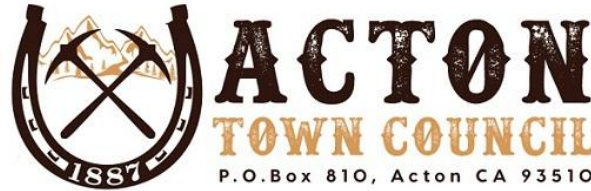


EXHIBIT D

PUBLIC CORRESPONDENCE



The Honorable Regional Planning Commission
County of Los Angeles
320 W. Temple Street, Room. 1360
Los Angeles, CA 90012
Electronic transmission of a 3 page letter to:
commission@planning.lacounty.gov

May 26, 2026

Subject: The Proposed Modification Ordinance.

Reference: Regional Planning Commission Hearing on June 17, 2026.

Honorable Commissioners:

The Acton Town Council understands that the proposed Modification Ordinance is slated to be heard by the Regional Planning Commission (Commission) in just three weeks (June 17, 2026). We also understand that the Staff Report has not yet been issued and that the information posted to the Planning website is the Draft Ordinance, a "Fact Sheet", and a list of "Frequently Asked Questions". Our community was fortunate to have Mr. Durban present an overview of the ordinance in early May, and we are grateful for his time and effort. We are also aware that the Commission's objective is to have sufficient time to give due consideration to all public comments that are submitted, and that to ensure this outcome, the public should try to provide comments and concerns to the Commission as early as possible. Toward this end, the Acton Town Council respectfully provides the following paragraphs which reflect our concerns with the Modification Ordinance; these concerns have been raised to Planning Staff in very general terms in an email that was sent on May 22 and in comments offered during the presentation given in early May by Mr. Durbin. We have decided to present these concerns to you now and even though we have not yet received responses from Staff so that you will have sufficient time to consider them before the hearing on June 17.

Distinguishing Matters Subject to "Modification Review" vs. "Modification Permit".

The Modification Ordinance creates two different "modification" processes: one process is called a "Modification Review" and the second process is called a "Modification Permit". However, it is difficult to discern which of these processes will be pursued for any given action; the 150+ pages length of the Modification Ordinance makes tracking these changes

very challenging. To ensure absolute clarity on the issue, the Acton Town Council respectfully requests that the Department of Regional Planning prepare a matrix which lists all of the different types of actions that will be subject to the Modification Ordinance and articulate which “modification” process would apply to it.

Public Awareness of Zoning Administrator Approvals Without Hearing or Notice.

Chapter 22.178 of the Modification Ordinance provides that approval decisions made by the Zoning Administrator without hearing can be appealed to the Hearing Officer, but it does not provide an adequate mechanism to notify the public of opportunities to appeal Zoning Administrator decisions that are made without public hearing. To remedy this problem, the Acton Town Council recommends that the Modification Ordinance be revised to include the following for Zoning Administrator decisions that approve Modifications without hearing:

1) Applicants must post signs that comply with 22.222.170 and inform the public of Zoning Administrator approval decisions; 2) Signs must be posted at least 30 days before the appeal deadline; and 3) Regional Planning provide an internet platform that includes an interactive map which is available to the public at all times, shows where the projects are, and provides links to all relevant information pertaining to the project (i.e. the application, the CEQA determination, the staff analysis, and the analysis prepared by the Zoning Administrator). The information should be posted on the dates that approvals are made and remain posted at least 6 months after the deadline to appeal has passed.

Public Awareness of Zoning Administrator of Decisions to Waive Hearing.

Chapter 22.178 of the Modification Ordinance provides that the Zoning Administrator can decide to waive public hearing, and that the public can protest such decisions. However, the Modification Ordinance does not provide an adequate mechanism to notify the public of opportunities to protest Zoning Administrator decisions to waive public hearing. To remedy this problem, the Acton Town Council recommends that the Modification Ordinance be revised to include the following for Zoning Administrator decisions to waive hearing: 1) Applicants must post signs that comply with 22.222.170 and inform the public of decisions to waive hearing; 2) Signs must be posted at least 30 days before the protest deadline; and 2) Regional Planning provide an internet platform that includes an interactive map and which is available to the public at all times, shows where the projects are, and provides links to all relevant information pertaining to the project (i.e. the application, the CEQA determination, the staff analysis, and the analysis prepared by the Zoning Administrator). The information should be posted on the date that decisions to waive hearing are made, and remain posted at least 6 months after the deadline to protest has passed.

Modifications to Conditions Imposed on a Previously Approved Modification.

The Modification Ordinance appears to not only authorize “Modifications to performance and development standards” without hearing, but also appears to authorize modifications

to conditions imposed on already approved “Modification to performance and development standards” without hearing (see for example Section 22.178.040.B.2 on page 75). And, while the Modification Ordinance provides the public with opportunities to protest Zoning Administrator decisions that waive hearing and to appeal Zoning Administrator approvals, the Modification Ordinance does not provide an adequate mechanism to notify the public regarding such decisions or the opportunities that are available to protest/appeal them. To remedy this problem, the Acton Town Council recommends that the Modification Ordinance be revised to require the following for applications for “modifications to approved Modifications”: 1) Applicants post signs that comply with 22.222.170 and inform the public of decisions to waive hearing and/or decisions to approve; 2) Signs must be posted at least 30 days before any appeal and/or protest deadline; and 3) Regional Planning provide an internet platform that includes an interactive map and which is available to the public at all times, shows where the projects are, and provides links to all relevant information (i.e. the application, the CEQA determination, the staff analysis, and the analysis prepared by the Zoning Administrator). The information should be posted on the date that decisions to waive hearing and/or decisions to approve are made, and remain posted at least 6 months after the deadline to protest has passed.

The Acton Town Council Objects to the Removal of a Critical Provision in the Findings Required For a Variance.

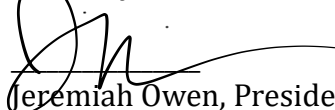
The Modification Ordinance makes the following change to the findings required for a variance as currently set forth in Section 22.194.050.B (see page 78):

“Such adjustment will not be materially detrimental to the public health, safety, or general welfare, ~~or to the use, enjoyment, or valuation~~ of property of other persons located in the vicinity”

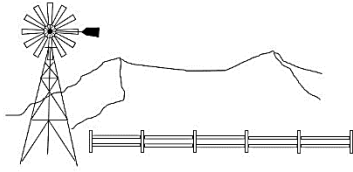
The Acton Town Council can conceive of no justification for removing this important provision applicable to all variance findings; this is particularly concerning given that provisions pertaining to the “use, enjoyment, and valuation of property in the vicinity” are preserved in other portions of the Modification Ordinance (see for example page 49). The Acton Town Council strongly objects to this revision, and is of the opinion that the Modification Ordinance should not be approved if this revision is included.

The Acton Town Council respectfully requests that the Commission consider these comments and that the Modification Ordinance be revised to incorporate them.

Sincerely;



Jeremiah Owen, President
The Acton Town Council



SAVE OUR RURAL TOWN

June 1, 2026

Mr. Bruce Durbin
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Ms. Alyson Stewart
Principal Planner, Ordinance Studies
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Los Angeles, California 90012
astewart@planning.lacounty.gov

Subject: The Proposed Modification Ordinance.

Dear Ms. Stewart and Mr. Durbin;

Save Our Rural Town (SORT) appreciates this opportunity to provide comments on the proposed “Modification Ordinance” (Ordinance). SORT has carefully reviewed the proposed Ordinance and the statutory framework that underlies it, and we are concerned that there appears to be inconsistencies between the two. To better explain these concerns, SORT respectfully provides the following perspectives set forth in the paragraphs below: 1) Our assessment of the proposed Ordinance; 2) Our assessment of applicable provisions of the California Planning and Zoning Law; and 3) Apparent conflicts between the proposed Ordinance and the Planning and Zoning Law.

THE PROCESS ESTABLISHED BY THE ORDINANCE FOR APPROVING PROJECTS THAT DEVIATE FROM ADOPTED ZONING STANDARDS.

As SORT understands it, the Ordinance sets forth three different processes for administering requests by developers to approve projects that deviate from adopted Zoning standards:

Ministerial Modification Review - Authorizes the ministerial approval of projects that deviate from “Development” standards in the Zoning Code. Ministerial Modifications are approved by the Planning Director without notice or hearing. No appeal of a Ministerial Modification decision is permitted.

Modification Permit - Authorizes the discretionary approval of projects that deviate from “Development” and “Performance” standards in the Zoning Code. Modification Permits are approved by the Zoning Administrator and may/may not be subject to a hearing; however, a hearing will be convened if a “protest” is received. Appeals of Modification Permits are heard by the Hearing Officer; the Hearing Officer decision is final and shall not be subject to further administrative appeal. SORT assumes that all appeals of Modification Permit decisions before the Hearing Officer will undergo notice and public hearing (though the proposed Ordinance does not expressly state this¹).

Variance - Authorizes the discretionary approval of projects that deviate from “Development” and “Performance” standards in the Zoning Code. Variances are decided by either the Hearing Officer or the Regional Planning Commission. Hearing Officer decisions are appealed to the Regional Planning Commission and Regional Planning Commission decisions are appealed to the Board of Supervisors.

CALIFORNIA PLANNING AND ZONING LAW PROVISIONS.

The statutory framework that underlies the proposed Modification Ordinance is set forth in the California Planning and Zoning Law [Cal. Gov. Code §§ 65000 et seq.] which establishes the following provisions:

Administration of the County Zoning Code - The procedures by which the county must enact, administer, or provide for the administration of zoning laws and ordinances are dictated by the “Chapter 4 Zoning Regulations” [Cal. Gov. Code § 65802].

Zoning Administrator Powers - In the absence of a “Board of Zoning Adjustment”, the Zoning Administrator may exercise any powers granted by local ordinance and may adopt rules and procedures that are necessary or convenient for the conduct of the administrator’s business [Cal. Gov. Code § 65901(a)].

¹ Section 22.178.040 .C on Page 75 states “Notwithstanding Chapter 22.240 (Appeals), the decision of the Zoning Administrator on a Modification Permit may be appealed to the Hearing Officer. The Hearing Officer’s decision on an appeal shall be final and effective on the date of decision and shall not be subject to further administrative appeal”. This provision does not expressly state that the appeal would be subject to the public hearing procedures set forth in 22.222.120.

Requests to Deviate from the Zoning Code - Requests to vary from the terms of the Zoning Code are called variances [Cal. Gov. Code § 65906].

Authority of the Zoning Administrator to Issue Decisions - In the absence of a “Board of Zoning Adjustment”, the Zoning Administrator shall hear and decide applications for variances from the terms of the zoning ordinance Cal. Gov. Code § [65901(a)].

Limitations on Granting Variances - Variances can only be granted when “special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification” and a variance cannot authorize “a use or activity which is not otherwise expressly authorized by the zone regulation” [Cal. Gov. Code § 65906].

Authority of the Zoning Administrator to Waive Public Hearing - In the absence of a “Board of Zoning Adjustment”, the Zoning Administrator may decide applications for variances without a public hearing if authorized by the Zoning Code. However, the Zoning Code shall specify the kinds of variances which may be granted by the Zoning Administrator without a hearing, and the extent of the variation that is permitted for such variances [Cal. Gov. Code § 65901(b)].

Appeal of Decisions Issued by the Zoning Administrator - In the absence of a “Board of Appeals”, appeals from decisions issued by the Zoning Administrator shall be heard by the Board of Supervisors [Cal. Gov. Code §§ 65903, 65904].

Statute of Limitations for Legal Challenges to Zoning Administrator Decisions - The 90 day statute of limitations imposed by Cal. Gov. Code § 65009(c)(1)(E) on actions to attack a decision on matters listed in Cal. Gov. Code § 65901 applies only to Zoning Administrator decisions because the matters listed in Section 65901 pertain only to the powers and authorities vested in the Zoning Administrator.

CONFLICT BETWEEN THE PROPOSED MODIFICATION ORDINANCE AND THE CALIFORNIA PLANNING AND ZONING LAW.

In reconciling the provisions in the proposed Ordinance with the statutory framework established by the Planning and Zoning Law, SORT notes the following conflicts:

The Ordinance Improperly Grants Powers to the Planning Director - Applications for requests to vary from the Zoning Code are subject to the limitations imposed by the Planning and Zoning Law (Cal. Gov. Code §§ 65000 et seq.) Section 65901 establishes that, in the absence of a “Board of Zoning Adjustment”, the Zoning Administrator has

sole authority to “hear and decide” applications “for variances from the terms of the Zoning Ordinance”; section 65901 does not permit such authority to be vested elsewhere even if the requested deviation is deemed to be “minor”. Nonetheless, the proposed Ordinance vests the Planning Director (rather than the Zoning Administrator) with the authority to approve “minor” deviations from the Zoning Code via a “Ministerial Modification Review”. Because such decisions will be issued by the Planning Director and not the Zoning Administrator, they do not fall within the ambit of section 65901 (which pertains solely to matters under the purview of the Zoning Administrator in the absence of a “Board of Zoning Adjustment”) and are arguably unlawful. At the very least, any decision issued by the Planning Director pursuant to a “Ministerial Modification Review” will not be subject to the 90 day Statute of Limitations established by section 65009(c)(1)(E)²; instead, such decisions will be subject to the three year statute of limitations established by section 338(a) of the Code of Civil Procedure.

Zoning Administrator Decision Appeals Cannot be Determined by the Hearing Officer -

Because the proposed Ordinance restricts appeals of Zoning Administrator decisions to the Hearing Officer and renders such appeals “final”, it does not comply with Cal. Gov. Code §§ 65903, 65904 which expressly establishes that decisions by the Zoning Administrator shall be heard by the Board of Supervisors if there is no “Board of Appeals”. The Planning and Zoning Law does not permit the Hearing Officer to hear appeals of decisions by the Zoning Administrator.

The Language Proposed for Section 22.194.050.B.1 Exceeds Statutory Limits - Cal. Gov.

Code § 65906 establishes that a variance from the terms of the Zoning Code can only be granted if there are “special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification”. This precise language and use of the term “including” expressly limits the scope of variances to just matters pertaining to the “size, shape, topography, location or surroundings” of the property³. Furthermore, no variance can be approved unless the variance request stems solely from matters

² Because ministerial Planning Director approvals of “minor” deviations from the Zoning Code are not governed by § 65901, such approvals are not among “the matters listed in Section 65901”; therefore, the statute of limitation protections offered by § 65009(c)(1)(E) do not apply [Cal. Gov. Code § 65009(c)(1)(E) pertains solely to “the matters listed in” Sections 65901 and 65903].

³ Under the rules of statutory construction, the specific inclusion of certain items means that other items are deliberately excluded: “expressio unius est exclusio alterius”. Accordingly, the Planning and Zoning Law limits the circumstances under which a variance from the Zoning Code can be approved are those that pertain solely to the property “size, shape, topography, location or surroundings”.

involving “size, shape, topography, location or surroundings” irrespective of whether the variance is deemed to be “minor”. Yet, the proposed Ordinance does not restrict “Ministerial Modification Reviews” to only matters involving the “size, shape, topography, location or surroundings” of the property⁴. Furthermore, the language proposed for variance findings is broader than what is permitted by section 65906 because Section 22.194.050.B.1 of the Ordinance states

“Because of special circumstances or exceptional characteristics applicable to the property, including *but not limited to* size, shape, topography, location, or surroundings, the strict application of the County Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification” (emphasis added).

By adding the phrase “but not limited to”, the Ordinance impermissibly expands the circumstances under which a variance can be granted pursuant to section 65906. Therefore, Section 22.194.050.B.1 should be revised as follows:

“Because of special circumstances ~~or exceptional characteristics~~ applicable to the property, ~~including but not limited to~~ pertaining to size, shape, topography, location, or surroundings, the strict application of the County Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification”.

CONCLUSION

SORT respectfully requests that the Department of Regional Planning give due consideration to the concerns set forth above, and modify the proposed Ordinance to ensure consistency with the California Planning and Zoning Law. If you have any questions or if you wish to discuss the concerns raised herein, please do not hesitate to contact me at SORTAction@gmail.com.

Sincerely;

/S/ Jacqueline Ayer
Jacqueline Ayer, Director
Save Our Rural Town

cc: ordinance@planning.lacounty.gov

⁴ The “Decision Criteria” set forth in Section 22.176.040 does not even mention whether the “Ministerial Modification Reviews” stems from matters involving the “size, shape, topography, location or surroundings” of the property.