



## Local

### Development under fire : Lawsuit calls for county to follow environmental laws

By EMILY PARKER NEWS-PRESS Staff Writer

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Several local organizations have filed a lawsuit against Santa Barbara County and its Board of Supervisors, claiming the county did not complete the required environmental analysis before approving a proposed development on San Antonio Creek Road.

The project calls for development of almost 15 acres off the 100 block of San Antonio Creek Road into a 16-unit subdivision called the Park Hills Estates Project.

Instead of completing an Environmental Impact Report - as is common to help reduce the environmental impacts of development projects - the Planning Commission and Board of Supervisors used an abbreviated document known as a Mitigated Negative Declaration, before approving the project in September, which Marc Chytilo, a 25-year public interest and environmental law attorney, alleges is not satisfactory.

"It's our belief that the Negative Declaration report is inadequate," said Mr. Chytilo, who filed the lawsuit Friday.

While Mr. Chytilo - representing the California Native Plant Society, San Antonio Creek Home Owner Association and Friends of Saspill - said while he would prefer the land to stay open, the lawsuit calls for the county to complete a full EIR report before approving the project.

The lawsuit should go through the court system in about eight months to one year. In that time, Mr. Chytilo expects several settlement discussions; however, he think this lawsuit needs to be heard by the courts, he said.

Jeffrey Nelson of Oak Creek Company, the project's developer, and a county representative could not be reached for comment when contacted by the News-Press on Sunday.

The organizations behind the lawsuit think there are several factors the county still needs to consider.

Human remains have been found on the site, which could make the land culturally significant, claimed Frank Arredondo, a spokesman for the Friends of Saspill and a Chumash descendant.

"Whenever there are human remains, (Native Americans) like to see things done properly," he said during a press conference Sunday at the site, an event that attracted fewer than a dozen people.

The site also has native grassland, a special soil type, rare geological formations and a functioning ecosystem - issues that were not properly addressed before project approval, said David Magney, president of the local California Native Plant Society chapter.

He said the last survey of this area was done in the late 1990s.

"I'm always looking for important (resources) like this to be protected and preserved," Mr. Magney said, adding that, more importantly, he wants the county to follow the law and complete the EIR.

In addition, the area is a designated high fire hazard area.

The extra 16 families and about 30 corresponding cars "could put this area past the tipping point (if the development is built)," Mr. Chytilo said.

Kendra O'Connor has lived in the area for 40 years and survived the 1990 Painted Cave Fire.

"If the amount of homes that are here now were here then, I would not have survived," she said at the press conference.

She said during fires, residents cannot exit onto State Route 154, so anyone must evacuate via the one two-lane exit onto San Marcos Road.

The gridlock during the Painted Cave Fire was terrifying, she said.

"I wouldn't wish that on my worst enemy," Ms. O'Connor said. "I would like the county to stop failing us and



Attorney Marc Chytilo, foreground, poses with members of the San Antonio Creek Home Owner Association in front of a plot that was recently approved for a 16-unit subdivision. Mr. Chytilo is the lead attorney pressing for an environmental impact report.

MIKE MORIATIS/NEWS-PRESS



David Magney, left, of the California Native Plant Society and Chumash representative Frank Arredondo survey the area.

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The San Antonio Creek Home Owner Association supported a proposed 12-home development for this parcel in 2007, but since then the area has had two fire evacuations.

Danny Vickers, president of the association, said the county has not adequately put together a plan for fire safety.

"It's not a good place for new development," Mr. Chytlo said.

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