



COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: The Honorable Board of Supervisors

FROM: Glenn Russell, Ph.D, (805) 568-2085 *SM for*
Director, Planning and Development

DATE: October 20, 2016

RE: Withdrawal of Morton Appeal of Brous Horse and Hay Barn
Case No. 16APL-00000-00006
December 6, 2016 Board of Supervisor Hearing

The Morton Appeal of Brous Horse and Hay Barns is scheduled to be heard by your Board at the meeting of December 6, 2016. On July 19, 2016, your Board continued the hearing to December 6, 2016 at the request of both the applicant and appellants. The applicant and appellants have concluded their private negotiations, with the applicant withdrawing the Land Use Permit (15LUP-00000-00276) that was the subject of the appeal and the appellants withdrawing their appeal accordingly. As such, the department requests that your Board take the action identified below. An existing demolition permit (15CNP-00000-00615) has been updated to abate both the original violation of an unpermitted barn being constructed in the flood plain of the Santa Ynez River, as well as the removal of shower facilities in the existing, permitted tack rooms on-site.

Staff recommends that your Board take the following actions:

- a) Accept the Applicant's withdrawal (Attachment A) of the Land Use Permit (15LUP-00000-00276) and accept the Appellants' withdrawal (Attachment B) of their Appeal of the Planning Commission's approval of the Land Use Permit (16APL-00000-00006);
- b) Acknowledge that upon withdrawal of the Land Use Permit and Appeal, there is no action for the Board to take on the Permit or Appeal and drop the item from the Board's agenda; and
- c) Determine that the above action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5).

Both withdrawal letters are attached to this Memorandum.

Attachment A: Withdrawal of Land Use Permit by Applicant's Agent, dated September 8, 2016
Attachment B: Withdrawal of Appeal by Appellants' Attorney, dated September 28, 2016

**ATTACHMENT A: WITHDRAWAL OF LAND USE PERMIT BY APPLICANT'S
AGENT, DATED SEPTEMBER 8, 2016**

September 8, 2016

County of Santa Barbara
Planning and Development
123 East Anapamu Street
Santa Barbara, CA 93101
c/o Stephanie Swanson

Re: **Case No.: 15LUP-00000-00276**
APN: 141-390-015
Address: 120 Meadowlark Rd.
Santa Ynez, CA 93460

Dear Ms. Swanson,

At the request of the owners, Mr. and Mrs. Greg Brous, I would like to formally request that the application for 15LUP-00000-00276 be unconditionally withdrawn in its entirety.

The outstanding violation, 15BDV-00000-00071/15ZEV-00000-00232, will be fulfilled by the Brous' by November 8, 2016 by having the structure, old "Barn D", taken down and removed.

Please advise for any further course of action needed by the Brous' to fulfill the withdrawal of 15LUP-00000-00276.

Respectively,



Victor Padilla

ATTACHMENT B: WITHDRAWAL OF APPEAL BY APPELLANTS' ATTORNEY,
DATED SEPTEMBER 28, 2016

David C. Fainer, Jr.
Attorney at Law

1114 State Street, Suite 200 • Santa Barbara, CA 93101
phone 805-899-1300 • fax 805-963-5988 • dfainer@fainerlaw.com

September 28, 2016

Ms. Stephanie Swanson
Planning & Development Dept.
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

By email to
sswanson@co.santa-barbara.ca.us

**Re: Morton-Guerrero Appeal of the Brous Horse & Hay Barns
Your Case Nos. 16APL-00000-00006 and 15LUP-00000-00276**

Dear Ms. Swanson:

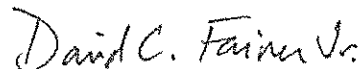
As you know, I represent the four appellants in the captioned appeal to the Board of Supervisors. There has been a settlement of all issues between Mr. and Mrs. Brous and the four appellants, which includes but is not limited to County permitting issues.

You have advised me that Mr. and Mrs. Brous have asked to withdraw their pending application for a land use permit for both "Proposed Barn D" and for existing "Hay Barn E" (as discussed in your staff reports), and you mentioned that the County may be attaching some conditions to withdrawal.

You have inquired whether my clients will withdraw their appeal. Consistent with the Settlement Agreement, the four appellants withdraw their appeal, conditioned on and only effective on the County allowing Mr. and Mrs. Bous to withdraw their application.

For your information, consistent with the Settlement Agreement, my clients do not oppose a land use permit for Hay Barn E -- provided that the use of Hay Barn E is restricted such that it may not be used for additional horse stalls. If you have any questions, please let me know.

Very truly yours,



DAVID C. FAINER, JR.

cc: Charles V. Eckert, Esq.
Dr. and Mrs. Guerrero
Dr. Morton and Ms. Kramer-Morton