

Attachment 1

Findings Supporting a Determination of Compliance with the Santa Barbara Ranch IDA

1.0 CEQA FINDINGS

- 1.1 The Board of Supervisors finds that the proposed project is not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (Project). Pursuant to CEQA Guidelines Section 15378(a)(5) a project does not include “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” The Periodic Review determination is a determination that the Developer is or is not in compliance with the terms of a written agreement (the Inland Development Agreement) between the County and the Developer. Such a determination is an administrative activity and does not have the potential to result in direct or indirect physical changes in the environment.

2.0 ADMINISTRATIVE FINDING

2.1 FINDING THAT THE SANTA BARBARA RANCH DEVELOPER IS IN GOOD-FAITH COMPLIANCE WITH THE SANTA BARBARA RANCH INLAND DEVELOPMENT AGREEMENT

The Board of Supervisors finds that the Santa Barbara Ranch Developer is in good-faith compliance with the Santa Barbara Ranch Inland Development Agreement (IDA) for the period from March 27, 2020 to March 29, 2021.

Section 10.04 of the IDA requires that the County conduct a “Periodic Review” once every twelve months to review the extent of the Developer’s good-faith compliance with the IDA.

Section 2.02(a) of the IDA requires the Developer to:

- Pay \$300,000 to a non-profit conservation organization of the Developer’s choice to be used to implement the Creek Restoration Plan;
- Offer all reasonable assistance to the nonprofit to fully implement the Creek Restoration Plan within three years of the Effective Date of the IDA; and,
- Condition payment of the \$300,000 to require the non-profit organization to “(i) expend the funds for creek restoration elsewhere on the Gaviota Coast in the event the Creek Restoration Plan is not implemented within five (5) years of the Effective Date for any reason, (ii) obtain the County’s written consent as to the alternative creek restoration project prior to expending said funds, and (iii) complete the alternative creek restoration project within (7) years of the Effective Date.”

Prior to the 2020-2021 Periodic Review cycle, the Developer paid \$100,000 to the California Rangeland Trust to draft the *Dos Pueblos Creek Restoration, Maintenance, and Monitoring Plan*, submitted the Restoration Plan to Santa Barbara County, and funded a peer review of the Restoration Plan prepared by Storrer Environmental, which found the plan to be adequate. In addition, the Developer deposited \$300,000 with the California Association of Resource Conservation Districts (CARCD), a non-profit conservation organization. This work by the Developer resulted in the Director determining that the Developer is in good faith compliance for the Periodic Review periods from 2014-2015 through the 2019-2020 Periodic Review cycle.

The Developer also entered into a funding agreement with CARCD. The Funding Agreement requires that the funds be used to implement the Creek Restoration Plan for Dos Pueblos Creek by April 8, 2019. In the event that the Restoration Plan for Dos Pueblos Creek was not implemented by April 8, 2019, the Funding Agreement requires that an alternative creek restoration project be completed by April 8, 2021.

In its Compliance Letter to the County for the 2019-2020 Periodic Review cycle (dated February 7, 2020), the Developer: 1) represented to the County that “the Developer is prepared to render reasonable assistance to CARCD” to implement the alternative creek restoration project; 2) identified potential alternative project locations; and 3) asserted that “[t]he Developer is continuing to work with CARCD to formalize a request for the County’s consent to use the remaining funds for alternative restoration in accordance with the terms of IDA Section 2.02(a).” On the basis of these representations, the County found the Developer in good faith compliance with the IDA for the 2019-2020 Periodic Review cycle.

In its Compliance Letter to the County for the 2020-2021 Periodic Review cycle (dated January 29, 2021), the Developer represented to the County that: 1) “the Developer assisted CARCD to formalize a request for the County’s consent” as to an alternative creek restoration project; and 2) “the Developer has periodically responded to requests for more information from the County.”

To date, the County has not received a formal request for the County’s consent for completion of an alternative creek restoration project. However, in reliance upon Developer’s representations that the Developer continues to assist CARCD to identify and complete an alternative creek restoration project, the County finds that the Developer is in good-faith compliance with the IDA.

The deadline for completion of the alternative creek restoration (April 8, 2021) will expire during the 2020-2021 Periodic Review cycle. 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 CARCD, as well as under the terms of the IDA.