

# LAW OFFICE OF MARC CHYTILO, APC

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## ENVIRONMENTAL LAW

February 28, 2019

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

*By email to [sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us)  
and by hand delivery*

RE: Item # 3, 3/5/19 – Board Findings Upholding Focused Environmental Impact Report for the North Fork Ranch Frost Ponds Project – Support for Staff’s Recommendation

Dear Chair Lavagnino and Honorable Supervisors,

This office represents Roberta Jaffe and Stephen Gliessman, Cuyama Valley residents and farmers. Ms. Jaffe and Mr. Gliessman are appellants below and interested parties to the Board’s action on Harvard’s appeal of the Planning Commission’s action heard by your Board on February 5, 2019.

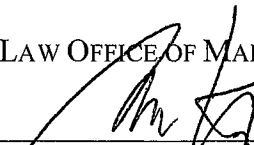
We support Staff’s recommendations, citing to several of the various forms of substantial evidence supporting a fair argument of significant Project impact.

In addition, we note that Planning Commissioners’ comments during their deliberations also constitute substantial evidence that supports a fair argument of the Project’s significant impacts to groundwater, biological resources and flooding affecting a vital transportation facility. (See *Pocket Protectors*, 124 Cal.App.4th at 931-932, citing *Stanislaus Audubon v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 155 (“planning commissioner’s fact-based opinions, stemming from commission’s experience in planning and development, are substantial evidence for a fair argument.”)) These Commissioner comments are cited in our February 1, 2019 submittal as additional substantial evidence of potentially significant impacts (pages 8-9, Commissioners Cooney and Brown (also at pages 11-12), regarding groundwater impacts; pages 13-14, Commissioner Parke concerning biological resources impacts; and pages 14-15, Commissioner Brown concerning flooding from dam failure impact). While not cited specifically in the findings, these are part of the record further supporting your action.

We respectfully request that the Board adopt the proposed Findings and uphold your preliminary action undertaken at the February 5, 2019 hearing in accordance with Staff’s recommendations.

Sincerely,

LAW OFFICE OF MARC CHYTILO, APC

  
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Marc Chytilo  
For Appellants Jaffe and Gliessman

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