

INTER-CANYON LEAGUE



Agenda, ICL Monthly Meeting

Tuesday, April 5, 2016

Silverado Community Center

- I. **Call to Order**
- II. **The Honorable Todd Spitzer, Supervisor 3rd District**
 - a. Introduction ---Linda May
 - b. Remarks by Todd Spitzer, Supervisor 3rd District
 - c. Q&A
- III. **Director Reports**
 - a. **President**---Geoffrey Sarkissian
 - b. **Secretary**---Scott Breeden
 - 1)Approval of Minutes
 - c. **Treasurer**---Linda May
 - d. **Vice-President**---Steve Duff
 - e. **Director**---Janet Wilson
- IV. **Advisory Committee Reports**
 - a. **Sil-Mod Plan**---Janet Wilson
 - b. **Friends of the Library**---Fran Williams
 - c. **Emergency Preparedness**---Joanne Hubble
 - d. **Canyon Watch**---Connie Nelson
 - e. **Communications**---Steve Duff
- V. **Adjournment:**

***** The next ICL meeting will be held: Tuesday, May 3, 2016*****

**Inter Canyon League
Minutes of the General Meeting
Tuesday, April 5, 2016 at 7:00 PM Silverado Community Center**

I. Call to Order

The meeting was called to order at 7:02 by Treasurer May.

II. The Honorable Todd Spitzer, Supervisor 3rd District

a. Introduction---Linda May

As part of Supervisor Spitzer's introduction, Director May along with Kevin Topp of the SMRPD presented him with a "Friends of the Canyons" award (noting the plaque's "sustainability green" bamboo composition).

b. Remarks by Todd Spitzer, Supervisor 3rd District

(Also see "Notes from meeting with Supervisor Todd Spitzer ICL May5 2016.docx" by Geoffrey Sarkisian, incorporated by reference here.)

The Supervisor gave a brief summary of county-wide issues and accomplishments, including early payoff of the bankruptcy, plans for a new animal shelter, new homeless and services center, an upcoming Ethics Commission ballot measure, and problems at the jail. He is pushing for some Mountain Park land to be used for a cemetery if that is not part of the Great Park. OCParks is examining the Irvine Mesa properties; it's possible that land may need rehabilitating after events like recent fires. The Supervisor then introduced OC Public Works Deputy Director Colby Cataldi, who gave a presentation on specific plans like the Sil-Mod plan.

Director Cataldi explained that specific plans adopted by resolution, like the Sil-Mod plan, are policy documents which do not supersede zoning. Plans adopted by ordinance (like the Foothill-Trabuco Specific Plan) can dictate zoning. The state Government Code specifies requirements for specific plans. Updating a plan (such as in order to get it adopted by ordinance) can take time and money for hiring consultants and building documents like an Environmental Impact Report—perhaps \$1.5 million and up to three years. There is a risk that the process might not yield the desired result.

The Board of Supervisors could appoint a review board for a community; Coto de Caza had a board that went away but it is coming back. Review board decisions are not binding on county agencies.

The county is "working on" the request from the Save the Specific Plans coalition to roll back the general and specific plan amendments approved in order to allow development at Saddle Crest.

Tree ordinances are being researched. Things to decide about a possible Orange County ordinance include whether one ordinance would cover the entire county. The work should take a year to 18 months and cost \$100,000 - \$200,000.

c. Q&A

Among questions from the community paraphrased by Janet and answered by Messrs. Spitzer and Cataldi, and staff:

Q. Why have you reneged on the old Sil-Mod plan? What do you see happening in the SilMod/FTSP area in the next 3 years?

A. Sil-Mod is not a specific plan since it was adopted by resolution; the Giracci case established that.

Q. Why can't you do for FTSP what you did for North Tustin?

A. The North Tustin issue was spot zoning, and the property owner did not have vested rights. To go to court, you need a "true" plan to defend, but that could open a Pandora's box.

Q. What's happening at Arden (Madame Modjeska's house)?

A. Some restoration has been done; money is needed for the top half of the stone house. There will be an open house June 4.

Q. How could owners of homes not meeting current codes be made not afraid to "do the right thing?"

A. Pre-code houses (about pre-1950) are grandfathered in. The county could send a "reasonable" inspector out. Un-permitted houses are a liability on the county, though. There was once a moratorium on citations; perhaps that could be done again.

Q. What about funds to preserve Saddle Crest?

A. There would need to be an explanation of the significance of the land for mitigation, like for mountain lion preservation. And the county would rather pay for land that is not vested.

Q. How can the traffic measurement change for Santiago Canyon Road be undone?

A. A specific plan amendment would be needed. [Gloria Sefton: the General Plan was also changed.] Mr. Spitzer is also working to get Santiago Canyon Road removed from the county's Master Plan of Arterial Highways. He also favors some separation of bike traffic.

In summary, the Supervisor said that he loves the canyons and they are worth fighting for. He would need something to take to the Board of Supervisors. We need to work together to see if that's worth it.

III. Adjournment

The meeting was adjourned at 9:05.

***** The next ICL meeting will be held: May 3, 2016 *****

**Comments on April 2016 ICL Meeting
with Guest Speaker 3rd District Supervisor Todd Spitzer and
Deputy Director OC Public Works Colby Cataldi**

Times noted here are the wall times in the video record.

Presentation of plaque, ICL Friends of the Canyons Award followed by general remarks on county issues, policing, canyons, resources, back up cemetery, and park land purchase

Presentation by Colby Cataldi,

35:00 [Specific Plans & Significance of] Adoption by Ordinance or Resolution

Adopted by Ordinance

- ❖ State law requires zoning regulations to be adopted by Ordinance
- ❖ Zoning Ordinances are regulatory such as the Zoning Code and Zoning Map
- ❖ Regulations set forth in Specific Plans adopted by Ordinance supersede Zoning Code regulations

Adopted by Resolution

- ❖ Specific Plans adopted by resolution are not regulatory and provide guidelines and policies
- ❖ Spec Plans adopted by resolution do not supersede regulations contained in Zoning Code or Zoning Map

40:00 Required Elements of Specific Plan (GC65451)

- ❖ Text and diagrams which specify the following:
 - Location and intensity of various land uses
 - Proposed location of transportation and other public facilities serving area
 - Site development standards and resource conservations requirements
 - Approval process for proposed development projects
 - Implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out previous bullets
- ❖ A statement of the relationship of the specific plan to the General Plan

50:00 Board-Appointed Advisory Review Boards

- ❖ Public outreach and participation program
- ❖ Specific Plan and Island/Community areas
- ❖ Duties identified in by-laws
- ❖ Advisory only and non-binding on County agencies
- ❖ Process to Create Advisory Review Board
 1. Development of Mission Statement and By-Laws (number of members, responsibilities, meeting dates/times, election of officers, terms of office, etc.)
 2. Determine meeting location
 3. Establishment of Review Board and Appointment of members by Board

53:00 Review Boards

Communities with Review Boards:

- ❖ North Tustin
- ❖ Foothill/Trabuco
- ❖ Cota de Caza
- ❖ Orange Park Acres

54:00 Save the Specific Plans Coalition

Topics covered in the request to reverse General Plan and Foothill/Trabuco Specific Plan Amendments adopted in 2012:

- ❖ “Rural in character” description of F/TSP area
- ❖ Traffic analysis methodology for Santiago Canyon Road
- ❖ Balancing or Interoperation of Plan Goals
- ❖ Grading Regulation
- ❖ Tree protections

Submittal currently being research and under consideration
Tree Management/Preservation Regulations

56:00 No County-Wide tree management/preservation regulations

Specific Plans with tree preservation sections

- ❖ Sil-Mod
- ❖ Coto de Caza
- ❖ Foothill/Trabuco

Staff researching existing regulations of other jurisdictions

Scope of ordinance to be determined

- ❖ Apply to all unincorporated areas?
- ❖ Apply to only specific species?
- ❖ Permit required to remove/transplant/replace trees?
- ❖ Rely on third-party certification or establish specific methodology?

57:00 Tree Management/Preservation Ordinance dDevelopment Process, Timeframes and Cost

not a small task...12-18 months \$615,000 to \$865,000
(end of formal presentation by Cataldi)

Questions and Answers

1: Why have you reneged on the old Sil-Mod plan? What’s happening specifically?

1:02 Spitzer: It’s not a specific plan because adopted by resolution not ordinance. It’s a plan, not an ordinance...it can be manipulated because it can be changed by resolution.

1:06 A specific plan adopted by ordinance is much more difficult to change than a plan adopted by resolution....do you want to engage in Sil-Mod to make it a real specific plan?

1:07:30 ...to appoint an advisory board to oversee a 7 page resolution, in contrast to a document like the North Tustin Specific Plan, which is specific parcel by parcel [and therefore] much easier to understand and interpret.

1:09 the 4th District in essence said that the Supervisors can do anything they want...(reversing lots of precedence that spot zoning is illegal.)

You have to engage in a process to (make the Sil-Mod plan truly specific). It will cost 1 ½ million dollars.

2. 1:12 Arden and Modjeska House, what’s happening?

3. 1:19 Would it be possible for the Sheriff’s department to enforce the traffic laws in Silverado rather than CHP?

4. 1:20 How do we grandfather in old construction?

Cataldi: pre-building code buildings are grandfathered in.

1:28 **Spitzer,** there is community block grant money, or moratorium on enforcement to allow residents to get permits

1:30:30 Is there a way to get funds to purchase and preserve the saddlecrest?

Spitzer: working on Mesa preservation as part of mountain lion protection...you have to be able to explain the significance of the land and to date saddlecrest and saddlecreek are not viewed as significant.

1:37 Can we an ordinance in the County to preserve trees?

Spitzer: I am committed to getting an ordinance and tree preservation ordinance.

1:38 How do we get Santiago Canyon Road un-designated as an urban road and re-designated as a rural road?

Spitzer: 1:49 we are working to remove Santiago from the list of arterial highways...we need to make improvements on Santiago, and we want to separate the bikes and traffic. Want to have a physical barrier between the bike and car traffic lane.

1:47 Spitzer comments: I am dedicated to preserving the canyons. It's worth fighting for...the takeaway 1:48:30 "the specific plan is really isn't worth the paper it's written on, even though it's called a specific plan, because it's not. It's a resolution. You're all clear on that now. ...I used in-artful words, I didn't mean to imply that it's not worth the paper it's written on. That was disrespectful. That was not intentional. What I meant to say is that as a governing document enforceable in a court of law, you need today with the way we do business, like CEQA, and other kinds of documents that courts rely on, and fight all the way to the Supreme Court, you need to invest in a document that will do what you want it to do. Once and for all. I hope I said it better this time.

1:50 When did ordinance come in? We did our plan in the 1970's and no one said anything about ordinance at that time. ---Judy Meyers

Spitzer: We need to have a more intense discussion...those who want a more technical legal kinds of things...let's go ahead to commit to that. I'll ask the ICL to suggest the next steps... For discussion, it's determined that an ordinance is what how you would protect what you want to accomplish...then the question is "how to you effectuate that?"...If the question is "we don't need an ordinance, and the Sil-Mod plan has the effect of law," then we need to have that discussion, and look at what the courts have said, what our county counsel has said, and what your own lawyers in the community and practitioners believe. But at least tonight...an ordinance would be necessary to protect the long term goals of the canyon.