

Andrew and Jessica Brown  
1215 Franklin Ranch Road  
Goleta CA 93117

**HAND DELIVERY**

RE: Response to Ms Basham and Mr. Salentine letters, complaints and accusations regarding Salentine Appeal.

Dear Board of Supervisors:

On Tuesday July 10, 2012 you are scheduled to consider the appeal of the Planning and Development Director's and the Planning Commission's approval of a land use permit in case # 07LUP-00000-00021. I would like to take this opportunity to address all known concerns of Mr. Salentine and his attorneys. The evolution of this permit started in 1999 and has many complicated details. It will prove helpful to read the "Critical Path Time Line" with attachments that verify the facts and progression of events. The time line is already delivered to the Clerk of the Board.

Many of the items discussed by Mr. Salentine and Ms Basham are partial truths or simply not true. Also, a substantial portion of the claims made were delivered immediately prior to the Planning Commission hearing, giving little time for the Browns to prepare an answer that could fit into our 12 minutes of time allotted to explain almost 13 years of history. Much of the discussion at the hearing had to do with an inaccurate representation of our character instead of the best environmental, economical and least impactful to the neighborhood solution. Hearings are about finding the truth, not the element of surprise. This letter should clarify the issues prior to the BOS hearing so the discussion at that hearing can be focused on the real issues.

Many mistakes were made by many parties and agencies. We have owned our errors as have several other parties. We have paid substantial sums of money and the last five years solving these issues.

I will show that Mr. Salentine is an opportunist. He cites county and state regulations only to control the activities of the Browns while he flagrantly disregards those same regulations. Since purchasing his property in 2006 Mr. Salentine has attempted avoid County regulations as shown in his email (**Attachment 1**). Over the last five years, he has accumulated several unpermitted fills on his property. He has also overburdened the COMB pipe during his grading operations (**Attachment 2**). Since he was notified of this issue last October, Mr. Salentine has delayed the repair of this threat to the water supply to the central coast because of "extensive travel plans" until July 12, 2012. The Grading Department and COMB is working with Mr. Salentine to correct these violations. Mr. Salentine's credibility is at issue.

Basham has stated:

*"It has long been their goal to create an extensive equestrian Facility"* This is false. Our only desire is have several horses for our own family use and enjoyment. Jessica, our daughter and I enjoy raising training and enjoying nature via horseback. The horses are out in pasture most of the year. They are only in the pens during inclement weather or when they need special care. By county regulations a 10 acre property can have 20 horses. We have only 5 horses. There are many other horse properties in the immediate

area including two commercial facilities. Our property is not commercial but mirrors the neighborhood scheme.

Basham states, "The County approved a permit importation of massive amounts of fill...to create a riding arena, approximately 8200 cubic yards. ...They exceeded this and raised the level from 405.5 to 411.5."

In 2002 we truncated the importation of fill. With the approval of George Bissel, the grading inspector, we raised the westerly portion by 6 feet at the deepest tapering down to one foot at the shallowest. The easterly half was left 5 feet below approved level with the total importation of approximately 7200 cubic yards. In accordance with **H+S Code SECTION 19870** allows a grading inspector to approve deviations that do not increase the scope or cost by more than 10% without a revision to the original plans. **Browns placed less fill** than approved plans allowed by the 99 LUP.

However, Mr. Salentine's current dwelling is built upon a pad of over 7000 cubic yards of fill. About **5000** yards were placed in 1995 by the previous owner by an emergency permit. It was not installed per code so Mr. Salentine was required to over excavate and compact to 90% the entire 5000 yards to make the site buildable. Without a permit he imported an additional **2000** yards to raise his pad level by approximately 10 feet. (**Attachment 3**) When recently questioned by county enforcement he said EHS required him to import the fill to build an above ground sewer treatment plant. But he was unable to produce any documents to support his claim. Grading is now working with Mr. Salentine to legalize this unpermitted fill.

Furthermore, in 2008 Mr. Salentine was issued an emergency permit to repair a "superficial" slide on the hill below the COMB pipe. (**Attachment 4**) His true interest was to expand and stabilize his two building pads. The slide was caused largely by a non permitted ranch road cut into an unstable hillside by the previous owner. In a September 21, 2007 Geological Hazards Evaluation Cambell Geo.Inc page 13 states "The natural slopes adjacent to the proposed building site are subject to surficial and gross instability". (**Attachment 6**) Also because of the unstable hill a 30' setback was required for second building site on the fill pad. Jennifer Foster Salentines private planner wrote to the county "Although grading is not allowed for the purpose creating a building pad, this emergency fill would allow Mr. Salentine a reduction of setback for his lower site thus allowing him the space to place his home. Additionally it would stabilize the upper building site." This fill authorized approximately **3600** Cubic yards of earthwork between cut and import of fill. The permit was issued to be performed "before the 08-09 rainy season. Four years later, and the job has not been completed. Mr. Salentine has no interest in protecting the COMB pipe. His only interest is to create two larger building pads for two homes on his 5 acres.

Finally on September 2-3 2010 Mr. Salentine imported 48 dump truck loads of fill and pushed it off the edge of his ranch road directly above the South West corner of his home. This was about **480** cubic yards and was placed without keying, benching or compaction. This unpermitted fill is likely to slide and at the very least damage Mr. Salentine's drainage system, home and downhill neighbors. County enforcement is working with Mr. Salentine to bring this into compliance. (**Attachment 6**)

Mr. Salentine has moved approximately **11,000** cubic yards of earth to create and stabilize two building pads. To state that we imported "massive amounts of fill" while he has more unpermitted fill and earthwork indicates that he only uses county regulations when it is beneficial to him is a misrepresentation of the facts.

Basham states, "Driveway experiences serious erosion because of runoff from Brown's property"

This is incorrect. Most of the water coming down the driveway is from Mr. Salentine's property. Any runoff that might have come from the fill has been corrected by the most recent permit issued to Brown's. Furthermore, when Mr. Salentine graded the road last year he banked it so the water would cross the road instead of being channeled to the downhill catch basin. Browns have created a V ditch at the boundary of Salentine's easement that captures any water coming off the Brown's property. (Attachment 7)

Ms. Basham states, "Dumping unsightly concrete footing in the creek"

This is false. We never left concrete in the creek. Please see attached receipt for concrete disposal. (Attachment 8)

Basham states, "In 2008 Planning Staff advised the Browns that to correct the grading violation associated with the importation of excess fill they had two choices: return to the height and foot print originally approved in their 1999 plans or apply for an as built grading... ..The Browns did not apply for new land use permit and Building and safety opened a building violation to compel the Browns to remove the fill."

This shows total misunderstanding of facts and chain of events. The first choice would not be acceptable because the **1999 plans as approved allowed 19 feet of fill over the pipe or 9 feet of overburden**. This plan was developed by Penfield and Smith, approved by Planning and Development, Grading, Dale Webber from Flood Control and Brian Baca. It was not until 2008 that it was identified as a possible problem and September 2010 when COMB confirmed it was a problem. Secondly Browns did apply for an as built permit per Tony Bohnnet's and Jeff Thomas's direction. It is shown on the permit history. (Attachment 9)

Basham states, "Instead of making immediate plans to correct the violation Browns delayed for years"

Because of the as built permit application COMB was contacted and COMB thought that there could be an overburden. The exact location and depth could not be ascertained despite two separate surveys done at Browns expense. The Browns did not delay. They could not act without information and authorization from COMB.

**Nov 2009** Meeting with COMB, Dave Ward and P+D, COMB agrees to locate their pipe by potholing. Dave Ward determines that since there is **no proof** that the fill is excessive no violation will be issued until after Potholing. Email sent by Errin Briggs recapping meeting. (Attachment 10)

a) Kate Rees (COMB GM) says the potholing will be performed before Thanksgiving 2009 (within 3 Weeks)

**Mar 2010** B+S letter requiring abatement within 30 days (Attachment 11)

**May 2010** COMB locates one location that is within limits but is unable to find a second location

**June 2010** COMB finds other location

**Sept 2010** COMB determines that there is an overburden and P+D informs Browns (Attachment 12)

**Sept 2010** Penfield and Smith begin designing correction.

**Oct 2010** First time "Official Policy" letter sent by COMB to P+D establishing requirement of notification to COMB of construction within COMB easement.

Browns made every effort to expedite the resolution of the overburden.

"Four more times Ms Basham demands that the fill be returned to the height and foot print originally approved in their 1999 plans"

No matter how many times it is stated, it never will address the real issues. Ms. Basham does not understand that the County approved 1999 LUP overburdened the COMB pipe.

*Basham states, "The permit on appeal authorizes further degradation of the natural topography without any environmental review and contrary to county Policy concerning hillsides and slopes and it imposes serious drainage problems and visually compromises on surrounding properties."*

The topography of the surrounding area features slopes of 2/1 frequently. Mr. Salentines slopes, both natural, created by emergency permit and by non-permitted grading are very similar and steeper in some instances. The Browns' plan meets all county grading standards and has been approved by all county agencies as well as the US Department of Interior.

The drainage of the Browns' property has been improved greatly by the new plan design engineered by Penfield and Smith. All water drains away from the creek and easement road, is channeled into rock lined swales and vegetative strips. This slows the velocity, filters the water and allowed water to percolate into the ground thus reducing downstream contamination.

We have lowered the arena by six feet and reduced the size substantially at Mr. Salentines request. The height of the arena pad is now 17 feet below the floor elevation of the Salentine home. We have planted double rows of trees to screen the arena and pens from neighbor's views.

I will reference Mr. Salentines Emergency Fill Permit approved by P+D, Grading and The Board of Supervisors, pertaining to county policies and standards as well as environmental review:

Salentine Slope Repair  
Emergency Permit No. 08EMP-00000-00007  
Page 6 of 9

Land Use Development Policy 4 of the Comprehensive Plan requires that adequate services, including water supply, be available to serve development. According to Brett Gray, COMB operations supervisor, the COMB South Coast Conduit supplies over 80% of the Santa Barbara South Coast potable water. The slope repair project will restore stability to the soils in this area to ensure the ongoing operation of the SCC, as required by the policies of the Comprehensive Plan. Hillside and Watershed Protection Policies 1 and 2 of the Comprehensive Plan require that grading and site preparation be kept to an absolute minimum, and that natural landforms be preserved to the maximum extent feasible. In addition, Goleta Community Plan Policy GEO-GV-6 requires that projects be designed and located to minimize the number of persons and amount of property exposed to seismic hazard. Completion of the project would act to ensure the safety of the public water supply to existing residents of the south coast area with the goal of preventing future potentially catastrophic failures of the natural landform.

The project is also consistent with the following policies of the Goleta Community Plan. AQ-GV-1 requires air pollution from construction activities to be minimized. To address this issue, standard conditions have been placed on the project to control dust and run-off generated by the project's construction activities. In addition, N-GV-1 requires the protection of interior noise-sensitive uses. Standard conditions have been placed on the project to limit noise generating construction activities to protect the surrounding residences from noise impacts during construction.

The proposed slope repair project does not conflict with any requirements of the Countywide Land Use & Development Code.

3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

As you can see Mr. Salentine supported the enlargement of his building pad by hiding under the veil of an emergency permit to repair a superficial slide. He imported almost double the fill as did the Browns altering the topography and created a visual impact in the canyon without any



environmental review. He now attempts to use regulations to control what the Browns do on their property.

*Basham states, "The equestrian project must be considered separately and greater scrutiny. Mr. Salentine has seen no drainage plans."*

The two agricultural structures only require **ministerial permits** for land use. There is no requirement for Building permit. Ministerial permits are also statutorily **exempted from CEQA review**. However the engineers at Penfield and Smith performed hydrology studies and drainage analysis. The drainage plan designed for this project passively directs water southward or away from the easement and Franklin Creek. The flows will be picked up by a rock lined swale sloping at 2%, and eventually into a catch basin after traversing several hundred feet. This is clearly depicted on the plans that have been on review for over a year. Again this slows the velocity, allows for recharging groundwater and detains impurities in vegetative strips. The arena also slopes southward, away from the creek and easement and is directed into rock lined swales. Eventually feeds into a series of catch basin and crosses the easement via a culvert. The drainage is improved greatly from when it was in native state and benefits Mr. Salentine.

In 2008 in a mild rain, 4 inches over 2 days, Mr. Salentine's drainage system failed. Over 100 cubic yards of mud and debris were deposited on the Brown's property. (**Attachment 13**) Mr. Salentine refused to help with the clean up His drainage engineer, Dale Gropp felt that with a few improvements the system would work well (**Attachment 14**). Mr. Salentine implemented the changes that directly benefitted his property but has failed to make the corrections that would prevent a reoccurrence of the previous blowout. Since 2008 there has been minimal rainfall. Again Mr. Salentine follows rules and practices only when it directly benefits him.

The Brown project has been approved and supported by Planning and Development, Grading, COMB, Goleta Water, Fire Department, Fish and Game, SWWPP, Civil Engineers, Geotechnical Engineers, Hydrologists, US Department of Interior, Planning Commission and only appealed by Salentine. The Browns have owned any mistakes they have made at a substantial financial and time cost. Several other agencies have owned their mistakes and contributed to the correction to the 1999 plan. COMB paid for the jointly issued permit, (**Attachment 16**) provided the contractor, soils engineer and surveyor. Browns paid for the removal of the earth over the pipe. COMB paid the last one third of the grading cost. The pipe and the primary water source are safe and the drainage is improved greatly.

The only objection to the grading and agricultural structures is from Mr. Salentine. Mr. Salentine has been shown by his own emails and flagrant violations that are not yet resolved that he is an opportunist. He uses regulations and the system when it benefits him and ignores them when he thinks he can get away with it.

There are two Neighbors that have concerns about the arena lights. Mr. Houde was confused and contends there is a stadium and sound system (no stadium or sound system to be built). Mr. Houde lives on the other side of the hill and has absolutely no view of our property. Ms Sulzbach, had not reviewed the plans and relied only on Mr. Salentine representation of the plans. She wrote a letter after Mr. Salentine repaved her driveway. In her letter she states that she would only support the arena lights if strict limitations were prescribed. The plans, that we have since delivered to Sulzbach call for very limited use and strict controls. Additionally,

Sulzbach's view of the arena and lights is blocked by 60 foot tall eucalyptus trees.

The lights are shielded and engineered so there are virtually no lumens escaping. The trees and topography further shield the arena and lights. Furthermore, since Mr. Salentine moved in, the canyon is no longer dark. He has many unshielded exterior non directed lights that cause the canyon to "glow". (**Attachment 15**) Frequently these lights are left on until 11 PM. Our lights have "very" restricted use, comply with all county standards and will cause minimal impact to the neighborhood.

#### **Summary**

We are asking that you deny the Salentine appeal and approve LUP 07LUP-00000-00021 with modifications of 2/8/2012 and 5/23/2012. Additionally we request you approve the arena lights as originally approved by Planning and Development. Over the past five years we have worked diligently to solve the issue of the overburden on the primary source of water to our central coast area. We have worked with the many agencies to address each different concern. Collaboratively, we have developed an engineered plan that meets all parties' requirements. It addresses safety of our water supply, County Planning and Development regulations, Grading Department regulations, Building and Safety standards, Community Plans, Environmental Issues and the requirements of the US Department of Interior. We have a plan that addresses all parties concerns and requirements. Most neighbors support our project in full. Mr. Salentine is the only one that is objecting to *everything* and has proved to be an opportunist who uses regulations to attempt to control the use of our property while flagrantly violating these same regulations on his property. His credibility and motivation is suspect. The plan before you is the best solution that is the least impactful to the environment and the neighborhood and meets ALL County standards. Please approve the plan in its entirety.

Thank you for taking the time to review these issues

Andrew and Jessica Brown

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- 2) Salentine Over Burden of COMB Pipe
- 3) Errin Briggs email excessive Salentine Fill on Pad
  - a. Photograph
- 4) Salentine Emergency Permit for Superficial Slide
- 5) Campbell Geo Report, Building Pads Unstable
- 6) Salentine 480 Cubic Yard without permit
- 7) Water from Salentine Channel Down Driveway
- 8) Brown Invoice for Concrete removal
- 9) Jim Heaton 9/23/08 Email to Tony Bohnnet and Jeff Thomas ( the as built plan cures problem)
- 10) Erin Briggs 11/09 Email Summarizing Meeting with Dave Ward, Browns and COMB (No Violation, wait until COMB locates pipe)
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- 12) P+D Letter 9/10 COMB depth of Pipe Verified
- 13) Photograph of Salentine Mudslide unto Browns
- 14) Dale Gropp Letter with Drainage Corrections
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- 15) Photograph, Salentine Exterior Lights
- 16) Emergency Permit Issued to Browns and COMB Jointly

Attachment #1  
Salentine EM  
about County

Date: Thursday, July 20, 2006 9:10 AM  
From: John Salentine <jsalentine@gearkeeper.com>  
To: sunsetranch2@cox.net  
Subject: Re: welcome to the neighborhood

R  
Sominis  
386-4489  
Santa Barbara  
-978-9269

Jessica,

Yesterday morning was very busy for me and I did not have to time to talk at length with you. So, in the short few minutes that we chatted, if I was dismissive of addressing your concerns, I apologize.

I understand you have concerns regarding the berm. I appreciate the information you are offering and I will pick it up when I have more time. This week I have been extremely busy with my work in addition to working with Jeff to clear the property, following up on various applications I have pending, and spending time with my family.

568-3830  
Monday  
9:00

Thank you for your offer to sit down and meet with the county. At this time, I am not in a position to do so. Right now, I am investigating and gathering information from various sources and professionals.

SA Aug  
Sept 1

I have learned through many years in the engineering trade that there are multiple ways to achieve solutions. Usually the best solutions are achieved through thorough investigation.

8:30 - 9:00

I have already talked with the county personnel and grading inspectors and they are well aware of the properties out in this area. Secondly, their advice is to do nothing that will cause a problem. So, until I have fully done my research, I am following their advice.

Although you may not agree with the RCD/NRCS, this is my initial route for gathering information. If it does not work out, I will look into other options.

To put your mind at ease, the RCD/NRCS deals with various size Ag operations to address runoff and erosion regardless of zoning. Water usage for runoff of homes like a lawn or a few trees is nothing compared to irrigated lands.

Dealing with this organization, I believe, will ensure a design that far exceeds county residential standards.

As part of this study, I will bring to their attention your concerns regarding the berm.

Their study, design and recommendations will take at least 2-3 months. As such, right now I am not in a position to speculate about my plans, nor discuss anything regarding this with the county.

Sincerely,

John Salentine

----- Original Message -----

From: <[sunsetranch2@cox.net](mailto:sunsetranch2@cox.net)>

To: "John Salentine" <[jsalentine@gearkeeper.com](mailto:jsalentine@gearkeeper.com)>

Sent: Wednesday, July 19, 2006 2:21 PM

Subject: Re: welcome to the neighborhood

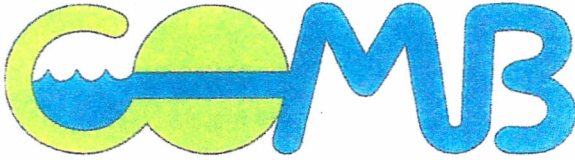
> John,  
> Perhaps unreasonably, but I was upset by several things that you said this  
> morning. You said that all you want is to get your home in, and not make  
> any changes. Putting in a house is a big change. The fill was not put in  
> per plan and the soil is not compacted. If you irrigate a lawn on fruit  
> trees this will prewet the soil before a rainy season and make the  
> landslides more likely (this is what happen in La Conchita) I have offered  
> to provide the plans to your several times so you could get them to the  
> people developing your plans. In addition as the agency told you they  
> usually deal with large parcels where problems of drainage and land  
> slides will be contained. This land is zoned rural ranchette, the primary  
> use is residential. Yes shit , as you put it, flows down hill, but I  
> happen to be down hill and have spent alot of time and money to be treated  
> so dismissively. I would like to set up a joint meeting with county  
> grading and us to address these issues. Jessica  
> ----- John Salentine <[jsalentine@gearkeeper.com](mailto:jsalentine@gearkeeper.com)> wrote:  
>> Andy,  
>>  
>> Thanks for the welcome note. We are owners, but not really there. The  
>> quick closing allows puts the property in my name and allows me to start  
>> dealing with the permit process. I still have to sell my house and  
>> coordinate the move onto the property. My wife has been coming out with  
>> the  
>> kids or picking them up after they have had enough. For some reason I  
>> can't  
>> get the kids to stay out there for 12 hours in the blazing sun or get my  
>> wife to drive the Backhoe. After growing up on a Ranch, she says she's  
>> been  
>> there and done that. But, I have found all kinds of things to keep her  
>> busy  
>> during this whole process.  
>>  
>> We will definitely have sometype of get together once we get on the  
>> property, hopefully before the end of the year, but right now that is in  
>> the  
>> hands of the county.  
>>  
>> I am also having some problems with my email and was not able to download  
>> a  
>> lot of my messages. The one with the attachments was one of them, so I  
>> can  
>> pick up copies of those documents from you this week.  
>>  
>> I kind of watch for you around the horse area as I haven't wanted to  
>> bother  
>> you at your home. So, if I do become a nuisance, please let me know.  
>> Also,  
>> your phone number would be helpful. My cell is (805) 455-8319.  
>>  
>> As I told Jessica, I am not completely happy with various drainage  
>> issues.  
>> Basically Jesse has done things in the past to keep water flowing  
>> downhill  
>> to avoid major erosion and backing up. I understand your concerns about  
>> the  
>> berm and the potential for a slide. The berm is basically a staging area  
>> for water to funnel through a pipe to your catch basin. As I understand  
>> it,  
>> the Berm was created to prevent your horse pad from flooding - correct me  
>> if  
>> my assumptions are wrong on this. Although this may have fixed a  
>> flooding  
>> issue with your horse pad, I think this contributes to the potential for  
>> a  
>> slide (especially if the pipe plugs) as well as creates a lake on my pad.  
>> I



>> also have further concerns about how the water is coming down from  
>> Larry's  
>> and Jeff's and being channeled through the property.  
>>  
>> I think the phrase shit runs down hill is very fitting and we are at the  
>> bottom of it.  
>>  
>> Right now I am in the investigation stage. I need to look at the whole  
>> picture with regards to water starting from the top, my building  
>> structure  
>> plans and my ag plans. Since I am not in a flood plane, the only county  
>> people that have a concern is the building people with regards to  
>> grading.  
>> My initial feedback from them is whatever is there, is there.  
>>  
>> My partner has worked with a Federal Organization in Ventura County that  
>> deals with hillside erosion and drainage issues for Ag properties. With  
>> this organization a plan is put in place that allows the property owner  
>> to  
>> do what is necessary to fix drainage and erosion issues for ag and access  
>> roads, without dealing with the county. Basically, they take over to  
>> allow  
>> things to be done much quicker and cheaper, avoiding all of the county  
>> BS.  
>> I am not sure if the same is true for SB county. I have a meeting on  
>> Wednesday with a person from a Fed agency to look at this and will find  
>> out  
>> more at that time.  
>>  
>> Secondly, I need to hire a civil engineer and work with him to determine  
>> water amounts, flows and how things should be done starting up at Larry  
>> and  
>> Jeff's all the way down to your property (drain pipe, rip/rap channels,  
>> grading...).>>  
>> I will discuss the results and recommendations with you prior to any work  
>> as  
>> the berm/ditch issue is a joint concern. Based on the information from  
>> these two people will help me better to understand the next course of  
>> action  
>> and put a plan into place.  
>>  
>> The order of which things get done and the timing is unknown. I am  
>> limited  
>> on funds and a lot of the work is going to be done by me.  
>>  
>> My first priority is to get my manufactured home on the property and the  
>> utilities in a time efficient manner. Without that, I am potentially out  
>> on  
>> the street or paying two mortgages. The more I pay there, the less I  
>> will  
>> have to be able to put into the property initially.  
>>  
>> Right now I need to get the planning commission to approve my building  
>> envelope, then get the land use permit followed by the building permit.  
>> So,  
>> I am limited with what I can actually do besides cleaning up the area,  
>> prepping the area where the manufactured home is going to go and fixing  
>> some  
>> grade/drain issues back by the Eucalyptus trees so when I do get the  
>> permits, I can move quickly. Also, I can get the SCE process and fire  
>> hydrant going. Once I get the building permits I have to deal with  
>> foundation, water, electric, septic...very quickly as the manufactured  
>> home  
>> will be sitting there waiting for hookups.  
>>  
>> Secondly is the overall drainage and the Berm at the property line. My  
>> hope  
>> is that this organization I am meeting with, allows me to address  
>> drainage  
>> outside of the county, then I can work on that while I am waiting for the  
>> permits to go through.  
>>  
>> If that does not work out and I have to deal with the county, then it  
>> will  
>> take more time and money to fix it which would mean a longer time until  
>> our  
>> mutual concerns and worries would be alleviated.  
>>  
>> I would ask you to keep these issues confidential between us and assure

>> you  
>> that things will be addressed in due course. I do not have enough  
>> experience with it to give you an exact timeline, it really depends on  
>> how  
>> all of the issues come together.  
>> If my plan works out and I can do things prior to the building permits,  
>> the  
>> lower pad area could be potentially fixed before the rainy season which  
>> would be good for both of us. If they do not work out and I have to wait  
>> for my building permits, then things would not get fixed until next  
>> summer  
>> as I can not foresee ripping up the area and potentially creating more  
>> problems during the rainy season (i.e. remove the berm, the rains come  
>> and  
>> your horse pad floods).  
>>  
>> I checked with the county and I am not in a flood plane, so the flood  
>> department does not get involved. Basically they say don't do anything  
>> that  
>> is going to cause problems. Not sure what they would say about having to  
>> fix potential problems. I guess that depends on what a civil engineer  
>> says.  
>>  
>> The reason I say to keep things confidential is that if the building  
>> department gets involved and I have to do things before putting my house  
>> on,  
>> which would be during the beginning of the rainy season, could  
>> significantly  
>> delay my house and result in sinking me (i.e. Jeff ends up with the  
>> property  
>> back). Not a good thing for me and most likely would not solve your  
>> concerns.  
>>  
>> Further, if I have to go to the county and they do not allow me to do  
>> things  
>> prior to my land use permit I will be stuck also. By the time I get the  
>> land use permit I am entering the no-grading period which would delay  
>> everything until next spring. Also, I can not jeopardize the first  
>> priority  
>> of getting my living situation resolved.  
>>  
>> I will get with you once I have all of the information.  
>>  
>> Also, right now there is a storage structure at the corner. I am also  
>> moving a storage shed to the corner of the property to allow me to move  
>> forward with the manufactured home area and clearing away the stuff that  
>> is  
>> currently there. These structures are only temporary during this first  
>> phase and I don't plan on keep them there for the long haul. I know  
>> right  
>> now it must look quit unsightly.  
>>  
>>  
>> Best Regards,  
>>  
>> John Salentine  
>> Hammerhead Industries, Inc.  
>> Gear Keeper Products  
>> [www.gearkeeper.com](http://www.gearkeeper.com)  
>> (805) 658-9922  
>> ----- Original Message -----  
>> From: <[sunsetranch2@cox.net](mailto:sunsetranch2@cox.net)>  
>> To: "John Salentine" <[jsalentine@gearkeeper.com](mailto:jsalentine@gearkeeper.com)>  
>> Sent: Sunday, July 16, 2006 10:19 PM  
>> Subject: welcome to the neighborhood  
>>  
>>  
>> > John  
>> > Congratulations on closing!!  
>> > Jessica told me the good news. we both look forward to meeting your  
>> > wife  
>> > soon.  
>> > Jessica said you were meeting with a facilitator on Monday as to  
>> > grading  
>> > and drainage issues. Sounds like a good idea. She also mentioned that she  
>> > mentioned our concern about the fill that was put in to make the pad. I  
>> > have  
>> > attached the original permit issued in 1995. I have also attached county  
>> > grading requirements. Both call for a 7.5 foot set back from the property  
>> > line. Our primary concern is the possibility of flood damage and





**CACHUMA OPERATION AND MAINTENANCE BOARD**

3301 LAUREL CANYON ROAD  
SANTA BARBARA, CALIFORNIA 93105-2017  
TELEPHONE (805) 687-4011 FAX (805)569-5825  
www.cachuma-board.org

March 6, 2012

Attachment # 2

Salentine overboard  
of COMB

John Salentine

1225 Franklin Ranch Road

Goleta, CA 93117

**Subject: South Coast Conduit Cover Depth**

Dear Mr. Salentine,

Thank you for providing COMB with the Topo information attached to your November 18, 2011 letter. As you know, in early December 2011, Jim Colton discussed with you COMB's preliminary findings that cover over the South Coast Conduit exceeded the maximum allowed depth of 12 feet for the class of pipe within this reach of the pipeline. Soon after your conversation with Jim, he returned to his previous position with the City of Santa Barbara and I assumed Jim's workload.

I apologize for not addressing this issue earlier, but a number of projects required my attention during this time. I have now reviewed the depth of fill over the pipeline on your property. It appears that the fill over the South Coast Conduit on the Westside of your property is satisfactory, but the fill over the conduit on the Eastside of your property appears to exceed the tolerances for this pipe.

As background, the South Coast Conduit was installed in the 1950's and station numbers are used to identify each reach of the pipeline. We have determined that the station number of the pipeline at the Eastside of your property line is Sta 174+70. I will use this station number as my reference point for this discussion.

On your Topo sheet furnished to us and following the alignment of the pipeline, Location 3 would be at approximately Sta 174+40 or about 30 feet from the reference property line with a finished ground elevation of approximately 232 feet. Your Topo sheet indicates the Top of Pipe at this location is an elevation of approximately 220 feet. However, reviewing the as-built drawings of the COMB pipeline, the Top of Pipe is at an elevation of approximately 216 feet after correction for the Datum. As a result, the cover at this location about 16 feet above Top of Pipe, and not the 12 feet as indicated in your letter.

I understand that your Top of Pipe data came from the prior owner's excavation notes from 1995-1996. If we take our most recent data on the pipeline depth, potholes within the Brown's property at Sta 174+93.48, show the Top of Pipe at 209.02 elevation and the pipe has a slope of 9.796%

*Carpinteria Valley Water District  
City of Santa Barbara  
Goleta Water District  
Montecito Water District*

*Santa Ynez River Water Conservation District, Improvement District #1  
General Manager/Secretary of the Board, Bruce A. Mowry Ph.D., P.E.*



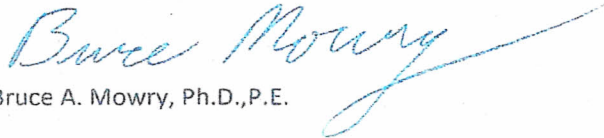
---

per the as-builts for this reach. Using this information we have calculated that the pipe is 5.24 feet higher than the pothole location that is approximately 53.48 feet from Location 3 (estimated). With this information, the elevation of the pipe is approximately 214 feet, with a cover of about 18 feet.

When I look back at your original grading drawings submitted in November 2008, the finished grade elevation at location 3 was 224 feet when COMB's staff observed the work performed and approved the cover. On the other hand, your letter also indicates that the County made some grade changes since 2008. I do not find any approvals by COMB of these changes in our files. It appears that the elevation of 232 is approximately 30 feet to the West from this location as determined by your drawings in 2008, meaning that substantial grading was performed. This change in grading has resulted in excess fill to be placed over the South Coast Conduit and must be removed.

As you observed in the past month, the Browns' property adjacent to yours had cover that exceeded the maximum depth of cover on this same reach of pipe. The Browns removed the excess cover to a maximum depth of 12 feet. We expect you to remove the excess fill over the South Coast Conduit to a depth approved by COMB. We would request that you respond to this letter providing a timetable for your compliance within the next fourteen (14) days.

Thank you,



Bruce A. Mowry, Ph.D., P.E.

General Manager



---

**Date:** Wednesday, August 4, 2010 2:01 PM  
**From:** Briggs, Errin <ebriggs@co.santa-barbara.ca.us>  
**To:** Bohnett, Tony <Tbohnet@co.santa-barbara.ca.us>  
**Cc:** 'sunsetranch2@cox.net' <sunsetranch2@cox.net>  
**Subject:** FW: FW: grading

---

Attachment #3  
Errin Briggs email  
excessive Splentine Fill

Andy,

I believe this question is better directed to Tony who is overseeing the grading operations. I believe John has received a revision or two to his grading permits and I would presume the changes you highlight were reviewed and approved by the grading inspector.

Hope all is well for you and Jessica,  
Errin

-----Original Message-----

From: [sunsetranch2@cox.net](mailto:sunsetranch2@cox.net) [[sunsetranch2@cox.net](mailto:sunsetranch2@cox.net)]  
Sent: Wednesday, August 04, 2010 10:07 AM  
To: Briggs, Errin  
Subject: RE: FW: grading

Errin

I hope life is good for you. Again this is not a complaint, just a question.

Salintine as excavated and re-compacted the excess fill on the pad. The elevation is now almost 240. It appears this will be the new elevation for his home? The 2 open permits, one for erosion bench calls for "borrowing 200 CYs from elsewhere for the North facing hill and the other for Emg fill calls for compaction in the pad for the key for a 20 foot width but no new elevation or addition for the pad. Is this going to be the new elevation of his home? They dug up and re-compacted to the higher elevation taking a full week. I don't want to stir this up but is it normal to change the scope of a permit without approval? Was there a change approved? I still owe you a coffee or 2

Andy

----- "Briggs wrote:

> I prefer coffee. You can set me up at the Coffee Cat next time you're  
> down here at the County building :)

>> -----Original Message-----

> From: [sunsetranch2@cox.net](mailto:sunsetranch2@cox.net) [[sunsetranch2@cox.net](mailto:sunsetranch2@cox.net)]  
> Sent: Wednesday, May 26, 2010 11:35 AM  
> To: Briggs, Errin  
> Subject: RE: FW: grading

> Thanks Errin, I owe you at least a cup of coffee. Or perhaps herbal tea.  
> Andy

> ----- "Briggs wrote:

> > It's about 232 to 233 elevation on the approved map.

> > -----Original Message-----

> > From: [sunsetranch2@cox.net](mailto:sunsetranch2@cox.net) [[sunsetranch2@cox.net](mailto:sunsetranch2@cox.net)]  
> > Sent: Wednesday, May 26, 2010 9:46 AM  
> > To: Briggs, Errin

> > Subject: RE: FW: grading  
> > > thanks What was the finished grade of the pad when finalized?  
> > ---- "Briggs wrote:  
> > > Andy,  
> > > > Finished floor of the residence will be around 233 elevation and  
it will be about 14 feet in height.  
> >  
> > > Thanks Again  
> > > Andy  
> > > ---- "Briggs wrote:  
> > > > Andy,  
> > I have reviewed the photos you provided and spoken to both John and Tony  
Bohnett. You must understand that John still has two open grading permits,  
one for the buttress fill and the other for the slope repair near the GWD  
line. The slope repair work required a keyway to be installed below the  
slope which is in the area of the pad. John has stated that the work is not  
yet complete and the photos you provided do not show the final grade that  
will be achieved once the work is complete. Tony has been on top of John's  
permits and will be making a site visit within the next week or so to  
confirm that he is operating within the confines of his approved, and still  
active, permits. If the grading is not in conformance with the approved  
plans, Tony will require rectification.  
> > FYI, John's LUP for the residence was approved last Friday. See attached  
LUP and conditions for details.  
> > > Errin  
> > > > -----Original Message-----  
> > > > From: [sunsetranch2@cox.net](mailto:sunsetranch2@cox.net) [[sunsetranch2@cox.net](mailto:sunsetranch2@cox.net)]  
> > > > Sent: Tuesday, May 25, 2010 9:15 AM  
> > > > To: Briggs, Errin  
> > > > Subject: grading  
> > > > Errin,  
> > > > I am perplexed. My understanding was that the elevation of the pad  
as permitted and finalized was to be the elevation of the modular home. I  
also was told that there would be no more grading in/on the pad. Last week  
they dug up and re-compacted the additional five to six feet of fill as  
indicated in the photos. I feel misled. On the brighter side when working  
during the week they work with in the hours prescribed and drive  
courteously. Even on the weekends the work crews are polite and not  
invasive to our privacy more than necessary. I do not wish to officially  
complain at this point but would like some answers as to how an extra 1000  
cy of fill magically got there w/o permitting. Thanks Andy



Attachment #3 A  
Photo of excessive  
fill

Public: Wednesday, August 8, 2012 2:13 PM  
 From: Salenti, Tom <tom.salenti@salenti.com>  
 To: Salenti, Tom <tom.salenti@salenti.com>  
 Subject: Re: For review

1. Review the attached site plan and notes. The site is currently in a  
 state of construction. The site plan shows the location of the  
 building and the location of the parking area. The site plan also  
 shows the location of the existing fill and the location of the  
 new fill. The site plan also shows the location of the existing  
 driveway and the location of the new driveway. The site plan also  
 shows the location of the existing fence and the location of the  
 new fence. The site plan also shows the location of the existing  
 trees and the location of the new trees. The site plan also shows  
 the location of the existing landscaping and the location of the  
 new landscaping. The site plan also shows the location of the  
 existing utilities and the location of the new utilities. The site  
 plan also shows the location of the existing structures and the  
 location of the new structures. The site plan also shows the  
 location of the existing roads and the location of the new roads.  
 2. Review the attached notes. The notes describe the site and  
 the construction. The notes also describe the location of the  
 building and the location of the parking area. The notes also  
 describe the location of the existing fill and the location of the  
 new fill. The notes also describe the location of the existing  
 driveway and the location of the new driveway. The notes also  
 describe the location of the existing fence and the location of the  
 new fence. The notes also describe the location of the existing  
 trees and the location of the new trees. The notes also describe  
 the location of the existing landscaping and the location of the  
 new landscaping. The notes also describe the location of the  
 existing utilities and the location of the new utilities. The notes  
 also describe the location of the existing structures and the  
 location of the new structures. The notes also describe the  
 location of the existing roads and the location of the new roads.  
 3. Review the attached photos. The photos show the site and  
 the construction. The photos also show the location of the  
 building and the location of the parking area. The photos also  
 show the location of the existing fill and the location of the  
 new fill. The photos also show the location of the existing  
 driveway and the location of the new driveway. The photos also  
 show the location of the existing fence and the location of the  
 new fence. The photos also show the location of the existing  
 trees and the location of the new trees. The photos also show  
 the location of the existing landscaping and the location of the  
 new landscaping. The photos also show the location of the  
 existing utilities and the location of the new utilities. The  
 photos also show the location of the existing structures and the  
 location of the new structures. The photos also show the  
 location of the existing roads and the location of the new roads.

The base of the Modular Home  
 is at 233 #  
 The new pad is 242 #  
 The Modular Home now is at higher  
 elevation





Cadlin

44

Floor-

SAM

SB ROB@ CO. Santa Barbara, CA, US

# NOTICE OF ISSUANCE OF EMERGENCY PERMIT

## 08EMP-00000-00007

568-2  
P + D

Attachment # 4  
Salentine Emerg. Fill  
Superficial Slide

**Countywide:**  
Subject to the requirements of Section 35.82.090 of the Santa Barbara County Land Use & Development Code.

**Case Name:** Salentine Slope Repair  
**Case Number:** 08EMP-00000-00007  
**Site Address:** 1225 Franklin Ranch Road  
**APN:** 077-030-025  
**Applicant/Agent Name:** Jennifer Foster  
**Owner Name:** John Salentine

Final Slide Job  
007

### Project Description:

The project is for an Emergency Permit to allow for the stabilization and repair of a superficial landslide. The hillside of concern contains the Cachuma Operations Maintenance Board (COMB) South Coast Conduit waterline and a Goleta Water District waterline. A superficial landslide has destabilized the south-facing slope where the water lines are located and the applicant is undertaking the work at the request of COMB (see May 15, 2008 letter from Operations Supervisor Brett Gray). Grading will include 3,600 cubic yards including 1,360 cubic yards of cut and 2,240 cubic yards of import. No trees are proposed for removal. The subject property is currently vacant. Access will continue to be provided off of Franklin Ranch Road. The property is a 5-acre parcel zoned RR-5 and shown as Assessor's Parcel Number 077-030-025, located at 1225 Franklin Ranch Road in the Goleta Area, Second Supervisorial District.

Issuance of Emergency Permit 00EMP-00000-00000 authorizes the above-described work to proceed immediately. If you have any questions regarding the issuance of this permit, please contact the project planner, Errin Briggs, by telephone at 568-2047, by email at [ebriggs@co.santa-barbara.ca.us](mailto:ebriggs@co.santa-barbara.ca.us) or by mail at the following address:

County of Santa Barbara  
Planning and Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101

Attachment # 5  
Campbell Geo Rpt  
Building Pads Unstable

### Slope Stability

The existing natural slopes adjacent to the proposed building site are subject to surficial and gross instability. The building envelope on Plate 2 is sufficiently set back from existing landslides and from the steeper slopes that are potentially unstable, assuming new structures are designed with extended/deepened foundations, including appropriate lateral loads or daylight shear keys are constructed at the top of the slope. Existing unstable slopes and landslides can frequently be remediated by grading or other methods, but additional geotechnical exploration would be necessary to determine specific mitigation methods. The driveway to the building site should be routed to avoid existing slope failures or those failures should be remediated.

### Radon Gas

Control of radon gas to reduce indoor air accumulations should be addressed through structure design. It is not technically complicated and can be accomplished by adequate ventilation of crawl spaces and other structure contact points with the ground surface. The designer should refer to one or more of the several USEPA guidance documents on this subject. These are geared toward homeowner and contractor use and are available at the following web site: <http://www.epa.gov/radon/pubs/index.html>.

### Seismic Parameters for Structural Design

The North Channel Slope Fault should be considered the controlling seismic source capable of an Mw 7.4 earthquake with a slip rate of 2 mm/year and estimated peak and repeatable horizontal ground accelerations of 0.926g and 0.602g, respectively. The More Ranch Fault, located four miles closer to the site than the North Channel Slope Fault, is estimated to produce lower site accelerations, but higher seismic coefficients from building code criteria, as summarized below. Both faults are Type B seismic sources per table 16-U, 2001 California Building Code.



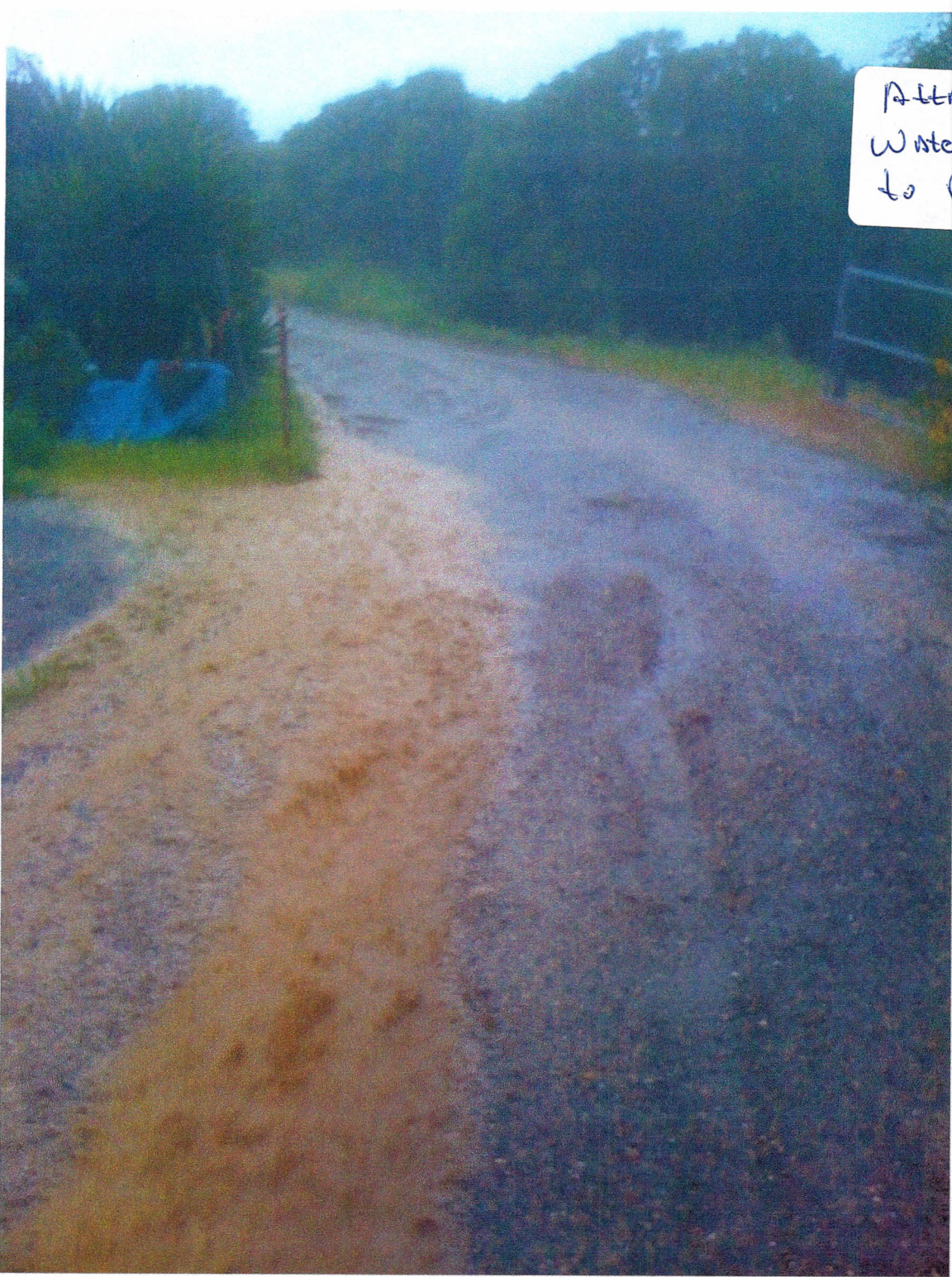
Attachment #1 G  
Salentine 480 CY  
w/o Permit.



2-3 Sept 2010      48      10 wheel truck  
Dumped      Approximately 480 CYs      over edge of  
hill / no compaction / no keying / no Berchus  
Directly above his home / + Drainage System



Attachment #7  
Water from Siskelien  
to Browns





**Peter Lapidus Construction, Inc.**

**TIME & MATERIAL WORK ORDER**

№ 4093

General Engineering Contractor, Lic. # 773908  
 1975 Cravens Lane, Carpinteria CA 93013  
 Phone (805) 745-1447 • Fax (805) 745-5957 • Cell (805) 331-8711 • phclapidus@verizon.net • LapidusConstruction.com

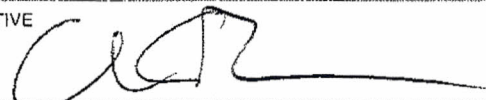
DATE PERFORMED 2-1-12

WORK PERFORMED FOR <b>ANDY BROWN</b>	JOB LOCATION <b>1215 FRANKLIN RANCH RD.</b>	JOB NUMBER <b>1013</b>	PURCHASE ORDER NO.	REPORT NO.
BILLING ADDRESS		DESCRIPTION OF WORK		

Attachment # 8  
 Brown invoice for  
 Concrete Removal

EQUIPMENT NUMBER	EQUIPMENT	HOURS	HOURLY RATE	EXTENDED AMOUNTS	LABOR		
	225	1	168	168			
	KW	3.5	98	343			
					REG		
					OT		
					REG		
					OT		
					REG		
					OT		
					REG		
					OT		
					REG		
					OT		
					REG		
					<b>TOTAL COST OF LABOR</b>	<b>A</b>	
<b>TOTAL COST OF EQUIPMENT</b>				<b>511</b>	<b>→</b>	<b>B</b>	<b>511</b>

COMMENTS/NOTES:  
**HAUL OFF CONCRETE TO SB SAND PER, ANDY BROWN.**

OWNER'S REPRESENTATIVE  


MATERIAL AND/OR WORK DONE BY SPECIALISTS			
DESCRIPTION	NO. UNITS	UNIT COST	EXTENDED COST
<b>SB SAND # 102729</b>			<b>370</b>
<b>TOTAL COST FOR MATERIALS AND WORK</b>			<b>C 370 ✓</b>
<b>% MARK-UP</b>			<b>(C) 435 29</b>
<b>TOTAL AMOUNT THIS REPORT A + B + C →</b>			<b>946 29</b>

Attachment # 9  
Jim Heaton Email  
to Grading 9/08

**Date:** Tuesday, September 23, 2008 2:22 PM  
**From:** Heaton, Jim <jheaton@co.santa-barbara.ca.us>  
**To:** 'sunsetranch2@cox.net' <sunsetranch2@cox.net>  
**Cc:** Almy, Anne <Anne@co.santa-barbara.ca.us>, Thomas, Jeff <Jthomas@co.santa-barbara.ca.us>  
**Subject:** RE: 1215 Franklin Ranch Road

Dr. Brown,

I have discussed this with Jeff Thomas and understand that the grading plan appears to adequately address the arena grading. The grading permit does still require a new Land Use Permit. I am attaching a copy of my feedback letter. A hard copy is in the mail.

Sincerely,  
Jim Heaton

\*\*\*\*\*  
Jim Heaton, Planner  
Planning and Development Department  
Santa Barbara County  
123 East Anapamu Street  
Santa Barbara, CA 93101  
tel: (805) 568-2516  
fax: (805) 568-2020

NOTE: Due to a mandatory work furlough program, many County offices including Planning & Development will be closed December 22, 2008 to January 4, 2009.

-----Original Message-----

From: [sunsetranch2@cox.net](mailto:sunsetranch2@cox.net) [[sunsetranch2@cox.net](mailto:sunsetranch2@cox.net)]  
Sent: Monday, September 22, 2008 10:24 PM  
To: Heaton, Jim  
Subject: RE: 1215 Franklin Ranch Road

Dear Mr. Heaton:  
Please discuss this with Mr. Thomas. It is my understanding that the plan satisfies all grading requirements, and he and you were accepting of the plans. I look forward to your letter as I would like to close this permit as soon as possible and meet county requirements, as always.  
Respectfully,  
Jessica Brown

---- "Heaton wrote:  
> Dr. Brown:

>  
> Thank you for the update. The grading permit will be part of the current Land Use Permit application, 07LUP-00000-00830. The Land Use Permit will need to be approve and issued prior to final approval of the Grading Permit. The permit cannot be processed separately since there are existing zoning and building violations on the property including the horse shed, pole barn, flag/light poles, and grading. I will have a feedback letter to you this week that addresses the additional information we need to continue processing the permit application including the newly proposed second unit.

> Sincerely,  
> Jim Heaton

> -----Original Message-----

> From: [sunsetranch2@cox.net](mailto:sunsetranch2@cox.net) [[sunsetranch2@cox.net](mailto:sunsetranch2@cox.net)]  
> Sent: Monday, September 22, 2008 12:03 PM  
> To: Heaton, Jim  
> Subject: Re: 1215 Franklin Ranch Road

> Mr. Heaton,  
> I have picked up the new application and mailed a copy to all properties with in 300 feet of our perimeter as required.

> I spoke with Jeff Thomas this morning about submitting the revised grading

plans for the 99 fill. He said we could submit them to the grading department and to you simultaneously. At that point since we have brought in less CYs than approved plan we can at least get that portion of our permits finished now. I will be submitting those plans at the counter by Tuesday the 23rd of Sept.

>

> Thank you for all you help.

> Jessica

> ---- "Heaton wrote:

> >

> > Dr. and Mr. Brown:

> >

> > I have prepared new notices and mailing labels for the project that include the newly proposed residential second unit. The notice is at the first floor reception. Please post, mail and return the signed affidavit.

> >

> > Thank you,

> >

> > Jim Heaton

> >

> > \*\*\*\*\*

> > Jim Heaton, Planner

> > Planning and Development Department

> > Santa Barbara County

> > 123 East Anapamu Street

> > Santa Barbara, CA 93101

> > tel: (805) 568-2516

> > fax: (805) 568-2020


> >

> > NOTE: Due to a mandatory work furlough program, many County offices including Planning & Development will be closed December 22, 2008 to January 4, 2009.

>

>

>

 Brown Letter 9-22-08.pdf

---



Attachment # 10  
Erin Briggs Email  
11/09 - No Violation

---

**Date:** Sunday, November 22, 2009 6:46 PM  
**From:** Kate Rees <KRees@cachuma-board.org>  
**To:** Andrew E. Brown <abrownlaw@cox.net>, sunsetranch2@cox.net  
**Cc:** Ward, Dave <dward@co.santa-barbara.ca.us>, Almy, Anne <Anne@co.santa-barbara.ca.us>, Robert Dunlap <RDunlap@cachuma-board.org>, Glen Hille <glen.hille@aecom.com>, Briggs, Erin <ebriggs@co.santa-barbara.ca.us>  
**Subject:** RE: Brown/COMB Meeting on 11.9.09

---

Dear Andy -

I received your VM requesting us not to use the field survey you had done. We will arrange to have an independent survey completed prior to potholing if our engineer determines one is needed. We will be sure to let you know well in advance of a field survey and/or potholing to accurately locate the SCC on your property..

Regards,

Kate Rees

General Manager, COMB

---

**From:** Briggs, Erin [mailto:ebriggs@co.santa-barbara.ca.us]  
**Sent:** Monday, November 16, 2009 7:29 AM  
**To:** 'Andrew E. Brown'; sunsetranch2@cox.net  
**Cc:** Ward, Dave; Almy, Anne; Kate Rees; Robert Dunlap  
**Subject:** Brown/COMB Meeting on 11.9.09

Everyone,

I wanted to summarize our meeting from Monday, November 9, 2009 so everyone is on the same page going forward.

Attendance included Andy & Jessica Brown, Dave Ward & Errin Briggs from County Planning & Development and Kate Rees and Robert Dunlap from COMB.

We quickly discussed some of the site history and background leading up to the current status of the arena area. We also discussed some general background of the pipeline, its maintenance and engineering.

COMB staff agreed to do the "potholing" and exploration necessary to locate the pipeline's depth

and exact position on the site and to do a survey of the area to establish the proper "benchmark" if necessary. COMB also offered to pay for the expenses of these activities.

The Browns agreed to allow COMB onto the property and undertake the exploratory work as they do hold an easement in order to access and maintain the pipeline.

County staff agreed not to pursue a determination on a potential "violation" on the Brown property at this time. Any determination in this regard will be delayed until we have more information on the pipeline's location and what it will take, if anything, to remedy its depth.

All discussions focused on exploration and determining the exact location of the pipeline in order to determine next steps. No decisions were made beyond this point. Additional meetings will be necessary in the future to identify any necessary scope of work and who would be responsible for carrying out/paying for such work.

Kate Rees will get back to all parties once the exploration/survey has been completed to determine next steps. The work is expected to be completed within approximately one month of the meeting date.

Please let me know if you have any additions or corrections of this summary,

**Errin Briggs, Planner**

Development Review Division

County of Santa Barbara

123 E. Anapamu

Santa Barbara, CA 93101

805-568-2047

[ebriggs@co.santa-barbara.ca.us](mailto:ebriggs@co.santa-barbara.ca.us)



# County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Director of Development Services

Derek Johnson, Director of Long Range Planning

## Notice of Violation

Attachment # 1  
B+S Notice of Violation  
3/10 30 days to abate

March 30, 2010

Certified Mail 7009-3

Jessica Brown & Andrew Brown Living Trust  
6036 La Goleta Rd.  
Goleta CA 93117

RE: **09BDV-00000-00151**  
**APN: 077-030-013**  
**1215 Franklin Ranch Rd.**

Dear Property Owner:

This notice is to inform you that you are in violation of Chapter 14, Sections 14-10 and 14-19 of the Santa Barbara County Code. The finish grade elevations in the horse arena area are not per the approved Grading permit 99GR5-00000-03991. Although a grading permit application was submitted in September of 2008 (08GRD-00000-00140) to address this violation, this permit expired due to inactivity.

Please re-submit for and obtain necessary land use and grading permits to remove the excess fill materials in the horse arena area. In addition, provide a copy of the Cachuma Operations Maintenance Board approval of depth of fill material allowed over the existing 48 inch water line.

### A. VIOLATION DETERMINATION(S):

- 1) Finish grade elevation in horse arena not per approved elevation noted in 99GR5-00000-03991.
- 2) Per Cachuma Operations Maintenance Board Engineer, fill over 48 inch diameter COMB waterline may exceed structural rating of pipe.

**You have thirty (30) days from the receipt of this Notice of Violation to abate the violation(s) listed above.**

### B. REQUESTS FOR TIME EXTENSIONS:

You may request an extension of the thirty (30) day deadline to abate the violation. An extension request must be submitted in writing prior to the expiration of the thirty (30) day deadline to abate.

Development Review  
Building & Safety  
Energy, Administration  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
Phone: (805) 568-2000  
FAX: (805) 568-2030

Long Range Planning  
30 E. Figueroa St, 2<sup>nd</sup> Floor  
Santa Barbara, CA 93101  
Phone: (805) 568-3380  
FAX: (805) 568-2076

Development Review  
Building & Safety  
Agricultural Planning  
624 W. Foster Road  
Santa Maria, CA 93455  
Phone: (805) 934-6250  
FAX: (805) 934-6258





## County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Director of Development Services

Derek Johnson, Director of Long Range Planning

September 10, 2010

Andrew and Jessica Brown  
1215 Franklin Ranch Road  
Goleta, CA 93117

Attachment H 12  
P+D Letter 9/10  
Ask Notice of Depth

**RE: As-built Grading and Arena  
1215 Franklin Ranch Road  
Case No. 07LUP-00000-00830; APN 077-030-013**

Dear Mr. and Dr. Brown:

Planning & Development staff held a meeting with Cachuma Operations Management Board (COMB) staff on August 31, 2010 to discuss existing conditions at your property in relation to the South Coast Conduit water delivery pipeline. During that meeting, COMB staff presented the survey and pot-holing information they recently developed and we discussed options available to relieve the overburden of fill material placed directly over the COMB pipeline. As you know, the material placed on top of the pipeline is in excess of its acceptable design capacity and must be removed so as to abate the risk of pipeline failure, as well as to abate your zoning violation.

My supervisor, Anne Almy, had previously agreed to put all planning-related charges to your account on hold while a resolution to the violations was sought. Since that time, staff has spent numerous hours working with you and COMB staff to develop a solution to this issue. Now that the investigatory work is completed and potential solutions have been identified, we will begin charging any further time spent on your application to your billing account as such work will act to move the project forward in pursuit of the requested Land Use Permit.

COMB staff will be contacting you in the near future to present and discuss possible options for resolution of this matter. If you have questions in the interim, please call me at 568-2047. I understand that this has been a long and difficult process and I hope to continue working with you to seek a resolution as quickly as possible.

Sincerely,

Errin Briggs, Planner, Development Review South Division  
Planning and Development Department  
County of Santa Barbara

*Dianne Black Supervisor*

*works call*

*Manday [unclear]*

*next meeting*



Attachment # 13  
Photo of  
Mud Slick







# Cachuma Resource Conservation District

920 East Stowell Road, Santa Maria, CA 93455  
Phone: (805) 928-9269 ext-109 • Fax: (805) 928-9644

July 30, 2009

Attachment # 14  
Dale Cropp Letter  
Drainage Corrections

John Salentine  
1225 Franklin Ranch Rd.  
Goleta, CA 93117

## Introduction

On Monday, July 6, 2009, I toured your Franklin Ranch Road property along with your engineer, Mike Simmons.

The purpose of my visit was to review the circumstances leading to a series of systematic failures of the drainage and erosion control system during the storm events of late January, 2008. I reviewed the photos, which showed two problem areas:

### Problem being addressed

**Problem 1:** A blockage of drain inlet (I-3C) which caused an erosion channel down slope and to the east, undercutting the east property rock lined channel.

**Problem 2:** Sediment deposition in the north and east property line bio basins, along with sediment and rock from upslope properties flowing down the access road to the east.

### Cause

First it is recognized that the subject rain events were very significant storms. As recorded in automated rain gauges at the Goleta Fire Station (less than 4 miles from your property), 4.73 inches of rain fell during the late evening hours of January 23 and early morning hours of January 24. This is roughly equivalent to a 10-year storm. Then four days later, the late evening hours of January 27 and early morning hours of January 28, brought another 2.85 inches to a saturated watershed. This is roughly equivalent to a 2-year storm. While it is true that these storms were well within the design range of the system under construction, the timing of the storms was unfortunate.

The temporary ditch that was installed in place of P-1 was not large enough to handle the amount of water generated by these storms. The excess runoff was directed to the Problem 1 area in a legitimate attempt to prevent erosion damage.

Subsequently, the lack of vegetative cover above the Salentine property (to the west) along with the high runoff volume, overpowered the temporary ditch along the access road and deposited sediment and rock in the Problem 2 area.

The lack of healthy vegetative cover on the north facing slope, simply exacerbated the situation by reducing the ability of the soil to absorb the rain and to resist erosion.

During the haste of activity while attempting to prepare as much as possible for these storms, the protective cover (remnant of chain link fence) was left over the pipe inlet at I-3C. The drain inlet became blocked and

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*"Promoting land stewardship ethics that result in long-term sustained use of natural resources while protecting and enhancing the environment"*

was quickly overtopped, resulting in the concentrated water flow down slope and to the east, cutting an erosion channel.

Lastly, the east rock-lined channel along this slope was slightly above grade, resulting in the undercutting of this rock-lined channel, instead of the capturing of the water flow.

#### Corrective Action to Date:

The course of action initiated by you and Mike Simmons are good first steps to proactively rectify the problem. These actions include:

- The removal of the chain link trash gates. As Mike noted these are fine for protecting the drains during summer construction but have been removed during the winter rain months.
- The vegetation has greatly improved since the 2008-2009 rain season.
- The erosion damage has been repaired.
- A larger temporary drainage ditch in lieu of P-1 has been constructed for the 2009 winter rains and the access road has been graded above Problem area 1 to insure that up property run-off will follow the P-1 path and not affect Problem area 1.
- The east slope rock-lined channel has been reconstructed and the area has been graded to insure that it is below grade.

#### Analysis of the design/construction

All of the newly constructed improvements down slope of P-1 have been constructed with care and professionalism. Specifically, the erosion control blankets that were installed performed very well and greatly reduced sheet erosion.

It is clear that the rock work has been done with pride. Even though the rock-lined channel along the easterly property boundary had an extra 3 acres of drainage because P-1 had not yet been installed, it would have operated properly and without problems if the water had been able to get into it. *In its current state, the rock channel will provide for adequate passive drainage flow should a similar drain inlet failure, however unlikely, occur in the future.*

I understand the sequence of installing P-1 was hindered by the on-going hillside stability project and grading. Unfortunately, down slope improvements were built first, so that the runoff that should be diverted by P-1, instead passed right by the perimeter location of P-1 to the lower diversions, channels and pipes. This is a challenge when trying to capture and divert water from its natural drainage path.

The area below P-1 was not designed to take the full 5.5 acre watershed. Instead they were designed to take a much smaller volume of runoff from the much smaller incremental drainages (seven smaller drainage areas, all 0.75 acres or smaller).

When construction is complete, I am confident that it will perform trouble-free for years, with minimal maintenance.

#### Recommendations

Complete the design by implementation of P-1 prior to the 2009/2010 rain season. If this can not be done, improvements should be made to the temporary ditch constructed to replace P-1. If this is the case, we will provide recommendations for the improvements to the temporary drainage ditch.



Trash racks should be built and installed as specified. If not complete before the rains, simply drive pieces of ½ inch steel pipe into the ground at 6-inch spacing across the width of the flowline, at a distance of 5-feet upstream of each inlet. These pipes should be firmly planted and extend 6-inches above grade. If a pipe inlet collects flow from 2 directions, this arrangement should be completed in each direction of flow.

The newly constructed rock-lined channel along the route of P-4 was not included in the plan and is not considered necessary because the slope is quite flat and the drainage area is very small. A rock-lined channel with this slope will not maintain adequate velocity to keep sediment in suspension, resulting in the channel having problems collecting sediment. It is likely that this will be an on-going maintenance problem, depending somewhat on the quality and density of groundcover on the slope above. If the groundcover is exceptionally dense, as in sod, there will be very minimal volume of sediment generated, even with heavy rain. In any case, the channel was full of sediment on the day of my visit and needs to be cleaned out to be functional.

All rock-lined channels need to be walked and carefully inspected to ensure that top of rock at the top of the side slope is installed flush with trade. This will ensure that sheet runoff flows into the ditch as intended.

Water Bars should be installed to direct runoff into the rock-lined channels along steep sections of field roads and access roads.

Some areas will need a second seeding of erosion control grasses to ensure a healthy, vigorous groundcover as the rainy season progresses. Irrigation water managed closely to prevent runoff would be very helpful in improving this groundcover.

## Conclusion

In spite of the problems encountered, I have a very high degree of confidence in the drainage and erosion control plan provided to you in July 2007 by the CRCD and Mike Simmons. I have reviewed the design and stand by it as sound in concept and presentation. Further, I have revisited the hydrology study, and the design hydraulics to ensure compliance with the current standard hydraulic engineering principles and practices. It is my considered opinion that the design meets or exceeds these principles and practices.

The objective of the plan is to achieve reliable and predictable performance of the drainage and erosion control system so that you and neighbors will be able to relax with confidence in the event of pounding rain. You are well on the way to achieving this level of protection. Please do not hesitate to call if you have any construction questions or if I may be of further assistance in any way.

Sincerely,

  
DALE A. GROPP, CFESC 2159  
Civil Engineering Technician



14A

Current Photos  
of Damaged



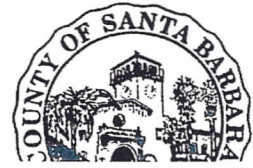


Attachment #15  
Silentie exterior  
lights.



# EMERGENCY PERMIT

**11EMP-00000-00007**



Attachment #16  
Emergency Permit  
COMB + Brown

**Countywide:**  
Subject to the requirements of Section 35.82.090 of the Santa Barbara County Land Use & Development Code.

**Montecito:**  
Subject to the requirements of Section 35.472.080 of the Santa Barbara County Montecito Land Use & Development Code

**Case Name:** Brown Emergency Removal of Overburden within COMB and Goleta Water District Utility Easements

**Case Number:** 11EMP-00000-00007

**Site Address:** 1215 Franklin Ranch Road, Goleta CA 93117

**APN:** 077-030-013

**Applicant/Agent Name:** Andy and Jessica Brown – and –  
Bruce Mowry, General Manager, C.O.M.B.

**Property Owner:** Andy and Jessica Brown

South County Office  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2000

Energy Division  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2040

North County Office  
624 W. Foster Road  
Santa Maria, CA 93454  
(805) 934-6250





# United States Department of the Interior



BUREAU OF RECLAMATION  
South-Central California Area Office  
1243 N Street  
Fresno, California 93721-1813

IN REPLY REFER TO:

SCC-430  
PRJ-15.00

JUN 25 2012

Andy and Jessica Brown  
1215 Franklin Ranch Road  
Goleta, CA 93117

Subject: South Coast Conduit Overburden Corrective Action

Dear Mr. and Mrs. Brown:

As you are aware, on Monday, June 11, 2012, I visited your property in relation to the subject corrective action that you have completed. The diligent efforts that you undertook to cooperate with the Cachuma Operations and Maintenance Board (COMB) in removing the excessive soil overburden above the South Coast Conduit (SCC) easement across your property are very much appreciated.

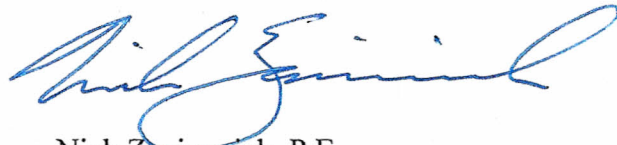
Based on my site visit, the corrective actions, which included construction of an engineered-fill, sloped hillside appears to be well stabilized, including signs of vegetation establishing on the slope since my prior visit. It is my understanding that you would like to close out the Santa Barbara County Emergency Grading Permit (County Permit) that was pulled for this work. Although Reclamation is not involved with the County Permit, it is my further understanding that close-out of the County Permit will enable you to obtain a Land Use Permit for your horse arena, hay barn, round pen, horse barn and horse stable that had to be relocated, at least in part, to facilitate the necessary remedial work within the easement. The uses noted above that you currently have on the property are compatible with the SCC easement and operation thereof, including the structures that you are currently permitting with Santa Barbara County. The current usage and configuration of structures in the property are desirable due to the minimization of coverage over the easement. Any changes from the current use could impact the SCC facilities and reliability of the water supply, and will require COMB and/or U.S. Bureau of Reclamation approval.

Additionally, I understand that you would like to make some grading adjustments to the lower end of the property, both to comply with Goleta Water District's minimum required cover (minimum three feet) over their adjacent pipeline, and to enhance your on-site drainage.

These activities as you described to me during our visit do not appear to be in conflict with operation of the South Coast Conduit, and may actually be of benefit for erosion control purposes. However, I would request that you coordinate the efforts with COMB to assure that any potential conflicts with the SCC are avoided.

Again, thank you very much for your cooperation with this matter. If you have any concerns, please feel free to contact me at 559-487-5520.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nick Zaminovich".

Nick Zaminovich, P.E.  
Chief of Operations

cc: Bruce Mowry, P.E.  
COMB General Manager  
3301 Laurel Canyon Road  
Santa Barbara, CA 93105-2017

County of Santa Barbara Planning and Development Department  
123 East Anapamu Street  
Santa Barbara, CA 93101-2058



*Raintree Ranch*  
Harold R. Frank Trust

22 February 2012

J. Ritterbeck  
SB County Planning & Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101

Dear Mr. Ritterbeck,

Since submitting our appeal for 07LUP-00830 in regards to APN 077-030-013 (owner Jessica Brown), we have had a chance to review the updated plans for the property by Jessica Brown and were granted a walk-thru of the proposed site for the horse arena, arena lights, and grading work.

At this time we would like to withdraw our appeal to the above project although we plan to be at the County Hearing in March where the updated plans are to be reviewed. As the adjacent property owner, we have been working closely with Jessica Brown regarding work close to the property line, and are satisfied with the modifications that they have incorporated to mitigate effects to our property.

If there are any questions regarding this withdrawal of appeal, please contact the office at 805.967-7964.

Sincerely,



Harold R. Frank  
1235-1275 Franklin Ranch Road

kpg

Steve and Barbara Subject  
6193 Sunset Ridge Road  
Goleta, California

March 6, 2012

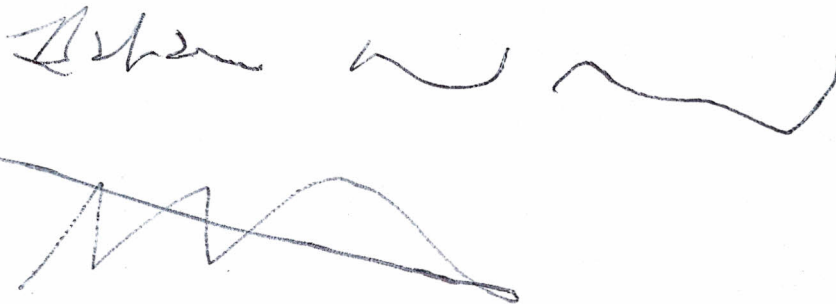
County of Santa Barbara  
Planning and Permitting Department

To whom it may concern:

We are the neighbors of Jessica and Andrew Brown. We are aware of their request for 07LUP-000830 on parcel APN 077-030-013 which includes permitting of horse structures, riding arena, grading work and arena lights. We are supportive of the project.

Respectfully,

Steve and Barbara Subject

Handwritten signature of Steve and Barbara Subject, consisting of a cursive name followed by a long, horizontal, wavy line.

Jim and Sally Subject  
6195 Sunset Ridge Road  
Goleta, California

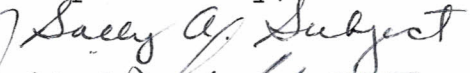
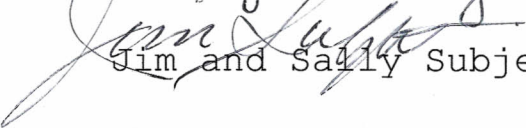
March 6, 2012

County of Santa Barbara  
Planning and Permitting Department

To whom it may concern:

We are the neighbors of Jessica and Andrew Brown. We are aware of their request for 07LUP-000830 on parcel APN 077-030-013 which includes permitting of horse structures, riding arena, grading work and arena lights. We are supportive of the project.

Respectfully,

  
  
Jim and Sally Subject





---

**Date:** Wednesday, March 7, 2012 1:38 AM

**From:** giljoe@aol.com

**To:** sunsetranch2@cox.net

**Subject:** Approval of Plans

---

Sunset Ridge

Dear Jessica and Andrew Brown,

Unfortunetley I could not get a hold of my husband, as far as I know he is still working in a fundraiser, and due to the late notice I was not able to communicate this with him.

However I do support the plans for grading, permittiing for horse structures, riding arena, and riding arena light in 07LUP-000830 APN 072-U30-013.

I wish you the best of luck and please let me know if there is anything I can do to help, my office number is 805-967-4599.

Cheers,  
Sanjua Gil

---

Lorenz Weidl  
6210 Sunset Ridge Rd.  
Goleta, 93117

3/6/12

To Whom it may concern,

I am the property owner of the residence uphill from Andy & Jessica Browns riding arena project. While my property is not adjoining, I will be able to see the proposed arena and lights. I am under the assumption that there will be time parameters to the use of the lights and that if there are problems, the Browns would be informed and an agreement would be found to accommodate any concerns. With the aforementioned, I am formally stating that I have no problem with their project. Further I would like to see everyone in the area, neighbors , all get along and be able to enjoy the land and beauty we have all worked so hard for.

Sincerely,

Lorenz Weidl

805 895-0795