologist. Project design alternatives may include different building site

locations, different *structure* sizes/locations within the building site, and related fuel modification zones, driveway/access roads, location, extent and description of all *wildlife impermeable fencing*, and water/wastewater system locations;

(2) A table that includes comparative data for project design alternatives, such as cubic yards of cut/fill for grading and acres of impacts on the resource area (e.g., *surface water features* and buffers, *vegetation*, and land within the *RHL overlay zone*);

(3) Written summary explaining how the proposed project elements and design will protect *functional connectivity* of the *RHL overlay zone*. Project elements may include *compact development* to the maximum extent feasible both within the site, and with respect to offsite development. The summary shall also provide detailed information on why proposed alternatives are not the least damaging alternative. The summary shall also include consideration and determination of any alternatives suggested by the County Planning Division Biologist.

(4) Other data or information relevant to the least damaging alternative analysis as may be required by the County Planning Division Biologist.

d. The Planning Director or designee shall review and approve the design alternatives, and approval shall be based on an analysis of the following criteria:

(1) That the establishment or maintenance of the proposed development or use will not significantly reduce, restrict or adversely affect biological resources that have the potential to support wildlife movement. Biological resources considered during impact analysis shall include, but are not limited to, *vegetation*, wetlands and water features, ridgelines, and areas in and adjacent to roadway crossings. Impacts that will be considered include, but are not limited to, habitat and open space fragmentation and creation of new direct or indirect barriers;

(2) That *structures* will be sited to minimize developed land in such a way as to provide the largest possible contiguous undeveloped portion of land that avoids impacts to biological resources;

(3) That *wildlife impermeable fencing* configuration will be sited to minimize impacts to wildlife movement;

(4) That other uses proposed for the lot will not significantly reduce, restrict or adversely affect biological resources that have the potential to support wildlife movement on-site or in the area; and

(5) That the development or use will be sited to remove as little land containing biological resources that have the potential to support wildlife movement as possible.

**Section 6
Severability**

If any subsection, sentence, clause, phrase or word of the Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions 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 30 days after adoption.

PASSED AND ADOPTED this xxth day of xxx, 2018 by the following vote:

AYES: Supervisors _____
DRAFT

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