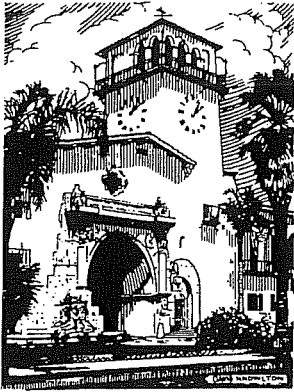


Attachment 1 – Planning Commission’s Action Letter



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

December 10, 2007

Kathleen Weinheimer
420 Alameda Padre Serra
Santa Barbara, CA 93103

PLANNING COMMISSION
HEARING OF DECEMBER 5, 2007

RE: Firefox Sandstone Appeal; 07APL-00000-00028

Hearing on the request of Kathleen Weinheimer, attorney for owner Eddie Langhorne, to consider the Appeal, Case No. 07APL-00000-00028 [appeal filed on September 7, 2007] of the Director's decision to deny Land Use Permit No. 07LUP-00000-00301 for the Firefox Sandstone Carving Project (construction of three new buildings to conduct sandstone carving operations), in compliance with Section 35.102 of the County Land Use and Development Code, on the property located in the AG-I-10 Zone District. The application involves AP No. 071-140-071, located at 5381 Ekwill Road, Goleta, in the South Patterson Agricultural Block area, Second Supervisorial District. (Continued from 10/24/07)

Dear Ms. Weinheimer:

At the Planning Commission hearing of December 5, 2007, Commissioner Brown moved, seconded by Commissioner Cooney and carried by a vote of 3-2 (Blough/Valencia no) to:

- a) Adopt the required findings for denial of the project specified in Attachment A of the staff report, dated October 5, 2007; and
- b) Deny the appeal and deny the project.

The attached findings reflect the Planning Commission's actions of December 5, 2007.

Decisions of the Planning Commission may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision. Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within ten (10) calendar days of the date of the Planning Commission's decision. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, December 17, 2007 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$443 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 07APL-00000-00028
✓ Planning Commission File
Records Management
Address File: 5381 Ekwill Road, Goleta, CA 93111
Owner: Eddie Langhorne, 5381 Ekwill Road, Santa Barbara, CA 93111
Agent: Syndi Souter, PO Box 50423, Santa Barbara, CA 93150
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Janet Wolf, Second District Supervisor
Cecilia Brown, Second District Commissioner
David Allen, Deputy County Counsel
Michelle Gibbs, Planner

Attachments: Attachment A – Findings for Denial

DMB/jao

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ATTACHMENT A: FINDINGS FOR DENIAL

Findings for Denial of Land Use Permit 07LUP-00000-00301

Firefox Sandstone Carving Project

I. Findings for a Land Use Permit

The proposed development will conform to the applicable provisions of the Comprehensive Plan including any applicable community or area plan and this Development Code:

This finding *cannot* be made because the project as proposed is not consistent with the approved uses of the AG-I-10 zone district. Staff conducted a detailed analysis of the County's Land Use Development Code (LUDC) to determine if the proposed use and associated structures could be found to be consistent with the allowed uses of the AG-I-10 zone district and found that it could not for the following reasons:

1. An allowed use in the AG-I-10 zone district includes "agricultural processing" of "on-premise" products (Table 2-1, Section 35.21.030 – Agricultural Zones Allowable Land Uses). However, the proposed project cannot be considered "agricultural processing" nor would the proposed project involve processing of "on-premise" products. Specifically, the definition of "agricultural processing" in the LUDC is:

"Agricultural Processing. The initial processing or preparation for shipping of agricultural products produced on the same site ("on premise products") or from other properties ("off-premise products"), for onsite marketing or for additional processing and/or packaging elsewhere. Examples of this land use include the following:

drying of corn, rice, hay, fruits and vegetables

flower growing

pre-cooling and packaging of fresh or farm dried fruits and vegetables

sorting, grading and packing of fruits and vegetables

Does not include "wineries" which are defined separately."

Where agriculture is defined as:

"Agriculture. The production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and the preparation for sale and marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises, and as allowed by Section 35.42.050 (Agricultural product sales), but not including a slaughter house, fertilizer works, commercial packing or processing plant, or plant for the reduction of animal matter or any other similarly objectionable use."

2. Pursuant to Section 35.21.030(E) of the LUDC, “each use allowed by Table 2-1 of the LUDC may include accessory structures and uses that are customarily incidental to the primary use.” Operation of a nursery on the subject parcel is a primary use allowed in the AG-I-10 zone district and the LUDC authorizes the sale of “incidental garden and landscape materials,” such as garden accessories (Section 35.42.050[C][1][b]). While sandstone carvings, benches, fountains, and other garden accessories, are “incidental garden and landscape materials”, they cannot be considered “agricultural products.” Therefore, cutting sandstone into these objects cannot be considered “agricultural processing.” Additionally, the processing and manufacturing (i.e., cutting and shaping) of these garden accessories is not “customarily incidental” to a nursery operation.

Furthermore, processing and manufacturing of sandstone products does not meet the LUDC definition of an “agricultural support use” (defined below), because it is not a “necessary and integral part of maintaining on-premise production and marketing.”

“Agricultural Support Use. Uses such as the sorting and processing of local fruits and vegetables, wineries, or feed distribution; that are a necessary and integral part of maintaining on-premise production and marketing, and that are directly associated with onsite agricultural or ornamental crop, or animal raising operations. Other uses permitted by Conditional Use Permit in an agricultural district such as oil drilling are not to be construed as an agricultural support use.”

3. Finally, processing and manufacturing of “stone and stone cut products” is specifically listed as an allowable use in the M-1 and M-2 Industrial Zone Districts pursuant to Table 2-20 of Section 35.25.020 of the LUDC. Therefore the processing and manufacturing of sandstone was specifically considered by the County and relegated this use to these zone districts.