

Lenzi, Chelsea

From: Marc Chytilo <marc@lomcsb.com>
Sent: Friday, December 7, 2018 10:15 PM
To: sbcob
Subject: Letter, Item A-68
Attachments: LOMC Set Hearing Letter 12-7-18.pdf

Clerk – please accept the attached letter for distribution to the Board for Item A-68.

Thank you

Marc

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ENVIRONMENTAL LAW

December 7, 2018

Das Williams, Chair, Santa Barbara County Board of Supervisors
105 E. Anapamu Street, Fourth Floor
Santa Barbara, California 93101

By Email:
sbcob@co.santa-barbara.ca.us

RE: Item A-68, December 11, 2018, North Fork Frost Reservoirs Appeal, Set Hearing Date

Chair Williams and Members of the Board of Supervisors:

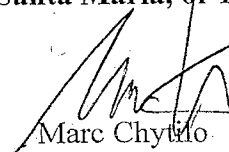
This office represents Ms. Roberta Jaffe and Dr. Stephen Gliessman, owners and operators of a small farm in western Cuyama Valley. Ms. Jaffe and Dr. Gliessman appealed the Zoning Administrator's approval of Harvard University Endowment's minor CUP for three 49.5 AF water storage reservoirs proposed for use for frost protection at Harvard's 1000 acre vineyard in Cuyama Valley (Project). The Planning Commission took no action on the CUP appeal, but remanded the Project back to staff for preparation of a focused EIR to address Project impacts to water use, biological resources and flooding that may result from operation of the Reservoirs and frost protection systems.

Dr. Gliessman is Professor Emeritus of Natural History and Agroecology at University of California Santa Cruz, and an expert on native plant populations and ecology in the Project area. His testimony as an expert to the Planning Commission on the botanical and biological resources in the Project area provided substantial evidence of biological resource impacts relied on by the Planning Commission.

We request that this hearing NOT be set on January 15, 2019 as proposed, because Dr. Gliessman is out of the country and unavailable to attend the hearing. Dr. Gliessman's testimony is critical substantial evidence the Board must consider in evaluating Harvard's appeal of the Planning Commission's remand to staff. See Board Letter, page 4, explaining this is the central issue for the Board's hearing ("If your Board determines . . . that there is substantial evidence of a fair argument the proposed project may have a significant effect on the environment . . . then Staff recommends your Board take . . . Option No. 1").

We have conveyed this concern to Planning staff on several occasions, conferred with representatives of various Supervisors' offices and Supervisors themselves, and sought to confer with Harvard's attorneys, who did not return phone messages. We understand through County staff that Harvard's representatives are unavailable on February 12, 2019, the next Santa Maria hearing, but all parties and representatives can attend a hearing on the next regularly scheduled Santa Maria hearing date of March 12, or, should the Board adjust the hearing sequence, on Feb 5 or March 5. Note that Harvard's prior actions delayed the Planning Commission hearing by more than 6 months, so any claim of prejudice is negated by Harvard's own tardiness in providing information requested by County staff.

Please set this hearing for March 12 in Santa Maria, or February 5 or March 5.


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