



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: Set hearing on May 3, 2022
for May 17, 2022
Placement: Administrative Agenda
Estimated Time: 1.5 hours on May 17, 2022
Continued Item: Yes
If Yes, date from: December 14, 2021
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director, Planning and Development
Director(s) (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Development Review
(805) 568-2518

SUBJECT: Set a hearing to consider the appeal, Case No. 21APL-00000-00017, by the Environmental Defense Center, Surfrider, and the Gaviota Coast Conservancy of the Director's Determination regarding the Santa Barbara Ranch Inland Development Agreement 2020-2021 Periodic Review, Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On May 3, 2022, set a hearing for May 17, 2022, to consider the appeal by Linda Krop, representing the Environmental Defense Center and Surfrider Foundation, and Marc Chytilo, representing the Gaviota Coast Conservancy, of the Director's March 30, 2021 determination that the Santa Barbara Ranch Developer was in good faith compliance with the Santa Barbara Ranch Inland Development Agreement (Agreement) for the 2020-2021 Periodic Review cycle.

On May 17, 2022, staff recommends that your Board take the following actions:

- a) Deny the appeal, Case No. 21APL-00000-00017;
- b) Make the required findings to affirm the Director's determination that the Developer was in good faith compliance with the terms of the Santa Barbara Ranch Inland Development Agreement for the 2020-2021 Periodic Review cycle, including CEQA findings, as specified in Attachment 1; and

- c) Determine that the IDA “Periodic Review” determination is exempt from CEQA pursuant to State CEQA Guidelines Section 15378(b)(5).

Summary Text:

This appeal was previously heard before the Board of Supervisors (Board) on December 14, 2021. At that hearing, your Board directed staff to prepare findings to determine that the Santa Barbara Ranch Developer was not in good-faith compliance with the terms of the Santa Barbara Ranch Inland Development Agreement for the 2020-2021 Periodic Review. Since the December 14th hearing, the Director of P&D has completed the 2021-2022 Periodic Review. During the 2021-2022 Periodic Review cycle, the April 8, 2021 deadline for the completion of an alternative creek restoration project on the Gaviota Coast passed without any project being identified or any funds being expended on such alternative creek restoration project. Based on the record for the 2021-2022 Periodic Review cycle, the Director determined that the Santa Barbara Ranch Developer is not in good-faith compliance with the terms of the Agreement because the Developer has not provided all reasonable assistance to ensure completion of an alternative creek restoration project on the Gaviota Coast following expiration of the April 8, 2021 deadline.

The Director’s Determination that that Developer is not in good faith compliance with the Agreement for the 2021-2022 Periodic Review cycle is not before the Board at this time. However, it is separately subject to appeal to the Board of Supervisors.

Staff believes that the record for the 2021-2022 Periodic Review provides stronger support for finding that the Santa Barbara Developer is not in good-faith compliance with the Agreement, consistent with the Board’s direction at the December 14th hearing. Based only on the record for the 2020-2021 Periodic Review cycle, which does not include expiration of the April 8, 2021 deadline for completion of an alternate creek restoration project, staff continues to recommend that the Board find the Developer in good-faith compliance with the Agreement for the 2020-2021 Periodic Review cycle. However, staff has revised and updated the 2020-2021 Periodic Review findings included as Attachment 1 to clarify that the Developer has an ongoing obligation to act in good faith and provide all reasonable assistance to ensure performance of the alternative creek restoration work under the terms of its Funding Agreement with the Developer’s chosen non-profit organization, as well as under the terms of the Inland Development Agreement, consistent with the Board’s direction at the December 14th hearing.

Therefore, staff recommends that the Board deny the appeal and find the Developer in good-faith compliance for the 2020-2021 Periodic Review cycle.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeal are approximately \$22,770 (90 hours of staff time). The costs for processing appeals are partially offset by a General Fund subsidy in Planning and Development’s adopted budget. Funding for processing this appeal is budgeted in the Planning and Development Department’s Permitting Budget Program, as shown on page D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-2022 adopted budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on May 17, 2022. The notice shall appear in the Santa Barbara News Press. The Clerk of the Board shall also fulfill mailed noticing requirements. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos. A second minute order of the hearing shall be returned to Planning and Development, attention Chris Schmuckal.

Attachments:

1. 2020-2021 Periodic Review Findings Supporting a Determination of Compliance with the Inland Development Agreement
2. Periodic Review Letter dated March 30, 2021
3. Board of Supervisors Minute Order for December 14, 2021

Authored by:

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Development Review Division, Planning and Development Department