



## Planning Director Staff Report – Hearing on December 13, 2012

County of Ventura • Resource Management Agency • Planning Division

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### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification to Conditional Use Permit (CUP) 4375 (Case No. LU11-0137) to allow: (a) a golf course and clubhouse; and, (b) the continued use of modular buildings for lot sales for greater than two years.
2. **Applicant/Property Owner:** Tom Comber, Sherwood Development Company  
2300 Norfield Court, Thousand Oaks, CA 91361
3. **Applicant's Representative:** Jane Farkas, SESPE Consulting Inc., 468 Poli Street, Suite 2E, Ventura, CA 93001
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (§ 8105-4 and § 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested Minor Modification to the CUP.
5. **Project Site Size, Location, and Parcel Number:** The 93.27-acre project site is located in the Lake Sherwood Community, in the unincorporated area of Ventura County (Exhibit 5). The Tax Assessor's parcel numbers for the parcels that constitute the project site are: 695-0-390-155, -175, and -185, 695-0-390-155, -175, and -185, 692-0-040-045, 692-0-040-055, 695-0-400-085, 695-0-031-130, -140, and 170.
6. **Project Site Land Use and Zoning Designations:**
  - a. Countywide General Plan Land Use Map Designation: Existing Community, Open Space, and Rural (Exhibit 2)
  - b. Lake Sherwood/Hidden Valley Area Plan Land Use Map Designation: Urban Residential 1-2 dwelling units/acre (du/ac), Rural Residential 5 du/ac, and Open Space 20 ac (Exhibit 3)
  - c. Zoning Designation: RPD-1 du/ac (Residential Planned Development, one dwelling unit per acre), RE-5 ac/SRP (Rural Exclusive, five acre minimum lot size, Scenic Resources Protection Overlay), OS-20 ac/SRP (Open Space, 20 acre minimum lot size, Scenic Resources Protection Overlay), and OS-40 ac/SRP (Open Space, 40 acre minimum lot size, Scenic Resources Protection Overlay) (Exhibit 4)

**7. Adjacent Zoning and Land Uses/Development (Exhibit 4):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
<b>North</b>	Operations Facility: OS-40 ac/SRP  Lake Club: RPD-1 du/ac and OS-10 ac/SRP (Open Space, 10 acre minimum lot size, Scenic Resources Protection Overlay)	Operations Facility: Ventura Farms - vacant land and equestrian facilities.  Lake Club: Single Family Residential and Open space common area.
<b>East</b>	Operations Facility: RE-1 ac (Rural Exclusive, one acre minimum lot size)  Lake Club: RE-20,000 sq. ft. (Rural Exclusive, 20,000 square feet minimum lot size) and OS-60 ac/SRP (Open Space, 60 acre minimum lot size, Scenic Resources Protection Overlay)	Operations Facility: Single Family Residential.  Lake Club: Single Family Residential and Open Space common area.
<b>South</b>	Operations Facility: RPD-1 du/ac  Lake Club: OS-20 ac/SRP	Operations Facility: Lake Sherwood Country Club swimming pool and tennis courts.  Lake Club: Large Lot Single Family Residential (Outside Lake Sherwood Community).
<b>West</b>	Operations Facility: RPD-4 du/ac (Residential Planned Development, four dwelling units per acre),  Lake Club: RPD-1 du/ac and RE-5 ac/SRP	Operations Facility: Town Home Condominiums.  Lake Club: Single Family Residential.

**8. History:**

***CUP 4375 (granted November 19, 1987)***

On November 19, 1987, the Planning Commission granted CUP 4375 to authorize: the construction of an 18-hole golf course and driving range with wildlife corridors; realignment of blue-line streams, and two artificial lakes for the retention of reclaimed water; approximately 400,00 cubic yards of grading; improvements to the road system that serves the Lake Sherwood development; the removal of 270 protected trees; construction of a 50,000 square foot clubhouse with eating facilities and a parking lot for 265 cars; other golf course related accessory structures, including a 7,000 square foot maintenance structure; and, the construction of a domestic water line from the proposed Calleguas Municipal Water District (MWD) water tank north of Lake Sherwood to the clubhouse.

***CUP 4375 Minor Modification No. 1 (granted May 5, 1989)***

On May 5, 1989, the Planning Director granted CUP 4375 Minor Modification No. 1 to authorize realignment of the golf course road, perimeter road, and the relocation of the tennis/swim facility.

***CUP 4375 Minor Modification No. 2 (granted September 22, 1989)***

On September 22, 1989, the Planning Director granted CUP 4375 Minor Modification No. 2 to allow Sherwood Country Club to host the Ronald McDonald Children's Charities Invitational Golf Tournament between November 14, 1989, and November 19, 1989.

***Zoning Clearance 60707 (granted February 7, 1990)***

On February 7, 1990, the Planning Division granted Zoning Clearance 60707 to authorize the construction of a 5,600 square foot architect's office (modular building) on Dicken's Patch. This building is now part of the operations facility.

***Zoning Clearance 60708 (granted February 7, 1990)***

On February 7, 1990, the Planning Division granted Zoning Clearance 60708 to authorize the construction of a 504 square foot window shop (modular building) on Dicken's Patch. This building is now part of the operations facilities.

***Zoning Clearance 61130 (granted April 17, 1990)***

On April 17, 1990, the Planning Division granted Zoning Clearance 61130 to authorize the construction of a 1,248 square foot temporary construction trailer on Dicken's Patch. This building is now part of the operations facility.

***Zoning Clearance 61131 (granted April 17, 1990)***

On April 17, 1990, the Planning Division granted Zoning Clearance 61131 to authorize the construction of a 2,052 square foot field office (modular building) on Dicken's Patch. This building is now part of the operations facility.

***CUP 4375 Minor Modification No. 3 (granted September 28, 1990)***

On September 28, 1990, the Planning Director granted CUP 4375 Minor Modification No. 3 to allow Sherwood Country Club to host the Ronald McDonald Children's Charities Invitational Golf Tournament between November 13, 1990, and November 18, 1990.

***CUP 4375 Minor Modification No. 4 (granted August 28, 1992)***

On August 28, 1992, the Planning Director granted CUP 4375 Minor Modification No. 4 to allow Sherwood Country Club to host the Ronald McDonald Children's Charities Invitational Golf Tournament.

***CUP 4375 Major Modification No. 5 (granted July 27, 2000)***

On July 27, 2000, the Planning Commission granted CUP 4375 Major Modification No. 5 to authorize the construction of an 18-hole par-three golf course and associated club house referred to as the "Lake Club."

***CUP 4375 Minor Modification No. 6 (granted October 25, 1999)***

On October 25, 1999, the Planning Director granted CUP 4375 Minor Modification No. 6 to allow Sherwood Country Club to host the Greg Norman "Shark Shoot-Out" Golf Tournament, and increase allowable attendance.

***CUP 4375 Permit Adjustment (granted July 27, 2004)***

On July 27, 2004, the Planning Division granted a Permit Adjustment to CUP 4375 to reduce the size of the "Lake Club" clubhouse, move cart storage, and increase number of parking spaces.

***CUP 4375 Minor Modification No. 7 (granted April 12, 2005)***

On April 12, 2005, the Planning Director granted CUP 4375 Minor Modification No. 7 to authorize additions to the "Lake Club" clubhouse facilities (i.e., pool building and snack bar), swimming pool, children's pool, spa, golf course maintenance building, and 14 additional parking spaces.

***CUP 4375 Minor Modification No. 8 (granted July 30, 2005)***

On July 30, 2005, the Planning Director granted CUP 4375 Minor Modification No. 8 to authorize an adjustment between parcel boundaries.

***CUP 4375 Minor Modification No. 9 (granted July 12, 2006)***

On July 12, 2006, the Planning Director granted CUP 4375 Minor Modification No. 9 to allow Sherwood Country Club to host the Target World Challenge Tournament.

***CUP 4375 Minor Modification No. 10 (granted May 1, 2008)***

On May 1, 2008, the Planning Director granted CUP Minor Modification No. 10 to CUP 4375 to authorize expansion of the CUP boundary to accommodate construction of two tennis courts, landscaping, a golf cart path, tree location and trimming.

***CUP 4375 Permit Adjustment (granted May 19, 2011)***

On May 19, 2011, the Planning Division granted a Permit Adjustment to CUP 4375 to allow the applicant to submit the request for a renewal within 12 months of the CUP expiration date instead of 18 months.

***CUP 4375 Permit Adjustment (granted November 14, 2011)***

On November 14, 2011, the Planning Division granted a Permit Adjustment to CUP 4375 to allow Sherwood Country Club to host the 2011 Tiger Woods Chevron World Challenge Golf Tournament.

***CUP 4375 Permit Adjustment (granted October 11, 2012)***

On October 11, 2012, the Planning Division granted a Permit Adjustment to CUP 4375 to allow Sherwood Country Club to host the 2012 Tiger Woods Chevron World Challenge Golf Tournament.



- 9. Project Description:** The applicant requests that a Minor Modification to CUP Case No. 4375 be granted to allow the continued use of the Lake Club 18 hole par-three golf course and Sherwood Development Company (SDC) operations headquartered in modular facilities on Dicken's Patch, for an additional 25 years. The project will not require the extension or expansion of public facilities. The project site is served by the Calleguas Municipal Water District, and the Triunfo Sanitation District. The project does not involve any new construction activities, new grading activities, native vegetation removal, or tree removal. Access to the Lake Sherwood Community is provided by Trentwood Drive and Stafford Road, both of which connect to Potrero Road.

The proposed minor modification will modify the permittees of CUP 4375. Currently, Sherwood Country Club (SCC) and SDC are both listed as permittees. The proposed minor modification will divide CUP 4375 and will omit all references and conditions that pertain to Sherwood Country Club, thereby establishing SDC as the sole permittee of the Lake Club and operations facilities located on Dicken's Patch (Exhibit 6, Site Plan).

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code §21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, §15000 et seq.), the subject application is a "project" that is subject to environmental review.

The CEQA Guidelines [§ 15164(b)] state that the lead agency shall prepare an addendum to an adopted Mitigated Negative Declaration (MND) if: (1) minor changes or additions are necessary; but (2) none of the conditions described in the CEQA Guidelines (§ 15162) calling for the preparation of a subsequent MND have occurred. Exhibit 9 includes a description of the changes or additions that are necessary to the MND and a discussion of why none of the conditions described in the CEQA Guidelines exist, which require the preparation of an environmental impact report (EIR) or subsequent MND.

Therefore, based on the information provided above and in light of the whole record, there is no substantial evidence to warrant the preparation of an EIR or subsequent MND, and the addendum to the MND (Exhibit 9) reflects the County's independent judgment and analysis.

## **C. CONSISTENCY WITH THE GENERAL PLAN**

The Ventura County General Plan *Goals, Policies and Programs* (2011, page 4) states:

*...in the unincorporated area of Ventura County, zoning and any permits issued thereunder, any subdivision of land, any public works project, any public (County, Special District, or Local Government) land acquisition or disposition, and any specific plan, must be consistent with the Ventura County General Plan Goals, Policies and Programs, and where applicable, the adopted Area Plan.*

Furthermore, the Ventura County NCZO (§ 8111-1.2.1.1.a) states that in order to be approved, a CUP must be found consistent with all applicable policies of the Ventura County General Plan. Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs* and the *Lake Sherwood /Hidden Valley Area Plan* (2010).

1. **Resources Policy 1.1.2-1:** *All General Plan amendments, zone changes and discretionary development shall be evaluated for their individual and cumulative impacts on resources in compliance with the California Environmental Quality Act.*

As discussed in Section B (above) and in the MND Addendum prepared for the proposed project (Exhibit 9), the project's individual impacts and contribution to cumulative impacts on resources have been evaluated in compliance with CEQA.

Based on the discussion above, the proposed project is consistent with Policy 1.1.2-1.

2. **Resources Policy 1.3.2-4:** *Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.*

Water will be supplied by the Ventura County Water and Sanitation Department and recycled water for golf course irrigation will be supplied by Oak Park Water Service. The proposed modification does not include new development, or an expansion of the uses beyond what was permitted as part of CUP 4375. Thus, no increase in the annual groundwater usage is anticipated. Furthermore, the proposed project does not involve any ground disturbance activities that have the potential to degrade the quality of surface water runoff. Additionally, all hazardous materials, chemicals, and fertilizers will be stored in a building that is properly designated and equipped for the safe storage of the hazardous materials, chemicals and fertilizers in order to ensure that there is no impact to groundwater quality (Exhibit 10, Condition 36).

Based on the discussion above, the proposed project will be consistent with Policy 1.3.2-4.

3. **Resources Policy 1.7.2-1:** *Notwithstanding Policy 1.7.2-2, discretionary development which would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited unless no feasible mitigation measures are available and the decision-making body determines there are overriding considerations.*

The Lake Sherwood Community is a private and gated community with no internal public viewing locations. The nearest eligible scenic highway and public

viewing location that affords views of the project site is Potrero Road, which is located directly to the north of the project site. The existing operations facilities located on Dicken's Patch are located within the Scenic Resources Protection Overlay Zone. However, the existing operations facilities are located at the furthest possible location on the lot from Potrero Road (approximately ¼ mile), and are imperceptibly located within the viewshed of the eligible scenic highway. In addition, an oak savannah conservation area exists between Potrero Road and the operations facilities. Furthermore, since the project involves the renewal of a CUP and does not include any new construction on the project site, the project will not adversely affect the viewsheds of scenic resources.

Based on the discussion above, the proposed project will be consistent with Policy 1.7.2-1.

4. **Resources Policy 1.8.2-1:** *Discretionary developments shall be assessed for potential paleontological and cultural resource impacts, except when exempt from such requirements by CEQA. Such assessments shall be incorporated into a Countywide paleontological and cultural resource data base.*

The project site is located within an "undetermined" area for paleontological and archeological resources. Although subsurface paleontological and archeological resources might exist within the project site, no new construction or ground disturbance activities are proposed that could adversely affect, or prevent access to, subsurface resources.

Based on the discussion above, the proposed project will be consistent with Policy 1.8.2-1.

5. **Hazards Policy 2.1.2-1:** *Applicants for land use and development permits shall provide all necessary information relative to identified hazards that may affect or be affected by their proposed project. Applicants shall also specify how they intend to mitigate identified hazards.*

The proposed project includes the use of hazardous materials typically associated with swimming pool maintenance, golf course maintenance, and vehicle maintenance. Improper storage, handling, and disposal of these material(s) could result in the creation of adverse impacts to public health. However, compliance with applicable state regulations enforced by the Environmental Health Division will mitigate impacts associated with the hazardous materials mentioned above.

Based on the discussion above, the proposed project will be consistent with Policy 2.1.2-1.

- 6. Flood Hazards Policy 2.10.2-3:** *Development proposed within the floodplain shall be designed and built to standards intended to mitigate to the extent possible the impacts from the one percent annual chance storm.*

The proposed project involves the renewal of a CUP for the Lake Club 18 hole, par-three golf course and SDC operations headquartered in modular facilities on Dicken's Patch. No new development (e.g., demolition, construction, or vegetation removal) is proposed with this project. Any future development or improvements to existing structures located in the floodplain will be subject to Federal Emergency Management Agency (FEMA) floodplain regulations under Title 44 CFR Sections 59-70, as well as the County of Ventura's Floodplain Management Ordinance.

Based on the discussion above, the proposed project will be consistent with Policy 2.10.2-3.

- 7. Fire Hazards Policy 2.13.2-1:** *All discretionary permits shall be required, as a condition of approval, to provide adequate water supply and access for fire protection and evacuation purposes.*

The Ventura County Fire Protection District (VCFPD) reviewed the proposed project and determined that the project site is served by a water purveyor that can provide the required fire flow in accordance with the VCFPD Fire Code. In addition, the proposed project does not involve the construction of new roadways, and the existing private roads comply with the VCFPD Private Road Guidelines.

Based on the discussion above, the proposed project will be consistent with Policy 2.13.2-1.

- 8. Hazards Policy 2.13.2-2:** *All discretionary permits in fire hazard areas shall be conditioned to include fire-resistant vegetation, cleared firebreaks, or a long-term comprehensive fuel management program as a condition of approval. Fire hazard reduction measures shall be incorporated into the design of any project in a fire hazard area.*

The project site is located within a High Fire Hazard Area/Fire Hazard Severity Zone and Hazardous Watershed Fire Area. However, the Lake Sherwood community has an established Fuel Modification Plan (FMP) and complies with all applicable Federal, State and Local regulations and requirements. In addition, the Fire Prevention Bureau conducts annual inspections through its Fire Hazard Reduction Program to ensure the Fuel Modification Zones are maintained according to the Fuel Modification Plan. Unless a modification is approved by the Fire Prevention Bureau, Sherwood Development Company must maintain the approved Fuel Modification Zones for the life of the development.

Based on the discussion above, the proposed project will be consistent with Policy 2.13.2-2.

- 9. Hazards Policy 2.16.2-1:** *All discretionary development shall be reviewed for noise compatibility with surrounding uses. Noise compatibility shall be determined from a consistent set of criteria based on the standards listed below. An acoustical analysis by a qualified acoustical engineer shall be required of discretionary developments involving noise exposure or noise generation in excess of the established standards. The analysis shall provide documentation of existing and projected noise levels at on-site and off-site receptors, and shall recommend noise control measures for mitigating adverse impacts...*

*(4) Noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:*

- a. Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.*
- b. Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.*
- c. Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*

The Lake Club clubhouse, par-three golf course and operations facilities located on Dicken's Patch are not noise sensitive uses. However, the par-three golf course is considered a noise generating use because motorized landscape equipment used for maintenance of the golf course may produce excessive noise. Therefore, a condition will be added to limit the use of maintenance equipment in order to reduce noise impacts below the maximum noise levels set forth above (Exhibit 10, Condition 19).

Based on the discussion above, the proposed project will be consistent with Policy 2.16.2-1.

- 10. Land Use Policy 3.1.2-7:** *Nonconforming Parcel Size: The use or development of a parcel which is a legal lot for the purposes of the County Subdivision Ordinance, but which fails to meet the minimum parcel size requirements of the applicable land use category, shall not be prohibited solely by reason of such failure. However, this policy shall not be construed to permit the subdivision of any parcel into two or more lots if any of the new lots fails to meet the minimum parcel size requirements.*

As discussed in Section A.5 of this staff report (above), the sum of the parcels that constitute the project site is 93.27 acres. However, the Lake Club is located on a parcel that is 17.55 acres in size and, consequently, does not meet the 20-

acre minimum lot size requirement of the OS-20 ac/SRP zone. However, as discussed in Section E.6 of this staff report (below), the property consists of a legal lot, and the proposed project does not include a subdivision of the subject property. Therefore, the continued use of the Lake Club may be permitted on the subject property.

Based on the discussion above, the proposed project will be consistent with Policy 3.1.2-7.

- 11. Public Facilities and Services Policy 4.1.2-1:** *Discretionary development shall be conditioned to contribute land, improvements or funds toward the cost of needed public improvements and services related to the proposed development.*

The proposed project does not involve the introduction of a new use or development that will increase demand in water supplies from the Calleguas Municipal Water District (i.e., the purveyor that provides water to the project site), or an increase in demand for sewage disposal services from a public entity. Furthermore, the proposed project does not involve the introduction of a new use or an expansion in the existing use of the property, which has the potential to increase traffic generation and a need for improvements to the existing public roads that afford access to the project site. Therefore, the proposed project does not require public improvements or services related to the continued use of the Lake Club or modular facilities.

Based on the discussion above, the proposed project will be consistent with Policy 4.1.2-1.

- 12. Public Facilities and Services Policy 4.1.2-2:** *Development shall only be permitted in those locations where adequate public services are available (functional), under physical construction or will be available in the near future.*

Water service to the project site is provided by the Ventura County Water and Sanitation Department. The Ventura County Water and Sanitation Department obtains water from the Calleguas Municipal Water District, which is considered to have the ability to provide a permanent supply of domestic water. Furthermore, as discussed in Section C.11 of this staff report (above), the proposed project will not generate new demands for public services and the existing public services that serve the project site are adequate for the continued use of the Golf Course, Clubhouse, and operations facilities.

Based on the discussion above, the proposed project will be consistent with Policy 4.1.2-2.

- 13. Public Facilities and Services Policy 4.3.2-1:** *Development that requires potable water shall be provided a permanent potable water supply of adequate quantity and quality that complies with applicable County and State water*

*regulations. Water systems operated by or receiving water from Casitas Municipal Water District, the Calleguas Municipal Water District or the United Water Conservation District will be considered permanent supplies unless an Urban Water Management Plan (prepared pursuant to Part 2.6 of Division 6 of the Water Code) or a water supply and demand assessment (prepared pursuant to Part 2.10 of Division 6 of the Water Code) demonstrates that there is insufficient water supply to serve cumulative development within the district's service area. When the proposed water supply is to be drawn exclusively from wells in areas where groundwater supplies have been determined by the Environmental Health Division or the Public Works Agency to be questionable or inadequate, the developer shall be required to demonstrate the availability of a permanent potable water supply for the life of the project.*

The Calleguas Municipal Water District provides water to the project site. Therefore, the project site has a permanent potable water supply of adequate quantity and quality that complies with applicable County and State water regulations.

Based on the discussion above, the proposed project will be consistent with Policy 4.3.2-1.

- 14. Lake Sherwood/Hidden Valley Area Plan Water Resource Policy 2.4.2-6:** *The Golf Course shall use reclaimed water from the Triunfo County Sanitation District as its primary source of irrigation water.*

The Lake Club uses recycled water for golf course irrigation supplied by Oak Park Water Service, which is part of the Triunfo County Sanitation District.

Based on the discussion above, the proposed project will be consistent with Policy 2.4.2-6.

#### **D. ZONING ORDINANCE COMPLIANCE**

The proposed project is subject to the requirements of the Ventura County NCZO.

Pursuant to the Ventura County NCZO (§ 8105-4), the proposed operations facilities and Lake Club golf course are allowed in the OS-40 ac/SRP and OS-20 ac/SRP zone districts, respectively, with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with this requirement.

The proposed project includes the use of buildings and structures that are subject to the development standards of the Ventura County NCZO (§ 8106-1.1). Table 1 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

**Table 1 – Development Standards Consistency Analysis**

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	40 acres: Dicken's Patch (operations facility lot).  20 Acres: Lake Club lot.	Yes  No—the project site is 17.55 acres and does not meet the 20-acre minimum lot size requirement of the OS-20 ac/SRP zone. However, as discussed in Section C.10 of this staff report (above), the subject property consists of a legal lot and, therefore, may be developed.
Maximum Percentage of Building Coverage	Dicken's Patch: 122,752 square feet Lake Club lot: 38,224 square feet	Yes
Front Setback	20 Feet	Yes
Side Setback	5 Feet	Yes
Rear Setback	15 Feet	Yes
Maximum Building Height	25 Feet or 35 Feet if each side yard is 15 feet	Yes

The operations facilities located on Dicken's Patch are located within the Scenic Resources Protection Overlay Zone and, therefore, are subject to the standards of the Ventura County NCZO (§ 8109-4.1.5). Table 2 lists the applicable Scenic Resources Protection Overlay Zone standards and a description of whether the proposed project complies with those standards.

**Table 2 – Scenic Resources Protection Overlay Zone Standards Consistency Analysis**

Overlay Zone Standard	Complies?
Prevent significant degradation of a scenic view or vista	Yes—the proposed project does not involve any development that could degrade a scenic view or vista.
Minimize alteration of the natural topography, physical features and vegetation	Yes—the proposed project does not involve any new development and, consequently, does not have the potential to alter natural topography, physical features, or vegetation.
Utilize native plants indigenous to the area for re-vegetation of graded slopes, where appropriate considering the surrounding vegetative conditions	Yes—the proposed project does not involve any new activities that will warrant re-vegetation, pursuant to this requirement.
Avoid silhouetting of structures on ridge tops that are within public view	Yes—the proposed project



**Table 2 – Scenic Resources Protection Overlay Zone Standards Consistency Analysis**

Overlay Zone Standard	Complies?
	does not involve the construction of any new structures.
Use materials and colors that blend in with the natural surroundings and avoid materials and colors that are highly reflective or that contrast with the surrounding vegetation and terrain, such as large un-shaded windows, light colored roofs, galvanized metal, and white or brightly colored exteriors	Yes
Minimize lighting that causes glare, illuminates adjacent properties, or is directed skyward in rural areas	Yes

The proposed modular buildings used for lot sales (operations facilities) are subject to the special use standards of the Ventura County NCZO (§ 8107-1.5). Table 3 lists the applicable special use standards and a description of whether the proposed project complies with the special use standards.

**Table 3 – Special Use Standards Consistency Analysis**

Special Use Standard	Complies?
The model homes or lots sales are part of an approved tentative map.	Yes—sales activities are associated with the sale of homes or lots of an approved map.
Road Plans shall be submitted to the Public Works Department for approval.	Yes—road Plans were submitted prior to the construction of Norfield Court, the existing street which provides access to the modular buildings used for lot sales.

**E. CUP FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings in order to grant a Minor Modification to the CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO. The ability to make the required findings is evaluated below.

- 1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [§8111-1.2.1.1.a].**

Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

- 2. The proposed development is compatible with the character of surrounding, legally established development [§8111-1.2.1.1.b].**

The Lake Sherwood Community consists of a country club with residences surrounding a golf course and a lake. As stated in the project description, the

proposed project will facilitate the continued use of the golf course, and the proposed project does not involve the construction of new buildings or structures, and does not involve any new grading or vegetation removal, which could be out of character with the existing community. Furthermore, a golf course, clubhouse and operations facilities are typical uses associated with an exclusive residential community such as Lake Sherwood.

Based on the discussion above, this finding can be made.

**3. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [§8111-1.2.1.1.c].**

The proposed project does not include any new structures or uses that will negatively impact the surrounding properties or uses. As discussed in Section E.2 of this staff report (above), the existing golf course, clubhouse and operations facilities are common uses and structures found within the residential area surrounding the project site. Additionally, the project will be conditioned to include a contact person for the timely resolution of complaints and the reporting of all major incidents so as to prevent a recurrence of such an incident (Exhibit 10, Conditions 16 and 17).

Based on the above discussion, this finding can be made.

**4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [§8111-1.2.1.1.d].**

The proposed project involves the continued use of an existing clubhouse and operations facilities. The use of the golf course does not generate significant noise; however, it does include the use of hazardous materials typically associated with swimming pool, golf course and vehicle maintenance. The improper storage, handling, and disposal of these materials could result in the creation of adverse impacts to public health. Compliance with applicable state regulations enforced by the Environmental Health Division will alleviate impacts associated with the hazardous materials mentioned above. Therefore, the proposed project will not be detrimental to the public interest, health, safety, convenience, or welfare.

Based on the discussion above, this finding can be made.

**5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [§8111-1.2.1.1.e].**

The existing Lake Club and operations facilities are located within a residential community. Golf activities are an allowed use on residential-designated land and are common within exclusive, relatively large estate residential communities, such

as the Lake Sherwood Community. The proposed project does not involve the construction of any new buildings or structures or the introduction of uses on the property that have the potential to conflict with residential uses that surround the project site. In addition, given the land use and zoning designations of the surrounding area, as well as residential development that has occurred to date on the surrounding properties, a substantial future change in land use is not anticipated.

Based on the discussion above, this finding can be made.

**6. The proposed development will occur on six legal lots [§8111-1.2.1.1f].**

“Lake Club Golf Course”

- a. APNs 695-0-390-155, -175, and -185 combined comprise a legal lot described and shown as Parcel 102B in Exhibits A and B of Parcel Map Waiver No. SD09-0030 recorded April 13, 2010, Document No. 20100413-00055834-0 of Official Records of Ventura County.
- b. APN 695-0-390-155, -175, and -185 is comprised of a legal lot shown as Lot 94 of Tract No. 4192-4, on the map recorded in Book 153, Page 36 of Miscellaneous Records (Maps) in the office of the County Recorder of Ventura County.
- c. APN 692-0-040-045 is comprised of a legal lot shown as Lot 48 of Tract No. 4409-3 on the map recorded in Book 152, Page 8 of Miscellaneous Records (Maps) in the office of the County Recorder of Ventura County.
- d. APN 692-0-040-055 is comprised of a legal lot shown as Lot 50 of Tract No. 4409-3 on the map recorded in Book 152, Page 8 of Miscellaneous Records (Maps) in the office of the County Recorder of Ventura County.
- e. APN 695-0-400-085 is comprised of a legal lot shown as Lot 94 of Tract 4192-5 on the map recorded in Book 153, Page 36 of Miscellaneous Records (Maps) in the office of the County Recorder of Ventura County.

“Dickens Patch”

- f. APNs 695-0-031-130, -140, -170 combined comprise one legal lot shown as PARCEL 1 of parcel map recorded in Book 69, Page 16 of Parcel Maps in the office of the County Recorder of Ventura County.

All of the lots were created in compliance with the Subdivision Map Act and the Ventura County Subdivision Ordinance.

Based on the above discussion, this finding can be made.

**7. Development within any overlay zone having specific development standards must comply with such standards [§8111-1.2.1.4 and Article 9].**

The operations facilities located on Dicken's Patch are located within the Scenic Resources Protection (SRP) Overlay Zone and, therefore, are subject to the standards of the Ventura County NCZO (§ 8109-4.1.5). As indicated in Table 2 of Section D of this staff report, the project is in conformance with the SRP Overlay Zone standards.

Based on the discussion above, this finding can be made.

**F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS**

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (§ 65091) and Ventura County NCZO (§ 8111-3.1). The Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located and placed a legal ad in the Ventura County Star. As of the date of this document, no comments have been received.

**G. RECOMMENDED ACTIONS**

Based upon the preceding analysis and information provided, Planning Division Staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Director has reviewed and considered this staff report and all exhibits thereto, including the proposed Addendum to the MND (Exhibit 9), and has considered all comments received during the public comment process;
2. **FIND**, based on the whole of the record before the Planning Director, including the MND Addendum that there is no substantial evidence that the project will have a significant effect on the environment and that the MND Addendum (Exhibit 9) reflects the Planning Director's independent judgment and analysis;
3. **MAKE** the required findings to grant a Minor Modification to CUP 4375 pursuant to Sections 8111-1.2.1.1 and 8111-1.2.1.4 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** the Minor Modification to CUP 4375 (LU11-0137), subject to the conditions of approval (Exhibit 10); and,
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.


The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 10<sup>th</sup> day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Josias Gonzalez at (805) 654-2462 or [josias.gonzalez@ventura.org](mailto:josias.gonzalez@ventura.org).

Prepared by:

  
\_\_\_\_\_  
Josias Gonzalez, Case Planner  
Residential Permits Section  
Ventura County Planning Division

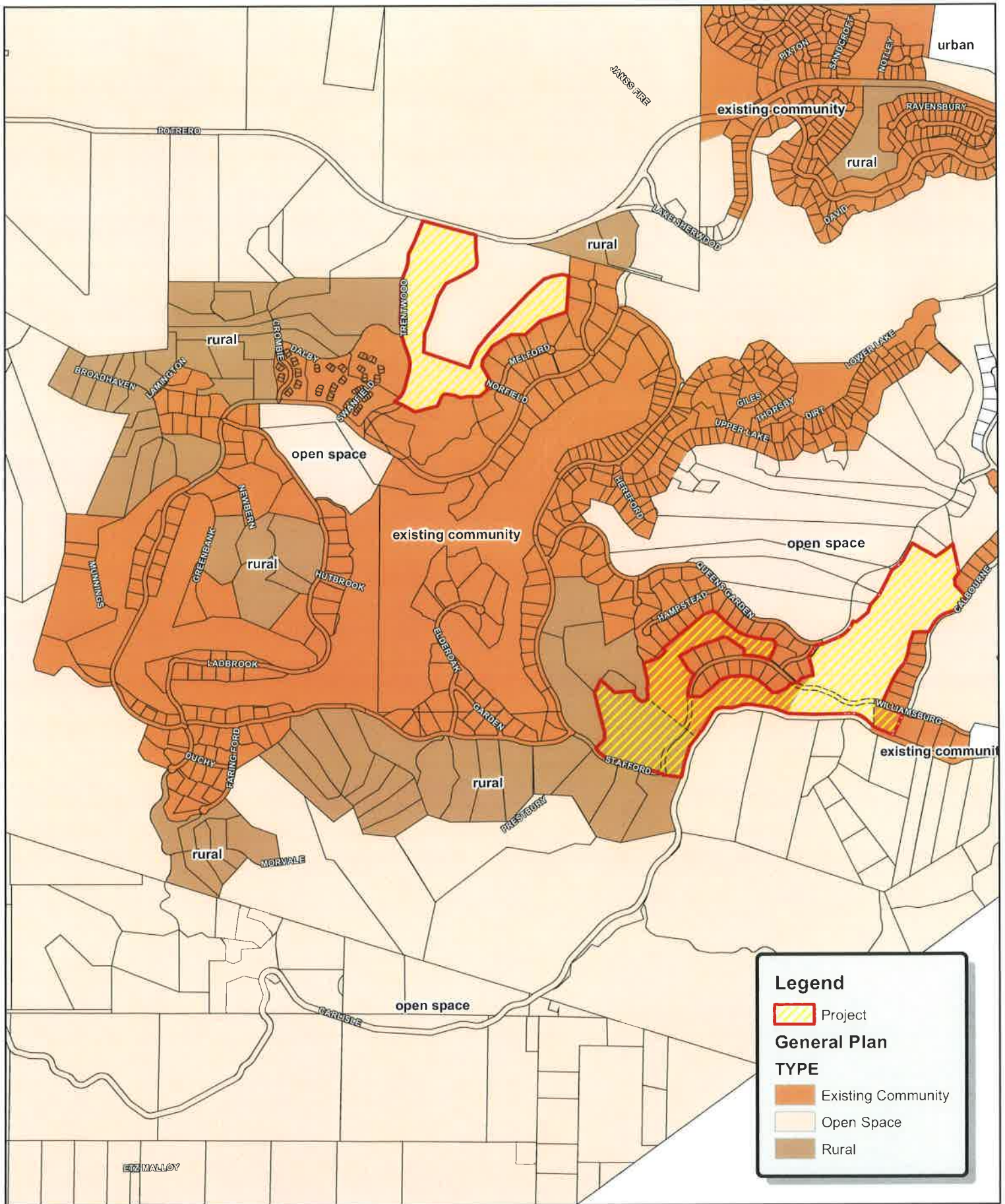
Reviewed by:

  
\_\_\_\_\_  
Dan Klemann, Manager  
Residential Permits Section  
Ventura County Planning Division

**EXHIBITS**

- Exhibit 2 – General Plan Land Use Map
- Exhibit 3 – Area Plan Land Use Map
- Exhibit 4 – Zoning Designation Map
- Exhibit 5 – Aerial Photography
- Exhibit 6 – Site Plan
- Exhibit 7 – Lake Club Floor Plans and Elevations
- Exhibit 8 – SDC Operations Facilities Floor Plans and Elevations
- Exhibit 9 – Mitigated Negative Declaration Addendum
- Exhibit 10 – Conditions of Approval





Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map Created on 08-09-2012  
 This aerial imagery is under the  
 copyrights of Pictometry  
 Source: Pictometry, Jan-2011



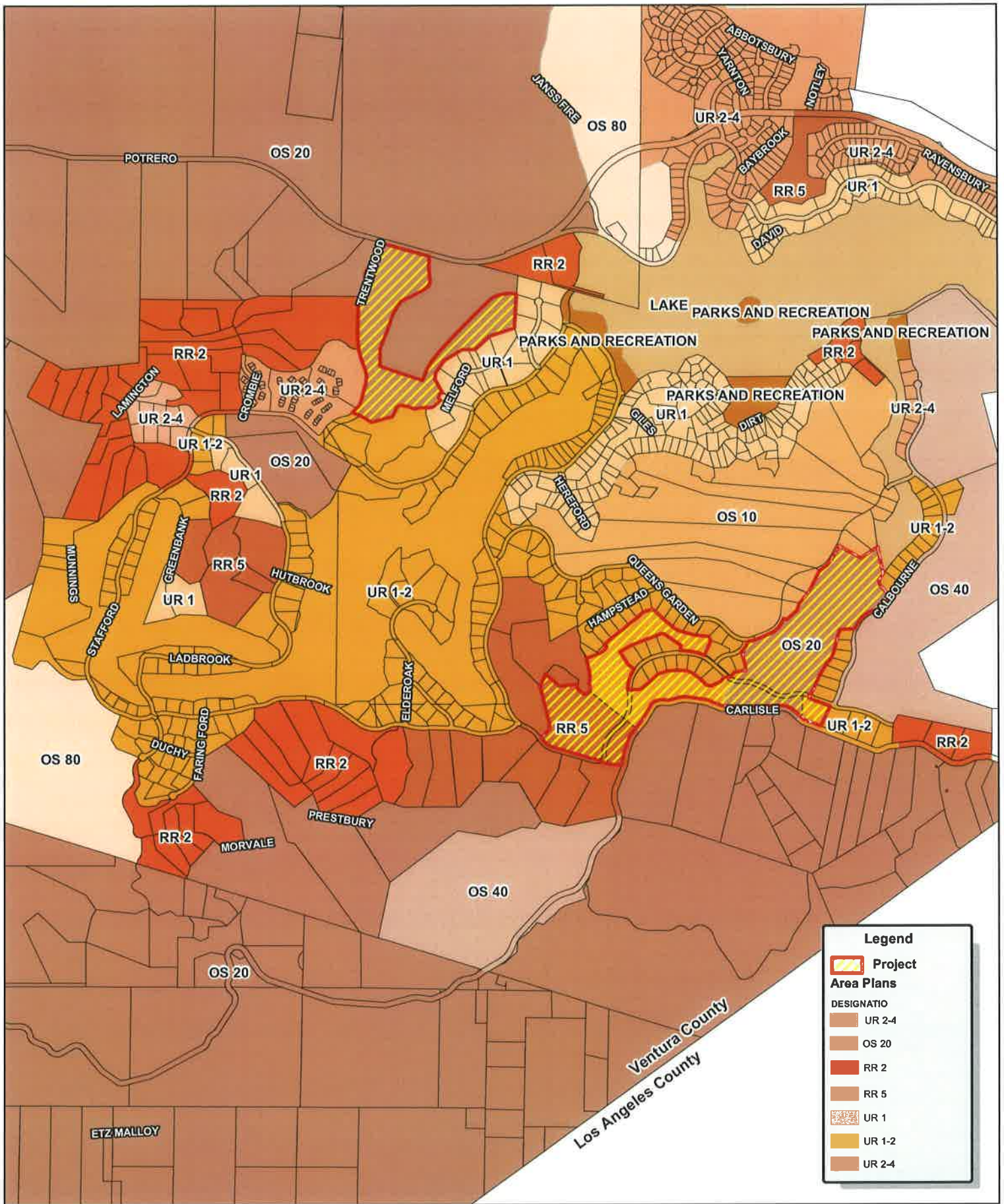
County of Ventura  
 Planning Director Hearing  
 LU11-0137  
**Exhibit 2**  
**General Plan Map**

0 625 1,250 Feet

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







Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map Created on 08-09-2012  
 This aerial Imagery is under the  
 copyrights of Pictometry  
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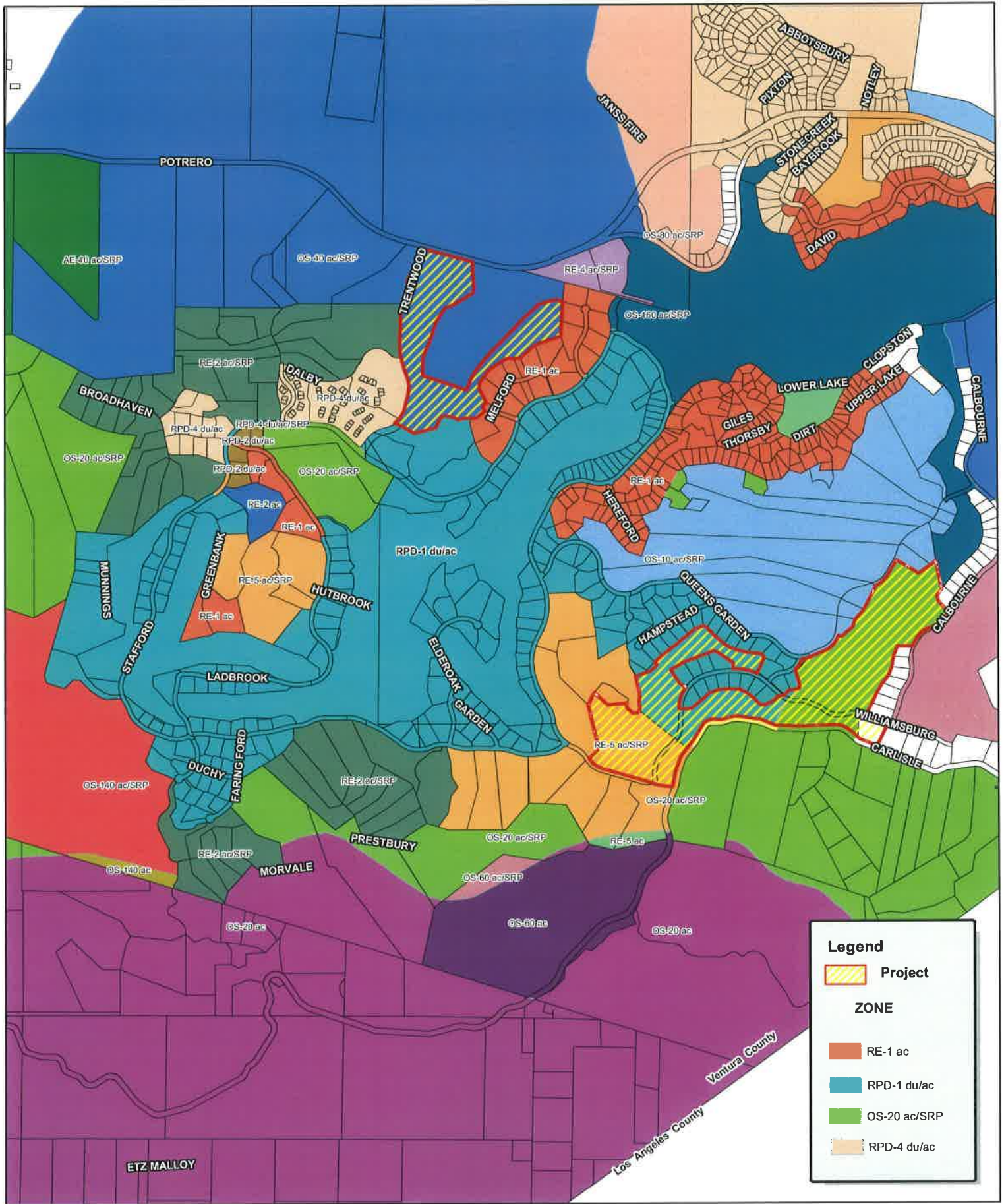
County of Ventura  
 Planning Director Hearing  
 LU11-0137  
**Exhibit 3**  
**Area Plan Map**

0 650 1,300 Feet

Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does no warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.



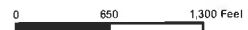




Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
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 This aerial Imagery is under the  
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 Source: Pictometry, Jan-2011



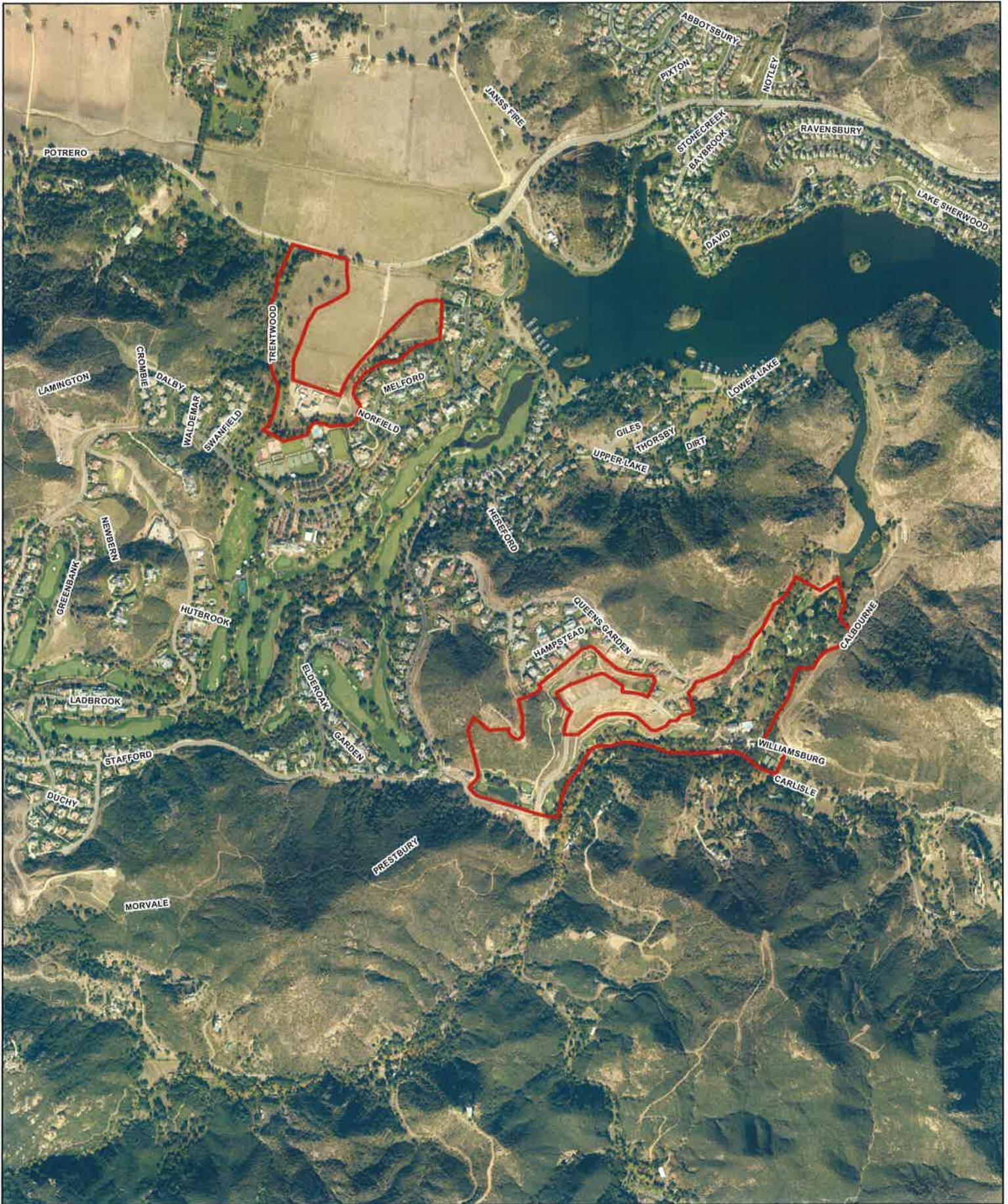
County of Ventura  
 Planning Director Hearing  
 LU11-0137  
**Exhibit 4**  
**Zoning Designation Map**



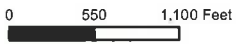
Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic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







County of Ventura  
 Planning Director Hearing  
 LU11-0137  
**Exhibit 5**  
**Aerial Photography**



Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map Created on 08-09-2012  
 This aerial imagery is under the  
 copyrights of Pictometry  
 Source: Pictometry, Dec, 2011

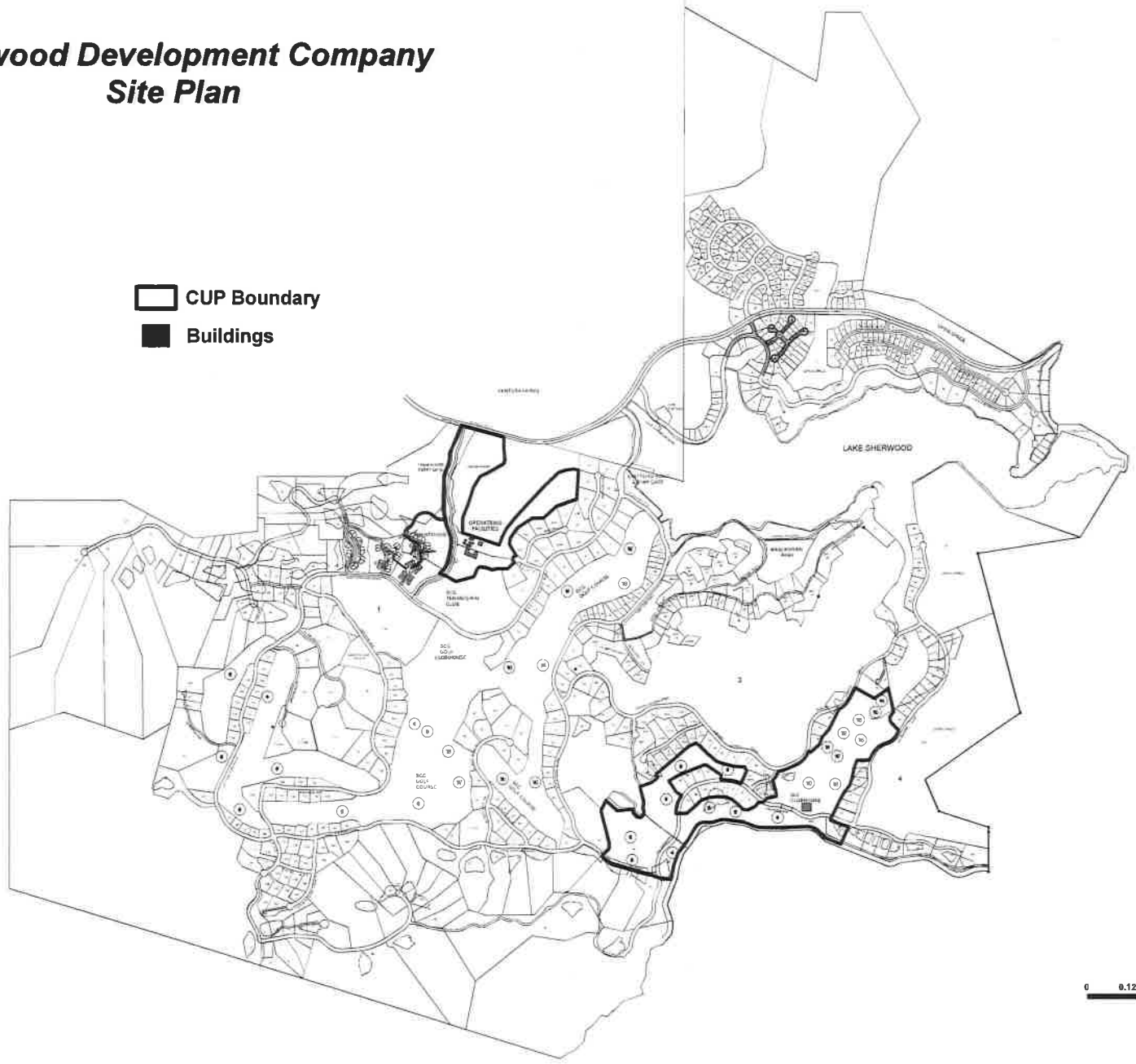


Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of the map nor does it make any decision involving a risk of economic loss or physical injury should be made in reliance thereon.

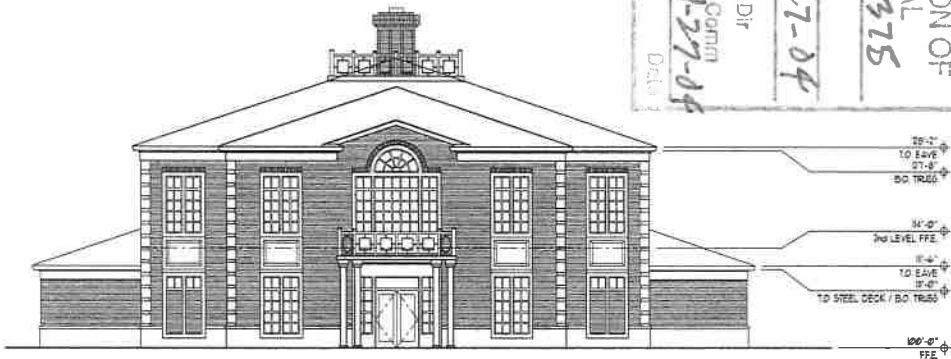


# Sherwood Development Company Site Plan

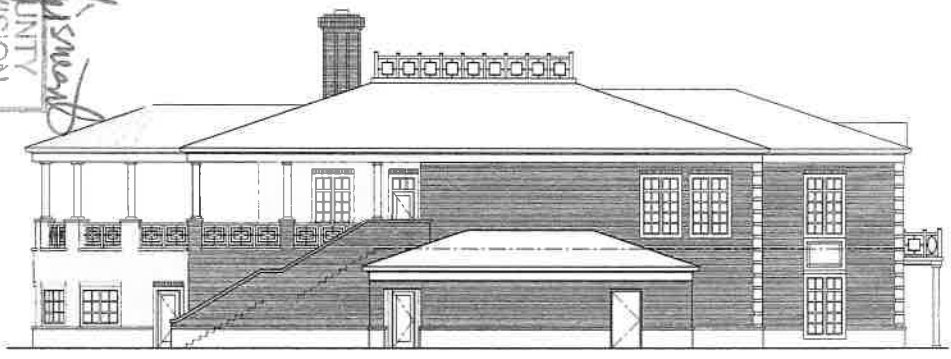
-  CUP Boundary
-  Buildings



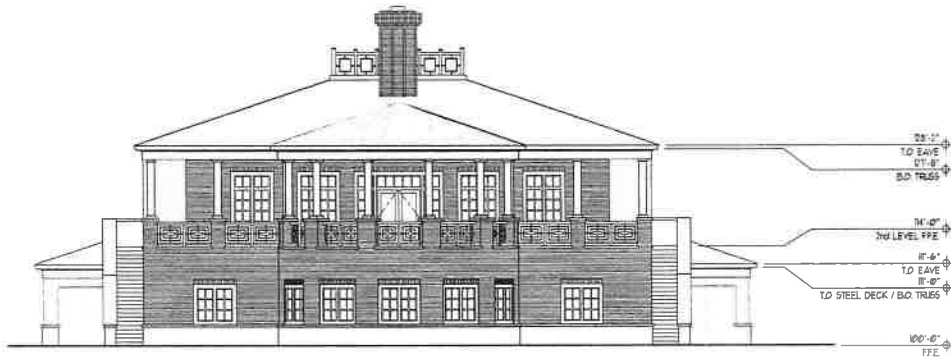
Permit Application  
 VENTURA COUNTY  
 PLANNING DIVISION  
 CERTIFICATION OF  
 APPROVAL  
 Permit No. CUP-4375  
 Exhibit No. 4P  
 Date Approved 7-27-04  
 Approved Body  Pl. Dir  
 Pl. Comm  
7-27-04  
 Authorized Signature *[Signature]*  
 Date



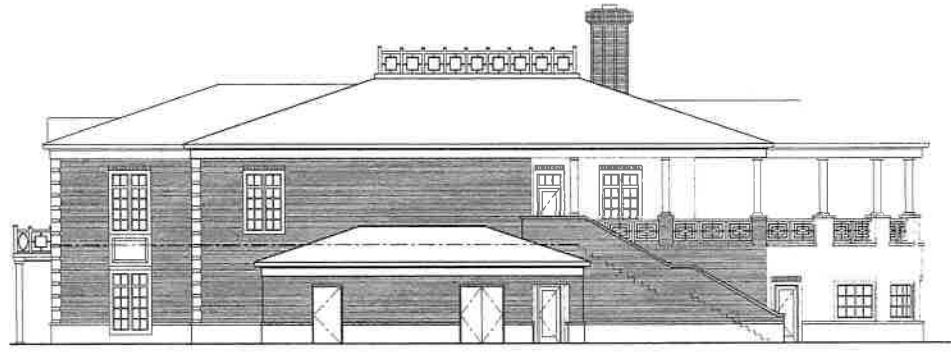
**SCHEMATIC ELEVATION - FRONT**  
1/8" = 1'-0"



**SCHEMATIC ELEVATION - GOLF SIDE**  
1/8" = 1'-0"



**SCHEMATIC ELEVATION - REAR**  
1/8" = 1'-0"



**SCHEMATIC ELEVATION - STREET SIDE**  
1/8" = 1'-0"

**CARLISLE CANYON**  
CASTLE & COOKE

ARNOLD SAVRANN AIA - DESIGN ARCHITECT

05/19/04

**BMG**  
INC · AIA

BMG INC. AIA  
 Architecture & Planning  
 1840 East River Road Suite 200  
 Tucson, Arizona 85718-5882  
 (520) 577-9511/(520) 577-9513 (Fax)  
 www.bmgarchitecture.com

*Permit Applicant*

VENTURA COUNTY  
PLANNING DIVISION  
CERTIFICATION OF  
APPROVAL

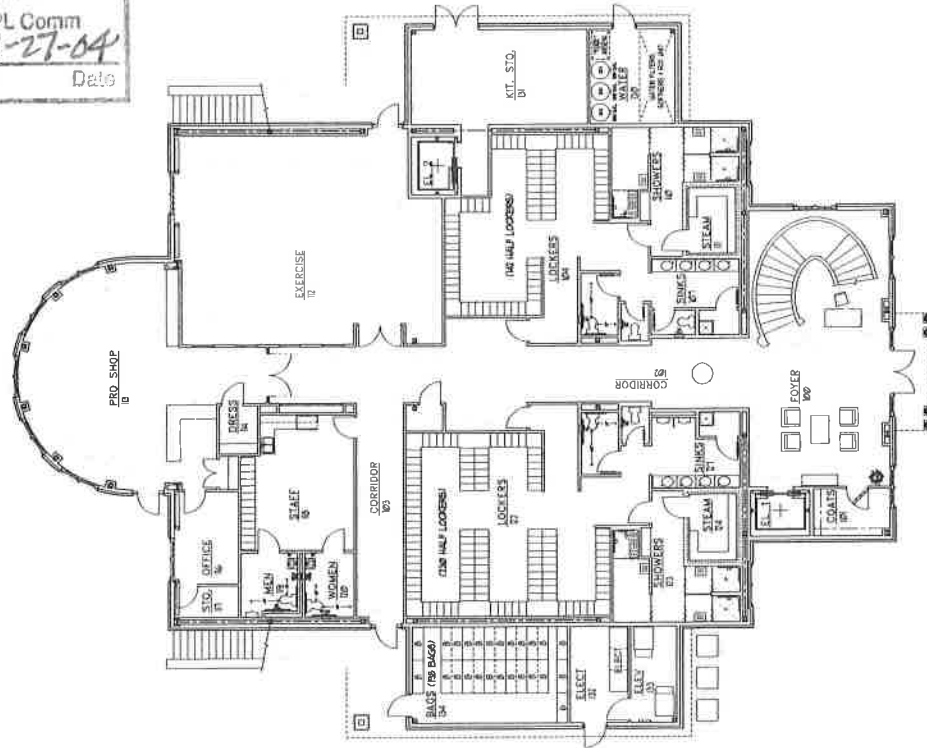
Permit No. CUP-4375

Exhibit No. "P"

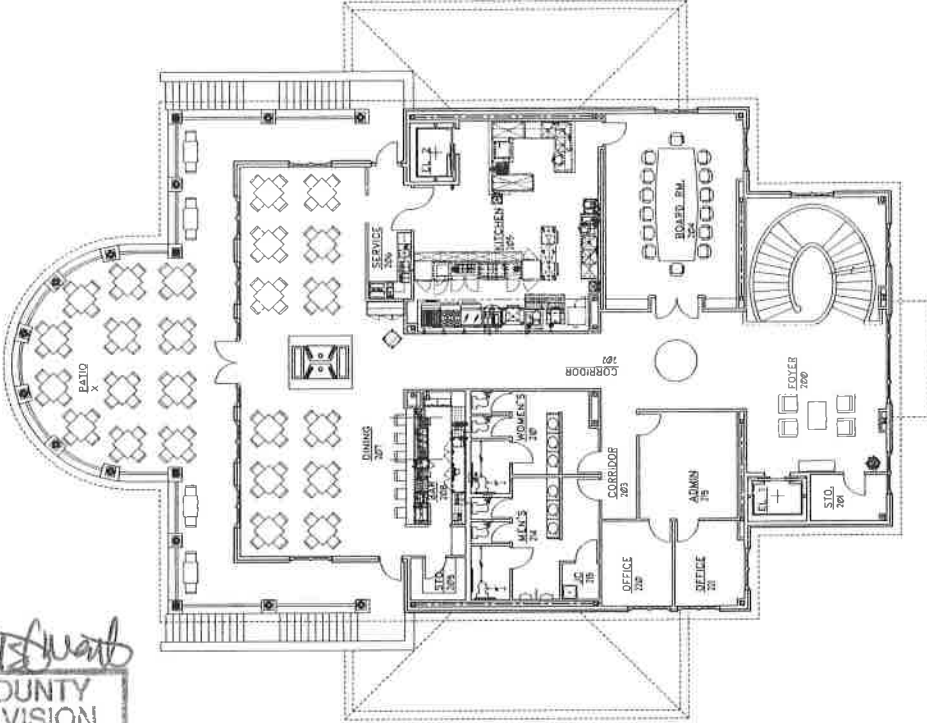
Date Approved 7-27-04

Approval Body  PL Dir  
 PL Comm

*[Signature]*  
Authorized Signature Date



SCHEMATIC FLOOR PLAN - LOWER LEVEL  
18' x 14'



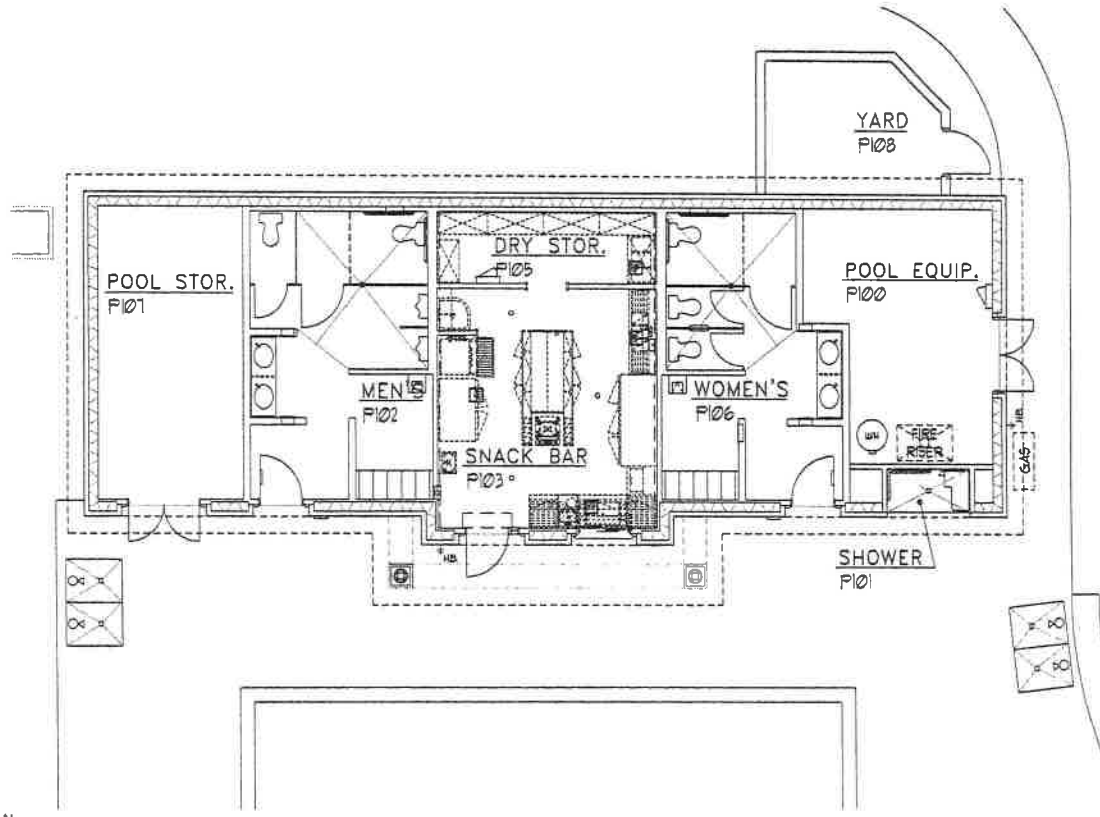
SCHEMATIC FLOOR PLAN - UPPER LEVEL  
18' x 14'

**CARLISLE CANYON**  
CASTLE & COOKE

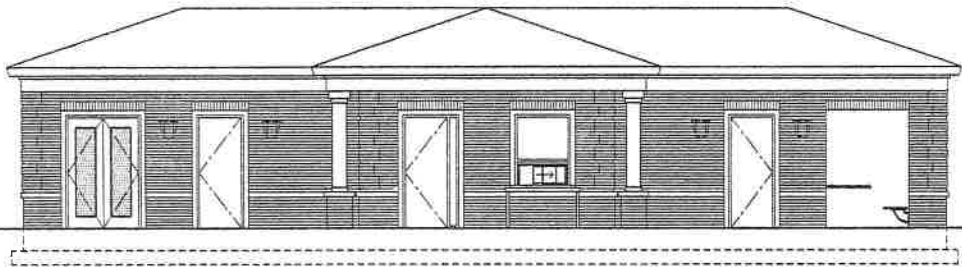
ARNOLD SAVRANN AIA - DESIGN ARCHITECT  
05/19/04

**BMG**  
INC · AIA

BMG INC. AIA  
Architecture & Planning  
1840 East River Road, Suite 300  
Tulare, California 95324  
(559) 682-1111  
www.bmgarchitecture.com



**BUILDING PLAN**  
1/8" = 1' FOOT



**ELEVATION**  
1/8" = 1' FOOT

**LAKE SHERWOOD**  
SHERWOOD DEVELOPMENT COMPANY, LP.

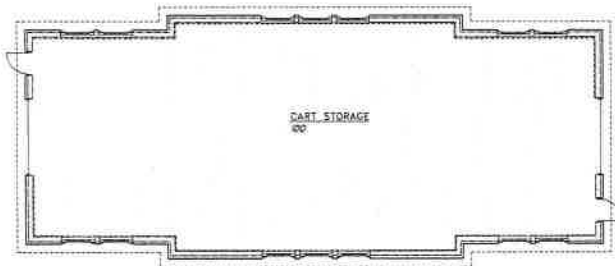
ARNOLD SAVRANN AIA - DESIGN ARCHITECT

04/06/05

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BMG INC. AIA  
Architecture & Planning

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Tucson, Arizona 85718-5892  
(320) 577-9611 / (320) 577-9613 (Fax)  
www.bmgarchitecture.com



**SCHEMATIC FLOOR PLAN**

1/8" = 1'-0"



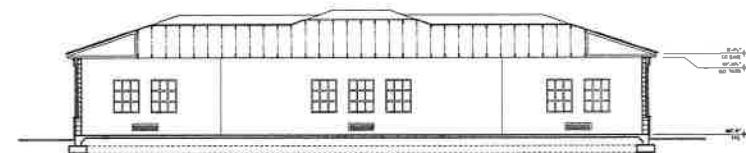
**SCHEMATIC ELEVATION - TYP. SIDE VIEW**

1/8" = 1'-0"



**SCHEMATIC ELEVATION - TYP. END VIEW**

1/8" = 1'-0"



**SCHEMATIC SECTION**

1/8" = 1'-0"

*Project Approval*

**VENTURA COUNTY  
PLANNING DIVISION  
CERTIFICATION OF  
APPROVAL**

Permit No. *CUP-4375*

Exhibit No. *118*

Date Approved *7-27-04*

Approved By: *[Signature]* P.L. Dir.

Authorized Signature: *[Signature]* P.L. Comm.

Date: *7-27-04*

**CARLISLE CANYON**  
CASTLE & COOKE

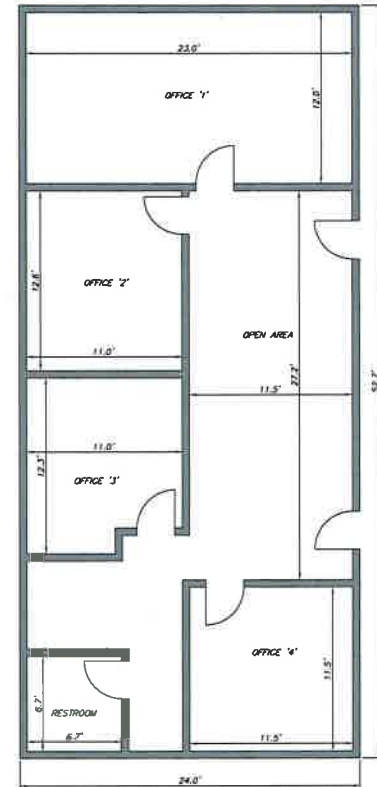
ARNOLD SAVRANN AIA - DESIGN ARCHITECT

05/19/04

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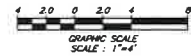
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Tucson, Arizona 85718-5992  
(520) 877-9511 / (520) 877-9513 (Fax)  
www.bmgarchitecture.com




**OFFICE BUILDING FLOOR PLAN**

SCALE: 1"=4'



NO.	REVISION DESCRIPTION	DATE	BY	CHECKED

PREPARED BY:  **HIDJO**  
**Hzayen Design Group, Inc.**  
 340 148th Court  
 Camarillo, CA 93012  
 Phone (805) 232-7778  
 DRAWING NUMBER: \_\_\_\_\_ S.C.E. NO. T1258 EXP. DATE: 12/31/13 SHEET: \_\_\_\_\_

APPROVED: _____	DATE: _____	DESIGNED BY: _____	DATE: _____	CHECKED BY: _____	DATE: _____
PROJECT ENGINEER: _____	PROJECT NO.: _____	PROJECT NAME: _____	PROJECT LOCATION: _____	PROJECT DATE: _____	PROJECT STATUS: _____

**COUNTY OF VENTURA  
PUBLIC WORKS AGENCY**

SHEET NO.	1
TOTAL SHEETS	1

**Sherwood Portable Office Buildings Exhibit**  
 2300 Norfield Court, Thousand Oaks, CA 91301  
 Lake Sherwood

PLOT DATE: 2012-11-15

SHEET	1
OF	1





West Elevation  
SCALE: 1/8" = 1'-0"



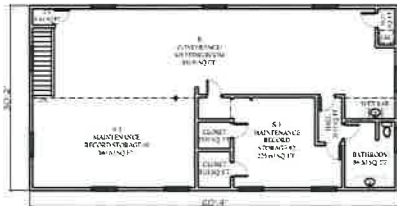
South Elevation  
SCALE: 1/8" = 1'-0"



East Elevation  
SCALE: 1/8" = 1'-0"



North Elevation  
SCALE: 1/8" = 1'-0"



Second Floor Plan  
SCALE: 1/8" = 1'-0"

PLUMBING FIXTURE COUNT (EXIST.)	
NUMBER	TYPE OF FIXTURE
5	WATER CLOSET
5	LAVATORY - 15" OVAL
1	KITCHEN SINK - 22"x20"
1	NET BAP - 15"x15"

\*NOTE - NO NEW PLUMBING FIXTURES PROPOSED



First Floor Plan  
SCALE: 1/8" = 1'-0"

SEE SITE PLAN FOR ADDITIONAL PARKING



ENVIRONMENTAL CONSULTANT: ENVICOM CORPORATION  
CONTACT: TRAVIS CULLEN  
28158 AGOURA ROAD  
AGOURA HILLS, CA 91301  
(818) 879-4700 x233

LANDSCAPE CONSULTANT: LA GROUP, INC.  
CONTACT: ROBIN LOWE  
22110 CLARENDON ST., SUITE 202  
WOODLAND HILLS, CA 91367  
(818) 251-9718

OWNER: DICKENS PATCH, LLC  
c/o TOM COMBER  
2300 NORFIELD CT. THOUSAND  
OAKS, CA 91361

CONTRACTOR: SHERWOOD DEVELOPMENT CO., L.P.  
CONTACT: TOM COMBER  
2300 NORFIELD CT. THOUSAND  
OAKS, CA 91361  
(805) 496-1833

CIVIL ENGINEER/ ARCHITECT: HAALAND GROUP, INC.  
CONTACT: DAVE BROOKS  
351 ROLLING OAKS DRIVE #200  
THOUSAND OAKS, CA 91361  
(805) 497-4554

SOILS ENGINEER/ GEOLOGIST: GEOLABS MLV  
CONTACT: RON SHIMMERLING  
31119 104 COLLINS, #202  
WESTLAKE VILLAGE, CA 91362  
(805) 495-2197


ALL DIMENSIONS IN FEET AND INCHES UNLESS OTHERWISE NOTED

HAALAND GROUP, INC.  
251 COLLINS DRIVE, SUITE 202  
THOUSAND OAKS, CALIFORNIA 91320 (805) 497-4554



EXISTING BARN  
& MAINTENANCE  
& BUILDING


A - 1.0



# county of ventura

## MITIGATED NEGATIVE DECLARATION (MND) – ADDENDUM

### A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Entitlement:** LU11-0137 (Minor Modification to CUP 4375) for: (a) a golf course; and, (b) lot sales for greater than 2 years.
2. **Applicant:** Jane Farkas, SESPE Consulting Inc., 468 Poli Street, Suite 2E Ventura, CA 93001
3. **Property Owner:** Sherwood Development Company (SDC), 2300 Norfield Court Thousand Oaks, CA 91361
4. **Location:** 2300 Norfield Court, Lake Sherwood/Hidden Valley
5. **Assessor's Parcel Numbers:** Various—see the attached list.
6. **Lot Sizes:** Various
7. **General Plan Land Use Designation:** Various
8. **Area Plan Land Use Designation:** Various
9. **Zoning Designation:** Various
10. **Responsible and/or Trustee Agencies:** None
11. **Project Description:** The project consists of a request for a minor modification to Conditional Use Permit ("CUP") Case No. 4375 to allow the continued use of the Lake Club 18 hole three-par golf course and SDC operations headquartered in modular facilities on Dicken's Patch, for an additional 25 years. SDC requests this CUP identify SDC as the sole permittee omitting all references and conditions assigned to Sherwood Country Club. No new development (e.g., demolition, construction, grading, or vegetation removal) is proposed with this project.

### B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On July 27, 2000, the Planning Commission adopted a Mitigated Negative Declaration (MND) identified as State Clearing House (SCH) No. 2000051031. In accordance with Section 15152 of the CEQA Guidelines the MND "tiered" off of the Final Environmental Impact Report (FEIR) for the Lake Sherwood/Hidden Valley Area Plan identified as SCH No. 85121114. The MND evaluated the environmental impacts of modification 5 to Conditional Use Permit No. 4375. The modification included approval of an 18 hole three-par golf course and associated club house referred to as the "Lake Club."



Since the adoption of the original MND, the Planning Director adopted the following Addenda to the MND for CUP Case No. 4375:

- In April 2005, the Planning Director adopted an Addendum to the MND for expansion facilities consisting of a pool building, pool, spa, children's pool, covered trellis, covered seating and a maintenance building.
- In May 2008, the Planning Director adopted an Addendum to the MND for the addition of two tennis courts and the expansion of the CUP boundary to accommodate the tennis courts.

Section 15164(b) of the State CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3) states that the decision-making body may adopt an addendum to an adopted MND if: (1) only minor technical changes or additions are necessary; and, (2) none of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of an Environmental Impact Report (EIR) or subsequent negative declaration have occurred.

The conditions described in Section 15162 of the State CEQA Guidelines which require the preparation of an EIR or subsequent negative declaration, are provided below, along with a discussion as to why an EIR or subsequent negative declaration is not required:

- 1. Substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§15162(a)(1)];**

No new development is proposed with this project. The project consists of a request for a minor modification to CUP Case No. 4375 to allow the continued use of the Lake Club 18 hole three-par golf course and SDC operations headquartered in modular facilities on Dicken's Patch, for an additional 25 years. The environmental conditions that existed at the project site at the time the County prepared the MND have not changed to the extent that the proposed project would require major revisions to the MND. No new reasonably foreseeable, recently approved or possible future projects exist within proximity to the project site that either were not analyzed in the MND or would result in the project making a potentially significant contribution to a cumulative impact that was not analyzed in the MND. Furthermore, the project site and surrounding area do not exhibit any previously unknown resources that need to be analyzed as part of this project.

Therefore, the proposed project will not involve any significant environmental impacts and will not require revisions to the MND.

2. **Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§15162(a)(2)]; or,**

No substantial changes will occur with respect to the circumstances under which the project is undertaken. The existing golf course was built out in accordance with the project description that was analyzed as part of the MND and, as stated above, no new development is associated with the project. Furthermore, the continued use of the modular buildings does not involve any new development or new uses within the project site; therefore, the continued use of the modular buildings does not involve any new circumstances under which the project is undertaken, which will require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Therefore, the project will comply with this requirement to approve an addendum to the original MND.

3. **New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Commission adopted the previous MND, shows any of the following:**
  - a. **The project will have one or more significant effects not discussed in the previous MND [§15162(a)(3)(A)];**


No new information that was unknown and could not have been known when the MND was adopted has become available. The environmental conditions that currently exist on-site are substantially the same as those that existed at the time at which the MND was prepared and adopted.

Therefore, based on the information provided above, there is no substantial evidence to warrant the preparation of a subsequent MND. The decision-making body shall consider this addendum to the adopted MND prior to making a decision on the project.

### **C. PUBLIC REVIEW:**

Pursuant to the State CEQA Guidelines [§15164(c)], this addendum to the MND does not need to be circulated for public review, and shall be included in, or attached to, the adopted MND.

Prepared by:



---

Josias Gonzalez, Case Planner  
Residential Permits Section  
Ventura County Planning Division

Reviewed by:



---

Daniel Klemann, Manager  
Residential Permits Section  
Ventura County Planning Division

The Planning Director finds that this Addendum has been completed in compliance with the California Environmental Quality Act.

---

Kim L. Prillhart, Director  
Ventura County Planning Division

---

Date

APR 28 2000

**MITIGATED NEGATIVE DECLARATION  
SCH# 2000051031**

RICHARD D. DEAR, County Clerk  
By: *Carroll East*  
Deputy County Clerk

**A. PROJECT DESCRIPTION**

1. Entitlements: General Plan Amendment No. GPA-9803, which consists of the following entitlements: Zone Change No. Z-2928; Modification No. 4 to Tentative Tract Map No. TT-4192; Modification No. 4 to Tentative Tract Map No. TT-4409; Modification No. 5 to Conditional Use Permit No. CUP-4375; Modification No. 1 to Conditional Use Permit No. CUP-4631 (Scenic Resource Grading Permit); and Modification No. 1 to Residential Planned Development Permit No. RPD-1690
2. Applicant: Sherwood Development Company, c/o Frans Bigelow
3. Location: Adjacent and west of the City of Thousand Oaks, adjacent and north of Carlisle Road, adjacent and south of Hereford Ridge, and adjacent and east of Stafford Road, within the Lake Sherwood Community (Exhibit "A").
4. Assessor Parcel Number(s): 695-0-020-215; 695-0-040-145; 695-0-120-285; 695-0-170-025; 695-0-0-180-015; 695-0-190-015; 695-0-200-045; 695-0-210-025, 075, 085, and 095; 695-0-350-135, 145, 155, and 165.
5. Parcel Size: 376.70 Acres
6. General Plan Designations: The Ventura County General Plan designates the project site as "Existing Community, "Rural" and "Open Space" (Ten Acre Minimum); while the Lake Sherwood/Hidden Valley Area Plan designates the subject site as "Lake", "OS-40" (Open Space, 40 Acre Minimum), "OS-20" (Open Space, 20 Acre Minimum), "RR-5", (Rural Residential, 5-10 Acre Minimum), "RR-2" (Rural Residential, 2-5 Acre Minimum), "UR 1" (Urban Residential, 1 DU/Acre), "UR 1-2" (Urban Residential, 1-2 DU/Acre), and "UR 2-4" (Urban Residential, 2-4 DU/Acre.
7. Existing Zoning: "O-S-160Ac/SRP" (Open Space, 160 Acre Minimum/Scenic Resource Protection), "O-S-60Ac/SRP" (Open Space, 60 Acre Minimum), "O-S-40Ac/SRP" (Open Space, 40 Acre Minimum), "O-S-20Ac/SRP" (Open Space, 20 Acre Minimum), "R-E-5Ac/SRP" (Rural Exclusive, 5 Acre Minimum), "R-A-2Ac/SRP" (Rural Agriculture, 2 Acre Minimum), "R-A-1Ac/SRP" (Rural Agriculture, 1 Acre Minimum), "R-O-25,000/SRP" (Single-Family Estate, 25,000 sq. ft. Minimum), "R-E/SRP" (Rural Exclusive, 10,000 sq. ft. Minimum), "R-P-D-1U/SRP" (Residential Planned Development, 1 Dwelling Unit/Acre Minimum).
8. Proposal: The project is comprised of the following components: a) amend the General Plan Land Use Map (Exhibit "B"), the Lake Sherwood/Hidden Valley Area Plan Land Use Map (Exhibit "C"), and Zoning Designations (Exhibit "D") to conform with proposed modifications to Tentative Tracts 4192 and 4409; b) reconfigure lots located within Phases 3 through 6 of Tentative Tract 4192 (Exhibits "E", "F", and "G") ; b) reconfigure lots within Phase 4 of Tentative Tract 4409 (Exhibit "H"); c) expand the Sherwood Country Club golf course (CUP-4375) to include eighteen (18) par 3 holes with a Lodge Club House @ approximately 24,280 sq. ft. with 46 parking spaces (Exhibit "I", "J", and "K"). The Lodge Club House will include an Upper Level @ 11,560 sq. ft. - members dining/function rooms, kitchen, bar, pro shop, and women's locker facilities (Exhibit "L"); and, a Lower Level @ 12,720 sq. ft. - men's locker facilities, snack bar, kitchen storage, and golf cart barn storage (Exhibit "M").
9. Responsible Agency(s): California Department of Fish & Game and County of Ventura, Planning Division.

POSTED  
511100 - 06/27/00  
RICHARD D. DEAR, County Clerk  
By: *Carroll East*  
Deputy

**B. STATEMENT OF ENVIRONMENTAL FINDINGS:**

California State law requires that an Initial Study (environmental evaluation) be conducted to determine if this project will significantly affect the environment. The Planning Division conducted an Initial Study. Based on the findings contained in the attached Initial Study, it has been determined that this project could have a significant effect on the environment, and a Mitigated Negative Declaration (MND) has been prepared.

EXHIBIT "21"

The potentially significant effects identified can be reduced to a level less than significant if the proposed Mitigation Measures are adopted as a **Mitigation Monitoring Program** in conjunction with the adoption of the Conditions of Approval.

**C. LISTING OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED:**  
(See Initial Study Section C for Mitigation Measures)

6. Biological Resources: a) Endangered, Threatened or Rare Species; b) Wetland Habitat; d) Migration Corridors; and e) Locally Important Species/Communities.

The applicant and property owner, SHERWOOD DEVELOPMENT COMPANY has agreed to the proposed Mitigation Measures and a signed Consent Agreement is attached (see Attachment "A").

**D. PUBLIC REVIEW:**

1. Legal Notice Method: Direct mailing to property owners within 300 feet of the proposed project boundary, and a legal notice in a newspaper of general circulation.
2. Document Posting Period: May 8, 2000 to May 30, 2000
3. Comments: The public is encouraged to submit written comments regarding this **Mitigated Negative Declaration** no later than 5:00 p.m. on the last day of the above posting period to the Case Planner listed below, RMA/Planning, 800 So. Victoria Avenue, Ventura, CA 93009. The Planning Division's FAX number is (805) 654-2509.

**E. CONSIDERATION AND APPROVAL OF THE NEGATIVE DECLARATION:**

Prior to approving the project, the decision-making body of the Lead Agency must consider this MND and all comments received during the public review. That body shall approve the MND if it finds that the project will not have a significant effect on the environment.

Prepared by: Ron Allen  
Senior Planner

Reviewed by: Nancy Francis  
Nancy Francis, Manager  
Land Use Permit Section

The Planning Director recommends that the decision-making body find that the above environmental document has been completed in compliance with the California Environmental Quality Act.

Keith Turner  
Keith Turner, Planning Director  
RESOURCE MANAGEMENT AGENCY

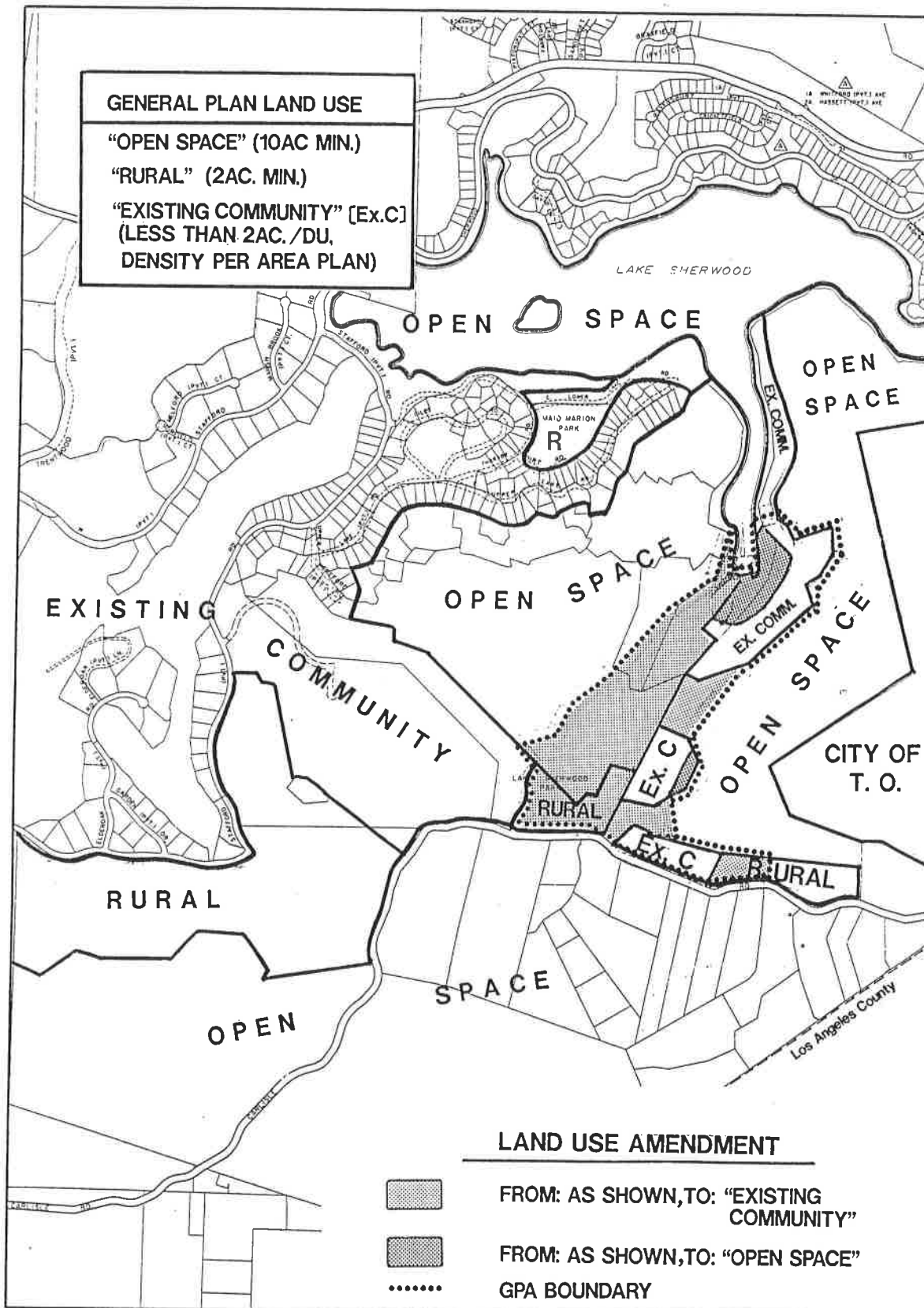
7-19-00  
Date:



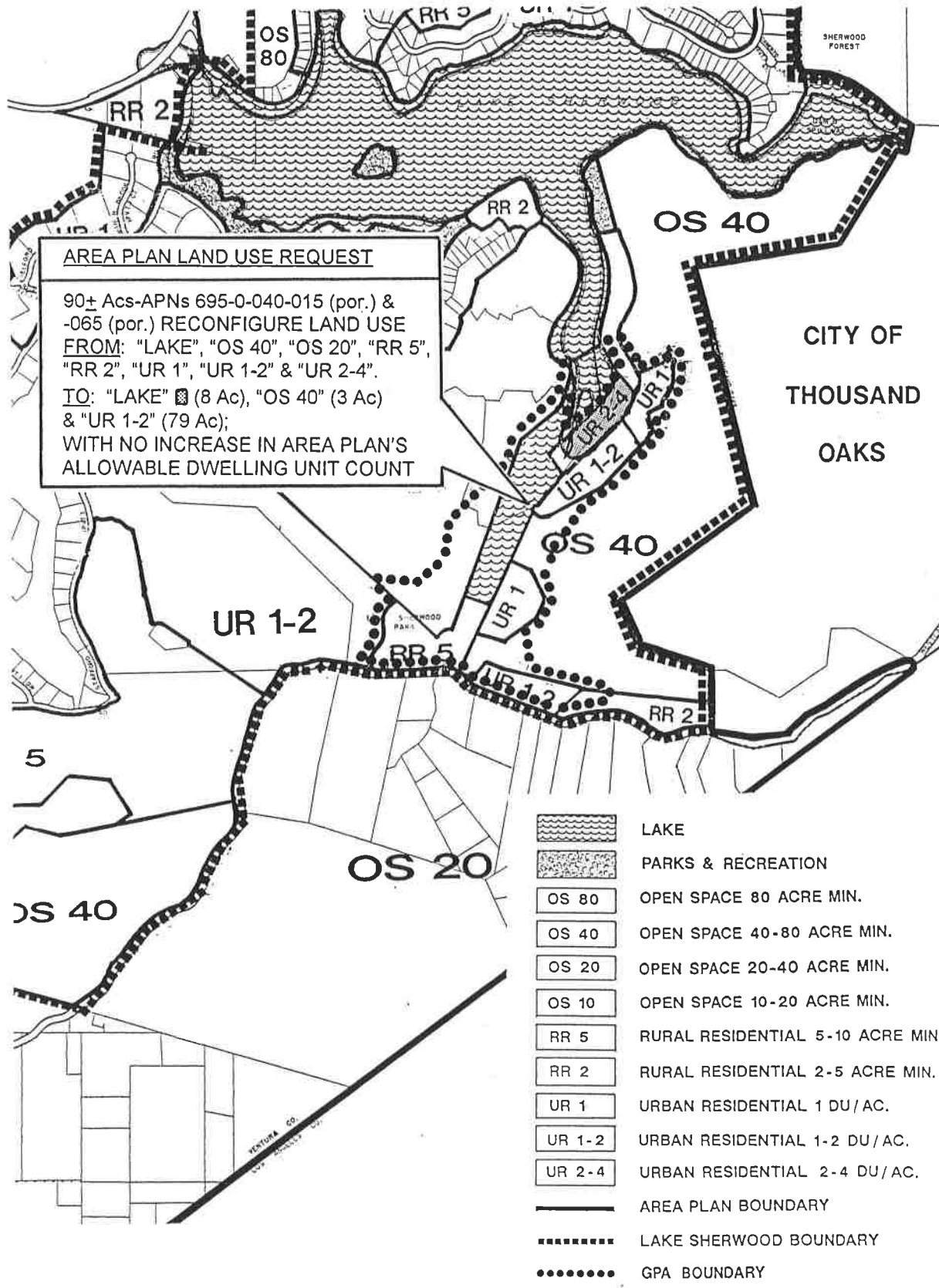
Ventura County, California  
Resource Management Agency  
Planning Division

**LOCATION MAP**  
**GPA 9803**  
**EXHIBIT "A"**









**AREA PLAN LAND USE REQUEST**

90± Acs-APNs 695-0-040-015 (por.) & -065 (por.) RECONFIGURE LAND USE

**FROM:** "LAKE", "OS 40", "OS 20", "RR 5", "RR 2", "UR 1", "UR 1-2" & "UR 2-4".

**TO:** "LAKE" (8 Ac), "OS 40" (3 Ac) & "UR 1-2" (79 Ac);

WITH NO INCREASE IN AREA PLAN'S ALLOWABLE DWELLING UNIT COUNT

- LAKE
- PARKS & RECREATION
- OPEN SPACE 80 ACRE MIN.
- OPEN SPACE 40-80 ACRE MIN.
- OPEN SPACE 20-40 ACRE MIN.
- OPEN SPACE 10-20 ACRE MIN.
- RURAL RESIDENTIAL 5-10 ACRE MIN.
- RURAL RESIDENTIAL 2-5 ACRE MIN.
- URBAN RESIDENTIAL 1 DU/AC.
- URBAN RESIDENTIAL 1-2 DU/AC.
- URBAN RESIDENTIAL 2-4 DU/AC.
- AREA PLAN BOUNDARY
- LAKE SHERWOOD BOUNDARY
- GPA BOUNDARY

Ventura County  
Resource  
Management  
Agency

**GPA 9803**

**LAKE SHERWOOD/HIDDEN VLY. LAND USE**

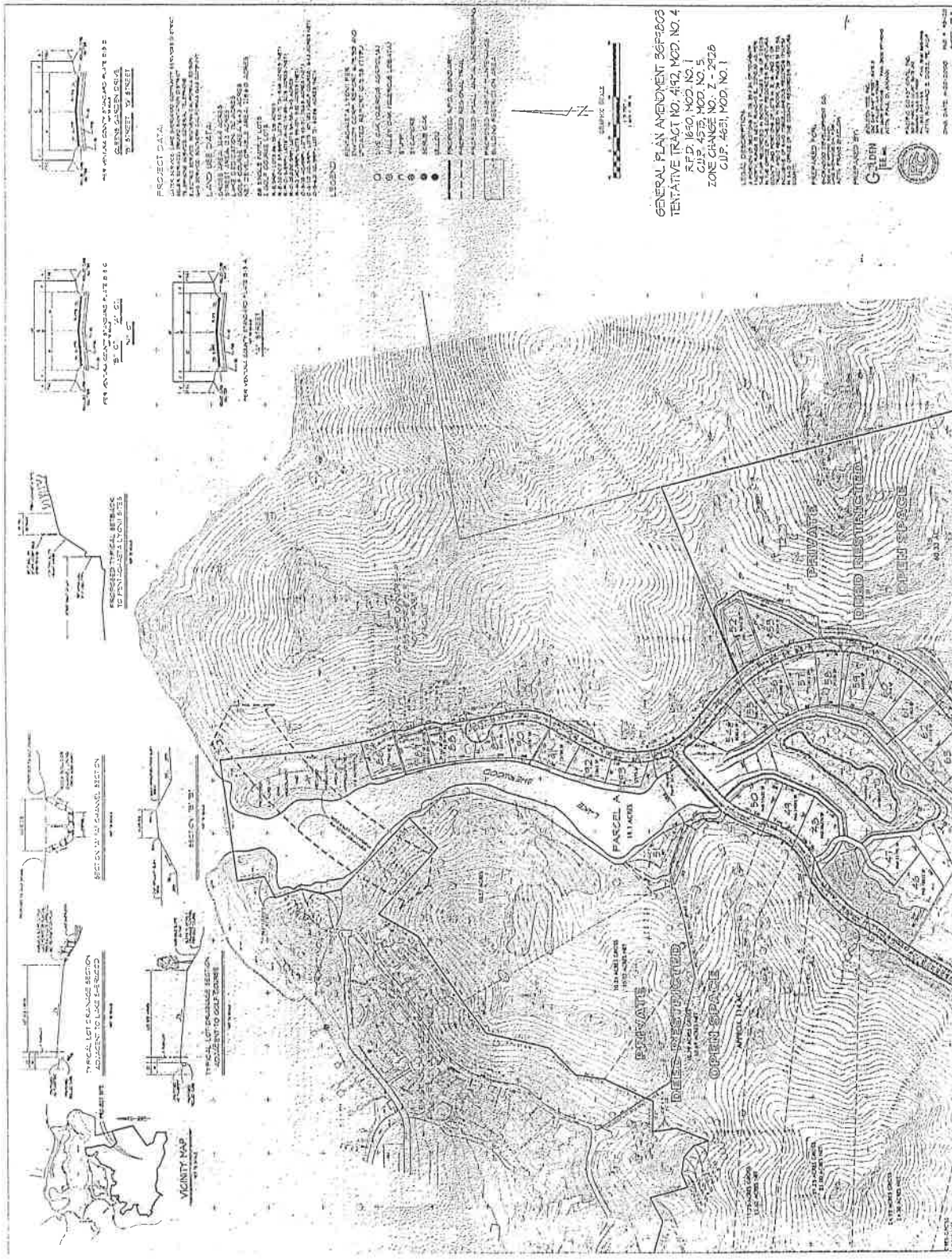
**EXHIBIT "C"**











Ventura County  
 Resource  
 Management  
 Agency

**Modification No. 4**

**TT-4192**

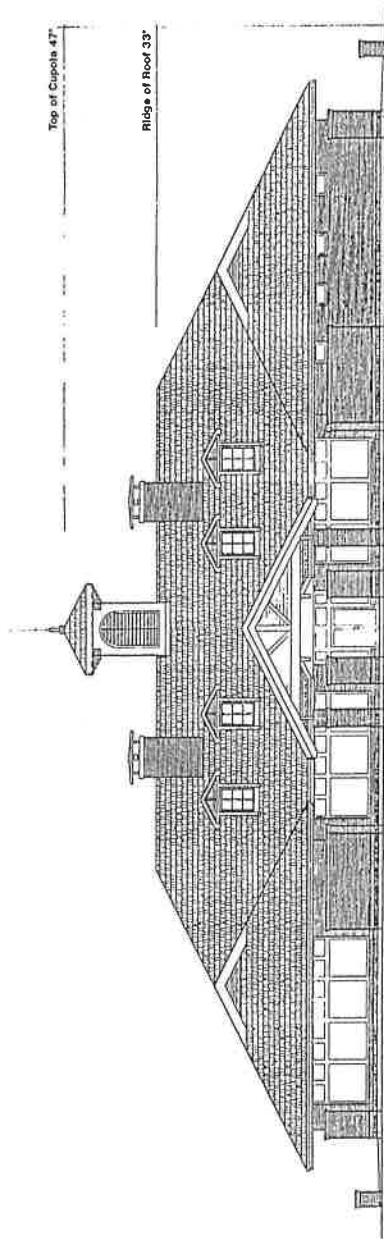
**EXHIBIT "G"**



<p>Ventura County Resource Management Agency</p>	<p><b>Modification No. 4</b></p> <p><b>TT-4409</b></p> <p><b>EXHIBIT "H"</b></p>
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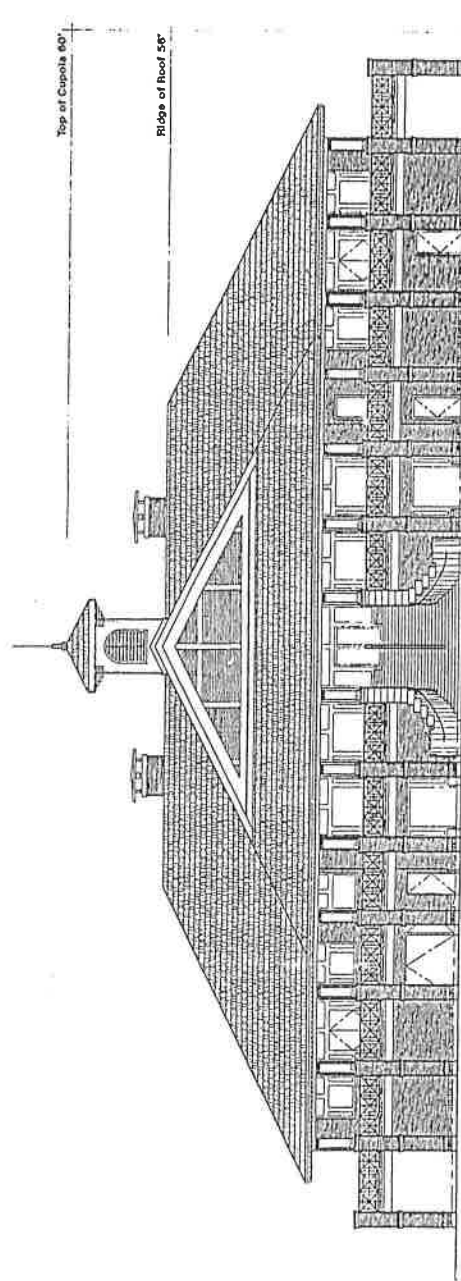


Ventura County  
Resource  
Management  
Agency

**LODGE at Sherwood**  
**Front Elevation**  
**EXHIBIT "J"**

Rear Elevation

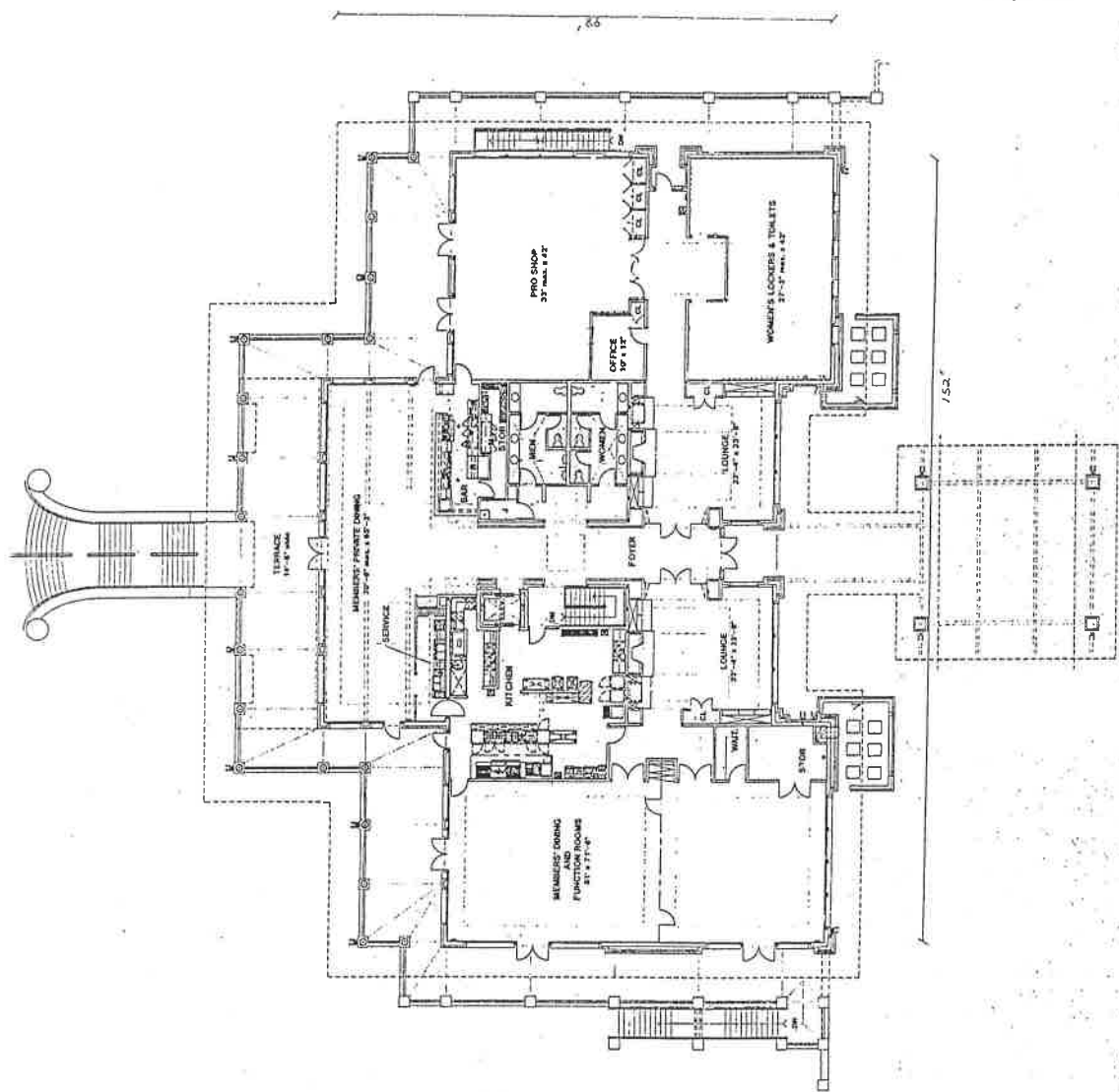
THE LODGE  
AT  
SHERWOOD  
2/11/08



Ventura County  
Resource  
Management  
Agency

LODGE at Sherwood  
Rear Elevation

EXHIBIT "K"



FLOOR PLAN - UPPER LEVEL

Ventura County  
Resource  
Management  
Agency

# LODGE FLOOR PLAN

## Upper Level

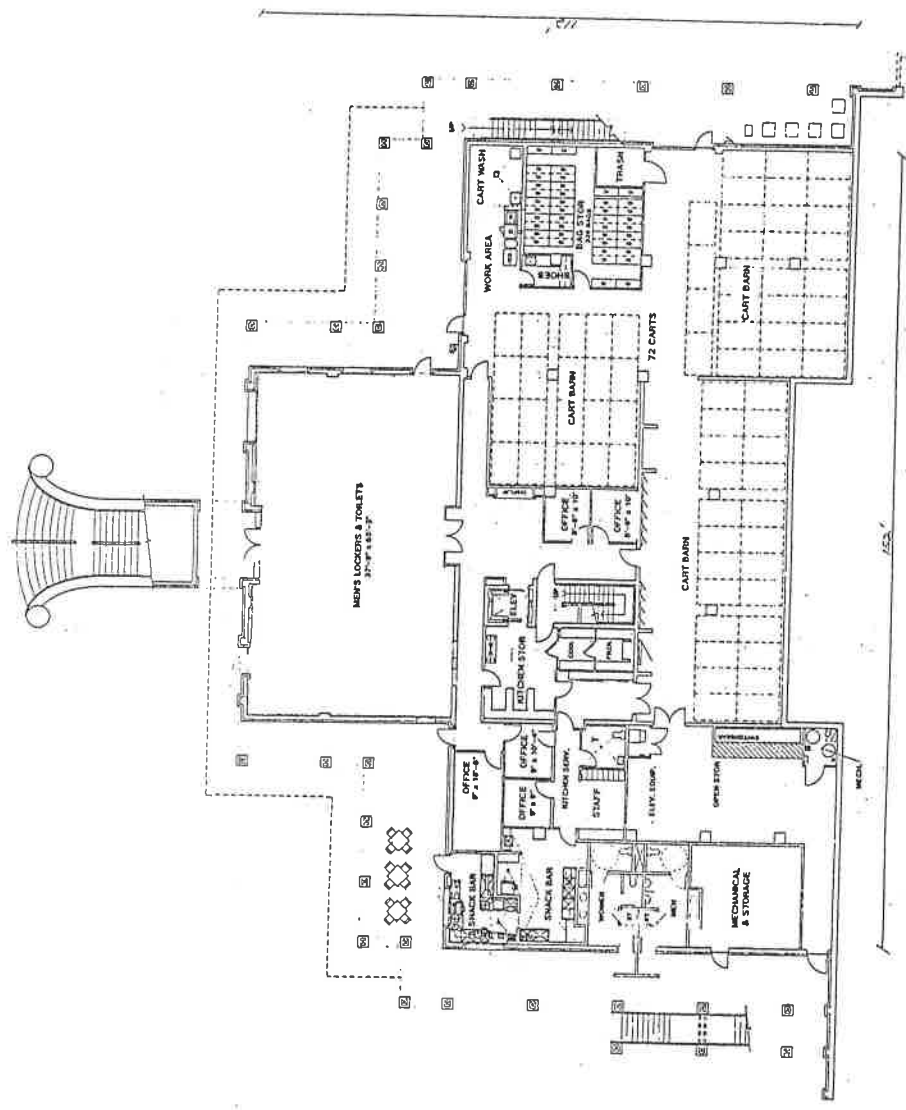
EXHIBIT "L"

Ventura County  
Resource  
Management  
Agency

# LODGE FLOOR PLAN

## Lower Level

EXHIBIT "M"



Lower Level Floor Plan  
THE LODGE  
AT  
SHERWOOD

FLOOR PLAN - LOWER LEVEL (REVISED 05/01/01)







**SECTION B**

**INITIAL STUDY CHECKLIST**

GPA-9803: Z-2928; Mod. # 4 to TT-4192; Mod. # 4 to TT-4409; Mod. #5 to CUP-4375; Mod. #1 to CUP-4631; and Mod. #1 to RPD-1690

	ISSUE (Responsible Department)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS -M	PS	N	LS	PS -M	PS
GENERAL:	1. <u>General Plan Environmental Goals and Policies (Plng.)</u>	X				X			
LAND USE:	2. <u>Land Use (Plng.):</u>								
	A. Community Character		X				X		
	B. Housing	X				X			
	C. Growth Inducement		X				X		
RESOURCES:	3. <u>Air Quality (APCD):</u>								
	A. Regional		X				X		
	B. Local		X				X		
	4. <u>Water Resources (PWA):</u>								
	A. Groundwater Quantity	X				X			
	B. Groundwater Quality	X				X			
	C. Surface Water Quantity		X				X		
	D. Surface Water Quality		X				X		
	5. <u>Mineral Resources (Plng.):</u>								
	A. Aggregate		X				X		
	B. Petroleum		X				X		
	6. <u>Biological Resources:</u>								
	A. Endangered, Threatened, or Rare Species			X				X	
	B. Wetland Habitat			X				X	
	C. Coastal Habitat	X				X			
	D. Migration Corridors			X				X	
	E. Locally Important Species/Communities			X				X	
	7. <u>Agricultural Resources (Ag. Dept.):</u>								
	A. Soils	X				X			
	B. Water	X				X			
	C. Air Quality/Micro-Climate	X				X			
	D. Pests/Diseases	X				X			
	E. Land Use Incompatibility	X				X			
	8. <u>Visual Resources:</u>								
	A. Scenic Highway (Plng.)	X				X			
	B. Scenic Area/Feature		X				X		
	9. <u>Paleontological Resources</u>	X				X			
	10. <u>Cultural Resources:</u>								
	A. Archaeological		X				X		
	B. Historical (Plng.)		X				X		
	C. Ethnic, Social or Religious		X				X		
	11. <u>Energy Resources</u>		X				X		
12. <u>Coastal Beaches &amp; Sand Dunes</u>	X				X				



	ISSUE (Responsible Department)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS -M	PS	N	LS	PS -M	PS
HAZARDS:	<b>13. Seismic Hazards (PWA):</b>								
	A. Fault Rupture		X				X		
	B. Ground Shaking		X				X		
	C. Tsunami	X				X			
	D. Seiche	X				X			
	E. Liquefaction	X				X			
	<b>14. Geologic Hazards (PWA):</b>								
	A. Subsidence:	X				X			
	B. Expansive Soils	X				X			
	C. Landslides/Mudslides	X				X			
	<b>15. Hydraulic Hazards (PWA/FCO):</b>								
	A. Erosion/Siltation		X				X		
	B. Flooding		X				X		
	<b>16. Aviation Hazards (Airports)</b>	X				X			
	<b>17. Fire Hazards (Fire)</b>		X				X		
	<b>18. Hazardous Materials/Waste:</b>								
	A. Above-Ground Hazardous Materials (Fire)	X				X			
	B. Hazardous Materials (EH)	X				X			
	C. Hazardous Waste (EH)	X				X			
	<b>19. Noise and Vibration</b>	X				X			
	<b>20. Glare</b>		X				X		
<b>21. Public Health (EH)</b>	X				X				
PUBLIC FACILITIES/ SERVICES:	<b>22. Transportation/Circulation:</b>								
	A. Public Roads and Highways:								
	(1) Level of Service (PWA)		X				X		
	(2) Safety/Design (PWA)		X				X		
	(3) Tactical Access (Fire)	X				X			
	B. Private Roads and Driveways (Fire):								
	(1) Safety/Design	X				X			
	(2) Tactical Access	X				X			
	C. Pedestrian/Bicycle:								
	(1) Public Facilities (PWA)		X				X		
	(2) Private Facilities		X				X		
	D. Parking (PIng.)	X				X			
	E. Bus Transit	X				X			
	F. Railroads	X				X			
	G. Airports (Airports)	X				X			
	H. Harbors (Harbors)	X				X			
	I. Pipelines	X				X			
	<b>23. Water Supply:</b>								
	A. Quality (EH)	X				X			
	B. Quantity (PWA)		X				X		
	C. Fire Flow (Fire)	X				X			

	ISSUE (Responsible Department)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS-M	PS	N	LS	PS-M	PS
PUBLIC FACILITIES/ SERVICES (CONT.):	<b>24. Waste Treatment/Disposal:</b>								
	A. Individual Sewage Disposal System (EH)	X				X			
	B. Sewage Collection/Treatment Facilities	X				X			
	C. Solid Waste Management (PWA)		X				X		
	D. Solid Waste Facilities (EHD)	X				X			
	<b>25. Utilities:</b>								
	A. Electric	X				X			
	B. Gas	X				X			
	C. Communication	X				X			
	<b>26. Flood Control/Drainage:</b>								
	A. FCD Facility (FCD)	X				X			
	B. Other Facilities (PWA)	X				X			
	<b>27. Law Enforcement/Emergency Svs. (Sheriff):</b>								
	A. Personnel/Equipment		X				X		
	B. Facilities		X				X		
	<b>28. Fire Protection (Fire):</b>								
	A. Distance/Response Time		X				X		
	B. Personnel/Equipment/Facilities		X				X		
	<b>29. Education:</b>								
	A. Schools		X				X		
	B. Libraries (Lib. Agency)		X				X		
	<b>30. Recreation (GSA):</b>								
	A. Local Parks/Facilities		X				X		
	B. Regional Parks/Facilities		X				X		
	C. Regional Trails/Corridors		X				X		

DEGREE OF EFFECT:

N = No Impact.  
 LS = Less Than Significant  
 PS-M = Potentially Significant Impact Unless Mitigation Incorporated.  
 PS = Potentially Significant Impact.

AGENCIES:

APCD - Air Pollution Control District  
 PWA - Public Works Agency  
 Plng. - Planning Division  
 GSA - General Services Agency  
 Ag. Dept. - Agricultural Department  
 FCD - Flood Control District  
 Harbors - Harbor Department

Airports - Department Of Airports  
 Fire - Fire Protection District  
 Sheriff - Sheriff's Department  
 EH - Environmental Health Division  
 Lib. Agency - Library Services Agency



D. <u>MANDATORY FINDINGS OF SIGNIFICANCE</u>		YES/MAYBE	NO
Based on the information contained within Sections B and C:			
1.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	X	
2.	Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one that occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future).		X
3.	Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effect of probable future projects. (Several projects may have relatively small individual impacts on two or more resources, but the total of those impacts on the environment is significant).		X
4.	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	X	

E. <u>DETERMINATION OF ENVIRONMENTAL DOCUMENT</u>	
On the basis of this Initial evaluation:	
<input type="checkbox"/>	I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measure(s) described in section C of the Initial Study will be applied to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
<input type="checkbox"/>	I find the proposed project, individually and/or cumulatively, MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.*
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Ronald R. Allen, Senior Planner  
Signature of Person Responsible for Administering the Project

April 22, 2000  
Date

\*Eir Issues of Focus: \_\_\_\_\_  
\_\_\_\_\_

Rev. August 3, 1999

c:\GPA9803Checklist.doc



SECTION C TO INITIAL STUDY CHECKLIST DISCUSSION OF RESPONSES FOR:  
GPA-9803 : Z-28 ; MOD. # 4 TO TT-4192; MOD. #4 TO TT-4409; MOD. #5 TO  
CUP-4375; MOD. # 1 TO CUP-4631; AND MOD. #1 RPD-1690

Pursuant to Section 15183 of the CEQA Guidelines, the environmental review for residential projects consistent with a community plan for which an EIR was prepared need only evaluate site-specific impacts. The Lake Sherwood/Hidden Valley Area Plan was the subject of a Master EIR which evaluated the impacts of a community of 630 dwelling units and a golf course. Cumulative and specific impacts were identified during the environmental review. Mitigation measures were developed and these measures will be implemented as development occurs consistent with the Area Plan. This Initial Study addresses the impacts peculiar to the proposed project and uses delineated in the foregoing project description. These impacts may not have been addressed as part of the 1987 EIR which covered the overall Lake Sherwood residential development.

GENERAL:

1. General Plan Environmental Goals and Policies:

The project is consistent with applicable General Plan environmental goals and policies. However, applicable General Plan and Zoning Designations will be consistent upon adoption General Plan Amendment No. GPA-9803 and Zone Change No. Z-2928.

LAND USE:

2. Land Use:

a. Community Character:

As stated above, the project is currently not consistent with the applicable General Plan and Zoning Designations and, upon adoption of the above referenced entitlements, will have a less than significant impact on the land use of this area. The County does not have any design/architectural criteria in place; however, the Lake Sherwood Homeowner's Association has the authority to review any building plans and designs, as specified in the CC & R's for the Lake Sherwood project. The CC & R's have been recorded and are presently in place. Therefore, the project will have a less than significant effect on the Community character of this area.

b. Housing:

This project does not entail the removal of any existing houses and is not expected to have any effect on the use of existing housing, nor create a demand for additional new housing.

c. Growth Inducement:

Growth inducement potential of this project is less than significant because it would not accommodate growth beyond what is addressed in the adopted Lake Sherwood/Hidden Valley Area Plan, and its associated EIR.

RESOURCES:

3. Air Quality:

a. Regional:

Based on the criteria contained in Ventura County's Guidelines for the Preparation of Air Quality Impact Analyses for determining a project's potential impact on air quality, the proposed project will have a less than significant impact on air quality.



However, the EIR supplement prepared for the Lake Sherwood/Hidden Valley Area Plan identified significant cumulative air quality impacts associated with the completion of dwelling units within the Lake Sherwood/Hidden Valley area. Therefore, the areawide air quality mitigation measures identified in the adopted area plan shall be imposed as conditions of project approval.

b. Local:

Based on information contained in the project description questionnaire, the proposed project is not expected to cause significant localized air quality impacts.

However, construction activities may generate dust. The amount of dust generated depends on such factors as the type of soil, moisture content of the soil, amount of activity, and wind direction and speed. Compliance with APCD Rule 50 (Opacity) and Rule 51 (Nuisance) should be sufficient to prevent significant dust impacts.

4. Water Resources:

a. Groundwater Quantity

The proposed projects water purveyor, Lake Sherwood Community Services District, does not deliver local groundwater to the listed projects. The applicant does not propose any groundwater use for the projects; therefore, the projects will not have an effect on groundwater quantity.

b. Groundwater Quality

The proposed projects sanitation services are provided by the Triunfo Sanitation District, and the applicant has provided a sewer availability letter for the listed Tracts of the project from the District. Therefore, the listed projects requiring sanitation services will not have a significant effect on groundwater quality.

c. & d. Surface Water Quantity and Quality:

The design of the golf course as proposed by CUP-4375 would allow for the construction ponds for: a.) irrigation, b.) water hazards, and c. provide de-silting and catchment. Runoff from the proposed Tracts and the CUP will either drain into Lake Sherwood or be diverted into storm water drains. Therefore, surface water quantity and quality will be less than significant.

5. Mineral Resources:

a. Aggregate and b. Petroleum:

The project, individually and cumulatively, will have a less than significant impact because "there are sufficient amounts of mineral resources to meet local demand for the next 50 years. Oil resources are considered a world-wide, national and state-wide resource which is beyond the scope of local governments to effectively manage or control." (Resources Appendix of the General Plan)

6. Biological Resources:

The Initial Study and Final EIR for the Lake Sherwood/Hidden Valley Area Plan indicated that development associated with the approved project would result in an adverse change to the diversity and number of plant and animal species. The Final EIR also determined that implementation of the approved project would result in unavoidable significant impacts to biological resources, despite the application of mitigation measures. Loss of plant communities and wildlife



habitat, direct mortality of wildlife, introduction of noise, roads, traffic and buildings, the removal of oak trees, and isolation from adjacent open space were cited as contributing to the significance determination.

In addition, the Final EIR identified numerous sensitive species and three listed wildlife species potentially impacted by the project: American Peregrine, Yellow-billed Cuckoo, and least Bell's vireo. As reported previously in the Final EIR, the site continues to support high quality habitat and wildlife diversity, enhanced by the juxtaposition of terrestrial, wetland, and aquatic habitats. Further, the broad connections within and between upland scrub and woodland habitats allow wildlife easy access to riparian habitats along Carlisle Creek and open water on Lake Sherwood.

A more recent biological assessment, Technical Report: Waters, Wetlands, and Riparian Habitat of TT-4192 and TT-4409, prepared by ENVICOM CORPORATION, dated January 17, 2000, reflects current site conditions and suggests that significant impacts previously identified would still result with implementation of the proposed project. However, the proposed project is more responsive than the previously approved subdivisions in reducing direct impacts to specific sensitive resources including oak trees, oak woodland, wetland and riparian habitats. As a result of several design changes, the revised **Project Description** will reduce biological impacts, relative to the previously approved subdivisions as follows:

- a. Reduction in mass grading within the oak woodland habitat by permitting clearance and site preparation only for building pads.
- b. Substantial (over 70 percent) reduction of alterations to wetland, riparian, and streambed habitat.
- c. Deletion of a retention basin that would have created a barrier to wildlife movement, thus improving function of the EIR-identified central wildlife corridor.
- d. Relocation of the internal circulation road to the perimeter of the development in order to reduce indirect impacts from brush clearance, and the proximity of human habitation to natural areas.
- e. Redesign to completely avoid Lyon's Pentachaeta.

The revised **Project Description** represents considerable changes that reduce specific impacts to wetlands, riparian habitat, oak trees and oak woodlands, and Lyon's pentachaeta. Yet given the scope of the proposed project, placed within a highly sensitive and diverse natural area, a finding of non-significance under CEQA guidelines can not be achieved. As anticipated in the Final EIR, the proposed project would result in significant, unavoidable impacts to plant communities, wildlife and wildlife habitat, and sensitive wildlife species.

The following is a discussion of the listed criteria under Biological Resources; ie, a. Endangered, Threatened, or Rare Species, b. Wetland Habitat, d. Migration Corridors, and e. Locally Important Species/Communities. The discussion is more specific to the potential significant impacts relative to the previously approved subdivisions (TT-4192 and TT-4409) and the proposed project. Text and Tables from the above referenced report: Technical Report: Waters, Wetlands, and Riparian Habitat of TT-4192 and TT-4409 will be used to clarify these distinctions.

a. **Endangered, Threatened, or Rare Species:**

Sensitive Plant Species

The Final EIR identified nine sensitive plant species expected within the project site. These included:

- Braunton's rattleweed (*Astragalus brauntonii*),
- Santa Monica Mountains' endemic live-forever (*Dudleya cymosa marcescens*; *D. c. ovatifolia*; *D. agouensis*),
- Santa Susana tarplant (*Hemizonia minthornii*), and
- Conejo endemics viz., Conejo dudleya (*Dudleya parva*), Verity's dudleya (*D. verityi*) and Conejo buckwheat (*Eriogonum crocatum*)
- Slenderhorned spineflower
- Dudleya multicaulis
- Lyon's pentachaeta (*Pentachaeta lyonii*)

Among these, only Lyon's pentachaeta is known to occur at the project site, and the others are considered to be absent based on comprehensive botanical surveys conducted in spring and summer 1998 (Envicom Corporation, 1998). The status of Lyon's pentachaeta is discussed below:

Lyon's Pentachaeta

Lyon's pentachaeta (*Pentachaeta lyonii*), listed in the Final EIR as potentially occurring in the Area Plan, was discovered on the project site in 1990. Today, the plant is a federally listed endangered species<sup>1</sup>. In undisturbed locations, Lyon's pentachaeta occupies openings in chaparral dominated by grasses and native annual herbs, whose presence proved to have great predictive value in locating pentachaeta. Generally, Lyon's pentachaeta occupies zones of sparse vegetation where it is apparently able to compete among bunchgrasses, native annual herbs, and a few sub-shrubs. Over time, following the initial disturbance that provided the opportunity for pentachaeta to become established, continuing encroachment by introduced annual grasses or shrubs may be a factor in the eventual decline of this species at any given site. In some cases, it appears that a site may be naturally unsuited to either grass or shrub dominance, likely because of shallow soil conditions. With approval in 1992 of TT 4192 and CUP 4631, a Mitigated Negative Declaration (MND) was prepared that specifically addressed the potential for impacts to Lyon's pentachaeta, and consequently, included mitigation that remains relevant to the proposed project.

According to the revised **Project Description**, distances to occupied areas of Lyon's pentachaeta from proposed houses and grading associated with streets for the listed lots are as follows:

Lot No.	Distance from Houses	Distance from Street Grading
54	70-90	10-20
61	250	250
80	120	20-40
82	140	40
83	150	70
84	120	20
85-86	90-100	10-20

<sup>1</sup> (Federal Register 4182, January 29, 1997)

According to the Slope Revegetation Concept Plan (The L.A. Group, Inc., April, 1999) Fuel Modification shall be a minimum of 100 feet of fuel clearance away from habitable structures, and ten feet from roadways. Thus, several locations of Lyon's pentachaeta could potentially be impacted directly from the fuel clearance requirement at distances ranging from 70-90 feet from structures, and ten feet or more beyond roadway grading. The diminutive, annual stature of Lyon's pentachaeta poses little fire hazard even at very close distances from structures.

Lyon's pentachaeta is found in areas of disturbance such as brush clearance and ground scraping such as along fuel breaks prepared using bulldozers. It is a poor competitor among any plants that grow in dense concentration, especially alien annual grasses, but also any encroaching perennial herbs and shrubs.

A plan for Fuel Modification that judiciously removes plants that compete with Lyon's pentachaeta would appear to be a compatible activity. This would include such measures as not allowing irrigation in areas with Lyon's pentachaeta, and manual fuel modification conducted under the supervision of a qualified biologist. In addition, annual monitoring of the existing populations will be undertaken by a qualified biologist. Results of the monitoring would be submitted to the County and the CDFG. The annual monitoring report may include reasonable remediation actions, if required.

To prevent direct impacts to Lyon's pentachaeta during grading and construction, the installation of protective fencing prior to grading, and monitoring by a qualified biologist during grading will be incorporated as Mitigation Measures. Since no direct taking is proposed, permits from the CDFG or US Fish and Wildlife Service would not be required. After grading and construction, permanent split-rail fences would be installed along the perimeter roads to prevent access and damage to the locations. As a additional Mitigation Measure, an annual monitoring of the status and condition of the populations would be conducted, with reports submitted to the Lead Agency and to the Department of Fish and Game.

**b. Wetland Habitat:**

There are significant wetland areas within the confines of the proposed project. Carlisle Creek is present on the southerly portion of the property, and it flows easterly, eventually turning north and terminates in the Carlisle Inlet of Lake Sherwood. The Creek will be altered slightly to accommodate a bridge crossing.

Several species of introduced fish inhabit Lake Sherwood and its confluence with Carlisle Creek. Currently, no native fish are known from Carlisle Creek or Lake Sherwood (Moyle, et al. 1989; Swift, et al. 1993). Suitable aquatic habitat for fish is limited to the inundated lower portions of Carlisle Creek as it enters Lake Sherwood.

**Table Bio-1** lists the acreage and type of jurisdictional habitat present on the project site, as summarized below:

- Army Corps = 17.633 acres: 13.85 acres of wetlands, 3.813 acres of waters.
- CDFG = 22.633 acres: 13.85 acres of wetlands, 3.813 acres of waters, 5.0 acres of riparian

**TABLE BIO-1**  
 Summary of Jurisdictional Delineation  
 ACOE/CDFG

LOCATION	ACOE Jurisdiction by Acreage		CDFG Jurisdiction by Acreage	
	Waters (Stream- course)	Wetland Habitat	Riparian Habitat	Total
Lake Sherwood-Aquatic & Lakeshore		10.71		10.71
Carlisle Creek Mainstem	3.54	2.13	5.0	10.67 <sup>2</sup>
<u>Tributaries:</u>				
SW	0.010			0.010
SE	0.140			0.140
SC	0.009			0.009
NC	0.024			0.024
NE	0.090			0.090
Marsh 1		0.56		0.56
Marsh 2		0.45		0.45
Subtotal Waters of the US	3.813	13.85		
<b>TOTAL ACOE JURISDICTION</b>		<b>17.663</b>		
<b>TOTAL CDFG JURISDICTION</b>				<b>22.663</b>

The previously approved subdivisions (TT-4192 and TT-4409) would significantly modified wetland/riparian habitat of the south inlet of Lake Sherwood, and altered riparian and aquatic habitat along the reaches of Carlisle Creek. The proposed plan would also result in the removal of wetland/riparian habitat, however, to a lesser degree.

**Table Bio-3** lists the direct impacts of the approved and proposed project plans on project site vegetation. Impacts to plant communities are reduced from 83.82 acres, under the approved plan to 83.40 acres (a 0.42-acre difference) under the proposed plan. To preserve sensitive habitats, the development envelope was relocated to areas containing chaparral/annual grassland vegetation. Under the proposed project, direct impacts to oak, sycamore, and willow woodland are reduced from 12.2 acres to 5.1 acres. There is also a 0.5-acre decrease in removal of native grassland (from 1.0 acre).

Sherwood Development Company considered six alternatives, including the approved tract maps (TT-4192 and TT-4409) to assess impacts to sensitive plant communities including wetlands, and riparian habitat under the jurisdiction of the Army Corps and CDFG (**Table Bio-4**).

<sup>2</sup> The 10.67 acres of riparian include the 3.54 acres of stream channel (non-wetland), 2.13 acres of wetland, and 5.00 acres of riparian vegetation that is regulated only by CDFG. The latter areas do not meet the Corps criteria for waters of the U.S., or wetlands.

<b>TABLE BIO- 3</b>		
<b>Vegetation Impacts - Approved and Proposed Projects</b>		
	<b>Approved Project</b>	<b>Proposed Project</b>
	<b>Alternative 1</b>	<b>Alternative 6</b>
<b>HABITAT</b>	<b>Total Acreage of Impact</b>	<b>Total Acreage of Impact</b>
<b>UPLAND</b>		
<b>Woodland</b>	12.2	5.1
Oak, Sycamore & Willow with Mulefat scrub in valley bottom/Oak Woodland on low slopes		
<b>Chaparral</b>	20.4	38.2
Hillside, north and south facing		
<b>Recovering chaparral</b>	2.6	3.2
Previously cleared		
<b>Rock Outcrops</b>	0.3	0.3
<b>Thin Soil/Rockfields/Chaparral</b>	0.0	1.0
<b>Grassland</b>	33.56	26.0
Primarily non-native/herbaceous, some native grass present		
<b>Native Grassland</b>	1.0	0.5
<b>DISTURBED AREAS</b>		
Dirt roads, work yards, grading scars, barren areas		
<b>MARSH</b>	0.8	0.03
<b>AQUATIC</b>	1.1	1.75
<b>WATERS</b>	1.10	0.17
<b>WETLAND</b>	1.86	0.05
<b>RIPARIAN WOODLAND</b>	2.97	1.2
<b>TOTAL ACREAGE</b>	<b>83.82</b>	<b>83.40</b>

With the Approved Project (Alternative 1-TT4192 and TT-4409) as a baseline for subsequent impact analysis, alternatives were developed. Alternative 2 (Preferred Nine – Hole Traditional Plan) was found to exceed the impact thresholds on sensitive resources as established by the Approved Project. Therefore, further efforts to re-design the project were undertaken. This resulted in the development of Alternative 3 (Revised Nine-Hole Target-Style Plan). This plan would impact 4.788 acres of ACOE jurisdictional habitat and 7.368 acres of CDFG jurisdictional habitat. While this represented a decrease in impacts, further avoidance was desirable. Therefore, the applicant developed three more site plans. The resulting project reduces impacts to 2.0 acres of under the jurisdiction of the Corps and 3.2 acres under the jurisdiction of the CDFG, (this includes an additional 1.2 acres of impact to riparian woodland).



The Final EIR found that with implementation of mitigation measures to create and/or enhance wetland/riparian habitat impacts would be less than significant. Nonetheless, the Final EIR cited *the loss of the ecological relationship* between wetlands/riparian woodlands and adjacent uplands as an unavoidable significant impact of the project. The same conclusion holds under the current plan. This is because the roads, houses, and golf course would replace mostly natural, vacant land. An artificial landscape would predominate, acting to fragment the ecological functioning of natural areas.

**TABLE BIO- 4**  
**Comparison of Alternative Site Plan Impacts**  
**Jurisdictional Habitats**

HABITAT	Approved Project	Preferred 9-Hole Traditional Golf Course	Revised 9-Hole Target Style Golf Course	18-Hole Golf Course	Modified 18-Hole, Par 3 Golf Course	Proposed Project
	Alt. 1	Alt. 2	Alt. 3	Alt. 4	Alt. 5	Alt. 6
<b>MARSH</b>						
	0.84	1.01	0.564	0.564	0.56	0.03
<b>LAKE</b>						
	1.05	3.76	2.39	2.39	2.17	1.75
<b>TRIBUTARIES</b>						
NE	0.06	0.06	0.06	0.06	0.06	0.06
NC	0.024	0.024	0.024	0.024	0.018	0.0
SC	0.009	0.009	0	0.0	0.005	0.0
SE	0.095	0.14	0.04	0.04	0.023	0.07
SW	0.01	0.01	0.01	0.01	0.005	0.01
<b>Subtotal</b>	<b>0.2</b>	<b>0.243</b>	<b>0.134</b>	<b>0.1</b>	<b>0.1</b>	<b>0.1</b>
<b>CARLISLE CREEK MAINSTREAM</b>						
Wetland	1.86	1.71	1.67	1.28	1.15	0.05
Waters	0.91	2.93	0.85	0.42	0.61	0.03
<b>Subtotals</b>	<b>2.77</b>	<b>4.64</b>	<b>2.52</b>	<b>1.70</b>	<b>1.76</b>	<b>0.08</b>
<b>TOTAL IMPACT</b>						
<b>CORPS JURISDICTION</b>			<b>5.61</b>	<b>4.79</b>	<b>4.60</b>	<b>2.00</b>
<b>RIPARAIN IMPACT</b>	<b>2.97</b>	<b>4.3</b>	<b>2.74</b>	<b>2.6</b>	<b>1.452</b>	<b>1.2</b>
<b>TOTAL IMPACT CDFG</b>			<b>8.35</b>	<b>7.35</b>	<b>6.05</b>	<b>3.20</b>

**c. Coastal Habitat:**

The project includes Carlisle Creek, which is one of the watershed drainage areas for Lake Sherwood. Carlisle Creek is located approximately six (6) miles from the Pacific Ocean. Since the project is not within or located adjacent to coastal resources, there will be no impacts related to this resource.

**d. Migration Corridors:**

Barriers to wildlife movement are relatively passable depending on body size, life history, habitat requirements, and dispersal ability of the taxa under consideration (e.g., hawks vs. salamanders). For larger terrestrial species, however, surrounding land uses such as Carlisle Road, adjacent residential development, and Lake Sherwood itself, may act as absolute barriers for dispersal to other, off-site habitats. This is because the project site's relative isolation from large open space areas limits its overall contribution to maintaining regional wildlife diversity through emigration and immigration. Consequently, the long-term viability of larger native animal populations in the project vicinity may decline over time. In contrast, long-term population viability for smaller species may be sustainable in relatively small habitat patches. In this case, the overall size of the project site and the connectivity of habitat patches *within* the site becomes important (Harris, 1984; Soule, et al. 1988).

The riparian corridor and watercourse of Carlisle Creek provides a linear landscape element and habitat structural diversity not found elsewhere in the project area. Riparian corridors are important wildlife dispersal sites because of the contact with a variety of other needed habitats. An important feature of the mixed riparian corridor along Carlisle Creek is that it connects directly with oak woodland, scrub, and grassland habitats that extend laterally across much of the project site.

Currently, the project site is part of a larger wildlife habitat area that surrounds the site to the east and west. In that light, the whole site is subject to the movement of animals without restriction, although Carlisle Creek and its associated riparian habitat is likely an important area for animals to traverse the site. As such, the proposed project would create artificial "corridors" by leaving openings, or gaps within the developed areas that are connected to vacant land. These created "wildlife corridors" may give wildlife the opportunity to traverse the site to reach undeveloped land and to use remaining onsite resources.

Corridor locations, shown on the approved site plan, cross over the Carlisle Creek inlet on the south shore of Lake Sherwood and the east-central portion of the site. The corridor on the south shore of Lake Sherwood will have little value to terrestrial animals except as open space on the adjacent banks, i.e. gray fox and mountain lion will not swim across a lake. The east-central corridor was of adequate width, under the approved plan that may have allowed wildlife species to utilize this area to reach open space after development occurred. In addition, under the approved plan portions of Carlisle Creek were effected by development.

Under the proposed plan, to reduce significant impacts to wildlife movement, the east-central wildlife corridor is increased from 350 feet to 580 feet, almost double of the approved plan. Further, the proposed project integrates the use of small under-crossings on roads for amphibians, reptiles, and smaller animals, and maintains the entirety of Carlisle Creek. With these new project design elements, the proposed plan reduces significant impacts to wildlife corridors. However, vacant land will be restricted to wildlife with the construction of roads, houses, yards, infrastructure, and the golf course.

e. **Locally Important Species/Communities:**

Resource sensitivities exist at both the habitat and individual species level. Generally, sensitive habitats support unique or rare animal species, are especially valuable to wildlife, or are prime examples of a particular biotic community. On the project site, these include oak woodland, including coast live oak-sycamore riparian woodland, wetlands, open water aquatic habitats, scrub habitats and native grassland. Development in such habitats is regulated by various agencies including the California Department of Fish and Game and the U.S. Army Corps of Engineers.

Federally listed wildlife species that may potentially temporarily or permanently reside on the project site. These include the California red-legged frog, American peregrine falcon, and least Bell's vireo. This statement is based on the availability of suitable foraging and/or breeding habitat for these species on the project site, and/or their known occurrence in the project vicinity. California red-legged frogs, if present, would be expected to occur in Carlisle Creek and Lake Sherwood. Peregrine falcons are not known to nest in the project vicinity, but may roost and forage over the project site from known nesting and long-term roost sites on the Channel Islands. To better document the presence of listed species, protocol surveys will be undertaken for the California red-legged frog, southwestern pond turtle, and the least Bell's vireo.

There are ten federal/state species of concern known to occur in the project area. These are southwestern pond turtle, two-striped garter snake, least bittern, Cooper's hawk, prairie falcon, horned lark, loggerhead shrike, yellow warbler, desert woodrat, and mountain lion. In addition, at least 33 other sensitive species have varying potentials for occurrence on the project site.

Special status species include all federal and state-listed or proposed for listing animals (CDFG, 1996), former federal candidates (USFWS, 1994, 1996), and species of Special Concern, as designated by the California Department of Fish and Game (CDFG, 1996; CNDDB, 1999). In addition, there are a number of sensitive wildlife species of local concern and various watch lists published by state agencies (Remsen, 1978; Williams, 1986; Moyle, et. al. 1989; Jennings and Hayes, 1994; CDFG, 1996). Descriptions of state and/or federally listed species and their potential for occurrence on the site are presented below.

Listed Species Discussion

California gnatcatcher (*Polioptila californica*)

California gnatcatcher (*Polioptila californica*) is a songbird that was listed as a federally Threatened species on March 30, 1993. According to the Service, "it occurs almost exclusively in the coastal sage scrub plant community (occasionally, it is also found in chaparral)." Recently, California gnatcatchers have been observed in Ventura County, near Moorpark.

*No suitable habitat for this species occurs on the project site, and for this reason, the US Fish and Wildlife Service indicated that protocol surveys would not be required (Mr. Rick Farris, USFWS Ventura Field Office).*

Least Bell's vireo (*Vireo bellii pusillus*)

Within the riparian habitat of Carlisle Creek, the potential exists for the occurrence of least Bell's vireo. According to the proposed rule by which

this species was listed federally endangered (Federal Register Vol. 50, No. 86, p. 18968 May 3, 1985), "[least Bell's vireo] only inhabits dense, willow-dominated riparian habitats with lush under-story vegetation." To determine if protocols surveys are required, a habitat assessment was performed (Mr. Jim Greaves, November 1999).

*Results indicate that low to moderate habitat exists on the project site. Therefore, as a Mitigation Measure, protocol surveys shall be conducted from early May through June.*

#### Quino Checkerspot (*Euphydryas editha quino*)

The quino Checkerspot butterfly (*Euphydryas editha quino*) was listed as a federally endangered species on January 16, 1997 (62 FR 23132). According to the USFWS (January 20, 1999), its distribution: "is restricted to open grassland and sunny openings within shrubland habitats of the interior foothills of southwestern California"...primarily where its larval host plant, *Plantago erecta* (dwarf plantain) is found.

USFWS (January 25, 1999) shows the project site is located within the "Potential Habitat Area" but not within the "Adult Focused Survey Area." If land falls within the Potential Habitat Area and outside of the Adult Focused Survey Areas, a habitat suitability for quino is required. Furthermore, "if suitable habitat components are present *and* when an ocular estimated average of one or more *Plantago erecta* plant(s) within any 100 square meter area), adult surveys are warranted."

*According to botanical surveys, Plantago erecta exists on the property. For this reason, if the site remains within the mapped Adult Focused Survey Area. Therefore, protocol surveys will be conducted at the appropriate time of year.*

#### California red-legged frog (*Rana aurora draytonii*)

Once the most abundant ranid frog throughout most of lowland California, subspecies *draytonii* has been extirpated from most of its former range. Adult red-legged frogs are highly nocturnal and quite wary (Storer, 1925; Hunt, pers. obs). Preliminary field surveys, using US Fish and Wildlife protocol methods for the California red-legged frog were undertaken on the project site from the bed and banks of lower Carlisle Creek from its confluence with the lake upstream to Carlisle Road. This species was not found during these limited field surveys, despite the presence of suitable aquatic and upland habitat within and adjacent to Carlisle Creek and the southern inlet of Lake Sherwood. Larval and adult bullfrogs were found during daytime and night-time field surveys throughout the lower, inundated reaches of Carlisle Creek and the south inlet of Lake Sherwood.

*Therefore, as a Mitigation Measure to further document presence/absence, protocol surveys will be conducted at the appropriate time of year.*

#### Southwestern pond turtle (*Clemmys marmorata pallida*)

Typical pond turtle habitat includes slow-moving or stagnant aquatic habitat that forms pools at least three feet deep and 6 feet in diameter, with bank cover such as vegetation, tree roots, or rip-rap boulders (Rathbun et al, 1991). This species is recorded throughout the Malibu Creek watershed, including Lake Sherwood (De Lisle, 1986; Holland, 1991; CNDDDB, 1999; UCSB-Museum of Systematics and Ecology specimen).

*Therefore, as a Mitigation Measure, further surveys will be conducted to more fully document presence/absence on the project site.*

American peregrine falcon (*Falco peregrinus anatum*)

While the rock outcrops and diversity of waterfowl species found in the Lake Sherwood area provide good to excellent roosting and foraging habitat, No American peregrine falcon were observed. Peregrine falcons are listed by the State Department of Fish and Game as endangered (CDFG, 1997). This falcon occurs along coastlines, in mountainous areas, and in riparian habitats throughout the western United States and Canada. The widespread decline in peregrine falcons was attributed to a combination of factors, including reproductive failure due to pesticide (DDT and DDE) contamination and habitat destruction. With success of the recovery program, the USFWS has proposed delisting the peregrine falcon (Mesta, et. al. 1995; USFWS, 1998c). However, it will remain a State-listed endangered species.

Coast horned lizard (*Phrynosoma coronatum*)

The Coast horned lizard is likely present in open scrub/grassland habitats with loose, friable soils throughout the project site. Historically, Coast horned lizard occurred throughout much of the Central and Sacramento Valleys however, habitat conversion has extirpated most of these populations (Jennings and Hayes, 1994). Horned lizards are active above-ground between April and October, with activity concentrated in April to June. In the project region, coast horned lizards are found in the interior of the Santa Monica Mountains, away from persistent convection fogs that blanket the coastlines of Ventura County (Hunt, pers. obs.). This species was observed in scrub habitats in Triunfo Canyon Creek (UCSB Museum of Systematics and Ecology specimen), and Encinal Canyon (Hunt, pers. obs.).

State Species of Special Concern- Raptors of grassland and scrub Habitats:

Roosting and nesting habitat typically includes riparian woodlands and stands of mature eucalyptus. Each of these species has been observed in the project region, foraging in grassland, open scrub, and shoreline habitats in the project region. Species such as the golden eagle, prairie falcon, and merlin, forage in these habitats from cliff roost sites on rock exposures along the ridgelines.

- northern harrier (*Circus cyaneus*)
- white-tailed kite (*Elanus leucurus*)
- golden eagle (*Aquila chrysaetos*)
- bald eagle (*Haliaeetus leucocephalus*)
- osprey (*Pandion haliaetus*)
- prairie falcon (*Falco mexicanus*)
- merlin (*Falco columbarius*)

State Species of Special Concern -Riparian and marsh-nesting bird species:

The following birds are obligate or facultative riparian species whose foraging, and in some cases, nesting habitat closely linked to riparian woodland, wetlands (such as lakes and ponds), riparian scrub, and adjacent upland habitats.

- Cooper's hawk (*Accipiter cooperi*),
- sharp-shinned hawk (*A. striatus*),
- Vaux's swift (*Chaetura vauxi*),
- black swift (*Cypseloides niger*),
- purple martin (*Progne subis*),
- yellow warbler (*Dendroica petechia*),



- yellow-breasted chat (*Icteria virens*),
- tricolored blackbird (*Agelaius tricolor*) and,
- warbling vireo (*Vireo gilvus*).

Each of these species has experienced significant regional and local declines as riparian habitat are removed or modified, and all are considered State Species of Special Concern. They formerly bred or are currently known to breed in the project region, including the project area. These species still occur in the region as either migratory transients or fall and winter visitors (sharp-shinned hawk, and purple martin), migratory breeders (yellow warbler, and yellow-breasted chat), or residents (Cooper's hawk) (Lehman, 1994).

#### Oak Trees/Oak Woodland

The Final EIR stated the loss of oak trees and woodland would be a significant impact of the project. Under the approved subdivision (P.U. 4-TT 4192), of the 1,000+ oak trees in Carlisle Inlet approximately 250, oak trees were anticipated to be removed/relocated. The proposed project substantially reduces the potential maximum number of removals to under 100 oak trees. In addition, the proposed project maintains the integrity of the eastern oak woodland habitat by shifting the development envelope. These design improvements substantially reduce direct impacts. However, there would continue to be an overall degradation of the biological functions and values of the oak trees with the loss of connecting natural areas and the reduction of natural stands. Indirect impacts to oak woodlands and oak trees could result from high volumes of irrigation water, which causes root rot, loss of areas for reproduction, and limiting wildlife diversity in the proximity of development. To minimize these potential impacts, the applicant will retain control of the oak woodland habitat through easements.

The Final EIR anticipated significant impacts to sensitive wildlife, and wildlife in general through the alteration and removal of vegetation, construction activities, mortality, loss of home range territory, overcrowding in adjacent areas, and intrusion of residential development. In addition, the Final EIR found indirect impacts from proximity of human disturbances to raptors, swallows, and bats would result in significant decreases to local populations. The proposed project reduces impacts to sensitive wildlife through increased preservation of habitats used by these species. However, development would still result in the same type of impacts described in the Final EIR, and thus remain significant.

### **MITIGATION MEASURES**

Project Design Measures: These mitigation measures have been incorporated into the Project Description and are repeated herein to clarify limitations instituted by the applicant.

- Substantial reduction in impacts to wetlands and riparian habitat over the approved and preferred project. Specially, from 9.65 acres with the preferred plan to 2.0 acres (an 80% reduction) under the Corps, and from 13.95 acres to 3.2 acres of impacts under CDFG (a 77% reduction). From the approved plan, 4.86 acres to 2.0 acres of impacts under the Corps, a 59% reduction; and from 7.92 acres to 3.2 acres of CDFG jurisdiction (a 60% reduction).
- Preservation of the majority of marsh habitat (Marsh 1) and several oak trees in the northern portion of the site through avoidance by creating of an "island" consisting of the northern marsh surrounded by new and existing lake.

- Avoidance of marsh habitat (Marsh 2) in the southeast area of the project site.
- Replacement of the removed 0.03 acres of marsh habitat on a 2:1 basis through the salvage of vegetation for use in created marsh areas.
- Replacement on a 1:1 basis the loss of deepwater aquatic habitat.
- Avoidance of wetland habitat by relocating four lots in the lower reaches of Carlisle Creek.
- Relocation of lots in the southeast to avoid a tributary stream to Carlisle Creek.
- Use of a bridge at B Street over Carlisle Creek instead of culverts to minimize wetland impacts from the stream crossing.
- Establishment of new wetland and riparian habitat removed or impacted on 2:1 basis (as compared to 1:1 as previously required by the Final EIR).
- Implementation of 30-foot setbacks from residential improvements to jurisdictional riparian habitat (Lots 46, 47, and 48).
- Placement of all preserved wetlands and riparian habitat under maintenance/conservation easements.
- Utilization of biofiltration methods (as typified by Best Management Practices) to reduce potential water quality impacts to wetlands from urban runoff.
- Preservation of oak woodland habitat on the eastern edge of the site by relocating one lot and reconfiguring additional lots to enlarge the protected oak woodland area.
- A written, legally binding agreement to be reached between the applicant and the CDFG regarding maintenance/conservation easements covering sensitive resources located on deed-restricted portions of private lots and the common areas of the housing and golf course development.
- For Lots 62 through 67, 72 and 73, which contain oak woodlands, the applicant shall ensure that grading and construction are confined to the least sensitive areas. The remaining area of the parcel shall be under a maintenance/conservation easement administered by the applicant and/or successors.
- For Lots 46, 47, 62 through 67, 72 and 73, that contain sensitive resources (oak woodlands, wetlands, riparian habitat), none or minimal disturbance shall be allowed according to conditions of the Section 404/1603/401 permits, oak tree permits, and the maintenance/conservation easement agreements. These sensitive resources, to be placed under the protection of maintenance/conservation easements shall be managed and maintained by the golf course. Best design and construction practices shall be used in the siting of homes on these lots to ensure the integrity of these resources.
- Relocation of selected healthy oak trees to the northeastern portion of the site north of Lot 86, adjacent to the lake, to establish functioning oak woodland habitat. In addition, each oak tree shall be identified prior to removal. Notification shall be submitted to the CDFG during the oak tree transplantation process. In addition, the applicant will provide emergent wetland vegetation along the lake's perimeter to enhance the overall habitat value of the oak restoration site located north of Lot 86.

- Increase in the width of the EIR-mandated wildlife corridor located in the east-central portion of the site from 350 feet to an average of 580 feet. This measure preserves ecologically functioning oak woodland and provides additional buffering for wildlife to move through the site.
- Complete avoidance of Lyon's pentachaeta, including the use of vertical and horizontal buffers between residential development and locations supporting Lyon's pentachaeta. During grading and construction, the applicant shall install protective fencing, and provide monitoring by a qualified biologist during grading. No direct "take" is anticipated, therefore, an Incidental Take Permit should not be required. After grading and construction, permanent split-rail fences shall be installed along the perimeter roads to prevent further access and damage to the locations. An annual monitoring of the status and condition of the populations will be conducted, and reports submitted to the Lead Agency and to the Department of Fish and Game. The annual monitoring report may include reasonable remediation actions, if required.
- Addition of underpasses for small mammals along the project's roadway system.
- Removal on an annual basis the yellow-star thistle by removing the seed heads prior to setting seed and applying an appropriate herbicide for the habitat type in which the plant is located.

Final EIR Measures: These measures, required in the Final EIR remain applicable to the current project.

- Sustain 50 percent cover of emergent vegetation on the lake perimeter. Optimum width of the emergent vegetation is 5 to 20 feet. Such vegetation will only be trimmed for sedimentation removal or to remove nuisance problems. Maintenance to provide open water within the pond would be permitted, however vegetation removal would not be undertaken during the birdnesting season from March 15 to September 15.
- Create new stream channels using bioengineering techniques and planting with low-growing riparian vegetation (i.e. rushes, sedges, native grasses) to achieve a 2:1 replacement ratio.
- Construct flood control structures with bottoms composed of native vegetation, rock, sand, and/or soil on the surface. Use bioengineering techniques for stabilization.
- Dredging of the siltation basin shall occur only during the non-breeding season for birds.
- A specific oak tree preservation and mitigation program shall be instituted, modeled after the program adopted for the Oak Park Area Plan in Ventura County.
- Manage the golf course/open areas for wildlife with the following recommendations:
  - \* Use of pesticides and herbicides within 20 feet of creek and pond banks should be prohibited.
  - \* Non-controlled fertilizer applications should be limited to greens and tees.
  - \* Fairways should be limited to an application rate of 200 pounds of actual nitrogen/acre per year including that nitrogen delivered from the reclaimed wastewater used for irrigation.

- \* No fertilizers should be used on the fairways to prevent excessive phosphate input to Lake Sherwood.
- \* Maintain wildlife corridors as shown on the project plan.
- Vegetate fuel modification zones with fire-retardant native plants, and irrigate until vegetation is well established, except where such as practice would adversely impact the survival of Lyon's pentachaeta.
- Preserve and maintain healthy, aesthetically attractive oak trees within the Development Plan area.
- Enhance preserved habitat through removal of exotic species and planting of native plant species.
- Blasting should be limited to July through January to avoid affecting breeding raptors. A field survey by a qualified biologist should be done prior to blasting of any rocky outcrops and mitigation measures recommended by the survey should be implemented. Blasting could be permitted during January-July if a wildlife survey indicates that no raptors are nesting within 3/4 mile of the blasting site.
- Revegetation of all buried pipeline and transmission line corridors through areas to be left natural should be undertaken as follows:
  - \* During pre-construction clearing of right-of-way, all vegetation and the top 6 to 12 inches of soil should be windrowed and later spread back over the construction site after burial of facilities.
  - \* Post-construction grading should return the terrain to its pre-construction contours as much as practicable.
  - \* Areas requiring compaction should have the top 6 to 12 inches scarified prior to any revegetation efforts.
  - \* Those areas susceptible to erosion should be stabilized by the use of jute mats or other erosion-control devices.
  - \* A hydromulch mix of native seeds should be sprayed within the construction corridor after project construction.
- All night-lighting within the proposed development should be shielded and directed to the ground. Transient light from lighting should not exceed 1 foot-candle at 100 feet from a lightpole, except for the tennis court area (if constructed for this project).
- Residential estate lots should not be fenced except for the perimeter of each private home within 200 feet of the main residence on each lot including swimming pools. Perimeter fencing used for the common areas should have an opening of not less than 6 inches between the ground and bottom of the fence and be of split-rail type. Top of fence should not exceed 4.5 feet in height above the ground.

Mitigated Negative Declaration -1992 Measures:

- Prior to issuance of a grading permit, a plan shall be prepared showing how and when the specified rare plant mitigation are to be accomplished. This plan shall be submitted to the Planning Division and shall be subject to approval by the Planning Director.
- A minimum average fifty (50) foot buffer shall be provided in addition to the identified Pentachaeta areas. These areas shall be maintained in the natural xeric landscape. If feasible, large landscape units shall be protected, and shall

encompass several of the individual locations of Lyon's pentachaeta. Area-to-perimeter ratios for these units shall be maximized.

- Prior to grading, all individual rare plant locations, including those within the fifty (50) feet of proposed grading, or which could otherwise be affected incidentally by grading activity, shall be provided with on-the-ground protection by fencing and signage.
- Prior to recordation of TT 4192, the applicant and/or any successors shall record a conservation easement or deed restriction upon the large landscape units, as described above. The specific purpose of the said restriction and /easement shall be for the protection and enhancement of Lyon's pentachaeta and its habitat, and any other non-compatible use shall be expressly forbidden.

Additional Mitigation Measures for Proposed Project:

California Department of Fish & Game

- Prior to grading in areas identified with Lyon's pentachaeta and its habitat, the "seed-bank" shall be: a) tested by a qualified Biologist to determine its extent into proposed grading areas; and b) removed and relocated (if applicable) to an appropriate area. These activities shall be coordinated with the C.D.F&G.
- A **Weed Management Program** shall be prepared by a qualified Biologist and submitted for review and approval by the Planning Director. The program shall address Lyon's pentachaeta and its surrounding habitat to allow expansion. This would involve removing exotic weeds and shrubs that out-compete the Lyon's pentachaeta. Review shall be coordinated with the C.D.F&G.
- Prior to recordation of TT-4192, a **Fuel Modification Plan** shall be prepared by a qualified Biologist and submitted for review and approval by the Planning Director. The plan shall address restricted areas supporting oak woodlands and riparian areas within lots and the golf course. The subject plan shall be coordinated with the County Fire Department in order to ensure that proposed maintenance activities will meet their requirements. The **Fuel Modification Plan** shall detail how key components of these habitats will be conserved, including dead and downed trees, native under-story vegetation and provide for the natural recruitment of young oaks and sycamores. Review shall be coordinated with the C.D.F&G.

County Biological Consultant

- No vertical curbs and gutters shall be constructed between Lots 41 and 43,45 and 46, 66 and 67; rather rolled swales that do not create a barrier to wildlife movement are to be used. Rolled gutters in these locations shall not exceed an angle greater than 35 degrees above horizontal at any cross-section point (lower angle and wider is better than steep). However, the use of native rock within swales is permitted provided that adequate spacing is present between rocks for the movement of animals of concern.
- An **Oak Tree Monitoring Plan** shall be prepared by a State-licensed Landscape Architect and submitted for review and approval by the Planning Director. The subject plan shall address on-site oak tree plantings and relocations for a period of five (5) years after completion of golf course site development and landscaping of associated residential lots. At the end of five years, all applicable oak trees shall be checked for health conditions compared to before project implementation. If any trees are observed to be declining in health, an additional three (3) of monitoring shall be required.

In addition, the plan shall provide specific recommendations for preservation of declining oak trees. Oak trees that die in the residual natural areas between the fairways shall be replaced in accordance with the Tree Protection Requirements of the County Zoning Ordinance. The dead trees shall be left standing to provide cavity nesting areas for birds and roosts for raptors unless they present a safety hazard or a disease to other oaks.

- Proposed fairway roughs shall be re-vegetated with native perennial bunch grasses at a mix of 2:1 to non-native species. These roughs shall be maintained as native perennial grasslands unless after three (3) years of effort, findings are made that such re-vegetation would be unsuccessful.
- An **Integrated Pest Management Plan** shall be prepared by a qualified professional and submitted to the Planning Director for review and approval. The subject plan shall be in accordance with the current practices advised by the Statewide Integrated Pest Management Project, University of California, Division of Agriculture and Natural Resources.
- Prior to recordation of TT-4192, a **Fuel Modification Zone Maintenance Program** shall be prepared by a State-licensed Landscape Architect and submitted for review and approval by the Planning Director. The plan shall require that: a) slope re-vegetation and fire clearance zones be planted with native species; b) limit fire hazard fuel modification to hand-thinning of individual shrubs, clearing of deadwood and litter; and c) replanting with fire-resistant native shrubs or other methods to attain fire safety while producing a biologically viable community.
- Construction workers shall be notified through pre-construction meetings that a variety of sensitive wildlife are present on the site and that they shall not willfully harm any species, especially snakes and reptiles. During the construction meeting, the proper method of moving snakes from construction zones shall be illustrated.
- Prior to grading activities within the Carlisle Inlet or its upstream creek, a **Pre-Construction Clearance Survey** shall be conducted for the *southwestern pond turtle*. The survey shall be performed by a qualified Biologist, and a report shall be submitted for review and approval by the Planning Director. If pond turtles are located, then Site Plans shall be modified to provide continued access by the turtles to suitable terrestrial breeding areas from their aquatic foraging sites. Such access ways shall not be obstructed by fairways or golf cart paths.
- Prior to recordation of TT-4192, a **Capture and Relocation Plan** shall be developed for the *San Diego horned lizard* by a qualified Biologist and submitted for review and approval by the Planning Director. The subject plan shall include such techniques as scouring of the grassland and scrub areas to be developed and/or the use of drift fences and drop pits to capture the horned lizards and relocation of such individuals to the grassland areas to be maintained within the "open space" portions of the site.
- Prior to use inauguration of the golf course, *swallow* boxes shall be located within the natural areas between fairways as part of the **Integrated Pest Management Plan**.
- Prior to grading activities, a **Pre-Construction Clearance Survey** shall be conducted for the *least Bell's vireo*. The survey shall be performed by a qualified Biologist, and a report shall be submitted for review and approval by the Planning Director. If vireos are discovered to be nesting within areas to be disturbed, then **no vegetation** shall be removed between April 1<sup>st</sup> and September 1<sup>st</sup>. If nesting habitat is to be removed, the habitat shall be restored within the site along Carlisle



Creek at a minimum of 2:1 ratio. If the vireos are nesting in areas proposed to be retained as natural "open space", then **no construction** activity shall occur within 150 feet of the nest sites between April 1<sup>st</sup> and September 1<sup>st</sup>.

- Prior to recordation of TT-4192, a **Protocol Survey** for the *red-legged frog* shall be conducted by a qualified Biologist and the report submitted for review and approval by the Planning Director. If the *red-legged frog* is found to be present, then the applicant shall provide to the County of Ventura proof of an "incidental take" permit prior to the initiation of grading activities. The subject permit can be obtained either through the Endangered Species Act Section 7 consultation process via the Army Corps of Engineers and/or through the Endangered Species Act Section 10(a)(1)(B) provisions.

Water Quality Mitigation:

The project shall implement Best Management Practices for controlling sedimentation and erosion during and after construction. In addition, implement the following mitigation measures from the Final EIR:

- Flood protection of all building and facilities upstream and downstream of Lake Sherwood shall be achieved through a combination of approaches. These include the following:
  - \* proper design and construction of roads;
  - \* use of culverts and bank protection devices such as natural rock;
  - \* adequate setback of facilities from the 100-year flood plain limits; and,
  - \* limited encroachment of protected fills into the 100-year flood plain using appropriate flood plain management techniques.
- Design the de-silting basin to include calculations demonstrating that there will be none or minimal increase in the average annual siltation loading on Lake Sherwood proper.
- Maintain the natural flow in Carlisle Creek to its conjunction with the lake. Prevent co-mingling of potable flows that are recycled between constructed ponds and wetlands on the golf course and the existing natural water bodies, including Carlisle creek, except during periods of high storm flow.

The above referenced mitigation measures or substantially similar measures must be adopted as a **Mitigation Monitoring Program**, in conjunction with adoption of Conditions of Approval in order to reduce identified potential environmental impacts to an acceptable level.

7. Agricultural Resources:

a. Soils, b. Water, c. Air Quality/Micro-Climate, d. Pests/Diseases, and e. Land Use Incompatibility:

The Lake Sherwood area is not suitable for agricultural production and is not contiguous to any agricultural uses. Therefore, there are no effects on these resources.

8. Visual Resources:

a. Scenic Highway:

The subject area is not adjacent to a scenic highway; therefore, there will be no impacts on such highways.

b. Scenic Area/Feature:

Because the existing residences within the Plompton and Thistleberry Tracts are located below Hereford Ridge, which will be deed restricted as "Open Space", there will not be a visual impact to these existing residences. However, approximately eight homes located on the eastside of the mouth of Carlisle Inlet will be visible from residences presently on the north shore of Lake Sherwood. The EIR for the Lake Sherwood/Hidden Valley Area Plan discussed this issue in detail and recommended mitigating measures to reduce the visual impact of future construction (see EIR, pp. V-175 through V-178). The EIR concluded that there would be some visual effects which cannot be mitigated.

With regard to the Hereford Ridge issue, the applicant has agreed to limit all construction on Lots 5 through 13 to a maximum height limit of 26 feet. A berm would be created to screen the development, lessen the impact of lowering the ridge, and provide for wildlife passage. The homes on these lots are to be setback 20 feet south of the berm. All development in this area is subject to the following Area Plan Policies, which are intended to minimize the effects on Hereford Ridge as well as other areas of the project: 1) Fencing shall be constructed to allow passage of wildlife (see Sec. 2.1.2.19). 2) Cut slopes and graded areas to be landscaped and maintained by the developer until the Homeowners Association or CSD or other agency takes responsibility (see Sec. 2.5.2.7; note that this policy applies to the entire Lake Sherwood development). 3) The access road for Hereford Ridge lots has been sited to minimize alteration of the ridge to the extent feasible (see Section 2.5.2.14).

The original proposal for the Lake Sherwood development included the construction of a bridge across the northerly mouth of Carlisle Inlet. This was deemed to be unfeasible, and was not included in the approved Area Plan. However, the mouth of Carlisle Inlet had been altered to accommodate the bridge during lake bottom grading under an earlier emergency use authorization. The project description and the Tentative Tract Map for TT-4192 clearly indicate that the mouth of the Inlet is to be restored to its original configuration as required by the Area Plan (see Section 2.5.2.13). For reference, a bridge crossing is planned farther south of the inlet's mouth, which would not have the visual effects inherent in the original proposal.

The applicant's amended Project Description includes natural landscaping and berming to mitigate visual impacts from potential homes on large estate lots.

On July 14, 1987, when the Board of Supervisors adopted the Lake Sherwood/Hidden Valley Area Plan, it was recognized that the project would have environmental effects on land use, biological resources, air quality, fire protection and visual resources, that could not be completely mitigated. Therefore, the Board adopted a Statement of Overriding Considerations "...which outweigh and make acceptable the potentially unavoidable impacts...". The justification for this statement is:

- a. The proposed project would substantially improve protection of the health, safety and welfare of the residents of the Lake Sherwood area as follows:
  - i. The proposed project would diminish traffic safety hazards associated with the existing road system in the area.
  - ii. The proposed project would provide the opportunity to eliminate sanitation problems due to septic systems in the existing residential areas and the ensuing contamination of surface and groundwaters.

- iii. The proposed project would resolve the inadequate water supply system of the existing residential area ensuring a dependable supply of potable water and enhancing fire protection.
  - b. The proposed project would ensure long term maintenance of Lake Sherwood, a scenic and biologic resource of the County.
9. Paleontological Resources:

The project area constitutes a portion of the Conejo Volcanics Formation which are known to not generally have fossil remains. Therefore, the project will have no impacts on paleontological resources.
10. Cultural Resources:
  - a. Archaeological, b. Historical, c. Ethnic, Social or Religious:

The entire Lake Sherwood area has undergone extensive archeological research and testing, as required by the Lake Sherwood/Hidden Valley Area Plan, and as reflected in conditions of the Golf Course CUP-4375. The most recent report, Archaeological Test Investigation at Fifteen (15) Prehistoric Sites in Lake Sherwood, W & S Consultants, dated August 10, 1989, describes archaeological resources located on the TT-4192 site. Conditions for the first discretionary entitlement, CUP-4375, Lake Sherwood Golf Course and Country Club, required evaluation of these resources, scientific data recovery, and site protection as required pursuant to Policies 2.2.2.2. thru 8 of the Lake Sherwood/Hidden Valley Area Plan. All recommended studies have been completed and site protection is in effect where required. Therefore, the project would not have a significant effect on cultural resources.
11. Energy Resources:

This project, alone and cumulatively, will not have a significant impact on the renewable resources of solar, wind and hydraulic power. The Uniform Building Code regulates construction of structures with regard to energy efficiency.

Therefore, the energy necessary to maintain a residence would not be used in a wasteful manner. The individual and cumulative effect of this residential project will have less than a significant impact due to the conservation measures enforced by the Uniform Building Code.
12. Coastal Beaches and Sand Dunes:

This project is not within the Coastal Zone of the County's Local Coastal Program. Therefore, this project has no effect on the coastal beaches and sand dunes.
13. Seismic Hazards:
  - a. Fault Rupture, b. Ground Shaking, c. Tsunami, d. Seiche, and e. Liquefaction:

Pursuant to the Preliminary Geotechnical Evaluation of Recent Silt Deposits, prepared by Gorian and Associates, dated April 9, 1985; the Seismicity Report, prepared by Lindvall, Richter and Associates, dated September 12, 1978; Geotechnical Investigation, prepared by Gorian and Associates, dated July 12, 1988; and the Addendum Geotechnical Report, prepared by Geolabs-Westlake Village, dated October 31, 1988, the

proposed project rockfall and debris flow are present at some current locations of the indicated building pads; movement of the impacted building pads and installation of protective devices should mitigate the potential hazards from rockfall and debris flow; and concludes that no evidence of any on-site faults was encountered.

As such, the potential for ground rupture is considered to be very low, but ground shaking is likely to occur on the site due to earthquakes caused by movement along nearby faults.

Therefore, any mitigation beyond the recommendations of the aforementioned reports, and subsequent reports, will not be necessary.

14. Geologic Hazards:

a. Subsidence, b. Expansive Soils, c. Landslides/Mudslides :

Site preparation by clean up, compacting loose surface soils and grading will very likely eliminate the loose surface condition. The changes in topography or ground surface relief features are synonymous with site development. Grading will be accomplished in accordance with the Ventura County Building Code, Chapter 70 of the Uniform Building Code. Therefore, mitigation will not be required.

15. Hydraulic Hazards:

a. Erosion/Siltation, b. Flooding:

Pursuant to the project description, the proposed development is traversed by Carlisle Creek. As part of this project description, the developer is proposing to install a de-silting basin, and slope protection in those areas requiring such protection. Therefore, no mitigation is required.

16. Aviation Hazards:

The project, alone and cumulatively, will have no significant impact on air traffic safety.

17. Fire Hazards:

The nearest County Fire Station (#33) is located at the northeast corner of Lake Sherwood Drive and Stafford Road and is approximately within three quarters of a mile of the proposed project. According to the Fire Department, response time would be adequate. The entire Lake Sherwood area is considered to be in a high fire hazard area. This project, alone and cumulatively, would increase the number of residential structures in the area exposed to potential wildfires and would place additional demands on Ventura County Fire Protection District equipment and personnel. The development will be subject to Fire and Building Code requirements and related policies of the Lake Sherwood/Hidden Valley Area Plan, which will reduce these effects to less than significant levels.

18. Hazardous Materials/Wastes:

a. Above-Ground Hazardous Materials, b. Hazardous Materials, and c. Hazardous Waste:

The project, alone and cumulatively, will not generate any hazardous materials or wastes. Nor will it involve the use of any underground hazardous materials storage tanks.

19. Noise and Vibration:

The construction of homes and grading for building pads and roads could result in an increase in noise and vibration during these activities. However, this increase would be temporary during construction. Once the homes are complete and occupied, no significant noise and vibration effects would occur.

Based on earlier experience from golf course grading, and the construction of an access road for the Zone II reservoir, residents of existing homes adjacent to the TT-4192/CUP-4631 site have expressed concerns over blasting associated with grading activities. Particular concerns included potential damage to existing structures, frightened pets, general inconvenience and disruption. To alleviate these concerns, the following proposed conditions will be required, pursuant to Section 7-10 Public Convenience and Safety, Standard Land Development Specifications:

- a. In conjunction with any blasting activities associated with TT-4192 and CUP-4631, the developer shall submit evidence to the Public Works Agency, that a Blasting Permit has been acquired from the proper authority; and that a Licensed Geophysicist has been retained.

The Licensed Geophysicist shall:

- i) Develop a plan addressing the monitoring of the blasting before and after the event. The plan shall address, but not be limited to, the location of charges; required intensity of blast, and shall define limits necessary to avoid damage to existing structures;
- ii) Develop specific specifications and monitoring for blasting within 1,500 feet of the Lake Sherwood Dam;
- iii) Offer to inspect all structures within 1,000 feet of the blasting, before and after occurrence;
- iv) Report on the intensities of the blast measured at locations within and around the 1,000 foot radius; and
- v) Submit the monitoring plans, specifications, and reports to the Public Works Agency for review and approval prior to issuance of any blasting permits.

- b. In conjunction with any blasting activities, the developer shall conform to the following restrictions:

- i) All blasting shall be done between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday only. There shall be no blasting on holidays;
- ii) Prior to the blasting, the developer shall notify all residents of the Lake Sherwood area; and
- iii) For blasting in the Potrero Road area within 1,500 feet of Foxfield Riding Academy, the Academy shall be notified five (5) days before blasting; and one (1) hour before each day's blast to ensure the safety of the horses and riders.

- c. The developer shall prepare a brochure describing blasting procedures with instructions for obtaining compensation in the event of damage resulting from blasting. This brochure shall be subject to approval by the Planning Director and shall be ready for distribution prior to approval of any blasting permit for this project. The brochure shall be distributed to all affected parties five days prior to any blasting event.

20. Glare:

The project, alone and cumulatively, would increase the amount of light and glare. This increase could have an impact because the project is in an area with a considerable amount of wildlife.

Pursuant to Policy 2.1.2.12 of the Lake Sherwood/Hidden Valley Area Plan, all night-lighting within the proposed development shall be shielded and directed to the ground. Transient light from lighting should not exceed one (1) foot-candle at 100 feet from the lightpole. In order to effect this policy, the applicant has obtained a deviation to County Road Standards, which was approved by the Board of Supervisors.

Implementation of this policy would reduce the impact to a less than significant level.

21. Public Health:

No impacts to public health were identified during the review of the proposed project.

PUBLIC FACILITIES/SERVICES:

22. Transportation/Circulation:

- a. Public Road & Highways: (1) Level of Service, (2) Safety/Design:

To address the cumulative adverse impacts of traffic on the Regional Road Network, Ventura County Traffic Impact Mitigation Fee Ordinance 4071 (Fee) and the General Plan Amendment 94-3 require that the Transportation Department of the Public Works Agency collect a Traffic Impact Mitigation Fee from development. This development is subject to this Ordinance. With payment of the Traffic Impact Mitigation Fee(s), the Level of Service and safety of the existing roads would remain consistent with the County's General Plan. Therefore, adverse impacts relating to level of service and safety/design will be less than significant.

- (3) Tactical Access:

Stafford Road is a private road adequate for a safe tactical response.

- b. Private Roads and Driveways:

- (1) Safety/Design; (2) Tactical Access:

The private access roads as proposed meet the Private Road Guidelines for safety and tactical access will be adequate.

- c. Pedestrian/Bicycle:



(1) Public Facilities; (2) Private Facilities:

The existing public roads in the vicinity of the proposed project have provided adequate facilities pursuant to the County's Road Standards and the State Department of Transportation (Caltrans). The proposed private roads on-site have adequate provisions for pedestrian and bicycle facilities and will be improved in accordance with County Road Standards. Therefore, the adverse impact relative to pedestrian/bicycle facilities will be less than significant.

d. Parking:

The County's Zoning Ordinance regulates the number, location, and size of off-street parking. This project will not warrant any additional off-street parking. Therefore, the project will have no effect relative to parking requirements.

e. Bus Transit, f. Railroads, g. Airports, h. Harbors:

This project is not by a public transportation system or near any harbor facility due to the "open Space" nature of the area. Therefore, the project will have no effect on these facilities.

i. Pipelines:

No pipeline facilities exist within the Lake Sherwood/Hidden Valley area. Therefore, the project, alone and cumulatively, will not have a significant effect on pipeline facilities.

23. Water Supply:

a. Quality, b. Quantity:

The Environmental Health Division has determined that domestic water is available from the Lake Sherwood Community Services District, a public water purveyor, permitted and regulated by the State Department of Health Services.

The quantity of water from a public water purveyor must be in compliance with the State regulations, enforced by the State Department of Health Services. Therefore the project will not adversely impact the quality and quantity of water supplied by the public water system.

c. Fire Flow:

The Fire Department has determined that the water system is adequate and the project will not have a significant effect on fire flow requirements with the following mitigation measure in place:

Fire hydrants shall be installed and in service prior to combustible construction and shall conform to the minimum standards of the Ventura County Water Works Manual.

24. Waste Treatment/Disposal:

a. Individual Sewage Disposal System:

The project will not utilize on site sewage disposal systems (septic systems). Public sewer service is available from the Triunfo Sanitation District. Therefore, the project, alone and cumulatively, will not create any adverse effects resulting from on-site sewage disposal systems.

b. Sewage Collection/Treatment Facilities:

The Triunfo County Sanitation District (TCSD) provides sanitary sewer service and reclaimed water service. TCSD sends all its sewage flow to the Tapia Wastewater Reclamation Facility near Malibu in Los Angeles County. As stated in the Final EIR for the Lake Sherwood Area Plan, "the applicant will provide a sanitary sewer system to connect with the existing major trunk sewer line east of the project site. This sewer line has adequate capacity to serve the proposed project."

c. Solid Waste Management:

The solid waste facilities for the Lake Sherwood area are the Simi Valley Landfill and the Calabasas Landfill. This project, alone and cumulatively, is not expected to have a significant incremental effect on these existing facilities.

d. Solid Waste Facilities:

The proposed project does not include a solid waste facility. Therefore, the project will not create any adverse impacts relating to solid waste facilities.

25. Utilities:

a. Electric, b. Gas, and c. Communications:

The project is adjacent to areas, specifically the Thistleberry Tract and Tract 4191, that are served by existing electrical, natural gas and communication facilities which can be extended underground to this site. This project will not have significant effects on these facilities.

26. Flood Control/Drainage:

a. Flood Control District Facilities, and b. Other Facilities:

The impacts of the project on surface water quantity and quality are potentially significant. In addition, project development shall be undertaken in accordance with the requirements of the Ventura Countywide Storm-water Quality Management Program, National Pollutant Discharge Elimination System (NPDES Permit No. CAS063339).

Furthermore, storm-water runoff impacts of this development can be mitigated to less than significant by inclusion of the design of Best Management Practices; such as: a) bio-filtration methods, b) create new stream channels using bioengineering techniques, c) planting with low-growing riparian vegetation (i.e. rushes, sedges, and native grasses), d) construct flood control structures with bottoms composed of native vegetation, rock, sand, and/or soil on the surface, and e) a **Waste Management Handling Plan** for animal waste.

Consequently, the project development will come under the requirements of the **Section 404/1603/401** permits. Therefore, mitigation will not be required beyond the above provisions.

27. Law Enforcement/Emergency Systems:

a. Personnel/Equipment, b. Facilities:

The Sheriff's Department has determined that the project will have a less than significant effect on Items due to project design, roads, or location.

28. Fire Protection:

a. Distance/Response Time, b. Personnel/Equipment/Facilities:

Fire Station 33 is located on the northwest corner of Lake Sherwood Drive and Stafford Road, approximately two (2) miles from this project. Fire Station 32 on the Reino Road, Station 31, on Duesenberg Road, and Los Angeles County Station 144 on Lindero Canyon Road are within acceptable distance for additional resources. Therefore, the project will have a less than significant effect on fire protection services.

29. Education:

a. Schools:

The Conejo Valley Unified School District serves the Lake Sherwood/Hidden Valley area. This project, alone and cumulatively, would have an impact on the school district, however, the impact would be less than significant due to the standard requirement for subdivisions that developer fees be provided for relocation of portable classrooms to meet individual conditions of crowding, and to finance added personnel and equipment.

b. Libraries:

The Thousand Oaks Library and Oak Park Library serve the Lake Sherwood area. This project, alone and cumulatively, would have a less than significant impact on the services of these libraries.

30. Recreation:

a. Local Parks/Facilities, b. Regional Parks/Facilities, c. Regional Trails/Corridors:

This project lies within the Conejo Valley Recreation and Park District, which administers public parks for the City of Thousand Oaks and Lake Sherwood area. It has been determined that the project, alone and cumulatively, would have a less than significant effect on the need for recreation facilities due to the existing 18 hole private golf course, tennis courts, boat club and marina, and Maid Marion Park (a local, private park); all located in the adjacent area.

Also, the County's Subdivision Ordinance states that partial credit up to a maximum of 50 percent of useable private open space may be credited against the requirement for land dedication or payment of in-lieu fees. This project proposes two "open space" areas as follows: a) Lot 72 of Tract 4192, which encompasses 60.33 acres, will be dedicated IN FEE to the Conejo Open Space Conservation Agency (COASCA); and b) an area totaling approximately 114 acres, will be *Deed Restricted* as "private" open space.

Finally, pursuant to Policy 4.6.2.3 of the Lake Sherwood/Hidden Valley Area Plan, an "equestrian trail" easement, as identified on the tentative map will be dedicated to either: COASCA, the Santa Monica Mountains National Recreation Area, or other public or on-profit organization. The route of the subject easement shall link to the Regional Trail System.

# ATTACHMENT "1"

COUNTY OF VENTURA  
RESOURCE MANAGEMENT AGENCY  
800 S. VICTORIA AVENUE  
VENTURA, CA 93009

## CONSENT AGREEMENT FOR PROPOSED MITIGATION MEASURES WITH MITIGATED NEGATIVE DECLARATION

COUNTY OF VENTURA  
RESOURCE MANAGEMENT AGENCY

ENTITLEMENT NO: General Plan Amendment No. GPA-9803 consisting of the following entitlements: Zone Change No. 2928; Modification No. 4 to TT-4192; Modification No. 4 to TT-4409; Modification No. 5 to CUP-4375; Modification No. 1 to CUP-4631; and Modification No. 1 to Residential Planned Development Permit No. RPD-1690

I, FRANS BIGELOW, representing the applicant, SHERWOOD DEVELOPMENT COMPANY, hereby agree to implement the mitigation measures described below that have been developed in conjunction with the preparation of a Mitigated Negative Declaration for my proposed project. I understand that these mitigation measures, or substantially similar measures, must be adopted as part of a **Mitigation Monitoring Program** in conjunction with the adoption of the Conditions of Approval with this permit request in order to reduce identified potential environmental impacts to less than significant levels.

The potentially significant environmental effects and the proposed mitigation measures are as follows:

6. Biological Resources:

- a. Endangered, Threatened or Rare Species; b. Wetland Habitat; d. Migration Corridors; and e. Locally Important Species/Communities:

The revised **Project Description** represents considerable changes that reduce specific impacts to wetlands, riparian habitat, oak trees and oak woodlands, and Lyon's pentachaeta. However, given the scope of the proposed project, placed within a highly sensitive and diverse natural area, a finding of non-significance under CEQA guidelines **can not** be achieved. As anticipated in the Final EIR, the proposed project would result in significant, unavoidable impacts to plant communities, wildlife and wildlife habitat, and sensitive wildlife species. Therefore, in order to reduce the potentially adverse impacts to biological resources to a less than significant level, the permittee shall:

Comply with the **Mitigation Monitoring Program** adopted for this project. The subject Mitigation Monitoring Program shall consist of the following Mitigation Measures identified for this project:

Project Design Measures: These mitigation measures have been incorporated into the Project Description and are repeated herein to clarify limitations instituted by the applicant.

- Substantial reduction in impacts to wetlands and riparian habitat over the approved and preferred project. Specially, from 9.65 acres with the preferred plan to 2.0 acres (an 80% reduction) under the Corps, and from 13.95 acres to 3.2 acres of impacts under CDFG (a 77% reduction). From the approved plan, 4.86 acres to 2.0 acres of impacts under the Corps, a 59% reduction; and from 7.92 acres to 3.2 acres of CDFG jurisdiction (a 60% reduction).
- Preservation of the majority of marsh habitat (Marsh 1) and several oak trees in the northern portion of the site through avoidance by creating of an "island" consisting of the northern marsh surrounded by new and existing lake.

- Avoidance of marsh habitat (Marsh 2) in the southeast area of the project site.
- Replacement of the removed 0.03 acres of marsh habitat on a 2:1 basis through the salvage of vegetation for use in created marsh areas.
- Replacement on a 1:1 basis the loss of deepwater aquatic habitat.
- Avoidance of wetland habitat by relocating four lots in the lower reaches of Carlisle Creek.
- Relocation of lots in the southeast to avoid a tributary stream to Carlisle Creek.
- Use of a bridge at B Street over Carlisle Creek instead of culverts to minimize wetland impacts from the stream crossing.
- Establishment of new wetland and riparian habitat removed or impacted on 2:1 basis (as compared to 1:1 as previously required by the Final EIR).
- Implementation of 30-foot setbacks from residential improvements to jurisdictional riparian habitat (Lots 46, 47, and 48).
- Placement of all preserved wetlands and riparian habitat under maintenance/ conservation easements.
- Utilization of biofiltration methods (as typified by Best Management Practices) to reduce potential water quality impacts to wetlands from urban runoff.
- Preservation of oak woodland habitat on the eastern edge of the site by relocating one lot and reconfiguring additional lots to enlarge the protected oak woodland area.
- A written, legally binding agreement to be reached between the applicant and the CDFG regarding maintenance/conservation easements covering sensitive resources located on deed-restricted portions of private lots and the common areas of the housing and golf course development.
- For Lots 62 through 67, 72 and 73, which contain oak woodlands, the applicant shall ensure that grading and construction are confined to the least sensitive areas. The remaining area of the parcel shall be under a maintenance/conservation easement administered by the applicant and/or successors.
- For Lots 46, 47, 62 through 67, 72 and 73, that contain sensitive resources (oak woodlands, wetlands, riparian habitat), none or minimal disturbance to these resources shall be allowed according to conditions of the Section 404/1603/401 permits, oak tree permits, and the maintenance/conservation easement agreements. These sensitive resources, to be placed under the protection of maintenance/ conservation easements shall be managed and maintained by the golf course. Best design and construction practices shall be used in the siting of homes on these lots to ensure the integrity of these resources.
- Relocation of selected healthy oak trees to the northeastern portion of the site north of Lot 86, adjacent to the lake, to establish functioning oak woodland habitat. In addition, each oak tree shall be identified prior to removal. Notification shall be submitted to the CDFG during the oak tree transplantation process. In addition, the applicant will provide emergent wetland vegetation along the lake's perimeter to enhance the overall habitat value of the oak restoration site located north of Lot 86.

- Increase in the width of the EIR-mandated wildlife corridor located in the east-central portion of the site from 350 feet to an average of 580 feet. This measure preserves ecologically functioning oak woodland and provides additional buffering for wildlife to move through the site.
- Complete avoidance of Lyon's pentachaeta, including the use of vertical and horizontal buffers between residential development and locations supporting Lyon's pentachaeta. During grading and construction, the applicant shall install protective fencing, and provide monitoring by a qualified biologist during grading. No direct "take" is anticipated, therefore, an Incidental Take Permit should not be required. After grading and construction, permanent split-rail fences shall be installed along the perimeter roads to prevent further access and damage to the locations. An annual monitoring of the status and condition of the populations will be conducted, and reports submitted to the Lead Agency and to the Department of Fish and Game. The annual monitoring report may include reasonable remediation actions, if required.
- Addition of underpasses for small mammals along the project's roadway system.
- Removal on an annual basis the yellow-star thistle by removing the seed heads prior to setting seed and applying an appropriate herbicide for the habitat type in which the plant is located.

Final EIR Measures: These measures, required in the Final EIR remain applicable to the current project.

- Sustain 50 percent cover of emergent vegetation on the lake perimeter. Optimum width of the emergent vegetation is 5 to 20 feet. Such vegetation will only be trimmed for sedimentation removal or to remove nuisance problems. Maintenance to provide open water within the pond would be permitted, however vegetation removal would not be undertaken during the birdnesting season from March 15 to September 15.
- Create new stream channels using bioengineering techniques and planting with low-growing riparian vegetation (i.e. rushes, sedges, native grasses) to achieve a 2:1 replacement ratio.
- Construct flood control structures with bottoms composed of native vegetation, rock, sand, and/or soil on the surface. Use bioengineering techniques for stabilization.
- Dredging of the siltation basin shall occur only during the non-breeding season for birds.
- A specific oak tree preservation and mitigation program shall be instituted, modeled after the program adopted for the Oak Park Area Plan in Ventura County.
- Manage the golf course/open areas for wildlife with the following recommendations:
  - \* Use of pesticides and herbicides within 20 feet of creek and pond banks should be prohibited.
  - \* Non-controlled fertilizer applications should be limited to greens and tees.
  - \* Fairways should be limited to an application rate of 200 pounds of actual nitrogen/acre per year including that nitrogen delivered from the reclaimed wastewater used for irrigation.



- \* No fertilizers should be used on the fairways to prevent excessive phosphate input to Lake Sherwood.
- \* Maintain wildlife corridors as shown on the project plan.
- Vegetate fuel modification zones with fire-retardant native plants, and irrigate until vegetation is well established, except where such as practice would adversely impact the survival of Lyon's pentachaeta.
- Preserve and maintain healthy, aesthetically attractive oak trees within the Development Plan area.
- Enhance preserved habitat through removal of exotic species and planting of native plant species.
- Blasting should be limited to July through January to avoid affecting breeding raptors. A field survey by a qualified biologist should be done prior to blasting of any rocky outcrops and mitigation measures recommended by the survey should be implemented. Blasting could be permitted during January-July if a wildlife survey indicates that no raptors are nesting within 3/4 mile of the blasting site.
- Revegetation of all buried pipeline and transmission line corridors through areas to be left natural should be undertaken as follows:
  - \* During pre-construction clearing of right-of-way, all vegetation and the top 6 to 12 inches of soil should be windrowed and later spread back over the construction site after burial of facilities.
  - \* Post-construction grading should return the terrain to its pre-construction contours as much as practicable.
  - \* Areas requiring compaction should have the top 6 to 12 inches scarified prior to any revegetation efforts.
  - \* Those areas susceptible to erosion should be stabilized by the use of jute mats or other erosion-control devices.
  - \* A hydromulch mix of native seeds should be sprayed within the construction corridor after project construction.
- All night-lighting within the proposed development should be shielded and directed to the ground. Transient light from lighting should not exceed 1 foot-candle at 100 feet from a lightpole, except for the tennis court area (if constructed for this project).
- Residential estate lots should not be fenced except for the perimeter of each private home within 200 feet of the main residence on each lot including swimming pools. Perimeter fencing used for the common areas should have an opening of not less than 6 inches between the ground and bottom of the fence and be of split-rail type. Top of fence should not exceed 4.5 feet in height above the ground.

Mitigated Negative Declaration -1992 Measures:

- Prior to issuance of a grading permit, a plan shall be prepared showing how and when the specified rare plant mitigation are to be accomplished. This plan shall be submitted to the Planning Division and shall be subject to approval by the Planning Director.
- A minimum average fifty (50) foot buffer shall be provided in addition to the identified Pentachaeta areas. These areas shall be maintained in the natural xeric landscape. If feasible, large landscape units shall be protected, and shall encompass several of the individual locations of Lyon's pentachaeta. Area-to-perimeter ratios for these units shall be maximized.

- Prior to grading, all individual rare plant locations, including those within the fifty (50) feet of proposed grading, or which could otherwise be affected incidentally by grading activity, shall be provided with on-the-ground protection by fencing and signage.
- Prior to recordation of TT 4192, the applicant and/or any successors shall record a conservation easement or deed restriction upon the large landscape units, as described above. The specific purpose of the said restriction and /easement shall be for the protection and enhancement of Lyon's pentachaeta and its habitat, and any other non-compatible use shall be expressly forbidden.

Additional Mitigation Measures for Proposed Project:

California Department of Fish & Game

- Prior to grading in areas identified with Lyon's pentachaeta and its habitat, the "seed-bank" shall be: a) tested by a qualified Biologist to determine its extent into proposed grading areas; and b) removed and relocated (if applicable) to an appropriate area. These activities shall be coordinated with the C.D.F&G.
- A **Weed Management Program** shall be prepared by a qualified Biologist and submitted for review and approval by the Planning Director. The program shall address Lyon's pentachaeta and its surrounding habitat to allow expansion. This would involve removing exotic weeds and shrubs that out-compete the Lyon's pentachaeta. Review shall be coordinated with the C.D.F&G.
- Prior to recordation of TT-4192, a **Fuel Modification Plan** shall be prepared by a qualified Biologist and submitted for review and approval by the Planning Director. The plan shall address restricted areas supporting oak woodlands and riparian areas within lots and the golf course. The subject plan shall be coordinated with the County Fire Department in order to ensure that proposed maintenance activities will meet their requirements. The **Fuel Modification Plan** shall detail how key components of these habitats will be conserved, including dead and downed trees, native under-story vegetation and provide for the natural recruitment of young oaks and sycamores. Review shall be coordinated with the C.D.F&G.

County Biological Consultant

- No vertical curbs and gutters shall be constructed between Lots 41 and 43,45 and 46, 66 and 67; rather rolled swales that do not create a barrier to wildlife movement are to be used. Rolled gutters in these locations shall not exceed an angle greater than 35 degrees above horizontal at any cross-section point (lower angle and wider is better than steep). However, the use of native rock within swales is permitted provided that adequate spacing is present between rocks for the movement of animals of concern.
- An **Oak Tree Monitoring Plan** shall be prepared by a State-licensed Landscape Architect and submitted for review and approval by the Planning Director. The subject plan shall address on-site oak tree plantings and relocations for a period of five (5) years after completion of golf course site development and landscaping of associated residential lots. At the end of five years, all applicable oak trees shall be checked for health conditions compared to before project implementation. If any trees are observed to be declining in health, an additional three (3) of monitoring shall be required.

In addition, the plan shall provide specific recommendations for preservation of declining oak trees. Oak trees that die in the residual natural areas between the

fairways shall be replaced in accordance with the Tree Protection Requirements of the County Zoning Ordinance. The dead trees shall be left standing to provide cavity nesting areas for birds and roosts for raptors unless they present a safety hazard or a disease to other oaks.

- Proposed fairway roughs shall be re-vegetated with native perennial bunch grasses at a mix of 2:1 to non-native species. These roughs shall be maintained as native perennial grasslands unless after three (3) years of effort, findings are made that such re-vegetation would be unsuccessful.
- An **Integrated Pest Management Plan** shall be prepared by a qualified professional and submitted to the Planning Director for review and approval. The subject plan shall be in accordance with the current practices advised by the Statewide Integrated Pest Management Project, University of California, Division of Agriculture and Natural Resources.
- Prior to recordation of TT-4192, a **Fuel Modification Zone Maintenance Program** shall be prepared by a State-licensed Landscape Architect and submitted for review and approval by the Planning Director. The plan shall require that: a) slope re-vegetation and fire clearance zones be planted with native species; b) limit fire hazard fuel modification to hand-thinning of individual shrubs, clearing of deadwood and litter; and c) replanting with fire-resistant native shrubs or other methods to attain fire safety while producing a biologically viable community.
- Construction workers shall be notified through pre-construction meetings that a variety of sensitive wildlife are present on the site and that they shall not willfully harm any species, especially snakes and reptiles. During the construction meeting, the proper method of moving snakes from construction zones shall be illustrated.
- Prior to grading activities within the Carlisle Inlet or its upstream creek, a **Pre-Construction Clearance Survey** shall be conducted for the *southwestern pond turtle*. The survey shall be performed by a qualified Biologist, and a report shall be submitted for review and approval by the Planning Director. If pond turtles are located, then Site Plans shall be modified to provide continued access by the turtles to suitable terrestrial breeding areas from their aquatic foraging sites. Such access ways shall not be obstructed by fairways or golf cart paths.
- Prior to recordation of TT-4192, a **Capture and Relocation Plan** shall be developed for the *San Diego horned lizard* by a qualified Biologist and submitted for review and approval by the Planning Director. The subject plan shall include such techniques as scouring of the grassland and scrub areas to be developed and/or the use of drift fences and drop pits to capture the horned lizards and relocation of such individuals to the grassland areas to be maintained within the "open space" portions of the site.
- Prior to use inauguration of the golf course, *swallow* boxes shall be located within the natural areas between fairways as part of the **Integrated Pest Management Plan**.
- Prior to grading activities, a **Pre-Construction Clearance Survey** shall be conducted for the *least Bell's vireo*. The survey shall be performed by a qualified Biologist, and a report shall be submitted for review and approval by the Planning Director. If vireos are discovered to be nesting within areas to be disturbed, then **no vegetation** shall be removed between April 1<sup>st</sup> and September 1<sup>st</sup>. If nesting habitat is to be removed, the habitat shall be restored within the site along Carlisle Creek at a minimum of 2:1 ratio. If the vireos are nesting in areas proposed to be retained as natural "open space", then **no construction** activity shall occur within 150 feet of the nest sites between April 1<sup>st</sup> and September 1<sup>st</sup>.

- Prior to recordation of TT-4192, a **Protocol Survey** for the *red-legged frog* shall be conducted by a qualified Biologist and the report submitted for review and approval by the Planning Director. If the *red-legged frog* is found to be present, then the applicant shall provide to the County of Ventura proof of an "incidental take" permit prior to the initiation of grading activities. The subject permit can be obtained either through the Endangered Species Act Section 7 consultation process via the Army Corps of Engineers and/or through the Endangered Species Act Section 10(a)(1)(B) provisions.

Water Quality Mitigation:


The project shall implement Best Management Practices for controlling sedimentation and erosion during and after construction. In addition, implement the following mitigation measures from the Final EIR:

- Flood protection of all building and facilities upstream and downstream of Lake Sherwood shall be achieved through a combination of approaches. These include the following;
  - \* proper design and construction of roads;
  - \* use of culverts and bank protection devices such as natural rock;
  - \* adequate setback of facilities from the 100-year flood plain limits; and,
  - \* limited encroachment of protected fills into the 100-year flood plain using appropriate flood plain management techniques.
- Design the de-silting basin to include calculations demonstrating that there will be none or minimal increase in the average annual siltation loading on Lake Sherwood proper.
- Maintain the natural flow in Carlisle Creek to its conjunction with the lake. Prevent co-mingling of potable flows that are recycled between constructed ponds and wetlands on the golf course and the existing natural water bodies, including Carlisle creek, except during periods of high storm flow.

The above referenced mitigation measures or substantially similar measures must be adopted as a **Mitigation Monitoring Program**, in conjunction with adoption of Conditions of Approval in order to reduce identified potential environmental impacts to an acceptable level.

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Applicant's Signature

  
Frans Bigelow, Executive Vice President  
SHERWOOD DEVELOPMENT COMPANY  
320 West Stafford Road  
Thousand Oaks, Lake Sherwood, CA 91361

Date:

4/26/2000



RESPONSE TO COMMENTS  
REGARDING THE DRAFT  
MITIGATED NEGATIVE DECLARATION  
FOR  
GENERAL PLAN AMENDMENT NO. GPA 00-1  
(a.k.a. GPA 9803)

Including the following entitlements:

Zone Change No. Z-2928; Modification No. 4 to Tentative Tract Map No. TT-4192; Modification No. 4 to Tentative Tract Map No. TT-4409; Modification No. 5 to Conditional Use Permit No. CUP-4375; Modification No. 1 to Conditional Use Permit No. CUP-4631 (Scenic Resource Grading Permit); and Modification No. 1 to Residential Planned Development Permit No. RPD-1690





**RESPONSE TO COMMENTS REGARDING THE DRAFT MITIGATED  
NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT NO.  
GPA 00-1**

**INTRODUCTION**

The Draft Mitigated Negative Declaration (MND) identified as SCH# 2000051031 prepared for the proposed General Plan Amendment with accompanying entitlements was released for public review and comment from May 8, 2000 through June 6, 2000. During review of the Draft MND, a total of 42 letters comprising 97 comments were received. Since many of the comments identified similar issues related to biological resources, the responses have been categorized into five (5) groups. Specifically, these groups are: a) Appropriate Form of California Environmental Quality Act (CEQA) Documentation, b) Impacts and Mitigation Measures Associated With the Lyons Pentachaeta, c) Oak Trees and Oak Woodland Habitat, d) Wildlife Habitat, and e) Streambed Alteration and Lake Maintenance.

The following responses are listed in numerical order and correspond to the margin number assigned to each comment within each comment letter. The comment letters are bound separately and are attached.

**LETTER 1**

**Arthur Eck, Superintendent  
United States Department of Interior  
National Park Service  
Santa Monica Mountains National Recreation Area  
401 West Hillcrest Dr.  
Thousand Oaks, CA 91360-4207**

Comment #1-1: Request for a Supplemental Environmental Impact Report (SEIR)

Response #1-1: The MND analysis, supporting technical reports, and the entire environmental record for the project provide extensive analysis of site resources and project impacts. The MND evaluates the modified project in the context of current site and cumulative conditions. The current MND analysis demonstrates the project's impact on all of the identified resources and requires extensive mitigation measures. These measures have been adapted to the modified project and augmented to reduce impacts below a level of significance. Also, the proposed project will have no greater impact, and in many cases will have an incrementally reduced impact over the previous approved project.

In considering the need for an EIR, the County of Ventura as the Lead Agency found the following: 1) the project does not meet the standards identified in Section 15162 of CEQA for a new or Supplemental EIR and that the use of an MND under the tiering provisions of CEQA is appropriate, 2) the biological analysis is detailed, thorough, and contains extensive mitigation measures such that no more detail or substance to the biological resource analysis and no more mitigation would be required if an EIR were prepared; and 3) public circulation of the MND allowed for public review and comment on the project environmental analysis and these Responses to Comments provide further information to the public, allowing for public review and involvement in the process.

Sensitivity of a resource (Carlisle Canyon) does not alone determine the need for an EIR. The type of CEQA documentation required is determined by the potential significance of impacts on the resource, and where prior documentation exists, CEQA provides standards for determining the appropriate form or documentation.

The CEQA analysis of a project begins with an evaluation of potential project impacts against an extensive checklist of environmental questions. The evaluation determines whether a Negative Declaration (ND), MND, or EIR is required. Once an EIR has been certified for a project, future modifications to the project are again evaluated to determine the appropriate form of CEQA documentation required.

Consistent with CEQA Guidelines Sections 15163 and 15164, the MND process utilized for the proposed project determined that none of the CEQA-identified reasons for requirement of a new or Supplemental EIR applies to the modified project. The EIR for the original project found that impacts to biological resources would be considered significant, even after the application of extensive mitigation measures. Furthermore, when the Board of Supervisors certified the EIR, a **Statement of Overriding Consideration** was adopted. Therefore, the MND for the modified project does not revise this conclusion, rather it provides a current analysis of site conditions and project impacts and mitigation measures. Impacts of this modified project fall within the impacts disclosed in the previous EIR. With the modified project, some biological resource impacts would be generally reduced, thereby lowering, but not eliminating the significant impact to biological resources. In addition, extensive mitigation has been developed to further reduce impacts.

With regard to avoidance of the biological resources, the modified project avoids all locations of the Lyon's pentachaeta, and reduces intrusions into the highest value habitat areas. Table BIO-3 on page 7 of the MND summarizes habitat impacts of the proposed project as compared to the previously approved project. Using acreage as a measure of impact, the overall habitat impacts are slightly reduced with the proposed project. However, the greatest reductions in impact have intentionally been focused in the higher value habitats of waters, wetlands, riparian woodlands (oak, sycamore and willow), resulting in a reduction of impacts on sensitive resources.

**Comment #1-2: Sensitive Species Surveys**

Response #1-2: Surveys for state and federally listed species with the potential to exist on the project site were completed in June 2000, prior to the project approval hearing process. The results were negative for both the California red-legged frog and the least Bell's vireo.

**Comment #1-3: Mitigation Costs**

Response #1-3: The California Environmental Quality Act does not require an applicant to conduct a socio-economic analysis. The purpose of an environmental document prepared pursuant to CEQA is to examine the physical changes to the environment from a proposed project. The Lead Agency may request such an analysis as part of project approval. However, the cost of mitigation only becomes an issue if the applicant uses the "cost" as a reason for mitigation to be infeasible. The applicant has made the determination that the proposed mitigation is economically feasible and has signed an agreement to that effect.

**Comment #1-4: Existing Land Use Acreage**

Response #1-4: The MND describes the existing land use designation acreage on Exhibit C. Proposed zoning is illustrated in Exhibit D. The following existing zoning acreages will be identified on an additional exhibit for the Planning Commission Staff Report:

Lake - 12.0 acres;  
Open Space 20 - 110 acres;  
UR I - 7 acres ±;  
RR II - 1 acre ±; and  
UR 2- 4 - 5 acres.

**LETTER 2**  
**Mary Wiesbrock, SOS Director**  
**Save Open Space**  
**Box 1284**  
**Agoura Hills, CA 91376**

#### Comment #2-1: Project Description

Response #2-1: The MND follows the established County guidelines and meets all CEQA standards for a complete Project Description. It is necessary to use "planner" language to describe the land use and zoning designations and applicant requests. Unfortunately, the "reduced" exhibit format used in environmental documents for public review may not allow the detail needed to accurately assess the project. However, the **full size** Tentative Maps for TT-4192 and TT-4409 on file with the County, which are available for public review. These maps illustrate all aspects of the project including golf course, lot layout, street locations, access, and open space.

#### Comment #2-2: Appropriate Form of CEQA Documentation

Response #2-2: In accordance with Section 15152 of the CEQA Guidelines, the environmental analysis for the proposed project can be layered or "tiered" with previous environmental documents. Further, CEQA provides for subsequent actions under a Program EIR, such as the Lake Sherwood/Hidden Valley Area Plan EIR, to avoid repetitive analysis in a new or Subsequent EIR, where possible. CEQA Guidelines Section 15168 (c) states that:

"Subsequent activities within the program must be examined in light of the program EIR to determine whether an additional environmental document must be prepared. If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration..."

While the use of tiering is clearly established in CEQA, CEQA is also very specific with regard to when additional EIR analysis is required for a modified project. A specific set of standards is set forth in Section 15162(a) of the CEQA Guidelines to provide direction in such cases. The following is a list of the standards and the associated findings:

"When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

Analysis: The MND demonstrated that major changes in the previous analysis were not required; and, impacts were found to be within the scope of, or less than, those identified in the previous EIR. Changes in the project have clearly occurred and are discussed in the MND and its supporting technical analysis. Also, the changes that constitute the modified project were evaluated against the complete CEQA checklist of environmental questions.

Rather than creating new or substantially more severe significant impacts, the project modifications reduce project impacts on the environment. Therefore, under the circumstances previously identified, a new or Supplemental EIR would not be required.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

Analysis: While Federal listing of the Lyon's pentachaeta occurred following certification of the EIR and approval of the previous MND; updated, detailed and thorough studies demonstrated that no new or substantially more severe significant impacts would occur. The Federal listing of the Lyon's pentachaeta represents a new status of protection for this species. However, the sensitivity of this species is not new information and its candidate status for Federal listing at the time was clearly stated in the EIR (see pg. V-32 and Table 6 on the following pg.), and potential significant impacts stated (pg. V-39). Also, the Federal listing of the species and the potential for significant adverse project effects were noted in the MND that followed (pg. 4-5). Therefore, under the circumstances previously identified, a new or Supplemental EIR would not be required.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative; or
- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

Analysis: No new information has arisen that would result in new or substantially more severe significant impacts. **Additional** and revised mitigation measures have been provided to further reduce impacts and to tailor impacts to the modified project, thereby increasing their effectiveness. Also, the project proponent is requesting modifications that have lessened impacts on the environment.

It is also important to note that, as identified in Section 15162(a)(3) (quoted above), new information would trigger the need for a new or Supplemental EIR **only if** that new information resulted in new or substantially more severe significant impacts; or, where feasible mitigation measures or alternatives would substantially reduce project impacts, but, the project proponent declines to employ the mitigation measures or alternatives.

In this case, the evaluation of the Lyon's pentachaeta is as thorough and detailed as it would have been had the plant been Federally listed from the start. The project has been modified to avoid all areas of the Lyon's pentachaeta, and thus it cannot be said that a new or substantially more severe impact or that a feasible mitigation measure or alternative that could reduce impacts has been declined. Rather, the project has been modified to have similar effects upon the listed plant.

Were a new or Supplemental EIR analysis to be required, no more detail or exhaustive biological studies would be required. The current studies are equal in subject matter, detail and thoroughness to studies that would be prepared for an EIR. Finally, the project proponent has agreed to **additional** Mitigation Measures not previously identified in either environmental document. Therefore,

under the circumstances previously identified, a new or Supplemental EIR would not be required.

Comment #2-3: Continuous changes, requests, etc. have occurred without coherent CEQA review.

Response #2-3: The use of an MND to address the proposed amendment to the Lake Sherwood/Hidden Valley Area Plan, which encompasses several other entitlements, does not "piecemeal" the disclosure of environmental impacts associated with the proposed project. The MND discusses the impacts of the currently proposed project as compared to the previously approved project in order to determine if the proposed changes have introduced new significant impacts or substantially increased the severity of previously disclosed impacts. Furthermore, the MND also discloses the "total" impact of the proposed project. For example, on page 13 the MND states that although the proposed project reduces impacts on sensitive habitats as compared to the previous project, it would result in impacts on biological resources that would remain significant after mitigation.

The use of an MND to address changes to specific projects within an area plan is supported and encouraged by the CEQA guidelines' provisions for tiering environmental analyses (Section 15152). As discussed above, tiering allows for the use of a broader EIR, such as the programmatic Area Plan EIR, with later, more focused documentation for specific projects that fall within the scope of the broader project. Section 15152 (b) encourages agencies to tier the environmental analyses because this approach "can eliminate repetitive discussions on the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review."

Whether or not the tiered (later) document is an EIR or negative declaration, that document needs to focus only on the issues relevant to the later, narrower project. Section 15152 (d) specifies that an EIR or MND prepared for a later project should be limited to effects which: "(1) were not examined as significant effects on the environment in the prior EIR; or (2) are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

The MND for the proposed project examines biological issues that were previously identified as significant but could be reduced by the implementation of the mitigation measures developed as part of the MND process. Furthermore, the County has conducted environmental review for each discretionary action within the Lake Sherwood Community according to CEQA. Finally, provisions of CEQA allow for tiering and phasing of projects within a **Planned Community** to avoid repetition.

**LETTER 3:**

**Jody Heyes, President  
Save the Conejo 2000  
3835 R. East Thousand Oaks Blvd.  
Westlake Village, CA 91362**

Comment #3-1: Project description

Response #3-1: Please refer to response for Letter 2, Comment #2-1

Comment #3-2: Prior environmental documentation

Response #3-2: Please refer to response for Letter 2, Comment #2-2

**LETTER 4**

**Robert and Evelyn Sherer  
550 East Carlisle Rd.  
Westlake Village, CA 91361**



Comment #4: Use of new and fully updated subsequent EIR  
Response #4: Please refer to response for Letter 2, Comment #2-2 and #2-3

**LETTER 5**  
**Nathan Allan Borin**  
**P.O. Box 6263**  
**Thousand Oaks, CA 91359**

Comment #5: A Subsequent EIR is required to address every change in the project and changes in cumulative conditions.

Response #5: Please refer to the response for Letter 2, Comment #2-2

Comment #6: Oak Trees

Response #6: The applicant is subject to the County Oak Tree Ordinance the same as any other applicant in the County. The suggestion that the applicant is "sparing" oak trees for County permission to build a golf course is incorrect. No such agreement has been suggested. The County will examine the whole and complete project and its compliance with all County requirements including the implementation of Oak Tree Ordinances prior to making project approval. The project lots have been repositioned to avoid an additional seven acres of oak woodlands over the previous project. Many of the oak trees now within the golf course were previously within the desilting basin (the golf course is functioning the same as the desilting basin to control storm flows). Neither the MND nor the Final Area Plan EIR has ever suggested or stated that the proposed development is "environmentally superior" to the existing conditions. Impacts to biological resources are disclosed as significant and unavoidable.

The applicant has re-designed the project to avoid impacts to approximately 240 oak trees over the previously approved project. Remaining impacts on 112 oak trees would be mitigated through relocation and transplantation of each tree, including extensive monitoring. Also, the applicant has demonstrated experience in the transplantation of oak trees having moved over 800 trees that remain healthy after 12 years.

Comment #7: Wildlife Corridors

Response #7: The use of an artificially created wildlife corridor by wildlife is improved by increasing its width, thus further removing natural areas from adjacent development. The proposed project has relocated several lots in order to widen the wildlife corridors, and preserve oak trees. Each of the East West corridors has been widened in excess of 200 feet over the approved project for a total additional increase of over 400 feet. While the long-term viability of the corridor to larger mammals is uncertain, it is important to maintain open space for such a potential use.

The MND concludes that overall impacts to biological resources remain significant within the parameters defined by the Final EIR. However, the proposed project reduces impacts to sensitive resources through additional avoidance of wetlands, marshes, native grassland, and oak woodlands.

Comment #8: Land Use Issues

Response #8: Please refer to responses for Letters 1 and 2

When the existing landowners on the opposite side of East Carlisle Road voiced opposition, an agreement was made to reduce the number of lots and their size to "match" the development on the opposite side of East Carlisle Road. The proposed plan reflects this agreement and is within allowable land use designations.

In comparison with the approved Tract 4192, the proposed lots adjacent to East Carlisle Road are reduced from 11 lots to 8 lots. Both density and actual numbers of lots proposed to be located within Carlisle Canyon proper, that is, exclusive of the RPD designation, have been reduced. The approved Tentative Tract 4192 shows 49 lots in the Canyon, while the current proposal includes only 47 lots. Finally, the *land use buffer* of OS-20 is not part of this request.

**LETTER 6**

**Paul Edelman, Chief of Natural Resources and Planning  
Santa Monica Mountains Conservancy  
Ramirez Canyon Park  
5750 Ramirez Canyon Rd.  
Malibu, CA 90265**

Comment #9: Maps/ Trails and Protection of Open Space  
Response #9: Please refer to responses for Letters 1 and 2

All of the proposed Open Space lands will be maintained as "Private" Open Space and protected by deed restriction. This enhanced level of open space preservation was not anticipated in the original Project Description.

**LETTER 7**

**Lisa Peterson  
102 West Carlisle Rd.  
Thousand Oaks, CA 91361**

Comment #10: The project will have significant impacts; therefore an EIR is required.  
Response #10: Please refer to response for Letter 1, Comment #1-1 and Letter 2, Comment #2-2

Comment #11: Impacts to Biological Resources  
Response #11: Please refer to response for Letter 5, Comments #6 and #7

Comment #12: Fire Protection  
Response #12: As shown on the project maps, the proposed project will provide for emergency access to and from Carlisle Canyon in the event of an emergency, for use by the Fire Department and Carlisle Canyon residents. In addition, the revised plan moves home sites inside the perimeter road, allowing greater accessibility for the Fire Department to combat potential fires. This plan is considered by the Ventura County Fire Department as superior to the previously approved plan.

Comment #13: Indirect Impacts  
Response #13: Please refer to response for Letter 5, Comment #7

Comment #14: Expected Wildlife Species  
Response #14: Please refer to response for Letter 5, Comment #7

Comment #15: Issues with Project Development  
Response #15: Comments noted. Certain statements are too broad for a response, and others have been addressed in the MND and enclosed responses. The economics of the project are not a subject of an environmental document.

**LETTER 7: Photographs**

**Lisa Peterson  
102 West Carlisle Rd.  
Thousand Oaks, CA 91361**

Photographs of Carlisle Canyon from letter 7A  
Response: Please refer to response for Letter 7, Comment #15.

**LETTER #8**

**Morgan Wetje, Environmental Supervisor  
California Department of Fish and Game**

**South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123**

**Comment #16: Lyon's Pentachaeta**

Response #16: The previous environmental documents, including the Final Area Plan EIR, for the proposed project disclosed Lyon's pentachaeta (*Pentachaeta lyonii*) as a sensitive plant species and provided mitigation to reduce potentially significant impacts from development of the project site. The 1992 Mitigated Negative Declaration (MND) for Tract 4192 identified Lyon's pentachaeta as a state-listed threatened species. Both the Final EIR and the MND provided several mitigation measures to reduce impacts to Lyon's pentachaeta. The listing of the plant as federally endangered species does not change the analysis of impacts or mitigation. The applicant has stated their intention to work closely with the Department of Fish and Game to avoid "take" of Lyon's pentachaeta by increasing the buffer zones to fifty (50) feet on the eastern project site and implementation of a **Enhancement Plan**.

**Impacts of Fuel Modification on Lyon's Pentachaeta Habitat**

In a letter (see Attachment "B"), dated June 29, 2000 from Craig Morgan of the Fire Prevention Bureau, the Ventura County Fire Department has agreed to modify all brush clearance requirements in and adjacent to identified stands of *pentachaeta lyonii*, within limits to be established by the CDFG. The Fire Department acknowledges the value of preserving Lyon's pentachaeta habitat, and as such will not require the removal of this plant for fuel modification.

The biology of the Lyon's pentachaeta suggests that a "managed" fuel modification program that recognizes the sensitivity of the species would not be detrimental to the long-term survival of the plant and its habitat. This is because the species requires sparse vegetation cover, where it is apparently able to compete among bunchgrasses, native annual herbs, and a few sub-shrubs. Over time, following the initial disturbance that provided the opportunity for pentachaeta to become established, continuing encroachment by introduced annual grasses or shrubs may be a factor in the eventual decline of this species at any given site. By removing annual grasses and shrubs, the habitat can be managed to improve the long-term survivorship in a given location. Therefore, the goals of fuel modification within the thinning zone, to keep vegetation at a reduced height and to keep shrubs at an adequate distance to minimize the spread of fire, would not impact Lyon's pentachaeta.

**LETTER 8A**

**Morgan Wetje, Environmental Supervisor  
California Department of Fish and Game  
South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123**

**Comment #17: Lyon's Pentachaeta**

Response #17: Please refer to response for Letter 8, Comment #16

**Comment #18: Fuel Modification**

Response #18: Please refer to response for Letter 8, Comment #16

**Comment #19: Streambed Alteration**

Response #19: As shown on the project maps, the applicant will establish areas within Parcel A for Wetland Mitigation (2.5 acres) and Oak Woodland Mitigation (0.5 acres), north of Lot 86 in Carlisle Canyon and adjacent to Lots 54 and 93. Please note the revised acreage to reflect 2:1 mitigation of wetland/riparian habitat.

The impacts of cart paths were analyzed as part of the aggregate impact review and are included in the project biological reports. Specific locations for cart path crossings will

be established in concert with the CDFG to further minimize impacts in the field. In general, streambeds will remain in their present state and location as noted in ACOE 404 Wetlands Permit and CDFG 1603 Wetlands Permit.

**Comment #20: Relocation of Native Trees and Construction Impacts**

**Response #20:** Please refer to response for Letter 5, Comment #6

The applicant proposes to relocate oak trees not feasibly avoided by project redesign, and is prepared to undertake the cost involved to preserve the trees. In addition, the oak woodland restoration area, located near the mouth of the Carlisle Inlet north of Lot 86 in Carlisle Canyon, will host at least 20 of the transplanted oak trees. This area currently supports annual weedy species; therefore no damage to the receiver site is anticipated. All construction impacts associated with the golf course and infrastructure have been analyzed in the MND (see Tables BIO 3 and 4). As suggested, all areas impacted indirectly by development will be restored with native vegetation. In regards to the suggestion of off-site mitigation, the applicant states that onsite mitigation is preferable.

**Comment #21: Pesticide Buffers**

**Response #21:** Comments noted. Applicant is in agreement.

**Comment #22: Non-Native Plants**

**Response #22:** Comments noted. Applicant is in agreement.

**Comment #23: MarshLand**

**Response #23:** Comments noted. Applicant is in agreement.

**Comment #24: Wildlife Surveys**

**Response #24:** Reports will be forthcoming – Please refer to response for Letter 1, Comment #2.

**Comment #25: Alternative Analysis**

**Response #25:** Please refer to response for Letter 5, Comment #6 and Letter 8, Comment #16. In addition, the applicant is reviewing an alternative to reduce the width of the eastern interior road and reconfigure lots as suggested.

**Comment #26: CEQA Compliance**

**Response #26:** Please refer to response for Letter 1, Comment #1-1, and Letter 2, Comment #2-2

#### **LETTER 9**

**John Buse, Managing Attorney  
Environmental Defense Center  
2021 Sperry Dr., Suite 18  
Ventura, CA 93003**

**Comment #27: Lyon's Pentachaeta**

**Response #27:** Please refer to response for Letter 8, Comment #16

**Comment #28: CEQA Compliance**

**Response #28:** Please refer to response for Letter 1, Comment #1-1 and Letter 2, Comment #2-2

#### **LETTER 10**

**Russell Guiney, District Superintendent  
Department of Parks and Recreation  
Angeles District  
1925 Las Virgenes Rd.  
Calabasas, CA 91302**

**Comment #29: Wetland Habitat**

**Response #29:** Please refer to response for Letter 5, Comment #7. In addition, refer to the Technical Report: Waters, Wetlands, and Riparian Habitat of TT-4192 and TT-4409 as prepared by Envicom Corporation and incorporated into the MND.

The MND describes the impacts to wetland resources of Carlisle Creek. As designed, the proposed project would not alter or fill the mainstream of Carlisle Creek, as opposed to the approved project. This change is the major measure to reduce impacts to wildlife. In addition, where impacts to riparian habitat is unavoidable, the applicant is required to create new habitat on site, as located near the mouth of the Carlisle Inlet north of Lot 86 in Carlisle Canyon. Please see the list of mitigation measures in the MND for additional information.

**Comment #30: Migration Corridors/ Habitat Fragmentation**

**Response #30:** Please refer to response for Letter 5, Comment #7

**Comment #31: Oak Woodland**

**Response #31:** Please refer to response for Letter 5, Comment #6

**LETTER 11**

**Barbara Collins, Ph.D., Professor of Biology  
California Lutheran University  
60 West Olsen Rd.  
Thousand Oaks, CA 9136 0**

**Comment #32: Riparian Woodland Communities**

**Response #32:** Please refer to response for Letter 5, Comment #6

The MND states that the loss of oak woodland habitat is a significant project impact, however the proposed plan does reduce impacts by over seven acres from the approved plan. Mitigation will assist in reducing impacts, but residual impacts remain. Please note the proposed mitigation site does not contain oak trees. The area consists of annual weedy grasses. In addition, the oak woodland that is retained will be subject to a conservation and maintenance easement under the California Department of Fish and Game to avoid such problems as irrigation and fuel modification.

**Comment #33: Sensitive Plants**

**Response #33:** Please refer to response for Letter 8, Comment #16

In addition, Plummer's mariposa does exist on the project site, however not within the development zone.

**Comment #34: Timing of Grading**

**Response #34:** Silt has not entered Westlake Lake as a result of grading at Lake Sherwood. In fact Lake Sherwood has acted as a desilting basin preventing silts from continuing into Westlake Lake. Lake Sherwood has a variety of desilting basins at many of the key entry points for inflow. These in turn prevent silt from entering Lake Sherwood. The remaining desilting structure yet to be built is at the inlet from the Carlisle Canyon area. This structure will consist of a series of golf course and connected ponds in lieu of a large dry desilting basin that would sit empty most of the year. The silts that enter Westlake Lake are a result of the storm drain channel located below Sherwood Dam, but above the entry to Westlake Lake, which has a soft dirt bottom. The velocity of water resulting from large volumes of flow occurring in this narrow storm drain channel results in the scouring of soft bottom and the depositing of the resulting silts at the entry to Westlake Lake.

The nutrients that exist in Westlake are a result of the inflow from all the surrounding residents of Westlake Village. Westlake Lake lies at the low point for eighteen square miles of drainage including several thousand residences and businesses combined. For many years prior to Lake Sherwood even being filled, Westlake Lake was experiencing algae blooms, aquatic plant growth and serious silt inflow problems as a result of these circumstances, none of which were caused by Lake Sherwood.

The Sherwood Development Company, in cooperation with the homeowners representing the original Sherwood community known as The Lake Sherwood Community Association, is in the process of completing the **Final Lake Management Plan**. An Interim Lake Management plan has been in place for many years and will be replaced by this update plan currently being completed. This Final Plan will include an updated budget as well as the addition of the framework for a Joint Advisory Committee which will consist of members from both the original Lake Sherwood community and the newer community home owners representatives who jointly will advise the Master Association on lake management related issues.

The proposed island at the far south end of the Carlisle inlet is being created to preserve the existing natural riparian vegetation. The water surrounding this island will be managed in the same way that the remaining miles of shoreline around the perimeter of the lake will be managed. Any shoreline algae that grow will be removed first by manual methods. Any aquatic underwater plants will be initially removed by weed harvesting. The maintenance of this area will be a normal lake management routine and will not create an added burden to the management process of Lake Sherwood.

Comment #35: Oak Tree Replacement

Response #35: Please refer to response for Letter 5, Comment #6

Comment #36: Impacts to Wetlands

Response #36: Please refer to response for Letter 10, Comment #29

Comment #37: Lyon's Pentachaeta - Impact from Drainage

Response #37: Please refer to response for Letter 8, Comment #16

The statement regarding *pentachaeta lyonii* within the existing golf course is in error. Protected populations of pentachaeta are still in existence within the existing golf course. Setbacks to identified pentachaeta lyonii sites within the proposed project will be established by written agreement with the CDFG.

#### **LETTER 12**

**Kerry K. Cox**

**356 E. Carlisle Rd.**

**Westlake Village, CA 91361**

Comment #38: New Permanent Access Gate

Response #38: The project proposes that Emergency Access only to Carlisle Road be constructed, in accordance with the project EIR findings and policies of the Lake Sherwood/Hidden Valley Area Plan. In accordance with the initial approval of Tentative Tract 4192, the County previously mandated certain road improvements to Carlisle Road. Elimination of those requirements will be at the discretion of the County.

Comment #39: Request for a Supplemental Environmental Impact Report (SEIR)

Response #39: Please refer to response for Letter1, Comment #1-1

#### **LETTER 12A**

**Attachment to Kerry K. Cox's Letter 12**

Response to 12A: Acknowledge receipt of Wildlife Resources Inventory Report pages 28-29 prepared by Envicom Corporation.

#### **LETTER 13**

**Joseph C. Sacha**

**220 Upper Lake Rd.**

**Thousand Oaks, CA 91359**

Comment #40: Development of Carlisle Inlet

Response #40 Please refer to response for Letter 7, Comment #15

**LETTER 14**

**Mary E. Hensen  
P.O. Box 3394  
289 Upper Lake Road  
Thousand Oaks, CA 91359**

Comment #41: Wilderness Preservation

Response #41: Monitoring of the project will take place by the County as required by the California Environmental Quality Act, Public resources Code Section 21081.6 enacted by passage of AB 3180, [Cortese]. The applicant is required to adhere to the mitigation measures as stated in the MND. In regards to fencing, the MND states that no fencing is allowed in the common areas, this includes the lake.

Comment #42: Scenic Resources

Response #42: The proposed sewer force main will be buried in a shallow joint trench along with the project telephone main line. The route need not be a ten-foot wide denudation of the proposed open space. Rather, it is anticipated that placement of these pipelines will be accomplished using small trenching machines along an alignment that will be minimally intrusive. Thereafter this trench line will be restored with native vegetation. The actual alignment and design must meet the Triunfo Sanitation District requirements and standards, which include operation and maintenance of the sewer system. An alignment in the road system will be nearly three times as lengthy and require +/-60 additional feet of elevation for pumping purposes, both of which translate to extreme inefficiency of operation and future maintenance problems. Sherwood Development Company is open to reasonable alternative options that the District will accept.

Comment #43: Light Pollution

Response #43: The proposed project will construct streetlights to the minimum number allowed by County ordinance. As noted in the MND, all lighting in the project will be shielded and directed to the ground.

**LETTER 15**

**Carl Price  
2418 Stafford Rd.  
Thousand Oaks, CA 91361**

Comment #44: Traffic, etc.

Response #44: The proposed project will utilize an equivalent number and type of construction machinery as were originally anticipated to be used for the approved Tract 4192 in both the original EIR and the previous MND. Sherwood Development Company shares in the concern for safety relative to construction traffic on the local streets, and will formulate ways to increase safety within the new project. Also, the routing of construction traffic to Carlisle Road is not permitted under current policy of the Lake Sherwood/Hidden Valley Area Plan.

**LETTER 16**

**Mr. and Mrs. Ralph Kaufer  
2279 Stafford Rd.  
Thousand Oaks, CA 91361**

Comment #45: Traffic, etc.

Response #45: Please refer to response for Letter 12, Comment #38 and Letter 15, Comment #44

Also, according to a letter received from the applicant (see Attachment "C"), dated June 23, 2000, the clubhouse at the new par three eighteen-hole golf course will not be used for outside commercial banquets. This facility will only be utilized for the benefit of the



Sherwood Country Club members. Playing capacity for the new golf course is linked directly to the number of starting times available. This club will allow a foursome at full operation to start every ten minutes during golf playing hours, which typically average from 7:30 a.m. until 4:00 p.m. Operating at full capacity with every individual player driving their own car to the new facility is equivalent to one car arriving at the facility every two and a half minutes. Since half of the golf members are anticipated to be existing members of the Lake Sherwood community, this would bring one non-member car on average to the project every five minutes.

The total number of memberships available for sale is not yet determined, but regardless of the number of memberships sold, maximum number of rounds per year are not expected to exceed 40,000 rounds. This translates into one car every 4.3 minutes of which one half are anticipated to be Sherwood residents, leaving one car from outside Sherwood every 8.6 minutes. Since many of Sherwood County Club resident/members currently use their own private golf carts in lieu of their cars to travel to the existing golf course, it is assumed this trend will continue; thus further reducing the total traffic count.

The statement regarding "no additional traffic" is incorrect. The applicant has anticipated throughout the review process that some increased traffic relative to the previously approved project will occur. Additional traffic analysis (dated June 26, 2000) for the proposed project is included (see Attachment "D").

**LETTER 17**  
**Mollie Aby**  
**Sherwood Lake Resident**

Comment #46: Sewer Line  
Response #46: Please refer to response for Letter 14, Comment #42

Comment #47: Lighting  
Response #47: Please refer to response for Letter 14, Comment #43

Comment #48: Wetlands  
Response #48: The area of dredge and fill in the Carlisle Inlet (lake) would be approximately 1.75 acres, as discussed in the MND (see Table Bio-4). This is a significant impact that can be reduced through the implementation of mitigation that requires 1:1 replacement, as stipulated by the MND and Final EIR. In addition, see Comment # 29.

Comment #49: Traffic  
Response #49 Please refer to response for Letter 12, Comment #38 and Letter 16, Comment #45

Comment #50: Oak Trees  
Response #50: Please refer to response for Letter 5, Comment #6

**LETTER 18**  
**Ed and Sandy Moreno**  
**2496 Hereford Rd.**  
**Thousand Oaks, CA 91361**

Comment #51: Traffic  
Response #51: Please refer to response for Letter 12, Comment #38 and Letter 16, Comment #45

The proposed project is not a request for 101 additional homes within the overall development. Initially, Tentative Tract 4192 was approved for 90 single-family homes. As identified in the Project Description and MND, only eleven (11) additional homes are proposed within the Tract 4192 portion of the development.

The original EIR included an analysis of the golf course located within Planning Unit 1 and extensive recreational facilities in Planning Units 3 and 4. The second golf course and clubhouse will be located on areas identified in the previous EIR for a concrete-lined desilting basin (8.88 acres) and a private recreation area (5.6 acres) (see EIR pg. III-14).

**LETTERS 19 A**

**Petition from Various Sherwood Residents**

Comment #52: Traffic, etc.

Response #52: Please refer to response for Letter 12, Comment # 38 and Letter 18, Comment #51

Club memberships are not a subject of review within the MND. The second golf course and club house will be located on areas identified in the previous EIR for a concrete-lined desilting basin (8.88 acres) and a private recreation area (5.6 acres) (see EIR pg. III-14). The project is still within the total number of 630 dwellings allowed by the Lake Sherwood/Hidden Valley Area Plan. The County has set no restriction on the number of memberships; instead, the operating capacity of the facility itself will be the land use control. Tiering the MND off previous environmental documentation is appropriate under CEQA, as discussed in Response to Letter 2, Comment #2-2.

**LETTERS 19 B**

**Petition from Various Sherwood Residents**

Comment #52: Traffic, etc.

Response #52: Please refer to response for Letter 12, Comment # 38, Letter 18, Comment #51, and Letter 19A, Comment #52

**LETTERS 19 C**

**Petition from Various Sherwood Residents**

Comment #52: Traffic, etc.

Response #52: Please refer to response for Letter 12, Comment # 38, Letter 18, Comment #51, and Letter 19A, Comment #52

**LETTERS 19 D**

**Petition from Various Sherwood Residents**

Comment #52: Traffic, etc.

Response #52: Please refer to response for Letter 12, Comment # 38, Letter 18, Comment #51, and Letter 19A, Comment #52

**LETTERS 19 E**

**Petition from Various Sherwood Residents**

Comment #53: Traffic, etc.

Response #53: Please refer to response for Letter 12, Comment # 38, Letter 18, Comment #51, and Letter 19A, Comment #52

**LETTERS 19 F**

**Petition from Various Sherwood Residents**

Comment #53: Traffic, etc.

Response #53: Please refer to response for Letter 12, Comment # 38, Letter 18, Comment #51, and Letter 19A, Comment #52

**LETTER 20**

**Lee W. Hill  
40 Upper Lake Road  
Thousand Oaks, CA 91361**

Comment #54: New Permanent Access Gate  
Response #54: Please refer to response for Letter 12, Comment #38

Comment #55: Traffic  
Response #55: Please refer to response for Letter 12. Comment #38

**LETTER 21**

**Tyla Reich  
2420 Stafford Rd.  
Thousand Oaks, CA 91361**

Comment #56: MND Doesn't Address the Proposed Development  
Response #56: Please refer to response for Letters 1 and 2

Comment #57: Traffic  
Response #57: Please refer to response for Letter 12, Comment #38

**LETTER 22**

**Randy and Denise Capri  
196 Lower Lake Rd.  
Lake Sherwood, CA 91361**

Comment #58: Viewshed and Sewer Line  
Response #58: Please refer to response for Letter 14, Comment #42

Comment #59: Traffic  
Response #59: Please refer to response for Letter 16, Comment #45

Comment #60: Lights  
Response #60: Please refer to response for Letter 14, Comment #43

Comment #61: Natural Resources  
Response #61: Please refer to response for Letter 10, Comment #29, and Letter 17,  
Comment #48

**LETTER 23**

**Bob and Marge Kenny  
2495 Hereford Rd.  
Lake Sherwood, CA 91361**

Comment #62: Sewer Line  
Response #62: Please refer to response for Letter 14, Comment #42

Comment #63: Traffic  
Response #63: Please refer to response for Letter 7A, Comment #15 and  
Letter 14, Comment #43

**LETTER 24**

**Chris R. Kamen  
Lake Sherwood Resident (via e-mail)**

Comment #64: Preservation of Open Space  
Response #64: Please refer to response for Letter 14, Comment #42

**LETTER 25**

**Judith Darin**  
**Architect and Resident of Lake Sherwood (via e-mail)**

Comment #65: Viewshed and Sewer Line  
Response #65: Please refer to response for Letter 14, Comment #42

Comment #66: Traffic  
Response #66: Please refer to response for Letter 16, Comment #45

Comment #67: Lights  
Response #67: Please refer to response for Letter 14, Comment #43

**LETTER 26**

**Don Reich**  
**2420 Stafford Rd.**  
**Thousand Oaks, CA 91361**

Comment #68: Development Access  
Response #68: Please refer to response for Letter 15, Comment #44

Comment #69: Viewshed and Sewer Line  
Response #69: Please refer to response for Letter 14, Comment #42

Comment #70: Traffic  
Response #70: Please refer to response for Letter 16, Comment #45

Comment #71: Lights  
Response #71: Please refer to response for Letter 14, Comment #43

Comment #72: Natural Resources  
Response #72: Please refer to response for Letter 10, Comment #29, and Letter 17, Comment #48

**LETTER 27**

**Rory McMenamin**  
**297 Upper Lake Rd.**  
**Lake Sherwood, CA 91361**

Comment #73: Sewer Line  
Response #73: Please refer to response for Letter 14, Comment #42

Comment #74: Open Space  
Response #74: Please refer to response for Letter 7, Comment #15

**LETTER 28**

**Mary Mower**  
**612 East Carlisle Rd.**  
**Westlake Village, CA 91361**

Comment #75: Access Corridor to Boney Mountain Trail  
Response #75: Please refer to response for Letter 5, Comment #8 and Letter 6, Comment #9

Comment #76: Groundwater Well Contamination  
Response #76: According to a letter, dated June 16, 2000 from Calleguas Municipal Water District (see Attachment "E"), contamination will not occur. Furthermore, since the proposed golf course will use reclaimed water for irrigation, the project would be more beneficial to local groundwater wells.

Comment #77: Opposition to GPA -9803  
Response #77: Please refer to responses for Letters 1 and 2

**LETTER 29**  
**Ronald Stark, Chairman**  
**Triunfo Sanitation District**  
**1001 Partridge Dr., Suite 150**  
**Ventura, CA 93003-5562**

Comment #78: Recycled Water Use  
Response #78: Pursuant to a recent agreement of a Joint Committee between local public agencies and the applicant regarding turf grass and irrigation issues, a 60% reclaimed, 40% potable blend for all golf course and common area irrigation will be used. Members of the Joint Committee include: County of Ventura, Calleguas Municipal Water District, Triunfo Sanitation District, and Golden Tee, Inc. This agreement is in accordance with the findings of a one-year testing program monitored by the Joint Committee.

Furthermore, the Preliminary Landscape/Irrigation Plan for the proposed golf course identifies that the **combined** water usage will be consistent with this agreement. Specifically, different areas of the golf course will be watered as follows: turf – potable water; mixed landscape – recycled water.

**LETTER 30**  
**Timothy Bramet**  
**2081 Trentham Rd.**  
**Thousand Oaks, CA 91360**

Comment #79: Contamination of Lake Sherwood  
Response #79: Please refer to response for Letter 11, Comment #34  
In accordance with written agreements with the California Department of Fish and Game and the Regional Water Quality Control Board, the applicant, Sherwood Development Company, will employ extensive biofiltration methodology to reduce impacts from all drains. Language changes are proposed to verbatim statements from the project EIR.

**LETTER 31**  
**Robert and Susan Zweigler**  
**196 Dirt Rd.**  
**Thousand Oaks, CA 91360**

Comment #80: Contamination of Lake Sherwood  
Response #80: Please refer to responses for Letters 1 and 2, Letter 11, Comment #34, The proposed nine-foot clearance at the bridge which spans the inlet has been designed in response to residents' concerns, and will allow the majority of lake craft to pass under the structure. The bridge shown on the approved Tract 4192 design had no explicit clearance requirement, and would have, if constructed, blocked most craft from passing.

**LETTER 32**  
**Stephen J. Buswell, IGR/CEQA Manager**  
**Department of Transportation**  
**District 07, Advance Planning**  
**IGR Office 1-10C**  
**120 S. Spring St.**  
**Los Angeles, CA 90012**

Comment #81: Acknowledgement of MND  
Response #81: No comment.

**LETTER 33**

**Michael Littleton, President  
East Carlisle Property Owners Association (via FAX)**

Comment #82: Impacts on Carlisle Canyon's Ecological Balance

Response #82: Please refer to response for Letter 5, Comment #8, Letter 1 and 2, and Letter 10, Comment #29

**LETTER 34**

**Cynthia Leake, Vice President  
Environmental Coalition  
P.O. Box 68  
Ventura, CA 93002**

Comment #83: Need for new EIR

Response #83 Please refer to responses for Letters 1 and 2

**LETTER 35**

**Sandra Moreno  
2499 Hereford Rd.  
Thousand Oaks, CA 91361**

Comment #84: Development of Carlisle Canyon

Response #84: Please refer to responses for Letter 1 and 2, and Letter 5, Comment #7

**LETTER 36**

**Hal Silverman  
Lake Sherwood Resident (via e-mail)**

Comment #85: Preservation of Lake Sherwood

Response #85: Comments noted. Please refer to response for Letter 1, Comment #1-1

**LETTER 37**

**Robert M. Miller  
320 East Carlisle Rd.  
Thousand Oaks, CA 91361**

Comment #86: Preservation of Carlisle Canyon

Response #86: Comments noted. Please refer to response for Letter 1, Comment #1-1

**LETTER 38**

**Jim and Gina Brockett  
437 West Carlisle Rd.  
Thousand Oaks, CA 91361**

Comment #87: Residential Lot Size

Response #87: Please refer to response for Letter 5, Comment #8, and Letter 18, Comment #51

**LETTER 39**

**Richard R. Colvin, President  
Lake Sherwood Community Association  
890 Lake Sherwood Dr.  
Thousand Oaks, CA 91361-5122**

Comment #88: Summary of Anticipated Comments from Various Residents of the Community as Prepared by the President of the HomeOwners Association

Comment #45, Letter 14, Comment #43, Letter 30, Comment #79, Letter 14, Comment #42, Letter 5, Comment #7, and Letter 16, Comment #45.

**LETTER 40**

**Joan Frasken Johnson  
2224 Thorsby Rd.  
Thousand Oaks, CA 91361**

Comment #89: Viewshed and Sewer Line  
Response #89: Please refer to response for Letter 14, Comment #42

Comment #90: Traffic  
Response #90: Please refer to response for Letter 16, Comment #45

Comment #91: Lights  
Response #91: Please refer to response for Letter 14, Comment #43

Comment #92: Natural Resources  
Response #92: Please refer to response for Letter 10, Comment #29, and Letter 17, Comment #48

**LETTER 41**

**Paul D. Culver  
314 Upper Lake Rd.  
Thousand Oaks, CA 91361**

Comment #93: Viewshed and Sewer Line  
Response #93: Please refer to response for Letter 14, Comment #42

**LETTER 42**

**Robert Liberman, MD  
528 Lake Sherwood Dr.  
Thousand Oaks, CA 91361**

Comment #94: Viewshed and Sewer Line  
Response #94: Please refer to response for Letter 14, Comment #42

Comment #95: Traffic  
Response #95: Please refer to response for Letter 16, Comment #45

Comment #96: Lights  
Response #96: Please refer to response for Letter 14, Comment #43

Comment #97: Natural Resources  
Response #97: Please refer to response for Letter 10, Comment #29, and Letter 17, Comment #48



# VENTURA COUNTY FIRE PROTECTION DISTRICT

BOB ROPER  
County Fire Chief



165 Durley Avenue  
Camarillo, CA 93010-8586  
(805) 389-9710  
FAX (805) 388-4364

June 29, 2000

Mr. Ron Allen  
County of Ventura  
Planning Division  
800 South Victoria Avenue  
Ventura, CA 93009

Subject: General Plan Amendment GP 98-03;  
Tentative Tract No. 4192

Dear Mr. Allen:

This department has field reviewed the subject project in order to better understand issues relating to the department's brush clearance policies as they would be applied to this development. Based on that review, there are two major design areas that require written clarification of these policies.

First, as noted in the project's Mitigated Negative Declaration, portions of the 100 foot fuel modification zone for specific lots may potentially coincide with identified locations of the federally listed endangered plant species, *pentachaeta lyonii*. Further, to the extent that they can be defined in the field, these limits should be made both visible and obvious as to their import, in order to eliminate accidental encroachment.

Secondly, there are areas within certain residential lots, located adjacent to the golf course, which have been identified as "Proposed Habitat Maintenance and Building Restriction Area" on the Tentative Tract Map. These areas are also located in close proximity to proposed building sites and shall be subject to the brush clearance requirements of the 100 foot fuel modification zones as defined by the District. Hazardous vegetation, which is seasonal and recurrent in nature, shall be cut and removed from the site on an on-going annual basis. All grass shall be mowed or cut to stubble height of not to exceed 3 inches. Individual shrubbery and trees shall be trimmed up 2' from the ground or 1/3 of the height, whichever is less. Such specimens shall be spaced 15' from other specimens, structures or surrounding native brush. All other requirements of the VCFPD Hazard Reduction Program shall apply. VCFPD standards and policies do not mitigate any other standards or policies of any other regulating agency. In the interest of preserving habitat value of the identified areas, natural leaf litter and fallen branches may be allowed to remain in place within the

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**ATTACHMENT "B"**

Mr. Ron Allen  
Page 2  
June 29, 2000

100-foot zone. While each lot owner will be subject to notification for brush clearance under the terms of the District's Fire Hazard Reduction Program, the District will further require that an agreement be entered into between the developer and lot owners wherein the ongoing maintenance of these areas shall be performed by the adjacent Sherwood Country Club.

Sincerely,



Craig M. Morgan  
Ventura County Fire Protection District

cmm:pab

C: Morgan Wehtje, California Department of Fish & Game  
Frans Bigelow, Sherwood Development Company  
Paul Amann, Golden Tee  
Richard Doss, Pacific Coast Civil, Inc.



June 23, 2000

*Sherwood*

Ron Allen  
Project Manager/Senior Planner  
County of Ventura  
800 Victoria Avenue  
Ventura, CA 93003

RE: PAR THREE 18-HOLE LODGE FACILITIES

Dear Mr. Allen,

The following is the information regarding the intended usage of the Lodge and par three 18-hole golf course in our new proposed Carlisle Canyon development.

This clubhouse is for membership usage only and will not be utilized for outside commercial banquets or events.

The actual capacity of the golf course is far greater than the actual expected usage. First let me review the maximum capacity. Since this is a par three course a foursome will both tee-off and complete their play on the greens before any addition players can tee-off behind them. As a result, at capacity, this course will allow a start every ten minutes during golf playing hours which averages on an annual basis eight and a half hours a day. This would mean that if every player drove his or her own car, on average, one car every two and a half minutes would drive to the facility. Since our current golf membership sales indicate that approximately half of the golf memberships will be residents within Sherwood, only half of these players will be non-resident members. Therefore one non-resident car will be driving to the facility every five minutes. At these intervals the course would play approximately 70,000 rounds per year.

At the completion of the Sherwood project the actual expected rounds per year for the golf course ranges between 25,000-40,000 rounds per year. This translates into one car every 4.3 minutes of which 1/2 are anticipated to be Sherwood residents, leaving one car arriving from outside the Sherwood area every 8.6 minutes. These averages will be further reduced when we take into consideration that many of the Sherwood residents will be traveling in their own private golf carts in lieu of their cars.

Even though total number of membership sales has not been determined, the impact to street traffic is limited by the maximum start time intervals available as noted above.

Sincerely,

Frans Bigelow  
Executive Vice President  
Sherwood Development Company

JUN 26 2000

320 West Stafford Road, Thousand Oaks, CA 91361  
Telephone 805-378-5992 • Fax: 805-495-5807  
[www.sherwoodco.com](http://www.sherwoodco.com)

**ATTACHMENT "C"**

## THOMAS S. MONTGOMERY, P.E.

Transportation & Traffic Engineering Consultant

June 26, 2000

Mr. Paul Amann  
GOLDEN TEE, INC.  
250 E. Easy Street  
Simi Valley, CA 91301

RE: TT 4192/TT 4409 Traffic Impact Modifications

Dear Mr. Amann:

As requested, I have conducted a brief overview analysis of the potential impacts associated with the additional traffic that would be generated by the proposed land use changes for this Lake Sherwood area development; specifically, the addition of an 18 Hole Par 3 Golf Course with typical club house facilities and an additional 11 single family dwelling units. In general, I have concluded that the impacts associated with the additional traffic that would be generated by these uses would be insignificant.

The traffic that would be generated by the single family homes was estimated based on traffic generation factors obtained from numerous studies made by public and private traffic engineering agencies nationwide as summarized in the INSTITUTE OF TRANSPORTATION ENGINEERS TRIP GENERATION MANUAL, 6TH EDITION. The traffic that would be generated by the golf course was estimated based on projected use data obtained from you; i.e., a maximum of 40,000 rounds played per year, 340 days of operation per year, and a maximum of 20 employees on site. Assuming the "worst case" scenario where each golfer drives to the course in their own vehicle, and employee traffic generation (including deliveries to the course etc.) at three trips per day per employee, maximum daily site traffic generation for the course would be approximately 300 trips. The resultant directional peak hour and daily site traffic demands attributed to these two land uses are listed in Table 1.

1153 Mooring Walk • Oxnard • California 93030 • (805) 483-9393 • Fax (805) 483-9393

ATTACHMENT "D"

**TABLE 1  
ADDITIONAL SITE TRAFFIC GENERATION**

Land Use Description	Number of Additional Vehicle Trips				Daily Total
	AM Peak Hour		PM Peak Hour		
	In	Out	In	Out	
18 Hole Par 3 Golf Course	15	4	10	13	300
11 Single Family Homes	2	6	7	4	110
<b>Totals:</b>	<b>17</b>	<b>10</b>	<b>17</b>	<b>17</b>	<b>410</b>
<b>External Site Traffic Demands*:</b>	<b>7</b>	<b>5</b>	<b>8</b>	<b>7</b>	<b>190</b>

\* Estimated to be 40% of the Golf Course Traffic and 60% of the Residential Traffic

The additional traffic generated by these two proposed land uses would be about 410 Vehicle Trips Per Day (VPD) with directional peak hour traffic demands of approximately 17 Vehicle Trips Per Hour (VPH). Based on information obtained from you, it is my understanding that a survey of the Lake Sherwood Country Club Membership indicates that 60 percent of the members reside in the Lake Sherwood area. Since the additional Par 3 Golf Course would be affiliated with the Lake Sherwood Country Club, it's estimated that only 40 percent of the total traffic generated by this facility would be external to the local area. Similarly, because of the relatively isolated location of the homes in the Lake Sherwood community, it is estimated that only 60 percent of the total residential traffic generation would be external. As a result, site traffic impacts on the critical portion of Potrero Road between the site and Westlake Boulevard, and on Westlake Boulevard between Potrero Road and the US 101 Freeway Interchange would be less than 200 VPD with maximum directional peak demands of 8 VPH or less. Traffic demands of this low magnitude would have no measurable impact on the level of service at any of the arterial intersections on the route between this portion of the Lake Sherwood area and the US 101 Freeway Interchange with Westlake Boulevard, or beyond. Furthermore, based on the assumption that existing daily traffic demands on Stafford Road between the study site and Potrero Canyon Road are no greater than 1000 VPD, the

additional 300 VPD generated by the Par 3 Golf Course would not have any significant effect on traffic operations on this local street. The practical carrying capacity of a two lane residential street is well in excess of 3000 VPD.

Therefore, I have concluded that these proposed changes in land use would have no significant effect on the operation of the street system serving the study site nor on the external street system between the Lake Sherwood area and the US 101 Freeway Interchange with Westlake Boulevard.

It has been a pleasure to again serve you on this interesting project. If you have any questions concerning this brief overview impact analysis, or require any further input at this time, please contact me at your convenience.

Very truly yours,  
THOMAS S. MONTGOMERY, P.E.



Thomas S. Montgomery  
TSM:llm



Project No. 981004-A

TED GRANDSEN, PRESIDENT  
DIVISION 1

GAIL L. PRINGLE, DIRECTOR  
DIVISION 4

JEFFREY A. BORENSTEIN, TREASURER  
DIVISION 2



WILLIAM R. SEAVER, VICE PRESIDENT  
DIVISION 5

DONALD G. HAUSER, SECRETARY  
DIVISION 3

DONALD R. KENDALL, Ph.D., P.E.  
GENERAL MANAGER

web site: <http://www.calleguas.com>

2100 OLSEN ROAD • THOUSAND OAKS, CALIFORNIA 91360-6800 805/526-9323 • FAX: 805/522-5730 • FAX: 805/526-3675

June 16, 2000

Franz Bigelow  
Lake Sherwood Ranch  
320 West Stafford Road  
Thousand Oaks, California 91361

Subject: Regulatory and Technical Information on the Use of Recycled Water in  
the Vicinity of Potable Groundwater Wells

*Framy*  
Dear Mr. Bigelow,

This letter is provided as background information regarding regulations and technical studies related to the use of recycled water in the vicinity of groundwater wells.

The State Department of Health Services (DHS) establishes regulations for the protection of public health based on the best available science, and has established minimum safe distances between recycled water uses and water supply wells. Enclosed for your reference are excerpts from the recycled water regulations currently proposed by DHS and the "Statement of Reasons" explaining their rationale for those regulations. The regulations allow the use of tertiary treated water (which is the quality delivered by the Tapia Plant) at a distance of 50 feet or more from any potable drinking water well. Their stated rationale is that this setback represents "an adequate degree of protection" and provides "assurance that recycled water would not enter and contaminate a domestic water supply well."

The Montebello Forebay Project in Los Angeles County has a long history of recharging recycled water into groundwater basins, and extensive studies have been performed to determine its impact on water quality and human health. The project began operation in 1962 to replenish groundwater basins with recycled water, and now operates at a rate of approximately 50,000 acre-feet per year. Long term water quality monitoring has confirmed that "the use of recycled water for spreading has had no detrimental effects on water quality in that area." An epidemiological study concluded that "almost 30 years after groundwater recharge with some reclaimed water began, the rates of cancer, mortality, and infectious disease are similar in both the areas of Los Angeles County receiving some reclaimed water and a control area not receiving reclaimed water." Background information on this project and related water quality and health effects studies are enclosed for reference.

**ATTACHMENT "E"**

*Mr. Bigelow  
June 16, 2000  
Page 2*

In summary, recycled water has been used throughout California for many years to supplement scarce potable supplies. DHS has determined that use of recycled water at a distance of at least 50 feet from a potable water supply well adequately protects human health. Studies on a large scale project designed to supplement groundwater supplies with recycled water show no adverse water quality or health impacts. Since the influence on groundwater from an irrigation project such as your golf course would be far less than that of a groundwater recharge facility, your project would provide even more safety for local groundwater wells.

We hope that this information clarifies the regulatory and technical issues associated with the influence of recycled water on groundwater supplies. If you have any questions or would like additional information, please contact me at (805) 579-7111.

Very truly yours,



Donald R. Kendall  
General Manager

DRK/sbm

Enclosures



**LIST OF COMMENTERS**  
**MND for GPA 00-1**

1. United States Department of Interior, National Park Service, Arthur Eck, Superintendent
2. Save Open Space, Mary Wiesbrock, Director
3. Save the Conejo 2000, Jody Heyes, President
4. Robert and Evelyn Sherer
5. Nathan Allan Borin
6. Santa Monica Mountains Conservancy, Paul Edelman, Chief of Natural Resources and Planning
7. Lisa Peterson
8. California Department of Fish and Game Morgan Wetje, Environmental Supervisor
9. Environmental Defense Center, John Buse, Managing Attorney
10. California Department of Parks and Recreation Russell Guiney, District Superintendent
11. California Lutheran University, Barbara Collins, Ph.D., Professor of Biology
12. Kerry K. Cox
13. Joseph C. Sacha
14. Mary E. Hensen
15. Carl Price
16. Mr. and Mrs. Ralph Kaufer
17. Mollie Aby
18. Ed and Sandy Moreno
19. Multiple Petitions
20. Lee W. Hill
21. Tyla Reich
22. Randy and Denise Capri
23. Bob and Marge Kenny
24. Chris Kamen
25. Judith Darin
26. Don Reich
27. Rory McMenamin
28. Mary Mower
29. Triunfo Sanitation District, Ronald Stark, Chairman
30. Timothy Bramet
31. Robert and Susan Zweigler
32. California Department of Transportation, Stephen J. Buswell, Manager
33. East Carlisle Property Owners Association, Michael Littleton, President
34. Environmental Coalition, Cynthia Leake, Vice President
35. Sandra Moreno
36. Hal Silverman
37. Robert M. Miller
38. Jim and Gina Brockett
39. Lake Sherwood Community Association, Richard R. Colvin, President
40. Joan Frasken Johnson
41. Paul D. Culver
42. Robert Liberman, MD





# United States Department of the Interior

NATIONAL PARK SERVICE  
Santa Monica Mountains National Recreation Area  
401 West Hillcrest Drive  
Thousand Oaks, California 91360-4207

In reply refer to:  
L76 (SAMO)

June 7, 2000

Mr. Ron Allen, Senior Planner  
Resource Management Agency, Planning Division  
Ventura County  
800 South Victoria Avenue, L#1740  
Ventura, CA 93009

Dear Mr. Allen:

The National Park Service has reviewed the draft Mitigated Negative Declaration (MND) for proposed amendments to the Lake Sherwood/Hidden Valley Area Plan, including GPA No. 9808, including ZC No. Z-2928; Modification No. 4 to Tentative Tract Map Nos. TT-4192 and TT-4409; Modification No. 5 to CUP-4375; Modification No. 1 to CUP-4631; and Modification No. 1 to RPD-1690.

The National Park Service recommends the County require a Supplemental Environmental Impact Report (SEIR) for the proposed amendments based on the following reasons.

- 1-1 | 1. The area is deserving of comprehensive environmental review via an SEIR. Carlisle Canyon hosts an extremely high number of sensitive species and cultural resources. The Santa Monica Mountains National Recreation Area legislative boundary was drawn specifically to include all of Carlisle Canyon owing to its richness in natural and cultural resources.
- 1-2 | 2. We recommend the surveys for several sensitive plant and animal species be performed as part of the SEIR rather than as post-approval mitigation measures. The intent of the SEIR process is to determine the presence of sensitive species prior to project approval. Findings of the surveys may trigger necessary changes in project design to avoid sensitive and/or listed species.
- 1-3 | 3. The SEIR should identify costs associated with mitigation and balance those costs within the overall economic goals of the project. We appreciate that the project has already been redesigned to reduce impacts compared to the original project. We wish to point out, however, that mitigation is expensive, and no less than 55 mitigation measures are listed in the draft MND. Furthermore, certain mitigation measures may be economically wasteful, such as transplanting oaks to another location. Studies by Rosi Dagit, an arborist with the Resource Conservation District of the Santa Monica Mountains, have shown that most oak trees do not survive transplantation. Avoidance of impacts is the

National Park Service  
Ventura County, Draft MND, Lake Sherwood, GPA No. 9803

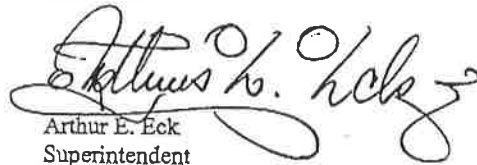
Page 2  
June 7, 2000

- 1-3 | first best mitigation measure. Additional avoidance of impacts should be incorporated, even if it means foregoing the total approved 630 homes.
- 1-4 | 4. Finally, we request the SEIR clearly quantify and illustrate the proposed changes in zoning. Exhibit "C" quantifies the revised zoning category acreages, but does not quantify the existing zoning acreages.

We have enclosed a self-addressed envelope for sending us notice of the upcoming public hearing on CUP No. 9803.

Thank you for considering the National Park Service's input. If we can be of assistance, please call Melanie Beck, Outdoor Recreation Planner, at (805) 370-2346.

Sincerely,



Arthur E. Eck  
Superintendent

cc: Joe Edmiston, Executive Director, Santa Monica Mountains Conservancy  
Russ Guiney, Superintendent, Angeles District, State Department of Parks and Recreation  
Margo Murman, Executive Officer, Resource Conservation District of the Santa Monica Mountains

June 6, 2000  
Mr. Ron Allen, Senior Planner  
Planning Division, County of Ventura  
800 S. Victoria Ave  
Ventura, CA 93009

Save Open Space (SOS), comments on public review of 00-80 (Draft Mitigated Neg Dec, no clearly identified project number) for Sherwood Development Company (no date)

SOS has reviewed the subject document and has the following comments:

- 2-1 1. The document is inadequate, inaccurate, unclear and constitutes the most confused effort SOS has just seen by the County of Ventura. The document contains no clear project description of what is proposed, how it is different from what is currently existing or approved, and what the impacts of the proposed project will be. Without even a coherent and intelligible Project Description, it is not possible for SOS or any other group to comment effectively. If the County can not clearly state what it plans to do, how can the public be expected to properly respond? Therefore a completely new intelligible document must be prepared and circulated which describes the proposed project in English, not "Planner speak". CEQA requires full disclosure and public participation. The current document precludes both.
- 2-2 2. The prior final EIR and all other CEQA documentation for the Lake Sherwood project is out of date, inadequate, and inaccurate and can no longer be used as environmental documentation for the proposed project. More than ten years have passed since the final EIR was certified. Since that time substantial new information and changed circumstances as outlined in CEQA Guidelines Section 15162 have occurred. As such a new subsequent EIR must be prepared for this project and the Lake Sherwood Development. This new subsequent EIR must include full and updated evaluations of all CEQA issue categories including but not limited to those on the County's Initial

2-2

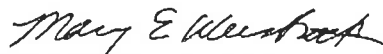
Study Checklist, as well as some issue not found on the check list. In our recent comments on the Ahmanson Ranch dated May 17, 2000 SOS outlined in detail some of the many changes which occurred over the last ten years which require major revisions due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified environmental effects, and other changes and information including changes in the project description, changes in base line assumptions, projected conditions, regulatory requirements, severity of impacts including cumulative impacts, mitigation measures, and alternatives. The Sherwood Final EIR is even more out of date than the Ahmanson FEIR. Therefore, rather in go thru this in detail again, all of the May 17, 2000 SOS comments are hereby incorporated by reference. Furthermore, other comments by other agencies, groups, and individuals also outlining why a new EIR must be prepared, including those by the City of Calabasas, are also hereby incorporated by reference.

2-3

3. SOS is becoming increasingly concerned about the County's piecemealing of projects to avoid full disclosure and required CEQA review. Continuous changes, requests, etc., have occurred and continue to occur, all without coherent CEQA review. This is clearly illegal. A new subsequent EIR is now required to fully address this project in the current era, not that of the late 1980s.

SOS is reserves the right to comment until an intelligible project description and associated documentation is provided to us. Thank you for the opportunity to address your document.

Sincerely,



Mary E. Wiesbrock, SOS Director  
 Save Open Space  
 Box 1284  
 Agoura, CA 91376



6/6/2000

Mr. Ronald Allen  
County of Ventura Planning Division  
800 So. Victoria Ave., L1740  
Ventura, CA. 93009

SHERWOOD DEVELOPMENT CO., DRAFT - MITIGATED NEGATIVE DECLARATION

Dear Mr. Allen:

3-1 Save the Conejo, 2000 (Conejo 2000) has attempted to review your subject document regarding proposed changes to the Lake Sherwood project. Unfortunately, the documentation provided does not clearly describe the proposed project so there is no way we can effectively comment on your material. The proposed project appears to have a wide range of significant impacts, yet it is not possible for us to comment until we know what is proposed.  
A revised, clear project description is necessary.

3-2 In addition, Conejo 2000 believes that all prior environmental documentation for the Sherwood project is out of date and that a new and fully updated subsequent EIR is required for this project pursuant to the requirements of CEQA Guidelines Section 15162. As such, a Mitigated Negative Declaration is clearly inadequate.

We look forward to a new EIR document which fully addresses all of our concerns and allows us to participate in the CEQA process.

Sincerely,

Jody Heyes  
President, Save the Conejo 2000

4

June 5, 2000

Mr. Ron Allen  
RMA/Planning Division, L# 1740  
800 S. Victoria Avenue  
Ventura, CA 93009

Sent by FAX to (805) 654-2509

Dear Mr. Allen,

I am writing to alert you to a situation that exists across the street from our home at 550 East Carlisle Road, Westlake Village, CA 91361.

In 1987, Mr. David Murdock outlined to the ranch owners in Hidden Valley his plans to develop the west end of Hidden Valley (we owned the Hidden Valley Ranch, 1750 Hidden Valley Road, at the time). At that time he needed the cooperation of the Hidden Valley property owners to get his plans approved. He obtained an Environmental Impact Report "EIR" that indicated the impact of his development plans would be within tolerable ranges. Based on these plans and this EIR his project was approved.

4. In 1993, Mr. Murdock and the Sherwood Development Company began applying for a series of "minor" changes in his approved plan under the argument that the changes would be "environmentally superior" to the approved plan requirements. Now, in June 2000, we can see that these changes and those being proposed, if considered in the 1987 EIR would have resulted in a negative finding. Therefore, my wife and I are adding our voice to those already demanding that a new Environmental Impact Report be done which considers the changes to the 1987 planned development by the Sherwood Development Company that have already taken place and those currently being proposed.

As former owners of the Hidden Valley Ranch, 1750 Hidden Valley Road, we were promised a number of things that did not or have not taken place by Mr. Murdock in 1987 in exchange for our support of his development plans for Hidden Valley. What we did get for our cooperation with Mr. Murdock was the sure and certain knowledge that his word is not his bond. As property owners in Carlisle Canyon we have seen our property values eroded and our quality of life decline as a result of Mr. Murdock's development plan changes. Those currently proposed would only exacerbate the problem.

Please Mr. Allen, do not approve any more changes in the Sherwood Development Plan for Hidden Valley before you review a new Environmental Impact Study of the changes he has already made to the 1987 Plan and the proposed changes now before you.

Respectfully,

*Robert K. Sherer*  
*Evelyn C. Sherer*

LETTER 4



June 06, 2000

Mr. Ron Allen, Senior Planner  
RMA/Planning Division  
800 South Victoria Av.  
Ventura, CA 93009

RE: Draft Mitigated Negative Declaration, GPA-9803

Dear Mr. Allen,

5. I am assuming that this incomplete report is indeed only a draft, and will not be voted on as acceptable to adopt as a final document. It seems that the Applicant is testing the process to see how few of the proposed impacts and conditions they will need to address if they escape substantial public comment. Time for public comments should be extended, due to the fact that County Planner Ron Allen was on vacation for the three weeks he should have been available to answer questions! I hope that the public outcry to this anemic report and the equally inadequate Planning Division response will be deafening. Perhaps you people will finally realize that we are not morons and will not give up on eliminating a history of adverse changes approved for this development. We hold the County and the Applicant accountable to the fullest extent possible. You must address every aspect of the impacts of this GPA, and include the impacts expected in the GPA for Tract 4409, that just passed screening in May. Cumulative impacts that have been done in other GPA's approved since the Environmental Impact Report was done in 1987, also need to be addressed. Under the California Quality Control Act, a subsequent EIR will be required if there are substantial changes to the project, substantial changes have occurred since approved or if new information of substantial importance has surfaced since the environmental impact report was certified. The Applicant has substantially changed this development under previous GPA's and the continued use of Negative Declarations based on the original EIR is a travesty and probably illegal under the rules of CEQA. For these reasons and many more, a new Environmental Impact Report would be prudent, is absolutely necessary, and must be required!

6. The applicant is willing to spare 300 oak trees if you allow them to build an additional golf course. They say that this can be achieved with the repositioning of the lots. Review the County Oak Tree Ordinance and apply it to all tracts in Lake Sherwood that have not yet been recorded. Require

6. them to reposition the lots to spare the trees and forget the golf course! You can't convince me that golf courses or any development is environmentally superior to what is already there naturally. Reexamine the present wildlife corridors and require that they keep development away from those areas. Do you really believe that wildlife will figure out where the new corridors are and use them? Perhaps maps will be provided for the wildlife, or food and scents they might follow could be spread along the new trails. Did you know the applicant has destroyed and altered trees that were used by bald eagles and for nesting by hawks?

7. Development was to occur adjacent to Lake Sherwood and the golf course. The Applicant made economic decisions to build fewer larger units in several tracts. The 630 homes they say they are entitled to, was part of the original approved development. They deviated from that proposal and took the chance that they would not be able to build those units elsewhere. This is the "Lake Sherwood Development". We will not allow it to extend into the "Carlisle Canyon Development". There was to be five-acre lots in tract 4192, next to East Carlisle Road and a buffer of OS-20 in tract 4409, next to West Carlisle Road. This was more than fair to the Applicant, since Carlisle residents get the impacts, but not the improvements that the original Lake Sherwood residents received from this development.

8. Former Second District Supervisor Madge Schaefer nursed this development to approval. She ignored the public sentiment on this project and Ahmanson Ranch. This was the biggest factor in her loss of the next election and others thereafter. Certain guidelines and restrictions were put in place for Carlisle Canyon, Hidden Valley, and Lake Sherwood in the General Area Plan adopted in 1987. The County has allowed the Applicant to deviate from these restrictions on several occasions. The time has come to tell them no more! Remember that you owe unbiased representation to all the residents in the affected area. Decisions like those you are asked to act on today may set precedents, that will affect residents countywide.

Do the right thing. Require a new EIR for the entire development and deny the golf course.

Sincerely,



Nathan Allan Borin

P.O. Box 6263

Thousand Oaks, CA 91359

(805) 777-1717

6

STATE OF CALIFORNIA--THE RESOURCES AGENCY

GRAY DAVIS, Governor

**SANTA MONICA MOUNTAINS CONSERVANCY**RAMIREZ CANYON PARK  
5750 RAMIREZ CANYON ROAD  
MALIBU, CALIFORNIA 90245  
PHONE (310) 589-3200  
FAX (310) 589-3207

June 6, 2000

Mr. Ron Allen, Senior Planner  
Resource Management Agency  
Ventura County  
800 South Victoria Avenue  
Ventura, California 93009

**Lake Sherwood Project Tract Modifications**  
GPA No. 9803 - TT Nos. 4192 and 4409  
SCH No. 200051031

Dear Mr. Allen:

The Santa Monica Mountains Conservancy staff has reviewed the Mitigated Negative Declaration (MND) for the above-referenced project and offers the following comments. The Conservancy does not have a meeting scheduled until the end of June at which time this item shall most likely be agendaized for further comments to be considered by the County Planning Commission. The Carlisle inlet of Lake Sherwood is an area of extreme biological sensitivity and warrants the greatest possible degree natural resource protection. The MND states that the proposed project modifications represent a substantial improvement over the already entitled tract maps.

9. However, in spite of our staff's familiarity with the over all project site, we found it difficult to understand the proposed actions based the maps contained in the MND. To adequately understand the proposed project changes, it is critical to have a topographic map that shows the locations of already entitled development compared to the proposed development. In addition, the MND should have included both the most current vegetation and wetlands delineation maps. These maps are essential to visualize the advantages and disadvantages of the new project proposal. For example the MND provides a table that shows how impacts to various vegetation communities would be reduced. However, the location and context of the those changes are important to understand their merits.

The response to these comments should also address any outstanding trail dedications to public agencies from these and any other Lake Sherwood tract maps.

The MND states that open space land will be protected by one of three means: fee title transfer to COSCA, easement to the California Department of Fish and Game (CDFG), or

Ron Allen, Ventura County  
Lake Sherwood Modifications to Tracts 4409 and 4192  
June 6, 2000  
Page 2

9. deed restriction enforced by the homeowners association. The minimum level of permanent protection on any designated open space in the project must be through reciprocal conservation easements to a minimum of two public agencies—such as CDFG, Ventura County, COSCA, the Conservancy, or the Mountains Recreation and Conservation Authority.

Any further comments adopted by the Conservancy shall be forwarded to your attention the morning after the June 2000 meeting. Please direct any questions or future correspondence to my attention at (310) 589-3200 ext. 128.

Sincerely,



PAUL EDELMAN

Chief of Natural Resources and Planning

7

MAY 30 10 00 PM 4:40

LISA PETERSON, 102 W. Carlisle Road, Thousand Oaks, CA 91361 (805) 495-6668

Mr. Ron Allen  
Senior Case Planner  
Resource Management Agency/Planning Division  
County of Ventura  
800 South Victoria Avenue  
L #1740  
Ventura, CA 930009

**RE: PUBLIC REVIEW OF DRAFT MITIGATED NEGATIVE  
DECLARATION – Sherwood Development Company  
Project No. GPA-9803**

Dear Mr. Allen:

I live at 102 West Carlisle Canyon Road. My home is situated on top of a hill that affords me a 360-degree view. This view includes a good deal of Carlisle Canyon Road to the North, and West and clear views of the properties in those directions as well as to the South and East. Through the mountains I can see the Sherwood Development Company (Sherwood) homes on the North side of Portrero road which were completed in the last year – and I can see the extensive grading Sherwood has already completed which encroaches into Carlisle Canyon at the base of the flat topped mesa which is a major topographical feature of West Carlisle Canyon. Sherwood's satellite dishes, construction roads, and gravel quarry, also squat in my "viewshed."

I have read the Mitigated Negative Declaration you prepared and filed on April 28, 2000 and have the following comments (Section references, page and paragraph numbers conform to those in the Declaration):

10. B. STATEMENT OF ENVIRONMENTAL FINDINGS: In the fourth line your statement that "...it has been determined that this project could (bold letters your own) have a significant effect on the environment..." *is consistently contradicted* by the findings of the Initial Study and Final EIR for the Lake Sherwood/Hidden Valley Area Plan cited by you, and by Frans Bigelow, Executive Vice President of Sherwood Development Company. **The Final EIR as quoted by all parties in this declaration states the following: "...implementation of the approved project would result in unavoidable significant impacts to biological resources, despite the application of mitigation measures."** In addition, commencing in the third line of the in the third paragraph on "Page 3 of 27," you cite a more recent biological assessment prepared by ENVICOM CORPORATION, dated January 17, 2000 which "...reflects current site conditions and suggests that significant impacts previously identified would still result with implementation of the proposed project." Your interpretation of both of these studies clearly indicates that irreparable environmental damage will ensue if this project is permitted to go forward.

E. CONSIDERATION AND APPROVAL OF THE NEGATIVE DECLARATION

10. In this section you require the "decision-making body of the Lead Agency" to "consider this MND and all comments received during the public review." Your further instruction to the decision-making body is that it "shall approve this MND if it finds that the project will not have a significant effect on the environment." Given the statements both VCRMA and Sherwood have extracted from the Final EIR as quoted above, it is clear that the decision-making body of the Lead Agency can not possibly approve this MND – nor any other proposal submitted by Sherwood for the environmentally sensitive areas in Carlisle Canyon– without violating the guideline stated in this section E.

Mr. Allen, the observations I have made above speak for themselves. I will watch, with interest, for the next communiqué from your office. I am sorry that because you were out of your office from May 1 through May 30<sup>th</sup> it has been impossible to contact you personally to discuss other concerns specific to Carlisle Canyon residents which seem to have been overlooked in this MND. As a result I am including some additional comments in an Attachment A which follows this letter. I would appreciate your ensuring that the attachment, and the pictures, which accompany it, are included with the materials under consideration.

Many of the noisy, and messy activities undertaken by Sherwood in Carlisle Canyon and adjacent areas directly affect the value and quality of our lives here, and yet we have somehow been left off the list of affected parties. As such, I am hereby requesting notification of any further plan changes or opportunities for public discourse and response to Sherwood's desires to extend their development, alter existing plans, or, obtain conditional use permits beyond those extensions, alterations or permits currently fully in place. Please address all such materials to at the address provided above. I thank you for your assistance in this matter.

Thank you for your good offices.

Sincerely,

Lisa Peterson  
102 West Carlisle Road  
Thousand Oaks, CA 91361  
(805) 495-6668

LP/ms

ATTACHMENT A  
Additional Comments to the Mitigated Negative Declaration  
As Prepared by Ron Allen In Connection with GPA-9803 In  
Connection with Sherwood Development Company

Merging the Carlisle Road adjacent modifications with the distant Golf Course Expansion portion of Sherwood's requested modifications does not provide for reasonable decisions to be made specific to either of the discrete projects. Each of these areas should be reconsidered separately. My comments throughout my letter and these attachments pertain solely to that portion of the plan that affects any and all of the areas adjacent to Carlisle Road, including proposed access roads and subdivisions.

Although you state in your report that the mitigation plan may "...reduce biological impacts, relative to the previously approved subdivisions..." you do not offer that it would do so with any significance whatsoever. While the quantity of terrain disrupted is reduced under the mitigation plan, it is important to note that the portion of most significantly sensitive habitat will still be irretrievably damaged.

11.

History has shown that man-made streams and woodlands created in place of natural sites are not adequately familiar to birds and other wildlife. Natural waterways such as that found in Carlisle Canyon cannot be considered on a piecemeal basis - they provide migration corridors, shelter, and sustenance in the cruel heat of summer. All the little waterways connect to the larger streams, each tiny tributary a "neighborhood" - the entire waterway a living, integrated, community of plants, birds, insects, and animals. Your own environmental assessments have clearly outlined the integration of habitat types, species of special concern, and the fragility of the symbioses which characterize this last healthy Riparian ecosystem in Ventura County.

The tiny percentage of property the Carlisle Creek ecosystems comprise at the very edges of the larger Sherwood development domain should make it easy to require that they be left peacefully intact to reward future generations with their unique abundance of life, incredible beauty, and environmental significance.

Throughout the Declaration, reference is made to Lake Sherwood/Hidden Valley concerns. However, residents of Carlisle Canyon stand to lose a great deal in the way of scenic beauty, natural habitat, privacy, and peace of place and mind. Following are areas of particular concern:

12.

1. In the thirty years family members or I have lived in Carlisle Canyon, we have participated in six (6) evacuations due to raging brushfires - the last of which, the Malibu Fire, resulted in destruction of over \$200,000.00 of equipment and personal property. Fire crews struggled all night long to save our home and the dozens of other homes in Carlisle Canyon - while the only news covered on network television was the potential for damage to Lake Sherwood's exclusive properties. The mitigation plan shows absolutely no provision for additional fire suppression resources, or even egress, in the event of a major fire which is an inevitable fact of life in Carlisle Canyon. It is obvious that the isolated concentration of high cost housing requested along Carlisle Road will add to the burden experienced by fire crews. What plans are in place to mitigate this for Carlisle Canyon residents?

13.

2. The periodic stresses of brushfire are nowhere near as lethal as the permanent destruction sustained through over-development – which in this case is actually any additional development along Carlisle Creek. Beyond the initial wholesale destruction of habitat and the disruption of the water system which this plan entails, there are long-term stressors inherent in adding new homes. Lawn and plant fertilizers, insecticides, weed killers, rodent poisons, household toxin, paints, motor oils, trash, livestock care products, livestock manure, bare-earth brush clearance and fencing practices brought in to rural areas by uninformed urban dwellers – all of these kill directly as well as indirectly at the secondary and tertiary levels which are a normal part of Carlisle Canyon wildlife's food chain (Some examples: Snakes eating poisoned gophers/rodents, are sickened. The same poison that killed the gopher, and the snake, kill the hawk that eats the snake. Fox and bobcat that eat rodents and birds who have ingested rat bait are also poisoned).

14.

3. "A Birder's Guide to Southern California" (1990, American Birding Association, Inc., Colorado Springs, USA) directs serious birders to Carlisle Canyon and includes a map on page 8 as well as specific driving instructions for access to the first two miles of the road. Literally hundreds of species of birds nest in the creek's Oak, Sycamore, Toyon, Ceanothus, Ash, Willow, and dense thickets of nearby brush. This year, as in years past, I have personally observed the following birds, many of which are nesting, in trees and in and over the hills and fields alongside the creek:

Orioles	Juncos
California Towhees	Cooper's Hawks
Rufous Sided Towhees	Mourning Doves
Acorn Woodpeckers	California Quail
Nuttall's Woodpeckers	Swifts of several varieties
Downy Woodpeckers	Swallows of several varieties
Scrub Jays	California Thrashers
Buntings	Turkey Vultures
Northern Flickers	Finches of several varieties
At least two species of hummingbird	Phoebes
Phainopeplas	Meadowlarks
Mocking Birds	Mallards
Plain Titmice	Red Tailed Hawks
Mountain Bluebirds	Kites
Hutton's Vireos	Red Shouldered Hawks
Flycatchers	Lesser Nighthawks
Western Kingbirds	Great Horned Owls
Goldfinches	Robins
Yellow Warblers	Thrushes
Bewick's Wrens	Nuthatches
Golden Sparrows	Bushtits
Oak Titmouse	Gnatcatchers
Horned Lark	Ravens

While this may seem an extensive list (over 44 species) for such a small area, birding guides I have consulted over the years – including that referenced above, insist that *watchers in Carlisle*



*Canyon may expect to sight and identify over 100 species of birds in a single day, due in great part to the undeveloped Riparian Woodlands, wetlands, nearby chaparral, and grassy stretches which provide safety, food, and nesting sites which are for the most part entirely undisturbed.*

14.

In addition I have personally seen deer, bobcat, cougars, coyote, raccoons, a ring-tailed cat, foxes, badger, California King snakes, striped garter snakes, albino salamanders, turtles, and other more common species in and along the creek. Lepidopterists (Butterfly Observers) and other naturalists come to Carlisle Canyon in numbers due to the incredible number and type of butterflies, insects, plants, reptiles, and other animals the canyon supports through its largely undisturbed interrelated ecosystems.

3. Sherwood project administrators have consistently "reconsidered" their promises, "renegotiated" their agreements, and failed to consider the effects its business decisions have on its own property owners, its neighbors, the environment it repeatedly states it will preserve, the Cities of Thousand Oaks and Westlake Village, and the County of Ventura. I do not believe that the number of homes discussed in this plan for insertion along Carlisle Road will provide them profits, our community wellbeing, vital services of imperative to current canyon residents, or public merit of any kind; while they will destroy an irreplaceable environmental treasure which represents the last of its kind in this area.

15.

The greater "commercial" value as I see it, would be to forbid any further building whatsoever along the creek, oak meadows, and chaparral which face Carlisle Road (a 30 foot setback is woefully insufficient), thus preserving the beauty, high quality of natural habitat, and the environmental health which are key elements in the maintenance of Carlisle Canyon's unique plant and animal life. As developments continue to devour the beauty that once surrounded this section of Ventura County, Carlisle Canyon's rich diversity of plant and animal species and its original natural beauty will continue to provide respite to all who enter, be they scientist or Sunday driver, guest or resident.

As you will see from the pictures I have included here, it is absolutely impossible to build any additional roads, or homes in the old Lake Sherwood Park entrance area or along Carlisle Creek, without enormous physical, environmental, and esthetic sacrifices. Hasn't Sherwood already realized sufficient profit at the expense of the overall quality of life and rich environmental heritage that make Ventura County so appealing? I believe it is time to "just say no." Developers of Sherwood's magnitude are well aware of the zoning and environmentally sensitive features of the properties they seek to develop before they purchase them. There is no good reason to rezone or redesign what was a painfully wrought building plan in the first place. It is time to "just say no" in support of the public safety, and the physical integrity of Carlisle Canyon – the last healthy uncompromised Riparian Woodland in Ventura County. Residents here deserve to maintain the quality of rural living, privacy, species diversity and natural wellbeing which inspired them to willingly accept the wells, flood and fire dangers, septic systems, long drives, and other "inconveniences" which abound in rural areas. Building subdivisions in this delicate environment will destroy the qualities that invited the purchase of properties here in the first place.

## PHOTOGRAPHS

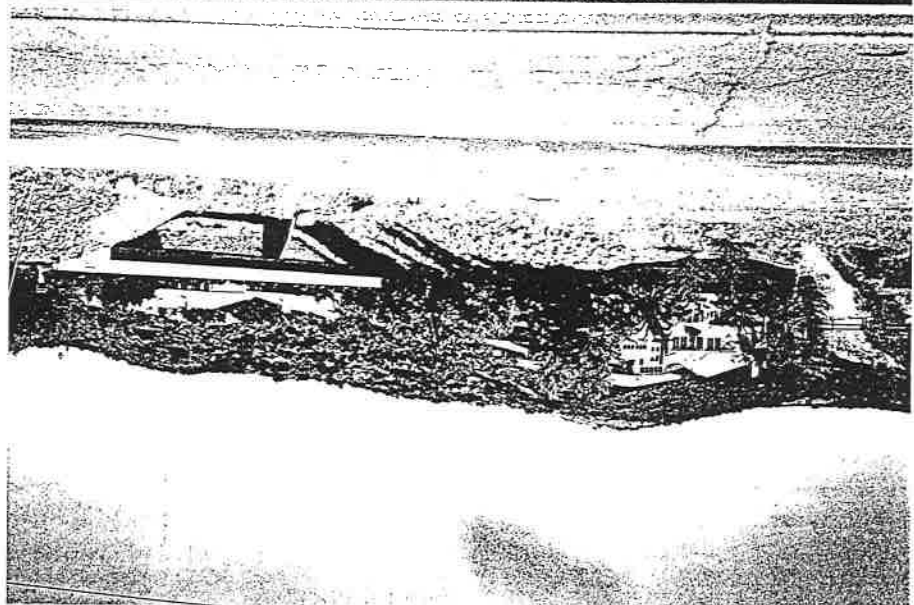
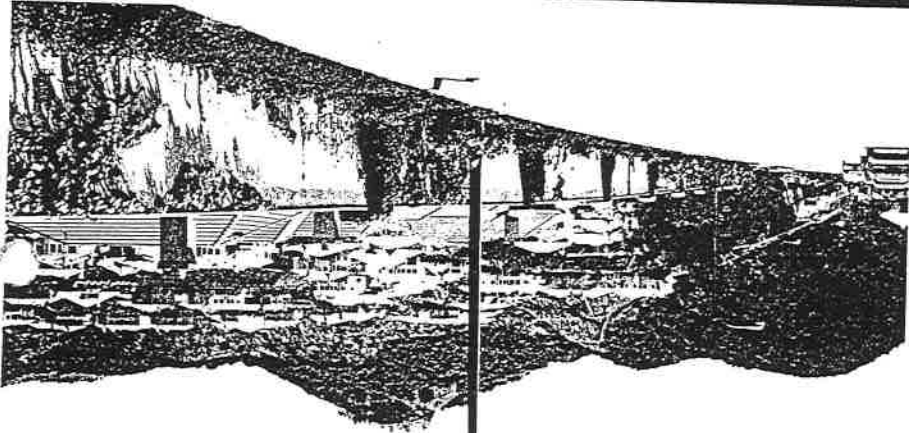
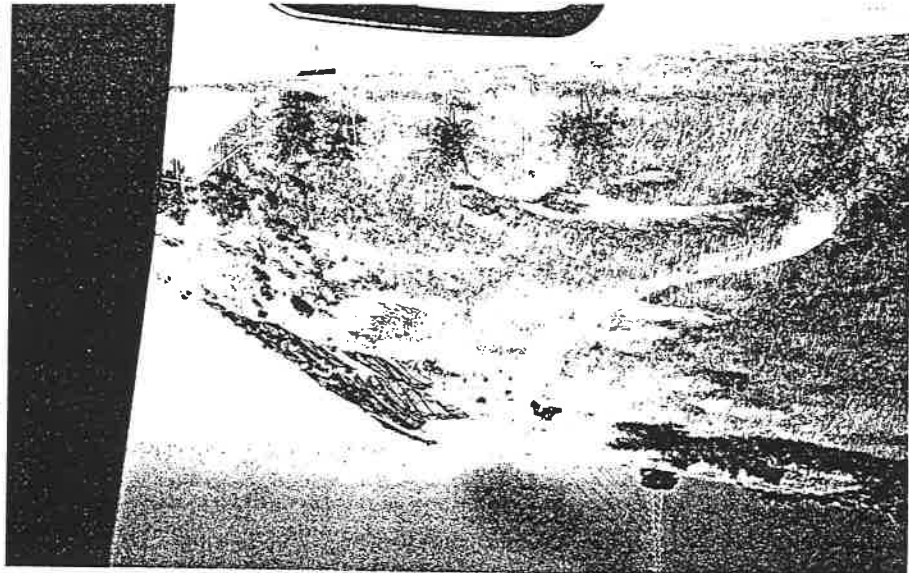
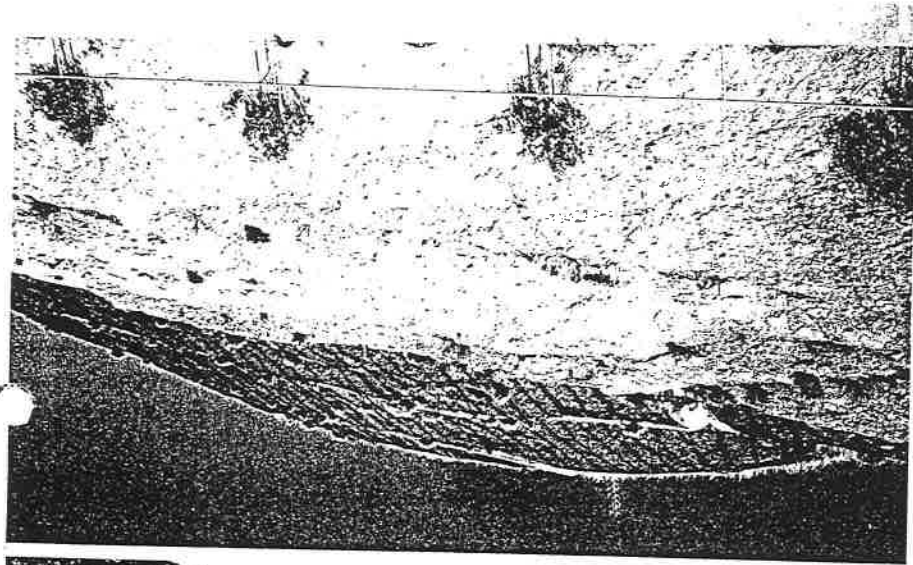
ALL OF THESE PHOTOGRAPHS HAVE BEEN TAKEN IN THE LAST TEN DAYS. MOST OF THEM WERE TAKEN FROM THE VERGE OF CARLISLE ROAD. A FEW WERE TAKEN FROM THE VERGES OF PORTRERO ROAD AND ONE WAS TAKEN FROM WESTLAKE BOULEVARD.

GIVEN THE DENSITY OF TREES IN THE OAK/SYCAMORE GROVES AND ALONG THE SIDES OF CARLISLE CREEK IT SHOULD BE EASY TO OBSERVE JUST HOW NEARLY IMPOSSIBLE IT WOULD BE TO BUILD A SUBDIVISION WITHOUT COMPLETELY DESTROYING THE INTEGRITY OF THESE SYMBIOTIC ECOSYSTEMS ALONG CARLISLE ROAD.

IT IS HOPED THAT THESE PICTURES WILL BE OF USE TO YOU IN CONSIDERING THE DRAFT MITIGATED NEGATIVE DECLARATION IN CONNECTION WITH General Plan Amendment Number GPA-9803 WHICH IS THE SUBJECT OF THIS RESPONSE.

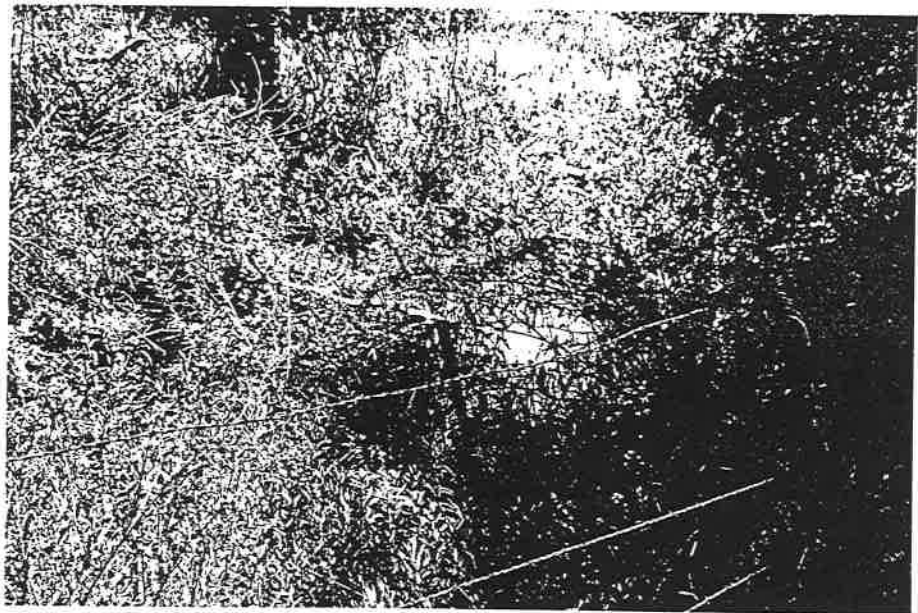
*Ref: Letter from  
Lisa Peterson  
102 W. Carlisle Rd.  
T.O. CA 91361  
(805) 495-6668*

IS THIS WHAT IS INTENDED FOR CARLISLE CANYON?  
WHAT A TRAGEDY THAT WOULD BE.



↓ Development in town with water ↓

Water off  
of  
road

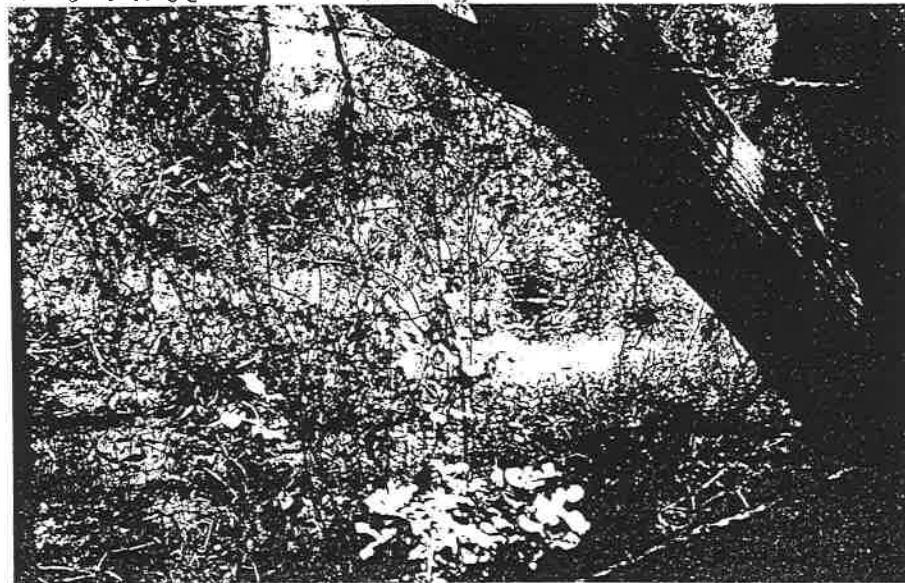


Carlisle Creek along Carlisle Road  
where it is proposed to build  
a new subdivision.





This water attracts many birds and animals due to protective brush and numerous access/exit routes.



Note: Cutting already completed (last week)  
on creek-side Sycamores along Carhol's Road.  
Some will die as a result of the extent of  
nature of the "pawning" here.



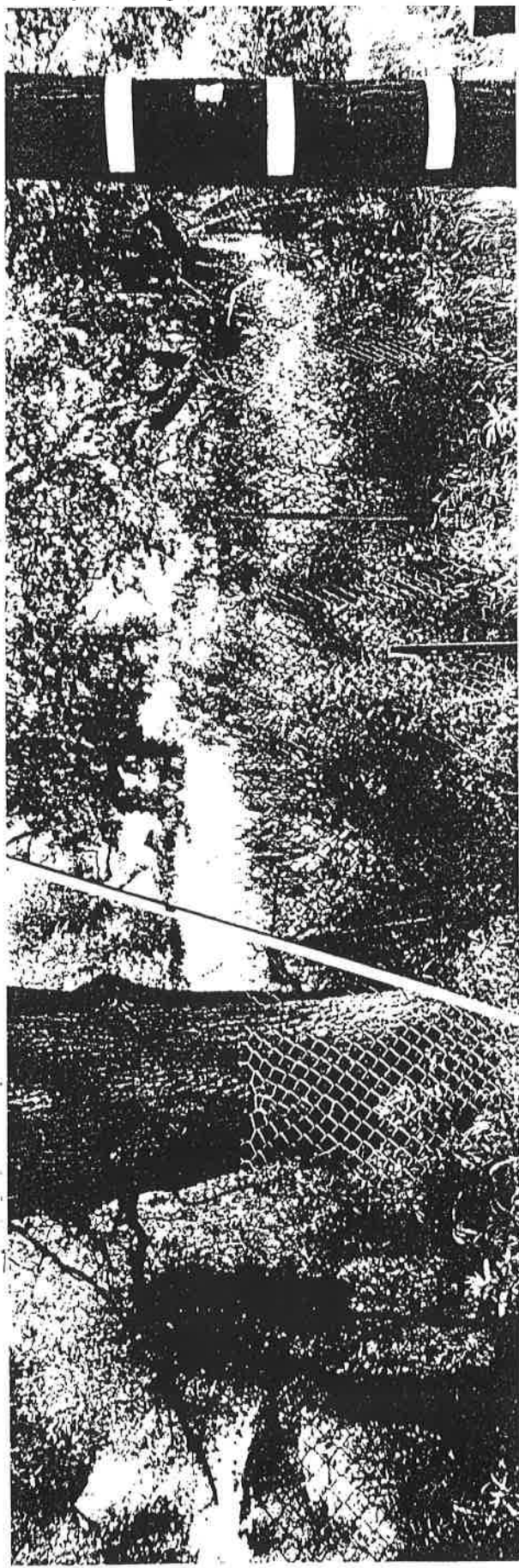
Alex of these  
Ancient Oaks are  
on the property  
proposed for  
development under

GPA-9803

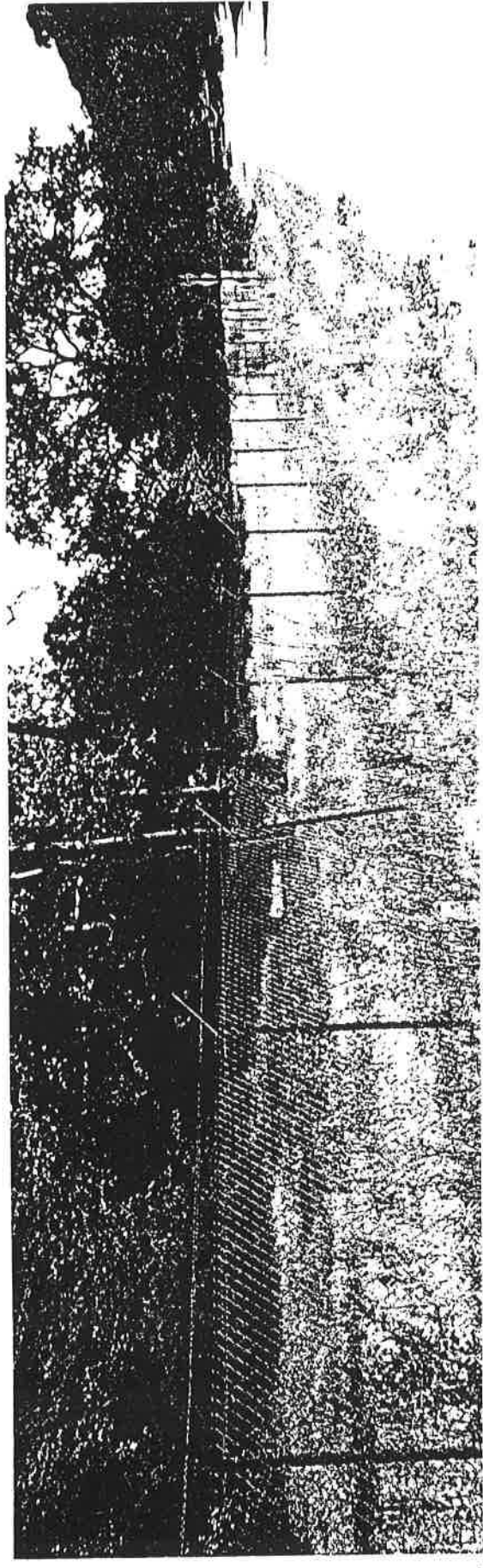




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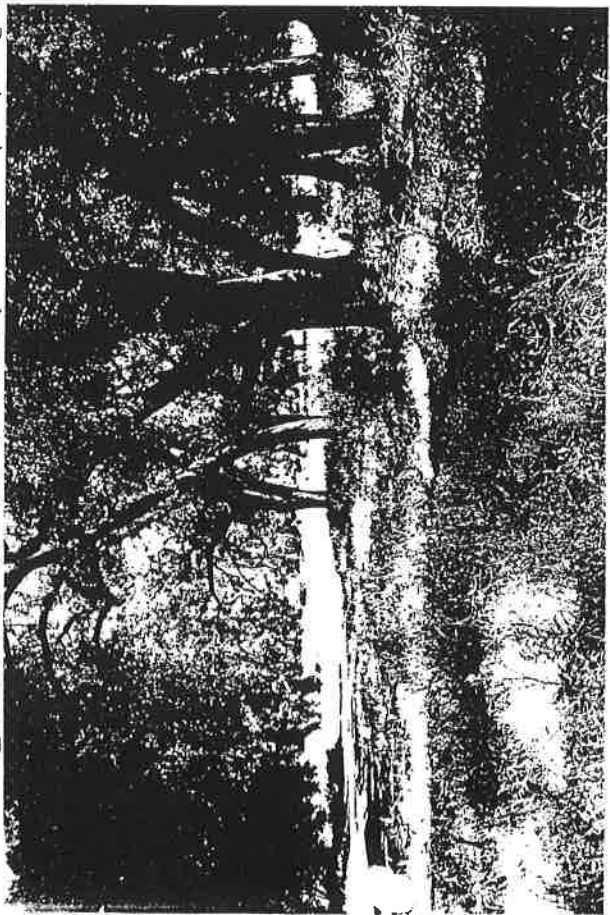
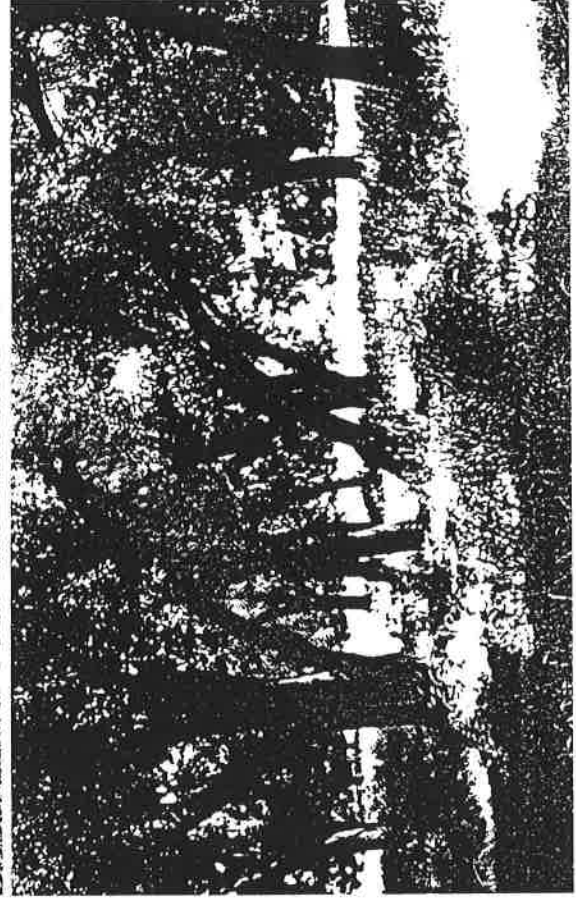


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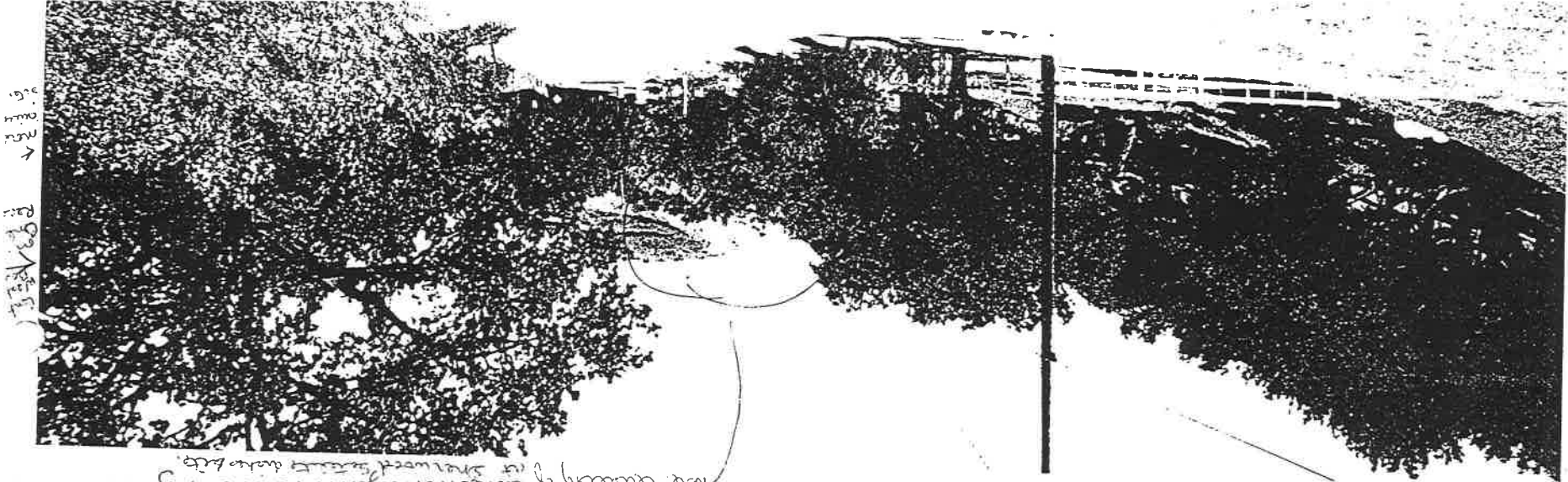
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And many  
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birds  
return  
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as well.









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Note: Quality of land management currently maintains  
 or improved state lands.



← Proposed area for  
 subdivision

West Bound on Central Rd

8

STATE OF CALIFORNIA-THE RESOURCES AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF FISH AND GAME



South Coast Region  
4949 Viewridge Avenue  
San Diego California 92123  
(619) 467-4299

(858)

June 5, 2000

Mr. Ron Allen  
Planning Division  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA. 93009

Post-it* Fax Note	7871	Date	6/6	# of pages	7
To	Ron Allen	From	Mary Meyer		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

Draft Mitigated Negative Declaration for Tract 4192  
General Plan Amendment No. GPA-9803  
Ventura County

Dear Mr. Allen,

The Department is providing comments on the above referenced draft MND for Tract 4192 as they relate to biological resource issues. Due to time constraints, we are unable to review the above-document in detail. However, we have determined that our previous comments submitted to you on March 3, 2000 have not yet been adequately addressed. We are particularly concerned that impacts to oak woodland and associated canyon bottom habitats, as well as impacts to the state listed endangered Lyon's pentachaeta, remain significant and adequate mitigation has yet to be proposed.

16.

Lack of buffers between most of the Lyon's pentachaeta habitat and project roadways and development features means that known populations are not being adequately protected. Buffers are an essential component of any effort to preserve endangered plants in an urban setting. Indirect effects from surrounding development are significant and adequate buffers must be incorporated into the project design. Installation of "vertical buffers" ie. retaining walls in proximity to pentachaeta populations will bring in invasive ant species that displace native insect pollinators essential to seed production. Grading within 10 feet of some populations means that direct take will occur as a result of the project as currently planned. Fuel modifications are also proposed for occupied habitat. The Draft MND also proposes salvage of pentachaeta seedbank in graded areas, which would result in direct "take" of seedbank. The combined effect of direct and indirect "take" during construction and over the life of the project due to landscape level changes and inadequate buffers, , indicates that a Department-issued Incidental Take Permit will be required for the project and further project revisions are warranted.

16.

Overall fuel modification requirements pose further risk to remaining habitat values at Carlisle Canyon. It is critical that Ventura County Fire Department requirements are defined and analyzed in the CEQA document and not deferred to a subsequent plan as now proposed.

Attached please find a copy of our March 3, 2000 comments which are intended to supplement these.

Sincerely,



Morgan Wehtje  
Environmental Services Supervisor IV

Attachment

cc: Rick Farris, USFWS  
Mary Meyer  
Natasha Lohmus

STATE OF CALIFORNIA-THE RESOURCES AGENCY

GRAY DAVIS, Governor

68A

DEPARTMENT OF FISH AND GAME

South Coast Region  
4949 Viewridge Avenue  
San Diego California 92123  
(619)467-4299



March 3, 2000

Mr. Ron Allen, Senior Planner  
Planning Division  
County of Ventura  
800 South Victoria Avenue  
Ventura CA 93009

Supplemental Information-Lake Sherwood Tentative Tract 4192;4409  
Ventura County

Dear Mr. Allen,

The Department of Fish and Game (Department) is providing comments on the above referenced Technical Report- Waters, Wetlands, and Riparian Habitat of TT4192/4409 (Report). The proposed project entails development of 101 single family homes and an 18 hole par-3 golf course in the Carlisle Canyon area of Ventura County. The site supports a diverse array of biological resource values, including chaparral, oak woodland, wetland, riparian and lake habitat. Important populations of the state and federally endangered Lyon's pentachaeta (*Pentachaeta lyonii*) also occur in the project area.

These comments are preliminary, and we may have additional concerns based upon further environmental review when the CEQA documents are prepared.

These comments are being submitted pursuant to the Department's authority as the trustee agency, with jurisdiction by law over the state's fish and wildlife resources. The Department is also a responsible agency for this project with regard to aspects of the project which require discretionary approval, including permits pursuant to Fish and Game Code Section 1600 et.seq. (Streambed/Lake Alterations) and Section 2050 et.seq. (California Endangered Species Act).

Department staff have conducted several site visits and met with representatives from the project to address biological resource concerns. We appreciate the considerable effort the Sherwood Development Company has undertaken to modify aspects of the project to further reduce impacts to sensitive biological resources. However, the Department remains concerned that the proposed project entails intensive development of 101 single family homes and a golf course within habitats that are extremely sensitive and declining throughout southern Ventura County.

Lake Sherwood 4192/4409  
CDFG-R5.....3/3/00

Impacts of particular concern include conversion of the natural oak woodland/canyon bottom habitat into golf course and residential development, and encroachment into natural areas which support the endangered Lyon's pentachaeta. While the applicant has attempted to minimize impacts to these resources, both the direct and indirect effects of development in this area will substantially reduce wildlife habitat values and fragment the remaining resources.

We have the following specific comments:

#### Lyon's Pentachaeta

17. The Department remains concerned that there is virtually no buffer between most of the Lyon's pentachaeta populations and areas of grading, fuel modification and development. It is likely that Lyon's pentachaeta seedbank occupies areas adjacent to known populations. The amount of occupied habitat often fluctuates and shifts over time for annual plants like pentachaeta. Therefore, we do not agree with the assertion that there will be no direct impacts to this species from the project. Encroachment is most severe on the east side of Carlisle Canyon, where a series of populations occur in close proximity to grading and a roadway. The previously approved project had substantial setbacks between most of the pentachaeta populations which are now slated for development.

We recommend the environmental document for this project evaluate an alternative which eliminates lots and the roadway in this area. Lots 61 through 68 should be eliminated and the roadway located further downslope to provide more protection for Lyon's pentachaeta habitat. It appears that there is no feasible alternative for relocating the roadway on the west side of Carlisle Canyon because the pentachaeta population there is very close to the streambed.

Page 43 addresses fuel modifications and annual monitoring as they affect Lyon's pentachaeta. A more detailed plan needs to be developed for our review describing how this program would be undertaken.

#### Fuel Modifications

18. The Report does not provide information on the type of fuel modifications that would be required in oak woodland habitats and riparian habitats. Fuel clearance requirements imposed by the fire department can include wholesale removal of all native vegetation within 100 feet of structures. A considerable portion of the oak woodland lies within this zone. Fuel modifications and development of the golf course can also involve removal of dead trees, pruning and removal of dead and live branches, removal of understory shrubs, herbaceous plants, litter, and young oaks needed to replace mature trees over time. Placement of structures in these woodlands will severely fragment them and reduce their value for wildlife. Impacts from fuel modification must be evaluated and appropriate mitigation developed.

The report proposes a maintenance agreement for restricted areas supporting oak woodlands and riparian areas within lots and the golf course. It is critical that this be coordinated with the fire department in order to ensure that agreed upon maintenance activities will meet their requirements,



Lake Sherwood 4192/4409  
 CDFG-R5.....3/3/00

18.

and that potential impacts are addressed during environmental review. The maintenance agreement needs to detail how key components of these habitats will be conserved, including dead and downed trees and native understory vegetation. It also needs to provide for natural recruitment of young oaks and sycamores.

#### Streambed Alterations

The Department generally concurs with the delineation of areas of our jurisdiction with respect to this project. We are pleased with various redesigned features that further reduce impacts to the stream corridor. The Report proposes a 2:1 ratio for impacts to wetland and riparian habitat. The Department cannot determine the adequacy of this proposed mitigation because the Report does not identify where and how such establishment would occur.

19.

There appear to be at least four locations on Carlisle Creek where golf play would cross the stream. The impacts associated maintenance of these crossings needs to be described and quantified, so that we can determine appropriate mitigation for the impacts. Similarly, the number, location and impacts of golf cart bridges are not described.

Numerous previous streambed alteration agreements are included in the report. None of these Agreements are currently valid for the new project, so it is probably not necessary to include them in this report.

#### Relocation of Native Trees and Construction Impacts

The feasibility of relocating over 100 native trees must be more carefully evaluated. While the salvaging and relocation of individual trees is a worthy goal, it is costly, and does not necessarily compensate for loss of the functional habitat values of intact oak woodlands free of human encroachment which currently exist here.

20.

There are numerous locations where existing trees are slated for elimination and possible relocation that are in the line of play or in close proximity to other trees. Since relocation involves excavation of large areas with heavy equipment, this could cause severe damage to surrounding areas that are presumably slated for preservation. Similarly, the receiver site may be damaged by excavation and heavy equipment as well. More detailed plans need to be developed showing where and how relocations would be undertaken to ensure surrounding resources are not damaged.

Construction impacts associated with the installation of greens, tees, golf cart paths and other infrastructure, must be identified and minimized. Areas slated for preservation which surround these features must be restored if heavy equipment and construction impacts occur, and plans detailing how this would be done should be prepared.

The Department recommends that in addition to the various mitigation measures proposed in the Report, if the project goes forward in its current configuration, compensation for impacts to oak

Lake Sherwood 4192/4409  
CDFG-R5.....3/3/00

20. | woodlands should be required through preservation of intact oak woodland habitat elsewhere in the local area of comparable value to areas being impacted.

#### **Pesticide Buffers**

21. | The report proposes a twenty foot pesticide buffer from the creek and pond banks. Adequate buffers are needed to protect riparian areas, wetlands, and oak woodland areas as well.

#### **Non-Native Plants**

22. | The Department is pleased the Report proposes to remove yellow star thistle which is a serious invasive. We recommend that the maintenance agreement include an ongoing program to remove non-native weeds that will increase as disturbance and habitat fragmentation occur in the area. We also request that landscaping plans ensure that invasive species are not allowed in the area.

#### **Marsh Island**

23. | Use of rock armoring should be minimized so that natural wetland vegetation can establish in these areas. Rock should be ungrouted, and restricted to areas where erosive forces may occur.

#### **Wildlife Surveys**

24. | The report identifies several wildlife surveys that need to be completed for sensitive wildlife species such as southwestern pond turtle and least Bell's vireo. These surveys need to be completed prior to further CEQA evaluation of the project, so that avoidance measures can be incorporated into the project and impacts fully evaluated.

#### **Alternatives Analysis**

25. | The Department requests that additional alternatives to the proposed project be evaluated which would further reduce impacts to Lyon's pentachaeta, oak woodland, wetland and riparian resources, particularly in the Carlisle Canyon area. A substantial reduction in the number of lots and relocation of the eastern roadway would allow for better protection of the oak woodlands and pentachaeta habitat.

#### **CEQA Compliance**

26. | The Department recommends that a Subsequent Environmental Impact Report be prepared for this project. In this case, a Subsequent EIR is needed because substantial changes have occurred with respect to the circumstances under which the project is undertaken (see CEQA Section 15162). For example, Lyon's pentachaeta was not state or federally listed as endangered at the time the previous EIR was approved. The cumulative effects of this proposed project are far more substantial than they were in 1987 when the previous EIR was prepared. Numerous projects have been undertaken

Lake Sherwood 4192/4409  
CDFG-RS.....3/3/00

26.

in the local area which have encroached upon native habitats supporting Lyon's pentachaeta. The Department is aware of at least 17 golf courses being proposed in southern Ventura County. Oak woodland and riparian habitats have experienced severe decline over the last 13 years and have received the brunt of residential and golf course developments throughout the county.

\* \* \* \* \*

The Department appreciates this opportunity to comment at the early stages of project development. We look forward to continuing to work with the county and the applicant to resolve issues raised in this and previous correspondence regarding the project. Please note that our Regional Office has relocated to the San Diego address on this letterhead. Should you have any questions regarding these comments, please direct them to Mary Meyer, Plant Ecologist (805)640-8019 or myself at (805)491-3571.

Sincerely,



Morgan Wehtje  
Environmental Services Supervisor

cc: Rick Farris, USFWS  
Tony Klecha, Los Angeles Regional Water Quality Control Board  
Bruce Henderson, ACOE



June 6, 2000

Ron Allen  
RMA/Planning Division  
800 S. Victoria Ave., L#1740  
Ventura, CA 93009

BY MAIL AND FAX  
(805) 654-2509

RE: Draft Mitigated Negative Declaration, General Plan Amendment No. GPA-9803  
(Lake Sherwood)

Dear Mr. Allen:

Please accept the following comments regarding the above-referenced Mitigated Negative Declaration ((MND) on behalf of the Environmental Defense Center (EDC). EDC's comments relate primarily to the project's impacts on sensitive botanical resources, particularly the Lyon's pentachaeta, a federal- and state-listed endangered species.

27.

The MND states that a 1992 MND for TT 4192 and CUP 4631, although it prepared prior to the listing of the species, "specifically addressed the potential for impacts to Lyon's pentachaeta, and consequently, included mitigation that remains relevant to the proposed project." The MND also states that the current project will reduce biological impacts through, among other things, "[r]edesign to completely avoid Lyon's pentachaeta." The current project, however, is now closer to known Lyon's pentachaeta populations than the project evaluated in the 1992 MND, with grading occurring within ten feet of some populations. In addition, the MND's conclusion that Lyon's pentachaeta impacts are avoided is not supported by the MND. Instead, the MND indicates that some Lyon's pentachaeta populations will be part of fuel modification zones or subject to future fuel modification zone enlargement. Therefore, the current project must be modified to avoid impacts to Lyon's pentachaeta, or an EIR prepared that addresses these impacts.

The discussion of the effects of fuel modification zones on Lyon's pentachaeta is extremely vague and inconsistent. For example, the MND states that "several locations of Lyon's pentachaeta could potentially be impacted directly from the fuel clearance requirement at distances ranging from 70-90 feet from structures, and ten feet or more beyond roadway grading." The discussion concludes that no direct taking is proposed. The intervening discussion suggests that Lyon's pentachaeta will be preserved in place within fuel modification areas. The MND provides no evidence that this mitigation and management approach is feasible or that it would avoid impacts to Lyon's pentachaeta. On the contrary, as discussed below, this approach will cause direct and indirect impacts to Lyon's pentachaeta due to the lack of an adequate buffer and to direct take of



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seedbank. There is no indication, moreover, that the Ventura County Fire Protection District will accept anything less than complete vegetation removal within the fuel modification zones. Any attempt to establish a rare plant reserve within a fuel modification zone must therefore be considered extremely speculative. Finally, we are aware of examples in the Lake Sherwood area where the Fire Protection District required a substantially enlarged fuel modification zone after approval of a project.

Therefore, fuel modification zones should fully avoid known populations of Lyon's pentachaeta. Alternatively, an EIR must be prepared that evaluates the effects of encroachment, the feasibility of the proposed experimental management scheme, and the effects of an inadequate buffer. In addition, the project should be conditioned on a binding commitment that fuel modification zones will not be enlarged post-approval without additional CEQA analysis. To ensure that Lyon's pentachaeta populations are not lost due to future fuel modification zone enlargements, all known populations within the project area should be placed under conservation easements.

27.

In the Draft Recovery Plan for Six Plants from the Mountains Surrounding the Los Angeles Basin (1998), the U.S. Fish and Wildlife Service (USFWS) set out the essential factors for establishing reserve areas for rare plants, including Lyon's pentachaeta:

Rare plant reserves should be designed to include adequate space for plant populations to persist through minor migration within suitable habitat. For example, the annual *Pentachaeta lyonii* will dominate different portions of appropriate habitat over the course of several years, so that properly designed protected habitat will include more habitat than is occupied by growing plants in any given year. In addition to providing enough space for mobile plant populations, protected habitats must provide buffers against the adverse effects of adjacent development, including altered soil moisture conditions, enhanced weed establishment, or other factors that result in degraded site quality. Additionally, buffers should support habitat required for pollinators, an important factor for *P. lyonii*. Development adjacent to wildland habitat will require buffers for fire clearance. Buffers zones for fire control purposes should include adequate distance from modified habitat. Fuels modification requirements for insurance purposes is 300 feet from dwellings. An additional buffer of 200 feet would permit the habitat integrity needed for a combination of rare plant and pollinator requirements.

(p. 36, emphasis added).

The proposed mitigation and management program for Lyon's pentachaeta bears no resemblance to the program described by the USFWS and is wholly inadequate. The project provides essentially no buffer, while the USFWS calls for a 200 foot buffer (or 500 feet, since the USFWS assumes 300 foot fuel modification zones). The project

provides no space for mobile plant populations. The project does not provide an area that would support habitat required for pollinators. On the contrary, the project proposes maintaining some Lyon's pentachaeta populations within or near fuel modification zones that would be cleared of habitat required for pollinators.

27.

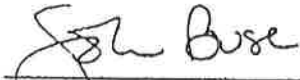
Without the establishment of an adequate buffer for Lyon's pentachaeta and the maintenance of habitat for pollinators, the project will directly impact Lyon's pentachaeta. Moreover, by encroaching on Lyon's pentachaeta seedbank areas, the project will result in direct take of this species pursuant to the California Endangered Species Act. The project must therefore be redesigned consistent with the recommendations of the USFWS to avoid these significant environmental impacts and to avoid any possibility of a take.

28.

The MND states the 1987 EIR for the Lake Sherwood/Hidden Valley Area Plan evaluated the cumulative impacts of a community of 630 dwelling units and a golf course. Substantial changes have occurred in the cumulative background to the proposed project, including other approved, pending, and proposed developments in the western part of the Santa Monica Mountains. Moreover, the current project is the latest in a seeming series of ad hoc modifications to the project as originally conceived in the 1987 EIR. It is inappropriate to tier the current environmental review off of the 1987 EIR when the base project has changed so dramatically. At a minimum, a new EIR should be prepared that fully evaluates direct and cumulative impacts. Given the project's substantial modification of sensitive habitat, the EIR should provide a detailed cumulative analysis of habitat modification and loss in the western Santa Monica Mountains since 1987, including acreages and vegetation types lost due to fuel modification requirements.

Thank you for your consideration of these comments.

Sincerely,



John T. Buse  
Managing Attorney  
Environmental Defense Center

cc: Rick Farris, USFWS  
Mary Meyer, CDFG  
Paul Edelman, SMMC  
David Magney, CNPS

10



State of California • The Resources Agency

Gray Davis, Governor

DEPARTMENT OF PARKS AND RECREATION

Rusty Arreola, Director

Angeles District  
1926 Las Virgenes Road  
Calabasas, CA 91302

June 5, 2000

Ron Allen, Senior Planner  
County of Ventura  
800 South Victoria Avenue  
Ventura, California, 93009

Re: General Plan Amendment No. GPA-9803, SCH #2000051031

Dear Mr. Allen:

The California Department of Parks and Recreation, Angeles District, has had the opportunity to review the Initial Study for the above-referenced project and offers the following comments for your consideration.

We do not concur with the conclusions of the Initial Study that the appropriate level of environmental review for this project is a Mitigated Negative Declaration. We are concerned that the footprint and the development is located within a highly sensitive and diverse natural area. We appreciate the revised project represents considerable changes that reduce specific impacts to wetlands, riparian habitat, oak trees and oak woodlands, and Lyon's pentachaeta. However, the proposed project would still result in significant, unavoidable impacts to plant communities, wildlife and wildlife habitat and potentially to sensitive wildlife species. We request that a Supplemental Environmental Review be completed for this project.

**Biological Resources – b. Wetland Habitat**

29.

We are concerned that proposed project will compromise and alter the riparian corridor and degrade native habitats. The riparian habitat in Carlisle Creek is crucial to wildlife as a seasonal and permanent water source, abundant food source, cover and a natural movement corridor. In addition, species from drier upland habitats, as well as a number of migratory or transient species, such as birds or large mammals, often visit this area. We are concerned that construction activities and the removal of the wetland/riparian habitat will negatively affect wildlife foraging and nesting habitats for animals that currently use this open space area. What measures would be taken to ensure the overall survival of the many species of plants and animals that exist in the area?

Mr. Allen  
June 5, 2000  
Page 2

**Biological Resources – d. Migration Corridors**

30.

We are encouraged that the proposed project has condensed the envelope of development adjacent to the east-central wildlife corridor in an attempt to reduce impacts to wildlife movement in the area. However, the open space preserved on the project site will be degraded and fragmented by the project design. The proposed project contains connecting roads, houses, yards, infrastructures, and a golf course that are spread out over the entire project site. A golf course can not be considered as animal habitat or suitable for meeting the needs of migrating wildlife. This design creates extensive interface between developed areas and lands that are designated to remain open space. In addition to the loss of habitat and movement areas, the development in proximity to natural areas creates edge effects that also impact area wildlife. Outdoor lighting, brush clearance, domestic pets and other residential activities degrade and fragment the open space areas to a larger extent when the developed areas are spread out and adjacent to the natural areas that are proposed to be preserved.

**Biological Resources – e. Locally Important Species/Communities**

31.

We are concerned about the potential for significant impacts to native oak trees, even after the suggested mitigation. The loss of up to 100 oaks is significant impact, given the cumulative loss of oak habitat in this area over the last several decades. The area designated for transplanted oaks already contains oak woodland habitat. Therefore, it appears that there will be a net loss of this habitat as a result of this project. Oaks that are retained within the development footprint are subject to future loss through irrigation. We therefore feel that the suggested mitigation measures are inadequate.

Thank you for considering our comments.

Sincerely,

*Russell G. Guiney*  
Russell G. Guiney  
District Superintendent





**California Lutheran University**

601 West Olsen Road  
Thousand Oaks, California 91360-2700  
805/492-2411

Department of Biology  
June 6, 1998

Ron Allen, Case Planner  
RMA/Planning Division  
800 South Victoria Avenue, L #1740  
Ventura, CA 93009

Dear Mr. Allen,

32.

As a biologist, I am very concerned about the proposed development along the north side of Carlisle Road and south of Lake Sherwood. Such an undertaking will be extremely harmful to the environment. This is a very valuable portion of the Santa Monica Mts. and once destroyed can never be replaced. In addition the area to be developed contains the last of the riparian woodland communities in Ventura County. A wetland and a sycamore-coast live oak community will be seriously harmed if the development is approved.

33.

In addition to the indicated presence on the property of the State and Federally listed Lyon's pentachaeta (*Pentachaeta lyonii*), it is also possible that Plummer's mariposa lily (*Calochortus plummerae*), another species of concern, may also be present. It has been found within two miles of the project site. Plummer's mariposa lily is found in chaparral, valley and foothill grassland, coastal scrub and cismontane woodland. The plant is often associated with Lyon's pentachaeta and favors a hard clay soil, derived from volcanics. It is very likely that Plummer's mariposa lily does grow on the project site, particularly in the grassy areas proposed for development. Plummer's mariposa lily usually blooms in early summer, and can only be spotted during that time.

34.

I might also comment that any grading adjacent to Lake Sherwood absolutely not be permitted during the months of November through April. For the past two years, extensive grading adjacent to the lake (south of Potrero Road and north of Lake Sherwood) has occurred, and during the rain season, large volumes of dirt, mud, and silt flowed into the lake with the runoff. Erosion was extensive. The dirt and mud, however did not remain in Lake Sherwood. Large amounts flowed over the dam into Potrero Creek and then into Westlake Lake. The extreme damage that this grading caused is still being felt and will continue to cause problems through the summer and fall. In addition to silting up the lake, the settling of mud on the lake bottom can cause death of organisms. The introduction of nutrients from the grading and the use of reclaimed water has caused algal blooms, both in Sherwood Lake and Westlake Lake. When the algae die, the resultant decay creates anaerobic conditions in the bottom of the lake which can then lead to death of fish. Therefore, surface water quality will be affected by the development. Not only will Sherwood Lake be affected, but more importantly, Westlake Lake and areas downstream will be affected.

35.

Concerning the revised Project, I feel that the environmental destruction of the will be adversely affected. habitat and wildlife species will cause a significant impact on the environment and the project should be reconsidered. Numerous oaks, many over 100 years old, are present in the proposed development area. Grading, even if it is "only for building pads", will be extremely damaging. Large equipment brought in to do the grading will inevitably destroy many trees not slated for removal. How do you replace a 100 year old oak tree?

36.

Changes that are planned for the wetland/riparian woodland habitat will inevitably harm numerous species of wildlife inhabiting the area. Such habitats are becoming rarer and rarer, inevitably causing loss of valued species. Relocation of wetlands is rarely, if ever, successful.

37.

The so-called "redesign to completely avoid Lyon's pentachaeta" will likely end up in a continued loss of this endangered speices. For example, the Sherwood Lake Golf Course was "redesigned" to avoid a population of *Pentachaeta*. Because of altered drainage around the *Pentachaeta*, within three years, the population was gone. Any building adjacent to *Pentachaeta* can alter the environment sufficiently to decimate the population, including such activities as grading, putting in irrigated lawns, and building of paved roads in the vicinity. Anything closer than 50 feet is totally inadequate.

In conclusion, I very strongly urge you to reconsider allowing any zoning changes for the Lake Sherwood property. Extensive development here could be very damaging to a valuable resource which we do not want to lose. Such an area could more profitably be left as a wildlife reserve to enhance the property value of the houses already in existence. At some point we need to make a stand for the environment and for the future population.

Sincerely,

Barbara J. Collins, Ph.D.  
Professor of Biology

# COX

June 3, 2000

Mr. Ron Allen  
Senior Planner  
VIA FAX

Dear Mr. Allen:

As a member of the Carlisle Canyon Property Owners Association, I'm writing to voice my concern over the Draft Mitigated Negative Declaration 00-80.

Of particular concern is the expansion of the golf course from a nine-hole extension of the existing course, to an 18-hole stand-alone course with its own two-story clubhouse and 46-vehicle parking lot.

The reconfiguration of the lots is also of concern, although given the dynamic and seemingly trial-and-error planning method of Sherwood Development Company, there's probably no point in worrying about it since it will certainly change again.

The golf course, however, takes us to where Sherwood Development Company no doubt intended to go right from the outset. It's clear that they consider the commercial viability of the planned community to hinge on the "attraction" of a golf course.

I am certainly not opposed to a golf course per se. However, I am opposed to any further progress with the planned development until:

38. a) We, the association, receive written confirmation from Sherwood Development Company that Carlisle Canyon will NEVER be considered or used as an access road of ANY SORT (with the exception of Fire Dept. emergency use). We are also opposed to any road improvement the County may require of Sherwood Development Company;
39. b) A new Environmental Impact Report, updating the latest (1987) draft, be ordered and completed.

As noted in the Wildlife Resources Inventory Report dated May 5, 1999, there are a number of listed and/or protected species reported or expected to exist in the development area, including California Fish and Game "Fully protected fur-bearing species" such as Mountain Lion and Ringtail; three federally-listed species (California red-legged frog, American peregrine falcon, and bank swallow); at least twenty State Species of Special Concern; and over twenty candidates for federal listing that may also be State Species of Special Concern.

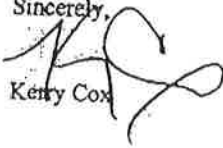
Kerry K. Cox • 356 E. Carlisle • Westlake Village, CA 91361  
Phone/Fax (805) 495-5447

Further, the report notes the significant environmental impact of virtually every element of development. While this is to be expected from any kind of development in a rural area, surely it is significant enough to warrant a fresh look and evaluation, given the myriad of changes that have occurred since 1987.

To underline this issue, I've attached a photocopy of pages 28 and 29 from the abovementioned report.

Thanks very much for the opportunity to respond to the Draft Mitigated Negative Declaration.

Sincerely,

  
Kerry Cox

## Wildlife Resources Inventory Report

## 7.0 APPROVED/PROPOSED PROJECT COMPARISON SUMMARY

The current literature search for the project site identified approximately 284 wildlife species, including 46 sensitive species potentially occurring on the site, of which 139 species, (49%), including six sensitive species, were observed during surveys in March 1999. Currently, the site supports high quality habitat and wildlife diversity, which is enhanced by the juxtaposition of terrestrial, wetland, and aquatic habitats. Broad connections within and between upland scrub and woodland habitats allow wildlife easy access to riparian habitats along Carlisle Creek and open water on Lake Sherwood. Within this context, potential impacts of the approved and proposed plan are described below.

**Wetland Habitat.** The approved plan significantly modified wildlife habitat of the south inlet of Lake Sherwood, and altered riparian and aquatic habitat along the lower reaches of Carlisle Creek. The proposed plan also impacts wetland habitat. The proposed "irrigation pond" in the proposed plan is an improvement over the "desilting basin" because the latter implies more intensive management. Both plans result in significant impacts to wetland habitat.

**Habitat Loss.** The new site plan results in slightly more impacts to wildlife in this area because of new residential development in oak woodland and scrub habitats west of the south inlet or Carlisle Creek, in the center of the development.

**Roadways.** The proposed roadways of both plans represent a potentially significant source of mortality and barriers to wildlife dispersal between the proposed 113-acre open space parcel to the north and west of Carlisle Creek, and Carlisle Creek. A benefit of the new roadway design, which is located on the development perimeter, is to effectively isolate development from native habitat, reducing human-wildlife interactions and wildlife mortality in this area.

**Golf Course.** The golf course itself will not provide high-quality functional wildlife habitat values.

**Open Space.** The deed-restricted open space parcel west and north of Carlisle Creek, as shown on the new and previous development plan, will be converted from its current state as contiguous habitat, to an isolated parcel. This mixed scrub and grassland habitat "island," through time, will gradually lose population density and diversity, until it reaches equilibrium.

**Wildlife Corridors.** The "wildlife corridors" illustrated on the approved plan were based on subjective planning. The northernmost "corridor" traverses open water at the north end of the south inlet, making it extremely unlikely that any animals except birds would use this route. The southern "corridor" was simply an open space between development areas. The advantage of the proposed plan is the recognition that the target species; i.e. gray fox, mountain lion, will not swim across a lake; and therefore a land bridge has been designed into the project along the southern corridor. However, one should not assume that wildlife species will automatically utilize this area of open space once development occurs.

**Non-native Species Introductions.** The approved and proposed plan will create man-made habitats that are favored by non-native wildlife species that either prey on native wildlife, including sensitive species, or indirectly effect native populations through increased competition for food, foraging space, nesting habitat, etc.

**Noise and Increased Human Presence.** Both project plans would result in significantly more noise and human disturbance to wildlife, including those species remaining in adjacent designated open space. Animals most affected by noise are those, which rely on auditory signals to find mates, set up and defend territories, recognize young, and detect and locate prey.

## 7.1 Conclusions

Both the old and new plans place development in the highest quality wildlife habitat in the project area. The remaining open space will be effectively isolated from the Carlisle Creek riparian corridor. Given the high number and diversity of wildlife, both the approved and proposed development plans will result in significant negative impacts to wildlife resources in the project area as documented in the FEIR. Areas of concern include the filling and dredging operations in lower Carlisle Creek and the south inlet of Lake Sherwood, loss or degradation of high-quality

Wildlife Resources Inventory Report

wildlife habitat, such as oak and riparian woodland, higher residential density west of the south inlet and east and north of Carlisle Creek, and conversion of the Carlisle Creek floodplain into a golf course. Either project plan could potentially affect one or more of the following sensitive species: California red-legged frog, Santa Monica Mountains hairstreak butterfly, monarch butterfly, southwestern pond turtle, coast horned lizard, coastal whiptail, southern California rufous-crowned sparrow, pallid bat, San Diego black-tailed jackrabbit, San Diego desert woodrat, ringtail, American badger, and mountain lion. The likely result, when either the approved or proposed development plans are implemented will be: a) upland species will be disproportionately affected by habitat loss and fragmentation; b) wildlife movements between the Carlisle Creek riparian corridor and scrub habitats on either side of the floodplain, especially those between the oak woodland east of the floodplain, will be disrupted by residential and golf course development; c) wildlife habitat will be degraded and wildlife movements will be disrupted by golf course development and increased human presence along the Carlisle Creek riparian corridor; d) wildlife movements between the woodland and scrub habitats west of Carlisle Creek and the riparian corridor will be disrupted by the proposed roadway and fence; e) wildlife movements between upland scrub habitats on either side of the Carlisle Creek floodplain will be similarly affected.

**From:** <RetOCID@aol.com>  
**To:** <ron.allen@mail.co.ventura.ca.us>  
**Date:** Tue, Jun 6, 2000 1:34 PM  
**Subject:** Re: MND for GPA 9803

Dear Mr. Allen:

In the interest of keeping this brief, I will sincerely try.....

Among the many concerns I have about the intended Carlisle development, my greatest is, the destruction of a unique and rare natural resource which includes the habitat for wildlife already displaced by development in the area. Who lobbies for the animals? Humans who truly care, and I am one.

The Inlet will be forever changed, not to enhance the natural beauty, nor to protect the animals or vegetation, or even to establish a significant county tax base. It will be done for individual monetary reasons.

40.

The development would have merit if it were being done for the underprivileged, lower income families or the homeless. To the contrary, its being done to create expensive homes and a playground for upper income residents. There is no housing shortage in the proposed price range. The development will generate more money for an already wealthy developer. Why must so much be adversely effected for so few?

Mr. Allen, its magnificently beautiful back there, not another place like it in the county. Its been said the development will not have a negative impact on view shed in the area. The very notable exception will actually be in the canyon itself, with its displaced animal population, altered waterway, flattened hillsides, paved roads, concrete and stucco. The wonderful balance of water, blue skies, majestic rolling hills and plant life which has been there for hundreds of years will be gone forever. All for the almighty dollar! Truly, what is this world coming to.....

Frankly, I would not want to be involved in that change.

Please,  
Joseph C. Sacha  
220 Upper Lake Rd.  
(805) 495-5685

CC: <frank.schillo@mail.co.ventura.ca.us>, <kathy.long...

14

MARY E. HANSEN  
 POST OFFICE BOX 3384  
 289 UPPER LAKE ROAD  
 THOUSAND OAKS, CALIFORNIA 91359  
 (805) 497 - 4860

6 June 2000

RE: Draft Mitigated Negative Declaration for GPA-9803

To: Mr. Ron Allen, Case Planner

I am a resident of Lake Sherwood at 289 Upper Lake Road and have lived here since 1976. In that time, I have seen many changes here at the lake, most recently those instituted by Mr. David Murdock and Sherwood Development Company. I have not been happy with many of the changes, but realize that I cannot ask that "the door be locked and the key thrown away", so to speak, just to keep the area the way I would like to see it. But as the public is now invited to comment on the MND for GPA-9803, I must speak for what I feel is too important to lose, that is Carlisle Inlet. This is a special place like no other and to open it to development that will alter it forever is a travesty.

#### Wilderness Preservation

Carlisle Inlet is a major wildlife habitat as identified in the Mitigated Negative Declaration dated April 28, 2000 and submitted by Mr. Frans Bigelow of SDC. On page 3 of 27 in the "Initial Study Checklist" it states:

4. *The revised "Project Description" represents considerable changes that reduce specific impacts to wetlands, riparian habitat, oak trees and oak woodlands, and Lyon's pentacheata. Yet given the scope of the proposed project, placed within a highly sensitive and diverse natural area, a finding of non-significance under CEQA guidelines cannot be achieved. As anticipated in the Final EIR, the proposed project would result in significant, unavoidable impacts to plant communities, wildlife and wildlife habitat, and sensitive wildlife species.*

At what point does one step back and say, "This is enough"? Who is going to monitor this project to see that sensitive plant communities, wetlands and riparian habitats are preserved as much as possible? The wildlife corridor that was established at China Flats is a tunnel that curves so that the animals cannot see from one end to the other. That was not what was mandated, but who watched? It is noted in this document that larger animals, presumably the mountain lion, bobcat, deer and gray fox will be greatly restricted in their movements (page 9 of 27). This is now the case in the existing developments on the north shore. Nothing is sadder than to see an adult deer run across Potrero Road in the direction of the lake only to encounter fences that will keep the animal from the lake. I have seen this.

#### Scenic Resource

42. Part of the plan for this development is the necessity for a sewer line. Options have been considered and now the plan is to run a line over the ridge and connect with Upper Lake Road. The area proposed is part of the view shed of the area and as such will be scraped and denuded in at least a ten foot swath to put in the pipe. As part of north shore development, hillsides were scraped bare and have yet to be vegetated. We are told that the hillside path of the pipeline will be revegetated. The history of the development so far shows that many promises are made and not kept. Once the hillside is scoured it will be a lifetime for most of us before anything resembling what is there now returns. The sewer, if it must be put in, should run along a road bed, not insinuate itself into the wilderness area.

#### Light Pollution

43. The night sky is a valuable resource that often goes unrecognized and unnoticed. Try and find the Big Dipper in the San Fernando Valley. You cannot because the light pollution has obliterated it. It has been a constant battle to minimize light pollution from the existing development at the Lake and now we are proposing to compound the problem. Strict limitations on the amount of light pollution that is acceptable must be instituted.

Thank you for giving me this opportunity to speak out on MND for GPA-9803.

Sincerely,

Marv E. Hansen

LETTER 14



May 29, 2000

Page 1 of 2

County of Ventura Resource Management Agency  
Attr: Case Planner Ron Allen  
RMA Planning Division L#1740  
800 S. Victoria Avenue  
Ventura, CA 91009

Re: Draft Mitigated Negative Declaration 00-80

Mr. Allen:

I believe the MND for the Sherwood area GPA 9803 does not adequately address the negative environmental impact to the residents of East Stafford Road.

This negative impact relates to quality of life issues caused by traffic safety, quantity and quality (size of vehicles), noise and air pollution as it relates to this project. These issues become more important because Stafford Road is a residential street not a traditional access highway to a major construction site.

To assess quantity and quality of traffic we must quantify the number and types of vehicles, size and weight, and the number of trips they must make to grade and construct a golf course, commercial country club and adequate parking. This information should include exact type of equipment needed for completion of the project.

How many heavy tractors will be hauled in and out of Stafford Road? How many graders, water trucks, compactors, low boy cabs with trailers, oversize dump trucks,, rock, sand and dirt haulers and concrete trucks and material haulers for construction?

New and old residents deserve to understand the magnitude of equipment needed to create such a project. New residents of Stafford Road have no idea what it takes to build a golf course. The impact of this project will be in four primary areas:

- 1. Traffic impact to East Stafford Road
  - A. Quantity of Traffic - what will be the number of increased trips during and after project?
  - B. Quality of Traffic - number of trips is not the main issue, it is the size and sound of each trucking unit that makes a round trip.
- 2. Noise Impact - because Stafford Road is a hilly residential street large trucks create much more noise than on level streets.
- 3. Safety Impact

- A. Speed on Stafford Road (usually downhill traffic) is a problem, especially when construction traffic leaves the project in the afternoon. I have personally witnessed heavy equipment exceed our speed limits by more than 10 mph.
  - B. Large trucks and over-sized trucks hauling tractors and graders create a safety hazard by their size alone in a residential neighborhood.
4. Air Pollution - Stafford Road access is longer than other available routes. This excess mileage driven creates unnecessary air pollution.

Suggested Ways of Traffic Impact Mitigation

- 1. Bus all construction workers in and out of parking area in Dickens Patch (this is where tournament golf spectators park). If quiet low emissions busses are used this will improve
  - A. Safety - by reducing traffic and controlling speeds
  - B. Reduce traffic load at the Stafford Road gate
  - C. Reduce sound
  - D. Reduce air pollution
- 2. Cement trucks are heavy and loud. Cement trucks presently use Westlake and Carlisle Canyon Road without special permits. If cement trucks are given controlled access through Carlisle Canyon they will travel 3 miles less per round trip. This will improve
  - A. Traffic on Stafford Road
  - B. Sound impacts fewer residents
  - C. Reduce air pollution
- 3. Traffic Control
  - A. Purchase by developer and use "speed monitoring awareness radar trailer" with violator alert (lights flash if you exceed speed limit) and data pack (gives you specific information on the number of vehicle trips and the speed of each vehicle). This information allows the community to assess and remedy its traffic safety needs.
  - B. Require a traffic enforcement officer to monitor traffic during construction hours.

+4.

Thank you for your time and consideration of these issues.

Sincerely,

Carl Price  
2418 Stafford Road  
Thousand Oaks, CA 91361  
(805) 495-7593



FROM :

FAX NO. : 805 371 4068

May. 30 2000 09:57AM P1

16

*Mr. & Mrs. Ralph Kaufer*  
2279 Stafford Road  
Thousand Oaks, CA 91361  
(805) 495-3477

May 30, 2000

County of Ventura Resource Management Agency  
Attn: Case Planner, Ron Allen  
RMA Planning Division L#1740  
800 S Victoria Ave  
Ventura, CA 91009

Re: Draft Mitigated Negative Declaration 00-80

Mr. Allen:

45. We are writing to voice our concerns regarding the additional golf course development at Sherwood. When the developer initially proposed this development to us at our homeowners meeting, we were advised that this would be a 9 hole addition to the existing course with no clubhouse planned, as the golfers would use the existing clubhouse. Therefore we were specifically advised that no additional traffic would be generated on Stafford Rd.. We have recently become aware that these plans have changed, with the new golf course becoming a separate entity and having it's own clubhouse facility. This is in complete contradiction to the original plan. This new set of circumstances further increases our concern regarding traffic that will be generated initially by construction vehicles, and later by increased golf course traffic. We think it is imperative that the county, from a safety and environmental concern, explore all alternative traffic routings (both temporary and permanent) into this new area and delay the project development until this issue is resolved.

We would also like to be a part of all future discussions, meetings and decisions regarding this project as we are the residents who will be directly impacted by the development of this golf course.

We think it is important to note that our homeowners association is made up of (4) employees of the developer and only one resident and therefore any approvals or decisions coming from our homeowners association is biased toward the developer.

Respectfully submitted,

*Connie Kaufer*  
Connie and Ralph Kaufer

*Ralph Kaufer*

LETTER 16

Ron Allen, Case Manager  
RMA/Planning Division L#1740  
800 South Victoria Avenue, Ventura, CA 93009

Regarding: MND for GPA 9803

June 6, 2000

Dear Mr. Allen,

I have been a resident of Lake Sherwood for a little over a year. My husband grew up here and convinced me it was a wonderful place to live. Little did I know just how much I would fall in love with everything about it. In particular, it's environmental uniqueness. Therefore, I feel it is essential to be informed of the area's development plans.

Let me start by saying, I truly appreciate the tireless effort put forth by the county and the development company to be environmentally sound. I am aware that the following issues were addressed in the negative declaration and with mitigation were found to have little environmental significance. However, I must question that. I feel more can be done and is imperative to the health of the environment, not to mention it's beauty. Therefore, I would greatly appreciate your review of the items I am concerned about:

- 46. • Running a sewer line along scenic viewshed. I do not feel what the county has declared as a Scenic Resource Overlay Zone should in any way be disturbed. These sewer lines should be placed along the roadway where construction and digging will already take place.
- 47. • Excessive lighting. While the plan makes proposals to decrease light pollution, those very proposals have been inadequate in the Lake Sherwood area. If the same is done in Carlisle, the combined impact would be very significant. Further reduction in the lighting standards should be considered.
- 48. • Effect on wetland habitat in Carlisle inlet. If this area is dredged and filled the environmental impact can be nothing short of significant. The impact must be minimized.
- 49. • Effect large clubhouse facilities will have on traffic, particularly on Stafford Rd. Question extent and adequacy to which this has been studied. Traffic on Stafford is already of concern.
- 50. • Effect on eco-system and wildlife if over 100 Oaks trees are removed or destroyed

Areas with wetlands and oak forests like Carlisle canyon are few and far between in Southern California. I urge you to make every effort possible to better preserve them. I urge you to augment the environmental soundness of the building plan for Carlisle Inlet.

I truly appreciate your time and expertise in this matter.

Mollie Aby, Lake Sherwood Resident.

18

June 5, 2000

Ventura County Planning Department  
Att: Ron Allen

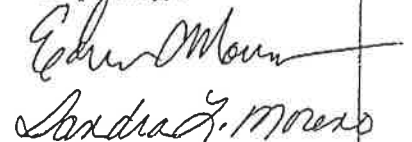
Re: Lake Sherwood Negative Declaration Impact Report

51.

We understand Sherwood Development Company,(SDC), is requesting to add a second Country Club, Golf Course, and 101 additional homes. The Country Club is a commercial development that was not addressed in the original ERI. This Country Club will be selling memberships that will greatly increase the traffic impact for the existing residents on East Stafford Road.

We, therefore, are requesting that SDC be required to perform a traffic study relating to this issue. It is our hope that this study will show the need for a third permanent access gate onto Carlise Canyon Road. A new access will serve all members of the new Country Club, in addition to the planned additional 101 new homes.

Respectfully,



Ed Moreno  
Sandy Moreno

2496 Hereford Road  
Thousand Oaks, ( Lake Sherwood), CA. 91361  
(805) 494-0112

*(This needs to be signed & faxed today. 6.6.00)*

Fax (805) 654-2509

19A

May 18, 2000

County of Ventura Resource Management Agency  
Att: Case Planner Ron Allen  
RMA Planning Division L#1740  
800 S. Victoria Ave.  
Ventura, CA 91009

Re: Draft Mitigated Negative Declaration 00-80

We believe the Mitigated Declaration is flawed. The original Environmental Impact Report, over twelve years old, does not address :

52.

- 1. Second golf course
- 2. Second country club
- 3. 101 new homes instead of original 90 homes in Carlisle area
- 4. Approximately 300 new Golf Club memberships added to original 400 memberships at Sherwood Country Club
- 5. Increased traffic on Stafford Road, impacting new and existing homes

We request an additional gate to alleviate traffic on Stafford Road be installed on Carlisle Canyon.

<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. LISA WALKER	<i>[Signature]</i>	2447 Stafford	805 373 1736
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

FROM : TYLA REICH

PHONE NO. : 805 495 6276

Jun. 06 2000 06:04AM P1/1  
FAX (805) 624-230

193

May 18, 2000

County of Ventura Resource Management Agency  
Att: Case Planner Ron Allen  
RMA Planning Division L#1740  
800 S. Victoria Ave.  
Ventura, CA 91009

Re: Draft Mitigated Negative Declaration 00-80

We believe the Mitigated Declaration is flawed. The original Environmental Impact Report, over twelve years old, does not address :

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5. Increased traffic on Stafford Road, impacting new and existing homes

We request an additional gate to alleviate traffic on Stafford Road be installed on Carlisle Canyon.

<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. Don + Tyla Reich	<i>TR</i>	2420 Stafford Rd.	(805) 495-6276

3. Dan Stridsberg	<i>Dan Stridsberg</i>	2417 Stafford Rd	(805) 495-9329
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4.			
5.			
6.			
7.			
8.			
9.			
10.			

Fax # (805) 654-2507

19C

May 18, 2000

County of Ventura Resource Management Agency  
Att: Case Planner Ron Allen  
RMA Planning Division L#1740  
800 S. Victoria Ave.  
Ventura, CA 91009

Re: Draft Mitigated Negative Declaration 00-80

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- 5. Increased traffic on Stafford Road, impacting new and existing homes

We request an additional gate to alleviate traffic on Stafford Road be installed on Carlisle Canyon.

<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. Mr & Mrs.	James E. Cummins	2413 Stafford	374 0004
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			



19D

JUN 07 2000

May 18, 2000

County of Ventura Resource Management Agency  
Att: Case Planner Ron Allen  
RMA Planning Division L#1740  
800 S. Victoria Ave.  
Ventura, CA 91009

Re: Draft Mitigated Negative Declaration 00-80

We believe the Mitigated Declaration is flawed. The original Environmental Impact Report, over twelve years old, does not address :

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- 5. Increased traffic on Stafford Road, impacting new and existing homes

We request an additional gate to alleviate traffic on Stafford Road be installed on Carlisle Canyon.

<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. CARL PRICE	<i>Carl Price</i>	2400 STAFFORD RD.	495-7593
2. LENNIE PRICE	<i>Lennie Price</i>	2400 STAFFORD ROAD	495-7593
3. EDSON C. MORENO	<i>Edson C. Moreno</i>	2499 HEREFORD ROAD	494-0112
4. SANDRA L. MORENO	<i>Sandra L. Moreno</i>	2499 Hereford Rd	494-0112
5. MARK MONTANA	<i>Mark Montana</i>	87 UPPAR LAKE RD.	497-3820
6.			
7.			
8.			
9.			
10.			

June 4, 2000

19E

County of Ventura Resource Management Agency  
Attn.: Case Planner Ron Allen  
RMA Planning Division L#1740  
800 S Victoria Ave.  
Ventura, CA 91009

Re: Draft Mitigated Negative Declaration 00-80

We believe the Mitigated Declaration is flawed. The original Environmental Impact Report is twelve years old and does not address:

- 53.
1. The building of a second Country Club
  2. 101 new homes instead of original 90 homes in the Carlisle area.
  3. The increased traffic on Stafford Road that would impact the existing homes.

We request that an additional entry gate be installed on Carlisle Canyon to alleviate traffic on Stafford as we believe this added traffic will severely impact the existing homes on Stafford Road.

SIGNATURE	ADDRESS	PHONE
1. Karen Griffin	2709 Stafford Road, S.O.	(805) 495-1449
2. [Signature]	998 W. Stafford Rd, T.O.	(805) 373-9906
3. [Signature]	" " "	" "
4. [Signature]	" " "	" "
5. [Signature]	2933 Stafford Rd.	(805) 373-0127
6. [Signature]	" " "	" "
7. Jimmy Stone	2821 Stafford Rd	(805) 374-2892
8. Mary Stone	2821 Stafford Rd	805 374-2892
9. Melissa Stone	2821 Stafford Rd	(805) 374-2892
10. [Signature]	2753 Stafford Rd	(805) 381-1395
11. [Signature]	2731 Stafford Rd.	(805) 495-3689
12. [Signature]	" "	" "
13. Lisa Sims	2657 Stafford Rd.	(805) 371-9042
14. [Signature]	2657 Stafford Rd.	(805) 371-9042
15. Anna Lopez	2709 Stafford Rd.	(805) 373-1468

FROM :

FAX NO. : 805 371 4068

Jun. 06 2000 10:48AM P1

19F

June 4, 2000

County of Ventura Resource Management Agency  
Attn.: Case Planner Ron Allen  
RMA Planning Division L#1740  
800 S Victoria Ave.  
Ventura, CA 91009

Re: Draft Mitigated Negative Declaration 00-80

We believe the Mitigated Declaration is flawed. The original Environmental Impact Report is twelve years old and does not address:

- 53.
1. The building of a second Country Club
  2. 101 new homes instead of original 90 homes in the Carlisle area.
  3. The increased traffic on Stafford Road that would impact the existing homes.

We request that an additional entry gate be installed on Carlisle Canyon to alleviate traffic on Stafford as we believe this added traffic will severely impact the existing homes on Stafford Road.

SIGNATURE	ADDRESS	PHONE
1. <i>Cammie M. Watson</i>	<i>2289 Stafford Rd</i>	<i>805-494-4949</i>
2. <i>Robert W. P. Holstrom</i>	<i>2301 Stafford Rd</i>	<i>(805) 371-9852</i>
3. <i>Jan Bullinger</i>	<i>2311 Stafford Rd</i>	<i>(805) 446-1464</i>
4. <i>Andy Lee</i>	<i>2401 S Stafford Rd</i>	<i>805-371-3919</i>
5. <i>Doreen Byers</i>	<i>2425 Stafford</i>	<i>805 446-1123</i>
6. <i>Robert Byers</i>	<i>2425 Stafford</i>	<i>805/446-1123</i>
7. <i>Janet C. Holstrom</i>	<i>2301 Stafford Rd</i>	<i>805-371-9852</i>
8. <i>Rosanne Kaefer</i>	<i>2279 Stafford Rd.</i>	<i>495-3477</i>
9. <i>Ralph B. Jensen</i>	<i>2279 Stafford</i>	<i>495-3477</i>
10. <i>Tom L. Ken</i>	<i>2395 Stafford Rd</i>	<i>313-2793</i>
11.		
12.		

May 18, 2000

County of Ventura Resource Management Agency  
Att: Case Planner Ron Allen  
RMA Planning Division L#1740  
800 S. Victoria Ave.  
Ventura, CA 91009

MAY 23 '00 PM 2:38

Re: Draft Mitigated Negative Declaration 00-80

Mr. Allen;

I support the addition of 90 new homes, a golf course, and a country club; but have one major concern regarding the Draft Mitigation, proposed to resolve problems with the Lake Sherwood/Hidden Valley Area Plan. The new Lodge Club House at Sherwood was not included in the original EIR. This Lodge, (the Country Club), will drastically increase the traffic problems incurred by the existing community along Stafford Road, Queens Garden, and Potrero Road. There are 50+ homes within 100 feet of this route, beginning at the site of the proposed Lodge Club House and continuing to the intersection of Potrero Road and South Westlake Boulevard. Along this route there are 7 traffic stops, greatly contributing to the noise and air pollution factor.

I am requesting that the developer be required to provide a permanent access to the Lodge House, Golf Course, and the proposed 90 home development via a gate, opening to Carlisle Canyon Road. I realize that this was not a requirement of the original ERI, over ten years ago. However, this new development, and the memberships that will be sold, will generate an immense amount of additional traffic. This would specifically impact those residents along the above mentioned route.

54.

A new permanent access gate would affect the community in Carlisle Canyon. However, in Carlisle, there will be only thirteen homes affected, with only two stop signs along the route to Westlake Village, compared to the 50+ homes and seven stop signs along Stafford and Potrero Roads. Also, the Carlisle route is 1.1 miles shorter. At an average six vehicle trips per day for each of the ninety proposed homes, this 1.1 mile savings adds up to over 200,000 saved miles per year. This figure does not even include traffic to and from the new Lodge Club House. These saved miles conserve fuel, reduce air pollution, and save time. Also, being a straighter and less populated route, the potential for vehicle or pedestrian accidents would be greatly reduced. There is also a proposed plan to relocate the Lake Sherwood Fire Station to South Westlake Blvd. and Potrero Road. If this happens, then a new permanent access to this development will be needed in the Carlisle area. The original ERI only required an emergency only, locked access gate in Carlisle Canyon to this development.

Carlisle Canyon is a county road, and S. Westlake Boulevard is a state highway. Both roads were paid for and are maintained by taxpayers' money, and should be available for use by all taxpayers, not controlled by a small group of Carlisle residents. While I favor the development of

the new golf course area, I do not believe it should be at the expense of those people living along Stafford Road, Queens Garden, or Potrero Road.

55.

It would also seem appropriate to require Sherwood Development to direct construction traffic for this new development through the Trentwood guard gate, then west on W. Stafford, until a new Carlisle gate is open. This sharing of construction traffic and noise is only fair for the people living on both Stafford and West Stafford..

I believe these are very valid and basic requests. Providing a permanent access to the new development via S. Westlake Boulevard and Carlisle Canyon Road would serve the greater number of residents, lessen the environmental impact on the area, and provide more expedient emergency services. Dividing construction traffic between three entrances, considering the noise, air pollution, road congestion, and physical impact on the road itself, would also provide a safer and less damaging environment.

I ask that you, as a county planner, recognize the simplicity and efficiency of these solutions, and require them of the Sherwood Development Company. Thank you for your time and concern.

Respectfully,



Lee W. Hill  
40 Upper Lake Road  
Thousand Oaks, CA 91361  
(805) 495-4455

**From:** <TylaReich@aol.com>  
**To:** <ron.allen@mail.co.ventura.ca.us>  
**Date:** Tue, Jun 6, 2000 7:14 AM  
**Subject:** Draft Mitigated Negative Declaration 00-80

From: Tyla Reich  
2420 Stafford Road  
Thousand Oaks, 91361  
(805) 495-6276

56. The Mitigated Declaration does not address the proposed development. Specifically, it does not address the second golf course, a new commercial occupancy of approximated 40,000 square feet, and additional 11 homes in the Carlisle area, the impact of hundreds of new golf memberships and associated special events that will be held. The noise, safety, and environmental impact of the ADDITIONAL items mentioned above need to be addressed.
57. Further, I feel that existing State Hwy 23 be used as means to mitigate traffic and resulting environmental and safety impact on existing homes in our community. There needs to be an residential and clubhouse entry gate on Carlisle Road for this new development. Thank you for your consideration.

From: Randy and Denise Capri  
196 Lower Lake Road  
Lake Sherwood, CA 91361  
Dermassoc@dock.net

June 6, 2000

>To: Ron Allen  
> Ventura County Planning Dept.  
>  
>Re: MND for GPA 9803  
>

>The following are items of concern regarding this new proposal for the  
>development of the Carlisle Canyon portion of the Lake Sherwood  
>Development.  
>

58. >Viewshed and Sewer Line-The location of the proposed forced main sewer  
>line from the proposed lots in Carlisle inlet over the ridge and  
>connecting to Upper Lake Road in the old South Shore community is  
>unacceptable. Sewer lines should be placed in the proposed roadways,  
>where there will already be unavoidable impact. Maintaining the  
>undisturbed condition of the ridge and slopes behind the old South  
>Shore community has been an important issue for our community throughout  
>this development process. The quality of the views from the public roads  
>was important enough to the County of Ventura to establish the Scenic  
>Resource Overlay Zone. That should not be compromised.  
>

59. >Traffic-The new clubhouse will generate extra traffic. Traffic on  
>Stafford Road is already a problem. The proposed housing units will add  
>hundreds of trips per day to this small street and the new golfing  
>facility will add even more. This is more of a problem since all,  
>service and construction traffic is routed through one gate. Opening  
>both gates to this traffic would ease the impact of increasing traffic  
>loads.  
>

60. >Lights-The area plan recognizes the value of maintaining night skies  
>that are not obscured by light pollution. The existing rules have not  
>been enough to prevent light pollution in the Lake Sherwood area. It  
>would be a shame to repeat this in Carlisle Canyon. The lighting  
>standard should be reduced even further to prevent even more degradation  
>to the night skies in this area.  
>

61. >Natural Resources-Carlisle creek and Carlisle inlet are unique and  
>valuable natural resources. Dredging and filling of lakeshore should be  
>minimized. The natural stream course should not be disturbed. Any  
>disturbance to these areas should be restored in form, structure and  
>function to their original state.  
>

cc: Frank Schillo via Ron Stark

6/6/00

Ron Allen  
Ventura County Planning Dept.

Dear Mr. Allen,

62.

I was recently just informed of a possible decision by the Planning Dept. to install a sewer line over the ridge in Lake Sherwood connecting the Carlisle Inlet to Upper Lake Road. I have been a property owner here since 1977 and I am confused as to why the county would do this. Normally, I have seen lines run under the street. Not only would this disturb the ridgeline but it would also negate the Scenic Resource Overlay Zone.

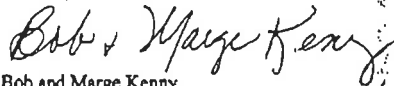
63.

My husband and I have raised our children here and have seen many changes, some good some bad. However, this proposal is not in the best interest of the community. We are struggling now with constant traffic noise, which would be alleviated with the opening of both gates. Also lighting should be kept at a minimum. Our skies are so beautiful at night, lets not compromise this.

We are very fortunate to live in this area; my husband and I by no means will ever come close to the salaries that the new residents earn. We own and operate a donut shop in Ventura County, and know what hard work and dedication means. We hope that you will show that same dedication to our area and not let big interest and money dictate your decision in this new proposal.

Thank you for your time.

Sincerely,



Bob and Marge Kenny  
2495 Hereford Road  
Lake Sherwood, CA  
(805) 497-2278



Dear Mr. Allen;

As a past president and current board member of the Lake Sherwood Association, 20 year resident of Lake Sherwood, and member of the Sherwood Country Club, I would like to register my opposition to the proposed plan for bringing the sewer line from Carlisle Canyon over the open space, and to hook up to the line on Upper Lake Road.

We have fought hard to create and preserve open space in the Lake Sherwood community in order to attempt to mitigate the effects of the large development that is occurring here.

64. Our community and the County have been steadfast in this preservation effort throughout all phases of this development. I would hope that we do not alter that commitment now.

Please require the developer to resolve the sewer hook up situation in some manner that does not violate open space or damage our efforts to maintain the rural character of the South Shore community.

Thank you;

Chris R. Kamen, D.D.S.

LETTER 24

To: Ron Allen  
Ventura County Planning Dept.

From: Judith Darin  
Architect and resident of Lake Sherwood

Re: MND for GPA 9803

The following are items of concern regarding this new GPA proposal for the development of the Carlisle Canyon portion of the Lake Sherwood Development.

Development of area of scenic beauty and wildlife abundance – The Carlisle Inlet is one of the few remaining undeveloped areas of its kind in Southern California. PLEASE PLEASE PLEASE at least take a trip up the inlet in a boat and experience it for yourself before allowing this development to proceed. Call Judith Darin 805/497-2520 for a boat trip so that you may realize just how much and why we need to protect this area.

65.

Viewshed and Sewer Line - The location of the proposed forced main sewer line from the proposed lots in Carlisle inlet over the ridge and connecting to Upper Lake Road in the old South Shore community is unacceptable. Sewer lines should be placed in the proposed roadways, where there will already be unavoidable impact. We have experienced major negative impact to the viewshed in our area, including bare slopes and exposed irrigation pipelines. Promises by LSR to correct these conditions have not been properly met. Maintaining the undisturbed condition of the ridge and slopes behind the old south shore community has been an important issue for our community throughout this development process. The quality of the views from the public roads was important enough to the County of Ventura to establish the Scenic Resource Overlay Zone. That should not be compromised.

66.

Traffic- The new clubhouse will generate extra traffic. Traffic on Stafford road is already a problem. The proposed housing units will add hundreds of trips per day to this small street and the new golfing facility will add even more. This is more of a problem since all, service and construction traffic is routed through one gate. Opening both gates to this traffic would ease the impact of increasing traffic loads.

JUN 6 7:00 AM '11:21  
67.

Lights- The area plan recognizes the value of maintaining night skies that are not obscured by light pollution. The existing rules have not been enough to prevent light pollution in the Lake Sherwood area. It would be a shame to repeat this in Carlisle Canyon. The lighting standard should be reduced even further to prevent even more degradation to the night skies in this area.

26

**From:** "Don Reich" <dreich@publicsafetynetwork.com>  
**To:** "ron.allen@mail.co.ventura.ca.us" <ron.allen@mai...>  
**Date:** Tue, Jun 6, 2000 10:18 AM  
**Subject:** Re: MND for GPA 9803

The following are items of concern regarding this new proposal for the development of the Carlisle Canyon portion of the Lake Sherwood Development.

- 68. Development Access- An access gate for the additional homes, clubhouse and golf memberships needs to be developed on Carlisle Road. The impact for this development should be shared by the existing State Hwy 23 and a small portion of Carlisle Road.
- 69. Viewshed and Sewer Line-The location of the proposed forced main sewer line from the proposed lots in Carlisle Inlet over the ridge and connecting to Upper Lake Road in the old South Shore community is unacceptable. Sewer lines should be placed in the proposed roadways, where there will already be unavoidable impact. Maintaining the undisturbed condition of the ridge and slopes behind the old South Shore community has been an important issue for our community throughout this development process. The quality of the views from the public roads was important enough to the County of Ventura to establish the Scenic Resource Overlay Zone. That should not be compromised.
- 70. Traffic-The new clubhouse will generate extra traffic. Traffic on Stafford Road is already a problem. The proposed housing units will add hundreds of trips per day to this small street and the new golfing facility will add even more. This is more of a problem since all, service and construction traffic is routed through one gate. Opening both gates to this traffic would ease the impact of increasing traffic loads.
- 71. Lights-The area plan recognizes the value of maintaining night skies that are not obscured by light pollution. The existing rules have not been enough to prevent light pollution in the Lake Sherwood area. It would be a shame to repeat this in Carlisle Canyon. The lighting standard should be reduced even further to prevent even more degradation to the night skies in this area.
- 72. Natural Resources-Carlisle creek and Carlisle inlet are unique and valuable natural resources. Dredging and filling of lakeshore should be minimized. Docks should not be installed. The natural stream course should not be disturbed. Any disturbance to these areas should be restored in form, structure and function to their original state.

CC: "ron.stark@mail.co.ventura.ca.us" <ron.stark@mail...

27

**From:** "Rory McMenamin" <res00mm@gte.net>  
**To:** <ron.allen@mail.co.ventura.ca.us>  
**Date:** Tue, Jun 6, 2000 9:31 AM  
**Subject:** Carlisle Canyon development for LSR

Dear Ron:

73

I don't know the number of the case, but I am writing in regard to the proposed development by David Murdoch and Sherwood Valley Development of Carlisle Inlet, in Lake Sherwood. They have proposed to bring out the sewer line for this 100-home development through the hillside openspace, rather than down the road that they must construct to access the development. I don't understand the reasoning for this, and I protest the disfigurement of the slope and ridge of this dedicated open space. Not only is there an initial disruption of the landscape, but there might be line breaks or maintenance later on, which will further impact what is supposed to be left in it's natural state.

74.

In addition, the development of all of these homes without any dedicated parks or playgrounds makes no sense to me. The only park in the whole development is Maid Marion Park, a passive-use park without facilities. To add a playground, or some additional park-like open space is not only necessary, but would also enhance the liveability of the neighborhood they are creating. They have no problem adding a 25,000 square foot clubhouse, but this should be offset with additional open area for the use of the children who are bound to come to this neighborhood. As things now stand at Lake Sherwood, security guards forbid children to ride bikes, dig or play ball on any vacant land owned by Murdoch. They have gone so far as to attempt to forbid children to ride their bikes down the streets! (I'm not kidding.)

The long-term liveability of any neighborhood is greatly enhanced by the addition of parks. On any list of "most liveable cities" are those which have had the vision to add parks and open-space to enhance the quality of life for it's citizens. Please encourage Murdoch to do the right thing.

Rory McMenamin  
297 Upper Lake Road  
Lake Sherwood, CA

Attention: Mr. Ron Allen  
RMA Planning Division  
L#1740, 800 S. Victoria Avenue,  
Ventura, Ca. 93009

Concerning: General Plan Amendment No. GPA-9803

From: Mary Mower  
612 E. Carlisle Road  
Westlake Village, Ca. 91361

Dear Mr Allen,

Please take a few minutes to review the included comments and feedback concerning above mentioned GPA. I am a resident landowner on Carlisle Road in Westlake Village, Ca. The GPA in question will have a significant impact on both the conservation of the land involved and the well being of the citizens who are residents. Please send written confirmation that you have recieved this letter.

I greatly appreciate your time and concern.

75.

1. When we ( neighborhood property owners) originally approved Mr. Murdock's plans for the development of Sherwood (23 years ago) it included a stipulation stating there would be five acre equestrian sites along Carlisle Road with trails connecting to the two hundred year old Boney Mountain Trail. This, however, never came to pass. There was no enforcement. What we received for our trust and faith in Mr. Murdock's written word was discouraging to say the least. We received nothing. There are no equestrian sites nor plans submitted to this very day, and we most certainly don't have an access corridor to the historical Boney Mountain Trail. In fact, Mr. Murdock's developments have effectively destroyed a large section of that very trail. The trail that he swore to protect and maintain. Access has been eliminated. That alone is a great loss and tragedy. Not only for the locals in the immediate neighborhood, but for the historical well being and preservation of the entire region. With all due respect, it appears that the powers that be lacked the backbone to do what they are paid to do (by us) in that they allowed themselves to be manipulated, influenced (bought) by a powerful financial force that has a proven, indisputable track record of having it's way with little or no regard as to what gets destroyed or who gets hurt in the process. That our local government doesn't stand tall and show a lack of tolerance for all the political "slights of hand" that have occurred throughout this process is discouraging and pathetic.

76

2. The properties along Carlisle dependent on wells for their water supply. Any tampering of any sort with the ground water supply is absolutely out of the question. Based on an Initial Study conducted by the Planning Commission it has been determined that the project could absolutely have a significant negative effect on the environment. This cannot be ignored. I demand as a citizen and a land owner on Carlisle Road that this not be ignored. A Mitigated Negative Declaration has been prepared. For the sake of the well being of the people and the land itself please take a long hard look at this declaration. It is serious beyond words.

77.

3. We, the land owners on Carlisle Road, are not in favor of and strongly oppose the General Plan Amendment No. GPA-9803 which proposes modifications to home density allotments and expansion of the Sherwood Country Club Golf Course. We are not opposing these measures out of stubbornness or meanness. We welcome controlled growth and improvements to the community. We do, however, resent having agreements and promises made in good faith and logic brushed aside as though they were meaningless and secondary. We do not support and will campaign against any local, state, or federal official who shies from their sworn responsibilities of upholding given laws and who exhibits failure to hold as top priority the rights and well being of the citizens in their charge.

I thank you for allowing me to voice my concerns and sincerely appreciate your time and efforts.

Mary Mower

*Mary Mower*  
6/2/00



# TRIUNFO SANITATION DISTRICT

A PUBLIC AGENCY

Ron Allen, Planner  
County of Ventura, Planning L#1740  
800 South Victoria Avenue  
Ventura, CA 93009-1600

29

MAY 21 2000

May 22, 2000

## DRAFT MITIGATED NEGATIVE DECLARATION 00-80 SHERWOOD DEVELOPMENT COMPANY – GENERAL PLAN AMENDMENT NO. GPA-9003 RECYCLED WATER USE

The subject Draft Mitigated Negative Declaration (DMND) is incomplete. Specifically, it does not have an appropriate mitigation for Water Resources and Water Supply. The lack of water throughout California is such a concern that California law requires recycled water be used for irrigation instead of potable water where recycled water is available. Recycled water is available to this project.

Statewide policy encourages the conservation of potable water from any source by utilizing recycled water. Recent droughts within the state have prompted the Legislature to enact legislation, which encourages the utilization of recycled water. California Water Code Section 13550 (a) states in part:

78.

“The Legislature hereby finds and declares that the use of potable domestic water for non-potable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article x of the California Constitution if recycled water is available...”

Furthermore, in Section 13551 of the Water Code, it states:

“A person or a public agency, including a state agency, city, county, district or any other political subdivision of the state, shall not use water from any source of quality suitable for potable domestic use of non-potable uses, including cemeteries, golf course, parks, highway landscaped areas, and industrial and irrigation uses, if suitable recycled water is available as provided in Section 13550...”

There has been some judicial guidance on requiring the use of recycled water instead of potable water. One involved the Montecito Country Club and is discussed in the State Water Resources Control Board Decision No. 1625 dated February 15, 1990. Many of the issues before the State Board have raised the reclaimed water suitability and reasonableness questions. The Board has stated that it is inherent in the concept of obtaining maximum beneficial use of the State’s water, that a user may be required to incur some reasonable costs or incur some inconvenience to prevent the waste of water. (See State Water Resources Control Board Order No. WQ84-7 dated July 19, 1984.) It is Triunfo Sanitation District’s intent to continue to maximize the utilization of recycled water, consistent with the State’s statute and regulatory laws. In the specific matter of a new Sherwood Golf Course, utilization of potable water is considered wasteful.

Ron Allen, Planner  
Sherwood Development Company – Recycled Water Use  
May 22, 2000  
Page 2

Therefore, you must include a mitigation and related Conditional Use Permit requirement for the subject project stating:

78.

"The golf course greens, tees, fairways, roughs, adjacent slopes, the Homeowner Association maintained landscape, construction grading and dust control, and sanitation in commercial buildings shall use 100% recycled water, when available. The development shall not use potable water, natural or irrigation runoff, or well water for irrigation when recycled water is available. Application of recycled water using best management practices shall override nutrient limitations of other mitigation requirements. The definition of "available" and the penalty for using potable, runoff, or well water shall be as provided in ordinance of the agencies providing the recycled water."

Please call Mark Capron at 805-658-4606 or fax 805-658-4615, if you have any questions.

  
RONALD STARK - CHAIRMAN

Cc: John Crowley, Ventura County Water Resources and Engineering  
Reddy Pakala, Ventura County Water and Sanitation Services



30

Resource Management Agency  
Mr. Ron Allen  
RMA/Planning Division  
L#1740  
800 South Victoria Ave.  
Ventura CA 93009

6/2/00

RE: Draft Mitigated Negative Declaration 00-80,  
General Plan Amendment No. GPA-9803

Mr. Allen,

The following is in response to the proposed General Plan Amendment No. GPA-9803 and the Draft Mitigated Negative Declaration 00-80.

I believe the following issues require investigation, correction and/or alternative measures and implementation prior to approval of GPA-9803. If these issues cannot be corrected in an appropriate manner, I do not believe it is in the best interest for the health of the community or the lake to approve the proposed project and ask the county to postpone the proposed project until appropriate solutions can be developed and applied. At this time I do not believe that *"The proposed project would ensure long term maintenance of Lake Sherwood , a scenic and biologic resource of the County"*. Page 21, Paragraph b

Page 2, Section 4, Paragraph c & d  
*"Runoff from the proposed Tracts and the CUP will either drain into Lake Sherwood or be diverted into storm water drains. Therefore, surface water quantity and quality will be less than significant."*

79.

Water run off from this project will have a negative impact on the health of the lake and the adults and children that use it. *All storm water drains around Lake Sherwood drain into the lake. All proposed storm water drains will drain into the lake.* Triunfo Sanitation will not allow storm water into the sewer system which would by-pass the lake. The lake will be severely impacted/contaminated by pollution. These contaminants would include petroleum products such as gas, diesel, oil etc. as well as herbicides, pesticides and other products considered toxic and nontoxic waste from typical housing tracts and golf courses. Storm water from the roads surrounding the lake must be required to bypass the lake entirely to a down stream area. Inclusion of a filtration system must be required for any water from this development that has the potential for coming in contact with water from Lake Sherwood. I see nothing in this portion of the proposed plan that will *"ensure long term maintenance of Lake Sherwood"*. Page 21, Paragraph b

page 1

**Page 6, Table Bio-1**

The numbers indicated in this table do not add up correctly. It is unacceptable to present incorrect information to the public for comment. This project must be postponed until correct data is available to the public for review.

**Page 15, Paragraph 12**

*"Non-controlled fertilizer applications should be limited to greens and tees."*

**Page 15, Paragraph 13**

*"Fairways should be limited to an application rate of 200 pounds of actual nitrogen/acre per year including that nitrogen delivered from reclaimed wastewater used in irrigation."*

**Page 16, Paragraph 1**

*"No fertilizers should be used on the fairways to prevent excessive phosphate input to Lake Sherwood."*

79

I believe that the word "should" in all of these paragraphs must be changed to "will be". The language in this document is not as definitive as it must be in establishing rules for the use of fertilizers/phosphates/nutrients in such an environmentally sensitive area.

It has been established in previous studies that the water in Lake Sherwood is nutrient rich. The addition of green belts, lawns and an 18 hole golf course, which will utilize nutrients/fertilizers/phosphates and reclaimed water, and the subsequent flow of water from these areas to the lake in any natural rain run off will have a negative impact on the lake in establishing a balanced ecosystem. I see nothing in this portion of the proposed plan that will *"ensure long term maintenance of Lake Sherwood"*. Page 21, Paragraph b

I am requesting the county mandate alternatives to replace the additional use of nutrients that would come from fertilizers and reclaimed water and to mandate removal of all nutrients that will enter the lake water from this development.

It is suggested that utilizing the nutrient rich lake water to irrigate the golf course(s) and greenbelts should provide sufficient nutrients for the successful growth of greenbelt and golf course vegetation. This will lower/eliminate the use of applied nutrients/phosphates/fertilizers. Replacing the lake water used by the golf course(s) and greenbelts with potable water will provide additional water turn over in the lake and will significantly assist the lake in developing a balanced ecosystem. It is estimated that water consumption for the existing golf course is 500 acre feet per year. If estimated water consumption for both golf courses and green belt areas equals 1000 acre feet annually, the turn over of lake water would be just under half the volume of the lake, approximately 2300 acre feet. This would be of great benefit to *"ensure long term maintenance of Lake Sherwood."* Page 21, Paragraph b

**Page 19, Paragraph 5**

*"Design the de-silting basin to include calculations demonstrating that there will be none or minimal increase in the average annual siltation loading on Lake Sherwood proper."*

I believe that the words "none or minimum increase" must be changed to "no increase". We have seen an increase of silt to Carlisle Canyon inlet since the lake was refilled and the de-silting basin previously approved was never installed. Prior to the draining of the lake and the project incursion in Carlisle Canyon, Carlisle Canyon inlet did not have the silt buildup that it does presently. Additional silt loading from this project will have a negative impact on the health of the lake and long term lake maintenance.

**Page 21, Paragraph b**

*"The proposed project would ensure long term maintenance of Lake Sherwood, a scenic and biologic resource of the county."*

79.

I have found nothing in this document, or any other, that confirms this project will "ensure long term maintenance of Lake Sherwood." We have only recently begun discussion on a lake maintenance/management program. It is unclear how long it will take to develop and implement. It has been approximately 13 years since the start of the development and still no definitive lake maintenance/management program is in place.

I expect the county to place this proposed project on hold until a definitive lake maintenance/management plan and budget has been developed and is in place.

**Page unnumbered, Exhibit "G"**

I am not in favor of filling in or altering the lake shoreline in the way proposed. This plan will impede any potential for water circulation and will accelerate conditions for the production of stagnate water. The addition of lots 48 through 51 will narrow the channel considerably and not allow effective wind induced water circulation. The creation of a marshland in a backwater area such as this will only produce excessive algae growth, weeds, insect infestation and will create a lake maintenance nightmare. The building of homes in this area will invite large scale complaints for the removal of this nuisance. This portion of the proposed project will create significant maintenance issues to the detriment of the lake. An excessive burden will be placed on any maintenance program that is developed. A minimum depth of 20 feet in this area should be mandated to minimize photosynthesis in order to minimize weed growth and maximize fish habitat. Elimination of lots 48-51 and the small island must be mandated to improve water circulation. I see nothing in this portion of the proposed plan that will "ensure long term maintenance of Lake Sherwood". Page 21, Paragraph b

Page 26, Item 26, Paragraph a

*"The impacts of the project on surface water quantity and quality are potentially significant".*

This is absolutely correct.

79.

I believe it is in the best interest of the county, on behalf of the residents, to adopt the standards and practices proposed and recorded in the California Regional Water Quality Control Board Staff Report and Record of Decision, Standard Urban Storm Water Mitigation Plans and Numerical Design Standards for Best Management Practices, January 18, 2000, especially as it relates to environmentally sensitive areas for the protection of the lake water and the health of the human, animal and aquatic life that utilize it.

Every effort should be taken to protect the scenic and biologic resource this fresh water lake has to offer the county and its residents. It is the lake that has drawn the community to this place. It is the lake that makes this area so unique. Without the lake, we just have homes and a golf course like anywhere else in California. Without a healthy lake you have an eyesore and health hazard.

Thank you for your attention and time in this matter.

Sincerely,



Timothy Bramet  
2081 Trentham Road  
Thousand Oaks, CA 91360  
(805) 496-5924

cc: Mr. Frans Bigelow, Executive Vice President S.D.C.  
Dr. Richard Colvin, President, L.S.H.O.A.  
Mr. Frank Schillo, District 2 County Supervisor

June 6, 2000

Dear Mr. Allen:

My wife and I are homeowners within the old Lake Sherwood area at 196 Dirt Road. In general, we are supportive of Sherwood Development Company and their proposal for Carlisle Canyon (GPA 9803). We have followed the negotiated agreement between Mr. Murdoch and the Lake Sherwood Homeowners Association, and the subsequent work, to address the promises made to residents as part of previous approvals for other parts of the development. Generally, the developer has been responsive, although not within the time frames originally specified. Specific responses to the agreement items is deferred to the Homeowners Association.

80. Our primary concern remains the health of Lake Sherwood. In our opinion, all plans, grading, construction and improvements must be carefully evaluated with the goal of preserving the quality of the lake. The current proposal includes filling a portion of the lake. There is also the possibility that existing unpermitted fill along the east bank of Carlisle inlet will need to be excavated and recompacted prior to construction residences. This is a very serious change from previous approvals for development of Carlisle inlet. Contamination of lake water with silt, will adversely affect the lake ecology. The applicant has not responded to queries from our Association as to how the filling will take place without impacted the lake. It is our opinion that the application for a change to GPA 9803 is not complete without a new environmental impact report that addresses this issue and provides specific guidelines for the construction process.

A side issue of concern to us is the bridge proposed across Carlisle inlet, which was envisioned in the previous approval. The Bruder Agreement is a legal document describing rights and responsibilities for the Lake Owner and residents of the old Lake Sherwood community. Construction of a bridge that blocks access to the lake for approved water craft (sailboats up to 16 feet long) is in violation of the Bruder Agreement. While a bridge has been previously approved, the current application contains a detail for a bridge that would only provide about 9 feet of clearance. County approval of the requested project change must include a condition addressing this detail requiring clearance for all approved water craft so as to not violate the Bruder Agreement.

Thank you for your time,

Robert and Susan Zweigler

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 07, ADVANCE PLANNING  
IGR OFFICE 1-10C  
120 SO. SPRING ST.  
LOS ANGELES, CA 90012  
TEL: (213) 897-1333 ATSS: 8- 647-1333  
FAX: (213) 897-0590  
E-Mail [Smateen@dot.ca.gov](mailto:Smateen@dot.ca.gov)



June 1, 2000

**Subj: Gen. Plan Amendment #9803**  
VIC: VEN-23-0.0, SCH 200005103, IGR000548SM

JUN 07 2000

RON ALLEN, Sr. Planner  
PLANNING DIVISION  
County of Ventura  
800 So. Victoria Avenue  
San Buenaventura, CA 93009

Dear Mr. Allen:


Thank you for the opportunity to comment regarding the above referenced project. This project is located in Lake Sherwood near the City of Thousand Oaks. The proposed development is near the State Right-of-way (SR-023).

We are aware that the proposed project is to reconfigure the Tentative Tract Map for the expansion of a private golf course.

Based on the review of the information received, we have no comment at this time. If we identify any new issues that should be brought to your attention, we will contact you.

If you have any questions regarding this response, please feel free to contact Steve Buswell at (213)897-4429 or Sameerah Mateen, the IGR/CEQA Coordinator for the project at (213)897-1333. Please reference this project by - IGR000548SM.

Sincerely,

  
for STEPHEN J. BUSWELL  
IGR/CEQA Program Manager  
Transportation Planning Office

cc: ATP-File/Chrono  
Scott Morgan, State Clearinghouse

***EAST CARLISLE PROPERTY OWNERS ASSOCIATION***

June 5, 2000

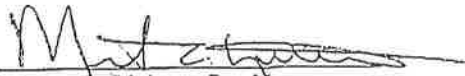
Resource Management Agency – County of Ventura  
Planning Division  
800 S. Victoria Avenue, L #1740  
Ventura, CA 93009

Attention: Mr. Ron Allen, Senior Planner

Dear Mr. Allen:

82. When the Lake Sherwood/Hidden Valley Area Plan was initially filed in 1987, the County of Ventura approved the development, which called for approximately 630 dwelling units. The Land Use Designations on that original plan resulted in minimal impact on the delicate ecological balance in the riparian area known as Carlisle Canyon. Numerous General Plan Amendments to the Lake Sherwood/Hidden Valley Area Plan have resulted in a drastic shift of housing density into Carlisle Canyon. The increased housing density will have a negative impact on Carlisle Canyon's delicate ecological balance.

Members of the East Carlisle Property Owner's Association support Lake Sherwood Development's right to develop their property in a responsible manner. The County of Ventura has the responsibility to enforce the standards under which residents of Carlisle Canyon were made to perform as they developed their property. That includes requiring Lake Sherwood Development Corp. to land use standards applicable to residents of Carlisle Canyon. The original Land Use designations approved by Ventura County for the housing tracts within Carlisle Canyon should be the standard to which Lake Sherwood Development should be required to conform.

  
Michael B. Littleton, President  
East Carlisle Property Owners Association

May-30-00 01:17P Cynthia Leake

805 988 9061

NBF/PA  
P.01

34



# ENVIRONMENTAL COALITION

Keith Turner, Planning Director  
Resource Management Agency  
800 South Victoria Avenue  
Ventura, California 93009

May 25, 2000

Dear Mr. Turner:

RE: PROJECT NO: GENERAL PLAN AMENDMENT NO. GPA-9803

The Environmental Coalition is very concerned about the growing practice of approving a Mitigated Negative Declaration, at a later date, for the sole benefit of developers, on the basis of an Environmental Impact Review which had been approved many years ago.

83.

If this General Plan amendment is approved it will remove most of the protections provided in the original EIR. In addition it will deprive present residents who purchased homes there more than twelve years ago expecting zones, scenic grading resources and density to remain as described in the original project plans, of the reasons for their purchase, and radically change the quality of their present living. If an approved project can be changed so easily at a future time what is the value of an environmental review in the first place?

The California Environmental Quality Act was legislated to protect air quality, agricultural land and all other environmental concerns especially such sensitive areas as Lake Sherwood and the Santa Monica Mountains generally. This beautiful natural resource in a mountain area entirely surrounded by urban communities is a special place and must be protected from urban sprawl. In other parts of the Santa Monica Mountain Natural Recreation Area special arrangements have been made to protect animal crossings, and endangered species of plants and animals. Enlarging a golf course and increasing density, damaging wetlands, and increasing traffic and already poor air quality, can only impair the environmental quality of the area.

Please do not take advantage of the present situation which makes it possible for these Mitigated Negative Declarations to proceed on your approval only, when the only purpose of presenting this proposal in this manner is to benefit developers, with no consideration of the environment, or the citizens of California who voted for the California Environmental Quality Act.

Sincerely,

Cynthia Leake, Vice President  
Cc: Governor Gray Davis  
California Resource Agency  
County Supervisors

LETTER 34



35

**From:** "Sandy Moreno" <moreno@lvusd.k12.ca.us>  
**To:** <ron.allen@mail.co.ventura.ca.us>  
**Date:** Tue, Jun 6, 2000 3:14 PM  
**Subject:** <no subject>

Ron Allen  
Ventura County planning Dept.  
Re: MND for GPA 9803

84.

I am extremely concerned about information I have received regarding the development of Carlisle Canyon. Please look into the potential destruction of the Carlisle Inlet and surrounding wildlife.

Thank you,  
Sandra Moreno  
2499 Hereford Road  
Thousand Oaks, Ca. 91361

36

**From:** <Hal1212@aol.com>  
**To:** <ron.allen@mail.co.ventura.ca.us>  
**Date:** Tue, Jun 6, 2000 1:31 PM  
**Subject:** Carlisle Canyon

85.

Lake Sherwood has continued to change since I first started fishing there with my dad—about 60 years ago. Of course, I realize that nothing ever stays the same. That's why it's so wonderful to take my boat into Carlisle Creek early in the morning, with the mist coming off the water, and see things just as they have always been. Even the old boat-rental building is still there—even though it may be falling down. Carlisle Creek is the only place on the lake where you still see a deer. It's the place the redwing blackbirds like best. I fully well know that the area is going to change with new development. And it won't change for the better. But I beg you to do all you can to preserve as much of the natural beauty as possible.

Hal Silverman (818) 888-6667

To 805-654-2509

June 5, 2000

FAX To Mr. Ron Allen, RMA/Planning Division  
L# 1740, 800 S. Victoria Ave, Ventura, CA 93009

Dear Mr. Allen,

I am on a ranch in The Colorado Rockies and have just been informed of pending changes in The Sherwood plans, so forgive the crude form for this letter. I have been a resident of Ventura County since 1957, and of Carlisle Canyon since 1978. Let me first state that the change in configuration from 5 acre lots to smaller lots in this pristine riparian canyon, without notifying the residents of the canyon, was an outrage. As a person with academic training and degrees in agriculture, range ecology, wildlife management, and veterinary medicine I can assure you that the urbanization of this canyon is a monstrous mistake. We are in an island of natural wealth in what will soon be the world's largest megalopolis. True foresight would have deterred any further development within the Santa Monica mountain range. The least we can do now is minimize all future development and residential density. Any future development must carefully consider effects on wildlife, water supplies, and insure that the natural state of this precious canyon be preserved for future generations to enjoy in so far as possible. Development is inevitable. Those who have invested in lands within and adjoining

2

This canyon rightfully expect to develop those lands profitably. BUT, it is an obligation that those developers and the county officials who approve such development do so responsibly. We won't be here half a century from now to see what we have wrought with either our inconsiderate greed, or our considerate foresight. Nature created this beautiful canyon, carved by Carlisle Creek which is fed by our rare rains. It is a haven for an astounding variety of plant and animal life. This canyon is enjoyed by hikers, cyclists and visiting nature lovers, as well as by those fortunate enough to have homes in it. Any development plans must be done in a manner as to mitigate damaging the natural flora and fauna of this canyon.

Immediate profits to developers and tax revenues to the county are not the ultimate criteria. The preservation of this island of natural wonder in an arid and overpopulated region, for future generations to enjoy should be priority. The county planners have a serious responsibility.

Robert M. Miller, D.V.M.  
320 E. Carlisle Road  
Thousand Oaks, CA 91361

FROM : BROCKETT'S FILM FAUNA

PHONE NO. : 805 379 4585

Jun. 06 2000 03:42PM P2

38

Ron Allen  
RMA Planning Division, L1740  
800 South Victoria Ave.  
Ventura, CA. 93009

Dear Mr. Allen:

June 6, 2000

Please consider our comments in opposition to the proposal by the Sherwood Development Company to decrease the size of residential lots and add a Golf Course in in Tract 4192 of the Lake Sherwood Community.

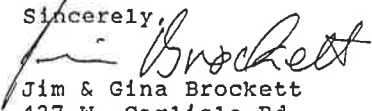
87. First, building an eighteen hole golf course is not just an expansion of an existing course. The two are not contiguous, or even adjacent to one another. The new golf course would even have its own club house, and restaurants. Even if you do accept the contention that this is an expansion, this community does not need another golf course. You cannot drive five miles from the proposed site in any direction without coming to a golf course; sometimes several. What we do need is open space, wildlife corridors, and sensible housing.

If you assume the builder has the right to maintain the original number of 630 homes, which we do not, they should be required to maintain the theme of the tract, which is estate houses on large lots. The rest of us have had to learn to live with our decisions, good and bad.

Without the addition of a golf course in tract 4192, there would be more than enough room for the house increase, and lot size decrease recently requested areas C and D of Tract 4409.

Thank you for your consideration.

Sincerely,

  
Jim & Gina Brockett  
437 W. Carlisle Rd.  
Thousand Oaks, CA. 91361

LETTER 38

# Lake Sherwood Community Association

*working to preserve the beauty and integrity of our community*

5 June 2000

Ronald R. Allen, Case Planner  
RMA/Planning Division  
L #1740  
800 South Victoria Avenue  
Ventura, CA 93009

JUN 6 '00 AM 10:23

Reference: Public Review of Draft Mitigated Negative Declaration (MND), GPA9803

Dear Mr. Allen:

A level of diverse interest and expertise regarding the MND has come forth recently. I lack sufficient details to write an informative summary. Therefore, I have suggested that the various individuals and/or groups write their own letters.

Among the topics that may appear in such letters are the following:

1. Lake water quality maintenance related to the proposed golf course and the proposed design for Carlisle Inlet.
2. Stafford Rd. traffic concerns related to present construction and future build out.
3. Increased traffic anticipated from the new golf course and enlargement of the "halfway house" to a full service club house. (While some area residents are members, the golf courses and related facilities are not intended as public recreation facilities. They are private independent commercial enterprises.)
4. The potential view shed impact caused by work related to the process of installation of the proposed sewer line over the top of the hill from Carlisle Inlet area to Upper Lake Rd.
5. The level of impact on the unique environment of Carlisle Inlet/Canyon from the proposed the development.

An item of information given to me, that I thought was established, has been called in question. I cannot verify this information at this late hour. It regards TT-4192 and TT-4409. Are these two documents actual approved entitlements that would permit development and construction in Carlisle Canyon/Inlet area or do they still lack final plans and final County approval by whatever process?

Although Maid Marian Park is the designated project park, by default it is a passive park with limited recreational facilities. If there is sufficient land area for an 18 hole golf course and a large lodge, isn't there also sufficient land area for an active park on public open space, accessible by County standard roads? We are informed that there are more children living within the project than originally projected and that parents prefer a playground close at hand and in a protected environment.

The MND is prepared from a detailed checklist. However, applied to the Lake Sherwood overall project, the checklist is flawed. The most significant environmental resource within the project is the lake itself. While there are a few dispersed items reflecting lake water quality control, there is no checklist item and, therefore, no specific focus on the environment of the lake and the related item of lake maintenance nor a lake management program.

There follows a page by page comment on the issues in the MND. Not all issues are of equal significance, but are presented in sequence to facilitate progress through the document. A few items are only correctional.

Pg. 1 of 27. 2. a. This is a correctional item only. There is no Lake Sherwood Homeowner's Assn. There is a Lake Sherwood Community Assn. and a Sherwood Valley Homeowner's Assn. On first reading this caused some confusion.

Pg. 2 of 27. 4. c.&d. All run off from the proposed tracts (yards, streets, golf course) will run into the lake. In addition all storm drains discharge into the lake. Consequently the impact on the lake water can be considerable. Mitigation should include warning labels on storm drains and provisions for filtration. Golf course run off is address below.

88. Pg. 3 of 27. 6 c. This is the initial reference in this MND to wildlife corridors. Residents recall that the wildlife corridor in the China Flats area, though it may have been flawed in design, has disappeared. Deer running along Potrero Rd. have been reported. The adequacy, preservation, and interconnecting route of wildlife corridors for the overall Lake Sherwood area should be documented.

Pg. 6 of 27. TABLE BIO-1 While not critical, the totals in the first two columns are flawed.

Pg. 9 of 27. d. This is a more detailed and revealing discussion of wildlife corridors than found on Pg. 3 of 27. Rather than limiting review to portion of the overall development, a study should link the ridge lines, water ways, and designated corridors with the open spaces to determine adequacy of planning for wildlife migration through the area.

Pg. 13 of 27. Last paragraph. Regarding "creating of an 'island' consisting of the northern marsh surrounded by new and existing lake." Various opinions have been expressed about the design effect. There is concern that the channel around the island is so narrow and thereby so shallow that there will be circulation stagnation and vegetation overgrowth. The result could be swamp like, creating a man made nuisance that would be a cause of frequent complaint from local homeowners and an excessive expense to maintain. It is proposed that back fill in the area around the island be denied. Lots effected, there by, to be relocated in the development.

Pg. 14 of 27. Paragraph 1 at the top. Does the larger Lodge at Sherwood, rather than the smaller Halfway House, impinge on the southeast marsh (Marsh 2)?

Pg. 14 of 27. Paragraph 10 from the top. Locations where "biofiltration methods" would have a significant impact on water quality should be identified. Otherwise, this reference is merely gratuitous.

Pg. 15-16 of 27. Paragraph at the end of the page. The paragraph starts with "Manage the golf course/open areas for wild life with the following recommendations:" The following four subparagraphs of recommendations use the permissive term "should be" suggesting that there would be no actual control. Since run off from the golf course enters the lake, the permissive term should be changed to "must."

Pg. 16 of 27. Full paragraph 4 from the top starting with: "Blasting should be limited..." The permissive term should be changed to "must."

Pg. 16 of 27. Full paragraph 5 from the top starting with: "Revegetation of all buried..." Considerable concern has been expressed by residents regarding the pressurized sewer line required to be installed from within the Carlisle Inlet/Canyon area out to the sewer main. Originally proposed run along Carlisle Inlet, it is now proposed to run directly over the top of the hill to join the main at Upper Lake Rd. The run preferred by the residents would be along the roadway from the back area. The run along the roadway is said to require more engineering and to be more costly. This issue and the differences of opinion is stated here because of the concerns given about the installation of the line. The details of installation of the sewer line and the preservation/restoration of the natural habitat have not been well established.

Pg. 16 of 27. Full paragraph 6 from the top starting with: "All night-lighting within the proposed development..." The permissive term should be changed to a directive term such as "must." Here, as in the rest of the project, there is the opportunity to delay installation of shielding of all night-lighting. Shielding of all night-lighting, including retrofitting of already installed lighting elsewhere in this project, should be directed to proceed with the project. There is <sup>no</sup> good cause to wait until build out some 5-10 years hence. That would be like putting in a sewer but not hooking up the homes until build out.

88. Pg. 19 of 27. Full paragraph 3 from the top starting with: "Design the de-silting basin..." This is another issue that could well have been addressed under the heading of "lake environmental issue." Under a proper and established lake maintenance plan, technology can now measure lake siltation to determine "none," "minimal," and "average annual." Such a plan has been delayed excessively.

Pg. 19 of 27. Full paragraph 4 from the top starting with: "Maintain the natural flow..." The issue is the prevention of co-mingling of recycled and reclaimed water used on the golf course from the natural water body of Lake Sherwood. A weir is used at the foot of the ponds on the existing golf course prevent this co-mingling. However, the weir seems to be too low. Depending on pond level maintenance on the golf course, it is still possible to overflow the weir. It is proposed that the weir on the existing golf course and on the proposed golf course be built 6 inches above any potential high water level of the golf course ponds, excepting storm flood levels.

Pg. 20 of 27. Section b., second subparagraph. The size and design of the berm for Hereford Ridge is not defined so could as well not exist. The berm proposed for Northshore was later "modified" out of existence, without notification. The Herford Ridge berm must be defined and conditioned against reduction.

Pg. 20 of 27. Section b., third subparagraph. "The project description and the Tentative Tract Map for TT-4192 clearly indicate that the mouth of the Inlet is to be restored to its original configuration as required by the Area Plan (see Section 2.5.2.13)." What actually is to be required under this provision? Elsewhere, the terminology "recontouring of the bridge abutments" has been used. In the past, the developer has expressed some limitations in restoration.

Pg. 20 of 27. Section b., fourth subparagraph. Without specific description, definition, and conditioning this paragraph is gratuitous. Nevertheless, the random acts of beautification by the developer are impressive.

Pg. 20 of 27. Section a. at the bottom of the page, subsection i. "The proposed project would diminish traffic safety hazards associated with the existing road system in the area." The "death trap" created by the County's compromise on the Potrero Rd. two lane transition is unmitigated. It is stated by the county that the roadway still belongs to the developer. There is a sign indicating a curve and a reduced speed. There is no sign indicating a sudden narrowing. There are no markers to direct motorists to remain in their proper lanes. There is



no stop sign at Lake Sherwood Dr. to control speeding, use of which for this purpose has been approved recently in Los Angeles City.

Pg. 21 of 27. Section b., at the top of the page. "The proposed project would ensure long term maintenance of Lake Sherwood, a scenic and biological resource of the County." This is another statement that should be gathered together with related issues on the environmental checklist under the heading of "lake environment," indicating the need for an active lake maintenance plan.

Pg. 22 of 27. Paragraph 17. County Fire Station (#33) is often left unmanned for a variety of reasons. Consequently fire protection and emergency medical attention can be more distant. During a recent forum, this situation was discussed of our local County Supervisor.

Pg. 23 of 27. Paragraph 19, subparagraphs regarding blasting. Blasting conditions need to be meticulously enforce. Earlier experience includes blasting for the Northshore project, which was well in excess.

Pg. 24 of 27. Paragraph 20. Shielding of night lighting should be concurrent, continuous, and include retrofitting in built up areas not yet so shielded.

Pg. 24-25 of 27. Paragraph 22.

Subparagraph a. Comment has been made above on the hazards of Potrero Rd. transition. The payment of fees does not insure safety.

Subparagraph b. Stafford Rd., with parking allowed on both sides, is less than adequate for the projected traffic.

Subparagraph c. The existing public road in the vicinity of the proposed project does not have adequate provisions for pedestrian and bicycle facilities in the area of the Potrero Rd. transition. This represents a joint County/City of Thousand Oaks break down in public trust.

Pg. 26 of 27. Paragraph a. second subparagraph. Listing the Best Management Practices without designating where or how they are to be used is gratuitous and does not mitigate concerns about storm water run off.

Pg. 27 of 27. Paragraph 28. The frequency with which Fire Station 33 is "left open" meaning closed, has been noted above.

Pg. 27 of 27. Paragraph 30. The need and indication for a public open space park within this project, in addition to the passive Maid Marian Park, has been noted above in the introduction to this letter.

While the number of comments above seems large, the over all detail and quality of the MND is good. Attention to a few important issues will make it better.

Yours truly,



Richard R. Colvin, President  
890 Lake Sherwood Dr., Thousand Oaks, CA 91361-5122

805-495-4462

cc: Frans Bigelow, SDC

**From:** <Pbjprime2@aol.com>  
**To:** <ron.allen@mail.co.ventura.ca.us>  
**Date:** Fri, Jun 9, 2000 8:54 AM  
**Subject:** MND forGPA 9803

To Ron Allen  
Ventura County Planning Dept.

Dear Mr. Allen,

I had thought the following message had been sent to you at the appropriate time but I find that it apparently did not go through.

I wanted to express my concern for several issues that will be included in the new proposal for the development of the Carlisle Canyon portion of the Lake Sherwood Development.

89.

The location of the proposed forced main sewer line from the proposed lots in the Carlisle inlet over the ridge and connecting to Upper Lake Road in the old South Shore community present a severe problem and should definitely be reconsidered. Sewer lines should be placed in the already proposed roadways where there will already be unavoidable impact. Maintaining the undisturbed condition of the ridge and slopes behind the old South Ssshore community has been an ongoing issue for our community throughout this development process. The quality of the views from the public roads was important enough to the County of Ventura to establish the scScenic Resource Overlay zone. That must not be compromised

90.

Another issue that concerns us greatly is the extra traffic that the new clubhouse will generate. The traffic on Stafford Road is currently troublesome. The proposed housing units will add hundred of trip each day to this small street and the new golfing facility will add even more. This will become even more of a problem since all service and construction traffic is routed through one gate. Opening both gates to this traffic would ease the impact of increasssing traffic loads.

91.

We remain very concerned about light pollution. The area plan redcognizes the value of maintaining night skies that are not obscured by light pollution. The exissting rullles have not beeen enough to presnt light pollution in the Lke Sherwood area. I hope we do not repeat this in Carlisle Canyon. It is suggested that the lighting standard should be reduced even further to prevent even more degradation to the night skles in this area.

92.

Finally I would like to address the issue of natural resources. Carlisle creek and Carlisle inlet are unqued and valuable natural resources. Dredgin and filling of lakeshore should be minimized. The natural stream course should not be disturbed. Any disturbance to these area should be restored in foorm, structure and function to their natural state.

I want to thank you for reading my concerns. I have lived at Lake Sherwood since 1965 and consider this area to be truly unique in Southern California. I will appreciate your efforts to protect it.

Sincerely, Joan Fasken JohnsonCa 91361  
2224 Thorsby Rd., Thousand Oaks,

— Original Message —

From: [epculver](#)  
To: [epculver](#)  
Sent: Saturday, June 10, 2000 12:42 PM  
Subject: Re: Project GPA-9803

— Original Message —

From: [epculver](#)  
To: [Ron.Allen@mail.co.ventura.ca.us](mailto:Ron.Allen@mail.co.ventura.ca.us)  
Sent: Tuesday, June 06, 2000 12:24 PM  
Subject: Project GPA-9803

93.

I live at 314 Upper Lake Road adjacent to the proposed sewer connection over the hill from the Carlyle inlet project area. I strongly object to this in that construction will result in serious traffic and equipment congestion, air pollution, noise and general disruption in the community outside the project boundaries.

It is recommended that the sewer line be confined to the project area along the western shore of the inlet and connect to the existing sewer line at Lower Lake. This change should be seriously considered.

Paul D. Culver

**From:** "Robert Liberman" <rpl@ucla.edu>  
**To:** <ron.allen@mail.co.ventura.ca.us>  
**Date:** Tue, Jun 13, 2000 11:10 AM  
**Subject:** Re: MND for GPA 9803

As a 30 year resident of the Lake Sherwood community and Past-President of the Lake Sherwood Community Association, my family and I wish to register our vigorous opposition to proposed development of the Carlisle Canyon portion of the LSR project by David Murdock. The following matters are of particular concern to us.

94. Viewshed and Sewer Line-The location of the proposed forced main sewer line from the proposed lots in Carlisle inlet over the ridge and connecting to Upper Lake Road in the old South Shore community is unacceptable. Sewer lines should be placed in the proposed roadways, where there will already be unavoidable impact. Maintaining the undisturbed condition of the ridge and slopes behind the old South Shore community has been an important issue for our community throughout this development process. The quality of the views from the public roads was important enough to the County of Ventura to establish the Scenic Resource Overlay Zone. That should not be compromised.
95. Traffic-The new clubhouse will generate extra traffic. Traffic on Stafford Rail is already a problem. The proposed housing units will add hundreds of trips per day to this small street and the new golfing facility will add even more. This is more of a problem since all service and construction traffic is routed through one gate. Opening both gates to this traffic would ease the impact of increasing traffic loads.
96. Lights-The area plan recognizes the value of maintaining night skies that are not obscured by light pollution. The existing rules would have not been enough to prevent light pollution in the Lake Sherwood area. It would be a shame to repeat this in Carlisle Canyon. The lighting standard should be reduced even further to prevent even more degradation to the night skies in this area.
97. Natural Resources-Carlisle creek and Carlisle inlet are unique and valuable natural resources. Dredging and filling of lakeshore should be minimized. The natural stream course should not be disturbed. Any disturbance to these areas should be restored in form, structure, and function to their original state.

I would appreciate a response detailing how the Ventura County Planning Department will mitigate our concerns.

Robert Paul Liberman, MD  
 528 Lake Sherwood Drive  
 Thousand Oaks, CA 91361

CC: <ron.stark@mail.co.ventura.ca.us>

## EXHIBIT 10 – CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO. LU11-0137

### Resource Management Agency (RMA) Conditions

#### Planning Division

##### 1. Project Description:

This CUP is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project marked Exhibits 2, 3, 4 and 5, dated August 9, 2012, the plans (e.g., site plan and floor plans) and conditions of approval set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) (California Public Resources Code, § 21000-21178) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of this permit.

The project description is as follows:

This CUP (Case No. LU11-0137) is for the continued use of the Lake Club 18 hole par-three golf course and Sherwood Development Company (SDC) operations headquartered in modular facilities on Dicken's Patch, for an additional 25 years. The project will not require the extension or expansion of public facilities. The Calleguas Municipal Water District will provide water and the Triunfo Sanitation District will provide sewage disposal services for the project. The project does not involve any new construction activities, native vegetation removal, or tree removal. Trentwood Drive and Stafford Road, which are existing roads that connect to Potrero Road, will continue to provide access to the project site. (See Exhibit 5 – Aerial Photography.)

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and all approved County land use hearing exhibits in support of the project and conditions of approval below.

##### 2. Required Improvements for CUP

**Purpose:** To ensure the project site conforms to the plans approved at the Planning Director hearing in support of the project.

**Requirement:** The Permittee shall ensure that all required off-site and on-site improvements for the project are completed in conformance with the approved plans

stamped as hearing Exhibits 6 through 8. The Permittee shall submit all final building and site plans for the County's review and approval in accordance with the approved plans.

**Documentation:** The Permittee shall obtain the Planning Division's stamped approval on the project plans and submit them to the County for inclusion in the project file. The Permittee shall submit additional plans to the Planning Division for review and stamped approval (e.g., tree protection and landscape plans) for inclusion in the project file as necessary.

**Timing:** Prior to the issuance of a Use Inauguration Zoning Clearance the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and Public Works Agency Director allow the Permittee to provide financial security and a final executed agreement, approved as to form by County Counsel, that ensures completion of such improvements, the Permittee shall complete all required improvements prior to occupancy. The Permittee shall maintain the required improvements for the life of the permit.

**Monitoring and Reporting:** The County Building Inspector, Public Works Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

### 3. Site Maintenance

**Purpose:** To ensure that the CUP area is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside the CUP area.

**Requirement:** The Permittee shall maintain the project site in compliance with the described uses outlined in Condition No. 1 (Permitted Land Uses). Only equipment and/or materials which the Planning Director determines to substantially comply with Condition No. 1 (Permitted Land Uses), or which are authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP.

**Documentation:** Pursuant to Condition No. 1 (Permitted Land Uses), the CUP and any amendments thereto.

**Timing:** Prior to occupancy and for the life of the permit.

**Monitoring and Reporting:** The County Building Inspector, Public Works Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

#### 4. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or Project Description, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,
- b. Environmental review, as required pursuant to CEQA (California Public Resources Code, § 21000-21178) and the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15000-15387), as amended from time to time.

#### 5. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall be deemed to be acceptance by the Permittee of all conditions of this CUP. Failure to abide by and comply with any condition for the granting of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (Article 14), which include, but are not limited to, the following actions:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Suspension of the permitted land uses (Condition No. 1);
- c. Modification of the CUP conditions listed herein;
- d. Recordation of a "Notice of Noncompliance" on the deed to the subject property;
- e. The imposition of civil administrative penalties; and/or,
- f. Revocation of this CUP.

The Permittee is responsible for being aware of and complying with the CUP conditions and all applicable federal, state and local laws and regulations.

## 6. Time Limits

### a. Use Inauguration:

- (1) The approval decision on this CUP becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals filed regarding the decision on this CUP are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Use Inauguration Zoning Clearance in order to inaugurate the uses provided in Condition No. 1 (Permitted Land Uses).
- (2) This CUP shall expire and become null and void if the Use Inauguration Zoning Clearance has not been issued within one year of the date this CUP is granted (Ventura County Non-Coastal Zoning Ordinance, § 8111-4.7). The Planning Director may grant a one-year extension of time to obtain the Use Inauguration Zoning Clearance if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the extension in writing prior to the one-year expiration date.
- (3) Prior to the issuance of the Use Inauguration Zoning Clearance, all fees and charges billed to that date by any County agency, as well as all fines, penalties, and sureties, must be paid or submitted in full. After issuance of the Use Inauguration Zoning Clearance, any final billed processing fees must be paid within 30 days of the billing date or this CUP is subject to revocation.

### b. Permit Life:

- (1) This CUP will expire on [Insert Date]. Failure of the County to provide additional notification to the Permittee of the expiration date shall not extend the life of the CUP beyond the expiration date. The uses stated above may be extended beyond this date based upon the timely (i.e., prior to [date]) submittal of a permit modification application filed pursuant to Section 8111-6 of the Ventura County Non-Coastal Zoning Ordinance, as may be amended or replaced, and the subsequent granting of a modified permit by the County decision-makers.

## 7. Consolidation of All Approved Exhibits and Permits

**Purpose:** To ensure compliance with, and notification of, the requirements of other federal, state or local government regulatory agencies.

**Requirement:** The Permittee shall verify to the Planning Division that the Permittee has obtained or satisfied the requirements of all applicable federal, state, and local entitlements and conditions.



**Documentation:** Upon the request of the Planning Director the Permittee shall provide to the County Planning Division a copy of any entitlement or clearance issued by another agency.

**Timing:** The documentation shall be submitted to the Planning Division prior to the issuance of the Use Inauguration Zoning Clearance.

**Monitoring and Reporting:** The Planning Division shall maintain the documentation provided by the Permittee in the project file. In the event that the permit is modified or changes are made by any other agency, the Permittee shall submit any revised documentation within 30 days of the modification.

8. Notice of CUP Requirements and Retention of CUP Conditions On-Site

**Purpose:** To ensure full and proper notice of permit requirements and conditions affecting the use of the subject property.

**Requirement:** Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities, of the pertinent conditions of this CUP.

**Documentation:** The Permittee shall provide a copy of all correspondence or signage that involves notification of permit conditions to parties of interest, to the Planning Division.

**Timing:** The documentation of notification shall be provided prior to issuance of a Use Inauguration Zoning Clearance. Evidence of ongoing notification shall be maintained as a public record by the Permittee.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

9. Recorded Notice of Land Use Entitlement

**Purpose:** In order to comply with § 8111-8.3 of the Ventura County Non-Coastal Zoning Ordinance, a notice shall be recorded on the deed of the subject property that describes the responsibilities of the Property Owner and Permittee for compliance with applicable permit conditions and regulations.

**Requirement:** The Permittee and Property Owner of record shall sign, have notarized, and record with the Office of the County Recorder, a Notice of Land Use Entitlement form furnished by the Planning Division, for the tax assessor's parcels that is subject to this CUP.

**Documentation:** The Permittee shall provide to the Planning Division a copy of the recorded Notice of Land Use Entitlement.

**Timing:** The Notice of Land Use Entitlement shall be recorded prior to the issuance of a Use Inauguration Zoning Clearance.

**Monitoring and Reporting:** The Planning Division shall review the Notice for accuracy and maintain a copy in the project file.

#### 10. Condition Compliance, Enforcement, and Other Responsibilities

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs as described below in Condition 10.b. Specifically, the Permittee shall bear the full costs of the following:
  - (1) Condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
  - (2) Monitoring and enforcement costs required by the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3.4). The Permittee, or the Permittee's successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3.4).
- b. **Establishment of Revolving Compliance Accounts:** Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:
  - (1) a payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs incurred for Condition Compliance review (Condition 10.a, above), and monitoring and enforcement (Condition 10.c, below). The \$500.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,

- (2) a signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee's right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
- c. Monitoring and Enforcement Costs: The \$500.00 deposit and reimbursement agreement are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this CUP and/or the Ventura County Non-Coastal Zoning Ordinance that may occur.
- d. Billing Process: The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment.

#### 11. Defense and Indemnity

As a condition of CUP issuance and use including adjustment, modification, or renewal thereof, the Permittee agrees to:

- a. Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either the County's decision to issue this CUP or the manner in which the County is interpreting or enforcing the conditions of this CUP; and,
- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Permittee shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such legal action the Permittee defended or controlled the defense thereof pursuant to Section 11.a above. The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.

Neither the issuance of this CUP, nor compliance with the conditions thereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property. The issuance of this CUP shall not serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the

County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this CUP.

## 12. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth. In the event that any condition contained herein is determined to be in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the project sponsors in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the Code of Civil Procedures (§ 1094.6), or other applicable law, this CUP shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If any condition is invalidated by a court of law, and said invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, the project may be reviewed, at the discretion of the Planning Director, by the Planning Commission and substitute feasible conditions/mitigation measures may be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Planning Commission. If the Planning Commission cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

## 13. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for this land use have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the costs of such work.

Whenever feasible, the lowest bidder will be used. Any decisions made by County staff may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, provided the consultant and the proposed scope-of-work are acceptable to the County. However, the County retains the right to hire its own consultants to evaluate any work undertaken by the operator or consultants under contract with the operator.

#### 14. Relationship of CUP Conditions, Laws and Other Permits

The design, maintenance, and operation of the CUP area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended (e.g., County Business License Tax Ordinance), and all such requirements and enactments shall by reference become conditions of this CUP. In the event of conflicts between various requirements, the more restrictive requirements shall apply. In the event that any CUP condition contained herein is determined to be in conflict with any other CUP condition contained herein, then where principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. Neither the issuance of this CUP nor compliance with the conditions of this CUP shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

#### 15. Contact Person

**Purpose:** In order to facilitate the resolution of complaints, a contact person that represents the Permittee shall be designated.

**Requirement:** The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this CUP.

**Documentation:** The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the CUP site.

**Timing:** Prior to the issuance of a Use Inauguration Zoning Clearance the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the project file. If the address or phone number of the

Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide the Planning Division with the new information in writing within three calendar days of the change in the Permittee's field agent.

**Monitoring and Reporting:** The Planning Division maintains the contact information provided by the Permittee in the respective project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

#### 16. Resolution of Complaints

The following process shall be used to resolve complaints related to the project:

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 15 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an event as it is occurring may directly contact the Contact Person.
- b. If a written complaint about this project is received by the County, Planning Division staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.
- c. If, following a complaint investigation by County staff, a violation of the Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance may be initiated.

#### 17. Reporting of Major Incidents

**Purpose:** To ensure that the Planning Director is notified of major incidents within the CUP area.

**Requirement:** The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside the Lake Sherwood Community.

**Documentation:** Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and, the steps taken to prevent a recurrence of the incident.

**Timing:** The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of the request.

**Monitoring and Reporting:** The Planning Division maintains any documentation provided by the Permittee related to major incidents in the CUP file.

#### 18. Change of Owner and/or Permittee

**Purpose:** To ensure that the Planning Division is properly and promptly notified of any change of ownership or change of Permittee affecting the CUP site.

**Requirement:** The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

**Documentation:** The initial notice must be submitted with the new Property Owner's and/or Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses. In the letter, the new Owner, Lessee, or Operator must agree to comply with all conditions of this CUP.

**Timing:** The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

**Monitoring and Reporting:** The Planning Division maintains notices submitted by the Permittee in the project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

#### 19. Limited Hours for Maintenance Equipment

Other than emergency situations, Maintenance Equipment (i.e., motorized landscape equipment) use shall be limited to operating during the weekdays and Saturday between 9 A.M. and 5 P.M. only. The operation of motorized landscape equipment at the Lake Club golf maintenance outside yard and at the Lake Club tennis courts is limited to the hours of 9 a.m. to 5 p.m., Monday through Saturday. Before 9 a.m. and after 5 p.m. on weekends and on Saturday, and all day on Sunday, golf and grounds maintenance workers must perform their work without the use of motorized (gas powered) landscape equipment and may use brooms, electric-powered landscape equipment and sound-reduced blowers (i.e., Echo Quiet Backpack blower) at the outside maintenance yard and the tennis courts. Within the golf maintenance building, the staff may continue normal operations including using various gas powered equipment.

## 20. Tree Protection Standards

- a. In the event that a protected tree with a health rating of "A" or "B" should seriously decline or die subsequent to being removed from its original location, and while still being held in a box prior to replanting, replacement of that tree shall be in accordance with mitigation standards of the Ventura County Tree Protection Ordinance only. At least 10 days prior to replanting a boxed tree in this category, which has remained healthy, the applicant must provide to the Planning Division a tree health evaluation and identify the location where the tree is to be replanted. In order to request the removal of a tree which is subject to the Tree Protection Ordinance mitigation requirements, the applicant shall provide an invoice regarding the work performed in relocation of a specific tree in this category. Subsequent to submission of installation invoices for planting of the above referenced tree(s), the Planning Director may grant removal of a specific protected tree from the mitigation list.
- b. In the event that a protected tree with a health rating of "C" or less should seriously decline or die subsequent to being removed from its original location, and while still being held in a box prior to replanting, mitigation for the loss shall be two, 36" box and one, 48" box tree of the same protected tree species. Upon submission of installation invoices for planting of the above referenced replacement trees, mitigation for the loss of the original tree will be satisfied.
- c. In the event that a protected tree dies after it has been transplanted, regardless of the original health rating, mitigation for the loss shall be two, 36" box and one, 48" box tree of the same protected tree species. Upon submission of installation invoices for planting of the above referenced replacement trees, mitigation for the loss of the original tree will be satisfied.

## 21. Oak Tree Preservation

- a. No grading shall take place within the tree drip-lines without the approval of the County Planning Division. Any such grading shall be clearly shown on the Grading Plans.
- b. If grading is approved within the drip-lines, a tree consultant hired by the developer and approved by the County shall be present during all work. This grading will be done by hand work.
- c. If any roots are encountered, they shall be properly pruned in accordance with the recommendations of a tree consultant.



- d. To prevent injury from mechanical equipment, all trees within the area to be graded shall be fenced at their drip-line with a chain-link fence before any grading commences. The location of this fence shall be shown on the Grading Plans, and shall not be removed until completion of grading operations.
- e. No equipment storage and/or parking shall take place within any tree drip-line.
- f. Structural pruning to provide adequate clearances for road construction, parking areas, and building construction can be done only if approved by the County Planning Division. After use inauguration, a tree permit shall be required for this work.
- g. Safety pruning is for the pruning of hazardous limbs and shall be done only if a tree consultant requires it.
- h. All deadwooding and/or pruning shall be accomplished under the direct supervision of a tree consultant.
- i. When pruning, undercut limbs to avoid tearing the bark. The final cut shall be angled from the trunk slightly with the lower edge of the cut farther away from the trunk than the top edge.
- j. Grade stakes or anything else shall not be nailed to the trees.
- k. Landscape planting and/or irrigation and/or utilities shall not be designed and/or installed within any oak tree drip-lines, unless approved by the County Planning Division.
- l. Chemical herbicides shall not be applied within 200 feet of any oak tree drip-lines.
- m. Natural leaf mulch shall not be removed from within the oak tree drip-lines.
- n. Any dust accumulated on the foliage of trees from construction activities shall be hosed off periodically.
- o. Re-vegetation of all buried pipeline and transmission line corridors through areas to be left natural shall be done as follows:
  - (1) During pre-construction clearing of corridors, all vegetation and the top 6 to 12 inches of soil shall be windrowed and later spread back over the construction site after burial of facilities.
  - (2) Post-construction grading shall return the terrain to its pre-construction contours as much as practicable.

- (3) Areas requiring compaction shall have the top 6 to 12 inches scarified prior to any re-vegetation efforts.
  - (4) The use of jute mats or other erosion-control devices shall stabilize those areas susceptible to erosion.
  - (5) The hydromulch mix of native seeds shall be sprayed within the construction corridor after project construction.
- p. The use of pesticides and herbicides within 20 feet of creek and pond beds shall be prohibited.

## **Environmental Health Division (EPD)**

### **22. Hazardous Material/Waste**

#### **Management:**

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations. (EHD-10)

### **23. Vector Control**

#### **Mosquito Prevention:**

All water impoundments and storm water collection systems must be constructed and maintained in a manner, which will not create mosquito breeding sources.

## **Ventura County Fire Protection District (VCFPD) Conditions**

### **24. Inspection Authority**

**Purpose:** To ensure on-going compliance with all applicable codes, ordinances and project conditions.

**Requirement:** The Permittee, by accepting these project conditions of approval, shall acknowledge that the fire code official (Fire District) is authorized to enter at all reasonable times and examine any building, structure or premises subject to this project approval for the purpose of enforcing the Fire Code and these conditions of approval.

**Documentation:** A copy of the approved entitlement conditions.

**Timing:** The Permittee shall allow on-going inspections by the fire code official (Fire District) for the life of the project.

**Monitoring and Reporting:** A copy of the approved entitlement conditions shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall ensure ongoing compliance with this condition through on-site inspections. (VCFPD-60)

## 25. Fire Department Clearance

**Purpose:** To provide the Permittee a list of all applicable fire department requirements for the Permittee's project.

**Requirement:** The Permittee shall obtain VCFPD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.

**Documentation:** A signed copy of the VCFPD's Form #126 "Requirements for Construction"

**Timing:** The Permittee shall submit VCFPD Form #126 Application to the Fire Prevention Bureau for approval before issuance of building permits.

**Monitoring and Reporting:** A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on-site inspection of the project to ensure compliance with all conditions and applicable codes / ordinances.

## 26. Onsite Access / Driveway Buildings other than Single Family Dwellings

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall maintain all on-site access road(s) and driveway(s). A 25 foot wide on site access width shall be maintained at all times with clear and unobstructed access to all portions of all buildings on site. Parking of vehicles, trailers and other support equipment for deliveries and special events shall park off of main streets within the Sherwood development and shall not be parked or left standing in any posted Fire Lane.

**Documentation:** A copy of the vehicle parking plan shall be submitted to the VCFPD with conditions and restrictions or other such documentation as may be deemed acceptable by the Fire Prevention Bureau.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of any future building permits.

**Monitoring and Reporting:** The VCFPD has the authority to inspect all on-site access road(s) and driveway(s) as it deems necessary. The Permittee shall be responsible for ongoing maintenance of the access road and driveways and shall maintain all fire department access road width requirements and fire lanes.

## 27. Fire Lanes

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall post all fire lanes in accordance with California Vehicle Code, the International Fire Code and current Ventura County Fire Protection District Fire Lane Standards. All fire lane markings / signs shall be located within recorded access easements. The Permittee shall maintain all required fire lane markings / signs to be clearly visible.

**Documentation:** A stamped copy of the approved fire lane plan.

**Timing:** The Permittee shall submit two copies of the site plan to the Fire Prevention Bureau for approval before the issuance of any future building permits. All required fire lanes shall be installed before final occupancy.

**Monitoring and Reporting:** A copy of the approved fire lane plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that all fire lanes are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and the Permittee's successors in interest, shall maintain the fire lanes for the life of the development.

## 28. Vertical Clearance

**Purpose:** To ensure that adequate fire department vertical clearance along access driveways and roads are provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a 13' 6" vertical clearance for fire apparatus access roads / driveway. Required vertical clearance shall be designed as follows:

- a. Trees and shrubs do not extend within the required access width.
- b. Trees are pruned back to a height not less than 13' 6" from the access road/driveway surface.
- c. The required vertical clearance extends from the entrance to the property all the way to all protected structures.

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit access plans to the Fire Prevention Bureau for approval before issuance of any future building permits. The plans shall indicate all access road/driveway locations and proposed turnaround location and design. All required access elements shall be cleared to include a 13' 6" vertical clearance before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection ensure that the required vertical clearance is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and the Permittee's successors in interest, shall maintain the vertical clearance for the life of the development. (VCFPD-14)

### 29. Hazard Abatement

**Purpose:** To ensure compliance with Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall have all grass or brush adjacent to structure's site footprint cleared for a distance of 100 feet or to the property line if less than 100 feet. All grass and brush shall be removed a distance of 10 feet on each side of all access road(s)/driveway(s) within the project. The Fire District may require the entire parcel to be cleared. Note: A Notice to Abate Fire Hazard may be recorded against the parcel.

**Documentation:** A signed copy of the Ventura County Fire Protection District's Form #126 "Requirement for Construction" or the "Notice to Abate" issued under the Fire District's Fire Hazard Reduction Program.

**Timing:** The Permittee shall remove all grass and brush as outlined by the Ventura County Fire Protection District's Fire Hazard Reduction Program guidelines prior to issuance of a Use Inauguration Zoning Clearance.

**Monitoring and Reporting:** The Fire Prevention Bureau shall conduct on-site inspections to ensure compliance with this condition. (VCFPD-47)

### 30. Fuel Modification Plans

**Purpose:** To reduce hazardous fuel loads surrounding a project or developments to provide wildfire protection.

**Requirement:** The Permittee shall prepare a Fuel Modification Plan (FMP).

**Documentation:** A stamped copy of the approved Fuel Modification Plan (FMP).

**Timing:** The Permittee shall submit a Fuel Modification Plan (FMP) to the Fire Prevention Bureau for approval prior to issuance of a Use Inauguration Zoning Clearance.

**Monitoring and Reporting:** A copy of the approved Fuel Modification Plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure the Fuel Modification Zones are installed according to the approved FMP. The Fire Prevention Bureau shall conduct annual inspections through its Fire Hazard Reduction Program to ensure the Fuel Modification Zones are maintained according to the FMP. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and the Permittee's successors in interest, shall maintain the approved Fuel Modification Zones for the life of the development.

### 31. Trash Dumpster Locations

**Purpose:** To ensure adequate exposure protection is provided surrounding all structures.

**Requirement:** The Permittee shall ensure that commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of building openings, building combustible walls, or combustible roof eave lines unless protected by approved automatic fire sprinklers.

**Documentation:** A stamped copy of the approved site plan indicating commercial trash dumpster and container locations.

**Timing:** The Permittee shall submit site plans indicating all commercial trash dumpster and container locations to the Fire Prevention Bureau for approval prior to issuance of a Use Inauguration Zoning Clearance

**Monitoring and Reporting:** A copy of the approved site plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the commercial trash dumpster and containers are installed according to the approved site plan. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and the Permittee's successors in interest, shall maintain the approved locations for the life of the development.

## **Public Works Agency Conditions**

### **Transportation Department**

#### **32. Future Traffic Impact Mitigation Fee (TIMF)**

**Purpose:** To address the cumulative adverse impacts of traffic on the Regional Road Network, TIMF Ordinance 4246 and County General Plan (GP) 4.2.2-6 require that the PWA – Transportation Department collect a TIMF.

**Requirement:** The Permittee shall deposit with the PWA – Transportation Department a TIMF. The trip generation rate and TIMF will be calculated based on the applicant's information. The applicant/permittee may choose to submit additional information or provide a Traffic Study to supplement the information currently provided to establish the trip generation rate. The TIMF may be adjusted for inflation at the time of deposit in accordance with the latest version of the Engineering News Record Construction Cost Index.

If, in the future, any new development is proposed, before the issuance of a Zoning Clearance to initiate a new use, pursuant to the TIMF Ordinance, the Permittee shall mitigate the project's cumulative adverse traffic impact by the payment of a TIMF. The amount of fee will be based on the land use proposed by the Permittee at the time of development and the current applicable reciprocal traffic impact agreement between the County of Ventura and City of Thousand Oaks.

**Documentation:** The Permittee shall come to the PWA – Transportation Department counter, fill out the TIMF form, and pay the TIMF.

**Timing:** This condition shall be met prior to the issuance of a Use Inauguration Zoning Clearance, for any future development.

**Monitoring and Reporting:** The PWA – Transportation Department will review and approve the payment of the TIMF.

### **Watershed Protection District (WPD)**

#### 33. Floodplain Development Permit

Notice for future development: Prior to the issuance of a Building Permit, Grading Permit, or other County of Ventura issued permit for development, redevelopment, or site grading proposed in the 1% annual chance Unnumbered/Approximate A Zone floodplain, as delineated on the latest available digital Flood Insurance Rate Map approved by the Federal Emergency Management Agency, the Permittee shall obtain a Floodplain Development Permit from the Ventura County Public Works Agency Floodplain Manager.

#### 34. Pollutant Control for Golf Course Maintenance Activities

**Purpose:** To ensure ongoing maintenance of the golf course does not result in excess nutrients or turf management chemicals from being transported from the golf course greens into Upper Sherwood Creek, Sherwood Creek or Lake Sherwood.

**Requirement:** In accordance with the Malibu Creek Watershed Nutrients Total Maximum Daily Load (TMDL) requirements for non-point sources (effective March 21, 2003), and as incorporated in the Los Angeles Regional Water Quality Control Board Order No. R4-2010-0108 Nutrient Load Allocations for Malibu Creek Watershed, Best Management Practices (BMPs) shall be developed and implemented for turf grass management and course maintenance activities to minimize offsite transport of nutrients and chemicals into downstream surface waterbodies.

**Documentation:** The Permittee shall submit a Turf Grass Best Management Practices (BMPs) and Integrated Pest Management (IPM) Plan to the Watershed Protection District, Surface Water Quality Section (WPD-SWQS) for review and approval. The Turf Grass BMP and IPM Plan shall address the following requirements:

- a. Verify that fertilization is targeted,
- b. Identify areas where buffers are used to protect surface water quality,
- c. Identify and implement fertilizer application methods used to protect surface water quality,
- d. Identify and implement irrigation practices that ensure plant uptake of nutrients,

- e. Ensure correct training or certification for applicators is conducted,
- f. Ensure that overall TMDL golf course Load Allocations of 37 lbs./day of Nitrogen and 6.6 lbs./day of Phosphorus are not exceeded in the runoff during summer (April 15th through November 15th), and
- g. Ensure that overall TMDL golf course Load Allocation concentrations of 8 mg/l are not exceeded in the runoff during winter (November 16th through April 14th).

**Timing:** The above listed item shall be submitted to the WPD-SWQS for review and approval prior to issuance of a Use Inauguration Zoning Clearance.

**Monitoring and Reporting:** WPD-SWQS will review and approve the submitted plans. The approved plans shall be kept onsite.

### 35. Source of Water for Golf Course Irrigation

**Purpose:** In accordance with the Lake Sherwood Hidden Valley Area Plan Goal 2.4.1-3, Policy 2.4.2-6, and Policy 2.4.2-7 to properly address the long-term potential project and cumulative impacts to area groundwater quantity, the golf course shall use reclaimed water as its primary source of irrigation water and the existing wells shall be limited to providing emergency back-up for the reclaimed water system.

**Requirement:** The golf course shall use reclaimed water from the Triunfo County Sanitation District as its primary source of irrigation water and the existing on-site wells shall be limited to providing emergency back-up for the reclaimed water system.

**Documentation:** Copy of Water Utility Bill from Oak Park Water Service (owned and operated by Triunfo Sanitation District) is sufficient to show there is infrastructure in place for delivery of recycled water.

**Timing:** The above listed item shall be submitted to the WPD-SWQS for review and approval prior to issuance of a Use Inauguration Zoning Clearance.

**Monitoring and Reporting:** Report to WPD the date, amount and justification for all emergency extractions from each of the water supply wells at the time of each extraction.

### 36. Containment area for Hazardous Materials, Chemicals and Fertilizers

**Purpose:** In accordance with the Ventura County General Plan *Goals, Policies and Programs* Policy 1.3.2-4, a containment area is required to properly address the long-term potential project and cumulative impacts to the area groundwater quality.

**Requirement:** Any hazardous materials, chemicals, or fertilizers shall be stored in a building that is properly designated and equipped for the safe storage of the hazardous materials, chemicals and fertilizers.

**Timing:** Prior to the Issuance of a Use Inauguration Zoning Clearance, the Permittee shall submit plans for the Containment Area for the Hazardous Materials, Chemicals, or Fertilizers site plan.



**Monitoring and Reporting:** A copy of the approved Containment Area for the Hazardous Materials, Chemicals and Fertilizer Storage site plan will be maintained in the case file. The Permittee shall allow WPD to inspect the Containment Area upon request

## **Engineering Services Department, Development & Inspection Services Division**

### **37. Existing Permits, Agreements and Surety for Construction of Improvements**

**Purpose:** In order to ensure the Permittee performs all grading and improvements required under the previously approved entitlements.

**Requirement:** The Permittee shall complete the construction permitted under Tract No 4192-3, GP 9336, CUP 4375, Grading Permit 7677 and all other entitlements affecting the project area in accordance with the approved plans and specification and agreements issued for the construction of the required improvements.

**Documentation:** Section C. Grading Permit - of the Amended and Restated Agreement with Respect to the Operation, Use and Transfer of Club Facilities, dated July 27<sup>th</sup>, 2007. In addition, Grading permits, agreements and sureties are on-file with the Public Works Agency.

**Timing:** Timing is described in the agreements for construction of the improvements and the Grading Permits mentioned above.

**Monitoring and Reporting:** Public Works Agency engineers will review grading plans and reports for compliance with Ventura County codes, ordinances and standards, as well as state and federal laws. Public Works Agency inspectors will monitor the proposed grading to verify that the work is done in compliance with the approved plans and reports.

## **Integrated Waste Management Division (IWMD)**

### **38. Waste Diversion & Recycling Requirement:**

**Purpose:** To ensure the project complies with Ordinance No. 4445. Ordinance 4445 pertains to the diversion of recyclable materials generated by this project (e.g., paper, cardboard, wood, metal, greenwaste, soil, concrete, plastic containers, and beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance 4445 can be reviewed at [www.wasteless.org/ord4445](http://www.wasteless.org/ord4445).

**Requirement:** Ordinance 4445, Sec. 4770-2.3, requires the Permittee to work with a County-franchised solid waste hauler who will determine the level of service required to divert recyclables generated by their project from local landfills. For a complete list of County-franchised solid waste haulers, go to: [www.wasteless.org/commercialhaulers](http://www.wasteless.org/commercialhaulers).

**Documentation:** The Permittee must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

**Timing:** Upon request, the Permittee must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

**Monitoring and Reporting:** Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill.

39. Collection and Loading Areas for Refuse and Recyclables:

**Purpose:** To comply with the *California Solid Waste Reuse and Recycling Access Act of 1991* (CA Public Resources Code 42900-42901).

**Requirement:** The Permittee shall adhere to the County's *Space Allocation Guidelines* which include minimum space requirements for refuse and recycling bins and recommend aesthetic, gated, trash enclosures. Please review the County's *Space Allocation Guidelines* at: [www.wasteless.org/spaceallocationguidelines](http://www.wasteless.org/spaceallocationguidelines).

**Documentation:** The Permittee shall submit a site plan to the IWMD indicating the location of a trash enclosure, or a designated area on the property, with sufficient space to accommodate refuse and recycling bins necessary to meet the needs of the project.

**Timing:** Prior to Issuance of a Use Inauguration Zoning Clearance, the Permittee must submit a site plan to the IWMD for review/approval that indicates the location of a trash enclosure or designated area on the property for siting refuse and recycling bins.

**Monitoring & Reporting:** Upon request, the Permittee shall allow IWMD staff to verify a trash enclosure has been constructed on the premises.

40. Commercial Vehicles and Equipment - Used Oil Recycling:

**Purpose:** To ensure the recycling of motor oil and oil filters, and the removal of antifreeze from commercial vehicles and equipment.

**Requirement:** The Permittee shall ensure compliance with State and federal hazardous waste regulations. See:

[www.calrecycle.ca.gov/UsedOil/Handling/Haulers.htm](http://www.calrecycle.ca.gov/UsedOil/Handling/Haulers.htm). The Permittee shall contract with a registered hazardous waste transporter to ensure motor oil, oil filters, and antifreeze generated by their business is taken to a registered used oil recycling facility. A list of registered hazardous waste transporters is available at: [www.dtsc.ca.gov/database/Transporters/Trans000](http://www.dtsc.ca.gov/database/Transporters/Trans000). A list of registered used oil recycling facilities is available at:

[www.calrecycle.ca.gov/UsedOil/Handling/Recyclers.htm](http://www.calrecycle.ca.gov/UsedOil/Handling/Recyclers.htm).

**Documentation:** The Permittee shall maintain original billing statements generated by their registered hazardous waste transporter(s) to verify compliance with this condition.

**Timing:** Original billing statements shall be kept on file for a minimum of three years.

**Monitoring and Reporting:** Upon request, the Permittee shall provide copies of current billing statements to the IWMD to verify that used motor oil, oil filters, and antifreeze generated by vehicles and equipment that are permitted for use by this CUP, are properly recycled.

## **Air Pollution Control District (APCD)**

### **41. APCD Rules and Regulations**

**Purpose:** To ensure that project operations shall be conducted in compliance with all applicable APCD Rules and Regulations, in particular Rule 10, (Permits Required) certain types of new and modified equipment and operations require APCD permits prior to installation.

**Requirement:** The Permittee shall obtain a Permit to Operate prior to operation. To help prevent project delays, the Permittee or the Permittee's representative should contact the APCD Engineering Division at the earliest practicable date to determine any air permit requirements. The APCD Engineering Division can be contacted by telephone at (805) 645-1401 or by email at [engineering@vcapcd.org](mailto:engineering@vcapcd.org).

**Documentation:** An approved Permit to Operate.

**Timing:** The Permittee shall submit the appropriate applications and supporting documentation to APCD for review and approval prior to beginning operation. The Permittee shall provide the Planning Division these APCD permits, or written confirmation from APCD that the permits are not needed, prior to the issuance of a Use Inauguration Zoning Clearance.

**Monitoring and Reporting:** A copy of a Permit to Operate shall be maintained as part of the project file. Ongoing compliance with the requirements of the Permit to Operate shall be accomplished through field inspection by APCD Inspectors.