

# Working with Local Government

Protecting Your Refuge



# Refuges Face Many Challenges

- Six Most Threatened Refuges:
  - Stone Lakes: Urban Development
  - Alaska Maritime: Shipping
  - Desert, NV: Groundwater Withdrawal
  - Pocosin, NC: Jet Noise
  - Horicon, WI: Wind Turbines
  - White River, AR: Water Supply Project
- + Invasives, poaching, utility corridors, marine debris, air quality, ag practices and more



# Stone Lakes Challenges

- Urban Encroachment in Refuge: The Stone Lakes Residential Community
- 6-Story Mirror-walled Hotel & Bird Strikes
- 1000-foot Radio Towers
- Regional Shopping Center & Urban Runoff
- Annexation of Adjacent Farmland by City
- Peripheral Canal Proposed through Refuge



# Quick Primer on Local Regulation

- The General Plan
- Project Approvals
  - Types of Development Applications
  - Approval Process
- Other Regulatory Roles



# Other Local Gov't Functions

- **DRAINAGE, FLOOD CONTROL & WATER QUALITY**
- Drainage improvement, surface and underground
- Establish minimum floor elevations
- Conduct drainage studies
- Maintain waterways
- Drainage water quality (NPDES)



# The General Plan

## WHAT IS THE GENERAL PLAN?

- An expression of the community's vision of the future
- It's like a constitution with goals and policies
- It's a guide to decision-making
- It has a long-term perspective, typically 20 years or more
- It must be internally consistent
- Land Use decisions must be consistent with it (except for charter cities)
- Plans can vary greatly from community to community

## SPECIFICITY VS GENERALITY IN PLANS



# General Plan Elements

## MANDATED in CA

- Land Use
- Circulation
- Housing
- Conservation
- Open Space
- Noise
- Safety

## OPTIONAL

- Agricultural
- Recreation
- And many more



# Types of Projects Plan Amendments

- Usually are the most controversial
- General Plan amendments are most important to monitor
- May have community or other plan amendments that are consistent with General Plan
- Usually a rezone accompanies a GP amendment
- Oftentimes an EIR is involved



# Types of Projects: Rezones

- Most zoning in California is conditional. Involves a signed agreement
- Jurisdictions don't always change zoning when they adopt new plans
- If a proposed rezone is consistent with General Plan, is more likely to be approved



# Types of Projects: Subdivisions

- Division of land into 5 or more parcels (except certain ag divisions)
- Usually involve residential developments
- If consistent with plan and zoning focus is usually more technical
- Technical considerations include:
  - Lot size and buildable area
  - Tree preservation
  - Public vs private streets
  - Streetscape design
  - Emergency vehicle accessibility
  - Sewer and water availability
  - Septic and well suitability and separation (rural lots)
  - Need for utility lots and easements
  - Maintenance of common areas
  - Trail and open space connectivity
  - Location of neighborhood parks
  - Landscaping and walls along major streets
  - Mitigation for wetlands, Swainson's Hawk et al



# Types of Projects: Parcel Maps

- Usually involve 4 or fewer lots
- Often less complicated review
- More common in rural areas



# Types of Projects: Use Permits

- Need for use permit is specified in zoning code
- Presumption of a use requiring use permit is that use is generally appropriate, but needs to have impacts reviewed and mitigated
- Use permits are conditional
- Wide variety from city to city on what requires a use permit



# Project Approval Process (1)

- Landowner or rep makes application
- Staff review application for completeness
  - In CA, must review within 30 days
  - If not complete, send letter asking for additional info
  - Is certified as complete when acceptable info is submitted
- Initial study and environmental determination
- Distribution for comments



# Project Approval Process (2)

- Preparation of environmental document
- Preparation of staff report
- Advisory group public hearing, if any
- Hearing body public hearing
- Appeal to a higher hearing body, if allowed



# Coordinating with Local Agencies

## General Tips

- Being proactive is essential
- Try to be involved at the beginning of a project
- Networking is important
- Approach coordination as a political process
- Getting what you want will probably involve compromise
- It's not always about denial—reducing impacts, good mitigation are critical
- Be passionate—but always be collegial and respectful



# Coordinating with Local Agencies

## Proactive First Steps

### Get Your Act Together

- Identify key areas of concern for your refuge
- Know your Comprehensive Conservation Plan
- Brainstorm with your Refuge Manager
- Decide on respective roles of Friends Group and Refuge Management
- Create a land use committee of Friends



# Coordinating with Local Agencies

## Organize for Outreach

- Identify key agencies to work with
- Put together resource files for local agencies in your area
  - Get copies of General and other plans
  - Develop contact lists of local agencies and key personnel
  - Find out about neighborhood groups
  - Find out who in region already has good working relations with jurisdictions



# Coordinating with Local Agencies

## Making First Contacts

- Set up intro meeting with Agency Leaders and their key staff
  - Consider a letter with follow-up call. In letter explain your goals for meeting.
  - Consider bringing staff who have worked with the jurisdiction
- At the meeting:
  - Explain your role with refuge
  - Emphasize developing a good working relationship
  - Explain key things you are concerned about
  - Discuss potential areas of cooperation
  - Find out about their ongoing and upcoming planning efforts
  - Find out about their notification process for new projects
  - Make it clear to whom you want sent the required notification of projects
  - Identify a key contact with whom you will work



# Coordinating with Local Agencies After First Contact

- After the meeting consider a follow-up letter
- Respond to projects that come in for review and comment
- Periodically get in touch with your key contacts
- Consider inviting key locals (including electeds) to visit the refuge for a “guided tour”
  - Focus on your areas of concern
  - Visualize for them planned improvements to the refuge



# Coordinating with Local Agencies Planning Studies (1)

- Most important is new or updated General Plan
- To get involved or not?
  - Find out about expected scope and effort
  - Find out about citizen participation process
  - Determine whether planning effort could affect your refuge and how important is the potential to impact
  - Assess time and resource availability



# Coordinating with Local Agencies Planning Studies (2)

- Strategies for participation
  - Monitor to ensure that there are no surprises
  - Advocate for protective land use buffers
  - Advocate for protective policy language
  - Advocate for general environmental protection and sensible planning



# Coordinating with Local Agencies Planning Studies (3)

- Ways to be involved
  - Participate on technical advisory committee
  - Participate on citizens advisory or policy committee
  - Provide technical assistance on recreation and environmental matters
  - Propose goals and policies that address the role of the refuge in the community and protecting its resources
  - Attend and testify at public hearings
  - Once plan is adopted push for action on implementation measures



# Coordinating with Local Agencies on Specific Projects: First Steps

- Obtain project information right after submittal and review for issues
- Work with Refuge Mgr and Friends group
- Identify the project manager
- Communicate in writing your concerns
- Consider responding to Notice of Prep for EIR on what impacts should be evaluated
- Comment on Env Doc adequacy



# Coordinating with Local Agencies Specific Projects: The End Game

- Talk to other groups and form alliances
- Meet with project proponent to express your concerns, work towards solutions
- Lobby Planning Commissioners and Elected Reps prior to hearings
- Organize turnout for hearings
- Testify at hearings



# Coordinating with Local Agencies Specific Projects: The Aftermath

- Be prepared for disappointment. The developers have lots more money.
- Don't rule out a lawsuit
  - Use legal challenges sparingly
  - Look for legal partnerships
  - Make sure you exhaust administrative remedies first



# Other Ways to Be Proactive and Network

- Consider participating in local land conservancies, preservation groups, environmental organizations
- Attend occasional neighborhood meetings
- Attend the occasional social event: fund raisers, opening ceremonies for parks, open space etc related to your refuge's role
- Consider having an annual event at the refuge for elected, appointed officials and staff

