



LAND USE SERVICES DEPARTMENT PLANNING DIVISION PLANNING COMMISSION STAFF REPORT



HEARING DATE: October 17, 2013

AGENDA ITEM #3

Project Description

Vicinity Map

APN: 0315-201-06-0000
Appellant: GARY CASTLE, FRED & ELAINE TRESEMER
Community: LAKE ERWIN/3RD SUPERVISORIAL DISTRICT
Location: EAST SIDE OF LAKEWOOD DRIVE, EXTENDING TO CENTRAL AVE., 340 FT. SOUTH OF ERWIN RANCH ROAD
Project No: P201300397/APLPCAVG
Staff: NINA SHABAZZ
Proposal: APPEAL TO THE PLANNING COMMISSION OF A STAFF DECISION TO PROCESS A SITE PLAN PERMIT FOR CONSTRUCTION OF A RESTROOM FACILITY AND FUTURE PAVEMENT OF THE PARKING AREA AT AN EXISTING PARK ON 4.85 ACRES.



33 Hearing Notices Sent On: October 2, 2013
 P.C. Field Inspection Date: October TBD, 2013

Report Prepared By: Nina Shabazz
 Field Inspected By: Commissioner Smith

SITE INFORMATION:

Parcel Size: 4.85 acres
Terrain: Generally flat
Vegetation: Grass

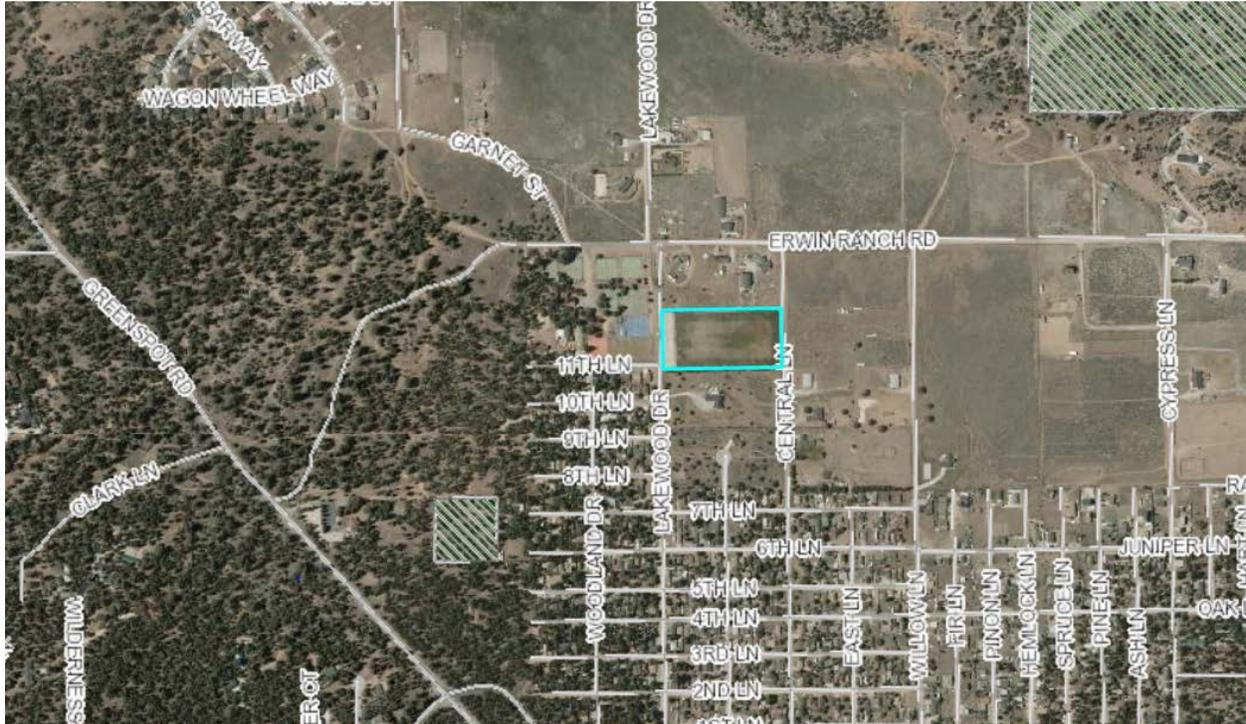
SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT
Site	Park	Bear Valley Single Residential 1-acre minimum lots (BV/RS-1)
North	Single Family Residence	Bear Valley Single Residential 1-acre minimum lots(BV/RS-1)
South	Single Family Residence	Bear Valley Single Residential 1-acre minimum lots (BV/RS-1)
East	Vacant	Bear Valley Single Residential 1-acre minimum lots (BV/RS-1)
West	Sports Facility/Park	Bear Valley Rural Living 5-acre minimum lots (BV/RL-5)

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	N/A	N/A
Water Service:	Big Bear City CSD	Already Served
Sewer Service:	Big Bear City CSD	Will Serve

STAFF RECOMMENDATION: That the Planning Commission **DENY** the Appeal and **UPHOLD** Staff's determination to process a Site Plan Permit application.

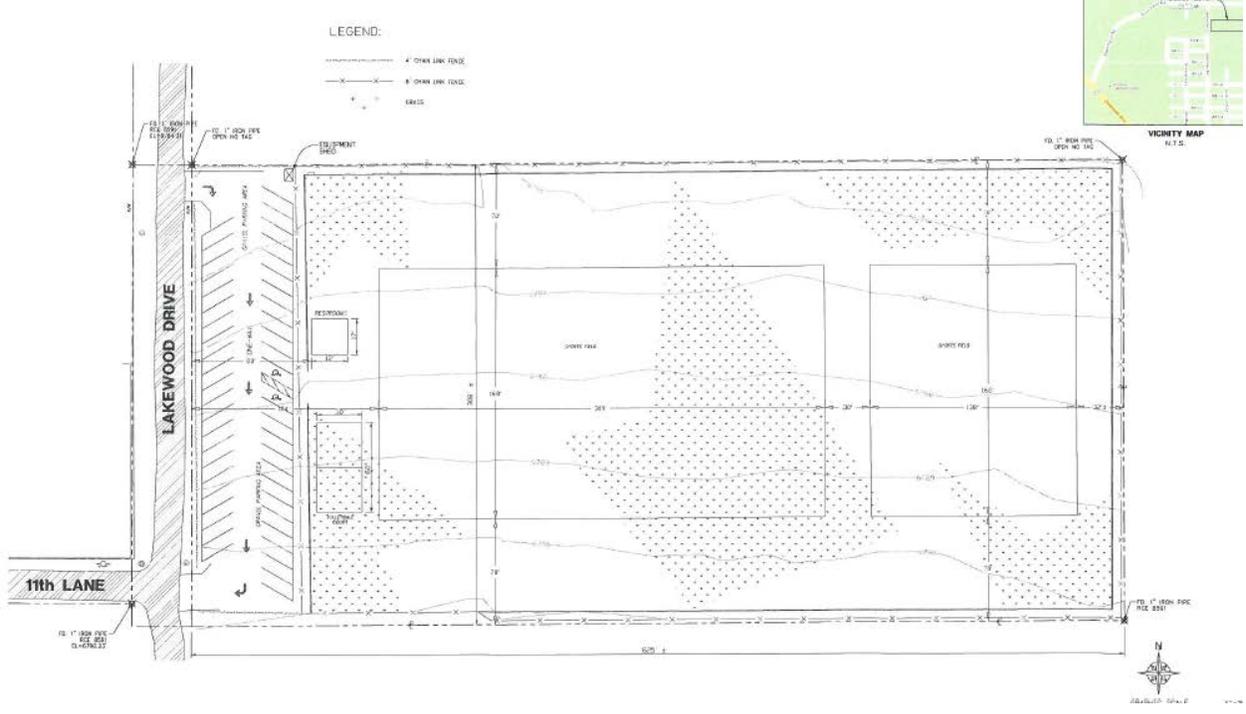
VICINITY MAP



LAND USE ZONING DISTRICT MAP



SITE PLAN



BACKGROUND:

On August 21, 2007, the Board of Supervisors approved acquisition of the 13.25-acre Big Bear Sports Ranch (BBSR) complex in Big Bear City, for addition to the recreation facilities of the Big Bear Valley Recreation and Park District (BBVRPD). The acquisition of the site was exempt from the California Environmental Quality Act (CEQA) under 14 California Code of Regulations (CEQA Guidelines) section 15319(a), which exempts annexations of existing facilities to a special district. This determination was not challenged. In 2008, BBVRPD applied for and received Proposition 40 funds for minor alterations to the existing facility, including minor grading, soil amendments, installation of irrigation, fencing, curbing, walking paths, bleachers, soccer goals and approximately 160,000 square feet of new sod.

On April 4, 2013, BBVRPD filed a Site Plan Permit (SPP) application to propose construction of a restroom facility and paving of the parking area at the existing park with sports fields on the easterly 4.85 acres of BBSR. The proposal also includes installation of volleyball nets, a walking trail, playground equipment, picnic areas, barbecues, benches, fencing and modifications to landscaping and irrigation, which do not require permits. Staff made the determination that the proposal met the criteria for processing as an SPP, and deemed the application complete. Notification of this determination and the appeal procedure was sent to surrounding property owners.

APPEAL:

On August 26, 2013, two households (the Appellants) of the surrounding neighborhood filed a timely appeal of the County staff determination to process the Project as an SPP. Pursuant to San Bernardino County Development Code (Development Code) § 85.08.030(i), the “[a]ppeal of a [SPP] shall be limited to the determination that the land use being requested qualifies for the [SPP] application.”¹ The Appellants contend that the Project may have a significant effect on the environment in the areas of sanitation, traffic, drainage, aesthetics and noise. Therefore, the Appellants contend that the Project is not exempt from CEQA and does not qualify for processing as a SPP. The following are the material issues raised in the appeal:

SPP Application Compliance with the San Bernardino County Development Code

Appellants’ Contention: The SPP does not fall into any of the exempt categories or allowable categories for granting a SPP.

Staff Response: The Development Code provides for an SPP as an expedited process for County review and authorization of allowed uses and structures that meet certain criteria [Development Code § 85.08.010]. Among activities that qualify for the SPP process is the “alteration, construction, or expansion of every legally established use that is allowed by a land use zoning district” provided the use complies with applicable development standards. An SPP will not be allowed, however, if the proposed project is within a city sphere of influence, is within a designated Redevelopment Area, is located

¹ An appeal of an SPP is further limited in that the Planning Commission constitutes the final reviewing authority and no appeal to the Board of Supervisors is allowed. Development Code Table 85-1.

on a designated State highway and cannot qualify for a CEQA exemption.

The Project satisfies these criteria in every respect. As a park or playground, the BBSR is an allowed use in BV/RS-1 zoning. [Development Code Table 82-7] It is not within any city's sphere of influence, a Redevelopment Area, or on a designated State highway. And, it qualifies for a CEQA exemption, as more fully discussed below.

California Environmental Quality Act (CEQA) Compliance

Appellants' Contention: The Project does not qualify as exempt under CEQA. The Notice of Exemption filed by the Applicant creates a CEQA violation.

Staff Response: CEQA requires the Secretary of the Natural Resources Agency to designate in the CEQA Guidelines classes of projects that the Secretary has found do not have a significant effect on the environment. Public Resources Code §21084(a); CEQA Guidelines §15300. The designated classes of projects are exempt from the provisions of CEQA. A Class 1 Categorical Exemption (CEQA Guidelines § 15301 Use or Minor Alteration to Existing Facilities) consists of an exemption for the minor alteration of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. A Class 3 Exemption (CEQA Guidelines § 15303 New Construction or Conversion of Small Structures) provides an exemption for the construction of small structures. A Class 4 Exemption (CEQA Guidelines § 15304 Minor Alterations to Land) consists of an exemption for minor public or private alterations in the condition of land, water, and/or vegetation.

The Project proposes to construct and operate a 204 square foot restroom facility and add a parking area at an existing park with sports fields. As such, the project qualifies for Class 1, Class 3 and Class 4 Categorical Exemptions. And although these exemptions are plainly applicable, the CEQA Guidelines also include an exemption based on "the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment." CEQA Regulations § 15061(b)(3) The proposed alterations enhance the facility but do not change the existing, previously-approved operations.

RECOMMENDATION:

That the Planning Commission:

- 1) **DENY** the appeal and **UPHOLD** the determination that the Project application meets the criteria for processing as a Site Plan Permit to construct a 204 square foot restroom facility and provide for future pavement of the parking area at an existing park with sports fields.

ATTACHMENTS:

- Exhibit A: Appeal Application
 Exhibit B: Appeal Supporting Documents (provided separately on CD)

EXHIBIT A

APPEAL APPLICATION

APPEAL APPLICATION

Complete all portions of this application. If you believe that an item does not apply to your appeal, mark it "N/A". Do not leave any blank spaces.

You may attach additional pages or other documentation to this application.

Project Action Date: August 6, 2013

File/Index #: P201300152/SPP

Building Permit No.: _____

Project Applicant(s): Special Districts Department

Appellant's Name (s): Gary Castle; Fred and Elaine Tresemer

Appellant's Address: c/o William J. Ward, Ward & Ward, 685 E. Carnegie Dr., Suite 140

City: San Bernardino, CA Zip: 92408

Phone: 909-381-8350 FAX No.: 909-381-8356 E-Mail: _____

Assessor's Parcel No. of Subject Property: 0315-201-06

General Location of Property: Lakewood Dr. and Central Lane

Community/Area: Lake Erwin/3rd Sup. Dist.

1. I/We hereby appeal to the San Bernardino County: (check one)

Planning Commission from action by: (check one)

Director of Land Use Services

Division Chief of Environmental Health Services (EHS)

Director of Transportation/Flood Control/Surveyor

Board of Supervisors from action by the County Planning Commission.

To be completed by County Staff: Filing Date: _____ Project No.: _____ JCS Project No.: _____

2. I/We are appealing the project action taken to:

- DENY the project
- DENY the project without prejudice
- APPROVE the project
- APPROVE the project with conditions. (Attached a copy of the conditions, if they are the subject of the appeal).
- ADOPT a Negative Declaration
- OTHER (specify) accept application for site plan permit

3. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measure, conditions and/or policies with which you disagree. Also state exactly what action/changes you would favor.

See attachment to this appeal.

4. State why you are appealing. Be specific. Reference any errors or omissions. Attach any supporting documentation, including any Conditions of Approval that are being appealed.

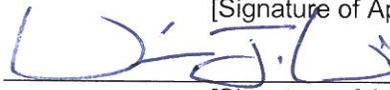
See attachment to this appeal

I/We certify that I/we are the:

- Legal Owner(s)
- Authorized Legal Agent(s)
- Other Interested Person(s)

WARD & WARD

[Signature of Appellant(s)]



[Signature of Appellant(s)]

By: William J. Ward

Date: August , 2013

ATTACHMENT TO APPEAL

Acceptance of Site Plan Permit Application – Project No: P201300152/SPP

August 26, 2013

I. *Action Being Appealed*

Appellants are appealing the August 6, 2013, acceptance by the San Bernardino County Land Use Services of an application by the Special Districts Department of an Application for a Site Plan Permit. The Site Plan Permit is for the construction and operation of restroom facility and addition of a dust-proof parking area at an existing park with a sports field on 4.85 acres.

II. *Action Sought*

The appellants seek to have the Planning Commission:

- A. Overturn the Land Use Services Department determination that this project can proceed by way of a site plan permit application.
- B. Instruct planning staff to prepare an initial environmental study for the project in its entirety.
- C. Direct staff that, based upon the initial study, it require the preparation of appropriate environmental documents.
- D. Direct staff that, based upon the zoning of the Property and the zoning of the surrounding areas, any application for entitlements for this Property by the District must include an application for a zoning change and general plan amendment.
- E. Direct staff that, no entitlement processing for the Property should be undertaken unless and until the current use of the Property has ceased.

III. *Introduction*

The construction which is contemplated by the Site Plan Permit Application is the latest in a series of events involving certain undeveloped property that has had no environmental review whatsoever.

The 4.85 acres in question was purchased as part of an overall in excess of 13 acres. The purchase involved this Property which as undeveloped and another assessor's parcel which had improvements on it known as a tennis ranch.

At the time these properties were acquired, the District filed Notice of Exemption covering both properties. This NOE specifically represented that environmental review would be done in connection with future development.

Unfortunately, no environmental review has been done. To the contrary, the Big Bear Valley Recreation and Park District (the “District”) said about claimant that there was no new use for this property. That was simply wrong. The property in question was undeveloped land and did not have the three soccer fields which the District has continually tried to develop in an illegal fashion.

In fact, there has never been any permit issued for this property whatsoever. There is nothing in the County’s records to show that any kind of building permit, use permit or any other permit was ever issued for this property other than a temporary use permit which was issued and, when Appellants appealed that issuance, it was immediately withdrawn.

The property in question is being operated contrary to zoning, without the required improvements, and without any environmental review whatsoever.

In the documents being submitted herewith, the applicants’ appeal from the TUP are being submitted. There are a number of documents in those exhibits showing the significant environmental impact that has been caused by the District’s illegal activities on the property. Among other things, they have improperly lowered the water table so that surrounding residences do not have sufficient water pressure for their homes.

There has been a concerted effort on the part of the District and others in the County to illegally circumvent the California Environmental Quality Act. The Planning Commission must in no uncertain terms indicate that CEQA will be complied with with regard to this property and, in the context thereof, instruct planning staff not to process this project as a site plan permit project.

IV. *Background Facts*

A. DOCUMENTS SUBMITTED.

An indexed set of documents numbered 1 through 53 is submitted herewith. These documents detail some of the history of the property and the District’s activities with regard to the property. Appellants believe that there are other significant documents as well; however, these are the pertinent documents which they have been able to muster in a short time frame for purposes of this appeal.

B. SHORT HISTORY OF ISSUES

1. *The 2007 Notice of Exemption*

This application is an attempt to legitimize an existing unlawful use through the deceptive use of an application for a Site Plan Approval. On August 30, 2007, Reese R. Troublefield, District Manager of the Big Bear Park and Recreation District applied for a Notice of Exemption for the subject parcel. (Exhibit A) The Project Title is “Acquisition of Parcels (APN 3071-

401-05) for Big Bear Valley Recreation and Park System.” (“BBVR”) The frequent complaint by residents that the parcel number was wrong was trivialized by county representatives and the District was allowed to acquire the property without correcting its application.

In the “Reasons why project is exempt:” the proponent stated, “the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. . . Future development of the property and expansion of services to accommodate additional dwellings or development *would require environmental review and would not be exempt from CEQA.*” [Emphasis added.]

2. *The Initial Site Assessment*

The Phase I Environmental Site Assessment Report dated August 28, 2007, by Converse Consultants (Exhibit B) describes existing development (Document No. 4, p. iv). It lists “Regulatory Compliance” as a non-scope consideration (*Id.* at p. 2). It notes that there are no building permits for the parcel. (*Id.* at p. 11) It is silent as to whether there any land use entitlements for the property (there are not). It reports the observation of drums and other containers of hazardous substances, petroleum products or other unidentified contents (*Id.* at p. 20 and Appendix B, Photograph p. 2). It recommends that the groundwater well be properly removed/abandoned according to applicable state and/or local rules and regulations prior to redevelopment (*Id.* at p. 25). There is a photograph of the subject parcel and “empty 55-Gallon Metal and Cardboard Drums” on the parcel (Appendix B, Photograph p. 2).

3. *Use By Prior Owner*

The subject property was contiguous to a sports camp. The photograph in the Site Assessment Report shows a pretty shoddy-looking vacant parcel. It was “watered” using a hose and sprinkler. It was used by the campers, who, once they were at the camp, pretty much stayed at the adjacent facility for a week at time. These “campers” were dropped off and picked up at the camp so traffic was not a problem. For a period exceeding 6 months, the property was not used at all.

4. *Acquisition and Use of the Property by the District.*

The District purchased the Property in September of 2007. Some time thereafter, it began doing what it termed “maintenance of an existing facility.” Such “maintenance” was, in fact, a major construction project. It imported fill dirt and sod. It installed lighting and an irrigation system. It erected fences. Instead of abandoning the well as recommended, it renovated the well. . . . all without permits. Photographs of the development are available. It got rid of the 55 gallon drums, apparently without proper manifest. It applied chemicals to the property without environmental review. It then invited the valley’s

football and soccer leagues to use their fields. Even if the District could honestly term its development “maintenance” of an existing facility, the facility was not, in fact, “existing.” Not only was the use never legally permitted, but the use was discontinued for more than 180 days prior to such use by the District. (Development Code 84.17.040)

The neighbors were outraged. The traffic became unbearable. The fields were over-watered. Park users trespassed into neighboring properties. Park users urinated in the open. Residents noticed contamination in their wells and a severe decrease in water. They attended park commission meetings, met with county personnel, and corresponded with county representatives. In January 28, 2011, the residents were led to believe that Special Districts would apply for a CUP for the property. In June, 2011, they were told that Kerry Hyke was “working on a CUP.” Subsequently they were told that Special Districts would apply for a Site Plan Permit. A committee appointed by the commission expressed their concerns.

In 2012, Special Districts applied for a Temporary Use Permit. It began using the fields even before the permit was issued. The application was appealed, and later withdrawn.

C. NATURE OF THE PROPERTY AND USE AT THE TIME OF ACQUISITION.

As indicated, this property was essentially undeveloped property at the time of its acquisition. Certainly, it did not have the three soccer fields which the District illegally constructed thereon. In fact, the County’s own records indicate that there has never been any permitting for any construction on this property. Appellants would point specifically to document numbers 34 and 38 in the documents attached.

There was no irrigation or development of this property.

From the very outset even before acquisition of the property, there was a recognition by the District that the property in question was not improved and that there were no existing soccer fields. As early as March 20, 2007, the District’s Minutes stated: “District is considering a 3-field soccer complex. If we obtain the property, the facility will be a public park and hopes it will be widely used. We hope to offer to this facility in east and park location and will work hard to have a good relationship with the neighbors.” (Document No. 1.)

Then on April 17, 2007, the District characterized the project as a Big Bear sports ranch. (Document No. 2.) As a result, it had certain future “opportunities/concepts.” These included soccer fields, play grounds, public restrooms, parking upgrades on existing facilities including tennis courts, a hockey facility. (Document No. 2.) Again, development of three soccer fields was to be in the future.

On August 21, 2007, the District's Minutes reflected that the Board of Supervisors had approved to purchase the tennis ranch today. In those same Minutes, the District stated: "The property will need to be upgraded and staff is working on solutions for the road and fencing, public restrooms, parking, safety of the facility and ADA compliance issues."

In connection with the acquisition of the property, the County engaged Converse Consultants to conduct a Phase 1 Environmental Site Assessment Report. That report which is attached as Document No. 4, also shows that there was no soccer complex at the time of the property's acquisition. The Commission's attention is directed to Appendix B, page 2 site photographs. In there it can be seen that the property is unimproved and that there some 55 metal drums and other discarded items on the property. Certainly, the property was not developed.

Then, the District issued a Notice of Exemption, which is dated August 30, 2007, and was filed with the Clerk of the Board on September 5, 2007. (Document No. 5.) A CEQA exemption was cited claiming that it was simply an annexation to a city or special district area and that the utility service existing facilities "would have a capacity to serve only the existing facilities." In addition, the following statement was made: "Future development of the property and expansion of services to accommodate additional dwellings or development would require environmental review and then not be exempt from CEQA." (Document No. 5.)

On September 6, 2007, a letter was issued by the State of California to the District characterizing the development of this property as a project. In particular, it was the acquisition of 13 acres for a multi-sports camp and park. (Document No. 7.) The property was then acquired by grant deed dated September 10, 2007. (Document No. 8.)

Then on October 16, 2007, there was a proposal to begin some development of the property, which is further evidence that the property was not developed.

In Document No. 10, the District's meeting Minutes of October 16, 2007, are set forth, which contain the following statement: "We are planning to fence off the entire camp area, soccer field, and parking lot. We also plan to irrigate and seed the fields in the spring, as well as getting the entire area ADA compliant." As of that time the area was not irrigated in the manner that the District started doing it and the areas certainly was not fenced. This was a total change in use, without any environmental review whatsoever.

Then, on December 4, 2007, the District sent a letter to a Mr. Bill Franze stating that they did have several projects planned: "In addition, we are planning several projects that will enhance The Ranch that may include

fencing, building upgrades, irrigation, and new grass, court resurfacing, playgrounds, restrooms, and paid parking.” (Document No. 11.) Again, this was a recognition that there were no soccer fields or development whatsoever in this area.

The Commission’s attention is also directed to certain photographs of the property before the time of its acquisition. Exhibit 51 is an aerial photo with an enlargement thereof taken from Google Maps. Although this was printed in 2009, it depicts the property before its acquisition in 2007. The second page thereof is a blowup of the property. As can be seen the property was not developed and it was not irrigated. Even though there is a rectangular area from where brush appears to have been cleared, there were no improvements thereon whatsoever, including any fencing.

Moreover, attached hereto as Exhibit 52 is a certain photograph taken out of a private plane. The same area depicted in Exhibit 51 is shown in the upper left hand photograph of the 4-photograph document. Again, this property was not developed when it was acquired.

In sum, the acquisition of this property contemplated that an environmental review would be conducted before any development of the property. Unfortunately, that did not occur.

D. LATER DEVELOPMENT.

On May 2, 2008, the District executed another Notice of Exemption. (Document 14.) This Notice of Exemption contained a fabrication of fact. In the project description, it claims that the project was the “revamping existing soccer fields, installation of new irrigational landscaping, replacing old fencing, making cabin improvements and improving existing walkways at Erwin Ranch Sports and Soccer Complex, Erwin Lake, Big Bear area.” First, there were no existing soccer fields. These were newly installed soccer fields. Second, there was no fencing around the border. As part of this new project the District installed new fencing.

As part of this Notice of Exemption, the District claimed that the project was categorically exempted because it was “revamping” existing facilities. However, because there were in fact no existing facilities, this project consisted of new construction.

The existing facilities were on the other Assessor’s parcel that had the old tennis ranch. Again, this was undeveloped property.

Thereafter the District put out a bid for and obtained a contract for the construction of this new Erwin Ranch Soccer Complex. (See Document Nos. 16-25.)

In 2009, the construction of this new fencing, and installation of the new soccer fields (*i.e.*, the new soccer complex) was undertaken without permits. Submitted herewith as Document No. 53 are 3 photographs showing this construction. At no time did the District conduct any environmental review for this project.

The local newspaper the Big Bear Grizzly reported that these were new soccer fields. See Document No. 26.

A \$220,000 state grant was obtained for what was called “the Ranch Soccer Complex.” (See Document No. 27.) The District certified that this was a project under penalty of perjury. (See Document No. 28.)

Therefore by August 19, 2009, the District had managed to construct its new project the Ranch Sports Complex without any environmental review whatsoever. (See Big Bear Grizzly photographs with signage of the facility, Document No. 31.)

After numerous complaints, the District started having some kind of public meetings. At one such meeting on October 18, 2011, the District claimed that it was going to be doing a master plan. (See Document No. 39.) No master plan was ever done to appellants’ knowledge.

Then, in June of 2012, the District attempted to obtain a Temporary Use Permit for the interim use of sports playing fields on the 4.85 acres that are in issue in this case. (Document No. 42.) A Notice of Decision approving this TUP was issued on June 22, 2012 (Document No. 46).

Appellants appealed that decision on June 22, 2012. (Document No. 47.) In connection with that appeal they paid the appeal sum of \$1,490.00. (Document No. 48.) However, shortly after this appeal was filed, the Temporary Use Permit was “withdrawn.” (See Document No. 50.) Nevertheless, the appeal fee paid by the appellants for the appeal of the TUP was never refunded to them.

E. CURRENT APPLICATION.

After the TUP was withdrawn, the “project” was not advanced by the District. Then, on August 6, 2013, the planning staff accepted the District’s Application for a Site Plan Permit. It is the acceptance of this Site Plan Permit, among other things, which is the subject of this appeal.

V. *The Current Project is a “Project” for Purposes of CEQA*

The current site permit application seeks approval for the construction and operation of the restroom facility and addition of dust-proof parking at an existing park with sports field on 4.85 acres. First of all, as pointed out in the facts above there was no existing park that has ever been permitted.

The District simply bought the land and has consistently evaded CEQA review and any proper permitting or land use entitlements whatsoever.

These buildings are a project. They must be viewed in the context of the representation in the original Notice of Exemption which says that there would be CEQA review before any development of this property. Further, the Commission should look at the cumulative impact of all the District's activities regarding this property.

The District acquired the property without CEQA review. The District wrongfully claimed that it was replacing existing soccer fields without CEQA review. The District then erected an entire soccer complex without CEQA review. Now, the District wants to add restrooms and a parking lot to an illegal facility. This project in its totality must have environmental review.

VI. *This Project is Not Exempt*

The original Notice of Exemption said that CEQA review would be done. CEQA review was not done in connection with the improving of this unimproved property notwithstanding the representation made in the original Notice of Exemption.

“Where there is a reasonable possibility that a project or activity may have a significant affect on the environment, an exemption would be improper.” (*Azusa Land Reclamation Co. v. Mean San Gabriel Basin Watermaster* (1997) 52 Cal.App 4th 1165, 1191.) Here, the adding of a restroom to encourage more and more users of this with a dust-proof parking area is simply attempting to make legal an already illegal facility. The Commission's intention is invited to the earlier correspondence in the record including the appeal of the Temporary Use Permit which is included in the documents submitted herewith. It is clear that this soccer complex was not built with the required improvements. None of this had CEQA review.

The Commission must look at the cumulative impact of all that has been done here. The District has engaged in unlawful “piecemealing” of a project in order to avoid significant cumulative impact of its activities. (See *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283-284.)

At this point, the Commission should put a stop to all these proceedings and require the District to obtain proper entitlements.

Among other things, because this project is not exempt, an initial study is required. (CEQA Guidelines, § 15063.) Thereafter, an appropriate environmental document must be prepared. (CEQA Guidelines, § 15064.)

VII. *This Project is Not in the Proper Zoning*

The zone for this property is not the proper zone. This was an issue raised in correspondence with the County. (See, Document Nos. 35, 40, and

44; *see also*, Document No. 47, Attachment to Appeal Application, Planning Commission, Project No. P201200206.)

VIII. Conclusion

This property is zoned RS1 and a multi-field soccer complex is simply not proper zoning. As has been stated orally and in writing time and time again with the County planning staff and code enforcement, the District is trying to “end run” the County Development Code, the CEQA process, and the rights of adjacent land owners.

DATED: August 20 2013

Respectfully Submitted,

WARD & WARD

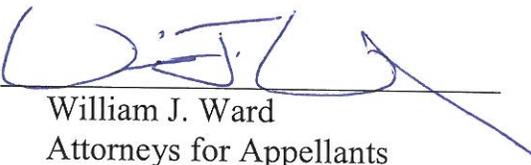
By: 
William J. Ward
Attorneys for Appellants

EXHIBIT B

**APPEAL SUPPORTING DOCUMENTS
(PROVIDED SEPARATELY ON CD)**