

WHOSE PROPERTY RIGHTS?

More than 100 years ago the Supreme Court wrote **“ALL PROPERTY IN THIS COUNTRY IS HELD UNDER THE IMPLIED OBLIGATION THAT THE OWNER’S USE OF IT SHALL NOT BE INJURIOUS TO THE COMMUNITY.”**

Who then, is “the community” and who is to say whether or not it will be injured by an owner’s land use? In our local rural situation “the community” often consists of a few land owners all sharing common rural character and a quality of life that was instrumental in their decision to purchase their property. If land owners in that community feel that their right to enjoy their land will be infringed by a change in land use by one member of the community, then the community will, indeed, be injured. It follows the simple concept that if you FEEL you are injured, then you ARE injured.

Those whose rights are protected by adherence to the Kern County General plan must

certainly be placed ahead of the one person who wishes to amend the General Plan. It is time to say *“You do not have the right to change the use of your land if doing so unfavorably impacts the rights and wishes of your neighbors or community.”*

We often hear “I bought this ranch so I could subdivide to provide for my retirement” as if possession confers some inalienable right to break it up whenever they wish. When land is acquired, it comes with a specific land use zoning designation as prescribed by the Kern County General Plan. Amending the General Plan to allow a change of land use is a serious business in that it may impact negatively other properties in the area. People need to understand that using land as a future nest egg carries risk, and like investing in the stock market or playing the lottery, does not guarantee a secure retirement.

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(reprinted from CVPA News, January 2000 and still appropriate!)

CVPA News

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CVPA RETAINS NATIONALLY RECOGNIZED LAW FIRM

The CVPA has taken several important steps recently in its determination to represent the interests of almost all residents of the area in the fight against the sod-farmers' proposed "Meadows" development. It recently met with the County Planning Department and the Executive Director of the Kern County Local Agency Formation Commission to clarify the ground rules that the developers must follow. It has enlisted the assistance of an experienced land use planning consultant. And, on January 8, 2008, we met in San Francisco with attorneys of the law firm of Shute, Mihaly & Weinberger and entered into a retainer agreement with them as legal counsel for the CVPA. The firm specializes in land use issues.

Shute, Mihaly has distinguished itself in its work for cities as well as public interest and conservation groups. To pick just two examples, the firm has been a leader in the campaign to preserve Lake Tahoe (recently scoring a success in the United States Supreme Court) and, on behalf of the City of Livermore, developed the innovative legal framework for the South Livermore Plan. The plan -- which has garnered nation-wide interest -- enabled the City, Alameda County and local landowners to preserve local vineyards and integrate them into a controlled pattern of suburban development.

The firm will advise the CVPA on all questions regarding the sod-farmers' proposed development, including the procedural process; compliance with CEQA (California Environmental Quality Act environmental impact report requirements); annexation into the Stallion Springs CSD, should the issue arise again; and any proposal for the creation of a new community services district for “The Meadows”. It will act as liaison with the County Planning Department and other public agencies. The CVPA plans to obtain their assistance with any issues regarding generation of the new Greater Tehachapi Area Specific Plan.

We envision a hard fight over a number of years. Shute, Mihaly and other consultants will play a critical role. Many concerned CVPA members have given generously to enable us to retain them.

A POSITIVE VISION

CVPA has never been “just against everything”. We have played and continually seek to play a positive role in the community with endeavors like our educational bus tours, roadside trash pickup, Yellow Starthistle eradication, old tire recovery program to reduce mosquito breeding, establishment of the Tehachapi Cummings Land Trust and others.

We now have a “Vision Committee” of five, headed up by Gary Pearson, to create concepts of how lands in Cummings Valley might be used to reap economic benefits for the landowners and greater Tehachapi area while preserving the agriculture and open space. Working with Gary, are Girard Fisher, Craig and Sally Fox and Ron Pflugrath. Anyone else who would like to contribute would be welcome. Please send your ideas for visitor attractions to our P.O. Box or e-mail Gary, gwpearson_2000@yahoo.com.

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A Positive Vision (continued)

Bob and Patty Souza of Souza Family Vineyard have shown the way for the valley becoming a visitor attraction with a variety of interesting things for visitors to do, based on a foundation of wine tasting and vineyard tours. Other areas have experienced great financial benefit for their communities from the development of wine growing.

Wine tasting is the lure, but other attractions like our ostrich ranch with its tours and gift shop, and alpaca farms could be just the beginning. Bed and Breakfast facilities and an upscale restaurant might follow. Visitors could stop in Stallion Springs for coffee, lunch, dinner or golf. Or they might have lunch or dinner in Tehachapi, visit interesting shops, and perhaps decide to spend the night. Visitors and tourists in a holiday mood tend to spend money more freely than locals. At the end of their stay, they leave their money and go home without placing burdens on the infrastructure or our rural way of life.

We hope to work with The Tehachapi Chamber of Commerce and Anthony McDemas' *Taste of Tehachapi* to further our vision.

TCLT RECEIVES FIRST CONSERVATION EASEMENT DONATION

Although the Tehachapi Cummings Land Trust was formed through the efforts of CVPA, it is a separate and independent organization with its own charter and 501(c)3 non-profit designation. The Trust is qualified by the IRS to accept and administer conservation easements to preserve natural resources of the Greater Tehachapi Area. Resources may include agriculture, open space, wildlife habitat, public recreation, and scenic values visible to the public. Easement donors are entitled to income tax benefits.

The first easement is on the 14.45-acre property being developed as a vineyard by Chuck McCollough. It is an agricultural and open space easement, which will ensure that the property can never be rezoned for residential or commercial use. The easement agreement provides for one single-family residence (which will belong to his daughter and son-in-law who will soon own the property). It also provides for improvements including wine-tasting facilities to support the agricultural purpose.

Chuck thinks the site is ideal for the Zinfandel, Viognier and Syrah wine grapes to be planted in April. Not only that, because of its location, he wants it to be a show place entrance into Cummings Valley as part of the "Positive Vision".

Misc. Reports

Membership: We currently show 516 members of which a quarter are now in arrears. Our membership year runs from July 1, 2007 through June 30, 2008, so **please look at your label**, center of top line to see your expiration year. If that year is 2007 or earlier, your dues are due. Consider extending your subscription for two or three years. We need your support now, even more than ever before, in light of the headline story.

Kern Board of Supervisors: The Board recently approved removing 32 acres in Brite Valley from the exclusive agriculture designation of the General Plan to permit subdivision into smaller estate sized parcels for residential development. This action passed (by a 3 to 1 vote) over the recommendation to the contrary of the Planning Commission as well as objections of representatives of Smart Growth Tehachapi and the CVPA, who voiced support for the Planning Commission's position. Supervisor McQuiston was the only logical voice of

reason on the Board suggesting the action was premature to the release of a comprehensive Specific Plan currently under development for the area and questioning the wisdom of ignoring the recommendation of the Commission which was re-instituted specifically to study such requests for change. Supervisor Maben led the charge to approve the action by laying "blame" for lack of an area Specific Plan upon the City of Tehachapi. In addition, he revealed years earlier "discussions" with the parcel owners who, he implied, had waited long enough. jfm

MEMBERSHIP

Our 516 CVPA members believe that a major contributor to our enjoyment of a rural quality of life is the beauty and tranquility of the open space and agriculture of Cummings Valley. They also recognize that we have a responsibility to preserve for this and future generations the prime soils in this uniquely favorable climate for summer growing of as many as 30 different types of cool season organic vegetables as part of a healthful food supply.

The owners of Superior Sod and Pacific Sod want to destroy these values by placing 2800 houses and businesses on 1409 acres in the middle of the valley. The impact of 7000+ people and 5000 more cars would be devastating, bringing traffic, congestion and crime. Imagine the traffic congestion on Highway 202 and its approaches, and the travel problems on Banducci Road as people seek this alternate route to escape congestion on 202. We must also remain aware that there are already 2778 undeveloped home sites in Cummings Valley and adjacent communities that will add many more people and cars to impact roads and other infrastructure.

From their sales pitch, it would seem they have actually convinced themselves that their plan would be beneficial for us, ignoring the fact that it has been shown that most residents of the area see it as a travesty. The truth is that the only benefit would be to the developers' bank accounts!

Let's avoid the lesson other areas have learned to their sorrow - that a development of this size can only spread like a cancer as adjoining property owners feel compelled to cash in until all is consumed and nothing is left of the dream we came here with.

We need all the help we can get to derail "The Meadows at Cummings Valley". Please join us to add your voices to the effort and help cover some of the costs with your small, but important dues.

Members, check your label! Your membership expires June 30 of the year printed center of the top line. Please keep your membership current. We value your support.

Cummings Valley Protective Association, Inc.

Membership Application - July 1 through June 30

Name(s) _____

Local Address _____ Phone () _____

Mail Address _____ Phone () _____
(If not same as local)

Check Appropriate Area

<input type="checkbox"/> Alpine Forest Park	<input type="checkbox"/> Country Oaks	<input type="checkbox"/> Golden Hills	<input type="checkbox"/> Oak Knolls	<input type="checkbox"/> Stallion Springs
<input type="checkbox"/> Bear Valley Springs	<input type="checkbox"/> Cummings Valley	<input type="checkbox"/> Hidden Oaks	<input type="checkbox"/> Old Town	<input type="checkbox"/> Tehachapi
<input type="checkbox"/> Brite Valley	<input type="checkbox"/> Fairview Ranches	<input type="checkbox"/> Indian Hills	<input type="checkbox"/> Sand Canyon	<input type="checkbox"/> ? _____

e-mail addr: _____

Annual dues are \$12 per family.

Please check one:

One year \$12 Two years \$24 Three years \$36

Mail with payment to:

Cummings Valley Protective Association
P.O. Box 1020
Tehachapi, CA 93581-1020