

Sent via e-mail

From: Peter Cargasacchi
Sent: Thursday, May 29, 2008 7:34 PM
To: Bob Braitman
Subject: Information request.

Dear Mr. Braitman,

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?

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

Please see: California Environmental Quality Act; Kaufman and Broad-South Bay, Inc. v. Morgan Hill Unified School District (1992) 9 Cal.App.4th 464; Friends of Mammoth v. Board of Supervisors (1972) 8 Cal.3d 247, 259, 104 Cal.Rptr. 761, 502 P.2d 1049; Bozung v. Local Agency Formation Com., supra, 13 Cal.3d 263, 283-284, 118 Cal.Rptr. 249, 529 P.2d 1017; Fullerton Joint Union High School District v. State Board of Education (1982) 32 Cal.3d 779; Simi Valley Recreation and Park District v. Local Agency Formation Commission of Ventura County (1975) 51 Cal.App.3d 648; Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98; Sierra Club v. County of Sonoma (1992) 6 Cal.App.4th 1307, 1316-1317, 8 Cal.Rptr.2d 473; Laurel Heights Improvement Assn. v. Regents of University of California, (1988) 47 Cal.3d 376, 395, 253 Cal.Rptr. 426, 764 P.2d 278; Quail Botanical Gardens Foundation, Inc. v. City of Encinitas (1994) 29 Cal.App.4th 1597, 1602, 35 Cal.Rptr.2d 470; Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151, 217 Cal.Rptr. 893.

In the case cited by County Counsel, Kaufman and Broad-South Bay, Inc. v. Morgan Hill Unified School District, there was no project or property associated with the funding mechanism. There was no causal link to an environmental impact because the formation was not linked to a site or property that could be affected.

Because the acquisition of property was prospective, based on acquiring schools after residential development occurred in the future, the funding mechanism did not

affect the environment and there was nothing to review that might affect the environment. The formation of the funding mechanism was not an essential step culminating in an action that could affect the environment.

In the proposed CSD before LAFCO, the property and environment affected, (the Lakeview subdivision and Cargasacchi ranch,) exist. Helping to clarify the matter are documented requests outlining significant infrastructure already "identified and requested" that would clearly have significant environmental consequences.

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?

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"?

Does your report disclose the documents obtained by Jennifer Christensen in working on this matter as your liaison to the County of Santa Barbara?

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.

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.

Did you include a copy of the County of Santa Special Problems Resolution for the Lakeview Special Problems Area? This important document helps in understanding the scope of the environmental consequences that are visible and identified.

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 first two meetings between the Cargasacchis 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 approved by the Board of Supervisors in the approved road plan? Does your report reflect this fact?

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?

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.

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?

Thank you for your time and help on this matter,

Peter Cargasacchi

PETER CARGASACCHI LOMPOC, CALIFORNIA.