

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

January 15, 2019

**Subject:** Supplemental Comments Solicited by the Department of Regional Planning from the Acton Town Council on the Draft SEA Ordinance.

**Reference:** Meeting between the Department of Regional Planning and the Acton Town Council October 29, 2018.

Dear Ms. Chi;

The Acton Town Council ("ATC") greatly appreciates the efforts that you, Ms. Hikichi, and Ms. Mongolo have put forth to address concerns raised by Acton residents regarding the draft Significant Ecological Area ("SEA") Ordinance. We also appreciate the meeting on October 29 that you put together between the Department of Regional Planning ("DRP") and Acton residents. Several important issues were addressed at the meeting; some matters were resolved and others resulted in the ATC's commitment to complete a "homework" assignment pertaining to "set aside" ratios and other key elements of the Draft Ordinance. The purpose of this letter is to set forth our understanding of the issues that have been resolved, and to report to you the results of our completed "homework". We have also included a section addressing concerns and clarification requests that the ATC has received from residents attending recent community meetings (the latest being the meeting convened December 17, 2018).

The ATC recently learned that DRP staff intend to make a presentation regarding the Draft SEA Ordinance at the January meeting of the Association of Rural Town Councils, and we recognize that, during this scheduled presentation, some or all of the outstanding issues set forth below may be addressed. If this happy coincidence occurs, then the ATC will submit a revised comment letter which removes the issues and concerns addressed by the staff presentation.

***Matters Resolved:***

The ATC understands that the following will be reflected into the next draft of the SEA Ordinance:

1. Facilities located within an SEA that have an existing CUP will not be subject to SEA CUP requirements when they renew their CUP; rather, they will be subject to a ministerial process involving a site plan and biological survey. The Draft SEA Ordinance will be revised to reflect this.
2. Any land that is "set aside" for preservation purposes pursuant to the SEA Ordinance will not be restricted in any way which precludes access or egress by vehicles or emergency response equipment during any emergency event that threatens life or property. This term will apply to all lands, including those granted to a government entity, land conservation organization, mitigation bank, or land bank, and those preserved by any other means including, but not limited to, a conservation easement, deed restriction, or covenant.

***ATC "Homework" Completed:***

The following recommendations and supplemental information have been compiled over the last ten weeks from public comments that the ATC has received and research that the ATC has conducted:

1. The alternate version of the Draft SEA Ordinance specifies that the exemption for single family residential/accessory use development in the Antelope Valley Plan Area applies only to those properties "Within the Antelope Valley Area Plan portion of eastern Santa Clara River SEA, and outside of the National Forest". At the October 29 meeting, the ATC explained that this alternative is somewhat problematic because it would omit more than 60 Acton parcels from the single-family residential exemption in a manner that is not consistent with the 2015 Board motion that adopted the Antelope Valley Area Plan and its attendant SEA Boundary exemption. The ATC suggested that this problem can be eliminated by recognizing the bright-line distinction between the San Gabriel Mountains National Monument (which encompasses all of the 60+ Acton Parcels of concern) and the Angeles National Forest (which does not encompass any Acton parcels). The ATC committed to providing DRP with a USDA Forest Service map showing this distinction; the map is provided in the attached Figure 1. The ATC requests that you consider this map and amend the proposed alternative SEA Ordinance to recognize the distinct difference between the Angeles National Forest and the San Gabriel Mountains National Monument in a manner which ensures that no Acton parcels are omitted from the single family/accessory use exemption. For instance, the language of the alternative could be revised to apply the exemption only to properties "Within the Antelope Valley Area Plan portion of eastern Santa Clara River SEA, omitting therefrom all such areas inside the National Forest, but including therein all such areas inside the San Gabriel Mountains National Monument".

2. The ATC has solicited extensive public comment regarding the "set aside" ratios established in Table 5 of the SEA Guidelines, and convened public discussions regarding the Draft SEA Ordinance in general and these "set aside" ratios in particular on December 3 and December 17, 2018. The following is a synopsis of what was gathered:

- Category 4 lands represent natural communities that commonly occur within the county and encompass "apparently secure" habitat, thus Category 4 lands are not "biologically sensitive" (as that term is used in the adopted Antelope Valley Area Plan). Yet, the SEA Guidelines establish a 2:1 "set aside" ratio to mitigate disturbances to Category 4 resources (see Table 5) and thus require property owners to give the equivalent 67% of such disturbed lands to a land conservancy or otherwise dedicate it as "open space". Given that Category 4 lands themselves are not "biologically sensitive", it is not clear how taking 67% of such lands from property owners will further any of the biological resource protection goals or policies set forth in adopted planning documents. It is also not clear why any taking is even warranted, given that the land is not "biologically sensitive", thus disturbing it results in no real or substantive biological resource impacts. Moreover, nearly all the lands within the Acton SEA are (and will continue to be) large lots that, for the most part, are dedicated to residential purposes, thus they are limited to a total impervious surface area of 10% [County Code Section 22.44.126(C)(4)(a)]. These parcels are also restricted to a 10% vegetation removal limit [County Code Section 22.44.126(C)(2)]. Thus, 90% of nearly all the private property in the Acton SEA is already protected from "covering" development and vegetation removal anyway. Given this, the ATC contends that Category 4 lands within the Acton SEA should not be subject to any "set aside" requirements.
- From the description provided in the SEA Guidelines, it appears that Category 5 lands are not biologically sensitive, support no distinct natural community, have non-native species, and/or are already "cleared". Nonetheless, the SEA Guidelines mandate a 1:1 (or 50%) "set aside" ratio to mitigate disturbances to Category 5 resources (see Table 5). Given that Category 5 lands themselves have no identifiable biological resource value, it is not clear how "taking" 50% of such lands from property owners will further any of the biological resource protection goals or policies set forth in adopted planning documents. In fact, it is not clear why any "taking" of Category 5 resources is warranted at all, given that 1) disturbing it results in no real or substantive biological resource impacts; and 2) nearly all of the private property within the Acton SEA is used for residential and accessory purposes and thus already protected from "covering" development and vegetation removal (as discussed above). Therefore, the ATC contends that private property designated as "Category 5" lands within the Acton SEA should not be subject to any "set aside" requirements.

- Category 3 lands include those lands that are currently secure but may become vulnerable in future. Nonetheless, the SEA Guidelines mandate a 3:1 "set aside" ratio to mitigate disturbances to Category 3 resources (see Table 5) and thus compel property owners to give 75% of such lands to a land conservancy or otherwise dedicate it as "open space". There has been extensive debate in Acton regarding the appropriateness of a 3:1 mitigation ratio for the currently secure biological resources supported by Category 3 lands, particularly in light of the substantial native vegetation protection provisions and impervious surface restrictions already imposed on nearly all the lands within the Acton SEA. Acton residents are concerned by the lack of quantitative evidence demonstrating any need to take 75% of a property to protect already "secure" biological resources. Therefore, the ATC respectfully requests that the DRP provide compelling and quantitative evidence demonstrating that the biological resource protection provisions, policies and goals established by adopted planning documents will not be met unless 75% of biologically "secure" Category 3 lands are taken from the property owner and "set aside" for preservation; if no such evidence can be provided, then there should be no "set aside" ratio for Category 3 lands.
- Category 2 lands comprise two types: 1) "Juniper Woodland" and "Sensitive Native Resources"; and 2) "Imperiled Natural Communities". The Draft SEA Ordinance identifies a 4:1 (or 80%) "set aside" ratio for Category 2 resources, however the Guidelines provide no details regarding why or how "Juniper Woodland" resources merit a Category 2 designation or warrant an 80% "set aside". The ATC notes that virtually all juniper resources located in Los Angeles County occur within the transverse ranges (including the Verdugo Mountains, the San Gabriel Mountains, the Sierra Pelona, the Simi Hills, and even the Santa Susana and Santa Monica Mountains) and that most of these areas are already protected from disturbance because they are held within existing Land Conservancies, National Recreation Areas, National Monuments, National Forests, and BLM Lands. As discussed in detail below, the private property within the SEA in Acton is surrounded by thousands of acres of biologically similar (and already protected) woodland resources, thus, it does not seem necessary to "take" an additional 80% of private property in Acton to preserve biological resources that are already locally abundantly and protected in adjacent (and already dedicated) "open space". Therefore, the ATC respectfully requests that DRP provide compelling and quantitative evidence demonstrating that the biological resource protection provisions, policies and goals established by adopted planning documents will not be met unless 80% of local woodland occurring on private lands within the SEA in Acton lands are taken from the property owner and "set aside" for preservation purposes.

***Remaining Issues of Concern:***

The following concerns raised by Acton residents remain outstanding and the ATC respectfully requests that they be addressed in future revisions to the Draft SEA Ordinance and SEA Guidelines:

1. Residents have expressed concerns regarding the designation of "Juniper Woodland" as a Category 2 resource; this confers upon "Juniper Woodland" resources a higher protection status than "Oak Woodland" resources (notably, the SEA Guidelines designate "Oak Woodland" as a mere Category 3 resource). This is *remarkable* given that DRP has historically accorded "Oak Trees" the highest possible protection status. Nonetheless, the SEA Guidelines relegate "Oak Woodland" resources to Category 3, and catapult "juniper Woodland" resources to Category 2. The Guidelines provide no explanation for this, and they do not clarify why or how "Juniper Woodlands" warrant an 80% "set aside" ratio and a Category 2 protection designation that is generally reserved for G2/S2 resources. This is particularly mystifying given that the California Native Plant Society ("CNPS") designates the California Juniper as an S4/G4 species. The only relevant statement provided by the SEA Guidelines is that "Juniper Woodlands" are "much rarer or more significant on a local scale than they are on a global, state, or even regional scale" [see page 29]. However, the SEA guidelines provide no supporting information to substantiate this declaratory claim that juniper woodland is "rare" on a "local level". Worse yet, the guidelines fail to provide appropriate thresholds for the determination of whether "local" stands of Juniper Woodland are indeed "rare" and therefore warrant a 4:1 "set aside" ratio. And, contrary to what the SEA Guidelines state, published data conclusively reveal that "Juniper Woodland" resources in Southern California are neither "rare" nor "significant" on any scale ("local" or otherwise) within the transverse ranges where they typically occur. In fact, in the "local" areas along the north slopes of the San Gabriel Mountains (where Acton lies), there are extensive "juniper woodland" resources, and most of them are already preserved and protected. For instance, the U.S. Forest Service estimates that the combined area of juniper and pinyon woodlands found within the "Desert Montane" of Southern California is approximately 350,000 acres [see page 21 of the U.S. Forest Service's "Southern California Mountains and Foothills Assessment" report found at [https://www.fs.fed.us/psw/publications/documents/psw\\_gtr172/psw\\_gtr172.pdf](https://www.fs.fed.us/psw/publications/documents/psw_gtr172/psw_gtr172.pdf)]. This report also indicates that, on the "desert side" of the San Gabriel Mountains (where Acton is located), there are 26,000+ acres of such woodlands [Page 33 and Table 2.13 of the USFS assessment cited above] and that 79% of these "local" woodland resources occur on public lands and are therefore already protected [Table 2.13 of the USFS assessment cited above]. Furthermore, the existing protections already accorded these "local" woodland resources in Acton were recently increased and rendered permanent by President Obama's 2014 proclamation that created the San Gabriel Mountains National Monument. Additional analysis via the County's GIS system further

demonstrates that most of what could be deemed "local" juniper woodland and other resources in and around Acton's SEA are already preserved and therefore do not warrant a Category 2 designation (nor do they warrant a Category 3 designation). Specifically, and according to the County's GIS System, the SEA in Acton occupies approximately 17,000 acres, and, as the DRP is aware, much of it supports Junipers (though many junipers have been eliminated by numerous area fires that have occurred since 2004). The GIS system also reveals that 8,750 acres of this SEA area are already preserved as designated "Open Space" lands, and that an additional 1,300 acres of preserved Open Space land also lie near, but outside, both the SEA and the National Monument boundaries. The GIS system also reveals that there is an additional 4,500+ acres of designated "Open Space" woodland immediately adjacent to the SEA boundary in Acton which is already fully protected because it lies within the National Monument. As indicated in Figures 2 - 4, these 4,500+ acres have "woodland" and other resources similar to those lying within the SEA in Acton because they surround, and lie immediately adjacent to, the SEA in Acton. Taken together, these facts demonstrate that there is already more than 14,500 acres of preserved, "Open Space" occurring within and adjacent to the SEA in Acton; *this is more than 85% of the total 17,000 acres captured by the entire SEA in Acton.* In other words, the existing, "local", "open space" area within and surrounding the SEA in Acton already exceeds 85% of total SEA area in Acton; *these lands will remain permanently preserved and fully intact even if all of the privately held non-open space lands within the Acton SEA were entirely stripped of all vegetation.* So, there is no need to "take" any private lands within Acton to achieve the 80% "open space" preservation goal set for Category 2 resources. Nor is there any similar need to "take" private lands to achieve the 75%, 66%, or 50% preservation goals established for Category 3, 4, and 5 lands, respectively because the existing preserved area within and adjacent to the SEA in Acton **already** exceeds 80%. The ATC does not perceive any reason to "take" up to 80% of private lands within the SEA in Acton to achieve "open space" goals that have already been met via existing woodland and other resources that are fully protected in perpetuity.

2. At the ATC meeting on May 7, 2018, residents were assured that any Biological Constraints Analysis ("BCA") conducted pursuant to the SEA Ordinance would report only those species that are actually observed during the survey because the draft SEA Ordinance directs the biologist to assess "the biological resources on a project site and in the surrounding area" [see section 22.102.020(A)]. At the ATC meeting, it was conveyed that this restrictive language does not permit the biologist to report that a species is present or could be present based on the type of habitat that the property supports could support, and that the BCA will identify only those plants and animals that are actually noted during the survey. However, this interpretation of the plain language of the Draft SEA Ordinance is not supported by the SEA Guidelines. In fact, the SEA Guidelines state that the biologist will consider a species to be present "even if the

animal itself has not been directly observed on the project site" based on "special habitat features". This statement is of substantial concern, particularly since the entire SEA within Acton could be deemed to have "special habitat features" that are capable of supporting any number of "Category 2" resources (such as the San Diego Coast Horned lizard or "juniper woodland") or even Category 1 species *regardless of whether such species are actually present*. As written, the SEA Guidelines appear to authorize a biologist to designate an entire parcel as a "Category 2" resource that is subject to an 80% "set aside" requirement by merely stating that "special habitat features" on the property indicate a possibility for Juniper Woodland or other Category 2 species. Thus, the SEA Guidelines must be revised to state clearly that any BCA developed pursuant to the SEA Ordinance will only report the presence of species that are *actually* observed.

3. As indicated previously, there is substantial concern regarding the significant "set-aside" ratios for Category 5, 4, 3, and 2 lands that are established by Table 5 of the SEA Guidelines. The ATC is particularly concerned that these "set-aside" ratios conflict with a substantial body of caselaw (beginning with *Dolan v. City of Tigard*, 512 U.S. 374 [1994]) which require that the nature and extent of exactions involving the dedication of private property be "roughly proportional" to the impact created by a proposed development. For instance, consider the 50% "set-aside" ratio that is established for Category 5 resources (which are not biologically sensitive and are described as supporting no "distinct natural community") and the 66% "set-aside" ratio for Category 4 resources (described as "common" and "secure"). It is clear from these descriptions that development of Category 4 or Category 5 land will result in negligible biological resource impacts because lands that are in these categories have no significant biological "value". Under such circumstances, no "exactions" are warranted because biological resource impacts are negligible. Nonetheless, the SEA Guidelines mandate a 50% taking for Category 5 lands and a 66% taking for Category 4 lands in a manner that is utterly contrary to the Court's holding in *Dolan*. The ATC contends that, if a development project does not impact any significant biological resources, then there is nothing "proportional" about taking 50% or 66% of these private lands to "mitigate" such non-existent biological resource impacts. Therefore, the proposed "set aside" ratios in the Draft SEA and SEA Guidelines do not comply with the proportionality mandate established by the Dolan Court.
4. Large stands of junipers in Acton have been destroyed by fires over the last 15 years (such as the Crown Fire in 2004, the Station Fire in 2009, the Sand Fire in 2016, etc.), and juniper regrowth has not occurred in these areas to any great extent. The ATC seeks to understand whether these areas will be deemed "Juniper Woodland" under the Draft SEA Ordinance even though the junipers themselves are burned and dead and the little regrowth that has occurred does not meet the 5% coverage threshold set by the SEA Guidelines' definition of "woodland".

5. Page 77 of the SEA Guidelines state that "Developments that do not have suitable habitat available for natural open space preservation on-site will be required to provide an equivalent amount of natural open space preservation off-site". The ATC observes that, *by definition*, the County's "open space" interests are neither served nor advanced by the "taking" of land which has no "suitable habitat" for "open space" preservation. Correspondingly, the development of such lands cannot be deemed to create any "open space" impacts, thus there is no legal nexus for the County to impose any "open space" mitigation requirements on the development of such land in the form of "in lieu fees", "off-site mitigation", or any other "taking" mechanism. In other words, the County's "Open Space" preservation interests are not thwarted or impeded in any way by the development of lands that are not suitable for "open space" preservation, therefore the County cannot impose "open space" mitigation requirements as a condition of developing such lands. Time and again, state and federal courts have ruled that government agencies must conclusively prove that there is a substantial nexus between the impacts that are created by a project and the mitigation measures that are imposed to reduce such impacts. The foundational decision on this issue [*Nollan v. California Coastal Commission*, 483 U.S. 825 (1987)] held that a government could require an exaction without paying compensation as a condition for granting a development permit *provided that the exaction would substantially advance the same government interest that would furnish a valid ground for denial of the permit*. The restrictions set forth in the *Nollan* decision and expanded in subsequent case law are not met under the circumstances described on page 77 of the SEA Guidelines that address property with no "suitable habitat" for "open space" preservation. This is because *Nollan* prevents the County from citing "Open Space" preservation interests as the basis for denying a permit to develop land that has no intrinsic "Open Space" value. The bottom line is that *Nollan* prevents the County from imposing "open space" exactions (either on-site or off-site) on land that is not suitable for "open space" preservation.
6. The ATC seeks clarification regarding the status of the "SEA Guidelines" document, and whether it is considered part of the SEA Ordinance and thus subject to public review and approval by the Board of Supervisors. The matter is of considerable importance, because the Draft SEA Guidelines "interpret" the Draft SEA Ordinance and provide specific directions to both applicants and staff regarding how the Ordinance will be implemented and the manner in which violations will be addressed. As such, the ATC considers the document to be "part and parcel" an essential element of the Draft SEA Ordinance and must therefore be adopted by the Board of Supervisors as part of the SEA Ordinance and cannot be amended thereafter without public hearings and specific Board action.

7. The ATC is concerned by provisions set forth in the SEA Guidelines pertaining to the removal of dead or fallen trees and that such activity may, in and of itself, require an SEA Permit [see page 23]. Dead trees constitute a very real and very pressing fire safety concern, and the ATC opposes any ordinance or guideline that hinders the prompt removal of a dead tree which poses a potential life/safety threat. The ATC is also concerned that DRP may apply the dead tree removal restrictions set forth in the SEA guidelines to the removal of dead branches and "limb up" activities advocated by the Fire Department; if so, then the ATC opposes such restrictions as well.
8. The ATC is concerned that the draft SEA Ordinance does not clearly articulate the use restrictions that will be placed on the private lands that are "taken" via exactions for "open space" purposes. It is not clear whether hiking or other non-development uses will be permitted in the "open space" areas that are "taken", or whether the property owners from whom the lands are "taken" will have any access to them once they are "taken". The SEA Guidelines indicate that some uses of the lands will be permitted after they are "taken" (for example, page 79 describes a Conservation Easement as limiting uses of the property "that would compromise the conservation values of the property, while allowing the landowner to retain certain reserved rights"). However, neither the Draft SEA Ordinance nor the SEA Guidelines provide any indication of what these permitted uses will be or how they are determined. Therefore, the ATC respectfully requests that the Draft SEA Ordinance be amended to reflect the extent to which lands exacted through operation of the SEA Ordinance may be used after they are "taken" and also enumerate the purposes to which such lands may be put.
9. Residents have expressed concern that they will be required to pay property taxes in perpetuity on all the private lands that will be "taken" pursuant to the SEA Ordinance. Therefore, the ATC respectfully requests that the Draft SEA Ordinance be amended to include a provision that decrements the assessed "land value" portion of the property by an amount that is equal to the total percent of the land that is "taken" for "open space" purposes.
10. The ATC objects to the "ranking" of open space preservation "mechanisms" set forth in the Draft SEA Ordinance and particularly objects to the mandate imposed by the SEA Guidelines that the applicant "demonstrate that higher ranked mechanisms are infeasible or of less benefit in order to use an option lower down on the list" [see page 78]. These provisions preferentially compel property owners to "give away" sizeable portions of land to "conservancy" organizations and "government entities" rather than execute covenants or deed restrictions that preserve private control and jurisdiction. The ATC has the following concerns with this mandate:

- The SEA Guidelines do not show that it is necessary to transfer land to a "conservancy" or "government entity" to ensure it is permanently preserved, nor do the Guidelines demonstrate that "Open Space" land is less protected if it is secured solely via recorded "deed restriction" or "covenant" and not transferred to a "conservancy" or "government entity". In fact, the SEA Guidelines identify the recordation of "open space" restrictions as being the actual mechanism which properly "ensures the preservation of natural open space in perpetuity", and it further mandated that such recordation occur *before* the land is transferred to a "conservancy" or "government entity" (see page 78). In other words, and according to the SEA Guidelines, it is not the transfer of land to a "conservancy" or "government entity" which preserves the land as open space in perpetuity, rather it is the recordation of open space restrictions on the land which achieves this purpose. Therefore, the County has no cause to compel property owners to give their land away to a "conservancy" or "government entity" in order to preserve it as open space. If a property owner wishes to transfer "open space" lands to a "conservancy" or "government entity" after recording an open space restriction, that option can be set forth in the SEA Ordinance. However, the County has no basis for *requiring* a property owner to give land to a "Conservancy" or "Government Entity". Thus, the compulsory hierarchy of open space preservation "mechanisms" set forth in the SEA Guidelines is insupportable and must be revised.
- California Civil Code 815.3 contains the statement "No local governmental entity may condition the issuance of an entitlement for use on the applicant's granting of a conservation easement pursuant to this chapter". It is not clear how the compulsory hierarchy of "open space" preservation "mechanisms" set forth in the SEA Guidelines comply with this regulatory provision, and we respectfully request that some explanation regarding this be provided in the SEA Guidelines.
- Many "conservancies" and "government entities" derive significant financial benefit from properties that they control as "Open Space". For example, the Mountains Recreation and Conservation Authority earns substantial amounts from filming and other commercial activities that take place on their "preserved" lands in the Santa Monica Mountains and elsewhere [see <https://mrca.ca.gov/film-photography/>]. The ATC fully expects that lands in Acton which are "given" to "conservancies" or "government entities" through compulsory operation of the SEA Ordinance will be used for filming or other commercial purposes because the County issues multiple permits for "location" filming activities in Acton every week. The ATC is firmly set against any scheme that allows a "conservancy" or "government entity" to benefit financially from land that it is "given" via compulsory "transfer" from a private landowner. Therefore, the ATC vehemently objects to the hierarchy of compulsory open space preservation "mechanisms" that are established by the SEA Guidelines.

- The ATC notes that, in the recently approved Centennial Project (Specific Plan No. 02-232), the County permitted the applicant to retain control over the "Open Space" lands that were created and preserved by the project, and that at least half the "open space" land is preserved via "deed restrictions". The County did not require the property owner to transfer the "open space" lands out of their control. It is the ATC's understanding that the "open space" lands of the Centennial Project remain entirely private and completely off limits to all but the property owners and their invited guests, and that the property owner is even permitted to use the land for hunting and other purposes. The ATC anticipates that the County will accord Acton property owners the same rights that were granted to the Centennial Project landowners, and eliminate the compulsory hierarchy of open space preservation "mechanisms" set forth in the SEA Guidelines.

11. The ATC respectfully requests confirmation that the exemptions identified in Section 22.104.040 of the Draft SEA Ordinance apply to the tree trimming and removal provisions of the proposed Chapter 22.102.

12. According to the SEA Guidelines, the Draft SEA Ordinance "relies largely on existing standards, requirements, and thresholds already in use by state, federal, and county resource agencies and authorities" (see page 27). However, none of these "existing standards, requirements, and thresholds" are identified in either the Guidelines or the Draft SEA Ordinance, thus it is impossible to ascertain the extent to which the Draft SEA Ordinance is consistent with such existing standards, requirements, or thresholds. The ATC is particularly concerned with the "existing standards, requirements, and thresholds" that were used to establish the "set-aside" ratios set forth in Table 5 of the SEA Guidelines. The ATC is not aware of any federal, state, or local standards which impose a 2:1 "set aside" ratio (and thus a 66% "taking" of private property) to preserve "common" biological resources that are not significant (such as those found on Category 4 lands). In fact, it appears that federal agencies impose less restrictive "set aside" ratios than what is set forth in Table 5 of the SEA Guidelines. For instance, the Bureau of Land Management ("BLM") applies a 2:1 "set aside" ratio to biological resources that are demonstrably critical (such as wetlands and "key population centers" for the protected Mohave Ground Squirrel) *if* they lie within "Areas of Critical Environmental Concern" [see Table 18 of the "Desert Renewable Energy Conservation Plan" found here: [https://www.drecp.org/finaldrecp/lupa/DRECP\\_BLM\\_LUPA.pdf](https://www.drecp.org/finaldrecp/lupa/DRECP_BLM_LUPA.pdf)]. The ATC is also not aware of any existing standards which impose a 1:1 "set aside" ratio for lands that have no identifiable biological resource value (such as those found on Category 5 lands). The ATC considers it imperative that the SEA Guidelines be revised to identify and discuss the existing standards, requirements, and thresholds that were used to establish the Table 5 "set aside" ratios, particularly in regards to Category 5, 4, and 3 lands.

13. The ATC respectfully requests that the Antelope Valley Area Plan exemptions established by the Draft SEA Ordinance be revised to include minor land divisions. This will not result in extensive property development because of the "large lot" land use restrictions imposed on Acton lands by the AV Plan Land Use element. This request stems directly from the motion that was made by Supervisor Antonovich when the AV Area Plan was adopted and which established the SEA Ordinance exemption mechanism.

The ATC stands ready to discuss these issues and concerns with County staff, therefore please do not hesitate to contact the Acton Town Council at [atc@actontowncouncil.org](mailto:atc@actontowncouncil.org) if you wish to pursue such an option.

Sincerely,

/s/ Jeremiah Owen

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Jeremiah Owen, President  
The Acton Town Council

cc: Kathryn Barger –Los Angeles County 5<sup>th</sup> District Supervisor [kathryn@bos.lacounty.gov]  
Donna Termeer – Field Deputy to Supervisor Barger [DTermeer@bos.lacounty.gov]

Figure 1. USDA Forest Service Map of the San Gabriel Mountains National Monument.

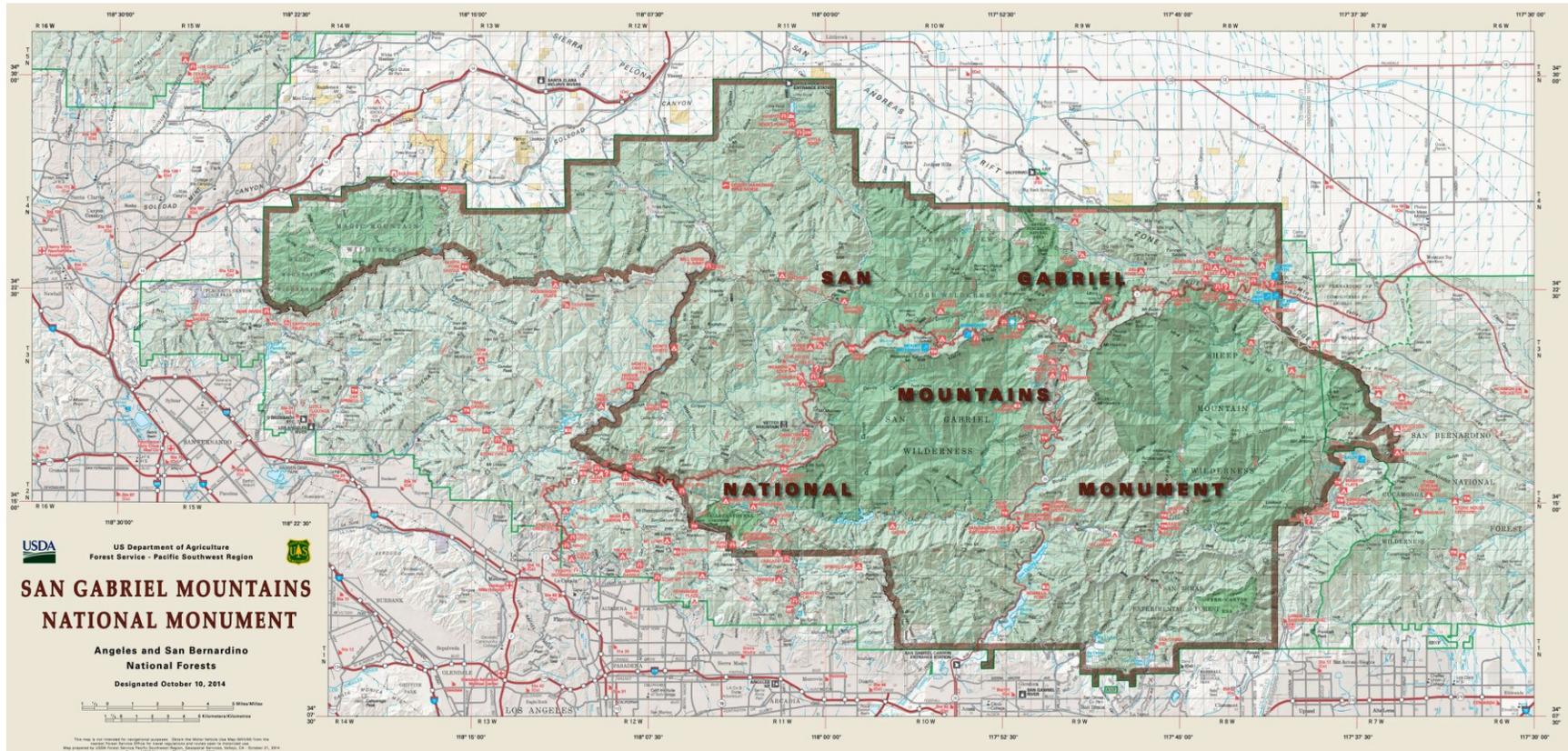


Figure 2. Photograph of Land Area Along SEA Boundary in Acton.

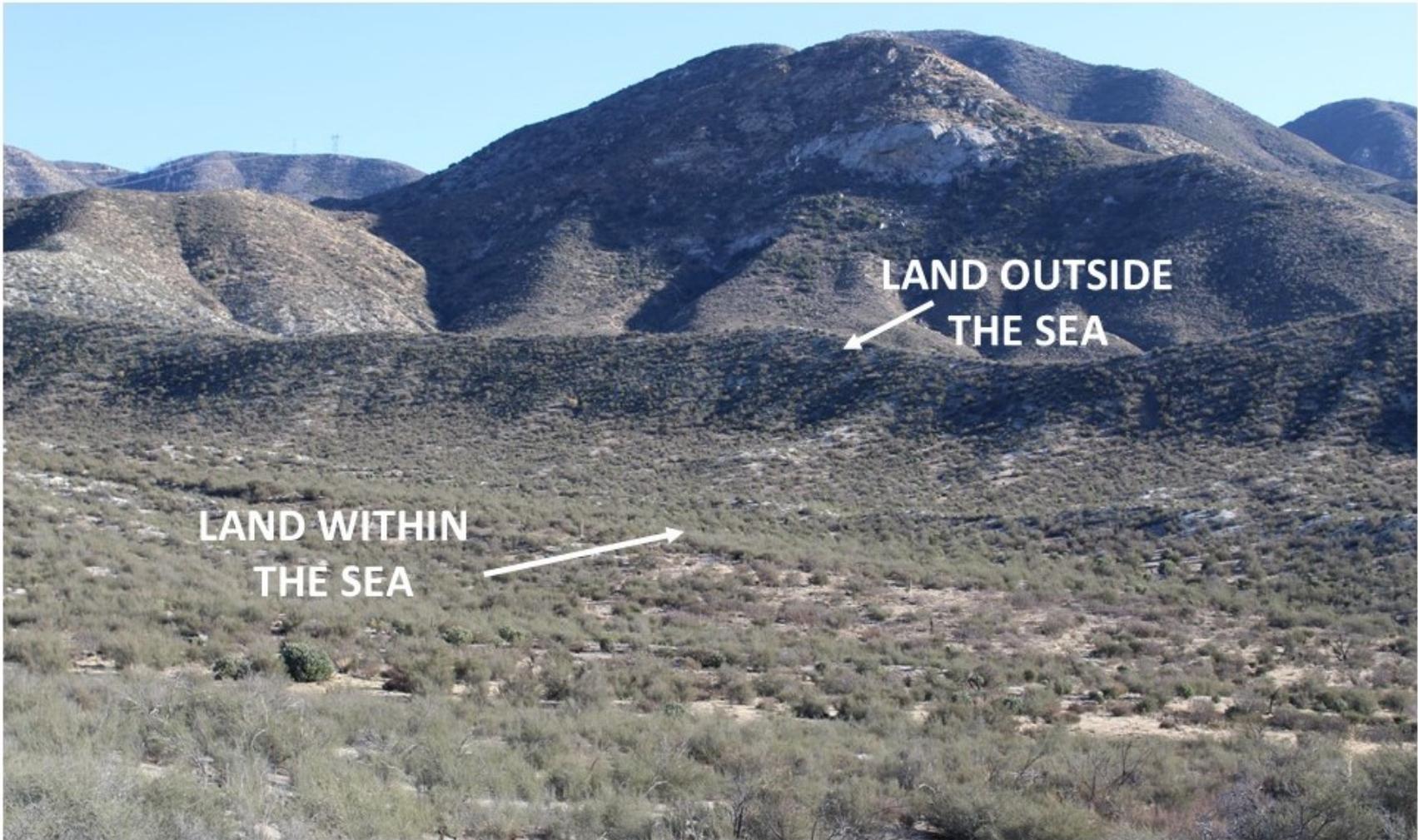


Figure 3. Photograph of Land Area Along SEA Boundary in Acton.

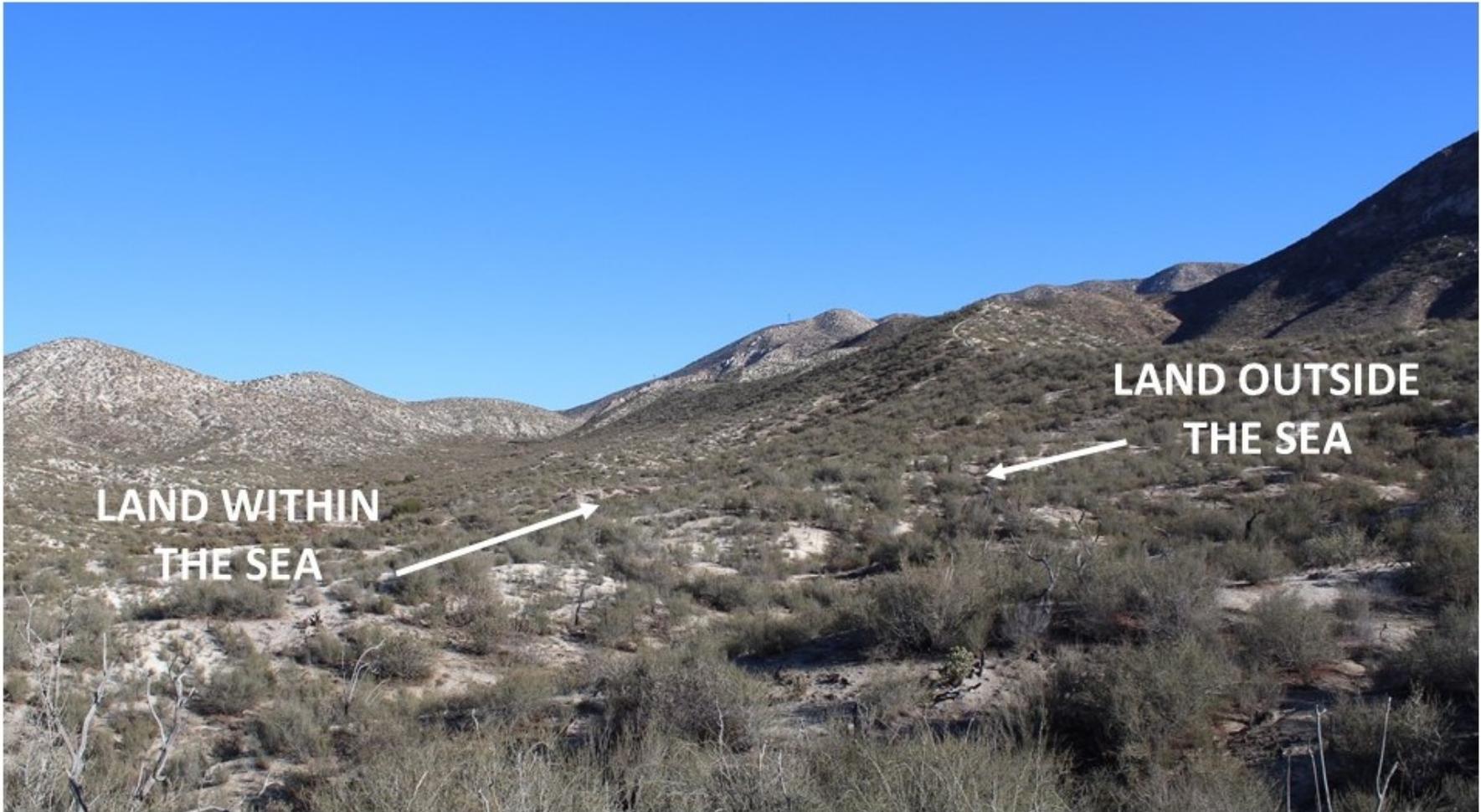


Figure 4. Photograph of Land Area Along SEA Boundary in Acton.

