



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

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Director

October 2, 2014

TO: Esther L. Valadez, Chair  
Laura Shell, Vice Chair  
David W. Louie, Commissioner  
Curt Pedersen, Commissioner  
Pat Modugno, Commissioner

FROM: Emma Howard, Regional Planning Assistant II *EH*  
Community Studies North Section

**SUBJECT: LOS ANGELES COUNTY GENERAL PLAN UPDATE  
PUBLIC HEARING: PROJECT NO. 02-305 (1-5)  
OCTOBER 8, 2014 – AGENDA ITEM #6  
\*SUPPLEMENTAL MEMO \***

At your Commission public hearing on September 27, 2014 to consider the Antelope Valley Area Plan Update ("Town and Country"), staff noted that there were many questions regarding the SEA Ordinance and how the provisions would affect specific types of uses, ranging from homes and livestock to agriculture and large scale projects such as surface mines.

Overall, the proposed SEA Ordinance addresses potential resource impacts rather than specific uses. This supplemental memo describes various scenarios for specific uses and how the proposed SEA ordinance applies in order to address these concerns.

**SPECIFIC USE REVIEW UNDER THE PROPOSED SEA ORDINANCE**

Existing Uses in SEAs:

The proposed SEA Ordinance specifically aims to protect existing uses. Existing permitted uses will be depicted on the SEA Development Map, and allowed to continue operating and change in use within the footprint. The SEA Development Map will be updated over time, and adjustments and corrections will be part of the update process. All development under valid land use approvals or permits granted prior to the revised SEA boundaries and Ordinance will be exempt from the new provisions for the life of the grant.

Single Family Residences

Existing single family residences, and accessory uses, including barns, paddocks, and brush clearance areas, will be depicted on the SEA Development Map. These uses are only required to meet standards for rural lighting, fencing, and avoiding use of invasive plants in landscaping. Individual homeowners will be allowed to keep companion animals and livestock in accessory structures.

New single family residences will be reviewed with a plot plan and subject to development standards. If the standards require modification, the home can be processed under a Type A SEA

Conditional Use Permit (CUP). These Type A CUPs will be reviewed by a staff biologist rather than SEA Technical Advisory Committee (SEATAC), and for decision by a hearing officer rather than the Commission. The Type A SEA CUP filing fee is also comparable to other site plan reviews.

Agriculture and Grazing:

It is important to the SEA Program to support agricultural uses. Many SEAs include considerable agricultural portions, such as fields, grazed lands and water recharge areas. Fields and grazed lands offer biological benefits and connectivity within SEAs. Even certain manmade agricultural areas can become resources, for instance, reservoirs serve migrating birds. Existing agricultural uses are designated Agricultural Developed, and only subject to rural lighting standards. Portions of these areas may also be converted from agriculture to allow for agriculture supportive uses.

Existing grazing areas will also be given a designation on the SEA Development Map and will only be subject to setbacks from water and certain trees, and can continue as grazing in the future.

New grazing and agriculture would be reviewed under a Type A or Type B SEA CUP.

Surface Mines:

Surface mining provides important resources to the County. Staff has met with representatives of the surface mining and aggregate materials industry, and heard concerns about new regulations impacting their operations as well as the review process through the County and the State. Staff will continue to work with them to address their concerns. As currently proposed, the SEA Ordinance would apply as described below.

Existing permitted surface mines will be exempt from the proposed SEA Ordinance for the life of the permit. The full extent of the mining area will also be depicted on the SEA Development Map to allow for future changes in use after the conclusion of mining operations. Periodic reviews and revised reclamation plans will no longer be subject to SEATAC review.

For new surface mines, SEA review will be required for only the initial application. Subsequent reviews, such as revised reclamation plans and periodic reviews will not be subject to further SEA review.

Conservation Measures:

Concerns have also been raised by various community members regarding conservation provisions, particularly those provisions that require recorded easements for set aside natural areas. Staff will provide further clarification regarding which uses are permitted within those areas, and may also refine recommendations regarding the ratios required for certain by-right uses, such as single family residences.

**CLARIFICATION REGARDING SEA BOUNDARIES**

At your August 6, 2014 Commission public hearing, staff presented the principles and process behind the creation of the SEA boundaries. These boundaries were drafted over the last 14 years and included multiple scientific and public review processes. Staff also presented specific comments from the public requesting adjustments to the SEA and staff recommendations. These materials are

publicly available online at the SEA Program webpage<sup>1</sup>. The following are additional clarifications regarding SEA boundaries:

#### SEAs Do Not Rely on Natural Hazards

Comments heard during the September 27 Town and Country public hearing included concern that the SEA boundaries were mapped based on natural hazards. SEAs are not mapped based natural hazards, but on biological resources and resource connectivity. Some similarities exist between the two, as SEA boundaries generally conform to natural topographic features (such as watersheds, ridgelines, treelines, and floodplains) which are shaped by underlying geologic features, such as fault traces and slopes. However, SEAs were also established through input from consulting firms, biologists and the public, and that input has shaped the boundaries in other ways. SEAs also often follow the edges of roads or skirt developed areas.

#### SEAs Require Regular Monitoring and Reporting

Concerns raised by the public also included the difficulty of reviewing the proposed boundaries, and the potential need for changes to the SEA boundaries or SEA Ordinance after adoption. Staff agrees with the public that the SEA Program will require regular monitoring and reporting. Chapter 15 (General Plan Maintenance) of the 2014 Draft General Plan establishes the process for public reporting every two years to report on the status of the County's SEAs. This reporting includes the Special Management Areas Policy Map, which includes SEAs.

Language within Chapter 8 (Plan Implementation) of the Town and Country Plan, submitted to your Commission on September 11, 2014, more specifically calls out the potential changes and periodic review for the SEA Program. It states: "Every two years the SEA Program shall be assessed to ensure that implementation of the SEA Program has not affected the operations of legally approved uses within the SEAs." A public process for input and discussion of concerns is also established. Where new information is presented or obtained, the two year process may include adjusting the SEA Boundaries. Staff recommends adding this same language to the Draft General Plan for consistency between the plans and to ensure flexibility going forward (See Attachment 1).

Should you have any questions, please contact Emma Howard at (213) 974-6476 or [ehoward@planning.lacounty.gov](mailto:ehoward@planning.lacounty.gov).

MC:SMT:EH

Attachment 1: SEA Portions of Chapter 8 (Plan Implementation), Town and Country Plan

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<sup>1</sup> <http://planning.lacounty.gov/sea/ordinance>. (See materials for August 6, 2014)

## I. Introduction

The California Government Code Section 65400 requires that upon adoption of a general plan, a planning agency shall “investigate and make recommendations to the legislative body regarding reasonable and practical means for the implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan”. The Antelope Valley Area Plan (Area Plan) is ~~not a General Plan~~ part of the General Plan and the two documents must be consistent with each other. However, ~~t~~he Area Plan refines countywide goals and policies in the General Plan by addressing issues specific to the Antelope Valley. This Chapter describes the intent of the Area Plan with regards to the specific implementation programs that are to be enacted after the adoption of the Area Plan, as well as provide clear guidelines as to how these programs will be designed and implemented.

## II. Implementation Programs

### A. Significant Ecological Areas

The Significant Ecological Areas (SEAs) in this Area Plan are based on conservation biology principles that seek to conserve habitats of unique and threatened species, and retain linkages and wildlife movement across important ecological areas. The SEA Program recognizes that many of the properties within the SEAs are privately owned. The SEA Program, as detailed in this implementation program, alongside the goals and policies of this Area Plan is created to conserve the biological resources in the SEAs while recognizing these private property rights, facilitating development compatible with the SEAs, and incentivizing conservation and preservation of these important ecological areas. The SEA Program within this Area Plan is intended to complement and where appropriate, further refine aspects of the General Plan SEA Program, and will be consistent with it.

#### 1. SEA Program

Every two years the SEA Program shall be assessed to ensure that implementation of the SEA Program has not affected the operations of legally approved uses within the SEAs. The assessment shall consist of accepting public comment on issues faced by those who have attempted to develop within the SEAs, or own already developed properties within the SEAs, with the intent to improve any process or regulation in order to create simpler or more economically feasible development processes within the SEAs. If the recommended changes may be implemented without creating harmful impacts or compromising the sustainability of the SEAs, such changes may consist of an amendment to this Area Plan or changes to relevant portions of the Zoning Ordinance (Please see Subsection 2 below).

## **2. SEA Monitoring and Status Reporting**

The SEAs established in this Area Plan are intended to change gradually over time. Development and conservation within and around the SEAs will affect the ecological value and biological resources they contain. It is anticipated that the future will include new forms of development and new techniques in conservation planning. Additionally, the location of biological resources in the Antelope Valley may change. In order to ensure the Antelope Valley SEA designations continue to remain relevant and appropriately located, the County will review these SEAs periodically.

Every two years, the periodic review should assess whether portions of the SEA Program require updating. This assessment will consist of any methods used to identify issues and opportunities of the SEA Program. Such assessment may include developing new biological studies or cumulative impact studies; compiling a review of studies conducted in and around SEAs in the previous years; and monitoring and disclosing the impacts from approved uses and human activities within the SEAs.

This periodic review will include a public review process where County staff present their recommendation and receive public comments. When necessary, the recommendations and public input may be used to amend the SEA ordinance, SEA boundaries, and SEA descriptions to address any changes required to meet the overall objective of the SEA Program. Particular care should be taken during the periodic review to address any comments or concerns regarding the SEA boundaries and designations, from members of the public or from specific property owners in the SEAs.

This implementation program may be subsumed by a more comprehensive, countywide program as part of a General Plan update and/or Zoning Ordinance amendment.

## **3. Incentives for Conservation and Mitigation**

As SEAs provide value as important habitat, privately owned land within SEAs can be important sources for conservation and mitigation land required for development within the Antelope Valley. Projects in the Antelope Valley that require mitigation land shall meet their mitigation requirements from land within the SEAs identified in this Area Plan, to the greatest extent feasible.

### **B. Agricultural Resource Areas Program**

In order to encourage the continued operation of local farms in the Antelope Valley, it is the intent of this Area Plan to develop a program allowing greater flexibility for local farms to establish and operate additional compatible uses as incidental or accessory to their primary farming operation. This would allow property owners to explore and develop additional sources of income to augment their primary farming use. This program may consist of developing more flexible zoning regulations for parcels used for farming purposes ; allowing the transfer of development rights from agricultural