

Santa Clara River Restoration Project Grant

“Removing Zoning Barriers to Acquisition of River Properties & Educating Landowners”

Final Report
February, 2008

County of Ventura, Planning Division
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FWS Agreement No. #: 81440-05-G008

The period covered by this grant and final report is January, 2005 through December, 2007.

Methods

1. Identified the sections of the General Plan, Non-Coastal Zoning Ordinance, and Subdivision Ordinance that require amendment.

The County's land use regulations start with the overall direction provided by the General Plan and proceed to the specific requirements of the Zoning Ordinance and the Subdivision Ordinance. In many cases, regulations governing an issue, such as the exemptions to the minimum lot size requirement, are scattered across various sections of the Zoning and Subdivision Ordinances. It was necessary to identify all of the various cross-references in order to prepare a complete set of amendments.

2. Drafted language for the identified sections.

Before drafting the language, a number of conceptual issues had to be resolved. A key question was what type of permit approval to use; initially it was planned to require a Conditional Use Permit. Our goal was to create a process that is as simple and straightforward as possible. After much review and discussion, and the assistance of the Planning Division's Subdivision Ordinance experts, we decided that no new Planning permit would be required, and we could attach the findings, requirements, and conditions to the existing subdivision approval process. It was further determined that using the Parcel Map Waiver process for Conservation subdivisions would provide conservation agencies the fastest, least expensive approach to obtaining the desired map revisions.

A second issue related to the requirements and conditions to be attached to the Conservation parcel and the remaining Non-Conservation parcel. It is obviously necessary to incorporate safeguards to ensure that this process is not used to circumvent the minimum lot size requirements without the corresponding benefit of preserving valuable natural habitat in perpetuity.

The difficulty lies in drafting regulations that will accomplish this without screening out legitimate conservation efforts. As always, we needed to decide what level of detail to incorporate into the Ordinance language, versus leaving some flexibility to make decisions on a case-by-case basis. We have addressed this issue by including a strong statement of purpose while leaving the specific regulations, such as what uses would be permitted on the Conservation parcel, to be spelled out within the individual permit.

Last but not least, we needed to draft a definition of "Conservation Organization" that would cover legitimate agencies while precluding the possibility of sham organizations set up to circumvent the intent of the Conservation parcel lot size exemption. We were also concerned about the prospect of legitimate organizations that lacked the experience and funding to restore and maintain open space. While it is relatively simply to acquire open space land, it requires considerable expertise and money to restore and maintain sensitive habitats, particularly wetlands.

3. Completed internal review, including planning managers and County Counsel.

Many of the issues discussed above were worked out during the internal review. Assistance from current planners with daily experience in processing land use permits greatly improved the design of the permit approval process, the definitions, and the findings and requirements.

4. Completed initial review by Board of Supervisors.

Planning staff presented the draft amendments to the Board for initial review prior to public review. While the Board had approved the grant application, and therefore the concept of the

project, staff felt it prudent to obtain Board review of the specifics contained in the draft language before distributing it to the public. The Board suggested various relatively minor changes, which have been incorporated into the amendments.

5. Public Review.

Conservation Organizations and property owners, as well as interested and knowledgeable individuals, were asked to review and comment on the draft language.

6. Drafted final language for amendments to the General Plan, the Non-Coastal Zoning Ordinance, and the Subdivision Ordinance.

Working together with the County Counsel's office and incorporating comments received during the public review, staff prepared final language for the amendments to the Goals, Policies, and Programs of the General Plan, the lot area regulations of the Non-Coastal Zoning Ordinance, and the Parcel Map Waiver sections of the Subdivision Ordinance.

7. Presented Amendments to Planning Commission for approval and recommendation to Board of Supervisors.

Staff prepared the staff report and exhibits, including the recommended amendments in legislative and final format, for the Planning Commission. On October 20, 2005, the Planning Commission conducted a public hearing on the recommended amendments. After incorporating a minor revision to the definition of "Conservation Organization," the Commission approved the amendments unanimously.

8. Presented Amendments to Board of Supervisors for final adoption.

Staff prepared the Board letter and associated exhibits to take the recommended amendments to the Board of Supervisors. On December 6, 2005, the Board of Supervisors held a public hearing on the recommended amendments. With an additional revision to the definition of Conservation Organization, the Board adopted the recommended amendments unanimously.

9. Codify Amendments.

The adopted amendments became effective 30 days after adoption by the Board. Staff compiled the amendments into the General Plan, the Non-Coastal Zoning Ordinance, and the Subdivision Ordinance. The updated documents were reprinted for distribution to staff, and are being loaded onto the County's website.

10. Consulted with California Department of Conservation on feasible options for scenario of Conservation Organization acquiring land which is under Land Conservation Act (LCA) contract.

The Planning Director met with Department of Conservation staff to review options, including cancellation or portion cancellation of contract, and rescission of agricultural contract with simultaneous re-entry into Open Space contract. Because of the procedural requirements and financial penalties required for cancellation of LCA contracts, it was agreed that rescission/re-entry was the best option. This will allow Conservation Organizations to transfer property that was previously in an agricultural LCA contract to an Open Space/Wildlife Habitat contract. There are no financial penalties (other than the cost of the rescission-re-entry) and the property can be managed as Open Space land, rather than having to be in agricultural production. The Conservation Agency can then decide whether to remain in an LCA contract, or to issue a Notice of Nonrenewal and start the nine-year time period needed to end these contracts.

11. Drafted revisions to County Land Conservation Act Guidelines, to include Open Space/Wildlife Habitat Contracts.

The County’s LCA guidelines had previously not provided for Open Space Contracts. Planning staff discussed various approaches to Open Space LCA requirements with conservation organizations and county counsel. The final draft limits Open Space contracts to Wildlife Habitat Areas (state statutes allow for other options, such as Recreational and Scenic Highway Open Space contracts). In addition, strict requirements for operating, restoring, and maintaining Open Space-Wildlife Habitat Area contracts were included in the guidelines.

12. Presented revisions to Land Conservation Act Guidelines to Planning Commission.

On June 29, 2006, staff presented the revisions to the Planning Commission. The Commission approved staff’s recommendation unanimously.

13. Presented revisions to Land Conservation Act Guidelines to Board of Supervisors.

The LCA Guideline revisions were presented to the Board of Supervisors on July 25, 2006.

14. Produced the “Wetland Project Permitting Guide.”

Summarized in the attached “Outreach Campaign” report.

15. Produced and distributed an informational mailer on the Conservation Subdivision process.

Summarized in the attached “Outreach Campaign” report.

16. Produced and distributed a handout on the Conservation Subdivision process, with more comprehensive information.

Summarized in the attached “Outreach Campaign” report.

Actual Accomplishments Compared with Goals

The project accomplishments mirror the initial goals perfectly with the exception that we had hoped to spend more time and funds on proactive outreach to landowners. However, through the direct mailing, distribution to cities, announcements at meetings and by promoting the program to project applicants whenever appropriate, we have succeeded in generating a steady stream of inquiries about the opportunity for Conservation Subdivision.

Expenditures Summary

The original grant amount of \$97,364 was later augmented with an additional \$30,000 to fund the extra work needed to address Land Conservation Act issues. Therefore total project funding was \$127,364. These funds were spent as followings:

Staff Salaries.....	\$100,791	(79%)
Consultant.....	\$15,607	(09%)
Printing and Mailing...	\$10,966	(12%)