

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Scheller Appeal of El Encinal Pole/Hay Barn

Hearing Date: November 12, 2008
Staff Report Date: October 27, 2008
Case No.: 08APL-00000-00010
Environmental Document: N/A

Deputy Director: Zoraida Abresch
Division: Dev. Rev. No. Co.
Staff Contact: F. Trotter-Cadena
Supervising Planner: Alice McCurdy
Planner's Phone #: 934-6253

APPELLANT:

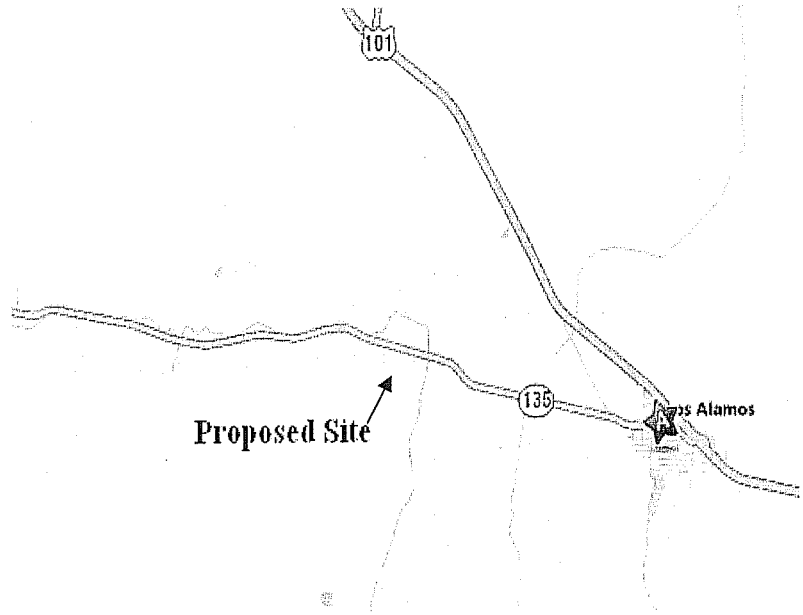
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This site is identified as Assessor Parcel Number 099-030-040, located approximately 1 ¼ miles southwest of the intersection of Highway 135 and Santa Rita Road, in the Los Alamos area, Fourth Supervisorial District.

Application Complete: February 27, 2008
Appeals Filed: March 10, 2008
Processing Deadline: N/A

1.0 REQUEST

Hearing on the request of Steve Kirby, Attorney for Carson Scheller to consider Case No. 08APL-00000-00010, [application filed on March 10, 2008] in compliance with Section 35.102 of the of the Planning and Development's decision to approve Land Use Permit 08LUP-00000-00024 for a pole/hay barn in the AG-II-100 Zone District under the Land Use and Development Code. The application involves Assessor Parcel Number 099-030-040, located approximately

1.25 miles southwest of the intersection of Highway 135 and Santa Rita Road, in the Los Alamos area, Fourth Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 08APL-00000-00010 marked "Officially Accepted, County of Santa Barbara November 12, 2008 Planning Commission Exhibit 1", based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report.
2. Deny the appeal 08APL-00000-00010, thereby upholding the Planning and Development Department's approval of Land Use Permit No. 08LUP-00000-00024.
3. Grant de novo approval of Land Use Permit, 08LUP-00000-00024.

Refer back to staff if the Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

The proposed project is being considered by the Planning Commission based on the Land Use and Development Code, Section 35.102.040.A.2.d of the Santa Barbara Code that states:

Any decision of the Director to approve or deny an application for a Coastal Development Permit or Land Use Permit may be appealed to the Planning Commission.

The Planning Commission hearing is de novo and the Commission shall affirm, reverse, or modify the decision of the Department.

4.0 ISSUE SUMMARY

An application for a Land Use Permit was submitted on January 10, 2008 to legalize the construction of a 1,944 square foot pole/hay barn to be located within the same footprint area as a previously existing pig barn. Planning and Development approved the permit on February 27, 2008 based on the project's conformance with the provisions of the Land Use and Development Code and the Comprehensive Plan. The appellant objects to the structure which lies within a 75 foot wide recorded easement for utilities, water, and ingress and egress. The appellant has

identified a total of 13 issues that form the basis of their appeal. These issues are identified and addressed in Section 7 of this Staff Report.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	AC
Ordinance, Zone	Land Use and Development Code, AG-II-100
Site Size	108 acres
Present Use & Development	The site is currently developed with four dwellings: one is the principal dwelling built in 1964, with an addition constructed in 1971. The other three dwellings are occupied by farm employees. In addition, onsite development includes a shed, barn, and shop which were constructed prior to 1938, a stable constructed in 1987 and the pole/hay barn which was constructed in 1988.
Surrounding Uses/Zone(s)	North: AG-II-100 South: AG-II-100 East: AG-II-100 West: AG-II-100
Access	Highway 135
Other Site Information	Active Ag Preserve
Public Services	Water Supply: Private Water Well Sewage: Private Septic System Fire: Santa Barbara County, Str: #24

5.2 Setting

The subject 107.17 acre parcel was created by TPM 13,549 in 1984. On August 6, 1986, a time extension was requested for TPM 13,549 and was approved. Surrounding parcels are 100 plus acres in size.

5.3 Description

The proposed project is for a land use permit to legalize an existing 1,944 square foot, 2-sided pole/hay barn constructed in 1988. The pole barn was constructed over the foundation of a prior barn. Per the Land Use and Development Code there are no required setbacks for the side and rear property boundaries on parcel zoned AG-II. However, the applicant has located the existing structure approximately 26 feet to the closest property line which is also the top of bank of an unnamed creek. Based on a map prepared by Blake Land Surveying, at its closest point the pole barn is 26 feet from the top of bank.

5.4 Background Information

With the exception of the main house, an addition to the main house, the rebuilt stable and the pole barn which were constructed respectively in 1964, 1971, 1987 and 1988, all other existing

structures onsite were constructed prior to 1938 and therefore predate zoning. This information was verified through historical information obtained from the Assessor's office. On March 7, 2008, the owner submitted a minor Conditional Use Permit to legalize a dwelling for a fulltime farm employee. This application was approved by the Zoning Administrator on July 14, 2008. On September 30, 2008, a Land Use Permit was issued for the stable that had replaced an original 4,000 square foot stable that had been destroyed in the early 1980's. The replacement stable has been existing on site since 1987. The pole/hay barn that is the subject of this appeal was constructed in 1988 over the foundation of a prior barn.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

Pursuant to CEQA Guidelines section 15268 and the County Guidelines for the Implementation of CEQA, ministerial permitting actions, such as the subject permit, are not subject to CEQA. Therefore, no CEQA document has been prepared.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p>Land Use Development Policy 4 (Land Use Element, p.82) Prior to the issuance of a use permit, the County shall make the finding that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed project.</p>	<p>Consistent: The project site has adequate services and resources to serve the existing development. The legalization of the pole/hay barn does not require these services.</p>
<p>Agricultural Element Policy 1.D: The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs.</p>	<p>Consistent: The project site is currently under the Agricultural Preserve Program and will remain under contract.</p>

6.3 Zoning: Land Use and Development Code Compliance

6.3.1 Compliance with Land Use and Development Code Requirements

The permit application (Case No: 08LUP-00000-00024) was approved by Planning and Development on February 27, 2008, subject to a ten day appeal period. The subject appeal was filed within the appeal period which ended on March 10, 2008. The existing hay barn is approximately 1,944 square feet, 20 feet high to the peak of the roof, and 26 feet to the nearest property line. Although the AG-II zone district does not have a height limit for accessory structures, Section 35.30.90 does limit the height to 50 feet. In addition, Section 35.21.050 of the AG-II zone district does not require a setback distance from the side or rear property boundaries. Since the property is zoned agriculture the use of the hay/pole barn would be allowed with the issuance of a land use permit.

6.4 Board of Architectural Review

The Board of Architectural Review did not have jurisdiction in this case because neither the locale nor other parameters of the development fell within its specified purview.

7.0 APPEAL ISSUES

Appeal Issue #1: The applicant seeks a Land Use Permit to validate the reconstruction of a barn consisting of about 1,944 square feet. The barn was built without a permit.

Staff Response: The applicant applied for a land use permit on January 10, 2008 to legalize the pole barn in response to a zoning violation complaint that was submitted. In addition, the pole barn is located within an area that previously had contained an agricultural structure which was built prior to the County's zoning regulations.

Appeal Issue #2: The project would interfere with a 75' wide dedicated easement for ingress and egress. The illegal barn was built entirely within this easement after the Scheller's purchased the property.

Staff Response: On August 6, 1986, a time extension for TPM 13,549 was approved, creating two lots of 107 acres and 1700 acres. As a condition of approval an access easement was required to be provided for Parcel A (Scheller) shown across Parcel B (King). The proposed access easement was required to be a minimum of 20 feet wide as indicated in the staff report and as a condition from the Fire Department. The easement document creating a 75' wide easement recorded on December 30, 1986. This easement was for ingress and egress, public utility and private waterline purposes. The currently existing barn replaced a previously existing barn that had been on the site since the 1920's. This original barn was destroyed in a storm and completely dismantled in 1983. The current barn was built over the previous barn's foundation in 1988. The barn is located outside the currently developed access corridor.

Appeal Issue #3: The Land Use Permit was issued based upon erroneous and incomplete information. The application and site plan submitted for the Land Use Permit are both full of inaccuracies and omissions. The Site Plan does not meet the Planning and Development Site Plan/Topographic Map Requirements, which state that all listed items must be shown. A Development Plan may be required.

Staff Response: Applications submitted to Planning and Development are not always accurate and complete. Staff routinely works with owners/applicants to complete the information as necessary.

The site plan submitted is a color aerial site plan which clearly shows the existing structures. Although the structures were not labeled at the time staff reviewed the project, staff worked with the owner to ensure that the structures were accurately labeled. In

addition, staff conducted a site visit to determine accurate setbacks for the legalization of the pole barn.

The square footage of development on site including the existing pole barn is 18,258 square feet. Since the square footage of development does not exceed 20,000 square feet, a Development Plan would not be required for project approval.

Appeal Issue #4: The King's Parcel Map No. 13,549, recorded December 23, 1986, created the parcel line between the King parcel (Parcel A) and what would eventually become the Scheller parcel (Parcel B). The approved map permitted the Kings to sell Parcel B to the Scheller's. By this same parcel map, King dedicated the subject 75' Private Access Utilities and Water Easement" for the benefit of the Scheller parcel. The limited access is susceptible to further erosion from flood flows in the creek that runs along the eastern perimeter of the roadway. The currently constrained width of the access road has a potential to be significantly reduced even further due to long term and short term erosion.

Staff Response: A report by Earth Systems Pacific submitted by the appellant addresses the potential for creek erosion. It was the opinion of Earth Systems Pacific that the access roads width has a potential to be significantly reduced due to long and short term erosion. A short term erosion event would occur if the creek flow became blocked as a result of a gross failure in the creek bank or a fallen tree deflecting the thread of the creek toward the barn. Long term erosion was not defined in this report although the Geotechnical Engineer does state that the access road will need to be realigned to the west in the future to maintain a usable width. As stated in Flood Control's letter dated April 30, 2008 the unnamed drainage area is not identified on the Flood Insurance Rate Maps and does not meet the definition of a water course as defined in Chapter 15B, Development along Watercourses (the Setback Ordinance; see definition below). The watercourse associated with this subject project does not fit within the Setback Ordinance definition because it is not "included within the areas of special flood hazard shown in the flood insurance rate maps".

Flood Control reviewed the proposal and the creek erosion report. The County's Setback Ordinance applies to creeks identified on the FIRM maps. The drainage adjacent to the site is not mapped on the FIRM maps. County Flood Control also has the authority to apply the setback to drainages not mapped on the FIRM map. Flood Control did not require a setback for this project.

"Watercourse" means and includes rivers, streams, creeks, arroyos, gulches, washes, and drainage channels, and the beds thereof, whether containing water or dry, and whether natural and man-made; provided, however, that for the purpose of this chapter the term "watercourse" means and includes only those parts of a watercourse which are included within the areas of special flood hazard shown in the flood insurance rate maps and to those parts of a watercourse which lie between areas of special flood hazard on the same watercourse. (Ord. No. 3095, § 1)

Therefore, the project is not subject to the County's setback ordinance. In addition, the structure meets Planning and Development requirements as to setbacks, height and uses.

Appeal Issue #5: The existing location of the barn violates County Flood Control District standards which provide in part: "In general, development shall be set back a minimum of 50 feet from the Top of Bank of streams and creeks". Santa Barbara County Creek and Watercourse Dev. Setback Standards; emphasis in original.

Staff Response: The approval of TPM 13,549 did not require any additional setbacks for structures from the creek. Flood Control's letter dated April 30, 2008 has stated that the setback ordinance specifically applies only to the creeks identified in the Flood Insurance Rate Maps (FIRM). The watercourse identified on the King/Scheller parcels adjacent to the pole barn is not identified on the FIRM and therefore is not subject to this regulation. No riparian vegetation exists within the area affected by the pole barn.

Appeal Issue #6: It is well-settled in California that when an easement, such as the subject easement, is non-exclusive the servient owner (King) has the right to use the easement as long as that use does not interfere with or impede the superior right or enjoyment of the easement owner (Scheller).

Staff Response: The barn reconstructed in 1988 over the foundation of a prior barn is located outside of the historically developed and used access corridor. The legalization of this barn would not impact the developed access corridor. Finally, the issue of private easements is ultimately a civil matter.

Appeal Issue #7: The County's Parcel Map No. 13,549 for the 1986 King property division provides in part as follows:

"All access roads and driveways serving this project shall conform to Department of Public Works, Road Division Standards. Roads to be a minimum of 20 feet in width, all weather surface capable of supporting a 16 ton fire apparatus." Emphasis added.

Current County Fire Department and other access standards for development are even more exacting. See e.g. SB County Fire Department Dev. Std. #1, 7/1/2006.

Staff Response: The Fire Department letter dated April 24, 2008, indicates that agricultural structures less than 3,000 square feet are exempt from the Fire Department's review. Since this is for a 1,944 square foot pole barn the Fire Department has no conditions or jurisdictional authority to condition such structure. See attached letter, dated April 24, 2008. In addition, a survey completed by Berk Blake, Blake Land Surveys shows the closest point of the pole barn to be 26 feet from the top of bank.

Appeal Issue #8: Appellant understands that Santa Barbara County Fire Department standards for development of a Tier 1 winery (processing only) on the Scheller property would require at

least a 24' wide road, together with an additional 2' or so on each side of the roadway, for a total roadway requirement approximately 28' in width. This exceeds the available width of the access road with the barn in its present location.

Staff Response: The Fire Department's letter dated April 24, 2008 indicates that although there are specific standards for development, conditions are not imposed until a formal project has been submitted and reviewed. Since no formal project has been submitted for the Scheller property any future requirements for road/access widening, from the Fire Department are not known. See attached letter, dated April 24, 2008. In addition, a survey completed by Blake Land Surveys shows the closest point of the pole barn to be 26 feet from the top of bank.

Appeal Issue #9: Appellant has had a five-lot subdivision of the 1,737 acre Scheller property engineered.

Staff Response: A five lot subdivision was reviewed as a discussion item at the Subdivision Review Committee in May 26, 2005. Since a formal application has not been submitted to date, no formal action has taken place. The Fire Department's letter dated April 24, 2008 indicates that although there are specific standards for development, conditions are not imposed until a formal project has been submitted and reviewed. Since no formal project has been submitted, any future requirements for road/access widening from the Fire Department are not known. See attached letter, dated April 24, 2008.

Appeal Issue #10: Current Santa Barbara County standards also require that private access roadways serving two or more residential parcels or dwellings – such as currently located on the Scheller and King properties – must have a minimum width of 24' together with necessary setbacks.

Staff Response: The standards addressed above are implemented by the Santa Barbara County Fire Department. The Fire Department letter dated April 24, 2008, indicates that agricultural structures less than 3,000 square feet are exempt from the Fire Department's review. Since the land use permit validates a 1,944 square foot pole barn the Fire Department has no conditions or jurisdictional authority to condition such structure. See attached letter, dated April 24, 2008.

Appeal Issue #11: The creek that runs along the eastern perimeter of the existing access road is susceptible to further erosion, thereby imposing an additional threat to access to the Scheller property. This is contrary to Section 15 B-1 of the County Code pertaining to development along water courses, which provides as follows:

“The purpose of this Chapter is to provide controls on development adjacent to water courses in the unincorporated areas of the County of Santa Barbara. The controls are necessary to:

(b) prevent development on one parcel from causing undue detrimental impact on adjacent or downstream parcels in the event of floodwaters:.....”

Staff Response: Section 15-B-1 of the County Code pertains to standards that are implemented by the Santa Barbara County Public Works, Flood Control. Santa Barbara County Flood Control’s letter dated April 30, 2008 states that the setback ordinance specifically applies only to the creeks identified in the Flood Insurance Rate Maps (FIRM). The watercourse identified on the King/Scheller parcels adjacent to the pole barn is not identified on the FIRM’s and therefore is not subject to this regulation. See attached letter, dated April 30, 2008.

Appeal Issue #12: In authorizing the barn to remain where it was illegally built, the County is violating its own application and site plan requirements, the letter and intent of its own parcel map conditions, its own development standards and policies, and is in effect collaborating with King in taking Scheller’s valuable property rights.

Staff Response: Based on a site visit, review of the project, and Mr. Blake’s submittal, the proposed pole barn has been found to be in compliance with the original parcel map (13,549), and the provisions of the Land Use and Development Code. See also responses 1-11 above.

Appeal Issue #13: The County is also precluded as a matter of law from making the requisite finding that the project complies with all applicable laws, regulations and rules as is required by Section 35.82.100 E.1.c of the County Land Use and Development Code.

Staff Response: Please see staff response to Appeal Issues 1 – 12. The project complies with Section 35.82.110.E.1 of the Land Use and Development Code regulations. The findings required for approval of a land use permit can be made.

8.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action: The appeal fee to the Board of Supervisors is \$443.

ATTACHMENTS

- A. Findings
- B. Appeal Issues
- C. Departmental Letters
- D. Earth Systems Pacific
- E. Recorded Easements
- F. SDRC Agenda for May 26, 2005
- G. Photo of Bank
- H. Photo of Barn 1

- I Photo of Barn 2
- J Photo of Road Looking South
- K 1981 Aerial of Barn
- L Enlarge Site Plan
- M Site Plan, Elevations
- N APN Page

ATTACHMENT A: FINDINGS

1.0 ADMINISTRATIVE FINDINGS

LAND USE PERMIT FINDINGS

1.1 Pursuant to Section 35.82.110.E of the Land Use and Development Code, a Land Use Permit shall only be issued if all of the following findings can be made:

1.1.1 That the proposed development conforms to the applicable policies of 1) the Comprehensive Plan, and 2) with the applicable provisions of Land Use and Development Code and/or falls within the limited exception allowed under 35.101.020, Nonconforming use of Land, Buildings and Structures.

Land Use Permit 08LUP-00000-00024 (approved by staff on February 27, 2008) consists of the legalization of a 1,944 square foot pole/hay barn. The project is consistent with all applicable Comprehensive Plan policies, as well as relevant zoning regulations. Therefore, the project is consistent with this finding.

1.1.2 That the proposed development is located on a legally created lot.

The parcel was created by TPM 13,549, approved in 1984 and then the applicant applied for a time extension which was approved in 1986. Therefore, the project is consistent with this finding.

1.1.3 That the subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivision, setbacks and any other applicable divisions of this Article, and such zoning violation enforcement fees as established from time to time by the Board of Supervisors has been paid. This subsection shall not be interpreted to impose new requirements on non-conforming uses and structures under Section 35.101.020 et seq.

The subject property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivision, setback and any other applicable divisions of the Land Use and Development Code. The project is proposed to legalize a structure which was turned in as a zoning violation. There are no other zoning violations relating to the project site. As discussed in Finding 1.1.1. above, the project is consistent with all requirements of the Land Use and Development Code.

Statement in Support of Scheller Appeal
El Encinal Hay Barn
Case No. 08LUP-00000-00024

The Director's decision in issuing the Land Use Permit was in error, an abuse of discretion and not supported by the evidence for the following reasons, among others:

1. Applicant King seeks a Land Use Permit to validate construction of an illegal pole barn consisting of about 1,944 square feet. The barn was built without a permit.

2. Appellant Scheller owns contiguous lands, consisting of about 1,737 acres. The Scheller family purchased these lands in 1986 from applicant's predecessor-in-interest, Consuelo Ricard King Trust. Scheller's access is by a 75' wide dedicated easement over King's lands. The illegal barn was built entirely within this easement after the Schellers purchased their property. See MNS survey dated June 2007, attached as Exhibit 1 hereto, and four (4) photographs attached as Exhibit 2 hereto.

Schellers currently have 180 acres of irrigated farmable lands accessed by this easement. These acres, when in hay production, are supported by five semi-truck and trailer loads each season. When in other crops (typically peas), there are normally six to eight semi-trucks and trailers using the easement each season. In addition, three to four semi-truck and trailer loads of cattle per year use this easement. Each of these truck loads weighs about 50,000 lbs. A truck and trailer hauling a CAD D-6 bull dozer for road work also depend upon this easement for ingress and egress.

3. The Land Use Permit was issued based upon erroneous and incomplete information. The application and site plan that were submitted for the Land Use Permit are both full of inaccuracies and omissions. In the application form, under Existing Use the applicant should have checked "SFD" and under "Existing Buildings" the applicant

should have said eight (8) structures. In that same part of the application, the applicant should have given the total square footage of all structures and age of the oldest one, and should have listed four (4) residential units. There are some very large structures on the site, including the four residences. It is very possible that the square footage of the existing improvements on the parcel exceeds 20,000 sf, which would trigger processing a Development Plan to legalize the pole barn. The applicant should have been required to show the square footage and permit history of all of the structures (see page 3 of the checklist). If a Development Plan is required, it would trigger review by the Fire Department and Flood Control. If the additional structures are not grandfathered or legally permitted as employee dwellings, it would trigger the need for Conditional Use Permits, Land Use Permits, Building Permits and Certificates of Occupancy for those units as well. Under "Parcel Validity" the applicant stated "Property in family since 1840" whereas the applicant should have listed Parcel Map 13549 (Lot A). That map included the 75' access easement in favor of the Scheller parcel, which is not shown on the site plan, as required.

The Site Plan does not meet the Planning & Development Site Plan/Topographic Map Requirements, which state that all listed items must be shown. Omissions on the site plan include gross and net acreages, the location of all existing and proposed easements, and the name of all roads or highways along the boundary of the property. The site plan also lacks a vicinity map. Also required, but not shown on the site plan, are all existing structures labeled existing or proposed, as well as the use, number of stories, height, square footage, use, setbacks, and permit history of each structure. The number and type of dwelling units is also required to be shown, but was not. Water wells and septic systems are also required to be shown on the site plan. Other omissions on the site plan include site information items such as vegetation, trees, agricultural areas, creeks and drainages, and geologic "top of bank" of any creek or drainage.

4. Pursuant to King's Parcel Map No. 13,549, recorded December 23, 1986, in Book 39, pp. 7, 8 & 9, the parcel line between the King parcel (Parcel A) and what would eventually become the Scheller parcel (Parcel B) was created. The approved

map permitted King to sell Parcel B to the Schellers. By this same parcel map, King dedicated the subject "75' Private Access Utilities & Water Easement" for the benefit of the Scheller parcel. This easement runs south from Highway 135 to the cattle guard at the King/Scheller property line. King's illegal barn, which was built after Schellers purchased Parcel B, is located entirely within this 75' right-of-way, thereby significantly restricting Scheller's useable access. This limited access is susceptible to further erosion from flood flows in the creek that runs along the eastern perimeter of the roadway. The currently constrained width of the access road has a potential to be significantly reduced even further due to long term and short term erosion. A short term erosion event would occur if the creek became blocked as a result of a gross failure in the creek bank, or if the creek became blocked due to a fallen tree deflecting the thread of the creek toward the barn. It is likely that the access road will need to be realigned to the west in the future to maintain a usable width. This realignment will likely need to be through the location of the existing barn. See Earth Systems Pacific letter report to be submitted under separate cover.

5. The existing location of the barn violates County Flood Control District standards which provide in part: "In general, development shall be set back a minimum of **50 feet** from the **Top of Bank** of streams and creeks." Santa Barbara County Creek and Watercourse Dev. Setback Standards; emphasis in original.

6. It is well-settled in California that when an easement, such as the subject easement, is non-exclusive the servient owner (King) has the right to use the easement as long as that use does not interfere with or impede the superior right or enjoyment of the easement owner (Scheller). See *Scruby v. Vintage Grapevine, Inc.*, 37 Cal. App. 4th 697; and *City of Pasadena v. California-Michigan Land & Water Co.*, 17 Cal. 2d 576, 578. Where, as here, the grant of easement specifies its width (i.e. 75') the owner of the servient tenement (King) cannot obstruct any portion of the easement even though it may not be actively used by the owner of the easement (Scheller). *Tarr v. Watkins* (1960) 180 Cal. App. 2d 362, 366. Scheller is entitled to use so much of the easement as is reasonably necessary for the full use and enjoyment of his property. The barn is

therefore an unlawful encroachment and the County is precluded from granting a permit purporting to legalize it. See paragraph 13 below.

7. The County's Parcel Map No. 13,549 for the 1986 King property division provides in part as follows:

"All access roads and driveways serving this project shall conform to Department of Public Works, Roads Division Standards. Roads to be a minimum of 20 feet in width, all weather surface capable of supporting a 16 ton fire apparatus." Emphasis added.

Current County Fire Department and other access standards for development are even more exacting. See e.g. SB County Fire Department Dev. Std. #1, 7/1/2006.

8. Appellant understands that Santa Barbara County Fire Department standards for development of a Tier I winery (processing only) on the Scheller property would require access at least 24' wide, together with an additional 2' or so on each side of the roadway, for a total of approximately 28' in width. This exceeds the available width of the access road with the barn in its present location.

9. Appellant has had a five-lot subdivision of the 1,737 acre Scheller property engineered. The matter was initially considered by the County's Subdivision Review Committee on May 26, 2005. Access road standards for this subdivision would also require a minimum 24' wide roadway with an additional 2' or so on each side, for a total of at least 28' in width. This exceeds the available width of the access road with the barn in its present location. See Dev. Std. #1, ¶ II (7/1/2006).

10. Current Santa Barbara County standards also require that private access roadways serving two or more residential parcels or dwellings - - such as currently located on the Scheller and King properties - - must have a minimum width of 24', together with necessary setbacks. Moreover, such access roads must "not be obstructed in any manner." See Dev. Std. # 1, ¶ II (7/1/2006). Current standards apply

to validation proceedings for illegal structures. Permitting the illegal barn to remain in its present location violates this standard as well.

11. The creek that runs along the eastern perimeter of the existing access road is susceptible to further erosion, thereby imposing an additional threat to access to the Scheller property. This is contrary to Section 15 B-1 of the County Code pertaining to development along water courses, which provides as follows:

“The purpose of this Chapter is to provide controls on development adjacent to water courses in the unincorporated areas of the County of Santa Barbara. The controls are necessary to:

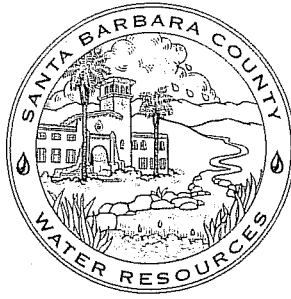
(b) prevent development on one parcel from causing undue detrimental impact on adjacent or downstream parcels in the event of floodwaters;... .”


12. Thus, in authorizing the barn to remain where it was illegally built, the County is violating its own application and site plan requirements, the letter and intent of its own parcel map conditions, its own development standards and policies, and is in effect collaborating with King in taking Scheller’s valuable property rights.

13. The County is also therefore precluded as a matter of law from making the requisite finding that the project complies with all applicable laws, regulations and rules as is required by Section 35.82.100 E.1.c. of the County Land Use & Development Code.

Conclusion

For the foregoing reasons, the Land use permit should be set aside and the illegal structure barn should not be permitted to remain in its present location.



Santa Barbara County Public Works Department
Flood Control  Water Agency

April 30, 2008

Planning Commission
County of Santa Barbara
Planning & Development Department
123 East Anapamu Street
Santa Barbara, CA 93101

Subject: King/El Encinal Pole Barn; AP Number 099-030-040
08APL-00000-00010 of 08LUP-00000-00024

Dear Commissioners:

Santa Barbara County Flood Control has been asked by the Planning & Development Department to respond to the following statements that were submitted in an appeal to the subject project:

5. *The existing location of the barn violates County Flood Control District standards which provide in part: "In general, development shall be set back a minimum of 50 feet from the Top of Bank of streams and creeks". Santa Barbara County Creek and Watercourse Dev. Setback Standards; emphasis in original.*

and

11. *The creek that runs along the eastern perimeter of the existing access road is susceptible to further erosion, thereby imposing an additional threat to access to the Scheller property. This is contrary to Section 15 B-1 of the County Code pertaining to development along water courses, which provides as follows:*

**ATTACHMENT C
FLOOD CONTROL LETTER**

"The purpose of this Chapter is to provide controls on development adjacent to water courses in the unincorporated areas of the County of Santa Barbara. The controls are necessary to:

(b) prevent development on one parcel from causing undue detrimental impact on adjacent or downstream parcels in the event of floodwaters:....."

Please see below the definition of "watercourse" from Chapter 15B, "Development Along Watercourses," ("The Setback Ordinance).

The watercourse associated with this subject project does not fit within the Ordinance definition because it is not "included within the areas of special flood hazard shown in the flood insurance rate maps" and therefore not subject to the ordinance.

Please contact the undersigned should you have any further questions.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION
DISTRICT

By: Jonathan S. Frye
Jonathan S. Frye
Engineering Manager

cc: Florence Trotter, County Planning & Development

CHAPTER 15B DEVELOPMENT ALONG WATERCOURSES

Sec. 15B-1. Legislative intent.

Sec. 15B-2. Definitions.

"Watercourse" means and includes rivers, streams, creeks, arroyos, gulches, washes, and drainage channels, and the beds thereof, whether containing water or dry, and whether natural and man-made; provided, however, that for the purpose of this chapter the term "watercourse" means and includes only those parts of a watercourse which are included within the areas of special flood hazard shown in the flood insurance rate maps and to those parts of a watercourse which lie between areas of special flood hazard on the same watercourse. (Ord. No. 3095, § 1)

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APR 30 2008

S.B. COUNTY
PLANNING & DEVELOPMENT



Fire Department

"Serving the Community since 1926"

HEADQUARTERS

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX: (805) 681-5563

John M. Scherrei
Fire Chief

Tom Franklin
Deputy Fire Chief

April 24, 2008

Ms. Florence Trotter-Cadena
County Planner
624 West Foster Road
Santa Maria, CA 93455

SUBJECT: APN#: 099-030-041
Appeal Issues for the King Ranch by Carson Scheller

Dear Ms. Trotter-Cadena,

I have reviewed the four appeal issues numbered #7-10 as requested per your e-mail dated April 3rd, 2008 (attached) and offer you the following:

You have requested a determination from the Fire Department as to whether or not these issues are relevant to the legalization of a hay/pole barn on a neighboring property.

It is further our understanding that the hay/pole barn in question is considered an Agricultural (AG) structure on AG zoned land and under 3000 square feet in size.

Under current Santa Barbara County Code, any Agricultural structure under 3000 square feet in size is exempt from Fire Department review. Therefore, the Fire Department has no conditions or jurisdictional authority to condition such structures. As such, we would have no role in determining whether or not an AG structure under 3000 square feet would be legal or not.

In regards to Fire Department conditions of approval regarding a possible future project, it is very difficult to say with any degree of certainty what those requirements would be. Currently, the Fire Department has no active case associated with the Scheller's property that would require road/access widening, and any speculation on our part would be hypothetical at best. A good resource for possible conditions of approval for applicants considering future projects would be found on our website at www.sbcfire.com.

ATTACHMENT C
FIRE DEPARTMENT LETTER

RECEIVED

APR 25 2008

S.B. COUNTY (NORTH)
PLANNING & DEVELOPMENT

The Fire Department would defer any question as to the legality of a structure to County Counsel, Building, or Zoning Departments.

I hope this information is helpful and if there is anything else I can do please do not hesitate to contact me.

Yours in the interest of life and fire safety,

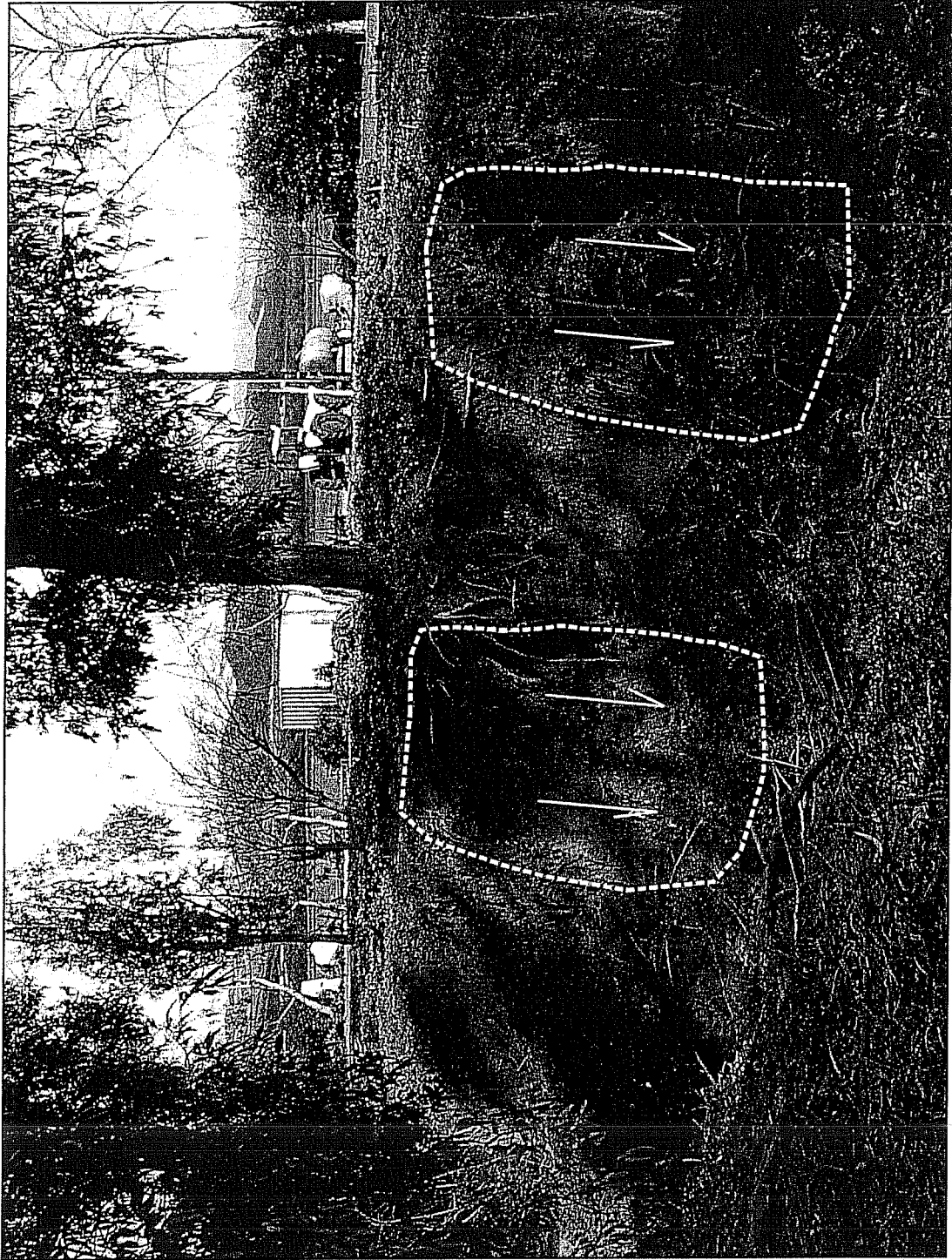


Martin Johnson, Captain
Santa Barbara County Fire Department
(805) 681-5528

Attachments: E-mail dated 4/3/2008

c: Russ Sechler, Inspector
APN

PHOTOGRAPH 2
SHELLER PROPERTY ACCESS ROAD
3380 Highway 135
Los Alamos, Santa Barbara County, California

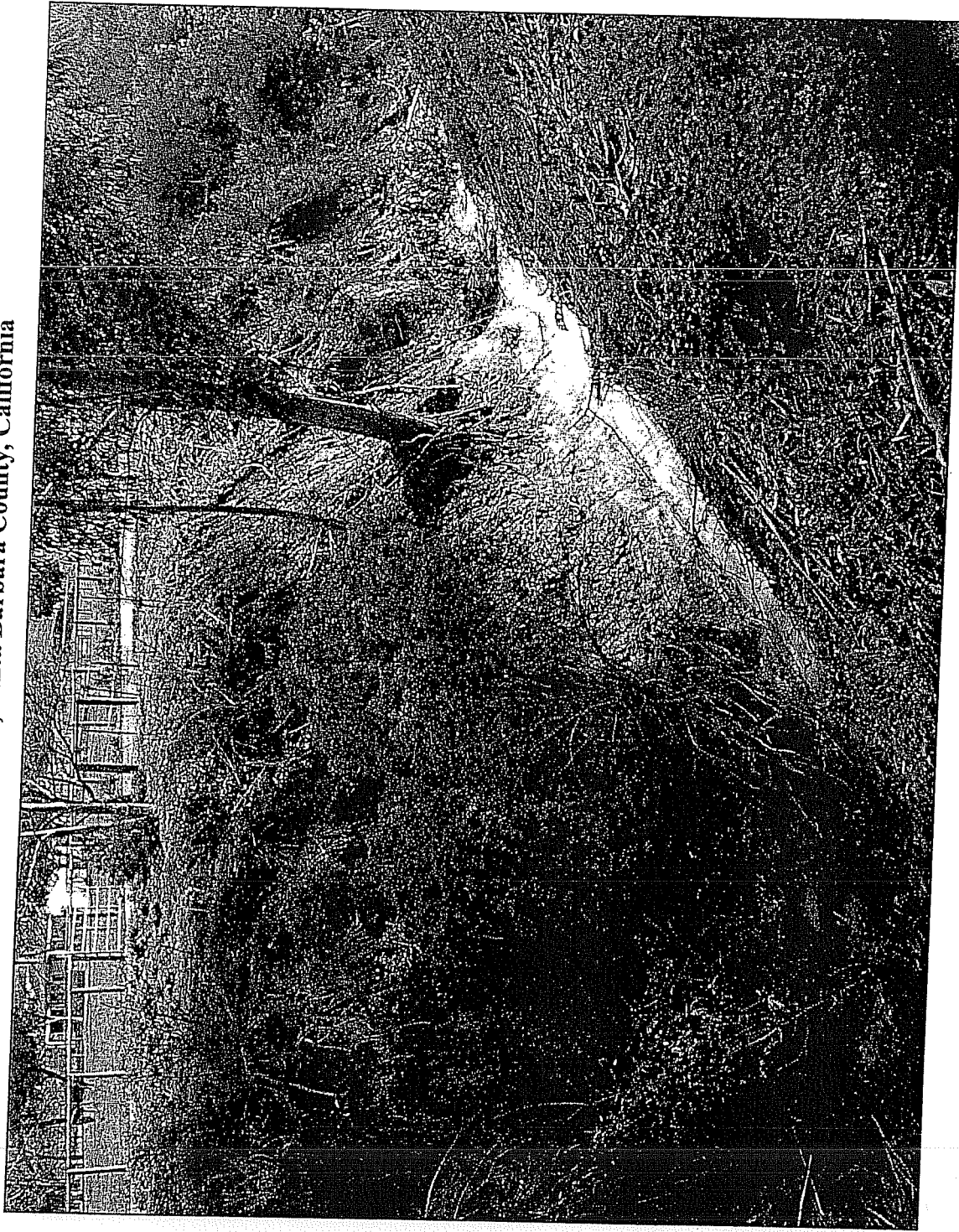


EARTH SYSTEMS PACIFIC

4378 Old Santa Fe Road, San Luis Obispo, CA 93401
February 2008

(805) 544-3276 - (805) 544-1786
www.earthsys.com - email: esc@earthsys.com
SL-15629--SA

PHOTOGRAPH 1
SHELLER PROPERTY ACCESS ROAD
3380 Highway 135
Los Alamos, Santa Barbara County, California



EARTH SYSTEMS PACIFIC

4378 Old Santa Fe Road, San Luis Obispo, CA 93401
February 2008

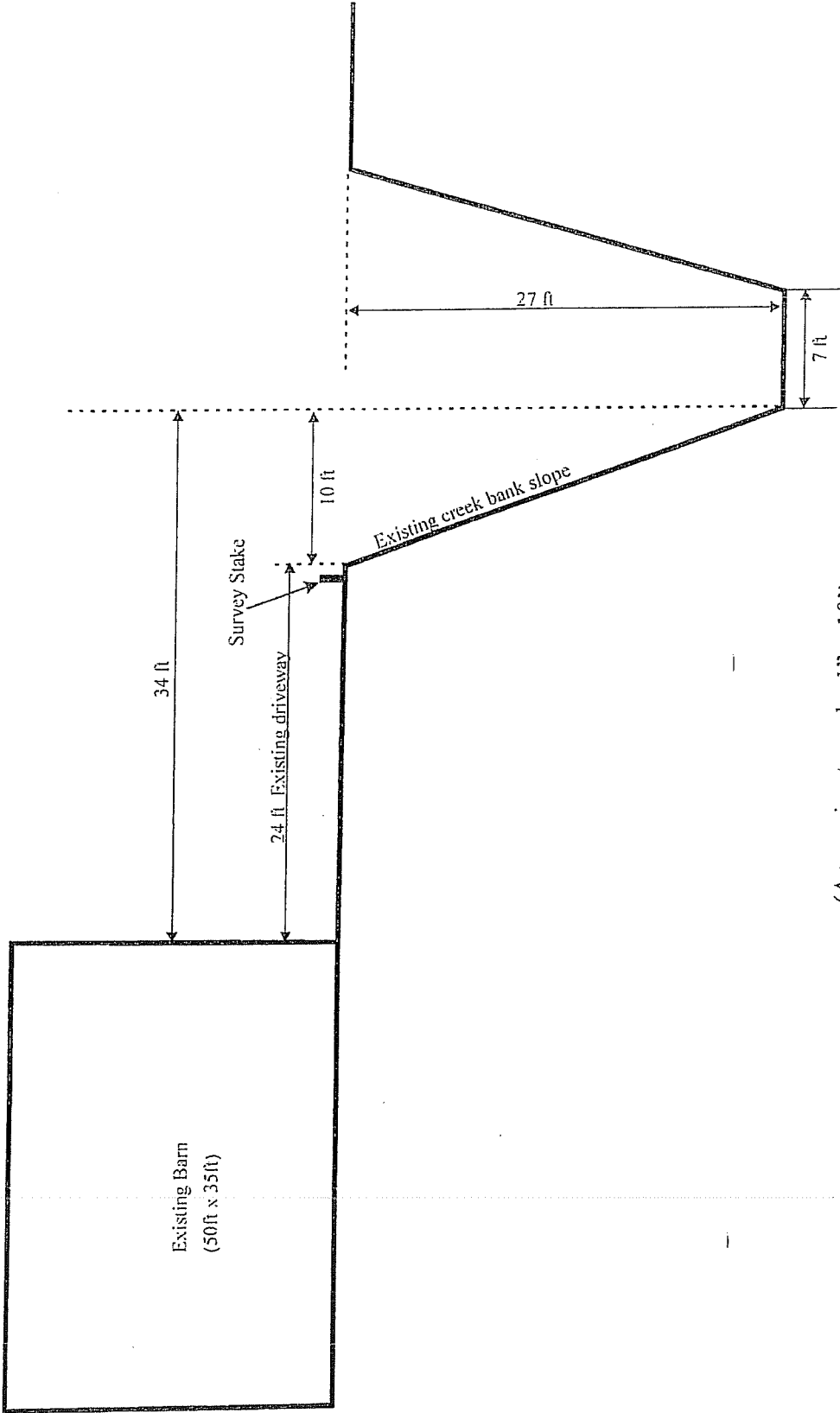
(805) 544-3276 - (805) 544-1786
www.earthsys.com - email: esc@earthsys.com
SL-15629--SA

CREEK CROSS SECTION

SHELLER PROPERTY ACCESS ROAD

3380 Highway 135

Los Alamos, Santa Barbara County, California



(Approximate scale: 1" = 10')
(View looking north)



EARTH SYSTEMS PACIFIC

4378 Old Santa Fe Road, San Luis Obispo, CA 93401
February 2008

(805) 544-3276 - (805) 544-1786

www.earthsys.com - email: esc@earthsys.com
SL-15629-SA



March 10, 2008

Mr. Carson Scheller
P.O. Box 498
Los Alamos, CA 93440

PROJECT: SCHELLER PROPERTY ACCESS ROAD
3380 HIGHWAY 135
LOS ALAMOS, CALIFORNIA

SUBJECT: Geotechnical Opinion Concerning the Creek Bank Adjacent to the Access Road

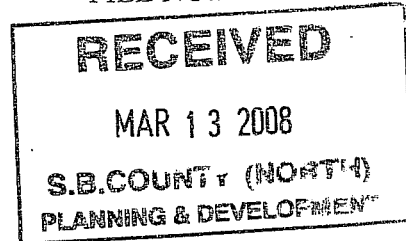
Dear Mr. Scheller:

As requested, this letter presents our opinion concerning the creek bank adjacent to the access road that provides the only ingress and egress to your property at 3380 Highway 135 in the Los Alamos area of Santa Barbara County, California.

On February 28, 2008, representatives of this firm visited the site to observe the general conditions near the access road where it trends between a barn and an ephemeral creek. The access road is on the south side of Highway 135 and is generally aligned in a north-south direction, with the barn on the west side and the creek on the east side. There is currently an approximate 24-foot width to accommodate the access road between the barn and the top edge of the creek bank, as shown in the attached Creek Cross Section.

The creek bank is steep, with an estimated inclination of 0.4-horizontal to 1-vertical. The creek bank has a moderate growth of brush, weeds, various other types of vegetation, and occasional large eucalyptus trees, as well as some debris. The creek bank conditions are shown in Photograph 1, attached. The creek bank comprises silty sand and sandy silt alluvial soils that possess a relatively high potential for localized areas of erosion and periodic surficial failure. During the site visit, we observed localized areas of recent erosion and surficial failure, as shown

FILE NO.: SL-15629-SA





on Photograph 2. The majority of the surficial failures are due to erosion undermining the toe of the creek bank.

It is our opinion that the access road's current width has a potential to be significantly reduced due to long term and short term erosion. A short term erosion event would occur if the creek flow became blocked as a result of a gross failure in the bank, or in the event of a fallen tree deflecting the thread of the creek toward the barn. It is likely that the access road will need to be realigned to the west in the future to maintain a usable width. This realignment will likely be through the existing barn.

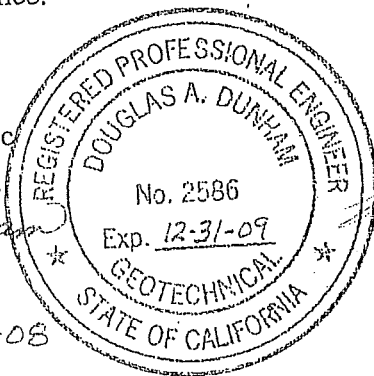
If there are any questions concerning this letter or we can be of further assistance, please contact me at your convenience.

Sincerely,

Earth Systems Pacific

Doug Dunham
Doug Dunham, G.E.

Date Signed: 3-10-08



Richard Gorman
Richard Gorman, P.G., C.E.G.

Date Signed: 3-10-08



Attachments: Creek Cross Section
Photograph 1
Photograph 2

Doc. No.: 0803-075.LTR/ab

3

RECORDING REQUESTED BY:
TICOR TITLE INSURANCE CO. 190175-MPH
WHEN RECORDED, RETURN TO:
CONSUELO R. KING
P. O. BOX 678
LOS ALAMOS, CA 93440

H.C. MENZEL CLERK RECORDER

SANTA BARBARA CO. CA.

1986-087275

1986 DEC 30 AM 9:00

3

1 12/30/86
2 12/30/86
3 12/30/86

ROAD MAINTENANCE AGREEMENT

DOCUMENTARY TRANSFER TAX \$ NO Consideration
 COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
 COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES
BEARING THEREON AT TIME OF SALE.
Signature of declarant or agent determining tax - life only

THIS AGREEMENT is made and entered into on December 23, 1986, by and between CONSUELO RICKARD KING, Trustee of the CONSUELO RICKARD KING REVOCABLE TRUST dated September 9, 1985, and EDWARD C. SCHELLER and AUDREY F. SCHELLER, Husband and Wife, under the following facts and circumstances:

a. King, the owner of the El Encinal Ranch in Los Alamos, Santa Barbara County, California, consisting of two (2) contiguous legal parcels of land, described in Exhibit "A" attached, and incorporated by reference herein, contemporaneously herewith is selling to Scheller and Scheller is purchasing from King Parcel Two thereof.

b. Included in said purchase and sale between the parties is the grant, from King to Scheller, of a non-exclusive easement for ingress, egress, public utility and private waterline purposes across a portion of Parcel One described in Exhibit "A", which easement is described in Exhibit "B", attached hereto and incorporated by reference.

c. Within said easement there is presently an asphalt paved road, fifteen feet (15') in width, extensive landscaping and irrigation therefore, which entry road serves both parcels.

d. King and Scheller, for themselves, their heirs, successors or assigns, hereby desire to enter into this agreement setting forth their respective rights, duties and obligations, each to the other, with regard to the care, use and maintenance of said easement.

NOW, THEREFORE, the parties agree as follows:

1. The parties hereto, as owners of the real property benefitted by said roadway and improvements, agree to share equally in the payment of all costs incurred in the operation, management, maintenance and repair thereof, in the good condition the same now is.

2. In the event any owner shall fail to pay his/her share of the costs of operating, managing, maintaining and repairing said road improvements in accordance with the provisions of this agreement, after ten (10) days' written notice of default from any other party hereto, and if such defaulting party fails to cure said default within said time period, then any other party may perform such work or cause such work to be performed for and on behalf of such defaulting party and the cost thereof, together with interest at ten percent (10%) per annum and/or penalties necessarily paid, shall be paid to the performing party by the defaulting party upon demand.

If any action is filed to collect such monies, the defaulting party shall pay reasonable attorney's fees if found to be at fault.

3. Failure to enforce any performance herein shall be no waiver of the right to do so hereafter.

4. Any party hereto who assigns, transfers or conveys all or part of his interest in said property shall be personally liable for the performance of the obligations imposed herein only with respect to obligations arising thereunder prior to such assignments, transfers or conveyances.

5. The various duties and obligations created by this agreement shall be enforceable as covenants or equitable servitudes as the case may be, but shall not be construed to be conditions to the continuance of the easement itself.

Executed by the undersigned parties hereto at Santa Maria, California, this 23rd day of December, 1986.

The CONSUELO RICKARD KING
REVOCABLE TRUST DATED 9/9/85

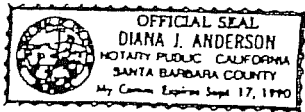
By Consuelo Rickard King
Consuelo Rickard King, Trustee

Edward C. Scheller
Edward C. Scheller

Audrey F. Scheller
Audrey F. Scheller

STATE OF CALIFORNIA

COUNTY OF Santa Barbara



On this 23rd day of December in the year 1986

Diana J. Anderson before me, a Notary Public, State of California, duly commissioned and sworn, personally appeared Consuelo Rickard King, Edward C. Scheller and Audrey F. Scheller personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged that they executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the State of California County of Santa Barbara on the date set forth above in this certificate.

Diana J. Anderson
Notary Public, State of California

My commission expires 09/17/1990

This document is only a general form which may be proper for use in some transactions and in no way can be intended to act as a substitute for the advice of an attorney. The printer does not make any warranty, either express or implied as to the legal validity of any provision of the substance of these forms in any specific transaction.

EXHIBIT "A"

Parcel One

That portion of Lot 2 of the Orena Portion of the Los Alamos Rancho as shown on the Map of Survey in Book 2 at pages 31 and 32, filed in the office of the County Recorder, county of Santa Barbara, State of California, more particularly described as follows:

Parcel "A" of Parcel Map 13549, recorded on December 23, 1986, in Book 39, at Pages 7, 8 and 9, of Parcel Maps, as filed in the office of the County Recorder of said County and State.

Parcel Two

That portion of Lot 2 if the Orena Portion of the Los Alamos Rancho as shown on the Map of Survey in Book 2 at pages 31 and 32, filed in the office of the County Recorder, County of Santa Barbara, State of California, more particularly described as follows:

Parcel "B" of Parcel Map 13549, recorded on December 23, 1986, in Book 39, at Pages 7, 8 and 9, of Parcel Maps, as filed in the office of the County Recorder of said County and State.

EXHIBIT "B"

An easement for ingress and egress for public utilities and water line purposes over Parcel "A" of Parcel Map 13549, recorded on December 23, 1986, in Book 39, pages 7, 8 and 9, of Parcel Maps, records of Santa Barbara County.

TICOR TITLE INSURANCE CO. 190175-MPH
WHEN RECORDED, MAIL TO:
CONSUELO R. KING
P. O. BOX 678
LOS ALAMOS, CA 93440

1986-087274

1 12/30/86 5.00 RE
2 12/30/86 1.00 RE
3 12/30/86 6.00 AU

DECLARATION OF WATER AND WELL RIGHTS

THIS DECLARATION OF WATER AND WELL RIGHTS is made at Santa Maria, California, on December 23, 1986, by CONSUELO RICKARD KING, Trustee of the CONSUELO RICKARD KING REVOCABLE TRUST dated September 9, 1985, and EDWARD C. SCHELLER and AUDREY F. SCHELLER, Husband and Wife, under the following facts and circumstances:

a. King, the owner of the El Encinal Ranch in Los Alamos, Santa Barbara County, California, consisting of two (2) contiguous legal parcels of land, described in Exhibit "A" attached, and incorporated by reference herein, contemporaneously herewith is selling to Scheller and Scheller is purchasing from King Parcel Two thereof.

b. Included in said purchase and sale between the parties is the grant, from King to Scheller, of an exclusive easement for a water well site, 75 feet square, which well site easement is described in Exhibit "B", attached hereto and incorporated by reference herein.

c. Also included in said purchase and sale between the parties is a non-exclusive easement for ingress, egress, public utility and private waterline purposes, which easement is described in Exhibit "C", attached hereto and incorporated by reference herein.

d. Said well site easement is presently improved with a producing water well, including casings and a submersible pump, and said ingress and egress easement is improved with water lines which transport the water produced by said well to said Parcel Two.

e. King and Scheller, for themselves, their heirs, successors and/or assigns, desire to enter into this agreement setting forth their respective rights, duties and obligations, each to the other, with regard to said water, water well and waterlines.

NOW, THEREFORE, the parties agree as follows:

1. King hereby grants in favor of and as an appurtenance to Parcel Two the right and privilege to take from the well site herein described such water as may be reasonably necessary for domestic and agricultural use.

2. Scheller, on behalf of their heirs, successors, assigns and all future owners of Parcel Two, agrees to operate and maintain, at their sole cost and expense, in good order and repair, the well and waterlines located within said easement on Parcel One. All utilities serving

DOCUMENTARY TRANSFER TAX \$
 COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
 COMPUTED ON FULL VALUE LESS DEBTS & ENCUMBRANCES
REMAINING THEREON AT TIME OF SALE
Signature of declarant or agent determining tax - firm name

2

said well site shall be separately metered and billed directly to Scheller.

3. King shall insure that the water produced from said well shall be potable, but in no way shall be obligated to insure the adequacy of the water produced thereby for any other reason, including but no limited to condemnation, contamination, insufficient supply of underground water, failure of the well or well apparatus.

4. Each of the parties hereto agrees to execute, acknowledge and deliver such documents and to take such actions as shall be reasonably necessary or appropriate to effectuate and carry out the intent of this Declaration.

5. This Declaration shall bind and inure to the benefit of the respective heirs, executors, administrators, personal representatives, successors and assigns of the owners of Parcels One and Two and the easements and covenants contained or referred to herein shall be construed as "running with the land" and appurtenant to Parcels One and Two.

This Declaration is executed by the parties this 23rd day of December, 1986, at Santa Maria, California.

The ~~CONSUELO RICKARD KING~~
REVOCABLE-TRUST Dated 9/9/86

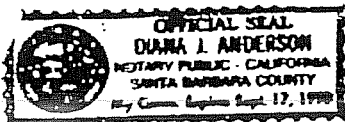
By Consuelo Rickard King
Consuelo Rickard King, Trustee

Edward C. Scheller
Edward C. Scheller

Audrey L. Scheller
Audrey L. Scheller

STATE OF CALIFORNIA

COUNTY OF Santa Barbara



On this 23rd day of December, in the year 1986

before me, Diana J. Anderson, a Notary Public, State of California, duly commissioned and sworn, personally appeared Consuelo Rickard King, Edward C. Scheller and Audrey L. Scheller personally known to me (or proved to me on the basis of satisfactory evidence) to be the person s. whose name s. m. subscribed to this instrument, and acknowledged that Y. he y. executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the City of Santa Barbara County of Santa Barbara on the date set forth above in this certificate.

Diana J. Anderson
Notary Public, State of California

My commission expires 09/17/90

This document is only a general form which may be proper for use in simple transactions and it is intended to act as a substitute for the services of an attorney. The printer does not make any warranty, either express or implied as to the legal validity of any provision or the suitability of these forms in any specific transaction.

PARCEL ONE:

Parcel "B" of Parcel Map 13549, recorded on December 23, 1986, in Book 39, Pages 7, 8, and 9; of Parcel Maps, records of Santa Barbara County.

PARCEL TWO:

An easement for ingress and egress for public utilities and water line purposes over Parcel "A" of Parcel Map 13549, recorded December 23, 1986, in Book 39, Pages 7, 8, and 9, of Parcel Maps, records of Santa Barbara County.

PARCEL THREE:

An easement for water well purposes over and across the following described property:

That portion of Lot 2 of the Orena Portion of the Los Alamos Rancho as shown on the Map of Survey filed in Book 2, at Pages 31 and 32, filed in the office of the County Recorder, County of Santa Barbara, State of California, more particularly described as follows:

A 75.00 foot easement in, on, over, through and lying within the following described line:

Commencing at a point on the Southerly right of way line of California State Highway 135, said point also being on the East line of the aforesaid Lot 2; thence, along said East line South $9^{\circ}34'00''$ West 74.31 feet to the true point of beginning; thence, at right angles North $80^{\circ}26'00''$ West 75.00 feet; thence, at right angles and parallel with the East line of said Lot 2 South $9^{\circ}34'00''$ West 75.00 feet; thence, at right angles South $80^{\circ}26'00''$ East 75.00 feet to the East line of said Lot 2; thence along said East line North $9^{\circ}34'00''$ East 75.00 feet to the true point of beginning.

PARCEL FOUR:

A 10 foot public utility easement as described in Parcel Map 13549, recorded on December 23, 1986, in Book 39, Pages 7, 8 and 9, of Parcel Maps, records of Santa Barbara County.



EXHIBIT "A"

Parcel One

That portion of Lot 2 of the Orena Portion of the Los Alamos Rancho as shown on the Map of Survey in Book 2 at pages 31 and 32, filed in the office of the County Recorder, county of Santa Barbara, State of California, more particularly described as follows:

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Parcel Two

That portion of Lot 2 of the Orena Portion of the Los Alamos Rancho as shown on the Map of Survey in Book 2 at pages 31 and 32, filed in the office of the County Recorder, County of Santa Barbara, State of California, more particularly described as follows:

Parcel "B" of Parcel Map 13549, recorded on December 23, 1986, in Book 39, at Pages 7, 8 and 9, of Parcel Maps, as filed in the office of the County Recorder of said County and State.

EXHIBIT "C"

An easement for ingress and egress for public utilities and water line purposes over Parcel "A" of Parcel Map 13549, recorded on December 23, 1986, in Book 39, pages 7, 8 and 9, of Parcel Maps, records of Santa Barbara County.

EXHIBIT "B"

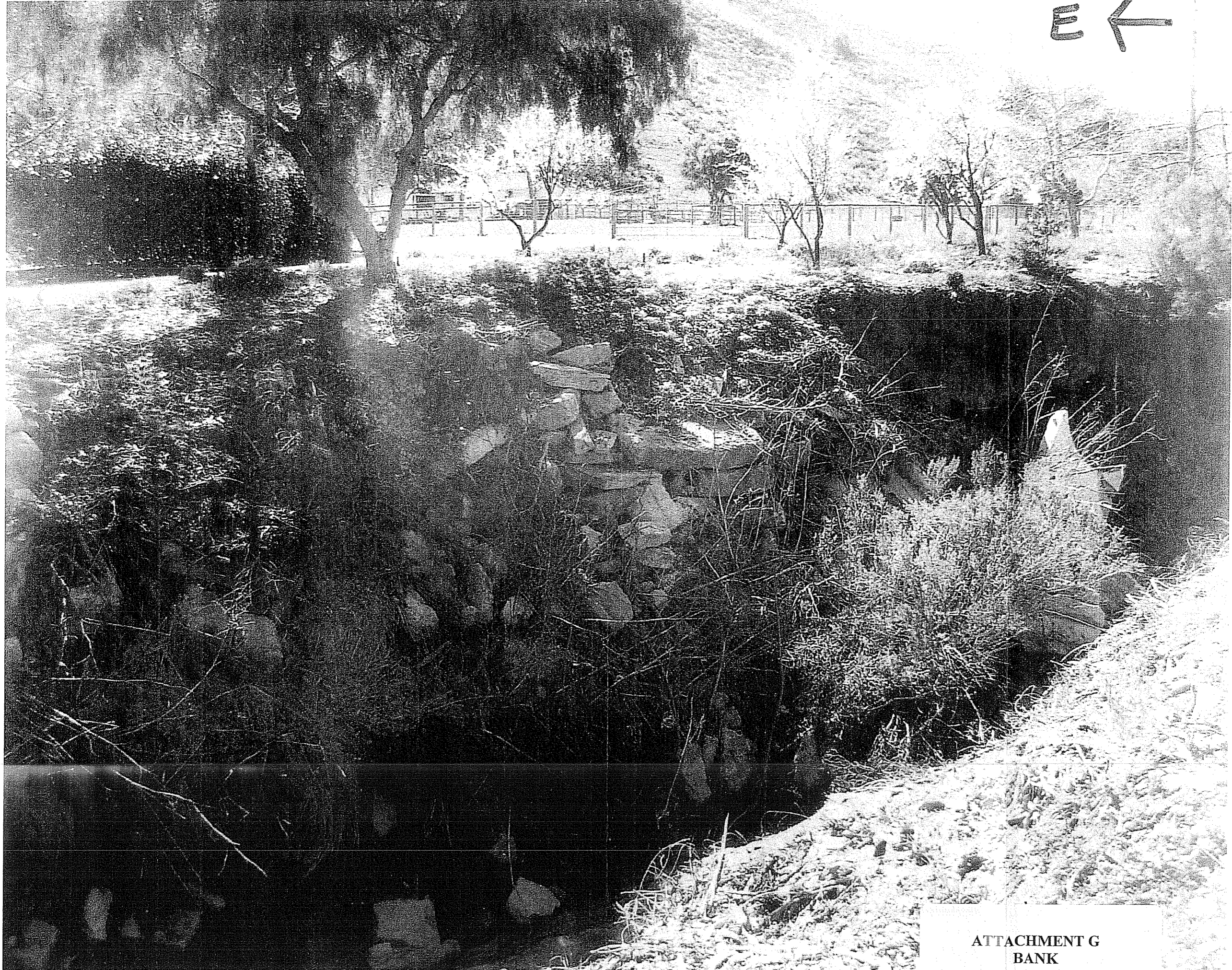
An easement for water well purposes over and across the following described property:

That portion of Lot 2 of the Orena Portion of the Los Alamos Rancho as shown on the Map of Survey filed in Book 2, at Pages 31 and 32, filed in the office of the County Recorder, County of Santa Barbara, State of California, more particularly described as follows:

A 75.00 foot easement in, on, over, through and lying within the following described line:

Commencing at a point on the Southerly right of way line of California State Highway 135, said point also being on the East line of the aforesaid Lot 2; thence, along said East line South $9^{\circ}34'00''$ West 74.31 feet to the true point of beginning; thence, at right angles North $80^{\circ}26'00''$ West 75.00 feet; thence, at right angles and parallel with the East line of said Lot 2 South $9^{\circ}34'00''$ West 75.00 feet; thence, at right angles South $80^{\circ}26'00''$ East 75.00 feet to the East line of said Lot 2; thence along said East line North $9^{\circ}34'00''$ East 75.00 feet to the true point of beginning.

E ←



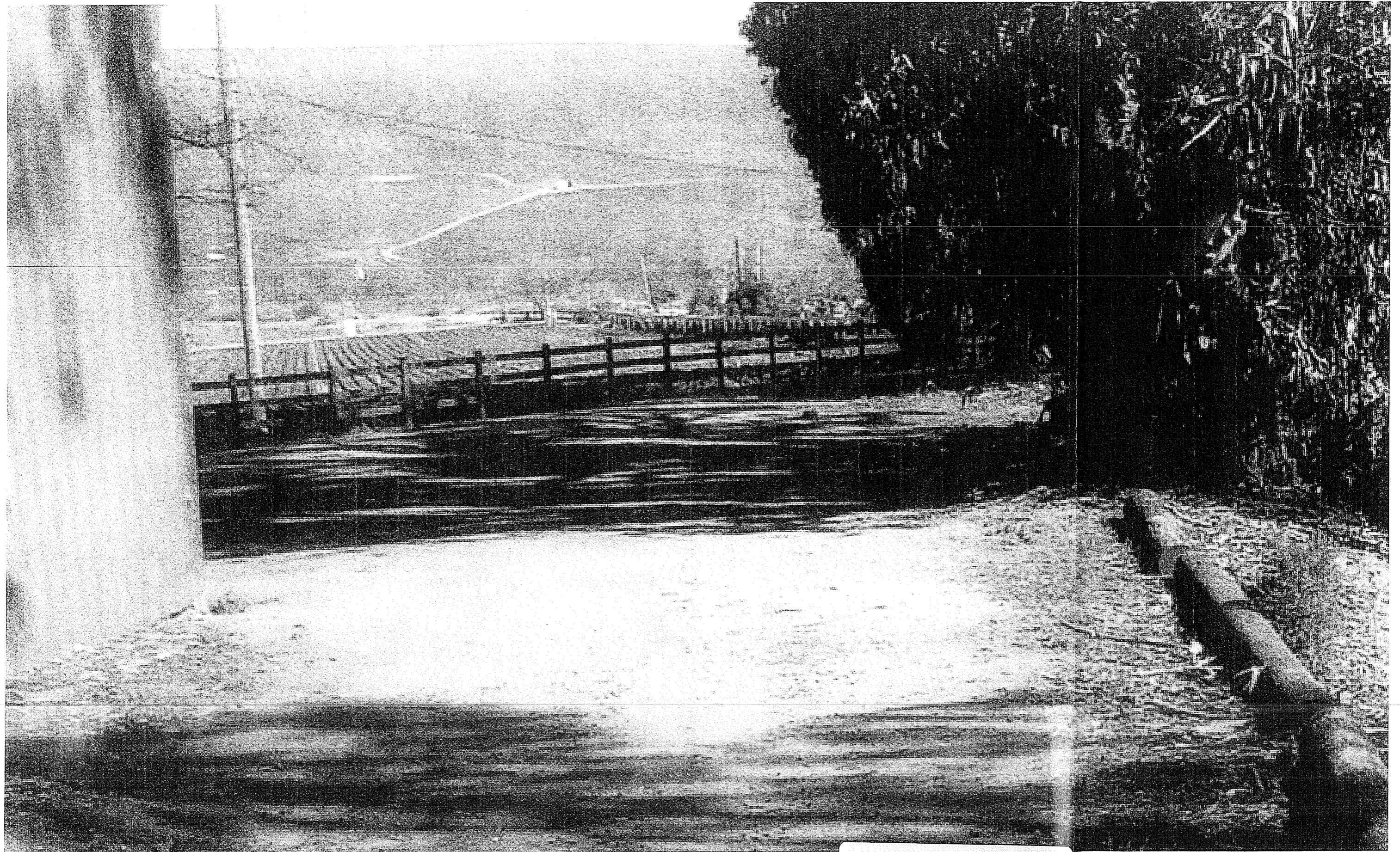
ATTACHMENT G
BANK



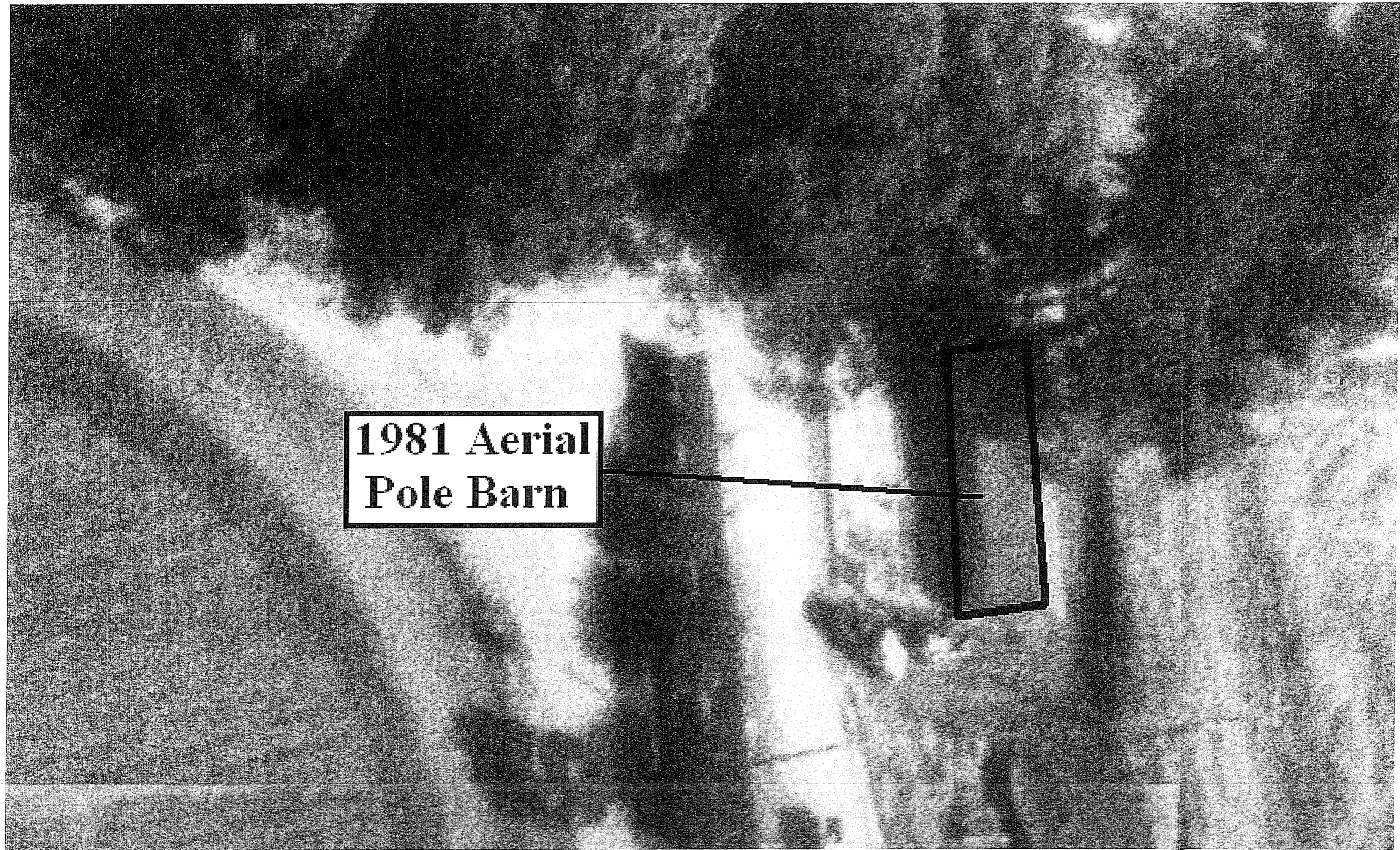
ATTACHMENT H
PHOTO OF BARN LOOKING
SOUTH



ATTACHMENT I
PHOTO OF BARN LOOKING
NORTH



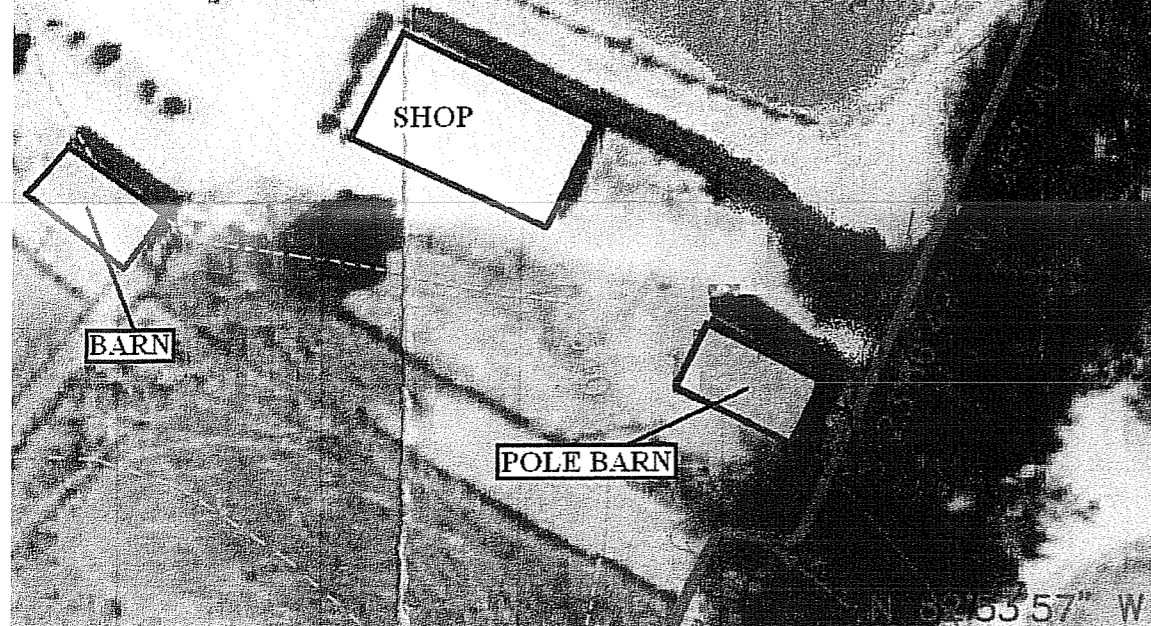
ATTACHMENT J
PHOTO OF ROAD LOOKING
NORTH



**1981 Aerial
Pole Barn**

ATTACHMENT L: ENLARGED SITE PLAN

#	Year	Type	Sq. Ft
1	1964	SFD	3984
2	1938	SFD	2695
3	1918	SFD	2951
4	1919	FED	986
5	1920s	Storage Shed	432
6	1987	Stable	1250
7	1930s	Equipment Shed	4140
8	1988	Pole Barn	1944



San Antonio Creek

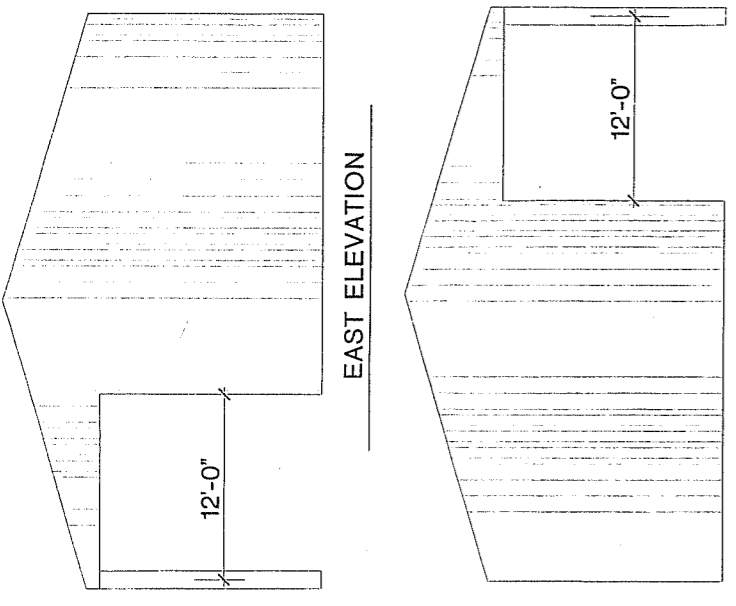
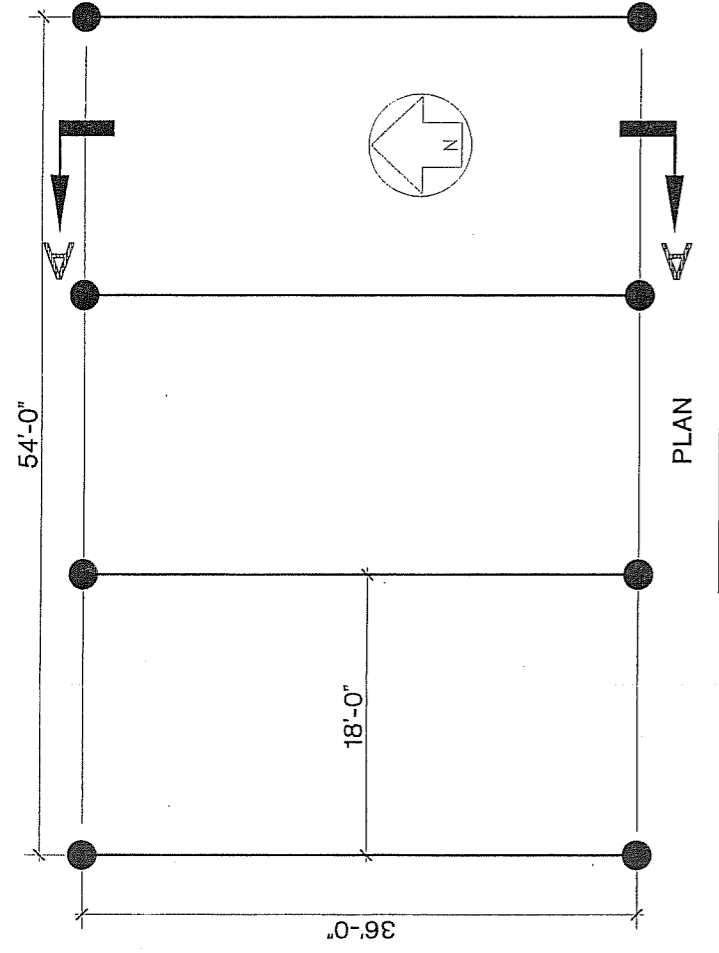
This is an aerial photograph of a rural landscape with a technical overlay. The overlay consists of white lines and boxes that delineate various geographical and project-related features. A prominent feature is a winding path or road that runs from the top left towards the center. Another path runs horizontally across the middle of the image. A large, irregularly shaped area in the lower-left and center is outlined with a thick white border. A network of smaller lines, representing drainage, is visible throughout the terrain, particularly in the lower-right quadrant. The background is a grayscale aerial view showing fields, some buildings, and natural terrain features.

Hwy 135

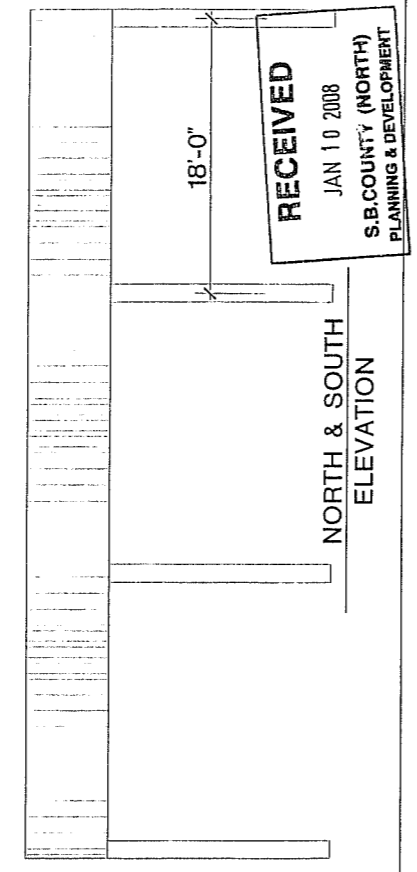
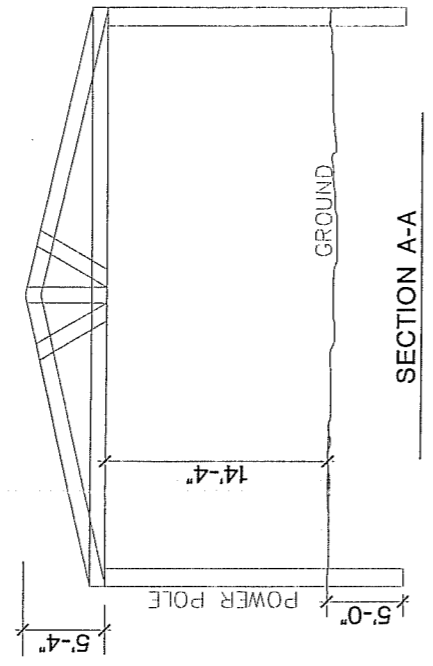
Project Site

Unnamed Drainage

EXISTING BARN

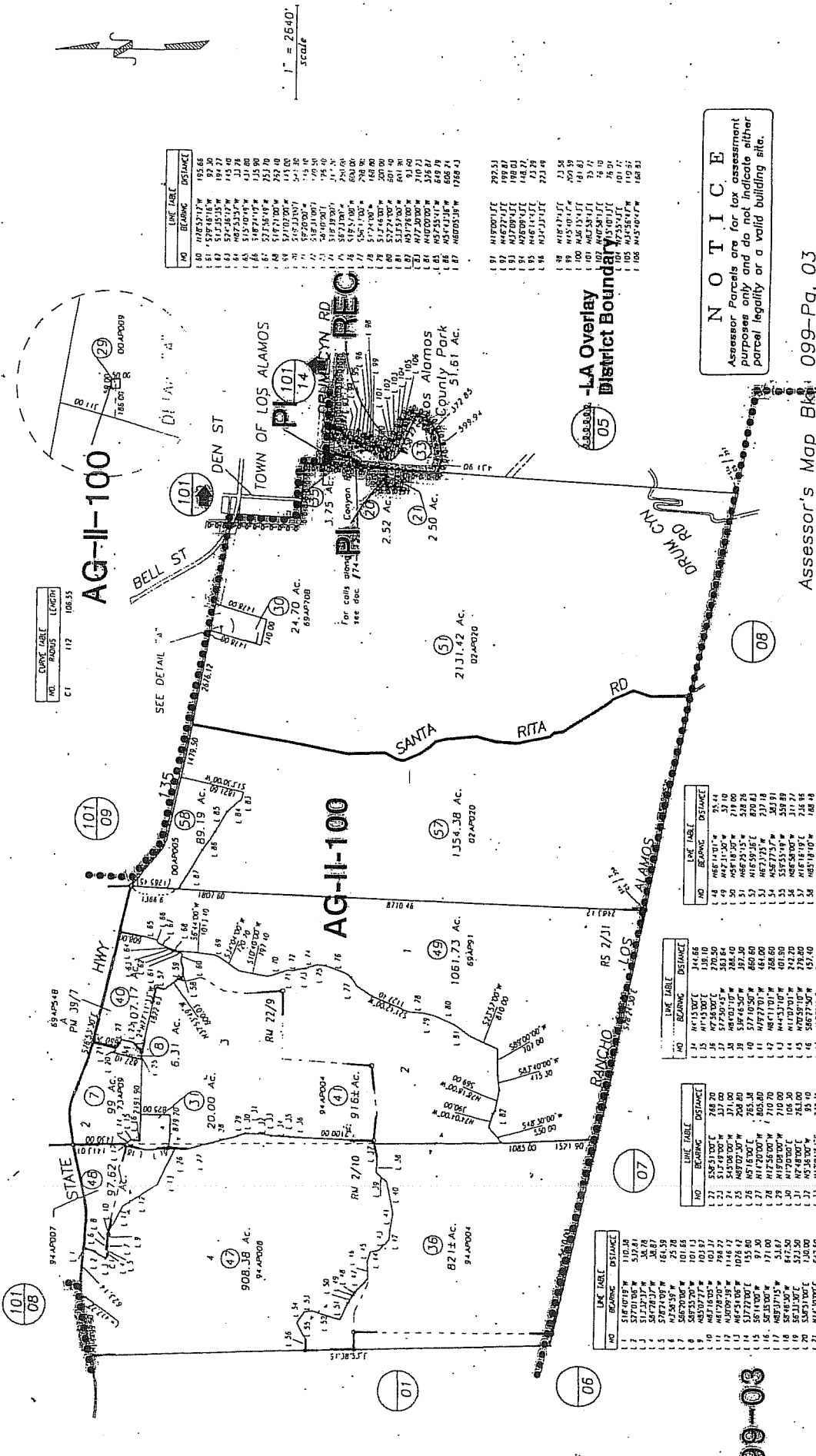


SCALE 1/8" = 1'



RECEIVED
JAN 10 2008
S.B. COUNTY (NORTH)
PLANNING & DEVELOPMENT

ATTACHMENT M ELEVATION



NO.	BEARING	DISTANCE
1	N 117° 10' 00" W	106.35
2	S 89° 15' 00" W	117.50
3	S 72° 58' 19" W	251.70
4	S 14° 00' 00" W	100.00
5	N 89° 15' 00" W	117.50
6	N 117° 10' 00" W	106.35

NO.	BEARING	DISTANCE
1	N 89° 15' 00" W	117.50
2	S 72° 58' 19" W	251.70
3	S 14° 00' 00" W	100.00
4	S 89° 15' 00" W	117.50
5	N 117° 10' 00" W	106.35

1" = 2640'
Scale

NOTICE
Assessor's Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

-LA Overlay District Boundary

Assessor's Map Block 099-Pg. 03
County of Santa Barbara, California

10/03 47/ on 36 corrects

NO.	BEARING	DISTANCE
1	S 14° 00' 00" W	100.00
2	S 72° 58' 19" W	251.70
3	S 89° 15' 00" W	117.50
4	N 117° 10' 00" W	106.35

NO.	BEARING	DISTANCE
1	N 117° 10' 00" W	106.35
2	S 89° 15' 00" W	117.50
3	S 72° 58' 19" W	251.70
4	S 14° 00' 00" W	100.00

NO.	BEARING	DISTANCE
1	N 117° 10' 00" W	106.35
2	S 89° 15' 00" W	117.50
3	S 72° 58' 19" W	251.70
4	S 14° 00' 00" W	100.00

05/27/1931 R.M. Bk. 22 , Pg. 9 , Tract "Partition of Lot 3 of the Orena Portion"
 04/28/1913 R.M. Bk. 2 , Pg. 31-32 , Tract "Orena Portion of the Los Alamos Rancho"
 10/00/1906 R.M. Bk. 2 , Pg. 10 , Tract "Juan B. Careaga of the Los Alamos Rancho"

ATTACHMENT N
APN PAGE