

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Applicant Appeal of the
Denial of the Firefox Sandstone Carving Project

Hearing Date: October 24, 2007
Staff Report Date: October 5, 2007
Case No.: 07APL-00000-00028

Deputy Director: Dave Ward
Division: Development Review South
Staff Contact: Michelle Gibbs
Supervising Planner: Anne Almy

Environmental Document: CEQA does not apply to projects
which a public agency disapproves (Section 15270[a] CEQA Guidelines)

OWNER:

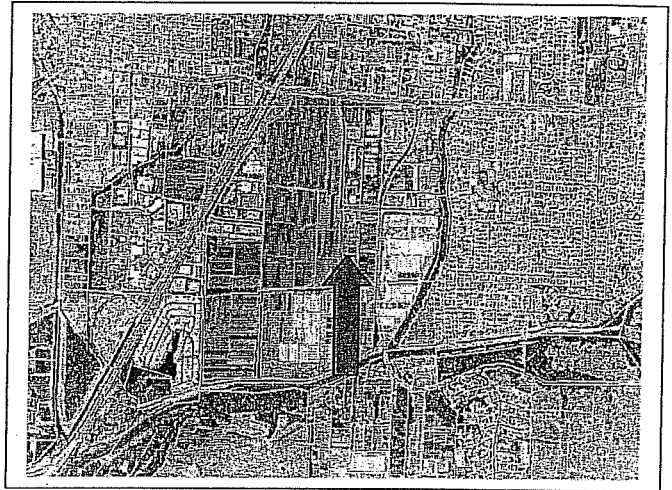
Eddie Langhorne
5381 Ekwill Street
Santa Barbara, CA 93111
(805) 683-9194

ATTORNEY:

Kathleen Weinheimer
420 Alameda Padre Serra
Santa Barbara, CA 93103
(805) 965-2777

AGENT:

Syndi Souter
PO Box 50423
Santa Barbara, CA 93150
(805) 695-0046



This site is identified as Assessor Parcel Number 071-140-071, located at 5381 Ekwill Road, Goleta, in the Patterson Agricultural Block, approximately 300 feet from the intersection of Patterson Avenue and Ekwill Road, Second Supervisorial District.

Application Complete: December 13, 2006
Processing Deadline: 60 days from NOE

1.0 REQUEST

Hearing on the request of Kathleen Weinheimer, attorney for owner Eddie Langhorne, to consider the Appeal 07APL-00000-00028 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.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and deny the project based upon the project's inconsistency with the Comprehensive Plan, including the Goleta Community Plan, and the inability to make the required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for denial of the project specified in Attachment A of this staff report.
2. Deny the appeal and deny the project.

Alternatively, refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based on Section(s) 35.102.040(2)(d) of the County Land Use and Development Code (LUDC) which states:

- "2. *Director decisions. The following decisions of the Director may be appealed to the Commission:*
- d. *Any decision of the Director to approve or deny an application for a Coastal Development Permit or Land Use Permit..."*

4.0 PROJECT INFORMATION

4.1 Site Information

Site Information	
Comprehensive Plan Designation	Inland, Urban, Agriculture I (A-I-10), minimum parcel size of 10 acres, South Patterson Agricultural Block, Goleta Community Planning Area
Ordinance, Zone	County Land Use Development Code, Agriculture I (AG-I-10), minimum parcel size of 10 acres
Site Size	9.38 acres (according to Assessor's Records)
Present Use & Development	Nursery for landscaping business
Surrounding Uses/Zone(s)	North: City of Goleta, Commercial, office buildings South: AG-I-10, row crops and greenhouses East: AG-I-10, row crops West: AG-I-10, row crops
Access	Via Ekwill Street, nearest cross street is Patterson Avenue.
Other Information	The upper tip of the parcel comprises prime farmland while the remainder of the parcel comprises farmland of statewide importance.
Public Services	Water Supply: Goleta Water District Sewage: Goleta Sanitary District Fire: Santa Barbara County Fire Department

4.2 Description

Mr. Edward Langhorne, of Firefox, Inc., requests approval to construct three new buildings in order to conduct sandstone carving operations in an AG-I-10 zoned, 9.64 acre parcel located at 5381 Ekwill Road, Goleta, Assessors Parcel Number (APN) 071-140-071 in the South Patterson Agricultural Block of the Goleta Community Plan area.

Firefox, Inc. currently operates a landscaping business at the subject parcel. Specifically, Firefox, Inc. imports mature trees (e.g., olive trees, palm trees, oak trees, toyons) from the local area that are removed due to construction. Firefox, Inc. maintains the trees onsite by replanting them in mounds of soil onsite. Large rocks are used to stabilize the mounds. The trees are then sold back out to the public; the mounds and rocks are transported with the trees to maintain stability. Firefox, Inc. proposes to expand the landscaping business to produce and sell sandstone carvings, benches, fountains, and other garden accessories in addition to the trees.

Firefox, Inc. proposes to construct new buildings that would house sandstone-carving tools and saws. Sandstone would be imported from the local area, including local ranches, other construction sites, and County Flood Control debris basins. The sandstone would be processed onsite in the new buildings using unique artistic stone carving techniques. The sandstone would then be sold as sandstone carvings, benches, fountains, or other garden accessories. The carved sandstone could also be sold as support structures for mature trees that are sold from the site, similar to the uncut sandstone that is being sold today for this purpose.

One Rock Cutting and Finishing Building (3,000 square feet) would be constructed and would house the saws. One Rock Splitting Building (1,250 square feet) would be constructed and would consist of a fabrication bay and quarry bay; the unique carvings would be further refined by hand in this building. A third 1,250 square foot building would be constructed that would house a large forklift, a loader, a 455 tractor and a crane for lifting and transporting the rock onsite as well as for other agricultural purposes. The three new buildings plus a new area of asphalt between the buildings would occupy an area of approximately 11,784 square feet.

A gravel staging area of approximately 10,100 square feet would also be established to the east of the new buildings to store rock of varying sizes to be carved and to house the finished products.

No new parking is proposed.

Operation of the saws in the Rock Cutting and Finishing Building and the hand tools in the Rock Splitting Building would not require the use of chemicals, but would both require the use of water. Water necessary to run the saws and hand tools would be supplied by the Goleta Water District pumped from a new 392 square foot, 3 foot deep, open water reclamation basin proposed north of the new buildings. A maximum of 500 gallons of water a day would be necessary to run the saws and hand tools. Use of the saws and hand tools would generate a water/sand solution that would be directed back to the water reclamation basin. Rock tailings would also be generated from the operation and would be stored in the proposed new staging area.

The proposed new buildings would be simple unfinished metal framed structures at the heights presented below.

Building	Maximum Height (feet)
Rock Cutting and Finishing	24
Rock Splitting	20
Equipment Storage	16

No vegetation removal is proposed as part of this project and less than 50 cubic yards of grading would be required to complete the project. However, proposed stockpiling of rock in the staging area would necessitate a grading permit for this activity.

5.0 ISSUE SUMMARY

5.1 SUMMARY OF APPELLANT'S ISSUES

A summary of the appeal issues is provided below (see Attachment B for a full letter on the appeal issues from the appellant):

1. The applicant's attorney feels that the proposed stone carving operation should be considered "agricultural processing," which is an allowed use in the AG-I-10 zone.¹
2. The applicant's attorney feels that the proposed stone carving operation is "customarily incidental" to the landscaping business on the site, which is an allowed use in the AG-I-10 zone.
3. The applicant's attorney feels that the project should be considered "quarrying" which is allowed with a Major Conditional Use Permit in the AG-I-10 zone.²

5.2 BASIS FOR STAFF DENIAL

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 consistent with the allowed uses of the AG-I-10 zone district and determined that they could not for the reasons below. More details are provided in the findings for denial contained in Attachment A of this staff report.

¹ In the appellant's attorney's letter dated September 6, 2007 (page 3), Ms. Weinheimer states incorrectly that processing of "goods" is allowed in the AG-I zone district, where the ordinance actually reads that only processing of "agricultural products" is allowed – an important distinction. In addition, she fails to disclose that the processing and manufacturing of sandstone carvings, benches, and fountains are proposed, in addition to rocks that would be used for tree wells to support the owner's trees onsite.

² In the appellant's attorney's letter dated September 6, 2007 (page 2), Ms. Weinheimer states that the proposed project meets the "accepted definition" of "quarrying," however, the dictionary definition of quarrying is to cut or dig stone from an open excavation or pit, and does not include "processing or manufacturing" of stone and stone products. In addition, Ms. Weinheimer states that the owner simply would like to "recycle" rock and "reuse" it in ornamental landscapes, but fails to disclose that the primary purpose of two out of the three buildings is to "process and manufacture" stone products such as carvings, benches, and fountains, which cannot simply be regarded as recycling and reuse of rock.

1. An allowed use in the AG-I-10 zone district includes "agricultural processing" of "on-premise" products. However, the definition of "agricultural processing" in the LUDC (see Attachment A) involves only processing of "agricultural products," which are defined in the LUDC as food, fiber, the growing of plants, the raising and keeping of animals, or products of aquaculture. Therefore, the proposed project cannot be considered "agricultural processing," because the proposed rock products (i.e., sandstone carvings, benches, fountains, and other garden accessories) are not agricultural products. In addition, the project does not involve processing of "on-premise products."
2. Each use allowed in 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. While the sale of these incidental garden and landscape materials is customarily incidental to the primary use and allowed, 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 definition of an "agricultural support use" (see Attachment A for a definition), because it is not a "necessary and integral part of maintaining on-premise production and marketing." The landscaping business has been operating and can continue to operate without the processing and manufacturing of these products onsite.

3. "Mining, extraction, and quarrying of natural resources" is allowed in the AG-I-10 zone district with a Conditional Use Permit. However, mining, extraction, and quarrying all involve removing rock from onsite according to their dictionary definitions below, and the proposed project involves the import of rock from offsite, as well as processing and manufacturing of sandstone products.

"Quarrying: To cut, dig, blast, or otherwise obtain (stone) from a quarry or to use land as a quarry, where a quarry is "an open excavation or pit from which stone is obtained by digging, cutting, or blasting."

"Mining: To dig in the earth for the purpose of extracting ores, coal, etc.; to make a mine."

Moreover, "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 of the LUDC. Therefore the processing and manufacturing of sandstone was specifically considered by the County and relegated to these zone districts.

Finally, there are alternatives to the proposed project that staff has offered consideration to the appellant as follows below.

5.3 POTENTIAL PROJECT ALTERNATIVES

The owner of the subject parcel has an existing Land Use Permit (Case No. 02LUP-00000-00490) to stockpile rock that is imported onsite. Specifically, the Land Use Permit authorizes the following:

“Maintenance of an approximately 20,000 square foot stockpile area encompassing a maximum of 150 cubic yards of soil and a maximum of 800 tons of stone. The stockpile area is located at the western portion of the property, approximately 400 feet from the northern parcel boundary and 550 feet from the southern parcel boundary. The stockpiled soil and stone shall only be used for onsite planting and maintenance required for the onsite nursery operation. The stockpile shall be limited to a maximum height of 5 feet from existing grade. Stones shall be limited in size between 12 and 28 inches in diameter and shall not be separately sold. No stone carving shall occur onsite. In addition, the project includes less than 40 cubic yards of as-built grading for five agriculture roads (total length approximately 1,750 feet) running from the eastern to the western parcel boundaries.”

As long as the owner complies with the approved project description and conditions of approval of this Land Use Permit, the owner can continue operations granted under this permit.

In addition, although the County’s zoning ordinance does not allow **processing** of imported rock in an AG-I-10 zone district, the County allows the **sale** of products that are “incidental garden and landscape materials” (i.e., imported cut stone) as long as the sale of these types of products are limited to a single location of not more than 300 square feet pursuant to Section 35.42.050 of the LUDC. The owner has the option to apply for a Land Use Permit for this type of activity.

Further, the owner could eliminate the stone carving element of the project and just apply for a Land Use Permit to construct the 1,250 square foot equipment storage building proposed to house a large forklift, loader, 455 tractor and a crane, which is an allowed accessory structure in the AG-I-10 zone district.

Finally, the owner has the option of applying for a rezone and general plan amendment to convert the parcel to an industrial zone district and industrial land use or to keep his sandstone operation in an industrial zone district in the City of Goleta, where the operation is currently located.

6.0 BACKGROUND INFORMATION

The proposed project began in 2001 as a zoning violation on the subject parcel. In 2002, the owner abated the violation by moving the sandstone carving operation to an industrial lot in the City of Goleta.

On July 3, 2002, former agent Jim Staples, submitted an application for a Conditional Use Permit (CUP) for the proposed Firefox Sandstone Carving project. The application for a CUP was made under the assumption that the project qualifies as "mining, extracting, & quarrying of natural resources" which is an approved use in the Agriculture (AG) I zone district with a CUP pursuant to Table 2-1 in Section 35.21.030 of the Santa Barbara County LUDC.

The application was deemed incomplete on July 31, 2002 and a resubmittal was not received until May, 12, 2003. Through lengthy discussions between staff and the applicant from May 2003 to August 2006, Planning and Development staff and County Counsel struggled with processing a CUP for the proposed project as the project does not involve "mining," "extraction," or "quarrying" of natural resources. Mining, extraction, and quarrying all pertain to natural resources (including rock) that are removed from onsite, whereas the proposed project involves the import of rock only. From the beginning, the applicant was informed of staff's interpretation of the project's inconsistency with the zone district.

On August 10, 2006, staff met with the owner's attorney to discuss another option of processing the case as a "use customarily incidental" to agricultural uses permitted in the Agriculture Zone District (pursuant to Section 35.21.030[E] of the LUDC), given staff's struggle with determining the project consistent with "mining, extracting, or quarrying." A Development Plan was determined to be necessary under this permit path as the proposed project statistics at the time of that meeting included greater than 20,000 square feet of development on the subject parcel. On August 17, 2006, the owner and owner's attorney agreed to this permit path and were told that staff would convert the case type over to a Development Plan and would begin processing a Negative Declaration for the proposed project.

On December 13, 2006, the application was finally deemed complete and the case was converted to a Development Plan shortly thereafter. On April 2, 2007, revised plans were submitted which indicated that less than 20,000 square feet of development was proposed on the property. Therefore, on April 25, 2007, staff determined that the case should be converted to a Land Use Permit. The Land Use Permit was denied on August 27, 2007.

7.0 PROJECT ANALYSIS

7.1 Environmental Review

Staff disapproved the project, and therefore denial of the project is not subject to CEQA pursuant to Section 15270(a) of the CEQA Guidelines which states "CEQA does not apply to projects which a public agency rejects or disapproves."

If the Planning Commission votes to uphold the appeal and not deny the project, regardless that land use permits are presumed to be ministerial projects pursuant to the County's Guidelines for Implementation of CEQA (2005), a vote to uphold the appeal appears to require discretion by the Planning Commission and CEQA would apply to the project. Therefore, your Commission would need to remand the project back to staff.

7.2 Comprehensive Plan Consistency and Compliance with the Land Use and Development Code

The proposed project would not be consistent with the following policies of the Goleta Community Plan which state:

"Policy LUA-GV-1: Land designated for agriculture within the urban boundary shall be preserved for agricultural use, unless the County makes findings that the land is no longer appropriate for agriculture or there is an overriding public need for conversion to other uses for which there is no other land available in the Goleta urban area;" and

"Action LUA-GV-1.6: The parcels known as the South Patterson Agricultural Area, south of Hollister Avenue and west of Patterson Avenue (Figure 25) shall have a land use designation of A-I for the life of this Plan or for ten years from the adoption of this Plan, whichever occurs first. At that time, the County shall review this site to determine if the agricultural designation is still appropriate. If not, the County should consider the submittal of a Specific Plan for the eventual development of these parcels. This Action shall not preclude the identification of this site as a Transfer of Development Rights receiver site as part of the County's TDR study."

The project site is located with the South Patterson Agricultural Block, one of the last remaining intact agricultural areas in the Goleta Planning Area. The site itself contains both prime agricultural land and farmland of statewide importance. Conversion of this productive agricultural land to an industrial use is inconsistent with these policies.

In addition, the proposed project would not be consistent with the purpose and intent of the agriculture land use designation, which is identified in the Land Use Element of the Comprehensive Plan as follows, because it does not involve preparation of or marketing for products in their natural form as discussed above:

“The purpose of the agricultural designation is to preserve agricultural land for the cultivation of crops and the raising of animals. For the purposes of this Element, agriculture shall be defined as the production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, the preparation for 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 which have been grown on the premises...”

As discussed in more detail in the findings for the denial of the project contained in Attachment A of this staff report, the project as proposed is not consistent with the approved uses of the AG-I-10 zone district.

8.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$443.

ATTACHMENTS

- A. Findings
- B. Staff's Denial Letter
- C. Appellant's Letter
- D. Complete Letter for the Project
- E. Site Plans

Attachment A
Findings for Denial of Land Use Permit 07LUP-00000-00301
Firefox Sandstone Carving Project

I. Findings for a Land Use Permit

a. ~~The proposed development:~~

- (1) Will conform to the applicable provisions of the Comprehensive Plan including any applicable community or area plan and this Development Code; or

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 "off-premise" products (Table 2-1, Section 35.21.030 – Agricultural Zones Allowable Land Uses). However, the proposed project cannot be considered "agricultural processing." 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 definition of an “agricultural support use,” which is defined in the LUDC as follows, 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 to these zone districts.

- (2) Falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

The proposed project does not involve a nonconforming use, structure or lot. Therefore, this finding does not apply.

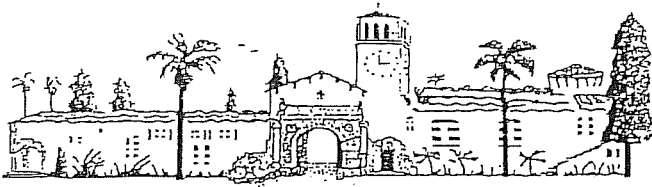
- b. **The proposed development is located on a legally created lot.**

The proposed project is located on a legally created lot. Therefore, this finding can be made.

- c. **The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

The subject property is currently in compliance with all provisions of the County's Land Use Development Code, and there are no outstanding zoning violations associated with the subject property or existing operations. Therefore, this finding can be made.

ATTACHMENT B: STAFF'S DENIAL LETTER



County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning

August 27, 2007

Kathleen Weinheimer

420-Alameda-Padre-Serra
Santa Barbara, CA 93103

RE: Denial of Permit Application 07LUP-00000-000301
(formerly case nos. 02CUP-00000-00038 and 06DVP-00000-00021)
Firefox Sandstone Carving, 5381 Ekwill Road, Goleta, APN 071-140-071, Second
Supervisory District

Dear Ms. Weinheimer:

Upon analysis of the facts of this case, staff has concluded that Case No. 07LUP-00000-000301 cannot be approved.

BACKGROUND

On July 3, 2003, former agent Jim Staples, submitted an application for a Conditional Use Permit (CUP) for the proposed Firestone Sandstone Carving project as described below, and as amended per the latest set of plans submitted by you on April 2, 2007:

Project Description

Mr. Edward Langhorne, of Firefox, Inc., requests the approval to construct three new buildings in order to conduct sandstone carving operations in an AG-I-10 zoned, 9.64 acre parcel located at 5381 Ekwill Road, Goleta, Assessors Parcel Number (APN) 071-140-071 in the South Patterson Agricultural Block of the Goleta Community Plan area.

Firefox, Inc. currently operates a landscaping business at the subject parcel. Specifically, Firefox, Inc. imports mature trees (e.g., olive trees, palm trees, oak trees, toyons) from the local area that are removed due to construction. Firefox, Inc. maintains the trees onsite by replanting them in mounds of soil onsite. Large rocks are used to stabilize the mounds. The trees are then sold back out to the public; the mounds and rocks are transported with the trees to maintain stability. Firefox, Inc. proposes to expand the landscaping business to produce and sell sandstone carvings, benches, fountains, and other garden accessories in addition to the trees.

Firefox, Inc. proposes to construct new buildings that would house sandstone-carving tools and saws. Sandstone would be imported from the local area, including local ranches, other construction sites, and County Flood Control debris basins. The sandstone would be processed onsite in the new buildings using unique artistic stone carving techniques. The sandstone would then be sold as sandstone carvings, benches, fountains, or other garden accessories. The carved sandstone could also be sold as support structures for mature trees that are sold from the site, similar to the uncut sandstone that is being sold today for this purpose.

One Rock Cutting and Finishing Building (3,000 square feet) would be constructed and would house the saws. One Rock Splitting Building (1,250 square feet) would be constructed and would consist of a fabrication bay and quarry bay; the unique carvings would be further refined by hand in this building. A third 1,250 square foot building would be constructed that would house a large forklift, a loader, a 455 tractor and a crane for lifting and transporting the rock onsite as well as for other agricultural purposes. The three new buildings plus a new area of asphalt between the buildings would occupy an area of approximately 11,784 square feet.

A gravel staging area of approximately 10,100 square feet would also be established to the east of the new buildings to store rock of varying sizes to be carved and to house the finished products.

No new parking is proposed.

Operation of the saws in the Rock Cutting and Finishing Building and the hand tools in the Rock Splitting Building would not require the use of chemicals, but would both require the use of water. Water necessary to run the saws and hand tools would be pumped from a 392 square foot, 3 foot deep, open water reclamation basin proposed north of the new buildings. A maximum of 500 gallons of water a day would be necessary to run the saws and hand tools. Use of the saws and hand tools would generate a water/sand solution that would be directed back to the water reclamation basin. Rock tailings would also be generated from the operation and would be stored in the proposed new staging area.

The proposed new buildings would be simple unfinished metal framed structures at the heights presented below.

Building	Maximum Height (feet)
Rock Cutting and Finishing	24
Rock Splitting	20
Equipment Storage	16

No vegetation removal is proposed as part of this project and less than 50 cubic yards of grading would be required to complete the project. However, proposed stockpiling of rock in the staging area would necessitate a grading permit for this activity.

The application for a CUP was made under the assumption that the project qualifies as "mining, extracting, & quarrying of natural resources" which is an approved use in the Agriculture (AG) I zone district with a CUP pursuant to Table 2-1 in Section 35.21.030 of the Santa Barbara County Land Use Development Code (LUDC).

As you know, we struggled with processing a CUP for the proposed project as the project does not involve "mining," "extraction," or "quarrying" of natural resources. Mining, extraction, and quarrying all imply that natural resources (including rock) would be removed from onsite and processed, whereas the proposed project involves the import of rock to be processed onsite only.

On August 10, 2006, we met to discuss another option of processing the case as a "use customarily incidental" to agricultural uses permitted in the Agriculture Zone District (pursuant to Section 35.21.030[E] of the LUDC). As we discussed, a Development Plan was determined to be necessary under this permit path as the proposed project statistics at the time of that meeting would have resulted in greater than 20,000 square feet of development on the subject parcel. On August 17, 2006, you and your client agreed to this permit path and were told that we would convert the case type over to a Development Plan and would begin processing a Negative Declaration for the proposed project.

On December 13, 2006, the application was finally deemed complete and the case was converted to a Development Plan shortly thereafter. On April 2, 2007, revised plans were submitted which indicated that less than 20,000 square feet of development are now proposed on the property. Therefore, on April 25, 2007, we determined that the case should be converted to a Land Use Permit.

FINDINGS FOR DENIAL

Pursuant to Subsection 35.82.100.E of the LUDC, a Land Use Permit shall be approved or conditionally approved only if the Director first makes all of the required findings for the Land Use Permit. Unfortunately, staff is unable to make all of the findings for approval of the project as proposed (see Attachment A of this letter for the analysis). Because all of the findings cannot be made, the Land Use Permit is hereby denied.

POTENTIAL PROJECT ALTERNATIVES

The owner of the subject parcel has an existing Land Use Permit (Case No. 02LUP-00000-00490) to stockpile rock that is imported onsite. Specifically, the Land Use Permit authorizes the following:

Maintenance of an approximately 20,000 square foot stockpile area encompassing a maximum of 150 cubic yards of soil and a maximum of 800 tons of stone. The stockpile area is located at the western portion of the property, approximately 400 feet from the northern parcel boundary and 550 feet from the southern parcel boundary. The stockpiled soil and stone shall only be used for onsite planting and maintenance required for the onsite nursery operation. The stockpile shall be limited to a maximum height of 5 feet from existing grade. Stones shall be limited in size between 12 and 28 inches in diameter and shall not be separately sold. No stone carving shall occur onsite. In addition, the project includes less than 40 cubic yards of as-built grading for five agriculture roads (total length approximately 1,750 feet) running from the eastern to the western parcel boundaries.

As long as the owner complies with the approved project description and conditions of approval of this Land Use Permit, the owner can continue operations granted under this permit.

In addition, although the County's zoning ordinance does not allow processing of imported rock in an AG-I-10 zone district, the County allows the **sale** of products that are "incidental garden and landscape materials" (i.e., imported cut stone) as long as the sale of these types of products are limited to a single location of not more than 300 square feet pursuant to Section 35.42.050 of the LUDC. The owner has the option to apply for a Land Use Permit for this type of activity.

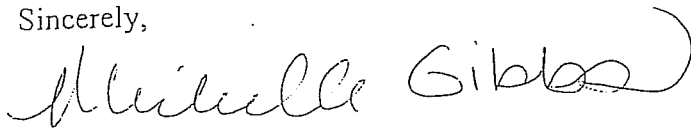
Finally, the owner could also just apply for a Land Use Permit to construct the 1,250 equipment storage building which is an allowed accessory structure in the AG-I-10 zone district.

APPEAL PROCESS

This denial may be appealed to the Planning Commission. The appeal must be filed in writing and submitted with the appropriate appeal fees (\$403.00) to P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 within (10) calendar days following the date of this letter (by 5 pm on September 6, 2007) (Secs. 35.102.040 of the LUDC).

If you have any questions regarding this letter please contact me at (805) 568-3508 or at mgibbs@co.santa-barbara.ca.us.

Sincerely,



Michelle Gibbs, Planner III
~~Development Review Division South~~

Attachment A: Findings for Denial of the Land Use Permit No. 07LUP-00000-00301

cc: ↓ Case file
Syndi Souter, Souter Land Use Consulting, PO Box 50423, Santa Barbara, CA 93150
Eddie Langhorne, 5381 Ekwil Street, Goleta, CA 93117
Anne Almy, Supervising Planner
Dianne Black, Assistant Director
John Baker, Director
Michael Brown, County Administrator
Cecilia Brown, Second District Planning Commissioner
Janet Wolf, Second District Supervisor
Records Management, P&D
Paul Jenzen, Environmental Health
Martin Johnson, County Fire
Dale Weber, Flood Control
Claude Garciacelay, Park Department
Jeff Thomas, Building & Safety
William Robertson, Public Works Transportation
Michael Emmons, Surveyor
Vijaya Jammalamadaka, APCD
Accounting, P&D

ATTACHMENT C: APPELLANT'S LETTER

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

420 ALAMEDA PADRE SERRA

SANTA BARBARA, CALIFORNIA 93103

TELEPHONE (805) 965-2777

FAX (805) 965-6388

EMAIL: kathleenweinheimer@cox.net

September 6, 2007

Chairman Michael Cooney and Members
of the Planning Commission
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, California 93101

Re: Firefox Sandstone Carving Appeal (07LUP-00000-000301)

Dear Chairman Cooney and Members of the Commission:

I represent Eddie Langhorne, owner of the Firefox nursery and landscaping business at 5381 Ekwill Street in the second supervisorial district. Mr. Langhorne has operated his nursery business on this 10 acre agriculturally zoned site since 2000. Mr. Langhorne's nursery is an innovative operation, as his work includes transplanting and relocating mature trees from other sites for sale to clients throughout the County. His work is a "state of the art" example of recycling, as he rescues trees which would be otherwise destroyed and replants them in appropriate landscape settings. As part of this effort, Mr. Langhorne also reclaims and reuses rocks and rubble from construction sites (including those of County Flood Control) to form tree wells and other decorative landscape features at his clients' properties. Currently, Mr. Langhorne operates under a LUP from the County for the dirt and rock storage and reuse portions of his operation. The trees are accepted as agricultural uses and do not require an additional permit.

As part of this business, Mr. Langhorne wishes to carve some of the reclaimed rocks to fit his clients' needs. For the past five years, the County has been attempting to process Mr. Langhorne's request, beginning in 2002 with direction that he file a conditional use permit, followed in 2005 with a delay for completion of an agricultural viability study of the site, in 2006 with direction to file an application for a development plan, and finally now with the denial of a land use permit. At no time during this five year period has Mr. Langhorne been afforded the opportunity to present his proposal to a decisionmaking body. He has explained his operation to no fewer than five different planners, none of whom seem to interpret the relevant regulations in the same way, which is what has led to this appeal. Copies of some of the relevant letters are attached.

The Project Description

The description contained in Ms. Gibbs' letter of August 27, 2007 seems to imply that the proposed stone carving operation would replace the nursery. This is clearly not the case. The proposed operation would involve less than 10% of the overall acreage of the site, would be subordinate to the tree transplanting operation, and would simply be an adjunct to the existing nursery business, much like a new line of products in an existing retail setting. Further, the proposed buildings would not be used exclusively for rock cutting, as there is an existing Land Use Permit for the rock and dirt stockpile and staging area already in place, and the equipment for those uses would be stored in the new structures as well. Much of the equipment identified in Ms. Gibbs' letter (the forklift, loader, tractor and crane) has been used in connection with the nursery and the current LUP for years and does not represent any increase in intensity or change in use with this application.

The definition of "mining, extraction, or quarrying" is not as limiting as the staff report states.

Ms. Gibbs' letter states that "mining, extraction and quarrying all imply that natural resources (including rock) would be removed from onsite and processed, whereas the proposed project involves the import of rock to be processed onsite only." While certainly Mr. Langhorne's application does not include mining or extraction of rock onsite, we believe that a valid argument can be made, consistent with accepted definitions, that his proposal involves rock "quarrying." Nothing in the language of the Zoning Ordinance, which permits rock quarrying in agricultural zones with a CUP (and which was the original permit path Mr. Langhorne was directed to pursue) limits quarrying to rocks obtained onsite. As detailed in the original project description, Mr. Langhorne's operation "recycles" rocks from other excavation operations, and reuses these rocks in ornamental landscape designs. As a result, construction materials and debris in the landfill is reduced, natural features are introduced into urban landscapes, and trees which would otherwise be destroyed are relocated. Noise and dust generated by the business will be confined within the three modest-sized structures proposed and traffic will be limited, in that sales to the public are by appointment only. The project includes filtering systems, water reclamation systems, and sound attenuation measures which will insure that any impacts are confined to the site. Additionally, "waste" rock from the cuttings will be further ground down to create gravel and sand for use as soil additives onsite. Moreover, this use will in fact generate fewer impacts on the neighborhood than occur with open field operations, where dust, pesticides, water runoff and other byproducts of agricultural operations often interfere with adjacent property uses. Given

the simple and limited nature of the proposed buildings, should the business close, the land would also remain available for agricultural uses in the future.

The stone carving operation should be considered as “agricultural processing of off-premises products.”

The staff report describes a number of “agricultural processing” applications which are allowed in the AG-1-10 zone, including packaging, cooling, and processing of goods for sale. By its own terms, the list presented is not exclusive. In the present case, Mr. Langhorne’s application is entirely consistent with those listed in the staff report. The bulk of his stone carving will allow him to “process” rocks obtained offsite, cutting them to a size for use in the tree wells needed to support his tree operation. Clearly, this is but a small component of the overall nursery business, and is vital to allow the trees, many of which are from arid climates, to thrive in this locale. Mr. Langhorne’s use of rocks in this application is no different from a flower grower’s use of a greenhouse to allow his plants to take root. To deny the rock cutting operation would unfairly interfere with Mr. Langhorne’s chosen method of furthering his agricultural operation, in violation of the County’s own policy not to restrict an applicant’s decision on growing methodologies.

The ornamental stone carving operation is clearly a permissible incidental use.

As the staff report states, the operation of a nursery is a primary use allowed in the AG-1-10 zone. The sale of “incidental garden and landscape materials” is also permitted. (Section 35.42.050[C][1][b].) The staff report concedes that the “sale” of the benches, fountains, and other garden accessories are indeed permissible as incidental garden and landscape materials, yet they see a distinction between the sale of such items and their fabrication onsite, concluding that the creation of the items is neither “agricultural processing” nor “agricultural support use.” Again, we believe that the staff is reading the language too narrowly. “Agricultural support” is defined as “a necessary and integral part of maintaining on-site production and marketing” and “directly associated with onsite agricultural or ornamental crop operation.” The example of a use which is not supportive of agriculture is oil drilling.

Once again, we believe that the creation of the elements of landscape design, including the trees and rock features, are integral to the maintenance of onsite production and marketing of Mr. Langhorne’s product: the relocated trees. The proposed stone carving operation is directly associated with the onsite agricultural operation, as this is not the type of nursery where someone stops in to pick up a flat of bedding plants and happens to also select a fountain as a nice water feature for their patio. This is a unique operation, where clients retain Mr. Langhorne’s services to complete an overall landscape plan for a

Chairman Michael Cooney and Members
of the Planning Commission
September 6, 2007
Page four

project, including both mature trees and the rock features necessary to allow the trees to flourish and to be enhanced. The stone carved features Mr. Langhorne supplies are integral to the overall design of the landscaping, not sold as separate components to the general public.

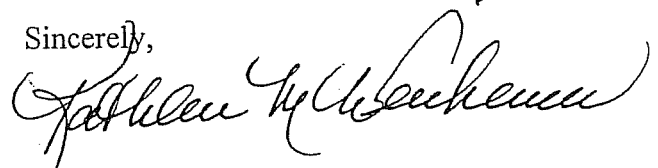
This should have been a discretionary application.

There is no question that Mr. Langhorne's is a unique business. He combines the goals of supporting urban agriculture with those of recycling and reuse to preserve some of California's most valuable trees while reducing impacts on landfills and debris basins through the reuse of wasted natural construction materials. The application doesn't fit into a neat category in the Zoning Ordinance, probably because no other owner has a similar operation and has sought such approval.

We would ask, however, that you use your discretion to find that this particular use is in fact in keeping with the agricultural goals of the County, consistent with the applicable zoning regulations, and an appropriate use for the location. We respectfully request that, after Mr. Langhorne's five year odyssey through the planning department, you overturn staff's denial and issue the requested land use permit.

Thank you very much.

Sincerely,



Kathleen M. Weinheimer

Enclosures

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

420 ALAMEDA PADRE SERRA

SANTA BARBARA, CALIFORNIA 93103

TELEPHONE (805) 965-2777

FAX (805) 965-6388

EMAIL: kathleenweinheimer@cox.net

November 30, 2006

Mr. Michael Brown
County Administrator
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, California 93101

Re: Firefox

Dear Mr. Brown:

I represent Eddie Langhorne, owner of Firefox, Inc. at 5381 Ekwill in the unincorporated area of Goleta. The purpose of this letter is to share with you a continuing frustration my client is experiencing in attempting to obtain a hearing on his application for a stone carving operation at his site. By way of background, I am enclosing copies of correspondence between various members of the Planning and Development Department and me dating from 2002. As you will see, we were well into the process and anticipated a hearing before the Planning Commission in 2003, albeit with a recommendation for denial, as staff was convinced that the quarry provisions under which we had been instructed to apply were not appropriate in this setting. Before such a hearing could occur, another year went by and another staff member determined that the earlier recommendation of denial may have been inappropriate. A staff decision was made in late 2004 to undertake an Agricultural Viability study to determine whether the alleged inconsistencies cited by previous staff were still an issue. More time passed and nothing happened. Following another series of staff departures, we were assigned to Dan Nimocheck, who, in August of 2005, was tentatively suggesting Planning Commission hearing dates of October 5 or December 7, 2005, assumably after completion of the aforementioned Ag Viability study. Once again, nothing happened. In May of 2006, my client finally lost his patience and asked that I contact Supervisor Rose's office to complain of this delay. Following a second letter from me in July of 2006, I received a call from Michelle Gibbs of Planning and Development (I believe the fifth planner on this case) who said the staff was considering whether a CUP was the appropriate application at all.

Mr. Michael Brown
November 30, 2006
Page two

In August of 2006, I met with Anne Almy and Michelle Gibbs to discuss this project and see what would be necessary to finally get a hearing before the Planning Commission. Ms. Gibbs and Ms. Almy suggested that they would "switch" the file to a Development Plan application (determined by County Counsel to be the more appropriate vehicle) and would make a determination of completeness. Please note that this "completeness" determination is, by state law, required within 30 days of submission of an application. Even allowing for the staff required change from a CUP application to a Development Plan application, one would assume that a determination of completeness could be accomplished within a new 30 day period. It is now 110 days since that meeting and Mr. Langhorne has yet to receive that determination. More astounding, however, is the fact that in a telephone call to me on November 16, 2006 (in response to five messages I left for her) Ms. Gibbs informed me that in order to "convert" the application from a CUP to a Development Plan an additional deposit of \$13,372.00 would be required. She also informed me that, until Mr. Langhorne's present bill of \$1,495.00 was paid (it wasn't due for another 9 days), she would be unable to continue working on the project. It is also important to note that the \$1,495.00 bill was for the "completeness determination" which he has yet to receive.

Mr. Langhorne's frustration is both justified and beyond measure. To date he has paid the County of Santa Barbara \$8,947.00 and has received absolutely nothing. More importantly, he has waited *four and a half years* for a determination that his application is complete, and is in fact still waiting. How can he be expected to believe that by paying another \$14,000 he will be any further along? What's to say the next planner won't decide yet another application process is correct or more information is required? Why shouldn't Mr. Langhorne simply pursue UCSB's interest in affordable housing in the Goleta area and sell his 10 acres of agriculture to the university? If the County is at all interested in preserving agriculture, or indeed in providing service to its constituency, this kind of abuse simply cannot be allowed to continue.

Before proceeding with any additional deposits or payments, Mr. Langhorne is requesting the following:

- A copy of the completeness letter.
- A schedule for completion of each of the necessary steps prior to a hearing before the Planning Commission
- A scheduled date for the Planning Commission hearing
- A complete explanation of what his \$8,947.00 has been used for to date
- A statement of expected charges to complete the project.

Mr. Michael Brown
November 30, 2006
Page three

We look forward to receiving a reply from directly from your office. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen M. Weinheimer".

Kathleen M. Weinheimer

Enclosures

cc: Board of Supervisors
Mr. Eddie Langhorne

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

420 ALAMEDA PADRE SERRA

SANTA BARBARA, CALIFORNIA 93103

TELEPHONE (805) 965-2777

FAX (805) 965-6388

July 2, 2002

Mr. Noah Greer
Planning and Development Department
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, California 93101

Re: Firefox - 5381 Ekwil Street

Dear Mr. Greer:

Enclosed please find Eddie Langhorne's application for a conditional use permit to allow stone carving at the Firefox site at 5381 Ekwil Street, as well as a project description, and a number of letters supporting the application. The purpose of this letter is simply to offer some additional thoughts about the compatibility of this project with other uses in the agricultural zone.

As you know, Mr. Langhorne operates a landscaping business at the site, which is described in the attached project description, and which includes the stockpiling of dirt, rocks, and large trees for transplanting and relocation throughout the County. I believe everyone is in agreement that this landscaping business is consistent with the present zoning. In addition, Mr. Langhorne also operates what the County has identified as a "masonry" business, which is detailed in the project description as the rock and sandstone carving element of his landscaping business. While Mr. Langhorne believes this aspect of his business is integral to his landscape operation, the County sees it as a distinct operation requiring a CUP.

Pursuant to Section 35-315.5, mining, extraction and quarrying of natural resources (other than oil, gas, and other hydrocarbons) is permitted in any zone district with a major conditional use permit. In this instance, there will be no mining or extraction or other ground disturbance from the stone carving operation, as the rocks are imported to the site. As detailed in the project description, Mr. Langhorne's operation "recycles" rocks from other excavation operations, and reuses these rocks in ornamental landscape designs. As a result, construction materials and debris in the landfill is reduced, natural features are introduced into urban landscapes, and trees which would otherwise be destroyed are relocated. Noise and dust generated by the business is confined within three modest-sized structures, and traffic is limited, in that the artistic nature of the work requires that considerable time be devoted to each carving project.

Mr. Noah Greer
July 2, 2002
Page two

Section 35-315.8 requires that seven findings be made in support of a CUP application. In support of this application, we would offer the following:

1. The first finding requires that the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed. Mr. Langhorne has almost 10 acres, of which only 0.28 acres is proposed for dedication to the stone carving operation. The proposed structures will be of limited size and height, and will be clearly subordinate to the agricultural operation. The buildings will also occupy a far smaller portion of the site than those on other nearby agriculturally zoned lands.

2. The second finding is that significant environmental impacts are mitigated to the maximum extent feasible. Any noise and dust from the operation will be contained in the buildings, thereby reducing the impact on neighbors from that which would ordinarily occur with an open field operation. Filters will prevent fugitive dust from escaping the site, and any water or sand runoff will be contained and recycled via an onsite reclamation tank. As mentioned previously, given the technical and artistic nature of the work, the traffic trips associated with the application are limited as well.

3. The third finding is that the streets and highways are adequately designed. In this instance, the proposed use occupies only a fraction of the existing site, which is already adequately served by the existing road infrastructure.

4. The fourth finding is that there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project. Again, since this is a subordinate addition to an existing business, the services provided to the site from both the County and the City of Goleta are adequate to serve this new use. There will be no additional impact on police or fire protection services, and only a fractional increase in water and sewage services due to this additional use, both of which can be easily absorbed by the existing service to the site.

5. The fifth finding is that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The proposed rock carving operation will be conducted indoors, thereby all but eliminating any impact on neighboring properties. As mentioned above, the project includes filtering systems, water reclamation systems, and sound attenuation measures which will insure that any impacts are confined to the site. Moreover, this use will in fact generate fewer impacts on the neighborhood than occur with open field operations, where dust, pesticides, water runoff, and other byproducts of agricultural operations often interfere with adjacent property uses. Even the nearby hospital has indicated that the operation poses no interference with their facility.

Mr. Noah Greer
July 2, 2002
Page three

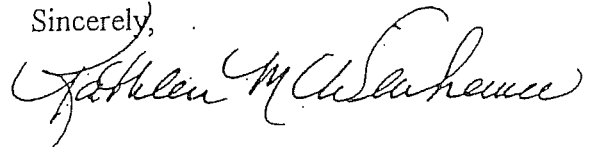
6. The sixth finding is that the project is in conformance with the applicable provisions and policies of the Zoning Ordinance and Comprehensive Plan. As mentioned previously, it is Mr. Langhorne's position that the CUP is unnecessary, as the stone cutting operation is an integral part of his landscape business. As such, he believes that it is an appropriate use in an agricultural zone, even without a CUP. In that the Zoning Ordinance permits much more intense uses such as quarrying with a CUP in this zone, it appears clear that Mr. Langhorne's proposed use will be consistent with the applicable provisions of the Zoning Ordinance and Comprehensive Plan governing urban agricultural areas such as this.

7. The last finding refers to designated rural areas and is not applicable to this project.

I hope this information is helpful to you in processing Mr. Langhorne's request. As outlined in my prior letter to Ms. Lanz of May 14, 2002, Mr. Langhorne has been in search of a location for consolidation of his business efforts for several years, and looks forward to the County's approval of his request so that he can continue to provide this sought-after service on the South Coast.

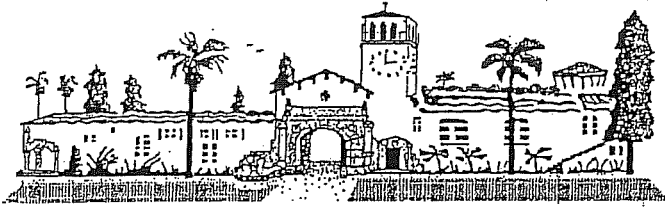
Should you have any questions, or need additional information, please give me a call.

Sincerely,



Kathleen M. Weinheimer

cc: Mr. Eddie Langhorne
Mr. Jim Staples



County of Santa Barbara Planning and Development

John Patton, Director
Dianne Meester, Assistant Director

July 31, 2002

Jim Staples
147 Castilian Drive, Suite 3
Goleta, CA 93117

VIA FAX AND CERTIFIED MAIL

RE: Determination of Application Incompleteness
Firefox Masonry Business, 02CUP-00000-00038, APN 071-140-071

Dear Mr. Staples:

Thank you for the July 3, 3003 submittal of the "Firefox Masonry Business" application for a Conditional Use Permit.

Please see the advisories on page two of this letter.

We have reviewed your application and found it to be incomplete pending submittal of additional information. Additional information is required before application processing can begin. The additional information is necessary to accurately assess the proposed project's environmental impacts and consistency with applicable State and County regulations. Specifically, the following information is needed to complete your application:

1. A revised site plan that clearly and graphically depicts:
 - a) The net acreage of the property
 - b) The location of the floodplain and/or floodway
 - c) The existing and proposed topography of the site
 - d) The location and number of parking spaces proposed
2. Plans for the proposed "fabrication building," including floor plans, elevations and grading plans, if applicable.
3. Plans for the proposed "water reclaimer basin," including elevations and structural details.
4. A detailed explanation of the amount of stockpiling (in cubic yards) required for the proposed operation.
5. A detailed explanation of the equipment necessary for the proposed use.
6. A detailed explanation of the proposed use of the "new planting" and "staging area."

Please note that revised and/or additional materials must be accompanied by a letter that describes newly submitted materials and/or changes made to previously submitted materials

We studied your application carefully in making our determination. Please call me at (805) 568-2516 if you have any questions or concerns regarding the requested items. If you continue to have concerns regarding the requested information, I can schedule a meeting with my supervisor, June Pujo. Please call me within ten working days of the date of this letter if you believe a meeting is necessary

Based on our preliminary review of your application, we put forth the following advisory statements:

1. For the reasons stated below, staff cannot support the proposed project and will most likely recommend the project for denial.
 - The project, as proposed, appears to be inconsistent with the intent and purpose of the AG-1 zone district (see Article III, Section 35-216.1, attached) and the A-1-10 land use designation because the proposed project is primarily a non-agricultural commercial operation.
 - The project, as proposed, does not appear to be consistent with the conditionally permissible uses of the AG-I-10 zone district (see Article III, Section 35-315.5.2.o, attached). The proposed rock-carving operations do not include "mining, extraction, and quarrying of natural resources." While the County has permitted rock-cutting operations within AG zone districts before, this has been done only as part of an onsite mining operation where the materials were extracted onsite and required manufacturing prior to transport.
 - A change in the land use designation and a rezone would be needed to convert the property to a more suitable land use designation and zone district, such as M-1, or M-2. However, staff would not be able to support a rezone of this parcel because the findings required to support conversion of agricultural land could not be made
 - The proposed project does not appear to be compatible with the policies of the County Agricultural Element and the Goleta Community Plan that refer to the long-term preservation of agricultural lands.
2. The County of Santa Barbara has a voluntary program, the Innovative Building Review Program (IBRP), to promote energy-efficient building design. We strongly encourage you to take advantage of this opportunity to consult with technical experts in the area of energy-efficient building design at no cost. Benefits include expedited building plan-check, a reduction in the energy plan-check fee by 50%, a reduction in utility bills, and a potential

increase in the market value of the project. For more information on the IBRP, please contact Kathy McNeal-Pfiefer at 568-2507.

3. Your project, if approved, will be subject to the payment of development impact mitigation fees. The total amount of these fees will be estimated during the processing of this application. If you feel that the project should not be subject to such fees, based on the absence of a reasonable relationship between the impacts of the proposed project and the fee category for which fees have been assessed, you may appeal to the Board of Supervisors for a reduction, adjustment or waiver of any of those fees. The appeal must be in writing and must state the factual basis on which the particular fee or fees should be reduced, adjusted or waived. The appeal must be submitted to the director(s) of the relevant departments within 15 calendar days following the determination of the fee amount(s). For this project, the date of determination of fee amounts is the date on which the decision-maker adopts the conditions of approval and approves the project. The actual amount of the required fees shall be determined in accordance with ordinances and resolutions in effect when the fees are paid. Fees may not be paid prior to project approval. The fee amounts are subject to yearly adjustments.

Processing Priority

Planning & Development has established a case sorting system to prioritize discretionary cases. This system, endorsed by the Board of Supervisors, involves assigning one of four priority classifications to each project. We strive to process all applications in a timely manner, however, when workload exceeds available staff time, higher priority projects will receive attention first. We have assigned a Category 4 to this project.

Category 4 projects are those that are clearly inconsistent with county policy. As discussed in the above advisory, your project, as proposed, is inconsistent with the intent and purpose of the AG Zone District and the permit procedures under a CUP. In order to minimize the time and expense of processing the application, in the event you choose not to withdraw the project, we will consider scheduling the project to the Planning Commission with a recommendation for denial. I will contact you soon to discuss potential hearing dates.

We have not prepared a processing estimate at this time. We may revise your deposit estimate once processing issues have been resolved.

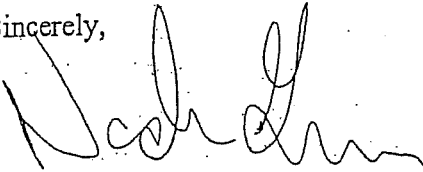
Please send correspondence and additional information to the attention of Noah Greer, Development Review Division, Planning and Development, 123 E. Anapamu Street, Santa Barbara, CA 93101. Be sure to reference case number 02CUP-00000-00038.

If we do not receive the information requested above within 60 days of the date of this letter, we will send a notice offering a final 30 days in which to submit the information. If we do not receive

the information by the end of those 30 days, we will close the case. If you have a deposit on account, we will refund any unused portion.

Please call to set-up an appointment with us when you are ready to submit this information. If you have any questions regarding this letter, please call me at (805) 568-2516.

Sincerely,



Noah Greer
Development Review Division

c: Case File (to planner w/enclosures)
June Pujo, Supervising Planner
Edward Langhorne, 5381 Ekwill St., Goleta, CA 93117
Kathleen Weinheimer, 420 Alameda Padre Serra, Santa Barbara, CA 93103
Accounting, P&D

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

420 ALAMEDA PADRE SERRA

SANTA BARBARA, CALIFORNIA 93103

TELEPHONE (805) 965-2777

FAX (805) 965-6388

August 26, 2002

Ms. June Pujo
Mr. Noah Greer
Planning and Development Department
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, California 93101


Re: Firefox CUP Application - 02CUP-00000-00038

Dear June and Noah:

Thank you for taking the time to meet with Jim Staples and me last week to discuss the Firefox stone carving operation and Conditional Use Permit application. We both now have a better understanding of the staff's position, and we appreciate your willingness to discuss the policy issues inherent in this application with management staff to determine whether the application could be reassigned to Category 3. Given the unlikely nature of a staff recommendation for approval however, and the broader issues raised by this application, our client has decided it is best to leave the project with a Category 4 designation and proceed to the Planning Commission and, if necessary, the Board of Supervisors where issues of incompatibility, ag conversion, and industrial zoning are more appropriately addressed.

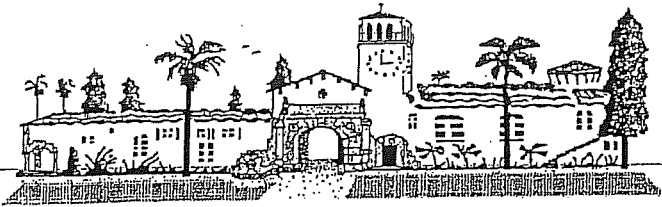
Once again, thank you for meeting with us. We look forward to working with you as this project progresses.

Sincerely,



Kathleen M. Weinheimer

cc: Mr. Eddie Langhorne
Mr. Jim Staples



County of Santa Barbara Planning and Development

Dianne Meester, Interim Director

March 19, 2003

Jim Staples
147 Castilian Drive, Suite 3
Goleta, CA 93117

RE: Determination of Application Incompleteness
Firefox Sandstone Carving, 02CUP-00000-00038, APN 071-140-071

Dear Mr. Staples:

This letter addresses only the requested Conditional Use Permit (CUP) and does not address the requested Land Use Permit. Following P&D's "Determination of Application Incompleteness" letter of July 31, 2002, no further information relevant to this application has been submitted. I have reviewed the information submitted November 26, 2002, and have found that this information pertains only to the pending application for a Land Use Permit under application 02LUP-00000-00490. As such, the application for a CUP remains incomplete pending submittal of the items listed in our letter of July 31, 2002. (attached).

As outlined in Advisory 1 of P&D's July 31, 2002 letter, remaining staff concerns with the proposed CUP include the following:

- The project, as proposed, appears to be inconsistent with the intent and purpose of the AG-1 zone district (see Article III, Section 35-216.1, attached) and the A-1-10 land use designation because the proposed project is primarily a non-agricultural commercial operation.
- The project, as proposed, does not appear to be consistent with the conditionally permissible uses of the AG-I-10 zone district (see Article III, Section 35-315.5.2.o, attached). The proposed rock-carving operations do not include "mining, extraction, and quarrying of natural resources." While the County has permitted rock-cutting operations within AG zone districts before, this has been done only as part of an onsite mining operation where the materials were extracted onsite and required manufacturing prior to transport.
- A change in the land use designation and a rezone would be needed to convert the property to a more suitable land use designation and zone district, such as M-1, or M-2. However, staff would not be able to support a rezone of this parcel because the findings required to support conversion of agricultural land could not be made.

- The proposed project does not appear to be consistent with the policies of the County Agricultural Element and the Goleta Community Plan that refer to the long-term preservation of agricultural lands.

The requested activity would be most appropriately sited within a Light Industry (M-1) or General Industry (M-2) Zone District. Development Review staff is sensitive to the limited availability of M-1 and M-2 sites within the County and has discussed the issue with staff in the Comprehensive Planning Division. While it was acknowledged that the incorporation of Goleta removed much of this property from the County's jurisdiction, Comprehensive Planning has no initiated or scheduled work plan to convert other lands to M-1 or M-2 Zone Districts. You may wish to contact the City of Goleta to discuss potentially available and appropriately-zoned property that may exist within their jurisdiction.

Having presented the project before the Comprehensive Planning Division and analyzed the feedback, staff has determined that we cannot support the proposed CUP and intend to present the project to the Planning Commission for consideration of summary denial. Please advise staff within two weeks of this letter (by April 2, 2003) if you would like to withdraw your application. Otherwise, staff will forward the project to the Planning Commission and will contact you within three weeks to discuss potential hearing dates.

If you choose not to withdraw the application, please submit as much of the incomplete information (requested in the letter of July 31, 2002) as possible within three weeks of this letter in order to assist the Planning Commission.

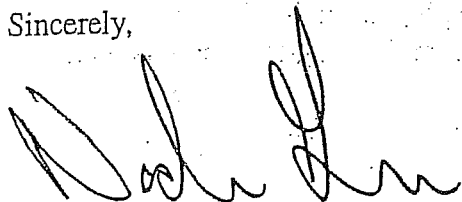
Please be advised that, per my letter of February 18, 2003 (pertaining to the proposed Land Use Permit), the existing zoning violation onsite must be cleared by April 7, 2003. If adequate evidence of zoning violation abatement is not provided by April 15, 2003, staff will be unable to process any application on the property and Zoning Enforcement staff has indicated that a Notice of Violation will be issued.

Please send correspondence and additional information to the attention of Noah Greer, Development Review Division, Planning and Development, 123 E. Anapamu Street, Santa Barbara, CA 93101. Please be sure to reference case number 02CUP-00000-00038.

If you have any questions regarding this letter, please call me at (805) 568-2516. I will be out of the office on vacation from March 20 until March 28. Should you have urgent questions or concerns before I return on March 31, please contact my supervisor, June Pujo, at 568-2056.

Jim Staples
Firefox Sandstone Carving, 02CUP-00000-00038
March 19, 2003
Page 3

Sincerely,



Noah Greer
Development Review Division

c: Case File (to planner w/enclosures)
June Pujo, Supervising Planner
Nick Forester, Zoning Enforcement
Edward Langhorne, 5381 Ekwil St., Goleta, CA 93117
Kathleen Weinheimer, 420 Alameda Padre Serra, Santa Barbara, CA 93103
Accounting, P&D

F:\GROUP\Permitting\Case Files\Cup\02 cases\02cup-00000-00038\Second Incomplete Letter.doc

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

420 ALAMEDA PADRE SERRA

SANTA BARBARA, CALIFORNIA 93103

TELEPHONE (805) 965-2777

FAX (805) 965-6388

May 12, 2003

Mr. Noah Greer
Planning and Development Department
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, California 93101

Re: Firefox CUP

Dear Mr. Greer:

I am writing in response to your request for additional information in connection with Eddie Langhorne's application for a conditional use permit for stone carving at his landscape business at 5381 Ekwill Street in Goleta. In accordance with your letter of July 31, 2002, we offer the following:

1. The site plan has been revised to depict the net acreage of the property, the location of the flood zone, the existing and proposed topography of the site (which remains unchanged), and the location and number of existing parking spaces. No new parking is proposed.
2. Plans have been prepared showing the proposed fabrication buildings in Detail 1-A. As the buildings are simply unfinished metal framed structures, there are no floor plans to include, although the plans do indicate the use proposed for each building. No significant grading is proposed in connection with these structure.
3. Plans for the water reclamation basin have been included in Detail 1-A as well.
4. For the most part, the stone required for the carving business will be stored in the storage bins identified on Detail 2-A. Larger rocks suitable for carving benches, fountains, walkways, and other garden accessories used in landscape design will also be brought to the site

KATHLEEN M. WEINHEIMER
ATTORNEY AT LAW
420 ALAMEDA PADRE SERRA
SANTA BARBARA, CALIFORNIA 93103
TELEPHONE (805) 965-2777
FAX (805) 965-6388
EMAIL: kathleenweinheimer@cox.net

May 31, 2006

Supervisor Susan Rose
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, California 93101

Re: Firefox, Inc. - 5381 Ekwil

Dear Susan:

I represent Eddie Langhorne, owner of Firefox, Inc. at 5381 Ekwil in the unincorporated area of Goleta behind Goleta Valley Cottage Hospital. For many years, Mr. Langhorne has operated one of the south coast's most unique landscaping companies at the site, as his specialty is the relocation of large trees. Mr. Langhorne "rescues" trees from development sites throughout southern and central California, transports the trees to Santa Barbara, acclimates them to our climate, and then relocates them to permanent sites throughout the south coast. Since many of these trees come from relatively arid climates, he "boxes" the trees in rock surrounds, which allow both for adequate drainage and easy relocation.

As part of this process, Mr. Langhorne recycles a fairly significant volume of rocks for use in the relocation process. These are rocks from construction sites and other locations which would otherwise end up in local landfills. Staff has approved of this operation and Mr. Langhorne operates with all necessary land use permits.

One other aspect of Mr. Langhorne's operation has been more challenging to approve however. In July of 2002, Mr. Langhorne's representative submitted an application for a conditional use permit to allow Mr. Langhorne to cut the larger rocks he recovers to sizes which are appropriate for his use, as well as to cut stones for other landscaping installations.¹ Staff initially concluded that the application was inconsistent with the Goleta Community Plan and the current zoning, and indicated that the matter would be set for hearing by the Planning Commission in the fall of 2003, with a recommendation for denial.

¹The Zoning Ordinance permits rock carving operations in agricultural zones such as this with a CUP. It is important to note that this is a **proposed** use at the site; no current rock cutting or carving is, or has taken place at the site since the application was filed in 2002.

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

420 ALAMEDA PADRE SERRA

SANTA BARBARA, CALIFORNIA 93103

TELEPHONE (805) 965-2777

FAX (805) 965-6388

EMAIL: kathleenweinheimer@cox.net

July 12, 2006

Ms. Alissa Hummer
Office of Supervisor Susan Rose
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, California 93101

Re: Firefox Application

Dear Alissa:

Thanks for your help in identifying the planner assigned to the Firefox project. Unfortunately, we've made little progress since then, with the most recent message from the planner, Michelle Gibbs, stating that she was meeting with Anne Almy and Steve Chase to discuss the project on the 20th and would be in touch. This is distressing on several fronts. First, this meeting fails to include any participants with any history of the project (and specifically excludes the applicant). Secondly, for the last 18 months we have been told that an Agricultural Viability Study on this parcel was the next step, and that following the issuance of the study, we could proceed to the Planning Commission (of course, we understood there was no guarantee of the outcome of the study.) Now Ms. Gibbs is saying the staff needs to determine *whether* there will be an Ag Viability study, and will advise me of their decision, assumably after the meeting on the 20th.

As I stated in my prior letter to Supervisor Rose, this is fundamentally unfair. It has been four years since this application was filed, and almost two years since the study was promised. Why can't the staff simply proceed with the study as indicated? Why must my client spend more time and pay for more staff discussion of an issue which has already been determined? What is the harm in completing the study and evaluating the results?

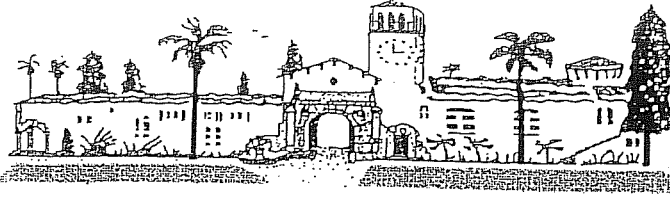
Once again, we ask for your help in moving this application forward as promised in 2004. We appreciate any assistance you can provide and look forward to hearing from you soon. Thank you very much.

Sincerely,



Kathleen M. Weinheimer

ATTACHMENT D: COMPLETE LETTER



County of Santa Barbara
Planning and Development
John Baker, Director
Dianne Meester Black, Assistant Director

December 13, 2006

Kathleen Weinheimer
420 Alameda Padre Serra
Santa Barbara, CA 93103

RE: Determination of Application Completeness
Firestone Sandstone Carving, 5381 Ekwil Road, Goleta, APN 071-140-071

Dear Ms. Weinheimer:

Thank you for your letters dated May 12, 2003, July 23, 2003, and September 27, 2005 for the Firefox Sandstone Carving project requesting that staff continue to process the application for a Conditional Use Permit (CUP) for the proposed project under the assumption that the project qualifies under Section 35-315.5(2)(o) of Article III:

Section 35-315(2):

2. The following uses may be permitted in any zone district in which they are not otherwise permitted, with a Major Conditional Use Permit:
 - o. Mining, extraction, and quarrying of natural resources, except gas, oil, and other hydrocarbons, subject to the provisions of Sec. 35-320 (Reclamation Plans).

As you know, we have been struggling with processing a CUP for the proposed project as the project does not involve "mining," "extraction," or "quarrying" of natural resources. Mining, extraction, and quarrying all imply that natural resources (including rock) would be removed from onsite and processed, whereas the proposed project involves the import of rock to be processed onsite only.

We appreciate your and your client's patience while we have searched for a more appropriate permit path. On August 10, 2006, we met to discuss another option of processing the case as a "use customarily incidental" to agricultural uses permitted in the Agriculture Zone District (pursuant to Section 35-216.3[12] of Article III). As we discussed, a Development Plan would be necessary under this permit path as the proposed project would result in greater than 20,000 square feet of development on the subject parcel. On August 17, 2006, you and your client agreed to this permit path and were told that we would convert the case type over to a Development Plan and would begin processing a Negative Declaration for the proposed project.

We have reviewed your application for the project along with your resubmittals and find it to be complete. We have already begun preparation of the Negative Declaration for the project. We require additional information on the project to complete the environmental document and a list of this information is provided below. A cost estimate to complete the project is also provided below along with an anticipated project schedule.

Our review is based on the following project description:

Mr. Edward Langhorne, of Firefox, Inc., requests the approval of a Development Plan pursuant to Section 35-216.3(5) of Chapter 35 of the Santa Barbara County Code (Article III, Inland Zoning Ordinance), to construct three new buildings in order to conduct sandstone carving operations in an AG-I-10 zoned, 9.64 acre parcel located at 5381 Ekwill Road, Goleta, Assessors Parcel Number (APN) 071-140-071 in the South Patterson Agricultural Block of the Goleta Community Plan area.

Firefox, Inc. currently operates a landscaping business at the subject parcel. Specifically, Firefox, Inc. imports mature trees (e.g., olive trees, palm trees, oak trees, toyons) from the local area that are removed due to construction. Firefox, Inc. maintains the trees onsite by replanting them in mounds of soil onsite. Large rocks are used to stabilize the mounds. The trees are then sold back out to the public; the mounds and rocks are transported with the trees to maintain stability. Firefox, Inc. proposes to expand the landscaping business by producing and selling sandstone carvings, benches, fountains, and other garden accessories in addition to the trees.

Firefox, Inc. proposes to construct new buildings that would house sandstone-carving tools and saws. Sandstone would be imported from the local area, including local ranches, other construction sites, and County Flood Control debris basins. The sandstone would be processed onsite using unique artistic stone carving techniques. The sandstone would then be sold as sandstone carvings, benches, fountains, other garden accessories. The carved sandstone could also be sold as support structures for mature trees that are sold from the site, similar to the uncut sandstone that is being sold today for this purpose.

One Stone Carving Building (3,000 square feet) would be constructed and would house the saws. One Fabrication Building (1,250 square feet) would be constructed and would consist of a fabrication bay and quarry bay; the unique carvings would be further refined by hand in this building. A third building would be constructed that would house a large forklift, a loader, a 455 tractor and a crane for lifting and transporting the rock onsite as well as for other agricultural purposes. The three new buildings plus a new area of asphalt between the buildings would occupy an area of approximately 12,000 square feet.

A staging area of approximately 13,175 square feet would also be established to the east of the new buildings to store rock of varying sizes to be carved and to house the finished products.

No new parking is proposed.

Operation of the saws in the Stone Carving Building and the hand tools in the Fabrication Building would not require the use of chemicals, but would both require the use of water. Water necessary to run the saws and hand tools would be pumped from a 392 square foot, 3 foot deep, open water reclamation basin proposed north of the new buildings. A maximum of 500 gallons of water a day would be necessary to run the saws and hand tools. Use of the saws and hand tools would generate a water/sand solution that would be directed back to the water reclamation basin. Rock tailings would also be generated from the operation and would be stored in the proposed new staging area.

The proposed new buildings would be simple unfinished metal framed structures at the heights presented below.

Building	Maximum Height (feet)
Stone Carving	24
Fabrication	20
Equipment Storage	20

No vegetation removal is proposed as part of this project and less than 50 cubic yards of grading would be required to complete the project. However, proposed stockpiling of rock in the staging area would necessitate a grading permit for this activity.

Please review this description carefully. If you believe the project description is incorrect or does not include components that you intend to include as part of the project, please contact us immediately. Further review of the project will be limited to this project description unless you provide us with corrections within five (5) days of receipt of this letter. We reserve the right to request additional information to clarify any changes or additions that are made to the project description in response to this letter, as our completeness determination is based upon the material provided with your application.

Information Necessary for Negative Declaration

The following information is necessary to complete the Negative Declaration for the proposed project:

1. Please provide air emissions calculations for the proposed operation (especially PM₁₀ emissions). This is a requirement of the Santa Barbara Air Pollution Control District. A consultant is needed to conduct these calculations and the applicant has the option of hiring his own consultant.
2. Please describe the pipeline system that will be used to route water between the inside of the buildings and the water reclamation basin. Will there be a mechanism to prevent the overflow of the reclamation basin? Will the reclamation basin be lined, and if so, with what (e.g., concrete)?
3. Please describe the waste stream generated by the proposed process. Where will wastewater be disposed of when water in the reclamation basin needs replacing? How often will water in the reclamation basin need to be replaced? What volume of rock tailings would be produced (a day?) and how will they be disposed of? How will sand generated from the operation be disposed of and how much is anticipated to be generated?
4. Are bathrooms proposed for any of the buildings? If so, please detail on plans and submit revised plans.
5. What is the proposed maximum height of the proposed rock stockpiles?
6. Will products of the rock cutting operation be sold to the public on site? If so, where?
7. How many deliveries of rock are expected to and from the site a day?

The proposed project must be reviewed by the Board of Architectural Review and the Subdivision/Development Review Committee. The project will be scheduled for the next available meeting dates for these committees.

Project Cost Estimate

Based upon our preliminary review, we estimate that processing of your project will require approximately 80 additional planner hours. There are also fees for hearings and noticing for a total estimate of \$16,257 to complete P&D's action on the application as submitted, not including time spent to date. Please refer to the enclosed Project Cost Estimate Worksheet for additional detail on this estimate. If unforeseen circumstances arise and we feel the cost estimate may be exceeded, we will inform you. The cost estimate above does not include the cost to complete air quality calculations which are required to complete the Negative Declaration for the project (see above).

To date, P&D has spent a total of 85.6 hours on the project. A breakdown of the hours spent and planner case notes are attached to this letter. This time was spent evaluating whether the application was complete, preparing incomplete letters, and determining an appropriate permit path once it was determined that the project would not qualify for a CUP. These hours also include time spent preparing the Negative Declaration which is already underway as well as approval and issuance of a land use permit to stockpile rock. Please contact my supervisor Anne Almy at (805) 568-2053 with further questions or concerns about the hours spent on the case to date.

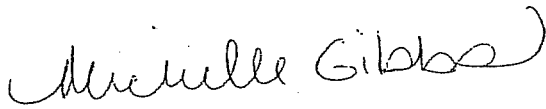
Project Schedule

It is anticipated that it will take approximately 5 months to bring the project to hearing from the date that P&D receives the items needed from you to complete the Negative Declaration (see above). A breakdown of each remaining task and an estimated duration for each task is provided below. Please note that this is an estimate based upon the assumption that we do not receive substantive comments from the applicant on the Initial Study or substantive public comments on the Public Draft Negative Declaration.

Remaining Tasks	Duration
Staff finalizes draft Initial Study	3 weeks
Supervisor review of Initial Study	2 weeks
Applicant/agent review of Initial Study	2 weeks
Release Draft Negative Declaration to public	1 week
Public comment period	3 weeks (21-day public comment period)
Respond to public comments/prepare staff report	2 weeks
Supervisor review of staff report/Proposed Final Negative Declaration	2 weeks
Deputy Director review of staff report/Proposed Final Negative Declaration	1 week
Docket staff report (3 weeks prior to hearing)	1 day
Planning Commission hearing	3 weeks from docket date
Total	19 weeks (approx. 5 months)

If you have any questions regarding this letter, please call me at (805) 568-3508 or email me at mgibbs@co.santa-barbara.ca.us.

Sincerely,

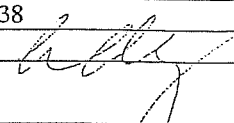


✓ Michelle Gibbs, Planner III
Development Review Division

encl.: Project Cost Estimate
Breakdown of Labor Hours and Planner Case Notes to Date

cc: ✓ Case File
Eddie Langhorne, 5381 Ekwill Street, Goleta, CA 93117
Michael Brown, County Administrator
Records Management, P&D
Paul Jenzen, Environmental Health
Martin Johnson, County Fire
Dale Weber, Flood Control
Claude Garciacelay, Park Department
Jeff Thomas, Building & Safety
William Robertson, Public Works Transportation
Michael Emmons, Surveyor
Vijaya Jammalamadaka, APCD
Accounting, P&D

**PLANNING AND DEVELOPMENT
PROJECT COST ESTIMATE WORKSHEET**

Case Name: Firefox Sandstone Carving	Case No.(s): 02CUP-00000-00038
Prepared by & Date: Michelle Gibbs, 12/6/06	Supervisor Approval & Date: 

PLANNER LABOR CHARGES

Project Review Task	Estimated P&D Staff Hours				Total Hours	Rate \$/hr	Cost
	Dev Rev	P&D Specialist	Comp Planning	Permit Compliance			
1. Application Completeness Review	1	0	0	0	1	115	\$ 115.00
2. Committee Meeting Attendance (e.g.,SDRC, BAR, Ag Pres., etc.)	3	0	0	0	3	115	\$ 345.00
3. Prepare Exemption	0	0	0	0	0	115	\$ 0.00
4. Prepare/Finalize Initial Study	32	0	0	0	32	115	\$3,680.00
5. Prepare/Release Draft ND/ND Addendum	4	0	0	0	4	115	\$ 460.00
6. Finalize ND or ND Addendum	4	0	0	0	4	115	\$ 460.00
7. Prepare EIR Scope of Work, RFP and contracts	0	0	0	0	0	115	\$ 0.00
8. Prepare Draft EIR, Supplement or Addendum ¹	0	0	0	0	0	115	\$ 0.00
9. Prepare Final EIR, Supplement or Addendum	0	0	0	0	0	115	\$ 0.00
10. Prepare ZA or PC Staff Report	35	0	0	0	35	115	\$4,025.00
11. Prepare Board Staff Report	0	0	0	0	0	115	\$ 0.00
12. Attend ZA or PC Hearing	1	0	0	0	1	115	\$ 115.00
13. Attend Board Hearing	0	0	0	0	0	115	\$ 0.00
14. Post Decision Case Closure	0	0	0	0	0	115	\$ 0.00
15. Other :	0	0	0	0	0	115	\$ 0.00
Subtotal Planner Labor	80	0	0	0	80		\$9,200.00

Note to Applicant: The breakdown above is for estimation purposes based on the most complex CEQA review required. P&D will not adjust the calculation estimates based on overestimation of time for a single task. Your bills will reflect actual work completed. Your planner will advise you if unforeseen circumstances arise which may require additional costs.

NON-SALARY COSTS

Activity	Fee	Number	Cost
16. Board of Architectural Review (Discretionary Case)	\$460	1	\$ 460.00
17. Board of Architectural Review - Montecito	\$880	0	\$ 0.00
18. Environmental Review Hearing	\$450	0	\$ 0.00
19. P&D Director Decision	\$225	0	\$ 0.00
20. Consent Agenda (Zoning Admin. or Planning Comm.)	\$225	0	\$ 0.00
21. Zoning Administrator Hearing (not consent)	\$300	0	\$ 0.00
22. Montecito Planning Commission Hearing	\$300	0	\$ 0.00
23. Planning Commission Hearing (Regular, not consent)	\$1000	1	\$1,000.00
24. CEQA Document Noticing	\$225	1	\$ 225.00
25. Continuance (Applicant Requested)	\$150	0	\$ 0.00
26. No Hearing - Case Closure Fee	\$55	0	\$ 0.00
<i>Other Non-Salary Charges (These costs may not be known at the time the estimate is initially prepared)</i>			
27. Planning Commission Hearing (Special)	Actual Cost		\$0.00
28. Other County Department Charges (APCD, EHS, Public Works ²)	Actual Cost		\$5,372.00
29. Special Studies/Consultant Reports (Bio, Arc, Geo, Noise, Ag)	Actual Cost		\$0.00
30. EIR Consultant Costs	Actual Cost		\$0.00
31. In-house EIR Printing	Actual Cost		\$0.00
32. Hearing Stenographer	Actual Cost		\$0.00
33. Newspaper Display Advertisement	Actual Cost		\$0.00
34. Other:	Actual Cost		\$0.00
Subtotal Non-Salary Cost			\$7,057.00

<i>Subtotal Planner Labor Cost</i>	<i>Subtotal Non-Salary Cost</i>	<i>Total Estimated Cost (Round to next \$1,000)</i>
\$9,200.00	\$7,057.00	\$16,257.00 ()

¹ For in-house EIR preparation. If work not done by P&D this will reflect cost of managing the EIR consultant.

² cc: Linda Bishop, Accounting.

Planning and Development - Labor Activity Summary

Breakdown of Labor for Log # 0205668V

Task	Staff	Hours
Application Submittal (AE)		
02CUP-00000-00038		
	Petra Leyva	1.00
Completeness Determination (AE)		
02CUP-00000-00038		
	Dan Nemechek	6.20
	Noah Greer	34.70
	Michelle Gibbs	21.50
Environmental Review (AE)		
02CUP-00000-00038		
	Alice Daly	1.80
New Case Review (AE)		
02CUP-00000-00038		
	Noah Greer	2.80
Other Agency Review (AE)		
02CUP-00000-00038		
	Noah Greer	0.80
	Brian Baca	0.60
Planner Assignment (AE)		
02CUP-00000-00038		
	Dan Nemechek	1.10
Site Visit (AE)		
02CUP-00000-00038		
	Noah Greer	0.50
Staff Report (AE)		
02CUP-00000-00038		
	Tina Ryder	0.10
	Lilly Okamura	3.50
	Dan Nemechek	8.50
	Noah Greer	1.40
	Alice Daly	1.10



Case Notes with Labor Hours
For Application Number
02CUP-00000-00038

Project Information

Project Name: FIREFOX SANDSTONE CARVING
Date Filed: 07/03/2002
Site Address: 5381 EKWILL, GOLETA
Parcel Number : 071-140-071
Planner: Michelle Gibbs
Project Description:
SANDSTONE CARVING BUSINESS
Labor Estimate: 165.0

Printed on December 6, 2006 at 8:56 am

Activity Summary

Application Submittal - DISCRE

07/08/2002 Accepted Sent to Log Splitter Time Spent: 1.0 Petra Leyva

Total Hours Logged for Application Submittal - DISCRE 1.0

Planner Assignment

07/12/2002 Sent for Planner Assignment Noah Greer
07/19/2002 Assignment Acknowledged Noah Greer
04/12/2004 Planner RE-Assigned Michelle Wilson
05/07/2004 Assignment Acknowledged Michelle Wilson
07/07/2004 Planner RE-Assigned Dan Nemechek
06/03/2005 Planner RE-Assigned Time Spent: 0.3 Dan Nemechek
Staff's Court--Meeting with agent and AA to discuss case. Agent states
the property owner still wishes to move forward with case processing
and understands staff will be recommending denial. Next step continue
working on staff report to take project to hearing in 4-5 months as
stated to agent.
12/06/2005 Planner RE-Assigned Time Spent: 0.8 Dan Nemechek
Staff's Court--work on project description and obtaining required
information.
01/26/2006 Planner RE-Assigned Time Spent: 0.0 Alice Daly
Staff's Court--work on project description and obtaining required
information.
01/26/2006 Assignment Acknowledged Alice Daly
Staff's Court--work on project description and obtaining required
information.

Planner Assignment

1/31/2006	Sent for Planner Assignment	Alice Daly
2/09/2006	Assignment Acknowledged	Alice Daly
2/09/2006	Planner RE-Assigned	Christine Ryder
2/09/2006	Assignment Acknowledged	Christine Ryder
2/22/2006	Assignment Acknowledged	Michelle Gibbs

Total Hours Logged for Planner Assignment 1.1

New Case Review

2/23/2002	Scheduled	Time Spent: 0.6	Noah Greer
2/25/2002	Scheduled	Time Spent: 1.0	Noah Greer
2/29/2002	Complete	Time Spent: 1.2	Noah Greer

Total Hours Logged for New Case Review 2.8

Decision Maker Jurisdiction

This Task has not been Worked

Site Visit

2/14/2002	Completed Site visit re: visibility	Time Spent: 0.5	Noah Greer
-----------	----------------------------------------	-----------------	------------

Total Hours Logged for Site Visit 0.5

Other Agency Review

2/18/2002	Subdivision Develop Review Com	Time Spent: 0.3	Brian Baca
2/18/2002	Subdivision Develop Review Com SDRC Mtg.	Time Spent: 0.5	Noah Greer
2/19/2002	Subdivision Develop Review Com SDRC notes.	Time Spent: 0.3	Brian Baca
2/19/2002	Subdivision Develop Review Com Schedule and ph. call to Jim.	Time Spent: 0.3	Noah Greer

Total Hours Logged for Other Agency Review 1.4

Termine Processing Fees

This Task has not been Worked

Completeness Determination

2/16/2002	Initial 30-Day Review Schedule for NCR, org schedule.	Time Spent: 0.3	Noah Greer
2/30/2002	Initial 30-Day Review	Time Spent: 3.1	Noah Greer
2/31/2002	Initial 30-Day Review	Time Spent: 1.0	Noah Greer
2/3/2002	Incomplete	Time Spent: 0.6	Noah Greer
2/5/2002	Incomplete	Time Spent: 0.8	Noah Greer
2/11/2002	Incomplete	Time Spent: 2.1	Noah Greer

Completeness Determination

08/26/2002	Incomplete	Time Spent: 1.2	Noah Greer
09/27/2002	Resubmittal Review	Time Spent: 0.0	Noah Greer
11/03/2002	Resubmittal Review Email to Jim re: update, submittals	Time Spent: 0.3	Noah Greer
11/20/2002	Resubmittal Review Ph call w/ JS, Morgan	Time Spent: 0.1	Noah Greer
11/22/2002	Resubmittal Review Ph call w/ JS, Morgan, email to June	Time Spent: 0.4	Noah Greer
01/21/2003	Resubmittal Review Mtg w/ Morgan PH, BB re: creek vio, etc	Time Spent: 0.3	Noah Greer
01/22/2003	Resubmittal Review Review submittals, ph call to JS, mt w. Nick	Time Spent: 1.5	Noah Greer
01/23/2003	Resubmittal Review Ph call w/ JS, email June, site visit w/ Nick	Time Spent: 2.2	Noah Greer
01/28/2003	Resubmittal Review W/ June re: status	Time Spent: 0.2	Noah Greer
02/05/2003	Resubmittal Review Call w/ JS re: NF's site visit, mt w/ June, NF	Time Spent: 1.7	Noah Greer
02/07/2003	Resubmittal Review Call w/ JS	Time Spent: 0.1	Noah Greer
02/10/2003	Resubmittal Review Call w/ NF	Time Spent: 0.1	Noah Greer
02/11/2003	Resubmittal Review Call from JS, Incomp ltr drafted	Time Spent: 1.3	Noah Greer
02/12/2003	Resubmittal Review Draft ltr, research, etc	Time Spent: 2.8	Noah Greer
02/13/2003	Resubmittal Review Call w/ JS re: NF's site visit, mtg w/ June, NF	Time Spent: 0.0	Noah Greer
02/13/2003	Resubmittal Review Review letter w/ June	Time Spent: 0.6	Noah Greer
02/18/2003	Resubmittal Review Conf call w/ JS, KW; Present at Comp Mtg, Catch ltr and rewrite	Time Spent: 3.0	Noah Greer
02/20/2003	Resubmittal Review Review, org notes, mtg w/ June, .3 conf call w/ JS, KW	Time Spent: 0.6	Noah Greer
03/17/2003	Resubmittal Review Draft 2nd incomp ltr	Time Spent: 0.8	Noah Greer
03/18/2003	Resubmittal Review Draft 2nd incomp ltr - revisions	Time Spent: 0.7	Noah Greer
03/19/2003	Resubmittal Review Send ltr, call to JS	Time Spent: 0.2	Noah Greer
04/15/2003	Resubmittal Review Org-mtg, mt-w/ JS, KW to rec. submittals	Time Spent: 0.7	Noah Greer
04/22/2003	Resubmittal Review Mt w/ N Forester re: ZV	Time Spent: 0.2	Noah Greer
04/23/2003	Resubmittal Review Mt w/ N Forester re: ZV	Time Spent: 0.2	Noah Greer
5/01/2003	Resubmittal Review Review info, mt JS, KW at counter to receive submittals	Time Spent: 1.0	Noah Greer
5/27/2003	Resubmittal Review Call w/ JS, review submittals, call JS	Time Spent: 1.3	Noah Greer

Completeness Determination

08/2003	Resubmittal Review Mtg w/ grading inspectors	Time Spent: 0.4 Noah Greer
09/2003	Resubmittal Review Mtg w/ grading inspectors	Time Spent: 0.2 Noah Greer
07/2003	Resubmittal Review Call to JS, email to JS, draft LUP	Time Spent: 3.1 Noah Greer
09/2003	Resubmittal Review Call to JS, email to JS, draft LUP	Time Spent: 0.8 Noah Greer
06/2003	Resubmittal Review Approve LUP w/ JS at ctr	Time Spent: 0.2 Noah Greer
07/2003	Resubmittal Review Mt JS, approve LUP at ctr, discuss CUP application (to be denied)	Time Spent: 0.6 Noah Greer
09/2004	Resubmittal Review Review of case--Plaed call to KM atty foor owner to discuss case and inquire as if to agent wishes to withdraw. Left voice message.	Time Spent: 0.7 Dan Nemechek
03/2004	Resubmittal Review Left voicemail for property owner requesting return call.	Time Spent: 0.1 Dan Nemechek
01/2004	Resubmittal Review Phone call with property owner and atty. regarding case. Property owner wished to proceed with processing of CUP despite staffs lack of support fro project Atty believes that it is a matter for the PC to determine. Will arrange for a meeting with atty and prior to PC hearing. Case status with AA.	Time Spent: 0.7 Dan Nemechek
01/2004	Resubmittal Review discuss case with AA.	Time Spent: 0.1 Dan Nemechek
01/2005	Resubmittal Review Waiting on applicant--phone call to set-up site visit with property owner and attorney, to review project site an conformity of project with the issued Land Use permit's. Set meeting for 4:00 p.m. on 9/7/2005.	Time Spent: 0.2 Dan Nemechek
01/2005	Resubmittal Review Waiting on applicant--review of ZE site visit photos on response to complaint, and lup conditions of approval. Next Step site visit on 9/7/2005.	Time Spent: 0.3 Dan Nemechek
09/2005	Resubmittal Review Prepped for and attended site visit of project in response to new ZE case and CUP research. Toured facility with Katheen Weinheimer Atty. for owner, Ed Langhorn. Discussed a revised LUP option to bring property into compliance. KW to draft proposed project description and submit to P&D for review. Will confer with KM in zoning enforment and AA to discuss findings of site visit and possibilty of revising issued LUP. Returned to office reviewed photos.	Time Spent: 2.0 Dan Nemechek
02/2005	Resubmittal Review Waitng on applicant--met with AA to discuss case. Next Step-> Agent to submit application for LUP revision.	Time Spent: 0.1 Dan Nemechek
09/2005	Resubmittal Review Waiting on Applicant Received voicemail from applicant's atty, who requested time extension on submittal of revised CUP due to death in the family. Returned call and left voice mail stating that an extension would be fine. Atty to submit for a revision in two weeks time. Spoke to ZE staff and AA and provided update. Next Step- Review revision when submitted.	Time Spent: 0.2 Dan Nemechek

Completeness Determination

10/03/2005	Resubmittal Review	Time Spent: 0.5	Dan Nemecek
	Waiting on Applicant Received letter from Kathleen weinheimer documenting request for a revised Land Use permit. Reviewed letter and revision language. Advised enforcement staff and supervisor of letter, Next Step-> schedule meeting to discuss project.		
10/10/2005	Resubmittal Review	Time Spent: 0.1	Dan Nemecek
	Waiting on applicant--Case update status with Anne Almy.		
10/11/2005	Resubmittal Review	Time Spent: 1.0	Dan Nemecek
	Waiting on Applicant--Prepped for and attended Meeting with Anne Almy and Kimberley McCarthy to discuss case status, and Ms. Weinheimers letter requesting a revised LUP. Determination was made after review, that an Ag Viability study would be required and staff would hold off processing of the revised LUP until after the project has been heard by the PC. -- Next Step-> Schedule meeting to discuss project.		
10/21/2005	Resubmittal Review	Time Spent: 0.2	Dan Nemecek
	Waiting on Applicant--Accela Data Entry.		
06/21/2006	Resubmittal Review	Time Spent: 1.0	Michelle Gibbs
	Reviewed case and determined next steps.		
07/11/2006	Resubmittal Review	Time Spent: 2.5	Michelle Gibbs
	Met with Steve Chase and Anne Almy to determine next steps. Decided to bring case before Management. Wrote memo to Management on the potential next steps with the case.		
07/12/2006	Resubmittal Review	Time Spent: 0.5	Michelle Gibbs
	Revised letter to management and submitted it.		
07/20/2006	Resubmittal Review	Time Spent: 2.0	Michelle Gibbs
	Prepped for and brought case before Management.		
07/26/2006	Resubmittal Review	Time Spent: 0.5	Michelle Gibbs
	Spoke with Kelly Casillas (Co Co) about next steps.		
08/01/2006	Resubmittal Review	Time Spent: 2.0	Michelle Gibbs
	Met with Kathleen Weinheimer on the way forward. Developing case priority list. Laying out tentative project schedule.		
10/17/2006	Resubmittal Review	Time Spent: 3.5	Michelle Gibbs
	Reviewed project description in detail to determine what, if any, information is outstanding in prep for the ND.		
10/18/2006	Resubmittal Review	Time Spent: 9.0	Michelle Gibbs
	Worked on the Negative Declaration. Wrote several sections.		
10/19/2006	Resubmittal Review	Time Spent: 0.5	Michelle Gibbs
	Meeting with Anne on next steps to convert application.		

Total Hours Logged for Completeness Determination

62.4

Application Resubmittal

This Task has not been Worked

Environmental Review

02/09/2006	CEQA Research	Time Spent: 1.8	Alice Daly
	review project w/ D. Nemecek, discuss ag viability, call from K. Weinheimer		

Total Hours Logged for Environmental Review

1.8

dendum This Task has not been Worked

This Task has not been Worked

This Task has not been Worked

pplemental This Task has not been Worked

ff Report Transferred to Alice Daly 01/20/06
Planner Re-assigned 06/12/06 as a result of resignation of A. Daly.

30/2003	In Progress drafted staff report shell	Time Spent: 3.5	Lilly Okamura
04/2003	In Progress issued LUP and copied for J.Staples	Time Spent: 0.3	Noah Greer
16/2003	In Progress Org hrg schedule	Time Spent: 0.3	Noah Greer
01/2003	In Progress Call w/ CW re: grading permit	Time Spent: 0.3	Noah Greer
07/2004	In Progress Org file for transfer, draft memo, transfer to Michelle Wilson	Time Spent: 0.5	Noah Greer
08/2005	In Progress Began work on staff report	Time Spent: 0.5	Dan Nemechek
17/2005	In Progress work on staff report	Time Spent: 1.0	Dan Nemechek
02/2005	In Progress 02CUP-00000-00038 Staff's Court-CEO Update--Zoning Violation follow-up-Case Received case transfer July 2004-Category 4 Project-Denial--Case has sat inactive as applicant obtained LUP for storage of materials, and moved rock cutting operation to City of Goleta-Contacted Applicant's Attorney who stated that applicant wishes to move project forward after all. Will resume drafting staff report week of 5/2/2005 with recommendation for denial and meet with applicant prior to PC hearing.	Time Spent: 0.1	Dan Nemechek
05/2005	In Progress Staff's Court-Began review of materials and began staff report Specifically section 1.0 and 2.0	Time Spent: 0.4	Dan Nemechek
26/2005	In Progress Staff's Court-Began policy review for staff report phone call to LY on North County for policy information as she had worked on staff report. No SR on File. Next Step-speak to AA on how to proceed.	Time Spent: 2.2	Dan Nemechek
27/2005	In Progress Staff's Court-Spoke with AA, and phoned agent and left voice mail requesting call to discuss denial, and owner's intent to move forward with processing.	Time Spent: 0.2	Dan Nemechek
22/2005	In Progress Staff's Court--received voice mail and returned call to AMY ABID 21 E. Canon Perdido, S.B., CA 93101; Who wished to review the CUP for the property. Advised that the CUP had not been issued, and that the project would be going to the planning commission some time in the fall. Ms. Abid requested to be noticed for hearing. Next Step-> PC hearing in October or November.	Time Spent: 0.7	Dan Nemechek

Staff Report

Transferred to Alice Daly 01/20/06

Planner Re-assigned 06/12/06 as a result of resignation of A. Daly.

- 08/03/2005 In Progress Time Spent: 0.2 Dan Nemechek
Staff's Court--received voice mail and returned call to AMY ABID 21 E. Canon Perdido, S.B., CA 93101; Who wished to review the CUP for the property. Advised that the CUP had not been issued, and that the project would be going to the planning commission some time in the fall. Ms. Abid requested to be noticed for hearing. Next Step-> PC hearing in October or November.
- 08/17/2005 In Progress Time Spent: 0.3 Dan Nemechek
Staff's Court--received voice mail and returned call to property owner's atty twice and left voice messages, discussion with enforcement staff concerning findings of site visit. Next Step-> PC hearing in October or November.
- 08/18/2005 In Progress Time Spent: 0.5 Dan Nemechek
Staff's Court--Received voice message from atty. (Kathleen Weinheimer), and discussed reported zoning violations and impacts to case. Advised that zoning enforcement staff had been out on-site and that I had spoken briefly with them. It appeared that the scope of the project may have exceeded the Land Use Permit. Reviewed potential PC hearing dates and Atty stated that she did not want to go from mid October through early December as she will be out of country. Possibility of PC hearing December 9. Agreed that a follow-up site visit would be beneficial. Reviewed scope of permit and photos with Zoning enforcement staff.--Next step set-up site visit.
- 10/26/2005 In Progress Time Spent: 0.5 Dan Nemechek
Staff's Court--received call from Amy Abid representing RP on zoning violation case. Ms. Abid stated that the Firefox property was taking approximately 100 tons of rock from the collage hospital construction site. Discussed application status of project and took address for noting. Received additional call from Ms. Abid in which she stated that the hauling trips began the previous day. Reviewed issued LUP tonage ok. Next step Ag-Viability study.
- 11/16/2005 In Progress Time Spent: 0.5 Dan Nemechek
Staff's Court--Call to applicant's atty-Advised of additional complaint, and requirement to collect the required permit compliance fees to ensure Permit Compliance staff can conduct the requisite site visit. Researched case file did not observe evidence of fees being paid.
- 12/05/2005 In Progress Time Spent: 1.1 Dan Nemechek
Staff's Court--Staff's Court--Meeting with AA to review issues associated with the project, Ag-viability study, and processing. Next step, proceed with outlined course of action.--proceeded with soils research and gathering information.
- 01/20/2006 In Progress Time Spent: 0.1 Dan Nemechek
Staff's Court--voice mail call from K Wienheimer requesting status update, and advising that the City of Goleta is expressing concerns regarding the M-1 Zoned property currently being used for stone cutting.
- 01/20/2006 In Progress Time Spent: 0.2 Dan Nemechek
Staff's Court--phone call with K. Weinheimer to discuss case status. Advised that staff would contact her with timeline and possible letter acknowledging that the case was being processed by P&D conversation with AA-> AA to contact K. Weinheimer on Tuesday.
- 02/09/2006 In Progress Time Spent: 0.5 Alice Daly
review file
- 02/22/2006 In Progress Time Spent: 0.6 Alice Daly
discuss w/ D. Nemechek, review file

f Report | Transferred to Alice Daly 01/20/06
 Planner Re-assigned 06/12/06 as a result of resignation of A. Daly.
 3/2006 In Progress | Time Spent: 0.1 Christine Ryder
 06/12/06: Planner Re-assigned as a result of A. Daly resignation.
 Processing of CUP reinstated in February, 2006 after having been
 on-hold awaiting application resubmittal since March, 2003. Next
 Steps = Prepare processing timeline and tentative public hearing
 schedule for review/discussion with A. Almy.

Total Hours Logged for Staff Report 14.6

Public Hearing Notice | This Task has not been Worked

Decision Maker Action | This Task has not been Worked

Appeal | This Task has not been Worked

Board of Supervisors | This Task has not been Worked

Applicant Appeal | This Task has not been Worked

Public Appeal | This Task has not been Worked

Final Decisions | This Task has not been Worked

Post-Decision Followup | This Task has not been Worked

Case Closure | This Task has not been Worked

Temp Planner Assignment | This Task has not been Worked

Subdivision Committee Review | This Task has not been Worked

Grand Total of Hours Worked: 85.6

ATTACHMENT E: SITE PLANS

G:\GROUP\PERMITTING\CASE FILES\APL\2000S\07 CASES\07APL-00000-00028 FIREFOX\STAFF REPORT PC CO AND MONT LUDC DEC 5
2006.DOC

