

APPEAL TO THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

Submit to: Clerk of the Board
County Administration Building
105 E. Anapamu Sreet, Suite 407
Santa Barbara, CA 93101

RE: Project Title APPEAL OF JIMENEZ LAND USE PERMIT - ROADS
Case Number 15APL 00000-00019
Tract/ APN Number 083 280-024
Date of action taken by Planning Commission, or Surveyor 8-30-16

I hereby appeal the RETRUAL of the PLANNING COMMISSION
(approval/ approval with conditions/ or denial) (Planning Commission or County Surveyor)

Please state specifically wherein the decision of the Planning Commission or Surveyor is not in accord with the purposes of the appropriate ordinance (one of either Article II Coastal Zoning Ordinance, County Land Use and Development Code, Montecito Land Use and Development Code or Chapter 21, Land Division) or other applicable law, or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission or Surveyor, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made. {References: Article II Section 35-182.2.C; County Land Use and Development Code Section 35.102.020.C; Montecito Land Use and Development Code Section 35-492.020.C, Chapter 21 Section 21-71.4.2.C.2}

Attach additional documentation, or state below the reason(s) for this appeal.

SEE ATTACHED TOO MUCH GRADING

Specific conditions being appealed are:

Name of Appellant (please print): TOM SIGNORELLI
Address: 1204 DIANA RD. SANTA BARB. 93103
(Street, Apt #) (City/ State/ Zip Code) (Telephone)

2016 SEP 12 PM 2:05
COUNTY OF SANTA BARBARA
CLERK OF THE BOARD OF SUPERVISORS

Appellant is (check one): Applicant Agent for Applicant Third Party Agent for Third Party

Fee \$ _____ {Fees are set annually by the Board of Supervisors. For current fees or breakdown, contact Planning & Development or Clerk of the Board. Check should be made payable "County of Santa Barbara".}

Signature: [Signature] Date: 9-12-16

FOR OFFICE USE ONLY

Hearing set for: _____ Date Received: _____ By: _____ File No. _____

Land Use Permit No. 14LUP-00000-00514
Jimenez Grading of New and Existing Ag Roads
Appellant: Tom Signorelli

Grading. Any activity which involves the physical movement of earth material, including any excavation, filling, stockpiling, movement of material, compaction of soil, creation of borrow pits, land reclamation, surface mining operations exempted from the county's surface mining and reclamation ordinance, or combination thereof

To the Santa Barbara County Supervisors:

I am appealing these proposed roads and any grading. Planning failed to associate the current activity of native oak removal of excessive grading with the addition of more grading of roads. There is too much grading on this property.

Planning Staff Report

Not directly related.

This property owner is removing natural grown oak trees from the hillside in a nursery fashion, under ag laws. Not as intended, loopholes in our law allow this. To remove the trees, it requires grading and the movement of a very large quantity of dirt. More grading and movement of dirt than the production of any other ag product (besides true nursery). Our County does not produce a 3 foot sugar beet. Our laws place the 3' requirement because there is no need for ag to dig deeper. Expect for this operation. It is the exception. This operation exceeds this 3', 50 cy limit.

No other ag product produces this amount of soil movement and grading when harvesting.

This is the same grading that is needed for roads. You can not have roads without grading.

Grading is grading, no matter why its being applied.

If a property owner wants to build a house on his property, it would be a concern on how many other houses are on the property. It would be viewed as a whole and not as unrelated .

Grading needs be handled the same. The staff report states that these roads will be used

for this operation. For the staff report to state that the operation and the road requested are not directly related to my concerns is ignorant. Grading, no matter why its created, needs to viewed as a whole on a property.

All of my “unrelated concerns” are related. They are related because all of these concerns are due to grading from a operation that requires excessive grading and roads. The same grading that is required for these proposed roads.

There is too much grading on this property.

Environment

If for the current operation or for roads, grading is the movement of dirt. With excessive grading, there are impacts.

The staff report was not too clear on the true impacts that are occurring on this property. Concentrating on a small view, not a full view. Lets review these impacts so we all understand what is occurring on this property.

To remove a tree, you grade a road to the grove. Then you grade all of the vegetation from around the oaks to be removed. In comes a backhoe and trenches around the base of the tree. Digs a hole. The box is built in ground. The crane is moved in and lifts out the tree and placed on a flat bed. Bottom of the box is installed. The hole is covered and its off to the next tree. Then off to the next grove. All with constant grading and soil movement.

It is estimated that in the past 10 years, this property owner has removed a little over 1,000 trees. He has moved an estimated 10,000 cubic yards of dirt. This from anywhere, including banks of creeks.

There is a hole dug about the size of a small dump truck for about every 1 1/3 acre of the entire property.

He is allowed to dig deeper than the customary 3' requirement and all of the fields will be dug to their entirety. All surrounded by blue line creeks. Creeks that should be protected but are not. Creeks that are threatened with the same fate as the dead creek.

In all, he is allowed to move over 100K cubic yards of dirt.

This is not flat Lompoc Valley or Carpinteria Nursery land. This is on mountain cow country in one of the most pristine areas of our county.

In the past, this operation has created flooding, damaged property and threatened safety. It will again.

The staff reported says rainbows and unicorns for the environment. That all is good and roads are not impacts.

The staff reports fails to report a dead creek, gouges in the hillsides, roads, excessive grading, flooding with a broken culvert, loss of vegetation and the loss of pristine.

All of these impacts are created by grading. The same grading required for roads.

Allowing more grading, more roads would be more impacts.

There is too much grading on this property.

Report accuracy

During the Planning Hearing, a Commissioner asked staff about a hair pin turn in the road. He could not answer, responding that he did not see it.

This hair pin turn is one of the segment of roads that is covered in the staff report.

Either there was not a site visit or lack of paying attention.

This is the author of the staff report. The report that recommended denying my appeal.

This report has no problem making recommendations but can not answer a question about the project.

I disagree with the County staff report.

This operation and its impacts are grading, directly related to the proposed roads, which are also grading.

There is too much grading on this property. Roads are more grading.

Roads

History

Historically this property was a cattle ranch with dry farming. The roads that existed were enough for their operation.

When the property owner took ownership, he added more roads.

Now he wants to add even more. More roads, more grading.

The operation taking place on the property is the exception. It produces excessive grading.

There are more than enough roads on the property to run a ag operation. More than the last owners had.

There is too much grading on the property.

Roads require grading.

Standards

The staff report states that “Section 14.8 of chapter 14 includes standards for grading”.

A standard freeway lane is 12 feet. The standard width of a SUV is 6.5 feet and a semi truck is 8.5 feet.

The roads that are being requested are 20 foot.

The County has no standards for the width of a ag road.

Twenty foot is excessive.

There is too much grading on this property.

Roads are grading.

Purpose

The staff report states the following “the property owner requires these roads to provide access to a future water well, to facilitate property line fence maintenance and for future harvesting of native oaks”

A water well does not require a 20’ road. It is dug once.

Fence maintenance is not done daily and does not require roads. There is no livestock on the property.

These roads will be used for no other reason than to remove oaks.

From these roads, more roads will web out and be graded to the groves. When they are removed, they will grade to the next grove and so on. All using these roads as the main arteries for this operation.

These roads are directly related to this operation. An operation that produces excessive grading. One that requires roads to operate.

There is too much grading on this property. Roads are more grading.

Roads to Nowhere

Above the dead creek a road was graded. This road was originally graded soon after taking ownership. The purpose of this road was to gain access to the creek bed, so water could be pooled and pumped out for arrogation.

The tree removal and grading on the banks of the creek killed the creek and it has been struggling to come back to life ever since.

This road was re-graded without permits and a violation of our laws. The reason these roads are being reviewed.

On the map, this is the road labeled "as built repair area".

Another road that is being requested will connect to this road and travel up the hill along the fence property line. This road is labeled number 50.

On the side of this hill there are on a few oaks, no groves.

Any fence repair on this property line can be done with a UTV.

These roads will serve no purpose. Besides a eye sore, these roads would be nothing more than unnecessary grading. Grading that will only deteriorate the property more than it already has.

This operation produces more grading than any ag operation and now more roads, more grading is being proposed for 20' roads to nowhere.

There is too much grading on this property and adding unnecessary roads to nowhere only adds more grading, more impacts.

Abusing our Laws

We are discussing roads because the property owner violated the law. Even though he fully understands the system, he does not respect it. He does not follow the systems as we all do. He understands that if he was to ask for permission prior, that he may not get what he wants. Instead, he does what he wants and then pays the fines, lawyers and at the end, he always ends up with exactly what he wants. Some say its money buying the law, buying what they want. These roads are no exception.

Few examples. When he first purchased the property, he graded roads. These roads were not permitted. They were done because he wanted them. The county comes in and issues violations. Then, after a few and a lawyer, the county goes ahead and allow the roads to stay. Just what he wanted.

Home remodel. The same. He does work on his home with out a permit and in violation of our laws. The county comes and issues violations. He pays a fine, few small changes and he get what he wants.

Entrance gate. This was erected without a permit. A violation of the law. Bullying my parents by forcing it onto the shared road. He moves it up the road and is still in violation. Debris still sits on the banks of the creek from its construction. Instead of issuing another violation, he is rewarded by the county with a permit waiver, assisting in bullying. It is still in violation today...with a permit waiver.

By violating the law, he gets what he wants.

These roads are no different. They were not permitted and a violation of our laws. He graded them because he has learned that if he wants something, just do it. Since money is not the issue, at the end, he ends up with what he wants. It has been done many times and it will be done again in the future.

During the Planning hearing, the property rep stated that these roads were the property owners "wish list". That these proposed roads are what the property owner is seeking.

These roads were graded in violation of our laws and system. As in the past, the county again, is rewarding him for violating the law by allowing the roads. Assisting him in his abusing of the law which is producing threatening negative impacts.

He has learned that wishes come true when you violate the law. And the County is right there with him, granting his wishes.

There is too much grading on this property.

Stewardship and the Law

Every rancher and farmer that I know understands the importance of being a good steward to the land. This operation is again, the exception.

There is no law that requires a property owner to be a good steward. But we do have laws that protect our lands. That is, if our laws are being applied properly.

Because of loop holes in our laws, this operation avoids laws. The laws that were put into place to avoid poor stewardship. Laws to protect the land, property and safety.

These loopholes are the reason for all of these issues. It is the reason why this property has a dead creek, graded up hills, gouges in the landscape and holes all over the property. It is the reason why this property looks so much different than the rest of the property's in the area.

These loopholes are the cause of flooding, destruction of property and safety.

For example, I had 10 days to prove that nursery sales take place on the property. I had to prove that there is a cash register on the property for it to be considered a nursery so that this property owner would be required to obey the correct laws. Sales of these trees take place in Caprinteria.

Because of the lack of a cash register, an object, it dictates the law. It is not the actions on the land, the movement of dirt, the impacts it creates... it is an object.

There is no question that this operation is nursery. Its actions, its equipment, even a sign all say nursery. No one has denied this. Yet, it is that object that dictates the law.

The lack of a cash register has created all of these issues. It has allowed this property owner to be a poor steward of the land, allows him to jeopardize property and safety. It allows him to grade up his property in excess, stripping the land of its natural resources.

The problem, the effects and impacts are shared with others.

If our laws were working properly, none of these issues would exist. But they do. Our laws are not achieving their goals as intended.

Grading is the main issue and is creating the majority of these impacts. Adding more roads to the situation would only magnify these negative effects and allow our laws to continue to deteriorate the situation.

Roads require grading. There is too much grading on this property.

Other Impacts

Some of the impacts created from this excessive grading have materialized. We have seen the flooding, the destruction of property, the threat to safety and the excessive grading that is taking place on the property.

Other impacts exist but have not been identified.

For example, what does this excessive grading, giant roads and dead creeks do to property value? Is our property being devalued because of this operation?

Pocket of loose dirt. In a big storm, will they fill with water and jeopardize the stability of the hillside?

The dead creek. Will the dead trees fall and clog up the once damaged, questionable repaired culvert crossing? Our only access.

These are only a few possible impacts from this operation. Since no one knows the true impacts, they have never been identified and addressed. I am sure there are many more.

Again, these impacts are due to this operation and its excessive grading. Grading that is required for roads.

There is too much grading on this property. Roads are more grading.

Our Rights.

Due to the flooding, the destruction of our property and the threat to our safety, I have spent many years pounding on the County door with my concerns. And for many years, I have been shown the door. Sent home to continue watching the destruction.

I am not the problem. I am a citizen that has recognized problems and I am voicing my concerns. They effect me and my family directly.

Even with all the threats from this operation, all of the impacts that have affected us directly, the County continues to support this operation and its threats. All of these threats are due to our failed laws, loopholes. All of these threats are due to excessive grading and a property owner that is allowed to obey less restrictive laws that were not intended for his operation. Laws that are dictated by an object, not the action.

Now the county wants to continue this support by allowing giant, not needed roads that only add to these threats. Assisting in the production of threats.

Ten years ago, the then County Ag Commissioner promised my parents and their neighbors that this operation would have no impacts on them. That all is good. Two years later we had flooding.

The staff report says the same thing. That these proposed roads will have no impacts and that all is good.

We believed the Ag Commissioner and shame on us. He lied. Why should we believe the staff report? We shouldn't.

Until the County views this property and its operation as a whole, these problems will only persist and fester. Adding more grading to a ticking time bomb only magnifies the explosion.

This operation of excessive grading has created flooding, destroyed property and threatened our safety.

It only took two years of this grading operation to create this flooding. It has now been five years of grading and five years of drought. We will see flooding again. These threats have been proven.

Our laws state that if there is a threat to property and safety, that a permit shall not be issued. By allowing roads, the County will be taking the position that these threats do not exist. That all is good. The same thing we were promised ten years ago. Threats that may not exist now but will when it does rain.

Allowing roads assists in this operation that create these threats.

For many years the county has respected this property owners rights under failed laws. The County has failed to respect my parents rights.

Allowing roads are a threat to our safety, our property and our livelihood.

My Appeal

I grew up on Jalama. No matter where life takes me, it will always be home. I am a fortunate guy to have grown up where some only could enjoy from a car window. This area is special to me and special to so many others. It is Lompocs gem.

For the past 10 years I have been watching this gem be tarnished. The slow disappearance of pristine that graced the lands. Pristine being replaced with grading. Trees being removed and being replaced with gouges in the hillsides.

The wealthy from the south buying our natural landscape so that their back yard can look like our once did.

It is hard to watch.

I have also watched our property be damaged, our safety be threatened, a property owner that was not eager to fix his problems and a county that has slammed the door in my face many times, supporting this operation and its threats.

The County has respected this property owners right to grade and create these impacts, assisting when they can under failed laws. Laws that are not being applied as intended.

Laws are a county issue. The County created these issues and the county needs to address them. They need to make sure that all rights are being respected, including my parent.

Our only access is right in the middle of all of these threats. A road with a questionable culvert crossing because of this operation. A road that is threaten.

It is very important that our access road be free and clear at all times. Including rainy days.

In the past, this operation of grading created flooding and threatened our safety and now more roads, more grading are being requested.

Sec. 14-15. - Denial of permit; restoration.

(a) A permit shall not be issued where the work proposed is likely to endanger human life or property.

This operation has proven it destroys property and threatens safety. And because there has been no change in operation, it will again in our future.

I am requesting denial of these roads and any grading.

There is too much grading on this property. Grading that is a threat to us, our safety, our property and our livelihood.



These photos taken the same day, same time...and the same creek. The only thing separates them is a property line. The top photo is what the bottom photo should look like.

This is the dead creek. Willows have been suffering. And then the property owner regrades the road, making the trees suffer more.

The mountain is unique. Only one with rock formations for a few miles. It has been damaged with grading. This is because the property owner wants a road. A road that goes nowhere and serves no purpose. (Labeled 'as built' road on map).



The staff report calls this grading “an extensive network of dirt roads”. I call it excessive. This is the hillside to the right of the house. This is only a small piece of a much larger picture. Only one area of many that has this grading. Grading is constant and very excessive.

The trees to the left on the side of the hill...graded up, gone and now relocated to a country club so that the rich can enjoy them.

This grading will be nothing compared to the proposed 20⁺ roads. These small roads and grading will not be such a eyesore next to giant roads to nowhere.

As you can see, this operation is grading heavy. TOO MUCH GRADING. This property is being thrashed.

This is not how anyone wants our lands treated. Except for the property owner.

I object to any additional grading. Including roads. There is too much grading on this property

No new roads. .

Directory of Licensed Nurseries

[CDFA Home](#)

[CDFA Nursery, Seed, and Cotton](#)

Results created: 3/2/2016

Number of Location records returned = 2

Nursery

Jimenez Nursery and Landscapes

Mailing Address

P.O. Box 50220, Santa Barbara, CA 93150

Locations

3800 Via Real, Carpinteria, CA 93013

3927 Jalama Road, Lompoc, CA 93436

Class definitions

LP-J

County

SANTA BARBARA

SANTA BARBARA



Failure to relate current nursery operation of native oak removal under ag laws with proposed roads.
Operation is excessive grading and movement of soil on ranch land. A proven threat to safety & property.
Large unnecessary roads are addition grading adding to threats. Too much grading on property.