



e-mail: rgupta@mullenlaw.com



March 31, 2008

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COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

HAND DELIVERED

Board of Supervisors
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

**Re: April 1, 2008 Board of Supervisors Hearing – Departmental Agenda
Item No. 4, Ordinance to Amend Sections 24-28, 24-29 and 24-30 of
the County Code**

Dear Honorable Supervisors:

We are counsel for San Lucas Ranch, LLC, a California limited liability company (the “Ranch”), which owns real estate on which the Santa Ynez riverbed lies, including such property commonly known as Santa Barbara County Assessor Parcel Number APN 140-290-30.

Our client has forwarded us a copy of the Board of Supervisors Agenda Letter for the above referenced agenda item, a copy of which is enclosed (the “Agenda Letter”). This Agenda Letter discusses an ordinance to amend Sections 24-28, 24-29 and 24-30 of the County Code “regarding the prohibition on use of motor vehicles on unimproved private property to unimproved public property” (“Proposed Ordinance”).

Our client does not disagree with the appropriateness of the Proposed Ordinance. In fact, our client finds the proposed revisions to Sections 24-28, 24-29 and 24-30 acceptable as drafted.

However, despite general agreement with the Proposed Ordinance, our client finds the discussion in the Agenda Letter misleading at least as to the property owned by the Ranch. For the record, we desire to clarify the existing facts and California law as follows:

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OF COUNSEL

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1915-1991

ARTHUR A. HENZELL
RETIRED



- a. Under the heading “Summary Text”, the second page of the Agenda Letter states at the top, “The Sheriff’s Department has received a number of complaints by adjacent owners regarding off-road vehicles in riverbeds and other public properties...” This statement, while it may be accurate to some extent, does not present the whole picture and could be misinterpreted. First, the statement references adjacent property owners, but does not make note of those property owners that actually own the riverbed. The Ranch is one such property owner and its agents have made the type of complaint referenced in the Agenda Letter. Second, the statement could be understood as stating that all riverbeds are public properties. While it may be true that some riverbed areas in the County are public properties owned by the County or other government agencies, other riverbeds are owned by private landowners. This is the case with the Ranch and the property referenced above as APN 140-290-30. Title to this property is entirely and solely held by San Lucas Ranch, LLC.
- b. The next sentence states that “Currently the Sheriff’s Department has no tool to deter the operation of motor vehicles on public unimproved property...” While this statement is true because the existing County ordinance only speaks to private property, it is important to note that because much of the Santa Ynez riverbed is on private property, the Sheriff can already, under the existing ordinance, prevent the use of motor vehicles on property where the use of such vehicles is not authorized by the owner of such property.
- c. Similar statements as those noted above in items (a) and (b) are made in the Agenda Letter under the heading “Background.” Our comments noted above at items (a) and (b) relate to these statements also.

In conclusion, our client does not question the appropriateness of the proposed ordinance but does want the record to be clear that (i) the problem is one not only for adjacent landowners, but also those landowners that own the property on which riverbeds lie, and (ii) that the existing ordinance should be sufficient to enable the Sheriff to respond to complaints about unauthorized motor vehicles on the Santa Ynez riverbed where the riverbed lies on private property.

Thank you for your attention to this matter.

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. Gupta', written over a horizontal line.

Ramon R. Gupta of
Mullen & Henzell L.L.P.
Attorneys for San Lucas Ranch, LLC

RRG:lch

Enclosures

cc: San Lucas Ranch, LLC (w/ enclosures; via email)
Bill Brown, Sheriff (w/ enclosures)
Kelly Scott, Deputy County Counsel (w/ enclosures)
Christie Stanley, District Attorney (w/ enclosures)
Stephen Underwood, Chief Assistant County Counsel (w/ enclosures)

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