

Suit Against Goleta Water District Upheld

Superior Court Judge Says Matter Merits a Hearing

By Ben Preston

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Continuing the ongoing back-and-forth litigation over the various strips of land on the Gaviota Coast, the Makar property has once again entered the limelight. The Goleta Water District and Makar Properties, LLC—which were sued twice this year by the Gaviota Coast Conservancy (GCC) in March for their attempt to annex 131 acres into the district to serve two approximately 10,000-square foot mansions Makar plans to build on the property in addition to 25 lots owned by Makar in the controversial Naples township—filed a motion, called a demurrer, in the Santa Barbara Superior Court opposing the suit. However, on Tuesday morning, **Judge Thomas Anderle** denied the motion, saying that the case merited a hearing.

“It was obviously a wasted effort on the district’s part,” said **Marc Chytilo**, the attorney representing the conservancy. “It’s unfortunate that Makar isn’t taking this [suit] seriously and is going to plow ahead. That’s their right, though.” Chytilo said that he didn’t expect cooperation from Makar unless GCC succeeds with its suit.

The first suit against the Goleta Water District was filed after it applied to the Santa Barbara Local Agency Formation Commission (LAFCO) to annex the Makar property. The conservancy based its suit on the contention that the Water District had failed to meet CEQA (California Environmental Quality Act) and perform an Environmental Impact Report. In round two, Makar used an Environmental Impact Report that had been approved in 1998 for the proposed Dos Pueblos Golf Links project, which the California Coastal Commission had rejected in 2003.

According to a tentative decision he wrote before Tuesday’s hearing, Anderle based his ruling upon the absence of an EIR having been conducted specifically for a residential project on the parcel. The actual lawsuit hearing is scheduled to be held in April, and LAFCO will be a codefendant with the Water District and Makar.

A representative of the Goleta Water District or Makar Properties could not be reached for comment for this story.