

Katherine Douglas *Public Comment*

**From:** Marc Chytilo <marc@lomcsb.com>  
**Sent:** Monday, August 25, 2025 10:10 AM  
**To:** sbcob; Roy Lee; Laura Capps; Steve Lavagnino; Joan Hartmann; Bob Nelson  
**Cc:** Wade Cowper; Gina Fischer; Chris Henson; Cory Bantilan; Tuttle, Alex; Plowman, Lisa  
**Subject:** Item # 3 - Open Space Element Update  
**Attachments:** LOMC CLAWS to BOS 8-25-25.pdf

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Supervisors, Clerk and staff – please see the attached letter concerning the upcoming hearing concerning direction on the County’s Open Space Element update and related general plan elements.

Best regards

Marc

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## ENVIRONMENTAL LAW

August 25, 2025

Santa Barbara County Board of Supervisors  
105 East Anapamu Street, 4th Floor  
Santa Barbara, CA 93101

Re: Item # 3, August 26, 2025: Need for Comprehensive Update of the County's Open Space and Conservation Elements

Dear Chair Capps and Members of the Board:

On behalf of CLAWS (Committees for Land, Air, Water, and Species), we respectfully urge the Board of Supervisors to direct preparation of the **broadest and most comprehensive update of the County's Open Space Element to meet the January 2026 adoption deadline** and, concurrently, to direct staff to **undertake a thorough revision of the Conservation Element**.

The General Plan is the County's "constitution for development," and its elements must reflect current science, community values, and statutory requirements. The Open Space Element's Article 10.5 of the Gov. Code has a series of specific elements and is required to plan for the "comprehensive and long-range preservation and conservation of open space land." Gov. Code § 65563. The Open Space Element must provide for the preservation of open space land "wherever possible" and to discourage "premature and unnecessary conversion of open space land to urban uses". Gov. Code §§ 65561(b); 65562(a). The Conservation Element must address the identification, conservation, development and use of natural resources, including water, forests, soils, waterways, wildlife and mineral deposits. Gov. Code § 65302(d).

**The existing Open Space and Conservation Elements are decades old, fragmented, and no longer legally or functionally adequate.** Specifically:

1. **Statutory Deficiencies:** California Government Code §§ 65302 and 65560 require every jurisdiction to maintain an Open Space Element that inventories and provides **action programs for open space** that include the preservation of natural resources, habitat, water quality, managed production of resources, and outdoor recreation. Due to the fundamental inadequacy of the County's Conservation Element, the Open Space Element lacks adequate programs required by state law. The Open Space Element lacks an Action Program that is required by Gov. Code § 65564 ("Every local open-space plan shall contain an action program consisting of specific programs which the legislative body intends to pursue in implementing its open-space plan.") The Legislature requires additional new elements to the Open Space Element and Conservation Element to address environmental justice, climate resilience and rewilding opportunities.

2. **Conservation Element Inadequacy:** The County's Conservation Element is legally deficient, lacks identifiable policies (with the notable exception of the groundwater resources section that was updated) and has not been meaningfully revised to incorporate requirements for climate adaptation, biodiversity protection, groundwater sustainability, and environmental justice. Courts have recognized that outdated or incomplete elements leave counties vulnerable to challenge and weaken decision-making on land use.
3. **Overlapping Policy Areas:** Open space protection and conservation are inextricably linked. Updating one element without the other risks inconsistencies and missed opportunities. A coordinated, comprehensive update is essential to integrate habitat conservation, watershed protection, climate resilience, and recreational access.
4. **Community and Environmental Imperatives:** Santa Barbara County faces accelerating climate change impacts, species decline, water scarcity, and public demand for accessible natural lands. Significantly, the County has failed to recognize tribal cultural resources and the significance and tribal interests of the many Chumash descendants that are not directly associated with a federally recognized tribe in our community, and adopt policies and programs to honor and expand the cultural values and practices that the First Peoples to our region add to our community. The Open Space Element and the correlative Open Space Action Program must identify and address strategies for land back, and policies must be integrated into the Land Use Element along with the Environmental Justice Element. The County cannot meet these challenges with outdated policies and inadequate programs.

SB 1425 requires the Open Space Element update be complete by January 2026. Presumably substantial work has been completed to meet this imminent deadline. Based on that assumption, Staff's recommended Moderate option is reasonably scoped to achieve that goal in a timely manner, but must include updates to all required elements, **including the Open Space Action Program "consisting of specific programs [that the County] intends to pursue."** Gov. Code § 65564 (emphasis added).

The Conservation Element's flaws are substantial, not only to address new mandates, but due to the absence of any policies or objective standards to address resources. Gov. Code § 65302(d). As such, the Conservation Element fails to meet the basic goal of serving as an effective part of the General Plan. The County's Conservation Element is a bland recitation of principles but lacks current objectives, principles and standards. As a planning tool it offers little guidance. The Board should direct staff to advance a comprehensive revision to the Conservation Element as a corollary to the Open Space Element update, with the goal of completing updates to both elements as quickly as possible.

For these reasons, CLAWS respectfully requests that the Board:

- Direct staff to complete a **comprehensive update** to the Open Space Element for final adoption by the January 2025 deadline;

- Simultaneously direct staff to **prioritize revision to the** Conservation Element to meet current legal mandates and scientific realities;
- Direct the **inclusion of Chumash cultural and tribal interests** in the Open Space Element, Conservation Element and Environmental Justice Element;

Santa Barbara County has a responsibility to ensure its planning framework protects the extraordinary natural resources, open spaces and cultural practices and values that define this region. Updating these elements in a coordinated manner together will provide the County with a lawful, forward-looking, and effective foundation for land use and conservation policy.

We thank you for your leadership and urge prompt action on this critical matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc Chytilo', with a stylized, flowing script.

Marc Chytilo

For Committees for Land, Air, Water, and Species (CLAWS)