



Guide for the Reevaluation of a Surface Water Feature Designation within the Habitat Connectivity and Wildlife Corridor Overlay Zone

County of Ventura • Resources Management Agency • Planning Division
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Reconsideration Process

The designation of any area, or portion thereof, as a Surface Water Feature may be reconsidered by the Planning Division upon request by an applicant proposing a development subject to the Non-Coastal Zoning Ordinance Sec. 8109-4.8.3.5. When reconsideration is requested, the sole issue to be determined is whether the area qualifies as a surface water feature as the term is defined in Article 2 (see below). The reconsideration request shall be submitted on the [SWF Designation Reconsideration Request Form](#) provided by the Planning Division and shall include the information and materials requested by the Planning Director based on the relevant facts and circumstances presented. In some cases, additional information may be needed to make a removal determination. Additional information may be requested which may include, among other things, a field survey of the designated Surface Water Feature that is prepared by a County-approved qualified biologist in accordance with the Initial Study Biological Assessment “waters and wetlands” protocol, as may be amended. The first hour of County staff time expended processing the reconsideration request shall be at no cost to applicant; the applicant shall be responsible for the cost of all subsequent County staff time expended processing the reconsideration request.

Definition of Surface Water Feature

An area containing a stream (including intermittent and ephemeral), creek, river, wetland, seep, or pond, the *riparian habitat area* associated with the feature, as well as a development buffer area that is 200 feet as measured from the farthest extent of the surface water feature and its associated *riparian area*. The data used to designate the areas are obtained from the U.S. Fish and Wildlife Service National Wetlands Inventory Dataset. Areas designated as *surface water features* are shown on the “Surface Water Feature Buffer” map within the Planning GIS Wildlife Corridor layer of the County of Ventura - County View Geographic Information System (GIS), as may be amended by the Planning Director. The term *surface water feature* does not include ponds, lakes, marshes, wetlands or *agricultural water impoundments* or associated *riparian habitat areas* that are legally established and human-made.

Criteria for the Removal of a Surface Water Feature

The removal of a SURFACE WATER FEATURE as mapped by the Ventura County Planning Division may occur under four criteria:

- 1) **NWI Error**: The National Wetlands Inventory (NWI) data incorrectly mapped the feature and the actual conditions on the site are different from the information depicted on the map. This error may occur when there is a map processing error in the National Wetlands Inventory data. Evidence required for the removal of the mapped Surface Water Feature will include a field survey that is prepared by a qualified biologist in accordance the Initial Study Biological Assessment “waters and wetlands” protocol and reviewed by the Planning Staff Biologist.

- 2) **Legal Removal:** The Surface Water Feature was altered by legally-established development and is no longer present. Acceptable evidence may include but not be limited to: permit information associated with the development; or if there are no permits, historical aerial photographs that confirm that the Surface Water Feature was removed before a permit was required for the development. *This determination may be made at the Planning Counter.*
- 3) **Human-Made:** The human-made feature was legally established and does not meet the definition of a Surface Water Feature according to Article 2 of the Non-Coastal Zoning Ordinance. Supporting evidence may include, but not be limited to: 1) site photographs/current aerial photographs depicting feature; and 2) permit information associated with the development; or if there are no permits, historical aerial photographs that confirm that the Surface Water Feature was either removed before a permit was required for the development; or in the case of riparian areas, planted by the property owner. *This determination may be made at the Planning Counter.*
- 4) **Altered Stream:** A stream or other linear Surface Water Feature (e.g., drainage ditch, creek, river) has been legally altered to the extent that it no longer has the potential to support functional connectivity for wildlife or plant dispersal; nor does it provide food, water, shelter to support native species within the overlay zone. Streams or other linear Surface Water Features channelized or altered are not included in the legally-established human-made exemption. The removal of this type of feature from the map, requires a more in-depth analysis by the Planning Staff Biologist to determine whether the Surface Water Feature serves, or may have the potential to serve, as a connective feature for wildlife movement and plant dispersal, or provide food, water, shelter to native species. Supporting evidence shall include maps showing aerial photography and vegetation types, photographs of site, and supporting evidence that the feature was altered legally. In some cases, a field survey may be needed to make the final determination.

The table below summarizes a list of acceptable evidence that is needed within the reconsideration application. Other types of documentation may be acceptable, if it clearly supports the removal criteria referenced in the section above. Please consult with Planning Division Staff if alternative documentation will be included.

Table 1: Required Documents for Reconsideration Process

Conditions				Required Documents
#1-NWI	#2-Legal Removal	#3-Human Made	#4-Stream	
Required	Required	Required	Required	1. Surface Water Feature Reconsideration Request Application Form
Required	Required	Required	Required	2. Current Aerial Photography Depicting Location of Photographs/Video, SURFACE WATER FEATURE Characteristics, Proposed Development, etc.
N/A	TBD	TBD	TBD	3. Historical Aerial Photography Confirming Alteration Time Period
Required	Required	Required	Required	4. Photographs of Surface Water Feature
N/A	TBD	TBD	TBD	5. Permits or Easements Associated with the Property
Required	N/A	N/A	TBD	6. Ventura County Initial Study Assessment Field Survey

Required Documents for Surface Water Feature Reconsideration (See Table above)

1. Surface Water Feature Reconsideration Request Form. Complete form in its entirety. Provide a brief summary of the proposed project (development type, location, size of area to be disturbed, etc.). The description of the Surface Water Feature shall reference Required Documents 2-6 (above) and attached as Exhibits to the Application Form. Surface Water Feature characteristics will be noted in the description of the Surface Water Feature, and changes of such characteristics within the feature depicted in the aerial photos or site photographs (Required Documents 2-4):

- Type of Surface Water Feature
- Length and width of Surface Water Feature
- General description of elevation changes surrounding property
- Presence of vegetation within the designated Surface Water Feature
- Observed wildlife within the Surface Water Feature
- Presence of water and length of time water is present in Surface Water Feature
- Detailed description of alterations that have occurred to the Surface Water Feature and when they occurred. For example, if a portion of the Surface Water Feature was altered to create a cement drainage channel, detail the width, depth, and distance the channel has been cemented and when it occurred. If it is unknown when the alterations took place, note in description and provide the earliest date known based on supporting evidence.
- Land uses or existing development adjacent to Surface Water Feature (agriculture, fencing, lighting, residential, etc.)
- Easements or other areas that development is legally-restricted
- Overall connectivity to other Surface Water Feature, to undeveloped areas, or vegetated areas within the HCWC.

2. & 3. Current and Historical Aerial Photography of Corridor Area Exhibit

All application shall include exhibits that depict current and if needed, historical conditions of the Surface Water Feature using aerial photographs. Please see Exhibit A for example map format at end of this document. The following guidelines shall be used to prepare exhibits:

Spatial Components. The following components shall be included to create the Aerial Photograph Exhibits:

- Aerial Photographs (include year taken information).
- A digital elevation model (DEM) that clearly illustrates the topology associated with the area and the Surface Water Feature.
- Parcel Boundaries
- Boundary of Surface Water Feature Buffer
- Boundary of 100-year Floodplain
- All Restrictive Covenants/Easements (if present)
- USFWS Critical Habitat Areas (if present)

- Notations on aerial map where Surface Water Feature characteristics (# 1 above) change/located, photographs, and path the video was recorded.
- Title, North Arrow, Scale Bar, and Legend

Dates. Current aerial photographs shall be the most recent available. If needed (see Table 1), historic aerial photographs should depict the Surface Water Feature before any alterations or development occurred on the site. All dates shall be noted under the Surface Water Feature description.

Scale. Aerial photo exhibits (current and historic) shall be displayed in two scales. The first scale shall be high enough resolution so that vegetation characteristics or other features of the Surface Water Feature is clearly depicted on the image and property lines are visible. The second scale shall capture the entire width of the corridor where the Surface Water Feature is located, where connectivity to other Surface Water Feature and vegetated areas within that area of the HCWC are clearly depicted.

4. Photographs and Video of Surface Water Feature Exhibit

Provide photographs of the characteristics described for the Surface Water Feature (See #1 above). When there is distinct variation of a characteristic, provide photographs of variation. For example, if there are areas within the Surface Water Feature that contain water and other areas that do not, photograph area with water as well as area that does not contain water; if a portion of the Surface Water Feature is cemented and another portion is not, photograph an example of each; if there are areas that have no vegetation and others that do, provide a photograph of each. In addition, applicants shall submit a video on a USB drive that is less than three minutes. The video shall record the main characteristics of the Surface Water Feature described in the application. Location of photographs taken, and path of video recorded shall be depicted on a current aerial photo map described above.

5. Permits and Easements

Provide existing permit information for any altered Surface Water Features and existing development on the property provided there is a deed restriction, easement, or other type of restriction associated with biological resources on the property. If the feature was constructed within or adjacent to a river, stream, or lake before January 1, 2004 it may have required a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife. A copy of the agreement or other permits required at the state or federal level will suffice as evidence for legal development.

6. Site Visit or Survey

Upon receipt and review of the application materials, Planning staff will determine whether a site visit or a field survey is required to make the Surface Water Feature determination.

Resources for Completing Required Documents for Application

- Surface Water Feature Reconsideration Request Form.

All documents associated with the reconsideration of a Surface Water Feature designation may be obtained from the Planning Division Counter or online at www.vcrma.org/divisions/planning.

- Current and Historical Aerial Photography

Required spatial data for aerial photography maps may be downloaded at <https://www.ventura.org/gis-and-mapping/natural-resources-rma/> These maps may be created using Google Earth <https://www.google.com/earth/> or from the County's RMA GIS mapping website at <http://maps/rmagisviewer/> .

The applicant may also request County staff to create the required aerial maps for the application. Staff time spent creating the maps will be deducted from the first free hour of staff time given towards processing the reconsideration request. The applicant is responsible for providing Staff the location of all photographs taken, the locations of the Surface Water Feature characteristics described within the application form, information on easements or restrictive covenants, and if applicable, year the Surface Water Feature was altered. If applicant is unable to provide County staff with ALL the requested information, the request will not be processed.

- *Photographs and Video of Surface Water Feature Exhibit*

All photographs and path of video taken shall be depicted on a map. A very useful app to obtain the requested information (GPS location and map) from the photographs and videos is Theodolite (Hunter Research and Technology) which can be found in the [iOS devices \(iphone/ipad\)](#) Apple app store, or [Dioptra](#) from the Google Play store.

- *Permits and Easements*

Permits issued by the County of Ventura can be searched online at the County of Ventura Citizen Access at <https://vcca.ventura.org/landing.html>. For development within or adjacent to lake, stream, or river, after January 1, 2004, contact the California Department of Fish and Wildlife Lake and Streambed Alteration Program at <https://www.wildlife.ca.gov/conservation/lisa> for a copy of the agreement.

While the County does have an easement and deed restriction database, it is possible that an existing easement is not mapped. Please check permits for deed restrictions and the title report of the property to determine if easement is present. If unmapped, provide a legal map of the restricted area within your application.

SWF Reconsideration Request - APN # XXX-XXX-XXX

