



PLANNING & DEVELOPMENT  
APPEAL FORM

SITE ADDRESS: 9676 Harvest Road

ASSESSOR PARCEL NUMBER: 133-130-009

PARCEL SIZE (acres/sq.ft.): Gross 49.90 ac Net \_\_\_\_\_

COMPREHENSIVE/COASTAL PLAN DESIGNATION: AG ZONING: AG-II-100

Are there previous permits/applications?  No  Yes numbers: 07DVP-00000-00035  
(include permit# & lot # if tract)

Are there previous environmental (CEQA) documents?  No  Yes numbers: 09NGD-00000-00012

Joe Kim, V. P., & General Manager

1. **Appellant:** Chisan Orchids Nursery Phone: (805) 344-3905 FAX: (805) 344-3906  
Mailing Address: 9676 Harvest Road Los Alamos CA 93440 E-mail: chisanorchid@aol.com  
Street City State Zip
2. **Owner:** Heung Bok Lee Phone: (805) 344-3905 FAX: (805) 344-3906  
Mailing Address: 9676 Harvest Road Los Alamos CA 93440 E-mail: chisanorchid@aol.com  
Street City State Zip
3. **Agent:** Ray Severn, AICP Phone: (805) 925-2345 x 114 FAX: (805) 925-1539  
Mailing Address: 210 E. Enos Dr. Suite A, Santa Maria, CA 93454 E-mail: rss@penfieldsmith.com  
Street City State Zip
4. **Attorney:** \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Street City State Zip

09APL-00000-00028

Case No. Chisan Orchids Nursery DVP Appeal  
 Supervi 9676 Harvest Road  
 Applica 133-130-009  
 Project AG-II-100  
 Zoning  
 Planner: Florence Trotter-Cadena

COUNTY USE ONLY

Companion Case Number: \_\_\_\_\_  
 Submittal Date: \_\_\_\_\_  
 Receipt Number: \_\_\_\_\_  
 Accepted for Processing \_\_\_\_\_  
 Comp. Plan Designation \_\_\_\_\_

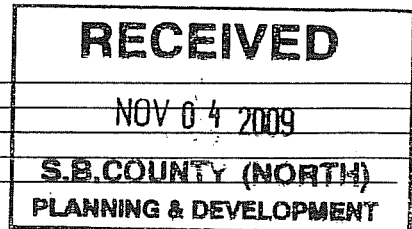


EXHIBIT B

Appeal Application dated November 4, 2009

# COUNTY OF SANTA BARBARA APPEAL TO THE :

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title Chisan Orchids Nursery, Inc.

Case No. 07DVP-00000-00035

Date of Action October 26, 2009

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

Board of Architectural Review – Which Board?

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission?

Planning & Development Director decision

Zoning Administrator decision

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

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and "aggrieved party" as defined on page two of this appeal form:

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

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

Appeal needs to be considered to save Orchid Crop from frost damage - We accept the majority of the Planning Commission conditions; however, a few conditions and the timing of their fulfillment are now adversely impacting this season's crop. We hereby request a review of all conditions and modification of some of them to create a workable framework for proceeding. We do want to follow up on and make the majority of the conditions work and we are diligently pursuing the follow-up Zoning Clearance application and compliance with Development Plan conditions. However, we are certain now after consideration of everything it takes to get a Zoning Clearance approval, it will take too long to get the proper permits for heating, without some modifications through an appeal to protect this years crop.

**Specific conditions imposed which I wish to appeal are (if applicable):**

- Condition 10 - Proposed modification to allow temporary heating.
- Condition 38 - Proposed modification to delay payment of Traffic Mitigation Fees.
- Condition 54 - Proposed modification to allow temporary heating and office.
- Condition 58 - Proposed modification to delay structural removal until after season harvest.

We need to heat the plants for the following reasons:

- 1) Young Plants: There are a total of 1.4 million young plants in the shade houses, which will be ready for market within 2 or 3 years. The minimum temperature for the young plants need to be maintained above 60 degrees Fahrenheit, otherwise the plants growth process will be stopped or slowed down. What is really happening in this area during the Spring and Summer time, the night temperature in Los Alamos area falls below 50 degrees Fahrenheit. The bottom line is that we need to have heaters to heat the plants. But as you know, the heaters were ordered to be removed. If we do not have any means of heating, there is danger to lose all the plants whenever the mercury dips down below 30 degrees Fahrenheit.
  - 2) Blooming Plants: Need heat as much as the young plant do. The flower shoots are beginning to form and grow from February until early Winter. We must maintain the temperature above 30 F during the night. Otherwise, we will not have this year's crops. For this year are expecting a total of 600,000 potted, blooming plants and 200,000 cut cymbidium flowers. This amounts to about \$13 million gross.
  - 3) If plants were damaged by frost or freeze, we expect a loss of over \$10 million.
  - b) Santa Barbara County: We do not have the earlier record, but from January 2006 until March 2009, we have paid over \$51,000 to the County of Santa Barbara.
  - c) The total number of employees fluctuates from peak to slow season. During the peak season, a total of 50 employees will be working. On average, we have a total of 20 workers at any given time.
- We are willing to correct any existing, non-conforming issues with your guidance and direction. Without your guidance and direction, we will just sit still without any action. We are very much afraid of doing anything anymore. Please help us.

**Please include any other information you feel is relevant to this application.**

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