



September 18, 2014

Mr. Dan Blough, Chair
Santa Barbara County Planning Commission
123 East Anapamu Street
Santa Barbara, CA 93101

Subject: Las Varas Ranch Development Project

Dear Chair Blough and Commissioners:

This letter follows up on issues raised our previous letter and attachments (7/27/14) regarding the Las Varas Development Project and provides additional analysis and recommendations. We believe the serious inadequacies in the Project's Environmental Impact Report (EIR) and faulty analysis of the project's consistency with adopted State and County policies undermines the Commission's ability to make fact based decisions on this Project. Therefore, we strongly recommend that the Planning Commission take the following steps:

- **Step 1:** First consider the adequacy of the analysis within the EIR. Unless the Commission supports and agrees with the EIR analysis, it has an inadequate basis for decision-making and should not proceed until inadequacies in the EIR are addressed. No decisions on nexus, mitigation measures or exactions can occur absent an adequate evidentiary basis in the EIR.
- **Step 2:** Direct County Planning and Development (P&D) staff to correct or update the findings of the EIR based on Commission direction. The Trails Council and other community organizations have provided substantial evidence that the EIR analysis of impacts to Recreation, Agriculture and Land Use are inadequate. Consider the information provided in our previous letter and attachments 1A – 1F and supporting studies on *Documentation of Existing Public Access to Edwards Point* (Attachment 2) and *Affects of Tides on Lateral Beach Access at Las Varas Ranch* (Attachment 3), and find that impacts to Agriculture, Land Use and Recreation are *potentially significant and may be unavoidable and significant*.
- **Step 3:** Consider and revise the policy consistency analysis in the EIR and staff report to reflect the analysis in the revised findings of the EIR as recommended by the Trails Council. The Commission has heard expert testimony from the County Riding and Hiking Trails Advisory Committee and others regarding major inconsistencies with adopted policies regarding access to Edwards Point and the location of the California Coastal Trail (see Attachments 1B and 1C).
- **Step 4:** After the EIR and policy analysis are revised to meet Commission concerns, then consider the appropriate potential mitigation measures or alternatives and if sufficient nexus and rough proportionality exists to impose conditions of approval to reduce project impacts to less than significant and to address related policy inconsistencies. After adjustments in the

impact and policy analysis and imposition of available mitigation measures, then consider if impacts remain substantially more severe than forecast in the EIR and what processing steps may be required by County.

Our major concerns and recommendations are briefly summarized below and detailed suggested findings for the Planning Commission are provided in Attachment 1.

Recreation: The EIR fails to identify significant impacts to existing coastal access as potentially significant. The Trails Council has submitted substantial evidence (Attachment 2) that recreational use of and access top Edwards Point is more significant than disclosed in the EIR, which provides no surveys of public access and relies on hearsay and second hand information. The Commission should find that this impact of loss of existing recreational access is *potentially significant and may be unavoidable and significant* (please refer to Attachments 1A – 1C and Attachment 2).

Land Use Impacts: The EIR fails to disclose two significant Land Use Impacts regarding Project inconsistency with the State Coastal Act and County Local Coastal Plan Policy. The project would forever foreclose provision of public coastal access to and acquisition of Edwards Point as required in adopted Coastal Act and County LCP Policies as set forth in Attachment 1B. The Planning Commission should direct that the EIR be amended to identify these inconsistencies with State and County Policy as *potentially significant land use impacts which may be unavoidable*.

Agriculture and Grazing: Impacts to grazing from the lot line adjustment, subdivision, and development remain *potentially significant and may be unavoidable*. The County cannot be party to or enforce proposed CC&Rs which would not mitigate impacts to agriculture and grazing. The Trails Council has provided a discussion of how imposition of a conservation easement or requirements for a specific plan could at least partially mitigate impacts to agriculture and issues such as protection of a cultural landscape, biology, visual resources, etc (Attachment 1F). The Planning Commission should *disagree* with the EIR and find that impacts to agriculture are *unavoidable and significant* (please refer to Attachments 1E and 1F).

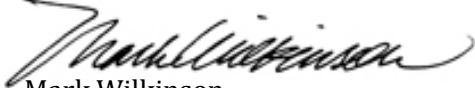
Trails and Grazing: The EIR relies on unsubstantiated opinion to find serious conflicts between a nearshore coastal trail and grazing under Alternative 4B. The Trails Council's has submitted substantial evidence into the record that grazing, including cow-calf operations and unfenced trails coexist on tens of thousands of acres throughout the State. Substantial evidence in the record indicates that trail closure is unneeded and that simple fencing and landscape screening would mitigate any potential conflicts between a nearshore coastal trail and the heifer pastures. The Planning Commission should *disagree* with the analysis in Alternative 4B to reflect the findings that fencing and landscape screening would mitigate any potential trails and grazing conflicts as recommended in Dr. Neil Havlik's report (previously submitted).

Alternatives: The EIR erroneously dismisses clustering or transfers of density around the ranch as infeasible and ignores community requests to examine use of a specific plan. The Trails Council has submitted evidence that specific plans are used in rural areas throughout the state to protect agriculture, open space and allow well planned development (refer to Attachment 1F). The County has a

long history of requiring use of specific plans to achieve such goals at Santa Barbara Shores, More Mesa and Rice Ranch and as part of The Ellwood-Devereux Joint Proposal. The County should not abandon one of the strongest planning tools available to regulate land use on the sensitive Gaviota Coast. In allowing this development to proceed without making any effort to explore available options to acquire Edwards Point as planned in the LCP, the County will forever forego what may be the last available site for creation for a major coastal park in Santa Barbara County. This is a terribly unfortunate loss for future generations and a major failure of the County's planning process.

Thank you for considering our comments.

Sincerely,



Mark Wilkinson
Executive Director

- cc. Doreen Farr, 3rd District Supervisor
Chris Hensen, 3rd District Administrative Assistant
Glenn Russell, Director, Planning and Development Department
Alice McCurdy, Deputy Direct, Planning and Development Department
Anne Almy, Supervising Planner, Planning and Development Department
Steve Hudson, California Coastal Commission

Attachment 1:

Recommended Planning Commission Amendments to EIR Impact and Policy Consistency Analysis

- A) Recommended Findings of Significant Impacts to Recreation
- B) Recommended Findings of Significant Land Use Impacts
- C) Recommended Findings of Policy Inconsistencies
- D) Recommended Findings of Significant Impacts to Agriculture and Grazing
- E) Role of a Conservation Easement in Mitigation Multiple Project Impacts
- F) Examples of Rural Area Specific Plans

Attachment 2:

Documentation of Existing Public Access Analysis at Edwards Point, Las Varas Ranch, Gaviota, Ca
(Trails Council, 9/16/14)

Attachment 3:

Affects of Tides on Lateral Coastal Access at Las Varas Ranch, Gaviota, Ca
(Trails Council, 9/18/14)