

## Brown Submittal

### Salentine v Brown BOS appeal July 10 2012

#### RE: Critical Path Time-line for 1999 Fill permit on 1215 Franklin Ranch Rd.

- 1) **Oct 1999** Permit issued for Horse Arena Fill (8400 CY)
  - a. There was no requirement to notify any utilities except for a dig alert.
- 2) **Oct 1999** Dig alert called COMB (David Aldt) and GWD and Edison mark utilities
- 3) **2001** Start Construction on Home.
- 4) **2001** Dig alert called and COMB (David Aldt), GWD and Edison mark utilities
- 5) **2002** Fill Project truncated with approval of George Bissel, Grading Inspector
  - a. H+S code 19870 allows Grading to allow deviations of less than 10% without revision (**Attachment 1**)
  - b. Less fill than permitted was imported (Aprox. 7400CY)
  - c. Height was raised in westerly portion and lessened on the easterly portion
- 6) **2006** Permit is finalized by Tony Bohnett and Bond Returned.
- 7) **Nov 2007** Applied for ministerial permit for Pole Barn and Horse barn. Current elevations were required
- 8) **July 2008** Jeff Thomas and Tony Bohnett inspect site.
  - d. It is determined that an "as built" plan would adequately address the modification.
  - e. An "as built" grading permit was applied for by someone.
- 9) **Sept 2008** Email from Mr. Heaton saying as per conversation with grading "as built permit would satisfy everyone. (**Attachment 2**)
- 10) **Oct 2008** COMB is notified and believes there is too much fill over pipe. So as built permit is never issued
  - a. COMB is unable to determine the actual location or true depth of pipe at this time despite 3 separate surveys done by Browns at P+D request.
- 11) **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 3**)
  - b. Kate Rees (COMB GM) says the potholing will be performed before Thanksgiving 2009 (within 3 Weeks)

- 12) **Mar 2010** B+S letter requiring abatement within 30 days  
(Attachment 4)
- 13) **May 2010** COMB locates one location that is within limits but is unable to find a second location
- 14) **June 2010** COMB finds other location
- 15) **Sept 2010** COMB determines that there is an overburden and P+D informs Browns (Attachment 5)
- 16) **Sept 2010** Penfield and Smith begin designing correction.
- 17) **Oct 2010** first time "Official Policy" letter sent by COMB to P+D establishing requirement of notification to COMB of construction within COMB easement.
- 18) **Sept 2011** all interested parties are satisfied after many iterations of the plans and a permit is issued
- 19) **Sept 2011** Salentine Appeals
- 20) **Jan 10 2012** Emergency Fill permit issued jointly to COMB and Brown to remove fill (Attachment 6)
  - A) Contractor provided by COMB and fees shared with Browns
  - B) Soil Engineer provided and paid for by COMB
  - C) Surveyor Provided and paid for by COMB
- 21) **Feb 2012** Emergency Fill permit work completed
- 22) **Mar 7, 2012** Planning Commission denies Salentine Appeal
- 23) **Mar 17, 2012** Salentine appeals to BOS
- 24) **Jun 22, 2012** Goleta Water approves plan (Attachment 7)
  - A) Requires additional fill be place over GWD line.

Attached # 1

CALIFORNIA CODES  
HEALTH AND SAFETY CODE  
SECTION 19870-19872

**19870.** (a) As a result of construction inspection, an enforcement agency shall not impose a new or modified building standard different from those specified in the plans and specifications approved during plan checking functions for which a building permit is issued, unless the enforcement agency determines that any of the following apply:

- (1) The standard is necessary to correct a violation of the governing **code** or standard and to protect the public health or **safety**.
- (2) The plans and specifications did not reference the standard or were not in sufficient detail.
- (3) There is a deviation, addition, or deletion from the plan.
- (4) There are modifications to the plan by the permittee.
- (5) The permit is deemed expired because the building or work authorized by the permit is not commenced within 180 days from the date of the permit, or the permittee has suspended or abandoned the work authorized by the permit at any time after the work is commenced.
- (6) The permit is deemed suspended or revoked pursuant to subdivision (e) of Section 303 of the latest adopted version of the Uniform Building **Code**.

(b) As used in this chapter:

- (1) "Building standard" means a building standard as defined in Section 18909, or other standard adopted by a local agency pursuant to Section 17958 or subdivision (c) of Section 18941.5, that was effective on the date of the application for the building permit.
- (2) "Enforcement agency" means any department of a local agency that has the authority to inspect a construction or renovation project and enforce health, **safety**, or building codes including, but not limited to, the building department or building division, the fire department or fire district, and the health department.
- (3) "Local agency" means a city, county, or city and county.
- (4) "Plans and specifications" mean the plans, drawings, and specifications for a construction or renovation project, for which a building permit was issued, which relates to buildings classified for occupancy as a building of Group A, B, and R-1, pursuant to the 1991, Edition of the Uniform Building **Code** of the International Conference of Building Officials.
- (5) "Building inspector" means any employee or contractor of an enforcement agency who performs inspections of a construction or renovation project for the purpose of assuring compliance with adopted uniform building codes and standards.
- (6) "Supervisor" means any employee of any enforcement agency to whom a building inspector reports and who is responsible for reviewing a building inspector's project approvals or denials or modification orders.

(7) "Permittee" means a building owner, building property manager, or authorized representative to whom a building permit is issued by the enforcement agency.

(c) (1) If an enforcement agency requires that a new or modified

building standard be met pursuant to the condition set forth in paragraph (1) of subdivision (a), the building inspector, within two working days of ordering the standard shall provide the permittee, in writing on a form prescribed by the enforcement agency, a description of the specific threat to public health and **safety** and the section of the applicable building **code** or standard that has been violated or not complied with, and the interpretations and reasons for differing from the approved plans and specifications.

(2) If an enforcement agency requires that a new or modified building standard be met pursuant to the condition set forth in paragraph (2) of subdivision (a), the building inspector, within two working days of ordering the standard, shall provide the permittee, in writing on a form prescribed by the enforcement agency, the applicable building **code** or standard that has been violated or not complied with, and a description of how that standard is applicable and necessary to the construction or renovation project for which the building permit is issued.

(3) If an enforcement agency requires that a new or modified building standard be met pursuant to the condition set forth in paragraph (3) or (4) of subdivision (a), the building inspector, within two working days of ordering the standard, shall provide the permittee, in writing on a form prescribed by the enforcement agency, the applicable building **code** or standard that has been violated or not complied with, and the deviations, additions, or deletions from, or the modifications to, the plan, as the case may be, which results in a violation or noncompliance with an applicable building **code** or standard.

(d) If an enforcement agency requires a new or modified building standard that the permittee certifies to the enforcement agency would result in a cumulative increase in the overall cost of the construction or renovation project of 10 percent or more, all findings made by a building inspector pursuant to subdivision (c) shall be reviewed and approved in writing by the supervisor of the construction inspector within five working days of the order for a new or modified building standard. No certificate of occupancy may be denied if the findings of a construction supervisor are not so approved.

(e) A copy of all findings made by the building inspector pursuant to subdivision (c) shall be sent to the department within the local agency that is responsible for reviewing and approving the plans and specifications during the plan checking functions for which the building permit is issued.

(f) Compliance with subdivisions (c) and (d) shall not be required if, at the time an enforcement agency imposes a new or modified building standard, the building inspector, the building inspector's supervisor, and the permittee consult with one another within two working days of imposing the standard, and the permittee agrees with the enforcement agency's order.

19872. (a) An enforcement agency may require as a condition of receiving a building permit, that a permittee participate in a preconstruction conference prior to completion of plan checking of the permittee's submitted plans and specifications for the purpose of reviewing the plans to ensure consistency of building **code** interpretations, and adequacy and sufficiency of plan details.

(b) If an enforcement agency requires a preconstruction

Attachment # 2



**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

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Attached #3

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**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

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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

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**From:** Briggs, Errin [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)

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Attachment # 4  
**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

March 30, 2010

Certified Mail 7009-3410-0000-1189-5675

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

*Attachment 5*

**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

**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

*Diane Black Supervisor*  
*combs call*  
*Monday 10/11/10*  
*next meeting*



# EMERGENCY PERMIT

## 11EMP-00000-00007

- 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

**ISSUED**  
ZONING PERMIT  
SANTA BARBARA COUNTY PLANNING & DEVELOPMENT

**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



# County of Santa Barbara Planning and Development

## Building and Safety Division

Santa Barbara 568-3030 Fax 568-3103/Santa Maria 934-6230 Fax 934-6258

### Grading Permit

**11GRD-00000-00135**

Application Date: 09/21/2011

Issuance Date: 01/11/2012

Issued By: *JM*

#### Project Details

**Site Information:** 1215 FRANKLIN RANCH RD, GOLETA, CA 93117

**Acreage:** 10.49      **Zoning:** RR-5      **Assessor Parcel:** 077-030-013

**Work Description:**  
 GRADING - EMERGENCY PERMIT FOR ABATEMENT OF OVERBURDEN MATERIALS OVER COMB PIPELINE AREA ONLY  
 TO ABATE 09BDV-00000-00151 AND 07ZEV-00000-00309

FINAL CLEARANCE: GRADING

#### Owner, Agent, Contractor, Architect, Engineer

**Owner:** BROWN, JESSICA & ANDREW LIVING TRUST  
 6036 LA GOLETA RD, GOLETA, CA 93117

**Applicant:** BROWN, JESSICA & ANDREW LIVING TRUST      6036 LA GOLETA RD

**License#:** GOLETA, CA 93117      (805) 895-5488

#### Valuation Detail

| Unit Type    | Occupancy | Unit Amount | Unit Cost | Job Value |
|--------------|-----------|-------------|-----------|-----------|
| Total Value: |           |             |           |           |

#### Required Clearances/Conditions

Proj Des-01 Project Description      J. Ritterbeck      PD DEV REV 2004

This Land Use Permit is based upon and limited to compliance with the project description, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

A Land Use Permit to allow for a park trailer to be a residential second unit of approximately 247 square feet and legalization of an existing unpermitted horse shed of approximately 720 square feet. No specimen trees are proposed for removal.

Grading will be approximately 7,000 cy of balanced cut and fill to create a new riding arena. The parcel will be served by the Goleta County Water District, private septic system, and the County Fire Department. Access will continue to be provided off of Franklin Ranch Road. The property is a 10.49-acre parcel zoned RR and shown as Assessor's Parcel Number 077-030-013, located at 1215 Franklin Ranch Road in the Goleta Area, Second Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review.

Deviations without the above described approval will constitute a violation of permit approval.

*See Last Page for legal declarations*



4699 HOLLISTER AVENUE  
GOLETA, CALIFORNIA 93110-1999  
TELEPHONE 805/964-6761  
FAX 805/964-7002

Attachment # 7

June 22, 2012

Dr. Jessica Brown  
Mr. Andrew Brown  
1215 Franklin Ranch Road  
Goleta, CA 93117

Subject: Santa Barbara County Grading Permit

Dear Dr. and Mr. Brown,

You provided the Goleta Water District (District) with a complete set of grading plans dated October 7, 2011, as well as a single sheet entitled "3ALT of 8" dated and printed on May 23, 2012. The District has reviewed these materials, and based on our review, the grading plans appear to be consistent with the District's specifications to:

- Maintain a minimum of 3 feet of cover from the finish surface grade to the top of the District waterlines.
- Ensure the toe or the beginning of the proposed southerly slope is at least 10 feet from the District waterline.

Please contact Chris Rich at 879-4604 or [crich@goletawater.com](mailto:crich@goletawater.com) prior to grading, so that the District may have an on-site presence to inspect work during and after construction to ensure these standards are met.

Sincerely,

Tom Bunosky  
Operations Manager