

PRESS RELEASE

From: Gaviota Coast Conservancy

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FOR IMMEDIATE RELEASE

COURT OF APPEAL DENIES BALLANTYNE APPEAL - AFFIRMS PRIOR DECISION REJECTING MASSIVE HOUSE ON GAVIOTA COAST

The Ventura-based Second Appellate District of the state Court of Appeal issued a ruling today announcing a unanimous decision denying an appeal filed by Lynn Ballantyne. Ms. Ballantyne sought to reverse a decision by Superior Court Judge Thomas Anderle in April 2009 rejecting the County's approval of the massive house on a ridge overlooking the Gaviota Coast.

"This ruling vindicates the Gaviota Coast Conservancy's legal actions to protect the Gaviota Coast" explained Gaviota Coast Conservancy President Mike Lunsford. "This ruling upholds Judge Anderle's decision that found the County failed to comply with CEQA when this development was approved in 2008."

Marc Chytilo, attorney for the Conservancy, stated "The Court recognized that the scenic setting for this project made shortcuts in environmental review inappropriate. They noted the house in question is four times larger than average Gaviota Coast homes, and that it is highly visible from Farren Road, an established recreational area that is protected by the General Plan. They even noted that Ballantyne specifically refused to pay for the additional visual simulations needed for adequate environmental review. The Court recognized that the County violated CEQA and their General Plan in approving this project, and upheld the requirement that the County vacate all approvals of the project and the trial court's injunction prohibiting further development on the site. The appellate court affirmed that the County must prepare an environmental impact report (EIR) evaluating the project's visual and aesthetic impacts."

In 2005, Ms. Ballantyne and her husband Randy Welty were told by county staff that their project violated the General Plan, and were advised to modify the project to fit with General Plan standards. They refused, appealed the staff's determination, and eventually gained approval on a narrow 3-2 vote at the Board of Supervisors. The Gaviota Coast Conservancy sued in Fall 2008 to overturn the County's approval, and in April 2009 Judge Thomas Anderle ruled in favor of the Conservancy. Ballantyne appealed to the Court of appeal, and the case was argued on December 9. The Appeals Court's unpublished decision was announced on December 21.

The Ballantyne house and related structures total over 15,000 square feet of development, sited on a prominent ridge on the east end of the Gaviota Coast. The house itself is longer than a football field. Since it was proposed to be sited on top of a ridge, the house will be visible for miles around. Policies require the house to be located in a place on the 17 acre parcel to reduce visual impacts, but the applicant instead proposed a 660 foot long berm over 10' tall in places to screen the residence from Highway 101.

The principal issue in the case was whether the views of the project from Farren Road were protected by a General Plan policy that prohibits projects that intrude into the skyline from

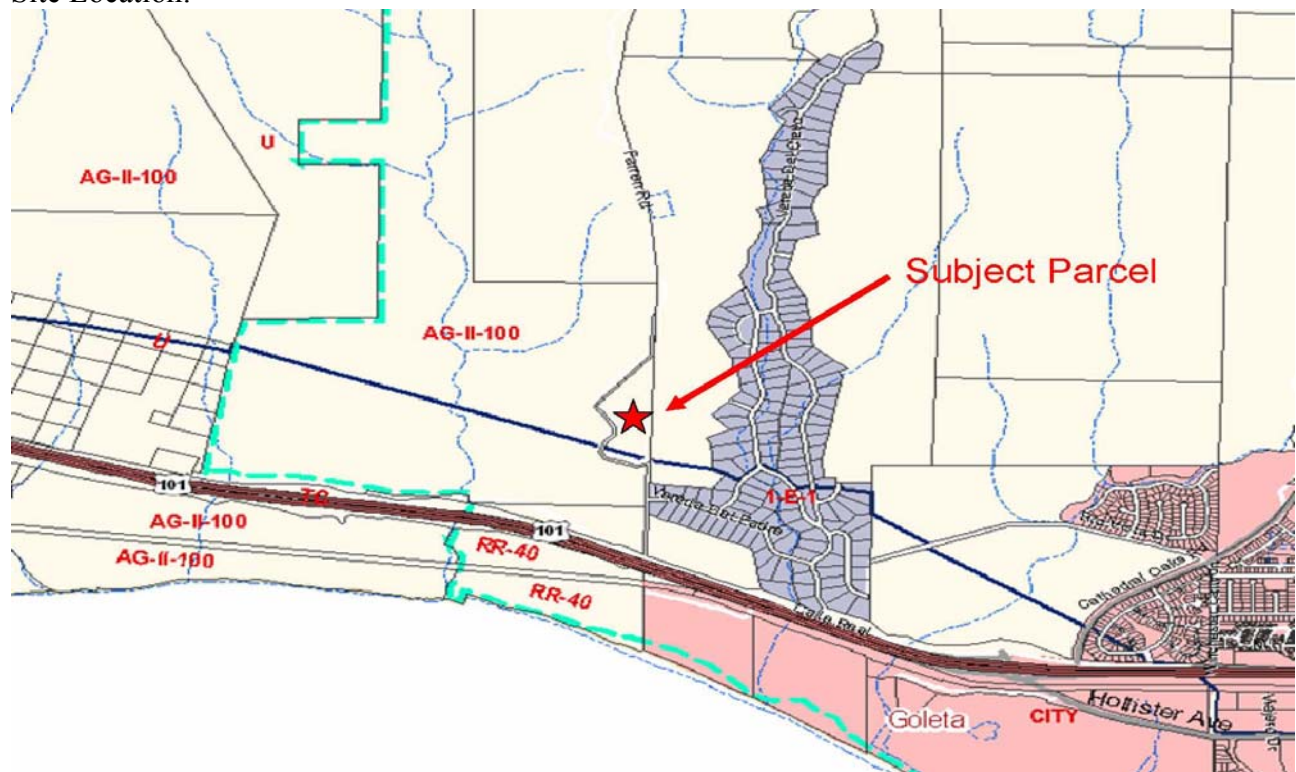
public viewing places, and whether an EIR was necessary. The record showed that the Ballantyne house and assorted structures break the skyline when viewed from Farren Road north of the project. Judge Anderle ordered preparation of an EIR.

About The Gaviota Coast Conservancy:

The Gaviota Coast Conservancy is a private, non-profit organization that promotes the permanent protection of the Gaviota Coast's unique natural, scenic, agricultural, recreational, and cultural resources. GCC monitors all significant development on the Gaviota Coast, acting as a watchdog, reviewing EIRs, submitting comments, and filing appeals where necessary. Working through partnerships with other land conservation organizations, local landowners, resource agencies, and government entities, the Conservancy is promoting long-term strategies to protect the Gaviota Coast from the rapid urban expansion that threatens this region.

For more information, visit www.gaviotacoastconservancy.org.

Site Location:



Visual Appearance of 300' Principal Residence

