



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Jon Sanabria  
Acting Director of Planning

November 19, 2009

**TO:** Leslie G. Bellamy, Chair  
Wayne Rew, Vice Chair  
Esther L. Valadez, Commissioner  
Harold V. Helsley, Commissioner  
Pat Modugno, Commissioner

**FROM:** Mitch Glaser, AICP, Supervising Regional Planner  
Countywide Studies Section

**SUBJECT: NOVEMBER 23, 2009 -- AGENDA ITEM #8  
PROJECT NO. R2007-01226-(5)  
PLAN AMENDMENT NO. 2009-00006-(5)  
ZONE CHANGE NO. 2009-00009-(5)  
ENVIRONMENTAL ASSESSMENT CASE NO. 2009-00080-(5)  
SANTA CLARITA VALLEY AREA PLAN UPDATE (ONE VALLEY ONE  
VISION)**

Staff has received additional correspondence regarding this matter, which is attached for your consideration.

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

MWG:mwg

Attachments



STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER  
GOVERNOR

CYNTHIA BRYANT  
DIRECTOR

November 3, 2009

Mitch Glaser  
Los Angeles County  
320 West Temple Street, Room 1354  
Los Angeles, CA 90012

Subject: One Valley One Vision - County Project No. R2007-01226  
SCH#: 2008071119

Dear Mitch Glaser:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 2, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

for Scott Morgan  
Acting Director, State Clearinghouse

Enclosures  
cc: Resources Agency

NOV - 9 2009

Document Details Report  
State Clearinghouse Data Base

**SCH#** 2008071119  
**Project Title** One Valley One Vision - County Project No. R2007-01226  
**Lead Agency** Los Angeles County

**Type** EIR Draft EIR  
**Description** NOTE: Review Per Lead

One Valley One Vision (OVOV) is a joint effort between the County of Los Angeles, City of Santa Clarita, and Santa Clarita Valley residents and businesses to create a single vision and set of guidelines for the future growth of the Santa Clarita Valley and the preservation of natural resources. Realizing that development within both jurisdictions can have regional implications, the County and City have jointly endeavored to prepare planning policies and guidelines to guide future development within the Santa Clarita Valley. The result of this work effort will require the adaption of 2 separate documents. The County will adopt a new General Plan and EIR. This EIR has been prepared to evaluate the potential impacts of the policies of the County's Area Plan.

**Lead Agency Contact**

**Name** Mitch Glaser  
**Agency** Los Angeles County  
**Phone** 213-974-6476 **Fax**  
**email**  
**Address** 320 West Temple Street, Room 1354  
**City** Los Angeles **State** CA **Zip** 90012

**Project Location**

**County** Los Angeles  
**City** Santa Clarita  
**Region**  
**Lat / Long**  
**Cross Streets** Various  
**Parcel No.**  
**Township**

**Range** **Section** **Base**

**Proximity to:**

**Highways** 5, 14, 126  
**Airports** Palmdale  
**Railways**  
**Waterways** Santa Clarita River  
**Schools** Various  
**Land Use** Various

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Other Issues

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission

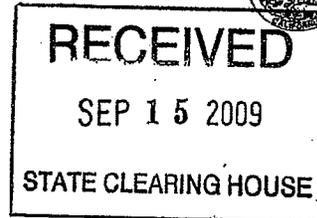
**Date Received** 09/03/2009 **Start of Review** 09/03/2009 **End of Review** 11/02/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
 SACRAMENTO, CA 95814  
 (916) 653-6251  
 Fax (916) 657-5390  
 Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
 e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)

Clear  
 11-2-09  
 e



September 10, 2009

Mr. Mitch Glaser, Planner

**LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING**

320 West Temple Street, Room 1354  
 Los Angeles, CA 90012

Re: SCH#2008071119; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the One Valley-One Vision Project; Los Angeles County Department of Regional Planning and the City of Santa Clarita; Los Angeles County, California

Dear Mr. Glaser:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources.. The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural resources were not identified within one-half mile of the APEs. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental study.. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office (at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11..

Consultation with tribes and interested Native American tribes and individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f]et se), and NAGPRA (25 U.S.C. 3001-3013), as appropriate..

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a

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project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance' may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

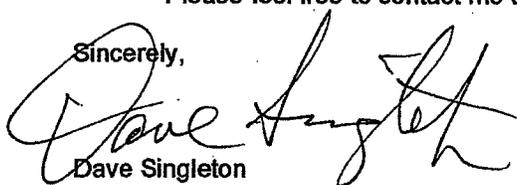
CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton  
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

November 5, 2009

Los Angeles County  
Department of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

Attn: Mitch Glaser

**RE: AMB 2865-019- POR. OF -009, -010 AND 2865-012-001  
OUR WORK ORDER: 5100-056-6**

Dear Mr. Glaser:

# SIKAND

Engineering  
Planning  
Surveying

15230 Burbank Blvd., Suite 100  
Van Nuys, CA 91411-3586

Tel: 818/787-8550  
Fax: 818/901-7451  
E-mail: info@sikand.com

We have been asked by our client to request the Regional Planning staff revisit their property by taking a second look at the request to modify the land use as designated on the proposed OVOV. We are requesting that this modification from RL2 to H2 be made over AMB's 2865-019- por. of 009 and 2865-019-010 as well as adjacent properties shown as AMB 2865-012-001 for compatibility and completeness purposes. The reason for request is as follows.

1. Compatibility with the land to the north as well as the south.
2. Adjacent redesignated H2 land use directly adjacent to the east.
3. High density would allow the ability to create enhanced circulation with the Hillcrest community to the south and Parker Rd community to the north with any future streets.
4. Castaic CSD allows for 10,000 sf average lot sizes with 7000 sf minimums.
5. Proximity to the I-5 freeway, Hillcrest Parkway and The Old Road

We respectfully request that you take second look at this area, as an additional portion of this site should be redesignated with a higher land use.

Sincerely,  
SIKAND ENGINEERING ASSOCIATES



Matt Benvenieste

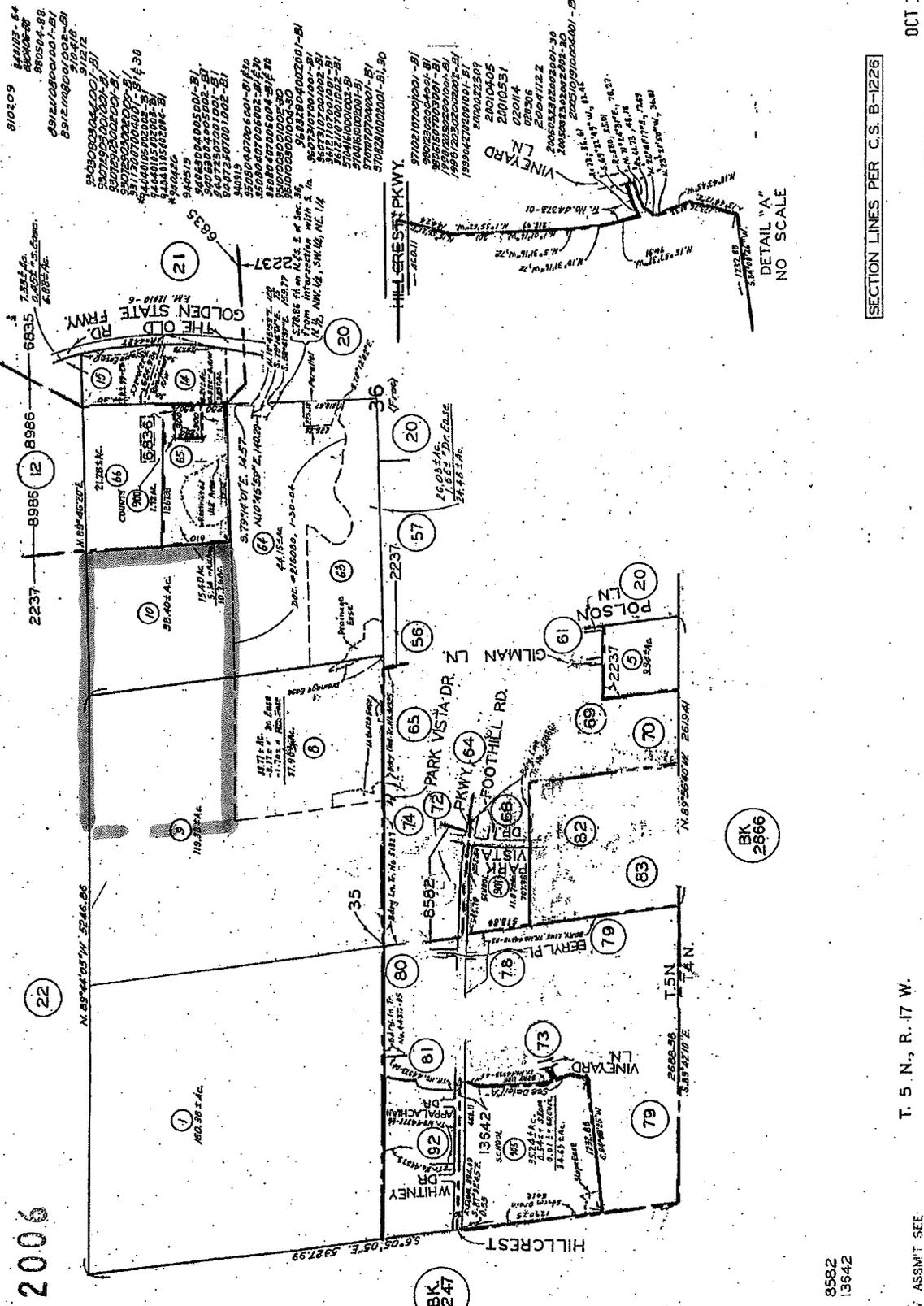
Attachments:

1. Proposed OVOV with modification overlay
2. AMB 2865-019-009 & -010; 2865-012-001

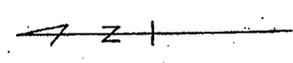
cc: Hunt Williams  
Ron Horn

NOV 10 2009





2865 19 2006  
 SCALE 1" = 800'



CODE 8582  
 2237 8986  
 13642  
 6835  
 6836  
 10525  
 FOR PREY ASS'NT SEE  
 2865 - 19.56

T. 5 N., R. 17 W.

SECTION LINES PER C.S. B-1226

OCT 19 2005  
 ASSESSOR'S MAP  
 COUNTY OF LOS ANGELES, CALIF.

BK 2866

BK 3247

DETAIL "A"  
 NO SCALE





Castaic Area Town Council  
Post Office Box 325, Castaic, California 91310 (661) 285-1156 www.castaic.org

November 11, 2009

Regional Planning Commission  
County of Los Angeles  
320 West Temple Street  
Los Angeles, CA 90012

Project No. R2007-01226-(5)  
Plan Amendment No. 200900006  
Zone Change No. 200900009

Dear Commissioners:

On behalf of the Castaic Area Town Council (CATC), I would like to thank you for hosting the October 5, 2009 hearing in Castaic related to the comprehensive update of the Santa Clarita Valley Area Plan (OVOV).

The testimony that you heard made it clear that several property owners had previously received some form of project approval for their respective developments from the Castaic Area Town Council and/or the Los Angeles County Planning Department under the current provisions of the Castaic Area Community Standards District (CSD). It appears that this comprehensive update may adversely affect their proposed developments and property values.

The CATC generally supports that these projects be grand-fathered so that they may continue with their developments and projects as previously submitted and approved under the existing CSD. That is, establish an effective date for any project not yet submitted to the Regional Planning Department for approval.

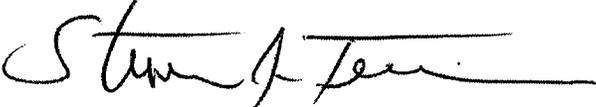
Additionally, the CATC believes that the "one-size-fits-all" approach to clustering is not appropriate for all areas of the Santa Clarita Valley. What might be desirable for the Acton/Aqua Dulce area may not be so for the Castaic Area. Our communities have significant differences; not the least of which includes an interstate that bisects our more suburban than their rural community. A short five years ago, our CSD was adopted after almost ten years of testimonies and negotiations between our residents, business owners and county officials. It would be disrespectful and a disservice to all those that worked so hard on our CSD to have its provisions stripped away by this comprehensive update so soon after adoption.

At your hearing set for November 23, 2009, you will be considering the amendment of the Zoning Ordinance to clarify adopted provisions related to hillside management areas and to allow local plans, such as the comprehensive update of the Santa Clarita Valley Area Plan, to establish the maximum residential densities in all hillside management areas. The CATC supports that this language further defines "local plans" as any currently adopted CSD.

**Castaic Area Town Council**  
**November 11, 2009**  
**Page 2**

As our OVOV sub-committee chair stated on the record, the CATC continues to collect information and community input so as to fully vent the impact of the OVOV on our community. There may be large areas within unincorporated Santa Clarita Valley that require this comprehensive update. Not so for Castaic. This community knows what it wants and those wants are contained in our CSD.

Sincerely,



Steven J. Teeman, President  
Castaic Area Town Council

Cc: Paul Novak (email)  
Rosalind Wayman (email)  
Mitch Glaser (email)

STATE OF CALIFORNIA—THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

**SANTA MONICA MOUNTAINS CONSERVANCY**

RAMIREZ CANYON PARK  
5750 RAMIREZ CANYON ROAD  
MALIBU, CALIFORNIA 90265  
PHONE (310) 589-3200  
FAX (310) 589-3207



VIA FACSIMILE

**Date:** November 16, 2009  
**To:** Regional Planning Commission  
Attn: Mitch Glaser  
**Fax #:** 213-626-0434  
**From:** Paul Edelman  
**Re:** Item 8; 11-18-09 RPC Hearing

**Number of pages to follow:** 6

**In case of error, please call (310) 589-3200**

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. Unauthorized use, disclosure or copying is strictly prohibited. If you have received this communication in error, please immediately notify the sender.

**SANTA MONICA MOUNTAINS CONSERVANCY**

RAMIREZ CANYON PARK  
5750 RAMIREZ CANYON ROAD  
MALIBU, CALIFORNIA 90265  
PHONE (310) 589-3200  
FAX (310) 589-3207



October 5, 2009

Mitch Glaser  
Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012

**Santa Clarita Valley Area Plan Update One Valley One Vision  
Project No. R2007-01226-(5) SCH No. 2008071119**

Dear Mr. Glaser:

The Santa Monica Mountains Conservancy is the principal State planning agency for the Rim of the Valley Trail Corridor zone which includes major portions of the One Valley One Vision planning area. The Conservancy is also concerned with land use issues in virtually all remaining portions of the project planning area because adjacent actions can and do affect public resources within the Rim of the Valley Trail Corridor zone.

Between December 16, 1999 and December 23, 2008, the Conservancy submitted a minimum of six comment letter on County General Plan updates. Every letter included specific comments about natural resources located within the unincorporated portions of the Santa Clarita Valley. The Final Environmental Impact Report (FEIR) or the re-circulated DEIR should clarify how those comments on the overarching General Plan would integrate with the proposed Area Plan and whether or not they have been addressed.

**Significant Ecological Area (SEA) Boundaries not Determined**

The area that requires the most clarification is that of the proposed new Significant Ecological Area (SEA) boundaries. One can only assume that the Planning Commission and the Board of Supervisors will not have approved the new boundaries by the time the subject FEIR is presented for certification. The DEIR's reference to and impact analysis foundation on the draft SEA boundaries shall remain deficient until those boundaries become an approved part of the General Plan.

Mitch Glaser- Department of Regional Planning  
One Valley One Vision DEIR Comments  
October 5, 2009  
Page 2

### **Inadequate Attempt to Avoid or Reduce Biological Impacts**

The entire DEIR analysis of biological impacts is so oversimplified and generalized such that decision makers cannot possibly understand the ecological ramifications of certifying the environmental document. We do not believe that Programmatic DEIRs can slip into that level of generality.

The DEIR categorically concludes that the proposed project, and every alternative project, would result in unavoidable significant adverse ecological impacts. (The one exception in the alternatives section is addressed in the paragraph following the next paragraph.) The only component of the DEIR that briefly contemplates the reduction of significant adverse biological impacts is Alternative 2 - Preservation Corridor Alternative. However, that alternative is rejected because it does not adequately meet project objective numbers 14, 17 and 27.

Those three project objectives deal with a mix of land uses to support basic residential needs, a commitment to affordable work force housing, and an integrated transit system, respectively. No analysis is provided on how Alternative 2 would not sufficiently meet these three project objectives just because Alternative 2 would result in slightly less population and houses in 5,225 acres of designated regional wildlife corridor in Soledad Canyon. The Conservancy sees no connection on how Alternative 2 could impede these project objectives such that the DEIR rejects it.

We also question the DEIR conclusion in the Environmentally Superior Project analysis that Alternative 2 would reduce ecological impacts to a level less than significant. How can a plan that cannot mathematically result in less than 15,000 acres of permanently lost habitat not result in unavoidable significant adverse biological impacts?

### **Inadequate Range of DEIR Alternatives**

Alternative 2 - Preservation Corridor Alternative only reduces allowable density in a 5,225-acre area identified as a regional wildlife corridor by the South Coast Wildlands project. It includes no changes to reduce biological impacts anywhere else in the plan area. One DEIR alternative that modestly reduces potential impacts in a single section of the ecologically rich plan area does not represent an adequate range of alternatives.

Mitch Glaser- Department of Regional Planning  
One Valley One Vision DEIR Comments  
October 5, 2009  
Page 3

For the record Alternative 2 is also fundamentally flawed for not including all areas in the Angeles Linkage (Soledad) Conceptual Protection Plan (CAPP) that implements the subject South Coast Wildlands core linkage elements. Regional Planning representatives were one of a dozen agencies that produced this CAPP for connecting the two lobes of the Angeles National Forest across State Route 14.

Any environmental document for the subject planning area that does not include implementation of the CAPP is deficient for excluding a multi-agency regional ecological land use priority and plan adopted by the California Department of Fish and Game.

Any environmental document for the subject planning area that also does not include an alternative that recognizes all scientifically described inter-mountain range wildlife corridors in the plan area shall remain deficient.

Any environmental document for the subject planning area that does not include an alternative that significantly reduces development density along the edge of most core or large habitat areas shall remain deficient. Random reduction of density in such areas where terrain makes such development nearly infeasible does not constitute a fully analyzed effort to reduce impacts. The DEIR or FEIR must include an explanation of how the proposed density reductions will specifically reduce biological impacts in each affected watershed. We understand that a project specific analysis is not feasible but a watershed, or equivalent, level analysis for this type of alternatives analysis is warranted.

#### **Promised Open Space and Green Belt but No Teeth to Produce Either**

The DEIR states that it will result in more protected open space than under the existing Area Plan. Changing land use designations can help bring about such results, but it can in no way come close to assuring them. The DEIR clearly states that it is nothing more than a policy document that has no affect on underlying zoning.

How can the proposed project create 4,098 additional acres of open space without a single penny of acquisition money or a single new filed project to identify and analyze? That DEIR assertion is completely unsupported.

The only DEIR mitigation measure (3.7-3) for the loss of habitat is to allow habitat acquisition for compensation. The measure refers to amorphous policies (10.1.3, 10.1.11, and 10.1.12) for implementation. These policies have zero teeth, zero specifics and are basically totally pie in the sky-non-specific statements. They are not mitigation measures

Mitch Glaser- Department of Regional Planning  
One Valley One Vision DEIR Comments  
October 5, 2009  
Page 4

that can be verified. The DEIR is flawed without more substantive and enforceable mitigation measures for substantial habitat loss, including bulk loss of ordinary chaparral.

How can the proposed project incorporate the provision of a green belt that provides more protected open space than currently exists today? The project description is flawed for not including enough precision on this issue. There is no Land Use Green Belt map in the DEIR as is referenced to within the document. It is basically a concept with no definition.

The green belt expansion assertions in the DEIR are also not consistent with the proposed reduction of 10,224 acres of rural land with the proposed project.

What kind of green belt along the edge of existing development would for example be provided for on the Stevenson Ranch Phase V property?

The DEIR states, "The Land Use Element is designed to ensure that the irreplaceable natural resources and open spaces are preserved and protected from encroachment by future development." All lost open space is irreplaceable. The DEIR is deficient for being based on numerous sweeping assertions with no implementation or factual back up.

Drainage and slope easements are counted as "protected open space" under the OS-C-Conservation designation. This is misleading and those types of land uses should be identified as permanently disturbed open space.

#### **Basic Essence of Project and DEIR**

The proposed project and DEIR essentially are a vehicle to change development density over hundreds of square miles. The vision of One Valley One Vision is to increase density in all but a few isolated pockets where terrain is prohibitive. Policies are important but the permanent land use designations are more important for the long term ecological state of the upper Santa Clara River watershed.

The end result of the proposed project could well be the significant increased diminution of biological resources both within and around the edges of all existing development. The Conservancy asserts that much more can be done with the new Area Plan to pro-actively reduce potential impacts to ecological resources both within and around the edges of all existing development.

#### **Recommendations for Adequate DEIR Alternatives**

Mitch Glaser- Department of Regional Planning  
One Valley One Vision DEIR Comments  
October 5, 2009  
Page 5

We make the following recommendations of elements to include in project alternatives that would increase the probability of significantly adding to the greenbelt around developed plan areas and also within developed areas - particularly along the Santa Clara River and its tributaries.

For example the River Setback Policy LU 6.1.2 should include a greater mandatory setback of 75 feet as opposed to 50 feet. Neither passes agency or scientific muster but every additional foot increases habitat quality and availability and improves the public experience. The Conservancy supports riparian systems with some natural upland buffer as opposed to contrived buried bank stabilization. Each of these tributaries is important for wildlife movement (in many cases regional wildlife movement) and the Area Plan must make provision for continued movement capability in a world where no new open space will be created from already developed areas. The opposite trend will occur where there will only be less and less open space remaining. Designing long riparian corridors as wildlife movement corridors must compensate for future development encroachment.

The only meaningful mechanism we see to increase green belt area and habitat quality around the existing development in the plan area is to make the wholesale change of RL 2 and RL 5 designated areas to RL 10. The area where high concentrations of RL 10 most definitely make ecological sense is the Soledad Canyon watershed.

The DEIR must include more specifics about both capturing and infiltrating storm water.

Currently, upstream from State Route 14 municipal wells are progressively lowering the watertable below the Santa Clara River year after year. The direct and indirect adverse ecological impacts to the river vegetation are evident. Until such groundwater pumping is eliminated, and the river water levels are restored, it is difficult not to question the DEIR conclusion that the proposed increase in population and development density beyond the current plan would not result in unavoidable, potentially irreversible, significant impacts to water supply.

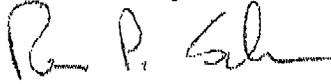
The DEIR must address critical habitat for California gnatcatcher and the soon to be revised critical habitat for red-legged frog.

Lastly the North Lake Specific Plan should be eliminated because it is obsolete under all sound planning principles.

Mitch Glaser- Department of Regional Planning  
One Valley One Vision DEIR Comments  
October 5, 2009  
Page 6

Please address any questions to Paul Edelman or our staff at the above address and by phone at (310) 589-3200 ext. 128.

Sincerely,

A handwritten signature in black ink, appearing to read "R. P. Schaffer". The signature is written in a cursive style with a long horizontal stroke at the end.

RONALD P. SCHAFER  
Chairperson

November 16, 2009

FAX to Marshall Adams, Dept. of Regional Planning, (213)626-0434

From Maureen Davidheiser, FAX/phone no. (928)425-9616

Re: Project No. R2007-01226-(5) - SEA District

Per our phone conversation, would you please discard the letter I Fed-Ex'd to you and Mr. Glaser and replace it with the following letter.

I really appreciate your help and want to apologize for not being very well-informed. Besides contacting the Assessor's office, I should subscribe to the Newhall newspaper.

*Maureen Davidheiser*

P.O. Box 2692  
Globe, Az. 85502

November 16, 2009

Mr. Mitch Glaser  
Department of Regional Planning  
320 W. Temple Street  
Los Angeles, California 90012

Re: Project No. R2007-01226(5) - SEA District  
Lechler Ranch in Oak Canyon, Parcel Nos. 3247-028-007,  
008, 009 & 010; 035-003 & 004; 036-010, 011 & 020

I support preservation of open space and protection of the environment and native plants and wildlife, up to a point. However, I am opposed to establishment of an SEA district in Oak Canyon for the following reasons:

I object to restrictions or regulations that, without compensation, could deny property owners reasonable use of their land or substantially decrease its value.

I object to efforts to require property owners in Oak Canyon to dedicate conservation easements.

I question whether there has been enough professional field work done in the environmental study to justify an SEA district.

Some of the provisions in the SEA district could bring up legal questions such as 5th Amendment rights and statutory authorization and could result in lawsuits at a time when the County is financially stressed.

Oak Canyon has wide floodplains, stands of liveoaks, and many steep cliffs and hillsides. Except for a few 5 acre lots that were distributed out of my grandfather's estate in the 1950's, landholdings are in 40 and 80 acre parcels, or larger. Density restrictions, liveoak protection, and enforcement of subdivision, floodplain, and EPA and health department regulations should be enough to preserve adequate open space and environmental protection.

I was Clerk of the Gila County, Arizona, Planning Department for more than 20 years, retiring 14 years ago. I also served on a committee that drafted a general plan for the City of Globe. I know it's not easy to balance good planning with the wishes and concerns of property owners and other interested individuals and organizations. I trust that any changes in

Mr. Mitch Glaser  
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November 16, 2009

the SCV plan will result in a plan that preserves the beauty of Oak Canyon and is beneficial for both the County and the property owners.

*Maureen Davidheiser*

Maureen Davidheiser, Trustee  
Maureen Davidheiser Trust

Copies to Marshall Adams  
Bill Davidheiser  
Linda Pyburn  
Nicole Valenzuela

# AGUA DULCE TOWN COUNCIL

33201 Agua Dulce Canyon Road \* Box Number 8 \* Agua Dulce, CA 91390

Website: [www.AguaDulce-ca.com](http://www.AguaDulce-ca.com)

November 17, 2009

Mr. Mitch Glaser  
Department of Regional Planning  
320 West Temple Street, Room 1354  
Los Angeles, CA 90012

**RE: Santa Clarita Valley Area Plan Update (OVOV)  
Zone Change No. 2009-00009-(5)**

Dear Mr. Glaser:

Thank you for attending and presenting information relating to the Santa Clarita Valley Area Update (OVOV) at our September regular meeting of the Agua Dulce Town Council. You were able to address many of the concerns of the community members.

At that meeting, you indicated that it was not the intent of the plan update to change zoning. Upon further review of the update, we have determined that the update eliminates Resort-Recreational (R-R) zoning. You have since pointed out that the R-R zoning is being proposed to be re-zoned to either A-1 or A-2. This proposed zoning change will eliminate many uses permitted by right, force the property owner to go through the lengthy and costly conditional use permit (CUP) process, and/or prohibit the land to be developed with current allowable uses with a CUP.

Land value is directly tied to what can be built on it. The value of the land is likely to change if its zoning is changed. Eliminating allowable uses results in significant unavoidable impacts for the property owner.

Based on community input, the Agua Dulce Town Council is opposed to ANY changes to the existing zoning that reduces or eliminates any permitted uses.

We appreciate the opportunity to provide comment on the proposed Santa Clarita Area Plan Update (OVOV) and request these comments be included for review by the Regional Planning Commission when considering this up proposed update and zone change.

Respectfully,

*Mary Johnson*

Mary Johnson, President  
Agua Dulce Town Council - 2009

Cc: Rosalind Wayman

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**Glaser, Mitch**

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**From:** Pyburn, Nicole M. [NPyburn@mednet.ucla.edu]  
**Sent:** Tuesday, November 17, 2009 2:49 PM  
**To:** Glaser, Mitch  
**Subject:** One Valley One Vision Public Comment  
**Attachments:** OVOV Figures.doc

Dear Mr. Glaser:

First, I would like to thank your office for its patience and help while we attempt to understand the One Valley One Vision process. In particular, Marshall Adams and Julie Lowry have been exceptionally helpful and polite.

I appreciate the opportunity to address Regional Planning. I am writing on behalf of the Lechler Family Trust regarding 13 parcels located in Oak Canyon. I would like to express my concerns about the One Vision One Valley's Open Space and Conservation Element. My particular interest stems from the recommendation that my family's property be designated a Significant Ecological Area in Piru Creek, and its consequent change in zoning to the most restrictive and lowest density residential, RL20.

- ⊗ We have consistently been underrepresented and excluded throughout the planning process.
- ⊗ The data regarding the Piru Creek SEA is extrapolated rather than real, and does not accurately reflect the true state of the tract. Government has an obligation to make policy based on real data rather than assumptions.
- ⊗ No economic analysis is (publicly) available delineating the potential loss of revenue or costs to the County and businesses that may accrue as a result of the SEA designation and restrictive zoning. It is especially imperative during these times to be certain that the benefits of conservation outweigh the costs to the economy.
- ⊗ Restrictive zones and forced conservation easements are compensable forms of property, and fall under the Takings Clause of the 5<sup>th</sup> Amendment. Landowners in an SEA must be compensated for loss of real property when deprived of their right to develop.
- ⊗ There is serious impropriety about the City of Santa Clarita prioritizing Open Space for its residents in unincorporated lands outside its jurisdiction. The City of Santa Clarita has played a prominent role in the identification of SEAs and the planning in lands not under its jurisdiction, some of which have resisted annexation over the years. Citizens will have to live under policies developed in part by political officials they didn't elect, who don't represent them.
- ⊗ Restrictive zoning devalues property. There is no guarantee that after the zoning and SEA designation are in place, the City won't move to purchase the land for a fraction of what it was worth before the arbitrary zoning restrictions. Their attitude is consistently: "We'll do what we want and acquire it later."
- ⊗ The burden of conservation falls disproportionately on only some landowners while there are no repercussions for the City of Santa Clarita or for large developers.
- ⊗ The Takings Clause requires justification by "public use," not public benefit. None of the reasons given for conservation or Open Space preservation meet this burden of proof.
- ⊗ **County Regional Planning and the City of Santa Clarita are using coercion to acquire trails and open space that they have no legal right to take, by redefining property rights and withholding permits in exchange for dedication of land.**

**Land Acquisition Under the Constitution**

In the General Plan of Santa Clarita Valley, a list of state "findings" providing for open space gives the background for *why* land should be conserved and *why* local government has an interest in it. However, these vague findings give no tangible provisions governing *how* such conservation should be carried out in the case where the property to be protected is owned by a private entity. According to a 2001 study in Ecological Modelling, every conservation effort must consider three vital aspects:

- social (the impact on and willingness of the current owner)
- ecological (characterization of the area to be conserved)
- economic (fair market value and impact on economy).

These considerations are necessary because they address the Constitutionality of government intrusion on private rights and access to property. Often in history, to conserve land in private ownership, the government has used fee-simple purchase, in which the owner is paid fair market (or near to it) and the government takes over ownership and

management. Much of Big Sur and Yellowstone Parks were acquired in this way. Recently, the City of Santa Clarita has created Open Space Preservation Districts, purchasing land from willing sellers to create a greenbelt around the City. A notable acquisition was mediated by Supervisor Antonovich, resulting in the purchase of Elsmere Canyon to establish the beautiful Open Space Preserve that bears his name. Another method is voluntary donation of a portion of the land by the owner in return for a tax credit or reduction in estate taxes. Conservation easements in which the owner voluntarily agrees to certain restrictions on development have been negotiated, with incentives to the owner. In all of these approaches, the government works actively and individually with the owner to reach a mutual benefit, and the owner's existing rights are recognized by concessions for loss of value and income. All of these approaches agree with the spirit of the Takings Clause of the 5<sup>th</sup> Amendment, which calls for just compensation and justification of public use when a government agency acquires private property.

Although Regional Planning maintains that zoning does not affect land value, State statutes disagree. The tax incentives and fees offered in return for dedication of conservation easements are in place because of the accepted fact that easements lessen the value of property and therefore represent a compensable taking. Under California Revenue and Taxation Code Section 402.1, assessors are instructed to consider encumbrances as devaluation:

“a) In the assessment of land, the assessor shall consider the effect upon value of any enforceable restrictions to which the use of the land may be subjected. These restrictions shall include, but are not limited to, all of the following:

(1) **Zoning** ...

(5) Development controls of a local government in accordance with a **local protection program** ... **Environmental constraints** applied to the use of land pursuant to provisions of statutes. ...

(8) A recorded **conservation, trail, or scenic easement** ... that is granted in favor of a public agency ... that has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use.”

(ellipses and emphasis added)

Additionally, Federal regulations require the consideration of the economic impact, to ensure that the benefits of conservation outweigh the economic costs due to restrictions. The Department of the Interior states that:

“...economic impacts to land use activities can exist in the absence of critical habitat. These impacts may result from, for example, local zoning laws, State and natural resource laws, and enforceable management plans and best management practices applied by other State and Federal agencies.” (50 CFR Part 17)

It is therefore clear that conservation easements and restrictive zoning represent compensable forms of property (since they affect property value) and are subject to the Takings Clause of the 5<sup>th</sup> Amendment. Even Supreme Court Justice William J. Brennan, who looks favorably on land use regulation, famously observed in a case where he found municipal overreaching, “A policeman must know the Constitution, then why not a planner?” This should be considered by planners when using land use regulation to achieve goals of conservation, and extensive economic analyses should be performed to measure the impact to the residential development industry or other stakeholders when critical habitats and protection programs are established.

**The Cohesiveness of Open Space and Public Access**

Throughout the One Valley One Vision documents, there is a common motif of allowing public access to open space. However, no explicit management considerations are delineated in the Open Space Element. There is a certain vagueness associated with *future dedication* of open space and conciliations made to the County in return for permits which makes landowners incredibly uneasy. We cannot know the terms of the easement or restriction which will be required by the SEATAC or Regional Planning at the time of permit application. Governmental agencies, when establishing preserves or accepting conservation easements, have an obligation to monitor conservation efforts within those areas. Yet, it is unclear whether open access to conservation agencies (government or otherwise) will be mandatory, or whether the tract dedicated will be opened to the public as a recreational facility. It is also unknown if the landowner will be actively responsible for conservation efforts, or if his role will be more passive. These ambiguities need to be specifically elucidated in the Element now, at this early stage, rather than determined later.

**The Impact of SEA Designation and Restrictive Zoning on the Landholder**

Imagine that you have just bought a car. In order to reduce carbon emissions and pollution, your local government enacts a rule which restricts drivers of the type of vehicle you own. You may only drive your car on the first Monday, third Tuesday, and any Saturday you like each month. You must still make full payments on your auto loan, purchase full insurance, and pay full registration. Anyone who purchases your vehicle is limited by the same rule. Not only will you pay as much to drive 3 days out of 30 as another person pays to drive as much as they want, but now you can't feasibly sell your vehicle for its full value. In practice, the value of the vehicle is its use, so it's now worth 10% of what you paid for it.

The restrictive zoning proposed for our property is similarly crippling, and severely devalues our land. The current zoning of Hillside Management allows, at its most restrictive, one home per 10 acres, with the option to apply for higher density via the CUP process. Most of our property is sloped less than 25%, and so 1 home per 5 acres is allowed—even that is a far cry from “high density” zoning, such as the confluent housing tracts found within City borders. In contrast, RL20 zoning allows only 1 home per 20 acres. So, if we or another owner wanted to build homes on an 80-acre parcel, there would be two options:

1. Divide the 80 acres into 20-acre parcels and build one home per 20 acres.
2. Cluster development. Build 4 homes on 8 acres in the 80-acre parcel. Legally and permanently “dedicate” the other 72 acres (that’s 90% of the total landholding for those with fuzzy math skills) to the County or other conservation organization, with the promise never to develop or improve them (see figure).

Further, property owners in an SEA must pass a higher level of review for permit applications than owners outside an SEA. They must hire County-approved biological consultants to measure the impact of a proposed project (where in some cases it wouldn’t be necessary in a non-SEA), and they must appeal to and follow the stringent recommendations of the SEATAC in addition to the traditional County permitting process. It is an unwarranted and inequitable liability to require an extra level of evaluation and conformity to higher standards than other property holders.

**Restrictive Zoning and Conservations Easements are Compensable Takings**

Please refer to my calculations (Figure 1a) to understand that a reduction in density from one home per 5 acres (40% utilization) to one home per 20 acres (10% utilization) yields a reduction in utilization of 75 percent. No one will ever buy land with such an encumbrance. Look at Figure 1b. Would you pay full price for something you can only use a portion of? Would you buy a 5 bedroom home if told you can only use the kitchen and one bedroom? This is a measurable loss in value. Further, such a deeded, legally binding and perpetuated dedication of development rights (whether voluntarily initiated by the landowner or coerced during the permitting process) is still a **conservation easement**. There is no other definition for it. In order to conform to the Takings Clause, such easements must involve compensation to the landowner for loss of real property. Under the **Pension Protection Act of 2006**, owners are entitled to a fee or tax credit equal to the difference in value of land before and after an encumbrance, as well as a reduction in estate tax. Yet in this plan, the owner is not compensated for loss in value. This zoning is an excessive and unwarranted financial burden contrary to the letter of the Takings Clause.

This plan deliberately circumvents the considerations required by the 5<sup>th</sup> Amendment. I quote from the SEATAC meeting on July 6<sup>th</sup> 2009:

“Planners explained that the low density designated zones are the way they dealt with the issue of public condemnation of private land.”

So why is it necessary to “deal with” or avoid the condemnation process? There are three reasons.

- Questionable legality of using eminent domain to acquire open space.
- I was explicitly told that there just isn’t money to purchase land or easements.
- County is reluctant to lose property tax revenue from 30,000 affected parcels.

However, according to Dr. Steven Eagle, in his research paper of 2009 entitled “Planning and Environmental Law,”

“This constitutional right [Takings Clause] would lose its meaning if states and localities could avoid paying compensation through the simple expedient of redefining property rights.”

Further, in the exhaustive reference Setting Priorities for Land Conservation, the Commission for Life Sciences states that “landowners restricted by critical habitat definitions will obviously view them as the functional equivalent of an easement, dedication, trust or other restriction.” Such encumbrances on land use are, for all intents and purposes, the same as compulsory conservation easements. Clearly low density zoning does not adequately circumvent the Takings Clause.

I wholeheartedly agree with the recommendation of the SEATAC at the July 6<sup>th</sup> meeting, that OVOV’s Open Space Element is incomplete without “a plan that allows buyout at current price of flood plain properties by government when owners are ready to sell.” **The County’s inability to pay for land, easements, or development rights does NOT relieve it of its Constitutional obligations to do so.**

**The Piru Creek SEA**

As you can see in Figure 2, two National Forests lie literally on Santa Clarita’s doorstep, millions of acres of open space and wildlife habitat. The Open Space Master Plan of Santa Clarita states that four State Parks are located within the OVOV planning area, totaling nearly 13,000 acres. The Piru Creek SEA is a drop in the ocean, **not even included in the original OVOV Open Space Element until a single resident of Castaic wrote a letter recommending it to Regional Planning.**

As a biologist, I am troubled by the information on which you will base your policies. When the preliminary EIR for OVOV was presented to the SEATAC in July of this year, the committee commented that “**biological information in the report seems to be questionable**” and the report lacked sufficient citation of peer-reviewed literature. Please be

aware that the report characterizing the privately owned space in Piru Creek is in fact extrapolation from another tract of land. No studies were actually done on the land in Piru Creek; the information in the report is assumed, inferred. I quote from the Open Space Element: "Sensitive plant species occurring or *potentially occurring* within the SEA..." The list of wildlife potentially located in the SEA is based on the assumption that such animals are usually found with given vegetation, and is not a result of careful field work. However, the *possibility* of their presence is not the same as their actual presence—for example, I haven't seen a badger in more than 20 years, and none of my family has *ever* seen a weasel in the 150 years this land has been in our ownership, but these species are listed for the Piru Creek SEA. Aerial photography and extrapolated data cannot sufficiently provide information about animal species or smaller flora.

In biology, we accept extrapolation as a necessary evil when study of the real target is not feasible, with sufficient justification from the literature. However, it is acceptable only if the populations to be compared are homogenous. According to the Ninth Circuit ruling in Gifford Pinchot Task Force v. United States Fish and Wildlife Service (2004), a habitat proxy is acceptable only if the model "reasonably correlates to the actual population." In the reference Across the Boundaries: Extrapolation in Biology and Social Science (Environmental Ethics and Science Policy), philosopher of science Daniel Steel states that:

"Extrapolation is worthwhile only when there are important limitations on what one can learn about the target by studying it...An adequate account of extrapolation must explain how it can be possible to extrapolate from model to target even when some causally relevant differences are present...[yet] it is unclear how one can show that the mechanisms in the model are similar enough to the target to justify extrapolation."

The only barrier to studying the land in Piru Creek is that it was privately owned and legally inaccessible—an inadequate excuse for extrapolation from the scientific perspective. The salient point is that, **if you cannot study the target, how can you be sure it's similar to the model?** This problem is exemplified by the fact that the studies were performed prior to 2005. You may remember that in October of 2005, much of the northern part of our County was destroyed by the Ranch Fire. Our ranch, as well as a 90 year old family home, was devastated by this fire. So while the report may describe species variation it found on the *model* tract of land *before* the fire, no longer are there such species in the *Piru Creek after* the fire.

Another vital aspect of creating open space is connectivity and corridors. Wildlife in our area have nowhere to go but back north to Los Padres National Forest (see Figure 3). This SEA is a dead-end, the geological equivalent of a cul-de-sac. Had the study contained real data rather than extrapolated conjectures, this Board would be able to make policy based on this correct information. The people you represent rely on their governmental agencies to base decisions on established and corroborated facts when creating policies which alter their livelihood and liberties.

The restrictive zoning resulting from the SEA designation is based on the *presumed* presence of sensitive species and independently supported rare biotic communities. But without studying the target habitat directly, there is no way to be sure that they are in fact present and in need of protection. Another factor causing the SEA designation is that Piru Creek is a watershed which feeds into the Federal Critical Habitat (VEN-3) for the California red-legged frog. In this case, the zone of RL20 is excessive if the only real consideration for development is that it should not disrupt the quality or flow of water into this habitat.

**The City of Santa Clarita has no formal authority over the Piru Creek SEA**

The City of Santa Clarita has long been overstepping its bounds, constantly pressing for annexation, and trying repeatedly to extend its "Sphere of Influence" over regions to "influence development adjacent to its borders." Its original General Plan was only drafted in 1989 so that it could apply for an extended Sphere of Influence (Daily News Letter to the Editor from the City Council 4/20/00). Rebuffed by the LAFCO, they have paired with LA County Regional Planning to restrict development in areas technically outside their control. As the following statement in the Planning Report by the Director of Community Development for Santa Clarita, Paul Brotzman, shows, the City of Santa Clarita has overt designs on the unincorporated areas:

"Another part of that green belt effort is the establishment of an urban limit line within which the more urbanized development will take place; outside of that urban limit line will be a very rural type of development on two-, five-, ten-, and 20-acre sites that will really minimize the level of development adjacent to the green belt areas that are **either in public ownership or will become publicly owned at some point in the future.**"

Indeed this "new general plan ... will basically make the boundaries between the city and the county transparent in terms of the planning process." But we do not elect the City Council members. We have no say in the type or degree of development within City borders. Although one dense housing tract, Hasley Hills, near our land has pressed for annexation, a majority of Hasley Canyon and Oak Canyon property owners oppose annexation. The recent vote of November 3<sup>rd</sup> showed that a majority of voters want to stay with the County. LAFCO has time and again rejected their suit for extension of a sphere of influence. Why then are we still subject to the interests and goals of the City of Santa

Clarita? What's more, the Land Use Element shows that development within City boundaries will actually *increase* while density outside the boundaries decreases. Why can they dictate to us their "expectations" of development while doing the opposite themselves? Why are our needs subordinate to those of the City? This plan actively benefits the City of Santa Clarita while undermining non-City residents. **The City Council of Santa Clarita should not seek to meet its own needs by restricting those they do not represent.**

What makes open space so important? The responses to this question varied, but my favorite from a OVOV public meeting is:

"Few people will actually use open space, [but] it has a regional benefit by simply knowing it's there."

We do not live in a utilitarian system, under which the rights of a minority are subject to the preferences of a majority. Yet this policy will degrade individual property rights for the sake of "mental relief from urban stresses" and recreational resources. It violates Constitutional rights to make urban dwellers feel better about living in a stressful, urban environment by giving them some vague concept of a greenbelt. A balance must be struck between the *desire* of City residents for open space and the *right* of owners to due process when deprived of property. I understand that this is a difficult task, but there are unequivocal guidelines in the framework of our laws. According to the ruling of *Armstrong vs. the United States* (1960), **"the 5<sup>th</sup> Amendment was designed to bar government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole."** Remember that it is as a result of City and County policies that open space is threatened. The burden of open space must not fall disproportionately on the unincorporated areas, which historically have practiced better stewardship.

**The Legacy of One Valley One Vision**

With policy such as this, we return to the mistakes of the Progressive Era, when municipalities exceeded their Constitutional bounds, misled by the belief that they knew better than their constituents. However, Setting Priorities for Land Conservation warns that failure to give consideration to longstanding ownership interests "invites backlash by increasingly vocal and organizationally sophisticated subsets of the American public." The Constitution requires that you acknowledge the loss of value due to an easement. There is no provision in the 5<sup>th</sup> Amendment which says:

"And if you don't have the money to fulfill the just compensation requirement, you can just withhold permits until the owner gives you what you can't legally take."

The current policy appears to be a deliberate and willfull attempt to circumvent the 5<sup>th</sup> Amendment. Limited rights to property implies limited ownership. A compliant policy would include options to donate portions of land for tax credits, estate tax reductions, or application to the LWCFA for grants to acquire land from those who want to sell. At a public Open Space Meeting, one participant commented that "The Open Space Plan must focus on public ownership over private ownership for preservation purposes." The truth of this statement is twofold: public ownership of fully undeveloped land more efficiently achieves conservation goals; secondly, preservation is the responsibility of all members of society, and should not be the burden of individual members.

Your constituent appeals to you from the belief that a Constitutional government:

- upholds rights rather than restricts them
- frees its people rather than burdens them
- applies the law indiscriminately rather than disproportionately

With this plan, you are testing whether the bounds of the Constitution are fuzzy and grey, or sharp and black. However, legal precedent upholds the right of a property owner to seek reparation for loss of value due to regulatory takings. In *Agins v. Tiburon* (1980), the Court held that land use regulation is a taking if the ordinance "denies an owner economically viable use of his land," and justifies commencement of inverse condemnation on the part of the property owner. There are thousands of landowners who face potential financial ruin from these land use changes and ecological designations. Consider that if the County does not have the money to purchase land, easements or development rights for conservation, it probably won't be able to afford the legal costs incurred when these owners sue to protect their livelihoods.

If you do not work with property owners, Santa Clarita and the County of Los Angeles will be at the forefront of a new and dangerous subversion of the Constitution, coercing individual residents into maintaining public trails, parks, and open space on their own dime. The name of this ambitious and progressive project, One Valley One Vision, will be synonymous with a battle over loss of property rights, like *Kelo* or *Poletown*. That, not conservation, will be your real legacy.

Thank you for your time and consideration.

Sincerely,

Nicole (Pyburn) Valenzuela

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**IMPORTANT WARNING:** This email (and any attachments) is only intended for the use of the person or entity to which it is addressed, and may contain information that is privileged and confidential. You, the recipient, are obligated to maintain it in a safe, secure and confidential manner. Unauthorized redisclosure or failure to maintain confidentiality may subject you to federal and state penalties. If you are not the intended recipient, please immediately notify us by return email, and delete this message from your computer.

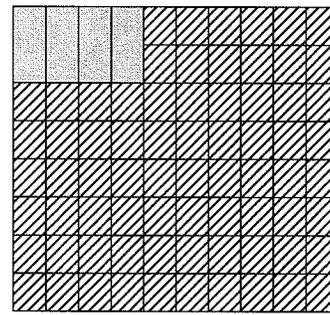
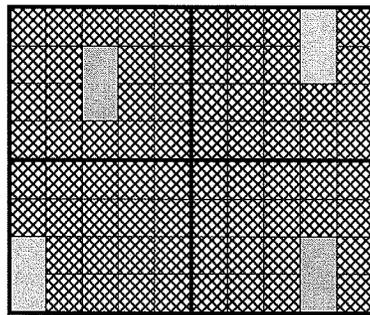
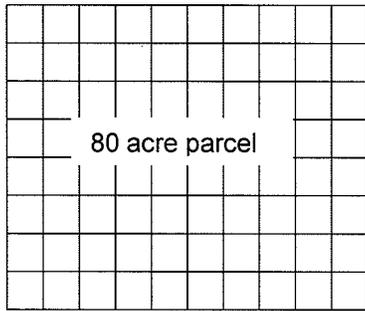
Figure 1a. Calculation of percent utilization of property. Lot size was set at 2 acres minimum.

- 1 home per 5 acres: 2-acre lot in 5-acre parcel      2/5=40% utilization
- 1 home per 10 acres: 2-acre lot in 10-acre parcel      2/10=20% utilization
- 1 home per 20 acres: 2-acre lot in 20-acre parcel      2/20=10% utilization

Percent reduction is calculated as  $[(X-Y)/X] * 100$ , where X is the value before the restriction and Y is the value after the restriction.

- Percent reduction from 1 home per 10 acres to 1 home per 20 acres:  $[(20-10)/20]*100=50\%$
- Percent reduction from 1 home per 5 acres to 1 home per 20 acres:  $[(40-10)/40]*100=75\%$

Figure 1b. The effect on parcel usage.



- = 1 acre in parcel
- = 2 acre lot with home
- = acre legally dedicated as open space
- = undevelopable acre

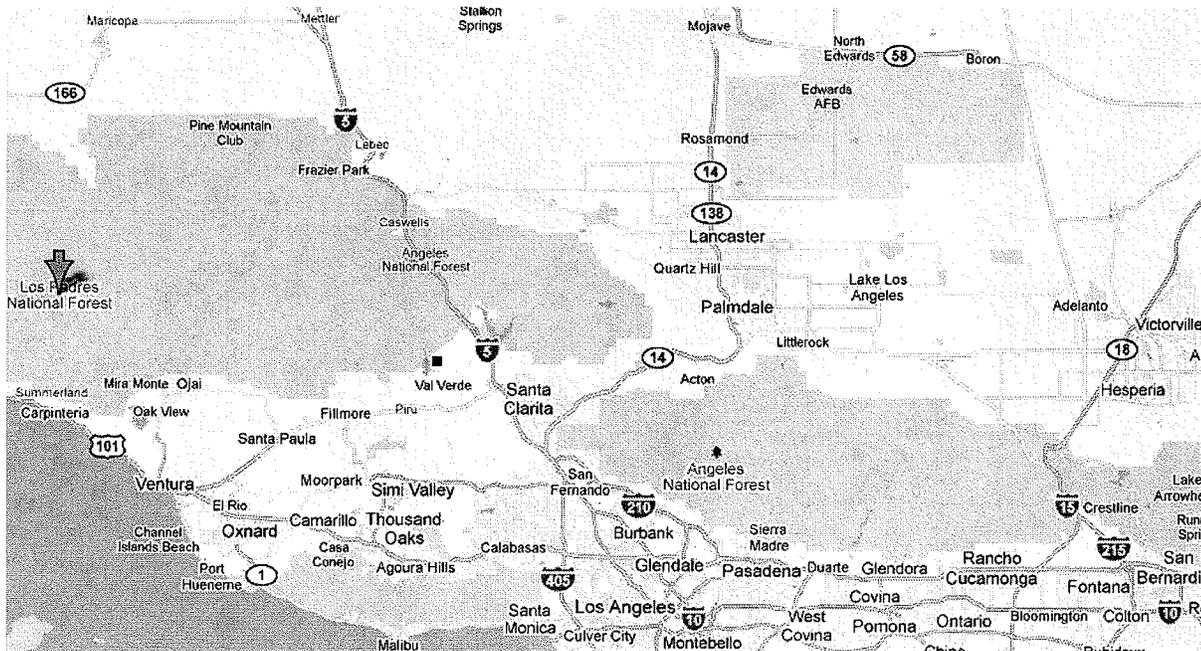


Figure 2. Existing Open Space in Southern California. Box represents roughly the location of Piru Creek SEA. Note that it is as far from Santa Clarita as Santa Clarita is from San Fernando. Source: Google Maps

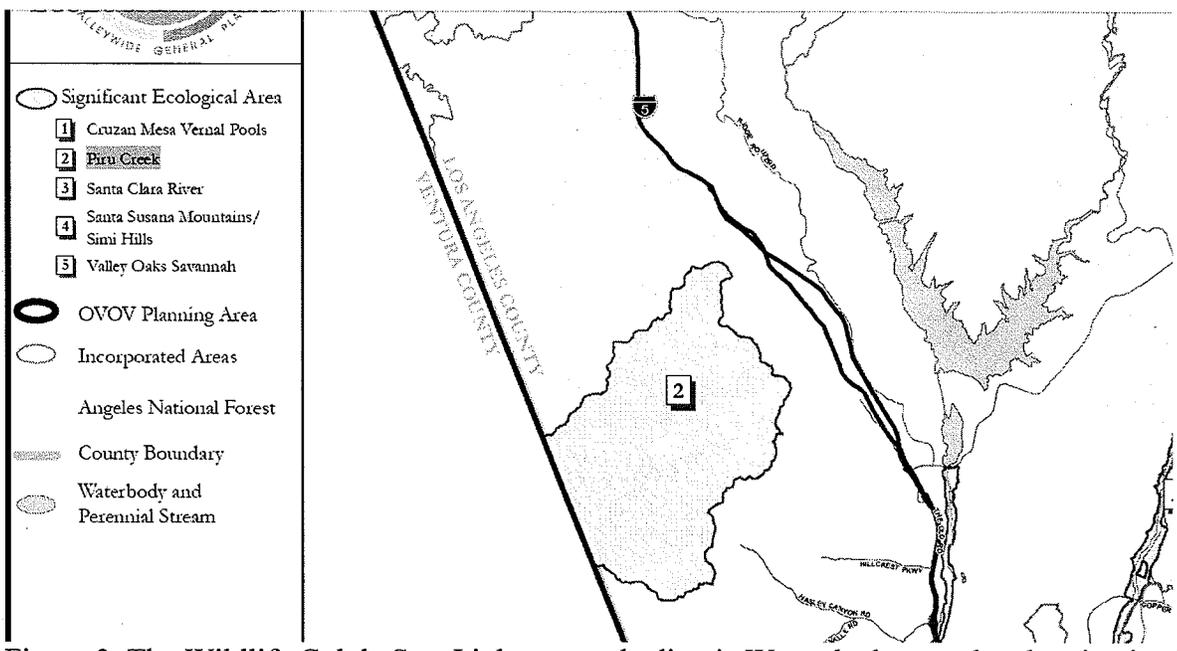


Figure 3. The Wildlife Cul de Sac. Light green shading is Watershed, owned and maintained by the US Forest Service. Bright green is zone A-2. Green stripe overlay represents the Piru Creek SEA. Source: OVOV-NET GIS Map.

November 18<sup>th</sup>, 2009

Jon Sanabrina, Acting Director of Planning  
320 West Temple Street  
Los Angeles CA 90012

Regarding: Santa Clarita Valley Area Plan Update Project

Dear Mr. Sanabria,

After reviewing the proposed zoning changes for my property and my neighbors, I have a number of concerns. My property's (APN 3231-007-042) current zoning designation is U1 (Urban1, 1.1 to 3.3 dwellings units per acre) and A-1-1000 (Light Agriculture, 10,000 square foot minimum lot size), this zoning designation has been in place for several decades and precedes my purchase of the property. The current Santa Clarita Valley Area Plan Update Project (One Valley One Vision, OVOV) seeks to change my property's zoning designation to RL1 (Rural Land 1, one unit per acre) and A-1-1 (Light Agriculture, 1 acre minimum lot size).

The proposed changes will have drastic consequences for myself and my property. I will no longer have the opportunity to develop my land in a manner consistent with the current zoning. I will be restricted to one unit per acre and my ability to build additional dwellings for my children or for resale purposes will be severely diminished. The proposed reduction in zoning density will negatively impact my lands value and my future prospects for the land.

The area's current zoning provides for a buffer zone between the commercial zoned land on Sierra Highway and my property. The current Santa Clarita Valley Area Plan Update Project (One Valley One Vision, OVOV) seeks to remove this buffer zone and extend the C3 (unlimited commercial) all the way to my property line. I greatly enjoy the rural, natural qualities of my land and fear the changes that will come with unlimited commercial uses abutting my property. This zoning change would degrade the natural characteristics of my land thereby reducing the quality of life for myself and my family.

When moving to Canyon Country, I never could have imagined these sweeping changes nor could I have contemplated the scale to which they will impact the economic value and rural qualities of my land. I sincerely hope the Regional Planning Commission duly considers the myriad of negative impacts the zoning changes will have on my land and my quality of life. Thank you for your time and consideration of this matter.

Sincerely,

Carl Tarquinio

1 / 1  
OVOV

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**From:** Tarran Chew [chew4@att.net]  
**Sent:** Wednesday, November 18, 2009 8:07 AM  
**To:** ovov  
**Cc:** fifthdistrict@labos.org  
**Subject:** Santa Clarita Valey Area Plan Update - One Valley One Vision

Dear Mitch Glaser, Dept of Regional Planning,

RE: Property parcel 3212011074  
SANTA CLARITA VALLEY AREA PLAN UPDATE - ONE VALLEY ONE VISION  
Project No: R2007-01226-(5)

We are writing to let you know we object to the rezoning of our property RR1 to A1-2. We purchased this property in 1985 for the use of RR1.. We paid more money for this zoning and have used and continue to use the benefits of this zoning. A1-2 does not offer the uses that RR1 does. Thereore the activity that we use as RR1 would not be allowed with the proposed zoning change. Two sides of our property border Vasquez Rocks County Park, one side borders Escondido Cyn Rd., and the other border is private property zoned RR1. The existing zoning fits the surroundings of this property.

We strongly oppose this zone change.

Tarran Chew  
10518 Escondido Cyn Rd  
Agua Dulce, CA 91390  
(661)268-1233

**From:** Judy Pickett [mailto:shotglassjdp@yahoo.com]  
**Sent:** Wednesday, November 18, 2009 5:52 PM  
**To:** Glaser, Mitch  
**Subject:** Official Correspondence: OVOV

November 18, 2009

Shannon and Judy Pickett  
14903 Narcissus Crest Avenue  
Santa Clarita, California 91387

Los Angeles County  
Department of Regional Planning  
320 West Temple Street, Room 1354  
Los Angeles, CA 90012

RE: Santa Clarita Valley Area Plan Update  
Project No R2007-01226-(5)  
APN: 3214-022-026

Dear Planning Commission:

My Wife and I purchased a 40 acre parcel in Auga Dulce in 2005. The property is located south of Sierra Highway across from the Le Chene Restaurant. The Assessors Parcel Number is shown above. We respectfully request that this property not be included in the area to be designated as a significant ecological area.

I believe the intent is to create a wildlife corridor to connect two national forests. While I can understand the importance of the national forests to wildlife, there is nothing that is ecologically sensitive about the property we own. If the intent is to preserve this land for a wildlife corridor, then I believe it should be purchased by a conservation entity.

The significant ecological area designation would greatly impact the development potential and decrease the value of our property. I appreciate your consideration of this request. If you have any questions please call us at 661-251-5774.

Sincerely,

Shannon & Judy Pickett  
Property Owner

1/1

From: Bill Davidheiser [mailto:davidheiser@gmail.com]  
Sent: Thursday, November 19, 2009 9:34 AM  
To: ovov@santa-clarita.com; Glaser, Mitch  
Subject: Objection to proposal of changes of land designation in Oak Canyon

My name is Bill Davidheiser. I am an owner of land in Oak Canyon (parcels 3247-028-007, 008, 009 and 010, 035-003 and 004, 036-010, 011 and 020) that is under consideration for change to an RL-20 district with SEA designation. It is my understanding that this change will be highly restrictive for future land use along with forcing uncompensated conservation easements in certain cases.

I am objecting to this proposal.

I understand that governments at all levels must occasionally implement ordinances that are unfavorable, perhaps even damaging, to minority groups to support objectives that benefit the larger community. But in the enforcement of such policy, government agents are entrusted that their actions are based on non-subjective facts and driven by well considered analysis of those that will be affected.

In the specific case of the land I mention, restricted access and geological separation would make open space contribution to the Santa Clarity Valley community of questionable value. With no endangered wildlife on premise, decades of oil production and numerous wildfires, the environmental sensitivity of this area is also of serious question. The contrast of actual land characteristics with what has been described in various county documents, indicate the draft proposal is not based using actual field work on the property. Rather it would seem recommendations have been guided by high altitude fly-overs, proximity comparisons and likely some amount of conjecture.

With the prospect of owning land that will be materially reduced in value and marketability, I am obviously not a neutral commentator. However, I believe that any reader of this proposal would agree that there is unfairness to those landholders impacted by the plan. Most landholders, like me, are not large developers or deep pocketed corporations; we are ordinary law-abiding, taxpaying citizens. In almost all cases, the land we own constitutes the majority of our net worth. In these economically challenging times, we rely on our property to be marketable if financial emergencies arise.

In closing, I ask that the proposed changes be rejected or postponed until an evaluation is performed supported by a level of diligence that is commensurate with the potential impact to people's livelihood.

Thank you for your consideration.

Bill Davidheiser  
[davidheiser@gmail.com](mailto:davidheiser@gmail.com)

**Glaser, Mitch**

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**From:** Linda Pyburn [Linda.Pyburn@bsci.com]  
**Sent:** Thursday, November 19, 2009 12:55 PM  
**To:** Glaser, Mitch; fifthdistrict@lacbos.org  
**Cc:** lpyburn@myway.com  
**Subject:** One Valley One Vision and SEAs

Supervisor Antonovich and Mitch Glaser:

My name is Linda Pyburn. I am a resident of Oak Canyon. My family homesteaded the canyon in the mid-1800s, and I live on the original homestead property. I work, shop and volunteer in Santa Clarita. Over the past 25 years, I have seen this beautiful valley become more and more congested and the hillsides terraced for dense housing. It appears that there is an intent to continue high density building within the city limits. However, the city continues to attempt imposing restrictions on property owners *outside* its borders.

My first experience with Planning was several years ago in a meeting where I was told "there is no room in LA County for agriculture." There are two working cattle ranches on either side of ours, so we were not the only ranchers that would have been affected by the change in zoning. Fortunately, we were able to continue our way of life, thanks to Buck McKeon's presence at the meeting.

Whether by error or deliberate misinformation, there was an attempt to put public trails across our property under the guise of retaining "historic trails." My family has never allowed the public access to our ranch, nor have the neighboring ranches. We were excluded from the trails in the end, but it caused considerable stress to my family and my neighbors during the process.

Our ranch is not in the line of site of either Santa Clarita or Castaic; we are separated by mountain ridges. Nor are we situated such that public access is either feasible or advisable due to the terrain. Nonetheless, we are included in the One Valley One Vision plan. My understanding is that approximately 30,000 parcels are affected. I've attempted to sift through the information available to gain a better understanding of the motivation for the plan and why our land is included. In the end, it appears that this is yet another plan proposed by a small group of individuals. Their intent appears to be for people to live in high density urban areas, to severely restrict homes outside the city limits, and to appropriate all undeveloped land using significant ecology areas as the mechanism to do so. The rationales used to implement this "vision" range from the protection of the stickleback fish, frogs and biological diversity, to global warming, to line of site ridges, to magnificent views for hikers and mountain bikers - the tack seems to be to utilize collective imagery and extrapolation rather than fact.

In order to effect this "vision" at little to no cost to the government (i.e. eminent domain), a combination of zoning and SEAs are utilized to avoid 5th Amendment property rights. However, this really is more in line with a police power / regulatory taking enacted by the legislature. As determined in *Agins v. Tiburon*, 447 U.S. 255 (1980) the application of land-use regulations to a particular piece of property is a taking "if the ordinance does not substantially advance legitimate state interests ...or denies an owner economically viable use of his land." I would argue that the plan places the county in the position where inverse condemnation is applicable as it is certainly debatable whether this advances the state's interest and it, without question, denies the owners economical viable use of land. Further, it could be interpreted that the intent is to devalue the property to such a degree that when eminent domain is enforced, the cost will be relatively low to do so.

This "vision" is not shared by the affected property owners who have managed our land in such a way as to retain the natural beauty. We were not included in generating the plan. Why would we be when, in effect, this plan severely impacts our control over our property with no compensation? In fact, when you look at the

potential end effect in our own case (RL20 with SEA), an 80 acre parcel can be reduced to 4 homes on 8 acres, with 72 acres being "donated" as a conservation easement. This is actually coercion since one cannot obtain a permit without the concession. In addition, this has a very real impact on property value as 80 acres now have the value of 8. While I have no intention of selling, I do plan on leaving it to my children and grandchildren. They should have the same opportunity as I did, to build a home without having to give up a majority of the parcel. I firmly believe that my family should not be penalized because we managed our lands carefully.

I respectfully request that you reject the inclusion of Oak Canyon in the Land Use Element and Open Space and Conservation Element of the One Valley One Vision General Plan, and consider a careful review of the plan and the implications it has on all property owners.

Sincerely,

Linda Pyburn