

ORDINANCE NO. 4537

**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 *conservation organization* is a federal, state or local agency responsible for protecting and managing natural resources and includes but is not limited to the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Parks and Recreation, National Park Service and Ventura County Watershed Protection District. A private *conservation organization* is one operating under section 501(c)(3) of the U.S. Internal Revenue Code with the primary purpose of preserving and protecting 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 *vegetation* is that which does not readily ignite from a flame or other ignition source.

Functional Connectivity – 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, 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 – 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 (including intermittent and ephemeral), creek, 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 are obtained from the U.S. Fish and Wildlife Service National Wetlands Inventory Dataset. Areas designated as *surface water features* are shown on the "Surface Water Feature Buffer" map within the Planning GIS Wildlife Corridor layer of the County of Ventura - County View Geographic Information System (GIS), as may be amended by the Planning Director. The term *surface water feature* does not include ponds, lakes, marshes, wetlands or *agricultural water impoundments* or associated *riparian habitat areas* that are legally established and human-made.

Vegetation – Native and nonnative trees and plant communities such as grassland, coastal scrub, *riparian* vegetation, and 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 features that enhance its suitability for use by wildlife to safely cross human-made barriers such as roadways and highways. Examples of such 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, and birds, from freely passing through with little or no interference. Except for gates and

associated gate support components, a *fence* that includes 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*.
- (2) Any electric *fence* comprised of any material or number of electrified strands.
- (3) Any *fence* that is constructed of wrought iron, plastic mesh, woven wire, razor wire, or 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, 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.
- 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 unrelated members of the same species 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 to 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:

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 In Overlay Zone*</u>	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, And Vegetation Modification 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 Areas Overlay Zone**, 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 standard, requirement or procedure 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 May 18, 2019 , or to uses or activities not requiring a discretionary permit or Zoning Clearance which occur after May 18, 2019.

- 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.
- 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 this 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. Except as expressly stated in this Sec. 8109-4.8, if a permit condition, subdivision condition, or other covenant, condition, easement, or instrument imposes standards or restrictions on development which is subject to this Sec. 8109-4.8, 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, this Sec. 8109-4.8.2 applies 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 this 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, except for the requirements set forth in Sec. 8109-4.8.2.4.b(9).
- 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 surface mining operations or *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. Lighting used for any facility, equipment, or activity that is required to comply with any federal or state law, or any condition or requirement of any permit, approval or order issued by a federal or state agency.
- 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 May 18, 2019. In addition, the use of any *outdoor luminaire* installed as of May 18, 2019 that is prohibited by this

Sec. 8109-4.8.2.3 shall be discontinued as of May 18, 2020.

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) after 10:00 p.m. or after people are no longer present in exterior areas being illuminated, whichever occurs latest.

Section 8109-4.8.2.4 – Existing Lighting; Standards and Requirements

a. Existing Lighting

- (1) Any *outdoor luminaire* installed prior to May 18, 2019 and use thereof 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, but shall comply with the following requirements as of May 18, 2020:

- 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 when 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 May 18, 2019 and use thereof that does not comply with any standard or requirement of this 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

May 18, 2022 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 and use thereof conforms to the applicable standards and requirements of this Sec. 8109-4.8.2, with the replacement lighting to be phased in within a reasonable time period after May 18, 2022.

b. Standards and Requirements. Except as provided in Sec. 8109-4.8.2.4.a regarding existing *lighting*, the following standards and requirements apply to *lighting* and use thereof subject to and not prohibited by this Sec. 8109-4.8.2:

(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 *outdoor recreational facility* lighting 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 authorized 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 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 May 18, 2019 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), and submitted to and approved by the County prior to the issuance of the applicable permit.

v. The lighting system 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.

(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* between 10:00 p.m. and 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*.

(11) Lighting for Oil and Gas Exploration and Production and Surface

Mining Operations: Outdoor lighting utilized for oil and gas exploration and production and for surface mining operations may deviate from the above-stated standards and requirements and shall be specified in a lighting plan approved by the County during the discretionary permitting process for the subject facility or operation. All such lighting shall be designed and operated to minimize impacts on wildlife passage to the extent feasible.

Section 8109-4.8.2.5 – Deviations from Standards and Requirements

- a. Applicants may request deviations from any standard or requirement of Sec. 8109-4.8.2.4.b 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
 - (4) Other data and information as may be required by the Planning Division.

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

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 requires a Zoning Clearance or other permit 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 requires a Zoning Clearance or other permit 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.
- (4) *Fence* posts, corner posts, and gate uprights that are prohibited in Sec. 8109-4.8.3.3.d.

Section 8109-4.8.3.2 – General Exemptions

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

- a. *Vegetation modification* or the installation of *wildlife impermeable fencing* that is required to comply with any federal or state law, or any condition or requirement of any permit, approval or order issued by a federal or state agency.
- 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 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 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 rebuilt to their original state 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," of "Statewide Importance," "Unique," of "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* by a *conservation organization* for the purpose of maintaining or enhancing biological habitat or wildlife movement.
- j. *Vegetation modification* associated exclusively with *vegetation* that has been intentionally planted as a landscape.

- k. *Vegetation modification* including *fuel modification* in accordance with one or more of the following: (1) performed with hand-operated tools and without heavy equipment (i.e., heavy-duty vehicles designed for performing construction tasks such as earthwork operations), as otherwise authorized under Sec. 8107-25 (Tree Protection Regulations), federal and state law; (2) as required by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Ordinance 30, as may be amended; (3) pursuant to a Community Wildfire Protection Plan or similar *fuel modification/wildfire* protection plan adopted and/or amended by VCFPD; or (4) pursuant to a burn permit approved by 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 near a *wildlife crossing structure* setback area as described in Sec. 8109-4.8.3.4. Examples include in-stream mining, flood control improvements, road crossings and bridges, roadway improvements, and *vegetation modification* associated with the construction, maintenance, repair or replacement of such *structures*.
- n. Repair or maintenance of an existing, legally established *structure* or fence.
- o. Development within a public road right-of-way.
- p. *Vegetation modification* reasonably required to maintain, repair or replace existing transportation, utility and public safety infrastructure. Examples include roads, bridges, pipelines, utility lines, flood control improvements, and drainage and utility ditches.
- q. Development, including but not limited to *vegetation modification*, within a *surface water feature* that is authorized by a permit or approval issued by the California Department of Fish and Wildlife, Regional Water Quality Control Board, State Water Resources Control Board, U.S. Army Corps of Engineers, any of their successor agencies, or other federal or state agency responsible for protection of aquatic resources.
- r. *Vegetation modification* carried out as part of a habitat preservation, restoration or enhancement project when specified by a mitigation plan, habitat conservation plan, or similar plan approved by the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, or other federal or state agency responsible for conservation of wildlife resources.

- s. *Structures, wildlife impermeable fencing* or improvements that are temporary, or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems).

Section 8109-4.8.3.3 – Prohibitions

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

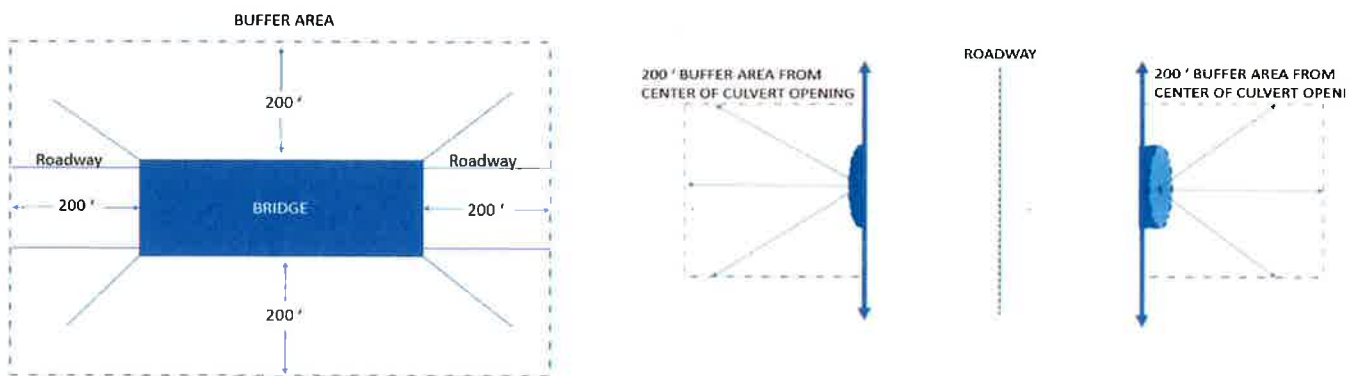
- a. The intentional planting of *invasive plants*, unless planted as a commercial agricultural crop or grown as commercial nursery stock.
- b. The installation of new *wildlife impermeable fencing* that forms an enclosed area on a lot that has no existing, lawfully established *principal use*.
- c. 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.
- 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

- a. 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*.
- b. Notwithstanding the foregoing, proposed development within a setback area described in subsection a above shall not be subject to this Sec. 8109-4.8.3.4 to the extent: (i) the proposed development would be sited within a portion of the setback area that is encumbered by a conservation easement, restrictive covenant, deed restriction, or similar instrument, or an irrevocable offer to dedicate any of the foregoing (collectively “conservation instrument”), and the conservation instrument prohibits the proposed development from being sited within a specified distance from

the *wildlife crossing structure* for the express purpose of protecting biological habitat or wildlife movement; and (ii) the conservation instrument is created and recorded with the Ventura County Recorder pursuant to a permit, approval, order, or agreement, or a mitigation plan, habitat conservation plan or similar plan issued or approved by the County or a federal or state agency responsible for conservation of wildlife resources.

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* subject to and not prohibited by this Sec. 8109-4.8.3 that is 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. Notwithstanding the foregoing, proposed development within a *surface water feature* shall not be subject this Sec. 8109-4.8.3.5 to the extent: (i) the proposed development would be sited within a portion of a *surface water feature* that is encumbered by a conservation easement, restrictive covenant, deed restriction, or similar instrument, or an irrevocable offer to dedicate any of the foregoing (collectively "conservation instrument"), and the conservation instrument prohibits the proposed development from being sited within a specified distance from the area containing the stream, creek, river, wetland, seep, or pond associated with the *surface water feature* for the express purpose of protecting biological habitat or wildlife movement, and (ii) the conservation instrument is created and recorded with the Ventura County Recorder pursuant to a permit, approval, order, or agreement, or a mitigation plan, habitat conservation plan or similar plan that is issued or approved by the County or a federal or state agency responsible for conservation of wildlife or aquatic resources.
- d. 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 to be determined 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 the information and materials requested by the Planning Director based on the relevant facts and circumstances presented. If requested, such information and materials may include, among other things, a field survey of the designated *surface water feature* 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 first hour of County staff time expended processing the reconsideration request shall be at no cost to applicant; the applicant shall be responsible for the cost of all subsequent County staff time expended processing the reconsideration request.

Section 8109-4.8.3.6 – Wildlife Impermeable Fencing – Permitting Requirements

- a. Unless otherwise exempt pursuant to Sec. 8109-4.8.3.7, 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 May 18, 2019, 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 May 18, 2019, 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 May 18, 2019, and encloses a total area of one acre, the cumulative area enclosed by any new *wildlife impermeable fencing* proposed to be installed after May 18, 2019 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 May 18, 2019, the cumulative area enclosed by the proposed *wildlife impermeable fencing* is greater than 10 percent of the gross lot area; or
 - (2) For lots with existing *wildlife impermeable fencing* forming an enclosed area installed as of May 18, 2019, 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 May 18, 2019 and encloses a total area of one acre, the cumulative area enclosed by any new *wildlife impermeable fencing* proposed to be installed after May 18, 2019 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 toward the enclosed area limitations of Sec. 8109-4.8.3.6.b and c.
- b. It is used to enclose commercially grown agricultural crops or products. For purposes of this Sec. 8109-4.8.3.7 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.
- 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 this 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 (VCFPD) pursuant to VCFPD Ordinance 30, as may be amended, 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;
 - (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 VCFPD pursuant to VCFPD Ordinance 30, as may be amended, 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 standard, requirement or procedure 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. Unless exempt pursuant to Sec. 8109-4.9.2, this Sec. 8109-4.9 shall apply to the following land uses, *structures* and *wildlife impermeable fencing* 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 requires a Zoning Clearance or other permit under Art. 5.
 - (2) Initiation of a new land use that requires a Zoning Clearance or other permit under Art. 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."
- 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 May 18, 2019.

- 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 this Sec. 8109-4.9, the permit applications shall be processed and acted upon concurrently as part of the same project.
- g. Except as expressly stated in this Sec. 8109-4.9, if a permit condition, subdivision condition, or other 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 Wildlife Corridor layer of the County of Ventura, County View Geographic Information System (GIS), as may be amended.
- c. *Wildlife impermeable fencing* used to enclose commercially grown agricultural crops or products. For purposes of this Sec. 8109-4.9.2 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.
- d. Above-ground pipelines, utility transmission lines, flood control improvements, *wireless communication facilities*, *structures* related to such facilities, and *wildlife impermeable fencing* required to protect such facilities.

- e. Facilities for the production, generation, storage, transmission, or distribution of water, including *wildlife impermeable fencing* required to protect such facilities.
- f. *Agricultural shade/mist structures*, animal shade *structures* authorized by Sec. 8107-34, and above-ground fuel storage as an *accessory use*.
- g. Land, *fences*, or improvements other than *structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster 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.
- h. *Structures* involuntarily damaged or destroyed by fire, flood, landslide, or natural disaster 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.
- i. Notwithstanding subsections g and h above, land, *fences*, improvements and *structures* damaged or destroyed in the Thomas Fire of 2017-2018 or the Woolsey-Hill Fires of 2018 rebuilt to their original state 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.
- j. Construction and maintenance of driveways or roads internal to a lot.

- k. *Structures* or improvements that are *temporary* or are located entirely or substantially underground (e.g., pipelines, cables, individual sewage disposal systems).
- l. Repair or maintenance of an existing, legally established *structure* or fence.
- m. The following land uses set forth in Art. 5, except that an associated *structure* or *wildlife impermeable fencing* subject to this Sec. 8109-4.9 is not exempt unless covered by a separate exemption in this Sec. 8109-4.9.2:
 - (1) Animal Keeping and Animal Husbandry (domestic animals, horses & other equines, including more than permitted by Art. 7)
 - (2) Agricultural Crop and Orchard Production Including Packaging or Preliminary Processing Involving No Structures
 - (3) Apiculture
 - (4) Aquaculture/Aquiculture
 - (5) Vermiculture (open beds)
 - (6) Agricultural Promotional Uses
 - (7) Home Occupations
 - (8) Cemeteries
 - (9) Cultural/historic uses
 - (10) Filming Activities
 - (11) Firewood operations
 - (12) Drilling for temporary geologic testing
 - (13) Botanic Gardens and Arboreta
 - (14) Athletic Fields
 - (15) Golf Courses
 - (16) Parks
 - (17) Wholesale Nurseries for Propagation
- n. Development that is required to be sited in a specific location, or *wildlife impermeable fencing* that is required to form an enclosed area in a specific location, to comply with any federal or state law, or any condition or requirement of any permit, approval or order issued by a federal or state agency.

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 enclosed areas formed by *wildlife impermeable fencing*, complies with the following applicable siting criteria and meets the general standards set forth in Sec. 8111-1.1.1.b:

- (1) If development is proposed to be located on an undeveloped parcel, the first *principal structure*/use which constitutes development subject to this Sec. 8109-4.9 may be located anywhere on the parcel as otherwise authorized by this Chapter. All other and/or subsequently permitted development subject to this Sec. 8109-4.9, including the installation of *wildlife impermeable fencing* forming an enclosed area, shall be subject to the applicable siting criteria stated in subsections a(2) and a(3) below. For the purpose of this subsection a(1), "undeveloped parcel" means that the parcel contains no legally established *structure* that constitutes development subject to this Sec. 8109-4.9.
- (2) The development 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 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, 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 May 18, 2019, 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 an enclosed area installed as of May 18, 2019, the cumulative area enclosed by the proposed *wildlife impermeable fencing* is less 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, a Planning Director-approved Planned Development Permit is required to authorize the development.
- c. 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* 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, including calculations for the enclosed area of each existing and, if applicable, proposed *wildlife impermeable fence*.

Section 8109-4.9.4 – Discretionary Permit Applications and Approval Standards

The following apply whenever a discretionary permit or modification thereto is required to authorize development pursuant to this 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 development under the California Environmental Quality Act or other applicable law.
- b. Development, including any resulting *fuel modification* required by Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Ordinance 30, as may be amended, 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 VCFPD pursuant to VCFPD Ordinance 30, as may be amended, should be sited and conducted in a manner that is consistent with the development guidelines set forth in Sec. 8109-4.9.4.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 30 days after adoption and shall become operative 60 days after adoption.

PASSED AND ADOPTED this 12th day of March 2019 by the following vote:

AYES:

Supervisors

Parks, Zaragoza, and
Bennett

NOES:

Long, Huber

ABSENT:

none

Steve Bennett

CHAIR, BOARD OF SUPERVISORS

ATTEST:

MICHAEL POWERS

Clerk of the Board of Supervisors

County of Ventura, State of California

By

Tom Muner
Deputy Clerk of the Board

