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LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW



October 15, 2009

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

By email to sbcob@co.santa-barbara.ca.us

RE: Santa Barbara Ranch Project

Dear Chair Centeno and Members of the Board,

This letter is submitted by the Environmental Defense Center (EDC) on behalf of EDC and the Santa Barbara Chapter of the Surfrider Foundation, and by the Law Office of Marc Chytilo on behalf of the Naples Coalition.

We urge your Board to take the following actions:

1. Direct county staff to refrain from submitting any documents to the California Coastal Commission regarding the Santa Barbara Ranch Project until the intentions of the Project applicants going forward and the status of the Project are certain;
2. At such time as it is appropriate to respond to the Commission's deficiency notice, retain the single Notice of Final Action (NOFA) for the entirety of the Project, including both the coastal and the inland portions of the Project;
3. Adopt a finding that the Development Agreements approved by Ordinance 4694 are not yet effective;
4. Introduce an Ordinance rescinding the Board's previous approval of Development Agreements for Santa Barbara Ranch and vacating previous authorization for the owners of Dos Pueblos Ranch to seek their own Development Agreement; and
5. Set a hearing for October 27, 2009, for the second reading to adopt the Ordinance.

In 2008, the Board expressed its desire to control land-use planning for Naples that would not leave the County to address development at Naples on an ad hoc, fragmented basis. We support that goal.

Environmental Defense Center
906 Garden Street, Santa Barbara, CA 93101
Phone (805) 963-1622 FAX (805) 962-3152
www.edcnet.org

LAW OFFICE OF MARC CHYTILO
P.O. Box 92233 • Santa Barbara, California 93190
Phone: (805) 682-0585 • Fax: (805) 682-2379
Email: airlaw5@cox.net

I. California Coastal Commission

In light of the Project applicants' February 5, 2009, decision to reject Coastal Project Approvals, all further discussions of the Coastal Commission process should remain on hold, and the County should refrain from resubmitting either a NOFA or the proposed Local Coastal Plan Amendment (LCPA).

If and when it is appropriate to submit additional information in response to the Commission's incompleteness letter and notice of deficiency, staff should prepare a single document that covers the entirety of the Project. The County originally submitted one NOFA to the Coastal Commission in October 2008. The Project Findings included in the NOFA state that the Project will:

(iv) facilitate resolution of long standing disputes over the potential development of over 80 percent of the Naples Townsite lots; [and]

(v) enable the County to control land use planning for Naples as opposed to a situation where individual lot owners could seek development permits for single family homes under the current "Grid" configuration of the Official Map.

(Santa Barbara Ranch Project Final Adopted Project Findings, p. 5.) It is important for the Coastal Commission to consider a comprehensive document. While Project proponents describe two separate inland and coastal Project components, all of the development that will be reviewed by the Coastal Commission sits in a relatively constrained geographic area, due in part to the very nature of the coastal zone boundary. Coastal Commission staff have indicated a desire to see a comprehensive Project document for this very reason, and for purposes of efficiency.¹ The County saw fit to approve all Project elements in a single set of actions, and given that even the inland Project requires entitlements in the coastal zone, it is entirely appropriate that when the County's action is forwarded to the Coastal Commission, it be retained under a single comprehensive NOFA.

II. Rescind the Development Agreements

The County's approval of the Santa Barbara Ranch project in late 2008 included approving two Development Agreements and enabling Dos Pueblos Ranch to apply for a third. In general, development agreements bind the hands of future Boards of Supervisors and severely limit County discretion in responding to changed circumstances. In this case, the Development Agreements prohibit the County from applying new rules or policies, and severely limit the County's ability to respond to changed circumstances, such as a changed Project, the discovery

¹ EDC telephone communication with Coastal Commission staff (October 8, 2009).

of new biological resources on-site, or the withdrawal of one of the key Project partners such as Dos Pueblos Ranch.


Cancelling these two development agreements and rescinding the invitation for the third is appropriate following the Project applicants' February 5, 2009, decision to withdraw the application for the coastal portion of the Project, which thereby rescinded many of the purported benefits to the County that run from the Development Agreements, such as proposed "expansions" to the coastal trail. Just one year after the County's initial conditional approvals, it is already evident that unanticipated changes in circumstances can substantially affect this Project, and thus the County must preserve its ability to respond to such changed circumstances in the future. Since many of the purported public benefits are of limited actual value and the development agreements themselves have not yet become effective, rescission is appropriate at this time.

Conclusion

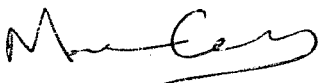
In light of the Project applicants' actions this year, it is appropriate for the County to temporarily pause conversations with the California Coastal Commission until such time as the Project Description becomes certain and stable. Similarly, in light of the substantial changes already witnessed concerning this Project, including the Project applicants' lack of attention to their obligations under the Development Agreements, and because the benefits purportedly achieved by those Development Agreements are now in question as a result of the applicants' actions and may offer very limited public benefit in the first place, it is appropriate to rescind the Development Agreements at this time. We urge you to do so at the earliest opportunity.

Thank you for your consideration of our concerns in this important matter.

Sincerely,



Nathan G. Alley, Staff Attorney
Linda Krop, Chief Counsel
Brian Trautwein, Environmental Analyst
Environmental Defense Center



Marc Chytilo
Ana Citrin
Law Office of Marc Chytilo

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Cc: California Coastal Commission
Naples Coalition
Surfrider Foundation