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October 2, 2009

RECEIVED  
SANTA BARBARA COUNTY  
OCT 2 2 10 2009

Santa Barbara County Board of Supervisors  
105 East Anapamu Street  
Santa Barbara, California 93101

Re: Santa Ynez Valley Community Plan:  
Request for Elimination of Downzoning on  
80 acre Agricultural Property (APN 141-121-050)

LATE  
DIST

Dear Members of the Board:

We represent Willard and Geraldine Shepherd, who own an 80 acre undeveloped parcel (APN 141-121-050) in Santa Ynez, which is part of a Shepherd family property holding of approximately 336 contiguous acres east of Highway 154. Mr. Shepherd first acquired the 256 acre ranch located immediately adjacent and to the southwest of the subject parcel in 1954. At that time the ranch was zoned as 5-AL-0 (five acre minimum parcel size). Later, in 1971 they purchased the subject 80 acre parcel (also with the 5-AL-0 designation) for the primary purpose of preventing it from being subdivided and developed in a manner impactful to their surrounding ranch property, and also to allow them the option of providing separate parcels for their children.

During the County's Valley-wide plan update in 1976, the Shepherds' 256 acre property was downzoned to 100-AL-0 (100 acre minimum parcel size). However, in response to the facts and analysis in the attached 1976 letter from Mr. Shepherd to the Planning Commission, the County agreed that the 80 acre property represented an appropriate opportunity for future division to 10 acre farming properties, with the Shepherds' 256 acre property serving as a buffer for the community. The 80 acre parcel was in fact downzoned, but to its current designation of 10 acre minimum parcel size. The Shepherds accepted this downzone as it represents a logical and appropriate designation given the property's agricultural potential yet maintains flexibility for the family's long-term estate planning goals. The 80 acre parcel has been in cultivation through long-term leases since it was acquired by the Shepherds, and the family still has no immediate plans for subdivision. However, the family has for nearly four decades maintained

this 80 acres for future family planning purposes. Their maintenance has included paying full property taxes, rather than combining it under a Williamson Act contract with their adjacent parcels.

The recommendation before your Board is to downzone the parcel from the current AG-I-10 zoning designation to AG-I-20. The previous staff recommendation forwarded to the Planning Commission was to downzone the parcel to AG-II-100. However, this recommendation was changed after we provided information to staff and the Commission related to the surrounding legal parcel sizes and land use patterns. Based on this information, the Commission directed staff to re-evaluate the appropriateness of the AG-II-100 designation. In its final recommendations, and in response, staff has altered its recommendation from the AG-II-100 designation to AG-I-20. While we appreciate this attempted compromise, we still believe that the parcel should retain its current AG-I-10 designation given the previous concessions made by the Shepherds during the 1976 downzone and their estate planning expectations ever since. Moreover, the rationale promoted by staff to justify the downzone to AG-II-100 has apparently now been dismissed, and the net difference between the recommended AG-I-20 and the current AG-I-10 designation is a mere 4 potential buildable lots in an area of the valley that is largely surrounded by developed 5-20 acre parcels. Accordingly, we question the inclusion of the Shepherd parcel in the downzone alternative as it meets none of the stated goals for such downzone, and urge that the property retain the AG-I-10 designation which represented a good planning "compromise" during the 1970's downzone.

By way of background, inclusion in the downzone alternative seems to grow from the fact that the parcel was identified by the VPAC as a potential "Heritage Site" during earlier Plan drafts although it meets none of the stated criteria of a Heritage Site. In particular, the 80 acre property, which is accessed from Baseline Ave, not Highway 154 is not a gateway parcel, does not function as separator between townships, and is not visible from any public road. (The Shepherds' adjacent 256 acres are in fact very visible along Highway 154. It is that 256 acre property which was already appropriately zoned to maintain it as a visual resource for the community.)

Rather than performing the anticipated analysis of the Heritage Site concept, the FEIR identified this 80 acres and all other potential Heritage Sites as parcels to be downzoned, without any detailed analysis on a parcel specific basis as to the appropriateness of such downzones. Downzone of this parcel has no real environmental benefit and will not, in fact, function to meet any of the stated goals of the Plan. In fact, in the overall context of the 46,933 acre planning area, the elimination of the subdivision potential for 4 additional 10 acre parcels will not be noticeable to the community. The impact to the Shepherds, however, is considerable as they go from the potential of eight 10 acre parcels down to four 20 acre parcels. The clear lesson to

anyone not “fully” downzoned at this time is to seek subdivision immediately, and so ultimately the community will actually suffer.

The stated goals of the Downzone Alternative are to provide for community separation, protect the rural character of the Valley, and promote long-term agricultural viability. However, the Shepherd’s 80 acre parcel does not function in any way as a community separator. While there are EDRNs to the north and east, these two neighborhoods are not townships requiring separation from each other. In fact, these “neighborhoods” are large areas of AG-I “ranchettes,” separated from the Shepherd parcel by only one parcel. Retention of the existing AG-I-10 designation on the Shepherd parcel would better function to promote consistency within the area by continuing the Valley character of 5 to 10 acre ranchettes surrounded by larger agricultural parcels (see attached).

While the Downzone Alternative is claimed to be necessary to preserve the rural character of the Valley by preserving large undivided tracts of agriculture, retention of a 10 acre minimum parcel size in select areas will better accomplish this goal as a 10 acre parcel is a legitimate inner-rural designation and the densities at buildout would be entirely compatible with the existing rural and semi-rural character of the surrounding area. The only apparent reason to impose this draconian downzone is because the property looks “anomalous” or “anachronistic” to those who have come more recently to the area, and there was the stated fear that others would try to use the existence of 10 acre zoning to justify “upzones.” Given the unusual history and circumstance of the Shepherd parcel, it clearly would not provide the basis for such an “upzone” request.

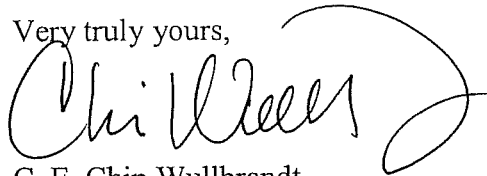
The Shepherds have provided numerous written and verbal comments to both the VPAC, GPAC, and planning staff outlining the shortcomings of designating their parcel as either a Heritage Site or a parcel suitable for downzoning. Chief among their objections, over and above the obvious economic hardship placed on the family with this “second” downzoning, has been the fact that the parcel is located in an area that is neither visible from any public location nor adjacent to the existing townships located west of Highway 154. In addition, given the parcel’s topography and soils, smaller agricultural parcels would still be viable and would provide flexibility to enter into separate leases to individual farmers while at the same time allow the Shepherds to realize their estate planning objectives that were previously considered and formed the basis of the downzone in 1976.

The Planning Commission did seem to appreciate to appreciate that a rezone to AG-II, with the more intensive uses allowed on AG-II designated parcels was not appropriate. Retention of the AG-I designation in select areas in fact better preserves the existing character of

the Valley in areas which are not gateway parcels nor large enough to support a viable grazing operation.

Given acceptance that the parcel should be AG-I-20 there is no reason for further downzone of the Shepherd parcel. We do not believe the parcel meets the standards for downzoning (e.g., it is not a gateway parcel, not visible from a public roadway, is not inconsistent with surrounding designations), and so it should retain its existing land use and zone designation of AG-I-10. Moreover, the existing designation was fully contemplated during previous rezones as the appropriate designation given the parcel's location and agricultural characteristics. While the downzone Alternative may be considered for other areas of the Valley, particularly those parcels that meet the definition of a Gateway, the subject parcel should not be moved forward for further consideration of downzoning. To do so would simply be punishing the Shepherds for being good community stewards and not subdividing and developing their property sooner.

Very truly yours,



C. E. Chip Wullbrandt  
for PRICE, POSTEL & PARMA LLP

CEW:cp  
Enclosures

cc: Willard and Geraldine Shepherd  
Dianne Black, Director, Development Services  
Derek Johnson, Director, Long Range Planning  
Justin Feek, Planner

# Shepherd Parcel

- 80 acres and in several active agricultural leases.
- Zoned AG-I-10 with EDRN overlay.
- Current zoning was designated in 1976. Previously zoned for 5 acre parcels.
- Shepherds also own adjacent 240 acres in 154 viewshed, which was downzoned to 100 acre parcels in 1976.
- Not visible from any public road.
- Not a Gateway parcel.
- Development will not contribute to townships growing together or expansion of fringe development.
- Property is surrounded by numerous legal 20-40 acre parcels, and is only one parcel south of developed AG-I-10 neighborhood. The intervening parcel is fully developed with vineyards.
- Parcel has all adequate infrastructure for subdivision.
- Future subdivision would be compatible with surrounding uses.
- EDRN has been in place 30 years and not driven requests for designation changes on adjacent parcels.

