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Court Dismantles Canyon Protections

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March 16, 2015 – Trabuco Canyon, CA. The 4th District Court of Appeal has reversed a widely praised 2013 Superior Court decision that tossed approval of the controversial Saddle Crest development near Cook’s Corner in Trabuco Canyon.

The Saddle Crest project, supported and approved by then 3rd district county supervisor Bill Campbell, along with its general plan and specific plan amendments, was challenged by Saddleback Canyons Conservancy, Rural Canyons Conservation Fund, Friends of Harbors, Beaches and Parks, National Audubon Society, and California Native Plant Society for its impacts to sensitive natural resources and the defining rural character of the area.

In August 2013, Superior Court Judge Steven L. Perk agreed with the coalition of citizens’ and environmental groups, calling the board of supervisors’ decision to approve the environmental impact report and amendments to the general and specific plans to accommodate the 65-unit, 113-acre project arbitrary and capricious. Developer Rutter Santiago LP, which owns the property and other large parcels in Trabuco Canyon, appealed the decision, while the county bowed out of the appeal.

The appellate court reversed the decision last week, uncritically endorsing the developer’s multi-pronged attack on the Foothill Trabuco Specific Plan (FTSP), enacted in 1991 to protect Trabuco Canyon’s rural character and scenic natural resources. The amendments legitimize Saddle Crest and future destructive projects unable to pass muster under the original FTSP, repealing limits on housing density and landform destruction, and allowing destruction of any oak, even mature ones with trunk diameters over three feet, if a developer-hired arborist decides the oak won’t survive transplantation. In the case of Saddle Crest, that loosened restriction means that over 150 oaks will be destroyed to make room for the dense subdivision.

Grading standards for the sensitive area are also gutted. Under the original FTSP, the mass grading proposed for Saddle Crest was prohibited, but the new rules allow supervisors to override grading limits in their discretion. Saddle Crest will move at least 1.9 million cubic yards of earth, far exceeding previous limits, and the open space dedication required by the specific plan can now include graded areas between streets and rows of houses.

“We strive to preserve Orange County’s rich viewscape and rural heritage,” said Saddleback Canyons Conservancy co-founder Rich Gomez . “To destroy natural landforms to build tract homes and suburban roadways is simply to take away this rich heritage from all generations to come.”

The court also let stand the developer's change to the Orange County general plan that allows the board of supervisors to balance goals and objectives of the general plan and any specific plan if they decide that the project before them is in "overall harmony" with the plans. In Saddle Crest's case, this means that a dense suburban-style tract subdivision adjacent the Cleveland National Forest and a two-lane scenic highway is acceptable.

"Justices Fybel, Aronson, and Ikola have declared open season for developers in Orange County's rural canyons," said Ray Chandos, Secretary/Treasurer of Rural Canyons Conservation Fund, one of the plaintiffs. "According to them, the self-serving statements of developers and their hirelings trump the obvious facts and common sense."

Perhaps most ominous is the change to traffic analysis methodology for Santiago Canyon Road, an uninterrupted 12-mile stretch and one of the last scenic highways in Orange County. Under the method mandated by the general plan before the developer-instigated rewrite of the rules, traffic generated by the Saddle Crest project on Santiago Canyon Road failed the impact standard. With the new method, traffic generated by the project suddenly falls within the acceptable range, an impact that the Superior Court agreed was disguised by the new methodology. Saddle Crest will generate 780 additional daily trips on the accident-prone scenic corridor.

"This reversal should alarm all citizens who care about protecting the Orange County's unique areas like the canyons," said Gloria Sefton, co-founder of the Saddleback Canyons Conservancy. "It should be also be a wake-up call on how important it is to elect officials who will represent their constituents and not just moneyed interests."

The groups are evaluating options as they continue their work to protect Orange County's diminishing natural resources and quality of life in the rural canyons.

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