

North County Watch and Endangered Habitats League File Lawsuit to “*Right the Wrong*” on Santa Margarita Ranch Decision

If you, like most, were busy preparing for the Holidays in December, you might have missed the final shenanigans of the lame duck Board of Supervisors, culminating on December 23 with the approval of the 111-lot Agricultural Residential Cluster Subdivision (ARCS) proposed for Santa Margarita Ranch. The 3-2 vote came at the last of three special meetings which were added to the Board’s December schedule to ensure approval of the project by the outgoing, developer-friendly, lame duck Board majority. That decision included language submitted at the 11th hour by the developers’ consultant and attorney; eliminated environmental safeguards and other requirements the developers just didn’t like; and gave them a free pass fixing the project’s many adverse impacts.

You may wonder what was so wrong with that decision by a lame duck Board of Supervisors. Plenty!



The Santa Margarita Ranch ARCS may just be one of the worst projects ever approved by the county. With the decision, the Board approved a project that violates numerous County ordinances and policies, provisions of the California Environmental Quality Act (CEQA), and state water law. The process they presided over also trampled the public’s right of due process. The Board majority went so far as to include changes sent via text messages from the developers’ consultant (who was Christmas shopping!) to county planners who were working the weekend before Christmas in order to accommodate the Board majority’s blatant push to meet as often and for as long as it would take to get it right for the developers! In the end, the developers’ maneuvers, aided and abetted by the lame duck majority, trumped a valiant effort by county staff to fix at least some of the worst problems this project would cause. At the final meeting, County Planning Director Vic Holanda had this to say, “In my 30-year career, I’ve never been subjected to this type or proceeding,” adding that he was “very concerned” about the developers’ consultant “dictating” to his staff.

In a November 3 letter to the Board of Supervisors, Michael Fitts of the Endangered Habitats League – a group which has joined North County Watch in its effort to **Right the Wrong** – stated:

“The proposed subdivision project is a poster child for the type of faux-rural large-lot development that should not go forward given the challenges we face in the 21st century. It would consume lots of land, but accommodate little growth. The dispersed nature of the agriculturally unsustainable parcels and the project’s remoteness from job centers would perpetuate commuter auto-dependence and exacerbate global warming and air pollution. It would unnecessarily burden transportation infrastructure. It would harm natural resources, including prime farmland and habitat, again vastly out of proportion to the housing benefits provided. It would put tremendous stress on water resources, also vastly out of proportion to the number of individuals benefited, at well over an acre-foot per household.

“While there are many developments that create legitimate tradeoffs between the accommodation of needed growth and harm to agricultural economies and the environment, this one is not even close. It would destroy the potential for agricultural production, while perpetuating commuter-based auto dependent sprawl.

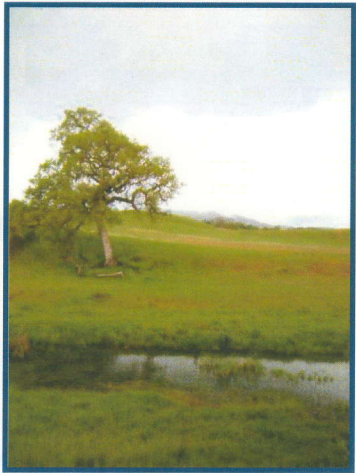
“It is thus no wonder that the project was determined by staff to be in violation of so many tenets of the County’s adopted General Plan, as well as the implementing Salinas Area Plan standards and Land Use Ordinance. These County planning tools were designed to protect agricultural economies and the environment while accommodating growth. If planning is to play any legitimate role in overcoming what are now indisputable challenges to the protection of California’s resources and environment, the Board must use its power to ensure that this project--and others like it--become a relic of an unsustainable past.”

That letter was just one of several dozen that the Board received from public agencies, organizations and individuals detailing the long list of serious problems this project would create and the even longer list of rules it would break – from CEQA, the county’s own general plan, and numerous ordinances and policies.



North County Watch is a local, non-profit, non partisan organization committed to balanced and responsible development in and around northern San Luis Obispo County. Its purpose is to promote economic and environmental policies that maintain and enhance the uniqueness of our community.

Many of those problems were identified in the Environmental Impact Report (EIR) which analyzed the proposal's impacts. The draft EIR identified 11 Class One (significant and unavoidable) Impacts. CEQA requires that an EIR be completed for development projects when substantial evidence exists, based upon the whole record, that a project may have a significant adverse effect on the environment.



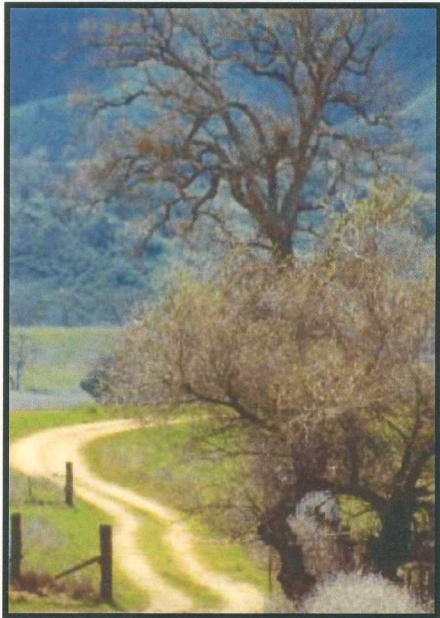
Two basic purposes of CEQA are to:

- inform governmental decision makers and the public about the potential significant effects, if any, of proposed activities; and,
- to provide opportunities for other agencies and the public to review and comment on draft environmental documents. (The latter being crucial to the effectiveness of the former.)

The EIR identified a long list of impacts, including that the project would:

- permanently compromise the sustainability of a 676.7-acre grazing unit and permanently convert 5 acres containing prime soils to nonagricultural uses
- create conflicts between proposed urban uses and existing and future agricultural uses
- result in operational air pollutant emissions, primarily from vehicular traffic
- result in a substantial increase in vehicle miles traveled
- result in the removal of an estimated 200 to 400 blue oak, coast live oak, and valley oak trees within the Blue Oak Woodland, Coast live Oak Woodland, Valley Oak Woodland, Valley Needlegrass Grassland, and California Annual Grassland habitats on the site
- substantially diminish the integrity of the design, setting, materials, feeling, and association of an area eligible for the California Register of Historic Resources (CRHR)
- adversely impact traditional Native American values
- result in the addition of 1,154 average daily trips to roadways and intersections
- will add traffic to locations with existing hazards and deficiencies
- increase the use of water from area aquifer units, including the Paso Robles and Santa Margarita Formations, by 96 acre-feet per year

It also noted that 32 prehistoric and historical archaeological sites and six isolates are located within or immediately adjacent to the ARCS site - all of which contribute to the significance of the Santa Margarita Ranch Rural Historic District and are eligible for the CRHR.



Still, the Board of Supervisors approved the project in spite of those findings and all the other evidence that clearly justified denial of the project, leaving no recourse to Right the Wrong but litigation.

Even before the December decision, North County Watch retained one of the top land use law firms in California - Shute, Mihaly and Weinberger – which has a long history of winning cases to protect communities and natural resources. In addition to ignoring the outpouring of local opposition to the project, the Board majority also ignored letters from Shute, Mihaly and Weinberger detailing the legal thin ice the county would be on if this project was approved as proposed. There could be a better project for Santa Margarita Ranch, but the only way we will ever see one is by going to court to overturn this bad decision.

While none of us prefers legal remedies to a healthy public process, when the public process is hijacked, legal remedies become necessary. Here's what *The Tribune* had to say about the lawsuit on January 27, 2009:

“As a general rule, we don’t believe the courthouse is the right venue for deciding land use issues. But in the case of the embattled Santa Margarita Ranch project, we believe environmental groups had no choice but to file a lawsuit that seeks to overturn the Board of Supervisors’ hasty approval of a 111-unit residential subdivision on the ranch. Here’s why: When the board voted 3-2 to approve the project — in the waning days of 2008, before two lame-duck supervisors stepped down — that effectively closed the door on efforts to forge a compromise under the umbrella of the county planning process.”

North County Watch and Endangered Habitats League are committed to a process that will Right the Wrong, but that process will be costly. Your generous support will be essential to their success. Please donate today at www.northcountywatch.org or by sending a check to: P.O. Box 455 Templeton, California 93465

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