



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 and Development
Department No.: 053
For Agenda Of: July 19, 2016
Placement: Departmental
Estimated Time: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D. Director, Planning and Development
Director(s) (805) 568-2085
Contact Info: Jeff Wilson, Deputy Director, Development Review
(805) 568-2518

**SUBJECT: Morton Appeal (Case No. 16APL-00000-00006) of Brous Horse and Hay Barns
(Case No. 15LUP-00000-00276), Third Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Follow the procedures outlined below and deny the appeal, Case No. 16APL-00000-00006, and affirm the decision of the Planning Commission to approve the Brous Hay Barn and Horse Barn, based upon the project's consistency with the Comprehensive Plan, including the Santa Ynez Valley Community Plan, and based on the ability to make the required findings within the County Land Use and Development Code.

Staff recommends that your Board take the following actions:

- a) Deny the appeal, Case No. 16APL-00000-00006;
- b) Make the required findings for approval of the project, Case No. 15LUP-00000-00276, including CEQA findings included in Attachment 1;
- c) Determine the project is exempt from CEQA pursuant to Section 15301(l) and 15303(e) of the State Guidelines for the implementation of the California Environmental Quality Act (Notice of Exemption included as Attachment 3); and

- d) Grant *de novo* approval of the project, Case No. 15LUP-00000-00276, as modified subsequent to County Planning Commission action to revise condition 15 (Animal Waste Management Plan), subject to conditions of approval included in Attachment 2.

The project site is identified as Assessor Parcel Number 141-390-015, located at 120 Meadowlark Road in the Santa Ynez area, Third Supervisorial District.

Summary Text:

A. Project Description

The project is an appeal of the County Planning Commission *de novo* approval of a Land Use Permit, case number 15LUP-00000-00276. The appealed project is a request of Victor Padilla, agent for the owner, Greg Brous, for the validation of an existing agricultural accessory structure of approximately 1,425 square feet, and the construction of a new 2,809 square foot horse barn and a new 1,440 square foot hay barn. The project would also include the demolition of a 2,809 square foot horse barn located in the flood plain of the Santa Ynez River, to abate zoning and building violations (15BDV-00000-00071 and 15ZEV-00000-00232). The proposed barns have been reviewed by County Flood Control and are located outside of FEMA's Special Flood Hazard Area. The project meets all required setbacks, and the proposed outdoor lighting is in compliance with Santa Ynez Valley Community Plan lighting requirements. Grading would be less than 50 cubic yards. No trees are proposed for removal. The parcel would continue to be served by a private well, private septic system, and the Santa Barbara County Fire Department. Access would continue to be provided off of Meadowlark Road, a private road.

B. Background

The site is currently developed with a one-story single family dwelling, a residential second unit, five accessory structures (four permitted as tack rooms with bathrooms, and one unpermitted agricultural accessory structure that is used for storage and is included in the project description for validation), three barns, a corral, and an unpermitted fourth barn that is located within the Flood Overlay Zone. The proposed new horse barn would replace the unpermitted barn, and the unpermitted barn would be demolished.

The proposed project was approved by the Planning and Development Director on July 16, 2015. A timely appeal of the Director's decision to approve the project was filed on July 27, 2015 by Ms. Suzanne Kramer-Morton, Mr. Joel Morton, Mr. Ramon Guerrero, and Ms. Sandra Guerrero. The appellants' concerns focused on violations of the Meadowlark Ranch's Protective Covenants and Restrictions (PC&Rs). Private agreements, such as PC&Rs, are not enforced by the County. Regardless, the applicant submitted a revised site plan relocating the proposed barn farther away from the appellants' properties, in compliance with the more restrictive PC&Rs. The appellants remained opposed to the project based on the intensity of the equestrian use.

On January 6, 2016, the Planning Commission voted 3-2 to deny the appeal and grant *de novo* approval of the Land Use Permit with a revision to a condition of approval related to the Animal Waste Management Plan (Condition 15, see Attachment 2). The revision required by the Planning Commission incorporated the onsite pastures into the daily maintenance plan.

On January 19, 2016, the appellants filed a timely appeal of the Planning Commission's *de novo* decision to approve the Land Use Permit. A facilitation meeting attended by the applicant, appellants, and legal counsel for both the applicant and appellants was held on April 4, 2016. The appeal issues were discussed at length, however an agreement was not reached between the two parties.

The County Planning Commission found the project, now on appeal to your Board, to be in conformance with all applicable County Comprehensive Plan policies, including those from the Santa Ynez Community Plan, as well as with all applicable zoning requirements of the Santa Barbara County Land Use and Development Code. These policies and requirements, along with the appeal issues raised previously, are discussed in detail in the Planning Commission staff report, dated December 17, 2015 (Attachment 7).

C. Applicant Request for Revised Condition Language

The applicant's legal counsel issued a letter, dated April 28, 2016 (Attachment 8), requesting that the Board of Supervisors reconsider the revision to Condition 15 that the Planning Commission approved pertaining to the Animal Waste Management Plan of the property. The Planning Commission incorporated the revision during a discussion about the adjacency of the onsite horse pastures to the Santa Ynez River and the Meadowlark Ranches Mutual Water Company's water wells. There are some horse pastures located within the flood plain and some outside the flood plain at a higher elevation on the property adjacent to the location of the proposed barns. The intention of the Planning Commission was that the pastures located within the flood plain would be incorporated into the Animal Waste Management Plan (Attachment 9). The applicant asserts that the horses are mostly kept in the pastures outside the flood plain, and that the lower pastures, within the flood plain, are used for riding. This use of the various pastures was confirmed during staff's January 4, 2016 site visit.

The applicant asserts that the daily pick-up of manure from all the pastures is excessive, cumbersome, and a financial burden not required of other horse ranch properties in the Santa Ynez area.

Public Works, Project Clean Water has reviewed the Animal Waste Management Plan in relation to the site plan and concurs with the applicant that daily pasture clean-up is unnecessary to protect the water quality of the Santa Ynez River, as the waste is dispersed across the large pastures where there is ample capacity for uptake of pollutants naturally through the soil and vegetation. Public Works, Project Clean Water proposes the following revision to Condition 15:

Condition 15: Animal Waste Management Plan: Animal Waste Management. An animal waste management plan (AWMP) and program to control pollution from animal waste shall be developed for the project site. Implementation and strict adherence to the AWMP shall be required for the life of the animal keeping activities on the site and shall include the following:

- 1) At least once per day, manure and soiled bedding shall be collected from stalls and pens, or wherever waste from animal-keeping activities **concentrates, resulting in excessive odor or flies, including in the pastures on the site;**
- 2) Collected manure and soiled bedding shall be stored temporarily in watertight trash bins and emptied into larger receptacles in a designated trash area screened from sight;

3) In order to maintain odor and vector control, the receptacles shall be unloaded at a minimum, once per week to an approved solid waste landfill;

4) General sanitation techniques such as proper air circulation, exposure to sunlight, a fly control system, and cleaning shaded areas immediately shall be incorporated into the AWMP.

PLAN REQUIREMENTS: The AWMP plan shall be described and detailed on the site, grading and drainage, and landscape plans, and depicted graphically. The location and type of controls shall be shown on the site, building and grading plans. Trash receptacles, including screening measures, shall be depicted on the site plan.

TIMING: The plans and maintenance program shall be submitted to P&D and EHS staff for approval prior to issuance of this Land Use Permit and fully installed prior to Final Building Inspection Clearance. Upkeep and screening is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The landowner is responsible for the maintenance, operation and upkeep of the waste management program and all drainage improvements for the life of the project.

The applicant has reviewed and agreed to the change listed above. The revised condition language is incorporated in Attachment 2.

D. Appellant Appeal Issues and Staff Responses

The appellants, Ms. Suzanne Kramer-Morton, Mr. Joel Morton, Mr. Ramon Guerrero, and Ms. Sandra Guerrero, filed a timely appeal of the Planning Commission's denial of the previous appeal of the proposed project (Case No. 15APL-00000-00014) and *de novo* approval of the project. The appeal application (Attachment 4) contains a letter, written by the appellants' legal counsel, summarizing the issues raised in this appeal and incorporating by reference the Appellant's January 4, 2016 letter and the Appellant's Presentation from the Planning Commission's January 6, 2016 hearing. These issues are summarized below and staff's responses follow.

Appeal Issue #1: Alleged Commercial Operation and Ministerial Permit Path

In their appeal to the Planning Commission, the appellants asserted that the applicant is operating a commercial horse breeding operation. The Commission reviewed submitted materials, such as a business card and an entry in the *California Thoroughbred Industry Directory* for the property and subsequently rejected this appeal issue. The appellants continue to object to the project not being treated as a commercial operation, citing the previously submitted materials.

Staff Response: The owner/applicant raises horses and races some of those horses commercially. Per the definition of Agriculture (below) from the LUDC, the raising and keeping of animals, as well as commercial agriculture, is an allowable use on property zoned AG-I-5.

Agriculture. The production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and the preparation for sale and marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises, and as allowed by Section 35.42.050 (Agricultural Product Sales)...

The County has a precedent in permit approvals for including breeding and boarding of personally owned horses as an allowable use under the definition of “agriculture.” The Planning Commission determined at the January 6, 2016 hearing that while the applicant does race horses offsite, there is no evidence that there is public use of the subject property. Commercial boarding for members of the public would require a Conditional Use Permit, to be approved by the Planning Commission. However, boarding of personally owned horses for commercial racing is allowable under the definition of “agriculture” as is the breeding, raising, and selling of horses for profit.

During their deliberation, the Planning Commission commented on the business card and entry in the directory, and noted that many horse owners advertise similarly to participate in the horse community through a variety of activities related to horse ownership.

The applicant has submitted documentation confirming the ownership of the 16 horses and 3 foals on the property (Attachment 10).

As such, the horse operation does not require a Conditional Use Permit and the proposed new barns and validation of an unpermitted agricultural structure are properly permitted under a Land Use Permit.

Appeal Issue #2: Clustered Development and Number of Allowable Horses

During the time leading up to the Planning Commission appeal hearing, the appellants suggested that the project on appeal should be processed as a Development Plan due to its overall square footage being clustered near their homes. The appellants continue to object to the project based on the onsite constraints analysis which results in the clustering of the proposed barns with existing development on the lot in proximity to their homes: “... since almost 80% of the Applicant’s property is in the flood plain and barns cannot be built there at all, this means concentrating all the structures...outside the flood plain and closest to the Appellants homes...”

Staff Response: As discussed in Section 6.1 of the staff report to the Planning Commission, dated December 17, 2015 (Attachment 7), discretionary review, such as a Development Plan, is not required of the project.

At the January 6, 2016 Planning Commission hearing, staff presented a table of all development on the property and listed the total square footage as 19,057. One structure, “Barn A/Goat Barn,” was erroneously included twice. The table below represents the accurate 18,832 square feet of development onsite. The threshold for a Development Plan is 20,000 square feet. As such, a Development Plan is not required of the project.

Structure	Square Footage	Structure	Square Footage
Barn A	225 (05LUP-982)	Detached Garage	1,800 (05LUP-982)
Barn B	1,000 (14LUP-334)	Accessory Structure #1*	1,425
Barn C	2,877 (14LUP-334)	Accessory Structure #2	622 (03LUP-1367)
Barn D*	2,809	Accessory Structure #3	622 (02LUP-1207)

Hay Barn E*	1,440	Accessory Structure #4	622 (02LUP-1207)
Main House	4,000 (*36843)	Accessory Structure #5	622 (02LUP-1207)
DRSU	768 (06LUP-814)	Goat Barn	225 (05LUP-982)

*Included in the scope of this Land Use Permit

Approximately 78% of the parcel is located within the flood plain of the Santa Ynez River, meaning that it is not suitable for structural development. This constraint forces clustering of all structures onsite, near the appellants’ homes. Clustering development does not trigger a requirement for a discretionary permit path, such as a Development Plan.

Additionally, per County LUDC Section 35.42.060, Table 4-1, because the lot measures 29.39 acres, the County LUDC does not place a limit on the number of horses that can be located on the property. This allows the owner/applicant to house numerous horses in the clustered barns onsite and also have them in the pastures around the site. The constraints on the lot driving this land management do not mandate a reduction in the number of allowable horses onsite. The applicant has confirmed that, with the proposed barn, there would be a total of 22 horse stalls on the property. Currently, there are 16 horses and 3 foals on the property.

Appeal Issue #3: CEQA Review

The appellants contend that adequate environmental review was not performed for the project. The appellants assert that CEQA exemptions have been improperly applied, stating that the project *“has been piecemealed over time as a series of individual structures, without review of the entire scope of the operation”* and that there *“is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.”*

Staff Response: The main single family dwelling on the lot was approved in 1967 (Permit # 36834) prior to CEQA. Since 2002, ten agricultural accessory structures (including the two barns under the subject Land Use Permit), a detached garage, and a detached residential second unit have been approved pursuant to Land Use Permits, consistent with zoning. One agricultural accessory structure was built without the benefit of permits, and hence has been incorporated into the project description of the subject Land Use Permit. Contrary to Appellant’s claims, the County has not divided a single project into smaller individual projects for the purposes of CEQA review. The only changes currently proposed to the site are those included in the project description, which is all that is currently subject to discretionary action by the County. CEQA analysis of the construction of past structures is not required and would serve no purpose as they have already been constructed, some many years ago. CEQA analysis of any future development on the site is speculative at this time as none is proposed and none is a reasonably foreseeable consequence of the current project.

The proposed project does not require a Conditional Use Permit, nor does it require a Development Plan. The proposed project includes only the demolition of an unpermitted barn, validation of an as-built agricultural accessory structure, and construction of two new barns. The project is categorically exempt from CEQA under CEQA Guideline Sections 15301(l) and 15303(e) (Attachment 3). The Secretary of the Natural Resources Agency has determined that the environmental changes typically associated with

the types of projects listed in CEQA Guidelines Sections 15301 and 15303 do not have significant effects within the meaning of CEQA. No exceptions to the exemption apply, as detailed in the attached Notice of Exemption, and in particular, no unusual circumstances exist. There is nothing unusual about the proposed structures themselves or use of such structures as compared to other structures in the exempt class. The relocated barn structure would not be located within the floodplain and would be approximately 420'-0" from the mapped wetland, thus the location is not unusual.

Appeal Issue #4: Noise Impacts

The appellants contend that the equestrian use onsite, including horses, workers, tools, such as leaf blowers and ATV vehicles, creates a noise nuisance. Specific concern to the horse's thoroughbred breeding was expressed, citing a "*loud, clanging noise resulting from a powerful, athletic horse's horseshoe hitting the metal side of the barn.*"

Staff Response: The proposed barn would be located approximately 250' from the Morton's residence, and approximately 550' from the Guerrero's residence. At these distances, the noise levels generated by the horses and associated equipment would diminish below the 65db standard that is used in the Noise Element of the Comprehensive Plan, and cited in the staff report to the Planning Commission, dated December 17, 2015 (Attachment 7). The Santa Ynez Valley Community Plan cites that "*the public shall be protected from noise that could jeopardize health and welfare*" (Santa Ynez Valley Community Plan Policy LUG-SYV-7); however, there is no evidence that noise from the proposed project would jeopardize the health and welfare of the neighborhood.

Appeal Issue #5: Light Pollution Impacts

The appellants assert that "*existing significant light pollution [is] bound to increase with the addition of more barns, more horses, and more workers,*" and that lights remain on after 9 p.m.

Staff Response: As discussed in Section 6.1 of the staff report to the Planning Commission, dated December 17, 2015 (Attachment 7):

The proposed development includes exterior light fixtures that are compliant with the Santa Ynez Valley Community Plan, as the proposed fixtures would be directed downwards, fully shielded (full cutback design), and would be on a timer. The specification for the light fixture is also listed on the permit plans for Building Inspector review. Additionally, the Land Use Permit would be conditioned to require lighting be compliant with Santa Ynez Valley Community Plan policy and Appendix H requirements.

The proposed lighting for the structures has not been revised since the Planning Commission *de novo* approval, and remains compliant with all applicable policies. Planning and Development staff reviewed the enforcement procedure with the Appellants when processing their appeal to the Planning Commission. No zoning violations regarding lighting have been reported to Zoning Enforcement staff for the subject property.

Appeal Issue #6: Traffic Impacts

6.1 – Traffic Impacts to Meadowlark Road

In the appeal to the Planning Commission, the appellants asserted that "*the addition of this barn has already substantially increased traffic.*" With the current appeal, the Appellants continue to express concern related to traffic, stating that:

...there is constant traffic on this road during all hours of the day going to the Applicant's horse operation including delivery of supplies, workers, farriers, veterinarian, movements of horses in and out, among others. There are also several large semi-trucks with tractor-trailers and commercial horse vans entering the property using this small road.

The appellants also contend that these alleged traffic impacts would also contribute to noise nuisances, as discussed in Appeal Issue #4 above.

Staff Response: As discussed in Section 6.1 of the staff report to the Planning Commission, dated December 17, 2015 (Attachment 7), there are no Average Daily Trips or Peak Hour Trips assigned to agricultural accessory structures, as these trips were accounted for during the environmental review of the lot creation and/or application of zone designation.

Per personal communication with Public Works, Roads Division staff, Will Robertson on June 16, 2016, a traffic study is not a standard requirement for a Land Use Permit for the construction of accessory structures, such as the proposed project, because any associated trips would be encompassed by the trips already accounted for in the original creation or zoning of the lot. Therefore, no new trips are associated with the subject Land Use Permit.

Regardless, associated traffic is anticipated to include a farrier and veterinary visits (both regular appointments and for emergency visits), hay deliveries, and trailering the horses for personal use. Area roadways operate well below their acceptable capacities and can accommodate additional traffic from the agricultural property.

Finally, as discussed in Appeal Issue #4 above, noise levels are not expected to jeopardize the health and welfare on the public.

6.2 – Traffic Trips for Illegally Converted Tack Rooms

The appellants also contend that Planning and Development staff did not adequately review traffic impacts related to the illegal conversion of tack rooms to employee dwelling units during the appeal to the Planning Commission.

Staff Response: The appellants' appeal letter incorrectly identifies the four tack rooms (currently functioning as guest houses) as employee units. In reviewing the permit history of the lot, showers were installed in the four tack rooms under a previous owner and then removed through the enforcement of the zoning violation. The applicant has confirmed that when he purchased the property, the tack rooms had been reconverted to guest houses. Planning and Development staff conducted a site visit on January 4, 2016, and there was no indication that the units were being used as long-term employee dwellings. The spaces were furnished for the structures to be able to act as guesthouses; however, it appeared that they were being used for storage and potential guestrooms.

The applicant would remove the showers and re-convert the structures to their originally permitted use as tack rooms as a condition of approval of the Land Use Permit on appeal (Condition 14, Attachment 2). Therefore, the structures would return to their permitted use as agricultural accessory structures, and would not contribute to traffic on area roadways.

Appeal Issue #7: Water Resources Impacts

7.1 – Parcel Adjacency to the Meadowlark Ranches Mutual Water Company Water Wells

The appellants contend that the water wells of the Meadowlark Ranches Mutual Water Company, located on an adjacent parcel, may be affected by the horses, and their associated waste, on the Brous property.

Staff Response: The Meadowlark Ranches Mutual Water Company contacted A&A Pump and Well, which maintains the water system, and requested a site visit to determine if animal waste was affecting the wells. A&A Pump and Well spoke with the ranch manager and confirmed that the area around the wells is a horse-free area. In a letter dated February 19, 2016 (Attachment 11), Mike Hadley of the Meadowlark Ranches Mutual Water Company wrote:

The area to access the wells is also gated and the gate is always kept closed. Mark [A&A Pump and Well staff] said that in the last ten years of servicing the wells he has never seen any animal waste near, in or around the wells.

There is no evidence that the water well has been compromised by the presence of horses.

7.2 – Parcel Adjacency to the Santa Ynez River

The appellants assert that impacts related to “water quality and fish and other wildlife in the Santa Ynez River never were studied.”

Staff Response: The Santa Ynez River curves along the southeastern corner of the parcel. The site is relatively flat and roughly 78% of the parcel is within the Flood Overlay Zone of the Santa Ynez River (see Attachment 5).

In the revised conditions of approval included in the staff report dated December 17, 2015 (Attachment 7), Planning and Development staff recommended to the Planning Commission that a standard condition requiring an Animal Waste Management Plan be added to the project. The addition of the Animal Waste Management Plan condition was to allow the project to be consistent with Santa Ynez Valley Community Plan policies BIO-SYV-5 (Santa Ynez River pollution) and WW-SYV-2 (groundwater pollution), as indicated in Section 6.3 of the staff report to the Planning Commission, dated December 17, 2015 and herein incorporated by reference (see Attachment 7 for full discussion). The project, including the revised conditions of approval, was approved by the Commission on January 6, 2016.

The condition was further revised during the Planning Commission’s deliberation, as discussed above in Section C. The condition was revised to incorporate daily manure pick-up in the pastures, with concern that manure could affect the water quality of the Santa Ynez River.

The applicant submitted an Animal Waste Management Plan, dated February 29, 2016 (Attachment 9), with the requested revision to the condition of approval to remove daily manure pick-up in the pastures. The Animal Waste Management Plan was reviewed by Public Works, Project Clean Water and found to be adequate and reasonable for the property in preventing water quality impacts to the Santa Ynez River. The condition was also reviewed by Public Works, Project Clean Water, and the department proposed a revision to the condition clarifying that a concentration of manure with excessive odor or flies shall be removed from the pastures, but not necessarily on a daily basis if it is not warranted.

With the inclusion of a condition requiring an Animal Waste Management Plan and Permit Compliance to monitor the project, as approved by the Planning Commission, water quality of the Santa Ynez River would not be degraded by the proposed project.

Appeal Issue #8: Planning Commission Hearing and Applicable Findings

8.1 – Planning Commission Findings

The appellants contend that the Planning Commission’s approval of the project is not supported by the findings of approval.

Staff Response: The findings are included as Attachment 1 of this Board letter and supported by substantial evidence, as discussed within the findings.

8.2 – Planning Commission Hearing Process

During the appeal process to the Planning Commission, the applicant removed content from his website for Rio del Sol Stables. The appellants assert that the removal of content was intended to remove traces of a larger commercial operation for the horse stables on the subject lot. The appellants allege that the Planning Commission failed to provide a fair hearing in that the Commission did not require the applicant’s website pre-appeal to be presented to the Commission and that the Commission did not require staff to confirm ownership of all the horses on the property.

Staff Response: Standard noticing requirements for the January 6, 2016 hearing itself were followed, giving all parties notice of the hearing. All parties were allowed to speak at the hearing. The appellants made their requests, and the Planning Commission declined to continue the hearing to obtain addition information. As such, a fair hearing was conducted.

Appeal Issue #9: Additional Issues Raised in January 4, 2016 Appellant Letter and Appellant’s Presentation to the Planning Commission on January 6, 2016

9.1 – Horse Race Track

The appellants presented a slide depicting a race track onsite, and assert that it is evidence of a larger scale horse operation, and possibly could represent a zoning violation.

Staff Response: Staff conducted a site visit on January 4, 2016 and no such race track was observed onsite. Staff stated confirmation at the January 6, 2016 hearing to the Planning Commission.

9.2 – “Barn C” Front Setback

In the appellants January 4, 2016 letter to the Planning Commission (Attachment 12), the appellants contend that the existing “Barn C” does not meet County front setback standards, and that its as-built location could constitute a zoning violation.

Staff Response: “Barn C” is not a component of the subject Land Use Permit. Regardless, staff reviewed aerial photographs and measurable GIS data (Photomapper software), and “Barn C” does appear to meet the required front setback of 50’-0” from roadway centerline and 20’-0” from the right-of-way line of any street, as required by the County LUDC (LUDC, Section 35.21.050, Table 2-3).

9.3 – Disposal of Soiled Bedding

During the appellants' presentation to the Planning Commission, they alleged that soiled bedding was being stored near the Meadowlark Ranches Mutual Water Company water well supply site and adjacent to the Santa Ynez River.

Staff Response: During the January 6, 2016 Planning Commission hearing, the applicant confirmed that the areas labeled as "soiled stall bedding piles" (See slide 30, Attachment 13) are actually mounds of dirt that the previous owner used to recreationally use as ATV jumps, as well as piles of wood chips. As discussed in Appeal Issue #7 above, there is no indication that the water wells or Santa Ynez River have been impacted by the applicant's horses and their associated waste, and the included Animal Waste Management Plan would limit impacts as much as possible.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeal are approximately \$11,280.00 (60 hours). Work to process the appeal is funded in the Planning and Development Permitting Budget Program, as shown on page D-289 of the adopted 2015-2017 FY budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on July 19, 2016. The notice shall appear in the Santa Barbara News-Press. The Clerk of the Board shall fulfill noticing requirements. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention: David Villalobos.

Attachments:

1. Findings of Approval
2. Conditions of Approval
3. CEQA - Notice of Exemption
4. Appeal Application to the Board of Supervisors
5. Aerial of Subject Parcel with Flood Plain
6. Planning Commission Action Letter, dated January 8, 2016
7. Planning Commission Staff Report, dated December 17, 2015
8. Letter from the Applicant's Legal Counsel, dated April 28, 2016
9. Proposed Animal Waste Management Plan, dated February 29, 2016
10. Registration of Horses Currently Located on the Property
11. Letter from the Meadowlark Ranch Mutual Water Company, dated February 19, 2016
12. Appellants' January 4, 2016 Letter to the Planning Commission
13. Appellants' Presentation to the Planning Commission at the January 6, 2016 Hearing
14. Original Land Use Permit, Case No. 15LUP-00000-00276
15. Project Plans

16APL-00000-00006, Morton Appeal of Brous Horse and Hay Barns

Hearing Date: July 19, 2016

Page 12 of 12

Authored by:

Stephanie Swanson, Planner II, (805) 568-3319

Development Review Division, Planning and Development Department