



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Planning & Development  
Department No.: 053  
For Agenda Of: August 14, 2012  
Placement: Departmental  
Estimated Tme: 30 minutes  
Continued Item: Yes  
If Yes, date from:  
Vote Required: Majority

---

**TO:** Board of Supervisors  
**FROM:** Department Director: Glenn Russell, Ph.D., Director, 568-2085  
Contact Info: Alice McCurdy, Deputy Director, 568-2518  
**SUBJECT:** **Salentine Appeal of the Brown Grading & Horse Arena Project, Second District**

---

**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

Consider the appeal filed by John Salentine, the appellant, of the County Planning Commission's *de novo* approval of the Brown Grading & Horse Arena Project, Case No. 07LUP-00000-00830. The project site is located at 1215 Franklin Ranch Road (AP No. 077-030-013) in the Goleta Community Plan area of the Second Supervisorial District.

Your Board's action should include the following:

1. Uphold the appeal, Case No. 12APL-00000-00006, thereby overturning the County Planning Commission's denial of the Salentine appeal, case number 11APL-00000-00021, and its *de novo* approval of 07LUP-00000-00830;
2. Make the required findings for denial of the project, as provided in Attachment 1 to this Board Letter, including CEQA findings;
3. Determine that denial of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270; and
4. Deny the project, Case No. 07LUP-00000-00830 *de novo*.

Refer back to staff if the Board takes an action other than the recommended action for appropriate findings and conditions.

**Staff Discussion:**

At the conclusion of the July 10, 2012 hearing, the Board directed P&D staff to return with findings for denial of the project. These findings are included in Attachment 1 of this Board Letter. The Board also asked two questions related to: *1*) the possibility of waiving past fines, and *2*) the next necessary permit steps following the final action to deny 07LUP-00000-00830.

**Fines:**

Currently the subject property has a Notice of Violation (NOV, dated March 30, 2010) and a Building Violation (12BDV-00000-00019, dated February 2, 2012) associated with the unpermitted work on the lot. No fines are triggered unless and until a Notice of Determination of Fines (NOD) is issued. To date, no NOD has been issued for the project, based upon the property owner's pursuit of a permit application to resolve the violations. However, if for any reason the owners discontinue their progress toward a suitable resolution, the County would issue a Notice of Determination of fines for the non-compliance up to \$100/day per documented violation. The NOD is appealable to the P&D Director or his designee. Under County Code 24A, the Director of Planning and Development is responsible for implementing administrative fines for violations of the County Land Use and Development Code. In making a determination of fines, the Director "shall take into account the facts and circumstances of the violation." (Section 24A-6(a)). If the Director's determination of fines is appealed, the County's hearing officer shall uphold, eliminate or modify the fine(s).

**Next Step:**

Upon denial of the development associated with case number 07LUP-00000-00830, the property owners will be required to submit a new Land Use Permit application to validate the work authorized by Emergency Permit 11EMP-00000-00007. Work under 11EMP-00000-00007 was limited to removal of soil from the Cachuma Operations and Maintenance Board (COMB) easement for the South Coast Conduit (SCC) waterline, and for the temporary 'engineered' stockpiling of the overburden adjacent to the COMB easement. The grading authorized was 4,000 cubic yards of cut, located completely within the COMB easement overtop the SCC and its temporary stockpiling adjacent to the area of the easement. Through the new LUP, the applicant must also rectify the existing violations, including grading conducted beyond the scope of the Emergency Permit and the erection and use of unpermitted structures.

County Land Use and Development Code (LUDC) §35.84.050 specifies that a new project application submitted within one year of a denied application on the same real property must be substantially different than the originally denied permit. In the instant case, the LUP to validate the work authorized under 11EMP-00000-00007 must be substantially different than the work denied under 07LUP-00000-00830. This means that the follow-up LUP will not be able to include substantially the same riding arena, round pen, or horse structures in this area of the lot. It will however necessarily include re-contouring the property to achieve the previous profile to the extent feasible. As with any proposed project for development in this area of the County, the new application would have to comply with all applicable provisions of the County Comprehensive Plan, including the Goleta Community Plan, and would have to meet all applicable development standards within the County LUDC before the required findings for approval could be made. The project would also be evaluated under CEQA.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

The costs for processing appeals are typically provided through a fixed appeal fee and funds in P&D's adopted budget. In regards to this appeal, the appellant paid an appeal fee of \$643.00. P&D absorbs the costs beyond that fee, estimated at approximately \$5,000.00. These funds are budgeted in the Permitting and Compliance Program of the Development Review South Division, as shown on page D-138 of the adopted 2012-2014 fiscal year budget. Furthermore, once a new Land Use Permit application is received, the project applicant would be financially responsible for all costs associated with processing the permit.

**Special Instructions:**

A Minute Order of the hearing and copy of the notice and proof of publication shall be returned to P&D, Attention: David Villalobos, Hearing Support.

Hearing Support and Planning & Development will prepare all final action letters and notify all interested parties of the Board of Supervisors final action.

**Attachments:**

1. Findings for Denial

**Prepared by:**

J. Ritterbeck, Planner II (805) 568-3509