

**Appeal of 15LUP-00000-00276
January 6, 2016**

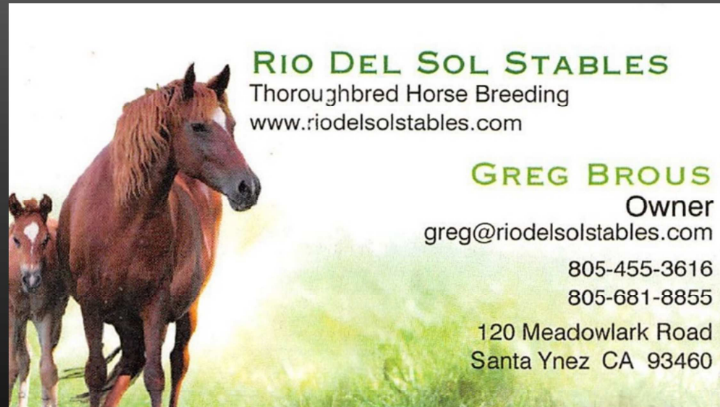
Basis For Appeal

Basis For Appeal

- Project comprises “commercial raising of animals” and requires a Major Conditional Use Permit (CUP) pursuant to County Land Use Development Code (LUDC) standards.
- Project description in approved Land Use Permit (LUP) only addresses a portion of the project site. The commercial operation occurs on the entire project site. County use of an exemption and approval of partial project is “piecemealing,” and is a violation of the California Environmental Quality Act (CEQA).
- There is a reasonable possibility that the Project will have significant adverse impacts to water quality, in the Santa Ynez River and to a domestic water well that serves Meadowlark Ranch. County failed to identify, review, or address these impacts. This triggers an exception to the use of a Categorical Exemption.

Project is a Commercial Operation

Project is a Commercial Operation



Owner's Business Card

Project is a Commercial Operation



Rio Del Sol Stables Website (What's Left of It)

Project is a Commercial Operation




Entity Name:	RIO DEL SOL STABLES, LLC
Entity Number:	201516110222
Date Filed:	06/08/2015
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	510 S FAIRVIEW AVE
Entity City, State, Zip:	GOLETA CA 93117
Agent for Service of Process:	LEGALZOOM.COM, INC. (C2967349)
Agent Address:	*
Agent City, State, Zip:	*



CA Secretary of State Business Entity Detail

Project is a Commercial Operation

California Horse Racing Board - Corporation Search Match Page 1 of 1



**WELCOME TO THE
CALIFORNIA HORSE RACING BOARD**

License Number - 317349	
Corporation	RIO DEL SOL STABLES LLC
Division	THOROUGHBRED
License Type	STABLE NAME
Expiration Date	12/2017
Standing	In Compliance

[Go back and select another record](#)
[Go back and search again](#)

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[Acrobat Reader](#) enables you to view and print PDF files.
To incorporate the latest accessibility features download of the latest version of Acrobat Reader may be required.

http://www.chrb.ca.gov/search/licenses/by/corporation/for_specific_record.asp 1/5/2016

Horse Racing Board Corporation License Listing

Project is a Commercial Operation



FARMS	
RANCHO LA GLORIA 38511 Alta Vega Rd., Boulevard, CA 91905 Zone 1 619-788-4557 ●●●●●	RANCHO TEMESCAL 3700 Pine Canyon Road, Pinu, CA 93040 Zone 4 925-921-0511 www.ranchotemescal.com ●●●●●

RIO DEL SOL STABLES
 120 Meadowlark Rd., Santa Ynez, CA 93460
 Zone 4
 805-681-8855
 Email: greg@riodelsolstables.com
www.riodelsolstables.com
 Owner: Greg Brous
 ①

Zone 3 651-398-8233 Email: rls@riodelsol.com www.sanroberto.com Farm Manager: Robert Spasiano Farm Secretary: Bonnie Wood Owner: Rancho San Roberto Inc. ●●●●●	RIVERDELL HORSE 3651 W. California Ave., Fresno, CA 93706 Zone 3 559-264-5534 FAX: 559-264-5534 Email: mj@riverdellthoroughbreds.com Owners: Myron & Jane Johnson ●●●●●
RANCHO SANTA ROSA 46917 El Prado Rd., Temecula, CA 92590 Zone 3	RIVER EDGE FARM, INC. P.O. Box 1949, 801 E. Hwy 246, Buellton, CA 93427 Zone 4 ●●●●●

① Breeding ② Boarding ③ Breaking ④ Training ⑤ Lay-up ⑥ Sales Prep

California Thoroughbred Industry Directory

Table 4-1 Animal Keeping in Agricultural Zones: AG-I, AG-I CZ, AG-II, AG-II CZ		E P MCUP CUP S	Allowed use, no permit required (Exempt) Permitted Use, Land Use or Coastal Permit Required Minor Conditional Use Permit Conditional Use Permit required Permit requirement set by Specific Use Regulations Use not allowed
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)	Maximum Number of Animals per Lot (2)	Additional Regulations
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules, llamas and alpacas; ostriches (3)	AG-I	E	1 animal per 20,000 sf if lot is less than 20 acres
	AG-I CZ	E	1 animal per 20,000 sf
Commercial boarding and raising of animals for members of the public	AG-I	E	None
	AG-I	CUP	None
	AG-I	E	None
Commercial livestock feed or sales yard	AG-I	—	None
	AG-II	CUP	None
	AG-II CZ	—	None
Dairy	AG-I	CUP	None
	AG-II	E	None
	AG-I	E	None

35.42.060 - Animal Keeping

- A. **Purpose and intent.** This Section identifies the locations, types, and numbers of animals that may be kept, and the methods by which animals shall be kept, raised and maintained, under the circumstances specified. The intent of this Section is to ensure that animal keeping does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, noise, odor, pollution of streams, creeks and wetlands due to soil erosion and sedimentation, propagation of flies and other disease vectors, visual blight) by providing standards for maintaining animals.

Household pets	AG-II	E	35.42.060.F.1	35.42.060.F.1
Kennel, commercial	AG-I	MCUP	None	
	AG-II	E	None	
Kennel, non commercial (3)	AG-I	E	None	
	AG-II	E	None	
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	AG-I	E (4)	None	
	AG-II	E	None	
Wildlife species rehabilitation	AG-I	E	None	
	AG-II	E	None	35.42.060.F.4

LUP Approval is “Piecemealing”

LUP Approval is "Piecemealing"



COUNTY OF SANTA BARBARA

Planning and Development

LAND USE PERMIT NO.: 15LUP-00000-00276

Project Name: BROUS HORSE BARN AND HAY BARN
Project Address: 120 MEADOWLARK RD, SANTA YNEZ, CA 93460
A.P.N.: 141-390-015
Zone: AG-I-5

1. The approval of this Land Use Permit may be appealed to the County Planning Commission by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 824 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (CLUDC Chapter 33.102 Appeals).
2. Payment of a fee is required to file an appeal of the approval of this Land Use Permit.

PROJECT DESCRIPTION - SUMMARY: Construction of 280' of horse barn and 144' of hay barn. Dimensions of 280' horse barn located in the floodplain. Site has an issued notice of the FEMA's Special Flood Hazard Area per Flood Control. Project meets the required three yard setback. Proposed outdoor lighting is in compliance with SYCP lighting requirements. For more additional information regarding this project, please contact the applicant and/or please contact Kim Probert at 824 West Foster Road, Suite C, Santa Maria, by email (Kprobert@co.santa-barbara.ca.us) or by phone (805) 934-6291.

PROJECT SPECIFIC CONDITIONS: See Attachment "A"

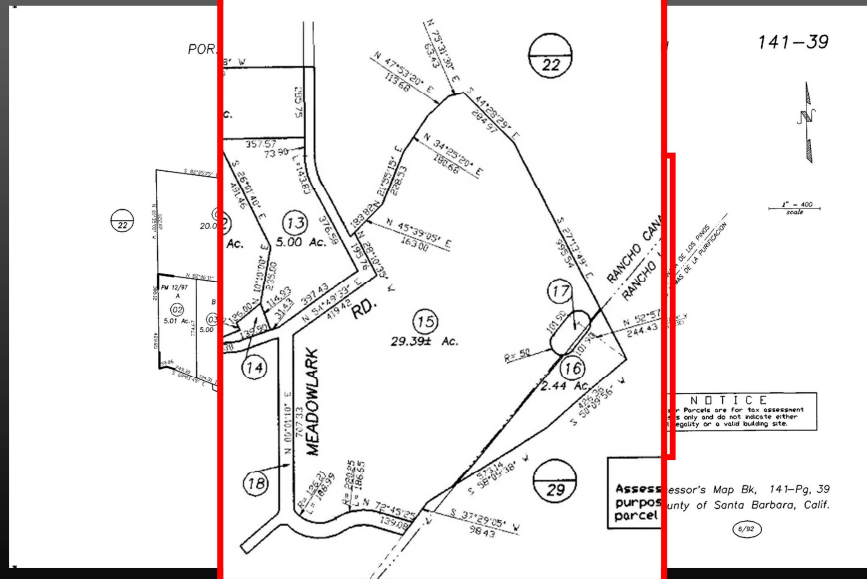
ASSOCIATED CASE NUMBERS: None

PERMIT ISSUANCE: This Land Use Permit will be issued following the close of the appeal period provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

1. Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (CLUDC Chapter 35.106 Noticing and Public Hearings). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior to the issuance of the permit.
2. Compliance with conditions. All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. Design Review. If required, the project has been granted final approval by the appropriate Board of Architectural Review.

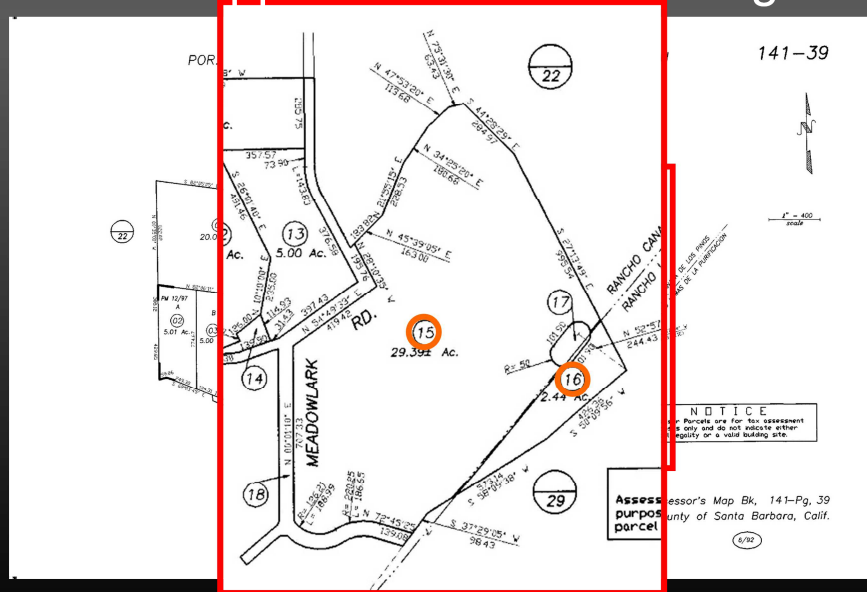
July 16, 2015 Land Use Permit

LUP Approval is "Piecemealing"



Assessor's Parcel Map Exhibit

LUP Approval is "Piecemealing"



Assessor's Parcel Map Exhibit

LUP Approval is "Piecemealing"

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL DOCUMENT TO:
Gregory and Robin Brous
2725 S. Rosemead Ave.
C-111, Rosemead, CA 91768

2015-0044314
Doc ID: 150814 8:00:52 24.10
Doc Type: Deed
Doc No: 150814
Doc Date: 15-Aug-2015
Doc Time: 1:23
Page 1 of 4

Doc's Use Only
No.: 4206-464956 (CT)
PER TAX \$0:
This certificate transfers Grantor's interest into or out of his/her revocable trust and is EXEMPT from the imposition of the Documentary Transfer Tax pursuant to § 11930 of the Revenue and Taxation Code.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Gregory T. Brous and Robin L. Brous, husband and wife as joint tenants with right of survivorship

hereby GRANT(s) to **Gregory Thomas Brous and Robin Lynn Brous, Trustees of The Gregory T. Brous and Robin L. Brous Family trust, Amended and Restated July 31, 2012**

Gregory T. Brous
Gregory T. Brous

Robin L. Brous
Robin L. Brous

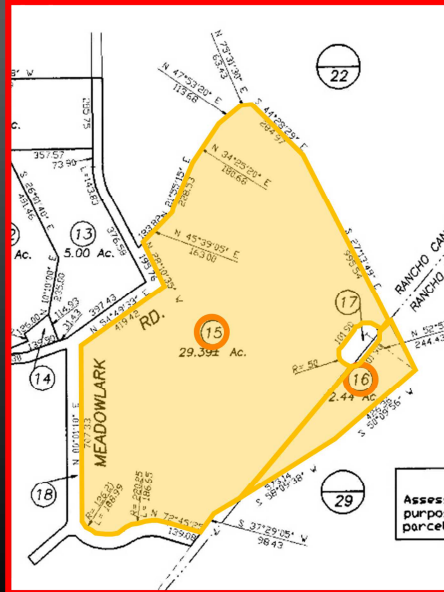
Mail Tax Statements To: **SAME AS ABOVE**

Order No-Order Search Doc: CAGWTF20150044314 Page 1 of 4 Created By: isabel@age Phone: 12192015 5:27:24 PM PST

A.P.N.: 141-390-15 and 141-390-16

August 19, 2015 Grant Deed

LUP Approval is "Piecemealing"



Assessor's Parcel Map Exhibit

LUP Approval is “Piecemealing”

Project Site Includes Two (2) Parcels Comprising 31.83 Acres



Assessor's Parcel Map Exhibit

LUP Approval is "Piecemealing"

Project Site Includes Two (2) Parcels Comprising 31.83 Acres

July 2015 LUP only addresses PART of project and PART of property.

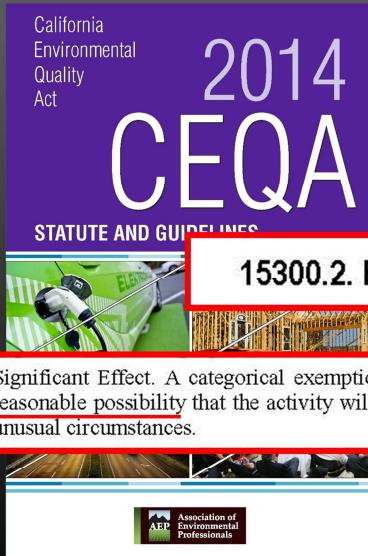


APN 141-390-016 (2.44 Acres) is ALSO part of commercial horse breeding operation.


Assessor's Parcel Map Exhibit

Exception Precludes Use of
Categorical Exemption

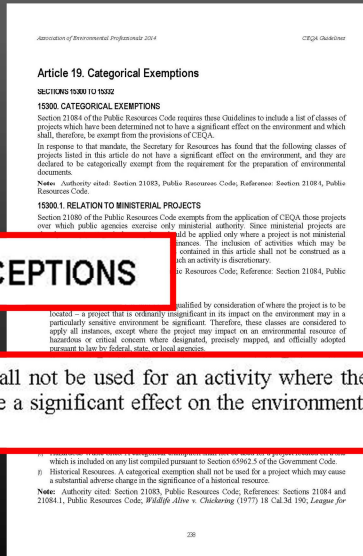
Exception Precludes Use of Categorical Exemption



California Environmental Quality Act
2014
CEQA
STATUTE AND GUIDELINES



Association of Environmental Professionals



Administration of Environmental Professionals 2014
CEQA Guidelines

Article 19. Categorical Exemptions

SECTIONS 15300 TO 15302

15300. CATEGORICAL EXEMPTIONS

Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.

In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.1. RELATION TO MINISTERIAL PROJECTS

Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are not to be applied only where a project is not ministerial in nature, the inclusion of activities which may be contained in this article shall not be construed as a denial of an activity as discretionary.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(e) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21084 and 21084.1, Public Resources Code; *Wildlife Alive v. Chickering* (1977) 18 Cal.3d 190; *League for Women's Equality v. Superior Court* (1972) 7 Cal.3d 117.

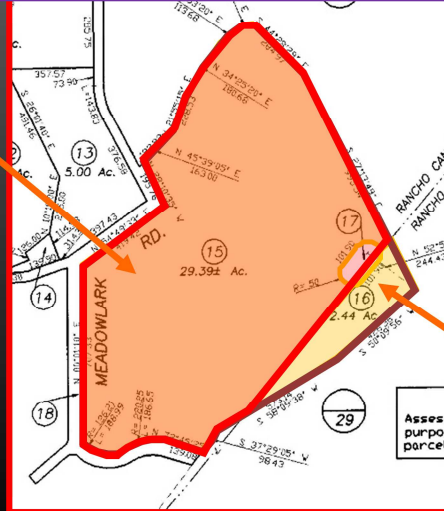
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CEQA Guidelines Section 15300.2.(c)

Exception Precludes Use of Categorical Exemption

Entire 2.44 acre parcel and associated component of commercial horse breeding operation is LEFT OUT of 2015 LUP and CEQA compliance.

July 2015 LUP only addresses PART of project and PART of property.



APN 141-390-016 (2.44 Acres) is ALSO part of commercial horse breeding operation.

Assessor Parcel Map Exhibit

Exception Precludes Use of Categorical Exemption

Additional Concerns



County Planning Commission 01.06.15 Hearing, Item 2: 15APL-00000-00014 Morton Appeal of Brous Hay and Horse Barns

- Additional parcel owned by the Applicant
 - No development on the adjacent 2.44 acre parcel
- Environmental Review Concern
 - Animal Waste Management Plan

Slide From January 6, 2016 County Staff Presentation

Exception Precludes Use of Categorical Exemption



Slide From January 6, 2016 County Staff Presentation

Exception Precludes Use of Categorical Exemption



County Presentation Aerial Photo (Date Unknown)

Exception Precludes Use of Categorical Exemption



September 21, 2015 Aerial Photo

Exception Precludes Use of Categorical Exemption



County Staff Aerial Photo



September 19, 2015 Aerial Photo

Aerial Photo Comparison

Exception Precludes Use of Categorical Exemption



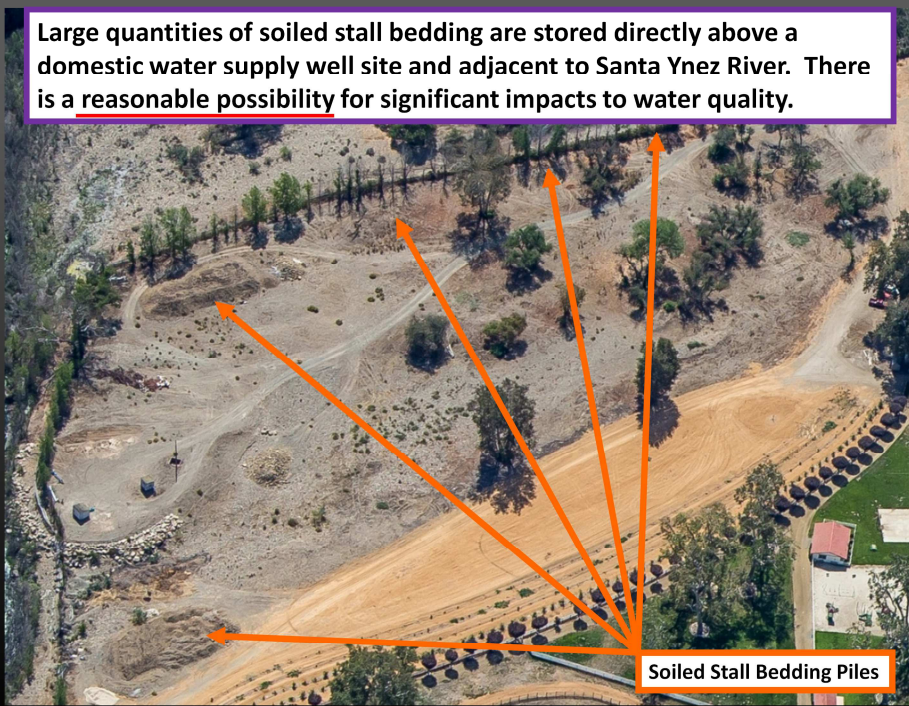
September 21, 2015 Aerial Photo

Exception Precludes Use of Categorical Exemption

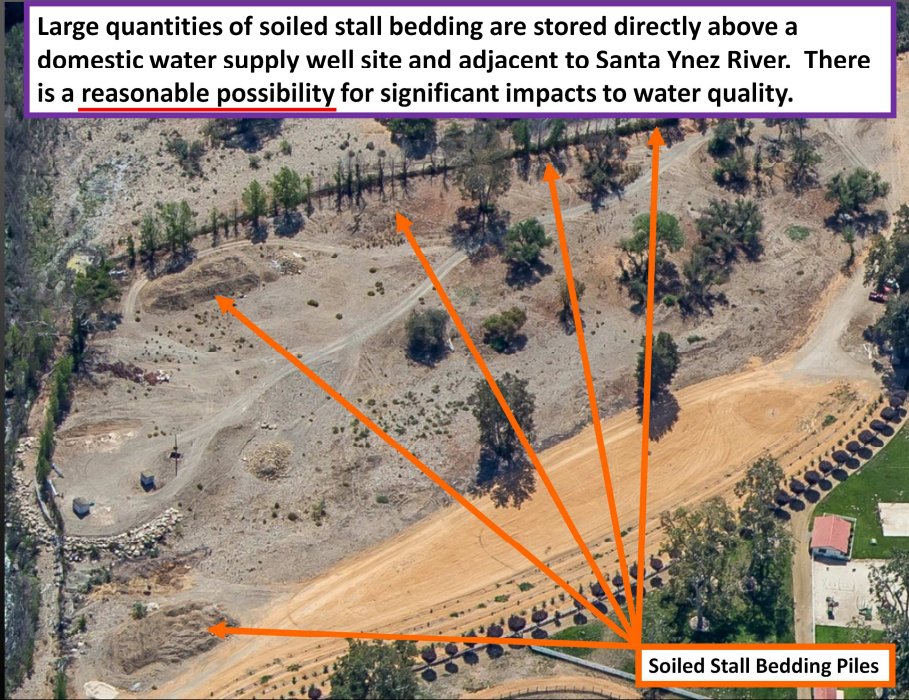


September 21, 2015 Aerial Photo

Large quantities of soiled stall bedding are stored directly above a domestic water supply well site and adjacent to Santa Ynez River. There is a reasonable possibility for significant impacts to water quality.



Large quantities of soiled stall bedding are stored directly above a domestic water supply well site and adjacent to Santa Ynez River. There is a reasonable possibility for significant impacts to water quality.

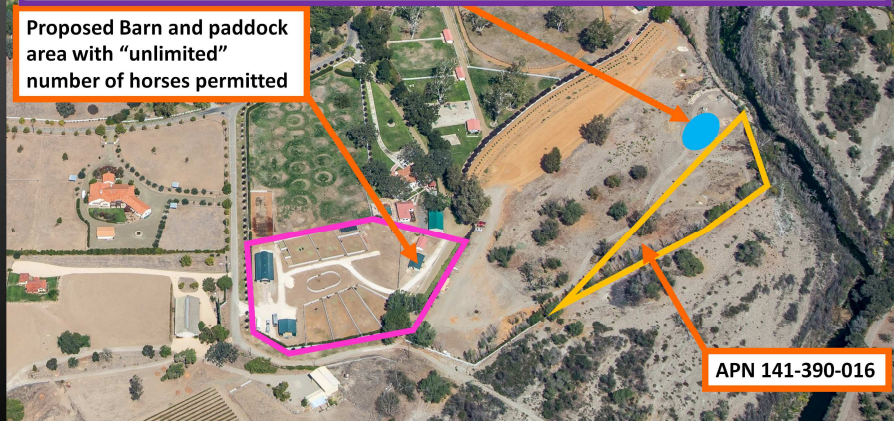


Soiled Stall Bedding Piles

Exception Precludes Use of Categorical Exemption

A large, and potentially unlimited concentration of livestock is proposed to be located in proximity to a domestic water supply well site that serves over 50 existing residences. There is a reasonable possibility for significant impacts to water quality.

Proposed Barn and paddock area with "unlimited" number of horses permitted



September 21, 2015 Aerial Photo

Conclusion

Conclusion

- Project is clearly a commercial horse breeding operation and requires a CUP pursuant to County LUDC standards.
- The LUP only addresses a portion of the project site. County use of a Categorical Exemption and approval of a partial project is “piecemealing” and violates CEQA.
- There is a reasonable possibility that the project will have significant adverse impacts to water quality. Therefore a Categorical Exemption may not be used for CEQA compliance pursuant to CEQA Guidelines Section 15300.2.(c).
- A commercial operation of this intensity and scope cannot reasonably be approved “over the counter,” essentially without any review of environmental impacts or impacts to quality of life for surrounding residents. That is why the LUDC requires a CUP for this land use in the AG-I Zone.

