

ATTACHMENT 5

PLANNING & DEVELOPMENT
APPEAL FORM



SITE ADDRESS: 6925 Whittier Drive, Goleta, CA 93111

ASSESSOR PARCEL NUMBER: 073090062

PARCEL SIZE (acres/sq.ft): Gross 70.31 acres Net _____

COMPREHENSIVE/COASTAL PLAN DESIGNATION: PD-58 ZONING: PRD-58

Are there previous permits/applications? yes numbers: ? 2003-2005 PRD
(include permit# & lot # if tract)

Are there previous environmental (CEQA) documents? yes numbers: ?

1. Appellant: John Olson Phone: (805) 685-5761 E-mail: Zjolson@aol.com

Mailing Address: 7041 Marymount Way, Goleta, CA 93117
Street City State Zip

2. Owner: Devereux Creek Properties c/o Mark Green Phone: (310) 864-2222

Mailing Address: 6925 Whittier Drive, Goleta, CA 93111
Street City State Zip

3. Agent: Ginger Andersen Penfield & Smith Phone: (805) 963-9532

Mailing Address: 111 E. Victoria St., Santa Barbara, CA 93101
Street City State Zip

4. Attorney: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail _____
Street City State Zip

2012 JUN 28 PM 3:00
COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

12APL-00000-00014

DEVEREAUX CREEK PROPERTIES/TRUST FO
6925 WHITTIER DR

6/28/12

COUNTY USE ONLY

GOLETA
Case number: _____ 073-090-062 _____ Companion Case Number: _____
Supervisorial District: _____ Submittal Date: _____
Applicable Zoning Ordinance: _____ Receipt Number: _____
Project Planner: _____ Accepted for Processing _____
Zoning Designation: _____ Comp. Plan Designation _____

COUNTY OF SANTA BARBARA APPEAL TO THE :

BOARD OF SUPERVISORS

PLANNING COMMISSION: **COUNTY** **MONTECITO**

RE: Project Title: The Trust for Public Lands/Devereux Creek Properties Lot Split

Case No. 11TPM-00000-00007 and 12CDH-0000-00009

Date of Action May 7, 2012 June 20, 2012 *jo*

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? County P&D

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party? Aggrieved party

This lot split is the beginning of a major project that will lower neighboring property value and greatly alter the environment that I call home. The purchase is a bad idea!

I am forced to object for many reasons: The 63 acre purchase is a gifting of public funds including CREF monies and collected mitigation fees. The planned gifting of more property to UCSB is inappropriate as well since UCSB development is unfortunately exempt from all local government control. Further, Goleta City Council has not examined the proposal which has ignored sphere of influence policies. This County island has never been offered for sale and this fact makes the back room deal being put forth very suspect.

No consideration has been given to the existing irrigated habitats or the long term impacts of massive grading and dredging. The vague plans presented will increase the threat of tsunami run-up and expand the seasonal “mud flat” that only collects water during the winter from storm run-off. Devereux Creek is a dry creek and there is no open connection with ocean water as with most wetland estuaries. The stated environmental goals will fail!

Hopefully this \$7,000,000+ gifting is brought forward with the best intentions but the development needs reconsideration by the County with expert environmental review being part of the process. Restoring wetlands requires more than lobbying and wishful thinking.

The major flaw in the May 7 hearing was the staff presentation and associated documents did not consider this Lot Split as a “development” when it clearly is. This grievance simply points out the obvious misleading and biased methods being used by the

Land Owner and the Trust to slide this project through the planning process avoiding proper, reasonable review. EIR and CEQA requirements are required for developments.

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

The staff report submitted is an abuse of discretion because the report presented avoided CEQA and EIR requirements with exemption statements that were false and misleading. Findings that the lot split action is not a "development" but rather a lot split to facilitate the purchase and stating that no "new residential development is requested at this time" clearly skirt the transparency the written laws and citizens expect and deserve. Future plans for the properties are expressed in the report and clearly represent a major project that kills a recreational facility that is a community asset. The interesting history of this parcel was not mentioned in the report and it should be noted that in 2005 a development proposal was processed up to final BOS approval and withdrawn. Findings that CEQA exemptions apply also fail to consider the existing habitat the golf course provides.

An EIR should be required to determine if a "reasonable foreseeable indirect physical change in the environment" is positive or negative. No expert analysis has been presented. To me the 63 acres are too high above sea level to create a viable wetland.

Allowing this lot split is unlawful because it will allow/support the "gifting of public funds" and more importantly will be irreversible. Treating the entire parcel as a whole is mentioned to exempt the owner from open space requirements on his future development projects on the high ground land he retains. The "whole parcel" concept is then cleverly avoided by planners supporting an exempt lot split that is clearly the first step in a major development but asks for no new "residential" development at this time.

Planners must avoid even the perception of insider influence and this simple lot split fails the smell test. I feel strongly that "gaming" the system should be discouraged at all levels of the planning and land use processes.

I assure you it is not easy for me to conflict with the powerful, established environmental folks but the expansion of the Devereux Slough vision being sought is unrealistic. The Trust does not generally purchase developed property and then restore it to nature but rather purchases open land that might be developed and protects it.

Returning property to a natural state is commendable so I attached a photo of the area taken about 1960. The photo looks north from over the ocean south of Storke Road. The expansive mud flat was the natural state mainly because there is no natural water source

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

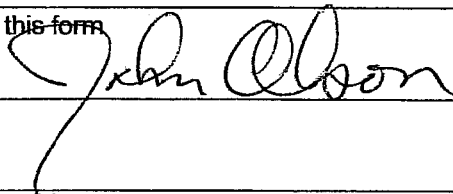
Print name and sign - Firm

Date

Print name and sign - Preparer of this form

Date

John Olson



6/28/2012

Print name and sign - Applicant

Date

Print name and sign - Agent

Date

Print name and sign - Landowner

Date

To Planning

Olson Appeal:

RE: Project Title: The Trust for Public Lands/Devereux Creek Properties Lot Split

Case No. 11TPM-00000-00007 and 12CDH-0000-00009

Honorable Supervisors-

My appeal will allow your Board an opportunity review and investigate a suspect lot split if upheld. The lot split process "to facilitate the purchase by The Trust for Public Lands" has violated the transparency the public deserves and should not be slid through the system by "insiders gaming the system." \$7,000,000 of mostly public funds and mitigation grants have been secured by the Trust using false and misleading statements.

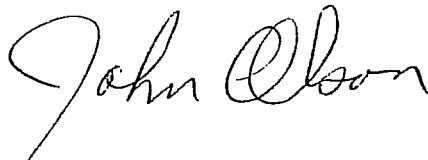
I question the Trust's motivations. Returning the golf course to a natural habitat (look at the historical picture provided); expanding a filled in estuary; and improving neighborhood property values are unproven, false, and misleading in my opinion.

Please protect the citizens. Address the question of:

How can the County apply CREF and mitigation funds wisely?

Sincerely,

John Olson



7041 Marymount Way

Goleta, CA 93117

June 30, 2012

2012 JUN -2 03 2 12
COUNTY OF SANTA BARBARA
CLERK OF SUPERIOR COURT
COURT CLERK'S OFFICE
1000 ANTELOPE DRIVE
SANTA BARBARA, CA 93101

