



ACTON TOWN COUNCIL

P.O. BOX 810 ACTON, CALIFORNIA 93510

Mr. John Gutwein
The Regional Planning Hearing Officer
Los Angeles County Department of Regional Planning
Fax Number: (213) 626-0434
[Fax transmission of four (4) pages]

July 2, 2009

President
Ray Garwacki Jr.
269-8080

Vice President
Dick Morris
547-5273

Subject: Comments on Proposed Subdivision Pursuant to July 7 2009 Hearing
Reference: Tentative Map 61971

Secretary
Michael Hughes
269-1342

Dear Mr. Gutwein;

Treasurer
Jim Connelly
269-5675

As you are perhaps aware, the Acton Town Council has expressed numerous concerns regarding the referenced tentative subdivision over the last 18 months, and it appears that these concerns have still not been addressed. Because the map is now scheduled for approval next week, the Acton Town Council respectfully requests that the Department of Regional Planning and other County Agencies either respond to the following concerns or make sure that the referenced tentative map is properly conditioned to address them.

Jacki Ayer
269-1981

Ray Billet
947-2796

Bill Davis
269-3682

1) As both the Department of Regional Planning (DRP) and the Department of Parks and Recreation (DP&R) is aware, it is imperative that subdivisions in Acton be properly conditioned to provide multi-use trails along mapped trail alignments AS WELL AS feeder trails to allow access to these mapped trails from residential neighborhoods. The Acton Community Standards District states:

Mike Foster
714-3349

Katherine Tucker
274-9794

A. Intent and Purpose. The Acton Community Standards District is established to protect and enhance the rural, equestrian and agricultural character of the community and its sensitive features including significant ecological areas, floodplains, hillsides, National Forest, archaeological resources, **multipurpose trail system**, and Western heritage architectural theme. The standards are intended to ensure **reasonable access to public riding and hiking trails.....**

10. Trail Easements. In reviewing and establishing design conditions for any land division, the hearing officer shall consider community trails objectives and whether or not they may be promoted or benefited by such division. Alternative proposals for trail easements consistent with community goals **shall** be developed and considered in conjunction with **each** land division.

a. Unobstructed multipurpose pathways for both pedestrian and equestrian uses should be developed in each new land division to the satisfaction of both the department of public works and the department of parks and recreation. Although alignments that are not adjacent to roadways will generally be preferred, road easements may be used when the hearing officer determines that other locations are inappropriate.

The Acton CSD clearly establishes the imperative that the County provide reasonable access to established public riding and hiking trails; this can only be accomplished by exacting trail easements TO the mapped trails and not just ON the mapped trails.

There are many "horse properties" to the west of the proposed subdivision which access Acton's mapped trail system via Jones Canyon Road and Escondido Highway. In addition, many

pedestrians routinely walk along Escondido Highway and Jones Canyon Road. Without a multi-use trail dedication on both Jones Canyon and Escondido Highway, safe pedestrian and equestrian access to the established trail system is precluded based on current Department of Public Works (DPW) policies and interpretation of the County Vehicle Code.

With this letter, the Department of Regional Planning is hereby informed that DPW has clearly stated verbally and in writing and even in the record of various projects that have come before the DRP that equestrian use of County roads is (and shall continue to be) strictly limited to only those portions of the right-of-way that are used by vehicles. The net effect is that horses must only be co-located with vehicles within the established road right-of-way. DPW staff justify their position on this matter based on their (mis)understanding that multi-use trails are created as part of the County's project review and approval process. Clearly, DPW is unaware that the Department of Parks and Recreation considers the CSD requirement to exact trails from all subdivisions to be of little or no consequence. The fact that DPW has agreed to reconsider their position on this issue does not obviate the County's (and therefore DRP's) obligation under the Subdivision Map Act to ensure compliance with the Acton CSD trail easement requirements.

DRP is advised that the Acton Town Council shall not consider this project to be consistent with the Acton CSD if it is not properly conditioned with the trail easements that have been requested. Pursuant thereto, the Acton Town Council shall contemplate appealing this project to the Regional Planning Commission if it is approved without trails easements on Jones Canyon Road and Escondido Highway.

2) The hillside protection provisions contained within the Acton CSD applies to all land divisions (Section 22.44.126.C.12 of the County Code) and it includes the following provisions:

22.44.126.C.1 Hillside resources are among the most important features of the Acton community. Hillside regulations shall be enforced by a specific written analysis in each case, demonstrating conformance with the following objectives. Development plans shall comply with the following objectives:

a. Preserve to the greatest extent possible existing natural contours and natural rock outcropping features. Structures and required provisions for access and public safety should be designed to minimize encroachment on such features by the use of such techniques as curvilinear street designs and landform grading designs which blend any manufactured slopes or required drainage benches into the natural topography;

b. Preserve to the greatest extent possible the natural silhouette in significant ridgeline areas. Significant ridgelines are the ridgelines that surround or visually dominate the Acton landscape either through their size in relation to the hillside or mountain terrain of which they are a part, or through their visual dominance as characterized by a silhouetting appearance against the sky, or through their visual dominance due to proximity and view from existing development, freeways and highways designated as Major, Secondary or Limited Secondary on the Highway Plan.

The Acton Town Council has pointed out that this project does not appear to comply with the hillside protection provisions contained in the CSD, and DRP has not provided any written analysis that the project will preserve existing natural contours or ridgeline areas in accordance with CSD requirements. The project includes a very steep and high "cliff" along Escondido Highway which the applicant's agent has stated will be graded to provide the road access for at least one (if not both) of the lots that will be created by this subdivision To comply with fire department access requirements, these "cliffs" will be substantially altered and graded. The project also abuts a very

scenic portion of the Escondido Highway, and for more than a year, the Acton Town Council has requested that the viewshed corridor of this road be protected in the New County Wide General Plan document. This concern is easily addressed by properly conditioning the map to limit grading the “cliff” portions of the project located along Escondido Highway.

3) Portions of the street included in the proposed subdivision and identified as Jones Canyon Road lies squarely within an established FEMA flood zone (i.e. a “blue-line” stream). However, the tentative map does not identify this flood zone. More importantly, none of the comments or conditions imposed on the tentative map by the DPW even mention this flood zone. As the DRP is certainly aware, Section 21.44.320(C) of the County Code requires:

“ If any portion of a lot or parcel of a division of land is subject to flood hazard, inundation or geological hazard, such fact and portion shall be clearly shown on the final map or parcel map by a prominent note on each sheet of such map whereon any such portion is shown. A dedication of building restriction rights over the flood hazard, inundation or geological hazard area may be required”.

Admittedly, this condition applies to final maps and not tentative maps, but if the approval conditions imposed on the tentative map do not identify or even acknowledge the existence of such a FEMA flood zone, the Acton Town Council maintains that the matter will NOT be properly addressed in the Final Map.

4) The Acton Town Council further notes that Section 21.44.320(A) of the code states:

“If any portion of the land within the boundaries shown on a tentative map of a division of land is subject to flood hazard, inundation or geological hazard, and the probable use of the property will require structures thereon, the advisory agency may disapprove the map or that portion of the map so affected and require protective improvements to be constructed as a condition precedent to approval of the map.”

Note that this provision applies whether or not it is a minor land division AND whether or not other improvements are not required pursuant 21.32.060. In fact, the only subdivisions not subject to this condition are those with resulting parcels that are 40 acres or more or are quarter-quarter sections or larger. The County has the option to impose this condition on a tentative map or not; since DPW has chosen not to impose this condition, the Acton Town Council would like an explanation regarding this choice.

5) Although the tentative subdivision map does not show it (since it lacks the “NOT A PART” designation) DRP is certainly aware that the applicant owns the 200 acres of land which abuts the proposed subdivision to the west and southwest. All of it was included in a previously approved tentative subdivision map (Tract 46205). The Acton Town Council is concerned that any future subdivision of this 200 acre property will rely on Jones Canyon Road for access/egress via Escondido Canyon. Because Jones Canyon Road is traversed by a FEMA flood plain, it will not provide “all weather” access for the (up to) 200 lots that will be created by future subdivisions that may be proposed by the applicant.

The Acton Town Council has been (verbally) informed by the Department of Public Works (DPW) that the future subdivision of the abutting 200 acres will include the requirement that Jones Canyon be fully improved to provide all weather access to Escondido for the subdivision in accordance with

the FEMA flood conditions. However, the Acton Town Council notes that DPW has not previously

imposed such a condition on other subdivisions within Acton, and that fact has caused substantial problems in our community (for example, TM 52882). We also note the possibility that the County has not acquired sufficient right-of-way in TPM 61971 along the north side of Jones Canyon to properly address the floodplain in any future subdivision action. If additional right of way is needed to address the floodplain along Jones Canyon, it may be very difficult (if not impossible) to acquire once Map 61971 is final and the lots created pursuant thereto are sold. The bottom line is that up to one hundred residential lots that may be created by the applicant in a subsequent subdivision will not have an access route to Escondido Highway which complies with the “all weather” conditions. It would be imprudent for the Acton Town Council to support any subdivision project under such circumstances, particularly if these circumstances could be mitigated by properly conditioning the tentative map before it is approved.

Finally, the Acton Town Council points out that the Environmental Health Department lacks the legal authority to require the applicant to demonstrate that a sustainable source of potable water is available to each parcel that is created by the proposed subdivision. Minor land divisions which create parcels that are 5 acres or more in size are not subject to water infrastructure improvement requirements. This exemption was not altered by adoption of Ordinance 2005-053.

The Acton Town Council looks forward to working with DRP and other county agencies in resolving these issues, and we anticipate that the proposed subdivision will not be approved until they are.

Sincerely,

Jacqueline Ayer
on behalf of The Acton Town Council

cc: Jon Sanabria, Director of Regional Planning (via fax)
John Calas, Deputy Director of Regional Planning (via fax)
N. Hickling (via electronic mail)
L. Hensley (via electronic mail)
S. Burger (via electronic mail)