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P.N. 10-014.01

April 5, 2013

Chairperson Salud Carbajal and
Members of the Board of Supervisors
County of Santa Barbara
c/o Clerk of the Board
105 East Anapamu Street
Santa Barbara, CA 93101

**Subject: April 9, 2013 Agenda Item #3
Naples Coalition Appeal of Proposed Schulte/Dos Pueblos
Lot Line Adjustment (Case No. 10LLA-00000-00003)**

Dear Chairperson Carbajal and Members of the Board of Supervisors:

I represent Dos Pueblos Ranch Holdings, LLC ("**DPRH**"), the owner of North Dos Pueblos Ranch ("**North DPR**") and applicant for the proposed lot line adjustment ("**LLA**"). The adjoining landowner is SBRHC, Inc. ("**SBRHC**"). The purpose of this letter is to respond to the Naples Coalition's appeal of the Planning Commission's unanimous approval of the LLA, as set forth in Marc Chytilo's November 19, 2012 letter, and to request the Board of Supervisors to deny the Naples Coalition appeal of the Planning Commission approval of Lot Line Adjustment 10LLA-00000-00003, affirm the County Planning Commission's approval of the project, and make the required findings for approval as presented to you in the Staff Report.

David Fainer, also representing DPRH, has provided your Board with a separate letter responding to a number of issues related to the Naples Coalition appeal. On behalf of DPRH, I will take this opportunity to address some of the arguments raised by the appellants, specifically the assertions regarding the evidence and findings regarding project agricultural viability. Beyond Mr. Fainer's responses and my responses herein, we also support the P&D staff responses to the appeal as set forth in the staff report.

Agricultural Viability

The County Planning Commission and the Agricultural Preserve Advisory Committee (APAC) adopted findings in support of the approval action taken for the subject LLA,

including California Environmental Quality Act (CEQA) findings, County Code Chapter 21 Subdivision Regulation findings, County Land Use and Development Code (LUDC) findings, and Article II Zoning Ordinance findings, all as listed in the Planning Commission Action Letter dated November 15, 2012. APAC also found the LLA consistent with the County's Uniform Rules and recommended approval of the LLA to the Planning Commission. Many of these required findings focused on agricultural viability, suitability and productivity related to the LLA and confirmed the following:

1. That the resulting LLA parcels would be subject to replacement Agricultural Preserve contracts that would restrict the parcels for at least 10 years;
2. That there would be no reduction in land area under contract;
3. That the resulting parcels would be sufficiently large enough to sustain agricultural uses;
4. That long-term agricultural productivity of the land under contract would not be compromised;
5. That it is unlikely that adjacent land will be removed from agricultural use.

These agricultural suitability and productivity findings were supported by evidence in the record. The appellant contends that the findings were not based on an adequate level of evidence. We contend that that the appellant's assertions as set forth in the November 19, 2012 letter from Marc Chytilo either ignore or conflict with evidence in the record, and fail to offer any substantive evidence to the contrary. We offer detailed responses as follows:

Mr. Chytilo notes that the findings state that the land in question is "high value grazing lands", but that the CEQA Final Environmental Report (FEIR) concludes that "grazing operations are not considered **commercially** viable" (emphasis added), implying that the finding is unsupported by the evidence. In noting this apparent conflict, Mr. Chytilo fails to understand that the policy framework to assess agricultural viability relates to "suitability" and "productivity", not commercial viability. The fact is that many grazing operations in the County are not commercially viable, but are valuable in providing a cost effective method of range control, maintenance and fire suppression. Furthermore, the context in which the FEIR considers the commercial viability of grazing is in comparison to the commercially superior orchard production occurring over Dos Pueblos and Santa Barbara Ranches. The findings for approval of the LLA appropriately focus on agricultural suitability and productivity. There are no findings required for commercial viability.

Mr. Chytilo notes that the FEIR states that on land within the 360-acre parcel of the LLA (Lot 2) that "previous attempts to grow citrus trees were unsuccessful". He does

not suggest how this circumstance affects agricultural viability. Lemon trees had been planted on portions of the property, but it was found that the fruit would blemish when wind driven limbs brushed against the fruit and pierced the skin. Since consumers choose not to buy blemished fruit, much of the harvest could only be sold for juice, and lemons were eventually removed or replaced by avocados, a fruit with a tougher skin. The context of the FEIR statement relates to conditions affecting a particular crop, not the suitability or productivity of agricultural. Other crops, such as avocados, have demonstrated long term suitability and productivity over the LLA parcel and surrounding lands, as evidenced by the FEIR.

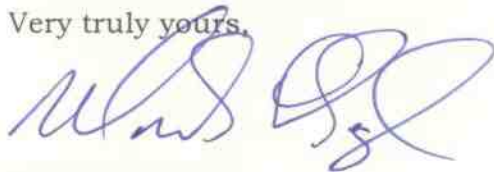
Mr. Chytilo also questions the 0.3 animal units per acre (AU) "grazing value" assigned to the lands in the FEIR, noting it was derived from "undocumented" information provided by applicant agents, and as such are "self-serving" estimates that are contradicted elsewhere in the document. No evidence supporting another value is offered, and the facts indicate otherwise. The lots in the LLA are large in size when compared to other parcels in the region. Lot 1 is 1,977 acres and Lot 2 is 360 acres. The lands comprising Lot 1 under any measure or analysis are agriculturally suitable and productive as detailed in the FEIR. The lot contains hundreds of acres of orchards, and has the required land area for a viable grazing operation. Lot 2 no longer has productive orchards, but can be replanted with root-rot resistant orchards, and is adequately sized (360-acres) for a viable grazing operation. The FEIR analysis supports these facts and the LLA findings confirm them. Specifically, evidence was presented for the LLA that demonstrated that the 360 acre Lot 2 has agricultural viability as a grazing operation. The County's "Environmental Thresholds and Guidelines Manual", Section 4 "Agricultural Resource Guidelines", Subsection (B) notes that "an appropriate threshold for impacts to grazing land in the County is the displacement or division of land capable of sustaining between 25 to 30 animal units per year" and that this threshold utilizes a carrying capacity similar to the weighting system used in the Manual. The County Uniform Rules considers a carrying capacity of 1 AU per acre as prime grazing. 10-acres per AU is considered to be lowest threshold. The FEIR determined that the carrying capacity is 0.3 AU per acre, and based on these factors a viable grazing operation can be sustained on 83 to 100 acres of land (*FEIR Section 9.7.4.2.4*). Lot 2 at 360-acres is over three times this size. If the maximum carrying capacity (10 acres per AU) is factored, a viable grazing operation would require 250 to 300 acres of land, still less land area than Lot 2. Lot 2 is proposed to be within a replacement Agricultural Preserve contract with adjoining lands of 200-acres, increasing the grazing operation to 560-acres, well beyond the threshold for grazing viability. Addressing the issue of "self-serving" data, the agent provided data was the actual count of cattle grazing on the property. Based on the Lot 2 land area, the AU capacity could be reduced by a factor of 3 and still be agriculturally viable for grazing, and could be reduced by a factor of 5 under the land coverage of the Agricultural Preserve contract. Finally, the FEIR does not contradict the carrying capacity analysis as Mr. Chytilo asserts, but only states that the carrying capacity of 0.3 AU does not meet the requirement for **prime** agricultural grazing land

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(emphasis added). The question of whether it is prime or non-prime grazing is irrelevant as no findings are required for prime agricultural grazing viability.

In conclusion, I hope this response will clarify and eliminate the perception that the findings and evidence presented are not adequate as the appellant has contended. To the contrary, the evidence as documented provides the decision maker the information and data necessary to make an informed decision.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Mark Lloyd', written in a cursive style.

Mark Lloyd
L & P Consultants
Agent for DPRH

Cc: Clerk of the Board
Errin Briggs, P&D
Anne Almy, P&D
David Fainer, DPRH
Deborah Rosenthal, SBRHC