

REGIONAL HABITAT LINKAGES PROJECT, Stakeholder Group Presentation

Staff Notes taken by Clay Downing

Staff Presenters: Shelley Sussman (SS), Kim Uhlich (KU), Whitney Wilkinson (WW)

----- BEGIN STAFF PRESENTATION ----

SS: Introduction. Noted possible name change from “Regional Habitat Linkages” to “Habitat Connectivity and Wildlife Corridor”. Requested submission of written comments by August 24, 2018 for inclusions in PLANNING COMMISSION Hearing tentatively scheduled for September 6, 2018. Noted ordinance language and components Regional Habitat Linkages (RHL) Overlay Zone and Critical Wildlife Passage Area (CWPA) Overlay Zone.

SS: Lighting Standards. Noted intent to be consistent with the proposed Dark Sky Ordinance for the Ojai Valley Area, where applicable. Continued discussion to focus on dark sky regulations and demonstrated standards including shielding, lumen thresholds, outdoor recreational facilities, exemptions.

WW: Surface Water Features. Discussed 200-ft. buffer areas, vegetation clearance and development requirements, and exemptions.

WW: Wildlife Crossing Structures. Noted wildlife use of structures. Identified vegetation clearance regulations for highly functional (HF) and moderately functional (MF) crossing structures. Criteria for HF and MF crossing structures and exemptions to crossing structure regulations. Discussion of deviations.

WW: Invasive Plant Prohibitions. Defined “invasive plants” and provided source for identification. Noted that intentional planting of invasive plants would be prohibited unless planted for commercial agriculture or commercial nursery stock.

KU: Wildlife Impermeable Fencing. Discussed “wildlife impermeable fencing”, and where it would be applied. Components of regulations include one or more of the following: higher than 60” above grade, electric fencing, and material (wrought iron, plastic, woven wire, razor wire, chain link, and any solid wall (e.g., brick, cinderblock) or fence (e.g., wood or vinyl). Reviewed applicability, ministerial and discretionary permitting criteria, exemptions such as residential zones, fencing installed prior to ordinance effective date, enclosure of commercially grown agricultural products, as required by federal/state/local regulation and others. Cited examples of prohibited fencing.

WW: Critical Wildlife Passage Areas Overlay Zone. Identified for portions of Oak View, Tierra Rejada Valley and Simi Hills. Noted as offshoot of the “chokepoint” discussions from early in the project and instead focuses on most “vulnerable” areas. Noted criteria that determined specific areas to be particularly critical for wildlife movement. Showed mapped areas.

KU: Compact Development Siting Standard. Applies only to the CWPA overlay zone. Provided examples of compact development siting standards. Discussed application where existing structures or uses are present. Noted requirement for a least damaging alternatives analysis (LDAA) in conjunction with discretionary permit applications, and the exemptions to compact development siting standards.

KU: Proposed Revisions to Draft Ordinance Since August 6, 2018. Identified each proposed revision made by staff since posting the draft ordinance on August 6, 2018. Revisions based on erroneous or missing section number cross-references, unclear language, or stakeholder questions. The tentative Planning Commission hearing date is scheduled for September 6, 2018 and the tentative Board of Supervisors hearing date is scheduled for October 30, 2018.

Question from Lynn Jenson, CoLAB: Requested exemption for Agricultural uses located in Rural (RA) zones.

END PRESENTATION

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BEGIN STAKEHOLDER QUESTIONS

Tim Cohen, Temescal Ranch: Regarding Lot Split (slide 44 – Examples of compact siting standard - lines bisecting lots into two sections of equal area). Why is this needed? Is this 50% after the 5% coverage? Does this affect the building lot coverage? Noted that land is not as simple and flat as depicted in the ordinance diagram. Questioned why staff came up half (i.e., 50%) came from – why not a different percentage? It doesn't make sense that the 50% line can never be modified. Observed that when you take half of someone's property, it should be subject to CEQA. Does this need to be evaluated in that way?

KU: Noted that staff developed the Compact Siting standard as a way to follow the Board of Supervisors direction in protecting the most critical areas within the linkages areas. Felt that this was applied only to the areas that were of the greatest concern (i.e., CWPA Overlay Zone), and this is a regulatory approach to provide open areas for wildlife movement. Intent is a reasonable compromise for allowing development of property while allowing for Board-directed protection of wildlife and habitat. The 5% lot coverage limitation set forth in the current Non-Coastal Zoning Ordinance (NCZO) would apply in the same way if development were to be restricted to one-half of a lot.

Josh Brecunier, Tierra Rejada Farms: Already lost our property rights in the Tierra Rejada by SOAR.

WW: The proposed ordinance does not automatically restrict all development to one-half of a lot within the CWPA; alternative options are provided in the proposed ordinance, e.g., through a discretionary permit and LDAA.

J. Brecunier, Tierra Rejada Farms: Idea of time required?

WW: It is a newly proposed process, so we don't have any data on that.

Rick Brecunier, Tierra Rejada Farms: (Read prepared statement) Are we going to have a chance to discuss the fairness of this proposal on property owners? Or is this going to simply be imposed on us like greenbelts and SOAR? What could be more unfair than just a few landowners being subjected to the regulation of the public good? Will the public be compensating landowners for the value they provide to wildlife? Noted that it provides a highway for wildlife. Noted that the presence of wildlife would lower property values. Noted loss of development rights, and additional costs of development process. What

are staff responses to these issues? Is it possible to streamline or waive fees since the burden has been placed on property owners?

KU: Acknowledged that there are strong opinions regarding these issues. Noted that ultimately the Planning Commission and the Board of Supervisors will weigh the initial project direction provided to staff and the proposals brought before them.

SS: Noted that the public will have the opportunity to share their thoughts at both the Planning Commission Hearing and the Board of Supervisors Hearing.

Jamie Jackson, California Dept of Fish and Wildlife: Questioned the fairness of existing development patterns on wildlife. Noted that this project represents an attempt to keep a small slice of habitat open for these wildlife populations in the face of hundreds of thousands of people. Noted impacts of increasing human population and urbanization on the viability of wildlife species and lack of options for those species.

R. Breunier: Not objecting to wildlife. Objecting to the burden on individual landowners, seems unjust that he and small number of people are paying for this wildlife protection.

Lynn Jensen, CoLAB: Opined that the development standards are arbitrary and the County biologist has too much authority to ask applicant for information. Noted lack of a provisions allowed the transfer of development rights between parcels. Feels that the draft ordinance does not include input from prior stakeholder meetings and that this regulatory approach ignores prior input. Noted no definition of a “use”.

KU: Stated that “uses” are defined in the Non-Coastal Zoning Ordinance, cited the use matrix.

L. Jensen: Could exempt uses be exempt from the Compact Siting standards?

Jamie Jackson, CDFW: Felt that regulation of rodenticides was missing from the ordinance and noted that studies have indicated raptor perches being more effective than rodenticides.

WW and KU: As a land use ordinance, rodenticides are not regulated by the Planning Division.

J. Jackson: Continued to state that the application/distribution of rodenticides is an immense environmental impact that should be addressed. Feels that if “this process” is going to proceed ministerially, such an issue would have to be addressed. Doesn’t agree that some of the standards in the draft ordinance have been identified as ministerial and therefore not applicable to CEQA.

KU: Stated that the Planning Division’s regulatory authority does not extend to the regulation of rodenticides.

J. Jackson: Stated that is why it is important to be able to provide comment and for the public to be able to see those comments.

KU: Discussed subdivision process in the context of compact siting regulations.

L. Jensen: Stated that the compact siting regulations will push people into the subdivision process. Asked why the cut-off is a 1-acre? Why not 3 acres, which we feel is a more appropriate cut-off?

KU: stated that there is value to that comment and encourage submission of such comment.

Louise Lampara, Aera Energy: Asked for clarification of exemption of internal roads – just Ag or all properties?

KU: All land owners.

L. Lampara: Any coordination with Ventura County Fire? Noted additional statements from the Fire District that following the Thomas Fire, people are being encouraged to clear additional area.

SS: Yes, VCFD has commented and is satisfied with the ordinance language. Requested that Aera has written correspondence from the Fire District, it would be helpful for staff to review it. Clarified that if the VCFD specified additional clearance as a permit condition, that permit condition would prevail.

Jim Hines, Sierra Club: Wildlife corridors and linkages are not just places to move through, but provide habitat including movement, cover, forage, and water. Noted that there are already two cities in Ventura County that have banned rodenticide use and encourage more wildlife friendly rodent and pest control. Noted that there is also legislation in U.S. Congress that would establish additional designations in Ventura County as area of value (Santa Monica Mountains...Rim of the Valley Corridor).

WW: Noted as being primarily Public Lands

Bud Sloan, Ventura County Cattlemen's Association: Requested clarification that the Compact Development standard only applies in CWPAs? (SS: Yes) So what is the criteria for the CWPA? And are those criteria standardized for future review and consistency?

WW: The CWPAs were established to identify particularly vulnerable areas and high value habitat areas. Cited the criteria as displayed on Slide 39. Stated that she doesn't foresee the county designating additional CWPAs. There will be more details on the issue within the staff report when it is made available (SS: Week of August 27).

KU: The rationale of the selection will be an exhibit to the staff report.

B. Sloan: Stated that what he is hearing is that there are chokepoints and that beyond that, the designations are relatively arbitrary. Went on to read a portion of the definition of CWPA. Takes issue with statement about CEQA from S. Sussman. Stated that, based on ISAGs, if we're only valuing wildlife as a "valuable" resource, the other valuable resources are being ignored and those values to the public are not being taken into account. Specifically, that value is being taken away from landowners. Already had SOAR take away values of our land. Stated that they continue to have the value of their lands chipped at and taken away.

Martin Ruane, Naval Base Ventura County: Feels that the use of the term "conservation organization" is limiting and that a different term could be used to expand to include groups doing restoration work such as the Boy Scouts. Also, the 60% limit to the invasive plants seems like it should be modified or clarified.

WW: Acknowledged point.

L. Jensen: Asked for clarification related to conservation plans.

Lynn Jensen: Why is there no definition of “Dark Hours”?

SS: Stated that we don’t have a “curfew” specifically because it is rural in nature.

L. Jensen: Asked for clarification related to 10 PM standard for lighting.

SS: Responded that it is for specific uses not for broad use/application.

L. Jensen: Expressed concern over low output lighting (100 lumen) for driveways and walkways; said it would threaten public safety. Feels that it puts the County at risk for possibly causing accidents. Similar concerns with security lighting thresholds being set too low.

B. Sloan, Cattlemen’s Association: Asked for clarification of exemption related to Sec. 8113-6.

SS: Stated that this section of NCZO regulating destruction of (nonamortized, nonconforming) structures prevails for structures that fall under this provision.

L. Jensen: Noted that there is no height on walls for impermeable structure and that lack of standards would end up catching planters. Such areas have residences on the property.

KU: Felt that the large lot nature of those areas provided adequate leeway. **SS**: Noted the allowance for unlimited *wildlife impermeable* fencing within 50 feet of dwellings.

Lynn Jensen, CoLAB: Feels the 10% wildlife impermeable fence enclosure is too small at the low end of the threshold (i.e., 1 acre). Feels that there should be a step up from 10% to 30% at lower sizes such as 1 to 3, 5, or 10 acres.

KU: Stated that after significant staff analysis, staff believes that 10% will cover the majority of situations. Noted that in areas where this does not work for the land owners, there are alternative processes (i.e., deviations).

L. Jensen: So, there are is a “deviation” that property owners can pursue? A Planning Director decision?

SS: Cited proposed ordinance language about “deviation” and Planning Director determinations.

Lynn Jensen, CoLAB: Asked about the Least Damaging Alternatives Analysis and its purpose and application/use.

WW: Looks at the proposed objectives and identifies an array of alternatives and which would result in the least damage to the biological resources that are potentially affected by the project.

L. Jensen: How would the decision be made?

WW: The Planning Director makes the decision in consultation with the Planning Biologist.

L. Jensen: Stated that a biologist would have to be hired to do this. Asked for clarification on how this would work.

Brian Stark, Ojai Valley Land Conservancy: Clarification about language that sounds like “conservation easement” but uses different language. For temporary fencing – is the fencing treated the same? Is there an exemption for those sorts of exclusions?

SS and WW: These points will be clarified.

Bud Sloan, Cattlemen’s Association: Asked for clarification of regulations regarding electric fences. Noted that although it is not a common practice here, it is common elsewhere. Stated that they don’t tend to encircle the entire area – they only do on perhaps a couple of sides within a larger enclosure.

KU: Stated that hybrid fencing in which only portions are electrified (and otherwise comprised of materials that do not meet the definition of *wildlife impermeable*) would not be regulated under the proposed ordinance because the electrified portions would not form an enclosure in this example.

Scott Price, Carbon CA: Asked where study that this is based on can be found.

SS: Referenced the Linkages Study as a primary item and that the staff report when released will include citations for studies that were relied upon in creation of the proposed standards.

WW: Noted that a number of studies have focused on wildlife passage at key areas in Ventura County.