

Braun v. County of San Mateo

U.S. District Court Case No.: C 03-03415 MJJ

## EXHIBITS TO DECLARATION OF OSCAR BRAUN

### PART 1

# EXHIBIT 1

Cynthia J. Giovannoni  
1780 Higgins Canyon Road  
Half Moon Bay, CA 94019  
(650) 726-3588

#6

February 27, 1998

Mr. Gary F. Warren  
Code Compliance Officer II  
Planning and Building Division  
590 Hamilton Street  
Redwood City, CA 94063

Re: 1589 Higgins Canyon Road  
Half Moon Bay, CA 94019

Dear Mr. Warren:

I am writing to you with several concerns regarding the above referenced property. It has been brought to my attention that there are several county code violations on Mr. Oscar Braun's property.

Mr. Braun has a beautiful horse barn which is clearly visible from Highway One that includes a bathroom. The property also has a double-wide mobile home. To my knowledge the required permits and additional certifications have not been issued.

The property also has a horse arena and, of course, horses, which again to my knowledge do not have the required permits.

There is also a fully functional repair shop that is a concern for environmental reasons. The shop has an above ground 500 gallon diesel tank without a containment area. There are also 55 gallon drums with waste oil located next to the shop. Heavy equipment is stored that may not be considered agricultural related.

It is also my belief that some hazardous materials and other debris has been buried on the property.

I know Mr. Braun has concerns regarding the unincorporated coastside, but I feel these issues are cause for some major concerns. I would appreciate the county investigating these allegations as soon as possible and issue a response to these code violations.

Sincerely,

*Cynthia J. Giovannoni*

Cynthia J. Giovannoni  
a concerned property owner

cc: Bill Rozar  
Dirk Jensen



DIRK JENSEN  
HAZARDOUS MATERIALS SPECIALIST  
ENVIRONMENTAL HEALTH DIVISION  
SAN MATEO COUNTY DEPARTMENT OF HEALTH SERVICES

TOTAL P.01

# EXHIBIT 2

Environmental Services Agency



Planning and Building Division

**County of San Mateo**Mail Drop PLN122 - 590 Hamilton Street - 2nd Floor - Redwood City  
California 94063 - Telephone 650/363-4161 - Fax 650/363-4849

Board of Supervisors

Ruben Barrales  
Richard S. Gordon  
Mary Griffin  
Tom Huening  
Michael D. Nevin

Director of

Environmental Services  
Paul M. KoenigPlanning Administrator  
Terry L. Burnes

March 12, 1998

Cynthia Giovannoni  
1780 Higgins Canyon Road  
Half Moon Bay, CA 94019

Dear Mrs. Giovannoni:

SUBJECT: File No. V 98-25

This letter confirms the receipt and initial processing of your complaint about a zoning violation at 1589 Higgins Canyon Road. It is my understanding that your complaint consists of the following activity occurring on the property: development on the property without the required (1) RM permits, (2) horses without a stable permit, and (3) farm Labor housing without a use permit.

I have conducted a preliminary investigation and inspection of the property. I have sent a Notice of Code Violation by certified mail to the property owner requesting that the violation be corrected within a specific time frame. Failure on behalf of the owner to comply will result in further action against him/her. At this time, it appears that the property owner will voluntarily eliminate the violation in the near future. However, I will continue to monitor the situation until the violation is eliminated.

If you have any further questions about the status of this case, you may contact me at 650/363-4825 and inquire about it by case number reference. All appointments must be scheduled in advance as we are frequently out of the office.

Thank you for contacting us.

Sincerely,

GARY F. WARREN  
Code Compliance Officer II

GFW:kcd - GFWI0419.6KE

Did you inter  
The FLH?  
Did we talk to Bernie  
Ranch Foreman.  
Isn't it ~~True~~ Bernie  
GARY identify  
The owner of the BF I  
GARBAGE TRAILOR &  
DEBRIS IN THE  
DRAINAGE  
DITCH?

# EXHIBIT 3

#6

**SAN MATEO COUNTY**  
**DEPARTMENT OF HEALTH SERVICES - ENVIRONMENTAL HEALTH**  
590 Hamilton Street, Redwood City, CA 94063  
(415) 363-4305

**OFFICIAL INSPECTION REPORT / FIELD OBSERVATIONS**

<p>Complaint Investigation <b>Site Name:</b> <u>Moon Acres</u> <u>(Oscar Braun Property)</u></p> <p><b>Site Address:</b> <u>1589 Higgins Canyon Rd.</u> <u>Half Moon Bay, CA 94019</u></p>	<p>Page <u>1</u> of <u>1</u> <b>Date:</b> <u>3/4/98</u> <b>Program:</b> <u>Generator</u> <b>Site Computer #</b> _____ <b>APN:</b> _____</p>
--	---

3/4/98

Per attached letter from Cynthia Giovannoni, I conducted investigation with Gary Warren. We met with Mr. Braun and investigated complaint allegations. With regard to hazardous materials/hazardous waste issues, I didn't observe any violations. Since Mr. Braun operates an agricultural operation, he must file a Hazardous Materials Business Plan with the County Agricultural Commissioner's Office. Local Fire has jurisdiction with regard to Uniform Fire Code requirements. I didn't observe any signs of on-site disposal of hazardous materials/hazardous waste. Some solid waste debris had been placed into drainage channel below repair shop. I recommended that Mr. Braun remove debris and dispose of at BFI Ox Mountain Landfill.

There are several permitting issues related to horse barn, repair shop and mobile home used by caretaker that must be addressed. Gary Warren will look into these matters and make appropriate referrals to Environ. Health Division. Mobile home apparently has septic system that was not permitted by our office.

PLN 2950

Inspector: D. Jensen

Received By: \_\_\_\_\_

County of San Mateo  
Department of Environmental Management  
Planning and Development Division

## CODE VIOLATION FIELD INSPECTION REPORT

1. Location: 1598 Higgins Canyon Rd Time: 11 - AM  
HMB Date: 3/4/98

2. Persons Contacted \_\_\_\_\_ Check here if no one contacted.

Name: <u>OSCAR BRAVO</u>	Name: _____
Address: <u>SAME</u>	Address: _____
Phone: _____	Phone: _____
Relation to Property: <u>OWNER</u>	Relation to Property: _____

3. Notes on Conditions Observed

AS PER COMPLAINT LT FOUND STABLES V/470, WORKSHOP-BARN BUILDING  
TRUCK TRAILER STORED ON PROPERTY - DOUBLE WIDE TRAILER AS FLH  
OWNER STATED HE HAS HOMES ON THE PROPERTY.

W/ DIAN JENSEN

4. Sketch of Property

Make a sketch of property and violation on reverse.

5. Photographs

- Photograph all evidence of violation.
- Label each photo with file number and date and description of what was photographed (use labels in file).
- Attach photographs to instant print photo file and insert in Violation File along with this report.

6. Signature

7. Violation Type

Signed: AJZ



Number: 198 - 25Assigned to: GW

# Violation Complaint Form

(All Items Must Be Completed)

Planning and Building Division

590 Hamilton Street • Redwood City • CA 94063

415 • 363 • 4161

1. Violation Type: ☐ Zoning ☐ Nuisance/Abandoned Vehicle(s) ☐ Building

Description of Complaint: HOUSES, STAB-S, BARN, BARN & BARN AND AGRICULTURAL EQUIPMENT, FLH ~~STAB-S~~ ALL WITHOUT PERMITS

Relevant Ordinance Sections: \_\_\_\_\_

## Location of Alleged Violation

Address: 1589 HIGGINS CANYON RD.  
HMB

APN(S): 064 - 370 - 720

Zoning: RM-C2

PARCEL B  
NO PLANT SOIL

## 3. Names of Alleged Violators

Property Owner: OSCAR BARON TR

Address: 1589 HIGGINS CANYON RD  
HOLDF MOON BAY, CA 94019

Phone: 726-3707

## 4. Complaint Received By:

Name: AGZ  
Date: 3/2/98

Initiated By (check one)

- ☐ Phone ☐ Counter  
☐ Letter ☐ Other Department  
☐ Drive by Observation  
☐ Unrelated Inspection

OFF FAF

(Complete Items 5 and 6 on reverse)

VERIFICATION OF SERVICE  
VIO 98-25

I, \_\_\_\_\_ state:

I am a Deputy Sheriff employed with the San Mateo County Sheriff's Department.

That I personally delivered a Notice of Code Violation

to \_\_\_\_\_  
(name)

at \_\_\_\_\_  
(address)

on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

I certify that the foregoing is true and correct.

\_\_\_\_\_  
(signature)

Please forward to Code Enforcement Unit, attention of Gary F Warren,  
Pony PLN122. ON 7-17-98. AT APPROX 1400 HRS. I ATTEMPTED TO SERVE MR. BROWN WITH THE  
LIMITED LETTER AT 1509 HILLIAMS ROAD, HOWEVER MR. BROWN REFUSED TO ALLOW ME THROUGH  
THE FRONT PROPERTY GATE.

Det. H. Falkner #604

# EXHIBIT 4

Oscar Braun

501.21-01

From: Laura Thompson  
Sent: Thursday, August 06, 1998 10:10 AM  
To: oscar@oscarknows.com  
Subject: Notice of Code Violation -Reply

Oscar,

I am sending you copies of the County regulations you requested as well as several permit applications. Jim Eggemeyer will be assigning your case, as soon as you come in with a complete application, to one of the planners based on work loads, so it may or may not be me.

Thanks,  
Laura

>>> Oscar Braun <oscar@oscarknows.com> 07/20/98 06:02pm >>>  
Hi Laura,

I talked to Gary Warren today and he has sent me a copy of a March 12, 1998 notice of Code Violation. File No> V 98.25; APN 064-370-240. The letter from Gary states that "you are in violation of Section 6500, 6903 and 7700.2." I would appreciate it if you would:

- 1) Provide me with an applications for the needed permits.
  - 2) A copy of Section 6500, 6903 & 7700.2
  - 3) I am requesting that you be assigned as the planner on this application.....you'll end up being the expert planner for Higgins Canyon Road.
  - 4) A brief discription explaining the application protocol and fees involved to clear up these violations.
- Thanks You, Oscar

Mailing Address:  
1589 Higgins Canyon Road  
Half Moon Bay, California 94019

# EXHIBIT 5

Sept 9, 1998

HALF MOON BAY REVIEW

Wednesday, Sept. 9, 1998 • 11

## Braun

Continued from Page 1A

Rozar said that Braun will be cited sometime this week for zoning violations that he was notified about in March, but has not acted diligently to correct. Braun allegedly built an illegal second unit and a barn on his property at 1589 Higgins Canyon Road.

Rozar said that the barn could probably be legalized, but the double-wide trailer, which was used as farm labor housing until recently, is not allowed under the Coastal Act, which prohibits second units in the Coastal Zone.

"All we're trying to do is get compliance" with county codes, Rozar said in an interview.

The county's code enforcement division sent Braun two notices warning he would be cited, the most recent on Aug. 6, when it said he had 30 days to act. Since Rozar said he has not, Braun will be fined \$136, plus court costs. The fine could be put on hold, however, if Braun applies for a development review permit for the illegal structures.

For his part, Braun does not dispute that he does not have the required permits. He said he has not fought the county, and he asserts that it is county officials who have dragged their feet.

"I have not fought the county," he said in an interview. "I have asked them to process me. I have no control over how fast they do that."

He added that, "It's a matter of writing a check at this point. . . I'm not going to get heartburn over this."

Braun has been the loudest critic in disputes arising out of Higgins

Canyon in recent months, which include the operation of a hay company without a county permit, the sale of hay without a permit, and the proposed relocation of a wildlife education facility. Braun has stridently complained that the businesses are operating without permits and that county officials are not following their own guidelines in enforcing the law.

But Rozar said two of the targets of many of Braun's complaints about zoning violations — Half Moon Bay Paving and Sealing, and hay farmer Wayne Pastorino — have been more diligent in following through on county procedures to legalize their businesses since being notified they needed county permits.

Braun said he does not see any hypocrisy between the criticism leveled at his neighbors and his own continuing situation. He said that he went through the public process and spent thousands of dollars to secure a Coastal Development Permit for his property. The violations cited by the county are few and minor in comparison, he said.

"I always call for full compliance," he said, "and that includes me."

Braun believes that a package he sent to the civil county Grand Jury on Aug. 31 is behind the code enforcement division's "counter-offensive" citation. It includes a variety of letters from Braun and his Save Our Bay organization critical of the county's code enforcement, press clippings and citations of county codes. Braun said he believes code enforcement is sporadic at best.

## Braun to be cited by county

By ERIC RICE  
Half Moon Bay Review

Higgins Canyon resident Oscar Braun, who has waged a "war" against some neighbors for alleged violations of the California Coastal Act and county zoning ordinances, is himself about to be slapped for violating the same laws.

Meanwhile, disputes between different factions in the canyon, which have been increasing in volume all summer long, continue to escalate. Neighbors are turning in one another for alleged violations, and two weeks ago Braun asked the San Mateo County Grand Jury to look into the situation.

"It's the modern-day equivalent of a range war," observed Bill Rozar, San Mateo County zoning administrator. "People are siding up and taking sides based on who they pal around with."

See BRAUN, Page 7A

# EXHIBIT 6

# San Mateo County Environmental Services Agency

Planning and Building Division • 590 Hamilton • Redwood City  
94063 • Planning: 415/363-4161 • Building: 415/363-4601 • Fax: 415/363-4849

501.21  
RECEIPT #: 132919  
DATE.....: 12/02/98 14:20:55  
CHK#: 1021 REC'D: DTP

CASE NO.....: CDP98-0086  
NAME.....: OSCAR A BRAUN  
ADDRESS.....: 1589 HIGGINS CANYON RD  
APN.....: 064-370-130

Account Number	Description	Amount Paid
38100-1267	STABLE PERMIT.....	1323.00
38100-2123	NEGATIVE DECLARATION	833.00
38100-1262	RESOURCE MGMT. DIST.	214.00
38100-1262	APPLICATION FEE.....	1300.00
38100-1265	Public Noticing	50.00

-----  
TOTAL AMOUNT PAID.....: \$ 3720.00



# EXHIBIT 7

January 18, 1999

Laura Thompson  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, California 94063

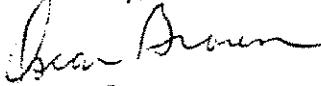
Subject: Legalization of existing structures; CDP 98-0086  
1589 Higgins Canyon Road, Half Moon Bay, Ca. 94019

On December 2, 1998 I provided you with a complete application , two (2) scale topographical site plans with the exact locations of all existing structures. I also provided you with a complete set of large full color elevation photographs of all existing structures on 8x10 sheets for your files. I currently farm 130 plus acres at the Fioli Foundation Estate (the area surrounding the formal gardens) and the 70 acres plus on my Moon Acres Ranch parcel # 064-370-130. Since I am not applying for a cultivation permit, I will not provide your planning department with a map of the farming operation. The County already has a signed statement from my farm laborer as to the fact that 100% of his wages comes from being a farm laborer. And most importantly of all, I've paid the County \$3720.00 in stable fees for Case # CDP 98-0086 on December 2, 1998.


I have not received any copies of Notices of Violations on my complaints filed with you Laura on December 3, 1998 regarding the operation of an illegal landfill and commercial stable on the Town Pacific Half Moon Bay Property APN # 98-0008. Or, any Notice of Violations on Gary and Cindy Giovannoni's parcel APN 066-100-100 with regard to the two pages of violations revealed in County Planner Joe Sordi's April 1998 field inspection report that I showed to you. I would appreciate a letter from Deputy County Counsel Peter Finck clarifying the Planning Departments policies for selective harassment and prosecution of code violation complaints. Lastly, I am requesting again, a copy of your staff report and recommendations on the Giovannoni and RCD applications to be received by me and the homeowners association by January 20, 1999.

Feel free to contact me at 650-726-3307 or [oscar@oscarknows.com](mailto:oscar@oscarknows.com)

Sincerely,

  
Oscar Braun

# EXHIBIT 8

Recorded at the Request of, and When Recorded Return to: Gary Warren Planning and Building Division 455 County Center, 2nd Floor Mail Drop PLN 122 Redwood City, CA 94063	For Clerk Use Only  <b>DOC # 2000-045172</b> 04/20/2000 10:47A VM Fee:NC Page 1 of 2 Recorded in Official Records County of San Mateo Warren Slocum Assessor-County Clerk-Recorder Recorded By SAN MATEO PLANNING & BUILDING D 
Planning Division File Number: V 98-25	

County of San Mateo  
Environmental Services Agency  
Planning and Building Division

**NOTICE OF CONTINUING NUISANCE**

Pursuant to San Mateo County Ordinance Code Section 1.12.130 et seq.

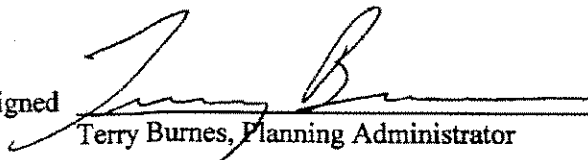
The County of San Mateo has determined that the real property described below is in violation of the San Mateo County Ordinance Code Section 1.12.130 et seq.

**Property Description**

1589 Higgins Canyon Road, Half Moon Bay, CA 94019-2531; Parcel B, 69.13 acres more or less, Parcel Map Volume 65/59-60.

According to public records, the above-described property is owned by:

Oscar A. Braun Trust  
1589 Higgins Canyon Road  
Half Moon Bay, CA 94019-2531

Signed  Date 4-5-00  
Terry Burnes, Planning Administrator

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

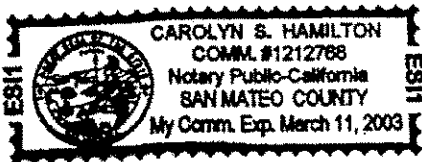
State of California

County of San Mateo

On 4/5/00 before me, Carolyn Hamilton, notary  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Terry Burnes  
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in ~~his~~/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Carolyn Hamilton  
SIGNATURE OF NOTARY

**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

**CAPACITY CLAIMED BY SIGNER**

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER

- ☐ PARTNER(S) ☐ LIMITED  
☐ GENERAL

- ☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)

**DESCRIPTION OF ATTACHED DOCUMENT**

\_\_\_\_\_  
TITLE OR TYPE OF DOCUMENT

\_\_\_\_\_  
NUMBER OF PAGES

\_\_\_\_\_  
DATE OF DOCUMENT

\_\_\_\_\_  
SIGNER(S) OTHER THAN NAMED ABOVE



# EXHIBIT 9

"Change is inevitable...  
Survival is not."



July 6, 2000

To: Jim Eggemeyer, Senior Planner  
From: Oscar Braun, Executive Director  
Subject: GDE and Legalization of existing structures.

This morning I received a call from Jim Mattison, project and site development manager for GDE (Green Drake Engineering) wireless communications, regarding the progress of his company's Coastal Development permits with the County for their 13 antenna sites. Jim and the GDE engineers have selected our Moon Acres ranch as one of their key coastside antenna sites. We have entered into a multi-year lease agreement that will generate revenues over time exceeding one million dollars. Jim Mattison shared with me an alarming conversation you had with him earlier this week in which you stated emphatically that "the planning department was not going to allow any development on the Braun ranch property". Some of the reasons you gave Jim Mattison for the Planning Department's position follow:

- Existing stable and tractor shed structures have not been legalized.
- Braun has refused to allow the Sheriff's Department onto his property.
- Braun is hiding out from the county and defies to comply with the Local Coastal Program.
- Braun is a loose cannon and is always suing the county...Measure T.
- May 7, 2000 Terry Burnes instructed Eggemeyer to block or frustrate any applications for Braun's property.
- GDE will have to look elsewhere for their antenna...Terry knows how to deal with Oscar.

Yours and the planning departments derogatory statements about me and my wife's handling of our permits to legalize our stable and existing structures are not only inaccurate but libelous, they defame our name and have caused damage to our standing within the community and with our business relationships. I am providing the following facts for your reference:

- On December 2, 1998 we applied for and paid fees in full to the County of San Mateo for the legalization of all existing Moon Acres structures.
- Under court supervision Case # C941588, I provided the Planning Dept. with requested site topographical-maps, floor plans, elevation drawings, digital photographs and a certified survey and grading plan for all structures being legalized (stable & sheds).
- The Planning Department sent out inspectors from the building and health departments to verify the accuracy of the legalization documents.
- On November 11, 1999 the Superior Court imposed a fine of \$271.00 for the original 1998 citation which was paid and the case was closed.
- On January 27, 2000, during a meeting with Paul Koenig and Terry Burnes regarding Save Our Bay's complaints about Half Moon Bay Sealing and Paving illegal access road expansion started after Oct. 15, 1999 within the riparian zone of the Arroyo Leon, the illegal landfill and stable operated by Tom Pacheco on the Johnston Ranch and the illegal access road development by the Wildlife Associates. Terry Burnes acknowledged during that meeting that my Moon Acre ranch had completed legalization of all its existing structures and there was no outstanding code violation issues regarding our property.

The actions and statements made and referred to by you and the Planning Department regarding my and my wife's interactions with the County and intentions of the County as our property is concerned, go far beyond what is ethical or legal. We have complied with all the LCP permitting demands. At this time we do not desire to file suit against you, the county or Terry Burnes and seek damages for libel, tortious interference with a contractual relationship and defamation of character. Please consider this as a formal notice to cease and desist from disseminating any more untrue, unfounded or malicious accusations to anyone regarding our property or our dealings with the County. Please contact my attorney Eric Kastner at 650-967-7854 by July 14<sup>th</sup> to intervene and mitigate any further damage these reckless comments have caused and to find a way to resolve this matter outside the courts.

I am requesting that you notify Jim Mattison in writing by July 14, 2000 and inform GDE Inc. that the County will accept their application for a CDP for their antenna site on the Braun property. Please include in your notification that they will have the same rights all applicants have and they will have to comply with all the codes embodied within the Local Coastal Program. Please send copies of your letter to GDE's Mr. Mattison to Mr. Kastner and me.

Sincerely,



Oscar Braun

cc.

Terry Burnes

Richard Gordon and Board of Supervisors

Michael Murphy

Eric Kastner

Jim Mattison



# EXHIBIT 10

NOT TO BE RECORDED

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SAN MATEO COUNTY PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

MEETING NO. 1360

WEDNESDAY, NOVEMBER 14, 2001

BOARD OF SUPERVISORS CHAMBERS

400 COUNTY CENTER, REDWOOD CITY

**CERTIFIED  
COPY**

TRANSCRIBED AUDIOTAPED PROCEEDINGS

IN THE MATTER OF OSCAR BRAUN

PLN1999-00079

Transcribed by Karen S. Byers, CSR No. 11743

UCCELLI & ASSOCIATES

1243 Mission Road

South San Francisco, CA 94080

650-952-0774

1 Wednesday, November 14, 2001

2:00 p.m.

2 P-R-O-C-E-E-D-I-N-G-S

3  
4 SPEAKER: Item No. 6, Owner/Applicant, Oscar  
5 Braun, File No. PLN1999-00079. Consideration of a Coastal  
6 Development Permit, a Resource Management/Coastal Zone  
7 District Permit and a Stable Permit to allow legalization of a  
8 3-horse stable, tractor, shed, agricultural barn, replacement  
9 of one 8,000-gallon water tank with two 5,000-gallon water  
10 tanks, and a mobile home as an affordable housing unit.

11 The project is located at 1589 Higgins Canyon Road in  
12 the unincorporated Half Moon Bay area of the County.

13 Project Planner: Miroo Brewer.

14 MS. BREWER: Good afternoon, Commissioner.

15 THE COMMISSIONER: Good afternoon, Miroo.

16 MS. BREWER: The project is located about one and a  
17 half miles east of Highway 1 and Higgins Canyon Road.

18 (Next slide, please.) It's a 70-acre parcel. It's  
19 zoned Resource Management. There are no prime soils. There  
20 are no water bodies. The property is developed with a  
21 single-family housing -- house. In addition to the structures  
22 which are going to be -- supposed to be legalized today.

23 (Next slide, please.) The property is accessed by  
24 the driveway that you see in yellow, which connects to Higgins  
25 Canyon Road. It's a 50-foot easement and runs through an

1 adjacent parcel all the way to the house.

2           The Applicant is looking to legalize several  
3 structures here. The first structure is the stable structure  
4 located adjacent to the existing house and it's about 125 feet  
5 north. The structure is about 14,000 -- 1400 square feet with  
6 a height of about 12 feet. The stable consists of three horse  
7 stalls, a bathroom and also a tack room.

8           The next set of structures are clustered on the  
9 eastern portion of the property, and you can see there's a  
10 tractor shed -- there are two sheds. One is a tractor shed  
11 and one is an agricultural shed, and there is a house --  
12 mobile home next to it which is going to be designated -- is  
13 proposed to be designated as affordable housing unit. You see  
14 a well also indicated nearby and that will serve both the  
15 mobile home unit and the stable and the existing house. Among  
16 other structures which are proposed to be legalized have two  
17 water tanks next to -- near the existing house.

18           The -- a couple of key issues here today is the  
19 visual impacts and visual impacts of the stable structure.  
20 All other structures, including the two water tanks, the  
21 mobile home and the two sheds are not visible at all either  
22 from Higgins Canyon Road or Highway 1. The structure which  
23 can be seen partially from both Highway 1 and Higgins Canyon  
24 Road is the stable structure.

25           The commissioners were out on the site yesterday and

1 are in a position to assess the impacts, visual impacts of  
2 that structure.

3 THE COMMISSIONER: We weren't on the site.

4 MS. BREWER: Yes. Perhaps the Applicant can explain  
5 why he did not wish the commissioners and the members of the  
6 public to visit the site itself. I do have some photographs  
7 later on and we can see that.

8 We can see some elevations of the well structures.  
9 This is the tractor shed -- keep going -- and full plans. You  
10 also have the barns. There's the stable. There's elevations.  
11 Full plans. Again, elevations. That's the full plan, three  
12 stalls, tack room, bathroom. There's also a closet.

13 (Next slide, please.) There's the mobile home  
14 that is proposed to be designated affordable housing. It's  
15 one story, 1200 square feet.

16 These are the sheds I was referring to. What you  
17 see is the tractor shed -- keep going -- this is the other  
18 view of the two sheds -- keep going -- frontal view of the  
19 sheds. That's the mobile home. This is the stable structure.  
20 You can see the stalls. These are the three horses that he  
21 has on the property. This, again, is the view of the house.  
22 These are the two water tanks that are going to replace the  
23 single-water tank which we saw from the highway. They are  
24 about 8 feet in height. That is the water tank in the  
25 background that is visible and is supposed to be removed. And

1 that's it.

2 Like I mentioned, the issues here are the visual  
3 impacts and also the legalization of the septic system which  
4 is to serve the mobile home.

5 Frank, could we please go back to the site plan?

6 There's an existing 1500-gallon septic tank as  
7 indicated on the site plan. This is not permitted and is part  
8 of the negative declaration. This is made -- mitigation --  
9 mitigating measure and to be adopted as a condition of  
10 approval.

11 The Applicant signed the letter of concurrence with  
12 a note saying that -- essentially not agreeing with this  
13 mitigation measure.

14 At this time, if the Applicant, before the hearing,  
15 does not clarify or does not agree to this mitigation measure,  
16 then no further decision can be made. If the Planning  
17 Commission is in a position to certify the negative  
18 declaration subject to the Applicant's concurrence, then the  
19 staff is approving recommendation at this time.

20 Are there any questions? I'd be happy to answer.

21 SPEAKER: Where is the water tank that is being  
22 removed, on this site plan?

23 MS. BREWER: It's not shown here?

24 SPEAKER: Right.

25 MS. BREWER: It's not shown here.

1 SPEAKER: If it were shown, where would it be?

2 MS. BREWER: Yes. It's -- that's what I was trying  
3 to get. It would be -- that's the stable.

4 THE COMMISSIONER: Move up to --

5 MS. BREWER: Right here?

6 THE COMMISSIONER: -- right about there, in that  
7 area there.

8 MS. BREWER: Okay.

9 SPEAKER: And I guess the other question is, Given  
10 the map that you showed previous which shows the entire  
11 parcel, what piece of the parcel are we looking at now?

12 MS. BREWER: Can we go back? Let's see.

13 SPEAKER: Could be a southern property line, the  
14 jagged property line, and then go to the next picture, you'll  
15 see you're right about in there. It's turned. The other way.  
16 So there's that lower southern property line and were --

17 SPEAKER: Then it's upside down.

18 SPEAKER: Go back, Candy, one. Oh, you know what  
19 that property line is? It's the bottom of Parcel A. We've  
20 only shown Parcel B here and that other drawing includes  
21 Parcel A.

22 MS. BREWER: So --

23 SPEAKER: See at the bottom of the screen?

24 MS. BREWER: Isn't the house right there, Oscar?

25 MR. BRAUN: Yeah. The location of the -- see where

1 the parcel number is?

2 MS. BREWER: Right.

3 MR. BRAUN: Right in there. Exactly. Within a  
4 couple hundred feet of where the house is. That's a saddle.  
5 It's about midway up the property. It's in the saddle, and  
6 the empty tank, if that's your inquiry, is sitting on the edge  
7 of an access road.

8 SPEAKER: So let's go back to the other picture,  
9 please. Rotate it 90 degrees to the left. If you look at  
10 that southern property line in relation to Higgins Canyon  
11 Road, I think that may be including Parcel A which, correct me  
12 if I'm wrong, but I believe it's owned by a relative of  
13 Mr. Braun's.

14 MR. BRAUN: That's my brother (inaudible.)

15 THE COMMISSIONER: Any other questions for Miroo?

16 SPEAKER: What are the clustering requirements for  
17 this zoning district?

18 MS. BREWER: The LCP addresses the clustering  
19 requirements for more on the agricultural component and we see  
20 that -- I mean, this is Resource Management District, and we  
21 do see that there is some kind of clustering happening at two  
22 places. One is where all the sheds are and where the mobile  
23 home is, and the other is where the stable and the house is.

24 SPEAKER: Is it required?

25 SPEAKER: Let me read -- it's in the Development --



1 I'm sorry, the Resource Management District references Chapter  
2 -- in the case of the coastal zone, Chapter 36A2 which were  
3 development review criteria, and these were a series of mostly  
4 qualitative but to some degree quantitative criteria that  
5 applied to new development, and within those there's a section  
6 on site design criteria. I believe that's where --

7 MS. BREWER: My recollection goes to Resource  
8 Management District regulations do not --

9 SPEAKER: Require --

10 MS. BREWER: -- require --

11 SPEAKER: There's a bonus for clustering, I believe,  
12 but not a requirement. That's how it works.

13 MS. BREWER: The agricultural component of LCP  
14 Policy 5.51 speaks to the clustering issue.

15 SPEAKER: Thank you very much.

16 THE COMMISSIONER: Open to public hearing and the  
17 first speaker will be Oscar Braun.

18 MR. BRAUN: Good afternoon, Chairman Nobles;  
19 Commissioners.

20 Just for your own -- to respond to the last  
21 question, when the -- when our original residence was cited,  
22 the original location was actually approved by the Planning  
23 Commission at the time. It was a bill to the Board of  
24 Supervisors and the current location was selected by the  
25 Sierra Club, and you do get bonuses for clustering.

1 I'm here today, obviously, to request that you  
2 approve our legalization process and bring it to an end. I  
3 will be brief in my comments, and I thought I would like to  
4 put on the record just a few omissions from the chronological  
5 calendar of events. I think you'll find that this was a very  
6 unusual project. It notes that the -- in February, the 27th  
7 of 1998, the complaint was received by the County in the form  
8 of a letter from Mrs. Givanoni (phonetic). I provided you  
9 yesterday with some additional documents, and the -- I wanted  
10 to call your attention to in January of 1998, just the  
11 previous month, I behalf -- on behalf of our foundation, filed  
12 a complaint with -- against the County Public Works and State  
13 Parks and Recreation, our neighbors, for dumping into the  
14 Royal Leon and Mill Creek (phonetic).

15 The following month -- and, again, you were provided  
16 with that letter yesterday -- I -- on behalf of the Higgins  
17 Canyon Homeowners' Association, I sent Bill Rosar (phonetic)  
18 and Gary Warren a faxed questionnaire that the Homeowners'  
19 Association had regarding the development of Half Moon Bay  
20 Paving and Sealing and the Wildlife Associates, I believe.

21 Anyway, in response to that, on the 27th, the letter  
22 came in. We were issued the citation, as it shows here, on  
23 March the 12th.

24 In early April or possibly late March of 1998, I  
25 received a call from Director Paul Koenig (phonetic), and Paul

1 asked me if myself and my brother would be open to going to  
2 some conflict settlement that was being -- that would be  
3 sponsored by the County on -- and would be operated by the  
4 Peninsula Community -- you have the document. I enclosed a  
5 copy yesterday.

6           Anyway, my brother and I agreed, as did the  
7 Givanonis agreed, to attend the process, and the County spared  
8 no expense, literally, the -- the 103 mediators to come in and  
9 talk to us on May the 18th.

10           We spent the better part of the day in conference  
11 with them, and at the conclusion of the first day we hadn't  
12 completed our efforts and they asked if they wanted to  
13 continue, and the Givanonis elected not to continue at that  
14 time.

15           Shortly after that meeting, literally within days, I  
16 got back to Paul that we were not going to be able to go  
17 forward, and I told him that we were prepared to go forward  
18 and apply for the appropriate applications to legalize our  
19 stable and sheds and whatever he (sic) wanted done. He said  
20 fine; he would have the planner contact me. The planner that  
21 was on the project left the agency. You've had a new planner  
22 named Laura Smith that just started literally within days of  
23 this conversation that I just mentioned to you, and Laura said  
24 that she would be getting back to me as soon as she got up to  
25 speed; to set an appointment where I could come in, fill out

1 the applications, pay the fees, et cetera.

2           Some time went by and then a -- in July a final  
3 notice was sent out, faxed to the ranch which I received.  
4 Upon receipt of that notice, you will find a copy of an e-mail  
5 that I exchanged with Planner Thompson and arranged an  
6 appointment for September the 15th at the County Planning  
7 Department.

8           On September 14th I was in my office at the ranch  
9 and through the office door came Code Enforcement Officer Gary  
10 Warren and Sheriff's deputy. They had accessed the property  
11 without being allowed to. They had to go through a security  
12 gate system, parked up at the main compound, which you can see  
13 is quite a distance and, as I say, just walked right in. I  
14 was on an international conference call and I was presented by  
15 Gary Warren and the Sheriff's deputy with a citation for not  
16 applying for the permits. I explained to them that that was  
17 in the works. I showed them my calendar. I said the very  
18 next day, tomorrow morning, I will be at the Planning  
19 Department at 10:00 o'clock, and you know, we've never -- not  
20 allowed to do this. Anyway, I threw them off the property.

21           The next day at 10:00 o'clock sharply I met with  
22 Planner Thompson, and we were in the conference at about  
23 10:15 -- with the application spread out before us. 10:15  
24 Gary Warden -- Warren, Margaret Hernandez and a Sergeant  
25 Deputy Delhorto (phonetic) came into the office, asked for to

1 (sic) step out, and Sergeant Delhorto said that he had been  
2 instructed to cite me. I said, "For what?"

3 "And it's not for" -- "for not applying for your  
4 legalization or stable permit."

5 I said, "Well, that's what I'm doing now," you know,  
6 and I was -- it was literally pushed into my face. I was told  
7 to sign, which I did, and the -- apologies aside from --  
8 Mr. Warren said that he had been instructed by Mr. Bruin  
9 (phonetic) to do such, because he felt that I was not actually  
10 going to apply for this.

11 I took the citation, the summons, and rather than  
12 having any confidence at that point that the County would  
13 somehow treat me in any appropriate way, I decided to go  
14 before the Municipal Court, and I specifically asked the judge  
15 to monitor the whole application process to see that my wife  
16 and I were treated fairly. She agreed to do that, and the  
17 hearing was set, which I appeared, and I believe I subpoenaed  
18 12 of the Planning Department folks to come down and see if we  
19 could get this thing straightened out.

20 That very day I filled out the application --  
21 finished filling out -- and presented the check, which had  
22 been sitting around for some time. I must say that I got  
23 good, courteous responses from all the planners that I've  
24 dealt with on this which has been four. So it would be Laura  
25 Thompson, who is no longer with the department; Lily Toy, who

1 took over from her, or currently, Miroo Brewer, is  
2 (inaudible); quite candidly, I think that she would be proud  
3 to represent this County.

4           Having said that, I'm afraid that this process has  
5 gone from bad to worse. If you will find the documents that I  
6 presented to you yesterday that the -- when the health  
7 inspector came out on the initial complaint from the  
8 Givanonis, in his handwritten report he found no violations as  
9 asserted by the Givanonis.

10           I filed, in turn, a complaint with the District  
11 Attorney's Office Environmental Division and they came out and  
12 they further investigated. And you can check with yourself as  
13 to what their findings were, but their findings in short were  
14 that there was no illegal activities happening on the Braun's  
15 property with regard to the dumping of garbage or anything  
16 else; that materials found on our property were, in fact,  
17 brought up there by no other than the Givanonis. And  
18 (inaudible) et cetera, et cetera. Anyway, it's a matter of  
19 public records; it's a matter of the investigation records.

20           You'll also find in the letters I provided you  
21 yesterday, a letter from our attorney who is trying to bring  
22 this thing to an end. Our property does not -- is not on any  
23 water sources within the valley -- I mean within the county.  
24 And I'm sure that you're aware of the nature of our  
25 foundation's work.

1           The process just seems to never end. I've had  
2 three, I count three, health department inspections. We  
3 talked and arranged for a health inspector to come up. This  
4 is in addition to the first investigation. They examined the  
5 entire property. They examined the trailer inside and out.  
6 They examined the septic tank location. They examined the  
7 septic fill. They did the measuring from the well. They did  
8 everything they were required to do and asked to do. And I  
9 was there during the whole thing, and he notified Thompson  
10 that everything was great.

11           SPEAKER: Oscar, this is all very interesting, but  
12 it's not relevant to what's --

13           MR. BRAUN: Well, it's relevant from the standpoint  
14 that the bone of contention seems to be here with this  
15 last-minute request for the mitigation.

16           Now, on September the 11th -- this September the  
17 11th -- I was notified by e-mail by Miroo Brewer that they  
18 were doing -- the health department was revising their neg  
19 dec, and now it was going to be, for some unexplained reason,  
20 a need for mitigation, otherwise moving the other drain field  
21 tanker booths or what have you.

22           My response to her that day, which again is part of  
23 the record which I provided you, is that we have had not one,  
24 two, but three inspections by the health department and that  
25 their inspectors have said that everything that needed to be

1 done by the Brauns had been done to that point and there was  
2 no need for mitigation; that we were in full compliance of the  
3 current 1996 versions of the septic fill ordinance. Okay.

4           So another thing happened, obviously, on the 11th,  
5 and what happened on the 11th is that our foundation staff  
6 attorney, our environmental attorney, was killed on Flight 93,  
7 and it has been since that time, quite candidly, that we have  
8 done a referral, and that's what this cover note is. It's  
9 just, you know, do what you want.

10           You know, we have tried for four years, four years,  
11 to -- to fulfill every little fantasy that this County's want  
12 (sic), and if the County wants to continue, that they might.  
13 There has been a great many actions, in which time does not  
14 allow me to go into, that senior staff of planning has done;  
15 that is, malfeasance and abuse of process, and those issues,  
16 regardless of what your decision is today, will be taken care  
17 of.

18           I'm asking you, quite candidly, just to bring  
19 closure to this situation. It should be a great, great  
20 embarrassment to this County. You know, this type of -- this  
21 type of actions (sic) is uncalled for. We're not going away,  
22 and the last thing I'll tell you is that, before the end of  
23 this December, the property is being put into a terrible  
24 remainder trust (phonetic) and is being marketed, as we stand  
25 here, by Caldwell Banker internationally.



1           So there isn't going to be any more squeezing of our  
2 shoes because we have done everything to protect the public's  
3 health and safety. We've done everything that this County has  
4 asked us to do, and it's all a matter of record. I'm asking  
5 you not to have this go before the Board of Supervisors. I  
6 don't think that's in this County's interest.

7           Thank you.

8           THE COMMISSIONER: Thank you, Oscar. I think we'll  
9 probably go into asking you some questions in a moment.

10          MR. BRAUN: I'm sorry.

11          THE COMMISSIONER: What I'd like to, have a member  
12 of the public, who has to leave immediately, to -- a chance to  
13 speak and then we'll give you chance --

14          MR. BRAUN: I'll be glad to come back and answer any  
15 questions, surely.

16          THE COMMISSIONER: Lenny Roberts (phonetic), please.

17          MS. ROBERTS: Afternoon, Mr. Chairman and Members of  
18 the Commission. I'm Lenny Roberts, and I'm speaking for the  
19 Committee for Green Foothills (phonetic).

20                 We want to commend the staff for continuing to  
21 pursue this set of violations that has been going on for a  
22 number of years. But we think you have some issues before you  
23 can even consider granting the permits after the fact for  
24 these violations.

25                 First of all, Condition No. 7 in the staff report

1 would require Mr. Braun to pay applicable violation and  
2 investigation fees that were outlined there. We don't believe  
3 you should consider approving anything until those  
4 investigation fees are paid to the County.

5           Secondly, I think I just heard today Mr. Braun  
6 continuing to refuse to accept the mitigation measure that is  
7 in the negative declaration. This is a legitimate measure and  
8 it does go to public health and safety issues because per --  
9 septic tanks that have been put in without permits need to be  
10 verified as to their adequacy and to their location,  
11 particularly when they're in close proximity to the well that  
12 supplies drinking water.

13           So this is an important mitigation measure, and  
14 without his agreeing to it, you can't certify the negative  
15 declaration.

16           I also think this entire property needs to be shown.  
17 Applicants usually do have the entire parcel shown with all  
18 the components that are being legalized, the gate, which I  
19 guess is not on his property, come to think of it, and the  
20 existing water tank that will be removed. Anything else  
21 that's on there should be shown on the site plan.

22           The reason that I'm concerned is that, if you look  
23 at the long history and the chronology, it has taken a very  
24 long time to get here, including the County having to go to  
25 court to require the appropriate documents to be submitted in

1 order to find the application adequate to proceed.

2 And then the last issue that I have is that -- and I  
3 did include this with my comments on the negative dec, that in  
4 press releases and other information that Mr. Braun has let --  
5 put out in the public, he does indicate that his house is  
6 10,000 square feet. The Coastal Development permit that was  
7 granted in 1991 was for 7500-square-foot house, and I think it  
8 needs to be verified whether the house is, in fact, the same  
9 size that the permit was for. And I don't believe that has  
10 been done.

11 So those are my comments. I think before you even  
12 get into consideration of the -- of the conditions and the  
13 details of this project, you do need to get agreement on  
14 paying on a violation investigation fees and also -- should  
15 not receive unless that is done, and also the mitigation  
16 measure which I don't hear agreement to today.

17 Thank you.

18 THE COMMISSIONER: I have two more speakers  
19 (inaudible). I want to call these speakers and then have  
20 Oscar come back up.

21 Cindy Givanoni.

22 MS. GIVANONI: Good afternoon. Thank you for  
23 letting me speak. I had a couple of issues about this project  
24 too and legalizing all these illegal structures and things he  
25 has placed on this property.

1           When he got this property, there was nothing on this  
2 property, and he was allowed to build a home, which I was  
3 under the impression was the only thing that was supposed to  
4 actually be there.

5           My question was, How was the well and septic for the  
6 barn that is below the house or the stable that he wants to  
7 legalize -- it's below the house -- how is that -- the full  
8 bathroom currently be served by that septic that's on the --  
9 on the other side of the house?

10          If I see this correctly, I don't know how the waste  
11 gets over there to that septic. I don't see anything on the  
12 plan that -- I just see some line there, that sewer tight  
13 line, but does it go all the way to the existing septic tank  
14 and drain field? I don't know.

15          THE COMMISSIONER: Well, let's see if we can find  
16 out.

17          MS. GIVANONI: See, that stable has a full-blown  
18 bathroom in it. But I don't understand if that's accurate  
19 there, that there's a sewer tight line. I don't know. Has it  
20 been verified? Is it documented that it really goes over to  
21 this other existing -- the permitted septic tank and drain  
22 field? That was one of my questions.

23          And another question I have, The well for the  
24 affordable housing unit -- that was not permitted  
25 apparently -- is it using the existing residential well or --

1 I don't understand any of this.

2 I do know that several years ago Mr. Braun actually  
3 ran out of water and we trucked him some water. So I don't  
4 know if he has -- if his well is actually adequate to supply  
5 the affordable housing unit, his residence, and the stable  
6 that he's proposing to legalize, and I don't know if the  
7 affordable unit well is too close to the unpermitted septic  
8 that he has down there. I don't know. There aren't any  
9 dimensions or anything on this plan that to me tells that  
10 there's -- that it's far enough away. I don't know. I was  
11 always under the impression that, when you submitted plans,  
12 that they had to have actual footages, you know, and actual  
13 documentation on them.

14 THE COMMISSIONER: It does. I think that's true.

15 MS. GIVANONI: Okay. Thank you.

16 And even the stable that he's proposing to legalize,  
17 I don't see any dimensions on any of the plans that have been  
18 provided. What's the actual size of that? Is it -- does it  
19 need to be sprinklered or anything? Is the square footage on  
20 it? I didn't see that.

21 And then there was another item of concern: the land  
22 clearing and grading. There was a lot of land cleared on this  
23 property, and I don't think it has ever been substantiated. I  
24 don't know if he has the required -- if he's gotten any  
25 required permits, but they did level land to build these

1 buildings on.

2           And I have another item: That the work that was  
3 done, did anybody -- was there any erosion or anything that  
4 could have caused problems for the neighboring properties? I  
5 don't know that either.

6           And my last question was, Where all these buildings  
7 have been placed, should there not have been some kind of an  
8 archeological report or study to be dealt with? I do know  
9 when we went through this, we had to have an archeologist on  
10 our property to make sure there weren't any artifacts or  
11 Indian burial grounds, because it's in close proximity to the  
12 Johnston Ranch, and apparently there was a mill back there at  
13 one time, just on the other side of his property.

14           Thank you for letting me speak.

15           THE COMMISSIONER: Thank you.

16           Jack Olson.

17           MR. OLSON: Morning, Commissioner Nobles, Members of  
18 the Commission. It's a pleasure to be here today. Following  
19 on Lenny's comment relative to the mitigation fees, I also  
20 feel that this should not go forward until those fees were  
21 paid.

22           In my employment with Farm Bureau, I frequently see  
23 applicants that are found in the same kind of a situation, and  
24 traditionally, the County has been very lenient in allowing  
25 the different -- applicant comes forward within the required

1 time frame, that all penalty fees are waived, and you're given  
2 30 days from the notice of violation, not to submit, but to  
3 begin, in good faith, in working with staff to provide  
4 material. And I can say that most of the people that I've had  
5 interaction with have taken that very seriously and done just  
6 that.

7 In fact, one area adjacent to this was the property  
8 that Thomas Pacheco and Wayne Pastorino (phonetic) were  
9 operating, a feed storage and hay and grain operation, and  
10 Mr. Braun appealed that, and actually Mr. Pastorino and  
11 Mr. Pacheco actually gave up on that, and I'd like to take the  
12 opportunity to see if any of the permit fees paid by them  
13 would be due back because their permit was never actually  
14 brought forward beyond the zoning hearing officer, and I do  
15 know that they did pay significant dollars at that point, and  
16 I can provide documentation as to the amounts that were paid  
17 and what they were paid for.

18 But again, I would encourage you to step back with  
19 why are the fees (sic) and look at the other issues that need  
20 to be resolved before this could move forward.

21 Thank you.

22 THE COMMISSIONER: Thank you, Jack. The matter of  
23 the fee and returning of them is not the Planning Commission  
24 business. You have to talk to --

25 MR. OLSON: I'd be more than happy to --

1 THE COMMISSIONER: -- other people at the County.

2 MR. OLSON: -- take it up with Terry.

3 THE COMMISSIONER: Okay. Oscar, would you come back  
4 up, please, and there's a couple of questions I have here.

5 One is can you clarify the matter of the house size;  
6 number two, is there a split antenna on your property; and if  
7 so, is it permitted, and then we will need a site plan  
8 eventually too, but could you ...

9 MR. BRAUN: Sure. First question regarding the  
10 house size. The building permit for the house in 1991, I  
11 believe is 7500 square feet, and my understanding that the  
12 formula there is based on inside space.

13 For instance, the -- they don't count open-air  
14 porches, and this particular house has nearly 3,000 square  
15 feet of porches, so the -- what she's referring to is not a  
16 press release. It is a description by Caldwell Banker, and it  
17 says approximately 10,000 square feet, so the house is not  
18 part of this application, for one thing, but, I mean, the  
19 house is exactly what it was when it was built 10 years ago,  
20 so I mean, it's -- Lenny's welcome to do any research she  
21 wants.

22 THE COMMISSIONER: Okay.

23 MR. BRAUN: But with regards to the full parcel  
24 maps, the County has a complete set of full parcel --

25 THE COMMISSIONER: But we need maps that show all



1 your structures.

2 MR. BRAUN: The maps that you have here have all the  
3 structures. The -- as I said earlier --

4 THE COMMISSIONER: No dimensions on them or  
5 anything.

6 MR. BRAUN: What's that?

7 THE COMMISSIONER: There are no dimensions on these.  
8 We don't know how far apart these buildings are or anything  
9 like that, from this map.

10 MR. BRAUN: Well, that's a -- that's a surveyed  
11 topographical map. I mean, you know, it's scaled. I mean,  
12 you can -- anybody can measure it. I mean, the maps that we  
13 provided to County were done by Horizon, so I mean, it's --

14 SPEAKER: I would suggest to the Chair, if I could,  
15 that -- you say anyone could measure this. Then perhaps,  
16 then, you should have someone do that, provide the normal type  
17 of detail that is normally provided on -- on plans that are  
18 submitted, that include dimensions, scales, so it's easy to  
19 determine if what is shown on the plan conforms to what's  
20 there in the field.

21 I do believe it's a policy of the County that before  
22 we issue one permit, that we want to see that all -- all  
23 potential violations on a property are taken care of without  
24 being able to assess -- you know, for instance, I'm hearing  
25 you say, "Well, gee, the house is built according to approved

1 plans." Well, I'd like to have -- I'd like to have fully  
2 accurate, normal site plans which depict what's on the  
3 property so that we can be clear that everything that needs to  
4 be cleared up is cleared up at one time.

5 MR. BRAUN: I repeat: That with -- regarding  
6 whether it be plot plans, site plans, this and that and the  
7 other, we were provided by the planner at the time of  
8 application, a list of documents. We provided them -- whether  
9 they be elevations, whether they be surveyed maps as to  
10 location of the structures, the size of the structures, et  
11 cetera, those have all been presented to the County, and we  
12 have received, I believe, as of October of 2000, possibly  
13 September of 2000, that the County had received everything  
14 that they need in order to process this.

15 I believe that Miroo would testify that she has been  
16 to the site twice and that, you know -- at the time of  
17 departing, I have always asked her and previous planners, "Is  
18 there anything else in which we can do to help you finish  
19 processing this?" And the answer has been, "You have provided  
20 us with everything that we need. Thank you."

21 Okay. So whether it's to the dimensions of the barn  
22 or, you know, where the sewer tight line is and stuff like  
23 that, that has all been provided.

24 We've had multiple inspectors from different  
25 departments up there. I'm assuming that they have filled out

1 their reports. I mean -- but, I mean, issues are being raised  
2 today that have nothing to do with application before you.  
3 Our residence is not our stable and is not tractor sheds, and  
4 if the County wants to pursue that -- I think that maybe they  
5 have the right to pursue it, but under a different  
6 application. I would hope that the focus today would stay on  
7 the matter before you.

8 THE COMMISSIONER: Mr. Braun, your house is not the  
9 (inaudible). It was just a matter of curiosity. There is --

10 MR. BRAUN: Well, I understand that, and I  
11 understand --

12 THE COMMISSIONER: -- 10,000 feet, and now you've  
13 explained that --

14 MR. BRAUN: Yeah.

15 THE COMMISSIONER: So --

16 MR. BRAUN: Thank you, Commissioner.

17 In regards to the antennas, we have a lease  
18 agreement -- it's like our neighbor's post, with Aleris Group  
19 (phonetic) for Sprint antenna, and we've had that for several  
20 years, and it has not been processed because Mr. Burns  
21 (phonetic) filed to our deed a continuing nuisance, and  
22 Aleris/Sprint has been told that, until this comes to  
23 conclusion, they cannot proceed on that.

24 THE COMMISSIONER: Okay --

25 MR. BRAUN: Having said that -- having said that,

1 the location -- staff has worked with Aleris and us -- Miroo,  
2 Lily Toy -- and it is a 15-foot tree-shaped antenna that is  
3 placed in a grove of trees down the middle of the face of the  
4 hill, so it doesn't break the view line. It's a mile and a  
5 half -- from the distance that you were at yesterday, you  
6 looked up at those trees, you may or may not see an antenna  
7 tree, because it's that small. That is something that has not  
8 come before this Commission and it's certainly not illegal  
9 (inaudible).

10 THE COMMISSIONER: And as far as I know, you don't  
11 have permit for a site. It's only if you make application to  
12 put up an antenna, then you have to get a permit.

13 MR. BRAUN: That's correct, and an application has  
14 been made and the fees have been paid by Aleris Group, and  
15 then again, that doesn't come up for processing --

16 THE COMMISSIONER: I understand.

17 MR. BRAUN: Until --

18 THE COMMISSIONER: And --

19 MR. BRAUN: -- this is brought to fruition.

20 THE COMMISSIONER: Right.

21 SPEAKER: I need to clarify something. I'm sorry.  
22 Did you say the antenna's out there currently?

23 THE COMMISSIONER: No, no, no.

24 MR. BRAUN: No. I said the antenna.

25 SPEAKER: You said something about you'd see a

1 tree --

2 MR. BRAUN: I said the antenna is a 15-foot  
3 tree-shaped antenna, proposed --

4 SPEAKER: Proposed --

5 MR. BRAUN: We have -- the lease exists.

6 SPEAKER: Yeah.

7 MR. BRAUN: But in order for antennas, as the  
8 Commissioner Justin said it, you have to get a permit.

9 SPEAKER: I just wanted to clarify that. We are --  
10 we did agree, I think, largely, at the -- you know, in  
11 response to requests from Sprint to segregate that matter from  
12 Mr. Braun's violations and allow it to move forward in  
13 processing. I'm not quite sure to what point. I think we  
14 felt we could bring that to a hearing but not go forward with  
15 construction permits, so that is in process. I'm not sure of  
16 its status. Kind of being treated as a separate matter from  
17 this stuff.

18 THE COMMISSIONER: Understandable.

19 MR. BRAUN: I have one final question for the  
20 Commission: I -- I -- I would ask the Commission to have  
21 staff show them what it is that they have asked us to do over  
22 the last four years that we have, in fact, not done; what  
23 resistance, whether it be timeliness or anything else; refuse  
24 to get into the permit process.

25 I can tell you, I take it as a personal assault to