

## **Exhibit 1**

### **Ventura County General Plan Programs Related to NBVC Operations**

#### **LU-K: Update Plans and Amend Regulations with AICUZ Recommended Land Uses (“LU” refers to Land Use Element)**

The County should amend the Zoning Ordinance and/or Initial Study Assessment Guidelines, if necessary, to incorporate the Air Installations Compatible Use Zones (AICUZ) recommended land use limitations and standards in the safety and noise zones.

#### **LU-L: Amend Zoning Ordinance**

The County should amend the Zoning Ordinances, if necessary, to comply with the Federal Aviation Administration (FAA) vertical obstruction guidelines, more specifically with the Navy's Airfield Imaginary Surfaces of the airfields located in the area. These surfaces are more restrictive and provide for greater safety of the public, pilots, and aircraft. The Navy's Airfield Imaginary Surfaces include slopes and heights that are allowable from various distances from the airfield.

#### **LU-M: Military Compatibility Areas (MCA)**

The County shall update the Non-Coastal Zoning Ordinance and the Coastal Zoning Ordinance, if necessary, to delineate and establish the Military Compatibility Areas and Subzones illustrated on Figures 5 through 7 of the Naval Base Ventura County (NBVC) Joint Land Use Study (JLUS).

#### **HAZ-N Frequency Spectrum Areas of Concern (“HAZ” refers to the Hazards and Safety Element)**

The County shall work with Naval Base Ventura County (NBVC) to define criteria that can be used to determine when a discretionary project involving the use of the radio frequency spectrum that are close to military channels require review and coordination with the Navy to ensure that radio frequencies do not disrupt NBVC communications with aircraft.

NOTE: A link to the General Plan is provided here for your reference.

<https://egeneralplan.venturacounty.gov/>

General Plan Program	Source Document	Goal / Implementation Tools
LU-K	AICUZ Study (2015)	Implement land use compatibility standards addressing noise and accident potential. This is addressed through the <b>NCZO and CZO Ordinance Amendments</b> (see Exhibit 2) and the <b>Risk Acknowledgment Form</b> (see Exhibit 5), which applies to Accident Potential Zones and Noise zones.
LU-L	JLUS Final Report (2015)	Implement vertical height standards around military installations. This is addressed through the <b>Draft Zoning Ordinance Amendments - MLUC Overlay Zone</b> (Exhibit 2), which apply JLUS-defined imaginary surfaces for height regulation.
LU-M	JLUS Final Report (2015)	Prompt applicants to coordinate with the NBVC's Installation Community Plans and Liaison Officer (CPLO) for projects within military compatibility areas, including BASH. This is implemented through the updated <b>Discretionary Permit Application</b> and the <b>Military Land Use Compatibility Project Referral Form</b> (Exhibits 3 and 4), which flag relevant projects and trigger early coordination.
HAZ-N	—	Determine which projects involving the use of the radio frequency spectrum require Navy review. This is addressed through updates to the <b>Discretionary Permit Application Packet</b> and the <b>Military Land Use Compatibility Project Referral Form and the Frequency Spectrum Encroachment Review Form</b> (Exhibits 3 and 4), which prompt review and coordination with NBVC.

**Exhibit 2**  
**Non-Coastal Zoning Ordinance Proposed Revisions**

**ARTICLE 4:**

**PURPOSES OF ZONES**

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**[Review Note: All of Sec. 8104-7.3 is proposed new text.]**

**Article 4, Sec. 8104-7.3** of the Ventura County Ordinance Code is hereby amended to read as follows:

**Sec. 8104-7.3 - Military Land Use Compatibility Overlay Zone**

The purposes of this overlay zone are to establish standards and requirements that ensure land use compatibility within areas affected by military aircraft operations and related activities associated with Naval Base Ventura County (NBVC), in order to:

- a. Establish the Federal Aviation Administration (FAA) Part 77 imaginary surfaces and related airspace height requirements;
- b. Increase public awareness and ensure the general safety and welfare of persons affected by adverse impacts common to military aircraft operations including noise zones of 65 DNL (day-night average sound level) and above, and accident potential zones (APZs) as designated in the Air Installations Compatible Use Zones (AICUZ) Report for the Naval Base Ventura County, as amended, and as authorized for public use by the Department of the Navy;
- c. Regulate the siting of solar photovoltaic energy generation and battery energy storage systems where such facilities could pose potential safety issues or incompatibility issues with military operations; and
- d. Ensure that all complete discretionary entitlement applications that have transmission facilities operating near military spectrum or are bird and wildlife attracting uses, shall be referred to Naval Base Ventura County.

## **ARTICLE 5: USES AND STRUCTURES BY ZONE**

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**[Review Note: The addition of Sec. 8105-1.7 subsection (j) is the only proposed revision in this Section.]**

**Article 5, Sec. 8105-1.7** of the Ventura County Ordinance Code is hereby amended to read as follows:

### **Sec. 8105-1.7**

The following list of specifically prohibited uses is provided for informational purposes, and is not intended to be comprehensive:

- a. Nuclear power plants;
- b. Public polo events;
- c. Racetracks for horses or motorized vehicles, except motocross/OHV parks otherwise permitted;
- d. Stadiums;
- e. The parking of motor vehicles on vacant land containing no *principal use*;
- f. Retail sales from wheeled vehicles, except as permitted pursuant to Sections 8105- 4 and 8105-5;
- g. Retail sales in the OS, AE, RA, RE, RO, R1, R2, RPD, and TP zones, except as expressly permitted by this Ordinance or as an accessory use as expressly allowed in the discretionary permit conditions; (ADD. ORD. 3810 - 5/5/87 AM. ORD. 4092 - 6/27/95; AM. ORD. 4118 - 7/2/96; AM. ORD. 4216 - 10/24/00; AM. ORD. 4377 - 1/29/08)
- h. (ADD. ORD. 4484 – 11/26/16, AM. ORD. 4513 – 11/14/17, DEL. MEASURE O – 11/3/20)
- i. (ADD. ORD. 4484 – 11/26/16, DEL. ORD. 4513 – 11/14/17)
- j. Solar concentration facilities.**

# ARTICLE 6:

## LOT AREA AND COVERAGE, SETBACKS, HEIGHT AND RELATED PROVISIONS

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**[Review Note: All of Sec. 8106-7.3 is proposed new text.]**

**Article 6, Sec. 8106-7.3** of the Ventura County Ordinance Code is hereby amended to read as follows:

### **Sec. 8106-7.3 – Airport & Military Airport Height Limits and FAA Notice Requirements**

- a) *Height* limits as set forth in Federal Aviation Administration (FAA) regulations shall be adhered to within the *imaginary surfaces*, as defined in subsection (b) below, of any airport located in Ventura County.
- b) *Imaginary surfaces* for civil airports located in Ventura County (Camarillo, Oxnard, and Santa Paula) are those defined in 14 Code of Federal Regulations (CFR) Part 77 Subpart C - §77.19. Imaginary surfaces for military installations and training routes are those defined in 14 CFR Part 77 Subpart C - §77.21. Other development standards, including maximum height, for areas within the Military Land Use Compatibility (MLUC) Overlay Zone to ensure compatibility with military installations and training routes are included in Sec. 8109-4.12.
- c) For any *structure* (e.g., buildings or antennas) that could extend into FAA *imaginary surfaces* located within the Military Land Use Compatibility (MLUC) Overlay Zone that meets the notice criteria in 14 CFR §77.9, Subpart B, the project applicant shall file FAA Form 7460-1 (Notice of Proposed Construction or Alteration) with the FAA and shall provide the County with a copy of the FAA's resulting determination prior to County approval of any discretionary entitlement subject to the filing requirements. The County shall not approve any entitlement determined by the FAA to constitute a hazard to air navigation. The applicant should determine if FAA filing is required prior to submitting an entitlement application to the County by using the FAA's Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) pre-screening tool, as may be amended. The OE/AAA pre-screening tool may be accessed on the FAA website, as may be amended.\*

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\* <https://oeaaa.faa.gov/oeaaa/oe3a/main/#/noticePrescreen>

# ARTICLE 9:

## STANDARDS FOR SPECIFIC ZONES AND OVERLAY ZONES

**[Review Note: All of Sec. 8109-4.12 is proposed new text.]**

### Sec. 8109-4.12 Military Land Use Compatibility Overlay Zone

The abbreviated reference for the Military Land Use Compatibility Overlay Zone when applied to a base zone shall be "MLUC". The suffix "MLUC" shall be added to the base zone covering land so identified. Every *lot* within the MLUC Overlay Zone shall be further designated by a specific numerical suffix to indicate the parcel's subarea within the MLUC Overlay Zone (example: AE-40ac/MLUC-5). Where applicable, the standards, requirements and procedures in this Sec. 8109-4.12 shall apply to *lots* in the Military Land Use Compatibility Overlay Zone in addition to those of the base zone.

#### Sec. 8109-4.12.1 Applicability

If a *lot* is located both inside and outside of the Military Land Use Compatibility Overlay Zone, the standards, requirements and procedures of this Section 8109-4.12 shall only apply to the portion of the *lot* that is located inside the Military Land Use Compatibility Overlay Zone.

#### Sec. 8109-4.12.2 Land Use Prohibitions and Development Standards

The following land use prohibitions and development standards apply to *lots* or portions thereof located within the respective zone subarea within the Military Land Use Compatibility Overlay Zone. These land use prohibitions and development standards shall apply and take precedence over all conflicting provisions of this Chapter.

Table 1  
(Section 8109-4.12.2)

#### Military Land Use Compatibility Overlay Zone Land Use Prohibitions and Development Standards

MLUC Overlay Zone Subarea	Applicable Airspace or Airfield Imaginary Surface	Development Standards or Prohibition	Height Development Standard
MLUC-1	Federal Aviation Administration (FAA) Military Training Routes (MTR)	A	No <i>structure</i> exceeding 200 feet is permitted.
MLUC-2	NBVC Point Mugu Approach/Departure Clearance Surface Subzone (Glide Angle)	A	<i>Structure height</i> is limited to 1 foot for each 50 linear feet from the nearest end of the runway when measured in a straight line, but in no event shall a <i>structure</i> exceed the maximum <i>structure height</i> as

<b>MLUC Overlay Zone Subarea</b>	<b>Applicable Airspace or Airfield Imaginary Surface</b>	<b>Development Standards or Prohibition</b>	<b>Height Development Standard</b>
			specified in Sections 8106-1.1 and 8106-1.2.  No <i>structure</i> exceeding 500 feet is permitted.
MLUC-3	NBVC Point Mugu Approach/Departure Clearance Surface Subzone (Horizontal)	A	No <i>structure</i> exceeding 500 feet is permitted.
MLUC-4	NBVC Point Mugu Transitional Surface Subzone	A	<i>Structure height</i> is limited to 1 foot for each 7 linear feet from the nearest end of the runway when measured in a straight line, but in no event shall a <i>structure</i> exceed the maximum <i>structure height</i> as specified in Sections 8106-1.1 and 8106-1.2.
MLUC-5	NBVC Point Mugu Inner Horizontal Surface Subzone	A	No <i>structure</i> exceeding 150 feet is permitted.
MLUC-6	NBVC Point Mugu Conical Surface Subzone	C	<i>Structure height</i> is limited to 1 foot for each 20 linear feet from the nearest end of the runway when measured in a straight line, but in no event shall a <i>structure</i> exceed the maximum <i>structure height</i> as specified in Sections 8106-1.1 and 8106-1.2.
MLUC-7	NBVC Point Mugu Outer Horizontal Surface Subzone	C	No <i>structure</i> exceeding 500 feet is permitted.
MLUC-8	NBVC Point Mugu Accident Potential Zone I, Accident Potential Zone II, and Clear Zone.	D	Not Applicable
MLUC-9	NBVC Point Mugu Minimum 65 CNL Noise Contour	D	
MLUC-10	Radio Frequency Encroachment Radius	B	
MLUC-11	Bird / Wildlife Aircraft Strike Hazard (BASH) Radius	B	

#### **Development Standards Key**

A) The following uses are prohibited:

- Solar photovoltaic energy generation;
- Battery energy storage;
- Ground-mounted accessory solar photovoltaic energy generation; and
- Ground-mounted accessory battery energy storage.

<b>MLUC Overlay Zone Subarea</b>	<b>Applicable Airspace or Airfield Imaginary Surface</b>	<b>Development Standards or Prohibition</b>	<b>Height Development Standard</b>
<p>B) All discretionary entitlement applications that have transmission facilities operating near military spectrum or are bird and wildlife attracting uses, after being deemed complete, shall be referred to Naval Base Ventura County by County staff for consultation. Such projects may be conditioned or denied based on such issues if they are clearly identified and cannot be sufficiently addressed, as determined by the County decisionmaker.</p> <p>C) Discretionary entitlement applications for solar photovoltaic energy generation and battery energy storage systems, after being deemed complete, shall be submitted to the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse by County staff for consultation for potential safety issues or incompatibility issues with military operations. The project may be conditioned or denied based on such issues if they are clearly identified and cannot be sufficiently addressed, as determined by the County decisionmaker.</p> <p>D) Prior to issuance of an entitlement for a proposed dwelling (inclusive of any accessory dwelling unit permitted by Section 8175-5.1.1), and/or any habitable structure not intended for human habitation that is accessory to a principal use (such as cabanas, pool houses and agricultural offices), as well as for any expansion to such existing dwellings and structures, the property owner, at its sole expense, shall record a document with the Ventura County Recorder's Office to appear on title to the subject property, in a form acceptable to the Planning Division, acknowledging the presence of risks and effects of aircraft activity due to proximity to a military base, including but not limited to low flying military aircraft and associated noise and vibration levels that may disturb occupants, as well as the increased risk of plane crashes and accident potential zone (APZ) hazards related to military airspace and aircraft training or testing activities. A copy of the recorded document shall be provided to the Planning Division and retained in the project file.</p>			

## Coastal Zoning Ordinance Proposed Revisions

### ARTICLE 1:

### AUTHORITY, PURPOSE, AND APPLICATION OF CHAPTER

**[Review Note: The addition of Sec. 8171-4.5 subsection (c) is the only proposed revision in this Section.]**

**Article 1, Sec. 8171-4** of the Ventura County Ordinance Code is hereby amended to read as follows:

#### **Sec. 8171-4 – General Prohibitions**

##### **Sec. 8171-4.1**

No structure shall be moved onto a site, erected, reconstructed, added to, enlarged, advertised on, structurally altered or maintained, and no structure or land shall be used for any purpose, except as specifically provided and allowed by this Chapter, with respect to land *uses*, *building heights*, *setbacks*, minimum *lot area*, maximum percentage of *building coverage* and *lot width*, and with respect to all other regulations, conditions and limitations prescribed by this Chapter as applicable to the same zone in which such *use*, *structure* or land is located. (AM.ORD.4055-2/1/94)

##### **Sec. 8171-4.2**

No person shall use or permit to be used, any *building*, *structure*, or land or erect, structurally alter or enlarge any *building* or *structure*, contract for advertising space, pay for space, or advertise on any *structure* except for the *uses* permitted by this Chapter and in accordance with the provision of this Chapter applicable thereto.

##### **Sec. 8171-4.3**

No permit or entitlement may be issued or renewed for any *use*, construction, improvement or other purpose unless specifically provided for or permitted by this Chapter.

##### **Sec. 8171-4.4**

No permit or entitlement shall be issued for any *use* or construction on a *lot* that is not a *legal lot*. (ADD.ORD.4055-2/1/94, AM.ORD. 4451-12/11/12)

##### **Sec. 8171-4.5**

No permit or entitlement shall be issued for the following prohibited uses:

- a. The operation of medical cannabis dispensaries, and the manufacturing, processing, storage or sales of medical cannabis or medical cannabis products. This prohibition does not apply to the delivery and transport of medical cannabis and does not apply to uses by a qualified patient or primary caregiver for which a permit is not required pursuant to Business and Professions Code section 19319. The definitions in Business and Professions Code section 19300.5 shall apply to this subparagraph.

b. The cultivation of medical cannabis as those terms are defined in Business and Professions Code section 19300.5 for which a license is required pursuant to Health and Safety Code section 11362.777.

**c. Solar concentration facilities.**

DRAFT

## **ARTICLE 3:**

### **PURPOSES OF ZONES**

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**[Review Note: All of Sec. 8173-13 is proposed new text.]**

**Article 3, Sec. 8173** of the Ventura County Ordinance Code is hereby amended to read as follows:

#### **Sec. 8173-13 – Military Land Use Compatibility (MLUC) Overlay Zone**

The purposes of this overlay zone are to establish standards and requirements that ensure land use compatibility within areas affected by military aircraft operations and related activities associated with Naval Base Ventura County (NBVC), in order to:

- a. Establish the Federal Aviation Administration (FAA) Part 77 *imaginary surfaces* and related airspace height requirements;
- b. Increase public awareness and ensure the general safety and welfare of persons affected by adverse impacts common to military aircraft operations including noise zones of 65 DNL (day-night average sound level) and above, and accident potential zones (APZs) as designated in the Air Installations Compatible Use Zones (AICUZ) Report for the Naval Base Ventura County, as amended, and as authorized for public use by the Department of the Navy;
- c. Regulate the siting of solar photovoltaic energy generation and battery energy storage systems where such facilities could pose potential safety issues or incompatibility issues with military operations;
- d. Ensure that all discretionary entitlement applications that have transmission facilities operating near military spectrum or are bird and wildlife attracting uses, after being deemed complete, shall be referred to Naval Base Ventura County.

# ARTICLE 5:

## DEVELOPMENT STANDARDS / CONDITIONS – USES

**[Review Note: All of Sec. 8175-4.17 is proposed new text.]**

**Article 6, Sec. 8175-4** of the Ventura County Ordinance Code is hereby amended to read as follows:

### **Sec. 8175-4.17 – Airport & Military Airport Height Limits and FAA Notice Requirements**

- a) *Height* limits as set forth in Federal Aviation Administration (FAA) regulations shall be adhered to within the *imaginary surfaces*, as defined in subsection (b) below, of any airport located in Ventura County.
- b) *Imaginary surfaces* for civil airports located in Ventura County (Camarillo, Oxnard, and Santa Paula) are those defined in 14 Code of Federal Regulations (CFR) Part 77 Subpart C - §77.19. Imaginary surfaces for military installations and training routes are those defined in 14 CFR Part 77 Subpart C - §77.21. Other development standards, including maximum height, for areas within the Military Land Use Compatibility (MLUC) Overlay Zone to ensure compatibility with military installations and training routes are included in Sec. 8109-4.12.
- c) For any *structure* (e.g., buildings or antennas) that could extend into FAA *imaginary surfaces* located within the Military Land Use Compatibility (MLUC) Overlay Zone that meets the notice criteria in 14 CFR §77.9, Subpart B, the project applicant shall file FAA Form 7460-1 (Notice of Proposed Construction or Alteration) with the FAA and shall provide the County with a copy of the FAA's resulting determination prior to County approval of any discretionary entitlement subject to the filing requirements. The County shall not approve any entitlement determined by the FAA to constitute a hazard to air navigation. The applicant should determine if FAA filing is required prior to submitting an entitlement application to the County by using the FAA's Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) pre-screening tool, as may be amended. The OE/AAA pre-screening tool may be accessed on the FAA website, as may be amended.\*

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\* <https://oeaaa.faa.gov/oeaaa/oe3a/main/#/noticePrescreen>

# ARTICLE 7:

## STANDARDS FOR SPECIFIC ZONES

[Review Note: All of Sec. 8177-5 is proposed new text.]

**Article 7, Sec. 8177** of the Ventura County Ordinance Code is hereby amended to read as follows:

### Sec. 8177-5 – Military Land Use Compatibility (MLUC) Overlay Zone

The abbreviated reference for the Military Land Use Compatibility Overlay Zone when applied to a base zone shall be "MLUC". The suffix "MLUC" shall be added to the base zone covering land so identified. Every *lot* within the MLUC Overlay Zone shall be further designated by a specific numerical suffix to indicate the parcel's subarea within the MLUC Overlay Zone (example: AE-40ac/MLUC-5). Where applicable, the standards, requirements and procedures in this Sec. 8177-5 shall apply to *lots* in the Military Land Use Compatibility Overlay Zone in addition to those of the base zone.

#### Sec. 8177-5.1 Applicability

If a *lot* is located both inside and outside of the Military Land Use Compatibility Overlay Zone, the standards, requirements and procedures of this Section 8177-5 shall only apply to the portion of the *lot* that is located inside the Military Land Use Compatibility Overlay Zone.

#### Sec. 8177-5.2 Land Use Prohibitions and Development Standards

The following land use prohibitions and development standards apply to *lots* or portions thereof located within the respective zone subarea within the Military Land Use Compatibility Overlay Zone. These land use prohibitions and development standards shall apply and take precedence over all conflicting provisions of this Chapter.

Table 1  
(Section 8177-5.2)

#### Military Land Use Compatibility Overlay Zone Land Use Prohibitions and Development Standards

MLUC Overlay Zone Subarea	Applicable Airspace or Airfield Imaginary Surface	Development Standard or Prohibition	Height Development Standard
MLUC-1	Federal Aviation Administration (FAA) Military Training Routes (MTR)	A	No <i>structure</i> exceeding 200 feet is permitted.
MLUC-2	NBVC Point Mugu Approach/Departure	A	<i>Structure height</i> is limited to 1 foot for each 50 linear feet from the nearest end of

<b>MLUC Overlay Zone Subarea</b>	<b>Applicable Airspace or Airfield Imaginary Surface</b>	<b>Development Standard or Prohibition</b>	<b>Height Development Standard</b>
	Clearance Surface Subzone (Glide Angle)		the runway when measured in a straight line, but in no event shall a <i>structure</i> exceed the maximum <i>structure height</i> as specified in Section 8175-2.  No <i>structure</i> exceeding 500 feet is permitted.
MLUC-3	NBVC Point Mugu Approach/Departure Clearance Surface Subzone (Horizontal)	A	No <i>structure</i> exceeding 500 feet is permitted.
MLUC-4	NBVC Point Mugu Transitional Surface Subzone	A	<i>Structure height</i> is limited to 1 foot for each 7 linear feet from the nearest end of the runway when measured in a straight line, but in no event shall a <i>structure</i> exceed the maximum <i>structure height</i> as specified in Section 8175-2.
MLUC-5	NBVC Point Mugu Inner Horizontal Surface Subzone	A	No <i>structure</i> exceeding 150 feet is permitted.
MLUC-6	NBVC Point Mugu Conical Surface Subzone	C	<i>Structure height</i> is limited to 1 foot for each 20 linear feet from the nearest end of the runway when measured in a straight line, but in no event shall a <i>structure</i> exceed the maximum <i>structure height</i> as specified in Section 8175-2.
MLUC-7	NBVC Point Mugu Outer Horizontal Surface Subzone	C	No <i>structure</i> exceeding 500 feet is permitted.
MLUC-8	NBVC Point Mugu Accident Potential Zone I, Accident Potential Zone II, and Clear Zone.	D	Not Applicable
MLUC-9	NBVC Point Mugu Minimum 65 CNL Noise Contour	D	
MLUC-10	Radio Frequency Encroachment Radius	B	
MLUC-11	Bird / Wildlife Aircraft Strike Hazard (BASH) Radius	B	

#### **Development Standards Key**

A) The following uses are prohibited:

- Solar photovoltaic energy generation;
- Battery energy storage;
- Ground-mounted accessory solar photovoltaic energy generation; and
- Ground-mounted accessory battery energy storage.

<b>MLUC Overlay Zone Subarea</b>	<b>Applicable Airspace or Airfield Imaginary Surface</b>	<b>Development Standard or Prohibition</b>	<b>Height Development Standard</b>
<p>B) All discretionary entitlement applications that have transmission facilities operating near military spectrum or are bird and wildlife attracting uses, after being deemed complete, shall be referred to Naval Base Ventura County by County staff for consultation. Such projects may be conditioned or denied based on such issues if they are clearly identified and cannot be sufficiently addressed, as determined by the County decisionmaker.</p> <p>C) Discretionary entitlement applications for solar photovoltaic energy generation and battery energy storage systems, after being deemed complete, shall be submitted to the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse by County staff for consultation for potential safety issues or incompatibility issues with military operations. The project may be conditioned or denied based on such issues if they are clearly identified and cannot be sufficiently addressed, as determined by the County decisionmaker.</p> <p>D) Prior to issuance of an entitlement for a proposed dwelling (inclusive of any accessory dwelling unit permitted by Section 8175-5.1.1), and/or any habitable structure not intended for human habitation that is accessory to a principal use (such as cabanas, pool houses and agricultural offices), as well as for any expansion to such existing dwellings and structures, the property owner, at its sole expense, shall record a document with the Ventura County Recorder's Office to appear on title to the subject property, in a form acceptable to the Planning Division, acknowledging the presence of risks and effects of aircraft activity due to proximity to a military base, including but not limited to low flying military aircraft and associated noise and vibration levels that may disturb occupants, as well as the increased risk of plane crashes and accident potential zone (APZ) hazards related to military airspace and aircraft training or testing activities. A copy of the recorded document shall be provided to the Planning Division and retained in the project file.</p>			

### Exhibit 3

#### Ventura County Discretionary Permit Application (Excerpt)

e. Please answer the following questions related to Military Operation Areas, Airport Safety Zones, and the Military Land Use Compatibility Overlay Zone.<sup>39</sup>

(1) Is your project within 1,000 feet of a military installation?

Yes       No

(2) Is your project beneath a low-level “military training route” flight path (within the MLUC-1 Overlay)?

Yes       No

(3) Is your project within a special use “restricted” airspace?

Yes       No

(4) Is your project within an Imaginary Surface zone (within the MLUC-2 through MLUC-7 Overlay)?

Yes       No

(5) Is your project within the AICUZ Noise or Safety (Accident Potential) Zone (within the MLUC-8 or MLUC-9 Overlay)?

Yes       No

(6) Is your project within the BASH zone (MLUC-11)? If so, the Military Land Use Compatibility Overlay Project Referral Form shall be submitted.

Yes       No

(7) Does your project utilize the radio frequency spectrum within a 10-mile radius of Naval Base Ventura County – Pt. Mugu (MLUC-10)? If so, Military Land Use Compatibility Overlay Project Referral Form shall be submitted.

Yes       No

(8) Is your project for solar photovoltaic energy generation and/or battery energy storage and located within MLUC-6 or MLUC-7? If so, the project shall be submitted to the Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse for review.

Yes       No

(9) Is your project within an Airport Safety Zone, as defined in the Ventura County Airport Comprehensive Land Use Plan for (ACLU), for any airport within the County of Ventura? If so, the project shall be submitted to the Ventura County Transportation Commission (VCTC) for evaluation of consistency with the ACLU.

Yes       No

39 In accordance with State Senate Bill 1462 (Gov. Code sections 65352, 65404, 65940, and 65944), please respond to these questions by visiting the County of Ventura's public mapping tool "County View," located at <https://maps.ventura.org/countyview/>. Once you have located your project's appropriate parcel, click "Parcel Report." Once the Parcel Report opens, scroll down to "Hazards" to find the subsection titled "Military Operations Area." The information presented in the Parcel Report will assist you in answering the questions.

If the project site is located within or near a designated Military Operations Area, applicants are strongly encouraged to contact the **Naval Base Ventura County (NBVC) Community and Planning Liaison Officer** to discuss project compatibility and potential land use conflicts prior to application submittal. Early coordination will help ensure the project does not adversely affect military readiness.

For assistance, Planning Division staff may also facilitate contact with NBVC as part of the discretionary permit review process.

Please refer to "County View" to determine if a lot is located within the Military Land Use Compatibility (MLUC) overlay zone (questions e. 2, 4, 5), BASH zone (question e.6), or Navy Base Ventura County – Point Mugu Radio Frequency Spectrum Referral zone (question e.7).

## Exhibit 4



# Military Land Use Compatibility Project Referral Form

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478

<https://rma.venturacounty.gov/divisions/planning/>

### **Purpose:**

Applications for discretionary land use permits or entitlements for development on property that is located within the Military Land Use Compatibility (MLUC) overlay zone shall be referred to the Community Planning Liaison Officer (CPLO) at Naval Base Ventura County. The purpose of this form is for the applicant to provide basic information relevant to military land use compatibility that County staff can provide to the CPLO, in order to facilitate communication between the applicant and the CPLO to determine if modifications to the project description are warranted to address any incompatibility issues while still achieving the applicant's development goals.

### **Instructions to Applicant:**

Please provide the information requested below. Once complete, return the form to the Ventura County Planning Division as part of application submittal for development of the subject property. Submission of this form is required for application completeness. After the application is deemed complete, County staff will notify and request any comments or recommendations from the CPLO regarding the proposed project. Notification will include (but will not be limited to) California Environmental Quality Act and public hearing notices.

If you have any questions about the information to be presented in this form, please contact the Planning Division public counter at (805) 654-2488 or [plan.counter@venturacounty.gov](mailto:plan.counter@venturacounty.gov).

Should you desire to reach out to Naval Base Ventura County CPLO before submitting this form, they can be reached at the contact information included below.

Phone: (805) 989-3240

Email: [Kendall.p.lousen.civ@us.navy.mil](mailto:Kendall.p.lousen.civ@us.navy.mil)

**Subject Property:**

The Subject Property consists of the following:

1. Tax Assessor's Parcel Number(s) (APNs): \_\_\_\_\_
2. Street Address(es): \_\_\_\_\_
3. Lot size (in square feet/acreage): \_\_\_\_\_
4. Subject Property Owner Name/Applicant: \_\_\_\_\_

**Existing Property Description:**

Please provide a brief description of the existing real property condition and land use activities on the Subject Property (e.g., Open Space/OS-40, undeveloped parcel, details/number of principal and accessory dwelling units on-site, details/number of uninhabited structures).

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**Proposed Project Description:**

Please provide a brief description of the proposed project (e.g., proposed use and description of the proposed physical development of the Subject Property).

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**Bird Attracting Uses:**

Is the proposed development or entitlement for a bird attracting use such as a transfer station, landfill, golf course, wetland, stormwater pond, or dredge disposal site?

YES  
 NO

**Use of Radio Frequencies:**

Does the proposed development or entitlement include the use of radio frequencies? (\*If yes, please also refer to Frequency Spectrum Encroachment Review Form (Appendix 1) which requires more technical information. It is not required for application completeness but will be required prior to any discretionary approval. (If the response is "No," the Frequency Spectrum Encroachment Review form does not need to be completed).

YES, the frequencies used include: \_\_\_\_\_  
 NO

**CPLO Response:** *(This section for Naval Base Ventura County CPLO use only.)*

Based on the project description provided above, Naval Base Ventura County:

**Will** provide the following comment regarding the requested development and/or entitlement.

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**Will not** provide additional comment, no additional coordination required.

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CPLO Signature

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DATE

DRAFT

# **Appendix 1**

Frequency Spectrum Encroachment Review Form

DRAFT



## **Frequency Spectrum Encroachment Review Form**

**County of Ventura • Resource Management Agency • Planning Division**

**800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 •**

**<https://rma.venturacounty.gov/divisions/planning/>**

### **Purpose:**

Consistent with the Ventura County General Plan,<sup>1</sup> applications for discretionary land use permits or entitlements within 10 miles of Naval Base Ventura County, that include transmission facilities operating near military spectrum, shall submit frequency spectrum details to Naval Base Ventura County for review and comment.

### **Instructions to Applicant:**

Please fill out the below information. Once complete, return the completed form to the Ventura County Planning Division. This form must be submitted to the County no later than 60 days prior to the scheduled discretionary decision on the project in order to allow time for input from Naval Base Ventura County.

If you have any questions about the information to be presented in this form, please contact the Planning Division public counter at (805) 654-2488 or [plan.counter@venturacounty.gov](mailto:plan.counter@venturacounty.gov).

Should you desire to reach out to Naval Base Ventura County CPLO before submitting this form, they can be reached at the contact information included below.

Phone: (805) 989-3240

Email: [Kendall.p.lousen.civ@us.navy.mil](mailto:Kendall.p.lousen.civ@us.navy.mil)

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<sup>1</sup> See General Plan Policy HAZ-8.4 (Frequency Spectrum Encroachment Review).

**Subject Property:**

The Subject Property consists of the following:

5. Tax Assessor's Parcel Number(s) (APNs): \_\_\_\_\_
6. Street Address(es): \_\_\_\_\_
7. Lot size (in square feet/acreage): \_\_\_\_\_
8. Subject Property Owner Name/Applicant: \_\_\_\_\_

**Existing Property Description:**

Please provide a brief description of the existing real property condition and land use activities on the Subject Property (e.g., Open Space/OS-40, undeveloped parcel, details/number of principal and accessory dwelling units on-site, details/number of uninhabited structures).

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**Proposed Project Description:**

Please provide a brief description of the proposed project (e.g., proposed use and description of the proposed physical development of the Subject Property).

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**Use of Radio Frequencies:**

Does the proposed development or entitlement include the installation and operation of any stealth telecommunication facilities, antenna, or equipment that uses radio frequencies, spectrum allocation, and/or transmits electromagnetic radiation hazards beyond the subject property? Select all that apply.

YES, the transmitter parameters include:

(Manufacturer's Name): \_\_\_\_\_ (Model Number): \_\_\_\_\_

(Nomenclature): \_\_\_\_\_ (Elevation): \_\_\_\_\_

(Transmitter Type) [Satellite, PAR, Communications, or Other?]: \_\_\_\_\_

(Frequency Allocation): \_\_\_\_\_ (Frequency Range): \_\_\_\_\_

(Output Power): \_\_\_\_\_  
(Peak Envelope Power [PEP]): \_\_\_\_\_  
(Peak Mean/Average Power): \_\_\_\_\_  
(Modulation Type Information [Pulsed, FM, AM, or Other?]): \_\_\_\_\_

(Pulse Modulation Characteristics [A, B, C]): \_\_\_\_\_  
(Width): \_\_\_\_\_  
(Pulse Repetition Frequency [PRF]): \_\_\_\_\_  
(Duty Cycle): \_\_\_\_\_

YES, the Linear Antenna Parameters include:

(Manufacturer's Name): \_\_\_\_\_ (Model Number): \_\_\_\_\_  
(Nomenclature): \_\_\_\_\_ (Elevation): \_\_\_\_\_  
(Antenna Type): Whip, TAGI, Conical Monopole, Rotatable Log Periodic Antenna, Dipole, Other \_\_\_\_\_  
(Dimension): \_\_\_\_\_  
(Height of Mounting Platform): \_\_\_\_\_  
(Height Above Ground): \_\_\_\_\_  
(Elevation Angle): \_\_\_\_\_  
(Polarization/Pattern): \_\_\_\_\_  
(Main Beam Gain): \_\_\_\_\_  
(Coverage Angle): \_\_\_\_\_

YES, the Aperture Antenna Parameters include:

(Manufacturer's Name): \_\_\_\_\_ (Model Number): \_\_\_\_\_  
(Nomenclature): \_\_\_\_\_ (Elevation): \_\_\_\_\_  
(Antenna Type): Three Meter Horn, Cassegrain Reflector, Fed Parabolic Reflector, Other \_\_\_\_\_  
(Dimensions): \_\_\_\_\_  
(Height of Mounting Platform): \_\_\_\_\_  
(Height Above Ground): \_\_\_\_\_  
(Minimum Elevation Angle): \_\_\_\_\_  
(Beam Width): \_\_\_\_\_  
(Horizontal Beam Width): \_\_\_\_\_ (Vertical Beam Width): \_\_\_\_\_  
(Type of Scanning [Electronic, Mechanical, Combination]): \_\_\_\_\_  
(Gain Relative to Isotropic Antenna [dBi]): \_\_\_\_\_  
(Main Beam Gain): \_\_\_\_\_ (Side Lobe Gain): \_\_\_\_\_  
(Antenna Pattern Coverage): \_\_\_\_\_  
(Elevation Coverage) Maximum: \_\_\_\_\_ Minimum: \_\_\_\_\_  
(Coverage Angle): \_\_\_\_\_



Other Relevant Information: Please provide any information relevant to the use of radio frequencies, spectrum allocation, and/or transmission of electromagnetic radiation hazards if not already captured by the above options.

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1. Potential Hazards of Electromagnetic Radiation (EMR) to Personnel (HERP):
  - A. What is the distance of the closest portion of the potential HERP to Naval Base Ventura County's Perimeter Boundary (Point Mugu or Port Hueneme)? Provide Google Earth Map and include coordinates (pdf, GIS shapefiles, or KMZ files accepted).  
Miles: \_\_\_\_\_ Feet: \_\_\_\_\_ Map and Coordinates included: Y or N?  
B. Does the distance of the potential HERP extend beyond the subject property: Y or N (circle one).  
B1: If yes, what is the distance of the potential HERP to the nearest occupied Building/Structure on adjacent parcels?  
Miles: \_\_\_\_\_ Feet: \_\_\_\_\_ Provide the 10-digit APNs of these adjacent parcels that contain the nearest occupied Building/Structure:  

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  - C. What EMR Safety Protocols/Methods are currently in-place for restricting personnel exposure to potential HERP areas on the subject property and adjacent properties?  

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2. Potential Hazards of Electromagnetic Radiation to Fuel Production/Operations (HERF):
  - A. What is the distance of the closest portion of the potential HERF to Naval Base Ventura County's Perimeter Boundary (Point Mugu or Port Hueneme)?  
Provide Google Earth Map and include coordinates (pdf, GIS shapefiles, or KMZ files accepted).  
Miles: \_\_\_\_\_ Feet: \_\_\_\_\_ Map and Coordinates included: Y or N?  
B. Does the distance of the potential HERF extend beyond the subject property: Y or N (circle one).  
B1: If yes, what is the distance of the potential HERF to the nearest occupied Building/Structure on adjacent parcels?  
Miles: \_\_\_\_\_ Feet: \_\_\_\_\_ Provide the 10-digit APNs of these adjacent parcels that contain the nearest occupied Building/Structure:  

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C. Specify the potential HERF distances to nearest Fueling Facility (within 0.25-miles of Subject Property):

Miles: \_\_\_\_\_ Feet: \_\_\_\_\_

C1: Indicate type(s) of fuel facility/operation in vicinity of the subject property: (e.g., Gas Station, Fuel Storage Tank, Fertilizer Plant, Truck Parking, Petroleum/Oil Extraction, Liquid Natural Gas Plant, Other)? If Other, please specify:

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**CPLO Response:** *(This section for Naval Base Ventura County CPLO use only.)*

Based on the project description and exhibits for the subject property provided above submitted by the applicant via the Ventura County Resource Management Agency (Planning Division), Naval Base Ventura County:

**Will** provide the following comment regarding the requested development and/or entitlement.

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**Will not** provide additional comment, no additional coordination required.

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CPLO Signature

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DATE

**Exhibit 5**  
**Risk Acknowledgement Form**

**RECORDED AT THE REQUEST OF:**

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**WHEN RECORDED RETURN TO:**

County of Ventura, RMA Planning Division  
ATTN:  
800 S Victoria Ave, L #1740  
Ventura, CA 93009-1940

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**Property Owner Acknowledgment of the Presence of Risks and  
Impacts of Aircraft Activity Due to Proximity to a Military Base**

This acknowledgment ("Acknowledgment") is executed by \_\_\_\_\_ **[add property owner name]** ("Property Owner") on the signature date set forth below.

**RECITALS**

Whereas, Property Owner is the present owner of certain real property located at \_\_\_\_\_ **[add street address]** in unincorporated Ventura County, CA with an Assessor's Parcel Number(s) (APNs) **[add all associated APNs]** \_\_\_\_\_ which is described in Exhibit A (Attach Legal Description) hereto (the "Property").

Whereas, Property Owner and/or persons acting on behalf of Property Owner applied for, and the County of Ventura ("County") approved, a permit (Exhibit B) to authorize **[state what this specific permit authorized as it relates to the language of the MLUC Overlay requiring this recordation – i.e., construction of a dwelling unit/ADU; expansion of a dwelling unit/ADU; a habitable structure not for human habitation, etc.]** on the Property in accordance with Ventura County Non-Coastal Zoning Ordinance (NCZO) Section 8111-1 / Coastal Zoning Ordinance (CZO) Section 8181-3.

Whereas, NCZO section 8109-4.12 / CZO section 8177-5 establishes a Military Land Use Compatibility Overlay Zone, which includes certain land use prohibitions and development standards within specified subareas of this overlay zone, including a requirement, pursuant to section **8109-4.12.2 / 8177-5.2**, stating that:

"Prior to issuance of an entitlement for a proposed dwelling (inclusive of any accessory dwelling unit permitted by Section 8107-1.7 / 8175-5.1.1), and/or any habitable structure not intended for human habitation accessory to a principal use (such as cabanas, pool houses and agricultural offices), as well as for any expansion to such existing dwellings and structures, the property owner, at its sole expense, shall record a document with the Ventura County Recorder's Office to appear on title to the subject property, in a form acceptable to the Planning Division, acknowledging the presence of risks and effects of aircraft activity due to proximity to a military base, including but not limited to low flying military aircraft and associated noise and vibration levels that may disturb occupants, as well as the increased risk of plane crashes and other potential accident hazards related to military training or activities. A copy of the recorded document shall be provided to the Planning Division and retained in the project file."

Whereas, the purpose of this Acknowledgment is to memorialize and implement the foregoing requirement of **NCZO section 8109-4.12.2 / CZO section 8177-5.2**.

Now, therefore, in conjunction with the County's approval of the permit attached as Exhibit B, Property Owner hereby acknowledges and agrees as follows:

1. **Acknowledgment**. Property Owner acknowledges the presence of risks and effects of aircraft activity due to proximity to a military base, including but not limited to low flying military aircraft and associated noise and vibration levels that may disturb occupants, as well as the increased risk of plane crashes and other potential accident hazards related to military training or activities.
2. **Obligations and Restrictions**. This Acknowledgment imposes no obligations or restrictions except as expressly stated herein.
3. **Modification and Release**. This Acknowledgment shall not be amended, released, terminated, or removed from the Property without the prior written consent of the County of Ventura.
4. **Recordation**. This Acknowledgment shall be recorded in the Ventura County Recorder's Office and shall take effect upon recordation.

Attachments:

Exhibit A Legal Description  
Exhibit B Copy of Permit  
(Permit No. \_\_\_\_\_)

**PROPERTY OWNER:**

Signature \_\_\_\_\_  
Signature of the Property Owner

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF VENTURA)

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

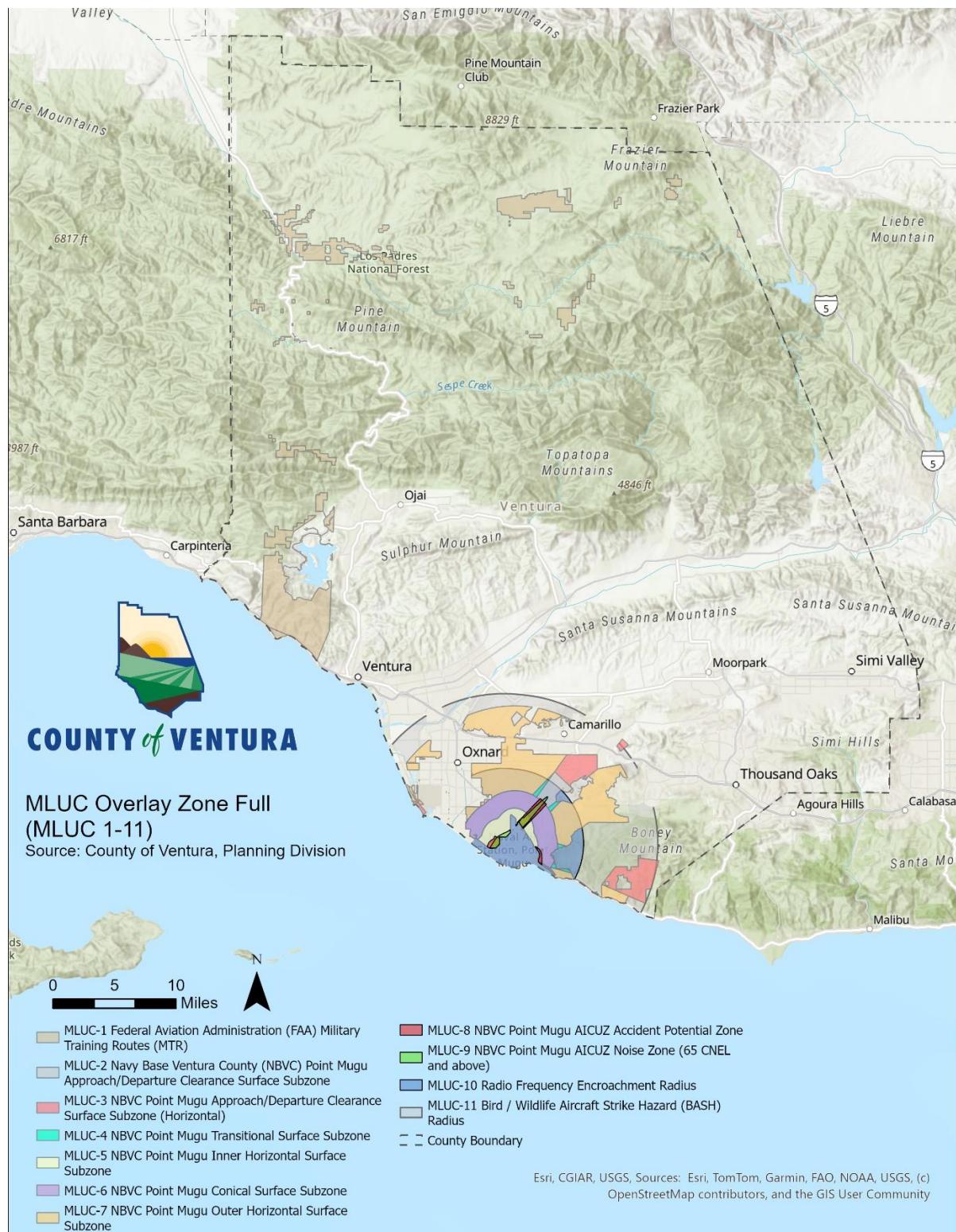
WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

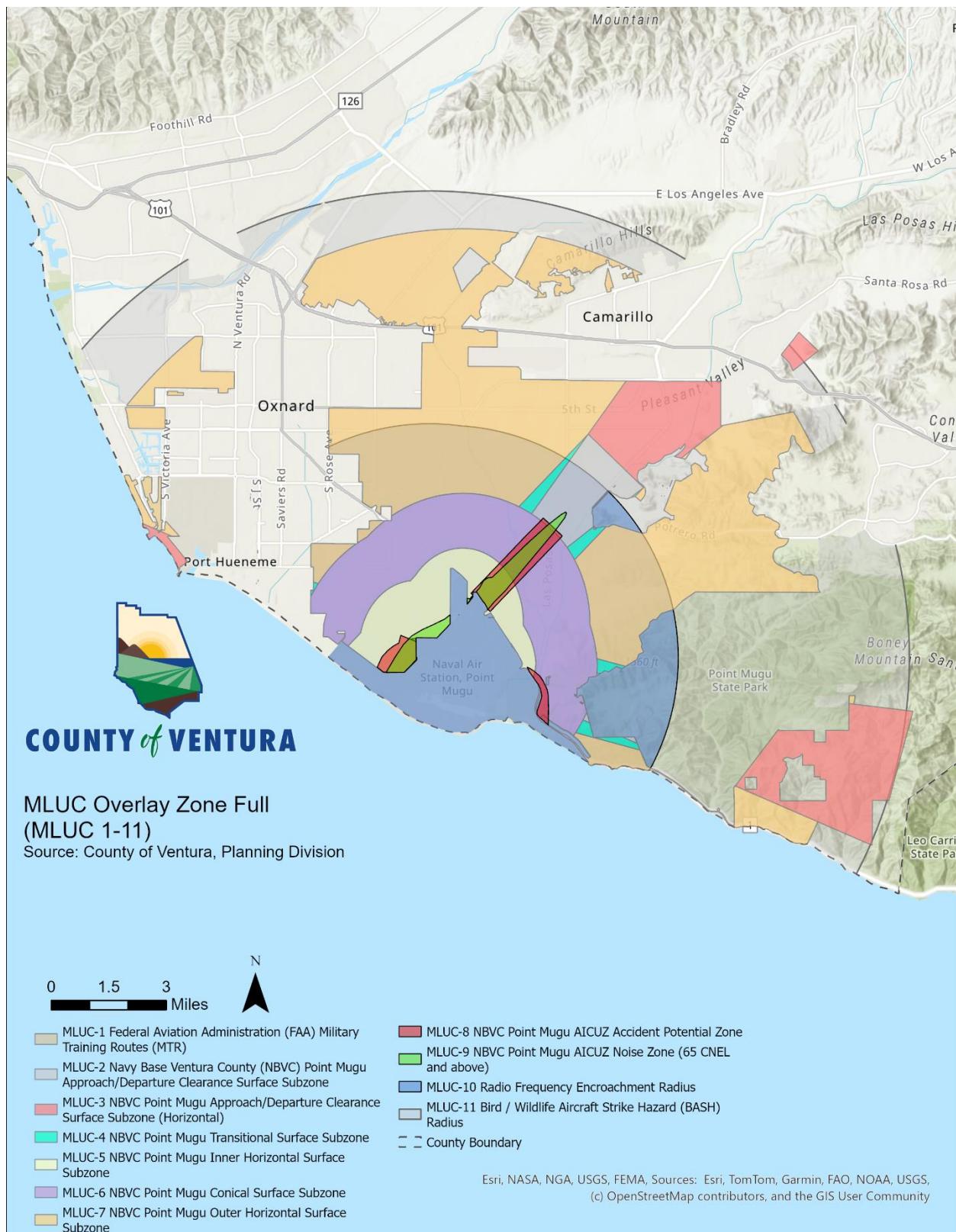
Signature of the Notary Public

## Exhibit 6 – Military Land Use Compatibility (MLUC) Overlay Zone Map

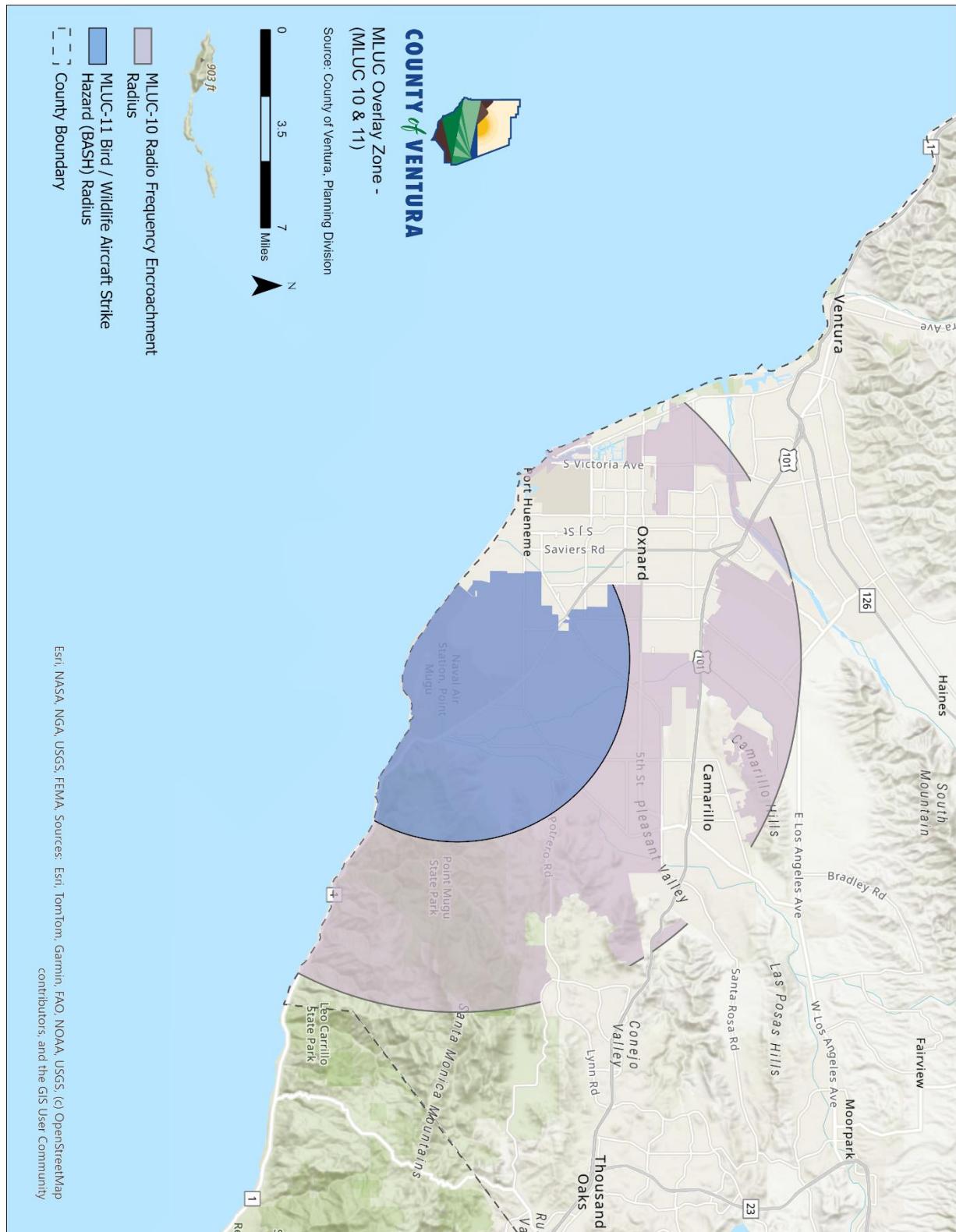
Map 1: MLUC Subareas (1-11) Ventura County



Map 2: MLUC Subareas (1-11) Surrounding NBVC – Pt. Mugu



Map 3: MLUC Subareas 10 and 11 – Radio Frequency Encroachment Radius and Bird / Wildlife Aircraft Strike Hazard (BASH) Radius





## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICE OF EXEMPTION

**To:**  **County Clerk**  
County of Ventura  
800 South Victoria Ave., L#1210  
Ventura, CA 93009

**From:** **County of Ventura**  
RMA, Planning Division  
800 South Victoria Ave., L#1740  
Ventura, CA 93009

**Office of Land Use and Climate Innovation**  
1440 Tenth Street, Room 121  
Sacramento, CA 95814  
(Only if State discretionary approval is required)

**A. Project Description:**

- Entitlement:** County-Initiated Zoning Ordinance Amendments Establishing the Military Land Use Compatibility (MLUC) Overlay Zone; Case No. PL24-0120
- Applicant's Name:** County of Ventura, Resource Management Agency, Planning Division
- Applicant's Address:** 800 S. Victoria Avenue, L#1740, Ventura, CA 93009
- Location:** Coastal and Non-Coastal Unincorporated Areas of Ventura County. (See attached MLUC map.)

**B. Project Description:** The project consists of County-initiated amendments to the Non-Coastal Zoning Ordinance (NCZO) and the Coastal Zoning Ordinance (CZO) to:

- Establish the Military Land Use Compatibility (MLUC) Overlay Zone;
- Codify FAA Part 77 imaginary surface height limits around Naval Base Ventura County (NBVC) Point Mugu;
- Require risk acknowledgment for dwellings proposed in Accident Potential Zones (APZ) and high-noise areas.
- Add NBVC referral requirements for Radio Frequency and BASH areas; and
- Incorporate FAA Form 7460-1 noticing requirements;

**C. Lead Agency Contact:**

1. **Public Agency Approving Project:** County of Ventura, Resource Management Agency, Planning Division
2. **Contact Person:** Matthew Hershberger, Case Planner
3. **Telephone No.:** 805-662-6518
4. **E-mail Address:** Matthew.Hershberger@venturacounty.gov

**CI.** **Exempt Status:** Categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15162 and 15168.

**CII. Justification for Exemption:** Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code or Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review. The project consists of County-initiated amendments to the Non-Coastal Zoning Ordinance (NCZO) and the Coastal Zoning Ordinance (CZO) to establish the Military Land Use Compatibility (MLUC) Overlay Zone and implement federal and military compatibility requirements. The amendments codify FAA Part 77 imaginary surface height limits around Naval Base Ventura County (NBVC) Point Mugu, require risk acknowledgment for dwellings proposed within Accident Potential Zones (APZ) and high-noise areas, add NBVC referral requirements for Radio Frequency (RF) encroachment and Bird/Wildlife Aircraft Strike Hazard (BASH) areas, and incorporate FAA Form 7460-1 noticing requirements for structures that penetrate or approach FAA imaginary surfaces. Implementation of the General Plan programs listed above is exempt from CEQA pursuant to CEQA Guidelines Sections 15162 and 15168. A programmatic Environmental Impact Report was completed for the 2040 General Plan, which included all the programs described above. (State Clearinghouse Number 2019011026). Both the FEIR and the 2040 General Plan were adopted by the Board of Supervisors on September 15, 2020.

The County determined that adoption of the General Plan, including the General Plan programs, which are the subject of this exemption (LU-K, LU-L, LU-M, HAZ-N), would have environmental, economic, social, and other benefits that outweigh its unavoidable adverse environmental impacts. By adopting the CEQA Findings of Fact and Statement of Overriding Considerations for the 2040 General Plan, the FEIR satisfied environmental review requirements in compliance with CEQA.

The FEIR analyzed physical environmental impacts from land use and infrastructure development under the 2040 General Plan, including the types of physical infrastructure development resulting from the above General Plan programs. Implementation of these General Plan programs (by way of the proposed amendments to the zoning ordinances, fee schedule additions, and discretionary permit application revisions), would not result in any development or other physical changes to the environment beyond what was previously identified in the FEIR.

**Project Approval:** xx/xx/yyyy

**Prepared by:** Matthew Hershberger, Case Planner

**Reviewed by:**



Shelley Sussman, Manager  
General Plan Implementation Section  
County of Ventura Planning Division