

## Lenzi, Chelsea

---

**From:** Troup, Molly@Coastal <Molly.Troup@coastal.ca.gov>  
**Sent:** Monday, November 13, 2017 4:56 PM  
**To:** Harris, Tess; sbcob  
**Cc:** Black, Dianne  
**Subject:** Revised Tajiguas Resource Recovery Project/Comprehensive Plan Amendment to the Waste Disposal Facility Overlay, Case Nos. 17GPA-00000-00002 and 17GOV-00000-00004  
**Attachments:** Tajiguas Comment Letter.pdf; 2002 Letter to SB County.pdf; Vested Rights Claim - editable.pdf

Dear Ms. Harris and County Clerk,

Please find attached the written comment letter regarding the Revised Tajiguas Resource Recover Project.

Thank you for the opportunity to comment on this project.

Sincerely,  
Molly Troup

Enforcement Analyst | California Coastal Commission  
89 S. California Street, Suite 200, Ventura, Ca 93001  
[molly.troup@coastal.ca.gov](mailto:molly.troup@coastal.ca.gov) | (805) 585-1500



Every Californian should conserve water. Find out how at:



[SaveOurWater.com](http://SaveOurWater.com) · [Drought.CA.gov](http://Drought.CA.gov)

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



SENT VIA E-MAIL

November 13, 2017

Tess Harris  
Planning and Development  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101

RE: Tajiguas Resource Recovery Project/Comprehensive Plan Amendment to the Waste Disposal Facility Overlay

Dear Ms. Harris:

We received notice of the upcoming public hearing at the County of Santa Barbara's Board of Supervisors meeting on Tuesday, November 14, 2017, and we reviewed the available materials on the Revised Tajiguas Resource Recovery Project (TRRP) and Comprehensive Plan Amendment to the Waste Disposal Facility Overlay, Case Nos. 17GPA-00000-00002 and 7GOV-00000-00004. It appears that the proposed revisions to the TRRP include moving an Anaerobic Digestion (AD) Facility and related facilities from an area within the coastal zone to an area outside of the coastal zone. While these elements of the Revised TRRP may be proposed to be located outside of the coastal zone, they would still support the facility within the coastal zone, and it is staff's position the County may have previously undertaken improvements to and expansion of the Tajiguas Landfill within the Coastal Zone after the passage of Proposition 20 in 1972 and the Coastal Act of 1976, which would have required coastal development permits.

For example, in 2002, Commission staff reviewed the general project description of the Tajiguas Landfill Expansion Consistency Determination dated May 7, 2002, the updated project description in the Memorandum dated August 1, 2002, and the draft EIR dated October 2001, which included a West Slope Borrow Area located within the coastal zone. County staff has asserted that the use of the borrow site and other improvements within the coastal zone did not require coastal development permits under a vested rights theory because the improvements were to development that pre-dates Proposition 20 of 1972 and the Coastal Act of 1976. However, after reviewing preliminary materials regarding the original approvals, Commission staff determined that the extent and existence of the vested right was unclear and requested that the County pursue a formal determination of the potential vested right at the site through a vested rights application.<sup>1</sup> Title 14 of the California Code of Regulations Sections 13200-13208 provides details regarding the proceeding for vested rights claims which is the process by which to settle uncertainties regarding the extent of vested rights. To date, the County has not submitted

<sup>1</sup> See attached letter dated August 6, 2002.

---

~~a-vested-rights-application-as-requested-and-the-extent-and-existence-of-the-vested-right-of-the~~  
Tajiguas Landfill located inside of the coastal zone remains unsettled. It is thus problematic to assert pursuant to a vested rights theory that improvements to and expansion of the landfill that have occurred are exempt from permitting requirements, and moreover, to authorize new development, through the TRRP, that would support development that has potentially been expanded and intensified through unpermitted development.

Additionally, even if some components of the landfill are determined to be vested, Public Resources Code Section 30608 states that substantial changes to vested development are not exempt from permitting requirements.

It remains Commission staff's position that the County should pursue a formal determination of the potential vested rights at the site through a vested rights application. We are again providing an application with this letter and we are continuing to look into the landfill's history. We would be happy to discuss staff's findings in the near future and we welcome further discussion regarding this issue and the overall Tajiguas project. Please contact me by November 30, 2017 to discuss this matter in more detail.

Sincerely,



cc: Andrew Willis, Enforcement Supervisor, CCC  
Lisa Haage, Chief of Enforcement, CCC  
Steve Hudson, Deputy Director, CCC  
Barbara Carey, District Manager, CCC  
Deanna Christensen, Planning Supervisor, CCC  
Dianne Black, County of Santa Barbara



STATE OF CALIFORNIA - THE RESOURCES AGENCY  
CALIFORNIA COASTAL COMMISSION

SOUTH-CENTRAL COAST AREA  
86 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 385-1800

August 6, 2002

Diane Meester  
Planning and Development  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101-2058

RE: Tajiguas Landfill Expansion Project

Dear Ms. Meester,

We have reviewed the general project description of the Tajiguas Landfill Expansion Consistency Determination in the draft County staff report dated May 7, 2002 and the updated project description in the Memorandum dated August 1, 2002. We have also reviewed the draft EIR (October 2001) and contacted County staff to determine the extent of the expansion and the portion of the project within the coastal zone. From the information we have obtained, it appears that a portion of the project would be located within the coastal zone, specifically a portion of the West Slope Borrow Area. County staff indicated that grading calculations and grading extent were not broken out specifically for the coastal zone portion of the project. The EIR prepared for this project indicates that the West Slope Borrow Area (Table 2-5, page 2-41 of the EIR) would be excavated for a possible total of 600,000 cubic yards of soil to be used as landfill cover. Since there was no separate calculation of which portion which would be excavated in the coastal zone, Commission staff consulted the EIR and aerial photos showing the borrow site. It appears that approximately half of the West Slope Borrow Area may be located within the coastal zone.

County staff has asserted that the use of the borrow site and potentially other improvements within the coastal zone do not require coastal development permits because the improvements are an entitlement vested by reliance on 1965 County approvals and as further defined in the 1978 Solid Waste Facilities Permit. Commission staff has reviewed some preliminary materials regarding the original approvals; however, the extent of the vested right is unclear. Under Public Resources Code Section 30608, a coastal development permit is required for a "substantial change" to vested development. In cases of uncertainty regarding the extent of vested rights, such as this, the Coastal Commission regulations provide a process for filing a "claim of vested rights" that will be heard by the Coastal Commission. Title 14 California Code of Regulations Sections 13200-13208 provide details regarding the proceedings for vested rights claims.

It is the Commission staff's position that the County needs to pursue formal action by the Commission through a vested rights application. We are providing an application with this letter. We welcome further discussion regarding this issue and the overall

August 6, 2002

Page 2

Tajiguas project. Please do not hesitate to contact me or Shana Gray should you have any questions or concerns.

Sincerely,

*Shana Gray*

Chuck Damm  
Senior Deputy Director

RECEIVED

AUG 06 2002

S.E. COUNTY  
PLANNING & DEVELOPMENT

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
VENTURA CA 93001  
(805) 585-1800



**CLAIM OF VESTED RIGHTS**

**NOTE:** Documentation of the information requested, such as permits, receipts, buildings department inspection reports, and photographs, must be attached.

1. Name of claimant, address, and telephone number:  
(Please include zip code & area code):

\_\_\_\_\_  
\_\_\_\_\_

2. Name, address and telephone number of claimant's representative, if any:  
(Please include zip code & area code):

\_\_\_\_\_  
\_\_\_\_\_

3. Describe the development claimed to be exempt and its location. Include all incidental improvements such as utilities, road, etc. Attach a site plan, development plan, grading plan, and construction or architectural plans.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. California Environmental Quality Act/Project Status.

Check one of the following:

a. Categorically exempt \_\_\_\_\_. Class: \_\_\_\_\_. Item: \_\_\_\_\_.

Describe exempted status and date granted: \_\_\_\_\_

b. Date Negative Declaration Status granted: \_\_\_\_\_

c. Date Environmental Impact Report approved: \_\_\_\_\_

Attach environmental impact report or negative declaration.

**FOR COASTAL COMMISSION USE:**

Claim Number: \_\_\_\_\_

Date Submitted \_\_\_\_\_

Date Filed \_\_\_\_\_

5. List all governmental approvals which have been obtained (including those from federal agencies) and list the date of each final approval. Attach copies of all approvals.

---

---

---

6. List any governmental approvals which have not yet been obtained and anticipated date of approval.

---

---

---

7. List any conditions to which the approvals are subject and date on which the conditions were satisfied or are expected to be satisfied.

---

---

---

8. Specify, on additional pages, nature and extent of work in progress or completed, including (a) date of each portion commenced (i.e., grading, foundation work, structural work, etc.); (b) governmental approval pursuant to which portion was commenced; (c) portions completed and date on which completed; (d) status of each portion on January 1, 1972 and/or January 1, 1977 (e) status of each portion on date of claim; (f) amounts of money expended on portions of work completed or in progress (itemize dates and amounts of expenditures; do not include expenses incurred in securing any necessary governmental approvals).

---

---

---

9. Describe those portions of development remaining to be constructed.

---

---

---

10. List the amount and nature of any liabilities incurred that are not covered above and dates incurred. List any remaining liabilities to be incurred and dates when these are anticipated to be incurred.

---

---

---

11. State the expected total cost of the development, excluding expenses incurred in securing any necessary governmental approval(s).

---

---

---

12. Is the development planned as a series of phases or segments? If so, explain.

---

---

---

13. When is it anticipated that the total development would be completed?

---

---

---

14. Authorization of Agent.

I hereby authorize \_\_\_\_\_ to act as my representative and bind me in all matters concerning this application.

\_\_\_\_\_  
Signature of Claimant

15. I hereby certify that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission, of the requested information or of any information subsequently requested, shall be grounds for denying the exemption or suspending, or revoking any exemption allowed on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission.

\_\_\_\_\_  
Signature of Claimant(s) or Agent