

LAFCO

Santa Barbara Local Agency Formation Commission

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Via US Mail and Email

June 4, 2008

Peter Cargasacchi
PO Box 334
Lompoc CA 93438

Dear Mr. Cargasacchi:

Proposed Santa Rita Hills Community Services District (LAFCO 03-13)

I am responding to your May 29, 2008 e-mail in which you make several statements and requests for information. In order to keep my reply clear and organized I am repeating paragraphs from your letter and providing my answers, which are indented.

Status of Staff Report

“I have received no information from you and have noticed that nothing has been placed on the LAFCO website yet regarding the proposed Lakeview subdivision CSD and the upcoming hearing on June 5, 2008. Can you please let me know how to get a copy of the report you are submitting to the LAFCO members?”

We mailed a copy of our staff report to you and others on May 28. It has also been placed on the Commission’s website.

Consultation with Affected Property Owners

“The first two meetings between the Cargasacchi and other Lakeview owners, subsequent to the LAFCO hearing, brought out details regarding Lakeview road association members' lack of compliance with the approved road plan. As you are aware, despite vociferous claims otherwise, voiced at the last LAFCO hearing on this matter, the Lakeview owners are refusing to comply with the road plan that was approved by the Board of Supervisors.”

“Can you please also tell me why you canceled the subsequent meetings with the Lakeview owners that you stated would take place? Did you or someone else cancel these meetings? Was it because of the discovery that Lakeview owners were refusing to comply with the conditions

Peter Cargasacchi
June 4, 2008
Page 2 of 7

approved by the Board of Supervisors in the approved road plan? Does your report reflect this fact?"

On December 7, 2007 the Commission directed the LAFCO staff to convene the affected parties in an effort to reach an agreement regarding the road easement. That meeting was held on January 24, 2008 and was continued on January 28

Those discussions revealed substantial agreement regarding the road easement across the Cargasacchi property from the end of Sweeney Road to the Lakeview Estates properties. Construction drawings were presented indicating the location of the proposed road, which is a matter of fact rather than supposition.

The meetings were productive and provided sufficient information to ensure the access road can be constructed by the property owners' association based upon the approved easement. It did not seem necessary or have further meetings, especially in light of the fact that the access road is not an improvement to be constructed by the proposed CSD.

County Roads vs. Other Road Standards

"It has also been documented and noted by the County of Santa Barbara, that not only would environmental impacts arise with private development standards, but that substituting public road standards and bond funding requirements for private road standards and private funding, would dramatically increase the environmental burden and impact. CSD formation, the mere formation and change from a private entity to a public entity, causes serious environmental consequences."

"This has been discussed and pointed out by the County of Santa Barbara and you possess knowledge and documents to this effect. Does your report disclose previous knowledge regarding CEQA requirements and the documents pertaining to that knowledge, (contrary to what it appears you represented at the LAFCO hearing?) By State and Federal law, should that knowledge and those facts have been disclosed?" \

Your reference to the County does not reflect its most recent statements concerning formation of the CSD. In reference to "Environmental Considerations" a November 21, 2007 memorandum from County Planning & Development, Office of Long Range Planning, states:

"No specific physical changes are proposed at this time. Therefore, establishment of the District as a potential funding mechanism to plan and install a roadway or other infrastructure improvements is categorically exempt

Peter Cargasacchi
June 4, 2008
Page 3 of 7

from the definition of a CEQA 'project' under §15378(b)(4) of the CEQA Guidelines.”

There is no question regarding the existence of the private road association to construct the access road across the John Cargasacchi property. That road is separate from the improvements that the CSD in the future may facilitate or construct within the Lakeview Estates development itself.

“Why has this important information been withheld, which indicates that ‘the formation of a CSD will change the road standard from private to public and result in significant environmental consequences’?”

“Have you included the "Memorandum of Agreement and Easement Location Document", recorded March 16, 1990 as instrument 90-017789, establishing a private road approved by the County of Santa Barbara across the Cargasacchi ranch? It is important that LAFCO members be aware that there are County of Santa Barbara approved and imposed private road standards in existence.”

We have tried not to withhold any relevant information from the Commission. If you are referencing the access road across the John Cargasacchi property it is not true that forming the CSD will change the road standard from private to public.

With regard to potential roads within the Lakeview Estates tract, there can be differences between County Road System standards and public roads designed and constructed by other agencies such as CSDs.

This practice is not uncommon in California and many CSDs have been formed and maintain roadways which would not necessarily be accepted into a county road system. Until actual roadways are designed it is not possible to determine what environmental impacts, if any, would result from their construction.

Compliance with CEQA

“Despite the voluminous evidence and even documented requests that the development project will have a significant effect on the environment, are you still planning to take the position that CEQA allows an agency or proponent to piecemeal a development project?”

“It is established law, that an agency or proponent cannot term each stage of a development as a project and then piecemeal environmental review. Piecemeal review of a development shall not

Peter Cargasacchi
June 4, 2008
Page 4 of 7

be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment.”

As reported by Planning and Development and based upon our own understanding of CEQA, formation of the CSD by itself does not have a significant environmental effect. It is not possible to know until the District is formed precisely what improvements, if any, it might undertake within the CSD boundaries.

Creating the CSD is not “piecemealing” a development project. It is creating a public agency that can provide further study of potential improvements. It is important to understand that the District will not have sufficient revenues to provide the types of improvements that may be necessary to provide services such as internal circulation to benefit the Lakeview Estates properties.

As noted in our staff report, “any significant capital improvements related to infrastructure will be financed by benefit assessments approved by landowners within the district.” For this to occur, once formed the CSD needs to provide environmental review and documentations of any capital improvements it wishes to undertake.

Any such analysis at this time is speculative. Forming the CSD provides a mechanism so the affected property owners can act in concert. Its formation does not however predict or require any particular improvements. Any acquisition of property for improvement is speculative.

Reference to Supervisor Joni Gray

“Does the report disclose the work performed by Supervisor Joni Gray's law firm or the efforts of Supervisor Joni Gray in her political capacity performed regarding the same or similar subject matter? These documents should be included for the LAFCO members because in addition to possibly raising ethical questions and conflicts of interest, they also demonstrate the existence of an existing private road association.”

I do not see the relevance of this statement to the proposal before the Commission and am therefore referring this portion of your letter to Supervisor Gray for response.

There is no question about the existence of the private road association; it will be building the access road from Sweeney Road to the Lakeview subdivision.

Allegations regarding the County Counsel

Peter Cargasacchi
June 4, 2008
Page 5 of 7

“I would like to request that those documents you possess related to this matter be made part of the administrative record for the LAFCO members, including those that appear to suggest or imply the possibility that County Counsel fraudulently attempted to claim title to and/or attempted to seize a private road interest across my family's ranch without due process or notice. This act improperly provided the proponent of the current CSD proposal, roadway access for his residential construction project in a County of Santa Barbara Special Problems Area. (Also in violation of CEQA and the Special Problems Area conditions.)”

“Why did County Counsel act in what could be described as a deceptive and secretive manner? If the cadre of County officials who promulgated the attempted seizure believed in good faith that the ownership was valid, why did they not operate openly and provide notice or bring a quiet title action? What happened to the County files taken into custody of County Counsel during that period? “

I am referring this portion of your letter to County Counsel for response; the allegations of fraudulent activity and deceptive and secretive manners are directed at that office. Likewise your question regarding County files is best directed to the County rather than our office.

Private access road

“For the record and to help clarify the current problem regarding the private road, could you please include for the LAFCO members a copy of the appealed private road plan, that was approved by the Santa Barbara County Board of Supervisors and that is pending and awaiting construction?”

The private access road across the John Cargasacchi property is not a subject before the Commission. It is a matter of County approval and consent by affected property owners within the Lakeview Estates area.

County Executive Office and County Counsel

“These are very unusual circumstances and involve subject matter directly affected by the proposed CSD. Adding another dimension, these clandestine efforts may have occurred under the supervision of the Santa Barbara County Administrator Michael Brown and Santa Barbara County Counsel Shane Stark.”

I am not sure to what extent these comments are relevant to LAFCO. They are best addressed by the County Executive and the County Counsel. We are referring your letter to those two offices for their responses to you.

Peter Cargasacchi
June 4, 2008
Page 6 of 7

Peter Cargasacchi
June 4, 2008
Page 7 of 7

Video Recordings of Public Meetings

“On a concluding note, based on your familiarity with County procedures, can you tell me if it is legally possible for someone to delete or edit video transcripts of public hearings or County files?”

I am not conversant with all County procedures. This question is best addressed by the County staff that prepares video records of public hearings. I am therefore referring this portion of your letter to the County Executive Office.

I hope the forgoing is responsive to your questions and interest in this matter. I am available to provide additional information if requested.

Sincerely,

BOB BRAITMAN
Executive Officer

cc: Each Member of LAFCO
Supervisor Joni Gray
John Cargasacchi
Bill Dillon, LAFCO Legal Counsel
John Karamitsos, County Planning
Mike Ledbetter, County Counsel
Chris Marks, Lakeview Estates Property Owner
Angelo Salvucci, Lakeview Estates Property Owner