

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

December 12, 2008

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: Board of Supervisors Agenda Item A-13, 12/16/08

Dear Chair Carbajal and Honorable Members of the Board,

This office represents the Naples Coalition. We ask that your Board refrain from approving the retention of a contract planner for the Santa Barbara Ranch project. This project is of such a nature and involves long term obligations, and the tasks proposed under the contract should be performed by a Santa Barbara County employee. We further object to the proposed contract as it is essential that the person serving in this function have a complete and robust understanding of and commitment to the Santa Barbara County General Plan.

1. These functions should be addressed by a staff planner, not an independent contractor

The Santa Barbara Ranch project is at a crossroads, with the County having taken final action to approve this project. The job responsibilities now shift to implementing those approvals and can now be assumed by a regular County employee who can gain the institutional memory about this project and retain it into the future. The Project could have a life of 20 or more years, at least as contemplated by the development agreements approved by your Board - is the County prepared to retain an independent contractor for this role for a 20 year period? These functions should be addressed by a staff planner, operating under the direction of the Planning and Development Department Director and a supervising planner. These procedures and protections are not afforded by the proposed contract.

Finally, we question whether it is appropriate to hire an out-of-County independent contractor for this function when the County has furloughed qualified staff members and witnessed a continuing loss of experienced planners from the Planning and Development Department in recent years. This position should be retained in-house to provide opportunities to Santa Barbara County residents, to reduce transportation system impacts from irregular and part-day commuting that accompanies many independent contractor's work days, to avoid the conflicts of interest that can arise for part-time contractors, and to ensure that the Planning Director can exercise consistent control over this important project.

2. The Planner needs complete fluency with County policies

As was seen during the Board's deliberations, the policy consequences of the Santa Barbara Ranch project must be carefully understood at the staff level to ensure that the County's promises that this will not become a model for Gaviota Coast residential development are honored. Your Board's questioning disclosed that the Santa Barbara Ranch project was evaluated and recommended without complete fluency with Santa Barbara County's past relevant approvals and the applicable General Plan and Local Coastal Plan policies. This is not an inadequacy in the applicant's qualification, but a reflection that no independent contractor can be expected to be fully integrated

MARC CHYTILO

P.O. Box 92233 • Santa Barbara, California 93190

Phone: (805) 682-0585 • Fax: (805) 682-2379

Email: airlaw5@cox.net

with other County land use planning decisions and policy interpretations. It is necessary that the planner addressing this complex and controversial project be a regular member of the County planning staff.

3. Conflicts in position

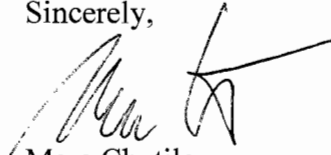
We have learned that the proposed applicant has testified in Santa Barbara County Superior Court proceedings that certain open space lands in the Rice Ranch and designated as open space in the Orcutt Community Plan may in fact be available for development. Further testimony encourages urban development on rural lands outside the Orcutt Community Plan. See Exhibit 1 hereto. We find this attitude and testimony, supporting development of lands that the community believed would be protected from development by OCP policies and by agricultural zoning, to conflict with basic principles of land use that the County has in the past and should be promoting - stable urban limit lines, discouraging speculative purchase of open space lands in hope of rezoning to urban uses, etc.

4. Lack of requested additional information

At its November 18 meeting, the Board asked for additional information that has not been provided. We ask that the Board continue this item until such time as this additional information is provided by staff.

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

Sincerely,



Marc Chytilo