

MITIGATED NEGATIVE DECLARATION (MND) ADDENDUM FOR WILDLIFE AND ENVIRONMENTAL CONSERVATION, INC MINOR MODIFICATION OF CONDITIONAL USE PERMIT PL14-0057 AND ADMINISTRATIVE VARIANCE, CASE NO. PL23-0108

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

- 1. Entitlement:** Minor Modification of Conditional Use Permit (CUP) PL14-0057 to authorize the expansion and continued operation of an existing wild animal rehabilitation and on-site educational facility that keeps inherently dangerous animals for a 20-year period, an Administrative Variance and to exceed the 5% building coverage requirement (Case No. PL23-0108).
- 2. Applicant and Property Owner:** Wildlife and Environmental Conservation, Inc., C/O Patty Perry, P.O. Box 2359, Moorpark, CA 93020
- 3. Location:** 11952 Broadway Road, near the City of Moorpark, in the unincorporated area of Ventura County
- 4. Tax Assessor's Parcel Number:** 500-0-210-165
- 5. Lot Size:** 11.78 acres
- 6. General Plan Land Use Designation:** Agricultural
- 7. Zoning Designation:** AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)
- 8. Project Description:**

The applicant requests a Minor Modification of CUP PL14-0057 for the expansion and continued operation of a wild animal rehabilitation and on-site educational facility for an additional 20-year period, and an Administrative Variance to exceed the 5% building coverage requirement (Case No. PL23-0108). The facility keeps wild animals, including those defined as "inherently dangerous" in the Ventura County Non-Coastal Zoning Ordinance (NCZO).

The applicant requests the following:

- Construction of a new 3,000 square-foot storage building. No water or sewer connections, plumbing fixtures, electrical improvements or service, lighting, or mechanical equipment would be part of, or included in, the building. The proposed storage building would be constructed of stainless steel, and painted a light grey color. The building would consist of one open area storing dry feed, tools, emergency animal crates, and event supplies.

- Legalization of an existing, unpermitted 4,800 square-foot inherently dangerous animal enclosure with 600 square-foot covered shelter area intended for “apex predators” as defined in the conditions of approval for the requested CUP (Exhibit 4, Condition No. 21, of the Planning Director Hearing Staff Report on July 25, 2024). The existing enclosure is constructed in accordance with the minimum facility and caging standards for wild animals set forth in Section 671, Title 14, of the California Code of Regulations and approved in the safety inspections conducted by the California Department of Fish and Wildlife on March 21, 2024 (Exhibit 9 of the Planning Director Hearing Staff Report on July 25, 2024).
- Legalization of an existing unpermitted shade structure (900 square feet).
- Demotion of existing storage containers and covered structures for non-wild animals (e.g., rabbits).
- An Administrative Variance to allow for building coverage of 5.55% which exceeds the 5% maximum allowed building coverage for land designated as Agricultural by the General Plan pursuant to NCZO Section 8106-1.4.1.3.

No additional changes are proposed to the facility. Details of the existing operations and services are described below.

Wildlife and Environmental Conservation, Inc. (WEC) is comprised of various animal enclosures and may hold a maximum of 53 animals onsite on a permanent or long-term basis. The facility would house many species of owls, hawks, eagles, falcons, exotic felines (including tigers) and other non-native, wild animals such as camels and zebras. Up to ten additional raptors (birds) above the 53-animal limit may be temporarily kept onsite for a maximum of 60 days in the following circumstances:

- The resident raptors reproduce, and the offspring receive maternal or WEC staff care.
- An injured raptor is brought to the site for veterinary treatment and rehabilitation.

The Planning Director can extend the temporary 60-day period to a maximum of 120 days for good cause shown. At the end of any temporary period, the population of wild animals on the site shall return to a maximum of 53. A list of current animals onsite, dated June 14, 2024, is provided in Exhibit 8 of the Planning Director Hearing Staff Report on July 25, 2024.

The CUP boundary totals 8.84 acres of the 11.48-acre subject lot. Table 1 below identifies the structures on the lot and includes those that are not part of the proposed project. Building coverage totals 27,770 square feet, or 5.55% of the subject lot. Pursuant to NCZO Section 8106-1.4.1.3, building coverage cannot exceed 5% for land designated by the General Plan as Agricultural. Therefore, the applicant is requesting an Administrative Variance to the building coverage requirements to allow for the addition of structures that exceeds 5% building coverage (see Section F of the Planning Director Hearing Staff Report on July 25, 2024).

Table 1: Project Components

Component	Quantity	Total Area
(E) Primary Dwelling w/ covered patio	1	3,232 square feet
(E) Hoof Stock Shelter	1	2,638 square feet
(E) Tiger Shelter	1	1,200 square feet
(E) Climate Controlled Shelter	1	176 square feet
(E) Feline Shelters	1	2,825 square feet
(E) Covered Animal Enclosures	Multiple	11,570 square feet
(E) Animal Enclosures (uncovered)*	Multiple	19,800 square feet
(E) Garage (outside CUP boundary)	1	630 square feet
(E) 2 nd Dwelling (outside CUP boundary)	1	999 square feet
(P) Storage Building	1	3,000 square feet
(L) Shade Structure	1	900 square feet
(L) Feline Shelter	1	600 square feet
(D) Rabbit enclosure and chicken coop*	1	3,000 square feet
Total square footage authorized by modified CUP PL23-0108		27,770 square feet

E = Existing

P = Proposed

L = Existing, but unpermitted. To be legalized by modified CUP PL23-0108.

D = Demolish

N/A = Not Applicable

*Square footage does not apply towards building coverage

Rehabilitation

WEC receives sick, injured, and orphaned wildlife from members of the community, law enforcement, animal rescues, veterinarians, etc. These animals are treated through the critical care process by licensed veterinarians that work together with WEC's staff and volunteers. Invasive surgery procedures are performed offsite at veterinary hospitals with rehabilitation occurring at the WEC facility. The animals are ultimately transferred to other facilities, released to the wild, remain at WEC for further rehabilitation, or placed in zoos and other educational facilities. On average WEC expects to take in between five and ten animals (either felines or raptors) per year.

Conservation Education (Onsite)

WEC is not open to the public. The facility accepts visitors on weekdays between the hours of 10:00 AM and 3:30 PM by invitation or appointment only. WEC caters to small groups representing existing and future benefactors and other conservationists. These groups include up to ten people. There are approximately three to five visits per month of these small groups throughout the year.

WEC also accommodates visits by youth groups. The maximum number of children that WEC accommodates is between 15 and 30, depending on age and number of chaperones. These children come from local schools, boy scouts, girl scouts and other organized groups, primarily during the spring months of March through June. A maximum of three school classes or organized groups of children may visit per month.

All visitors park inside the property boundaries. The number of vehicles ranges generally from one to three cars, apart from school visits. In these cases, the parents usually transport the children in approximately five to six vehicles. In the rare case that a bus is used for transport, there is room for a bus to park inside of the property.

WEC is primarily a volunteer organization that includes approximately seven to twelve volunteers. These individuals contribute varying numbers of hours and days, depending on their availability, and are rotated according to the needs of WEC. There are five paid, independent contractors that are brought in on an "as needed" basis. Their services include bookkeeping, repairs and maintenance, and animal care and training.

The hours of operation are generally Monday through Friday from 7:00 AM to 3:30 PM. However, treatment, care and observation is provided 24 hours a day, seven days a week. In order to provide 24-hour care, the founder of the program lives in an existing residence on the site.

WEC includes animal enclosures that are constructed in accordance with Section 671, Title 14, of the California Code of Regulations. Additionally, WEC is enclosed by an 8-foot tall, privacy-screened chain-link fence topped by an angled 2-foot section of barbed wire. Security cameras are provided throughout WEC in accordance with specifications approved by the Ventura County Sheriff's Office (Exhibit 4, Condition No. 51, of the Planning Director Hearing Staff Report on July 25, 2024).

Food for carnivores is stored at a facility in Oxnard. It is picked up and brought to the center with a frequency of one trip per week. These food products are prepackaged in individual portions. Once on the property it is stored in a freezer in the caretaker's residence, thawed, prepared and distributed to the animals. Produce is donated by local markets and picked up twice a week.

Portable sanitation facilities are located on site for use by visitors and guests and are serviced at least once a week. A trash bin is located immediately outside of the perimeter fence which is serviced by a trash hauler on a weekly basis.

WEC is regulated, inspected, and permitted by the United States Fish and Wildlife Service (bird permits), the California Department of Fish and Wildlife (animal enclosure inspections and permits), and the United States Department of Agriculture (animal welfare certification) (Exhibit 9 of the Planning Director Hearing Staff Report on July 25, 2024).

Domestic wastewater service for the project site would continue to be provided by an existing on-site wastewater treatment system. Guests and visitors would continue utilizing portable toilets. Domestic water supply for the project would continue to be provided by an existing connection to Ventura County Public Works Water & Sanitation Department system (Waterworks District 1). Physical access to the project site is provided by means of a private road connected to Broadway Road / State Route 23.

STATEMENT OF ENVIRONMENTAL FINDINGS:

On March 4, 2015, the Planning Commission adopted a Mitigated Negative Declaration (MND) for CUP PL14-0057 that evaluated the environmental impacts of the project that legalized and authorized the operation of an animal rehabilitation and educational facility that keeps inherently dangerous animals (Exhibit 7, of the Planning Director Hearing Staff Report on July 25, 2024). Mitigation measures to address potential impacts to Agricultural Resources were incorporated into the conditions of approval for CUP PL14-0057. These Mitigation Measures are ongoing and carried forward into the conditions of approval for the proposed project, modified CUP Case No. PL23-0108, as Mitigation Measures / Conditions of Approval Nos. 47 and 48 (Exhibit 4 of the Planning Director Hearing Staff Report on July 25, 2024). The proposed project would allow for the continued operation and expansion to the number

and size of the structures onsite within the CUP boundary of the animal rehabilitation and education facility that keeps inherently dangerous animals. The expansion allows for the addition of a 3,000 square-foot storage building, and legalization of one 600 square-foot feline shelter, and one 900 square-foot shade structure. No operational changes are proposed and the limitation that allows for a maximum of 53 animals onsite will remain unchanged.

Section 15164(b) of the 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 CEQA Guidelines calling for the preparation of a subsequent Environmental Impact Report (EIR) or MND have occurred.

The conditions described in Section 15162 of the CEQA Guidelines which require the preparation of an EIR or subsequent MND, are provided below, along with a discussion as to why an EIR or subsequent MND 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)].**

The proposed project allows for the continued operation and expansion to the number and size of the structures onsite within the CUP boundary of an animal rehabilitation and education facility that keeps inherently dangerous animals. The expansion is limited to physical changes and allows for the addition of a 3,000 square foot storage building, and legalization of one 600 square-foot feline shelter, and one 900 square-foot shade structure within previously disturbed areas of the CUP boundary. No operational changes are proposed and the limitation that allows for a maximum of 53 animals onsite will remain unchanged.

The proposed project is limited to the development of accessory structures sited on disturbed areas of the project site and within the fenced confines of the existing facility. Since a wetland habitat exists to the west of the project site, Envicom Corporation, a Ventura County Qualified Biological Consultant, was retained by the applicant to provide an analysis of the impacts of the proposed project on the adjacent wetland habitat. Pursuant to Envicom's letter dated November 20, 2023 (Exhibit 10, of the Planning Director Hearing Staff Report on July 25, 2024), the proposed project will not impact wetland habitats. First, it was determined that the storage building was sited more than 300 feet from the wetland and therefore the structure is not subject to General Plan Policies COS-1.10 and COS-1.11. Second, it was recommended that the setback set forth in General Plan Policy COS-1.11 be reduced to 75 feet to accommodate the legalization of the existing animal enclosure as the, "...continued operation of the quarantine cage and enclosure appear to

have zero potential to impact the Creek and its associated habitats in a meaningful way.” Finally, while the legalization of the existing shade structure was added to the project description after the Envicom letter was prepared, the impacts of the continued use of the shade structure can be likened to those of the existing animal enclosure. Specifically, it is unlikely that the continued use of a shade structure totaling 900 square feet, used for emergency trailer storage, and sited approximately 225 feet from the wetland feature will impact wetland habitats in a way that is substantially different from the animal enclosure analyzed by Envicom. Lastly, the proposed project is subject to the Public Works Agency Watershed Protection District’s condition of approval that requires WEC to continue operating in accordance with an approved Manure Management Plan (Exhibit 4, Condition No. 34, of the Planning Director Hearing Staff Report on July 25, 2024).

Mitigation Measures related to impacts on Agricultural Resources are ongoing and carried forward into the conditions of approval for the proposed project, modified CUP Case No. PL23-0108, as Mitigation Measures / Conditions of Approval Nos. 47 and 48 (Exhibit 4 of the Planning Director Hearing Staff Report on July 25, 2024).

In summary, the proposed project does not involve new significant effects or a substantial increase in the severity of previously identified significant effects.

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)].

The environmental conditions that constituted the baseline for the analysis of environmental impacts have not changed substantially since the MND was adopted with CUP PL14-0057. The proposed changes are limited to physical changes that include the development accessory structures sited on disturbed areas of the project site and within the fenced confines of the existing facility. Thus, the proposed project will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Finally, Mitigation Measures related to impacts on Agricultural Resources are ongoing and carried forward into the conditions of approval for the proposed project, modified CUP Case No. PL23-0108, as Mitigation Measures / Conditions of Approval Nos. 47 and 48 (Exhibit 4 of the Planning Director Hearing Staff Report on July 25, 2024).

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 Director 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)].

The proposed project was reviewed by the Planning Division, and was distributed to Ventura County Agencies for review and no new significant impacts were identified.

Therefore, the project will not have one or more significant effects not discussed in the previous MND.

b. Significant effects previously examined will be substantially more severe than shown in the previous MND [§ 15162(a)(3)(B)].

The MND adopted with CUP Case No. PL14-0057 identified potentially significant effects to Agricultural Resources, that with the incorporation of Mitigation Measures, would be reduced to a less than significant level. The proposed project was reviewed by the Ventura County Department of Agricultural/Weights and Measures, and it was determined that the potential impacts to Agricultural Resources will continue to be sufficiently mitigated to a less than significant level through Mitigation Measures / Conditions of Approval Nos. 47 and 48 (Exhibit 4 of the Planning Director Hearing Staff Report on July 25, 2024).

Therefore, significant effects previously examined will not be substantially more severe than shown in the previous MND.

c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative [§ 15162(a)(3)(C)].

No additional Mitigation Measures or project alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project that were declined by the project proponents. All mitigation measures identified in the adopted MND for CUP PL14-0057 were found to be feasible and incorporated into the conditions of approval for CUP PL14-0057 as Mitigation Measures / Conditions of Approval. These mitigation measures are ongoing and carried forward into the conditions of approval for the proposed project, modified CUP Case No. PL23-0108, as Mitigation Measures / Conditions of Approval Nos. 47 and 48 (Exhibit 4 of the Planning Director Hearing Staff Report on July 25, 2024).

Therefore, there are no mitigation measures or project alternatives that were found infeasible and declined by the project proponents.

- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative [§15162(a)(3)(D)].**

No additional Mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment that were declined by the project proponents. All mitigation measures identified in the adopted MND for CUP PL14-0057 were found to be feasible and incorporated into the conditions of approval for CUP PL14-0057 as Mitigation Measures / Conditions of Approval. These mitigation measures are ongoing and carried forward into the conditions of approval for the proposed project, modified CUP Case No. PL23-0108, as Mitigation Measures / Conditions of Approval Nos. 47 and 48 (Exhibit 4 of the Planning Director Hearing Staff Report on July 25, 2024).

Therefore, there are no mitigation measures or project alternatives that were considerably different than those analyzed in the previous MND that were declined by the project proponents.

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 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.

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