NEWHALL RANCH™
Newhall Ranch Company

FINAL
ENVIRONMENTAL IMPACT REPORT

Project# 94087
SCH# 95011015

NEWHALL RANCH SPECIFIC PLAN
and
WATER RECLAMATION PLANT

Comment Letters and Oral Testimony

Volume V

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Introduction

Introduction

Final Environmental Impact Report
Newhall Ranch Specific Plan and Water Reclamation Plant

Project #94087

SCH# 95011015

In compliance with § 15132 of the *CEQA Guidelines*, this document serves as the Final EIR for the proposed Newhall Ranch Specific Plan and Water Reclamation Plant. As required, this document provides responses to written comments received on the Draft EIR and Final EIR Volumes I through IV, and responses to oral testimony received at public hearings before the Los Angeles County Board of Supervisors.

The Newhall Ranch Specific Plan and Draft EIR were released for public review and comment from August 6, 1996, to April 1, 1997, or for a total of 238 days. This public comment period was 193 days longer than the 45-day period required by the California Environmental Quality Act (CEQA).

Prior to Regional Planning Commission action on the EIR and Specific Plan, the Final EIR, Volumes I through IV, including comments and responses, was made available for review by various public agencies and other interested groups, organizations, and individuals from December 5, 1997, to December 17, 1997. At the public meeting held on December 17, 1997, the Regional Planning Commission recommended approval of the Newhall Ranch Specific Plan and certification of the Final EIR.

Thereafter, the Los Angeles County Board of Supervisors provided an additional time period for public review and comment on the Final EIR, Volumes I through IV, including responses to comments, which ran from December 17, 1997, to April 10, 1998, or an additional 115 days. By combining the earlier comment period with the additional time provided, the public comment period on the Draft EIR and Final EIR, including responses to comments, lasted for a total of 353 days.

Volume V of this Final EIR contains comments received in writing and orally after the publication of Final EIR Volumes I through IV in December 1997, and Volume VI contains responses to those comments as well as additional appendix materials. All comment letters on

the EIR which were received after expiration of the lengthy public review and comment periods ending on April 10, 1998, are considered "late" comments. Because CEQA does not require a lead agency to respond to late comments, Los Angeles County is not required to provide a written response to such comment letters. However, the County has responded to the comments without waiving its position that written responses to late comment letters are not required by CEQA, the CEQA Guidelines, or any other law or regulation.

This Final EIR is divided into two major sections: the section entitled "Comment Letters and Oral Testimony" and the section entitled "Response to Comments." The organization of both is described below:

Final EIR Organization

Comment Letters and Oral Testimony (Volume V)	**Response to Comments (Volume VI)**
Table of Contents	Table of Contents
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	Oral Testimony and Responses
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	Appendix to Response to Comments

A list of the persons, organizations, and public agencies commenting on Final EIR Volumes I through IV is presented in the Table of Contents of the section entitled "Response to Comments." Comments received, in writing and orally, subsequent to the publication of Final EIR Volumes I through IV are presented in the section entitled "Comment Letters and Oral Testimony." The responses of Los Angeles County to environmental points raised in the review of Final EIR Volumes I through IV are presented in the section entitled "Response to Comments." Further revisions of the Draft EIR are presented in the subsection to the "Response to Comments" entitled "Revised Draft EIR Pages." Lastly, the "Response to Comments" section contains an appendix entitled "Appendix to Response to Comments."

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of
Santa Clarita

March 20, 1998

Honorable Members, Board of Supervisors
c/o Ms. Joanne Sturges, Executive Officer
Clerk of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

SUBJECT: NEWHALL RANCH SPECIFIC PLAN AND EIR
General Plan and Sub-Plan Amendments Nos. 94-087 - (5)
Zone Change No. 94-087-(5)
Conditional Use permit No. 94-087-(5)
Vesting Tentative Parcel Map No. 24500

Dear Honorable Members, Board of Supervisors:

The City of Santa Clarita appreciates the opportunity to comment on the Newhall Ranch proposal. The City has serious concerns regarding the size and scope of this project, its impacts on the City of Santa Clarita, and its impacts on the entire Santa Clarita Valley. The project, with nearly 25,000 residences and a population of almost 70,000 will substantially alter the quality of life for City residents. The Santa Clarita Valley currently has a shortage of infrastructure, such as adequate sewers, roads, mass transit, schools, fire, Sheriff facilities, libraries, parks, recreational programs, and youth and adult services. This project, without appropriate mitigation, will worsen our current infrastructure shortages. Given the enormous impacts of this project, the City requests that the Board of Supervisors holds a meeting regarding this project in the Santa Clarita Valley so that local residents would have an opportunity to comment on the project. 1

While the developer has stated that the incorporation of Newhall Ranch into the City is unlikely, one can never predict what the future may hold. Fifty years from now, we may have incorporated the Valencia Commerce Center, the Marketplace, and/or the Magic Mountain Theme Park. We also feel that the possibility exists that future residents of Newhall Ranch may wish to become part of the City. As such, we have also looked at the project as if future annexation of the community of Newhall Ranch is a possibility.

If the project is developed, the City suggests that the County of Los Angeles and the developer continue to include the City of Santa Clarita in the planning process. The Joint City-County Planning Program Background Report (prepared jointly by the County of Los Angeles Regional Planning Department

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and the City of Santa Clarita Community Development Department) was accepted as a policy document in December of 1992. The Planning Program states that "while the City of Santa Clarita was formed so that planning from a local perspective could take place, the City share the Santa Clarita Valley with land governed by Los Angeles County. As the City has grown, so has its awareness of the need to work together with the County. Ultimately, the quality of life in the Santa Clarita Valley will depend heavily on how this happens." The Planning Program specifies goals which lead to this higher quality of life, including:

- The promotion of compatible and sound planning and the enhancement of the quality of life in both the incorporated and unincorporated areas of the Santa Clarita Valley;

- The promotion of compatible land use policy and development standards in the Santa Clarita Valley;

- The enhancement of infrastructure planning, design, and installation in incorporated and unincorporated areas; 1

- The coordination of development fees for infrastructure and other public facilities;

- The utilization of locally generated fees locally, both in the City and in the unincorporated areas;

- The maximization of opportunities for review and input on discretionary project; and,

- The opportunity to provide fair and equitable means for public representation and participation.

In light of these goals, it is imperative that the Newhall Ranch Specific Plan provide for development that is consistent comprehensive and compatible with the Santa Clarita Valley. In addition, the City requests that the following changes be incorporated into the Specific Plan.

- Development Intensity: The proposed development of nearly 25,000 dwelling units along with the proposed commercial and industrial uses is too intense for this area. This concern is amplified given the cumulative impacts of the build-out west of Interstate 5 which will add an additional 8,000 dwelling units to the 25,000 units proposed at Newhall Ranch. 2

- Water Supply: The City is concerned that an adequate water supply has not been secured for the entire project. The developer indicates that the water supply will be secured for each phase of the development, but there 3

is no guarantee in the Specific Plan that this will occur. 3

- Air Quality: The project does not include adequate mitigation measures for the air quality impacts that would be created by this project. Specifically, the future developers should provide for non-motorized modes of transportation at future subdivision stages. The City is very aware that technology changes rapidly, and is not asking that the developer be specifically tied down to requiring Electric Vehicle charging stations at each future subdivision stage. What the City is asking is that, for an innovative project of this size, alternative fuel vehicles, EV charging stations and other future technologies be encouraged by the Newhall Ranch Company in order to help reduce the project's air quality impacts. This should also include payment of the project's pro-rata share for transit service to and from the project site. 4

- Affordable Housing: Although the project provides for a variety of housing types, it does not contain an inclusionary housing program. Because Newhall Ranch is designed as a self-contained community, it is important that it provide its fair share of affordable housing so that the adjacent jurisdictions are not left with the responsibility of providing Newhall Ranch's share. Therefore, the City requests that the Specific Plan contain an affordable housing program consistent with state housing law. 5

- School Facilities: The project does not guarantee that adequate school facilities will be provided. The impact of the project on the local school districts is considered to be unavoidably significant by the William S. Hart Union School District and the Castaic Union School District. The draft environmental impact report does not discuss the timing for development of the five elementary schools, junior high, and high school, therefore it is anticipated that the City will be negatively affected by the build-out of the project in the short-term, or until the facilities are developed and operational, however long that may be. Therefore, the City requests that an agreement be secured with the William S. Hart and Castaic Union School Districts. 6

- Santa Clara River and High Country Dedication: A conservation and recreation easement is proposed to be granted to the County of Los Angeles which will maintain public oversight. However, the City does not agree with the proposed management of these areas. The Newhall Ranch Company proposes that the Center for Natural Lands Management manage these areas. The City requests that these areas be maintained by either the Santa Monica Mountains Conservancy or the Santa Clarita Watershed Recreation and Conservation Authority. 7

  The City is also opposed to the proposed timing of the dedication. The Newhall Ranch Company has proposed dedicating the High Country at

mid-point in the development of Newhall Ranch or sooner if Portrero Valley Village development has reached the 3,000th residential building permit. The City requests that the lands be dedicated within three years of approval by the Board of Supervisors of the Specific Plan and related applications or immediately upon adoption of the development agreement, whichever occurs first. 7

- Santa Clara River Significant Ecological Area: Significant riparian habitat would be removed from the River Corridor SEA with insufficient mitigation for this impact. This SEA is the largest in the Santa Clarita Valley and supports a variety of natural habitats including freshwater marsh, coastal sage scrub, oak woodland, and riparian woodlands. The City requests that these impacts be minimized. 8

- Flood Plain: Allowing development along the 100 year flood plain of the Santa Clara River would create a hazard that would have to be corrected at a later date. Therefore, the City requests that all development be removed from the 100 year flood plain. 9

- Bank Stabilization Alternatives: Even though the Newhall Ranch Company has agreed to add Specific Plan language that would allow the use of alternatives such as buried bank stabilization, they have not made a commitment to utilize this method. The Newhall Ranch Company has only agreed to allow this method as an option. The City requests that there be a commitment to utilize these bank stabilization alternatives. 10

- Metrolink Line Restoration: The City requests that the Newhall Ranch Company assist the MTA in seeking funding to build the portion of the proposed Metrolink line from Santa Clarita to Ventura that is within the Newhall Ranch project. 11

- Future Transit Needs Financing: Gasoline and Proposition A and C sales taxes generated by the project will provide surplus revenues; however, there is no guarantee that these revenues will return to the Santa Clarita Valley. The City requests that there be a method to insure that these revenues are returned to the Santa Clarita Valley to provide the needed transit services. 12

- State Highways: The City is concerned about the cumulative impacts on State Route 126, Interstate 5, and State Route 14. The Draft Environmental Impact Report states that because the project is self-contained, 50 percent of the traffic generated by the project will stay within the boundaries of the project, 37 percent of the traffic will stay within the Santa Clarita Valley, and 11 percent of the traffic will travel outside of the Santa Clarita Valley. The City believes that the short term impacts will be significant during the phasing of the project and that the Specific Plan 13

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guarantee that these impacts are mitigated.

- Financing, Maintenance and Staffing of Public Parks: The fiscal impact analysis indicates that there would be surplus tax revenues available for park recreation funding; however, there is no guarantee that these revenues will return to the Santa Clarita Valley nor does the County agree that it will provide park recreation programs. The City requests that there is a method to guarantee the return of these funds to the Santa Clarita Valley to pay for the parks and recreation services. 14

- Tie the project's trail system into the Santa Susana Mountains from the Santa Clara River: The developer has stated that an equestrian connection between the High Country and the River trail is problematic, as the horses would need to traverse the Santa Clara River bottom Newhall Ranch has not included public recreation within the River bottom due to the presence of endangered species and sensitive habitats, and has stated that the Project Biologist is opposed to encouraging access within the river. The City is not suggesting that an equestrian trail traverse the River bottom. The proposed equestrian trail along the Santa Clara River and the proposed equestrian trails in the Santa Susana Mountains High Country (which the developer agrees to tie into the Pico Canyon Trail) should be connected in order to provide a usable, logical regional trail system. 15

- Build Newhall Ranch according to the City's development standards: Even though the Specific Plan's Hillside/Ridgeline standards are similar to the City's standards; they are not as extensive nor do they provide the same amount of protection from excessive grading and landform alteration as the City's provide. Additionally, even though bicycle trails are provided adjacent to all highways, the Specific Plan does not meet the City's bicycle trail standards. The City requests that the project conform with the City's Hillside/Ridgeline and bicycle trail standards. 16

- The following issues have been identified as requiring additional review at the time each Newhall Ranch subdivision is proposed in the future:

  - Project compliance with all applicable NPDES Permit requirements.
  - Traffic performance evaluations at each subdivision stage.
  - Proper phasing and financing for transit service to the site.
  - Environmental review and public notification for any construction near the Salt Creek corridor.
  - Proper landform grading techniques.
  - Project compliance with, and incorporation of, Best Management Practices.
  - Minimization of non-point source pollutants throughout the Newhall Ranch site.
  - Individual Stormwater Pollution Prevention Programs for subdivisions,

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where appropriate.

- Designs accommodating transit service to all future development sites.
- The development of a major sports center for community tournaments/league play.
- Teen programs and anti-gang programs for the residents of Newhall Ranch.
- The inclusion of air quality mitigation measures at all stages of development. 17
- It is unclear whether the project complies with the remaining City property development standards (i.e. setbacks, height, lot coverage, etc.) because the Newhall Ranch Company has not proposed any subdivisions at this time.

Thank you for your consideration of these very important concerns.

Sincerely,

Janice H. Heidt

Janice H. Heidt
Mayor

JHH:GAC:VPB:lep

s:\pbs\council\nrch-ltr.vpb

Date January 23, 1998

Ms. Joanne Sturges
Executive Officer, Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Ms. Sturges:

Subject: CUP No. CP-94087

Use: Development of the Newhall Ranch project

Address: The Specific Plan site is located in an unincorporated portion of the Santa Clara River Valley in northwestern Los Angeles County. The site, approximately 11,963 acres in size, is located one-half mile west of the Golden State Freeway (I-5) and largely southwest of the junction of I-5 and State Route 126 (SR-126). Both the Santa Clara River and SR-126 transect the northern portion of the Specific Plan site.

The Specific Plan site is located in the Agriculture (A-2), (A-2-2), (A-2-5); Manufacturing (M-1.5) Zoned District

1

Related zoning matters:

Tract or Parcel Map No. VTPM-24500

Change of Zone Case No. ZC-94087

Other DA-94087

This is a notice of appeal from the decision of the Regional Planning Commission on: (Check One)

_____The Denial of this request

_X_The Approval of this request & certification of the related Final EIR

_____The following conditions of the approval:

_____, _____, _____, _____, _____, _____, _____.

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Land Use Permits

Briefly, the reason for this appeal is as follows:

The City Council of the City of Santa Clarita appeals the December 17, 1997, decision of the Los Angeles County Regional Planning Commission to approve the Conditional Use Permit (CP-94087) for the Newhall Ranch project and also the decision to certify the Final Environmental Impact Report related to the Conditional Use Permit application. Given the essential relationship between the approval of the Vesting Tentative Parcel Map and the recommendations of the Regional Planning Commission, the City Council of the City of Santa Clarita formally registers objections to the recommendation of the Commission that the Los Angels County Board of Supervisors approve General Plan Amendment (SP-94087), Zoning Change (ZC-94087), and the recommendation of certification of the Final EIR for these project approvals. The grounds for the appeal are set forth in Exhibit A attached hereto.

1.

Enclosed is a check (or money order in the total amount of $ (waived).
The amount of $ n/a is estimated to cover the cost of prepared for the Board of Supervisors six (6) copies of the transcript of all pertinent hearings held by the Regional Planning Commission. The amount of $899.00 for applicants or $449.00 for non-applicants is to cover the Regional Planning Department's processing fee.

(Signed) Appellant

Jeffrey Lambert, AICP, Planning Manager

Print Name

City of Santa Clarita

23920 Valencia Blvd., Suite 300

Address

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Day Time Telephone Number

FVI-BS47.doc
Land Use Permits

Exhibit A

Grounds for Appeal
CP-94087

1. Inadequate School Facilities

The project does not guarantee that adequate school facilities will be provided. The DEIR analyzes two different methodologies for determining possible effects on local schools. One includes the School Districts' methodology, and the other includes the Los Angeles county DMS Methodology. The DEIR tends to favor the Los Angeles County DMS Methodology, which states a lesser impact to the local schools than the School Districts' methodology. The impact of the project on the local school districts is considered to be unavoidable significant by the William S. Hart Union School District and the Castaic Union School District. 2

The DEIR should, in some manner, address the phasing for development of school facilities. The DEIR does not discuss the timing for development of the five elementary schools, junior high, and high school, thus it is anticipated that the Cit will be negatively affected by the build out of the project in the short-term, or until the facilities are developed and operational, however long that may be. Specific mitigation for school impacts should be addressed in relation to the phasing of the project, as well as the mechanism being proposed for the implementation of school facility development.

Without a guarantee that adequate facilities will be provided, schools within the City of Santa Clarita will be significantly impacted by this project.

2. Inadequate Park Facilities

Even though the development meets the Quimby Act requirements for parkland, the amount of park space would be inadequate given the projected population and the location of the park sites are generally inappropriate. Additionally, There are no major sports centers which would accommodate community tournaments or league play. With the addition of approximately 70,000 people, there would be demand for organized youth and adult baseball, softball, football, soccer, and/or other league sports. 3

Currently, the City of Santa Clarita provides extensive parks and recreation programs and is bound by an agreement with the County which precludes the City from charging non-resident fees. Therefore, the City cannot adequately address the needs of additional population unless the Project will generate

revenues to cover these costs. 3

3. Inadequate oversight of Special Management Areas

The Santa Clara River Corridor does not have an identified public agency, such as the Santa Monica Mountains Conservancy, to oversee this Special Management Area. Additionally, there is no timing for the dedication of the High Country. 4

4. Adverse Impacts on the Santa Clara River Significant Ecological Area

Significant riparian habitat would be removed from the River Corridor SEA with insufficient mitigation for this impact. This SEA is the largest in the Santa Clarita Valley, extending through he City of Santa Clarita and along the entire Santa Clara River watershed. It supports a variety of natural habitats including freshwater marsh, coastal sage scrub, oak woodland, and riparian woodlands. 5

5. Inadequate oak Tree Mitigation

The oak tree mitigation measures are inadequate. The ratio of oak tree mitigation should not be based on a "blanket" numerical ratio, but should be based on the monetary value of the tree being removed. For example, if a tree that has an International Society of Arboriculture (ISA) value of $10,000 is being removed, then the replacement tree(s) should equal that same monetary value in order to truly mitigate the impact of removing the tree. 6

6. Inadequate Water Agreements

The project does not resolve and specifically describe the financing and/or reimbursement plan for the water reclamation plant. Additionally, the project does not guarantee adequate water supply from the California Water Project. 7

7. Adverse Impacts on Transportation Systems

The project would generate an estimated 387,000 average daily trips which would have a significant impact on the City of Santa Clarita's transit system and roadway network. Given the projected additional population of 72,000 new residents, It is anticipated that the Santa Clarita Transit fleet would need to be increased by 48 buses. Also, there is no guarantee for the construction of the MetroLink line restoring service from the Santa Clarita Valley to Ventura to further alleviate the added congestion. 8

8. Inadequate Sold Waste Reduction

The project does not establish specific measures to reduce/dispose of solid waste, assuming that no new construction or expansion of existing landfills will occur. This is more important due to recent events regarding the lawsuit against the Chiquita Landfill. 9

9. Adverse Impacts on the Flood Plain

The DEIR does not adequately evaluate impacts from runoff and therefore does not adequately address flooding. Additionally, water quality issues are not adequately analyzed. 10

10. Adverse Cumulative Impacts

The project would result in 24,000 new residential units and 72,000 new residents. The cumulative impact to the Santa Clarita Valley in regards to schools, park facilities and programs, police protection, fire protection, traffic, public transportation, air quality, noise, and the loss of open space would have a significant adverse impact. 11

11. Additional Concerns

Previous correspondence with Los Angeles County dated April 1, 1997, and October 28, 1996, and a resolution of the City of Santa Clarita City Council dated January 14, 1997 which list additional concerns are attached and incorporated by reference. 12

s\pbs\advance\applgrnd.cup

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City of
Santa Clarita

April 1, 1997

Mrs. Sadie Clark, Chairperson
Regional Planning Commission
Los Angeles County
320 W. Temple Street
Los Angeles, CA 90012

Re: Newhall Ranch Specific Plan

Dear Mrs. Clark:

On February 18, 1997, the City of Santa Clarita presented Resolution No. 97-8 to the Regional Planning Commission. This Resolution addressed the outstanding concerns the City has regarding the Newhall Ranch Specific Plan. Since that time, City staff has met with regional planning staff, and with the representatives of the Newhall Ranch plan, in order to more thoroughly discuss the City's concerns.

Below is a list of concerns that still remain:

- Build Newhall Ranch according to the City's development standards. The Newhall Ranch Company has attempted to design the project with oak tree standards, hillside and ridgeline standards, and highway standards that more closely resemble the standards of the City of Santa Clarita. Nevertheless, the City will still be reviewing all future subdivisions and developments for compliance with City standards.

- Provide justification for the amendments to the Los Angels County General Plan and the Santa Clarita Valley Area Plan. The Newhall Ranch Company has stated that the projected population increase, the accessibility to the site, the dedication of nine square miles of open space at no cost to the public, and the development of needed infrastructure are justifications for a County General Plan Amendment. However, the City feels that the SCAG population projections are very high, and that the infrastructure being constructed in conjunction with this project specifically serves the residents of Newhall Ranch; they do not constitute an overall public benefit. Furthermore, the dedication of open space that is not accessible for many years, and parks that are not staffed, funded, and/or programmed are not a benefit to the Santa Clarita Valley.

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- Dedicate, immediately upon approval of the Specific Plan, The Santa Clara River corridor and Santa Susana Mountains to the Santa Monica Mountains Conservancy or other similar public agency based in the Southern California region. Newhall Ranch has responded by granting an easement to Los Angeles County over the Santa Susana Mountains High Country when the 4,000th building permit is obtained within Potrero Valley Village. However, this response does not address the dedication of the Santa Clara River Corridor, nor does it specifically address the timing for dedication of the High Country. Due to the lack of project phasing information, the City cannot determine or even estimate the length of time that could lapse between a pending project approval and issuance of the 4,000th building permit in Potrero Valley Village.

- Describe the proposed changes to the Santa Clara River Significant Ecological Area. If it is the case that the area being removed from this SEA is being eliminated because it does not contain the sensitive habitat that a true Significant Ecological Area contains, then that should be clearly stated in the Biota Section of the DEIR. The response from Newhall Ranch has been that the Significant Ecological Area is being refined, and yet the language used to describe the changes has not been presented in layman's terms. It could still appear that riparian habitat is being removed from the River Corridor SEA. The City has asked that a comprehensive graphic be included in the Response to Comments that will address this issue.

- Discuss alternatives for bank stabilization of the Santa Clara River and why the use of ungrouted rip-rap is the preferable option. Discuss with Fish and Game. The Newhall Ranch Company has stated that ungrouted rip-rap is more acceptable in biotic and aesthetic terms than concrete bank stabilization, and has been approved by Los Angeles County for safety. The City, however, is requesting that the developer incorporate flexibility in the Specific Plan for other means of bank stabilization. Technology is changing rapidly: some Southern California communities are incorporating soil cement for bank stabilization efforts. Additionally, the portion of Santa Clara River that traverses the Newhall Ranch property is large: some sections of the River may work best with ungrouted rip-rap, others with soil cement or concrete stabilization. Another recent trend also includes burying bank stabilization efforts with soil, and then planting this area with native habitat. These options should be investigated.

- Ensure that future developers will provide for non-motorized modes of transportation at future subdivision stages. This should, at present, include the incorporation of Electric Vehicle Charging stations. Newhall Ranch has not responded to this request. The City is very aware that technology changes rapidly, and is not asking that the developer be specifically tied down to requiring Electric Vehicle charging stations at each future subdivision stage. What we are asking is that, for an innovative project of this size, alternative fuel vehicles, EV charging stations, and other future technologies be encouraged by the Newhall Ranch Company in order to help reduce the project's air quality impacts.

- The applicant should be responsible for the restoration of the MetroLink line, as opposed to solely reserving right-of-way. Grant funds have been identified by the Ventura County Transportation Commission, and the applicant should work with VCTC to secure the necessary funding for restoration of the rail line. Newhall Ranch has stated that they are making a financial commitment by agreeing to reserve right-of-way, as the right-of-way creates a "fix" on the property which affects the design of future land uses, highways, trails, utilities and the like. However, the City feels that a project which will generate approximately 72,000 new residents should contribute more than just right-of-way for a rail line: a commitment to restoring the MetroLink line, in cooperation with the County of Los Angeles, will benefit the project's trip reduction efforts, will reduce the project's air quality impacts, will provide the County with CMP credits, and will serve as an overall public benefit for the project.

- Address the financing of future transit need for the project at full build-out. The Newhall Ranch Company has stated that Proposition A and C Sales Tax, and gasoline taxes, supplemented by farebox revenues will pay for transit services. Also, the Company stated that the surplus revenue generated to the County by the Newhall Ranch project, will help pay for services. However, the County General Fund revenues do not necessarily return to the Santa Clarita Valley. The City is seeking assurance that future transit service to the Newhall Ranch site will not have to be subsidized by the City of Santa Clarita taxpayers.

- Establish specific measures that the project will take to reduce/dispose of solid waste, assuming that no new construction or expansion of existing landfills will occur. Additionally, provide assurance that Newhall Ranch will require future subdividers to incorporate residential design standards to accommodate solid waste/recycling efforts. This issue has not been addressed to the City's satisfaction. The Newhall Ranch Company is still reiterating their commitment to meeting the minimum County requirements with regard to handling solid waste.

- Describe the financing, maintenance and staffing of public parks. Currently, the Newhall Ranch Company has stated that park maintenance, staffing and programs are expected to be funded by the County, and that the project's surplus money to the County could be used for staffing and programs. However, there is no guarantee that the project's revenues provided to the County's General Fund will return to the Santa Clarita Valley. As the developer has stated before, they are not a governmental agency, and thus do not have control over the distribution of funds. The City provides extensive parks and recreation programs, is bound by agreement with the County which preclude the City from charging non-resident fees, and cannot adequately address the needs of additional population. Furthermore, the County does not currently fund any recreation programs in the Santa Clarita Valley. The City is doubtful that revenues generated by the Newhall Ranch project will return to the Santa Clarita Valley for parks and recreation services.

- Tie the project's trail system into the Santa Susana Mountains from the Santa Clara River. The developer has stated that an equestrian connection between the High Country and the River trail is problematic, as the horses would need to traverse the Santa Clara River bottom. Newhall Ranch has not included public recreation within the River bottom due to the presence of endangered species and sensitive habitats, and has stated that the Project Biologist is opposed to encouraging access within the River. However, the presence of an equestrian trail along the Santa Clara River, and the presence of equestrian trails in the Santa Susana Mountains High Country (which the developer agrees to tie in to the Pico Canyon Trail) should be connected in order to provide a usable, logical regional trail system.

- Directly connect the project's trail system and the City's trail system. The City is requesting that the gaps existing between the Newhall Ranch project and the City of Santa Clarita be "filled -in" in order to provide for direct access and a, once again, logical trail system. The Newhall Land and Farming Company owns the properties that comprise these gaps. However, the applicant has stated that filling in the missing trail linkages will hinder all future development of the properties containing such areas.

Two additional issues remain, including the effects of Proposition 218 on the project, and the effects of Newhall Ranch on Henry Mayo Newhall Memorial Hospital; these issues need to be covered in further detail. The Newhall Ranch Company has assured the City that these concerns will be covered more thoroughly in the Response to Comments.

The above issues do not constitute a complete list of concerns. Resolution 97-8, the original City letter dated October 28, 1996, and the verbal testimony provided by City Councilmembers Heidt and Klajic represent our views and issues with the Newhall Ranch project. Along with the aforementioned items, the City continues to request that specific questions and concerns be addressed at future subdivision stages, including, but not limited to, the following:

- Project compliance with all applicable NPDES Permit requirements;
- Traffic performance evaluations at each subdivision stage;
- Proper phasing and financing for transit service to the site;
- Environmental review and public notification for any construction near the Salt Creek corridor;
- Proper landform grading techniques;
- Project compliance with, and incorporation of, Best Management Practices;
- Minimization of non-point source pollutants throughout the Newhall Ranch site;
- Individual Stormwater Pollution Prevention Programs for subdivisions, where appropriate;
- Designs accommodating transit service to all future development sites;
- The development of a major sports center for community tournaments/league play;
- Teen programs and Anti-Gang programs for the residents of Newhall Ranch;
- And the inclusion of air quality mitigation measures at all stages of development.

The developers of Newhall Ranch, along with the Los Angeles County regional planning staff, have been very accommodating and open to suggestion thus far. However, the City still feels that the above issues are important for the well-being of the Santa Clarita Valley. A project as large and innovative as the Newhall Ranch project should be responsible for more than just minimum standards: uncontrolled growth and urban sprawl have extremely detrimental effects on communities in Southern California. The Santa Clarita Valley currently has a shortage of infrastructure, such as adequate sewers, roads, mass transit, schools, fire, Sheriff facilities, libraries, parks, recreational programs, and youth and adult services. This project, without appropriate mitigation, will worsen our current infrastructure shortages.

Please take the City's concerns into consideration prior to forwarding a recommendation to the Los Angeles County Board of Supervisors. We should all be working together for a better Santa Clarita Valley. Thank you very much for your time and consideration in this matter.

Sincerely,

Jeff Lambert
Planning Manager

JL:JDR:lep

cc: Michael Antonovich, Board of Supervisors
City of Santa Clarita Councilmembers
City of Santa Clarita Planning Commissioners
George Caravalho, City Manager, City of Santa Clarita
James Harter, Newhall Ranch Company
Lee Stark, Community Studies
Kerwin Chih, Impact Analysis
Frank Meneses, Impact Analysis
Dave Vanatta, Planning Deputy
Kenneth Pulskamp, Assistant City Manager, City of Santa Clarita
Impact Sciences
Van Stephens, FORMA

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RESOLUTION NO. 97-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, REQUESTING THE LOS ANGELES COUNTY REGIONAL PLANNING COMMISSION WITHHOLD APPROVAL OF THE NEWHALL RANCH SPECIFIC PLAN UNTIL SUCH TIME AS ISSUES RAISED BY THE CITY OF SANTA CLARITA HAVE BEEN RESOLVED

THE CITY COUNCIL OF THE CITY OF SANTA CLARITA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of fact:

a. The Los Angeles County Regional Planning Commission is currently considering action to approve the Newhall Ranch Specific Plan (Project).

b. This Project is a large planned community with approximately 25,000 residential units located within the Santa Clarita Valley, outside the current City of Santa Clarita boundary.

c. This Project is located within the geographic area included in the City of Santa Clarita General Plan and is designated RE (Residential Estate), RVL (Residential Very Low), and BP (Business Park).

d. The City has reviewed this Project and the Draft Environmental Impact Report (DEIR) and has submitted written comments to the Los Angeles County Department of Regional Planning in a letter dated October 28, 1996.

e. Councilmember Jan Heidt testified on behalf of the City of Santa Clarita City Council at the Los Angeles County Regional Planning Commission November 6, 1996 public hearing

f. The City Council has discussed the City's position regarding this project at the City Council Study Sessions on November 5, 1996 and January 7, 1997.

g. The Santa Clarita Valley has a shortage of infrastructure such as sewers, roads, mass transit, schools, fire, Sheriff facilities, libraries, parks, recreational programs, and youth and adult services. This Project, without appropriate mitigations, would worsen the current infrastructure shortages.

h. It is generally understood that urban sprawl has had, and will continue to have, a detrimental effect on urban and rural communities in California. This Project, not adequately mitigated, may have a detrimental effect on the Santa Clarita Valley and the City of Santa Clarita.

i. The City has discussed its areas of concern with the Project applicant on several occasions and has made little progress toward resolving the issues raised by the City.

- Dedicate, immediately upon approval of the Specific Plan, the Santa Clara River corridor and Santa Susana Mountains to the the Santa Monica Mountains Conservancy or other similar public agency based in the Southern California region.

- Incorporate landform grading techniques in all hillside areas, as opposed to designing the project with typical grading practices. In addition to using this grading technique, the hillsides should be planted with native slope materials.

- Address and incorporate the standards of the revised municipal stormwater NPDES permit into the evaluation of potential water quality impacts for the project. This Permit was adopted on July 15, 1996, a date which coincides with the release of the Newhall Ranch DEIR for public review. We acknowledge that the requirements of the revised Permit were not available to be addressed during the preparation of the DEIR, but feel that the revised Permit should be addressed prior to certification of the final EIR.

- Specification of criteria for the "Santa Clara River Corridor Concept" that good surface runoff water quality be maintained through prevention or minimization of non-point source pollutants. The proposed land uses will establish a new source of potential surface runoff pollutants which may adversely impact the biological resources of the Santa Clara River.

- The description of the functions of water quality basins throughout the Specific Plan area. The DEIR stated that sixteen water quality basins are located throughout the project site. The DEIR should also describe how they will maintain good surface water quality, and if they will be used to provide data for program monitoring.

- The update and expansion of Best Management Practices in the DEIR. Pollution prevention/reduction activities should also be incorporated in the Specific Plan as an ongoing community program.

- The preparation and approval of a Stormwater Pollution Prevention Program for the project.

- Furthering the description of the project's use of reclaimed water, expanding upon the possibility of integrating the Newhall Ranch reclaimed water system with other existing and future Santa Clarita Valley reclaimed water systems.

- Describe the proposed changes to the Santa Clara River Significant Ecological Area. If it is the case that the area being removed from this SEA is being eliminated because it does not contain the sensitive habitat that a true Significant Ecological Area contains, then that should be clearly stated in the Biota Section of the DEIR.

- Expand the project's traffic report to include:

  An expansion of the Specific Plan Trip Components to show the percent of Specific Plan trip-ends into the existing boundary of the City of Santa Clarita, including fluctuations of these trip-ends over the years;

  The analysis of traffic impacts at different phases of project construction;

  Further analysis of the traffic impacts caused by the potential deletion of Pico Canyon Road from the Master Plan of Highways. The DEIR shows no impact on Lyons Avenue, McBean Parkway, Valencia Boulevard, Magic Mountain Parkway,

- Ensure that future developers will provide for non-motorized modes of transportation at future subdivision stages. This should, at present, include the incorporation of Electric Vehicle Charging Stations.

- Resolve and specifically describe the financing and/or reimbursement plan for the Water Reclamation Plant.

- Establish specific measures that the project will take to reduce/dispose of solid waste, assuming that no new construction or expansion of existing landfills will occur.

- Provide assurance that the developer will require future subdividers to incorporate residential design standards to accommodate solid waste/recycling efforts. It is not enough to just reiterate the fact that Newhall Ranch will meet the minimum County requirements with regard to handling solid waste.

- Incorporate standards for composting and material recovery facilities throughout the project site.

- Provide for the addition of active parkland to the project site. Using City standards, the developer would receive 30 percent credit towards Quimby requirements for private facilities. At a total requirement of 230 acres of parkland, 30 percent credit would be about 70 acres for a remaining balance of 160 acres. Neighborhood and community parks with active uses total about 113 acres, leaving approximately 47 acres yet to be credited towards Quimby requirements.

- A major sports center should be added to the project which would accommodate community tournaments or league play. Currently, there are no plans for such a facility.

- Describe the financing and staffing of public parks. Who will maintain the parks? Who will pay for the maintenance? What recreation programs/staff will be provided by the applicant? As of right now, The City provides extensive parks and recreation programs which are open to all residents of the Santa Clarita Valley. Additionally, the City is bound by agreements with the County which preclude the City from charging non-resident fees. Many of the residents we serve live in Stevenson Ranch, Val Verde, North Valencia, Saugus, and Agua Dulce. The County does not currently fund any recreation programs in the Santa Clarita Valley, and the City's Parks & Recreation services cannot adequately address the needs of an additional population such as that of Newhall Ranch. Publicly funded programs must be identified an funded for this project.

- Describe the funding and staffing of additional programs. Programs such as teen Anti-Gang programs, should be incorporated into the Newhall Ranch project.

- Include equestrian trails along the Santa Clara River corridor. The Regional Santa Clara River Trail spans from the San Gabriel Mountains to the east, west to the pacific Ocean in Oxnard. The City has developed a portion of this trail which would also traverse through the Newhall Ranch project. The DEIR addresses the Santa Clara River Trail as it relates to bicycles and pedestrians, but does not address the equestrian element.

- Tie the project's trail system into the Santa Susana Mountains to Pico Canyon Trail. The applicant has stated that topography dictates this as an impossible task, but the City is not convinced that this is so. The massive size of this project should be able to somehow provide a route across the site to Pico Canyon Trail.

PASSED, APPROVED AND ADOPTED this 14 day of January, 1997

MAYOR

ATTEST:

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF SANTA CLARITA)

I, George Caravalho, City Clerk of the City of Santa Clarita, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Santa Clarita at a regular meeting thereof, held on the 14 day of January, 1997 by the following vote of the Council:

AYES:	COUNCILMEMBERS:	Heidt, Klajic, Darcy, Bover, Smyth
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

CITY CLERK

council\res97-8.lep

Santa Clarita
California 91355-2196

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City of
Santa Clarita

October 28, 1996

Mr. James Hartl
Director of Regional Planning
County of Los Angeles
320 West Temple Street
Los Angeles, CA 90012

RE: CITY RESPONSE TO THE DRAFT ENVIRONMENTAL IMPACT REPORT ("DEIR") AND SPECIFIC PLAN FOR THE NEWHALL RANCH PROJECT

Attention: Kerwin Chih, Impact Analysis Section

Dear Mr. Hartl:

Thank you for the opportunity to participate in the County of Los Angeles's environmental review of this project. The City of Santa Clarita has reviewed the DEIR and Specific Plan for Project No. 94-087 (Newhall Ranch), and offers the following responses and suggested mitigation regarding areas and issues germane to the City's interests.

The comments which follow are technical comments only, and do not reflect any policy determinations or direction by the City Council of the City of Santa Clarita. The following comments are intended solely to comply with the City's responsibility to respond to the DEIR as required by CEQA.

SPECIFIC PLAN REVIEW

The City of Santa Clarita has reviewed the Specific Plan for the Newhall Ranch project on two different levels: one level incorporated a review in very broad context terms, and one level involved the review of the Plan in specific detail.

In a broad context, the City has reviewed the Specific Plan with consideration to future annexation proceedings. While the developer has stated that the incorporation of Newhall Ranch into the City is unlikely, one can never predict what the future may hold. One of the City's most immediate goals is to annex property located on the west side of Interstate-5. Fifty years from now, we may have incorporated the Valencia Commerce Center, the Marketplace, and/or the Magic Mountain Theme Park. We also feel that the possibility exists that future residents of Newhall Ranch may wish to be a part of our City. As such, we have looked at the project as if future annexation of the community of Newhall Ranch is a possibility.

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The City of Santa Clarita suggests that the Newhall Ranch Specific Plan be built according to the development standards currently established by the City. Examples of such standards include integration of our standard street widths throughout the project, grading activities consistent with our Hillside Ordinance and Subdivision Ordinance, protection of the native oak trees according to our Oak Tree Ordinance, and residential, commercial, and industrial developments which would meet our Unified Development Code standards. While these examples are not all-inclusive, and while designating specific standards at this time may seem premature in light of the generalized nature of the current project under review, the City would encourage the use of such standards for all projects at future subdivision stages. The City is proud of the development that has occurred since our incorporation, and a simple drive through the Santa Clarita Valley demonstrates the progress and improvements that we, as a city, have made since December of 1987.

If the project is developed, the City suggests that the County of Los Angeles and the project proponent continue to include the City of Santa Clarita in the planning process. The Joint City-County Planning Program Background Report (prepared jointly by the County of Los Angeles Regional Planning Department and the City of Santa Clarita Community Development Department) was accepted as a policy document in December of 1992. The Planning Program states that, "While the City of Santa Clarita was formed so that planning from a local perspective could take place, the City shares the SCV with land governed by Los Angeles County. As the City has grown, so has its awareness of the need to work together with the County. Ultimately, the quality of life in the Santa Clarita Valley will depend heavily on how this happens." The Planning Program specifies goals which lead to this higher quality of life, including:

- The promotion of compatible and sound planning and the enhancement of the quality of life in both the incorporated and unincorporated areas of the Santa Clarita Valley;

- The promotion of compatible land use policy and development standards in the Santa Clarita Valley;

- The enhancement of infrastructure planning, design, and installation in incorporated and unincorporated areas;

- The coordination of development fees for infrastructure and other public facilities;

- The utilization of locally-generated fees locally, both in the City and in the unincorporated areas;

- The maximization of opportunities for review and input on discretionary projects; and,

- The opportunity to provide fair and equitable means for public representation and participation.

The implementation of these goals, with respect to the Newhall Ranch Specific Plan, is imperative if the Santa Clarita Valley is to be developed in a consistent, comprehensive and compatible manner.

On a specific level, the City suggests that the following changes be incorporated into the Specific Plan.

Section 2: Development Plan

- The designation of Special Management Area ("SMA") should be an overlay covering the Significant Ecological Area ("SEA") portions of the property. However, the SEA designations should not be removed from the Santa Clara River or the Santa Susana Mountains. The designation of Significant Ecological Area more closely resembles the sensitivity of these environments, as compared to a "Special Management Area" designation. While an SMA designation could still govern *management* of these areas, the SEA designation should be kept consistent throughout the Santa Clarita Valley, and should remain.

- A land use overlay for public service facilities is considered appropriate, in lieu of establishing specific building locations for these facilities at this time. Consideration should be given to possibly relocating the proposed library to the mixed use village at the intersection of State Route-126 and proposed Long Canyon Road. This would provide for greater accessibility to the general public and the citizens of the community of Val Verde.

- No development of residential housing units should be permitted within the High Country Special Management Area ("SMA"). This area is still considered to be a significant ecological area, and the proposed 15 estate lots should be eliminated from the Specific Plan. This would provide for a better topographical buffer between the High Country and the project's residential units.

- Proposed roadway(s) and / or designated right-of-way areas near the Salt Creek Corridor should be eliminated. This is a major wildlife corridor which should not be disturbed by any future construction or any occupation within the corridor's immediate vicinity.

- While the Specific Plan states that the Regional River Trail will serve as a transition area (between the proposed developments and the River Corridor), the applicant should also incorporate language into the Specific Plan ensuring a second transition area between the edge of the River Corridor and the Regional River Trail. While this transition would be more limited in nature, it would aid in the preservation of an area containing sensitive habitat.

- It is imperative that residential and commercial development within the project area provide good pedestrian access to future transit stops that will be established as a result of the proposed project. Particularly with land uses which are prime transit trip generators, such as the four mixed-use villages,

and the business park areas, pedestrian-, bicycle-, and transit-friendly design should be incorporated. For example, within the mixed-use villages, design should deviate from the typical parking-in-front, building-in-back model, which does not promote pedestrian activity. In the business park areas, sidewalks should be provided throughout, so that commuters can travel easily between bus stops and their offices. Furthermore, if the business park is comprised of oversized "superblocks", pedestrian paths that cut through the blocks should be provided. Further comments regarding these and other design issues will be provided at the subdivision map stage of the project.

Section 3: Development Regulations

- As stated above, the City of Santa Clarita recommends that the community of Newhall Ranch be developed in compliance with the City's development standards. This would be the most desirable situation for the City, as a possible future annexation would result in less complication if the community were built to City standards. However, if this is not accomplished, the Specific Plan should be the governing document, and should be compared to existing Los Angeles County zoning and development regulations. The Specific Plan states that in areas of discrepancy, the Specific Plan would be the governing document. Language should be incorporated into the Specific Plan that states that the community is subject to regulations of the Specific Plan and the Los Angeles County Subdivision Ordinance, and that *in areas of discrepancy, the most restrictive document shall prevail.*

- Below is a list of recommended changes to the permitted use matrix in the Specific Plan. The recommendations provided by the City result from the experiences of the City's Planning Division staff, and would be beneficial to the community of Newhall Ranch, and the Santa Clarita Valley in general, upon implementation.

  -All mechanical repair, boat, car or otherwise, should be required to be performed within a structure.

  -Maintenance yards and storage yards should be required to be screened from public view with a block masonry wall.

  -Rifle ranges should be subject to residential compatibility, unless the range is specified as an indoor shooting range.

  -Concrete batch plants should be subject to the approval of a conditional use permit.

  -Bars and microbreweries should be subject to compatibility of surrounding uses, including residences, schools, churches, hospitals, public playgrounds, and youth facilities.

  -The developer should add provisions regarding recycling facilities to the permitted use matrix. Such provisions should include standards for

portable recycling containers in commercial and industrial zones, manned recycling bins in commercial and industrial zones, recycling yards, composting yards, and wormiculture operations.

-Explosives should be governed by the number of pounds of materials being stored (e.g. gunpowder stored in excess of 750 lbs., other explosives stored in excess of 100 lbs.).

Section 5: Specific Plan Implementation

- Adjustment / Transfer / Conversion provisions are sensible and acceptable for a project of this size and scope. However, public participation procedures should be incorporated into certain "conversions" related to the Specific Plan. In particular, public participation should be included within procedures for the conversion(s) of land use(s) throughout the project site. As proposed, the Specific Plan is basically administering the right to process zone changes without public participation. At a minimum, property owners who abut land(s) being converted from residential to commercial, should be notified in writing of the intent to change boundary lines separating land uses. Furthermore, the property owners should be given a certain number of days to respond with comments/concerns regarding such conversions. If property owners voice concern about proposed land use conversions within the specified time frame, then the decision to convert acreage should be subject to Regional Planning Commission approval. A provision could be added that, in the case of land use conversions, the Planning Commission is the final acting authority, and that appeal of the Commission's determination to the Board of Supervisors is not possible. Obviously future residents buy property/houses in particular locations based upon many factors, one of which is often adjacent property designations and permitted uses on neighboring lands. The City is in agreement that the "non-specific" Specific Plan should allow for flexibility, but not at the expense of future residents.

- Director-approved changes to all administrative actions should be subject to the same public notification process as stated above. The Director should be responsible for implementing a system in which all property owners originally notified of a public hearing for an administrative action are informed that specific changes (to an action that has been approved by the Commission) are occurring regarding the previous action. Director-approved changes should be subject to a 15 day appeal period, with appellants being subject to an appeal fee. Stated conflicts could then be addressed by the Regional Planning Commission, with the Commission, once again, being the final acting authority.

- As a point of clarification, the Specific Plan should incorporate examples of what constitutes a "minor" change in roadways which are subject to Director review. Do minor changes address roadway widths, alignment, or designation changes from secondary to collector? Stating examples in the Specific Plan could provide clarification for developers who wish to make what they consider minor changes, but which the Director may consider to be major changes.

The aforementioned items should be considered prior to the Regional Planning Commission forwarding a recommendation to the Los Angeles County Board of Supervisors. If such recommendations are implemented, then the EIR should address the changes made to the Specific Plan.

DRAFT ENVIRONMENTAL IMPACT REPORT REVIEW

The following information contains a review of the Draft Environmental Impact Report ("DEIR") for the Newhall Ranch project. Such information consists of areas to be studied further and/or addressed in the DEIR, and suggested mitigation measures which will lessen the impact of the project on the City of Santa Clarita.

Section 4.1 - Geotechnical and Soil Resources

- The DEIR should address the use of alternative design concepts that might better mitigate the common problems created by typical grading practices. The major concerns regarding such are aesthetics and long term slope maintenance.

  Aesthetic concerns should be addressed by incorporating landform grading techniques in all hillside areas. Along with this proposed grading technique, areas that are to be revegetated should be planted with native slope materials to minimize the contrast between developed and natural areas. Landform grading will result in a much more natural looking area than standard grading practices, which create stark, contrasting angular hillside formations that appear as abrupt changes to the adjacent natural areas. After standard grading practices are completed, the angular slopes are often planted with non-native materials that create glaring coloration changes from the adjacent natural areas. These non-native materials often have difficulty surviving, their maintenance can create a financial burden on residents, and large quantities of water and other resources are needed to help them survive.

  In nature, native plants help prevent the erosion of slopes. Wind, rain, and gravity constantly work to erode natural hillside slope areas. This is a never-ending process that had been continuing for millions of years: the steeper the slope, the more susceptible it is to erosion and instability. Therefore, a look at past standard grading practices tells us that changes in these practices should be made if the long-term maintenance of the slopes is considered. Although the Soils Engineer or Geologist may state that the slopes will be stable at certain maximum gradients, in the long run, constant maintenance of the slopes may prove too costly, and deferred of discontinued maintenance may result in conditions that will allow failures to occur.

- The DEIR should address whether the Newhall Ranch Specific Plan will incorporate such landform grading techniques, and if not, should state the manner in which the aforementioned problems with standard grading practices will be handled by future developers.

Section 4.2 - Flood

- In the Summary portion of the DEIR (Section 4.2 - Flood) Section b.(3), Potential Impacts, is misleading because the DEIR compares the new proposed impervious areas to the entire watershed, but not to the proposed project developed area alone. In this case, the impervious area would be 58% of the developed area. This section is also misleading because the statement, "...construction of Newhall Ranch would not increase site runoff during a Capital storm..." is based on theoretical calculations, not what occurs in reality. Actually, since the design requirements make the engineer calculate runoff for undeveloped areas by including huge unrealistic burn and bulk factors, and these same factors are not included in calculations for developed areas, the numbers may be lower. However, as stated later in Section 3.a.(2), Method of Drainage Analysis, "Buildings, driveways, patios, and roads all create new impervious covers to the natural ground which prevents the ground from absorbing rain water. This overcovering of the natural ground not only results in small storms creating a higher amount, or volume, of runoff, but also a higher flow rate of runoff (identified as the "Q") in developed areas than in undeveloped areas." The increased volume and flow rates created by the increase in impervious areas result in shorter concentration times for runoff flows. As a result, runoff leaves the site faster and has less opportunity to get into the ground. As a cumulative effect, the peak flow rates in the river increase and the flow durations decrease. The river remains dry more of the year and the water flows for less of the year.

- Because the revised municipal stormwater NPDES permit is now available (NPDES Permit No. CAS614001), it should be addressed and incorporated into the evaluation of potential water quality impacts for this project. The revised permit has established prohibitions and limitations, and requirements for the following: connection and discharge; development planning and construction; public agency program requirements; public information and participation; monitoring; and program reporting and evaluation. The revised NPDES permit was adopted on July 15, 1996, a date which coincides with the release of the Newhall Ranch DEIR for public review. We acknowledge that the requirements of the revised Permit were not available to be addressed during the preparation of the DEIR, but feel that the revised Permit should be addressed prior to certification of the final EIR. The evaluation of the project's compliance with the NPDES permit should include: how the project does or does not comply with the Permit; to what extent the proposal meets the requirements for surface runoff water quality and control of non-point source pollutants in an urban area; compliance of erosion and sedimentation control measures with the Permit (for grading and other construction activities); and an expansion upon the water quality requirements to address Permit requirements, including prohibitions and limitations, County Stormwater Management Program requirements, and standard provisions. The DEIR analysis of NPDES Permit compliance must distinguish between the municipal stormwater NPDES Permit and other types of discharge permits (such as construction and industrial permits) required under the NPDES program.

- The DEIR discusses proposed bank stabilization for the Santa Clara River on 30% of the southern side and 80% of the northern side of the River Corridor to protect adjacent development from erosion. The DEIR states that the bank stabilization is proposed to consist of ungrouted rock. The DEIR should discuss whether or not other alternatives to this type of bank stabilization have been discussed with the State Department of Fish and Game. If so, then the DEIR should discuss the alternatives, and should address the reasoning behind selecting ungrouted rock for bank stabilization efforts. If no alternatives have been discussed, then the project developer should initiate such discussions with the State Department of Fish and Game, and the EIR should incorporate alternatives prior to final certification.

- Criteria for the "Santa Clara River Corridor Concept" should specify that good surface runoff water quality be maintained through prevention or minimization of non-point source pollutants. This should be applied to all proposed ongoing land uses (including residential, commercial and business park uses) as required by the County's current municipal stormwater permit (NPDES No. CAS614001). The proposed land uses will establish a new source of potential surface runoff pollutants which may adversely impact the biological resources of the Santa Clara River. Because the Santa Clara River has been identified as a Significant Ecological Area (SEA), the County's existing SEA requirements should also be incorporated as part of this criteria.

- Figure 4.2-5 (map) shows sixteen water quality basins located throughout the specific plan area. The DEIR should describe their function(s) and how they will maintain good surface water quality, and if they will be used to provide data for program monitoring.

- Reference is made to the implementation of Best Management Practices (BMP's) for the specific plan. This information should be updated and expanded in the DEIR. Pollution prevention / reduction activities should be incorporated in the specific plan as an ongoing community program. These programs and physical BMP's can be refined to a greater level of detail and incorporated into the design of each future subdivision map.

- Mitigation Measure: The project developer should ensure the preparation and approval of a Stormwater Pollution Prevention Plan for the project.

Section 4.6 - Biota

- The Biota Section of the DEIR is very thorough in its technical analysis of the project site. However, it tends to lose sight of the fact that CEQA requires an EIR to present information in a format that is understandable to the lay person. While the vast majority of information presented in the Biota Section cannot be presented in non-technical terms, the DEIR should attempt to address the issue of eliminating area from the River Corridor SEA in a manner that would be understandable to the average reader. As it stands right now, one could assume that the elimination of area from SEA 23 is being pursued

in order to accommodate the developer's vision for the project. This may or may not be the case. Documents that the City and County currently possess depict the SEA areas inconsistently. If it is the case that the area being removed from SEA 23 is being eliminated because it does not contain the sensitive habitat that the true SEA contains, then that should be clearly stated in the DEIR.

Section 4.7 - Visual Qualities

- As stated above, the City of Santa Clarita requests that the Specific Plan be built in compliance with development standards adopted by the City. As such, we are requesting that the Newhall Ranch Specific Plan take the City's Ridgeline Preservation and Hillside Development Ordinance into consideration during development stages. The Visual Qualities section of the DEIR provides numerous viewshed analyses of the project at buildout, which show a disregard for the importance of protecting significant ridgelines in development.

- The City's Ridgeline Preservation and Hillside Development Ordinance was developed in order to:

  Provide hillside development standards to maximize the positive impacts of site design, grading, landscape architecture and architecture, and provide development consistent with the goals and policies of the City of Santa Clarita's General Plan;

  Provide ridgeline preservation and development standards to protect certain ridges and minimize the adverse impacts of development;

  Maintain the essential natural characteristics of the area such as major landforms, vegetation and wildlife communities, hydrologic features, scenic qualities and open space that contribute to a sense of place; and,

  Retain the integrity of predominant off-site and on-site views in hillside areas in order to maintain the identity, image and environmental quality of the area.

- <u>Mitigation Measure</u>: The Newhall Ranch Specific Plan should be built in accordance with the development standards listed in the City of Santa Clarita's Ridgeline Preservation and Hillside Development Ordinance, especially with respect to grading design, landscape design, and perimeter ridgeline shielding design.

Section 4.8 - Traffic

- The traffic report in the DEIR indicates that the Specific Plan will generate an approximate average daily trip (ADT) of 387,000 trips. An internal / external summary of average daily trip-ends for the Specific Plan is as follows:

Specific Plan Trip Components

COMPONENT	SPECIFIC PLAN TRIP ENDS	
Internal to Specific Plan	201,240	(52%)
Within Santa Clarita Valley	147,060	(38%)
Outside Santa Clarita Valley	38,700	(10%)
TOTAL	387,000	(100%)

The report includes the following information which we feel needs to be expanded or modified to ensure that the project would not adversely impact the City of Santa Clarita:

1. The above "Specific Plan Trip Components" table needs to be expanded to show the percent of the Specific Plan trip-ends into the existing boundary of the City of Santa Clarita and also should depict fluctuations over the years.

2. The project analysis includes the future ADT's of links within the site and the surrounding areas at buildout of the City and the Newhall Ranch project. This methodology has been used in numerous studies and is well-accepted. Due to the proximity of the proposed site and the City, and due to the fact that the travel patterns in the Valley will change by the time this project is completed and self-served, it is recommended that the report include other types of analysis in the study, such as link directional traffic in peak hours and even in every (x) number of years. It is suggested that the report be prepared to analyze the different phases of the project. It should be noted that the analysis of project phasing can also be done in later dates when more specific portions of the project development are proposed, but that this later analysis may cause the City to state that the individual projects create significant impacts on other roads and links.

3. The Specific Plan is proposing the deletion of the extension of Pico Canyon Road to SR-126. Reviewing the discussion of this deletion in Appendix 4.8, it shows no traffic volume change on Lyons Avenue, McBean Parkway, Valencia Boulevard, Magic Mountain Parkway, or Newhall Ranch Road east of the I-5 within the City area. This needs to be revisited for accuracy and should also include a.m. / p.m. peaks. The City always recommends that sites / projects contain various access points, and discourages the deletion of such.

4. The Conceptual Alternative Highway Plan, as indicated in the study, could vary since the City is in the process of amending the General Plan / Circulation Element. There are significant deletions / changes in the proposed alternatives which we do not anticipate will take place. Some of the alternatives might be controversial, such as the deletion of the

extension of Avenue Tibbits to Tourney Road at Magic Mountain Parkway. This road is a major link to the industrial area, and its deletion has a significant impact on McBean Parkway: it causes McBean Parkway to carry over 70,000 cars per day. Another correction regards the connection of Magic Mountain Parkway to Via Princessa, which is a correction already in the design stages, and is part of the City's Capital Improvement Projects.

5. In the discussion of land use on Page 4.8-19, it should be noted that other recent City and County GPA's need to be included, such as Tesoro Del Valle, a new "conceptually approved" subdivision within the County.

6. All proposed roadways on-site, along with the connection links, should have adequate width to accommodate on-street bike lanes.

7. The DEIR should include the corrections and/or suggestions on the attached marked-up copies of Section 4.8 - Traffic.

- The City is not prepared at this time to request specific mitigation regarding the project's traffic impacts to our jurisdiction. Once the aforementioned issues have been addressed, the City could request the implementation of certain mitigation measures to lessen the impacts of the Newhall Ranch project on City circulation. However, the possibility also exists that the additional information provided in the revised traffic report could satisfy the City that the project's impacts to the City may be less than significant.

Transit Impacts

- Although the proposed project area is not currently included in Santa Clarita Transit's service area, it is likely that any future transit service provided to and through the project site would be provided by Santa Clarita Transit under contract with Los Angeles County. There is likely to be a certain amount of interdependence, and therefore travel, between Santa Clarita and Newhall Ranch, particularly prior to full build-out. As stated in the DEIR, even at full build-out, only 35% of the 387,000 average daily trips (ADT's) generated in the Specific Plan area will also terminate in the Specific Plan area (page 4.8-31). Although specific project phasing was not presented in the DEIR, it is common for residential development to occur prior to the construction of supporting community land uses. In the interim, Newhall Ranch residents will be dependent on schools, retailers, banks, churches, and other facilities located outside the new community. Accordingly, Newhall Ranch residents will need adequate means of transporting themselves between the two communities. Thus, roadways which connect the two communities, such as Magic Mountain Parkway, Pico Canyon Road, Valencia Boulevard, and SR-126 / Newhall Ranch Road will need to be adequately expanded to carry the passenger cars, service vehicles, and public transit buses generated by the proposed project.

- It is understood that the initial transit demand, and therefore the transit resources required to provide service, prior to full build-out will differ from the transit demand at full project build-out. For example, during the first few

years of construction, the number of transit trips generated by Newhall Ranch residents may be relatively low, but a large percentage of trips will be to and from destinations within the City of Santa Clarita. In later years, as community-supporting services such as shopping centers, schools, and parks are constructed in Newhall Ranch, there may be less of a need for services which formerly connected Newhall Ranch residents to such facilities in the City of Santa Clarita, and more need for trips between destinations within the Newhall Ranch project. However, at full-buildout of the project, the City of Santa Clarita will still provide for regional consumer needs, thus transit service between the City and Newhall Ranch will remain necessary. In order to more accurately anticipate the geographic distribution of transit trips, the DEIR should address project phasing. This will enable agencies, such as MTA and Los Angeles County, and in turn the local providers (Santa Clarita Transit and Metrolink) to plan for potential public transit service expansion to the project area.

- In the absence of phasing information, the full-build-out scenario was evaluated in order to estimate the future transit needs of the proposed project. The Traffic / Access section of the DEIR states that "...actual transit impacts to transit services will be evaluated at the subdivision map level as development occurs within the Specific Plan site. At this detailed level...transit operators can assess the capacity and demand of transit services" (page 4.8-81). While some of the decisions regarding exact routing, frequency of service (headway), and bus stop locations can be made closer to project construction, there are other longer-term decisions which greatly affect the ability to provide transit service to and through the Specific Plan area (such as the layout of the road network) which must be made prior to the subdivision map stage. For this reason, it is necessary at this level of project review to provide an estimate of future transit needs.

- As proposed, Newhall Ranch is planned to contain 24,680 dwelling units and 5,720,000 square feet of retail, office and industrial development. Commercial centers, which cover 90.7 gross acres of the project area, are to be located near major highways (page 4.8-25). It is anticipated that residential areas will be accessed off the major roadways by many smaller residential-scale streets. It is likely that any public transit service in the Newhall Ranch project would be provided along the main thoroughfares, such as Potrero Canyon Road, Magic Mountain Parkway, Commerce Center Drive, and Long Canyon Road. However, it is important that good pedestrian access between the residences and these major roadways be provided in order for residents to have satisfactory access to transit stops located on the major roadways.

- The proposed project is estimated to generate 387,000 ADT's. Multiplying this number by an occupancy factor of 1.4 converts the figure to 541,000 ADT person trips, of which 3.5% (or 18,963 ADT person trips) will become trips assigned to transit, per Metropolitan Transit Authority guidelines. Using a representative peak hour factor of 10 percent, the DEIR estimated that this would yield approximately 1900 peak hour transit trips for each peak hour to be potentially generated by the Newhall Ranch Specific Plan (page 4.8-81).

Although these figures from the DEIR do not identify transit trip origins and destinations, or describe how the transit demand will be distributed throughout the day, they do help us to make estimates regarding resource requirements. Just to accommodate the 1900 transit trips per peak-time hour generated by the Newhall Ranch project, Santa Clarita Transit's fleet would need to be expanded by approximately 48 buses (1900 peak-hour transit trips divided by 40, which is the average number of passengers per transit vehicle, equals 48 buses required).

The hourly cost to provide such service, which does not include equipment cost, would be approximately $42 per hour in 1996 dollars. The costs identified above also do not take into account the cost of roadway improvements needed to ensure that Santa Clarita Transit's currently-operating routes are not impacted by the Newhall Ranch project. For example, without roadway capacity expansion, the routes currently operated along Valencia Boulevard, Magic Mountain Parkway, The Old Road, Newhall Ranch Road, and SR-126, would be negatively impacted by the additional automobile traffic added to the roadways as a result of the Newhall Ranch project. Such routes would be slowed down, and public transit riders throughout the rest of Santa Clarita Transit's service area would experience a decrease in the level of service. While the issue of roadway capacity has been discussed above, it is raised again here to note that the level of service concept applies not only to roadway networks, but also to the transit route network.

Section 4.10 - Air Quality

- The DEIR states that the project is air quality friendly, even though the impacts to air quality will be unavoidably significant. While the DEIR addresses the project design standards leading to "less of a significant air quality impact" throughout many sections of the document, the DEIR should provide specific examples of such within the Air Quality Section of the report. For example, the DEIR could expand upon page 4.10-21, when discussing the concentration of development within core area, about how trails systems will link the commercial and residential areas. This area could also include the number of jobs that will be created by the project, and what types of jobs will be created. As was stated above, these may be addressed in other sections of the DEIR, but should be provided in the Air Quality Section in order to create a more comprehensive document that the average reader can understand.

- Page 4.10-25 discusses the Specific Plan's Mobility System which will aid in the reduction of emissions, and references emission reduction efficiencies in the SCAQMD's CEQA Air Quality Handbook. The DEIR should explain *how* the project's mobility system accomplishes a reduction in noxious air emissions, instead of just claiming that the mobility system does such. The lay person may not be familiar with land use / design / rail impacts, or the use of park-and-ride lots. The DEIR should explain these aspects of the project and expand upon their beneficial impacts.

- Page 4.10-31 states that the proposed Specific Plan is consistent with the AQMP and that is does not jeopardize attainment of the air quality standards predicted in the AQMP "...because the Specific Plan is consistent with the goals, objectives, and assumptions outlined in the AQMP." The DEIR should provide the goals, objectives and assumptions of the AQMP, and should address exactly how the project is consistent with these goals, objectives, and assumptions.

- Mitigation Measure: The project proponent should ensure that future subdividers (or the project proponent) provide electric vehicle charging stations at future park-and-ride lot(s), at commercial centers, and at industrial buildings. Future residences should also be equipped to handle, where appropriate, electric vehicle charging outlets within interior garages.

- Mitigation Measure: The project proponent should pay, or ensure the payment of, the project's pro-rata share for transit service to and from the project site.

Section 4.12 - Wastewater Disposal

- After reviewing the Wastewater Disposal section, it appears that the construction of the proposed wastewater treatment plan, identified in the DEIR as the water reclamation plant (WRP), is a necessary infrastructure component to provide adequate service for the specific plan buildout. The analysis of the capacity demands appears to be reasonable, and it would make sense for the project proponent to bear the costs of providing this needed infrastructure to exclusively serve the project. The DEIR also indicated that new County initiated connection fees would be utilized to finance the proposed WRP. Details should be provided concerning the way the project will be financed and how any related reimbursement mechanisms will work. Will the County be paying for initial construction and start-up costs, or will that be financed up front by the Newhall Land and Farming Company? Will these fees be collected only from the new residents of Newhall Ranch for reimbursement to the initial financing entity? Will any other Santa Clarita Valley resident outside of the Newhall Ranch project be impacted by the financing of the WRP?

- It is encouraging to see that the development of a reclaimed water system is included as a part of the WRP function; the City would support this for on-site irrigation where the level of water quality is acceptable and meets established State standards. However, we are sensitive to the issue of reclaimed water development on a valley-wide basis. The DEIR should address this issue, and the issue that the Castaic Lake Water Agency and the Newhall County Water District are currently researching and preparing their own reclaimed water plans. These issues should be addressed in the DEIR relative to these agencies (and any other agencies considering the development of a reclaimed water system for the Santa Clarita Valley) in terms of the comprehensive development, distribution, and use of reclaimed water for the Santa Clarita Valley.

- As a publicly owned or privately owned service provider, the WRP has the potential to provide service downstream to properties in the County of Ventura. This issue should be addressed in the DEIR. This is a relevant question to us because the DEIR has identified a "tributary area" of the proposed WRP, and anticipates requests for annexation to the proposed new Sanitation District for service (DMS Buildout Scenario, page 4.12-9). Additionally, the DMS Buildout Scenario should address valley-wide impacts due to the comprehensive nature of the County's DMS methodology.

- Two scenarios are analyzed in the DEIR: One for buildout under the County Sanitation Districts of Los Angeles County under their proposed SCVJSS facilities expansion; and, one for cumulative buildout under the land use designations for both the County's Santa Clarita Valley Area Plan and the City of Santa Clarita General Plan. The SCVJSS facilities' proposed expansion is based upon SCAG population projections for the year 2015. This scenario addresses future needs exclusive of the Newhall Ranch Specific Plan. Because the Newhall Ranch Specific Plan has defined parameters for development intensity, we feel that this scenario can be adjusted to include the additional service demand created by this project. Cumulative buildout scenarios that address both County and City General Plans seem to be the most conservative approach in identifying the most intense service demand. The City prefers this scenario to assess cumulative impacts because it tends to consider planning and development activities in both the City and the County, thereby being a comprehensive method assessing the Santa Clarita Valley as a whole (instead of segmenting community growth).

Section 4.15 - Solid Waste

- The project, as proposed, would produce a maximum of 53,524 tons of solid waste annually upon buildout. Currently, the City spent five years educating the public on alternatives to land filling, and initiated a progressive curbside recycling program. These efforts, though, have resulted in the diversion of only 30 tons of solid waste per year. The project, with its mitigation factors listed in the DEIR, could cause diversion efforts on a Santa Clarita Valley-wide basis to go backwards. It is recommended that the DEIR discuss and take a leadership role in determining how the project's solid waste will be handled. The DEIR should address innovative solid waste planning, as opposed to reiterating the fact that the project will comply with Los Angeles County standards for waste management.

- The City greatly encourages developers to incorporate innovative concepts for solid waste diversion efforts in their proposals, as opposed to relying on existing landfill capacities and/or future landfill expansions to handle a project's solid waste. Furthermore, community outcry on the issue of landfilling is strong. Thus, the DEIR should address a worst-case scenario in which no expansions and/or new construction of facilities are approved. The DEIR should specifically discuss how the project would dispose of or reduce the solid waste generated by the Newhall Ranch Specific Plan if no expansions and/or construction of landfill facilities occurs over the next 25 years.

- Mitigation Measure: All future subdividers should incorporate residentia design standards which accommodate solid waste and recycling efforts. Such designs should be incorporated into interior living space as well as residential street design.

- Mitigation Measure: The project proponent should incorporate standards for composting and material recovery facilities within specified zoning designations throughout the project site.

Section 4.20 - Parks, Recreation, and Trails

- The parkland dedication requirement as identified in the DEIR totals 202-235 acres of parkland. This number was derived by using 3.17 persons per single family dwelling unit. The City of Santa Clarita Unified Development Code (UDC) uses 3.588 persons per single family dwelling unit, which would change the parkland range to approximately 230-250 acres of required parkland.

- The Newhall Ranch project proposes to fulfill parkland requirements by providing 12 neighborhood parks, three community parks, trails, open space, and high country and river corridor special management areas. The total Quimby credit requested by the developer applying the Los Angeles County Quimby approach for this project is 2,472 acres, far above the actual amount of required parkland. Preservation of open space, significant ecological areas, and the Santa Clara River corridor is consistent with the City of Santa Clarita's General Plan and would generally be supported. However, applying the City's UDC requirements for parkland dedication, the developer would receive 30 percent credit towards Quimby requirements for the private facilities provided. At a total requirement of 230 acres, 30 percent credit would be about 70 acres for a remaining balance of 160 acres. Neighborhood and community parks with active uses total about 113 acres, leaving approximately 47 acres yet to be credited towards Quimby requirements. Approximately 125 acres of community parks and a lake, which the DEIR suggests should receive credit, are considered passive and are located in restricted areas such as utility easements.

- There does not appear do be any major sports center which would accommodate community tournaments or league play. With the addition of approximately 70,000 people, there would be demand for organized youth and adult baseball, softball, football, soccer, and/or other league sports. There is minimal discussion in the DEIR related to the operations and maintenance of the public parks or the commitment of the County to provide these services. Currently, the County is downsizing its park and recreation program, and is turning many park facilities over to local governments to maintain and operate. These issues should be addressed in the DEIR.

- A point of clarification would be appreciated on page 4.20-1. The DEIR states that the current deficit in planning area #35, which includes Newhall Ranch, is 246.6 acres of parkland. Page 4.20-26 states that the project provides 2,472

acres of creditable parkland for a surplus of 2,266 acres over identified requirements. Page 4.20-33 states under Cumulative Impact that "The existing parkland deficit of 246.6 acres would remain."

- Regarding the Newhall Ranch Master Trails Plan, the Plan includes the regional river trail, community trails, pathways, local trails, and unimproved trails. The Regional Santa Clara River Trail spans from the San Gabriel Mountains to the east, west to the Pacific Ocean in Oxnard. The City of Santa Clarita has developed a portion of this trail which would also traverse through the Newhall Ranch project. The DEIR addresses the Santa Clara River Trail as it related to bicycles and pedestrians, however, it does not address the equestrian element. Equestrian use is part of the multi-use system that is the Santa Clara River Regional Trail, and needs to be included in the planning of this project.

- The Newhall Ranch project proposes to include approximately 6,000 acres of open space area accessible to the public. These include the High Country Special Management Area, Santa Clara River Corridor, open area, golf course, and a lake. The operations and maintenance of these areas can be addressed through homeowners associations, maintenance districts, and private and/or public agencies. Restrictions on the use of open space within the Newhall Ranch project should be further described in the DEIR. As it stands right now, the City is not convinced that dedicating the High Country SMA and the River Corridor SMA to the Center for Natural Lands Management provides for the best public use of these areas. To provide the greatest public use of the areas, access should be encouraged to the greatest extent possible.

- The City of Santa Clarita currently provides extensive parks and recreation programs which are open to all residents of the Santa Clarita Valley. The existing fee scale does not discriminate between City residents and residents of the unincorporated area. Additionally, the City is currently bound by agreements with the County of Los Angeles which preclude the City from charging "non-resident" fees for services provided by the City in City parks, and in County parks under long-term lease to the City. Many residents of the unincorporated areas of Stevenson Ranch, Castaic, Val Verde, North Valencia, Saugus and Agua Dulce participate in these programs. Due to ongoing budget and funding deficits experienced by the County of Los Angeles, several community parks in the unincorporated areas have been closed because funds for their operation and maintenance are unavailable. Additionally, this does not address the fact that the County does not currently fund any recreation programs in the Santa Clarita Valley. The project proponent has indicated that private funding of parks and recreation services may be funded privately by future residents of the project. While the City encourages such innovations, this does not preclude the need for publicly funded facilities and programs. Based on current experience and project trends, the City must anticipate serving the future residents of the Newhall Ranch project as well.

The City, and the Santa Clarita Valley by extension, currently experiences severe deficit of park facilities. Existing facilities and programs are strained to over-capacity; many recreation programs often have long waiting lists of people who wish to participate. The addition of approximately 70,000 people generated by this project will seriously affect the City's ability to provide recreation programs to all who request them, let alone enhance such services.

- The DEIR should identify any proposed recreation and cultural arts programming and staffing to fulfill community needs at the public park sites within the project. As stated above, the City of Santa Clarita currently serves numerous residents of the adjacent unincorporated areas at no additional cost to the County, but at increased, and unfunded cost to City residents. Effectively, this means that City residents are subsidizing, through property tax payments, the recreational activities of non-City residents.

- Mitigation Measure: The project proponent should include equestrian trails along the Santa Clara River Corridor outside the river bottom wherever possible, and should tie into the High Country Special Management Area to Pico Canyon Trail.

- Mitigation Measure: Rest stops, scenic overlooks, staging areas, etc., are amenities that the project proponent should locate along the regional trail corridor.

- Mitigation Measure: The project proponent should provide for, or ensure provisions for, a direct connection from the project's trails system to the City's trails system, to the satisfaction of the City of Santa Clarita.

- Mitigation Measure: The project proponent should fund, or ensure provisions for funding, for City programs to be provided or facilitated by the applicant in anticipation of the project's residents' future use of City Recreation services.

Section 4.16 - Education

- Educating the youth in our community is of vital importance in ensuring a prosperous future for the Santa Clarita Valley. The DEIR for the Newhall Ranch Specific Plan has adequately mitigated school impacts within the Newhall School District, however, has not adequately addressed the project's school impacts within the William S. Hart High School District or the Castaic Union School District.

- Regarding developer fees imposed to provide for adequate school funding, Government Code Sections 65995 and 65996 apply specifically to development projects which are not legislative in nature. Since the approval of the Newhall Ranch Specific Plan requires legislative actions, the Courts have held that local governments do have the authority to deny a land use application (which require a legislative action) on the basis of the adequacy of available school facilities, or to phase the development of projects. A "Valley-Wide Joint Fee Resolution" was adopted by the Los Angeles County Board of Supervisors, the

City Council of the City of Santa Clarita, and the William S. Hart Union High, Sulphur Springs Union, Castaic Union, Newhall, and Saugus Union School Districts in 1991 establishing a fixed fee in excess of the State statutory fee in order to mitigate the effects of growth on school capacity throughout the Santa Clarita Valley. However, in late 1995 the Newhall School District, William S. Hart Union High School District, Castaic Union School District, and Saugus Union School District all withdrew from the Valley-Wide Joint Fee Resolution, thus rendering it ineffectual. The DEIR states that the Valley-Wide Joint Fee Resolution applies to legislative actions, and yet the Resolution has been dissolved, and the Courts have upheld decisions [*Mira Development Corp. v. City of San Diego*, 205, Cal. App. 3d 1201, 1217 (1988)] that the prohibition of a City to levee fees in excess of the State statutory school fee is not binding where a general plan amendment or rezoning is requested. The City suggests that the developer willingly provide for full mitigation of school impact on the Newhall School District, the William S. Hart Union High School District, and the Castaic Union School District, possibly with a provision for reimbursement of funds at the time that State school funding is made available.

- Regarding the specific impacts of the Newhall Ranch project on local schools, the DEIR analyzes two different methodologies for determining possible effects. One includes the School Districts' Methodology, and the other includes Los Angeles County DMS Methodology. The DEIR tends to favor the Los Angeles County DMS Methodology, which states a lesser impact to the local schools than the School Districts' Methodology. Due to the importance of educating our youth, and the years of direct experience that the school districts have over Los Angeles County, it is suggested that the DEIR base the project's impacts on the School Districts' Methodology. As of this moment, the impact of the project on the local school districts is considered to be unavoidably significant by the William S. Hart Union School District and the Castaic Union School District. Full mitigation for the project's impacts on schools should be based on the School Districts' methodology.

- The DEIR should, in some manner, address the phasing for development of school facilities. The DEIR does not discuss the timing for development of the five elementary schools, junior high, and high school, thus it is anticipated that the City will be negatively affected by the buildout of the project in the short-term, or until the facilities are developed and operational, however long that may be. Specific mitigation for school impacts should be addressed in relation to the phasing of the project, as well as the mechanism being proposed for the implementation of school facility development.

Section 4.17 - Police Services

- The City of Santa Clarita presently, and for the foreseeable future, contracts with the County of Los Angeles for Sheriff services. It is anticipated that the development of the Newhall Ranch Specific Plan, with a residential population of up to 70,000 people, will affect both response times and performance standards in the incorporated and unincorporated areas of the Santa Clarita Valley. At this time, the City is inclined to recommend that the Newhall

Ranch Specific Plan include a fully staffed Sheriff station within the Specific Plan boundary. This would ensure an adequate response time for all emergencies within and around the Specific Plan site, without a decrease in service to the City and the existing developments within the unincorporated area. The addition of 70,000 residents along with commercial / industrial developments will have a major effect on the level of police services currently provided in the Santa Clarita Valley. In the population range of 100,000 to 200,000 persons, the City of Santa Clarita currently stands as the fifth safest city Nation-wide. The outstanding service that our officers provide is one of the major draws for both residents and businesses to the Santa Clarita Valley. The addition of a fully -staffed Sheriff station on the Newhall Ranch site will serve to provide excellent community service to the future residents of Newhall Ranch, as well as to the City, and will help us maintain our distinctive reputation as a safe, clean community.

- In addition to the request for a fully-staffed Sheriff station, the City recommends that a traffic or similar analysis demonstrating emergency routes for public safety and emergency evacuation routes for the public should be addressed in the DEIR.

- Because the Newhall Ranch Specific Plan is not currently proposing the development of a Sheriff station, the DEIR should analyze the potential for increased cost to City-provided Sheriff services, at currently contracted levels, for traffic control and crime prevention in the City and its immediate environs. Once again, due to the fact that the DEIR does not address phasing for the project, and does not discuss the mechanism proposed that would trigger the employment of additional Sheriff personnel, the City is anticipating that the project will negatively affect the services currently provided within the Santa Clarita Valley.

- Mitigation Measure: The Newhall Ranch Specific Plan should provide for a fully-staffed Sheriff Station within the boundary of the Specific Plan site.

Section 4.18 - Fire Services and Hazards

- A correction needs to be made to the DEIR in the summary section of Section 4.18 - Fire Services and Hazards. The first paragraph states that, "One additional station (Fire Station 126) is in the design stage of development, and will be located at the intersection of Mc Bean Boulevard and Magic Mountain Parkway." It is the City's understanding that the Los Angeles County Fire Department has rejected this location as a possibility for the development of a fire station, and that the Fire Department is investigating and/or has located a different location for the future station.

- Due to the lack of information regarding project phasing in the DEIR, the City is requesting that a minimum of one Fire Station be constructed and operational prior to the approval of any development projects related to the Specific Plan. The construction of such Fire Station should be financed by the developer, with the funding of applicable staff being guaranteed by the County of Los Angeles.

- The City and the County, in the unincorporated areas in the Santa Clarita Valley, currently collect a developer fee of $0.1884 per square foot on new development for the fire district protection program. This fee is based on Fire Department budget, in which monies are accumulated for future acquisition, construction, improvement, and equipment needs of fire station facilities, but not for ongoing operations and maintenance. We request that the DEIR address the manner in which allocations from the project's funding will be dispersed during the buildout of the project. Furthermore, the DEIR should address whether the project will affect the rate the City pays for Fire Services when capital equipment needs and personnel costs for the project area are calculated to serve the new urbanized area.

- Henry Mayo Newhall Memorial Hospital and ancillary facilities presently provide hospital services to the residents of the Santa Clarita Valley and environs. The DEIR should address potential impacts to this and other hospital and emergency care facilities existing in the Santa Clarita Valley, with respect to the anticipated buildout of the 1990 Santa Clarita Valley Areawide plan as amended, to include the Newhall Ranch Specific Plan. Various transportation routes and travel time to the hospital should also be identified in the DEIR.

Thank you again for the opportunity to review the Draft Environmental Impact Report and Specific Plan for the Newhall Ranch Project, and for your consideration of our requests. As we understand, the official comment period has been extended to December 5, 1996, and we wish to thank you again for doing so; we hope that the additional time will prove useful to all interested parties. The City will likely provide additional comments and mitigation measures in response to any additional or new information that is provided to us, and we submit this early request that any future comments by the City based on this additional information also be included in and addressed by the DEIR.

If you have any questions, or require clarification of anything requested in this letter, please contact either Jeffrey Lambert, Planning Manager, or Jennifer Reid, Assistant Planner II of the Community Development Department, at (805)255-4330.

Sincerely,

Ken Pulskamp
Assistant City Manager

KP:JL:JDR:lep

cc: Lee Stark, Community Studies
Kerwin Chih, Impact Analysis
Frank Meneses, Impact Analysis
Michael Antonovich, Board of Supervisors
Dave Vannatta, Planning Deputy
George Caravalho, City Manager, City of Santa Clarita
City of Santa Clarita Councilmembers
City of Santa Clarita Planning Commissioners
James Harter, Newhall Ranch Company
Impact Sciences
Van Stephens, Forma

advance\specplan.jdr

Date January 23, 1998

Ms. Joanne Sturges
Executive Officer, Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Ms. Sturges:

Subject: Tentative [redacted]/Parcel Map No. VTPM-24500

Applicant: The Newhall Ranch Co., a division of Newhall Land & Farming

Location: The Specific Plan site is located in an unincorporated portion of the Santa Clara River Valley in northwestern Los Angeles County. The site, approximately 11,963 acres in size, is located one-half mile west of the Golden State Freeway (I-5) and largely southwest of the junction of I-5 and State Route 126 (SR-126). Both the Santa Clara River and SR-126 transect the northern portion of the Specific Plan site.

The Specific Plan site is located in the Agriculture (A-2), (A-2-2), (A-2-5); Manufacturing (M-1.5) Zoned District

Related zoning matters:

CUP or VAR No. CP-94087
Change of Zone Case No. ZC-94087
Other DA-94087 & Certification of the Final EIR

This is a notice of appeal from the decision of the Regional Planning Commission in the subject case. Submitted herewith is a check (or money order), in the total amount of $579.00. The fee of $130.00 is to cover the cost of a hearing by the Board of Supervisors and the fee of $449.00 is to cover the Regional Planning Department's processing fee.

This is to appeal: (Check One)

_X_ The Approval of this request & certification of the related Final EIR

_____ The following conditions of the approval:

_____, _____, _____, _____, _____, _____, _____.

FVI-BS44.doc
Non-Applicant

Briefly, the reason for this appeal is as follows:

The City Council of the City of Santa Clarita appeals the December 17, 1997, decision of the Los Angeles County Regional Planning Commission to approve Vesting tentative Parcel Map 24500 for the Newhall Ranch project and also the decision to certify the Final Environmental Impact Report related to the Conditional Use Permit application. Given the essential relationship between the approval of the Vesting Tentative Parcel Map and the recommendations of the Regional Planning Commission, the City Council of the City of Santa Clarita formally registers objections to the recommendation of the Commission that the Los Angels County Board of Supervisors approve General Plan Amendment (SP-94087), Zoning Change (ZC-94087), and the recommendation of certification of the Final EIR for these project approvals. The grounds for the appeal are set forth in Exhibit A attached hereto.

Enclosed is a check (or money order in the total amount of $ (waived).
The amount of $ n/a is estimated to cover the cost of prepared for the Board of Supervisors six (6) copies of the transcript of all pertinent hearings held by the Regional Planning Commission. The amount of $899.00 for applicants or $449.00 for non-applicants is to cover the Regional Planning Department's processing fee.

(Signed) Appellant

Jeffrey Lambert, AICP, Planning Manager
Print Name

City of Santa Clarita
23920 Valencia Blvd., Suite 300
Address

Santa Clarita, CA 91355-2196

(805) 255-4330
Day Time Telephone Number

FVI-BS44.doc
Non-Applicant

Exhibit A

Grounds for Appeal
VTPM-24500

1. Inadequate School Facilities

The project does not guarantee that adequate school facilities will be provided. The DEIR analyzes two different methodologies for determining possible effects on local schools. One includes the School Districts' methodology, and the other includes the Los Angeles county DMS Methodology. The DEIR tends to favor the Los Angeles County DMS Methodology, which states a lesser impact to the local schools than the School Districts' methodology. The impact of the project on the local school districts is considered to be unavoidable significant by the William S. Hart Union School District and the Castaic Union School District.

The DEIR should, in some manner, address the phasing for development of school facilities. The DEIR does not discuss the timing for development of the five elementary schools, junior high, and high school, thus it is anticipated that the Cit will be negatively affected by the build out of the project in the short-term, or until the facilities are developed and operational, however long that may be. Specific mitigation for school impacts should be addressed in relation to the phasing of the project, as well as the mechanism being proposed for the implementation of school facility development.

Without a guarantee that adequate facilities will be provided, schools within the City of Santa Clarita will be significantly impacted by this project.

2. Inadequate Park Facilities

Even though the development meets the Quimby Act requirements for parkland, the amount of park space would be inadequate given the projected population and the location of the park sites are generally inappropriate. Additionally, There are no major sports centers which would accommodate community tournaments or league play. With the addition of approximately 70,000 people, there would be demand for organized youth and adult baseball, softball, football, soccer, and/or other league sports.

Currently, the City of Santa Clarita provides extensive parks and recreation programs and is bound by an agreement with the County which precludes the City from charging non-resident fees. Therefore, the City cannot adequately address the needs of additional population unless the Project will generate

revenues to cover these costs.

3. Inadequate oversight of Special Management Areas

The Santa Clara River Corridor does not have an identified public agency, such as the Santa Monica Mountains Conservancy, to oversee this Special Management Area. Additionally, there is no timing for the dedication of the High Country.

4. Adverse Impacts on the Santa Clara River Significant Ecological Area

Significant riparian habitat would be removed from the River Corridor SEA with insufficient mitigation for this impact. This SEA is the largest in the Santa Clarita Valley, extending through he City of Santa Clarita and along the entire Santa Clara River watershed. It supports a variety of natural habitats including freshwater marsh, coastal sage scrub, oak woodland, and riparian woodlands.

5. Inadequate oak Tree Mitigation

The oak tree mitigation measures are inadequate. The ratio of oak tree mitigation should not be based on a "blanket" numerical ratio, but should be based on the monetary value of the tree being removed. For example, if a tree that has an International Society of Arboriculture (ISA) value of $10,000 is being removed, then the replacement tree(s) should equal that same monetary value in order to truly mitigate the impact of removing the tree.

6. Inadequate Water Agreements

The project does not resolve and specifically describe the financing and/or reimbursement plan for the water reclamation plant. Additionally, the project does not guarantee adequate water supply from the California Water Project.

7. Adverse Impacts on Transportation Systems

The project would generate an estimated 387,000 average daily trips which would have a significant impact on the City of Santa Clarita's transit system and roadway network. Given the projected additional population of 72,000 new residents, It is anticipated that the Santa Clarita Transit fleet would need to be increased by 48 buses. Also, there is no guarantee for the construction of the MetroLink line restoring service from the Santa Clarita Valley to Ventura to further alleviate the added congestion.

8. Inadequate Sold Waste Reduction

The project does not establish specific measures to reduce/dispose of solid waste, assuming that no new construction or expansion of existing landfills will occur. This is more important due to recent events regarding the lawsuit against the Chiquita Landfill.

9. Adverse Impacts on the Flood Plain

The DEIR does not adequately evaluate impacts from runoff and therefore does not adequately address flooding. Additionally, water quality issues are not adequately analyzed.

10. Adverse Cumulative Impacts

The project would result in 24,000 new residential units and 72,000 new residents. The cumulative impact to the Santa Clarita Valley in regards to schools, park facilities and programs, police protection, fire protection, traffic, public transportation, air quality, noise, and the loss of open space would have a significant adverse impact.

11. Additional Concerns

Previous correspondence with Los Angeles County dated April 1, 1997, and October 28, 1996, and a resolution of the City of Santa Clarita City Council dated January 14, 1997 which list additional concerns are attached and incorporated by reference.

s\pbs\advance\applgrnd.tpm

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City of
Santa Clarita

April 1, 1997

Mrs. Sadie Clark, Chairperson
Regional Planning Commission
Los Angeles County
320 W. Temple Street
Los Angeles, CA 90012

Re: Newhall Ranch Specific Plan

Dear Mrs. Clark:

On February 18, 1997, the City of Santa Clarita presented Resolution No. 97-8 to the Regional Planning Commission. This Resolution addressed the outstanding concerns the City has regarding the Newhall Ranch Specific Plan. Since that time, City staff has met with regional planning staff, and with the representatives of the Newhall Ranch plan, in order to more thoroughly discuss the City's concerns.

Below is a list of concerns that still remain:

- Build Newhall Ranch according to the City's development standards. The Newhall Ranch Company has attempted to design the project with oak tree standards, hillside and ridgeline standards, and highway standards that more closely resemble the standards of the City of Santa Clarita. Nevertheless, the City will still be reviewing all future subdivisions and developments for compliance with City standards.

- Provide justification for the amendments to the Los Angels County General Plan and the Santa Clarita Valley Area Plan. The Newhall Ranch Company has stated that the projected population increase, the accessibility to the site, the dedication of nine square miles of open space at no cost to the public, and the development of needed infrastructure are justifications for a County General Plan Amendment. However, the City feels that the SCAG population projections are very high, and that the infrastructure being constructed in conjunction with this project specifically serves the residents of Newhall Ranch; they do not constitute an overall public benefit. Furthermore, the dedication of open space that is not accessible for many years, and parks that are not staffed, funded, and/or programmed are not a benefit to the Santa Clarita Valley.

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- Dedicate, immediately upon approval of the Specific Plan, The Santa Clara River corridor and Santa Susana Mountains to the Santa Monica Mountains Conservancy or other similar public agency based in the Southern California region. Newhall Ranch has responded by granting an easement to Los Angeles County over the Santa Susana Mountains High Country when the 4,000th building permit is obtained within Potrero Valley Village. However, this response does not address the dedication of the Santa Clara River Corridor, nor does it specifically address the timing for dedication of the High Country. Due to the lack of project phasing information, the City cannot determine or even estimate the length of time that could lapse between a pending project approval and issuance of the 4,000th building permit in Potrero Valley Village.

- Describe the proposed changes to the Santa Clara River Significant Ecological Area. If it is the case that the area being removed from this SEA is being eliminated because it does not contain the sensitive habitat that a true Significant Ecological Area contains, then that should be clearly stated in the Biota Section of the DEIR. The response from Newhall Ranch has been that the Significant Ecological Area is being refined, and yet the language used to describe the changes has not been presented in layman's terms. It could still appear that riparian habitat is being removed from the River Corridor SEA. The City has asked that a comprehensive graphic be included in the Response to Comments that will address this issue.

- Discuss alternatives for bank stabilization of the Santa Clara River and why the use of ungrouted rip-rap is the preferable option. Discuss with Fish and Game. The Newhall Ranch Company has stated that ungrouted rip-rap is more acceptable in biotic and aesthetic terms than concrete bank stabilization, and has been approved by Los Angeles County for safety. The City, however, is requesting that the developer incorporate flexibility in the Specific Plan for other means of bank stabilization. Technology is changing rapidly: some Southern California communities are incorporating soil cement for bank stabilization efforts. Additionally, the portion of Santa Clara River that traverses the Newhall Ranch property is large: some sections of the River may work best with ungrouted rip-rap, others with soil cement or concrete stabilization. Another recent trend also includes burying bank stabilization efforts with soil, and then planting this area with native habitat. These options should be investigated.

- Ensure that future developers will provide for non-motorized modes of transportation at future subdivision stages. This should, at present, include the incorporation of Electric Vehicle Charging stations. Newhall Ranch has not responded to this request. The City is very aware that technology changes rapidly, and is not asking that the developer be specifically tied down to requiring Electric Vehicle charging stations at each future subdivision stage. What we are asking is that, for an innovative project of this size, alternative fuel vehicles, EV charging stations, and other future technologies be encouraged by the Newhall Ranch Company in order to help reduce the project's air quality impacts.

- The applicant should be responsible for the restoration of the MetroLink line, as opposed to solely reserving right-of-way. Grant funds have been identified by the Ventura County Transportation Commission, and the applicant should work with VCTC to secure the necessary funding for restoration of the rail line. Newhall Ranch has stated that they are making a financial commitment by agreeing to reserve right-of-way, as the right-of-way creates a "fix" on the property which affects the design of future land uses, highways, trails, utilities and the like. However, the City feels that a project which will generate approximately 72,000 new residents should contribute more than just right-of-way for a rail line: a commitment to restoring the MetroLink line, in cooperation with the County of Los Angeles, will benefit the project's trip reduction efforts, will reduce the project's air quality impacts, will provide the County with CMP credits, and will serve as an overall public benefit for the project.

- Address the financing of future transit need for the project at full build-out. The Newhall Ranch Company has stated that Proposition A and C Sales Tax, and gasoline taxes, supplemented by farebox revenues will pay for transit services. Also, the Company stated that the surplus revenue generated to the County by the Newhall Ranch project, will help pay for services. However, the County General Fund revenues do not necessarily return to the Santa Clarita Valley. The City is seeking assurance that future transit service to the Newhall Ranch site will not have to be subsidized by the City of Santa Clarita taxpayers.

- Establish specific measures that the project will take to reduce/dispose of solid waste, assuming that no new construction or expansion of existing landfills will occur. Additionally, provide assurance that Newhall Ranch will require future subdividers to incorporate residential design standards to accommodate solid waste/recycling efforts. This issue has not been addressed to the City's satisfaction. The Newhall Ranch Company is still reiterating their commitment to meeting the minimum County requirements with regard to handling solid waste.

- Describe the financing, maintenance and staffing of public parks. Currently, the Newhall Ranch Company has stated that park maintenance, staffing and programs are expected to be funded by the County, and that the project's surplus money to the County could be used for staffing and programs. However, there is no guarantee that the project's revenues provided to the County's General Fund will return to the Santa Clarita Valley. As the developer has stated before, they are not a governmental agency, and thus do not have control over the distribution of funds. The City provides extensive parks and recreation programs, is bound by agreement with the County which preclude the City from charging non-resident fees, and cannot adequately address the needs of additional population. Furthermore, the County does not currently fund any recreation programs in the Santa Clarita Valley. The City is doubtful that revenues generated by the Newhall Ranch project will return to the Santa Clarita Valley for parks and recreation services.

- Tie the project's trail system into the Santa Susana Mountains from the Santa Clara River. The developer has stated that an equestrian connection between the High Country and the River trail is problematic, as the horses would need to traverse the Santa Clara River bottom. Newhall Ranch has not included public recreation within the River bottom due to the presence of endangered species and sensitive habitats, and has stated that the Project Biologist is opposed to encouraging access within the River. However, the presence of an equestrian trail along the Santa Clara River, and the presence of equestrian trails in the Santa Susana Mountains High Country (which the developer agrees to tie in to the Pico Canyon Trail) should be connected in order to provide a usable, logical regional trail system.

- Directly connect the project's trail system and the City's trail system. The City is requesting that the gaps existing between the Newhall Ranch project and the City of Santa Clarita be "filled -in" in order to provide for direct access and a, once again, logical trail system. The Newhall Land and Farming Company owns the properties that comprise these gaps. However, the applicant has stated that filling in the missing trail linkages will hinder all future development of the properties containing such areas.

Two additional issues remain, including the effects of Proposition 218 on the project, and the effects of Newhall Ranch on Henry Mayo Newhall Memorial Hospital; these issues need to be covered in further detail. The Newhall Ranch Company has assured the City that these concerns will be covered more thoroughly in the Response to Comments.

The above issues do not constitute a complete list of concerns. Resolution 97-8, the original City letter dated October 28, 1996, and the verbal testimony provided by City Councilmembers Heidt and Klajic represent our views and issues with the Newhall Ranch project. Along with the aforementioned items, the City continues to request that specific questions and concerns be addressed at future subdivision stages, including, but not limited to, the following:

- Project compliance with all applicable NPDES Permit requirements;
- Traffic performance evaluations at each subdivision stage;
- Proper phasing and financing for transit service to the site;
- Environmental review and public notification for any construction near the Salt Creek corridor;
- Proper landform grading techniques;
- Project compliance with, and incorporation of, Best Management Practices;
- Minimization of non-point source pollutants throughout the Newhall Ranch site;
- Individual Stormwater Pollution Prevention Programs for subdivisions, where appropriate;
- Designs accommodating transit service to all future development sites;
- The development of a major sports center for community tournaments/league play;
- Teen programs and Anti-Gang programs for the residents of Newhall Ranch;
- And the inclusion of air quality mitigation measures at all stages of development.

The developers of Newhall Ranch, along with the Los Angeles County regional planning staff, have been very accommodating and open to suggestion thus far. However, the City still feels that the above issues are important for the well-being of the Santa Clarita Valley. A project as large and innovative as the Newhall Ranch project should be responsible for more than just minimum standards: uncontrolled growth and urban sprawl have extremely detrimental effects on communities in Southern California. The Santa Clarita Valley currently has a shortage of infrastructure, such as adequate sewers, roads, mass transit, schools, fire, Sheriff facilities, libraries, parks, recreational programs, and youth and adult services. This project, without appropriate mitigation, will worsen our current infrastructure shortages.

Please take the City's concerns into consideration prior to forwarding a recommendation to the Los Angeles County Board of Supervisors. We should all be working together for a better Santa Clarita Valley. Thank you very much for your time and consideration in this matter.

Sincerely,

Jeff Lambert
Planning Manager

JL:JDR:lep

cc: Michael Antonovich, Board of Supervisors
City of Santa Clarita Councilmembers
City of Santa Clarita Planning Commissioners
George Caravalho, City Manager, City of Santa Clarita
James Harter, Newhall Ranch Company
Lee Stark, Community Studies
Kerwin Chih, Impact Analysis
Frank Meneses, Impact Analysis
Dave Vanatta, Planning Deputy
Kenneth Pulskamp, Assistant City Manager, City of Santa Clarita
Impact Sciences
Van Stephens, FORMA

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RESOLUTION NO. 97-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, REQUESTING THE LOS ANGELES COUNTY REGIONAL PLANNING COMMISSION WITHHOLD APPROVAL OF THE NEWHALL RANCH SPECIFIC PLAN UNTIL SUCH TIME AS ISSUES RAISED BY THE CITY OF SANTA CLARITA HAVE BEEN RESOLVED

THE CITY COUNCIL OF THE CITY OF SANTA CLARITA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of fact:

a. The Los Angeles County Regional Planning Commission is currently considering action to approve the Newhall Ranch Specific Plan (Project).

b. This Project is a large planned community with approximately 25,000 residential units located within the Santa Clarita Valley, outside the current City of Santa Clarita boundary.

c. This Project is located within the geographic area included in the City of Santa Clarita General Plan and is designated RE (Residential Estate), RVL (Residential Very Low), and BP (Business Park).

d. The City has reviewed this Project and the Draft Environmental Impact Report (DEIR) and has submitted written comments to the Los Angeles County Department of Regional Planning in a letter dated October 28, 1996.

e. Councilmember Jan Heidt testified on behalf of the City of Santa Clarita City Council at the Los Angeles County Regional Planning Commission November 6, 1996 public hearing

f. The City Council has discussed the City's position regarding this project at the City Council Study Sessions on November 5, 1996 and January 7, 1997.

g. The Santa Clarita Valley has a shortage of infrastructure such as sewers, roads, mass transit, schools, fire, Sheriff facilities, libraries, parks, recreational programs, and youth and adult services. This Project, without appropriate mitigations, would worsen the current infrastructure shortages.

h. It is generally understood that urban sprawl has had, and will continue to have, a detrimental effect on urban and rural communities in California. This Project, not adequately mitigated, may have a detrimental effect on the Santa Clarita Valley and the City of Santa Clarita.

i. The City has discussed its areas of concern with the Project applicant on several occasions and has made little progress toward resolving the issues raised by the City.

- Dedicate, immediately upon approval of the Specific Plan, the Santa Clara River corridor and Santa Susana Mountains to the the Santa Monica Mountains Conservancy or other similar public agency based in the Southern California region.

- Incorporate landform grading techniques in all hillside areas, as opposed to designing the project with typical grading practices. In addition to using this grading technique, the hillsides should be planted with native slope materials.

- Address and incorporate the standards of the revised municipal stormwater NPDES permit into the evaluation of potential water quality impacts for the project. This Permit was adopted on July 15, 1996, a date which coincides with the release of the Newhall Ranch DEIR for public review. We acknowledge that the requirements of the revised Permit were not available to be addressed during the preparation of the DEIR, but feel that the revised Permit should be addressed prior to certification of the final EIR.

- Specification of criteria for the "Santa Clara River Corridor Concept" that good surface runoff water quality be maintained through prevention or minimization of non-point source pollutants. The proposed land uses will establish a new source of potential surface runoff pollutants which may adversely impact the biological resources of the Santa Clara River.

- The description of the functions of water quality basins throughout the Specific Plan area. The DEIR stated that sixteen water quality basins are located throughout the project site. The DEIR should also describe how they will maintain good surface water quality, and if they will be used to provide data for program monitoring.

- The update and expansion of Best Management Practices in the DEIR. Pollution prevention/reduction activities should also be incorporated in the Specific Plan as an ongoing community program.

- The preparation and approval of a Stormwater Pollution Prevention Program for the project.

- Furthering the description of the project's use of reclaimed water, expanding upon the possibility of integrating the Newhall Ranch reclaimed water system with other existing and future Santa Clarita Valley reclaimed water systems.

- Describe the proposed changes to the Santa Clara River Significant Ecological Area. If it is the case that the area being removed from this SEA is being eliminated because it does not contain the sensitive habitat that a true Significant Ecological Area contains, then that should be clearly stated in the Biota Section of the DEIR.

- Expand the project's traffic report to include:

  An expansion of the Specific Plan Trip Components to show the percent of Specific Plan trip-ends into the existing boundary of the City of Santa Clarita, including fluctuations of these trip-ends over the years;

  The analysis of traffic impacts at different phases of project construction;

  Further analysis of the traffic impacts caused by the potential deletion of Pico Canyon Road from the Master Plan of Highways. The DEIR shows no impact on Lyons Avenue, McBean Parkway, Valencia Boulevard, Magic Mountain Parkway,

- Ensure that future developers will provide for non-motorized modes of transportation at future subdivision stages. This should, at present, include the incorporation of Electric Vehicle Charging Stations.

- Resolve and specifically describe the financing and/or reimbursement plan for the Water Reclamation Plant.

- Establish specific measures that the project will take to reduce/dispose of solid waste, assuming that no new construction or expansion of existing landfills will occur.

- Provide assurance that the developer will require future subdividers to incorporate residential design standards to accommodate solid waste/recycling efforts. It is not enough to just reiterate the fact that Newhall Ranch will meet the minimum County requirements with regard to handling solid waste.

- Incorporate standards for composting and material recovery facilities throughout the project site.

- Provide for the addition of active parkland to the project site. Using City standards, the developer would receive 30 percent credit towards Quimby requirements for private facilities. At a total requirement of 230 acres of parkland, 30 percent credit would be about 70 acres for a remaining balance of 160 acres. Neighborhood and community parks with active uses total about 113 acres, leaving approximately 47 acres yet to be credited towards Quimby requirements.

- A major sports center should be added to the project which would accommodate community tournaments or league play. Currently, there are no plans for such a facility.

- Describe the financing and staffing of public parks. Who will maintain the parks? Who will pay for the maintenance? What recreation programs/staff will be provided by the applicant? As of right now, The City provides extensive parks and recreation programs which are open to all residents of the Santa Clarita Valley. Additionally, the City is bound by agreements with the County which preclude the City from charging non-resident fees. Many of the residents we serve live in Stevenson Ranch, Val Verde, North Valencia, Saugus, and Agua Dulce. The County does not currently fund any recreation programs in the Santa Clarita Valley, and the City's Parks & Recreation services cannot adequately address the needs of an additional population such as that of Newhall Ranch. Publicly funded programs must be identified an funded for this project.

- Describe the funding and staffing of additional programs. Programs such as teen Anti-Gang programs, should be incorporated into the Newhall Ranch project.

- Include equestrian trails along the Santa Clara River corridor. The Regional Santa Clara River Trail spans from the San Gabriel Mountains to the east, west to the pacific Ocean in Oxnard. The City has developed a portion of this trail which would also traverse through the Newhall Ranch project. The DEIR addresses the Santa Clara River Trail as it relates to bicycles and pedestrians, but does not address the equestrian element.

- Tie the project's trail system into the Santa Susana Mountains to Pico Canyon Trail. The applicant has stated that topography dictates this as an impossible task, but the City is not convinced that this is so. The massive size of this project should be able to somehow provide a route across the site to Pico Canyon Trail.

PASSED, APPROVED AND ADOPTED this 14 day of January, 1997

MAYOR

ATTEST:

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF SANTA CLARITA)

I, George Caravalho, City Clerk of the City of Santa Clarita, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Santa Clarita at a regular meeting thereof, held on the 14 day of January, 1997 by the following vote of the Council:

AYES:	COUNCILMEMBERS:	Heidt, Klajic, Darcy, Bover, Smyth
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

CITY CLERK

council\res97-8.lep

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City of
Santa Clarita

October 28, 1996

Mr. James Hartl
Director of Regional Planning
County of Los Angeles
320 West Temple Street
Los Angeles, CA 90012

RE: CITY RESPONSE TO THE DRAFT ENVIRONMENTAL IMPACT REPORT ("DEIR") AND SPECIFIC PLAN FOR THE NEWHALL RANCH PROJECT

Attention: Kerwin Chih, Impact Analysis Section

Dear Mr. Hartl:

Thank you for the opportunity to participate in the County of Los Angeles's environmental review of this project. The City of Santa Clarita has reviewed the DEIR and Specific Plan for Project No. 94-087 (Newhall Ranch), and offers the following responses and suggested mitigation regarding areas and issues germane to the City's interests.

The comments which follow are technical comments only, and do not reflect any policy determinations or direction by the City Council of the City of Santa Clarita. The following comments are intended solely to comply with the City's responsibility to respond to the DEIR as required by CEQA.

SPECIFIC PLAN REVIEW

The City of Santa Clarita has reviewed the Specific Plan for the Newhall Ranch project on two different levels: one level incorporated a review in very broad context terms, and one level involved the review of the Plan in specific detail.

In a broad context, the City has reviewed the Specific Plan with consideration to future annexation proceedings. While the developer has stated that the incorporation of Newhall Ranch into the City is unlikely, one can never predict what the future may hold. One of the City's most immediate goals is to annex property located on the west side of Interstate-5. Fifty years from now, we may have incorporated the Valencia Commerce Center, the Marketplace, and/or the Magic Mountain Theme Park. We also feel that the possibility exists that future residents of Newhall Ranch may wish to be a part of our City. As such, we have looked at the project as if future annexation of the community of Newhall Ranch is a possibility.

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The City of Santa Clarita suggests that the Newhall Ranch Specific Plan be built according to the development standards currently established by the City. Examples of such standards include integration of our standard street widths throughout the project, grading activities consistent with our Hillside Ordinance and Subdivision Ordinance, protection of the native oak trees according to our Oak Tree Ordinance, and residential, commercial, and industrial developments which would meet our Unified Development Code standards. While these examples are not all-inclusive, and while designating specific standards at this time may seem premature in light of the generalized nature of the current project under review, the City would encourage the use of such standards for all projects at future subdivision stages. The City is proud of the development that has occurred since our incorporation, and a simple drive through the Santa Clarita Valley demonstrates the progress and improvements that we, as a city, have made since December of 1987.

If the project is developed, the City suggests that the County of Los Angeles and the project proponent continue to include the City of Santa Clarita in the planning process. The Joint City-County Planning Program Background Report (prepared jointly by the County of Los Angeles Regional Planning Department and the City of Santa Clarita Community Development Department) was accepted as a policy document in December of 1992. The Planning Program states that, "While the City of Santa Clarita was formed so that planning from a local perspective could take place, the City shares the SCV with land governed by Los Angeles County. As the City has grown, so has its awareness of the need to work together with the County. Ultimately, the quality of life in the Santa Clarita Valley will depend heavily on how this happens." The Planning Program specifies goals which lead to this higher quality of life, including:

- The promotion of compatible and sound planning and the enhancement of the quality of life in both the incorporated and unincorporated areas of the Santa Clarita Valley;

- The promotion of compatible land use policy and development standards in the Santa Clarita Valley;

- The enhancement of infrastructure planning, design, and installation in incorporated and unincorporated areas;

- The coordination of development fees for infrastructure and other public facilities;

- The utilization of locally-generated fees locally, both in the City and in the unincorporated areas;

- The maximization of opportunities for review and input on discretionary projects; and,

- The opportunity to provide fair and equitable means for public representation and participation.

The implementation of these goals, with respect to the Newhall Ranch Specific Plan, is imperative if the Santa Clarita Valley is to be developed in a consistent, comprehensive and compatible manner.

On a specific level, the City suggests that the following changes be incorporated into the Specific Plan.

Section 2: Development Plan

- The designation of Special Management Area ("SMA") should be an overlay covering the Significant Ecological Area ("SEA") portions of the property. However, the SEA designations should not be removed from the Santa Clara River or the Santa Susana Mountains. The designation of Significant Ecological Area more closely resembles the sensitivity of these environments, as compared to a "Special Management Area" designation. While an SMA designation could still govern *management* of these areas, the SEA designation should be kept consistent throughout the Santa Clarita Valley, and should remain.

- A land use overlay for public service facilities is considered appropriate, in lieu of establishing specific building locations for these facilities at this time. Consideration should be given to possibly relocating the proposed library to the mixed use village at the intersection of State Route-126 and proposed Long Canyon Road. This would provide for greater accessibility to the general public and the citizens of the community of Val Verde.

- No development of residential housing units should be permitted within the High Country Special Management Area ("SMA"). This area is still considered to be a significant ecological area, and the proposed 15 estate lots should be eliminated from the Specific Plan. This would provide for a better topographical buffer between the High Country and the project's residential units.

- Proposed roadway(s) and / or designated right-of-way areas near the Salt Creek Corridor should be eliminated. This is a major wildlife corridor which should not be disturbed by any future construction or any occupation within the corridor's immediate vicinity.

- While the Specific Plan states that the Regional River Trail will serve as a transition area (between the proposed developments and the River Corridor), the applicant should also incorporate language into the Specific Plan ensuring a second transition area between the edge of the River Corridor and the Regional River Trail. While this transition would be more limited in nature, it would aid in the preservation of an area containing sensitive habitat.

- It is imperative that residential and commercial development within the project area provide good pedestrian access to future transit stops that will be established as a result of the proposed project. Particularly with land uses which are prime transit trip generators, such as the four mixed-use villages,

and the business park areas, pedestrian-, bicycle-, and transit-friendly desi should be incorporated. For example, within the mixed-use villages, design should deviate from the typical parking-in-front, building-in-back model, which does not promote pedestrian activity. In the business park areas, sidewalks should be provided throughout, so that commuters can travel easily between bus stops and their offices. Furthermore, if the business park is comprised of oversized "superblocks", pedestrian paths that cut through the blocks should be provided. Further comments regarding these and other design issues will be provided at the subdivision map stage of the project.

Section 3: Development Regulations

- As stated above, the City of Santa Clarita recommends that the community of Newhall Ranch be developed in compliance with the City's development standards. This would be the most desirable situation for the City, as a possible future annexation would result in less complication if the community were built to City standards. However, if this is not accomplished, the Specific Plan should be the governing document, and should be compared to existing Los Angeles County zoning and development regulations. The Specific Plan states that in areas of discrepancy, the Specific Plan would be the governing document. Language should be incorporated into the Specific Plan that states that the community is subject to regulations of the Specific Plan and the Los Angeles County Subdivision Ordinance, and that *in areas of discrepancy, the most restrictive document shall prevail.*

- Below is a list of recommended changes to the permitted use matrix in the Specific Plan. The recommendations provided by the City result from the experiences of the City's Planning Division staff, and would be beneficial to the community of Newhall Ranch, and the Santa Clarita Valley in general, upon implementation.

  -All mechanical repair, boat, car or otherwise, should be required to be performed within a structure.

  -Maintenance yards and storage yards should be required to be screened from public view with a block masonry wall.

  -Rifle ranges should be subject to residential compatibility, unless the range is specified as an indoor shooting range.

  -Concrete batch plants should be subject to the approval of a conditional use permit.

  -Bars and microbreweries should be subject to compatibility of surrounding uses, including residences, schools, churches, hospitals, public playgrounds, and youth facilities.

  -The developer should add provisions regarding recycling facilities to the permitted use matrix. Such provisions should include standards for

portable recycling containers in commercial and industrial zones, manned recycling bins in commercial and industrial zones, recycling yards, composting yards, and wormiculture operations.

-Explosives should be governed by the number of pounds of materials being stored (e.g. gunpowder stored in excess of 750 lbs., other explosives stored in excess of 100 lbs.).

Section 5: Specific Plan Implementation

- Adjustment / Transfer / Conversion provisions are sensible and acceptable for a project of this size and scope. However, public participation procedures should be incorporated into certain "conversions" related to the Specific Plan. In particular, public participation should be included within procedures for the conversion(s) of land use(s) throughout the project site. As proposed, the Specific Plan is basically administering the right to process zone changes without public participation. At a minimum, property owners who abut land(s) being converted from residential to commercial, should be notified in writing of the intent to change boundary lines separating land uses. Furthermore, the property owners should be given a certain number of days to respond with comments/concerns regarding such conversions. If property owners voice concern about proposed land use conversions within the specified time frame, then the decision to convert acreage should be subject to Regional Planning Commission approval. A provision could be added that, in the case of land use conversions, the Planning Commission is the final acting authority, and that appeal of the Commission's determination to the Board of Supervisors is not possible. Obviously future residents buy property/houses in particular locations based upon many factors, one of which is often adjacent property designations and permitted uses on neighboring lands. The City is in agreement that the "non-specific" Specific Plan should allow for flexibility, but not at the expense of future residents.

- Director-approved changes to all administrative actions should be subject to the same public notification process as stated above. The Director should be responsible for implementing a system in which all property owners originally notified of a public hearing for an administrative action are informed that specific changes (to an action that has been approved by the Commission) are occurring regarding the previous action. Director-approved changes should be subject to a 15 day appeal period, with appellants being subject to an appeal fee. Stated conflicts could then be addressed by the Regional Planning Commission, with the Commission, once again, being the final acting authority.

- As a point of clarification, the Specific Plan should incorporate examples of what constitutes a "minor" change in roadways which are subject to Director review. Do minor changes address roadway widths, alignment, or designation changes from secondary to collector? Stating examples in the Specific Plan could provide clarification for developers who wish to make what they consider minor changes, but which the Director may consider to be major changes.

The aforementioned items should be considered prior to the Regional Planning Commission forwarding a recommendation to the Los Angeles County Board of Supervisors. If such recommendations are implemented, then the EIR should address the changes made to the Specific Plan.

DRAFT ENVIRONMENTAL IMPACT REPORT REVIEW

The following information contains a review of the Draft Environmental Impact Report ("DEIR") for the Newhall Ranch project. Such information consists of areas to be studied further and/or addressed in the DEIR, and suggested mitigation measures which will lessen the impact of the project on the City of Santa Clarita.

Section 4.1 - Geotechnical and Soil Resources

- The DEIR should address the use of alternative design concepts that might better mitigate the common problems created by typical grading practices. The major concerns regarding such are aesthetics and long term slope maintenance.

  Aesthetic concerns should be addressed by incorporating landform grading techniques in all hillside areas. Along with this proposed grading technique, areas that are to be revegetated should be planted with native slope materials to minimize the contrast between developed and natural areas. Landform grading will result in a much more natural looking area than standard grading practices, which create stark, contrasting angular hillside formations that appear as abrupt changes to the adjacent natural areas. After standard grading practices are completed, the angular slopes are often planted with non-native materials that create glaring coloration changes from the adjacent natural areas. These non-native materials often have difficulty surviving, their maintenance can create a financial burden on residents, and large quantities of water and other resources are needed to help them survive.

  In nature, native plants help prevent the erosion of slopes. Wind, rain, and gravity constantly work to erode natural hillside slope areas. This is a never-ending process that had been continuing for millions of years: the steeper the slope, the more susceptible it is to erosion and instability. Therefore, a look at past standard grading practices tells us that changes in these practices should be made if the long-term maintenance of the slopes is considered. Although the Soils Engineer or Geologist may state that the slopes will be stable at certain maximum gradients, in the long run, constant maintenance of the slopes may prove too costly, and deferred of discontinued maintenance may result in conditions that will allow failures to occur.

- The DEIR should address whether the Newhall Ranch Specific Plan will incorporate such landform grading techniques, and if not, should state the manner in which the aforementioned problems with standard grading practices will be handled by future developers.

Section 4.2 - Flood

- In the Summary portion of the DEIR (Section 4.2 - Flood) Section b.(3), Potential Impacts, is misleading because the DEIR compares the new proposed impervious areas to the entire watershed, but not to the proposed project developed area alone. In this case, the impervious area would be 58% of the developed area. This section is also misleading because the statement, "...construction of Newhall Ranch would not increase site runoff during a Capital storm..." is based on theoretical calculations, not what occurs in reality. Actually, since the design requirements make the engineer calculate runoff for undeveloped areas by including huge unrealistic burn and bulk factors, and these same factors are not included in calculations for developed areas, the numbers may be lower. However, as stated later in Section 3.a.(2), Method of Drainage Analysis, "Buildings, driveways, patios, and roads all create new impervious covers to the natural ground which prevents the ground from absorbing rain water. This overcovering of the natural ground not only results in small storms creating a higher amount, or volume, of runoff, but also a higher flow rate of runoff (identified as the "Q") in developed areas than in undeveloped areas." The increased volume and flow rates created by the increase in impervious areas result in shorter concentration times for runoff flows. As a result, runoff leaves the site faster and has less opportunity to get into the ground. As a cumulative effect, the peak flow rates in the river increase and the flow durations decrease. The river remains dry more of the year and the water flows for less of the year.

- Because the revised municipal stormwater NPDES permit is now available (NPDES Permit No. CAS614001), it should be addressed and incorporated into the evaluation of potential water quality impacts for this project. The revised permit has established prohibitions and limitations, and requirements for the following: connection and discharge; development planning and construction; public agency program requirements; public information and participation; monitoring; and program reporting and evaluation. The revised NPDES permit was adopted on July 15, 1996, a date which coincides with the release of the Newhall Ranch DEIR for public review. We acknowledge that the requirements of the revised Permit were not available to be addressed during the preparation of the DEIR, but feel that the revised Permit should be addressed prior to certification of the final EIR. The evaluation of the project's compliance with the NPDES permit should include: how the project does or does not comply with the Permit; to what extent the proposal meets the requirements for surface runoff water quality and control of non-point source pollutants in an urban area; compliance of erosion and sedimentation control measures with the Permit (for grading and other construction activities); and an expansion upon the water quality requirements to address Permit requirements, including prohibitions and limitations, County Stormwater Management Program requirements, and standard provisions. The DEIR analysis of NPDES Permit compliance must distinguish between the municipal stormwater NPDES Permit and other types of discharge permits (such as construction and industrial permits) required under the NPDES program.

- The DEIR discusses proposed bank stabilization for the Santa Clara River on 30% of the southern side and 80% of the northern side of the River Corridor to protect adjacent development from erosion. The DEIR states that the bank stabilization is proposed to consist of ungrouted rock. The DEIR should discuss whether or not other alternatives to this type of bank stabilization have been discussed with the State Department of Fish and Game. If so, then the DEIR should discuss the alternatives, and should address the reasoning behind selecting ungrouted rock for bank stabilization efforts. If no alternatives have been discussed, then the project developer should initiate such discussions with the State Department of Fish and Game, and the EIR should incorporate alternatives prior to final certification.

- Criteria for the "Santa Clara River Corridor Concept" should specify that good surface runoff water quality be maintained through prevention or minimization of non-point source pollutants. This should be applied to all proposed ongoing land uses (including residential, commercial and business park uses) as required by the County's current municipal stormwater permit (NPDES No. CAS614001). The proposed land uses will establish a new source of potential surface runoff pollutants which may adversely impact the biological resources of the Santa Clara River. Because the Santa Clara River has been identified as a Significant Ecological Area (SEA), the County's existing SEA requirements should also be incorporated as part of this criteria.

- Figure 4.2-5 (map) shows sixteen water quality basins located throughout the specific plan area. The DEIR should describe their function(s) and how they will maintain good surface water quality, and if they will be used to provide data for program monitoring.

- Reference is made to the implementation of Best Management Practices (BMP's) for the specific plan. This information should be updated and expanded in the DEIR. Pollution prevention / reduction activities should be incorporated in the specific plan as an ongoing community program. These programs and physical BMP's can be refined to a greater level of detail and incorporated into the design of each future subdivision map.

- Mitigation Measure: The project developer should ensure the preparation and approval of a Stormwater Pollution Prevention Plan for the project.

Section 4.6 - Biota

- The Biota Section of the DEIR is very thorough in its technical analysis of the project site. However, it tends to lose sight of the fact that CEQA requires an EIR to present information in a format that is understandable to the lay person. While the vast majority of information presented in the Biota Section cannot be presented in non-technical terms, the DEIR should attempt to address the issue of eliminating area from the River Corridor SEA in a manner that would be understandable to the average reader. As it stands right now, one could assume that the elimination of area from SEA 23 is being pursued

in order to accommodate the developer's vision for the project. This may or may not be the case. Documents that the City and County currently possess depict the SEA areas inconsistently. If it is the case that the area being removed from SEA 23 is being eliminated because it does not contain the sensitive habitat that the true SEA contains, then that should be clearly stated in the DEIR.

Section 4.7 - Visual Qualities

- As stated above, the City of Santa Clarita requests that the Specific Plan be built in compliance with development standards adopted by the City. As such, we are requesting that the Newhall Ranch Specific Plan take the City's Ridgeline Preservation and Hillside Development Ordinance into consideration during development stages. The Visual Qualities section of the DEIR provides numerous viewshed analyses of the project at buildout, which show a disregard for the importance of protecting significant ridgelines in development.

- The City's Ridgeline Preservation and Hillside Development Ordinance was developed in order to:

  Provide hillside development standards to maximize the positive impacts of site design, grading, landscape architecture and architecture, and provide development consistent with the goals and policies of the City of Santa Clarita's General Plan;

  Provide ridgeline preservation and development standards to protect certain ridges and minimize the adverse impacts of development;

  Maintain the essential natural characteristics of the area such as major landforms, vegetation and wildlife communities, hydrologic features, scenic qualities and open space that contribute to a sense of place; and,

  Retain the integrity of predominant off-site and on-site views in hillside areas in order to maintain the identity, image and environmental quality of the area.

- Mitigation Measure: The Newhall Ranch Specific Plan should be built in accordance with the development standards listed in the City of Santa Clarita's Ridgeline Preservation and Hillside Development Ordinance, especially with respect to grading design, landscape design, and perimeter ridgeline shielding design.

Section 4.8 - Traffic

- The traffic report in the DEIR indicates that the Specific Plan will generate an approximate average daily trip (ADT) of 387,000 trips. An internal / external summary of average daily trip-ends for the Specific Plan is as follows:

Specific Plan Trip Components

COMPONENT	SPECIFIC PLAN TRIP ENDS	
Internal to Specific Plan	201,240	(52%)
Within Santa Clarita Valley	147,060	(38%)
Outside Santa Clarita Valley	38,700	(10%)
TOTAL	387,000	(100%)

The report includes the following information which we feel needs to be expanded or modified to ensure that the project would not adversely impact the City of Santa Clarita:

1. The above "Specific Plan Trip Components" table needs to be expanded to show the percent of the Specific Plan trip-ends into the existing boundary of the City of Santa Clarita and also should depict fluctuations over the years.

2. The project analysis includes the future ADT's of links within the site and the surrounding areas at buildout of the City and the Newhall Ranch project. This methodology has been used in numerous studies and is well-accepted. Due to the proximity of the proposed site and the City, and due to the fact that the travel patterns in the Valley will change by the time this project is completed and self-served, it is recommended that the report include other types of analysis in the study, such as link directional traffic in peak hours and even in every (x) number of years. It is suggested that the report be prepared to analyze the different phases of the project. It should be noted that the analysis of project phasing can also be done in later dates when more specific portions of the project development are proposed, but that this later analysis may cause the City to state that the individual projects create significant impacts on other roads and links.

3. The Specific Plan is proposing the deletion of the extension of Pico Canyon Road to SR-126. Reviewing the discussion of this deletion in Appendix 4.8, it shows no traffic volume change on Lyons Avenue, McBean Parkway, Valencia Boulevard, Magic Mountain Parkway, or Newhall Ranch Road east of the I-5 within the City area. This needs to be revisited for accuracy and should also include a.m. / p.m. peaks. The City always recommends that sites / projects contain various access points, and discourages the deletion of such.

4. The Conceptual Alternative Highway Plan, as indicated in the study, could vary since the City is in the process of amending the General Plan / Circulation Element. There are significant deletions / changes in the proposed alternatives which we do not anticipate will take place. Some of the alternatives might be controversial, such as the deletion of the

extension of Avenue Tibbits to Tourney Road at Magic Mountain Parkway. This road is a major link to the industrial area, and its deletion has a significant impact on McBean Parkway: it causes McBean Parkway to carry over 70,000 cars per day. Another correction regards the connection of Magic Mountain Parkway to Via Princessa, which is a correction already in the design stages, and is part of the City's Capital Improvement Projects.

5. In the discussion of land use on Page 4.8-19, it should be noted that other recent City and County GPA's need to be included, such as Tesoro Del Valle, a new "conceptually approved" subdivision within the County.

6. All proposed roadways on-site, along with the connection links, should have adequate width to accommodate on-street bike lanes.

7. The DEIR should include the corrections and/or suggestions on the attached marked-up copies of Section 4.8 - Traffic.

- The City is not prepared at this time to request specific mitigation regarding the project's traffic impacts to our jurisdiction. Once the aforementioned issues have been addressed, the City could request the implementation of certain mitigation measures to lessen the impacts of the Newhall Ranch project on City circulation. However, the possibility also exists that the additional information provided in the revised traffic report could satisfy the City that the project's impacts to the City may be less than significant.

Transit Impacts

- Although the proposed project area is not currently included in Santa Clarita Transit's service area, it is likely that any future transit service provided to and through the project site would be provided by Santa Clarita Transit under contract with Los Angeles County. There is likely to be a certain amount of interdependence, and therefore travel, between Santa Clarita and Newhall Ranch, particularly prior to full build-out. As stated in the DEIR, even at full build-out, only 35% of the 387,000 average daily trips (ADT's) generated in the Specific Plan area will also terminate in the Specific Plan area (page 4.8-31). Although specific project phasing was not presented in the DEIR, it is common for residential development to occur prior to the construction of supporting community land uses. In the interim, Newhall Ranch residents will be dependent on schools, retailers, banks, churches, and other facilities located outside the new community. Accordingly, Newhall Ranch residents will need adequate means of transporting themselves between the two communities. Thus, roadways which connect the two communities, such as Magic Mountain Parkway, Pico Canyon Road, Valencia Boulevard, and SR-126 / Newhall Ranch Road will need to be adequately expanded to carry the passenger cars, service vehicles, and public transit buses generated by the proposed project.

- It is understood that the initial transit demand, and therefore the transit resources required to provide service, prior to full build-out will differ from the transit demand at full project build-out. For example, during the first few

years of construction, the number of transit trips generated by Newhall Ranch residents may be relatively low, but a large percentage of trips will be to and from destinations within the City of Santa Clarita. In later years, as community-supporting services such as shopping centers, schools, and parks are constructed in Newhall Ranch, there may be less of a need for services which formerly connected Newhall Ranch residents to such facilities in the City of Santa Clarita, and more need for trips between destinations within the Newhall Ranch project. However, at full-buildout of the project, the City of Santa Clarita will still provide for regional consumer needs, thus transit service between the City and Newhall Ranch will remain necessary. In order to more accurately anticipate the geographic distribution of transit trips, the DEIR should address project phasing. This will enable agencies, such as MTA and Los Angeles County, and in turn the local providers (Santa Clarita Transit and Metrolink) to plan for potential public transit service expansion to the project area.

- In the absence of phasing information, the full-build-out scenario was evaluated in order to estimate the future transit needs of the proposed project. The Traffic / Access section of the DEIR states that "...actual transit impacts to transit services will be evaluated at the subdivision map level as development occurs within the Specific Plan site. At this detailed level...transit operators can assess the capacity and demand of transit services" (page 4.8-81). While some of the decisions regarding exact routing, frequency of service (headway), and bus stop locations can be made closer to project construction, there are other longer-term decisions which greatly affect the ability to provide transit service to and through the Specific Plan area (such as the layout of the road network) which must be made prior to the subdivision map stage. For this reason, it is necessary at this level of project review to provide an estimate of future transit needs.

- As proposed, Newhall Ranch is planned to contain 24,680 dwelling units and 5,720,000 square feet of retail, office and industrial development. Commercial centers, which cover 90.7 gross acres of the project area, are to be located near major highways (page 4.8-25). It is anticipated that residential areas will be accessed off the major roadways by many smaller residential-scale streets. It is likely that any public transit service in the Newhall Ranch project would be provided along the main thoroughfares, such as Potrero Canyon Road, Magic Mountain Parkway, Commerce Center Drive, and Long Canyon Road. However, it is important that good pedestrian access between the residences and these major roadways be provided in order for residents to have satisfactory access to transit stops located on the major roadways.

- The proposed project is estimated to generate 387,000 ADT's. Multiplying this number by an occupancy factor of 1.4 converts the figure to 541,000 ADT person trips, of which 3.5% (or 18,963 ADT person trips) will become trips assigned to transit, per Metropolitan Transit Authority guidelines. Using a representative peak hour factor of 10 percent, the DEIR estimated that this would yield approximately 1900 peak hour transit trips for each peak hour to be potentially generated by the Newhall Ranch Specific Plan (page 4.8-81).

Although these figures from the DEIR do not identify transit trip origins and destinations, or describe how the transit demand will be distributed throughout the day, they do help us to make estimates regarding resource requirements. Just to accommodate the 1900 transit trips per peak-time hour generated by the Newhall Ranch project, Santa Clarita Transit's fleet would need to be expanded by approximately 48 buses (1900 peak-hour transit trips divided by 40, which is the average number of passengers per transit vehicle, equals 48 buses required).

The hourly cost to provide such service, which does not include equipment cost, would be approximately $42 per hour in 1996 dollars. The costs identified above also do not take into account the cost of roadway improvements needed to ensure that Santa Clarita Transit's currently-operating routes are not impacted by the Newhall Ranch project. For example, without roadway capacity expansion, the routes currently operated along Valencia Boulevard, Magic Mountain Parkway, The Old Road, Newhall Ranch Road, and SR-126, would be negatively impacted by the additional automobile traffic added to the roadways as a result of the Newhall Ranch project. Such routes would be slowed down, and public transit riders throughout the rest of Santa Clarita Transit's service area would experience a decrease in the level of service. While the issue of roadway capacity has been discussed above, it is raised again here to note that the level of service concept applies not only to roadway networks, but also to the transit route network.

Section 4.10 - Air Quality

- The DEIR states that the project is air quality friendly, even though the impacts to air quality will be unavoidably significant. While the DEIR addresses the project design standards leading to "less of a significant air quality impact" throughout many sections of the document, the DEIR should provide specific examples of such within the Air Quality Section of the report. For example, the DEIR could expand upon page 4.10-21, when discussing the concentration of development within core area, about how trails systems will link the commercial and residential areas. This area could also include the number of jobs that will be created by the project, and what types of jobs will be created. As was stated above, these may be addressed in other sections of the DEIR, but should be provided in the Air Quality Section in order to create a more comprehensive document that the average reader can understand.

- Page 4.10-25 discusses the Specific Plan's Mobility System which will aid in the reduction of emissions, and references emission reduction efficiencies in the SCAQMD's CEQA Air Quality Handbook. The DEIR should explain *how* the project's mobility system accomplishes a reduction in noxious air emissions, instead of just claiming that the mobility system does such. The lay person may not be familiar with land use / design / rail impacts, or the use of park-and-ride lots. The DEIR should explain these aspects of the project and expand upon their beneficial impacts.

- Page 4.10-31 states that the proposed Specific Plan is consistent with the AQMP and that is does not jeopardize attainment of the air quality standards predicted in the AQMP "...because the Specific Plan is consistent with the goals, objectives, and assumptions outlined in the AQMP." The DEIR should provide the goals, objectives and assumptions of the AQMP, and should address exactly how the project is consistent with these goals, objectives, and assumptions.

- Mitigation Measure: The project proponent should ensure that future subdividers (or the project proponent) provide electric vehicle charging stations at future park-and-ride lot(s), at commercial centers, and at industrial buildings. Future residences should also be equipped to handle, where appropriate, electric vehicle charging outlets within interior garages.

- Mitigation Measure: The project proponent should pay, or ensure the payment of, the project's pro-rata share for transit service to and from the project site.

Section 4.12 - Wastewater Disposal

- After reviewing the Wastewater Disposal section, it appears that the construction of the proposed wastewater treatment plan, identified in the DEIR as the water reclamation plant (WRP), is a necessary infrastructure component to provide adequate service for the specific plan buildout. The analysis of the capacity demands appears to be reasonable, and it would make sense for the project proponent to bear the costs of providing this needed infrastructure to exclusively serve the project. The DEIR also indicated that new County initiated connection fees would be utilized to finance the proposed WRP. Details should be provided concerning the way the project will be financed and how any related reimbursement mechanisms will work. Will the County be paying for initial construction and start-up costs, or will that be financed up front by the Newhall Land and Farming Company? Will these fees be collected only from the new residents of Newhall Ranch for reimbursement to the initial financing entity? Will any other Santa Clarita Valley resident outside of the Newhall Ranch project be impacted by the financing of the WRP?

- It is encouraging to see that the development of a reclaimed water system is included as a part of the WRP function; the City would support this for on-site irrigation where the level of water quality is acceptable and meets established State standards. However, we are sensitive to the issue of reclaimed water development on a valley-wide basis. The DEIR should address this issue, and the issue that the Castaic Lake Water Agency and the Newhall County Water District are currently researching and preparing their own reclaimed water plans. These issues should be addressed in the DEIR relative to these agencies (and any other agencies considering the development of a reclaimed water system for the Santa Clarita Valley) in terms of the comprehensive development, distribution, and use of reclaimed water for the Santa Clarita Valley.

- As a publicly owned or privately owned service provider, the WRP has the potential to provide service downstream to properties in the County of Ventura. This issue should be addressed in the DEIR. This is a relevant question to us because the DEIR has identified a "tributary area" of the proposed WRP, and anticipates requests for annexation to the proposed new Sanitation District for service (DMS Buildout Scenario, page 4.12-9). Additionally, the DMS Buildout Scenario should address valley-wide impacts due to the comprehensive nature of the County's DMS methodology.

- Two scenarios are analyzed in the DEIR: One for buildout under the County Sanitation Districts of Los Angeles County under their proposed SCVJSS facilities expansion; and, one for cumulative buildout under the land use designations for both the County's Santa Clarita Valley Area Plan and the City of Santa Clarita General Plan. The SCVJSS facilities' proposed expansion is based upon SCAG population projections for the year 2015. This scenario addresses future needs exclusive of the Newhall Ranch Specific Plan. Because the Newhall Ranch Specific Plan has defined parameters for development intensity, we feel that this scenario can be adjusted to include the additional service demand created by this project. Cumulative buildout scenarios that address both County and City General Plans seem to be the most conservative approach in identifying the most intense service demand. The City prefers this scenario to assess cumulative impacts because it tends to consider planning and development activities in both the City and the County, thereby being a comprehensive method assessing the Santa Clarita Valley as a whole (instead of segmenting community growth).

Section 4.15 - Solid Waste

- The project, as proposed, would produce a maximum of 53,524 tons of solid waste annually upon buildout. Currently, the City spent five years educating the public on alternatives to land filling, and initiated a progressive curbside recycling program. These efforts, though, have resulted in the diversion of only 30 tons of solid waste per year. The project, with its mitigation factors listed in the DEIR, could cause diversion efforts on a Santa Clarita Valley-wide basis to go backwards. It is recommended that the DEIR discuss and take a leadership role in determining how the project's solid waste will be handled. The DEIR should address innovative solid waste planning, as opposed to reiterating the fact that the project will comply with Los Angeles County standards for waste management.

- The City greatly encourages developers to incorporate innovative concepts for solid waste diversion efforts in their proposals, as opposed to relying on existing landfill capacities and/or future landfill expansions to handle a project's solid waste. Furthermore, community outcry on the issue of landfilling is strong. Thus, the DEIR should address a worst-case scenario in which no expansions and/or new construction of facilities are approved. The DEIR should specifically discuss how the project would dispose of or reduce the solid waste generated by the Newhall Ranch Specific Plan if no expansions and/or construction of landfill facilities occurs over the next 25 years.

- Mitigation Measure: All future subdividers should incorporate residential design standards which accommodate solid waste and recycling efforts. Such designs should be incorporated into interior living space as well as residential street design.

- Mitigation Measure: The project proponent should incorporate standards for composting and material recovery facilities within specified zoning designations throughout the project site.

Section 4.20 - Parks, Recreation, and Trails

- The parkland dedication requirement as identified in the DEIR totals 202-235 acres of parkland. This number was derived by using 3.17 persons per single family dwelling unit. The City of Santa Clarita Unified Development Code (UDC) uses 3.588 persons per single family dwelling unit, which would change the parkland range to approximately 230-250 acres of required parkland.

- The Newhall Ranch project proposes to fulfill parkland requirements by providing 12 neighborhood parks, three community parks, trails, open space, and high country and river corridor special management areas. The total Quimby credit requested by the developer applying the Los Angeles County Quimby approach for this project is 2,472 acres, far above the actual amount of required parkland. Preservation of open space, significant ecological areas, and the Santa Clara River corridor is consistent with the City of Santa Clarita's General Plan and would generally be supported. However, applying the City's UDC requirements for parkland dedication, the developer would receive 30 percent credit towards Quimby requirements for the private facilities provided. At a total requirement of 230 acres, 30 percent credit would be about 70 acres for a remaining balance of 160 acres. Neighborhood and community parks with active uses total about 113 acres, leaving approximately 47 acres yet to be credited towards Quimby requirements. Approximately 125 acres of community parks and a lake, which the DEIR suggests should receive credit, are considered passive and are located in restricted areas such as utility easements.

- There does not appear do be any major sports center which would accommodate community tournaments or league play. With the addition of approximately 70,000 people, there would be demand for organized youth and adult baseball, softball, football, soccer, and/or other league sports. There is minimal discussion in the DEIR related to the operations and maintenance of the public parks or the commitment of the County to provide these services. Currently, the County is downsizing its park and recreation program, and is turning many park facilities over to local governments to maintain and operate. These issues should be addressed in the DEIR.

- A point of clarification would be appreciated on page 4.20-1. The DEIR states that the current deficit in planning area #35, which includes Newhall Ranch, is 246.6 acres of parkland. Page 4.20-26 states that the project provides 2,472

acres of creditable parkland for a surplus of 2,266 acres over identified requirements. Page 4.20-33 states under Cumulative Impact that "The existing parkland deficit of 246.6 acres would remain."

- Regarding the Newhall Ranch Master Trails Plan, the Plan includes the regional river trail, community trails, pathways, local trails, and unimproved trails. The Regional Santa Clara River Trail spans from the San Gabriel Mountains to the east, west to the Pacific Ocean in Oxnard. The City of Santa Clarita has developed a portion of this trail which would also traverse through the Newhall Ranch project. The DEIR addresses the Santa Clara River Trail as it related to bicycles and pedestrians, however, it does not address the equestrian element. Equestrian use is part of the multi-use system that is the Santa Clara River Regional Trail, and needs to be included in the planning of this project.

- The Newhall Ranch project proposes to include approximately 6,000 acres of open space area accessible to the public. These include the High Country Special Management Area, Santa Clara River Corridor, open area, golf course, and a lake. The operations and maintenance of these areas can be addressed through homeowners associations, maintenance districts, and private and/or public agencies. Restrictions on the use of open space within the Newhall Ranch project should be further described in the DEIR. As it stands right now, the City is not convinced that dedicating the High Country SMA and the River Corridor SMA to the Center for Natural Lands Management provides for the best public use of these areas. To provide the greatest public use of the areas, access should be encouraged to the greatest extent possible.

- The City of Santa Clarita currently provides extensive parks and recreation programs which are open to all residents of the Santa Clarita Valley. The existing fee scale does not discriminate between City residents and residents of the unincorporated area. Additionally, the City is currently bound by agreements with the County of Los Angeles which preclude the City from charging "non-resident" fees for services provided by the City in City parks, and in County parks under long-term lease to the City. Many residents of the unincorporated areas of Stevenson Ranch, Castaic, Val Verde, North Valencia, Saugus and Agua Dulce participate in these programs. Due to ongoing budget and funding deficits experienced by the County of Los Angeles, several community parks in the unincorporated areas have been closed because funds for their operation and maintenance are unavailable. Additionally, this does not address the fact that the County does not currently fund any recreation programs in the Santa Clarita Valley. The project proponent has indicated that private funding of parks and recreation services may be funded privately by future residents of the project. While the City encourages such innovations, this does not preclude the need for publicly funded facilities and programs. Based on current experience and project trends, the City must anticipate serving the future residents of the Newhall Ranch project as well.

The City, and the Santa Clarita Valley by extension, currently experience severe deficit of park facilities. Existing facilities and programs are strained to over-capacity; many recreation programs often have long waiting lists of people who wish to participate. The addition of approximately 70,000 people generated by this project will seriously affect the City's ability to provide recreation programs to all who request them, let alone enhance such services.

- The DEIR should identify any proposed recreation and cultural arts programming and staffing to fulfill community needs at the public park sites within the project. As stated above, the City of Santa Clarita currently serves numerous residents of the adjacent unincorporated areas at no additional cost to the County, but at increased, and unfunded cost to City residents. Effectively, this means that City residents are subsidizing, through property tax payments, the recreational activities of non-City residents.

- Mitigation Measure: The project proponent should include equestrian trails along the Santa Clara River Corridor outside the river bottom wherever possible, and should tie into the High Country Special Management Area to Pico Canyon Trail.

- Mitigation Measure: Rest stops, scenic overlooks, staging areas, etc., are amenities that the project proponent should locate along the regional trail corridor.

- Mitigation Measure: The project proponent should provide for, or ensure provisions for, a direct connection from the project's trails system to the City's trails system, to the satisfaction of the City of Santa Clarita.

- Mitigation Measure: The project proponent should fund, or ensure provisions for funding, for City programs to be provided or facilitated by the applicant in anticipation of the project's residents' future use of City Recreation services.

Section 4.16 - Education

- Educating the youth in our community is of vital importance in ensuring a prosperous future for the Santa Clarita Valley. The DEIR for the Newhall Ranch Specific Plan has adequately mitigated school impacts within the Newhall School District, however, has not adequately addressed the project's school impacts within the William S. Hart High School District or the Castaic Union School District.

- Regarding developer fees imposed to provide for adequate school funding, Government Code Sections 65995 and 65996 apply specifically to development projects which are not legislative in nature. Since the approval of the Newhall Ranch Specific Plan requires legislative actions, the Courts have held that local governments do have the authority to deny a land use application (which require a legislative action) on the basis of the adequacy of available school facilities, or to phase the development of projects. A "Valley-Wide Joint Fee Resolution" was adopted by the Los Angeles County Board of Supervisors, the

City Council of the City of Santa Clarita, and the William S. Hart Union High, Sulphur Springs Union, Castaic Union, Newhall, and Saugus Union School Districts in 1991 establishing a fixed fee in excess of the State statutory fee in order to mitigate the effects of growth on school capacity throughout the Santa Clarita Valley. However, in late 1995 the Newhall School District, William S. Hart Union High School District, Castaic Union School District, and Saugus Union School District all withdrew from the Valley-Wide Joint Fee Resolution, thus rendering it ineffectual. The DEIR states that the Valley-Wide Joint Fee Resolution applies to legislative actions, and yet the Resolution has been dissolved, and the Courts have upheld decisions [*Mira Development Corp. v. City of San Diego*, 205, Cal. App. 3d 1201, 1217 (1988)] that the prohibition of a City to levee fees in excess of the State statutory school fee is not binding where a general plan amendment or rezoning is requested. The City suggests that the developer willingly provide for full mitigation of school impact on the Newhall School District, the William S. Hart Union High School District, and the Castaic Union School District, possibly with a provision for reimbursement of funds at the time that State school funding is made available.

- Regarding the specific impacts of the Newhall Ranch project on local schools, the DEIR analyzes two different methodologies for determining possible effects. One includes the School Districts' Methodology, and the other includes Los Angeles County DMS Methodology. The DEIR tends to favor the Los Angeles County DMS Methodology, which states a lesser impact to the local schools than the School Districts' Methodology. Due to the importance of educating our youth, and the years of direct experience that the school districts have over Los Angeles County, it is suggested that the DEIR base the project's impacts on the School Districts' Methodology. As of this moment, the impact of the project on the local school districts is considered to be unavoidably significant by the William S. Hart Union School District and the Castaic Union School District. Full mitigation for the project's impacts on schools should be based on the School Districts' methodology.

- The DEIR should, in some manner, address the phasing for development of school facilities. The DEIR does not discuss the timing for development of the five elementary schools, junior high, and high school, thus it is anticipated that the City will be negatively affected by the buildout of the project in the short-term, or until the facilities are developed and operational, however long that may be. Specific mitigation for school impacts should be addressed in relation to the phasing of the project, as well as the mechanism being proposed for the implementation of school facility development.

Section 4.17 - Police Services

- The City of Santa Clarita presently, and for the foreseeable future, contracts with the County of Los Angeles for Sheriff services. It is anticipated that the development of the Newhall Ranch Specific Plan, with a residential population of up to 70,000 people, will affect both response times and performance standards in the incorporated and unincorporated areas of the Santa Clarita Valley. At this time, the City is inclined to recommend that the Newhall

Ranch Specific Plan include a fully staffed Sheriff station within the Specific Plan boundary. This would ensure an adequate response time for all emergencies within and around the Specific Plan site, without a decrease in service to the City and the existing developments within the unincorporated area. The addition of 70,000 residents along with commercial / industrial developments will have a major effect on the level of police services currently provided in the Santa Clarita Valley. In the population range of 100,000 to 200,000 persons, the City of Santa Clarita currently stands as the fifth safest city Nation-wide. The outstanding service that our officers provide is one of the major draws for both residents and businesses to the Santa Clarita Valley. The addition of a fully -staffed Sheriff station on the Newhall Ranch site will serve to provide excellent community service to the future residents of Newhall Ranch, as well as to the City, and will help us maintain our distinctive reputation as a safe, clean community.

- In addition to the request for a fully-staffed Sheriff station, the City recommends that a traffic or similar analysis demonstrating emergency routes for public safety and emergency evacuation routes for the public should be addressed in the DEIR.

- Because the Newhall Ranch Specific Plan is not currently proposing the development of a Sheriff station, the DEIR should analyze the potential for increased cost to City-provided Sheriff services, at currently contracted levels, for traffic control and crime prevention in the City and its immediate environs. Once again, due to the fact that the DEIR does not address phasing for the project, and does not discuss the mechanism proposed that would trigger the employment of additional Sheriff personnel, the City is anticipating that the project will negatively affect the services currently provided within the Santa Clarita Valley.

- Mitigation Measure: The Newhall Ranch Specific Plan should provide for a fully-staffed Sheriff Station within the boundary of the Specific Plan site.

Section 4.18 - Fire Services and Hazards

- A correction needs to be made to the DEIR in the summary section of Section 4.18 - Fire Services and Hazards. The first paragraph states that, "One additional station (Fire Station 126) is in the design stage of development, and will be located at the intersection of Mc Bean Boulevard and Magic Mountain Parkway." It is the City's understanding that the Los Angeles County Fire Department has rejected this location as a possibility for the development of a fire station, and that the Fire Department is investigating and/or has located a different location for the future station.

- Due to the lack of information regarding project phasing in the DEIR, the City is requesting that a minimum of one Fire Station be constructed and operational prior to the approval of any development projects related to the Specific Plan. The construction of such Fire Station should be financed by the developer, with the funding of applicable staff being guaranteed by the County of Los Angeles.

- The City and the County, in the unincorporated areas in the Santa Clarita Valley, currently collect a developer fee of $0.1884 per square foot on new development for the fire district protection program. This fee is based on Fire Department budget, in which monies are accumulated for future acquisition, construction, improvement, and equipment needs of fire station facilities, but not for ongoing operations and maintenance. We request that the DEIR address the manner in which allocations from the project's funding will be dispersed during the buildout of the project. Furthermore, the DEIR should address whether the project will affect the rate the City pays for Fire Services when capital equipment needs and personnel costs for the project area are calculated to serve the new urbanized area.

- Henry Mayo Newhall Memorial Hospital and ancillary facilities presently provide hospital services to the residents of the Santa Clarita Valley and environs. The DEIR should address potential impacts to this and other hospital and emergency care facilities existing in the Santa Clarita Valley, with respect to the anticipated buildout of the 1990 Santa Clarita Valley Areawide plan as amended, to include the Newhall Ranch Specific Plan. Various transportation routes and travel time to the hospital should also be identified in the DEIR.

Thank you again for the opportunity to review the Draft Environmental Impact Report and Specific Plan for the Newhall Ranch Project, and for your consideration of our requests. As we understand, the official comment period has been extended to December 5, 1996, and we wish to thank you again for doing so; we hope that the additional time will prove useful to all interested parties. The City will likely provide additional comments and mitigation measures in response to any additional or new information that is provided to us, and we submit this early request that any future comments by the City based on this additional information also be included in and addressed by the DEIR.

If you have any questions, or require clarification of anything requested in this letter, please contact either Jeffrey Lambert, Planning Manager, or Jennifer Reid, Assistant Planner II of the Community Development Department, at (805)255-4330.

Sincerely,

Ken Pulskamp
Assistant City Manager

KP:JL:JDR:lep

cc: Lee Stark, Community Studies
Kerwin Chih, Impact Analysis
Frank Meneses, Impact Analysis
Michael Antonovich, Board of Supervisors
Dave Vannatta, Planning Deputy
George Caravalho, City Manager, City of Santa Clarita
City of Santa Clarita Councilmembers
City of Santa Clarita Planning Commissioners
James Harter, Newhall Ranch Company
Impact Sciences
Van Stephens, Forma

advance\specplan.jdr

MEMBERS OF THE BOARD
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BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

December 8, 1997

Los Angeles Regional Planning Commission
320 West Temple Street
Los Angeles, California 90012

SUBJECT: December 17, 1997, Hearing on Newhall Ranch, Project 94087; Newhall Ranch vesting Tentative Parcel Map (VTPM-24500) and related certification of the proposed final EIR; Recommendations re: General Plan Amendment (SP-94087), Zoning Change (ZC-94087), Conditional Use Permit (CP-94087) and Development Agreement (DA-94087)

Dear Commissioners:

The Board of Supervisors of the County of Ventura urges your commission to continue the hearing on the Newhall Ranch vesting tentative tract map, related FEIR, and recommendations concerning the General Plan Amendment, Zoning Change, and Conditional Use Permit. Additional time is imperative so that the County of Ventura and the cities within the County of Ventura significantly impacted by the proposed Newhall project have the opportunity to present additional testimony to persuade the commission to defer action on the tentative tract map, related FEIR and project specific recommendations until the environmental impacts on Ventura County are adequately addressed. 1

Your commission is about to make a significant decision based on insufficient evidence and with drastic and irreparable consequences to the quality of life in Ventura county. We just received on December 5, at 3:00 p.m., the Los Angeles Planning Department's responses to Ventura County's comments on the EIR. Lee Stark of the planning department recommended that written correspondence to the Los Angeles Planning Commission concerning the Los Angeles Planning Department's comments be

Recycled Paper

received no later than December 10 in order to be included in the agenda packet for December 17. This rapid response time does not allow for adequate reflection. Given the magnitude of this project, which covers approximately 12,000 acres in Los Angeles County and impacts thousands more in Ventura County, it is imperative that additional time be provided. The hearing should be continued at least until January 1998. 1

Moreover, we have been advised that the public hearing has already been closed. We object to this on basic procedural due process grounds. We cannot possibly have a fair hearing if the public hearing is closed before we have received the comments from the Los Angeles Planning Department concerning over 200 pages of objections to the environmental document. No opportunity is provided for us to present oral testimony to your commission regarding these comments. Nor does the short time frame allow us to present written testimony in sufficient time for due consideration by your commission. 2

Our objections to the Newhall project are not mere technicalities made for purposes of delay. They concern significant and substantive environmental impacts which will affect the quality of life in Ventura County for decades to come. These environmental impacts, which have been discussed in detail in written comments submitted earlier, concern traffic congestion impacts on highway 126 and local surface roads, air quality impacts within the Santa Clara Valley, reduced potable water quantity and quality in the Santa Clara River, additional project induced storm water discharges into the Santa Clara River, project related growth inducement due in part to increased demand for low and moderate income housing within Ventura County, and significant adverse consequences to Ventura County's valuable agricultural assets. 3

We strongly object to proceeding with approval of a tentative map for a subdivision which subdivides three lots, substantial portions of which, approximately 7,000 acres, actually lie within Ventura County, and are subject to the jurisdiction of the Ventura County Board of Supervisors. Therefore, any action of the Los Angeles Regional Planning Commission to approve this tentative parcel map is an illegal action approving an illegal subdivision, unless it conditions its approval on similar approval by the County of Ventura. State law requires that both jurisdictions, Ventura County and Los Angeles County, approve this subdivision. Ventura County must be afforded the opportunity to review Newhall's application for subdivision and have the opportunity to condition any subdivision which is approved. 4

We urge you to reconsider your decision to close the public hearing on this matter and that you continue the December 17, 1997, hearing for at least 30, and preferably 60, days to allow Ventura County and affected cities in Ventura County a full and fair opportunity to be heard. 5

Sincerely,

SUSAN K. LACEY
Supervisor, District 1, Ventura County Board of Supervisors

FRANK SCHILLO
Supervisor, District 2, Ventura County Board of Supervisors

KATHY LONG
Supervisor, District 3, Ventura County Board of Supervisors

JUDY MIKELS
Supervisor, District 4, Ventura County Board of Supervisors

JOHN K. FLYNN
Supervisor, District 5, Ventura County Board of Supervisors

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December 9, 1997

Mr. Lee Stark
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Stark:

The Ventura County Transportation Commission (VCTC) has reviewed the Responses to Comments for the Draft Environmental Impact Report (DEIR) and Specific Plan for the Newhall Ranch Project and find that some responses do not adequately address the concerns we voiced in our comment letter, especially comment 33, truck traffic assumptions on S.R. 126. This is an especially critical area of concern for Ventura County and the communities of Santa Paula, Fillmore and Piru.

VCTC letter dated 2/5/97

Comment 1. The DEIR and Specific Plan do not adequately address project related traffic impacts in Ventura County.

Response .1 Topical Responses 21.8, 4 and 5. The Projects impacts upon Ventura County were addressed by use of Santa Clarita Valley Consolidated Traffic Model (SCVCTM) and the Southern California Association of Governments' year 2020 regional traffic model.

Neither of these traffic models are adequate to fully assess the project impacts upon Ventura County. The SCVCTM does not contain a regional road network for Ventura County and can only provide cordon volumes at the model boundary, not trip distribution within Ventura County. The SCAG 2020 traffic model that was used for analysis was a preliminary model and has yet to be formally adopted by SCAG or accepted by Ventura County. Additionally the SCAG regional model contains only a skeletal road network for Ventura County that does not provide the level of detail necessary for the project level analysis attempted. A regional model including Ventura County roadways should be developed for this project or at the very least a second analysis with local input to define the appropriate study area. 1

Comment 2. VCTC should have been considered a responsible agency because transit services are provided within five miles of the project.

Response 2. RTC-127. The VCTC was not considered a responsible agency because no fixed route bus or rail service is offered within five miles of the project. 2

Although no fixed route services are available, a general service dial-a-ride service is provided and has a service area well within the five mile distance specified by the Public Resource Code and is clearly illustrated in Ventura County's CMP.

Comment 3. DEIR fails to adequately address project generated trip distribution in Ventura County.

Response 3. Topical Responses 4,5 and 21.8. Project impacts were assessed by using SCVCTM and SCAG's 2020 traffic model and measurable trips are not relevant unless they result in significant impacts. 3

While we agree that measurable trips are not relevant unless they result in significant impacts, a sufficient degree of analysis is required before this can be determined. As stated in Comment 1 neither model used in the traffic analysis provides a level of detail that is sufficient for the project level analysis that was attempted.

Comment 6. DEIR and Specific Plan do not address phasing of the project.

Response 6. Topical Responses 1 and 4. Phasing was discussed to level of specificity required by a Program EIR and that changing factors such as the economy and market forces prevent, "specific sequential geographic phases."

A Program EIR does not preclude the discussion of phasing and CEQA Guideline §15168 states that a Program EIR can, " Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action." The critical issue in this discussion is not specific sequential geographic phasing but rather maintaining a jobs/housing balance as the project develops. If housing is developed prior to employment opportunities, travel patterns and therefore impacts may be substantially different from those put forth in the traffic analysis. Maintaining a jobs/housing balance <u>as the project develops</u> is a policy level decision and should be discussed fully in this document. 4

Comment 12. VCTC opposes any development within the portion of the rail right-of-way intended for rail use. 5

Response 12. Because it is unknown when rail use will be reestablished the Specific Plan allows for landscaping and hardscaping within the rail right-of-way to create a more aesthetically pleasing interim condition which can be removed when rail service is established. 5

VCTC supports the use of a portion of the rail right-of-way for recreation but restates its opposition to any development in that portion of the right-of-way intended for rail use that might preclude rail use.

Comment 23/24. VCTC is concerned that the number of project generated trips entering Ventura County is under-estimated in the traffic analysis.

Response 23/24. Topical responses 4, 5 and 7. Project impacts were assessed by using SCVCTM and SCAG's 2020 traffic model and use of the Ventura County Transportation Model (VCTM) is inappropriate for project level analysis.

Although we agree that the VCTM is inappropriate for a project level analysis of this project it was used as a tool to look at general travel patterns in the area and they way in which they might change with the introduction of a large scale project. VCTC did not attempt to identify specific project generated impacts. Interestingly, the results the VCTM gave were relatively close to those presented by the traffic consultant in terms of trips entering Ventura County and internal project trips. It is important to recognize that modeling is not a precise science and that in this case, because the total number of trips generated by the project is so large, the smallest margin of error in modeling could mean a large number of trips and impacts that are unaccounted for. A reasonable approach to ensure that these trips are not under-estimated is to count actual trips into Ventura County as phases are constructed and commit to future improvement if required, as part of the project's monitoring program. 6

Comment 30. DEIR and Specific Plan fail to address the timing and funding mechanisms for required facility improvements

Response 30. Topical Responses 3, 4 and 5. Construction of needed facility improvements will occur across the life of the project, no collection of funds is required for the needed of improvements. 7

If the project proponents are to fully fund facility improvements it should be stated plainly in the DEIR. The response does not answer the question of when needed facilities are to be constructed. The DEIR should detail whether the needed facility improvements are to be in place prior to the

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start of any particular phase of a project. Are each or any of the villages proposed going to be conditioned to have needed improvements in place prior to occupancy of them? Because the DEIR fails to discuss the timing of facility improvements the reader does not know whether there will be short term traffic impacts while facilities are planned and constructed. 7

Comment 33. DEIR underestimates the percentage of truck traffic on S.R. 126.

Response 33. Topical Response 4 and 5. Five percent truck traffic was assumed on the basis of future anticipated utilization of the roadway. The ten percent truck traffic figure for 1991 was prior to the opening of the new segment of 118.

8

Despite the claim of DEIR, The 1996 Annual Average Daily Truck Traffic on the California State Highway System prepared by Caltrans indicates that average truck traffic at the western project boundary has increased from 10% to 12.3% over the five year span between reports. Although the consultant may feel that truck traffic will decrease in the future, VCTC believes that it is speculative at best and that a 5% truck assumption is inadequate for a proper analysis.

Thank you for this opportunity to respond, if you have any questions please feel free to contact Steven DeGeorge at (805) 642-1591 ext.103.

Sincerely,

Ginger Gherardi
Executive Director

cc: Scott Ellison, County RMA

JAMES L. McBRIDE
COUNTY COUNSEL

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William A. Waters

December 10, 1997

VIA FAX & U.S. MAIL

Los Angeles Regional Planning Commission
320 West Temple Street
Los Angeles, California 90012

SUBJECT: Newhall Ranch, Project 94087

Dear Commissioners:

The purpose of this letter is to provide you with a brief synopsis of the County of Ventura's comments on Los Angeles County's responses to Ventura County's comments on the Newhall Project. This letter will focus on the primary areas of legal dispute, and is directed to persuading your commission to defer action on Vesting Parcel Map 24500 until the County of Ventura has been afforded the opportunity to condition any subdivision which is approved. 1

You should be aware that we did not receive Los Angeles County's responses to our comments until 3:00 p.m. on Friday, December 5, 1997. We have been advised that in order for our comments to be included in the agenda packet for your December 17, 1997, meeting that our written comments must be received no later than 5:00 p.m. on Wednesday, December 10, 1997. Therefore, our comments will necessarily be abbreviated. We have, in a separate letter, asked for a continuance to allow for a submission of a more detailed analysis of the responses of Los Angeles County to the objections to the project which Ventura County submitted over 10 months ago. 2

The most critical issue, which deserves your careful scrutiny, concerns the violation of the Subdivision Map Act which will occur if your commission approves the Vesting Tentative Parcel Map and the final Map is ultimately recorded. 3

The VTPM 24500 which was initially provided to us depicts a proposed subdivision of 82 lots in the County of Los Angeles. We have been advised by Lee Stark of the Los Angeles County Department of Regional Planning that the 82 lots have been reduced to 30, although we have not yet received this revised map. It is clear from looking at VTPM 24500 that the lines depicting the boundaries for the 82 (now 30) lots stop abruptly at the Los Angeles/Ventura County line. As a matter of fact and public record the area in Los Angeles County that Newhall proposes to subdivide, is situated on 3 parent lots which extend into Ventura County.

A sketch is attached as Exhibit 1 which shows the approximate configuration of the 3 parent lots with lot lines on the Ventura side, and indicates that those portions of the 3 lots which are situated in Ventura County comprise approximately 7,655 acres. Those portions of the 3 lots on the Los Angeles side, which would be divided into 82 (or now 30) lots, total approximately 11,963 acres. Therefore, the portions of the 3 parent lots situated in Ventura County are approximately 64 percent of the total acreage of the lots to be created in Los Angeles County by VTPM 24500.

Putting aside the legal arguments for a moment we submit that the visual evidence is overwhelming that the proposed approval and ultimate recordation of VTPM 24500 physically splits the acreage located in Los Angeles County from the acreage located in Ventura County. A subdivision of land located in Ventura County will be effected by your commission's action if it is ultimately sustained by the Los Angeles County Board of Supervisors when they approve for recordation the final parcel map. 3

The Los Angeles County staff have maintained that no subdivision occurs. As support, they refer to a memorandum dated February 12, 1997, prepared by Charles J. Moore, Principal Deputy County Counsel for the Public Works Division. With all due respect to Mr. Moore, this memorandum begs the legal question at issue. Even if one were to seriously maintain that 7,655 acres constitutes a mere remainder, it is undisputed that in order to create a remainder a subdivision must first occur.

California Government Code section 66424 which defines a subdivision, provides in part as follows:

> "'Subdivision' means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the

> purpose of sale, lease or financing, whether immediate or future." [Emphasis added.]

Your commission will be asked on December 17, 1997, to approve a tentative map which ultimately will effect a division of 3 large lots into 82 (or 30) smaller lots in Los Angeles County and 3 more lots in Ventura County.

Government Code section 66457 specifically requires that all jurisdictions in which the subdivided land lies must act to approve the subdivision. Government Code section 66457, subdivision (b), provides in part as follows:

> ". . . If the subdivision lies entirely within unincorporated territory, the map shall be filed with the county. If the subdivision lies partially within two or more territories, the map shall be filed with each, and each shall act thereon as provided in this chapter." [Emphasis added.]

3

Ventura County is not asserting a mere legal technicality here. Unilateral approval of Parcel Map 24500 is a serious infringement on Ventura County's land use regulatory authority. Subdivision Map Act provisions of the Government Code vest Ventura County with the authority to review and approve this subdivision application concurrently with Los Angeles County. This significant omission is compounded by the failure of Los Angeles County to identify Ventura County as a responsible agency under the California Environmental Quality Act (CEQA), section 15381 of the Public Resources Code, based on its authority over a portion of the subdivision approvals required for this project.

By proceeding unilaterally, Los Angeles County is denying Ventura County the opportunity to review the proposal and place conditions on the project to protect the interests of Ventura County. These interests, which have not been properly addressed, concern both land use issues and the environmental issues set forth in detail in Ventura County's responses to the EIR and addressed in Ventura County's comments to Los Angeles County's responses attached as Exhibit A to a letter from the Ventura County Resource Management Agency dated December 10, 1997.

4

Ventura County's primary objection to the environmental review is that it stops at the Los Angeles/Ventura County line. Yet, it is indisputable that the location of about 24,800 dwelling units, commercial development, and associated infrastructure for a new city adjacent to the Ventura County line will have significant impacts on a regional basis extending into Ventura County. Los Angeles County's responses dismiss this concern

(Topical Responses 1-5) because they claim their "program" EIR cannot be as detailed as a "project" EIR. The implication is that further impact analysis, presumably including Ventura County will be done when the more specific details of the development in Los Angeles County are available. However, the phasing or tiering provisions of CEQA do not excuse a governmental entity from complying with the requirement that an EIR contain a detailed statement setting forth all significant effects on the regional environment of a proposed project. *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 197; 58 Ops.Cal.Atty.Gen. 614 (1975) [providing that regional environmental analysis must even cross state lines]. 4

The current project description provides sufficient notice that there are regional environmental impacts extending into Ventura County such as traffic congestion on State Route 126 and local surface roads, air quality impacts within the Santa Clara Valley, reduced potable water quantity and quality in the Santa Clara River, additional project induced storm water discharges into the Santa Clara River, project related growth inducement due in part to increased demand for low and moderate income housing within Ventura County, and significant adverse consequences to Ventura County's valuable agricultural assets.

This EIR which is being considered now provides the only opportunity to address these impacts on Ventura County of the project as a whole. Your commission should neither certify the EIR for the Vesting Tentative Map nor recommend certification to the Board of Supervisors unless and until the environmental impacts in Ventura County are adequately identified and mitigation measures proposed. 5

Very truly yours,

Dennis L. Slivinski

DENNIS L. SLIVINSKI
Assistant County Counsel

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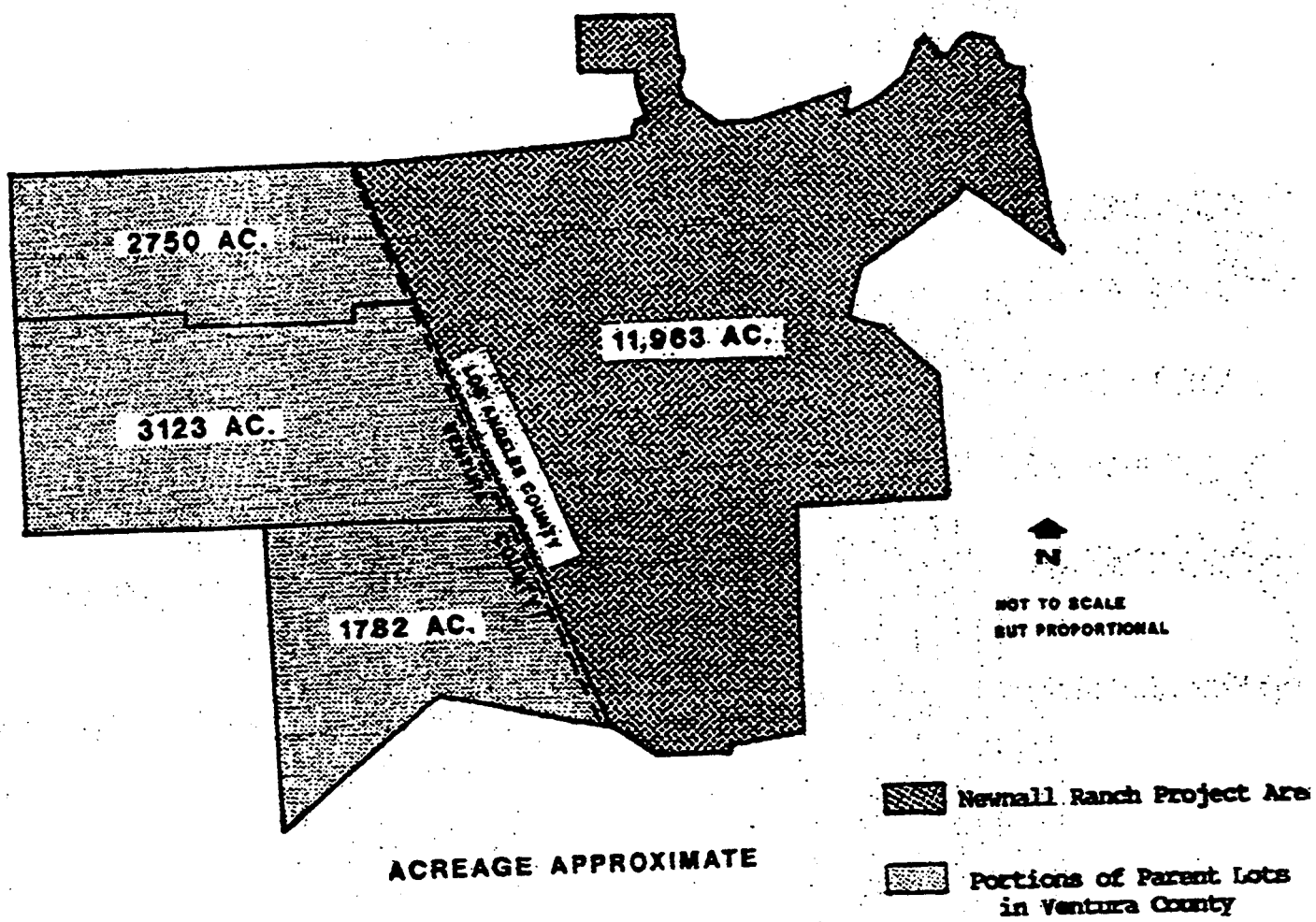


ACREAGE APPROXIMATE

EXHIBIT 1

Ventura County
Air Pollution
Control District

669 County Square Drive
Ventura, California 93003

tel 805/645-1400
fax 805/645-1444

Richard H. Baldwin
Air Pollution Control Officer

December 11, 1997

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

SUBJECT: Newhall Ranch Specific Plan Final EIR - Responses to Comments

Dear Mr. Stark:

Thank you for providing us with a copy of the final EIR for the Newhall Ranch Specific Plan. The final EIR contains our comments on the draft EIR (dated December 17, 1996 and January 14, 1997) and your responses to those comments. We have reviewed your responses to our comments and would like to respond to several:

Letter from Ventura County Air Pollution Control District, Richard H. Baldwin, dated December 17, 1997

1) Response 2

We agree that a development agreement is not required to mitigate the impacts of a project. However, it is a feasible mechanism to help ensure that certain mitigation measures are carried out. In fact, a development agreement would carry more legal weight than a mitigation monitoring program. CEQA does not limit mitigation measures or implementation mechanisms to just what is minimally required. We therefore ask that you reconsider including the project's air quality mitigation measures in the project development agreement. 1

2) Response 3

We reiterate that most, if not all, of the air mitigation measures for the Ahmanson Ranch Project are feasible for this project as well. This response does not provide substantive rationale for a finding of infeasibility to support rejecting any of the Ahmanson Ranch mitigation measures. 2

With regard to "providing electric recharge outlets in residential garages," please see Item below (Response 12).

With regard to "operating electric or clean fuel van(s) throughout the village area," the applicant could provide funding for such vehicles and could establish a Transportation Management Association (TMA) to oversee their operation. The Ahmanson Ranch will have a TMA for this purpose. This mitigation measure is therefore feasible, especially for a project of this size.

With regard to "buildings be at least 20 percent more efficient than required by Title 24," there is nothing that prohibits a CEQA mitigation measure calling for such a mitigation measure. In fact, several mitigation measures in the SCAQMD's CEQA handbook are designed to increase structural energy efficiency. This mitigation measure is also feasible and should be implemented as we recommended.

With regard to "a fuel cell program for the commercial and industrial buildings," we firmly disagree that fuel cells are infeasible as a mitigation measure. Fuel cell technology is rapidly becoming cost effective. There are several fuel cells operating in the Los Angeles area, including at the SCAQMD headquarters. We recommend that, before you dismiss fuel cells as a CEQA mitigation measure, you research this issue further. A good source of information regarding fuel cells is Cindy Sullivan, Program Supervisor, Technology Advancement Office, South Coast Air Quality Management District. Her telephone number is (909) 396-3249. You should also contact Tom Nielsen, CEO, Energy 2000, Inc. (also see Attachment A). Mr. Nielsen's telephone number is (805) 446-4073. Another source of information regarding fuel cells is The Gas Company. A contact person at The Gas Company is Reese Martin, Environmental Affairs Manager. His telephone number is (805) 385-4808. You can also obtain information about fuel cells and energy efficiency from the California Energy Commission. In summary, a fuel cell program should be considered a feasible mitigation measure for this very large development project that will be built out over 25 to 30 years. If fuel cells are not economically viable today, they will certainly be in a few years and thus should not be rejected at this time. 2

Ventura County Air Pollution Control District letter, dated January 14, 1997

1) Response 1 and Topical Response 1

This response fails to specifically acknowledge that the project will adversely affect air quality in Ventura County. It merely states that the draft EIR found that "the proposed Specific Plan would generate total regional emissions which would exceed SCAQMD's recommended thresholds for each identified pollutant. As the amount of emissions would exceed the recommended thresholds, this impact would be considered significant." 3

The Ventura County Air Pollution Control District maintains that the EIR should specifically acknowledge that the project will adversely affect air quality in Ventura

County and may hinder Ventura County's efforts to attain the federal and state ambient air quality standards. 3

2) Response 2 and Topical Response 26

We are pleased to see that the EIR has identified specific air quality mitigation measures that are currently feasible for the project. Because they are identified as feasible, they should be required as project mitigation measures. 4

3) Response 4

We concur that the mitigation measures would reduce regional air pollutant emissions in Los Angeles County and downwind areas, including Ventura County. However, the EIR needs to specifically acknowledge that the proposed air quality mitigation measures will not fully mitigate the project's adverse impact on air quality in Ventura County. 5

4) Response 6

This response attempts to dismiss the potential for project grading activities to increase the possibility for outbreaks of Valley Fever. However, as stated in the response, the Simi Valley area of Ventura County experienced an outbreak of Valley Fever as a result of landslides caused by the 1994 Northridge earthquake. This is evidence that large-scale soil disturbances can cause outbreaks of Valley Fever in the region. Therefore, the final EIR should clearly acknowledge that Valley Fever is a potentially significant consequence of project grading activities. The dust control measures in the EIR can and should be listed as mitigation for Valley Fever. It can not be assured, however, that such mitigation measures will be sufficient to reduce the potential for Valley Fever outbreaks due to project grading activities to a less than significant level. 6

5) Response 9

This response indicates that energy efficiency enhancements identified in the South Coast AQMD's CEQA handbook have been incorporated into the EIR. This is a positive step. However, we still believe that a performance standard that calls for residential and non-residential uses within the Specific Plan area to exceed California Title 24 energy standards by at least 20 percent is a feasible and appropriate air quality mitigation measure. This response does not state that such a mitigation measure is infeasible or not appropriate for the project. 7

6) Response 10

The Ventura County APCD asked that the EIR evaluate the growth-inducing impacts, including associated air quality impacts, of the commercial and business park components of the project on the Ventura County portions of the Santa Clara Valley. This was not done for the final EIR and was dismissed in the response by saying that there is no basis for concluding that these uses, if implemented, would induce population growth in portions of Ventura County, which are located from approximately five miles to approximately 20 miles away from the Specific Plan site. Under CEQA, this conclusion is groundless unless it is supported by an analysis that is presented for public for review and comment. Therefore, APCD asks again that the EIR examine the growth-inducing impacts, including associated air quality impacts, of the commercial and business park components of the Newhall Ranch project on the Ventura County portions of the Santa Clara Valley. 8

7) Response 11

This response dismisses an air quality mitigation fee for the project because such fees are not recommended or supported by the SCAQMD. Furthermore, the response states that the SCAQMD questions the legality of such fees given Proposition 218.

This response does not indicate why the SCAQMD does not recommend or support air quality mitigation fees for such projects. Moreover, the Los Angeles County Department of Regional Planning should have referred this issue to Los Angeles County Counsel rather than simply relying on the opinion of SCAQMD staff. 9

If such fees are not permissible under Proposition 218, we would like to offer an alternative mitigation measure, called a Vehicle Emissions Mitigation Program (VEMP). This program calls for clean-fuel vehicle programs funded by the project applicant. The amount of funding is based on the amount of project-related ozone precursor emissions that need mitigating pursuant to CEQA. The VEMP is not a fee mitigation measure. Rather, it contains a cost cap. The applicant would not have to spend more than the amount specified by the cost cap to develop and implement the VEMP. A draft VEMP is attached (Attachment B) for your reference. It more fully outlines the VEMP and indicates the basis for the cost cap.

8) Response 12

APCD staff does not agree with the conclusion expressed in this response that electric recharge outlets should not be installed in all residential units because there are not enough electric vehicles on the market. Several EIR responses have said that this project will be built out over 25 to 30 years. Given that, combined with the new 10

federal ozone standards, new motor vehicle standards proposed by EPA and the California Air Resources Board. and the massive research and development efforts being made to develop cost-effective electric vehicles, the number of electric vehicles will greatly increase in Southern California in the years ahead. Therefore. we reiterate our recommendation that all residential garages have electric vehicle recharge outlets. This was found feasible for the Ahmanson Ranch project and is therefore feasible for this similar. but much larger, project. 10

To summarize, the air quality section of the final EIR has been improved compared to the draft EIR, but is legally defective under CEQA because it fails to include all feasible air quality mitigation measures, fails to provide adequate justification for rejecting air quality mitigation measures, and does not adequately address the project's potential to impact air quality in Ventura County. We recommend that the EIR be revised pursuant to our recommendations outlined above and in our previous comment letters to you on this project. As we offered previously, we would be happy to work with you to develop comprehensive and substantive air quality mitigation programs, including implementation mechanisms, for this very large and regionally significant development project.

If you have any questions, feel free to contact Chuck Thomas of my staff at 805/645-1427.

Sincerely,

Chuck Thomas
Planning and Evaluation Division

c: Richard H. Baldwin, APCD w/o attachments
Scott Johnson, APCD w/ attachments
Tom Berg, Resource Management Agency w/o attachments
Keith Turner, County Planning w/o attachments
Scott Ellison, County Planning w/ attachments

Attachment A

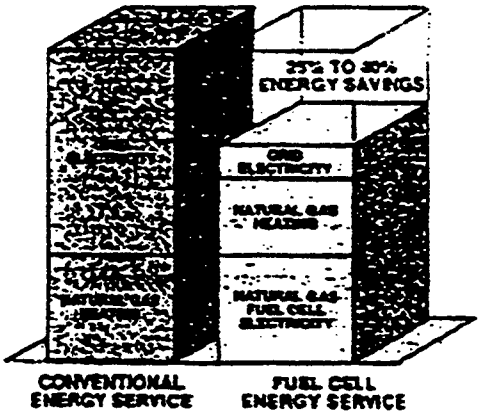
E2 ENERGY 2000, Inc.™

ONSI...the maker of PC25

ONSI Overview. *E2* is a distributor of ONSI Corporation's PAFC's (Phosphoric Acid Fuel Cells). ONSI has the capability to produce 200 PC25 units per year in its facility using robotics manufacturing and automated assembly techniques. The PC25 converts 1,900 SCF per hour of natural gas into 200 kW of grid-connected or grid-independent premium power and up to 750,000 Btu/hr of useful thermal energy at up to 250F.

The following graph depicts the typical building economics comparison with conventional energy service and sponsored fuel cell energy service which is offered by:

TYPICAL COMMERCIAL
BUILDING ECONOMICS



Project Status. Sixty-nine 200 kW PC25s have been ordered as of the end of 1994 and sixty were operating in July 1995. Ten of the units passed 20,000 hours of operation in September 1995 (highest unit time is 24,400 hours). This is more than halfway to the economic goal of 40,000 hours cell stack life. Longest continuous operation is demonstrated by dual units installed at the Kaiser Permanente Hospital in Riverside, California. One unit, which continues to run, has logged over 1 year of uninterrupted operation. The other unit operated continuously for 8,500 hours (over 11 months) before being shut down for short term maintenance. The "fleet" has shown an average availability of 95 percent and 40 percent efficiency (LHV). Recently, there has been an offering of the next 200 kW power plant model, the PC25C. This unit, representing a major redesign that has 1/3 fewer parts.

Results and Benefits. The PC25 demonstrates the technical viability and environmental cleanliness of fuel cell technology. These fuel cells have been sited, permitted, installed, started, operated, and maintained in a real world environment. The installations cover a broad range of climates, thermal uses, and geographic siting. Ambient temperatures range from sub-zero to plus 100F. The table on the overleaf shows the results from PC25 operation by U.S. owners. An important aspect of one unit, installed by Jersey Central and started in January 1995, is it is the first premium power application for fuel cells. The unit supplies critical power to the AT&T Bell Labs computer facility in Crawford Hills, New Jersey. Another unit is demonstrating the fuel flexibility of fuel cell power plants to operate with landfill gases. The PC25 can also be operated on anaerobic digester gas and biogas. The success of the PC25 is best illustrated by two recent awards:

- 1995 Cogeneration Project of the Year (Brooklyn Union, NY installation) by the Cogeneration and Competitive Power Institute.

- 1994 Efficient Building Award for Energy and the Environment (Kaiser Permanente Medical Center installation) by Energy User News.

E2 ENERGY 2000, Inc.™

Where Fuel Cells are Used

DOE Information

E2 ENERGY 2000, Inc.™

DOE OFFERS COMMERCIAL ASSISTANCE FOR FUEL CELLS

The Department of Energy (DOE) has taken a big step in encouraging the commercial use of fuel cells to reduce future buildup of greenhouse gases.

DOE has issued a plan to provide financial assistance to buyers willing to purchase early versions of market-ready fuel cells.

Fuel cells are "cutting edge" technology that produce electricity and heat without combustion. Because they use an electrochemical process and operate at extremely high fuel-to-energy efficiencies, they release much less carbon dioxide than conventional energy technologies. Because of this, fuel cells are one of the principal new energy technologies encouraged by the Clinton Administration's Global Climate Change Initiative.

Currently, DOE has made available $15 million in grants as partial assistance for fuel cell purchasers. Congress appropriated the funding to the Department of Defense which, under Congressional guidance, has provided it to DOE to administer.

Compact and silent, fuel cells can operate at extremely high efficiencies with virtually no pollution. Boosting the efficiency of energy processes is especially important because it is the most economical way to reduce emissions of carbon dioxide, a greenhouse gas. Fuel cells can achieve fuel-to-energy efficiencies of 70 percent or more, in some cases more than doubling the efficiencies of conventional fossil fuel technologies. As a result, greenhouse gas emissions can be cut by as much as 50 percent.

The major economic hurdle for fuel cells is cost. Today's commercial systems are expensive, largely because each fuel cell unit is virtually custom-made. Mass manufacturing would significantly lower costs, but there is little incentive for start-up entrepreneurs like today's fuel cell industry to invest in large-scale production facilities until market purchases justify the cost.

By providing limited financial assistance to purchasers who buy commercially-ready fuel cells, the DOE sponsored program hopes to create the market break-through that will encourage larger-volume manufacturing plants that, in turn, will bring costs down. In the initial grant effort, the program will effectively double the amount of U.S. manufactured fuel cell power.

"Fuel cell technology will get a significant boost from this initiative because the program will increase fuel cell production and prices will be reduced," said Mark Williams, Fuel Cell Product Manager at DOE's Morgantown Energy Technology Center. The Morgantown center, DOE's lead facility for the development of fuel cell technology, is managing the grant program.

DOE provides $1,000 per kilowatt, or up to one-third of total project costs (including unit costs, delivery, installation and one year of pre-commercial operation). Utilities, other energy service providers and other prospective users of fuel cell power are eligible, with priority being given to projects that serve Department of Defense needs.

The assistance will be available to buyers who want to purchase market-ready fuel cells between 100 kilowatts and 3,000 kilowatts in size. The fuel cells must be substantially manufactured in the United States, and installation must be completed within three years.

For more information contact:

ENERGY 2000 Inc. E2

241 Lombard Street, Suite #4
Thousand Oaks, CA 91360
(805) 446-4073
Fax (805) 446-6409

E2 ENERGY 2000, Inc. TM

ONSI Corporation

Back to Main Page

Attachment B

DRAFT VEMP MITIGATION MEASURE

The permittee shall develop and implement a Vehicle Emissions Mitigation Program (VEMP). The purpose of the VEMP is to mitigate project-related reactive organic compounds (ROC) and nitrogen oxides (NOx) emissions in excess of the lead agency's CEQA air quality significance thresholds to the maximum extent feasible using certified low-emission engines or other equivalent methods, techniques, and technologies.

At the time of project approval, the VEMP is assumed to require the project permittee to reduce mobile ROC and NOx emissions through a combination of one or more of the following:

1. Use of low-emission vehicle engines for project-related on-site and/or off-site motor vehicles.

2. Purchase of low-emission vehicles/engines for use by non-project related vehicles.

3. Contributions to a mobile emission reduction fund if such a fund is established by the lead agency.

4. Other equivalent measures and/or programs approved by the lead agency.

In lieu of the VEMP outlined above, the permittee may propose equivalent measures and/or programs to mitigate project emissions. Such measures and/or programs must be at least as effective as the VEMP and be subject to lead agency approval prior to implementation.

The permittee is encouraged to consult with and, to the extent feasible, work with the lead agency and any other organizations, agencies, and parties deemed appropriate by the permittee and the lead agency to design and implement the VEMP.

Permittee's total cost (Total Program Cost) for the VEMP shall be Sxxx,xxx. This cost is based on the California Air Resources Board's estimate of the cost per ton ($13,000) to scrap 1975-1981 automobiles, xx.xx pounds per day of project-related ROC and xx.xx pounds per day of project-related NOx, and xxx days of operation per year. Total Program Cost may be reduced if the permittee can demonstrate to the satisfaction of the lead agency that the VEMP has fully mitigated xx.xx pounds per day of ROC and xx.xx pounds per day of NOx. Said demonstration must be based on actual project operations and be submitted to the lead agency for approval within one year of commencement of project operations.

Except as specified below, the VEMP must be submitted to the lead agency for approval within six months of commencement of project operations. Implementation of the VEMP shall not commence until the VEMP has been approved by the lead agency. The VEMP must commence within six months of the lead agency's approval of the VEMP and be completed within four years of implementation.

If requested by the permittee, the lead agency will develop and implement the VEMP on behalf of the permittee. If the permittee so requests, the permittee may pay the lead agency a VEMP mitigation fee. The VEMP mitigation fee shall equal the Total Program Cost indicated above ($xxx,xxx). Said fee may be paid to the lead agency all at once or in equal installments over a four-year period. The permittee must decide whether or not to choose this option within six months of commencement of project operations. Either the entire amount of the VEMP mitigation fee, or the first installment of the fee, must be paid to the lead agency within sixty days thereafter. The lead agency shall use any VEMP mitigation fees to fund programs or projects that are at least as effective as the VEMP at reducing mobile source ROC and NOx emissions within the lead agency's jurisdiction or elsewhere in Ventura County.

JAMES L. McBRIDE
COUNTY COUNSEL

FRANK O. SIEH
CHIEF ASSISTANT

NOEL A. KLEBAUM
LITIGATION SUPERVISOR

COUNTY COUNSEL

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March 12, 1998

Members, Board of Supervisors
c/o Ms. Joanne Sturges, Executive Officer
Clerk of the Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: March 24, 1998, Appeal of Tentative Tract/Parcel Map No. VTPM-24500 and CUP No. CP-94087; Public Hearing Concerning Proposed Newhall Ranch Specific Plan and Water Reclamation Plant, General Plan and Sub-Plan Amendments Nos. 94-087-(5), Zone Change No. 94-087-(5), Conditional Use Permit No. 94-087-(5), Vesting Tentative Parcel Map No. 24500-(5)

Dear Members, Board of Supervisors:

The materials included with this letter are offered to assist your deliberations and ultimate decision concerning the County of Ventura's appeal of the Regional Planning Commission's approval of the vesting tentative parcel map and conditional use permit for the Newhall project, and your decision on the other matters concerning that project as noticed in the clerk's notice of public hearing. The substance of the materials included with this letter of transmittal have been submitted in the administrative record and are presented here in summary form.

1

The specific documents enclosed are as follows:

1) Statement Regarding Subdivision Map Act
2) Statement of Steven B. Bachman Regarding Water Resources
3) Statement of Lowell Preston Regarding Groundwater Resources

4) Statement of Alex Sheydayi Regarding Flood Control
5) Statement of Charles Thomas Regarding Air Pollution
6) Statement of Wm. Butch Britt Regarding Traffic
7) Statement Regarding Noise
8) Statement of W. Earl McPhail Regarding Agricultural Impacts
9) Statement Regarding Biological Impacts
10) Statement of Bruce Smith Regarding Housing and Growth Inducement

1 The County of Ventura by and through its Board of Supervisors urges your Board to grant the appeals of the County of Ventura and set aside the Regional Planning Commission's approval of the subdivision and conditional use permit, and to deny the proposed general plan (sub-plan) amendment, zone change request, conditional use permit, vesting tentative parcel map and all other project applications, and decline to certify the environmental impact report (EIR) for the Newhall Ranch project No. 94087.

Thank you for your consideration.

Very truly yours,

DENNIS L. SLIVINSKI
Assistant County Counsel

DLS:sld
cc: Copy List attached

g:\common\dls\newhall\transmit.ltr

STATEMENT REGARDING SUBDIVISION MAP ACT

1. A violation of the Subdivision Map Act will occur if your Board approves the Vesting Tentative Parcel Map and the final Map is ultimately recorded.

2. The VTPM 24500 initially provided to us depicts a proposed subdivision of 82 lots in the County of Los Angeles. A revised map shows 30 lots. It is clear from looking at VTPM 24500 that the lines depicting the boundaries for the 30 lots stop abruptly at the Los Angeles/Ventura County line. As a matter of fact and public record the area in Los Angeles County that Newhall proposes to subdivide is situated on 3 parent lots which extend into Ventura County.

3. A sketch is attached as Exhibit 1 which shows the approximate configuration of the 3 parent lots with lot lines on the Ventura side, and indicates that those portions of the 3 lots which are situated in Ventura County comprise approximately 7,655 acres. Those portions of the 3 lots on the Los Angeles side, which would be divided into 30 lots, total approximately 11,963 acres. Therefore, the portions of the 3 parent lots situated in Ventura County are approximately 64 percent of the total acreage of the lots to be created in Los Angeles County by VTPM 24500.

4. Putting aside the legal arguments we submit that the visual evidence is overwhelming that the proposed approval and ultimate recordation of VTPM 24500 physically splits the acreage located in Los Angeles County from the acreage located in Ventura County. A subdivision of land located in Ventura County will be effected by your Board's action when the final parcel map is recorded.

5. The Los Angeles County staff have maintained that no subdivision occurs. As support, they refer to a memorandum dated February 12, 1997, prepared by Charles J. Moore, Principal Deputy County Counsel for the Public Works Division. This memorandum begs the legal question at issue. Even if one were to seriously maintain that 7,655 acres constitutes a mere remainder, it is undisputed that in order to create a remainder a subdivision must first occur.

6. California Government Code section 66424 which defines a subdivision, provides in part as follows:

> "'Subdivision' means the division, by any subdivider, of any unit or units of improved or unimproved land, **or any portion thereof**, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future." [Emphasis added.]

Your Board is being asked to approve a tentative map which ultimately will effect a division of 3 large lots into 30 smaller lots in Los Angeles County and 3 more lots in Ventura County.

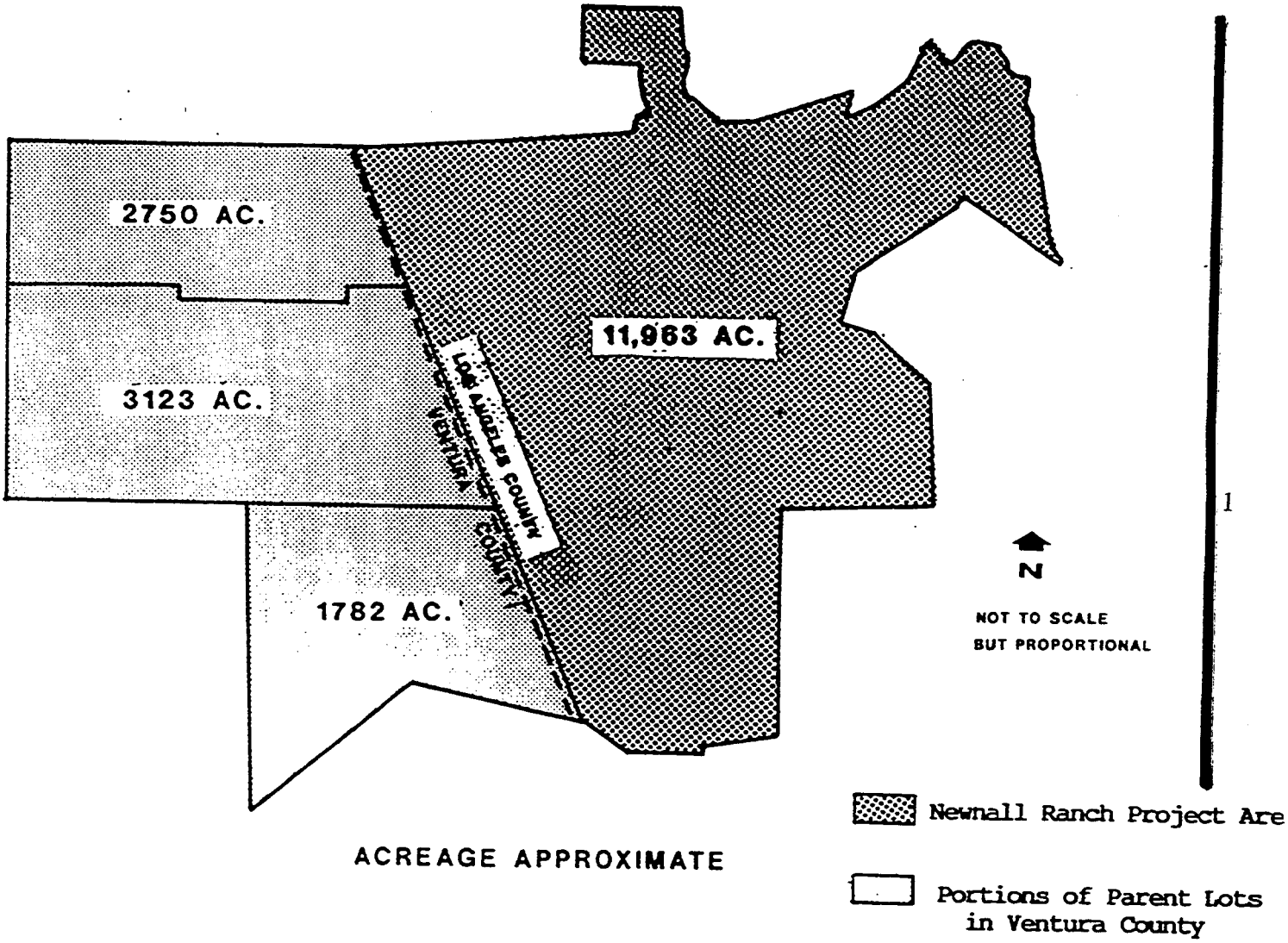
7. Government Code section 66457 specifically requires that all jurisdictions in which the subdivided land lies must act to approve the subdivision. Government Code section 66457, subdivision (b), provides in part as follows:

> ". . . If the subdivision lies entirely within unincorporated territory, the map shall be filed with the county. **If the subdivision lies partially within two or more territories**, the map shall be filed with each, and **each shall act thereon** as provided in this chapter." [Emphasis added.]

Ventura County is not asserting a mere legal technicality here. Unilateral approval of Parcel Map 24500 is a serious infringement on Ventura County's land use regulatory authority. Subdivision Map Act provisions of the Government Code vest Ventura County with the authority to review and approve this subdivision application concurrently with Los Angeles County. This significant omission is compounded by the failure of Los Angeles County to identify Ventura County as a responsible agency under the California Environmental Quality Act (CEQA), section 15381 of the Public Resources Code, based on its authority over a portion of the subdivision approvals required for this project. 1

8. By proceeding unilaterally, Los Angeles County is denying Ventura County the opportunity to review the proposal and place conditions on the project to protect the interests of Ventura County. These interests, which have not been properly addressed, concern both land use issues and the environmental issues set forth in detail in Ventura County's responses to the environmental impact report (EIR) and addressed in Ventura County's comments to Los Angeles County's responses attached as Exhibit A to a letter from the Ventura County Resource Management Agency dated December 10, 1997.

9. Ventura County's primary objection to the environmental review is that it stops at the Los Angeles/Ventura County line. Yet, it is indisputable that the location of about 24,800 dwelling units, commercial development, and associated infrastructure for a new city of approximately 68,000 residents adjacent to the Ventura County line will have significant impacts on a regional basis extending into Ventura County. Los Angeles County's responses dismiss this concern because they claim their "program" EIR cannot be as detailed as a "project" EIR. The implication is that further impact analysis, presumably including Ventura County, will be done when the more specific details of the development in Los Angeles County are available. However, the phasing or tiering



ACREAGE APPROXIMATE

EXHIBIT 1

provisions of CEQA do not excuse a governmental entity from complying with the requirement that an EIR contain a detailed statement setting forth all significant effects on the regional environment of a proposed project. (*Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 197; 58 Ops.Cal.Atty.Gen. 614 (1975) [providing that regional environmental analysis must even cross state lines].)

10. The current project description provides sufficient notice that there are regional environmental impacts extending into Ventura County such as traffic congestion on State Route 126 and local surface roads, air quality impacts within the Santa Clara Valley, reduced water quantity and quality in the Santa Clara River, additional project induced storm water discharges into the Santa Clara River, project related growth inducement due in part to increased demand for low and moderate income housing within Ventura County, and significant adverse consequences to Ventura County's valuable agricultural assets. Summary papers addressing these considerations are submitted for your review in connection with the hearing noticed for March 24, 1998. 1

11. This EIR which is being considered now provides the only opportunity to address these impacts of the project as a whole on Ventura County. Your Board should neither certify the EIR nor approve any aspects of the Newhall Project unless and until the environmental impacts in Ventura County are adequately identified and mitigation measures proposed.

DENNIS L. SLIVINSKI
Assistant County Counsel

STATEMENT OF STEVEN B. BACHMAN REGARDING WATER RESOURCES

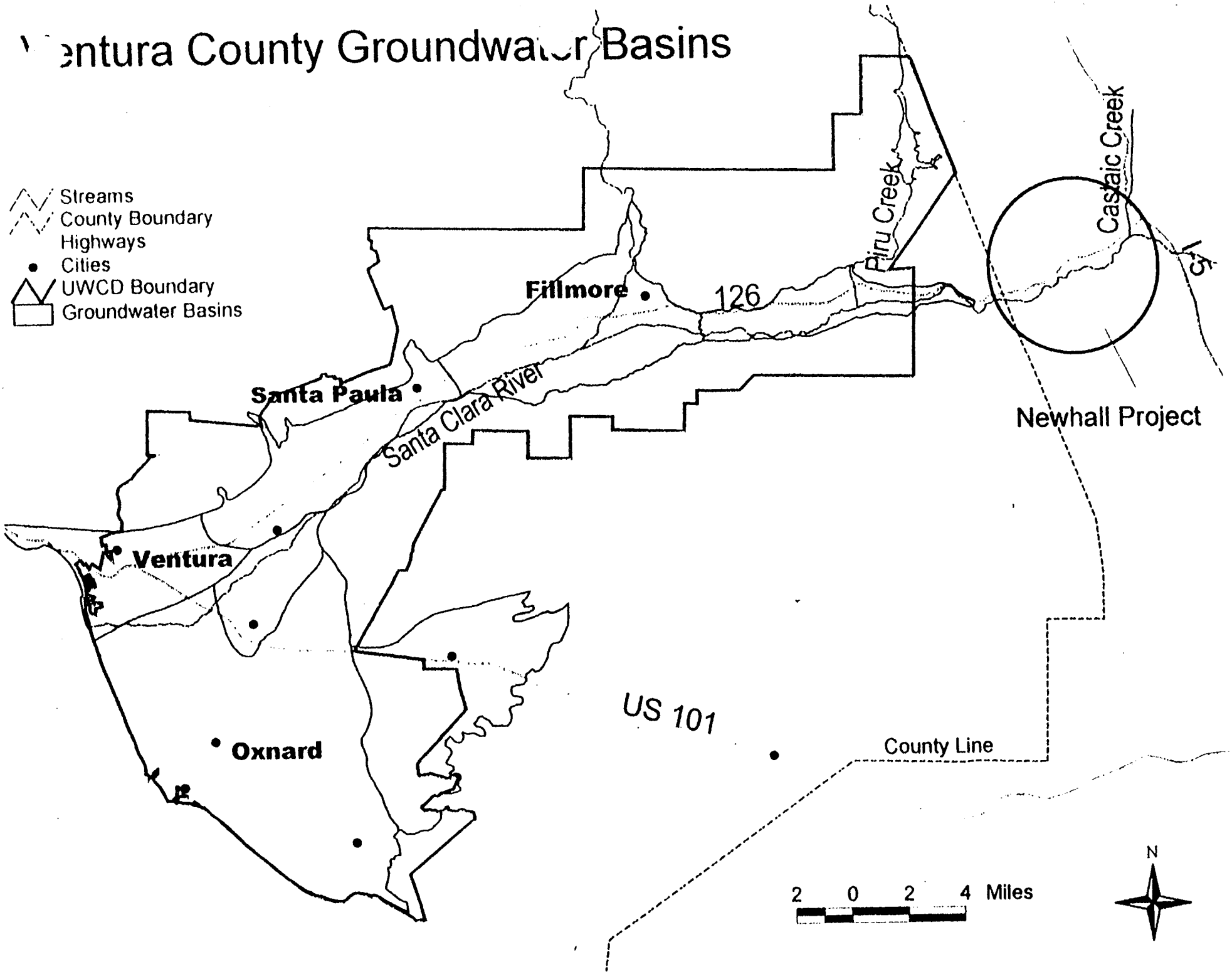
1. I am employed by the United Water Conservation District in the capacity of Groundwater Resources Manager.

2. The purpose of this statement is to address the shortcomings of the water resources section of the Environmental Impact Report (EIR) for the proposed Newhall Land and Farming development project. In particular, impacts on water resources in adjacent Ventura County have not been adequately addressed. These impacts may be very significant. This brief gives a background of the critically over-drafted basins downstream from the proposed project, and discusses potential impacts of the project. 1

3. The Santa Clara River is the primary source of recharge for all the groundwater basins from the Santa Clarita area in Los Angeles County to the Oxnard Plain in coastal Ventura County (Figure 1 attached). This recharge is particularly important for the set of basins known collectively as the Ventura Central basin that extends from the Los Angeles/Ventura County line to the ocean. This collection of basins is considered by the California Department of Water Resources to be in a state of critical overdraft, meaning that the long-term recharge in the basins is less than groundwater extractions. This critical overdraft has created conditions for the intrusion of seawater into coastal aquifers and local land subsidence. This critical overdraft caused the State Water Resources Control Board to threaten litigation concerning the over-drafted basins in the 1980's. Instead of litigation, the State Board bowed to local efforts to restrict pumping extractions and build additional facilities to increase recharge. The Newhall Ranch project undercuts this mitigation and, in addition, threatens to cause additional water quality problems in the critically over-drafted areas of Ventura County. 2

4. As groundwater pumping increased on the Oxnard Plain during the early 1900's, groundwater levels were pulled down. These decreased water levels caused an onshore gradient to form, pulling in seawater from the ocean. This seawater contaminated the aquifers, making the water unusable for drinking water and causing high levels of chloride, which kills crops. High chloride levels were first detected on the Oxnard Plain near the Hueneme and Mugu submarine canyons in the early 1930's and became a serious problem in the 1950's. Some projections indicated that seawater would intrude into the fresh water aquifers as far inland as the City of Oxnard, effectively eliminating use of groundwater in very rich and productive farmland and forcing municipalities to seek water from outside the county. The agricultural industry was particularly at risk, because imported water would be very expensive and make agriculture uncompetitive. In addition, the lowered water levels caused the clays within the aquifer to de-water, creating land subsidence at the surface. 3

Ventura County Groundwater Basins



5. As the result of the threatened litigation by the State Board, aquifer recharge facilities were built and a groundwater management agency was formed. The new recharge facilities hinged on the Freeman Diversion, which was built across the Santa Clara River near Saticoy in 1991 at a cost of $31 million to ensure year-round diversion of some of the flows of the river for beneficial use. The facility was spearheaded by United Water Conservation District and the County of Ventura, with the help from the Bureau of Reclamation and the State Water Resources Control Board. To supplement the existing recharge spreading grounds, pipelines were constructed in 1987 at a cost of $15 million to supply diverted river water directly to farmers to use instead of pumping their wells. United Water Conservation District owns and operates the Freeman Diversion, the spreading grounds, and the irrigation delivery pipelines. Since its construction eight years ago, the Freeman Diversion has supplied 650,000 acre-feet of river water for recharge and delivery. 2

6. In addition to the construction of facilities, the Fox Canyon Groundwater Management Agency was formed to control the amount of groundwater pumped for the aquifers. The agency mandated a progressive 25 percent reduction in pumping over a 20-year period; pumpers have consequently reduced their water production.

7. The recharge of the groundwater basins from Santa Clarita to the ocean is dependent upon surface flow in the Santa Clara River. River water percolates into the underlying sediments of the basins in most areas or is diverted for recharge at the Freeman Diversion. The effectiveness of reducing the critical overdraft in the Ventura Central basin is based on having a continued supply of river flow in the Santa Clara River. The quantity of flow that comes across the Los Angeles/Ventura County line is controlled by the rainfall in the watershed, discharges into the river (such as from waste water treatment plants),and the amount of water that percolates into the groundwater basins along the river. Thus, the critical overdraft can be adversely affected by projects that either reduce the discharges into the river or alter river percolation. 3

8. The amount of percolation along a river that flows over a groundwater basin is controlled by the amount of groundwater already in the basin. If groundwater is at a high level in the basin, percolation in the river is reduced. If groundwater ~~levels are~~ deep in the basin, more percolation occurs. Groundwater levels in a basin can be substantially impacted by additional groundwater pumping in a basin. Additional pumping can lower groundwater levels, thus causing increased percolation into the basin from the overlying river and reducing the flow in the river.

9. In the case of the proposed Newhall Land and Farming project, groundwater levels in the basin located just upstream from the County line are expected to drop by approximately 10 feet. The impact of this drop on percolation of the river depends 4

entirely on the absolute water levels in the basin. It does not matter if the groundwater basin has thick, deep aquifers or thin aquifers - it is the drop in water levels near the surface that affect the amount of water that infiltrates from the river. In addition to increasing infiltration of river water, a drop in groundwater levels upstream of the County line would also decrease the downstream "spilling" of groundwater from the lower portion of the aquifer in the river at the County line.

10. As a worse case, drop of 10 feet in water levels could cause a one-for-one replacement of the depleted groundwater by increased river percolation. This increased river percolation would decrease downstream river flows, causing a series of potential downstream impacts to water quantity and water quality:

1) Impact on Seawater Intrusion - By decreasing Santa Clara River flow across the County line, the quantity of water reaching the Freeman Diversion would be decreased. During the short period of a typical year when the Freeman Diversion is taking its maximum allotment and the river flows to the ocean, this decreased quantity would not have a large negative impact. However, during most of the year, the decreased river flow would result in decreased diversions. The decreased diversions would result in less recharge to push out seawater intrusion, which would have a significant impact on agriculture and municipalities that rely on groundwater as their water source. Moreover, during drought years when the river flow is already small, diversions would be decreased year-around during the period when recharge is most necessary to impede seawater intrusion. The potential costs of losing the aquifers as a source of irrigation and potable water are very high - loss of agricultural products and jobs, and the loss of the primary water supply for hundreds of thousands of people. 4

2) Impact on Basins Along the River - The water quality of the groundwater basins along the Santa Clara River between the County line and the City of Oxnard depends largely upon the quantity of water that recharges the upper ends of the basins and subsequently flows out the lower ends of the basins back into the river. This through-flow keeps salts in balance in the basins by providing a fresh water source, much the same as it works in a lake. If a lake does not have through-flow, such as the interior-draining lakes of the Mojave Desert, salts build up

until the lake becomes saline. In a groundwater basin, salts that leach into the groundwater from surface rainfall, irrigation, or the slow dissolving of the sediments in the basin would become concentrated in the basin if natural flushing did not occur. Along the Santa Clara River, if river flows were decreased, infiltration near the upper end of the basins would be decreased and the flushing flows would be decreased. This lack of flushing could have a significant impact on the resources of the basins.

Essentially all public drinking water supplies and irrigation water in the basins along the river below the County line comes from groundwater pumping, so the economic viability of the communities could be severely impacted if water quality problems result from the Newhall project. Agriculture and related jobs would disappear as the salts killed the orchards. The communities along the river would need to find new outside water sources (which are scarce in water-poor Southern California) and build pipelines to bring the water in. In addition, riparian vegetation along the downstream end of the groundwater basins relies on good-quality shallow groundwater for survival. 4

11. The proposed Newhall project could have serious impacts on the Ventura Central basin, which is considered to be critically over-drafted. The State Water Resources Control Board and the agencies within Ventura County have worked hard to mitigate such problems as seawater intrusion by increasing recharge of the basins by Santa Clara River water. The State Board set requirements for Ventura County because of the overdraft, including building of the recharge facilities and formation of the Fox Canyon Groundwater Management Agency. These measures have effectively reduced the basin overdraft, as documented by the U.S. Geological Survey in summer 1997. The Newhall project could seriously impact this effort by lowering water levels in the groundwater upstream from the County line, resulting in reduced downstream flow of river water. A comprehensive study of these potential impacts would be required before the impacts could be estimated.

12. There is a further potential impact of the Newhall project on water resources that was not adequately addressed in the EIR. The EIR states that there will be no net use of groundwater (although the groundwater basins will be lowered). This requires a new source of water for the project. A will-serve letter from the Valencia Water Company (owned by Newhall Ranch) is not enough - the water supply was not identified. Based on 5

their EIR, Newhall Land is trying to acquire an outside water source, so they recognize that this is a problem. There is commonly water to buy during wet periods, but it disappears during drought periods. Newhall will need to pump extensive groundwater during a drought unless they are able to acquire additional water rights. Groundwater is generally the cheapest source of reliable water in Southern California, so the downstream basins need protection against groundwater being used as the new source of water. 5

13. The EIR identifies Castaic Lake flood flows as another potential source of water supply and acknowledges that a contract with the Department of Water Resources (DWR) and three other downstream user signatories (United Water Conservation District, Los Angeles County and Newhall County Water Agency) would have to be changed in order to effectively use that source as a supply for the development. The purpose of the contract was to assure the downstream users of the historical flow after Castaic Lake was built. The dam is to operate to allow inflow to match outflow until inflow to Castaic Lake exceeded 100 cfs. Once the 100 cfs threshold is reached, DWR impounds all inflow on the theory that flows in excess of 100 cfs would waste to the ocean. The downstream users group has the option of calling for release of the water, once the inflow drops below 100 cfs. If the water is not requested before May 1, all storm flows revert to DWR, which they can then sell to state water project users, specifically Metropolitan Water District of Southern California. It is doubtful the DWR would be willing to change such a financially advantageous contract. 6

14. Newhall Land and Farm wishes to change the contract to allow them to divert its allocation of the flood flows from a different turn-out, wheel the water through the Metropolitan Water District's pipeline for storage and future use, rather than running the water down the river as the contract intended. The impact to Ventura county of not putting the water into the upper river would be to reduce river flows into Ventura County, bringing up the serious impacts discussed in previous pages.

STEVEN B. BACHMAN
Groundwater Resources Manager,
United Water Conservation District

STATEMENT OF LOWELL PRESTON REGARDING GROUNDWATER RESOURCES

1. I am employed by the Public Works Agency of the County of Ventura in the capacity of Manager, Water Resources Division-of the Water Resources and Engineering Department.

2. I have a Bachelor of Science from the United States Naval Academy (1959), a Bachelor of Civil Engineering from Rensselear Polytechnic Institute (1961), a Master of Science in Civil Engineering (1971) and a Ph.D. in Civil Engineering (1976) from the Georgia Institute of Technology. I have held professional engineer registrations in the State of New Jersey (No.18353) and the Commonwealth of Massachusetts (No. 24765).

3. One of my primary responsibilities is to supervise activities which impact the protection, conservation, and enhancement of groundwater resources in the County. This responsibility is carried out in part by review of projects for which the County has discretionary approval or regional interest. I am familiar with the Newhall Ranch project and its draft Environmental Impact Report (EIR) and I have personal knowledge and experience in the hydrological and geological characteristics of the project area and the downstream Santa Clara River Valley. I have studied the conclusions and mitigation measures recommended in the draft EIR and I am of the opinion that those conclusions and measures are inadequate to the extent noted herein. 1

4. It is a known fact that within Ventura County there are three distinct and hydrologically interconnected groundwater basins in the Santa Clara River Valley. These basins, in descending order of groundwater flow, are the Piru, Fillmore and Santa Paula Basins all located within Ventura County.

5. The groundwater basin, Upper Santa Clara River Basin ("Newhall Basin"), over which the Newhall Ranch project is located is hydrologically connected directly to the Piru Groundwater Basin, downstream of it. The Newhall Basin is located in the area known as the Castaic Junction. It is a geological fact that the boundary on the Santa Clara River between the upstream alluvial aquifer and the adjacent downstream Piru Basin (coincidentally, in the vicinity of the Ventura-Los Angeles County line) is defined by an impervious rock layer of the Pico formation. This formation at the boundary of these two basins, referred to as "Blue Cut," defines the lip over which groundwater may flow from the alluvial aquifer to the downstream Piru Basin and consequently recharge the Piru and other downstream basins in Ventura County (Fillmore and Santa Paula). This rock formation is approximately 20 feet below the ground surface in the area of the Ventura-Los Angeles County line. To the extent that groundwater levels in the alluvial aquifer are lowered, the amount of groundwater that spills over the "Blue Cut" lip to recharge the Piru and other downstream groundwater basins in Ventura County is reduced. 2

6. The final EIR (FEIR) concedes that the portion of the alluvial aquifer which extends approximately 1.5 miles upstream and 2 miles downstream of Castaic Junction could experience groundwater level declines up to approximately 10 feet. The FEIR provides no analysis of how this decline could impact the groundwater recharge of downstream basins in Ventura County. A reduction of 10 feet in the groundwater levels in the alluvial aquifer will reduce the groundwater recharge into downstream Ventura County groundwater basins. If such reduction does occur, it will significantly impact downstream beneficial uses of the groundwater. Every gallon lost to the east of the Ventura-Los Angeles County line is a gallon lost to the west of the Ventura-Los Angeles County line. 3

7. The FEIR does not have sufficient information to provide an accurate estimate of the actual decline in groundwater levels because the Aquifer Storage and Recovery plan (ASR) does not address how such a system will function in multi-year dry/wet weather cycles which are typical in the project area and generally in Southern California. Groundwater extractions from the Upper Santa Clara River Basin in a multi-year dry scenario could cause groundwater level declines significantly greater than 10 feet with serious water quantity and quality consequences for the groundwater basins downstream of it to which the Upper Santa Clara River Basin is physically connected. None of the three scenarios in the ASR plan for pumping groundwater previously stored in the Upper Santa Clara River Basin considers multi-year scenarios, the practical capacity of the aquifer or the probable impacts on Ventura County. 4

LOWELL PRESTON
Manager, Water Resources Division,
Water Resources and Engineering Department,
Public Works Agency

STATEMENT OF ALEX SHEYDAYI REGARDING FLOOD CONTROL

1. I am employed by the Public Works Agency of the County of Ventura in the capacity of Deputy Director in the Public Works, Flood Control Department. I am also the Deputy Engineer-Manager of the Ventura County Flood Control District.

2. I have been involved in planning, design and construction of flood control facilities for over 33 years, and have experience in hydrology and hydraulics. I hold a B.S. in civil engineering from the University of Arizona (1960), and an M.S. in civil engineering from the University of Washington (1962). I am a registered civil engineer with the State of California (No.17176). I am a member of various professional and technical organizations including the California Storm Water Quality Task Force, Executive Committee. 1

3. I have reviewed the Environmental Impact Report (EIR) concerning the Newhall Ranch Development Project as it concerns the evaluation of the storm water discharge impacts due to the proposed Newhall Development. This analysis compares the discharge from the proposed development site of approximately 5,533 acres with the discharge from the same area in the condition of a burned and bulked watershed. In other words, the analysis compares the flood waters containing soil and debris discharged from the development site after the trees and vegetation had been burned with the flood water discharge from the same site after driveways, patios, roads, buildings and other impervious covers are installed preventing the ground from absorbing rain water and facilitating runoff. Based on this comparison between an extreme burned condition and the developed condition the author of the FEIR concludes that the storm water discharge from the development would be less than or equal to the discharge from the site totally burned, and, therefore, that the project will not cause any significant increase in flood water discharge. 2

4. Such an analysis is erroneous because it assumes an extreme event which is not a true example of the existing environment as shown by available records of historical flood flows. If the proposed Newhall Ranch Development storm water discharge is compared to the stream gauge data of actual storm flood flows, the evidence will show a significant increase in flood flows from the project area due to the development. Therefore, the conceptual back-bone drainage plan for the development and surrounding area would have to be revised to provide for detention facilities, such as basins to retain the additional post development discharge from the project area.

5. This significant underestimation of the increase in post development runoff stems from the reliance on extreme design conditions which the Los Angeles Department of Public Works requires when designing flood control facilities. It is standard practice in Los Angeles County to design flood control systems for watersheds which are totally 3

burned and bulked so that they can accept and safely transport the water and debris discharge from a watershed subject to extreme burn conditions. This type of extreme burned and bulked condition was not meant to be utilized as a bench mark to compare pre-development runoff to post development runoff in order to determine the increase in flood discharge due to development. 3

6. Sufficient data is currently available to compare historical runoff from the undeveloped site and the runoff which would likely occur after the development is in place. The Santa Clara River 1994 Hydrology Study, prepared cooperatively by the Ventura County Flood Control District, the Los Angeles Department of Public Works and the U.S. Army Corps of Engineers, estimates that the present 50-year storm discharge (Q50) at the Los Angeles/Ventura County line based on gauged data is 42,400 cfs. This amount already includes bulking of the stream gauge data of actual storm flows. In other words, it includes a factor for debris in the water which bulks the storm flows. This data is based on historical storm discharge assuming the existing condition of the watershed without the Newhall Ranch Development.

7. The drainage report for the Newhall Ranch Development dated September 18, 1995, admits that the development will cause a higher rate of storm runoff because of the improvement constructed in the watershed. This report, at p. 8, states that: 4

> "Buildings, driveways, patios and roads all create new impervious covers to the natural ground which prevents the ground from absorbing rain water. This covering of ground not only results in small storms creating a higher amount, or volumes of runoff, but also a higher flow rate of runoff."

Therefore, the engineer for the Newhall Ranch Development recognizes the intuitively obvious fact that there is an increase of post development flood discharge simply because of the significant difference between the impervious surface of a post development watershed and a pre-development natural ground.

8. This increase in post development storm water runoff, particularly during small storms which occur much more frequently, will increase the amount of water being delivered to previously dry portions of the Santa Clara River in Ventura County resulting in increased vegetation growth. This increase in vegetation growth will impede normal water flows increasing the risk of flooding and significant bank erosion along agricultural property on the Santa Clara River in Ventura County with the associated loss of crops and arable land. 5

9. The extent of the increased flood damage to Ventura County cannot be determined at this time because the existing environmental documents for the Newhall 6

project are based on the false assumption that there will be no increased flood water discharge due to the development. It is necessary to reevaluate this conclusion based on accurate pre-development conditions. 6

3-6-58

ALEX SHEYDAYI
Deputy Director, Public Works Agency,
Flood Control Department

STATEMENT OF CHARLES THOMAS REGARDING AIR POLLUTION

1. I am employed by the Ventura County Air Pollution Control District in the capacity of Supervising Air Quality Specialist in the Planning and Evaluation Division.

2. I have been involved in air quality planning and environmental review of development projects for 14 years. I hold a Bachelors degree in Environmental Biology from the University of California (1977), Santa Barbara. I am the Air Pollution Control District representative on the County of Ventura's Environmental Report Review Committee (13 years), which reviews and makes recommendations to the County of Ventura Planning Commission and Board of Supervisors regarding the technical adequacy of environmental documents. I have been a member of the City of Ventura Planning Commission since 1991. 1

3. I have reviewed the Environmental Impact Report (EIR) concerning the Newhall Ranch Development Project as it concerns the evaluation of the project's potential air quality impacts. Because the Ventura County Air Pollution Control District is responsible for achieving and maintaining state and federal ambient air quality standards in Ventura County, the potential impacts on ambient air quality standards are of particular interest to the Ventura County Air Pollution Control District.

4. The Newhall Ranch Specific Plan project includes approximately 24,000 dwelling units, 67 acres of commercial uses, and 256 acres of business park uses. It will be built over a 25 to 30-year period and will ultimately have a population of 68,000 individuals. The Newhall Ranch Specific Plan is one of the largest development projects ever proposed in Southern California. Therefore, it is certain that a project of such magnitude will generate additional air pollutants that do not exist currently. 2

5. Ozone (smog) and particulate matter (PM-10) are the air pollutants of greatest concern in Ventura County. Ozone damages human health and adversely affects agricultural crops, reducing quality and yield. Ventura County, along with the greater Los Angeles area, frequently exceeds state and federal ozone standards. Under both the federal Clean Air Act and the California Clean Air Act, Ventura County is classified a severe ozone non-attainment area. As such, Ventura County must meet many of the most stringent requirements of both acts. PM-10 is also harmful to human health. Ventura County is a non-attainment area for the state PM-10 standard. 3

6. The air above Ventura County often exhibits poor vertical and horizontal dispersion characteristics, which limit the dispersion of air pollutants. These poor dispersion conditions most often occur during the late spring, summer, and early fall. This period, where meteorology is conducive to ozone formation, is known as "smog season." Weak winds in confined valleys, combined with temperature inversions, result in poor dispersion of air pollutants. Winds during a typical summer day in Ventura County follow a land-breeze pattern during morning hours and a sea-breeze pattern during afternoon hours. This land/sea breeze regime recirculates air contaminants in the valleys open to the coast, including the Santa Clara River Valley. Ozone and ozone precursors are pushed toward the ocean during the early morning by the land breeze, and to the east by the sea breeze. This creates a "sloshing" effect causing pollutants to remain in the area for several days. Air pollutants left over from previous days accumulate and chemically react with new emissions, thereby increasing ozone concentrations. 3

7. A substantial amount of air pollutants will be generated by the Newhall project. These pollutants include substantial amounts of ozone precursor emissions (nitrogen oxides and volatile organic compounds) and particulate matter (PM-10). According to the Newhall Ranch EIR, the project will generate 855.3 pounds per day of reactive organic compounds; 3,074 pounds per day of nitrogen oxides; and 44,569 pounds per day of PM-10 (*Newhall Ranch Draft EIR; Table 4.10-6, Estimated Operational Emissions - Proposed Specific Plan*; page 4.10-25; July 1996). These new emissions were not anticipated or considered in Ventura County's air quality management plan.

4

8. Despite what could be a significant change to the Ventura County air quality caused by the Newhall project, the FEIR did not evaluate the impacts of the Newhall Ranch project on air quality in Ventura County. The FEIR merely states that the "proposed Specific Plan would generate total regional emissions which would exceed SCAQMD's recommended thresholds for each identified pollutant. As the amount of emissions would exceed the recommended thresholds, this impact would be considered significant." The analysis based on SCAQMD thresholds is not regional in scope but limited to district boundaries that stop at the Los Angeles/Ventura County line.

9. Project-related ozone precursor emissions and PM-10 will be transported from the Newhall Ranch area into Ventura County whenever winds blow from the east, thereby adversely affecting Ventura County's air quality. The degree to which Ventura County air quality will be affected is unknown. However, considering Ventura County's non-attainment status regarding the federal and state ozone standards and the state PM-10 standard, the amount of ozone precursor and PM-10 emissions that the project will generate, the location of the project in relation to Ventura County, and the wind flow patterns in the Santa Clara River Valley, it is reasonable to assume that the project will adversely affect air quality in Ventura County. 5

10. Ventura County is a non-attainment area for the state PM-10 standard. The FEIR did not evaluate the potential for the project to impact PM-10 levels in Ventura County. An appropriate dispersion model should be considered to evaluate potential impacts of PM-10 emissions associated with the Newhall project on ambient PM-10 in Ventura County. 6

11. The failure of the FEIR to analyze the air quality impacts of the project on Ventura County places the residents of Ventura County at increased risk for the effects of air pollution. Moreover, it is possible that the added air pollution from the proposed Newhall project will hinder Ventura County's progress towards meeting the federal and state air quality standards. The regional modeling conducted for the 1995 Ventura County Air Quality Management Plan (AQMP) indicates that the Air Pollution Control District will be able to demonstrate attainment of the federal ozone standard by 2005, as required by the federal Clean Air Act. However, the AQMP did not include or consider the air emissions associated with the Newhall Ranch Specific Plan. Nor did the FEIR for the Newhall development project consider the impact of any emissions from the project on Ventura County's ability to meet federal and state air quality standards. 7

12. The Ventura County Air Pollution Control District has recommended several mitigation measures based on the limited information available concerning the impacts on Ventura County. However, without a more complete analysis, there is insufficient information at this time as to the full extent of the air pollution impacts on Ventura County due to the Newhall project. Absent a more thorough analysis of impacts on Ventura County not provided by the existing FEIR, a full range of appropriate mitigation measures cannot be proposed. 8

Charles Thomas

CHARLES THOMAS
Ventura County Air Pollution Control District

STATEMENT OF WM. BUTCH BRITT
REGARDING TRAFFIC

1. I am employed by the Public Works Agency of the County of Ventura in the capacity of a Deputy Director of Public Works, Transportation Department. I am also the Deputy Road Commissioner. I possess a Bachelor of Civil Engineering degree from the Georgia Institute of Technology (1968) and a Masters in Engineering Science degree from the Rensselaer Polytechnic Institute (1975). I am a registered professional engineer in the State of California (No. 47089) and was registered as a civil engineer in the State of New York. I know the matters set forth herein to be true of my own knowledge and, if called as a witness, would testify competently thereto.

2. One of my primary responsibilities is to supervise the analysis of impacts of development projects in and adjacent to the County as they regard the impacts of traffic from these projects on roads and highways within the County.

3. Approximately 1994 I was responsible for performing an engineering analysis and developing a traffic impact mitigation fee program for Ventura County. I was the primary author of the Engineering Report dated July 1994, and subsequent supplemental reports dated July 26, 1994, and August 30, 1994, which were the basis for the ordinance and fee adopted by the Board of Supervisors on August 30, 1994. Ordinance No. 4071 became effective January 19, 1995, and codified into the Ventura County Ordinance Code as section 8601-0 et seq. The purpose of the traffic impact fee is to mitigate the cumulative impact of project traffic on County roads and highways. 1

I was subsequently involved in Ventura County General Plan Amendment 94-3, approved by the Board of Supervisors on December 20, 1994, which became effective January 19, 1995. This General Plan Amendment established Level of Service (LOS) D as the acceptable LOS on roads within the Regional Road Network, and state highways within the County of Ventura, and LOS C for local roads not on the Regional Road Network. The Regional Road Network consists of the major arterial and collector roads within the County of Ventura, and is designated as figure 4.2.3 in the General Plan Facilities and Service Appendix.

4. Since January 1995 I have reviewed or performed the analysis of approximately 300 development projects as they regard traffic impacts from these projects on roads and highways within the County, reviewed or performed calculation of the amount of the fee, and supervised collection of the fee. All traffic impact mitigation fees have been deposited in a trust account to be used only for the specific fees and purposes identified in the engineering report used to support the ordinance.

5. I have reviewed the Newhall Ranch Specific Plan draft Environmental Impact Report (EIR) dated July 1996, prepared by Impact Sciences for the Newhall Ranch including the Newhall Ranch Traffic Analysis Report dated July 1, 1996, prepared by Austin-Foust Associates, Inc. This EIR did not analyze the specific impacts of project generated traffic on Ventura County roadways. The EIR estimates 7,740 additional trips will be generated by this project on Ventura County roadways at buildout. The EIR does not propose any mitigation for these 7,740 additional trips on Ventura County roadways.

6. There are two types of traffic that are required to be analyzed in any environmental analysis of a development. Correspondingly, there are two types of impacts. Project specific traffic is the traffic generated solely by the project at hand. Project specific traffic impacts are the impacts generated specifically and solely by the project. Normally these impacts manifest within a short geographical distance from the project. Typical mitigation measures for project specific impacts are lane widening, intersection improvements, or the like. These mitigation measures are generally intended to improve the safety, capacity or efficiency of the road system. Specific project traffic impacts normally disperse in proportion to the distance from the project, and the number of alternate routes available. 2

Project cumulative impacts are the cumulative impacts from the totals of the traffic generated by the specific project being analyzed and all other project traffic generated by other reasonably foreseeable projects within the region being analyzed. Each project contributes a portion or share of the total traffic load that will be experienced on the regional road network. Thus, while the specific traffic impact of a project may not cause a project to exceed the established thresholds of significance within a region, each additional trip will progressively and relentlessly consume a portion of the available capacity of the roadway. This is the primary principal of traffic mitigation fee programs, to cause each project to contribute its fair share of the cost of projected future improvements necessary to provide the adopted level of service for the road network. The Ventura County Traffic Impact Mitigation Fee program is a reasonably available method to mitigate the cumulative traffic impact of development projects on the Ventura County Road Network. 3

7. It is my opinion that the addition of 7,740 trips on Ventura County roadways could be a significant adverse specific project environmental impact, and that lacking a traffic analysis of the project generated traffic on Ventura County roadways there is insufficient basis to find that there is no significant impact. 4

8. It is my opinion that the addition of 7,740 additional trips on the Ventura County Road Network is a significant adverse cumulative environmental impact, and that there is a reasonably available method to mitigate this impact which has not been utilized. 5

WM. BUTCH BRITT
Deputy Director, Transportation Department,
Public Works Agency

STATEMENT REGARDING NOISE IMPACTS

1. I have been employed by the Resource Management Agency of the County of Ventura since 1978. My education includes a Bachelor's of Sciences degree in Environmental Planning and Management from the University of California at Davis, and a Master of Arts degree in Urban and Environmental Planning from the University of California at Los Angeles. I currently hold the position of Planner IV (Senior Planner). In this capacity I am required to be knowledgeable of the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. I have prepared, coordinated, and reviewed numerous CEQA documents, including Environmental Impact Reports (EIRs). As such I have extensive knowledge of the natural and manmade environment in Ventura County, including the area along the Ventura/Los Angeles County line and along the road segments discussed in this analysis. 1

2. One of my current responsibilities is to coordinate the Ventura County agency and departmental responses to the Newhall Ranch project FEIR. I have personally reviewed the Noise chapter of the aforementioned FEIR and helped to prepare the County of Ventura's comments regarding this chapter. Additionally, I reviewed the FEIR.

3. The potential noise impact to Ventura County occurs from project specific traffic noise and the project contribution to cumulative traffic noise. Project specific traffic noise is that noise directly attributable to the new city of approximately 68,000 residents created by the Newhall project. Cumulative traffic noise is that traffic noise which is attributable to both the proposed project and other projected development in the Santa Clarita planning area and Ventura County. 2

4. The FEIR does not compare existing noise levels in Ventura County in 1996, with noise levels anticipated to be generated by the new city of 68,000 people. Instead, the FEIR compares the noise levels expected to be generated by the proposed project with the expected development to occur in the Santa Clarita planning area by the year 2010. Based on this comparison, the EIR concludes that the proposed project will cause no significant noise impact. By avoiding a realistic comparison between existing noise levels and the noise levels created by the new city the FEIR concludes erroneously that there are no noise impacts in Ventura County which need to be mitigated. 3

5. The methodology used to measure noise levels in Ventura County at the time the EIR was prepared (1996) does not include sufficient sample points; consequently, the evidence does not accurately reflect existing noise levels. The noise analysis done in Los Angeles County employs multiple locations along major roads, including locations which are beyond locations not subject to significant noise impacts. Accordingly, a representative sample and range of noise is evaluated. In contrast, only one monitoring location was chosen in Ventura County. Moreover, this single location 4

receives more traffic than 17 of the 18 noise monitoring locations in Los Angeles County. Therefore, it is not a representative sample of the range of noise levels in the existing environment. 4

6. In conclusion, there is no analysis of noise in Ventura County in the existing environment (1996) as of the writing of the FEIR. The methodologies used collect insufficient data in Ventura County to make a full and complete disclosure of existing noise levels as a basis to compare with the noise levels expected to be generated by the new city. Moreover, there is an inadequate attempt to compare the noise levels to be generated by the proposed project with the noise levels currently experienced in Ventura County. Furthermore the mitigation measures proposed for land uses in Ventura County are inadequate. 5

I have set forth in Exhibit A attached hereto a more detailed analysis supporting these general conclusions.

SCOTT ELLISON
RESOURCE MANAGEMENT AGENCY

EXHIBIT A

STATEMENTS OF FACT

1. The potential noise impacts to Ventura County occur from project specific traffic noise and the project contribution to cumulative traffic noise. The information for such an analysis, and where it can be found, can be summarized as follows:

a. Existing (1996) noise levels along streets subject to large project related traffic volumes (FEIR Table 4.9-4, (page 4.9-13)). FEIR Comment 108 explicitly states that the one data point representing all of Ventura County is "State Route 126 west of the Old Road". All other locations in FEIR Table 4.9-4 were selected to measure noise at various points in Los Angeles County. 6

b. Projected future noise levels for these same locations based on future projects, but without the Newhall Ranch project (FEIR Table 4.9-7, column 1, (page 4.9-26)). The single reference point for Ventura County now shifts to "State Route 126 west of Potrero Road". 7

c. The FEIR Responses extend the analysis in the DEIR by including projected noise levels for two points within Ventura County (FEIR Response 112). This analysis concludes that the Santa Clara School will be exposed to 67.5 dB(A) CNEL without the project and 67.8 dB(A) with the project. In addition, the residential area north of Moorpark on State Route 23 (SR-23) would be exposed to future noise of 69.8 dB(A) CNEL without the project and 70.7 dB(A) CNEL with the project. 8

FEIR Response 112 finds that the noise impacts in Ventura County are not significant under the terms of the Los Angeles County noise standard or the Ventura County noise standard.

d. Projected future noise levels for these same locations based on future projects, but with the Newhall Ranch project (FEIR Table 4.9-7, column 2 (page 4.9-26)). 9

2. The definition of "existing environment" which is used in the FEIR to evaluate the project specific impacts and project contribution to cumulative impacts is the long range build out of the Santa Clarita Valley Specific Plan. 10
The FEIR explicitly rejects evaluating either the project specific impacts or the

project contribution to cumulative impacts using the present (1996) noise levels (FEIR Response 108). Rather, the FEIR uses a "plan-to-plan" comparison whereby it considers only the year 2010 buildout of the Santa Clarita Area Plan to a year 2020 or 2030 buildout of the Newhall Ranch Specific Plan. 10

EIR RESPONSES TO VENTURA COUNTY COMMENTS

3. I have reviewed the December 1997 Final EIR Responses to Ventura County comments on Noise in the Draft EIR (FEIR Responses 108 through 117) as well as other responses referenced in those responses. I find that many of the responses either misunderstand our comments, only partially address our comments, or simply provide answers which are not responsive to our comments. In addition, some of the comments outline methodologies and lines of logic which in my opinion are inconsistent with good planning practice. The most significant problems are discussed below. 11

4. The FEIR incorrectly defines the "existing environment" -- The FEIR makes a fundamental error by assuming that the "existing environment" for the noise analysis includes development which will occur in Ventura and Los Angeles Counties between now and the year 2010 (see paragraph 2 above). FEIR Response 108 makes the case that since Newhall Ranch will not be built out until some time around 2020 to 2030, it makes no sense to compare the full project noise impacts to the noise environment which exists in 1996. Rather, the FEIR considers it more appropriate to add the project noise to the noise projected to occur due to the buildout of the Santa Clarita Valley Area Plan and the equivalent General Plans in Ventura County in the year 2010. This is the "plan to plan" analysis discussed in FEIR Response 108. The regional noise level in the year 2010 is used as the "existing environment" to which the noise from the project is added (i.e. project specific noise impacts), as well as noise from this project and other projects not already included in the approved General Plans (i.e. cumulative noise impacts). 12

5. Using year 2010 noise levels as the "existing environment" minimizes both the project specific and cumulative noise impacts. This occurs because the FEIR evaluates both types of impacts using a much noisier environment than what actually exists today. Using higher noise levels as the "existing environment" allows the FEIR to conclude that the project specific and cumulative noise increases are not significant, because they are such a small increase to that much noisier environment. However, as we noted in Comment 108, if those same project specific and cumulative noise increases are compared to the significantly lower 1996 noise levels, the change in noise levels due to the project and post-2010 projects do become significant. 13

6. To correctly analyze the effects of a project, good planning principles require that the change in the noise environment resulting from the project and other projects be considered. This change cannot be accurately determined if the analysis ignores the noise resulting from the additional 50,000 people projected to move into the Santa Clarita Planning Area between 1996 and the year 2010 and the 8,500 people projected to be added during that time in the Santa Clara Valley. By ignoring noise impacts from 58,500 people which do not currently live in the area, the FEIR downplays the total future change in the noise environment which is expected to occur. Decision-makers and local residents are concerned about the change in their existing (i.e. 1996) environment, not some future "existing environment" which includes 58,500 new residents are not currently living in the area. This is why Ventura County uses the current time period (i.e. late 1990's) for determining the "existing environment" for the noise analyses in its EIRs. 14

7. The FEIR concludes that it makes no sense to impose the noise impacts of a project with a 20 to 30 year buildout on a 1996 noise environment. I believe it makes less sense to impose project noise impacts on an "existing environment" which ignores the impacts of 58,500 people which currently do not live in the area. The comparison of project impacts on 1996 noise levels is designed to allow a straightforward analysis of the project impacts without the complications created by considering noise from future, as yet unbuilt projects. In my opinion, this is the <u>only</u> way to accurately evaluate the project specific impacts by themselves without the results being influenced by other projects. 15

8. Use of 2010 as the "existing environment" is also erroneous for the cumulative impact analysis. There is no reasonable basis to divide as yet unbuilt projects into "existing" development and "future" development based on whether or not they are already included in the General Plan. The impacts from both categories of development is the same -- noise levels will increase, and the residents subjected to the increased noise will not care if it occurs from projects which are included in an existing General Plan or not. 16

9. The FEIR does not use the environmental analysis and mitigation measures for the future noise levels contained in the Santa Clarita Area Plan as part of the analysis for the Newhall Ranch Specific Plan. If it had, then a case potentially could be made that the Newhall FEIR in fact reflects the increased noise levels projected to occur between 1996 and 2010. However, the FEIR does not incorporate by reference the Area Plan analysis, nor does it incorporate by reference similar analyses contained in the Ventura County General Plan. As such, the use of the year 2010 as the "existing environment" exposes local populations to noise levels from the project and post-2010 cumulative growth without considering the noise impacts from approximately 58,500 additional people. To ignore these additional noise levels in both the project specific and cumulative analyses is inappropriate under good planning 17

principles and potentially exposes large populations to significant noise levels for which no analysis is presented in the EIR, and for which no mitigation is proposed. 17

10. It should be noted that the FEIR makes the same mistake that it accuses Ventura County of making. The FEIR also makes a comparison which will never actually occur. As discussed above in paragraph 2, the FEIR compares the 2010 regional buildout conditions to the year 2020 to 2030 ultimate buildout of the project. This condition will not occur either, as the project will not be built out by 2010. As a result, the FEIR is adding the noise levels generated in 2020 to 2030 to regional conditions which will exist in 2010. This is exactly the same type of "mixing and matching" of time periods which the FEIR criticizes Ventura County of advocating. The only difference is one of degree. Since our methodologies are actually very similar, I believe that using 1996 as the "existing environment" is more accurate, is more useful to local residents and decision makers, and results in a more meaningful analysis than does use of 2010 as the "existing environment". To do otherwise is to minimize both the project specific and cumulative noise impacts of this and other projects. 18

11. <u>The FEIR inappropriately dismisses use of an incomplete 1996 noise analysis</u> -- FEIR Response 108 partially addresses the above issue by providing a noise analysis which compares 1996 noise levels to projected project noise levels in Los Angeles County and two new locations in Ventura County. However, the response then rejects the results of this new information by stating:

> ". . . the noise levels shown are purely hypothetical and do not portray a realistic analysis of impacts caused by the project. . . Therefore, it would not be accurate to utilize these conditions to assess impacts, or to devise feasible mitigation measures. Instead, the analysis of these conditions is provided solely in response to this comment."

12. Although FEIR Response 108 reluctantly provides the requested information for project specific impacts, the FEIR refuses to use the information to draw conclusions or propose mitigation measures. However, a bigger deficiency is the failure to compare 1996 conditions to the noise generated by cumulative projects (i.e. that development occurring between 1996 and 2010) plus the project. As noted in our Comment 108, such an analysis would show that various locations in Los Angeles County are subject to very large noise impacts under this scenario. The FEIR refuses to acknowledge these impacts in that it continues to conclude that these locations are subject to no significant impacts at all. Impacts to locations in Ventura County are not known, as no similar analysis for cumulative impacts was undertaken. Other potentially sensitive locations in Ventura County 19

include the farm worker housing project and residential areas in Fillmore were not evaluated for either project specific or cumulative impacts. 19

13. A different methodology is used to evaluate noise impacts in Ventura County than is used in Los Angeles County -- In Comment 113 we note that the FEIR noise analysis stops at the Ventura County line because the FEIR concludes that no significant impact occurs at State Route 126 at the County line, and therefore no significant impacts occur within Ventura County. Thus all of Ventura County is represented by a single location inside Los Angeles County.

20

14. This methodology contrasts sharply with the analysis done in Los Angeles County where multiple locations are evaluated along major roads, including locations which are beyond locations which are not subject to significant noise impacts. Under the reasoning the FEIR applied to Ventura County, the locations which are down the road from other locations with no noise impacts should never be considered. FEIR Response 113 is non-responsive in that it fails to explain why such different methodologies were used. There is no logical basis for treating Ventura County to a lesser level of impact analysis than was applied to Los Angeles County.

15. FEIR Response 113 refers to the various traffic responses, primarily Topical Responses 4 and 5, for an explanation of why no noise studies in the interior of Ventura County were conducted in the Draft EIR. In reviewing the FEIR traffic analysis, I found it generally fails to consider traffic impacts interior to Ventura County in that it also stops at the County line. This occurs because the FEIR concludes that SR-126 at that location would not be congested as a result of the project, and therefore no additional analysis within Ventura County is necessary. The primary exception to the lack of further analysis is a general discussion regarding Piru and Fillmore area intersections.

16. In reviewing Topical Responses 4 and 5, neither present reasonable arguments for not considering noise impacts interior to Ventura County. 21
Topical Response 4 discusses the different types of roads, and the fact that the 15 miles of SR-126 between the County line and Fillmore can be characterized by the one data point at the County line. The conclusion is that this segment of SR-126 would not be subject to congestion impacts. Topical Response 5 is focused completely on congestion impacts on Ventura County roads.

17. Topical Responses 4 and 5 say nothing about noise impacts, since such impacts are independent of whether or not a road is congested. A congested road may or may not create a significant noise impact, just as a non-congested road may or may not create a less than significant noise impact. Simply knowing whether a specific road segment in Ventura County is

congested as a result of the project is not relevant as to why the noise impacts of that road was not studied.

18. Topical Responses 4 and 5 make the case that the roads in Ventura County were treated the same as the roads in Los Angeles County, and explicitly, that the noise analysis in both counties is the same. As explained in our Comments 47 through 64, the net effect still remains that the FEIR studies road segments in Los Angeles County which are projected to contain much less project traffic than does SR-126 at the County line which is the stopping point for the Ventura County traffic analysis. This result is a clear indication that the traffic methodologies are in fact different, since the traffic is modeled to much smaller volumes in Los Angeles County than they are modeled in Ventura County. 21

19. Noise is also subject to a different standard. As discussed in Comment 115, of the 18 locations studied in Los Angeles County for noise impacts, only one location is subject to traffic levels which exceed the 7,740 Average Daily Trips from the project projected at the County line. In my opinion, it is not reasonable to claim that Ventura and Los Angeles Counties are treated the same when the one and only noise monitoring location for Ventura County receives more traffic than 17 of the 18 noise monitoring locations in Los Angeles County.

20. As noted previously, the FEIR Response 113 reluctantly attempts to address this issue by considering two locations within Ventura County. However, this analysis is flawed in that the FEIR explicitly rejects using the analysis to draw any conclusions, does not perform a cumulative traffic analysis, and ignores other sensitive land uses in Piru and Fillmore. 22

21. <u>FEIR incorrectly uses information for the Santa Clara School to project impacts in Fillmore</u> -- Response 114 uses the projected noise impacts at the Santa Clara School to conclude that the noise impacts in Fillmore would be less than at the school, and therefore would not be significant. As noted in FEIR Response 112, the FEIR assumes that only 60% of the project traffic would pass in front of the school. However, virtually 100% of the project traffic will pass through Fillmore east of SR-23, as well as in front of farm worker housing in Piru. It is totally inappropriate for the FEIR to use the noise calculations for 60% of the project traffic (i.e. Santa Clara School) to conclude that areas receiving 100% of the traffic (east Fillmore and Piru) will be subject to less noise. Additional noise studies should be done at these locations to substantiate these conclusions. As discussed in paragraph 4 above, such studies should also consider cumulative noise impacts using 1996 as the "existing environment". 23

22. <u>Proposed FEIR mitigation measures are inadequate</u> -- The FEIR Response 112 analyses, and proposes, mitigation measures for two locations 2

within Ventura County which were not considered in the Draft EIR. Ventura County appreciates the additional effort. However, this additional effort is deficient for two reasons: 24

a. Each mitigation measure specifies that each individual request for a building permit be conditioned to pay for its' fair share of the proposed mitigation measures. This means that full funds from this project will not be collected until the end of the 20 to 30 year buildout period. Since both locations in Ventura County are already subject to significant cumulative noise impacts, this mitigation measure would continue to subject them to increasingly significant impacts for decades to come until enough money is collected. In the case of the Santa Clara School, it is possible that the children of current students would be subject to project-related noise impacts, because the funding will still be in the process of being collected.

These mitigation measures take so long to implement that they are largely meaningless to the current residents. The Newhall Ranch Specific Plan is paying for some infrastructure and other mitigation measures early in the project to mitigate impacts which occur later as a result of the entire project. The project should pursue a similar policy in regard to noise impacts. The proposed mitigation measures should require payment of the mitigation fees at the beginning of the project, rather than adopt measures which take 20 to 30 years to be fully implemented. 25

Full payment of these fees at the start of this project does not provide full funding to implement the required mitigation measures, since the entire Newhall Ranch project is only paying for a portion of the mitigation measures. However, full payment of the project fee now rather than in 2020 to 2030 could potentially allow the sensitive uses to undertake partial implementation of mitigation measures, or allow them to undertake the full mitigation measures through loans, grants, etc. As such, full payment of the project's share of these costs could be of immediate benefit to the sensitive receptors.

In my opinion, delaying implementation of the project's share of these costs for 20 to 30 years is of little if any value to the current generation of occupants. A much better solution is the policy which Ventura County uses in similar situations of requiring payment of the full project share at the start of the project so that mitigation can occur as soon as possible.

b. Both mitigation measures listed in FEIR Response 112 start with the phrase "Despite the absence of significant impact...". Such a statement severs any nexus between the future projects and payment 26

of mitigation fees. As such, it could be difficult to argue that such fees should be imposed on a project if a future developer should challenge these measures. By using such terminology, the mitigation measures in fact may be unenforceable. Such terminology should be removed from the conditions in order to avoid any potential conflicts. 26

CONCLUSIONS

23. The FEIR is deficient in defining the "existing environment" as occurring 12 years in the future and in not accounting for regional growth totaling 58,500 people. This results in a noisier environment than occurs now, and reduces the project specific and cumulative impacts from significant to less than significant levels. The argument made by the FEIR that it is not appropriate to "mix and match" data from different time periods is not credible, since the document does this itself by comparing the year 2010 "existing environment" to a year 2020 to 2030 project buildout. This error of using the wrong definition of "existing environment" is further compounded by the FEIR refusing to use the 1996 analysis which it does generate, and which does not consider other sensitive uses in Ventura County or any cumulative impacts. 27

24. Contrary to the FEIR, it continues to use a different, less detailed methodology to evaluate noise impacts in Ventura County than is used in Los Angeles County. In Los Angeles County the noise measurement locations are subject to significantly less noise levels than are the noise measurement locations used in Ventura County. The argument that locations "down the road" from locations which are not subject to significant noise impacts do not have to be considered is not credible, since such locations <u>are</u> evaluated in Los Angeles County. In addition, the data which is generated in Ventura County is used incorrectly in that it is used to draw conclusions for areas "up the road" which will be subject to more traffic than that found at the measured location. 28

25. The limited mitigation measures which are proposed in Ventura County would take 20 to 30 years to collect the amount of the specified fees; this is too long to be meaningful to the current generation on occupants of those sensitive land uses. A more appropriate proposal would be to pay the full project share of the fee at the beginning of the buildout of the Specific Plan. 29

Scott Ellison

STATEMENT OF W. EARL McPHAIL REGARDING AGRICULTURAL IMPACTS

1. I am employed by the County of Ventura in the capacity of the Agricultural Commissioner. I have served as the Agricultural Commissioner since 1979. Prior to my employment with the County of Ventura, I was employed by the Office of the Agricultural Commissioner in the Counties of Imperial and Santa Cruz.

2. One of my responsibilities as Agricultural Commissioner is to review development projects in the unincorporated areas of the County of Ventura to identify potential impacts to agricultural resources and appropriate mitigation measures. I also supervise the staff review of agricultural resource impact assessments in environmental documents for developments located in both the cities or the unincorporated areas of the County of Ventura. The agricultural impact assessments are reviewed to determine whether they are adequate under the California Environmental Quality Act (CEQA), CEQA Guidelines, and the County of Ventura Initial Study Assessment Guidelines. I am familiar with the agricultural land located in the County of Ventura adjacent to and west of the Newhall Ranch, and I reviewed the assessment of agricultural resources impacts in the Newhall Ranch Final Environmental Impact Report (FEIR). I also supervise staff who reviewed and prepared comments on the agricultural impact analysis in the FEIR. 1

3. Prime agricultural lands within the County of Ventura are located adjacent to and west of the urban uses proposed for the Newhall Ranch site (Figure 4.4-1 of the FEIR). Section 4.4 of the FEIR states that a project would have a significant impact on the environment "if it converts prime agricultural land to non-agricultural use or impairs the agricultural productivity of prime agricultural land." The FEIR concludes that due to the current "impaired" condition of the on-site agricultural lands, the land use conflicts will not result in a significant loss of agricultural productivity on the project site. However, the FEIR further states that the off-site agricultural lands in the County of Ventura, directly across the County line from the project, are not similarly impaired. In other words, the FEIR recognizes the prime agricultural quality of the agricultural lands within the County of Ventura. Nevertheless, without analyzing the impact of the urban uses on the prime agricultural lands in Ventura County, the agricultural resources section of the FEIR (Section 4.4) concludes that "placement of development on the Newhall Ranch Specific Plan site would not have a significant impact on the agricultural production of the farm lands located to the west of the site." This conclusion is not supported by any analysis in the FEIR. There is a high probability that the urban development proposed for the Newhall Ranch site will have significant effects on the productivity of agricultural lands in Ventura County due to the absence of a proper buffer between agricultural operations and the project, additional traffic, reduced water quality, increased flooding, dust and ambient ozone, and the ultimate development pressure 2 3

placed on the agricultural lands due to the urban development of adjacent land in Los Angeles County. 3

4. The FEIR does not provide for a buffer to mitigate the agricultural/urban land use conflicts. The FEIR does not propose a plan for buffers between the urban uses and the agricultural uses. In the existing condition, the project area is basically vacant land which creates no urban agricultural conflict. With a proposed city of approximately 68,000 people, the ultimate build out will inevitably create the usual conflicts between urban and agricultural use which are particularly pronounced when pesticides and fertilizers are applied to the agricultural lands. The FEIR (Response No. 19 to the County of Ventura's comments on the draft EIR) states that a buffer is proposed between the agricultural operations and the County of Ventura and proposed residential development, as shown on figure 1.0-3. However, the width of the buffer, and, therefore, whether it will adequately mitigate the traditional urban/agricultural impacts cannot be determined from the figure. The FEIR should clarify the minimum buffer width that is required and demonstrate that the width required will adequately serve to mitigate the agricultural/urban conflicts. 4

5. Traffic impacts. Section 4.8 of the FEIR states that the Newhall Ranch development will generate a substantial amount of traffic on Highway 126 as it enters the County of Ventura. This increased traffic, as well as the cumulative traffic on Highway 126, will adversely impact agricultural operations to the west of the Newhall Ranch within the County of Ventura. The additional traffic will make it more difficult for slow-moving agricultural equipment to cross this thoroughfare to access farmland on the other side of the highway, and therefore, may impair the agricultural productivity of this farmland. The FEIR fails to address this impact. Further, because the potential impacts of increased traffic to off-site agricultural productivity is not addressed in the FEIR, appropriate mitigation measures such as requiring each developer to pay a pro rata fee to fund the construction of one or more agricultural underpass/overpass structures along Highway 126, are not identified. 5

6. Water issues. The FEIR states that the Newhall Ranch development would result in lowering the groundwater table by as much as 10 feet in some areas of Los Angeles County. However, the FEIR does not address the potential extent of the groundwater drawdown in the County of Ventura. Even a relatively small drawdown could have a major impact on the amount of groundwater and surface water coming from the Santa Clarita Valley into Ventura County. This would have the potential to impair agricultural productivity on farmland west of the Newhall Ranch development by increasing pumping costs for farmers. Because the potential impact on agricultural operations from groundwater drawdown are not addressed in the FEIR, appropriate mitigation measures are not identified. 6

7. Flood impacts. The FEIR identifies the 50-Year Capital Flood condition (a fully burned condition) as the "existing environment" of the project site in assessing the impacts of the Newhall Ranch development on flood flows. The FEIR determined that runoff from the development would be approximately 12 percent less than that generated under the 50-Year Capital Flood condition. However, the FEIR assessment should have utilized a more common vegetated "existing environment," which would have provided a more likely change in the runoff caused by the development. Given the size of the Newhall Ranch development, increased runoff generated by the project is expected to result in increased flood flows in the Santa Clara River during flood events. The increased flood flows could result in damage to off-site agricultural lands in the County of Ventura due to erosion and scouring of the Santa Clara River as well as reduction in flood capacity due to increased riparian and wetland growth in the floodway. Agricultural damage and the resulting need for flood control programs may result in conversion of prime agricultural land to non-agricultural uses. The potential effect to off-site agricultural lands of increased runoff generated by the proposed development is not addressed in the FEIR, nor are appropriate mitigation measures identified. 7

8. Dust impacts. Section 4.10 of the FEIR states that the Newhall Ranch development would generate approximately 3.5 tons per day of PM_{10} (a component of fugitive dust) during the 25-year development phase of the project, and up to 22.3 tons of PM_{10} per day upon build out of the project. Given the amount of PM_{10} that would be generated, the project's fugitive dust emissions would be substantial. Fugitive dust remains airborne for long distances, and according to Ventura County meteorological data, approximately 20 percent of the time winds in the project area blow from east to west. Therefore, much of the dust generated by the project can be expected to enter Ventura County. It has been scientifically documented that dust adversely impacts agriculture by decreasing crop photosynthesis and increasing agricultural susceptibility to pests and disease. In addition, ambient ozone generated by the project's vehicle trips and stationary emission sources may adversely affect crop yields. As a result, increased local dust levels and ambient ozone may cause the productivity of agricultural lands in the County of Ventura to be impaired, resulting in a significant impact. This potential effect is not addressed in the FEIR, nor are appropriate mitigation measures identified. The FEIR states that the County of Ventura is in a separate air basin. Although the air basins in the County of Ventura and the County of Los Angeles are theoretically separated for the purposes of jurisdiction, the two counties in reality share the same air in the vicinity of the proposed development, such that wind will transport dust and ambient ozone generated by the project to agricultural lands within the County of Ventura. 8

9. Growth inducing impacts. Section 4.4 of the FEIR characterizes the conversion of agricultural lands as an inevitable result of urban expansion to accommodate population growth. The FEIR states that the pressure to convert agricultural land to urban 9

uses will continue to exist in Los Angeles County and Southern California, whether or not the Newhall Ranch development is approved. However, the FEIR does not adequately assess the growth-inducing impact of the proposed project. If this impact had been properly assessed, the FEIR would have determined that, due to the size of the Newhall Ranch development and its location immediately adjacent to large agricultural and open space land holdings in the County of Ventura owned by the project developer, the project may result in a critical change in the public and political perception of the area to the west of the development from a rural agricultural area to an area awaiting urban development. This, in combination with the impairment of agricultural productivity discussed in items 3 through 8 above, may have the effect of discouraging continued investment in agricultural improvements and encouraging the conversion of off-site agricultural lands to urban uses. 9

Therefore, notwithstanding the regulatory, policy and political obstacles to development of the agricultural lands in the County of Ventura described in the FEIR, the Newhall Ranch development may indirectly result in the conversion of these lands to non-agricultural uses, which is considered a significant impact under the FEIR's significance thresholds. Since the growth-inducing effects of the proposed development on agricultural lands within the County of Ventura are not adequately addressed in the FEIR, appropriate mitigation measures are not identified. A possible mitigation measure that should be addressed in the FEIR is the dedication of the development rights to the developer's land holdings in the County of Ventura to an appropriate entity. This would create a permanent agricultural and open space buffer which would substantially alleviate the growth inducing impacts of the proposed project on agricultural lands in the County of Ventura. The FEIR (Response No. 28 to the County of Ventura's comments on the draft EIR) questions the authority of Los Angeles County to require the developer to dedicate development rights on land located outside the county. However, in its approval of the Ahmanson Ranch development in the southeast corner of the County of Ventura, the County Board of Supervisors required the project applicant to acquire and dedicate open space lands within Los Angeles County for public recreational uses. 10

10. In general, the FEIR stops the analysis at the Los Angeles/Ventura County line. This is unacceptable given the juxtaposition between prime agricultural lands and proposed urban use at the Los Angeles/Ventura County line. It is essential that the environmental concerns discussed in this declaration be evaluated on a region-wide basis so that the true extent of the impacts on Ventura County agriculture can be identified and mitigation measures put in place before development is approved. Otherwise, the Newhall project places Ventura County agricultural resources at significant risk for irreparable damage. 11

W. EARL McPHAIL
Agricultural Commissioner, County of Ventura

STATEMENT REGARDING BIOLOGICAL IMPACTS

1. I have been employed by the Resource Management Agency of the County of Ventura since 1978. My education includes a Bachelor's of Sciences degree in Environmental Planning and Management from the University of California at Davis, and a Master of Arts degree in Urban and Environmental Planning from the University of California at Los Angeles. I currently hold the position of Planner IV (Senior Planner). In this capacity I am required to be knowledgeable of the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. I have prepared, coordinated, and reviewed numerous CEQA documents, including Environmental Impact Reports (EIRs). As such I have extensive knowledge of the natural and manmade environment in Ventura County, including the area along the Ventura/Los Angeles County boundary.

2. One of my current responsibilities is to coordinate the Ventura County agency and departmental responses to the Newhall Ranch project FEIR. I have personally reviewed the Biological Resources chapter of the aforementioned FEIR and helped to prepare the County of Ventura's comments regarding this chapter. Additionally, I reviewed the FEIR. 1

STATEMENTS OF FACT

3. On February 11, 1997, Ventura County submitted detailed written comments to Los Angeles County concerning issues (including biological resource issues) which Ventura County agencies/departments determined were not adequately addressed in the aforementioned Draft EIR.

4. After conclusion of the public review period, Los Angles County prepared a Final (FEIR), including changes to the text and responses to comments received during the FEIR public review period. This FEIR was distributed to this office on December 5, 1997. On December 10, 1997, Ventura County submitted written comments indicating in detail why Ventura County agencies/departments concluded that the FEIR had not adequately responded to comments raised previously by Ventura County. These comments were supplemented by additional comments submitted to the Los Angeles County Planning Commission on December 17, 1997.

5. The existing Newhall Ranch project environment is primarily open land which allows relatively unrestricted wildlife movement north and south between the Los Padres National Forest/Angeles National Forest to the north across the Santa Clara River and to the Santa Susana Mountains in the south. The proposed project will create an urban barrier which would effectively prevent north/south wildlife movement 2

for virtually the entire width of the Newhall Ranch development. As noted in the FEIR, wildlife movement which currently occurs over a 2.1 to 5.1 mile front will now be focused into one primary corridor – the Salt Creek wildlife corridor. As shown in FEIR (Figures 1.0-12, 1.0-13, 4.6-4 and Bio-5) , the Salt Creek wildlife corridor extends across the County line into Ventura County.

6. A major theme in the FEIR biological analysis is the extreme importance of the large regional natural habitats being connected by open space areas which allow wildlife to migrate between areas. The FEIR devotes seven pages to this single issue (FEIR pages 4.6-30 to 4.6-37).

Based on the quotes presented below, the FEIR concludes that:

a. The two major biological communities on the project site (the Santa Clara River and the mountainous High Country) are ecologically important; 2

b. It is important that wildlife be able to move between these biological communities;

c. Wildlife currently has largely unrestricted movement between these communities; as a result of this project this access will be reduced to a much narrower Salt Creek corridor,

d. The important Salt Creek corridor crosses into Ventura County,

e. Any fragmentation of the corridor due to future development in Ventura County would cause significant adverse biological impacts, and;

f. Although the preservation of the Salt Creek corridor is an important mitigation for the project impacts, the geographical limits of the corridor in Ventura County are not defined, and no mitigation measures are proposed to protect the corridor in Ventura County, although extensive mitigation is proposed for the Los Angeles County portion. 3

7. The importance of the river and mountain biological communities on the project site is recognized by both the FEIR and the County of Los Angeles. Both areas are designated as Significant Ecological Areas (SEAs) by Los Angeles County. As stated in the FEIR:

> *"Significant Ecological Area (SEA) boundaries are policy lines, established by the Los Angeles County, creating areas designated as having sensitive, unique or exemplary biological conditions."* (FEIR page 4.6-27).

The importance of these communities is further emphasized by the FEIR which concludes: 4

> *"The Santa Clara River is a regionally significant biological resource. Its value is derived from the inherent value of the riparian habitats and associated species, from its function as a regional wildlife corridor, and because it is a nature River for most of its course." (FEIR page 4.6-27).*

"The Santa Susana SEA or High Country currently includes 3,947 acres of habitat and forms a regionally significant core reserve for biological resources." (FEIR page 4.6-29).

8. Currently these important habitats are connected by the entire Newhall Ranch project site, which varies between 2.1 and 5.1 miles in width. This connection allows wildlife to migrate between the Santa Susana Mountains, the Santa Clara River and hence north into the Los Padres National Forest/Angeles National Forest.

As outlined on FEIR pages 4.6-30 to 4.6-37, the issue of having viable wildlife corridors which allow movement from the south end of the project in the Santa Susana Mountains to the Santa Clara River are important because they accommodate the physical and genetic exchange between habitat areas north and south of the Newhall Ranch property. Lack of adequate wildlife habitat connections can contribute to inbreeding and lack of genetic viability in each of these habitat areas due to the forced isolation of wildlife populations. The FEIR identifies Mountain Lions (a State fully protected species) as just one of the on-site species which would be significantly impacted by a loss of migration connections between large biological areas (FEIR page 4.6-97).

The importance of these migration connections, and the connections within the Newhall Ranch project in particular are noted in the FEIR: 4

"From the conservation planning perspective, it is most important to anticipate land connections necessary to maintain the general pattern of connectivity that currently exists. This will require that the open area system within the site provide adequate connectivity between the uplands on the site and the Santa Susana Mountains; adequate connectivity upstream and downstream along the Santa Clara River; <u>and that the project not preclude adequate connectivity between the Santa Susana Mountains and the Los Padres and Angeles National Forests. To provide adequate connectivity, landscape connections between each of the ecological units should be as broad as possible to allow for adequate connections</u>.

Connections between the River and upland areas and across the River (for example, Salt Creek)) serve as more intermittent connections between ecotypes and are more easily characterized as corridors, and as such are not as necessarily broad as connections between ecological units (e.g., Los Padres National Forest, Santa Susana Mountains, etc.). <u>To function adequately for animal movement, corridors must provide the necessary habitat characteristics, and be of adequate width so as not to inhibit movement.</u>" (FEIR page 4.6-34). (underlining added for emphasis).

9. The FEIR further finds that the project results in the existing 2.1 to 5.1 mile wide connection between the mountains and the river being reduced to small corridors, primarily the Salt Creek corridor:

"On the landscape scale, the primary effect of the proposed development will be to narrow the access for wildlife species between the Santa Susana Mountains and the Santa Clara River. Wildlife movement through the property will be focused toward the west side down Salt Creek and away from Potero and Long Canyons. . ..Access for wildlife between the River and the High Country SEA would continue to be available along the proposed Salt Creek corridor. Salt Creek Canyon's value as open area or a movement corridor is high due to its relative remoteness, the quality of habitats present, the fact that it is an integral part of the High Country SMA's approximately 3,950 acres, and the fact that a vertical grade separation exists between it and the area proposed for development to the north and northeast." (FEIR page 4.6-48).

"A critical component of the open area system within the Newhall Ranch property is the connection between the High Country and the River Corridor along Salt Creek. The corridor will provide continuity between the habitats and the wildlife populations within the property, as well as forming a permanent regional linkage between the Santa Clara River and the Santa Susana Mountains." (FEIR page 4.6-133). 4

10. The important Salt Creek corridor is correctly characterized as containing high quality habitat which is an integral part of the High County's 3,590 acres. This is true for Salt Creek in Los Angeles County. However, the FEIR acknowledges that the corridor extends into Ventura County, and that fragmenting this corridor in Ventura would create significant adverse impacts:

"Note that a portion of the Salt Creek movement corridor occurs within the Specific Plan area, with the remaining portion occurring in Ventura County. Any future project proposed in Ventura County that would fragment this corridor would significantly impact the connection of the High Country SMA and the Santa Susana Mountains with the Santa Clara River and the Los Padres and Angeles National Forests located to the north. Therefore, any future action taken in this portion of Ventura County should strongly consider this important ecological feature." (FEIR page 4.6-49) d.

11. Although the FEIR considers Salt Creek to be a "critical" mitigation measure (see paragraph 9), the portion of the proposed Salt Creek wildlife corridor in Ventura County is undefined. On page 4.6-133 the FEIR states:

"Future land use decisions will be required to define the corridor's final configuration in areas that occur outside the County of Los Angeles." 5

12. The Salt Creek corridor is so important in mitigating the biological impacts of the project that the FEIR proposes that a number of specific measures be applied

within the Los Angeles County portion of the corridor, as well as in the surrounding High Country wildlife area. None of the proposed mitigation measures would apply to the portion of the Salt Creek corridor in Ventura County. A sampling of the measures to protect and enhance the biological carrying capacity of the Salt Creek corridor and the High County in Los Angeles County include:

a. Recordation of a permanent, non-revocable conservation and public access easement in favor of an entity agreeable to Los Angeles County and the land owner. The purpose of this easement is to protect, enhance, and maintain the wildlife and recreational values contained in the Salt Creek wildlife corridor and the High Country generally (Mitigation Measures 4.6-37 and 41, pages 4.6.143 and 144).

b. Development of a comprehensive long term management plan (LTMP) to study, manage, enhance, and protect the natural vegetation, wildlife, and the communities they form (Mitigation Measures 4.6-36 through 41, pages 4.6-142 and 143).

c. Removal of cattle grazing except as part of the LTMP (Mitigation Measure 4.6-39, page 4.6-142). Note: Except for cattle grazing, no other agricultural uses occur in the High Country or Salt Creek corridor within Los Angeles County. 5

d. Limited human access will be provided, including no hunting, or pets (Mitigation Measures 4.6-29 through 32, page 4.6-141).

e. Revegetate/restore riparian habitats which have been damaged in the past due to man's activities, invasion by non-native plants and animals, etc. (Mitigation Measures 4.6-1 page 4.6-134)

f. Conduct detailed baseline biological, soils and hydrologic studies of riparian habitats in order to develop revegetation, restoration and maintenance monitoring and remediation plans as required (Mitigation Measures 4-6-2 through 10).

g. Create provisions for additional upland habitat plantings including establishment of oak tree and elderberry scrub mitigation banking programs. Also increase upland plantings of black walnut, cherry trees, and cherry shrubs (Mitigation Measure 4.6-28 and 48, page 4.6-141 and 144).

EIR RESPONSES TO VENTURA COUNTY COMMENTS

13. Los Angeles County responded to Ventura County comments in the FEIR. I conclude that the responses are inconsistent with good planning principles for the following reasons: 6

14. Information adequate for long range planning is not provided -- A general issue raised by Ventura County during the FEIR public review period is that the Draft EIR biological resources baseline studies, analysis, and mitigation measures stop at the County line, although as noted in paragraph 10, the biological resources extend into Ventura County. Concerns about the lack of study in Ventura County was also mirrored by other commentors, including the US Fish and Wildlife Service (letter dated 1/13/97, Comment 5).

15. One specific example of how biological resource impact analysis and mitigation stops at the County line is the FEIR's reliance on the Salt Creek drainage to mitigate the project's wildlife corridor impact. As noted in paragraph 6 and as detailed in paragraphs 7 through 12, the FEIR is relying on the Salt Creek corridor in Ventura County to provide the primary mitigation measure for the loss of territory for wildlife movement resulting from the project. However, DEIR Comments 35 and 36 noted that the FEIR fails to assess the suitability of this corridor in Ventura County, and fails to provide protection for the portion of the corridor located in our County. Similar concerns were also raised by the California Department of Fish and Game (letter of 12/6/96 Comment 9), the US Fish and Wildlife Service (letter of 1/13/97 Comment 6) and the Native Plant Society (letter of 2/10/98 Comment 14). 6

16. As discussed in our Comment to FEIR Response 35, the FEIR responses do not provide any physical or resource-related reason for stopping the biological analysis of the wildlife corridors at the Ventura County line. The FEIR is simply non-responsive to the portion of DEIR Comment 35 regarding why the upland habitat studies stop at the County line. FEIR Response 35 discusses the riparian area, and why Salt Creek is the only corridor which would remain after project completion. However, it provides no reason why the biological resource maps, analysis, or mitigation measures stop at the County line even though this single remaining "critical" corridor crosses over into Ventura County (EIR Figures 1.0-12, 1.0-13, 4.6-4 and Bio-5). The FEIR stops its habitat analysis at the County line to such an extent that it literally leaves a blank space or "white hole" for Ventura County on the habitat maps (FEIR Figures 4.6-1 and 4.6-6), although as noted above, four other FEIR maps show that this "critical" link extends into our County.

The arbitrary termination of studies at a jurisdictional boundary of ~~an environmen~~tal resource which crosses that boundary is clearly inconsistent with the responsible environmental review of physical impacts which do not naturally respect jurisdictional boundaries such as County lines. By refusing to provide adequate information regarding the ability of Salt Creek in Ventura County to act as a "critical" mitigation measure for this project, the FEIR is simply assuming that this one remaining link on the Newhall Ranch between the Santa Susana Mountains and the Santa Clara River will in fact function as planned. 7

Given the extreme importance of maintaining links between different habitats as discussed in paragraphs 7 through 12, it is poor planning practice not to document the

conditions of Salt Creek in Ventura County to the same level of detail as the FEIR documents Salt Creek in Los Angeles County. Without such documentation it is impossible to know if the Salt Creek corridor in Ventura County will work as proposed.

17. Characterization of Salt Creek in Ventura County as a "primary" corridor not supported by documentation – The lack of information on Salt Creek in Ventura County prevents a review of the basis for the conclusion in the FEIR that the Ventura County portion of Salt Creek is in fact "an existing, functioning primary wildlife corridor between the River and the Santa Susana Mountains" as concluded by FEIR Response 36. In addition, this lack of information also prevents the reader from determining if the Ventura County portion of Salt Creek is capable of receiving virtually all of the migrating wildlife in Newhall Ranch which currently migrates over a 2.1 to 5.1 mile wide area between the mountains and the river. 7

The FEIR assumes that the Ventura County portion of Salt Creek can accommodate this significantly increased use by wildlife, but it provides little or no factual justification for such a conclusion. There is no meaningful analysis of the potential land use conflicts outlined in our DEIR Comment 36, no analysis of what type of increased cover, food, and water requirements may be necessary as a result of the increased use, and no analysis of the long term maintenance which may be necessary. In my opinion, this is not simply a disagreement among biological experts, as it does not take a biologist to determine that there is no meaningful information in the FEIR record to support the assumption that the "critical" Salt Creek wildlife corridor will work in any fashion in Ventura County.

18. FEIR ignores potential land use conflicts in Ventura County – FEIR Response 35 indicates that there are no plans for development of the Salt Creek corridor in Ventura County. This response ignores the fact that the area is already developed – it is already developed with intensive, irrigated agricultural operations. As indicated in DEIR Comment 36, the existing land uses, zoning and planning for this area does not assure protection of wildlife resources, and may in fact result in creation of barriers to wildlife movement.

19. The FEIR Response 36 further states that "because no development is proposed in the Salt Creek corridor in Ventura County, there is no reason to believe (and no evidence in the record) that the Salt Creek corridor will not remain in its present condition - a functioning primary wildlife corridor." DEIR Comment 36 and our Comment to FEIR Response 36 provided information regarding potential impacts on wildlife from existing agricultural operations. We also provided information regarding Ventura County's land use regulatory environment which we indicated would not preclude development inconsistent with the purposes of a wildlife corridor. Thus, contrary to the FEIR, there is evidence in the record that the wildlife corridor function may be jeopardized by existing and future development allowed by right in the Ventura County "A-E" (Agricultural) zoning district and the "MRP" (Mineral Resource Protection) overlay zoning district. This evidence is not refuted by the FEIR record. 8

20. Since the FEIR record is so deficient in evaluating the land uses in Ventura County, I reviewed detailed aerial photographs of the area on file with the Ventura County Public Works Agency. These photos clearly show that wildlife currently has extensive areas on the Newhall Ranch in which to migrate between the mountains and the river which do not require encroachment into irrigated agricultural areas. However, in Ventura County Salt Creek has irrigated agriculture on both sides, with its lack of native plants for cover, and its potentially incompatible activities. As such, there does not appear to be any particular reason why wildlife would currently be attracted to use Salt Creek in Ventura County in their attempts to travel between the river and the mountains. We simply do not know how Salt Creek in Ventura County currently functions, because little or no information on the existing land uses, migration patterns or interactions between man-made land uses and migrating wildlife are discussed in the FEIR record.

21. As noted in DEIR Comment 36 the agricultural designations in Ventura County do not provide protection to wildlife from numerous potentially incompatible land uses. The FEIR continually makes the mistake of assuming that intensive irrigated agriculture is compatible with a "critical" wildlife corridor designed to provide significant mitigation for blocking a 2.1 to 5.1 mile wide area which is now largely open to movement by wildlife. The FEIR has not demonstrated that the land uses or land use controls in Ventura County are adequate to allow Salt Creek to function as a major wildlife corridor into the definite future. On the contrary, it is my opinion based on 20 years experience with the Ventura County Planning Division that the existing land uses and land use controls in Ventura County are inadequate to assure that the Salt Creek corridor will function as planned in Ventura County. 8

22. Our DEIR Comment 36 presents a reasonable case based on the land use, zoning, and General Plan designations why the Salt Creek corridor in Ventura County may fail to function at the level anticipated by the project FEIR; In my opinion, no corresponding case showing why the corridor will function properly in Ventura County is presented by the FEIR or the responses. This violates good planning principles in that the FEIR is using assumptions, rather than data, to draw the conclusion that the Salt Creek corridor, as the major mitigation measure for loss of wildlife movement area, will function adequately in Ventura County for the indefinite future.

23. The FEIR inappropriately requires future studies to define the Salt Creek corridor in Ventura County – The FEIR inappropriately delays the determination of the geographic extent of the wildlife corridor until unspecified future projects are undertaken by public and private entities in Ventura County (paragraph 11). Good planning principles dictate that a project not allow its mitigation measures to be defined or implemented by other projects, or to be put off to the indefinite future. From a planning perspective, such delays are inappropriate as they can postpone implementation of mitigation measures until long after an impact occurs, or they can potentially even allow 9

impacts to occur without being mitigated at all, if the unspecified future projects are never undertaken. The geographic extent of the wildlife corridor must be defined, and protected as part of this FEIR, or one of its "critical" mitigation measures (i.e. the functioning of Salt Creek as a "primary" corridor) may not in fact be implemented in Ventura County.

24. Although the FEIR makes no attempt to define the boundaries or acceptable land uses for this corridor in Ventura County, it assumes that the specifications of the corridor are clearly defined. As discussed in DEIR Comment 36, FEIR page 4.6-49 recommends that any future discretionary permits issued by the County of Ventura within the wildlife corridor should "strongly consider this important ecological feature". Such a proposal can only be implemented if the County of Ventura and the future property owner know where the limits of the corridor are. Without such information a project could be implemented either through a discretionary permit approved by the County of Ventura, or through a use allowed by right (i.e. a use which occur without issuance of any discretionary permits by Ventura County) which would encroach into the corridor simply because: (1) the limits of the corridor are "assumed" not to include the project location when in fact the project is inside the corridor, or; (2) the knowledge of the corridor is simply forgotten over time as the staff at the County of Ventura and the property owner change, and no written notice of the corridor is included on any planning documents or permanent records regarding the property in Ventura County. 9

Given the lack of information regarding the location of the corridor in Ventura County, future planners cannot do their job of protecting it, as they will not know its geographic limits, nor will they know what land uses can occur in or near it and still allow the corridor to perform as planned. Without this information adequate land use planning in the area is not possible.

25. Salt Creek in Ventura County is needed to mitigate identified project impacts in Los Angeles County – In responding to our comments, the FEIR argues that since no biological impacts occur in Ventura County, no study is required, and no mitigation measures need to be extended across the County line (FEIR Responses 36 and 45). This misses a primary point of our comments that the studies and mitigation measures which occur in Los Angeles County need to be extended into Ventura County in order to mitigate the project impacts which the FEIR already identifies as occurring to the natural habitat in Los Angeles County.

The FEIR places a burden on lands within Ventura County to act as a "critical" wildlife corridor to mitigate the loss of an existing 2.1 to 5.1 mile wide wildlife access area in Los Angeles County. This "critical" measure to mitigate impacts from the Newhall Ranch Specific Plan fails if the land in Ventura County is unable to accommodate the increased demands placed on it by the Newhall Ranch project for the indefinite future. By not considering the issues outlined in paragraph 17 above, the FEIR cannot assure that the wildlife corridor in Ventura County will function as assumed. The mitigation measures proposed for Los Angeles County need to be extended into Ventura County in order to protect the single wildlife corridor which will 10

remain after completion of the project, and which is so important in mitigating the impacts in Los Angeles County which are already identified in the FEIR. Therefore the FEIR statement that no impacts occur in Ventura County, and therefore no mitigation measures are required, is not credible. The corridor in Ventura County needs to be identified, and protected, in order to actually implement the FEIR assumption that Salt Creek in Ventura County will provide substantial mitigation for project impacts. 10

26. If the Salt Creek wildlife corridor in Ventura County fails to function, it will adversely impact wildlife and botanical communities along the Santa Clara River, in the Santa Susana Hills, and beyond. Portions of these biological communities exist, and migrate, through much of Ventura County. Consequently, any significant damage to those communities are considered to be a significant impact occurring to Ventura County. The need to ensure the implementation of the measure already identified in the FEIR as being "critical" to mitigate impacts occurring in Los Angeles County, combined with the regional damage to biological communities which would occur if this corridor fails, are the reasons we are requesting that the studies and mitigation measures which are so important to be adopted in Los Angeles County should also be extended into Ventura County. 11

FAILURE TO ADOPT FEASIBLE MITIGATION MEASURES

27. In DEIR Comments 45 and 46, we made several recommendations with respect to wildlife management which we believe are both reasonable and feasible. We suggested that the developer be required to fund the development of a wildlife management program that would include the following components: 12

28. We suggested that a wildlife biologist survey the proposed Salt Creek corridor in Ventura County and make recommendations regarding the geographical limits. If Ventura County is being asked to implement the Salt Creek wildlife corridor and to consider its existence in any future planning efforts, we at least need to know what to protect and how to protect it.

29. Additionally, we asked that the wildlife biologist evaluate possible wildlife corridors within the Newhall Ranch project site which could augment the Salt Creek corridor in providing for north-south wildlife movement. This recommendation mirrors a similar request made by the Fish and Wildlife Service (letter dated 1/13/97, comment 6). 13

30. We further suggested that whatever wildlife corridors are ultimately selected in Los Angeles and Ventura Counties, an effort should be made to enhance the corridors. We specifically suggested that existing barriers to wildlife (i.e., fences) be removed, appropriate vegetation cover be provided (if necessary) and wildlife guzzlers installed at appropriate intervals (if needed).

31. Finally, we suggested that Salt Creek corridor from the Newhall Ranch site to the confluence with the Santa Ciara River should be dedicated to a public agency to provide permanent protection and that the developer be required to establish a fund to ensure perpetual maintenance of the wildlife corridor. Without some protection of this 14

corridor, there can be no assurance that the Salt Creek wildlife corridor will function as intended. 14

32. FEIR Response 36 concludes that "a mitigation measure that 'preserves' the portion of the Salt Creek corridor in Ventura County is neither reasonable nor feasible". No evidence was provided to support this conclusionary statement. I believe this measure is both reasonable and feasible in Ventura County because exactly the same measures are found in the FEIR to be "reasonable and feasible" for Salt Creek in Los Angeles County. This occurs even though Salt Creek in Los Angeles County already receives significantly more protection than does Salt Creek in Ventura County.

In Los Angeles County, Salt Creek is surrounded by natural open space and is protected by the "Significant Ecological Area" (SEA) land use designation which is designed specifically to protect natural habitats (paragraph 7). This contrasts sharply with the situation in Ventura County where Salt Creek is a narrow stream surrounded by intensive agriculture which may be immiscible to wildlife, and which has an "Agricultural Exclusive" ("A-E") zoning which protects agriculture, but which may or may not protect upland habitat. In addition, when Salt Creek encounters the Santa Clara River in Ventura County, the "A-E" zoning contains a "MRP" (Mineral Resources Protection) overlay. Land within this overlay has been identified by Ventura County as containing significant mineral deposits, in this case sand and gravel. It is official County policy that these areas be protected from uses with are incompatible with large scale mining operations. Therefore, when Salt Creek enters Ventura County, it is subject to land use regulations which protect agriculture, and which protect mining, but which do not necessarily protect wildlife values. If there is a conflict between agriculture, mining, and wildlife, the Ventura County zoning ordinance and General Plan would tend to support the former land uses over wildlife values. 15

33. There is no logical basis for the FEIR contention that it is appropriate for the portion of the corridor which currently receives the most protection (i.e. the "SEA" designation in Los Angeles County) to receive significant additional protection, while the portion of the corridor which currently has the least protection (i.e. the "A-E" zoning and "MRP" overlay in Ventura County) should receive no additional protection. The FEIR is simply making an unsupported assumption that a "critical component" of the mitigation program will continue to operate as expected into the indefinite future in Ventura County, even though it will have none of the controls, guarantees, and active management which Los Angeles County considers so necessary for that portion of the corridor within its jurisdiction.

34. The conclusion that mitigation measures applied to Los Angeles County are not "reasonable or feasible" to apply to Ventura County is very puzzling. The developer of the Newhall Ranch, the Newhall Land and Farming Company, also owns 16,000 acres in Ventura County, including <u>all</u> of any potential Salt Creek wildlife corridor in Ventura County. As such, implementation 16

of the mitigation measures outlined in paragraphs 27 through 31 could be accomplished without the developer acquiring additional land, or needing the cooperation of a third party land owner.

If additional mitigation measures which are over and above the current regulatory controls are necessary for the Salt Creek "SEA" designation in Los Angeles County, I believe that such additional mitigation measures to also be "reasonable or feasible" for Ventura County where the "A-E" zone and "MRP" overlay for Salt Creek provide significantly less protection. 16

CONCLUSION

35. From a planning perspective the FEIR is fundamentally inadequate concerning biological impacts, in that the FEIR analysis stops at the County line, and fails to adopt feasible mitigation measures in Ventura County. Biological impacts by their very nature are regional in scope; plants, animals, and the biological communities they form simply do not recognize political boundaries. Even the FEIR Responses to Comments assume the physical continuity of the wildlife corridor when it crosses the County line. Nevertheless, no analysis is done to identify the geographical limits of the corridor in Ventura County, or its ability to accommodate the more intense wildlife uses placed upon it by the Newhall project. 17

36. The failure to analyze the biological conditions in Ventura County is compounded by the failure to apply the same mitigation measures in Ventura County which are considered reasonable, feasible, and necessary in Los Angeles County. Although Salt Creek in Los Angeles County already receives significantly more protection from incompatible land uses than does Salt Creek in Ventura County, the FEIR proposes extensive additional protections and mitigation measures in Los Angeles County. However, the less protected areas in Ventura County are proposed to receive no additional mitigation measures. From a planning perspective it makes no sense to increase the protection of Salt Creek in Los Angeles County where it is already strongly protected, but find that those same additional protections are not appropriate for the less protected areas of Salt Creek in Ventura County.

SCOTT ELLISON

STATEMENT OF BRUCE SMITH REGARDING HOUSING AND GROWTH INDUCEMENT

1. I am employed by the Resource Management Agency of the County of Ventura in the capacity of Manager, General Plan Section of the Planning Division. I have also served as chairman of the Ventura County Environmental Report Review Committee since 1982, and have had the responsibility of managing, preparing, and reviewing Environmental Impact Reports and other environmental documents since 1976. In addition, I have been a member of the American Institute of Certified Planners since 1985, and served as a member of the CEQA Taskforce of the California Chapter of the American Planning Association and the Association of Environmental Professionals in 1993. 1

2. One of my responsibilities is to review and/or oversee the review of environmental documents prepared by/for public agencies for projects which may effect the County of Ventura. I am familiar with the Environmental Impact Report (EIR) prepared for the Newhall Ranch project in Los Angeles County and have reviewed, in detail, the sections of the EIR entitled "Population, Housing and Employment" and "Growth Inducement," as well as all supporting documentation appended to the EIR which are referenced in these two sections.

3. I have reviewed the data in the FEIR and related documents concerning the population projections and housing mix for the Newhall project. It is my general conclusion that the FEIR and other relevant documents do not analyze the extent to which the Newhall project will provide affordable housing for the various income groups likely to be employed in the Newhall community projected to have population of approximately 68,000. Unless such an analysis is done, it cannot be determined to what extent the Newhall project will impact housing supply and costs and the rate of growth in Ventura County. If the Newhall project cannot provide affordable housing for a substantial number of the individuals who will work in this new city, there is a high probability that 2
the individuals who do not find affordable housing in the Newhall community will seek housing in the neighboring Piru, Fillmore, and Santa Paula communities in Ventura County. This influx of new residents will likely have a significant impact on housing supply and related housing costs in Ventura County. There will also be associated cumulative impacts due to population increases such as increased traffic, reduced air quality, increased use of natural resources, such as water and agricultural land, and increased demand for public facilities and services. The environmental document for the Newhall project is deficient because it does not provide accurate measurements of the project's ability to accommodate the housing needs of the new employees which in turn makes it impossible to measure the full extent of impacts on Ventura County.

4. The specific data and analysis upon which this general conclusion is based is found at Exhibit A attached hereto and incorporated herein. I have prepared Exhibit A based on a research of the FEIR related environmental documents and data sources specifically identified within Exhibit A, attached herto. 2

Bruce Smith

BRUCE SMITH
Manager, General Plan Section
Resource Management Agency

EXHIBIT "A"

The Newhall Ranch Specific Plan project is reported to be the largest single development project in the history of L.A. County. The project will result in a new town of approximately 68,000 people located immediately to the east of Ventura County along Hwy. 126 (the main transportation artery of the Santa Clara River Valley). Included in the project are industrial, commercial and other land uses which are estimated to create 19,323 new jobs. Moreover, cumulative development in the Santa Clarita Valley is estimated to create 150,721 new jobs.

1. The EIR does not address potentially significant adverse impacts on outlying communities caused by job growth and a commensurate lack of affordable housing in the Specific Plan or the Santa Clarita Valley.

Development projects which generate new jobs can result in significant growth-inducing impacts in surrounding communities if the persons who will be employed within the proposed development cannot find suitable or affordable housing within the same community. These growth-inducing impacts can significantly affect housing supply and related housing costs in these outlying communities, and result in increased traffic, decreased air quality, increased use of natural resources, such as water and agricultural land, and increases in demands for public facilities and services. 3

Because the EIR focuses solely on regional growth forecasts and aggregate jobs/housing ratios, it does not provide an analysis of the affordable housing needs generated by the project nor cumulative development within the Santa Clarita Valley area. **Absent an analysis of affordable housing needs and Specific Plan language implementing an affordable housing program showing that the need will be met, it is very likely that many of those who will fill the lower and moderate wage jobs will be forced to look for affordable housing in outlying areas. The result will be growth inducement within these outlying areas, including Ventura County.**

2 Although methodologies exist to evaluate wages and the relationship of wages to affordable housing in the Specific Plan and Santa Clarita Valley area, no such analysis is provided in the EIR.

The EIR does not provide an analysis of the demand for affordable housing caused by the proposed project. By way of example of how such analysis can done. the EIR for the Ahmanson Ranch Specific Plan included an analysis of the housing needs generated by the project's job-creating land uses. The following is a summary of the methodology along with our assessment of the Newhall Ranch project using a similar methodology (Note: in response to criticism from L A County that our previous comments and analysis relied directly on information specific only to the Ahmanson Ranch project, we have updated and 4

expanded the following analysis using information specific to L.A. County or L.A. Metropolitan Statistical Area):

For each land use (i.e., square footage of development at build out) proposed by the project, employment density factors can be applied to yield the estimated number of employees generated per land use. The employment density factors can be derived from the Los Angeles County or other land use and employment studies, plus various publications of the Urban Land Institute. Gross employment estimates can be further broken down by occupational distributions (e.g., management/ professionals, sales, clerical, and production/maintenance) using U.S. Bureau of Labor Statistics, *Employment and Earnings* (Arthur Anderson & Co., February 1992). By way of example, we have performed an analysis using the information presented in the Newhall Ranch EIR (i.e., Table 4.21-6) and the methodology described above, which is summarized in the following table.

Land Use	Employment Distribution by Occupation							
	Mgmt/Prof	Tech	Sales	Admin & Clerical	Service	Production& Repair	Operators & Laborers	TOTAL
Commercial Retail	441	20	1782	350	981	250	471	4295
Schools/Libraries	320	0	0	31	39	11	26	427
Business Park	1589	191	404	1017	722	359	263	4544
Utilities	2	4	3	2	0	4	6	18
Comm/Med Office	3485	418	886	2230	1583	787	577	9966
Golf/Fire Station	19	0	3	5	0	0	64	90
TOTAL	5854	633	3075	3635	3325	1411	1408	19340

4

For each occupational category, an analysis of wage and salary income can then be completed based upon United States Bureau of Labor Statistics data for the L.A. Metropolitan Statistical Area, which contains the latest and most comparable data. Average monthly wages can be applied to each occupational category to yield the average wage by occupational category. To convert the average wage by occupational category to household income estimates by occupational category, it is necessary to estimate the range of wage earners per household and the range of household incomes. This figure in turn yields the number of new households by income category.

To convert the average wage to average household income, a range of 1.0 to 2.0 wage earners per household can be assumed based on an overall average of 1.6 workers per household (Arthur Andersen Real Estate Services based on data from the 1980 census). Therefore it can be assumed that 40 percent of the

workers would live in single wage-earner households and 60 percent would live in dual wage-earner households. These household incomes can then be classified by income category (Very Low, Low, Moderate, Upper) based on L.A. County's Median Family Income for the same period of time (i.e., $42,000 in 1990). The State Department of Housing and Community Development and the U.S. Department of Housing and Urban Development use the following definitions of Median Family Income Levels:

Very Low = households earning less than 50% of median County income
Low = households earning less than 80% of median County income
Moderate = households earning less than 120% of median County income
Upper = households earning greater than 120% of median County income

Using the above sources and assumptions, income levels by type of job for the Newhall Ranch project are illustrated in the following table. (Note: although income levels and wages are based upon 1990-91 data, we expect the point being illustrated will remain relatively constant if more current data were used.) It is important to note the representations made in the table are averages, each of which representing a range of income levels. Additionally, where an average household income is close to the breakpoint between income categories (e.g., Low and Moderate), it is assumed that half of the households are in each of the two income categories.

Occupational Category	# of Jobs	Single Income Mo Avg.	Income Level	Housing Need (40%)	Dual Income Mo.Avg.	Income Level	Housing Need (60%)
Mgmt/Prof	5854	$4,100	Moderate/ Upper	2342	$8,200	Upper	3512
Tech	633	$3,200	Moderate	253	$6,400	Upper	380
Sales	3075	$3,000	Moderate/ Low	1230	$6,000	Upper	1845
Admin & Clerical	3635	$2,300	Low	1454	$4,600	Upper/ Moderate	2181
Service	3325	$1,900	Low/Very Low	1330	$3,800	Moderate	1995
Prod & Repair	1411	$2,900	Moderate/ Low	564	$5,800	Upper	847
Operators & Laborers	1408	$2,200	Low	563	$4,400	Upper/ Moderate	845

The information contained in the above table is summarized in the following table by Income category and is depicted as a percentage of the total number of

housing units proposed under the Newhall Ranch Specific Plan (including second dwelling units).

Income Category	Projected Project Housing Needs	% of Proposed Project Housing
Very Low	665 units	2.6%
Low	3,579 units	14.2%
Moderate	5,830 units	23.1%
Total Affordable Housing Needs	**10,074 units**	**39.9%**
Upper	9,266 units	36.7%
Total Housing Need	19,340 units	76.6 %

4

The final step in the analysis is to compare the number of project-generated housing unit need (by income category) to the number of proposed housing units (by income category). At present, **the Newhall Specific Plan does not provide sufficient information regarding the affordability of the proposed housing** to allow this comparison to occur. Therefore, the Specific Plan should specify the affordablity category for all proposed dwellings.

If the project fails to provide sufficient affordable housing for its future workers, the workers will be forced to look for housing outside the Specific Plan area and possibly outside the Santa Clarita Valley, thereby increasing commute distances and causing growth inducing impacts. This may result in significant additional impacts to traffic, air quality, affordable housing which are not currently disclosed in the EIR. We recommend that the above methodology, or a similar methodology, be used to determine the need for various prices of housing created by project-related jobs, and that mitigation measures be adopted to ensure that on-site housing will in fact be available to satisfy that demand.

5

3 <u>The EIR does not assess the impacts caused by cumulative development in the Santa Clarita Valley being "jobs rich/housing poor".</u>

Similar to the project specific impacts described the preceding section, the EIR needs to also analyze the cumulatively significant impacts within and surrounding the Santa Clarita Valley. This can be done using the same methodology as described in the preceding paragraphs.

6

According to the subject EIR, cumulative development could result in 150,721 new jobs and 107,256 new housing units in the Santa Clarita Valley area. The ratio of cumulative new jobs to new housing is 1.41 which is considered jobs rich/housing poor. The EIR obfuscates the impact of the project and cumulative development on the existing housing environment by statistically combining the existing jobs/housing with the additional future jobs/housing in the Santa Clarita Valley which results in an allegedly "balanced" aggregate jobs/housing ratio of 1.30. The EIR simply presumes that the existing and future house stock, in aggregate, is sufficient to meet the added housing demand generated by the future workers who will fill the jobs created by the project and other cumulative development. However, this assumption is unsubstantiated. 6

In order to demonstrate that there would not be a significant impact as a result of new jobs exceeding new housing, the EIR would have to show that there is a sufficient amount of vacant and affordable housing currently existing in the Santa Clarita Valley to accommodate the new workers, or that a substantial number of existing residents in the Santa Clarita Valley are likely to vacate their existing housing units and move to other areas closer to their current place of employment, thus creating vacancies in the existing housing. The EIR does not present information which would support the conclusion that there is or will be sufficient vacant and affordable housing units. There are many economic and social factors that would inhibit existing residents from moving to other areas closer to their current place of employment to any significant degree, especially for Low and Very Low Income families. As a result, **many new workers would have to either: (a) compete for housing within the Santa Clarita Valley housing market, resulting in reduced housing vacancy rates, higher housing costs, displacing of existing Lower Income renters, "doubling up" of occupants, overcrowding, and other social and housing market disruptions; or (b) search for housing in outlying communities, which may cause social and housing market disruptions in those areas and result in increased vehicle miles traveled as workers commute further distances (which results in physical impacts such as increased traffic congestion and air pollution).** 7

The EIR does not describe the potentially significant cumulative impacts of new jobs exceeding new housing which will, in effect, induce substantial growth and concentration of population in areas outside the Santa Clarita Valley.

4. <u>The EIR and Specific Plan do not ensure that affordable housing will be provided to house the families of those workers who are expected to fill the jobs created by the Specific Plan and cumulative development in the Santa Clarita Valley.</u> 8

The inference made in the EIR is that affordable housing will be provided in the Specific Plan area through market rate rental apartments and Second Units (pp. 4.21-15 & -26). However, the proposed Specific Plan fails to provide

development standards or construction schedules designed to include and maintain adequate affordable housing opportunities within the project area, and provides no information to conclude that the "market rate" for rental housing will meet the project-generated demand for affordable housing. The EIR simply refers to an "unknown number of rental apartments" and "up to a maximum of 538 Second Units" which is not sufficient to address the project's affordable housing needs nor its contribution to the availability of affordable housing. **Therefore, there are no assurances that the project would provide sufficient affordable housing for its own workers, let alone the other workers of the Santa Clarita Valley.** 8

L.A. County claims that the Newhall Ranch project was found to be consistent with the housing goals and policies of the L.A. County Housing Element and that there are several "objectives" of the Specific Plan which will serve to provide housing which is affordable to the workforce. However, **there is nothing in these goals, policies or objectives statements, or elsewhere in the Specific Plan, to ensure that they would be implemented.** Housing Element policy 5.15 and Specific Plan objective 2.6 use the term "encourage" and Specific Plan objectives 2.1 and 2.5 use the term "promote." Although Housing Element policy 5.17 and Specific Plan objective 2.7 seem to include more emphatic verbs ("require", "disperse"), there is nothing in these statements or elsewhere in Specific Plan that actually require the building of low-income housing in the Newhall Ranch project.

The EIR makes no mention of Los Angeles County's affordable housing programs or how such programs, in conjunction with market-rate housing, will be sufficient to offset any project or cumulative need for affordable housing. L.A. County cited their HOME fund statistics which show that they assisted 484 units in fiscal year 1996-97, of which approximately a fourth of the units were rehabilitations and a fourth were homebuyer financial assistance. They also stated that, on average, 200 new "affordable" units are produced each year. Assuming that all of these "affordable" units are for Low and Very Low Income families, this number of units is in stark contrast to SCAG's Regional Housing Needs Assessment for the L.A. County unincorporated area . According to SCAG. L.A. County had a need for 5,090 Very-Low Income units and 7,905 Low Income units for the 6.5 year period from January of 1988 to July of 1994 (1989 RHNA). This equates to an annual need of approximately 2,000 Low and Very Low Income units per year. Therefore, **L.A. County is only providing ten percent of its total Lower Income housing need on an annual basis** through the methods described above. No information is provided in the EIR showing that L.A. County is anywhere close to meeting annual need for Lower Income groups. This is in spite of the fact that Section 65401 of the Government Code requires cities and counties to provide "an annual report on the status of the general plan and progress in its implementation, including the progress in meeting its share of regional housing needs." 9

5. <u>The EIR does not provide mitigation measures to address the potential mismatch between project-related jobs and housing or cumulative-related jobs and housing.</u>

To mitigate the potentially significant project-specific impacts, the Specific Plan can be revised to ensure that project implementation achieves incremental balance (e.g., annual, 5-year, or other increments) between the project's future employment generating land uses and the project's future residential development. Specifically, by incorporating "balance oriented" development standards and interrelated construction schedules, the Specific Plan would guide project implementation in a manner that internally balances the availability of new jobs with the availability of new housing over time. In this manner, the project's new employees can be more easily matched to housing opportunities within the project (thereby reducing vehicle miles traveled and growth-inducing impacts on Ventura County). 10

The EIR should also identify mitigation measures to address the impacts of cumulative development within the Santa Clarita Valley. For example, reciprocal agreements with one or more jurisdictions within the subregion (e.g., Santa Clarita, L.A. City, Ventura County) could be made that define a desired jobs/housing ratio and affordable housing program for the subregion and each jurisdiction therein. Coupled with meaningful affordable housing programs, these measures should be designed to reduce overall vehicle miles traveled within individual projects and the subregion. In this regard, the Newhall Ranch Specific Plan should be revised to reflect a coordination of future development objectives within the surrounding areas and jurisdictions. Such coordination would go a long way toward achieving a desirable regional and subregional job/affordable housing mix. In any case, the Specific Plan should be revised to ensure project housing is priced to meet the needs of the subregion as well as the needs of the Specific Plan project itself. 11

Examples of project specific and cumulative mitigation measures included in the approval of the Ahmanson Ranch Specific Plan are listed below. While not necessarily directly applicable to the Newhall Ranch Specific Plan, they show that such mitigation measures have been imposed on other projects, and are considered a feasible way of addressing the issue of affordable housing. These measures generally assure that the project will generate the types of housing needed by the employees working within the project boundaries. In sum, the Ahmanson Ranch Specific Plan includes an Affordable Housing Program designed to

1) provide the affordable housing needs generated by the project;

2) provide additional affordable housing opportunities within the project to mitigate cumulative impacts (includes a Public Affordable Housing Program to be administered by the Ahmanson Housing Authority);

3) permit those employed within the Specific Plan area first preference in terms of affordable housing availability;

4) include a construction schedule linking housing availability to those components of the project generating the housing demand (i.e., commercial and industrial uses);

5) incorporate a mechanism that will ensure continued housing affordability within the Program; and 11

6) convey land to governmental housing authorities for the development of government sponsored affordable housing within the project boundaries.

These mitigation measures were found to be feasible and are considered to address many of the impacts associated with unbalanced jobs/affordable housing ratios in the region, and serve to minimize impacts resulting from the need to commute in and out of the project. As such, these, or equivalent measures, are recommended for incorporation into the Newhall Ranch EIR.

L.A. County says that an affordable housing program like that suggested by Ventura County is "inequitable, unworkable and would probably have serious negative consequences" and that "the disruptions such a policy (*phasing and balancing of jobs and housing opportunities*) would create in regional housing and job markets would be extreme and would prevent achievement of numerous other Los Angeles County and RCPG economic and housing policies." These statements are conclusionary and not supported by any evidence. Furthermore, based on the experience in Ventura County, we believe the conclusions to be false. 12

6 <u>The EIR provides no evidence for the broad conclusion that consistency with planning forecasts results in no significant impact on the existing environment.</u>

The EIR (p. 4.21-12) infers that if the project is consistent with SCAG and County population, housing and employment forecasts, then the Specific Plan would have no significant impact on either regional, or local population, housing or employment This conclusionary statement can only be true if these agencies have conducted environmental studies which found that achieving those forecasts would not result in significant impacts to the existing environment. **The EIR provides <u>no</u> evidence regarding the conclusions of such studies, nor for the conclusion that achieving the forecasts will not have a significant impact.** Furthermore, the EIR concludes that the Specific 13

Plan will exceed the Los Angeles County's *Santa Clarita Area Plan* population, housing unit and employment forecasts (pp. 4.21-14, 4.21-17, and 4.21-21), and cumulative development in the Santa Clarita Valley (p 4.21-31) will exceed the SCAG's 2015 employment forecast (pp. 4.21-32). 13

7. <u>The EIR's assumptions and methodology regarding the Trip-End capture rate are overly optimistic based on experiences with other projects and the potential mismatch between jobs and affordable housing within the project and the Santa Clarita Valley.</u>

The EIR claims that 52% of the Specific Plan related trips will be captured internally, another 38% will occur entirely within the Santa Clarita Valley, and only 10% will occur outside the Santa Clarita Valley (EIR page 4.8-29). However, there is no information presented to support the claim of an internal trip capture rate of 52%. The analyzes in Section 4.8 (Traffic/Access) EIR Appendix 4.8 spend very little effort to explain how such a large ratio is possible. Appendix 4.8 pages III-5 through III-9 really only summarize the results, rather than provide the details regarding the assumptions which lead to those results. In addition, the EIR and the Newhall Ranch Specific Plan do not describe how the development of affordable housing will be phased to keep pace with those aspects of the project generating the demand for such housing. Given the lack of detail in the Specific Plan, a 52% internal trip capture rate appears extraordinarily optimistic, as is the 10% outside trip rate. 14

In contrast, although the Ahmanson Ranch project includes many of the same design considerations described for the Newhall Ranch Specific Plan and included a comprehensive affordable housing program, the EIR for the Ahmanson Ranch Specific Plan was able to lay claim to an internal trip capture rate of only 18%.

Based on the preceding information, **it appears that the assumed traffic capture rates in the EIR are extraordinarily optimistic and result in a major underestimation of the traffic and air quality impacts of the proposed project in the EIR.** The EIR should be revised to accurately disclosure of the proposed project's traffic and vehicle emissions impacts upon Ventura County.

8 <u>Although the EIR concludes that the project would be growth-inducing, it fails to discuss either the environmental effects of that future growth or any mitigation measures for those effects.</u>

The EIR devotes an entire section (Section 11) to the growth-inducing impacts of the project. On page 11-2, the EIR concludes that the project "would be growth-inducing" in both Ventura and Los Angeles Counties. On other pages, it states that the project is "potentially growth-inducing" and "could induce growth" (pages 11-3 and 11-5) While the EIR does not state whether this induced 15

growth would have significant environmental effects, it does nothing to rebut the presumption of possible significance. Indeed, the EIR does not discuss <u>any</u> environmental effects that would result from such induced growth, much less any proposed mitigation measures. It purports to excuse this omission by stating that these environmental effects are "speculative" and "would be examined in depth during the environmental review" conducted for future projects induced by the subject project. 15

The subject project includes a subdivision creating 82 new lots in Los Angeles County on land owned by the Newhall Land & Farming Company ("Newhall"). However, an investigation by the Ventura County Planning Division indicates that the proposed subdivision is a resubdivision of at least three existing lots that cross the Ventura County/Los Angeles County line. Hence, the subdivision would create new lots in Ventura County also. These potential new Ventura County lots, plus other contiguous property owned by Newhall in Ventura County, contain approximately 15,500 acres. In a document entitled "Newhall Land Fact Sheet" (1994), Newhall states:

> "The Newhall Land & Farming Company . . . is one of California's largest land resource companies. . . . The Company's primary business is developing master-planned communities
>
> . . . .
>
> "We build master-planned communities where people live and work, and enjoy a superior quality of life 16
>
> . . . .
>
> "The Company maintains extensive agricultural operations in California on land awaiting development. Land not suitable for real estate development is being marketed for sale."

Newhall is not marketing for sale the 15,500 acres it holds in Ventura County. It has, however, given notices of nonrenewal for Williamson Act contracts covering all or nearly all of those acres and, as a consequence, the last of those contracts will expire on March 1, 1998. Hence, the subject project, by creating new and smaller lots in both Ventura County and Los Angeles County, is simply one stage in a multi-stage development project that contemplates a future planned community on Newhall's holdings in Ventura County. Indeed, the subject project itself appears to be the second stage of a three-stage development. The first stage was the Valencia planned community on Newhall's holding, containing about 15,000 acres, located immediately to the east of the instant project site. About 5,000 acres of that 15,000 acre Valencia project are now completed according to the "Newhall Land Fact Sheet" mentioned above. The second stage is the planned community now proposed for the 12,000 acre Newhall Ranch, which "will be similar to Valencia in size, community amenities and

variety of homes" according to Newhall's "Fact Sheet." The third or future stage will be development of Newhall's 15,500 acres in Ventura County.

The EIR must discuss at least the general effects of the reasonably foreseeable future uses of its Ventura County properties, the environmental effects of those uses, and the currently anticipated measures for mitigating those effects. 16

In addition, Chapter 11 fails to identify the significant growth inducing impacts on surrounding communities due to the lack of specific affordable housing programs to meet the housing demand generated by the project and cumulative development in the Santa Clarita Valley as discussed in the preceding sections.

9. The EIR relies solely on the County of Ventura to prevent the project from having a growth inducing impact in Ventura County.

Pages 11-4 and 11-5 of the EIR point out that the decision to allow development on Newhall's property in Ventura County rests with the Ventura County Board of Supervisors and concludes that the Ventura County Board of Supervisors will be hesitant to approve such development. This does not excuse the EIR's failure to address the project's growth inducing impacts in Ventura County. By the same token, the **EIR must include an evaluation of mitigation measures for the project's growth-inducing effects in Ventura County, and cannot avoid this responsibility by presuming that the future boards in Ventura County will resist pressure to approve development.** 17

The failure of the EIR to discuss the environmental effects of the project's growth-inducing impacts might be excused if mitigation measures were imposed that ensured such future growth would not occur. Williamson Act contracts are not a sure mitigation of growth-inducing impacts because the property owners can choose not to renew them. However, a perpetual open-space easement created pursuant to the Open-Space Easement Act of 1974 (Gov. Code, Section 51070 et seq.) would not be subject to this infirmity. Hence, such **an open-space easement over Newhall's Ventura County holdings would serve to mitigate the direct growth-inducing impacts in Ventura County of the proposed project.** Similarly, **if the Newhall project were to provide an affordable housing program along the parameters of those discussed in the preceding sections, that would serve to mitigate the project's indirect growth inducing impacts.**

An open-space easement is entirely feasible. Newhall has in the past subjected all of its Ventura County holdings to Williamson Act contracts which, except for their potential for nonrenewal, are substantially identical to open-space easements. As noted on page 4.4-2 of the EIR, almost 12,000 acres of Newhall's Ventura County holdings are currently under a Williamson Act

contract, although that contract has been nonrenewed. Newhall's Ventura County holdings are easier and more economical to farm than the proposed development site in Los Angeles County (EIR, pp. 4.4-14 and 4.4-20) and, unlike the proposed development site, are protected by a right-to-farm ordinance (EIR, p. 4.4-2). Newhall's Ventura County holdings (approximately 15,500 acres) are only about 56 percent of its combined Ventura County/Newhall Ranch project site holdings (approximately 27,500 acres).

As an example, as part of the approval by Ventura County of the Ahmanson Ranch specific plan, allowing development of a planned community on approximately 2,800 acres abutting the Ventura County/Los Angeles County line, the developer agreed (through a Development Agreement) to convey to public entities in fee approximately 9,900 acres for public recreation. That 9,900 acres is about 78 percent of the total acreage involved. While the Ahmanson Ranch developer was able to negotiate with a third party public entity for compensation with respect to some of the 9,900 acres, the condition of approval required the developer to convey the entire 9,900 acres regardless of whether it received any compensation. Perhaps Newhall could find a qualified nonprofit organization willing to pay for the proposed open-space easements. But, in any event, the open-space easements would leave Newhall in possession of the land with the right to farm it as it has in the past and is now doing, whereas Ahmanson Ranch will retain no right or title to the 9,900 acres that it must dedicate to public recreation. The open-space easement could be created by conveyance to a nonprofit organization without the approval of Ventura County. (See Gov. Code, Section 51083.5.) However, if the open-space easement were accepted or approved by Ventura County, Newhall would also enjoy the same tax benefits that accrue to Williamson Act contracts. 17

RESOURCE MANAGEMENT AGENCY
county of ventura

Planning Division
Keith A. Turner
Director

December 10, 1997

VIA FAX & U.S. MAIL

Los Angeles Regional Planning Commission
320 West Temple Street
Los Angeles, California 90012

SUBJECT: Newhall Ranch, Project 94087

Dear Commissioners:

The purpose of this letter is to provide you with preliminary comments of the County of Ventura's agencies to the Los Angeles County's responses to Ventura County's earlier comments on the Newhall Project. These comments are attached as Exhibit A.

We did not receive Los Angeles County's responses to our comments until 3:00 p.m. on Friday, December 5, 1997. We have been advised that in order for our preliminary responses to be included in the agenda packet for December 17, 1997 meeting that our written comments must be received no later than 5:00 p.m. on Wednesday, December 10, 1997. Therefore, our preliminary comments will necessarily be abbreviated. Our Board of Supervisors have, in a separate letter dated December 9, 1997, asked for a continuance to allow for submission of a more detailed analysis of the responses by Los Angeles County concerning Ventura County's comments to the project which were submitted by Ventura County over 10 months ago. 1

Sincerely,

KEITH TURNER
Director, Planning Division

KT:sld
Attachment
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Section 4.4–AGRICULTURAL RESOURCES PRELIMINARY COMMENTS

Response 18 The EIR Does Not Address the Project's Offsite Impacts to Agricultural Lands

Response 18 states that there is no substantiation for Ventura County's opinion that off-site agricultural lands will be adversely impacted by the Newhall Ranch project. On the contrary, this summary comment is substantiated by the detailed comments that follow. 1

Response 19 Agricultural Land Use Conflicts

The EIR response, if not the EIR text itself, recognizes that the project could have an adverse impact on off-site agricultural uses with respect to land use conflict. The EIR response indicates that a buffer will be provided in this area as shown on Figure 1.0-3 and that notice of the County's Right to Farm Ordinance will be provided to new homes within 1,500 feet of farming in Ventura County. Such mitigation could be effective if the buffer is of sufficient width and if the notice to new home buyers is extended to repurchasers. We cannot tell from figure 1.0-3 whether the minimum width of this buffer will be ten feet or 1,500 feet. Our Agricultural Commissioner has suggested 600 feet would be an appropriate minimum buffer size. We request that the EIR be further clarified to specify the minimum buffer width and to require that all home buyers (not just new home buyers) within the 1,500 foot zone be required to be notified of the County's Right to Farm Ordinance. 2

Response 20 Agricultural Traffic Impacts

The EIR response admits the project added traffic to SR 126 will cumulatively impact farmers by making it more difficult for slow moving agricultural equipment to cross SR 126. The responsibility for addressing this impact is placed entirely on Caltrans. The Newhall project will increase traffic on SR 126 west of Potrero Valley Road by more than 18 percent. It is not unreasonable to require an applicant to contribute toward the cost of mitigating project impacts on farmers. This mitigation is feasible and would lessen impacts on existing agricultural operations. 3

Response 24 Agricultural Air Quality Impacts 4

The EIR response indicates that the County's concerns that dust emission from the project could adversely impact agricultural operations, are unsubstantiated and speculative. We disagree. PM_{10} emissions from the Newhall Ranch project are estimated at 44,569 pounds per day (22.3 tons per day) in EIR Figure 4.10-6. While it is true the prevailing winds in the area are from west to east (away from Ventura County), according to Ventura County meteorological data, approximately 20 percent of the time the wind blows in the direction of Ventura County commercial agricultural operations. Given the magnitude of the emissions generated, and the proximity of the site to Ventura County agricultural operations, the impact should be addressed in the EIR. As indicated in our original comment, it is well documented that dust adversely impacts agriculture by reducing photosynthesis, and by increasing agricultural crop susceptibility to pests and disease. The EIR response that Ventura County is in a separate air basin is irrelevant. The two basins are separate only on paper. In reality Ventura County and Los Angeles County share the same air, and wind transports ozone, ozone precursors, and dust across the county line. The EIR response that SCAQMD does a better job of addressing fugitive dust emissions from agricultural and construction emissions is both irrelevant, and not substantiated. 4

Response 25 Farmworker Housing Impacts

There is nothing in the project description that leads us to believe this project will provide sufficient affordable housing to meet the needs of the workers that will be attracted to the jobs generated by the Newhall Ranch project. The fact that the project will provide a "variety of housing types" does not assure that the low and very low income family housing needs will be adequately addressed. Lacking any requirement to provide adequate housing for the lowest income families, it is reasonable to expect that workers in this category will meet their housing meets outside the project area. It is unclear why Los Angeles County does not believe that some of these workers would consider housing choices in nearby communities in Ventura County (Piru, Fillmore, Santa Paula). We do not think that it is speculative to assume that an increase in market demand will affect housing costs. Nor is it speculative to assume that an increase in housing cost may exacerbate existing farmworker housing problems in Ventura County. Worsening of farmworker housing problems may make it more difficult for agricultural operations to hire farmworkers, and indirectly impair agricultural production. A simple solution is to provide a mechanism (an affordable housing program) that will assure the Newhall Ranch project will at least provide sufficient affordable housing to address needs generated by employment provided by the project. 5

Response 27 Growth Inducing Impacts

We find it unrealistic that Los Angeles County does not recognize the potential growth-inducing impacts of the Newhall Ranch in Ventura County. The influx of population and businesses in the area will undoubtedly create a demand for services that go beyond the project boundaries. Farmers and 6

other landowners in Ventura County may be expected to pursue their own economic self interest by cashing out the higher property values associated with being adjacent to an urban community (Newhall Ranch). Buyers of such land will have a higher cost of farming, more land use conflicts associated with being in close proximity to urban land uses, and thus may be more inclined to petition Ventura County Supervisors for General Plan changes. This process is predictable. As such, the project will generate the demand and provide the economic incentive for change. 6

Response 34 Buffer Zones as Mitigation Measures

Regarding suggested mitigation measure 3, Response 19 indicates that a buffer will be provided. The EIR should clarify how wide this buffer will be. Otherwise, it is not clear whether the buffer is of sufficient width to minimize potential land use compatibility. Defining a minimum buffer width is a feasible mitigation that could reduce land use compatibility impacts on adjacent agricultural operations. 7

SECTION 4.6 -- BIOLOGY PRELIMINARY COMMENTS

RESPONSE 35 The Biological Analysis Stops at the County Line (Page RTC-147)

Response 35 does not address the major issues raised in our original comment (Page 156). Our comment asked what physical or resource-oriented reason there was for stopping the biological analysis of the Santa Clara River and Salt Creek Wildlife Corridor at the County line when those resources clearly extend into Ventura County. The answer to this question is particularly important regarding the Salt Creek Corridor which must function adequately in Ventura County if it is to be a "critical component" (EIR Page 4.6-133) in the project biological mitigation program.

To demonstrate the inadequacy of Response 35 to the critical issue of the Salt Creek Corridor the following is a paragraph by paragraph analysis of that response:

Paragraph 1 -- This paragraph refers to Topical Response 21. See our analysis of Topical Response 21 SubResponse 6 (Biota). In summary, Topical Response 21 SubResponse 6 attempts to evaluate the biological impacts to Ventura County using four threshold criteria. However, most of the analysis addresses impacts to the Santa Clara River habitats, and little reference is made to upland habitats. The cited EIR references to upland impacts in Ventura County in fact do not discuss the impacts from the Salt Creek Corridor when it enters Ventura County, and do not cite any sources which provide enough information to make such a determinations. As such, the threshold criteria being used in the EIR for Ventura County are not evaluated. There is nothing in Topical Response 21 SubResponse 6 to provide the data asked for in our Response 35 or to explain why the baseline studies and impact assessments were not carried into Ventura County. 1

Paragraph 2 -- This is limited to justifying the EIR analysis of the river corridor. No upland analysis is provided.

Paragraph 3 -- This is a summary analysis of why only Salt Creek is adequate for an onsite corridor, that fragmentation of the corridor could occur in Ventura County if development occurs, and that Ventura County should "strongly consider" the corridor when approving any future development. The discussion then goes on to say that PRC Section 21081(a)(2) appears relevant

in this context (see ANALYSIS discussion below). Again, no setting or impact analysis for Ventura County is presented.

Response 35 Analysis

This response raises two issues:

(1) The response cites PRC Section 21081(a)(2) as appropriate for management of the Salt Creek Wildlife Corridor when it enters Ventura County. This PRC Section discusses mitigation of significant environmental impacts through changes or alternations to a project that "are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency." The conclusion by Los Angeles County that this section is relevant to the mitigation of biological impacts indicates to Ventura County that the management of the Salt Creek Wildlife Corridor should be a joint effort between the two counties. Ventura County supports this concept, and is willing to work with Los Angeles County toward the mutual goal of providing an effective measure to help mitigate the biological impacts of the project.

However, Ventura County currently has no mechanism to ensure that the type of coordination being proposed by Los Angeles County will be implemented. PRC Section 21081(a)(2) only applies to changes to the current project; it does not provide for changes to be imposed on future projects or planning efforts. Consequently, the recommendation by Los Angeles County that Ventura County "'strongly consider' the importance of this corridor in conjunction with their own planning activities" does not meet the intent of PRC Section 21081(a)(2) that the project causing the need for the corridor in the first place should be subject to "changes or alterations." 1

To date, the applicant has shown no willingness to extend the project mitigation measures into Ventura County. In order to comply with PRC Section 21081(a)(2), Ventura County requests Los Angeles County to work with us to develop a condition or project requirement to be imposed on the project which would allow Ventura County to require "changes or alternations" to the project which would ensure that the Salt Creek Wildlife Corridor achieves its intended purpose when it enters Ventura County. As a start, the recommendation of Ventura County being involved with the Salt Creek Corridor should be moved from a conclusion page (EIR Page 4.6-49) and added as a mitigation measure in the mitigation section starting on EIR Page 4.6-131. Ventura County is willing to work with Los Angeles County in the development of the specific wording for such a mitigation measure.

Please note that the recommendation by Los Angeles County that PRC Section 21081(a)(2) is appropriate and necessary in order to implement changes to the project appears to conflict with the conclusion of Response 37 (Page RTC-150) that no mitigation measures are necessary for Ventura County in order to mitigate those same impacts. Ventura County concurs with the Response 35 recommendation that

the project be changed per PRC Section 21081(a)(2), consequently, we recommend that Response 37 be revised to reflect the this conclusion.

(2) The original comment requested clarification as to what physical or resource-oriented reason justified stopping the analysis and protections afforded the Salt Creek Corridor at the County line. Los Angeles County Response 35, Topical Response 21, and references cited by those responses do not address that issue. They discuss things such lack of fragmentation in Ventura County and "landscape connections" across valleys and within urban areas, and the impracticality of such mitigation measures to provide wildlife corridors between the SEAs. However, none of those considerations apply to the issue of why the Salt Creek Corridor analysis and mitigation measures stop at the County line. As noted in our original comment, based on aerial photos, direct observation, and discussions with staff of the US Fish and Wildlife Service, there does not appear to be any physical or resource-oriented reason to stop the analysis and the resulting mitigation measures at the County line.

In summary: (1) please revise Response 37 to be consistent with the application of PRC 21081(a)(2) this project; and, (2) since the references cited in Response 35 and Topical Response 21 SubResponse 6 do not document any meaningful analysis to upland habitats in Ventura County, please substantiate what physical or resource-oriented reason there is for not evaluating the setting and future adequacy of Salt Creek Corridor in Ventura County (see also our analysis of the Los Angeles County response to Comment 36). 1

RESPONSE 36 The Suitability of the Salt Creek Corridor in Ventura County is Not Known (Page RTC-149)

This response consists of four paragraphs as follows:

Paragraph 1 -- This simply repeats the EIR finding that the impacts to wildlife movement is a significant, unavoidable impact. No discussion of Ventura County is presented.

Paragraph 2 -- Most of the paragraph discusses why corridors other than Salt Creek are not feasible, while the remainder of the paragraph discusses why Salt Creek is a feasible corridor in Los Angeles County. The only discussion regarding Ventura County is a single sentence as follows:

> "There are no plans for development of the continuation of the corridor west along lower Salt Creek into Ventura County and Salt Creek currently connects to the Santa Clara River. Please see also Response 35 above."

No other reference to Ventura County is made.

Paragraph 3 -- This paragraph is fully denoted to a discussion of the Salt Creek Corridor in Ventura County. It makes the case that Salt Creek in Ventura County is currently a "primary" wildlife corridor, that there is nothing to suggest that it will not remain a "primary" wildlife corridor after project buildout, and that Ventura County fails to acknowledge that it is currently, and will remain, a wildlife corridor.

Paragraph 4 -- This paragraph in full is as follows:

> "Based on this information and the Draft EIR, a mitigation measure that "preserves" the portion of the Salt Creek Corridor in Ventura County is neither reasonable or feasible."

Response 36 Analysis

Ventura County acknowledges the fact that at least at some level, Salt Creek may currently serve wildlife corridor in Ventura County. It obviously is one route, among many on the property owned by the applicant, which allows wildlife to migrate between the river and upland areas. However, Los Angeles County Response 36 concludes that there is nothing to suggest that Salt Creek will not continue to operate as a wildlife corridor in the future, and therefore any mitigation measure which preserves the portion of the corridor in Ventura County is "neither reasonable or feasible." 1

The increased importance of Salt Creek as a result of the project is not considered by the Los Angeles County response when it concludes that no additional analysis or any mitigation measures whatsoever are required in Ventura County. To simply say that Salt Creek is already a corridor in Ventura County and will continue to function as such is to understate its importance in the project's biological mitigation program. The project proposes to greatly magnify the importance of the Salt Creek Wildlife Corridor for the migration of wildlife between the two SEAs. Once the project is built, all other routes on the property will be developed, and Salt Creek, instead of being one of many routes, will become the only meaningful onsite route between the two areas. (EIR Pages 4.6-48 and 4.6-49).

This increase importance for Salt Creek does two things:

i. It becomes very important that Salt Creek continue function as a "primary" wildlife corridor through any future economic or political changes. This is necessary if the corridor is to adequately implement its intended purpose of being one of the most important measures to mitigate the significant unavoidable impact to wildlife movement identified in the EIR.

ii. In order to function as the primary onsite wildlife corridor between the two SEAs, it is possible that its biological carrying capacity must

be increased to provide food, shelter, and water for the increased wildlife use it can be expected to receive over current use levels.

The first issue regarding the functioning of the corridor is discussed in our original Comment 36 (Pages 157 through 161). In summary, while Salt Creek in Los Angeles County is a relatively wide natural channel surrounded by large, open space areas in Los Angeles County, it funnels down into a narrow creek bed surrounded by intensive agriculture when it enters Ventura County. Further, while the "SEA" designation for Salt Creek in Los Angeles County is designed to protect wildlife and the upland habitat, the "A-E" zoning of the creek in Ventura County is designed to protect agriculture, and may not protect wildlife if there is a conflict between the two uses.

As a result, Salt Creek may not currently function as a "primary" or even minor wildlife corridor in Ventura County, particularly before the project is built when wildlife have a 3.3 mile wide "corridor" (i.e. the entire width of the proposed project) to use when traveling between the Santa Clara River and the uplands area. Under the proposed project, the animals crossing the current 3.3 mile corridor will be funneled into the Salt Creek Corridor which becomes a narrow channel surrounded by a land use (intensive agriculture) with which it may not compatible. As outlined in our Comment 36, the continued use of Salt Creek in Ventura County in the future is potentially problematic given the uses which are potentially incompatible with a wildlife corridor that the land owner can implement with no discretionary permits from Ventura County. 1

Upon what evidence does Los Angeles County Response 36 conclude that Salt Creek in Ventura County currently functions as a "primary" wildlife corridor? No such evidence is being presented in the record. Given the land uses in Ventura County, upon what evidence does Los Angeles conclude that Salt Creek in Ventura County can in fact accommodate the significant increase in wildlife movement which the EIR assumes will occur if the project is built out?

Neither the EIR, nor the responses to our comments indicates: (1) what the environmental setting is for Salt Creek in Ventura County; (2) how well it currently serves as a wildlife corridor; (3) whether or not the protection of the corridor in Ventura County is guaranteed into the future as it is in Los Angeles County; and, (4) whether or not the corridor will provide adequate food, shelter, lack of competition from cattle and humans, lack of poisons, and lack of noise and general surrounding activity which is necessary to make it a function adequately as a "critical component" (EIR Page 4.6-133) in the biological mitigation program for this project.

Our original Comment 36 presents a reasonable case why the Salt Creek Corridor in Ventura County may fail to function at the level anticipated by the project EIR; no corresponding case showing why the corridor will function properly in Ventura County is presented by the EIR and the responses.

It should be noted that it is the responsibility of Los Angeles County to demonstrate that their conclusions are correct. The EIR is not providing enough information to draw any conclusion about impacts or adequacy of the corridor in Ventura County. By not analyzing the environmental setting in Ventura County or how wildlife react to the adjacent land use which may easily be a hostile environment to them, the EIR is drawing unsupported conclusions that the Salt Creek Wildlife Corridor will in fact function with any meaningful level of success in Ventura County.

The second conclusion drawn by Response 36 is that no mitigation measures are required for Salt Creek in Ventura County, except for a reference on EIR Page 4.6-49 which recommends that Ventura County "strongly consider" the corridor in regard to future development plans. However, since this recommendation is not even listed as a mitigation measure (EIR Page 4.6-131), it cannot even truly be considered as a mitigation measure.

The importance of the new role for the Salt Creek Wildlife Corridor in Los Angeles County is recognized in the EIR, and appropriate mitigation measures are proposed. Within Salt Creek in Los Angeles County and the High Country generally, appropriate mitigation measures include the preservation of the open space through easements and dedications, enhancement of the biological carrying capacity through additional planting, removal or management of cattle to increase habitat values, and the active management of these areas to ensure that they continue to function as high quality habitat areas into the future.

1

These measures are "reasonable and feasible" for Salt Creek in Los Angeles County which, as noted previously, is surrounded by natural open space and is protected by the "SEA" land use designation which is designed specifically to protect natural habitats. Also as noted previously, this contrasts with the situation in Ventura County where Salt Creek is a narrow stream surrounded by intensive agriculture which may be immisible to wildlife, and which has an "A-E" zoning which protects agriculture, but which may or may not protect upland habitat. If additional mitigation measures which are over and above the current regulatory controls are necessary for Salt Creek in Los Angeles County, why are not such additional mitigation measures "reasonable or feasible" for Ventura County where the Creek is much less protected?

On what basis is it appropriate for the portion of the corridor which currently receives the most protection (i.e. the "SEA" designation in Los Angeles County) to receive significant additional protection, while the portion of the corridor which currently has the least protection (i.e. the "A-E" zoning in Ventura County) should receive no additional protection? The EIR is simply making an unsupported assumption that a "critical component" of the mitigation program will continue to operate as expected into the indefinite future in Ventura County, even though it will have none of the controls, guarantees, and active management which Los Angeles County considers so necessary for that portion of the corridor within its jurisdiction.

Response 36 is inadequate as it silent on this issue even though it is raised in our original Comment 36.

RESPONSE 37 The EIR Inappropriately Relies on Future Projects to Determine Mitigation Measures (Page RTC-150)

This is a one paragraph response which refers to Responses 35 and 36, and Topical Responses 1 and 26. Based on this information, it concludes that "there are no Specific-Plan induced 'impacts' to the Salt Creek corridor area in Ventura County, so mitigation measures are not necessary."

Our original Comment 37 is that since the project EIR recommends that "any future action taken in this portion of Ventura County should strongly consider this important ecological feature", that the EIR should delineate on a map the area in which we should be concerned. We simply ask that the project EIR define the limits of the Salt Creek Corridor in Ventura County so that we can implement the EIR recommendation.

Contrary to the references contained in Response 37, this issue is not addressed Response 35 or 36, or Topical Responses 1 or 26. Responses 35 and 36 are addressed above. Topical Response 1 discusses the fact that the current EIR is a program EIR which does not have to address project specific impacts. If the Salt Creek Corridor is not defined at this stage, which specific stage or project of the Newhall Ranch Specific Plan would define the Salt Creek Corridor in Ventura County? This EIR is designed to evaluate the impacts of the Specific Plan as a whole. All other later environmental assessments will only be looking at portions of the project and portions of the total impact. It the reference to Topic Response 1 means that this is not the appropriate time in the Newhall Ranch Specific Plan process to delineate the Salt Creek Corridor, when will it be done? It should be done as part of this EIR, as is noted in our original Comment 37, as it is not appropriate to require a future project to determine the impact limits of this project. 1

Topical Response 26 relates to air quality mitigation measures. While it address land uses, in no sense does it address the limits of the corridor in Ventura County. It also addresses mitigation measures for off-site equipment, and construction activity, but again, no discussion is presented regarding the issue at hand.

Given the inappropriate references provided by the Response, and the lack of additional analysis provided by the response itself, the original issue raised by Comment 37 is not addressed by Response 37.

It should be noted that Response 37 (Page RTC-150) concludes that there "are no Specific Plan-induced 'impacts' to the Salt Creek corridor in Ventura County, so mitigation measures are not necessary." This conflicts with the

Page TR-89 statement that impact "can" occur in Ventura County. Which statement is correct and what is the supporting documentation for that conclusion? 1

TOPICAL RESPONSE 21

POTENTIAL IMPACTS TO VENTURA COUNTY PRELIMINARY COMMENTS

TR-21 SUBRESPONSE 6 (Biota) (Page TR-87)

This SubResponse consists of seven paragraphs as follows:

Paragraph 1 -- This paragraph lists the CEQA thresholds for significance for biological impacts.

Paragraph 2 -- This paragraph takes the CEQA thresholds and uses them to create thresholds to use for this specific project.

Paragraph 3 -- This indicates that the four threshold criteria established by Paragraph will be applied to Ventura County. These analyses are provided in Paragraphs 4 through 7 below.

> Threshold Criteria 1 -- "Will implementation of the Newhall Ranch Specific Plan substantially diminish habitat for fish, wildlife or plants in Ventura County?" 1

Paragraphs 4 and 5 -- These are the only paragraphs which address Threshold 1. These list pages in the EIR and within the Responses sections where river impacts in Ventura County are discussed, as well as where cumulative downstream impacts are addressed. Upland habitat is not addressed.

Analysis

Since the EIR pages only address river impacts, they are not adequate to conclude that the project will not substantially interfere with the movement of migratory upland wildlife in Ventura County. What is missing from this analysis and the EIR itself is an analysis of whether or not the Salt Creek Corridor in Ventura County will function adequately for the assignment it is being given. There is simply not enough information present in the EIR to draw any conclusions about the corridor in Ventura County. No analysis is provided for the threshold issue of impacts to upland habitat for wildlife and plants. As such, this analysis does not demonstrate that the EIR has evaluated this threshold criteria.

Threshold Criteria 2 -- Will implementation of the Newhall Ranch Specific Plan substantially interfere with the movement of any resident migratory fish or wildlife species in Ventura County? (Page TR-89)

Paragraph 6 -- This is the first time in TR-21 SubResponse 6 in which upland impacts are addressed. The first half of paragraph 6 (Page TR-89) cites seven pages in the EIR where the Salt Creek Corridor impacts in Ventura County are discussed. EIR Pages 4.6-34, 35 and 37 only provide general background information and significance criteria concerning the corridor and the upland habitat in general, with no details related to Ventura County. Page 4.6-48, which is a project impact page, discusses the Salt Creek Wildlife Corridor on the project site, and why it will function adequately in Los Angeles County, but it does not discuss the attributes or functioning of the corridor in Ventura County.

EIR Page 4.6-49 is a conclusion page which mentions Ventura County for the first time; the previous four pages did not. Page 4.6-49 simply notes that the corridor enters Ventura County, and that the County should "strongly consider" the corridor in any future planning actions. No setting or impact information for Ventura County is provided. Page 4.6-122 is an impact page for sensitive habitats. It simply notes that the project creates the Salt Creek Corridor as a mitigation measure; it does not even acknowledge the corridor's entry into Ventura County, much less discuss how the corridor would function in the county, or if it is adequate. The seventh page, EIR Page 4.6-144, provides details regarding the dedication of open space areas within the project area, as well as details on the Los Angeles County Oak Tree Ordinance. The Salt Creek Corridor or Ventura County are even mentioned. 1

The second half of paragraph 6 provides references to the EIR impact analysis for downstream river impacts, and concludes that no significant impacts will occur. No upland habitats are discussed.

Paragraph 7 -- This summarizes EIR Page 4.6-49 which indicates that development of the Salt Creek Corridor in Ventura County could lead to fragmentation of the corridor. Therefore, EIR Page 4.6-49 recommends that Ventura County should "strongly consider this important ecological feature" should future development take place. No setting or impact analysis of the project itself is represented for that portion of the corridor in Ventura County.

Analysis

Paragraph 6 concludes that the project will not substantially interfere with the movement of migratory wildlife in Ventura County. It then cites the

references discussed above. However, little if any material in the references relate to the environmental setting or impacts within Ventura County. What is missing from this Response and the EIR itself is an analysis of whether or not the Salt Creek Corridor in Ventura County will function adequately for the assignment it is being given. There is simply not enough information present in the EIR to draw any conclusions about the corridor in Ventura County.

No discussion within this section or in the EIR pages referenced by this Response address the issues of: (1) what is the environmental setting of Salt Creek in Ventura County; (2) can Salt Creek in Ventura County adequately fulfill its role as a "critical" component in the biological mitigation program for Newhall Ranch; (3) are additional mitigation measures such as land use controls, enhancement of carrying capacity etc. required in Ventura County in order for Salt Creek to fulfill that role; and (4) if no mitigation measures are necessary in Ventura County, why were extensive controls necessary for implementation within the Salt Creek Corridor in Los Angeles County? 1

The EIR pages cited in this Response do not provide the data to analyze the above questions, consequently, the answers are unknown and the threshold criteria cited above cannot yet be evaluated. Until such time as these questions are answered, the EIR is not adequate to evaluate Threshold Criteria 2.

SECTION 4.8--TRAFFIC/ACCESS PRELIMINARY COMMENTS

Response 83 The Project Should Be Conditioned to Pay the Ventura County Traffic Mitigation Fee (Page RTC-165)

Response 83 is incorrect that the Ventura County Traffic Mitigation Fee ordinance indicates the that fee calculation places 100% of the infrastructure requirement on projects solely within Ventura County. The Ventura County traffic fee analysis indicates that only 10-12% of the expected deficiency is recovered by the fee calculated in accordance with the ordinance, unless adjacent jurisdictions agree to pay, and continue to pay, their fair share of the cost through reciprocal agreements and/or CEQA mitigation. 1

It is also incorrect that the effect of requiring this project to pay a traffic impact fee would be to double count the impact and assign Ventura County's responsibility to other jurisdictions for its local land use decisions. Actually, the reverse is true. We are requesting that the LA County Board of Supervisors take responsibility for the land use decisions that they make, and mitigate the cumulative impact of these decisions on Ventura County. There are no jurisdictional boundaries on evaluating the environmental impacts of projects under CEQA, and where feasible, these impacts must be mitigated to a less than significant level or a Statement of Overriding Considerations must be adopted. Traffic impact fees mitigate the cumulative impact of project related traffic to an acceptable level. To say that Los Angeles County is free to make whatever land use decisions they might make and ignore the cumulative impacts of these decisions on adjacent counties and agencies does not comply with CEQA.

Each trip generated by a project has a specific and a cumulative impact on the level of service of a roadway. Individually the impact of one trip may be insignificant, and traditionally projects which were anticipated to generate less than a minimum volume of traffic were ignored in the traffic analysis. However, the cumulative impact of several individual trips is to gradually, but relentlessly, contribute to the degradation of the level of service of the roadways in the Regional Road Network, until the useable capacity of the roadway is exhausted. Without a traffic impact mitigation fee, the first projects approved in essence get a "free ride". The first project to come up for approval after this capacity is cumulatively used up would be required to pay the full cost of all needed improvements, no matter how slight the traffic impact of such project might be, or how high the cost of needed improvements. 2

That is the purpose of traffic impact fees. They apportion a "fair-share" proportional amount to each trip generated by each project approved by an agency based on an analysis of the cumulative impact of projects projected within whatever planning horizon is chosen for the analysis.

The Ventura County Traffic Impact Mitigation Fee ordinance may not be imposed on projects approved by agencies outside of the jurisdictional area of Ventura County, which includes only

projects approved within the unincorporated area of the County. We have no jurisdiction to charge the fee on projects approved by the LA County Board of Supervisors, or any other county or city. The purpose of a reciprocal agreement is for each agency to recognize and mitigate the impact of land use decisions on adjacent agencies, and to receive reciprocal recognition and mitigation from such adjacent agencies. In theory, the concept of a reciprocal traffic impact mitigation fee agreement is simple. Each agency considers the cumulative impact of its land use decisions on adjacent agencies and each agency mitigates a proportional fair share of that impact. Unfortunately, the economic incentives associated with development, and the competition between agencies for such development because of sales tax revenues or such other economic or social incentives result in a very parochial attitude among most agencies or municipalities that are actively courting development. Unfortunately, success in negotiating reciprocal traffic agreements have only been possible to date due to the threat of or actual filing of litigation. 2

The DEIR estimates that the project will generate 387,000 ADT, and that approximately 7,740 ADT is anticipated to be generated to cross the Ventura County line. The cumulative impact of this traffic has not been considered or mitigated by the project DEIR. There is no reciprocal traffic mitigation agreement between the County of LA and the County of Ventura. Accordingly, we must demand that the County of LA recognize, and adequately mitigate, the cumulative traffic impact of the Newhall Project on the Ventura County Regional Roadway Network by including appropriate mitigation conditions within the project approval. 3

It is acknowledged that the technical analysis leading to the Ventura County Traffic Impact Mitigation Fee ordinance did not contemplate additional traffic generated by the Newhall Ranch project. There are uncertainties in our technical analysis which was based on the best technical data available to us at the time. We proposed use of the Ventura County Traffic Impact fee structure as the best mathematical model available to us to reasonably calculate and mitigate the impact of 7,740 additional trips on Ventura County roadways. However, we would be willing to consider alternate formulas or methodologies for calculating a proportional mitigation for this cumulative impact.

SECTION 4.9 -- NOISE
PRELIMINARY COMMENTS

RESPONSE 108 The EIR Uses an Inappropriate Definition of "Existing Environment" (Page RTC-175)

This response correctly identifies one element of the original Comment 108 (Page 19), but misinterprets the second element. The first element is the legal requirement under CEQA to evaluate the project impacts against the "existing environment" (i.e. 1996/97) as it exists at the time the EIR is written, rather than rely solely on comparing the project to the future buildout of a General Plan. Response 108 corrects this deficiency for the project specific impacts.

However, starting on paragraph 3 of Page RTC-184, the response incorrectly concludes that we are attempting to assign all of the noise impacts between EIR Tables 4.9-4 (EIR Page 4.9-13) and Table 4.9-8 (EIR Page 4.9-34) to the proposed project. Our Comment 108 never indicates that; we state that both the project specific and cumulative impacts use the General Plan buildout as the "existing environment", and thereby ignore the noise increases which occur between 1996 and /the buildout of the General Plan. 1

The County of Los Angeles has corrected the first deficiency in comparing project noise impacts to today's noise levels. We request that the EIR also correct the second deficiency. This consists of comparing Table 4.9-4 (EIR Page 4.9-13) to Table 4.9-8 column 1 (Valley Buildout CNEL) and column 2 (With Specific Plan CNEL). These differences should then be compared to the noise threshold criteria discussed on EIR Pages 4.9-16 and 17. These analyses for cumulative impacts are similar to what was done for the project specific impact in Response 108.

These analyzes, as requested by our original Comment 108, will determine if planned cumulative development creates any significant noise impacts, and what contribution, if any, the proposed project would contribute to those significant impacts. This would then allow for a discussion of potential mitigation measures, if appropriate.

RESPONSE 109 A Significance Threshold Should Be Applied to the "Existing Environment" for Cumulative Impact Purposes (Page RTC-185)

This response misses the single point contained in Comment 109. Comment 109 indicates that there is no significance standard for the pre-project project environment, whether it be the 1996 "existing environment" or the preproject 2

"existing environment" at the time of General Plan buildout. At what level is the sound level at a given location "significant" without the project? Response 109 indicates that the noise thresholds are given on EIR Page 4.9-17. These thresholds only address the change in noise levels due to the project, they do not address the significance of the pre-project noise level before the changes are added to it.

As outlined in Comment 108, this is information is important because if the "existing" total noise level from all sources are below an identified significance level, then significance thresholds of 3 or 5 dB(A) may make sense if those increases do not cause the noise levels to cross the previously established significance threshold for total noise exposure. 2

However, if the pre-project (i.e. 1996 and General Plan buildout) conditions exceed the established threshold for total noise, then the issue of the project's contribution increases to that level, and the project's contribution to increases in noise levels from all other new noise sources, becomes important. If the total noise levels already exceed the significance thresholds, then per *Hanford*, a much lower standard than 3 to 5 dB(A) for the project, and for the project contribution to cumulative impacts maybe appropriate. All Comment 109 states is that such a significance standard for total noise levels is missing from the EIR. Therefore, the decision makers do not know when total noise levels are so high that the project contribution to noise increases from all cumulative projects maybe significant, even if it are smaller than 3 to 5 dB(A).

Without a significance threshold for the total noise in the environment, the type of cumulative analysis which considers the very small contribution of a project to a cumulatively significant problem as required in *Hanford* cannot be performed.

As a point of information, Response 109 indicates that the noise thresholds on EIR Page 4.9-17 apply to both project specific and cumulative impacts. This statement is supported by the last paragraph of EIR Page 4.9-16 which states the same thing. However, the actual thresholds themselves indicate that they only apply to project specific impacts. Threshold "a" on EIR Page 4.9-17 only discusses the impacts from the "proposed Specific Plan". Threshold "b" contains two off-site thresholds, both of which only provide noise thresholds for "project-related activities". 3

Ventura County appreciates the use of the *Ventura County Initial Study Assessment Guidelines* in Response 109. We are more than happy to use our standards as they apply to impacts in Ventura County. We provided exactly the same courtesy to Los Angeles County when we evaluated impacts from the Ahmanson Ranch project which occurred in Los Angeles County. However, Response 109 is incorrectly interpreting our *Guidelines* and how they are applied in EIRs.

As noted in Response 109, the full title of our document is *Ventura County Initial Study Assessment Guidelines*. These *Guidelines* are designed to be used for Initial 2

Study analyses, and are not complete enough to be used as the only methodologies for EIR impact assessments. For instance, they do not contain a cumulative noise impact threshold. The *Guidelines* criteria cited on Page RTC-185 are for project specific impacts only. They do not relate to the issue raised in Comment 108 regarding cumulative impacts and the project contribution to those cumulative impacts.

The cumulative methodologies used by Ventura County uses certain elements of the project specific thresholds cited in Response 109. In Ventura County EIRs the absolute thresholds contained in the *Guidelines* (i.e. 55 dB(A), 50 dB(A) and 45 dB(A)) are always compared to the "existing environment" as it exists in 1996/97, but threshold for a significant change compared to the to that absolute standard and the 1997 noise levels takes two forms. Ventura County has not selected which change threshold to use in all cases, but all recent EIRs use one or the other.

In summary, if the pre-project ambient noise level (i.e. 1997) exceeds the noise thresholds outlined in *Guidelines* Page 19-3, then: (1) any noise increase caused by the project, no matter how small, is considered significant; or, (2) if the project plus all other cumulative development exceeds an increase of 3dB(A), then the project contribution to cumulative noise, no matter how small, is considered significant. If the cumulative plus project increases in noise levels do not exceed 3dB(A), then the project contribution to a significant cumulative impact is not significant. 2

If the pre-project total noise level does not exceed the Page 19-3 thresholds, then the cumulative plus project noise levels are added together and compared to the standards as shown.

The first criteria (i.e. any project-related noise increase above the cumulative threshold is significant) was used in the Camarillo Regional Park Golf Course and Amphitheater Final EIR. The Los Angeles County Response 109 cites Page 155 of the Amphitheater FEIR as an example of a Ventura County EIR which is not consistent with Comment 109 to the Newhall Ranch EIR. However, Page 155 is a project specific impact analysis which is not relevant to the original Comment 109 that the cumulative analysis for Newhall Ranch was inadequate. The correct cumulative methodology is outlined in the Planning Division Comments 36 and 37 to the Draft EIR for the amphitheater. In response to those comments, the EIR consultant, Impact Sciences (which is also the EIR consultant for Newhall Ranch), states, in part, that the "analysis in the EIR has been revised to reflect that the County considers any cumulative increase in noise levels to an area which is already above the County's standards is significant" (sic). The Amphitheater EIR considers today's noise levels and applies the above methodology for cumulative analysis, while the project-specific analysis uses the *Guidelines* criteria.

Although not cited in Response 109, this same criteria was also used in the CalMat Co Sand and Gravel FEIR certified by the Ventura County Board of Supervisors on December 17, 1997.

The second criteria (i.e. determine if project-related plus cumulative noise increases exceed 3 dB(A) when a total noise threshold for 1997 is exceeded) is currently being used in the DEIR for the Grimes Canyon Sand and Gravel project cited in Response 109. The cited reference for this document (Page 4-79) is for project specific impacts only, and thus is also not relevant to the issue of a project contribution to a cumulative impact.

The second reference, Page 4-84 of the Grimes Canyon project, does discuss cumulative impacts. It adds project impacts to impacts from other projects, and compares them to 1997 noise levels. It concludes that the combined increase in noise levels will not exceed 3dB(A), and thus the project contribution to that increase is not significant. Although not mentioned in Response 109, this methodology was also used in the Transit Mixed Company Sand and Gravel EIR approved by the Ventura County Board of Supervisors on December 10, 1997. 2

Note that both methodologies use 1997 noise levels to compare to the project and cumulative impacts, as this are the "existing environment" as required by the CEQA Guidelines (see Comment 108).

Ventura County is comfortable with either method, and requests that one or the other be applied to Newhall Ranch, particularly as applied to impacts in Ventura County. The thrust of Comment 109 is that a significance threshold for existing (1996/97) noise levels is required, then a comparison made with projected project specific and cumulative impacts. Further, this comparison should consider that a small incremental project impact (i.e. less than 3 dB(A)), when combined with an additional cumulative contribution, may in fact be significant. By not creating a significance threshold for total noise, then not evaluating against the change between the "existing environment", it is not possible to assess the significance of the project contribution to a potential cumulative impact.

Contrary to Response 109, if either Ventura County methodology is actually correctly, it will show significant noise impacts which are not currently found in the Newhall Ranch EIR.

RESPONSE 110 The EIR Presents No Standard for a Significant Project Contribution to a Cumulative Environment (Page RTC-187) 4

Response 110 compares Tables 4.9-7 and 4.9-8 to determine that noise impacts to Ventura County are not significant. As discussed previously, the correct comparison should be Tables 4.9-4 (Existing Noise Levels) and 4.9-8. Using the methodology 5

proposed by Response 108 (RTC-184 last paragraph), the reference point for all of Ventura County should be SR 126 west of Old Road. However, since neither Table 4.9-7 or 8 provides noise levels west of Old Road, we have used the most similar point, which would be SR 126 west of Commerce Center Drive for the future noise projection (Table 4.9-8), and SR 126 west of Old Road for the existing noise levels (Table 4.9-4). 5

This comparison shows that the best reference point for Ventura County, as selected by Los Angeles County in Response 108, will be subject to a 3.4 dB(A) cumulative noise increase without the project, and a 7.4 dB(A) noise increase with the project. Contrary to Response 110, using Ventura County methodologies, and applying them to data generated by the EIR at the point which the EIR says represents Ventura County, does if act result in significant noise impacts to Ventura County. Given the logic used in Response 108 (Page RTC-185 first paragraph) that a noise impact of less than 3 dB(A) justifies no further analysis in Ventura County, then the increase of 3.4 to 7.4 dB(A) at the location selected to represent Ventura County should require a further analysis in Ventura County. All we ask is that such a further analysis be prepared, and appropriate mitigation measures implemented if significant impacts are found. 4

Response 110 does not address the issue that the EIR does not contain a mechanism for determining when the project contribution to a cumulative noise impact is significant.

RESPONSE 111 The EIR has No Basis for a Finding of "Less than Significant Impacts" to Ventura County (Page RTC-188)

As noted in our comments to Response 109, these responses are incorrectly interpreting the Ventura County *Guidelines* and how they are used in EIRs in our jurisdiction. When the correct methodologies are applied to the locations and data found in the project EIR, those points are subject to significant impacts which justify further analysis. 6

RESPONSE 112 The EIR Noise Analysis is Not Extended into Ventura County (Page RTC-118)

The County of Ventura supports the development of mitigation measures to address projected noise levels at the Santa Clara School and the housing north of Casey Road. However, given the limited time frame to review these responses, we cannot comment on the specific proposed wording. Additional comments will be forthcoming. However, we do have a number of comments regarding other elements of Response 112 as discussed below. 7

Use of CNEL for the Santa Clara School is inconsistent with the Ventura County *Guidelines* cited on Page RTC-186 which requires use of L_{eq1h}. Use of the Ventura County standard should result in a larger impact level. Also, these numbers should be compared to 1997 noise levels; it is unclear what year the 67.8 dB(A) CNEL level cited in Response 112 applies to. We do not know what standards apply in the City of Fillmore so it unclear what standard or methodology should be used. In regard to Moorpark, it is unclear what "State noise compatibility standards" are proposed by this Response, but use of a City of Moorpark standard is probably more appropriate. 8

While the proposal for mitigation measures for noise impacts in Ventura County is appreciated, this Response does not address the single issue raised in Comment 112. The basic issue in Comment 112 is that a different standard for selecting when to stop the noise impact analysis was applied in Ventura County than was applied in Los Angeles County. This comment notes that roads with less than 7,740 project-related ADT were evaluated for noise impacts in Los Angeles County when roads carrying similar or larger volumes of traffic were not evaluated in Ventura County. Response 112 does not explain why this occurred.

Response 112 references Topical Responses 4 and 5 and Responses 108 and 109. The Topical Responses only explain on what basis the traffic analysis was done in Ventura County, as well as provides some additional analysis not previously in the EIR. However, these methodologies do not apply to traffic noise. It is quite possible for a land use to be subject to a significant level of traffic noise, even if the road in front of it as at an acceptable traffic congestion Level of Service. The Topical Responses discussing the methodology for selecting road segments does not provide a reasonable approach to selecting locations for noise analyses. 9

Perhaps the traffic congestion methodologies outlined in Topical Responses 4 and 5 were actually used by Los Angeles County to determine the locations sensitive receptors for the noise analysis; if so, we appreciate the honesty of Los Angeles County. However, this is certainly not a methodology for use for an noise analysis. These methodologies do not explain why streets with lower ADTs than will occur in Ventura were evaluated in Los Angeles County and similar streets were not.

The argument used in the Topical Responses that the road segments proposed for consideration by Ventura County are so much further away from the project than any of the streets evaluated in Los Angeles County is not any more valid for noise than it is for traffic studies. Because of the lack of land uses and connecting roads, it takes a much greater geographic distance for the traffic to dissipate in Ventura County than it takes an equivalent amount of traffic to dissipate in Los Angeles County.

The type of impact analysis must be determined by the nature of each resource; the EIR should consider the way a road functions, and the amount of project-related traffic which the road is carrying, not how many miles it is from the site. Even the EIR recognizes this methodology of looking at the way a road functions in

relationship to the project rather than the proximity of the road to the project. There are numerous minor streets very close to the project which are quite appropriately not evaluated in the traffic or noise studies; these routes simply carry too little project-related traffic to justify their analysis, even if they abut or are very close to the site. The EIR correctly considers only larger roads for analysis, even if they are miles further away. We are simply asking the that same methodology be applied to Ventura County as was applied to Ventura County. 9

We ask that in Ventura County the noise analysis ignore the geographic distance of a road from the project, but rather consider the amount of project-related traffic carried by the road to the same extent that roads carrying similar volumes of project-related traffic are evaluated in Los Angeles County. The EIR evaluates project-related traffic flows down to as low as 1,000 ADT on individual streets in Los Angeles County (e.g. see FEIR Table 4.8-7 (Page 4.8-52). All Ventura County asks is that the same level of detail be applied to our jurisdiction.

RESPONSE 113 The Noise Analysis in Ventura County is Inconsistent with How it was Conducted in Los Angeles County (Page RTC-191)

As discussed in our original Comment 113, we ask why locations down the road from locations subject less than significant noise impacts are studied in Los Angeles County when similar locations in Ventura County are not studied. Ventura County appears to be treated differently than Los Angeles County in regard the methodology used to select the location of sensitive noise receptors, and no reason for this difference is being provided in Response 113 or by any references contained in Response 113. 10

Response 113 does not address the single issue raised by Comment 113.

RESPONSE 114 The EIR Ignores Previously Identified Sensitive Receptors in Ventura County (Page RTC-191)

The original Comment 114 addresses the Santa Clara School and housing north of Casey Road in Moorpark as already being subject to significant noise impacts. As discussed in Response 112, the Newhall Ranch EIR proposes new measures to help to mitigate noise impacts to these land uses. Ventura County appreciates these mitigation measures. Our analysis of these measures will follow under separate cover. 11

However, we do not agree with the methodology used to calculate project-related impacts at these locations, nor do we agree with the analysis that the noise levels are below the thresholds found in the *Ventura County Initial Study Assessment Guidelines*. There is simply not enough information to draw such conclusions (see 12

our comment to Response 109). As an example of missing data, the Newhall Ranch EIR only provides data in the form of CNEL, however, the *Ventura County Guidelines* use L_{eq1h}, which is a much different, more difficult standard to meet. Since data is not presented in L_{eq1h}, it is not appropriate to conclude that the project is not significant based on our *Guidelines* at the these, or any other locations. 12

Although not raised in our original Comment 114, Response 114 concludes that the calculated project noise impacts at the Santa Clara School can be used to conclude that project-related noise impact in Fillmore are also not significant. It is totally inappropriate to draw such a conclusion from the data presented. The last paragraph of Page RTC-188 assumes that 60% of the project traffic which crosses the county line will pass in front of the Santa Clara School. However, virtually 100% of the project-related traffic crossing the county line will travel through that part of Fillmore east of Route 23. To use the Santa Clara School data to conclude that Fillmore east of Route 23 would be subject to even lower noise levels than the Santa Clara School is inappropriate since they will be exposed to much higher traffic volumes. 13

RESPONSE 115 The Methodology Used to Determine Noise Impact Locations in Los Angeles County is not the same as was used in Ventura County (Page RTC-192)

Our original Comment 115 finds that the methodology used to determine the locations for noise assessments is not explicit in the EIR, then it evaluates the three most likely methods of making such determinations. It concludes that none of the most likely methods was used in Ventura County and asks why we were treated differently than Los Angeles County was treated.

Response 115 indicates that the noise receptor locations were selected using the traffic methodologies outlined in Topical Responses 4 and 5. While we appreciate Los Angeles County's honesty, the use of the methodology for one impact (i.e. traffic congestion) to determine the impact locations for another impact (i.e. noise) is not reasonable. Such a process does not consider where on the road network noise sensitive receptors are, nor does it reflect the fact that a land use can receive a significant noise impact even if the road in front of it is at a low level of traffic congestion. 14

If the road segment selection methodologies outlined in Topical Responses 4 and 5 were used in selecting noise impact locations on both sides of the county line, then apparently the same methodology was in fact used in both counties. Additional research beyond these preliminary comments will be required to determine if the Topical Response methodologies were actually applied equally to the noise analysis for both counties.

Although traffic and traffic noise impacts are related, they are not so related that congestion modeling techniques and results can be used to determine where sensitive noise receptor locations occur. If the Topical Responses 4 and 5 procedures were used for the noise analysis, then a procedure specifically aimed at identifying sensitive land uses along road segments receiving reasonable volumes of project-related traffic (1,000 ADT as an example) should be substituted in its place so that a selection criteria specifically designed for the type of impact being evaluated is used. 14

Response 115 states "(A) specific comparison of the project-related traffic volumes is not necessary for the evaluation of impacts in the EIR." Please clarify why this is the case. Comment 115 shows that in Los Angeles County sensitive receptors exposed to less than 3,870 project-related ADT are evaluated for noise impacts, while in Ventura County, sensitive receptors exposed to 7,740 project-related ADT are not. Rather than explain why this occurs, the quote above simply concludes that such an evaluation is not necessary. Please clarify why it is not necessary.

RESPONSE 116 The EIR Fails to Evaluate Cumulative Impacts in Ventura County (RTC-192)

Response 116 refers to Responses 108, 109, 112 and 113 for detailed discussions. Those issues are addressed in our original comments, as well as our comments to those responses. Response 116 further raises the issue that since the noise impact is not significant at the County line, that no additional analysis in Ventura County is required. However, as discussed in our original Comment 113, the EIR evaluates noise receptors in Los Angeles County which are further down roads than are locations on those same roads which are subject to a less than significant noise impact and more traffic. Given this type of analysis in Los Angeles County, it is still not explained why similar situations in Ventura County were not evaluated. 15

RESPONSE 117

Comment 117 raises the issue that the one off-site noise mitigation measure, a sound wall at Travel Village, is not paid for until a project specific EIR for a small portion of the Newhall Ranch project identifies that the next increment of the project will cross the threshold and therefore trigger the need for the wall. That project would then be conditioned to build the wall.

This was exactly point raised in Comment 117. It makes no sense to require a small portion of the Newhall Ranch project to mitigate the noise impacts which are created by the project as a whole. It makes so little sense that it is unlikely that Los Angeles County will impose such a condition on only a small component of the project. More likely, the project will be required to contribute money toward a fund to construct the wall. However, this will result in the noise impact occurring until enough money is collected to pay for the wall. As such, a significant impact will be 16

occurring (i.e. exceeding the standard) when no such impact is being identified in the current EIR.

As a second point, it is not clear under the noise methodology in the EIR when a single project within the Newhall Ranch Specific Plan will ever exceed the noise criteria. If the standard uses an "existing setting" that is always starting at a future General Plan buildout level then adding 3 dB(A) before the project creates a significant impact, only a very large project will ever be significant. This is particularly true along a State highway where, as a rule of thumb, it takes a doubling of the traffic volume to increase traffic noise by 3 dB(A). It is doubtful if any single phase of Newhall Ranch would trigger such a criteria. As such, under this scenario it appears that as long as the project specific and cumulative noise increases are small enough, no project will ever trigger the EIR significance noise standard and no wall will ever be built, even if the total noise levels exceed the "normally acceptable" noise levels outlined in the EIR. Please explain how, under the EIR noise threshold methodology, a single tract or C/I project would ever create a significant noise impact at this location. 16

Section 4.10 – AIR QUALITY PRELIMINARY COMMENTS

Response 118 The Air Quality Analysis Inappropriately Stops at the County Line

Ventura County asked that the EIR evaluate air quality impacts of the project in Ventura County. Response 118 is that the Draft EIR did not state that the regional impacts are restricted to Los Angeles County. This EIR response does not address the concern raised. Ventura County is a Federal and State non-attainment area for ozone and a State non-attainment area for PM_{10} emissions. The project will worsen air quality in Ventura County and exacerbate Ventura County's efforts to meet State and Federal standards. The EIR must be revised to address the project's air quality impacts to Ventura County. 1

Response 119 Air Pollution Health Consequences

Ventura County asked that the EIR be revised to address the secondary impacts of air quality degradation. The EIR response does not address the issue raised. Therefore this comment has not been addressed. 2

Response 120 San Joaquin Valley Fever

Ventura County asked that the EIR address the possibility of an increase in San Joaquin Valley Fever. The EIR response does not address the issue raised. Therefore this comment has not been addressed. 3

Responses 121, and 122 Air Pollution Economic and Biological Consequences

Ventura County asked the EIR to address economic and biological resource impacts associated with the increased air pollution from the project. The EIR response is that the project is consistent with area population forecasts and SCAQMD's AQMP. SCAQMD's AQMP does not address economic and biological impacts for Ventura County. Once again, the EIR analysis improperly stops at the Ventura County line. 4

Response 124 The EIR Fails to Impose Adequate Mitigation Measures 5

Ventura County asked the EIR to consider stretching beyond the "boiler plate" air quality mitigation measures pre-approved by SCAQMD for standard subdivisions. CEQA requires that all feasible mitigation measures be employed where a project is found to have a significant adverse impact. The response indicates that all of the measures suggested by Ventura County are infeasible, despite the fact that Ventura County has imposed these measures on projects within Ventura County. The EIR has not provided adequate documentation why the additional air quality mitigation measures are not feasible. 5

SECTION 4.11--WATER RESOURCES PRELIMINARY COMMENTS

RESPONSES 125, 127, 137,
TOPICAL RESPONSES 17, AND 20 The Potential Groundwater and Surface Water Impacts at the Los Angeles/Ventura County line as a Result of Alluvial Aquifer Drawdown is Not Adequately Assessed

The project EIR provides inconsistent conclusions to the issue of groundwater drawdown in the Alluvial Aquifer. While noted in Response 125, this is also seen in several other responses to issues, as well as in THE proposed revised pages of Section 4.11 of the EIR.

In several areas the assertion is made that the 10-foot drawdown of the Alluvial Aquifer would be limited to the area around the well and would not effect the level of the aquifer as a whole. Yet in Response 125 and 127, implied in Topical Response 17, and clearly stated in proposed revised EIR page 4.11-45 "(U)nder the ASR Alternative maximum potential pumping scenario, essentially all of the portion of the Alluvial Aquifer that extends approximately 1.5 miles upstream and 2 miles downstream of Castaic Junction could experience water-level declines up to approximately 10 feet." 1

This conclusion of a potential 10 foot decline over a 3.5 mile section of Santa Clara River leaves unanswered the questions posed in our original project comments:

1. What is the impact to groundwater levels at the L.A./Ventura County line and downgradient as a result of this potential drawdown?

2. How does this potential drawdown influence surface water losses in the Santa Clara River in this river segment, and subsequently the surface water and groundwater quantity at the County line?

Given this conclusion of a potential 10 foot decline over a 3.5 mile river section and the geological choke point for groundwater at the County line previously discussed in our comments, the conclusions offered in Response 137, Topical Response 17, and Topical Response 20 (as quoted from Response 137) are unreasonable:

> "In addition, the downstream extent of the exaggerated cone of depression would not extend to the Ventura County/Los Angeles County line. As a result, the saturated thickness and hydraulic gradient (and therefore groundwater flow) in the alluvial aquiver at the County line would not be affected."

A 10 foot draw down over a large portion of the aquifer could have a draw down of less than 10 feet at the County line, or effect the speed and hence the volume of water which flows into Ventura County at any given water elevation. Please clarify why a 3.5 mile long draw down of 10 feet not too far upstream of the County line would have no impact on the total quantity of surface and groundwater entering Ventura County under any given condition.

The project EIR also offers the argument that the only water that will be withdrawn is that amount which is injected under the ASR Alternative. The conclusion is then drawn that because no additional groundwater is withdrawn then there is no impact on groundwater downgradient in Ventura County (Responses 125, 126, 130, 131, 133 and 140.) This argument, if accepted, is not the key issue. The key issue is that even if only water injected is pumped there will still be potentially a 10 foot draw down to the Alluvial Aquifer. This draw down, however small it may appear in the context of the overall saturated depth of the Alluvial or Saugus Aquifer, has the potential to significantly impact the amount of groundwater (and indirectly the surface water) that can "crest" over the impervious Pico formation in the vicinity of the L.A./Ventura County line.

It is also unclear how removing only the same amount of water as is injected under the ASR Alternative would create a net draw down in the first place. If a surplus of water (i.e. the ASR Alternative) is added to the aquifer, the total groundwater volume in storage, and hence the overall elevation of the saturated zone, should rise over what it would have been without the injection program. Any subsequent withdrawal of water which does not exceed the volume of injected water should only lower the overall water elevation to where it would have been without the injection program in the first place. Given the higher water level due to the ASR Alternative injection program, <u>why</u> does the aquifer drop up to 10 feet rather than just return to its original, non-injection elevation? As noted in revised EIR page 4.11-45 (see above), these drawdown effects are much greater than just a limited pumping trough around a well, but rather extend for up to 3.5 miles along the river. 1

The collateral issue is the concept of banking water from one year to another. The EIR presents no data or scenarios (other than a one year bank) to assess the capacity of the aquifer to accept multi-year banking, or how multi-year extractions could impact downstream users in dry periods. The amount of pumping in any given year perhaps should be limited to the amount stored during the previous year. Otherwise, a "bank" could be built up over several wet years to show a large total storage that might exceed the maximum available storage capacity of the basin. The bank could consequently include water that had been injected into the aquifer but may not have been retained. The excess may spill over to downgradient aquifers or the ocean during the wet cycle. The allowed withdrawal of groundwater during subsequent dry years might then involve pumping water that in fact was not retained in storage, or that could have migrated to Ventura County during average or wet years. This feasibility of multi-year banking needs to be discussed in the EIR and the impacts assessed, or the concept of banking should not included in the ASR Alternative.

RESPONSE 135,
TOPICAL RESPONSES 16, 17, 19 & 20 Impact Analysis for the Alluvial Aquifer Uses the Incorrect Pumping Scenario, Inconsistent Conclusions, and Unrealistic "Worst Case" Assumptions

Of the three scenarios used in the EIR to assess groundwater level impacts in the Saugus Aquifer, Scenario I is for injecting 8,300 acre-feet per year (AFY), Scenario II is for high volumes pumping at the anticipated maximum daily rate for 60 days immediately after injecting (in the yearly wet season) and Scenario III is for groundwater pumping to meet a average demand during the nine-month period following injection.

It has been our contention that the use of Scenario II is not the "worst case" basis for assessing groundwater level impacts. While it may be true that this scenario represents the highest pumping rate over a short period of time, it does not represent the worst case for aquifer impacts. From the data included in the EIR, Scenario III clearly demonstrates that over time it withdraws more groundwater from the aquifer, and creates a larger actual drawdown and a larger percentage of the dynamic water column drawdown than Scenario II. While the applicant corrects an erroneous conclusion on page 4.11-45 of the EIR regarding Scenario II being the largest drawdown case, it still does not make Scenario II the "worst case" scenario. As noted in other comments and in EIR conclusions, the impact of pumping is not localized to the immediate vicinity of ASR Alternative wells. The impact of pumping will encompass up to a 3.5 mile section of the Santa Clara River, and potentially cause a 10 foot drawdown in the Alluvial Aquifer. The "worst case" of the two scenarios used in the EIR must therefore be Scenario III which is currently not the case in the EIR evaluation. 2

As noted in previous comments and in these comments, the EIR fails to present a realistic "worst case" scenario that takes into account the following reasonable assumptions. To the extent that there are dry-wet year cycles the EIR does not address the concepts for banking injected water and extracting that water in a multiple year scenario. Nor does the EIR address the capability of the aquifer to adequately store such banked water over several years and extract it over several years. In addition, the impact of such multi-year scenarios on the groundwater and surface water flows currently entering Ventura County is not assessed. There is in fact no scenario or data presented which represents a combined injection and extraction scenario which would serve to assess these impacts and evaluate what could be reasonably considered to be a "worst case" of a prolonged, multi-year drought.

The EIR cannot be considered adequate without assessing the impacts of a reasonable range of possible ASR Alternative operation scenarios, including multi-year drought scenarios.

RESPONSE 129 &139
TOPICAL RESPONSE 14 &17 Castaic Creek Diversions and Safe Yield Estimates in the Aquifer Systems are Not Adequately Presented

There is no evaluation in the EIR of the indirect impacts to the State and/or the CLWA from losing access to Castaic Creek water flows, nor is there a significance threshold for this impact to reflect the potential indirect impacts of the use of this water by the Newhall Ranch Specific Plan. legal entitlement to Castaic Creek flood flows does not in of itself dismiss the requirement to evaluate the potential environmental impacts of a project which utilizes these entitlements where a clear link to an impact is evident (Response 129). Legal entitlement does not dismiss the applicant's responsibility under CEQA requirements to assess environment impacts of a project.

Likewise, there is also no evaluation of the impacts to downstream users of using all the current CLWA estimate of the Alluvial and Saugus groundwater basins safe yield (52,000 acre-feet) to serve by 2010 the projected population of 270,000 in the current General Plan land uses. The assertion noted in Topical Response 14 that "the proposed General Plan Amendment for the Newhall Ranch Specific Plan will not cause an increase in the amount of groundwater pumping above that required to meet the demands of current General Plan land uses" fails to evaluate, or incorporate by reference, any analysis of the potential impact of these additional withdrawals. Evaluation is apparently dismissed as unnecessary if a CLWA estimate of aquifer safe yield is not exceeded. This dismissal ignores the possible linkage between groundwater drawdown as a result of pumping at safe yield rates (currently not done) and the drawdown associated with this project. 3

Likewise, the assertion that the injection and extraction operation of the ASR Alternative creates no new groundwater use ignores the applicant's responsibility to develop a groundwater management plan which addresses the aquifer as a whole and more specifically the impacts of injection and pumping timing and quantity on downstream groundwater and surface water users. The lack of this evaluation and its potential effects on reducing current groundwater and surface water recharge into Ventura County, coupled with the potential 10 foot drawdown in the Alluvial Aquifer already concluded in the EIR, exacerbates the potentially significant impacts on Ventura County water resources.

Topical Response 22

AHMANSON/NEWHALL COMPARE AND CONTRAST STUDY PRELIMINARY COMMENTS

Response 1 **Additional Mitigation Measures for Consideration by Los Angeles County**

The EIR response to this section misunderstands the comparison of mitigation identified for the Ahmanson Ranch and Newhall Ranch projects. We have noted that the two projects are similar in that they are both very large planned communities. We noted that Newhall Ranch is eight times the size of Ahmanson Ranch but that the level of mitigation proposed by the Draft EIR and the draft Specific Plan for Newhall Ranch is nowhere near the level required by Ventura County for the Ahmanson Ranch project. We noted that CEQA requires that all available mitigation measures be imposed which could feasibly reduce an identified environmental impact be considered in the EIR. Consequently, we identified some specific measures, which were found to be feasible for the much smaller Ahmanson Ranch project, that we recommended to be considered to further reduce impacts of the Newhall Ranch project. 1

We did not ask the EIR consultant to conduct a "comparative analysis" of the two projects. We did compare the substantive mitigation measures of the Ahmanson Ranch and Newhall Ranch projects so that LA County decision-makers could see how modest the mitigation measures for Newhall Ranch are compared to the much smaller Ahmanson Ranch project.

Response 2 **Off Site Traffic Mitigation Fees**

The EIR response rejects payment of a specific traffic fee for off-site impacts in Ventura County because the Newhall applicant is already required to pay fees for off-site improvements. However, the fees required of Newhall will be determined by the Los Angeles County transportation evaluation process. Thus, the EIR is relying upon a future study to determine what the mitigation will be. Ventura County has no assurance that the off-site fees will be sufficient to address traffic impacts in Ventura County. If the traffic fees ultimately imposed are inadequate, Ventura County has no recourse through the Los Angeles County transportation evaluation process. CEQA does not allow mitigation to be determined based upon a future study. Establishing a specific off-site traffic mitigation fee at this time is an appropriate and feasible mitigation that would address project traffic impacts on the Ventura County Regional Road Network. 2

Response 5 Resource Management Program

Response 5 indicates that the Newhall Ranch includes a comprehensive Newhall Ranch Resource Management Program (RMP) which contains biological mitigation measures similar to those identified for the Ahmanson Ranch project. The Newhall Ranch RMP is a conceptual framework for riparian habitat restoration and oak tree replacement. The RMP will be implemented through future studies that may be required in conjunction with the issuance of various permits. The RMP contains useful guidance, but few actual requirements for biological resource protection. Whereas, the Ahmanson RMP contains detailed and specific mitigation requirements. The Newhall RMP is similar to the Ahmanson Ranch RMP in name only. 3

Our primary concern is limited to the mitigation necessary to address biological impacts in Ventura County. The EIR must include clearly defined mitigation measures to address implementation of the Salt Creek Wildlife corridor in Ventura County, downstream riparian and aquatic impacts, and controls on aggressive escaped exotics. These are currently lacking in the Newhall Ranch RMP.

Response 7 Unmet Transit Needs

Response 7 takes the position that taxes generated by the development will address transit needs for the project. This is very short sighted and ultimately self defeating, especially given the current fiscal constraints of local government. With a new master-planned community Los Angeles County has an opportunity to design a public transportation system that will help the entire community to be less reliant upon the automobile. Instead Los Angeles is choosing to let the developer dictate another automobile-oriented development which will exacerbate traffic and air quality impacts in the region. Requiring the developer to fund public transit within the development and between the development and major employment centers is a responsible and feasible mitigation measure that would directly reduce congestion and decrease air pollution impacts of the project. 4

Response 8 Telecommunications Requirements

The EIR response takes the position that market forces will address telecommunications requirements for the project. The EIR assumes that private developers will provide adequate telecommunications wiring in their developments. Why would a private developer spend extra money to install an advanced fiber optic network? There is no direct benefit to the developer, although society could benefit over the long term. This is a feasible mitigation measure that would help to facilitate telecommuting and thus reduce automobile use, and attendant congestion and air quality impacts. 5

Response 9 Benefits of Economies of Scale 6

One of advantages of a master-planned community is that Los Angeles County can take advantages of economies of scale. It is possible to have a transportation coordinator for an entire village or community rather than hoping that individual businesses or tenant associations will take on this responsibility of the Transportation Management Association coordinator. This is a feasible mitigation measure that would help to facilitate car pooling, van pooling, job sharing and pubic transit and thus reduce automobile use, and related congestion and air quality impacts. 6

Response 10 Balanced Communities

One of the advantages of a master planned community is that it is possible to create a balance of jobs and housing which would provide residents with an opportunity to live and work in the community without being required to commute long distances. While Los Angeles County cannot mandate that employees live in the community they work, if adequate affordable housing is provided, many workers will choose to avoid the long commute. By providing substantially more jobs than housing in this planned community, employees can be forced to commute long distances, this increasing congestion and air pollution impacts. Balancing jobs with housing at commensurate affordable levels is a feasible mitigation measure that would reduced traffic congestion and air quality impacts. 7

Response 11 Energy Conservation Measures

The EIR response speculates that there may be amendments made to Title 24 in the future as a rationale for not imposing more restrictive energy conservation requirements on the project. Such speculation does not warrant avoidance of a feasible mitigation measure. The suggested mitigation is feasible under the present Title 24 requirements and has been adopted as a mitigation in Ventura County. If Los Angeles County is concerned about future amendments to Title 24, the mitigation measure could easily be worded to allow future reconsideration if amendments to Title 24 make compliance with more restrictive requirements infeasible. The EIR response that this measure would add additional cost to housing is not entirely true. The cost of purchasing a house with higher energy conservation requirements may be marginally higher, but the long-term ownership costs, due to lower heating and air conditioning bills, could be lower. This measure is feasible and would reduce air pollution impacts associated with providing energy for the project. 8

Response 15 Air Quality Mitigation Measures

The draft EIR indicates that air quality impacts will be significant and cannot be reduced to a less than significant level. Given the apparent unwillingness of Los Angeles County to require the applicant to revise the project to minimize air quality impacts, the imposition of an air quality mitigation impact fee is an appropriate and feasible mitigation. If the funds collected from this fee are spent on air pollution 9

reduction measures as outlined in suggested Mitigation Measure A-5i, substantial reduction of air pollution could be achieved. 9

Response 17 Jobs/Housing Balance

The EIR response indicates that the project plus cumulative development in the Santa Clarita Valley region will result in a jobs/housing balance. If a large enough region is selected, then jobs/housing balance will be achieved. For example Ventura County, as a whole, is in jobs/housing balance. However, the point of jobs/housing balance is to avoid long automobile commutes. As stated earlier, an advantage of master planning the Newhall Ranch community is that Los Angeles can plan a balance of jobs and housing which would provide residents with an opportunity to live and work in the community without being required to commute long distances. Providing sufficient affordable housing commensurate with the jobs generated by the Newhall Ranch project is a feasible mitigation and would benefit employers within the Newhall Ranch development, help to address the regional shortage of affordable housing, and would reduce traffic congestion and air quality impacts. 10

Responses 19 and 20 Water Quality Monitoring

Neither the Draft EIR nor NPDES requirements would impose water quality monitoring as suggested in Mitigation Measure A-8b and A-8c. Without such monitoring, and remediation as necessary, Ventura County has no assurance that water quality downstream will not be degraded by the proposed project. This measure is feasible and is necessary to address potential downstream water quality impacts of the Newhall Ranch project within Ventura County. 11

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April 3, 1998

Supervisor Gloria Molina
Los Angeles County Board of Supervisors
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: March 24, 1998, Appeal of Tentative Tract/Parcel Map No. VTPM-24500 and CUP No. CP-94087; Public Hearing Concerning Proposed Newhall Ranch Specific Plan and Water Reclamation Plant, General Plan and Sub-Plan Amendments Nos. 94-087-(5), Zone Change No. 94-087-(5), Conditional Use Permit No. 94-087-(5), Vesting Tentative Parcel Map No. 24500-(5)

Dear Gloria:

Thank you for the opportunity to present our concerns at the Board of Supervisors meeting on March 24, 1998. At the end of that meeting you requested additional information regarding what Newhall Ranch was doing to provide affordable housing, and what could be done to provide such housing. Toward this latter issue, I would like to share with you how Ventura County addressed affordable housing for the Ahmanson Ranch project.

The developers of Ahmanson Ranch originally proposed a project consisting of a total of 3,000 units (including 300 affordable units), and land uses creating 11,116 jobs. In reviewing the regional context of the project (i.e. 20 minute travel distance, or 8 to 16 miles around the project), we drew two conclusions: (1) the area was "jobs rich" and "housing poor"; and (2) there was a significant regional demand for affordable housing which was not being met. The project as proposed was considered to exacerbate the "jobs rich" and "housing poor" situation, and to worsen the lack of affordable housing in the area. Based on these findings, we worked with the developer to modify Ahmanson 1

Ranch in a number of ways to make it more responsive to the regional situation. Some of these changes include:

1. To be "housing rich" by providing more housing than is needed for the number of on-site jobs, thereby providing more balance in the regional jobs/housing mix;

2. To provide more affordable housing than needed by the on-site workers in order to try to reduce the regional affordable housing deficit;

3. Fund a Housing Coordinator to implement an affordable housing program to ensure that those employed within the project received priority for the on-site affordable housing; and,

4. To pay for a direct shuttle service between the "housing rich" Ahmanson project and the "jobs rich" Warner Center project in Los Angeles County.

These changes resulted in Ahmanson Ranch ultimately being approved for 3,050 units (including 674 affordable units), and land uses creating 1,791 jobs. The addition of 374 affordable units and a large reduction in retail and office space compared to the original project was a direct result of our attempts to address the regional "jobs rich" and "housing poor" conditions. Given the project location, most of its surrounding "region" consists of development within Los Angeles County. As such, the project redesign had a much more direct benefit to Los Angeles County than it did to Ventura County. 1

The above changes resulted in a project where 25.4% of the proposed housing (i.e. 674 units) was included in an affordable housing program. This consists of 324 affordable apartments, condominiums and townhouses, 300 mandatory second dwellings on larger lots, and 50 single occupancy units. In addition, we required the developer to donate six acres of land to the Ventura County Area Housing Authority which in turn will build an additional 80 to 100 affordable housing units.

The resulting total of 754 to 774 affordable housing units (including the Area Housing Authority units), is more than the projected housing need for the estimated 644 very low, low and moderate income on-site workers. The project was deliberately required tc provide more affordable housing than was necessary to accommodate the on-site workers in order to help in reducing the regional affordable housing deficit. Attachment 1 is a more detailed summary of these programs.

The provision of affordable housing was found feasible by both Ventura County and the project applicant for a project which is 1/8 the size of the Newhall Ranch project (3,050 units compared to 24,351 units). In contrast, Newhall Ranch makes no attempt to quantify the demand for affordable housing generated by the approximately 19,225 jobs 2

created by the project, or to assure housing for the low income workers which it will surely attract. Rather, the Newhall Ranch EIR addresses this issue by concluding: (1) that market forces by themselves will provide affordable on-site housing (EIR page 4.21-26); (2) that the higher density on-site housing is assumed (with no assurances) to be affordable (EIR page 4.21-26); and, (3) that low income workers will commute to the site from existing low income communities in the Santa Clara Valley and in Los Angeles County (EIR page 4.21-27). 2

Market forces, by themselves, obviously do not provide adequate numbers of affordable housing, as witnessed by the massive unmet demand in both our counties. This, combined with other benefits such as reduced traffic, improved air quality, etc. is why we instituted a mandatory affordable housing program with the Ahmanson Ranch project. Likewise, as you know well, higher density by itself is no assurance that housing will be affordable. Given these facts, the last point made in the EIR, that many low income workers will commute for outlying communities, is probably true, as such workers currently commute from Ventura County and the surrounding communities into the Santa Clarita Valley. 3

The EIR assumption that low income workers will live in Ventura County and work in Newhall Ranch is precisely why Ventura County and its cities are so concerned about the lack of assured affordable housing within this proposed project. Neither the EIR nor the Los Angeles County staff attempted to quantify the demand for affordable housing created by this project. However, our Planning Division made such an attempt using a refined version of the Ahmanson Ranch employment model. This study is summarized in Attachment 2. In summary, we found that projected new jobs at Newhall Ranch can be expected to create a demand for approximately 10,074 additional affordable units. 4 5

Most of the demand for affordable units created by the project will occur in Los Angeles County. However, even if a relatively small percentage of the demand occurs in Ventura County, it could create significant pressures on the communities of Piru, Fillmore, and Santa Paula. These communities currently contain a total housing inventory of approximately 14,400 units. As such, almost any percentage of the demand for 10,074 additional affordable houses resulting from Newhall Ranch could potentially create very large impacts on these relatively small communities. 6

The Santa Clara Valley communities already contain a disproportionate percentage of affordable housing. The additional, unfilled demand for affordable housing from the Newhall Ranch could lead to two consequences within our communities: (1) Additional demand could occur to build even more affordable housing in communities which already contain a disproportionate amount of such housing; and/or, (2) the prices and rents of existing units could increase, thereby resulting in overcrowding of units, which is already a chronic problem in these communities.

While Ventura County and the local cities can control the amount of new affordable housing in our county through land use controls and affordable housing programs, we cannot control the cost increases and overcrowding which is likely to occur to the existing housing stock as a result of the Newhall Ranch. This is a significant impact which is not being addressed, and which can be mitigated through affordable housing programs such as found at Ahmanson Ranch. 6

I strongly urge you and the other Los Angeles County Supervisors to modify the Newhall Ranch project to ensure that it provides affordable housing for its workers. I sincerely hope that you will extend the same courtesy to Ventura County which we extended to Los Angeles County by requiring our project to "carry its own weight" and to contribute to reducing the larger regional housing deficit. We only ask for the same consideration from your Board regarding affordable housing at Newhall Ranch which we extended to Los Angeles County in regard to Ahmanson Ranch. 7

Thank you for your concerns in this area. I would be more than happy to discuss this issue with you further, or to make our staff available to provide additional details regarding our affordable housing programs.

On another issue, I am enclosing an editorial on flood control issues which appeared in the Ventura County Star on Thursday, April 2, 1998. 8

Sincerely,

Kathy

KATHY L. LONG
Supervisor, Third District

Attachments

cc:
Los Angeles County Board of Supervisors
Ventura County Board of Supervisors
David Janssen, Los Angeles County Chief Executive Officer
Lin Koester, Ventura County Chief Executive Officer
Vince Bertoni, City of Santa Clarita
Chris Silver, City of Fillmore
Joan Kus, City of Santa Paula
Dennis Slivinski, County Counsel

AFFORDABLE HOUSING

AHMANSON RANCH PROJECT

The Ahmanson Ranch will generate an estimated 1,791 permanent jobs. The Ahmanson Ranch EIR evaluated the types of jobs being created and estimated that approximately 645 affordable residential units would be needed to meet the needs of employment generated by the development. The Ahmanson Ranch project is internally imbalanced, with respect to jobs and housing, with a jobs/housing ratio of 0.59. However, this imbalance will reduce the substantially "jobs rich" new jobs/new housing ratio in the study area. In order to address the affordable housing needs on the Ahmanson Ranch and the regional affordable housing deficiency, the applicant will be required to implement a detailed Affordable Housing Program.

Affordable Housing Program. The applicant is required to provide sufficient housing at affordable levels to meet the needs of anticipated employment generated by the Ahmanson Ranch. To achieve this objective the applicant would construct 674 dwelling units that would be available to very low, low and moderate income households. The affordable housing would include 324 affordable apartments, condominiums and townhouses within the Village and Neighborhood Centers. An additional 50 single room occupancy units would be located within the Village Center and in association with the hotel. Additionally, 300 affordable second dwelling units would be constructed in the residential neighborhoods. 9

The Affordable Housing Program includes implementation details which establish: affordable housing phasing requirements; a marketing program (which includes a 90 day preferential marketing period) to ensure that qualifying employees on the Ahmanson Ranch have an opportunity to purchase or rent affordable housing on site; resale restrictions to ensure that for-sale units are sold to qualifying low income households; and rent control provisions for rental units. The Affordable Housing Program also includes the formation of a Rent Adjustment Commission who would be appointed by the Board of Supervisors and a Housing Coordinator, who would be paid out of a special tax applicable to the Ahmanson Ranch development. The Housing Coordinator will coordinate implementation of the Affordable Housing Program. Offices for the Housing Coordinator will be provided within the town hall in the Village Center.

In addition to meeting project needs for affordable housing, the applicant is required to dedicate six acres to the Areawide Housing Authority (AHA). The AHA will construct between 80 and 100 affordable apartments as the Ahmanson Ranch contribution to the regional deficit of affordable housing. 9

NEWHALL RANCH PROJECT

The Newhall Ranch EIR indicates the proposed project will generate 19,323 new jobs. The project will provide 24,680 market rate dwelling units. No attempt was made to determine how many of the families of these employees would be able to afford to live within the Newhall Ranch. Consequently the on-site demand for affordable housing was not determined, nor was the on-site supply of such housing. 10

STATEMENT OF BRUCE SMITH REGARDING HOUSING AND GROWTH INDUCEMENT

1. I am employed by the Resource Management Agency of the County of Ventura in the capacity of Manager, General Plan Section of the Planning Division. I have also served as chairman of the Ventura County Environmental Report Review Committee since 1982, and have had the responsibility of managing, preparing, and reviewing Environmental Impact Reports and other environmental documents since 1976. In addition, I have been a member of the American Institute of Certified Planners since 1985, and served as a member of the CEQA Taskforce of the California Chapter of the American Planning Association and the Association of Environmental Professionals in 1993.

2. One of my responsibilities is to review and/or oversee the review of environmental documents prepared by/for public agencies for projects which may effect the County of Ventura. I am familiar with the Environmental Impact Report (EIR) prepared for the Newhall Ranch project in Los Angeles County and have reviewed, in detail, the sections of the EIR entitled "Population, Housing and Employment" and "Growth Inducement," as well as all supporting documentation appended to the EIR which are referenced in these two sections.

3. I have reviewed the data in the FEIR and related documents concerning the population projections and housing mix for the Newhall project. It is my general conclusion that the FEIR and other relevant documents do not analyze the extent to which the Newhall project will provide affordable housing for the various income groups likely to be employed in the Newhall community projected to have population of approximately 68,000. Unless such an analysis is done, it cannot be determined to what extent the Newhall project will impact housing supply and costs and the rate of growth in Ventura County. If the Newhall project cannot provide affordable housing for a substantial number of the individuals who will work in this new city, there is a high probability that the individuals who do not find affordable housing in the Newhall community will seek housing in the neighboring Piru, Fillmore, and Santa Paula communities in Ventura County. This influx of new residents will likely have a significant impact on housing supply and related housing costs in Ventura County. There will also be associated cumulative impacts due to population increases such as increased traffic, reduced air quality, increased use of natural resources, such as water and agricultural land, and increased demand for public facilities and services. The environmental document for the Newhall project is deficient because it does not provide accurate measurements of the project's ability to accommodate the housing needs of the new employees which in turn makes it impossible to measure the full extent of impacts on Ventura County. 11

4. The specific data and analysis upon which this general conclusion is based is found at Exhibit A attached hereto and incorporated herein. I have prepared Exhibit A used on a research of the FEIR related environmental documents and data sources specifically identified within Exhibit A, attached herto. 11

Bruce Smith

BRUCE SMITH
Manager, General Plan Section
Resource Management Agency

EXHIBIT "A"

The Newhall Ranch Specific Plan project is reported to be the largest single development project in the history of L.A. County. The project will result in a new town of approximately 68,000 people located immediately to the east of Ventura County along Hwy. 126 (the main transportation artery of the Santa Clara River Valley). Included in the project are industrial, commercial and other land uses which are estimated to create 19,323 new jobs. Moreover, cumulative development in the Santa Clarita Valley is estimated to create 150,721 new jobs.

1. The EIR does not address potentially significant adverse impacts on outlying communities caused by job growth and a commensurate lack of affordable housing in the Specific Plan or the Santa Clarita Valley.

Development projects which generate new jobs can result in significant growth-inducing impacts in surrounding communities if the persons who will be employed within the proposed development cannot find suitable or affordable housing within the same community. These growth-inducing impacts can significantly affect housing supply and related housing costs in these outlying communities, and result in increased traffic, decreased air quality, increased use of natural resources, such as water and agricultural land, and increases in demands for public facilities and services.

Because the EIR focuses solely on regional growth forecasts and aggregate jobs/housing ratios, it does not provide an analysis of the affordable housing needs generated by the project nor cumulative development within the Santa Clarita Valley area. **Absent an analysis of affordable housing needs and Specific Plan language implementing an affordable housing program showing that the need will be met, it is very likely that many of those who will fill the lower and moderate wage jobs will be forced to look for affordable housing in outlying areas. The result will be growth inducement within these outlying areas, including Ventura County.** 11

2. Although methodologies exist to evaluate wages and the relationship of wages to affordable housing in the Specific Plan and Santa Clarita Valley area, no such analysis is provided in the EIR.

The EIR does not provide an analysis of the demand for affordable housing caused by the proposed project. By way of example of how such analysis can done, the EIR for the Ahmanson Ranch Specific Plan included an analysis of the housing needs generated by the project's job-creating land uses. The following is a summary of the methodology along with our assessment of the Newhall Ranch project using a similar methodology (Note: in response to criticism from L.A. County that our previous comments and analysis relied directly on information specific only to the Ahmanson Ranch project, we have updated and

expanded the following analysis using information specific to L.A. County or L.A. Metropolitan Statistical Area):

For each land use (i.e., square footage of development at build out) proposed by the project, employment density factors can be applied to yield the estimated number of employees generated per land use. The employment density factors can be derived from the Los Angeles County or other land use and employment studies, plus various publications of the Urban Land Institute. Gross employment estimates can be further broken down by occupational distributions (e.g., management/ professionals, sales, clerical, and production/maintenance) using U.S. Bureau of Labor Statistics, *Employment and Earnings* (Arthur Anderson & Co., February 1992). By way of example, we have performed an analysis using the information presented in the Newhall Ranch EIR (i.e., Table 4.21-6) and the methodology described above, which is summarized in the following table.

Land Use	Employment Distribution by Occupation							
	Mgmt/Prof	Tech	Sales	Admin & Clerical	Service	Production& Repair	Operators & Laborers	TOTAL
Commercial Retail	441	20	1782	350	981	250	471	4295
Schools/Libraries	320	0	0	31	39	11	26	427
Business Park	1589	191	404	1017	722	359	263	4544
Utilities	2	4	3	2	0	4	6	18
Comm/Med Office	3485	418	886	2230	1583	787	577	9966
Golf/Fire Station	19	0	3	5	0	0	64	90
TOTAL	5854	633	3075	3635	3325	1411	1408	19340

11

For each occupational category, an analysis of wage and salary income can then be completed based upon United States Bureau of Labor Statistics data for the L.A. Metropolitan Statistical Area, which contains the latest and most comparable data. Average monthly wages can be applied to each occupational category to yield the average wage by occupational category. To convert the average wage by occupational category to household income estimates by occupational category, it is necessary to estimate the range of wage earners per household and the range of household incomes. This figure in turn yields the number of new households by income category.

To convert the average wage to average household income, a range of 1.0 to 2.0 wage earners per household can be assumed based on an overall average of 1.6 workers per household (Arthur Andersen Real Estate Services based on data from the 1980 census). Therefore it can be assumed that 40 percent of the

workers would live in single wage-earner households and 60 percent would live in dual wage-earner households. These household incomes can then be classified by income category (Very Low, Low, Moderate, Upper) based on L.A. County's Median Family Income for the same period of time (i.e., $42,000 in 1990). The State Department of Housing and Community Development and the U.S. Department of Housing and Urban Development use the following definitions of Median Family Income Levels:

Very Low = households earning less than 50% of median County income
Low = households earning less than 80% of median County income
Moderate = households earning less than 120% of median County income
Upper = households earning greater than 120% of median County income

Using the above sources and assumptions, income levels by type of job for the Newhall Ranch project are illustrated in the following table. (Note: although income levels and wages are based upon 1990-91 data, we expect the point being illustrated will remain relatively constant if more current data were used.) It is important to note the representations made in the table are averages, each of which representing a range of income levels. Additionally, where an average household income is close to the breakpoint between income categories (e.g., Low and Moderate), it is assumed that half of the households are in each of the two income categories.

11

Occupational Category	# of Jobs	Single Income Mo.Avg.	Income Level	Housing Need (40%)	Dual Income Mo.Avg.	Income Level	Housing Need (60%)
Mgmt/Prof	5854	$4,100	Moderate/ Upper	2342	$8,200	Upper	3512
Tech	633	$3,200	Moderate	253	$6,400	Upper	380
Sales	3075	$3,000	Moderate/ Low	1230	$6,000	Upper	1845
Admin & Clerical	3635	$2,300	Low	1454	$4,600	Upper/ Moderate	2181
Service	3325	$1,900	Low/Very Low	1330	$3,800	Moderate	1995
Prod & Repair	1411	$2,900	Moderate/ Low	564	$5,800	Upper	847
Operators & Laborers	1408	$2,200	Low	563	$4,400	Upper/ Moderate	845

The information contained in the above table is summarized in the following table by Income category and is depicted as a percentage of the total number of

housing units proposed under the Newhall Ranch Specific Plan (including second dwelling units).

Income Category	Projected Project Housing Needs	% of Proposed Project Housing
Very Low	665 units	2.6%
Low	3,579 units	14.2%
Moderate	5,830 units	23.1%
Total Affordable Housing Needs	10,074 units	39.9%
Upper	9,266 units	36.7%
Total Housing Need	19,340 units	76.6 %

The final step in the analysis is to compare the number of project-generated housing unit need (by income category) to the number of proposed housing units (by income category). At present, **the Newhall Specific Plan does not provide sufficient information regarding the affordability of the proposed housing** to allow this comparison to occur. Therefore, the Specific Plan should specify the affordablity category for all proposed dwellings. 11

If the project fails to provide sufficient affordable housing for its future workers, the workers will be forced to look for housing outside the Specific Plan area and possibly outside the Santa Clarita Valley, thereby increasing commute distances and causing growth inducing impacts. This may result in significant additional impacts to traffic, air quality, affordable housing which are not currently disclosed in the EIR. We recommend that the above methodology, or a similar methodology, be used to determine the need for various prices of housing created by project-related jobs, and that mitigation measures be adopted to ensure that on-site housing will in fact be available to satisfy that demand.

3. <u>The EIR does not assess the impacts caused by cumulative development in the Santa Clarita Valley being "jobs rich/housing poor".</u>

Similar to the project specific impacts described the preceding section, the EIR needs to also analyze the cumulatively significant impacts within and surrounding the Santa Clarita Valley. This can be done using the same methodology as described in the preceding paragraphs.

According to the subject EIR, cumulative development could result in 150,721 new jobs and 107,256 new housing units in the Santa Clarita Valley area. The ratio of cumulative new jobs to new housing is 1.41 which is considered jobs rich/housing poor. The EIR obfuscates the impact of the project and cumulative development on the existing housing environment by statistically combining the existing jobs/housing with the additional future jobs/housing in the Santa Clarita Valley which results in an allegedly "balanced" aggregate jobs/housing ratio of 1.30. The EIR simply presumes that the existing and future house stock, in aggregate, is sufficient to meet the added housing demand generated by the future workers who will fill the jobs created by the project and other cumulative development. However, this assumption is unsubstantiated.

In order to demonstrate that there would not be a significant impact as a result of new jobs exceeding new housing, the EIR would have to show that there is a sufficient amount of vacant and affordable housing currently existing in the Santa Clarita Valley to accommodate the new workers, or that a substantial number of existing residents in the Santa Clarita Valley are likely to vacate their existing housing units and move to other areas closer to their current place of employment, thus creating vacancies in the existing housing. The EIR does not present information which would support the conclusion that there is or will be sufficient vacant and affordable housing units. There are many economic and social factors that would inhibit existing residents from moving to other areas closer to their current place of employment to any significant degree, especially for Low and Very Low Income families. As a result, many new workers would **have to either: (a) compete for housing within the Santa Clarita Valley housing market, resulting in reduced housing vacancy rates, higher housing costs, displacing of existing Lower income renters, "doubling up" of occupants, overcrowding, and other social and housing market disruptions; or (b) search for housing in outlying communities, which may cause social and housing market disruptions in those areas and result in increased vehicle miles traveled as workers commute further distances (which results in physical impacts such as increased traffic congestion and air pollution).** 11

The EIR does not describe the potentially significant cumulative impacts of new jobs exceeding new housing which will, in effect, induce substantial growth and concentration of population in areas outside the Santa Clarita Valley.

4. <u>The EIR and Specific Plan do not ensure that affordable housing will be provided to house the families of those workers who are expected to fill the jobs created by the Specific Plan and cumulative development in the Santa Clarita Valley.</u>

The inference made in the EIR is that affordable housing will be provided in the Specific Plan area through market rate rental apartments and Second Units (pp. 4.21-15 & -26). However, the proposed Specific Plan fails to provide

development standards or construction schedules designed to include and maintain adequate affordable housing opportunities within the project area, and provides no information to conclude that the "market rate" for rental housing will meet the project-generated demand for affordable housing. The EIR simply refers to an "unknown number of rental apartments" and "up to a maximum of 538 Second Units" which is not sufficient to address the project's affordable housing needs nor its contribution to the availability of affordable housing. **Therefore, there are no assurances that the project would provide sufficient affordable housing for its own workers, let alone the other workers of the Santa Clarita Valley.**

L.A. County claims that the Newhall Ranch project was found to be consistent with the housing goals and policies of the L.A. County Housing Element and that there are several "objectives" of the Specific Plan which will serve to provide housing which is affordable to the workforce. However, **there is nothing in these goals, policies or objectives statements, or elsewhere in the Specific Plan, to ensure that they would be implemented.** Housing Element policy 5.15 and Specific Plan objective 2.6 use the term "encourage" and Specific Plan objectives 2.1 and 2.5 use the term "promote." Although Housing Element policy 5.17 and Specific Plan objective 2.7 seem to include more emphatic verbs ("require", "disperse"), there is nothing in these statements or elsewhere in Specific Plan that actually require the building of low-income housing in the Newhall Ranch project. 11

The EIR makes no mention of Los Angeles County's affordable housing programs or how such programs, in conjunction with market-rate housing, will be sufficient to offset any project or cumulative need for affordable housing. L.A. County cited their HOME fund statistics which show that they assisted 484 units in fiscal year 1996-97, of which approximately a fourth of the units were rehabilitations and a fourth were homebuyer financial assistance. They also stated that, on average, 200 new "affordable" units are produced each year. Assuming that all of these "affordable" units are for Low and Very Low Income families, this number of units is in stark contrast to SCAG's Regional Housing Needs Assessment for the L.A. County unincorporated area . According to SCAG, L.A. County had a need for 5,090 Very-Low Income units and 7,905 Low Income units for the 6.5 year period from January of 1988 to July of 1994 (1989 RHNA). This equates to an annual need of approximately 2,000 Low and Very Low Income units per year. Therefore, **L.A. County is only providing ten percent of its total Lower Income housing need on an annual basis** through the methods described above. No information is provided in the EIR showing that L.A. County is anywhere close to meeting annual need for Lower Income groups. This is in spite of the fact that Section 65401 of the Government Code requires cities and counties to provide "an annual report on the status of the general plan and progress in its implementation, including the progress in meeting its share of regional housing needs."

5. <u>The EIR does not provide mitigation measures to address the potential mismatch between project-related jobs and housing or cumulative-related jobs and housing.</u>

To mitigate the potentially significant project-specific impacts, the Specific Plan can be revised to ensure that project implementation achieves incremental balance (e.g., annual, 5-year, or other increments) between the project's future employment generating land uses and the project's future residential development. Specifically, by incorporating "balance oriented" development standards and interrelated construction schedules, the Specific Plan would guide project implementation in a manner that internally balances the availability of new jobs with the availability of new housing over time. In this manner, the project's new employees can be more easily matched to housing opportunities within the project (thereby reducing vehicle miles traveled and growth-inducing impacts on Ventura County).

The EIR should also identify mitigation measures to address the impacts of cumulative development within the Santa Clarita Valley. For example, reciprocal agreements with one or more jurisdictions within the subregion (e.g., Santa Clarita, L.A. City, Ventura County) could be made that define a desired jobs/housing ratio and affordable housing program for the subregion and each jurisdiction therein. Coupled with meaningful affordable housing programs, these measures should be designed to reduce overall vehicle miles traveled within individual projects and the subregion. In this regard, the Newhall Ranch Specific Plan should be revised to reflect a coordination of future development objectives within the surrounding areas and jurisdictions. Such coordination would go a long way toward achieving a desirable regional and subregional job/affordable housing mix. In any case, the Specific Plan should be revised to ensure project housing is priced to meet the needs of the subregion as well as the needs of the Specific Plan project itself. 11

Examples of project specific and cumulative mitigation measures included in the approval of the Ahmanson Ranch Specific Plan are listed below. While not necessarily directly applicable to the Newhall Ranch Specific Plan, they show that such mitigation measures have been imposed on other projects, and are considered a feasible way of addressing the issue of affordable housing. These measures generally assure that the project will generate the types of housing needed by the employees working within the project boundaries. In sum, the Ahmanson Ranch Specific Plan includes an Affordable Housing Program designed to:

1) provide the affordable housing needs generated by the project;

2) provide additional affordable housing opportunities within the project to mitigate cumulative impacts (includes a Public Affordable Housing Program to be administered by the Ahmanson Housing Authority);

3) permit those employed within the Specific Plan area first preference in terms of affordable housing availability;

4) include a construction schedule linking housing availability to those components of the project generating the housing demand (i.e., commercial and industrial uses);

5) incorporate a mechanism that will ensure continued housing affordability within the Program; and

6) convey land to governmental housing authorities for the development of government sponsored affordable housing within the project boundaries.

These mitigation measures were found to be feasible and are considered to address many of the impacts associated with unbalanced jobs/affordable housing ratios in the region, and serve to minimize impacts resulting from the need to commute in and out of the project. As such, these, or equivalent measures, are recommended for incorporation into the Newhall Ranch EIR. 11

L.A. County says that an affordable housing program like that suggested by Ventura County is "inequitable, unworkable and would probably have serious negative consequences" and that "the disruptions such a policy (*phasing and balancing of jobs and housing opportunities*) would create in regional housing and job markets would be extreme and would prevent achievement of numerous other Los Angeles County and RCPG economic and housing policies." These statements are conclusionary and not supported by any evidence. Furthermore, based on the experience in Ventura County, we believe the conclusions to be false.

6. <u>The EIR provides no evidence for the broad conclusion that consistency with planning forecasts results in no significant impact on the existing environment.</u>

The EIR (p. 4.21-12) infers that if the project is consistent with SCAG and County population, housing and employment forecasts, then the Specific Plan would have no significant impact on either regional, or local population, housing or employment. This conclusionary statement can only be true if these agencies have conducted environmental studies which found that achieving those forecasts would not result in significant impacts to the existing environment. **The EIR provides <u>no</u> evidence regarding the conclusions of such studies, nor for the conclusion that achieving the forecasts will not have a significant impact.** Furthermore, the EIR concludes that the Specific

Plan will exceed the Los Angeles County's *Santa Clarita Area Plan* population, housing unit and employment forecasts (pp. 4.21-14, 4.21-17, and 4.21-21), and cumulative development in the Santa Clarita Valley (p 4.21-31) will exceed the SCAG's 2015 employment forecast (pp. 4.21-32).

7. The EIR's assumptions and methodology regarding the Trip-End capture rate are overly optimistic based on experiences with other projects and the potential mismatch between jobs and affordable housing within the project and the Santa Clarita Valley.

The EIR claims that 52% of the Specific Plan related trips will be captured internally, another 38% will occur entirely within the Santa Clarita Valley, and only 10% will occur outside the Santa Clarita Valley (EIR page 4.8-29). However, there is no information presented to support the claim of an internal trip capture rate of 52%. The analyzes in Section 4.8 (Traffic/Access) EIR Appendix 4.8 spend very little effort to explain how such a large ratio is possible. Appendix 4.8 pages III-5 through III-9 really only summarize the results, rather than provide the details regarding the assumptions which lead to those results. In addition, the EIR and the Newhall Ranch Specific Plan do not describe how the development of affordable housing will be phased to keep pace with those aspects of the project generating the demand for such housing. Given the lack of detail in the Specific Plan, a 52% internal trip capture rate appears extraordinarily optimistic, as is the 10% outside trip rate.

In contrast, although the Ahmanson Ranch project includes many of the same design considerations described for the Newhall Ranch Specific Plan and included a comprehensive affordable housing program, the EIR for the Ahmanson Ranch Specific Plan was able to lay claim to an internal trip capture rate of only 18%. 11

Based on the preceding information, **it appears that the assumed traffic capture rates in the EIR are extraordinarily optimistic and result in a major underestimation of the traffic and air quality impacts of the proposed project in the EIR.** The EIR should be revised to accurately disclosure of the proposed project's traffic and vehicle emissions impacts upon Ventura County.

8. Although the EIR concludes that the project would be growth-inducing, it fails to discuss either the environmental effects of that future growth or any mitigation measures for those effects.

The EIR devotes an entire section (Section 11) to the growth-inducing impacts of the project. On page 11-2, the EIR concludes that the project "would be growth-inducing" in both Ventura and Los Angeles Counties. On other pages, it states that the project is "potentially growth-inducing" and "could induce growth" (pages 11-3 and 11-5). While the EIR does not state whether this induced

variety of homes" according to Newhall's "Fact Sheet." The third or future stage will be development of Newhall's 15,500 acres in Ventura County.

The EIR must discuss at least the general effects of the reasonably foreseeable future uses of its Ventura County properties, the environmental effects of those uses, and the currently anticipated measures for mitigating those effects.

In addition, Chapter 11 fails to identify the significant growth inducing impacts on surrounding communities due to the lack of specific affordable housing programs to meet the housing demand generated by the project and cumulative development in the Santa Clarita Valley as discussed in the preceding sections.

9. <u>The EIR relies solely on the County of Ventura to prevent the project from having a growth inducing impact in Ventura County.</u>

Pages 11-4 and 11-5 of the EIR point out that the decision to allow development on Newhall's property in Ventura County rests with the Ventura County Board of Supervisors and concludes that the Ventura County Board of Supervisors will be hesitant to approve such development. This does not excuse the EIR's failure to address the project's growth inducing impacts in Ventura County. By the same token, the **EIR must include an evaluation of mitigation measures for the project's growth-inducing effects in Ventura County, and cannot avoid this responsibility by presuming that the future boards in Ventura County will resist pressure to approve development.** 11

The failure of the EIR to discuss the environmental effects of the project's growth-inducing impacts might be excused if mitigation measures were imposed that ensured such future growth would not occur. Williamson Act contracts are not a sure mitigation of growth-inducing impacts because the property owners can choose not to renew them. However, a perpetual open-space easement created pursuant to the Open-Space Easement Act of 1974 (Gov. Code, Section 51070 et seq.) would not be subject to this infirmity. Hence, such an **open-space easement over Newhall's Ventura County holdings would serve to mitigate the direct growth-inducing impacts in Ventura County of the proposed project.** Similarly, **if the Newhall project were to provide an affordable housing program along the parameters of those discussed in the preceding sections, that would serve to mitigate the project's indirect growth inducing impacts.**

An open-space easement is entirely feasible. Newhall has in the past subjected all of its Ventura County holdings to Williamson Act contracts which, except for their potential for nonrenewal, are substantially identical to open-space easements. As noted on page 4.4-2 of the EIR, almost 12,000 acres of Newhall's Ventura County holdings are <u>currently</u> under a Williamson Act

contract, although that contract has been nonrenewed. Newhall's Ventura County holdings are easier and more economical to farm than the proposed development site in Los Angeles County (EIR, pp. 4.4-14 and 4.4-20) and, unlike the proposed development site, are protected by a right-to-farm ordinance (EIR, p. 4.4-2). Newhall's Ventura County holdings (approximately 15,500 acres) are only about 56 percent of its combined Ventura County/Newhall Ranch project site holdings (approximately 27,500 acres).

As an example, as part of the approval by Ventura County of the Ahmanson Ranch specific plan, allowing development of a planned community on approximately 2,800 acres abutting the Ventura County/Los Angeles County line, the developer agreed (through a Development Agreement) to convey to public entities in fee approximately 9,900 acres for public recreation. That 9,900 acres is about 78 percent of the total acreage involved. While the Ahmanson Ranch developer was able to negotiate with a third party public entity for compensation with respect to some of the 9,900 acres, the condition of approval required the developer to convey the entire 9,900 acres regardless of whether it received any compensation. Perhaps Newhall could find a qualified nonprofit organization willing to pay for the proposed open-space easements. But, in any event, the open-space easements would leave Newhall in possession of the land with the right to farm it as it has in the past and is now doing, whereas Ahmanson Ranch will retain no right or title to the 9,900 acres that it must dedicate to public recreation. The open-space easement could be created by conveyance to a nonprofit organization without the approval of Ventura County. (See Gov. Code, Section 51083.5.) However, if the open-space easement were accepted or approved by Ventura County, Newhall would also enjoy the same tax benefits that accrue to Williamson Act contracts. 11

Ventura County Star Thursday, April 2, 1998

The deluge always comes

FOLLY: *Despite the assurances of experts, it is impossible to prevent floods.*

Essay

John Krist

When the Bureau of Reclamation designed Folsom Dam in 1949, federal engineers calculated that the huge structure on the American River would protect Sacramento and other downstream communities from a 250-year flood — a deluge of such magnitude that the statistical chance of it occurring in any given year is only 1 in 250.

To appreciate the hubristic nature of this assertion, it helps to know that the engineers based their calculations on flow data gathered between 1905 and 1948. Having monitored the river for 43 years, a mere eyeblink of time — and a dry spell, at that — they extrapolated for a period six times as long.

Downstream communities based planning and zoning policies on the flood-plain calculations, allowing hundreds of thousands of people to move into low-lying areas. They assumed the intricate system of levees and other flood-control structures would protect them and their property from all but the remotest threats.

The calculations were mistaken, however, as were the land-use policies based upon them. These failures illustrate a bedrock principle of flood-plain management, one that must be considered as legislators consider placing a bond measure on the November ballot asking Californians to spend hundreds of millions of dollars to shore up the flood-control system in the Central Valley and the Bay-Delta region.

Simply put, that principle is this: There is no way to prevent floods: the best any structure can do is to decrease their frequency and severity. It makes sense for land-use planners and developers to behave accordingly, placing a higher priority on keeping people out of flood plains than on trying to build protective devices that will inevitably fail.

Over the past two years, for example, flooding in California has caused $4 billion in property damage and forced 130,000 people from their homes. This has occurred even though the state has built one of the most elaborate river-control systems in the world.

"You can't argue that we're doing it right, and it might be time to think of doing it differently," is how Jeffrey Mount put it last week during a statewide conference on flood-plain management and habitat conservation in California's watersheds. The gathering in Sacramento was sponsored by UC Davis, where Mount chairs the geology department.

A persistent critic of traditional flood-management techniques, Mount is a proponent of alternative approaches that don't rely on the illusory assurances provided by dams and levees. He is particularly disdainful toward the 100-year-flood zone that the federal government and local urban planners use to identify areas of greatest risk.

The zone is regarded as sacred, although it bears little relationship to actual geophysical processes, no matter where in California it is drawn. "That line is going to move," said Mount, who is the author of "California Rivers and Streams," a text on the conflict between land use and rivers.

Folsom Dam is perhaps the best example of this uncertainty. Two years before the dam's completion in 1957, the American River system produced flows far in excess of the engineers' calculations. The same thing happened again in 1963 and 1965. The U.S. Army Corps of Engineers, the agency in charge of federal flood-control works in California, revised its calculations and determined that Folsom Dam provided 120-year-flood protection — half its design capacity.

In 1986, the 120-year flood arrived, and its effects were far greater than predicted. The corps drew up new flood-plain maps and revised its estimate yet again. Folsom Dam, it now decided, could protect Sacramento only from a 70-year flood. Overnight, more than 300,000 people found themselves outside the "protected" zone. The area's flood-control agency purchased extra storage space in the reservoir to handle storm flows, returning Sacramento to a 100-year level of protection.

After last year's devastating floods in the Central Valley, however, the corps revised its calculations again. Even with 40 percent of the reservoir space reserved to absorb heavy runoff, Folsom Dam is now thought to protect California's capital from only a 77-year flood.

It is folly to behave as though these lines were immutable, whether in the Central Valley or in coastal Southern California. The data are inadequate, nature is unpredictable, and the price of miscalculation is terribly high.

— John Krist is assistant editor of the Star Opinion pages. His e-mail address is krist@staronline.com.

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GOVERNMENT CENTER, HALL OF ADMINISTRATION, L #1880
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

April 6, 1998

Supervisor Zev Yaroslavsky
Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: March 24, 1998, Appeal of Tentative Tract/Parcel Map No. VTPM-24500 and CUP No. CP-94087; Public Hearing Concerning Proposed Newhall Ranch Specific Plan and Water Reclamation Plant, General Plan and Sub-Plan Amendments Nos. 94-087-(5), Zone Change No. 94-087-(5), Conditional Use Permit No. 94-087-(5), Vesting Tentative Parcel Map No. 24500-(5)

Dear Supervisor Yaroslavsky:

This letter is in response to your comments at your Board's hearing of March 24, 1998, concerning the Newhall Ranch project. You questioned the credibility of the Ventura County representatives' concerns regarding Newhall Ranch, leaving the public with the impression that it is no different than Ahmanson Ranch. You appeared to be arguing that Ventura County officials had no cause to challenge Los Angeles County's treatment of Newhall project impacts on Ventura County and the cities in Ventura County when they themselves ignored the impacts of the Ahmanson project on Los Angeles County and cities in Los Angeles County.

We urge you to review the significant differences between the two projects as they relate to impacts on neighboring jurisdictions. The documents enclosed, marked Attachments 1 through 4, summarize the relevant financial details and specific improvements required of Ahmanson. The undisputed record supports the conclusion that the Newhall analysis fails to reach the level of analysis necessary to provide a meaningful disclosure of trans-county impacts sufficient to support meaningful mitigation. For example, in Ahmanson the air quality analysis was regional in scope and not limited to Ventura County or the Ventura County Air Pollution Control District. A 3.7 million dollar air pollution fund was established to reduce regional traffic demand. 1

Ahmanson was required to pay approximately 3.6 million dollars in fees to cities outside the County of Ventura for traffic mitigation. Specific road improvements were required at a cost of additional millions. There were also specific analyses of flood control, water quality and biological impacts on Los Angeles County due to the Ahmanson project and detailed mitigation plans. 1

In contrast, the Newhall analysis stops at the County line. The project, as currently designed, requires no fees to be paid to Ventura County or jurisdictions in Ventura County to mitigate traffic or air pollution impacts. No road improvements are required in Ventura County. Despite the undisputed fact that the Newhall project will ultimately be a city of approximately 70,000 new residents adjacent to the County line and connected to Ventura County by Highway 126, no regional traffic or air pollution analyses were conducted. No mitigation measures, except for unspecified intersection improvements in Fillmore and Piru and minor noise mitigation measures at two locations, have been imposed on the Newhall project to mitigate what are sure to be inevitable Ventura County impacts. 2

The environmental document did address in some superficial sense the water quality issue by recognizing that the water level may be reduced by up to 10 feet in portions of the Santa Clara River due to the project. Your staff also recognized that the Newhall groundwater basin is interconnected with the water basins in Ventura County. Yet there is no analysis as to where the water is to come from to recharge the Newhall Aquifer in the typical multi-year cycles of drought and rain. Newhall simply assumes that there will be enough water available without specifying the source. Before you certify this EIR you should demand that the Newhall Land and Farming Company provide legally enforceable assurances that there will be an adequate water supply in multi-year drought and rain cycles to ensure that Ventura County will not lose the water source on which it currently relies. 3

Yet another example of the less than full disclosure required by an EIR concerns biological resources. The environmental document concedes that there is currently on the Newhall Ranch property in Los Angeles County a wildlife corridor ranging from 2.1 to 5.1 miles wide running north and south. The environmental analysis further concedes that the wildlife diverted by the project development will likely migrate into Ventura County through the Salt Creek Corridor. This is where the analysis ends. There is no analysis explaining how this relatively constricted area occupied by working farms will be sufficient to accommodate the animal migration. Nor are there any requirements that Newhall Land and Farming Company dedicate any land in Ventura County to accommodate these biological impacts and to serve as a buffer for the impacts on agriculture. 4

Los Angeles County staff has told you both in writing and in the public hearing of March 24 that the impacts on Ventura County were addressed, reviewed, looked into or studied. This is true but only in a very superficial sense. There are some words in the 5

EIR and staff comments mentioning Ventura County. However, there is only a general recognition of Ventura County's existence next door. The level of analysis of Ventura County impacts is so cursory that it is impossible from the environmental documents developed to date to measure their extent. Therefore, there is insufficient data to develop the kind of specific mitigation measures required in Ahmanson. 5

Please do not dismiss Ventura County's position out of hand based on the false assumption that Ventura County has no cause to make complaints because Ventura County did exactly the same thing they are complaining about when they approved the Ahmanson project. This is simply not the case. In Ahmanson, the Ventura County staff analyzed in detail all of the trans-county impacts to a level of detail necessary to understand the impacts and to propose meaningful mitigation measures. The environmental document in Newhall leaves the impacts on Ventura County to chance with the high probability of serious and irreversible harm. The citizens of Ventura County are entitled to a more detailed analysis than has been provided thus far. We therefore urge you not to certify the environmental document or approve any element of this project until the impacts on Ventura County are studied with the level of detail required by the California Environmental Quality Act. 6

On another issue, I am enclosing an editorial on flood control issues which appeared in the Ventura County Star on Thursday, April 2, 1998. 7

Thank you for your cooperation.

Sincerely,

Kathy Long

KATHY LONG
Supervisor, District 3,
Ventura County Board of Supervisors

Attachments

cc:
Los Angeles County Board of Supervisors
Ventura County Board of Supervisors
David Janssen, Los Angeles County Chief Executive Officer
Lin Koester, Ventura County Chief Executive Officer
Vince Bertoni, City of Santa Clarita
Chris Silver, City of Fillmore
Joan Kus, City of Santa Paula
Dennis Slivinski, County Counsel

AHMANSON AND NEWHALL RANCH MITIGATION MEASURES

ISSUE	AHMANSON	NEWHALL	
ACRES URBANIZED	1,885 ac	6,111 ac	8
OPEN SPACE PRESERVED	10,864 total ac 1,513 ac in LA County	5,852 total ac 0 in Ventura Co.	
OPEN SPACE MAINTENANCE FUND	$4.6 million	$2.0 million	
FEES PAID TO JURISDICTIONS IN OTHER COUNTY	$3.6 million	0	9
IMPROVEMENTS MADE IN OTHER COUNTY	multi-millions of dollars in numerous road improvements	unspecified intersection improvements in Fillmore and Piru	10
MEASURES TO MITIGATE IMPACTS IN THE OTHER COUNTY			
MANDATORY AFFORDABLE HOUSING PROGRAM	25% of all units plus six acres to Housing Authority	Assumes that higher density areas will be "affordable". No specific program	11
AIR QUALITY MEASURES	comply with APCD regs. $3.7 million dollar fund to reduce traffic demand	comply with SCAQMD regs. $0 to reduce traffic	12
FLOOD CONTROL	designed to reduce flows to pre-project "non-burn" flow	designed to reduce flows to pre-project "burn" flow	13
ENERGY EFFICIENCY	exceed minimum standards by 20%	comply with minimum standards	14
FISCAL IMPACTS	Phasing limits, guarantees of no costs, $14 million fund on deposit to ensure no public losses	hope fiscal study is correct, no guarantee against public costs	15

ATTACHMENT 1

AHMANSON RANCH

ACRES URBANIZED: 1,885 acres.

ACRES OF OPEN SPACE SAVED IN VENTURA COUNTY: 8,436, plus 915 acres of natural community open space within the Specific Plan area for a total of 9,351 acres.

ACRES OF OPEN SPACE SAVED IN LOS ANGELES COUNTY: 1,513 acres.

MONIES TRANSFERRED TO LOS ANGELES COUNTY JURISDICTIONS: Off Project Improvement Fund Trip fee (adjusted annually for inflation) is $926 per single family residence, $537 per multi-family residence, $921 per hotel room, $650 per golf course acre, $2.60 per square feet of gross commercial space, totaling an estimated $3.6 million (in 1992 dollars), distributed as follows:

City of Agoura Hills	6.32%
City of Calabasas	48.08%
City of Los Angeles	43.87%
County of Los Angeles	1.73%
Total	100.00%

SPECIFIC IMPROVEMENTS MADE IN LOS ANGELES COUNTY JURISDICTIONS: The following road improvements will be constructed at the applicant's expense in unincorporated Los Angeles County: 16

Construction of a four-lane roadway ("A" Street) from Mureau Road to Thousand Oaks Boulevard and construction of associated intersection improvements at both Mureau Road and Thousand Oaks Boulevard.

Construction of an extension of Thousand Oaks Boulevard as a four-lane arterial with median from Mountain Gate Drive to the Ventura County line, plus associated intersection improvements at .Mountain Gate Drive.

The following road improvements will be constructed at the applicant's expense in the City of Calabasas:

Widen Thousand Oaks Boulevard from two-lanes to four-lanes between Ruthwood Drive and the City of Calabasas boundary and improve the intersection of Thousand Oaks Boulevard at Parkmore Road, Ruthwood Drive and Las Virgenes Road.

Widen Las Virgenes Road from Parkmore to Thousand Oaks Boulevard from four-lanes to six-lanes and install curb and gutter on Los Virgenes Road.from Thousand Oaks Boulevard to the Ventura County line, extend

Las Virgenes Road to the Ventura County line and improve the intersection of Las Virgenes Road at Parkmore, Mureau Road and Thousand Oaks Boulevard.

ANY OTHER TRANSFER OF RESOURCES TO LOS ANGELES COUNTY JURISDICTIONS TO MITIGATE IMPACTS: The City of Calabasas has the option of receiving fees totally $1.3 million dollars (adjusted annually for inflation) in lieu of Ahmanson constructing some of the traffic improvements described above.

MOST IMPORTANT PROJECT DESIGN OR OPERATIONAL MEASURES TO MITIGATE IMPACTS TO LOS ANGELES COUNTY:

AFFORDABLE HOUSING: Ahmanson is required to provide sufficient very low, low and moderate income housing to accommodate the housing needs of all employment generated by the Ahmanson Ranch project, including 324 apartments, condominiums and townhouses, 50 single room occupancy units, 300 second dwelling units. In addition to meeting the needs generated by the project, Ahmanson will dedicate three sites, totaling six acres to the Ventura County Areawide Housing Authority to provide up to 100 units of public affordable housing, as Ahmanson's contribution to a regionwide shortage of affordable housing. In total, affordable housing units will consist of 25% of the housing proposed for the project. A detailed Affordable Housing Program will be managed by a housing coordinator funded by the development to ensure implementation of rent and re-sale controls and to ensure that Ahmanson Ranch employees receive preferential opportunity to purchase housing on the Ahmanson Ranch. 16.

AIR QUALITY MITIGATION MEASURES/TRANSPORTATION DEMAND MEASURES: To address project and off-site (LA County) traffic and air quality impacts, Ahmanson is required to purchase electric or clean fuel vans and shuttle busses to move residents within the development and connect with Warner Center in Los Angeles. The project has been designed with bus turnouts, covered benches and a network of bicycle pathways and bicycle parking facilities to encourage alternative transportation choices. The project also includes a telecommuting/ teleconference center. The Ahmanson project will have its own Transportation Management Association (TMA) coordinator to oversee the implementation of a program designed to reduce project related peak-hour vehicle trips. The on-going operation and maintenance of the project's public transportation system and TMA is assured by a special tax. The project will pay fees totaling $3.7 million (in 1992 dollars) to fund a Transportation Demand Management Fund which will be used to fund additional measures to reduce traffic and air quality impacts.

FLOOD CONTROL: To address downstream (LA County) flood hazard impacts, Ahmanson will construct a comprehensive Backbone Drainage system consisting of stormwater detention basins, debris basins, storm drains, and other devices designed to reduce peak flows below 6,900 cfs (the pre-project storm runoff volume). The backbone drainage plan will work in conjunction with an innovative Water Harvesting Plan designed to trap and direct rainwater into the soil to reduce irrigation requirements. The Water Harvesting Plan incorporates the construction of contour trenches, swales and terraces, check dams, dry wells, sand traps, sand tanks, parking lot and street catchments, flood diversion ponds, and mulching.

WATER QUALITY: In order to ensure downstream (LA County) water quality will not be adversely impacted by the project; Ahmanson Ranch will implement an Urban Run-off Management Program intended to protect downstream surface water resources. The program includes golf course irrigation and runoff management requirements, various erosion control measures, a community education program, a prohibition on the use of self regenerating water softeners, and the employment of first flush basins, check dams, parking lot and street median infiltration trenches and water quality monitoring of Las Virgenes Creek to determine if the project has resulted in undesirable water quality effects and remediation requirements, as necessary.

16

BIOLOGICAL RESOURCES: To address project and regional biological resource impacts, Ahmanson Ranch will implement a comprehensive Resource Management Program. The project will establish a $3.6 million dollar endowment fund to support the Las Virgenes Institute which will advise the County and other public agencies regarding implementation of long-term biological resource mitigation and will provide environmental educational programs. The project will address on-site biological resources with a comprehensive Plant Community Management Plan, an Oak Tree Mitigation Program and a Wetlands Mitigation Program and a Grasslands Mitigation Program. The Grasslands Mitigation Program includes a $1 million dollar, 10-year study to determine the most effective approach to native grassland restoration. The results of this study will benefit other projects in the Southern California region. The project will also include a Wildlife Management Plan to promote a viable wildlife connection between the Santa Susana Mountains and the Santa Monica Mountains in LA County.

ENERGY CONSERVATION: To achieve regional energy savings, the project will employ conservation techniques designed to result in energy savings of at least 20 percent in excess of that required by law. The project will employ a pilot program to utilize fuel cells to produce electricity and thermo energy by means of a non-polluting electrochemical process.

A comprehensive community-wide Recycling program will include dedication and construction of a five-acre recycling center, built-in recycle storage dividers in homes, requirements for mulching mowers for golf courses and public landscape areas, and an aggressive public education program to encourage recycling efforts. 16

WHAT IMPACT METHODOLOGIES OR OTHER POLICIES OF LA COUNTY JURISDICTIONS DID WE INCLUDE IN OUR EIR ANALYSIS: The Ahmanson Ranch EIR employed the significance threshold standards of each jurisdiction being impacted in the Traffic/Circulation analysis. In the Air Quality section, the Ahmanson EIR evaluated the project using both Ventura County APCD and LA County's SCAQMD standards. In the Flood Control analysis, the EIR discussed the LA County 50-year storm event standard but evaluates the project based on the more restrictive Ventura County 100-year storm event significance threshold. 17 18

ANYTHING ELSE WHICH MAKES AHMANSON RANCH STAND OUT? While the Newhall Ranch project will rely largely on property taxes to fund community facilities, Ahmanson Ranch was required to dedicate without cost to the County the land, construct, landscape, furnish and equip to County standards the following facilities: a sheriff station, fire station (including trucks), library (including books), town hall, recycling center (including chipper and unloader), maintenance facility, and village green. 19

Additionally, while the Newhall Ranch project makes extremely optimistic assumptions regarding the fiscal impact of the Newhall Ranch project and makes no provisions in the event these optimistic assumptions are wrong, Ventura County conducted its own fiscal impact reality check by modeling the project using conservative (in our view more realistic) assumptions. In order to ensure that the Ahmanson Ranch project would not result in a net loss to County General Fund and County dependent districts, Ahmanson was required guarantee that a 300 room hotel or equivalent revenue producing land use will be developed. The project will be phased in such a way to ensure that the residential portion of the development does not occur at a more rapid pace than the net revenue producing commercial portion. Additionally Ahmanson was required to implement a special tax to cover the cost of providing government services, and must post a $14 million dollar surety to guarantee that the County General Fund and County dependent districts will be reimbursed any adverse fiscal impact from the Ahmanson Ranch development.

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800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

June 14, 1995

Michael Antonovich
Supervisor, Third District
County of Los Angeles
821 Hall of Administration
Los Angeles, CA 90012

Subject: Newhall Ranch Project

Dear Supervisor Antonovich,

This letter is written out of concern that the massive Newhall Ranch development, planned at Ventura County's doorstep, appears to be proceeding towards public hearing without a clear statement of public objectives. A project of this magnitude will have enormous consequences for the Santa Clara River communities in Ventura County and northern Los Angeles County. Whether or not the project is ultimately approved, I believe it is imperative that the County of Los Angeles identify design objectives and public benefits that will compensate for any adverse consequences of the Newhall Ranch project that are certain to be identified in the environmental document.

While I believe it is too early in the process for either Ventura County or Los Angeles County to advocate or oppose the Newhall Ranch project, I would like to take this opportunity to share with you our perspective gained from the community design process for the Ahmanson Ranch project in Ventura County which was approved in December of 1992. The Ahmanson Ranch and associated regional public open space dedication areas are approximately the same size as the Newhall Ranch (12,749 acres). However, the Ahmanson Ranch will result in about 3,000 dwelling units and more than 10,000 acres of public open space, while the Newhall Ranch proposes about 8 times as many homes. Los Angeles County should ensure that the public benefits of the Newhall Ranch project are even more substantial than that which will be provided by the Ahmanson Ranch project. 20

Enclosed is a list of Ventura County's design objectives identified for the Ahmanson Ranch project and a brief description of how each objective was met. I believe most of these may be directly applicable to the Newhall Ranch project. Additionally I am enclosing a list of Ahmanson Ranch benefits which will accrue to numerous public agencies and their constituencies.

ATTACHMENT 3

It is my hope that this letter will inspire you to instruct Los Angeles County staff to begin the process of identifying Los Angeles County objectives and public benefits which may result from the Newhall Ranch project. It would be an enormous lost opportunity for the public if the Newhall Ranch project is allowed to proceed based only upon the developer's ideas for this project. 20

Cordially yours,

Maggie

Maggie Erickson Kildee, Chair
Ventura County Board of Supervisors

cc:
Supervisor Susan K. Lacey
Supervisor Frank Schillo
Supervisor Judy Mikels
Supervisor John K. Flynn
Thomas Berg, Resource Management Agency Director
Keith Turner, Planning Director

AHMANSON RANCH DESIGN OBJECTIVES

The following design objectives were identified for the Ahmanson Ranch project:

1. **Create a cohesive community by providing a variety of housing, recreation, and commercial opportunities so that individuals can live, work and play within the community;**

The Ahmanson Specific Plan requires the developer to provide housing commensurate with the projected incomes of the Ahmanson Ranch work force (1,760 permanent jobs will be created). Thus the project will provide an opportunity for the every employee from janitor to CAO to purchase or rent housing within the community. The affordable housing program requires Ahmanson to build boarding house units, granny flats, low cost apartments, duplex units, condominium units and single family homes on various size lots. The affordable housing program establishes resale restrictions to ensure that for-sale units are sold to qualifying low income households and rent control provisions are in place for rental units. A 90-day preferential marketing period will ensure that employees on the Ahmanson Ranch will have an opportunity to purchase the homes at affordable prices. In addition to meeting the needs of the on-site work force, the applicant is required to dedicate land to the Areawide Housing Authority for the construction of 80 to 100 affordable housing units above and beyond the needs for the project itself in order to address a regional affordable housing shortfall. 20

The developer was required to dedicate and improve neighborhood and community parks, a village green, and a network or pedestrian walkways, bicycle paths, multi-purpose trails, and equestrian/hiking trails to meet the recreational needs of the Ahmanson Ranch residents.

Additionally, the village center and neighborhood center are designed to meet the shopping and service needs of the community.

2. **Establish a compatible interface with surrounding land uses and communities;**

The Specific Plan designates community open space buffers or very low density residential development along the perimeter of the project, while the commercial and community facilities and higher density residential uses are located in the center of the development in order to minimize land use incompatibility and to better serve the needs of the Ahmanson community.

3. **Provide a pedestrian-oriented community that reduces reliance of residents upon the automobile and fosters a "small town" atmosphere;**

Seventy percent of the housing units will be located within a 10 minute walking distance and all residents will be within a 10 minute bike ride of the neighborhood center or the village center. The neighborhoods have been designed to provide ease of pedestrian movement along separate bike and pedestrian pathways which lead to the village and neighborhood centers and parks. The centers themselves are designed to facilitate a pedestrian-friendly environment. Parking lots are hidden from view, village center roads are narrow and designed to slow traffic, buildings are scaled to the pedestrian, sidewalks are wide and a village green is provided to provide a focus for community activities in the village center area.

4. **Provide public community facilities that will satisfy the needs of the residents of the Specific Plan area;**

The applicant was required to donate land, build and furnish to County requirements the town hall, library, police station, fire station, neighborhood and community parks, a recycling center, a maintenance facility, community trails, and a trail head parking area. Additionally, a separate development agreement with the school district provides the full cost of construction of the elementary and middle schools and expansion of the existing high school.

5. **Creatively use technology to reduce energy and water consumption, enhance efficiency, and promote education;**

20

The Specific Plan requires that all buildings be designed to reduce energy consumption by at least 20 percent below current federal guidelines.

The applicant will participate in a pilot program to install fuel cells (a non-polluting means of producing electricity from natural gas).

Garages are required to be designed to accommodate electric vehicle recharging, and electric vehicles will be allowed to park in the village and neighborhood centers for free while internal combustion vehicles will be required to pay to park.

The community will be wired for fiber optics to accommodate tele-shopping and tele-education, and a tele-commuting center with tele-conference capabilities will be constructed.

Internal shuttle service will be required as well as shuttle service between the community and major job centers such as the Warner Center in Los Angeles.

An innovative water harvesting effort will capture rain water on site and tertiary treated waste water will be utilized to irrigate landscape areas.

All houses are required to incorporate ultra low flow fixtures and model homes must demonstrate low water usage demonstration landscape plans. Water consumption is expected to be less than 50 percent of a standard subdivision development.

The master grading plan employs land form grading techniques which will emulate natural landforms and avoid the visual eyesore caused by grading typical of hillside development in other jurisdictions.

An Urban Runoff Management Program will ensure protection of water quality through control measures and long-term education and monitoring.

A Solid Waste Management Program will reduce the solid waste stream through a comprehensive program of conservation, source reduction and recycling.

6. **Cluster development to minimize environmental impacts, create large open space preserves, and enhance and restore native habitats;**

More than 85 percent of the project's land area will be preserved in undeveloped public open space. A total of 9,949 acres will become regional public open space and an additional 915 acres will be retained as public community open space within the Specific Plan area. All urban land uses are focused in to an area of 1,885 acres in the southeast corner of the Ahmanson Ranch. The Specific Plan includes a detailed Resource Management Program (RMP) which is designed to protect and enhance natural resources within the Specific Plan area. Some of the elements of the RMP include: 20

-- Las Virgenes Institute for Resource Management. The Institute is a proposed non-profit organization formed to assist in the development, implementation and monitoring of the RMP and to provide certain educational programs.

-- Regional Public Open Space Program. Requires the conveyance of 9,949 acres of regional public open space to the Mountains Recreation and Conservation Authority and the National Park Service prior to preceding with any development.

-- Habitat Management Program. Provides specific measures to enhance native vegetation areas within the community open space areas; enhance wildlife corridors; and details innovative water harvesting techniques designed to trap rain water into the soil.

-- Oak Tree Mitigation Program. Establishes a detailed program for the replanting and transplanting and long-term maintenance and monitoring of over 5,000 oak trees which will be planted in compensation for the removal of up to 1,256

trees. Public education is an important element of this program.

-- Wetlands Mitigation Program. Details requirements for restoration and enhancement of wetlands in compensation for wetland losses due to project development.

-- Grasslands Mitigation Program. Requires the applicant to fund a ten-year research program and replant and restore 300 acres of native grassland habitat to compensate for loss of native grassland community.

-- Air Quality Mitigation/Transportation Management Program. This program imposes requirements intended to reduce automobile trips, conserve energy and reduce project emissions. The developer is required to supply clean fuel shuttle busses, bicycle facilities, and a Transportation Management Association will be created to manage transit, car pooling, and other measures to reduce project traffic.

7. **Provide a fiscally sound project that will generate sufficient revenues to cover the cost of government services.** 20

Due to severe budgetary constraints, which I am sure Los Angeles County shares, our County needed to be certain that the Ahmanson Ranch project would not result in an adverse fiscal impact on the County or other dependent districts. We strongly advise that your staff employ its own independent fiscal consultant to review the Newhall Ranch project. Ventura County required the applicant to commit to the building of a hotel or similar revenue producing land use, linkage between land use categories to ensure that the rate of construction within the residential portion of the project does not occur at a more rapid rate than the net revenue producing commercial portion, implementation of a special tax to cover the anticipated revenue shortfall to the dependent districts and the applicant is required to reimburse the County if the General Fund or any County dependent district experiences a revenue shortfall.

An off-project trip fee will compensate jurisdictions outside Ventura County which will be impacted by project traffic.

AHMANSON RANCH BENEFITS TO PUBLIC AGENCIES

The following is a listing of project benefits which will accrue to numerous public agencies and their constituencies:

Ventura County (General)

- The project will result in 8,436 Acres of regional public recreation land within Ventura County (Jordan Ranch, Runkle Ranch, Las Virgenes Canyon)
- The project will provide an opportunity for County residents to live in a well-designed planned community.
- The project will result in 80 - 100 affordable housing units in excess of that required to meet the project's need. These units will assist the County in meeting Countywide affordable housing needs.
- The project is estimated to result in net revenue to County General Fund of $1.5 million per year after buildout under conservative assumptions (up to $3.7 million per year based on applicant assumptions).
- The Development Agreement requires the developer to guarantee that any fiscal losses sustained by the County General Fund will be reimbursed by the developer for the life of the Development Agreement. 20
- The project is estimated to result in the creation of 500 construction jobs per year plus 1,760 permanent jobs at buildout.
- The developer will provide an interim Town Hall which will be made available to the County without cost and the developer will provide funds for furnishings, fixtures and equipment.
- The developer will dedicate land and construct (without cost to the County) a fully improved Town Hall or provide an equivalent $1.2 million dollars.
- The developer will dedicate land and construct (without cost to the County) a fully improved Sheriff's station (including a receiver/ repeater) or provide an equivalent $0.7 million dollars.
- The developer will dedicate and construct (without cost to the County) a fully improved Recycling Center or provide an equivalent $0.9 million dollars.

- The developer will dedicate and construct (without cost to the County) a fully improved Maintenance Facility or provide an equivalent $0.7 million dollars.

- The developer will dedicate and construct (without cost to the County) a fully improved Village Green (Town Hall park) or provide an equivalent $0.5 million dollars.

Ventura County (Fire Protection District)

- The developer will dedicate and construct (without cost to the County) a fully improved fire station (including fire trucks) or provide an equivalent $1.2 million dollars.

- The Development Agreement requires the developer to guarantee that any fiscal losses sustained by the County Fire Protection District will be reimbursed by the developer for the life of the Development Agreement.

Ventura County (Library Services Agency)

- The developer will provide an interim Library without cost to the County and will provide funds for 10,000 books, furnishings, fixtures and equipment.

- The developer will dedicate and construct (without cost to the County) a fully improved library (including 25,000 additional books) or provide an equivalent $1.7 million dollars.

- The Development Agreement requires the developer to guarantee that any fiscal losses sustained by the County Library Services Agency will be reimbursed by the developer for the life of the Development Agreement.

Ventura County (Flood Control District)

- The Development Agreement requires the developer to guarantee that any fiscal losses sustained by the County Flood Control District will be reimbursed by the developer for the life of the Development Agreement.

Ventura County (Road Fund)

- The Development Agreement requires the developer to guarantee that any fiscal losses sustained by the County Road Fund will be reimbursed by the developer for the life of the Development Agreement.

Ventura County Air Pollution Control District

- The project will result in collection of Air Pollution Mitigation Fees totally $3.7 million dollars which will be

provided to fund air quality mitigation measures as determined appropriate by the District.

Oak Park Unified School District

- The project will result in collection of school fees totalling $17.86 million dollars which will be utilized to fund construction of interim and permanent school facilities on the Ahmanson Ranch and expansion of the existing Oak Park High School and District Administrative Center in the Oak Park community.

Rancho Simi Recreation and Park District

- The developer will dedicate without cost to the District a 20 acre community park, three neighborhood parks and will provide a maintenance facility for the District's use. The parks will be graded, planted with turf and utility extensions will be provided.

Mountains Recreation and Conservation Authority and National Park Service

- The project will result in the acquisition of 9,949 acres of regional public open space by means of developer dedication of Las Virgenes Canyon and purchase of Runkle Ranch, Jordan Ranch, Liberty Canyon and Corral Canyon for $29.5 million dollars. Such land will be utilized for public recreation and wildlife habitat protection. 20

Triunfo County Sanitation District

- The developer will construct without cost to the District a wastewater treatment facility and sewage and reclaimed water lines.

Areawide Housing Authority

- The developer will provide six acres of land, suitable for the construction of 80 to 100 public affordable housing units (without cost to the Housing Authority).

City of Calabasas

- The project will result in the collection of trip fees totalling $1.4 to $1.7 million dollars which would be available to the City for traffic and circulation improvements.

- The project would result in permanent open space, that would be available to Calabasas residents.

- The project would result in an increase in sales tax revenues and commercial benefits and charitable contributions resulting from the annual PGA TOUR event).

- The project would result in the creation of jobs which may benefit some City of Calabasas residents.

- The project would result in circulation improvements that will provide Calabasas residents with improved access to West Hills and other destinations within the City of Los Angeles.

City of Los Angeles

- The project will result in the collection of trip fees totalling $1.6 million dollars which would be available to the City for traffic and circulation improvements.

- The project would result in permanent open space, that would be available to Los Angeles residents.

- The project would result in an increase in sales tax revenues and commercial benefits and charitable contributions resulting from the annual PGA TOUR event).

- The project would result in the creation of jobs which may benefit some Los Angeles residents.

20

- The project would provide housing to partially meet the needs generated by the expansion of Warner Center.

- The project would result in circulation improvements that will provide Los Angeles residents with improved access between West Hills and Calabasas and U.S. Highway 101.

City of Hidden Hills

- The project would result in permanent open space, that would be available to Hidden Hills residents.

- Residents of the City of Hidden Hills would have access to equestrian trails within the Ahmanson Ranch community.

- The project would result in the creation of jobs which may benefit some Hidden Hills residents.

City of Agoura Hills

- The project will result in the collection of trip fees totalling $224,800 dollars which would be available to the City for traffic and circulation improvements.

- The project would result in permanent open space, that would be available to Agoura Hills residents.

- The project would result in an increase in sales tax revenues and commercial benefits and charitable contributions resulting from the annual PGA TOUR event).

- The project would result in the creation of jobs which may benefit some Agoura Hills residents.

- Urban development of Jordan Ranch would be precluded.

City of Simi Valley

- The project would result in permanent open space, that would be available to Simi Valley residents.

- The project would result in the creation of jobs which may benefit some Simi Valley residents.

- Development of Runkle Ranch as a landfill would be permanently precluded.

Los Angeles County

- The project will result in the collection of trip fees totalling $62,000 dollars which would be available to the County for traffic and circulation improvements. 20

- The project would result in permanent open space, that would be available to Los Angeles County residents.

- The project would result in an increase in sales tax revenues and commercial benefits and charitable contributions resulting from the annual PGA TOUR event).

- The project would result in the creation of jobs which may benefit some Los Angeles County residents.

- The project would result in circulation improvements that will facilitate the completion of an east west bypass road parallel to U.S. Highway 101 as planned by the Los Angeles County Highway Plan.

Bell Canyon Community

- The project provides an opportunity for a second emergency access to the Bell Canyon community.

ATTACHMENT C

AHMANSON/NEWHALL COMPARE AND CONTRAST STUDY

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ATTACHMENT 4

COMPARISON OF MITIGATION MEASURES

VENTURA COUNTY AHMANSON RANCH DEVELOPMENT

VS.

LOS ANGELES COUNTY NEWHALL RANCH DEVELOPMENT

The Ahmanson Ranch development, approved by Ventura County in 1992, is similar in many respects to the currently proposed Newhall Ranch project. Both projects are located on the County line, both are mixed use communities employing compact land use designs and both are promoted as comprehensively planned communities. One difference is the Newhall Ranch project is about 8 times larger than Ahmanson Ranch. The Newhall Ranch is organized into five villages rather than a single village as planned at Ahmanson Ranch. We believe a more critical difference is the level of mitigation required for each project. CEQA requires that all available mitigation measures which could feasibly reduce an identified environmental impact be considered in the EIR. The following discusses some of the most substantive mitigation measures required of the Ahmanson Ranch project by Ventura County and compares them to the most substantive mitigation measures recommended by the draft Newhall Ranch EIR. We request that the Newhall Ranch EIR be revised to provide a similar level of mitigation for the Newhall Ranch project. We believe that all, or nearly all of the below listed Ahmanson Ranch mitigation measures could be easily adapted to the Newhall Ranch project.

TRAFFIC/CIRCULATION

AHMANSON RANCH PROJECT

The Ahmanson Ranch EIR found that the project will potentially generate 37,340 ADT which will significantly impact the existing and planned circulation system in surrounding jurisdictions. To address this impact the project applicant was required to construct on-site and off-site circulation improvements and compensate impacted jurisdictions on a prorata basis for project and cumulative impacts. Additionally, the project applicant was required to implement a detailed Transportation Demand Management (TDM) strategy designed to reduce traffic generation (see additional discussion under Air Quality)

A-1 Trip Fee To address off-site project and cumulative traffic impacts in the cities of Calabasas, Agoura Hills, Los Angeles and the Los Angeles County, a fee will be collected at the building permit stage The fee is adjusted annually for inflation. In 1992 dollars the fee is $926 for SFDs, $537 for MFDs, $2 60/square foot for commercial, $650/acre for golf courses and $921/room for the hotel The fee will be collected by Ventura County and held in an interest bearing account for the benefit of the jurisdictions that will be impacted by Ahmanson Ranch traffic The funds will be apportioned as follows:

6 28%	City of Agoura Hills
48 38%	City of Calabasas
43 61%	City of Los Angeles
1 73%	County of Los Angeles
100 00%	

A-2 Construction of Off-Site Circulation Improvements. The project applicant is required to build various circulation improvements in the City of Calabasas and Los Angeles County in addition to paying the

NEWHALL RANCH DEVELOPMENT

The Newhall Ranch EIR indicates the project will generate 387,000 ADT. The Newhall Ranch EIR requires the following traffic mitigation measures:

N-1. Funding of Off-Site Circulation Improvements The applicant is required to prepare a "Transportation Performance Evaluation". This future study will determine the specific improvements needed for off-site arterials. The applicant will be required to fund its "fair share" of these improvements No definition of fair share is provided. No mechanism is identified to implement this requirement. Thus the EIR fails to disclose what off-site traffic improvements the project will engender, how the unspecified improvements will be funded or to what degree the project will address these impacts An unspecified fee will be paid to the City of Fillmore and Ventura County to compensate for improvements required on SR-126 in Ventura County.

If a future study (Transportation Performance Evaluation) shows that additional travel lanes are required on SR-126, the applicant for the first individual subdivision that would cause SR-126 to exceed capacity must fund any improvements necessary to provide adequate capacity for that subdivision. Thus the cost of improving SR-126 will not be equitably shared by the entire project, but will be borne by one or more individual subdivision applicants who will be least able to perform the comprehensive improvements that will be required. The reality is that this inequitable burdening of later subdivisions will likely be deemed financially infeasible and thus the County will be pressured to waive the mitigation or the development of Newhall Ranch will halt until adequate State , Federal or local funds become available to bail out the developer

above trip fee These improvements include widening and extending Thousand Oaks Boulevard, construction of a new thoroughfare ("A" Street) improving Las Virgenes Road and improving three intersections in Los Angeles County

N-2 Traffic Reduction Measures The applicant is required to conform to the Los Angeles County Transportation Demand (TDM) Ordinance and the Congestion Management Program.. These programs are not described in the EIR or the Specific Plan Subdividers may be required to construct bus pull-ins to promote transit.

BIOLOGICAL RESOURCES

AHMANSON RANCH PROJECT

The Ahmanson Ranch EIR found that the project will result in significant adverse impacts to biological resources, including the potential removal or disturbance of up to 1,385 oak trees, disturbance of 17 acres of riparian community, 7.5 acres of US Army Corps of Engineers jurisdictional wetlands, 254 acres of Coastal Sage Scrub community, 9 acres of chaparral community, 308 acres of native needlegrass, 1,145 acres of non-native grassland, and 2 acres of rocklands The project was found to have significant adverse impacts to mammals (including deer, mountain lions and bats), birds of prey (including nesting raptors), reptiles and amphibians (including the coast horned lizard and red coachwhip snake) and valley oak ants. To mitigate these impacts the project applicant was required to develop a detailed resource management program designed to protect and enhance the remaining biological resources Additionally, the project applicant is required to acquire and dedicate nearly 10,000 acres of biologically valuable real estate, strategically located along a regional wildlife corridor

NEWHALL RANCH DEVELOPMENT

The Newhall Ranch EIR indicates the project will adversely impact two Significant Ecological Areas (SEAs) and result in the disturbance of 129 acres of riparian community, 53 acres of US Army Corps of Engineers jurisdictional wetlands, 1,921 acres of Coastal Sage Scrub, Great Basin Scrub, Elderberry Scrub and Alluvial Scrub community, 202 acres of chaparral community, 1,480 acres of non-native grassland, and 64 acres of oak savanna and oak woodland community, 11 acres of cherry forest and 7 acres of cottonwood oak woodland The project was found to have significant adverse impacts to 29 sensitive wildlife species and 8 butterfly species. To mitigate these impacts the Newhall Ranch Specific Plan and EIR require the following measures

N-3. Special Management Areas (SMAs). The Newhall Ranch project identifies two SMAs comprising 4,763 acres The 813 acre River Corridor SMA consists of the Santa Clara River and adjacent flood plain. The 3,950 acre High Country SMA consists of mountainous areas in the southern portion of the site. These SMAs are intended to preserve the resources of SEA 20 and SEA 23 and will act as "mitigation banks" in which

A-3 Regional Public Open Space Dedication The project applicant must acquire and dedicate to the National Park Service or the Mountains Recreation and Conservation Authority (MRCA) without cost regional public open space totaling 9,949 acres These regional public open space lands include

Jordan Ranch (2,108 acres in Ventura County),
Runkle Ranch (3,495 acres in Ventura County),
Blind Canyon (874 acres in Los Angeles County),
Liberty Canyon (474 acres in Los Angeles County),
Corral Canyon (339 acres in Los Angeles County) and
Las Virgenes Canyon (2,633 acres in Ventura County).

A-4 Resource Management Program (RMP). In addition to the regional public open space lands described above, the project applicant will preserve the most sensitive oak woodland, native grassland, coastal sage and riparian communities on-site in contiguous natural areas The Community Open Space lands comprise 915 acres

a Las Virgenes Institute (LVI) The LVI is a proposed non-profit organization formed by the project applicant to assist in the development, implementation and monitoring of the RMP and to provide certain educational programs. The LVI will ensure that the Habitat Management Program, Oak Tree Mitigation Program Grassland Mitigation and Wildfire Fuel Management Program will survive long after the project is complete and the developer has moved on. The LVI will be supported by an endowment funded by direct developer contributions totaling $840,000, annual golf tournaments and outside contributions (estimated to contribute $465,000), and a Builders' Fee which will be levied on each dwelling unit at the building permit stage (estimated to generate $1,006,000) The Builders' Fee ranges from $575 to $1,150 per dwelling unit Fees are in 1992 dollars and are adjusted annually for inflation)

impacts to riparian vegetation and oak trees will be mitigated through habitat restoration and enhancement activities

N-4 The Resource Management Plan (RMP). The Newhall Specific Plan RMP provides a conceptual framework for riparian habitat restoration and enhancement and oak tree replacement. The RMP will be implemented through future more detailed plans that may be required in conjunction with the issuance of various permits. An Oak Resource Replacement Plan shall be prepared prior to recordation of subdivision maps. No assurance is provided that the restoration/enhancement areas will be maintained over the long run, once the developer has completed his individual subdivision..

N-5. EIR Mitigations. Lighting must be directed away from natural areas. During bridge construction, blocking nets and seines must be used to control and remove fish from the area of activity. Riparian areas impacted by buildout of the Newhall Ranch shall be replaced with similar habitat at the rate of one acre replaced for each acre lost.

b Habitat Management Program The Habitat Management Program consists of three subcomponents. Each subcomponent is to be implemented and monitored over the long-term by the LVI

(1) *Plant Community Management Plan.* This plan is designed to protect, enhance and manage the surviving native vegetation communities within the community open space and adjacent to the golf courses The plan includes research, development of habitat enhancement guidelines, planting of native vegetation and long term maintenance and monitoring to assure the successful establishment of native vegetation planting

(2) *Wildlife Management Plan* The Ahmanson project includes an open space corridor west and south of the development area which will provide habitat linkage to existing and planned open space lands to the north (Santa Susana Mountains and Simi Hills) and to the south (Santa Monica Mountains via Crummer Canyon and Liberty Canyon) The Wildlife Management Plan includes wildlife management measures designed to enhance the wildlife corridor, protect sensitive species, and increase the compatibility of urban and natural areas adjacent to the developed community. Some specific requirements include construction of wildlife undercrossings for roads which cross the wildlife corridor, installation of wildlife guzzlers at 1,000 foot intervals, and restrictions on lighting, blasting and increased setbacks from sensitive portions of the site

(3) *Water Harvesting Plan* Water harvesting is the trapping and directing of rain water into the soil to reduce irrigation requirements, support plant growth, and reduce erosion and storm runoff. The plan incorporates the construction of contour trenches, swales and terraces, check dams, dry wells, sand traps, sand tanks, parking lot and street catchments, flood diversion ponds, and mulching. Water harvesting is expected to accelerate the establishment and growth of habitat enhancement plantings. Water harvesting techniques, not widely used in this country, have been developed and utilized to maximize water resources in Africa for centuries

c Oak Tree Mitigation Program. The development of the Ahmanson Ranch will result in the loss of up to 1,385 oak trees To mitigate oak tree losses, the applicant is required to replace healthy (health classes A, B and C) non-heritage oaks (9" to 90" in girth) with two 15-gallon and four 24-inch box size trees. Heritage trees (over 90" in girth) will be replaced with three 24-inch box, one 36-inch box and one 48-inch box trees. To compensate for the loss of less healthy trees (health classes D and E) the project applicant is required to contribute $25,000 for the preparation and printing of the County's Tree Protection Ordinance and two oak tree brochures Additionally, the oak tree losses will be further offset by the permanent protection of 17,571 oak trees which will be preserved as a result of the Regional Public Open Space Program described above The Oak Tree Mitigation Program also includes technical specifications for oak tree planting and transplanting and requires a five-year tree maintenance and monitoring

program from the time the replacement trees are planted

d Wetlands Mitigation Program The Ahmanson Ranch project will result in loss of existing wetlands and riparian habitat primarily in the East Las Virgenes Creek and the southern portion of Las Virgenes Creek. To compensate for wetland losses due to project development, the Wetlands Mitigation Program will require creation of riparian habitat within and adjacent to East Las Virgenes Creek, and will require enhancement of existing wetlands within Crummer Canyon (south of the Ahmanson Ranch in Los Angeles County) and will require restoration and enhancement of existing riparian corridors within and adjacent to Las Virgenes Creek (west of the Ahmanson Ranch community) and within the community open space areas within the community. A 100 foot setback from Las Virgenes Creek will be maintained Additionally, the wetland losses will be further offset by the permanent protection of more than 30 acres of wetlands which will be preserved as a result of the Regional Public Open Space Program described above

e Grasslands Mitigation Program The project will result in the loss of 308 acres of native grasslands. To compensate for this loss, the Grasslands Mitigation Program requires the applicant to fund a ten-year research program to address restoration and replication of native grasslands and long term management and monitoring In addition to this research program the

project applicant is required to replant and restore 100 acres of native grassland within the golf courses and the community open space acres and an additional 200 acres off-site

AIR QUALITY

AHMANSON RANCH PROJECT

The Ahmanson Ranch EIR found that the project will have a significant adverse air quality impact due to emissions associated with vehicle trips generated by the project and from air emissions associated with mass grading. Altogether the project is expected to generate the following emissions

Reactive Organic Compounds (ROC)	313 lbs./day
Carbon Monoxide (CO)	4,245 lbs./day
Nitrogen Oxides (NO_x)	542 lbs./day
Sulfur Oxides (SO_x)	50 lbs./day
Suspended Particulate Matter (PM_{10})	26,600-47,600 lbs./day

To mitigate these air quality impacts the applicant is required to implement a detailed air quality mitigation/transportation management program and contribute to a Transportation Demand Management Fund

A-5 Air Quality Mitigation/Transportation Management Program. This Program imposes requirements intended to reduce automobile trips, conserve energy and reduce project emissions. The program includes the following components:

NEWHALL RANCH DEVELOPMENT

The Newhall Ranch EIR found that the project will generate the following emissions:

Volatile Organic Compounds (VOC)	855 lbs /day
Carbon Monoxide (CO)	18,096 lbs /day
Nitrogen Oxides (NO_x)	3,070 lbs /day
Sulfur Oxides (SO_x)	316 lbs /day
Suspended Particulate Matter (PM_{10})	44,569 lbs /day

To mitigate air quality impacts the Newhall Ranch EIR and Specific Plan requires the following mitigations:

N-6 Traffic Reduction Measures

a Mixed Use/Compact Villages. The project is designed so that residential subdivisions are in proximity to business parks, commercial and service uses,

b Alternative Transportation Facilities Subdividers will provide bus pull-ins and a system of sidewalks, bike pathways, local, community and regional trails

a Compact Land Use Plan The project has been designed in a compact manner so that all residents will live within a ten-minute walk or bike ride to employment, shopping, transportation and recreation facilities

b Alternative Transportation Facilities. The applicant is required to provide electric or clean fuel vans and shuttle buses to move residents within the development and connect with Warner Center in Los Angeles and connections to regional transit. Covered waiting areas and bus turnouts will be provided at six locations within the development, preferential parking will be provided for carpools, vanpools and electric or clean fuel vehicles The applicant must also provide weather protected, lockable bicycle storage facilities at three locations and provide an integrated pedestrian/bicycle pathway system throughout the development. Operational and maintenance cost of the project's alternative transportation facilities (including the shuttle bus operations) will be paid for by the Community Service District A special tax has been approved to assure long-term funding of the development's public transportation system

c Telecommuting/Teleconferencing Center. The applicant is required to provide a fully furnished telecommuting center (at least 1,000 square feet of floor area) with teleconferencing facilities. The project telephone system will include provision for a fiber optic network for enhancement of voice, data and video transmission The fiber optic network will facilitate state-of-the-art telecommunications and encourage the use of satellite offices and potentially reduce home to work commuting trips, shopping trips and some recreation trips

c Public Education. Sellers of residential units will be required to distribute brochures published by SCAQMD regarding the importance of reducing vehicle miles traveled, as well as local opportunities for public transit and ridesharing.

N-7. Energy Conservation. Lighting for public streets, parking areas and recreational areas shall utilize energy efficient light and mechanical, computerized or photo cell switching to reduce energy usage.

d Transportation Management Association (TMA). The project will employ its own TMA coordinator to prepare and implement a program to reduce project related peak hour vehicle trips by coordinating public transit and implementing measures such as car pool, van pooling and staggered work hours. The developer will also provide a fully furnished office in the Village Center for the TMA coordinator. The TMA coordinators salary will be paid by the Community Services District. A special tax has been approved, in part, to ensure that this function will continue over the long-term.

e Jobs/Housing Balance. The project has been designed to provide sufficient housing at commensurate affordable levels to accommodate all of the employment generated by the development. The TMA coordinator will coordinate programs to balance employment opportunities and available housing within the project. See additional discussion under Affordable Housing Program below

f Energy Conservation Some of the energy conservation requirements include

(1) Buildings within the development must be designed to incorporate energy saving design solutions to reduce energy by at least 20 percent below Federal Title 24 regulations.

(2) The applicant is required to implement a pilot program with the Southern California Gas Company for the use of fuel cells. A fuel cell is a device which converts natural gas to electricity and thermo energy by means of a non-polluting

electrochemical process. The device can be installed in a home or business. It generates no pollution or noise and requires no maintenance.

(1) Regional energy savings will be realized as a result of a comprehensive community-wide solid waste management program. The recycling program and the on-site recycling center will also contribute to reducing air pollutant emissions from landfills. Some of the features of the Solid Waste Management Program include:

- All residential units will include built-in storage dividers for presorting recyclables.

- All single family units will be provided with a compost bin for recycling greenwaste.

- An aggressive public education program will be designed and managed by the Ventura County Solid Waste Management Department to address solid waste management issues, including management of household hazardous and toxic wastes.

- A source reduction/recycling plan is required of all commercial uses in excess of 1,000 square feet of building space. Businesses subject to this requirement must keep records detailing waste generated, waste diverted, and waste disposed of.

- Landscapers/gardeners contracted by public agencies must use mulching mowers and

transport all greenwaste to the on-site recycling center

-- Golf courses must use mulching mowers and must process and use green waste on the golf course properties

-- The applicant must donate a five acre site and construct a recycling center, including an operations office, overhead structure, chipping and mulching area and must provide a chipper and front end loader.

g Day Care. The applicant must provide a 0.5 acre site in the village center to a non-profit entity for the development of a day-care facility for approximately 100 children. Additionally, the developer is required to pay the school district $100,000 for facilities for before and after school student care

h Construction Emissions. A variety of emissions reduction requirements are mandated, including:

(1) Construction grading must discontinue when second stage ozone alerts are forecast or when winds exceed 20 MPH

(2) All active areas must be watered down at least twice daily and public streets must be periodically washed down

(3) All material transported off-site must be securely covered during transportation

(4) All diesel engines must use reformulated diesel fuel and high pressure injectors. The ignition timing must be retarded two degrees from the manufacturers specification. Any equipment not in use for more than ten minutes must be shut off.

Transportation Demand Management Fund. To compensate for unmitigated residual air quality impacts from the project, the development will generate $3.7 million in Air Quality Impact Fees. These fees are applied at the building permit stage and are collected as follows: $1,250 for SFD estates, $1,100 for SFD (traditional), $800 for SFD (attached), $500 MFD (excluding affordable units), $232 private affordable housing, $2 per gross square foot of commercial, $650 per hotel room, $126,750 per golf course. The fees will be collected by the Ventura County Air Pollution Control District and may be used for the following purposes:

(1) Purchase clean-fuel or electric hybrid school buses for local school districts.

(2) Purchase clean-fuel or electric hybrid transit buses for Thousand Oaks Transit.

(3) Convert local motor vehicle fleets (public and private) to clean fuels.

(4) Convert the Interconnect bus to compressed natural gas (CNG) fuel.

(5) Convert small stationary internal combustion engines (less than 50 bhp) within the Oxnard Plain Airshed to electric motors.

(6) Contribute to the Ventura County Clean Air Fund

(7) Provide funding for the Ventura County Transportation Commission Transit Information Center.

(8) Establish and fund an old motor vehicle scrap program

(9) Purchase, operate and maintain a sufficient number of clean-fuel or electric hybrid shuttles to meet the demand of within project transportation and transportation to Warner Center, Janss Mall, Oaks Mall, Burbank Airport, Los Angeles International Airport, Metro Orange Line and passenger rail connections These shuttles should also serve as airport-hotel shuttles and special event shuttles (i e , golf tournaments).

(10) Purchase and maintain a sufficient number of compressed natural gas (CNG) fueled trash trucks to service the project.

(11) Incorporate a transit information center into the TMA coordinator's office.

(12) Subsidize transit fares for all project residents.

(13) Subsidize the purchase price of electric automobiles for project residents.

(14) Construct an on-site park and ride lot to promote carpooling

FLOODING

AHMANSON RANCH PROJECT

Development on the Ahmanson Ranch will result in increased storm runoff due to the construction of buildings, parking lots, roads and other impervious surfaces in the 1,500 acre portion of the property which will be developed. The existing 100-year peak storm flow in Las Virgenes Creek is about 6,900 cfs. With development, the unmitigated peak storm flow is expected to be 7,200 cfs. The Las Virgenes channel downstream of Ahmanson Ranch is a concrete flood control channel with a design capacity of 9,860 cfs. Pre-development conditions were based upon the computation of composite runoff coefficient curves for the 100-year storm event. As required by the Ventura County Hydrology Manual, these runoff curves take into account the following watershed variables: infiltration, ground slope, ground cover, surface and depression storage, antecedent precipitation and soil moisture, and the shape of the drainage basin.

A-6 Backbone Drainage Plan. To eliminate the 300 cfs flow increase caused by Ahmanson Ranch development the applicant is required to construct a backbone drainage system including stormwater detention basin, debris basins, storm drains to maintain peak flows at below 6,900 cfs. The backbone drainage system will work in conjunction with the Water Harvesting Plan (See mitigation A-4, above) which will also help to reduce peak storm flows to below pre-development levels.

NEWHALL RANCH DEVELOPMENT

The Newhall Ranch EIR indicates the proposed project will cover 3,187 acres with impervious surfaces. The 50-year Capital Flood storm event (which assumes the entire watershed is burned) would generate 52,729 cfs. With development the Capital Flood storm event would be reduced to 46,550 cfs. Thus the paving of five square miles of undeveloped land was found to have a beneficial impact on down stream flood hazards. None-the-less, the following mitigation measures would be required:

N-8 Conceptual Backbone Drainage Plan. The applicant will provide bank stabilization for portions of the Santa Clara River and will construct unspecified on-site and off-site flood control improvements as may be required by the Department of Public Works Flood Control Division. Each subdivider must prepare a Hydrology Plan, Drainage Plan and Grading Plan to ensure that no significant erosion, sedimentation or flooding impacts would occur.

N-9 Storm Water Management Program. The developer is required to include in the Newhall Ranch Specific Plan a Storm Water Management Program which would be implemented as part of each future subdivision. The SWMP would address trespassing, illegal dumping and filling, and other acts of encroachment into open flood control channels crossing the site.

AFFORDABLE HOUSING

AHMANSON RANCH PROJECT

The Ahmanson Ranch will generate an estimated 1,791 permanent jobs. The Ahmanson Ranch EIR evaluated the types of jobs being created and estimated that approximately 645 affordable residential units would be needed to meet the needs of employment generated by the development. The Ahmanson Ranch project is internally imbalanced, with respect to jobs and housing, with a jobs/housing ratio of 0.59. However, this imbalance will reduce the substantially "jobs rich" new jobs/new housing ratio in the study area. In order to address the affordable housing needs on the Ahmanson Ranch and the regional affordable housing deficiency, the applicant will be required to implement a detailed Affordable Housing Program.

A-7 Affordable Housing Program. The applicant is required to provide sufficient housing at affordable levels to meet the needs of anticipated employment generated by the Ahmanson Ranch. To achieve this objective the applicant would construct 674 dwelling units that would be available to very low, low and moderate income households. The affordable housing would include 324 affordable apartments, condominiums and townhouses within the Village and Neighborhood Centers. An additional 50 single room occupancy units would be located within the Village Center and in association with the hotel. Additionally, 100 affordable second dwelling units would be constructed in the residential neighborhoods.

The Affordable Housing Program includes implementation details which establish affordable housing phasing requirements, a marketing program (which includes a 90 day preferential marketing period) to ensure that qualifying

NEWHALL RANCH DEVELOPMENT

The Newhall Ranch EIR indicates the proposed project will generate 19,323 new jobs. The project will provide 24,680 market rate dwelling units. No attempt was made to determine how many of the families of these employees would be able to afford to live within the Newhall Ranch. The EIR indicates that cumulative development in the Santa Clarita Valley plus the proposed project will result in a jobs/housing balance. Therefore, no affordable housing mitigation was recommended.

employees on the Ahmanson Ranch have an opportunity to purchase or rent affordable housing on site; resale restrictions to ensure that for-sale units are sold to qualifying low income households, and rent control provisions for rental units. The Affordable Housing Program also includes the formation of a Rent Adjustment Commission who would be appointed by the Board of Supervisors and a Housing Coordinator, who would be paid out of CSD funds. A housing coordinator will be provided to coordinate implementation of the Affordable Housing Program. Offices for the housing coordinator will be provided within the town hall in the Village Center.

In addition to meeting project needs for affordable housing, the applicant is required to dedicate six acres to the Areawide Housing Authority (AHA). The AHA will construct between 80 and 100 affordable apartments as the Ahmanson Ranch contribution to the regional deficit of affordable housing.

WATER QUALITY

AHMANSON RANCH PROJECT

Surface water quality can be adversely affected by the runoff of urban-related contaminants (pesticides, fertilizers, oil and grease, etc.) into local drainages. Additionally, the use of reclaimed water on the golf courses may result in salt build-up in soils. To address water quality issues the Ahmanson Ranch will be required to construct a backbone drainage system (See mitigation A-6, above) and employ water harvesting techniques system (see mitigation A-4, above) including the use of catchments and diversion ponds ("first flush basins") to reduce the amount of potential contamination. Additionally, the applicant is required to implement a detailed Urban Runoff Management Program.

NEWHALL RANCH DEVELOPMENT

The Newhall Ranch EIR did not address water quality impacts from urban runoff or salt build-up from reclaimed water usage. Groundwater and surface water quality impacts from Aquifer Storage and Recovery (ASR) alternative were found to be less than significant. Thus no water quality mitigation measures have been proposed.

A-8 Urban Runoff Management Program. This program imposes requirements intended to protect surface water resources by using both structural and source control methods. The program includes the following components:

a Erosion Control Measures. Erosion and sedimentation from grading and site preparation will be reduced by implementation of the following temporary and permanent erosion control measures:

(1) Temporary Erosion Control Measures. During the construction phase of the project, the applicant will be required to provide temporary soil cover, such as hydroseeding, mulch/binder and erosion control blankets to protect exposed soil from wind and rain. The applicant is required to incorporate silt fencing, berms and dikes to protect storm drain inlets and drainage courses. The applicant is required to rough grade contours to reduce flow concentrations and velocities and divert runoff from graded areas, using straw bale, earth and sandbag dikes. The applicant is required to install sediment traps and basins and maintain and monitor erosion and sediment controls. Temporary detention basins must be constructed sufficient to reduce sediment generation to pre-development levels.

(2) Permanent Erosion Control Measures. The applicant is required to install and ensure long-term maintenance of drainage swales, subsurface drains, slope drains, storm drain inlet/outlet protection, sediment traps, check

dams (to reduce flow velocities) and permanent desilting basins

b Golf Course Monitoring Program Golf course operators are required to implement a detailed irrigation and drainage management program designed to reduce potential for downstream pollution. Each golf course operator must pay for periodic sampling of irrigation runoff for the presence of contaminants by an independent water quality laboratory or a public agency. The water quality sampling program must include actions to be taken (such as reduced fertilizer application rates) in the event excessive contaminants are identified Additionally, the golf course operators must regularly test grasses and soils for salt accumulation, and develop procedures for periodic flushing of salts by over irrigating the golf course.

c Urban Runoff Contamination Urban runoff contamination will be addressed by the following source and structural control programs

(1) Source Controls. The Ahmanson Ranch project will finance a detailed community education program designed to increase public understanding of non-point source pollution issues. The project will also include a comprehensive recycling program including curbside pickup and an on-site applicant financed recycling center. Household hazardous and toxic waste will be periodically collected Self regenerating water softeners will be prohibited in the development. (This will reduce the concentration of salts in the reclaimed water used for landscape irrigation.)

(2) Structural Controls. First flush basins will trap low-flow contaminants before they enter the storm drainage system and the natural water courses. The applicant will be required to employ check dams in East Las Virgenes Creek to retain some storm water. Detention basins will be used to reduce peak storm runoff and debris basins will collect mud and debris runoff from natural terrain. The applicant must provide for long-term monitoring and maintenance of these facilities. Where feasible, parking lot perimeter infiltration trenches and road median strip trenches will be constructed. Roof drains will be diverted to dry wells and grass filter strips will be used to reduce flow velocities and remove pollutants.

(3) Water Quality Monitoring Programs. Each builder will be required to monitor storm and non-storm water discharges during construction. Post construction monitoring will be required on an on-going basis. Procedures will be developed for dry weather water quality monitoring which will identify the location of storm drain channels and outfalls for illicit discharges or illegal dumping. The applicant will pay for water quality monitoring of Las Virgenes Creek both upstream and downstream of the project. The water quality monitoring will define background water quality and determine if the project has resulted in undesirable water quality effects and if necessary will identify corrective measures.

COMMUNITY FACILITIES

AHMANSON RANCH PROJECT

The Ahmanson Ranch development is designed to operate as a self-contained community As such it will require all the necessary community facilities necessary for governance, public safety, education and recreation

A-9 Public Community Facilities Plan The applicant is required to dedicated land for, construct, landscape, furnish and fully equip a sheriff station, fire station (including fire trucks), library (including books), town hall, recycling center (including chipper and front end loader), maintenance facility and village green. Additionally, the applicant is required to provide for an interim library and interim town hall and pay the cost of interim fire protection services

A-10 Schools Agreement The applicant will dedicate land and provide stub-out utilities for two schools (K-5 and K-8). Additionally, the applicant will pay School Facilities Fees in the amount of $2 1631 per square foot of residential construction (estimated $8 3 million dollars) Oak Park Unified School District estimates that this will cover the District's cost for construction of interim and permanent school facilities, expansion of the existing Oak Park High School, creation of an aquatics center and expansion of the District's administrative center The fees also cover facilities for before and after school child care for latch key children School busing will be the responsibility of the CSD The school fees will be adjusted for inflation and the fees may be raised in the event that student generation is 15% greater than that estimated by the District.

NEWHALL RANCH DEVELOPMENT

The Newhall Ranch Specific Plan makes the following provisions for public services and facilities:

N-10. Public Services and Facilities Plan

Fire Protection. Two fire station sites are identified Existing County fees collected from development will fund acquisition and development of the fire stations.

Schools. The land use plan identifies sites for 5 elementary schools, one middle school and one high school The developer has agreed to pay development fees of $2 72 per square foot of new residential development to pay the cost of school facilities.

Library. A one acre library site is identified on the land use plan The applicant must pay a library fee of $136 per dwelling unit.

N-11 Recreation and Open Space. 12 Neighborhood parks and three community parks are identified on the Specific Plan Total park acreage is 334 acres (4.9 acres per 1,000 residents) A network of trails and pathways is also identified by the Specific Plan. A 15 acre community lake may feature a swimming beach and a lakeside promenade. Two Special Management Areas (4,763 acres) and Open Area (1,089 acres) will provide opportunities for hiking and passive recreational activities The County will fund park acquisition and operation cost which exceed Quimby requirements. The County's Quimby Ordinance requires the equivalent of 206 acres of park dedication (3 acres per 1,000 residents)

A-11 Park and Recreation Facilities Agreement The applicant will dedicate land and stub-out utilities for three neighborhood parks, a community park and a village green, totaling 45 acres (5 acres per 1,000 residents). Additionally the applicant will construct a network of local trails, including pedestrian walkways, bicycle paths, multi-purpose trails, and equestrian/hiking trails, will dedicate 900 acres of community open space within the development area and will construct and dedicate a maintenance facility

FISCAL ISSUES

AHMANSON RANCH PROJECT

Ventura County's fiscal consultant analyzed the Ahmanson Ranch project under 8 different development scenarios. The most optimistic scenario assumed 100% buildout, a 300 room hotel, rapidly increasing property values and a 14 year build-out The most conservative assumptions assumed 80% build-out, no hotel, stagnant real estate values and a 21-year build-out

The optimistic scenario would result in a net fiscal surplus to the County General Fund This fiscal surplus is forecast to peak at $3.8 million in Year 13, then gradually decline due to the Proposition 13 restrictions on property taxation After 30 years cumulative surpluses were estimated to amount to 84.8 million under this optimistic scenario. However, the Road Fund, Fire Protection District, and Library Services Agency are expected to experience revenue shortfalls The Flood Control District is expected to experience annual surpluses Under the applicant assumptions, road maintenance would result in a shortfall of about $223,000 per year after buildout The Fire Protection District would experience shortfalls in Years 2, 3, 6 and 7, but would experiencing annual surpluses ranging from $897,000 to $650,000 per year after buildout The Library Services Agency would experience shortfalls

NEWHALL RANCH DEVELOPMENT

Utilizing optimistic assumptions, the Newhall Ranch fiscal consultant determined that the project would generate a fiscal surplus of $301 million during the 25 year build-out and $20 million per year annually thereafter. No fiscal impact mitigations are proposed

ranging from $35,000 to $63,400 per year after Buildout. The Flood Control District would experience surpluses ranging from $65,900 to $57,600 per year after buildout

Based on the conservative project description and the property value projections provided by the County's fiscal consultant, the Ahmanson Ranch project would also result in a net fiscal surplus to the County General Fund throughout the 30 years evaluated in the fiscal analysis. This fiscal surplus is forecast to peak at $1.7 million in Year 17, then gradually decline due to the Proposition 13 restrictions on property taxation The cumulative surplus over 30 years was estimated at $35 million under this conservative scenario The Road Fund and the Library Services Agency would experience annual shortfalls throughout the 30 years evaluated in the fiscal analysis. The Fire Protection District would begin experiencing a surplus in year 16 and thereafter and the Flood Control District would experience annual surpluses throughout the 30 year period During project years 14-30 the following fiscal situation would exist

Road Fund (annual shortfall of $173,000 to $199,000 with some as high as $700,000),

Fire Protection District (annual shortfall of $167,000 to $66,000 in years 14 and 15, thereafter annual surplus of $30,000 to $156,000),

Library Services Agency (annual shortfall of $158,000 to $121,000), and

Flood Control District (annual surplus of $31,700 to $41,800)

In order to ensure that the Ahmanson Ranch project would not adversely impact the County or its dependent districts, the following fiscal mitigations were required

Financial Guarantees

a The applicant is required to guarantee that a 300 room hotel or an equivalent revenue producing land use will be developed

b The project is required to be phased with linkages between land use categories to ensure that the rate of construction within the residential portion of the development does not occur at a more rapid rate than the net revenue producing commercial portion.

c The applicant is committed to implementing a Special CSD Tax to cover the cost of providing government services to the Ahmanson Ranch development, including such activities as school bus and shuttle bus services, Transportation Management and Housing program management, and operation of the Recycling Center

d The applicant must provide a bond or other financial security in the amount of $14 million (adjusted annually) to guarantee that the County General Fund and all County dependent districts are reimbursed for any annual adverse financial impact from the Ahmanson Ranch development

The following table summarizes the above mitigation measures and indicates the EIR estimated total cost and, where applicable, indicates the amount that will be expended outside of the county of jurisdiction:

IMPACT MITIGATION	TOTAL PROJECT COST	OUTSIDE COUNTY COST/UNIT COST
TRAFFIC/CIRCULATION		
AHMANSON RANCH		
A-1 Trip fee to be paid to the cities of Calabasas, Agoura, Los Angeles and Los Angeles County.	$3,682,400 ($1,849,000 for project specific mitigations and ($1,833,400 for cumulative impact mitigation).	$3,682,400/$98 per ADT (37,340 ADT)
A-2 Off-site circulation improvements	$1,229,000 for off-site traffic improvements in the City of Calabasas plus unknown cost of improvements to Thousand Oaks Boulevard and proposed "A" Street. Total cost estimated to exceed $2,000,000.	Estimated to exceed $2,000,000/>$54/ADT
NEWHALL RANCH		
N-1 Funding of Off-Site Circulation Improvements	To be determined based upon a future study.	Fee for SR-126 improvements in Piru and Fillmore to be determined based upon a future study.
N-2 Traffic Reduction Measures	Unknown cost for TDM Ordinance and Congestion Management Program. Minimal cost for bus pull-ins.	Unknown.
BIOLOGICAL RESOURCES		
AHMANSON RANCH		
A-1 Regional public open space dedication	9,949 acres at an estimated cost of $119,388,000 (assuming $12,000 per acre average cost).	$18,156,000 (1,513 acres *@* $12,000 per acre estimated average cost.

IMPACT/ MITIGATION	TOTAL PROJECT COST	OUTSIDE COUNTY COST/UNIT COST
A-4 Resource Management Program		
a Las Virgenes Institute (LVI)	$4,586,000 (includes operational cost and endowment)	Unknown cost -- The LVI is expected to export its programs to other areas which have similar natural resource objectives
b Habitat Management Program	Included in LVI budget.	Unknown cost -- The wildlife corridor improvements will benefit wildlife in Los Angeles County.
c Oak Tree Mitigation Program	$3,000,000 (approximate 5,000 trees to be planted and maintained)	Unknown cost -- Some oak tree plantings may occur in Crummer Canyon in Los Angeles County.
d Wetlands Mitigation Program	$370,000 to $2,600,000 (approximately 8 acres of wetland replacement and maintenance)	Unknown cost -- Some wetland enhancement may occur in Crummer Canyon in Los Angeles County.
e Grasslands Mitigation Program	$1,138,500 - $1,745,000 (300 acres of grassland restoration and maintenance)	Unknown cost -- 200 acres of off-site grassland restoration is required. Such grassland restoration may occur in public open space lands in Los Angeles County.
NEWHALL RANCH		
N-3 Special Management Areas (SMAs)	No cost. land is already owned by the developer.	None.
N-4 Resource Management Plan (RMP)	Unknown cost. To be determined by future studies associated with required permits.	None.
N-5 FIR Mitigations	Acre for acre replacement of riparian habitat could cost from $1 to $7 per acre.	None.

IMPACT/ MITIGATION	TOTAL PROJECT COST	OUTSIDE COUNTY COST/UNIT COST
AIR QUALITY		
AHMANSON RANCH		
A-5 Air Quality Mitigation/Transportation Management Program		
a Compact Land Use Plan	Included in the normal cost of development.	None.
b Alternative Transportation Facilities	Unknown cost.	None.
c. Telecommuting/Teleconferencing Facilities	$160,000.	None.
d Transportation Management Association	$1,852,500 (For 30-year cost of TMA Coordinator).	None.
e Jobs/Housing Balance	Included in cost of development.	None.
f Energy Conservation	$943,000 (for recycling center) Unknown cost for other features.	None.
g Day Care	$100,000 (for after school care). Unknown cost for child care center.	None.
h Construction Emissions	Unknown cost.	None.
i Transportation Demand Management Fund	$3,700,000	Unknown cost --Funds will be expended at the discretion of the Ventura County APCD to benefit local and regional air quality
NEWHALL RANCH		
N-6 Traffic Reduction Measures		
a Mixed Use/Compact Village	Included in normal cost of development	None.

IMPACT/ MITIGATION	TOTAL PROJECT COST	OUTSIDE COUNTY COST/UNIT COST
b Alternative Transportation Facilities	Minimal cost.	None.
c Public Education	No cost.	None.
N-7 Energy Conservation	Minimal cost.	None.
FLOODING		
AHMANSON RANCH		
A-6 Construction of Backbone Drainage Plan	Unknown cost.	Improvements are designed to reduce flood hazard impacts downstream in Los Angeles County to pre-development conditions.
NEWHALL RANCH		
N-8 Conceptual Backbone Drainage Plan.	Unknown cost.	None.
N-9 Storm Water Management Program.	Unknown cost. Program to be prepared.	None.
AFFORDABLE HOUSING		
AHMANSON RANCH		
A-8 Affordable Housing Program	$1,015,000 (30-year cost for housing coordinator). Unknown cost to provide affordable housing for 185 very low income families, 236 low income families and 253 moderate income families, plus dedication of 6 acres to the Areawide Housing Authority for the construction of 80-100 very low income units.	None.
NEWHALL RANCH		
No mitigation required	None.	None.

IMPACT/ MITIGATION	TOTAL PROJECT COST	OUTSIDE COUNTY COST/UNIT COST
WATER QUALITY		
AHMANSON RANCH		
A-8 Urban Runoff Management Program	Unknown cost.	Unknown cost -- This program includes monitoring of water quality downstream of the project in Los Angeles County
NEWHALL RANCH		
No mitigation required	None.	None.
COMMUNITY FACILITIES		
AHMANSON RANCH		
A-9 Public Community Facilities Plan	$7,222,500 for construction, landscaping, furnishing and equipment for a sheriff station, fire station, library, town hall, recycling center, maintenance facility, village green and interim government facilities.	None.
A-10 School Facilities Agreement	$8,270,800 ($2.1631 per square foot of residential construction).	None.
A-11 Park and Recreation Facilities Agreement	Minor cost for utility stub-outs for and dedication of 42 acres of park land plus the cost of construction of 7.5 miles of hiking/equestrian trails, a 1/2 acre developed trail head parking area, and 6.5 miles of off-street multi-purpose trails. The applicant will also dedicate 900 acres of community open space and 9,949 acres of regional public open space.	None, except cost of acquiring Regional Public Open Space (estimated $18.2 million)

IMPACT/ MITIGATION	TOTAL PROJECT COST	OUTSIDE COUNTY COST/UNIT COST
NEWHALL RANCH		
N-10 Public Services and Facilities Plan		
a Fire Protection	Developer will pay Fire Department Developer Fee 18.2 cents per square foot of residential, commercial and industrial construction ($8.36 million total).	None.
b Schools	Developer will pay fees of $2.72 per square foot for new residential development.	None.
c Library	Developer will pay a library fee of $336 per dwelling unit ($8.29 million total).	None.
N-11 Recreation and Open Space	Developer will dedicate land or equivalent improvements as required by Quimby Ordinance.	None.
FISCAL ISSUES		
AHMANSON RANCH		
A-12 Financial Guarantees	$5,000,000 per year for Special Tax and up to $14,040,000 for reimbursement of County General Fund and County dependent districts for any negative fiscal impacts.	None.
NEWHALL RANCH		
None required	None.	None.

Ventura County Star Thursday, April 2, 1998

The deluge always comes

FOLLY: *Despite the assurances of experts, it is impossible to prevent floods.*

Essay

John **Krist**

When the Bureau of Reclamation designed Folsom Dam in 1949, federal engineers calculated that the huge structure on the American River would protect Sacramento and other downstream communities from a 250-year flood — a deluge of such magnitude that the statistical chance of it occurring in any given year is only 1 in 250.

To appreciate the hubristic nature of this assertion, it helps to know that the engineers based their calculations on flow data gathered between 1905 and 1948. Having monitored the river for 43 years, a mere eyeblink of time — and a dry spell, at that — they extrapolated for a period six times as long.

Downstream communities based planning and zoning policies on the flood-plain calculations, allowing hundreds of thousands of people to move into low-lying areas. They assumed the intricate system of levees and other flood-control structures would protect them and their property from all but the remotest threats.

The calculations were mistaken, however, as were the land-use policies based upon them. These failures illustrate a bedrock principle of flood-plain management, one that must be considered as legislators consider placing a bond measure on the November ballot asking Californians to spend hundreds of millions of dollars to shore up the flood-control system in the Central Valley and the Bay-Delta region.

Simply put, that principle is this: There is no way to prevent floods; the best any structure can do is to decrease their frequency and severity. It makes sense for land-use planners and developers to behave accordingly, placing a higher priority on keeping people out of flood plains than on trying to build protective devices that will inevitably fail.

Over the past two years, for example, flooding in California has caused $4 billion in property damage and forced 130,000 people from their homes. This has occurred even though the state has built one of the most elaborate river-control systems in the world.

"You can't argue that we're doing it right, and it might be time to think of doing it differently," is how Jeffrey Mount put it last week during a statewide conference on flood-plain management and habitat conservation in California's watersheds. The gathering in Sacramento was sponsored by UC Davis, where Mount chairs the geology department.

A persistent critic of traditional flood-management techniques, Mount is a proponent of alternative approaches that don't rely on the illusory assurances provided by dams and levees. He is particularly disdainful toward the 100-year-flood zone that the federal government and local urban planners use to identify areas of greatest risk.

The zone is regarded as sacred, although it bears little relationship to actual geophysical processes, no matter where in California it is drawn. "That line is going to move," said Mount, who is the author of "California Rivers and Streams," a text on the conflict between land use and rivers.

Folsom Dam is perhaps the best example of this uncertainty. Two years before the dam's completion in 1957, the American River system produced flows far in excess of the engineers' calculations. The same thing happened again in 1963 and 1965. The U.S. Army Corps of Engineers, the agency in charge of federal flood-control works in California, revised its calculations and determined that Folsom Dam provided 120-year-flood protection — half its design capacity.

In 1986, the 120-year flood arrived, and its effects were far greater than predicted. The corps drew up new flood-plain maps and revised its estimate yet again. Folsom Dam, it now decided, could protect Sacramento only from a 70-year flood. Overnight, more than 300,000 people found themselves outside the "protected" zone. The area's flood-control agency purchased extra storage space in the reservoir to handle storm flows, returning Sacramento to a 100-year level of protection.

After last year's devastating floods in the Central Valley, however, the corps revised its calculations again. Even with 40 percent of the reservoir space reserved to absorb heavy runoff, Folsom Dam is now thought to protect California's capital from only a 77-year flood.

It is folly to behave as though these lines were immutable, whether in the Central Valley or in coastal Southern California. The data are inadequate, nature is unpredictable, and the price of miscalculation is terribly high.

— John Krist is assistant editor of the Star Opinion pages. His e-mail address is krist@staronline.com.

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April 8, 1998

RECEIVED
APR 27 1998
REGIONAL PLANNING
L.A. COUNTY

Hon. Michael D. Antonovich
Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Mr. Antonovich, Michael

Please consider the numerous and serious problems which would be created by the approval of the Newhall Ranch Project.

I have attached a very brief description of the project's threat to the natural water supply of Ventura County. The potential for flooding as a result of a development of this size is also addressed. 1

I hope that your board will recognize the dangers inherent in proceeding with this project as planned. I believe that the 21st century requires us to work differently than we have in the last half of the 20th.

Thank you for your consideration of these concerns.

Sincerely,

John K. Flynn

JOHN K. FLYNN
Member, Board of Supervisors

Written Comments from Supervisor John K. Flynn, Ventura County,
Concerning the Newhall Ranch Development
Los Angeles County Board of Supervisors, May 26, 1998

Through the General Plan Amendment, Specific Plan and Developer Agreement, the Newhall Land and Farming Company will gain certain development rights and protections from future plan amendments, which other landowners under the provisions of the standard planning regulations of LA County do not have. As such, this Specific Plan and its allied documents are the first discretionary step in granting certain development rights to the applicant. This would prevent a full understanding of the environmental impact of the project, and it is inappropriate under CEQA to do this. 2

Major groundwater basins in Ventura County are considered by the California Department of Water Resources to be in a state of critical overdraft. The project would directly impact the Piru Groundwater Basin, the Fillmore Groundwater Basin, and all other downgradient groundwater basins.

Almost 100% of the groundwater entering Ventura County from LA County in the Santa Clara River Valley passes over the Pico Formation underlying the Santa Clara River starting 3.5 miles west of Castaic Junction and continuing into Ventura County.

A choke point in the Santa Clara River exists where the Alluvial Aquifer is at its most shallow and where the Pico Formation bounds the Aquifer near Blue Cut, the geological choke point, at the Ventura/Los Angeles County line. At this location, the Santa Clara River at the county line, the aquifer is approximately 20 feet thick; virtually all surface and groundwater entering Ventura County from areas upstream on the Santa Clara River must pass through this choke point Although of critical concern to the residents of Ventura County, this issue has not been considered in the EIR. 3

It is at Blue Cut that significance criteria regarding upgradient aquifer pumping should be assessed. Given the importance of upstream flows to the overdrafted aquifers in Ventura County, any decrease in annual total groundwater and surface water flows at Blue Cut resulting from the project must be considered significant. Unless it can be demonstrated that the volume of water passing through Blue Cut will not be reduced as a result of this project under wet, normal, and multi-year dry conditions, then groundwater pumping due to the project should be considered a significant impact of the project.

The discussion of underground water flows is critical because the project does not have adequate water resources. The inevitable alternative to imported water is groundwater pumping. The Newhall Ranch Project proposes to get water from two sources: Imported and local Castaic Lake Water Agency supplies and from The Alluvial and Saugus Aquifers. The supply of imported water from Castaic Lake Water Agency is

merely tentative, "entitlements" notwithstanding. Similarly, Castaic Creek flows are speculative, both hydologically and legally. Primary recourse will be made to the Alluvial and Saugus Aquifers, a circumstance which will have a negative effect on Ventura County's water resources, with serious implications for agriculture and the citrus industry in the Santa Clara River Valley, directly downstream from the Newhall Ranch Project.

Despite massive engineering projects, the State faces a serious water shortage during the next 20 years, particularly in the southern San Joaquin Valley. The State Water Project and the CALFED process will not provide a limitless supply of water for developments like Newhall Ranch. 3

The Project indicates that while the long term water supplies for the project are not identified, such identification is not necessary, nor is it standard planning practice.

The Specific Plan fails to identify an adequate source of water for project build out. The availability of water is at the very core of the feasibility of this project. If there is not substantial, evidence that water can reasonably be obtained, then the original project scope should be reduced to a level that includes a feasible project size, as well as its feasible alternatives. The Plan's conclusion that build out will not occur if water is not available is inappropriate, and attempts to circumvent the applicant's responsibility to propose a feasible project. 4

CEQA requires a good faith effort at full disclosure of potentially adverse impacts.

With a 25- to 30-year build out, the Newhall Ranch Specific Plan exceeds the planning horizon of the Castaic Lake Water Agency by 15 to 20 years. It is inappropriate under CEQA to approve such a long range plan without any assurance of long term water supplies for the build out between 2010 and 2030, and without recognition of a significant unmitigated impact. It is not standard planning practice to approve development projects which exceed the horizons of planning and infrastructure plans, because to do so invites unexpected economic, social, political, and environmental impacts. 5

In order to approve a project which will not completely built out until 2025/2030, the EIR needs to fully evaluate the impacts on infrastructure such water supply and distribution systems will have, as well as the likely availability of the actual water supplies.

The project states that as much as 8,300 acre-feet per year of Castaic Creek flows could be utilized by the Specific Plan. This is possible only if existing agreements between the Department of Water Resources, The Newhall Land and Farming Company, and three other agencies are amended to permit CLWA to take the flows at Castaic Lake and to extend the agreements. It is not in DWR's interest to amend the current agreement, taking less water, and the three agencies (United Water Conservation District, Los 6

Angeles County, and Newhall County Water Agency) have contracts to assure the historical, pre-dam, flow of the creek. 6

The Santa Clara River Valley will bear the brunt of this deterioration of water quantity and quality. The agricultural production from this most fertile of regions includes 400,000 tons of lemons annually, 125,000 tons of oranges, and 30,000 tons of avocados. The danger to this bounty should not be dismissed with an incomplete EIR. 7

Another serious problem which the project's EIR overlooks, but which your board should not, is that of storm runoff and flood danger. The project's EIR uses an inappropriate, and wholly unrealistic, benchmark to assess the increase in flood flow from the development.

The EIR assumes that the pre-development storm flows are similar to those that would be generated by a 50-year capital flood. The model used to predict flows from a 50-year capital flood theoretically assumes a 50-year storm falling on a recently burned watershed. The model yields a peak flow rate that is 32 to 80 percent higher than the 50-year storm over an unburned-unbulked drainage area.

In order for the comparison of pre-development runoff with post-development runoff to be meaningful, the former must be based upon long term historic events. The report entitled, "Santa Clara River 1994 Hydrology Study," prepared cooperatively by the Ventura County Flood Control District, the Los Angeles Department of Public Works, and the Los Angeles District Corps of Engineers estimates that the flow in the Santa Clara River at the county line during a 50-year flood is 42,400 cfs. This estimate includes the flow from the entire 640 square mile (409,600 acre) watershed of the Santa Clara River upstream of the Ventura County/Los Angeles County Line. The Newhall EIR assumes, based on the 50-year flood model, that the pre-development runoff from just the 5,533 acre Newhall Ranch site is 46,550 cfs, which is 10 percent greater than the 1994 Hydrology study's estimate for the entire 409,600 acre watershed. 8

The problem with the EIR is that the presumed pre-development storm flows used for the comparison greatly exceed the actual flows, and have no basis in either theory or fact. By thus exaggerating the pre-development flows, this renders the comparison with projected post-development flows meaningless. Hence, there is no evidentiary support for the finding that the proposed development will reduce storm flows or for the concomitant conclusion that the development will have no significant flooding impacts.

ORIGINAL

Date December 22, 1997

Ms. Joanne Sturges
Executive Officer, Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Ms. Sturges:

Subject: Tentative Tract/Parcel Map No. VTPM-24500

Applicant: The Newhall Ranch Co., a division of The Newhall Land and Farming Company

Location: The Specific Plan site is located in an unincorporated portion of the Santa Clara River Valley in northwestern Los Angeles County. The site, approximately 11,963 acres in size, is located one-half mile west of the Golden State Freeway (I-5) and largely southwest of the junction of I-5 and State Route 126 (SR-126). Both the Santa Clara River and SR-126 transect the northern portion of the Specific Plan site.

Zoned District: Agriculture (A-2), (A-2-2), (A-2-5); Manufacturing Zone (M-1.5)

Related planning matters:

Development Agreement No. DA-94087

CUP or VAR No. CP-94087

Change of Zone Case No. ZC-94087

Approval to Construct Wastewater Treatment Plant No. No number

This is a notice of appeal from the decision of the Regional Planning Commission in the subject case. Submitted herewith is a check (or money order), in the total amount of $579.00. The fee of $130.00 is to cover the cost of a hearing by the Board of Supervisors and the fee of $449.00 is to cover the Regional Planning Department's processing fee.

This is to appeal: (Check one)

__X__ The Approval of **Vesting Tentative Parcel Map No. VTPM-24500 and Certification of the FEIR by the Los Angeles County Regional Planning Commission of December 17, 1997.**

__X__ **Object to Recommendations re: General Plan Amendment No. SP-94087, Zoning Change No. ZC-94087 and Conditional Use Permit No. CP-94087.**

FVI-BS44.doc
Non-Applicant

Briefly, the reason for this appeal is as follows:

The Board of Supervisors of the County of Ventura appeals from the December 17, 1997, decision of the Los Angeles County Regional Planning Commission to approve Vesting Tentative Parcel Map 24500 and the Commission's certification of the FEIR in connection therewith; and the approval to construct the wastewater treatment plant for the Newhall Ranch Project 94087. This appeal is made pursuant to Los Angeles County Ordinance Code section 21.56.010, section 66452.5 of the California Government Code, and section 21151 of the Public Resources Code.

Given the essential relationship between the approval of the Vesting Tentative Parcel Map and the recommendations of the Commission, the Board of Supervisors of the County of Ventura formally registers objections to the recommendation of the Commission that the Los Angeles County Board of Supervisors approve General Plan Amendment (SP-94087), Zoning Change (ZC-94087), Conditional Use Permit (CP-94087), and the recommendation of certification of the FEIR for these project approvals.

For the specific grounds of appeal, see Exhibit A attached herewith.

John K. Flynn, Chair, Ventura County Board of Supervisors
COUNTY OF VENTURA c/o COUNTY COUNSEL
Appellant

Hall of Administration, 800 South Victoria Avenue, L#1830
Address

Ventura, California 93009-0001

(805) 654-2196 Dennis Slivinski, Assistant County Counsel
Day Time Telephone Number

FVI-BS44.doc
Non-Applicant

GROUNDS FOR APPEAL

1. FAILURE TO COMPLY WITH THE SUBDIVISION MAP ACT:

An illegal subdivision will be created if a final map is ultimately recorded consistent with the Vesting Tentative Parcel Map 24500 approved by the Los Angeles County Planning Commission ("Commission") on December 17, 1997. Vesting Tentative Parcel Map 24500, if recorded, will effect the division of three parent lots into thirty lots in Los Angeles County and three lots in Ventura County. The lots in Ventura County are a total of approximately 7,655 acres. Approval of this subdivision without joint approval by both Ventura County and Los Angeles County is a violation of the Subdivision Map Act and in particular California Government Code section 66457, subdivision (b). 2

If the applicant for the Newhall Project had, as required by law, made application for this subdivision to both Ventura County and Los Angeles County, Ventura County would have had the opportunity to condition the subdivision to mitigate the significant environmental impacts on Ventura County which have not been appropriately identified, analyzed and mitigated in the FEIR certified by the Commission on December 17, 1997, in connection with its approval of the Vesting Tentative Parcel Map 24500 and recommended for certification to your Board concerning the General Plan Amendment, Zoning Change, and Conditional Use Permit.

These environmental impacts on Ventura County were not properly identified or analyzed or mitigated as required by the California Environmental Quality Act ("CEQA").

2. FAILURE TO NAME THE COUNTY OF VENTURA A RESPONSIBLE AGENCY:

The County of Ventura is a responsible agency under state CEQA guideline section 15381 in that the County of Ventura has discretionary subdivision authority over a portion of the project. Ventura County has the jurisdiction to review and approve jointly with Los Angeles County the Vesting Tentative Parcel Map 24500. 3

3. AIR QUALITY:

The Newhall Ranch development would be larger than six of the ten cities currently located in Ventura County. Air pollutants from the project will cross into Ventura County. However, the FEIR does not analyze the impacts on Ventura County and therefore proposes no measures to mitigate impacts in Ventura County. 4

Ventura County is a federal and state non-attainment area for ozone and a state non-attainment area for PM emissions. The project will worsen air quality in Ventura County and make more difficult Ventura County's efforts to meet state and federal standards. The FEIR merely states that the project is consistent with the SCAQMD's AQMP. However, this plan does not address any air quality impacts in Ventura County.

Ventura County staff have provided examples of feasible mitigation measures to the Los Angeles County staff in the course of its comments on the FEIR. However, these proposals have been ignored with the result that the significant air quality impacts on Ventura County caused by the Newhall Project will be unmitigated. 4

4. **TRAFFIC:**

The Ventura County Transportation Commission (VCTC) is a transportation planning agency under Public Resources Code Section 21092.4, but was not acknowledged as such.

The FEIR estimates that the project will generate 387,000 ADT (average daily trips) and that approximately 7,740 of those ADT's cross the Ventura County line. CEQA does not recognize jurisdictional boundaries for environmental impacts of projects. Where feasible, impacts which extend beyond a given jurisdiction must be mitigated to a less than significant level or a statement of overriding considerations must be adopted. Traffic impact fees which should be imposed upon the Newhall Project for Ventura County impacts are a feasible mitigation measure. 5

5. **NOISE IMPACTS:**

The FEIR uses a different methodology to measure noise impacts on Ventura County than was used in Los Angeles County. First, few points were utilized in Ventura County. The primary test point comporting to measure the impacts of project noise on Ventura County was approximately 1.4 miles from the Ventura County line in Los Angeles County. There is little analysis of the noise impacts in Ventura County itself. In contrast, in Los Angeles County several sampling points were used to evaluate noise impacts. In addition, the methodology used in Los Angeles County is flawed because the analysis assumes as the existing condition the build out to the year 2015 already allowed under existing land use designations. Using 2015 as a bench mark, the FEIR concludes that cumulative noise impacts from the Newhall Project will be insignificant. CEQA requires that the existing environment be utilized at the time the FEIR is drafted. In this case, it would be 1997. Such a bench mark would likely yield a significant cumulative noise impact due to the Newhall Ranch Project. There is simply no attempt to evaluate the cumulative impacts in Ventura County based on any bench mark. 6

6. **WATER RESOURCES:**

The FEIR concedes that the portion of the alluvial aquifer which extends approximately 1.5 miles upstream and 2 miles downstream of Castaic Junction could experience water level declines up to approximately 10 feet. There is no analysis in the FEIR of the impact on the aquifer in Ventura County. The FEIR ignores the fact that virtually 100 percent of the groundwater entering Ventura County in the Santa Clara River Valley must pass through the "bluecut" area located on the county line. This water passes through an approximately 20-foot thick sand layer located immediately under the ground surface. Below the sand is impervious pico rock formation yet, no analysis is provided concerning the impact on the passage of the underground water into Ventura County or the expected water declines on the Los Angeles County side. Moreover, there is no analysis of multiyear drought scenarios which arguably could cause water level declines in excess of 10 feet. 7

7. **FLOOD CONTROL:**

The FEIR significantly underestimates the flood control runoff from the project. The FEIR assumes an existing environment in which the entire project site, approximately 12,000 acres, is burned and then subjected to a 50-year storm. Compared to this environment, which has no relationship whatsoever to the current existing condition which CEQA requires as a bench mark, the FEIR concludes that the Newhall Ranch Project with urban development over 6,100 acres with 3,100 acres of impervious surfaces will actually reduce the volume of flood runoff from the site by approximately 12 percent. Moreover, the FEIR ignores the increased volumes of <u>low flood flows</u> resulting from the project. Low flows are particularly dangerous to Ventura County because they can lead to increased vegetation growth and reduced water carrying capacity in the Santa Clara River resulting in more severe downstream flooding in Ventura County when large floods do occur. 8

8. **BIOLOGICAL RESOURCE:**

In the existing pre-project condition, the Newhall Ranch Project area provides a relatively wide 3.3-mile area consisting of many routes for migrating animals. The Newhall Project will define a single corridor, called the Salt Creek Corridor, which will significantly compress this 3.3-mile area having many routes for migrating animals into a single route. This Salt Creek Corridor extends into Ventura County where it funnels down and into a narrow creek bed area surrounded by intensive agricultural uses. The FEIR does not analyize the impact on Ventura County of this more concentrated and intense use of the corridor in Ventura County. In particular, neither the FEIR nor the 9

responses to Ventura County's comments indicate whether or not the corridor given the inevitably more intense use will provide adequate food, shelter, lack of competition from cattle and humans, lack of poisons, lack of noise and general surrounding activity, which is necessary to make it function adequately as it is designated in the FEIR as a critical component in the Biological Mitigation Program for the Newhall Project. There is no analysis of the environmental setting for the Salt Creek Corridor in Ventura County and to what extent the working farm environment, through which the Salt Creek Corridor passes through in Ventura County, is capable of providing the mitigation role to which it is assigned. Moreover, given that the portion of the corridor located in Ventura County is zoned Agricultural Exclusive (A-E) there is no guarantee that this zoning provides the basis to require the property owners of the corridor area in Ventura County to modify agricultural operations sufficiently to accommodate the biological mitigation role the FEIR expects it to perform. 9

9. **GROWTH INDUCING IMPACTS:**

The FEIR acknowledges that many of the low and moderate income workers employed in the Newhall Ranch city will commute from other communities. Ventura County is specifically mentioned in a general way as being impacted. However, no analysis is provided regarding the impact on both the supply and the cost of low and moderate income housing. The fact that Newhall Ranch is not required to provide housing for the low and moderate income workers who will work in its business parks means that the Ventura County communities will absorb the impacts. 10

11. **AGRICULTURAL RESOURCES:**

PM_{10} emissions from the Newhall Ranch Project are estimated at 44,569 pounds per day (22.3 tons per day) (FEIR Figure 4.10-6). It is well documented that dust adversely impacts agriculture by reducing photosynthesis and by increasing agricultural crop susceptibility to pests and disease. The FEIR ignores this problem and responds that Ventura County is in a separate air basin. Although the two air basins in Ventura County and Los Angeles County are theoretically separated for purposes of jurisdiction, in reality Ventura County and Los Angeles County share the same air in the vicinity of the project, such that the wind will transport ozone, ozone precursors and dust across the county line impacting working farms in Ventura County. CEQA does not recognize jurisdictional boundaries for purposes of evaluating environmental impacts of a project. 11

The FEIR recognizes the potential conflicts between urban and agricultural uses, but it is unclear from the FEIR the extent of the buffer to be established between the two uses. Specific impact is recognized upon tractors and other agricultural vehicles due to increased passenger vehicles but no requirement is placed upon the applicant to contribute to mitigation of this impact.

RELIEF REQUESTED:

The County of Ventura requests that the Los Angeles County Board of Supervisors set aside the Commission's approval of the Vesting Tentative Parcel Map 24500 and the certification of the FEIR in relation thereto, and defer any action on the Newhall Project until such time as the applicant, The Newhall Land and Farming Company, applies to the Ventura County Board of Supervisors for a subdivision approval. The Ventura County Board of Supervisors further requests that the Los Angeles County Board of Supervisors take no action on the Commission's recommendations concerning the Specific Plan, General Plan, Zone Change, and certification of the FEIR for these elements and direct its staff to revise the FEIR consistent with CEQA and address the deficiencies specifically outlined in this appeal and earlier letters submitted as part of the record by officials and agencies of the County of Ventura. 12

Date December 29, 1997

Ms. Joanne Sturges
Executive Officer, Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Ms. Sturges:

Subject: CUP No. CP-94087

Use: Development of the Newhall Ranch Project

Address: The Specific Plan site is located in an unincorporated portion of the Santa Clara River Valley in northwestern Los Angeles County. The site, approximately 11,963 acres in size, is located one-half mile west of the Golden State Freeway (I-5) and largely southwest of the junction of I-5 and State Route 126 (SR-126). Both the Santa Clara River and SR-126 transect the northern portion of the Specific Plan site. 1

Zoned District: Agriculture (A-2), (A-2-2), (A-2-5); Manufacturing Zone (M-1.5)

Related zoning and planning matters:

Parcel Map No. VTPM-24500

Change of Zone Case No. ZC-94087

This is a notice of appeal from the decision of the Regional Planning Commission on: (Check one)

X The Approval of **Conditional Use Permit No. CP-94087.**

FVI-BS47.doc
Land Use Permits

GROUNDS FOR APPEAL

1. FAILURE TO COMPLY WITH THE SUBDIVISION MAP ACT:

An illegal subdivision will be created if a final map is ultimately recorded consistent with the Vesting Tentative Parcel Map 24500 approved by the Los Angeles County Planning Commission ("Commission") on December 17, 1997. Vesting Tentative Parcel Map 24500, if recorded, will effect the division of three parent lots into thirty lots in Los Angeles County and three lots in Ventura County. The lots in Ventura County are a total of approximately 7,655 acres. Approval of this subdivision without joint approval by both Ventura County and Los Angeles County is a violation of the Subdivision Map Act and in particular California Government Code section 66457, subdivision (b).

If the applicant for the Newhall Project had, as required by law, made application for this subdivision to both Ventura County and Los Angeles County, Ventura County would have had the opportunity to condition the subdivision to mitigate the significant environmental impacts on Ventura County which have not been appropriately identified, analyzed and mitigated in the FEIR certified by the Commission on December 17, 1997, in connection with its approval of the Vesting Tentative Parcel Map 24500 and recommended for certification to your Board concerning the General Plan Amendment, Zoning Change, and Conditional Use Permit. 2.

These environmental impacts on Ventura County were not properly identified or analyzed or mitigated as required by the California Environmental Quality Act ("CEQA").

2. FAILURE TO NAME THE COUNTY OF VENTURA A RESPONSIBLE AGENCY:

The County of Ventura is a responsible agency under state CEQA guideline section 15381 in that the County of Ventura has discretionary subdivision authority over a portion of the project. Ventura County has the jurisdiction to review and approve jointly with Los Angeles County the Vesting Tentative Parcel Map 24500.

3. AIR QUALITY:

The Newhall Ranch development would be larger than six of the ten cities currently located in Ventura County. Air pollutants from the project will cross into Ventura County. However, the FEIR does not analyze the impacts on Ventura County and therefore proposes no measures to mitigate impacts in Ventura County.

Ventura County is a federal and state non-attainment area for ozone and a state, non-attainment area for PM emissions. The project will worsen air quality in Ventura County and make more difficult Ventura County's efforts to meet state and federal standards. The FEIR merely states that the project is consistent with the SCAQMD's AQMP. However, this plan does not address any air quality impacts in Ventura County.

Ventura County staff have provided examples of feasible mitigation measures to the Los Angeles County staff in the course of its comments on the FEIR. However, these proposals have been ignored with the result that the significant air quality impacts on Ventura County caused by the Newhall Project will be unmitigated.

4. **TRAFFIC:**

The Ventura County Transportation Commission (VCTC) is a transportation planning agency under Public Resources Code Section 21092.4, but was not acknowledged as such.

The FEIR estimates that the project will generate 387,000 ADT (average daily trips) and that approximately 7,740 of those ADT's cross the Ventura County line. 2
CEQA does not recognize jurisdictional boundaries for environmental impacts of projects. Where feasible, impacts which extend beyond a given jurisdiction must be mitigated to a less than significant level or a statement of overriding considerations must be adopted. Traffic impact fees which should be imposed upon the Newhall Project for Ventura County impacts are a feasible mitigation measure.

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RELIEF REQUESTED:

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CITY OF FILLMORE
CENTRAL PARK PLAZA
250 Central Avenue
Fillmore, California 93015-1907
(805) 524-3701 · FAX (805) 524-5707

December 16, 1997

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

RE: Newhall Ranch Project

Dear Planning Commission:

The City of Fillmore is requesting that your Planning Commission not take action on the Newhall Ranch entitlements and Final EIR at your meeting on December 17, 1997. The City of Fillmore did not receive their responses to comments on the Draft EIR until December 9, 1997 and would like additional time to review the responses prior to the approval of the project. 1

The Fillmore City Council adopted a joint resolution with Ventura County, which will also be considered by the City of Santa Paula at their City Council meeting on December 16, 1997. A copy of this resolution was sent by FAX on December 10, 1997 to the Planning Department. 2

Thank you for your consideration of this request.

Sincerely,

Roy Payne
City Manager

RESOLUTION 97-2226

JOINT RESOLUTION OF THE COUNTY OF VENTURA, CITY OF FILLMORE AND CITY OF SANTA PAULA REGARDING THE NEWHALL RANCH PROJECT

WHEREAS, the Los Angeles County Regional Planning Commission is currently considering action to approve the Newhall Ranch project (Project) consisting of a General Plan Amendment, Zoning Change, Specific Plan, Tentative Tract Map, Development Agreement, and Environmental Impact Report (EIR); and

WHEREAS, the Project is a large planned community with approximately 24,000 residential units and 19,000 jobs located immediately east of the Ventura/Los Angeles County line in the Santa Clarita Valley; and

WHEREAS, as noted in the Project EIR, the Project has the potential to impact communities within Ventura County; and

WHEREAS, the County of Ventura testified on the Project before the Los Angeles Regional Planning Commission on October 9, 1996, January 16, 1997, and November 17, 1997, and submitted written correspondence to the Commission on December 3, 1996, February 11, 1997, July 25, 1997, and November 13, 1997; and

WHEREAS, the City of Fillmore has submitted written correspondence on this Project to the Regional Planning Commission on December 13, 1996 and November 14, 1997; and

WHEREAS, the City of Santa Paula has submitted written correspondence on this project to the Regional Planning Commission on December 3, 1996; and

WHEREAS, in the letters regarding the adequacy of the Project EIR, the County of Ventura and the Cities of Fillmore and Santa Paula raised common concerns regarding the Project impacts to the Santa Clara Valley including the unincorporated area and the Cities of Fillmore and Santa Paula; and

WHEREAS, the common concerns raised by the County of Ventura and the Cities of Fillmore and Santa Paula include the potentially significant impacts in the areas of:

1. Traffic congestion impacts on Highway 126 and local surface roads.

2. Air quality impacts within the Santa Clara Valley.

3. Reduced potable water quantity and quality in the Santa Clara River.

4. Additional Project-induced stormwater discharges into the Santa Clara River during Capital Storms.

5. Project-related growth inducement due, in part, to increased demand for low and moderate income housing within Ventura County; and 3

6. Serious and unmitigatable adverse consequences to its agriculture, which is both a major economic and quality of life asset to the people of all Ventura County.

7. The volume and flow of water in the Santa Clara River will be adversely affected by the Project, which will increase the potential for channelization of the Santa Clara River.

8. Wastewater treatment processes will add chlorides to the Santa Clara River, further harming County Agriculture.

WHEREAS, various elected officials and senior staff members of the County of Ventura and the Cities of Fillmore and Santa Paula have met with representatives of the Newhall Ranch Company and/or the County of Los Angeles in an attempt to address the Project's impacts on the Santa Clara River Valley, but few if any changes to the Project have occurred to address these impacts; and 4

WHEREAS, on December 5, 1997 the Los Angeles County Department of Regional Planning released written responses to the comments to the Project EIR, allowing only 8 working days between the release of the written responses and the Regional Planning Commission hearing on December 17, which is an inadequate amount of time to review hundreds of pages of written responses to EIR comments; and 5

WHEREAS, the County of Ventura and the Cities of Fillmore and Santa Paula have reviewed, on a rushed, preliminary basis, the written responses to EIR comments, and have found the responses to be inadequate in addressing the impacts to the Santa Clara River Valley.

NOW, THEREFORE, BE IT RESOLVED THAT:
The County of Ventura and the Cities of Fillmore and Santa Paula hereby request the following actions of the Los Angeles County Regional Planning Commission:

(A) That certification, or a recommendation for certification of the Project EIR not occur until such time as:

(1) Adequate time has been provided for public review and comment on the written responses to the public comments on the draft EIR prior to final action on the FEIR by the Regional Planning Commission; and

6

(2) Said public comments are transmitted to the Regional Planning Commission for their consideration prior to action on the FEIR; and

(3) The Project FEIR is modified to accurately reflect the concerns of the County of Ventura and the Cities of Fillmore and Santa Paula, and that these modifications are reflected in the project mitigation measures, conditions and/or project design, and are made part of the Specific Plan, Development Agreement and mitigation monitoring/reporting program.

(B) That Tentative Tract Map 24500 not be approved until either:

(1) The issue of the subdivision authority of the County of Ventura is resolved to the satisfaction of the County of Ventura; or

(2) That Tentative Tract Map 24500 be conditioned that prior to recordation, the Newhall Ranch Company must obtain from the County of Ventura subdivision approval for those potions of the existing lots affected by Tentative Tract Map 24500 which are included within Ventura County.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Ventura County Board of Supervisors and the City Councils of the Cities of Fillmore and Santa Paula hereby adopt this joint resolution regarding the Newhall Ranch Project.

D.H. Gunderson
D.H. Gunderson
Mayor, City of Fillmore

December 9, 1997
Date Adopted by Fillmore City Council

CITY OF FILLMORE)
COUNTY OF VENTURA)§
STATE OF CALIFORNIA)

I, STEVEN McCLARY, Deputy City Clerk of the City of Fillmore, California, do hereby certify that the foregoing Resolution 97-2226 was duly passed and adopted by the City Council of the City of Fillmore at the regular meeting thereof held on the 9th day of December, 1997, and was signed by the Mayor of the said City and that the same was passed and adopted by the following vote:

6

AYES: BARAJAS, BREWSTER, CAMPBELL, GUNDERSON, LEE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Steven McClary
STEVEN McCLARY, Deputy City Clerk

CITY OF FILLMORE
CENTRAL PARK PLAZA
250 Central Avenue
Fillmore, California 93015 – 1907
(805) 524-3701 • FAX (805) 524-5707

March 12, 1998

Mr. Lee Stark
Department of Regional Planning
County of Los Angeles
320 West Temple St.
Los Angeles, CA 90012

RE: Newhall Ranch Project, EIR Response to Comments

Dear Mr. Stark:

The City of Fillmore has reviewed the responses to our comments on the Draft EIR for the proposed Newhall Ranch project. City staff have also met with representatives of Newhall Ranch on January 7, 1998 to discuss the responses. While we are generally satisfied with some of the responses, there are still several areas of concern that we feel still need to be addressed prior to approving the proposed project. The following issues need further clarification and analysis: 1

Flooding

According to the draft EIR pages 4.2-36 and 4.2-37 the Newhall Ranch project will increase the depth of the flood flow in the Santa Clara River by 2.4 inches at the County line. The same increase will occur at the City of Fillmore Waste Water Treatment Plant. The levee protecting the plant is presently about 16 inches too low and needs to be raised to accommodate future upstream development. The cost to raise the levee is estimated at $635,000. The fair share cost for the 2.4 inch increase is $95,250. The City is requesting that the developer pay this fair share cost to raise the levees around the City waste water treatment plant. 2

Water Supply

The Newhall Ranch EIR identifies an unrealistic water demand cycle because it only considers an average year for water needs and does not take into consideration drought year water needs. Therefore, this could result in an overdraft of the groundwater which may impact the City of Fillmore's water supply, due to lack of recharge. 3

Traffic

There are still several intersections missing in the EIR which will require further analysis for traffic impacts in the City of Fillmore. These include Highway 126/"B" Street and 4

Highway 126/Kellogg Street. Also, when the traffic studies are conducted, the Ventura county standards need to be utilized for areas analyzed within the City of Fillmore, rather than Los Angeles County standards. 4

We appreciate your attention to these concerns. If you would like more information or have any questions, please contact Bert Rapp, City Engineer at (805)524-1500, ext. 231 or Christine Silver, Planner, (805)524-1500, ext. 115. 5

Sincerely,

D.H. Gunderson
Mayor

S:\users\shared\newrch1

President
G. Barger, President
C. Neumann, Vice President
Secretary/Treasurer
Lautscher
E. Maulhardt
Thompson
Tony, Sr.

Legal Counsel
Philip G. Drescher

General Manager
Frederick J. Gaidos

UNITED WATER CONSERVATION DISTRICT

"Conserving Water Since 1927"

March 30, 1998

Yvonne Brathwaite Burke
Chair of the Board
Supervisor, 2nd District
Board of Supervisors, County of Los Angeles
500 Temple Street
Los Angeles, CA 90012

Dear Ms. Burke:

This letter is written in regards to the development of the Newhall Ranch Project, and the discussion about water supply which we consider to be inadequate based upon information in the EIR. United Water Conservation District is responsible for groundwater supply management downstream from the Santa Clarita Valley and the proposed Newhall Ranch areas, and as such is vitally concerned over the potential adverse impact of this development.

For over 50 years, United Water has been battling groundwater overdraft and seawater intrusion in the valley, and out on the Oxnard Plain. United Water oversees the supply and replenishment of approximately 250,000 acre-feet of water annually, and sees the lack of a clearly defined water supply as a weakness in the Newhall Ranch EIR, and a threat to the delicate water balance within Los Angeles and Ventura Counties. It is delicate because this area has been formally classified by the State Department of Water Resources as critically overdrafted and consequently, a clearly identified water supply and demand report is absolutely essential for approval of this development. 1

Hydrogeologic staff at United Water Conservation District have analyzed and modeled the water supply and demand based upon data supplied by Newhall Ranch and have determined that under the most optimistic water supply/demand Scenario A, there is inadequate water for the Newhall Ranch, for existing development, and growth within the existing developments. For the most realistic water supply/demand Scenario C, there is a sizable and unacceptable deficit in water which can only be made up via water import contracting, or excessive groundwater pumping.

108 N. 6th Street • Santa Paula, California 93060 • Phone (805) 525-4431 • FAX: (805) 525-2661

UNITED WATER CONSERVATION DISTRICT

Data used for this analysis is from the:

- Newhall Ranch EIR,
- California Department of Water Resources State Water Project historical deliveries 1970's to mid 1990's to anticipate future water availability,
- historical flows on Castaic Creek,
- and data from area water agencies. 1

The water supply scenarios use the 1973-1996 historical hydrologic cycle for the Castaic Creek and have translated this cycle to the years 2000 through 2035 (this is a normal hydrologic procedure). Growth within the existing communities in the Santa Clarita area is conservatively estimated at 2% annually. Scenarios A, and C hold groundwater use in the Newhall area to 8,400 acre-feet annually.

United Water also will not support any revision of the existing five agency contract for re-regulation and change of delivery point for the Castaic Lake storm inflows. These inflows, when released are an important source of groundwater replenishment both with the Santa Clarita valley, as well as in the overdrafted areas downstream in Ventura County. In fact, the California Water Resources Control Board which oversees water rights, has stipulated that United Water solve the overdraft and coastal seawater intrusion problem. Thus, increased use of groundwater in the upper basin by the Newhall Ranch would frustrate and perhaps reverse United's efforts, and place Newhall Ranch in conflict with the State Board. 2

As a result of the above, we urge you to suspend consideration of the Newhall Ranch EIR until the applicants have verified water supply sources and demand through detailed mathematical modeling and executed water supply contracts, and that contractual assurances are provided to United Water.

The information developed in these view graphs was previously transmitted to Newhall Land & Farming through the Valencia Water Company for their comment. We have also asked them to meet with us to resolve the water supply matter. 3

UNITED WATER CONSERVATION DISTRICT

Please call me, or Fred Gientke, General Manager of United Water if you have any questions. 3

Sincerely,

Sheldon Berger

Sheldon Berger
President, Board of Directors

Enclosures

SB:FG:mk

CC:: LA Regional Water Quality Control Board
Dennis Dickerson
Wendy Phillips
John A. Sketak, Chairman
Charlotte Craven, Vice Chair
Jack J. Coe, Ph.D.
Boyd Condie, Member
Michael L. Keaton, Member
Marilyn Lyon, Member
Charles Milam, Member
Hamid Nahai, Member
Beth Rogers, Ph.D., Member
State Water Resources Control Board
[redacted]
Bill Attwater, Chief Counsel
Mary-Jane Foster, Member
James Stubchaer, Member
Marc Del Piero, Member
John Caffrey, Chair
John Brown, Vice Chair
Edward Anton, Chief, Division of Water Rights
Supervisor Long
Supervisor Flynn
BDRF

[illegible]

SANTA CLARITA WATERSHED RECREATION and CONSERVATION AUTHORITY

a public entity of the state of california exercising joint powers of the city of santa clarita and the santa monica mountains conservancy pursuant to government code section 6500 et seq

April 10, 1998

Los Angeles County Board of Supervisors
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Newhall Ranch Development Project

Dear Supervisors:

The Governing Board of the Santa Clarita Watershed Recreation and Conservation Authority (SCWRCA) offers its comments on the Newhall Ranch Development Project in the form of the attached letter, which was prepared by Carlyle Hall of Hall & Associates at the request of SCWRCA. The Governing Board adopted these comments by unanimous vote at its April 9, 1998 meeting, held in Santa Clarita.

The main points of this agency's concern are the timing, nature, accountability, and substance of the Newhall Ranch Project's proposed open space areas. Our comment letter describes in great detail our concern that the project approvals as proposed and the Final Environmental Impact Report (FEIR) fail to ensure effective dedication of land for public use as mitigation for the project's significant adverse impacts. In sum: 1

- The ownership and management of the dedicated open space land is not specified and properly evaluated.
- The FEIR fails to address the environmental impacts of Newhall's ongoing activities in the open space areas prior to any eventual dedication.
- Impacts of the Specific Plan on the environment within the open space areas are not adequately analyzed.
- The project's impacts on wildlife corridors and needed mitigation measures are not adequately addressed.
- The FEIR delays evaluation of mitigation measures for significant biological impacts.

24255 The Old Road, Newhall, California 91321
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- Shifts of Significant Ecological Area boundaries are not adequately identified, explained, nor justified.
- The FEIR fails to adequately address mitigation measures relating to the public use of the open space areas.

1

Thank you for this opportunity to comment.

Sincerely,

RICK PUTNAM
Chairman

Attachment

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April 10, 1998

Los Angeles County Board of Supervisors
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Newhall Ranch Development Project—Final EIR's Inadequate Evaluation Of Environmental Impacts And Needed Mitigation Measures Relating To Proposed Open Space Dedications

Dear Supervisors:

This letter is written on behalf of the Santa Clarita Watershed Recreation and Conservation Authority (SCWRCA), a joint authority of the Santa Monica Mountains Conservancy (Conservancy) and the City of Santa Clarita, concerning the proposed County approvals for the Newhall development project. SCWRCA's principal purpose is to facilitate cooperative arrangements among public entities for the preservation and management of open space in the Santa Susana Mountains. Among its many activities, the Conservancy manages the 4,000 acre Santa Clarita Woodlands Park, which extends from the Golden State Freeway in the Newhall Pass to the boundary of the Newhall Ranch Specific Plan.

The Conservancy has previously offered extensive comments discussing the substantial problems with the accountability, timing and substance of what the Final EIR (or FEIR) on the Project refers to as the project's "open space dedication." (For your convenience, a copy of the Conservancy's most recent written comments, dated September 3, 1997, is attached.) Unfortunately, these prior comments by the Conservancy and others about the critical open space issues have been met with inadequate, at times non-existent, responses in the Final EIR. The Final EIR has offered the public and the Conservancy little more than conclusory statements in its responses, often devoid of factual support. This refusal to address significant issues 1

raised by the comments denies the public and public agencies their right of informed public participation at this critical stage in the CEQA process.[1]

By this letter, SCWRCA takes the opportunity to alert the Board of Supervisors to the continuing unresolved problems concerning the Project's open space dedications. This letter discusses three fundamental problems with the Final EIR and the presently proposed open space mitigation measures for the development project.

- First, the Final EIR's present proposals for the dedication of open space land for public use in order to mitigate the significant adverse impacts caused by development of the Newhall project are largely illusory. The critical question of the future ownership and management of the open space area is virtually ignored by the FEIR—at the same time that Newhall has unilaterally entered its own proposed contractual arrangements with its hand-picked private nonprofit surrogate, the Center for National Lands Management (CNLM). 1

- Second, the FEIR fails to adequately address the environmental impacts on the open space areas caused by Newhall's continuing farming, oil drilling and other activities throughout the indefinite—and potentially very lengthy—interim period prior to any possible dedication.

[1] In the EIR process, dialogue within the public comment structure is necessary. Objections and recommendations "must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice." CEQA Guideline § 15088(a). Without adequate responses to public comments, the FEIR fails in its purpose to provide decision-makers with adequate information and to assure the public that its concerns will be fully considered. *Environmental Protection Information Center, Inc. v. Johnson* (1985) 170 Cal. App. 3d 604, 628. Furthermore, "[p]ublic participation is an essential part of the CEQA process." State CEQA Guidelines, 15201. *See also Laurel Heights Imp. Ass'n v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 392 ("The EIR process protects not only the environment but informed self-government.")

- Third, the EIR fails to adequately evaluate and mitigate the significant impacts of the urban development components of the project on the valuable, sensitive natural resources in the open space areas.

Consequently, the proposed open space dedication mitigation measures described in the FEIR are at risk of being a meaningless exercise, instead of an effective dedication for the benefit of the public and the environment. The Final EIR's attempts to dismiss these flaws by stating that they relate only to the Development Agreement and/or by proposing that further evaluation of these issues should be postponed to later stages of development approvals are patently wrong. One point is abundantly clear: *the project's open space dedication components present the County decisionmakers with profound legal and policy problems that are not cured by the withdrawal of the Development Agreement from consideration.* Indeed, Newhall's attempt to piecemeal the proposed development project by withdrawing the Development Agreement from consideration only multiplies the project's severe problems.

I. THE PROJECT APPROVALS AS PROPOSED AND THE FEIR FAIL TO ENSURE EFFECTIVE DEDICATION OF LAND FOR PUBLIC USE AS MITIGATION FOR THE PROJECT'S SIGNIFICANT ADVERSE IMPACTS.

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According to the Final EIR, the High Country and River Corridor Special Management Areas ("SMAs"), which together would total approximately 4,768 acres, are designed to serve as key components of mitigation for the massive Newhall development project. *See* Mitigation Measure 4.6-23 (for the River Corridor) and Mitigation Measure 4.6-38 (for the High Country). Closer examination, however, reveals that the proposed open space dedications are critically flawed by unspecified and unevaluated open space ownership and management arrangements reserving significant rights to the developer, by delays and indefinite timing arrangements, and by the lack of sufficient resources to be required for ongoing management of the land to be dedicated for the public benefit.

The California Environmental Quality Act ("CEQA") requires public agencies to deny projects unless all feasible measures are imposed to mitigate significant adverse project impacts. *See* Public Resources Code § 21002; *see, e.g., Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1233 ("CEQA compels government first to identify the environmental effects of projects and then to mitigate those adverse effects through the imposition of feasible mitigation measures or through the

selection of feasible alternatives."). If, and only if, all feasible mitigation for significant impacts is to be undertaken can a public agency approve a project.

State law demands that mitigation measures be spelled out precisely "as early as feasible in the planning process to enable environmental considerations to influence project program and design." CEQA Guidelines § 15004(b). Crucially, courts have rejected attempts by public agencies to delay discussion of key mitigation measures until some later date when it is supposedly more convenient for the agency or for the applicant. *See, e.g., Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306 ("The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA.").

To be sure, CEQA hardly requires agencies to adopt mitigation when it is not yet practical to develop them. "[F]or kinds of impacts for which mitigation is known to be feasible, but where *practical considerations prohibit devising such measures early in the planning process*...the agency can commit itself to eventually devising measures that will satisfy *specific performance criteria* articulated at the time of project approval." *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028. (Emphasis added.) State law does not require agencies to do the impossible. Nevertheless, the Final EIR must demonstrate that the mitigation measures proposed will achieve maximum feasible mitigation. If any parts of these measures are vague or inconclusive, CEQA demands that the FEIR show that "practical considerations prohibit" doing anything more at this stage, and, even then, requires at minimum that "specific performance criteria" be established at the time of project approval. Thus, as to the two open space SMAs, the Final EIR must show that they achieve all feasible mitigating benefits, and if any of their provisions are unclear or not spelled out, then it is simply not practical to do any more at the present time and that appropriate "specific performance criteria" have been established. These CEQA obligations apply regardless of whether a Development Agreement is presently being considered. 1

A. The FEIR Fails To Evaluate And Specify The Ownership And Management Of The Dedicated Public Land.

Despite repeated requests by the Conservancy and others, the Final EIR for the development project does not evaluate and specify what type of entity should own and manage the SMAs and how it can be ensured that adequate resources will exist to carry out any mitigation plan.

The Resource Management Plan ("RMP") for the Newhall project requires that, at some future point, before the open space easements are recorded:

> The land owner shall provide a plan to the County for the permanent ownership and management of the High Country SMA. This plan *may include* the transfer of ownership of the High Country SMA to an entity agreeable to the County and land owner. This entity may include the County, a public or private organization or agency, or a Newhall Ranch property owners association.

RMP §2.6(d)(vi). (Emphasis added.) The River Corridor open space dedication ownership and management provisions are identical. RMP § 2.6(d)(iv).[2] Thus, the open space in question may never be transferred to a public entity *at all.*

The Final EIR insists that issues relating to the ownership and management of the Open Space areas are premature and are not appropriate for the FEIR. *See, e.g.,* OT-266, Response 5 ("[T]he issue regarding ownership and management of the Open Area is not an issue for the Draft EIR."). *See also* Response 6, OT-269. On its face, this assertion is patently erroneous. The Final EIR expressly cites proposed public dedication of the open space areas as a key mitigation measure and the Statement of Overriding Considerations relies on this public dedication as an overriding consideration for the development project's unmitigable significant environmental impacts. SOC 157-58. If the open space is not to be transferred to a public entity, how does the County propose to ensure that the SMAs will play the critical, and legally necessary, mitigation role assigned to them, i.e., appropriately mitigating the massive development project's significant adverse environmental impacts? And if the SMAs are 1

[2] The River Corridor provision reads:

> Prior to the recordation of the River Corridor SMA conservation and public access easement ..., the land owner shall provide a plan to the County for the permanent ownership and management of the River Corridor SMA, including any necessary financing. This plan may include the transfer of ownership of the River Corridor SMA to an entity agreeable to the County and the land owner. The entity may include the County, a public or private organization or agency, or a Newhall Ranch property owners' association." RMP §2.6 §(d)(iv).

transferred to a private entity, how can the public be guaranteed that the transferee entity will be capable of, and committed to, preserving the environmental and public recreational, scenic and environmental resource values that constitute such mitigation?

As noted above, the Final EIR can refuse to give specifics about the ownership and management issues relating to the open space areas only if "practical considerations prohibit" it. Yet the Final EIR contains no pertinent information about why this might be so, mainly because there is no conceivable reason for delay in determining the ownership and management of the SMAs. Indeed, it is obvious that detailed and elaborate arrangements for the ownership and management of the SMAs can be achieved at the present, *because Newhall has already unilaterally made such arrangements without the County's participation or consent.* Newhall has entered into an agreement with the Center for Natural Lands Management (CNLM), in a series of specific contracts for the long-term ownership and management of the SMAs. Newhall's own actions plainly belie the Final EIR assertions that issues of Open Space ownership and management are premature and inappropriate for EIR consideration. 1

The FEIR Responses also claim that the presently proposed very general project approval conditions would provide full accountability because the County must approve the ownership/management entity. RTC-356, Response 2. The FEIR's Responses to the Conservancy's letter fail to address the letter's central point: *the ownership and management system sought to be established by and for Newhall would substantially undercut meaningful public accountability and instead would advance Newhall's interests, not the public's.* For example, the Responses fail to address the fact that, under Newhall's proposed arrangement, CNLM's budget would be wholly controlled by Newhall, and that all open space management rules and regulations must be approved by Newhall. As noted in the Conservancy's letter and by the various comments made by Conservancy representatives at various Planning Commission meetings, allowing the open space to remain in Newhall's hands—or putting it into the hands of Newhall's chosen surrogate, CNLM—presents a formidable conflict of interest because Newhall's interests are not the same as those of the public.

Indeed, the FEIR Responses only highlight the importance of the present vacuum of information about, and evaluation of alternative proposals for, the future ownership and management of the open space areas. For example, responding to the

Conservancy's observation that the present side agreements between CNLM and Newhall would give Newhall a very powerful right of reversion, the Final EIR states that "[t]his right of reversion is included for the protection of *Newhall* to ensure that the property will be preserved and managed as envisioned in the Agreement." RTC-1229. (Emphasis added.) This statement misses the point: open space dedication is mitigation of adverse impacts required by state law to protect the *public,* not Newhall. Even if the ownership and management responsibility for the open space were initially vested in CNLM, rather than a public entity, when and if CNLM fails to do an adequate job in fulfilling these important responsibilities, why should the reverter right not accrue to the County or some other public agency? Again, the Final EIR is deafeningly silent.

Furthermore, the Final EIR asserts that dedicating the High Country SMA to the Conservancy would itself present an accountability problem: such a dedication would not allow the County to control the future developments within the SMAs, the FEIR asserts, because the Conservancy is a state agency rather than an entity of the County. RTC-360. The FEIR's contention, of course, ignores the comparative lack of accountability to any public body in the present side arrangements between Newhall and CNLM. Moreover, the FEIR ignores the possibility that another public agency besides the Conservancy, such as SCWRCA, could serve as the entity that would own and manage the open space. Finally, the FEIR ignores the fact that the Conservancy presently owns and manages *thousands* of acres of land in Los Angeles County and that the County and the Conservancy have an ongoing relationship in preserving and providing public services on those acres. Put another way, if the Final EIR is going to dismiss Conservancy stewardship of the open space on grounds of accountability, it must analyze the various other alternatives on the basis of comparative accountability. This it singularly fails to do. 1

Aside from these critical accountability issues, the FEIR also contains no such evidence at all evaluating CNLM's management capabilities and its financial capacity to manage several thousand acres of sensitive open space. The present side agreements between CNLM and Newhall provide for a very limited endowment to fund CNLM's management. As set forth in the Conservancy's September 3rd letter, the $2 million sum proposed by Newhall is completely inadequate for its stated purpose. For instance, CNLM's budget would provide for no full-time rangers, raising the possibility of substantial security concerns in the SMAs. The Final EIR merely asserts that "[m]any large open spaces function without a full time ranger staff," and claims

that CNLM has a software program to budget its open space management. RTC-1232. What is striking here is that the Final EIR contains no evidence or performance standards—*none*—to guide decisionmakers in resolving these important issues. Are rangers required? Is CNLM's budget adequate? Is CNLM's software program accurate? What other agencies have used it? What are examples of this use? There is simply no way, from looking at the FEIR, to answer these questions.

B. The FEIR Fails To Address The Environmental Impacts Of Newhall's Ongoing Activities In The Open Space Areas Prior To Any Eventual Dedication.

The Resource Management Plan (RMP), §2.6, provides that easements for conservation of, and public access to, the High Country SMA some day will be dedicated:

> Prior to the issuance of the 15,000th residential building permit within the Specific Plan Area, or the 4,000th residential building permit within the Potrero Valley Village, whichever occurs earlier. . . . ((d)(ii)). 1

In other words, the essence of the public benefits theoretically to be obtained from the High Country SMA dedication mitigation measure will be delayed for years, or even decades. The provisions concerning the timing of the dedication of the River Corridor SMA are even worse for the public. RMP §2.6(d)(ii) states:

> Upon completion of development of all land uses, utilities, roads, flood control improvements, bridges, trails, and other improvements necessary for implementation of the Specific Plan within the River Corridor in each subdivision allowing construction within or adjacent to the River Corridor, a permanent, non-revocable conservation and public access easement shall be recorded over the portion of the River Corridor SMA immediately adjacent to or within that subdivision.

Thus, the proposed protections offered to the River Corridor SMA become effective only when the Specific Plan is *fully* implemented—potentially several decades away.[3]

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[3] The Planning Commission Staff report for December 17, 1997 hearing observed that the Specific Plan's dedication design could fail to trigger *any* dedication. The staff stressed that "there isn't complete certainty of High Country dedication as open space under the

Notably, even in the absence of any Development Agreement, the County is being asked to grant the applicant a valuable Tentative Vesting Map that "locks in" entitlement requirements. *See* Government Code § 65943. Thus, receipt of these open space benefits by the County and the general public at some unknown, long-delayed later date represents an exceptionally poor trade-off for the citizens of Los Angeles County, since Newhall will begin to receive its vesting map benefits now.

Furthermore, Newhall has indicated it will continue its ongoing farming and oil drilling activities in the SMAs for the foreseeable future. In its letter of February 19, 1997 (p. 1499), Newhall states that "[t]here will be on-going oil and gas and agricultural operations on our property until the property is developed." Moreover, the Development Regulations provide for continuation of existing uses and leases within the Specific Plan area, including oil and natural gas operations and storage as well as cattle grazing. Specific Plan, Development Regulations, § 3.2(4)(b), p. 3-3. But what are the likely environmental effects of such ongoing long-term oil and gas drilling and such cattle grazing on the SMAs? How will these activities affect the suitability of the SMAs as a key mitigation measure for the far-reaching negative environmental effects of the proposed massive development project? The Final EIR entirely fails to answer these questions. 1

There are many commonsense reasons to suppose that such interim operations and activities by Newhall and its lessees may well significantly degrade the public open space resource value of the SMAs. It is one thing to have oil wells, gas fields, and extensive cattle grazing activities in the midst of a privately held property which, up until now, has been the case at Newhall Ranch. But it is a completely different matter to pursue these high impact operations within territory that is supposed to serve as public environmental and recreational open space—precisely the scenario the Final EIR envisions. Unmitigated oil drilling operations may be noisy, smelly and ugly, to say nothing of dangerous, and they clearly pose the potential to degrade the recrea-

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current requirement to dedicate." December 1997 Staff Report regarding the Newhall Ranch Specific Plan DEIR, at page 7. The Report explained: "[t]he potential for this shortcoming could exist if the marketing of the project changed and the number of total project and Potrero Valley Village residential building permits do not reach the number in the Specific Plan or current mitigation measure triggering dedication." Consequently, the staff suggested addition of a further dedication trigger. Despite this recommendation, no further triggers have been added to the dedication requirements.

tional, scenic and environmental resource values of the proposed public open space and the related hiking trails. Similarly, cattle that consume and trample the open space vegetation until the dedication actually occurs may well harm the biological values that make the open space a valuable public resource in the first place.

Oddly, instead of demonstrating that adverse environmental impacts will not occur as a result of Newhall's ongoing interim activities in the open space area and/or that all needed mitigation measures have been evaluated and imposed, the Final EIR contends that commentators concerned about these important environmental impacts should themselves provide evidence that the open space area in question will be degraded. Thus, responding to the Conservancy's comments about the potential for open space degradation from Newhall's contemplated ongoing interim activities, the Final EIR cryptically states that "Los Angeles County does not agree that continuing such land uses would create 'potential for severe degradation of the open space,'" and "no information or data is provided in this comment which supports the claim that the continuation of such land uses would somehow change or accelerate the degradation of the site." Response 4, OT-265 (Response to Oral Testimony).[4]

This Response completely misunderstands CEQA requirements. It is the responsibility of the EIR preparer, not a commentator, to investigate the extent to which degradation will or will not occur. "To conclude otherwise would place the burden of producing the relevant environmental data on the public rather than the agency and would allow the agency to avoid an attack on the adequacy of the 1

[4] The FEIR states that the Specific Plan will serve as legal protection of the SMAs since, upon approval, the specified areas would immediately be placed in land use designations of SMA, and thus be regulated under the RMP. The RMP of the Specific Plan, however, expressly permits such ongoing interim activities in the SMAs without calling for any specific mitigation measures. *See* Exhibit E, "Matrix Comparing Newhall Ranch Specific Plan/EIR Features and/or Mitigation to Development Agreement Terms". It thus provides no protection at all for the SMAs against the hazards and impacts in question, and thus fails to cure the FEIR's defect of promising mitigation without evidence in the record demonstrating why such mitigation will be adequate.

Notably, the RMP even allows for *expanded* oil and gas drilling activities with only the most minimal review. Footnote 18 to the Permitted Use Matrix (Specific Plan p. 3-23) provides that if Newhall proposes to *expand* these activities or to grant *new leases*, some kind of unspecified "review" will be conducted.

information contained in the report simply by excluding such information." *King's County Farm Bureau v. City of Hanford* (1990) 216 Cal.App.3d 716, 723.

Beyond this, the Final EIR acknowledges that, in fact, significant damage has already occurred to the SMAs from the activities in question. The FEIR admits that "such land uses have led to the disturbance of portions of the site." Response 4, OT-265. Similarly, the FEIR further contends that "there are many parts of the project site, including the High Country and River Corridor SMA areas, that do not suffer from 'severe degradation'"—an implicit admission that, conversely, portions of the SMAs *do* suffer severe degradation. The vagueness of these concessions hardly supports the adequacy of the FEIR, since CEQA plainly requires an EIR to fully describe and evaluate the existing baseline environmental conditions. *See* CEQA Guidelines § 15125 (an EIR must "include a description of the environment in the vicinity of the project, as it exists before the commencement of the project...."). To the extent the FEIR fails to provide adequate baseline data and analysis of the existing degradation of the open space areas caused by past oil and gas production activities and by past cattle grazing activities, that itself is a serious flaw in the FEIR's adequacy. Furthermore, in Response to a Comment from the California Department of Fish and Game—in which DFG noted that continued cattle grazing in the open space areas could cause severe degradation (Comment Letters and Public Hearing transcripts, p. 24)—the Final EIR agreed to remove grazing from the River Corridor SMA upon approval of the Specific Plan, but inexplicably refused to do so from the High Country SMA. (RTC-49). 1

II. THE FEIR FAILS TO ADEQUATELY ANALYZE THE IMPACTS OF THE PROPOSED DEVELOPMENT PROJECT ON THE ENVIRONMENT IN THE OPEN SPACE.

The FEIR also fails to adequately evaluate the many significant impacts of the proposed urban development uses on the open space areas to be dedicated and their recreational, scenic and environmental resources. Indeed, because the proposed open space dedications are considered a key project approval condition, the FEIR must assess the significant impacts of the urban development uses on the open space areas and must evaluate and specify all feasible mitigation measures to prevent those impacts. The FEIR identifies many significant impacts on the open space areas, but evaluation of most mitigation measures is deferred until later applications are to be made for federal permits and other public agencies are relied on to assure mitigation efficacy. This denies the decisionmakers and the public opportunity to realistically

evaluate the impacts of the proposed development and to require the appropriate mitigation measures. Indeed, this approach improperly removes the decisionmaking power from the County and shifts it to other agencies.

A. The FEIR Does Not Adequately Evaluate The Project's Impacts On Wildlife Corridors And Needed Mitigation Measures.

The FEIR acknowledges that the Newhall development project will create a significant impact on the movement of wildlife between the river and upland areas. FEIR 4.6-49. During construction and after the buildout of the development, important wildlife movement will be limited to a single corridor, the Salt Creek Wildlife Corridor. The FEIR claims that preservation of the Salt Creek Corridor—what the FEIR refers to as a "critical component of the open area system"—will provide a protected pathway for animals between these areas. § 4.6-48; Statement of Overriding Considerations at 19. This "critical component," however, is not assured through the project approval conditions nor is the corridor's ability to mitigate the project's significant impacts adequately evaluated.

The United States Fish & Wildlife Service (USFWS) points out that it is doubtful that a single corridor could provide adequate space for the movement of the various species. USFWS Comment Letter, January 13, 1997, C-15. Furthermore, important portions of the Salt Creek Corridor *fall outside of the* Specific Plan area and are controlled by Ventura County. The Statement of Overriding Considerations, at page 19, notes that, "[c]urrently a portion of the wildlife corridor is situated in Ventura County. Future land use decisions will be required to define the corridor's final configuration in areas that occur outside the County of Los Angeles." SOC-19. This is incorrect, explains Ventura County: at present, the portion of the corridor that falls within Ventura County actually functions as agricultural land. Ventura County Board of Supervisors Comment Letters, February 11, 1997, C-157-161; November 13, 1997, C-2058. Thus, no Ventura County permit would be necessary for many agricultural activities and facilities that could well be wholly inconsistent with a corridor for wildlife.

The FEIR further claims that if land use changes or projects were to be proposed for areas within Ventura County, the effects on the wildlife corridor would be considered under Ventura County's General Plan. RTC-361. Again, the reliance on Ventura County is mistaken. According to Ventura County, even if a land use decision were to come before it, because the area is zoned for Agricultural Use and

Mineral Resources Protections, priority would be given for the agricultural use over non-agricultural wildlife, plants, and habitat. In addition, aside from a vaguely worded statement by Newhall that it has no present intentions to develop its Ventura County land (RTC-150, 361), there is no assurance—for example, by recorded CC&Rs—that Newhall would not actually develop that land or sell it to another entity who will. The proposed project approvals provide no assurance that the Ventura County side of the wildlife corridor will remain undisturbed in the future.

B. The FEIR Delays Evaluation Of Mitigation Measures For Significant Biological Impacts.

As proposed, the Newhall development project will cause significant, unavoidable biological impacts to both habitat and wildlife. FEIR 4.6-131. But the FEIR delays much of the needed analysis and the development of needed mitigation measures until later federal permitting applications and County applications for specific tract maps. RTC 21, 24, 47. The FEIR postpones discussion of specific mitigation, supposedly "because it is not practical at this time." RTC-24.

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USFWS points out the problem with this position:

> [T]he conceptual project design approach presented in the DEIR [is] poorly suited to the purpose of environmental review. It is logically and factually inconsistent to proceed from the conceptual design in the DEIR to the specific findings of significance presented. The DEIR contains only conceptual maps and generalized discussion of various development activities yet offers rather detailed analyses of the effects of these actions on components of the environment, including individual species, and offers specific conclusions regarding the significance of such effects.

USFWS Comment Letter, January 13, 1997, C-13. *See also*, California Department of Fish & Game (CDFG) Comment Letter, December 5, 1996, C-23. USFWS goes on to note that, without more detailed information, "the conclusions regarding the nature and significance of the project's effects presented are...rather speculative and cannot adequately be substantiated." C-13.

Other agencies have pointed out the inadequacy of the FEIR's analysis of the project's direct and indirect effects on endangered and listed species. CDFG Com-

ment Letter, December 5, 1996, C-23. As noted by USFWS, the FEIR's discussion of the direct and indirect effects of the project on sensitive species such as the least Bell's vireo, unarmored threespine stickleback, and the southwestern willow flycatcher are "virtually identical, suggesting a boiler-plate approach." USFWS Comment Letter, January 13, 1997, C-14.

C. The FEIR Fails To Identify Adequately Explain And Justify Shifts Of The Significant Ecological Area Boundaries.

The proposed development project would substantially alter the boundaries of two Significant Ecological Areas (SEAs), areas that the County has previously designated as having sensitive, unique or exemplary biological conditions. Approval of the project would reduce SEA 20, part of the Santa Susana Mountains containing oak woodlands and wildlife corridors, by approximately 466 acres. SEA 23, which encompasses the Santa Clara River, would lose 103.62 acres. FEIR, 4.6-29, 122-23.

The FEIR purports to justify adjusting the boundaries of the two SEAs by claiming that it "better reflect[s] the biological resources present on the site." FEIR at 4.6-119. According to the FEIR, this adjustment to the SEA boundaries serves to "delineate where the resources are" and "to accommodate the applicant's vision for Newhall Ranch." Newhall intends to use the land "declassified" as SEA to develop residential areas within the project. 1

The FEIR claims "lower quality habitat" will be exchanged for "higher quality" new open space areas that may have been omitted from prior SEA assessments by a "not necessarily...precise portrayal" of the SEA boundaries by the County. Although public comments questioned the rationale for losing *any* habitat from the SEAs (e.g., Environmental Defense Center Comment Letters, February 11, 1997, C-783; April 1, 1997, C-886), the FEIR responses simply assert that the proposed switch would provide a net increase of 155 acres in the amount of open space. RTC-568. There is no analysis or explanation as to why, if there is land that is also superior habitat to that which is presently in the SEA, the County does not simply expand the SEA boundary to include the newfound, better habitat, without deleting any of the areas that are presently within the SEA boundaries. Similarly, there is no analysis or explanation of why the presently degraded areas should not be restored, as a condition of project approval, and kept within the boundaries of the SEA.

D. The EIR Fails To Adequately Address Mitigation Measures Relating To The Public Use Of The Open Space.

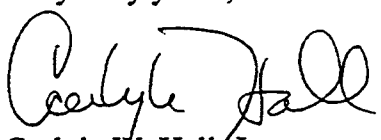
The FEIR fails to evaluate how the public access and environmental protection purposes of the open space are to be reconciled—a particularly important issue if the open space were ever to be owned and managed by a private entity more directly accountable to Newhall than to the public. For instance, in discussing visual impacts (FEIR § 4.7), the viewshed for "Transitory Recreational Population" neglects to discuss the visual impact of, and mitigation measures for, man-made facilities that will remain in the open space areas, such as oil and gas drilling and production facilities. FEIR 4.7-27, 61. Although the FEIR examines the proposed development project from ten viewsheds "which would display the maximum amount of development visible within that range of view" (FEIR 4.7-3), the single viewshed chosen for hikers using the trails fails to examine the foreground view that may be the most disturbing: active oil and gas processing facilities. The FEIR merely states that "only the background view is affected by the Specific Plan." FEIR 4.7-61. This is not accurate, of course, because a key component of the overall project approvals will be to introduce the public into the open space areas that are now privately owned. 1

Given the FEIR's erroneous definitions of "viewshed" and "development area," it is not surprising that it has not included the ongoing activities within the open space areas as a part of the viewshed of the development area. Nevertheless, to a hiker in the SMAs, an oil drilling facility would certainly be at least as much of a "prominent visual feature," defined in the FEIR to include features "that stand out in relation to their surroundings" (FEIR 4.7-3), as would be a city on the distant horizon. Further, where the public will access the property, there may well need to be a buffer zone, in the form of a high fence or wall, between the oil production facilities and hikers, who may veer off hiking trails. Such visual impacts on the "transitory recreational population" are also not discussed. Furthermore, since the issues relating to man-made visual distractions within the open space area are not discussed by the FEIR, it is not surprising that in the FEIR's "Proposed Improvements" section there are no suggestions of any mitigation measures to shield or camouflage these potential eyesores from the public accessing the open space. FEIR 4.7-27-30.

CONCLUSION

The County should take this opportunity to ensure that these important open space issues are addressed in the proposed Newhall development project's EIR. To date, no reason has been provided regarding why the project's proposed open space areas should not be owned and managed by a public agency with a proven track record for encouraging public access while preserving environmental and scenic resources. 1

Very truly yours,



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September 3, 1997

Mrs. Sadie Clark, Chairperson
Los Angeles County Regional Planning Commission
320 West Temple Street
Los Angeles, California 90012

Re: Newhall Ranch Specific Plan and Development Agreement

Dear Chairperson Clark:

This firm has been retained by the Santa Monica Mountains Conservancy (the "Conservancy") with respect to issues arising from the open space aspects of the Newhall Ranch Specific Plan and Development Agreement. In February of this year, the Conservancy's chairperson, Elizabeth Cheadle, wrote to you as part of its public comments, and expressed grave concerns about several elements of the Specific Plan and Draft EIR. In March, after the Newhall Ranch Company ("Newhall") submitted a series of changes that it proposed to make in response to testimony concerning Newhall Ranch development, Ms. Cheadle again communicated the Conservancy's concerns that the proposed plans for Newhall Ranch contain provisions that, if accepted, could significantly degrade the High Country and River Corridor Sensitive Management Areas (SMAs). These concerns were reiterated at the July 28th hearing concerning the Development Agreement by Joseph Edmiston, the Conservancy's executive director.

Regrettably, since that time, no progress has been made in resolving these issues. Meanwhile, new information has come to the Conservancy's attention regarding the nature of Newhall's proposed open space "dedication" that has heightened our concerns. The agreements between Newhall and its hand-picked management entity, the Center for Natural Lands Management (CNLM), pose a serious risk not only that the open space dedication will be inadequate, but further that it may very well be, as a practical matter, nonexistent.

As stated in previous Conservancy letters, we have three principal concerns regarding the present plans for Newhall Ranch: 1) the mechanism and timing of open space transfer; 2) the permitted uses within the open space areas; and 3) the open space

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ownership and management entity. Today's comments are in addition to those contained in Ms. Cheadle's letters of February 11th and March 31st, and Mr. Edmiston's testimony of July 28th, which still need to be addressed in the EIR and a revised Specific Plan. All of the issues discussed in this letter should be considered and evaluated in detail in the EIR on the Newhall project. They also raise serious issues regarding general plan consistency, since the open space protections proposed by Newhall fall far short of the protection of significant ecological areas provided in the County's general plan.

Mechanism And Timing Of Open Space Transfer

The bottom line is quite clear: Newhall's rights will vest immediately upon approval of its proposed Development Agreement, but the public must wait for years or possibly even decades before its receives any rights at all. The current formula proposes that the High Country SMA will be dedicated only upon the 4,000th building permit in the Potrero Valley Village, but the public has no idea when that will occur or even if it ever will. It seems ironic, to say the least, that Newhall seeks a valuable development agreement vested entitlement to develop Newhall Ranch and justifies this privilege on the basis of the public benefits of open space dedication—while it concurrently establishes terms for that public dedication that are so overreaching they raise substantial questions about its very existence.

By delaying the open space dedication, Newhall is doing more than forcing the public to wait indefinitely: it is also threatening the very environmental values that this dedication is designed to protect. The public is presented with the probable prospect of receiving open space only after it has become thoroughly degraded. Such a "dedication" constitutes a very compromised public benefit, indeed.

Immediate transfer of the open space for public use constitutes an essential, more environmentally-sensitive alternative to the current proposal. It is a very serious oversight that such an alternative has not been considered and fully analyzed in the EIR.

Permitted Ongoing Uses Within Major Open Space Areas

Ms. Cheadle's February 11, 1997 letter, at pages 7-9, details the degradation that will potentially occur to the River Corridor and High Country SMAs if the DEIR is certified and the Specific Plan is adopted. This letter briefly recapitulates these concerns, but one point should be clear: *the ongoing uses permitted by the DEIR and*

the Specific Plan effectively ensure that no open space will, for practical purposes, be dedicated for public use.

As currently written, the Specific Plan would allow, among other ongoing uses in the supposed open space area: "oil and natural gas operations and/or storage, cattle grazing, farming operations, movie filming, water wells, maintenance and operations of existing easements and pipelines, and existing housing." The Development Regulations governing the SMAs specifically state that "[t]he Specific Plan shall not affect the renegotiation or reissuance of leases for these existing uses."

These Development Regulations and allowance of the specific uses would continue after the conservation easement is granted. Despite language suggesting that some uses will be mitigated, many of these uses could continue indefinitely. We note that the agreements between Newhall and its hand-picked and wholly-controlled management entity, CNLM, specifically reserve Newhall's oil drilling and gas exploration rights in the SMAs—*even after the SMAs are "transferred" away from Newhall's ownership.* Put another way, the Specific Plan and DEIR as currently written are recipes for the continuing degradation of the SMAs. Again, these problems need to be fully analyzed in the EIR.

The only entity that might conceivably have any ability to prevent or mitigate this continuing degradation would be the manager of the open space itself. Thus, this manager must have both the expertise to know how to protect and preserve the open space and the authority and financial capability to take the necessary steps to do so. Unfortunately, considerations that the Conservancy has already presented to the Commission, in addition to new facts made available since our March 31st letter, make it abundantly clear that this is simply not the case with CNLM and the CNLM/Newhall agreements.

Open Space Ownership And Management

Ms. Cheadle's letters of February 11th and March 31st, as well as Mr. Edmiston's testimony of July 28th, detail the Conservancy's objections to Newhall's choice of a management entity for the open space. They noted that Newhall's contract with CNLM jeopardizes the High Country SMA's becoming part of an integrated system of public parkland and trails potentially stretching from the Sunshine Canyon mitigation property and O'Melveny Park to the Ventura County line and the Santa Clara River.

Recently, we have had the opportunity to examine the transfer agreements and addenda between Newhall and CNLM (collectively "the Agreements"). A close look at the Agreements reveals that, in practical effect, no real transfer of land will occur and no land will truly be dedicated as open space for public use. Instead, Newhall, for all practical purposes, will retain full control over, and benefits from, the property ostensibly dedicated as open space, while it has crafted the Agreements to avoid virtually all liabilities connected with it. CNLM will serve as an effectively powerless shell, unable to protect and enhance the property for public use. Such an arrangement violates the County general plan's legal requirements for dedication of open space for public use.

Our objections to the proposed arrangement fall general within three categories. Under the Agreements:

- Because Newhall is faced with actual conflicts of interest if it manages and owns the SMAs, it has formally transferred these properties to CNLM. In reality, however, Newhall will retain virtually complete control over the SMAs, effectively leaving these critical ecological resources in the hands of a for-profit developer with no economic interest in preserving them;

- CNLM will have inadequate financial capacity to manage and protect the property, as it will be financially emasculated by the terms of the Agreements;

- No one will be effectively responsible for actions potentially giving rise to liability on the property.

This "transfer" arrangement, then, shields Newhall from liability and from the responsibility for protecting the open space property, gives no one the authority to do so, and prevents the public from meaningful access. Needless to say, this transaction should be rejected by the Planning Commission and the Board of Supervisors.

- *Newhall Will Maintain Full Effective Power Over the SMAs*

By contracting with a private nonprofit, Newhall seeks to persuade the Commission and the public that an independent entity capable of protecting the High

Country SMA for public use will receive title to the SMA. This is a very dubious premise.

In reality, Newhall has drafted the Agreements to ensure its continuing control of the use, management, and disposition of the High Country SMA. For example, section 8.6 of the Transfer Agreement and Section 3.1 of the Covenants, Conditions, and Restrictions ("CC&R", attached as Exhibit "D" to the Transfer Agreement) commands CNLM to submit to Newhall for its approval all proposed rules and regulations. Thus, CNLM is forbidden from taking any steps to preserve the SMAs without Newhall's consent.

Moreover, the Agreements leave CNLM's finances relating to the open space completely in Newhall's hands. Section 7.2 of the Transfer Agreement requires Newhall to approve the budget for the management of the High Country SMA, and Section 4.5 of the Transfer Agreement requires Newhall to approve expenditures of more than $10,000. Of particular note in Section 7.2 is its provision that, even if the budget from the previous year is demonstrably inadequate, Newhall has no obligation to augment it, and the previous year's budget will remain in effect. Thus, through these Agreements, Newhall maintains control, while divesting itself of liability and responsibility for the Open Space.

The Agreements also allow Newhall to rescind the arrangement with CNLM at virtually any time, thereby confirming Newhall's virtually complete control over the SMAs. Section 2.2 of the CC&R allows Newhall to revoke the Agreements if CNLM supposedly violates them "in [Newhall's] reasonable opinion." Since CNLM must manage the Property "so as not to interfere with the use, development, marketing, or enjoyment or nearby properties by Newhall," the effect of the revocation clause, for all practical purposes, is to allow Newhall to cancel the Agreements whenever CNLM does anything that Newhall does not like. Newhall might argue that the Agreements set forth an arbitration provision in the event of a dispute, but (assuming arbitration would be appropriate) it is abundantly clear that such arbitration is only a fig leaf. The arbitrator would not determine whether, in fact, CNLM has violated the Agreements, but *whether in Newhall's reasonable opinion* it has done so. Such an "arbitration" will most likely be a very short proceeding.

Section 4.1 of the CC&R forbids most management practices unless Newhall gives its prior consent, also furthering Newhall's effective control and operation of the SMAs. This provision requires Newhall's approval for any signs or for any "improve-

ments," which means, on its face, that Newhall would have to approve any proposed infrastructure to develop trails or to make the open space accessible to the public. Moreover, Newhall has drafted "improvement" to include "any buildings, parking areas, loading areas, fences, walls, hedges, landscaping, plantings, poles, signs, and any other structures or improvements of any type located on the Property or any portion thereof and any replacements, additions, repairs, or alterations thereto of any kind whatsoever . . . ." Such a provision literally forbids the development of any trails in the High Country SMA without Newhall's consent.

- *Newhall's Maintenance of Power Over the SMAs Presents Unsolvable Conflicts of Interest*

It appears that Newhall wants to maintain control over the SMAs for a simple reason: on an ongoing basis, it can continue to exploit mineral and farming resources in the open space for its own profit, while operating the SMAs in ways that maximize the value of the new homes in the Newhall Ranch development. But adhering to this plan threatens the public benefits in this open space that theoretically justify the Development Agreement. Thus, allowing Newhall to maintain effective control of the SMA gives rise to actual conflicts of interest that threaten the SMA's environmental values.

Section 7.1 of the Transfer Agreement acknowledges this point, noting that "every effort shall be made to eliminate conflicts in the Center's management priorities." Yet the Agreements do not suggest how this could be done. In fact, the very same section indicates that this promise is an empty one, because CNLM must manage the Property "so as not to interfere with the use, development, marketing, or enjoyment or nearby properties by Newhall."

This undercuts any independent responsibility for managing the High Country SMA as open space for public use. Similarly, Section 4.5 of the CC&R requires CNLM to cooperate in the development of Newhall Ranch. What if such future development degrades or pollutes the open space? Any manager of the High Country SMA concerned about protecting the public's interests would have the obligation to oppose such development: any manager, that is, except CNLM, which could be forced to take measures even that injure the SMAs.

In the same vein, Section 12.4 of the Transfer Agreement commands CNLM to cooperate with Newhall in obtaining environmental permits, even if acquisition of these

permits would degrade the SMAs. And Newhall does not grant CNLM the same rights that it demands for itself: Newhall must approve whenever CNLM proposes to seek any permits itself. Section 4.3 of the CC&R allows signs in the High Country SMA only according to standards of Newhall's hand-picked and wholly-controlled Architectural Review Committee (ARC). This, too, forces CNLM to violate the best management practices for the SMA. Signs should be placed according to what is best for the SMAs, not what is best for Newhall Ranch.

CNLM must receive permission from Newhall to apply for any permit, and Newhall and CNLM specifically leave the Schedules of Performance for the High Country SMA undetermined. Given Newhall's control over CNLM's finances (see below), and its power of refusal over any rules and regulations, this provision essentially gives Newhall unilateral control over when, *if ever,* anything will be done to protect the High Country SMA. Any preservation will be left to Newhall's "sole discretion." The SMAs deserve better protection than the virtually-untrammeled discretion of a for-profit developer.

- *Reserved Rights*

Newhall's nearly total control of CNLM's actions was apparently not quite good enough for it. In order to ensure that the SMAs would be managed principally for Newhall's benefit, Newhall has reserved valuable and crucial rights for itself in both the Transfer Agreement and the CC&R.

Aside from Newhall's ongoing reservation of rights to farm and exploit the mineral resources of the open space area, discussed above, Section 2 of the Transfer Agreement reserves Newhall rights to ownership and dedication of "pedestrian, bike and horse trails and public parks, Community Parks and recreation areas (including the right to dedicate any or all of the same)." It is extraordinary that Newhall has promised to dedicate the SMAs as open space, but areas of the SMAs most suitable for the enjoyment of the public are left in Newhall's hands. Notably, Section 2.1 of the CC&R reserves Newhall's right to dedicate these trails and parks "to the County and other appropriate state, local or federal entities, agencies and . . . entities and non-profit associations, special maintenance, improvement or assessment districts." Clearly, Newhall may thereby retain prime natural areas of the SMAs, giving itself the option of specifically granting them to homeowners' associations in the Newhall Ranch

development. Such a strategy may further Newhall's profits, but again would derogate from the very public benefits that supposedly justify Newhall's vested entitlement.

Similarly, in Section 2.1 of the CC&R, Newhall reserves for itself all water rights in and under the High Country SMA, thereby providing itself with a low-cost water supply usable for the development or salable to the highest bidder. This may provide Newhall with a healthy income stream, but what about the ecological protection of the SMAs? They are offered only the promise that "any such water rights shall not cause material and adverse detriment to the riparian habitat in significant ecological areas within the River Corridor." Thus, the High Country SMA is left with no protection whatsoever. As for the River Corridor SMA, it can be protected—but only if CNLM, which Newhall effectively controls, chooses to challenge Newhall based upon the Agreements. And even then, pursuant to Article VII of the CC&R, CNLM's remedies are severely restricted—CNLM will be effectively powerless to seek adequate remedies to repair the potentially massive degradation of the SMAs' watershed.

- *The Agreements Provide Very Inadequate Funds for Ongoing Management of the SMAs*

Section 4 of the Transfer Agreement establishes an endowment ostensibly for the perpetual management of the SMAs. Because this is the only long-term funding available for CNLM's protection of the SMAs and the enhancement of their environmental values, close scrutiny of this provision by the Commission is particularly warranted: inadequate funding will condemn the open space to inadequate protection and potentially massive degradation.

Section 4 provides for an inflation-adjusted total of only $2 million. Even a cursory glance at the endowment provision reveals that this does not constitute nearly an adequate amount to manage the SMAs. Exhibit "B" if the Transfer Agreement provides a breakdown of the annual budget that Newhall and CNLM apparently believe is needed to manage, maintain, preserve, and enhance nearly 4,000 acres of highly sensitive environmental areas.

This is not the place to engage in a detailed examination of what 4,000 acres of open space needs in terms of funding; indeed, that is why the Conservancy has requested a separate public hearing focused solely on the management entity and what the requirements for that entity should be. Still, Exhibit B is more interesting for what it

does *not* contain than for what it does. For instance, Newhall and CNLM expect that the SMAs can be managed with *no* experienced full-time ranger staff. Indeed, Section 4 budgets only slightly more than one hour per day for patrolling. No staff position is budgeted to maintain security in the open space; no staff to teach visitors to learn about and respect park resources; no staff to provide ongoing maintenance of park resources. Indeed, the budget provides only slightly more than one hour per week of sanitation control and pickup—barely enough to handle one visitor center.

This budgetary famine leaves one clear implication: *Newhall and CNLM are not very interested in whether meaningful public use of the open space is secured in the first place*. The endowment does not provide basic resources to maintain adequate public access; thus, the only conclusion to draw is that they believe it is acceptable for the open space areas to serve as a private reserve. Again, where are the public benefits justifying the granting of valuable vested development entitlements to Newhall?

And, this assumes that the endowment is at some point fully funded. We note that Section 4.4 of the Transfer Agreement reveals there is no necessity of ever fully funding the endowment. The only requirement is that the endowment be fully funded in seven years *after* the last conservation easement is recorded. If the last conservation easement is never recorded, then the manager of the SMA could wind up with little or nothing.

The inadequacy of the endowment is especially acute given the high possibility of ongoing oil and gas drilling activities producing hazardous waste. Yet Section 6.1 of the Transfer Agreement specifically places the burden on CNLM to pay for the environmental assessments necessary to discover either hazardous or non-hazardous waste. Furthermore, Newhall has no duty to cooperate or disclose the presence of any such wastes. And most significantly, *Newhall has no responsibility to clean up any hazardous waste, even if it produced this waste during the years in which its rights were vested.* Thus, CNLM, with its inadequate endowment, will be forced either to pay for cleanup, or not to accept the SMA, thereby depriving the public of the open space.

- *The Agreements Leave the SMAs Unprotected From Liability Claims*

The liability provisions of the Agreements add insult to injury. Not only do they leave the SMAs in the hands of a powerless, under-funded, and inexperienced CNLM, they absolve Newhall of virtually all liability for occurrences in the SMAs, and they provide CNLM with precious little insurance to handle these claims. Again, these provisions demonstrate that Newhall has little apparent intention of ever giving the public the real benefits of the SMAs.

Significantly, the level of liability insurance provided by Newhall to CNLM (which has no funds of its own) is extraordinarily low and wholly inadequate. Section 12.5 of the Transfer Agreement provides for only $1 million in liability insurance for the entire 4,000 acres of extremely sensitive land in which oil drilling, farming and other potentially dangerous activities will be taking place. Certainly no reserve open to the public should operate with such a small level of liability insurance. (One reasonable conclusion is that Newhall does not intend the SMAs will ever be open to the public.)

We also note that pursuant to Section 8.3 of the Transfer Agreement, Newhall would bear no responsibility if oil and gas lessees pollute and degrade the SMAs, even though they are Newhall's lessees. If the lessees don't indemnify CNLM, too bad! While it is certainly polite that "Newhall shall request that the oil and gas lessees indemnify" CNLM with respect to "all clean-up, mitigation or remediation costs, fines, and penalties levied by any court or public body as a result of . . . oil and gas discovery, recovery, or abandonment operations," these lessees are under no *obligation* to do so. Thus, Newhall stands to reap continuing profits from the leases; the lessees will receive potentially valuable oil and gas resources; but CNLM will be left "holding the bag" for any clean-up or hazardous waste removal and remediation costs. In turn, the public will be left holding the bag, and the taxpayers will be forced to pay for clean-up or, alternatively, would be saddled with a hazardous waste site in the middle of the SMAs. Even the most creative interpreter of the English language would be hard-pressed to refer to this as a "public benefit."

There is little doubt that the foregoing is precisely what Newhall envisions. Recall that oil and gas leaks and dumping are considered hazardous waste under California law. Under Section 8.4 of the Transfer Agreement, "Newhall shall clean up or cause the clean up of any *non-hazardous* solid waste that is dumped on [the SMAs] after the date of this Agreement by Newhall or Newhall's contractors or agricultural

lessees." Thus, Newhall has specifically arranged to avoid taking any responsibility for the *hazardous* oil and gas waste that may be produced by the continuing drilling and exploration rights that Newhall has reserved for itself. These provisions protect Newhall very well. They do not protect the public at all.

We emphasize that all of the foregoing is a *non-exhaustive* list of the problems and conflicts of interest inherent in the Agreements. This is why it is imperative that the EIR expressly discuss and analyze these issues and expressly discuss suitable alternatives and mitigation measures. It is also why the Commission must provide for a public hearing specifically focusing upon the choice of a management entity. There are so many special, hidden provisions in the Agreements undermining the entire idea of public benefit, that specific and focused attention on them is necessary.

In general, this much is already clear: the Agreements demonstrate that Newhall and CNLM fundamentally misunderstand—or do not want to understand—the nature of open space dedication. Section 4.2 of the CC&R asserts that the SMAs are "part of the master planned residential community commonly known as Newhall Ranch." This is simply inaccurate. The High Country SMA is supposed to be dedicated to public use. It is *not* a mere adjunct to a private residential development. The fact that CNLM would sign an agreement obligating it to acquiesce and facilitate the possible degradation of the open space makes any reasonable observer seriously question its fitness to manage the High Country SMA.

Newhall's current proposals provide little, if any, public benefits and appear more designed to relieve Newhall from liability and other responsibilities, while potentially degrading critical environmental values. As such, these pending proposals are extremely vulnerable to legal challenge. We hope that these comments will be helpful as you consider the ultimate disposition of the largest proposed development project in Los Angeles County history and of two magnificent significant ecological areas. We look forward to working with the Commission toward a successful resolution of these issues.

Very truly yours,

Carlyle W. Hall, Jr.

CWH:pj

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

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April 10, 1998

The Honorable Yvonne Braithwaite Burke, Chair
Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Newhall Ranch Project

Dear Chairperson Burke and Supervisors:

During the past year and a half we have had a number of meetings with executives of the Newhall Land and Farming Company regarding their Newhall Ranch project. We have also provided extensive written and oral testimony to the Planning Commission regarding the Newhall Ranch Specific Plan and related plans, and testified at your March 24, 1998 hearing. Our concerns regarding the project before you continue to be focused on the nature and timing of open space dedications, and subsequent natural resources and recreation management issues.

Last July the Conservancy submitted a proposal to Newhall Ranch, at their request, for the ownership and management of the High Country Significant Management Area (SMA). This proposal for integrated stewardship provided several options for how fee title to the High Country could be transferred to the Conservancy. Interim management tools such as a lease or license agreement were also suggested. In addition, we proposed a working relationship with Newhall's preferred non-profit entity, the Center for Natural Lands Management (CNLM), on biological and other resource issues. Newhall Ranch Company declined to pursue the proposal at that time. 1

Earlier in the Planning Commission review process, the company did make salutary changes to the Specific Plan, such as the removal of the Salt Creek estate lots. The Planning Commission made further changes to the long-term management portion of the development plan. In regard to the management of the High Country Significant Management Area (SMA), the following portions of the Resource Management Plan appear to be the most applicable:

(d) ii (page 2-108):

> *Prior to the issuance of the 15,000th residential building permit within the Specific Plan Area, or the 4,000th residential building permit within the Potrero Valley Village, whichever occurs earlier, a permanent, non-revocable conservation and public access easement shall be recorded over the High Country SMA . . .*

(d) iii (page 201-8):

> *The High Country SMA conservation and public access easement shall be granted to the County of Los Angeles.*

(d) vi (page 2-109):

> *Prior to the recordation of the High Country SMA conservation and public access easement as specified in (i) through (v) above, the land owner shall provide a plan to the County for the permanent ownership and management of the High Country SMA. This plan may include the transfer of ownership of the High Country SMA to an entity agreeable to the County and the land owner. This entity may include the County, a public or private organization or agency, or a Newhall Ranch property owners' association.* 1

The position of the Santa Monica Mountains Conservancy remains the same: That the High Country SMA needs to be under the fee title ownership of an appropriate public parkland agency. Although condition (d) (vi) states that the ownership *may* be transferred, it is not required and the transfer is subject to the veto of the landowner.

Preservation of, and public access to, the High Country SMA continues to be one of the major public benefits cited for approval of the Newhall Ranch Specific Plan. However, the management of the High Country SMA, the level of public access, and the timing of land dedications remains uncertain. Therefore, these public benefits cannot be vouchsafed.

We urge you to consider as a project condition, the dedication of the High Country SMA in fee to the Santa Monica Mountains Conservancy, or one of our joint powers agency partners: the Mountains Recreation and Conservation Authority (MRCA) or the Santa Clarita Watershed Recreation and Conservation Authority (SCWRCA). We have previously testified as to the changes we believe the Board should make to the Specific Plan in order to accomplish the public benefits outlined in the Specific Plan.

If full dedication is not acceptable at the time of the approval of the Specific Plan, there are two alternative methods that could be considered. The first method would provide that the dedication can include reasonable constraints in order that the Newhall Ranch Company can appropriately phase out such existing uses as grazing and oil drilling. However, such a dedication does contemplate immediate trail connections wherever possible and that transfer of the fee is no later than five years after Specific Plan approval.

A second method would be for the Santa Monica Mountains Conservancy and the Newhall Ranch Company to enter into an operational license agreement or lease for immediate public access and recreational use of portions of the High Country SMA, and that fee title to the High Country SMA be dedicated to the Conservancy or related joint powers entity no later than eight years after approval of the Specific Plan by the County of Los Angeles. This will allow some immediate trail connections and public access from the Santa Clarita Woodlands currently managed by the Conservancy and MRCA, while still giving the Newhall Ranch Company the opportunity to retain some control over some of the High Country SMA until the ultimate dedication would take place. 1

We believe that either of these proposals for dedication deal with Newhall's previously stated concern about not wanting to dedicate the High Country immediately since County approval for each tentative tract map will need to be obtained as the Newhall Ranch Specific Plan is built out.

We applaud the willingness of Newhall Land and Farming Co. representatives and the Center for Natural Lands Management to begin a dialogue with us so that the management and resource conservation issues can be handled appropriately. In fact, a meeting between the Conservancy resource stewardship staff and CNLM will take place within the week, through the good offices of Secretary Douglas Wheeler of the California Resources Agency.

While we are hopeful these meetings will resolve our concerns and produce an agreement, we must use this opportunity to urge that the Board of Supervisors make its eventual decisions on the Newhall Ranch Project on the basis of assured public benefits.

Sincerely,

JOSEPH T. EDMISTON, AICP
Executive Director

BOWIE, ARNESON, KADI, WILES & GIANNONE

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RESPOND TO NEWPORT BEACH
REF. OUR FILE

8028

January 14, 1998

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

5 1998 PLANNING

Attn: Mr. Lee Stark

Re: Newhall Ranch Specific Plan (Project #94087-5)

Dear Mr. Stark:

On behalf of the William S. Hart Union High School District ("District"), this letter will memorialize our telephone conversation of this date, in which we discussed the status of the above-referenced Newhall Ranch Project consisting of 24,351 dwelling units (the "Project"). The District intends to appeal the Planning Commission's December 17, 1998, approval of this Project.

In our telephone conversation, you stated that once the Los Angeles County Department of Regional Planning issues its final letter to the Applicant, the District has fifteen (15) days within which to appeal. As you informed the undersigned, you are in the process of preparing the final letter so that it may be sent to the Board and the Applicant. You stated that you believe that the Applicant will receive this letter on Friday, January 16, 1998. You will be forwarding a copy of the final letter to this office, as well. 1

BAKW&G/JMC/cjd/44595

As stated in our telephone conversation, the District intends to appeal the Planning Commission's December 17, 1997, decision regarding this Project. Please contact Wendy Wiles of this office should you have any questions or comments regarding this Project. 1

Very truly yours,

BOWIE, ARNESON, KADI,
WILES & GIANNONE

By
Julie McCloskey

JMC/cjd
cc: Bob Lee
Wendy Wiles

BAKW&G/JMC/cjd/44595

William S. Hart Union High School District

March 13, 1998

Los Angeles County Board of Supervisors
Administrative Offices
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

This correspondence is to encourage your support for building comprehensive schools that include all the necessary facilities for activating learning for all students. In addition to building just classrooms, facilities should include Performing Art Centers and athletic facilities, etc. that would provide students with the "total" educational experience necessary for success in today's complex society.

As an educator for the past 38 years, seventeen as a high school principal, a father of three, grandfather of 9, and a wife who teaches at the middle school level, we all respect and cherish experiences that were afforded our family through a school system that valued facilities which provided cultural and athletic participation needs to be met.

The William S. Hart Union High School District is unique in that schools are still very much the "center of activities" throughout the Santa Clarita Valley. The schools facilities go beyond just being used as classroom learning centers, but are available to enhance the culture of the entire school community through the shared use by Parks and Recreation, service clubs, adult education, and other community groups that rely on school facilities for their activities. School athletic teams, bands, drama and choral groups provide entertainment for the community and an opportunity for students to demonstrate their skills by performing for their peers and adults alike at the school sites. Without appropriate facilities, this would not be possible. 1

During my tenure as an educator, I had the privilege of serving for 14 years on the Western Association of Schools and Colleges, an accreditation commission, and had the opportunity to visit schools throughout the State of California and Hawaii. I can tell you that the most successful schools and communities, in terms of producing excellence in education, where those schools which provided a comprehensive facility that enhanced the developmental learning needs of all students.

21515 Redview Drive, Santa Clarita, California 91350 805 259-0033 FAX 805 254-8653

The Los Angeles County Board of Supervisors have played a vital role in the development of programs and facilities during my lifetime and for this, they are to be commended.
I close with strong encouragement for you to continue your good work by supporting the building of comprehensive schools that would include all the facilities necessary for providing a total educational experience for both students and the community. 1

Thank you for your consideration and support.

Respectfully,

William N. White, Ed.D.
Coordinator of Educational Services and
Director of the Regional Occupational Program

WNW/nw

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT
SANTA CLARITA, CA

Grades 7-12

The Santa Clarita Valley and the William S. Hart Union High School District are experiencing rapid growth and the challenges of insufficient school facilities. A look ahead to the 2002/2003 school year, only 5 years away, shows the facilities crisis entering into the critical stage. Under the best of conditions, there will be a dramatic shortage of classrooms to house the thousands of students moving into the area.

1

Responsible and controlled growth, along with state school construction funds (not currently existent) and adequate mitigation agreements with the developers in the Santa Clarita Valley, provide the only hopes for maintaining any semblance of quality education in a safe environment.

Attached is a look at the projected growth in the Hart District.

SCHOOL ENROLLMENTS
IN THE
WILLIAM S. HART UNION HIGH SCHOOL DISTRICT
1997 - 2003

	Design Capacity	*Actual* Enrollment 1997/98	*Projected* Enrollment 1998/99	*Projected* Enrollment 1999/00	*Projected* Enrollment 2000/01	*Projected* Enrollment 2001/02	*Projected* Enrollment 2002/03
Arroyo Seco JHS	906	1,412	1,561	1,628	1,775	1,858	1,972
La Mesa JHS	954	1,185	1,240	1,372	1,551	1,840	2,222
Placerita JHS	832	1,186	1,315	1,319	1,461	1,595	1,820
Sierra Vista JHS	868	913	914	951	1,010	1,115	1,268
Canyon HS	1,508	2,171	2,288	2,544	2,752	3,012	3,307
Hart HS	1,264	2,270	2,376	2,393	2,614	2,846	3,085
Saugus HS	1,564	2,149	2,245	2,417	2,555	2,743	2,922
Valencia HS	1,980	2,361	2,556	2,868	3,181	3,569	4,[illegible]
Bowman HS	150	357	360	400	440	490	536
Learning Post	105	120	124	140	160	175	200
TOTAL	10,131	14,124	14,979	16,032	17,499	19,243	21,458
ADDITIONAL CLASSROOMS NEEDED (Cumulative)		105	150	210	272	343	435

A typical Junior High School of 1,000 = 35 classrooms.
A typical High School of 2,000 = 75 classrooms.

To house students in schools designed to accommodate these numbers, the Hart District would need within 5 years:

6 ADDITIONAL JUNIOR HIGH SCHOOLS
3 ADDITIONAL HIGH SCHOOLS

Alarmingly, growth is expected to continue well after 2003.

SOME EFFECTS
OF
OVERCROWDED SCHOOLS

- Lesser quality education
  - Larger classes
  - Inability to get to library/technology materials
  - More resources going to discipline, less to student academic support
- Fewer opportunities for students
  - More students unable to make teams, drama, choral, student leadership positions, etc.
  - More students unable to get limited scholarships, academic awards/incentives, etc.
  - More students in limited lab and other special purpose facilities
- Less safe environment – crowding creates tension and difficult supervision
- Less instructional supervision
- Overused and abused facilities
- Morale problems among staff
- Inadequate amenities, such as restrooms and food service areas
- Property values decline as school programs suffer
- Pride in community and school lessens
- Traffic and parking nightmares

William S. Hart Union High School District

March 17, 1998

The Honorable Michael D. Antonovich
Supervisor, Fifth District
County of Los Angeles
Room 869, Hall of Administration
500 W. Temple Street
Los Angeles, Ca 90012

Dear Supervisor Antonovich:

For the past 18 years, the Wm. S. Hart Union High School District (District) has been involved in negotiating residential development agreements for school impact fees. During this period of time, the District has received support from the City of Santa Clarita, County staff, and your office, all of which is most appreciated.

Most recently, State funding for school construction has been deficient, and evidence indicates that significant residential growth will take place within our District. The last two schools built in the District (La Mesa Junior High School and Valencia High School) were State funded projects and created a significant budget deficit of over $4,000,000. These factors caused the District to employ specialists to analyze the total future impact needs and the effects of the deficit. The hardship resulting from the deficit caused staff reductions throughout the District, student program cutbacks at all schools, and decimated the funding resources that normally are available for repair and replacement of instructional equipment. The analysis determined that the State School Construction Program is a minimal standard program and that future deficit will occur when the next school(s) is built. The findings show that funding by the State is not adequate to meet the total needs created by increases in student population. The information from the analysis led to the realization that full funding will be necessary for future development. 1

The District has been working with various developers in a cooperative effort to determine the most equitable ways that full funding can be mitigated. The negotiation process has generated open discussion that has led to a comprehensive understanding of all factors that create growth impacts and the cost associated with each. Factors discussed and agreed to are:

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- student generation factors,
- existing shortfall between local and State resources,
- land cost per acre,
- school site size,
- interim student housing cost,
- year-round 20 percent housing cost,
- construction cost associated with the State program,
- construction cost beyond State program,
- accounting procedures that will be audited annually and reported to developers,
- State reimbursement program, and
- non-participation in State reimbursement program.

1

The negotiation process has resulted in comprehensive mitigation agreements with the Tesoro del Valle, Fair Oaks, and Larwin projects. In addition, Bee Canyon, as well as other projects, are forthcoming with settlement agreements. Each agreement's mitigation fee is based on the current amount of $5,600 per single-family detached unit(SFDU) and $2,100 per multi-family attached unit (MFAU). The agreements also include language that deals specifically with each impact factor, including State reimbursement. The agreements are public documents and are shared with developers that contact the District.

The Newhall Land and Farming Company (NLF) negotiation process has covered the same factors, and during the process, most items have been settled. The stalemate centers around the District's analysis of the costs associated with impact and the developer fee per residential unit that will mitigate the cost. The District continues to require that NLF pay the same fair mitigation amount as other developers ($5,600/SFDU AND $2,100/MFAU).

We appreciate this opportunity to provide you with an overview of the current factors associated with school impact and the costs that fairly mitigate each.

ITEM	IMPACT FOR SFD	IMPACT FOR MFA
Land	$1,968.00	$ 739.00
Construction cost - State standards	$3,009.03	$1,127.34
School start-up expenses	$ 112.08	$ 42.09
Interim student housing cost	0	0
Bus transportation cost associated with growth	0	0
Technology start-up fund	$ 104.70	$ 39.31
Library and student textbooks start-up fund	$ 83.81	$ 31.46
Site development, including expanded landscape/turf for joint usage	$ 108.63	$ 40.80
Construction needs, non-State standards, which include additional restrooms for community usage and shade protection, e.g., Valencia High School, weight training facility at all high schools A. Academic/recreational Technology Performing arts B. Athletics/recreational Soccer Football fields Track Swimming	$ 213.75	$ 80.00
TOTAL	**$5,600.00**	**$2,100.00**

1

We have analyzed and researched all the costs associated with the items listed above. The amounts have been reduced during the negotiation process. NLF continues to share with us that they understand the District's needs but cannot afford the mitigation amounts. We believe the mitigation fees are fair and equitable as indicated not only by the District's analysis but also by mitigation agreements entered into with major developers. We are hopeful that with your influence, we can bring closure to the negotiations with NLF and, in particular, with the Newhall Ranch Project. 1

Sincerely,

Robert C. Lee
District Superintendent

RCL:gct
cc: Governing Board
Mrs. Darcy

3 of 4

Date February 4, 1998

Exempt from Fee: Government Code Section 6103

Ms. Joanne Sturges
Executive Officer, Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Ms. Sturges:

Subject: Regional Planning Commission Approval of the Newhall Ranch Project #94-087(5)

Use: Residential Planned Development

Address: One-half mile west of the Golden State Freeway (I-5) and largely southwest of the junction of the I-5 and State Route 126 (SR-126) Zoned District

Related zoning matters:

Tract or Parcel Map No. VTTM-24500

Change of Zone Case No. 94-087(5)

Other 1) Conditional Use Permit 94-087(5) 2) Certification of Environmental Impact Report 3) Resolution of the Planning Commission for Project 94-087(5)

This is a notice of appeal from the decision of the Regional Planning Commission on: (Check One)

_____ The Denial of this request

XX The Approval of this request

XX The following conditions of the approval:

CUP: 7, 8, _____, _____, _____, _____, _____.

FVI-BS47.doc
Land Use Permits

Briefly, the reason for this appeal is as follows:

See Attached.

Enclosed is a check (or money order in the total amount of $Exempt/Govt. Code 6103
The amount of $ Exempt/GC6103 is estimated to cover the cost of preparing for the Board of Supervisors six (6) copies of the transcript of all pertinent hearings held by the Regional Planning Commission. The amount of $899.00 for applicants or $449.00 for non-applicants is to cover the Regional Planning Department's processing fee.

Wendy S Wiles
(Signed) Appellant

Wendy Wiles, Attorneys for William S. Hart Union High School District
Print Name

4920 Campus Drive
Address

Newport Beach, CA 92660

(714) 851-1300
Day Time Telephone Number

FVI-BS47.doc
Land Use Permits

APPEAL OF REGIONAL PLANNING COMMISSION APPROVAL OF NEWHALL RANCH PROJECT 94-087(5)

There is no substantial evidence to support the findings, including but not limited to findings No. 13, 16, 20, and 21 of the Regional Planning Commission for Vesting Tentative Tract Map 24500 with respect to the required mitigation measures to mitigate the impacts of Project No. 94-087(5) on the educational facilities of the William S. Hart Union High School District ("Hart"). Additionally, there is no substantial evidence to support the findings, including but not limited to, findings No. 8 and 9 of the Regional Planning Commission for Conditional Use Permit No. 94-087(5) with respect to the required mitigation measures to mitigate the impacts of Project No. 94-087(5) on the educational facilities of Hart.

The conditions of Conditional Use Permit No. 94-087(5), including but not limited to condition Nos. 7 and 8, are also deficient because they fail to adequately mitigate the impact of Project No. 94-087(5) on the school facilities of Hart. The Resolution of the Regional Planning Commission relating to Project 94-087(5), including but not limited to conclusion Nos. 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 43, and 44, and recommendation No. 46, are inadequate to fully mitigate the impacts of Project 94-087(5) on the school facilities of Hart.

Regarding the "CEQA Findings and Statement of Overriding Considerations Regarding Final EIR For the Newhall Ranch Specific Plan," there is no substantial evidence that Section 2.11, mitigation measure 4.16-3, and Section 3.15, mitigation measure 3.15.3, will in fact mitigate the acknowledged significant impacts on the school facilities of Hart to a level of insignificance.

Project No. 94-087(5) must be denied absent adequate requirements for public infrastructure, specifically, school facilities to serve Hart. Approval of Project No. 94-087(5) subject to the current findings and conditions, violates the General Plan of the County, the mitigation requirements of the County Development Monitoring System, as well as the mandates of the California Environmental Quality Act.

BAKW&G/JMC/45202

La Mesa Junior High School

Rochelle Neal, Principal

March 23, 1998

Dear Los Angeles County Board of Supervisors,

On Sunday, March 22, 1998, the Newhall Signal newspaper reported in a front page article that the number one reason new residents are attracted to the Santa Clarita Valley is because of the quality of the local schools. As principal of La Mesa Junior High School, the newest junior high school in the valley, we are greatly impacted by recent growth and we are having difficulty providing top quality educational opportunities for our students. I am asking that before more development is approved for our area, developers be required to provide enough funds for the total educational needs of the students in the development as well as for those in neighboring areas impacted by the growth.

Our school has been open 3 years. Here are the struggles we have had to deal with since opening. Our school site is already too small for our enrollment. In September 1998, we will have at least 300 more students than capacity. All teachers share their rooms and 5 teachers travel to 5 different classrooms during the day. The traveling teachers must push carts from class to class with all their supplies. Teachers do not have their classrooms to use during their preparation time since other teachers are using their room. Where do they go? This situation leads to morale problems and frustration among teachers. The stage is used for an English classroom and, therefore, is not available for any productions by our school or outside organizations. Outside groups use the multipurpose room and gymnasium every afternoon and evening. 1
Our teachers must reserve a year in advance to use these facilities. We use a storage closet in the multi-purpose room for a classroom for at-risk students. The computer lab off the library must be used for an elective classroom and not for its intended use. We are teaching science in a choral classroom since we do not have enough science labs. The classroom has one sink. Students in this class are not receiving a comparable science experience as those who are housed in a true science laboratory. In February, two rental portables were placed on our school site. By September 1998, eight more portables will be on our site. These portables will be placed on our athletic fields, which will reduce our play area by 25%. What happens to the PE classes who used those areas?

Where do the funds come from for furnishing and equipping our new schools? The developers provide minimal funds for building the facility. The district provides some help for furniture and equipment. These monies fall far short of what is required for schools for the 21st Century. My library was given $25,000 for books. In order to achieve the American Association of School Libraries recommended 18 books per student, we need approximately 20,000 books. We currently have about 5,000. With the average cost of a new library book at $17, the cost of providing 15,000 new books will be $255,000. At the current fund-raising rate of approximately $20,000 per year, it will take La Mesa nearly 13 more years to raise the funds to adequately stock our library. By then, many of the books will be outdated and ready for discard.

26623 May Way • Santa Clarita • California 91351
(805) 250-0022 • FAX (805) 252-3326

Our Science teachers have spent a huge amount of their own time fund-raising to obtain basic classroom equipment. By selling t-shirts they raise about $6,000 a year. They sold tiles for a school mural and raised about $12,000. This money was used to buy microscopes and laser disks. Is this where we want our teacher's efforts to be going – to fund-raising? They currently have no choice if they want to provide frogs and crayfish for dissection, microscopes to share with 8 teachers, etc.

We had hoped to be a state-of-the-art school. Yes, we have some technology. We have the conduit for wiring and fiber-optic cabling, but not the money to install it. The school must raise the $20,000+ for wiring. That is the only way we will have Internet access in our classrooms. We have a wonderful $160,000 Exploring Technology laboratory that was state-of-the-art when we opened. We do not have the funds to repair, maintain, and upgrade the technology modules. We are now considering converting the lab to a regular computer lab since we cannot afford the maintenance. This was a new program for our district and certainly was a major draw for students and parents. Our local Board of Education has set a goal of all students being computer literate before graduation. How can we accomplish this goal with limited student and teacher access to computers? We currently have one computer lab with 18 computers and an average of 1 computer per classroom. Believe it or not, we are better equipped than most junior and senior high schools in our district! 1

Our eating areas are insufficient. The lunch lines are packed. There is no shade for the students. We have many 100+ degree days in the Santa Clarita Valley. On rainy days, we move 1200 students into a multipurpose room with a capacity of 500. As soon as they eat, they must leave the room.

As you know, there is a shortage of teachers in California. We recruit out of state. In the past our area has attracted top quality teachers because they like to live in the area. As a principal, it is extremely difficult to recruit the best teachers when you must tell them they will travel to a different classroom every period, teach science in a portable classroom with no lab area, or teach in a closet converted into a classroom. These conditions do not make us competitive with other school districts. How do you tell a young, motivated, and creative teacher that he/she must go seek community donations to obtain instruments for the band program?

Please help us keep our schools attractive to new residents, teachers, and students. Please insure us that with any new growth in our valley, developers will be required to provide schools with the support necessary to bring our students and schools successfully and competitively into the 21st Century.

Sincerely,

Rochelle Neal

Rochelle Neal
Principal

BOWIE, ARNESON, WILES & GIANNONE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEYS AT LAW

ALEXANDER BOWIE*
JOAN C. ARNESON
WENDY H. WILES*
PATRICIA B. GIANNONE
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RESPOND TO NEWPORT BEACH
REF. OUR FILE

8028 B 111

March 23, 1998

Board of Supervisors
Los Angeles County
Room 383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Re: Appeal of Regional Planning Commission Approval of Newhall Ranch
Project No. 94-087(5)
Agenda Item: 14

Dear Board Members:

On behalf of the William S. Hart Union High School District ("District"), we submit the following documentation in support of the appeal filed by the District on February 3, 1998. The District has opposed the approval of the above-referenced project on several occasions before the Regional Planning Department. Letters on behalf of the District dated November 5, 1996, January 15, 1997, April 22, 1997, July 24, 1997, August 28, 1997 and October 21, 1997, have set forth numerous objections to the project. Although many of the arguments were addressed specifically to the approval of the Development Agreement By and Between the County of Los Angeles and the Newhall Land and Farming Company ("Development Agreement"), the arguments apply equally to the actions taken by the Planning Commission in the approval of the within project. Accordingly, the District requests that its prior correspondence be considered and included as part of the record of the present appeal. 1

The District opposes the Board of Supervisors' ("Board") approval of the Final Environmental Impact Report ("FEIR"), General Plan and Sub-Plan Amendment, Zone Change,

Conditional Use Permit and Vesting Tentative Parcel Map. The determinations made by the Planning Commission are not supported by substantial evidence in the record. Of primary significance is the project's inconsistency with the Los Angeles County General Plan and Development Monitoring System ("DMS"). The DMS was designed to protect against the premature development of previously undeveloped areas. This project, which proposes the addition of twenty-five thousand new dwelling units is the largest and most significant project ever approved by the County of Los Angeles. Contrary to the unsupported statements in the Resolution from the Planning Commission, the project does result in premature conversion of undeveloped land to urban uses. In addition, service system capacity, as it relates to educational facilities, is not provided.

The DMS requires that the County provide mitigation measures which will ensure that new development "will pay for the expansion costs that it generates". [DMS, Technical Supplement, D-II, D-18, 23.] Educational facilities are specifically identified in the DMS and development proposed for approval by the County must include such mitigation measures.

The proposed condition related to education is identified as Mitigation Measure 4.16. The condition has several inadequacies. First, Section 4.16-1 requires reservation of only one junior high school site and one high school site, although the project alone will require 1.24 junior high school sites and 1.45 high school sites. Further, the size of the acreage is based upon its location in relation to local public parks and joint use agreements, rather than the needs of the District to accommodate the children from the project. 1

Second, the mitigation amount (set forth in 4.16-3) is to be provided consistent with and only to the extent of laws, rules, regulations for eligibility for State school facility funds, classroom loading standards, "Priority one" funding eligibility standards, construction cost guidelines and allowances and overall accounting principles approved by the State Allocation Board. There is no evidence in the record that this process will in fact ensure that this project will pay for the expansion costs that it generates. The criteria cited to in the condition varies on a project by project basis. As is shown in the declarations submitted concurrently herewith, many necessary project costs are not funded by State cost guidelines. In addition, tying the mitigation to "Priority one funding" provides no certainty for mitigation. The history of State funding of school construction projects has varied dramatically over time. Should Priority one funding no longer exist, the condition would no longer require mitigation by the developer. In addition, the condition does not provide when such criteria will be applied. Since the condition applies to each builder of residential units, it is vague as to when the standards will be determined or what

should occur if the standards vary during the life of the project. The condition also ties the obligations to what the builder desires rather than what is necessary to meet the project needs.

With regard to the amounts to be transferred to the District, no provision is made as to when such transfer should occur. Moreover, the language pertaining to a determination that State matching funds may no longer be obtained, is not consistent with actual practice. The State does not make a determination that State funding will no longer be obtainable for a particular project. Therefore, the proposed language has no practicable effect.

Lastly, the language related to the District's obligation to comply with State funding requirements, works as a penalty to the District. Not only will this potentially usurp the District's responsibilities for providing necessary policy determinations, it bears no relationship to the obligation of the developer to provide the costs for the expansion of services the developer generates. The language in the condition has the effect of transferring the responsibility of mitigation to the District rather than complying with requirements of the County's General Plan.

In addition to the inconsistency of this project with the County's General Plan, there is no substantial evidence in the record to support the determination that the mitigation measures will in fact reduce the project's impacts to a level of insignificance, as is required pursuant to the California Environmental Quality Act ("CEQA"). CEQA requires that public agency decision-makers consider and document the environmental implications of their actions. Public Resources Code Section 21082.1 requires that the lead agency independently review and analyze any report required under CEQA and that all draft documents reflect the independent judgment of the lead agency. At the hearing before the Regional Planning Commission on July 28, 1997, the Planning Commission acknowledged its lack of familiarity with State funding. This lack of familiarity was referenced in District's correspondence to the Planning Commission and requests were made for the Commission to explore and understand the affects of such proposed condition. Nowhere in the record of these proceedings is there any evidence that the State funding implications or adequacy as a mitigation measure have been reviewed or considered. 1

In order for the Board to approve the FEIR, the Board must determine that the mitigation measures will mitigate the impacts to a level of insignificance. This record does not contain any basis for making such a determination. The mere conclusion that the proposed measures will reduce the acknowledged significant impacts to a level of insignificance is not sufficient. Moreover, there is no consideration given to the reasons for failing to require the developer to mitigate all impacts from the project without obligating the District to take certain actions or tying mitigation to outside criteria. The District has repeatedly requested that the developer be

required to fully mitigate its impacts, as required by the County's General Plan and CEQA, yet no such requirement exists. Further, there has been no explanation for not requiring such a condition. The feasibility of the District's requested condition has never been analyzed and has simply been ignored. CEQA requires the implementation of all feasible mitigation measures. The absence of such consideration is a violation of CEQA.

Documentation included as part of the Board's Staff Report state, as part of the Supplement to Newhall Ranch Fiscal Impact Analysis from the Levander Company, Inc., that after revisions were made to the project, the County is anticipated to receive $306 million, as a surplus during the project's 25-year development period. In addition, beginning year 26, the County is anticipated to receive $20.9 million annually. Although the Development Agreement is not being processed with the project, it seems obvious the project is looking at a 25-year development plan. Such a lengthy and significant project approval requires consideration of the effect of approval over the long time period. It is clear that with such significant revenues anticipated to come to the County, the County would be in favor of the project. However, the revenues anticipated to be received by the County should not overshadow the unfunded impacts to the District. To approve the project as presently proposed will result in a need for substantial new school facilities to be constructed for the District. On behalf of the District, we respectfully request the Board approve the appeal. 1

Very truly yours,

BOWIE, ARNESON,
WILES & GIANNONE

By: Wendy H Wiles
Wendy H. Wiles

WHW:ijd

BAW&G whw ijd 47026

DECLARATION OF FRED GOOD

I, Fred Good, declare as follows:

1. I am a Principal of PJHM Architects Southwest ("PJHM"), the firm serving as project architect for the planning and construction of the William S. Hart Union High School District's ("District") proposed high school in the Stevenson Ranch development ("Stevenson Ranch High School"). The Stevenson Ranch High School is located near the Newhall Ranch development, which is the subject of this proceeding.

2. I have fifteen years experience in the area of school construction, which includes participation in the process of obtaining State funding for school construction projects. Part of my duties as a Principal of PJHM is to assist client school districts in preparation of documentation needed to obtain State funding for construction of school facilities, which includes calculation of State funding allowances pertaining to a particular project. Prior to my employment with PJHM, I served as the Superintendent for the Val Verde Unified School District ("Val Verde"), located in Riverside County. At Val Verde, I was principally responsible for obtaining the State funds necessary to construct school facilities. I am very familiar with the methodology behind the State's programs for funding of school construction and the issues pertaining thereto.

3. The cost and square footage allowances provided by the State for construction of school facilities, referred in the Office of Public School Construction Handbook as "State standards," were first established in 1987. The cost allowances are modified on a monthly basis. Simply stated, although far from simple in actual practice, the amount of funding actually received by a school district is based on allowances of a specific square-footage area per student, which varies depending on the grade-level and type of student. Total square-footage allowances are determined and State funding is granted based on that amount, subject to increases or

decreases depending on various factors. The "State standards" are not directly related to the actual cost of construction, reflecting only the amounts that the State is willing to pay for construction of school facilities, amounts that are typically less than the actual cost to construct a school facility. For that reason, "State standards" are an arbitrary and typically inadequate measure of the actual cost incurred by a school district to construct a school.

4. Regardless of whether a school construction project is to be funded with "100 percent" State money ("100% project"), or with 50 percent State money and 50 percent District money ("50/50 project"), experience has shown that the funds provided by the State are insufficient to fund the full cost of school construction. The lack of funding is not because school districts are including "frills" for which the State will not provide funding; many necessary costs are not included in State allocations. Due to the lack of sufficient funds, school districts typically attempt to minimize construction costs so that the project's budget will come within the State funding allowance. Examples of these cost cutting measures include changing construction materials to a less expensive type, or reducing the quality, strength, or dimension of the construction materials, through the use of deductive alternates. As a result, school districts can anticipate sharply increased costs to maintain these schools over the following years. Due to the method by which State funding allowances are determined, school districts are faced with a choice of whether to pay now or pay later, i.e., attempt to obtain from other sources the additional amounts not funded by the State to construct a well-built school or pay for the increased maintenance costs of a more cheaply-built school.

5. Separate and apart from the additional cost of future maintenance incurred by school districts as a result of the State's funding program, "State standard" funding provided by the State does not cover many of the items truly necessary for the construction of school facilities. In my experience, it is not uncommon that school district's are required to fund ten (10) to twelve (12) percent of the total construction cost from sources other than what the State provides for junior high school and high school construction. One relevant example is that Los

Angeles County requires school districts to provide for all street improvements, including curb, gutter, and sidewalks, that are needed as a result of construction projects. The State, however, will only pay for up to twenty (20) feet from the curb for such improvements regardless of the width of street required by the County, which sometimes exceeds one hundred (100) feet.

6. Another example of how the "State standard" allowance can be insufficient to cover the actual cost to construct a school facility is the present situation with regard to the site for the proposed Stevenson Ranch High School. Due to geologic factors, such as potential earthquake zones, which are prevalent in this area, and limitations on construction in these zones, site development costs for the Stevenson Ranch High School will increase dramatically. The increase in cost will result of the need for a larger gross-acre area to meet the net usable site requirements of the District. The District will likely become responsible for these additional site development costs.

7. The "State standards" are not a reliable indicator of the actual cost to construct school facilities. There are many variables that affect the amount provided by the State, and the amounts provided by the State pursuant to these standards rarely cover the actual cost to construct such facilities. Therefore, I do not consider the funds provided pursuant to these "State standards" an adequate measure of the cost to construct new school facilities.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of March, 1998, at Orange County, California.

Fred Good

Fred Good, Declarant

DECLARATION OF RICHARD BECK

I, Richard Beck, declare as follows:

1. I am the Assistant Superintendent of Business Services for the Hemet Unified School District ("District") in Riverside County, and I have been employed by the District since July 16, 1991. As Assistant Superintendent of Business Services, I manage the construction of all school facilities for the District. Prior to my employment with the District, I served as Director of Facilities Planning for the Desert Sands Unified School District. I gained a great deal of experience and knowledge over the last fourteen (14) years working directly to secure State funds for school construction on approximately twenty-five (25) school construction projects.

2. My experience has shown that "State standards" used to calculate the amounts paid by the State for construction of new school facilities is insufficient to fully compensate a school district for the cost of those facilities. Included among the items that are necessary in order to provide a fully functioning school facility, but for which the State will not provide full funding, are auditoriums/multi-purpose rooms, physical education facilities, site improvements and utility fees. These components are necessary in order to have a fully-functioning middle school or high school.

3. Since I have been with the District, two of the construction projects that the District has completed are the Dartmouth Middle School project ("Dartmouth") and the West Valley High School project ("West Valley"). The State provided funds for construction of both Dartmouth and West Valley; however, the State did not pay all costs incurred by the District for these projects.

4. It is clear that "State standards" are inadequate as a measure of the funds that a school district must expend in order to provide new school facilities needed to accommodate

increased enrollment resulting from new development.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of March, 1998, at Hemet, California.

Richard Beck, Declarant

DECLARATION OF BENJAMIN E. DOLINKA

I, Benjamin E. Dolinka, declare as follows:

1. I serve as a Board Member and as the Legislative Chair for the Coalition for Equitable School Facilities Funding ("CESFF"), a consortium of school districts formed in 1996 to improve the State's school-construction funding programs. I am also Vice-President of David Taussig & Associates, Inc. ("DTA"), which assists school districts throughout the State in development of detailed studies analyzing the impacts on school facilities resulting from new residential, commercial, and industrial development. These studies are conducted by DTA for cities, counties, and school districts, as well as for developers, and include analyses of the number of students generated, the type and size of new facilities required, and the cost of school facilities required as a result of new development. I have approximately seven (7) years experience in the area of school construction and financing, which includes extensive knowledge of the State funding programs for construction of new school facilities.

2. In 1996, CESFF conducted a study of school districts throughout the State of California to determine if such school districts were collecting statutory developer fees or negotiating mitigation agreements (for more than statutory school fees) to address impacts from new residential development.

3. More than fifty (50) percent of the school districts responding to the survey indicated that they have secured, or intend to secure, mitigation agreements for payment by developers of funds in excess of State statutory developer fees. Statutory fees are typically insufficient to fully mitigate the impact of new development on school facilities. The following is a list of school districts in Los Angeles County that indicated they are seeking more than statutory developer fees:

(1) Antelope Valley Union High School District;

(2) Azusa Unified School District;

(3) Castaic Union School District;

(4) Culver City Unified School District;

(5) Lancaster Elementary School District;

(6) Los Angeles Unified School District;

(7) Montebello Unified School District;

(8) Newhall School District;

(9) Palmdale Unified School District;

(10) Saugus Union School District;

(11) Sulphur Springs Union School District; and

(12) William S. Hart Union High School District.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of March, 1998, at Orange County, California.

Benjamin E. Dolinka, Declarant

DECLARATION OF RICHARD D. DUNCAN

I, Richard D. Duncan, declare as follows:

1. I am a Principal of NTD Architects ("NTD"), and I am the Principal in charge of the planning and construction of the William S. Hart Union High School District's ("District") proposed junior high school in the Stevenson Ranch development ("Stevenson Ranch Junior High School"). I have been a licensed and practicing architect since 1980, and I have been involved in school-construction projects for over 18 years. I have extensive experience with State programs for financing of public school construction, including preparation of the documentation required by the State in order to obtain funding for such projects.

2. The amounts that the State pays for school construction, the "State standards" or "allowances," are calculated on the basis of various factors, the most important of which is the allowable square-footage area of construction per each category of student. These State standards reflect the amount that the State will pay for school construction, but not the actual cost to construct new school facilities. The amounts provided by the State pursuant to these State standards are typically less than the actual cost of such construction and are, therefore, an arbitrary and inadequate measure of such cost. My experience has shown that a district must obtain at least ten (10) percent of the total project cost from other sources in order to pay for items necessary to the construction that the State will not fund.

3. Items for which the State will not provide funding include items that are necessary in order to have a fully functioning and operating school facility. Examples of the items necessary to construction of school facilities that are not funded by the State include "excess general site" items such as hard court play areas and items necessary to have a functioning playground. Because of this funding shortfall, school districts typically attempt to minimize construction costs through limiting playground areas, cutting back the area of play fields and

cutting back the quality of building materials. The result of these cost-cutting efforts are school facilities that are under sized in terms of playfields and outdoor activity areas for the children.

4. Another example of how the "State standard" allowance can be insufficient to cover the actual cost to construct a school facility is the present situation with regard to the site for the proposed Stevenson Ranch Junior High School. Due to the need to avoid nearby geological concerns, the school site must be situated in a "bowl" with hillsides surrounding the school buildings. Additional grading will be necessary to "open up" the area sufficiently to allow visual observation of the playfields, and future expansion can only be located in one direction. This will necessitate additional site development costs and the need for a larger gross acreage. The "general site development" allowances provided by the State will most likely not be adequate in this instance.

5. The "State standards" are not related to the actual cost of school construction in such a manner that permits their use as a reliable indicator of that cost. There are many variables that affect the amount provided by the State, and the amounts provided by the State pursuant to these standards rarely cover the actual cost to construct such facilities. I do not consider the funds provided pursuant to these "State standards" an adequate measure of the cost to construct new school facilities.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of March, 1998, at Orange County, California.

Richard D. Duncan, Declarant

Date February 4, 1998

Exempt from Fee: Government Code Section 6103

Ms. Joanne Sturges
Executive Officer, Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Ms. Sturges:

Subject: Regional Planning Commission Approval of the Newhall Ranch Project #94-087(5)

Use: Residential Planned Development

Address: One-half mile west of the Golden State Freeway (I-5) and largely southwest of the junction of the I-5 and State Route 126 (SR-126) Zoned District

Related zoning matters:

Tract or Parcel Map No. VTTM-24500

Change of Zone Case No. 94-087(5)

Other 1) Conditional Use Permit 94-087(5) 2) Certification of Environmental Impact Report 3) Resolution of the Planning Commission for Project 94-087(5)

This is a notice of appeal from the decision of the Regional Planning Commission on: (Check One)

_____ The Denial of this request

XX The Approval of this request

XX The following conditions of the approval:

CUP: 7, 8, _____, _____, _____, _____, _____.

FVI-BS47.doc
Land Use Permits

Briefly, the reason for this appeal is as follows:

See Attached.

Enclosed is a check (or money order in the total amount of $Exempt/Govt. Code 6103 1
The amount of $ Exempt/GC6103 is estimated to cover the cost of preparing for the Board of Supervisors six (6) copies of the transcript of all pertinent hearings held by the Regional Planning Commission. The amount of $899.00 for applicants or $449.00 for non-applicants is to cover the Regional Planning Department's processing fee.

Wendy H Wiles
(Signed) Appellant

Wendy Wiles, Attorneys for William S. Hart Union High School District
Print Name

4920 Campus Drive
Address

Newport Beach, CA 92660

(714) 851-1300
Day Time Telephone Number

FVI-BS47.doc
Land Use Permits

APPEAL OF REGIONAL PLANNING COMMISSION APPROVAL OF NEWHALL RANCH PROJECT 94-087(5)

There is no substantial evidence to support the findings, including but not limited to findings No. 13, 16, 20, and 21 of the Regional Planning Commission for Vesting Tentative Tract Map 24500 with respect to the required mitigation measures to mitigate the impacts of Project No. 94-087(5) on the educational facilities of the William S. Hart Union High School District ("Hart"). Additionally, there is no substantial evidence to support the findings, including but not limited to, findings No. 8 and 9 of the Regional Planning Commission for Conditional Use Permit No. 94-087(5) with respect to the required mitigation measures to mitigate the impacts of Project No. 94-087(5) on the educational facilities of Hart.

The conditions of Conditional Use Permit No. 94-087(5), including but not limited to condition Nos. 7 and 8, are also deficient because they fail to adequately mitigate the impact of Project No. 94-087(5) on the school facilities of Hart. The Resolution of the Regional Planning Commission relating to Project 94-087(5), including but not limited to conclusion Nos. 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 43, and 44, and recommendation No. 46, are inadequate to fully mitigate the impacts of Project 94-087(5) on the school facilities of Hart. 1

Regarding the "CEQA Findings and Statement of Overriding Considerations Regarding Final EIR For the Newhall Ranch Specific Plan," there is no substantial evidence that Section 2.11, mitigation measure 4.16-3, and Section 3.15, mitigation measure 3.15.3, will in fact mitigate the acknowledged significant impacts on the school facilities of Hart to a level of insignificance.

Project No. 94-087(5) must be denied absent adequate requirements for public infrastructure, specifically, school facilities to serve Hart. Approval of Project No. 94-087(5) subject to the current findings and conditions, violates the General Plan of the County, the mitigation requirements of the County Development Monitoring System, as well as the mandates of the California Environmental Quality Act.

BAKW&G/JMC/45202

Val Verde Civic Association

Ruth P Griffin
President
28646 N Lincoln Avenue
Val Verde Ca 91384

Fax/Telephone (805)257-0163

March15, 1998

The Board of Supervisors
The County of Los Angeles, Room 382
Hall of Administration, 3th Floor
500 West Temple Street
Los Angeles, CA 90012

Re: Newhall Ranch
Board Meeting Date: March 24, 1998

Dear Supervisors:

I am writing today because the community of Val Verde is the closest existing community to the planned Newhall Ranch project. Four of the ten primary purposes for which our non-profit corporation (whose goals are dedicated to the public good), was formed are:

1. To stimulate community interest and involvement, to encourage quality development, local improvement projects and beautification.
2. To provide a liaison between community, government and business agencies and to assist the citizens and community of Val Verde.
3. To consider and review questions and projects of mutual interest and concern to Val Verde, the County, State and Federal entities of the Corporation, to assist in development of policy and action advisory recommendations. 1
4. To assist residents to articulate vital needs and concerns to community governmental agencies and decision makers.

I am writing because of the above by-law purposes and the result of a Val Verde Civic Association community vote on the issues contained in my comments. I write of the community's concerns.

I will leave the subject of the degradation of air quality, traffic and water contamination that could be the result of this project to the experts, but Val Verde sits in a "pocket" of surrounding hillsides, and trapped air and traffic conditions are of vital concern. Please keep us in mind as you go through this process.

Members of the Val Verde Civic Association meet with Newhall Ranch representatives from October 1995 to June 1996 to influence the Newhall Ranch project as it relates to our community and to make it more acceptable for our community.

First, I would like for it to go on record that the people of Val Verde do not want to be boxed in by a business park, although we appreciate Newhall Ranch's willingness to hold special meetings with the Val Verde Civic Association regarding some of our concerns. We agree to the changes that they conceded to at our request. That escort bureaus, massage parlors, pawnshops, sewage treatment plants and explosive's storage be taken out of the site development standards for the SR-126 RW 24 business park at Chiquita Canyon Road, and to call for enclosed buildings or walls where needed at the business park. Newhall Ranch also agreed to limit the northeast housing adjacent to Val Verde to thirty detached units, to keep them uniform to Val Verde's density, and I certainly hope that will be the case. We appreciate Newhall Ranch's responsiveness to make these changes for our community. 1

We agreed to disagree on a few points.

The two hundred acre business park at Chiquita Canyon must have its own internal traffic circulation that is not dependent on Chiquita Canyon Road for its circulation. In discussions between Newhall Ranch and the Val Verde Civic Association, Newhall Ranch has agreed to a business park circulation plan that meets some, but not all of our concerns regarding business park traffic that will be funneled onto Chiquita Canyon Road. This agreement is now called the "DEIR Alternate Plan for Chiquito Canyon Road and Business Park Access" and we are told that this is now the plan under consideration. The alternate plan is much preferred over the original plan and Val Verde agrees to the Alternate Plan with one exception. The exception is, we would prefer a frontage road access from SR-126 into the business park.

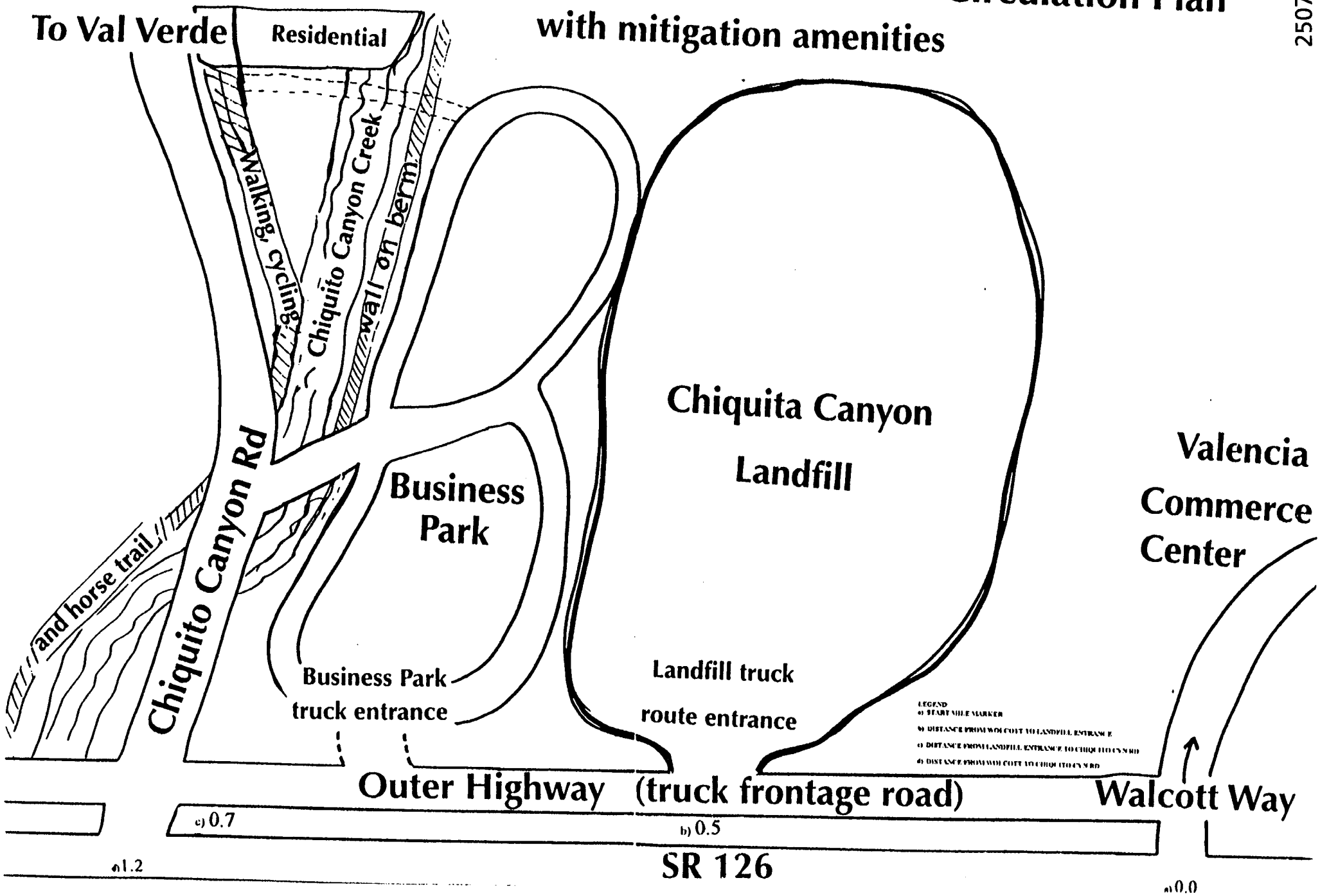
Please see the enclosed map.

The community needs a frontage road or outer highway to protect it and to provide an emergency evacuation corridor. The current plan does not call for an outer highway along side of 126. It is of the utmost importance for the safety and convenience of the Val Verde and Newhall Ranch communities that an outer highway be required in the final plan. Such a frontage road would connect Chiquito Canyon and Wolcott. An important secondary benefit would be to divert departing landfill trucks to the signalized intersection at Wolcott Way. The outer Highway should be constructed to protect the community from the cumulative effects of the landfill and the Newhall Ranch project. Furthermore, we would want the business park traffic circulation to connect to the outer highway, so that thousands of truck trips will be diverted from Chiquito Canyon Road. No through truck traffic should be allowed to use Chiquito Canyon Road. All truck traffic from the business park and the landfill should enter and exit along the frontage road to the Wolcott intersection. We feel that only passenger vehicles and light delivery vehicles should enter on Chiquita Canyon Road. 2

Both properties are owned by Newhall Land therefor making this public safety feature feasible. This would require some additional grading along the route but the future development of Chiquita Canyon Road will include leveling and straightening of the road and should be reserved for residential traffic. Also, by creating this outer highway, the number of access points to SR-126 would be minimized, as it would eliminate one of three major access points along this stretch of SR-126.

Val Verde / Newhall Ranch Alternative Traffic Circulation Plan with mitigation amenities

2507



The Val Verde Civic Association request that the Board of Supervisors requires that Newhall Ranch provides mitigation for impacts to our community. These mitigation's include: 2

- The condition of a frontage road or outer highway as described above.

- Transplanting any disturbed oak trees from the business park to the west side of Chiquita Canyon Road. 3

- Protecting the viewscape from Scenic Route 126, Chiquita Canyon Road and the Val Verde community by covering from sight all roof top machinery and ventilators in the business park at Chiquita Canyon Road. 4

- An equestrian trail, bike path, walking path along side of road (Chiquita Canyon) on west side of wash. 5

- A birm with a wall on top to run the length of the business park on the east side of the Chiquita Canyon wash, to hide from view the intrusion of the 40 foot high tilt up buildings that will be at the same elevation as the road. This would include the walking, cycling and equestrian trail along Chiquita Canyon Road on the west side of the wash. This is the same feature on Hasley Canyon Road to protect that community from visual blight and to preserve the rural character of our community. 6

- There should be landscaping on both sides of the wash.

- That all hillside management be enforced to protect the rural character of Val Verde. 7

- We request that Newhall Ranch restrict the 5.3 acre Low Medium Residential parcel adjacent to Val Verde (Planning Area RW-22 limited to thirty detached units) from any future conversion to Commercial land use designation. 8

- Mitigating the increased traffic on Chiquita Canyon Road and Del Val Road by prohibiting through truck traffic and parking on this route., as it could become a commuter by-pass route through our community. Please avoid the potential of cutting our community in half. 9

- A signal at the intersection planned at the Chiquita Canyon/Business Park entrance off Chiquita Canyon Road. 10

Last but not least;

The community is concerned that if sewers are inevitable as a result of this project, that to mitigate, the developer should bear the burden (cost) that could be forced on each residence to "hook up". With the extensive building that Newhall Ranch will be doing at the bottom end of Chiquita Canyon, we in Val Verde feel that the enlarged sewer connection line being brought to Lincoln should be reserved for potential future use by Val Verde. The sewer connection availability will trigger active infilling on hundreds of lots that are not now buildable due to poor soil conditions for septic systems.

- Should this project require oversizing of the Chiquita Canyon sewer line, we request that Newhall Ranch pay for this oversizing and sewer connections in Val Verde. The sewer oversize capacity should be reserved for the community of Val Verde. 11

- Newhall Ranch assistance and funding of a Community Standards District for Val Verde to deal with the impacts that the Newhall Ranch growth inducement and sewers will bring.

- Also, when the sewer is required, that no connections are considered before the Community Standards District for Val Verde is approved. We wish to maintain the rural atmosphere of Val Verde.

I am confidant that you will be responsible and responsive to this community's concerns.

Thank you for your time and attention.

Sincerely,

Ruth P Griffin
President,
Val Verde Civic Association
(805)257-0163

STEVENSON RANCH TOWN COUNCIL

Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

03-16-98

Re: Newhall Ranch

Dear Honorable Board Members:

Stevenson Ranch is a growing residential community in an unincorporated part of Los Angeles County west of Interstate 5 and adjacent to the proposed Newhall Ranch project. This board approved the Stevenson Ranch project in 1986 for 5,400 homes and it has been occupied since 1989. We currently have 1,800 homes. The Stevenson Ranch Town Council represents the residents of this community and was organized with the assistance of Supervisor Michael Antonovich.

Our concerns with regard to Newhall Ranch mirrors our own experience of inadequate schools, no parks, and limited roads. The Newhall School District has recently initiated a year round multi-track schedule as a direct result of the increase in new homes. It is currently estimated that within two years double sessions will become necessary in our elementary schools. Our community is nine years old with approximately 5,000 residents -- many of them young families -- and yet we do not have so much as a single park. Consequently, many children resort to playing in our streets. So far we have been spared the tragedy of any serious injuries, but it may not always be so. Finally, it should be noted that despite nearly a decade of building, we still have only one reliable road in and out of our community. We hope that in considering Newhall Ranch you will learn from our experience and require the completion of adequate schools, parks and roads in a timely manner. 1

Moreover, we believe that the proposed contributions by the developers to schools and parks are inadequate. Our comment letter on the draft EIR (attached) was never responded to except to refer us back to the same initial document. The state's school construction fund should not be converted into a profit center for Newhall Land's shareholders; and yet that is exactly what this project proposes. Our community also strongly supports the request for additional school sites. 2

Not only should parks be available to new and growing communities, but they should be provided at the ratio of 5 acres per 1,000 residents, not the current 3 acres per 1,000 as proposed for our already park poor community. 3

The wilderness areas of this project should be administered by the Santa Monica Mountains Conservancy which already controls 3,000 adjacent acres; not by some organization controlled by the developer who could restrict access to the public indefinitely while giving Newhall Land all of the financial benefits of ownership (water, minerals, grazing rights, etc.), as well as all the tax benefits of this so-called gift to the public. Finally, we do not want any major access roads running through our community. 4

We have attempted to secure a copy of the final EIR but our calls to the developer and Mr. Antonovich's planning deputy have gone unanswered. We may wish to express additional concerns after we have had an opportunity to review this document. We look forward to working with you in an attempt to make this project one of which all the residents of the Santa Clarita Valley may be proud. 5

Sincerely,

David C. Wurts
Stevenson Ranch Town Council

25426 LONGFEELOW PL • STEVENSON RANCH CA. • 91381-1508
PHONE 805-259 3240 • FAX: 805-2594358

NORTHRIDGE CIVIC ASSOCIATION

February 1998

Newhall Land update:

At one Board Meeting, we reported that a good Environmental Impact Report was written for NewHall Land.

We adopted a position: (See next pages)

Got an answer from Gloria Molina

ON MARCH 24, 1998 THERE WILL BE AN APPEAL FROM THE DECISION OF THE REGIONAL COUNTY PLANNING COMMISSION TO THE BOARD OF SUPERVISORS BY THE LITTLE CITY OF SANTA CLARITA AND THE VENTURA COUNTY BOARD OF SUPERVISORS. 1

THIS WOULD BE A GREAT DAY FOR MANY PEOPLE TO OBSERVE THE COUNTY BOARD OF SUPERVISORS.

Marilyn Stout

Marilyn Stout

Marilyn Stoel
9927 Hallach Ave
Northridge, CA. 91324
(818) 349-6738

PEOPLE, WATER, LAND

Whereas: There is a need for careful water and land planning in California;

Whereas: Land developer-monopolists wish to discard common sense and build somewhere between 25, to 80 new subdivisions or Cities in California regardless of the water supply situation;

Whereas: The Law and good economic sense is stated in the next three paragraphs:

1. The Supreme Court Decision, Arizona v California, allocated 4.4 million acre feet of water to California, and California uses 5.5 million acre-feet from the Colorado River;

2. President Jimmy Carter looked at the thin green line which is the Colorado River and said: there is not enough water in that river to water all the western deserts. Let's change the name of our organization from Bureau of Reclamation of desert and marginal lands to the Water and Power Service of the Department of Interior.

3. The California Legislature passed, and Gov. Pete Wilson signed SB 901 which requires developers to cite a reliable water source before they may obtain building permits;

Therefore be it resolved: We urge President Clinton, Congress, the California Legislature, and all local governments to be mindful of and enforce Supreme Court Decisions and laws.

Be it further resolved that we urge all governments to be aware of their responsibilities to guard citizens against violations of our environment, and guard against subsidizing developers with taxpayers dollars.

On the Porter Ranch in North Los Angeles City:

My friend rode his mountain bike high above the bulldozers which were cutting into the mountains, making semi-circular streets for houses. Farther below rock and dirt, cut from the mountains were being arranged for what? More streets? Highways? 3

"We taxpayers are under-writing the cost for those developments with taxpayers' dollars, you realize," I said to my friend.

Newhall Ranch North Los Angeles County:

A good environmental impact report advised: "Leave a smaller footprint. Build 8,000 houses instead of 25,000." We argued for a year. The Los Anfgeles County Regional Planning Commision gave Newhall approval for 25,000 houses over a 25-year-build-out period. Who of us will be alive in 25 years? Our children will underwrite this project.

Regional Planning's bad decision is being appealed by the little City of Santa Clarita, and by Ventura County Supervisors at 9 a.m. on March 24th at Los Angeles County Board of Supervisors at 500 W. Temple Street. The public should be there. 4

We should stop taxpayer-subsidized urban sprawl into farmlands, wilderness areas, and mountains.

Is the following resolution helpful?

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES
856 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012 / (213) 974-4111

GLORIA MOLINA
SUPERVISOR, FIRST DISTRICT

January 5, 1998

Dr. Andy Anderson, President
Ms. Marilyn Stout, Treasurer
Northridge Civic Association
9735 Paso Robles
Northridge, California 91325

Dear Dr. Anderson and Ms. Stout:

I have received your letter regarding the subsidizing of real estate developers.

I note that you have appropriately also advised your Board representatives of your concerns, and I thank you for sharing your views with me.

If I may assist you with any County-related matter in the First District, please feel free to contact my office again.

Sincerely,

GLORIA MOLINA
Supervisor, First District

GM/CS/mju

2514

NORTHRIDGE CIVIC ASSOCIATION

December 9, 1997

To Los Angeles County Board of Supervisors:

Yvonne Brathwaite Burke

Gloria Molina

Zev Yaroslavsky

Don Knabe

Michael D. Antonovich

Ladies and Gentlemen:

When County Hospitals and Clinics are short of funds, when schools and libraries are inadequately funded, why are we subsidizing real estate developers?

Very truly yours,

Dr. Andy Anderson
President
9735 Paso Robles
Northridge, CA
91325

Marilyn Stout
Treasurer
9927 Hallack Ave.
Northridge, CA
91324

Piru Neighborhood Council, Inc.

802 N. Orchard Street P.O. Box 162
Piru, CA 93040
(805) 521-1333

23 March, 1998

Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

re: Newhall Ranch propos development, project # 94-087(5)

The unincorporated community of Piru has deep concerns about proposals to develop extensively in the Santa Clara River directly upstream from Piru, and in the hills adjoining Piru and agricultural land in the near vicinity. This will adversely affect all of Ventura County, with our community most directly and most immediately impacted. Piru is a genuine rural community; it will not survive as a neighbor of a modern city such as that proposed by Newhall. 1

We are concerned that extensive development around the river will change flooding patterns, which could be a disastrous threat to our community and the adjoining agricultural lands on which we depend for our livelihood. The model presented in the draft EIR (the entire watershed burned, followed by a hundred year storm) appears to minimize the potential damage this development would cause.

However, last summer's Hopper Canyon/Piru Canyon fire, followed by a series of heavy storms in February 1998 (which were not listed as even a 50 year storm intensity) caused major damage to local roads, erosion of the creek bank, and damage along the Santa Clara River corridor. Compared to a fire of the size suggested in the draft EIR, the Hopper Canyon event was small, as were the ensuing storms. Yet damage resulted that places local residents and ranchers in vulnerable positions during the next heavy storm period. This strongly suggests that the model for Newhall Ranch is purposefully skewed, and the response in the latest EIR merely maintains that their model is correct. Such a non-response is a CEQA violation. 2

As well, we have been told that on either side of the development are some of the most seismically fragile mountains in the world, which poses risks of valley fever and other disruptions to our community when a major earthquake strikes, which it will. 3

We have many unanswered questions about the development's effect on the water supply for downstream users, including the agriculture which is the economic base of Piru, not to mention water for Piru itself. The Newhall Ranch Company's responses to our concerns (response to the draft EIR dated March 26, 1997) in the latest EIR were evasive, inconclusive and indirect. The latest EIR did include statements to the effect that interaction between upstream and downstream aquifers is neither completely predictable nor fully understood. This statement negates any potential "mitigation" measures, and nullifies the response required under CEQA to our concerns. 4

We are certain air quality will worsen to unacceptable levels of emissions by both State and Federal standards, if there will be 70,000 new residents. 5 There will probably be at least 30,000 more vehicles per day in our area, which alone would be a disaster 6

to our community. The rise in land values caused by this development will make farming impossible in the Santa Clara River Valley. As farming declines, so will Piru. 6

1. We are concerned that proper procedures under CEQA have not been followed, that the "final" Environmental Impact Report was never certified, and that responses to problems with the project and defects in the document itself have been passed over. This is in violation of state law. 7

2. Newhall contends that the Piru Community is not a decision making body, and therefore not an affected community. While the Board of Supervisors of Ventura County acts in the name of our community, decisions are made by the Piru Neighborhood Council. The fact that we are a mere five miles from the project also makes us an affected community under CEQA. Traffic, air and water issues are not appreciably lessened by such a small physical barrier. 8

3. Newhall's response to our contention that adverse impacts to Ventura County agriculture caused by the proximity of a mid-sized city would affect Piru first was that we "failed to prove" the potential damages. This is evasion, and we do not wish them to prove the damages for us in hindsight after the project is built.

4. Piru's concerns about increased traffic (noise, pollution, congestion) were responded to with the statement that the EIR presented fact, not assumption because the figures were based on a study of Valencia that was "assumed to be accurate". This is double talk, and a failure to respond appropriately, a violation of CEQA. 9

Our concerns are included in documents presented by John Tommy Rosas of the Sespe Indian Resource Center.

We strongly urge the Board of Supervisors to look beyond the attractive economic returns suggested by the project to the long term damages on both sides of the county line, for which all tax payers will be liable.

Thank you for your attention.

Very sincerely,

Janet Bergamo
Acting President, Piru Neighborhood Council

San Fernando Valley Audubon Society

"For the Conservation of Wild Life and Natural Resources"

October 3, 1997

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

Dear Ms. Clark:

San Fernando Valley Audubon Society, a chapter of the National Audubon Society representing 2,500 members, opposes the Newhall Ranch Development Project. We urge you not to certify the Environmental Impact Report and to not approve the Development Agreement. The project would have egregious impacts on the Santa Clara River and on wildlife. Allowing homes to be built in the flood plain of the river would result in flood damage to homes and possibly in deaths. 1

The Development Agreement states that "The County shall not extend or create any areas where development is restricted ... outside the boundaries of the SEAs." Both the California Department of Fish and Game and the Army Corps of Engineers state that the Santa Clara River Corridor, SEA 23, should be at least 500 feet wider than proposed in the EIR. The Corps of Engineers says this plan contains avoidable impacts. The Department of Fish and Game says that noise, proximity of the water treatment plant, and pollution of the habitat of endangered species are why they oppose the project as proposed in the EIR. 2

The endangered species living here are many: the Southern Steelhead, Threespined Stickleback, Santa Ana Sucker, Least Bell's Vireo, and Willow Flycatcher. The habitat is also suitable for the California Gnatcatcher and the Yellow-billed Cuckoo. Data were not provided in the EIR on the serious impacts on several of these endangered bird and fish species and others that are sensitive -- another inadequacy of the document. 3

Construction and operation of the proposed water reclamation plant both pose many threats to biological resources and water quality, eliminating much high quality riparian (streamside) habitat which supports nesting Least Bell's Vireos. Areas of the river will no longer be suitable for the endangered fish. The potential for discharge of untreated or partially treated effluent is not discussed in the EIR. Also unaddressed is the potential for a continuous flow of water to Piru Creek, resulting in hybridization of Santa Ana Suckers of the Santa Clara River with the Owens Sucker of Piru Creek, which would be a "take" of an endangered species. 4

That potential impacts to the Southern Steelhead are not discussed in the EIR is especially significant in light of the August, 1997 listing of that fish as an federally endangered species. Since water quality and flows influence steelhead migration, the extent to which this project will change water quality below Piru Creek must be addressed. 5

The Draft Environmental Impact Report says adequate water is not available. The Castaic Water Agency has not confirmed that it will supply the project. There is a real possibility the project will be forced to use groundwater that now trickles into Ventura County. This would upset Ventura County's water supply, and that county has stated it will sue over this issue. 6

In addition, transportation and services are inadequate as proposed. The proposed six-month easement for a train station is inadequate, since homes will be built in the project over a thirty-year period. Demand for a train station may not become evident until well into those thirty years. School, fire, and police services have not been adequately planned for. 7

The Santa Clara River is still unpaved. It supports a variety of wildlife that a paved river cannot and is a critical wildlife corridor. Please protect the Santa Clara River, the endangered wildlife, and the people of both Los Angeles and Ventura Counties. 8

On behalf of San Fernando Valley Audubon Society, I urge you to deny this project and not to approve the Development Agreement.

Sincerely,

Jeanne Polak-Recht, President
San Fernando Valley Audubon Society
11002 Garden Grove Avenue
Northridge, CA 91324
Telephone 818/831-2438

(Letter unsigned.)

ANGELES CHAPTER • SIERRA CLUB
3435 WILSHIRE BOULEVARD • SUITE 320 • LOS ANGELES • CALIFORNIA 90010-1904 • (213) 387-4287 • FAX (213) 387-5383

March 19, 1998

Yvonne Burke, Chairperson,
Los Angeles County Board of Supervisors
ATTN: Jo Anne Sturges, Executive Officer
500 W. Temple Street, Room 383
Los Angeles, California 90012

Dear Chairperson Burke and Members, Board of Supervisors:

The 50,000 member Angeles Chapter of the Sierra Club wishes to advise you of its opposition to the Newhall Ranch Project. The Resolution in opposition was passed by our Chapter in 1996 for the following reasons:

> "The project converts farmland and open space permanently to urban development. The Santa Clarita Valley already has at least 52,000 housing units which are pending or approved but not yet built. This is more than enough to meet the projected growth.
>
> The project would destroy valuable wildlife habitat, including that of several State and Federal listed endangered species. It would encroach upon significant Ecological Area 23 (SEA 23), the Santa Clara River, and SEA 20, the Santa Susanna Mountains, as well as a federally designated wildlife habitat corridor along the Santa Clara River. Habitat would be eliminated by flood control and extensive cut and fill. Units would be built in both the flood plain and in the hillside management areas. 1
>
> The project would cause severe air pollution problems -- in an air quality non-attainment zone. It is a prime example of auto-dependent sprawl. The existing transportation infrastructure is already over-burdened; there is no public transportation to the project site. The I-5 Newhall Pass area would be an unmitigatable traffic bottleneck.
>
> The water supply in the Santa Clarita Valley is inadequate for the proposed project. The water could be provided locally only by overdrafting the existing basin. There is not currently a reliable supply of state water to serve the

project. Water quality would be degraded by construction on the flood plain. Downstream water users would be subjected to increased run-off and pollution." 1

After consideration of the above severe impacts this project would cause, along with the lack of its necessity, the Angeles Chapter requests that you deny this project.

Sincerely,

Dick Hingson

Dick Hingson
Conservation Coordinator

ANGELES CHAPTER · SIERRA CLUB
3345 WILSHIRE BOULEVARD · SUITE 508 · LOS ANGELES · CALIFORNIA 90010 · (213)387-4287 · FAX(213)387-5383

March 23, 1998

Yvonne Burke, Chairperson,
Los Angeles County Board of Supervisors
ATTN: Jo Anne Sturges, Executive Officer
500 W. Temple Street, Room 383
Los Angeles, California 90012

STATEMENT OF SIERRA CLUB - ANGELES CHAPTER: NEWHALL RANCH
BY DICK HINGSON, CONSERVATION COORDINATOR

Dear Chairperson Burke and Members, Board of Supervisors:

The 50,000 member Angeles Chapter of the Sierra Club wishes to advise you of its opposition to the Newhall Ranch Project. A Resolution in opposition was passed by our Chapter in 1996 for the following reasons:

> "The project converts farmland and open space permanently to urban development. The Santa Clarita Valley already has at least 52,000 housing units which are pending or approved but not yet built. This is more than enough to meet the projected growth. 1

> The project would destroy valuable wildlife habitat, including that of several State and Federal listed endangered species. We point particularly to the fact that the project documents should have evaluated impacts on two endangered species: (a) the recently listed steelhead trout; (b) the soon-to-be listed Santa Ana sucker. 2

> It would encroach upon significant Ecological Area 23 (SEA 23), the Santa Clara River, and SEA 20, the Santa Susanna Mountains, as well as a federally designated wildlife habitat corridor along the Santa Clara River. Habitat would be eliminated by flood control and extensive cut and fill. Units would be built in both the flood plain and in the hillside management areas. 3

> The project would cause severe air pollution problems -- in an air quality non-attainment zone. It is a prime example of auto-dependent sprawl. The existing transportation 4

infrastructure is already over-burdened; there is no public transportation to the project site. The I-5 Newhall Pass area would be an unmitigatable traffic bottleneck. 4

The water supply in the Santa Clarita Valley is inadequate for the proposed project. The water could be provided locally only by overdrafting the existing basin. There is not currently a reliable supply of state water to serve the project. Water quality would be degraded by construction on the flood plain. Downstream water users would be subjected to increased run-off and pollution." 5

We wish to incorporate by reference all comments made by the Sierra Club and other organizations in previous opposition to this project.

Therefore, after consideration of the above severe impacts this project would cause, along with the lack of its necessity, the Angeles Chapter requests that you deny this project. 6

Dick Hingson

Dick Hingson
Conservation Coordinator

keep KIDS first

23942 Lyons Ave., #103-353, Newhall, CA 91321-2444

March 24, 1998.

L.A. COUNTY BOARD OF SUPERVISORS
500 West Temple Street
Los Angeles, CA 90012

Re: NEWHALL RANCH

Dear Honorable Board Members:

Keep Kids First is a grassroots community organization of the Santa Clarita Valley whose purpose is to assure the continued excellence of our public schools in the face of a rapidly expanding community.

Our community has witnessed the recent adoption of year-round multi-track schooling in one of our districts as a direct result of such growth. At the present rate of development, many of our schools may have to adopt double sessions in the near future. We believe that the Newhall Ranch development does not provide for adequate school facilities, either in terms of the number of schools proposed or the proposed overcrowding of its facilities. Therefore, we feel that the Newhall Ranch development as proposed will only exacerbate a school system that is already bursting at the seams. 1

We would, therefore, ask you to deny approval of this project until such time as a more reasonable and realistic school mitigation agreement is accepted by Newhall Land and Farming.

Very truly yours,
KEEP KIDS FIRST

Lorrie H. Baldwin

LORRIE BALDWIN

LWV/LAC

Jean E. Berger, President
1557 Palisades Drive
Pacific Palisades, CA 90272
310-230-0304/Fax 310-454-1131

Marilee K. Scaff, Treasurer
644 W. Eighth Street
Claremont, CA 91711
909-626-3216 & Fax

March 24, 1998

To: The Board of Supervisors, Los Angeles County

From: Jean E. Berger, President and Mary Johnson, Natural Resources Director

Re: Newhall Ranch Specific Plan

As you consider this, the largest proposed housing development in this county's history, we hope you will look at its impact county-wide. We must consider the carrying capacity of our region when making decisions about resources, projects and lifestyles. The League believes that population growth in Los Angeles County is threatening our quality of life and our future. We are concerned about the impact on our natural resources, our social infrastructure and on the responsiveness of representative government. In other words, its sustainability and livability over the long run.

League members have studied the Draft EIR and Development Agreement, observed the Regional Planning Commission hearings, toured the property in question, listened to the owner's proposals and projections, and we have spoken of our concerns to the Commission.

I will briefly outline our specific concerns which we brought to the Commission's attention:

1. The 30-year contract which would restrict county government;
2. The designation of a private agency to manage Significant Ecological Areas without public scrutiny and accountability; 1
3. The lack of sufficient water supply and sources;
4. The cumulative impact of another 25,000 housing units, on top of the 31,000 units already approved for building in the area;
5. The degradation of air quality, traffic and noise levels, the loss of heritage oak trees, endangered species, and open space as well as the impact on the Santa Clara River.

We were alarmed at the December Commission meeting when Regional Planning Administrator, John Schwarze, stated the the department had not addressed any of the six Alternatives in the draft EIR, because the Commission did not direct them to do so.

Those alternatives which we recommend for further study are:

#2 - which would permit the site buildout under the Santa Clarita Valley Area Plan and the County's Zoning Code; and

#6 - which the EIR states is environmentally superior to the proposed Newhall Ranch Specific Plan.

Serious consideration must be given to EIR statements such as:

"It is a continuing trend by the County to convert cultivated lands to urban uses to accommodate growth."
"Water resources are inadequate to meet the needs of 70,000 persons."
"Significant cumulative air quality impact."
"Unavoidable significant impact on the Castaic and Hart school districts, if state funds are not available."
"Unavoidable Significant Impact for sensitive upland resources, animal movement and sensitive species."

and a final quote:

"Development proposed adjacent to the Santa Clara River Corridor that parallels State Road #126 would significantly alter the visual characteristic of the River Corridor and views of Chiquito Canyon."

LWV/LAC Natural Resources Director, Mary Johnson, presentation:

After observing the Regional Planning Commission hearings on the Newhall Ranch proposal, we feel that greater consideration should be given to public values in land use planning. We listened to countless speakers who month after month spoke to the Commission of their specific concerns for their environment, their children's education, the quality of life, the consequences of urban and suburban sprawl. Although I do not live in the Santa Clarita Valley area, I, too, share their concerns and recognize the importance of the County's General Plan and Zoning laws for the future of Los Angeles County. 1

We ask that zoning laws be strengthened to reduce pressure from private interests for zone changes. For example, Hazard Zoning must be used to protect the public from dangers arising from earthquake faults, slide areas, flood plains and subsiding soil.

In your decision making, the League recommends that you use criteria which would:

1. Recognize agricultural land as a limited resource that must be preserved;
2. Promote soil and water conservation;
3. Protect the overall quality of the environment;
4. Preserve open space;
5. Provide for future needs without encouraging growth;
6. Consider ramifications of decisions not only on neighboring areas, but on the region as a whole.

Since tax policies play a major role in determining land use, the League urges all levels of government to study the impact of present tax laws on land use control and make necessary reforms.

We support cost/benefit studies which also consider the long-term demands on the infrastructure, the carrying capacity of our county, and the potential damage to our environment.

We seek your support for a population size sustainable indefinitely without significant damage to quality of life for present and future generations.

PRESENTATION TO THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

NEWHALL RANCH SPECIFIC PLAN FISCAL ISSUES

MARCH 24, 1998

An Independent Study is Needed

The public service costs and potential liabilities for the County of Los Angeles from this project are so significant that the County needs to be assured – for its own self-interest - that the project will generate sufficient revenues to prevent reductions in service levels elsewhere.

The disputed fiscal analysis is prepared by a firm working exclusively for the developer. The Newhall Ranch Company employed, supervised and paid the consultant directly. This is different than a landowner financing a study conducted and supervised by the County. 1

The County, therefore, should make the effort and take the time to obtain an objective study, prepared at arm's-length from the proponent. The fiscal study should be written by a qualified consultant working directly and exclusively for the County.

The County Administrative Officer is the most knowledgeable official concerning the County budget and should independently assess the validity of the assumptions in the study regarding costs and service levels and should provide a separate, independent analysis your Board.

The County Needs Better Protection in the Conditions

The fiscal study concludes that no special protection or conditions are needed for this project. It says that existing special districts and approved assessments are sufficient to meet the needs.

If only to be prudent the County needs to insure that the remainder of the County is not placed in jeopardy or is subjected to reduced service levels by this development.

There are precious few conditions proposed to protect the County. What if the rosy projections in the fiscal study do not occur? What if per capita law enforcement costs, for example, are not less than other unincorporated areas? What if the optimistic unincorporated sales taxes do not materialize? 2

The conditions of approval for the Ahmanson Ranch in Ventura County may serve as a good example of protecting County interests Your Board should consider requiring formation of a community services district encompassing the entire project with an authorized special tax before the project proceeds This district can insulate the County General Fund from costs of providing

local municipal-type services. Commercial/industrial development should be phased with residential development to ensure balanced land uses over the life of the project. 2

Conclusions in the Study are Questionable

The fiscal analysis was clearly flawed. Recognizing this portions of the analysis were redone following approval of Propositions L and E. The report however remains flawed and the County should be wary of overly optimistic assumptions that are inconsistent with other studies, common sense or past experience. 3

The questionable conclusions require that you disregard secondary impacts, underestimate the costs of some public services and accept questionable projections of essential revenues.

- The fiscal analysis concludes, and would have you believe, that the County through this project can develop its way into prosperity. This conclusion ignores the funding relationship between counties and the State as well as your past experience with other developments. 4

- The project does not provide sufficient affordable housing to meet anything approaching actual and expected demands in the community. How will the fiscal impacts change with a different housing mix? What conditions should be imposed? The study is silent. 5

- The report ignores the County Development Monitoring System. This analysis can assist your Board in determining and imposing proper and prudent conditions. You should require that the analysis and correlation be done before initial project approval. 6

- Are the true costs of each of the fire stations revealed, including recent information about the infrastructure costs to provide water and other utilities. 7

- Does the Sheriff agree that per-capita law enforcement costs will be substantially less for this project than for other developments in the unincorporated area of Santa Clarita? What if this is assumption is not valid? What fiscal mitigations are proposed? None. 8

- Does the County Administrative Officer and the involved departments agree that per capita Public Assistance and Health Services will cost one-fifth what they are elsewhere? What if the ratio of affordable housing changes? Is there an unanticipated liability that should be disclosed to the Board 9

- Having the project provide a financial "surplus" to the County has been identified as a major factor If so, the Board should not ignore, as the fiscal study does, secondary impacts of the project elsewhere in the County These related costs contribute to the net fiscal effect on the County and should be factored into the study 10

- Simply restating projections of estimated sales tax revenue does not validate the analysis. What is the likelihood that 1.3 million square feet of retail space will be built and operated, especially in such close proximity the City of Santa Clarita? What if 32% of projected sales tax revenue is not generated in the unincorporated area. What is the effect on the supposed "windfall" for the County? 11

- The Board should insist the fiscal study compare its assumptions with existing communities in order to validate the projections. The study does not conduct a per capita comparison of property tax revenues, for example, even with the adjacent community of Santa Clarita.

  Many assumptions in the report remain hypothetical and are not validated by comparison with other developments. Are there other newly developed communities with high property tax revenues and low public service costs? 12

  What is the experience in other areas? The Board should insist on seeing whether the developer's assumptions reflect the demonstrated reality of others.

- Project alternatives noted in responses to the fiscal study include incorporation of the project as a new city or annexation to the City of Santa Clarita. Either of these options might yield a higher net "surplus" to the County by the transfer of services to a local municipality.

  The Board should give attention to these alternatives, as least for purposes of analysis. This information would be useful in determining what conditions could ensure a smooth transfer of services to a city at some time in the future. 13

Conclusion

There are many assumptions and conclusions in the fiscal study. The Board of Supervisors - in the interest of prudence and protection of County resources – should direct the County Administrative Officer to prepare or have prepared an independent fiscal analysis to review and validate vital assumptions and information before approving this project. 14

SCOPE

Santa Clarita Organization for Planning the Environment

To Promote, Protect and Preserve the Environment, Ecology and Quality of Life in the Santa Clarita Valley

P.O. Box 1182, Santa Clarita, CA 91386

28 March, 1998

Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

Attn: Executive Offices of the Board of Supervisors

Ref: Appeal to the Board of Supervisors of the Los Angeles County Regional Planning Commission's Approval of the Newhall Ranch Project

Sirs/Madams:

Section 65302.2 of the Government Code states:

> 65302.2. Upon the adoption, or revision, of a city or county's general plan, on or after January 1, 1996, the city or county shall utilize as a source document any urban water management plan submitted to the city or county by a water agency.

We note the the phrasing "*upon the adoption, or revision,...on or after January 1, 1996*" does not appear to permit the 'grandfathering' of any outstanding applications, but imposes a requirement at the time of consideration of any adoption or revision of the county's general plan.

We ask the county to respond to us, and the county must include in its findings on the Newhall Ranch matter, the source document(s) of any urban water management plan which the county is using as a basis for this land use decision. 1

We note that the pertinent urban water management plans for this action are those (1995 document) of the Valencia Water Company – the proposed retail water supplier – and the (1990 document) Castaic Lake Water Agency – the proposed wholesale water supplier. With regard to the latter, we note that the Castaic Lake Water Agency **failed to meet** the state-mandated deadline to submit an urban water management plan for 1995*, and, pursuant to §10656 of the Water Code "[CLWA] is ineligible to receive drought assistance from the state until the urban water management plan is submitted...". This aspect of state law should be considered when evaluating any reliance of the Valencia Water Company on the Castaic Lake Water Agency in

* While CLWA has a draft Integrated Water Resources Plan that may, under §10620(d)(1) of the Water Code, be considered a substitute for an urban water management plan, this plan is still in draft form, and has not been formally adopted by the CLWA. Any assertions of CLWA that its IWRP qualifies as either an areawide, regional, watershed, or basinwide management plan under §10620(d)(1) of the Water Code is challenged because the CLWA has never obtained the consent of the other affected parties that the IWRP would be an operational plan sufficient for §10620(d)(1).

dry year conditions, as CLWA is now prohibited from receiving any drought assistance from the state.

Section 10631 of the Water Code (Attachment A), describes what an urban water management plan should contain, including pertinent items for a city or county considering a revision of a general plan, i.e., to make a finding and determination that a sufficient and reliable source of water is identified for the project.

We ask the county to respond to us, and the county must include in its findings on the Newhall Ranch matter, that:

- The 1995 urban water management plan(s) of the Valencia Water Company (and the 1990 plan of the Castaic Lake Water Agency) were(was) used as (a) source document(s) for considering the plan amendment associated with the Newhall Ranch project. 1
- Identify YES or NO: The 1995 urban water management plan of the Valencia Water Company identified the Newhall Ranch project in its 20-year projection, and project water needs are contained within the plan*. If not, the project is not consistent with the urban water management plan and may not have adequate water.
- Identify YES or NO: The 1990 urban water management plan of the Castaic Lake Water Agency identified the Newhall Ranch project in its 20-year projection, and project water needs are contained within the plan.† If not, the project is not consistent with the urban water management plan and may not have adequate water. On this matter, we cite that the CLWA identified supply is not sufficient to supply even the planned 270,000 Santa Clarita buildout for other projects, and this project represents additional water demand. 2
- In compliance with §10631(c) of the Water Code, the following water source(s) of either the Valencia Water Company and/or the Castaic Lake Water Agency may not be available at a

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* Contrary to the requirements of §10631 of the Water Code, the Valencia Water Company UWMP (December, 1995), failed to project to a 20 year period (2015), and offered no reason under §10631(a) why such data was not available. The date provided (Appendix A of the Valencia Company UWMP) shows estimated connections increased from 1995 to 2010 by 26,428 – 14,267 = 12,161 which are insufficient for Newhall Ranch considering the other Newhall Land projects already approved which Valencia Water Company is obligated to serve.

Furthermore, Section III(A)(1)(a) of the Valencia Water Company UWMP forecasts growth trends of its service area according to Table I-1 of the UWMP, which (page I-9 of the UWMP) shows a Y2010 population of 270,000, and not the design population of stated projections for Y2015, and certainly not including Newhall Ranch. 3

Finally, with regard to waste water reclamation, the Valencia Water Company UWMP (page III-5) does not include any plan for a new plant on Newhall Ranch, does not include any plans to be a reclaimed water provider, but only cites that "the potential" for CLWA reclaimed water use (for this project and others) is 10,000 AF/y. The DEIR on Newhall Ranch does not indicate that CLWA will utilize the reclaimed water of the proposed reclamation plant, so the 10,000 AF/y attributed to CLWA must be put aside.

A careful examination of the Valencia Water Company Urban Water Management Plan of December, 1995 will show that the Newhall Ranch project was ***never*** included in this plan for water planning purposes of the Valencia Water Company, as required by §10631 of the Water Code.

The only reasonable conclusion to be reached is that the 1995 Valencia Water Company Urban Water Management Plan does not include the Newhall Ranch project as an element requisite and pertinent to the requirements of §10631 of the Water Code.

† The 1990 Castaic Lake Water Agency Urban Water Management Plan is hopelessly outdated for present planning purposes, and considers only a Y2010 design population for the SCV of 270,000, which is the population without the Newhall Ranch Specific Plan.

consistent level of use, given specific legal, environmental, water quality, or climatic factors*:

Source	Planned Supply for Project	% of Project Need	Reason
[State source]	[State AF/y]	[State %]	[State Reason]

(above should be provided if **ANY** Valencia Water Company or CLWA resources are limited.) Absence of this information is a factor in §65302.2 of GC. 3

In response to §10631(c) of the Water Code, the plans to replace those sources with alternativesources or water demand management measures is: [state action]* Absence of this information is a factor in §65302.2 of GC.

This project lacks an assured, reliable source of water*. §65302.2 of the Government Code requires you to utilize as a source document the Urban Water Management Plans of the Valencia Water Company (the retailer) and the Castaic Lake Water Agency (the wholesaler) to consider this general plan change.. The former's UWMP is deficient, and does not consider Newhall Ranch. The latter's last revision was due by December, 1995, was never updated, and does not include Newhall Ranch.

On the above basis and evidence presented, you may reasonably find: 4

- That the project proposed was not encompassed in any current urban water management plan of a retailer or wholesaler, pursuant to §10631 of the Water Code and §65303.2 of the Government Code.
- That the DEIR identifies that the complete project cannot be built with identified new sources of water.

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* §10631 (c) of the Water Code requires this disclosure. Such has been absent from the DEIR, but should have been included in the UWMPs of CLWA and the Valencia Water Company, and, via §65302.2 of the Government Code, should have been contained within the DEIR. Neither the 1990 CLWA UWMP nor the 1995 Valencia Water Company UWMP contain any statement that, with respect to §16130 (c) of the Water Code, no reporting of deficiencies are identified; the topic was never addressed.

Fact is that State Water Project deliveries to CLWA, and then to the Valencia Water Company, are fully recognized by the California Department of Water Resources to be water supplies that "may not be available at a consistent level of use" according to the criteria of §16130 of the Water Code. Both the CLWA and the Valencia Water Company UWMPs fail to follow §16130 of the Water Code to "describe plans to replace that source with alternative sources or water demand management measures, to the extent practicable." Potential deficiencies in local water resources are similarly ignored. The response of the Valencia Water Company UWMP is that (page III-5) "It is not expected that the region will experience water supply shortfalls in the future, even if growth continues at the rates previously projected." This is not only an avoidance of addressing the central issue of water supplies that mey not be usable at the planned level of use, but a total "ostrich" regarding water availability. VWC should provide the necessary information.99 3

* This is another requirement of §10631 of the Water Code, not currently implemented by Valencia Water Company. VWC should provide the requisite statement(s).

* The DEIR failed to admit CLWA's own perception that the CLWA State Water Project only has a current reliability of 50%, so that, with an entitlement of 54,200 AF/y, reliable CLWA water supplies are only 27,100 AF/y. CLWA's intention to increase entitlement reliability from the current 50% to 95% are highly dependent on CAL-FED actions outside of CLWA control. Until then, CLWA can only increase 'practical' reliability by purchasing increased entitlements over demand. None, however, have taken placee to date. 4

- That the CLWA has not yet identified and secured entitlement to additional water sources to serve this project. 4
- That the agreement between "downstream users" and the Department of Water Resources does not currently permit the retention of the NL&F's share of Castaic Water runoff within Castaic Lake on an as-needed basis, but retains a May 1 severance date. For this reason, retention of the water is not considered a reliable source for the applicant. 5
- Castaic Water runoff is subect to low reliability and high fluctuations, including multiple years of zero delivery, and, without an agreement with the Department of Water Resources for hold-over within Castaic Lake, DWR cannot commit to an annual reliable delivery to any party of the "downstream users".

You may therefore find, in compliance with the Stanislaus Decision, that there is not a sufficient, assured water source to serve this project, and must deny the project application. 6

Sincerely,

Michael A Kotch

President

805-257-2131; 805-257-8581

SCOPE
Santa Clarita Organization for Planning the Environment
To Promote, Protect and Preserve the Environment, Ecology and Quality of Life in the Santa Clarita Valley
P.O. Box 1182, Santa Clarita, CA 91386

Section 10631 of the Water Code concerning Urban Water Management Plans

Section 10631 of the Water Code, with regard to urban water management plans states:

10631. A Plan shall be adopted in accordance with this chapter and shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic features affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments as described in subdivision (a).

(c) Describe the reliability of the water supply and vulnerability to seasonal or climactic shortage, to the extent practicable, and provide data for each of the following: 7

(1) An average water year.

(2) A single dry year.

(3) Multiple dry years.

For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to replace that source with alternative sources or water demand management measures, to the extent practicable.

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(e) [Do the following:]

(1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (s), and projected water use, identifying the uses among the water use sectors including, but not necessarily limited to, all of the following uses:

(A) Single-family residential

(B) Multifamily

(C) Commercial

(D) Industrial

(E) Institutional and governmental

(F) Landscape

(G) Sales to other agencies

(H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.

(I) Agricultural.

(2) The water use projections shall be in the same five-year increments as described in subdivision (a).

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following: 7

(A) Interior and exterior water audits and incentive programs for single-family residential, multifamily residential, governmental, and institutional customers.

(B) Enforcement of plumbing fixture efficiency standards and programs to retrofit less efficient fixtures.

(C) Distribution system water audits, leak detection, and repair.

(D) Metering with commodity rates for all new connections and retrofit of existing connections.

(E) Large landscape water audits and incentives.

(F) Landscape water conservation requirements for new and existing commercial, industrial, institutional, governmental, and multifamily developments

(G) Public information.

(H) School education.

(I) Commercial and industrial water conservation.

(J) New commercial and industrial water use review.

(K) Conservation pricing for water service and conservation pricing for sewer service, where the urban water supplier also provides sewer service.

(L) Landscape water conservation for new and existing single-family homes.

(M) Water waste prohibitions.

(N) Water conservation coordinator.

(O) Financial incentives to encourage water conservation.

(P) Ultra-low-flush toilet replacement.

(2) A schedule of implementation for all water demand management measures proposed or described in the plan.

(3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.

(4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of such savings on the supplier's ability to further reduce demand.

(g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measuress, which offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following" 7

(1) Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors.

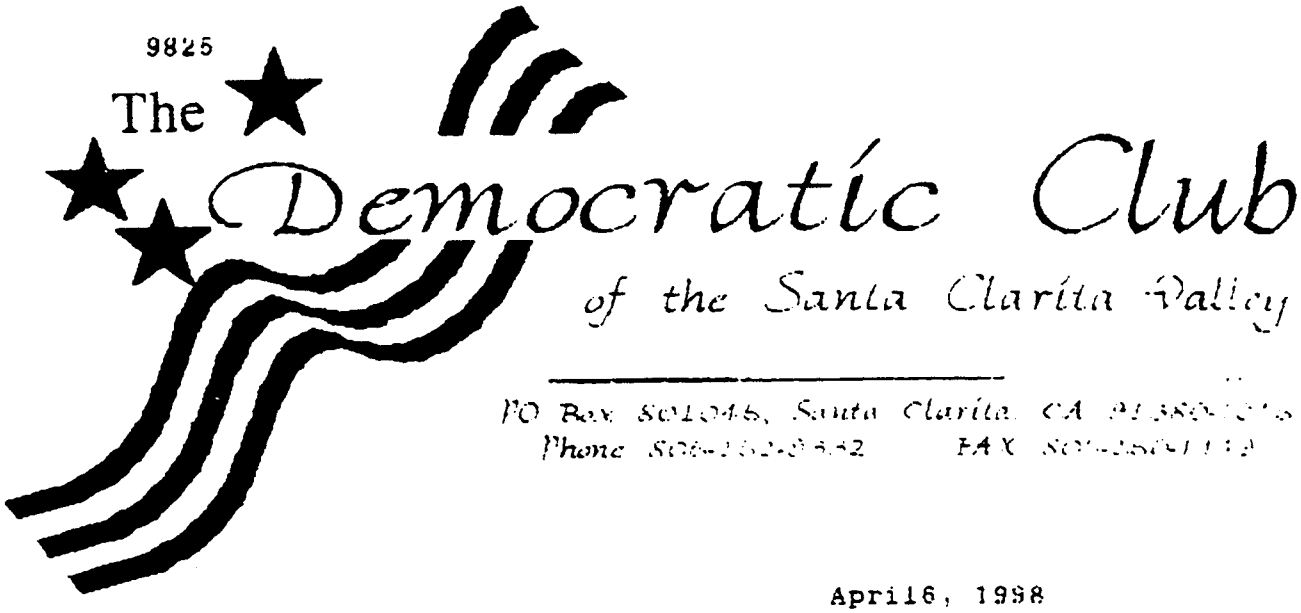
(2) Include a cost-benefit analysis, identifying total benefits and total costs.

(3) Include a description of the funding available to implement any planned water supply project that would provide water at a higher unit cost.

(4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.

(h) Urban water supliers that are members of the California Urban Water Conservation Council and submit annual reports to that council in accordance with the "Memorandum of Understanding Regarding Urban Water Conservation in California", dated September 1991, may submit the annual reports identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of subdivisions (f) and (g).

9825



PO Box 801046, Santa Clarita CA [illegible]
Phone [illegible] FAX [illegible]

April6, 1998

Ms. Charlotte Brassield
Executive Office
Los Angeles County Board of Supervisors
800 West Temple Street,
Los Angeles, 90012

Subject: Newhall Ranch

Dear Ms. Brassield; (Please copy to each Suervisor)

Please find enclosed a resolution that was adopted last year regarding this project. 1

Since the Project remains essentially unchanged from the time it was adopted, our view that it should be denied at this time remains unaltered.

Thank you for your attention to this matter.

Very truly yours,

Roberta Gillis, president
Santa Clarita Democratic Club

Attachment: Resolution passed by LA County Democratic Central Committee

Faxed 4-9-98 to compile with comment deadline
Hard copy to follow by regular mail

Resolution
Re: Newhall Ranch Development Project
Northern Los Angeles County

Whereas the proposed Newhall Ranch Development is a 25,000 unit project located along the Santa Clara River, the last unchannelized river in Los Angeles County, west of I-5 in areas that include rural agricultural floodplains, and

Whereas development will occur in floodplains, severely impact agriculture in Ventura County, cause significant air pollution and traffic problems and destruction of natural habitat and watershed of the Santa Clara River, and

Whereas there is not an identified water source to serve the project and there are already 52,000 pending or approved units in the Santa Clarita Valley that will provide homes and construction jobs into the year 2025 at the current rate of sales, 2

Now, therefore be it resolved that the Democratic Party of the County of Los Angeles, in an effort to conserve prime agricultural land, reduce air pollution and urban sprawl in the Los Angeles basins and ensure an adequate water supply for all current and future residents, opposes this project;

And therefore be it further resolved that, a letter be sent to each member of the Los Angeles County Board of Supervisors requesting that consideration of this project be set aside until such time that the necessity for these units is established and a firm water supply is identified.

Endorsed by:

LA County Democratic Central Committee, Unanimous vote. 3-11-97
Ron Gillis, Director, Region 11, California Democratic Party
Tiffanie Scott, Chairperson, 36th AD
Estelle Lit, Environmental Committee Chairperson, LA County Dem. Central Committee
Roberta Gillis, President, Democratic Club of the Santa Clarita Valley
Resolution approved 3-6-97

5-26-98

8424-F Santa Monica Blvd.
West Hollywood, CA
90069
Phone: 213/654-4626
FAX: 213/654-4627

LOS ANGELES COUNTY DEMOCRATIC PARTY

SERVING OVER 2 MILLION REGISTERED DEMOCRATS

Garry S. Shay,
Chair

Lyn Shaw,
Vice-Chair

John Frierson,
Vice-Chair

Katheryn Teer McKnight,
Recording Secretary

Bernadette Kornfeld,
Corresponding Secretary

Karen Wingard,
Controller

Hon. Jeffrey Prang,
Parliamentarian

Roberta Gillis,
Region 1 Vice-Chair
AD: 36 and 38

Linda Bear,
Region 2 Vice-Chair
AD: 39, 40, 41, and 42

Sharon Molander,
Region 3 Vice-Chair
AD: 43, 44, 45, and 46

Jeff Schwartz,
Region 4 Vice-Chair
AD: 49, 50, 57, and 58

Helen Doherty,
Region 5 Vice-Chair
AD: 59, 60, and 61

Evelyn Metoyer-Williams,
Region 6 Vice-Chair
AD: 47, 48, 51 and 52

Pat Stanyo,
Region 7 Vice-Chair
AD: 53, 54, 55, and 56

Jimmie Woods Gray,
Immediate Past Chair

Treasurer
Jules Glazer,
Business Services, Inc.,

Of Counsel:
Lawrence Zakson Esq.,
Reich, Adell, Crost, & Cohen

April 8, 1998

Ms. Charlotte Brassield
Executive Officer
Los Angeles County Board of Supervisors
500 West Temple Street
Los Angles, CA 90012

Subject: Newhall Ranch

Dear Ms. Brassield:

Please find enclosed a resolution that was adopted last year regarding this project.

Since the Project remains essentially unchanged from the time it was adopted, our view that it should be denied at this time remains unaltered. 1

Thank you for your attention to this matter.

Sincerely,

Timothy P. Wendler
Los Angeles County Democratic Party Environmental Committee

Resolution
Re: Newhall Ranch Development Project
Northern Los Angeles County

Whereas the proposed Newhall Ranch Development is a 25,000 unit project located along the Santa Clara River, the last unchannelized river in Los Angeles County, west of I-5 in areas that include rural agricultural floodplains, and 2

Whereas development will occur in floodplains, severely impact agriculture in Ventura County, cause significant air pollution and traffic problems and destruction of natural habitat and watershed of the Santa Clara River, and 3

Whereas there is not an identified water source to serve the project and there are already 52,000 pending or approved units in the Santa Clarita Valley that will provide homes and construction jobs into the year 2025 at the current rate of sales, 4

Now, therefore be it resolved that the Democratic Party of the County of Los Angeles, in an effort to conserve prime agricultural land, reduce air pollution and urban sprawl in the Los Angeles basins and ensure an adequate water supply for all current and future residents, opposes this project;

And therefore be it further resolved that, a letter be sent to each member of the Los Angeles County Board of Supervisors requesting that consideration of this project be set aside until such time that the necessity for these units is established and a firm water supply is identified. 5

Endorsed by:

LA County Democratic Central Committee, Unanimous vote. 3-11-97
Ron Gillis, Director, Region 11, California Democratic Party
Tiffanie Scott, Chairperson, 36th AD
Estelle Lit, Environmental Committee Chairperson, LA County Dem. Central Committee
Roberta Gillis, President, Democratic Club of the Santa Clarita Valley
Resolution approved 3-6-97

North Valley Coalition

April 9, 1998

Please Reply To:
12810 Meadowlark Avenue
Granada Hills, California 91344
(818) 831-0280

The Hon. Yvonne Burke
Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, California 90012

Re: Newhall Ranch

Dear Supervisor Burke:

On March 24, I testified before the Board of Supervisors regarding the Newhall Ranch project. In spite of the unprecedented size and complexity of this project, the Board unfairly and justifiably restricted the vast majority of citizens to a time of one minute. I was unable to complete my testimony within the time allowed. I am therefore submitting the following material as a supplement to my March 24 testimony. 1

As a resident of Granada Hills, I am concerned about impacts on the San Fernando Valley, such as increased traffic on Interstate 5, that will result from this project. The Environmental Impact Report ("EIR") has not addressed this impact, even though it is foreseeable that residents of Newhall Ranch will use I-5 and connecting freeways to commute to employment centers in the San Fernando Valley. This is because a massive development such as Newhall Ranch will tend to induce people who now both live and work in the San Fernando Valley to establish residences in an area that is geographically remote, thus adding to commute times, increasing air pollution, and lowering property values in existing neighborhoods that are abandoned in favor of the new development. These are just examples of the type of impact that caused the Professors Burchell and Listokin to conclude that new suburban developments (here, Newhall Ranch) that result in urban sprawl have negative impacts on the host jurisdiction (here, the rest of Los Angeles County and the San Fernando Valley in particular). See EIR p. 917 (attachment to North Valley Coalition ("NVC") comments). Why doesn't the EIR address these impacts on the San Fernando Valley and areas that will be similarly be affected by this development? We request that on behalf of the citizens of this County, the Board should ask the Planning Commission and Planning Staff for a response to this question. As matters now stand, the EIR simply denies the overwhelming evidence that this project will contribute to urban sprawl in violation of the County's General Plan. For example, Page 594 of the Responses to the NVC Comments admits that there is a policy to "concentrate land use growth in and adjacent to existing urban, suburban, and rural 2 3 4

communities. Within these areas, encourage development of bypassed lands designated and appropriate for development." This policy is clearly intended to avoid urban sprawl and leapfrog development that inefficiently consumes open space in outlying areas. But the Responses to Comments repeatedly deny (for example at page 589-90) that Newhall Ranch will result in urban sprawl or leapfrog development in an outlying area. During my testimony at the March 24 hearing you were provided with information that demonstrates that Newhall Ranch will result in urban sprawl and leapfrog development. As indicated during my testimony, Section One of this material demonstrates that the Los Angeles area in general, and the Santa Clarita Valley in particular, are synonymous with urban sprawl. The January 1, 1997 edition of the Journal of the American Planning Association contains an article discussing the problems created by "Los Angeles-style sprawl,", while William Fulton, the publisher of the California Planning and Development Report, is quoted in the July 20, 1997 edition of the Sacramento Bee as stating that urban sprawl could be "defined quite simply as 'Southern California.'" These articles demonstrate that this County has a firmly established reputation of failing to control urban development. And on February 1, 1998, the Los Angeles Times went on record as saying that "sprawl has reached its limits" in Los Angeles County. The October 20, 1997 edition of the Los Angeles Business Journal states that "Los Angeles continues its urban sprawl" into the Santa Clarita Valley (where Newhall Ranch would be located). The February 5, 1996, May 2, 1995, and April 27, 1995 editions of the Los Angeles Times refer respectively to "sprawling growth," "sprawling residential growth" and "sprawling development" occurring in the Santa Clarita Valley. In the face of this evidence, why does the Planning Commission continue to insist that "the Newhall Ranch Specific Plan is not considered to be 'urban sprawl'" (RTC-590)? We request that on behalf of the citizens of this County, the Board of Supervisors ask the Planning Commission and Planning Staff for a response to this question. Similarly, the Responses to Comments also state that the study referenced in attachment 1 to the NVC comments "is not applicable to Newhall Ranch." In fact, the most basic research would have disclosed that the study is part of a body of literature that analyzes the excessive costs of all forms of sprawl type development in outlying areas and contains specific data that discredits the assumptions set forth in the EIR.. (For example, articles by the authors of the study referenced in Attachment 1 of the NVC comments (Burchell and Listokin) are cited in the article from the Journal of the American Planning Association that is cited above.) Why, in view of the fact that this and similar analyses were was available to the Planning Commission and the Planning Staff during the EIR preparation process, does the EIR fail to discuss them? We request that on behalf of the citizens of this County, the Board of Supervisors ask the Planning Commission and Planning Staff for a response to this question. If you approve this project you will yet again be approving more of the same type of development that is universally characterized as sprawl, and will be sending a message to developers and the citizens of this County that sprawl has no limits. More importantly, you will be violating the General Plan by creating more sprawl. 4

The Responses to Comments also state that "[t]he Newhall Ranch Specific Plan is not in an 'outlying area'" (RTC 589). This statement is also contrary to the facts. Section Two of the 5

materials distributed to you during my testimony on March 24 contain numerous articles which refer to the Santa Clarita Valley in a number of different contexts as an outlying area. For example, an official with the American Pacific State Bank was quoted in 1996 as stating that the Santa Clarita Valley is in an outlying area. A 1998 business forecast by Grubb & Ellis also identifies the Santa Clarita Valley as an outlying area. Newhall Ranch is one of the more remote areas of the Santa Clarita Valley and is thus an outlying area of an outlying area. Development in such an area is not appropriate where development in closer areas has not been completed. In the face of this evidence, why does the Planning Commission continue to insist that "the Newhall Ranch Specific Plan is not in an "outlying area" (RTC 589)? We request that on behalf of the citizens of this County, the Board of Supervisors ask the Planning Commission and Planning Staff for a response to this question. 5

The Responses to Comments deny that Newhall Ranch will result in leapfrog development (RTC 590). But neither the Responses nor the EIR deny that there are several developments in the Santa Clarita Valley that have been permitted but that have not been built. Section Three of the materials provided to you during my testimony on March 24 demonstrate that approving a new development under these circumstances will result in leapfrog development. At page 627 the Responses speculate that infill will occur at some time in the future, but no basis is offered to support this speculation. In fact, the developments that have already been permitted in the Santa Clarita Valley will be more than adequate to meet any rational estimates of population growth for this region. Why is the EIR unable to provide any evidence to support its position that infill will occur, or that currently approved developments will not be adequate for projected population needs? We request that on behalf of the citizens of this County, the Board of Supervisors ask the Planning Commission and Planning Staff for a response to this question. 6

Both the Los Angeles Daily News and the Los Angeles Times have characterized Newhall Ranch as a "sprawling development." Copies of those articles are in the Fourth Section of the materials provided to you during my testimony on March 24. It is my understanding that both the Daily News and the Times support the Newhall Ranch project, so their description of the project as sprawling cannot be said to be the result of bias. 7

The facts set forth in this letter, in addition to those discussed at the March 24 hearing by other opponents of Newhall Ranch, justify its rejection. At a minimum it is clear that as matters now stand, the EIR does not provide the Board of Supervisors with enough facts to make an informed decision on this project.

Sincerely,

Frank D. Kortum

Cabrillo Economic Development Corporation
11011 Azahar Street, Saticoy, California 93004 (805) 659-3791 Fax (805) 659-3195

BOARD OF DIRECTORS
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AL ZAPANTA
Atlantic Richfield Company
EXECUTIVE DIRECTOR
RODNEY C. FERNANDEZ

April 10, 1998

Attn: Joanne Sturges
via fax (213) 620-0636 (13 pages)

Honorable Board of Supervisors
County of Los Angeles
Room 383, Kenneth Hahn Hall of Administration
5000 West Temple St.
Los Angeles, CA 90012

Re: Newhall Ranch EIR and Proposed Specific Plan

Honorable Members of the Board of Supervisors:

The Cabrillo Economic Development Corporation is a nonprofit developer and owner of affordable housing, principally in Ventura County. We have developed over 700 units of affordable housing since 1981, and have worked extensively in the Santa Clara River Valley, including the communities of Piru, Fillmore, and Santa Paula, to address the need for affordable housing.

For the reasons stated below, as well as all of the reasons stated in all of the written and oral comments by Ventura County (hereby incorporated by reference), Cabrillo Economic Development Corporation, on its own behalf and on behalf of its low income beneficiaries, objects to the approval of the Newhall Ranch Specific Plan and EIR. 1

The Cities of Santa Paula, Fillmore, and the unincorporated area of Ventura County have not come close to meeting their very low and low income housing needs. This problem of lack of affordable housing would be greatly exacerbated by the Newhall Ranch development because that proposed development does not include viable proposals for meeting the low income housing need which will be generated by the development. 2

The EIR fails to analyze and address the potential significant environmental impacts of the demand for affordable housing resulting from the proposed development. The estimates of the Resource Management Agency of the County of Ventura demonstrate that Newhall Ranch would create a substantial number of lower income jobs resulting in the need for 865 units of housing affordable to very low income households and 3,579 units 3

protest

of housing affordable to low income households. (The Agency's comments on the EIR are attached as Exhibit 1, and we incorporate them by reference.) However neither the EIR nor the Newhall Specific Plan provide sufficient information establishing the affordability of the housing to be included in the development. 3

The Specific Plan's reference to "an unknown number of rental units" and "up to a maximum of 538 Second Units" is wholly inadequate to analyze whether there will be a sufficient number of affordable units to meet the needs of the lower end job-holders. If the development provides insufficient affordable housing, those workers will be forced to look for housing outside of the Specific Plan area, thereby inducing growth in other communities and significantly impacting regional traffic volume and air quality. Moreover, the apparent assumption of the Specific Plan and EIR that market rate units can meet the housing need created by Newhall Ranch is unsupported by the data in the documents and inaccurate. Cabrillo has considerable experience developing affordable housing and we know that it is simply not economically possible to develop housing affordable to very low-income (below 50% of median income) and the lower end of low income (below 80% of median income) households without some form of subsidy. And there is a significant need for housing affordable to households at 30% to 40% of median income. Finally, the Specific Plan is inconsistent with Los Angeles County's approved Housing Element of its General Plan because it fails to make adequate provision for the additional affordable housing needs created by the development. 4 5 6

In view of the fact that the EIR does not analyze the possible significant environmental effects of the Newhall Ranch proposal, and given that there currently exists a critical shortage of affordable housing in Ventura County, it is crucial that you ensure that substantial new development in the region includes sufficient affordable housing. Therefore the Board of Supervisors should require the completion for public comment of a supplemental EIR addressing the impacts of the need for affordable housing created by the development. 7

Sincerely,

Karen

Karen Flock
Project Manager

Attachments:
Statement of Bruce Smith Regarding Housing and Growth Inducement 8

cc: Kathy Long, Supervisor, Third District,
County of Ventura

The LAAS respectfully asks the ladies and gentlemen of this Board to oppose the Newhall Ranch plan to create a new city on its 12,000 acres. 1

1. There is no population pressure creating a demand for 25,000 new residences for 70,000 people. Over 50,000 sites have already been approved in the area for homes that have yet to be built, 2

2. The traffic and air pollution that thousands of commuting cars will produce is a major hazard. Newhall's neighbors are concerned. Santa Clarita is strongly opposed to the Ranch for these reasons and warns of the disappearance of treasured open space. Ventura County is worried about the fate of the Santa Clara River when the paved-over land creates run-off pollution from oil, gasoline and other chemicals. 3

3. This last unchannelized river in LA County is home to many birds, fish and small animals including listed endangered species. The loss of acres of riparian vegetation will be devastating to all animal life, limiting the food supply and the breeding habitat.

4. Plans for the Ranch indicate considerable construction in the river's flood plain, historically a dangerous practice in rivers across the country. Rains like we had this year could eventually call for a miserable concrete trough that would give us another LA River. 4

5. There is no available water source for this vast development. 5

6. We urge you to vote against this unnecessary new city that may well become the Titanic of urban sprawl. 6

SANDY WOHLGEMUTH
19354 CALVERT
RESEDA

LOS ANGELES AUDUBON SOCIETY
CONSERVATION CHAIR

Date JAN. 20, 1998

Ms. Joanne Sturges
Executive Officer, Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Ms. Sturges:

Subject: "APPELLANT" SESPE INDIAN RESOURCE CENTER FORMALLY FILES AND REGISTERS OBJECTIONS, PROTESTS AND HEREBY APPEALS TO THE BOARD OF SUPERVISORS FOR L.A. COUNTY, FROM THE RECOMMENDATIONS OR APPROVALS OF THE L.A. COUNTY REGIONAL PLANNING COMMISSION,THE HEARING OF DEC. 17, 1997.

Use: historic uses include Indian Tribal lands, Indian Villages, Hunting and fishing areas, and Burial Areas SECURED BY BOTH TREATY(S) GUADALUPE HIDALGO, CORDOVA. recent uses by Newhall land and farming are oil and natural gas operations and agricultural operations, cattle grazing.

Address: location of proposed project is S.E. of I-5 and Hwy. 126, appx. 11,963 acres.Applicant address is Newhall Ranch Co. 23823 Valencia Blvd. Valencia, Ca

The entire property is currently zoned A-2-2,A-2-5, M-1.5. Zoned District

Related zoning matters:

Tract or Parcel Map No. Vesting Tentative Parcel Map No. 24500 Map Date: Nov. 13,1997

Change of Zone Case General Plan / Sub-Plan Amendments No. 94-087-(5) Zone Change No. 94-087-(5 Conditional Use Permit No. 94-087-(5)

Other proposed Project a mega-Development which includes appx. 25,000 homes,597.8 Mixed use,90.7 Commercial use, 256.3 Business Park (these numbers are in acres

This is a notice of appeal from the decision of the Regional Planning Commission on: (Check One)

_____ The Denial of this request

XXXX The Approval of this request

_____ The following conditions of the approval:

_____, _____, _____, _____, _____, _____, _____.

FVI-BS47.doc
Land Use Permits

Briefly, the reason for this appeal is as follows:

"APPELLANT" HEREBY APPEALS THE RECOMMENDATIONS, ADOPTIONS OR APPROVALS BY THE L.A. COUNTY REGIONAL PLANNING COMMISSION ON THE HEARING OF DEC. 17, 1997. PURSUANT TO L.A. CNTY. CODE SECTION 21.56.010 et seq; Sect. 21000 et seq; Div. 13 CAL. P.R. CODES; Sect. 14000 et seq; 14 CAL. CODES REGS. Section 54954.2. (a,b,1,2,3 et seq;) 5 CAL. GOVT CODES."APPELLANT" HEREBY RESTATES DESCENDIBLE ORIGINAL INDIAN TITLE CLAIM OVER Purported Title of Newhall Land and Farming which is Defective. And in violation to Treaties of Guadalupe Hidalgo and Cordova. The DEIR/FEIRare SEVERLY DEFECTIVE.The L.A.Regional Planning Commission abused its discretion prejudicialy, as it did not proceed in a manner required by law and its determinations are not supported by substantial evidence. Thereby the feir is insufficient as a CEQA DOCUMENT. Also the Resolution is unsigned as of the time of this filing.
"APPELLANT" will be filing additional documents in support of this appeal, including evidence, exhibits.

1

Enclosed is a check (or money order in the total amount of $ $449.00 U.S.P.S. M.O.
The amount of $TO BE DETERMINEDis estimated to cover the cost of preparing for the Board of Supervisors six (6) copies of the transcript of all pertinent hearings held by the Regional Planning Commission.*The amount of $899.00 for applicants or $449.00 for non-applicants is to cover the Regional Planning Department's processing fee.

*SEE ATTACHED APPELLANT LIST BEING REPRESENTED BY SESPE INDIAN RESOURCE CENTER

(Signed) Appellant

JOHN TOMMY ROSAS / TRIBAL LITIGATOR
Print Name

POB 4033 SATICOY, CA 93007
Address

805-524-2141
Day Time Telephone Number

FVI-BS47.doc
Land Use Permits

* WILL DEPOSIT THE DEFICIENCY, IF NEEDED

Sespe Indian Resource Center, Appellant

Attached Exhibit A

- This megaproject will degrade the entire downstream Santa Clara River Valley in Ventura County.
- Quality of life in Ventura county is at stake, including danger to water supply, air pollution, traffic and waste disposal. 1
- Development does not have the necessary water supply. 2
- Major increases in air pollution cannot be mitigated. 3
- Solid, liquid and gaseous wastes of project will pollute the Santa Clara River downstream. 4
- Traffic impacts on Route 126 will increase to an unnacceptable 10,000 trips per day. 5
- Massive grading at the project site requires about 95 million cubic yards of soil movement and artificial fill compaction. During the Northridge Earthquake, many fills compacted to the strictest codes failed. 6
- A large polluting oil field, Potrero Canyon, had extensive surface damage during the Northridge Earthquake. 7
- "Hillside slopes in the development area are most susceptible to seismically induced failure as any in the world," U.S.G.S. Geologist. 8
- Hundreds of Native Heritage Oak Trees will be destroyed. 9
- The DEIR/FEIR has failed to recognize the high potential hazard of four major dams and reservoirs (total storage 628,000 AF) in the headwaters above Newhall Ranch. 10
- Development in the flood plain, on artificial fill founded on alluvium, with potential for earthquake induced liquefaction, is not acceptable mitigation. 11

21721 Septo St. #120
Chatsworth, CA 91311
November 17, 1997

County Planning
Fax (213) 626-0434
Public Hearing Testimony

Esteemed Planning Commission Members:

Along with this letter I would like to add that a resident of the Santa Clarita Valley, and the Vice President of our San Fernando Valley Chapter (of the Audubon Society) says she opposes any development for the next 25 years (she is no longer for slow-growth, she is now a no-growth advocate) since enough homes have already been approved to provide homes for population growth projections to the year 2020. 1

Also, this is not denying the developer financial gain since homes are approved under the current County General Plan (on this site). Please avoid the problems related to a development of this size preapproved. (The primary concern being, no public comment if any aspect of the current plan are later found to be even severly detrimental to wildlife and human life.) 2

The supply of water as has been previously stated if taken from ground water could threaten availability of water for farming and residents of Ventura County. Also the overuse of ground water could lead to the problems now occuring in Mexico City - the sinking of the entire city, as stated by Joel Simon in his book Endangered Mexico. 3

Theresa Brady

(Please note the statements in parentheses were not in my original statement but I have added them as points of clarification.)

(Letter unsigned.)

The NEWHALL RANCH Specific PLAN And EIR 3-2-98

General Plan and Sub-Plan Amendments #94-087-(5)
Zone change #94-087 (5)
Conditional use Permit #94-087(5)
Vesting Tentative Parcel Map #24500

Dear Sirs,

Newhall Land and Farming has done a lot of good for the Santa Clarita Valley. This is not Good!

THE NEWHALL RANCH Specific PLAN AND EIR

"NOT Good"

1

The Santa Clarita Valley can grow, but not like this. we have a shortage of Schools, Fire Dept. Sheriffs, and what about the WATER

1 Hospital for miles with waiting.

2552 "Lets think about this"

Thank you,
DANNY FREIBR
21845 Jeffers

March 14, 1998

L.A. County Board of Supervisors
500 West Temple Street
Los Angeles, California 90012

Once again on March 24th there will be a hearing on the Newhall Ranch Development. This is your last chance to do the right thing. The project has been opposed by the cities of Santa Clarita, Fillmore, Santa Paula, and all of Ventura Country, plus dozens of organizations and thousands of residents who will be affected.

This project will have significant adverse impacts on traffic, air pollution, the cost of our water, and most surely the ambience of our valley. 1

Please, put a stop to this 24 thousand plus units. As a thirty year resident of the Santa Clarita Valley, I am sick at the thought of what you are planning on doing to my home.

Sincerely,

Margaret Meusborn

Mrs Margaret Meusborn
28100 North Tambora Drive
Canyon Country, California
91351

March 1'1

L.A. County Board of Supervisors
500 W. Temple Street
Los Angeles, California 90012

Dear Supervisors:

No, no, no, a thousand times no to the Newhall Ranch Project!!! We do not need this project, we do not want this project, don't approve it, please.

We need the ~~[illegible]~~ the farm land the water itself, and the open space that it is; we need all of these things, not more people, ~~houses~~, cars, roads, pollution, noise, and more people to divide what water there is among. No water source for all ~~these people~~! Perhaps they'll all dig wells? ~~or buy bottles from the store~~?

No, we don't want this huge mistake to happen.

Sincerely,
Celia, Omar, Lisa and Jane Lamborn
Ron Hertzberg, Roberto Rivera
and more.

1

2

3

3-15-98

LOS ANGELES COUNTY BOARD OF SUPERVISORS
500 W TEMPLE ST.
LOS ANGELES, CA 90012.

DEAR FOLKS:

WE ARE SORRY TO LEARN THE REGIONAL PLANNING COMMISSION HAS APPROVED THE NEWHALL RANCH PROJECT. THE SANTA CLARITA VALLEY DOES NOT NEED MORE UNMANAGED GROWTH. WE URGE YOU TO REVERSE THIS DECISION, AND BLOCK THIS PROJECT. THANK YOU 1

Gary Bacigalup

GARY BACIGALUP
27910 RIGEL
CANYON COUNTRY, CA 91351

Lynn Burton

LYNN BURTON
27910 RIGEL
CANYON COUNTRY, CA 91351

Frances Martin
5711 Denny Avenue
North Hollywood, CA 91601

March 16, 1998

Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

Re: Newhall Ranch Project

Dear Supervisors:

Isn't it the prime duty of the government to reflect the people's wishes? So, since everyone who knows of this infamous project is against it, why are YOU FOR IT? In short, you are betraying the people you are supposed to represent.

The Newhall Ranch Project is one of the most injurious ideas you have ever been called upon to reject. Why then aren't you rejecting it? Money? Of course, what else? 1

You would irreparably damage an enormous ecosystem for money; which will disappear almost as soon as you have it. - - So, the money is gone, the ecosystem is gone, and what has your greed gotten you? And us? Nothing! Exactly nothing!

So, dear Council members, do what you are paid to do - please? - obey the wishes of "we the people" and reject this abomination.

We thank you so very much,

With best regards,

Frances Martin

3/16/98

Attention Board Members:

This is to express our forvent disapproval of the proposed Verthall Ranch development which would deprive the people of southern California of rapidly vanishing open space, clear air and remaining native species of wildlife and plants, destroy the Santa Clarita River's valuable farm lands of the area. 1

Please oppose this misuse of a valuable local resource.

Sincerely,

Fredrika & Irving Bernstein

March 16, 1998

LA County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

To Whom It May Concern,

This letter is to urge you to stop plans for the Newhall Ranch Project immediately. As a member of Sierra Club and a concerned and active environmentalist, I oppose this project and it's devastating impact to the Santa Clarita Valley. 1

This development will destroy the Santa Clara river corridor and adversely affect several endangered species of birds, fish and amphibians. It will also add more un-managed "growth" and result in congested traffic along the I-5 interstate, as well as adding significant air pollution in and around the area. 2

I am appaled that a project like this aims at converting nearly 1500 acres of cultivated farmland into urban uses, destroying the remaining agriculture economy in Ventura County. 3

Lastly, there is no identified water source available to sustain any new urban growth in this area. Please repeal this ludicrous plan and leave the last wild areas of the Santa Clarita Valley alone. 4 5

Thank you for your time.

Sincerely,

Cheryl L. Kandel

3/17

Dear Bd. of Supervisors -

I wish to express my opinion regarding the huge "New Town" development.

Please exercise your good planning judgement & limit Newhall Land & Farming in regards to their Newhall Ranch project. Santa Clarita is a beautiful small town. Please, let's keep it as small as possible. I worry about the increased crime & pollution a huge development will bring.

Thank you,
Mame Wood

Mame & Gary Wood
27635 N. Ron Ridge Dr.
Santa Clarita, CA 91350

24479 Valle Del Oro 102
Santa Clarita CA 91321
March 17, 1998

LA County Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Re: Newhall Ranch Project

This letter is to inform you that I am against the Newhall Ranch Project.

I can't imagine you approving such a project! It's like you just don't care or just don't realize the impact a project like this will have on so many, many things; endangered species, the Santa Clara River, water, resources, air pollution just to name a few. We need to keep our farm lands also. 1

PLEASE!! Rethink this project.

Sincerely,
E. Crozier

to
LA County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

March 17,1998

from
Mark Sawicki
28049 Salinger Lane
Santa Clarita, CA 91381

Dear Board

Stop the proposed widening of Poe Parkway and Pico canyon in Newhall ranch! The traffic is horrible as it is and there has been one fatality I know of allready. No growth! Keep our community reasonable. 1

Sincerely,

Mark Sawicki

March 17, 1998

LA County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Dear Sir/Madam:

Since I must work for a living and cannot attend a meeting during the week I have to write a letter of protest instead of appearing in person.

I do protest the development of the land in the corridor between the I-5 and the Ventura County line. This is a good neighborhood for all and building too many houses too fast is always a danger. My 7 year old daughter has to go to year round school this year because this valley can't keep up with building new elementary schools, how could they possibly keep up with another population explosion? 1

I work in the Valencia Industrial Park the traffic in and out of this place is tuff enough now, I can't see how there would be enough exits to let everyone on and off the freeway during the rush hours. 2

Do we really have to develop every empty space left so people can make more money? They overdevelop Palmdale/Lancaster now I know people trying to get away from that valley, even when the prices of houses are so cheap. 3

Urban sprawl is not the most important thing here, the unspoiled land is, lets leave some of it untouched before this valley turns into a Manhattan Island and the only place to see grass and trees is a city park. 4

Sincerely,

JENNINE IMPERIAL
VALENCIA RESIDENT

cc: Senator Pete Knight

3-17-98

Attn.

* LA. Co. Board of Supervisors

Dear Sirs,

I live in SANTA CLARITA, And I am oposed to the Newhall Ranch Project -- 24,383 units are too much! This is beautiful farmland, with an important waterway - the LAST River in LA. Co. that has NOT been Channelized. It's important to note the impact on Ventura Co. when we build this many homes. The traffic is already bad out here - and the schools are crowded. We are on year-around schedules already. Please limit the size of the proposal. Cut it in 1/2!

Thank-you, - Lynne Snead
25625 Salceda Dr.

1

RICHARD J. BOERNER
AND
TARA J. BOERNER

March 18, 1998

Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

I am writing to you to express my dire concern regarding your recent approval of the Newhall Ranch project in Santa Clarita. It seems to me that building a neighborhood development of the proposed scope and size (24,383 units...or approximately 75-125,000 residents) literally on top of what is now a booming growth area is insane. Adding Newhall Ranch to our area will overcrowd Santa Clarita, much the way most of the rest of Los Angeles has become. The residents of this area moved here specifically to escape the overcrowded schools, crime ridden streets and smog filled air that has plagued the city of Los Angeles for years. A great many of us (myself included) work in the heart of LA. We chose to live here in a still open and beautiful area of Los Angeles county...not Orange county...not Ventura county. Until recently, we were quite certain that staying in this part of Los Angeles county was the right decision. Now I have to question that choice. Before giving any further approval to the Newhall Ranch project, I suggest you address the legitimate questions raised by the communities which it will affect the most. For example, where will the Newhall Ranch project draw its water supply from?? How will the remaining agriculture industry be hurt?? Where will the additional 50,000 cars be driving every day?? How will the area absorb all the new pollution?? What kind of flash flood danger will channelizing the Santa Clara River cause?? Where will the children of Newhall Ranch attend grade school?? Middle school?? High school?? What about Colleges and Universities??? Needles to say, this is a VERY serious issue. Please do not just rubber stamp it for some overzealous developer. The people of LA County have the right to decide their own future.

1

2

3

Sincerely,

Richard J. Boerner

26134 SALINGER LANE • STEVENSON RANCH, CA • 91381-1107
PHONE: 805-291-1733 • FAX: 805-291-1167

March 18, 1998

L.A. County Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

I am writing to let you know of my husband's and my objections to the latest proposed urban sprawl project known as the Newhall Ranch Project to which the L.A. County Regional Planning Commission gave their blessing back in December, '97.

This project will serve no purpose in the Santa Clarita Valley and surrounding areas except provide the County an extended tax base!

We oppose adding more unmanaged growth in our surrounding communities and especially the destruction of the Santa Clara River, the last unchannelized river in Los Angeles County.

1

We wish we could join our fellow citizens for the hearing on March 24th to add our voices to their efforts to halt more development by Newhall Land & Farm Co.

Please help us protect our beautiful valley from this unwelcome assault on our infrastructure which will only add to the misery of our daily lives in the form of traffic congestion, air pollution, drinking water shortages, waste management concerns and the overall stress from too much congestion..

Thank you.

Mrs. Sharon Silvia

Mr. & Mrs. John Silvia
26424 Whispering Leaves Dr.
Santa Clarita, CA 91321

cc: SCOPE

3/18/98

LA COUNTY BOARD OF
SUPERVISORS

500 W. TEMPLE ST
LOS ANGELES, CA 90012

RE: NEWHALL RANCH PROJECT

I AM AGAINST APPROVAL, THIS MASSIVE DEVELOPMENT THREATENS THE QUALITY OF LIFE FOR EXISTING MAN AND BEAST. 1

YOU MUST RECONSIDER.

REGARDS

LYNNE WINNER

CASTAIC, CA

3/18/98

To: L.A. County Board of Supervisors
500 W. Temple Street
L.A., CA 90012

From: Kay Rosser, concerned citizen
1923 Edgewood Dr.
So. Pasadena, CA 91030

Re: "New Town" Newhall Ranch Development

- This development will destroy a river corridor & a major drinking water supply for its adjacent communities.
- Why was this project approved when no identified water source to serve this specific plan is in place? 1
- We will lose close to 1500 acres of cultivated farm land. 2
- What about increased traffic on the I-5 and additional air pollution in the Santa Clarita Valley? 3

* What about encouraging "renewed development in the inner cities of various communities re: housing, small businesses, etc. 4

Sincerely,
Kay Rosser

March 18, 1998

LA County Board of Supervisors
500 W. Temple St.
Los Angeles, CA. 90012

Dear Sirs:

I am writing to protest the proposed development regarding the Newhall Ranch Project. I live in Stevenson Ranch and installing 6 lane roads on Poe Parkway and Pico Canyon Road would ruin the appeal of this area. 1

As a homeowner, I don't want to see the neighborhood real estate values plummet because the only assets that made Stevenson Ranch special; it's close proximity to the surrounding Pico Canyon Hills and it's lack of congestion, is ruined by over-building.

Because of it's scenic beauty, I was willing to pay the expensive Mello-Roos tax. If the area becomes congested and ugly, our values will drop and re-sale will be impossible. Suddenly, areas like Northbridge and Northpark in upper Valencia will become just as desireable because they will have the same amount of congestion, but they will <u>not</u> have Mello-Roos taxes. Those homes would become more affordable than those in Stevenson Ranch and the only assets Stevenson Ranch had will be gone. 2

I moved to Stevenson Ranch from West Los Angeles to get away from such congestion. I don't want to see this area become another over-crowded metropolis. I insist we maintain the pleasant suburban feel of the neighborhood where walking is encouraged and a highway doesn't run through it.

Thank you for your cooperation.

Sincerely,

Juniko Moody
26049 Salinger Lane
Stevenson Ranch, CA. 91381

March 18, 1998

Los Angeles County Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Dear Sirs and Madams:

I am writing in regard to the Newhall Ranch Project in northwest Los Angeles county. As a long time resident in the Santa Clarita Valley, I urge you to oppose the Newhall Ranch project as proposed by Newhall Land. My family and I feel that this project would be extremely detrimental to the way of life of existing residents, as well as to the habitat of agriculture and wildlife. Already, we have to cope with choking traffic along the I-5 corridor, and limited MetroRail functions to the San Fernando Valley (particularly the West Valley), as well as growing surface street traffic, constant construction and the removal of rolling hillsides that are home to beautiful oak trees. I hope you will request that Newhall Land greatly scale down or eliminate this project. Thank you. 1

Sincerely,

Victoria E. Berrey

Victoria E. Berrey

23605 FALCON CREST PLACE • VALENCIA, CALIFORNIA • 91354
PHONE: 805-297-0326

3-19-98

To: L.A. County Board of Supervisors

Please do not approve the Newhall Ranch Project. 1

Thank you for us and future generations.

Harriet and Don Levenson
3667 Gleneagles Drive
Tarzana, Calif. 91356
(818) 343-7112

March 19, 1998

L.A. County Board of Supervisors
500 W. Temple St.
Los Angeles, CA. 90012

Dear Supervisors,

I strongly oppose the Newhall Ranch project because it is so large and sprawling. It covers some very prime farm land, land which should remain open and productive. We need to protect our open spaces and develop wisely. 1
This project seems out of control.
We look to you, our supervisors, to allow development, but with wise caution.
Protect our Golden State, not exploit it.

Yours.
Tim Moffett

Mr Tim Moffett
2713 Knoxville Ave
Long Beach, CA 90815

March 19, 1998

L.A. County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Dear Board of Supervisors:

As a Sierra Club leader, I am writing to urge the Board to vote against the proposed Newhall Ranch Project. This project was approved in spite of the fact that there is no identified water source to serve the specific plan. It will convert almost 1500 acres of cultivated farm land including 595 acres of prime farm land to urban uses, potentially destroying the remaining agricultural economy in Ventura County. It will destroy the native habitat of several endangered species of birds, fish, and amphibians. It will also have significant impacts on traffic congestion, especially to Interstate 5 and will cause significant air pollution in the Santa Clarita Valley. 1

Please consider all of these adverse effects of the Newhall Ranch Project and vote against this proposed development. 2

Sincerely,

Patrice Titterington

Patrice Titterington
1223 Selby Avenue
Los Angeles, CA 90024

21432 Carol Sue Lane
Santa Clarita, CA 91350
19 March 1998

Los Angeles County Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Dear Supervisors:

The Newhall Ranch Project MUST BE STOPPED. There is no identified water source to serve the specific plan. It will destroy the river corridor. It has the potential to destroy the remaining agriculture economy in Ventura County. It will have significant adverse impacts on traffic congestion and air pollution in the Santa Clarita Valley. It will add more unmanaged growth. It will single-handedly change the character of the Santa Clarita Valley. Please, please, stop the Newhall Ranch Project. Please save our valley. 1

Dale Berry

Juanita McFarland
23835 Arroyo Park Dr. #1102
Valencia, CA 91355

March 19, 1998

LA County Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Dear Members of the Board of Supervisors:

This letter is in response to the proposed Newhall Ranch Project outside of the City of Santa Clarita. I am appalled that you have allowed this project to continue despite the overwhelming evidence that the Santa Clarita Valley and surrounding vicinities cannot support the influx of population that this project will cause. 1

The magnitude of this project is staggering. If you allow this project to continue you can write off the last pristine river in Los Angeles County and acres of farm land that now help feed the people of Los Angeles. 2

I have a son who goes to Valencia High School. This school has only been open for three years, but is already bursting at the seams. They have converted every inch of possible space to class rooms. The Newhall Ranch project must be severely scaled down with enforceable conditions. These conditions should include that a rail line be built, adequate schools through high school, and their own police and fire departments. 3

I am fully aware that in this country the rich and powerful (i.e. Newhall Land and Farm) always win, but I beseech you to consider the people you are supposed to be representing. It is your jobs to ensure that this area can support the growth from this project and look at all the information presented to you, not just one side. Think about saving the last "real" river ecosystem we have left here in LA County. 4

Sincerely,

Juanita McFarland

24204 Heritage Lne
Newhall, Ca 91321
March 20, 1998

L.A. County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: Hearing on March 24 re Newhall Land & Farming Request to Develop Newhall Ranch area

Dear Sirs:

As a resident of the Santa Clarita Valley since 1962, I have seen the area grow from a population of about 15,000 to ten times that number currently.

The proposed massive development by Newhall Land and Farming will cause the population in our area to explode further into an urban type environment, with overcrowded roads, schools, and living conditions. Some of the land in question has been used for oil drilling and production since the turn of the century; that aspect of any development should be a huge environmental concern, in my opinion. 1

I urge that this proposal be delayed for further consideration about its size and environmental impact.

Sincerely,

Jane T. Hanson

Dr. Mha Atma Singh Khalsa
1536 Crest Dr.
Los Angeles, CA 90035

March 21, 1998

L.A. County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Dear Supervisors,

The Newhall Ranch development would seriously impact the quality of life in the Santa Clarita Valley. It could destroy the remaining agriculture economy of Ventura County. It will have significant adverse impacts on traffic congestion, especially to I-5, and will greatly increase air pollution in the Santa Clarita Valley. It will cause a major drain on water supplies in the area and seriously threaten the local environment, including destroying habitat of several endangered species of birds, fish, and amphibians. 1

I urge you to stop the Newhall Ranch development!

Most sincerely,

Dr. Mha Atma Singh Khalsa

1210 Appleton Way
Venice, CA 90291
March 21, 1998

LA County Board of Supervisors
500 W. Temple St.,
Los Angeles, CA 90012

Dear Supervisors,

I was shocked to hear that the LA County Regional Planning Commission has recommended the approval of the 24,383 unit Newhall Ranch Project. This recommendation has been appealed by the Cities of Santa Clarita, Fillmore, Santa Paula, Ventura County United Water Conservation District and the Hart School District. It has also been strongly opposed by Environmental groups. 1

The Santa Clara River, the last unchannelized river in Los Angeles County and the major source of drinking water for communities along its course will be unable to supply the extra water required by this proposed community. Yet there is NO identified water source to serve this plan. 2

The Santa Clara River is also is presently the home of several endangered species of birds and amphibians.Further, this project would reduce the area of farm land, negatively impacting agriculture and areas of open space. 3

Please do not approve this project.

Sincerely Yours,
Nan J. Wright

Joy Mockbee, MD, MPH
327 Estrella Street
Ventura, CA 93003

March 22, 1998

LA County Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Dear Board of Supervisors:

I am writing to urge you to DENY approval of the horific Newhall Ranch Project. The project would result in massive urban sprawl in an area which contains agricultural lands and the last free-flowing river in Los Angeles County. 1

As a physician and public health professional, I'm worried about the detrimental effect of this project on the public's health. There is no identified water source for the plan. Traffic congestion and air pollution will increase tremendously, causing increases in diseases such as asthma, which are known to be associated with poor air quality. 2

The Newhall Ranch Project would also result in cement and pavement along an area that is curretnly home to several endangered species of birds, fish and amphibians. It is important that we protect all species rather than needless growth. There is not a need for a project of this size in LA County, now or in the next few decades. 3

Once again, I urge you to think of the future of the people in Los Angeles and surrounding counties - protect their health and a healthy environment by REFUSING to approve the Newhall Ranch Project. 4

Thank you.

Sincerely,

Joy Mockbee

Joy Mockbee, MD, MPH

March 22, 1998

Attn: County Board of Supervisors,

Please stop the new town development Newhall Ranch.

you know all the reasons why.

1) Destruction of natural habitat of several endangered plants & animals.
2) Loss of Prime agricultural land.
3) We don't have the water to support the new residents.

So please stop this new development.

Sincerely,

Katherine Johnson

Katherine Johnson
4230 Duquesne Ave. #6
Culver City, CA 90232

1

3/22/98

Attn: La County Board of Supervisors.

I have been a resident of Newhall for 15 years and am very fearful of the effects the Newhall Ranch project would have on our way of life and that of the wildlife and nature that we share our environment with. 1

I am concerned about the increase in air pollution, the destruction of the agricultural economy in Ventura county, the effects on the Santa Clara river, and the increase in congestion. 2

I believe the proposal by Newhall Ranch would not adequately provide schools, which would eventually lead to overcrowding. (If the developers won't pay. Then who will?) 3

We need to put a stop to urban sprawl and keep the beautiful greenbelt that surrounds the Santa Clarita Valley. Redevelopment of older blighted areas should be a priority, not destroying what little of nature and the lifestyle we now enjoy. 4

Please DO NOT approve the 24,383 unit Newhall Ranch Project. 5

Thank you,

Carol Scott

C. Scott
23010 8th St.
Newhall, Ca.
91321

2580

Water-Related Objections to the Newhall Ranch Project

As a human being and a citizen, I have numerous objections to the development proposed by the Newhall Land and Farming Company adjacent to Ventura County. But I am here to speak as a water expert, and so I confine my remarks to that topic. Several water-related issues indicate serious problems with the urban development planned by Newhall at the eastern end of our valley. 1

1. Supply problems:

The Newhall Ranch Project will require 10,000 acre feet per year (AFY) of potable water and another 9,000 AFY of non-potable water for landscape irrigation. The first sources of potable water are the Castaic Lake Water Agency, flood flows from Castaic Creek, and wells on Newhall property that tap the underground alluvial and Saugus aquifers. Newhall is legally entitled to nearly half of the winter flows from Castaic Creek, but the agreement of the California State Department of Water Resources and of three local water agencies will be required for change in the present agricultural uses of this water. At least one of those agencies has indicated unwillingness to agree to amending the existing agreements, so this supposition is questionable. 2

This plan relies for water also on the Valencia Water Agency, a subsidiary of Newhall. This agency gets water from ground water plus 19,500 AFY from the Castaic Lake Water Agency. The two water agencies are expected to supply 10-13,000 AFY in dry years but only 4-5000 in wet years. As of 3

the writing of the DEIR, the VWA had available some 14,000 net AFY of water. Both of these agencies rely increasingly on the State Water Project, specifically the Devil's Dam and Feather River sources, which however have and will have other persuasive claimants to their water. An additional complication is the impact of the Monterey agreement about Delta water. At least one full wet-dry cycle must be played out before it is safe to assume that this agreement will generate enough additional water to accommodate a new city of 270,000 here at the edge of the desert. As Newhall's own draft EIR puts it so well" . . . [B]ecause the relative differences [in supply] are likely to change during the course of a given year and between years, this information should be known <u>as a function of time</u> to assess fully the potential impact (emphasis added)." 3 4

Neither the CLWA nor the VWA have at present enough water to fulfill the needs of this proposed development. Both agencies have informed Newhall that when the time comes, they will have developed the necessary water--but water is not like roads, to be built as needed, but rather a finite resource like oil. Partly to address this problem, non-potable water uses such as residential irrigation will be met with between 6,547 and 8,635 AFY of reclaimed water. 5

In a dry year--3 or 4 years out of every ten--the Newhall project will need to acquire up to 13,000 AFY of water in addition to self-pumped and reclaimed water. This will be the same dry year when every other customer of the water agencies is requiring above-average amounts of water. The DEIR states that CLWA now has a supply of more than twice the amount of demand for all its customers, and even by 2010 when the 6

population of this area is likely to be 270,000, the agency projects a modest shortage of 4000 AFY, to be made up by reclamation and/or conservation. This is a best case prediction. Indeed, in the Cumulative Impacts section (p. 4.11-57), Newhall acknowledges that these figures do not include all future uses in the land use plans of the jurisdictions within the VWA area, such as the Santa Clarita Valley Area Plan and the City of Santa Clarita General Plan. If these demands are included, supply for the year 2010, including the Newhall Project, would have to be almost 190,000 AFY. Yet the supply from CLWA is expected to be only 116,700 AFY. The true gap between demand and supply could be 75,000 AFY. Further, it would be interesting to compare the EIRs for all the other 52,000 houses in the Santa Clarita that Newhall already has permission to build, and see if the exact same water supply is described over and over again as available for each of their planned developments. 6 7

The draft EIR document consistently refers to "average" rainfall and "average" river flow, whereas it is essential to remember that this average consists of some years with rainfall and river flow much above average and some with those figures far below average, but almost never is the average the norm.[1] The Newhall plan also depends upon an <u>average</u> flow to the Ranch of 2900 AFY from Castaic Creek. In dry years there will be no water from Castaic Creek, but in wet years up to 8300 AFY. 8

In 1992-93 we had a severe shortage of water in the valley, making it necessary to curtail domestic use as well as irrigation. During such a drought, there is already not enough water for the people of the Santa Clarita area and the Santa Clara River Valley. In addition to the prior 9

demands of existing residents, businesses and agriculture, it is likely that new plans for the release of water to recharge the water table in the Oxnard Plain will require a different use of these stored waters than Newhall is assuming (USGS fact sheets 125-96 and 126-96). It seems legally possible that the 60 years of use of these waters in Ventura County has established a permanent right to these waters. 9

The draft EIR shows a strange lack of awareness of existing and on-going studies of water flow regimes and their problems in the Santa Clara River Valley. As a preliminary report on a ten-year project of the US Geological Service and the United Water Conservation District[2] suggests, and Dr. R.T. Hanson of the USGS confirms, there are some geological and geochemical interconnections between surface water, ground water, river water, and aquifer waters which are neither obvious nor simple. Especially significant 10 is one of the three places along the 27 miles of the Santa Clara River where surface water comes into the stream. This is at the boundary between Los Angeles and Ventura Counties, near the proposed site of Newhall's water treatment plant. Not a mention of this natural situation was evident in the DEIR. Newhall plans to tap the local aquifer here as part of the water supply. They admit that the effect of tapping the aquifer here will be a ten foot draw down, for 1.5 miles upstream and 2 miles downstream from the Castaic Creek junction with the river. The effect could well be much wider, since it is exactly here that the stone Saugus Aquifer and the upper alluvial aquifer deepen significantly as both head downhill towards the ocean.

Furthermore, the water regime of the Santa Clara River valley already has a significant amount of sulfate, nearly twice the recommended maximum for potable water. This is likely to be increased by long-term underground drainage from the Newhall lands where sulfate is naturally associated with oil-bearing strata. Newhall's alternate plan to store water from Castaic Creek in these aquifers and then pump it out for potable use shows no recognition of the existing contamination from either the sulfate or the waste waters of the existing communities that overlie these aquifers. Although the USGS team has in the last 12 years amassed much information on pumpage effects in the aquifer, this data is ignored by the water sections of the EIR. Newhall's water experts do not report consulting any published studies later than 1986, giving the impression that they are unaware of these hydrogeological investigations. 11 12

Construction of the project alone will require 6-14,000 AFY of water, not all of which is currently available, affecting the prior water claims of present customers of the VWA. 13

Newhall asserts that it will have enough water to achieve build out for this proposal. If their plan is accepted as "schematic," they will not be obliged now to prove water availability. Under the new law, however (Chapter 881 of the Statues of 1995, signed by the governor on Oct. 9, 1995), any subdivision of over 500 homes has to prove in advance that there is enough water without taking it from existing users (reported in the LA Times Sept. 19, 1995). If the project is approved without this proof, all that Newhall (and the smaller developers to whom they will sell the land) will have to do in the future to evade this requirement is to design each 14 15

neighborhood to be less than 500 houses. This present consideration of the project is, as I understand it, the only time that the effects of the whole plan can be considered. 1

2. Waste Water

Drainage from this development will flow into the Santa Clara River, and hence through Ventura County to the ocean. Even though Newhall is planning a "near zero discharge" system this discharge will have noteworthy effects on endangered systems--the entire biosystem, human, animal, and plant--along the way. Newhall will discharge between 522 and 1372 AFY of treated water into the Santa Clara River, but I found no calculation of the amount of domestic irrigation water discharged by drainage into the river, carrying pesticides and fertilizer with it, as well as the feces from domestic pets (a serious source of pollution in Long Island Sound, for instance). The delicate water balance for Ventura County's advanced system of channeling surface waters into the aquifers to reverse sea water intrusion and ameliorate draw-down will be negatively impacted by such a change in the quality of Santa Clara River water and by the shift in flood water use to the Newhall project. At least two coastal communities in our county depend on the river for their drinking water, so that this change in quality will be a severe problem for them. 16 17 18

Before subdivisions within this project are recorded, the developer must get a letter from the Sanitation District acknowledging that each has the capacity to handle the effluent of additional houses or commercial buildings. Industrial buildings have a separate permit process. I could not 19

find in the DEIR any recognition of the possibility of reducing demand for potable water by planning to flush toilets--users of 30% of domestic water--with non-potable water, or to use composting toilets. The time to incorporate the necessary plumbing for such environment-friendly solutions is at the planning stage, and not later by retrofit. 20

3. Storm water

This project's DEIR shows an lack of realism about the storm water potential of the steep slopes that cover much of the Newhall Ranch, and about surface flows when winter storms deliver six inches of rain in one night. These California mountains are steadily rising, composed of poorly cemented rock, and subject to earthquake and landslide. This combination of factors provides enormous amounts of debris for the water to carry off in storms. Newhall plans to address this problem by sculpturing the hills--hills so poorly consolidated that 80% of them failed in the Northridge earthquake. Not only will this raise horrendous amounts of dust during construction, but also this scheme flies in the face of the experiences of highway engineers that hills of loose rock are better left unaltered. However, the DEIR asserts that the debris to be handled in storm runoff will be only burnt vegetation from forest and range fires.[3] 21

More optimism is evident in the plan to build a 10-25 foot high platform next to the river, on which to locate the water treatment plant. The elevation is to take care of any flood plain problems encountered. 22
There are other problems with the Newhall plan for flood control that do not seem to me to meet their stated goal of preserving the river. Building 23

in 313 acres of the 1105 acre flood plain and bank stabilization along 80% of the north side and 30% of the south side of the river is not what we usually mean by "preservation." Further, few of the blueline streams on the site will be retained or "returned" to a soft bottom state that mimics a natural stream. 23

About 3/5ths of the project site will be covered with impervious surfaces--streets, house roofs, commercial buildings, parking lots. This will increase runoff to that now expected in a 50 year flood, yet this is somehow to result in 12% less flow and 30% less debris volume. Increasing paved surfaces by 20%, however, is known to increase runoff by 200%. This is a significant impact, given the steep slopes and torrential rains that are normal for this site. 24

Permits will be needed from the US Army Corps of Engineers, the US Fish and Wildlife Service, the California Dept. of Fish and Game,, and the Regional Water Quality Control Board. It is interesting to note that the usual procedure is to build in the flood plain first, and get the Conditional Letters of Map Revision afterwards. 25

Conclusions:

The EIR of the Newhall Project is very clever in concentrating on one detail after another, and never summing up the cumulative effects of this enormous project on the site itself, on the neighboring communities, or on the parts of Ventura Counry that lie downstream from the project and cannot evade its impacts. Indeed, many of those cummulative effects have 26

complicated, interacting, and multiplier effects that are never raised, and for which no mitigation is even suggested. 26

The Newhall Land and Farming Company must recognize how much they are demanding of an ecosystem that does not have the resources to provide or drain away so much water. The project requested by the Newhall Land and Farming company will damage the health and quality of life of thousands of residents of Ventura County, and in dry years threaten our survival by using water that would otherwise go to maintaining the water regime and the food production of this valley. 27 28

Dora P. Crouch, Ph.D. March 23, 1998

Professor Emeritus of Architectural and Urban History, School of Architecture, Rensselaer Polytechnique Institute, Troy, New York

739 Yale Street #6B, Santa Paula, CA 93060 805-933-1140

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[1] V.M. Freeman, PEOPLE-LAND-WATER. 1968. Chapters 7 and 8, Estimated and Measured Rainfall at Santa Paula, CA, 1769-1965.

[2] "Surface-water Releases for Ground-water Recharge, Santa Clara River, Ventura County, California" by Densmore, Middleton, and Izbicki, published in MANAGING WATER RESOURCES DURING GLOBAL CHANGE, American Water Resources Assn., Nov. 1992.

[3] Sculpturing hills in this area will also release the dust that causes valley fever.

See also:
USGS paper 125-96 "Seawater Intrusion in a Coastal California Aquifer"
USGS paper 126-96 "Source, Movement, and Age of Ground Water in a Coastal California Aquifer"

March 22, 1998

L.A County Bd of Supervisors
500 W Temple St.
L.A. CA 90012

Please add my name to the people who care about the environment.

Here's hoping you too will think of the environment and Preserve the Santa Clara River -

No Newhall Ranch Project
De Development!

Grace Ridley
4201 Via Florencia
Md R
CA 90292

OPPOSE

1

2590

MRS. YVONNE DUNN
725 Larch St. Apt. 8
Inglewood, CA 90301

3-23-98

The Newhall Ranch will greatly change the character of the Santa Clarita Valley.

This project has no adequate water source by converting already cultivated land which includes prime farmland to urban uses will potentially destroy the remaining agricultural economy in Ventura County.

It will have significant adverse impacts on traffic congestion, especially to I-5 and will cause significant air pollution in the Santa Clarita Valley.

This project must not come to fruition

Sincerely,
Yvonne M. Dunn

1

5429 Selmaraine Dr
Culver City CA 90230
March 23 1998

L.A. County Board of Supervisors
500 W. Temple St. L.A. CA 90012

Dear Supervisors:

It is not a good idea to channelize the Santa Clara River and add almost 25000 new housing units to the area. Ventura County has a very sensible policy of conserving prime farming property while allowing for slower development of urban construction. 1

Where is the water coming from? 2

50,000 to 75,000 more people will pay a lot of taxes, but where are the extra policemen, firemen, teachers to provide for them and their children. 3

When we build on our local farm land, we sentence ourselves to having to buy vegetables from overseas or Mexico where we have no safety 4

regulations about poison residues left on. I understand that this river is the last unchannelized one in Los Angeles County. We will have more flood waters to run full tilt into the sea and erode our beaches rather than build them up with new material.

Southern California with a few notable exceptions has treated our yearly supply of water as excrement; something to get rid of as soon as possible. What we need are more low grassy areas to serve the public in dry weather and to flood naturally when it rains. That would add to the water reservoirs under our valleys and provide a water table that would support trees without sprinkler systems and even irrigation for some crops.

Please do not allow this short-sighted project to proceed. The residents don't want it and it will cause even more traffic and air pollution.

Thank you, Mary Ellen Black

RANCHO LAS CASITAS
577 HALL ROAD
SANTA PAULA CA. 93060

3-23-98

DEAR L.A. COUNTY BOARD OF SUPERVISORS

THIS LETTER IS TO FORMALLY LET YOU KNOW OF MY **OPPOSITION** TO THE PROPOSED NEWHALL LAND HOUSING DEVELOPMENT AT THE VENTURA COUNTY LINE.

AT FIRST I WAS NUTETRAL BUT SEEING THAT L A COUNTY OR NEWHALL HAS NOT COMPLEETLY DISCLOSED ITS SOURCE OF WATER I DECIDED **AGAINST** THIS PROJECT . 1

I WILL ALSO PLACE L A COUNTY ON NOTICE THAT IF THEY ALLOW NEWHALL TO DEVELOP GROUND WATER THAT DEPLEATS OR DAMAGES MY WELL WATER I WILL SEEK **LEGAL** ACTION .YOUR APROVAL OF NEWHALL WILL DIRECTLY AFFECT MY LIVELYHOOD AS WELL AS MY FAMILYS WAY OF LIFE

SINCERELY
PAUL ROMERO

Paul Romero

Norm Johnson
100 Atlantic Ave Apt 510
Long Beach CA 90802-5148

March 23, 1998

LA County Board
of Supervisors
FOR
Hearing re Santa Clara River
March 24, 9:30 AM

Dear Sirs,

I say the developers have already destroyed enough natural beauty in our state and I don't want to see a new development destroy the Santa Clara River corridor and get more unmanaged growth. I am ANTI-GROWTH. Please hear my cry.

Faithfully & sincerely,
Norman Johnson

Supervisor Yvonne Brathwaite-Burke, Chair **RE: Newhall Ranch**
LA County Bd. of Supervisors

This postcard will register our concern with the size and adverse impacts of this project. According to your Regional Planning Dept., there are already 39,000 approved but unbuilt houses in the Santa Clarita Valley A plan amendment of this magnitude is not warranted at this time. 1

The loss of farmland and impacts to the Santa Clara River, especially the water supply far outweigh any need for this project. It will add substantially to traffic problems and air pollution. 2

Also, we do not believe this project should be considered before any necessary federal permits have been obtained and before an adequate water supply to serve the project is identified. 3

I believe a plan amendment of this size should require a vote of the people of Los Angeles County

Name Russell King
Address P.O. Box 888
Santa Paula
93061 4

Supervisor Yvonne Brathwaite-Burke, Chair **RE: Newhall Ranch**
LA County Bd. of Supervisors

This postcard will register our concern with the size and adverse impacts of this project. According to your Regional Planning Dept., there are already 39,000 approved but unbuilt houses in the Santa Clarita Valley. A plan amendment of this magnitude is not warranted at this time.

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I believe a plan amendment of this size should require a vote of the people of Los Angeles County

Name Molly King
Address 1328 Joseph Dr
Santa Paula
CA 93060

21641 P.C.H., MALIBU
MARCH 24, '98

L.A. COUNTY BOARD OF SUPERVISORS,

WHEN I FIRST DROVE TO CAL. I WENT THROUGH THIS CORRIDOR - IN 1971.
STUNNING - YES.

MORE IMP., GREAT FARMLAND; AND ARE SALMON WORTH ANYTHING? AND THE FLYWAY! A MAJOR ECOSYSTEM WILL BE THROWN BY THIS DEVELOPMENT.

THIS KIND OF GROWTH WILL EVEN DESTROY THE BEAUTY THAT LURES IT.

IT'S TOO LATE! TOO MANY BEFORE THEM HAVE PAVED THE GOOD FARMLAND

I DON'T BEGRUDGE THE FARMERS MAKING A FORTUNE, BUT NOT AT THE EXPENSE OF FOOD LAND; AN ECOSYSTEM; ALL THEIR NEIGHBORS; OUR WATER. WRONG PLACE TO BUILD! BUT DO GIVE THE FARMERS THE APPROPRIATE TAX LEVEL.

PLEASE STOP INAPPROPRIATE DEVELOPMENT AT THIS OBVIOUS SPOT, OR ALL THE AGRICULTURE WILL GO.

SINCERELY
David E Troy
DAVID E. TROY III

L A County 3/24/98
Board of Supervisors
500 Temple St
Los Angeles, Ca 90012
Dear Supervisors:
Want to urge you in the strongest possible way to prevent the 24,383 unit Newhall Ranch Project.
This project will single-handedly change the character of the Santa Clarita Valley which ultimately affects everyone in Southern California.
I know I can count on you to prevent this disaster.
Sincerely
Sarah Shuldiner
213 250-4163

1

SARAH SHULDINER
1073 W. KENSINGTON RD.
LOS ANGELES, CA. 90026

OPPOSE

3/24/98

Dear
LA County Board
of Supervisors

Please stop the Newhall Ranch Development Project! It is opposed by local cities, counties and enviromental organizations! 1

It will ruin drinking water, the Santa Clarita River & threaten many endangered species of birds, fish, and amphibians. Also There is no identified water source to serve the project. 2

Please stand up against this project. 3

Thank you, Sincerely

Paul Livingstone (818) 754-8660
5960 Annan Way, LA CA 90042

OPPOSE

DAVID LANCON
946 1/2 S. WOODS AVE.
LOS ANGELES, CA. 90022

March 24, 1998

L.A. County Board of Supervisors
500 W. Temple St.
Los Angeles, Ca. 90012

Dear Board of Supervisors,

I am writing to voice my opposition to the Newhall Ranch Development Project in northern Los Angeles County. Not only is it opposed on environmental grounds by the Sierra Club and the Audubon Society for its impact on the Santa Clarita River and the endangered species that inhabit the area, but it is also opposed by the surrounding communities of Santa Clarita, Fillmore and Santa Paula, as well as Ventura County, all of whom object to the adverse effect on the areas available water supply and the negative impact the conversion of prime farm land into urban sprawl would have on the Agricultural economy of Ventura County. 1

Any attack on environmental quality and an agricultural areas ability to produce the food we need hurts us all. I ask your help in defeating the Newhall Ranch Development Project. 2

Sincerely,

David Lancon

David Lancon

March 27, 1998

L.A. Country Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Dear Supervisors:

I have wtitten to you in the past regarding the Newhall Ranch Project consisting of 24,383 units on 11,963 acres west of I-5. I would like to join my city and many others in strongly urging you to NOT approve this development in its present plan.

I feel that the potential effect on the surrounding areas will be devastating. The impact of traffic, air quality, crowding of highways on the lives of those living here will be terrible. I am most alarmed about the effect on the Santa Clara River, our beautiful un-channelized river containing many areas of beauty and many species of wildlife that are important to a natural balance between man and nature. We can not and must not destroy everything in our path to create a commercial opportunity that is too much of an impact. 1

I ralize that some kind of development will happen, but please, do not approve this until it is scaled to reflect its actual impact on our area.

Sincerely yours,

Denice Schelling

Denice Schelling
28219 Stanley Court, Canyon Country, CA 91351

21721 Septo St. #120
Chatsworth, CA 91311
March 28, 1998

Supervisor Michael Antonovich c/o
Dave Vanatta
5th District
500 W. Temple St.
Los Angeles, Ca 90012

Dear Mr. Vanatta:

I am writing to include in the record the issues we discussed at our meeting of March 26 regarding the Newhall Ranch project. You requested clear information regarding significant issues. One of those issues was availability of water. Regional Water Quality Board stated in their comment letter, "the Draft EIR states that the water supplies that would be needed from Castaic lake water agency and VWC are not currently available." The company responds to this comment on page RTC-67, saying, "the comment is correct." As I understood you on March 26, you are interested in approving only projects that have identifiable, available sources of water. this is not just an important issue, it is the law. Developers are required to identify their water source. The developer has stated here, themselves, that two of their sources are currently unavailable. 1

Habitat should be protected for the three endangered species that have been seen on the property. These three endangered species are the Unarmored three spine stickleback, the Willow flycatcher, and the Least bell's vireo. Habitat for species likely to be there should also be protected. The Yellow-billed cuckoo needs cottonwoods. There are cottonwoods there now but thicker stands of them would benefit this species since they like seclusion. There were formerly thicker stands of cottonwoods that have been bulldozed by the property owner. As you know, a twelve mile stretch of the densest stand of cottonwoods within the property was designated critical habitat for the Least Bell's vireo by Fish and Game in February of 1994. Protection of all the remaining native plants is the first priority since the native plants support many species. 2

As we discussed, Fish and Game had previously requested a 500 foot buffer to be included in the FEIR. The developer 3

neglected to do this, requesting further evidence from Fish and Game that this was necessary. I believe, therefore, that the county should ask for what would truly be beneficial: the full quarter mile that the southwestern pond turtle utilizes to lay its eggs. 3

The governor has issued a mandate indicating that the 200 year flood plain should be avoided for all building in order to prevent future damage to life and property. This should be adhered to and should be accepted by county counsel as legitimate reason for requesting an altered project. 4

Open space in the general plan should not be altered. It is as important as any other aspect of quality of life in the general plan. This property also contains farmland, a rapidly declining type of land in Los Angeles county. If counties are ever to be self sustaining, farmland is of the utmost importance to protect. They currently have a tenant: Cicero farms. Please deny the project. 5

Please include this letter in the record.

Sincerely,

Theresa Brady

cc:Charlotte Brassield
Executive Secretary, Board of Supervisors

Patricia Wolf
Acting Regional Manager, Fish and Game

7/24/98

DEAR SIRS!

WITH GREAT DISMAY I'VE READ OF THE APPROVAL OF THE 24,383 UNIT NEWHALL RANCH PROJECT AND I FEEL IT WOULD BE A TERRIBLE IDEA. THE LAST THING CALIFORNIA NEEDS IS MORE URBAN SPRAWL AND RIVER HABITAT DESTRUCTION. MORE STRIP MALLS AND LOOKALIKE HOUSING PROJECTS. HAW ABOUT FIXING THE BUILDINGS WE ALLREADY HAVE? 1 2

PLEASE STOP THIS DERANGED PROJECT AND HELP KEEP AMERICA BEAUTIFUL!

SEVERAL ENDANGERED SPECIES LIVE ALONG THE RIVER WHICH WOULD BE ADVERSELY AFFECTED BY THIS DEVELOPMENT. IT WILL CONVERT 1490 ACRES OF FARM LAND TO URBAN USES, DESTROYING THE FARMERS ECONOMY. FINALLY IT WILL ADD TO THE POLLUTION OF SANTA CLARITA VALLEY. 3

PLEASE, OUT OF THE GOODNESS OF YOUR HEARTS, PUT THE BRAKES ON THIS PROJECT. THERE ARE BETTER VALUES TO UPHOLD THAN UNCHECKED GROWTH AND THE DESTRUCTION OF THIS BEAUTIFUL VALLEY. 4

THANKS,

Celia Kendrick
812 EWING ST.
L.A., CA 90026

2604

Kim James
20638 Alaminos Drive
Saugus, CA 91350

March 30, 1998

Honorable Members, Board of Supervisors
C/O Ms. Joanne Sturges, Executive Officer
Clerk of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

RE: NEWHALL RANCH SPECIFIC PLAN AND EIR

Dear Honorable Members, Board of Supervisors:

My family and I moved to the Santa Clarita Valley in 1990. We were drawn to the area because of the interesting natural history, landmarks as well as the reputation of the school districts. The housing was affordable housing and there was a "not too bad" commute to Los Angeles where my husband owns a business. 1

I was shocked and surprised when NEWHALL LAND AND FARMING paved one of the creeks that drain to the Santa Clara River as well as the banks of the river itself. They acted ILLEGALLY and without regard to the environmental laws of the United State, and the State of California. As a punishment they were fined approximately $95,000 by the Department of Fish and Game. The were certainly aware of the laws and the threat of a fine when they performed this illegal act, yet it was worth it to their corporate coffers to destroy the creek and river to develop the land.

We cannot allow NEWHALL LAND AND FARMING to build such a large development over a 30 year time span. The EIR should be rewritten to take into consideration the sensitive habitat, flood plains and air quality considerations. The objections by the City of Santa Clarita, the County of Ventura as well as the Hart School District should be taken in consideration and this project should scaled down. 2

I urge you not to approve the plan as it stands now, this is not a developer in which we can place our trust. Please schedule a meeting so that you can see this area for yourselves and judge the impact. 3

Listen to the people that will be affected most by this development, not the people that will profit the most.

Thank you for your consideration.

Sincerely,

Kim James

Kim James

HONORABLE MEMBERS, BOARD OF SUPERVISORS APRIL 2, 1998
C/O MS. JOANNE STURGES, EXECUTIVE OFFICER
CLERK OF THE BOARD OF SUPERVISORS
ROOM 383, KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CA 90012

RE: NEWHALL RANCH SPECIFIC PLAN AND EIR
GENERAL PLAN AND SUB-PLAN AMENDMENTS NOS. 94-087-4
ZONE CHANGE NO. 94-087-(5)
CONDITIONAL USE PERMIT NO. 94-087-(5)
VESTING TENTATIVE PARCEL MAP NO. 24500

I SUPPORT EVERY ITEM MENTIONED IN MAYOR JANICE HEIDT'S LETTER TO YOU OF MAR. 20, 1998 — THERE ARE TOO MANY PROBLEMS UNMITIGATED BY THIS APPLICATION ——

(1) THERE MUST BE A DATE SET TO BUILD RAIL & FULL METROLINK STATION IN THE NEWHALL RANCH PROJECT. IT MAKES NO SENSE TO SAY FUTURE RESIDENTS WOULD GET ON #5 FREEWAY AND DRIVE FIVE EXITS THEN CROSS SANTA CLARITA VALLEY TO USE THE EXITING & FUTURE STATION THERE (WHICH ARE FILLED ALREADY OR WILL BE) 1

(2) THE DEDICATION OF THE HIGH COUNTRY WILD LIFE AREA MUST BE TO A PUBLIC AGENCY. THIS CURRENT PROPOSAL

COULD LEAD TO LATER BUILDING ON THE LAND WITH THE LOSS OF THIS CRUCIAL AREA — 1

3. I ALSO SEE NO MITIGATION FOR THE CURRENT MIGRATION OF WILDLIFE BETWEEN SANTA MONICA AND LOS PADRES FOREST WHICH NOW KEEPS MANY SPECIES GENETICALLY HEALTHY — THE PROPOSED PROJECT ISOLATES MANY SPECIES WHICH VITALLY NEED THIS — MAYBE YOU ARE FAMILIAR WITH THE ISOLATED GENE POOL IN THE N'GORO GORO CRATER WILDLIFE PRESERVE IN KENYA AFRICA — THE ANIMALS ARE NOW ENDANGERED BECAUSE THEY CANNOT MATE OUT SIDE THE AREA. — THIS IS THE EFFECT OF HUMANS REPEATEDLY MARRYING FIRST COUSINS. THE SPECIES ARE RAPIDLY GENETICALLY DAMAGED TO THE POINT OF NOT SURVIVING — 2

4. THE FEDERAL F.E.M.A. AGENCY SHOULD BE ASKED TO COMMENT ON THE FLOOD PLAIN BUILDING — THEY ARE CURRENTLY SPENDING MILLIONS ($7,000,000) TO MOVE AN ELEMENTARY SCHOOL THERE — SINCERELY, Carole L. Cole 3

2608

C. L. COLE
27827 NO. AMBERWOOD LANE

CLARENCE N. FREEMAN, P.E.
CONSULTING ENGINEER
822 Central Avenue
Fillmore, CA 93015

April 5, 1998

L.A. Board of Supervisors
500 W. Temple Street,
Los Angeles, CA 90012

RE: Newhall Ranch Specific Plan and Water Reclamation Plant
Project #94087, Zone Case Change 94-087-5

Dear Supervisors;

This letter is to voice my opposition to the Newhall Ranch Development and to bring to your attention basic flaws in the planning of that project that ignores good seismic planning policy that was developed over a period of five years by the California Joint committee on Seismic Safety. The Final Report "Meeting the Earthquake Challenge"was submitted to the Legislature in January 1974. A copy is enclosed as Enclosure (1).

Quoting the introduction to that 222 page Report :

" AN OVERVIEW: PUTTING IT ALL TOGETHER

California is situated in a seismically active region of the globe, and is laced with earthquake faults that spread over much of the State, including some of its most important urban areas. Consequently, virtually all of California is subject to earthquake shaking, and future earthquakes capable of producing great damage and disaster are inevitable. 1

Accordingly, the basic approach recommended by the Joint Committee on Seismic Safety is to (1) take all practical measures that will reduce the present high hazard levels, and (2) avoid creating further hazards by discontinuing imprudent planning, building and development practices. Such thoughtful seismic safety policies, if persistently pursued and diligently implemented, can bring dramatic reductions in California's earthquake hazard."

CLARENCE N. FREEMAN, P.E.
CONSULTING ENGINEER
822 Central Avenue
Fillmore, CA 93015

"For this, the people and institutions of the State need to commit themselves to a comprehensive and long-term effort. The recommendations of the Joint committee on Seismic Safety are intended to help martial the State's many resources into a thorough, systematic, and effective program.

The Principal Earthquake Hazard: The Works of Man

In broad overview, the works of man loom as the principal cause of earthquake hazard. In open country, one should be able to "ride out" a great earthquake in reasonable safety, barring landslides, large -scale liquefaction, and tsunamis. It is primarily the structures built in seismic regions that create the hazard.

Viewed this way, earthquake safety seems disarmingly simple to achieve. All that needs to be done is either leave the landscape untouched or prudently plan where to build, and design every structure and excavation to minimize any hazard created. Accordingly, the seismic safety implications af any proposed action should be evaluated and found acceptable before the action is permitted. 1

Guidelines for Seismic Safety

These insights yield useful guidelines for seismic safety measures and policies:

First thoughtful land use decisions are fundamental to seismic safety. We should make sure not to erect a structure on ground that is subject to high levels of geologic hazard, unless such construction is unavoidable, or the risk to life and property can be made acceptably low. Sometimes, of course, we are forced to build in areas of high hazard, such as across earthquake faults. A good example is the case of water mains. In such cases, we must use

CLARENCE N. FREEMAN, P.E.
CONSULTING ENGINEER
822 Central Avenue
Fillmore, CA 93015

"sophisticated and often expensive designs so that the structures and principal mains can accomodate Substantial movement without loss of function. We should, Moreover, also provide adequate back-up capacity and alternative temporary emergency facilities in the case the use of the original facilities is lost.

Second, when contemplating grading or construction in seismic areas, one should first consider the stability of the underlying geologic formations. With ground of doubtful stability under earthquake conditions, building or grading should proceed only after all the likely consequences have been evaluated and approved by competent professionals.

Third, in a seismic region like California, decision makers should observe one invariable rule of thumb, namely that every significant structure in California can be expected to undergo at least one major earthquake in its lifetime. All should therefore be located designed, designed, and built to withstand future shaking or ground failure in order to minimize possible death or injury and avoid unnecessary or unacceptable damage. In any event, no action should be taken that will raise the earthquake risk above the levels that reasonable people would presumably consider acceptable. (See Table 1 for a suggested scale of acceptable risks.) See Enclosure 1. 1

All of the above considerations are important, but the third is crucial. Every building should be made as secure against earthquake shaking as practical. To this end, no structure should be built unless the geologist, architect, engineer, and builder- as well as the community- are satisfied that it meets adequate standards designed to prevent life-threatening collapse or damage in future earthquakes."

"Performance: Past and Present

Past performance in seismic safety has clearly been inadequate. Estimates vary widely, but California has perhaps more than 100,000 unreinforced brick or hollow tile buildings, most of them built before 1933. These buildings are prime earthquake hazards, most of them not having been specifically designed and built to withstand seismic forces. Further, recent earthquakes show that many other types of buildinds fall substantially

CLARENCE N. FREEMAN, P.E.
CONSULTING ENGINEER
822 Central Avenue
Fillmore, CA 93015

short of providing adequate seismic safety. Some modern buildings are hazardous, as demonstrated by the damage that Los Angeles County's brand new Olive View Hospital sustained in the San Fernando Earthquake of 1971. Furthermore we have continued to build on or across faults, and then erect high-rise structures under conditions that leave authorities fearing for the fate of occupants should and earthquake be followed by a fire. Thus , not only has past performance fallen short of meeting the need for earthquake safety, but present performance is still unsatisfactory in many respects.

Why has past performance been inadequate? The answer, basically, is that we have failed to implement what is alreay known about earthquake safety. The familiar economic presures to "build now and hope for the best" are partof the explanation. Unawarness, wishful thinking, and preoccupation with day-to-day problems are also responsible. California's policy leaders, in other words, need to be much more concerned with the State's seismicity and the need for earthquake safety.

But the problem also relates to the role of professionals who should in turn, be exercising more effectiive leadership. They should be constructively involved in the policy-making process, posing the issues, and supplying technical guidance to policy leaders in exploring alternative solutions." 1

"We need more professionals who can provide such leadership. The 'good' ones are overworked, and the others fail to understand, to care, or to communicate, or are too busy earning their daily bread. If we encouraged greater responsibility on the part of professionals, and made better use of the professional capabilities available, we could with present knowledge achieve respectable progress toward seismic safety. Accordingly, we appear to have been most remiss in failing to ensure thorough, consistent, and foward-looking application of what we already know about earthquake-hazard reduction. We need to close the gap between knowledge and practice.

Thus, while we clearly need new earthquake legislation, we also need more and better trained professionals, with strong motivation and ready access to policy makers. The following comments by respected and knowledgeable engineers during the Joint Committee's May 1972 earthquake conference in

CLARENCE N. FREEMAN, P.E.
CONSULTING ENGINEER
822 Central Avenue
Fillmore, CA 93015

Sacramento are relevant to this point.

> ' Less than 20 percent of building designs cross the desk of an engineer competent to check them. Of these that are checked competently, half do not meet seismic safety standards.
>
> Failure to meet present codes are caused by: (1) not enough money for building inspection function, and (2) a hack attitude on the part of some professionals."*
>
> Substantial increases in earthquake resistance can be achieved with little increase in cost, if there is proper coordination on seismic safety measures and needs between architects, planners, engineers, and other professionals concerned with the location, design and, construction of buildings.**"

*Robert W. Giese, Building Inspector, Contra Costa County.
**Carl B. Johnson, Consulting Structural Engineer, Los Angeles. 1

Newhall Ranch Development Area declared Seismically Unstable by U.S. Geological Survey Geologists

In this connection, after the Northridge Earthquake on January 17, 1994 the region straddling the Santa Clara River, where the Newhall Ranch Development is located, was described by two U.S. Geological Survey geologists* as:

> "Young, weakely cemented Neogene deposits of the Santa Susana Mountains and the mountains north of the Santa Clara River are evidently among the most susceptible to seismically induced failure of any in the world. These mountains are being uplifted rapidly and incised deeply to form extremeley steep to vertical slopes with little or no tensile strength to resist failure from seismic shaking. Therefore, future development of these slopes would likely create one of the most seismically hazardous situations in the greater Los Angeles area."

* Edwin L. Harp and Randall W. Jibson , U.S.G.S., Golden Colorado.

CLARENCE N. FREEMAN, P.E.
CONSULTING ENGINEER
822 Central Avenue
Fillmore, CA 93015

The Protrero Canyon, site of an aging oil field was heavily damaged by strong ground shaking during the Northridge Earthquake. Suface ruptures, liquefaction and weakening of the alluvium were evident. Oil and gas pipes were ruptured. A detailed geologic study of the canyon was conducted by U.S. Geological Survey geologists. Newhall Ranch personnel assisted in these investigations.It is proposed to locate about 9,500 residences in this area. Heroic mitigation measures are proposed here, including the removal and replacement of 7 to 8 feet of alluvium and drainage of ground water by pumping are proposed in parts of this seismically vulnerable area. One of the geological reports summarizing the field investigation states:

"The significance of surface fractures formed in Potrero Canyon is readily apparent when considering the rapid urban expansion of the region. Our studies in Potrero Canyon illustrate the severe effects resulting from strong ground motions during as moderate-sized earthquake. In this light understanding the cause and recurrence of the Potrero Canyon surface fractures and related earthquake-induced effects is a critical element in determining the earthquake hazards of the region." 2

During the weekend of April 26 to 28, 1997, in the hilly, "high country" areas just south of Potrero Canyon 10 earthquakes occurred with epicenters located on the Newhall Ranch Property. The magnitudes ranged from 3.0 to 4.9 and 5.0. This event shows the development has a great many geological and seismic problems that have yet to be addressed. There are numerous surface and buried faults mapped from the many oil and gas wells on the property. It is located in a tectonic belt within a highly faulted region

To mitigate the geologic problems, the Final and Draft EIRs describe that it is planned to make geologic investigations in the future and then by scraping of loose landslide material and the removal of alluvium subject to liquefaction during an earthquake, mitgate the seismically unsatisfactory building areas. This will require the movement of 95,000,000 cubic yards of earth. Much of this material will have to be compacted as artificial fill. Some artificial fills compacted to the best codes failed during the Northridge Earthquake. 3

2614

CLARENCE N. FREEMAN, P.E.
CONSULTING ENGINEER
822 Central Avenue
Fillmore, CA 93015

The Seismic Hazard Mapping Act of 1991 and the Newhall Ranch Development

The California Earthquake Hazards Mapping Act of 1991 recognized that 95 percent of damage occurs because of earthquake induced landslides and liquefaction of alluvium. Maps were ordered to be prepared to guide cities and counties in future planning. At present only the Newhall Quadrangle containing the eastern tips of the Newhall Ranch Development has been completed. It shows that there is practically no land area suitable for the type of development proposed without extensive remediation of a "heroic magnitude." The Val Verde Quadrangle containing about 90 percent of the Development, including Potrero Canyon is not on the schedule for early release because: "It was not slated for imminent development." However, I have spoken to the geologists preparing the Val Verde quadrangle and there is no reason to believe that it will show any improvement in the seismically unsatisfactory conditions shown on the adjacent Newhall Quadrangle. Landslides on the Potrero Canyon walls and the damage to the canyon floor during the Northridge Earthquake attest to this. 4

Oil and Gas Wells on the Development Property

There are about 250 oil and gas wells on the 18.7 squ. miles of the Newhall Ranch Development. Many of them are in the Newhall-Potrero Oil Field in Potrero Canyon, a prime residential area for thousands of residences.

The Draft EIR states:

> "Crude oil is not listed as a hazardous material in the California Health and Safety code, and if development is to occur in areas where oil and gas production has occurred, each area must be remediated according to State Law. Therefore the Newhall Ranch Specific Plan would not create a potential health hazard to people, animal or plant life populations from oil and gas production operations." 5

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California Proposition 65

California Proposition 65 requires the Governor of California to publish a list of chemicals, "Known to the State to Cause cancer or reproductive toxicity." Proposition 65 requires that a clear and reasonable warning be given to persons exposed to the listed chemicals in certain situations.

A typical published warning states: "Chemicals known to the State to cause cancer, birth defects or other reproductive harm are found in and around... ...facilities that produce, handle, transport, store, or sell crude oil and petroleum and chemical products.....oil and gas wells.. ...petroleum and chemical storage tanks, pipeline systems." 5

Aging oil wells can become portals for pollution, especially in a seismically active area where even after proper capping off, earthquake induced fractures of wells and pipelines can occur.

Earthquake Induced Outbreak of Coccidioidomycosis (Valley Fever).

The Northridge Earthquake triggered thousands of landslides, the greatest concentration of which were in the Santa Susana Mountains northeast of Simi Valley. These landslides generated large clouds of dust, north and east of Simi Valley, for several days after the earthquake. Airborne particulates containing the valley fever spores apparently were transported to Simi Valley where the outbreak of valley fever occurred. This was the first earthquake-associated outbreak ever reported. The massive grading of the project site to mitigate seismically unstable land requiring 95,000,000 cubic yards of earth to be excavated and moved should be considered in the light of the outbreak of valley fever in the area. 6

Dam Break Inundation Area And Flooding Potential of Residential construction in the Flood Plain.

About 1,400 homes are to be located in the Santa Clara River Flood Plain. The Specific Plan shows that these homes are not going to be protected by 7

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levees that may break under flooding, but are going to be founded on alluvium and raised above the 100 year flood level on artificial fill. The alluvium can be subject to potential liquefaction during a moderate earthquake so the soundness of this design is open to question. (See Enclosure 2). Founding compacted fills on alluvium with a potential for liquefaction during an earthquake is not prudent design. 7

What I am about to write may be disturbing, but building in the Santa Clara River Flood plain is hazardous to public safety. The flood plain is alluvium brought down from the mountains, which although being uplifted, are also washing down to the sea.The Santa Clara River is the conveyor belt delivering the sediment to the sea. This material is what replenishes the beaches. Interfere with this geologic process and you lose your beaches . 8

Now most important, the Draft EIR considers the case of a Castaic Dam Break and the ensuing inundation area. In the Draft EIR, this area is shown on a small topographic map, without elevations indicated on either the contours on the topographic map or the inundation area. The logic in the Draft EIR, to mitigate to insignificance, the mitigation for the dam break is based on the existence of the California Division of Safety of Dams. The logic continues that since this office is responsible to review the design and construction of dams and examines California dams under its jurisdiction, the potential for a dam break is insignificant. Apparently it is legal to build in a dam break inundation area. Nevertheless, dams do fail. 9

However, the Castaic Dam is not the only dam and reservoir that poses a hazard to the Newhall Ranch Development. We in the Santa Clara river are now hostage to four dams located in the Santa Clara River Watershed: Castaic Dam, Bouquet Canyon Dam, Pyramid dam and Piru Dam. The total capacity of these dams is 17 times the 38,200 acre-feet storage that the St. Francis Dam had. 10

During the construction of Castaic Dam extensive geological problems were encountered and extensive measures were undertaken to mitigate them. At present there are still problems reported in the west abutment of the dam kept under careful observation. The unstable reservoir slopes of Pyramid

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Dam and Reservoir were subjected to a widespread reservoir stability investigation after the Vaiont Dam Reservoir slopes failed in Italy in 1964 and the resulting landslides caused the reservoir water storage to splash 300 feet up over the 850 foot high arch dam and drown 2,600 people in the town and canyon below. The Vaiont Dam itself did not fail. Up until that time geologists were concerned with the dam axis itself and did not investigate the stability of reservoir slopes to any extent.

In the Administrative Record is a multiple and dam break scenario in which an earthquake occurs and first a hypothetical dam with first 130,000 acre-feet of storage drawn down to 100,000 acre-ft of storage fails and following this a dam impounding 4,250 Acre-feet fails.

This study was made about 10 to 20 years ago without any damage assumed east of Piru. At the time it was assumed that the damage rate to homes in the Santa Clara river Valley would be 28 percent with 19,000 persons made homeless. No estimate was made of fatalities.

Dam Hazard Rating System

10

The National inventory of Dams, available from the U.S. Army Corps of engineers, has a dam hazard rating system. This is a code indicating the potential hazard to the downstream area resulting from failure or mis-operation of the dam or facilities. Codes used are as follows: L=Low; S=Significant; H=High.

The Hazard Rating for Castaic Dam, Bouquet Canyon Dam & Piru Dam is H=High.
The Hazard Rating for Pyramid Dam was not available.

We who live in the Santa Clara River Valley have just memorialized the 70th Anniversary of the St. Francis Dam disaster of March, 13, 1928. The precipitous failure of this dam built and owned by the Los Angeles Bureau of Waterworks and Supply caused a flood wave to course down the Santa Clara River Valley 50 miles to the sea in 5-1/2 hours. About 450 people perished or were missing in the catastrophe. Even at this date, survivor's remains are recovered, buried in sediment. The dam was never rebuilt.

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Diversion and Care of Surface Drainage

It should be clear to all of us in this region that excavating benches in hillsides and altering the historical runoff patterns requires constant vigilance and perhaps a piece of excavating equipment should be attached to each major culvert or waterway to keep it clear during floods. You cannot change the direction of mountain streams or put them in pipes and expect to keep them open. The behavior of mountain torrents carrying large sediment loads during prolonged rainy seasons cannot be predicted. 11

The L.A. Regional Planning Commission insists that the Newhall Ranch Development is not channelizing the Santa Clara River since they are only using "dumped" or "loose" riprap on the banks. There is no such thing as "dumped" riprap. The riprap must be laid on a gravel bed to prevent fines from being sucked out from behind the riprap and causing its collapse. In addition the riprap requires a toe structure to prevent it being undercut by the stream current. At the three bridges planned, the, abutment riprap must be concreted in, or concrete lining provided, because you cannot have dumped riprap at the bridge abutments.

The Fallacy of the New Town

The Newhall Ranch Development will not consist of "New Towns." The Developer can only build the same type of development that he has built before. He is stuck with the existing old organization, tools and means that he has at hand. The planned grading and site preparation and building construction will use the same bulldozers, backhoes, and compaction equipment that exists. There may be a some seismic upgrading of the building code , but the history of development in Southern California is that more and more marginalland is being developed and each man-made or natural sisaster results in greater and greater and more extensive damage as new marginal land is covered with urban sprawl. The Northridge Earthquake cost $30 billion in damages, About $10 billion came from FEMA and the Small Business Administration. There are still millions of dollars to be spent on rebuilding damaged infastructure and damaged masonry and 12

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steel frame buildings. 12

Conclusions and Recommendations

I hope that the above discussions move you to reconsider the Los Angeles Planning Commission's approval of the Newhall Ranch Development. I've included with Enclosures 1 and 2 a package of miscellaneous newspaper articles and letters left out of the Final EIR that I have written over the past year about why the Newhall Ranch Development is not well planned. Remove the homes from the flood plain. Reduce the size of the development. Do not channelize the Santa Clara River. Do not place homes on seismically unstable, aging oil fields. Do not carve 95,000,000 cubic yards from the hills. Do not allow urbanization of this open area and "Hope for the Best." 13

I would also like to refer to the three Exhibits that I turned in to the Board when I testified on March 24, 1998. Especially the 1,300 acre encroachment at the northeast corner of the Newhall Ranch Development between the EIS/EIR U.S. Army Corps of Engineers/ California Fish and Game and the Newhall Ranch Development treatment of the Santa Clara River. This overlap must be sorted out. 14

Very truly yours,
Clarence N. Freeman
Clarence N. Freeman.

Enclosures: (1) Meeting the Earthquake Challenge
(2) Flood Prevention Comparison
(3) Package of Miscellaneous Material

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David & Ann DeMuth
26500 N. Kinglet Pl.
Canyon Country, CA 91351

April 5, 1998

Los Angeles Board of Supervisors
500 West Temple St.
Los Angels CA. 90012

re: Newhall Ranch Development
project opposition

Dear Board Members,

We are a young couple who moved to Southern California from different areas of the US. College and higher education brought us here and we did not intend to stay. We moved to the Santa Clarita Valley, from the San Fernando Valley, a few years ago and that has changed. We recently bought a house in the area and feel this is our home now.

Prior to this move, Los Angeles was not the place to raise a family for an Ohio born husband and myself a Hawaii resident. Santa Clarita changed that. This city has so much history, so much environmental beauty, so much sense of pride and community. These will all change with overdevelopment. With so many more people to contend with, Santa Clarita will not be able to maintain its current quality of life. I, unfortunately saw this happen to my home town. 1

One couples income and taxes cannot compare to the projected revenues that Newhall Land and Farm can boast. Unfortunately, the money to be made will be at the expense of the families and quality of life of the Santa Clarita Valley. If Newhall Ranch is approved many families like ours will feel betrayed. Our home will no longer be this haven we have found, and we may be forced to find a new "home."

Please consider the residents of Santa Clarita when making your decision, not the financial gains a select group will benefit from. Santa Clarita is just fine the way it is...this family's not complaining. Unlike the many families that are protesting this future development. Please stop the Newhall Ranch Project.
Thank you for your time.

Sincerely

The DeMuths

The DeMuth Family

6 April 1998

Dear Ladies and Gentlemen;

the purpose of this letter is to voice our protest with regard to the proposed widening of McBean Parkway and Valencia Blvd. to eight lanes.

As a resident of Santa Clarita for the past 25 years this family is enraged by the uncontrolled development and political manipulation exercised by the Newhall Farm and Land Co.

Your support in preventing this environmental disaster is respectfully requested.

Sincerely

Joseph and Constance Perez

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Comments on proposed Newhall Ranch development

Submitted to Los Angeles County Board of Supervisors
by James Churchill, POB 426, Ojai, CA 93024
April 9, 1998

To Members of the Board of Supervisors:

I respectfully submit the following comments with respect to the Newhall Ranch development and urge you not to approve it as currently configured.

Briefly, you should not approve it because its EIR is seriously deficient in numerous ways (I submit comments on deficiencies with respect to the EIR's treatment of larger future project impacts, traffic, and agriculture below); you should not approve it until the proposed development agreement for the project, which I understand is still before the Planning Commission, has been reworked to protect the county's interests (I submit detailed comments on the development agreement below); you should not approve the project because the impact of increased traffic congestion on I-5 due to the project will be awful; you should not approve the project because its fiscal impacts have not been verified by any authority independent of the developer, and there are substantial reasons to believe that those impacts will be deleterious to the county's ability to provide mandated services for its existing population; you should not approve the project because to do so would be to miss an opportunity to get off the urban sprawl bandwagon. 1

The deficiencies in the EIR invite legal action, which could be avoided to everyone's profit if they are mended. Resolution of the other problems with the development depend on an honest assessment of the project's impacts. This project is not ready to approve. I urge you to send it back for revisions and recirculation of the EIR. Thank you for your consideration of my concerns.

Larger Future Project

The Newhall Ranch EIR is deficient because an EIR must describe and analyze a larger future project if the larger project is a reasonably foreseeable consequence of the initial project and the future project will be significant because it will likely change the scope or nature of the initial project or its environmental effects. This rule applies even if the Lead Agency has not yet formally approved the larger future project and it is impossible to predict precisely the future project's environmental effects, as long as these effects can be discussed generally. *Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 376.

Newhall Land and Farming Company owns nearly 15,000 acres in Ventura County which is adjacent to the proposed Newhall Ranch development. Most of this land has recently been taken out of a Williamson Act contract, so that effective 1998 it will be eligible for development. One of the surest consequences of the development of land adjacent to agricultural lands is the upward pressure on land prices, which is one of the primary dynamics by which agricultural land is converted to urban uses. Newhall Land & Farming Company is in the business of developing its holdings to the highest economic return. All these factors taken together make the development of Newhall Land & Farming 2

Company's Ventura land a "reasonably foreseeable consequence of the initial project."

If development of Newhall Land & Farming Company's Ventura land were to take place, it would be undeniably significant, in that it will change the scope of the initial project and its environmental effects. 2

Therefore the Draft EIR must describe and analyze this larger future project.

Agricultural impacts

Page 4.4-13, Table 4.4-5 of the EIR shows conversion of Los Angles County Important Farmlands from 1990-1992; all categories of prime agricultural land show an increase in acreage over the two year period. The EIR states that this increase in acreage is explained by a 1994 redefinition of categories. A 1994 change in definitions cannot explain an increase in prime farmland acreage in Los Angeles County that occurred between 1990-1992. The EIR should provide a better explanation for this increase in Los Angeles County prime farmland. 3

This is relevant because Section 4.4, Agricultural Resources, advances the thesis that agricultural lands on Newhall Ranch are degraded in value. Newhall Ranch agricultural land is said to be degraded in value because:

a) it is found on many small, sometimes isolated parcels
b) parcels are not level
c) parcels are not irrigated due to distance from water sources
d) land located south of the Santa Clara River is accessed via temporary river crossings which frequently wash out and are expensive to maintain
e) increased traffic volume on SR 126 makes it difficult to move farm equipment across the highway between fields 4

The conclusion is that, because Newhall Ranch agricultural land is "degraded" in value, and because Los Angeles County has no policy to preserve agricultural land and has engaged in a continuing trend to convert agricultural lands to urban uses, therefore there is no significant impact in Los Angeles County to the loss of agricultural lands. This, combined with the supposed degradation of value of Newhall Ranch agricultural lands is supposed to make their conversion to urban uses inevitable.

<u>Comments:</u>

• The text of the EIR should note, if map 4.4-1 showing cultivated agricultural lands is correct, that there are "eight" parcels, not "many."
• If indeed there are only 8 parcels, then their average size is certainly adequate for southern California agriculture, where economically viable farms are frequently small in acreage but devoted to high value crops. 5
• There are agricultural uses, such as seed companies (a multimillion dollar business downriver in Ventura County) that require isolated parcels, although isolation of the parcels is listed in the EIR as a factor in degrading the value of the land. 6
• If the land on Newhall Ranch is not irrigated, it's more likely to be due to investment decisions by Newhall Land and Farming having to do with their intention to develop the land to urban uses than it is to the distance from water sources. According to the map (Fig. 4.4-1) , none of the lands are very far from 7

the river. The EIR should substantiate its assertion that the land is not irrigated because of its distance from water sources rather than because of investment decisions by Newhall Land and Farming. 7

• Land being not level is not necessarily a burden to agricultural practice; most of the land currently being cultivated on Newhall Ranch is not level. The EIR should note that fact. 8

• As for the traffic volume on Hwy. 126 impeding the movement of farm equipment across the highway, CalTrans provides tunnels under Hwy. 126 for agricultural enterprises operating on both sides of Hwy. 126. It is currently constructing such a tunnel for Newhall Land and Farming property in Ventura County. This statement should be removed from the EIR as specious. 9

• The EIR does not provide clear information on what constitutes the development's "prime farmland" of various categories and its "cultivated cropland." It should state how many parcels of cultivated cropland there are; it should state what acreage of "cultivated cropland" would qualify as "prime farmland" if it were irrigated. It should assess the potential agricultural value of all dry-farmed and irrigated lands if farmed. 10

Summary

In many ways the EIR fails adequately to address the economic viability of continuing agricultural operations on Newhall Ranch as the basis for an analysis of alternative development scenarios. Newhall Ranch is less than an hour from one of the largest produce markets in the world, and thus enjoys a significant location advantage over other agricultural enterprises which are farther away. The increase in prime farmland in Los Angeles County cited in Table 4.4-5 demonstrates that someone is finding farming a profitable use of land. The EIR states (p. 4.4-19) asserts "it is not within the scope of this document to quantify the amount of prime agricultural land which is under pressure to be converted to urban uses in Los Angeles County and the remainder of southern California." A wealth of data is available on threats to agricultural land and our food supply, in California and elsewhere. Over the 25 year build-out period of this project, if the population projections used in this EIR are correct, there will be a substantial increase in the number of people who will need not only housing but also food. The EIR is therefore deficient in not considering the future value of this land as agricultural land to supply food and fiber to our projected population. 11

The EIR states that "it is highly likely (and probably certain)" that cumulative development pressure to convert agricultural lands to urban uses exists; it further states that the loss of agricultural production in Los Angeles County is not considered a significant impact, "though it may be a significant impact in another jurisdiction." Newhall Land's corporate policy is to maintain properties in agriculture only until they are ready for development (see attached Newhall Land Fact Sheet, issued by the company in 1994.) It is clear therefore that the development of Newhall Land's Los Angeles County property will be followed by the development of Newhall Land's Ventura County property of 15,000 acres, immediately adjacent to the Los Angeles County property. The cumulative impact of the development of Newhall Ranch in Los Angeles County includes growth inducement which will place economic pressure on agriculture in Ventura County. The EIR is deficient in failing to provide information that would enable decision makers, concerned citizens and groups to assess these impacts in Ventura County. The fact that the impacts occur in another jurisdiction does not exempt the EIR from determining what they are and assessing their impact. 12

Traffic impacts

In section 4.8 of the Newhall Ranch EIR, all references to mitigations which rely on proposals contained 13

in the Long Range Plan of the MTA need to be deleted and replaced by mitigations that stand a chance of becoming reality. It's unfortunate for the developer as well as all of the rest of us that the MTA is such a godawful mess, but it's the truth. MTA will not be adding new projects; it will be deleting projects. Countywide funding for transportation improvements is currently below expected levels. The MTA Board of Directors is scheduled to adopt an updated Long Range (20 Year) Transportation Plan for Los Angeles County, and projects which are funded in the existing adopted plan may have their completion dates extended further into the future, or funding levels may be reduced. Therefore, the County should disregard the numerous references within the EIR to funding availability from discretionary sources of the MTA or Caltrans. Desired mitigation measures for Newhall Ranch will need to rely primarily on local revenue sources; the EIR should reflect that. 13

The project relies heavily on Congestion Management Plan credits to argue that it fully mitigates its impacts to the regional transportation system. The largest generator of CMP credits is a collection of five arterials within the project boundaries (Magic Mountain Pkwy, Long Canyon Rd, Potrero Valley Rd., Commerce Center Dr., and Franklin Ave.) which together total 137,960 credits. The five arterials generate CMP credits because they are arterial highways, but the fact is that they are internal to the project and will not ease external congestion; they will only ease congestion which wouldn't have existed were it not for the project. For the EIR to make the argument that these CMP credits mitigate the regional traffic impacts of the Newhall Ranch project is specious and fallacious. While it may improve the <u>average</u> of regional transportation problems if all goes well, averages are composed of high numbers and low numbers. The specific plan offers no mitigations for <u>specific</u> traffic impacts caused by the project, chiefly the impact of the project on I-5. In the real world, the most that might happen is that the construction of new arterials within the project boundaries might ease pressure on the intersection of Hwy. 126 and I-5 by providing a short-cut through the project boundaries. Although the CMP allows mitigation in the form of credits to not be directly associated with a specific deficiency (i.e., a project can solve a problem someplace other than where it creates one), nothing in the Specific Plan or the EIR substantiates the implied claim that the project will improve traffic congestion in the region. 14

I'm new at this, and I don't really know how to say this properly, so I'll just say it the best I can. What I see from reading the traffic portion of the EIR is that CalTrans has established a level-of-service target for the freeways of LOS F-sub-zero, which means that the volume on the freeway won't exceed its capacity at peak hours by more than 25%. Over a v/c ratio of 1.25, you get to LOS F-sub-one, which implies an hour on the freeway at full capacity. Full capacity means the freeway is stop and go. Now evidently what has been decided is that, so long as a project doesn't make a traffic impact worse by more than 2% while simultaneously causing the traffic impact to slip over its level of service target, there's no significant impact. So CalTrans has established a LOS target of peak hour stop and go traffic for not more than an hour each morning and and an hour each evening; this project, which will contribute 20% of the future projected traffic on I-5 15

Widening of Hwy. 126 is currently under way, with construction for the portion from the County Line to I-5 scheduled to start after January 1, 1997. Current plans call for Hwy. 126 to be widened to 4 lanes; the EIR says that Newhall Ranch will subsequently pay for widening from Potrero Valley Rd. to 16

Commerce Center Dr. to 6-lane state highway standards, and from Commerce Center Dr. to I-5 to 8-lane state highway standards. The EIR states that these mitigation measures will be paid for by the developer. I'm thinking to myself that it would be silly to be planning to do this construction twice, so I'm wondering if construction plans don't already call for it to be widened to the proposed 6- and 8-lane width, and whether Newhall is paying for the incremental cost over the cost of the widening to 4 lanes.

Freeway capacity assumptions (p. 4.8-66) assume planned HOV lanes for I-5 both north and south of the I-5-Hwy. 14 intersection. HOV lanes are currently in the MTA's long range plan for I-5 south of Hwy. 14, but not north of Hwy. 14. The EIR cannot assume the presence of mitigation measures for which there is no funding.

P.4.8-110, Summary of Impacts to Freeways and State Highways, states that "Funding and construction of main-line freeway and State highway capacity and interchanges connecting freeways and freeways and state highways are provided by existing sources of tax revenue and by Caltrans. Newhall Ranch future residents are estimated to generate over $140 million in applicable tax revenue to Caltrans over the 25-year buildout period, and nearly $11 million per year at Specific Plan buildout and annually thereafter from these existing sources. In addition, the Specific Plan exceeds its mitigation goal as required by CMG which offsets any Specific Plan impact to the regional transportation system...As a result of these revenues and because the project exceeds its mitigation goal as determined pursuant to the Congestion Management Program, impacts to freeways and state highways are mitigated. Consequently the project would have no significant impact on freeways and State highways, and would be responsible only to fund or construct the widening of SR-126 to six lanes in the event that adequate capacity did not exist for a Specific Plan subdivision map which allows construction. However, this would not preclude the applicant from pursuing reimbursement from State, Federal or local sources." 16

Comments: Freeway capacity assumptions included HOV lanes on I-5 both north and south of the I-5–SR 14 interchange; however, as the EIR points out, HOV lanes for I-5 north of SR 14 are not currently in the MTA long range plan. If the I-5 freeway is not widened to accommodate more traffic lanes, the impacts on traffic circulation in the area including the I-5 freeway will be significant. Traffic conditions on the entire Circulation Plan should be assessed without the additional lanes on the I-5 freeway. Furthermore, as the MTA says in its comments, the current long range plan is under revision. The MTA is facing a funding shortfall of more than $1 billion, and projects which are funded in the existing adopted plan may have their completion dates extended into the future, or funding levels reduced. Therefore, EIR references to funding availability from discretionary sources of the MTA or Caltrans must be discounted. Funding for mitigation measures, according to the MTA, will need to rely primarily on local sources; the EIR should reflect that. It is not necessarily the case that the revenues claimed by the project as mitigation can accurately be counted as such, for the following reasons: the applicant does not fund the State Gas Tax; these funds are allocated statewide for projects which have the greatest need, which does not currently include these HOV lanes. It would not be good policy to approve the project without an assured mitigation in place, thereby causing a need in order to attract funding.
I don't see why the developer gets to claim Congestion Management Plan credits and also reimbursement from state, federal or local funds for the widening of Hwy. 126 beyond the currently programmed 4 lanes. If the developer pays, then it ought to be eligible for CMP credits; if the

developer is reimbursed, then it's the taxpayers who are paying and the developer should not be eligible for CMP credits. 16

Development Agreement

Among other reasons for not approving the Newhall Ranch development as currently proposed is the Development Agreement which accompanies it. That agreement, which I understand is still pending at the Planning Commission, is unprecedented in that it would entirely give away the County's authority to regulate development in the public interest for this enormous project for an unusually long time. Projects of the size and potential significance of Newhall Ranch require continued vigilance, continued monitoring in light of changing conditions, and the ability to impose new conditions as they become necessary.

This draft Development Agreement changes the field from that of regulation, in which the County exercises its police powers to protect the health and safety of the general public, to that of contract law, in which the County contracts away virtually all of its police powers, subjecting itself to the risk of breach of contract if it makes any additional requirements regardless of what other conditions may change in the next 30 years.

Provisions of the draft Development Agreement under which the County contracts away its authority are explained in testimony submitted by Friends of the Santa Clara River dated September 3, 1997; I will only list them here:

¶1.3.2, ¶3.2, ¶3.3, ¶3.4(b) & (c), ¶4.2.1, ¶4.2.2, ¶6.4,¶7.1, ¶7.2, ¶11.15

Because the draft Development Agreement shifts the ground on which the discussion over any possible future modifications will take place from the regulatory process, with its opportunity for public input, to the courts, approval of the draft Development Agreement as proposed would be highly imprudent and not in the public interest. The County must retain discretionary authority to make changes to the project if and as they become necessary. 17

***

Furthermore, the draft Development Agreement for the Newhall Ranch project is a form of "bait and switch." It's dishonest in light of what has gone before, and that alone is sufficient reason for your Commission to disapprove it.

During hearings on the draft EIR for Newhall Ranch, the developer repeatedly sought to assuage the concerns of those opposed to the project by saying, in writing and verbally, that there would be future opportunities to place additional limits on the project during subsequent approvals, should such limits prove necessary; that each phase of the project would require a series of approvals and that hearings for those approvals would be the appropriate time for us to voice our concerns.

Comes now the draft Development Agreement. In the paragraphs of the draft agreement listed above, the following provisions (among others) are proposed:

¶3.2, p. 11: maximum number of residential units, intensity of use, maximum height and size of proposed buildings, and everything else proposed in the Newhall Ranch draft EIR are to become "vested elements", thus permitting the County no future leeway to modify anything.

¶3.3, p. 12: the county gives away any control over the timing of the proposed development.
¶ 3.4 (b), (c): the county is prohibited from requiring any future modifications of the project based on any future regulations, rules, or policies that may be found in future to be necessary.

These are just three of many provisions in the draft Development Agreement which limit the County's discretion during all future approvals, reducing these approvals to a ministerial process in which the only thing looked at is the developer's compliance with the conditions of the EIR and the various General and Specific Plan amendments which are proposed to go along with the EIR.

17

The problem with this for me, as a private citizen concerned with land-use issues in Los Angeles and Ventura Counties, is that in all the hearings on the EIR and General Plan Amendments the Developer has argued that limitations on the project at the stage of the EIR would not be necessary because there would be subsequent approval steps at which modifications could be made.

You can't in good faith allow both sets of arguments: either the Developer has to accept that limits and modifications as necessary need to be made now to the EIR and General Plan Amendments, or the County must have a Development Agreement that does not preclude it from imposing limits and modifications during future approvals as future conditions dictate.

Thank you very much.

James R. Churchill

POB 426, Ojai, CA 93024-0426

ALLAN CAMERON
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Suite B412
Santa Clarita, CA 91351
Telephone: 805/251-2789
Fax: 805/250-0108

April 10, 1998

Los Angeles County Board of Supervisors
Attention: Charlotte Brasfield, Executive Officer
500 West Temple Street, Room 383
Los Angeles, CA 90012

VIA FACSIMILE: 213/620-0636

RE: **NEWHALL RANCH PROPOSAL – ADDITIONAL TESTIMONY TO BE PRESENTED TO THE BOARD REGARDING THE APPEAL OF THE SO-CALLED "NEWHALL RANCH APPLICATION FOR A GENERAL PLAN AMENDMENT AND ASSOCIATED ENTITLEMENTS"**

Dear Ms. Brasfield:

The following testimony is being submitted via fax prior to the 5:00 p.m. April 10, 1998 deadline for the submission of written testimony regarding the so-called "Newhall Ranch Project." 1

This testimony is in support of a denial of this Master request and all of the associated discretionary approval entitlement requests. Please make this fax testimony available as part of the written record on the Newhall Ranch case.

The reasons for denial are overwhelming. They are as follows:

1. **THE REQUEST FOR A POPULATION PROJECTION INCREASE MUST BE DENIED.**

Part of the package of entitlements requested with this application is for an increase of the General Plan population. The request is to increase the current population ceiling of 270,000 people in the Santa Clarita Planning Area by the year 2010 to 330,000 people by that same year.

An accurate evaluation of the land use and population data for Santa Clarita Valley verify that the population for the area should be ***DECREASED RATHER THAN INCREASED.*** All available independent demographic projections indicate that the Santa Clarita population will, at maximum, rise to about 230,000 by the year 2010. This accurate projection calls for a reduction in the present population projection of approximately 40,000 people. 2

In early 1988, the Los Angeles County Board of Supervisors approved a change in the General Plan Population Projection for Santa Clarita Valley. The change was from a population projection of 180,000 people by the year 2000 to a population projection to 270,000 by the year 2010. The present population of the Santa Clarita Valley (according to multiple utility company hook-up surveys) is slightly less than 170,000. It is highly unlikely that the Valley's population will increase even to 180,000 in the next year and a half. This verifies that even the ten-year old rescinded population of 180,000 by the year 2000 was slightly optimistic and inaccurate.

For the Santa Clarita Valley's population to rise to 270,000, a rate of growth in the Santa Clarita Valley of 10,000 people per year uninterrupted every year for ten years would have to occur. This would be a faster and more intense growth rate than Santa Clarita Valley has ever experienced in even the most frantic days of economic boom throughout its history. 2

The laws governing General Plans and their associated population projections require that population projections be updated and revised when interim data shows that the projection is inaccurate. Los Angeles County is nearly five years overdue in providing this necessary readjustment. As indicated herein, the necessary adjustment would be a reduction in population of nearly 40,000 to about 230,000 for the year 2010.

Flying in the face of all objective verifiable data, the County Planning Commission accepted the grossly inaccurate figures supplied by the applicant in a specious attempt to justify the approval of this Amendment to the General Plan.

I strongly urge that the General Population Projection indeed be changed. Instead of being increased, however, it must be lowered as verified herein.

2. THE PROJECT AS PROPOSED IS FAR TOO SMALL.

The General Plans, as they presently exist for Santa Clarita Valley, of both the City of Santa Clarita and the County of Los Angeles, show a carefully planned transition of the area from a semi-rural character to a semi-urban character. A critical aspect of the County's General Plan is that semi-urban development should occur in a gradually expanding "doughnut" from the already-developed areas at the center of the Valley. This well-reasoned pattern of development would gradually add balanced urbanization all around the edges of the existing semi-urban area.

The Santa Clarita Valley Planning Area is approximately 200 square miles. As large as it is, the Newhall Ranch proposal encompasses only 19 square miles. The fatal flaw at the heart of the Newhall Ranch proposal is that it tragically attempts to cram the final urbanization of the Santa Clarita Valley into its small 19-square-mile area. This is a substantial violation of the goals and policies of the Los Angeles County Area Wide General Plan and the Santa Clarita Valley Subplan. The kind of development inappropriately crammed within the Newhall Ranch application should be evenly distributed throughout the circumference of the Santa Clarita Valley, producing a sustainable, reasonable pattern of growth. 3

The Newhall Ranch proposal is designed as if it exists in a vacuum. The density of the proposal is so high that if the other landowners in Santa Clarita Valley were to come to the County and request comparable treatment, the population of the mountainous Santa Clarita Valley would rise to well over one million people.

The Newhall Ranch applicants have inaccurately portrayed their application as being self-contained and fully balanced.

Instead, it is an essential parasite on the available water supply, traffic capacity, Parks and Recreation assets, air quality reserves, law enforcement abilities, and all of the other critical urban services, many of which are already experiencing critical shortfalls.

The applicant has completely failed to meet their burden of proof requiring that they justify why the General Plan as it exists for Los Angeles County should be changed to accommodate this massive proposal.

The Newhall Land and Farming Company must not be permitted to amend the General Plan as if their property exists in a vacuum. This application is infeasible and is nonfunctional when its effect on the entire Santa Clarita Valley is accurately assessed. For this reason, it must be denied.

3. PUNITIVE EFFECT ON THE LAND USE RIGHTS OF OTHERS.

3

There are hundreds of property owners throughout Santa Clarita Valley who presently enjoy General Plan and Zoning designations that will eventually allow them to make reasonable use of their land. In order to reasonably enjoy these existing Zoning and General Plan benefits, these landowners have a presumptive claim upon some of the existing infrastructure capacities necessary to serve their land

As an example, the existing and future network of roads have a carefully-planned amount of capacity that will allow these many landowners to use their property. In addition, the water supply, school space, library availability, sewage treatment capacity, solid waste disposal resources, and virtually every other category of infrastructure is only designed to allow the existing General Plan to be completed.

The Newhall Land and Farming Company actually states in an annual report to their stockholders that one of the purposes of the Newhall Ranch proposal is to mount a "preemptive strike" on the future marketing of any development in the Northern Los Angeles County area.

In other words, the main reason for this abusive request is to throttle the competition. This is especially unfair, since much of the competition already enjoys a legal benefit not yet available to the Newhall Ranch proposal. As mentioned, that benefit is that the existing General Plan and Zoning allows a certain intensity of use not currently available to the Newhall Ranch proposal.

If the applicant, Newhall Land and Farming Company, were to develop their 19-square mile site with appropriate respect to the physical constraints of the land and the balanced role afforded this

property in the existing General Plan, then only approximately 2,000 residential dwelling units could be constructed.

Instead, the applicant is seeking approximately twelve and one half times more than what your carefully-considered General Plan allows. 3

Los Angeles County must not become a willing aggressor partner in this attack on the development rights enjoyed by other property owners.

4. TRAFFIC ASSUMPTIONS IN THE EIR ARE FATALLY FLAWED.

The court-mandated Development Monitoring System requires that discretionary land use entitlements "mitigate their impacts to a level of insignificance." If this is not possible, the DMS requires that the application be denied.

4

An honest evaluation of the traffic effects of this proposal has never been conducted. If such an honest traffic evaluation is performed, it will demonstrate that the traffic effects of this proposal are intolerable and cannot be effectively mitigated according to the requirements of the DMS.

The three fatal erroneous misrepresentations in the Traffic Study are as follows:

- ***60% of the Newhall Ranch vehicle trips will "never leave the project."***

The Traffic Study indicates that the project will produce approximately 335,000 vehicle trips per day. This is approximately 50,000 vehicle trips per day too low. The Traffic Study is based upon the astounding misconception that 60% of these 335,000 vehicle trips per day will be wholly contained within the 19 square miles of Newhall Ranch.

Objective traffic and demographic studies conducted within the last 25 years demonstrate conclusively and irrefutably that the so-called "SCAG jobs/housing balance" is a tragic fiction that does not work and will never work.

The Newhall Ranch proposal assumes that an unprecedented number of people who live in the project will also work, educate, medicate, and recreate themselves all within the project boundaries. As mentioned earlier, all objective data about how people truly move to meet their needs verify that this kind of self-contained supply of needs does not occur anywhere in the country, much less here in Southern California. 5

The existing Traffic Study with this crazy assumption must be set aside, and a new, accurate study that makes an honest assessment of where people from this project would actually travel must be conducted. If the County does not require this, then the Traffic Study will stand in clear violation of both the California Environmental Quality Act and the Development Monitoring System.

- ***High occupancy vehicle lanes will be available on State Highway 126 and Interstate 5.*** 6

The second unfounded assumption in the Traffic Study is that the above-referenced HOV lanes will be available and heavily used. Both assumptions are demonstrably false. At the present time, there are no provisions whatsoever for the construction of HOV lanes on these two roads contained within the Los Angeles County Transportation Improvement Program or the State of California Transportation Improvement Program. This means that even the inception of planning for these two HOV lanes is eight to ten years in the future.

In addition, no mention of the feasibility of the construction of these two HOV lanes is contained anywhere within the Traffic Study or the larger EIR. No assessment of the construction costs of these two improvements is included, either.

CEQA requires that mitigation measures proposed actually be feasible to adopt. Whereas CEQA does not usually consider "money," mitigation measures proposed for the traffic effects of the project must make some assessment of financial feasibility and technical achievability for them to be considered appropriate mitigation measures. 6

Not even a crude estimate of the cost of building these roads nor any identified sources of funding are included in the EIR.

Because of these amazing inadequacies, the traffic study assumptions about the availability and use of these two HOV lanes must be removed and the false "congestion reduction" attributed to these two infeasible mitigations must be dealt with honestly.

Unless this change in the Traffic Study is performed, the EIR will be inadequate according to both CEQA and the Development Monitoring System.

- 4 ***Metrolink service will be installed and heavily used.***

The third assumption that is tragically wrong in the Traffic Study is that a Metropolitan Transportation Authority Metrolink light rail station will be constructed in the midst of the project. Furthermore, it is assumed that a significant number of people in the project will use this light rail commuter service to travel west to Ventura and will also travel east and south where they will join the larger Metrolink system.

The inclusion of this assumption in the Traffic Study is for the purpose of showing yet another false potential reduction in the amount of traffic congestion generated by the project.

The applicant utterly fails to show how any service by Metrolink will be available to the Newhall Ranch project at any realistic point in time even twenty to thirty or more years into the future. 7

At this time the closest existing Metrorail track is more than seven miles away from the easterly terminus of the Newhall Ranch proposal. No environmentally acceptable or financially feasible alignment of track to bridge this seven-mile gap has been shown to exist. Even the most optimistic scenario would show a financial cost of right-of-way acquisition in the many tens, if not hundreds of millions of dollars. No funding source for this staggering expense has been identified anywhere, especially in the EIR.

Despite this, the Traffic Study attempts to show that significant numbers of people in the Newhall Ranch project will be able to take the "fantasy train" to places where they must go.

The inaccurate assignment of significant levels of transportation use to a fictional Metrolink connection must be removed from the Traffic Study and "modeled" in a realistic manner so the true traffic congestion effects of the project can be accurately understood by everyone, especially the Board of Supervisors. 7

In summary, a new, accurate Traffic Study, stripped of these three dishonest assumptions must be performed, or the EIR will remain in its current deficient state in violation of both CEQA and the DMS.

5. INCOMPATIBLITY OF THE PROPOSAL WITH THE EXISTING LOS ANGELES COUNTY GENERAL PLAN

The Los Angeles County General Plan, throughout its entirety, contains numerous goals and policies regarding land use, community design, hillside management, traffic congestion, adequate educational facilities, superior park and recreation assets, and much more.

The applicant has completely failed to show how their proposal demonstrates consistency with the existing Los Angeles County Plan. Because of the many inconsistencies demonstrated in the application, it is necessary that the Board of Supervisors deny this application on the basis of its inconsistency with the General Plan. 8

6. THIS APPLICATION DEMONSTRATES "BAD FAITH"

In 1989 and 1990, in response to the onslaught of requests for amendments to the Los Angeles County General Plan, Los Angeles County declared a moratorium on the approval of further General Plan amendments. The County conducted a careful evaluation of approximately 70 pending requests for General Plan amendments and adopted a pledge to Santa Clarita Valley and all of Los Angeles County that it would only adopt a limited number of additional General Plan amendments.

The pledge further stated that there would be no further amendments to the General Plan unless some extraordinary crisis took place. The majority of the General Plan amendments that were allowed to proceed at that time were applications from the Newhall Land and Farming Company. 9

This company has had an urbanization of the subject property contemplated for many years. A map of the so-called "Valencia Master Plan" shows land use patterns essentially similar to the Newhall Ranch proposal proposed as far back as 1983.

When the County declared that it was ending General Plan amendments, the Newhall Land and Farming Company made no attempt whatsoever to insert this greatest-of-all changes into that so-called final planning process.

Since their overall concept was available in 1989 and 1990 and since the Newhall Land and Farming Company chose not to submit it at that time, it is an abusive example of bad faith for it to be submitted now.

In addition, the residents of Northern Los Angeles County have a right to rely upon the intentions of the Los Angeles County Board of Supervisors. The Board was adamant that it would permit no further General Plan amendments. No good reason has been shown by the applicant as to why the Board of Supervisors should violate their commitment for no more General Plan amendment changes. 9

As a matter of fact, this abusive proposal does not show in any way a justification for this massive change to the Plan.

Because of the pledge made by the Board of Supervisors in 1990 that no more General Plan amendments would be allowed, this application must be denied.

7. THE APPLICATION VIOLATES THE DMS

The court-ordered Development Monitoring System has a section preventing what is known as "leap-frog" development.

The Newhall Ranch application would be larger than six of the seven cities in Ventura County if it is approved. The proposal does not offer balanced, reasonable growth that complements the other approved land uses already found in Santa Clarita Valley. It completely ignores other centers of urban usage and presents over and over the false contention that it would be a self-contained city.

Instead, it would be built in disjointed phases that would be the clear embodiment of the kind of "leap-frog" development that the DMS prohibits. 10

There is nothing in the proposal that requires the supply of urban services in an orderly, planned manner so that any of the land uses in the project can be adequately served.

The DMS requires that an extension of urban development show that urban services will be supplied in an orderly, adequate manner. The DMS was designed to provide for orderly development emanating out from a central core.

This proposal violates every aspect of this critical part of the DMS and does not represent orderly urban expansion. It is, indeed, an example of the prohibited "leap-frogging."

8. INCOMPATIBLE PROPOSED LAND USE ADJACENT TO THE CHIQUITA CANYON DUMP

A central core value found throughout the Los Angeles County General Plan is that so-called "landfills" be located away from urban population centers. This requirement is in obvious deference to the odious, noxious, and dangerous nature of landfills. The County Board of 11

Supervisors recognized this fact when they required a large buffer zone to be maintained between the active landfilling at the Puente Hills Landfill and the residential land uses close by in Hacienda Heights.

In addition, the failed Elsmere Canyon Landfill proposal contained within it nearly 2,700 acres of so-called "buffer zone" property in a vain attempt to shield its landfill from nearby urban uses. The Elsmere proposal advocates realized that even this minimal 2700-acre buffer was absolutely necessary for the proposal to be viable.

The Newhall Land and Farming Company, in addition to being the applicant for this "Newhall Ranch proposal," are also the owners of the Chiquita Canyon Landfill. Last year, the Board of Supervisors authorized an expansion of this landfill that, at its current rate of use, would allow the dump to continue to operate for another 52 years. This approval was recently rescinded by the Los Angeles Superior Court as the result of a successful lawsuit against Los Angeles County.

In the now discredited EIR for the Chiquita Canyon Dump, the dump operators asserted that mitigation and buffering for their dump proposal would be provided by the neighboring land owner, i.e., the Newhall Land and Farming Company.

It is a significant failure of the Newhall Ranch proposal that no buffering of any sort between the high density land uses proposed and the landfill is provided. The County Board of Supervisors certified the Chiquita Canyon Landfill EIR as being complete. (This EIR is, of course, also now rescinded.) 11

It was, however, the clear intention of the Board of Supervisors in certifying the dump EIR that the associated land use proposal, i.e., Newhall Ranch, would provide the necessary buffering so crucially required for the operation of the landfill.

No buffering as required for any conceivable safe operation of the dump is provided in the Newhall Ranch proposal. For this reason, the entire Newhall Ranch proposal must be denied with an admonition that any subsequent proposal provide an adequate buffer zone of several thousand acres if the Chiquita Canyon Dump is allowed to continue to operate.

In addition, a highly detailed and specific disclosure requirement must be imposed on the entire 19-square mile Newhall Ranch proposal. This disclosure requirement would require that anyone contemplating any purchase of property in "Newhall Ranch" be informed of the close proximity of the Chiquita Canyon Dump. Along with this disclosure, there should be a full exposition of all the many dangerous gases, vapors, and fumes steadily discharged by the dump and what the health effects from those discharges are.

9 PIECE-MEALING MUST BE DISALLOWED

Newhall Land makes the incorrect assertion that this proposal is an example of master planning at its best. In reality, the Newhall Ranch proposal is an illegal example of "piece-mealing," which is a clear violation of the intent, statute, and case law in the California Environmental Quality Act. 12

Newhall Land and Farming has publicly revealed "conceptual" maps of its ultimate development plans for many years. No programmatic EIR involving all of their holdings has ever been proposed, much less submitted.

In the last ten years in the immediate proximity of this General Plan amendment, at least seven other significant projects have been submitted by Newhall Land. Each of these projects was processed on the basis of individual Environmental Impact Reports. (The so-called "West Ridge Project" was rejected by the courts.) Each of these other Environmental Impact Reports was notable because of an attempt to always skirt critical mitigation measures by saying that necessary mitigation measures would be included in subsequent proposals.

"The buck" should stop with Newhall Ranch. Newhall Ranch is attempting to evade an appropriate kind of mitigation for its effects by saying that each individual tentative tract map within the 19-square-mile proposal will have environmental impact studies that will be responsible for provided all the necessary mitigation. 12

This is a clear fraud and violation of the intent of CEQA. The County Board of Supervisors must demand that the entire specific plan make a detailed, thorough list of precisely how all the effects of the project on the environment would be mitigated. The Board of Supervisors must demand that any identified mitigation proposals be tested for their feasibility and practicality.

In the interim, this proposal must be denied, because it violates the prohibitions in CEQA against "piece-mealing."

10. FAILURE TO PROPOSAL FEASIBLE MITIGATION FOR PROJECT EFFECT ON OTHER JURISDICTIONS

This proposal has massive, irreversible negative effects on the cities in Ventura County and Ventura County itself, multiple special district service providers, and the City of Santa Clarita.

As an example, even the highly-colored "Traffic Study" (critiqued elsewhere herein) shows a significant effect on the road infrastructure of the City of Santa Clarita.

A minimum of $250 million of road improvements within the City of Santa Clarita are necessary to avoid a traffic catastrophe within the City. As of now, no funding mechanism for the construction of this $250 million in improvements has been identified, much less imposed as a condition upon the Newhall Ranch proposal. 13

Newhall Land and Farming Company must be prohibited from feeding at the public trough in an attempt to get the public to subsidize the massive infrastructure deficit created by this proposal.

The Board of Supervisors must deny this proposal. Any consideration of approval must carry with it a full assignment of complete mitigation of the effects of the project on all of its neighbors and service providers

11. "NEWHALL RANCH" MUST BE DENIED. THE PROPOSAL MUST BE SUBMITTED AS PART OF THE NEW GENERAL PLAN.

The County of Los Angeles has announced that it will be creating a new General Plan for the County of Los Angeles. The County is to be commended for recognizing that the existing General Plan has been amended so many times that its initial internal integrity is no longer recognizable.

As mentioned elsewhere, the Newhall Ranch proposal would be larger than six of the seven cities in Ventura County. As also mentioned herein, the project is so massive that it can only be appropriately considered in the context of how it would affect general planning for all of Los Angeles County.

Since the County of Los Angeles will be creating a new General Plan, it is most appropriate for this proposal to be denied and the landowner directed to submit its concepts to the County of Los Angeles for consideration as part of its new General Plan.

Enclosed herein by reference I submit the entirety of the Los Angeles County General Plan in its current, updated form. Also by reference I submit all of the testimony submitted to Los Angeles County in conjunction with the adjacent Chiquita Canyon Landfill. In addition, by reference, I include the entirety of the City of Santa Clarita General Plan for the Santa Clarita Valley, which covers the subject property of "Newhall Ranch." I also submit by reference the Los Angeles County Infrastructure Master Plan. I also include by reference the entirety of the court case known as "The Los Angeles County Coalition for Planning in the Public Interest versus the County of Los Angeles." 14

In summation, I respectfully ask that the Board of Supervisors hold another public hearing, in the evening in the Santa Clarita Valley, in keeping with this largest-ever land use proposal in the history of the State of California.

I also respectfully request that the application in its present form be summarily denied.

Sincerely,

Allan Cameron

cc: Chairman of the Board of Supervisors
Yvonne Burke
Via fax: 213 680-3283

To: Board of Supervisors
Re: Newhall Ranch — Agenda Item
Dear Board of Supervisors,

It is depressing to watch the politics of water that is occurring in Santa Clarita. In my view, our local newspaper, The Signal, had columnists (not the reporters) sinking to unconscionable levels of deception and distortion during the Newhall Water Board race. I believe Newhall Land and Farming's need to get a piece of the water action in our city for Newhall Ranch was part of the reeking politics that occurred during that race and that it is still occurring now. 1

The latest research has demonstrated that water shortages are soon expected for California. We cannot go blithely on assuming there will always be enough water for everyone. With knowledge of impending water shortages staring at us how can you or anyone in good conscience allow a project of this dimension to be approved now and not carefully scrutinized every step of the way. Consequently, I implore all of you to see through the smoke and mirrors to the blatant screaming truth of this all. THE WATER PROBLEM ASSOCIATED WITH NEWHALL RANCH IS NOT HANDELED!!! 2

There is so much wrong with this project that I can only rely on the many who are concerned to cover the rest.

Thank you for your attention to this letter. I hope you all consult your conscience before voting on this. This project may bring Los Angeles County potential tax dollars--at least until they vote to become their own city. However, those tax dollars do not counterbalance the serious impacts involved with the Newhall Ranch project. 3

Sincerely,

Karen Pearson

Karen Pearson
Secretary, S.C.V. Sierra Club
& The Sierra Club has a position of opposition to this project.

Karen Pearson
[illegible] Garden Dr
Santa Clarita, CA 91350

STOP NEWHALL RANCH!!!

DO WE REALLY NEED MORE CRAP HOUSING? I MEAN IT'S BAD ENOUGH AS IT IS. WHY DO WE WANT MORE, ESPECIALLY SOME PROJECT THIS BIG THAT'S GOING TO DESTROY WILDLIFE, AGRICULTURE, AND GOOD FARMLAND? JUST ANSWER THAT QUESTION, PLEASE. IT DOESN'T SEEM THAT THE PROJECT IS VERY WELL THOUGHT OUT, AND IS POTENTIALLY QUITE DANGEROUS. WHEN PEOPLE DO THINGS ONLY TO MAKE MONEY THEY OFTEN OVER LOOK OR JUST DON'T CARE ABOUT THE QUALITY OF WHAT THEY'RE DOING, OR THE LONG TERM EFFECTS. I WOULD APPRECIATE A RESPONSE.

SINCERELY, [illegible]

1

Dear Supervisors,

We have been residents of Fillmore since 1982. In that time we have seen many people lose their lives on Highway 126.

How can we effect 70,000 added residents to our valley not greatly increase the danger of travel on Hwy 126?

Please also consider the great damage that will occur to the environment. 1

Thank you for your consideration

Cheryl Bennett
[illegible] Island View St
Fillmore, Ca 93015

TO: LOS ANGELES COUNTY SUPERVISORS

FROM: Patricia Finley
25546 Via Jardin
Valencia, CA 91355

RE: NEWHALL RANCH DEVELOPMENT

I am speaking to you today as a concerned parent from the Santa Clarita Valley. In the five years since we moved to Valencia, there have been many changes, some of them good, some of them not so good. What I am most concerned about right now is growth and schools. When we arrived in Valencia, two of the elementary schools were just beginning a Multi-track, Year Round schedule. My son was enrolled in one of those schools. We were on this schedule for two years, and then changed back to a "traditional" schedule. In September of 1998, the multi-track, year round schedule will resume, this time at all the elementary schools in the Newhall School District. I am not here today to argue the positive or negative aspects of this type of scheduling. I mention it, only because it became necessary due to growth in the area. There are not enough elementary schools in the area to house all the children there.

Now, my son is in Junior High. The school is only 4 years old and it is already over-crowded. Portable classrooms are being placed around the campus and more are due in September. But even with these classrooms, the school is overcrowded. The lunch lines are very long allowing the children barely enough time to eat their lunch. For the first semester, there were classes on the stage and in the multi-purpose room, which precluded the scheduling of any performing arts programs. Next year, my son will be attending a "new" high school, which is already overcrowded. Yet new construction abounds throughout the Santa Clarita Valley. I am not opposed to growth. But I feel that the needs of the residents of the community must be met, and as the population grows, the needs grow. The educational needs of our children must be a priority. Their educational needs are being met now, but only with scrimping and compromising. If the facilities could meet the needs of our growing population, then the quality of education would improve. Our administrators should not have to decide between buying books and buying computers. 1

Both are necessary if we are to educate our children and prepare them to compete in the computerized world in which we live.

There are those who might say I should be happy to have my child in new schools. And I am. However, the library at our Junior High is woefully empty of books. Oh, sure, there are some. And we get more each year. But books are expensive, and this means constant fundraisers. When my child has a report for school, we often have to go to the Public Library because the books he needs are not available in our school library. Fortunately, I am available to drive him to the library when necessary. But not all parents are. What about the children with two working parents? How can they get to the library? Being able to use the school library would help ALL the children. And there are those who envy the technology in our school. Yes, we have some new technology, but there isn't enough money to properly maintain what we have, or to upgrade it, or to buy software for it. We are faced with the never-ending task of raising funds. We have a magazine drive each year to raise funds for the "extras"; teams have their own fundraisers in order to buy needed supplies for their classrooms; different departments have fundraisers in order to upgrade their equipment. And parents are asked to buy this, contribute to that, and sell something else. I have friends with children in elementary school, junior high and senior high. They are involved in year-round fundraising! I would prefer to see my child's teachers and administrators spend their time and creative energy teaching and administrating instead of fundraising. 1

Now we are faced with a new development in our area, Newhall Ranch. I understand that it will be roughly one-half the size of Boise, Idaho. Please understand that I do not oppose this development. But I ask you to look at the impact it will have on the surrounding community. If we are going to add to our population we must provide the services for those additional people. Newhall Ranch should provide enough funding to meet the total educational needs of their development. In the city of Boise there are 34 elementary schools, 8 Junior High Schools, and 4 High Schools, with another one being built. These schools, when built, are state of the art, with computers and performing arts centers. Allowing a development the size of Newhall Ranch to proceed with plans for inadequate numbers of schools will be a disservice to the residents of that area,

and a hardship to the residents of the surrounding areas which will be impacted by the increased population. To keep pace with a city like Boise, Newhall Ranch should contain 17 elementary schools, 4 Junior High schools, and 2 High schools. I feel that builders and developers need to carry a greater portion of the financial load. And remember, building a school does not mean just constructing a building. It would be nice if we could build a simple schoolhouse, with four walls and a few chalkboards, but 1
those days are gone, along with the "Little House on the Prairie". We need schools to meet the challenges of today's world. We need schools with technology and books. Please plan ahead. Think about tomorrow's children. Insist on adequate schools, not just the buildings, but all the components necessary to fully educate our children.

Thank you for your time and attention.

MORTON JOHNSON
22526 GUADALAMAR DR.
SAUGUS, CA 91350

DEAR LA COUNTY BOARD OF SUPERVISORS:

PLEASE DO NOT ALLOW THIS PROPOSED 24,383 NEWHALL RANCH PROJECT, LAND RAPE TOGO THRU, IT WILL MAS DAMAGE THE WILD SANTA CLARA RIVER AND MOST LIKELY DAMAGE THE ENDANGERED BIRDS, FISH, AND AMPHIBIANS NOT TO MENTION ALL THE PLANTS, WILL ALSO DESTROY 1190 ACRES OF FARMLAND AND MUCH MORE HILLSIDE LAND. THIS WILL POTENTIALLY DESTROY THE REMAINING AGRICULTURE ECONOMY IN VENTURA COUNTY, MORE TRAFFIC AND MORE AIR POLLUTION, MORE CROWDING. 1

Thank you
Morton Johnson

TO:

: LA Co. Bd of Supervisors,

Stop Newhall Ranch project!

1) will interfere ~~th~~ with the last unchannelized river in LA as a supply of drinking water. It will affect traffic congestion & create more air polution in valleys. 1

please hear us,

Gabriel Gold
Sierra Club member
818 344-1931

Los Angeles Country Board of Supervisors
500 W. Temple Street
Los angeles, CA 90012

California is fast becoming an undesirable place to live because we have allowed unlimited expansion to occur. We have had the benefit of the farms close by and natural surroundings where we experience wild life and by allowing the massive Newhall Ranch Project to bring in over 24,000 homes without thought to provision of schools and open land will damage any reason for making Southern California our home.

Please consider the long term effects of such a massive project and require that provisions be made for keeping the open areas available to wildlife that currenly abound in the area. 1

Newhall Land and Farm needs to be accountable for creating a community that will provide desirable living conditions for the long term, not just getting their money out of their project and leaving the area in ruin.

Sincerely,

Anne Sumida
23545 Arlen Drive
Newhall, CA 91321

METROLINK

Southern California Regional Rail Authority
700 South Flower Street, 26th Floor
Los Angeles, California 90017-4606

November 13, 1997

File: G0000405

RECEIVED
NOV 17 1997
REGIONAL PLANNING
LA. COUNTY

Mr. Lee Stark
Department of Regional Planning
County of Los Angeles
320 West Temple Street
Los Angeles, CA 90012

S.C.R.R.A. COMMENTS ON DRAFT DEVELOPMENT AGREEMENT FOR NEWHALL RANCH SPECIFIC PLAN

Dear Mr. Stark:

The Southern California Regional Rail Authority (SCRRA), operator of the Metrolink commuter rail system, has been meeting with staff of the Los Angeles County Metropolitan Transportation Authority (MTA) and Newhall Land & Farming Company in order to resolve outstanding issues regarding the dedication of right-of-way for future rail service to Newhall Ranch, relating to the Specific Plan for the project.

The most recent of these meetings was held on October 20, 1997 in the Santa Clarita offices of Newhall Land & Farming.

The meetings were fruitful, and we hope that the subsequent changes can be incorporated into the County's Development Agreement with Newhall Land & Farming.

Although there is no current funding established for the construction, operation or maintenance of railroad right-of-way through the Newhall Ranch area, we strongly believe that prudent planning requires preservation of a minimum right-of-way width which can serve as the basic framework for future rail service. 1

We do want to emphasize that while the right-of-way discussed here will provide the essential ROW corridor for establishing commuter rail service, there may have to be additional property purchased for such signals and other facilities which are essential to railroad operation.

The issues upon which agreement was reached at our October 20, 1997 meeting are:

1. **Right-of-Way**

   - The railroad right-of-way (ROW) will range from 35 feet to 50 feet in width. Generally, the ROW will be 50 feet in width except for three areas, where the ROW offered by the Newhall Land & Farming Company will be 35 feet. These three areas, to be identified on a key map, have the following approximate linear footage of

railroad ROW: 4,500 for the westerly segment, 1,500 feet for the central segment, and 5,000 feet for the easterly segment.

- The offered ROW will be maintained parallel to and abutting the south side of State Route 126.
- The ROW provided by Newhall Land & Farming Company will be a "net usable area" for railroad purposes, and will not include areas of cut or fill, or otherwise unusable areas of high slope or drainage.
- The ROW provided in the proposed station area will be wider than the 50-foot width in order to accommodate platforms and other railroad facilities.

2. **Designated Station Area**

- The parcel designated for the rail station area will be three acres in size.
- The station parcel will be offered for dedication to Los Angeles County as the designated local government entity for this area.
- The station parcel will be used on an interim basis as a park-and-ride lot, until such a time as the land is developed as a rail transit station.

3. **Buffers**

- Noise buffers may be needed in the 35-foot-wide ROW segments. 1
- Due to the proximity of development sites to the ROW, landscaping and berming may not be adequate in terms of noise buffering, and there may be a need for walls to be constructed.
- Wherever possible, the developer will use site planning strategies to place land uses which are not highly sensitive to noise adjacent to the rail ROW.
- The MTA/SCRRA will address noise buffering in whatever environmental impact analysis is required for future rail service.

4. **Maintenance**

- If the MTA accepts the ROW through dedication, the MTA will be required to maintain the ROW with drought-resistant, low-maintenance landscaping.

5. **Future Development Process**

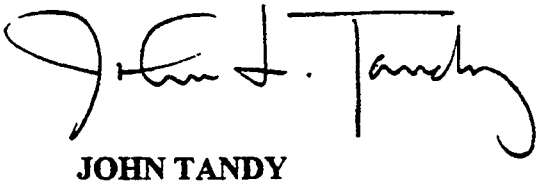
- It was agreed by all parties that as a part of the development process, Newhall Land & Farming Company will provide copies of the tentative map(s) and development plan(s) for each phase of the Newhall Ranch Project which borders or includes a portion of the proposed rail ROW to both the MTA and SCRRA for review and comment. Such comments will be incorporated into the design of the maps and plans to assure a functional rail ROW. In addition, the SCRRA will be provided the

opportunity to review and comment on grading, drainage, utility, highway and street improvement plans for those parcels or project phases which include or abut a portion of the proposed ROW.

The Newhall Land & Farming Company has agreed to prepare a revision to the Development Agreement which covers these points. We look forward to reviewing these changes and are hopeful that we will be able to testify in support of the project at the next meeting of the Regional Planning Commission. 1

Please call me at (213) 452-0276 if you have questions or comments.

Sincerely,



JOHN TANDY
Project Analyst, Agency Coordination

cc: Richard Stanger, SCRRA
Mike McGinley, SCRRA
Ron Mathieu, SCRRA
Renee Berlin, MTA
David Mieger, MTA
Bill Lundgren, MTA

CITY OF FILLMORE
CENTRAL PARK PLAZA
250 Central Avenue
Fillmore, California 93015 –1907
(805) 524-3701 • FAX (805) 524-5707

November 14, 1997

Planning Commission
County of Los Angeles
320 West Temple St.
Los Angeles, CA 90012

RE: NEWHALL RANCH DRAFT DEVELOPMENT AGREEMENT

Dear Commissioners:

Thank you for the opportunity to review and comment on the draft Development Agreement for the proposed Newhall Ranch project. The City of Fillmore respectfully requests that the Planning Commission not take action on the Development Agreement prior to certifying the Final Environmental Impact Report. 1

The City of Fillmore expressed its concern about the potential impacts from the Newhall Ranch Project in a letter dated December 13, 1996. The City has not received a response from Los Angeles County addressing the concerns outlined in the letter. 2 The City identified several areas for additional analysis and potential mitigation to be included in the EIR. We believe the proposed mitigation measures need to be included in the Development Agreement. Until this information is provided, the City is unable to comment on the adequacy of the Draft Development Agreement. 3

It is our understanding that responses to comments on the Draft EIR will be provided during the first week of December and the Planning Commission will be taking action on the Final EIR and other project entitlements (excluding the Development Agreement) on December 17, 1997. The City is concerned that all potential impacts caused by development of the Newhall Ranch Project be appropriately identified in the EIR and adequately mitigated. 4

Sincerely,

D. H. Gunderson

Mayor Don Gunderson

cc: Fillmore City Council
Jim Harter, Newhall Land & Farming
Ventura County Supervisor Kathy Long

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LATE COMMENT LETTERS

The following letters were received by the Los Angeles County Department of Regional Planning after the close of the lengthy public review and comment periods on April 10, 1998. In addition, many of the letters do not address or question the content of the Draft EIR for the Newhall Ranch Specific Plan and Water Reclamation Plant. For these reasons, written responses to these letters are not required by CEQA or the *CEQA Guidelines*. However, the County has responded to the comments without waiving its position that written responses to late comment letters are not required by CEQA, the *CEQA Guidelines,* or any other law or regulation. The letters are presented below.

FAX TRANSMISSION DATE: 4-17-98

FROM: Barbara Wampole 805-257-3036
FRIENDS of the SANTA CLARA RIVER

TO: LA SUPERVISOR'S DEPUTIES
& USF&G, CADF&G, USACE, EPA, LAWQCB

Re: Newhall Ranch Project
Fact Finding Meeting with Regulatory Agencies
WHEN: April 29, 9:00 AM
LOCATION: Supervisor Mike Antonovich's Field Office
23920 Valencia Blvd., Valencia, Suite 255
(805) 253-7230

AGENDA: Review Agencies' Comments on
Newhall Ranch DEIR & Address
Response to Comments in the FEIR

Invited Participants - CONFIRMED
- Dave Vannatta - LA County Supervisor's Deputy (Dist. #5)
- Kirk Waln - US Fish & Wildlife
- Chanelle Davis - CA Dept. of Fish & Game
- Rebecca Tuden - EPA
- Bruce Henderson - US Army Corps of Engineers
- Ron Bottorff - Friends of the Santa Clara River
- Barbara Wampole " " " " "
-

Invited Participants - UNCONFIRMED
- Mark Smytho - LA Water Quality Control Board
- Carrie Sutkin - District #1 Deputy - LA County Supervisors
- Doris LaCour - Supervisor's Deputy District #2
- Jenny Kruger - " " " #3
- Gail Tierny - " " " #4

1

FAX TRANSMISSION Page 2 Date 4-17-98

- It is likely that there will be a few additional participants, but this list is a best estimate.

*- If you have questions about the meeting please call me at (805) 257-3036 or
(818) 761-6644 (business)
- Please leave a number where you can be reached

Directions to the Valencia District Office:

- From Los Angeles or Coastal areas - Interstate 5 NORTH to Valencia Blvd. Exit - go right at offramp & follow approximately 1 mile to 3rd traffic light - park in lot immediately past that intersection on right
- From Ventura County - Ventura
  * Allow extra time for road widening construction on Highway 126 between County line & Interstate 5 (20 minutes should be enough)
  - West on Highway 126 to Interstate 5 South go south to Valencia Blvd. & follow directions above

Thank you for your participation.

Sincerely,
Barbara Wampole

1

MEMBERS OF THE BOARD
SUSAN K. LACEY
FRANK SCHILLO
KATHY I. LONG
JUDY MIKELS
JOHN K. FLYNN

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

November 17, 1998

Members, Board of Supervisors
c/o Ms. Joanne Sturges, Executive Officer
Clerk of the Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Newhall Ranch Project, Hearing Date November 24, 1998

Dear Members, Board of Supervisors:

The Ventura County Board of Supervisors submits for your consideration the enclosed statements of Robert N. McKinney and Douglas Hamilton. These professional engineers explain that the environmental document for the Newhall project significantly underestimates available water supplies and improperly assumes without foundation that the Newhall project will not have a significant impact on groundwater supplies in Ventura County. Moreover, these statements show that the Newhall project will impact groundwater supplies throughout the Santa Clarita Valley.

Your Board may not approve the Newhall project based on Newhall's legally inadequate environmental document, but instead should direct that the applicant prepare a new environmental document which properly evaluates and mitigates the inevitable impacts on groundwater and accurately identifies available water supplies. 1

Although the Newhall Land and Farming Company has maintained that the project will not cause any additional use of groundwater in the post-project condition, Newhall has refused and continues to refuse to agree to the strict condition we earlier proposed that the Newhall project will not cause a reduction in groundwater volume entering

Recycled Paper

Ventura County at any time. Newhall is probably reluctant to agree to such a condition because as the enclosed statements indicate it appears inevitable that the Newhall project will significantly increase groundwater usage in the project area and cause significant cyclical reduction of groundwater volumes entering Ventura County. Newhall's identification of water sources is speculative and dependant upon false assumptions about the actual amount of state project water available for the project, especially given the cumulative demand created by all projected development in the Castaic service area.

The Ventura County Board of Supervisors has addressed this water issue on several occasions. However, it appears that as of this date we have not succeeded in convincing your Board either (1) to adopt a sufficiently strong condition to protect Ventura County's interests in a continued uninterrupted and undiminished supply of groundwater or (2) to require that Newhall accurately identify projected water sources without relying on unreasonable assumptions. Therefore, we have engaged experts in the area outside of the Ventura County organizations once again to emphasize our seriousness. A project of this magnitude presenting such a significant risk to Ventura County water supplies and state water resources should not go forward without the analysis required by the California Environmental Quality Act. 1

Thank you for your consideration.

Sincerely,

Susan Lacey

SUSAN K. LACEY
Supervisor, District 1, Ventura County Board of Supervisors

Frank Schillo

FRANK SCHILLO
Supervisor, District 2, Ventura County Board of Supervisors

KATHY LONG
Supervisor, District 3, Ventura County Board of Supervisors

JUDY MIKELS
Supervisor, District 4, Ventura County Board of Supervisors

JOHN K. FLYNN
Supervisor, District 5, Ventura County Board of Supervisors

DLS:sld
Enclosures
pc: Members, Board of Supervisors, County of Los Angeles (w/encl.)
David Vannatta, Administrative Assistant to Michael D. Antonovich, Los Angeles County Supervisor, District Five (w/encl.)
David Janssen, Chief Administrative Officer, County of Los Angeles
Gary Cusumano, President, Newhall Land and Farmining Company (w/encl.)
Members, Board of Supervisors, County of Ventura (w/encl.)
M.L. Koester, Chief Administrative Officer, County of Ventura

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STATEMENT OF ROBERT N. McKINNEY

1. I, Robert N. McKinney, am a registered, professional engineer, registered in the states of California and Kansas. I have a bachelor of science degree in civil engineering from the University of Nebraska. I have a total of 47 years of experience in water-related issues. For 13 years I worked for a consulting engineering firm in surveying, designing and inspecting construction of municipal facilities, including fresh water treatment facilities and distribution systems, water reclamation facilities and collection systems and streets and highways. I have 23 years of experience in design and operation of collection, treatment and distribution facilities for Casitas Municipal Water District ("Casitas"). Casitas is a special district providing a supplemental water supply for a population of 60,000 people in western Ventura County. For 20 years I served as General Manager and Chief Engineer for Casitas, supervising 55 employees in four departments. 1

2. In 1967, the County of Ventura, through its Flood Control District, executed a contract with the State of California, through its Department of Water Resources, to obtain an entitlement of 20,000 acre-feet of water annually from the State Water Project. In 1970, Casitas contracted with Ventura County Flood Control District to assume total responsibility for administration and payment of the construction and operation costs associated with that contract. From the time Casitas assumed responsibility for the contracts in 1970 until my retirement from Casitas in early 1987, I was responsible for the administration of those contracts. 2

3. Since retiring from Casitas in February 1987, I have provided consulting services to Casitas and the Metropolitan Water District of Southern California ("MWD"). These services have included monitoring various issues related to Casitas and MWD's contracts for State Water Project entitlements with the California Department of Water Resources. 3

4. I have read and analyzed the Water Resources sections of the Newhall Ranch Specific Plan draft and final Environmental Impact Reports (the "EIR"); Section 4 of the Appendix on water; comments from and responses to United Water Conservation District, Newhall County Water District, Ventura County Department of Water Resources, City of Santa Clarita and Santa Clarita Organization for Planning the Environment; Topical Responses numbers 12 through 21; various agreements between the California Department of Water Resources, Los Angeles County, Newhall Land and Farming Company, Newhall County Water District, and United Water Conservation District; and Chapters 1 and 2 of the Castaic Lake Water Agency Draft Supplemental Water Project Environmental Impact Report regarding the purchase of Wheeler Ridge-Maricopa Water Storage District entitlements to State Water Project water (the "Wheeler-Ridge EIR"), including Castaic's resolution number 1030 and its background data prepared by Kennedy/Jenks Consultants. 4

5. In my review of these materials related to water resources I found no discussion of the potential significant adverse environmental impacts of increased groundwater usage from the Newhall Ranch Project (the "Project"). The EIR justifies this omission by stating repeatedly that additional groundwater will not be used for the Project. (FEIR, Vol. III, pp. TR-69, RTC-195, 199, 399, 412.) Rather, the EIR states that the water for the Project will be supplied from the State Water Project, reclaimed water and excess flows from Castaic Creek. (FEIR, pp. 4.11-2, 4.11-5). The EIR also states that nonpotable water, e.g. irrigation water, will be provided as much as possible by a water reclamation plant that is to be constructed as part of the Project. (EIR, pp. 4.11-16 to 4.11-17.) To date, however, the Project proponents and the County of Los Angeles have resisted making it a condition of approval that the Project not cause any loss of surface or groundwater flow into Ventura County. 1

6. Based on the EIR's projection of water demand for this Project, the EIR provides insufficient information and analysis to support its conclusion that no "net" water will be utilized from the underground basin. The EIR asserts that the only sources of additional water for the Project will be 1) the State Water Project; 2) flood flows from Castaic Creek; and 3) reclaimed wastewater generated by the Project. However, the information in the EIR, at best, is insufficient to support this assertion, and, in some cases, contradicts it. 2

THE EIR FAILS TO SHOW THAT STATE WATER SUPPLIES WILL BE SUFFICIENT TO MEET DEMAND

7. The final EIR projects that total water demand for the Project will be 19,345 acre-feet per year. Demand for potable uses (e.g. drinking) is projected to be 10,094 acre-feet and demand for nonpotable or irrigation uses is estimated to be 9,251 acre-feet per year. (EIR, p. 4.11-1.)

<u>Reclaimed Water</u>

8. Of the 9,251 acre-feet per year of nonpotable water needed for the Project, the EIR states that 6,025 to 7,263 acre-feet will be met by reclaimed water from the on-site water reclamation plant. (EIR, p. 4.11-1.) 3

9. The validity of relying on reclaimed water from the water reclamation plant to meet the bulk of the nonpotable water demand depends on the validity of the assumptions about the sources of the potable water. The source of the reclaimed water is the potable water that is used in the Project. That potable water must come from either the State Water Project or Castaic Creek flows in the first instance. After use, that water will go to the water reclamation plant to be treated. Thus, the amount of reclaimed water available

is dependent on the amount of potable water that is available. The reclamation plant is not a new source of additional water. As discussed below, the EIR has not demonstrated that adequate supplies of water are available to meet the needs of the Project without using groundwater. 3

10. United Water Conservation District has also challenged the EIR's assumptions regarding the amount of reclaimed water that will be available during a drought cycle and the amount of reclaimed water that will actually be used in the Project. (FEIR, Vol. I, pp. 502-503.) If United Water Conservation District is correct that the EIR has overestimated either the supply or use of reclaimed water, then the EIR's estimate of the demand for potable water has been correspondingly underestimated. Stated more simply, if the Project does not meet as much of its demand from reclaimed water as anticipated, then that remaining demand will have to be met from other sources. This simply increases the likelihood, discussed below, that State Water Project or Castaic Creek water supplies will be inadequate to meet the demands of the Project. 4

State Water

11. If no additional groundwater is to be used, the remaining 12,082 to 13,320 acre-feet per year of water demand (10,094 acre-feet per year of potable and 1,988 to 3,225 acre-feet per year of nonpotable) would have to be met either from State Water Project supplies or from Castaic Creek flood flows.

12. State Water Project water would be supplied to the Project by the Valencia Water Company ("Valencia"), a retailer, which obtains its State Water Project water from Castaic Lake Water Agency ("Castaic"), a wholesaler. The EIR states that Castaic and Valencia would deliver water to the Project "in an unknown combination of State Water Project water and groundwater." Page 4.11-4, n. 3. The EIR does not show that State Water Project water supplies available to Valencia from Castaic will be sufficient to allow those agencies to meet the additional water demand generated by the Project without resorting to increased groundwater usage. 5

13. Rather, the EIR overstates the reliability of State Water Project water. Castaic has entitlements of up to 54,200 acre-feet per year of water from the State Water Project, all of which would be needed for Castaic to meet water demands in its service area. Those entitlements are based on an assumed statewide supply of approximately 4.2 million acre-feet per year. The State Water Project, however, has never supplied 4.2 million acre-feet per year in any year since operations began in 1962 and is currently capable of supplying only approximately 2.4 million acre-feet per year because not all of the project facilities have yet been built. In fact, the State Water Project has not built any facility that has increased the reliability of its supplies in more than 20 years and it is

unreasonable to expect any new State Water Project construction in the near future. There is no legal requirement for the California Department of Water Resources, which administers the State Water Project, to increase its yield. Certainly, the availability of water for the Project cannot be based on an entirely unsupported assumption that new facilities will be built in the near future and the EIR provides no evidence that the State Water Project will increase its supply in the foreseeable future.

14. Because the State Water Project does not supply the full 4.2 million acre-feet a year, all deliveries must be -- and have been -- reduced accordingly. This fact is reflected in the California Department of Water Resources Bulletin 132-98, Appendix B, Tables B-5A and B-5B, Annual Water Quantities Delivered to Each Contractor (the "B Tables"). The total amount of water delivered by the State Water Project in 1997, for example, was 2,407,742 acre-feet. According to those tables, the maximum amount ever delivered was 2,853,747 in 1989. In 1991, a drought year, only 549,113 acre-feet were delivered. (True and correct copies of Tables B-5A and B-5B are attached as Exhibit A.)

15. Consequently, Castaic has never received its full entitlement of 54,200 acre-feet per year. In fact, on January 10, 1996, Castaic adopted Resolution Number 1030, which indicates that only about half of the Castaic entitlement to State Water Project water is available. Resolution Number 1030 states that Castaic has "more than 25,000 acre-feet of potable water available each year" on a reliable basis. (A true and correct copy of Resolution 1030 is attached as Exhibit B.) The supporting report of Castaic's engineers, Kennedy/Jenks Consultants, shows that Castaic likely could serve only 25,000 acre-feet on a reasonably reliable basis. Based on my experience in the water business, to be considered "reliable" by municipal and industrial contractors, the water supply must be expected to be available more than 95 percent of the time. Resolution 1030, Exhibit A, Appendix A shows that under the three scenarios analyzed, including one that assumed water entitlement conditions under the Monterey Agreement, Castaic cannot be expected to provide more than 25,000 acre-feet per year with greater than 90 percent reliability. (A true and correct copy of the Monterey Agreement is attached as Exhibit C.) The Monterey Agreement was implemented by Castaic through Amendment No. 17 to its water supply contract with the Department of Water Resources, a true and correct copy of which is attached as Exhibit D. An assumption that Castaic's full 54,200 acre-feet per year allocation will actually be available is wholly unsupported, and in fact, contradicted by Castaic's Resolution Number 1030.

16. Castaic has recognized in its Wheeler-Ridge EIR that the State Water Project system is only approximately 50 percent reliable. (Wheeler-Ridge EIR, pp. 2-9 and 2-10, true and correct copies of which are attached as Exhibit E.) Consequently, Castaic acknowledges, that although it is attempting to obtain an additional 41,000 additional acre-feet a year of entitlement, the most it could expect to receive on a reliable basis is 20,500 acre-feet. Of course, Castaic has not actually obtained *any* additional entitlements

yet, and, therefore, cannot rely on even the possible additional 20,500 acre-feet for this Project.

17. Castaic is entirely dependent on the State Water Project for its water supply. Thus, unless the State Water Project can acquire and deliver additional water -- which cannot be assumed -- Castaic could not supply additional water and Valencia would be forced to resort to groundwater. 5

18. Valencia, which will directly serve the Project, obtains its state water from Castaic. Valencia currently has an entitlement to 35.9 percent of Castaic's supply, which the EIR says is 19,500 acre-feet per year, based on Castaic's full allotment of 54,200 acre-feet per year. (Castaic's Resolution 1030, mentioned previously, instructed Castaic's General Manger to develop guidelines that would revise the allocation of its State Water Project supply among its member agencies. To date, it is unclear exactly what impact this proposed change will have on Valencia's State Water Project supply. The EIR calculated Valencia's supply based on 35.9 percent of Castaic's supply.)

19. As explained above, Castaic can only reliably deliver 25,000 acre-feet of water per year. Valencia's 35.9 percent of that is only 8,975 acre-feet per year. Thus, Valencia's projected supply of 40,458 acre-feet per year, as shown in Table 4.11-7, EIR, page 4.11-28, must be reduced by the difference between 19,500 and 8,975, or by 10,525 acre-feet per year. That results in an actual supply of 29,933 acre-feet per year. As shown, the EIR has overestimated the amount of water that will be available to the Project from Valencia and creates the unsupported impression that Valencia has sufficient supply to serve the Project. Subtracting Valencia's existing demand of 16,634 acre-feet per year from the realistic supply of 29,933 acre-feet per year leaves only 13,299 acre-feet per year. This is not quite the 13,320 acre-feet per year needed for the Project, even assuming the EIR's projected use of reclaimed water. 6

20. More significantly, the Project would have to acquire *all* of Valencia's remaining supply, leaving *no* water for other projects. But Table 4.11-7 of the FEIR already identifies almost 10,000 acre-feet per year of additional water demand just from "pending, approved and recorded projects" in Los Angeles County's Development Monitoring System as of June 6, 1996. Thus, based on projects pending, approved or recorded as of almost two and one-half years ago, there is already a water shortfall of almost 10,000 acre-feet per year, if the Project is included. 7

21. The EIR, itself, recognizes that there is some question about State Water Project supplies and states in a number of places that Castaic and Valencia do not currently have enough water supply for all existing "pending, approved and recorded" projects. (EIR, pp. 4.11-4, 4.11-5, 4.11-38, 4.11-39, 4.11-57.)

22. Taking the realistic supplies on which one can reasonably rely from Castaic and Valencia, the EIR has not demonstrated that there will be sufficient State Water Project water to meet the increased demands from the Project. In fact, it clearly demonstrates that there will *not* be sufficient water from Castaic and Valencia to supply this Project and other known projects. Thus, unless the deficit can be made up from the Castaic Creek flood flows, additional groundwater would have to be used. 7

THE EIR FAILS TO SHOW THAT SUFFICIENT CASTAIC CREEK FLOOD FLOWS WILL BE AVAILABLE TO SUPPLEMENT STATE WATER SUPPLIES AND MEET DEMAND

23. There would be five major constraints on the Project's use of Castaic Creek flood flows to meet the remaining water demand, none of which is adequately addressed in the EIR: 1) amendment of the agreements governing entitlements to Castaic flood flows, 2) the amount of flood flows available when needed, 3) availability and amount of storage capacity for the diverted flood flows in Castaic Dam, 4) availability of adequate treatment capacity for the water and 5) storage capacity for the treated water in the aquifer, under the Aquifer Storage and Recovery Alternative.

24. Newhall Land and Farming Company ("Newhall") claims contractual rights to Castaic Creek flood flows. The EIR acknowledges that the agreements governing entitlements to Castaic flood flows would have to be amended for Newhall to acquire the additional water needed for the Project. (EIR, p. 4.11-18.) I reviewed an agreement between Newhall County Water District, United Water Conservation District ("United"), the County of Los Angeles and Newhall, dated October 24, 1978; another agreement between all of those parties and the California Department of Water Resources, also dated October 24, 1978; an agreement between the Department of Water Resources and Newhall, dated November 1, 1966; and an agreement between the Department of Water Resources and United, dated April 14, 1967. (True and correct copies of these agreements are attached as Exhibit F, collectively.) After reviewing those agreements, I agree that they do not currently authorize the use of Castaic Creek flood flows in the manner that the EIR contemplates under either the Coordinated Operations/ Water Transfer Alternative or the Aquifer Storage and Recovery Alternative. However, the EIR contains no discussion of the amendments that would be required and does not provide any evidence that the parties to those agreements have consented to such amendments. As the EIR does not contain sufficient information to conclude that the necessary amendments will be made, it is inappropriate to assume that this water will be available for use by the Project. 8

25. Similarly, there has been no analysis of the water availability compared with water demand over a multi-year period. The EIR does not analyze how much water could be expected over a multi-year period and whether that will be sufficient to meet water 9

needs during that same time. This analysis would need to evaluate water availability and demand over several years, including successive dry years, or drought. 9

26. Assuming Newhall can acquire the Castaic flood flows, both the Coordinated Operations/Water Transfer Alternative and the Aquifer Storage and Recovery Alternative would require that the water be stored in the Castaic reservoir on a short-term basis before it is treated. The EIR states only that the flood flows will be stored in the reservoir "if storage is available." (EIR, p. 4.11-17.) The EIR does not contain an analysis of the historic operations of Castaic Dam showing what, if any, excess storage capacity would be available during "wet" years when Castaic Creek flood flows would be available. To show that the necessary storage will be available, a study would be needed that examines operations over time, including how much of the reservoir capacity is being used, how much in-flow there is to the reservoir, how much water gets released and how much that changes the amount of available storage capacity over time. 10

27. Both the Coordinated Operations/Water Transfer Alternative and the Aquifer Storage and Recovery Alternative also would require that the flood flows be treated. According to the EIR, a treatment capacity of 30 million gallons per day is contemplated for either alternative. Since the water is to be treated prior to injection into the aquifers for storage, the treatment capacity of 30 million gallons per day must be available at all times Castaic Creek flows are available. Although the EIR assumes this treatment capacity will be provided by Castaic, it appears that Castaic has not actually committed to treat this volume of flood flows for Newhall. Rather, the EIR states only that "[c]onceptually, CLWA [Castaic] is projected to have water treatment plant capacity available during the winter months to treat Castaic Creek flood flows," and that "conversations" with Castaic indicate such capacity "may be" available when needed. (EIR, p. 4.11-20.) There should be some firm assurance that Castaic has dedicated sufficient capacity in its treatment facilities for this water. In fact, since the Project must rely on these flows to preclude the use of additional groundwater, the treatment capacity should be assured in perpetuity. 11

28. The EIR assumes that during three "wet" months out of the year there is an unused capacity of 30 million gallons per day -- or 90 acre-feet per day -- in Castaic's treatment plant, which would allow for treatment of an additional 8,300 acre-feet of water a year from diverted Castaic Creek flood flows. However, the EIR provides no evidence that this unused capacity will continue to be available. The EIR projects increased water demand in the Castaic service area but there is no discussion in the EIR of the possible necessity of Castaic's increased use of its treatment plant to meet that increased demand.

29. Finally, as discussed more fully in the statement of Doug Hamilton, the EIR does not provide sufficient information to determine that there will be adequate excess storage capacity in the aquifers to store the water after it is treated. 12

30. Water availability, short-term and longer-term storage capacity and treatment capacity have not been assured and, therefore, the EIR does not contain sufficient information to support a conclusion that these flood flows can be used to help meet the water demands of the Project.

THERE IS INSUFFICIENT EVIDENCE IN THE EIR TO DETERMINE THAT THE PROJECT WILL NOT CAUSE INCREASED GROUNDWATER USAGE

31. The EIR estimates that the Project will create an increased water demand of 19,345 acre-feet per year. The EIR also reveals that in a dry year 12,798 acre-feet of water would have to come from Castaic and Valencia, as *no* diverted flood flows from Castaic Creek would be available. However, in 1991, Castaic received only 3,846 acre-feet of water from the State Water Project. Valencia's share would have been 1,380 acre-feet. (See Exhibit A.) 13

32. Unless supplies of treated flood flows previously stored in the aquifers are actually available, the EIR does not adequately address how the shortfall will be made up without resorting to increased use of groundwater. As discussed in other comments submitted by the County of Ventura and others, the EIR has not provided sufficient information from which to conclude that treated flood flows can be stored in, and then retrieved from, the aquifers without impacting existing groundwater supplies.

33. In addition, the EIR has not analyzed water supply based on a multi-year dry period or drought. There is no analysis, for example, of the impact on the availability of stored Castaic Creek flood flows over an extended dry period. This is important because State Water Project water would not be available in sufficient quantities to offset a shortfall after an extended dry period. As stated above, according to Table B-5A, in 1991 Castaic received only 3,846 acre-feet. The entire supply of the State Water Project in 1991 was only 549,113 acre-feet, or less than one-quarter of its current output. If the stored flood flows together with the existing supplies from the State Water Project are not adequate to meet demand, groundwater would have to be used. 14

34. The deficiencies in the EIR's analysis of water availability are magnified with respect to cumulative impacts. Because the EIR assumes that no groundwater will be used by the Project, it has not adequately addressed the cumulative impacts of this and other projects on groundwater. 15

35. It is undisputed that the only potential sources of water for the Project are state and local surface waters or groundwater. Reclaimed water is derived from these sources. Plainly, if one of these two sources becomes limited, additional demand will be placed on the other. If available State Water Project and Castaic Creek supplies are fully utilized, additional demand can only be met from area groundwater. 16

36. The EIR is confusing in its estimates of water supply and demand, using numbers that have been calculated using different methods and thereby making it difficult, if not impossible, to compare the figures. For example, Table 4.11-4 at page 4.11-23 purports to show current water supply and demand in the Castaic service area, based on information from the Los Angeles County Development Monitoring System. That table shows "existing demand" of 43,283 acre-feet per year and "existing supply" of 91,577 acre-feet per year. Neither the table nor the accompanying text identifies as it should what the "existing supply" includes. However, if it includes the 54,200 acre-feet per year entitlement from the State Water Project, then it overestimates actual water supply by approximately 29,000 acre-feet. As discussed above, Castaic has acknowledged that it presently can provide only about 25,000 acre-feet per year on a reliable basis. 17

37. Table 4.11-5 at page 4.11-24 purports to show a "near-term projection" of future water supply and demand for Castaic's customers. It incorporates "pending, approved and recorded projects" in Los Angeles County's Development Monitoring System as of June 6, 1996. However, it does not identify what those projects are. As the difference between the existing demand shown in Table 4.11-4 and the future demand of 62,964 acre-feet per year shown in Table 4.11-5 is only 19,681 acre-feet per year, it does not appear that this Project has been included. If this Project's 19,345 acre-feet per year is included in this projection, then the EIR has allotted only 336 acre-feet per year for all other pending, approved and recorded projects. That cannot be what is contemplated by this EIR.

38. It also is unclear at what point in time this "future" demand occurs. For example, is this the projected demand *at build out* of projects that were pending, approved or recorded as of June 6, 1996? When is build out for these projects? 18

39. In addition, the projected supply of 91,656 acre-feet per year presumably includes Castaic's full 54,200 acre-feet per year entitlement. Thus, it must be reduced to reflect that Castaic can only reliably supply 25,000 acre-feet per year (a reduction of 29,000 acre-feet per year). That would leave a projected future supply of 62,656 acre-feet per year, or 308 acre-feet per year less than projected demand *without* the Project.

40. Table 4.11-6 at page 4.11-25 purports to show Castaic's water supply and demand as of the year 2010. This table is not, apparently, calculated using the Los Angeles County's Development Monitoring System as of June 6, 1996. In fact, the EIR does not clearly state the basis for this table. It is clear from the table, however, that the increase in purported supply from 91,656 in the near term to 106,700 in 2010 (excluding reclaimed water) is based on an increased use of groundwater, as the "imported" or State Water Project water supplies remain the same. Thus, the EIR, even with its erroneous assumption that Castaic will obtain its full 54,200 acre-feet per year allotment of State Water Project water, recognizes that groundwater use will increase from 37,456 acre-feet per year in the near term to 52,500 acre-feet 12 years from now.

19

41. Even more troubling, use of groundwater within Castaic's service area would have to increase considerably more than that to maintain a water supply of 106,700 acre-feet in the year 2010. Unless Castaic is able to dramatically increase its actual deliveries of State Water Project water in the next 12 years, use of groundwater would be about 81,000 acre-feet of groundwater per year to increase supplies to 106,700. There is nothing in the EIR to support the conclusion that Castaic will be able to significantly increase the actual deliveries of State Water Project water in the next 12 years. In fact, Resolution 1030 suggests exactly the opposite. Just to meet Castaic's projected demand of 108,000 acre-feet per year, even assuming use of 10,000 acre-feet per year of reclaimed water, groundwater use would have to be 73,000 acre-feet per year.

42. In addition, new demands for water arise continually. For example, the EIR projects supplies of groundwater in the year 2010 of 32,500 acre-feet per year from the Alluvial Aquifer and 20,000 acre-feet from the Saugus Aquifer for all of Castaic's service area. However, the Santa Clara Water District has requested to extract an additional 30 cubic feet of groundwater per second -- or approximately 21,900 acre-feet per year -- from the underflow of Bouquet Canyon. The EIR does not address the impacts of such additional use, stating merely that the request is "under protest." The fact that the request is being protested does not mean that its impacts do not need to be analyzed in the EIR.

20

43. Although the EIR presumes that 52,500 acre-feet per year can be safely pumped from the aquifers, in the Wheeler-Ridge EIR Castaic states that total groundwater supply from the Alluvial and Saugus Aquifers is only 43,000 acre-feet per year. (Exhibit C, p. 2-9.) That creates an even greater shortfall.

44. Finally, the EIR's analysis of water availability ends with the year 2010, although the Project is not expected to be completed until the year 2025. As a result, 15

years of water usage have not been analyzed. There is no discussion in the EIR of whether the necessary water will be available in 2025 when the Project is fully built. 20

Dated: November 16, 1998

Robert N. McKinney, P.E.

STATEMENT OF DOUGLAS HAMILTON

BACKGROUND

1. I, Douglas Hamilton, am a registered civil engineer in the State of California. My practice specializes in the areas of surface and groundwater hydrology. I have a Bachelor of Science degree in engineering from Harvey Mudd College, and a Master of Science degree in civil engineering from University of California at Davis. After graduate school, I worked as an engineer for the U.S. Army Corps of Engineers' Hydrologic Engineering Center. I have 14 years of practical experience focusing on hydrology and, currently, I am senior manager at Exponent, Inc. I have written three book chapters and published more than 30 technical articles on water resource topics. I have served as a committee member for the National Research Council's Water Science and Technology Board and I am former chair of the American Society of Civil Engineer's Sedimentation Technical Committee. My resume is attached to this statement. 1

2. This statement addresses the hydrologic effects of the proposed Newhall Ranch Project. The project is located within the Santa Clara River watershed and sits upon the Newhall Groundwater Basin. The Newhall Groundwater Basin is hydrologically connected to the Piru Groundwater Basin that is located downstream. The Piru Groundwater Basin is hydrologically connected to a series of basins that eventually reach the Pacific Ocean. These basins are similar to a series of tea cups that spill into each other when full (see Exhibit 1). As each cup fills with water, it overflows into the next downstream cup, one after the other. This is how groundwater travels from Los Angeles County through Ventura County and into the Pacific Ocean. The groundwater in the Piru, Fillmore, Santa Paula, and Oxnard Basins is a primary water supply for the people of Ventura County. 2

3. The boundary between the Newhall and Piru Basins is formed by relatively impervious rock known as the Pico formation. The Pico formation provides the sides and bottom of the "cup." While the top of the Pico formation is located as deep as approximately 8,000 feet below the ground surface within the Newhall Basin, it rises to approximately 20 feet below the ground surface at a location known as "Blue Cut." The upstream edge of Blue Cut is located approximately two miles east of the Ventura County/Los Angeles County line and approximately one and one-half miles west of the water injection/withdrawal well field proposed by the project (see Exhibit 2). At this location, the Pico formation acts like an underground dam which defines the lip over which surface water and groundwater flow from the Newhall Basin to the Piru Basin (see Exhibit 3). 3

4. Two aquifers, the Alluvial and Saugus Aquifers, make up the Newhall Groundwater Basin. Aquifers are porous formations of sand, gravel, silts and clays that 4

can store water. In the Newhall Groundwater Basin, an Alluvial Aquifer of relatively recent unconsolidated sand and gravel sits at ground level in and around the canyon bottoms and the Santa Clara River. In the river, this aquifer typically extends from surface level to as much as 250 feet. A second aquifer, the Saugus Aquifer, underlies the Alluvial Aquifer and extends as much as an additional 7,500 feet. The Alluvial and Saugus Aquifers are separated by a series of clay lenses known as aquitards. This semi-permeable interface allows water from the Alluvial Aquifer to drain into the Saugus Aquifer. It also allows pressurized water from the Saugus Aquifer to be forced upward into the Alluvial Aquifer. Richard C. Slade ("Slade"), Consulting Groundwater Geologist, (see Exhibit 5, p. 82 of 1988 Slade Report) estimates that between 6,100 acre-feet and 15,200 acre-feet of water per year drains from the Alluvial Aquifer into the Saugus Aquifer. No quantitative information is available regarding the flow of pressurized water from the Saugus Aquifer into the Alluvial Aquifer, although the EIR indicates that at certain times pressurized water from the Saugus Aquifer pushes up into the Alluvial Aquifer in the lower reaches of the Santa Clara River. This upward flow typically occurs in the general location of Blue Cut and the proposed project well fields (Technical Appendix, p. 3-21). 4

5. When the Santa Clara River approaches Blue Cut, the Pico and Saugus formations start rising rapidly until both formations actually rise above the level of the river and form mountains on either side of the Santa Clara Valley. At Blue Cut itself, the Saugus formation becomes thinner and thinner until it disappears entirely. At this location, the Alluvial Aquifer under the Santa Clara River is reduced to only 20 feet of thickness overlaying the impervious Pico formation. 5

6. In Los Angeles County water can be transported and stored in thousands of vertical feet within the Alluvial and Saugus Aquifers; however, virtually all the groundwater and surface water which enters Ventura County must pass over the bottleneck at Blue Cut. 6

7. Water in the Newhall Groundwater Basin comes from two sources: rain falling on the tributary watershed (i.e., Castaic Creek and the Santa Clara River), and water imported from northern California by the California Aqueduct which is pumped into Castaic Lake. Water stored in a lake or flowing on a streambed is known as a surface water resource. Water that resides in an aquifer is known as a groundwater resource. There is a natural exchange of water resources between the ground surface and the aquifers that lie below it. Sometimes we can alter this natural exchange in order to increase the amount of water available to be used by the residents of a basin. This is called conjunctive use or aquifer storage and recovery (ASR). 7

8. The proposed project identifies the ASR as one alternative for mitigating the impacts of increased water demand. Under this alternative, an average of 2,900 acre-feet of water per year (8,300 acre-feet per year maximum) of Castaic Creek water would be treated, then injected into the Saugus Aquifer by 18 wells. The injection phase occurs during the wet season, from January through March of each year. The EIR treats water pumped into the Saugus Aquifer during the injection phase like money deposited in a bank account: the injected water would be available for withdrawal as needed, either later that summer or in future years, and the aquifer would not be overdrafted as long as the total amount of withdrawals does not exceed the accumulated amount of water injected and stored during successive wet seasons. The objective of the ASR program is to withdraw only an amount of water that does not exceed the accumulated amount previously injected and stored. This is similar to maintaining a positive balance in a bank account during the series of transactions that take place during its life. 8

9. As noted on page 3-21 of the Technical Appendix, there is a hydraulic connection between the Alluvial and Saugus Aquifers such that water can move up or down between the two aquifers at certain times and locations. Current information, however, does not provide the details of this connection. As indicated in the Final EIR at page 4.11-44, the EIR assumes that an unknown volume of water injected into the Saugus Aquifer by the ASR program will be pushed up into the Alluvial Aquifer. It further assumes that an equal, although still unknown, volume taken from the Saugus Aquifer during the ASR withdrawal phase will be drained from the Alluvial Aquifer downward into the Saugus Aquifer (Final EIR, p. RTC-202). 9

THE EIR CONCLUSIONS VIOLATE BASIC HYDRAULIC PRINCIPLES BY CONCLUDING THE WATER WITHDRAWN FROM THE UPSTREAM AQUIFER DOES NOT REDUCE DOWNSTREAM FLOWS

10. The Draft EIR states that the Alluvial Aquifer will be drawn down a maximum of 10 feet over three and one-half to four miles as a result of the ASR pumping phase (Technical Appendix, pp. 3-44 and 3-49). The Final EIR Responses to Comments (p. RTC-202) clarifies that this 10-foot drawdown in the Alluvial Aquifer is actually a cone of depression localized around the wells, and its influence will not extend all the way to the Ventura County line. Although not done in the EIR, it is possible to estimate the amount of water drained from the Alluvial Aquifer due to the ASR withdrawal program. The EIR estimates a maximum 10-foot cone of depression at the ASR wells, with each well having a zone of influence, or area of water drawdown, which extends for a radius of 500 feet. The drawdown area is shaped like a cone but with curved sides. As an approximation, it can be considered a straight-line cone with a base 1,000 feet in diameter at or near the ground surface and a depth of 10 feet. Such a cone represents a 10

volume of about 2,618,000 cubic feet. About 30 percent of each cone consists of soil voids which would contain about 5,875,000 gallons of water. The ASR well field consists of 18 operating wells and one standby well. This results in a total water loss volume of about 324 acre-feet per year. One acre-foot is equivalent to about 325,830 gallons of water. Considering that a typical home has a water demand of 300 gallons per day, this demand represents 109,500 gallons of water per year or about one-third of an acre-foot per year. The estimated water loss from the Alluvial Aquifer (324 acre-feet per year) is enough water to serve the annual demand of 972 homes. 10

11. The EIR concludes that the amount of groundwater flow at the Los Angeles/Ventura County line will be unaffected by the ASR program (Topical Response 16, p. TR-73). This conclusion seems inconsistent with the fact that water will be drained from the Alluvial Aquifer, and there is insufficient detail in the EIR analysis to understand it. 11

12. If, for example, the net flow of water through the Alluvial Aquifer upstream of the ASR well field is 1,000 acre-feet per year, and 324 acre-feet per year is drained out of the Alluvial Aquifer by the ASR pumping, then the amount of water that reaches the county line would be reduced by the drainage amount to about 676 acre-feet per year (see Exhibit 4). This principle, expressed by the continuity equation, is known as the conservation of mass and is one of the fundamental principles of hydraulics. Based on the continuity equation as described in Exhibit 4, any significant amount of summertime drawdown within the ASR well field will reduce the amount of water that reaches the Los Angeles/ Ventura County line. As discussed below, the EIR does not provide documentation that the rise in water level caused by the ASR injection phase will mitigate the decreases in water level caused by the ASR withdrawal phase. 12

13. It should be noted that the reduction of groundwater flow into Ventura County during the summer is not limited to the 324 acre-feet estimated above. The EIR, pages 4.11-44 and 4.11-45, assumes that an unknown volume of the ASR injection water will be rejected by the Saugus Aquifer. The actual "net" volume reduction in the Alluvial Aquifer would be equal to the volume of water the Saugus Aquifer system "rejects" in the winter. This reduction could be as much as the 8,300 acre-foot maximum injection volumes, but the EIR analysis is not complete enough to adequately characterize this impact. 13

14. I believe that there is a high probability that the proposed ASR program will adversely impact the seasonal water volume and flow patterns into Ventura County. 14

THE EIR DOES NOT IDENTIFY HOW MUCH OF THE INJECTED GROUNDWATER WILL ACTUALLY BE STORED IN THE ALLUVIAL AND SAUGUS AQUIFERS

15. The Final EIR is based on the premise that the ASR program will not withdraw more water from the aquifers than was previously injected and stored through the ASR injection program (Topical Response 16, p. TR-73). The EIR states that the project will not result in a loss of surface and groundwater to Ventura County (*ibid*). For this to occur, the volume of groundwater in storage in the Alluvial and Saugus Aquifers plus the total volume of surface water inflow cannot be less than what would otherwise occur without the project and the ASR program. 15

16. For the proposed ASR program to be successfully implemented, the Saugus Aquifer must have unused capacity to actually store and retain thousands of acre-feet of the ASR injection water. If the aquifer does not have sufficient vacant storage capacity each January, the ASR injection phase will merely push existing water up to the surface and through Blue Cut or prevent the aquifer from being recharged by rainwater. If this happens, then the amount of water actually stored will be much less than the amount injected. 16

17. I have reviewed the EIR text, Appendix 4.11 (Water Resources), and the EIR Responses to Comments. These documents include analyses that are based on the limited amount of available data regarding the hydraulic relationship between the Alluvial and Saugus Aquifers. The analyses include the rise in the water level in the Saugus Aquifer during the ASR injection phase, the drop in water levels in the Saugus Aquifer during the ASR withdrawal phase, and a "worst case" drop in the Alluvial Aquifer water levels during the withdrawal phase. The EIR fails to demonstrate the ability of the Alluvial and Saugus Aquifers to actually store water during the ASR injection phase. Furthermore, it does not consider the rise in groundwater levels in the Alluvial Aquifer during the injection phase. 17

18. The Final EIR provides no documentation that the Saugus Aquifer has unused capacity to actually store injected water for long periods of time. If the Saugus formation is not a suitable aquifer for a conjunctive use program, then there is a high probability that the ASR program will adversely impact the seasonal water volume and flow patterns into Ventura County. 18

19. In order to verify the success of the proposed ASR program, its effects need to be evaluated over an extended period of time to include multi-year drought/flood cycles. The EIR contains neither the data, nor the modeling techniques, to draw any conclusion regarding the available multi-year storage capacity in the Saugus Aquifer. 19

20. Ventura County submitted a comment on the Draft EIR questioning how a drop in groundwater over a three and one-half to four-mile river reach could avoid reducing water flowing through the 20-foot thick gap at Blue Cut, located only one and one-half miles downstream (Comments to Draft EIR, p. 215). The Final EIR Responses to Comments (p. RTC-202) explains that if water is lost from the Alluvial Aquifer during the ASR withdrawal phase, the same amount of water would have been previously pushed up from the Saugus Aquifer into the Alluvial Aquifer during the ASR injection phase. The EIR provides no documentation, however, to demonstrate that water pushed up into the Alluvial Aquifer from the injection phase will not flow out of the basin during the winter when it is not needed and will in fact be available in the summer when it is needed. 20

21. The limited data in the administrative record, the EIR, and the Slade reports which support it, do not constitute a study of the ability of the aquifers to store the ASR water over and above the capacity of the aquifers to store natural recharge. The aquifers need excess storage capacity over and above the capacity used up by the natural recharge. If the ASR water displaces natural recharge, groundwater levels will drop because of a decrease in the recharge rate. There is not sufficient information presented in the EIR to conclude that the aquifer storage characteristics are sufficient to support an ASR program. 21

22. If the aquifers do not actually store the injected water, the ASR program will result in adding surface water to the river during the winter when it is not needed and reducing the groundwater volume during the summer when it is critical. 22

THE EIR EVALUATION CRITERIA FAILS TO CONSIDER IMPACTS TO VENTURA COUNTY

23. The Final EIR (p. 4.11-35) contains a list of the criteria used by the EIR to determine how large a drop in water levels can occur in the Alluvial and Saugus Aquifers before a project-related impact is considered significant. According to the EIR, for the Saugus Aquifer anything less than a 10 percent drop in the 1991 average annual dynamic water column is not considered significant. The depth of the dynamic water column for the seven wells used as indicator wells by the EIR is shown on Final EIR Table 4.11-13. This table shows that the ASR program could result in water level drops of between 66 feet to 186 feet in specific wells before the writers of the EIR consider the impact significant. 23

24. The only ASR scenario the EIR presents for the Alluvial Aquifer is a "worst case condition" where the Alluvial and Saugus Aquifers function as a single, perfectly connected unit. Given this assumption, the potential drops of 66 to 186 feet in groundwater levels in the Saugus Aquifer should be transmitted to the Alluvial Aquifer. 24

Because the Saugus Aquifer disappears at Blue Cut, and the Alluvial Aquifer is reduced to only a 20-foot thickness, a significance threshold of 66 to 186 feet of drawdown does not seem reasonable. 24

25. If the water level in the Alluvial Aquifer drops by only 20 feet, it will be below the lip of the Pico formation at Blue Cut and no groundwater will flow into Ventura County. Even a five or a 10-foot drop in groundwater level at Blue Cut would have a significant impact to water flow into Ventura County. 25

26. Starting at page 4.11-40, the Final EIR considers seven specific impacts of the ASR alternative: (1) groundwater increases and declines in the Saugus Aquifer of 10's of feet; (2) a decline in the Alluvial Aquifer of up to 10 feet; (3) no significant change to water quality in the Saugus Aquifer; (4) no significant change in water quality to the Alluvial Aquifer; (5) a less than significant loss in natural recharge of 220 acre-feet per year; (6) no change in land elevations due to subsidence; and (7) declines in the Alluvial Aquifer due to the ASR withdrawal program which the EIR acknowledges could result in unknown reductions in surface water flows in the Santa Clara River, but these unknown reductions are found not to be significant. 26

27. The potential impacts listed above focus on the Newhall Groundwater Basin in Los Angeles County and exclude potential impacts to adjacent groundwater basins in Ventura County. Because the preservation of Ventura County's water supply is not a consideration of the EIR nor an objective of the ASR program, there is a high probability that the proposed project will achieve adequate water supply for itself only at the expense of impacting the water supply to Ventura County aquifers. 27

Dated: November 4, 1998

DOUGLAS HAMILTON

LASER

Landfill Alternatives Save Environmental Resources

Participating Organizations:

Citizens Against the Chiquita Canyon Landfill Expansion
Coalition of West Covina Homeowners Associations
Communities United for Safe Trash Management
Foundation for the Preservation of the Santa Susana Mountains
Friends of Caballero Canyon
Friends of Pico Canyon
Friends of Towsley Canyon
Hacienda Heights Improvement Association
Kagel Canyon Civic Association
Mothers and Others Against the Dump
North Valley Coalition
Ridge Trail Park Trust
Santa Clarita Citizens' Transportation Association
Santa Clarita Civic Association
Santa Clarita Oak Conservancy
Santa Clarita Organization for Planning the Environment
Santa Clarita Valley Canyons Preservation Committee
Santa Susana Mountain Park Association
Save Our Sylmar
Save the Angeles Foundation
Val Verde Civic Association

Founding Members:

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Glenn Bailey
Rena Berger
Allan Cameron
Frank Cox
Mary Edwards
Jan Hinkston
Ann Irvine
Vera Johnson
Jill Klajic
Marsha McLean
Arlene Mead
Chip Meyer
Mike Ormsby
Karen Pearson
Lynne Plambeck
Sue Vila
Bob Zapple
Anne Zilink

November 23, 1998

To Los Angeles County Board of Supervisors
Attention: Clerk of the Board
Joanne Sturges, Executive Officer
500 West Temple, Room 383
Los Angeles, CA 90012

VIA FAX: 213-633-5100

RE: **Testimony for the "Newhall Ranch" Agenda Item for the 11/24/98 Supervisors' meeting**

"Newhall Ranch" Proposal's Failure to Buffer Chiquita Canyon Landfill

Dear Supervisors and Executive Officer Sturges:

County of Los Angeles policy has for some time required that there be a 2000-foot buffer zone between the edge of a landfill site and adjacent land uses. This requirement is for all incompatible land uses that may have the misfortune to find themselves next to an existing or proposed landfill.

The County has been rigorous in establishing this standard. The 2000-foot zone was imposed on the Puente Hills Landfill, the Sunshine Canyon Landfill, and most recently, on the land uses adjacent to the newest iteration of the Elsmere Canyon proposal.

The "Newhall Ranch" proposal does not contain this minimum 2000-foot buffer zone. The confusing text of the staff report for the "Newhall Ranch" agenda item before the Board on Tuesday, November 24, 1998, indicates a varying buffer zone between the Chiquita Canyon Landfill and portions of Newhall Ranch of 300 feet to 1800 feet. 1

This buffer zone is inadequate according to minimum County standards in two critical respects. First, the proposed buffer zone for the "Newhall Ranch" project is measured from active landfill activity at the Chiquita Canyon dump, and NOT from the edge of the landfill site property line. This clearly results in a narrowing of the proposed buffer zone, rendering this zone inconsistent with established County policy. Secondly, even the inadequate proposed buffer zone is not a minimum of 2000 feet in width, in violation of County policy.

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LASER

Landfill Alternatives Save Environmental Resources

Participating Organizations:

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Communities United for Safe Trash Management
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Ann Irvine
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Marsha McLean
Arlene Mead
Chip Meyer
Mike Ormsby
Karen Pearson
Lynne Plambeck
Sue Vila
Bob Zapple
Anne Zidak

Newhall Ranch/Chiquita Canyon Landfill Buffer
Page Two

The provision of the necessary 2000-foot buffer zone is especially feasible for this proposal compared with others where it has been imposed. The Newhall Land and Farming Company, the owners of the land where "Newhall Ranch" is proposed, are also the owners of the entirety of the Chiquita Canyon Landfill. 1

It would be a significant violation of the County's obligation to protect the health and well being of its residents if a 2000-foot buffer zone measured from the edge of the landfill property line is not made a part of any specific plan that might be approved by Los Angeles County for the "Newhall Ranch" proposal. 2

Please change the specific plan accordingly and include this necessary 2000-foot buffer zone in conformance with existing County policy.

This letter is being submitted on behalf of the LASER Corporation as testimony to be included in the administrative record regarding all of the discretionary land use entitlements being proposed for the so-called "Newhall Ranch" proposal. Please make sure that it is included in the record of the hearing that will occur before the Los Angeles County Board of Supervisors on November 24, 1998 on the Newhall Ranch proposal. 3

Sincerely,

Allan Cameron

Allan Cameron
Co-Chairperson
LASER

cc: Supervisor Mike Antonovich – 213/974-1010
Supervisor Zev Yaroslavsky – 213/625-7360
Supervisor Don Knabe – 213-626-6941
Supervisor Yvonne Burke – 213/680-3283
Supervisor Gloria Molina – 213/617-0269
City of Santa Clarita

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November 23, 1998

Attn: Joanne Sturges
via fax (213) 620-0636

Honorable Board of Supervisors
County of Los Angeles
Room 383, Kenneth Hahn Hall of Administration
5000 West Temple St.
Los Angeles, CA 90012

Re: Newhall Ranch EIR and Proposed Specific Plan

Honorable Members of the Board of Supervisors:

The Cabrillo Economic Development Corporation (CEDC), a nonprofit developer and owner of affordable housing in Ventura County and the Central Coast, appreciates the efforts that have been made to address the issues relating to and providing for affordable housing. Clearly, however, these efforts do not begin to meet the current need, let alone the new need that will be created by the project.

For this reason, the reasons stated below, as well as all of the reasons stated in all of the written and oral comments by the CEDC and Ventura County (hereby incorporated by reference), the CEDC, on its own behalf and on behalf of its low income beneficiaries, objects to the approval of the Newhall Ranch Specific Plan and EIR. 1

Los Angeles County has failed to meet its share of the need for very low and low income housing. The Proposed Specific Plan is not consistent with the County's Housing Element.

Sincerely,

Karen

Karen Flock
Project Manager

cc: James E. Hart, AICP, Director of Planning

Kathy Long, Supervisor, Third District,
County of Ventura

→ Regional Planning Dept

Los Angeles Board of Supervisors

I am writing to you because of my concerns about the Newhall Ranch Development

A massive development is a great concern for many reasons among them the loss of our open space, wildlife habitat and destruction of our natural resources. 1

Water and water resources and contamination are not sufficiently addressed. New development is now poisoning our waterways with increasing eye and ear infections and evenual poisoning all our water sources. 2

Thank You

Marybeth Kaminski Power
541 W. Pleasant
Valley Rd B-1
Oxnard Ca 93033

9927 Hallack Avenue
Northridge, CA 91324
(818) 349-6738

November 23, 1998

Los Angeles County Board of Supervisors:

Yvonne Brathwaite Burke

Gloria Molina

Zev Yaroslavsky

Don Knabe

Michael D. Antonovich

So many problems remain with: the geology, the water supply, the need for a water reclamation plant; you should

Re: Newhall Ranch Environmental Impact Report
Executive Summary Project # 94087
SCH # 95011015
Newhall Ranch Specific Plan and Water Reclamation Plant

Ladies and Gentlemen:

Please note the top of page 14:
"As a result of the alternatives analysis, and as required by the California Environmental Quality Act (Section 15126 (d), it was determined that Alternative 6, the 8,000 Unit Alternative, is environmentally superior to the Newhall Ranch Specific Plan." 1

This is what you should do. Please vote for the 8,000 unit alternative.

Very truly yours,

Marilyn Stout

Marilyn Stout

Please copy this letter to the individual supervisors:

In reference to the Newhall Ranch Plan to be discussed Tuesday, November 24th, 1998:

One can only say that there has already been more development and traffic in the area than the land can bear. Surely not every square inch of California must be turned into a ledger-book entry for land speculators, must it? The populations and other entities, such as the water park, already present in the parcel under discussion impose a heavy burden on the assimilative capacities of the air and land and create a demand for water than can be satisfied only through importation; furthermore, current development, especially I-5, has fragmented wildlife habitat to the point that any further developoment will make continued existence of most major species, whether endangered or not, impossible. Add to this the traffic burdens imposed on intermediate communities (neighborhoods between the proposed developments and shopping and emplyoment centers) as well as infrastructure requirements that will be demanded of the county, which experience has shown will not be covered by the taxes these low-density developments will generate, and you have compelling reason not to approve this project. It would be cheaper to buy off Newhall with cash and not have to subsidize their developments with infrastructre maintenance and services for the next hundred years after Newhall has taken their profits and run. JUST SAY NO! 1

Richard Risemberg
205 N. Ridgewood Pl.
Los Angeles, CA 90004
(323) 461-0531
—
Richard Risemberg
rickrise@earthlink.net
Living Room: http://home.earthlink.net/~rickrise/
"There is more to life than increasing its speed." (Gandhi)

City of
Santa Clarita

23920 Valencia Blvd.
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Santa Clarita
California 91355-2196

Phone
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RECEIVED
MAY
REGIONAL PLANNING
L.A. COUNTY

May 26, 1998

Yvonne Brathwaite Burke, Chair
Los Angeles County Board of Supervisors
c/o Ms. Joanne Sturges, Executive Officer
Clerk of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

SUBJECT: NEWHALL RANCH SPECIFIC PLAN AND EIR

Dear Honorable Chair Burke:

The City of Santa Clarita appreciates the opportunity to comment on the Newhall Ranch proposal. The City has serious concerns regarding the size and scope of this project, its impacts on the City of Santa Clarita, and its impacts on the entire Santa Clarita Valley. 1

Given the potential impacts of this project on the City of Santa Clarita, the City requests that the Board of Supervisors carefully consider the attached list of issues and requested project modifications while considering this project.

Thank you for your consideration of these very important concerns.

Sincerely,

Jeffrey J. Lambert, AICP
Director of Planning and Building Services

Attachment: Summary of City of Santa Clarita Issues and Requested Project Modifications Related to Newhall Ranch

Cc: Dave Vannatta, Office of Supervisor Antonovich
Lee Stark, Los Angeles County Regional Planning Department
George A. Caravalho, City Manager, City of Santa Clarita
City Council, City of Santa Clarita
Planning Commission, City of Santa Clarita

JJL:VPB:lep
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PRINTED ON RECYCLED PAPER

SUMMARY OF CITY OF SANTA CLARITA ISSUES AND REQUESTED PROJECT MODIFICATIONS RELATED TO NEWHALL RANCH MAY 26, 1998

1. Approval of the Specific Plan without Approval of the Development Agreement

Issue: The Newhall Ranch Specific Plan would result in a dramatic increase in densities above the existing Los Angeles County General Plan. The developer is proposing the dedication of land and construction of capital facilities in order to offset the potential adverse impacts created by these density increases. However, these dedications are tied to a development agreement, which currently is not being considered by the Board of Supervisors. The City is concerned that the Specific Plan will be approved and will allow for these dramatic density increases while a development agreement that would offset these adverse impacts may never be approved. 1

City Request: That the Board of Supervisors tie all dedications, right-of-way reservations, and capital improvements to the adoption of the Specific Plan.

2. Metrolink Right-of-Way Dedication

Issue: The City is concerned about potential impediments to the reestablishment of rail service between the Santa Clarita Valley and the City of Ventura. The City views the reestablishment of this right-of-way as a critical link in reducing traffic impacts throughout the Santa Clarita Valley. The Specific Plan allows for the reservation of right-of-way for Metrolink service along this route. However, absent a development agreement or similar mechanism, there is no guarantee that the Metrolink line, station, and park-and-ride lot will be dedicated to the Metropolitan Transit Authority (MTA). 2

City Request: That the Board of Supervisors provide a mechanism, through a development agreement or similar device, that would tie these Metrolink dedications to the approval of the Specific Plan.

3. Future Transit Needs

Issue: The City is concerned about the impacts that Newhall Ranch will create on the Santa Clarita Transit system that serves the City of Santa Clarita and portions of unincorporated Los Angeles County within the Santa Clarita Valley. The City views a fiscally healthy transit system as an integral part of reducing traffic congestion throughout the Santa Clarita Valley. The EIR anticipates over 18,000 weekday transit trips generated by Newhall Ranch once build-out is completed. According to City of Santa Clarita Transit Division estimates, this would result in an annual operating cost of $9,538,017 and would require a net subsidy of $6,676,612. The ultimate build-out of Newhall Ranch would generate $4,295,362, thereby creating a shortfall of $2,381,250. Additionally, there is a two-year delay between when the revenue begins generating and when the transit system actually receives them. 3

City Request: That the Board of Supervisors identify a funding source for this shortfall for the long-term service and for the immediate capital investment needed to provide the buses. Additionally, the Specific Plan includes many "livable communities" concepts to encourage higher transit ridership. The City requests that the Specific Plan be amended to strengthen this commitment to ensure this high transit ridership. 3

4. Regional Circulation System

Issue: The City is concerned about the impacts of Newhall Ranch on the regional highway system that serves the Santa Clarita Valley. The EIR depends upon public funding for improvements to the interchange at Interstate 5 and State Route 126. However, public funding for these improvements is not guaranteed and the project will have significant impacts on the regional highway system if they are not built. Additionally, the project requires that the developer pay for its share of improvements to the regional roadway network. However, if these improvements are not constructed prior to development of each subsequent subdivision, then there will be a significant adverse impact to the regional circulation system. 4

City Request: That the Board of Supervisors require the developer to pay for these improvements if public funding is not secured and construction commenced before the need for these improvements arises.

5. Trail Standards

Issue: The City is concerned about the impacts of Newhall Ranch on the regional trail system. As proposed, the Santa Clara River Regional Trail is not sufficiently wide enough to accommodate multiple users. 5

City Request: That the Board of Supervisors amend the Specific Plan to widen the Santa Clara River Regional Trail to 40 feet to provide sufficient separation between multiple users and to provide adequate landscaping.

6. Maintenance, Staffing, and Programming of Public Parks

Issue: The City is concerned about the impacts of Newhall Ranch on the City's park recreation programming. The fiscal impact analysis indicates that there would be surplus tax revenues available for park recreation funding; however, there is no guarantee that revenues generated by this project will be utilized to provide park staffing. Additionally, there is no guarantee that this project will provide teen programs and anti-gang programs for the residents of Newhall Ranch, which is instrumental in reducing crime rates. 6

City Request: That the Board of Supervisors establish timelines for the construction, maintenance, and programming of public parks and to ensure the funding of youth sports activities.

7. **Regional/Community Youth Sports Center**

Issue: The City is concerned about the impact of Newhall Ranch on the City's facilities that accommodate league play for youth sports. Although the Specific Plan allows for multiple neighborhood parks that may adequately serve the needs of the immediate neighborhoods, there is no guarantee of a regional facility to accommodate the needs for community tournaments or league play for youth sports. Absent this guarantee, future residents of Newhall Ranch will seek these facilities within the City will impact the City. 7

City Request: That the Board of Supervisors require that the Newhall Ranch Company either provide a regional facility for youth sports or monetarily contribute towards the expansion or construction of new regional facilities elsewhere in the Santa Clarita Valley.

8. **High Country Dedication and Management**

Issues: The City is concerned about the management of a major natural resource in proximity to the Santa Clarita Woodlands which is currently jointly managed by the City and the Santa Monica Mountains Conservancy. A conservation and recreation easement will be granted to the County of Los Angeles that will maintain public oversight; however, the management of these areas and the timing of the dedications remains a concern of the City. The Newhall Ranch Company proposes that the Center for Natural Lands Management manage these areas, but the City would like to see a local agency have management responsibilities. The Newhall Ranch Company also has proposed dedicating the High Country at mid-point in the development of Newhall Ranch or sooner if Portrero Valley Village development has reached the 3,000th residential building permit. However, these dedications are included in the development agreement, which is not before the Board of Supervisors, and are not tied to the approval of the Specific Plan. 8

City Request: That the Board of Supervisors require that the High Country be managed by the Santa Clarita Watershed Recreation and Conservation Authority and require these lands to be dedicated within three years of approval by the Board of Supervisors of the Specific Plan and related cases, or immediately upon adoption of a development agreement, whichever occurs first.

9. **Santa Clara River Habitat and Management**

Issue: The City is concerned about the regional implications of the Newhall Ranch project's impacts on significant riparian habitat along the Santa Clara River and whether the project provides sufficient mitigation for these impacts. The portion of the Santa Clara River within Los Angeles County is designated as a Significant Ecological Area (SEA) and this SEA is the largest in the Santa Clarita Valley and supports a variety of natural habitats including freshwater marsh, coastal sage scrub, oak woodland, and riparian woodlands. The City is concerned that modifying the existing flood plains will permanently and adversely impact the existing riparian habitat on-site, the potential to reestablish riparian habitat on-site, and the existing riparian habitat downstream from 9

the project. The City is also concerned that this area be managed by an appropriate public agency.

City Request: That the Board of Supervisors amend the Specific Plan to prohibit development in, or modification of, the existing Flood Insurance Administration 100-Year Flood Plain and the Los Angeles County 50-year Capital Flood Plain. Also, the City requests that the Santa Clarita Watershed Recreation and Conservation Authority manage this area. 9

10. **Bank Stabilization Alternatives**

Issue: The City is concerned about the impacts of bank stabilization on the Santa Clara River. Even though the Newhall Ranch Company has agreed to the use of alternatives to conventional bank stabilization techniques such as buried bank stabilization and the Specific Plan allows for these alternatives, the plan does not require the utilization of these alternative methods. 10

City Request: That the Board of Supervisors amend the Specific Plan to require buried bank stabilization or similar environmentally sensitive bank stabilization techniques along the Santa Clara River.

11. **Hillside/Ridgeline Development Standards**

Issue: The City is concerned about the visual impact of hillside grading created by the project. Although the Specific Plan's Hillside/Ridgeline includes development standards for hillside grading, the City believes that they do not provide the fullest possible protection from excessive grading and landform alteration. 11

City Request: That the Board of Supervisors amend the specific plan adding stronger language requiring, instead of encouraging, sensitive landform alteration techniques and add additional discretionary review procedures for significant landform alteration.

12. **Guaranteed Source of Water**

Issue: The existing EIR mitigation measures require that a source of water be identified prior to the approval of each tentative subdivision map. The City is concerned that an adequate water supply has not been secured for the entire project. The Castaic Lake Water Agency is the wholesale provider of water from the State Water Project to both the Newhall Ranch project and the Santa Clarita Valley. If an adequate supply is not identified, then the entire Santa Clarita Valley will be impacted in drought years. 12

City Request: That the Board of Supervisors require a phasing plan which identifies the definitive water sources earlier than at the tentative subdivision map stage. This phasing plan should provide that no approvals will be given for a subsequent development phase until the water sources are identified.

13. School Facilities

Issue: The City is concerned that if adequate school facilities are not provided in Newhall Ranch, then the schools within the City will be adversely impacted. Currently, the project does not guarantee that adequate junior high and high school facilities will be provided because the impact of the project on the local junior high and high schools is considered to be unavoidably significant by the William S. Hart Union School District. 13

City Request: That the Board of Supervisors require that an agreement between the Newhall Ranch Company and the William S. Hart School District be in place prior to the approval of the General Plan Amendment and adoption of the Specific Plan.

14. Fiscal Impact Analysis

Issue: The City Council has directed City staff to hire a consultant to evaluate the fiscal impact analysis submitted by the Newhall Ranch Company. This new fiscal impact analysis will determine whether the project will generate enough tax revenue within the City of Santa Clarita to pay for additional services and capital improvements within the City to accommodate the impacts of the Newhall Ranch project. This includes the need to provide for the additional improvements to the roadway system within the City to provide additional transit services and to provide additional parks and recreation services. This fiscal analysis will be forwarded to the Board of Supervisors upon completion in June 1998. 14

City Request: That the Board of Supervisors consider this fiscal information when taking action on the Newhall Ranch project.

JJL:VPB:lep

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MEMBERS OF THE BOARD
SUSAN K. LACEY
FRANK SCHILLO
KATHY I. LONG
JUDY MIKELS
JOHN K. FLYNN

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

July 14, 1998

Members, Board of Supervisors
c/o Ms. Joanne Sturges, Executive Officer
Clerk of the Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Newhall Ranch Project, Hearing Date July 28, 1998

Dear Members, Board of Supervisors:

The Ventura County Board of Supervisors requests that you condition the Newhall Ranch Project as set forth below. These issues are identifiable at this time and may be supplemented as our analysis of project impacts on Ventura County continues. The Ventura County Board of Supervisors considers these conditions very significant to Ventura County and intends to pursue all litigation necessary to require that these impacts on Ventura County are properly addressed and mitigated. 1

Each of the proposed conditions is summarized below. A detailed statement of each condition is attached as a separate exhibit.

1. Groundwater Resources: The project applicant agrees to make a public disclosure which will become a condition of the project that the project as proposed will rely on imported State water for the project water supply and will not use any groundwater such that the amount of groundwater flowing into Ventura County will not be reduced in any amount at any time. Any changed conditions during the 20 to 25-year build out resulting in a probable use of groundwater will require a subsequent EIR, subject to 2

Ventura County review, to quantify and evaluate the impacts on Ventura County's water supply.

2. Flood Control: An engineering analysis is to be done determining the frequency of exceedance of the 2, 5, 10 and 25-year storms as compared with predevelopment conditions. If such a study indicates a significant impact on Ventura County, such as bank erosion and related impacts, then appropriate facilities are to be built in the project area to mitigate the impacts.

3. Traffic: The project shall be conditioned to provide for payment in the approximate amount of $850,000 as traffic mitigation fees to the County of Ventura.

4. Air Pollution: Pursue all mitigation measures proposed by the Ventura County Air Pollution Control District as set forth in the attached exhibit.

5. Biology: Adopt a specific mitigation plan for the Salt Creek Watershed in Ventura County.

6. Housing: In order to reduce air and traffic impacts caused by the project, mitigate the potential growth inducing impacts on neighboring communities, and provide opportunities for future workers within the Newhall Ranch community to live in the community, the Newhall Land and Farming Company and its successors shall be required to adopt an affordable housing plan meeting the housing needs for all income levels generated by the Newhall Ranch Project.

7. Agricultural Buffer: The project shall be conditioned to maintain an agricultural buffer of a minimum of 1,000 feet between the development and the agriculture use in Ventura County.

Thank you for your consideration and cooperation.

Sincerely,

Susan K. Lacey

SUSAN K. LACEY
Supervisor, District 1, Ventura County Board of Supervisors

Frank Schillo

FRANK SCHILLO
Supervisor, District 2, Ventura County Board of Supervisors

Kathy Long

KATHY LONG
Supervisor, District 3, Ventura County Board of Supervisors

Judy Mikels

JUDY MIKELS
Supervisor, District 4, Ventura County Board of Supervisors

John K. Flynn

JOHN K. FLYNN
Supervisor, District 5, Ventura County Board of Supervisors

DLS:sld
Enclosures
g:\common\ds\newhall\sbrdsup.ltr
cc: List Attached

COPY LIST ATTACHED TO JULY 14, 1998, LETTER

M.L. Koester, Chief Administrative Officer, County of Ventura
David Janssen, Chief Administrative Officer, County of Los Angeles
Gary M. Cusumano, President, Newhall Land and Farming Company
Arthur E. Goulet, Director, Public Works Agency, County of Ventura
Thomas Berg, Director, Resource Management Agency, County of Ventura
Richard H. Baldwin, Air Pollution Control District, County of Ventura
W. Earl McPhail, Agricultural Commissioner, County of Ventura
Fred Gientke, United Water Conservation District
Robert J. DiPrimio, Valencia Water Company
Robert Sagehorn, Castaic Lake Water Agency
Tom Shollenberger, Newhall County Water District
Vince Bertoni, City of Santa Clarita
City of Fillmore
City of Santa Paula
City of San Buenaventura
City of Oxnard
City of Port Hueneme
City of Simi Valley
Walt Pettit, State Water Resources Board
John T. Buse, Staff Attorney, Environmental Defense Center
Kirk Waln, U.S. Fish & Wildlife Service
Daniel Meer, U.S. Environmental Protection Agency
Richard Schubel, U.S. Army Corps of Engineers
Patricia Wolf, California Department of Fish & Game
Wendy Phillips, Regional Water Board
William Lungren, Metropolitan Transportation Authority
Viviane Douche-Boulos, SCAG
Elizabeth Cheadle, Santa Monica Mountains Conservancy
Jan Scow, California Native Plant Society
George Johnson, Save the Oxnard Plain
Lynn A. Plambeck, Santa Clarita Organization for Planning the Environment
Bruce Henderson, U.S. Army Corps of Engineers
Jeannie Blakeslee, California Integrated Waste Board
Steve Buswell, California Department of Transportation
Reed Holderman, California State Coastal Conservancy
Cindy Greenwald, South Coast Air District
Betsey Landis, California Native Plant Society
Greg Ferrier, Castaic Area Town Council
Daniel Cormode, East Ventura Community Council
Rick Putman, Santa Clarita Watershed Authority

COPY LIST ATTACHED TO JULY 14, 1998, LETTER (Cont.)

Rebecca Tuden, U.S. Environmental Protection Agency
Dian Noda, U.S. Department of Interior
Raja Mitwasi, California Department of Transportation
Gary Timm, California Coastal Commission
Michael McGinley, Metrolink
Richard Burgess, California Native Plant Society
Lewis Bert, Val Verde Civic Association
Los Angeles Audubon Society
Dick Hingson, Sierra Club
Patagonia
Anjani Mandavia/Travel Village, Weissman, Wolff
Alan Waltner, Friends of the Santa Clara River
Barbara Wampole, Friends of the Santa Clara River
David Chatfield, Clean Water Action
Mark Holmgren, Department of Ecology, University of California Santa Barbara
Frank Kertum, North Valley Coalition
Jim Danza, Friends of the Ventura River
Jonathan Baskin, Department of Biological Sciences
Jonathan Stein, Friends of the Santa Clara River
John Tommy Rosas, Sespe Indian Resource Center

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GROUNDWATER RESOURCES

Proposed Policy Statement to be Added to the FEIR:

It is the intent of the Specific Plan (SP), and is an assumption of the FEIR, that no development included within the Specific Plan will result, at any time either directly or indirectly, in a reduction of surface water or groundwater volume flowing in the Santa Clara River basin through the "Blue Cut" area near the Los Angeles/Ventura County line. It is a specific assumption of the FEIR that no such reduction will occur in the surface water or groundwater volume flowing into Ventura County because the FEIR contemplates that State water will be the primary and preferred source of water for the Newhall project. The FEIR also assumes that the ASR well injection program is a possible, but not the preferred water source. It is further assumed that even the ASR alternative will not result in a reduction in surface water or groundwater volume flowing into Ventura County because it is assumed that the water pumped in implementing the ASR alternative will not at any time exceed the water previously injected and stored underground. 1

Proposed FEIR Mitigation Measures to Implement the Assumptions of the FEIR

Prior to tentative approval of any development requiring an "availability," "will serve" letter or an equivalent document, the project shall obtain a statement from the water purveyor of the availability of State project water to serve the specific project and submit this statement to the County of Ventura, Water Resources Section, prior to map approval. This statement shall demonstrate the following: 2

1. That the purveyor has unallocated rights to State water adequate to service the specific project.

2. That the purveyor will increase its demand on the State water system by at least the amount required by the specific project at the time that "occupancy" permits are issued for the specific project.

EXHIBIT 1
Page 1 of 2

3. That if the purveyor, or a water agency which supplies water to the purveyor, uses groundwater contained in the Saugus and/or Alluvial Aquifers, then the purveyor shall certify that the water demand from the specific project will not result in increased pumping of either aquifer over what would occur without the approval of the specific project.

4. In the event that a proposed project cannot comply with the requirements set forth in 1, 2, and 3 above, or may require groundwater to supply the specific project then an appropriate environmental document shall be prepared analyzing the impact on groundwater flowing into Ventura County. Regardless of the minimum notification requirements of the environmental document required by State law, said environmental document shall be submitted for review and comment to the Water Resources Section of the County of Ventura Public Works Agency, and to the United Water Conservation District. 2

5. These conditions shall remain in effect for the operational life of each specific project within the Newhall Ranch Specific Plan.

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EXHIBIT 1
Page 2 of 2

FLOOD CONTROL

Prior to project approval the FEIR will include an evaluation of the impacts of post development frequency of exceedance of the 2, 5, 10 and 25-year storms as compared with predevelopment conditions. The comparison between predevelopment and post development conditions shall be based on a predevelopment natural watershed condition (not burned and bulked) and a post development condition with all channel improvement and storm drains in place. The evaluation of the impacts should extend downstream in Ventura County to the point where such impacts becomes insignificant. 1

If this evaluation indicates any significant impact in Ventura County, such as increased bank erosion, additional measures shall be incorporated into the project to reduce the discharge(s) from the project area to the level necessary to eliminate the significant impact(s).

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EXHIBIT 2
Page 1 of 1

TRAFFIC

The project shall be conditioned so that the Ventura County cumulative impact analysis is adopted as a condition of approval, and the fees paid as determined by that analysis.

If the project applicant elects to pay the traffic fees in advance of full project development the condition should be:

A. In consideration of the total estimated cumulative traffic impact of the Newhall Ranch development on Ventura county Roadways, the Developer shall pay to the County of Ventura, for deposit into the County Traffic Impact Mitigation Fee Trust Account an amount equal to $883,753.20. (7,740 ADT x $114.18.)

If the project applicant agrees to pay the traffic fees based on a building permit schedule the project condition should be:

B. Prior to issuance of any building permit for any residence or commercial building, the Developer shall pay or cause to be paid to the County of Ventura traffic fees as established by Ventura County Ordinance Code section 4071 or applicable law. Currently this amount is equal to 7,740/387,000 x $114.18 or $2.30 per total ADT generated by that building or facility. The amount of ADT generated will be determined by use of standard trip generation rates as tabulated by Trip Generation, 5th Edition, published by the Institute of Traffic Engineers (ITE), 1991 or a later version as published by ITE. A report of all building permits issued under the Newhall Ranch Project, including the traffic generation rates utilized and fee amounts paid, shall be furnished to the Public Works Agency, County of Ventura annually. All monies received shall be deposited by the County into the Traffic Impact Mitigation Fee Trust Account and may be utilized by the County in accordance with Ventura County Ordinance Code section 4071. The amount of $114.18 may be revised annually in accordance with the provisions of Ventura County Ordinance Code section 4071 or other applicable law. Failure to pay any amount so due to the County of Ventura within 30 days of issuance of a building permit shall result in addition to the calculated fee amount a penalty of 15 percent of the calculated fee plus daily interest at the standing rate as determined by the Ventura County Auditor-Controller.

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AIR POLLUTION

Prior to project approval the FEIR shall evaluate the potential mitigation measures recommended by Ventura County Air Pollution Control District. These mitigation measures are specifically set forth in item 6 beginning at page 2 of this exhibit. These mitigation measures shall be evaluated as to their feasibility based on the substantive merits of the specific measure, and shall not be declared to be unfeasible simply because the individual measure is not on the mitigation list of the South Coast Air Quality Management District (SCAQMD). 1

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APCD Recommended Newhall Ranch EIR Revisions and Mitigation Measures

1) The EIR should include a discussion of Ventura County's air quality problems, with emphasis on ozone and particulate matter. The discussion should include Ventura County's attainment status with respect to state and federal ozone and particulate matter, historical ambient air quality in the county with respect to ozone and particulate matter, progress towards meeting state and federal ozone and particulate matter ambient air quality standards, Ventura County's prospects for attaining state and federal ambient air quality standards, and sources of particulate matter and ozone precursor emissions (with their relative contributions) in Ventura County. 2

2) The EIR should provide a qualitative assessment of the project's potential air quality impacts on Ventura County. This should include an acknowledgment that the project may hinder Ventura County's progress towards meeting state and federal air quality standards. 3

3) The EIR should acknowledge that large-scale grading and excavation operations for the project may increase the incidence of San Joaquin Valley fever in the Santa Clarita/Santa Clara Valley region, including Ventura County. 4

4) The EIR should acknowledge that project grading and excavation operations may generate large amounts of fugitive dust that may adversely affect citrus groves and other agricultural crops in the Ventura County portion of the Santa Clara Valley. 5

5) The EIR should acknowledge that the Newhall Ranch Project will induce growth (with associated air quality emissions) in the Ventura County portions of the Santa Clara Valley. 6

6) The following air quality mitigation measures should be included in either a formal Air Quality Mitigation Agreement between the project proponent and the County of Los Angeles, or be incorporated into an Air Quality Component of the Specific Plan (both were done for the Ahmanson Ranch project): 7

- All residential, commercial, and industrial structures within the Specific Plan area should be designed and constructed to be at least 20 percent more energy efficient than required by the energy efficiency standards of California Title 24. 8

- A fuel cell demonstration program for the commercial buildings within the Specific Plan area. 9

Exhibit 4
Page 2 of 4

- All residential units in the specific plan area should include electric vehicle recharge outlets. 10

- Establish, staff, and ensure ongoing funding for a teleconferencing and telecommuting center of at least 1,000 square feet, including reasonable furnishings and equipment, within the specific plan area. 11

- Ensure that there will be adequate child care facilities and services to serve the specific plan area. 12

- Ensure that the mixed use, business park, and retail components within the specific plan area have adequate food service, postal, copying, and banking services. 13

- Establish and ensure ongoing funding for clean-fuel shuttle vans/buses to serve the specific plan area. 14

- Establish and fund a utility equipment exchange program for the specific plan area. Such a program would exchange old, gasoline powered utility equipment, such as lawnmowers, for electric-powered models. 15

- Establish and fund an outboard engine exchange program for the specific plan area. Such a program would exchange old, two-stroke engines for new, less-polluting four-stroke engines. 16

- Incorporate a recycling center into the specific plan. 17

- Provide bus turnouts and covered transit waiting areas at appropriate locations within the specific plan area. Said transit waiting areas will have the corresponding transit schedule posted. 18

- Fund and implement a program to convert industrial, oil field, and agricultural engines in the Santa Clarita/Santa Clara Valley to electric motors. 19

- All non-residential buildings in the commercial, business park, and mixed-use components should have employee locker/shower/changing facilities. 20

- Incorporate an Affordable Housing component within the specific plan area. 21

- Plant and maintain shade trees and shrubs to reduce heat build-up on structures. 22

- Develop and implement a dust control plan based on the South Coast Air Quality Management District's Rule 403 and its companion implementation 23

Exhibit 4
Page 3 of 4

handbook. Incorporate the dust control plan into the Air Quality Mitigation Agreement or into the specific plan. Said dust control plan should be amended as necessary to be consistent with any future amendments to either Rule 403 or its companion implementation handbook. 23

- Only clean-fuel trash trucks should serve the specific plan area. 24

- All school buses and vans that operate within the specific plan area should be clean-fuel models. 25

- The project proponent shall work with Caltrans to identify an appropriate location within or near the specific plan area for a park-and-ride lot. The the park-and-ride lot shall constructed per Caltrans specifications. 26

- Establish, staff, and provide ongoing funding for a Transportation Management Association (TMA). The purpose of the TMA is to develop and promote programs to reduce project-related, peak-hour vehicle trips. Such programs could include coordinating public transit and implementing measures such as carpooling and vanpooling programs within the specific plan area. 27

- Adopt an Air Quality Impact Fee similar to the Air Quality Impact Fee provision in the Ahmanson Ranch Development Agreement. The fee should be used to convert public and private motor vehicle fleets, including transit buses, to clean fuels in the Santa Clarita area. A prorata amount should be available for similar emission reduction programs in Ventura County. 28

These mitigation measures are not intended to replace those in the project EIR. Rather, they are additional mitigation measures to help further reduce air pollutant emissions that the project will generate.

Exhibit 4
Page 4 of 4

NEWHALL RANCH BIOLOGICAL MITIGATION MEASURE
Ventura County Planning Division 6/1/98

1. Prior to approval of the Newhall Ranch Specific Plan, the Newhall Land and Farming Company shall agree in writing to an Upland Migration Mitigation Plan which consists of the following:

A. Remove from the Salt Creek watershed located in Ventura County the following:

1. Irrigated agriculture.

2. Cattle grazing and any other activities deemed by the US Department of Fish and Wildlife (USDFW) as detrimental to wildlife or non-agricultural biological communities. This may require fencing all or portions of the boundary of the watershed as determined necessary by the USDFW. Exempt from this requirement are existing oil field activities and electrical transmission facilities.

B. The requirements outlined in Paragraph "1A" shall remain in effect until such time as the County of Ventura approvals a discretionary action which includes all or part of the Salt Creek watershed in Ventura County. Upon issuance of said discretionary approval, the conditions of that approval shall supersede the requirements of Paragraphs "1A" in those areas in which the approval applies. Areas outside the area subject to the discretionary approval shall continue to be subject the limitations outlined in Paragraph "1A" above.

C. A qualified consultant or other organization ("monitoring organization"), shall be appointed by the County of Ventura. This monitoring organization shall make recommendations to the County of Ventura on the issues outlined in Paragraph "2" below. Said monitoring organization may be replaced as deemed appropriate by the County of Ventura. The County of Ventura shall have the final decisions regarding the following issues, subject to the limitations outlined below.

2. Prior to issuance of the first occupancy permit for this project the following shall occur:

A. Management of the Salt Creek watershed within Ventura County shall be turned over to the same open space organization which will manage the High Country portion of the Newhall Ranch project. The Salt Creek watershed shall be modified, maintained, and operated for the sole purpose of developing high quality, non-agricultural ecological communities such that non-agricultural animals will be attracted to the area, and which can readily use the Salt Creek watershed to move between the Santa Clara River and the High Country. This management shall not include cattle grazing unless recommended by the USDFW.

B. Moneys to pay for the tasks described in paragraph "2C" below shall be paid by the developer to the open space organization. The amount of funds transferred from the developer to the open space organization shall not exceed a total of $_____ (1998 dollars) to implement paragraph "2C."

Except as noted below, all costs associated with this mitigation measure shall be included within the above limitation. Costs not included within this limitation include land and associated costs, and costs directly or indirectly incurred by the developer (i.e., developer staff costs, material costs, developer hired consultants, etc.)

C. The management of the Salt Creek watershed shall include moneys paid by the developer to the open space organization adequate to meet the following purposes:

1. Develop and implement a habitat enhancement plan to increase the biological carrying capacity of the watershed. This shall include removal of invasive foreign (i.e., nonnative) plants and animals as appropriate, planting of plants as appropriate for food and shelter for animals expected to occur in the area, modification of land forms, and establishment of water sources, or other features (e.g., salt licks etc.) as may be deemed appropriate by the monitoring organization.

licks etc.) as may be deemed appropriate by the monitoring organization.

2. Establishment of a trust fund adequate to maintain the watershed and the habitat enhancement plan for its intended purpose into perpetuity. These funds shall also be adequate to monitor the effectiveness of the watershed in achieving its purpose.

D. Development and monitoring of the habitat enhancement plan shall be under the direction and approval of the County of Ventura. Agency or organization staff, or consultants hired by said agencies, may be paid through the accounts established in Paragraph "2C" and shall be subject to the $_____ limitation outlined in paragraph "2B" above.

Agreement and implementation of this mitigation measure shall be considered by the County of Ventura to be an adequate response to the concerns of the County of Ventura regarding impacts to existing biological communities in and around the Newhall Ranch project.

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AFFORDABLE HOUSING CONDITION

In order to reduce traffic and air quality impacts caused by the project, mitigate the potential growth-inducing impacts on neighboring communities, and provide opportunities for future workers within the Newhall Ranch community to live in the community, the Newhall Ranch Company and its successors shall be required to address the affordable housing needs generated by the Newhall Ranch project.

The Newhall Land and Farming Company and its successors shall construct or ensure the construction and long-term maintenance of a minimum of 633 housing units (2.6% of 24,351 planned housing units) affordable to Very Low income households, 3,458 housing units (14.2%) affordable to Low income households and 5,625 housing units (23.1%) affordable to Moderate income households as these income categories are defined by the Department of Housing and Urban Development. A program to achieve this objective shall be incorporated into the Newhall Ranch Specific Plan. (An example of such an affordable housing program is attached beginning at page 2 of this exhibit.) 1

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NEWHALL RANCH SPECIFIC PLAN

AFFORDABLE HOUSING PROGRAM

In order to meet the affordable housing needs generated by the project 16.8% of the proposed 24,351 planned residential units within the Newhall Ranch community must be affordable to *Low* and *Very Low Income households** and an additional 23.1% of the residential units must be affordable to *Moderate Income households*. To ensure that such housing is provided, the following requirements will apply to developers of residential, commercial or business park properties:

1. Requirements for Residential Subdivisions:

1.1. Identification of Affordable Housing Locations.

Prior to recordation of any residential subdivision map (or prior to issuance of a building permit for residential apartment units) within the Newhall Ranch community, the applicant for the residential subdivision (or apartment development) will be required to identify specific lots (or apartment units) which will be made available for *affordable housing units* as follows (as close as possible to the nearest whole number):

- 2.6% of the total number of units proposed will be identified for housing units affordable to *Very Low Income Households*
- 14.2% of the total number of units proposed will be identified for housing units affordable to *Low Income Households*

1.2 Deed Restrictions.

Sale and purchase agreements for *affordable for-sale units* shall include disclosures and deed restrictions that declare that the unit must remain owner occupied and specify all resale restrictions required by this Affordable Housing Program. These restrictions shall continue in effect for 30 years.

* See Glossary section for definition of italicized words.

Exhibit 6
Page 2 of 8

1.3 **Housing for Moderate Income Households.**

To meet the housing needs of *Moderate income households*, 23.1% of the total project housing would need to be affordable to *Moderate income households*. The Newhall Ranch project proponent (Newhall Ranch Company) believes that *Moderate income household* housing needs will be adequately addressed by normal market conditions. Therefore, the remaining residential units will be *market-rate units*. However, a monitoring program will be created to ensure that if the market does not supply adequate housing opportunities for *Moderate income households*, appropriate measures will be implemented to ensure that the Newhall Ranch project will provide at least the number of units required by the employment generated by the Newhall Ranch project (see section 2 below).

1.4 **Implementation Options for Residential Developers:**

The applicant for a residential subdivision (or apartment development) may elect one of the following options:

1.4.1 The applicant for a residential subdivision may construct the required number of *affordable housing units* as designated in Section 1.1 above, and offer them for sale (or rent) at affordable rates pursuant to Section 3 below.

1.4.2 Alternatively, the applicant for a residential subdivision (or apartment development) may elect to offer some or all of the designated affordable housing lots (or units) to the Los Angeles County Housing Authority or other County of Los Angeles approved organization for the purpose of constructing and selling (or renting) *affordable housing units* pursuant to the requirements of Section 3 below.

1.5 **Transferability:**

By legally binding agreement between owners of residential lands within the Newhall Ranch Specific Plan area, and the written concurrence of the Housing Coordinator, the number or affordability type of designated affordable housing lots (units) may be transferred, without limit.

1.6 **Reporting Requirement.**

The sales price/rental price of each dwelling unit and number of bedrooms shall be reported to the Housing Coordinator for preparation of the Affordable Housing Status Report.

2. Requirements for Commercial/Industrial Developments:

Developers of commercial and business park properties shall be subject to the following affordable housing requirements:

2.1 **Commitment to Construct Affordable Housing Prior to Issuance of Building Permit.**

A Building Permit for commercial or industrial development shall not be issued until the Housing Coordinator determines that:

- At least one housing unit affordable to *Very Low income households* has been constructed (or committed for construction) for each 6,161 square feet of commercial or industrial development proposed, and
- At least one housing unit affordable to *Low income households* has been constructed (or committed for construction) for each 1,128 square feet of commercial or industrial development proposed, and
- At least one housing unit affordable to *Moderate income households* has been constructed (or committed for construction) for each 693 square feet of commercial or industrial development proposed.

2.2 **Implementation Options for Commercial/Industrial Developers:**

In the event the Housing Coordinator determines that the provisions of Section 2.1 have not been met, the developer of commercial or office park land may do one of the following:

2.2.1 Commercial and industrial applicants may opt to enter into an agreement with an applicant for a residential subdivision (or apartment development) within the Newhall Ranch community in order to ensure the development of *affordable housing units* within the Newhall Ranch community.

Exhibit 6
Page 4 of 8

2.2.2 Alternatively, the commercial and industrial applicant may make a cash contribution to the Los Angeles County Housing Authority, or other County of Los Angeles approved organization, for the purpose of constructing and selling (or renting) *affordable housing units* within the Newhall Ranch project and vicinity. The amount of the Affordable Housing Fee shall be established by the Los Angeles County Board of Supervisors. The fee shall be of sufficient quantity to ensure that the affordable housing deficit will be adequately addressed.

3. Implementation Requirements:

3.1 Housing Coordinator:

3.1.1 The Director of the Los Angeles County Regional Planning Department (or designee) shall act as the Housing Coordinator and shall be responsible for implementation, monitoring and enforcement of the Newhall Ranch Specific Plan Affordable Housing Program.

3.1.2 Affordable Housing Status Report. The Housing Coordinator shall certify in writing from time to time the number of *affordable for-sale units* and *affordable rental units* then offered within the Newhall Ranch community. This certification shall determine the number and type of *affordable housing units* credited towards the requirements of this Specific Plan. The Status Report shall also track the number of units available for *Moderate income households*.

3.2 Requirements for Affordable For-Sale Units:

3.2.1 Maximum Sales Price. *Affordable for-sale units* shall be sold for a price that insures that the buyer's monthly payment will not exceed the applicable *affordable housing payment*.

3.2.2 Preferential Marketing Period for Newhall Ranch Workers. *Affordable for-sale units* shall be targeted to *qualifying households* of workers employed within the Newhall Ranch community, during a 90-day preferential marketing period beginning on the date of issuance of the Preliminary Reservation Report, ("pink report") from the California Department of Real Estate. During this period, reservations

Exhibit 6
Page 5 of 8

will be taken from households whose income for the preceding 12 months has been verified by the Housing Coordinator to meet *qualifying household* standards and at least one person is employed within the community. At the end of any 90-day preferential sales and marketing period, any previously certified *affordable for-sale unit* may be released to other qualifying households, regardless of where household members are employed.

3.2.3 Owner Occupancy Agreement. The purchaser shall submit a declaration to the Housing Coordinator of intent to reside in the unit.

3.2.4 Limitation on Subsequent Sales. Subsequent sales of *affordable for-sale units* must be to another qualifying household at a price to be determined by the seller and the purchaser. The seller shall notify the Housing Coordinator of intent to sell an *Affordable for-sale unit*. The Housing Coordinator shall certify that the new purchaser is a *qualifying household*. The new purchaser shall submit a declaration to the Housing Coordinator of intent to reside in the unit.

3.3 Requirements for Affordable Rental Units:

The *affordable rental units* shall be subject to rent control provisions to ensure their continued availability to the target *qualifying households*, as established at the time of approval of the applicable residential subdivision map and to ensure that the rent does not exceed the maximum *affordable housing payment*. To achieve this the following will be required:

3.3.1 30-Year Contract Required. Prior to issuance of a certificate of occupancy for a residential development containing *affordable rental units*, the developer shall record a contract between the County and the developer ensuring that *affordable rental units* shall be reserved for qualifying households for 30 years.

3.3.2 Lease Requirements. The lease form shall be approved by the Housing Coordinator. This form shall disclose the affordability restrictions and reserves the right of the landlord to terminate the lease upon 60 days notice if the tenant made a material misrepresentation or omission in the rental application or lease in order to qualify to rent an

Exhibit 6
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affordable rental unit or the tenant's income has increased in excess of 20 percent of the maximum income that qualified the tenant to rent the unit.

3.3.3 Reporting Requirement. The landlord shall submit an annual report to the Housing Coordinator for inclusion in the Affordable Housing Status Report, regarding rental activity, including names and incomes of residents, dates of occupancy, rents and lease agreements.

3.3.4 Rent Adjustments. Rent adjustments may be made periodically to reflect changes in the consumer price index

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GLOSSARY

Affordable For-Sale Units – A dwelling unit built under the provisions of the Newhall Ranch Specific Plan Affordable Housing Program, which is for sale as an owner-occupied unit, and deed restricted with applicable resale provisions.

Affordable Housing Payment – A total monthly housing payment which does not exceed 30 percent of the maximum gross monthly income of a *qualifying household*. The *affordable housing payment* includes rent, or principal, interest, and private mortgage insurance on any mortgage loan, as well as any applicable HOA fees, special assessments, and property taxes.

Affordable Housing Unit – Residential dwelling units which are priced to sell or rent to a household with a total income which does not exceed 120 percent of the Los Angeles County Median Household Income.

Affordable Rental Unit – a rental unit built as a part of the Affordable Housing Program which is occupied by or available to a certified qualifying household.

HUD – United States Department of Housing and Urban Development.

Low Income Household – Those having an income of between 50% to 80% of the median household income for Los Angeles County, as established by *HUD*.

Market Rate Unit – A residential dwelling unit that is not subject to the affordable sales or rental provisions of the Newhall Ranch Specific Plan Affordable Housing Program.

Median Household Income – The median annual income for a household in Los Angeles County as established by *HUD*.

Moderate Income Household – Those having an income of between 80% and 120% of the median household income for Los Angeles County, as established by *HUD*.

Qualifying Household – A household whose annual income has been verified such that it qualifies as a Very Low, Low or Moderate Income household.

Very Low Income Household – Those having an income of 50% or less of the median household income for Los Angeles County, as established by *HUD*.

Exhibit 6
Page 8 of 8

AGRICULTURAL CONDITION

The project conditions shall provide for an agricultural buffer of a minimum of 1,000 feet between the development and the agricultural use in Ventura County. 1

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EXHIBIT 7
Page 1 of 1

SCOPE

Santa Clarita Organization for Planning the Environment

To Promote, Protect and Preserve the Environment, Ecology and Quality of Life in the Santa Clarita Valley

P.O. Box 1182, Santa Clarita, CA 91386

SCOPE Comments on County Response to SCOPE Letter of 28 March, 98

Entered into the record on this matter that the county failed to provide the required response of the county to Section 63502.2 of the Government Code regarding county consideration of Urban Water Management Plans, including recognition and consideration of the fact the CLWA defaulted on their Urban Water Management Plan was absent from any consideration of these matters, including the ultimate land-use decision. Upon acceptance of this document into the public record county stipulates to this statement.

Entered into the record that the county failed to consider either the Urban Water Management Plan of the Valencia Water Company, or the missing Urban Water Management Plan of the Castaic Lake Water Agency. All of this is introduced into the record as a noted deficiency in the process.

Entered into the record that the county did not evaluate under the DEIR or the FEIR CLWA's refusal to submit an Urban Water Management Plan within the time required, thereby having CLWA as a water provider subject to the lack of any drought assistance for this project.

Entered into the record that CLWA is recognized by the county to be a critical water supplier to this project, that the county was obligated and did yet not consider the CLWA Urban Water Management Project (or missing current submission thereof) for this project; that the county was fully aware with regard to this project that the inaction of CLWA to complete an Urban Water Management Plan means the CLWA can be denied needed drought-relief water for this project because of CLWA's failure, but the facts and circumstances of this CLWA inaction were not considered, but ignored, by the Board of Supervisors when making a decision. 1

Entered into the record that the failure of the CLWA to obtain drought assistance from the state in a timely manner means that an adequate water supply may not be able to serve this project, and may, in fact, result that this project would be subject to reductions in service due to drought.

Entered into the record that the 1995 Urban Water Management Plan of the Valencia Water Company did not identify the Newhall Ranch Project as part of the VWC 1995 UWMP, did not consider this project within VWCs 20-year projection of supply and demand, and this project is therefore not consistent with the VWC 1995 UWMP.

Entered into the record that the CLWA did not, by the end of 1995, complete an Urban Water Management Plan intended under Section 63502.2 of the Government Code to be applicable to this project

Entered into the record that neither the CLWA 1990 Urban Water Management Plan nor the 1995 Valencia Water Company Urban Water Management Plan fully and faithfully comply with Section 10631 of the water code on the following specific items:

a) Sevice areas of VWC, with 5 year increments, over 20 years, were never supplied.

b) VWC has not identified the planned sources of water in a), above

c) VWC in the 1995 UWMP did not address water availabilty for either an average year, a single dry year, nor multiple dry years.

d) VWC failed in whole or in part to comply with other parts of Section 10631 of the Water Code, 1

Entered into the record that Los Angeles County failed to consult required entitites for factual information for the Environmental Impact Report on water supply and instead allowed only unsupported statements from unsupported sources.

SCOPE

Santa Clarita Organization for Planning the Environment

To Promote, Protect and Preserve the Environment, Ecology and Quality of Life in the Santa Clarita Valley

P.O. Box 1182, Santa Clarita, CA 91386

22 November, 1998

Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

Attn: Executive Offices of the Board of Supervisors

Ref: Continued Public Hearing on 24 November 1998 for the Newhall Ranch Specific Plan and Water Reclamation Plant.

Sirs/Madams:

On 28 March 1998 we submitted a letter to you on this matter. In our March letter we raised serious, specific, documented issues and concerns regarding the availability and reliability of the water supply for this project*. We have, however, not received any response to the issues and concerns that were raised. Instead, on 20 November, 1998 we received a copy of the 17 November, 98 memorandum from Mr. James Hartl presenting the results of a staff analysis of these issues. 1

Not only did we have to sacrifice a weekend to respond to this staff memo which not was an adequate period of time by any reasonable measure, but the staff memo did not respond accurately to the issues and concerns we raised months ago, and instead continued a practice of inaccurate and misleading data analysis and presentation regarding future water supplies.

We are especially concerned that Section 65302.2 of the Government Code requires the county to utilize as a source document any urban water management plan (UWMP) submitted to the county by a water agency, yet the county has not documented any use of the 1995 urban water management plan of the Valencia Water Company (VWC). Moreover, the county has not recognized that the Castaic Lake Water Agency (CLWA) failed to produce an UWMP by the end of 1995 and is so in default with state planning requirements. The penalty to CLWA for failing to produce an UWMP is that CLWA is now ineligible for any drought assistance. 2

In prior droughts CLWA was able to participate in a Drought Water Pool in which willing sellers would provide all or part of their reduced State Water Project (SWP) deliveries to willing buyers, including CLWA. CLWA is currently ineligible to participate in such a program, or any other drought relief program, and the omission of these facts and the potential impacts on the Newhall Ranch project have not been presented to you for consideration in your overall decision on the project.

* For your convenience we have attached a copy of our 28 March, 1998 letter in this submittal.

We also have serious concerns regarding the staff recommendation that the Upper Santa Clara Water Committee be a participant as both a mitigation monitoring measure for this project and as a water supply reporting agency for all pertinent county land-use decisions in the Santa Clarita Valley, including other projects.*

The Upper Santa Clara Water Committee (USCWC) is not a public agency recognized by either state law or county ordinance. The USCWC is not a joint powers agency created by the three public agencies on the committee: CLWA, the Newhall County Water District (NCWD), and Los Angeles County Waterworks #36 (LA36). The USCWC is not even an incorporated non-profit corporation.

USCWC meetings, funding, business practices, bylaws, operating procedures, policies, etc. are all unknown to us and are not a matter of public record. We understand that committee members consist of the five general managers of the five water entities in the SCV - 3 public and 2 private - but their meetings are not advertised and are closed to the public. We also note that the committee *does not* consist of the Directors of the 3 public agencies, and that the general managers of the 3 public agencies do not seek approval from the directors of LA36, NCWD, and CLWA in establishing a position or voting on matters in the USCWC.

To be more specific, the letter of 4 November, 98 from the USCWC to Supervisor Antonovich and Mayor Heidt was issued without the knowledge or consent of the board of either the CLWA or the NCWD, and - we presume - you supervisors as the board of LA36.

3

We know that the USCWC is not a joint power authority because you county supervisors, acting as the Directors of LA36, would have had to authorize such an agreement and have not done so. Neither have the Directors of CLWA or NCWD.

Even your own technical advisory committee for significant ecological areas (SEATAC) posts an agenda, records minutes as a matter of public record, and allows public participation in their meetings as required under the Ralph M. Brown Act.

In contrast, the USCWC would be a private, informal secret agency that would be elevated in power and influence regarding land-use decisions for this project and other SCV projects. We consider that placing the USCWC in this position of power is inappropriate and improper.

Legislation already exists under AB4175 (the legislation that added the four retail water purveyors on the CLWA Board) for the CLWA to provide water management and groundwater management facilitation and reporting to you and other land-use decision makers. We find it improper that CLWA has not taken on this responsibility as a pubic agency over the numerous years since AB4175 was passed to actively and accurately provide information on water planning matters in the Santa Clarita Valley (and instead, failed to produce an Urban Water Management Plan as required by state law). But CLWA as a public agency would be a much better information agency for the county on this and other matters than a private and secret USCWC.

We urge that the county supervisors reject the recommendation that the USCWC be a participant in the mitigation monitoring program and other decisions on this project, as well as in land-use decisions on other projects. We urge, instead, that the county establish an agreement with CLWA wherein accurate reporting of both SWP and local water supplies could be obtained.

More detailed information on the 17 November, 98 Hartl memo, our letter of 28 March, 98, and the 4 November, 98 USCWC letter are attached.

* See page 19 of the 11/17/98 Hartl memo, plus page 7 of Exhibit J of the memo.

Sincerely,

Michael A Kotch

President

805-257-8581

Assembly Bill No. 4175

CHAPTER 832

An act to add Sections 4.8, 5.1, 5.2, 5.3, 5.4, 15.1, 15.2, 24.1, 26.1, 29.1, 29.2, 29.3, 29.4, 29.5, and 29.6 to the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), relating to the Castaic Lake Water Agency.

[Approved by Governor September 16, 1986. Filed with Secretary of State September 17, 1986.]

LEGISLATIVE COUNSEL'S DIGEST

AB 4175, Wright. Castaic Lake Water Agency.

(1) Under existing law, the Castaic Lake Water Agency exercises specified powers set forth in the Castaic Lake Water Agency Law. The board of directors of the agency consists of 7 members elected by the voters of the agency.

This bill would increase the number of directors on the board, effective January 1, 1987, to 11 by the addition of 4 appointed directors, thereby imposing a state-mandated local program. The bill would require the 4 retail water distributors which receive water from the agency to make nominations for those positions and would prescribe terms of office and related requirements and procedures for those appointments. The bill would authorize the board of directors at any time after January 1, 1991, to abolish the additional offices of the appointed directors by a resolution adopted by a prescribed number of votes. The bill would authorize the agency to require reporting to the agency of all production, distribution, and reclamation of water in excess of 10 acre-feet per annum, to store and recover water in aquifers, and to develop and implement groundwater management plans, subject to specified conditions. Since the reporting requirement would be applicable to local agencies, the bill would impose a state-mandated local program. The bill would delete these powers if the board of directors adopts a resolution abolishing the offices of the appointed directors. The bill would also expressly authorize the agency to exercise specified powers to develop and deliver water at wholesale.

(2) Under existing law, the board of directors of the agency is directed to fix water rates which will, so far as practicable, result in revenues which will pay specified costs of the agency.

This bill would authorize the agency to fix on the basis of benefit and levy, subject to specified limitations, standby charges within any water service area to which water may be made available, whether the water is actually used or not, and would provide for the county [illegible] to levy and collect the charges in accordance with prescribed procedures, thereby imposing a state-mandated local program.

The bill would also authorize the agency to establish and impose,

in accordance with prescribed procedures, a facility capacity fee, in the nature of a connection fee, for the right to make a new retail connection to water distribution systems served by the agency to finance specified capital costs, and would prescribe related matters.

(3) Under existing law, improvement districts may be formed within the agency in accordance with prescribed procedures and requirements.

This bill would require the board of directors for any fiscal year commencing on or after July 1, 1987, to divide all lands within the agency, in accordance with prescribed procedures, into water service areas for the purpose of funding and apportioning the annual capital budget of the agency, as prescribed, thereby imposing a state-mandated local program. The bill would prescribe the allocation of agency water to each purveyor until such time as there is more than 25,000 acre-feet of water available each year from the agency or until July 1, 1991, whichever is later, and would thereafter allocate agency water among agency water service areas according to a prescribed ratio.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

The people of the State of California do enact as follows:

SECTION 1. Section 4.8 is added to the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), to read:

Sec. 4.8. As used in this act, "purveyor" means a retail water distributor which has facilities connected to the agency's water transmission system on April 15, 1986, or is under contract with the agency for water on that date.

SEC. 2. Section 5.1 is added to the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), to read:

Sec. 5.1. Notwithstanding any other provision of this act, the number of directors on the board shall, effective January 1, 1987, be increased to 11 by the addition of four appointed directors. One nominee for the office of appointed director shall be nominated by each purveyor and submitted in writing to the board of directors. The board of directors shall appoint each nominee within 30 days after the nomination is submitted, or may within the same time period by resolution reject any nominee for cause which is documented in the resolution by a detailed statement of reasons. If the board of directors rejects a nominee of any purveyor, the affected purveyor shall promptly submit a second and different nominee to

on the agency's board of directors pursuant to Section 5.1 or 5.2 is intended to represent and further the interest of the water industry within the boundaries of the agency, and that this representation and furtherance will ultimately serve the public interest. Accordingly, the Legislature finds that for purposes of persons who hold that office the water industry is tantamount to and constitutes the public generally within the meaning of Section 87103 of the Government Code.

SEC. 3.6. Section 5.4 is added to the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), to read:

Sec. 5.4. Notwithstanding any other provision of this act or any other provision of law, the provisions of Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government Code shall not be applicable to any individual nominated by a purveyor or successor in interest to a purveyor and serving as an appointed director. The fact the appointed director is simultaneously a shareholder, director, officer, agent, or employee of the purveyor or successor in interest to a purveyor shall not in any way constitute the holding of incompatible offices under or for purpose of any common law doctrine prohibiting the simultaneous holding of these offices, and shall not disqualify the director from serving as a director of the agency or from discharging fully the responsibilities of the office of appointed director with respect to any matter coming before the board of directors of the agency for consideration, decision, determination, or other form of action.

SEC. 4. Section 15.1 is added to the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), to read:

Sec. 15.1. In addition to the other powers set forth in this act, the agency may:

(a) Acquire water and water rights, including, but not limited to, water from the State of California under the State Water Resources Development System.

(b) Develop, store, treat, distribute, and reclaim the water.

(c) Provide, sell, and deliver water at wholesale only for municipal, industrial, domestic, and other purposes.

SEC. 5. Section 15.2 is added to the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), to read:

Sec. 15.2. In addition to the other powers set forth in this act, the agency may:

(a) Require reporting to the agency of all production, distribution, and reclamation of water within the agency in excess of 10 acre-feet per annum.

(b) Store and recover water in the aquifers within the agency.

(c) Develop groundwater management plans within the agency which may include, without limitation, conservation, and overdraft

SCOPE

Santa Clarita Organization for Planning the Environment

To Promote, Protect and Preserve the Environment, Ecology and Quality of Life in the Santa Clarita Valley

P.O. Box 1182, Santa Clarita, CA 91386

28 March, 1998

Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

Attn: Executive Offices of the Board of Supervisors

Ref: Appeal to the Board of Supervisors of the Los Angeles County Regional Planning Commission's Approval of the Newhall Ranch Project

Sirs/Madams:

Section 65302.2 of the Government Code states:

> 65302.2. Upon the adoption, or revision, of a city or county's general plan, on or after January 1, 1996, the city or county shall utilize as a source document any urban water management plan submitted to the city or county by a water agency.

We note the the phrasing "*upon the adoption, or revision....on or after January 1, 1996*" does not appear to permit the 'grandfathering' of any outstanding applications, but imposes a requirement at the time of consideration of any adoption or revision of the county's general plan.

We ask the county to respond to us, and the county must include in its findings on the Newhall Ranch matter, the source document(s) of any urban water management plan which the county is using as a basis for this land use decision.

We note that the pertinent urban water management plans for this action are those (1995 document) of the Valencia Water Company – the proposed retail water supplier – and the (1990 document) Castaic Lake Water Agency – the proposed wholesale water supplier. With regard to the latter, we note that the Castaic Lake Water Agency **failed to meet** the state-mandated deadline to submit an urban water management plan for 1995*, and, pursuant to §10656 of the Water Code "[CLWA] is ineligible to receive drought assistance from the state until the urban water management plan is submitted...". This aspect of state law should be considered when evaluating any reliance of the Valencia Water Company on the Castaic Lake Water Agency in

* While CLWA has a draft Integrated Water Resources Plan that may, under §10620(d)(1) of the Water Code, be considered a substitute for an urban water management plan, this plan is still in draft form, and has not been formally adopted by the CLWA. Any assertions of CLWA that its IWRP qualifies as either an areawide, regional, watershed, or basinwide management plan under §10620(d)(1) of the Water Code is challenged because the CLWA has never obtained the consent of the other affected parties that the IWRP would be an operational plan sufficient for §10620(d)(1).

dry year conditions, as CLWA is now prohibited from receiving any drought assistance from the state.

Section 10631 of the Water Code (Attachment A), describes what an urban water management plan should contain, including pertinent items for a city or county considering a revision of a general plan, i.e., to make a finding and determination that a sufficient and reliable source of water is identified for the project.

We ask the county to respond to us, and the county must include in its findings on the Newhall Ranch matter, that:

- The 1995 urban water management plan(s) of the Valencia Water Company (and the 1990 plan of the Castaic Lake Water Agency) were(was) used as (a) source document(s) for considering the plan amendment associated with the Newhall Ranch project.
- Identify YES or NO: The 1995 urban water management plan of the Valencia Water Company identified the Newhall Ranch project in its 20-year projection, and project water needs are contained within the plan*. If not, the project is not consistent with the urban water management plan and may not have adequate water.
- Identify YES or NO: The 1990 urban water management plan of the Castaic Lake Water Agency identified the Newhall Ranch project in its 20-year projection, and project water needs are contained within the plan.† If not, the project is not consistent with the urban water management plan and may not have adequate water. On this matter, we cite that the CLWA identified supply is not sufficient to supply even the planned 270,000 Santa Clarita buildout for other projects, and this project represents additional water demand.

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* Contrary to the requirements of §10631 of the Water Code, the Valencia Water Company UWMP (December, 1995), failed to project to a 20 year period (2015), and offered no reason under §10631(a) why such data was not available. The date provided (Appendix A of the Valencia Company UWMP) shows estimated connections increased from 1995 to 2010 by 26,428 – 14,267 = 12,161 which are insufficient for Newhall Ranch considering the other Newhall Land projects already approved which Valencia Water Company is obligated to serve.

Furthermore, Section III(A)(1)(a) of the Valencia Water Company UWMP forecasts growth trends of its service area according to Table I-1 of the UWMP, which (page I-9 of the UWMP) shows a Y2010 population of 270,000, and not the design population of stated projections for Y2015, and certainly not including Newhall Ranch.

Finally, with regard to waste water reclamation, the Valencia Water Company UWMP (page III-5) does not include any plan for a new plant on Newhall Ranch, does not include any plans to be a reclaimed water provider, but only cites that "the potential" for CLWA reclaimed water use (for this project and others) is 10,000 AF/y. The DEIR on Newhall Ranch does not indicate that CLWA will utilize the reclaimed water of the proposed reclamation plant, so the 10,000 AF/y attributed to CLWA must be put aside.

A careful examination of the Valencia Water Company Urban Water Management Plan of December, 1995 will show that the Newhall Ranch project was ***never*** included in this plan for water planning purposes of the Valencia Water Company, as required by §10631 of the Water Code.

The only reasonable conclusion to be reached is that the 1995 Valencia Water Company Urban Water Management Plan does not include the Newhall Ranch project as an element requisite and pertinent to the requirements of §10631 of the Water Code.

† The 1990 Castaic Lake Water Agency Urban Water Management Plan is hopelessly outdated for present planning purposes, and considers only a Y2010 design population for the SCV of 270,000, which is the population without the Newhall Ranch Specific Plan.

- In compliance with §10631(c) of the Water Code, the following water source(s) of either the Valencia Water Company and/or the Castaic Lake Water Agency may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors*:

Source	Planned Supply for Project	% of Project Need	Reason
[State source]	[State AF/y]	[State %]	[State Reason]

(above should be provided if ANY Valencia Water Company or CLWA resources are limited.) Absence of this information is a factor in §65302.2 of GC.

In response to §10631(c) of the Water Code, the plans to replace those sources with alternative sources or water demand management measures is: [state action]† Absence of this information is a factor in §65302.2 of GC.

This project lacks an assured, reliable source of water‡. §65302.2 of the Government Code requires you to utilize as a source document the Urban Water Management Plans of the Valencia Water Company (the retailer) and the Castaic Lake Water Agency (the wholesaler) to consider this general plan change.. The former's UWMP is deficient, and does not consider Newhall Ranch. The latter's last revision was due by December, 1995, was never updated, and does not include Newhall Ranch.

On the above basis and evidence presented, you may reasonably find:

- That the project proposed was not encompassed in any current urban water management plan of a retailer or wholesaler, pursuant to §10631 of the Water Code and §65303.2 of the Government Code.

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* §10631 (c) of the Water Code requires this disclosure. Such has been absent from the DEIR, but should have been included in the UWMPs of CLWA and the Valencia Water Company, and, via §65302.2 of the Government Code, should have been contained within the DEIR. Neither the 1990 CLWA UWMP nor the 1995 Valencia Water Company UWMP contain any statement that, with respect to §16130 (c) of the Water Code, no reporting of deficiencies are identified; the topic was never addressed.

Fact is that State Water Project deliveries to CLWA, and then to the Valencia Water Company, are fully recognized by the California Department of Water Resources to be water supplies that "may not be available at a consistent level of use" according to the criteria of §16130 of the Water Code. Both the CLWA and the Valencia Water Company UWMPs fail to follow §16130 of the Water Code to "describe plans to replace that source with alternative sources or water demand management measures, to the extent practicable." Potential deficiencies in local water resources are similarly ignored. The response of the Valencia Water Company UWMP is that (page III-5) "It is not expected that the region will experience water supply shortfalls in the future, even if growth continues at the rates previously projected." This is not only an avoidance of addressing the central issue of water supplies that may not be usable at the planned level of use, but a total "ostrich" regarding water availability. VWC should provide the necessary information.99

† This is another requirement of §10631 of the Water Code, not currently implemented by Valencia Water Company. VWC should provide the requisite statement(s).

‡ The DEIR failed to admit CLWA's own perception that the CLWA State Water Project only has a current reliability of 50%, so that, with an entitlement of 54,200 AF/y, reliable CLWA water supplies are only 27,100 AF/y. CLWA's intention to increase entitlement reliability from the current 50% to 95% are highly dependent on CAL-FED actions outside of CLWA control. Until then, CLWA can only increase 'practical' reliability by purchasing increased entitlements over demand. None, however, have taken place to date.

- That the DEIR identifies that the complete project cannot be built with identified new sources of water.
- That the CLWA has not yet identified and secured entitlement to additional water sources to serve this project.
- That the agreement between "downstream users" and the Department of Water Resources does not currently permit the retention of the NL&F's share of Castaic Water runoff within Castaic Lake on an as-needed basis, but retains a May 1 severance date. For this reason, retention of the water is not considered a reliable source for the applicant.
- Castaic Water runoff is subject to low reliability and high fluctuations, including multiple years of zero delivery, and, without an agreement with the Department of Water Resources for hold-over within Castaic Lake, DWR cannot commit to an annual reliable delivery to any party of the "downstream users".

You may therefore find, in compliance with the Stanislaus Decision, that there is not a sufficient, assured water source to serve this project, and must deny the project application.

Sincerely,

Michael A Kotch

President

805-257-2131; 805-257-8581

SCOPE

Santa Clarita Organization for Planning the Environment

To Promote, Protect and Preserve the Environment, Ecology and Quality of Life in the Santa Clarita Valley

P.O. Box 1182, Santa Clarita, CA 91386

Section 10631 of the Water Code concerning Urban Water Management Plans

Section 10631 of the Water Code, with regard to urban water management plans states:

10631. A Plan shall be adopted in accordance with this chapter and shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic features affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments as described in subdivision (a).

(c) Describe the reliability of the water supply and vulnerability to seasonal or climactic shortage, to the extent practicable, and provide data for each of the following:

(1) An average water year.

(2) A single dry year.

(3) Multiple dry years.

For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to replace that source with alternative sources or water demand management measures, to the extent practicable.

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(e) [Do the following:]

(1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (s), and projected water use, identifying the uses among the water use sectors including, but not necessarily limited to, all of the following uses:

(A) Single-family residential

(B) Multifamily

(C) Commercial

(D) Industrial

(E) Institutional and governmental

(F) Landscape

(G) Sales to other agencies

(H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof,

(I) Agricultural.

(2) The water use projections shall be in the same five-year increments as described in subdivision (a).

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:

(A) Interior and exterior water audits and incentive programs for single-family residential, multifamily residential, governmental, and institutional customers.

(B) Enforcement of plumbing fixture efficiency standards and programs to retrofit less efficient fixtures.

(C) Distribution system water audits, leak detection, and repair.

(D) Metering with commodity rates for all new connections and retrofit of existing connections.

(E) Large landscape water audits and incentives.

(F) Landscape water conservation requirements for new and existing commercial, industrial, institutional, governmental, and multifamily developments

(G) Public information.

(H) School education.

(I) Commercial and industrial water conservation.

(J) New commercial and industrial water use review.

(K) Conservation pricing for water service and conservation pricing for sewer service, where the urban water supplier also provides sewer service.

(L) Landscape water conservation for new and existing single-family homes.

(M) Water waste prohibitions.

(N) Water conservation coordinator.

(O) Financial incentives to encourage water conservation.

(P) Ultra-low-flush toilet replacement.

(2) A schedule of implementation for all water demand management measures proposed or described in the plan.

(3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.

(4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of such savings on the supplier's ability to further reduce demand.

(g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measurands, which offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following"

(1) Take into account economic and non-economic factors, including environmental, social, health, customer impact, and technological factors.

(2) Include a cost-benefit analysis, identifying total benefits and total costs.

(3) Include a description of the funding available to implement any planned water supply project that would provide water at a higher unit cost.

(4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.

(h) Urban water suppliers that are members of the California Urban Water Conservation Council and submit annual reports to that council in accordance with the "Memorandum of Understanding Regarding Urban Water Conservation in California", dated September 1991, may submit the annual reports identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of subdivisions (f) and (g).

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BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION, L #1880
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

October 7, 1998

The Honorable Michael D. Antonovich
Los Angeles County Supervisor, Fifth District
Room 869 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisor Antonovich:

Thank you for your letter of August 5 regarding the County of Los Angeles' Significant Ecological Area (SEA) program. I found the SEA program to be most innovative, and commend Los Angeles County for taking such proactive measures to protect its significant biological resources. 1

A few years ago Ventura County undertook a study of the technical and economic feasibility of implementing a SEA-type program in our county. That review concluded that such a program was not economically feasible. Unfortunately, that conclusion is still valid today; as such, we are unable to implement your suggestion of adopting a SEA program in our jurisdiction.

However, the issue of mitigating biological impacts from the Newhall Ranch Specific Plan remains a high priority for us. Rather than trying to adopt a very expensive countywide SEA program, there are at least three other methods of addressing our concerns which are much less expensive. One method would require the Newhall Land and Farming Company to pay for the development of a SEA-type program to be applied within a sub-area of the county such as the Santa Clara Valley. This would allow us to mitigate the biological impacts of the

project at a much lower cost than implementing a full, countywide SEA. The Newhall Land and Farming Company would be the appropriate funding source for such a study, as it is their project which is creating the need for the SEA.

A second method would be to adopt the biological mitigation measure proposed by our letter of July 14, 1998 to your Board. This mitigation measure (attached), would allow a disinterested third party to define the Salt Creek Corridor in Ventura County, then that area would be turned over to the agency which will manage the High Country portion of the corridor. This measure has the great advantage of resulting in relatively minor costs to the Newhall Land and Farming Company while addressing our concerns without conducting time consuming biological studies which could delay action on the EIR and the project. I consider this to be a highly cost-effective method of fully addressing our biological concerns at relatively little cost, and with no delay in processing the project.

The third, and perhaps least expensive method would be to grant an easement or Conditions, Covenants and Restrictions (CCs and Rs) over the property to a third party such as Ventura County or an open space organization. The easement or CC and Rs would be written to only allow land uses which are clearly compatible with the movement of wildlife through the site. This measure also has the advantage of being effective, inexpensive, and capable of being done with no delay to the project. 1

Since Ventura County has not been involved in the project redesign and policy reconsiderations resulting from your motion of July 28,1998, I encourage you to give serious consideration to adopting one of the above mitigation measures, as well as the other mitigation measures contained in our July 14 letter. Incorporation of these measures into the project description or conditions of approval would address our concerns in the various issue areas, and allow us to be much more comfortable with this project. We deliberately developed mitigation measures which address our concerns in ways which we believe to be practical, cost-effective, and enforceable, and which do not delay the project. We are attempting to offer positive, constructive ideas concerning the project rather than taking the less productive approach of simply opposing a project and delaying it as much as possible. I hope that you will reciprocate and adopt our proposed mitigation measures.

Please contact me if I can be of any further help in revising the project to comply with your motion of July 28. 1

Sincerely,

KATHY I. LONG
Supervisor, Third District

cc Copy List Attached

COPY LIST

Members, Board of Supervisors, County of Los Angeles:

Gloria Molina, District 1
500 West Temple Street, Room 856
Los Angeles, CA 90012

Yvonne Brathwaite Burke, District 2
500 West Temple Street, Room 866
Los Angeles, CA 90012

Zev Yaroslovsky, District 3
500 West Temple Street, Room 821
Los Angeles, CA 90012

Don Knabe, District 4
500 West Temple Street, Room 822
Los Angeles, CA 90012

Michael D. Antonovich, District 5
500 West Temple Street, Room 869
Los Angeles, CA 90012

Gary M. Cusumano, President
Newhall Land and Farming Company
23823 Valencia Boulevard
Valencia, CA 91355

Members, Board of Supervisors, County of Ventura

Dennis Slivinski, Assistant County Counsel, County of Ventura

NEWHALL RANCH BIOLOGICAL MITIGATION MEASURE
Ventura County Planning Division 6/1/98

1. Prior to approval of the Newhall Ranch Specific Plan, the Newhall Land and Farming Company shall agree in writing to an Upland Migration Mitigation Plan which consists of the following:

A. Remove from the Salt Creek watershed located in Ventura County the following:

1. Irrigated agriculture.

2. Cattle grazing and any other activities deemed by the US Department of Fish and Wildlife (USDFW) as detrimental to wildlife or non-agricultural biological communities. This may require fencing all or portions of the boundary of the watershed as determined necessary by the USDFW. Exempt from this requirement are existing oil field activities and electrical transmission facilities.

B. The requirements outlined in Paragraph "1A" shall remain in effect until such time as the County of Ventura approvals a discretionary action which includes all or part of the Salt Creek watershed in Ventura County. Upon issuance of said discretionary approval, the conditions of that approval shall supersede the requirements of Paragraphs "1A" in those areas in which the approval applies. Areas outside the area subject to the discretionary approval shall continue to be subject the limitations outlined in Paragraph "1A" above.

C. A qualified consultant or other organization ("monitoring organization"), shall be appointed by the County of Ventura. This monitoring organization shall make recommendations to the County of Ventura on the issues outlined in Paragraph "2" below. Said monitoring organization may be replaced as deemed appropriate by the County of Ventura. The County of Ventura shall have the final decisions regarding the following issues, subject to the limitations outlined below.

2. Prior to issuance of the first occupancy permit for this project the following shall occur:

A. Management of the Salt Creek watershed within Ventura County shall be turned over to the same open space organization which will manage the High Country portion of the Newhall Ranch project. The Salt Creek watershed shall be modified, maintained, and operated for the sole purpose of developing high quality, non-agricultural ecological communities such that non-agricultural animals will be attracted to the area, and which can readily use the Salt Creek watershed to move between the Santa Clara River and the High Country. This management shall not include cattle grazing unless recommended by the USDFW.

B. Moneys to pay for the tasks described in paragraph "2C" below shall be paid by the developer to the open space organization. The amount of funds transferred from the developer to the open space organization shall not exceed a total of $_____ (1998 dollars) to implement paragraph "2C." 2

Except as noted below, all costs associated with this mitigation measure shall be included within the above limitation. Costs not included within this limitation include land and associated costs, and costs directly or indirectly incurred by the developer (i.e., developer staff costs, material costs, developer hired consultants, etc.)

C. The management of the Salt Creek watershed shall include moneys paid by the developer to the open space organization adequate to meet the following purposes:

1. Develop and implement a habitat enhancement plan to increase the biological carrying capacity of the watershed. This shall include removal of invasive foreign (i.e., nonnative) plants and animals as appropriate, planting of plants as appropriate for food and shelter for animals expected to occur in the area, modification of land forms, and establishment of water sources, or other features (e.g., salt licks etc.) as may be deemed appropriate by the monitoring organization.

licks etc.) as may be deemed appropriate by the monitoring organization.

2. Establishment of a trust fund adequate to maintain the watershed and the habitat enhancement plan for its intended purpose into perpetuity. These funds shall also be adequate to monitor the effectiveness of the watershed in achieving its purpose.

D. Development and monitoring of the habitat enhancement plan shall be under the direction and approval of the County of Ventura. Agency or organization staff, or consultants hired by said agencies, may be paid through the accounts established in Paragraph "2C" and shall be subject to the $_____ limitation outlined in paragraph "2B" above.

Agreement and implementation of this mitigation measure shall be considered by the County of Ventura to be an adequate response to the concerns of the County of Ventura regarding impacts to existing biological communities in and around the Newhall Ranch project.

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UNITED WATER CONSERVATION DISTRICT

"Conserving Water Since 1927"

November 23, 1998

Michael D. Antonovich, Supervisor
Los Angeles County, 5th District
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisor Antonovich:

United Water Conservation District (United Water) would like to thank you for facilitating meetings between United Water, water purveyors, and County staff, with respect to the proposed Newhall Ranch Project. We would also like to thank Dave Vannatta of your staff, who has proven to be an impartial moderator during these meetings. United Water has various comments with respect to the surface and groundwater monitoring of the Santa Clarita Valley, the long-term yield of the Saugus Aquifer and the identification of the water source for the proposed ASR program. 1

Los Angeles County's recommendation that the Upper Santa Clara Valley Water Committee prepare an annual water report that will discuss the status of groundwater levels within the Alluvial and Saugus Aquifers is a positive step. The provision that Los Angeles County shall use the annual report as part of the local land use decision-making process is especially important not only to water users down-stream in Ventura County, but also to your own constituency who pump groundwater within Los Angeles County.

The Upper Santa Clara Valley Water Committee has agreed to develop an annual water report for the Santa Clarita Valley as per your request. It's unclear what degree of monitoring the committee is suggesting. Given that there is no specific monitoring program developed and the potential for decreased flows of the Santa Clara River into Ventura County in future dry years, United Water would request the following:

- A basin-wide groundwater level monitoring program, developed by groundwater professionals, need to be initiated as soon as possible. United Water would like to be a member of a groundwater monitoring committee; 2
- Increase the frequency of gauging of the Santa Clara River at the County line: and
- A more detailed study of the perennial yield of the Saugus Aquifer needs to be conducted prior to increased pumping within the Santa Clarita Valley. Los Angeles County should require the completion of this study by January 2004.

106 N. 8th Street • Santa Paula, California 93060 • Phone (805) 525-4431 • FAX (805) 525-2661

To assure United Water that the flow of the Santa Clara River will not be impacted by the project, these programs need to be included as conditions of approval for the Newhall Ranch Project. In the event that monitoring, gauging, and/or the perennial yield study shows negative impact to the quantity or quality of water flowing into Ventura County, there needs to be a specified process for mitigation.

United Water would like to work with the committee's groundwater professional(s) in developing a basin-wide groundwater level monitoring program. Our Groundwater Department staff has considerable experience in developing monitoring programs for numerous groundwater basins throughout California. United Water currently pays the U.S. Geological Survey to gauge the flow of the Santa Clara River at the County line. However, increased gauging of the flow will be necessary. The developer should pay the incremental cost increase for the additional gauging. 3

New language is being introduced into the EIR, which allows future groundwater pumping up to the sum of the average annual safe perennial yield of the Alluvial Aquifer and the average annual recharge rate of the Saugus Aquifer. The average annual recharge rate of the Saugus Aquifer is only an estimate. There exists the potential for error in excess of 100 percent. The author of the technical report on the recharge to the Saugus Aquifer states "These determinations provide a preliminary estimate of the maximum amount of recharge to the Saugus, and should not be construed as a rigorous determination of the perennial yield of the Saugus Formation." Compounding the problem is the recent overstatement of the estimated recharge to the Saugus Aquifer. The estimate of the average annual recharge rate of the Saugus Aquifer is not 20,000 AF per year, and should not be used in determining the annual maximum production of groundwater in the basin. A more rigorous derivation of the perennial yield of the Saugus Aquifer needs to be conducted. 4

The consideration of an ASR program to supplement the ability to store water is not viable, unless a source of water can be identified. The storm water stored in Castaic Lake is not available for injection. In addition, the potential sale of 41,000 AF of water to Castaic Water Agency may not be available. At this time, there exists no excess capacity within the State Water Project to convey this water. Castaic Water Agency will need to identify how they will transport the water to the Santa Clarita Valley. 5

In summary, United Water feels that the Newhall Ranch Project will adversely influence the flow of water into Ventura County. As conditions of approval of the project, Los Angeles County should require a basin-wide water level monitoring program, require increasing gauging of the Santa Clara River at the County line and require a detailed perennial yield study of the 6

UNITED WATER CONSERVATION DISTRICT

Saugus Aquifer. In addition, the County needs to specify a process for mitigation should monitoring, gauging, and/or the perennial yield study show impacts or insufficient yield. 6

Please contact Dana Wisehart or myself at (805) 525-4431 if you would like to discuss this further.

Sincerely,

Fred

Frederick J. Gientke
General Manager

cc: Members, Los Angeles County Board of Supervisors
Dennis Slivinski, Ventura County Counsel
John Flynn, Ventura County Board of Supervisors
Kathy Long, Ventura County Board of Supervisors
BDRF

FJG/kht

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File: Newhall Ranch Project

RESOURCE MANAGEMENT AGENCY
county of ventura

Planning Division
Keith A. Turner
Director

November 24, 1998

Members, Board of Supervisors
c/o Mr. Joanne Sturges, Executive Officer
Clerk of the Board of Supervisors
Room 383 Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

RE: Public Hearing Concerning Proposed Newhall Ranch Specific Plan and Water Reclamation Plant, General Plan and Sub-Plan Amendments Nos. 94-087-(5), Zone Change No. 94-087(5), Conditional Use Permit 94-087(5), and Vesting Tentative Parcel Map No. 24500-(5).

Dear Members, Board of Supervisors:

Please find attached comments to the staff report dated November 17, 1998 regarding the Newhall Ranch Specific Plan and EIR. These comments are in addition to project and EIR comments submitted previously. 1

While we appreciate the intent of the Los Angeles County Board of Supervisors' motion of July 28, 1998 to revise the project description, we were disappointed in the changes proposed in the staff report to implement the Board's direction. Of greatest concern to Ventura County is a proposed change to the project description related to water supplies. The proposed change on page 13 of the staff report allows the project to draw on water resources such that it could potentially result in a "net" use of groundwater. This is contrary to the Board's direction of July 28, as well as the project description in the EIR, and should be changed. 2

The revised project description fails to resolve our concerns about water resources, biological impacts along the Salt Creek Corridor, affordable housing, ~~agriculture,~~ flooding, air pollution and traffic. Comments regarding the staff report changes to the first three items are attached. Since the staff report does not address our concerns regarding the other issues, our previous comments regarding those issues still apply. 3

We again recommend that you adopt the mitigation measures provided in the letter of July 14, 1998 from the Ventura County Board of Supervisors to your Board. Adoption of these, or equivalent, measures would assure us that our concerns are adequately addressed. 4

800 South Victoria Avenue, L #1740, Ventura, CA 93009 (805) 654-2481 FAX (805) 654-2509

Printed on Recycled Paper

Thank you for your consideration in this matter.

Keith Turner, Director
Planning Division

Attachments

cc:
Ventura County Board of Supervisors
Lin Koester, Ventura County CAO
Dennis Slivinski, County Counsel
Vince Bertoni, City of Santa Clarita

Comments to Staff Report Exhibit "G"
AFFORDABLE HOUSING PROGRAM

The following are our comments in the order of the sections listed in Exhibit "G":

1. Program Description - This section makes no mention of the need to provide housing for the workers which will be employed by businesses within the Newhall Ranch Project. 1

2.A. Affordable Housing Unit Requirement - The total number of housing units included in the "affordable housing program" is 2,200 (approximately 10% of the total number of units), whereas we estimated that the "need" generated by the project's job-generating land uses is approximately 10,000 units (45% of the total number of units). I understand that the total number of dwelling units of the Newhall Ranch project has been reduced to 22,038, but that the total amount of employment generating land uses has not been appreciably reduced. By our estimate, the program would only address 22 percent of the total projected need. There is no justification provided to support the 10% level proposed by L.A. County. 2

The section goes on to require 440 Very Low Income, 330 Low (65%) Income, 220 Low (80%) Income, and 1,210 Moderate Income housing Units. No justification is provided for these numbers of units. In contrast, we estimated the project's need to be 665 Very Low, 3,579 Low, and 5,830 Moderate Income housing units. Moreover, this section makes no attempt to make housing units affordable to families with incomes at the lower end of the Moderate range (80 to 100% of Median Family Income).

3.a.(1) Affordable Housing Priority- Subsections (a), (b), and (c) specify that the household income is compared to Los Angeles County median annual household income of a "household of four." However, section 1.b., Definitions, specifies that household income is correlated to a "corresponding household size" of the Los Angeles County median household income. 3

Subsections (d), (e) and (f) only require rental housing to remain affordable for the first 15 years. The State Department of Housing and Community Development (HCD) recommends that affordable rental units have a requirement for retaining affordability for at least 30 years.

2.a.(2) Affordable Housing Credit- Under subsection (b) the affordable for-sale units are only required to be reserved for a targeted family for the first 90 days, after 4

which, if it did not sell, it can be sold at market rate and still count toward the affordable housing requirement. Moreover, there is no requirement for continued affordability of the unit after the initial sale. Ahmanson Ranch, in contrast, required that the unit be reserved for the first 90 days for a family with an employee working in the Ahmanson Ranch project, thereafter it could be sold to any qualifying family. In addition, all State and Federal housing programs have some form of resale restrictions. Many local jurisdictions, including Ventura County, impose resale restrictions for up to 30 years. These resale restrictions usually take the form of an equity recapture provision or a shared equity program. We fail to see any justification for LA County having no resale requirements and counting market rate units as "affordable" units. 4

2.b. Affordable Housing Monitoring Program - This section allows 25% of the project's total number of housing units to be built before the an affordable housing report is filed, and allows 50% of the total number of units to be built before any affordable units are required. This means that during the project's first 10 to 12.5 years, no affordable units are required. This section ignores the fact that the need is generated when the commercial and industrial land uses are developed. The program makes no specific provisions to ensure that the project's workers have the opportunity to find affordable housing in the Newhall Ranch project. 5

Subsection (4)(e) uses the ambiguous phrase "in substantially the same proportion as their respective ratio to the total Affordable Housing Unit Requirement..."

2.c. Annual Affordable Housing Report - This section uses the ambiguous term "good-faith effort". The definition of "good-faith effort" needs to be clarified. 6

Comments to Staff Report Section 6 – Biota

This section proposes establishment of a one-half mile buffer adjacent to the Ventura County line south of the Santa Clara River, add additional setbacks along the Santa Clara River, and reduces land use densities along the "High Country" habitat area. While these changes are commendable and provide benefits to the existing flora and fauna, they do not address our major concern of protecting the Salt Creek Corridor in Ventura County. Although we provided extensive discussions of this issue in our comments on the EIR, the latest correspondence occurred in a series of letters between Ventura County Supervisor Kathy Long and Los Angeles Supervisor Michael Antonovich (Attachment A).

In his letter of August 5, 1998, Supervisor Antonovich proposed that if Ventura County was concerned about mitigating impacts from the Newhall Ranch project which occur in Ventura County, that we should consider adopting a Significant Ecological Area (SEA) program similar to that adopted in Los Angeles County. As noted in the October 5, 1998 response from Supervisor Long, Ventura County has previously considered such a program, but does not have the funds to implement a major new program. As alternatives, we proposed less costly ways of protecting the Salt Creek Corridor within Ventura County. However, in all cases, we concluded that Los Angeles County would need to condition the project applicant to participate in these programs. On November 5, 1998 Supervisor Antonovich rejected the idea of conditioning the applicant to participate in any programs to protect the Salt Creek Corridor in Ventura County. 1

If the Los Angeles County Board of Supervisors agrees with Supervisor Antonovich that it is inappropriate to condition the project to protect Salt Creek in Ventura County, then we have no mechanism to require the applicant do participate in any planning or protection programs. If the Los County assigns Ventura County the responsibility to protect the Salt Creek Corridor in Ventura County, then we request that Los Angeles County give us the tools to provide such protection as outlined in Supervisor Long's letter of October 7. Failure to provide us the tools to undertake this responsibility means that one of the most important biological mitigation measures proposed in the EIR (i.e. protection of the Salt Creek Corridor) would only be partially implemented, as protection of this "most critical" wildlife corridor stops at the Ventura County line.

To address these deficiencies, we request that the Los Angeles County Board of Supervisors adopt the biological mitigation measure outlined in our letter of July 14, 1998, or failing that, that your Board adopt the measures proposed in Supervisor Long's letter of October 7.

Board of Supervisors
County of Los Angeles

MICHAEL D. ANTONOVICH
SUPERVISOR FIFTH DISTRICT

November 9, 1998

RECEIVED

NOV 13 1998

Office of
KATHY I. LONG

Honorable Kathy Long
Supervisor, Ventura County
800 South Victoria Avenue, Suite L-1880
Ventura, California 93009

Dear Kathy:

Thank you for your latest letter regarding Newhall Ranch. I appreciated it. However, I am disappointed that Ventura County will not adopt a program similar to ours to protect valuable biologic and botanic resources.

This action creates the problem of asking Los Angeles County to enact programs to protect territory within Ventura County. Whereas, such policies are best created and implemented by the jurisdiction within which the property lies. I would also question the advisability of encouraging one jurisdiction to set restrictions and controls within another jurisdiction's boundaries.

As you know, we have taken your concerns regarding the Los Angeles County portion of the site to heart by setting a one-half mile buffer between the development and the County line, as well as addressing the affordable housing issue, and we are trying to meet you half-way on the groundwater issue. (Ventura County is being treated much better here than were our concerns vis-a-vis the Ahmanson project.)

Ventura County already has the ability to address these issues, and it would be appropriate for your Board to make those critical decisions affecting Ventura rather than have an outside body do so.

Sincerely,

MICHAEL D. ANTONOVICH
Supervisor, Fifth District

MDA:dvd:klong/ltr

ROOM 869 KENNETH HAHN HALL OF ADMINISTRATION, 500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 974-5555 • (213) 974-1010 (FAX)

ATTACHMENT A

Board of Supervisors
County of Los Angeles

MICHAEL D. ANTONOVICH
SUPERVISOR FIFTH DISTRICT

RECEIVED
AUG 07 1998
Office of
KATHY I. LONG

August 5, 1998

The Honorable Kathy Long
Ventura County Supervisor, Third District
800 S. Victoria Ave. #1880
Ventura, CA 93009

Dear Supervisor Long:

First, let me thank you for the nice comments both at the July 28 public hearing and in the press in the days following the hearing. I appreciated them very much.

As you will remember, I asked Dave Vannatta of my staff to talk to you briefly at the meeting about the possibility of Ventura County enacting a program to protect areas of ecological value similar to our Significant Ecological Area program. This program could be of particular importance in addressing your concerns for the Salt Creek area of the Newhall Land property. He reported back to me that you were unfamiliar with this program, so I had the Planning Department collect some materials which I am pleased to provide you with.

As you will see, our General Plan identifies a number of areas as having these special values and, through the zoning ordinance, requires that special protections be provided to prevent incompatible uses. You might wish to review these materials for possible use in your County. If it would be helpful, I would also be willing to arrange a meeting with our Planning Department so that you could be briefed on the program.

ATTACHMENT A

ROOM 869 KENNETH HAHN HALL OF ADMINISTRATION, 500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
TELEPHONE (213) 974-5555 • (213) 974-1010 (FAX)

I trust that this will be of value. If I can be of further assistance, please do not hesitate to call.

Sincerely,

MICHAEL D. ANTONOVICH
Supervisor, Fifth District

MDA:dvm

Enclosure

cc: James Hartl, Dept. of Regional Planning

ATTACHMENT A

SIGNIFICANT ECOLOGICAL AREAS

A Summary of County Policy

Criteria and

Procedures

County of Los Angeles
Department of Regional Planning

June 1992

ATTACHMENT A

SIGNIFICANT ECOLOGICAL AREAS

INTENT OF THE SEA GUIDELINES

The County of Los Angeles through the General Plan established 61 Significant Ecological Areas (SEAs) which represent a wide variety of biological communities within the County. The SEAs function to preserve this variety and to provide a level of protection to the resources within them. These SEAs are living laboratories containing examples of the County's diverse ecological heritage. SEAs are intended to be preserved in an ecologically viable condition for the purposes of public education, research, and other non-disruptive outdoor uses but do not preclude limited compatible development. The General Plan outlines a process to regulate land uses in these areas and creates an advisory committee of scientists appointed to oversee the regulation of these policies.

The SEAs are classified into eight categories:

Class 1 - The habitat of state and federally listed endangered, rare, or threatened plants and animals.

Class 2 - Biotic communities, vegetative associations, and habitats of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.

Class 3 - Biotic communities, vegetative associations, and habitats of plant and animal species that are either one of kind, or are restricted in distribution in Los Angeles County.

Class 4 - Habitat that serves, at some point in the life cycle of a species or group of species, as a concentrated breeding, feeding, resting, or migrating grounds, and is limited in availability.

ATTACHMENT A

Class 5 - Biotic resources that are of scientific interest because they either are at an extreme in the physical or geographic range of a population or community, or they represent an unusual variation in a population or community.

Class 6 - Areas important as game habitat or fisheries resources.

Class 7 - Areas that would preserve relatively undisturbed examples of natural biotic communities in Los Angeles County.

Class 8 - Special areas, not meeting the above criteria, but that have some notable biological feature (such as a wildlife corridor) can also be designated as SEAs.

The original 61 SEAs were recognized, identified and surveyed in Los Angeles County Significant Ecological Area Study (1976), by England and Nelson. The total of 61 SEAs under County jurisdiction has been reduced through annexation of unincorporated County areas to individual cities. The County currently regulates 24 SEAs that are totally in unincorporated territory and 19 SEAs partially in unincorporated territory.

The Function of the SEAs in the Los Angeles County General Plan

The SEAs are part of the Special Management Areas Policy Map of the County. Areawide plans and maps also depict SEAs and serve as the governing element of the Countywide General Plan in those locales. Special criteria for development apply to these areas to prevent the loss of, or severe damage to, the natural environment. (A Conditional Use Permit is required for development in an SEA as set forth in Section 22.56.215 of the County Code). These areas elaborate upon the general areas depicted on the Conservation and Open Space Policy Map. Due to the scale and generalization of the SEA maps, special management boundaries may be determined on a site analysis basis, after a review of more detailed mapping and additional environmental information.

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The Function of the Significant Ecological Areas Technical Advisory Committee (SEATAC)

A Significant Ecological Areas Technical Advisory Committee (SEATAC), consisting of seven members, was created by authority of the General Plan to make recommendations on requests within the SEAs and to "review the biotic data submitted for its adequacy, and to recommend conditions and guidelines for formal project design". In cooperation with SEATAC, the County planning staff reviews project plans for compliance with SEATAC's recommended conditions and guidelines. In consideration with these SEATAC recommendations, along with potential impacts, mitigation measures and with other provisions of countywide and local plans, the Regional Planning Commission considers and acts upon the proposed development plan. The Commission must find that the proposed project is sensitive to, and compatible with, the biotic resources of the area pursuant to Section 22.56.215F.2 of the County code. The Commission may deny the project if such a finding cannot be made. It may recommend a revision of the project, or may approve the project with a statement of overriding considerations in recommending a project to the Board of Supervisors for further review and action.

The Function of the SEATAC Report

The Biotic Report prepared for all projects within an SEA serves to (a) provide biological data about the project and the surrounding vicinity for examination by both SEATAC and the County Planning Staff, (b) provide an analysis of the impacts of the proposed project upon the biological resources within the project's sphere of influence, (c) document that the project is a compatible land use within the SEA, and (d) provide a commitment to mitigations and monitoring as a result of significant impacts upon the biological resources.

The Biotic Report must be prepared by one of the consulting biologists on the certified list of the County of Los Angeles. Biological consultants may be required to re-submit their qualifications annually. Additional consultants may be added when the Consultant List is opened.

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BIOLOGICAL CONSTRAINTS ANALYSIS

The County General Plan recognizes that the objective of preserving the biological values within the SEAs cannot be realized by applying a single set of regulatory standards to all SEAs. Instead, the plan recognizes that measures necessary to preserve or enhance SEAs will vary depending upon the nature of the resources within each and depending upon the degree to which a proposed project is incompatible with those resource values. To establish the relationship between a proposed project and the resources within an SEA, a detailed biological report is prepared which addresses appropriate issues.

The Purpose of the Biological Constraints Analysis

Because maintaining the integrity of the biological components within an SEA is the primary purpose of the SEA designation, it is reasonable and prudent for a developer to know, before beginning the design of a project, what sensitive ecological resources are within the boundaries of a proposed project site. The General Plan established the following land uses as compatible, by definition, with the SEAs:

Regulated scientific study

Passive recreation including wildlife observation and photography

Limited picnicking, riding, hiking, and overnight camping

In addition, the following uses may be compatible as determined from the biotic survey and from such conditions that may be necessary to protect the biological resources within the SEA:

Residential uses at densities compatible with resource values present, and consistent with community character in terms of overall density and magnitude as defined in adopted community, areawide, or countywide plans

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Commercial uses of a minor nature serving local residents and visitors, where provided for in an adopted community or areawide plan

Public and semi-public uses essential to the maintenance of public health, safety, and welfare, where no alternative site or alignment is feasible

Agricultural uses compatible with the resources present

Extractive uses, including oil and gas recovery, and rock, sand, and gravel quarrying, where compatible with identified biotic resources.

A Biological Constraints Analysis is required as part of the Initial Study of a project being submitted to the County. The Analysis describes in a general manner the extent, location, and sensitivities of ecological resources found within the SEA. This initial information may be acquired chiefly from existing documentation, such as aerial photographs and other SEA Biota Reports from within the SEA vicinity. It is intended that the Analysis with its identification of biotic constraints will be completed by a project applicant prior to project design, taking into consideration the resources present.

The Level of Detail

The Constraints Analysis, although general in scope, should contain enough information for the planning staff to determine the biological issues that might arise concerning SEA-specific resources or from regionally important resources (such as wildlife corridors) during the processing of the project entitlements. Any work that is performed for the Constraints Analysis should be tailored to the guidelines for the full Biotic Report so that this work does not need to be redone. Enough needs to be known about the project site in order to design a project that is sensitive to the biological resources within the SEA. This, naturally, can help avoid major project re-designs and can help to produce projects that retain natural resource values within the SEAs.

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THE SEATAC REPORT

The SEATAC Report is a self-contained document that is prepared according to the SEATAC Procedures and Biota Report Guidelines published by the County of Los Angeles, Department of Regional Planning. A checklist of each item to be included in the Report is provided with the copy of the Guidelines. Each item specified in the Guidelines must be adequately prepared and addressed before the report will be reviewed by SEATAC. If any item on the Guidelines checklist is missing or inadequately addressed, SEATAC will normally return the project report for resubmittal at a latter meeting.

Ten copies of the report are due to the County Planning Department by the end of the business day, 25 days prior to the first Monday of the following month. SEATAC meetings normally are conducted on the first Monday of each month beginning at 1:00 p.m. in the Hall of Records in downtown Los Angeles.

Report Format and Checklist

SEATAC procedures and the Report format are specified in the Guidelines. These need to be followed very carefully by the project proponent's biologist.

Report Contents

General items for inclusion in the SEATAC Report are specified in the County General Plan. The General Plan leaves the specific procedural steps and regulatory mechanisms for further definition, which has resulted in additional elements in the Guidelines. The necessity of these additional elements has evolved out of experiences that SEATAC and the County Planning Staff have encountered in reviewing SEATAC Reports. The required information is needed to meet the following SEA Design Compatibility Criteria specified in the County General Plan:

> The development is designed to be highly compatible with biotic resources within the SEA, and may include the setting aside of appropriate and sufficient undisturbed areas.

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The development is designed to maintain waterbodies, watercourses, and their tributaries in a natural state.

The development is designed so that wildlife movement corridors (migratory paths or habitat linkages) are left in a natural and undisturbed state.

The development retains sufficient natural vegetative cover or open spaces to buffer critical resource areas from the proposed uses.

Fences and walls, where necessary, are provided to buffer important habitat areas from development.

Roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas, or migratory paths.

Major Issues that Frequently Arise

All recognized sensitive species of plant or animal must be addressed in the Report if such species could potentially be present on the project site or within the project's sphere of direct influence. SEATAC's concern is not just for the specific resources listed in the England and Nelson Study for a particular SEA, but is also for the integrity and functioning of the entire ecosystem to be protected in a natural state. Each particular species or biological community can maintain itself only if all the essential factors for its existence are preserved. Sensitive species, including those that are formally listed as rare, endangered, or threatened, are the best biological indicators of the health of an ecosystem. Thus, they must be fully addressed in the Report.

The Report analysis and project implementation must be "habitat based", and not focused solely upon a single species. For example, oak tree revegetation may be a feasible mitigation measure on a project. Yet, the replacement of oak trees along a roadway as landscape elements would not replace an oak tree woodland, which is a complex functioning community of organisms, characterized by oak trees.

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All information requested in the Guidelines must be included in the Report because SEATAC members review the Reports on their own time during the last half of each mohth before the meeting at which the Reports are considered. Biological information for inclusion in a Report brought to a meeting usually will result in the project being continued to the next meeting.

The cumulative effects of a project on biological resources in and about an SEA are very critically reviewed. The extent of proposed and approved projects adjacent to, or within, an SEA are carefully considered as to their effect upon the integrity and functioning of the SEA as a whole.

The proponent's biologists must use standard biological protocols in performing and reporting their work. For example, the fauna reported as lists in appendices of the Report need to be in biological systematic order so they can be reviewed quickly by SEATAC biologists.

SEATAC REVIEW PROCEDURES

Submission to the County

Ten copies of the report are due to the County's Planning Department by 5:00 p.m. 25 days prior to the first Monday of the following month. Only the first five projects submitted for any one month may be considered by SEATAC. Early submissions are important.

SEATAC Members Review

Individual Review

SEATAC members are scientists who are not paid for the work they do for the County. They volunteer their time and resources because they are conscientious toward the SEA system. Each SEATAC member is mailed before the SEATAC meeting a copy of all accepted submittals for their review and comments.

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Committee Review

SEATAC members review each project as a committee, discussing any problems with the Report. More importantly, when SEATAC has completed a project review, it discusses the biological merits and short-comings of each project as described in the Report. One SEATAC member may serve to summarize the comments of all SEATAC members as the Reports are being discussed.

SEATAC MEETINGS

Meetings are normally scheduled to begin at 1:00 p.m. on the first Monday of each month (or the next Monday if the first one is on a holiday). Projects placed on the agenda are given an estimated time at which they will be reviewed by SEATAC. Both the project proponent and project biologists need to attend the SEATAC meeting. Most questions that SEATAC members might have will be about biological issues, and, accordingly, will be directed to the project biologist. However, questions may arise that can be answered only by the project developer.

Objective of the Meetings

The purpose of the meeting is to (1) review SEATAC's comments about the project, (2) receive any requests for additional information from the project biologist or proponent, (3) clarify any biological information that might be helpful, and (4) allow the project biologist and project proponent to understand any requests for changes to the Report or for changes in the project requested by SEATAC.

At the end of the meeting, the project biologist and project proponent will understand if any additional biological study, information, or analysis is required or if a project design change needs to be considered by the project developer. If other than minor work needs to be done on the report, the report will need to be revised and re-submitted for SEATAC's review, and the project biologist and project proponent will be asked to return to a subsequent SEATAC meeting to repeat the process.

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Format of the Meetings

The project proponent, or his/her representative, and the project biologist will be asked to sign-in when their project case is called. A SEATAC member will summarize SEATAC's comments generally and go through each so that the comments can be heard in their entirety. It is important that the project biologist understand any requests that SEATAC may have concerning the biological data or analysis. SEATAC will generally ask if any of its requests need to be clarified. SEATAC may ask for a project re-design, pull-back, or other modification. Some of these may be minor, but biologically important, changes and some may be major changes.

If a project within an SEA is designed in conjunction with the biological constraints information provided by the project biologist, the best chance of achieving a balance between the goals of the project and the goals of SEA preservation can be achieved at the least cost.

Resubmittals

A special format is used by SEATAC when parts of reports must be re-submitted for SEATAC approval. The Guidelines specify this re-submittal format. Not all such re-submittals result in another SEATAC meeting, but depend upon the extent and nature of the re-submittal. At the end of each SEATAC meeting, it should be clear to the proponent or his/her representative whether another SEATAC meeting is needed or not.

Submission of the Completed Biota Report for the Case Records

Ten formal copies of the complete Biota Report including all revisions, if any, need to be submitted for the County Case Records.

ATTACHMENT A

8. Significant Ecological Areas (SEAs)

It is the intent of General Plan policy to preserve the County's significant ecological resources and habitat areas in viable and natural conditions. Major factors influencing the realization of Plan objectives in this regard include the County's ability to accurately identify areas of significant resource value; the availability of financial and other resources necessary to support preservation, restoration and enhancement efforts; and the competing priorities between resource preservation and other critical public needs.

Recognizing the resource values at stake and the constraints imposed by competing priorities and objectives, the General Plan seeks to provide a process for reconciling specific conflicts between proposed land use and the preservation of identified Significant Ecological Areas. The Plan does not, however, suggest that this can be accomplished by applying a single set of regulatory standards to all SEAs. Nor does it infer that reasonable use of privately held lands within such areas shall be precluded without just compensation. Instead, the Plan recognizes that measures necessary to preserve and enhance Significant Ecological Areas will vary depending on the nature of resource values present and the degree of threat implied by potentially incompatible development. Within this context, the following general conditions and standards are provided to guide specific land use decisions.

SEA Compatible Land Uses: Within Significant Ecological Areas the following activities are considered compatible by definition: regulated scientific study; passive recreation including wildlife observation and photography; and limited picnicking, riding, hiking, and overnight camping. In addition,

ne following uses may be compatible s determined by a detailed biotic sur- ey and conditioned as may be neces- ary to ensure protection of identified cological resources:

1. Residential uses at densities compatible with the resource values present and consistent with community character in terms of both overall density and magnitude as defined in adopted local plans:

2. Where provided for in an adopted local plan, commercial uses of a minor nature serving local residents and visitors:

3. Where no alternative site or alignment is feasible, public and semi- lic uses essential to the maintenance of public health, safety and welfare:

4. Agricultural uses compatible with the resource values present; and

5. Where compatible with identified biotic resources, extractive uses including oil and gas recovery, and ock, sand and gravel quarrying.

Design Compatibility Criteria: development proposed within a gnated SEA will be reviewed for pliance with the following design ria:

1. The development is designed to be highly compatible with biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas;

2. The development is designed to maintain bodies of water, watercourses, and their tributaries in a natural state;

3. The development is designed so that wildlife movement corridors (migratory paths) are left in a natural and undisturbed state;

4. The development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from the proposed use;

5. Where necessary, fences or walls are provided to buffer important habitat areas from development; and

6. Roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.

SEA Performance Review: The key components and participants in the Significant Ecological Area/Performance Review Procedure are generally identified below. The countywide Land

Use Element leaves for further definition the specific procedural steps and regulatory mechanisms to be employed.

1. Resource Identification: Development permit applications, including zoning, land division, building and grading permit requests, shall be accompanied by an adequate biotic analysis of the SEA or affected portion thereof. Necessary biotic data is to be prepared through a cooperative process involving both the project applicant and appropriate public agencies. The Department of Regional Planning shall be the lead agency in this regard.

2. Technical Review/Development Guidelines: The biotic analysis will be submitted with the preliminary project plan to an appointed Significant Ecological Area Technical Advisory Committee. This committee will function to review the submitted biotic data for its adequacy and recommend conditions and guidelines for final project design.

3. Project Design Review: Planning staff, in cooperation with the Technical Advisory Committee, will review project plans submitted by the applicant for compliance with recommended conditions and guidelines.

4. Impact Analysis: Based on the biotic data previously generated and other information as may be requested from the applicant, planning staff shall prepare a draft environmental impact report identifying potential project impacts and possible mitigation measures.

5. Regional Planning Commission Review and Action: Considering the recommendations of the Technical Advisory Committee, potential impacts and mitigation measures identified in the Draft EIR, and other provisions of countywide and local plans as may be applicable, the Regional Planning Commission shall consider and act upon the proposed development plan. Recommendations for approval shall be accompanied by a finding that the proposed project is sensitive to and compatible with the biotic resources of the area. In the event that such a finding cannot be made, the Commission may deny the project, request a revised development plan, or approve and forward the proposal together with a statement of overriding considerations to the Board of Supervisors for further review and action.

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ATTACHMENT A

22.56.215 Hillside management and significant ecological areas – Additional regulations. A. 1. Permit Required. Except as specified in subsection C, prior to the issuance of any building or grading permits, approval of a minor land division or subdivision, or the commencement of any construction or enlargement of any building or structure on a lot or parcel which is in or partly in an area designated in the county General Plan and related maps as a significant ecological area or within a hillside management area as specified herein, a conditional use permit shall be applied for and approved as provided by this section.

2. A conditional use permit is required in hillside management areas when:

a. The property contains any area with a natural slope of 25 percent or more in an urban hillside management area proposed to be developed with residential uses at a density exceeding the midpoint of the range of densities established by an adopted areawide, community or specific plan covering the areas in which the proposed development is located. Where there is no adopted areawide, community or specific plan, the applicable density range shall be established by the land use element of the General Plan.

b. The property contains any area with a natural slope of 25 percent or more in a nonurban hillside management area proposed to be developed, with residential uses at a density exceeding the low-density threshold established for such property pursuant to subsection E.

B. Intent and Purpose of Regulations.

1. A conditional use permit is required in order to protect resources contained in significant ecological areas and in hillside management areas as specified in the county General Plan from incompatible development, which may result in or have the potential for environmental degradation and/or destruction of life and property. In extending protection to these environmentally sensitive areas, it is intended further to provide a process whereby the reconciliation of potential conflict within these areas may equitably occur. It is not the purpose to preclude development within these areas but to ensure, to the extent possible, that such development maintains and where possible enhances the remaining biotic resources of the significant ecological areas, and the natural topography, resources and amenities of the hillside management areas, while allowing for limited controlled development therein.

C. Exemptions from Permit. Permit exemptions include:

1. Accessory buildings and structures as defined in this title;

2. Additions or modifications to existing residences; provided, however, that such additions or modifications do not increase the number of families that can be housed in said residences;

3. Individual single-family residences where not more than one such residence is proposed to be built by the same person on contiguous lots or parcels of land;

4. In hillside management areas only (these provisions shall not apply

where the subject property is also within a significant ecological area):

a. Issuance of building permits pursuant to a final map where project grading has commenced in accordance with an approved grading permit,

b. Development proposals which are so designed that all areas within the project which have a natural slope of 25 percent or greater remain in a completely natural state. the director shall make this determination using the proposed development plan, slope maps and any other material he deems necessary;

5. Final maps and development approvals (permits) related thereto which are in substantial conformance with a tentative map approved or extended by the county of Los Angeles since December 31, 1978, except as California state law may otherwise specify;

6. Complete applications for development proposals which were filed for approval prior to February 5, 1981, except at the specific request of the applicant. This exemption shall also apply to the refiling of applications which were denied solely by reason of Sections 65950 through 65967 of the Government Code and were originally filed prior to February 5, 1981. Any development proposals within this exemption still must be consistent with the county of Los Angeles' adopted General Plan;

7. Property located in both a significant ecological area and a sensitive environmental resource area; provided, however, that this exception applies only to the significant ecological area regulations and does not apply to the provisions related to hillside management.

D. Additional Contents of Application. In addition to the material specified in Section 22.56.030, an application for a conditional use permit for hillside management or significant ecological areas shall contain the following information:

1. In all applications:

a. Panoramic or composite photographs from all major corners of the subject property and from major elevated points within the property;

b. Maps showing the existing topography of the subject property. Commercially available maps may be deemed acceptable:

i. One copy of such map shall identify the locations of all drainage patterns, watercourses and any other physical features which are customarily found on topographical maps prepared by the United States Geological Survey,

ii. A second copy shall delineate all property having a natural slope of 25 to 49.99 percent, and a natural slope of 50 percent or more;

c. A grading plan to a scale satisfactory to the director indicating all proposed grading, including the natural and finished elevations of all slopes to be graded;

d. The following, if the construction of dwelling or other structures are part of the proposed project:

i. Exterior elevation drawings, to a scale satisfactory to the director, indicating proposed building heights and major architectural features, and

ii. Plans for decorative landscaping, showing the location of proposed groundcover areas, shrub mass, and existing and proposed tree locations for common or open space areas not left in a natural state. Such plan shall also include botanical and common names of all planting materials;

2. In hillside management areas, the following additional information:

ATTACHMENT A

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a. Geology and soil reports indicating active or potentially active faults at and near the proposed site and the stability of the area within the various slope categories used in this section.

b. For proposed residential uses in areas identified as nonurban hillside management areas in the General Plan, the number of acres within the following slope categories, as determined by a licensed civil engineer, licensed land surveyor or a registered geologist:

i. Zero to 24.99 percent natural slope,

ii. 25 to 49.99 percent natural slope,

iii. 50 percent or greater natural slope;

3. In significant ecological areas, the following additional information:

a. Identification and location of the resources constituting the basis for classification of such area as a significant ecological area where not provided by the environmental assessment or the initial study for an environmental document;

b. Proposed natural open areas, buffer areas, or other methods to be used to protect resource areas from the proposed use;

Such other information as the planning director determines to be necessary for adequate evaluation. The planning director may waive one or more of the above items where he deems such item(s) to be unnecessary to process the application.

E. Calculation of Thresholds in Nonurban Hillside Management Areas. Density thresholds for residential uses in nonurban hillside management areas shall be calculated using the analysis of slope categories required by Subsection D2b, as follows:

1. Low-density Threshold. The low-density threshold for a proposed development shall be determined by:

a. Multiplying the number of acres in each of the following slope categories by the density threshold indicated as follows:

i. One dwelling unit per five acres of land within the zero to 24.99 percent natural slope category,

ii. One dwelling unit per 10 acres of land within the 25 to 49.99 percent natural slope category,

iii. One dwelling unit per 20 acres of land within the 50 percent and above natural slope category;

b. The resulting total number of dwelling units obtained by adding all three categories is then divided by the total acreage of the project, obtaining the low-density threshold applicable to such project.

2. Determination if Conditional Use Permit Required. If the density per acre of the proposed development exceeds the low-density threshold of such development obtained in subsection E1 above, a conditional use permit is required.

3. Maximum Density Permitted. The maximum density for a proposed development shall be that permitted by the adopted areawide, community or specific plan for the area in which the proposed development is located. Where there is no adopted areawide, community or specific plan, the maximum density shall be that established by the land use element of the General Plan. However, in no event shall the maximum overall density permitted for a proposed development exceed a total of one dwelling unit per acre for slopes of less than 50 percent, plus one dwelling unit per 20 acres for slopes of 50 percent or greater.

F. Burden of Proof. The application for a conditional use permit hillside

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management and significant ecological areas shall substantiate to the hearing officer the following facts:

1. Hillside Management Areas.

a. That the proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, or erosion hazard, and

b. That the proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area, and

c. That the proposed project is conveniently served by (or provides) neighborhood shopping and commercial facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the objectives and policies of the General Plan, and

d. That the proposed development demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents;

2. Significant Ecological Areas.

a. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas, and

b. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state, and

c. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state, and

d. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development, and

e. That where necessary, fences or walls are provided to buffer important habitat areas from development, and

f. That roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.

G. Hearings. In all cases where formal filing for a conditional use permit-hillside management and significant ecological areas is submitted, a public hearing shall be held pursuant to current procedures. In all cases, however, where a conditional use permit-hillside management and significant ecological areas is filed and processed as a single application with a land division case, such public hearings shall be held concurrently.

H. Director's Report.

1. In all cases where a public hearing is required, the director shall prepare a report to the hearing officer containing, but not limited to, the following:

a. Detailed review of the applicant's development proposal, including:

i. Appraisal of measures proposed to avoid or mitigate identified natural hazards, and

ii. Appraisal of measures taken to protect scenic, biotic a other resources, and

iii. Recommended changes in the proposed developme necessary or desirable to achieve compliance with the findings required by subsec tion I of this section and the provisions of the General Plan, and

iv. Recommended conditions to be imposed to insure th the proposed development will be in accord with the findings required by subsecti I and the provisions of the General Plan;

b. In cases where the proposed development would impact significant ecological area and where such information is not included in th environmental document, identification and location of the resources constitutin the basis for classification of such area as a significant ecological area.

2. The director, in developing such a report and recommendation, wi consult with appropriate agencies and will compile the recommendations an comments of such agencies, including any recommendation of SEATAC. Develop ments which are located in the Malibu Coastal Zone which are in both a significan ecological area and a sensitive environmental resource area shall be evaluated b the ERB pursuant to the provisions of Part 6 of Chapter 22.44 in lieu of SEATA to assure the protection of the resources contained in these areas.

I. Findings and Decision. The hearing officer shall not approve an applica tion for a conditional use permit-hillside management and significant ecologica areas unless it finds that the proposal is consistent with the General Plan and:

1. In hillside management areas:

a. That the burden of proof set forth in subsection F of thi section has been met by the applicant, and

b. That the approval of proposed dwelling units exceeding the number permitted by the low-density threshold for the proposed development in nonurban hillsides or the midpoint of the permitted density range in urban hillsides is based on the ability to mitigate problems of public safety, design and/or environmental considerations, as provided in this section and the General Plan;

2. In significant ecological areas, that the burden of proof set forth in subsection F has been met by the applicant.

J. Conditions. Every conditional use permit-hillside management and significant ecological areas shall be subject to the following conditions. All of the following conditions shall be deemed to be conditions of every conditional use permit-hillside management and significant ecological areas, whether such conditions are set forth in the permit or not. The hearing officer, in granting the conditional use permit-hillside management and significant ecological areas, may impose additional conditions, but may not change or modify any of the following conditions except as otherwise provided herein and/or pursuant to the provisions of Part 2 of Chapter 22.56;

1. Hillside Management Areas.

a. Open Space. Open space shall comprise not less than 25 percent of the net area of a residential development in an urban hillside management area, and not less than 70 percent of the net area of a residential development in a nonurban hillside management area. Subject to the approval of the hearing officer, such open space may include one or more of the following:

i. Undisturbed natural areas,

ii. Open space for passive recreation,

iii. Private yards, provided that certain construction rights

are dedicated.

iv. Parks and open recreational areas.

v. Riding, hiking and bicycle trails.

vi. Landscaped areas adjacent to streets and highways.

vii. Greenbelts.

viii. Areas graded for rounding of slopes to contour appearance.

ix. Such other areas as the hearing officer deems appropriate;

b. Landscaping. Where appropriate, a plan for landscaping common or open space areas not to be left in a natural state shall be submitted to and approved by the hearing officer. Where a landscaping plan has not been submitted to the hearing officer as part of this application, said plan shall be submitted to and approved by the director prior to the issuance of any grading or building permit. Appeal of the director's decision shall be as provided in Section 22.56.1750;

c. Utilities. The applicant shall submit to the hearing officer, and it shall be made a condition of approval, satisfactory evidence that the applicant has made arrangements with the serving utilities to install underground all new facilities necessary to furnish service in the development. This requirement may be waived where it would cause undue hardship or constitute an unreasonable requirement;

d. Residential Density. The hearing officer shall, as a condition of approval, designate the maximum number of dwelling units permitted in a residential development as follows:

i. In urban hillside management areas, a number between the midpoint and the maximum number of dwelling units permitted by the range of densities established by an adopted areawide, community or specific plan covering the areas in which the proposed development is located. Where there is no adopted areawide, community or specific plan, the applicable density range should be established by the land use policy map of the General Plan, but not to exceed the number permitted by this Title 22;

ii. In nonurban hillside management areas, a number between the low-density threshold and the maximum number of dwelling units established for such property pursuant to subsection E of this section, but not to exceed the number permitted by this title 22;

e. Architectural Features. Where not submitted to the hearing officer as part of this application, exterior elevation drawings indicating building heights and major architectural features shall be submitted to and approved by the director prior to the issuance of any building permit. Appeal of the director's decision shall be as provided in Section 22.56.1750.

2. Significant Ecological Areas. The hearing officer shall, as a condition of approval, require that the proposed development plan incorporates those measures necessary to protect identified resources and meet the burden of proof described in subsection E of this section. (Ord. 92-0037 § 7, 1992; Ord. 85-0195 § 14 (part), 1985; Ord. 84-0160 § 1, 1984; Ord. 82-0086 § 1, 1982; Ord. 82-0003 § 1, 1982.)

22.56.220 Hotels in Zone R4 — Additional conditions. In addition to conditions imposed pursuant to Section 22.56.100 in approving a conditional use

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SEATAC PROCEDURES

AND

BIOTA REPORT GUIDELINES

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING

NOVEMBER 1993

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SEATAC PROCEDURES

MEMBERSHIP: Seven members from the private and public sector with a range of expertise shall be appointed by the Planning Director to serve staggered three-year terms. The staff biologist from the Department of Regional Planning will serve as coordinator.

MEETINGS: First Monday of each month in Room 1385 of the Hall of Records at 1:00 p.m. The public is advised that the meetings are not public hearings. Therefore no testimony can be given at the meeting. The public will be allowed to submit written comments for consideration by SEATAC up to one week prior to the meetings. Notice of SEATAC meetings and minutes of those meetings shall be forwarded to the Regional Planning Commission. SEATAC minutes shall be made available for public hearings. Interested groups and individuals may subscribe to SEATAC agendas and minutes after paying an appropriate fee to cover costs. A representative of SEATAC shall brief the Regional Planning Commission at least once a year on its activities and present any suggestions it has at that time.

ATTENDANCE: Applicants are advised that the presence of the biota report preparer at the meeting is required as the discussion can be technical in nature and problems can be more readily resolved by direct interface between the preparer and SEATAC.

QUORUM: Three members, unless the project is identified by the Department of Regional Planning or SEATAC as a complex project requiring additional expertise.

SUBMITTALS: Submission of ten copies of a biota report is required. THE BIOTA REPORT MUST BE PREPARED BY A BIOLOGIST SELECTED FROM THE DEPARTMENT OF REGIONAL PLANNING'S CERTIFIED LIST OF BIOLOGISTS. This list is reviewed annually.

FILING DEADLINES: Submittals: 25 days prior to the first Monday of the following month. If a holiday occurs on the first Monday then submittals shall be 25 days prior to the second Monday.

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***Note: A maximum of five (5) projects will be reviewed per meeting so filing prior to the deadlines is advised. The biota report will have been preceded by a biological constraints analysis submitted along with the Initial Study materials for review by the staff biologist at the time of application. Additional review of the biological constraints analysis by SEATAC may be requested by the staff biologist. The preparer of the biological constraints analysis shall also be from the Certified List of Biologists and shall follow the County Biological Constraints Analysis Guidelines.

ACTIONS: At the conclusion of the discussion of each project, SEATAC can approve the report as written, recommend changes in the report, and/or make recommendations about the design or appropriateness of a project. Projects will be reviewed for conformity with SEA design criteria as set forth in the General Plan. Proposed plan amendments will be reviewed upon their merits. Applicants seeking approval of the reports are not required to reappear before SEATAC more than twice. SEATAC shall complete a recommendation on each project by the close of the third SEATAC meeting on the project. An applicant can notify SEATAC that they no longer wish to attempt to obtain approval of the report and/or the project. In this case, SEATAC will prepare a memo to the Regional Planning Commission indicating its concerns and recommendation on the project. No action of SEATAC is final until the minutes of the meeting are approved, usually at the following meeting.

***Note: It is the policy of the Department of Regional Planning to generally require an Environmental Impact Report for all projects in SEAs (as defined in the Zoning Code). Planning staff shall rely largely on SEATAC comments in making environmental determinations on projects (i.e. EIR or ND) with respect to biotic impacts. If a Negative Declaration is recommended by staff, it shall be forwarded to the Regional Planning Commission for their review and determination prior to its completion.

Hearings on SEA projects will include advertising in a newspaper of regional as well as local circulation.

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BIOTA REPORT GUIDELINES

REPORT FORMAT

Each of the ten (10) copies must comply with the following:

1. The reports shall be bound. The cover shall include the following information:

   A. Project Number and Tract/Parcel Map Number (if applicable)
   B. Date
   C. Preparer of Report

2. All pages shall be numbered, including maps, exhibits, etc.

3. Include a completed Guideline Compliance Checklist (see Appendix A).

4. Include a copy of the Initial Study Questionnaire.

5. Maps, fold-outs, and loose items shall be clearly labeled with the project number and exhibit identification.

6. Loose items shall be enclosed in a sleeve or map pocket.

7. Provide an original, color, USGS quad sheet with the boundaries of the project plotted on it. Include the boundaries of nearby projects with project number and case summary (at least the case number, area, and number of lots). High quality color photocopy may be acceptable.

8. Provide site plans at a legible scale showing the maximum extent of the buildable sites with all required or anticipated roads, easements and driveways. A conceptual plan for all potential grading that would be required for pads, roads, driveways, etc. must be shown. This is required of projects where subdividing the land is the only action.

9. Provide ground-level color photographs of the project site with a photo key map showing location and direction of the photograph. Legible color photocopies are acceptable if they clearly depict the site.

10. Provide a high quality aerial photograph that is dated and less than one year old. Legible color photocopies are acceptable.

11. Flora lists shall be alphabetized by family, genera, species and variety of plants.

ATTACHMENT A

12. Fauna lists shall be in systematic order by family. Identify to subspecies level.

13. For sensitive species a matrix shall be prepared outlining any impacts (see Appendix B).

14. Provide a resume or statement of qualifications of all personnel responsible for preparing the report.

NOTE: In an effort to be environmentally sensitive, all biota documents should be double-sided and preferably be printed on recycled paper.

RESUBMITTAL FORMAT

TEN FINAL COPIES OF THE COMPLETE BIOTA REPORT WITH REVISIONS SHALL BE SUBMITTED FOR THE CASE RECORDS.

1. The cover of the report shall be identical to the initial submittal with an additional statement of "Supplemental Information Submitted To SEATAC At Their Request On (*date*)." The revised date shall be beneath the previous date.

2. Include dividers, sections, or photographs explicitly stating that such material is a response to an issue or question raised. These responses shall be on colored sheets. The colored sheets will be placed directly behind the page that the response addresses. Use different colored sheets for future resubmittals. Each issue or question and its corresponding response shall be numbered in sequence.

3. If changes have been made to any maps, provide the delineation of the original project for comparison.

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BIOTA REPORT REQUIREMENTS

NOTE: OMISSION OF ANY OF THESE SECTIONS MAY BE CAUSE FOR SEATAC TO RETURN THE BIOTA REPORT TO THE CONSULTANTS.

I. Project Description

A. Location
B. Size
C. Project (number of lots, amount of grading)
D. Permits requested (Zone Change, Plan Amendment, etc.)
E. Summary of significant impacts (statement reiterating significant impacts of the project and referencing the pages of detailed discussion within the report)

II. Setting

A. Characteristics of the project site

1. Project description (size, number of lots, amounts of grading, etc.).
2. General description of habitats present.
3. Color aerial photographs of the project with boundaries delineated.
4. Color photographs of the project site with a key map.
5. Plot the location of major plant communities on the site plan.
6. Original U.S.G.S. topographical quad sheet.
7. Drainage patterns shall be identified.
8. Unusual or significant geological features shall be identified.

B. Characteristics of the surrounding area

1. General description of habitats and vegetational communities. Describe landscape/wildlife linkages.
2. Existing land use.
3. Identify public and private open space or reserves in the surrounding area.
4. Actual or potential wildlife movement and gene flow between surrounding open space and reserves to the project site.
5. Overall biological value (diversity, populations of taxa of special interest, etc.) of the project site and its context with adjacent lands.

C. Exhibits

1. Vicinity map of appropriate scale showing the subject property in relation to nearby streets and other significant geological or geographical landmarks.

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2. Map of appropriate scale showing generalized land use on the project site and on surrounding properties to immediate adjoining parcels and/or any physical or biotic feature that affects adjacent drainage (watershed) patterns.

3. High quality photographs of the site, proposed pad locations, and surrounding areas indicating the site boundaries. The photographs must be keyed to a map of the site. All submittals shall contain original color photographs or equally legible color photocopies.

II. General Biota Survey and discussion of the project site

A. Survey of the flora and vertebrate and butterfly fauna or other significant biota of the site must be completed.

B. The surveys must adhere to the standard techniques expected by the CNDDB, California Department of Fish and Game or other resource agency, if applicable.

C. **Survey must be conducted during the optimum period for observing the taxa of concern.** For example spring for certain plants, birds, or insects; summer for mammals, etc. Surveys conducted between October 1 and March 1, in most cases, will need to be repeated and supplemented by Spring surveys.

D. Survey must include a list of the butterfly fauna present on site. Due to the large number of invertebrate fauna present at any site and the extreme difficulty of identification, with the exception of butterflies, they do not have to be investigated except when specifically directed by the Department of Regional Planning.

E. Dates and time periods spent on the site must be listed.

F. Methods utilized must be given (e.g. walk through site utilizing binoculars; trapping for mammals, etc.)

G. Personnel (names and addresses) involved in the field and laboratory work must be listed.

H. Rough estimates of the population size of flora and fauna on the project site must be given. The terms rare, uncommon, common, and abundant shall be used as appropriate.

I. Lists of species observed/collected/anticipated on the project site is to be included as an appendix to the Biota Report.

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J. A bibliography of the references used to complete the report is to be included.

K. A list of persons contacted and their institutional affiliations is to be included.

L. Proof of permits, or Memoranda of Understanding for trapping.

IV. Sensitive Species and Communities

A. All Endangered/Threatened/Rare species, unique species, or taxa of special concern to Local, State, Federal, or International Agencies, both on and anticipated to be on the project site must be considered.

B. When Endangered/Threatened/Rare/Unique/Special Concern species are identified on the site, their exact location and estimates of abundance must be given. The methods used to estimate population size must be given.

C. The California Department of Fish and Game Natural Diversity Data Base must be contacted regarding the presence of Endangered/Threatened/Rare/Unique elements and/or plant communities of concern. The address of the Data Base is 1416 Ninth Street Room 1225, Sacramento, CA 95814. Copies of all correspondence is to be included with the Biota Report.

D. Written responses shall be expected from appropriate specialists on the identified SEA sensitive resources (e.g. freshwater ichthyologists knowledgeable about the unarmored three-spine stickleback for SEAs along the Santa Clara River, etc.).

V. Impacts - Any aspect of project implementation which affects natural biological resources or processes in the SEA; standards of significance criteria, before and after mitigation, and based on CEQA, NEPA, SEATAC, etc., will be defined and applied.

A. A map showing the relationship between major vegetative types and land alteration, including the location of cuts and fills for building pads as well as access roads must be provided. This may be the same map used for "Setting". The location of proposed grading and trees that will be removed is to be shown on this map.

B. The amount (volume) of proposed grading for building pads, roads, and driveways shall be determined. The acreage and percentage of the vegetational communities to be altered or graded shall be included. This will include accidental loss.

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C. The number and species of significant trees (dbh greater than 6 inches) or all trees if the species is of special concern (e.g. Quercus species, etc.) shall be mapped. The effect of any damage resulting from development at the site is to be discussed.

D. Short and long term impacts to life history of all plant or animal species of special concern, or to any ecological cycles shall be discussed.

E. The effect of the project on the integrity of the SEA shall be discussed.

F. The effect of "brush" clearance on plant and animal species and on any ecological cycles is to be discussed. The ordinances and effective fuel clearance required by the Los Angeles County Fire Department shall be included.

G. Potential damage to wildlife habitats and vegetational communities from accessory structures such as horse corrals, stables, trails, driveways, etc. shall be discussed.

H. Provide an analysis of wildlife corridors and habitat linkages relevant to the SEA and surrounding open space.

I. Discuss related projects and cumulative impacts (past, present, and future) including maps depicting project boundaries. The discussion must include downstream impacts to a logical distance.

V. Mitigation Measures

Specific mitigation measures which are to be incorporated into the project shall be discussed. Other mitigation measures that were considered must be included along with the reasons for rejection.

Mitigation measures may include but are not limited to the following:

A. The acreage and percentage of the site which is to be left as natural open area shall be defined (as compared to "developed" area and areas in which ornamental non-native vegetation is to be introduced). In addition, the percentage of the undisturbed habitat areas within the subject site relative to the overall similar habitat area (such as an extension of grassland, woodland, etc.) must be given whenever possible.

B. The relationship of the natural open area to the vegetational communities is to be discussed.

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C. Short and long term measures that will be taken to protect and manage the natural open areas (e.g. fencing giving conservation easements or deed to land trust, etc.) must be listed.

D. The type and amount of landscaping is to be discussed. Plant taxa native to the immediate area shall be utilized unless infeasible.

E. Relocation, generally, will not be an acceptable mitigation measure.

F. Permissive language (e.g. "should, could") shall not be used.

VI. Monitoring Program

For each mitigation measure a monitoring program must be included. It shall address the standard to be met, timing, and the responsible party.

NOTE: ***OMISSION OF ANY OF THESE SECTIONS MAY BE CAUSE FOR SEATAC TO RETURN THE BIOTA REPORT TO THE CONSULTANTS.***

ATTACHMENT A

Appendix A

GUIDELINE COMPLIANCE CHECKLIST

	PREPARER'S INITIALS	PAGE
Setting	_____	_____
Original U.S.G.S. Topographical Quad Sheet (or color photocopy)	_____	_____
Project Site Photographs or Color Photocopies	_____	_____
Color Aerial Photographs	_____	_____
Biota Survey of the Project Site	_____	_____
Flora and Fauna Lists in Alphabetic/Systematic Order	_____	_____
Table of Sensitive Species Impacts Matrix	_____	_____
Document showing CNDDB Contact	_____	_____
Site/Grading Plans	_____	_____
Initial Study Questionnaire	_____	_____
Impacts	_____	_____
Mitigation Measures	_____	_____
Mitigation Monitoring	_____	_____
Preparers Resume/Qualifications	_____	_____

ATTACHMENT A

Appendix B

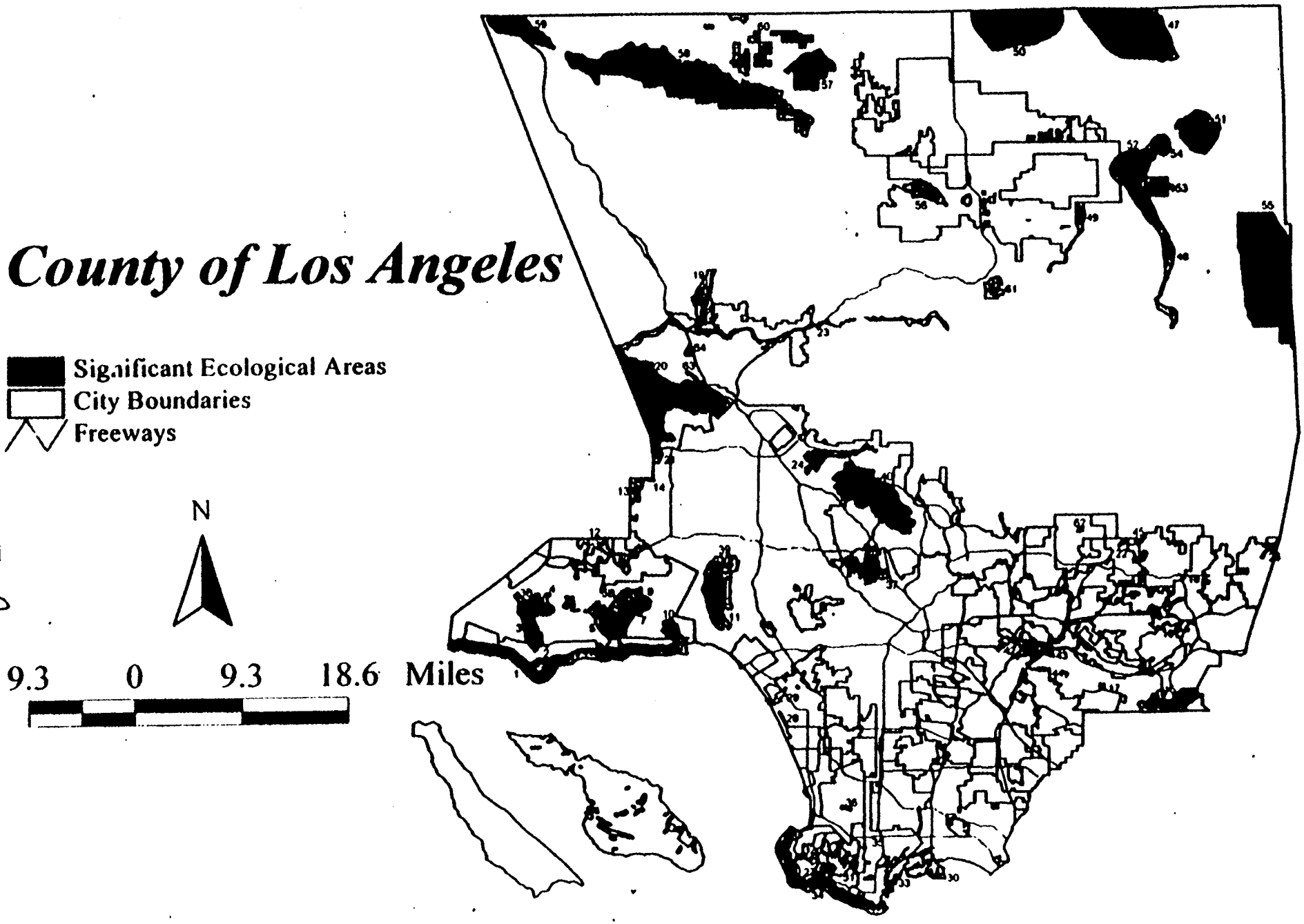
Table of Sensitive Species Impacts Matrix

Species *Scientific Name* Common Name			
Habitat present and species is reasonably expected to occur on-site? (YES/NO)			
Species impacted directly by habitat loss? (YES/NO)			
Habitat loss substantial? (YES/NO)			
Species impacted indirectly on adjacent lands by edge effects? (YES/NO)			
Potential to eliminate species on-site?			
Potential to reduce population size below self sustaining levels?			
Potential for substantial reduction in numbers of individuals?			
Potential restriction of range of rare or endangered species?			
Impact significant? (YES/NO)			
Mitigation			

ATTACHMENT A

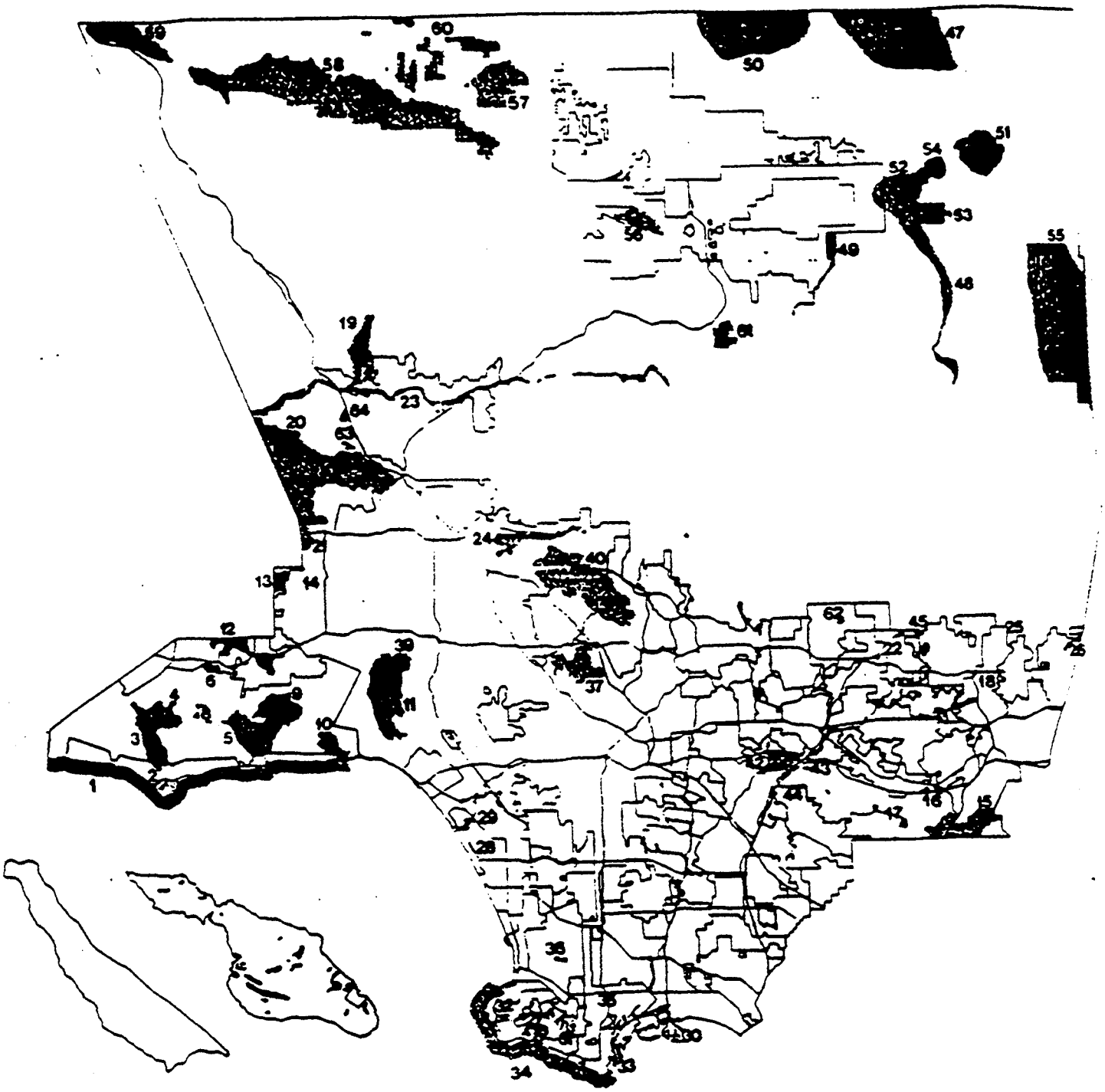
Significant Ecological Areas

County of Los Angeles



ATTACHMENT A

SEAs in Los Angeles County



SEAs

City Boundaries

Freeways

feet

0 100000 200000

ATTACHMENT A

Significant Ecological Area #20
Santa Susana Mountains

Resource Description: The Santa Susana Mountains are one of several relatively small ridges that form the Transverse Ranges and blend eastward into the larger San Gabriel and San Bernardino Mountains. The Santa Monica Mountains are also part of this system and form a coastal barrier shielding the interior ridges from the direct influences of moist marine air, making these interior ridges drier than the coastal ones. The vegetation of the Santa Susana Mountains consists of coastal sage scrub on south-facing slopes, dense chaparral on north-facing slopes, and oak, walnut and riparian woodlands in valleys. The oak woodland communities are extremely diverse, supporting six species of oaks. These include coast live oak (*Quercus agrifolia*), valley oak (*Q. lobata*), canyon live oak (*Q. chrysolepis*), scrub oak (*Q. berberidifolia*), interior live oak (*Q. wislizenii*), and a single known location of Palmer's oak (*Q. palmeri*). The latter species is known in Los Angeles County only from this area. The walnut woodlands are frequently found in canyons of intermittent streams and consist primarily of California black walnut (*Juglans californica*), flowering ash (*Fraxinus dipetala*), Mexican elderberry (*Sambucus mexicana*), and coast live oak. Fires appear to promote the expansion of walnut woodlands. Unusual California walnut-flowering ash woodlands occur at mid-elevations within canyons of the north slopes. This community appears to be unique to the Santa Susana Mountains. The bigcone spruce (*Pseudotsuga macrocarpa*)-canyon live oak forest at higher elevations represents one of the northwesternmost examples of this community.

The Santa Susana Mountains are the main representative of these low, dry interior mountain ranges in Los Angeles County. The core of this range is in good condition and has not been heavily disturbed by human use. These mountains are becoming isolated from surrounding natural areas by continued urban expansion in the San Fernando, Simi, and Santa Clarita Valleys. The Santa Susana Mountains have become an important wildlife corridor for gene flow and species movement between the San Gabriel and Santa Monica Mountains via the Simi Hills.

Status: The interior areas of the Santa Susana Mountains, away from peripheral development, support healthy, natural biotic communities. Encroachment has taken place in the form of unimproved roads, ranches, and oil extraction sites. The majority of the land is privately owned.

Information Source(s): Literature, ERC/UCLA, Don Mullally.

Nature of Information: As a result of interest in the area as a park and of efforts by the Environmental Resources Committee, competent biologists have made cursory surveys of the area.

Buffer Zone Requirement: None. Resources should be protected by the recommended boundaries.

Compatible Uses: Medium intensity recreational uses are compatible with the resources of the area.

Quadrangle(s): Santa Susana, Val Verde, Oat Mountain
Class 2 (3,5,7)

ATTACHMENT A

MEMBERS OF THE BOARD
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Chair
SUSAN K. LACEY
FRANK SCHILLO
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KATHY I. LONG
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ALL OTHER AREAS (800) 660-5474 EXT. 6542276

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION, L #1880
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

October 7, 1998

The Honorable Michael D. Antonovich
Los Angeles County Supervisor, Fifth District
Room 869 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisor Antonovich:

Thank you for your letter of August 5 regarding the County of Los Angeles' Significant Ecological Area (SEA) program. I found the SEA program to be most innovative, and commend Los Angeles County for taking such proactive measures to protect its significant biological resources.

A few years ago Ventura County undertook a study of the technical and economic feasibility of implementing a SEA-type program in our county. That review concluded that such a program was not economically feasible. Unfortunately, that conclusion is still valid today; as such, we are unable to implement your suggestion of adopting a SEA program in our jurisdiction.

However, the issue of mitigating biological impacts from the Newhall Ranch Specific Plan remains a high priority for us. Rather than trying to adopt a very expensive countywide SEA program, there are at least three other methods of addressing our concerns which are much less expensive. One method would require the Newhall Land and Farming Company to pay for the development of a SEA-type program to be applied within a sub-area of the county such as the Santa Clara Valley. This would allow us to mitigate the biological impacts of the

ATTACHMENT A

project at a much lower cost than implementing a full, countywide SEA. The Newhall Land and Farming Company would be the appropriate funding source for such a study, as it is their project which is creating the need for the SEA.

A second method would be to adopt the biological mitigation measure proposed by our letter of July 14, 1998 to your Board. This mitigation measure (attached), would allow a disinterested third party to define the Salt Creek Corridor in Ventura County, then that area would be turned over to the agency which will manage the High Country portion of the corridor. This measure has the great advantage of resulting in relatively minor costs to the Newhall Land and Farming Company while addressing our concerns without conducting time consuming biological studies which could delay action on the EIR and the project. I consider this to be a highly cost-effective method of fully addressing our biological concerns at relatively little cost, and with no delay in processing the project.

The third, and perhaps least expensive method would be to grant an easement or Conditions, Covenants and Restrictions (CCs and Rs) over the property to a third party such as Ventura County or an open space organization. The easement or CC and Rs would be written to only allow land uses which are clearly compatible with the movement of wildlife through the site. This measure also has the advantage of being effective, inexpensive, and capable of being done with no delay to the project.

Since Ventura County has not been involved in the project redesign and policy reconsiderations resulting from your motion of July 28,1998, I encourage you to give serious consideration to adopting one of the above mitigation measures, as well as the other mitigation measures contained in our July 14 letter. Incorporation of these measures into the project description or conditions of approval would address our concerns in the various issue areas, and allow us to be much more comfortable with this project. We deliberately developed mitigation measures which address our concerns in ways which we believe to be practical, cost-effective, and enforceable, and which do not delay the project. We are attempting to offer positive, constructive ideas concerning the project rather than taking the less productive approach of simply opposing a project and delaying it as much as possible. I hope that you will reciprocate and adopt our proposed mitigation measures.

ATTACHMENT *A*

Please contact me if I can be of any further help in revising the project to comply with your motion of July 28.

Sincerely,

Kathy I. Long

KATHY I. LONG
Supervisor, Third District

cc Copy List Attached

ATTACHMENT A

COPY LIST

Members, Board of Supervisors, County of Los Angeles:

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ATTACHMENT A

NEWHALL RANCH BIOLOGICAL MITIGATION MEASURE
Ventura County Planning Division 6/1/98

1. Prior to approval of the Newhall Ranch Specific Plan, the Newhall Land and Farming Company shall agree in writing to an Upland Migration Mitigation Plan which consists of the following:

A. Remove from the Salt Creek watershed located in Ventura County the following:

1. Irrigated agriculture.

2. Cattle grazing and any other activities deemed by the US Department of Fish and Wildlife (USDFW) as detrimental to wildlife or non-agricultural biological communities. This may require fencing all or portions of the boundary of the watershed as determined necessary by the USDFW. Exempt from this requirement are existing oil field activities and electrical transmission facilities.

B. The requirements outlined in Paragraph "1A" shall remain in effect until such time as the County of Ventura approvals a discretionary action which includes all or part of the Salt Creek watershed in Ventura County. Upon issuance of said discretionary approval, the conditions of that approval shall supersede the requirements of Paragraphs "1A" in those areas in which the approval applies. Areas outside the area subject to the discretionary approval shall continue to be subject the limitations outlined in Paragraph "1A" above.

C. A qualified consultant or other organization ("monitoring organization"), shall be appointed by the County of Ventura. This monitoring organization shall make recommendations to the County of Ventura on the issues outlined in Paragraph "2" below. Said monitoring organization may be replaced as deemed appropriate by the County of Ventura. The County of Ventura shall have the final decisions regarding the following issues, subject to the limitations outlined below.

2. Prior to issuance of the first occupancy permit for this project the following shall occur:

A. Management of the Salt Creek watershed within Ventura County shall be turned over to the same open space organization which will manage the High Country portion of the Newhall Ranch project. The Salt Creek watershed shall be modified, maintained, and operated for the sole purpose of developing high quality, non-agricultural ecological communities such that non-agricultural animals will be attracted to the area, and which can readily use the Salt Creek watershed to move between the Santa Clara River and the High Country. This management shall not include cattle grazing unless recommended by the USDFW.

B. Moneys to pay for the tasks described in paragraph "2C" below shall be paid by the developer to the open space organization. The amount of funds transferred from the developer to the open space organization shall not exceed a total of $_____ (1998 dollars) to implement paragraph "2C."

Except as noted below, all costs associated with this mitigation measure shall be included within the above limitation. Costs not included within this limitation include land and associated costs, and costs directly or indirectly incurred by the developer (i.e., developer staff costs, material costs, developer hired consultants, etc.)

C. The management of the Salt Creek watershed shall include moneys paid by the developer to the open space organization adequate to meet the following purposes:

1. Develop and implement a habitat enhancement plan to increase the biological carrying capacity of the watershed. This shall include removal of invasive foreign (i.e., nonnative) plants and animals as appropriate, planting of plants as appropriate for food and shelter for animals expected to occur in the area, modification of land forms, and establishment of water sources, or other features (e.g., salt licks etc.) as may be deemed appropriate by the monitoring organization.

licks etc.) as may be deemed appropriate by the monitoring organization.

2. Establishment of a trust fund adequate to maintain the watershed and the habitat enhancement plan for its intended purpose into perpetuity. These funds shall also be adequate to monitor the effectiveness of the watershed in achieving its purpose.

D. Development and monitoring of the habitat enhancement plan shall be under the direction and approval of the County of Ventura. Agency or organization staff, or consultants hired by said agencies, may be paid through the accounts established in Paragraph "2C" and shall be subject to the $_____ limitation outlined in paragraph "2B" above.

Agreement and implementation of this mitigation measure shall be considered by the County of Ventura to be an adequate response to the concerns of the County of Ventura regarding impacts to existing biological communities in and around the Newhall Ranch project.

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The staff report addresses water resources in three locations: page 13 of the staff report, Appendix "A" and Exhibit "J." We have the following comments to those sections:

Comments to staff report section on Additional Provisions to Protect Groundwater Supply

1. The staff report appears to be proposing a new project description that is inconsistent with the EIR and the July 28, 1998, motion by the Los Angeles County Board of Supervisors

The July 28 motion of the Los Angeles County Board of Supervisors directed that ". . . given that the project E.I.R. states that there will be no 'net' use of groundwater, that restriction should be added to the Specific Plan . . ." The term "no 'net' use of groundwater" is not actually defined in the EIR. However, the EIR is very explicit as to what type of groundwater consumption is assumed for the project, and what water sources were evaluated. Attachment 1 provides some of the numerous quotes provided in the EIR on this subject. In summary, the EIR states that the project will not use more groundwater than was previously injected and stored by the Aquifer Storage and Recovery ("ASR") program. This is summarized by three quotes from the Final EIR Responses to Comments, which state:

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> "The only reference to groundwater 'pumping' in the Draft EIR as it relates to water supply is in the Draft EIR's discussion of the Aquifer Storage and Recovery (ASR) alternative relating to the Castaic Creek flood flows. Under this alternative (Draft EIR, page 4.11-19), the Draft EIR explains that the ASR program would only allow as much water to be pumped out of the aquifer as was previously pumped in and stored." (FEIR, Vol. III, Topical Response 14, page TR-70.)
>
> "No more water would be withdrawn from the aquifer for the Specific Plan than injected under the ASR alternative. . ." (FEIR, Vol. III, Response 130, page RTC-199.)
>
> "Contrary to some comments, the Draft EIR's water analysis does not rely on groundwater as a source of supplying water to the Newhall Ranch Specific Plan. On page 4.11-15, the Draft EIR states that the water demand for the Specific Plan will be met through the use of:
>
> "(1) Imported water delivered by the Castaic Lake Water Agency (CLWA);
>
> "(2) Reclaimed water from the proposed Water Reclamation Plant (WRP); and

"(3) The Newhall Land and Farming Company's contractual rights to Castaic Creek flood flows." (FEIR, Vol. III, Topical Response 14, page TR-69, par. 1.)

While the Draft EIR acknowledged that Valencia Water Company currently uses some groundwater to meet is present water demands, the Final EIR and Responses to Comments, as well as the references provided in Attachment 1, made clear that there would be no increased pumping of groundwater beyond the volume previously injected as part of the ASR program. Consequently, any water demand for this project that could not be met through the ASR program or by use of reclaimed water would have to be met by increased deliveries from the State Water Project ("SWP"). Because of concerns that the ASR alternative might lead to the extraction of more water than had been injected into the aquifer, the Final EIR and Responses to Comments also clarified that the ASR alternative would result in "no 'net' use of groundwater." This was clearly explained to mean that the amount of groundwater extracted under the ASR alternative would not exceed the amount of water previously injected. The whole concept, as the above-quoted language makes clear, was that this Project would not result in greater use of groundwater compared to the pre-project condition.

In attempting to implement the July 28 motion, pages 13-14 of the current staff report develop a completely different definition of "no 'net' use of groundwater":

> "The source(s) of water identified <u>shall not result in the net use of groundwater over that which is planned for the Santa Clarita water basin</u>, which is identified as the average annual safe perennial yield of the Alluvial Aquifer and the average annual recharge rate of the Saugus Aquifer in the Final EIR for the Newhall Ranch Specific Plan or subsequent environmental documentation." (Emphasis added.)

The EIR limits project-related groundwater withdrawals to the water volumes injected by the ASR alternative, while the staff report uses a different limit. It assumes only that the project and cumulative development will not exceed the "average annual safe perennial yield of the Alluvial Aquifer and the average annual recharge rate of the Saugus aquifer." Under this new definition, individual tracts within the project could be allocated, and use, existing groundwater independently of the water volumes injected by the ASR program as long as the Alluvial/Saugus Aquifer system were not overdrafted at the time of project submittal. In fact, under this new definition, the project could potentially use groundwater even if <u>no</u> ASR program of any kind were implemented. This new definition is no longer limited to the ASR injection volumes; as such, it creates the possibility that the project could consume more water from local aquifers than was injected by the ASR program. This project description was not evaluated in the EIR, and is contrary to statements in the EIR and by Newhall Land and Farming personnel at public hearings.

This new project description is contrary to the EIR, which explicitly states that the existing groundwater in the Alluvial/Saugus Aquifer system is not considered to be a water source:

> "In the Draft EIR's impacts analysis, additional groundwater is not considered to be available as a new source of water because it is assumed that existing groundwater resources are needed for existing, approved and other planned users in the Santa Clarita Valley." (FEIR, Vol. III, Topical Response 14, page TR-69, par. 2.) 3

The staff report indicates that this new project description implements the July 28 motion. As noted above, this is not true. In reality, this is a major weakening of perhaps the fundamental restriction on the use of water resources: that the project will result in "no 'net' use of groundwater" as defined in the EIR. This new project description, developed after the Final EIR was written, clearly is different from what was evaluated in the EIR, and is inconsistent with the mandate of the July 28 motion that the EIR's restriction be made a condition of the project.

In order to truly implement the July 28 motion, the Specific Plan should be conditioned as previously recommended by Ventura County (see Attachment 2). Such a condition complies fully with the July 28 motion, and assures that the EIR assumptions and conclusions would actually be implemented. In contrast, the new project description proposed in the staff report is inconsistent with the EIR analysis as well as the July 28 motion. Adoption of this change by the Los Angeles Board of Supervisors would require additional environmental analysis. 4

2. The staff report incorporates a potential for use of additional groundwater that was rejected by the Final EIR

The Draft EIR was unclear about the use of additional groundwater, but appeared to leave open the possibility that the project would consume groundwater beyond the water volumes injected by the ASR program. In response to numerous comments seeking clarification of this issue, the project applicant had the opportunity to state explicitly that additional pumping of existing groundwater was contemplated. Instead, the Responses to Comments and the Final EIR rejected that approach and specifically and unambiguously stated that the only additional water that would be pumped from the aquifers was the water that had been previously injected as part of the ASR program. Now, after the Final EIR as been circulated for public review and without adequate public notice, the project is being changed to include the possibility of increased groundwater pumping beyond the amount injected and stored through the ASR program. This shift renders the EIR inadequate to fully disclose the project description and impacts, as required by the California Environmental Quality Act ("CEQA"). 5

This conclusion is based on the following statements from the Draft EIR. The material in **bold** was removed from the Final EIR:

> "During the remaining 9 months of the year, groundwater would be extracted from up to 18 wells to meet the demand for new water (i.e., approximately 10,272 ac-ft between April 1 and December 31, on an average annual basis). This pumped water would consist of the amount that is available from **estimates of the current net average annual recharge (4,500 ac fy/year) and** that portion of the water previously injected that is required to make up the difference (approximately 5,772 ac-ft). The remainder (approximately 2,528 ac-ft) would remain in storage in an average year for use as needed during dryer periods." (DEIR, Appendix 4.11, Vol. II, page 3-33, par. 5.)

> "The remaining 12,082 to 13,320 acre-foot demand (10,094 acre-feet per year for potable demands and 1,988 to 3,226 acre-feet per year for non-potable demands) would primarily be met through deliveries from the Valencia Water Company (VWC) which obtains some of its water from Castaic Lake Water Agency (CLWA), **and** potentially the use of The Newhall Land and Farming Company's rights to Castaic Creek flood flows **and the remainder from the underground alluvial and Saugus Aquifers."** (FEIR page 4.11-2, par. 1.) 5

The first quote is from the Water Resources Technical Appendix 4.11, which is the technical basis for the water resources analysis contained in the EIR itself (EIR Chapter 4.11 (Water Resources)). The material in bold demonstrates that the EIR Technical Appendix could have been read to mean that the project would use the current on-site groundwater recharge as a water source. Consequently, Ventura County's comments to the Draft EIR (Comment 126, FEIR, Vol. I, page 216) questioned the use of existing recharge as a source of project water. The response (Response 126, FEIR, Vol. III, page RTC-196) states that "(T)he Specific Plan would not pump groundwater" and references other sources regarding the requirement of no use of groundwater beyond the volumes pumped by the ASR program. To make it even more clear that there was no intention of using additional groundwater, the material in bold was removed from the Final EIR.

The second quote, from the summary of Chapter 4.11 is similar in that it identifies two local sources of water for the project – Castaic Creek flood flows (i.e. the ASR program) and "the remainder from the underground alluvial and Saugus Aquifers." This could also have been alluding to additional use of groundwater beyond the ASR program by the project. Again, the reference was simply removed from the Final EIR.

A key planning document used in designing the ASR well field and writing Appendix 4.11 was written in February 1994 by Richard Slade, entitled Hydrologic Assessment of Proposed Newhall Ranch Development Santa Clarita Valley Los 6

Angeles California. Page 3 of that report (Attachment 3) lists four sources of water for this project:

a. Import from Castaic Lake Water Agency (i.e. SWP water)

b. Conjunctive use from Santa Clara River flood flows (i.e. Castaic Lake water flows such as through the ASR program) 6

c. Use of reclaimed water from the new onsite wastewater treatment plant

d. Local groundwater sources. (Emphasis added.)

Note that item (b) is the ASR program, while item (d) is referencing "local groundwater sources" over and above the water injected by an ASR program. Clearly prior to writing the EIR the applicant at least considered use of groundwater beyond that injected by the ASR program.

Ventura County considered the issue resolved with the statements contained in Attachment 1 from the Final EIR, which state over and over again that the project will not use more groundwater than is first injected by the ASR program. However, with the introduction of the new staff report, the entire issue of additional groundwater use by the project is again raised. Resurrecting this issue raises the question of the exact source of water to be removed from aquifers to supply this project. For the EIR to fulfill its CEQA-mandated function to provide full disclosure, issues of this significance must be resolved in the environmental documents that are circulated for public review. They cannot be changed to completely alter a fundamental part of the project description at this late stage of the proceedings. 7

EIR DEFINITIONS OF PROJECT USE OF GROUNDWATER

"In the Draft EIR's impacts analysis, additional groundwater is not considered to be available as a new water source of water because it is assumed that existing groundwater resources are needed for existing, approved and other planned users in the Santa Clarita Valley." (Topical Response 14 page TR-69 para 2).

"The Specific Plan would not result in a groundwater quantity impact in Ventura County because it would not pump groundwater as a source of water. . . (i)n fact, only water first injected into the ground would be pumped out to serve the Newhall Ranch Specific Plan site." (Topical Response 17 page TR-75 para 2)

". . .the source of water supply for the proposed project involves only the direct recovery of water that was previously injected in the aquifer for subsequent use." (Topical Response 17 page TR-75 para 2).

"Contrary to some comments, the Draft EIR's water analysis does not rely on groundwater as a source of supplying water to the Newhall Ranch Specific Plan. On page 4.11-15 the Draft EIR states that the water demand for the Specific Plan will be met through the use of:

(1) Imported water delivered by the Castaic Lake Water Agency (CLWA)

(2) Reclaimed water from the proposed Water Reclamation Plant (WRP); and

(3) The Newhall Land and Farming Company's contractual rights to Castaic Creek flood flows. "

(Topical Response 14, page TR-69 para 1)

"Specifically, the proposed General Plan Amendment for the Newhall Ranch Specific Plan will not cause an increase in the amount of groundwater pumping above that required to meet demands of current General Plan land uses.

The only reference to groundwater "pumping" in the Draft EIR as it relates to water supply is in the Draft EIR's discussion of the Aquifer Storage and Recovery (ASR) alternative relating to the Castaic Creek flood flows. Under this alternative (Draft EIR, page 4.11-19), the Draft EIR explains that the ASR program would only allow as much water to be pumped out of the aquifer as was previously pumped in and stored." Topical Response 14 page TR-70 paras 1 and 2).

"No more water would be withdrawn from the aquifer for the Specific Plan than injected under the ASR alternative. . ." (Response 130 page RTC-199 para 1).

ATTACHMENT I

"Because the Specific Plan will not rely on groundwater as a source of water supply (please see Topical Response 14 - Groundwater as a Source of Water Supply for the Specific Plan), there will be no let loss of groundwater resources as a result of the Specific Plan." Topical Response 20, page TR-81 para 1)

ATTACHMENT |

GROUNDWATER RESOURCES

Proposed Policy Statement to be Added to the FEIR:

It is the intent of the Specific Plan (SP), and is an assumption of the FEIR, that no development included within the Specific Plan will result, at any time either directly or indirectly, in a reduction of surface water or groundwater volume flowing in the Santa Clara River basin through the "Blue Cut" area near the Los Angeles/Ventura County line. It is a specific assumption of the FEIR that no such reduction will occur in the surface water or groundwater volume flowing into Ventura County because the FEIR contemplates that State water will be the primary and preferred source of water for the Newhall project. The FEIR also assumes that the ASR well injection program is a possible, but not the preferred water source. It is further assumed that even the ASR alternative will not result in a reduction in surface water or groundwater volume flowing into Ventura County because it is assumed that the water pumped in implementing the ASR alternative will not at any time exceed the water previously injected and stored underground.

Proposed FEIR Mitigation Measures to Implement the Assumptions of the FEIR

Prior to tentative approval of any development requiring an "availability," "will serve" letter or an equivalent document, the project shall obtain a statement from the water purveyor of the availability of State project water to serve the specific project and submit this statement to the County of Ventura, Water Resources Section, prior to map approval. This statement shall demonstrate the following:

1. That the purveyor has unallocated rights to State water adequate to service the specific project.

2. That the purveyor will increase its demand on the State water system by at least the amount required by the specific project at the time that "occupancy" permits are issued for the specific project.

ATTACHMENT 2

3. That if the purveyor, or a water agency which supplies water to the purveyor, uses groundwater contained in the Saugus and/or Alluvial Aquifers, then the purveyor shall certify that the water demand from the specific project will not result in increased pumping of either aquifer over what would occur without the approval of the specific project.

4. In the event that a proposed project cannot comply with the requirements set forth in 1, 2, and 3 above, or may require groundwater to supply the specific project then an appropriate environmental document shall be prepared analyzing the impact on groundwater flowing into Ventura County. Regardless of the minimum notification requirements of the environmental document required by State law, said environmental document shall be submitted for review and comment to the Water Resources Section of the County of Ventura Public Works Agency, and to the United Water Conservation District.

5. These conditions shall remain in effect for the operational life of each specific project within the Newhall Ranch Specific Plan.

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ATTACHMENT 2

ports prepared previously by this investigator in the Santa Clarita Valley area. No subsurface exploration, laboratory testing, or well testing was conducted for this study.

This report has been written for The Newhall Land & Farming Company with specific application to the hydrogeologic assessment of the Saugus Formation and Pico Formation which underlie the proposed Newhall Ranch Development in the western portion of the Santa Clarita Valley. The report has been prepared in accordance with the care and skill generally exercised by reputable professionals, under similar circumstances, in this or similar localities. No other warranty, either expressed or implied, is made as to the professional advice presented herein.

PROPOSED PROJECT

The proposed residential project is to be developed via a phased construction approach. At the end of the phased construction, a new community will have been developed and will contain as many as 20,000 dwelling units, with attendant schools, parks, hospitals, churches, a fire station, and commercial facilities. Two or three golf courses and a new wastewater treatment plant at the west side of the property are proposed also.

Considering the completed project at full buildout, the ultimate potable demand may be on the order of 16,000 to 18,000 acre-feet per year (AF/yr). Sources proposed to meet this annual demand reportedly include: import from the Castaic Lake Water Agency; conjunctive use from Santa Clara River flood flows; use of reclaimed water from the new onsite wastewater treatment plant; and local groundwater resources. It is reportedly hoped that the combined use of these water sources, coupled with a plan to recharge local aquifers with injection of water derived from the first three of the four sources listed previously, will permit a zero net, long-term discharge from the local aquifer system (i.e., from the underlying Saugus Formation). Reportedly, the desired annual volume of groundwater to be extracted from the Saugus Formation beneath the subject property for domestic supply is on the order of 8000 acre-feet per year (AF/yr).

ATTACHMENT 3

Comments to Appendix A (Evaluation of Historical and Projected Future Flows to Ventura County Resulting from Importation of State Project Water to the Santa Clara River Watershed)

We have the following comments to Appendix "A":

1. Groundwater should be considered as a local water source

Appendix "A" concludes that since the beginning of importation of SWP water into the Santa Clarita Valley, the local surface and groundwater has received an average increase of 7,586 acre-feet/year from this source (Appendix "A" page 6). The report further estimates what when the entire State entitlement of 54,200 acre-feet/year is received, the local surface water and groundwater will receive an average annual increase of 22,160 acre-feet/year (Appendix "A" page 7). The report uses these numbers to conclude that the increases in water flows into Ventura County as shown in Figure 2 of Appendix "A" are due to the importation of SWP water into the Santa Clarita Valley. 1

This analysis of SWP water discharges into the Santa Clara River watershed is only half of the equation and indicates that Ventura County is probably receiving less useable water due to population growth and the resulting importation of SWP water into the Santa Clarita Valley than it would receive if no growth had occurred, and no SWP water were delivered to the water basin. This conclusion is based on the following:

a. Prior to importation of SWP water, average annual withdrawals for the Alluvial/Saugus Aquifer system was approximately 36,160 acre-feet/year (31,500 acre-feet/year from the Alluvial Aquifer and 4,660 acre-feet/year from the Saugus Aquifer (Attachment 4)). Currently, average annual withdrawals from the aquifers is 52,500 acre-feet/year (staff report Exhibit "J," page 3), or an increase in groundwater withdrawals of 16,340 acre-feet/year compared the period prior to importation of SWP water. The addition of 7,586 acre-feet/year of SWP water into the Santa Clara River watershed does not fully mitigate the increased withdrawals of 16,340 acre-feet/year from local groundwater supplies caused by the same development. Even if all of the 7,586 acre-feet/year entered the aquifers (which it does not), the aquifers are still subject to a net loss of 8,754 acre-feet/year. Over time, this will result in less water entering Ventura County. 2

b. The 7,586 acre-feet/year is generated over the entire year, including both winter and summer. At least some of the water that enters Ventura County in the winter is probably not recharged to local aquifers because 3

the aquifers are already recharging at their maximum rates and cannot absorb additional water. 3

c. All of the 7,586 acre-feet/year probably does not enter Ventura County, as some of this "wastewater" it is likely to be absorbed by plants, evaporate as puddles on the ground, or be lost in similar ways in Los Angeles County. 4

d. As discussed in our comments to staff report Exhibit "J", the Alluvial/Saugus Aquifer system is probably currently being overdrafted; this overdraft should be added to the 8,754 acre-feet/year net loss of groundwater estimated in Point 1 above.

Appendix "A" needs to look at the demand side of the equation and not treat the SWP as the only source of water being used by development in the Santa Clarita Valley. The estimate of 8,754 acre-feet/year net loss from the aquifers is only a first approximation, and would change once other refinements are included, such as considering the percentage of the 52,500 acre-feet/year currently pumped from the aquifers that returns to the aquifers – this would lower the net loss. In addition, as SWP deliveries increase to the 54,200 acre-feet/year allocation, the amount of water entering the Santa Clara River water basin would increase. However, these factors are offset by the fact that not all the SWP "wastewater" is likely to reach Ventura County or can be absorbed by the local aquifers, and that the SWP system is frequently unable to deliver the full amount of water requested by its wholesale water agencies. 5

Given these considerations, if the Newhall Ranch project were to rely solely on groundwater and reclaimed water as evaluated on page 8 of Appendix "A", the additional withdrawal of 13,320 acre-feet/year from the Alluvial/Saugus Aquifer system would be added to the net loss of 8,754 acre-feet/year that is occurring already.

2. <u>SWP is not "the logical source" of increased river flows</u>

As noted on page 2 of Appendix "A", Figure 2 shows increased water flows into Ventura County over time. Page 2 concludes that: "The logical source of this additional flow is imported SWP water." Such a conclusion is not supported by the data in Appendix "A". This conclusion is based on the following: 6

a. Figure 6 in Appendix "A" shows the annual estimated volume of SWP water that becomes river surface flows or enters the local aquifers. The maximum such volumes were slightly more than 12,000 acre-feet/year in 1997, with all other years experiencing lower flows.

b. In reviewing Appendix "A," Figure 2 (annual rainfall and river volumes flows) and Figure 3 (10-year running averages of rainfall and river volume flows), the addition of a maximum of 12,000 acre-feet/year is overwhelmed by changes in total water flows that can be several times greater in a given year. River flows are typically varying by tens of thousands of acre-feet/year from year to year, or more than all the SWP water being discharged into the basin in a given year. 7

c. Obviously an additional source is adding to the water flow, and, as pointed out in Appendix "A", at least one additional source is rainfall. Page 2 of the report attempts to adjust for the effects of rainfall by noting that during dry years (1961, 1977, 1981, 1987 and 1994) water volumes in the river have been increasing, and that this increase is due to SWP water. It is not appropriate to draw such a conclusion from that data.

Page 1 of Appendix "A" indicates that SWP water deliveries into the Santa Clarita Valley started in 1980. The first three dry years cited on page 2 are 1961, 1977 and 1981. Each year had very similar levels of precipitation, and each year generated more water in the river than did the previous dry year. While the 1977/1981 comparison includes SWP water deliveries, based on Figure 6, only approximately 3,000 acre-feet/year of SWP water entered the river in 1981. However, comparing 1977 to 1981 in Figure 2 shows that 1981 experienced river flows of a few tens of thousands of acre feet more than occurred in 1977. This is many times the volume of SWP water which entered the river. In this year, SWP water was only a minor contributor to the increases in the river. 8

Increases in river water volumes were occurring before SWP water was even imported into the Santa Clarita Valley, and in the early 1980s the volumes of SWP water entering the river were only a small component of the volume increases that occurred. In reviewing Figures 2 and 6 from 1980 to the present, similar patterns occur whereby the increases in SWP water from year to year are only a portion of the additional water volumes in the river, even when considering the effects of rainfall.

d. If SWP discharges only account for a portion of the increases in river flows, then what is the additional source of increased water flows in the river? As discussed in our comments to staff report Exhibit "J", since 1980 the increased use of local groundwater has apparently exceeded the volumes of SWP water imported into area. Groundwater was also being pumped prior to the introduction of SWP water, and based on the Slade reports, that pumping had been increasing prior to 1980 as the area population expanded. Increased groundwater pumping very 9

probably accounts for all the river volume increases prior to 1980, and apparently accounts for more of the river volume increases since 1980 than can be attributed to SWP water. This is likely a result of the fact that the groundwater is extracted several miles upstream but the treated wastewater is discharged only a few miles from where the measurements are taken. 9

e. From Appendix "A" and Exhibit "J", there are three sources of river water in the Santa Clarita Valley -- precipitation, SWP water, and groundwater. Of these, it appears that SWP water contributes the smallest volume to the total volume of river surface water. As such, it is not appropriate to conclude that "(T)he logical source of this additional [river] flow is imported SWP water." While the exact contributions from each of the three sources is not clear, the data is not adequate to conclude that SWP is "the"' source of this increase or even the most important source. 10

f. One concern about the increase in river water flows is that a major component is apparently groundwater pumping. As noted in our comments to Exhibit "J", we believe that the groundwater is currently being overdrafted. This means that the existing increased river volumes are at least partially occurring at the expense of future flows, which will result in less water entering Ventura County than would have occurred if overdrafting does not occur. 11

Appendix "A" is a good start at estimating water supply impacts to Ventura County due to development in the Santa Clarita Valley. However, before the Los Angeles County Board of Supervisors completes the public hearing process for this project, the above issues should be formally considered and included in the analysis.

calculated values of average annual pumpage and average annual change in storage.

To determine the average annual groundwater production from the alluvial sediments in the Valley, files at the major water purveyors concerning present and historic production were obtained. These data vary widely in their apparent level of accuracy. For example, some of the data do not date back to 1957-58, other data are based on electrical consumption at the pump and not on actual metered gallonage, while other data are only estimates based on the number of persons using the water. Regardless, during the 28-year base period 1957-58 to 1984-85, we estimate the average annual groundwater production from the alluvial sediments in the Santa Clarita Valley to have been approximately in the range of 31,000 to 32,000 acre-feet per year.

In addition, at the beginning of the base period, the quantity of groundwater stored in the alluvial sediments was calculated to be approximately 159,688 acre-feet. By 1985, the quantity of groundwater in storage in the alluvium had been increased to 176,409 acre-feet (see Table 8). The increase in the quantity of water in storage in the alluvium is thus 16,721 acre-feet. This increase is the total quantity of groundwater added to storage during the 28-year Base Period as a result of excess precipitation. Hence, the average annual net change in groundwater in storage was determined by dividing the total quantity of water added to storage by the length of the Base Period, or +597 acre-feet per year.

The perennial yield is the quantity of groundwater what can be pumped annually without any change in groundwater levels or net change in groundwater in storage over the Base Period. This may be computed by determining the average annual pumping during the Base Period (31,000 to 32,000 acre-feet), and adding or subtracting from this value, that amount

ATTACHMENT 4

Combined potential recharge from these two sources may range between approximately 20,000 to 22,000 ac-ft/yr in wet periods and 11,000 to 13,000 ac-ft/yr in dry periods. These determinations provide a preliminary estimate of the maxium amount of recharge to the Saugus, and should not be construed as a rigorous determination of the perennial yield of the Saugus Formation.

10. Historically, only 22 wells are known to have been drilled sufficiently deep to produce groundwater from the Saugus Formation. During the historic period of record from 1954 through 1986, local purveyors (NCWD, combined NLF and VWC, and SCWC) have produced a total of approximately 154,000 ac-ft of Saugus Formation groundwater, virtually all from the area south of the Holser fault. Average production for the 33 years of available data has been about 4660 ac-ft/yr.

11. Of the 22 known Saugus Formation wells, 8 were actively producing in 1986. Combined 1986 Saugus Formation production by the local purveyors was 5532 ac-ft. Saugus production by private owners (ranches, industries, etc.) is considered negligible (less than a total of 100 ac-ft/yr).

12. It is hydrogeologically feasible to develop additional groundwater supplies from Saugus Formation aquifers. Production from properly sited and constructed future Saugus wells is not expected to adversely impact the overlying alluvium.

13. General priority locations for new wells are provided, but a detailed evaluation should be conducted prior to drilling on a site-by-site basis. New wells should be spaced at least 1000 ft apart.

New wells in the region southerly of the San Gabriel fault are anticipated to have an operational yield on the order of 1500 to 2000 gpm. Anticipated well depths in this region are between 1500 and 2500 ft. Wells located to the north of this fault will be shallower and will have lower yields.

14. Construction costs for a contractor to drill, case, develop, and test pump one new well on the order of 1500 ft in depth will likely be on the order of $250,000 to $300,000. Additional costs will be for: pumping and chlorination

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Comments to Exhibit "J" (Response to Additional Comments Raised Regarding Groundwater and Newhall Ranch).

We have the following comments to Exhibit "J":

1. This report is comparing "apples to oranges" when it compares a project specific demand for water to a cumulative supply of water

The basic premise of this exhibit is that if Newhall Ranch used groundwater to obtain 100% of its water needs beyond what it can obtain from reclaimed water, that its groundwater consumption would not exceed the total volume of SWP water that enters the aquifers or flows into Ventura County as surface water. This concept takes the demand of this specific project and concludes that it does not exceed the surplus SWP and wastewater generated by all the cumulative development in the Santa Clarita Valley. This analysis is comparing "apples to oranges". It compares the water demand from a single project to the discharges from the surrounding cumulative development which is several times the size of the project. As such, it would be surprising if "demand" did exceed "supply." 1

To do this study correctly, either: (1) the project demand for groundwater should be evaluated against the project "supply," or return flows back to the aquifers and surface flows into Ventura County; or, (2) the cumulative demand for groundwater should be evaluated against the cumulative "supply" or return flows. This allows project specific demand to be compared to project specific supplies, and allows cumulative demand to be compare to cumulative supplies. By mixing a project specific demand with a cumulative supply it is unclear what point is being made.

2. The new staff report should be changed if the full safe volume of groundwater is already being withdrawn

Exhibit "J" reveals for the first time in the administrative record that the full safe volume of groundwater is already being pumped from the aquifers. Consequently, under the terms of the new staff report the use of existing groundwater by specific projects within Newhall Ranch is precluded by the fact that local suppliers are already withdrawing the maximum amount of groundwater available without overdrafting the aquifers. As a result, the staff report creates the impression the project could use groundwater that in fact would never be available. The Board should recognize this fact and prohibit any potential for use of additional groundwater beyond the ASR program. As noted previously, we suggest a condition similar to that outlined in Attachment "2". 2

3. <u>The Alluvial/Saugus Aquifer system is apparently already being overdrafted</u>

By linking the project to the "average annual safe perennial yield of the Alluvial aquifer and the average annual recharge rate of the Saugus aquifer," the staff report makes it critically important that the water volumes attached to these terms be correct. If the water volumes are overestimated, the aquifers could be overdrafted if too much water is pumped. Based on the information in the administrative record and its supporting documents, our concern is that the EIR is in fact overestimating the water volumes attached to those terms, and consequently, potentially allows the project to contribute toward overdrafting the Alluvial/Saugus Aquifer system.

Page 3, paragraph 2 of Exhibit "J" states that local water suppliers are currently withdrawing 52,500 acre-feet/year from the Alluvial/Saugus Aquifer system in dry years. Of this, 32,500 acre-feet/year is considered to be the "annual average perennial yield" of the Alluvial Aquifer, while the remaining 20,000 acre-feet/year is considered to be the "average annual recharge rate" of the Saugus Aquifer. The references for these numbers are a 1986 report by Richard Slade for the Alluvial Aquifer and a 1988 report by Slade for the Saugus Aquifer.

The figure of 52,500 acre-feet/year is used in Exhibit "J" as the maximum average amount of water that can be withdrawn from the Alluvial/Saugus Aquifer system without resulting in an "undesirable result" (i.e. long term drops in groundwater levels as indicated on page 2, footnote 2). As noted on page 6, paragraph 5, this report further concludes that ". . . no adverse impacts would occur [from such pumping] because groundwater is not pumped beyond the average annual safe perennial yield in the Alluvial Aquifer and the average annual recharge rate in the Saugus Aquifer . . ." 2

The problem with such conclusions is that they are incorrect. Using this report's own data, the Alluvial/Saugus Aquifer system is currently being overdrafted, and by potentially allowing specific projects within Newhall Ranch to use groundwater as a water source, the project could contribute to that overdraft. Furthermore, such a condition has significant impacts because over the long term overdrafting would lead to less water entering Ventura County. The reasoning for these conclusions is as follows:

a. Although page 3, paragraph 2 states that 32,500 acre-feet/year is the "annual average perennial yield" of the Alluvial Aquifer, the paragraph goes on to state that ". . . the 32,500 AFY is for a dry year and this amount can and will increase in years of additional rainfall. . . ." As noted above, the source of the Alluvial Aquifer data is the 1986 Slade report. As noted on page 91, paragraph 2 of that report (Attachment "5"), Slade found over a 27-year period (1958 to 1985) that the Alluvial Aquifer had an average annual perennial yield of 31,600 to 32,600 acre-feet/year. This is the average annual perennial yield over many wet and dry years. Exhibit "J" is misinterpreting its own data source by concluding that

32,500 acre-feet/year is the minimum safe yield for dry years, and therefore, that volume can be safety withdrawn in dry years, and higher volumes can safely be withdrawn in wet years. Such a policy will result in an average withdrawal over many dry and wet years that exceeds 32,500 acre-feet/year year, and thereby result in overdrafting the Alluvial Aquifer. 2

b. As noted above, Exhibit "J" is incorrectly using 32,500 acre-feet/year as the dry year recharge rate for the Alluvial Aquifer. However, even as an average rate, this number is probably too high. Slade's study ended in 1985. As Slade notes on page 88, "(U)banization has had a rather startling impact on the availability of areas for recharge. . . (P)aving over these areas has, and will continue to reduce the net effective area for natural recharge to the underlying groundwater system." Since 1985, urbanization has continued to occur over the Alluvial Aquifer recharge area (i.e. generally the valley floor where growth is concentrated) and will continue to do so in the future. By continuing to reduce the net effective area for natural recharge, the amount of water being recharged into the Alluvial Aquifer under any given condition is probably less than it was in 1985, and in the future will be less than it is now. A 1985 estimate of 32,500 acre-feet/year as the "annual average perennial yield" is probably overestimating the current perennial yield and will further overestimate the future perennial yield.

3

The failure of Exhibit "J" to actually reflect the changes in the recharge to the Alluvial Aquifer due to the urbanization of the Santa Clarita Valley is carried over into the entire administrative record. The EIR estimates that as a result of the project recharge into the Alluvial/Saugus Aquifer system will be reduced by as much as 220 acre-feet/year (FEIR, Vol. III, Table 4.11-18, page 4.11-52). However, the EIR makes no such calculation for the loss of recharge to either the Alluvial or the Saugus Aquifers due to the cumulative development through out the valley. This failure is a deficiency in the EIR which leads to the EIR overestimating the future recharge volumes into both the Alluvial and Saugus Aquifers, and consequently overestimating the "average annual safe perennial yield of the Alluvial aquifer and the average annual recharge rate of the Saugus aquifer". By failing to evaluate this impact, the EIR and the new staff report fail to publicly disclose that the project could potentially contribute to a cumulative demand for groundwater that could overdraft the Alluvial/Saugus Aquifer system and result in less water flowing into Ventura County.

c. Exhibit "J" makes a similar error in regard to the 20,000 acre-feet/year "average annual recharge rate" of the Saugus Aquifer. The source of this number is cited as the 1988 Slade report. As noted on page 82 of his 1988 report (Attachment "6"), Slade concluded that the Saugus Aquifer is recharged at a rate of 20,000 to 22,000 acre-feet/year during wet years, and only 11,000 to 13,000 acre-feet/year 4

during dry years. By using the 20,000 acre-feet/year figure as the "average annual recharge rate", Exhibit "J" is using a wet year recharge rate as the average recharge rate. If an average of 20,000 acre-feet/year is in fact being withdrawn from the Saugus Aquifer, the Saugus Aquifer is currently being overdrafted.

d. Although the 1988 Slade report is the reference cited in Exhibit "J" as the source of information for the Saugus Aquifer, Slade himself states that the report cannot be used to determine the perennial yield of the aquifer. Page 96, paragraphs 1 and 2 (Attachment "7") state:

> ". . .this preliminary assessment should not be construed as a rigorous determination of the perennial yield of the Saugus, with such determination not being part of the scope of work."
>
> "A meaningful evaluation of the perennial yield of this formation must await, as yet unavailable, long-term water level and water quality data and a data base that includes actual data from wells northerly of the Holser and San Gabriel faults." 4

Exhibit "J" is overestimating both the "annual average perennial yield" of the Alluvial Aquifer and the "average annual recharge rate" of the Saugus Aquifer. In addition, it is using Slade 1988 as the source of the "average annual recharge rate" of the Saugus Aquifer, which the report itself says should not be done. Exhibit "J" (page 6, par. 5) concludes that the pumping discussed on page 3 has ". . .no adverse impacts, . ." which is simply not true since an average annual pumping rate of 52,500 acre-feet/year would overdraft both the Alluvial and Saugus Aquifers and result in less water flowing into Ventura County.

The new staff report would allow project groundwater consumption up to the "annual average perennial yield" of the Alluvial Aquifer and the "average annual recharge rate" of the Saugus Aquifer. To justify reliance on these numbers, the project administrative record must be able to demonstrate that the pumping of an average of 52,500 acre-feet/year of water in fact has "no adverse impacts," as concluded on page 6 of Exhibit "J". Neither the administrative record nor the Slade reports demonstrates the lack of adverse impacts. In fact, a correct reading of the Slade reports leads to the conclusion that if 52,500 acre-feet/year were pumped from the aquifers, then an "adverse impact" would occur because pumping 52,500 acre-feet/year would overdraft the Alluvial/Saugus Aquifer system.

4. <u>Exhibit "J" and the entire administrative record fails to demonstrate that there is adequate capacity in the Alluvial/Saugus aquifer system to store ASR water</u>

Exhibit "J" addresses an issue -- the impacts of using groundwater to meet 100 percent of the project's demand -- that does not appear to have been raised by the public, and certainly was not raised by Ventura County. However, Exhibit "J", along with the entire administrative record, ignores the primary water resources concern of Ventura County, which is: the EIR fails to demonstrate that the Alluvial/Saugus Aquifer system in the area of the ASR well field has the storage capacity to actually store the ASR project water for months or years without encroaching into the storage capacity used by current recharge into the aquifers.

Many of Ventura County's concerns regarding water stem from the EIR's assuming adequate aquifer storage capacity with no documentation to support that assumption. Although this is a thread that runs through many of our comments, Comment 137 (FEIR, Vol. I, page 232) is a good example of our concern and the EIR response. Comment 137 questions the EIR's conclusion that the Alluvial Aquifer water levels will not drop significantly as a result of the ASR withdrawal program. Response 137 (FEIR, Vol. III, page RTC-201) simply references several Topical Responses, none of which provide data to support the EIR's conclusions about surplus capacity in the Alluvial Aquifer, and it presents arguments that continue to simply assume that storage is available. The best example of such assumptions is Response 137 (FEIR, Vol. III), point 1 on page RTC-202, paragraph 1, which states: 5

> "(1) Groundwater will no more flow from the alluvial aquifer to the underlying Saugus aquifer during the recovery phase than flow from the Saugus to the alluvium in the injection phase (i.e., if it is assumed that water will be lost during pumping, it must be assumed that it will be gained during injection)."

No data is ever presented to show that the Alluvial Aquifer will in fact store the additional water that point 1 assumes will first be gained by the aquifer. The EIR just assumes that storage will occur. We cannot find data to support such a conclusion, and in fact, the 1986 Slade report about the Alluvial Aquifer suggests that this conclusion may not be correct. Slade discusses the fact that the water level in the Alluvial Aquifer near the well field is high, that water can be pushed from the Alluvial Aquifer into the surface water in that area, and that the Alluvial Aquifer in that area may very well be saturated during portions of the year (Attachment 8). A similar discussion is also presented in the EIR, itself, which discusses water leaving the Alluvial Aquifer and becoming surface water west of Castaic Junction (DEIR Appendix 4.11, page 3-21, par. 1.)

The 1986 Slade report addresses in general terms the storage capacity of the Alluvial Aquifer (Attachment 9). Slade states that the aquifer has a maximum theoretical storage of 239,900 acre-feet, with 176,400 acre-feet of water in storage as of 1985. However, this is for the entire 27.14 square miles of the aquifer, virtually all of which is upstream of the ASR well field. This capacity estimate says little or nothing about the ability of the Alluvial Aquifer in the area of the ASR well field to store additional water.

The EIR and Slade data suggest that the Alluvial Aquifer may not be capable of long term storage of ASR water. No countervailing data is presented in the EIR to show that the Alluvial Aquifer in this area in fact has adequate capacity, particularly between January and March when the ASR injection program would operate, and the water levels in the Alluvial Aquifer would already be at or near their maximum levels.

The best information regarding the storage capacity of the Saugus Aquifer is contained on FEIR Appendix 4.11 page 3-27, paragraph 5. This simply states that the 1988 Slade study, using one set of assumptions, estimated that the Saugus Aquifer had 1.4 million acre-feet of water in storage, and a separate study done 14 years earlier estimated that the Saugus Aquifer could potentially hold 6 million acre-feet. The actual Slade reference is contained in Attachment 10. As noted in the EIR, the two studies used very different assumptions. As such, they cannot be directly compared. In addition, they apply to the entire Saugus Aquifer, most of which is upstream of the proposed ASR well field, and most of which is east of the Holser Fault. These factors may tend to isolate the ASR well field from the bulk of any unused storage capacity in the Saugus Aquifer, and in fact such isolation is mentioned in the EIR (FEIR, Vol. III, page 4.11-19, par. 3) 5

This general information does not demonstrate that the aquifer can physically store large quantities of ASR water over long periods of time without using storage capacity needed by the existing recharge. The EIR fails to demonstrate that the Alluvial Aquifer as an isolated system can store ASR water, that the Saugus Aquifer as an isolated system can store ASR water, or the Alluvial/Saugus Aquifer system as a combined system can store ASR water. Yet it is this fundamental ability of the aquifers to store injected water that determines whether the ASR withdrawal phase would actually draw out only water volumes that were previously injected and stored by an earlier ASR injection phase.

5. <u>Based on the evaluations in the EIR, the project does in fact result in "a 'net' use of groundwater", and therefore is inconsistent with the July 28 motion.</u>

As discussed in our attached comments to the staff report, the EIR evaluates the impacts resulting from using no more groundwater than was previously injected by the ASR alternative. This is the EIR definition of "no 'net' use of groundwater" the project. 6

Further, as noted in Topical Response 20, Final EIR, Volume III, page TR-81, paragraph 1, the EIR concludes that ". . . there will be no net loss of groundwater resources as a result of the Specific Plan."

The EIR assumes that if 5,000 acre-feet of water is injected into the Saugus Aquifer by the ASR injection phase, and 5,000 acre-feet is later withdrawn by the ASR withdrawal phase, that no "net" loss of groundwater occurs as a result of the project. This is not true. As noted on EIR Table 4.11-52, the project will reduce recharge into the Alluvial and Saugus Aquifers by as much as 220 acre-feet/year. This means that on average, the aquifers will receive 220 acre-feet less water with the project than they would receive without the project. Even if the ASR program is never implemented, and 100% of the project water demand comes from SWP and reclaimed water, the project will still reduce "net" local groundwater supplies by 220 acre-feet/year. This is not a trivial amount of water, as it is enough water to supply the annual water demand of approximately 440 homes, and could be very important during future droughts. At a minimum, the EIR is failing to acknowledge this impact, and Los Angeles County is failing to impose a mitigation measure which actually implements the conclusion of "no 'net' use of groundwater" found in the EIR. If an ASR alternative is implemented, it should be operated such that an average of 220 acre-feet/year of water injected into the Alluvial/Saugus Aquifer system remains in the aquifers and is never removed to serve the project. In this way the loss of recharge identified in the EIR would be mitigated and result in no "net" loss of groundwater. 6

On page 4.11-52, Volume III of the Final EIR, the EIR acknowledges that the project reduces recharge into the aquifers by 220 acre-feet/year, and further concludes that this impact is not significant based on the significance threshold of 1,000 acre-feet/year established on EIR page 4.11-37, paragraph 2. This finding is completely different from a finding that the project results in "no 'net' loss of groundwater", as the "no 'net' loss" finding has a significance threshold of a zero loss of water, while EIR page 4.11-52 uses a significance threshold of 1,000 acre-feet/year. The finding repeated over and over again in the EIR (see Attachment "1") is that there is "no 'net' loss of groundwater" due to the project, but the EIR's own data contradicts this finding, and the EIR fails to adopt an appropriate measure to mitigate this impact.

of groundwater which represented the average annual change in storage.

Because there was more water in storage at the end of the Base Period (1985) than at the beginning of the Base Period (1958), the annual net change in storage (+597 ac-ft) must be added to the average annual pumping (31,000 to 32,000 ac-ft). Thus, the practical or perennial yield of the alluvial sediments in the Santa Clarita Valley area is in the range of 31,600 to 32,600 ac-ft/yr.

Review of the literature indicates other values of perennial yield by different investigators. These other values include: a DWR (June 1964 and February 1979) value of 23,100 ac-ft/yr for the Eastern Basin, although they do not state whether this number is solely for the alluvium or for both the alluvium and the Saugus Formation; Hackel and Associates (1964), who reported a combined annual yield of 33,250 ac-ft/yr for both the alluvium and the Saugus Formation; and Bookman-Edmonston Engineering, Inc. (1976 and 1983) who report a value of 35,100 to 35,200 ac-ft/yr, as modified from USGS data, for the yield of the alluvium. Variations in these numbers relate to differences in total outcrop area of the alluvium being considered and to differences in the base period of study selected by each investigator.

SOILS CONDITIONS AND ARTIFICIAL RECHARGE

GENERAL RECHARGE METHODS

By definition, artificial recharge is the practice of deliberately augmenting the natural processes of infiltration of precipitation and streamflow through soils materials, thereby replenishing a groundwater reservoir via man-made

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4. Other conditions incorporated into our assessment were such items as the variations in permeability of the strata, variations in the saturated thickness of the alluvium in different reaches of the river valley, changes in the groundwater gradient along different reaches of the valley, and variations in the width of the valley in the region.

5. The recharge to the Saugus is in the form of repressurization of the confined aquifers; such repressurization will tend to maintain current piezometric levels in wells.

On the long-term average annual basis, results of the requisite calculations show the following:

1. Deep percolation of direct precipitation onto Saugus and terrace deposits outcrops that is available for potential recharge to the Saugus is on the order of 4700 ac-ft/yr to 7000 ac-ft/yr.

2. Maximum direct infiltration from the saturated portions of the river alluvium into the Saugus likely occurred during the water level highs of April 1945 and totaled approximately 15,200 ac-ft/yr.

3. In contrast, the minimum direct infiltration from the saturated portions of the alluvium into the Saugus likely occurred during the water level lows of November 1965 and totaled approximately 6100 ac-ft/yr.

Thus, total potential recharge to the Saugus represents the sum of the deep percolation of direct precipitation and direct infiltration.

Hence, the overall magnitude of potential recharge to the Saugus Formation (i.e., as a re-pressurization of the confined aquifers), recognizing the aforedescribed assumptions and conditions, ranges approximately between: 19,900 and 22,200 ac-ft/yr in water level high periods like 1945; and 10,800 to 13,100 ac-ft/yr in water level low periods like 1965.

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This preliminary assessment of the minimum amount of potential recharge to the Saugus Formation incorporates only portions of the two main forms of deep percolation and recharge into these strata. As such, this preliminary assessment should not be construed as a rigorous determination of the perennial yield of the Saugus, with such determination not being a part of the scope of work.

Furthermore, because so much of the Saugus Formation (both laterally and vertically) contains no active water wells and/or has never contained any water wells, the vast majority of the aquifer system has never been stressed; indeed, for much of the region, there are no definitive hydrogeologic data at all. A meaningful evaluation of the perennial yield of this formation must await, as yet unavailable, long-term water level and water quality data and a data base that includes actual data from wells northerly of the Holser and San Gabriel faults.

It is also noteworthy that the natural losses of groundwater via subsurface leakage from the alluvium into underlying strata, including the Saugus Formation, occur continuously and wherever there are relatively permeable strata underlying saturated alluvium; even in dry years, the lower portions of the alluvium still contain groundwater. The leakage losses are natural and cannot be terminated because it would require an infinite number of wells to totally dewater all of the alluvium on a permanent basis.

In our method of assessing the perennial yield of the overlying alluvium (Slade, December 1986), we considered only the change in water levels vs. groundwater extraction from the alluvium for a specific

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to 1000 mg/l, or more. Nitrate values are variable throughout the alluvium. Certain volatile organic compounds in low concentrations have been detected at various times in a few wells in the alluvium, mainly easterly of Bouquet Junction. There does not appear to be any long-term and continuous definitive trends toward poorer groundwater quality discernible from available data.

Shallow alluvial wells, wells with shallow perforations and/or wells with inadequate cement seals will be affected more rapidly and to a greater degree by surface spills and contamination than wells with the opposite conditions. Groundwater west of Castaic Junction is considered degraded because of: irrigation returns; surface inflow from rocks containing gypsum and other salts; high evapotranspiration due to shallow groundwater levels and rising water; large wastewater plant surface runoff; and little flushing action from upstream waters of better quality. These quality problems are compounded because of the existence of finer-grained sediments in this area which serve to minimize groundwater flow velocities and reduce the flushing action of groundwater flow.

In future periods of above-average precipitation, effluents from the two sewage plants will not tend to percolate into the alluvium, but rather will tend to leave the area as direct surface runoff. In future dry periods, effluent from the Bouquet Canyon plant will tend to percolate into the groundwater, whereas effluent from the Valencia plant will still tend to leave the area as surface runoff because of the typically high groundwater levels and surface flows in the lower reach of the river.

2.4 Saugus Formation. Saugus Formation water quality is generally Ca-HCO_3 in character, though occasionally high SO_4 does occur; typical TDS values are 400 to 800 mg/l.

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The 1972 U. S. Geological Survey analog model of the basin has been dismantled and is no longer available for any purpose.

2.0 HYDROGEOLOGY

2.1 Groundwater Basin. Alluvium and the Saugus Formation comprise the groundwater reservoir of the Eastern Basin. River alluvium ranges to a maximum thickness of 200 feet and is comprised of coarse-grained and permeable materials that are readily subject to scour and erosion.

2.2 Water Levels. Water table conditions exist in the alluvium. Historically, and at present, groundwater in the alluvium flows from east to west across the study area. In most of the alluvium east of Bouquet Junction, April 1945 represents the all-time water level high, while November 1965 represents the all-time low; the early-1960's represent lower water levels in the alluvium west of Bouquet Junction.

Fall 1985 levels are 10 to 30 feet lower than the 1945 levels. Present depths to water in most of the alluvium range approximately between 20 and 60 ft below ground surface, except in the valley west of Castaic Junction where ground water levels have historically remained close to ground surface.

2.3 Water Quality. A calcium-bicarbonate character and TDS values in the range of 400 to 800 mg/l are considered representative of alluvial waters east of Bouquet Junction. In the reach of the river between Bouquet Junction and Castaic Junction, alluvial water is still calcium-bicarbonate in character but has TDS in excess of 1000 to 1500 mg/l. In the reach west of Castaic Junction, groundwater has been and continues to be degraded to a sodium-sulfate character, with typical TDS values of 800

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location at the westerly limits of the study area and the lag time required for this portion of the basin to refill in response to infiltration of rainfall upstream. Moreover, it is possible that the bulk of sediments in this reach of the river are saturated much of the time and, thus, there is little room for increases in storage; hence, recharge may often be rejected in this reach.

Two wells known to be perforated solely in the Saugus Formation have been selected as representative of water level changes which occur in that formation. These are well Nos. 158 and 160, both of which are owned by Valencia Water Company. Both wells lie approximately two miles northwest and downstream of Saugus and are situated in the Middle Reach of the floodplain of the Santa Clara River. Their hydrographs are illustrated on Plate 6.2.

Well No. 158 is perforated in the zone 740 to 1600 feet below ground surface. Although the well passes through the alluvium, the perforations are considered too far below the alluvium to be impacted by water level changes in this upper aquifer system. Although the well is abandoned now, water level data for No. 158 extend between 1963 and 1980. Review of the hydrograph reveals the following:

1. An all-time low water level elevation of 1002 ft, in 1963-64.

2. An all-time high water level elevation of 1048 ft, in 1979-80.

3. A subdued relationship occurs on this hydrograph between water levels and precipitation; water levels did respond to the high precipitation of 1977-78 and to the low precipitation of 1975-76. The greatest fluctuation in water levels occurred between 1970-71 and 1971-72 when water levels declined about 30 feet. During this period, rainfall was 12.45 and 7.88 inches, respectively. Because of the presumably large quantity of groundwater in storage in the Saugus Formation and the limited number of wells tapping this

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stream. However, TDS values of the groundwater range up to 806 mg/l in these latter wells. Stiff diagrams for these three Honor Rancho wells clearly display the increase in the sulfate concentration in the downstream direction along Castaic Creek.

As shown by the Stiff pattern diagrams, the trilinear analyses, and the relative TDS values of wells across the study area, it is clear that groundwater quality in the alluvium west of and downstream from Castaic Junction is of higher salinity than that in any area upstream of this reach; the only possible exception may be from limited data which suggest high TDS levels also for the reach between the confluences of South Fork on the east and Castaic Creek on the west. This is not a result of recent activities. As early as 1968, DWR identified the fact that Eastern Basin quality was generally unacceptable for domestic purposes and was, in part, considered Class II for irrigation usage.

This quality problem is not surprising considering the fact that all upstream surface water and groundwater moves through this rather constricted locale. Potentially affecting the waters comprising these flows are: sewage effluents, irrigation return, oilfield activities, and even runoff from sedimentary rocks containing gypsum cements ($Ca-Mg-SO_4$). In addition, this reach of the river has shallow groundwater and high rates of evapotranspiration.

VOLATILE ORGANICS DATA

A recent report by the California Department of Health Services (April 1986) published the results of state-wide testing of large water systems for volatile organic chemicals. Within the Santa Clarita Valley, they tested a total of 22 active wells in 1985 from the major local purveyors. Review of the published results indicated that six of these wells were

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main basin is relatively small. The location and areal extent of the alluvial aquifer system is shown on Plate 5.

In the Spring of 1945, groundwater levels were higher than at any other time for which data are available in the study period which extends from 1945 to 1985. Though not presented in this text, the LACFCD water level contour map for April 1945 has been reviewed and reveals the following:

1. Water level data were available for the Santa Clara River channel between County line on the west and the intersection with Sand Canyon on the east; no data were available for the remainder of the river valley to the east toward Lang.

2. Our estimation of groundwater levels for the entire reach of the Santa Clara River Valley between Lang and County line ranged from an estimated elevation of 1690 ft at Lang (depth of about 45 ft) to a contoured elevation of about 825 ft at County line (depth of less than 10 ft).

3. Groundwater flows westerly along the main river valley across the study area from Lang to County line. Across much of the valley, groundwater levels remained generally high, typically 20 to 25 feet below ground surface as, for example, near Solemint and Bouquet Junction. In general, the groundwater gradient is on the order of 25 to 35 feet per mile.

4. Along the South Fork of the river, between Newhall and Saugus, groundwater flows in generally northerly direction. In this region, groundwater varies in elevation from about 1170 feet at Newhall to 1130 feet in the vicinity of Saugus. Depth to groundwater is somewhat deeper to the south, approximately 50 feet, compared to the northerly portion of the South Fork where it stands at depths of no more than 30 feet below ground surface.

5. Groundwater in Castaic Canyon, a major tributary drainage to the Santa Clara River, flows in a southerly direction and stands at depths of less than 10 feet below ground surface. In the vicinity of Sulfur Springs, for example, depth to groundwater is less than six feet.

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a larger degree in the shallow wells of the alluvium compared to wells in the underlying Saugus Formation.

The Saugus Formation ranges in thickness between at least 1500 feet and at least 5000 feet from the northerly to the southerly sides of the San Gabriel fault, respectively. Little is known of the hydrogeology and water-yielding characteristics of the Saugus Formation.

2. Groundwater flows from east to west across the alluvium in the river valley; April 1945 represents the all-time water level high, while November 1965 represents the all-time water level low in much of the alluvium. In general, 1985 water levels are 10 to 30 feet lower than the 1945 levels. Water levels west of Castaic Junction have remained high throughout the period of record.

3. Groundwater in storage in the alluvium has ranged from a high in April 1945 of 201,000 ac-ft, to a low of 107,000 ac-ft in November 1965; at present (Fall 1985) groundwater in storage is approximately 176,400 ac-ft. Because the theoretical maximum storage capacity in the alluvium is 239,900 ac-ft, there is a theoretically available storage capacity of 63,500 ac-ft between the 1985 storage and the theoretically maximum possible storage.

4. Though historic groundwater extraction data are somewhat contradictory, groundwater production for 1985 was: 24,103 ac-ft from the alluvium, using 59 active wells; and 4892 ac-ft from the underlying Saugus Formation, using 8 active wells. The numbers, locations, and annual production from wells actively used by private homeowners, industries and/or commercial establishments are not known; it is probable that total annual production from these sources does not presently exceed a few hundred ac-ft/yr.

5. For our base period of study of 1957-58 through 1984-85, we calculate a practical perennial yield for the alluvium of 31,600 to 32,600 ac-ft per year.

6. Alluvial groundwater quality ranges from a natural calcium-bicarbonate character on the east near Lang to a degraded sodium-sulfate character west of Castaic Junction. Generally, TDS increases in the

ATTACHMENT 9

comparison, our assignment of specific yield values for the alluvium which overlies the Saugus Formation ranged between 9 and 16 percent (Slade, December 1986).

USABLE GROUNDWATER IN STORAGE

This final step calculated the total estimated volume of usable groundwater in storage in the Saugus Formation by multiplying the total surface area of each storage unit, by the average sand thickness of each sand thickness interval within each of the subunits, by the specific yield value assigned to that sand thickness interval.

Table 6 - Summary of Usable Groundwater in Storage - presents the results of our computations. It identifies the usable quantity (volume) of groundwater in storage in the Saugus Formation between the depth limits of 500 feet and either: 2500 feet; or the base of fresh water within the Saugus Formation, whichever is shallower. As seen on Table 6, the total estimated amount of groundwater in storage in the sands and gravels which constitute the potential aquifers within the Saugus Formation is approximately 1.41 million acre-feet. Storage Unit No. 1 (northerly of the San Gabriel fault) has approximately 130,500 acre-feet of usable groundwater in storage (about 9 percent of the total); Unit No. 2 (between the two faults) and Unit No. 3 (southerly of the Holser fault) each has approximately 641,000 acre-feet of usable groundwater in storage (about 45 percent of the total for each).

In comparison to the calculated 1.41 million acre-feet of usable groundwater in storage in the sand and gravel aquifers of the Saugus, Robson (1972) for the U. S. Geological Survey reported a total storage capacity for the entire Saugus Formation of approximately 6 million acre-feet.

ATTACHMENT 10

ANGELES CHAPTER • SIERRA CLUB
3435 WILSHIRE BOULEVARD • SUITE 320 • LOS ANGELES • CALIFORNIA 90010-1904 • (213) 387-4287 • FAX (213) 387-5383

1-4-99

Supervisor Michael Antonovich
Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, Ca. 90012

MDA

Re: Water at Tract Map Approval for Tesoro del Valle and Westridge

Dear Supervisor Antonovich:

Enclosed please find a copy of a protest to a Valencia Water Co. annexation and the back-up documentation to support it. We are forwarding this material to you because, as you are well aware, water has become a serious issue in the Santa Clarita Valley. We are concerned that in spite of your efforts to improve water reporting to the Development Monitoring System, that you are not getting accurate information. We do not believe that the Upper Santa Clara River Water Committee, a quasi-governmental body not subject to public oversight or regulation, will give you complete information. This is already indicated by their failure to list dry year water availability in their report index and their apparent effort to convey to you that they are able to receive their full state water entitlement when they are not.

The Sierra Club is particularly concerned about the over-draft of the Santa Clara River due to the deleterious effect this will have on both the water quality supplied to the residents of the Santa Clarita Valley and the ecological health of the River community. Further, the County may be held liable under the Federal Safe Drinking Water Act for approving projects that will degrade water quality. We are sure that it is not your intention or the Board's intention to do this and so ask that you take immediate action in this matter.

Although we note that there is a standing appellate court decision (Natural Heritage Institute v. Stanislaus County)that requires identification of water prior to approval of a specific plan and that the Newhall Ranch proposal has not complied with this requirement, we still applaud your efforts to at least require identification of water at the tract map stage. THIS HOWEVER, SHOULD BE APPLIED TO ALL PROJECTS. It is not equitable to other developers who have already received public scrutiny of their projects to have them now be put in jeopardy due to over approvals without adequate water supply. 1

Further, any annexations to water districts which must occur, should be required to occur PRIOR TO TRACT MAP AND CUP APPROVAL. This is particularly true for the Tesoro del Valle project and the Westridge project. In the case of Tesoro del Valle, according to the administrative record, they are not wholly within the Castaic Lake Water Agency which means they cannot be served with State water. Newhall County Water District has stated in their will-serve letter that they can ONLY serve the project with state water. Therefore, they must be annexed to CLWA. Castaic Lake Water Agency requires projects to bring with them two times the state water entitlement needed to serve the project in order to be annexed. This will be a

difficult proposition. Without the annexation requirement prior to approval, grading may occur along with substantial financial investment. This would degrade the land unnecessarily if water cannot be obtained. We request that you protect the community from this possible undesirable scenario by requiring exactly what you have required from the Newhall Ranch project, water at the tract map stage.

An annexation to the Valencia Water Co. will also be required for the Westridge project. We request that this be accomplished prior to tract map approval. We do not support a golf course in the Significant Ecological Area. However. it would be an even more heinous and unforgivable error to sacrifice this beautiful Valley Oaks Savannah and then not even be able to obtain the water for the golf course. 1

We are sure that you will find our request reasonable in light of your previous decisions. Thank-you for your time and attention to our concerns.

Respectfully,

Martin Schlageter

Martin Schlageter
Conservation Coordinator

cc: All Supervisors
Los Angeles Times
Daily News

ANGELES CHAPTER • SIERRA CLUB
3435 WILSHIRE BOULEVARD • SUITE 320 • LOS ANGELES • CALIFORNIA 90010-1904 • (213) 387-4287 • FAX (213) 387-5383

12-28-98

Mr. Fred Curry
Water Advisory Branch Chief
California Public Utilities Commission
505 Van Ness Ave. Rm 3207
San Francisco, Ca. 94102

Re: Advise letter #83, Valencia Water Co., Northern Los Angeles County

Dear Mr. Curry:

We are in receipt of Valencia Co.'s response to our protest and wish to make the following observations and submit additional documentation.

1. Contrary to statements made by Valencia Co. on page 3 item 3 of their response, the Sierra Club has made no assumption as to where the water supply will come. Indeed, the very basis for our protest was that we DID NOT know the source of their supply because it had not been properly disclosed in their application. We are, however, informed that they own and operate a well located on the West side of San Francisquito Creek in the approximate area between Decoro Dr. and Copperhill Dr. We ask if water from this pump will be used to supply the project. If so, this should be indicated on their application.

2. We have attached a copy of the source of supply information provided in Valencia Water Co.'s most recent Urban Water Management Plan which they argue is sufficient for source of supply disclosure. It states that safe/perennial yield for the Santa Clara River is 31,000 to 32,000 acre feet. We also attach a table from Castaic Lake Water Agency's recent Integrated Water Resource Plan showing that withdrawals from the Santa Clara River are exceeding that amount. We ask again if this project is to be supplied from additional pumping of the Santa Clara River alluvial aquifer. 1

Further, Valencia Water Co.'s Urban Water Management Plan does not appear to comply with Div 6 Section 106031 of the Water Code as source of supply is not disclosed and quantified as required by law. We ask that you review this document for compliance with state law. Castaic Lake Water Agency has not even filed their required Urban Water Management Plan in flagrant defiance of State law.

3. We find it irresponsible of Valencia Water Co. and the Upper Santa Clara Water Committee to report to you and to local planning agencies that the State Water Wholesaler (CLWA) can provide its whole current water entitlement. It is a well known fact that the State Water Project can only guarantee about 50% of its entitlement most of the time(chart from State Water Bulletin #160 attached). That would be about 25,000 acre feet and this is indeed the amount that CLWA declared was available in a resolution dated January 1996 (attached). Further, filtration plant capacity for the area is currently limited to 31,000 acre feet (documentation attached) and to our knowledge, no plans to expand this capacity are currently underway. At any rate, if this project is to be supplied by state water, there is probably an adequate supply.

We therefore ask that if Valencia Co. intends to supply this project with SWP water, that they state this will be the source of supply and indicate the location of the turnout and supply pipes that will serve the reservoir on their application as required by General Order #103.

The Sierra Club continues to assert that your regulations require a detailed disclosure of the source of water supply to ensure that the interests of the rate-payers and the public trust are protected. We continue to request source of supply information for advice letter #83 and for advice letters #80, 81, and 82. Failure to provide this information for advice letters number 80 and 81 has been included in the complaint filed by the Sierra Club now before the PUC. 1

We regret that both the City of Santa Clarita and the County of Los Angeles have generally deferred the question of water availability to the building permit stage of the entitlement process. This precludes good infrastructure planning and places an onerous burden on the builder if sources are found to be insufficient very late in the process. A reasonable resolution to this problem might be to require that a "will-serve" letter and any necessary annexations be acquired prior to tract map approval for all projects.

Respectfully,
MARTIN SCHLAGETER
Conservation Coordinator

cc: Mr Daniel Paige, CPUC
Valencia Water Co.
Supervisor Michael Antonovich, Los Angeles County Board of Supervisors
Mayor Joanne Darcy, City of Santa Clarita
Dept. of Water Resources

VALENCIA WATER COMPANY

WATER MANAGEMENT PROGRAM

DECEMBER, 1995

TABLE III-1

WATER SOURCES FOR SANTA CLARITA VALLEY

SOURCE Acre-Feet per Year	Minimum	Maximum
Santa Clara River Alluvium	31,600	32,600
Saugus Formation Normal Pumping	11,000	22,000
Saugus Short Term Overdraft	20,300	None
State Project Water		
CLWA Table A Entitlement[1]	43,360	54,200
TOTAL CURRENT RESOURCES	106,260	108,800
Reclaimed Water Potential	10,000	10,000
TOTAL WATER RESOURCES AVAILABLE	116,260	118,800
NON DOMESTIC & OTHER		
Agricultural uses	12,000	5,000[3]
Pitchess Honor Rancho	2,000[2]	3,000[3]
NET WATER RESOURCES FOR M & I	**102,260**	**110,800**

[1] Entitlements are subject to drought related cutbacks. Maximum cutback on Table A is estimated to be 20%. CLWA plans a conjunctive use program to mitigate the effects of State Project Water cutbacks which are shown in the column designated as minimum. This requires **Saugus Short Term Overdraft**.

[2] Estimated current use.

[3] Estimated future use.

1

Castaic Lake Water Agency

Draft

Integrated Water Resources Plan
Water Demand and Supply Evaluation

February 1998

MONTGOMERY WATSON

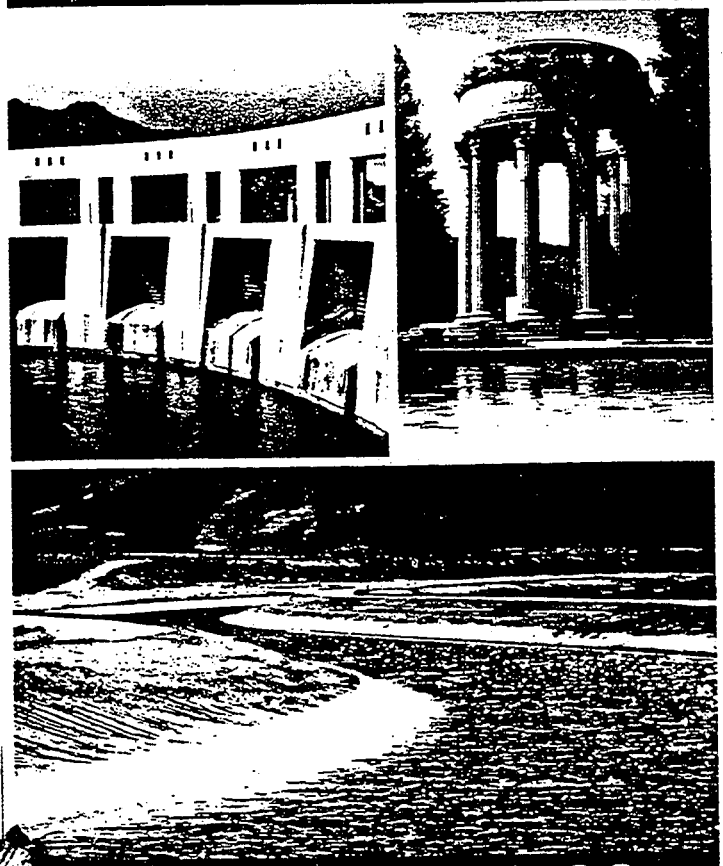
BOOKMAN-EDMONSTON
ENGINEERING, INC.

2831

Table 3-1
Historical Use of Local Groundwater - Santa Clarita Valley
1980-1996

Year	LA Co WWD 36		Newhall County Water District			Santa Clarita Water Company			Valencia Water Company			Newhall Land & Farming Co			Peter Pitchess Honor Ra		Totals		
	Saugus	Total	Alluvium	Saugus	Total	Alluvium	Saugus	Total	Alluvium	Saugus	Total	Alluvium	Saugus	Total	Alluvium	Total	Alluvium	Saugus	Total
1980	0	0	1,170	2,363	3,533	9,460		9,460	5,995	2,206	8,201	11,331	20	11,351	3,000	3,000	30,956	4,589	35,545
1981	0	0	1,350	2,621	3,971	7,109		7,109	5,597	2,329	7,926	13,237	20	13,257	3,000	3,000	30,293	4,970	35,263
1982	0	0	1,178	2,672	3,850	4,091		4,091	3,415	1,398	4,813	9,684	20	9,704	3,000	3,000	21,368	4,090	25,458
1983	0	0	1,147	2,787	3,934	4,269		4,269	3,387	1,045	4,432	7,983	20	8,003	3,000	3,000	19,786	3,852	23,638
1984	0	0	1,549	2,955	4,504	6,057		6,057	4,975	1,474	6,449	11,237	20	11,257	3,000	3,000	26,818	4,449	31,267
1985	0	0	1,644	3,255	4,899	6,242		6,242	4,633	1,440	6,073	9,328	20	9,348	3,000	3,000	24,847	4,715	29,562
1986	0	0	1,842	3,548	5,390	5,409		5,409	5,167	1,917	7,084	8,287	20	8,307	3,007	3,007	23,712	5,485	29,197
1987	0	0	2,127	3,657	5,784	5,582		5,582	4,921	1,883	6,804	6,512	20	6,532	3,000	3,000	22,142	5,560	27,702
1988	0	0	2,283	4,041	6,324	5,079	63	5,142	4,835	2,805	7,640	5,951	20	5,971	3,007	3,007	21,155	6,929	28,084
1989	0	0	2,367	4,688	7,055	5,785	0	5,785	5,826	3,050	8,876	6,243	20	6,263	3000	3,000	23,221	7,758	30,979
1990	0	0	1,936	4,746	6,682	5,983	40	6,023	5,232	4,054	9,286	8,225	20	8,245	2,000	2,000	23,376	8,860	32,236
1991	0	0	1,864	4,994	6,858	5,593	4,781	10,374	9,909	5,023	14,932	7,039	20	7,059	2,240	2,240	26,645	14,818	41,463
1992	0	0	1,994	5,160	7,154	8,288	2,913	11,201	6,633	2,824	9,457	8,938	20	8,958	1,256	1,256	27,109	10,917	38,026
1993	0	0	1,977	5,068	7,045	12,016	2,901	14,917	5,813	2,620	8,433	8,020	20	8,040	1,798	1,798	29,624	10,609	40,233
1994	0	0	2,225	5,103	7,328	10,996	3,863	14,859	6,847	3,041	9,888	10,606	20	10,626	1,959	1,959	32,633	12,027	44,660
1995	0	0	1,675	4,775	6,450	10,217	1,726	11,943	8,698	2,038	10,736	11,174	20	11,194	2,200	2,200	33,964	8,559	42,523
1996	0	0	1,803	4,871	6,674	10,445	2,176	12,621	12,433	873	13,306	12,020	266	12,286	1,237	1,237	37,938	8,186	46,124

THE CALIFORNIA WATER PLAN UPDATE

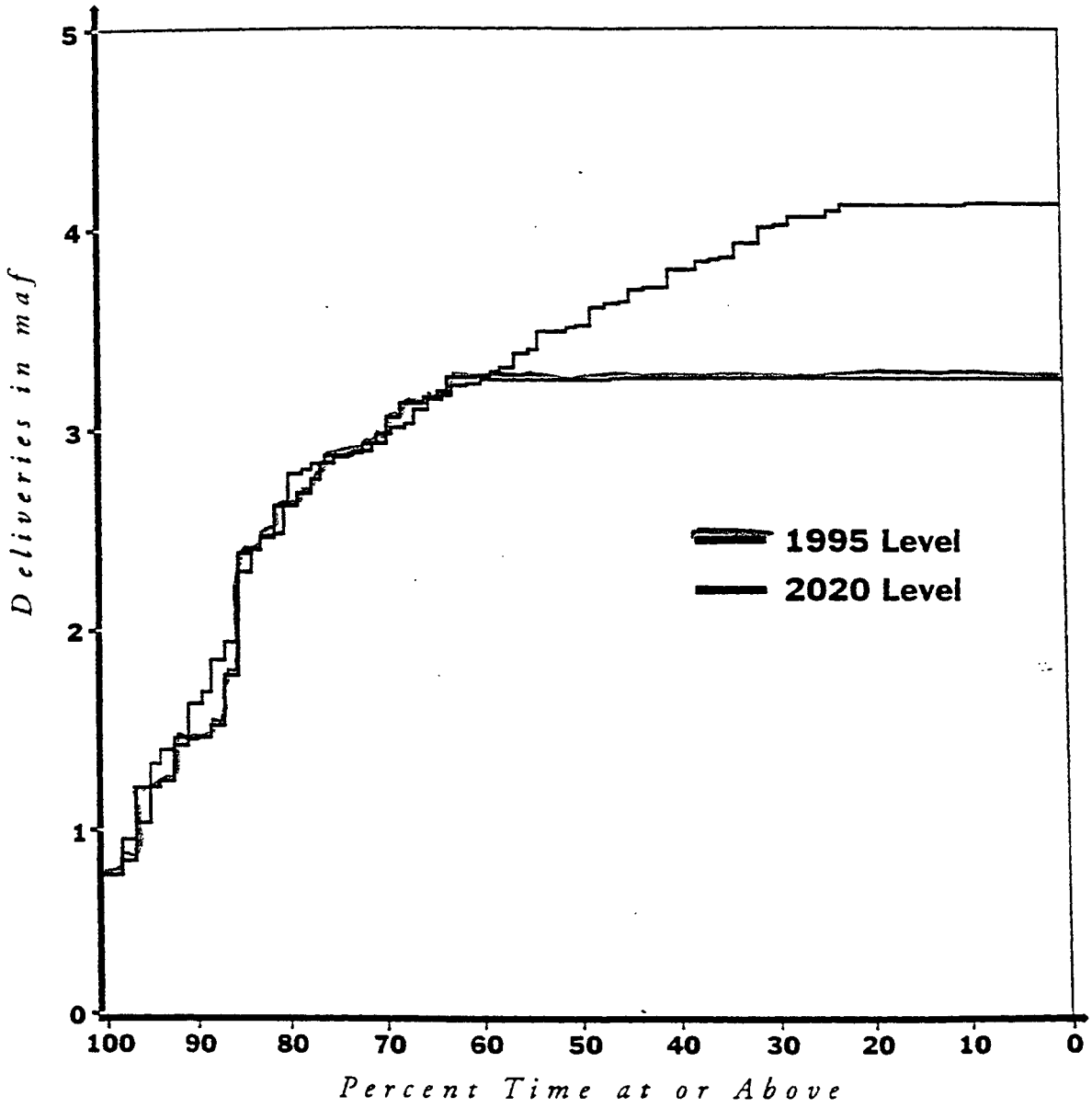


BULLETIN 160-98

VOLUME 1

FIGURE 3-22

1995 and 2020 State Water Project Delivery Capability with Existing Facilities



RESOLUTION NO. 1030

DETERMINATION OF THE BOARD OF DIRECTORS
OF THE CASTAIC LAKE WATER AGENCY OF
THE AVAILABILITY EACH YEAR, ON A RELIABLE
BASIS, OF MORE THAN 25,000 ACRE FEET OF
POTABLE WATER FROM THE AGENCY

WHEREAS the Castaic Lake Water Agency currently has an annual entitlement of 54,200 acre feet per year of water from the State Water Project; and

WHEREAS, the Agency has with the recent functional completion of its new Rio Vista Water Treatment Plant the practical ability to deliver 31,000 acre feet per year of potable water from the combined operation of its Rio Vista and Earl Schmidt water treatment plants; and

WHEREAS, the State of California acting by and through its Department of Water Resources has a continuing policy of providing through its water bank mechanism supplies of water even during the worst years of drought; and

WHEREAS, the Agency's Engineers have furnished this Board of Directors with a comprehensive report dated January 5, 1996 setting forth the practical reliability of the State Water Project;

WHEREAS, the aforementioned report of the Agency's Engineers constitutes in the opinion of this Board substantial evidence that the Agency has available each year, on a reliable basis, more than 25,000 acre feet of water which the Agency has capacity to treat and thereby make potable;

NOW, THEREFORE, BE IT RESOLVED that this Board of Directors of the Castaic Lake Water Agency does hereby find and declare that there is on a reliable basis more than 25,000 acre feet of potable water available each year from this Agency;

RESOLVED FURTHER that, pursuant to Section 29.5 of the Agency's Act, the future allocation of Agency water shall be with respect to Agency water service areas, with retail water distributors operating within each water service area hereby being given a preferential right to purchase for beneficial use within the particular water service area the portion of water available for sale by the Agency which reflects the proportionate capital contribution from the particular water service area since January 1, 1987;

RESOLVED FURTHER that the Agency's General Manager shall promptly notify Los Angeles County Waterworks #36, the Newhall County Water District, the Santa Clarita Water Company and the Valencia Water Company that the percentage basis allocations of Agency water heretofore followed are hereby terminated;

RESOLVED FURTHER that the Board does direct its General Manager to draft reasonable rules and regulations in furtherance of the allocation of Agency water to Agency water service areas, and to bring such draft regulations to the Agency's Board at the soonest practicable time.

RESOLVED FURTHER that the said January 5, 1996 report from the Agency's Engineers is hereby ordered attached to this resolution as Exhibit "A" hereof.

I, the undersigned, hereby certify: That I am the duly appointed and acting Secretary of the Castaic Lake Water Agency, and that at a regular meeting of the Board of Directors of said Agency held on Wednesday, January 10, 1996, the foregoing Resolution No. 1030 was duly and regularly adopted by said Board, and that said resolution has not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

DATED: January 10, 1996

Linda J. Fleming

Linda J. Fleming, Secretary

5 January 1996

MEMORANDUM

To: Robert C. Sagehorn
Castaic Lake Water Agency

From: Lynn M. Takaichi

Subject: Evaluation of CLWA's Ability to Deliver 25,000 Acre-Feet of Potable Water Per Year on a Reliable Basis

Section 29.5 of the Castaic Lake Water Agency's (Agency's) enabling legislation (Chapter 103 of the Water Code Appendix) specifies that the Agency allocate water on a percentage basis until the Board of Directors adopts a resolution that declares that there is more than 25,000 acre-feet per year of potable water that is available on a reliable basis. This memorandum evaluates the Agency's current and anticipated ability to meet this criterion.

CURRENT AND ANTICIPATED STATE WATER PROJECT ENTITLEMENTS

The Agency currently has a total State Water Project (SWP) entitlement of 54,200 acre-feet per year. (Table A of the Water Supply Contract with the California Department of Water Resources.) Of this amount, 41,500 acre-feet per year (AFY) is classified as a municipal and industrial (M&I) entitlement and 12,700 AFY as an agricultural entitlement. In addition, the Agency is currently participating with three other State water contractors in the acquisition of 32,384 AFY of additional M&I entitlement. The Agency's share of this additional entitlement is 8,096 AFY.

Reductions in SWP deliveries are addressed in Article 18 of the Water Supply Contract.[1] Despite the provisions of Article 18, DWR has historically allocated reductions on the basis of general need (i.e., contractor requests rather than entitlements). On December 16, 1994, the agricultural and urban water agencies which contract for SWP supplies completed approvals for a new set of principles, called the Monterey Agreement, that would alter the manner in which the SWP stores and sells water. Under the principles of the Monterey Agreement, Article 18 would be modified. The proposed modification would require DWR to allocate reductions based on a contractor's Table A entitlement regardless of its classification. Excess allocations would also be reallocated according to entitlement.

Based on the Agency's current and anticipated SWP entitlement, the Agency's ability to deliver 25,000 AFY on a reliable basis was evaluated under three scenarios: current entitlement with current Article 18 criteria; current entitlement with proposed Monterey Agreement criteria; and increased entitlement with proposed Monterey Agreement criteria.

(1) Under the current provisions of Article 18, reductions in deliveries are first allocated to agricultural entitlements until reductions total fifty percent in any one year or a total of one hundred percent in seven consecutive years. Thereafter, reductions are apportioned regardless of classification.

RESULTS AND DISCUSSION

The Agency's ability to deliver 25,000 AFY on a reliable basis was evaluated by utilizing a computer model (DWRSIM) developed by the Department of Water Resources (DWR) which simulates the operation of the SWP under historical hydrologic conditions. The results of this evaluation are discussed in detail in Appendix A and are summarized below:

Scenarios	Probability of At Least 25,000 AFY Delivery (Percent)
Current Entitlement With Current Article 18 Criteria	90
Current Entitlement with Proposed Monterey Agreement Criteria	88
Increased Entitlement with Proposed Monterey Agreement Criteria	93

Although application of the "take" limits creates uncertainty to SWP deliveries, the reliability analysis derived from DWRSIM generally provides a conservative projection of SWP operations. The COA with USBR should improve the reliability of SWP deliveries. In addition, SWP delivery projections are based on advance requests reported by SWP contractors. These requests generally overstate the actual need for SWP deliveries. Therefore, there is likely to be additional SWP water available for distribution. The delivery projections also do not consider the availability of water from the DWR water bank, non-project water such as groundwater from the Devil's Den Water District, and local stormwater that can be retained in the Agency's allocation of storage in Castaic Lake under the Monterey Agreement or other potential water transfers. Of these opportunities the DWR Drought Water Bank has been proven particularly successful[2].

To evaluate the possible purchase requirements from the Drought Water Bank to increase SWP delivery levels, the results of the DWRSIM model were evaluated assuming water purchases are sufficient to achieve higher delivery probabilities. This evaluation is summarized in Appendix B. The results of this evaluation indicate that 98 percent reliability can be achieved with cumulative purchases 13,100 to 33,500 AF from the Drought Water Bank.

The Agency currently has a combined treatment capacity of 55 million gallons per day. However, the seasonal demand variations of the retail purveyors cause annual water production to be less than the theoretical maximum production level. Based on the Agency's current planning criterion of a 2.0 peaking factor, the Agency has the treatment capacity to deliver approximately 31,000 AFY of potable water. A more detailed discussion of the Agency's treatment capacity is presented in Appendix C.

(2) The Drought Water Bank was created by DWR in 1991 and 1992 to facilitate water transfers during the 1987-1992 drought.

CONCLUSION

No water supply can be 100% reliable. However, based on any reasonable standard, CLWA can currently deliver at least 25,000 AFY of potable water with a very high reliability. CLWA's current entitlement to SWP water totals 54,200 AFY. DWRSIM conservatively estimates that under a repeat of the most recent 71 year hydrologic record, deliveries to CLWA will exceed 25,000 AFY in all but 6 to 9 of the 71 years. Moreover, the cumulative shortfall to achieve 98 percent reliability would amount to only 33,500 AF over this period. This level of shortfall can be easily offset with purchases from the DWR Drought Bank using funds from current reserves.

Attachments (3)

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APPENDIX A

RELIABILITY OF STATE WATER PROJECT DELIVERIES

SWP deliveries are expected to vary significantly. Pending actions from federal requirements may impact future SWP water supplies. Biological opinions have been issued under the Endangered Species Act which will affect operation of pumping facilities at the Delta. In February 1993, the National Marine Fisheries Service issued a biological opinion concerning the operation of the Central Valley Project (CVP) and SWP for winter-run chinook salmon. In February 1994, the United States Fish and Wildlife Services issued a biological opinion concerning operation of the CVP and SWP for the Delta smelt. Both species have been listed under the State and Federal Endangered Species Acts. These opinions are intended to restrict pumping at the SWP and CVP export pumps in the Delta. In addition to the Delta pumping restrictions, the Environmental Protection Agency (EPA) issued a draft proposal for additional flow requirements in December 1993 under the Clean Water Act. The EPA is considering establishing stricter Bay/Delta water quality standards. On December 15, 1994, Federal and State officials joined agricultural and urban water users in signing a draft agreement to provide environmental protection for the San Francisco Bay-Delta estuary. The agreement provides additional water for the Bay-Delta estuary and improves water supply reliability.

DWR utilizes a computer model called DWRSIM to simulate operation of the SWP. The model simulates SWP operations, using the actual hydrology from 1922 through 1992. The output of the model provides an estimate of annual quantities of water that could be available to meet SWP requests. The model takes into account many variables and assumptions such as minimum Delta outflow requirements, facility improvements, and pumping operation at the Delta export pumps. The most significant factors that affect the SWP supply estimates are the future demand, Delta environmental requirements and future SWP facilities. Total entitlement of all SWP contractors is approximately 4.2 million acre-feet per year.

The DWR notes that several key factors related to implementation of the proposed Bay-Delta standards have not been considered in DWRSIM. The most significant of these factors is the "take" limits at the SWP and Central Valley Project (CVP) export pumps in the Delta. "Take" is defined as the maximum number of fish that can be killed by Delta pumping during certain periods. If "take" limits are exceeded for winter-run chinook salmon and Delta smelt, pumping can be restricted. The DWRSIM model does not account for pumping restrictions that might occur if "take" limits are exceeded. Additionally, the potential impacts of the Coordinated Operation Agreement (COA) between DWR and United States Bureau of Reclamation (USBR), operator of the CVP are also not included in DWRSIM. The COA is an agreement between USBR and DWR that establishes the basis for CVP and SWP operations. The COA establishes the allocation of available water supplies between the projects. If Federal requirements are enacted, the assumptions used in DWRSIM will change according to the revised operating criteria of the system. As the new regulations are developed, DWR will attempt to analyze the potential impacts in its model. The DWRSIM projections provided by DWR only include existing SWP facilities.

According to DWR, additional future SWP facilities may increase the estimated SWP supply, however, until the various Delta issues are resolved, the feasibility of constructing additional SWP facilities and accurately estimating the increased water supply from such facilities is difficult to determine. It is anticipated that new facilities will increase the reliability and delivery capability of the SWP supply.

Using DWRSIM with the above assumptions, DWR projects that the probabilities of delivering the Agency's current entitlement are as shown in Table A-1 and on Figure A-1. As depicted on Figure A-1, the percent time at or above that the Agency will receive a certain delivery amount increases as the delivery amount decreases. Based on these projections at least 25,000 AFY of SWP deliveries are expected to be available 90 percent of the time.

TABLE A-1

DELIVERY PROBABILITIES OF AGENCY'S CURRENT ENTITLEMENT
(54,200 AFY) WITH CURRENT ARTICLE 18 CRITERIA

PROBABILITY LEVEL (PERCENT TIME AT OR ABOVE)	*ANNUAL DELIVERIES (ACRE-FEET)*
80	40,000
85	36,000
90	25,000
95	19,500
98	16,500

If the modifications to Article 18 proposed in the Monterey Agreement are implemented, DWR projects that the probabilities of delivering the Agency's current entitlement are as shown in Table A-2 and on Figure A-2. Based on these projections, at least 25,000 AFY of SWP deliveries are expected to be available 88 percent of the time.

APPENDIX C

WATER TREATMENT CAPACITY

In 1980, the Agency completed construction of the Earl Schmidt Filtration Plant (ESFP). ESFP had an initial capacity of 12.5 million gallons per day (mgd) and enabled the Agency to receive, treat and distribute State water from Castaic Lake. In 1988, ESFP was expanded from 12.5 to 25 mgd. In 1995, the Rio Vista Water Treatment Plant (RVWTP) began operation. RVWTP has a capacity of 30 mgd. Both ESFP and RVWTP have been designed and constructed to facilitate future expansion.

Due to large seasonal fluctuations in water demands in the Santa Clarita Valley, annual water production from the Agency's water treatment plants is less than their maximum production level. Based on historical demand variations, the peaking factor of the Agency is approximately 1.9. This peaking factor is expected to increase as the Agency provides a greater proportion of water supply in the Santa Clarita Valley. The Agency currently utilizes a peaking factor of 2.0 for planning purposes. Based on this peaking factor, the Agency has the combined treatment capacity (55 mgd) to deliver approximately 31,000 AFY of potable water.

LMT/emf/clwa\25000m5

TABLE A-2

DELIVERY PROBABILITIES OF AGENCY'S CURRENT ENTITLEMENT (54,200 AFY) WITH PROPOSED MONTEREY AGREEMENT CRITERIA

PROBABILITY LEVEL (PERCENT TIME AT OR ABOVE)	*ANNUAL DELIVERIES (ACRE-FEET)*
80	35,000
85	28,000
88	25,000
90	22,000
95	18,000
98	16,500

If the Agency is able to increase its SWP entitlement to 62,296 AFY and the Monterey Agreement criteria are implemented, DWR projects that the probabilities of delivering the Agency's entitlement are shown in Table A-3 and on Figure A-3. Based on these projections, at least 25,000 AFY of SWP deliveries are expected to be available 93 percent of the time.

TABLE A-3

DELIVERY PROBABILITIES OF AGENCY'S INCREASED ENTITLEMENT (62,296 AFY) WITH PROPOSED MONTEREY AGREEMENT CRITERIA

PROBABILITY LEVEL (PERCENT TIME AT OR ABOVE)	*ANNUAL DELIVERIES (ACRE-FEET)*
80	40,000
85	32,000
90	25,500
93	25,000
95	21,000
98	19,000

Based on the application of DWR's simulation model for the State Water Project, the probabilities of receiving at least 25,000 AFY were evaluated for various entitlement/shortage scenarios. The results of this evaluation are as follows:

Scenarios	Probability of At Least 25,000 AFY Delivery (Percent)
Current Entitlement with Current Article 18 Criteria	90
Current Entitlement with Proposed Monterey Agreement Criteria	88
Increased Entitlement with Proposed Monterey Agreement Criteria	93

Although application of the "take" limits create uncertainty to SWP deliveries, the reliability analysis derived from DWRSIM generally provides a conservation projection of SWP operations. The COA with USBR should improve the reliability of SWP deliveries. In addition, SWP delivery projections are based on advance requests reported by SWP contractors. These requests generally overstate the actual need for SWP deliveries. Therefore, there is likely to be additional SWP water available for distribution. The delivery projections also do not consider the availability of water from the DWR water bank, non-project water such as groundwater from the Devil's Den Water District, and local stormwater that can be retained in the Agency's allocation of storage in Castaic Lake under the Monterey Agreement. Of these opportunities the DWR Drought Water Bank has been proved particularly successful.

12/98

Dear Sir or Madam,

I have been provoked to write due to the ridiculous plan of the Newhall Land and Farm Co. to develop a 21,000 residential city of 70000 people.

Are we doomed to keep commuting the same drastic cycle of development over and over?

We abandon urban areas (downtown) or ruin them (Lockheed and others superfund sites) and seek to convert all remaining space to shopping centers and asphalt.

Where will the schools and infrastructure come from? What amount of taxes are necessary?

Do we need another concrete river (Santa Clara)? Where will the water for this project come from? We don't have a clear plan for L.A. now. We don't save rain water (cisterns as they do in Europe) We'd rather allow massive run off into a concrete river!

I won't even mention the impact on wildlife -

Traffic on an already full to capacity system with again no clear plan for mass transit - don't mention Metrolink or the subway fiasco.

Pollution from traffic threatening our very lives not to mention the crops of our farmland upon which this states' economy depends.

How far can we keep running and expanding before we have to face the social problems that plague our cities? How long before the project looks like L.A. & we have to run further away? What a waste of resources!

I can't believe that we have no visionaries - those who can see past how much money is to be made short term - at what a huge cost.

DEPT. REGIONAL PLANNING

2844

(2)

Please make sure all supervisors receive a c
of this lament. Perhaps they will note that
for every one letter like this one there are
probably 100 people who think the same but
so fed up, they dont write. Perhaps they will
have the courage to stand up against the
powers that be and say no not this time

Sincerely,

Carty Sellitto
1040 San Rafael Ave
Glendale CA 91202

PS I know I don't live in LA now but I did and
I am still a county resident and a resident of
this wonderful state.

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(310) 451-817
FAX (310) 395-6361
[redacted]
EMAIL: epsteenla@earthlink.net

December 28, 1998

Los Angeles County
Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Dear Supervisors,

As a company that has done much business with the Newhall Ranch Co., (through representing Starbucks, Old Navy, Brinker etc. in many of their properties) we are strongly against their proposed developments along the Santa Clara River. We believe in the need for open spaces and urge you not to grant an amendment to the developer. 1

Best Regards,

Dan Bercu
Epsteen & Associates

DB:ddf

Norene M. Charnofsky
227 S. Barrington Ave., #4 • Los Angeles • CA • 90049-3328 • Tel. 310-440-9041

December 28, 1998

To Whom It May Concern: Please send a copy of this letter to each of the Los Angeles County Supervisors. Thank you.

Executive Office
Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Dear Supervisor:

This is to state my opposition to the Newhall Ranch planned community. After reading information presented by the Sierra Club, Audubon Society, National Resources Defense Council, Native Plant Society, and several other environmental and governmental groups, I agree that the planned expansion will adversely affect crops, the shrinking water table, native plants and animals, and the air that the residents will be breathing. 1

Please **do not** grant a plan amendment to the developer. You have an opportunity to preserve the Santa Clara River Valley and the quality of life that now exists.

I would like to be informed as to how you vote on this matter. Thank you very much for your attention to this terribly important issue.

Sincerely,

Norene M. Charnofsky

Norene M. Charnofsky, Ed. D.

December 28, 1998

Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Dear Board of Supervisors:

I am opposed to the proposed development of the Santa Clara river by Newhall Ranch. The Santa Clara river is the last remaining riparian habitat in the Los Angeles county. A loss of that habitat to development by Newhall Ranch will be a serious loss to the quality of life and the environment for all who reside in the county. 1

Thank you for considering my letter.

Sincerely,

Calvin Chun

Calvin Chun

Calvin Chun
827 Grand Ave #D
Long Beach, CA 90804

Noelle Kramer
3130 Rowena Avenue #3
Los Angeles, CA 90027

December 23, 1998

Los Angeles County
Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

Dear Leaders:

I'm writing in regards to the Developing of Newhall Ranch. I wish I could find the words to inspire you, to make you understand what your actions mean to everyone on this planet if this project goes through. We have been so motivated by money in this world we've created, we don't realize the effects of our actions. Money is nothing and in the future it will have no value. This earth is our future. It has given to us far more than we have given to it. It has benefited our needs more than money has. It's like this, if we didn't have money anymore, would we still exist? Yes. If we didn't have this planet anymore, would we still exist? No. So, what should we honor more, money or the earth? 1

We cannot afford to think as individuals anymore. Science has proven that every action we take negatively towards the earth has a global effect on everyone. We can't afford to make anymore irresponsible actions. We are wearing our welcome out. Our borrowed time is over.

Please be responsible leaders. If you do not understand the effect of stripping away our natural resources, please educate yourself in this area. It's time we gave our future consideration instead of only thinking of our present. Please do not grant a plan amendment to the developers of Newhall Ranch.

Sincerely,
A Citizen of Earth
Noelle Kramer
Noelle Kramer

12/23/98

Dear Los Angeles Country Board of Supervisors,

I oppose the Newhall Ranch planned Community. Do not grant a plan amendment to the developer. This project continues the L.A. massive sprawl without providing any credible source of water. Projects like the Newhall Ranch on the fringe of the city do little to improve the housing and transportation in the core of the city. Instead, it provides a shortsighted escape for those who want to flee rather than invest in the urban community. The sprawl seems largely unnecessary since there are already 40,000 approved houses in the Santa Clarita Valley, some of them Newhall Land and Farming projects. Finally, I object to the following politicians taking money from the Newhall Land and Farming Co.: Mike Antonovich, Yvonne Brathwaite Burke, Don Knabe, Gloria Molina, Zev Yaroslavsky. If they support this measure I will not vote for them in the future. 1

Sincerely,

Gary G. Martin

Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, Ca. 90012

January 6, 1999

Att'n: Executive Office

Please send a copy of this letter to each supervisor on the board. Thank you.

Dear Supervisor:

We are adamantly opposed to the Newhall Ranch development for which you voted tentative approval on November 24, 1998. It would be an environmental disaster for the area in a number of ways.

A significant amount of agricultural land would be lost. The last natural flowing river in the county would be destroyed, along with precious habitat for a number of endangered and threatened species of wildlife. Traffic and pollution levels would rise far beyond their already intolerable levels. Worst of all, this development is being planned --and being permitted by the board--without a source of water. Newhall Land and Farming promises not to take local groundwater, but the droughts to which Southern California is prone would make other sources extremely expensive and unreliable. 1

Please do not grant a land amendment permitting this development to be built at 10 times the size allowed under the County's General plan. Instead, we should be stopping further sprawl and building up and improving existing infrastructure and development.

Sincerely,

Sandra Garber

Ken Garber
2405 S. Holt Av.
Los Angeles, Ca.
90034

Sosa, Carmen

From: ExecutiveOffice
Sent: Friday, January 08, 1999 2:29 PM
To: Davis, Debra; Dame, Georgette; Guerrero, Robin; Sosa, Carmen; Sturges, Joanne
Subject: FW: STOP THE NEWHALL RANCH DEVELOPMENT!

From: The Meltons[SMTP:SANDMMELTON@EARTHLINK.NET]
Sent: Friday, January 08, 1999 2:27:17 PM
To: Yaroslavsky, Zev; ExecutiveOffice; Gloria Molina; Constituent email for Don; seconddistrict; Lady Wolf; Senator Paul Wellstone; Sierra Club Angeles Chapter Webmaster; Shirley and Pete Watt; Mark Trahant; Today Show; Today's Business; Editorial Writer Sylvia Torvik; Kieran Suckling; Street Signs; Stormy; Senator Ted Stevens; Squawk Box; Southwest Center for Biological Diversity; Representative Brad Sherman; Roger Schlickeisen; Martin Schlageter; Kevin Sanders; San Dimas Community News; Bob Rossman; Rivera Live; Mayor Richard J. Riordan; Jim Renne; Marlane and Darryl Rasmussen; Power Lunch; People for Ethical Treatment of Animals; Darryl K. Pecoraro; Lt. Governor Butch Otter; Donal C. O'Brien Jr.; CBS News; National Audubon Society, Conservation Campaigns; Senator Frank Murkowski; Craig Miller; Steve Melton; _Dan Melton; Ralph Maughan; Newhall Ranch Lynne Plambeck; Los Angeles Weekly; Los Angeles Times; Lolo National Forest; Senator Joseph Lieberman; Suzanne Laverty; Senator Dick Kempthorne; Nancy Kaufman; Shane Jimerfield; Jacquie; Blaine Houberg; Representative Steve Horn; Pam and Jerry Hilty; Representative Rick Hill; Senator Orrin Hatch; Denise Harrison; Representative Jane Harman; Mary Greenwood; Vice President Al Gore; Al Gore; Dan Glickman; Linda and Don Glaza; David Freudenthal; Mary Forgione; John Flicker; Pat Flaagan; Tim Finley; Senator Diane Feinstein; Equal Time; Earththunder; Tom Dwyer; Michael Dombeck; Representative Jay Dickey; Defenders of Wildlife; Lt. Governor Gray Davis; Representative Mike Crapo; Senator Larry Craig; Representative Chris Cox; Bill Corcoran; Rosalyn Copeland; President Bill Clinton; First Lady Hillary Rodham Clinton; Senator Max Cleland; Jamie R. Clark; Representative Helen Chenoweth; Business Center; Sherry Ray and Gordon Carpenter; WJL Carol; Representative Tom Campbell; Senator Robert C. Byrd; Senator Conrad Burns; Buffalo Nations; Representative George Brown; Elizabeth Brown; Senator John Breaux; Senator Barbara Boxer; Representative Brian Bilbray; Representative Howard L. Berman; Senator Max Baucus; John Barksdale; Anne Badgley; Bruce Babbitt; Supervisor Michael D. Antonovich
Subject: STOP THE NEWHALL RANCH DEVELOPMENT!
Auto forwarded by a Rule

Maria and Steve Melton
6832 Vanscoy Avenue
North Hollywood, CA 91605
(818) 764-2542

December 21, 1998

Los Angeles County Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Phone: 213/974-1411
E-mail: Joanne Sturges, Executive Officer: executiveoffice@bos.co.la.us
Michael D. Antonovich, Supervisor 5th Dist: jiamurri@bos.co.la.ca.us
Zev Yaroslavsky, Supervisor 3rd Dist: zev@bos.co.la.ca.us
Gloria Molina, Supervisor 1st Dist: molina@bos.co.la.ca.us
Don Knabe, Supervisor 4th Dist: don@bos.co.la.ca.us
Yvonne Brathwaite Burke, Supervisor 2nd Dist:
SecondDistrict@bos.co.la.ca.us

RE WE OPPOSE THE NEWHALL RANCH DEVELOPMENT!
PLEASE STOP FURTHER DEVELOPMENT IN THE SANTA CLARA RIVER VALLEY BY THE NEWHALL LAND AND FARMING CO.

Dear Supervisors,

We are writing to ask that you prevent any further development by the Newhall Land and Farming Co., the Newhall Ranch Development, in the Santa Clara River Valley, the last wild river and natural frontier left in Los Angeles. 1

On Nov. 24th, the Los Angeles County Board of Supervisors gave tentative approval to Newhall Ranch, a housing and commercial development plan that

would graft a city of about 70,000 onto Santa Clara's flood plain area. This is the largest housing project in the state of California. We are losing our last frontier, our last unchannelized river, our last major farming area. We must plan responsibly for future population in California - we can't grow like this anymore. As this letter is being written, another huge housing development is going into the Glendale hills - more mountains are being bulldozed for tract housing; the Stevens Ranch is being subdivided into housing developments; Valencia is disappearing under housing developments; vast housing developments are being built along the entire route of the Ventura Freeway, in Lancaster and Palmdale, in Corona. How can this area possibly handle this kind of overdevelopment? The project would build 21,000 residential units with the addition of accompanying businesses. There are already 40,000 houses approved for future construction in the Santa Clarita Valley, some of them Newhall Land and Farming projects. This project lacks any sustainable supply of water, and its size is ten times larger than that allowed under Los Angeles County's General Plan.

This plan also imperils the fate of endangered and threatened species that find refuge on the river's fertile banks.

WE ARE VEHENEMENTLY OPPOSED TO THIS PROPOSAL!

The Santa Clara is the county's last wild river, the only one that hasn't been dammed, drained, or lined with concrete. Under this plan, the river would be forever changed, straight-jacketed in concrete banks similar to the L.A. River. The 1,500 acres of prime agricultural land in the flood plain would become concrete and houses. Views of the river from Highway 126 would be obscured by strip malls and apartments. The choking traffic generated by an estimated 27,000 more commuters would create more air pollution in an area already rated by the Environmental Protection Agency (an oxymoron?) as an ozone "non-containment area." This means ozone levels in the Santa Clarita Valley are already higher than federal standards allow. Ozone is an agent found to be especially harmful to children's lungs.

If those of you that we are sending a copy of this letter to are asking, "how can this situation effect us?," let me ask you a question - it is our favorite question, and one which we have never received an answer to, "WHERE ARE WE GOING TO GET THE WATER???" 1

In an excerpt from "How Eden Lost Its Garden," Ecology of Fear (1998) by Mike Davis: "The continuing exodus from Los Angeles of so many middle class taxpayers, inevitably followed by businesses and jobs, will only accelerate the decay of older suburban neighborhoods. Taxpayers in these areas subsidize their own decline through gas taxes for new peripheral freeways and higher water rates to amortize the costly California Aqueduct that irrigates the new edge cities. Public action mitigates the environmental crisis primarily for the top 10 percent of the population who benefit from the conversion of wetlands into marinas, and from hidden subsidies for hillside living. For the other 90 percent, Southern California remains radically unplanned, undesigned, and out of control. After the Santa Clara River Valley dies, there is only desert to feed the developers' insatiable hunger."

As Los Angeles, California natives, we ask you the same question that we have asked for years. If the Los Angeles County Board of Supervisors approves the Newhall Ranch Development, WHERE ARE WE GOING TO GET THE WATER??? How is Los Angeles, an area with a natural water supply adequate for 250,000 people, going to get an adequate water supply with our population pushing upwards of 10 million? How are we going to handle the pollution? The refuse? The traffic? To date, we have not had an answer.

The Santa Clara River currently provides about 50% of the drinking water for the Santa Clarita area. The Newhall Land and Farming Co. promises it will not draw on any local groundwater sources to supply this new community - is that funny or what? Even if an outside water source is obtained, that water will not be available during drought years - a situation that may force any new community to seek claims on local groundwater sources. The developer has estimated it will cost $40 million to buy entitlement to more water, and there would be additional charges for use of the California Aqueduct. Who is going to pay for this, even if those extremely conservative numbers are

close to what it would actually cost. Guess - the taxpayers! And how will this water even be available at a time when the Metropolitan Water District must look for new sources to reduce its overuse of Colorado River Water?

To those in other areas we would like to point out that the Southwest is a desert. In addition to our small natural sources for water, we have the California Aqueduct bringing water in from the Colorado River. However, Los Angeles is not the only area in the Southwest that is experiencing rabid development. So are Phoenix and Scottsdale in Arizona. So is Colorado. And Las Vegas, Nevada is being so over developed that in a city that had a seeming unlimited water supply from the Colorado River, there is beginning to be a panic about an adequate water supply. Palm Springs in California is now a vast, sprawling developed area whose residents are now panicking about water. If you think that there is any planning whatsoever in these developments, you will find there is absolutely none.

It is hard to even begin to explain to you how upset we are by the loss of Stevens Ranch and the development in Valencia, and now this horrendous situation pending in our last beloved rural area that looks like Southern California did when we were growing up. Being natives, we have watched paradise paved.

O.K. Trying to be objective, this looks like the same old Southern California land/water scam that has been destroying California since Mulholland. Drive out the farmers (cut off their water, or price it too high, then offer them money to get out before they are bankrupted), then put in 1000 times more housing than the area can support, then, when the housing is sold and businesses in place, hit everyone with the higher cost of bringing water in. The developers and the Department of Water and Power go off with huge profits. Are we close?

1. Given there is a natural water source for 250,000 people in L.A. and we are now pushing 10 million, where are they going to get the water? That has been our favorite question for over 30 years. The Colorado River? Mono Lake? Build another aqueduct? After draining Owens Lake and River and destroying the Owens Valley (once one of the most beautiful farming valleys on earth - now a deserted alkaline bed), Mulholland wanted to dam Yosemite along with the Hetch Hetche, and had plans in place to run an aqueduct all the way to Alaska - will they resurrect that plan? If the Tehacepi Dam hadn't burst under his failed supervision and killed more people than the San Francisco earthquake, he probably would have. Do they have any plans for the increased water supply for "California's largest development"? 1
2. Considering Colorado, Arizona and Nevada are the three largest growing states in America, and that Las Vegas (once thought to have an unlimited water supply from the Colorado River and is now in a panic over water with the numbers flocking there) has grown out of control, how long can we depend on the Colorado River as an adequate water source? How long before we are draining northeastern states? With the huge amounts of money involved in So. Cal. Development, they won't be able to stop it any more than Nevada could when tried to stave off the aqueduct.
3. Is the California Farm Bureau doing anything to help the farmers? Has anyone checked into who holds stock in the Newhall Land and Development Company? The CFB is an affiliate of the American Farm Bureau Assn., arch nemesis to many, many small farmers and environmental groups. It would be no surprise to find that the CFB or it's officers were affiliated with Newhall L&D, or held stock in it, having seen a lot of study on the AFBF, and found it to be a gigantic spider web of agri-conglomerates and big corporations. Is the CFB hurting or helping these farmers hanging on by a thread? With the Imperial Valley disappearing under housing developments, how long before all our produce comes from Mexico and South America where we have no control over pesticide usage or handling? California was once the provider of 80% of the nations produce. We saw the early signs when 7 years ago we started seeing farmers putting up huge signs along Highway 5 and 99 that they needed water. Steve and I looked at each other and said, "so it begins - they are squeezing the farmers out of the Imperial Valley."
4. Having sunk millions (or is it now billions) into the disaster that is Metrolink, which has only served to reduce bus users since most people won't give up their cars, and it's an impractical mess anyway, how do they plan to handle the increased traffic. Another freeway? Bigger freeway? Another (scarcely used) Metrolink line? Los Angeles had in place one of the most efficient rail systems in existence in the 50's which have been torn up so

they could spend billions building freeways. We can now boast of having the worst gridlock in the nation.
5. The exodus of the middle class - started in the 70's. First Oregon, Washington, Colorado, Arizona - now Montana. Anyone that can afford to get out will, as they have for 30 years leaving inner city blight, then urban blight. Is the City giving any thought whatsoever to that situation in their planning? Considering the population of Los Angeles and surrounding counties is well over 14 million, if I were in a rural state and valued my lifestyle, I would take a hard look at what's happening in the West. We live here. We can tell you there is no control on immigration. We are drowning in over population, and the middle class is heading out in BIG numbers. Don't think they will not go to your state for whatever reason? Consider this. Western cities like Palm Springs, Las Vegas, Phoenix and many others have average temperatures of 118 in the summer and up. At 105 it hurts your lungs to breathe. Think they won't come because it's cold, or wet, or whatever, in your state. Think again. Seattle has rain 80% of the year, and look at their increased population.
6. There has never been any development control in California - just build, build, build - develop, develop, develop - money, money, money. No thought, no planning, no conscience, - just make the money and leave.
7. Pollution? Won't even get into that. It is a foregone conclusion they have no plan in place to handle that. Is Hyperion going to handle the "states largest development." Any plans for more sewage treatment plants? Of course not. The ocean is already so polluted from San Diego on up the coast that it isn't safe to eat a fish caught closer than 10 miles out, and you can get at least a bacterial infection just being in the water. Not to mention when we have a day of rain and the sewage treatment plants that we do have in place dump raw sewage straight into the ocean in addition to untreated water run-off from the streets. The smog this winter is what we usually get in September. What are they going to do about the increased pollution? Issue gas masks? As it stands, corporations are chipping away at the clean air laws now, and getting away with it.
8. Neighboring Ventura County, which strongly opposes the project (and in November passed an impressive slow-growth law partly in reaction to this plan), is worried that increased air pollution will spread and adversely affect its agricultural industry and compound pollution in that area. 1
9. Earthquakes? Of course the dams will break. So will the freeways, the Metrolink, the energy systems, the water supplies, and the buildings. We saw how prepared this city was in the Northridge quake. Save you the trouble - they have no sufficient planning, or anywhere near it. All it takes is one outage or one aqueduct breaking, and all 10 million of us are on our own.

This ran in the Chicago Tribune - Sunday. 12-13-98

PRISTINE VALLEY A BATTLEGROUND
A WAR IS DEVELOPING WITH CONSERVATIONISTS AND SMALLER CALIFORNIA MUNICIPALITIES PITTING THEIR STRENGTH AGAINST LOS ANGELES AND A DEVELOPER PLANNING HOUSES AND MALLS.
By Karen Brandon, Tribune Staff Writer.

LOS ANGELES COUNTY, Calif.
The Santa Clara River Valley is a picture-postcard world.
The Santa Susana Mountains, their peaks occasionally tipped in white, create a majestic, jagged frame. Their high chaparral gradually gives way to faded yellow cottonwoods that dot the banks of the pristine Santa Clara River.
With deer darting among the gnarled live oaks, the canyons and mesas remain largely as they were 150 years ago when rescuers were dispatched from a Spanish mission outpost here to save speculators stranded in Death Valley during the California Gold Rush.
Nearly as startling as the natural beauty is the valley's location, only 30 miles north of teeming Los Angeles. This enchanting vision of Southern California-lost nearly everywhere else but in history-is what Newhall Ranch is selling.
This is also what the ranch's opponents say it will destroy.
The Newhall Ranch project now exists only on paper, the largest master-planned development in Los Angeles County history and a flashpoint in the national debate over suburban sprawl. If built, the "community by nature" will comprise five villages, 19 square miles, 21,000 homes and some

70,000 people-the equivalent in practically every measure of Schaumburg, Ill.
As he stood on a sage-scented mesa near a region of the property called Windy Gap, James Harter, a senior vice president of Newhall Land and Farming Co., pointed to where the shopping malls, golf course, schools, houses and multi-acre estates will be built.
"When I look at this, I see opportunity," Harter said, imagining a day when residents will ride bicycles and horses along the river and hike deep into the mountains to see its hidden waterfalls.
Pointing out stands of trees and mountain highlands that will be preserved, he added: "People will be able to relax and enjoy it. They'll be able to leave L.A. behind."
Of course, critics believe Newhall Ranch will accomplish just the opposite, saying it will bring L.A. to the Santa Clara.
"This vista will be gone," said Lynne Plambeck, gazing glumly from California Highway 126 to the valley she would like to see stay just as it is.
Plambeck is the first vice president of the Santa Clarita Organization for Planning and Environment, a non-profit group that goes by the acronym, SCOPE.
Her group as well as other environmental groups and neighboring government officials oppose the project.
Over their objections, the project recently won tentative, unanimous approval to proceed from the Los Angeles County Board of Supervisors.
"L.A. County approves everything," Plambeck said. "They don't know how to do anything but say yes."
Many obstacles could have stood in the way of Newhall Ranch. Mike Davis, a recent MacArthur Foundation genius grant recipient, wrote in his new book, "Ecology of Fear: Los Angeles and the Imagination of Disaster": "The project should be a legal impossibility."

The project is nearly 10 times larger than what is allowed under the county's general plan. It will bring additional traffic to an area that exceeds federal ozone standards. The river is home to endangered species, such as the unarmored threespine stickleback fish and the California least tern, a bird. 1
Moreover, at present there is not enough water for the project-an obstacle that has never before given Los Angeles pause.
Officials in Ventura County, which lies right next door to the behemoth project, fear that the development will threaten the amount and quality of water necessary to sustain the region's fertile citrus groves. Those groves have been in operation for more than a century and produce some 400,000 tons of fruit annually. Aware of their neighbor's legendary history of sucking other regions dry, Ventura County officials have threatened a lawsuit that is likely to open yet another chapter in this state's legendary water wars.
Detractors say there is one reason the project is proceeding: money. "I think campaign contributions did it," said John Flynn, a member of the Ventura County Board of Supervisors for 22 years. "If you looked at them you would see that money was thrown everywhere up and down the political tree."

Davis added, "As you look at the campaign (finance) statements of all the (Los Angeles) county supervisors, about 75 percent of all campaign contributions come from developers or development-related interests, and that's been true since probably the '20s."
The Newhall Land and Ranch Co. is the legacy of Henry Mayo Newhall, a Massachusetts-born auctioneer who ventured to California during the Gold Rush.
His lucky strike wasn't gold. It was land. When he died in 1883, he left his five sons six California ranches totaling 143,000 acres. That same year, Newhall Land and Ranch Co.-now publicly traded on the New York and Pacific Stock Exchanges-was born.
The Newhall name is ubiquitous here. It is the region's major landholder and developer of a nearby master-planned community, Valencia, which was included in a 1993 book, "50 Fabulous Places to Raise Your Family."
The villages of the Newhall Ranch will bear names such as Oak Valley, Long Canyon and Potrero Valley. "We like to use the names that the cowboys gave to the area," Harter said. "We'd like to keep that alive."
But their detractors say this is only window dressing.

"What they're turning to is themeing these developments to the lost world of Southern California," Davis said. "It's all the more surreal that you will

begin to despoil the last remnants of that to create this community." Such projects, he and others argue, are fueling white flight from the aging, decaying San Fernando Valley.

The criticism angers Harter, who says the company has bent over backwards to preserve much of the region's natural beauty and to answer environmental concerns by using reclaimed water for landscape irrigation and by creating communities that are less reliant on cars.
Many services are within walking distance of homes, and businesses, a potential source of employment, are near.
He argues that California will have to build into more of its wilderness if it is to accommodate its growing population.
With 32 million residents, California is the nation's most populous state.
By 2025, the U.S. Census Bureau projects the population will reach 49.3 million and the state will have grown by a population equivalent to adding all the residents of New York state.
By planning for large projects, Harter argues, Newhall Ranch can avoid many of the pitfalls of other areas.
But Plambeck and others question the company's commitment.
In an earlier project, the company pleaded no contest to criminal charges that it illegally lined a creek bed with concrete. And though it has touted its commitment to improving schools and libraries in regions it is developing, Plambeck said that lawsuits were necessary to reach such agreements in earlier projects.

Resentment about the region's growth surfaced in November's elections in Ventura County, where voters approved a series of urban boundaries around fast-growing cities and stripped their elected supervisors of the power to rezone farmland and open space without voter approval.
For now, the Newhall Ranch remains a working ranch, where cattle and horses graze and gas and oil wells appear amid the shrub. 1
It stands in stark contrast to the landscape just south along the Interstate Highway 5, where suburban residents graze at fast-food restaurants and the oil and gas landmarks are self-service filling stations.
Copyright Chicago Tribune

In a November 23rd story on Newhall Ranch in the Los Angeles Times, the paper reported the following political contributions made to supervisors by Newhall Land and Farming Co.:

* Mike Antonovich (in whose district Newhall Ranch lies): $69,825.00 in contributions from the company and its officers; $14,130.00 since the project was filed.
* Yvonne Brathwaite Burke: $33,150.00; $11,750.00 since the project was filed.
* Don Knabe: $2,750.00 since he was elected and since the project was filed.
* Gloria Molina: $12,300.00; $10,300.00 since the project was filed.
* Zev Yaroslavsky: $18,000.00; $8,000.00 since the project was filed.

We urge each and every one of you to voice opposition to this project. This comes before the Los Angeles County Board of supervisors in January 1999. Tell them not to grant a plan amendment to the developer.

Please do not let anyone destroy our frontier, our last wild river, our last natural farming area. No one can afford to let this development take place. No one.

Thank you,

Maria Soule' Melton and Stephen W Melton

cc: President Bill Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Vice President Al Gore
The White House

1600 Pennsylvania Avenue, NW
Washington, DC 20500

Ms. Diane Feinstein
U.S. Senator
Washington Office
331 Hart Building
Washington, D.C. 20510

Ms. Barbara Boxer
U.S. Senator
Washington Office
112 Hart Building
Washington, D.C. 20510

Gray Davis, Governor of California

Howard L. Berman, U.S. Representative, 26th District California
Congress of the United States, House of Representatives
Washington Office
2330 Rayburn Building
Washington, DC 20515-0526

Secretary Bruce Babbitt
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dan Glickman
Secretary of Agriculture
U.S. Department of Agriculture
Washington, D.C. 20250

Michael D. Antonovich
Supervisor, Fifth District
County of Los Angeles
869 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Michael D. Antonovich
Supervisor, Fifth District
County of Los Angeles
Antelope Valley Office
1113 W. Ave M-4, Suite A
Palmdale, CA 93551

Michael D. Antonovich
Supervisor, Fifth District
County of Los Angeles
Pasadena Office
215 N. Marengo Ave., Suite 120
Pasadena, CA 91101-1505

Michael D. Antonovich
Supervisor, Fifth District
County of Los Angeles
Santa Clarita Valley
23920 Valencia Blvd., Suite 255
City of Santa Clarita, CA 91355

Michael D. Antonovich
Supervisor, Fifth District
County of Los Angeles
North West Valley Office
21949 Plummer Street
Chatsworth, CA 91311

Michael D. Antonovich
Supervisor, Fifth District
County of Los Angeles

San Gabriel Valley Office
615 E. Foothill Boulevard
San Dimas, CA 91773

Yvonne Brathwaite Burke
Supervisor, Second District
County of Los Angeles
866 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Don Knabe
Supervisor, Fourth District
County of Los Angeles
822 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Gloria Molina
Supervisor, First District
County of Los Angeles
856 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Zev Yaroslavsky
Supervisor, Third District
County of Los Angeles
821 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dr. Michael Dombeck
Chief of the Forest Service
USDA Forest Service
P.O. Box 96090
Washington D.C. 20090-6090

Ms. Jamie R. Clark
Director
U.S. Fish and Wildlife Service
1849 C. Street N.W.
Mail Stop 3012 MIB
Washington, D.C. 20240
E-mail: Jamie_Clark@fws.gov

Mr. Roger Schlickeisen
President
Defenders of Wildlife
1101 14th Street, NW #1400
Washington, D.C. 20005

Ms. Suzanne Laverty
Director
Wolf Recovery Foundation
P.O. Box 44236
Boise, Idaho 83711-0236

Tom Beno
Wolf Justice League

Dr. Ralph Maughn

Sierra Club National Headquarters
85 Second Street, 2nd Floor
San Francisco, CA 94105-3441

National Audubon Society
555 Audubon Place
Sacramento, CA 95825

The Nature Conservancy
1815 North Lynn Street
Arlington, VA 22209

Greenpeace
1436 U Street, NW
Washington, DC 20009

World Wildlife Fund
P.O. Box 96555
Washington, DC 20077-7787

People for Ethical Treatment of Animals
501 Front Street
Norfolk, VA 23510

Various news organizations; family and friends.

Dec. 22, 1998

Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Dear Board of Supervisors:

We were appalled to hear about the proposed Newhall Ranch development which may be built in the Santa Clara River valley. We understand that construction in this area would require that the Santa Clara River, the last remaining wild river in the County, be channelized, just like the Los Angeles, San Gabriel, and other L.A. County rivers. These concrete abominations are a disgrace to this city and it is hard to believe that you would consider letting the Santa Clara be treated this way as well. Los Angeles County needs more open space and wilderness, not more cookie-cutter subdivisions. 1

Because of its size, the proposed development would require an amendment of L.A. County's General Plan. We urge you to deny this amendment and prevent the developer, the Newhall Land and Farming Company, from building Newhall Ranch.

Sincerely,

Hannah Dvorak-Carbone and
Greg Carbone
507 S. Madison Ave. #7
Pasadena, CA 91101

Nils Vidstrand
20914 Shine Dr.
Saugus, CA 91350

28 December 1998

Los Angeles County Board of Supervisors
500 W. Temple St.
L.A. CA 90012

Dear Supervisors:

I am writing today to urge you to please not grant a plan amendment to the developer of Newhall Land & Farming Co.

I and my family and all my many friends of Santa Clarita strongly oppose the Newhall Ranch planned community and utter destruction of the last wild river and natural frontier of the Santa Clara River along route 126.

1

My parents moved to Bouquet Cyn. in Saugus in January 1969--30 years ago. I am already extremely appalled by the mass destruction of the once beautiful rolling hills and oak trees.

The overdevelopment of houses, strip malls and congestion is an environmental nightmare. I become saddened to tears every-time I see more land and hills being stripped away.

Again, I exhort to you not to grant this development plan!

Please send copies of my letter to all supervisors.
Thank you.

Sincerely,

Nils Vidstrand

Nils Vidstrand

12-31-98

Los Angeles County
Board of Supervisors
500 W. Temple St
Los Angeles CA 90012

I oppose Newhall Ranch Planned community for many reasons some are:

1. Los Angeles is difficult now ~~not~~ meet federal clean air
2. Emissions more on freeway 5 worsen air here in Glendale
3. Newhall not enough water.

I displease you take money from builders you vote on.

1

David Crawford
(818) 241 9745

Mr David Crawford
520 E Maple St Apt 2
Glendale, CA 91205-2355

COPIES TO:

___ EACH SUPERVISOR
___ CHIEF ADMINISTRATIVE OFFICE
___ COUNTY COUNSEL
___ [illegible]
___ [illegible] CHIEF
___ [illegible]
___ [illegible]
___ [illegible]
___ [illegible]

Bradley S. Burner
122 N Lamer St F
Burbank Ca. 91506

Los Angeles County Board
of Supervisors
500 W. Temple St
Los Angeles Ca. 90012

Dear Sir

Stop Urban Sprawl
Stop Traffic Congestion and Auto Pollution
Save the last non-concrete river.
Save the Santa Clarita Valley's rural community
Vote No. Stop Newhall Ranch from creating a
70,000 people, 21,000 residential unit,
Million square commercial feet monster
in North L.A. County.

Sincerely

Bradley S. Burner

1

Virginia Tufte, 157 North Hamel Drive, Beverly Hills, CA 90211 USA Tel (310) 657 5380 Fax (310) 657 1564

Dec. 30, 1998

County Supervisors
c/o Executive Office

Please send copies to all supervisors.

You have a responsibility to the people of this county and to the preservation of the environment to stop the proposed Newhall Ranch Santa Clara project. Do not approve an amended version or any other. THERE IS NO WATER SUPPLY. We don't need 70,000 additional people in this busy urban area. Please vote on what is best for the people instead of supporting a developer who has contributed to your campaign.

Virginia Tufte

Robert M. Yost
14915 Bestor Blvd.
Pacific Palisades, CA 90272
December 30, 1998

Executive Office
Los Angeles County Board of Supervisors
[Please send copies of this letter to the Supervisors]
500 W. Temple Street
Los Angeles, CA 90012

Dear Supervisors:

I understand that the Los Angeles County Board of Supervisors will decide in January whether to approve a plan of the Newhall Land and Farming Co. to build a monster development near the Santa Clara River. This plan was drawn up in 1995, and the Board has had plenty of time to consider it. The Board should have rejected it as soon as it got its first wind of it. I deem the plan to be an outrage. The development would go against the entire effort to save what is left of Los Angeles County for decent living. The Board should immediately do as the Ventura Board has done: pass a stiff law for slow growth. The limits of decent living in Los Angeles County have been reached. Nothing but money could drive anybody any further.

The enormous plan would put 21,000 new houses or condos in natural territory, generate a huge amount of ozone in an area that already has too much, and cover 1500 acres of good farm land with asphalt and concrete. The pollution it would create would spread to Ventura County. 1

But the most insane feature of the plan is that it does not provide for a permanent water supply. By permanent supply I do not mean water rented from farmers in the southern end of the San Joaquin Valley until they want to use it themselves. There is not enough available water anywhere: not from the High Sierra, the Colorado River, or any other place. By itself Los Angeles County is a desert, or at best a semi-arid region. It cannot stand any more ``development''. It already has far too much ``development''.

I urge you to reject the plan presented by the Newhall Land and Farming Co., or any piece of it, or any variation of it. We have already grown too big. The time to draw the line is now.

Respectfully,

Robert M. Yost

JEAN L. ROSENFELD
3515 CROSS CREEK LANE
MALIBU, CALIFORNIA 90265

December 28, 1998

Members of the Board of Supervisors:

I am writing to add my voice to those who object to the development of the Newhall Ranch which you have all but approved.

Those who are better informed than I have argued the reasons why this is not a suitable development: too many houses, ruin the river, further diminish endangered species, ad inf.

Today the LA Times has made it clear, even to the most apathetic Angeleno how these atrocities get by and get built. Money and politics goes right down through the Regional Planning Commission to the planning staffs.

This project like those gone before it in the Santa Monica Mountains are not needed. It will harm the public you serve as much as it will benefit the developers. 1

It is time that the Board of Supervisors stops filling up the last buildable spaces in the wild places. We need the open space. We are fortunate to have it close by.

Malibu Creek and Lagoon have been ruined by effluent from new development. This was a natural creek that could be fisned. Now the Santa Clara River is headed in the same direction. It should be severly restricted and equally severely monitored,

Yours truly,

Jean Rosenfeld

Please send copies of this request to all supervisors.

Dec. 30, 1998

Dear LA County Board of Supervisors,

We are among the millions of LA County residents who oppose the Newhall Ranch housing + development plan. Flood plains are essential to replenish our water aquifers and to prevent future devastating floods. The proposed plan would also destroy the Santa Clara River, our county's last wild river - and the wildlife that depend on it for survival.

Please do not grant a plan amendment to the developer. Thank you.

Sincerely,
Mr. & Mrs. J. L. Davison

Mr. & Mrs. James L. Davison
6931 E 11th St
Long Beach, CA 90815

LONG BEACH CA 90806
PM
31 DEC
1998

1998 JAN -4 AM 9:

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

USA 20

Teach Respect for the Earth and All Living Creatures

Los Angeles County Board of Supervisors - c/o Executive Office
500 W. Temple St.
Los Angeles, CA 90012

1

2868

Recycled paper: to help save the trees -

December 23, 1998
Long Beach, California

Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, Ca. 90012

Dear Supervisors c/o Executive Office:

Please do not grant a plan amendment to any developer - re: the Newhall Ranch planned community. I join with sincere Conservationists from all over to oppose this plan, as it would further erode our already scarce and fragile wilderness areas. Please, all 5 supervisors, do oppose this. Thank you. 1

Sincerely yours,
Janice V. McConnell

December 26, 98

Executive Office:
Send copies to all Supervisors, please.

Please, do not grant a plan amendment to the developer of the planned Newhall Ranch. We need to keep the Santa Clara River. Soon kids will grow up never seeing a river much less the animals that depend on the river. A healthy ecosystem is a social justice.

Thank You,
Adrea Stoker

2870

Dr. Allen D. Frankel
CHIROPRACTOR
3613 E. CENTRALIA ST.
LAKEWOOD, CA 90712-3844
(562) 421-0495

December 28, 1998

Los Angeles County
Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Dear Supervisors:

I am a member of The Sierra Club and hike regularly and very much opposed to The Newhall Ranch planned community because I feel This does not represent The needs of The people, will destroy The remaining wild river and Farm land in Los Angeles County and shows lack of county planning. Please do not grant a plan amendment To The developer. 1

would like copies sent To all The supervisors and would appreciate your support To consider The will of The people and look at the ecological value of This last remaining natural area.

Sincerely, Allen D. Frankel DC.

2871

M.P. Stevens
182 North Mariposa Ave.
Los Angeles California 90004

December 28, 1998

The County Supervisors
County of Los Angeles

To Whom It May Concern:

Let us keep our State Beautiful.....It is not in the public interest to continue paving over the countryside. DO NOT APPROVE A PLANNED AMENDMENT TO THE DEVELOPER OF NEWHALL RANCH
Please send copies of my letter to all supervisors.

1

Sincerely,

M.P. Stevens

M.P. Stevens

JIM YARBROUGH
10829 COZYCROFT AVE.
CHATSWORTH, CA 91311
22 DECEMBER, 1998

DEAR ALL L.A. COUNTY BOARD OF SUPERVISORS,

I OPPOSE THE NEWHALL RANCH "PLANNED COMMUNITY."

PLEASE SEND COPIES OF THIS LETTER TO ALL SUPERVISORS.

PLEASE DO NOT GRANT A PLAN AMENDMENT TO THE DEVELOPER.

THE NEWHALL RANCH "PLANNED CANCER" WILL INCREASE RAMPANT SPRAWL, WILL NOT HAVE ADEQUATE WATER, WILL INCREASE OZONE LEVELS IN AN AREA (SANTA CLARITA VALLEY) WHICH THE EPA ALREADY RATES AS AN OZONE "NONATTAIN-MENT AREA." THE PROPOSED NEWHALL RANCH FIASCO WILL DRAIN L.A. CITY FUNDS AWAY FROM INFRASTRUCTURE, AND IT WILL DESTROY THE LAST WILD RIVER IN L.A. COUNTY. AND THESE ARE ONLY A FEW OF THE REASONS THAT NEWHALL RANCH'S MONSTROUS 21,000 UNIT PLAN MUST BE REJECTED.

LET IT ALSO BE RECORDED: THAT MICHAEL ANTONOVICH (IN WHICH NEWHALL LIES) HAS RECEIVED FROM NEWHALL LAND & FARMING CO $69,825, incl. $14,130 since project was filed.* 1

THAT YVONNE BRATHWAITE BURKE HAS RECEIVED FROM SAME SOURCE AND OFFICERS $33,150, incl. $11,750 since project filed.

THAT DON KNABE HAS RECEIVED FROM NEWHALL $2,750 since he was elected and since project filed.

THAT GLORIA MOLINA HAS RECEIVED $12,300, incl. $10,300 since project filed.

THAT ZEV YAROSLAVSKY HAS RECEIVED $18,000, incl. $[illegible] since project filed.

THANK YOU.

YOURS TRULY,

Jim Yarbrough

* Source: L.A. TIMES, NOV. 23 1998

Harold V. Jesse
2836 Victoria Place
Palos Verdes Estates, CA 90274
310/541-6675
(PLEASE PROVIDE A COPY TO ALL SUPERVISORS, THANK YOU)

4 January 1999

Subject: Newhall Ranch Project

Los Angeles County Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Honorable County Supervisors,

Please do not grant approval to the Newhall Ranch project requested by the Newhall Land and Farming Co. I am sure you have heard the reasons, but let me reiterate my reasons:

1. Additional urban sprawl where there is already little place left to see nature within the County
2. Destruction of the last natural riverway, which would become modified to human gain
3. Lost of our history and what our geography used to look like
4. Additional smog
5. Inadequate water supply, draining on other areas
6. Inconsistent with the LA County General Plan which presumably was drawn up independent of special interests, but rather by a body of people with the best interests of the entire community in mind. 1

Why not take the strong stand and just leave this open space? Unfortunately, compromise will compromise some of what should be saved. When people leave Los Angeles because of declining quality of life, it will be too late because the destruction will have already occurred.

Thank you for your deepest consideration.

Sincerely yours,

Harold V. Jesse

Harold V. Jesse

January 5, 1999

Margaret Hunter
9150 Gallaher Rd.
Downey, CA 90240

Dear Supervisor Don Knabe:

I am opposed to the Newhall Ranch planned community. Please do not grant a plan amendment to the developer.

Stop the massive sprawl that has been destroying LA County.

Sincerely,

Margaret Hunter

The North Shore Animal League saves abandoned dogs and cats, and finds them new homes.

POST CARD

Dear Supervisors

Do not grant a plan amendment to the developer of the Newhall Ranch planned community

Thank You

Yvonne M. Dunn

Ms. Yvonne M. Dunn
725 Larch St. Apt. 8
Inglewood, CA 90301-0939

PC-6A

NORTH SHORE ANIMAL LEAGUE WASHINGTON, NY 11050
www.nsal.org

FILED

1999 JAN -7 AM 8:23

TO:

Los Angeles County
Board Of Supervisors
500 West Temple St
Los Angeles, Ca. 90012

USA 20

Artwork by Jamie Nematzadeh, age 10
Courtesy of the Roslyn School of Painting

1

TAMA LOCKWOOD
11370 RUGGIERO AVE.
LAKE VIEW TERRACE, CALIFORNIA 91342

Jan. 2, 1999

Dear Supervisors Antonovich, Burke, Knabe, Molina, Yaroslavsky!

I am now more than ever opposed to the Newhall Ranch planned community. There are many reasons to oppose this project, a major one being water supply and the preservation of the Santa Clara River. 1

Please do not grant a plan amendment to the developer. Before it's too late, stop the insanity!

Sincerely,

Tama Almond

1-4-98

Los Angeles County
Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

To whom it may concern,

Please forward copies of this letter to all supervisors.

I am strongly opposed to the Newhall Ranch planned community. I request that you do **NOT** grant a plan amendment to the developer. This is one of LA's last remaining natural areas and it's last wild river. Their is no reasonable long term plan to supply water to the development and this is an example of irresponsible growth.

How will Newhall Ranch effect us 100 years from now? Seven generations from now? Have our grandchildren's future been taken into account or are you solely in it for your own political gain? I am a native of LA and I ask--- I plead that you stop Newhall Ranch. 1

Unmitigated and uncontrolled growth is called cancer.

Sincerely,

Bob Nydam
Concerned Citizen

2878

FORM 668-27 50-1

COMPANY

REPORT DATE

SCHEDULE PAGE NO.

SUBJECT SCHEDULE NO.

LINE NO.

PREPARED BY CHECKED BY REVIEWED COLUMN

607 Marine St #8
Santa Monica, Ca. 90405
January 4, 1999

Dear Supervisors:

Please do not grant a plan amendment to the Newhall Ranch developer. Concrete cities for the Santa Clara river? Isn't it bad enough to have to look at them on the L.A. River? What price efficiency!

1

Peter Betts

Executive office: Please send copies to all supervisors

DOUG CONRAD

PO Box 1718
Lomita, CA 90717
310-539-1273

Dec. 23rd, 1998

LA County
Board of Supervisors
500 W. Temple St.
LA, CA 90012

Dear Supervisor:

I vigorously oppose the Newhall Ranch planned community. I do not want the Santa Clara River to end up like the LA "River". What an eyesore that is! From what I have read, there is not enough water for the proposed community of 70,000 people. 1

I urge you not to grant a plan amendment to the developer.

Please see the enclosed Sierra Club article for a variety of reasons why this project should be stopped.

Sincerely,

Doug Conrad

cc: All Supervisors

December 23, 1998
4567 Encino Avenue
Encino, CA 91316

Los Angeles County Board of Supervisors
c/o Executive Office
500 W. Temple Street
Los Angeles, CA 90012

Gentlepersons:

With regard to the Newhall Land & Farming Copanies plans for development in Santa Clara area, we strongly object to this development and urge the Board of Supervisors not grant a plan amendment to the developers. Don't take away one of the few open spaces we have left. 1

Please send a copy of this letter to all Supervisors.

Please reconsider!!!

Yours very truly,

Murray & Dolores Siegel

Murray & Dolores Siegel

12/23/98

Dear Supervisors;

I oppose the Newhall Ranch planned community. Please do not grant them a plan amendment. Please forward copies of this request to all supervisors. Thank you.

1

Craig Gibson

Craig Gibson
305 17th St
Seal Beach
Ca. 90740

The County Board of Supervisors
500 W. Temple Street
Los Angeles, Ca 90012

December 23 1998

Re: Newhall Ranch projected developement

How can the Supervisors justify their approval of this huge developement?

I have asked the Sierra Club to fax each Supervisor a copy of the article in the January '99 Sierran. From Washington politics to the local scene, the goings-on are nauseating.

1

Margaret Jose

MARGARET J. JOSE
15008 SUNSET BLVD.
PACIFIC PALISADES, CA. 90272

C/O EXECUTIVE OFFICE, FOR COPIES TO EACH SUPERVISOR
FAX 213/633.5100

Ryan W. Siemens

December 23, 1998

Please Distribute to all Members:
Los Angeles County Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Re: Newhall Ranch Project

Dear Supervisors:

This short letter is an appeal to reconsider the approval of the proposed Newhall Ranch project.

I find it ironic that as L.A. is starting to enjoy the prosperity of its economic turnaround and again bask in the national spotlight, it is simultaneously in the process of approving another vast suburban development of the type for which it is infamous. What most out-of-towners might be surprised about the L.A. area is the beauty of its surrounding natural environment. The Newhall Ranch area, with its stunning river and mountain views, typifies this beauty. 1

With this brief letter, I would like to appeal to the entire Board for a repeal of this development. I am not anti-Development but simply believe that L.A. can best be served by maintaining its natural beauty rather than endlessly developing housing over it.

Sincerely,

Ryan Siemens

Maria and Steve Melton
6832 Vanscoy Avenue
North Hollywood, CA 91605
(818) 764-2542

January 8, 1998

Los Angeles County Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Phone: **213/974-1411**
E-mail: **Joanne Sturges, Executive Officer:** executiveoffice@bos.co.la.us
Michael D. Antonovich, Supervisor 5th Dist: jiamum@bos.co.la.ca.us
Zev Yaroslavsky, Supervisor 3rd Dist: zev@bos.co.la.ca.us
Gloria Molina, Supervisor 1st Dist: molina@bos.co.la.ca.us
Don Knabe, Supervisor 4th Dist: don@bos.co.la.ca.us
Yvonne Brathwaite Burke, Supervisor 2nd Dist: SecondDistrict@bos.co.la.ca.us

RE: ***WE OPPOSE THE NEWHALL RANCH DEVELOPMENT!***
PLEASE STOP FURTHER DEVELOPMENT IN THE SANTA CLARA RIVER VALLEY BY THE NEWHALL LAND AND FARMING CO.

THE WEST, THE WATER, AND YOU:

Dear Supervisors,

We are writing to ask that you prevent any further development by the Newhall Land and Farming Co., the Newhall Ranch Development, in the Santa Clara River Valley, the last wild river and natural frontier left in Los Angeles.

On Nov. 24th, the Los Angeles County Board of Supervisors gave tentative approval to Newhall Ranch, a housing and commercial development plan that would graft a city of about 70,000 onto Santa Clara's flood plain area. This is the largest housing project in the state of California. We are losing our last frontier, our last unchannelized river, our last major farming area. We must plan responsibly for future population in California – we can't grow like this anymore. As this letter is being written, another huge housing development is going into the Glendale hills – more mountains are being bulldozed for tract housing; the Stevens Ranch is being subdivided into housing developments; Valencia is disappearing under housing developments; vast housing developments are being built along the entire route of the Ventura Freeway, in Lancaster and Palmdale, in Corona. How can this area possibly handle this kind of overdevelopment? The project 1

would build 21,000 residential units with the addition of accompanying businesses. There are already 40,000 houses approved for future construction in the Santa Clarita Valley, some of them Newhall Land and Farming projects. This project lacks any sustainable supply of water, and its size is ten times larger than that allowed under Los Angeles County's General Plan.

This plan also imperils the fate of endangered and threatened species that find refuge on the river's fertile banks.

WE ARE VEHENEMENTLY OPPOSED TO THIS PROPOSAL!

The Santa Clara is the county's last wild river, the only one that hasn't been dammed, drained, or lined with concrete. Under this plan, the river would be forever changed, straight-jacketed in concrete banks similar to the L.A. River. The 1,500 acres of prime agricultural land in the flood plain would become concrete and houses. Views of the river from Highway 126 would be obscured by strip malls and apartments. The choking traffic generated by an estimated 27,000 more commuters would create more air pollution in an area already rated by the Environmental Protection Agency (an oxymoron?) as an ozone "non-containment area." This means ozone levels in the Santa Clarita Valley are already higher than federal standards allow. Ozone is an agent found to be especially harmful to children's lungs.

1

If those of you that we are sending a copy of this letter to are asking, "how can this situation effect us?," let me ask you a question – it is our favorite question, and one which we have never received an answer to, "WHERE ARE WE GOING TO GET THE WATER???"

In an excerpt from "How Eden Lost Its Garden," Ecology of Fear (1998) by Mike Davis: "The continuing exodus from Los Angeles of so many middle class taxpayers, inevitably followed by businesses and jobs, will only accelerate the decay of older suburban neighborhoods. Taxpayers in these areas subsidize their own decline through gas taxes for new peripheral freeways and higher water rates to amortize the costly California Aqueduct that irrigates the new edge cities. Public action mitigates the environmental crisis primarily for the top 10 percent of the population who benefit from the conversion of wetlands into marinas, and from hidden subsidies for hillside living. For the other 90 percent, Southern California remains radically unplanned, undesigned, and out of control. After the Santa Clara River Valley dies, there is only desert to feed the developers' insatiable hunger."

As Los Angeles, California natives, we ask you the same question that we have asked for years. If the Los Angeles County Board of Supervisors approves the Newhall Ranch Development, WHERE ARE WE GOING TO GET THE WATER??? How is Los Angeles, an area with a natural water supply adequate for 250,000 people, going to get an adequate water supply with our population pushing upwards of 10 million? How are we going to handle the pollution? The refuse? The traffic? To date, we have not had an answer.

The Santa Clara River currently provides about 50% of the drinking water for the Santa Clarita area. The Newhall Land and Farming Co. promises it will not draw on any local groundwater sources to supply this new community – is that funny or what? Even if an outside water source is obtained, that water will not be available during drought years – a situation that may force any new community to seek claims on local groundwater sources. The developer has estimated it will cost $40 million to buy entitlement to more water, and there would be additional charges for use of the California Aqueduct. Who is going to pay for this, even if those extremely conservative numbers are close to what it would actually cost. Guess - the taxpayers! **And how will this water even be available at a time when the Metropolitan Water District must look for new sources to reduce its overuse of Colorado River Water?**

To those in other areas we would like to point out that the Southwest is a desert. In addition to our small natural sources for water, we have the California Aqueduct bringing water in from the Colorado River. However, Los Angeles is not the only area in the Southwest that is experiencing rabid development. So are Phoenix and Scottsdale in Arizona. So is Colorado. And Las Vegas, Nevada is being so over developed that in a city that had a seeming unlimited water supply from the Colorado River, there is beginning to be a panic about an adequate water supply. Palm Springs in California is now a vast, sprawling developed area whose residents are now panicking about water. If you think that there is any planning whatsoever in these developments, you will find there is absolutely none.

It is hard to even begin to explain to you how upset we are by the loss of Stevens Ranch and the development in Valencia, and now this horrendous situation pending in our last beloved rural area that looks like Southern California did when we were growing up. Being natives, we have watched paradise paved. 1

O.K. Trying to be objective, this looks like the same old Southern California land/water scam that has been destroying California since Mulholland. Drive out the farmers (cut off their water, or price it too high, then offer them money to get out before they are bankrupted), then put in 1000 times more housing than the area can support, then, when the housing is sold and businesses in place, hit everyone with the higher cost of bringing water in. The developers and the Department of Water and Power go off with huge profits. Are we close?

1. Given there is a natural water source for 250,000 people in L.A. and we are now pushing 10 million, where are they going to get the water? That has been our favorite question for over 30 years. The Colorado River? Mono Lake? Build another aqueduct? After draining Owens Lake and River and destroying the Owens Valley (once one of the most beautiful farming valleys on earth – now a deserted alkaline bed), Mulholland wanted to dam Yosemite along with the Hetch Hetche, and had plans in place to run an aqueduct all the way to Alaska – will they resurrect that plan? If the Tehacepi Dam hadn't burst under his failed supervision and killed more people than the San Francisco earthquake, he probably would have. Do they have any plans for the increased water supply for "California's largest development"?
2. Considering Colorado, Arizona and Nevada are the three largest growing states in America, and that Las Vegas (once thought to have an unlimited water supply from

the Colorado River and is now in a panic over water with the numbers flocking there) has grown out of control, how long can we depend on the Colorado River as an adequate water source? How long before we are draining northeastern states? With the huge amounts of money involved in So. Cal. Development, they won't be able to stop it any more than Nevada could when tried to stave off the aqueduct.

3. Is the California Farm Bureau doing anything to help the farmers? Has anyone checked into who holds stock in the Newhall Land and Development Company? The CFB is an affiliate of the American Farm Bureau Assn., arch nemesis to many, many small farmers and environmental groups. It would be no surprise to find that the CFB or it's officers were affiliated with Newhall L&D, or held stock in it, having seen a lot of study on the AFBF, and found it to be a gigantic spider web of agri-conglomerates and big corporations. Is the CFB hurting or helping these farmers hanging on by a thread? With the Imperial Valley disappearing under housing developments, how long before all our produce comes from Mexico and South America where we have no control over pesticide usage or handling? California was once the provider of 80% of the nations produce. We saw the early signs when 7 years ago we started seeing farmers putting up huge signs along Highway 5 and 99 that they needed water. Steve and I looked at each other and said, "so it begins – they are squeezing the farmers out of the Imperial Valley."
4. Having sunk millions (or is it now billions) into the disaster that is Metrolink, which has only served to reduce bus users since most people won't give up their cars, and it's an impractical mess anyway, how do they plan to handle the increased traffic. Another freeway? Bigger freeway? Another (scarcely used) Metrolink line? Los Angeles had in place one of the most efficient rail systems in existence in the 50's which have been torn up so they could spend billions building freeways. We can now boast of having the worst gridlock in the nation. 1
5. The exodus of the middle class – started in the 70's. First Oregon, Washington, Colorado, Arizona – now Montana. Anyone that can afford to get out will, as they have for 30 years leaving inner city blight, then urban blight. Is the City giving any thought whatsoever to that situation in their planning? Considering the population of Los Angeles and surrounding counties is well over 14 million, if I were in a rural state and valued my lifestyle, I would take a hard look at what's happening in the West. We live here. We can tell you there is no control on immigration. We are drowning in over population, and the middle class is heading out in BIG numbers. Don't think they will not go to your state for whatever reason? Consider this. Western cities like Palm Springs, Las Vegas, Phoenix and many others have average temperatures of 118 in the summer and up. At 105 it hurts your lungs to breathe. Think they won't come because it's cold, or wet, or whatever, in your state. Think again. Seattle has rain 80% of the year, and look at their increased population.
6. There has never been any development control in California – just build, build, build – develop, develop, develop – money, money, money. No thought, no planning, no conscience, - just make the money and leave.
7. Pollution? Won't even get into that. It is a foregone conclusion they have no plan in place to handle that. Is Hyperion going to handle the "states largest development." Any plans for more sewage treatment plants? Of course not. The ocean is already so polluted from San Diego on up the coast that it isn't safe to eat a fish caught closer than 10 miles out, and you can get at least a bacterial infection just being in the water. Not to mention when we have a day of rain and the sewage treatment

plants that we do have in place dump raw sewage straight into the ocean in addition to untreated water run-off from the streets. The smog this winter is what we usually get in September. What are they going to do about the increased pollution? Issue gas masks? As it stands, corporations are chipping away at the clean air laws now, and getting away with it.

8. Neighboring Ventura County, which strongly opposes the project (and in November passed an impressive slow-growth law partly in reaction to this plan), is worried that increased air pollution will spread and adversely affect its agricultural industry and compound pollution in that area.
9. Earthquakes? Of course the dams will break. So will the freeways, the Metrolink, the energy systems, the water supplies, and the buildings. We saw how prepared this city was in the Northridge quake. Save you the trouble – they have no sufficient planning, or anywhere near it. All it takes is one outage or one aqueduct breaking, and all 10 million of us are on our own.

This ran in the Chicago Tribune - Sunday. 12-13-98

PRISTINE VALLEY A BATTLEGROUND

A WAR IS DEVELOPING WITH CONSERVATIONISTS AND SMALLER CALIFORNIA MUNICIPALITIES PITTING THEIR STRENGTH AGAINST LOS ANGELES AND A DEVELOPER PLANNING HOUSES AND MALLS.

By Karen Brandon, Tribune Staff Writer. 1

LOS ANGELES COUNTY, Calif.

The Santa Clara River Valley is a picture-postcard world.

The Santa Susana Mountains, their peaks occasionally tipped in white, create a majestic, jagged frame. Their high chaparral gradually gives way to faded yellow cottonwoods that dot the banks of the pristine Santa Clara River.

With deer darting among the gnarled live oaks, the canyons and mesas remain largely as they were 150 years ago when rescuers were dispatched from a Spanish mission outpost here to save speculators stranded in Death Valley during the California Gold Rush.

Nearly as startling as the natural beauty is the valley's location, only 30 miles north of teeming Los Angeles. This enchanting vision of Southern California—lost nearly everywhere else but in history—is what Newhall Ranch is selling.

This is also what the ranch's opponents say it will destroy.

The Newhall Ranch project now exists only on paper, the largest master-planned development in Los Angeles County history and a flashpoint in the national debate over suburban sprawl. If built, the "community by nature" will comprise five villages, 19 square miles, 21,000 homes and some 70,000 people—the equivalent in practically every measure of Schaumburg, Ill.

As he stood on a sage-scented mesa near a region of the property called Windy Gap, James Harter, a senior vice president of Newhall Land and Farming Co., pointed to

where the shopping malls, golf course, schools, houses and multi-acre estates will be built.

"When I look at this, I see opportunity," Harter said, imagining a day when residents will ride bicycles and horses along the river and hike deep into the mountains to see its hidden waterfalls.

Pointing out stands of trees and mountain highlands that will be preserved, he added: "People will be able to relax and enjoy it. They'll be able to leave L.A. behind."

Of course, critics believe Newhall Ranch will accomplish just the opposite, saying it will bring L.A. to the Santa Clara.

"This vista will be gone," said Lynne Plambeck, gazing glumly from California Highway 126 to the valley she would like to see stay just as it is.

Plambeck is the first vice president of the Santa Clarita Organization for Planning and Environment, a non-profit group that goes by the acronym, SCOPE.

Her group as well as other environmental groups and neighboring government officials oppose the project.

Over their objections, the project recently won tentative, unanimous approval to proceed from the Los Angeles County Board of Supervisors.

"L.A. County approves everything," Plambeck said. "They don't know how to do anything but say yes."

Many obstacles could have stood in the way of Newhall Ranch. Mike Davis, a recent MacArthur Foundation genius grant recipient, wrote in his new book, "Ecology of Fear: Los Angeles and the Imagination of Disaster": "The project should be a legal impossibility." 1

The project is nearly 10 times larger than what is allowed under the county's general plan. It will bring additional traffic to an area that exceeds federal ozone standards. The river is home to endangered species, such as the unarmored threespine stickleback fish and the California least tern, a bird.

Moreover, at present there is not enough water for the project—an obstacle that has never before given Los Angeles pause.

Officials in Ventura County, which lies right next door to the behemoth project, fear that the development will threaten the amount and quality of water necessary to sustain the region's fertile citrus groves. Those groves have been in operation for more than a century and produce some 400,000 tons of fruit annually. Aware of their neighbor's legendary history of sucking other regions dry, Ventura County officials have threatened a lawsuit that is likely to open yet another chapter in this state's legendary water wars.

Detractors say there is one reason the project is proceeding: money. "I think campaign contributions did it," said John Flynn, a member of the Ventura County Board of Supervisors for 22 years. "If you looked at them you would see that money was thrown everywhere up and down the political tree."

Davis added, "As you look at the campaign (finance) statements of all the (Los Angeles) county supervisors, about 75 percent of all campaign contributions come from

developers or development-related interests, and that's been true since probably the '20s."

The Newhall Land and Ranch Co. is the legacy of Henry Mayo Newhall, a Massachusetts-born auctioneer who ventured to California during the Gold Rush.

His lucky strike wasn't gold. It was land. When he died in 1883, he left his five sons six California ranches totaling 143,000 acres. That same year, Newhall Land and Ranch Co.—now publicly traded on the New York and Pacific Stock Exchanges—was born.

The Newhall name is ubiquitous here. It is the region's major landholder and developer of a nearby master-planned community, Valencia, which was included in a 1993 book, "50 Fabulous Places to Raise Your Family."

The villages of the Newhall Ranch will bear names such as Oak Valley, Long Canyon and Potrero Valley. "We like to use the names that the cowboys gave to the area," Harter said. "We'd like to keep that alive."

But their detractors say this is only window dressing.

"What they're turning to is themeing these developments to the lost world of Southern California," Davis said. "It's all the more surreal that you will begin to despoil the last remnants of that to create this community." Such projects, he and others argue, are fueling white flight from the aging, decaying San Fernando Valley.

The criticism angers Harter, who says the company has bent over backwards to preserve much of the region's natural beauty and to answer environmental concerns by using reclaimed water for landscape irrigation and by creating communities that are less reliant on cars. 1

Many services are within walking distance of homes, and businesses, a potential source of employment, are near.

He argues that California will have to build into more of its wilderness if it is to accommodate its growing population.

With 32 million residents, California is the nation's most populous state.

By 2025, the U.S. Census Bureau projects the population will reach 49.3 million and the state will have grown by a population equivalent to adding all the residents of New York state.

By planning for large projects, Harter argues, Newhall Ranch can avoid many of the pitfalls of other areas.

But Plambeck and others question the company's commitment.

In an earlier project, the company pleaded no contest to criminal charges that it illegally lined a creek bed with concrete. And though it has touted its commitment to improving schools and libraries in regions it is developing, Plambeck said that lawsuits were necessary to reach such agreements in earlier projects.

Resentment about the region's growth surfaced in November's elections in Ventura County, where voters approved a series of urban boundaries around fast-growing cities

and stripped their elected supervisors of the power to rezone farmland and open space without voter approval.

For now, the Newhall Ranch remains a working ranch, where cattle and horses graze and gas and oil wells appear amid the shrub.

It stands in stark contrast to the landscape just south along the Interstate Highway 5, where suburban residents graze at fast-food restaurants and the oil and gas landmarks are self-service filling stations.

Copyright Chicago Tribune

In a November 23rd story on Newhall Ranch in the Los Angeles Times, the paper reported the following political contributions made to supervisors by Newhall Land and Farming Co.:

- **Mike Antonovich (in whose district Newhall Ranch lies)**: $69,825.00 in contributions from the company and its officers; $14,130.00 since the project was filed. 1
- **Yvonne Brathwaite Burke**: $33,150.00; $11,750.00 since the project was filed.
- **Don Knabe**: $2,750.00 since he was elected and since the project was filed.
- **Gloria Molina**: $12,300.00; $10,300.00 since the project was filed.
- **Zev Yaroslavsky**: $18,000.00; $8,000.00 since the project was filed.

We urge each and every one of you to voice opposition to this project. This comes before the Los Angeles County Board of supervisors in January 1999. Tell them not to grant a plan amendment to the developer.

Please do not let anyone destroy our frontier, our last wild river, our last natural farming area. No one can afford to let this development take place. No one.

Thank you,

Maria Soule' and Stephen Melton

Maria Soule' Melton and Stephen W. Melton

cc: **President Bill Clinton**
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Vice President Al Gore
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Ms. Diane Feinstein
U.S. Senator

Washington Office
331 Hart Building
Washington, D.C. 20510

Ms. Barbara Boxer
U.S. Senator
Washington Office
112 Hart Building
Washington, D.C. 20510

Gray Davis, Governor of California

Howard L. Berman, U.S. Representative, 26th District California
Congress of the United States, House of Representatives
Washington Office
2330 Rayburn Building
Washington, DC 20515-0526

Secretary Bruce Babbitt
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dan Glickman
Secretary of Agriculture
U.S. Department of Agriculture
Washington, D.C. 20250

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500 West Temple Street
Los Angeles, CA 90012

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Palmdale, CA 93551

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City of Santa Clarita, CA 91355

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Chatsworth, CA 91311

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San Dimas, CA 91773

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Los Angeles, CA 90012

Don Knabe
Supervisor, Fourth District
County of Los Angeles
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500 West Temple Street
Los Angeles, CA 90012

Gloria Molina
Supervisor, First District
County of Los Angeles
856 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Zev Yaroslavsky
Supervisor, Third District
County of Los Angeles
821 Kenneth Hahn Hall of Administration

500 West Temple Street
Los Angeles, CA 90012

Dr. Michael Dombeck
Chief of the Forest Service
USDA Forest Service
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Washington D.C. 20090-6090

Ms. Jamie R. Clark
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E-mail: Jamie_Clark@fws.gov

Mr. Roger Schlickeisen
President
Defenders of Wildlife
1101 14th Street, NW #1400
Washington, D.C. 20005

Ms. Suzanne Laverty
Director
Wolf Recovery Foundation
P.O. Box 44236
Boise, Idaho 83711-0236

Tom Beno
Wolf Justice League

Dr. Ralph Maughn

Sierra Club National Headquarters
85 Second Street, 2nd Floor
San Francisco, CA 94105-3441

National Audubon Society
555 Audubon Place
Sacramento, CA 95825

The Nature Conservancy
1815 North Lynn Street
Arlington, VA 22209

Greenpeace
1436 U Street, NW

Washington, DC 20009

World Wildlife Fund
P.O. Box 96555
Washington, DC 20077-7787

People for Ethical Treatment of Animals
501 Front Street
Norfolk, VA 23510

Various news organizations; family and friends.

January 14, 1999

Los Angeles Board of Supervisors
500 W. Temple Street
Los Angeles, CA 90012

Dear Board of Supervisors:

As a Los Angeles resident I am very surprised that the Board of Supervisors have given tentative approval to the Newhall Ranch Project that would build 21,000 residential units knowing that this would change the Santa Clara River forever. When is all this development ever going to stop. I find it very hard to believe that all this housing is necessary. There is hardly a flat space or a hill that doesn't have something on it. We need to preserve open spaces for the future. Once you destroy these areas they will never return. Unfortunately most of the time it is just for money for a few developers. Please do not grant a plan amendment to the developer. 1

I was very shocked to read that some of the Supervisors accepted contributions from the Newhall Land and Farming Co. It looks a little suspicious to me! What do you think?

Sincerely,

Suzanne Steffen

Suzanne Steffen
2028 W. 24th Street
Los Angeles, CA 90019

L.A. County Board of Supervisors
500 W. Temple St.
Los Angeles 90012

January 12, 1999

Sirs:

I quote: "The Board of Supervisors routinely allowed developers to exceed growth limits designed to preserve the Santa Monica Mountains." Where do you get off doing that? What gives you the right to decide that more and more huge ugly homes should be built in the beautiful mountains that are for all of us? When you know that is not what the people want, why would you sanction it? 1

If I had my way, there would not be one of those big ugly stars close together red-roofed houses anywhere in those mountains.

What is my recourse? Shall I pray for fires and mudslides?

Where is your supervising?

"Developer money pours into campaign coffers of officials." But don't you have to live with yourselves?

Celia Lamborn +
Family

2898

January 3, 1999

Los Angeles County Board of Supervisors
Executive Office
500 W. Temple Street
Los Angeles, CA 90012

Please send a copy of this letter to all the Supervisors.

Dear Supervisors,

I oppose the Newhall Ranch planned community. It will harm the Santa Clara River and its habitat, and most importantly will invite 20,000+ people more to the region without any sustainable supply of water. The county does not need more development than what has already been approved, nor do we need the extra population and pollution pressures that will go with it. I urge you not to grant a plan amendment to the Newhall Ranch developer. 1

Sincerely,

Sylvia Krall

SYLVIA KRALL
1112 MAGNOLIA AVE.
MANHATTAN BEACH, CA 90266

From the desk of:

Lane P. Labbe

December 28, 1998

Dear Milse Antonovich and all other county supervisors,

I think it's a tragedy that you're even considering approving Newhall Ranch. I guess it's not surprising since we've seen you cut up the Santa Monica mountains. It is simple fact that the more we destroy wilderness, wildlife, watersheds, ecosystems, habitat — the more we put [illegible] [illegible]

[illegible]

Ms. Martha Elmoushi
5061 Churchwood Dr
Oak Park CA 91301-4785

Dear Each + every Supervisor,

I am opposed to the Newhall Ranch planned community. Please do not grant a plan amendment to the developes. It is such a terrible thing for the environment + also the people. 1

Please send a copy to all the supervisors.

Thank you for your attention.

Sincerely,

Martha Elmoushi

2902

Ms. Joyce Wisdom
21144 Hillside Dr.
Topanga, CA 90290-4214

Playmate.

Dear Sirs:

I strongly oppose the Newhall Ranch planned community. Do not grant a plan amendment to the developer.

Thank you,
Joyce Wisdom

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Los Angeles County
Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Please send copies to all supervisors.

To L.A. County Board of Supervisors,

I can never cross the L.A. River or its tributaries without a sense of sadness at what was done to it. It is too bad that in the hundred-some square miles of urban sprawl created here a small corridor of nature could not have been saved. I had assumed that it was due to a mentality of greed and short-sightedness of years past and that perhaps a more enlightened attitude might exist today about turning a river into a concrete drainage ditch. So sad your actions show that nothing has changed. That powerful people motivated by greed can go on destroying what can never be replaced.

Do not do to the Santa Clara river what you have allowed to be done to every other river in L.A. County.

Sincerely,
Mike Barca
Long Beach.

Ruth S. Sperling
P.O. Box 738
Glendale, CA 91209

Via Facsimile to (213) 620-0636

January 15, 1999

County Board of Supervisors
500 W. Temple
Los Angeles, California

Re: Newhall Ranch Development

Dear Supervisors:

To be right up-front about Newhall Ranch Development, I am abhorred by it.

Since I found Highway 126, which was way back in the mid-80's, I have been to Piru, and have often used that route instead of the 118 to get to the 101 and north to various locations. At certain times of the day and on certain days, it is much faster! I have always loved that area because of the things that would be destroyed by the Newhall Ranch Development: the groves of trees, the view, across the river to the mountains in the distance, the fruit stands (which I have frequented many times) and the general rural feel of it.

But in addition, and besides that, there is the major problem of water. The state of California is in the process of developing a water program to handle the current load the state bears, which I have seen summary reports on. I have also heard information from Scientists on the water situation with the Colorado River. Do you really think that there is water available for such a large, rather dense community? I know this much, from information I have on the Colorado River. Though LA is still getting it's water allotment from the Colorado River system, Mexicans and Indians are not getting water per their water rights. With the current situation with the dams on the Colorado River system, the Colorado River is DRYING UP IN MEXICO AND DOES NOT REACH IT'S ESTUARY AT THE SEA OF CORTEZ – AND THIS INFORMATION IS BASED ON EYEWITNESS INFORMATION DURING THE LAST 6 MONTHS. Check out this information with Scientists and experts on the Colorado River system yourself. I don't think it is very realistic for you to expect to get water from the Colorado River system for the Newhall Ranch Development. 1

And chanellizing the Santa Clarita River, the last free-flowing river in L.A. County? I am totally opposed.

As a citizen of L.A. County, I strongly urge to stop this development NOW!

Sincerely,

Ruth S. Sperling

Ruth S. Sperling
Home zip code - 90028

Lynn Froude
21430 Planetree Lane #201
Santa Clarita, CA 91321
805-260-3816

January 9, 1999

Dear Board of Supervisors:

Allow me to be brief with my questions: when will it be enough? Do we really need one more store, one more building, one more scar in the valley? Why do you have to destroy the last wild river in L.A. County?

Allow me to be brief with my plea: stop the Newhall Ranch development! Stop seeking fulfillment of your greed and begin seeking fulfillment of your need to become good stewards of this planet's natural resources. 1

I am so opposed to this development project. I am sad everytime I do daily business in the Santa Clarita valley. I look around and realize what wonders remain will soon be gone.

I do not respect your decision to go ahead with this development plan. I do not respect your ability to be thinking, caring, selfless human beings. I wish you would change course. Stop and start over. Rethink your position of power and protect our natural resources.

Sincerely,

Lynn Froude

January 12, 1999

Michelle Small
1025 Yale Ave.
Claremont, CA 91711

County Board of Supervisors
C/O Executive Office
500 W. Temple St.
Los Angles, CA 90012

Please send copies of this letter to all supervisors.

I am writing to oppose the Newhall Ranch planned community and am requesting that you **do not** grant a plan amendment to the developer.

I am opposed to the development because it would:

. harm the Santa Clara River and its habitat.
. increase traffic and air pollution.
. create more sprawl.

In addition, because the developer has not provided a credible source of water, this project overtaxes our already overburdened water supply. 1

There are already 40,000 houses approved for future construction in the Santa Clarita Valley. It's time that we made open space a priority and preserved what precious land is left.

Sincerely,

Michelle Small

Michelle Small

1/12/99

Mike & Nancy Fox
32444 Michigan St.
Acton, CA 93510

Supervisors
C/O Executive Office

Please send copies to all supervisors.

Dear Sir or Madame -

Please do NOT grant an amendment to Newhall Land & Farming of the general plan.

- The Santa Clara river is at risk of channelization
- Water Supplies are insufficient (not identified)

Thank you.

Mike & Nancy Fox

ALEX WILLIAMS
2621 E GLENOAKS BLVD
GLENDALE CA 91206-3108

L.A COUNTY BOARD OF SUPERVISORS
500 W. TEMPLE ST
LA 90012

23 Dec '98

DEAR SIRS,

RE: NEWHALL RANCH COMMUNITY.

AS A CALIFORNIA RESIDENT, VOTER AND TAXPAYER, I WISH TO VOICE MY STRONG DISAPPROVAL OF THE ABOVE PLANNED COMMUNITY. APART FROM THE DESTRUCTION OF HABITAT ON THE SANTA CLARA RIVER, SUCH DEVELOPMENTS ARE THE VERY OPPOSITE OF SENSIBLE URBAN PLANNING. THEY ADD TO URBAN SPRAWL, INCREASE CONGESTION, AND DO NOTHING TO REVIVE BLIGHTED DOWNTOWN AREAS. I URGE YOU NOT TO GRANT THE PLAN AMENDMENT TO THE DEVELOPER

1

YOURS FAITHFULLY, ALEX WILLIAMS

January 12, 1999

Dear Supervisors,

I vehemently oppose the Newhall Ranch development. We do not need 25,000 more homes in this town. We should not damage the fragile Santa Clara River Valley ecosystem. We do not need more sprawl. You should be concentrating on developing in our city proper instead of allowing more and more ugly suburbs. Sooner or later we're going to have to start developing sustainably. Let's start the process now!

626-286-1174

1

To: Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Dear Supervisor,

I am writing concerning the proposed Newhall Ranch development on the Santa Clara River floodplain. This proposal gained tentative approval from the Board of Supervisors on November 24, 1998. As a professional field-biologist and lifetime Los Angeles resident, I urge you not to grant final approval to this ill-conceived venture. My opposition is based primarily on environmental concerns.

The Newhall Ranch development is disconcerting in that it ignores so many of the values we as a county have come to hold. This development ignores our modern need for open space and open space in a county overwhelmed with development. As we approach the 21st century I find it shocking that Board of Supervisor members would allow our last unchannelized river to be destroyed. This comes at a time when taxpayers are spending millions of dollars to restore other rivers (such as proposals to remove Rindge Dam in Malibu Creek). We must put this project into perspective and remember our obligations to maintain a quality county to live in now and in the future. 1

We cannot sacrifice prime wildlife habitat, agricultural land, scenic views, and threatened and endangered species for an unnecessary development that will only add to our air quality, water supply, and congestion woes. Please act responsibly and join Ventura County and Los Angeles county residents in opposing this shortsighted proposal. Please do not grant a plan amendment to the developer.

Lastly, I am concerned about the relationship between this project's tentative approval and the contributions and campaign funds each of the board members have received in varying amounts. I am aware of at least $113,500 in contributions, and I am afraid final approval of this plan would cause ethical issues to be raised in the media.

Thank you for your time and consideration,

Sincerely,

Michael Walgren 1/14/99

Michael Walgren

CALIFORNIA RURAL LEGAL ASSISTANCE, Inc.

Oxnard Mission Office
P.O. Box 1501
Oxnard, CA 93032
445 South "B" Street
Oxnard, CA 93030
805.486.1068
805.486.5381 (fax)
hn0689@handsnet.org

Santos Gomez
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José R. Padilla
Executive Director

Luis C. Jaramillo
Deputy Director

Ralph Santiago Abascal
General Counsel
(1934-1997)

Pauline Gee
Mary K. Gillespie
William G. Hoerger
Ilene Jacobs
Cynthia Rice
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November 24, 1998

Honorable Board of Supervisors
County of Los Angeles
Room 383, Kenneth Hahn Hall of Administration
Los Angeles, CA 90012

Re: Newhall Ranch EIR and Proposed Specific Plan

Honorable Members of the Board of Supervisors:

This letter is written on behalf of the very low income farmworker clients of California Rural Legal Assistance in response to the public notice for comment on the Newhall Ranch project.

This letter hereby incorporates by reference all previously submitted comments by Ventura County and Cabrillo Economic Development Corporation, with respect to affordable housing and related issues.

The EIR is legally insufficient in that it fails to analyze and address the potential significant environmental impacts of the demand for affordable housing resulting from the proposed development. The failure of the Newhall Ranch development to provide sufficient affordable housing will force low income job holders at Newhall Ranch to live elsewhere and commute to work, thereby significantly affecting air quality and traffic.

Further, the introduction of this massive new community will have a negative impact on the surrounding community's affordable housing supply. There currently exists, in Ventura County, a critical shortage of affordable housing, especially for the farmworker population. This holds true for the communities in Ventura County, which are close to the Newhall Ranch area, Santa Paula, Fillmore and Piru. There will be a significant increase in demand for affordable housing in these communities as a result of the failure of the Newhall Ranch development to make adequate provision for affordable housing which will result in increased housing costs and increased land costs for the low income population. This will often force low paid farmworkers to move elsewhere, further from their work sites, to find affordable housing, resulting in increased air pollution and traffic congestion. Increased housing and land costs will result in overcrowding for low income households and other social and housing market disruptions. 1

The November 17, 1998 Staff Report, indicates that Newhall Ranch has developed an affordable housing program which includes 440 units for very low income households (50% of median income). This is a legally insufficient number of units. While the stated goal in the Newhall Ranch Specific Plan is to achieve a housing supply that ranges broadly enough in price and rent to enable all households, regardless of income to secure adequate affordable housing; the policy of providing only 440 units at 50% of median income does not deal with families whose incomes are at 25 and 35 percent of median income. The policies presented in the Specific Plan and the November 17 Staff report do not contain sufficient provisions to achieve affordable housing for minimum wage or near minimum wage households. That failure will have a specific impact on the supply of farmworker housing in the surrounding area, in that farmworker incomes are typically at that level.

Los Angeles County is far short of meeting its Regional Housing Needs. The stated policy of the Housing Element of Los Angeles County, cited in Exhibit G of the staff report, is to encourage dispersal of new lower-income housing throughout the unincorporated areas of the County. Despite that stated policy, the provision for very low income units in the proposed affordable housing program for Newhall Ranch represents only 2% of the total development and there are no specific provisions for housing the homeless population. Further, it is unclear what exactly the reference in Exhibit G to "making CDC rental assistance programs available to prospective renters" means. Hopefully, this does not mean the use of Los Angeles County's scarce rent subsidy monies at Newhall Ranch. These costs should be borne by the developer. 1

It is well established that lack of affordable housing can act as an impediment to the achievement of fair housing. Very low income persons in the counties of Los Angeles and Ventura county are disproportionately minority. Therefore, the failure by the county of Los Angeles to require sufficient affordable housing in the Newhall Ranch development has a disparate adverse impact on minorities in both Los Angeles and Ventura counties.

Finally, there is no discussion in the EIR about loss of agricultural land and the consequent loss of farmworker jobs. The loss of farmworker jobs associated with the loss of over 500 acres of agricultural land would have a significant adverse impact on the environment given the certain social and economic upheaval resulting from the displacement of a particularly vulnerable sector of the population, whose job skills are not easily transferrable into other employment. It is shameful that farmworkers are apparently seen as a dispensable cost of development. That farmworkers are so invisible, that there is no discussion in the EIR of what the impact of development of farmland would mean to those hardworking members of our society who have labored at dangerous, low-paying, back-breaking jobs to provide all of us with the food on our tables. 2

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Approval of the Newhall Ranch development by the Los Angeles Board of Supervisors, would, for all of the above stated reasons, violate state and federal law.

Sincerely,
CALIFORNIA RURAL LEGAL ASSISTANCE

Eileen McCarthy

Eileen McCarthy
Staff Attorney

THE REGIONAL PLANNING COMMISSION

COUNTY OF LOS ANGELES

PUBLIC HEARING PROCEEDINGS

LOS ANGELES, CALIFORNIA

DECEMBER 17, 1997

VICKI NIKOLA
CSR NO. 3351

1 A P P E A R A N C E S:
2
3 THE COMMISSION MEMBERS:
4 Ms. Ruiz, Public Works
5 Ms. Vargo, Commissioner
6 Mr. Toy, Commissioner
7 Ms. Feldman, Commissioner
8 Mrs. Clark, Chairman
9 Ms. Russell, Commissioner
10 Mr. Schwarze, Administrator
11 Mr. Moore, County Counsel
12 Mary Mention, Secretary
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1 THE REGIONAL PLANNING COMMISSION
2 COUNTY OF LOS ANGELES
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10 PUBLIC HEARING PROCEEDINGS, taken
11 at 320 West Temple Avenue, Suite
12 150, Los Angeles, California, commencing
13 at 9:05 a.m., on Wednesday, December 17,
14 1997, before Vicki Nikola, CSR No. 3351.
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1 I N D E X
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4 S P E A K E R S : PAGE
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7 MR. STARK 19
8 MR. FLYNN 102
9 MS. LONG 107
10 MR. FREEMON 114
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LOS ANGELES, CALIFORNIA; WEDNESDAY DEC. 17, 1997
9:05 A.M.
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PUBLIC HEARING PROCEEDINGS HELD BEFORE THE
LOS ANGELES COUNTY REGIONAL PLANNING COMMISSION
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THE CHAIRWOMAN: The Regional Planning Commission of Los Angeles County is now in session. Today is December 17, 1997.

Mr. Hartel, Good morning, sir.

MR. HARTEL: Good morning, Madam Chairman, members of the Commission. Just briefly, if I could, we don't get an opportunity very often to honor one of our own. Today we have that chance to honor one of our key staff members who sits here with the Commission every Wednesday and that's Mr. Schwarze. Mr. Schwarze has actually completed thirty-one years of service with the County of Los Angeles, but the County runs a little slow and finally got around to giving his thirty year award. So only a year and a half late, John.

THE CHAIRWOMAN: Congratulations, Mr. Schwarze. You do a great service for this County, for this Commission, particularly. You are

one of the best.

MR. SCHWARZE: Well, don't ask me what I was thinking thirty-one years ago.

THE CHAIRWOMAN: That doesn't really matter. It's what we think today.

MR. TOY: Is it a watch, John?

MR. SCHWARZE: It's a pen holder. I'll pass it around at the break.

MR. TOY: We'll expect to see you for another thirty-one years?

MR. SCHWARZE: No, and there are people in the audience who will probably dance about that.

MR. TOY: Madam Chair, may I ask Mr. Schwarze at this time? This is our last regular meeting for the year; correct?

MR. SCHWARZE: No, tomorrow.

MR. TOY: Then after that we won't be meeting again until after the New Year?

MR. SCHWARZE: Correct. Long ago the Commission made a decision that it was actually antiproductive to hold meetings during the weeks of Christmas and New Year's. So the long-standing Commission policy has been to go dark during these last two weeks and have a hearing the first Wednesday after January 1st.

MR. TOY: Thank you, Madam Chair. I just wanted some clarification because I get a little confused sometimes in terms of timing and when and where.

THE CHAIRWOMAN: County Counsel, good morning, Mr. Moore. Is there anything?

MR. MOORE: I have no report this morning for the Commission. Thank you.

THE CHAIRWOMAN: Commissioner Feldman?

MS. FELDMAN: I have one item. This is regarding tomorrow's agenda, actually. Somehow this didn't get clearly communicated. I had said when we scheduled the hearing on the 18th I was not going to be able to make that hearing. I had some prior business engagements. There is an item number two on the agenda tomorrow that is in the 3rd District. What do I need to do to carry that over, to have that put over to a time that I actually could be here?

MR. SCHWARZE: Since it's already agendized (sic) and we have no way of reaching anybody who might be in approval or in favor, that would have to be done tomorrow as part of the agenda; and since you don't intend to be here, one of your fellow Commissioners would have to essentially

agree to do that for you.

THE CHAIRWOMAN: Are you going to postpone that? I mean carry it over to a day when you can be here?

MR. SCHWARZE: I can't. You mean Ms. Feldman?

THE CHAIRWOMAN: I'm talking to Ms. Feldman. Is that what you want?

MS. FELDMAN: Yes. I wanted some advice on what the best way was to proceed with that and I did want to let the Commission know that I have had conversations with the Developer's representative and that we have discussed and they are very agreeable to putting a conservation easement on the upper end of the property. So I want to make sure that that is reflected in the conditions which it isn't right now.

So if I could ask my fellow Commissioners to put this one over to sometime in January or February, whatever is convenient, I'd really appreciate that.

MR. MOORE: That action can't be done today.

MS. FELDMAN: No, I realize that. I didn't know how to do that. Thank you for the

counsel.

THE CHAIRWOMAN: Inasmuch as tomorrow is my last day, I can say almost anything I please, but I do want to say, Commissioner, with all due respect -- and I do not mean this to be in a critical manner -- it's unfair to do that to people's time, to business people. It cost money to come here.

It's my opinion, Mr. Moore. It is nothing legal about it whatsoever, but it is just a personal opinion.

MR. MOORE: What I do think is inappropriate is to have any discussion about an item that is agendized for tomorrow a day in advance. Ms. Feldman is entirely within her rights to speak to other Commissioners and have her views presented tomorrow.

THE CHAIRWOMAN: I understand.

MR. MOORE: I don't think the nature of the deliberations that are likely to ensue ought to be discussed today.

THE CHAIRWOMAN: We are not going to discuss the case. I'm not doing that. I'm discussing procedure. I think it is wrong. I think it's unfair and it is costly and I have said

that and I say it from the bottom of my heart. I do think it's wrong.

MS. FELDMAN: I absolutely agree with that and I thought I made it clear when we were scheduling this hearing of the 18th I wasn't going to be able to make it and somehow I either didn't make that perfectly clear or it somehow got miscommunicated. It was just a scheduling communication error.

THE CHAIRWOMAN: It has nothing to do with you personally. I think you are a good Commissioner.

MR. TOY: Madam Chairman, before we go on to public hearings, I did want to again just take a brief moment to thank you and acknowledge you. I know a lot of people may not have known. I did try to come yesterday to your proclamation that was presented to you before the Board and that small party that Supervisor -- Chairman Berke actually now -- had for you in your office; and as I told you, I don't know how it happens. I was at a signal stopped and somebody rammed into me. It never fails. We weren't moving. I was just stopped. It must be these drivers out in Arcadia. I don't know. It has happened twice already.

By the time I looked at my watch it was like 10:45 and I know your event was scheduled for 9:00 or 9:30. So I'm sorry I missed that; however, I did want to voice that I appreciated all your help since I have come on the Commission. I think the County appreciates it, the people of the County appreciate it and your twenty-plus years of service have been invaluable and you will be missed on the one level, but I'm not going to let you get away and we'll keep in contact. I wanted people to know that you have done a great, great job. So thank you very much.

THE CHAIRWOMAN: Thank you so much.

MR. TOY: I actually wanted a hug. That's the reason why.

THE CHAIRWOMAN: Thank you very much.

Well, this is not a public hearing, is it, Mr. Schwarze?

MR. SCHWARZE: The hearing was closed. You ordered us to prepare the Final Environmental Impact Report and bring it back for Commission discussion.

THE CHAIRWOMAN: So we will discuss the item.

MR. SCHWARZE: This is only on the Specific

Plan and Sub-Plan Amendment, Local Plan Amendment, Zoning Case, CUP and vesting tentative tract map. As you recall, the Development Agreement has been taken off the agenda and will be advertised at some future date.

MS. FELDMAN: Madam Chair, point of clarification. The agenda does state that this is a public hearing and in fact that it was agendized as a public hearing.

MR. SCHWARZE: That's incorrect. It should have said consent item.

MS. FELDMAN: The agenda that went out did call for this as a public hearing and I think there are a couple of elected officials that have come today because they were noticed that it was a public hearing.

MR. SCHWARZE: Well, it's the whole Commission's discretion as to whether or not to allow people to speak. I would caution you, though, that in order to do that you would be reopening the public hearing and you would probably have to let more than just them speak.

MS. FELDMAN: I guess I would say I really would like to move this forward and try and get to some closure on this. I know this case has been

1 going on for a long time, but it was actually
2 agendized publicly as a public hearing and there
3 are elected officials here. I think a County
4 Supervisor and a mayor are here and they were here
5 because they were told it was a public hearing.
6 I feel a little uncomfortable
7 telling elected officials we had a noticed hearing
8 as a public hearing and then they can't speak.
9 That makes me feel a little uncomfortable.
10 THE CHAIRWOMAN: Mr. Moore?
11 MR. MOORE: Well, it's not a public
12 hearing simply because it appears on the agenda.
13 The public hearing obviously was closed, I think,
14 in June.
15 MS. RUSSELL: June 11th.
16 MR. MOORE: And we've had subsequent
17 public meetings and you've been deliberating the
18 matter and I don't think you can reopen -- I know
19 you can't reopen the public hearing without
20 readvertising it and publishing notices and so
21 forth. So I just have those comments in reaction
22 to John's observation that you have to reopen the
23 public hearing.
24 You can't reopen the public
25 hearing today. It's not the same as saying you

1 can't hear from elected officials, but I would urge
2 you not to take additional testimony from other
3 interested persons today and you should not be
4 under the illusion that you can reopen a public
5 hearing simply by announcing it today. It has to be
6 readvertised and publication and certain legal
7 requirements have to be met before you can reopen a
8 public hearing. My comments are not directed at
9 whether or not you choose to hear from elected
10 officials.
11 MS. RUSSELL: Madam Chairman, we have had
12 eleven public hearings and a field trip and we did
13 close this on June 11th and I really believe that
14 all further testimony, written as well as oral,
15 should be forwarded to the Board of Supervisors
16 because they will be holding hearings themselves.
17 MS. FELDMAN: I guess two questions.
18 One, again a point of confusion.
19 This just may be my own misunderstanding. At the
20 last couple of hearings there were a number of
21 people who wanted to speak and were told that their
22 issues did not pertain to the Development
23 Agreement; they pertain to the Final EIR. So I was
24 under the impression that they would then be able
25 to make those comments when the Final EIR was

1 before us since we told them they couldn't make
2 their comments in the context of the Development
3 Agreement. Did I misunderstand something there?
4 MR. MOORE: Yes. The public testimony
5 portion of this proceeding has been closed as to
6 the project, as to the Specific Plan aspect of the
7 project and as to the EIR. The additional public
8 hearing that we held in September -- was it in
9 September, Lee, on the Development Agreement?
10 MS. FELDMAN: I think it was in October.
11 MR. MOORE: It was limited to the
12 Development Agreement.
13 MR. STARK: November 17th.
14 MR. MOORE: That was limited to the
15 Development Agreement.
16 MS. FELDMAN: I'm sorry, was what?
17 MR. MOORE: Limited to the Development
18 Agreement.
19 THE CHAIRWOMAN: Any comments can be
20 referred to the Board of Supervisors, could they
21 not?
22 MR. MOORE: Well, certainly there will be
23 additional opportunities for testimony on the
24 Environmental Impact Report on all aspects of the
25 project at the Board of Supervisors.

1 MR. TOY: Madam Chairman, can I just
2 follow up on this situation?
3 Mr. Moore, I hear your comments
4 in terms of public hearings just can't be opened,
5 as you say, though we do have authority if we wish,
6 but it would be a different process. Is there an
7 in-between situation -- and I don't know how many
8 elected officials are here, but if there are, I
9 know that on other Commissions that I have sat on,
10 as well as councils and things, we usually try to
11 give the courtesy for people who are elected
12 officials and representatives of specific groups
13 that are truly involved to make certain comments.
14 If we allow that, does that open
15 up the public hearing at this point? I'm just
16 trying to understand. I understand what
17 Commissioner Feldman is saying is her concern. I'm
18 trying to bring some closure, too, and not blow it
19 so out of proportion. I don't want to get into a
20 discussion where, for instance, the Development
21 Agreement, since that is taken off calendar, I
22 don't want at this point for people to say, "Well,
23 we all know that that could have an effect and if
24 it does have an effect, then what does it mean,"
25 and that could muddle up the task that we have at

1 this point.
2 I'm trying to get some idea as to
3 number one, be able for a feel so that Commissioner
4 Feldman could feel a little bit more comfortable at
5 the same time so we move ahead and I don't think
6 Commissioner Russell would have a big problem if we
7 somehow try to clarify that as opposed to just
8 closing everything. Do you, Mrs. Russell?
9 MS. RUSSELL: Actually, I think we should
10 hear the Staff report first before we make any
11 decisions.
12 MR. TOY: We can do that.
13 MS. RUSSELL: I know there was some
14 communication between Staff and --
15 MR. TOY: That's fine. I guess,
16 Mr. Moore, maybe you can think about that while the
17 Staff report is coming up and I'm trying to get
18 some clarity on that.
19 MR. MOORE: So the question is, is there
20 some middle ground with regard to elected
21 officials?
22 MR. TOY: Correct. I don't know how many
23 elected officials are here and I don't know how
24 many want to comment or how many total. Like we
25 say, people who represent, let's say, a substantial

1 group -- that's a subject of question what that
2 means, but if there are only like three or four
3 people, let's hear them; but I don't want to breach
4 the procedures and the rules.
5 MS. VARGO: Excuse me, Madam Chairman. I
6 don't think that the elected officials should be
7 treated any differently than any other member of
8 the public. We have had numerous public hearings.
9 They have had opportunity to comment both to the
10 Commission and in writing. The hearing was closed
11 in June.
12 Even though this is on the agenda
13 as a public hearing, it doesn't mean that we have
14 to take additional testimony. There will be ample
15 time to address the Board when this goes forward.
16 I don't ever remember taking public testimony on a
17 Final EIR. I don't think that's appropriate,
18 either.
19 So it's my suggestion that we
20 move this forward without any additional testimony.
21 THE CHAIRWOMAN: I agree with your
22 suggestion.
23 MS. FELDMAN: How many elected officials
24 are here?
25 MR. FLYNN: John Flynn, Chairman of the

1 Ventura County Board of Supervisors, my colleague,
2 Supervisor Long.
3 THE CHAIRWOMAN: If we hear from the public
4 officials, we would have to hear from everyone else
5 who wanted to speak. I do not think we could make
6 an exception; and, Mrs. Russell, this is the 5th
7 District and I would like your opinion.
8 MS. RUSSELL: I would like to move forward
9 and hear the Staff report because I know there have
10 been communications.
11 MR. TOY: All right. Let's do that first.
12 MR. STARK: You have covered so many items
13 that I had prepared for the Staff report, but I
14 have prepared a few notes to pull all this together
15 for you this morning so you can continue with your
16 discussion.
17 As Mr. Schwarze said, this
18 morning's meeting is specifically set to provide
19 you the opportunity to continue your consideration
20 of the Newhall Ranch, taking action as you find
21 appropriate. Following months of testimony, last
22 June you asked that a list of changes be made to
23 the proposed project and that a Final EIR then be
24 prepared based upon this revised design. You
25 received the Final EIR three weeks ago, while

1 libraries and public agencies received it at least
2 ten days ago. We also provided key public interest
3 groups with copies as far in advance as printing
4 production would allow, but typically at least ten
5 days ago.
6 While the Final EIR is lengthy,
7 it's well organized and indexed so the reader can
8 locate specific letters of testimony along with the
9 County's responses.
10 Now, as is our standard
11 procedure, Department staff worked closely with the
12 lead consultant, Tom Worthington, sitting in the
13 front on the right, and his Impact Sciences staff
14 to prepare the document. There were many additions
15 and improvements to the mitigation measures which I
16 would like to briefly summarize.
17 In the flood section we clarified
18 and strengthened the flood control and water
19 quality control measures to help ensure that no
20 significant flooding, erosion, sedimentation or
21 water quality impacts occur onsite or off the
22 project site in Ventura County.
23 In the biota section in line with
24 direction provided during the hearing process by
25 the Planning Commission more details were added to

1 the biota mitigation measures regarding wetland
2 riparian mitigation as well as mitigation
3 associated with access, management and the timing
4 of public open space dedication. We also added a
5 mitigation measure that requires the preparation of
6 a golf course management plan intended to control
7 storm water quality and ground water quality as a
8 result of golf course maintenance practices,
9 including irrigation, fertilizer, pesticide and
10 herbicide use.
11 For traffic we strengthened and
12 added intersection improvements to the mitigation
13 measure which provides fair-share traffic
14 mitigation funding to the City of Fillmore and
15 Ventura County.
16 Noise, we strengthened noise
17 mitigation measures by now providing the Santa
18 Clara Elementary School District and the City of
19 Moorpark with fair-share traffic noise attenuation
20 funding.
21 Regarding air quality, as
22 requested by Ventura County we added a list of all
23 the air quality mitigation which will be considered
24 for each future subdivision.
25 Water availability, in compliance

1 with the County's Development Monitoring System we
2 strengthened the water availability mitigation
3 measures to require that each future subdivision be
4 phased with the timing of an available water source
5 and that the project finance the expansion costs of
6 water infrastructure.
7 Under education we provided a
8 detailed mitigation plan which will ensure that the
9 significant impacts of the Specific Plan on the
10 William S. Hart Union High School District as well
11 as the two other districts are fully mitigated. I
12 would also like to note here that a full mitigation
13 agreement with the Castaic School District has now
14 been signed by both parties.
15 In addition to this material the
16 Commission received a Staff report last weekend
17 containing several sections, including all the
18 materials necessary to take action to send Newhall
19 Ranch onto the Board of Supervisors for their
20 hearing process, should you so desire. The
21 components of the Newhall Ranch project that are
22 before you today, as Mr. Schwarze mentioned, are
23 the Specific Plan, which would amend the Countywide
24 General Plan, the Santa Clarita Valley Area Plan
25 and the County Zoning Ordinance, the SEA

1 Conditional Use Permit and the vesting tentative
2 parcel map. All necessary reviews and approvals by
3 County agencies have been received. These include
4 reports from Health Services and Parks and
5 Recreation that were not included in your staff
6 package, but will be included as parcel map
7 conditions. These were given to you this morning.
8 In addition to the Staff report,
9 I also sent you copies of all written comments
10 recently received, including a lengthy document
11 from Ventura County commenting on the Final EIR.
12 Although there is no obligation to consider this
13 information as testimony, Staff has reviewed the
14 letters and believes that the material raises no
15 new issues that have not been covered in the Final
16 EIR. Although both oral and written testimony have
17 been closed for some time and remembering that
18 comments from the public on the Final EIR may be
19 made to the Board of Supervisors, the Commission is
20 under no obligation to hear from anyone today but
21 yourselves.
22 In concluding my presentation, on
23 November 17th when the Newhall Ranch Development
24 Agreement was taken off the agenda in order to
25 provide the Applicant an opportunity to resolve

1 outstanding issues, you asked that I keep you
2 informed of progress in this regard. In light of
3 that request, as to open space dedication the
4 Applicant has met with the Santa Monica Mountains
5 Conservancy and has a second meeting scheduled with
6 them in January. In addition, meetings are
7 scheduled for next month with the County Library,
8 Parks and Recreation and the Arts Commission. New
9 language has been drafted for the Oak Mitigation
10 Bank and the MTA rail line provisions which
11 incorporate agreements reached with the County
12 Forester and MTA. I will provide you with
13 additional updates on the Development Agreement
14 whenever there is significant progress.
15 Now, Mr. Worthington and I, along
16 with County Counsel, Mr. Moore, are ready to
17 respond to your questions.
18 THE CHAIRWOMAN: Questions, Mr. Toy?
19 MS. RUSSELL: Madam Chairman, number one,
20 I want to thank Lee Stark and Staff because they
21 have done an exemplary job on this. I have never
22 read such a comprehensive Staff report in my life.
23 He hit on everything. I'm very happy. I thought I
24 would be bombarding him with questions, but
25 everything was answered.

Finding number 38 -- for the record it says, "The Applicant in this case has satisfied the burden of proof for the request of General Plan Amendment and zone change which are needed and appropriate," and with that I want to move that the Regional Planning Commission approve the Newhall Ranch Final EIR and adopt the findings and mitigation measures and Mitigation Monitoring Plan and recommend that the Board of Supervisors approve the changes to the County General Plan and Santa Clarita Valley Area Plan, change the existing zoning of A-2-2 and A-2-5 to Specific Plan, adopt the Newhall Plan, the Specific Plan as modified by the Commission and that the Commission approve both CPU 94-087 or SEA's 20 and 23 and vesting tentative parcel map 24500 provided that these approvals shall not take effect until after the General Plan Amendment -- take effect until the General Plan Amendment, the zone change, the Specific Plan and the Final EIR become effective after their approval by the Board.

MS. VARGO: I'll second that motion.

THE CHAIRWOMAN: We have a motion and a second.

MR. TOY: Discussion?

That's fine. You have the motion.

MS. RUSSELL: With that out of the way, now we'll have our discussion.

MR. TOY: What I need is a couple of things. One, on your memos here, Mr. Stark, that we got today this morning, is there anything that's different or specific that you want us to take note of because I haven't had an opportunity to read them? It's another eight to ten pages on one. I can't read that fast.

MR. STARK: No. On the one, the conditions just get slipped in. It's just a routine, the report from the Health Services and Parks. It just gets slipped into the standard conditions. We just didn't have them last Thursday when this package went on.

MR. TOY: They already are addressed in the mitigation measures?

MR. STARK: Right.

Now, if I may, in the event that you do not hear from Ventura County Supervisors before you take action, I would like to distribute something that they handed me this morning that actually could just get attached to that other memo

that you are referring to which is additional written comments that I received since I distributed the package to you last Thursday.

MR. TOY: Why don't we hold that until I ask you some questions about the general Staff report. Is that okay?

MR. SCHWARZE: Well, yes. In fact, I agree with you, Mr. Toy, because if you are not going to hear from the elected officials, then their written material would be more properly put in the package for the Board of Supervisors rather than considered by you.

MR. TOY: That's my point.

Before we get there, can you -- and this is just for myself -- as you say and everyone says, this is a huge project, reviewing the Draft EIR and then on the final which, as you said, I got about two and a half, three weeks ago, that big box, and I haven't been able to correlate everything. I have been trying. I have been trying to look.

Can you just briefly summarize as we're going, as Mrs. Russell said -- her motion was so all-encompassing which basically hit on A, B, C, D and E and, shoot, I couldn't even follow that

real, real well.

Can you take point by point -- and I don't mean take an hour or fifteen minutes or anything like that, but I mean can you go through what exactly we are doing? Like when we're saying we are going to approve Sub-Plan Amendment on point A, what is that? Are you able to do that, Mr. Stark, by summarize real briefly what that is and when we are talking about Local Plan Amendment, what that is, and refresh my memory on that?

MR. STARK: Sure. Just briefly, you would be taking action on the Specific Plan that would set in place the general parameters for development of this 19 square miles over the next twenty-five years or so, keeping in mind that there is no construction approvals with this and that subdivisions would have to come back through you along with environmental documentation for any subdivision and construction.

The Specific Plan amends the Countywide General Plan as well as the Santa Clarita Valley Area Plan which is a component of the Countywide General Plan and it also amends the Zoning Ordinance. It cuts a doughnut or a hole in the Zoning Ordinance and says that instead of the

1 zoning that is there, the zoning that is in the
2 Specific Plan and all the standards there apply to
3 Newhall Ranch.
4 It also -- the action would also
5 say that you are finding consistency with the
6 requirements for Conditional Use Permit regarding
7 Significant Ecological Areas with this project
8 design and that you would be approving this large
9 lot parcel map that has no construction rights
10 associated with it. It's for sale and finance
11 purposes only.
12 Those would be the actions you
13 would be taking today.
14 MR. TOY: And in the points, A, B, C, D and
15 E, they would in fact be more specific that would
16 support the general description that you have just
17 given; correct?
18 MR. STARK: Right. Those points are just
19 what I described. I don't have the agenda in front
20 of me, but I believe A was --
21 MR. TOY: Please bear with me, my fellow
22 Commissioners. This is a twenty-five year plan and
23 I just want to be clear.
24 MR. STARK: A is the amendment to the
25 Countywide General Plan and B is the amendment to

1 the Santa Clarita Valley Area Plan. C would change
2 the zoning, Specific Plan would change the zoning.
3 D is the Conditional Use Permit. E is the parcel
4 map.
5 So what is missing from this list
6 that has been included in previous agendas is the
7 Development Agreement.
8 MR. TOY: Can I ask you point by point on
9 the agenda that you have just gone through? For
10 instance, when we are talking about Sub-Plan
11 Amendment -- and I guess there is a reason and the
12 reason to separate them is on A, that's the Los
13 Angeles County General Plan, correct, and B is the
14 Santa Clarita Area Plan?
15 MR. STARK: Right.
16 MR. TOY: What if we pass it and issues
17 come up and the Santa Clarita Council decides and
18 says, "We don't want to amend it," or there are
19 some problems? What happens, Mr. Schwarze? You
20 are shaking your head.
21 MR. SCHWARZE: The City of Santa Clarita
22 does not have any jurisdiction over the Santa
23 Clarita Valley Area Plan. That's a County --
24 MR. TOY: It's all County, anyway. Then
25 why separate the two from the Countywide General

1 and the Specific?
2 MR. SCHWARZE: Because they are very
3 separate documents that need different findings and
4 different statements. The General Plan is much
5 more of a blueprint while the Santa Clarita Valley
6 Area Plan is much more detailed. So they are very
7 different documents and you do need two separate
8 actions.
9 MR. TOY: Then on C when we are talking
10 about zoning cases, again that is to rezone certain
11 portions; correct? Based on the presentation and
12 based on what is being added and taken into
13 consideration, I would imagine -- because I thought
14 there were some changes after we took testimony and
15 people bringing up some issues.
16 MR. SCHWARZE: As Mr. Stark pointed out to
17 you, it doesn't so much rezone properties as it
18 replaces zoning. It takes out the current County
19 zoning ordinances that has classifications listed
20 here such as A-2-2, A-2-5 and replaces it with the
21 zoning enclosed in the Specific Plan.
22 We have done this on other
23 occasions. The largest that I can think of is in
24 this area also which was a development called
25 Canyon Oaks where essentially there was a

1 replacement of the County ordinance with the
2 Specific Plan ordinance and in that instance -- and
3 I believe also in this instance -- this ordinance
4 in some ways is actually more restrictive than the
5 County ordinance, particularly in regards to the
6 issue of signage.
7 MR. TOY: Then I guess my other question
8 would be that as in most situations -- and I know I
9 touched on it, but we never went real far and not
10 only this case, but I have asked this about
11 Universal also, projects that are spread out in a
12 long period of time. Universal was originally
13 twenty, twenty-five years. Also this one is
14 twenty-five, thirty years.
15 I had asked a question about
16 having a mechanism for periodically an ability for
17 communities to have input and it could be made
18 up -- I don't know what's the best makeup, but I
19 think I asked that from Mr. Harter one of the first
20 questions when we were talking about meetings
21 before of having some sort of community council or
22 community group meeting of some sort, but have it
23 as an official mechanism so that as the plan is
24 going down -- and I'm asking that because I think
25 Universal is the same situation. If everything is

hunky-dory and things are fine, there's no problem. What happens if, let's say, two, three years down the line or let's say a year down the line there is problems? How does implementations of concerns be brought in because my reading is once we establish the Specific Plan and we approve these things, right, that's it? I mean except for the specific areas that are going to be developed that need CUP, otherwise the Developer doesn't need to come back to us because the groundwork is set; is that not true?

MR. STARK: The Developer will be back many, many times before you and there will be an opportunity for public review and input at every subdivision stage and I would be surprised if this community is any different from any other developing community, such as the Stevenson Ranch and so on, if they don't develop some kind of an official town council and so on. I have worked with many town councils out in the Antelope Valley and so on that do have not official input, but advisory input to you and that would be the mechanism that I would see developing in the Newhall Ranch area to constantly monitor the discretionary actions of the Commission and the

Board of Supervisors.

MR. TOY: I guess what I'm saying is advisory is just that, advisory. You just say, "I have problems. So what." I'm looking beyond that and that's what I was asking similar to Universal and I said to Ms. McCann -- she says, "People's comments, do we have to take it to heart? Does it work?"

I said, "Well, if it's not, then what's the point?"

I guess I'm looking beyond that to see is there a possibility so we can move? Otherwise, you can have all the advisory you want and it means nothing, I mean in my mind.

I'm coming from a community standpoint of my community where the frustration sets in all the time and only because this project is so huge and we are looking at thirty years a possibility down the line.

MS. VARGO: May I respond to Commissioner Toy? I think that the Staff report -- and not only the Staff report, but other documents -- reminds us that we are not approving any construction. This is not similar to Universal. There they were getting certain rights to proceed with the

development. In this instance any type of construction is going to require a subdivision map, subdivision committee meetings, public hearings on the tract maps and all the entitlements that will go along with each increment of development. So, basically what we are approving here is zoning and not construction.

MR. TOY: I appreciate Commissioner Vargo has much more experience than I do for clarifying that. I understand that and I will take that.

I guess at this point I'm asking, though, before we get too far down the line and things get I think thrown by the wayside and we sometimes forget it, I think my concern now is can we at this moment right as we are going to approve, I would assume, this Specific Plan, can we put in some mechanisms in there to try to address the problem?

MS. RUSSELL: Just to take this one step further, the town councils, as Lee spoke of, while they are advisory to us, they are elected by their community. So they do have more credibility than someone who just volunteers to come down here and testify because these are people representing their own community. While they are advisory, they do

speak directly for the community.

So I'm sure that won't happen before anything happens, though, because you have to have a population to build that, but I'm sure it will happen down the line because the town councils, especially in this area, are very, very prominent now, as you know.

MR. TOY: I guess, Commissioner Russell -- and I trust you because that's your area, but I looked at this this morning, for instance, where we have some elected officials, let's say, from Ventura County and I guess I'm looking for a form of mechanism of representatives, let's say, from these different affected areas and that at the very least so that we don't have he said, she said, I think it happened, I have outreached, but I don't know who we reached, to put those things to rest and that we have a formal mechanism and then let's say representatives here from Ventura County -- I have no problems in that scenario where I would say, "Hey, you have at least had an opportunity to meet. Weren't these things brought up? Couldn't you have come talked to us," whereas right now it's ambiguous, Mr. Moore.

There is a lot of people and a

lot of different things and that's what I'm getting at and that would be my illustration like right now in terms of how we are not allowing that to go.

I would defer to Commissioner Russell because she knows her area much better than I do, but my basic concern is how do we do that and get it into the formal process if that's at all possible? I don't know if you can answer, Mr. Moore, but you might want to take a stab at it.

MR. MOORE: Well, I'm sure the Commission will want to deliberate this. I agree with the comments that Commissioner Vargo made. Certainly no development can take place within the Specific Plan.

MS. FELDMAN: Can you get closer to the microphone?

MR. MOORE: No development can take place within the Specific Plan area without further public hearings on each and every subdivision application and only with those additional subdivision applications can development occur.

I know some of the Commissioners were unhappy that the Development Agreement was taken off calendar and you may want to consider the possibilities presented by that application which

will be coming back and it may be an opportunity to establish neighborhood associations, advisory committees, participation of individual subdivisions.

As the development is phased in, you may require participation by individual subdivision associations and advisory committees. The Development Agreement provides a perfect vehicle for that sort of phasing.

MS. FELDMAN: I would like to ask a related question on this issue, maybe to get a little bit of a clarification -- and this again may be just I don't have some of the background that when I have been here for twenty-two years I will have.

THE CHAIRWOMAN: It's almost twenty-three.

MS. FELDMAN: The definition of a vested tentative tract map, why we have a vested tentative tract map versus a regular tentative tract map, what exactly is being vested here?

MR. MOORE: Well, the nature of the tentative map that you have before you is for purposes of selling, leasing and financing the very large lots that are depicted. It is not a map that in fact authorizes construction. In fact, the map

is conditioned so that no construction is authorized by the map.

So it's important to note the limited purpose of the vesting tentative map that you are looking at. It does not authorize any construction. I think the smallest lot is forty acres. These are large lots that would enable the property owner to engage in financing, leasing, perhaps sell to individual builders who would then have to come back to the County with a subdivision application on that large lot before any development could occur.

The nature of the vesting is simply that. The entitlements, the large lots created are vested. They are not subject to subsequent reversions, for example, or General Plan amendments or something like that. The Applicant does have the right to go forward and record those very large lots without regard to time.

MS. FELDMAN: Thank you for that answer. Why are we vesting if there is no construction? I guess I don't really understand that.

MR. MOORE: The right to record these very large lots is vested.

MS. FELDMAN: Why would we be doing that

now if there is actually not any construction attached to that? What's the purpose?

MR. MOORE: To engage in sales, leasing, financing. I assume that there will be investors brought in. I assume these large lots, fifty acres, a hundred acres, will be sold to individual companies who will then come forward and apply for subdivisions and apply for development entitlements. I assume that this developer will not develop necessarily the entire project.

MS. FELDMAN: So if the lots that we would be essentially approving by this action can be financed -- again maybe I'm just missing something here -- if you are getting financing for lots of this size and this extent and this number of lots, doesn't that imply some construction? I mean you are going to get millions and millions of dollars of financing with no construction? Why would anybody do that?

MR. MOORE: This is not a terribly unusual device for projects of this size. I'm familiar with similar practices, for example, in the Irvine development where large undeveloped parcels are sold or financed and then subsequent entitlements are sought. It's necessary to -- I'm not an expert

in the financing of it, but it's necessary so that they can obtain financing so that they can obtain additional investors and so forth. There is virtually no construction allowed, however, by virtue of this map.

MS. FELDMAN: Does having a vested tentative tract map approved limit our ability in the future to impose additional conditions when those lots come back?

MR. MOORE: No. The environmental document is clearly a program document. It contemplates subsequent discretionary actions, subsequent environmental analysis. Of course, the Specific Plan and the policies and criteria that it establishes are applicable criteria for those subsequent discretionary actions; but this Commission and certainly the Board of Supervisors will have subsequent public hearings and will exercise its complete discretion with regard to each and every subdivision application which necessarily must come forward in order to allow any actual development.

MS. FELDMAN: I've been corrected. I've been saying vested tentative tract map. It's actually a vested tentative parcel map. You

corrected me on that. Thank you.

MR. MOORE: And in this case the distinction between parcel map and tentative map isn't the number of lots; it's the size of the lots.

MS. FELDMAN: I was using those words interchangeably. Sorry.

So could you be a little bit more specific because I'm still a little bit confused here. My understanding was when we're vesting the tentative parcel map that there are certain limitations that go along with that. What kind of conditions would we be able to specifically ask for when these subdivisions come back before the County in the future?

MR. MOORE: Virtually all the discretion you exercise on any subdivision subject to the General Plan -- in this case the Specific Plan -- you will be able to exercise on the subdivision applications that come before you.

MS. FELDMAN: But it would be limited by the conditions that we would be approving today in the Specific Plan. We wouldn't be able to change -- you couldn't change where a lot would be or where a development would be?

MR. MOORE: There are no lots depicted on the vesting parcel map beyond the large acreages. On virtually every subdivision application you have you are limited by the General Plan, by the zoning. In subsequent cases on this project you will be constrained by the General Plan, the Specific Plan which amounts to zoning for this site.

MS. FELDMAN: So given the specificity of and Specific Plan of these many inches that we have, what actually would we be able to change? It's my understanding -- and again, maybe I'm not understanding what you are saying -- that given that we are approving a Specific Plan that is quite specific, there really isn't anything that we really would be able to change within that; isn't that right?

MR. MOORE: Well, maybe the planners want to speak to that, but it occurs to me certainly circulation, design of the subdivisions, the actual density. All the issues that you regularly consider in a subdivision will be issues that you will consider in subsequent applications here. Each and every case you have has the constraints of a General Plan and a zoning ordinance as well as these subsequent subdivisions.

MS. FELDMAN: Maybe, Mr. Schwarze, you could answer that. What about things like parks and libraries or fees or any of those issues that we have been discussing?

MR. SCHWARZE: Each subdivision that comes before you will be liable for all of them. You will start off with each subdivision with an environmental document. So each one will have to reprove itself essentially environmentally and the environmental document will give you leeway to make decisions regarding each individual subdivision; and as Mr. Moore said, that will include density, design, number of units, placement of parks, placement of schools, placement of libraries and things like that.

A lot of this hopefully would be worked out subsequently under the Development Agreement that would set, let's say, the number of parks. You might say ten parks -- I don't know the number -- but then each individual subdivision, the design and placement of that would be at your discretion.

MR. TOY: I want to follow up real quickly before I lose my train of thought just on this specific --

MS. VARGO: I was going to talk on the same thing, too.

MR. TOY: Go ahead.

MS. VARGO: I think maybe I can clarify this even a little bit more.

There are twenty conditions that are very general in nature that go along with the vesting tentative map and they are very general. I mean no construction is permitted. The lots have to have at least fifty foot of frontage, that kind of thing. The purpose of the vesting is that we are limiting this map with these twenty conditions and we are not going to add additional conditions to this map at a future date. They are vesting it with these twenty conditions and very general in nature.

Then when the subsequent tentative subdivision maps come through as tract maps we can get more specific and deal with the issues of the parks and things like that on those individual subdivisions for construction.

So this is not a vesting map for construction purposes, but for the very general purposes listed in these twenty conditions. That's what we are vesting, those twenty conditions.

THE CHAIRWOMAN: Thank you, Commissioner.

MS. FELDMAN: Can I ask a follow-up question on that?

How is this vesting different than the vesting that would have occurred or would occur under the Development Agreement?

MS. VARGO: My understanding of this vesting is it's for the purposes only of the leasing and encumbering individual parcels of land out there so that if they wanted to sell off a piece of the land, they could legally do it. Right now they couldn't.

So what we are doing is we are creating boundaries for parcels that they can individually encumber or sell or something else, but not do anything else with. So we are vesting those lines subject to these very general twenty conditions.

MR. TOY: Can I follow up?

THE CHAIRWOMAN: Yes.

MR. TOY: Madam Chairman, let me ask Mr. Schwarze, in my simplistic understanding, is it not correct that there will be as we go down the line a lot of room for subjective interpretations in where we are at? This is where I'm going. This

vested Specific Plan that we are going into that we are going to be moving and setting certain boundaries, what if, as you say, certain parcels come back to us later and based on those hearings and based on a lot of different conditions that may arise at that time we look at it as long as whoever owns that parcel meets the minimum requirements of what we are putting forth here they have certain vested interests and rights and they can go; correct?

Now, what if at that time specific things come out and we determine that it's not right and that it goes counter to what is being said here? At that point what's the authoritative guidelines that we look at?

MR. SCHWARZE: You would have full discretion on the subdivision that would be before you. You would not be able to go back and change these lines, but on the subdivision that would be before you, you would have full discretion.

MR. TOY: So that the lines are the only thing -- that's what I heard her saying. The lines are the main things that we are at this point approving, correct, the parcels and the lines?

MR. SCHWARZE: That's correct.

MR. TOY: Then once those lines are drawn, within those lines any development or things that come up we have discretion in terms of understanding what the facts are and moving ahead? That is correct; right?

MR. SCHWARZE: That's correct.

MR. TOY: Do you want to finish?

MS. FELDMAN: No. I have another issue. Go ahead.

MR. TOY: I guess my other question would be also am I correct in terms of when Mr. Moore was talking about in the Development Agreement -- that's where perhaps my question of formalized process for community input or whatever -- it would be best brought up there. Is that also the case in terms of the Development Agreement of different concerns, let's say, with nonprofits or with handling of the parks, with the handling of all those other areas? Would that also be the place to be bringing it up?

MR. MOORE: The Development Agreement is a perfect vehicle for cities and counties to impose and exact additional considerations like requirements for community associations or whatever else you may be talking about in terms of

1 additional consideration.
2 MR. TOY: Let me ask one follow-up, if
3 Commissioner Feldman doesn't mind.
4 If during the Development
5 Agreement stage and if certain things in fact come
6 out -- let me give you an example. Let's say the
7 school situation. I don't know where that's at.
8 Using that as an example, that
9 based on -- we are not talking about moneys now.
10 Let's just talk about in terms of placement and
11 where and if we approve this and it comes to pass
12 that the Development Agreement comes up with a
13 counter position, then what happens? Then do we go
14 back on this or is there a right to make changes
15 there? I don't anticipate, but I'm just wondering
16 if through the Development Agreement -- I could see
17 if we are talking about a wide range of a variety
18 of things, then that could in fact affect us and
19 then what happens?
20 MR. MOORE: Certainly as a negotiated
21 document, as a negotiated contract, subject to
22 public hearings, of course, the Development
23 Agreement could necessitate or could dictate
24 revisions in future subdivision applications or
25 future development.

1 MR. TOY: In subdivision applications, but
2 how about what we may be approving and passing of
3 the whole agenda today? Would it affect this
4 particular document and this particular process?
5 MR. MOORE: Well, the purpose of the
6 Development Agreement is to -- having acquired
7 certain -- a Development Agreement is not unlike a
8 vesting tentative map. I mean acquired certain
9 rights or entitlements it is the nature of the
10 document or the contract to vest those rights so
11 they are not revisited periodically by subsequent
12 legislative actions, but I'm not suggesting that
13 you couldn't in a negotiated document revisit the
14 Specific Plan.
15 MR. TOY: Let me follow up one last thing,
16 then. This happened -- I don't know what happened.
17 This is a few years ago in my own community. When
18 we are talking about Development Agreements and
19 other agreements, once this vested Specific Plan is
20 passed is there any way that the Development
21 Agreement could be put off or take another form and
22 not come back to us for discussion?
23 MR. MOORE: No. Any Development Agreement
24 on this project would have to come before you.
25 MR. TOY: I mean there will be a process

1 and we would have to have a Development Agreement,
2 correct, before any -- what I'm saying is in
3 Chinatown nearby we did something like this and
4 from the community standpoint we all thought,
5 "Well, gee, when the Development Agreement hearings
6 come we have an opportunity to have input," and
7 something happened and we never had a Development
8 Agreement. They either put it in another form --
9 I'm just as a Commissioner now --
10 THE CHAIRWOMAN: Did you have it in
11 writing?
12 MR. TOY: Yes.
13 THE CHAIRWOMAN: Did you have a
14 Development Agreement in writing in yours that you
15 are referring to?
16 MR. TOY: Well, Commissioner Clark, they
17 said -- there was negotiation, there was documents
18 started, and then I don't know if it took another
19 form or something happened and something by-passed
20 and there never was an opportunity.
21 I just want to get clear now. As
22 a Commissioner, we here as a body, if we were to
23 pass this, there will be a process to continue,
24 since it was taken off calendar, to bring it back
25 and to have discussion?

1 MR. SCHWARZE: The key here, as we have
2 discussed so many times on this case, is that they
3 can't avoid you. One way or the other they can't
4 avoid you.
5 MR. TOY: Well, they can avoid me as a
6 public, but as a Commission it would be harder;
7 correct?
8 MR. SCHWARZE: Correct. Even if for some
9 reason the Development Agreement did not follow
10 through, they still have no construction rights.
11 So they would have to come back before you for
12 those subsequent subdivisions at which time you
13 could say, "We want a Development Agreement."
14 MR. TOY: But, Mr. Schwarze, I may not be
15 on the Commission by then. We are talking twenty-
16 five, thirty years. That's what I'm looking at.
17 THE CHAIRWOMAN: It takes three votes.
18 MR. TOY: What I'm saying is this is a
19 twenty-five, thirty year project. Do you want to
20 take a break?
21 THE CHAIRWOMAN: Let's take a recess.
22 MR. SCHWARZE: Can we finish this thought
23 because I don't want to lose it.
24 I understand what you are saying
25 and over the years Commissions have come and gone,

but we are always here.

MR. TOY: You are just at thirty-one years. Your views may not be as strong as mine in certain areas.

MR. SCHWARZE: You will probably outlast me. I just got my thirty year pin. I'm not intending to be around that much longer, but someone will be here and we have a much longer memory than most of the people in this room because it's an institutional memory and we know the Commission -- not this Commission -- the Commission's desires.

MR. TOY: Except that, Mr. Schwarze, if there is a new Commission --

THE CHAIRWOMAN: Commissioners, please excuse me. The court reporter needs a break. Let's take ten minutes.

(A brief recess was taken.)

MS. VARGO: Prior to reconvening the discussion on Newhall Ranch, the Fire Department has something they would like to say.

UNIDENTIFIED SPEAKER: On behalf of the Fire Department, Mrs. Clark, we would like to present you with this placque for your twenty-two years of dedicated service to the County of Los

Angeles and for your continued support of the Fire Department.

THE CHAIRWOMAN: Thank you. I'm absolutely surprised.

MR. SCHWARZE: Only nineteen more years, Don, and you can have one of those.

MR. TOY: I have been on for four. So one more year I want mine.

THE CHAIRWOMAN: This is a first for the Fire Department, so I must have done something right.

MR. TOY: You've done many things right.

(Inaudible discussion among all the Commissioners.)

THE CHAIRWOMAN: Let's close this public hearing and vote.

MR. TOY: No, there's no public hearing.

THE CHAIRWOMAN: Let's cut this discussion off.

MR. TOY: No, can't do that. I have to get my answer.

MS. FELDMAN: I have a few questions on my plate.

MR. TOY: Can I finish with Mr. Schwarze? Are you done, Mr. Schwarze?

MR. SCHWARZE: No, I'm listening to you.

MR. TOY: I want to say I do appreciate, as you say, with the Staff hopefully there is continuity, but as you know, the Commission, depending on the makeup and who is there and even if you were my best buddy and my adopted brother and you wanted to push forth my agenda or my concerns, it would not be a reality depending on who was here because, you know, different people have different interpretations. So my concern always is that; and with that in mind, I guess it's not like wanting to beat a dead horse, but I want it on record that I'm told by Staff -- and I guess Staff understands it -- there will be a Development Agreement; correct?

MR. SCHWARZE: To my understanding, that is correct.

MR. TOY: Now, Mr. Moore, if something happens -- and I would hope not since I'm a Commissioner now, but like I said, it happened in my community where originally there was supposed to be a Development Agreement and for some reason it was substituted or disappeared -- what happens in that case? Then if we pass this as it stands now, then I as a Commissioner, do I have any rights to

appeal or do anything?

MR. MOORE: Well, certainly. I guess your hypothetical is that somehow the Development Agreement falls out.

MR. TOY: Yes. Let's say there is no Development Agreement.

MR. MOORE: Yes. There is no entitlement created by virtue of the Specific Plan or the General Plan amendments. The Board of Supervisors retains its discretion to change the plan, to amend the Specific Plan, to amend the zoning ordinance. There is no entitlement created by virtue of the Specific Plan or the General Plan amendments.

MR. TOY: Can the Board, if in a case of a situation like that -- I'm talking hypothetical -- then I would be, I think, in terms of responsibility bound by having to go to my Supervisor as well as the Board and I would also have, I would think, the remedy, do I, in terms of a legal basis to pursue?

MR. MOORE: Well, the Board of Supervisors or the Planning Commission can initiate General Plan amendments, Specific Plan amendments, zoning changes and so forth and interested persons may always petition for those changes as well.

Now, the one exception is obviously where construction is commenced or something. You can't -- on a discrete subdivision, for example, you can't take away anything where they have actually commenced construction or vested their right to that particular phase; but generally speaking, the Board and the Planning Commission retains the discretion to initiate amendments to the General Plan or the Specific Plan under the hypothetical you are describing.

MR. TOY: Well, then, we should know in the next couple of months; right? We are planning to bring it back for discussion in January, is that right, the Development Agreement? Is that my understanding, Mr. Schwarze?

MR. SCHWARZE: We are hopeful of that, yes.

MR. TOY: I mean it's not going to be five years. Perhaps I may not be here at that time.

MR. SCHWARZE: The specific reason for doing this, as you recall, taking it off the agenda, was because there were all these departments and agencies that wanted to negotiate the fine print and I would hope that they can reach some sort of agreement and bring this back in the late winter or early spring of next year.

MR. TOY: That's fine. I just wanted to go on record officially, Madam Chairman, and I'm sure my fellow Commissioners understand, as Mrs. Russell does, some of our concerns and my concerns in particular and I have been told that it's through the Development Agreement that we should be able to handle these. I just don't want to see what happened in my community happen here. That would be very bad; but we do retain, as Mr. Moore said, if that does happen, we can initiate plan amendment changes and go through that whole process.

MS. FELDMAN: I want to resolve the outstanding question of whether we are going to allow elected officials that are here to speak just in deference to their time.

THE CHAIRWOMAN: Well, I would ask Mr. Moore if that would be allowed.

MR. TOY: Mr. Moore? Can I piggyback onto Commissioner Clark's question? I think the question of appropriateness -- and we didn't want to open the public hearing; however, couldn't we as Commissioners -- I'm looking at middle ground and I don't want to answer for you, but I know we have asked specific questions of people. We are allowed

to do that; correct or not?

MR. MOORE: At this point in the deliberations I don't think we could pretend that we are asking questions.

MR. TOY: I'm not pretending.

MR. MOORE: I really don't think it comes under the heading. I think we ought to confront the issues squarely. Does the Commission desire to hear from -- I guess at this point the question is, do we desire to hear from three elected officials and not additional comments from the public?

I think John and I gave you our thoughts on the matter and I think the Commission needs to look to itself and take a vote on the issue. I think you heard from John and I about the issues presented by it. We can repeat that, but I think you need to look to yourselves to make a decision.

MR. TOY: May I ask Staff, Madam Chairman?

THE CHAIRWOMAN: Certainly.

MR. TOY: Lee, other than the three elected officials are there other people in the audience who wish to speak that have indicated to you?

MR. STARK: Well, if you look to the

audience --

MR. TOY: So you have two hands. We are talking a total of five people; right?

MS. RUSSELL: Madam Chairman, may I make a motion that we direct all further testimony, written as well as oral, to the Board of Supervisors?

MS. VARGO: I'll second that.

THE CHAIRWOMAN: We have a motion and a second. Please repeat the motion.

MS. RUSSELL: That we direct all testimony to the Board of Supervisors, written as well as oral.

THE CHAIRWOMAN: We have a motion and a second. All those in favor let it be known by saying aye.

Let the record show that the Chair votes aye. Motion is carried.

Where are we, Mr. Schwarze?

MR. SCHWARZE: Well, now if you are done deliberating the merits of the Specific Plan, then you still have the first motion on the table which was essentially for approval of the project.

MS. FELDMAN: I have some additional questions. I have a lot of detailed questions, but

in the interest of time I will focus on a couple of what I think are the bigger outstanding issues.

One, I would just again thank the elected officials who did come. I wish that it would be possible and I hope it is possible to resolve whatever issues exist with Ventura County so that the County can avoid litigation and I think that is the primary concern there.

A couple of questions. One is in the discussion of the fifty year flood issue, the flooding issue -- and there are a number of conditions that pertain to that issue -- I guess I'm a little concerned given the Army Corps' comments in their comment letter where they recommended, I believe, as I understood their comments, that there be no construction in that fifty year flood zone.

So I'm a little curious as to why we would be specifically allowing that; and the corollary question to that is I also am still a little perturbed and not convinced that the findings really are correct on this -- I certainly don't agree with them -- why we are only looking at fifty years when, for example, with all the development that has happened in L.A. we are

spending hundreds of millions of public dollars to look at a one hundred twenty-two year flood situation along the Los Angeles river. I know they are different rivers, but when you have buildout, those are the kinds of issues that come up. I'm not sure who I should be addressing that to.

MR. STARK: Don't forget that we are not doing construction. We are not placing construction sites. All that will occur when subdivisions are filed. The exact location and flood mitigations will have to occur according to Public Works and the Corps and any other necessary permits that are needed.

MS. FELDMAN: Shouldn't that be reflected in the Specific Plan? The Specific Plan right now would allow construction in those flood zones. There is specific language about where that would occur and setbacks and so on.

MR. STARK: Tom, Perhaps you can help me on this, but there is no language that says that construction can occur in a flood zone. Certainly there would have to be mitigation.

This is Tom Worthington.

THE CHAIRWOMAN: Please state your name.

MR. WORTHINGTON: Tom Worthington, Impact

Sciences, 30343 Kenwood Street, Suite 210, Agoura Hills.

MR. TOY: Mr. Moore, I do feel really uncomfortable now.

MR. SCHWARZE: I do, too.

MR. TOY: We said that we cut the thing. We weren't going to ask any questions at this point. I know he is an expert, but I would rather our own staff or somebody else deal with it. If we don't know the answer, let's get somebody who does. Let's not muddle this.

MR. SCHWARZE: I agree with you, Mr. Toy, and I think we should first defer to the Department of Public Works.

MS. RUIZ: On the flood issue, as has been stated by Mr. Stark, this is not allowing construction. What those would be would be parameters for possible mitigations. Any project that comes through if it proposes any development within a floodplain would have to mitigate that. It would have to be approved by our Army Corps as well as our department. It's not carte blanche being given permission to build within the floodplain.

MS. FELDMAN: I'm going to need Staff's

help here. There are a lot of documents. I'm sure you know these better than I do, but there is specific language in one of these listed findings that talks about the fifty year capital flood zone. Can you help me find that? I'm looking for my specific note, but there is specific language -- I didn't make this up -- that's in here somewhere that talks about the location of those boundaries.

MR. STARK: Right now in that 300 page document?

MS. FELDMAN: Page six of the findings for the CUP, SEA, number seven where it says, "Where development is proposed within the existing Los Angeles County fifty year capital floodplain the land or the development to occur will be elevated in accordance with L.A. County policies to remove it from the floodplain."

Well, that would directly imply that we are in fact passing some kind of or approving some kind of language today that would allow development to happen in that area and that doesn't make sense to me.

MS. RUIZ: I wouldn't say that that is actually allowing it. That is kind of restating County policy. I mean in any floodplain that's the

1 County policy. If you intend to build in the
2 floodplain, you would have to either do that or
3 something else to mitigate that you are not in the
4 floodplain.
5 It's not saying, "Go ahead and do
6 it." It's saying that if you intended to build
7 there, you would have to do something that it is
8 not in the floodplain.
9 MS. FELDMAN: Why wouldn't we, given all
10 the past history in this county and in other areas
11 where we have now learned what happens when you do
12 have extreme urbanization in a given area that ends
13 up costing a lot of public money -- and certainly
14 there is testimony to that -- why wouldn't we just
15 say that in this Specific Plan, since that is what
16 we are replacing a vesting General Plan with a
17 Specific Plan, why wouldn't we just say there ought
18 not to be development within, at a minimum, the
19 fifty year flood zone because that's in the best
20 public interest?
21 MS. VARGO: I think it also says that that
22 development where it occurs will be elevated and
23 removed from the floodplain. So it will no longer
24 be in the floodplain.
25 MS. FELDMAN: Well, elevated, it would

1 still be in the floodplain. It will just be up
2 higher.
3 MS. RUIZ: The floodplain is flat. It
4 won't be in the floodplain. It will be elevated
5 above to protect it.
6 MS. FELDMAN: It will be outside that.
7 MS. VARGO: It will be above it. It
8 actually goes on to say that you remove it from the
9 floodplain.
10 MS. FELDMAN: Well, it's semantics at this
11 point.
12 MS. VARGO: Well, a floodplain, it can
13 vary in width and direction as it goes along. It's
14 not always completely channelized and straight. So
15 by lifting it up you are changing the course to go
16 around it and then it's no longer a floodplain
17 issue.
18 MR. TOY: Then how is the issue of housing
19 there for people to get access, is everything going
20 to be above ground?
21 MS. RUIZ: Everything would have to be
22 above the floodplain level which would then remove
23 it from the floodplain.
24 MS. FELDMAN: That's really different than
25 saying you are lifting it up so it's up higher and

1 you have pilings or whatever it is you have done to
2 achieve that.
3 MS. RUSSELL: You have raised it.
4 MS. FELDMAN: That's different than saying
5 you actually moved things out of that line. That
6 line is a historical line. The water is going to
7 go where it goes.
8 It just seems inconsistent with
9 all the other issues that have been before the
10 County and the Board of Supervisors and that we
11 have spent a lot of public money on. It seems like
12 we are imposing some kind of guaranty or condition
13 here in the Specific Plan that is going to cause
14 problems down the line.
15 MS. RUIZ: Well, I would disagree with
16 that.
17 THE CHAIRWOMAN: Were you saying
18 something?
19 MS. RUIZ: No, just that I feel it's a
20 restatement of current County policy.
21 MS. FELDMAN: I would like to point out
22 for the record that the Army Corps of Engineers'
23 comments don't agree with the findings that we are
24 making.
25 MR. TOY: Is that true, Mr. Schwarze, or

1 somebody else on staff? Does Army Corps have any
2 counter position than we do?
3 MS. RUIZ: If the Army Corps' comments are
4 simply that there should be no construction within
5 the floodplain, then that's exactly what the
6 condition that you mentioned the finding in the CUP
7 is stating. If they are within the horizontal
8 confines, you have to elevate so that you are not
9 in the floodplain. That then removes it from the
10 floodplain which then correlates with what the Army
11 Corps is requesting.
12 MS. FELDMAN: I understand what you are
13 saying.
14 MR. TOY: We are not removing it. We are
15 elevating it.
16 MS. RUIZ: By elevating it it's removing it
17 from the floodplain.
18 MS. VARGO: It says, "Where development is
19 proposed within the existing." So, actually, what
20 would happen if you raised it and took it out of
21 the floodplain, you would alter the line of the
22 existing floodplain to become some other boundary.
23 MR. TOY: Well, I mean again, you are
24 saying once you elevate it up, you are removing it
25 from the path. I guess I look at it as a lay

1 person. You are still there. It is just out of
2 the way and out of the way is out of the zone?
3 MS. VARGO: Out of the floodplain.
4 THE CHAIRWOMAN: I guaranty you Public
5 Works knows exactly what they are doing. They have
6 done it before. This is part of their work. This
7 is nothing new to them.
8 MS. RUSSELL: When they say elevate, they
9 don't mean elevate it -- they mean by grading;
10 moving dirt, not putting it up on stilts.
11 MR. TOY: I guess --
12 THE CHAIRWOMAN: I don't want to argue with
13 you. It's a statement of facts.
14 MR. TOY: I don't want to argue with you,
15 too, except in my district there was a project that
16 Public Works let go by for five years and they
17 operated illegally. That's all. That's all I'm
18 going to say and your experience is your experience
19 and my experience being here and I'm not blaming
20 Ms. Ruiz. It's not her thing, but it's the
21 Department's and I'm just saying there may be
22 problems. I just wanted clarification, too. There
23 is a difference in opinions in terms of what is out
24 and not. I guess my idea of out is it's out; it's
25 not there anymore. I guess I could see your logic

1 if you are up, then it's out of the flow, but I
2 don't know if that's the best way. It is a point.
3 THE CHAIRWOMAN: It's not the best way,
4 but it is a way.
5 MR. SCHWARZE: All I can tell you is the
6 same thing we have been discussing all along. As
7 each individual map comes up, you will have to
8 review this again. Whichever Commissioners are
9 here, Mr. Toy, will have to go through this each
10 and every time.
11 MR. TOY: But, Mr. Schwarze, is it not
12 correct, though, if we pass this and if new
13 developers come in, they ask for a CUP and they
14 meet, as Ms. Ruiz says and as Commissioner Vargo
15 says, the requirement of elevating, they can build
16 on that?
17 MR. SCHWARZE: No, because as each
18 subdivision comes before the Planning Commission,
19 each Planning Commission will have to decide this
20 issue every time.
21 MS. VARGO: Whether or not it's an
22 appropriate location.
23 MR. TOY: You are saying if we were to pass
24 this and based on what's written now and based on
25 interpretation, which I can understand the

1 interpretation, where if we were to raise or to put
2 buildings out of the area and raise it up, that
3 they don't have a right to build that way?
4 MR. SCHWARZE: No, they don't because the
5 key to your last sentence was "if we allow them,"
6 and if you don't allow them, then they can't go in
7 the floodplain. It's only if you, the Planning
8 Commission, give them permission to construct in
9 the floodplain, that then rule would take effect.
10 MR. TOY: But I thought that's already in
11 the report that it would be allowed?
12 MS. VARGO: No.
13 MR. SCHWARZE: It's like Ms. Ruiz was
14 saying. If there is permission to build in the
15 floodplain, then this is what they have to do, but
16 you would retain the discretion as whether or not
17 to allow them to build.
18 MR. TOY: Then that's fine. I must have
19 misread it, too. I read it that once we pass it,
20 they can build.
21 MS. FELDMAN: Another question.
22 MR. TOY: You go for a second.
23 MS. FELDMAN: There are a number of
24 findings made in one of these documents that states
25 that there will be some significant or unavoidable

1 significant environmental impacts and that there
2 are overriding considerations as to why those
3 impacts need to be made and I will approve the
4 alternatives and I'm a little curious on a couple
5 of things:
6 One, why aren't we considering
7 any of the alternatives at all where some of those
8 impacts could be diminished somewhat?
9 MR. SCHWARZE: Findings are totally at the
10 discretion of the Commission. The findings that we
11 have given you are suggested findings. That's one
12 that is totally at the discretion of the
13 Commission. Mr. Stark and myself work with you.
14 We can give you suggested findings, but that's the
15 meat of what the Commission does when they take an
16 action is they make the findings.
17 MS. RUSSELL: Finding 45 on page 18, with
18 respect to the adverse effects at the bottom. This
19 is just part of it, but on page eighteen.
20 MS. FELDMAN: What I'm specifically
21 looking at are the findings on each of the
22 alternatives which describes why those alternatives
23 are considered infeasible. What is our CEQA
24 requirement as far as the findings on the
25 alternatives? They have to be infeasible in order

not to be pursued?

MR. MOORE: Right. The findings are expressed in the document. Essentially --

MR. TOY: Mr. Moore, Excuse me. Commissioner Russell, what are you looking at? Commissioner Vargo and I are trying to find it.

MS. RUSSELL: On the resolution.

MR. SCHWARZE: That's Exhibit A.

MS. RUSSELL: Exhibit A, page 18.

MR. MOORE: Alternatives to the project which have fewer or lesser environmental impacts may, however, not be feasible and may not meet the project goals and that is the essence of the findings that you have before you.

You understand this is Staff's work product and it's a suggestion to you based on the criteria spelled out in CEQA.

MS. FELDMAN: I'm sorry, I was looking through my documents. Could you restate just for my own edification.

MR. MOORE: I'm simply indicating in general that where there are unavoidable impacts you look to feasible alternatives and these findings -- I'm not sure what you are looking at precisely, but these findings are tending to deal

with the feasibility of alternatives and the ability of those alternatives to meet the project goals. So that's what you are looking at.

MS. FELDMAN: So in order to not accept an alternative we have to be able to make findings that show that alternative is not feasible; is that right?

MR. MOORE: As you see before you.

MS. FELDMAN: Then I would just ask us to consider for a moment the findings that are made in the CEQA findings in the statement of overriding considerations for each alternative. The findings are essentially the same for every single alternative and that seems not quite appropriate given the scope of this project. There are a couple of these alternatives that are just ten percent or twenty percent reductions -- they are not huge amounts -- and each finding says that it was rejected as infeasible in favor of the Specific Plan because the alternative is too narrow and limits the range of housing opportunities and does not reflect the market conditions under which the Specific Plan would be developed and because some of the objectives of the project wouldn't be achieved, including the County's objective of

providing wide range of housing density, types, prices and opportunities.

I guess a question for Staff. Can you explain to me why -- and I'm not looking at, say, alternative five which is almost a forty percent reduction of smaller footprint, but like some of the other ones, alternative four, twenty percent reduction and the same footprint and there was another one that is slightly smaller footprint where the impacts would be substantially less and it seems like the housing needs could still be met in terms of a range of housing costs. What specific housing needs aren't we going to be meeting by clustering development on a smaller footprint and thereby avoiding some of these supposedly unavoidable impacts?

MR. SCHWARZE: When you deliberated this case at the public hearing stage and then closed the public hearing and directed Staff to come back with a final product, you gave us no direction other than to basically accept what was last before you. The Staff -- we cannot read your minds. We then have to come back with suggested findings -- and that's what these are, suggested findings -- that we think interpret your previous action.

Like I said a minute ago, the rest is up to you. The findings are purely yours and you have to vote on them. That's like I said, the meat of what you do here is to make the findings and to give reasons why you are either approving or denying a project.

MR. TOY: I think you are correct in that Staff has always taken that position and I appreciate that. I will point out, though, I think during this process Commissioner Feldman wasn't on the Commission at the time and then we all take different portions and we bring up things and I'm glad that she has found something. I don't think it's a competitional situation. I think it's a legitimate concern if Commissioner Feldman does have specific possibilities or alternatives that maybe they can be looked at. I don't think that should stop us from moving ahead, but perhaps -- I don't think it's going to go right away. It can be on consent, bring it back in a week or whatever to add those or make those little tweaks in those things. I don't think they are huge or major problems.

Do you see those as big problems, Mr. Stark, what Commissioner Feldman is bringing up

and some of the other things?

MR. STARK: The draft findings here are those that have been used or similar to those that have been used in other areas, similar circumstances and similar alternatives, and we've tried to design them the best we could.

MR. TOY: As Mr. Schwarze said, it is the Commission's call. If you have a direction that will make it stronger and better, I'm sure even Commissioner Russell will say, "Let's do it."

MS. FELDMAN: As an example, alternative three, which is a clustered alternative, is exact same amount of development on a smaller footprint which would reduce some of the impacts. It seems like we can be able to achieve both goals without having these very significant impacts that are going to be quite costly to mitigate.

MS. RUSSELL: There again, subdivision comes back and we will be able to have your testimony on that and make a decision.

MS. FELDMAN: I don't think a subdivision would address this particular issue because we are actually making CEQA findings and statement of overriding considerations approving a Specific Plan for a given project, not an alternative.

MR. MOORE: I think the Commission needs to look inward again as you did on the issue of whether to open up the hearing for further testimony. This Commission voted on the project and instructed Staff to bring back findings and conditions supporting that specific direction. I have examined, along with the consultants and the Staff, the findings and conditions and I believe they adequately support the project that you tentatively voted upon.

If you wish to reconsider your tentative vote and change the project, then you may want to do that forthrightly, but these findings and conditions do support the last vote you took in June on the project you wanted to approve.

So it's one thing to discuss whether there is a better alternative. What you are trying to do is decide whether these findings support the concept you approved and I think the Staff is of the opinion, along with the consultants, that these findings do support the project that you approved.

I'm not saying that you don't have discretion to reconsider your approval and concept of a couple of months ago, but the task

given to Staff was to bring back to you findings which support your conceptional approval from last June.

THE CHAIRWOMAN: I think that is exactly what Staff did and I think we would be absolutely --

MR. MOORE: That is what Staff did.

THE CHAIRWOMAN: That's exactly what they did. As far as I'm concerned, I think that's good enough. That's what we asked for and that's what we received.

Commissioner Vargo?

MS. VARGO: I think what I would like to say is that we did consider the other alternatives as part of the public hearing process and did whittle the project down in certain areas to protect some of the areas that are sensitive and cut down density along the river corridor and things like that.

So I believe, as Mr. Moore has pointed out, that the findings do support the actions that we took in redesigning the project.

MR. TOY: You know, Commissioner Vargo is correct. We did consider a number of different things and I wouldn't disagree with Mr. Moore, but

we did direct Staff to come back with findings to support; but there is nothing to say that those findings can't be improved or there is nothing to say that those findings can't be strengthened to make it better overall.

Commissioner Vargo is correct. Like I said, this is such a huge project. I mean I know like Newhall -- and I'm sure you spend, as Commissioner Clark says, thousands and maybe millions of dollars in terms of doing that. I don't happen to have that kind of staff behind me. So when I look at different things I'm depending on my fellow Commissioners as we are going through to pick up on different things and ideas to make it a better and stronger project. That's all.

As Mr. Schwarze says, Staff has fulfilled their requirements in moving ahead. I agree with you, Commissioner Clark, but what is the harm if there are better ways to make it better and strengthen the project? That's all we are talking about. In my own mind -- this is where I would ask Mr. Moore. If we are to move ahead, Mr. Moore, let's say, and to vote and to approve this, it's not going to go right away tomorrow to the Board, anyway. Isn't there time, Mr. Schwarze, within a

week or whatever to tweak whatever to try to make it better or strengthen? I don't know if there would be, but I don't know exactly what Commissioner Feldman has in mind; but if we were to do that, is that an inappropriate situation where we can work before it comes back on consent?

MR. SCHWARZE: You'd have to bring it back at subsequent public meetings. We would be in the same situation.

MR. TOY: No, not a public meeting, but just on consent. You make a motion, we go, and then we bring it back on consent.

MR. SCHWARZE: I'm a little confused, but let me try and straighten this out.

When you have asked us to do this before, Mr. Toy, what you have basically done is been very specific like with a condition where you have said, "Well, the condition currently says the hours of operation for this liquor store are 7:00 in the morning till 10:00 at night, but we want you to work with the Applicant and change that from 7:00 in the morning to 8:00 at night."

That's very specific and very directed and that's a condition.

The findings, you have got to

make the findings. I can't go back and invent some findings without coming then back to you again and seeing whether those findings are correct because that is your part of the operation.

MR. TOY: Let's take your example. In your example when we tell you operate from this time to this time, when it comes back before us and we think it's wrong, we can change it. Let's say instead of operating from 8:00 to 8:00 at night, we say let them operate from 10:00 to 6:00 because it makes more sense. In terms of community wise it makes it more safe. Isn't that what we are talking about here? All you are asking us is to give you the direction instead of leaving it -- let's say you have it 8:00 to 8:00. What do we want it? From 10:00 to 6:00 or what; correct?

MR. SCHWARZE: That's correct.

MR. TOY: So if Commissioner Feldman has suggestions, then let's do it.

MS. VARGO: Madam Chairman, I believe that what we have before us, Commissioner Toy, is the same thing that we have usually when we bring something back on consent. We have a resolution, we have findings, we have conditions. It shouldn't be treated any differently than that.

I think it's our job if we want them changed to tell the Staff how to change them today and move it on.

MR. TOY: Which I would agree with you except with one difference is that this is much more complicated than, let's say, hours from 8:00 to 6:00.

MS. VARGO: Procedurally it isn't any different.

MR. TOY: Well, if Commissioner Feldman does in fact have specific changes, I would go with that. If not, I'm just saying I'm prepared to say let's move ahead the project with the caveat that those changes or whatever suggestions you have are tweaked. I don't think that's a problem, is it?

MS. RUSSELL: Go back to the Development Agreement.

MR. SCHWARZE: To go back to some of the alternatives -- and I don't know what Ms. Feldman is going to propose, but to go back to some of the alternatives are really substantive changes in the project because it would change -- for example, the clustering concept would change the land use classifications throughout the project. That would not be something that we could bring back to you in

a week or so. We would have to go -- taking your direction, we would have to go back and basically redo the document to substitute alternative whatever for this with new findings and new conditions, etc.

MS. FELDMAN: Procedural question. So if we do make or give Staff some direction and changing some of the findings or just altering those a little bit, is this all going to come back on consent the way things normally do?

MR. SCHWARZE: Actually this is a consent item today.

THE CHAIRWOMAN: This is a consent item.

MR. SCHWARZE: The Commission always has the prerogative of discussing consent items and modifying them.

MS. FELDMAN: Then I would ask -- and I would need some Staff input here -- that the findings are essentially the same for the rejection of each alternative and it seems a little bit light in the finding department that each one is rejected because it essentially says that there won't be enough housing or there won't be certain kinds of housing addressed and it seems that if we are going to approve significant environmental impacts with

the choice of the project that we are choosing, that we ought to pay a little more courtesy perhaps to the reason that a simple alternative like just a slightly smaller footprint isn't feasible other than there may be a slightly different mix of housing.

MR. MOORE: It seems to me, Commissioner Feldman, that you are really saying two things. One, you are questioning the adequacy of the findings to support this project design. It's my opinion that these findings are satisfactory to support this project design. It's not to say that you cannot reconsider the approval in concept that you gave last June. You certainly may. Until you take final action you have every opportunity to deliberate, but I think the findings from a legal standpoint are adequate based on the evidence before you to support this project.

Now, if you want to change the project and redesign it and prefer alternatives, then that's a different matter; but I believe the findings as written and drafted by Staff and the consultants based on the evidence are sufficient to support the tentative decision you previously reached. It's not to say you can't change your

mind and vote a different project in which case we would have to bring back other findings, but I believe these findings are legally adequate to support what you tentatively concluded last June.

I don't know if that helps clarify.

THE CHAIRWOMAN: That helped me tremendously because it has said absolutely enough and these are the words of our County Counsel and surely he knows what he is saying and I would advise us not to change this. We can't change anything at this point in time. This is a discussion item.

MS. RUSSELL: These are reflective of what we have been listening to for over a year, so I can't see any reason to change them now.

MS. FELDMAN: I'll move onto another issue.

I'm looking at page ten, the trails plan. I'm not sure what number exactly this is. Would the Commission be willing to add some language to this particular section of the resolution that simply clarifies -- I think it was our intent based on discussions we had earlier and based on the really detailed trails map that we had

from both Department of Parks and Rec and the Department of Planning when we had our special hearing and they had the big map up on the wall that showed all of the proposed trails and connections, some of which in this area have already been approved both by this Commission and the Board of Directors in the North County Trails Plan, could we just clarify that all of the trails that would be built or that are going to be required, that the trails that would be required -- let me rephrase that -- that the trails that would be required according to this resolution would be built consistent with the guidelines established in the North County Trails Plan including whatever connections have already been called for with divisions between what would be equestrian versus nonequestrian uses just so we are being consistent with previous County policy?

THE CHAIRWOMAN: Mrs. Russell, would you like to respond to that?

MR. TOY: Well, I would ask Staff also.

THE CHAIRWOMAN: I'm asking Mrs. Russell. I'm conducting this hearing.

MS. RUSSELL: It's going to come down to that, anyway, when they start the development.

MS. FELDMAN: So that would be okay to clarify that?

MR. SCHWARZE: That's the only way we would accept the trail, anyway, is if it was built to County standards.

MS. FELDMAN: Then I would say we ought to, just to be consistent with the direction that we gave Staff after the last couple of hearings, that we should include language.

MS. RUSSELL: This has come up since these findings were made.

MR. TOY: Can Staff make that change?

MR. SCHWARZE: Yes. That's a specific change in which we would say something to the effect that all trails will be built according to current County standards. We would say "current County standards" because, of course, of the length of this process. We wouldn't want to lock it in at a 1997 standard and somebody comes along with a better idea in 2005.

MS. FELDMAN: And I think we need to very clearly say that the trails that would be required and the trail connecters -- because that's an important component -- would be in accordance with the North County Trails Plan because I know

1 Supervisor Antonovich has spent a lot of energy
2 even just last year making sure trails are
3 happening in accordance with that.
4 Another key issue, something we
5 spent a lot of time on in the last two, three
6 months, is the management of the High Country area.
7 I know there is a lot of language in here about
8 that and --
9 MR. TOY: What page are you on,
10 Commissioner?
11 MS. FELDMAN: Hold on a second. I don't
12 know what page that's on.
13 MS. VARGO: What document?
14 MR. TOY: That's all right.
15 MS. FELDMAN: It occurs in a number of
16 different places in the Resolution and there is a
17 number of different findings and charts and so on
18 about it.
19 I would also ask that would be
20 consistent with some of the issues that were raised
21 by the Commission in the last few hearings that we
22 ask -- and I know the conversations have been
23 happening between the Applicant and the Santa
24 Monica Mountains Conservancy -- that we ought to
25 specifically call out the Santa Monica Mountains

1 Conservancy in this document the way we do with
2 County Public Works and other operating agencies
3 and ask that there be discussion between -- not
4 necessarily a finding that it will come out this
5 way, but there be discussion between the Applicant,
6 Santa Monica Mountains Conservancy and CL and M to
7 take a look at and hopefully resolve the management
8 and long-term ownership of that area.
9 THE CHAIRWOMAN: Mr. Stark?
10 MR. STARK: I might remind the Commission
11 that that discussion is occurring now and is a
12 component of the Development Agreement. They have
13 met once with the Staff and have another meeting
14 scheduled for, I believe, January 15th. So that is
15 part of the Development Agreement and they are
16 working on that.
17 MS. FELDMAN: So that would be consistent
18 with what is happening, anyway. We would just be
19 making a directive to be consistent with the
20 direction the public policy is going, anyway.
21 THE CHAIRWOMAN: We can't do that.
22 MR. STARK: That would be part of the
23 Development Agreement.
24 MS. FELDMAN: Mr. Moore, maybe you can
25 address that. I don't see why that's different.

1 MR. MOORE: Could you restate your
2 suggestion?
3 MS. FELDMAN: Yes. I understand we don't
4 want to specify now who would receive or ultimately
5 be the manager or the managing partners for the
6 High Country area, but we certainly voted a lot of
7 times on an issue of public access and ownership
8 and all those things and I think it would be
9 appropriate at this juncture, since we are
10 approving a Specific Plan and a lot of specificity
11 in that, to at least give some policy direction,
12 which seems consistent with what is happening
13 already, anyway, that the State agency be involved
14 in some discussions with Applicant and any other
15 interested parties that the Applicant has
16 identified in this case -- that would be CL and M -
17 - to continue exploring the various issues that
18 have been raised about long-term management
19 ownership of that property.
20 MR. MOORE: In other words, simply recite
21 in the Specific Plan that consideration of the
22 ultimate disposition shall include these parties?
23 MS. FELDMAN: Exactly.
24 MR. TOY: Would that be consistent,
25 Mr. Moore, to include that?

1 MR. MOORE: What you are really reciting is
2 a statement of facts.
3 THE CHAIRWOMAN: It's just a statement.
4 MR. SCHWARZE: That's what a finding is
5 supposed to be.
6 MR. TOY: Okay. Let's put it in there.
7 MS. RUSSELL: It's already in there.
8 MS. FELDMAN: It's not called out at this
9 point.
10 MR. SCHWARZE: I think we can do that as
11 one of findings, basically call out that the
12 Commission desires that these discussions take
13 place and that the following entities be part of
14 those discussions.
15 MS. FELDMAN: I didn't see that in there.
16 It's very possible that I missed that given the
17 number of pages.
18 Again maybe my own confusion,
19 there is reference in here somewhere to fiscal
20 analysis in Section VI and I couldn't find that. I
21 looked through all the various documents that I've
22 been given and I could not find a Section VI.
23 MR. STARK: Section VI of the EIR?
24 MS. FELDMAN: Yes. It was not in the
25 documents.

MR. MOORE: I call it the original EIR.
MS. FELDMAN: So it's referencing that?
MR. STARK: Of the Draft EIR, not the Final EIR. Remember, the Final EIR includes that first big box.
MR. MOORE: It's a reference back to the Draft EIR.
MS. FELDMAN: Then I believe that we talked about this at an earlier hearing. There was some reference in that fiscal analysis to reliance on County Proposition A park funds to provide some of the necessary park infrastructure funding and that's incorrect. That's not how Proposition A works and I specifically asked that that be amended so that the final document that we are approving is in fact legally correct. So if that hasn't been changed, that does need to be changed and I would like to see that.
MR. STARK: I would be very surprised if we don't find some little things that need clarification and perhaps even correction before the Board of Supervisors hears the case.
MS. FELDMAN: That's seemingly innocuous, but somewhat important because we do make findings in the overriding considerations that there are

sufficient funds for infrastructure and maintenance and we are making that finding based on that fiscal analysis which says there will be funds available to operate and maintain and develop those parks because of Prop. A money, but that Prop. A money is in fact not available for these purposes because that money is legally earmarked based on voter approval; and so in fact that finding isn't entirely accurate and probably we should change that.
MR. MOORE: You had called this out before.
MS. FELDMAN: Yes, but it hasn't been changed and it's something that does need to be changed; and I want to state for the record that the way that we are approving this now there will not be funds to develop the park space that is being dedicated. It's great that it's been dedicated, but there are no funds available to develop it or to operate and maintain and that is a function of changes of that fiscal analysis.
MR. TOY: Maybe that change could be made, but then also wouldn't this issue, Mr. Schwarze, as you stated come back before us either under CUP's or under the Development Agreement?

MR. SCHWARZE: No, not if you act on this case today. The way the discussion is going now you are not doing any substantive changes. You are modifying the findings. You are pointing out corrections.
MR. TOY: That's fine.
I just have a few things and I want to ask Mr. Moore. I know, Mr. Moore, there's interpretations again and I know the Commission is probably under no obligations for the Final EIR to redistribute it and give people an opportunity to have comment, but I don't think it's wrong for people who have made comments and raised concerns in the past to see if those concerns were addressed or not.
If they were not, is the next level at the Board level where people can raise either in public meetings or in written form if their concerns were not included or they were included but interpreted incorrectly or for whatever other reason they were not addressed at all? I just want a clarification on that.
MR. MOORE: Of course, Mr. Toy, you are absolutely right. The County has endeavored to provide to commentors the responses to those

comments ahead of this particular meeting. Certainly all public agencies that have comments have received the responses that Staff has made in the proposed Final EIR to those comments; and beyond the public agencies, other commentors have also been given the opportunity to see the proposed responses and, of course, what we need to be mindful of is that there will be an additional opportunity -- I think that Lee has received clarification on some of the responses because of his effort to circulate those responses to comments. So there has been an opportunity to review responses, certainly in excess of any legal requirement.
Additionally, the commentors will be given another opportunity at the Board of Supervisors. Additional environmental comments could be made. Comments about the adequacy of the responses can be made. The Board of Supervisors will, of course, receive that additional testimony.
MR. TOY: Can I ask, then, at this time, Mr. Stark, just publicly to announce where the Final EIR is available. I know you said they are available in all County libraries. Is there other places that we don't have? You can take your time

to look at that.

I know that sometimes from the public standpoint we get confusion because they don't know where to go. I know in Ventura County at one time even the Draft EIR they said they didn't have access in their area. Can you just go briefly over that just so people know.

MR. STARK: Basically in all the County's regional libraries as well as three libraries in the Santa Clarita Valley, the Valencia, the Newhall and the Canyon County libraries, and in Ventura County at the Fillmore library, the Piru library and the Ventura library. Those are the libraries.

Then many other public interest agencies have received copies as well, but those are clearly the public access copies as well as a copy here in this office.

MR. TOY: And people can call here if they are confused or if they need to get access or even to come down here and set up a time to look at our copy here?

MR. STARK: Oh, sure.

MR. TOY: And that's the same number as the Commission, the 974-6409 number they should call?

MR. STARK: 974-6419 in area code 213.

MR. TOY: I just wanted to make sure we are clear on that.

MR. STARK: Sure. It's the same document that you would see at these regional libraries.

MS. FELDMAN: Well, anybody who does want to go take a look at that document don't do your weight room workout beforehand. Staff who has been hauling those documents around are in pretty darn good shape.

MR. TOY: Two questions just to follow up for Staff, Madam Chairman.

Once we approve the Specific Plan and like some of the new zones that go into effect, that means that the present, all the new zoning regulations that exist now must be followed, right, for those specific changes in those areas?

MR. SCHWARZE: Correct. Anyone who comes in and attempts to develop within the boundaries of this project would have to follow the Specific Plan zoning and designation.

MR. TOY: If possible, especially in a large project like this -- I don't know if it would be hard, but if it's not, can I get a sheet to show what the new zoning situations are and what is

allowed under them?

MR. SCHWARZE: I think that's part of your document, but I can get Lee to give you a separate document.

MR. TOY: Instead of me having to go back and relook.

I guess Commissioner Feldman was talking about environmental impacts and things. All of those conditions and things are in place also; right? I read through real quickly. I just want to make sure.

MR. SCHWARZE: On the Conditional Use Permit and the vesting map; right. There are no conditions on the Specific Plan or the plan amendments, but on the other things there are.

MR. TOY: All right.

THE CHAIRWOMAN: All those in favor let it be known by saying aye. Opposed? The motion is carried.

MR. TOY: Congratulations.

THE CHAIRWOMAN: Before we adjourn, I would like to express my sincere thanks to the Fire Department. It's my understanding that they have not done this before, but they have given me a placque. It says, "Mrs. Clark, Regional Planning

Commissioner, for twenty-two years of outstanding and dedicated service to the citizens of Los Angeles County of Los Angeles and continual support of the Los Angeles County Fire Department," and of course they have the date on it.

I can publicly state I believe the record will show that I never thought in all of these years that I have been here that I was smart enough to vote against anything at all that the Fire Department recommended. I did not want it on my conscious that if we had an accident or something happened because of my foolishness, that that would be on my conscious; but I'm deeply grateful to them for this placque and I will cherish it always.

MR. TOY: I just want to add, Commissioner, that as you said, you helped set the standards for us. I don't know if we can ever reach it, but as I was telling the Fire Department, this is the first time they put it out. I expect one after five years, not twenty-five years. You do deserve it.

THE CHAIRWOMAN: Well, I have never thought I was smart enough to outsmart the Fire Department of the County of Los Angeles and I pass

that onto you because they are the experts in this field.

MR. TOY: I was pointing to under our procedures, Madam Chairman, that under "other matters" there is public comment pursuant to Section 54945 of the Government Code. That's all.

THE CHAIRWOMAN: There is no public comment, so the meeting is adjourned.

(Discussion held off the public record.)

THE CHAIRWOMAN: Ladies and gentlemen, please be seated. On the public comment on our agenda today, I thought I had asked for that.

MR. MOORE: I thought you had, too. There must have been some confusion. I thought the Chair called for public comment and there was no one who raised their hands, an individual -- well, there is obviously room for disagreement, isn't there? I assumed that she had called for public comment. It sounded like it to me.

If everyone could please come to order, under item four we'll hear public comment.

I suggest -- well, in view of the hour, you have discretion to limit it and we certainly don't need --

THE CHAIRWOMAN: Please state your name

for the record.

MR. FLYNN: Madam Chair and Commissioners, my name is John Flynn. I'm Chairman of the Board of Supervisors in Ventura County. I represent the Oxnard area in Ventura County on the Board; however, each Board member is a Ventura County Board member of the entire County. We represent approximately 716,000 people -- that's the population of the County.

My concern, even though I was going to give a different presentation today because I assumed, Madam Chair and Commissioners and County Counsel, that this was a public hearing. I have a document here in my hand which I would like to turn in for the record that says on it, "December 17th, 1997, Wednesday, Regional Planning Commission County of Los Angeles Agenda, part one reports, part two public hearing"; therefore, a public hearing should allow from my experience -- and, Madam Chair, I congratulate you on your many years. You and I are about tied on our public service; but public hearings should allow people from the public, including elected people, to make comments about the issue that is before you; therefore, I'm simply saying today that we were not

allowed that. Even though we received an agenda that says public hearing, your County Counsel said that that had been changed and there was a mistake; however, we did not -- at least I did not know this was a mistake. Perhaps our Planning Department did, but I personally did not know and, therefore, I was up this morning at 6:00. I left home at 6:30. It is now 11:30. I came down here to give public testimony about our concerns about the Newhall project and the impact it has on Ventura County.

THE CHAIRWOMAN: Public testimony. Mr. Moore, where are we on that?

MR. MOORE: I trust your comments are available in writing?

MR. FLYNN: We have submitted comments in writing today; however, some of the comments I would make right now and I'm sure my colleague, Supervisor Long, who happens to represent the area in the Santa Clara River Valley, perhaps would have additional comments to those that you have presented to you in written form.

MR. MOORE: And your comments are on the project we heard under Item 3?

MR. FLYNN: My comments would be directed

to that item, yes.

My comment now is simply the procedure that we are following. It's not on the project. It's on the procedure and it is a public hearing. That's why we came or otherwise we would not have come.

MR. MOORE: Certainly your staff, which has been present at prior meetings, understood that the testimony portion of these proceedings has previously been closed and certainly the format for this and prior meetings were publicly explained.

I regret, along with the Department, certainly, the incorrect caption or the misleading caption and I apologize to you for my part in reviewing the agenda prior to its publication; however, I believe it was reasonably clear to all interested persons that the testimony portion had been closed.

With regard to comments on this particular project, we would be happy to receive those that are in writing and make sure that they are transmitted to the Board of Supervisors and, of course, you're invited to speak on the merits of the project to the Board of Supervisors as well as your associate; but this is essentially the

1 discussion we had earlier at the request of
2 Commissioner Feldman concerning the caption and
3 certainly the testimony had been concluded.
4 MS. RUSSELL: I, too, noticed that. I did
5 call Mr. Stark yesterday and brought that to his
6 attention because I saw it and I was confused.
7 When I called he said, "Oh, I already changed all
8 that," but, of course, it was the eleventh hour.
9 THE CHAIRWOMAN: We do apologize. You
10 will have the opportunity, however, to make your
11 presentation to the Board of Supervisors when they
12 get this matter.
13 MR. FLYNN: Madam Chair, we understand
14 that and certainly we are going to do that.
15 However, we wanted to make the presentation to you.
16 Even though we have presented comments on your EIR,
17 we have some concerns that we did not have enough
18 time to make complete comments on the responses to
19 our responses that you gave. You only allowed us
20 seven working days. We weren't able to complete
21 the responses.
22 You know, this is a massive
23 project. This project represents a buildout of
24 more people than half of the cities that are in our
25 County. So it's going to have a major impact on

1 the agricultural heart of Ventura County. It has a
2 tremendous agricultural industry. It generates a
3 billion dollars a year to our County in gross
4 dollars. It's the number ten in production in
5 gross dollars in the State of California; but also
6 Supervisor Long has a map that would show you very
7 clearly that part of this project is in the County
8 of Ventura and I would like to ask her to present
9 the map for the record.
10 THE CHAIRWOMAN: Mr. Moore, can we accept
11 that?
12 MR. MOORE: We'll see that it's transmitted
13 to the Board of Supervisors for its subsequent
14 hearings. Certainly your deliberations on the
15 project have been concluded and it is not an
16 appropriate use of the public comment item to
17 testify about a matter that appears elsewhere on
18 the same agenda.
19 MR. FLYNN: Madam Chair, I don't want to
20 appear argumentative, but I would just like to show
21 this map to you because you have ruled on some
22 property land which exists in the County of Ventura
23 and I don't understand how you can do that.
24 MR. MOORE: Well, certainly --
25 MR. FLYNN: So this is submitted for the

1 record.
2 MR. MOORE: Certainly that is an issue in
3 this project. It's an issue that's been brought to
4 your attention and it's been an issue brought to
5 your attention by the County of Ventura and you
6 have documents in the project. We'll see that
7 anything else is further sent to the Board of
8 Supervisors.
9 THE CHAIRWOMAN: So we will accept the
10 material?
11 MR. SCHWARZE: We will accept whatever
12 material they wish to submit and we will transmit
13 that as part of the package to the Board of
14 Supervisors.
15 THE CHAIRWOMAN: We will do that.
16 MR. FLYNN: Thank you very much and thank
17 you for your sensitivity.
18 MR. MOORE: We apologize again for the
19 error.
20 MS. LONG: If I might say a few words, I'm
21 Supervisor Kathy Long and as my colleague
22 mentioned, I am a Supervisor for the district that
23 directly adjoins the L.A. County area.
24 As neighbor to neighbor, we came
25 here to speak. I understand your deliberation. I

1 appreciate your deliberation. I understand the
2 years you have put into this, Madam Chair, and I
3 certainly appreciate that. I know the value of
4 giving of your time to deliberate something that is
5 this important to many, many citizens today and in
6 the future.
7 Our concern certainly was that we
8 have been involved in the process all along,
9 whether through our staff or through written
10 correspondence, but in this last ten-day period
11 since we received the responses to our concerns it
12 was certainly a very short period of time in which
13 to then gather our responses back or concerns that
14 may not have been addressed or totally ignored.
15 Again, as neighbor to neighbor I
16 think our desire is that we be good neighbors; and
17 frankly, I don't believe that that has occurred
18 through this process or as we are headed down the
19 track on this project and we fully intend to as a
20 Board and as citizens of Ventura County to pursue
21 this to the Board of Supervisors.
22 We appreciate your deliberation
23 and your time.
24 THE CHAIRWOMAN: We thank you.
25 MR. TOY: Madam Chairman, I just want to

make a comment. I know it's very difficult. Mr. Stark has tried very hard to do a good job. I know I mentioned this -- not particularly in this project, but in other projects -- to Mr. Schwarze and I hold him as the primary responsible because he is the head. He is the administrator. It is important, I think, that we do in fact get the headings and the different things right.

I think a couple of weeks ago Commissioner Clark and myself had a situation where we misunderstood each other because the writing was of a certain project she thought was in Mrs. Russell's district and it was in my district and she was wondering why I was being so attentive to that particular thing and I kept reminding her it was in my district.

These are little things. We have many, many items that come before us and in the main we understand and we know, but yet when I see a certain heading, as Mrs. Russell says, it does throw us off and I assume sometimes that maybe something has changed and that's the reason why the heading is different. So it is important.

I also apologize as Commissioner to you for that and we'll try to do better and I

hope we won't have this kind of problem.

THE CHAIRWOMAN: We certainly do apologize and submit your information to the Board of Supervisors.

We thank you. Other comments?

UNIDENTIFIED SPEAKER: Lynn (Inaudible), Santa Clarita Organization for Planning the Environment.

We, too, would like to object that the agenda notified this as a public hearing. We were aware that the comments were closed, but when you have an agenda notifying it as a public hearing, it's probably best to have public comment and we, too, object to the short period of time that we were able to look at the final documents. There were some errors in the responses and we would have liked to have brought those to you before you voted.

Also, I have an entirely different matter that since I had to come down today anyway, I would like to bring to your attention and it's probably kind of a letdown after the excitement of this morning.

We are having a problem with illegal freeway signs on Highway 14. We've brought

it to the attention of zoning enforcement in May of this year. We contacted them again in July. They are basically saying that it takes an extremely long time to locate the owners of the property and then notify the owners of the property, but this has now gone on for nine months. It seems like there would have been a way to take care of this and they are like graffiti. They are proliferating.

We would very much appreciate it if you could talk to Mr. Callison and say that illegal freeway signs is an important matter in the Santa Clarita Valley. We have beautiful hillsides out there which we would like to keep in their natural -- there is very well understood legal requirements for freeway posting and they are within the 600 foot area where they are not supposed to be. So we would appreciate the County's help in this matter.

MS. RUSSELL: When you brought that to us before, I went up there and I was looking, too. Can you be more specific and tell me which ones you were talking about because I don't know if they are illegal or not.

UNIDENTIFIED SPEAKER: Just after the

split there are two signs that are probably within a quarter of a mile of the split on the 14.

MS. RUSSELL: On the right side?

UNIDENTIFIED SPEAKER: On the right side.

MS. RUSSELL: I saw those.

UNIDENTIFIED SPEAKER: Then just past San Fernando Road there are another two.

You know what I should do is I should send you our original correspondence on this which delineates it. I think the first correspondence delineated seven. By the time we complained the second time there are twelve and now there are more.

MR. SCHWARZE: Believe it or not, I don't want to get Ms. Plynbeck (phoen.) killed or anything on the freeway, but I would appreciate maybe you can take a picture.

UNIDENTIFIED SPEAKER: Well, the Signal took a picture of two of them and we sent that to you with our correspondence.

MR. SCHWARZE: Two isn't seven.

UNIDENTIFIED SPEAKER: They said they were investigating them and you have investigators that go out and look at these signs.

MR. SCHWARZE: It would help us if we had

a photograph from you so we can make sure we are talking about the right sign. I have not talked to Mr. Callison --

UNIDENTIFIED SPEAKER: Well, the last time --

MR. SCHWARZE: Lynn I'm speaking. I have not talked to Mr. Callison about this, but I will. I know the way these things work is that it's most helpful to us if we have a photograph or an accurate location like from a mileage marker or something like that.

UNIDENTIFIED SPEAKER: Well, let me say quite clearly I would not be able to do that. I would either be arrested for trespassing or stopping on the freeway.

Now, what we did supply to you is Thomas Guide points and that is already in your possession.

MS. RUSSELL: I thought maybe you are talking about two that we have been trying to get rid of for four years, I think. That's at the Board of Supervisors.

THE CHAIRWOMAN: We thank you. With that this meeting is -- no, we have another speaker. Is there anyone else who would like to say something?

MR. FREEMON: My name is Clarence Freemon. I'm a registered civil engineer in California and I live in Fillmore, 822 Central Avenue, Fillmore, California and I have two items.

I was asked to prepare this. Commissioner Feldman talked about alternatives and in the Executive summary, page fourteen, that came with the Draft EIR --

MR. SCHWARZE: This is definitely testimony.

THE CHAIRWOMAN: I'm just informed that it sounds like testimony that we are receiving at this time, sir. If you would like to --

MR. SCHWARZE: I would also point out to you that Mr. Freemon has spoken at almost every public meeting you have had on this subject.

THE CHAIRWOMAN: And Mr. Schwarze just informed me that we do not have to let you speak again, Mr. Freemon.

MR. MOORE: If he is speaking about the last item on the agenda, the Newhall Ranch project --

MR. FREEMON: This is the Newhall Ranch project.

THE CHAIRWOMAN: It is not or it is? It

is. Then it's testimony.

MR. MOORE: That is not a subject for the public comment period. It's a separate item.

THE CHAIRWOMAN: With that, I'm sorry. You heard our County Counsel.

MR. FREEMON: May I hand in this written material?

MR. MOORE: We'll forward it to the Board of Supervisors.

THE CHAIRWOMAN: This meeting is adjourned.

(The hearing proceedings were adjourned at 11:50 a.m.)

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, Vicki Nikola, CSR No. 3351, a certified shorthand reporter in and for the State of California, County of Los Angeles, do hereby certify:

That the foregoing proceedings were taken before me to the best of my ability;

That said proceedings were taken down in stenograph writing by me to the best of my ability and thereafter transcribed into typewriting under my direction.

I further certify that I am neither counsel for nor related to any party to said action, nor in anywise interested in the outcome thereof.

Dated this day of January, 1998.

CERTIFIED SHORTHAND REPORTER
THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

1 STATE OF CALIFORNIA)
) SS.
2 COUNTY OF LOS ANGELES)
3
4 I, Vicki Nikola, CSR No. 3351, a
5 certified shorthand reporter, hereby certify that the
6 attached transcript is a correct copy of the hearing
7 proceedings taken before me on the 17th day of December,
8 1997, as thereon stated.
9 I declare under penalty of perjury
10 that the foregoing is true and correct.
11 Executed at Los Angeles, California,
12 this day of January, 1998.
13
14
15 CERTIFIED SHORTHAND REPORTER
16 THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA
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BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

PUBLIC HEARING PROCEEDINGS
LOS ANGELES, CALIFORNIA
MARCH 24, 1998

VICKI NIKOLA
CSR NO. 3351

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

PUBLIC HEARING PROCEEDINGS, taken at 500 West Temple Avenue, Los Angeles, California, commencing at 10:30 a.m., on Tuesday, March 24, 1998, before Vicki Nikola, CSR No. 3351.

A P P E A R A N C E S:

THE BOARD OF SUPERVISORS:
Yvonne Brathwaite Burke, Chair
Gloria Molina, Supervisor, 1st District
Don Knabe, Supervisor, 4th District
Zev Yaroslavsky, Supervisor, 3rd District
Michael Antonovich, Supervisor, 5th District
Joanne Sturges, Executive Officer
Ray Fortner, Chief Deputy County Counsel
David Janssen, Chief Administrative Officer

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LOS ANGELES, CALIFORNIA; TUESDAY, MARCH 24, 1998

10:30 A.M.

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PUBLIC HEARING PROCEEDINGS HELD BEFORE THE
LOS ANGELES COUNTY BOARD OF SUPERVISORS

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MS. STURGES: This is a combined hearing, General Plan and Sub-Plan case number 94-87, zoning change case number 94-87, conditional use permit case number 94-87, vesting tentative tract parcel map case number 2500.

(Discussion held not related to Item 14.)

MR. ANTONOVICH: Madam Chairman, Item No. 14, for the audience, to let everybody know, a decision will not be made today. Those individuals who want to submit written testimony can. We have through Friday, April 3rd for submission of written testimony. That information will then be reviewed by the County departments and brought back to the Board for their input and consideration.

MR. STARK: Good morning, Madam Chairman. My name is Lee Stark with the Department of Regional Planning.

Upon recommendation of the

Regional Planning Commission the Newhall Ranch project has been forwarded to you for your consideration and possible action. The project site covers 19 square miles in the Santa Clarita valley. This vicinity map shows the location within the County. The project is generally or is bounded on the west by the Ventura County boundary. The Interstate 5 freeway runs along to the east of the site with Magic Mountain Amusement Park located in this general area. This is Highway 126 that goes into Ventura County. The community of Val Verde is located to the north along with the community of Castaic. The City of Santa Clarita is located across the freeway to the east. The aerial photograph shows the site as well. It also shows a good depiction of the Santa Clara River running through the project with the Interstate 5 freeway along here.

This project is best described as a long-range community plan with buildout expected over a twenty-five to thirty year period. The Specific Plan is being proposed which would change the General Plan zoning over the entire property. Approximately half of the site would be developed into five villages with a network of highways,

1 infrastructure and other public facilities to serve
2 a resident population of approximately sixty-five
3 to seventy thousand. The remaining half of the
4 site largely in the mountainous High Country and
5 along the Santa Clara River -- High Country and the
6 Santa Clara River corridor -- would remain as
7 permanent open space.
8 The water reclamation plant is
9 proposed to serve the project by treating
10 wastewater to provide approximately one/third of
11 the development's water needs.
12 Your approval of the Specific
13 Plan would carry no construction rights. Land
14 subdivisions would need to be processed over the
15 years along with appropriate environmental
16 documentation.
17 The Applicant's original request
18 for approval of 25,218 units is reduced to 24,315
19 by the Planning Commission who also made several
20 other quantifications to the project during the
21 fourteen months that the project was before them.
22 Several major issues were raised during the public
23 hearing process, all of which are addressed in the
24 Final EIR. The most frequent comments related to
25 the transformation of open space to urban uses and

1 whether or not a project of this magnitude was
2 needed, impacts to the Santa Clara River and other
3 natural resources, the need for additional water,
4 potential geologic dangers and off-site impacts
5 associated with such factors as traffic and water
6 runoff. Impacts on air quality and the need for
7 solid waste disposal were also subjects of
8 testimony.
9 In evaluating a full range of
10 potential impacts the EIR has identified
11 significant adverse effects on agricultural
12 resources, visual qualities, air quality,
13 biological resources and solid waste disposal.
14 While measures are included to reduce these
15 impacts, the Regional Planning Commission
16 determined that the substantial benefits resulting
17 from implementation of the project outweighed the
18 adverse effects, making them acceptable based on
19 the overriding considerations set forth in the
20 environmental documentation.
21 More detailed construction-
22 related impacts will need to be addressed as
23 Newhall Ranch develops. Applications for major
24 subdivisions, in particular, will most likely
25 require new environmental impact reports.

1 You are being asked today to
2 adopt a Specific Plan, Plan amendments and zone
3 change and to reaffirm the Regional Planning
4 Commission's action on the Conditional Use Permit
5 and the vesting tentative parcel map which are
6 before you on appeal of the Regional Planning
7 Commission's actions and to certify the Final EIR.
8 Are there any questions at this
9 point?
10 MR. ANTONOVICH: What are the
11 justifications which the Commission found to
12 recommend approval of their proposed plan
13 amendment?
14 MR. STARK: In passing the resolution the
15 Commission included several features, but one of
16 the most important they felt was the opportunity to
17 master plan such a large area -- as I said, 19
18 square miles, about half of which would be
19 developed, but they felt that by master planning an
20 area in which school and other public sites could
21 be located early on along with the appropriate
22 circulation plan and other infrastructure, that
23 this was the proper way to do planning. They felt
24 that there was a large need for additional
25 residential units.

1 The projections on population of
2 housing that the County adopted in 1987 are, we
3 believe, woefully out of date and there will be
4 more housing needed, not only in the Santa Clarita
5 valley, but throughout the County; but they felt
6 that this is one area that could accommodate more
7 of the growth that will certainly be coming.
8 MR. ANTONOVICH: How much of the proposed
9 site will be protected?
10 MR. STARK: About nine square miles. The
11 dark green area shows the open areas on the river
12 and in the mountainous High County.
13 MR. ANTONOVICH: And those are permanent
14 open spaces?
15 MR. STARK: This would be permanent open
16 space, yes.
17 MR. ANTONOVICH: I understand there is an
18 issue as to who will receive the open space for
19 long-term maintenance. Could you elaborate on that
20 issue for the Board.
21 MR. STARK: Yes, I could.
22 The proposal includes a provision
23 that would provide an easement to the County for
24 the open air area along with the naming of a public
25 entity to oversee the management of that area.

1 This whole process must be approved by the County.
2 The Applicant has drawn a tentative agreement with
3 The Center for Natural Lands Management to manage
4 the High Country and the river corridor and that is
5 all subject, though, to the County's approval.
6 MR. ANTONOVICH: There is an issue on
7 sustainable water. What was the Commission's
8 findings relative to water that would sustain such
9 a community?
10 MR. STARK: Water supply, there is
11 approximately -- there is a water supply committed
12 for development of approximately two-thirds of this
13 project. Remember, this is a twenty-five to thirty
14 year buildout and typically with subdivision
15 approval would come a requirement that committed
16 water supply be ensured before the subdivisions
17 were approved; but right now about two thirds of
18 the water is available through the State Water
19 Project, the Castaic Creek flood flows and, as I
20 said, the reclaimed water from the wastewater
21 treatment plant that would provide about one/third
22 of the entire project's water needs.
23 MR. ANTONOVICH: Is this similar to what
24 they did in Irvine in having a planned city or
25 Mission Viejo?

1 MR. STARK: Yes, it is, and it's also
2 similar to what was done in Valencia about thirty
3 years ago, but without the formal Specific Plan
4 process.
5 MR. ANTONOVICH: To County Counsel, County
6 of Ventura has stated that since over 7,600 acres
7 of the Newhall property extends into their County,
8 that State law provides that a proposed land
9 division cannot be approved without Ventura
10 County's consent. I understand our County
11 Counsel's office disagrees with that opinion.
12 Would you explain your reasons on that issue and
13 has this issue been adjudicated on other projects?
14 MR. FORTNER: Madam Chair, Supervisor
15 Antonovich, there are a number of reasons why we do
16 disagree with that position. First, we believe
17 that the County boundary itself creates a legal lot
18 line under the Map Act and separates the project
19 from Ventura County in that fashion.
20 Second, we note that there is
21 absolutely no development proposed or permitted or
22 restricted as proposed here that lies within
23 Ventura County. The entire project lies within the
24 County of Los Angeles.
25 Finally, if this project, if the

1 entire ownership were located within Los Angeles
2 County, the developer could have carved out just
3 this portion and brought that before the Commission
4 and ultimately the Board for approval of
5 development and omitted the remainder of the
6 ownership. Now, the fact that it lies in another
7 County we don't think changes that rule. It's
8 specifically permitted under the Map Act. Whether
9 any of these issues have been specifically tested
10 in litigation, we do not believe so.
11 MR. ANTONOVICH: Any questions? We will
12 call up Supervisor Kathy Long, Alan Kishbaugh for
13 Senator Tom Hayden and Jan Heidt who is mayor for
14 the City of Santa Clarita.
15 John, are you going to speak,
16 too?
17 Why don't you have the people
18 from Ventura speak and then we'll have Mayor Heidt
19 speak after that.
20 MS. LONG: Good morning, Madam Chair and
21 Supervisors. I appreciate the opportunity we have
22 today to speak with you regarding this project. As
23 you can see, it's very important to the citizens of
24 Ventura County. We have many citizens here today
25 who arrived by buses, and joining me at the table

1 is Supervisor John Flynn, Deputy County Counsel
2 Dennis Slivinski, Bob Braitman, and Fred Gentke who
3 is the general manager for United Water
4 Conservation District.
5 I'm here, first of all, to thank
6 you. I know you have received our packets from
7 Ventura County regarding our appeal positions and I
8 won't go into detail on those. I'm here to speak
9 again for the Ventura County citizens who over
10 twenty years ago worked with our elected officials
11 to craft a vision for our county and it was a
12 collective vision that directed urban uses to
13 cities, distinct nonurban areas protected by green
14 belts and for the unincorporated areas to become
15 vibrant open-air manufacturing centers that are
16 also known to most of us as farms.
17 Today our citizens maintain that
18 ideal quality of life. We are ranked 12th in the
19 state both for population and for our agricultural
20 industry and we are very proud of that and
21 committed to protecting that balance.
22 Today we appeal to you, the
23 policy leaders of Los Angeles County, to work with
24 us to maintain that balance for a regional land use
25 ethic. Maintain a balance for our regional cross-

1 county air basins, our traffic corridors, our
2 natural river, and our wildlife corridors. Our
3 appeal is based on an invisible, yet impenetrable
4 wall that was constructed in the environmental
5 documents on the Newhall Ranch project, a wall that
6 stopped a thorough analysis on the environmental
7 impacts related to our regional air quality,
8 traffic, water quality and quantity, flood control,
9 housing, and the health of one of the last natural
10 rivers in Southern California, the Santa Clara
11 River.
12 I'm asking you to raise the
13 questions today to ask for further analysis. Don't
14 settle for overriding considerations on significant
15 issues that will impact our future twenty years
16 from now. Our appeal is to the leadership, to you,
17 the policy leaders, that you take the time to
18 listen, that you direct the actions to resolve the
19 significant issues that we bring to you today and
20 that you take the opportunity to demonstrate that
21 regional cooperation is another term for good
22 neighbors.
23 Our regional actions that we have
24 taken on a project that has been raised to us by
25 many of you that joins the L.A. County line, the

1 Ahmanson project, in that action we did work with
2 you on regional issues. We did cooperate with you
3 where we could. Ten thousand acres of open space
4 were dedicated for the public good and I believe it
5 was a very important regional cooperative effort.
6 Regional cooperation, not
7 political borders. Regional cooperation, not
8 litigation. We don't wish to have litigation on
9 this. It's a waste of time, money and taxpayer
10 dollars. We would like to take the time to do and
11 ask you to do what is right and to do what is best
12 for the citizens who will live with the land use
13 ethic we establish through this proposal.
14 As you honored this morning the
15 Children's Defense Fund, I'd ask you to honor the
16 future of children of the 21st Century who will
17 live in the Santa Clarita valley, who will live in
18 the Ventura County community because it's for them
19 that we have to make the right decision, the land
20 use ethical decision on this project.
21 I would like to ask now -- and
22 thank you for your time and your leadership and
23 offer to work with you and your staff and to give
24 of my personal time to work with you through these
25 issues and questions you may raise today.

1 I would like to at this time
2 introduce Supervisor John Flynn and also to let you
3 know, if I might real quickly, that Mayor Don
4 Gunderson is here from Fillmore, the city that will
5 have most probably the direct line of impact on the
6 126 corridor. We have many friends from the Santa
7 Clara River Valley. We have the League of Women
8 Voters and many citizens from the County who would
9 like to be heard, and we would like to certainly
10 ask that you take the time to do so.
11 Supervisor John Flynn.
12 MR. FLYNN: Madam Chair, may I hand this
13 out, these two documents.
14 Madam Chair and Board members,
15 it's an honor for us to be here today. We were
16 very interested in your early proceedings and
17 joined you in honoring people that you honored here
18 today and we come here as your neighbors to make an
19 appeal to you, your neighbors of the north. Some
20 of you I have worked with in the past and we want
21 to continue to work together with all of you. We
22 commend you for the fine leadership that you have
23 shown here in this County and we appreciate you
24 allowing us to speak today.
25 The one item that I want to

1 address today is the issue of water and how this
2 project affects water in Ventura County. It's a
3 key issue for us. It's not the only issue, but
4 it's an issue that I hope that you listen to.
5 My background in water has been
6 extensive even though I have no degrees in
7 hydrology or geology or engineering, but I have
8 worked hard to make sure that Ventura County and
9 the economy of the County and the people of the
10 County have water for the future, have a reliable
11 water supply and I have worked shirt sleeves rolled
12 up with water people who are here today to make
13 sure of that.
14 Agriculture in Ventura County is
15 threatened by this project. It's threatened by the
16 project for many reasons, but one of the main
17 reasons is the impact that this project will have
18 on water flow down the Santa Clara River.
19 Let me just tell you the
20 extensive nature of agriculture in this Santa Clara
21 River Valley. Can you imagine that Santa Clara
22 River Valley farmers produce in one year on the
23 average 400,000 tons of lemons that are distributed
24 throughout the world. We are the leading lemon
25 producer in the world. This valley produces those

lemons. We also produce 30,000 tons of avocadoes, 125,000 tons of oranges. This is an extensive, dramatically extensive agricultural area in California and indeed throughout the world. Our products are shipped throughout the world, but especially in the Far East. This project threatens the future of agriculture in the Santa Clara River Valley.

In reading the information that has been given to us and in reading the Environmental Impact Report, in the Final Environmental Impact Report I am stunned that this project is before you without a reliable identifiable water supply for the project. The EIR says that there is no net use of groundwater, but there is no water supply that is definitely identified for this project and that really worries us.

If we read the information and if you read the information at least that I have read that's put out by the Castaic Lake Water Agency and you think about the projects that are in the pipeline to be served by this agency, for this agency to deliver water to those projects, this agency, looking into the long-term future, has

really overdrafted its bank account of water supplies. There are only vague assurances from this project and from the EIR that there is a reliable water supply. I'm not convinced of it at all, and that leads us then to our worry about the impact of water flowing down the Santa Clara River Valley, flowing through Los Angeles County, across the County line into Ventura County. This project threatens to stop the flow of that water.

I have given to you, Madam Chair and Board members, two maps. One is a generalized map of this area and it's this map here, for the record, and it shows you Ventura County. It shows the County line. It shows the various basins that are along this County line -- and it's on the screen behind you -- but if we look at this map and we look at the Ventura/Los Angeles County lines -- if you would point that line out for us. He is a major in geography -- right at that point we have a concern because the geology there right in the Los Angeles County portion of the river there are a couple of huge basins, Saugus Basin and another alluvial basin, as it's called, and right there at that point there is the Pico formation.

It's my understanding that

because the project does not have a secure water supply, a State water supply, nor any contracts with farmers in the Kern County area of California to take any surplus water that they have, they will be dependant upon this water, this groundwater, and that has our concern.

They will pump water and it's our understanding that they will take that water level down to the point that no water will flow over into the basins; for example, the Piru basin which is just downstream and that basin depends on a flow of water from L.A. County into that basin and into the Fillmore basin, into the Santa Paula basin and into the aquifer system that sits on the Oxnard plain. If the flow isn't continuous, if the flow is impeded, then the water quality is impeded, too, and chlorides then build up and chlorides in avocadoes and lemons and oranges don't get along very well together. That's one issue, the water quality.

The other issue is the water quantity. These basins will suffer if the project simply relies on pumping groundwater out of the basin right before the Pico formation. We hope that you will not allow it.

There is another water supply that is identified, but it's only very vague and it has to do with water flowing down the Castaic Creek. That water flowing down the Castaic Creek, which my friend from United Water Conservation District will describe in more detail, is under an agreement among several water agencies and in order for this project to take water as it says it wants to take and it will take, that agreement will have to be changed. It's pretty hard to change water agreements in California. I doubt whether that project is going to get water from Castaic Creek and if it gets the water from the groundwater, it's going to have a dramatic effect on agriculture in Ventura County, a dramatic effect on all of the basins which rely on the flow of the water down the Santa Clara River. I hope that you will study this issue carefully and not allow it to go forward. A yes vote on this project can in no way be defended.

Madam Chair, thank you very much for allowing me to speak.

MS. LONG: Madam Chair, if I might, I would like to have Dennis Slivinski, our Deputy County Counsel, speak to the appeal directly.

MR. SLIVINSKI: Thank you, Supervisor

1 Long.
2 Madam Chair, members of the
3 Board, my name is Dennis Slivinski from the Ventura
4 County Counsel's Office and I have submitted, in
5 the interest of saving time, to your Board a letter
6 dated March 12th, 1998 which summarizes in detail a
7 number of the issues which I will merely summarize
8 briefly here today and I would urge you to review
9 that. It is an attempt to summarize a voluminous
10 number of documents and concepts in a short
11 readable form; but initially I would like to draw
12 your attention to what we are referring to as the
13 Newhall Ranch trans-county legal lots.
14 The black line on this exhibit
15 indicates the Los Angeles/Ventura County line.
16 Newhall Land and Farming Company owns these three
17 lots which are quite extensive and extend across
18 the County line. It is our position that the very
19 act of approving the vesting tentative map which is
20 before you today which will divide the property to
21 the right of that line, or the east, into thirty
22 lots will, in effect, create a subdivision.
23 Now, I have been trying to
24 develop some sort of simple analogy to illustrate
25 this somewhat legal technical point, but if you

1 could imagine these three colored parcels to be a
2 continuous stretch of cloth and you cut the cloth
3 on the Los Angeles County line with scissors, you
4 inevitably result in cutting apart three lots which
5 are left in Ventura County. That is, in effect, a
6 subdivision. It's a division in any simple sense
7 of the term.
8 That aside, the Subdivision Map
9 Act provides for jurisdictions that have
10 subdivisions that occur in one or more
11 jurisdictions to cooperate in approving a project
12 that results in that subdivision. We are urging
13 you here today to honor that principle and allow
14 Ventura County to become a responsible agency in
15 this environmental review process.
16 Now, I am not presenting here a
17 mere legal technicality which deals with a line on
18 a map. I would draw your attention to the maps
19 that your Planning Department put on the board and
20 when we get to Ventura County, there is a white
21 hole. There is simply white. There is nothing
22 there. This is a very good example of the problem
23 which we perceive here. We believe that if this
24 EIR is rewritten, rescoped, reviewed and
25 recirculated you will be convinced that there are a

1 number of environmental impacts on Ventura County
2 that have not been properly analyzed, so we cannot
3 mitigate them.
4 One which Supervisor Flynn
5 mentioned is water and I would like if Mr. Ellison
6 would, just for the sake of illustration purposes,
7 put these two -- first of all, the map that
8 Supervisor Flynn showed you. You notice the
9 Ventura County line and then the next map shows the
10 depths of the aquifers that go across the Ventura
11 County line.
12 Nature has made us cooperative in
13 this. We cannot do this unilaterally as terms of
14 environmental review on one side or the other.
15 Nature spans both counties and anything that is
16 done on either side of the county will affect the
17 other side, particularly in this case since Ventura
18 County is downstream. That is water.
19 Now, I'm not going to go into the
20 details because we have experts here to do this and
21 Supervisor Flynn did an excellent job in
22 summarizing the issue, but my point in putting
23 these maps up is to show that we are not just
24 looking at a single line as a legal technicality.
25 Nature has impacts on both sides of the border and

1 they have not been analyzed. We do not know what
2 is going to happen in Ventura County, but we
3 suspect that it will be very significant; and if
4 this project goes forward without addressing these
5 problems, there will be irreparable harm.
6 Mr. Ellison, if you will put now
7 the map showing the agriculture of the Santa Clara
8 Valley.
9 Likewise with agriculture. The
10 agriculture clearly goes across the County line,
11 affecting thousands of acres. Now, the agriculture
12 itself is a significant problem, but this relates
13 to other impacts that go across the County line
14 such as air pollution and traffic.
15 If you review your Environmental
16 Impact Report, you will see that the air pollution
17 was analyzed only in terms of the Southern
18 California Air Quality Management District boundary
19 line which is a jurisdictional boundary. Air
20 pollution does not respect jurisdictional
21 boundaries. The ozone, the smog, the dust and the
22 particles will go across the County line.
23 A model was not used that is
24 region wide. A model was used that was only
25 district wide in Los Angeles County. So we do not

1 know the impacts that are going to occur with
2 regard to air pollution; however, we suspect that
3 they will be substantial and they will probably
4 prevent Ventura County from achieving Federal air
5 pollution control standards.
6 With regard to biology you will
7 see on this map the wildlife migration routes.
8 Currently the wildlife on the Newhall Ranch project
9 migrate north and south from the Santa Clara River
10 to the mountains across corridors which range from
11 5.1 miles to 2.1 miles. Your EIR is proposing that
12 all of these animals will be concentrated in the
13 salt creek corridor which is shown where
14 approximately Mr. Ellison is pointing, but there is
15 no explanation as to what is going to happen to
16 this migration. It doesn't appear from a common
17 sense standpoint that that kind of constriction is
18 workable, but I would add even further that these
19 animals are going to end up into the area where
20 there are working farms which is unlikely a
21 significant environmental corridor that can
22 accommodate this problem.
23 Once again we point out that we
24 don't know exactly what the ultimate impacts are
25 going to be, but there are a lot of red flags here

1 and we are concerned that they haven't been
2 properly analyzed.
3 With regard to traffic, it's
4 clear that 126 goes across the County line, yet
5 there have been no mitigation measures placed in
6 this project to assure that the accommodation for
7 this traffic will take place.
8 With regard to flood control, we
9 know that the water comes across the Santa Clara
10 River into the Ventura County line. If you review
11 your EIR, you will find that the EIR analyzed a
12 total burn condition of the entire Newhall Ranch
13 and they compared that to the project as proposed
14 and said, "Compared to that, there is no
15 significant flood control problem."
16 I ask you, is that reasonable?
17 What should have been done was to analyze the
18 existing water flows over periods of time and
19 compare that with the Newhall project to determine
20 if there will be more significant flood flows
21 coming into Ventura County, undermining the
22 riverbanks and threatening our agriculture.
23 In summation, our basic request
24 to you today is to recognize that we are neighbors
25 in this project, both legally because of the

1 Subdivision Map Act -- we have joint
2 jurisdiction -- and physically because we are
3 interconnected in terms of all of these items:
4 agriculture, water, air pollution, traffic,
5 biology. We must do a joint analysis of this
6 project before it's approved in concept.
7 One final point. Your planner
8 indicated that there will be further environmental
9 review to be done when the individual subdivisions
10 are approved; however, for the global issues that
11 will be too late. We must analyze the effect on
12 this project on Ventura County now before it's too
13 late.
14 Thank you for your consideration.
15 MS. BURKE: I would just like to announce
16 that Items 22 and 30 F will be taken up at 12:15
17 and we will break in this presentation to take
18 those two items up and then return to this item.
19 That will be in approximately one hour -- I'm
20 sorry, 30 E.
21 MS. LONG: Thank you, Madam Chair. I
22 would like at this time to ask Fred Gentke, the
23 general manager of the United Water Conservation
24 District -- he has some information to share with
25 you.

1 MR. GENTKE: Good morning, Madam Chair and
2 the L.A. County Supervisors. My name is Fred
3 Gentke. I'm the general manager for United Water
4 Conservation District in Ventura County. I have a
5 package here that I would like distributed to each
6 of the Supervisors and in it is a copy of a
7 statement I'm going to read. The statement
8 supplied in the package is written to protest the
9 development of the Newhall Ranch based upon an
10 inadequate water supply.
11 United Water Conservation
12 District that is shown on the map behind you is
13 responsible for groundwater supply management
14 downstream from the Santa Clarita valley and the
15 proposed Newhall Ranch area and as such is vitally
16 concerned over this development.
17 For over fifty years United Water
18 has been battling sea water overdraft, groundwater
19 overdraft and sea water intrusion in the valley and
20 out on the Oxnard plain. United Water oversees the
21 supply and replenishment of approximately 250,000
22 acre feet of water annually and sees the lack of a
23 definite water supply as a weakness in the Newhall
24 Ranch plan and a threat to the delicate balance
25 within Los Angeles and Ventura Counties.

Furthermore, this area has been formally classified by the State Department of Water Resources as critically overdrafted; and consequently, a clearly identified water supply and demand report is absolutely essential for approval of this development. Hydrogeologic staff at United Water Conservation District have analyzed and modeled the water supply and demand based upon data supplied by Newhall Ranch and have determined that under the most optimistic water supply demands scenario A, which is shown above, there is inadequate water for the Newhall Ranch for existing development and growth within the existing developments.

In the graph behind you blue is the annual supply that is available under the most optimistic scenario and the red is the two percent annual demand growth in the Santa Clarita valley. That includes not only Newhall Ranch, but it includes the continued growth in the existing areas.

For the most realistic water supply demand scenario, which is C in your package, there is a sizeable and unacceptable to United deficit in water which can only be made up via

water import contracting or excessive groundwater pumping. What this graph shows is a use of historic State water allocations from the times the State first delivered water in the early 1970s to Southern California. It also includes the hydrologic conditions in the state, both northern and southern California, and it also includes the non use of any Castaic Creek flows. The reason we have done that is United is one of the four downstream partners who have a contract with the State Department of Water Resources for the local flood and flows into Castaic Lake.

Since the 1970s when Castaic Lake was completed the flood flows have historically either been stored in the lake and used by the Department of Water Resources or upon our request have been released downstream to replenish the groundwater aquifers. United is a groundwater manager downstream from the Newhall development. We will absolutely oppose the change in the use of water from Castaic Lake. It has forever flowed down the river. It's been a source of supply to the downstream aquifers.

The water supply scenarios used in 1973, 1996 historical hydrologic cycle for the

Castaic Creek and have translated this cycle to 2000 and 2035 as shown behind you. This is a normal hydrologic procedure. Growth within the existing communities in the Santa Clarita area is conservatively estimated at two percent annually. United Water, as I just mentioned, will not support any revision of the existing five-agency contract for regulation and change of delivery point for the Castaic Lake storm in-flows. These in-flows when released are an important source of groundwater replenishment, both in Santa Clarita valley as well as the areas downstream in Ventura County, including the Oxnard plain and the sea water intrusion area.

In fact, the California State Water Resources Control Board which oversees water rights has stipulated that United Water solve the coastal sea water intrusion; thus increased use of the groundwater in the upper basin by the Newhall Ranch would frustrate and perhaps reverse United's efforts and place Newhall Ranch in conflict with the State Board.

As a result of the above, we urge you to suspend consideration of the Newhall Ranch EIR until the Applicants have verified water supply

sources and demand, a detailed modeling, which we have done above and we have asked them to do, and also they have executed water supply contracts.

The information developed in these view graphs was previously transmitted to Newhall Land and Farming through the Valencia Water Company for their comment. We would be happy to work with them as well as the County staff in identifying exactly what the water supply is for the Newhall Ranch. Thank you very much.

MS. LONG: Madam Chair, if I might take a moment and ask Robert Braitman to speak to you regarding the fiscal analysis which has been submitted to you prior, and Mr. Braitman has had an opportunity to do further analysis on the fiscal modeling for the proposed project.

MR. BRAITMAN: Thank you. It's a pleasure to be here today. I have been asked by the County to speak to the question of fiscal analysis. There are three points I would like to make.

First is an independent fiscal analysis is needed. The public service cost and the potential liabilities to the County of Los Angeles from this project are so significant that the County in its own self-interest should ensure

that the project will develop sufficient revenues to prevent reductions in service levels elsewhere in the County. The fiscal analysis we have was prepared by a firm working exclusively for the developer. Newhall Ranch Company employed, supervised and paid the consultant directly. This is different than a landowner financing a study conducted and supervised by the County. The County, therefore, should make the effort and take the time to obtain an objective study prepared at arms length from the developer and a fiscal study should be written by a qualified consultant working directly and exclusively for the County. The County administrative officer is the most knowledgeable official concerning the County budget and should independently assess the ability of the assumptions in the study.

The second point I would like to make is that the County needs better protection in the fiscal conditions. If only to be prudent, the County needs to ensure that the remainder of the County is not placed in jeopardy or subjected to reduced service levels by this major project. There are precious few conditions proposed to protect the County. What if the rosy predictions

in the fiscal study don't occur? What if the per capita law enforcement costs, for example, are not less than other unincorporated areas? What if the optimistic unincorporated sales tax figures do not materialize?

The conditions of approval that your Board should consider may involve the formation of a community services district encompassing the entire project with an authorized special tax in order to insulate the County general fund for cost of providing municipal type services in this major project or you may want to ensure that commercial industrial uses are phased with residential development to ensure balanced plan uses and fiscalization policies over the life of the project.

The third point I would like to make is that the conclusions in the study before you I believe are still questionable. The fiscal analysis as originally prepared is clearly flawed. In recognizing this, portions of the analysis were redone following the approval by the voters of your Propositions L and E. The report, however, still remains flawed and the County should be aware and wary of overly optimistic assumptions which are

inconsistent with other studies, common sense or past experience.

The fiscal analysis concludes and would have you believe that the County through this project can develop its way into prosperity. This conclusion ignores the funding relationship between the State and counties which is a source of many of the difficulties we experience in county government as well as your past experience in this and other counties regarding the relevant financing and revenues. The project does not provide sufficient affordable housing to meet anything approaching actual or expected demands for that type of housing; and how would the fiscal impacts change with a different housing mix? What conditions ought to be imposed? The study is silent about these things because it was not prepared from the County's perspective.

Does the Sheriff agree, for example, that per capita law enforcement costs are going to be substantially less for this project than for other developments in the unincorporated areas of Santa Clarita? What if that assumption is not valid? What fiscal mitigations are proposed? None.

Having the project provide a financial surplus to your County is identified as a major factor; and if so, if that's a reason for the project, the Board should not ignore, as the fiscal study does, the secondary impacts of the project elsewhere in the County. These related costs contribute to the net fiscal effect on the County and ought to be factored into the study.

Does the County administrative officer and the involved departments agree that the per capita public assistance and health services will cost one fifth per capita in this project as it does elsewhere in the county? What if the ratio of affordable housing changes? There is an unanticipated liability that should be disclosed to your Board.

Simply restating, as a revised fiscal study does, the estimated sales tax revenue does not validate the analysis. What's the likelihood that 1.3 million square feet of retail space will be built and occupied, especially in such close proximity to the City of Santa Clarita? Will 32 percent of the projected sales tax be generated in the unincorporated area; and if not, what's the effect on this windfall? Again, a

1 study, a conservative one, from the County's
2 perspective would assist you.
3 The Board should also insist, I
4 believe, that the fiscal study compare its
5 assumptions with existing communities to validate
6 the assumptions. The study does not conduct such
7 validation tests. In fact, it does not even
8 conduct a per capita comparison of the property tax
9 revenues, for example, with the adjacent community
10 of Santa Clarita. Many assumptions in the report
11 remain hypothetical and are not validated by
12 comparison with other developments.
13 In conclusion, the Board of
14 Supervisors in the interest of prudence and
15 protection of County resources should direct the
16 County Administrative Officer to prepare or have
17 prepared an independent fiscal analysis to review
18 and validate these vital assumptions and
19 information before you give a conceptual approval
20 to the project. This is a major issue that the
21 County should be concerned about.
22 I do have a summary of my remarks
23 for the Board members, if you wish. Obviously if
24 there are questions, I would be happy to respond to
25 those. Thank you.

1 MS. LONG: I have previously forwarded to
2 the Board members some fiscal analysis and modeling
3 that was done again on a project that we like to
4 compare, Ahmanson and Newhall, so that you could
5 look at that to see where we did put in place some
6 cooperative agreements and certainly in Ventura
7 County looked at the long-term cost to our county
8 so that it wasn't a cost to our county.
9 The fiscal analysis of this
10 project is as important as looking at the
11 environmental impacts because the size of the
12 project is the biggest project to come down the
13 pike in Southern California in many, many years.
14 This project is bigger than six of the cities in
15 the County of Ventura; and calling on my past
16 experience in working with the City of Los Angeles,
17 we have certainly looked at and talked about under
18 Calvin Hamilton, under Ken Topping, under many
19 planning gurus, sustainable livable town center
20 communities. The importance that when you look at
21 a community today because of the challenges that we
22 have with air quality, the challenges we have with
23 sales tax running our local government as opposed
24 to property tax, we have to look at how do you
25 build the infrastructure, how do you have the

1 dollars to make a city work, and this is a city.
2 Whether it's incorporated or not, this is a new
3 city.
4 I ask you to listen to our
5 appeal, our items we brought up under the appeal
6 and as discussed in our comments today and in our
7 previous correspondence, the project EIR and other
8 project analysis contain significant deficiencies
9 in the areas of fiscal impact, lack of low and
10 moderate income housing, water resources,
11 agriculture, air quality, biology and growth
12 inducement.
13 Based on these deficiencies
14 Ventura County would like to make three
15 recommendations to your Board and that is that the
16 EIR be rescoped, rewritten and recirculated to
17 correct these deficiencies in consultation with the
18 County of Ventura as a responsible agency; and I
19 offer to the Los Angeles County staff and the
20 Newhall Land and Farming Company that be directed
21 to meet with our Ventura County staff in good faith
22 to try to seriously address our concerns. This
23 would be in contrast to the previous meetings we
24 have had where I feel they have defended simply the
25 project as proposed and have not made serious

1 attempts to address our concerns.
2 I ask you to do that today and I
3 appreciate your time, I appreciate the
4 consideration you have given us through the last
5 couple of months in hearing our concerns, and I
6 appreciate your leadership in Los Angeles County
7 and look forward to working with you. Thank you.
8 MR. ANTONOVICH: Also I have Supervisors
9 from the Ventura County and we are going to be
10 meeting again, as we discussed last week at a
11 meeting and also be meeting with the
12 representatives from the Hart School District as
13 well. We have Mayor Heidt here from Santa Clarita
14 and also Mayor Gunderson from the City of Fillmore
15 and Senator Tom Hayden's representative as well.
16 MS. BURKE: Before you start, I would like
17 to advise the audience that we do not have applause
18 after speakers as part of our proceeding. We have
19 been sort of tolerant of it and want to give a
20 chance for everyone to express their approval. At
21 this point I would like to ask you to refrain from
22 applause during the proceedings.
23 MS. HEIDT: Good morning. My name is Jan
24 Heidt. I'm the Mayor of Santa Clarita. I
25 appreciate the opportunity to come and talk to you

1 today about the Newhall Ranch project. You are
2 going to hear an awful lot of testimony today.
3 There are a lot of people here to talk.
4 I want to point out the City of
5 Santa Clarita has submitted a letter to you dated
6 March 20, 1998 that basically outlines our
7 positions on the different areas, but I would like
8 to highlight a few things.
9 Recently within the past six
10 weeks the Santa Clarita City Council had a briefing
11 by SCAG that told us by the year 2020 we were going
12 to increase and add 6.7 million people in our
13 region, the five or six counties in this region, or
14 as they put it, two Chicagos. The north County of
15 Los Angeles is going to get about seven or eight
16 percent of that total.
17 They said we probably have a lot
18 of room for the people, but we don't have enough
19 room for the cars or the air quality problems that
20 are going to entail. Traffic indeed is one of the
21 serious things that Santa Clarita is looking at
22 because what we are looking at is bringing that
23 project in on 126, on Magic Mountain Parkway and on
24 Valencia Boulevard to Interstate 5.
25 Now, it would be nice if we could

1 all say that this represented the jobs housing
2 balance, but it probably won't. All of those cars
3 are going to come into Santa Clarita on those three
4 roads. 126 hasn't even been finished being widened
5 to four lanes from Ventura. The amount of truck
6 traffic on that road today because of the port at
7 Port Hueneme is astounding and can only grow.
8 So that is one area that we are
9 concerned about, that the road is going to be fully
10 utilized by the time it's widened to four lanes.
11 We are concerned about the air
12 quality. We are concerned about the water, as the
13 Ventura County people are, and we are very
14 concerned about the schools. You are going to hear
15 from the William S. Hart School District here today
16 and they have plenty to say about that; but there
17 are some things that I want to ask you and that is,
18 in view of the fact that this may be the largest
19 project ever considered in the State of California
20 -- perhaps one of the largest ever considered in
21 the United States -- this is not a matter that we
22 want to just say, "We need housing, we need this,
23 we need that." It has to be done with resources in
24 mind.
25 So I would ask of you that you

1 plan a field trip to the area. It is the last
2 natural river in Los Angeles County, the last
3 natural river, and it's an area of astounding
4 beauty. I want you to see what we are looking at
5 here.
6 The other thing is we would like
7 you to hold a public hearing in the Santa Clarita
8 valley. If your time permits, we would appreciate
9 that very much.
10 Thank you very much for listening
11 to me.
12 MR. ANTONOVICH: Thank you.
13 MS. BURKE: Nice to have you here, as
14 always.
15 MR. GUNDERSON: Madam Chair, members of
16 the Board of Supervisors, I'm Donald Gunderson,
17 Mayor of the City of Fillmore, the last best small
18 town in Southern California.
19 Fillmore is the first city west
20 of the proposed project and Highway 126. Fillmore
21 is the first city in Ventura County to be impacted
22 by the effects of the project, impacts which the
23 proposed mitigation in the EIR is what I would
24 characterize as perfunctory. These impacts have
25 been discussed in some detail in the enclosures of

1 Ventura Assistant County Counsel Silvinski's letter
2 of March 12th.
3 Fillmore's concerns, not
4 necessarily in order of priority, are traffic,
5 water and housing. The EIR traffic increase
6 attributed to the project would increase Highway
7 126 traffic through Fillmore by approximately one-
8 third. The EIR does not consider other projects in
9 Ventura County which are in the final review
10 process which have traffic impacts on the city.
11 The proposed mitigation is trivial and for some
12 intersections in Fillmore nonexistent.
13 A month ago today, February 24th,
14 Fillmore and the immediate surrounding area
15 received severe damage from the flood waters of the
16 Santa Clara River. The city suffered property
17 damage which is currently being repaired by the
18 Army Corps of Engineers. Surrounding farmers
19 suffered crop revenue losses as well as the actual
20 loss of farm land. That's dirt, trees, worth
21 several millions of dollars.
22 Now, we are very sensitive to the
23 flow of the Santa Clara River. The EIR does not
24 provide adequate mitigation of the effect of
25 increased contribution of runoff water to the Santa

1 Clara River as a result of project buildout.
2 Likewise, the project EIR
3 identifies an unrealistic water demand cycle for
4 potable water needs for the project because it only
5 considers an average year of water needs. It does
6 not consider a longer cycle which would take into
7 consideration historical drought year or multiple
8 years needs. This could result in an overdraft of
9 groundwater which may impact Fillmore's aquifer and
10 water supply due to lack of recharge.
11 For the past few years Fillmore
12 has made a remarkable recovery from the devastation
13 of the January 1994 earthquake. We have been
14 working to improve our quality of life. Through
15 aggressive programs and support of housing for all
16 income levels Fillmore has provided adequate
17 housing while at the same time within Ventura
18 County the city has progressed from ninth of ten
19 cities in average household income to seven of ten,
20 but we are no way prepared to cope with the influx
21 of individuals necessary to make the Newhall
22 project viable with individuals who may not find
23 affordable housing within the project.
24 Mr. Slivinski's letter provided
25 in depth supporting papers on these and many other

1 issues.
2 Very simply, from our point of
3 view the world does not stop at the L.A. County
4 line. Fillmore is on the front line, so to speak,
5 in absorbing the initial brunt of the impacts. The
6 EIR does not take into account the cumulative
7 effects of this project and others planned in
8 Ventura County; however, I'm not so naive as to
9 believe this project will not happen, but I do ask
10 for a fair shake on the efforts to mitigate the
11 impacts on Fillmore and Ventura County. Thank you.
12 MR. KISHBAUGH: Good morning. My name is
13 Alan Kishbaugh. I'm representing Senator Tom
14 Hayden's office.
15 The Senator has two proposed
16 bills before the Senate at the moment dealing with
17 water conservation and groundwater recharge and
18 establishment of conservancy for both the Los
19 Angeles and San Gabriel rivers. So he has a long-
20 standing interest in rivers and in natural
21 resources, being the Chairman of the Senate
22 Committee on Natural Resources and Wildlife.
23 Our concern here is that the
24 integrity of the Santa Clara River be maintained,
25 that projects not be placed in the flood plain.

1 Recently the Governor's Flood Emergency Action Team
2 report has suggested that General Plans be reworked
3 so that a 200 year flood plain will be the
4 yardstick for new developments. We think that that
5 is a very valuable and important -- even though
6 it's a suggestion, we think it should be taken as a
7 caveat.
8 The Santa Clara River must be
9 maintained other than by strict restriction upon
10 its banks by rip-rap. It has a flood plain and
11 that must be acknowledged. We are at the beginning
12 of a process here and it is our opportunity to get
13 this right with regard to rivers. Rivers flood.
14 We know this. We must not repeat the same kind of
15 situation that we find ourselves now in with
16 respect to the Los Angeles River where it is
17 tressed up, were there is no groundwater recharge
18 to speak of, and where a valuable resource is sent
19 to the sea.
20 So this is the opportunity here
21 not to approve a project in the flood plain, to
22 respect the wildlife corridors, to respect the
23 unique quality that exists in the Santa Clarita
24 valley and specifically with regard to the Santa
25 Clara River. Thank you.

1 MR. ANTONOVICH: Thank you. James Harter.
2 MR. HARTER: Good morning, Madam Chairman,
3 Supervisors. My name is Jim Harter. I'm senior
4 vice president of the Newhall Land and Farming
5 Company. Our address is 23823 Valencia Boulevard,
6 91355. I would like to make some very brief
7 comments this morning which should only take about
8 six or seven minutes.
9 Los Angeles County's population
10 will continue to grow over the next quarter of a
11 century. SCAG and the State Department of Finance
12 predict that L.A.'s population will increase by
13 four million by the year 2020. That population
14 growth will require between 26,000 and 30,000 new
15 homes annually. Putting Newhall Ranch into this
16 regional perspective, it represents less than one
17 year's housing needs of Los Angeles County over the
18 next two decades. Newhall Ranch provides a unique
19 opportunity to the County for large-scale, long-
20 term planning and it is a logical location for
21 urban expansion within the County.
22 During the 1990 General Plan
23 Amendment of the Santa Clarita valley Newhall Ranch
24 was identified as an area for future development.
25 It has easy access to seven freeways and other

existing infrastructure and is located adjacent to one of the largest business parks in the county.

At the initiation of planning we conducted extensive surveys of environmental and cultural resources and of people's needs. To involve the community in the planning process we organized community task forces to discuss the many planning issues. Thirty such community meetings have been conducted to date. Presentations were also made to community and professional groups: the Ventura County Staff, Fillmore City Council, Ventura County LAFCO, Ventura County Council of Governments, and a joint meeting of the Santa Clarita City Council and Planning Commissions. As a result, numerous changes were made to the Specific Plan to respond to the community concerns. At the first Planning Commission hearing over 300 community members attended in support of Newhall Ranch.

Forty-nine percent of the property will be preserved. That's over nine square miles. Five miles and 1300 acres of the Santa Clara River are safeguarded. The river will not be channelized by cementing it in and the habitat that exists today will continue to remain.

No flooding or degradation of water quality downstream in Ventura County will result from the development.

Six square miles of the Santa Susana Mountains will be preserved and managed at no cost to the County or taxpayers and a permanent easement will be granted to the County for its preservation and for recreational access.

The asistencia, an outpost of the San Fernando Mission and the most important historical site in the Santa Clarita valley, will be dedicated to and maintained by the Archaeological Conservancy.

Agreements have been executed with the Castaic Union School District and the Newhall Elementary School District, committing us to full funding of elementary and middle schools even if State funding is not available. The EIR imposes mitigation that also requires full funding of junior and senior high schools to the maximum allowed under State matching criteria.

In order to reach agreement with the Hart High School District we have offered to pay fees which include over two million dollars per high school and over one million dollars per junior

high school greater than the State allowable standards. These funds are for additional classrooms to avoid year-round multi-track scheduling and to provide technology and books in excess of State standards; however, the Hart District has demanded that we also fund nonacademic improvements, including swimming pool complexes, football stadiums and performing arts theaters to which we have not agreed. We believe that amenities such as those are a community-wide decision and that new housing should not be obligated to shoulder those costs by itself.

Three sources of water are identified: reclaimed water from the new water reclamation plant, Our legal rights to the water collected in the Castaic dam, and additional State water acquisitions. As required by Los Angeles County's DMS, water availability must be demonstrated to the County prior to construction of individual future projects. No additional pumping of local groundwater is proposed and the project will, therefore, have no impact upon current users of water or downstream aquifers in Ventura County. CLWA -- that's Castaic Lake Water Agency's master plan never has proposed pumping above the safe

yield of the local aquifers and neither does this project.

The regional and local transportation system will be improved in a number of ways. Over thirty miles of new arterial roads will be built on site. Off-site road improvements will be constructed or fees paid to Los Angeles County, the City of Santa Clarita, Ventura County and Fillmore. Caltrans and MTA will collect $140 million dollars from fuel and other related taxes during development and $11 million annually at buildout. All other necessary infrastructure for the functioning of the community will also be provided.

Sites and funding for three new fire stations will be provided. Library sites and construction funding have been agreed to.

Over fifty miles of trails are planned throughout the community as well as three community parks and eleven local parks and right-of-way for future Metrolink service and a station site are reserved for MTA and the County.

Newhall residents will pay for all governmental services required and will in fact generate a $304 million surplus to the County

during development and an ongoing annual surplus of $21 million at buildout. Approximately two-thirds of that surplus will be in the County's general fund which provides the County with the greatest flexibility in deciding how those funds are spent. Santa Clarita will also realize a surplus of almost $2 million annually because of its strong retail base.

The approval of Newhall Ranch Specific Plan does not allow construction by itself. Additional environmental review and tentative tract maps must be processed in the future prior to construction beginning.

The Newhall Land and Farming Company has a record of high quality and innovative community development. We have demonstrated our responsibility in the professional planning and implementation of Valencia over the last thirty years. The planning of Newhall Ranch addresses the needs of the north County for the next quarter of a century. The people growing up here in Los Angeles and the people moving here from elsewhere must have homes in which to live and jobs to sustain themselves.

Newhall Ranch has been

meticulously planned, the environment protected and the needs of the future residents provided for and it is fiscally sustainable. That is what long-term comprehensive planning should accomplish.

We, therefore, request your approval of the Newhall Ranch Specific Plan as unanimously recommended by the Regional Planning Commission. Thank you for your time this morning. Our planning team is available to answer any questions you may have.

MR. ANTONOVICH: Thank you.

I understand that there are a number of people who have come down on a bus and we were going to see if perhaps Supervisor Long could have about three representatives speak for those people before we take up the District Attorney.

MS. BURKE: We have, I think, about twenty people.

MR. ANTONOVICH: There is a group that came on a bus. I'm not sure.

MS. BURKE: Well, how many people is it; about twenty? Could each person take a minute each? Could we do that? Can we agree that each person take a minute?

Let's just go straight through

and call every person and each one of them have a minute.

Some people who don't care to speak --

MS. LONG: We certainly had a conversation about trying to have the speakers move through as quickly as possible. Certainly all of the Ventura County citizens who are here to speak came of their own volition, some on buses, some in individual cars. They would all like to have the opportunity to say at least a couple of words.

MS. BURKE: Sure, absolutely. We'll call five people at a time and we'll try to move it as fast as possible.

MR. ANTONOVICH: John Bergamo, Theresa Brady, Dora Crouch, Jerry Anders.

MS. BURKE: Or anyone who just simply wants to express that they are opposed and just be recorded for the record as opposed without making a statement or duplicating anything that may have been said already.

State your name.

MR. BERGAMO: John Bergamo. Actually, I'm here to represent the Piru Neighborhood Council which is -- I know Fillmore is the first city in

the Santa Clara Valley west of the project, but Piru is the first town; and I guess in lieu of the fact that we are only supposed to speak for a minute, I should just give you this. This will definitely take more than a minute.

MS. BURKE: Well, can you summarize it and give us -- just in your own words tell us what your position is.

MR. BERGAMO: Well, we're definitely adamantly opposed to this entire project for a lot of the reasons you've already heard, the water, the pollution, the traffic. So I mean it's all written here.

MS. BURKE: And it will become part of the record.

MR. BERGAMO: I hope so.

MS. BURKE: Thank you very much.

Please state your name, and could we have John Glover come forward as well as Walter Zebrisky (phoen.)

MS. BRADY: I'm Theresa Brady. I'm a member of the San Fernando Valley Audubon Society, a member of their board, and we have taken a vote as a group. The Board of our organization has taken a vote and we oppose the project because of

the three endangered species that have been observed there: the unarmored three-spine stickleback, the lease bill's vireo and the southwestern willow fly catcher.

The presence of endangered species in the flood plain makes this project detrimental to nature as well as to human life. Because of the flood plain, you know, building in the flood plain is bad for human life.

For this reason Army Corps of Engineers, acting chief of the regulatory branch, has asked for efforts to place -- this is a quote -- "Efforts to place all such development outside of any potential flood hazard of the unaltered flood plain rather than engineering a solution to accommodate the development." That was the quote from Army Corps.

They have also -- the Army Corps has also stated that replacement as mitigation will not be accepted where avoidance is possible. This avoidance would require at least a 500 foot buffer along the river corridor. A 1,000 foot buffer would be more appropriate, in my opinion, as avoidance since the Fish and Game has stated that the southwestern pond turtle lays its eggs up to

1,000 feet from the river. As a threatened species its habitat needs should be considered in order to avoid its future listing as an endangered species.

MS. BURKE: All right. Your time has expired. Thank you very much.

MS. CROUCH: I'm Dora Crouch.

MS. BURKE: I would like to ask Nicole (Inaudible) to come forward, please.

MS. CROUCH: I'm from Santa Paula. I came here prepared to speak about water, but I think you have heard some eloquent testimony on water, so I will not do that.

I would like to say that in coming to almost all of the hearings before the Planning Commission and hearing Mr. Harter again today, it's my distinct impression that the two sides in this dispute are talking past each other. We do not have the same definitions of what they are talking about, so we find it very difficult to reach agreement.

An obvious example is whether there is any low income housing. In their EIR they define low income people as making about seven and a half dollars an hour. In Santa Paula, in Fillmore and in Piru we define low income people as

lucky if they get minimum wage and we are worried about that population.

Thank you very much.

MS. BURKE: John Glover, Walter Zebrisky, Nicole (Inaudible), Robert Smith please come forward. Carole Cole please come forward and Michael Koch.

MR. GLOVER: First of all, I would like to say greetings to the L.A. County Board of Supervisors and thank you for allowing us to speak.

My name is John Glover and I am a part-time farm worker for Rancho Sancatano, owned by my cousin Tom Wilson. I am also a taxpayer, property taxpayer in Los Angeles County. Even though I live in Ventura County, I own property in the Antelope Valley.

I am here today to speak my opposition to the Newhall Ranch project near Santa Clarita and I'm in agreement with the position of the Board of Supervisors of Ventura County. As one who has lived in Los Angeles County for thirty-five years and Ventura County for twelve years I have tasted the best of both worlds and I have experienced the impacts of development, both negative and positive. I now appeal to you

Supervisors to reconsider wisely the size and scope of this project.

In the light of what I believe is an incomplete EIR, this project should not be approved as it stands. It should be reanalyzed and possibly put to a vote by the people of Los Angeles County.

I thank you now for listening to me and I pray that you will act wisely in this matter. Thank you.

MS. BURKE: Thank you very much.

Could we ask Bob Lee and John Tommy Rosas to please come forward.

MR. KOCH: Good morning, Supervisors. I'm Michael Koch. First of all, I'm an elected director with the Newhall County Water District and though I'm not speaking as a representative of the District, for the record we are one of the four parties in the downstream users group and we have not signed any modification to the agreement as of this date.

Speaking as the president of the Santa Clarita Organization for Planning the Environment, we oppose the project. We've submitted written testimony and do encourage a

hearing in the Santa Clarita valley on this matter and we certainly feel that the justification for a Plan Amendment, it just isn't there. There is sufficient approvals that have already been given by the County to support construction for the next fifteen years without this project and it just isn't merited by the benefits compared with the impacts against the project. Thank you.

MS. BURKE: Thank you very much.

From the Hart School District, Bob Lee, is he here? Robert Smith, Carole Cole, Michael Koch.

MR. ANTONOVICH: Michael just spoke.

MS. COLE: My name is Carol Cole from the Santa Clarita valley. I live in a brand new house by Newhall Land and Ranch and I can tell you their high-end projects and all of us are commuters and in our working lifetimes we are not likely to work in that area. We will be commuters and I know instantly the minute those houses are built and sold there will be lots of commuters.

I generally take the Metrolink, which I'm a fervent supporter of Metrolink, but right now because of my work situation I have to drive and it is a nightmare already on the 5. It's

almost impossible to get out of that valley.

Now, add more tracts of houses, I don't know what we are going to do. You can't expand because of the conditions of those mountains and the freeways, the capacity now.

Two of my co-workers at Warner Bros. asked -- and myself -- can we please hold a hearing in our valley of Santa Clarita with the Board of Supervisors because of the tremendous impact?

What we need immediately from this project is to restore those railroad lines that were taken out in that valley, see that there is immediately a track funded to go in there with the MTA and a station with adequate parking immediately for use from day one.

MS. BURKE: Thank you very much.

Bob Lee and then John Tommy Rosas.

Robert Smith, is he present?

MR. LEE: Madam Chairperson, if I could ask to defer my comments until after those members of our district and community members have spoken in relation to William S. Hart School District, if I could be held until the end of those.

MS. BURKE: Would they like to come up right now?

MR. LEE: We could.

MS. BURKE: Ask them to come up now because we are going to break in fifteen minutes.

MS. NEAL: I'm Rochelle Neal. I'm principal of La Mesa Junior High School in Santa Clarita valley. I'm here to ask for your assistance in helping to have our schools fully funded out in our area with any new growth that comes to the area.

Just this Sunday the Newhall Signal reported in a front page article that the number one reason new residents are attracted to the Santa Clarita valley is because of the quality of the local schools. As principal of the newest junior high school in this area, we are greatly impacted by recent growth and we are having great difficulty providing top-quality educational opportunities for our students. I'm asking that before more development is approved for our area, developers be required to provide enough funds for the total educational needs of the students in that development.

Some of the struggles I have had

to deal with since opening is all teachers share classrooms. Five teachers travel to five different classrooms during the day. I teach science, science classes taught in a music room. We use a closet in the multipurpose room for a classroom for at-risk students. We cannot use the stage. It is an English classroom this year; therefore, we can have no performing arts productions by our students or by any outside groups. We will be adding ten portables by September on our athletic fields. That will reduce our athletic facilities by twenty-five percent.

Just in closing, in summary I would just like to say that it is very difficult to recruit good new teachers in the State of California now with the shortage of teachers. We go out of state, but it is very hard to recruit a teacher who you tell is going to have to travel from classroom to classroom every period or will have to raise money for appropriate equipment within the classroom. Thank you for your time.

MS. BURKE: Please state your name.

MS. FINLEY: My name is Patricia Finley and I'm a parent of a student at La Mesa Junior High and I'm the president of the Parent Advisory

1 Council at that school.
2 MS. BURKE: Could I have every person here
3 just give me their names so we can pull your cards
4 out so we don't call you twice.
5 Could we have your name?
6 MR. WHITE: Bill White. I'm with the Hart
7 School District.
8 MR. VON BUELOW: Mike Von Buelow.
9 MS. BURKE: Could we have your name so we
10 can pull the cards out?
11 MR. HASSEL: John Hassel.
12 MS. FINLEY: What I'm most concerned about
13 right now is growth in the schools. When we were
14 in elementary school we endured two years of
15 multitrack year-round education due to
16 overcrowding. That stopped when the new elementary
17 school was built. It has been reinstituted in the
18 Newhall School District starting with this next
19 year.
20 We are in a very new junior high
21 that is already overcrowded. The students can't
22 even get their lunch in the time allotted because
23 there is so many of them standing in line.
24 There is new construction all
25 over and the schools are just getting more and more

1 crowded. We are not able to have our children
2 participate in performing arts activities because
3 the stage, as Rochelle said, is being used for
4 other uses.
5 Our administrators have to decide
6 between buying books and buying computers. Both of
7 those things are necessary components to our
8 children's education. Our library is woefully
9 empty of books. I have to drive my son to the
10 public library when he has research to do. It's
11 easy for me; I don't work. The parents who do work
12 don't have the time to drive their children to a
13 public library.
14 Our schools need to be adequately
15 funded so that we can have the books and the
16 technology that our children need. We are faced
17 with never-ending fund raising drives, and I would
18 ask you to please let my children's teachers and
19 administrators spend their time teaching and
20 administrating and not raising funds.
21 MS. BURKE: Thank you very much.
22 Please state your name.
23 MR. VON BUELOW: My name is Mike Von
24 Buelow, assistant superintendent in the Hart School
25 District. One of my tasks is to do projections of

1 students.
2 Briefly I would like to tell you
3 that the projections show that currently we have
4 ten schools, grade seven through twelve in the
5 district. Our design capacity for schools is
6 10,131 students. We currently have 14,124 students
7 and 105 relocatable classrooms. Within five years
8 we are projected to have 21,500 students and 435
9 relocatable classrooms. This is without adequate
10 mitigation. 435 relocatable classrooms may be the
11 equivalent of six additional junior high schools
12 and three high schools. We are hoping that we can
13 avoid having to do that by implementing some other
14 measures, but that again would take mitigation
15 agreement.
16 The Hart District is one of the
17 few districts that you could read about that is at
18 world-class standards. We could compete globally
19 with any students in the world. I would hope that
20 I could come back in ten years and be able to say
21 the same thing. Thank you very much for your time.
22 MS. BURKE: Could we ask the next three
23 speakers take these three seats.
24 Are there other people from the
25 School District who are going to be speaking?

1 Would they please come forward. Please take your
2 seat. Would the people who are going to be
3 speaking please come forward and give us your
4 names.
5 MR. WHITE: My name is Bill White and I'm
6 currently the Director of the Regional Occupation
7 Program and coordinator of educational services for
8 the William S. Hart Union High School District.
9 I've been a principal for seventeen years and I
10 have had the privilege of going up and down the
11 State of California accrediting many schools and
12 I'm here to ask you as we consider the project that
13 you have been listening to this morning, we are the
14 ones that will be under the gun, so to speak.
15 We'll have jurisdiction over the schools that will
16 be built in that area and my encouragement is that
17 before you consider this project, consider the
18 needs for us to continue to build comprehensive
19 schools other than just classrooms.
20 Our educational programs are par
21 excellence, not only in the academic area, but in
22 the (inaudible) area, including athletic
23 facilities, performing arts centers and those kinds
24 of things.
25 My plea this morning is again as

you consider this project, please consider the funding that is necessary to build the schools so it is comprehensive and meets the needs of all students that we serve. Thank you.

MS. BURKE: Please state your name.

MR. HASSEL: I'm John Hassel. I'm a member of the Board of Trustees of William S. Hart School District and many of the things you have already heard this morning have somewhat preempted my presentation to you.

MS. BURKE: If you could just summarize or you could just say, "I support what they said."

MR. HASSEL: Oh, I'm not going to let you off the hook that easy.

Many of the things that I could discuss include the issues of water, available electrical power, traffic, natural gas, and the list is almost endless when you are really looking at a city of this size. The enormity alone of this and subsequent projects by this Applicant should invoke the highest degree of caution possible in all governmental agencies to protect the public interest.

While the focus of this discussion is on the 24,000 Newhall Ranch proposal,

one cannot ignore the already announced total of 44,000 units by this Applicant.

The three hundred plus million dollars that is suggested in the EIR as revenue to the County, I would submit to you is at least grossly overstated and in fact will eventually lead to an actual decline in revenues at the local and County governmental level over time.

MS. BURKE: Thank you very much. Your time has expired.

MR. HASSEL: Boy, that was quick.

MR. KING: My name is Dennis King. I'm also a member of the Board of the William S. Hart School District and I'm also a certified public accountant by trade. So, frankly, I find myself in a little bit unusual position here, having represented many developers in my life and being on the other side of the table, so to speak, in thinking that governmental agencies were totally unreasonable in their requests.

I come here today particularly unnerved, I guess, at the accusations that we are asking for unreasonable amounts of money to build a so-called Taj Mahal type of school. That isn't the case at all. I've found in my experience with

school boards that certain funny things happen in our governmental system of layers where one government layer imposes something on another, and I know you as the County, you have that opportunity often of having state-mandated programs without the funds and nothing in this project has anything to do with ongoing funds, but we have no sources for capital to build schools except for the large (inaudible) of the state which hasn't been that large lately whereas in your situation here, your decision here from what numbers I read, you will gain a fair amount of money from this project for the County treasury.

We get none of that. We get one shot at the time that we approve this project or buy into the project for some money to build the schools. I guaranty you I have looked at the numbers. I have been in there for the construction of the last two schools in the district. We aren't building Taj Mahals. We are only looking for adequate funds to build schools to adequately educate the children that will be coming to this project.

This project is so unique in that the schools that will be built there will serve

only the students that buy into this project and we expect them to have as good a school as any other we have in our district. The way they are talking about it now, they won't be.

MS. BURKE: Thank you.

MS. MOLINA: Could I ask a question, Ms. Burke, just of this gentleman?

MS. BURKE: Yes.

MS. MOLINA: Could I ask you what the proposed school tax base is going to be? Do you know what that number is?

MR. KING: Tax base?

MS. MOLINA: In other words, you are saying there is not enough money that is going to be generated initially for building of the schools. Do you know what that number is?

MR. KING: What's that? I'm sorry.

MS. MOLINA: This is also going to bring a sizeable amount of taxes to the State, right, which is how schools operate and so on and that's what the developers are going to argue; right?

MR. KING: Sure.

MS. MOLINA: So does anyone have the math as to how that adds up? You just made some statements of the fact that "the last schools that

we built we couldn't pay for. They are not Taj Mahals."

I guess what I'm trying to figure out is are those real figures being mathematically computed into whatever that revenue is going to be brought in?

MR. KING: You see, the revenue that is brought in through the property taxes, what I think you are talking about, goes to the State. It's disbursed for operations to the school districts throughout the state. We all get a certain what we call a daily or yearly amount of money per student which for some reason or another our district is not what they called one of the economically disadvantaged districts, but that has nothing to do with construction of facilities.

MS. MOLINA: I know, but even then when you have this kind of development there is some plans that are clearly put in place with the State as to how the schools are going to be developed; right?

MR. KING: Not in that specific. We are hoping to have a state school bond to help fund schools, but that's woefully inadequate.

MS. MOLINA: That's not the way I

understand it. When there is a new development and it is anticipated that there is going to be a certain amount of children and a school is going to be needed for every so many houses, I thought the State had an evaluation that is done as well as to how many schools you are going to need, what kind of schools you are going to need for this development. Isn't that in the EIR?

MR. KING: Sure, but I think they ask for about half of the cost.

MS. MOLINA: Who asked for half of the cost?

MR. KING: Well, I think that's what the State law is, and then assuming that the State will fund the other half if the State has the money.

MS. MOLINA: But again, has anyone done the math on this?

MR. KING: Oh, yes.

MS. MOLINA: I would like to see that somewhere in this process because you are making some statements and I think they are very valuable, but it has — this is a huge set of entitlements and it's going to create a jam on all services and the systems, and I think what I think we need to have an understanding of is -- because the

developers are going to say it's going to generate more property tax for everybody. It's going to generate more taxes and so on and all of that, but what I don't know is if it's going to calculate those formulas for the increased number of schools and the escalating cost of what it's costing us to build state-of-the-art schools today. I don't know that. So if somebody has that, I'd appreciate that information.

MR. KING: We'll get that, and you focused right on the problem for us which is what kind of -- when we are fighting with them over what kind of school we want to build, they have -- and I heard the man just a few minutes ago talk about athletic facilities and fine arts facilities and all these wonderful things. Well, that's a dream. What they are talking about giving us is classrooms and that's totally inadequate.

MS. MOLINA: Well, that's what I want to know.

MS. BURKE: Could we have some other people come forward and take these seats. Wendy Wiles, Benjamin Dolinka, and Rochelle Neal, are those the people from Hart School District that remain?

If you will state your name.

MS. WILES: Thank you. Madam Chairman, my name is Wendy Wiles, legal counsel for the William S. Hart Union High School District.

I understand that we've had a lot of people speaking today. I'm not sure that I can get through my comments in just one-minute time period; however, I would like to touch on a few of the items and would ask your indulgence to allow us to cover some of these issues which we think are important.

As I mentioned, we are here on behalf of the William S. Hart Union High School District who has filed an appeal challenging the approval of the Regional Planning Commission's decisions. Of primary significance and concern to the school district is the inconsistency of this project with this County's DMS and General Plan.

The County's General Plan and the Development Monitoring System is designed to protect against the premature urban expansion of development in areas such as the Santa Clarita valley. The Development Monitoring System requires the County to provide mitigation measures which ensure that new development pay the costs, the

expansion costs, that it generates. It does not require that it pay only 70 percent or 82 percent. It requires that it pay all the costs.

Could the County possibly continue to operate if projects such as this did not provide for the facilities that they will cause? This particular project in your recent studies suggests that the County will receive approximately $300 million after expenses. Are schools less important than water or fire? What will this particular project do to the high school district? With 24,300 homes what does that mean to the district? It means approximately 5,000 new children.

The issue before you is whether the mitigation measures that were proposed as part of the Environmental Impact Report ensure that these 5,000 children will have school facilities and that the developer will in fact pay the cost to accommodate these children; and do these mitigation measures provide? No. The standards that are imposed as part of your Environmental Impact Report tie them to State standards, State eligibility requirements.

What we have submitted today --

and I have a package for you so that you can look at it at a later date -- are four declarations, two of which are from architects working with the William S. Hart Union High School District, one of which is from Richard Beck from the Hemet Unified School District and one from Ken Young on behalf of the Lake Elsinor Unified School District.

Each of these declarations detail the failures of the State standards to be able to provide funding sufficient to cover the costs of school facilities. By tying the mitigation measures to State standards you have not in fact provided that the needed schools from this project will exist. We have repeatedly requested that the Planning Commission require the developer to pay all costs anticipated to occur as a result of this project; however, the Planning Commission has not conducted an analysis as to whether such a mitigation measure is feasible nor has such a mitigation measure in fact been required.

This particular project concludes that the impacts to the William S. Hart Union High School District have been reduced to a level of insignificance and yet there is no documentation in the record and certainly no substantial evidence to

support that in fact these mitigation measures will reduce the acknowledged significant impacts to a level of insignificance.

Supervisor Antonovich previously mentioned that this project was much like Irvine, the community of Irvine and its development, and there are similarities to Irvine. In fact, in the Irvine project with The Irvine Company as the developer Irvine schools were impacted. We represented the Irvine School District and worked on the negotiation of development agreements. They were not tied to State standards. They provide full costs for full school impacts.

We urge you today not to certify the Final Environmental Impact Report and not to approve this project which is presently inconsistent with the County's General Plan. We request that you consider the feasibility of requiring this developer to fully mitigate its impacts.

MR. ANTONOVICH: We are also asking County Counsel to respond to the mitigation issue, so that request has been submitted.

MS. BURKE: May I just announce we'll take these three speakers and then we will go to other

items on our agenda and come back to this item after we have concluded those items that we have remaining on the other parts of the agenda. We have allocated at this point about two hours. We'll come back and finish it later.

MR. DOLINKA: Madam Chair, Supervisors, my name is Dennis Dolinka with the firm David (inaudible) and Associates and we are the financial and demographic consultant to the William S. Hart Union High School District.

I have today a packet of items which may help provide you with some information with regards to the impact that this proposed project will have on the high school district and hopefully answer some of the questions of Supervisor Molina.

The first of the four sheets talks about the projected number of students that are to come out of this particular project, and based on the student generation factors which were just calculated for the 1997-98 school year, this project is estimated to generate 1,484 junior high school students -- that's grades seven and eight -- and 3,488 high school students -- that's grades 9 through 12.

If you want to compute how many schools this creates for the district, you would turn to the second sheet; and as you can see here, that based on a capacity of 1,200 at the junior high school level and 2,400 at the high school level, including the multitrack year-round education hit of twenty percent, this project will cause the high school district to construct one and a quarter junior highs and almost one and a half high schools in order to adequately house all the students to be generated.

Now, there is always a question of cost. Based on land cost of $375,000 an acre, which is always a key component to the total full mitigation, and also making sure that there is sufficient interim facilities to house the students before the actual school is constructed, we have been able to calculate a junior high school student cost of $20,519 and a high school student of $21,868. That's a cost per student. That's on page three.

Lastly, we get to the total impact of the project. When you multiply the number of students, the 1,484 junior high school students and the 3,488 high school students times

the cost per student of $20,519 and $21,868 for junior and high school respectively, the total impact at the junior high school level is $30,450,000 -- and that's in 1998 dollars. At the high school level it's $76,275,000 in 1998 dollars or a total impact of $106,725,780, and that is what we have been able to calculate the total impact to the project will have on the Hart High School District as proposed in 1998 dollars based on current student generation factors.

MR. LEE: Madam Chair, Members of the County Board of Supervisors, Robert Lee, Superintendent of Schools, William S. Hart School District. I do have copies of the testimony that you received. We would ask that those be circulated and there are additional copies for the media, if they so choose.

One document that I have also is a document that is a justification document for new construction with the State of California. Board of Education at its public meeting in March ruled on this document. Their final hearing will be held in April. It's a document that shows that there is over 4,300 unhoused students currently residing or will reside through the process of a cohort

survival process in our school district. This does not equate to any new development or any new growth. Mr. Von Buelow's numbers would indicate and show you what the growth factors will be.

We are delighted today to be able to briefly explain to you our dilemma, and the dilemma is the definition of full mitigation and we appreciate the opportunity that our County Board and our County Supervisor and the staff has had an opportunity to briefly meet with us also and we look forward to the continuation of those meetings.

We have spent enormous amount of time, both us and the developer -- and not just this developer, but other developers -- in reaching an understanding of what full mitigation is about and what we as a school district will attempt to do with those mitigated dollars. We have reached comprehensive agreements with major developers, one of which you will be addressing soon today, Tesoro Del Valle.

The mitigation commitments that we are asking of all developers is the same. There is no developer that we are asking more and/or less, and so I would like to make that fact a matter of record. We would want you to know and

understand that the cumulative needs of our district are significant. We believe that the students and taxpayers of the valley understand and know that the overall impact of today's education as well as in the future is critical. We hope that in the near future through the efforts of your staff and others that we will be able to fully commit and be able to have all developers commit to an impact that will provide the educational needs for students today and into the future.

Thank you very much.

MR. ANTONOVICH: Let me just ask some questions.

You said the agreement that you signed with the other school or the other developers in the area is similar to the one you propose. What does that agreement consist of?

MR. LEE: The Tesoro Del Valle project. You had a Fair Oaks project with Pardee here some time back in December, January. Those mitigated numbers have been negotiated collectively with all developers and it's those impact figures and numbers that we have been presenting continuously with this developer.

MR. ANTONOVICH: What about Porta Bella?

MR. LEE: Porta Bella, when we initially met with them some time back when they were a live project in our valley, those were the same factors that we were using at that point in time. We have not presented to them the reduced mitigated factors, but certainly when Porta Bella becomes a viable project once again, it will be the numbers.

MR. ANTONOVICH: Would these fees generate more revenues than that which will be coming from State revenues?

MR. LEE: The question that was asked over here, school districts receive an allotment of money, an average daily allotment for the operation, for the functions of that school on a daily basis. There is not an allocation for capital needs and capital requirements of the school district. The only time the school district receive those needs is either during modernization and/or new construction; and we all know that if you are following the papers, that the State Assembly and State Legislature is struggling over school bonds.

MR. ANTONOVICH: Referring to the Applicant, he pays a per unit fee that generates a sum. Does it generate a sum in excess of the

amount of money that the district would receive if the new high school were to be funded by the State?

MR. LEE: We contend that there is no excess. In fact, we have basically stated to the developer we are not in the business of trying to make money.

MR. ANTONOVICH: You are negotiating a status quo type of fee.

MR. LEE: Right.

MR. ANTONOVICH: At the end of the stream if there are any additional dollars, doors are open for distribution.

UNIDENTIFIED SPEAKER: In addition with the current agreements that we have with the Tesoro Del Valle project and the Pardee project, it specifically spells out that if we do receive money from the State for the construction of new schools, that that money be allocated back to the developer when and if appropriate.

MR. ANTONOVICH: Thank you. Johnny was going to be the last speaker, and I'll see you shortly.

MR. ROSAS: Madam Chair, I heard your time framing. My name is John Tommy Rosas. I'm with the (inaudible) Research Center. I'm an Appellate.

I believe I'm an Appellate. I seem to have gotten back in the process here. If it will help assist what you are doing, I think maybe we should --

MS. BURKE: Why don't you go on and make your statement.

MR. ROSAS: Well, I have two witnesses and I would like them to follow me.

MS. BURKE: Well, bring them up.

MR. ROSAS: But I would like to ask, if I may, if I'm not an Appellate, that's fine and I have no right to have extra witnesses; but if I'm an Appellate, I should have the right to speak without a short time limit.

MS. BURKE: What time did you want to speak?

MR. ROSAS: I would say we could do it in fifteen minutes, all three of us.

MS. BURKE: We'll call you as soon as we come back.

MR. ROSAS: When you reconvene?

MS. BURKE: Sure.

MR. ROSAS: Thank you very much.

(A recess was taken.)

MS. BURKE: We will now return to Item 14 and I believe we were hearing from Mr. Tommy --

MR. ROSAS: John Tommy Rosas.

MS. BURKE: You indicated it's going to take about fifteen minutes for all of your presentation.

MR. ROSAS: I believe we can try to fit in there, but I would allow a little bit of flexibility. We have narrowed our issues down the best we could and if we could have a little flexibility.

MS. BURKE: Would you please state your name, the other people who will be testifying.

MR. ROSAS: This is Dr. Clarence Freeman, Dora Crouch and Dave McCowen. They are all three expert witnesses on behalf of (inaudible) Resource Center, Appellates. They will be talking about issues that they are expert in that haven't been brought up already.

MS. BURKE: Thank you very much. We appreciate that.

We would appreciate anyone who is testifying now to testify on new issues or simply say, "We support those issues that have been previously stated."

MR. ROSAS: I'll start and then we'll proceed from that.

1 Thank you very much for allowing
2 us to speak today. I'm John Tommy Rosas with the
3 (Inaudible) Resource Center. We represent on
4 behalf of the tribal people of the Santa Clara
5 River Valley Chumash and the (inaudible) Indians of
6 California which I am also one and one of the
7 original founders of this area before the United
8 States/Mexico amnesty.
9 First of all, I object and oppose
10 this proposed project. The Newhall Land and
11 Farming, the land that this project is supposed to
12 be on, the title for that is defective, so I'm just
13 letting you know that. I know that your
14 responsibilities approving or not approving this
15 project have limited liability.
16 Anyway, the reason why I filed an
17 appeal was I felt the December 17th hearing was
18 defective by the Planning Commission. The Final
19 EIR was not on the agenda. It was listed as a
20 public hearing and there is numerous violations
21 which I have submitted in my January 28 letter that
22 have not been resolved as of yet.
23 The resolution also was not
24 signed at the time the action letter was issued by
25 the Planning Commission. I felt this was a defect

1 in the procedure and violation of State law and
2 your own ordinance.
3 The other issue is that the
4 responses to our testimony in the Final EIR were
5 inadequate and did not reflect any evidence or any
6 of the concerns that we raised. They were brushed
7 off in a blocked manner and we find it unacceptable
8 and illegal, the adequacy of those responses.
9 The historical or archaeological
10 discussion in the Draft EIR stated numerous things.
11 One of them was that the grant and the title itself
12 was questionable. They admitted this themselves in
13 their own document, to which I agree. The survey
14 itself, the archaeological survey, is defective.
15 It failed to contact any Indians of the area. The
16 people they used are not from this area. They call
17 themselves the California Council of Tribes or
18 something, but they are not an entity that has any
19 decendency or any claim to the area which I do and
20 our two tribes do.
21 The responsibility issues are
22 both Federal and State, including the County, and
23 the EIS/EIR for the project that joins this which
24 is their Santa Clara River alteration which is a
25 404 permit and a 1603 Fish and Game agreement,

1 alteration agreement, overlaps this project and
2 this agreement reflects on that this should have
3 been reviewed under Federal and State CEQA and
4 Federal environmental jurisdictional areas which we
5 would have had a better archaeological survey if
6 that would have been done in that manner.
7 The other thing I want to say was
8 that the village sites that are there -- and
9 Supervisor Antonovich submitted a letter to one of
10 our tribal council members that the area was
11 (inaudible) or Tatavian. Tatavian is a village
12 near Piru. It is not a nation. It's turned into
13 one due to the archaeologists and anthropologists
14 who have an economic conflict of interest in this.
15 That is not a valid issue. It's Tonga land. There
16 is a listed Tonga village on maps that I have and
17 it's in our language as is Cahuenga, Canoga,
18 (inaudible) which is Malibu, Tijunga, (inaudible)
19 which is Topanga and (inaudible) is on that land
20 and that is a Tonga village and the name itself --
21 the language and all that is the same and that's
22 why it can't be Tatavian or any other. In the
23 letter from Supervisor Antonovich it stated
24 numerous claims about Tatavian, and so those are
25 not valid and we would like to correct the record

1 on that.
2 The other concern we have is that
3 the EIR, the defectiveness shows that it took 335
4 pages of resolution, conditions of approval and
5 statement of overriding considerations to get this
6 to this point. That is more than the State
7 requires for an EIR maximum which they suggest 300
8 pages, 335 exceeding that.
9 We request a meeting with the
10 Supervisors and be able to present confidential
11 archaeological reports and maps that we have to
12 show and substantiate my claims. We cannot bring
13 them in a public hearing arena because it's illegal
14 and there are sensitivity issues that we are
15 concerned about, but we are open to do that. That
16 way we will be able to present and show you the
17 facts which are not in the archaeological survey of
18 this project.
19 With that I'm going to end my
20 part of my testimony. I would still request that
21 my written comment of my written request for
22 comment by the Board be answered as soon as
23 possible. There are some procedural issues.
24 Although I appreciate the fee waiver of $10,785, we
25 are not sure why that was requested or why that was

waived and that would be nice to know. I'm going to pass the floor to Mr. Freeman. Thank you very much.

MR. FREEMAN: Could we have the map pulled up, please.

MR. ANTONOVICH: Sure.

MR. FREEMAN: That's it.

My name is Clarence Freeman. I'm a octogenarian and I've been an engineer for sixty years, longer than most people have been alive and I was initiated into working on the Newhall Ranch project at the last few months in 1996.

Basically the thing that -- well, I forgot to tell you where I live. My name is Clarence Freeman. I live in Fillmore, 822 Central Avenue.

I was initiated into it in 1996 to work on the Newhall project and at the time the reason I was interested was because in 1994 after the Northridge earthquake USGS geologists stated that the area was unfit for development and that should it be developed, it will become one of the most seismically unstable areas in the greater Los Angeles area, and that statement is still good as far as I can see.

I have a map up there, the one to the left. It shows the latest lot layout that appeared in the Final EIR.

MR. ROSAS: Can he approach -- I don't want to say the bench, but the table.

MR. ANTONOVICH: Sure. There is a hand microphone there that you can take.

MR. FREEMAN: This is the final map that was put in the Final EIR and it shows the lot layout, these forty acre, minimum size forty acre lots, and on it I decided to put some of the items that make an awful environmental impact on this land, but really aren't covered adequately in either the Draft EIR or the Final EIR.

The first thing I would like to point out is this encroachment area, though, that John Tommy Rosas just mentioned, this is the boundary of the EIS/EIR report that's being made for the upstream project and the sponsor is the Valencia Land Company; and as you see, it encroaches on the area of the Newhall project. This is what we call the birds head up there, and the encroachment area is 1300 acres. That should have been taken care of in the Newhall Ranch EIR, that there was this encroachment. I believe the

letter from the Army Engineers that appears in the Final EIR says that that is going to muddy the situation, the fact that they overlap, and that is something that should be cleared out.

Also on the same lot layout I've plotted all of the oil wells that appear in these regional oil fields that exist in that area and I don't believe -- well, the way the original Draft EIR is presented is that they keep them separately so that you really never can put things together, but here you can see that there are around 250 oil wells on that property. Although they say they are going to mitigate them according to State law, it could become a Love Canal situation in the future because these oil wells would be mitigated in a seismically active area and even if you do cap them off, you can always have some recurrence of problems.

There also was on the area at one time oil sumps. Two of them were plotted. The scale of this map is -- these oil sumps are 200 by 200 feet. Whatever became of them, I'm not sure.

MR. KNABE: Can I just interrupt for a second? Just as a reminder, you do have about five minutes left. You have two people who haven't

testified.

MR. ROSAS: Clarence, you are going to have to wrap it up.

MR. FREEMAN: Also on this area are all a series of faults that I plotted on with the help of Mr. McCowen who is a geologist and also there are faults that appeared in the EIR.

There is also an area here that was a study of a widespread surface fracture, liquefaction and landslides that occurred during the Northridge earthquake. So the area basically is a geologic basket case, and new maps that just came out, the Earthquake Hazard Mapping Act, show that this whole area would be subject to liquefaction or landslides during an earthquake, has the potential; and although this site hasn't been studied by the same organization, it's lightly that it's going to be the same.

One last thing that I've got to say is that in the EIR they do mention that they've studied the possibility of Castaic dam failure and they show an inundation area. The inundation area they show has no elevations on it and it's on a topographic map without any elevations. Actually, the situation is that you've got this -- this was

the St. Francis dam which failed. We just celebrated -- we memorialized the seventieth anniversary of it and 450 people were dead or missing in the Santa Clara River Valley.

MR. ROSAS: Why don't you let --

MR. KNABE: Your time is about up. You can submit this as part of your written testimony as well.

MR. FREEMAN: You have the Bouquet Canyon, the Castaic, the Pyramid, the Piru dam. All of them have geologic problems and three of them have a potential rating from FEMA of high; in other words, the damage to the people or property downstream would be high. None of that is discussed in the EIR adequately and I believe those four dams, the knowledge of them and the troubles with them, should be common knowledge to everybody living in the Santa Clara River, let alone the 24,500 units that will be built there.

MR. KNABE: Thank you. You have just a couple minutes left and I will give you a little bit more. Maybe you can limit your comments each to a couple minutes.

MR. ROSAS: That's why I asked for a little flexibility.

MS. CROUCH: My name is Dr. Dora Crouch. I live in Santa Paula at 739 Neal Street, apartment 6B. I'm an expert in water management and I would like to bring out a couple of points that were not touched on in the earlier testimony on water.

The Newhall project is planning to get its money from the Castaic Lake Water Agency and from the Valencia Water Agency, both of which tell then that they are going to have enough money. Again, I think we have questions about the activity that might be raised since Valencia is owned by Newhall.

The Draft EIR says that the Castaic Lake Agency has a supply more than twice the amount of the demand for all its customers. I seem to remember the drought in 1992 when we all had to cut down on water, so I find that a little hard to believe.

Anyway, Newhall is claiming in one place in their paper that by the year 2020 this agency will even have a surplus of 4,000 acre feet per year, but in another place they say that in fact there could be a deficiency of as much as 75,000 acre feet a year. I think that they should perhaps become a little more consistent in their

demand and a little more realistic.

I also note that the Draft EIR shows a strange lack of awareness of existing and ongoing studies of water flow regimes and their problems in the Santa Clara River Valley. A preliminary report on a ten-year project of the U.S. geological survey and the United Water Conservation District suggests that there are some geological, geochemical interconnections between surface water, groundwater, river water, and aquifer waters which are neither obvious nor simple. I will leave the details of that.

Further, the water regime of the Santa Clara River Valley already has a significant amount of sulfate, nearly twice the recommended maximum for potable water. This is likely to be increased by long-term underground drainage from the Newhall lands where sulfate is naturally associated with oil-bearing strata. Newhall's alternate plan to store water from the Castaic Creek in these aquifers and then pump it out for potable use shows no recognition of the existing contamination from either the sulfate or the waste waters of the existing communities that overlie these aquifers. Although the USGS team has in the

last twelve years massed much information on pumpage effects in the aquifer, this data is ignored by the water sections of the EIR. Newhall's water experts do not report consulting any published studies later than 1986, giving the impression that they are unaware of these hydrological investigations.

MR. KNABE: So we can end, do you want the other gentleman --

MS. CROUCH: I just have one final paragraph.

The EIR of the Newhall project is very cleaver in concentrating on one detail after another and never summing up the cumulative effects of this enormous project on the site itself, on the neighboring communities or on the parts of Ventura County that lie downstream from the project and cannot evade its impacts. Many of these impacts have complicated, interactive and multiplier effects that are never raised and for which no mitigation is ever suggested.

MR. KNABE: You want to submit that whole document for the record here, as well.

Yes, sir. We'll give you a couple minutes to finish up here.

MR. MC COWEN: My name is James McCowen. I'm at P.O. Box 158, Castaic. I have been practicing geology in the Santa Clarita valley since the late fifties. I have copies of my text for all of you.

MR. KNABE: Thank you.

MR. MC COWEN: (Transcribed here to the best of my ability due to his disability) Many geologic and seismic problems that have yet to be addressed and until the Los Angeles County Board of Supervisors sit down and approve that, the geologist that went over the Newhall Ranch project also did the Stevenson Ranch project. I mapped faults thirty years ago in Stevenson Ranch and that was where the major damage was.

MR. KNABE: Is that it?

MR. MC COWEN: Yes.

MR. KNABE: Thank you very much.

MR. ROSAS: I want to say one thing. Since the testimony is running over, we would like to make a request for a continuance on Supervisor Antonovich's extension to April 3rd to maybe a couple more weeks, if we could. There is a lot of people that couldn't submit documents and we didn't even know what kind of proceeding you were going to

have. So instead of having ten days, could we go twenty, thirty days on accepting written submittals since the continuance is to May 24th, I believe.

MR. ANTONOVICH: Let's say this. Let's make it April 10th.

MR. ROSAS: Thank you very much for your time.

MR. ANTONOVICH: Robert Smith, Lori Baldwin, Judith Gustafson and Meliss Appel. We have two of the four. Then John Steffen, Ruth Griffin, Douglas Hall.

MS. GUSTAFSON: My name is Judith Gustafson. I live in Ojai, California in Ventura County. I'm going to be a good citizen here and substantially agree with in particular the comments made by Assistant of Ventura County Counsel, Dennis Slivinski. My husband is Andrew Gustafson. He is recently retired former Assistant County Counsel in Ventura County and he was not able to be present today and he his assisted with the compilation of the points in response to the EIR with which I am familiar.

I can only urge you please agree to work cooperatively with Ventura County political leaders in arriving at appropriate procedures for

rewriting, rescoping and recirculating the EIR which we believe is significantly flawed.

Thank you for inviting us to come here today.

MR. KNABE: Thank you for your comments.

MS. APPEL: My name is Meliss Appel. I'm from Ventura County. I live in Santa Paula and I'm here as an ordinary citizen. I'm not attached to any organization that I'm speaking for. I'm speaking for myself and from what I have seen because I drive the 126 road regularly to visit my daughter when she lived in Valencia.

I would like to ask you to please follow that ancient adage: Stop, look and listen and then proceed with care if it is safe.

Please stop. Do not pass this proposal in its present form.

Please look. Come drive that road. Go up to the communities of Piru and Fillmore and Santa Paula. You might even want to take the back road up to Ojai, 150, where I understand due to landslides there is now only one lane open and for awhile it was completely shut down. If you take the back road, you will see oil coming down out of the shale, dripping in one spot,

and you will also have to hold your nose when you go over Sulphur Springs, a naturally occurring phenomenon.

Take that ultimate field trip and come visit us. See for yourselves what all the fuss is about.

Last, listen. Listen to what you have heard today. Read the records and the reports carefully. Then if you deem it wise, proceed with caution.

Thank you very much.

MR. STEFFEN: My name is John Steffen. I live in the City of Santa Clarita in the County of Los Angeles. I'm opposed to this project on the following grounds:

Number one, they have a water problem which according to the testimony of Mr. Jim Harter of the Newhall Land and Farming Company they would have answers or proposals to you as the State law states prior to construction. They do not have them now and that should be questioned; why not. Where are those proposals and where is your water and where is the proof that you can deliver this water, and the reason they haven't given it to you is they don't have it.

The other problem I have is that the world is changing tremendously. We are getting smaller and the idea that the County of Ventura or the County of Los Angeles is a sovereign state is false and just because this project is in the County of Los Angeles -- and due respect to your counsel, Mr. Dewitt Clinton -- that you have a hundred percent control over this situation is erroneous. Sorry to say that this will probably be borne out in litigation.

Thank you very much.

MR. KNABE: Thank you.

MR. HALL: Hello. My name is Douglas Hall. I'm a concerned citizen from City of Santa Clarita also and I would like to continue on my friend's comments or try to extend upon it.

This world is growing smaller and basically the County of L.A. is not just the City of L.A. and her sister cities. It's a group of communities whose histories have intertwined in a way that we all do depend upon each other and as this world is growing smaller, the things that we do affect each other.

This proposal that you have before you would put significant pressure on the

services that are available to the citizens of Santa Clarita and would have significant aspects to people who live along the corridor of the Santa Clara River.

Now, in regards to the comments that were made by Newhall Land and Farm today, I would like to say to you consider the source, that these people are trying to sell you something.

Thank you.

MR. ANTONOVICH: Pat Selatore, James Churchill, Robert Lathrop, Alisse Weston.

MS. SELATORE: I'm Pat Selatore. I'm a resident of Santa Clarita. I would like to point out a few of the things that have already been pointed out, but highlight them.

We are looking at a plan where the proponent expects you to accept we'll probably be required to have EIRs for subsequent building, we'll probably have to have more review, but ten years from now are they going to say that it's already been approved in theory or approved in fact and they are probably going to have enough water and they are only going to draw the water that is safe. Who decides what the safe yield is? My understanding is that the Santa Clara River used to

have much higher flows mostly because people are now taking water out of the aquifer at a rate which lowers the water table and, therefore, lowers the amount of water in the river.

In ten years are people going to look back at this Board and laugh at them having approved this, for having approved the idea of protecting the endangered fish in the river by trying to scoop them all out and hold them somewhere else and then put them back later when it's safe? That's not going to work. Those fish are delicate little creatures. They are only this big. They are just not going to survive that kind of treatment.

I would like to also hit on something that has already been touched, but not expanded upon, and that is the historical review. The historical review in this EIR was done with mostly secondary sources, things like Jerry Reynolds' book on the Santa Clarita Valley history. There were very few primary sources and it refers to the site that they are preserving as the asistencia. Well, there is some question apparently in the mission system whether that was ever designated an asistencia. What was done about

researching that? Are we going to trust the people who I understand bulldozed a site some few decades to give it to someone who is going to protect it? There has to have been an Indian village on that site. They wouldn't have built the asistencia or whatever designation it had unless there was. They wouldn't have gone to the trouble of stationing their fires out there. Unless there was an Indian village they wouldn't have bothered; and when their archaeologists came to this historical society and said they found nothing there, I found that a little difficult to believe. I think we need to look into that.

I would also like to point out that I feel a little bit short-shifted here. Cutting everybody off after one minute with less than half of the Board here to hear us, I feel a little like we are not being heard. If you really want to know what the people who live in that area really think about this project, I think that you should come out to Santa Clarita and have a hearing out there. Santa Clarita has a history of turning out for these hearings. We are talking about this project.

I would like to pass around the

last couple of newsletters of the Sierra Club. You will find articles in there on this project prominently. Everybody talks about this project. It is referred to as a monster. Please look a little closer and please have a meeting out in Santa Clarita. The people out there really want to be able to talk about it and not everybody can take the day off from work and come down to Los Angeles and tell you about it. If you really want to know what people in Santa Clarita and the Santa Clara River Valley think about this project, come out there, please.

MR. KNABE: Thank you.

MR. LATHROP: Good afternoon. Bob Lathrop. I'm a long-time resident of Santa Clarita. I just have three very short comments.

First, Newhall Ranch is obviously a classic example of urban sprawl which is obviously a good policy to avoid.

Secondly, it's mentioned in support of previous testimony that the water supply is a particularly critical element throughout the Santa Clarita area and Castaic Creek flows, for instance, which are offered as possible sources of water simply do not flow in dry years when they are

needed. When they are not needed, they are available.

The facts are that the water supply situation must be examined for its critical aspects, not its ability to supply average amounts of water because when the time comes, the water is not available and obviously it's the critical time which must be looked at beforehand.

The third item I would like to mention is the existing backlog of approximately 50,000 dwelling approvals in process in the Santa Clarita area is adequate to serve the valley for many years. An amendment to the General Plan to enable this project is not warranted on the basis of need and at this time the request for a General Plan Amendment should be denied.

Thank you.

MS. WESTON: Alisse Weston, the Environmental Defense Center. Thank you to the two remaining Supervisors for hearing us. I appreciate that very much.

You have heard and will hear from many other Ventura citizens expressing their concerns over the impacts of this proposed Newhall Ranch development. I would like to read you a

statement. "We encourage the L.A. Board of Supervisors to deny the Newhall project as proposed and send it back for comprehensive review of resource restraints and resource values."

This statement was drafted by an ad hoc committee in Ventura County, ad hoc committee of environmental groups and community advocacy groups. In addition to those groups here today, there are many others. The groups include the League of Women Voters, Friends of the Santa Clara River, The Sierra Club, The Audubon Society, Santa Clara Organization for Planning the Environment, The Environmental Defense Center, The Surf Rider Foundation, The California Native Plant Society, Save Open Space and Agricultural Resource, members of the Santa Clara farm community, and Ventura's (inaudible) Corporation.

With the permission of the Board members I would like to just offer that there is a silent showing of hands for those people that have come from Ventura and Santa Clara Valley. Thank you.

MR. ANTONOVICH: Let me call up Ron Bottorff, Kim James, Barbara Wampole and Joe Edmiston.

MR. CHURCHILL: Good afternoon, Supervisor Antonovich, Supervisor Yaroslavsky and Supervisor Knabe. Thank you for allowing us to speak or for listening to us. My name is Jim Churchill. I reside at 4295 Thatcher Road in Ojai, California. I grow tangerines and avocadoes. I've lived in either L.A. or Ojai pretty much my whole life. I'm going to read you two paragraphs and then I'm going to attach a couple of items.

The EIR for the Newhall Ranch development is inadequate in many ways. If I were an L.A. County elected official, I would be particularly concerned about the traffic analysis with respect to I-5 and I read it because the mitigations proposed don't mitigate and what you are going to have is a bigger mess than you have now in the commute hours.

There is a provision under CEQA for something called a larger future project. Under CEQA an EIR must describe and analyze a larger future project if the larger project is a reasonably foreseeable consequence of the initial project and if the future project will be significant because it will likely change the scope or nature of the initial project or its

1 environmental effects. This rule applies even if
2 the lead agency has not yet formally approved the
3 larger future project and even if it is impossible
4 to predict precisely the future project's
5 environmental effects as long as these effects can
6 be discussed generally, and the citation is Laurel
7 Heights Improvement Association v. Regents of
8 University of California, 1988, 47 cal 3d 376.
9 So with that in mind, Newhall
10 Land and Farming Company owns nearly 15,000 acres
11 in Ventura County adjacent to this development on
12 12,000 acres. Most of this land will come out of a
13 Williamson Act contract this year so that it will
14 become eligible for development. Currently it
15 would be impracticable to propose Newhall Land's
16 Ventura County holdings for development because to
17 do so would constitute what we call step-out
18 development -- and we don't allow that -- into
19 prime agricultural lands, and we don't allow that;
20 however, once the current development has occurred,
21 then the development of the Ventura County land
22 would no longer constitute step-out development
23 because it would then be adjacent to this
24 development and that would remove one of the
25 primary obstacles to the development of the Ventura

1 County portion of Newhall Land's holdings.
2 One of the surest consequences of
3 the development of land adjacent to agricultural
4 land is the upward pressure on land prices which is
5 one of the primary dynamics by which agricultural
6 land is diverted to urban uses. Newhall Land and
7 Farming Company is in the business of developing
8 its holdings to the highest economic return and it
9 has stated in numerous public documents and filings
10 and things that it circulates to people that the
11 only agricultural land that it has still in its
12 portfolio is land that is suitable for development.
13 Any other land has been sold off.
14 All of these factors together
15 make the development of Newhall Land and Farming
16 Company's Ventura land as what CEQA refers to as a
17 reasonably foreseeable consequence of the initial
18 project, that being the initial project.
19 So if the development of Newhall
20 Land and Farming Company's Ventura land were to
21 take place, it would be undeniably significant in
22 that it would change the scope of the initial
23 project and its environmental effects and,
24 therefore, the EIR is defective in its failure to
25 analyze the larger future project and its

1 consequences.
2 So that's what I was going to
3 read. I'm going to touch on a few other things.
4 I mentioned five impacts. I
5 would like to say as a farmer that the section on
6 agriculture in the EIR is incoherent. It doesn't
7 hold up.
8 I would like to say that
9 Mr. Stark from your Planning Department, he
10 mentioned that the approval of this would not
11 include -- the approval of future actual building
12 rights, something like that, building permits,
13 because future actual subdivisions would require
14 additional EIRs; however, you have a development
15 agreement that is still in the works over at the
16 Regional Planning Commission under the terms of
17 which you would be contracting away all of your
18 rights to modify any conditions that might be
19 imposed, and so essentially this development would
20 vest and you wouldn't be able to do anything about
21 it if you wanted to.
22 Finally, with respect to the
23 argument that is often put forward that this
24 development is good because it preserves 49 percent
25 of the land as open space, that land couldn't be

1 developed, anyway. It's all seismically unsafe
2 hillside and mountain development or flood plain
3 and they couldn't develop it, so that doesn't
4 matter. It's a non argument.
5 Thank you.
6 MR. ANTONOVICH: Michel Sellors.
7 MR. BOTTORFF: My name is Ron Bottorff.
8 I live in Newberry Park and I chair Friends of the
9 Santa Clara River.
10 Madam Chair, members of the Los
11 Angeles County Board of Supervisors, I would like
12 to state that I support all of Ventura County's
13 written and oral comments today concerning the
14 project, including the failure of Los Angeles
15 County to identify Ventura County as a responsible
16 agency under the California Environmental Quality
17 Act.
18 Many persons and agencies
19 testifying here today and before have recommended
20 that the Newhall Ranch Applicant avoid development
21 in the flood plain of the Santa Clara River.
22 Usurping the flood plain or river has serious long-
23 term repercussions on the hydrology of the river,
24 both upstream and downstream, often leading to the
25 need for future unanticipated and expensive flood

control projects necessitating expenditure of public funds.

The Santa Clara River, including the flood plain, has been designated SEA 23 by Los Angeles County. The flood plain of the Santa Clara River has also been identified by the University of California GAP analysis study as an area needing special biological protection.

SEAs represent the best part of remaining wilderness areas in Los Angeles County. We are only asking that Los Angeles County take proper care of its own designated biological resources and stay out of the flood plain.

Onto the subject of river and riparian buffer zones. The riparian corridor or river woodlands can properly be considered an ecological reserve which is why it was originally designated so by the Los Angeles County as SEA 23. Buffers are a key component of any integrated management strategy for sensitive species, but Newhall Ranch has totally inadequate buffers.

The California Department of Fish and Game in comments to the Planning Commission recommended a minimum 500 foot wide riparian buffer between the river corridor and urban construction,

both to protect the amphibian species from construction impacts and to buffer the riparian vegetation itself. We strongly support this buffer. Fish and Game's recommendations, however, was not even discussed by the Regional Planning Commission.

In closing I would like to say that it would be irresponsible to approve this project in its present form. I urge the Board to grant the appeal of Ventura County and set aside the Planning Commission's approval of the subdivision and conditional use permit and to deny proposed General Plan Amendment, zone change request and vesting parcel map and further to decline to certify the Environmental Impact Report for the Newhall Ranch project.

Thank you.

MR. EDMISTON: Madam Chair, members, my name is Joseph Edmiston, Executive Director of the Santa Monica Mountains Conservancy.

Los Angeles County has made significant strides in open space, and I want to congratulate Supervisor Antonovich for his role in creating one of the most significant open space areas in Southern California and that is the Santa

Clarita Woodlands. Mr. Ettleman is holding up a map now. The dark green areas identify the areas already in public ownership of the Santa Monica Mountains Conservancy or one of its joint powers partners. You can see the BLM land which we are currently negotiating with BLM to acquire and as a result of your efforts, Mr. Antonovich, the BFI dedication and I think it was a very important precedent that you set in your motion to assure that that BFI dedication was a publicly owned dedication and everyone in that valley and everyone in the open space movement appreciates that.

What we are asking you is to continue that kind of precedent which we have had more or less continuously in the projects that have come before this Board, not to take a step back. This is six square miles of open space. We are talking about something that is regionally significant and what we want to do is -- you see the big notch in that open space where the proposed Newhall High Country area is and look behind you. That's the green notch. Those two green spaces fit together. They have to be fit together. They have to be managed as a coherent unit. They have to be managed by a public agency that is responsible to

public officials, to the public at large, not by a private entity.

There is a role for the private entity. There is a role for this organization. Center for Natural Lands Management is a well-respected organization for what it does. They don't manage public open space. There is no guaranty that they will approach the provision of public services and the provision of the public in having everyone in the county being able to enjoy this open space, and that's a commitment that we have made consistently to this Board and that we make consistently with the people of the State of California and that's why we urge you to require public open space dedication as soon as is feasible for this project of this significant magnitude.

Thank you.

Madam Chair, if I can introduce into the record, this is a brochure on the park land that we manage already in the Santa Clarita Woodlands. It gives you an example and goes into some detail about the kind of management practices that we do practice and that we are very proud of in the 4,000 acres that we do manage in this area. Thank you.

MS. WAMPOLE: My name is Barbara Wampole. I'm with Friends of the Santa Clara River and I live at 28006 San Martinez Grande Canyon Road in Saugus.

Good afternoon and thank you for this opportunity to speak. I think it's important that after all the work we've done that I make sure that I incorporate by reference all testimony submitted to Los Angeles County Planning Commission regarding this application to be shown that we are prepared for any legal action if it may be necessary. We are here to impress upon you that you have not been given adequate information to approve this project and that it is in fact not good for Los Angeles County.

To keep this brief I would like to just mention a few specific things and I will repeat the issue of the flood plain which has been brought up repeatedly at various Commission hearings. Where we have said that there is building in the flood plain, the definition of the flood plain was at issue. It has been decided that fifty years is fine. The flood plain is also defined by 100, 200 and 500 year floods. There is a Governor's report that recommends that

development be outside the 200 year flood plain and I would like to submit for the record excerpts from that report.

I would also like to address a couple of issues that regard infrastructure and fiscal impacts. El Nino has left bridges and other infrastructure along the Santa Clara River undermined and damaged, required repairs to exposed sewage lines that cross the river. Taxpayers cannot afford the cost of building infrastructures in these areas when flooding has shown us that what is proposed will cost us greatly later.

The other detail that has to do with an example of infrastructure costs that seems to be pertinent from my perspective is that three fire stations are far too few in such a high fire risk area; and on top of that, the third fire station which was added as a concession is being called a benefit after the site's water supply was cut off by the Applicant and now it seems an undue burden for the taxpayers to have to pay $1.7 million to get water back to that site.

Also, the Santa Clara River is not just a resource, but must be regarded as a source of life in this region.

MS. BURKE: Your time has expired. If you would like to introduce it in writing --

MS. WAMPOLE: I have here the Santa Clara River has been nominated to become an American heritage river within the United States. That's a newsletter that will tell you about that; and I would like to say just in closing we do not owe Newhall Land and Farming a general permit amendment. You do not have to approve this project. They have not shown their project to be a benefit of anyone but their unit holders.

Thank you very much.

MS. BURKE: Thank you.

MR. SELLORS: Good afternoon, Madam Chair, Supervisor Antonovich and Supervisor Yaroslavsky.

MS. BURKE: Before you start, could we ask -- your name is -- could we ask Timothy Flynn, Barbara Moore and Kathleen Van Velsor to come forward. Are they here? Would you please come forward.

MR. SELLORS: My name is Michel Sellors. I'm the National Audubon Society's habitat and population coordinator for California based in our California state office in Sacramento at 555 Audubon Place, Sacramento 95825.

Thank you for this opportunity to share Audubon California's concerns with you today. We believe the project before you for your consideration due to its projected impacts on Federal and State endangered and threatened bird species, disruption of regionally significant wildlife movement corridors and failure to comply with the California Environmental Quality Act is a project of statewide significance.

In addition, as co-chair of California's riparian habitat joint venture we are concerned by the proposed project's impacts on the riparian habitats associated with the Santa Clara River. Consequently, we join our seven local chapters in urging you to refrain from certifying the Environmental Impact Report for the Newhall Ranch Specific Plan at this time.

The project as proposed in the EIR fails to avoid, minimize or mitigate adequately for impacts to wildlife and wildlife habitat in the proposed project area. Moreover, the biological information upon which the EIR's findings of significance are based lacks specificity, rendering these findings speculative. The EIR currently is not amenable to full environmental review because

of inadequacies in information and analysis. The EIR also lacks credible mitigation measures for those significant project impacts it does identify.

In closing, I encourage you to review our letter of March 12th, 1998 sent to your offices on that date for the full text of our written comments; and I would also like to assure that Audubon California is fully aware and fully appreciates the Board's duty to responsively plan for economic and housing needs for the citizens of Los Angeles County. Therefore, we offer the County our technical assistance in helping you to develop a project that allows for economic growth while protecting wildlife and wildlife habitat values. Thank you for your time.

MS. BURKE: Thank you very much.

MS. MOORE: My name is Barbara Moore. I'm a ten-year resident of Santa Clarita. I have a letter to present from Karen Pearson who is the founder of the Santa Clarita Valley chapter of the Sierra Club. It is very repetitious and so I will just turn that in.

I would like to comment personally as a grandmother with grandchildren, teenage grandchildren growing up in Santa Clarita,

a couple of my concerns.

Traffic, I'll touch on that lightly. As Supervisor Antonovich pointed out, after the '94 earthquake we were an island out there. If the freeway system breaks down, we have very serious problems; and the other situation that I'm concerned about would be as one of the members of the Hart School District mentioned, just providing schools is not enough. At this point in time security is very important for our schools. It could be somewhat intimidating to be a teenager in school now, and my time is up.

I would also like to mention that I feel that sports and extra-curricular activities are very important to maintain and enlarge upon.

Supervisor Antonovich, you were very, very helpful to us after the '94 earthquake. We appreciate it and we would like the same consideration now.

MR. ANTONOVICH: Thank you.

MS. BURKE: Could we have Michelle Hoffman come forward, Joseph Hoffman and Mary Beth Kaminski Power.

MS. VAN VELSOR: My name is Kathleen Van Velsor. I'm an environmental analyst with the

Environmental Defense Center in Ventura.

We have concluded that the County has improperly relied on a program EIR which evades the required discussion of known and foreseeable environmental impacts and the implementation of feasible mitigation measures to avoid these impacts. This approach is contrary to CEQA and as a public agency you should prepare an Environmental Impact Report which would include a detailed statement setting forth all significant environmental effects on any project that may have a significant effect on the environment.

As courts reviewing similar projects in similar circumstances have warned, the program or tiered EIR approach is not a device for deferring the identification of significant environmental impacts that the adoption of a Specific Plan can be expected to cause.

We ask that the Board not approve the requested entitlements for the project and not certify the EIR and instead send the project back for additional review that is consistent with both CEQA and the environmental constraints within the 32 square miles specific area plan.

EDC intends to submit further

written comments regarding the inadequacy of the responses to our comments, the inadequacy of the proposed CEQA findings for the project and the lack of substantial evidence for the proposed statement of overriding considerations. Thank you.

MS. KAMINSKI-POWER: I'm representing SOAR, Save our Agricultural Resources and open spaces. Currently we are in the process of putting an initiative before Ventura County voters to be one of the first counties in the state to stop urban sprawl. It appears that personal greed and power has corrupted the political process and how those of us with no power, no title, no money have been cast aside as irrelevant. What about the average citizen who worries about air pollution and the consequences of asthma and respiratory illness, the traffic that elicits road rage and death from accidents, crime where not enough police put us in danger of our very lives, agriculture loss which results in importing fruits and vegetables from other countries full of pesticide residue and contamination? Water shortages and water quality decline will happen in the future.

This all comes down to two truths. The developer stands to make millions of

1 dollars at the expense of the average citizen.
2 Two, the moral and ethical value
3 of stewardship of the land by the creator cannot
4 stand because of power, influence and money.
5 MS. BURKE: Thank you very much. Could we
6 have Stanley Nickles, Sue Kelly and Frank -- 12810
7 Meadow Lark Avenue. Sue Kelly, League of Women
8 Voters.
9 UNIDENTIFIED SPEAKER: I'm not going to
10 speak.
11 MR. KNABE: They submitted written
12 testimony.
13 MS. BURKE: Then Melissa Ramaekers, Jean
14 Carpenter and Joan Dunn.
15 MS. HOFFMAN: I'm Michelle Hoffman and
16 today you have noticed the gold tags that a lot of
17 us are wearing. It says, "I'm taking time on a
18 workday to ride a bus and join my community to show
19 opposition to the Newhall Ranch project."
20 Folks, we are not even the tip of
21 the iceberg. If you would please give us a hearing
22 in Santa Clarita during a time period that a lot of
23 our citizens could appear, you will get the true
24 sight of how our community feels about this
25 project. We are just among the very few lucky ones

1 who are able to come down on a workday; and my
2 husband Joe was also called, but he just concurs.
3 MS. BURKE: Keith Pritzker and Lisa
4 Banners -- oh, Keith left testimony.
5 MR. DUNN: You called Joan Dunn and she
6 was submitting written testimony, and I'm Ed Dunn
7 and I will be testifying.
8 MR. KORTUM: My name is Frank Kortum and
9 my address is 12810 Meadowlark Avenue in Granada
10 Hills.
11 I agree with what the other folks
12 have said in opposition to this project and I would
13 incorporate their comments into my own by
14 reference.
15 In particular, as a resident of
16 Granada Hills I'm concerned about impacts on the
17 San Fernando Valley such as increased traffic on
18 I-5 that will result from this project and the EIR
19 does not adequately address those impacts. For
20 example, a development such as this will tend to
21 draw people who now live and work in the San
22 Fernando Valley to establish their residence
23 outside that area in the Newhall Ranch area and
24 this will increase commute lengths and increase air
25 pollution and contribute to increased pollution in

1 the San Fernando Valley area and the EIR does not
2 address those impacts.
3 I'm also looking at the larger
4 picture. I'm particularly disappointed, to say the
5 least, with the Planning Commission's denial of the
6 overwhelming evidence that this project will
7 contribute to urban sprawl in violation of the
8 County's General Plan. Page 594 of the responses
9 to the comments that were submitted by North Valley
10 Coalition, of which I'm a member, admits that there
11 is a policy to "Concentrate land use growth in and
12 adjacent to existing urban, suburban and rural
13 communities. Within these areas encourage
14 development of bypass lands designated
15 inappropriate for development."
16 This policy is clearly intended
17 to avoid urban sprawl and leapfrog development that
18 inefficiently consumes open space in outlying
19 areas, but the responses to comments repeatedly
20 deny -- for example, at page 589 to 90 -- the
21 Newhall Ranch will result in urban sprawl or
22 leapfrog development in an outlying area.
23 The most charitable explanation
24 for this denial is that the Planning Commission has
25 simply ignored the facts, but the buck stops with

1 you, and I would like to provide you with some
2 information that demonstrate that Newhall Ranch
3 will result in urban sprawl and leapfrog
4 development. If you read this material carefully,
5 as I know you will, you will see that the Los
6 Angeles area in general and Santa Clarita valley in
7 particular are synonymous with urban sprawl. These
8 are in Section 1 of the materials that I'm now
9 making available through the clerk. There is a
10 copy for each member of the Board of Supervisors
11 and an extra copy for the record.
12 For example, William Fulton
13 states that urban sprawl could be defined quite
14 simply as Southern California. In the Los Angeles
15 Times it stated, "Sprawl has reached its limits."
16 If you approve this project, you
17 will, in effect, be approving more of the same type
18 of development that everyone else characterizes as
19 sprawl and you will effectively be stating that
20 sprawl has no limits.
21 MS. BURKE: Your time has expired, but we
22 have all your written material.
23 MR. KORTUM: Can I just explain what is in
24 the second, third and fourth sections?
25 MS. BURKE: Sure.

MR. KORTUM: The second section contains materials that Santa Clarita valley is in fact an outlying area contrary to what the EIR states.

Third section contains evidence that the Newhall Ranch will result in leapfrog development.

The fourth section contains materials to demonstrate that this Newhall Ranch in particular is an urban sprawl type project in violation of the General Plan.

Thank you very much.

MS. BURKE: Thank you.

MS. RAMAEKERS: Good afternoon. My name is Melissa Ramaekers. I live in Ventura. I'm nineteen years old which basically puts me in a different age group than most of the people here who have come to speak. I thought it was really important that I came in front of you to let you know that all age groups are really concerned with the effects that this development will have on Ventura County.

I think Ventura County is a great place. It's beautiful. I appreciate it now being young and I hope to be able to appreciate it in future years and I hope people younger than me will

also have that opportunity and not have to live in fear that the development will ruin this beautiful area. Thank you.

MS. BURKE: Thank you very much.

MR. DUNN: Good afternoon. My name is Ed Dunn. I'm twenty years old and I have some copies.

MR. KNABE: You got our attention, Ed.

MR. DUNN: Good afternoon, Madam Chair and members of the Board. I'm a recent or former, we shall say, elected director of the Newhall County Water District and for the years '95, '96, '97 I chaired that district and in that position I had the opportunity perhaps with more responsibility to work with the Castaic elementary school system in Castaic and the FEMA and the Office of Emergency Services of the State of California.

FEMA insisted that the elementary school that had been there since the 1800s would be removed and the students would be changed immediately within one year even to the use of portable buildings because that school was no longer to be occupied by students in the inundation area of the Castaic dam.

Now, that hasn't been brought up to you today except -- well, I'll take that back.

One gentleman, an expert on the area, did mention inundation by some of the dams; but it has been touched on very lightly and what I have presented to you now is a plot plan that shows the location of a new school in the Newhall Ranch area and it's another elementary school.

Now, it's not under the purview of the Castaic elementary system, but it's still the school system and I'm wondering what will FEMA say about that and will we have a requirement for persons buying homes and dwellings in the area to have disclosure that they are in an inundation area of the Castaic dam and, as the other expert said, other dams in the area also. It is something we should consider on this project. Thank you.

MS. BURKE: Thank you. Dick Hingson, Jane Fleck, and Lynn Plambeck please come forward.

MS. BRENNEIS: My name is Lisa Brenneis. I'm lucky enough to be a small farmer in the Ojai valley in Ventura County.

As a former resident of Los Angeles I sat in this same chamber a few years ago and watched the agonizing devolution of the MTA red line subway project. I'm sorry, it brings tears to my eyes even now.

As the story of the red line construction unraveled, it became clear to me that a route cause of the problems that brought the future of rapid transit to a halt in Los Angeles County was leadership that was unwilling to face facts concerning the physical challenges of construction and the money required to do the job right until it was too late.

The EIR submitted by Newhall Land and approved by the Regional Planning Commission contains similar fatal flaws and wishful thinking: water supply, traffic impact. It's a substantial list.

I appeal specifically to Supervisors Antonovich and Yaroslavsky. Please remember the red line and look carefully at the Newhall EIR before it's too late. Thank you.

MR. HINGSON: I'm Dick Hingson. I'm conservation coordinator for the Sierra Club's Angeles Chapter at 3435 Wilshire Boulevard, Suite 320.

Chairperson Burke and members, the 50,000 member Angeles Chapter of the Sierra Club wishes to advise you of its opposition to the Newhall Ranch project. A resolution in opposition

was passed by the chapter in 1996 for the following reasons:

The project converts farm land and open space permanently to urban development. The Santa Clarita valley already has at least 52,000 housing units which are pending or approved, but not yet built. This is more than enough to meet the projected growth. This project would destroy valuable wildlife habitat with repercussions on various endangered species and we point particularly now to two of them, the recently listed steelhead trout and the soon to be listed Santa Ana sucker fish. It would encroach upon significant SEAs, number 23, the Santa Clara River, and number 20, the Santa Susana mountains, as well as Federally designated wildlife habitat corridor along the Santa Clara River.

Habitat would be eliminated by the flood control and the cut and fill. Units would be built in the flood plain and in the hillside management areas. This project has severe implications on air pollution, encouraging auto dependance sprawl and overburdening the existing transportation infrastructure, there being no public transportation to this site. The I-5

Newhall pass area would be an unmitigable bottleneck for traffic.

You have heard the water problems over and over again. They are inadequate for this project. It could only be provided locally by overdrafting the existing basin. There is not currently a reliable supply of state water to serve this project. Water quality would be degraded by construction on the flood plain. Downstream water users would be subjected to increased runoff from pollution.

We wish to incorporate by reference all comments made by the Sierra Club and other organizations in previous opposition to this project; and, therefore, after consideration of these severe impacts the Sierra Club's Angeles Chapter requests that you deny this project.

MS. BURKE: Thank you very much.

MS. PLAMBECK: My name is Lynn Plambeck and I would actually like to, as a former colleague of Mr. Dunn at Newhall County Water District, I would just like to reiterate something about the elementary school for the benefit of the Board.

FEMA did pay $7 million to move that elementary school out of the inundation plain,

and then you folks have a plan before you to approve putting another one in there. Please consider the taxpayers in this issue.

I would also like to ask you please, if it's possible, to come to the Santa Clarita valley to have a hearing. There are many residents out there that feel very discouraged about coming downtown because they feel that Supervisors don't really have adequate time or they are not really interested in their issues and it would be nice if we could encourage more public participation in government. To do that it's necessary for our public officials to come to us sometimes.

I would like to discuss primarily overriding considerations. This project will require overriding considerations for impacts to agricultural resources, visual resources, biological resources, air quality and solid waste. It is my belief that a project requiring this many overriding considerations has never come before you from our valley.

An overriding consideration can be found when there is a benefit that is greater to the public by the project than the damage that it's

going to do. In this case it will do severe damage.

The developer has listed that this project will provide open space, it will provide high schools, it will provide fire stations, but those would not be necessary if the project were not built. The open space will remain whether the project is built or not. So those are not overriding considerations. Those are benefits that are just equal to -- if you have the project, that's going to come, anyway. You have to approve it.

The one benefit that might be found to the County is in tax dollars; but if there is an analysis done that would review the financial impacts to not only just the County but to agriculture, to industry from air pollution, to tourism, to other tax sources and to other taxing agencies and other levels of government, it would be found that urban sprawl indeed is a very expensive and costly taxpayer detriment.

Would the County please do a fiscal impact study that includes these other issues besides just the County money, just the taxpayer money, because we all have to pay more

than just to the County. Thank you

MS. BURKE: Thank you very much.

MS. FLECK: I'm Jane Fleck. I live in Sand Canyon in Santa Clarita and the reason I'm here -- and I took a day off work to come down and talk to you -- is I don't think anyone else who has spoken is really aware of what we are about to lose if this project is approved. I rode and hiked along that river for several years and that space is totally unique to all of my other experiences in L.A. County. That river has water running in it twelve months of the year. There are fish. There are birds. It's quiet. There are butterflies and trees and it's a brief reminder of what the L.A. River, Biona Creek and the hundreds of other miles of river in L.A. County used to be like.

If this project goes through, this river will be rip-rapped on both sides. All of that vegetation will be torn out and the pumping of water out of the groundwater will cause the surface water that exists presently to subside and it will stop being a place of beauty and of nature and will become another example of the overwhelming urban sprawl in L.A. County.

It's unconscionable that you

could even consider allowing it and I hope that you will say that there can be no development and no destruction of riparian habitat anywhere in the SEA which would include anywhere between 126 and the river and on the other side of the river all the way to the SEA, and I really wish that you could come out to Santa Clarita and at least see what you are talking about destroying before you approve it. Thank you.

MR. MC SKANE: Madam Chairman, members of the Board of Supervisors. My name is Mike McSkane. I have lived in Newhall area in the City of Santa Clarita for twenty-nine years. I'm now recently retired from County service, retired as a manager with Health Facilities Division and I enjoy life in the north slopes of the Santa Susana Mountains. My wife and I hike there every day. We enjoy the flowers. It's a beautiful area.

Ed Davis Park in Towsley Canyon, adjacent to that is the development that we are discussing here today. Having driven Interstate 5 for twenty-eight years every morning and every afternoon, I know what that freeway is like and I can see it getting worse and when this development is completed, I just can't imagine anybody getting

to work on Interstate 5.

I strongly recommend that this Board require the developer and others involved have serious discussions with the MTA and bring in some kind of rail system. I think that would be a big help in moving people from the proposed property. I don't think that we can really start thinking about this development without some other source of transportation.

I think, too, that it would be nice sometimes that we as citizens and as responsible parties would use our energies, the same energies to revitalize the cores of some of our towns and cities that are deteriorating rather than leapfrogging into virgin land. Thank you.

MS. BURKE: Thank you very much. Would Karen McElhatton, Sandy Wolgamouth and Carol Paul come forward.

MS. STOUT: Madam Chairman and members of the Board of Supervisors. Jean Burger, the President of the Los Angeles County League of Women Voters, left her testimony and departed. I heard you call her name, so I took her space. My name is really Marilyn Stout. I'm the treasurer of Northridge Civic Association, one of the

associations in the San Fernando Valley.

MS. BURKE: I was getting ready to call you.

MS. STOUT: We have a very simple position. It's when County hospitals and clinics are short of funds, when schools and libraries are inadequately funded, why are we subsidizing with taxpayer dollars real estate developers like Newhall Land and Farming? The fact that we are subsidizing real estate developers has been known for a long time. The authors of (inaudible) who wrote "Water Supply Economics and Technology and Policy" are the ones who developed this and Northridge Civic Association has made a point of bringing out their material. So we do subsidize real estate developers and these people call for cost versus benefit analyses all the time.

I would like to point out that the reason Los Angeles' debt is rising is because Los Angeles does the same thing as the city, it subsidizes real estate developers.

After thirty-eight years of looking at people, water and land questions, we wrote a resolution. It says, "Whereas there is a need for careful water and land planning in

1 California; whereas land developer monopolists wish
2 to scar common sense and build somewhere between
3 twenty-five and eighty new subdivisions are cities
4 in California regardless of the water supply
5 situation," and then it goes on from there, telling
6 what the State and Federal laws are.
7 That's the end of my testimony,
8 but I would like you to have these clippings and
9 this information, only one copy for all of you.
10 MS. BURKE: Well, it will go in the
11 record. Thank you very much.
12 Leonard Shapiro, Rita De Putell,
13 Justin Sommer.
14 MS. MC ELHATTON: Hi. I'm Karen
15 McElhatton. I'm a resident of San Martinez Grande
16 Canyon Road which is a rural road which would
17 become a big intersection in this development if
18 this development occurs. I oppose enormously this
19 development. I have spent a lot of time in my life
20 in Yosemite, the Yukon, British Columbia, Montana
21 and Colorado, but I have seen more wildlife on my
22 road, the two and a half miles of my own road, than
23 all those places put together. I have seen
24 coyotes, bobcats, frogs, eagles, species of
25 hummingbirds, deer, three species of owls and many,

1 many species of migrating birds as well as my
2 neighbors have seen bear and couger. So it is very
3 wild and this is right adjacent perpendicular to
4 126 within a mile of the Santa Clara River. It's a
5 very special area. It's very wild and it's very
6 rural.
7 Everywhere we look we see
8 vacancies, we see rundown areas and we see shopping
9 centers with lease signs up. I suggest future
10 development for L.A. County would be to restore and
11 improve these areas that have already been
12 developed and are rundown now; and I also ask the
13 Supervisors please do not buy into the greedy and
14 false propaganda of the developers of Newhall Farm
15 and Land Company and it will make a few people rich
16 and it will cause permanent and enormous
17 destruction to this beautiful area forever.
18 MR. SHAPIRO: Thank you, Madam Chairman,
19 Chairwoman, and members of the Counsel. Where's
20 Gloria Molina?
21 MS. MOLINA: Right here.
22 MR. SHAPIRO: You know, I'm amazed here
23 listening to this two, three hours worth --
24 MR. ANTONOVICH: Relax, Mr. Shapiro. We
25 can all hear you.

1 MR. SHAPIRO: I'm glad you can hear me,
2 but I have seen you go to sleep before and too many
3 people are sleeping and I want to make sure they
4 don't. I'm going to try to speak lower. I will
5 watch my blood pressure, Mr. Antonovich; but I'm
6 amazed at the belief of the people who have been
7 testifying before you for two to three hours. They
8 actually believe in the democratic process. They
9 have to believe. They have to believe that if they
10 stand here and they give you documented facts, that
11 you will listen and that your minds aren't made up.
12 You are waiting for these facts. When they give
13 you these facts, then everybody will make an honest
14 and above-board decision. They know that the fix
15 is not in. They think it isn't in.
16 They don't think that the Newhall
17 Land and Farming Company has come before you and
18 they say, "We have this nice project here from five
19 to seven and a half billion dollars and we have
20 24,680 units. We have 5.7 million square feet of
21 retail space on 19 acres and we have all these
22 factors, all this thing to put up right before you,
23 all these papers to answer all the objections,"
24 and I have objections here from the Ventura County
25 Board of Supervisors. They say, "We'll see you in

1 court. We know your minds are made up. We know we
2 can't talk to you. We can't talk common sense. We
3 can't talk compromise, sit down and compromise with
4 us. We know your minds are made up. You are going
5 to give them this thing there, so what's the use of
6 us talking."
7 MS. BURKE: Your time has expired.
8 MR. SHAPIRO: They show you these papers
9 are filed.
10 MS. BURKE: Mr. Shapiro, your time has
11 expired.
12 MR. SHAPIRO: Will you please make a motion
13 I be given two more minutes?
14 MS. BURKE: I think there are other people
15 who wish to speak. Thank you very much.
16 MR. SHAPIRO: Let me sum up again. I'm
17 enamored with this democratic process that the
18 people think you are actually going to listen to
19 them and be guided by facts. When we talk about
20 sewers and roads and schools and fires and the
21 sheriffs and the libraries and parks and recreation
22 and the youth and everybody tells you this thing
23 about the City of Santa Clarita say, "We are going
24 to fight you," and the County Board of
25 Supervisors --

MS. BURKE: You can see that sign.
MR. SHAPRIO: Show us that you care. Show us that you can compromise. Show us that you will be guided by facts.
MR. KNABE: Last week you accused us of compromising, Mr. Shapiro.
MS. BURKE: State your name, please.
MS. DE PUYDT: Good afternoon. My name is Rita DePuydt. I'm with the Channel Islands Chapter of the California Native Plant Society.
The Native Plant Society supports the County of Ventura in its concerns with the EIR of the Newhall Ranch in its failure to adequately address the impacts to air, traffic, water and the biological resources.
Because of the continuing loss and degradation of riparian plant communities in California, the (inaudible) requests that the Board of Supervisors reject the Newhall Ranch project and we ask that a new EIR be written and resubmitted that adequately addresses all the concerns brought by the various groups, agencies and individuals. Thank you.
MS. BURKE: Thank you very much.
MR. SOMMER: Good afternoon. My name is

Justin Sommer. I'm from Oakview, unincorporated area of Ventura County. As a regular surfer of the Santa Clara River mouth and member of the Surf Rider Foundation, recreational user of Santa Clara River and watershed, I'm strongly opposed to this project and because of the many concerns and impacts mentioned today. The water quality and quantity, along with preservation of species downstream is real important to me.
Thank you for letting me speak and I want you to remember that we all live downstream. Thanks.
MS. BURKE: Thank you very much.
Mr. Antonovich, that concludes the testimony.
MR. ANTONOVICH: What we would like to have is once again tell public and inform the public that we will accept written testimony through April 10th. So those proposals can be submitted to the Executive Office, and then we would like to have the major points being summarized today and have that returned to the Board prior to the May 26th meeting so the Supervisors will have that information; specifically, the County's school funding

responsibility, having that issue addressed, the long-term water demands resulting from this proposal, the mitigation involved in the Ahmanson project as submitted by Supervisor Kathy Long of Ventura County, and the other points that were being raised relative to the ownership of the open space being a private ownership or having a public agency be in control of that open space and again the other points that were raised.
MS. BURKE: You move that this be continued?
MR. KNABE: You continued to a specific date?
MS. BURKE: May 26th.
MR. YAROSLAVSKY: Can I just ask a question of County Counsel?
The issue that was raised by the Ventura County people earlier today regarding the -- and I don't know actually whether they raised it totally or I've seen it in one of the documents that they have submitted -- the issue of whether impacts on Ventura County -- I think I'm asking this question correctly -- were evaluated as part of this EIR under CEQA.
MR. FORTNER: Madam Chair, Supervisor

Yaroslavsky, when the EIR was circulated it was circulated to Ventura and there was never any effort to not accommodate the comments that were made.
MR. YAROSLAVSKY: The question I have is were the impacts of the project upon Ventura County evaluated in the EIR?
MR. FORTNER: I would have to turn to Staff to respond to that question.
MR. YAROSLAVSKY: Maybe Staff could respond to that.
MR. STARK: Yes. The EIR addressed impacts regardless of jurisdictional boundaries and every effort was made to address the impacts across County lines into Ventura County and the surrounding jurisdictions. So the County boundary did not change the evaluation of the impacts.
UNIDENTIFIED SPEAKER: Don't believe it.
MR. YAROSLAVSKY: My notes tell me that Ventura County is arguing that the Applicant failed to consider the environmental impacts on their County and you are saying -- obviously you know better than me. I would like you prior to May 26th have a detailed response to that issue in addition to the ones Mr. Antonovich raised.

Under the California Environmental Quality Act a County line is not a barrier beyond which an Environmental Impact Report is not required to evaluate impacts; am I correct? If you create an impact across a County line, you are obligated to evaluate it under the law?

MR. FORTNER: Supervisor, I believe that is correct. The comments that are received must be made or impacts that are identified must be evaluated.

MR. YAROSLAVSKY: So if that wasn't done, then the EIR would be flawed. If it was done, reasonable people could argue about whether it was adequate or not. What we need to find out is whether it was done at all, whether there was a big donut hole. So if you could get that answered by the 26th or in advance of the 26th.

The other issue, I don't know if Mr. Antonovich included this in part of his questioning, but the issue of the development in the flood plain, is that one of the things you want addressed?

MR. ANTONOVICH: That's one of those questions.

MR. YAROSLAVSKY: That's fine. Thank you.

MS. BURKE: My understanding was not that the argument was that the EIR didn't look at those issues, but rather that the Subdivision Map Act required that Ventura actually conduct a determination on the project.

MR. FORTNER: Madam Chair, members of the Board, Supervisor Antonovich's question to me related to the Subdivision Map Act and its application to the project. Most of what you heard about the environmental impacts was -- there was a desire that Ventura County be designated as a responsible party.

MS. BURKE: Under the Subdivision Map Act.

MR. FORTNER: No, that would be under CEQA.

MR. KNABE: What about the Subdivision Map Act and the single property owner across a county line?

MR. FORTNER: Well, the response to that was that under the Map Act the county boundary recreates a legal lot line. The development does not extend into Ventura County and given that there was no effort to provide for development permit or restrict development in Ventura County; and given that, if the entire parcel were in Los Angeles

County and the developer brought just a portion to you, just that portion would be considered.

The fact that the property ownership does extend over the county line does not give jurisdiction to Ventura County with respect to the development in Los Angeles County.

MR. YAROSLAVSKY: I'm just curious. In the Ahmanson project which was in Ventura County, what role did Los Angeles County play in the decision making on that particular project --

MR. KNABE: Courtroom, I think.

MR. YAROSLAVSKY: -- other than the lawsuit that the County and the City of Los Angeles and about a half a dozen other entities, including cities, had to file against Ventura County? Was there any role that the County played?

MR. FORTNER: Supervisor, I don't know the answer to that. Perhaps Mr. Weiss does, if he is familiar with that.

MR. YAROSLAVSKY: If he knows the answer now, I'm just kind of curious. It's more of a rhetorical question.

MR. WEISS: Madam Chair, Supervisor Yaroslavsky, the County attempted to participate in that administrative process as well along with the

City of Calabasas, City of Los Angeles and other entities. None of the Los Angeles County entities were satisfied with the project as proposed and approved by Ventura County. A lawsuit was filed. County of Los Angeles was a member along with other entities.

MR. YAROSLAVSKY: My question is, was the County a responsible party in this discussion or have any kind of role other than the role that any other citizen or entity would have in a dispute over an EIR?

MR. WEISS: Under CEQA a party is a responsible agency if it has discretionary permit authority over some aspect of the project. Los Angeles County did not have any discretionary authority over any aspect of the Ventura County project, and in our opinion Ventura County does not have any discretionary authority on this project. So the term "responsible agency" is a term of art under CEQA.

We did consult with Ventura County informally in the development of the Ahmanson Ranch case. There were numbers of meetings with Public Works and other agencies of the County. Ultimately the County of Los Angeles

was not satisfied with the mitigation that was proposed by the developer and ultimately approved by Ventura County which led to the County of Los Angeles and other agencies bringing an action under CEQA.

MR. YAROSLAVSKY: Again, this is rhetorical. I didn't want to interrupt the testimony this morning, and I said this to the Supervisors when they came in to meet with me a few weeks ago. It's hard for me to rationalize the statements of Ventura County officials in connection with this project. Obviously it's a bigger project and it's a different kind of project, but the impacts on infrastructure are very similar in the two.

To hear comments like those I heard this morning about this project when they turned a completely deaf ear to the City of Los Angeles, the County of Los Angeles, the City of Calabasas and other organizations and residential organizations out there, a total deaf ear to any complaints they had about the impacts that a total Ventura County project would have exclusively on the Los Angeles County side of the line -- that's not a reason to approve a project, to be sure; but

I just want the Ventura County people who may be here, your elected officials -- I don't mean these individuals because I don't know if they were there at the time, but the County as an institution said one thing in that case and another thing here this morning. That, to me, gets my blood pressure boiling because we are going to still have to deal with that issue and it's not over yet on the 101 corridor as a result of the Ventura County decision on the Ahmanson project.

What would be a wonderful way to solve this whole thing is maybe we ought to have a discussion about the Newhall Land and Farming project here in Santa Clarita and reopen the Ahmanson issue and let's throw it all back into the pot and see whether there is a hypocrisy here or whether there is a true desire to address very compelling environmental issues that were raised here this morning in connection with this project and that were raised over the last several years in connection with the other.

Anyway, that's the end of my rhetorical speech.

MS. BURKE: If there are no other questions --

MS. MOLINA: I have some questions.

This is going to come back to us when?

MS. BURKE: May 26th.

MS. MOLINA: I would like to have if they could produce some kind of document -- I don't know what it is -- about what they could possibly do with the issue of moderate housing. I don't want to say low. I don't know want those price terms are, but I think there should be some effort -- and I don't know the content of what they are proposing in this huge development.

MR. ANTONOVICH: It's a mixed --

MS. MOLINA: But the level of what the mix is. I would be interested to have somebody -- and I don't know who would do that -- if they could do it by then, that would bring us some information with regard to the level of housing, the cost, what is considered moderate. I don't know if it is low or low to moderate. I don't know any of that. What is the intent of the developer? What are some of the concerns in regard to this?

It was raised an awful lot today in the hearing and I don't know if they are going to respond to it, but I would be interested in

having something specific that is provided to us as to what that content is going to be. I think an awful lot of entitlements are going out. I'm very concerned about that. So I think we have an opportunity to add to moderate priced housing, but I don't know what that is because I'm not sure about that whole area and what that range is.

Second of all, the issue that was raised about the cost of building these schools, I'm not sure I completely understood all of it, but I think there is an opportunity to bring us a presentation on that.

Now, when we come back in May what is it that we will be voting for at that point in time only? This is just the beginning process, is it not?

MR. ANTONOVICH: What you have before you is a proposal. What we need to have before we can take action is answers to the questions that were raised today.

MS. BURKE: Maybe you should read those questions that you are asking again.

MS. MOLINA: I understood. I heard the questions that he had.

MR. ANTONOVICH: Right now the school

1 issue, the flood plain issue, all of the
2 environmental issues that were raised, they have to
3 be addressed and the Staff has to report back to
4 this body with a report before we can take action.
5 MS. MOLINA: But what I guess I want to
6 understand, I think the school issue -- and I don't
7 know to what extent -- when it was being raised
8 today, I want to make sure that they are going to
9 get a response as to what it's actually costing to
10 build schools out there for the anticipated density
11 of this much housing units and how many schools are
12 going to be needed and where they are going to be
13 able to find the dollars. Is it going to come out
14 of this development? Will they just stand in line
15 and wait like they do for other school building?
16 Is this going to cause a drain of what we already
17 have as far as schools that need to be built or
18 repaired?
19 MR. ANTONOVICH: The school district has
20 received agreements, negotiated agreements with
21 other developers in the area and they are now in
22 discussions and we are meeting with the school
23 district again next week to assure that we get an
24 agreement on this case before we can move forward.
25 Every case that is coming before this body we have

1 to get agreement from the school district before we
2 take the next step.
3 MS. MOLINA: But is that to build it? Is
4 that to talk about building?
5 MR. ANTONOVICH: It's the cost.
6 MS. MOLINA: Paying for the cost of
7 building?
8 MR. ANTONOVICH: It's the cost for the
9 building and that will be agreed upon by the
10 district and the developer.
11 MS. MOLINA: And that's going to happen by
12 May?
13 MR. ANTONOVICH: We hope. Today we had an
14 action where we did have an agreement with the
15 school district and a developer on another issue,
16 but that is our goal. We can't move forward until
17 we address the issues of schools.
18 MS. MOLINA: So I'm interested in those
19 two things, the affordable housing issue and what
20 those prices are and what the mix is going to be in
21 this kind of development with these kinds of
22 entitlements; the issue of the development of the
23 housing.
24 I was going to raise other issues
25 with regard to the water issues, but I understand

1 the EIR has raised a lot and you are raising them
2 as well.
3 MS. BURKE: Are there other questions? If
4 not, this matter is continued to May 26th. So
5 ordered.
6 (The hearing proceedings
7 were adjourned at 3:22 p.m.)
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1 STATE OF CALIFORNIA)
2) SS.
COUNTY OF LOS ANGELES)
3
4 I, Vicki Nikola, CSR No. 3351, a
5 certified shorthand reporter in and for the State of
6 California, County of Los Angeles, do hereby certify:
7 That the foregoing proceedings were
8 taken before me to the best of my ability;
9 That said proceedings were taken down
10 in stenograph writing by me to the best of my ability and
11 thereafter transcribed into typewriting under my
12 direction.
13 I further certify that I am neither
14 counsel for nor related to any party to said action, nor
15 in anywise interested in the outcome thereof.
16 Dated this day of April, 1998.
17
18
19 CERTIFIED SHORTHAND REPORTER
THE COUNTY OF LOS ANGELES
20 STATE OF CALIFORNIA
21
22
23
24
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1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS.
3
4 I, Vicki Nikola, CSR No. 3351, a
5 certified shorthand reporter, hereby certify that the
6 attached transcript is a correct copy of the hearing
7 proceedings taken before me on the 24th day of March,
8 1997, as thereon stated.
9 I declare under penalty of perjury
10 that the foregoing is true and correct.
11 Executed at Los Angeles, California,
12 this day of April, 1998.
13
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15 CERTIFIED SHORTHAND REPORTER
16 THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA
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THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES

PUBLIC HEARING PROCEEDINGS
LOS ANGELES, CALIFORNIA
July 28th, 1997

VICKI NIKOLA
CSR NO. 3351

1 THE REGIONAL PLANNING COMMISSION
2 COUNTY OF LOS ANGELES
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11 PUBLIC HEARING PROCEEDINGS, taken
12 at 320 West Temple Avenue, Suite
13 150, Los Angeles, California, commencing
14 at 9:05 a.m., on Monday, July 28,
15 1997, before Vicki Nikola, CSR No. 3351.
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1 A P P E A R A N C E S:
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3 THE COMMISSION MEMBERS:
4 Ms. Ruiz, Public Works
5 Ms. Vargo, Commissioner
6 Mr. Toy, Commissioner
7 Ms. Feldman, Commissioner
8 Mrs. Clark, Chairman
9 Ms. Russell, Commissioner
10 Mr. Schwarze, Administrator
11 Mr. Moore, County Counsel
12 Mary Mention, Secretary
13 Lee Stark
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1 I N D E X
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4 S P E A K E R S : PAGE
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8 MR. HARTER 15
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10 MR. PRITSKER 55
11 JILL KLAJIC 65
12 MR. EDMUNSTON 72
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LOS ANGELES, CALIFORNIA; MONDAY, JULY 28, 1997
9:05 A.M.
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PUBLIC HEARING PROCEEDINGS HELD BEFORE THE
LOS ANGELES COUNTY REGIONAL PLANNING COMMISSION
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THE CHAIRWOMAN: The Regional Planning Commission of Los Angeles County is now in session. Today is July 28th, 1997. The purpose of this meeting is to conduct the continued hearing on the application.

MR. SCHWARZE: Well, Mrs. Clark, there is another item on the agenda also, item number two for discussion and possible action. It's one of these deals where we are required to come before you when there is a significant ecological area and we are recommending a mitigated negative declaration rather than an environmental impact report and Mr. Koutnick (phoen.) is here to explain that.

(I asked and was informed that I did not need to transcribe the comments relating to Mr. Koutnick's statement.)

THE CHAIRWOMAN: That takes us to item

number one on today's agenda. This is a continued case. Applicant is the Newhall Ranch Company and I'm going to ask this young man, Mr. Stark, to please describe it for us.

MR. STARK: Thank you very much. Good morning once again, Commissioners, ladies and gentlemen of the public. This is the eighth meeting of the Regional Planning Commission on Newhall Ranch. At your last meeting you indicated your general acceptance of the Specific Plan as revised and asked us to bring back a summary of the changes that occurred since the hearing started on October 6th, 1996. That is attachment three to your distribution dated July 22nd that you received earlier last week.

In addition to the action on that date you set this date as a date to take public testimony on the Development Agreement.

THE CHAIRWOMAN: Excuse me, please, Mr. Stark. I want everyone to clearly understand that statement you just made. Please repeat it so we'll all know what this meeting is all about.

MR. STARK: Right.

At the last meeting once the Commission indicated their general acceptance of

the Specific Plan that enabled the completion of a Draft Development Agreement, the contract between the Applicant and the County that would last for a long term, the life of the project, to be completed. It's a document that has been in the works now for at least a year with considerable input from many parties. County Counsel has worked on it and many other County agencies and other public agencies have worked on this document, but we were able to complete it, complete the draft, and circulate it to the libraries and we mailed it to several other agencies and people who had requested to receive a draft of this thirty days prior to this hearing, and this hearing you said was to be specifically to take testimony on that Draft Development Agreement.

Now, I would like to remind the Commission that this is a draft and we do expect there to be some modifications. That's what the testimony process is all about. We know for sure that there are some public agencies that would like to speak to you today. There are some components that they would like to comment to you about. I know in particular the County Librarian and the County Forester would like to address you. I

understand that the superintendents from the Castaic School District and the William S. Hart School District are here and also the Planning Director from the City of Santa Clarita is here and there might be some other public agencies that are in attendance that would like to address you in addition to many members from the general public.

So with that orientation, the Applicant has a brief statement that I would suggest you hear to open this testimony, but then I would suggest that you go ahead and hear first from the County agencies and then the other public agencies that are here and then from the general public today. All along I would be able to hopefully answer questions. The Applicant and their representatives are here to help with answers that you may have to questions.

THE CHAIRWOMAN: Mr. Toy has a question?

MR. TOY: Yes, Madam Chairman, and this is just a mechanical situation for Mr. Stark. I commend you on your work and all the efforts you put in.

I think for myself, though -- as I have always said, I'm not the smartest person and I need some help sometimes in terms of comparing

things and I had requested in other projects and I would request now -- I think I mentioned it before, but it wasn't an official request. Like some of the changes we are talking about, yourself and the Applicant -- and as you said, going through it over a year or more you have everything at your fingertips. I was wondering if there was a summary in terms of a matrix file to show and compare some of the changes. I think I asked for that, if possible. It would be helpful.

Also, in terms of, as you said, the draft that we have before us, some of the reflections in terms of where the changes came from, if there were any effects, that would be most helpful to me.

MR. STARK: This was a long document to get through, but at the very back attachment three is a summary of the significant changes showing the original Specific Plan, the changes, and then the revised Specific Plan and then listing all the changes as well as recommending some additional changes based upon the Applicant's additional meetings with the City of Santa Clarita and some other changes that they believe would improve their project. So that's attachment three.

So perhaps the Applicant might briefly hit on some of these if that would help in their initial presentation.

MR. TOY: I saw that, Mr. Stark, and I appreciate the Applicant's commenting on it. As Mrs. Clark says, though, I depend on Staff a lot also; and if possible, if there is an opinion from Staff and an analysis from Staff that could be written -- again not in long detail -- and I know that you have like points one through twenty and then you have additional changes for the Planning Commissioners to consider. I think the only thing that I see missing is how the Staff comes up with a recommendation and I guess an opinion as to what you feel the impact of the changes has done.

I can give you an example. Like in other projects Staff -- and we had to ask like Mr. Schwarze in one project in housing when the redesign came up, I think Staff felt number one it addressed XY and Z things. If that could be done, that would be helpful.

THE CHAIRWOMAN: You don't mean instantly. That's something for the attorney.

MR. STARK: I may have to talk with you a little more about what you expect, but the list of

changes is -- except for the additional changes -- really reflects what the Commission indicated they were willing to accept in terms of changes throughout the nine months and so of public hearings.

In terms of Staff position on these, I would certainly concur that they contributed to and improved the project as initially proposed, and in fact the additional changes are ones that I believe would also improve the project. Understand that we will be getting even further changes as we review the final EIR because that will contain some additional conditions, environmental conditions and so on that will further refine the project.

MR. TOY: Let me use one example, Madam Chairman. Let's take point number seven where it says combine the two neighborhood parks up in the Indian Dunes areas of Riverwood Village and add ten acres to create a twenty acre community park.

MR. STARK: Right.

MR. TOY: And it basically lays out, as you said, what they want to do. I guess I'm wondering, if Staff had an opinion, does that make the project, the parks, for instance, much more

effective? Is the thing going to be able to be followed through or is it just a statement that we will combine and it just lays there? That's something like that would be an example, if Staff has an opinion; not that you necessarily have it, but if you did on specific points, that would be helpful.

THE CHAIRWOMAN: As we move along.

MR. TOY: As we move along; not immediately, right. You know, as you look through if Staff does in fact have an opinion.

MR. STARK: Sure.

MR. TOY: Thank you, Madam Chairman.

THE CHAIRWOMAN: Certainly, Mrs. Russell.

MS. RUSSELL: There seems to be some concern from MTA and the Metrolink about their right-of-ways and their easements and that sort of thing. What they are requesting in their letter to us or to you, is that already in the plan? Is there adequate room for everything that they are asking for? I mean it would be terrible to get the whole thing built and twenty years down the line have them come through and have to condemn something. Is that already provided for?

MR. STARK: Well, there may be someone

here from MTA or related agencies to testify on that this morning. I do have some additional material on the right-of-way from a study done in 1993, a joint L.A. County/Ventura County study, that does indicate that a thirty-five foot right-of-way right is what would be needed for double track, and since it is adjacent to Highway 126 that would provide the frontage access.

MS. RUSSELL: I just wanted to make sure there was adequate room there so down the line it can go through with the minimum amount of trouble.

MR. STARK: Yes. There isn't even at this point absolute evidence that a commuter rail line will ever be needed. I would imagine, though, with the building along this corridor that it really will, but it will be many years in the future. That's why we have asked for this right-of-way corridor to be reserved.

MR. SCHWARZE: As you recall, Mrs. Russell, during the testimony on the case itself there was quite a bit of testimony considering the fact that there would be eventually at least a consideration of a Metrolink line through here. Like Lee says, MTA itself was not willing to commit and the discussion mainly centered then on the Applicant's

concern that if they dedicated the line to the MTA right now, that it would not be cared for and maintained and that there would be potentially an eye sore at the entrance to their project, this unmaintained rail line.

So what they were discussing with MTA were a dedication scheme or some sort of scheme dedicated that would essentially be incremental so that the Applicant would maintain it -- either the Applicant would maintain it because they would still own it or else MTA would commit to maintaining it if they took possession so it wouldn't just become an eye sore.

MS. RUSSELL: No man's land.

MR. SCHWARZE: No man's land, correct.

MS. FELDMAN: I would just like to weigh in on the side of leaning a little bit more on Staff's discussion, I think, following this meeting on MTA's letter and the Southern California Regional Rail Authority's letter. It seems incompressible to me, given the amount of money that we are now paying in public funds for right-of-ways today, that we are not thirty years from now in the future going to need some kind of additional public transportation system that is

going to require right-of-ways along what Commissioner Russell just said. It would be a shame to have to come in and condemn. We have certainly seen that happening all over the County in lots of different places. So I would like to get a little bit more information after we hear from MTA or SCRA.

THE CHAIRWOMAN: Will all persons wishing to testify in this case please rise at this time to be sworn in.

(The audience members were sworn in.

THE CHAIRWOMAN: Would Applicant please come forward. Good morning.

MR. HARTER: Good morning. I'm Jim Harter and I'm the Executive Vice President for the Newhall Ranch Company. We are located at 23823 Valencia Boulevard in Valencia 91355.

Over the last several years we have worked extensively with the various County departments to formulate a plan that ensures the orderly and the comprehensive development of the Newhall Ranch Community. The Development Agreement is another tool in that process to assure that the Newhall Ranch buildout proceeds as planned and it represents the partnership that will exist between

the County and us throughout the development of Newhall Ranch. The departments and agencies which we have consulted with, planned, and negotiated the content in terms of the Development Agreement include the County Counsel's office, the Regional Planning Department, Public Works, Parks and Recreation, the County Sanitation Districts, the Librarian, the Forester and the County Fire Department.

The Development Agreement provides to the County our contractual obligation that the commitments that we have made will be provided as detailed in the document and the terms of the Development Agreement provide many benefits to the public in excess of those included already in the Specific Plan through our agreement to provide amenities in excess of that required by law. Those benefits are listed in Article 2 of the Development Agreement on pages 7 through 12.

It also provides to us, the community builder, the certainty that we will be able to afford the benefits and facilities as we have agreed to through the County's agreement to keep unchanged certain rules and regulations.

The Development Agreement

1 documents the mutual understanding between the
2 County and Newhall Ranch of how the project will be
3 developed and when and how the various public
4 services, infrastructure and facilities will be
5 provided.
6 In many cases the Development
7 Agreement provides for public services and
8 infrastructure at a much earlier time than would be
9 available under the current procedure where fees
10 are collected by the County; for example, we have
11 agreed to provide fire station sites and provide
12 funding for the construction of the fire stations
13 well in advance of the time that they would be
14 constructed through the collection of the Fire
15 Development Fee.
16 This specific example, as well as
17 others, assures a safe environment as Newhall Ranch
18 builds out, it provides for the orderly development
19 of the community, and it results in a well-
20 organized and functional project and surrounding
21 region.
22 In Mr. Stark's Staff report there
23 is revised language requested by the Fire
24 Department to clarify the mutual understanding of
25 the terms of the agreement. We agree to that

1 revised language.
2 We previously had an agreement
3 with the County Librarian for the payment of fees
4 and for advancing the funds to prepare a study to
5 determine a uniform library development fee. That
6 is reflected in Exhibit E; however, the Librarian
7 has just recently requested a different approach to
8 that of the payment of fees.
9 Our letter of July 21st to the
10 Librarian proposes the provision of library
11 facilities in a method very similar to that of the
12 fire station facilities. This revised proposal
13 provides additional public benefits to those
14 already listed in Article 2. These include the
15 early provision of library facilities, the
16 elimination of the risk to the County of
17 appreciating land prices, an additional library
18 site, and flexibility to provide library services
19 as they are needed. We are agreeable to inclusion
20 of that revised language in lieu of Exhibit E.
21 Concerning the MTA letter
22 concerning the rail right-of-way, the Specific Plan
23 includes a thirty-five foot right-of-way which was
24 taken from a joint study that was prepared by the
25 Los Angeles CTC and the Ventura County CTC in 1993.

1 The thirty-five feet wide right-of-way that we have
2 proposed to reserve and to dedicate will
3 accommodate dual parallel tracks. It also provides
4 the setbacks for clearance.
5 In that joint study they also
6 included additional easements for pipeline
7 transmission and trails; and as you will recall,
8 our Specific Plan does have a regional river trail
9 that parallels the Metrolink right-of-way, and so
10 the trails will be accommodated.
11 In addition to that, all of the
12 pipeline easements and future transmission lines
13 will be accommodated in the public rights-of-way
14 through SR 126 and all of the additional highways
15 that will be constructed through the project.
16 We had a meeting scheduled with
17 the MTA last week which was canceled by them and we
18 are willing to sit down with them and explain to
19 them that the right-of-way that is being reserved
20 accommodates exactly what was in their 1993 study.
21 Furthermore, the conceptual
22 grading plan that we did in the preparation of the
23 Specific Plan already anticipates that there would
24 be grade separated crossings so that the rail and
25 the automobile traffic will not coincide.

1 Our planning team is available
2 here to answer questions that you may have on the
3 Development Agreement. Also, Ms. Sherry Theresa,
4 the Executive Director of the Center for Natural
5 Lands Management, the conservation organization
6 which will own and manage the nine square miles of
7 the SEA's and Open Area within Newhall Ranch, is
8 here to answer any questions that you may have
9 concerning their plans for the conservation of
10 resources and for public access and recreation
11 within that area of Newhall Ranch.
12 Thank you very much for your
13 consideration.
14 THE CHAIRWOMAN: We thank you.
15 At this time I would like to give
16 you an order in which we are going to hear from the
17 people that are testifying today.
18 Yes, Mr. Schwarze?
19 MR. SCHWARZE: Before you are even able
20 to do that, I have a request from a couple of the
21 ladies out there with small children if they can
22 somehow be considered first so they can take their
23 children and return home. It's up to the
24 Commission.
25 THE CHAIRWOMAN: At this time?

MR. SCHWARZE: Once you get to the opposition part.

THE CHAIRWOMAN: Once we get to the opposition part. Could we do that -- in order to accommodate these ladies, could we do it now?

MR. SCHWARZE: It's up to you. I have had the request. I pass along all requests to the Chair. Unfortunately, the request was made while Mr. Harter's testimony was taking place. So I couldn't tell you, as I normally do, before the hearing starts.

THE CHAIRWOMAN: I see nothing wrong with letting them do it now. It would be all right with me.

I'm going to ask the lady with the children if she would please come forward at this time. We are going to take them completely out of order, but I think we can handle this.

MR. SCHWARZE: Well, she just left.

THE CHAIRWOMAN: Well, let us go in order. We would like to hear from the representative from the County library, County Forester, City of Santa Clarita, W.S. Hart School District Superintendent, Castaic School District Superintendent and if there is anyone with MTA and any other public agencies

and then we'll hear from the general public.

We are going to ask each of you to keep your comments as short as possible and let us try not to be repetitive in this at all.

MR. TOY: Madam Chairman, before we begin, the request from the public who has young children, I know they had walked out. Maybe we can ask if they wish to testify in view of the fact that you said we can probably handle it before we get into testimony.

THE CHAIRWOMAN: That would be fine. Are they here?

MR. MOORE: Mr. Toy, I think there was some misunderstanding. I think that it was an attorney representing a group of parents who wish to have them present during his presentation so they can stand and indicate their support. For their convenience he asked that that presentation occur before their break. John and I misunderstood the precise nature of the request.

Is that right, John?

MR. SCHWARZE: Yes.

MR. TOY: Does the attorney represent the school district?

MR. MOORE: No, it's not an attorney

representing the school district. I don't think the school district brought children; but Mr. Pritsker, who we know from other cases, is present and appears to represent some parents.

THE CHAIRWOMAN: Then we'll hear from the County Librarian.

MR. SCHWARZE: No. We are going to take your group just before the break.

THE CHAIRWOMAN: Yes. County Librarian representative.

MR. MOORE: Mrs. Clark, I spoke with the -- the Librarian is not present to speak today. I think there are some observers from the staff of the Librarian.

I spoke with the Librarian on Friday afternoon and while the precise language as outlined by Mr. Harter in his presentation this morning is not entirely acceptable, the Librarian did want me to express support for the cooperative effort and clear assurance that an agreement will be forthcoming and will be included in the Development Agreement.

They were not able to complete all of their meetings in time for this meeting this morning, but the Librarian -- actually, the Chief

of the Finance and Planning Division of the Librarian's staff indicates support for the effort and an indication that an agreement will be forthcoming susceptible to inclusion into the Development Agreement.

THE CHAIRWOMAN: Commissioner?

MS. FELDMAN: A couple of questions on the library issue. One, I would like to see some information either from the Librarian or Staff or both on where the operations and maintenance funds are going to come from for this library. I didn't see any discussion of that.

I would also like to see some kind of a sped up time line for getting that library in place. My reading of the agreement seemed to indicate that the library and its various books, etc. would not be in place until quite some time after the residences were constructed.

MR. MOORE: Ms. Feldman, I would be happy to pass those points onto the Librarian. I will be speaking with the Staff of the Librarian today.

MR. TOY: Madam Chairman, just to piggyback on Commissioner Feldman's point, if there is additional outstanding or issues that are being discussed and that hasn't been addressed or future

things that may be, if we can have at least a list of that so we can be apprised in terms of where it's at and if there are going to be major things and minor things that we need to deal with and think about, Mr. Moore, that would probably be helpful.

MS. FELDMAN: And to add to that concern, this is on my page twenty -- I guess it would be 4.1.3D -- it says that "Newhall shall reserve a public library site of up to two acres at a location acceptable to the County which will be delivered for sale to the County concurrent with the development of the planning area in which it's to be located."

It seems to me that the site of the development that we are talking about that the site itself ought be incorporated in part of the contribution.

MR. MOORE: Clearly that provision has been supplanted by subsequent discussions.

MS. RUSSELL: Mr. Harter did agree to that.

MS. FELDMAN: Okay. I missed that. Sorry.

MR. MOORE: Well, discussions are still

underway, but clearly that provision is superseded.

MS. RUSSELL: He said it would be like the fire provision.

MR. TOY: But that's a good example, Madam Chairman. Maybe you can clarify, Mr. Stark. My questions about changes -- and we have them here and we read them and we look at them -- if there is information, for instance, like that that Mr. Moore just brought up, that would help clarify it for us. On that Development Agreement it says one thing and yet, as Mr. Moore says, there are some concerns that have been integrated in someplace else and that would be good to help us along.

MR. STARK: Right. Mr. Harter recently prepared, as he mentioned, a major modification replacing virtually everything relating to libraries in here with a different approach and that was distributed to you, I believe, in your packet. It wasn't a part of this, so you probably missed that.

Right, it's right there. That would then have to be properly integrated into this document.

MR. TOY: That's an example, Mr. Stark, that I'm referring to.

MR. MOORE: The problem is it's not in the Development Agreement.

MR. TOY: That's right, and without being there, then I make certain assumptions. Whatever is here is what I see.

THE CHAIRWOMAN: We would like to hear from the County Forester at this time.

Good morning, sir.

MR. DEAGON: Good morning.

THE CHAIRWOMAN: Please give us your name and the mailing address, just for the record.

MR. DEAGON: My name is Keith Deagon and I'm a Deputy Forester for the Los Angeles County Fire Department in charge of the Environmental Review Section and we do all the oak tree mitigation work for the County for Regional Planning. Address is 12605 Osborne Street, Pacoima 91331.

I'm here to speak regarding the developer's agreement and regarding the section on oak tree mitigation banks and I would like to give a little history and then go into what my problems are with this agreement and what it states.

Last September we received a letter from Newhall Ranch stating that they were

interested in mitigation banks for the oak tree impacts which are going to be placed upon this project and mitigation banking is a very valuable tool, and in our opinion it was a tool that is suitable for this project because it's a long-term buildout and we have been told that is going to be up to twenty-five years.

We corresponded back and forth. We have held two formal meetings in which Regional Planning and both Lee Stark and Darrell Koutnick, the biologist, attended. We have spoken in the presence of Gloria Glen and their environmental representative which is Environmental Impacts, and basically what shows up in this developer's agreement which had absolutely no input from our department, even though we have met on these two occasions, reflects nothing that we want.

I'm going to start at the very beginning. My first request approximately six months ago on page seven under 2.11 speaks about the oak tree mitigation banks and it says, "The Specific Plan provides for appropriate mitigation bank locations contiguous to existing oak woodlands which will enhance the value of these habitat areas," and we went into the Specific Plan and

there is a very general area which shows where the oak resources are and that's it. We requested specifics. We requested planting areas, soil types, a formal proposal by a qualified professional biologist. To date we have nothing.

So the only thing I can do with this document here is basically state from a conceptual standpoint because that's all I have ever been given in the last six months and it's all I have to deal with.

The bulk of my problems begin on page 23 where they start to lay out the oak tree mitigation project and what Newhall Ranch is willing to do and in the first paragraph, 4.3.4, it says that, "Heritage trees will be replaced at a ratio of five to one."

The County Forester and all other developers presently working with oak tree mitigation in Los Angeles County, we have been requesting them to replace oak trees, Heritage oak trees -- and a Heritage oak tree is an oak tree with a 36-inch diameter at breast height and basically that is an oak tree you can never put your arms around. They are very large trees and they are a very significant asset to the County.

There is 109 Heritage oak trees which are going to be removed from this site.

We in two formal letters have requested ten to one replacement and two times we have been denied and it's reflected here that they will replace them five to one. The County Forester is very adamant at a ten to one replacement, and I further would like to state that this is an oak tree mitigation banking project; therefore, mitigation trees that they are going to put in are going to be approximately two feet tall and they are going to have a twelve-inch root system and a twelve-inch top. So we are not talking fifteen-gallon oak trees that they are putting in the ground. We are talking little trees which will come to size and then they will be used for the impacts which are incurred over the twenty-five year buildout. So that's my first problem.

My second problem is Newhall Ranch feels that they do not require any monitoring on this project. In the Oak Tree Ordinance it states, "All projects will be monitored a minimum of two years," and that's whether it's an oak tree mitigation banking project. That's whether -- it doesn't matter. We are requesting five years for

this project and there is two reasons for that.

Number one, they are going to come in with small trees and we are buying off on this mitigation banking, but we want a guarantee where those trees go, how they are tagged, where they are planted, the layout and spacing of this project and we want to be able to guarantee that those trees will be there twenty-five years from now if we are going to approve in concept now that we are willing to do this for them and we can't do that unless we are out there. Basically we need to know their mitigation planning and banking area as well as they do.

A couple of things are we need to watch and tag the trees. They are going to be adjacent to other oak trees that are already out there. We want to make sure that it's the trees that are planted that get tagged. We need to know if there are predator problems out there. We need to go out there and stop the problems immediately when they occur so we don't lose the entire site. So it's extremely critical for us to have this mitigation monitoring period.

The Forester believes that after five years those trees will have all come into

mitigation size and will be established well enough that we will be able to satisfactorily walk away at that time knowing that the project was a success and after that point we are requesting a yearly report and we will go out and review that report until the termination of the project when it's completed, and we feel that's adequate.

They have agreed to the reports, but no mitigation monitoring and I have never had a project where we haven't had mitigation monitoring and I have never had a project where in many cases we have had to help the client stay within compliance.

THE CHAIRWOMAN: Mr. Schwarze.

MR. SCHWARZE: Well, I think that Mr. Deagon might be under a misunderstanding here. To begin with, the choice on the mitigation trees, five trees, ten trees, is this body's choice. The developer is asking to replace them at five to one. The Forester is asking for a ten to one replacement. That's your choice at the end of the day or at the end of this hearing process. I mean you guys get to pick that number. I don't get to pick it; the developer doesn't get to pick it. If you want more than ten to one, you can do that,

too.

The main problem, though, is that there is no project here, as I know the Commission is well aware of. This is a General Plan amendment and a Specific Plan and the actual entitlement process, each subdivision that comes along will have its own public hearing process, its own oak tree permit process at which you would once again, in effect, revisit the design of the particular increment and you would be making a subsequent decision on the mitigation for those oak trees.

At this point it has been predicted -- and that's about the best you can say -- that there are 109 Heritage oak trees that would be removed if this project were fully built out. As each project comes before you there is no guarantee that there will be 109 or less or more. Each one will have to be judged as they come before you with its own separate mitigation plan and its own separate mitigation conditions as these cases come along; and one reason why Staff would not want to put the numbers that Mr. Deagon is suggesting, five years, etc., is that some of these projects you will probably not even see. They will be seen by some different Planning Commission ten, twelve,

fifteen years from now and that Planning Commission -- in effect, the five years would be long gone and that Planning Commission shouldn't have its hands bound by a conception of a project that would be approved in 1997 because it may not be approved until the year 2007 and at that time the Commission that is sitting here might want a twenty to one replacement or whatever.

I hope that clarifies it. We have no problem --

THE CHAIRWOMAN: You have made an excellent point.

MR. SCHWARZE: Well, maybe the rest of the Commission may not agree with you, Mrs. Clark. I'm just trying to add some clarity here to it and this is the time for these County agencies to sit before you, as Mr. Deagon is doing, and say to you, "This is what our department wants." It's not a problem or anything. The developer does not get to choose. They should sit before you and say, "I want this."

THE CHAIRWOMAN: Mr. Schwarze, have we ever required ten to one replacement?

MR. SCHWARZE: I have required once fifty to one for a particular tree that was illegally

removed.

THE CHAIRWOMAN: They were illegal?

MR. SCHWARZE: A tree was illegally removed and I required fifty to one. It was part of an enforcement of a District Attorney settlement, but the number is up to you.

The one thing I would advise you, if you remember that case we had with that Presbyterian home, is that -- Mr. Koutnick is gone. What we are after here is not spaced out trees. What we are after is an ecological system. It does no good to have a tree here, a tree there. It should be worked out that if you are going to require large numbers of trees, they are planted essentially in a setting that can support them and if that setting supports five to one, ten to one, whatever, that's the way it should be worked out by Mr. Deagon and his associates and our biologist so that you end up with an ecological system rather than just spaced oak trees that are like museum pieces.

MS. FELDMAN: A couple of questions.

Can you talk a little bit about the difference between established oak woodland habitat, which I assume is what we are calling it

here, and creating I guess what would amount to new oak woodland habitat in the mitigation banks. Are they the same? What's the success rate that the County has had in establishing new oak habitat by replacing 36-inch trees with baby trees?

MR. DEAGON: Well, probably one of the best examples going is Puente Hills landfill right now because it's one of the projects that has the longest amount of time and it began in 1985 with phase 1 and that project has been a very successful project.

One thing we want to look at and one thing I would like to mention here is by doing this mitigation banking we are basically taking care of two problems or two impacts which are going to have to be addressed down the road one way or another.

The first one is the Los Angeles County Oak Tree Ordinance and the second one is the habitat restoration, oak woodland restoration, under the CEQA requirement. Sixty-four acres of oak woodland is being removed by this project and what we are doing and what we are trying to do is to simulate through this bank a representative area -- sixty-four acres, once again -- so that spacing

is important. We want to remanufacture that area, too, and Newhall Ranch will be getting credit for both the Oak Tree Ordinance and also their requirement under CEQA.

MS. FELDMAN: So can you actually create sixty-four new acres from scratch that will end up duplicating the old habitat?

MR. DEAGON: I think we can. I think we can do a very good job of it. The numbers of oak trees that are out there -- there is 109 Heritage oak trees that are being impacted. There are 634 total oak trees that may or may not be impacted. They are out there. They may fall within the construction footprint, grading footprint.

MS. FELDMAN: How long does it take for a 36-inch oak tree to grow?

MR. DEAGON: Probably in Los Angeles County from all the testing that we have done, a 36-inch oak tree is approximately between eighty to one hundred years old.

MR. TOY: Wow!

MS. FELDMAN: I would like to ask Staff or somebody to address -- one of the things that I think is important in a project of this size -- I mean the advantage to a 19 square mile project is

that there is some room for flexibility. If we are talking about 109 trees that take a hundred years to grow, whether we replace them at five to one, ten to one or fifty to one, we are talking a hundred years before you achieve any kind of parody with what was there before. One hundred and nine trees in 19 square miles, that's an average of five oaks per square mile. That's not a real big density, although I assume they are not scattered evenly like that.

Can't we look at, at a minimum, just protecting the Heritage trees, the 109 out of 634, eighty to one hundred year old trees, and be a little bit more flexible in how development is moved around just to protect those trees? It seems like it's an important amenity in this area.

MR. SCHWARZE: Well, that's exactly what I explained a minute ago, why there is a subsequent -- why this is an estimate of the trees at this point. As each project came before the Planning Commission, you will then be able to look at the details, where the trees are exactly placed, where the roads are and things like that and make individual decisions on each of the 109 trees.

This permit would not necessarily

remove 109 trees -- 109 Heritage trees. This is the worst possible scenario which is trying to be presented to you so you have the facts before you. As each individual project came before you, that decision will end up being made in effect again and again and again as to which trees might be saved and which trees might not be saved.

MS. FELDMAN: I do understand that, Mr. Schwarze. I think my point is that my understanding of a Development Agreement is that we are trying to give the developer some certainty for a set period of time as to what they will be able to develop and what the subdivision lines are going to look like, etc., and I think it's incumbent upon us to also then be giving some sort of degree of certainty on the public side in this case and the oak tree side for some minimum level of protection and I think requesting protection over the life of this Development Agreement for Heritage trees is not an extreme request.

MR. SCHWARZE: I have no idea, of course, how many Heritage trees remain on the parcel that are not being removed.

MS. FELDMAN: The Forester said 109.

THE CHAIRWOMAN: Mrs. Russell.

MS. RUSSELL: Well, I'm old enough now that I have seen some progress in my life and I'm optimistic as far as these oak trees are concerned that farther down the line every day the technology is becoming more and more advanced for transplanting these trees and we have learned just by being on the Commission that larger trees don't transplant as well as smaller trees because of the size and the roots and twenty years ago we couldn't transplant a Joshua tree and now they are transplanted all the time. It was certain death for a Joshua tree. I'm from the Antelope Valley and I'm aware of Joshua trees. Now they are putting them in medians and everything.

So I'm hoping that down the line when they start developing their tract maps and everything that technology will be such where these trees won't be so impacted or we can transplant the whole tree or something. I'm not saying I'm asking you to do that because I know it's very risky, very costly at this point in time, but I know you are working on it. I have seen your tree plant farms in the Sunshine Canyon and all up in there and so I know you are working on it. Who knows. By the time the new Commissioners come on, it will be a

1 possibility.
2 This, as you say, is just a
3 Specific Plan. It's not saying this tree goes or
4 that tree goes or anything like that. So I'm
5 optimistic.
6 THE CHAIRWOMAN: Mr. Toy.
7 MR. TOY: Madam Chairman, I do want to
8 comment on a couple of things and I have a couple
9 of questions, though I understand what Mr. Schwarze
10 is saying. I mean I sit here and I go through
11 sometimes on a monthly basis where we have had
12 CUP's that were passed way before I was here. I
13 think you were the only one that was around in most
14 cases where the CUP's were passed and it sets
15 certain foundations for us and this is what I see,
16 that we need in this agreement to set parameters
17 and minimum foundations.
18 I think there is no secret with
19 me whenever we are talking about the Oak Tree
20 Ordinance as a two to one as a generality -- not
21 talking about Heritage trees -- I always start at
22 four to one. I think everybody knows that. Then I
23 go additionally to understand why we don't need to
24 go beyond that, especially with trees of this size,
25 and I think I have asked the questions many times

1 in the past and I have learned also during this
2 process why we couldn't, as Mrs. Russell said,
3 transplant these trees and move them and keep them
4 because eighty years, a hundred years, before you
5 can enjoy it is really a long period of time. Most
6 people would not be able to enjoy that.
7 So I think it's appropriate for
8 us, as Mr. Schwarze pointed out, whether it's ten
9 to one or fifty to one, as he said, that we need to
10 set minimum parameters that at least from the
11 public side that we protect the oak tree situation
12 and then from there if later on if other
13 Commissioners sit here and there is changes -- I'm
14 sure there is no problems and we have done that
15 where there could be offered new changes or changes
16 of conditions, too.
17 That's the other way to look at
18 it as opposed to saying let's not set any -- I
19 don't think Mr. Schwarze said let's not set any.
20 He said that with it's not being clear, let's wait
21 down the line. I think it's just appropriate to
22 set the minimum and down the line if there are
23 changes, we can make the changes. So there are
24 different ways I wanted to say that.
25 I guess I would ask Mr. Deagon

1 one thing that surprises me is that you have been
2 at meetings where this issue has been discussed and
3 you related to us that you haven't had input or the
4 impact that you feel you should. Now, why is that
5 if you are there?
6 MR. DEAGON: Our input wasn't reflected
7 into this agreement. We have had plenty of input
8 and Newhall is completely aware of what we have
9 been asking in two formal letters. It's just this
10 isn't it.
11 MR. TOY: Let me ask you in terms of your
12 ratio of ten to one, why ten to one? Why not fifty
13 to one, as Mr. Schwarze says, in view of the
14 situation that the Heritage trees, as you said, are
15 36 inches in diameter and they are hard to get?
16 I'm just trying to see how you came up with that
17 figure.
18 MR. DEAGON: Fifty to one would be great,
19 in my opinion. I would love it; but in all due
20 fairness to Newhall Ranch, I can only ask of them
21 what I ask of all other developers and that's all
22 we are asking and that's why -- it's up to you. I
23 mean we have sixty-four acres that regardless of
24 what the numbers are as far as trees removed, under
25 the Oak Tree Ordinance they still have to replace

1 that oak woodland and oak savannah habitat. So
2 those numbers to do that replacement there under
3 CEQA may or may not far exceed what the requirement
4 is just to do replacement for the trees removed
5 within the project.
6 So what I need now from you is
7 some guidelines and some resolve so that -- because
8 this is a bank, as was mentioned. Down the road
9 things may change, but they want to mitigate now
10 for what they are doing twenty-five years from now
11 and they would like some commitment there on behalf
12 of the County and we would like to get some things
13 locked down also and they may not use these trees.
14 Some of them will be twenty-five years old before
15 they go to replace another tree that is being
16 removed down the road, and in twenty-five years
17 from now that tree that may be removed will be one
18 hundred twenty-five years old, but they are also
19 mitigating with a twenty-five year old tree which
20 is much more significant -- not knowing what the
21 requirements will be then. I can only speak for
22 what they are now -- to a fifteen-gallon one-inch
23 caliber tree.
24 So there is a lot of give and
25 take within the mitigation banking, but we have to

nail down some specifics now just so we can get started if mitigation banking is suitable to you.

MR. TOY: Can I follow up, Madam Chairman? It's a two-part question.

One is your monitoring mitigation program that you are talking about. Let's assume that it's a five-year monitoring program. What happens during this five years if for whatever reason it's not going the way that it should be going in your opinion? What are the roads that are available to you to make sure that changes are done and to make sure that the plan that has been placed before you is carried out?

MR. DEAGON: Well, for example -- and probably the biggest concern will be survivability probably during those five years of the trees that are planted and as long as we have an opportunity to get out there and we see if there is a significant deer problem, we can require that they do the correct mitigations to eliminate that problem before they lose all the trees that are planted. If there is a gopher problem, we can make the corrections in order to eliminate that problem and at the same time we can maintain the numbers within the bank that we know at least with the

worst case scenario on the construction footprint will be required down the road in order to be able to mitigate and if trees are lost, we can require that they be replaced within that five-year period to make sure that the numbers are adequate down the road.

MR. TOY: This $2,000 that we are talking about on page twenty-three that Newhall said they will be providing funding in the amount of $2,000 to the County Forester for the review of planting locations and plans, that's totally different, right, than the monitoring program?

MR. DEAGON: Yes. Actually what we request and we have requested and we continue to request in conjunction with the monitoring plan -- and once again, this is just standard operating procedure. All the developers which we have agreements with do this. We would like to have a $10,000 escrow account which our fiscal section can draw from and what we do is we bill for hours when we go out there.

If Newhall Ranch does an outstanding job of maintaining this bank, our billing will be minimal. If there is compliance problems, we will be funded in order to go out

there to make sure the correction takes place, and that was another part.

Also the $2,000 was incorrect. They were offering $4,000, but once again we would like to see a $10,000 escrow account so that we can take care of any problems that are out there; and once again, that's just standard operating procedure for our department when we go into these large-scale development projects.

MR. TOY: Thank you.

THE CHAIRWOMAN: Mrs. Vargo.

MS. VARGO: Can you give us an estimate of a typical tree life, how big it is at five years, ten years, twenty years? How fast do these grow?

MR. DEAGON: I can give you a rule of thumb and the only thing I want to throw out to you when you are thinking of this is site. In a prime site, type one site, which would be your best site, rich soils, north aspect, an oak tree will put on probably two to three foot per year.

MS. VARGO: In diameter?

MR. DEAGON: No, in height.

MS. RUSSELL: It would be a short fat tree.

MR. DEAGON: We'd have some awesome trees

out there in twenty-five years if they did that.

MS. VARGO: How about in diameter?

MR. DEAGON: Okay. We are going to start out with one-year old trees, basically, that are going out on the site and they are going to be approximately aboveground about twelve inches and they are probably going to be about somewhere around a quarter inch in diameter.

We are requesting irrigation on this project and we assume that within two to three years we'll start seeing the trees come into compliance size. We can relatively be sure that over a five-year period that all the trees will be within compliance size; and the other thing --

MS. FELDMAN: Which is?

MR. DEAGON: One inch diameter, twelve inches above the ground.

MS. VARGO: To finish that, then, in ten years and in twenty years how big might these trees get?

MR. DEAGON: Ten years you could probably look at four to six inch diameter. Twenty years you could probably look at a twelve to fourteen inch diameter.

MS. VARGO: That's a good size tree.

MR. DEAGON: Basically a 48-inch box tree, a 60-inch box tree -- we are talking huge trees -- those correspond with diameters. A 48-inch box is usually a four-inch tree. 60-inch box is usually a six-inch diameter tree.

So I mean what they would be mitigating with at the end of their project will be definitely significant.

MS. FELDMAN: What's the success --

MS. RUSSELL: I just wanted to ask are you going to be here a few minutes after we take our break?

MR. DEAGON: Sure, as long as you want me.

MS. RUSSELL: May I make a suggestion? The Applicant is here and the only thing constant around is change and I know that they probably made some changes. So maybe you could talk with them during our break and maybe they could answer some of your concerns today.

MR. DEAGON: I'd love that.

MS. RUSSELL: Is that all right with you?

MS. FELDMAN: What is your success rate in terms of percentage, number of trees planted and actually moved that have survived, of transplanting twenty-year old oak trees?

MR. DEAGON: These trees wouldn't be transplanted. These trees are going to be planted in an area in which there will be no construction impacts. That's the whole idea behind the bank.

To move a twenty-year old tree is extremely expensive, probably somewhere between twenty-five to fifty thousand dollars, depending on the size of the tree; and the success rate, to be quite honest with you, without intensive maintenance is basically about fifty/fifty.

MS. FELDMAN: So we are talking about possible removal of anywhere up to 634 oak trees over a 19-square mile area, but allocating sort of a tree farm or a tree zoo or a tree site of sixty-four acres where we would group them all and they would grow over a period of time. If that's the case, I think it's very important that we know what that site is because the soil, the drainage, wherever the light is coming from, all those things are really critical. You can't stick oak trees in any old soil, as anybody's tried to do that those baby trees that the Tree People give out sometimes knows. I think that's really important that we should make sure we look at that.

THE CHAIRWOMAN: Mr. Deagon, do we have

any way of knowing the age of the older trees, oak trees? I'm asking that question because I come from a small town in Louisiana where we had oak trees just all over scattered throughout the city itself and many of them are still there. They were well over one hundred years old. What are the older oak trees? What is the oldest that you can think of?

MR. DEAGON: I'm sure there is oak trees in Los Angeles County in remoter areas that well exceed three hundred years.

THE CHAIRWOMAN: Three hundred?

MR. DEAGON: Correct.

THE CHAIRWOMAN: Wow!

MR. DEAGON: You can tell exactly how old an oak tree is by increment coring it. Basically what you do is you core in with a small bore and pull out a plug and you can count the exact rings from the center on out to tell exactly how old they are.

In our studies basically what we do is whenever there is development we will ask that they cut us some rounds and we keep data on all these rounds and the average oak trees in Los Angeles County in some of these sites -- they would

have been considered pristine before they were developed -- are about eighty years old. We just kind of speculate that eighty to a hundred years ago oak trees were being removed for fuel. That's what people were cooking with and heating with back then, and I kind of think that's why they are all basically within that age class. In more remote areas that's where you are going to find your older extremely large oaks.

THE CHAIRWOMAN: We thank you for your testimony.

Mr. Schwarze?

MR. SCHWARZE: I don't think he is done.

MR. DEAGON: I have one more section --

THE CHAIRWOMAN: Certainly. I beg your pardon.

MR. DEAGON: This is the section I have probably the greatest problem with and this is on page 24 and if you look down, it would be the fourth paragraph. I would like to read it. It says, "Additional trees beyond the number required by this Development Agreement may be planted in each oak tree bank at the sole discretion of Newhall. The use of such additional trees is permitted as off-site mitigation for oak tree

removals for development projects of Valencia Company or other developers in Santa Clarita Valley when such off-site mitigation is approved as part of a County or City of Santa Clarita oak tree permit."

I would hope that this entire section could be deleted out of this agreement. Basically what is being asked here is that down the road say only five hundred oak trees are removed from the project and, therefore, there is a couple of hundred extra mitigation oak trees that basically have not been used as a part of this project. Well, Newhall Ranch or Valencia Company in doing future development in other areas of northern county would like to pull those trees then and use them as mitigation for other sites which they are developing which may have oak tree impacts; and number one, once again this project is going to be credited for oak woodland for CEQA. So you are getting credit there for Newhall Ranch project.

Number two, this was a mitigation bank starting now so that in good faith we did something now and the trees from this site should never be allowed to be used for oak impacts down

the road on any other site and the whole intent of the Oak Tree Ordinance is that when you remove trees from the site, you put them back on that site so that the public that live around that site can have the benefit of the oak trees and the mitigation in the oak trees that are replanted as well as the people that will live around Newhall Ranch.

So we would really like to see this paragraph removed from this.

THE CHAIRWOMAN: Any questions?

MR. TOY: No, that's reasonable.

MS. FELDMAN: When we come back to this issue and Staff has dealt with this issue, either Mr. Stark or Mr. Schwarze could you make a Staff recommendation as to what would constitute some protection or some further benefit in terms of the oak issue that is over and above what is just required by CEQA or by the County Oak Ordinance because I think in the context of the Development Agreement that is what we are looking for and it sounds like we are just looking right now at what was already required as opposed to something above and beyond that.

MR. DEAGON: Thank you very much.

THE CHAIRWOMAN: Thank you for your testimony. I'm going to ask Staff --

MR. SCHWARZE: You want to listen to Mr. Pritsker before we break?

THE CHAIRWOMAN: We can indeed. Sure we will.

We would like to ask you, Chief, to come back at another date on one of our discussion meetings to discuss in depth your ideas on oak trees and what we cannot and cannot do.

MR. DEAGON: I'd be happy to.

THE CHAIRWOMAN: Maybe we can even go out and take a look at some of these areas that you are talking about where you have problems and whatnot.

Okay. We thank you kindly.

Please come forward, sir.

MR. PRITSKER: Good morning, Madam Chairman, fellow Commissioners. My name is Keith Pritsker. Mr. Moore identified me as an attorney and it's true that I admit to being an attorney. I work in the Real Property Environment Division of the Los Angeles City Attorney's Office, but I'm not here this morning speaking as an attorney or as a representative of the City of Los Angeles, but rather as a parent of three children, two of whom

have gone through -- well, one has finished the public school system in Santa Clarita, one is currently in and one will be starting the public school system next year.

I'm also speaking on behalf of many of the people who have come down here this morning and a group of parents and other residents who have organized are called Keep Kids First; and as you may know from some of my prior testimony, I'm also President of my homeowners association, Stevenson Ranch, a subassociation of just under two hundred homes and I'm speaking on behalf of the residents of the Arts Community there in Stevenson Ranch.

I would like to begin by saying that Keep Kids First is an organization of parents and homeowners in the Santa Clarita Valley whose purpose is to promote the construction of adequate school facilities, especially in connection with the approval of new communities in our valley. We have reviewed Section 4.3.8 entitled "School Facilities" of the proposed Development Agreement for the Newhall Ranch project in this regard and found it insufficient for a number of reasons.

This section begins by

1 proclaiming that the requirements of the California
2 Environmental Quality Act (CEQA) and the Los
3 Angeles County Development Monitoring System --
4 often referred to as the DMS -- shall be satisfied
5 by whatever the local school districts can get the
6 developer to agree is sufficient. Such an approach
7 stands CEQA and the DMS on their heads and puts the
8 developer in control so that it will dictate what
9 it wants to contribute to our local schools.
10 CEQA requires that all
11 significant impacts of a project be mitigated to a
12 level of insignificance. The draft EIR for this
13 project identified the insufficiency of school
14 facilities as a significant impact of the project.
15 Any failure to fully mitigate a significant impact
16 as determined by the service provider must be
17 justified by a finding of unreasonableness and
18 supported by overriding considerations. The
19 developer's only justification for its steadfast
20 refusal to fully mitigate school impacts is that in
21 the past it has been able to get State and local
22 school districts to pick up part of the cost of new
23 school facilities. Unfortunately, these other
24 sources of school funding are not as freely
25 available as they once were. The drying up of

1 governmental funding to help subsidize new
2 development is by no means confined to schools.
3 For example, Caltrans used to pay for the cost of
4 bridges over freeways. Unfortunately, they no
5 longer do so. Consequently, one group of new home
6 buyers in the Santa Clarita Valley are now paying
7 over $7 million in Mello-Roos fees to finance two
8 such bridges. Because the developer, Newhall Land
9 and Farming Company, is used to feeding at the
10 public trough is not a sufficient justification as
11 to why such subsidies ought to continue.
12 The County's DMS was created
13 pursuant to a court order after the County lost a
14 decade's long fight on the behalf of developers who
15 continually underfunded the infrastructure
16 necessary for their new projects. The DMS requires
17 that the service provider, not the developer,
18 determine the definition of adequate mitigation.
19 The County cannot through the stroke of a pen wish
20 away the power it has vested in our local school
21 districts. County Staff's proposed language is
22 legally indefensible and bankrupt morally. When
23 will we learn to keep kids first?
24 The County's draft language goes
25 on to state that the school mitigation, "shall be

1 provided only to the extent of regulations for
2 eligibility for Priority One funding." Such
3 eligibility requires that local schools either
4 operate on a multi-track year-round basis or be
5 overcrowded to at least 120% of capacity. It is
6 only natural that State funds for new school
7 construction be allocated on a criteria of
8 neediness. It is unconscionable when, as here, the
9 County is asked to enter into a scheme of contrived
10 necessity which denies limited State monies to
11 those who are truly needy and at the same time
12 forces residents of growing communities like ours
13 into overcrowded schools for the sole purpose of
14 having the public underwrite the profit margin of a
15 developer.
16 Similarly, paragraph two of
17 Section 4.3.8 insists that local school bonds help
18 finance the cost of its project as well. New
19 development can and should pay its own way. The
20 County through this language is affirming that in
21 its estimation children are less important than
22 roads, sewers and every other essential element of
23 a new project which is required to pay for itself.
24 Finally, the draft agreement
25 reserves the right on the part of the developer to

1 pay even less money if the local district doesn't
2 agree to its terms and to completely renege on the
3 agreement if it can exercise enough clout along
4 with the rest of the building industry in
5 Sacramento to overturn judicial decisions that give
6 local districts the right to determine adequate
7 mitigation. We implore you to reject all of the
8 above terms and direct Staff to fashion language
9 that will protect our children and our community,
10 and at this time I would ask those who have
11 traveled down here on their own and by bus to stand
12 up who are in support of this effort this morning.
13 Thank you.
14 I have six copies, if you want
15 more, of the letter I have just read along with the
16 attached two pages of that school facilities
17 portion of the Development Agreement and, of
18 course, I can answer any questions you might have
19 at this time.
20 THE CHAIRWOMAN: We thank you.
21 Any questions? Mr. Toy.
22 MR. TOY: Just one question, Mr. Moore.
23 I know in other projects -- and this is not to say
24 this is exactly the same -- where we have taken
25 County Counsel's advice in terms of to move forward

1 and certain language that may be appropriate and we
2 understand that without an agreement there is
3 usually -- as we have discussed at length -- there
4 is usually not an overall project, anyway.
5 In this particular case is it any
6 different than the scenario that you laid out last
7 time? I think it's still pending, the agreement?
8 MR. MOORE: Well, certainly this project
9 is different because you don't have the
10 subdivisions. You don't have the project's
11 specific entitlements before you. Those
12 entitlements, of course, will be coming to you in
13 subsequent years.
14 I will say, however, that the
15 parties continue to meet with regard to funding for
16 the high school district. In fact, there is a
17 meeting later this week between all parties
18 representing the developer and the Hart High School
19 District. So those discussions with regard to the
20 high school district are continuing.
21 I must also add, however, that
22 the condition Mr. Pritsker is describing and the
23 condition contained in the Development Agreement in
24 fact is not -- does not coincide with the condition
25 you gave some tentative support for recently in the

1 Tessero case. It either lags behind or is not
2 consistent with that.
3 So I hate to sound like a broken
4 record, but here is an example of ongoing
5 negotiations much as we were alluding to with the
6 library provision earlier; and, unfortunately, as
7 we alluded to in the case of the Tessero
8 presentation, I'm hopeful that the parties will
9 continue to negotiate with regard to the school
10 funding for the high school district. Certainly
11 this language is amenable to additional changes and
12 certainly it may be superseded as this legislative
13 enactment goes forward and certainly as other site
14 specific projects are developed.
15 MR. TOY: Let me ask the testifier, Madam
16 Chairman -- and not necessarily immediately, but
17 you have asked this Commission to reject, I guess,
18 the whole body the way that it has been written
19 regarding the schools and the Applicant's wording
20 and I don't know if it's all his wording or if it's
21 a combination of his wording and the school
22 district attorney as well as maybe our own staff;
23 but perhaps if you have -- not immediately -- if
24 you have an example of language that you think that
25 is appropriate, it would be easier, at least for

1 me, to make some comparisons as to what you feel
2 and attorneys feel is appropriate and then
3 comparing that to what exists at this point.
4 MR. PRITSKER: I would be glad to consult
5 with the lawyer for the Hart District and together
6 we could come up with some proposed language. I
7 believe the language that is currently before you
8 is language drafted by the attorneys for Newhall
9 Land.
10 MR. TOY: Mr. Moore, have you been
11 involved at all in drafting any of that language
12 for that particular section regarding the school
13 district?
14 MR. MOORE: Yes. In fact, I have to
15 disagree with Mr. Pritsker. I don't know where his
16 information comes from, but the first version of
17 this language came to you through our Tessero
18 project involving a different developer, a
19 different counsel for developer, and I believe I
20 presented the first version to you in that case.
21 So it's undergone lots of versions. I can no
22 longer indicate to you who all the authors of the
23 language have been.
24 I will indicate and I might make
25 it very clear that the language that is in the

1 Development Agreement will be further refined, must
2 be further refined. I'm looking forward to the
3 results of further negotiations even this week.
4 I would also -- in a very
5 thoughtful letter filed with you by the City of
6 Santa Clarita, one of the points they make is that
7 the parties are encouraged to continue negotiating
8 on the subject of school financing. So the City of
9 Santa Clarita is lending its support to moving
10 forward with the negotiations.
11 MR. TOY: I would suggest, Mr. Moore, if
12 possible, that you would also work with maybe some
13 of the concerned parents and other groups that may
14 be out there just so -- you know, I remember you in
15 fact were involved and did make some presentations
16 here and I don't want it to be thought of as only
17 in isolated situations from representatives of
18 Newhall, but it should be a group type of effort,
19 Mr. Pritsker. So, if you can, contact Mr. Moore.
20 I think his expertise is available to you also.
21 MR. PRITSKER: Thank you very much. Mr.
22 Moore and I have worked together for many years
23 over a variety of projects and look forward to our
24 continuing to do so.
25 MR. MOORE: And certainly the City of

Santa Clarita has expressed its support, too.

By the way, you will hear from counsel for the Hart High School District at a later point in the proceedings this morning.

THE CHAIRWOMAN: We'll take a ten-minute recess at this time.

(A brief recess was taken.)

THE CHAIRWOMAN: The Regional Planning Commission is now in session. Please be seated. Thank you.

Mr. Stark, where are we?

MR. STARK: I believe the City of Santa Clarita was next. Councilwoman Jill Klajic is here.

THE CHAIRWOMAN: All right. We'll ask the representative from the City of Santa Clarita to come forward, please.

Good morning. Please give us your name.

MS. KLAJIC: Good morning, everyone. My name is Jill Klajic, City of Santa Clarita. I'm a councilwoman. My address is 21217 Gypson Way, Canyon Country, City of Santa Clarita.

THE CHAIRWOMAN: Will you spell your last name for me.

MS. KLAJIC: K-l-a-j-i-c.

THE CHAIRWOMAN: All right, Ms. Klajic.

MS. KLAJIC: Good morning, Madam Chairman, Commissioners. I do have a brief statement here but, you know, I have been sitting here through most of these meetings time after time and I think everyone has been very patient and you certainly have been very helpful and very interested in what is going on, but there seems to be a constant theme that I hear and that is a theme of the community, the agencies, the school districts, having a lot of major concerns over this huge project -- and we all know we are talking about a very, very large project -- and the developer having an attitude of not really caring and not really listening and not really giving a lot. I think that you have in your power the ability to change that attitude from this developer and I would like to see you attempt to do a little bit of attitude adjustment with Newhall Land and all we are asking for is a few concessions, but mainly we are asking for them to listen to our agencies, to listen to the community, to listen to the community groups, the environmental groups, the school districts and the city and then to try to make a few concessions on

our part.

They are very, very good at playing like they are listening, but we are not getting anywhere and I think that you are probably beginning to feel that same thing. What do you hear? Time after time people get here and they say, "We have written them letters, we had meetings with them, but nothing is ever getting resolved."

I'm sure you are as tired of hearing that as I am.

THE CHAIRWOMAN: If these were new developers that we do not know -- you have known them through the years. You have seen many of the projects that they have built and they are not new to this industry.

MS. KLAJIC: They are not new?

THE CHAIRWOMAN: No, they are not and I just disagree with what you are saying as to the fact that they are not interested. I think they are interested in what we are saying here. They have been interested in the past. I don't think it's quite fair. I don't agree with you on that statement and I want to say that publicly.

MS. KLAJIC: Well, perhaps it's because

you don't live in Santa Clarita.

THE CHAIRWOMAN: With all due respect, you have a right to your opinion.

MS. KLAJIC: Thank you.

THE CHAIRWOMAN: But tell us what it is you would like us to do when we make our final decisions regarding the Development Agreement.

MS. KLAJIC: Well, since I live in Santa Clarita --

THE CHAIRWOMAN: The Development Agreement only, that's what we are talking about, the Development Agreement.

MS. KLAJIC: Since I live in Santa Clarita I have also been firsthand witness to some of the developments that Newhall Land and Farm has developed and we do have a lack of schools and we do have a lack of roads in our city; but, anyway, I will read my statement.

THE CHAIRWOMAN: Please.

MR. SCHWARZE: Well, that's what I was just going to ask, is if Ms. Klajic was speaking as a citizen or if this was the position of the City and now she just said she is going to read her statement which I assume is now going to be the position of the City.

MS. KLAJIC: I'm a City Council member and I was speaking as a City Council member. I was not speaking on behalf of the City Council as a whole, though, but I am a City Council member.

THE CHAIRWOMAN: All right.

MS. KLAJIC: I would like to take this opportunity to request that the Planning Commission consider continuing any recommendations of the Newhall Ranch Development Agreement at this time. As one of the most significant projects ever to be proposed in Los Angeles County, I do not believe that a thirty-day review period is sufficient to thoroughly review this document. To date many important issues between the City of Santa Clarita, William S. Hart School District and other agencies and the developer still remain unresolved.

Specifically I believe it is vital that signed agreements be in place prior to your approval of this Development Agreement and that these agreements specify exactly how and when the Applicant will meet all development mitigation above and beyond the common and usual development requirements.

As a board charged with the responsibility of assuring that all responsible

mitigation requirements have been addressed, I believe it is the County Planning Commission's responsibility to both extend the thirty-day review period and direct the Applicant to adequately -- adequately -- address the City's and other agencies' and William S. Hart School District's concerns prior to any adoption of a formal recommendation.

I would be glad to answer any questions and I also have previously submitted six pages of concerns and comments from the City on a more technical view.

THE CHAIRWOMAN: Can you repeat these concerns for us, please, briefly, each one of them?

MS. KLAJIC: Of this written document that we've submitted to you?

THE CHAIRWOMAN: Yes. Just tell us your major concerns regarding the project.

MS. KLAJIC: This isn't on the project. These statements are just on the Development Agreement and language in the Development Agreement, and you probably wouldn't want me to read it because it's kind of technical.

THE CHAIRWOMAN: We have copies of that, do we not?

MS. KLAJIC: Yes, you do. You have copies of this. This is on the Development Agreement.

THE CHAIRWOMAN: Let me ask Mrs. Russell.

MS. RUSSELL: Well, this is just one of the concerns that she mentioned about extending the review time. Won't this automatically be done with our continuation?

MR. SCHWARZE: As usual, yes. Nobody ever wants to understand that we don't close the hearing off until you take an action; but yes, it automatically gets extended.

MS. RUSSELL: So that would be another thirty days or better.

MR. SCHWARZE: Whatever date you pick for a continuance.

MS. RUSSELL: So that will help.

MS. KLAJIC: Thank you. Is that all?

THE CHAIRWOMAN: That's it. We thank you.

MS. KLAJIC: If you would like to come out and tour Santa Clarita through my eyes, I would love to take you on a tour to show you some of the things that were lacking in infrastructure in Santa Clarita.

THE CHAIRWOMAN: We thank you and perhaps we will accept that invitation because I would love

to go back to Santa Clarita. It's so peaceful there.

MR. TOY: Madam Chairman, not a question. I do want to encourage Ms. Klajic, their counsel, as well as other organizations to continue and I have seen nothing to indicate that the Applicant would not want to continue discussions and try to work out additional concerns and problems and try to mitigate whatever concerns there may be to come up with the best project possible. That's just a statement I think that the Commissioners here in general have all supported and we look forward to them doing that.

THE CHAIRWOMAN: Thank you, Mr. Toy. Any further comments or questions? Next speaker, please.

Mr. Edmunston, it's nice to see you again.

MR. EDMUNSTON: Madam Chairman, Joseph Edmunston, Executive Director of the Santa Monica Mountains Conservancy, Executive Officer of the Mountains Recreation and Conservation Authority, 5750 Miras (phoen.) Canyon Road, Malibu, California.

It occurred to me that we don't

1 really need a Development Agreement. All we need
2 is for you to continue your tenure, Madam Chair,
3 and I'm sure it will continue throughout the life
4 of this Development Agreement.
5 THE CHAIRWOMAN: I doubt it.
6 MR. EDMUNSTON: I want to preface my
7 comments by indicating that we have a letter
8 addressed to you which Rory of our staff will be
9 distributing that has to do with the portion of the
10 Development Agreement that deals with the
11 designation of the Center for Natural Lands
12 Management as a managing entity, and in this
13 letter, which is separate from our testimony here,
14 we are requesting a formal public hearing on the
15 issue of the designation of the management entity
16 for that open space area. So I will not take up my
17 time here, but that is an issue that does need to
18 be addressed, we believe, in a formal hearing
19 context.
20 Madam Chair, with respect to the
21 Development Agreement itself I direct your
22 attention to page seven, paragraph 2.1. The final
23 sentence sums it all up. "In consideration of the
24 County agreeing with the provisions of the
25 Development Agreement Newhall will provide the

1 following public benefits which are over and above
2 those dedications, conditions, etc. required by
3 laws and regulations."
4 As I have reviewed in some
5 careful detail a listing of these benefits -- and
6 as you heard from twelve previous speakers,
7 specifically from the Forestry Department -- what
8 you are seeing here are mitigation measures either
9 required by CEQA or Oak Tree Ordinance or other
10 things that the County has imposed and are listed
11 as such mitigation measures in the Draft
12 Environmental Impact Report. These are then
13 transferred post-sale over into the listing of
14 public benefits in the Development Agreement and
15 then those are the justifications for giving
16 development certainty over the next thirty years,
17 and I think your staff needs to analyze for you
18 precisely where the differences are between those
19 things that are mitigations in the EIR and those
20 things that are the, quote, above and beyond,
21 unquote, and you subtract the mitigation from the
22 total package, that increment that is the above and
23 beyond needs to be weighed against the public loss
24 of control of this project over the next thirty
25 years. That is the standard that we believe is the

1 appropriate test and standard for the validity of
2 whether there is enough consideration on the part
3 of the County, i.e., the public, for what the
4 Applicant is getting.
5 So looking at that standard,
6 let's look at the oak tree replacement itself, and
7 we had the same concerns that the Forestry
8 Department had and that's why I will not go into
9 detail about those Forestry concerns other than to
10 reiterate that those are concerns that we had as
11 well and ten to one is certainly a minimum amount,
12 in our view.
13 If you look at the park
14 improvements, a significant ecological area in the
15 open space, these are all issues that were raised
16 in the Environmental Impact Report in the
17 mitigation section as mitigations under CEQA; and
18 again, where is the additional increment that
19 justifies inclusion in the Development Agreement?
20 Specifically the dedication to the Center for
21 Natural Lands Management in the Development
22 Agreement it specifies this entity. In the EIR it
23 says that that entity will be mutually decided
24 principally by the County with the approval of
25 Newhall. So there is a difference here between

1 what the EIR says as a mitigation measure and what
2 this Development Agreement says. So either -- by
3 the way, there was no public process involved in
4 the selection of the Sacramento based organization.
5 Now, we have no qualms with the organization. They
6 are good people. They have expertise in their
7 field; but if you look down and you are talking
8 about the High Country open space and the public
9 benefits of additional public recreation -- and I
10 look on page ten of the document, 2.119, and let me
11 read that in its entirety. "Preservation and
12 management of the High Country SMA will augment an
13 area preserved dedicated open spaces which will,
14 following dedication of the High Country, extend
15 ten miles from Interstate 5 to the Los
16 Angeles/Ventura County boundary."
17 Now, you are talking to the
18 chief administrative officer of the agency that
19 administers those lands, almost four thousand acres
20 of those lands, and I would like to point out, if I
21 could have Ms. (Inaudible) point out the area in
22 green, and we have a document which we previously
23 distributed to you and maybe you can bring that in
24 front of the pile of papers that you have so we can
25 talk about the document -- and this is Public Park

1 Land in the Santa Clarita Woodlands and you can see
2 the interface between the area identified in red
3 and the green area; the green area being the
4 dedicated and acquired park land and the red being
5 interfaced with the Applicant's Newhall Ranch
6 project.
7 The proposal in front of you is
8 to have a privately administered rather than
9 publicly administered open space and we believe
10 that that is insufficient to guarantee these
11 continuing public benefits, and I want to be clear
12 here that we are dealing objectively and trying to
13 be as dispassionate as possible. There is no
14 personal innuendo here. Everyone is a good person
15 involved with this. We have had numerous
16 discussions with Newhall. There is nothing
17 uncommon here. They are truly professionals, top
18 of their field; but you have an inherent conflict
19 with many of these measures because every single
20 biological mitigation measure says, "As determined
21 by the Center for Natural Lands Management."
22 For example, look at the oak tree
23 mitigation section that was discussed by the
24 Forestry Department. The one paragraph that they
25 didn't object to I'll bring up and that says that

1 the elimination of grazing is a significant
2 mitigation and a significant factor, and that's in
3 the paragraph in this Development Agreement dealing
4 with the oak trees as determined by the Center for
5 Natural Lands Management. That is not a public
6 entity. It's a private organization with a private
7 self-perpetuating board of directors, and there is
8 nothing wrong with that. It's just that it does
9 not have any degree of public accountability.
10 The issue in terms of public
11 accountability also goes to the question of the
12 financing of this project. Clearly when a County
13 entity says, such as the Forester, "We need to have
14 a certain amount of money in order to accomplish
15 this," and certain exactions and mitigation fees
16 are given, nobody says that there is a conflict of
17 interest there because clearly when the mitigation
18 exaction fee is given to the school district, the
19 school district is an accountable public entity.
20 When an exaction is given to the Forestry
21 Department, it's an accountable public entity;
22 however, when the money is paid to a private entity
23 which will be the private entity that will operate
24 this, which is the Center for Natural Lands
25 Management -- and they have committed two million

1 dollars as an endowment for that management which,
2 by the way, yields roughly only $100,000 over four
3 thousand acres, 4500 acres, that's not necessarily
4 hardly enough to administer the property, but
5 that's a whole separate question.
6 When you look at that, the same
7 entity that was receiving that money is also making
8 those determinations about whether grazing will be
9 eliminated and all the other biological
10 determinations which are listed in the mitigation
11 section of the EIR. So it would be extremely
12 difficult, we believe, for the public to have the
13 kind of oversight that it needs to have to ensure
14 that this Development Agreement is going to be
15 carried out and to ensure that all of the public
16 benefit provisions are going to be carried out; and
17 so under those circumstances we have extreme
18 reluctance to believe that the public is getting a
19 good deal for the thirty years that it is giving up
20 in this Development Agreement.
21 The final issue that we want to
22 make again focuses on the appropriateness of a
23 public private partnership when the expertise
24 relies in biological remediation and not
25 necessarily public access management.

1 Please, Madam Chair and everyone
2 else, go to the portion of Santa Clarita that
3 really is quiet and peaceful. I would like to take
4 this entire Commission on a tour of the Santa
5 Clarita woodlands, and the administration and the
6 management of the Mountains Recreation Conservation
7 Authority, which is the field operations arm of the
8 Santa Monica Mountains Conservancy, has done work
9 on this four thousand acres and you will see
10 compatible public recreation, you will see the
11 preservation of biological resources. We are not
12 perfect, but I think you will see the kind of thing
13 we are talking about, the trails; and that raises
14 another question, the trails.
15 If you look at this, trails are
16 not guaranteed to be built until three years after
17 the dedication and the land dedication doesn't come
18 until after the 12,000th building permit or the
19 4,000th permit in a particular segment of their
20 project.
21 Again, how do you remedy? The
22 question you should be asking, Madam Chair, is,
23 "Okay, Mr. Edmunston, that's a nice speech. What
24 do we do to remedy this that you think should be
25 done?"

Accelerate the land dedication. Accelerate the land dedication. That trades time benefit to Newhall Ranch, thirty years, the time benefit to members of the public, moving it from approximately fifteen years hence to something more like five years hence. Accelerate the time for building the trails from three years after the dedication which is in fifteen years to perhaps three years after the dedication which is in five years. That way we will have a contemporaneous benefit both to the County and its public and to Newhall, and a benefit to Newhall is substantial and you should do it. A project like this should have a Development Agreement. We are not arguing against the Development Agreement. We are talking only about the contents of that agreement.

Finally, Madam Chair, in order to assure that there is accountable implementation of the public access, there needs to be public ownership and public management of the public access components of this project or it should derive the benefits that are claimed here as part of the public benefit.

Now, we are not taking away from the role of the Center for Natural Lands Management

in determination of certain of the biological issues, but we do have a real problem when they are the same management entity that receives the money for the overall management of this property and at the same time are making determinations critical, economic determinations, critical to Newhall Land and Farming.

I would be happy to answer any questions that you may have.

THE CHAIRWOMAN: Questions?

MS. FELDMAN: Could you review for a matter of public record and also for the Commission sort of the acreage of the boundaries that you currently own and could you also comment on what the authority is that created this area and the land surrounding it?

MR. EDMUNSTON: The authority was added in Mr. Katz' bill which amended Section 33 -- I believe it's 216 of the Public Resources Code which extended the area of the Rim of the Valley Trail Corridor, and I don't actually -- maybe, Rory, you can just generally identify where that goes. It's up north to -- it does not include all of the project Applicant's area, but it does include all of the proposed High Country management area. That

was done under Mr. Katz' bill and that was passed in 1989.

With respect to the management entities, the entity is the Santa Monica Mountains Conservancy and the Mountains Recreation Conservation Authority and that comprises acquisitions that were made from Chevron. Donations were made from Chevron in Pico Canyon and acquisitions in Towsley Canyon and there is a five hundred acre area that you identified in the Sunshine and that is right now in an interim position with the County. My understanding is that that will be transferred as well to the MRCA.

MS. FELDMAN: So a total number of acres that you are currently operating?

MR. EDMUNSTON: About four thousand. In the entire Santa Susana mountain range, including portions of Ventura County, it's ten thousand acres.

MS. FELDMAN: And in the process of creating that area what kind of public and legislative support or lack thereof has there been?

MR. EDMUNSTON: Well, there has been tremendous public support, tremendous legislative support. As I'm sure you all know, we have had the

support of the land owning community there, particularly the large landowners. Again, I contrast Chevron willing to donate eight hundred acres and a bargain sale of less than $2,000 an acre, which is not hardly even a sale, of the remaining property with some of the concerns that we raised here.

MS. FELDMAN: And you mentioned that you didn't think that $100,000 a year, or whatever the amount is that is going to accrue from the two million dollars endowment, is enough or sufficient to maintain an area of this size. Since you are maintaining an area of approximately the size of the dedication area we are talking about, what's your track record in terms of personnel that are needed and operations and maintenance costs for open space like this?

MR. EDMUNSTON: Currently it will be at least $400,000 a year. We have three full-time California peace officer rangers that are assigned to this area. We maintain a fire suppression capability; I guess three engines in the area, and this is a first response. We are not duplicating the fire department. This is a first response situation.

Obviously the budget was put together here -- again, I don't want to go beyond the confines, Madam Chair, of this Development Agreement, but there is a separate agreement, which I don't know that has been entered into the record, between Newhall and the Center for Natural Lands Management dated April 14th, 1997 that sets out in some specific degree. I mean in the appendix it even talks about how many locks they are going to replace and if anybody can project that out thirty years, they are certainly better than we are.

Obviously there has not been enough attention given to the public access needs and there is no issue here in terms of the law enforcement public safety aspect of it. On trails these days public safety and law enforcement is a growing concern and I think it will -- unfortunately, the way society is going, it's going to be, as this project builds out, an even more serious concern as the city moves closer to nature which is going to be the inevitable consequence of this project.

MS. FELDMAN: A couple more questions.

How many acres does the Conservancy and the MRCA in this county manage that

are open space like this?

MR. EDMUNSTON: Within Los Angeles County?

MS. FELDMAN: Right.

MR. EDMUNSTON: Within Los Angeles and Ventura County it's thirty thousand acres. Within Los Angeles County alone --

MS. FELDMAN: That's okay. That's combined.

MR. EDMUNSTON: About fifteen thousand of those acres are in Los Angeles County.

MS. FELDMAN: And over how many years?

MR. EDMUNSTON: Since 1980.

MS. FELDMAN: And, as far as you know, is there any other private entity in L.A. and Ventura County in these mountain areas that is managing something on the order of the size of four thousand acres?

MR. EDMUNSTON: Not that I know of.

THE CHAIRWOMAN: Any more questions?

MS. RUSSELL: I just have one.

Mr. Edmunston, back to the trail system. When you were talking about accelerating the land dedication, were you referring to the trails or just everything?

MR. EDMUNSTON: Yes, because under this

agreement the trails need to be built within three years of the land dedication and that's probably inappropriate. So if you accelerated the land dedication, then the trails would actually be built while my children could still enjoy them. Presumably they will enjoy them as adults, too, but we don't want them to have to wait until they are senior citizens to enjoy them.

MS. FELDMAN: I'm not overly familiar with the topography in this area and despite my younger years, I can't see those little orange squiggly lines from here. Could you sort of roughly describe what the public access is now in this area and how the lands that you have would connect in terms of trails and other public access to the land in question that we are talking about for dedication purposes?

MR. EDMUNSTON: Yes. The principal public access point adjacent would be Mentreville and you all know that Mentreville is the turn-of-the-century and before pioneer oil community. Right now we are committed to spending several millions of dollars to improve and bring that up as a full-time area. It's basically a ghost town that we are bringing back as a public amenity and we have had a

lot of cooperation, by the way, from the City of Santa Clarita and the public groups there.

Going further down is -- that is Pico Canyon. The second one is Towsley Canyon. It's directly off The Old Road, and the third public access is East Canyon.

MS. FELDMAN: Are there trail systems that are going through that area right now?

MR. EDMUNSTON: Complete trail systems that go through there; and again, I would -- we can do a nice compact tour. We are used to dealing with it for legislators and they say, "I only have forty minutes or an hour," and at the end of the hour they say, "Well, can I see more?"

We say, "You said you had an appointment."

"I just lied just to get out of here."

Everybody wants to stay two or three hours. So we really do invite you to come. It's an incredible scene. You won't believe -- well, you will because you know the environment of Los Angeles County as well as anybody does, but there are really rich resources here and we would love to have you see those.

By the way, at each one of those access points we have a full-time resident ranger and really you have to have a high component of that kind of public safety in order to make the public feel safe not only for issues of urban issues, but the other day we had a bear sauntering down the trail in Towsley Canyon and for some urban dwellers that get off the 5 freeway at Calgrove and turn into The Old Road and then see a bear sauntering down the road, it can be a traumatic experience unless there is somebody there to cope with it.

THE CHAIRWOMAN: I would love to go on a field trip of that type.

MS. FELDMAN: If the Conservancy or the City of Santa Clarita or the partnership that exists between the City and the Conservancy were the agency to receive these lands, what kind of commitment would you be prepared to make in terms of providing law enforcement operations and maintenance and those sorts of resources?

MR. EDMUNSTON: Well, it would be an extremely high priority and we would at least put the same degree of resources into it as we do for the other areas that we administer; and in terms of

that, an idea just popped into my head that would give additional security to this.

The Conservancy and the City of Santa Clarita about four years ago entered into a joint exercise powers agreement entitled "The Santa Clarita Watershed Conservation Authority" and we use that now as a consultative body to assist us in the management of these resources and the City has put in a significant amount of in-kind services and some actual cash into this and probably that would be a very good entity because then you would have the local adjacent jurisdiction represented for local input and you would have the regional focus that the Conservancy has in terms of that JPA. So that actually -- the Santa Clarita Watershed Conservation Authority might be one entity that you would want to explore; but again, that should be the subject of a separate public hearing because your EIR said that the mitigation be determined by the County and which entity and Newhall has already signed an agreement.

So before that discontinuity gets written into this Development Agreement, we think you should have a public hearing on all the possible entities and the pros and cons of that.

THE CHAIRWOMAN: Tell me about that little square area there, the yellow. Why is it not also green?

MR. EDMUNSTON: Down below? That's a private in-holding.

THE CHAIRWOMAN: You didn't get that one yet?

MR. EDMUNSTON: Yet.

THE CHAIRWOMAN: I certainly wish we could say that we would accept your invitation for a field trip. I would love to take it. This young lady is the latest addition to our Commission and she whispered to me, "Let's go by helicopter."

MR. EDMUNSTON: We can achieve that.

MS. FELDMAN: It would be cheaper for the time constraints of my fellow Commissioners, of course.

MR. EDMUNSTON: It's a very interesting way of seeing it. You can see it in a short period of time and you can see areas that would otherwise take you hours to hike through, so I would offer that.

THE CHAIRWOMAN: Well, if we can afford it, if we can find the money.

MR. EDMUNSTON: Well, we can provide that.

We have a pilot and he is recovering. His fainting disorder is just about cured.

THE CHAIRWOMAN: Commissioners, do we accept the invitation?

MR. EDMUNSTON: I should say we do have a ranger who is a pilot and he doesn't have any fainting problems.

MR. TOY: Madam Chairman, let me suggest that we take up the issue of a field trip later on. We should probably finish the testimony. We have discussed that possibility in other situations.

THE CHAIRWOMAN: Whatever you say.

MR. TOY: Perhaps we can kill two birds with one stone.

THE CHAIRWOMAN: I don't want you to get up and leave before the meeting is adjourned. I want you to stay here so we can accomplish that, if you will.

MR. EDMUNSTON. Thank you very much, Madam Chair.

THE CHAIRWOMAN: Mr. Edmunston, I want to thank you for your testimony. You said something that I thought was very complimentary. You said they are professionals and they are the top of their field.

MR. EDMUNSTON: Absolutely.
THE CHAIRWOMAN: Thank you, sir.
Where are we, Mr. Stark?
MR. STARK: I believe the William S. Hart School District is next on the list. It's up to the Commission whether or not you take the four people right now who want to speak from the Hart District and then the other public agencies and so on. I know you will be running into a time constraint.
THE CHAIRWOMAN: Are we going to lose a Commissioner soon?
Let's go as far as we can, Mr. Toy. Is that what you were about to say?
MR. TOY: Yes. I was going to say other than the Hart District, what other agencies do we have, Madam Chairman, on the list?
THE CHAIRWOMAN: I don't know. Mr. Stark would know.
MR. TOY: Mr. Stark, other than the Hart District, what other public agencies do we have?
MR. STARK: Let's see, I believe the Castaic School District is here and -- is there anyone from MTA? Any other public agencies?
THE CHAIRWOMAN: Let's go as far as we

can. Okay?
MR. TOY: Sure.
THE CHAIRWOMAN: Good morning.
ROBERT LEE: Good morning, Madam Chairman, members of the Commission. Robert Lee, Superintendent of the Schools, William S. Hart School District.
THE CHAIRWOMAN: Your last name, sir?
MR. LEE: Lee.
THE CHAIRWOMAN: Thank you.
MR. LEE: We come before you this morning to hopefully give some enlightenment to that which is before you regarding the educational facilities and more specifically, the Hart School District which serves grades seven through twelve in the Santa Clarita Valley except in the area of Castaic where we serve grades nine/twelve.
We are very concerned with the proposed Development Agreement by and between the County of Los Angeles and Newhall Land and Farm and most specifically concerned about pages 19 and 20 which is Sections 41 or 4.1.3, public facilities, Item No. C and pages 27 and 28, Section 4.3.8 and it may behoove you to, if you have not had a chance to review that -- perhaps you have -- to maybe open

to that.
To give a little introduction, we are a quality school district. We are proclaimed in our valley to serve education to its utmost for its students. Developers believe that; we believe that. We only believe that we can become better and that is the goal of the Board of Education, but we truly believe -- and let me begin by going to the bottom line -- that this language will truly handicap and handcuff the district in its ability to provide future quality education; not only for existing students, but for future students.
With that in mind, let me say to you -- and I understand you have not received our communication, but once you do you will see that the district is overcrowded. Every school on its campus or every campus within the district, excluding one, has by far more students than the school capacity by State standards require and part of that is the dilemma that faces this district, and I will try to touch upon that in a bit.
The other aspect is true. We, the administration of the Hart District and its Board of Education, have been working, we would like to think in concert, with Newhall Land and

Farm in an attempt to reach a mitigation agreement. I have attended a couple of these meetings where Mr. Toy in particular has asked, "What is the input from the school district," and basically we have stayed on the sideline and tried to advocate that we believe that sooner or later that a joint mitigation agreement would be reached; and I would tell you again, trying to echo my words, that if this language is provided as a condition to the developer, we, the district, will be handcuffed and handicapped in our ability to reach a satisfactory mitigation agreement.
We are concerned that maybe behind the scenes that this language has been developed. I would want you to know as a commission that the district's input into this Development Agreement -- more specifically, the sections that I referred to -- is an absence of input from the William S. Hart School District. That's not to say that there has not been some dialogue between legal counsels on the matter; but as far as the intrical aspect, the details of that language, it has been totally absent, our issues, our concerns, our requests. So with that as a platform, I will try to proceed and give some

1 explanation to some of the areas that we are
2 concerned with.
3 First off, there is a belief or
4 there is an attempt to create a belief that State
5 school construction standards are more than
6 adequate for current and future students, whether
7 it's in the Santa Clarita Valley or any other place
8 up and down the state. I want you to know and
9 understand the State school construction standards
10 are minimum standards. They have been established
11 as the State attempted to create a financial
12 structure in which they would participate in, not
13 obligating local areas, not obligating counties or
14 cities to be held to that; and I would say before
15 you, you have language that is attempting to
16 establish full mitigation based upon State minimum
17 construction standards.
18 I will tell you and you may hear
19 later that this district most recently in the
20 construction and the opening and ultimately the
21 existence of Valencia High School and La Mesa
22 Junior High School that significant -- I mean
23 multimillion dollar financial deficits were
24 resulting from the opening of those two schools
25 because only consideration was taken as to the

1 construction of that facility. There is more to
2 mitigating school impact than just building schools
3 and I hope you understand that. If you have sons
4 or daughters or grandsons and granddaughters that
5 go to school, you know that the walls within which
6 those students attend is only the beginning to the
7 cost that a school district is obligated to take
8 care of.
9 I also want you to know that we
10 are an agency that has no control over the coming
11 and going of students. If a student walks in our
12 door today, we are morally and legally obligated to
13 provide them a chair, a seat, a set of textbooks,
14 the equipment needed to provide a quality
15 education. We cannot ever put up a sign "No room
16 in the inn," and that is a dilemma for us.
17 As I mentioned, there was
18 significant financial multimillion dollar deficits.
19 We have an audit to show that. We have an audit
20 that will show how much of that was an impact
21 because of development and that impact has been
22 suffered by tax payers, students and employees
23 alike over a period of three to three and a half to
24 four years and continue to face that as we look at
25 future growth into the future.

1 There is a failure in this
2 agreement and especially with the magnitude of this
3 project and I want you to know and understand the
4 average school district in the State of California,
5 the average school district -- we are not talking
6 about Los Angeles. We are not talking about the
7 smallest school district up in the foothills of the
8 Sierras. We are talking about the average. The
9 average size school district is approximately 3,000
10 students. This development alone will generate
11 more than 10,000 students. Perhaps consideration
12 should be given to this being a stand-alone school
13 district, but I want you to think that it isn't
14 just building schools that we are concerned about.
15 There is a total school facility concept when you
16 take a project of this magnitude and therein lies
17 again a portion of the dilemma.
18 Again, the position that State
19 school construction standards and the possibility
20 of this district being held, if you will, with a
21 gun to its head to continue to qualify for State
22 school dollars is an absurdity in my mind. You
23 require the district to take standards; one, that
24 are minimal, standards that are inadequate, to
25 accept that as what our students will participate

1 in, and then you say to us, the school district, if
2 we do not do everything within our means -- one of
3 which is requiring us to go on year-round education
4 or requiring us to obligate ourselves to take care
5 of the financial aspect of that extra,
6 quote/unquote, twenty percent -- your language is
7 in void of any requirement over ability of the
8 school district to successfully meet that standard
9 and therein that alone is a multimillion dollar
10 deficit.
11 It is assumed that the State
12 standards provide adequate school facilities and
13 having come from a former district that is a
14 unified school district rapidly growing and
15 building many schools, I would say to you that from
16 a high school standard that is a misnomer, that is
17 a fallacy, and I would want you to think that if
18 you've ever had a son or daughter who has ever
19 participated in activities such as performing arts,
20 swimming, track and field, football, soccer or
21 anything of that nature, that the State standard
22 does not address that; or if you have ever had a
23 son or daughter, granddaughter or grandson that has
24 ever stood underneath a shelter during the
25 lunchtime out of the rain, out of the heat, which

our valley is during the summer well known for, that the State standard is a minimum standard that does not meet that requirement and therein lies a part of the dilemma.

The position, too, that the State standard construction meets the total impact I would say to you that conceivably the day that the first house is built and occupied there is the possibility, the real possibility, that a student will walk out of that door and head to the doorstep of one of our schools, be it elementary, be it junior high or be it high school; and let's say, for example, if it is a high school student -- as I said earlier, we have an obligation to provide and you multiply that times the number of dwellings that ultimately will be built, and I would tell you that there is what we refer to an interim impact, the impact of the housing of that student, the quality of equipment and materials needed for that student, the transportation of that student, that this obligation or requirement is void. There is nothing in it that deals with that aspect.

Again, the imposition of year-round education. Our community, our Board of Education, our students echo their lack of support,

their displeasure, and the known lack of quality that school systems that are obligated to be on year-round education are put into. We have not and will not participate in year-round education. You are imposing that on us and I don't believe that you intend to do that, but this language will impose that on us.

THE CHAIRWOMAN: Please explain it a little further, Mr. Lee, so that I'll understand it.

MR. LEE: One, in order to stay as the term in the language Priority One, we are obligated to facilitate or to house twenty percent more students than a school is originally built for. As an example, if a high school is built for 2,000 students, we are obligated to find spaces for 2,400 students. Now, the State would say to you, "Superintendent, you can do that by making those students go on year-round and therein the solution is at hand"; and I say to you from a high school standpoint in particular, junior high, but even elementary, that you impose significant programmatic and financial hardships not only on the districts, but also on the parents that it serves. Therein that is a requirement for us to

maintain State standards so that we can maintain our eligibility to have funds come into the district and by your language then maintain the ability for the developer to receive, as it states there, fifty percent. I assume that implies that that's the amount of dollars we would receive from the State, although that is always in question whether or not and how much the amount would be from the State.

The other imposition, that implies that local bonds passed by the tax payers in Santa Clarita within the William S. Hart School District would some way somehow find its way into the pocket of a developer. I would tell you that is an absurdity to expect I or my Board of Education or any of its constituents to go before the tax payers and ask them to take a dollar to provide school facilities for future development, for future needs of development, and obligate that in some way, some shape into the pockets of a developer. Please do not even consider that. I mean that is impossible. The notion that there are other school facilities needed and that bonds may be the solution to solving those needs is a possibility, but to think that a developer or the

contribution back to the developer would be there is absurd.

The notion in this language -- and I would want you to know full well and where that we do not believe that a single junior high and a single high school will meet the needs of this massive project nor does the developer believe that. The developer is willing to provide a single junior high site and a single high school site within this project. There will be significant numbers of students -- if that is the only obligation put upon the developer, there will be significant students that will be required to be housed by this district someplace other than within the framework of the Ranch project. That is inappropriate, especially a project of this magnitude where adequate land and facilities should be provided.

Also, perhaps implied notion that this district has agreed or willing to place the school sites, the single junior high and the high school, in a location as prescribed in the mitigation agreement or the development agreement, I would want you to know that there has not been input. We have been told that this is the schools

sites, these are the locations and obviously the high school site in an oil field is a concern to us and also it will be for the State of California because there are significant requirements that we have as far as the land use.

I could go on, but in closing I would want you to know that we are a quality education district. We are overcrowded. We are very concerned. We believed all along that a fair mitigation agreement could be reached and I want to say in my heart I still believe that that is the case, but I would tell you that if you place this condition at our footsteps, you are placing also at the footsteps of this district and its tax payers a multimillion dollar liability. So I request that you do not move this language forward. I would be happy to answer any questions.

THE CHAIRWOMAN: Mrs. Russell has a question.

MS. RUSSELL: When you were talking about year-round school, were you referring just to junior high and high school as it being something that you didn't want or did you mean grammar school as well?

MR. LEE: Excuse me, I'm not too sure I

understand your question.

MS. RUSSELL: Well, you said you did not want year-round schooling. You said that you would be forced to do it. Did you mean just for high school and junior high?

MR. LEE: Speaking on behalf of the William S. Hart School District, it is a Board goal, a Board position, and position of this community that junior high and high schools will not be required to serve students on a year-round calendar, yes.

MS. RUSSELL: I always thought that was supposed to be a good thing because it utilized the school year-round and the teachers worked all year round except for their off track time and everything and now I'm hearing from you that it isn't a good thing. Is that why some of the school districts have gone to that, because of not having enough money or -- see, I thought they did it just as a convenience. I didn't know that it could be done because of no money.

MR. LEE: I would not want to speak on behalf of all school districts, but I will speak on behalf of an experience factor that I would say to you that most school districts in the last eight to

ten years that have gone towards year-round education did it solely not for quality education, not for the benefit of the students, but to stay competitive so the State dollars could funnel from the State if and when bonds are passed into those areas and those school districts, many of them, especially in this lapse of time when school bonds have not been passed or even presented to the voters, that many of them are moving away from; and so year-round education is not a quality issue. It is not a convenience issue. In fact, I would suspect that the parents behind me -- and I have not had a chance to converse with them -- that any parent -- I will tell you my wife who had a student, a daughter, in year-round education for three years moved dramatically out of that because of the inconvenience that you put on a family, much less the programmatic needs of students.

MS. RUSSELL: It's a problem if you have more than one child. You would have to be on the same track because otherwise you have one out of school and one in school.

MR. LEE: That's correct. I mean just from calendar alone it creates all kinds of problems.

THE CHAIRWOMAN: I think that I've really decided why I have staged here all of these years on this Commission, of course with the Supervisors' permission to do so, but this is a learning process for us also and I like that. I'm learning. As you spoke, I learned quite a bit from your testimony, Mr. Lee.

MR. LEE: Thank you very much.

MS. RUSSELL: I did as well.

MR. LEE: We, too, would like to say we invite you to our valley. We would invite you to have an opportunity to meet with some of our staff; not necessarily myself, but people who really are into the trenches that deal with the impact that we are talking about and for you to hear and see firsthand what we are talking about when we speak about total fair share mitigation. So if that opportunity could be established sometime maybe when you're up in the air and we can land you and bring you down and have a minute of your time.

THE CHAIRWOMAN: Commissioner.

MS. FELDMAN: Well, we will only come as it's quiet where you are, though.

You said something about standards and I'm sorry if you did say specifics

and I missed it. You stated that you felt that what was written in the Development Agreement right now was establishing mitigation based on the minimum of State standards. Do you have local standards; and if so, could you give us some numbers here on what you think are the minimum State standards, maximum State standards and how your standards, if you have any, relate to that?

MR. LEE: What we can provide you is what we believe to be the full share fair mitigation amount and if you would have an opportunity perhaps in your file to go back and see that which the Tessero development and the mitigation agreement that was agreed to, that is really the basis upon which we have established not only development for that agreement, but also for other developers; but yes, we can provide you.

THE CHAIRWOMAN: Do you think you have a copy of it?

MS. FELDMAN: I'm sure Staff will direct me to the correct --

THE CHAIRWOMAN: Mr. Schwarze says it's in that big box of materials, in that huge box of materials.

Mr. Toy.

MR. TOY: Yes. I think if Staff can help extrapolate perhaps some of those points, that would be good.

Let me ask, and not immediately, Mr. Lee, but it would be interesting to me if you can maybe in written form maybe go into more detail a little bit in terms of how the specific language you are saying is going to be handcuffing the school district and I know you went through that. I'm specifically concentrating on your page 19-20. I think you were saying page 28 and 27.

I would also be interested in terms of County Counsel maybe if he had an opinion -- not immediately, Mr. Moore, but in terms of what Mr. Lee has said that language, if it is to move forward, exists the way it does now is in fact hindering and maybe we can have an opinion from you regarding that later on.

MR. SCHWARZE: Aren't you and Ms. Feldman kind of both asking also for a comparison?

MR. TOY: Yes, I am.

MR. SCHWARZE: In other words, what the State allots or what the State requires versus what Hart High School is requesting so you get an idea what the difference is?

MR. TOY: You are correct, Mr. Schwarze. In fact, this is something that I think in other projects, Tessero being one of them, too, where I was looking at what was the minimum standards and I think Mr. Lee has reiterated that those are in fact minimum standards, what is -- and I also say minimum standards are good, but I don't think there is anything in the laws or rules as we negotiate to say that we can't go beyond minimum standards and I've always said that, that we should look at what is fair and what works for the particular district.

So you are right, Mr. Schwarze, if we can make those comparisons again, that would be helpful.

MR. MOORE: Yes, we would be happy to perform that analysis.

MS. FELDMAN: And if you could put whatever the numbers were that were already approved by this body on Tessero into that so we can see it side by side, and I would add to that also I think I'm somewhat confused by some of the level of detail here and I haven't had the privilege of hearing all this for the last year, but if you could also include in that comparison a brief review of the funding sources for schools

that are being anticipated, which are public funds and which are private funds, what would be provided by the developer and what amounts would be anticipated coming from other public sources and of those funding sources that are anticipated to be public which require a public vote and what the voting requirement level is, majority versus two-thirds because I think that's important for us to understand when we evaluate this issue.

MS. VARGO: Madam Chairman?

THE CHAIRWOMAN: Yes.

MS. VARGO: I thought that some of these issues that had to do with schools were not under our purview. Ms. Feldman, I think you are asking for a little bit more that can affect our decision on this agreement.

Mr. Moore, isn't that correct?

MR. MOORE: Well, we are involved in a legislative arena here and beyond that we are involved in the negotiating of a Development Agreement. On top of the analysis and the data that we will provide you, we will also repeat the analysis of school financing issues as they are within the County's jurisdiction.

MS. VARGO: But is it something that we

1 really want to step in and instruct them on what
2 they ought to do? I mean isn't that going a little
3 too far on our part?
4 MR. MOORE: Well, Mrs. Vargo, I mean you
5 are today holding a hearing on the Development
6 Agreement which is, as Mr. Harter I think correctly
7 put it, a partnership between the developer and the
8 County. So I think that many of the questions are
9 in that vain and I would be happy to put an
10 analysis of the County's jurisdiction over school
11 construction and financing as it's impacted by
12 development. I would be happy to put that analysis
13 into the same comparison provided to you in time
14 for what I anticipate is a continued public
15 hearing, but it is important enough that this is a
16 partnership document.
17 MR. TOY: Madam Chairman, just to add a
18 little bit, I would agree with Commissioner Vargo
19 that we don't want to get into a micromanagement
20 day-to-day type of situation. I know that's her
21 concern and we've talked about that, but I think as
22 we've been going on some of these questions were
23 raised and my hope was always that there would be
24 some agreements and some negotiations that could be
25 worked out and we wouldn't have to come to that;

1 but as Mr. Moore correctly pointed out, we are now
2 in the process of looking at a Development
3 Agreement which would include these things and
4 that's why I feel it's appropriate to get some
5 analysis to look and help guide us, not to, as you
6 say, hopefully not to get into every little thing
7 and get into micromanagement of it; but again, my
8 hope is, as Mr. Lee says, that you would move
9 forward and that some of these mitigation measures
10 and problems can be mitigated and agreed upon so
11 that we don't have to go more and more into
12 (Inaudible.)
13 THE CHAIRWOMAN: But anything at all that
14 would help us to make an intelligent decision in
15 this matter so that we can pass -- what we do here,
16 we really pass it onto the Board of Supervisors
17 with our recommendations. We must have enough
18 knowledge to get to that decision, an intelligent
19 decision, taking into consideration all of the
20 factors.
21 MR. LEE: I would be happy to address your
22 concerns, but I would want you to know that as we
23 view this language and have given serious
24 consideration, what you are requiring is that, as
25 an example, you and I go in the back room and you

1 already have your foundation fund which you are
2 obligated and this Commission wants you and I to
3 reach a settlement and not saying that the
4 developer would in all cases, but saying that the
5 developer could say, "This is my requirement. This
6 is our obligation," and therein we are at impasse
7 with no regard to issues that have been seriously
8 considered by both the developer and the district
9 up to this point in time that are absent in this
10 language.
11 MR. TOY: You know, as the Chairperson has
12 said many times, what we do here -- and we do make
13 recommendations to the full Board. I guess all of
14 us are striving to have as close an agreement as we
15 can where everybody is hopefully in accord so we
16 don't have to get into a situation where there is
17 back and forth, as you said, a fight there.
18 Additionally, as Mr. Moore has
19 pointed out to us, there is always the legal
20 avenues that are open to everybody and we are
21 hoping to avoid all those things, too, and that if
22 we can, we would like to be a part of making that
23 work. So that's the main thing.
24 THE CHAIRWOMAN: Thank you, Mr. Lee.
25 MR. LEE: Thank you very much. I

1 appreciate your good will.
2 THE CHAIRWOMAN: Will you give us your
3 name and mailing address.
4 MS. SALTZMAN: My name is Lysa Saltzman,
5 4920 Campus Drive, Newport Beach, California 92660
6 and actually I did not mean to come before our
7 Board member, but I did want to take this
8 opportunity to specifically address some of the
9 questions set forth by Commissioner Feldman and
10 Commissioner Vargo.
11 Specifically with regard to other
12 financing, public financing that is available, I do
13 believe that the Draft Environmental Impact Report
14 for the Specific Plan sets forth what some of the
15 alternative public financing arrangement may be;
16 for example, Mell-Roos communities facilities
17 district, local bond measures as well as State bond
18 measures. Other than that and direct developer
19 mitigation payments I do believe that that would be
20 our only private source of financing absent some
21 type of a donation from a foundation or a trust,
22 which I'm not aware of that has happened any time
23 recently.
24 So I think the point is that
25 public financing, even State funding, is offered

through the Leroy F. Green Act; and might I mention this. The Leroy F. Green State School Building Repurchase Act, not the Leroy G. Green Act that's in the Development Agreement.

Other local sources of funding are very limited and that's why it's incumbent upon this Commission and the school district to ensure that its needs are meant through mitigation agreement.

I did actually have some issues I wanted to address with respect to the Development Agreement, but it seems that this may be the appropriate time to comment on your previous questions.

In our correspondence dated July 24, 1997 I believe you received this morning there is an Attachment A that includes a proposed condition and a sample mitigation agreement which is based on the foundations of the Tessero Del Valle agreement which have been executed between the Hart District and Tessero Del Valle. That mitigation agreement as it is today represents the fair share needs of the Hart District for mitigating the impact of developments and I encourage you to take the time to go through that

mitigation agreement and it has gone through itself multiple meetings and negotiations with various developers, including Newhall Land and Farming who is familiar with this document, most likely very intimately; and what we would request is that this Development Agreement not have the language that is currently proposed today, but rather have something similar to that of the library facilities which the agreement that is entered into between the school district and the developer is incorporated into the Development Agreement and sets forth the specific requirements of the developer over the course of the twenty-five to thirty year buildout of the Newhall Ranch project to mitigate the needs on the school facilities of the Hart District.

That is what this body is here to do, to let the service provider determine what the needs are to mitigate the impact of the project, to provide the mitigation agreement that the district and the developer enter into as a form of mitigation that will be used for implementation for buildout of the project and we sincerely hope that that is what you will consider and take action on with respect to not only this project, but with other projects you are currently considering by

Newhall and other developers such as the (Inaudible) Highlands project.

Those are my direct responses to what was going on and without wanting to impose on your comments, I will refrain --

THE CHAIRWOMAN: We thank you for your testimony, Dear. Next speaker, please. Your name and mailing address.

MS. OLIVARES: I'm Paula Olivares and I'm a governing board member of the William S. Hart High School District and I live at 25354 Via Ramone in Santa Clarita.

I wanted to just kind of do a footnote on what Mr. Lee had said. One of the main responsibilities of a Board member is the financial health of the district and I have been a Board member for six years and I lived through and was involved in working out that multimillion dollar deficit spending that we went through after opening our last two schools and the existing wording that was presented I have great concern about the financial solvency of our district should this be approved.

I also have an equity issue and that is I am a representative of the whole

district, elected by the citizens and, for example, should we need to increase our class size because of financial constraints because of opening new schools in this one area of our district, we would have to increase the class size in all of the schools which would affect the whole district and all of the people, all of the students. That's one of the impacts that Mr. Lee mentioned; and then similarly if we were to enter into considering general obligation bonds of the community, again that would be tax impacts of the whole community to fund the shortfall which was created by opening schools in this one area.

So I see that that's really an equity issue should the whole community have the burden of funding the shortfall of the schools in this particular area. Thank you.

THE CHAIRWOMAN: We thank you for your testimony.

I think at this time, Commissioners, we should try to decide on a date for a continuance of this matter because we are going to lose a quorum at 12:30. Some of the Commissioners will be leaving.

Mr. Schwarze, can you help us in

this matter?

MR. SCHWARZE: Well, I've suggested and actually talked to a number of you about August 27th being the next available date. The only thing we have scheduled on that date is a normal Wednesday hearing date.

THE CHAIRWOMAN: A normal Wednesday hearing date, whatever that means.

MR. SCHWARZE: That's right. The only thing we have scheduled on that date right now is a briefing on the transit-oriented districts by (Inaudible.)

THE CHAIRWOMAN: That's the only thing we have on the agenda?

MS. RUSSELL: About how long?

MR. SCHWARZE: About a half an hour.

THE CHAIRWOMAN: That will be a good date.

The Chair will entertain a motion.

MS. RUSSELL: So moved.

MS. FELDMAN: Second.

THE CHAIRWOMAN: We have a motion and a second to continue this until August 27th. Those in favor let it be known by saying aye. Opposed? The motion is carried.

MS. FELDMAN: One question for Staff?

THE CHAIRWOMAN: Yes.

MS. FELDMAN: I'd really appreciate it if Staff could prepare a table that compares the issues that are presented in the Development Agreement and contrast them with the specific mitigation measures that are laid out in the EIR so that you can show us clearly where they are different and where they are the same and I'm sure there are things that I'm missing, but specifically school, fire, transportation, libraries, oaks, parks, open space, environmental issues and if I have left anything out, I'm sure you will catch it.

MR. STARK: Certainly I hope we have addressed everything in the EIR. So I hope it's already all in there in the EIR; and if it isn't, it will be in the final EIR, the mitigation measures.

MS. FELDMAN: It would be really helpful to see it laid out next to each other, and I would also like some comment from my fellow Commissioners here on the request of the Conservancy to have a public hearing on a public agency to be designated for managing the open space lands if you want to set a separate time to do that or not or if Staff

wants to comment on that.

THE CHAIRWOMAN: Commissioners, I would like to express our sympathy to Mrs. Feldman on the loss of her brother and the Chair will entertain a motion to continue this meeting; not to conclude this meeting, but adjourn this meeting in the honor of her brother.

MR. TOY: Madam Chairman, again the Commission here is saddened to find out the passing of Commissioner Feldman's brother and what I would like to do at this point is to put forth a motion to adjourn today's Regional Planning Commission meeting in memory of Mr. Lawrence Feldman.

THE CHAIRWOMAN: Do we have a second? We have a motion and a second. Those in favor let it be known by saying aye. The motion is carried.

We sincerely express our sympathies to you. This meeting is adjourned.

(Discussion was held off the record.

MR. SCHWARZE: Well, it turns out we have a conflict on the 27th that we weren't aware of and if at all possible, perhaps a better date would be September 3rd to convene.

THE CHAIRWOMAN: What day of the week is that?

MR. SCHWARZE: That's on a Wednesday.

THE CHAIRWOMAN: The Chair will entertain a motion to continue this matter to September 3rd instead of the 27th.

We have a motion. Do we have a second?

MR. TOY: Discussion, Madam Chairman? I do want to say because there might be some confusion, number one, I think the Commission is aware many people came down, had questions. I counted over thirty people who stood up in terms of having concerns with the particular agreement, parents and other residents.

In addition, I wanted to publicly say I know that there are testifiers who have perhaps not finished their testimony. We welcome you to come back again. There is other people who have opinions that we said we would be more than willing to take your testimony in writing. That's just to clarify it a little bit in terms of what is going on.

THE CHAIRWOMAN: So now this meeting is officially adjourned.

(The hearing proceedings were concluded at 12:20 p.m.)

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, Vicki Nikola, CSR No. 3351, a certified shorthand reporter in and for the State of California, County of Los Angeles, do hereby certify:

That the foregoing proceedings were taken before me to the best of my ability;

That said proceedings were taken down in stenograph writing by me to the best of my ability and thereafter transcribed into typewriting under my direction.

I further certify that I am neither counsel for nor related to any party to said action, nor in anywise interested in the outcome thereof.

Dated this day of August, 1997.

CERTIFIED SHORTHAND REPORTER
THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, Vicki Nikola, CSR No. 3351, a certified shorthand reporter, hereby certify that the attached transcript is a correct copy of the hearing proceedings taken before me on the 28th day of July, 1997, as thereon stated.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, California, this day of August, 1997.

CERTIFIED SHORTHAND REPORTER
THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

THE LOS ANGELES COUNTY BOARD OF SUPERVISORS

PUBLIC HEARING PROCEEDINGS
LOS ANGELES, CALIFORNIA
NOVEMBER 24, 1998

VICKI NIKOLA
CSR NO. 3351

1 THE LOS ANGELES COUNTY BOARD OF SUPERVISORS

PUBLIC HEARING PROCEEDINGS, taken at 500 West Temple Avenue, Los Angeles, California, commencing at 10:45 a.m., on Tuesday, November 24, 1998, before Vicki Nikola, CSR No. 3351.

A P P E A R A N C E S:

Yvonne Brathwaite-Burke, 2nd District
Mike Antonovich, 5th District
Zev Yaroslavsky, 3rd District
Don Knabe, 4th District
Joanne Sturges, Executive Officer
Mr. Pellman, Chief Deputy County Counsel

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LOS ANGELES, CALIFORNIA; TUESDAY, NOVEMBER 24, 1998
10:45 A.M.
-000-
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PUBLIC HEARING PROCEEDINGS HELD BEFORE THE
LOS ANGELES COUNTY BOARD OF SUPERVISORS
***

MS. STURGES: This is Item No. 6, Environmental Impact Report relating to the project known as the Newhall Ranch Specific Plan and Water Reclamation Plant Newhall Zoned District, applied for by Newhall Ranch Company. Also the General Plan and Sub-Amendment Case Nos. 94-087, Zone Change Case No. 94-087 and Conditional Use Permit Case, Vesting Tentative Parcel Map Case No. 24500.

MR. STARK: Good morning, Supervisors, ladies and gentlemen. I'm Lee Stark, staff member with the Department of Regional Planning.

The project before you was last considered by you on July 28th at which time you adopted a motion regarding this project which is the Newhall Ranch Specific Plan and Water Reclamation Plant consisting of a General Plan Amendment, Zone Change, Conditional Use Permit and Vesting Tentative Parcel Map. At that time you

adopted the motion requesting several changes to the project and asking the staff work with the Applicant and other County and other agencies to ensure that these changes were made. The staff report was distributed to you a week ago with the results of these efforts and I would just briefly like to summarize the changes that were made in regard to that motion.

First of all, the overall size of the development has been reduced. The total buildout was reduced from 24,351 units to 21,615 units. The average lot size for the low density and the estate lots was reduced. This map, by the way, shows the plan that was previously before you.

In addition, a half mile buffer was created south of the Santa Clara River to connect the High Country with the river corridor and a one-eighth mile buffer was added north of the river. These changes are reflected in this new map, as you can see with the additional green belt here and here.

In addition, the provision for dedication of the High Country was modified. The High Country will be dedicated now in three phases with the first third of the High Country -- this

area -- being dedicated as soon as the first 2,000 units are constructed. The second third will be at the 6,000 unit mark and the entire area would then be dedicated, the balance of the area, at the 11,000th unit. Previously the Applicant had not been required to dedicate the High Country until the 11,000th unit.

In addition, a trail through the High Country will be constructed within two years of plan approval paid for by the Applicant.

Another item in the motion was the discretionary approval requirement of all second housing units. Rather than second housing units allowed by right on the estate lots, each second housing unit will now require a conditional use permit.

The Community Development Commission worked with the department and the Applicant to develop an affordable housing program. That program will require a minimum of 2,200 units for low and moderate income households.

Another item was the treatment of riverbank stabilization. In response to a request by the City of Santa Clarita, the Department of Public Works will permit what we call buried bank

stabilization which will be a more aesthetically pleasing appearance to the riverbank wherever it is required to be reinforced for flood protection. Provisions for a wider buffer along the river was included, as requested by many people. There were specific changes in this area along the river as well as an overall condition requiring at least a 100-foot wide buffer from the top of the buried bank stabilization; and in response to the City's concern, City of Santa Clarita, contour grading and ridgeline protection has been strengthened and there are additional protections for -- additional provisions to protect groundwater supply, the most notable one being that proof of water supply will be required at the time a subdivision application is filed. This is a more rigorous proof of water than you require on other subdivisions, but in this area where water supply is sensitive, we are requiring it at the point of application.

The final item in the motion was requirement for fully improved parks and timely provision of library and fire station facilities. Agreements have been reached with these County agencies and that will be ensured. The Applicant will provide both land and improvements for parks

and will make sure that financing is available to ensure that libraries and fire station facilities are in place at the time they are needed.

Now, I can go into more detail, if you wish, on any of these items, but these reflect the major changes, and then some, in response to the motion.

THE CHAIRWOMAN: We have a number of people --

MR. ANTONOVICH: Let me first -- yesterday in a discussion with this case with my staff I understand that there was some confusion relative to the communities regarding the intentions on two specific issues. Let me address two of those issues right now.

With respect to the Applicant's participation in a valley-wide transit fee, I'm advised that there was an agreement between the Applicant and the City staff whereby the Applicant has agreed to participate on a fair share basis in any valley-wide transit fee district that might be formed in the future. It is my intent that this agreement be included in the revisions of the Specific Plans when they are returned to the Board for final approval.

The president of the Stevenson Ranch Town Council also contacted my office to seek assurances that his community would be represented by resident on the new High Country Joint Powers Authority contemplated as the owners/manager of the High Country. The JPA would consist of the City of Santa Clarita, County and Conservancy. It is also my intent that two of the County members of the JPA would be residents from Stevenson Ranch and Newhall Ranch.

I would like to first ask Harry Stone two questions before we hear from the public.

THE CHAIRWOMAN: All right. Mr. Stone?

MR. ANTONOVICH: Harry, the neighboring County, Ventura County, has asked that the Board condition Newhall Ranch to guaranty that there be no reduction in groundwater supplies delivered to Ventura County as a result of the Newhall Ranch development. Since groundwater deliveries across the County line depend upon a number of variables such as annual rainfall, pumpage by farmers and other property owners besides the water purveyors, would such a requirement be reasonable or enforceable?

MR. STONE: No, it would not be,

Supervisor. The amount of groundwater that would be available is subject to a number of variables and conditions.

What I can say is that there is water available to serve this development. The actual amount they will be using -- because part of their plan is to treat wastewater and to use that for irrigation purposes -- while significant is not going to cause major dislocations in terms of the water that is available for this area.

MR. ANTONOVICH: Now, it's my understanding that the Castaic Lake Water Agency is involved in providing additional water supplies for the Santa Clarita Valley and how realistic is the additional purchase of additional waterways?

MR. STONE: My understanding is it's very realistic. They are currently involved with purchasing rights to additional State water from Kern County Water Agency. I believe right now they have done a Draft EIR on it and they are nearing the point where the EIR will be certified which is the first step to completing the purchase of these water -- or these entitlements for State water and I would say it's a high probability they will be able to obtain the rights to another 41,000 acre

feet of State water each year.

MR. ANTONOVICH: Thank you.

THE CHAIRWOMAN: We have a number of people, elected officials, to call on first. We have Supervisor Kathy Long. We have Supervisor John Flynn and Mayor Don Gunderson from the City of Fillmore. If we could ask them to come forward.

If there is no objection, the Board has indicated twenty minutes on each side so that we would ask if everyone try to fall within that limit.

MR. YAROSLAVSKY: I would agree with that with the exception that the elected officials should be separate from --

THE CHAIRWOMAN: Well, we have a number of elected officials, about seven or eight. So we could ask elected officials -- I think we have heard from most of them -- if they could be as brief as possible, if they could try to limit their time, but we will certainly not limit you too much.

MS. LONG: Thank you.

It's a pleasure to be here this morning to speak with you again on a very, very important project to both L.A. County and Ventura County. I will certainly do my very best to keep

the comments brief and just target the main issues that I feel are still on the table for Ventura County of very importance to us.

Thank you, certainly, Supervisor Antonovich, for your motion of the 28th and the good work that staff has done on what I would say are six out of the eleven of those areas. Very good work that they developed between the agencies that had concerns with them.

I would like to also note for the record that today there was a submittal made by Ventura County that addresses a response to the staff report that you received regarding this project and also there was a submittal on November 17th by Ventura County to your Board regarding statements made by professional engineers independent on the environmental document of Newhall specific to the available water supplies and groundwater issue.

I would like to touch on probably three main things. One is to again bring up the traffic issue, which I expect Mayor Gunderson will also touch on, but we have in Ventura County a traffic ordinance that allows for fees to be paid in for mitigation, infrastructure improvements and

to date there has not been an agreement by this project of Newhall to pay into that traffic ordinance to mitigate the impacts to our regional roadways in Ventura County and it is still very important to us as the 126 is a major corridor and the impacts along that corridor in addition to the impacts were yet cumulative regionally on the 101 area and I know that in other projects that Ventura County has had under consideration that there in fact have been $3.6 million paid in fees to cities outside of Ventura County in addition to infrastructures and specific improvements related to project impacts across the County line and that was submitted to you in a document of April 6th of 1998 that talked about the traffic impacts.

The other area I would like to talk about and submit for the record today is affordable housing. I believe that the staff report that has been submitted to you and in looking at the recommendation in Supervisor Antonovich's motion of July still does not get us there. It still does not really equate the numbers to the number of jobs the Specific Plan will create in this project; and frankly, if you look at the projections for the project, you have a fifty

percent buildout before the first affordable housing may hit the ground. I would find that -- because of the employees and jobs you are going to find immediately with a project such as this such as retail, low wage, minimum wage jobs, jobs related to services that would be offered to that first household such as landscaping and others that there is a need for affordable housing immediately with this project, not after fifty percent of it has been built out. So I would like to submit that for the record.

I believe that it is very important to Ventura County, specifically the Santa Clara Valley, that this issue be taken seriously and addressed seriously because we have the cities of Fillmore and Santa Paula who have done a very good job in meeting the needs of the community for the affordable housing component. They are in target with the housing element per the State law and as proposed under the staff report and the conditions on the table for this project, it is not in compliance. In fact, it's looked at a fifteen year and State law requires a thirty year commitment, buildout and commitment of affordable housing. So I have that. It's a full statement of

three pages that I won't read to you because I expect you can do that on your own time, but to submit for the record.

The other issue you are certainly going to hear more about from Supervisor Flynn is on water. I believe there are three critical points to water, and I just want to wrap up here quick, if I might.

The new proposal to use groundwater is a substantial change to the project description and is inconsistent with both the Final EIR and Supervisor Antonovich's July 28th motion. It's imprudent to approve plans and presume you will receive your entire allocation of the State project water. To our knowledge, no agency has ever requested and received more than fifty percent of its full allocation of State water. State water is most in demand during droughts and that's when the deliveries are substantially reduced and this project is claiming that they will get that high of an allocation and I question that.

The feasibility of the ASR alternative has not been demonstrated. There is no evidence that water injected into the aquifer will remain there or that it will not displace annual

recharge. Valencia Water Company, not the County of Los Angeles, is the agency responsible for preparing any further environmental documentation and implementing the ASR alternative. That, I think, takes it out of our hands and certainly limits yours in the environmental analysis and the ability whether an ASR will or will not work in that aquifer.

So based on the water issues and the others I have mentioned earlier I believe there are still insufficient evidence in the record to demonstrate that the proposed project will not have a significant impact on the environment, particularly impacts on Ventura County. I would urge you to reject the proposal before you, continue the process of refinement so we can all live comfortably with the results. Thank you very much.

MR. FLYNN: Thank you very much, Madam Chair. My name is John Flynn. I'm a County Supervisor representing the 5th District in Ventura County. I represent primarily the Oxnard area and the Oxnard plains.

Board members, thank you very much for letting us be here today and we want to

congratulate Mr. Antonovich for the civil attitude he has taken and presence he has taken in our dispute. We still have disagreement, but we think highly of each one of you and especially Mr. Antonovich who has worked with us on the issues.

Ventura County, if I may just take a minute here to tell you, I think culturally we are somewhat different than L.A. County. We are an agricultural County. Agriculture is our first industry. It's the industry that grosses the most dollars for our County. So it's a fundamental part of our County product and we are proud of it.

Recently the voters of Ventura County passed a measure on the ballot -- actually, two measures: Save our Agricultural Resources. They passed 62 percent on one and 69 percent on the other. So the culture there says we want to preserve agriculture.

As you know, we sit right on the edge of L.A. County, yet we have withstood a lot of the pressure to urbanize that County. It's been urbanized to some extent, but we think we have kept things under control. Our population is about 740,000. So if you compare that to other Southern

California counties, we have done a good job managing the County and the land use in the County.

Our water, contrary to what Newhall has said recently in a television program, our water systems are well managed, probably the best managed water systems in the State of California. I could go into more detail on that for you.

However, we still have the concerns that Supervisor Long outlined and very definitely the concern about water, very definitely the concern about runoff. The runoff issue is simply, to put it in laymen's terms -- may be simplistic, but I will do it, anyway -- and that is it's like putting a plastic sheet over all this development and you can imagine the runoff that is going to hit that Santa Clara River. The river sometimes becomes very wild as it is. We can cite the floods in the past. We are very fearful of what that runoff is going to do and the lack of addressing the runoff issue by your Public Works Department really alarms us.

The second issue is the water. Newhall in its EIR said that it would take water from groundwater for this project. It also

speculated that it could get State water and we heard a person here this morning giving testimony in answer to Supervisor Antonovich's questions. That water simply does not exist. The water that the person giving testimony said exists does not exist. If Castaic Water District is successful in getting an increased allocation, that allocation is all in the pipeline for other projects. This project is not included.

So when you begin to take groundwater from the Newhall basin, that groundwater is going to simply disrupt the water that comes into Ventura County. There is a pico formation underneath the river. That pico formation is like an underground dam and as it gets to the point of Ventura County at an area of a place called Blue Cut, then the water simply stops flowing and we are not going to be able to refresh the Piru basin, the Fillmore basin, the Santa Paula basin and the Oxnard aquifer. We won't be able to do that. Quantity and quality will go down.

When quality goes down in water when you use it in agricultural crops, then the fruit quality goes down and we will be unable to sell that fruit in the markets that we sell. We

produce 400,000 tons of fruit a year in that Santa Clara River Valley.

We think that we need to go much further with this project in making additional conditions. We don't think the water issue has been addressed. We don't think the issues addressed by Ms. Long have been addressed satisfactorily to us and we certainly don't think that in any way the runoff issue has been addressed. Our Board of Supervisors wrote you a letter dated November 17th, 1998. Every Board member signed it. Our Board partisan wise, both parties are represented. All Supervisors signed this letter. It outlines our concern. Also we submitted some statements on water, a statement of Douglas Hamilton which goes into great detail -- he is an expert -- and a statement by Robert N. McKenny and I hope you are able to read these statements.

Thank you very much, Madam Chair, for your allowing us to be here.

THE CHAIRWOMAN: Now, is your agriculture -- what area of Ventura is most of that? Is that adjacent to the ocean side or inland more?

MR. FLYNN: Primary agricultural areas in

Ventura County, if I understand your question, are in the Santa Clara River Valley which is downstream from this project.

THE CHAIRWOMAN: About how many miles?

MR. FLYNN: It begins right at the County line, as far as agriculture is concerned, and from there to the ocean or from there to the Oxnard (Inaudible) equals about 400,000 tons of fruit. Then there is the Santa Rosa River Valley, there is the Ojai Valley and there is the Oxnard plain which is primarily rural crops.

MR. ANTONOVICH: Let me just redirect a couple of points. The following safeguards have been incorporated either within the Specific Plan or within the County's General Plan.

Three new sources of water have been identified for the General Plan Amendment and Specific Plan: Castaic creek flows, reclaimed water and additional State imported water;

2, the Specific Plan does not allow construction. Tract maps must be processed and approved in order to be built. So that's critical. Those tract maps cannot be approved without the water supply.

3; future tract maps must

identify specific sources of supply at the time of application, provide additional environmental review, including water supply, and demand analysis.

4, the future tract maps must comply with the County's DMS which requires that water must be available on the project or the project must be phased with the availability of water.

The Board has required the Applicant to identify the source of water with the application of all future tract maps on Newhall Ranch. The Upper Santa Clara River Committee has agreed to provide an annual monitoring report on the water use in the Santa Clarita Valley and if it doesn't, the Applicant must fund such report by an independent water consultant.

6, as a result of these procedures, when the County processes the future tract maps it will know the then current water situation and the source of water proposed for the tract map and will be able to make a determination if net use of groundwater will result; and if the tract map would result in the net use of groundwater, the map will not be approved because

1 it is conditioned that it may not result in the net
2 use of groundwater. So there are ironclad
3 provisions as part of the Specific Plan or the
4 General Plan.
5 UNIDENTIFIED SPEAKER: Madam Chair, I
6 appreciate your comments, Supervisor. The thing
7 that concerns me about the Newhall basin and the
8 Saugus and the alluvial aquifers is that there is
9 not really very much known on a couple of items.
10 One is, what is safe yield there? I don't think
11 anyone is able to tell what safe yield is in that
12 basin and until you are able to discover that, then
13 one does not know how much water to take out of
14 there.
15 Now, if you take out water in
16 those basins ten feet down, let's say, for the
17 project -- and you are solely dependant upon those
18 basins -- by the time the water reaches the pico
19 formation, the under-river formation where it
20 starts to bend upward, then that water simply is
21 not going to spill over into the Piru basin which
22 is very close by and the Fillmore basin.
23 Now, those basins hold an awful
24 lot of water; however, once you start to slow down
25 the refreshing water -- for lack of a better

1 term -- then the quality of that water is simply
2 going to subside and when the TDS for water starts
3 to rise in certain crops, then you notice the
4 quality of fruit simply starts to drop and when you
5 are dealing with markets like Japan and competing
6 with Argentina and other countries, they want the
7 very best fruit and we have sent them the very best
8 fruit probably of anywhere in the world from that
9 Valley.
10 MS. LONG: If I might make a quick
11 comment, as I've looked at the Draft EIR and the
12 Final EIR, the Draft EIR went from language that
13 there was going to be groundwater used. Final EIR
14 went to stronger language that said no, there would
15 not be use of groundwater and now the staff
16 recommendation, to me, is a different definition of
17 what no net use of groundwater is and clearly
18 challenges the assumptions that one, the ASR
19 injection is going to solve any concern with that
20 in addition to the State commitment of State water
21 project commitment. As I said earlier, there is a
22 question as to historical allocations through the
23 State water project that I think the assumption in
24 the document is much higher than what has ever been
25 historically allocated.

1 The question that we have and the
2 challenge we have in our County again goes back to
3 that pico formation that if you draw down ten feet,
4 it impacts us. Ten feet doesn't sound like a lot.
5 It's not a lot. It will impact us; and I
6 appreciate the guaranties that you have taken the
7 extra step that hasn't been taken in perhaps other
8 of your land use decisions, but where it leaves us
9 in a disadvantage is then we have to have a trust
10 and we don't have a legal remedy once the action
11 takes place and the documents are approved,
12 particularly when it comes to the Valencia Water
13 Company having full authority over whether this ASR
14 project will or will not work. Then you lose a lot
15 of what is assumed and on record for the acre feet
16 allocation. Then what? There's more work to be
17 done.
18 MR. GUNDERSON: Madam Chair and members of
19 the Board of Supervisors, thanks again for the
20 opportunity to appear before you and like our two
21 Supervisors, we have made a lot of progress and we
22 appreciate the ability to work together; however,
23 as the Mayor -- I'm Don Gunderson, Mayor of the
24 City of Fillmore, the last best small town in
25 Southern California. We are the first city to be

1 impacted by this project, the first city west of
2 the County line on Highway 126. Our concerns
3 continue to be traffic, water and housing.
4 The EIR predicted traffic
5 increase attributed to the project would increase
6 the traffic on Highway 126 by approximately one-
7 third. The project does not take a look over the
8 County line and combine the impact of their project
9 together with other projects which are in the EIR
10 review stage in Ventura County. Literally the
11 Ventura County projects and this project will meet
12 at the intersection of Highway 126 and State Route
13 23 at the intersection of A Street and Ventura in
14 the City of Fillmore. Mitigation for the traffic
15 and air quality impacts added by this project are
16 insufficient for the sum of the effects of all the
17 projects whose traffic will meet at that
18 intersection.
19 Supervisors Flynn and Long have
20 presented a very compelling case on the water.
21 Fillmore is fortunate to be on top of a very
22 magnificent aquifer, but it's a very fragile
23 aquifer and as Supervisors Flynn and Long have both
24 pointed out, an overdraft of ten feet in the
25 aquifer in the area of Santa Clarita will have a

1 severe impact on Fillmore.
2 In the four and a half years or
3 so since the earthquake Fillmore has done a
4 remarkable job in its recovery and through
5 aggressive programs and housing we have built
6 housing for all income levels in Fillmore. We have
7 provided adequate housing. At the same time we have
8 progressed from being the 9th or 10th ranking city
9 in medium household income in Ventura County to
10 where we are now a solid seven. Over the past
11 three years 96 percent of the permits issued in
12 Fillmore for new construction have been for housing
13 qualified as affordable units under the Ventura
14 County criteria. Southern California Association
15 of Governments, SCAG, has identified Fillmore and
16 Santa Paula as impacted communities, meaning that
17 an overconcentration of low income families already
18 live in the area. In the most recent regional
19 housing needs assessment SCAG implemented a policy
20 of not requiring the construction of additional low
21 income units in impacted communities. Fillmore
22 ranks third in Ventura County for population
23 density with 5,229 residents per square mile.
24 The average County density is two less than 3,800
25 per square mile.

1 The short answer is that Fillmore
2 has done its share and more. We are no way
3 prepared to cope with the influx of individuals
4 necessary to make the Newhall project viable if
5 individuals cannot find affordable housing within
6 the project. Supervisor Long has spoken of the
7 issue of their proposed ratio of very low, low and
8 moderate cost housing.
9 The solution doesn't have to rest
10 totally within the boundaries of this project, but
11 the housing needs should be met within close
12 proximity. Fillmore is continuing to work on its
13 balanced housing needs. In fact, tonight at our
14 City Council meeting we will be taking action to
15 authorize a new development of 144 homes. This was
16 a significant size development for Fillmore that
17 will have an anticipated sales price of $250,000
18 range.
19 From our point of view the world
20 doesn't stop at the L.A. County line. As a matter
21 of fact, in the last two or three months we have
22 had several meetings with representatives of the
23 City of Santa Clarita on issues of common interests
24 such as cultural tourism and redevelopment. Our
25 interests, we are finding, coincide with the

1 interests of Santa Clarita as they do with the
2 cities of Oxnard and Ventura in the development of
3 cultural tourism in the Santa Clara River Valley.
4 So we recognize the need for these areas. I say
5 sort of ironically in the redistricting somebody
6 decided that Fillmore's interests were more common
7 with the San Fernando Valley and we are the only
8 city in the County of Ventura to be represented by
9 Tom (Inaudible) who's base is in the San Fernando
10 Valley.
11 As you travel west on Interstate
12 5 from the L.A. County line, we find that Fillmore
13 is on the front line in absorbing the brunt of the
14 impacts of this project. Our County Supervisors
15 have been on the forefront of bringing issues to
16 your collective attention and in the scale of your
17 world Fillmore's voice is a very small one, but
18 don't let that take away from our genuine concerns.
19 Thank you very much.
20 MS. LONG: Madam Chair, if I might have
21 one more quick second, I would like to provide for
22 your reading interest an editorial that appeared in
23 the L.A. Times speaking about water, just returning
24 from a (Inaudible) conference and a Cal Fed
25 workshop learning more about what the water issues

1 are statewide.
2 Interesting to me that the
3 statement made in the editorial and made at the Cal
4 Fed conference is that the Southern California
5 water agencies must stop overdrawing their legal
6 allocation of water, and it also says that we must
7 find more efficient ways to improve supply through
8 conservation, reclamation water supplies,
9 developing a more open water market for cities to
10 buy farm water and through the storage in
11 groundwater basins, which is on the table with this
12 project in some manner, but the aquifers are
13 chronically overdrawn and the time has come for
14 formal groundwater management. We are asking for
15 that. We appreciate the opportunity to speak with
16 you today.
17 THE CHAIRWOMAN: Thank you very much.
18 Could we have Jeffrey Lambert, Jill Klejig, Keith
19 Pritsker.
20 At some point we are going to
21 have to start this twenty minutes.
22 MR. LAMBERT: Good morning, Supervisors.
23 My name is Jeff Lambert. I'm the Director of
24 Planning and Building Services for the City of
25 Santa Clarita and our council has asked me to

1 attend this morning to represent the City's
2 position on the Newhall Ranch project.
3 I first want to make sure it's
4 clear that you understand how important this
5 project is to the City; that we have spent
6 countless hours working on this project over the
7 last several years at various levels within the
8 City's organization from the City Council down to
9 many of our entry-level staff and I think you will
10 find we will continue to have that level of
11 commitment to this project over the next several
12 years.
13 I also want to thank Supervisor
14 Antonovich for involving the City in this process.
15 The City since it incorporated almost eleven years
16 -- actually almost eleven years ago -- continues to
17 be involved in development of the Santa Clarita
18 Valley, not just within our boundaries, but outside
19 our boundaries and we are very appreciative of the
20 involvement that the Supervisor has given us over
21 the last couple of years.
22 I also want to acknowledge
23 Mr. Dave (Inaudible) and Lee Stark for their
24 assistance and being available to answer our
25 questions and help us resolve the issues that we

1 had on this project.
2 The City has appreciated the
3 ability to play a key role in the review of this
4 project and we understand that any actions that the
5 Board takes today is really only the beginning of
6 this process. Even though it's been several years
7 in the making, we understand that this process is a
8 long time beyond this point and we want to make
9 sure that you understand that. We expect to
10 continue to be diligent and review this project
11 should the Board take action today and continue to
12 move forward on the project. We hope to continue
13 to be invited to the table and trust that the
14 Supervisors will continue to do that.
15 Many of the City's issues have
16 been conceptually resolved in our discussions with
17 the Supervisor's office and with the County
18 planning staff. We continue to discuss others and
19 this motion, as presented this afternoon, hopefully
20 will give us additional opportunities to be
21 involved in the process. We do have some issues
22 that we haven't completely resolved and I think
23 it's pretty clear to understand that many of the
24 issues have been conceptually resolved, but the
25 details are where we are now headed and I think the

1 Supervisor has allowed us to continue to have those
2 discussions.
3 What I would like to do is really
4 walk though a couple of those issues for you just
5 so you have a flavor of the issues. I understand
6 that the Supervisors have limited time this
7 morning.
8 First, a few issues that we have
9 resolved in our discussions with the Supervisor and
10 the Applicant first is the width of the regional
11 trail along the Santa Clara River.
12 Second is the High Country
13 management and ownership. That issue has been
14 resolved, in our opinion.
15 Third is the hillside ridgeline
16 development standard. We appreciate adding
17 standards that largely reflects the City's
18 standards on those issues.
19 A guaranteed source of water has
20 been one of our important issues and adequate
21 school facilities has also been one of our issues
22 that we have pushed since the beginning of this
23 process.
24 I also want to appreciate the
25 Supervisor's addition of the transit fee at the

1 beginning of his comments earlier in the item.
2 That's something we feel is important. We charge a
3 transit fee for development in the City and we hope
4 that the same fee could be charged Countywide and
5 we appreciate this Applicant's willingness to pay
6 that fee.
7 A couple of the issues that we
8 have sort of reached conceptual agreement, but we
9 are still working on the details. One in
10 particular is the buried bank stabilization. We
11 appreciate the Supervisor pushing the County to
12 adopt that kind of a standard and one of the things
13 we want to look forward to is where exactly it
14 actually gets applied and where it can't get
15 applied. We assume that the predominate edge of
16 the river will be buried and we will be looking
17 forward to working out those details with the
18 Supervisor's office and Public Works over the next
19 several months, as long as it takes.
20 One of the other issues that we
21 have is with the river; not just the bank
22 stabilization, but how much of a buffer there is
23 along the edge of the river. We appreciate the
24 Supervisor adding the 100-foot buffer. We want to
25 make sure as that buffer gets placed in the project

that it's violated as little as possible for only very necessary standards like bridge abutments and those kinds of things. We require a 100-foot buffer along the river within the City. We've also been very cognizant about the 50-year capital flood plan, the 100-year flood plan. We want to take that into consideration when we look at the details of the river buffer.

One of the other issues we have is not with this project, but in our discussions with the County -- and we are continuing to do that -- is we appreciate the actual construction of the parks within this project. That's a big step in the right direction from our perspective because as this Board knows, parks is always in high demand in this County. We are hoping that we can continue to work with the County to make sure that maintenance, staffing and programming of those parks is high on the list of priorities in the County as it certainly is in the City and we'll work together with the County to help that get accomplished.

With that I will close my comments and be happy to answer any questions that the Board may have.

THE CHAIRWOMAN: Thank you very much.

MS. KLEJIG: Good morning, Supervisors. I'm speaking on behalf of myself. As an elected official in the City of Santa Clarita, a Council member, I do feel that I do have some insight as to what is going on in the Santa Clarita Valley and how the citizens of the Santa Clarita Valley feel about this project. So I feel compelled to come before you this morning and share some of those concerns with you.

First of all, I would like to thank you very much for Supervisor Antonovich's office and all of the cooperation and willingness he has shown in working with the City of Santa Clarita on this project.

I would like to ask that you do not close the public hearing this morning, that you continue this hearing until January until after the holidays, until after a time when people will have more opportunity to discuss this project in more detail. There are still many, many remaining issues that have not been resolved as far as the citizens of Santa Clarita are concerned.

I would like to see myself personally this particular project rejected and go back to the drawing board and start with a much

smaller project, one that I think the City could digest a little better; but in the meantime I have some major issues with this project, one being water. I do not believe that the water issue has been resolved. I don't believe that we can always trust completely the information that we get from the purveyors. They do have special interests in providing water to large developments because that's where they make their money. So we have to be very careful about the numbers they give us.

The Castaic Lake Water Agency came before the City Council a few months ago and they made a presentation and they made it very clear to the City of Santa Clarita that they could not provide the 107,000 acre feet of water that is going to be needed to supply water to the developments, additional developments in Santa Clarita, and they also made it clear that they couldn't even guaranty us fifty percent of that water on a regular basis. So you have a real problem with the numbers that they are throwing at you and I think you need to be concerned about that.

It's very nice that the developer and the County is working to help the City preserve

the river, but at this point saving the river and building back out of the floodplain and saving a hundred feet is going to do little good if we can't even see it. If the buildings are built up, the viewshed along the 126 is so covered that you won't even be able to see the beautiful natural river that we are all trying to save. So we need to do something about the building along the river and pull those buildings back and away from the viewshed.

There is a statement that I read that this project is going to be of substantial benefit to the community. I have yet to see any substantial benefits that we are going to get from this project. I don't believe they exist. The High Country is definitely nice. I'm glad that we are going to have the High Country preserved. I think that the High Country is going to be preserved one way or the other because it's unbuildable, so it's there. I don't think we can claim it as a major benefit to the community. Opening it up to certain people who are going to ride horses and hike, which I do and I love to do and I will be there, but I don't think the majority of the citizens in the Santa Clarita Valley

1 perceive this as a huge benefit to them.
2 When I talk to the citizens of
3 the Santa Clarita Valley their main concern is
4 traffic. They are extremely concerned about the
5 traffic situation and the overcrowding around the
6 mall, around the courthouse, around the hospital.
7 None of these things have been mitigated. None of
8 these things have been discussed and we are going
9 to have -- our courtrooms are going to be
10 overcrowded; again, our hospitals are going to be
11 overcrowded. The viewshed on 126 is going to be
12 totally destroyed. People feel that that is a real
13 benefit to the Santa Clarita Valley to have that
14 beautiful viewshed and to have it destroyed is not
15 a benefit; overcrowded schools. Although this
16 project has made an agreement with the school
17 boards and they are going to be able to supply the
18 additional classrooms for their particular
19 projects, our schools are still overcrowded and
20 this project does nothing to help with that.
21 So there is no over-beneficial
22 benefits coming from this project over and beyond
23 what they are going to be required to do. Where
24 are the benefits? They are building 20,000 extra
25 houses here. We need 20,000 extra benefits from

1 this project. Thank you.
2 THE CHAIRWOMAN: Thank you very much.
3 On item number 7 and 19B, that
4 will be continued for two weeks without objection.
5 May I call up two people.
6 Marilyn Stout and John Steffen and then the next
7 person will be Bill Hall. The twenty minutes is
8 starting right after this gentleman finishes.
9 MR. PRITSKER: My name is Keith Pritsker.
10 I'm president of the Stevenson Ranch Town Council.
11 Stevenson Ranch is a rapidly
12 growing community adjacent to the site of the
13 proposed Newhall Ranch project. We currently have
14 2200 homes and anticipate eight to 9,000 homes at
15 buildout. Since we are in an unincorporated area
16 of the County, we are represented by town council
17 which is elected by our residents and acts in an
18 advisory capacity to your Board.
19 The Council is thankful for the
20 opportunity that it has had to discuss this project
21 with members of the Board and the planning deputies
22 of each district. We have received and reviewed
23 the Planning Department's report to you of November
24 17. The plan to dedicate the project's High
25 Country to a Joint Powers Authority of City, County

1 and State agencies is encouraging; however, we
2 suggest several modifications to the specific
3 provisions for the JPA as set forth in Exhibit K.
4 First, in order to make the
5 agreement consistent with the representations of
6 the staff report on pages four and five and
7 effectuate the proposal to give the County
8 authority to appoint four of the eight members to
9 the JPA the County ought to be a party to this
10 tentative agreement. See, it's not currently
11 listed as such.
12 Second, we request that the
13 fourth member of the JPA which is "to be appointed
14 by the County Board of Supervisors" be a resident
15 of Stevenson Ranch and we would like to thank
16 Supervisor Antonovich for his earlier comment here
17 today and we would request that that resident be
18 recommended for such an appointment by the
19 Stevenson Ranch Town Council.
20 Our community already shares a
21 common boundary with 3,000 acres of rugged
22 woodlands adjacent to this site that are currently
23 held in public trust by the Santa Monica Mountains
24 Conservancy. We believe that one of our residents
25 could provide valuable insights into the public

1 planning process for this extraordinary resource.
2 Thank you for your consideration
3 of this request and I have my comments in writing
4 with six copies.
5 MR. ANTONOVICH: And that's not a problem,
6 as I mentioned, Keith.
7 Madam Chair, could we ask the
8 Superintendent who has to leave, Bob Lee, to speak
9 next and then the other two that are up here.
10 MR. LEE: Good morning. Thank you very
11 much. I'll take a limited amount of your time.
12 It's indeed my honor and my pleasure to express a
13 few views this morning.
14 First I come before you as
15 honorable members of this County Board of
16 Supervisors on behalf of the governing board of
17 William S. Hart School District and its members
18 whose students attend our schools. I'm here to
19 express appreciation to each and every one of you
20 and recognition special for Chairperson Yvonne
21 Burke and our Supervisor Michael Antonovich.
22 Without your leadership and involvement a
23 comprehensive mitigation agreement between the
24 William S. Hart School District and the Newhall
25 Land and Farm Company more than likely would not

have been finalized and signed. To each of you and especially to Dave (Inaudible), Planning Department or Planning Deputy, and Supervisor Antonovich, thank you very much.

Second reason I come before you today is to state the District's support for the Newhall Ranch project as it relates to the housing of junior and senior high students, the mitigation agreement structured to provide impact fees which will be used to house not only temporary, but the permanent needs of our students generated by this project. The fee obligation is more than required by current law. It will initially advance the State of California's share for new construction. We and the developer are then hopeful that this fee and the State school construction dollars will provide quality schools for this project.

The District applauds Newhall Land and Farm for its execution of this agreement along with other major developers such as Tesoro De Valle, Pardee, of this agreement. These agreements have established a new level of mitigation within our District which will now be utilized on behalf of other major developers within our school district. I express this point to you at this time

believing that your support may once again be needed as new development continues in our region of the County and is processed through your system.

Once again I wish to express my sincere appreciation to each of you for your support of the educational needs of our students and the support of Newhall Land Company as it relates to this project. Thank you very much, and I do have copies for each of you.

THE CHAIRWOMAN: Thank you.

MS. STOUT: I have a one-page statement which is my personal opinion. Do you have somebody who can distribute this, please?

My personal statement is so many problems remain with the geology, the water supply, the need for water reclamation plant that you should pay strict attention -- my friend is holding this publication. It's the "Newhall Ranch Environmental Impact Report Executive Summary, Project No. 94087" and more numbers, Newhall Ranch Specific Plan and Water Reclamation Plant. You should pay strict attention to the executive summary because what I am asking you is to please note that on the top of page fourteen -- please note that on the top of page fourteen the summary,

executive summary, says that as a result of the alternative analysis and as required by the California Environmental Quality Act, it was determined that alternative six, the 8,000 unit alternative, is environmentally superior to the 25,000 Newhall Ranch Specific Plan.

This is what I think you should do. I wish you to vote for the 8,000 unit alternative, not for 20,000 houses.

Thank you. I appreciate your listening to us and I appreciate Mr. Antonovich's efforts to rebut on the water issue.

The first thing I would like to point out is that former Secretary of the Interior said all water west of the Colorado River is overpromised, and while we have a State law that does require that a subdivision be able to certify that there is sufficient water before it can be built, that is very poorly enforced and it's kind of silly to me that a County Regional Planning Commission, the one here, can overrule a metropolitan water district, former Secretaries of Interior and some of the best authorities in the field, (Inaudible), who wrote the book "Water Supply Economics, Technology and Policy." It's

really fiction to say there is enough water.

Finally, I just listened to the gentleman talk about the schools. I was opposed to the nine billion dollar general obligation bond measure to build schools. I complained to the legislature. I said, "How can you tell us that this big over supply of money isn't going to be devoted to places like Newhall Land and Farming?" It passed, but I'm going to hold everybody responsible to see to it that the schools that really need that money will get it.

Thank you very much.

THE CHAIRWOMAN: Thank you.

MS. STOUT: Did I forget to give you my name and address? My name is Marilyn Stout. I live in Northridge.

THE CHAIRWOMAN: If people want to combine their time, we have about twenty people -- actually eighteen people and twenty minutes. So if a few people want to combine to give more time to one person, that's possible. If not, we are going to ask everyone to try to keep their remarks within one minute.

MR. STEFFEN: My name is John Steffen --

THE CHAIRWOMAN: Dora Crouch and Clarence

1 Freeman, would you come forward.
2 MR. STEFFEN: I bought my home in the Santa
3 Clarita Valley twenty-nine years ago. I have been
4 amazed at what I have heard here tonight and what
5 has been said by the Newhall Land and Farming
6 people.
7 With all due respect to
8 Mr. Antonovich, I haven't heard of an ironclad
9 agreement or a proposal in fifty years. The last
10 time I heard of an ironclad agreement or proposal
11 or a condition was when they built the Titanic.
12 The problem is easily
13 demonstrated when you talk about the State water
14 that will supply this project. At the present time
15 the Castaic Lake Water Agency, which is the State
16 water project in this area, is closed. It was
17 closed by the Department of Health. When it will
18 be open, I don't know, but this shoots holes in the
19 ironclad agreement. If this project were now a
20 reality, those people would not be getting water
21 from the Castaic Lake Water Agency.
22 Number two, this is the third
23 time the Castaic Lake Water Agency has been shut
24 down, once formally by drought and once formally by
25 the earthquake.

1 So it is not a reliable water
2 source and it's not an ironclad agreement to
3 anyone. It's not an ironclad -- any water source
4 is not an ironclad agreement because it depends on
5 nature. It depends on rainfall. It depends on the
6 ice and the snow levels. It depends on
7 transportation, economics, and power equipment. So
8 that is not the case at all. This is -- probably I
9 would like to say the water is the Achilles' heel
10 to this whole project, but there are so many that I
11 don't know where to start.
12 I would like to mention things
13 like air pollution, traffic congestion and the lack
14 of infrastructure in this project. Amenities for
15 this project will have to be supplied by the City
16 of Santa Clarita. They will poor into the City of
17 Santa Clarita and use our infrastructure until they
18 can come up to speed. I don't know how long it
19 will be before they have such things as a hospital.
20 How long will it be when they have a good library?
21 How long will it be before they have the State
22 Highway 5 broad enough to take the excess cars?
23 Now, I'm not naive enough to know
24 that this is not entirely a nonpolitical issue.
25 One only has to read yesterday's L.A. Times to know

1 that. I don't know if there is ever anything
2 coming before this Board that is a nonpolitical
3 issue. We in the City of Santa Clarita are under
4 the heel of Newhall Land and Farming. We know what
5 their integrity is and what it is not. We know
6 that we are living under a form of government which
7 is more representative of developers than it is of
8 the citizens and that certainly does not include
9 Ms. Klejig who spoke to you so eloquently.
10 Thank you very much.
11 THE CHAIRWOMAN: Thank you. Will
12 Mr. Robert Lathrop come forward.
13 MS. CROUCH: I'm Dora Crouch, Ph.D. My
14 field is water management and I'm here to speak as
15 a private citizen.
16 I first wish to thank
17 particularly Mr. Antonovich for the work that has
18 been done on this project since we last met
19 together and I particularly was encouraged by the
20 intent to hold the developers to identifying
21 sources of water as each tract comes in.
22 Let me point out to you that you
23 need to add the phrase "regardless of the size of
24 the tract" because as the law now stands, as long
25 as they come in with 499 houses, you can't touch

1 them.
2 In general I would like to say to
3 the Board that this program, this project, has been
4 represented to you very favorably by the developers
5 -- that's natural -- and rather unfavorably by many
6 others of us who came to speak of our private
7 expertise. I think the number of problems that
8 have been pointed out make it rather suspect and I
9 would like to end by quoting to you a phrase that
10 my daughter learned when she was in the Peace Corps
11 and that is if you haven't got the time, the energy
12 and the money to do it right, when are you going to
13 have the time, the energy and the money to fix it?
14 THE CHAIRWOMAN: Thank you very much.
15 MR. FREEMAN: My name is Clarence Freeman.
16 I'm a consulting engineer. I'm an octogenarian.
17 I'm a life member of the American Society of Civil
18 Engineers and of the American Society of
19 Professional Engineers and I've been an engineer
20 longer than most people have been alive.
21 I would like to say hello to the
22 Madam Supervisor and the Board of Supervisors and
23 the information that I would like to speak about
24 has been generated by the U.S. Bureau of
25 Reclamation's current effort to correct seismic

1 safety deficiencies at Casitas Dam which was
2 completed in 1959 in Ventura County. The U.S.
3 Bureau of Reclamation is going to perform a forty
4 million dollar upgrading of this dam because they
5 feel it cannot resist a 7.0 magnitude earthquake
6 because the foundation of it is on alluvium which
7 may be subject to liquefaction during an
8 earthquake. We live in a very seismically unstable
9 area of the world.
10 Now, in the original EIR for
11 Newhall Ranch they cited the Castaic Dam as having
12 a possible dam break problem. In order to
13 illustrate that in the EIR they put it on a small
14 topographic map with no elevations on the contours
15 and no elevations on the inundation area which they
16 showed.
17 I tried to have the Division of
18 Safety of Dams comment on this because they were
19 given as the reason why the possibility of the
20 collapse of the Castaic Dam was mitigated to
21 insignificant, but there is not only one dam that
22 threatens this project. There are four dams which
23 I have spoken on before, but apparently nobody
24 really read or understood what the problem is; but
25 with the Bureau of Reclamation coming in now to

1 review the dam at Castaic Lake, it appears to me
2 that the four dams that threaten this project
3 should be reviewed again because the problem of a
4 catastrophic dam break in the Santa Clara River was
5 well illustrated by the failure of the St. Francis
6 dam in March of 1928 and we just memorialized that
7 event along the Santa Clara River in Fillmore and
8 in Santa Paula. I did quite a bit of work in
9 connection with this preparing graphic displays.
10 Now, it seems to me before you
11 approve this project you ought to review the status
12 of the four dams which during construction had
13 very, very serious geologic problems.
14 Pyramid Lake has had a study of
15 the instability of its reservoir, the slopes of its
16 reservoir. A similar study of the instability of
17 the slopes in Castaic Lake was performed recently.
18 In the case of Pyramid Lake they claimed that the
19 dam was safe.
20 Now, I don't know in the new plan
21 here how many homes are going to be built in the
22 floodplain, but just at a time when the national
23 policy in the United States of the Army Engineers
24 and FEMA is to pay people to move out of the
25 floodplain, it seems to me that all homes that will

1 be in the floodplain should be removed and not
2 because they interview with the beautiful scenery,
3 but because it is not right to sell people homes
4 that may in the future expose them to serious
5 flooding. All you have to do is pick up the
6 newspaper and read and you see that there are two
7 kinds of construction in the floodplain: those that
8 are going to be flooded and those that are flooded
9 now. It just seems foolish for people to seriously
10 consider this project without going back to a
11 fundamental theme. What areas and what structures,
12 manmade structures -- because it's the manmade
13 structures during an earthquake that cause trouble.
14 THE CHAIRWOMAN: Thank you very much.
15 When the light comes on we would like to ask you to
16 try to wind up your remarks because we don't want
17 to get to a point where other people don't have a
18 chance to speak.
19 MR. FREEMAN: But I do have six copies of
20 my comments and I would like to hand them in.
21 THE CHAIRWOMAN: And we will take those.
22 They will become part of the record.
23 MR. FREEMAN: I have part of the report of
24 Casitas Dam from the U.S. Bureau of Reclamation and
25 also a map showing the four dams, but I have been

1 here before and it seems nobody ever reads this
2 stuff.
3 THE CHAIRWOMAN: We read it.
4 MR. LATHROP: Good morning, Mr. Antonovich
5 and Supervisors. I'm Robert Lathrop.
6 We heard from two officials of
7 Santa Clarita earlier. I did not hear them say
8 that Santa Clarita opposes this project, but they
9 do and if you wish to recall one of them, perhaps
10 they will confirm that.
11 We were quite pleased last July
12 when Mr. Antonovich suggested that the statement be
13 included in the project requirements that there be
14 no net groundwater extracted, but after thinking
15 about this a little we realize that in fact there
16 will be more groundwater at the Ventura line than
17 there is now as a result of this project because
18 some State water will be introduced. So we would
19 like to suggest, Mr. Antonovich, if you would
20 consider revising your statement by saying that no
21 net groundwater will be extracted from the Saugus
22 or alluvial aquifers for use by Newhall Ranch. I
23 think that's what you meant, but I also think it's
24 important to say in those very words.
25 Thank you.

MR. ANTONOVICH: Thank you.

UNIDENTIFIED SPEAKER: My name is Phil (Unintelligible). I was called up a little earlier. I have just a few comments, but I would like to turn in copies of the objection to the approval of the High Country agreement by the City Council. SCOPE has filed a ground act violation. I want to put that in the record.

We have seen a gross misrepresentation by the Castaic Lake Water Agency to rule about the facts of water in our valley. Surely you know that the State water project does not deliver all of the water that agencies have entitlements to in every year. It averages little more than half. Sometimes, as we have seen in drought years, it is zero. You have heard that the Castaic Lake Water Agency has plans to buy entitlements for an additional 41,000 acre feet of State water project water. What became evident at their last board meeting was the fact that they presently have no means for transporting, storing or treating that water any further than the bottom of the Grapevine grade. That means it will not come free; therefore, Newhall Ranch does not presently have enough water available to prevent

net groundwater loss in the Santa Clara River.

Now, the Santa Clarita Valley Area Plan that is part of the L.A. County General Plan states -- and I quote -- "It shall be the policy of the Los Angeles Board of Supervisors to ensure that cost of population and urban growth are borne by those who benefit." The $41 million purchase of this water entitlement upon which the viability of Newhall Ranch rests and the huge costs of transport, store and treat the new water will raise the water rates of existing residents. By its own policy the County must insist that Newhall Land pay for this water, not our current residents. You presently have absolutely no assurance that this will be the case.

To approve Newhall Ranch is to discard fundamental portions of the General Plan and I believe it invites legal attacks not only upon this project, but the General Plan. I ask that you keep the public hearing open to gather and understand the true water situation. Thank you.

THE CHAIRWOMAN: Mark (Unintelligible) and Barbara Wampole, would you please come forward.

The twenty minutes have expired. So we are going to ask everyone to please go very

fast.

UNIDENTIFIED SPEAKER: Well, I was going to mention that I am an elected member. Somehow I missed being called. I'm a Director-elect of the Castaic Lake Water Agency, former elected Director of the Newhall County Water District. The last three years of that term I was President of that water district and that's significant to what I'm going to tell you today.

I heard Supervisor Antonovich mention a communique from the Upper Santa Clara Water Committee. I feel that this Board is not aware that the Upper Santa Clara Water Committee is a non-entity. It's similar to five people in a neighborhood getting together and saying, "Let's form a PTA." There is no government sanction whatsoever to this. This is a group of the water purveyors plus an employee of the Castaic Lake Water Agency. Their meetings are not open to the public. They are not noticed. They are not agendized to the public, at least.

So I have a copy of their most recent report to you and it's very similar to a report that they sent to the L.A. County Planning Commission several years ago and at that time while

I was with the Newhall County Water District we had our consulting engineer do a study and found that the information in the Upper Santa Clara Water Committee report was not credible and that is true of the one that they have sent to your Board as of November 4th.

So I have a copy of the November 4 letter. I have a copy of the Newhall County Water District report which, by the way, does show dry years water supply as well as the wet years and what the Upper Santa Clara has done is they have calculated their numbers on what we call pay for water. The pay for water was some of the water that Mr. Hoage referred to that cannot be transported down here.

The problem with pay for water is that the Castaic Lake Water Agency has an allocation from the State Department of Water Resources for 54,000 acre feet and we have heard in previous testimony that no one has received more than half of that. The Castaic Lake Water Agency has only received about 22,000 acre feet of their 54,000 and this year after El Nino is the first time that the State Department of Water Resources that I know has told their contractors they could

have their total entitlement. Before that it wasn't available and it's simply because they cannot get it past the delta.

So for that reason I'm submitting these as a record to you and for you to take a close look because you heard testimony earlier that the water numbers are coming to you from the local water community are suspect -- and they are -- and some of us that are involved with water would be happy to give you a report of the true and actual figures when you get some of these reports, but this Upper Santa Clara Water Committee should not be the group that is suppliying your Planning Commission or this Board with information on water that is available in our community because they just are a non-entity.

Thank you.

MS. MARGO (UNINTELLIGIBLE): Good morning. My name is Margo (Unintelligible.) I'm speaking for Save Open Space.

The attempt to reduce the buildout population from 68.5 thousand to 60,000 is not going to alter SOS's positions stated at an earlier hearing;

That the Golden State Freeway,

once named for California's quality of life, will instead become a suburban parking lot;

That lack of water, as you have heard from most of the testimony today, is a major, major constraint.

This Board must drive a harder deal and provide in the agreement at a future phase the ability to say, "No more", when cars no longer move on the freeway, when water is in stringent short supply and recommended traffic mitigation has failed. I'm asking you to have a fall-back position when the reality of what you have done can be altered by another Board.

By making recommendations on the management of the resource I am not reducing SOS's opposition to this humongous project, but recognizing that the (unintelligible) are greased.

We, the people, cannot accept one more JPA, a process more than abused by the Conservancy, perhaps to avoid accountability, but certainly to build an empire. The proposal makes eight or nine or ten JPA's crafted by the Conservancy's ubiquitous director. Was JPA law intended to be abused in this way and why does this Conservancy with an appointed board and an

appointed director get two seats on the JPA just as elected government does? A board of seven is more effective as a voting body. So one appointee for the Conservancy, and there must be accountability of the open space financing district moneys; quarterly reports, at least, and the moneys must only be used for Newhall land. I must emphasize this because past experience has taught the public it is not a given; but better get, give everything to State parks and have the Center for Natural Land Management manage it which will eliminate a lot of baggage and why wouldn't the City of Santa Clarita agree to that and State parks, too, at no cost to them and why is the Conservancy paying Newhall Land any money, Prop A moneys, when giving land is a course of doing business for the developer?

Therefore, a second sentence of Exhibit K, No. 4 needs explaining and also No. 11. Why does the County need an easement for public access and conservation prior to the Center's acceptance of the dedication? What activity does the County perform when given an easement for public access and conservation if in deed a public nonprofit owning many thousands of acres does the hands-on management?

I find no wording about resource responsibility for the Conservancy and The Center for Natural Land Management is obscure. The Center as an imminently qualified scientific group will manage the resource of not only the river corridor and the open area, but also the High Country. Yet in the same paragraph two at page five the JPA is given the authority to resolve any potential conflict between recreation and conservation. The Center, which obviously is involved because of scientific competence, must make the decision. The protection of this resource, both mountain and river, from the burgeoning impacts of development is the bottom line for this remainder of land based on conservation decision and the Center should have the last word on the location of trails.

Thank you.

MS. WAMPOLE: Good morning. My name is Barbara Wampole. I live in Saugus, California. I am vice chair of Friends of the Santa Clara River, but I'm speaking on behalf of myself. I'm here to speak for the river as a fragile resource which we share with our children and our children's children.

Thank you for your cooperation in

1 supplying us with staff reports and other
2 information that has helped us to follow this
3 project. Needless to say, it is a great burden to
4 our community to analyze and comment on this
5 project in order to help you make the best
6 decisions for our County and for our valley. We
7 have done our best. Two years of meetings and
8 during two years of Supervisors' and Planning
9 Commission meetings it doesn't seem you have heard
10 us or read our testimony. I'm providing each of
11 you with a copy of "Ecology of Fear," which has
12 been on the best seller list in Los Angeles. It
13 addresses the wide range of natural and social
14 concerns one faces living in Southern California.
15 The second chapter puts this
16 project into vivid perspective. In the book he
17 says, "The classic tenets of good planning have
18 been repackaged as new urbanism and will become the
19 sales points for the next generation of super
20 sprawl." Suburbanization is like another one of
21 Southern California's natural disasters recurrent
22 and (unintelligible.)
23 We have been asking you, and will
24 continue to ask you, to pull this project out of
25 the floodplain of the river and the earth and fill

1 that would be added to the floodplain for that
2 building. We will continue to ask you to treat the
3 tributaries of this river as part of a living
4 system and we will continue to hold you to the
5 standards that will allow our communities to share
6 resources long into the future. This project, as
7 proposed, does not live up to these standards and
8 we would like to see you not approve it as proposed
9 and listen to what we've said during these last two
10 years.
11 Thank you.
12 THE CHAIRWOMAN: Thank you.
13 If someone has addressed the
14 issue that you have, could we have some people who
15 can get together on their time? I'm going to call
16 you because the time has expired. Ron Bottorff,
17 Lynn Plambeck, Marcia (Unintelligible).
18 MR. BOTTORFF: Good morning, Madam Chair.
19 My name is Ron Bottorff. I chair Friends of the
20 Santa Clara River. We have spent some time looking
21 at the revised design; however, we need more time
22 to look at it and, therefore, we request that the
23 public hearing on the project be kept open.
24 On the subject of floodplain
25 intrusion we have commented extensively in the past

1 on the 300 acres where the floodplain will be
2 subject to filling operations.
3 On October 14th, 1998
4 (unintelligible) were proposed in the Federal
5 Register covering Army Corps of Engineers
6 nationwide permits that would prevent above-grade
7 fills within the floodplain of jurisdictional
8 waters; that is, no permanent fills above the
9 existing ground surface would be authorized by any
10 nationwide permit within the 100 year floodplain as
11 identified on FEMA flood insurance rate maps.
12 Adoption of this policy would necessitate very
13 substantial revisions to the Newhall Ranch project
14 and the Specific Plan should not be acted on by
15 your Board until this floodplain issue is
16 resolved.
17 On river buffers 100 feet is
18 better than it used to be, but some species need
19 much wider buffers than 100 feet an additional 100
20 feet is not adequate to protect riparian areas from
21 the domestic pet intrusion in urbanized areas. The
22 recommendation of a 500 foot river buffer by the
23 California Department of Fish and Game has never
24 been adequately addressed.
25 Further, review of some old

1 photographs has led us to view the extensive past
2 alterations of lands in the floodplain in the Santa
3 Clara River within the Newhall Ranch project area.
4 It may have occurred to create conditions favorable
5 to the Applicant's goals prior to the preparation
6 of the Newhall Ranch EIR. These alterations could
7 have led to a diminishment of impacts as analyzed
8 in the DEIR.
9 We would be happy to go over
10 these photographs with Dave Anata of Supervisor
11 Antonovich's staff. Thank you. I have six copies
12 of my comments on a total of nine issues.
13 MS. MARCIA: (Unintelligible): Honorable
14 Supervisors, thank you for the opportunity to speak
15 with you this morning. My name is Marcia
16 (Unintelligible). I'm Executive Director of the
17 Wetlands Action Network. I'm also Chair of the
18 Sierra Club California's Wetlands Committee and on
19 the executive committee for the Angeles Chapter of
20 the Sierra Club. We have 50,000 members in the
21 Angeles Chapter. We are the largest chapter in the
22 nation and I do have comments from the Sierra Club
23 for you here that I would like to go into the
24 record.
25 We do want to object to the

process here strenuously. This staff report was given on Thursday and four days is really not enough time to look at the impacts of what would be the largest development in the history of Los Angeles County. We also should have a process so that people could -- the real citizens who have to work could be at a hearing for a project of this size. We would like to ask that an evening hearing be called before any further decisions are made on this.

We do want to make sure that you pay careful attention to the attachment in the Sierra Club's comments and that is our petition to the Public Utilities Commission. We have submitted this because we believe that the Valencia Water Company is in violation of Section 2708 of the Public Utilities Code and there are still very serious problems concerning the water issues. We were told this morning that proof will be required at the point of application. Proof should be now at the point of decision by the Supervisors, and another speaker earlier spoke about the floodplain issues. This is serious business. The head of FEMA just last week said he was not going to be coming and helping out areas that decide poorly to

build in floodplains again; that they are going to be spending their time and energy at the Federal government to help people move out of floodplains. The Army Corps of Engineers and FEMA have come together on this and we have to make decisions that are different so that we aren't putting people at risk by building in floodplains, putting more pavement on the ground so that water doesn't have a place to soak into the aquifer and instead goes as fast as possible down to the ocean with more and more pollutants. That's the problem we have with water in this area already and we don't need to add to it.

Finally, I just want to say that this urban sprawl is really what this project is. The Sierra Club National Board of Directors this last month voted as one of its four priorities to stop urban sprawl and I predict that the Newhall Ranch project is going to become our poster child nationally for urban sprawl if this project proceeds. We urge you to deny this project. Thank you.

MS. PLAMBECK: My name is Lynn Plambeck. I'm here representing Santa Clarita Organization in Planning the Environment.

Mrs. Burke and Mr. Antonovich, most of us in the community have only had four days to look at this very large staff report that includes major changes in this project. We really request strongly please don't close the public comment period. This will not give you adequate time to review the reply that we had. Most of us have spent the entire weekend and been up all night preparing the reply. It's very extensive. Obviously you can't sit here and read twenty pages worth of rebuttal to what they are telling you, but you need to take a look at it.

So I please ask you to consider not closing the public comment period and not approving the project or at least leave the comment period open to review these issues.

I would like to now submit these six copies. I would also like to submit the "Life and Times" survey that says 81.5 percent of people that watched their program on 10/28/98 felt that big developments such as Newhall Ranch would not be answered to accommodating growth. I think that's a very telling survey for L.A. County. Let me give you both of these right here.

I would like to just reiterate

that there's been discussion about complying with the Development Monitoring System. One of the findings that you must make in a Development Monitoring System is that this project will not result in the premature conversion of open space to urban uses. Obviously when we have a backlog already of 40,000 units permitted in the Santa Clarita Valley, 25,000 or 21,000 more is not needed at this time. So we ask that this project be delayed or denied to allow existing units to be used up and brought into the system before these units are approved.

We object to the use of the Upper Santa Clara Water Committee as a committee that would supply you monitoring information. The reason is that Castaic Lake Water Agency in their legislation said they will provide that to you and yet this agency still has not even done any water management plan which is the plan that you are supposed to be basing your premises about water availability on.

Our comments state that they are now not able to receive drought assistance because they have not complied with SB901 which is the urban water management planning legislation.

Also I would just like to make it very clear that at the last Castaic Lake Water Agency meeting there was a staff report by the general manager that made it very clear that there are capacity problems in the aqueduct to bring the 41,000 acre feet of water down to this valley as previously stated; therefore, that water may not be available and cannot be relied upon.

The landfill buffer issue is still not resolved. If you read the staff report, it says that it's 1800 feet from (unintelligible) to residences that are being planned across the area in the floodplain and only 1,000 feet for industrial uses and we were sure that that would be a concern to the County because of all the litigation involved with putting hills on landfill.

I guess the rest of the issues have been submitted in the written documentation and I ask again that you please read those before you consider making any further vote on this project. Thank you very much.

MS. MC CARTHY: Good afternoon, members of the Board of Supervisors. My name is Eileen McCarthy. I'm a staff attorney with California Rural Legal Assistance. We are a migrant farm

worker project in Oxnard and Ventura County. I'm speaking today on behalf of (unintelligible) low income clients. I have written comment to submit, six copies, and I have also brought with me copies of comments from Cabrillo Economic Development Corporation and it's on the issue of affordable housing.

Briefly to summarize here in the written comment, there is not sufficient analysis in the EIR or in the Specific Plan of the impact of Newhall Ranch development on affordable housing. There is currently a critical shortage of affordable housing in all of Ventura County; in particular, for the farm worker population. The Newhall Ranch development will exacerbate that situation. There is not sufficient provision within the proposed development for even fifty percent of median income and there is no provision for people who are at twenty-five and thirty-five percent of median income and that's where farm workers generally lie; and in that the low income populations of both Los Angeles County and Ventura County are disproportionately minority population, this project's failure to make sufficient provision for affordable housing acts as a further impediment

to the achievement of fair housing in both Ventura and Los Angeles Counties.

While there are requirements in the November 12th report, staff report, for fully improved parks and provision of library and fire facilities, that's good, but these costs and other infrastructure costs should, as a general planning principle, be allocated within housing types; that is, high income low density should be allocated its true disproportionate share of costs.

Finally, as (Unintelligible) has pointed out in its written comment, the EIR is silent on the impacts of the development of agricultural land on the farm worker population. While agricultural land conversion is described as one of the five unavoidable significant impacts of this project, there is a failure to evaluate the environmental effect of the loss of farm worker jobs. Farm workers are a particularly vulnerable sector of our society. They put the food on our table and there would be a significant adverse impact on the environment due to the social economic upheaval of massive job loss by this population.

Thank you.

MS. OLIND: (Phonetic) My name is Gloria Olind and I work with the Service Transportation Policy Project which is a national coalition of organizations that believes in smart growth--

THE CHAIRWOMAN: May I please call Joseph Edmiston.

Is there anyone else whose name has been submitted whose name has not been called, would you please come forward. I thought I called all those that I had. Did you submit a card with your name?

I'm sorry to interrupt you. Go right ahead.

Please have a seat, sir. Everyone else who is coming up, just come up and have a seat. Who hasn't been called and intends to testify, please come up and have a seat. Come forward right up here and have a seat. Thank you.

MS. OLIND: STPP is part of a national coalition of organizations that believes in smart growth and a smart transportation investment. Newhall Ranch is not smart growth. Already the Santa Clarita Transportation Alliance, which is wholly funded by the Newhall Land and Farming Company, is holding press conferences with

1 Republican lawmakers demanding hundreds of millions
2 of dollars be allocated to widen the 126 to eight
3 lanes and to add interchanges to the 5, but that
4 won't solve the traffic problem, as we all know.
5 Next we'll have to figure out what to do with all
6 this increased traffic on the 134 and the 405 and
7 the 101.
8 This is called suburban sprawl.
9 This is what elected officials across the country,
10 including Vice President Al Gore, vigorously
11 campaigned against before the last election. They
12 said don't build sprawl. It sucks resources out of
13 our existing communities. Redirect that public
14 infrastructure investment into existing communities
15 where taxpayers live.
16 You know how constrained our
17 transportation resources are. Do we really want to
18 build extensive new roads that open up new land to
19 development? This is exactly the kind of project
20 that makes developments rich and everyone else in
21 the County a little bit poorer.
22 Thank you.
23 MR. JOHN (UNINTELLIGIBLE): Thank you,
24 Supervisors. My name is John (unintelligible.) I
25 do believe I did turn in a speaker card. I'm a

1 staff attorney at the Environmental Defense Center
2 in Ventura and I wanted to address two points on
3 what may be this last opportunity to speak to your
4 Board about this project.
5 The first relates to outstanding
6 concerns. We certainly appreciate the efforts of
7 Supervisor Antonovich and his staff and the
8 Regional Planning staff to address in a good-faith
9 manner and a sincere manner some of the
10 environmental concerns that have been raised
11 throughout this extensive and lengthy process;
12 however, outstanding concerns remain. These
13 relate to issues including water supply. We heard
14 a speaker address the issue that there does not
15 appear to be the conveyance capacity to import the
16 State water even at fifty percent of entitlement.
17 We are also aware of concerns
18 relating to the potential contamination of the
19 Saugus groundwater basin rendering this basin
20 unsuitable for storage and making the storage and
21 water supply options discussed for this project
22 simply infeasible.
23 Other outstanding concerns relate
24 to the extent of the riparian buffer, the remaining
25 fill in the floodplain. The fact that there will

1 be filled areas placed in the floodplain, we heard
2 a speaker say this simply is not going to fly under
3 the Army Corps of Engineers' new regulatory regime.
4 Other objections relate to the
5 rejection of environmentally superior alternatives
6 without substantial evidence for their
7 infeasibility and for the failure to evaluate the
8 environmental consequences of the extensive
9 modifications of minor drainages.
10 My second point relates to the
11 fact that from the Ventura County's perspective
12 this is not just a dispute between two counties.
13 References to the Ahmanson Ranch project abound.
14 They should be forgotten. This process is about
15 the approval of this project and nothing else.
16 We represent and work with a
17 coalition of a wide variety of environmental groups
18 within Ventura County. These groups have
19 objections distinct and different from those raised
20 by the Board of Supervisors of Ventura County and
21 they go to the heart of the matter, the fact that
22 this project is aimed at affecting the quality of
23 life, the way of life in Ventura County through the
24 variety of environmental impacts that will be
25 thrust upon the citizens of Ventura County.

1 Thank you.
2 UNIDENTIFIED SPEAKER: I'm
3 (Unintelligible) and I don't represent anyone
4 except myself as a concerned homeowner in Canoga
5 Park, San Fernando Valley, Los Angeles, and I
6 cannot see how you can allow anyone to come in to
7 increase the same problems that we are seeing all
8 over the valley now and how the ecology of this
9 whole area will be destroyed. We will have more
10 and more extinct species. The native grass now has
11 almost died down and the effects of lawns and
12 flowers and everything else is going to ruin our
13 whole area and our health, too. It's going to
14 introduce viruses. It's going to make sure that we
15 have certain imbalances in our wildlife
16 populations. In fact, even now the Canadian geese
17 that come to stay in my little swimming pool
18 instead of being able to have a place to roost like
19 they had before because of the big monstrous
20 buildings.
21 I also protest because I am part
22 of an older generation and one that does not have
23 the type of money that most of the people who will
24 live in places like Stevenson Ranch or this Newhall
25 Ranch, if it comes into effect, will be. Fair

housing, discrimination, it's all going to be just more and more of the same thing and I feel this is why we need neighborhood councils. We need people in the neighborhood who are made aware of what is going on and can put their answers in because they don't have time or money to pay $15 to park to come down here.

MS. NELSON: My name is Cynthia Nelson and I'm Chairwoman of the Friends of Santa Monica Parks and Seashore and I also sit on the Hillside Federation and I'm bringing up the Hillside Federation for this reason. We filed a lawsuit against the L.A. City General Plan framework for 850,000 new people for this City without adequate water supplies, without adequate transportation mitigation and we won a small victory in the courts on the traffic issue.

I would also like to point out that every day in the L.A. Times you will see pages and pages of houses for sale in the City of Los Angeles, I assume by people who will now move up to this new 26,000 urban sprawl area and in the city we have schools that are not -- have no textbooks, have toxic sites. The School District just bought about twenty sites all toxic, and get we are going

to have five new schools in this valley area. It will take, of course, forever to get them. So the children that are moving in will never go to those schools. The State money will go to pay for the schools with the new bond act.

We also have on the periphery the expansion of LAX and we have all the trains coming up through this valley, many of whom are cleaned right down on the river near my house in Echo Park.

I would like to say that this project should be denied. There should be no project. As in the Santa Monica Mountains, Topanga State Park, Malibu Creek State Park once slated for development, should become a State park with no other phony management program, but just a State park. The Conservancy, Mr. Edmiston sitting beside me -- you need to look at the enabling legislation. They are not a management group. They also can buy and sell property. So they do not hold land in perpetuity. This area needs to be held in perpetuity.

In addition, the river needs to be declared a national river of great concern. It needs to be under the auspices of the Council for Environmental Quality and protected. It's a rare

and endangered river. It's what the L.A. River used to be before the present group of people who are up in Sacramento trying to get millions of dollars of Mountain Bond Act Fund to plant trees along a concrete ditch. We need to save the Santa Clara River and I would hope that the County Board of Supervisors would act on behalf of the City people because we will pay the high price for this development.

Thank you.

THE CHAIRWOMAN: Thank you very much.

MR. EDMISTON: Madam Chair, Members, Joseph Edmiston, Executive Director of the Santa Monica Mountains Conservancy.

In previous hearings we have been very vigorous in expressing our concerns about this project, so I felt, notwithstanding the lateness of this hour, it was incumbent upon us to be as vigorous now to tell you that those concerns have been resolved principally by virtue of the public dedication of the High Country in perpetuity -- no question about its future -- and also a funding program so that that High Country can be managed for conservation and for environmental purposes and also for recreation and that that is a significant

benefit to all the people of Los Angeles County. When you put that together with the 4,000 acres already owned by the Conservancy adjacent to this property, we are talking about 8,000 acres that will be available in an environmentally controlled way for public enjoyment, public benefit. That is something that is significant Countywide. That is the reason that we have such vigorous objections and I would like to thank the Applicant for finally stepping up to the table on this. We have a very good agreement with the City of Santa Clarita and the Applicant. We are happy.

I would just note that the Joint Powers Authority has been actually in existence since 1993. This is going to be an expansion of an existing entity; not an entirely different entity. We are comfortable with it and we are comfortable with the additions that Supervisor Antonovich has made; and again, Supervisor Antonovich, I want to thank you personally for your goal to make sure this open space is going to be kept public forever.

Thank you.

THE CHAIRWOMAN: Supervisor Antonovich, I think that's the end of the public comment.

MR. ANTONOVICH: This proposal is unique

1 and also innovative. The Board of Supervisors'
2 actions today will begin the creation of a new
3 community, similar to the nationally acclaimed City
4 of Irvine.
5 Through active negotiations with
6 the community of Val Verde, the City of Santa
7 Clarita, Ventura County, the school districts, the
8 Center for Natural Land Management and the Santa
9 Monica Mountains Conservancy along with, as I said,
10 the school districts and other individuals within
11 the community we have reduced the impacts of
12 grading and traffic and to lock in the preservation
13 of the pristine open space unique to the High
14 Country and the Santa Clara River. This plan
15 provides for the dedication of the High Country
16 open space of approximately six and a half miles
17 which is pretty close to the size of Griffith Park
18 in Los Angeles County, an area where I grew up in,
19 and also the Santa Clara River as open space.
20 A comprehensive network of
21 equestrian trails in the High Country and along the
22 Santa Clara River will also be developed in this
23 plan; and as was stated, a component of this plan
24 is going to ensure that we have affordable housing
25 and specific requirements will be made part of that

1 plan approval.
2 The action before us today -- the
3 Board will remember back on July 27th we approved a
4 motion regarding the Newhall Ranch proposal which
5 required the Applicant to make significant
6 reductions to his design and to address a number of
7 issues raised by the Board as well as by the Santa
8 Clarita Valley and Ventura County residents. These
9 changes included the requirement that the Applicant
10 meet with the community, to accelerate the
11 dedication of the High Country and the related
12 construction of the High Country trail; that the
13 Applicant greatly reduced the amount of grading and
14 that the Applicant and High Country Significant
15 Ecological Areas be protected and that the
16 Applicant resolve the school mitigation issues;
17 that an aggressive affordable housing component be
18 added to the plan, a buffer be provided adjacent to
19 Ventura County and ensurance that adequate water
20 supplies are identified at the time of a Specific
21 Tentative Subdivision Map application is being
22 submitted.
23 Now, during the past several
24 months the Applicant has worked to achieve the
25 required revisions as instructed and is back before

1 us today with the agreements and other modification
2 required.
3 With respect to the High Country
4 issues, he has met the members of the Santa Clarita
5 City Council and staff, the Santa Monica Mountains
6 Conservancy, the Center for Natural Lands
7 Management and others. An agreement was reached
8 whereby the High Country would be transferred in a
9 fee to a Joint Powers Authority to consist of the
10 County, the City of Santa Clarita, the Conservancy
11 in three fourteen hundred acre increments. The
12 first increment would be provided prior to the
13 issuance of the 2,000 residential building permits
14 while the remaining dedications would occur prior
15 to the 6,000 and 11,000th permits.
16 Construction of the public trail
17 through the High Country will be done within 24
18 months of the approval of the Specific Plan and the
19 benefit assessment districts to consist of future
20 Newhall Ranch residents would be created to provide
21 the needed funds to manage those properties.
22 With respect to the Santa Clara
23 River the staff report identified a number of
24 design revisions to protect both the river and
25 bluff viewsheds. In addition, the agreement

1 involving the dedication of the High Country also
2 provides that the Santa Clara River will be
3 dedicated in stages to the Center for Natural Land
4 Management who will receive an endowment from the
5 Applicant to provide for the management of their
6 property. The revision before us require a 100
7 foot wide buffer from the river's edge virtually
8 all along the river's frontage. Exceptions to that
9 requirement can only occur with the approval of the
10 Planning Director.
11 The affordable housing component
12 was developed between the Applicant and the
13 community development commission staff of our
14 County and that requires 2,200 residential units to
15 be set aside as affordable units. Forty percent of
16 those units will be for low and very low income
17 families. The Applicant has agreed to an
18 aggressive marketing program for those units.
19 Commission staff will monitor the compliance of
20 those requirements.
21 City of Santa Clarita's proposals
22 regarding the use of buried bank stabilization
23 techniques and additional controls have also been
24 incorporated into the revised design and the
25 Applicant is also willing to comply with the City's

proposal to participate in a valley-wide freeway mitigation funding program should such a program be adopted by both jurisdictions.

The revised design also provides a one-half mile buffer adjacent to the Ventura County line between the river and High Country and a one-eighth mile buffer adjacent to the Ventura County line north of Route 126.

The impact of the revisions on the project design is noteworthy. While the initial estimate was that the revisions would cost the Applicant as many as thirty-five residential units, the changes result, according to staff calculation, in the elimination of between 27 36 and 38 42 units. However, the Applicant has some large and greatly accelerated dedications scheduled for the High Country and has reduced the amount of grading by 4,500,000 cubic yards.

Construction of the High Country trail is now assured in the near term and a comprehensive affordable housing component that addresses all income levels within our community is assured. Moreover, the Applicant at their discretion negotiated what turned out to be one of the most generous school mitigation packages ever

seen in the County. This agreement is in addition to the agreements previously reached with the Val Verde community and the agreement between the City of Santa Clarita, the L.A. County, the Santa Monica Mountains Conservancy and the Center for Natural Land Management regarding the river and High Country. I might add also that there are mitigation fees that include the building of libraries.

Ventura County concerns were also addressed, but not to its satisfaction. Unfortunately, while I understand that it is pleased with the addition of the buffers and the inclusion of the affordable components, it remains unhappy with the issue of protection of downstream groundwater supplies. The County continues to question whether the environmental document fully analyzes the Applicant's future use of groundwater and specifically challenges the assertion of the Environmental Impact Report that there will be no downstream reduction in supplies; however, both Regional Planning and the staff and County Counsel concur that the EIR for the project adequately demonstrates at this stage the feasibility of relying on imported water supplies in conjunction

with existing surface flows for the development source of supply. Moreover, we have already required the plan to be modified to require an identification of the source of supply for each future subdivision application at the time the application is submitted for processing; however, the staff report language should be slightly revised to require this information as part of any land division, including all parcel maps. However, the plan's mitigation measures should be further modified to incorporate not only the conditions suggested by the environmental consultant that the Upper Santa Clara River Committee made up of the local water wholesaler and retailers prepare an annual water report during each year of the buildout of the development and for five years thereafter that will discuss the status of the groundwater levels and State water project water supplies as they relate to the Santa Clarita Valley, but that in those years when the committee does not prepare such report, the Applicant at his expense shall cause the preparation of such a report as acceptable to the County to address those issues.

In a letter dated November 4th to

my office and the Mayor of the City of Santa Clarita the committee agreed to initiate the preparation of these reports on an annual basis for release in January of each year.

In summary, the Board has required the Applicant to make a number of changes and to fork agreements with its neighbors and the Applicant has responded. The community will benefit considerably from the amenities that this development brings. The primary benefit is the early access to the High Country, an amenity desired by nearly everyone in the valley, but there are also many others as well.

It's important to remember that the approval of these applications will still require the property owner to file subsequent specific allocations for tract maps and Conditional Use Permits prior to the issuance of any building permits for the residential, commercial or business park uses; and again, they have to have a filing with specific applications, tract maps and they have to ensure that the water supplies are in place before any approval could be granted; however, given the extent of the Applicant's response, staff should be directed to prepare the needed final

1 environmental documents, ordinances, findings to
2 revisions to the Specific Plan and conditions of
3 approval for the partial map and the Conditional
4 Use Permit.
5 So I move that the Board close
6 the public hearings, indicating our intent to
7 approve the General and Sub-Plan Amendments, Zone
8 Change, Conditional Use Permit, Vesting Tentative
9 Partial Map associated with the Newhall Ranch
10 Specific Plan subject to the final review and
11 certification of the Final Environmental Impact
12 Report, instructing staff to prepare the necessary
13 final environmental documents together with the
14 needed revisions to the Specific Plan, findings and
15 conditions and resolutions for consideration at a
16 later date.
17 THE CHAIRWOMAN: I have just a couple of
18 questions I would like to ask.
19 MR. ANTONOVICH: Do we have Regional
20 Planning?
21 MR. STARK: Yes.
22 THE CHAIRWOMAN: Now, I hear that there
23 will be affordable housing, but one person raised
24 the question that there was no timetable for when
25 this affordable housing would have to be in which

1 project. What assurance do we have that there will
2 be affordable housing as the project proceeds, the
3 residential portion, rather than at the end?
4 MR. STARK: This program worked out by the
5 Community Development Commission does have the
6 first milestone at the 11,000th unit; however,
7 working with the staff and the CDC, we fully
8 believe that while the market rate housing in
9 itself will meet the affordability certainly at
10 least of moderate income households. So we believe
11 that there will be more than the 2,200 units
12 actually supplied, but the 11,000th unit is the
13 first milestone requirement for programs within
14 this 2,200 unit requirement.
15 THE CHAIRWOMAN: Mr. Antonovich, is there
16 any way that you can get some kind of assurance
17 that the affordable housing can be measured prior
18 to 11,000 units?
19 MR. ANTONOVICH: Could we pass on that
20 question? I'll have an answer for you in a
21 minute.
22 THE CHAIRWOMAN: All right.
23 Now, the other --
24 UNIDENTIFIED SPEAKER: Supervisor, the
25 agreement we made with the Applicant was the

1 affordable housing special rental approval housing
2 be suitable for medium and high density areas and
3 every phase that we complete, a portion of that
4 phase has to be affordable housing.
5 THE CHAIRWOMAN: So each phase?
6 UNIDENTIFIED SPEAKER: Each phase.
7 THE CHAIRWOMAN: Now, on the water issue
8 I would like to be very clear on the record. My
9 understanding is that each EIR or each project will
10 have an EIR and at that time that EIR has to show
11 the groundwater will not be impaired or utilized
12 for that particular project. I want to be sure I
13 understand that correctly.
14 Now, what is the minimum flow of
15 the river that must be maintained at the twenty-
16 five cubic feet per second to make sure that the
17 surrounding biota and water table remain stable?
18 MR. STARK: I will have to get that bit of
19 technical information for you, but in terms of the
20 availability of water, that must come -- assurance
21 must come at the application even before the EIR
22 is prepared.
23 THE CHAIRWOMAN: See, we know what the
24 maximum number is. It wasn't real clear to us what
25 the minimum will be that will be guaranteed, the

1 flow, the minimum flow; in other words, will the
2 water be moved up?
3 MR. STARK: The annual monitary report of
4 various groundwater locations throughout the
5 aquifers will be available when the County reviews
6 the individual applications for subdivisions and if
7 there is evidence that there will be a net decrease
8 in groundwater over what the safe yield would
9 allow, then that subdivision cannot be approved.
10 THE CHAIRWOMAN: I think that should also
11 be very clear.
12 MR. STARK: Yes.
13 MR. PELLMAN: Madam Chair, I'm not sure
14 there is going to be an Environmental Impact Report
15 specifically for each new development. There has
16 to be an application, but it may not be a whole new
17 environmental impact report.
18 MR. STARK: Environmental documentation.
19 MR. KNABE: That was the question I was
20 going to ask. As it relates to that fact, what
21 would be the process should it not meet the
22 requirements? I mean other than it not being
23 approved, the fact that it's not an EIR document,
24 what is the process should it not meet those
25 requirements or should it impact?

MR. PELLMAN: Each one is going to have to be examined independently and depending upon what the supply of water is at that time, that will trigger the nature of the environmental documentation that would have to be required for that specific area of development.

MR. STARK: Very likely if there is a potential for a significant impact, that would trigger an EIR.

MR. ANTONOVICH: John Schwarze could also comment on that.

MR. KNABE: That answered my question. If it was significant, it would trigger the EIR.

MR. SCHWARZE: I would just confirm exactly what County Counsel Pellman said. That's exactly the process. Each project will be reviewed independently and each one will go through what is called an initial study to determine the proper environmental documentation.

MR. YAROSLAVSKY: There was some testimony earlier as to -- I forgot the name of the lady who testified earlier in the meeting. She said there was a 499 unit cap, something of that sort, a threshold on the water issue to determine whether -- that this condition would only apply up to 499

units. Do you know whether that's accurate?

MR. STARK: There is state law that requires water supply review of any project over 500 units; however, the County for many years has been requiring this very type of review at this level of detail using our DMS analysis for many years.

MR. YAROSLAVSKY: So the actions being recommended today would require an analysis of the water needs and the finding that there is adequate water regardless of how many units is involved, whether it's a parcel map or a tract map; for example, a parcel map that includes four high-rises?

MR. SCHWARZE: That's correct. I now understand what you are talking about. It's a recent state law -- I think it was just chaptered -- that requires the rest of the State of California, to a large degree, to do what the County of Los Angeles has already been doing which is to judge each project against -- in this case water -- and as Mr. Stark indicated, our Development Monitoring System that is part of our General Plan -- and has been since 1980 -- already does that.

MR. YAROSLAVSKY: So if somebody wanted to seek a parcel map approval to divide one small piece of land for a shopping center, say a retail center, a finding could be made for that retail center that there was adequate water to satisfy --

MR. SCHWARZE: That is correct and that is reinforced by Mr. Antonovich's motion with the specific addition that I think he read into the motion that may have been suggested by your office to make this apply to parcel maps also.

MR. YAROSLAVSKY: I did not hear that. Okay. So you've done that. That was my concern. Okay.

THE CHAIRWOMAN: Moved by Antonovich. Seconded by Knabe without objections. So ordered.

(The proceedings were concluded at 12:45 p.m.)

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, Vicki Nikola, CSR No. 3351, a certified shorthand reporter in and for the State of California, County of Los Angeles, do hereby certify:

That the foregoing proceedings were taken before me to the best of my ability;

That said proceedings were taken down in stenograph writing by me to the best of my ability and thereafter transcribed into typewriting under my direction.

I further certify that I am neither counsel for nor related to any party to said action, nor in anywise interested in the outcome thereof.

Dated this day of December, 1998.

CERTIFIED SHORTHAND REPORTER
THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS.
3
4 I, Vicki Nikola, CSR No. 3351, a
5 certified shorthand reporter, hereby certify that the
6 attached transcript is a correct copy of the hearing
7 proceedings taken before me on this 24th day of November,
8 1998, as thereon stated.
9 I declare under penalty of perjury
10 that the foregoing is true and correct.
11 Executed at Los Angeles, California,
12 this day of December, 1998.
13
14
15 CERTIFIED SHORTHAND REPORTER
16 THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA
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