



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

TO: The Governing Board

FROM:   
Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: July 12, 2007

SUBJECT: **Agenda Item V(v): Consideration of resolution authorizing the use of in lieu mitigation funds to acquire APN 649-0-320-120 in the Black Canyon watershed, Simi Hills, unincorporated Ventura County.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing the use of in lieu mitigation funds to acquire APN 649-0-320-120 in the Black Canyon watershed, Simi Hills, unincorporated Ventura County.

Background: A broad gap exists in the contiguity of public land in the Simi Hills between Sage Ranch Park and Santa Susana Mountains State Historic Park. This gap is detrimental to both the permanent protection of the habitat linkage to the Santa Susana Mountains via the Santa Susana Pass and to the Rim of the Valley Trail.

The section of the Rim of the Valley Trail between Box Canyon Road and Sage Ranch Park (east Black Canyon Road) contains no public property and the right of public access has not been fully researched by staff. Events in this area over the last couple of years have included a massive importation of dirt and construction debris that has been dumped into canyons that drain into Simi Valley. The legality of this operation is under review by County and State agencies. The operation has not increased the level of public comfort for recreational use of the North American Cut Off which connects Sage Ranch Park to Box Canyon Road. The individual conducting the dumping operation has shown intent to construct many residences just north of the North American Cut Off (a historic road) above Simi Valley. That person appears to be seeking access from many points to an approximately 80-acre development area.

The threat is that public rights to use the North American Cut Off could soon be significantly and irreversibly diminished. Although not fully tested by legal staff, one remedy for this threat is to acquire a property that abuts, and partially includes, the North American Cut Off. When the block of land immediately east of Sage Ranch was subdivided all of the parcels retained the right of access eastward to Box Canyon Road. Title reports for the almost two dozen parcels along this driveable

road do not generally show this easement. Deeper title research is necessary. However, shy of acquiring a contiguous string of fee simple parcels from Sage Ranch to Box Canyon Road, acquisition of one of the subdivided parcels makes great sense both as proactive step and an insurance policy. Fee acquisition of the subject string of parcels could be many millions of dollars and even with easements the cost would be high. Some landowners may be unwilling sellers too.

Staff is in contact with the representative of a willing seller of an approximately one-acre parcel (APN 649-0-320-120). The attached aerial photo shows its favorable westerly position among the many small lots along the North American Cut Off. The owner is willing to sell for slightly more than the nominal appraised value. A non-profit organization has agreed to fund the difference. Most certainly there is no more economical route to obtain these critical public access rights.

In lieu mitigation fees will be used to acquire the property which is at the headwaters of a USGS blue line tributary of Black Canyon.

The only controversy with this parcel is that the operator of the dirt dumping facility scrapped off a small knoll on the parcel without the owners permission. His agents then pushed the fill into the low area of the subject parcel which is an incised drainage. In addition the operator's agents dumped inert construction debris on the subject parcel. Staff has consulted with a qualified earthmoving professional and it is estimated that the maximum amount of material is 1,500 total cubic yards. Even though the current owner of APN 649-0-320-120 was dumped on, she is still responsible for the fill violation.

The Ventura County Environmental Health Agency has sent a letter to the owner of APN 649-0-320-120 requesting a "Site Characterization Plan." Such a plan is to disclose whether or not there is construction demolition and inert debris deposited on the site. When staff visited the property last summer such debris was observed within the fill on APN 649-0-320-120. In such case, the responsible County representative told staff that the County would require removal of the material. The problem is that the fill is part of a much larger fill area associated with the large scale operator. Whether or not that operator would allow access to the MRCA to conduct the work and whether or not that fill could be extracted without creating a hazardous condition on adjoining properties is suspect. Most likely the larger operator would not grant such permission unless he is required to extract the debris on his properties that he claims to have control over. In which case that government order most likely would make him responsible for removal of the fill on the subject lot.

In any case, a local earthmover has volunteered to remove the fill at no cost if the MRCA acquires the property. He would need permission from the adjacent landowner because of topography. Some of the clean fill could need to be spread

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in a thin veneer on disturbed sections of adjacent Sage Ranch. Essentially even in a worst cast scenario with State and County regulators, the cost of remedying the fill is nominal and well worth the risk compared to what is to be gained with the Rim of the Valley Trail.