

Skyview Land, LLC.

*28405 Sand Canyon Road, Suite J
Santa Clarita, California 91387*

November 18, 2009

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: 3214-039-032

Dear Planning Commission:

The purpose of this letter is to request that the subject parcel be excluded from the designation of a significant ecological area.

The property is located between two national forests south of Sierra Highway in Agua Dulce. I understand the intent of the proposed designation is to create a wildlife corridor to preserve a path for the wildlife to move between the national forests. However, there is nothing that is significant about the property other than the relative location to the national forests.

If the intent is to preserve this property for a wildlife corridor, then I believe the property should be purchased by a public agency for that purpose. It is not reasonable to take away the development potential and the value of the property without compensation.

I understand that the designation of a significant ecological area does not prevent development. However, in a very practical way, this designation may cause the cost of development to exceed the value of the developed land.

I am opposed to this land being included in the area designated as a significant ecological area and respectfully request that this property be excluded from the significant ecological area designation.

I appreciate your consideration of this request.

Sincerely,



Shannon L. Pickett
Manager

12460 Gladstone, LLC

24400 Walnut Street, Suite C-100
Newhall, CA 91321

(Phone) 661-291-1732
(Fax) 661-291-1742

November 19, 2009

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: 3214-040-46

Dear Planning Commission:

I am writing this letter to respectfully request that the above mentioned parcel be excluded from the significant ecological area plan update.

If the intent is to preserve the property for a wildlife corridor, then I believe it should be purchased.

Thank you for your time and assistance in this matter. If you have any questions, please contact me at the above number.

Sincerely,



William S. Elmore and Edda O. Elmore
Managing Member
12460 Gladstone, LLC

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December 18, 2009

DEC 21 2009

Mr. Mitch Glaser, Project Manager
Santa Clarita Valley Area Plan
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Santa Clarita Valley Area Plan General Plan Update

Dear Mr. Glaser:

Southern California Edison (SCE) appreciates the opportunity to review and provide comment on the Santa Clarita Valley Area Plan (Area Plan). As the provider of electricity for the unincorporated areas of the Santa Clarita Valley, we look forward to continuing to provide the communities with safe and reliable electricity service, planning to serve the growth envisioned by the proposed area plan, and working with the community to build a more sustainable environment.

SCE has a significant number of 66 kilovolt (kV), 220kV, and 500kV facilities in the Santa Clarita valley, and we appreciate Los Angeles (LA) County recognizing these corridors and protecting them from incompatible uses, as proposed in Land Use Policy LU-9.1.3, on page 67, so that SCE can continue to maintain, replace or build new facilities in these corridors to accommodate the growth of LA County and the region.

On November 20, 2008, SCE submitted a comment letter on the LA County Draft General Plan. Many of SCE's comments regarding LA County's Draft General Plan are relevant to the proposed Santa Clarita Valley Area Plan policies listed below, which address energy, utilities and utility corridors, green house gas reduction, energy efficiency and conservation, and green building practices:

Land Use Element (LU)-4.4.4: Protect and enhance public utility facilities as necessary to maintain the safety, reliability, integrity, and security of essential public service systems for all Valley residents.

LU-6.3.4: Require undergrounding of utility lines for new development where feasible, and plan for undergrounding of existing utility lines in conjunction with street improvement projects where economically feasible.

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LU-7.1.3: Encourage development of energy-efficient buildings, and discourage construction of new buildings for which energy efficiency cannot be demonstrated.

LU-7.7.2: Avoid designating land uses in areas with significant mineral resources or utility facilities that would preclude the future extraction and use of those resources and facilities.

LU-9.1.2: Coordinate review of development projects with other agencies and special districts providing utilities and other services

LU-9.1.3: Protect major utility transmission corridors, pumping stations, reservoirs, booster stations, and other similar facilities from encroachment by incompatible uses, while allowing non-intrusive uses such as plant nurseries, greenbelts, and recreational trails.

LU-9.1.4: Develop and apply compatible standards within County and City of Santa Clarita areas for design and maintenance of utility infrastructure, in consideration of the character of each community.

Conservation and Open Space Element (CO)-6.4.5: Encourage undergrounding of all new utility lines, and promote undergrounding of existing utility lines where feasible and practicable.

CO-8 Greenhouse Gas Reduction Policies

CO-9.1.4: Explore and implement opportunities to share facilities with school districts, utility easements, flood control facilities, and other land uses, where feasible.

CO-9.2.7: Explore joint use opportunities to combine trail systems with utility easements, flood control facilities, open spaces, or other uses, where feasible.

Please review SCE's comment letter on the LA County Draft General Plan dated November 20, 2008, for applicable information/comments on the above proposed Area Plan polices. We hope these comments will contribute to the Area Plan discussion on the topics indicated above as well as convey SCE policy recommendations that will support SCE's ability to continue to provide safe and reliable electricity

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service. If you have any questions regarding this letter, please do not hesitate to contact me at (626) 302-1942.

Sincerely,


Enclosure (1)

cc: Gabrielle De Gange, SCE Corporate Representative
Anna Frutos-Sanchez, SCE Region Manager



SOUTHERN CALIFORNIA
EDISON[®]

An EDISON INTERNATIONAL[®] Company

Wesley K. Tanaka
Public Affairs Director

November 20, 2008

Mr. Travis Seawards
Regional Planner
Los Angeles County Department of Regional Planning
320 West Temple St., 13th Fl.
Los Angeles, CA 90012-3225

RE: Los Angeles County Draft General Plan - Planning Tomorrow's Great Places 2008

Dear Mr. Seawards:

The Southern California Edison Company (SCE) appreciates the opportunity to participate with the County of Los Angeles in the update of the Los Angeles County Draft General Plan. As the provider of electricity for most of the communities in the County of Los Angeles, we look forward to continuing to provide the community safe and reliable electricity service, planning to serve the growth envisioned by the general plan update and the economic development activities of the County, and helping Los Angeles County with its efforts to conserve energy and build a more sustainable community.

Our comments on the Los Angeles County Draft General Plan address SCE's capacity to serve future economic and population growth, assisting Los Angeles County with meeting "green building" and energy conservation general plan goals, general plan goal recommendations to protect energy infrastructure, and current SCE collaborative efforts to address the expansion of critical infrastructure such as the Port of Long Beach and to improve regional goods movement. Our comments are organized by general plan element, and specifically address proposed general plan policies.

LAND USE ELEMENT

- 1. Public and Semi-Public Facilities (page 38)**
"Provides areas for the appropriate development and presence of a variety of public and semi-public facilities, infrastructure and their related operations".
1. SCE's Comment: Although we recognize the importance of this land use designation, SCE believes it appropriate that it not be included in this land use designation for all its facilities and properties. SCE purchases its property rights at fair market value with rate payer funds, including both fee owned property and highly exclusive easements. As a state regulated utility company, the Public Utilities Code Section 851 prohibits any additional encumbrances that would reduce the value of any land asset, reduce the integrity (terms and conditions) of the asset, or could result in negatively impacting service and operational reliability. We appreciate your understanding in this matter.

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2. **Policy LU 2.1 Promote or require “green building” principles, LEED certification, and Low Impact Development (LID) in all development activities.**
 3. **Policy LU 2.2 Encourage land use practices that minimize sprawl.**
 4. **Policy LU 2.4 Promote efficient community water and energy practices.**
 5. **Policy LU 2.8 Promote sustainable subdivision that meets Leadership in Energy and Environmental Design-Neighborhood Development Standards**
- 2.-5. SCE's Comments: Currently, SCE has the most successful energy-efficiency program of any U.S. utility. During the past five years, SCE customers have saved more than four billion kilowatt-hours of energy — enough to power 500,000 homes for an entire year. This translated into reducing greenhouse gas emissions by more than 2 million tons — the equivalent of removing 250,000 cars from the road.

In fact, SCE and the County of Los Angeles have worked closely together for many years on important energy efficiency and conservation, as well as environmental programs. In addition to our own annual customer programs and activities to promote energy efficiency for residential, commercial and industrial customers, SCE and the County have worked closely together for the past several years on the successful Energy Efficiency Partnership program administered and funded by the CPUC to specifically address County facilities. Through this partnership program, millions of kilowatt hours of electricity savings have been achieved for County facilities, thereby reducing County energy consumption and utility costs. A new three year SCE-LA County partnership program is currently being finalized.

In addition, SCE has been an active participant and supporter of the County's Energy and Environmental Policy Task Force, which has developed and implemented important new energy and environmental policies and programs beneficial to the County and to SCE customers living in the County. SCE has also participated in numerous County sponsored events that focus on energy conservation. These events have focused on outreach to County employees in addition to the general public. SCE's efforts have also had a specific focus on outreach to underserved low-income communities.

More work is ahead, however, both of these current and on-going programs are important to highlight in the County general plan update as critical partnership activities that are successful and beneficial to achieving important energy and environmental goals.

In addition, SCE offers many “green building” and energy efficiency programs that can assist Los Angeles County with meeting its proposed sustainable land use goals. For example, residential builders have the opportunity to participate in the “California New

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Homes Program" (CANHP), a program awarding a limited number of financial incentives to homebuilders who construct homes exceeding California's energy efficiency standards for new residential construction (Title 24).

Large mixed-use developers can apply for SCE's Sustainable Communities Program (SCP), an innovative pilot program targeting developers of large mixed-use, multi-family, or multiple building construction projects that are willing to commit to aggressive energy efficiency and sustainable design goals. Financial incentives are available to offset the cost of energy efficiency measures.

Nonresidential developers can participate in the Savings By Design Program, a program sponsored by four of California's largest utilities under the auspices of the CPUC. This program offers builders and their design team a wide range of services, including design assistance to maximize energy efficiency, incentives to offset costs of energy-efficient buildings, and design team incentives, which rewards designers who meet ambitious energy efficiency targets. For more information on these programs and other SCE services, please refer to SCE's website at <http://www.sce.com/>.

SCE would like to suggest Los Angeles County consider a general plan policy encouraging developers to contact local energy providers to determine any additional energy conservation measures that can be incorporated into a project's design.

- 6. Policy LU 3.5 (page 67) Protect major landfills, solid waste disposal sites and energy facilities from encroachment of incompatible uses.**
 - 7. Policy LU 3.7 (page 67) Utilize buffer zones to reduce the impacts of incompatible land uses where feasible.**
- 6.-7. SCE's Comments: SCE appreciates Los Angeles County recognizing energy facilities as important resources to protect in order to ensure that such facilities can be operated, maintained, and when necessary, expanded to serve the population and economic growth and vitality of Los Angeles County and the region. Protecting key energy facilities from the encroachment of incompatible uses and buffering energy facilities where appropriate from sensitive and/or incompatible land uses allows the County to meet the goals of the general plan, and for SCE to provide reliable electric service and operate its facilities to meet the growing demand for electricity.

SCE requests when buffering major energy facilities with compatible land uses and other physical buffers, such buffering not impede SCE access to facilities for Operations and Maintenance (O&M) or create costly or hazardous maintenance conditions.

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In addition, SCE is especially interested in any activities by developers of specific project plans that may propose to involve SCE power line transmission corridors and utility easements for active open space, trails or recreational land uses to satisfy their project mitigation requirements instead of impacting their developable land area. SCE refers to these as "secondary land uses" within our easements. Secondary land uses such as multi-use trails and recreational areas located within power line transmission corridors may be incompatible uses due to SCE's O&M requirements for its facilities, and because such secondary uses may become unavailable to the public for extended periods of time during SCE system/facility construction and/or maintenance. Also, secondary land uses in our exclusive easements would require the underlying fee owner to consent to the secondary use, which is most often not feasible.

SCE strongly recommends the County of Los Angeles include general plan policy language to clarify that any secondary land use proposed for SCE property, including active open space, trails and recreational areas, be addressed directly with SCE at the earliest stage of project plan development. SCE will work closely with the County of Los Angeles where such proposals are unavoidable and necessary to support general plan policies and where such uses would be compatible with SCE's easement rights and O&M requirements.

CONSERVATION AND OPEN SPACE ELEMENT

8. **C/OS 5.7 (page 139) Require that development mitigate "in-kind" for unavoidable impacts on biologically sensitive areas and permanently preserve mitigation sites.**
8. **SCE's Comment:** SCE recognizes new development may require environmental mitigation, including the creation of new habitat or restoration of degraded habitat. When environmental mitigation is proposed that is adjacent to or would include SCE operating property, such as transmission, telecommunication, or distribution line corridors, substation land, and other utility lands, SCE's ability to continue to provide safe and reliable electricity service through the operation, maintenance, modification or upgrading of facilities may be seriously compromised. For example, legally protected habitat that grows on an SCE transmission corridor could inhibit SCE from performing necessary repairs to existing facilities or upgrading existing facilities to serve increased customer demand for electricity.

We respectfully request the general plan include language clearly indicating that utility lands, including rights of way, are not compatible as locations for environmental mitigation, unless there are specific unique circumstances that have been addressed between the County, SCE and project proponent. Where environmental mitigation in

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proximity to SCE's utility land is unavoidable, we further respectfully request any proposed mitigation be subject to early joint review between the County and SCE. SCE would like to review the proposed environmental mitigation to ensure that SCE's ability to operate and maintain its systems will not be compromised and that any approved mitigation is compatible with SCE's operating requirements. SCE appreciates Los Angeles County's consideration in this matter.

9. Renewable Energy discussion (page 145)

10. Policy C/OS 9.1 (page 147) Expand the production and use of alternative energy resources.

11. Policy C/OS 9.2 (page 147) Encourage the effective management of non-renewable resources, including storage facilities to meet peak demands

9.-11. SCE's Comment: SCE understands its significant role in increasing the use of alternative energy and thereby contributing to the increased sustainability in Los Angeles County and the region. Currently, approximately 16 percent of SCE's electricity portfolio comes from **wind, solar, biomass, small hydropower and geothermal** sources. SCE's current renewable energy portfolio offers the following mix of renewable sources:

- Geothermal: 7.71 billion kilowatt-hours (62 percent)
- Wind: 2.58 billion kilowatt-hours (21 percent)
- Solar: 667 million kilowatt-hours (5 percent)
- Biogas: 580 million kilowatt-hours (5 percent)
- Small hydro: 557 million kilowatt-hours (4 percent)
- In Biomass: 336 million kilowatt-hours (3 percent)

In fact, one of SCE's most important transmission line and renewable energy projects is the Tehachapi Renewable Transmission Project (TRTP) which will upgrade and expand SCE's ability to deliver 4500 megawatts of clean wind energy to customers in southern California, including those in Los Angeles County, and enable us to modernize and enhance the reliability of our utility operating system. SCE is primarily replacing and upgrading existing transmission line facilities largely on existing right-of-way located primarily in the Antelope Valley and San Gabriel Valley areas of the County.

In addition, in July of 2008, SCE initiated the largest solar panel installation project in the world by installing 33,000 solar panels on 600,000-square-feet of commercial rooftop in Fontana, California. Eventually, this solar program may be expanded to comprise 150 Southern California commercial rooftops for a total of two square miles of new solar generation.

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12. Energy Conservation discussion (page 146)

12. SCE Comment: Please refer to the energy conservation discussion provided in SCE's Comment No. 2 and on our website at <http://www.sce.com/>.

13. Implementation Action C/OS 9.1 (page 147)

Develop a corporate sponsorship program to increase public awareness and consumer education for development related issues such as on-site alternative energy generation, water and energy conservation measures, xeriscaping, tree planting and public health.

13. SCE's Comment: As the electric utility provider for most of Los Angeles County, SCE has a long history of working in close cooperation with the County and our customers on various energy conservation and related environmental programs. We have been working with the County, including the County's Energy and Environmental Policy Task Force on new and expanded ways to communicate with residents in the County on available energy efficiency programs, services and opportunities. We look forward to continuing our work together on how SCE can further assist Los Angeles County in increasing public awareness and consumer education on energy conservation.

14. Implementation Action C/OS 9.2 (page 147) Streamline permitting process to accommodate renewable energy sources for on-site and commercial production.

14. SCE's Comment: We appreciate Los Angeles County taking measures to streamline permits to accommodate the use of renewable energy projects. While SCE projects are largely overseen and approved by the CPUC, such projects have a series of mitigation measures to ensure adherence to local construction related requirements, such as grading and related ministerial actions. We work closely with appropriate County departments to ensure close adherence to such requirements.

15. Threats to Scenic Resources (page 150)

"Southern California has lost many of its scenic resources due to a variety of human activities. In the absence of adequate land use controls, many scenic amenities have been adversely affected by unsightly development and urban sprawl. The visual pollution associated with the proliferation of billboards, signs, utility lines and unsightly urban uses detracts from and often obscures many of our scenic resources".

15. SCE's Comment: SCE makes every effort to maximize the utilization of existing rights-of-way, and proposes new sites and locations having the least impact to the community and environment while taking into consideration how best to serve the

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growing customer electricity demands, meet state mandated alternative energy requirements, and properly manage project costs and construction timeframes.

Please note, however, the California Public Utilities Commission (CPUC) has exclusive jurisdiction over the construction of new electric facilities. Section 8 of Article XII of the California Constitution states, in pertinent part, "A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power to the (CPUC)." The California courts have found in numerous decisions that the construction, design, and operation of public utility facilities are of statewide concern, and thus vests the CPUC with exclusive jurisdiction over the location and construction of public utility facilities.

For under 50 kilovolt (kV) facilities, which are typically the distribution-level facilities serving homes and businesses, while the CPUC also retains exclusive jurisdiction over such facilities in its decision approving General Order (GO) 131-D (CPUC Decision 94-06-014, as modified by CPUC Decision 95-083-038), the CPUC exempts 50 kV lines from its active regulation. The decision, however, reiterates that the absence of CPUC permit requirements for under 50 kV facilities "is not an invitation for concurrent jurisdiction, or an indication that the (CPUC's) jurisdiction over these lines may be preempted." However, Section XIV of GO 131-D does provide for local land use consultation and a complaint process for public agencies and other interested parties that may contest the construction of under 50 kV distribution lines and electric facilities.

For over 50 kV facilities, which primarily consist of subtransmission lines, transmission lines, and larger substations, GO 131-D specifies the types of permits required and permit exemptions. For projects requiring permits or certificates of public convenience and necessity, the CPUC will review the substation, subtransmission line or transmission line project application pursuant to California Environmental Quality Act (CEQA) and allow for appropriate agency consultation and public participation. For more information on the CPUC's process for projects subject to their permitting authority, please refer to the CPUC's website at:

http://www.cpuc.ca.gov/NR/rdonlyres/8B0617C4-786B-4755-9320-C999F61EDE31/0/EIRStepbyStep_August_2008.pdf

PUBLIC FACILITIES AND SERVICES ELEMENT

16. Utilities and Telecommunications (page 190-192)

"The County promotes the careful expansion of utility and other public services in conjunction with planned growth, as well as the compatible siting of facilities and infrastructure, in the goals and policies of the general plan".

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17. **Policy PS-6 (page 192) A reliable and safe public utilities and telecommunications network throughout the County.**
 18. **Policy PS 6.1 (page 192) Ensure efficient and cost effective utilities that serve existing and future needs.**
 19. **Policy PS 6.3(page 192) Protect and enhance public utility facilities as necessary to maintain all essential public services system in the County**
- 16.- 19. SCE's Comments: For any large scale residential and non-residential development or specific plans, SCE appreciates being notified early in the development planning process to allow for effective electricity planning to serve the project's needs. In addition, SCE appreciates specific plans including a general discussion of electricity service within their infrastructure plans.

Also, to ensure a safe and reliable utilities network, it is important for developers to contact SCE early when project sites include SCE utility land or infrastructure, or when the project has the potential to impact existing or planned future facilities. Developers should be directed to provide SCE with detailed project development plans and depict on the plans SCE facilities, rights-of-way and land rights in relationship to the proposed project. Any impacts to SCE utility lands and/or infrastructure must be satisfactorily addressed between the developer, County and SCE and consented to by SCE prior to finalizing the plan of development. Conducting this process early with SCE ensures that a proposed project can be designed properly to be compatible with SCE's operating requirements, meet the County general plan objectives and avoid needless project timeline and cost impacts.

Please note, when development plans result in the need to build new or relocate existing SCE electrical facilities that operate at or above 50 kV, the resulting SCE construction may have environmental impacts that could be subject to CEQA review (please refer to SCE Comment 15 above for more information). If the SCE facilities are not adequately addressed in local agency CEQA review for the larger development project, and CPUC review of the relocated or new electric facilities is required, the CPUC permit process and separate CEQA review could delay approval of the SCE power line portion of the project for up to two years or longer. If, however, the SCE facilities are adequately addressed in the CEQA review for the larger development process, SCE may be able to construct or relocate its related facilities exempt from the CPUC permit requirements under Exemption F of GO 131-D.

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ECONOMIC DEVELOPMENT ELEMENT

20. **Infrastructure (page 212).**
"The ports, along with LAX, are crowded with cargo and passenger freight with limited expansion opportunities. Compared to other regions, the county has higher utility and energy costs and there are concerns from the business community that the energy network is insufficient to meet the demands of the current population and business community during peak energy periods."
 21. **Land Use (page 212)** "Energy and environmental issues, compounded by sprawling development, are increasing obstacles to new growth".
 22. **Strategy 2 (Page 217): Improving Land Use Practices and Infrastructure Networks**
 23. "The County's infrastructure, from transportation and energy provision to its freeways and ports, must be upgraded and updated to increase logistical efficiency and to accommodate the target industries it wants to attract".
- 20.- 23. SCE's Comment: In the period between 2008 and 2012, SCE will be investing more than \$15 Billion in the expansion and upgrade of its electric system infrastructure including transmission, subtransmission, substation, and distribution facilities. Many of these transmission upgrades and expansions are being built largely on existing SCE right-of-way, and are intended to gain access to thousands of megawatts of clean wind energy that will become available to meet the energy resource needs of the business community and the general public, and to enhance the reliability of our aging operating system.

SCE is also taking an active role in addressing the concern, "the ports along with LAX are crowded with cargo and passenger freights with limited expansion opportunities," SCE is presently working with the Port of Long Beach and the Metropolitan Transportation Authority to address the goods movement issues from the ports of Los Angeles and Long Beach to inland distribution centers. We believe that a coordinated effort between the ports, local and regional governments, as well as the State and Federal Government, will be necessary to meet the goal to triple the container throughput from the ports.

Finally, this significant infrastructure investment for the upgrading and expansion of SCE's transmission, subtransmission, substation and distribution, as well as the capital investments for the Smartconnect-meter program and the solar rooftop program, will result in new property tax base of about \$20 billion over this next five year period or new property taxes in the range of \$200 million in the first years of the operation of the new

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facilities. As these infrastructure and other capital projects come on line, they will result in significant economic benefits to the taxing jurisdictions within central and southern California.

Conclusion

Once again, SCE appreciates the opportunity to participate with Los Angeles County in updating the County's general plan. Furthermore, we appreciate Los Angeles County's discussion of the important role of energy facilities and utilities as resources to serve the community, and look forward to continuing to provide safe and reliable electricity service to Los Angeles County and the region to serve current and growing future needs.

Please feel free to call me at (626) 302-1942 if you have any questions or would like to discuss any of our input in more specific detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Tanaka". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wes Tanaka
Public Affairs Director
Southern California Edison Company

CC: Mark Harwick, Department of Regional Planning
Gabrielle De Gange, SCE

Craig L. Cantrell
29843 Arline Street
Canyon Country, CA 91351
(661) 299-9081

DEC 29 2009

December 28, 2009

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

RE: LAND USE AND ZONING CHANGES FOR PARCEL 3231-014-024

Dear Mr. Glaser:

After further review of the planned Land Use and Zoning changes to the approximate 36 acre parcel 3231-014-024, the Cantrell family would like to make a formal request that the Land Use be changed to H5 (not RL1) from the current combination of U2 and HM, along with the appropriate Zoning for H5 property. Under the new Land Use coding system, this best reflects what the current Land Use designation is under the old system and is in line with the planned future use of the land itself.

This large parcel of raw land at the end of county maintained Arline Street in Canyon Country begins where Arline Street ends and turns into Plum Canyon Fire Road (which is planned to become Cruzan Mesa Road going through the Skyline Ranch Project to Whites/Plum Canyon at some future date). There is a fire hydrant within less than 200 feet of the property, electricity, cable, phone and gas lines are already present. This is not in a remote rural location. We plan to someday sell this land to a major property developer for housing project improvement to benefit the community as a whole.

The properties at the entrance from Arline Street are residential, being zoned H18 and H5. It is only natural for this property to be developed as residential in the future with a like Land Use category of H5.

In addition, the future improvement of Arline Street and Plum Canyon Fire Road will likely only happen when development on parcel 3231-014-024 and/or the upper half of the Skyline Ranch Project takes place. This combined road is in great need of improvement with proper drainage, sewer, curbs, sidewalks and a bridge over the wash near Sierra Highway. It will also serve as needed access to the natural preservation area within the Skyline Ranch Project and for fire fighting. That kind of improvement generally requires large developer participation working in conjunction with the county planners, thus appropriately zoned available land is paramount.

It is worth noting to anyone opposing the new H18 or H5 Land Use designation for properties within or near the Forest Park community, that the only reason they have a bridge and some curbing with sidewalk on Fitch Avenue is because the developer of

the small apartment building on the corner of Gazeley Street and Fitch Avenue built it many years ago. Residents on Arline Street and beyond are dependent on that bridge during the heavy rains in place of the current Arizona Crossing on Arline Street. The residents of Forest Park could not easily exit their community if not for the bridge the apartment developer installed. The high cost of quality community improvements are very dependent on the major developers and their surrounding community projects.

Again, we are only asking that the Land Use remain as is. Please keep the Land Use under the new coding system as close to the old designation as possible by changing the Land Use for parcel 3231-014-024 to H5 now (not RL1), while the planning process is still being completed.

Thank you for the opportunity to provide input as the county, city and developers work together to make this valley better for all.

Sincerely,

A handwritten signature in cursive script that reads "Craig L. Cantrell". The signature is written in black ink and is positioned above the printed name.

Craig L. Cantrell



**Morris
Polich &
Purdy**_{LLP}

JAN 25 2010

ATTORNEYS AT LAW

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January 22, 2010

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U.S. Mail

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

**Re: Parcel Number 3214020046
Santa Clarita Valley Area Plan Update**

Dear Mr. Glaser:

We represent Milo and Shirley Brown, the owners of this property.

I want to confirm that at prior public meetings, the Browns have objected to the proposed change in zoning on their property. Specifically, these proposed changes are inconsistent with the surrounding properties and would render the property useless for the intended purposes for which they purchased the property.

I would appreciate some kind of assurance that the property zoning will not be placed in jeopardy of major change.

Very truly yours,

Morris Polich & Purdy LLP

David L. Brandon

David L. Brandon

DLB/jxj

L0207904



Castaic Area Town Council

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January 25, 2010

*Regional Planning Commission
Los Angeles County
320 West Temple St. 13th floor
Los Angeles, Ca. 90012*

**Re: One Valley One Vision
Project # R2007-01226-(5)
Plan Amendment # 200900006
Zone Change # 200900009**

Dear Regional Planning Commission,

On January 20, 2010, The Castaic Area Town Council voted 9/1 to approve the following:

The Castaic Area Town Council is opposed to the elimination of the clustering provision in the unincorporated rural areas of Castaic as presented in the One Valley One Vision Draft.

Sincerely,

**Robert Kelly
President Castaic Area Town Council**

**Cc: Mitch Glaser
Paul Novak
Rosalind Wayman
CATC**

FEB - 3 2010

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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January 26, 2010

Mr. Mitch Glaser
Supervising Regional Planner
Department of Regional Planning
Los Angeles County
320 Temple Street
Los Angeles, CA 90012

RE: Draft Santa Clarita Valley Area Plan

Dear: Mr. Glaser:

Thank you for taking the time to talk to me today about the draft Environmental Impact Report (DEIR) prepared by Los Angeles County for the draft Santa Clarita Valley Area Plan. This letter will serve to memorialize our conversation, which we had with the permission of Deputy County Counsel, Elaine Lemke. In response to a question from me, you informed me that the County would be closing the comment period on the current DEIR on February 1, 2010. However, you also explained that the County was still working on the DEIR, and anticipated having an additional draft in Summer 2010, that this draft would be circulated and there would be an additional public comment period for this draft.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian W. Hembacher".

BRIAN W. HEMBACHER
Deputy Attorney General

For: EDMUND G. BROWN JR.
Attorney General

cc Elaine Lemke

L.L. County Regional Planning
attention Mitch Glanzer.
R.E. One Valley One Vision

1-29-10
FEB - 1 2010

I have read Nicole Pihlman Valenzuela's assessment letter + agree completely; this letter has been sent to you.

I am a property owner inside the one valley one vision plan, I oppose the plan in its entirety, under the constitution, which hasn't been completely destroyed by politicians + meddling activists clearly states the rights to private property. my property location is in oak cyn, 31041 West Valley Cyn. Rd., I oppose any restrictions to be placed on my property now or in the future nobody knows now or in the future as to what the best use will be.

I have read Nicole's assessment letter again. no one should have the right to down zone or restrict private property which will destroy the property value and resale value, with out fair compensation to property owner.

Therefore I reject this one valley one vision plan.

Robert C. Vallent

Dear Mr. Glaser and the Regional Planning Commission:

I am writing to you again on behalf of the Lechler Family Trust to address my family's concerns about the proposed revisions to the Los Angeles County General Plan that are currently being considered. Our particular concern arises from the proposal to create a new land designation for the "Piru Creek Significant Ecological Area." Nine of my family's 13 lots – APN 3247035003, 3247036011, 3247028007, 3247028008, 3247028009, 3247028010, 3247035004, 3247036010, 3247036020—fall wholly or partially within the proposed boundaries of the Piru Creek SEA.

The proposal to create the Piru Creek SEA, the proposed delineation of its boundaries, and the development restrictions and RL20 classification that have been suggested for the Piru Creek SEA are all the result of arbitrary choices and speculation. These proposals are not based upon proper land use considerations or valid evidence. Our concerns are addressed below:

The Designation of a new Piru Creek SEA

Neither the draft EIR (nor any other publicly available materials from the planning department's website) explain what factors led to the decision to propose the creation of the Piru Creek SEA. Under the Planning Department's guidelines and procedures, including those issued by the Planning Director in March of 2004, the Significant Ecological Area Technical Advisory Committee (SEATAC) is charged with the responsibility of conducting intensive studies and preparing detailed reports on any project that implicates biological resources. SEATAC, however, has failed to provide any such study for the proposed new Piru Creek SEA.

Likewise, the draft EIR wholly fails to provide information that would allow the Planning Department or the City Council to evaluate whether it is good policy to create the new Piru Creek SEA, and if it is good policy *why* it is good policy. There is no evidence of any benefits the new SEA designation would provide; nor is there any consideration of the costs. For example, there are no known significant biological resources, endangered species, critical habitats or other unique environmental concerns in the designated area. This is clear from section 3.7 of the draft EIR prepared by Impact Science, Inc. I direct your attention specifically to Figure 3.7-1 and tables 3.7-1 and 3.7-2, which document the various sensitive plants and sensitive species occurrences within the Los Angeles County planning area. There is no evidence presented that a single sensitive species or plant is documented within the area of the proposed Piru Creek SEA, only that they "may occur" or are "generally supported" by this type of habitat.

The DEIR states that "[biological impacts] are evaluated based on the results of biological surveys and studies, results of literature and database reviews, discussions with biological experts, and established and recognized ecological and biodiversity theory and assumptions." However, for the Piru Creek SEA, **planners entirely and solely used theory and assumptions; no biological surveys were performed, no literature or experts are cited from which knowledge about this land was derived.** Moreover, it is unclear what land was used as model from which to draw conclusions about the Piru Creek SEA, so there is a total lack of disclosure regarding the use of biodiversity theory and habitat proxies. The DEIR states that "proper documentation of biological resources, disclosure of the potential impacts of development (Policy CO 3.1.3) and public education on the biological attributes of the Valley (Policies CO 3.7.1 and CO 3.7.2) will encourage informed decision making and project planning." However, these are policies for future implementation, not policies that were used to draft the DEIR. The information in the draft EIR regarding the Piru Creek SEA is misleading because it leads the reader to believe that extensive studies were performed on the subject properties when no biologist ever set foot on the land. While only a detailed and deliberate scientific investigation on the ground could provide a complete and accurate list of species occurring on the Piru Creek SEA lands, my family and my neighbors, who have lived on the land for 20 years or more, can attest to the absence of the listed sensitive or endangered animal species:

The Proposed Plan Area Policies identified in section 3.7 of the draft EIR also do not provide any assistance in understanding why the new Piru Creek SEA was proposed. Indeed, the area of the proposed Piru Creek SEA, which is adjacent to the Angeles National Forest, has always had low density zoning (1 home per every 5 or 10 acres of land). And Policy CO 3.4.3 is to *maintain* the low density rural residential uses adjacent to forest land; the policy is not to virtually eliminate rural residential uses. Nor does the analysis in section 6 of the draft EIR provide any assistance in providing the Planning Department and City Council the information they need to make an informed decision on whether to adopt the proposed revisions to the general plan.

In that section, Impact Sciences, Inc. endeavors to comply with the provisions of the *California Environmental Quality Act* that require environmental impact studies to assess not only the project that is being proposed, but also a reasonable range of alternatives, including an examination of the impact of doing nothing. With regards to the decision to create a new Piru Creek SEA, the draft EIR considered only one alternative – the alternative of doing nothing. And the draft EIR's only assessment was that:

The proposed Area Plan has designated larger and additional areas, such as the Cruzen Mesa Vernal Pools, Piru Creek, all of the Santa Clara River, and later portions of the Santa Susana Mountains, for SEAs land use designation. Impacts on biological resources under Alternative 1 [doing nothing] would therefore be greater than those under the proposed Area Plan.

The draft EIR simply *assumes* that the reduced housing density allowed under the RL20 designation would have less impact on biological resources than would occur under the current zoning. But there is no evidence, analysis or study to justify the assumption.

Under the area's current zoning (heavy agricultural A2 classification with H1 hillside limitations), one residence can be constructed on every 5 or 10 acres. Under the RL20 restrictions, only one residence can be constructed on every 20 acres – a density restriction so great that it is unlikely that residential uses could be economically feasible. The 1:5 or 1:10 restrictions, in contrast, would likely still allow the area to eventually be developed with widely spaced homes and a lower level of light agricultural use.

Because the 1:20 restrictions under the RL20 designation make rural residential uses economically unfeasible, however, it is plausible, and even likely, that with the proposed new Piru Creek SEA classification, the land would be used instead for heavy agricultural uses. That extended heavy agricultural use could include the construction of greenhouses, sheep grazing, dog kennels, livestock feed lots, oil wells and manure spreading, among other things. Those uses have their own impact on the biological resources in the area, and there is no reason to believe that those heavy agricultural are better for the environment than the low density rural residential uses that would occur under the current zoning classification.

Undoubtedly, no development or economic activities at all would be a far superior alternative to either doing nothing or adopting an RL20 land use with regard to biological impacts (an alternative that is not considered in the draft EIR). But Paul Brotzman acknowledged, "Neither the city nor the county can legally deny all developments in SEAs without facing the threat of inverse condemnation, thereby exposing the city or county, and ultimately the taxpayer, to a major financial burden." Indeed, the draft EIR appears to assume that the creation of the Piru Creek SEA will halt all economic use of the land in the designated area. This goal is possible if, as I and other landowners have proposed, the **downzoning of the area has been designed in order to devalue the land so that it can then be cheaply acquired and converted to open space.** If this is the reason for the draft EIR's assumption that the creation of the Piru Creek SEA is better for biological resources than the status quo, then the document should disclose that analysis and thereby provide the Planning Department and the City Council with the information they need to have in order to weigh and evaluate the proposed changes to the general plan, and assess whether those changes would cause the County to violate its obligations under the Fifth Amendment of the United States Constitution and Article 1 Section 19 of the California Constitution.

Quite simply, there is no support for the assumption that allowing one home to be built on every 5 or 10 acres is more harmful to the environment than the heavy agricultural uses or one home per 20 acres under the A-2-2/RL20 zoning. The draft EIR also failed to consider reasonable alternatives for the boundaries of the proposed Piru Creek SEA – the topic that follows.

The Boundaries of the Piru Creek SEA

The draft EIR also fails to adequately provide any rationale for the selection of the boundaries of the proposed Piru Creek SEA. The boundary locations are described in the draft EIR as follows:

“The northern portion of the Proposed SEA is within the Angeles National Forest. Capturing the watershed tributaries, the eastern boundary follows a predominant ridgeline; the western boundary is the county border, and the southern boundary captures two other small tributaries that feed the Santa Felicia, to encompass the entire watershed that ultimately drains into Lake Piru in Ventura County.”

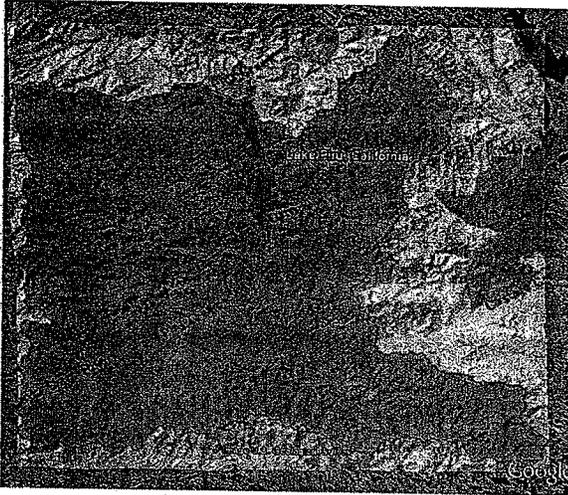
Establishing the northern boundary of the proposed Piru Creek SEA *within* the Angeles National Forest is meaningless, since national forestlands are exempt from county zoning and planning regulations of local governments. The draft EIR notes that the eastern boundary follows a “predominant ridgeline.” **But the report contains no evidence that there are more ecologically sensitive plants and animals on one side of that ridge line than on the other.** Indeed, the draft EIR indicates just the opposite, noting that “all natural or semi-natural habitat types within the County’s Planning Area may potentially support one or more of these [92 special status] species.” (Draft EIR at page 3.7-39.)

The use of the ridge line to establish the eastern boundary of the proposed Piru Creek SEA is completely arbitrary. The aerial photographs and topographical maps hosted on the Planning Department’s web site, as well as maps and data from the United States Geological Service and the State of California’s Cal-Atlas databases maps, show that the environmental features on the west side of the ridge line are indistinguishable from those on the east side of the ridge line. Why, then, should the property owners on the west side be limited to one home on every 20 acres, while those owners just a few yards away on the west side of the ridge line are proposed to be subject to R1, R2 or R5 designations, allowing them to construct up to 20 times as many homes on the same amount of land?

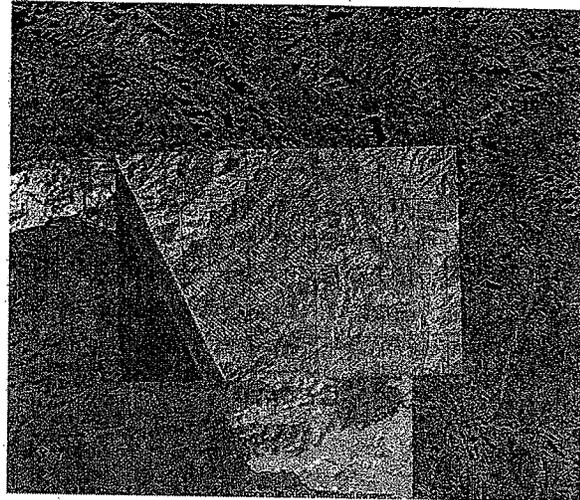
The draft EIR provides no information to justify or explain the choice of boundaries for the proposed Piru Creek SEA. The draft EIR thus fails to fulfill its most basic requirement of being a substantively informative document.

The draft EIR states that the southern boundary of the Piru Creek SEA was established “to encompass the entire watershed that ultimately drains into Lake Piru in Ventura County.” The document fails to provide any information or reason why the Lake Piru watershed is more ecologically sensitive than the Santa Clara River watershed on the other side of the southern boundary. And, indeed, the proposed Piru Creek SEA boundaries *do not* extend to encompass the Piru Creek watershed as the draft EIR reports. Rather, at longitude 34-28 N, the proposed Piru Creek SEA boundary arbitrarily departs from the watershed boundary with a sharp westerly turn.

I have attached copies of the proposed Piru Creek SEA printed from the Planning Department’s web site and, and a copy of the Lake Piru watershed boundaries as recorded by the State of California and published on its CERES website (California Environmental Resources Evaluation System located at <http://ceres.ca.gov>.) I have also overlaid both maps atop a satellite image of the area:



Lake Piru Watershed



with proposed boundaries
for the Piru Creek SEA

The boundaries of the proposed Piru Creek SEA have been arbitrarily established.

Development Restrictions Within the Proposed Piru Creek SEA

The draft EIR and proposed general plan amendments also fail to identify any reason for the RL20 density restriction that is proposed for the Piru Creek SEA. Both the existing SEAs, and the other newly proposed SEAs, allow for development density far greater than 1 home for every 20 acres. In the proposed Cruzan Mesa Vernal Pools SEA, the proposed general plan amendments would authorize 1 home for every 5 acres. In the proposed Santa Clara River SEA, the proposed general plan amendments would authorize a broad range of density developments, including RL2 (1 home for every 2 acres) RL5 (1 home for every 5 acres) and RL10 (1 home for every 10 acres), among others. The proposed Santa Susana Mountains/Simi Hills SEA allows significant housing density and commercial development pursuant to the Newhall Ranch Special Plan.

Moreover, other activities besides development and agriculture will be restricted in an SEA. Policies CO 3.6.3, 3.1.7, and 3.1.5 dictate that owners in an SEA will be prohibited personal recreational activities as well as freedom in landscaping on their own properties.

As the land use allowances under the Newhall Ranch Special Plan demonstrate, environmental and biological uses can be protected while still allowing development. Newhall Ranch, identified in a recommendation from a conservation agency as an important final wildlife corridor, was excluded from SEA designation. Newhall Ranch is allowed 3.5 dwellings per acre (20,885 units per 5963 acres) on the remaining land, in addition to commercial and business zoning. This allotment is projected to add 70,000 new residents to the Valley. Newhall Ranch has a density that is **seventy fold** greater than the density allowed to the Piru Creek SEA under the most severely restrictive land use existing in the draft EIR. Down-zoning lands adjacent to a similarly situated high density development is a breach of fairness. Bordering landowners should have a reasonable expectation to be allowed similar development.

What's more, the exclusion of Newhall Ranch causes a glaring gap and loss of connectivity between two proposed SEAs: the Piru Creek SEA with the Santa Clara River SEA and Santa Susana Mountains to the. The draft EIR highlights the importance of connectivity:

"In the absence of habitat linkages that allow movement to adjoining open-space areas, various studies have concluded that many wildlife and plant species would not likely persist over time in fragmented or isolated habitat areas because they prohibit the movement of new individuals and genetic information among

areas where they may be periodically displaced by natural or human-caused disturbances such as disease, fire, flood, etc.”

Yet the importance of wildlife corridors and connectivity between ecologically sensitive areas seems to matter only on some tracts of land, and not others. The fact that Newhall Ranch interrupts a wildlife corridor and the continuity of the desired “greenbelt” inexplicably plays no factor in the land use regulation of the west part of the Santa Clarita Valley.

It would seem that in OVOV the Planning Office selectively and inequitably enforces its land use powers to control growth, restricting some land to the brink of inutility, while allowing adjacent owners to raze hillsides and build high density, multi-family dwellings. One wonders whether this is in violation of uniformity requirement of California State Section 65852, the goal of which is ensure that “each party foregoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such mutual restriction can enhance total community welfare” (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974)).

Additionally, the newly proposed RL20 land use designation is intended for “lands in the planning area that are distinguished by significant environmental features and extreme development constraints.” As discussed previously, there is no evidence that my family’s lots have “significant environmental features.” Additionally, there is no evidence that the lots face “extreme development constraints.” Nor is there any analysis to demonstrate that the type of development constraints (whatever they may be) are properly addressed through the limitations on clustering. Indeed, if the concern is about the infrastructure costs for residential development, then the limits on clustering are counterproductive.

Easement Exactions in Significant Ecological Areas and RL20 zones

OVOV planners are using required dedication of conservation easements as a stipulation for obtaining a building permit on properties with RL20/SEA designations. While Newhall Ranch dedicated approximately half of the total landholdings (steep terrain) as open space, exactly 90% of the total parcel (72 out of 80 acres) in the Piru Creek SEA must be formally and perpetually dedicated as open space in order for a landowner to exercise his right to develop his property. The planners’ premise is to avoid using condemnation in order to evade paying the owner to acquire his land for conservation, open space or recreation. It is ambiguous from the draft EIR whether the land must also be opened to the public for recreational purposes; however, a County planner did explain to me that the purpose of the dedication was to “provide open space for wildlife and recreational enjoyment (depending on the dedication agreement).” Policies CO 3.7.2 and 10.1.1 describe the importance of public access for education and recreation in SEAs and open space. This evidence proves that the owner in an SEA must surrender most of his property for **public access** without compensation. Who dictates the terms of the dedication agreement? The County, who expediently also holds the power to approve or deny the permit. **Without providing a clear framework upfront for what the acquisition and dedication agreements will entail, the draft EIR lacks any guidelines or oversight over this process, and gives the County the completely unreasonable opportunity to extort whatever it wants out of the land owner by withholding permit approval until its conditions are agreed to.** Policy CO 10.1.3 of the draft EIR describes the goal to, “through dedications and acquisitions, obtain open space needed to preserve and protect wildlife corridors and habitat, which may include land within SEA’s, wetlands...” But there are few provisions described for purchase or acquisition of open space land; just the future setting aside of funds for acquisition (Open Space Acquisition Plan), to be used for only “the most beneficial parcels.”

It seems then that they will rely on the process of extracting land from private ownership for open space via forced dedications. The expectation seems to be “that other people’s land can be designated, through the political process, for the provision of open space, wildlife habitat, or other public amenities without cost to the community” (Breemer). However, conditioning the approval of permits on dedication of public easements has been struck down by the Court.

In *Nollan v. California Coastal Commission*, the Court ruled that "the announcement that the application for (or granting of) the permit will entail the yielding of a property interest cannot be regarded as establishing the voluntary 'exchange.'" The California Coastal Commission was specifically prohibited from conditioning the approval of a building permit on the commitment of land. Further, the Court was

"...inclined to be particularly careful about the adjective where the actual conveyance of property is made a condition to the lifting of a land use restriction, since in that context **there is heightened risk that the purpose is avoidance of the compensation requirement**, rather than the stated police power objective."

We must ask, does such an extreme exaction mitigate a direct impact that has been identified as a consequence of a proposed development? Would building four homes on 80 acres have such a negative impact that 72 acres must be set aside as open space?

This "dedication of property" language is ominously reminiscent of the California Coastal Commission's newest tactic post-*Nollan*, designed to circumvent the Court's exclusion of its previous method for obtaining easements. The County and City must prove that forcing owners in an SEA to relinquish 90% of their landholding upon a diminutive amount of development is not in fact excessively disproportionate, and that their goal is not simply to acquire nearly all of a privately owned parcel without having to pay for it. One can only hope that the planners in OVOV are not seeking to follow the model of the California Coastal Commission in replicating this subversion of the ruling in *Nollan*.

Threat of Future Eminent Domain at Reduced Land Value

One final danger to the landowner restricted by an SEA designation or low density zoning is that the City will seek to acquire the devalued land via eminent domain at a fraction of the previous value *after* the restriction is in place. "If condemning authorities could acquire easement-encumbered land for its value as restricted, such land would be an attractive target for condemnation because it would be less expensive...to condemn than similar unencumbered land. The perversity of that situation should be obvious. Protecting land with a conservation easement would be tantamount to painting a bull's-eye on it for purposes of eminent domain" (McLaughlin). The zoning and ecological designations proposed in the OVOV Open Space and Conservation, and Land Use Elements, place affected landowners in real danger of being appropriated into the City of Santa Clarita's "greenbelt" at an enormous loss. The City already acknowledges its plans to obtain lands not currently in its possession; Mr. Brotzman stated in an interview with *Planning Report*: "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." It is important to note that the list of preparers of the Draft EIR for OVOV consists of 10 City of Santa Clarita Planners, 16 members from Impact Sciences (the City's chosen planning agency), and only two Planners from the County. **Unincorporated citizens comprise more than one third of the planning area but are represented by only one sixth of the planners.** In addition, the City of Santa Clarita selected Impact Sciences, and *pays the majority of their bills for OVOV preparation*. "The City of Santa Clarita 2002 Open Space Acquisition Plan (OSAP) represents the City's ongoing efforts to preserve and protect open space in the Santa Clarita Valley." This further supports the notion that the City of Santa Clarita is the major driver in the planning of the entire valley, and that part of its vision is gaining ownership of unincorporated lands.

The main problem again, however, is that the planning process and the draft EIR simply do not provide any information, evidence or analysis to allow voters to understand the decisions that are being made, or to provide the decision makers with valid reasons to approve or disapprove the proposed changes. There is little transparency about the planning process, and there are no details about how the policies in the draft EIR will actually be carried out.

Concluding Thoughts

"Government is instituted to protect property of every sort...this being the end of government, that alone is a just government, which impartially secures to every man, whatever is his own."
☞ James Madison

"The unfairness of singling out or disproportionately burdening owners by regulation to secure a public benefit that addresses a social problem or need that the targeted owners have not *uniquely contributed to or caused*, triggers the constitutional requirement that compensation be paid for the benefits extracted. This analysis is reflected in a long line of Supreme Court decisions."
☞ Edward Zeigler

"The right to build on one's own property—even though its exercise can be subjected to legitimate permitting requirements—cannot remotely be described as a 'governmental benefit.'"
☞ *Nollan v. California Coastal Commission*

"State may not avoid the duty to compensate on the premise that the landowner is left with a token interest."
☞ *Palazollo v. Rhode Island*

If "the uses of private property were subject to unbridled, uncompensated qualification under the police power, 'the natural tendency of human nature [would be] to extend the qualification more and more until at last private property disappear[ed].'"
☞ *Lucas v. South Carolina Coastal Commission*

"A strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the Constitutional way of paying for the change."
☞ Justice Holmes

"Who is going to buy land for open space? Why doesn't the wretched government buy the land and stop all this nonsense, and just buy it all and say 'We're going to have open space'?...Instead of making *you, me, everybody*, pay for everyone else's so-called enjoyment of the environment?"
☞ Jocelyn Mackay, Green Architect and Master Planner

One Valley One Vision seeks to control growth and provide for open space in a manner that is in opposition both to the original spirit of the Fifth Amendment Takings Clause, and to the modern Supreme Court's interpretation of it. Volumes of case law make it evident that landowners—particularly those whose permits face annulment in the face of new regulations—have the opportunity to file suit with the County and stake their regulatory takings claims. The OVOV planners are clearly not ready to leave "the drawing board." They need to provide a plan which adequately addresses the needs of ALL valley residents—the 177,000 City residents as well as the 100,000 unincorporated residents. The draft EIR is unacceptable on the grounds that:

- it does not provide adequate evidence or support for the Piru Creek SEA designation or boundaries
- it does not provide compensation to owners for the difference in value before and after the restrictive zoning (see *Pennsylvania Coal* and *Palazollo*);
- it singles out a minority of Valley residents to solve the common, widespread social problem of urban sprawl and provide a general benefit (see *Armstrong*);
- it employs an extortionate exaction on building permits which, rather than reasonably mitigating expected impacts of development, is quite simply designed to avoid paying for public access and conservation easements (see *Nollan* and *Dolan*);

- it violates fairness considerations by practicing selective enforcement and favored treatment to the advantage of only a few (see *Neighbors in Support of Appropriate Land Use*); and,
- it will ultimately cost the County and taxpayers legal fees due to lawsuits based on the above principles.

The Fifth and Fourteenth Amendments require that land use regulation follow considerations of fairness, causation and proportionality. It is the obligation of regulatory agencies to ask whether the regulated land owners are treated equitably in relation to similarly situated owners, whether the burden they are asked to bear mitigates a problem which was directly caused by them, and whether the encumbrance or exaction is in proportion to the impact of their actions. I ask that this Commission revisit (or consider for the first time) these issues before proceeding with the land use changes proposed by OVOV. I believe the County will find that the plan does not satisfy these factors. Neither the City nor the County can withstand the fiscal burden of lawsuits or the moral precedent that will be set with such a callous sacrifice of property rights.

Sincerely,

Nicole Valenzuela

At this economically tenuous time and in the face of a crippling deficit, the vision of the City and the fulfillment of California AB 32 cannot be achieved at no cost by employing down-zoning and encumbering landowners with ecological designations. On the contrary, a review of recent case law shows that the methods used by One Valley One Vision to control growth and create open space have, in many cases, been struck down by local and federal Courts, and thus the economic impact due to lawsuits is potentially huge.

Recommended Reading

Article

- * J. David Breemer and R.S. Radford. "The (Less?) Murky Doctrine of Investment-Backed Expectations after Palazzolo, and the Lower Courts' Disturbing Instance of Wallowing in the Pre-Palazzolo Muck." *Southwestern University Law Review*, Vol. 34, p101-177.
- Jon Goldstein and William D Watson. "Property Rights, Regulatory Taking, and Compensation: Implications for Environmental Protection." *Journal of Environmental Law*. Vol. XV, 1997.
- Nancy A. McLaughlin. "Condemning Conservation Easements: Protecting the Public Interest and Investment in Conservation." *UC Davis Law Review*, Vol. 41, p. 1897. 2008.
- Timothy J. Riddiough. "The Economic Consequences of Regulatory Taking Risk on Land Value and Development Activity." *Journal of Urban Economics*. Vol. 41, p. 56-77. 1997.
- Edward Zeigler. "Partial Takings Claims, Ownership Rights in Land and Urban Planning Practice: The Emerging Dichotomy between Uncompensated Regulation and Compensable Benefit Extradition under the Fifth Amendment Takings Clause." *Journal of Land, Resources and Environmental Law*. Vol. 22(1), p.1-18.

Case Law

- ARMSTRONG V. UNITED STATES, 364 U.S. 40, 49 (1960)
- CREPPEL V. UNITED STATES, 41 F.3D 627 (1994)
- DOLAN V. CITY OF TIGARD, 512 U.S. 374 (1994)
- FLORIDA ROCK INDUSTRIES V. UNITED STATES. U.S. CLAIMS LEXIS 215 (1999)
- LUCAS V. SOUTH CAROLINA COASTAL COUNCIL, 505 U.S. 1003 (1992)
- NEIGHBORS IN SUPPORT OF APPROPRIATE LAND USE V. COUNTY OF TUOLOMNE. 157 CAL.APP.4TH 997 (2007)
- NOLLAN V. CALIFORNIA COASTAL COMMISSION, 483 U.S. 825 (1987)
- PALAZZOLO V. RHODE ISLAND, 533 U.S. 606 (2001)
- PENN CENTRAL TRANSPORTATION CO. V. NEW YORK CITY, 438 U.S. 104 (1978)
- PENNSYLVANIA COAL CO. V. MAHON, 260 U.S. 393 (1922)
- ROBBINS V. WILKIE. 433 F. 3RD 755 (2006)
- TAHOE-SIERRA PRESERVATION COUNCIL, INC. V. TAHOE REGIONAL PLANNING AGENCY 535 U. S. 302 (2002)
- TOPANGA ASSN. FOR A SCENIC COMMUNITY V. COUNTY OF LOS ANGELES 11 CAL.3D. 506, 515 [113 CAL.RPTR. 836] (1974)
- UNITED STATES V. FULLER, 409 U. S. 488 (1973)

January 30, 2010

To Los Angeles County Regional Planning Office

From Maureen Davidheiser

Re: Proposed Revisions to Santa Clarita Valley Plan

I own a share in a 520-acre ranch in Oak Canyon west of Hasley Canyon. The ranch is zoned Agricultural with Hillside Management use. The proposed revisions would change the use to RL-20 and add an SEA designation.

Preserving open space is an important part of good planning. However, this plan appears to severely restrict development to the point where it would greatly reduce potential tax revenues and expose the County to lawsuits by property owners whose investments and rights have been adversely affected.

Cliffs, steep hills and wide floodplains make up a large part of our ranch, ensuring a generous amount of open space under existing regulations. The ranch has some grassy mesas with no special ecological significance that I know of. Later on, these mesas could support a couple of clustered small-lot residential subdivisions. Clustered housing is a good way to preserve open space for plants and wildlife. Are there any provisions in RL-20 regulations that would give property owners a chance to petition for approval of this type of development?

It appears that if land is designated SEA, approval of a very small amount of development would require all remaining land to be dedicated to the County or a conservation organization for "open space and recreation," whether or not that part of the property has any real environmental significance. This dedication would run with title to the land and be binding on future owners. There would be no compensation to the owner. Forcing a landowner to make such a dedication without compensation would eliminate the owner's right to sell a conservation easement.

If a property owner wants to develop part of his property and in doing so is required to dedicate a conservation easement, is there anything to prevent the County or its chosen organization from selling the easement to another organization? Why would uncompensated dedication to a private organization come into this at all? How does the County choose such an organization and what are its powers? Does the dedication mean public recreation on private property? I urge the County to carefully consider these issues before making a decision.

Maureen Davidheiser

Maureen Davidheiser
P.O. Box 2692
Globe, Az. 85502



HATHAWAY RANCH MUSEUM

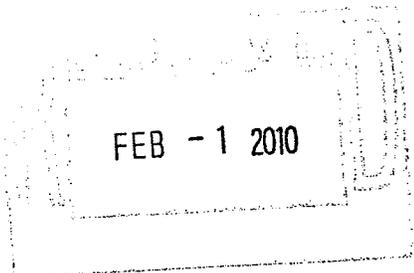
1/30/10

County Regional Planning Office
Attn. Mitch. Glasner

As one of the owners of the Hathaway Jamescaal Ranch in the proposed One Vision One Valley restricted use area - I speak for many -- we do not want any of the proposed restrictive changes in zoning that would affect our property.

See the attached letter by Nicole Valenzuela. She speaks for us too.

Francine Hathaway Rippy



 **Dr. F Rippy**
1841 Vallecito Dr
Hacienda Heights, CA 91745-3345

To the County Regional Planning Office:

OVOV planners state that the Valley-wide plan "acknowledges the common needs and desires of Valley residents, regardless of whether they live in the City or an unincorporated area." However, perusal of the public comment letters and transcript of the meeting in Castaic (10/5/09) gives the reader entirely different insight into the "needs and desires of Valley residents." Most of the comments are from individual landowners in the unincorporated areas, and a vast majority are concerned with the wholesale down-zoning of areas outside the City's borders and how it will result in a serious reduction of property value. Unincorporated residents are justifiably concerned that their livelihoods, investments and legacies will be ruined by the adoption of OVOV's zoning and land use changes.

Area-specific plans 64 and 65 describe the goal of "developing a new regional center in Valencia," while "maintaining the non-urban character of the remainder of the Santa Clarita Valley." Simply stated, the City of Santa Clarita would like to limit development outside its own borders, and the County would like to conserve open space and ecologically sensitive areas. Despite the fact that most of the open space occurs on privately owned property, neither wants to incur any cost to achieve these objectives. Mr. Paul Brotzman acknowledged that "Neither the city nor the county can legally deny all developments in SEAs without facing the threat of inverse condemnation, thereby exposing the city or county, and ultimately the taxpayer, to a major financial burden." By employing such methods as restrictive zoning and exacting conservation easements in exchange for building permits, OVOV planners feel they have found a win-win solution.

Many of the landowners who oppose the down-zoning of their properties believe inherently that substantial limitation of their right to develop is wrong, but cannot express this feeling in any way that makes an impact. As a result, the Regional Planning Commission is reluctant to listen because they consider the grievances of individual landowners (however many there may be) to be "micro" issues below the threshold of their attention. While Los Angeles Regional Planning and the City of Santa Clarita may have forgotten the Constitution, it is up to the landowner to remind them. I would therefore like to present a refutation to the claim that, at this economically tenuous time and in the face of a crippling deficit, the vision of the City and the fulfillment of California AB 32 can be achieved at no cost by employing down-zoning and encumbering landowners with ecological designations. On the contrary, a review of recent case law shows that the methods used by One Valley One Vision to control growth and create open space have, in many cases, been struck down by local and federal Courts, and thus the economic impact due to lawsuits is potentially huge.

The Takings Clause

The Fifth Amendment states that "nor shall private property be taken for public use, without just compensation" (known as the Takings Clause). In *Fuller v. United States* (1973), the Court declared: "The constitutional requirement of just compensation derives as much content from the basic equitable principles of fairness . . . as it does from technical concepts of property law." The only right, broadly speaking, that any owner of any real estate has in land is the right to use it.

Justice Holmes vaguely stated many decades ago that "while property may be regulated to a certain extent, if a regulation goes too far it would be recognized as a taking" (*Pennsylvania Coal Co. v. Mahon* (1922)). The Supreme Court is reluctant to make overarching and clear rules about when a regulation "goes too far" and when just compensation is required. What this means is that each suit is decided *ad hoc*, on a case-by-case basis after many levels of appeal, and that volumes of case law exist which support advocates of both the government and the landowner. In the highly recommended review, property rights lawyer J. David Breemer advises that "it is expected that virtually all takings cases will involve tension between the expectations of property owners to make beneficial use of their land and the conflicting preferences of neighbors or the community at large. **Courts must not lose sight of the fact that the Takings Clause primarily serves to protect the former class of expectations [property owners]**" (Breemer).

Zoning Ordinances and Partial Regulatory Takings:

In *Robbins v. Wilkie* the Court found that: "[i]f the right to exclude means anything, it must include the right to prevent the government from gaining an ownership interest in one's property outside

the procedures of the Takings Clause." Under the Constitution of the United States, citizens have a right to develop their property. As George Washington famously stated, "Private property and freedom are inseparable." If *all* economically viable use has been taken away, a categorical taking has occurred and the regulatory agency owes the property owner compensation. In OVOV planners sought to circumvent this compensation issue—from One Valley One Vision's presentation to the SEATAC in July of last year: "Planners explained that the low density designated zones are the way they dealt with the issue of public condemnation of private land." They essentially argue that, while they would prefer to prohibit *any* development of designated lands, the owner has no basis to claim inverse condemnation if minimal use of the land is still permitted.

However, subsequent rulings have found that not all of the economic use of the land must be taken to merit compensation—partial takings can occur as well. The clearest rejection of the argument that compensation is not due to an owner if the remaining value of the property is greater than zero can be found in *Palazzolo v. Rhode Island* (2001). The regulatory agency argued that, because Palazzolo could still use his property to some degree, it did not owe him compensation for denying his more extensive desired use. However, the Court disagreed, stating that ***"State may not avoid the duty to compensate on the premise that the landowner is left with a token interest."*** What this means is that the owner should be compensated for the decrease in value due to the regulation, regardless of whether *some* use remains. According to the ruling in *Florida Rock Industries v. United States*, "A partial regulatory taking requires that the government pay for the property rights taken, but not for the rights remaining in plaintiff's possession." A test known as the Penn Central Analysis is applied on a case-by-case basis to determine whether a taking has occurred (*Penn Central Transportation Co. v. New York City* (1978)). Therefore, under the landmark decision in *Palazzolo*, as well as many other Federal rulings, the Court recognizes partial loss of use as a violation of the Takings Clause of the 5th Amendment and demands that landowners receive compensation for property interests lost due to regulation.

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By down-zoning areas of Hillside Management areas to RL zoning, the potential developmental value of the property is diminished to a fraction of its previous level. Therefore, "the compensation payable to the owner of a benefited parcel for the loss of the benefit of the restrictions is equal to the difference between (1) the fair market value of the benefited parcel immediately before the taking...and (2) the fair market value of the benefited parcel immediately after the taking" (McLaughlin). The public comment letters show that many people purchased land as an investment, with the hope of dividing and developing it someday in accordance with the existing zoning regulations. Some landowners have already received permits under the current zoning regime to build, which are likely to be revoked if the down-zoning in OVOV is accepted. *Creppe* says that to recover loss, the owner must "demonstrate that they bought their property in reliance on the non-existence of the challenged regulation"; that is, that they purchased the property expecting to be able to develop it according to existing rules and regulations. In this case, the landowner has an "investment-backed expectation" in the property which is protected by the Fifth and Fourteenth Amendments.

Fairness in Land Use Regulation Practices

The application of restrictive zoning to only unincorporated residents violates the fairness requirement of the Constitution. Judicial application of the Fifth Amendment "expressly rejects the notion that owners wishing to develop land may be singled out to bear regulatory burdens for the purpose of addressing community problems that are not of their making" (Zeigler). Thus any regulation that causes "the unfairness of singling out or disproportionately burdening owners by regulation to secure a public benefit that addresses a social problem or need that the targeted owners have not *uniquely contributed to or caused*, triggers the constitutional requirement that compensation be paid for the benefits extracted. This analysis is reflected in a long line of Supreme Court decisions" (Zeigler). The policies of the City of Santa Clarita resulted in a valley full of housing tracts with no open space. Yet individual landowners who have practiced better stewardship than the City are being required to solve the social problem of the City's urban sprawl by sacrificing their right to develop their own property. The Commission must ask: "Are the benefits, if any, general and widely shared through the community and the society, while the costs are focused on a few?" If so, this plan subjugates the needs

of unincorporated residents, singling them out to address the need of City residents in an approach contrary to the Fifth Amendment.

Easement Exactions in Significant Ecological Areas and RL zones

Another tool that OVOV planners are using is the requirement of dedication of conservation easements as a stipulation for obtaining a building permit on properties with RL designations. For one example, in Piru Creek, exactly 90% of the total parcel (72 out of 80 acres) must be formally and perpetually dedicated as open space in order for a landowner to exercise his right to develop his property. It is unknown whether the land must also be opened to the public for recreational purposes; however, a County planner did explain to me that the purpose of the dedication was to "provide open space for wildlife and recreational enjoyment (depending on the dedication agreement)," which certainly suggests that the land would become publicly owned. Again, the planners' premise is to avoid using condemnation in order to evade paying the owner to acquire his land for conservation, open space or recreation. The expectation seems to be "that other people's land can be designated, through the political process, for the provision of open space, wildlife habitat, or other public amenities without cost to the community" (Breemer). However, conditioning the approval of permits on dedication of public easements has been challenged in court.

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The landmark case to consider is *Nollan v. California Coastal Commission*, in which homeowners were not allowed to build a home until they dedicated a public right of way easement across their property. In *Nollan*, the Court ruled that "the announcement that the application for (or granting of) the permit will entail the yielding of a property interest cannot be regarded as establishing the voluntary 'exchange.'" The California Coastal Commission was specifically prohibited from conditioning the approval of a building permit on the acquisition of land. The Court observed that "the purpose [of the restriction] then becomes, quite simply, the obtaining of an easement to serve some valid governmental purpose, but without payment of compensation." Further, the Court was

"...inclined to be particularly careful about the adjective where the actual conveyance of property is made a condition to the lifting of a land use restriction, since in that context ***there is heightened risk that the purpose is avoidance of the compensation requirement***, rather than the stated police power objective."

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Another case, *Dolan*, agreed, so any exaction must both advance significant state interests and have a "rough proportionality" with the ban on building. In this case, we must ask, is such an extreme exaction "reasonably necessary as a direct result of the proposed development"; does it mitigate a direct impact that has been identified as a consequence of a proposed development? Would building four homes on 80 acres have such a negative impact that 72 acres must be set aside as open space? Further, this "dedication of property" language is ominously reminiscent of the California Coastal Commission's newest tactic post-Nollan, designed to circumvent the Court's exclusion of its previous method for obtaining easements. The County and City must prove that the compulsory dedication of 90% of a landholding as a conservation easement is not in fact excessively disproportionate, and that their goal is not simply to acquire nearly all of a privately owned parcel without having to pay for it. One can only hope that the planners in OVOV are not seeking to follow the model of the California Coastal Commission in replicating this subversion of the ruling in *Nollan*.

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SEA Designations Place the Burden of Conservation on Only Some Owners

The 5th Amendment is designed to prevent individual landowners from being forced to "bear... which in all justice and fairness, should be borne by the public as a whole." By purchasing land for conservation from willing owners, the government distributes the burden of maintaining open space by taking over liability and reimbursing the owner for his property interests. *Tahoe-Sierra* "compels consideration of not only the stated purpose of the regulatory action but also its actual effect on the property owner," i.e. whether the owner has been singled out to bear a "public burden" or has been called upon to provide a public benefit. Without providing compensation for the dedicated easement or taking over maintenance of the conserved land, the County will place the burden of conservation on the shoulders of owners of ecological sensitive areas rather than on society as a whole.

Restrictive zoning and ecological designations run the danger of violating fairness and uniformity requirements. Such overlay zones "create inefficiencies and inequities by applying restrictions to some properties and not others." In *Neighbors in Support of Appropriate Land Use v. County of Tuolumne*, the California Court of Appeals found that "the foundations of zoning would be undermined...if local governments could grant favored treatment to some owners on a purely *ad hoc* basis." One clear example of how OVOV treats owners differently is the difference in zoning between the future Landmark Village, and the proposed SEA Piru Creek. The Piru Creek SEA was originally part of a larger tract recommended by a conservation group to include all of San Martinez Canyon, which represents an important final wildlife corridor. Under the current proposal, only lands from Hasley Canyon to the Ventura County border will be down-zoned to RL2 through RL20 (one home per 20 acres). Landmark Village, identified in the recommendation, was excluded. This high density allotment is projected to add 70,000 new residents to the Valley and directly abuts these proposed extremely low density zones. "Landowners' expectations are protected when the owner seeks to engage in development that is comparable to what has been permitted neighboring landowners" (Bremer). Down-zoning lands adjacent to a similarly situated high density development is a breach of fairness. Bordering landowners should have a reasonable expectation to be allowed similar development. What's more, the exclusion of Landmark Village causes a glaring gap and loss of connectivity between two proposed SEAs: the Piru Creek SEA and the Santa Clara River SEA to the south of this planning area. The importance of wildlife corridors and connectivity between ecologically sensitive areas seems to matter only on some tracts of land, and not others. The fact that Landmark Village interrupts a wildlife corridor and the continuity of the desired "greenbelt" inexplicably plays no factor in the land use regulation of the west part of the Santa Clarita Valley.

It would seem that in OVOV the Planning Office selectively and arbitrarily enforces its land use powers to control growth, restricting some land to the brink of inutility, while allowing adjacent owners to raze hillsides and build high density, multi-family dwellings. One wonders whether this is in violation of uniformity requirement of California State Section 65852, the goal of which is ensure that "each party foregoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such mutual restriction can enhance total community welfare. If the interest of these parties in preventing unjustified variance awards for neighboring land is not sufficiently protected, the consequence will be subversion of the critical reciprocity upon which zoning regulation rests" (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974)).

Threat of Future Eminent Domain at Reduced Land Value

One final danger to the landowner restricted by an SEA designation or low density zoning is that the City will seek to acquire the devalued land via eminent domain at a fraction of the previous value *after* the restriction is in place. "If condemning authorities could acquire easement-encumbered land for its value as restricted, such land would be an attractive target for condemnation because it would be less expensive...to condemn than similar unencumbered land. The perversity of that situation should be obvious. Protecting land with a conservation easement would be tantamount to painting a bull's-eye on it for purposes of eminent domain" (McLaughlin). The zoning and ecological designations proposed in the OVOV Open Space and Conservation, and Land Use Elements, place affected landowners in real danger of being appropriated into the City of Santa Clarita's "greenbelt" at an enormous loss. The City already acknowledges its plans to obtain lands not currently in its possession; Mr. Brotzman stated in an interview with *Planning Report*: "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." It is important to note that the list of preparers of the Draft EIR for OVOV consists of 10 City of Santa Clarita Planners, 16 members from Impact Sciences (the City's chosen planning agency), and only two Planners from the County. Unincorporated citizens comprise more than one third of the planning area but are represented by only one sixth of the planners. In addition, the City of Santa Clarita selected Impact Sciences, with whom they have often worked in the past, and *pays the majority of their bills for OVOV preparation.*

This further supports the notion that the City of Santa Clarita is the major driver in the planning of the entire valley, and that part of its vision is acquisition of unincorporated lands.

Compensation Tempers Regulatory Agencies

In "Property Rights, Regulatory Taking, and Compensation: Implications for Environmental Protection," the authors describe a situation in which the absence of compensation causes "unconstrained agencies [to] regulate beyond the efficient level." This is due to the fact that the "normal discipline of the budget...forces agencies to husband their resources and to remain selective in choosing their regulatory targets," making them "sensitive to Congressional scrutiny and apprehensive about inciting a public that is not shy to defend itself." That is, when agencies follow the compensation requirement of the Fifth Amendment, regulators are naturally restricted by how much money they can spend to acquire land for open space and conservation. This causes them to prioritize lands that are truly threatened, and to worry about how their actions will be judged by the public because they must spend tax dollars. If compensation is not a factor, such as in the case of OVOV, lands are blanketed with regulatory actions without real analysis of the threat status of those lands, fiscal impact, or property rights.

The Economic Impact of Down-Zoning

An interesting consideration, especially for an agency that would prefer to limit all development, is the evidence that, in the face of regulatory takings, landowners are more likely to cut their losses and develop the property sooner. Riddiough presents a mathematical model for calculation of property value which demonstrates that the threat of a taking diminishes land value, due to a decrease in "development flexibility." He concludes that "the risk of a taking with less than full compensation results in an inefficient development policy that decreases land value relative to the case in which property rights are fully protected." He also asserts that community-wide growth controls differ only in scale from takings of individual pieces of property. "Growth controls—which can be interpreted as a mass interim taking of undeveloped land—will certainly affect market dynamics." Further analysis is necessary to determine whether One Valley One Vision's down-zoning of tens of thousands of acres will impact the already volatile market dynamics of the Santa Clarita Valley.

Concluding Remarks

"Government is instituted to protect property of every sort...this being the end of government, that alone is a just government, which impartially secures to every man, whatever is his own."

☞ James Madison

"The right to build on one's own property—even though its exercise can be subjected to legitimate permitting requirements—cannot remotely be described as a 'governmental benefit.'"

☞ *Nollan v. California Coastal Commission*

If "the uses of private property were subject to unbridled, uncompensated qualification under the police power, 'the natural tendency of human nature [would be] to extend the qualification more and more until at last private property disappear[ed].'"

☞ *Lucas v. South Carolina Coastal Commission*

The "view—that undeveloped property should reasonably be expected to remain forever undeveloped—runs counter to the most fundamental premise underlying the Supreme Court's modern takings jurisprudence, which provides that making economically productive use of one's property is a right, not a governmentally-bestowed benefit."

☞ Breemer and Radford

"A strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the Constitutional way of paying for the change."

☞ Justice Holmes

"Who is going to buy land for open space? Why doesn't the wretched government buy the land and stop all this nonsense, and just buy it all and say 'We're going to have open space'?...Instead of making you, me, everybody, pay for everyone else's so-called enjoyment of the environment?"

☞ Jocelyn Mackay, Green Architect and Master Planner

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One Valley One Vision seeks to control growth and provide for open space in a manner that is in opposition both to the original spirit of the Fifth Amendment Takings Clause, and to the modern Supreme Court's interpretation of it. Volumes of case law make it evident that landowners—particularly those whose permits face annulment in the face of new regulations—have the opportunity to file suit with the County and stake their regulatory takings claims. The OVOV planners are clearly not ready to leave "the drawing board." They need to provide a plan which adequately addresses the needs of ALL valley residents—the 177,000 City residents as well as the 100,000 unincorporated residents. The current plan is unacceptable on the grounds that:

- it does not provide compensation to owners for the difference in value before and after the restrictive zoning;
- it singles out a minority of Valley residents to solve a common, widespread social problem and provide a general benefit;
- it employs an extortionate exaction on building permits which, rather than reasonably mitigating expected impacts of development, is quite simply designed to avoid paying for easements;
- it violates fairness considerations by practicing selective enforcement and favored treatment to the advantage of only a few landowners—the large developers; and,
- it will ultimately cost the County and taxpayers legal fees due to inverse condemnation suits based on the above principles.

The Fifth and Fourteenth Amendments require that land use regulation follow considerations of fairness, causation and proportionality. It is the obligation of regulatory agencies to ask whether the regulated land owners are treated equitably in relation to similarly situated owners, whether the burden they are asked to bear mitigates a problem which was directly caused by them, and whether the encumbrance or exaction is in proportion to the impact of their actions. I ask that this Commission revisit (or consider for the first time) these issues before proceeding with the land use changes proposed by OVOV. I believe the County will find that the plan does not satisfy these factors. Neither the City nor the County can withstand the fiscal burden of lawsuits or the moral precedent that will be set with such a callous sacrifice of property rights.

Sincerely,
Nicole (Pyburn) Valenzuela

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TITLE
One Valley One Vision

COMMENTS

As both residents of the Santa Clarita Valley and members of the Sierra Club, we are extremely concerned about the ramifications of the "Area Plan Update (One Valley One Vision)". The proposed increases to population density have long-term consequences that seem absolutely shocking when one considers the economic, environmental, and societal pressures of the times. The proposed One Valley One Vision (OVOV) plan will substantially degrade the quality of the environment in northern Los Angeles County. It will substantially reduce the habitat of numerous plant and wildlife species. It will also threaten and/or eliminate species from the area due to loss of habitat. This is because the proposed plan will drastically interfere with the movement of wildlife species within the existing wildlife corridors.

A recent trend of development corporations consists of attempts (and many have been successful) to redefine southern California by creating new cities and large developments in the midst of our most beautiful remaining open spaces. The proposed Newhall Ranch development area is just one example of these open spaces.

- Opposition to Elimination of the Development Monitoring System

The County OVOV Plan proposes a 420,000 increase in projected population for the Santa Clarita Valley. This will substantially impact many infrastructure needs, including those required to be addressed by the Development Monitoring System. What is that, you ask? It would seem some of the County staff were asking the same question.

The County version of the OVOV proposes to eliminate the Development Monitoring System (DMS). We oppose this proposal. Further, we assert that such a proposal is not legal since it would make the General Plan update for the Santa Clarita Valley inconsistent with the LA County General Plan.

The DMS is a General Plan Amendment (SP 86-173) that was authorized by the Board of Supervisors on April 21st, 1987 in all Urban Expansion Areas such as the Santa Clarita Valley. It was developed with the overview of James Kushner, acting as Court referee. Since it was the result of a Court settlement for this public interest litigation brought by the Center for Law and the Public Interest, the County cannot ignore it; pretend it doesn't exist, or make it go away.

This litigation was brought on behalf of the public under a situation exactly similar to the one we have today, i.e., the County was proposing a huge population increase without sufficient infrastructure to support it. The population projection will then enable extensive additional housing approvals because the "Plan" will project inadequate housing for this enormous increase, making the developers very happy. However, one must consider: what about schools, roads, sewers and libraries to support this enormous increase in population? What about the quality of life of existing residents?

That's what the DMS is supposed to address. In an article written by Mr. Kushner for "Zoning and Planning Law Report" in May of 1988, he stated:

"The Los Angeles County Development Monitoring System (DMS) utilizes computer technology to determine capital facility supply capacity and demand placed upon that system by each approved and proposed development. The computer warns decision-makers when demand exceeds capacity and instructs planners on system capacity expansion to meet projected demand."

If there aren't enough school classrooms to serve the new development, the project must be downsized, delayed or denied until there are. This also goes for sewer capacity, library facilities, water, roads and fire service.

Additional legal challenges to ensure the implementation of the DMS followed, but after successful litigation by the Hart District on behalf of schools in the early 90s and by the Sierra Club and other groups on behalf of schools and libraries in 1993, the County has begun to implement the DMS for at least these two areas.

The Sierra Club was also a party to the 2000 Court Decision on the Newhall Ranch Project. Eventually, the Project was set aside in part because it "failed to comply with the DMS section of the General Plan as it relates to water supply."¹ The Return of the Writ and the Findings of the County on its approval of the Newhall Specific Plan state that a DMS analysis will be conducted for each tract map in this project.

¹ Page 32, Statement of Decision of Judge Roger Randall, Kern Case 238324-RDR.

It is too convenient that Impact Sciences is the EIR Consultant for both the County on OVOV and on the Newhall Ranch Project for Newhall Land and Development (Re-organized Newhall Land). We believe that the proposal for the elimination of the DMS represents a significant conflict of interest for this company, since they are representing both the developer and the County.

Further, the OVOV Plan apparently will not meet critical portions of the DMS requirements, particularly in the area of traffic (a congestion level E is not acceptable) and water supply. (See OVOV Comment Letter dated Oct. 28, 2009 regarding sufficiency of water supplies for Plan build-out submitted by Castaic Lake Water Agency).

We believe that the DMS must remain in the OVOV Plan both because it is required by law for consistency with the General Plan and as required mitigation for the substantial population increase proposed by OVOV.

- Infrastructure

Since the year 2007, California has not needed tens of thousands of new homes (especially in newer towns such as Santa Clarita). If anything, people should be moving into homes in more urban areas where there are more jobs, public transportation, etc. Foreclosures, bankruptcies, and losses of adequately paying jobs have resulted in a surplus of unoccupied homes; including new homes. Many new homes and small businesses in the Santa Clarita Valley remain uncompleted and/or empty because of the recession, a sick economy, state and federal deficits, and a long-term lack of demand for more new homes. California has the worse debt and economy of any state in the country. Citizens have lost much income and savings over the last year and the project may soon be asking them to spend and buy in an isolated, remote area.

Due to the troubling economic times, many schools in the Santa Clarita Valley have seen a huge drop in enrollment and thus have lost state A.D.A. monies in addition to the extremely detrimental budget cuts coming from both the state and federal government. This has meant that local school districts have had to halt the building of new schools, increase class-sizes, and have either pink-slipped and or let-go of qualified teachers. A proposed increase in density and a lack of the DMS does not make our current situation any better.

- Biology

Analysis of the biologic impacts states that the OVOV plan would have unavoidable significant adverse ecological impacts. The Santa Clarita Valley has been working on increasing major wildlife linkage corridors and creating open space. With the added density recommended in the OVOV the animals that exist on or utilize the current open space along the edges of our valley would lose their habitat and foraging grounds. Native habitat will be destroyed and many of the few pockets of open space will be just that, "islands" within the city. How will these pockets be of any use to the animal species that

frequent these wildlife corridors? This makes no sense. Animals that transition through the area (looking for food and water, etc.) will have nowhere to go. Communities are scattered around so as to create obstructions to any wildlife corridors. Why is this?

Also, the OVOV could be much stronger in reference to encroachment on the floodplain of the last major wild river in Southern California. The upper stretch of the Santa Clara River is part of one of five areas in the world with a Mediterranean-type habitat. It includes more imperiled species than any other region in the continental United States and as such is biodiversity hotspot. Irrevocably transforming the habitat of many endangered species into row after row of urban sprawl is not the answer.

There are numerous significant impacts to mountain lions, burrowing owls, arroyo toads etc...(30 plus rare/endangered species who in many cases are already declining in numbers). However, the impacts always seem to be mitigated by allowing for habitat acquisition (thus making up for the loss of habitat). This is not well explained. How will this be conducted? What areas will be purchased? It seems like this is an easy answer to a serious problem. Additionally, who will monitor and enforce this plan of buying property? Will there be a qualified biologist working in a pro-active manner to protect tributaries, watersheds, etc? How can the limiting of human and pet access be enforced?

In other words, what the plan promises in mitigations for endangered or rare species is basically not possible.

As mentioned above, the proposed project would result in the loss of suitable foraging habitat for a variety of species (including mammals such as mountain lions/mule deer, birds such as condors/raptors, reptiles, amphibians, etc.), and the direct loss of special status plant species. It is easy to see that the impacts on animal and plant species will be drastic.

However, the plan is very inconsistent when describing potential mitigation measures and other solutions to the problem. When mitigation measures are mentioned they are weak or vague. Case in point, the plan states repeatedly that the effects of development will be significant and ultimately unavoidable. Stating that the impacts to wildlife are unavoidable is not acceptable and the mitigation measures suggested are not enough.

- Traffic

Transportation and Circulation Element 3_2 and 3_2apx

The major claim of this section is that traffic and circulation will have a less than significant impact as a result of the change to One Valley One Vision. This is a remarkable achievement if true. How was this result achieved? The main argument claims that highly impacted intersections with LOS = F (LOS=E is apparently OK – wow!) will be mitigated by the measures of OVOV in a number of cases because of policies which focus on reduction of density, use of public transportation, bicycles, foot traffic, etc. as well as special village areas which are locally high density close to public

transportation. Furthermore, by adding more industrial park jobs local transportation trips will be reduced. Let us first notice that these are all assumptions about what might happen. In the past, claims were made for the River Park project that it would improve traffic. But the EIR shows that all the intersections will be more negatively impacted at build-out. What in the OVOV changes to the general plan would yield a result which is better? The answer is none! The early claim of the Newhall Ranch project is that commuter trips in and out of the valley would be reduced. Utter nonsense. The addition of industrial park jobs only increases this traffic. The assumptions made and the numbers derived from them and pumped into the model are pie-in-the-sky. The OVOV needs to make an honest effort to provide realistic traffic and circulation projections based on solid estimates – not frivolous hopes. With no foreseeable changes to the valley's arterial infrastructure (HOV already factored in) traffic will only get worse. That should be reflected in the OVOV DEIR document.

- Air Quality

Previous urban sprawl and development that relies on individual car transportation has contributed to Santa Clarita having poor air quality, and the current plan continues this pattern. Air pollutants directly related to traffic include ozone, carbon monoxide, nitrogen oxides, sulfur dioxide, and coarse and fine particulate matter. Our abundant sunlight hastens the photochemical reactions of these pollutants, causing increased asthma and bronchitis. Nitrogen dioxide depresses the immune system. These consequences are most notable in the very young, whose developing bodies are most vulnerable. It is obvious that the cumulative air pollutant emissions in the area would contribute to the degradation of local and regional air quality. The SCV already exceeds Federal air pollution standards for particulate matter generated from dust and diesel pollution. (information from the AQMD)

According to AQMD guidelines no residences should be built with 150' feet from the roadway, as this is where vehicle-caused pollution is most concentrated. No residences should be built directly adjacent to major transportation corridors for truck and vehicle traffic. Also, where development begins (150 feet from a roadway) there should be berms and landscaping to reduce pollution.

In addition, long term effects result from the additional traffic on our local roads and freeways. Climatologists agree that greenhouse gases are causing global warming and even the Supreme Court, in its decision several months ago, said that EPA must address Carbon Dioxide as a pollutant. These two facts alone suggest that further discussion of global warming should appear in this document.

The already approved construction, and future construction will have their own related pollution. However, construction emissions have a finite lifetime – operational emissions will just keep increasing with significant unavoidable impacts. A doubling of truck traffic on I-5 by 2020 will make things even worse. Previous studies have provided exhaustive analyses of the many impacts of emissions on air quality. Growth must be significantly reduced from the current recommendations in the county OVOV plan.

- Global Warming

The Sierra Club agrees with the Attorney General's letter regarding the lack of information in the OVOV EIR on the impacts of global warming. The OVOV plan inadequately addresses the topic of global warming.

- Water Supply

In an October letter to Los Angeles County regarding the OVOV General Plan update, the Castaic Lake Water Agency asked that their review of water supply be delayed until the Department of Water Resources releases its currently due "State Water Reliability Report," and a review of that report can be made. We concur with this request and ask that the County delay our review of this issue as well. This report will take into consideration the most recent biological opinions that affect State Water deliveries to Southern California, as well as the potential for reduced snow packs in the Sierras that will further limit the state water supply. Since new development must depend on this state water supply, it is imperative that the County have the most recent and best information regarding those supplies.

We would like to re-iterate statements entered into the record regarding the Newhall Ranch project Specific Plan that is a part of this General Plan Update. Valencia Water Co. has no adjudicated rights to ground water or water extraction from the Santa Clara River. If other currently fully entitled projects require that water, then the ground water on which Newhall Land has based its supply will have to be delivered to those other projects. The County should also note, as stated in the CLWA letter, that Newhall Land and Farming has no "wheeling" rights for its Kern County Nickel Water Transfer.

Further, last year CLWA was forced to buy the withdrawal priorities from Newhall Land and Farming to provide an adequate water supply for current residents in the SCV during 2009. It is important that the County be aware of the severe shortfall that could have occurred, had CLWA not been able to obtain this withdrawal priority. A planner should calculate the additional water cutbacks that would have occurred, had we not had a real estate slow down and all currently entitled housing had been built. This is a requirement of the County Development Monitoring System. It is unfair to the public and to the business community to demand such potentially severe cutbacks due to the County's failure to understand and plan for the severity of the water supply problem.

The County should also note that the perchlorate clean up project is still not on line and functioning as of the date of this letter, although CLWA said it would be functioning in November 2009. Further, the production from this facility is estimated now to be only 50% of the previous production of these wells². Since the Saugus Aquifer is supposed to be the drought back up source for water in the Santa Clarita Valley, the failure of this clean up project to begin operation as it was projected five years ago, and now to produce only 50% of its former water supply, is a substantial problem. The Sierra Club has

² See attached chart of projected water supply production from remediated Saugus Wells

requested in all CEQA comments for the last several years that the County delay further approvals until this facility is actually functioning.³ We make that request again.

Sincerely,

Katherine Squires

Conservation Chair, Santa Clarita Group

³ See attached Sierra Club, Angeles Chapter Resolution

Saugus Formation Wells Actions

Well	Lost Capacity (gpm)	Action Taken	Restored Capacity (gpm)
V-157	1,500	Replaced with Well V-206	1,500
NC-11	1,200	Taken out of service	0
Saugus 1	2,600	Rehabilitate well; install treatment	1,200
Saugus 2	2,600	Rehabilitate well; install treatment	1,200
Total	7,900		3,900

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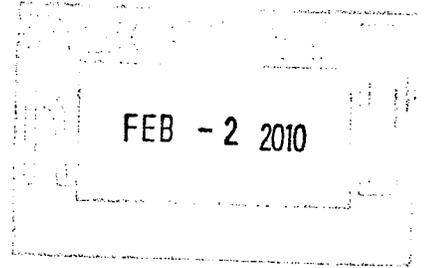
Resolution of the Executive Committee of the Angeles Chapter

The Angeles Chapter opposes additional land use approvals in Santa Clarita that rely on water from the contaminated Saugus aquifer until clean up facilities to remove the ammonium perchlorate, NDMA and other pollutants from this ground water source are functioning.

Approved unanimously
7-23-06



Golden Oak Ranch



February 1, 2010

Mr. Mitch Glaser
Supervising Regional Planner
Los Angeles County Department of Regional Planning
320 W. Temple Street, Room 1352
Los Angeles, California 90012

Re: Comments on Draft Environmental Impact Report for the Updates to the Santa Clarita Valley Area Plan (One Valley One Vision Plan)

Dear Mr. Glaser:

Golden Oak Ranch Properties, a wholly-owned subsidiary of The Walt Disney Company, is the proud owner of Golden Oak Ranch, located at 19802 Placerita Canyon Road in unincorporated Los Angeles County. Since the 1950s, Golden Oak Ranch has been a successful filming ranch, used by numerous companies, including Disney, in the production of motion pictures, television, and commercials. As you are aware, on October 28, 2009, we submitted applications with Regional Planning for Disney | ABC Studios at The Ranch, a state-of-the-art motion picture and television studio on the westernmost 56 acres of the Ranch directly adjacent to State Route (SR) 14.

We have reviewed the Draft Environmental Impact Report (DEIR) for the One Valley One Vision (OVOV) Plan. We appreciate the County's efforts to strike a balance between the need to recognize and preserve the beauty of the Ranch and the economic benefits of allowing development on a small portion of the 890-acre Ranch directly adjacent to SR-14.

In particular, we understand the County intends to designate the 44.28-acre portion of the Ranch covered by the proposed Vesting Tentative Tract Map No. 71216 as IO (Office and Professional) and to re-zone this area as C-M (Commercial Manufacturing). Disney | ABC Studios at The Ranch would be consistent with the IO designation, which is intended to promote master-planned environments and allows offices, research and development, light assembly and fabrication, warehousing and distribution, and supportive commercial uses. (DEIR, p. 2.0-38, 39.) The proposed project also would be allowed in the C-M zone, which allows motion picture studios and indoor sets. (L.A. County Code, § 22.28.230.) One concern with the IO designation, however, is the limitation of building height to 55 feet. (DEIR, p. 3.1-22.) As you are aware, the proposed soundstages at Disney | ABC Studios at The Ranch would be up to 60 feet. While the DEIR indicates the County can approve a greater building height through discretionary procedures prescribed by the applicable zoning ordinance, (DEIR, p. 2.1-22), a maximum height of 60 feet for buildings within the IO designation would be more consistent with the needs of typical projects located in areas proposed for this designation and with the C-M zone.



Golden Oak Ranch

Letter to Mitch Glaser
February 1, 2010
Page 2

We also have seen conflicting information regarding the specific location of designated Significant Ecological Area (SEA) within the Ranch. Contrary to discussions with County staff and the maps displayed at the October 5, 2009 OVOV public hearing, the proposed SEA designation in the DEIR improperly covers the entire Ranch. (DEIR, Figure 3.7-2 on p. 3.7-14.) As previously discussed, designation of the entire Ranch would be inconsistent with the constant disturbance of the Ranch floor as well as the Ranch's Conditional Use Permit, approved by the County first in 1979 and again recently in 2006 to allow outdoor filming and the construction of filming sets on approximately 210 acres of the Ranch floor. We request the final map limit the area of the Ranch designated as SEA to the approximately 600 acres of hillsides surrounding the Ranch floor outside the area allowed for set construction under the CUP. That designation would be consistent with Disney's use of the surrounding hillsides primarily as filming backdrop.

Finally, the Parks and Recreation section of the DEIR indicates that an adopted public hiking trail exists through the Ranch floor, extending eastward from SR-14 to Placerita Canyon Road. Specifically, Figure 3.16-2 on page 3.16-16 indicates part of the Backbone Trail System runs along Placerita Creek through the Ranch. The Ranch is privately-owned and there has been no dedication of any portion of the Ranch to the public for a public trail, nor is the public allowed on the Ranch as a practical matter. Indeed the presence of a public trail through the Ranch floor would be entirely inconsistent with the use of the Ranch for filming motion pictures, television and commercials, as this use requires a high degree of security and privacy. We request the County update the map as there are no public trails and cannot be public trails through this portion of the Ranch given our current and planned future use.

Thank you for considering these comments on the County's DEIR for the OVOV Plan. We welcome the chance to work with the County on these issues. If you have any questions, please do not hesitate to contact me at (818) 560-8952.

Best regards,

Deanna W. Detchemendy
Vice President

cc: The Honorable Mike Antonovich, Los Angeles County Supervisor
Mr. Paul Novak, Planning Deputy to Supervisor Antonovich
Ms. Rosalind Wayman, Field Deputy for Santa Clarita Valley to Supervisor Antonovich
Kathleen O'Prey Truman, Esq., Truman & Elliott LLP

December 2, 2009

County of Los Angeles
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012
Attn.: Mr. Mitch Glaser

E-mail: ovov@planning.lacounty.gov

Subject: Comments on NOC of DEIR; Santa Clarita Valley Area Plan Update

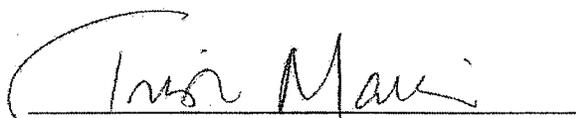
Dear Mr. Glaser:

Thank you for the opportunity to review and comment on the subject document. Attached are the comments that we have received resulting from intra-county review of the subject document. Additional comments may have been sent directly to you by other County agencies.

Your proposed responses to these comments should be sent directly to the commenter, with a copy to Laura Hocking, Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93009.

If you have any questions regarding any of the comments, please contact the appropriate respondent. Overall questions may be directed to Laura Hocking at (805) 654-2443.

Sincerely,


Tricia Maier, Manager
Program Administration Section

Attachment

County RMA Reference Number 09-045



VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Laura Hocking/Dawnyelle Addison, Planning

DATE: January 26, 2010

FROM: Alicia Stratton

SUBJECT: Request for Review of Draft Environmental Impact Report (DEIR) for the One Valley One Vision Project (OVOV), Los Angeles County Department of Regional Planning (Reference No. 09-045)

Air Pollution Control District staff has reviewed the subject project, which is a comprehensive update to the Santa Clarita Valleywide Area Plan to establish common guidelines for new development that will lead to greater cooperation and an enhanced quality of life for residents of the Santa Clarita Valley. The result of the project will be an Area Plan document and EIR for the buildout of the entire Santa Clarita Valley Planning Area. The Planning Area combines two geographic areas, the City corporate limits and the unincorporated area of the County within Santa Clarita Valley. It is situated at the convergence of Los Angeles and Ventura Counties.

The South Coast Air Quality Management District has jurisdiction over air quality in Los Angeles County, however, future development of the Planning Area and its proximity to Ventura County could adversely impact Ventura County residents. Because of this, we wish to submit the following comments.

Section 3.3 of the DEIR addresses air quality in Ventura County. The discussion of the South Central Coast Air Basin (Page 3.3-8) describes the geographic area to the west of the OVOV, which includes Ventura County. This discussion states that the area of interest in the DEIR's impact analysis is a subarea of the South Central Coast Air Basin, the Oxnard Plain. We concur with the identification of the Oxnard Plain, and Ventura County as a whole, as an area of concern for potential air quality impacts from this project due to the wind patterns and topography linking the airsheds. The proposed project has the potential to adversely affect air quality in Ventura County and may be potentially harmful to Ventura County's regional air quality planning efforts.

The discussion on Page 3.3-43 describes operational emissions from the OVOV Planning Area Buildout as exceeding existing emissions by 99 to 106 percent, but being less than emissions anticipated under the existing Area Plan and General Plan. The OVOV

Planning Area and Buildout emissions compared to the existing Plans would not exceed South Coast Air Quality Management District thresholds (except VOC) of 55 lbs/day. Please note that Ventura County Air Pollution Control District thresholds of significance for operational air quality impacts are 25 lbs/day for ROG and NOx. Again, because the proposed project area is adjacent to and transports pollutants to Ventura County this remains an area of concern for residents of Ventura County and Ventura County's air quality planning efforts.

Page 3.3-40 presents Goal CO7, which proposes clean air to protect human health and support healthy ecosystems. Goal CO7 would further ensure that the Area Plan and General Plan would not conflict with or obstruct implementation of the South Coast's Final 2007 Air Quality Management Plan. This would be accomplished by promoting mixed land use patterns and multi-modal circulation policies set forth in the Land Use and Circulation Element, thereby limiting air emissions from transportation sources by separating sensitive land uses from sources of toxic air emissions, and by coordinating with local, regional, state, and federal agencies to develop and implement regional air quality policies and programs. We therefore support implementation of OVOV policies and programs that will promote clean air in the region, including Ventura County.

If you have any questions, please call me at (805) 645-1426.



**PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic, Advance Planning & Permits Division**

MEMORANDUM

DATE: September 21, 2009

TO: RMA – Planning Division
Attention: Laura Hocking

FROM: Behnam Emami, Engineering Manager II

SUBJECT: REVIEW OF DOCUMENT 09-045 Notice of Completion and Availability of a Draft Environmental Impact Report (EIR) for the **Santa Clarita Valley Area Plan Update Project**.
All unincorporated areas within the Santa Clarita Valley planning area, including communities of Agua Dulce, Bouquet Canyon, Castaic, Fair Oaks Ranch, Hasley Canyon, San Francisquito Canyon, Val Verde, Sunset Pointe, Southern Oaks, Stevenson Ranch, and Westridge.
Lead Agency: Los Angeles County Department of Regional Planning

Pursuant to your request, the Public Works Agency -- Transportation Department has reviewed the subject Notice of Completion and Availability of Draft EIR for the Santa Clarita Valley Area Plan Update Project. The project is a comprehensive update of the Santa Clarita Valley Area Plan, a component of "One Valley One Vision," a joint planning effort with the City of Santa Clarita. The project location includes all unincorporated area within the Santa Clarita Valley planning area which includes the communities of Agua Dulce, Bouquet Canyon, Castaic, Fair Oaks Ranch, Hasley Canyon, San Francisquito Canyon, Val Verde, Sunset Pointe, Southern Oaks, Stevenson Ranch, and Westridge.

We offer the following comment:

When future developments are proposed, the projects may have site specific and/or cumulative impact on County roadways. The subsequent environmental document for these projects should include any site-specific or cumulative impact to the County local roads and the Regional Road Network.

Our review is limited to the impacts this project may have on the County's Regional Road Network.

Please contact me at 654-2087 if you have questions.