Court Upholds Canyon Specific Plan Protections

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Santa Ana, CA – Orange County Superior Court Judge William D. Claster issued a ruling Friday in favor of Save the Canyons Coalition's lawsuit challenging the County's approval of a commercial events venue – "Red Rock Gardens" – at a rural residential property along Santiago Canyon Road in Silverado.

Starting in 2000, the owners of the nearly four-acre property adjacent to Whiting Ranch Wilderness Park asked the County to allow them to use their home as a commercial wedding and events center, and twice the County denied their request, finding such a use was inconsistent with County land use planning and incompatible with the surrounding community.

In analyzing the owners' third request for a scaled-down project, County counsel and planning staff concluded the project was still inconsistent with County land-use regulations. But the County's Planning Commission and Board of Supervisors ignored planning staff's recommendation to deny project approval – and the caution of County counsel – and approved the project, forcing the public interest coalition to challenge that approval in court.

In his ruling, Judge Claster cited the prohibitions against commercial use of the property in all applicable County planning documents – the County's General Plan, Silverado-Modjeska Specific Plan (SMSP), and zoning code – and the lack of analysis on County Supervisors' part to conclude that the project was consistent with those documents.

Judge Claster also noted that the SMSP specifically prohibits commercial activities along Santiago Canyon Road, a designated scenic highway corridor. The rural canyon highway is hilly and winding – and notoriously dangerous.

Judge Claster also concluded that the project's approval violated the California Environmental Quality Act because the County failed to prepare an environmental impact report analyzing the project's potentially significant traffic safety impacts. The judge's ruling acknowledged the history of accidents on Santiago Canyon Road and noted that "a reasonable inference can be drawn that a number of patrons attending the weddings will have had some alcoholic drinks."

"It's too bad we couldn't trust our elected officials to reject the project based on its clear inconsistency with land-use regulations and to require an EIR," said Gloria Sefton, co-founder of Saddleback Canyons Conservancy, which formed the coalition with Rural Canyons Conservation Fund and Friends of Harbors, Beaches and Parks. "Nonetheless, we are gratified by Judge Claster's thoughtful analysis and ruling. This outcome restores the integrity of the planning regulations and protects the rural canyons."

Ray Chandos, Secretary/Treasurer of Rural Canyons Conservation Fund, added, "these planning documents are like contracts with the community, a pledge that land will be used according to certain agreed limitations that benefit everyone. As they've done before, the supervisors again thumbed their noses at that contract – and the community – for a single property owner."

John G. McClendon of Leibold McClendon & Mann, an Irvine law firm primarily representing municipalities and public agencies on affordable housing, environmental, land use and water matters, represented Save the Canyons Coalition in the action. "My client would have never had to bring this action if the County's appointed and elected officials had heeded the caution of the County's counsel and planning staff that approving the project would violate the law," said McClendon. "While my client's win today is a loss for the County, it is ironically also a 'win' for the County's counsel and planners who, to their credit, tried their best to prevent the County's decision-makers from granting an illegal approval that everyone knew would wind up in court."

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