

Responses to Comments - Regional Planning Commission Public Hearing - February 27, 2019

Comment	Commenter	DRP Response
Exemptions for CUP Renewals (i.e. Water Haulers)	Acton TC, GAVAR	At the 10/29/18 workshop with Acton TC, staff clarified that existing water haulers that need a CUP renewal but are not expanding their development footprint will not be subject to the SEA ordinance. The continuation of the use without expansion is not considered "development" per the SEA Ordinance and therefore not subject to the SEA Ordinance. Staff also added language to the Development Standards section that says the development standards are only applicable to "new" development. This also applies to water hauling projects requiring a CUP renewal.
Home-based Business	Acton TC	Home-based businesses are regulated through Section 22.20.020. Since the SEA Ordinance regulations are impact-based, not use-based, staff will refer to the home-based business regulations in Title 22. Also, the AV exemptions for SFR allows for expansions of SFR, regardless of size. So, the physical development for the single-family residence will be exempt, but the home-based business activities and regulations will be considered through Section 22.20.020.
Support Conceptual SEA Update	Sierra Club, Three Points-Liebre Mountains TC, EHL, Palos Verdes/South Bay Audubon Society, Los Angeles Audubon Society, Audubon CA, Hills for Everyone, Natural Resources Defense Council, Transition Habitat Conservancy, The Urban Wildlands Group, and The Nature Conservancy	No revisions made
Support early identification of biological resources and mapping at pre-application stage	Sierra Club	No revisions made
Oppose AV Exemptions for SFR and Agricultural uses.	Lakes TC, Three Points-Liebre Mountains TC, EHL, Palos Verdes/South Bay Audubon Society, Los Angeles Audubon Society, Audubon CA, Hills for Everyone, Natural Resources Defense Council, Transition Habitat Conservancy, The Urban Wildlands Group, and The Nature Conservancy	The Public Hearing Draft (February 2019) retain the exemptions for single-family residences and previously disturbed farmland in the Antelope Valley as proposed in earlier draft ordinances. Based on comments received on the Alternative Option that was floated to the public on July 25, 2018, there was no clear consensus to keep the AV exemptions or choose the Alternative Option. Communities in the Antelope Valley who do not want the exemptions as proposed, may consider implementing those changes through the ongoing Community Standards District (CSD) update effort. Staff will work together with the Community Studies North section working on the CSD update to ensure consistency with the SEA Ordinance.
Disagree with the exemption of minor subdivisions within the AV Plan boundaries and the dropping the review process every two years	Lakes TC, Three Points-Liebre Mountains TC	Based on the comments received during the SEA Program Update, staff removed the minor land divisions exemption. The biennial review of the SEA Program referred in the comment letters was stated in previous drafts of the AV Area Plan but was not adopted in the final version of the AV Area Plan.
Appreciate the opportunity to implement SEA Ordinance through CSDs, individual CSDs cover only a small portion of the SEAs. Implementation of the SEA Ordinance through the CSD process will allow for fragmented protection of resources, wildlife linkages and lose resiliency and long-term sustainability.	Three Points-Liebre Mountains TC	Although the CSD process will result in fragmented protection, staff determined that is it one step closer to efforts to maintain resiliency and long-term sustainability. Implementation of the SEA Ordinance through the CSDs will be more protective than not having this option.

Support SEA Ordinance	EHL, Palos Verdes/South Bay Audubon Society, Los Angeles Audubon Society, Audubon CA, Hills for Everyone, Natural Resources Defense Council, Transition Habitat Conservancy, The Urban Wildlands Group, and The Nature Conservancy, Puente Hills Habitat	Support noted
Ask RPC to include in your motion a recommendation to remove AV Exemptions as soon as possible.	EHL, Palos Verdes/South Bay Audubon Society, Los Angeles Audubon Society, Audubon CA, Hills for Everyone, Natural Resources Defense Council, Transition Habitat Conservancy, The Urban Wildlands Group, and The Nature Conservancy	Refer to Commission
Exempt government open space managers from the ordinance	Puente Hills Habitat Authority	The Ordinance has a section on procedures for Habitat Restoration Projects. There will be a mandatory but free review by the staff biologist to make sure that the habitat restoration project meets the spirit of the SEA CUP Findings. So even though government open space managers are not exempt from the ordinance, there is a separate, free, and not as intensive review for government open space managers who qualify for habitat restoration projects.
Property Value reduction without any compensation for lack of use of the land owned. Tax structure remains the same without reduction for the maintenance of the SEA Ordinance.	Janet Lammon	Projects that are required to provide open space preservation can get their properties re-assessed through the Assessor's Office. Dedicated open space is assessed at a different rate than developed areas, so this is an option to reduce property taxes.
Revise Exemption P for introduced trees to exempt the planting or removal of introduced trees	Stephen Maxwell	Revised as commenter proposed
Disagree that Juniper woodlands should be protected as a Category 2 or 3, especially when Oak woodlands are protected as a Category 3. CNPS designates Junipers as S4/G4. DRP does not provide supporting information to the decision in the SEA Ordinance that Junipers are much rarer or more significant on a local scale than they are on a global, state, or even regional scale.	Acton TC, GAVAR	Staff considered the comments and moved the woodlands to SEA Category 3 consistent with Oak woodlands protections. Individual juniper trees are in the SEA Protected Tree List, protected at all sizes. Juniper is common in parts of state, and some areas of LA County. LA County is the edge of the distribution of that species, that grows north of the San Gabriel Mountain, mostly along the foothills. So there is only a narrow band in the LA County where junipers occurs. Junipers have a hard time coming back from disturbances from fire and brush clearance. Junipers are also very slow growing. For all these reasons, that's why is why staff considers Juniper woodlands to be of Category 3 sensitivity and protecting individual juniper trees of all sizes. CDFW has also expressed concerns of decline of Junipers locally in Agua Dulce and Acton.
Cat 4 is not biologically sensitive and should not include required open space preservation.	GAVAR	Because the Cat 4 is occurring in a SEA, it is considered biologically sensitive. Everything in the SEA contribute to the health of the SEA. Categories 4 and 5 act as buffers to the more sensitive resources and allow for these more sensitive resources to be healthy.
Support keeping AV exemptions	GAVAR, Acton TC	The Public Hearing Draft (February 2019) retain the exemptions for single-family residences and previously disturbed farmland in the Antelope Valley as proposed in earlier draft ordinances. Based on comments received on the Alternative Option that was floated to the public on July 25, 2018, there was no clear consensus to keep the AV exemptions or choose the Alternative Option. Communities in the Antelope Valley who do not want the exemptions as proposed, may consider implementing those changes through the ongoing Community Standards District (CSD) update effort. Staff will work together with the Community Studies North section working on the CSD update to ensure consistency with the SEA Ordinance.

<p>Concerned that language in the Implementation Guide allows biologists to identify species that are not observed during the survey.</p>	<p>Acton TC, GAVAR</p>	<p>Revised language in the Implementation Guide for additional clarification.</p> <p>Since animals move and generally flee or hide when biological human activity is detected surveys are underway, determination of an animal species' presence cannot rely entirely on direct sightings of the species. Therefore, even if the animal itself has not been directly observed on the project site, its presence or use of an area may be determined by the presence of <u>scat, tracks, and</u> special habitat features such as nests, dens, burrows, and roosts. <u>In the case that a Species of Special Concern is observed within a heavily disturbed or paved area that does not constitute appropriate habitat, the biologist should look to adjacent natural habitat areas to identify nearby natural habitat that may support the species. The disturbed or paved area should not be considered SEA Resource Category 2 simply because a species of special concern is seen crossing through the area. However, such an observation is likely to result in identification of occupied habitat nearby.</u></p>
<p>Oppose preservation ratios for Cat 5 for SEA CUPs - Table 5</p>	<p>Acton TC, GAVAR</p>	<p>The Table 5 referred to in the comment is the Recommended Preservation Ratios for discretionary projects. The decision maker will be using these ratios as a starting point and may increase or decrease the preservation ratio based on the specific project. The reason why Category 5 has a suggested 1:1 ratio is because Category 5, which is considered disturbed habitat, can serve as a wildlife linkage or corridor or open space buffer to more sensitive habitats. Staff added clarifying language to Table 5 to reiterate preservation of Category 5 is only to maintain the wildlife linkage, corridor, or open space buffer.</p>
<p>Off-site preservation is required when the on-site habit is considered "not suitable". Oppose requiring open space preservation on land that is not suitable for open space.</p>	<p>Acton TC</p>	<p>Staff determines land to be "not suitable" when the property does not contain the same Category type as the proposed disturbance area. Open space preservation needs to contain the same category type. For example, if you disturb Category 3, then you need to preserve Category 3. When a property no longer has any more of a certain category to protect because that category has been thoroughly developed on, the project may need to seek appropriate mitigation off-site.</p>
<p>Clarification as to whether the Implementation Guide is part of the Ordinance and will be approved by the Board.</p>	<p>Acton TC</p>	<p>The Implementation Guide does not provide additional policies or regulatory provisions and is only to be used to clarify goals, policies, ordinance provisions, and processes that is adopted through the SEA Ordinance. The Guide will be updated as necessary by the Director to reflect current permit processing practice. The Guide does not change or revise existing regulatory provisions found within the SEA Ordinance, General Plan, or other applicable regulations or policies of the Los Angeles County Zoning Code or General Plan.</p>
<p>SEA Ordinance does not articulate the use restrictions for preserved open space.</p>	<p>Acton TC</p>	<p>Section 22.102.100.C states that the preserved natural open space shall be maintained in its natural undeveloped condition, with no removal of trees or vegetation or other disturbances of natural features. This section also includes a list of exceptions.</p>
<p>Concerned that property owners will need to pay property taxes in perpetuity on preserved open spaces.</p>	<p>Acton TC</p>	<p>Projects that are required to provide open space preservation are able to get their properties re-assessed through the Assessor's Office. Dedicated open space is assessed at a different rate than developed areas, so this is an option to reduce property taxes.</p>

<p>Objects to the ranking of open space preservation mechanisms</p> <ul style="list-style-type: none"> - no basis for requiring a property owner to give land to a conservancy or govt entity - require explanation on the use of CA Civil Code 815.3 containing the statement "No local governmental entity may condition the issuance of an entitlement for use on the applicant's granting of a conservation easement pursuant to this chapter." Not sure how preservation mechanisms comply with this regulatory provision - Against any scheme that allows a conservancy to benefit financially from land that is given via compulsory transfer from a private land owner. 	<p>Acton TC</p>	<p>Ministerial SEA Reviews can still preserve open space on-site through a permanent deed restriction or a covenant. Ranking of preservation mechanisms for discretionary permits were chosen based on the enforceability. Discretionary permits are considered to have more environmental impacts will need a more complex preservation system and mechanisms to make sure that the most protective method is used.</p> <p>CA Civil Code 815.3 is cited in the Implementation Guide to define qualified entities to accept a conservation easement.</p> <p>Although dedication of the open space to a land trust or government entity is the first preferred option in the mechanisms ranking, there may be situations where dedication to a land trust or govt entity is not the best option. There may not be a land trust working in that specific are of the county or the property may be deemed too small to be dedicated to a land trust.</p>
<p>Concerned that removal of dead of fallen trees require a Protected Tree Permit as dead trees may be a fire safety hazard</p>	<p>Acton TC</p>	<p>Dead or fallen trees that are considered a safety hazard can be removed through an emergency permit issued by the Foresters.</p>
<p>Confirm that exemptions identified in Section 22.104.040 of Draft Ordinance apply to the tree trimming and removal provisions of the proposed Chapter 22.102.</p>	<p>Acton TC</p>	<p>There are exemptions for tree maintenance and removals. Any tree maintenance or removal associated with a single family residence in the AV will be exempt per the AV exemption.</p>

Responses to Comments - Provided after Regional Planning Commission Public Hearing - May 7, 2019		
<p>Requested that SEA Draft 10, Section 22.102.050 be removed from additional permitted uses. Only be subject to ministerial review to include but not limited to native and non-vegetation removal, crops, native habitat restoration, etc. New Protected Tree Permit is in direct conflict with this request and duplicates compliance conditions, since mitigation efforts are already fulfilled through current permit processes and under SEA Development standards.</p>	BIA	<p>It is unclear how the Protected Tree Permit is in direct conflict with the previous request by BIA. The previous request by BIA was not taken into consideration since the SEA Ordinance does not regulate uses.</p> <p>If impacts to natives trees are greater than the allowable threshold in the SEA Development Standards, then a Protected Tree Permit may be required in addition to the Ministerial SEA Review. Mitigation efforts required in the Protected Tree Permit are specific to the native tree impacted and would not have been already fulfilled through the Ministerial SEA Review.</p>
<p>Enforcement mechanisms - Development permitted prior to the expansion of a SEA mapped area would not have been previously reviewed for impacts to SEA Resources. BIA recommends the language adopted by former versions of the ordinance be considered in lieu of the language in the enforcement section of the ordinance.</p> <p>"Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant." This language would be more appropriate when referring to a legally established development.</p>	BIA	<p>The suggested language is not related to the intent of the Enforcement section of the ordinance as it will apply to unpermitted disturbances. Exemption E in Section 22.102.040 will apply to BIA's concerns. Projects that were approved prior to expansion of the SEA boundaries can be exempt from SEA Review if the previously approved development footprint does not expand and impacts to biological resources were reviewed under the prior permit. These types of projects will be governed by the land use approval during the life of that grant. Section 22.102.030.A states that the SEA ordinance update is only applicable to applications submitted after the effective date. So if the previously approved project does not submit a new application, it will be governed by the approved land use permit as long as it is valid.</p>
<p>This draft definition requires that developments in an SEA would have to work with a biologist on the SEATAC Certified Biologist List. Applicants should not be limited to the SEATAC list. Many of the biologists our members work with are well qualified and are familiar with the specific development that, often times, they have been working on over several years. If this suggestion were to be adopted we would request that references to the "SEATAC Certified Biologist List" be taken out from the entirety of the ordinance.</p>	BIA	<p>Response from 9/20/18 RPC Supplemental Package, Line 11: No action. All biologists are welcome to apply to be on the SEATAC certified list. Process is available on our website. http://planning.lacounty.gov/agenda/seatac</p>

<p>For clarity, we would like the inclusion of language that points out that the “following activities” under the SEA “Development” definition excludes exempted developments under Section 22.102.040 of the ordinance. This would eliminate any confusion related to what is exempted and not subject to this section or definition. Accordingly, BIA requests that §22.102.20 (J) be revised to read (requested change underlined): <u>J. “Development” means any of the following activities within an SEA, unless otherwise exempt under Section 22.102.040</u></p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 23: No action. Exemptions may still be considered development but will not be subject to the SEA ordinance.</p>
<p>County describes “Land Divisions” as a development activity. This should also be excluded from the definition of development since land division in and of itself is not development.</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 30: No action. Land divisions is considered development activity since the developer has a choice on how to draw the lot lines. The divided lots can be developed with least impact to biological resources by requiring a Ministerial SEA Review. For additional information, refer to the development standard on Large Lot Parcel Map in Section 22.102.090.D.3.a.</p>
<p>suggests adding language that reinforces the fact that an SEA permit is not required for the listed exemptions. BIA requests that §22.102.040 be revised to read (requested change underlined): “The following developments are exempt from the regulations of this Chapter, and shall not require an SEA permit. Development that does not qualify for any of the exemptions listed below is subject to the regulations of this Chapter.”</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 63: No action. Current draft language already says "exempt from the regulations of this Chapter" at the beginning of the Exemptions section 22.102.040.</p>
<p>Under the ordinance Section 22.102.040 (B)1., the specific total building site and areas that would be exempted for additions and modifications are listed as not increasing “20,000 square feet, or encroach into more than 10% dripline for up to four SEA Native Trees.” Our membership feels that this type of specificity may not be appropriate in all cases and is too prescriptive. That should be noted throughout the ordinance, including; SEA Development Standards §22.102.080 (A) 2. (a.), 5., (B) Water Resources (Table), (C) 6. & (D) 3., (B)and §22.102.90 Open Spaces (A) 3.</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 88: No action. This exemption was formulated to be prescriptive and detailed so that it is clear what type of development may be exempt. No changes to the language were made.</p>

<p>Development permitted prior to the expansion of an SEA mapped area would not have been previously reviewed for impacts to SEA resources. Instead, former versions of the ordinance stated that, “Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant.” This language would be more appropriate in defining an exemption for a previously existing, legally established development.</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 91: No action. Projects in SEA expanded areas that were not previously reviewed for environmental impacts are subject to the SEA ordinance. If there was an adequate CEQA analysis, that may be used to substantiate an exemption.</p>
<p>This portion of the exemptions refers to the “rebuilding and replacement of legally built structures which have been damaged or partially destroyed and will not increase the previously existing development footprint.” BIA suggests that County staff should currently have the ability to approve these types of changes to a structure if regulations requiring replacement require it or if it can be demonstrated that it wouldn’t affect sensitive vegetation.</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 95: No action. This exemption allows for rebuilding with required alterations per building code as long as the development footprint does not change. Development footprint includes fuel mod zones. As long as the new construction does not require expanded fuel mod zones, then this exemption applies.</p>
<p>BIA suggests adding (P) to Section 22.102.040 to exempt “Lot line adjustments.”</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 66: No action. Since lot line adjustment is not considered as "development", it is not subject to the SEA ordinance. No exemption is needed.</p>

<p>“Ground Disturbance Activities” and the following activities as exemptions:</p> <ol style="list-style-type: none"> 1. Implementation of mitigation (installation, maintenance, and monitoring), including habitat restoration, expansion, enhancement, and removal of non-native or invasive species; 2. Testing and survey activities conducted pursuant to environmental analysis prepared pursuant to the California Environmental Quality Act; 3. Activities on lands within the historic limits of existing agricultural operations and production, including lands that are fallow as part of long-term crop management. Agricultural operations may include, but are not limited to, irrigated and nonirrigated farmland, nurseries, fruit stands, and composting facilities. Agricultural operations and production include access to, installation, repair, and maintenance of agricultural related infrastructure; 4. Activities associated with existing managed grazing lands for traditional livestock (including resource management) and the construction and maintenance of corrals, barns, sheds, fencing, water systems, and access roads as an accessory use, as allowed by this Title 22 and other applicable County regulations, including, but not limited to, regulations related to time of year, County wildlife preserves, and hazardous dust conditions; 5. Activities associated with existing oil and gas operations, including maintenance of wells, pipelines, tanks, fencing, sheds, access roads, and equipment and material storage; 6. Activities associated with required alterations in previously 	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 67: Please see the following responses:</p> <ol style="list-style-type: none"> 1. Approved mitigation will already be covered by a SEA CUP. Habitat restoration, i.e.. Invasive removals, is covered under 22.102.140 - Review Procedures for Habitat Restoration Projects. 2. Please give examples of such ground disturbing tests or surveys required by CEQA. 3. Added clarifying to the Ordinance Section 22.102.040.A.3 that specifies only agricultural uses in previously disturbed farmland are exempt. Added a development standards for crop in Section 22.102.090.E.1 that allows for Ministerial SEA Review for crops. 4 & 5. Maintenance of legally established structures and roads are not considered development. However, new construction of those facilities will be considered as development and subject to the SEA ordinance. 6 & 7. Exemption C of the Ordinance may be used to exempt such activities. 8. County master plans are considered county projects regardless of who will be conducting construction operations. Please see Chapter 10 of the Guide (page 84) for more information.
<p>As written, the ordinance requires that at the SEA Stop process the Regional Planning Director recommend “two subsections...” appearing to mean that the two recommendations listed under a. and b. have to both be adopted. However, a. and b. appear to be written as adopting one or another – not necessitating both for a ministerial review, and an SEA Conditional Use Permit. To provide clarity and eliminate confusion, we recommend that the §22.102.050(B) be revised to read (requested change underlined):</p> <p>“Recommendation. The Director shall recommend at the SEA Stop <u>one of</u> the following two subsections:”</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 102: Added "one of" to Section 22.102.050.B of the Ordinance.</p>

<p>BIA also requests that Section 22.102.050 (C) be added to the ordinance to expand applicability requirements, including additional permitted uses subject only to ministerial review. We recommend the following: “C. Ministerial SEA Review. The following activities shall be presumed to comply with Section 22.102.080 (SEA Development Standards) and only a ministerial SEA review pursuant to Section 22.102.060 shall be required: 1. Activities to improve the quality of biological or water resources in an SEA, such as, but not limited to: a. Non-native vegetation removal programs; b. Native Habitat restoration programs; and c. Construction of wildlife crossing structures 2. New crops as follows: a. Personal crops that exceed one acre in size; and, b. Commercial crops of any size. 3. Vegetation removal as follows: a. Vegetation removal in excess of what is required for the placement of permitted structures, accessory structures, access, fuel modification areas, and paths; and b. Vegetation removal not associated with the development of an approved permit.”</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 101: No action. The SEA assessment is impact-based and will not be determining review type based on uses.</p>
<p>BIA requests clarification under the SEA Review title, providing the word “Ministerial,” makes it clear that this is meant to be a description of the ministerial process. We recommend that the title read, “SEA Review (Ministerial).”</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 106: Added the word "Ministerial" to the title for clarity.</p>
<p>We recommend that under §22.102.060 (A) there should be clarifying language that refers back to the eligibility of projects to undergo a ministerial review based on the Director’s recommendation. BIA requests that §22.102.060 be revised to read (requested change underlined): “A ministerial SEA Review <u>pursuant to this section</u> shall be required for any development <u>recommended by the Director pursuant to section 22.102.50, subpart B, and any development included in section 22.102.50, subpart C,</u> to determine compliance with the following:”</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 108: No action. The recommendation made at the SEA Counseling is just a recommendation based on what is presented at the pre-application meeting. Any changes to the project design or scope may change the recommendation and review track. The language in the Ministerial SEA Review section is written to state what is required for a ministerial review.</p>
<p>Title: BIA requests clarification under the SEA Conditional Use Permit title, providing the word “Discretionary,” makes it clear that this is meant to be a description of the discretionary review process. We recommend that the title read, “SEA Conditional Use Permit (Discretionary).”</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 112: Added "discretionary" to text below title in Section 22.102.080.</p>

<p>BIA requests that the use of “minimum” results in great uncertainty to builders and developers and should be more specific. That should be noted throughout the ordinance, including; §22.102.080,(3) b.</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 121: Clarified in the Guide with following footnote in Chapter 4 (page 30): "While applicants are encouraged to go beyond the minimum requirement, particularly when sensitive resources are present, and preserve as much of the sensitive resource as feasible, the Department will not require more than 2 to 1 preservation through a ministerial SEA Review."</p>
<p>BIA suggests removing the fencing standards under “Area-wide Development Standards;” Based on the broad nature of the resources within the County SEAs, a one size standard does not fit all. For this reason, the fencing should be looked at on a case-by-case basis.</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 128: Added additional language to fencing development standard in Section 22.102.090.D in the Ordinance to allow for one impermeable enclosure for the purpose of protecting livestock or companion animals within the development footprint.</p>
<p>We are concerned that the section describing permissible crops is too limited to non-invasive species. Most crops are invasive when water is available.</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 138: No action. Species in Appendix C in the Guide (page 108) are not allowed as crops in the SEAs. Most species in the list are not crop species.</p>
<p>This section and the three points under the subsection do not appear to be necessary, because of the language above this section under (D) 2. (b), requiring exploratory testing stabilization.</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 142: Added language in the Ordinance in Section 22.102.090.E.2.a.iv that requires a Restoration Plan at the time of the application submittal for exploratory testing. Temporary stabilization of areas disturbed by exploratory testing is not sufficient in all cases. While true that in less disturbed sites, native vegetation may quickly grow back, in more disturbed sites where root stock is destroyed and soil heavily disturbed, a more targeted restoration approach will be needed to return the area to a natural state. Definition of Restoration Plan can be found in Section 22.102.020.BB.</p>
<p>BIA suggests that this provision is removed because Opens Space could be set aside in the Final Map process.</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 157: No action. Projects subject to the SEA Ordinance will be required to record open space preservation prior to grading, removal of vegetation, or occupancy.</p>
<p>Add (C) 7. We would like to add point 7. under exemptions to Open Space Use in subsection (C), to read: “7. Trails and/or other recreational amenities”</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 151: No action. Trails are considered in Section 22.102.100.C.3. Recreational amenities should be site outside of preserved open space areas.</p>
<p>BIA requests clarifications to expand the term “property owner” to include a “Property Owners Association.”</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 166: No action</p>
<p>BIA believes that the language under subsection A. be amended to eliminate any potential misinterpretations under current language. We recommend the section to be revised to read: “A. To the extent feasible, the proposed development minimizes potential impacts to identified biological resources present on the portions of the proposed development site that are located within the SEA from incompatible development through the application of environmentally sensitive site design practices and development standards.”</p>	<p>BIA</p>	<p>Response from 9/20/18 RPC Supplemental Package, Line 176: No action. Please refer to Chapter 5 in the Guide (page 58) that provides guidance on how to evaluate a project's ability to meet findings.</p>

<p>Also, to eliminate any misinterpretations, and conflicting exemptions, BIA suggests the language under subsection B. be replaced with the following: “B. Potential conflicts between conservation of the resources in SEAs (as identified in the County’s General Plan) and the proposed development have been equitably resolved.”</p>	BIA	<p>Response from 9/20/18 RPC Supplemental Package, Line 177: No action. Please refer to Chapter 5 in the Guide (page 58) that provides guidance on how to evaluate a project's ability to meet findings.</p>
<p>To create consistency across this “Findings” section, based on the earlier replacement language suggested above, (F) should be amended to read: “F. The proposed development does not have the potential to result in the loss of resiliency of the SEA, to the extent feasible.”</p>	BIA	<p>Response from 9/20/18 RPC Supplemental Package, Line 180: No action. Please refer to Chapter 5 in the Guide (page 58) that provides guidance on how to evaluate a project's ability to meet findings.</p>
<p>Especially of concern, under subsection (F) is point 4: "Other factors as identified by SEATAC" This language is incredibly broad, and could pose unforeseen restrictions and challenges on builders and developers.</p>	BIA	<p>Response from 9/20/18 RPC Supplemental Package, Line 182: No action. Since SEATAC makes recommendations to the Regional Planning Commission, it will be up to the Commission's discretion to determine if this Finding has been met or not.</p>
<p>Under current language, the SEATAC review fee only covers up to three SEATAC meetings, and would require new fee for additional meetings. BIA believes that this language should be amended to read: “b. The SEATAC Review Fee shall cover all SEATAC meetings.”</p>	BIA	<p>Response from 9/20/18 RPC Supplemental Package, Line 184: No action. With the streamlined process and pre-application counseling (SEA Counseling and Biological Constraints Map) the number of SEATAC meetings per project may lessen as better designed projects will be heard by SEATAC.</p>
<p>How can CSDs incorporate language prohibiting the exemptions and still be "consistent" with a SEA Ordinance that requires the exemptions?</p>	Leona Valley Town Council	<p>The SEA Ordinance contains applicability language (Section 22.102.030.C) that says that if a zone, supplemental district, or anywhere in Title 22 that regulates the same matter, the more restrictive regulations will apply. The updated CSD will contain language that will be considered more restrictive than the SEA Ordinance, and will take precedence over the SEA Ordinance for that specific regulation.</p>
<p>Request more pressure and education be placed on local building departments to comply with the approved 2015 AV Area Plan. County departments are responsible to know what is allowed or restricted within the existing plans and ordinances.</p>	Leona Valley Town Council	<p>Staff will check in with our Current Planning Divisions to see if there are any problems with implementing the AV Area Plan.</p>
<p>Suggest that the SEA boundary be moved to follow the forest boundary line in the southern portion of Leona Valley to protect a transitional area between the National Forest.</p>	Leona Valley Town Council	<p>The Project scope does not include revisions to the SEA boundaries. The SEA boundaries were adopted through the General Plan update in 2015. The comment will be noted for the future amendment to the SEA boundaries.</p>
<p>Study the benefits of programs that incentivize redevelopment, upgrading existing properties, and using existing footprints so that existing property upgrades are effectively encouraged through regulatory review. Such programs incentivize development of currently impacted land and relieve pressure on undeveloped areas.</p>	Resource Conservation District of SMM	<p>Comment noted and will be taken into consideration for future programs.</p>

<p>In the Coastal Zone, the recent interpretation of mitigation of native trees to allow for preserving sub-legal size trees should be beneficial, as it will allow for different tree age classes in the SMM to develop over time, and de-incentivize the cutting of these trees before they reach legal age. The SEA should consider this and other incentives for landowners to harbor and restore trees and other sensitive species and habitats within private property</p>	<p>Resource Conservation District of SMM</p>	<p>The SEA Ordinance will follow similar mitigation tree interpretation as the Coastal Zone. Language will be added to the ordinance and Implementation Guide to allow for smaller than mitigation size trees that have naturally sprouted to be protected as mitigation trees in lieu of planting mitigation trees.</p>
<p>Prefers the Alternative Option for reduced SEA exemptions in the Antelope Valley contrary to the staff recommendation. The total exemption of broad swaths of the Antelope Valley from the Ordinance ignores the biological science in the record. Science should prevail to protect desert habitat</p>	<p>Santa Monica Mountains Conservancy</p>	<p>The Public Hearing Draft (February 2019) retain the exemptions for single-family residences and previously disturbed farmland in the Antelope Valley as proposed in earlier draft ordinances. Based on comments received on the Alternative Option that was floated to the public on July 25, 2018, there was no clear consensus to keep the AV exemptions or choose the Alternative Option. Communities in the Antelope Valley who do not want the exemptions as proposed, may consider implementing those changes through the ongoing Community Standards District (CSD) update effort. Staff will work together with the Community Studies North section working on the CSD update to ensure consistency with the SEA Ordinance.</p>
<p>If a recorded land protection instrument is subordinate in title to secured loans, including construction loans, then a default on any one said loans wipes out the land protection mechanisms enforceability.</p>	<p>Santa Monica Mountains Conservancy</p>	<p>Will add language in the Implementation Guide for planners to require all mitigation to be satisfied prior to issuance of a grading permit. Conservation easements will be recorded separately, prior to issuance of a grading permit and prior to recording a final map.</p>
<p>If the land protection instrument/mechanism is subordinate in title to unused easements that are not consistent with minimum land protection objectives, the ecological value of newly protected land could be significantly degraded.</p>	<p>Santa Monica Mountains Conservancy</p>	<p>Will add language in the Implementation Guide to ensure that conservation easements approved as open space preservation shall not conflict with other existing easements. The main objective is to protect biological habitat. If there is a conflict, the Implementation Guide will advise the case planner to work with the staff biologist to find the best solution that resolves the conflict. This may mean reworking the boundaries of the conservation easement or the existing easement to resolve the conflict to meet the main objective.</p>
<p>Potential weakness if mitigation trees are not replanted and monitored for the required seven years. For example, if persons obtained their permits, built their project, and planted their mitigation trees but then never addressed the trees again, it appears that the County has no resources other than to potentially record a violation on the property. If the ownership does not change hands for many years, then no mitigation occurs or it is significantly delayed perhaps with a new owner that desires to remedy the violation. The only solution to compel timely compliance is some program that has the equivalence of a construction bond.</p>	<p>Santa Monica Mountains Conservancy</p>	<p>The County Foresters will monitor the mitigation trees at years 2, 4, and 7 of the 7 year mitigation monitoring period. This monitoring period begins when the mitigation trees are planted. It does not require the property to changes hands for the mitigation to begin.</p>