

**EDC, Surfrider, GCC Appeal of the Periodic
Review Determination for the Santa Barbara
Ranch Inland Development Agreement
Case No. 21APL-00000-00017**

**Board of Supervisors
December 14, 2021**



**County of Santa Barbara
Planning and Development
Chris Schmuckal**

Background

- Santa Barbara Ranch Inland Development Agreement (IDA)
 - Approved by the BOS, together with the inland portions of the Santa Barbara Ranch project, on October 21, 2008
 - Became effective on April 8, 2014
 - Grants the Developer the vested right to develop the inland portion of Santa Barbara Ranch project
 - Requires Periodic Review of the Developer's compliance with the IDA
- 2015-2020, the Director of P&D issued annual determinations that the Developer was in good-faith compliance with the IDA, with no appeal
- On April 9, 2021 GCC, Surfrider, and EDC filed an appeal of the Directors March 30, 2021 Determination of Compliance

IDA Requirements

- Pay \$100,000 to a non-profit organization to prepare a creek restoration plan and use their “best-faith effort” to complete the plan in 1 year
- Pay \$300,000 to a non-profit organization to implement the creek restoration plan
- Offer all reasonable assistance to the non-profit to fully implement the Plan within 3 years
- Condition payment of the \$300,000 to require the non-profit to expend the funds elsewhere on the Gaviota Coast if not implemented within 5 years, & complete a project within 7 years

IDA Requirements Fulfilled

- The Developer paid \$100,000 to a non-profit organization for completion of the Dos Pueblos Creek Restoration Maintenance & Monitoring Plan
- Deposited \$300,000 with the California Association of Resource Conservation Districts for implementation of the creek restoration plan
- Offered all reasonable assistance from 2015 – present
- Entered into an agreement with a nonprofit (CARCD) to use the funds for creek restoration consistent with the requirements of the IDA
- CARCD retained the Cachuma Resource Conservation District & South Coast Habitat Restoration for assistance

Appeal Issues #1 & 2

Appeal Issue #1:

- There is no evidence that the County has approved an alternative creek restoration project or that any on the ground restoration has taken place

Appeal Issue #2:

- There is no evidence that an alternative project could be completed by April 8, 2021

Staff Response

- The Developer has completed their obligations under Section 2.02(a) of the IDA
- The IDA does not require the Developer to obtain approval of an alternative creek restoration project from P&D nor to ensure that on the ground restoration has taken place

Appeal Issue #3

Appeal Issue #3

- The Director's finding of good faith compliance is not supported by substantial evidence because the agreement required County approval and completion of an alternative creek restoration project by April 8, 2021

Staff Response

- The Director's finding of good faith compliance is supported by substantial evidence
- The IDA does not require the Developer to complete an alternative creek restoration project by April 8, 2021 to remain in good faith compliance with the terms of the IDA.

Appeal Issues #4 & 5

Appeal Issue #4

- The Director's determination is not supported by the findings in the March 30, 2021 letter nor are the findings supported by substantial evidence in the record

Appeal Issue #5

- The Director's determination was not supported by substantial evidence

Staff Response

- The Developer is in compliance with the IDA
- The IDA does not require the Developer to obtain approval of an alternative creek restoration plan or to implement the plan
- The Developer continues to offer all reasonable assistance to the non-profit

Recommended Actions

- Deny the appeal, Case No. 21APL-00000-00017
- Make the required findings to affirm the Director's determination that the Developer is in good faith compliance with the terms of the Santa Barbara Ranch Inland Development Agreement, including the CEQA findings
- Determine that the IDA "Periodic Review" determination is exempt from CEQA pursuant to State CEQA Guidelines Section 15378(b)(5)