

To: Santa Barbara LAFCO Commissioners and Paul Hood,  
105 East Anapamu, room 407  
Santa Barbara CA. 93101

Santa Rita Hills CSD

LAFCO change of organization, Item 2, May 7, 2015 Agenda

Dear Mr. Hood and LAFCO Commissioners,

Please immediately dissolve the Santa Rita Hills CSD. The CSD was a self dealing scheme to circumvent the obligations of a private road agreement that provides access to the Lakeview subdivision.

In 2004 after appeal to the Planning Commission and the Santa Barbara County Board of Supervisors, the facts as determined by the Board of Supervisors resulted in the approval of a private road plan across the Cargasacchi ranch, to be built in accordance with the MOA and private road agreement.

The private road approval was followed by the refusal of the other Lakeview owners, to assist Mr. Chris Marks in building the approved private road. The failure to build the access road was the result of this refusal by other owners to assist Mr. Marks in building the road to private standards using the MOA and private road agreement.

For anyone to discuss and through innuendo imply “the tragedy of Mr. Marks” to some cause other than the refusal of a core group of Lakeview owners to help build the approved private road is callous, manipulative and deceitful. Mr. Marks was unable to build the private road on his own and was refused assistance by the other owners when the Board of Supervisors agreed with the Cargasacchi’s that the road must be constructed to the private road standards of the private agreement, the MOA.

Why did those now trumpeting about “the tragedy of Mr. Marks”, not help Mr. Marks build the private road approved by the County in 2004? Because they wanted to break the private road agreement.

Please immediately dissolve the Santa Rita Hills CSD.

My greatest concerns currently derive from comments made with good intention by members of LAFCO, where it appears that commissioners have been provided with incorrect information, from outside of the LAFCO hearing process?

This information is not present in any of the LAFCO documents or testimony before the commission, and I believe is being intentionally communicated from outside of the hearings or public record, without observing due process? If this information is intended to be relied on by the commissioners, and is provided outside of the hearing process without the opportunity to rebut and correct, then it seems calculated to circumvent due process and the right to be heard?

Some Commissioners have indicated that they have been told that there is some problem or infirmity with the private road agreement or easement? Or that some other road access exists?

These claims are intended to mislead and confuse LAFCO commissioners, and are not true.

These claims were previously verified as untrue by (1) the Board of Supervisors in approval of the private road plan in 2004 and (2) by the Title Insurance Companies that guarantee the MOA and the property title of all parcels in the subdivision and their respective easements.

BACKGROUND: In 1985 First American Title, Safeco Title, Chicago title and two other Title Insurance Companies, with and on behalf of the Lakeview owners and the Cargasacchi's, asked the County of Santa Barbara to clarify the status of a 1914 Board of Supervisors memo not found in the chain of title, that implied the possibility of a public road across the Cargasacchi ranch. If valid, a public right of way would have resolved the access problem that existed in 1985, prior to the creation of the MOA and private easement.

In 1986, after months of directed research by multiple County departments through County of Santa Barbara archives, it was demonstrated that "NO PUBLIC ACCESS EXISTS." This resulted in the need for the creation of a private easement by the Title Insurance Companies that had guaranteed access and its subsequent approval by the County of Santa Barbara.

The inquiry into the 1914 memo resulted in the creation of the MOA and road easement under the County of Santa Barbara's direction. The MOA describes the private road standards that were provided and approved by the County, the road location, and the rights and obligations on the private road easement across the Cargasacchi ranch to the Lakeview subdivision, with all of the defined benefits and duties.

THE PROBLEM arises some fifteen years later, when Mr. Chris Marks, a landowner and participant in the 1985-86 research into the 1914 memo and in the MOA creation, foisted the obscure 1914 memo on County staff that was unaware of the memo's previous examination.

Mr. Marks used what was represented as a "newly discovered public road" (the 1914 memo that was the catalyst of the private road and MOA) as access for a building permit, simultaneously vilifying and portraying the Cargasacchi's as frauds that had misrepresented the road as a "private easement when it was actually a public road." (Without revealing the Title Insurance intervention, the 1985-86 search, or that the County determination that "NO PUBLIC ACCESS EXISTS" and the 1914 memo had precipitated the private road agreement and MOA.)

In the turmoil following permit issuance, the County was made aware by the Cargasacchi's of the Title Insurance Companies' inquiry fifteen years prior into the 1914 memo and of the determination that "NO PUBLIC ACCESS EXISTS" by the County.

With this and other information, the Marks' building permit's approval was vacated by the County in 2002 and thereafter a STOP WORK ORDER was issued.

This was followed by efforts that led to the private road plan that was ultimately approved by the Board of Supervisors in 2004 described above. The MOA and private road were deemed valid and in full force and effect by the County of Santa Barbara as the approved and only access to the subdivision.

Where are we now? It is troubling to now hear suggestions or comments by some, a few of the LAFCO commissioners, possibly questioning the validity of the MOA, and implying the existence of another access route, perhaps exactly the same incorrect information that was used to obtain the flawed permit vacated in 2002? Is someone clandestinely recycling information that was previously proven false?

Is this a misunderstanding or have some LAFCO commissioners been told that there infirmities in the MOA and the private easement? Is information previously established as incorrect being provided to commissioners in a manner to avoid scrutiny, due process and the right to be heard?

Please consider that the MOA and private road easement was endorsed in 2004 by the Board of Supervisors after lengthy review of the entire access road sequence and events leading up to the Marks's access issues. If now contrary information is being circulated to commissioners, outside of the LAFCO hearing and record making process, it can only mean one thing. There is a calculated effort afoot to circumvent due process and the information is untrue. When will this stop?

Does LAFCO need any more reasons to immediately dissolve the Santa Rita Hills CSD?

I am a landowner and a resident within the CSD boundaries. I oppose the CSD and the proposed new district because they are nefarious attempts to circumvent the obligations of the private road agreement that provides access to the subdivision.

I have been and am ready, willing and able to participate in building the private road and to pay my fair share. Please vote to dissolve the CSD so that it cannot spend the tax moneys that it has collected from me, that were collected but that were not used to build the internal roads in the subdivision. This money was instead used in violation of the CSD's vested authority, to attempt condemnation outside of the CSD's boundaries, contrary to the terms of the CSD's powers.

Please dissolve the CSD and do not enable or support the proposed new district. The proposed new district is in furtherance of same self dealing acts to convert private property by the proponents, for their own benefit, and constitute abusive activities that are illegal.

These actions and activities violate public policy for the purpose of creating a governmental entity to avoid a private contract.

Thank you for your help,

Peter Cargasacchi

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