## ATTACHMENT E















AFFILIATED AGENCIES

Orange County Transit District

Local Transportation Authority

Service Authority for Freeway Emergencies

Consolidated Transportation Service Agency

Congestion Management Agency December 18, 2023

Mr. Cameron Engelhart Orange County Development Services Planning and Development, Neighborhood Preservation 601 N Ross Street Santa Ana, CA 92701

Via email: <u>Cameron.Engelhart@ocpw.ocgov.com</u>

Subject: 19041 Live Oak Canyon Road and the Live Oak Creek Preserve (CE230465)

Dear Mr. Englehart:

The Orange County Transportation Authority (OCTA) was recently informed of a code enforcement action for an unpermitted business (which includes encroaching structure improvements) at 19041 Live Oak Canyon Road in Trabuco Canyon. OCTA owns the adjoining property, the Live Oak Creek Preserve [Preserve] (APNs 856-021-26 and 856-021-27). An American Land Title Association survey recently conducted by OCTA determined the accessory structure and associated outdoor improvements at 19041 Live Oak Canyon Road crosses into the OCTA Preserve. OCTA did not approve these encroachments and is concerned about the resulting damages and risks.

The recent outdoor expansion (and affiliated use) not only impacted the habitat but also greatly increased the fire risk to OCTA's Preserve and surrounding area. This area is already in a Very High Fire Hazard Severity Zone (CAL FIRE mapping). Specifically, OCTA is highly concerned about the fire risk associated with outdoor open flames (fire pit, hot tub, and outdoor cooking) within and adjacent to heavily vegetated areas.

As background, the 84-acre Preserve is one of seven protected conservation properties owned by OCTA. The Preserve provides essential habitat for sensitive native plants and wildlife. These Preserves are part of a program known as OC Go, OCTA's half-cent transportation sales tax measure to provide mobility solutions and funding for environmental preservation and enhancement programs.

As part of the code enforcement action, OCTA understands the County neighborhood preservation team will require that the unpermitted short-term rental business (and use of the outdoor facilities) be halted until the code violations are resolved. OCTA staff had discussions with the County's planning and development team and have been informed that there are no existing Mr. Cameron Englehart December 18, 2023 Page 2

permits for the accessory structure (or related improvements). The County also indicated that since the structure crosses the property line into the OCTA Preserve, a code enforcement case would be opened against the property owners. OCTA is eager to resolve these issues through a process that respects property boundaries, restores the damaged habitat by the adjacent property owners and ensures future improvements on the adjacent property conform to the County's planning and permitting requirements.

OCTA appreciates the efforts of the County's development services department to restore site compliance with applicable County ordinances. Throughout the development of this code enforcement action, we encourage open communication with OCTA on this matter and would appreciate being updated on this issue. If you have any questions or comments, please contact me at 714-560-5907 or at <u>dphu@octa.net</u> or Lesley Hill at <u>lhill@octa.net</u> or 714-560-5759.

Sincerely,

Dan Phu Sustainability Planning Manager

DP:lh

c: Ilene Lundfelt, County of Orange Cora Villegas, County of Orange