



Photo by Paul Wellman

County Sued Over Naples Plan

Critics Decry Alleged Failings in Project's EIR

By Ethan Stewart

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Mostly quiet since last month's controversial decision by the Santa Barbara County Supervisors to greenlight the development of Naples, the organized resistance to the plan struck back in a big way last week by filing a lawsuit that challenges the approval's legality. Delivering on a promise to "do everything necessary to save Naples," legal teams for both the Surfrider Foundation and the Naples Coalition gathered on Thursday, November 20, in the arches of the Santa Barbara County Courthouse to announce their unified front against both the county and the Board of Supervisors. "Our goal in this is very simple," explained Naples Coalition President Phil McKenna, "We request that the county adhere to the state laws and [its] own county laws that already exist."

On October 21 with a 3-2 vote, the Board of Supervisors approved Orange County developer Matt Osgood's plans to put 71 homes — varying in size from 7,500 to 10,000 square feet — as well as associated guest houses and garages, an equestrian center, and a 2,600-acre protected agricultural easement on the historic Naples Ranch at the easternmost gate of the Gaviota Coast. (The approved plan calls for seven of the homes, as well as much of the easement, to be sited on neighboring Dos Pueblos Ranch, it should be noted.) In the approval pipelines for the better part of 10 years, Osgood's plan, which mutated several times and was only unveiled as currently conceived less than six months ago, was the subject of more than a dozen day-long hearings before the County Planning Commission, the Board of Architectural Review, the county's

Agricultural Preserve Advisory Committee, and the Board of Supervisors since early June. Critics have claimed this fact evidences a desire by the county to take a final vote on the project before Brooks Firestone — lame duck 3rd District supervisor and outspoken Naples development advocate — leaves office next month and is replaced by Doreen Farr, who opposes Naples development.

According to the terms of the lawsuit, the aforementioned process — be it rushed or exhaustive — failed not only on several environmental fronts but also “illegally” granted certain exemptions and revisions to county policy and land use designations without proper cause. Specifically, the 40-page document associated with the suit cites numerous violations of the California Environmental Quality Act (CEQA), the California Coastal Act, Santa Barbara County’s General Plan and the State’s Department of Conservation’s Williamson Act.

“Basically, we are getting our foot in the door, and now that door is open for at least the next year and probably longer,” explained Naples Coalition lawyer Marc Chytilo of last week’s filing. Thursday marked the deadline for any CEQA-based legal challenges to the supes’ pro-Naples vote, and, as such, Chytilo and the Environmental Defense Center took the occasion to levy not just the CEQA allegations — which comprise a bulk of the legal challenges — but also the laundry list of other local and state violations.

On the CEQA front, the lawsuit attacks so many perceived flaws in the Environmental Impact Report (EIR) — everything from improperly describing the project itself to a lack of conclusive analysis about both environmental and Chumash culture-related impacts of the development — that opponents are calling for an entirely new EIR process. Other points of contention include the county’s agreement to amendments to the Local Coastal Plan that violate the spirit of the California Coastal Act and the county’s allowance of the immediate cancellation of a Williamson Act contract despite the traditional requirement that such contracts be phased out over a 10-year period. And that’s not all. EDC attorney Nathan Alley said the suit’s scope is expected to “expand dramatically” once the California Coastal Commission takes up the Naples debate in the coming months.

Santa Barbara County Counsel Ed Yates declined to comment on the lawsuit, deferring instead to county spokesperson William Boyer, who in turn directed questions to County Counsel Mike Ghizzoni. As of press time, Ghizzoni had not returned calls from *The Independent*.