

REVERIE FINAL BOARD OF SUPERVISORS APPEAL HEARING

P 13-00027 MOD

December 8, 2015

Appellant's Final Argument

Honorable Supervisors:

During our last hearing, I did not have a chance to comment on the rationale behind your decision.

Here are some important procedural issues which were ignored:

1)

Your resolution was based on the County's **Compliance Policy and Procedures Manual** which states that relief from the requirement that operations cease applies: "if all the activities **occurring on the parcel** in question can be validated by obtaining the required permits".

We know that one of the activities was to produce 8,400 gallons and according to the Manual, you could have approved 8,400 gallons because this is what was **occurring on the parcel**, yet you approved 9,200 gallons. Supervisor Luce said that this process was not rewarding violations. I ask: If not a reward, what are the extra 800 gallons?

We have no actual numbers on the extent of violations in what was **occurring on the parcel** regarding visitations, yet you doubled the approved numbers.

2)

The Planning Commission relied on Staff's information that an audit had been performed and believed that this was indeed what was **occurring on the parcel**, yet no audit took place.

3)

The Planning Commission and you have based much value in the **alleged voluntary disclosure** by the applicant of his violations. I have requested multiple times the exact date of the notice of a pending audit to the applicant and the exact date on which he disclosed his violations. These two dates are still missing in the record. Without them, applying the term "**voluntary**" as you and the Planning Commission did, is not credible.

4)

Coupled with Mr. Kiken's letter to his neighbors and its reliance on an audit, the Planning Commission never knew what was actually **occurring on the parcel**. The same applies to the question of "**voluntary**".

In view of the above, I believe the application should have been referred back to the Planning Commission.

5)

The Compliance Policy and Procedures Manual trumps state CEQA law and should itself have been subject to CEQA.

Any use permit operation which has been subject to CEQA and is permitted to continue with operations outside CEQA review until brought into compliance as permitted by this Manual as a matter of policy is a policy which trumps state law.

George Caloyannidis
2202 Diamond Mountain Road
Calistoga, CA 94515