

APPEAL TO THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

Submit to: Clerk of the Board
County Administration Building
105 E. Anapamu Sreet, Suite 407
Santa Barbara, CA 93101

2012 MAR 16 AM 9:36

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

RE: Project Title BROWN GRADING AND HORSE ARENA
Case Number 11AP2-00000-00021 AND 074UP-00000-00830
Tract/ APN Number 077-030-013
Date of action taken by Planning Commission, Zoning Administrator, or Surveyor 3-7-2012

I hereby appeal the APPEAL WITH COND. of the PLANNING COMMISSION
(approval/ approval with conditions/ or denial) (Planning Commission/ Zoning Administrator/ or County Surveyor)

Please state specifically wherein the decision of the Planning Commission, Zoning Administrator, or Surveyor is not in accord with the purposes of the appropriate zoning ordinance (one of either Articles I, II, III, or IV), or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission, Zoning Administrator, or Surveyor. {References: Article I, 21-71.4; Article II 35-182.3, 2; Article III 25-327.2, 2; Article IV 35-475.3, 2}

Attach additional documentation, or state below the reason(s) for this appeal.
SEE ATTACHED

Specific conditions being appealed are:

Name of Appellant (please print): JOHN SALENTINE
Address: 1225 FRANKLIN RANCA RD
(Street, Apt #) GOLETA CA 93117
(City/ State/ Zip Code) 805-683-7557
(Telephone)

Appellant is (check one): Applicant Agent for Applicant Third Party Agent for Third Party

Fee \$ _____ {Fees are set annually by the Board of Supervisors. For current fees or breakdown, contact Planning & Development or Clerk of the Board. Check should be made payable "County of Santa Barbara".}

Signature: [Signature] Date: 7-15-2012

FOR OFFICE USE ONLY
Hearing set for: _____ Date Received: _____ By: _____ File No. _____

Summary of Grounds for Appeal

The Planning Commission's decision was (1) not in accord with County policies and standards, (2) in violation of CEQA and County environmental policies, (3) inconsistent with County authority and responsibility for enforcement against zoning and grading violations, (4) not supported by substantial evidence in the record, and (5) fraught with procedural irregularities.

(1) The approved project is plainly inconsistent with the following policies and standards:

- a. a. Comprehensive Plan, Land Use Element, Hillside and Watershed Protection Policies, Policy Nos. 1 and 2 (minimizing excessive alteration of natural terrain and requiring development to minimize excessive cutting and filling and to fit the site topography); Policy 6 (concerning management of surface water and runoff).
- b. b. Goleta Community Plan, Policy Geo-GV-5 (minimizing ground disturbances and development on slopes of 20 percent or greater).
- c. c. Land Use and Development Code, Chapter 35.62 – Ridgeline and Hillside Development, Section 35.62.040.C.1.b (minimizing grading in EDRN area).

(2) The Planning Commission's decision that the project is exempt from environmental review or will have no environmental impact is seriously flawed. For example, the Commission determined that the project is exempt pursuant to CEQA Guidelines section 15304 – Minor Alterations to Land – but this conclusion is not supported by the facts because the approved project includes major, extensive grading and topographic changes in a steeply-sloped area. In addition, staff's environmental analysis, and the Planning Commission's conclusions, failed to provide mitigations for anticipated impacts on an existing mapped Environmentally Sensitive Habitat along Franklin Creek. The intended stabling of horses up slope from the creek virtually guarantees that the runoff will be contaminated with animal waste, and the proposed drainage system dumping runoff into the creek will cause deterioration in the existing sensitive habitat. Goleta Community Plan policies BIO-V-1 and BIO-V-2 specifically require protections for such environmental resources, and failure to comply with local resource protections is inconsistent with CEQA. Appellant reserves his right to raise additional concerns pursuant to environmental law and policy.

(3) The Planning Commission failed to affirm the decisions of the Director of Planning and Development, pursuant to Chapter 35.108 of the Land Use and Development Code, and the Building Official pursuant to his authority under Section 14-31 of the Grading Code, to enforce compliance with County ordinances by requiring the correction of identified violations on the subject property. Outstanding notices of grading and zoning violations were virtually ignored in Planning Commission's deliberations, and the approved permit does not correct all outstanding violations. The Planning Commission improperly applied a standard of "intent" to violate in deciding that the violators should not be required to correct their violations when enforcement against

violators is a continuing right and obligation of the County without regard to whether the violations arose from error, mistake, or other inadvertency.

(4) Statements made by members of the Planning Commission revealed that several members ignored or misunderstood critical facts about the subject property, the history of violations, and the proposal under review. As a result, the stated grounds for decision-making are not supported by substantial evidence in the record, including but not limited to the Staff Report and testimony of the appellant and applicant.

(5) The Planning Commission's decision was made under highly irregular procedures in which the Commission initially voted 3-2 to deny a motion to approve the project and deny the appeal. Rather than accept the will of the majority as a final vote, the Commission recessed at the request of staff, returned and gave the applicant an opportunity to state whether violations on the site were "intentional," and then put the same motion on the floor again and voted again, resulting in a 3-2 vote to approve the identical motion. Under any reasonable interpretation of Robert's Rules of Order, a motion decided in a session of the decision-making body cannot be brought up again in substantially the same form in the same session without first considering and voting on a motion to reconsider the prior vote. The improper and manipulative procedure effectively invalidates the result.

Appellant is an interested party in that appellant owns property adjacent to the subject property and is directly and specifically impacted by the subject permit. Planning Commission's consideration of the Director's approval resulted from Appellant's appeal of the Director's approval to the Planning Commission.

Appellant reserves his right to provide additional information and documentation supporting his grounds for appeal in advance of the Board's hearing on the matter.