

# LAW OFFICE OF MARC CHYTILO

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## ENVIRONMENTAL LAW

October 2, 2017

County of Santa Barbara  
Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101

By email to  
[sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us)

RE: Improper Tajiguas Landfill Contract Extensions – Agenda Items #A-9 and A-10, October 3, 2017

*Dear Chair Hartmann and Supervisors,*

This office represents the Gaviota Coast Conservancy in this matter.

Items A-9 and A-10 ask your Board to approve a designated High Risk contract for \$750,000 and a Medium Risk contract of \$129,000 for engineering and survey professionals to continue in a “business as usual” manner at the Tajiguas Landfill. The fact is, **operations at Tajiguas Landfill will never be “business as usual” again.** Your Board must ignore the fact that the Public Works Department recently disclosed that they have employed the incorrect coastal zone boundary at Tajiguas Landfill for the past 45 years to approve these contracts. The work authorized by these contracts will be conducted on lands affected by the coastal zone boundary change, which is a changed circumstance that precludes you from relying on the prior environmental review documents. As such, your action will violate CEQA.

The disposal of solid waste in the coastal zone is not permissible under the Local Coastal Plan or Coastal Zoning Ordinance. The County has not obtained permits for development within the approximately 500’ wide strip of land across the Tajiguas Landfill that the County previously believed as inland, but was in fact in the coastal zone. **These “Newly Discovered Coastal Lands” include extensive coastal development that requires, but does not currently have permits.** The existence of unpermitted development (disposal of waste, construction, operation, and partial closure of an unlined landfill) in the coastal zone is a substantially changed circumstance with significant land use compatibility impacts. In short, the project materially conflicts with the LCP, CZO, and these conflicts were not identified or considered in the environmental review documents you are relying on.

Additionally, while County Staff may claim the County has vested rights for at least some of these wastes (since a smaller landfill pre-dated the Coastal Act), **the County has in fact failed to follow mandatory procedures to establish the scope of any such vested rights, despite admonition by Coastal Commission staff to do so in 2002, and as such, has no claim to vested rights.**

The consequence of these serial errors is approval of these contracts in violation of CEQA and the near-immediate need to revise the County LCP and secure permits for the massive amounts of unpermitted activity in the coastal zone. By proceeding on a “Business as Usual” course and ignoring the need for Coastal Act compliance, the County is simply compounding its problems at Tajiguas.

  
Marc Chytilo  
For Gaviota Coast Conservancy

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