



CASA CONEJO MUNICIPAL ADVISORY COUNCIL (MAC)
c/o County of Ventura
625 West Hillcrest Drive
Thousand Oaks, CA 91360

Members of the Council:
Chair Wendy Zimmerman
Vice Chair R. Edward J. Villa, Sr.
Richard Gaz
Catharine Hogue
Scott Horn

December 21, 2022

Mayor Kevin McNamee
Mayor Pro Tem Al Adam
Councilmember Bob Engler
Councilmember David Newman
Councilmember Mikey Taylor
2100 Thousand Oaks Blvd.
Thousand Oaks, California 91362

RE: Borchard Wetland in Newbury Park

Dear Mayor McNamee and Councilmembers,

The following is a report from the Casa Conejo Municipal Advisory Council (MAC) Borchard Wetland Ad Hoc Subcommittee (Subcommittee) on its review and analysis of the Borchard Wetland, confirmation of its existence as a wetland, and explanation on how Ventura County's easement on the Borchard Wetland is used for flood control to protect Casa Conejo and adjacent tracts in the Newbury Park portion of Thousand Oaks.

The MAC is an advisory body to the Board of Supervisors formed under Government Code section 31010 and while the MAC has reviewed the Borchard Wetland issue due to the flood control easement held by the Ventura County Watershed Protection District on Assessor's Parcel No. 662-0-010-030, the MAC is also providing this letter to the City as concerned community members.

Since its formation on July 21, 2021, the Subcommittee has reviewed extensive amounts of information for the purpose of this report, including, but not limited to, storm data and hydrology reports from the Ventura County Public Works Agency, extensive historical records and news articles interviews, guest speakers at MAC meetings, historical photographs, information from Public Records Act requests, personal accounts, photographs, and video. In addition, visits to the vicinity during peak storm flow were made to observe and record conditions caused by late December 2021 storms. Because the property is surrounded by locked gates with no trespassing signs, the Subcommittee has not been able to actually walk on the land itself.

To gain an in-depth understanding of the Subcommittee's review, you can watch the complete Audio/Visual presentation from the July 20, 2022 Casa Conejo MAC meeting here: www.ventura.org/avpresentation. This A/V presentation was compiled from the aforementioned resources and created by the Subcommittee to illustrate the story of the Borchard Wetland. This

presentation is incorporated herein by reference. We strongly recommend viewing for a better understanding of the Wetland's history.

BACKGROUND

Based on their investigation the Subcommittee's review concludes that:

- 1) A wetland exists on the Borchard Wetland property (Exhibit 1);
- 2) The land has functioned and served as a wetland long before Ventura County Watershed Protection District's flood control easement on the property was established in 1978 (Exhibit 2);
- 3) The Borchard Wetland is currently on the U.S. Fish & Wildlife Service's (USF&W) registry list of wetlands, (referred to as the Newbury Park Wetland) as an emergent wetland, also called a seasonal wetland. As recently as 2018, the USF&W wetland mapper showed emergent wetlands covering nearly all of the property (Exhibit 3).

The emergent wetlands designation has been publicly disputed by the landowner of the property. In 2016 he contacted the USF&W to dispute that a wetland ever existed on the property. In response, the USF&W researched the claim including taking his letter from the Army Corp of Engineers into account (Exhibit 4). The USF&W responded that there is indeed a seasonal wetland on the property, and that the USF&W would continue to classify the property as a wetland. A recent Public Records Act request to the City of Thousand Oaks disclosed the USF&W's determination and confirmed the wetland's existence.

Longtime residents have referred to the property, which is surrounded by the Casa Conejo, Fox Meadows and Cameo tracts and through which the Arroyo Conejo runs on the South side, the 101 Freeway on the north and Borchard Road on the east as "The Wetland" for half a century, perhaps more. During the 1970s when heavy winter storms fed the emergent wetland and the land was underwater, it was even called "Lake Newbury" because the water remained so long on the property. The MAC agrees with the USF&W. The MAC will continue to refer to the property as the Borchard Wetland, a name well known and used by local residents as well.

A 2020 letter about the Borchard Wetland to the City of Thousand Oaks from U.S. Department of the Interior, USF&W (Exhibit 5) indicated "any perceived wetland loss should be investigated by those with the authority to do so at the local, county, state and federal level." The Subcommittee discovered multiple degradations of the Borchard Wetland over the ensuing years that coincide with the decreased size of the Borchard Wetland in more recent mapping on the USF&W website. We believe there is a direct link between the continued grading and scraping of the Borchard Wetland which unnecessarily kicks dust into our neighborhoods, deprives wildlife of habitat, and attempts to make the land unattractive instead of allowing nature to assist us with flood control and perhaps provide some usable water and restore local aquifers in an area known to have a high water table.

The Subcommittee theorized that the current Borchard Wetland can be traced to two main things: construction of the 101 Freeway in Newbury Park, and the South Branch of the Arroyo Conejo Creek after it was widened and diverted into a flood channel running through the heart of Newbury Park. Both of these events happened in the 1960s. Anecdotal photographic and historical accounts show evidence that the wetland in Newbury Park was originally located near the original Stagecoach Inn in Newbury Park along the southbound 101 Freeway Ventu Park exit

lane. We believe that the seasonal wetland was part of the draw to Newbury Park and that the Stagecoach Inn was built there to take advantage of the water.

The Subcommittee found the Borchard Wetland reduced flooding during winter rainstorms when runoff from neighborhoods and hillsides fills the South Branch of the Arroyo Conejo and spills over onto the Borchard Wetland. Most flood water rushes on its way by the Borchard Wetland, and crosses under the 101 Freeway at Borchard Road on its way to the ocean. But even now, with a storm dumping under an inch of rain, the ponds emerge immediately and take much longer to sink in and dry out than surrounding areas.

The MAC received an extensive report from the Ventura County Watershed Protection District (WPD) about the easement on the Borchard Wetland and its main function of storing flood waters up to and including 100-year storms. The MAC also received historical data from WPD chronicling the South Branch of the Arroyo Conejo's biggest inundations of storm water runoff from the past 40 years (Exhibit 6). The chart lists nine such inundations where the Arroyo could not handle the amount of flood water and the Borchard Wetlands took on the overflow, thereby saving the neighboring communities from flooding. This resulted in the formation of "Lake Newbury" at the wetland site that lasted for several weeks. WPD only listed the nine storms that exceeded the maximum 2430 cubic feet per second of water through the channel as it flows under the 101 Freeway at Borchard Road. However, the Borchard Wetland fills up with rainstorm runoff nearly every year.

The Subcommittee sought to match the dates of the recorded inundations with photographic evidence from residents living near the Borchard Wetland. The most recent date on WPD's chart was a 10-year storm that occurred in February of 2017. Photos and video evidence from that time, show the streets adjacent to the Arroyo Conejo flood channel flooded with water so deep that a kayaker was spotted floating down the street (Exhibit 7). Additionally, the Ventura County Fire Protection District responded to a backed-up storm drain nearby on Gerald Drive only to discover that the drain was not clogged, just "maxed out" (Exhibit 8). The evidence suggests that the flood water was overwhelming the Casa Conejo neighborhood with only a 10-year storm. With the many examples of extreme weather-caused flooding in the United States this 2022 summer, it is inevitable that we in the Conejo Valley will also be challenged in the future with extreme weather storms as well. We need to be prepared. We need to be protected. As it is, many Newbury Park homeowners are forced to pay extra premiums for mandatory flood insurance. We must continue to provide proper flood control and that is what the County's easement and the City's restrictions do in their plans.

ADDITIONAL FINDINGS AND RECOMMENDATIONS

Since the establishment of WPD's easement over the Borchard Wetland in 1978, improvements have been made to the creek/channel infrastructure to allow more flood water to be diverted to the Borchard Wetland. The retention of seasonal floodwater should continue to be a priority for the City of Thousand Oaks. The City should focus on how to catch the Arroyo's spillover, determine what to do with the resulting water, and what can be achieved this winter and for years to come and help to manage what may become a perpetual water shortage. As witnessed during the rains in December 2021, storms that are not even ranked as 10-year storm events according to WPD, that level of rain will still flood the Borchard Wetland for days, and sometimes a month or more.

Of notable concern to the Subcommittee is the City of Thousand Oaks' General Plan Housing Element. In the current document dated 2014-2021, the Borchard Wetland is listed with the City's available properties as 36.6 Acres, zoned residential R-1-8, but with "capacity reduced to 20 due to floodplain constraint south of 101 Freeway". In more detail, the housing element also states:

"Site 57 is 36.6 acres in area and is zoned R-1-8, which allows single family lots with a minimum lot size of 8,000 square feet. However, the housing capacity was reduced from a theoretical capacity of more than 150 dwellings to only 20 dwellings because most of the site is constrained by existing wetlands and future flood control improvements."

The Subcommittee wants to remind the City that the entire tract of Casa Conejo is comprised of 1,000 single family homes, almost all of them only ONE story high, on lots averaging 8,000 or more square feet. The Fox Meadows and Cameo tracts are also single family homes with a mix of one and two story plans. Therefore, the MAC agrees with the City's assessment to limit the property to 20 single family dwelling units because of the extensive flood control requirement for the extended area served by the County's easement.

The City is aware of the "floodplain constraint" at the Borchard Wetland and recognizes the Ventura County easement prohibited development due to the floodplain requirements. Any attempt at development on this property would need to address the floodplain constraints because of the easement, zoning, and floodplains' seasonal impact, which is why the MAC believes the Borchard Wetland has remained undeveloped. Further, the City has promised to protect single family neighborhoods. The City must keep its promise here in Newbury Park. The City is also obligated to protect residents and local wildlife and to keep our environment safe and healthy.

The Borchard Wetland serves an important purpose in protecting Newbury Park residents from flooding. It is not just any old empty lot. When the rains come, so do the waterfowl and other birds. The frogs hatch. Nature provides vector control. It is uniquely situated along the Arroyo Conejo and the 101 Freeway which limit access to the land. The property has remained undeveloped because of the easement and the cost to store the 250-acre feet storm water runoff on the property (Exhibit 9). Below-ground storage would not work because groundwater has been found near the surface.

THE BORCHARD WETLANDS HAS A HIGH WATER TABLE

A 2004 GeoLabs report for a proposed housing development at the Borchard Wetland found that there is groundwater close to the surface at the property (Exhibit 10). The report indicates that groundwater is close as 3' below the surface. This means that the storage of storm water runoff underground is not possible because the groundwater is so close to the surface. This observation rings true with the citizens whose houses have a view of the Borchard Wetland. The residents say the site is always showing signs of green plants, even in the summer, which reinforces the presence of the seasonal wetland.

Proposed up-zoning of the Borchard Wetland in the City's General Plan Update, which could potentially include multi-level, multi-use commercial/residential buildings, would not be able to manage the combination of high groundwater, flood waters and loss of natural surfaces that process flood waters when winter storms occur. Covering a natural storage basin with impervious surfaces would have an adverse impact on the area and on a system that works. If the Borchard

Wetland was lost to overdevelopment in a manner inconsistent with the flood control easement, the potential for flooding in the surrounding Newbury Park neighborhoods increases dramatically. If that happens, lives and properties could be endangered and litigation could follow. As public records show, many residents voiced their opposition to increased density on this property not only for flood control, but for traffic and pollution of many varieties and overburdening Newbury Park with incompatible zoning during the City's recent land use hearings.

POTENTIAL FUTURE LAND USE

We are concerned that development on the Borchard Wetland allowed by the City of Thousand Oaks as part of its General Plan Update would be inconsistent with the flood control purpose of the wetland, constitutes overdevelopment, and is dangerous to Newbury Park. Maintenance of WPD's floodplain easement on the 36.6-acre Borchard Wetland is necessary to safeguard the surrounding Casa Conejo and Newbury Park communities against flooding during the winter rainy seasons.

LAND USE ZONING

The Casa Conejo MAC recommends that the flood control and current zoning with the housing limited to 20 single family residences should remain in place with no increase in density and no structures being higher than two stories in keeping with the neighborhood. In other words, remain unchanged.

BRUSH CLEARANCE

The MAC also recommends ceasing the repeated scraping on the Borchard Wetland, which leads to dust, erosion, a risk of Valley Fever from released spores and the death of wildlife that inhabit the wetlands. Removal of plants to and even under ground level is not necessary for brush clearance and takes away nutrients from the soil. Brush clearance is only required to extend 100-feet from structures. The Ventura County Fire Protection District can monitor the situation as they do all such areas, and advise all parties as needed for public safety. This will allow the natural restoration of the wetland for habitat and wildlife. We request that the Thousand Oaks City Council look into allegations of degradation, reduction and removal of the protected areas of the Borchard Wetland by the landowner. Should such conditions be found true, we believe that penalties should be assessed for the damage. We would like to see any fines applied to the wetland's restoration and any further flood control that may be needed as a result.

RESTORATION AND FUTURE OF THE BORCHARD WETLAND

The MAC recommends that the best outcome for the Borchard Wetland, and for the existing communities of Casa Conejo and Newbury Park, would be to follow the Calleguas Watershed Restoration Plan (Exhibit 11). This comprehensive plan calls for the restoration of the South Branch of the Arroyo Conejo Creek as it travels past the Borchard Wetland, as well as restoration of the wetland itself. To further this plan, the MAC recommends the appropriate City, County & State entities, along with the developer/landowner, work together to formulate a path forward that does not include development at the Borchard Wetland. If that is not possible, at a minimum, the MAC recommends that any future development can only move forward so long as it complies with the WPD's easement and also mitigates all environmental impacts, including all flooding impacts and water storage impacts, to a level of less than significant.

The MAC recommends that further efforts be made to increase the capture of rainfall and runoff at the Borchard Wetland. Ponds appear every year, even during periods of drought with minimal rainfall. They grow to lake size when rain is more plentiful. It is important to save as much water as possible starting this rainy season and every rainy season thereafter. Additionally, we believe that restoring the Borchard Wetland would help replenish the groundwater and recharge the aquifer below the Borchard Wetland and create a healthier environment for residents and wildlife.

During the June 1, 2022 South Branch of the Arroyo Conejo Educational Channel Walk sponsored by County Supervisor Linda Parks, Casa Conejo MAC, and Ventura County Public Works Agency Dr. Sean Anderson, CSU Channel Islands Chair and Professor of the Environmental Science and Resource Management Program, indicated that if left to its own natural conditions and with no further degradation of the Borchard Wetland, the seasonal, emergent wetland, including flora and fauna native to the Conejo Valley, would show strong signs of recovery within 10 years. This would be a valuable contribution to our environment, safety, and quality of life. It is a vision shared by many in Newbury Park including the Borchard Wetland Subcommittee and the Casa Conejo Municipal Advisory Council.

We hope that the City of Thousand Oaks acts in what we know and believe to be in all of our best interests which is that all involved will continue to protect our homes, our quality of life, the character of our long established Newbury Park community and preserve our natural resources and environment.

Sincerely,

Wendy Zimmerman, Chair
Casa Conejo Municipal Advisory Council

R. Scott Horn
Borchard Wetland Ad Hoc Subcommittee

Exhibit 1 – Borchard Wetland 2017

Exhibit 2 – 1978 Arroyo Conejo South Branch Easement Deed

Exhibit 3 – US Fish and Wildlife Mapper of the Newbury Park Wetland, 2018

Exhibit 4 – US Fish and Wildlife Email, 2016

Exhibit 5 – US Fish and Wildlife Letter, 2020

Exhibit 6 – Ventura County Watershed Protection District Hydrology Data

Exhibit 7 – Photos from 2017 rainstorm

Exhibit 8 – Link to A/V Presentation of February 2017 Storm: www.ventura.org/2017Storm

Exhibit 9 – Public Works Agency Letter to Casa Conejo MAC, 2021

Exhibit 10 – GeoLabs Westlake Village Report

Exhibit 11 – Calleguas Watershed Restoration Plan