

# AGUA DULCE TOWN COUNCIL

33201 Agua Dulce Canyon Road \* Box Number 8 \* Agua Dulce, CA 91390

Website: [www.adtowncouncil.com](http://www.adtowncouncil.com)

September 16, 2022

Amy Bodek, Director  
Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

Via Email to: [ABodek@planning.lacounty.gov](mailto:ABodek@planning.lacounty.gov)

**RE: Agua Dulce Town Council opposes the extension of the unrecorded map application RPAP2022009146 related to the Agua Dulce Residential Project (Tract 50385)**

- Don Henry, President  
(661) 268-1731  
[BH33605@aol.com](mailto:BH33605@aol.com)
- Mary Johnson, Secretary  
(661) 492-5999  
[maryjohnson767@gmail.com](mailto:maryjohnson767@gmail.com)
- Chris Yewdall, Treasurer  
(310) 962-4662  
[cyezdall@msn.com](mailto:cyezdall@msn.com)
- Kathryn Segura, Clerk  
(310) 650-6337  
[phdanimals@yahoo.com](mailto:phdanimals@yahoo.com)
- Candy Clemente, Member  
[cccryder@aol.com](mailto:cccryder@aol.com)
- Scott Keller, Member  
(661)317-5355  
[scottwilliamkeller@gmail.com](mailto:scottwilliamkeller@gmail.com)
- Lou Vince, Member  
(310) 597-7154  
[Lou@LouVince.com](mailto:Lou@LouVince.com)

Dear Ms. Bodek:

The Agua Dulce Town Council recently became aware of the above applications submitted on August 11<sup>th</sup> to the Department of Regional Planning seeking approval for a time extension for Revised Tentative Tract Map 50385.

The Council and the community are concerned that the extension of the Revised Tentative Tract Map is outside the scope of further discretionary extensions given that the map was extended for the **final** time on January 6<sup>th</sup> 2015.

## **1. The map was extended for the FINAL time on January 6<sup>th</sup> 2015**

The Revised Tentative Tract Map 50385 was approved on April 11<sup>th</sup> 2007 for an initial period of two years.

Through subsequent applications to extend the map, the Supplemental Agenda for the January 6<sup>th</sup> 2015 (attached) contained the following agenda item related to the time extension of Tract 50385

### PART I(X) – CONSENT ITEM FOR APPROVAL

#### Land Divisions

#### Time Extension

- 1(x). Project No. TR50385-(5) (Ms. Paidar)  
Revised Vesting Tentative Tract Map No. 50385 – (5)  
Applicant: Sikand Engineering Associates  
Located north of Antelope Valley Freeway (State Highway 14) and Valley Sage Road, and south of the Sierra Highway in Agua Dulce Soledad Zoned District  
To create 247 single-family lots, four open space lots, four debris basin lots and one water reclamation plant lot on 742 gross acres A-2-1 zone (Heavy Agricultural – One Acre Minimum Required).
- 1(y). Conditional Use Permit No. 2005-00171-(5)

To ensure compliance with hillside management design review guidelines and onsite project grading, as well as permit a water reclamation plant in the A-2-1 zone (Heavy Agricultural – One Acre Minimum Required).  
1(z). Oak Tree Permit No. 2005-00062-(5)  
To authorize the removal of two oak trees from the project site.

**Final** renewal request is from April 11, 2016 to April 11, 2021.

The transcript of the meeting (excerpt attached) reflects that “based on the sanitation district’s estimate, it will take approximately five years to process [the water reclamation plant plans and approvals]. Before starting this process, the applicant is requesting a five year time extension to extend the time expiration date of the map to April 11 2021 in order to ensure the revised map will remain valid throughout the process. Section 66452.6E of the State of California Subdivision Map Act as well as Section 21.40.180 of the Los Angeles County Code Title 21 do not preclude us from approving one five year time extension.”

According to the agenda, this five year time extension approval was the final approval.

## 2. **AB 1561 extended the expiration date by 18 months from April 2021 to October 2022**

In response to the COVID-19 pandemic, the State legislature passed AB1561 that automatically extended unrecorded tract maps that were set to expire prior to December 31<sup>st</sup> 2021.

Since the final extension was set to expire on April 11<sup>th</sup> 2021, this extended the unrecorded map until October 11<sup>th</sup> 2022.

## 3. **No work has been performed on the wastewater treatment plant since 2015**

The wastewater treatment plant referenced during the January 2015 meeting is a key project facility intended to serve the wastewater treatment needs of all units on the project.

At the February 10<sup>th</sup> meeting of the Los Angeles Regional Water Quality Control Board, the developer’s legal representative provided sworn testimony in support of a Dredge and Fill permit application stating that **“there are multiple phases where you don’t apply for the permits that you need too far in advance of when you’re going to build the homes. Because again, for things like wastewater treatment plants and things of that nature, [where] substantial permitting effort, even with ancillary permits, but also investment funding [is required], to make sure that those are not done too far in advance of when building would start.”** and **“When it comes to, again, this goes out far beyond, what we’re talking about today, but the wastewater treatment plant, which is not a part of the approval today, I honestly don’t know when that permit will be submitted to this board for consideration. But that will be its own lengthy process and will involve a similar procedure than we went through today, or rather it’s going to be much, much grander procedure than we went through today. Because it does require, more analysis and things, and the siting of that plant and things is a whole another kettle of fish as it were.”**

During the same meeting, the developer’s legal representative volunteered that **“The developer could if they wanted to just let the map expire on that second phase of the project if they wanted to. So this does constitute and it has kind of encapsulated all together in kind of what I’ll call the immediately foreseeable project is what you’re looking at before you. So, they could, if they wanted to, just abandon the second phase if they presume to.”**

In the 7 year period since the unrecorded map was extended for the final time at the January 6<sup>th</sup> 2015 Regional Planning Commission meeting, the reality is that neither the prior nor the current developer (who has owned the project for over 3 of those 7 years) has undertaken any of the work necessary to produce the documents required by the Department of Public Works to evaluate and approve the wastewater treatment plant.

The 2007 Supplemental Environmental Impact Report for the project contains the following statement from the Department of Public Works that “*due to **incomplete and inadequate Treatment Plant Feasibility Study and treatment plant plans**, during the design stage review, additional requirements to the treatment plant facility, the treatment process, and/or methods of disposal **may necessitate a change to the environmental documents** and/or a revision to the tentative map.”*

Given that the sanitation district estimated that it would take most of the five year extension period to prepare and process the wastewater treatment plant’s plans and approvals, it is unclear how this can be achieved before the tentative map’s expiration.

This is particularly troubling in light of the developer’s statement under oath that they may simply abandon the map when it expires, leaving the project without the required wastewater treatment facility that is also required to serve 61 existing homes at Sierra Colony (Tract 48786).

**4. Continuing unresolved issues and withdrawal of Agua Dulce Town Council support for the project**

On August 12, 2022, the Agua Dulce Town Council sent Anish Saraiya a letter outlining many unresolved issues, inconsistencies, questions and concerns regarding this project and requested clarification and documentation to resolve this matter. Those issues remain unresolved. Additionally, on May 18, 2022, the Council formally withdrew its support for the project based on a number of key issues that were proceeding outside the scope of the approved documents. Both of those letters are attached for your review.

**5. Summary**

Based on the reasons outlined above, we respectfully request the hearing officer deny the application for a time extension.

Respectfully,

*Don Henry*

Don Henry, President  
Agua Dulce Town Council – 2022

Attachments:

- January 6, 2015 Hearing Officer Agenda
- January 6, 2015 Hearing Officer Transcript Excerpt
- August 12, 2022 Letter to Anish Saraiya
- May 18, 2022 Letter withdrawing support of Agua Dulce Residential Project (Tract 50385)

cc: Kathryn Barger, Supervisor, District 5 [KBarger@bos.lacounty.gov](mailto:KBarger@bos.lacounty.gov)  
Stephanie English, Field Deputy, District 5 [SEnglish@bos.lacounty.gov](mailto:SEnglish@bos.lacounty.gov)  
Anish Saraiya, Planning & Public Works Deputy [ASaraiya@bos.lacounty.gov](mailto:ASaraiya@bos.lacounty.gov)  
Timothy Stapleton, Regional Planner [TStapleton@planning.lacounty.gov](mailto:TStapleton@planning.lacounty.gov)  
Bruce Durbin, Hearing Officer [bdurbin@planning.lacounty.gov](mailto:bdurbin@planning.lacounty.gov)