

From: [Villalobos, David](#)
To: [Briggs, Errin](#); [Dargel, Joseph](#)
Subject: FW:
Date: Thursday, February 22, 2018 3:39:07 PM

fyi

From: Gavin Chanin [mailto:gavin@chaninwine.com]
Sent: Thursday, February 22, 2018 12:09 PM
To: Villalobos, David <dvillalo@co.santa-barbara.ca.us>
Subject:

Hi David,

I hope all is well. I am concerned about the proposed expansion of the Sepulveda Mine. The mining operation is expteramly visible to tourists and breaks up out pristine hills. More importantly, the act of mining will also leave the land unsuitable for grapes, or many other ventures, in the future.

As a small business owner the last thing I want to do is impede anyone from doing business but the damage done to these hills is irreparable. I would hate for our generation to leave such a permanent mark on Santa Barbara's environment.

Please feel free to reach out if you have any questions.

Best,
Gavin Chanin

winemaker

Chanin Wine Co.
300 N. 12th Street
Suite 1C
Lompoc, Ca 93436
Cell: 818.631.2007

From: [Villalobos, David](#)
To: [Briggs, Errin](#); [Dargel, Joseph](#)
Subject: FW: Sepulveda Stone Mine
Date: Monday, February 26, 2018 8:11:44 AM

fyi

From: Bradford Potter [mailto:bradfordpotter@gmail.com]
Sent: Sunday, February 25, 2018 1:05 PM
To: Villalobos, David <dvillalo@co.santa-barbara.ca.us>
Subject: Sepulveda Stone Mine

Good Afternoon David,

I have been made aware of the expansion of the mine on the corner of the Hwy 246 and Highway 1 and would like to raise some awareness of a few detrimental effects this may have.

As a member of the wine industry in Lompoc I can attest that the Santa Rita Hills is a special place not only for its growing conditions, but also the amount of traffic this appellation brings to the county every year. One of the best parts of visiting the area is the fantastic scenic drive on Highway 1 between the 101 and Lompoc. Unfortunately, just as you finish your drive and near the destination you are greeted by the Sepulveda Stone Mine. While I understand that this mine has been there for some time, an expansion of it will have an even greater impact on the natural beauty of the area. In the last 10 years Lompoc has undoubtedly seen an increase in tourism directly related to the wine industry and eye sores such as an expansion of this mine will have an effect on whether people return to visit the area.

As a resident of Santa Barbra County, and someone who works in this area, I consider the project's impacts to visual resources to be significant and an EIR should be prepared. I am hopeful that the planning commission will take this into account. Please feel free to reach out for me if you have an questions.

All the best,

Brad Potter

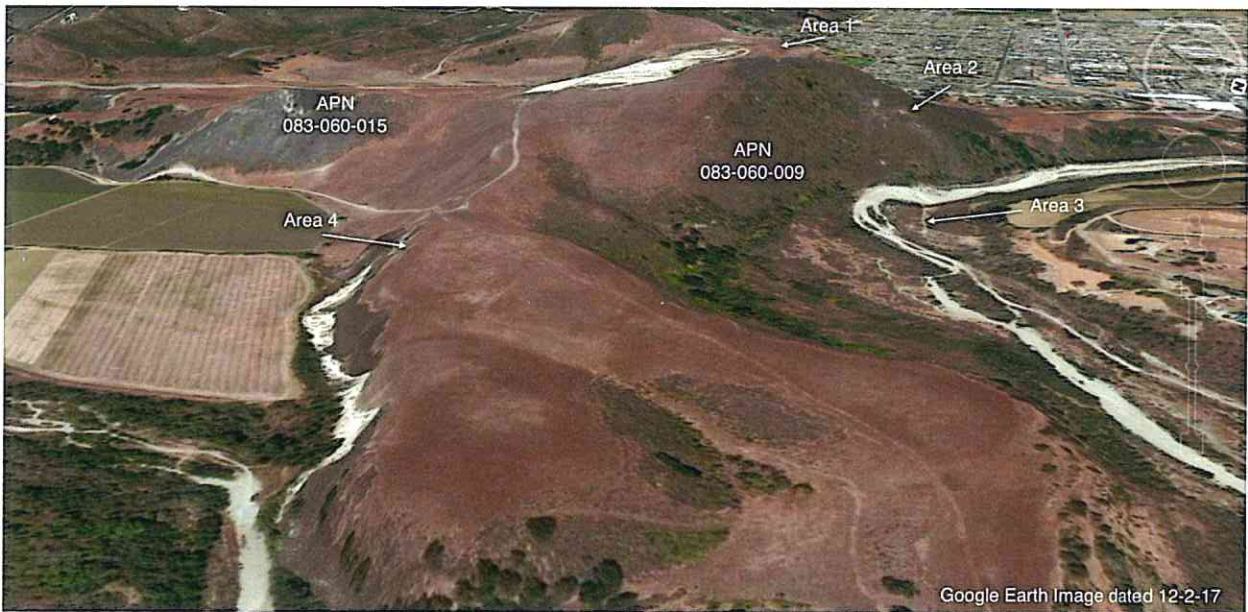
Mobile: (805) 245-5144

bradfordpotter@gmail.com

<u>AGENDA ITEMS</u>	
ITEM #:	1
MEETING DATE:	2-28-18

ACIN RANCH VIEWSHED PHOTOGRAPHIC DOCUMENTATION

RECEIVED
FEB 28 2018
S.B. COUNTY
PLANNING & DEVELOPMENT DEPT
1000 J STREET, SUITE 200



Modern overview of the Acin Ranch Site 1A topography.

1. INTRODUCTION

The Acin Ranch parcels are situated in a scenic rural area near the intersection between Highway 246 and Highway 1. These corridors are heavily traveled by both local residents as well as a high percentage of tourists exploring the burgeoning wine regions of Santa Barbara County. The rich visual character and high aesthetic value of this region would be adversely impacted by the expansion of Sepulveda Stone's operation onto Parcel -009.

The nature of the activity proposed for Parcel -009 is to continue and expand the surface mining operations currently in place. These activities entail stripping off the topsoil and stockpiling it in large truncated piles; excavating the stone, and trucking it off the Site 1A parcels to the Site 1B parcels.

2. Inadequate analysis of significant visual impacts

The views presented in the MND are not representative of current conditions. Many photos are up to 7 years old, minimizing the visual extent of the mining operation. Several of these views are simulations of the conditions expected in 2021 and beyond. This gives a false impression of the impact such an operation has on the landscape. There should be no assumption that the proposed expansion and reclamation area would look significantly different in process than the current conditions of the mining operation, as are documented in this report.

The view simulations by Sepulveda are inadequate in that they do not illustrate the large-volumes of stockpiled soil which would be created by the excavation of the stone. The visual simulations provided by the claimant merely offer an outline of the excavation area and simulations of the ultimate reclaimed conditions 46 years hence.

Although the proposed area for excavation does not extend over the entirety of the of the -009 parcel, the area covered by the reclamation plan does extend over a much larger area, including a long ridge terminating in the Santa Ynez River bed. Under this scenario, stockpiled soil could be stored over a much of Parcel -009, creating an unnatural landscape of massive man-made piles of soil. These stockpiles could drastically change tranquil rural views into a moonscape of industrial activity.

3. County thresholds

The County of Santa Barbara guidelines on visual aesthetics place emphasis on public views from scenic highway corridors, public parks, and other scenic areas. Both the mining activities and reclamation activities will involve massive earthworks and extensive grading, and processing and storage of the stone products. These activities would dominate the public views of both Site 1A and 1B of the Acin Ranch.

The Site 1A activities would not only be visible by transitory cars along scenic highways, but from popular public sites such as the La Purisima Mission State Historic Park and Lompoc River Park. The Mission is a heavily visited tourist location, and the views across the valley are part of its aesthetic value. Site 1A's earthworks are visible for many miles along State Highway 1, a designated scenic highway. Although the proposed expansion of

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excavation does not have a large impact on the views from Highway 1, it may be impacted by additional stockpiling of soils as current photos illustrate.

The Site 1B storage yard is also visible from both Sweeney Road and Santa Rosa Road, creating an industrial processing and storage site along the Santa Ynez River bed.

4. Surface mining impacts

The sections from the MND show the progression of mining over the next 46 years as a series of small outlined sections, with no change in the contour or outline of the hillsides. However, assuming that a significant volume of stone will be removed from these areas, it does not seem likely that these contours would remain unchanged. Such a representation does not adequately illustrate the changes to the ridgelines that will occur to the public views.

4. Reclamation area

The claimant has submitted maps under their surface mining reclamation plan showing significant intrusion into Parcel -009, extending nearly to the riverbed itself. As part of the operation's reclamation plan, this area could be used for stockpiling soils in massive truncated domes. The photos below show the extent of the reclamation area in yellow. Although this would involve dirt and not built structures, this activity would create unnatural skylines bare of vegetation along the lower ridges of Parcel -009 and seriously degrade the views.

The process of stockpiling and earth moving in the reclamation area would also be subject to multiple grading events over the entire lifetime of the project, creating large bare areas in the public view.

5. Documentation of current conditions at the Acin Ranch

In order to establish the potential impact of future mining operations on the Acin Ranch, recent photographs were taken of the current mining and storage operations. These photos were taken from public viewing points along Highway 246 and Highway 1, Sweeney Road, Santa Rosa Road, and the La Purisima Mission State Historic Park.

An index to the photos is provided below. Although many photographs were taken, this report is limited to those illustrating new viewpoints than previously provided by Sepulveda Stone to better illustrate the potential impact to the region.

6. CURRENT PHOTOS OF SITE 1A AND 1B

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#1. Photo looking south to Site 1A from the La Purisima Mission State Historic Park

#2. Photo looking south to Site 1A from Highway 246

#4. Photo looking southwest to the storage yard at Site 1B from Sweeney Road

#7. Photo looking west to Site 1A from Sweeney Road

#8. Photo looking west to Site 1A from Sweeney Road

#9. Photo looking west to Site 1A from Sweeney Road

#10. Photo looking southwest to Site 1A from Sweeney Road

#11. Photo looking southwest to Site 1A from Sweeney Road

#12. Photo looking north to Site 1A from Highway 1

#14. Photo looking north to the storage yard on Site 1B from Santa Rosa Road

#15. Photo looking northwest to Site 1A from Santa Rosa Road

#16. Photo looking north to Area 4 of Site 1A from Santa Rosa Road

#18. Photo looking north to Site 1A from Highway 1

#19. Photo looking north to Site 1A from Highway 1

#20. Photo looking southwest from Sweeney Rd. to Site 1A

#21. Photo from RiverPark looking southeast to Site 1A

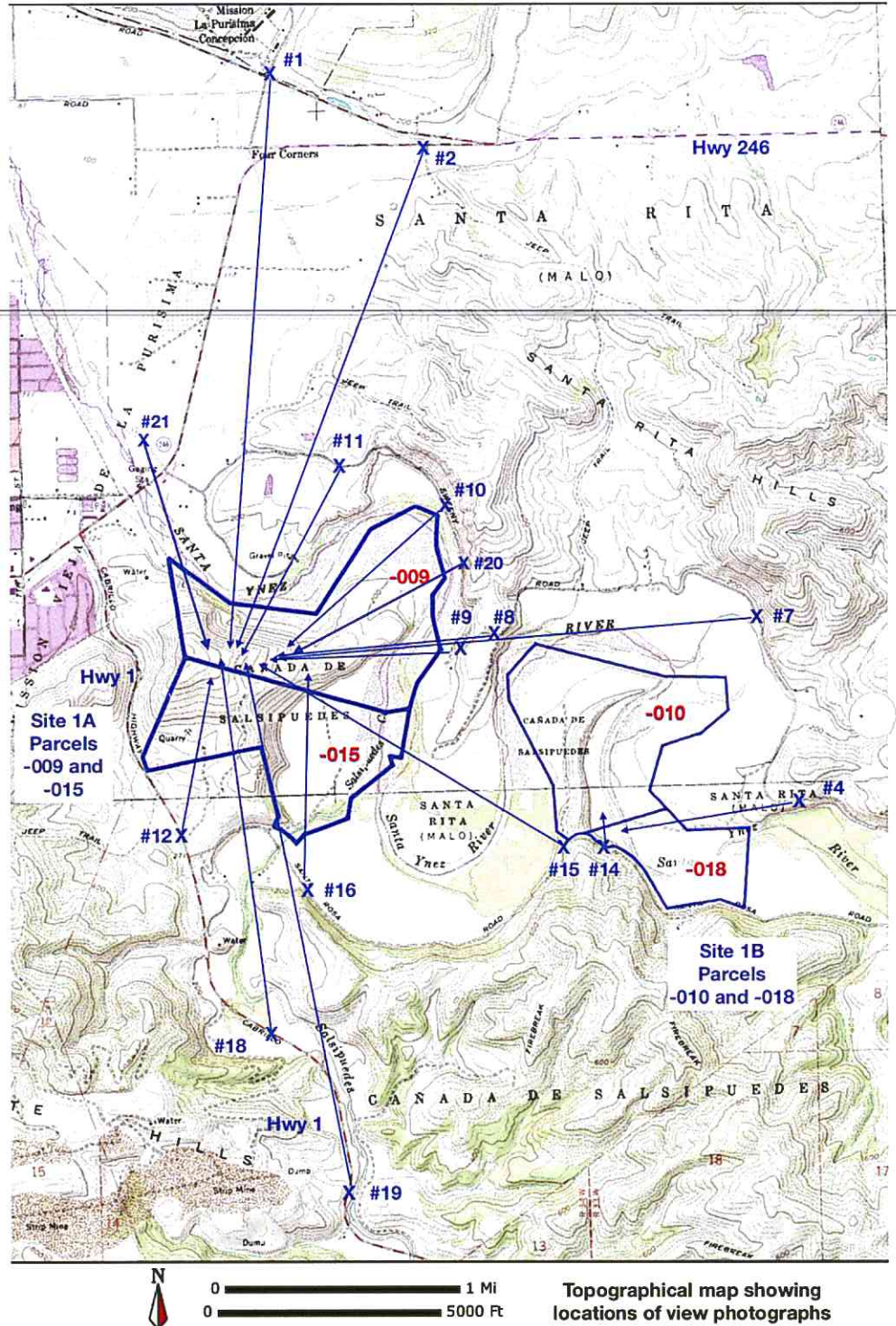


Fig. 1. Topographical map showing the location and angle of current photos documenting the view shed toward the Acin Ranch.

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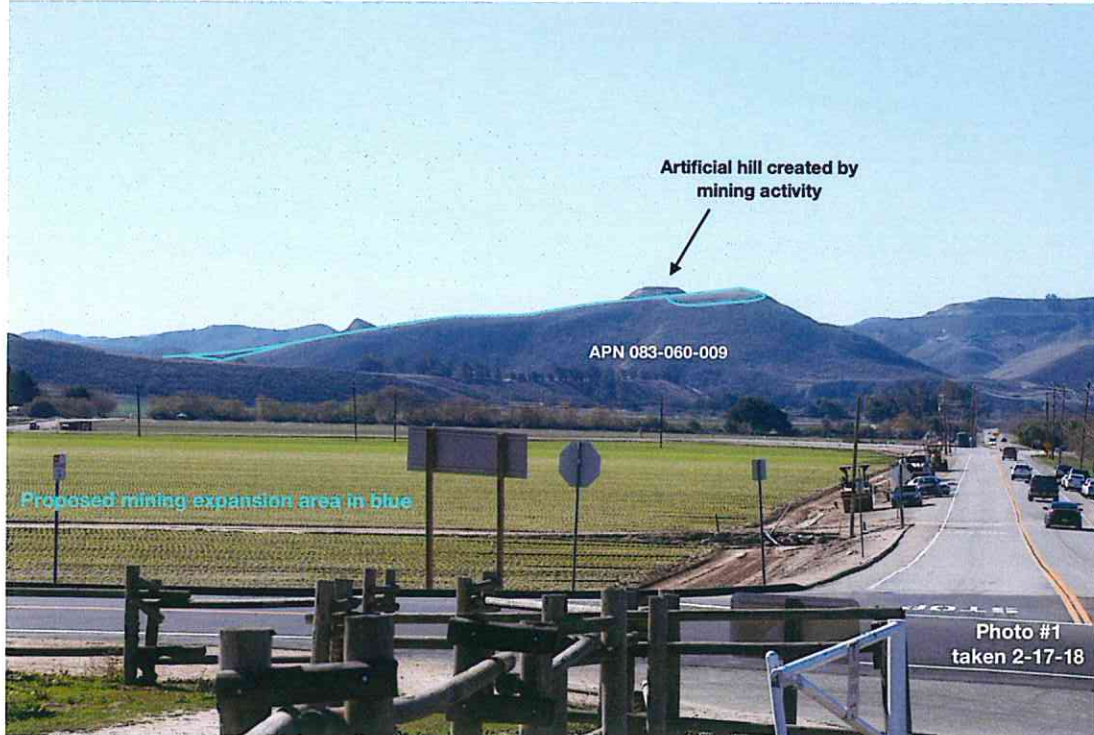


Fig. 2. Photo #1, looking south to Site 1A from the La Purisima Mission State Historic Park

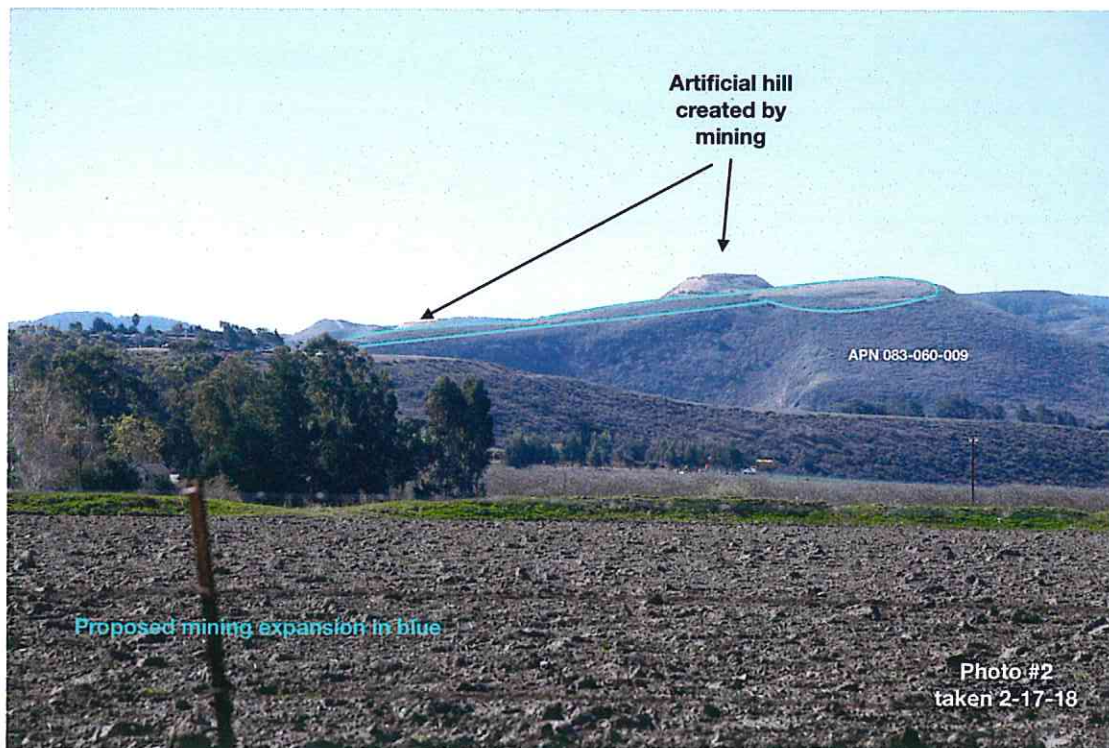


Fig. 3. Photo #2, looking south to Site 1A from Highway 246

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Fig. 4. Photo #4, looking southwest to the storage yard at Site 1B from Sweeney Road



Fig. 5. Photo #7, looking west to Site 1A from Sweeney Road

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Fig. 6. Photo #8, looking west to Site 1A from Sweeney Road



Fig. 7. Photo #9, looking west to Site 1A from Sweeney Road

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Fig. 8. Photo #10, looking southwest to Site 1A from Sweeney Road



Fig. 9. Photo #11, looking south to Site 1A from Sweeney Road, near the La Barge property

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Fig. 10. Photo #12, looking north to Site 1A from Highway 1



Fig. 11. Photo #14, looking north to Site 1B from Santa Rosa Road

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Fig. 12. Photo #15, looking northwest to Site 1A from Santa Rosa Road



Fig. 13. Photo #16, looking north to Site 1A from Santa Rosa Road

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Fig. 14. Photo #18, looking north to Site 1A from Highway 1

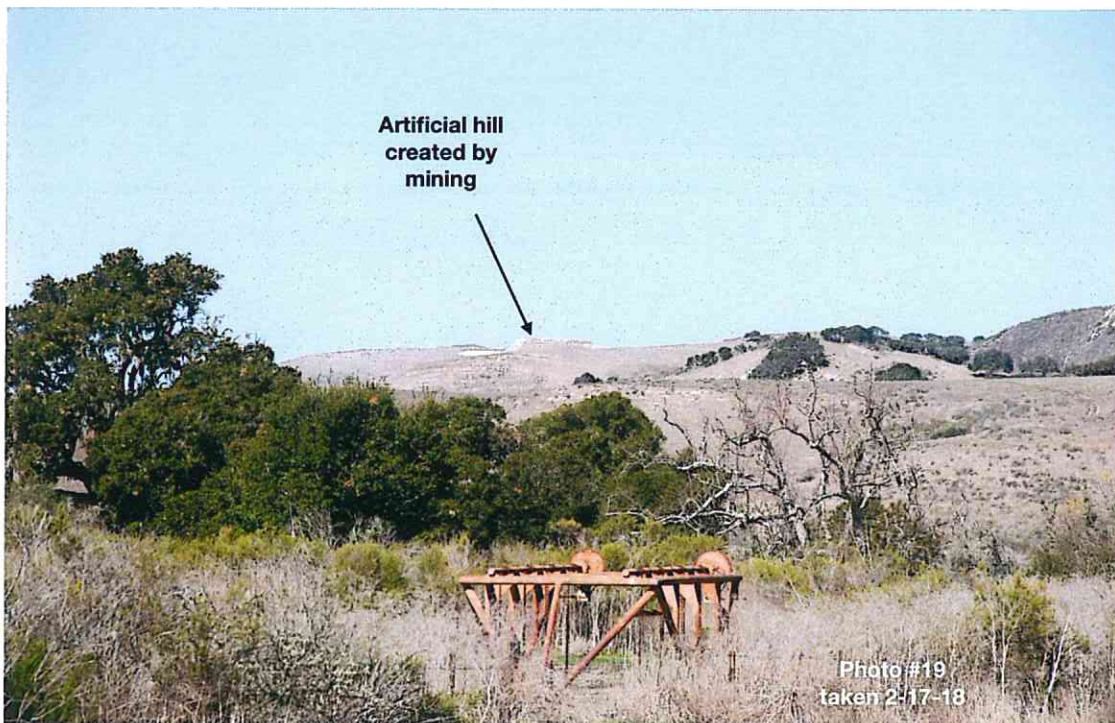


Fig. 15. Photo #19, looking north to Site 1A from Highway 1

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Fig. 16. Photo #20, looking southwest to Site 1A from Sweeney Road



Fig. 17. Photo #21, looking south to Site 1A from River Park off Highway 246

7. CONCLUSION

The beautiful, tranquil views of the rural landscapes of Lompoc Valley near the Acin Ranch would be significantly impacted by the expansion of Sepulveda Stone's surface mining operation. These views would affect local residents as well as commuters that travel the scenic highways and tourists that visit local parks. Such an operation would cause significant changes to and intrusion into the skylines of ridges visible from these public viewing areas, stripping vegetation and stockpiling bare soils.

The loss of beauty may also mean the loss of income. Property values in the surrounding neighborhood may drop if the dominating view is of an industrial strip mine rather than natural hillsides. The Santa Rita Hills wineries depend on the attractiveness of the landscapes to attract tourists.

LAW OFFICE OF MARC CHYTILO,
A PROFESSIONAL CORPORATION

ENVIRONMENTAL LAW

February 26, 2018

Santa Barbara County Planning Commission
Santa Barbara County
123 E. Anapamu Street
Santa Barbara, CA 93101

By email to dvillalo@co.santa-barbara.ca.us

Re: Rebuttal of letter dated February 14, 2018 from Campbell Geo, Inc. to Mike Wise of the Lompoc Stone Quarry, submitted as evidence to the Santa Barbara Planning Commission.

Dear Chair Blough and Honorable Planning Commissioners,

A letter from Campbell Geo Inc. dated February 14, 2018 was submitted in support of Sepulveda Building Materials' claim of vested rights on the Acin Ranch parcels. As explained below, this evidence fails to support the Applicant's claim of exemption for parcel -009 due to the lack of evidence showing the applicant's predecessors actually mined on or expressed an objective manifestation of intent to mine on -009 prior to September 29, 1958.

TOPOGRAPHICAL MAP

One USGS topographical map dated in 1959 was submitted as evidence of a quarry on the Acin Ranch property. On this map, a pickaxe symbol and the word 'Quarry' appears to be located on Parcel 083-060-015. Though this would indicate that indeed there was a quarry at that location in 1959, this map and symbol occur after the effective date of County Ordinance 971 on September 29, 1958, and therefore is irrelevant to the question of vested rights.

AERIAL PHOTOGRAPHS

Three historic photographs of the Acin Ranch area were submitted with this letter, dated May 5, 1956, August 12, 1958, and April 1, 1960. Although high-quality photos do exist of this region, the quality of the photos submitted is so poor as to have little value. Fortunately, high quality photos of this area spanning these dates were provided in the historical investigation report submitted by this office to the Planning Commission on January 8, 2018. These high quality images do not show or support the claims made by Campbell Geo Inc. and Sepulveda Building Materials.

MODERN PHOTOGRAPHS

Modern-day recent photos were submitted by Campbell Geo in its letter. Eight photographic images were presented as alleged documentation of historic mining activity. Although no parcel boundaries were provided as guides to interpret where these photographs were taken, by comparing the photos to the investigative report submitted to the Planning Commission by the Law Office of Marc Chytilo on January 8, 2018, a determination of where these photos occurred, what area they are said to depict, and their relevance to the vested rights of the parcels is as follows:

Parcel -015:

- #4 - photo of the current access road, with a fainter road said to be older
- #5 - Area said to represent grading disturbance in 1958
- #6 - Spoils piles and soil disturbance
- #7 - Disturbed area

Photo #4:

Photo 4 shows a modern access road with what appears to be a remnant of an older road on Parcel -015. It does not illustrate mining activity, spoils, or soil disturbance. The existence and evolution of these roads is documented in the investigative report from the Law Office of Marc Chytilo submitted on January 8, 2018.

Photo #5:

Photo 5 shows an area allegedly showing an area of grading in 1958. Fig. 1 below is a good quality photo dated 8-12-1958, six weeks prior to the enactment of County Ordinance 971. It shows no grading scars or the use of heavy equipment.

Photo #6:

Photo 6 shows a fence and the spoils piles near the center of the southwest facing slope of Parcel -015. Although the rock valley and the fence is visible in Fig 1., no clear two-wheel track road ending in soil disturbance is leading to this area is visible. It is unlikely that if stone were quarried regularly in this area at this time, it was hand-carried several hundred yards to the two-wheel track road visible to the east.

Photo #7:

Photo 7 is said to illustrate an area of disturbance on -015 where mining occurred in 1958. This is south of the area labeled Area 1 in Fig 1 below. Small-scale mining activity was visible in Fig 1, however, the 1960 photo submitted by Campbell Geo Inc. shows this entire area now extensively graded by heavy equipment. The marks of soil disturbance in modern photo #7 would then be the result of this intensification, and not from 1958.

Parcel -009:

- #1 - Area said to represent grading disturbance in 1958
- #2 - Area said to represent a different view of Photo #1
- #3 - Modern day access road
- #8 - photo of Monterey rock formation

Photos #1 and #2:

Photos 1 and 2 are said to illustrate an graded area visible near a steep bluff, near what was identified as Area 4 in the investigative report submitted to the Planning Commission by the Law Office of Marc Chytilo on January 8, 2018. Photo 1 is below the bluff, and Photo 2 is above the bluff, however, no labels or guide marks were provided to help interpret this photo. High quality closeup photos of this area from 1928 to 1961 were provided in the January 8 investigative report, and although the ranch and access roads run several hundred feet to the north, west, and east, no two-wheeled roads run directly to this area, no grading scars are visible, no spoils piles or other evidence of mining activity are supported by either modern day ground reconnaissance or historic images of this area. Instead, the cattle trails and exposed soils too steep to hold vegetation are visible as virtually unchanged during this 33-year time span.

Photo #3:

Photo 3 shows a modern access road. It does not illustrate mining activity, spoils, or soil disturbance. The existence and evolution of this road is documented in the investigative report submitted by this office to the Planning Commission on January 8, 2018.

Photo #8:

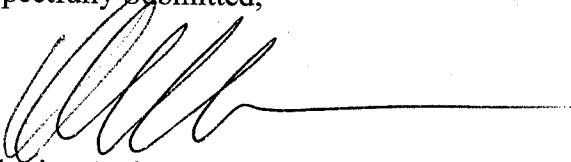
Photo 8 shows the exposed Monterey Formation below and to the east of Photos 1 and 2. It does not illustrate mining activity, spoils, or soil disturbance, and has no relevance to the question of vested rights for this parcel.

CONCLUSION

Campbell Geo's letter contains very little information pertinent to the question of vested rights for any parcel other than -015.

The Applicant's burden of proof of an objective manifestation of mining activity is high. Light colored patches of soils, dirt roads, protruding outcrops, patchy cattle trails, and sparse vegetation alone are not indicators of mining activity. Anecdotal accounts of mining activity in this area state that hand tools were used to mine the stone, then it was loaded onto pickup trucks to transport it off the site. Such an activity would be visible as a two-wheeled tire track roads ending in soil disturbance. Grading equipment was not said to be used during this time period, nor was grading or the use of heavy equipment visible in any of the photos prior to the 1960-1961 series. Road on the site evident in 1958 can be easily associated with farming of adjacent parcels and cattle grazing, and plainly not part of the mining operation of the day.

Respectfully Submitted,

A handwritten signature in black ink, consisting of several loops and a long horizontal line extending to the right.

Katherine Anderson

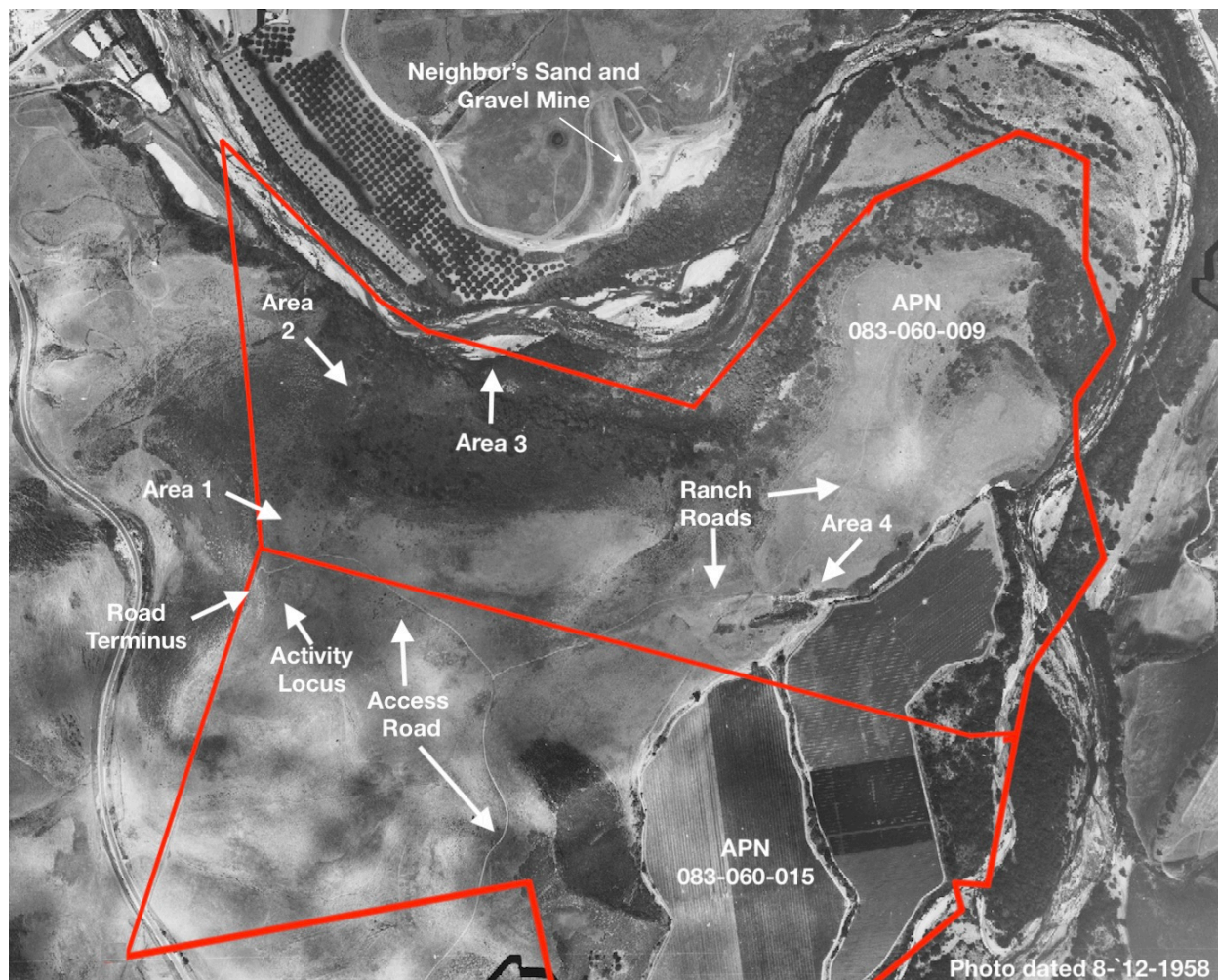


Fig 1. Historic aerial photo dated 8-12-1958.

LAW OFFICE OF MARC CHYTILO, APC

ENVIRONMENTAL LAW

February 26, 2018

Santa Barbara County Planning Commission
Santa Barbara County
123 E. Anapamu Street
Santa Barbara, CA 93101

By email to dvillalo@co.santa-barbara.ca.us

RE: Lompoc Stone Mining Area Expansion and Reclamation Plan Revision Project – Vesting Determination and Mitigated Negative Declaration (12NGD-00000-00022)

Dear Chair Blough and Honorable Planning Commissioners,

These comments are submitted on behalf of Pierre LaBarge, IV, and the LaBarge Winery - located near the proposed Lompoc Stone Mining Area Expansion and Reclamation Plan Revision Project (“Project”) on Sweeney Road across the Santa Ynez River. In advance of your last scheduled hearing, we submitted a letter (dated 1/10/18, and included in your packet for this hearing) explaining in detail why the materials provided by the applicant utterly fail to meet the mining operator’s burden of proof to establish a vested right to mine the 28.5 acres of land at issue. The Historical Investigation included with our 1/10/19 letter analyzes the historical information provided by the applicant together with other available records including a 1958 high-resolution photograph taken only 6 weeks before the effective date of the County’s Ordinance 971, which clearly shows that no mining activity was occurring in the 28.5-acre area, and that the only mining activity occurring on the site was one small area of APN -015.

The Applicant has provided three submittals in response, a Geologic and Aerial Photo Review prepared by Campbell Geo, Inc., and letters from applicant representatives Sid Goldstein and Chip Wulbrant. A careful review of these additional submittals shows that the applicant has still failed to provide any evidence showing a *manifestation of objective intent* to mine the 28.5-acre area in 1958. Also submitted by this office under separate cover is an analysis of the Campbell Geo Review (dated 2/26/18) that explains why this additional information does not demonstrate that mining was occurring on the 28.5-acre area in 1958 or before.

This letter responds specifically to claims made in the Goldstein and Wulbrant letters and relied upon to support the applicant’s position that they established vested rights to mine the entire property now known as Acin Ranch, and that the Project does not require an Environmental Impact Report (EIR). Discussed below, these claims misrepresent both the law and the facts.

Applicant Claim A: “Vesting applies to the entire parcel on which the resource exists.” (Goldstein Letter, p. 2) “An entire tract is generally regarded as within the exemption of an existing nonconforming use, although the entire tract is not so used at the time of the passage or effective date of the zoning law.” (Wulbrant Letter, p. 2, citing *Hansen Bros. v. Board of Supervisors* (1996) 12 Cal.4th 533, 554.)

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Email(s): marc@lomcsb.com (Marc); ana@lomcsb.com (Ana)

This claim is a misrepresentation of the applicable law. *Hansen* is indeed the authoritative case on vested rights to quarry or mine rock material. However, quoting the above sentence from *Hansen* (which is actually a quotation from another case included in the court's discussion of general principles), without acknowledging the subsequent discussion and holding of *Hansen*, misrepresents the law. Specifically, *Hansen* goes on to state:

A vested right to quarry or excavate the entire area of a parcel on which the nonconforming use is recognized requires more than the use of part of the property for that purpose when the zoning law becomes effective, however. In addition there must be evidence that the owner or operator at the time the use became nonconforming had exhibited an intent to extend the use to the entire property owned at that time.

(*Hansen*, 12 Cal.4th at 555-556.) Accordingly, the 2015 Certificate of Compliance (COC) stating that APNs -015 and -009 are part of the same legal parcel coupled with evidence of pre-1958 mining of part of -015 is not sufficient to establish an intent to extend the use onto -009 and in the specific areas requested for vesting. Similarly, the County's prior determination that a 3-acre portion of the 28.5-acre area is vested does not establish that the entire 28.5-acre area is vested (see further discussion below).

Applicant Claim B: "The current vesting issue was already resolved at the Planning Commission hearing of June 10, 1998". (Wulbrant Letter, p. 2)

This statement incorrectly assumes that a vested right extends over the entire parcel recognized in the 2015 COC. Discussed above, *Hansen* is clear that the mine operator *also* must provide evidence manifesting an objective intent to excavate that entire area prior to 1958. (*Hansen*, 12 Cal.4th at 556-558.) The Planning Commission's June 10, 1998 hearing only resolved the vesting question as to the 3 acres they determined to be vested, not to the 28.5-acre area subject to the present vesting determination request.

Applicant Claim C: Staff maintains that the Certificate of Compliance will "provide the [Project] with the bullet-roof protection it needs". (Wulbrant Letter, p. 2.)

Not only does the Wulbrant Letter misrepresent the applicable law, it also misrepresents Staff's position. The above statement was excerpted from an email thread between the applicant's team and County staff dated April 16, 2015. This office submitted a Public Records Act Request for all communications regarding this issue, which provided the full context and resolution of the issues raised in the April 16, 2015 email. Specifically, a subsequent email dated August 3, 2015 from the same staff member follows up on the COC issue, and states the following:

We understand that the operator would like to keep the project on hold until the results from the COC process are known.

County staff has recently been able to dig a little deeper into the vesting issue, including some case law, and with that we've learned, don't believe that the COC outcome will be a determining factor in a future vesting determination. Even if the mining operation is located on a single legal lot, the applicant's supporting evidence for vesting is limited and may not stand up to legal challenge.

(Exhibit 1, Briggs – Goldstein - Wulbrant emails (emphasis added).)

Applicant Claim D: “the Final MND went beyond the necessary scope of review by reviewing both the impacts of the mining operation *and* the reclamation plan, when the reclamation plan is the only activity that should have been subject to review.” (Wulbrant Letter, pp. 2-3.)

Here again, the Wulbrant Letter misstates the law. *Calvert v. County of Yuba* (2006) 145 Cal. App. 4th 613, is the authoritative case on the notice and hearing requirements at the local agency level applicable to vesting determinations under SMARA. While Petitioners in *Calvert* did not challenge the vested rights determination on CEQA grounds, the court discussed CEQA's applicability to the vesting determination as follows:

County filed a notice that its vested rights determination as to Western – a ministerial determination, County maintained – was exempt from CEQA. However, Petitioners do not challenge the vested rights determination on CEQA grounds . . . In any event, as we shall see later, the vested rights determination here is not a ministerial determination under CEQA.

(*Calvert*, 145 Cal.App.4th at p. 621.) In the later discussion referred to in the above quote, the court draws parallels from CEQA case law to support its conclusion that the determination that whether or not a mine operator has a vested right to mine under SMARA involves the exercise of discretion and is not a ministerial determination. (*Id.*, pp. 625-626.) Accordingly, the MND properly evaluated the vesting determination as well as the reclamation plan.

Applicant Claim E: “[b]ecause reclamation activities will occur in multiple steps on small portions of the subject property, all but eliminates any environmental effects whatsoever, visual or otherwise.” (Wulbrant Letter, p. 3.)

Contrary to this assertion, the record contains substantial evidence that the Project, including the reclamation plan, may cause significant adverse environmental effects. In particular, the visual impact of the phased reclamation activity is well documented by the visual simulations, and described in the letter from Mr. LaBarge explaining how the Project will impact views from his property and nearby public roads. Moreover, while the visual simulations demonstrate that the Project will be visible from State Scenic Highway 1, Highway 246, Santa Rosa Road and Sweeney Road, it fails to disclose that the Project will also be visible from other important public recreation and historical areas including City's River Park and La Purisima Mission State Historical Park, and indeed from much of south-eastern Lompoc. A visual analysis submitted by this office under separate cover (dated 2/26/18)

includes additional photos and analysis of Project visual impacts including from additional viewpoints omitted in the MND.

The MND restates the County's thresholds for determining the significance of the Project's visual impacts as follows:

a project may have the potential to create a significantly adverse aesthetic impact if (among other potential effects) it would impact important visual resources, obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas.

(MND p. 25.) Important visual resources (enumerated in the County's Environmental Thresholds & Guidelines Manual (2008), p.149) that are impacted by the Project include scenic highway corridors, parks and recreational areas, views of streams, rivers, and mountains, and scenic areas. Moreover, the Project, including reclamation activities in the expanded 28.5-acre area would significantly alter a ridgeline that is the dominant landscape feature in the viewshed of much of southeastern Lompoc. Pursuant to the applicable thresholds this clearly constitutes a potentially significant impact to visual resources that requires evaluation in an EIR.

Conclusion

For the reasons stated herein, and in the analysis of the Campbell, Geo. Review (submitted by this office under separate cover), the new information submitted by the Applicant does not change the conclusions in our 1/8/18 letter that the applicant has utterly failed to establish a vested right to mine the 28.5-acre area, and that an EIR is required should the Planning Commission decide to recommend approval of the Project.

Further, it is evident that the MND fails to comply with CEQA's requirements, and an EIR is clearly required for this Project. In addition to a robust analysis of all Project and cumulative impacts, the EIR must include an accurate and complete Project Description, adequate baseline studies, and identify alternatives to the Project.

Sincerely,

LAW OFFICE OF MARC CHYTILO



Ana Citrin
Marc Chytilo

RE: Sepulveda Meeting

From
Briggs, Errin
To
'Chip Wullbrandt'
Cc
Sid Goldstien, RCE; Dan, Paul; Mike Wise; Drude, Kevin
Recipients
cwullbrandt@ppplaw.com; sid@sjgce.com; pdan@co.santa-barbara.ca.us; mwiselompcostone@gmail.com; Kevin@co.santa-barbara.ca.us

Chip,

Counsel will not be joining us. If you have information which further supports a vesting determination I'd like to hear it firsthand. As you know, we proactively contacted you while we were in the midst of our recent research to see if you had anything to add.

As I said below, it appears the existing supporting evidence is weak. Please provide any additional information or legal support your team has so

In the absence of additional information, we will likely advise processing a full CUP for the project but would like to discuss our reasoning with your team in person.

Errin Briggs | Energy Specialist | Planning & Development | County of Santa Barbara | 805.566.2047

From: Chip Wullbrandt [mailto:cwullbrandt@ppplaw.com] **Sent:** Monday, August 03, 2015 4:52 PM **To:** Briggs, Errin **Cc:** Sid Goldstien, RCE; Dan, Paul; Mike Wise **Subject:** Re: Sepulveda Meeting

Since this sounds like the County is changing its interpretation of the law, will County Counsel be joining the discussion? Sent from my iPhone

On Aug 3, 2015, at 4:24 PM, Briggs, Errin <ebriggs@co.santa-barbara.ca.us> wrote:

RE: Sepulveda Meeting

From
Briggs, Errin
To
'Sid Goldstien, RCE'; Dan, Paul; Wulbrandt, Chip; Mike Wise
Recipients
sid@sjgce.com; pdan@co.santa-barbara.ca.us; cew@ppplaw.com; mwiselompcostone@gmail.com

Sid,

We understand that the operator would like to keep the project on hold until the results from the COC process are known.

County staff has recently been able to dig a little deeper into the vesting issue, including some case law, and with what we've learned, don't believe that the COC outcome will be a determining factor in a future vesting determination. Even if the mining operation is located on a single legal lot, the applicant's supporting evidence for vesting is limited and may not stand up to legal challenge.

We'd like to discuss processing options with the entire team and listen to any additional information you may have on vesting in order to decide together on how best to proceed. This discussion would be better had sooner, rather than later.

Thank you,

Errin Briggs | Energy Specialist | Planning & Development | County of Santa Barbara | 805.566.2047

Villalobos, David

From: Pierre LaBarge IV <plabarge4@gmail.com>
Sent: Monday, February 26, 2018 4:08 PM
To: Villalobos, David
Subject: Lompoc Stone

Categories: Purple Category

MND ITEMS	
ITEM #:	1
MEETING DATE:	2-28-18.

Members of the Planning Commission:

I own property at 2380 Sweeney Road. I submitted a prior letter dated July 18, 2014 which you should have, that explained how Lompoc Stone's proposed expansion and reclamation activities will significantly and adversely impact views from Sweeney Road and properties located along it, which currently enjoy views of the beautiful rolling hills leading to the Santa Ynez River. The expansion and reclamation areas are directly visible from my property and nearby homes, and will introduce an aesthetically offensive element to our views and the views from Sweeney Road and other public areas on the north side of the Santa Ynez River.

I want to clarify that changes made to the Project since 2014 including the proposed phasing plan added as "mitigation" for visual impacts do not reduce the visual impacts to my property, other properties along Sweeney, or views from the public viewshed, and does not change my opinions or conclusions stated in my prior letter.

The visual simulations included with the final MND continue to show substantial scarring of the vegetation and disturbance of soils in our viewshed. This will cause a distinct and severe change to the visual character of the area that will catch the viewer's eye as they gaze toward the otherwise unscarred landscape. The introduction of unnatural development will cause a loss of the beautiful, open space character of our views over the Santa Ynez River. It will significantly impact what these properties are purchased and cherished for -- the pastoral views and rural, natural landscape. The topography will forever be changed as the reclamation plan provides a stark contrast serially modifying what was formed by nature as the excavation (and restoration) traverses the visible slopes in the expansion area. The drive north on Highway 1 into Lompoc shows the failure of past reclamation efforts and its failure to return the landscape back its original form. These properties will be forever impacted and the valuable open, natural views in the area will never be the same.

The potential degradation of the visual and aesthetic qualities of this area is particularly significant since the project's viewshed serves as the "entrance" to the western end of the Sta. Rita Hills, world-renowned for its vineyards, wineries and beautiful rolling hills. The project's scarring of the hills degrades the "curb appeal" of the area in the eyes of visitors on wine tours and others enjoying the splendors of Santa Rosa and Sweeney Roads. This area is frequented by recreational bicyclists, motorcyclists and motorists.

It is my opinion that any further degradation of the aesthetic qualities due to the project's visual impacts would cause a significant impact to important visual resources as viewed from Santa Rosa Road, Highway 1, Sweeney Road, and surrounding areas. Persons that will be impacted include residents and visitors, and area businesses.

Sincerely,
Pierre LaBarge IV

RECEIVED

FEB 26 2018

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Acin Ranch

Vesting Determination

Historic Investigation

Law Office of Marc Chytilo
Feb 28, 2018



Objective Manifestations

- Tangible physical evidence, rather than memory or personal anecdote
- Dated records, contracts, documents, photographs, maps
- Must be prior to enactment of County Ordinance 971 on September 29, 1958
- Evidence of mining activity would consist of two-wheel track roads terminating in visible soil disturbance unrelated to farming

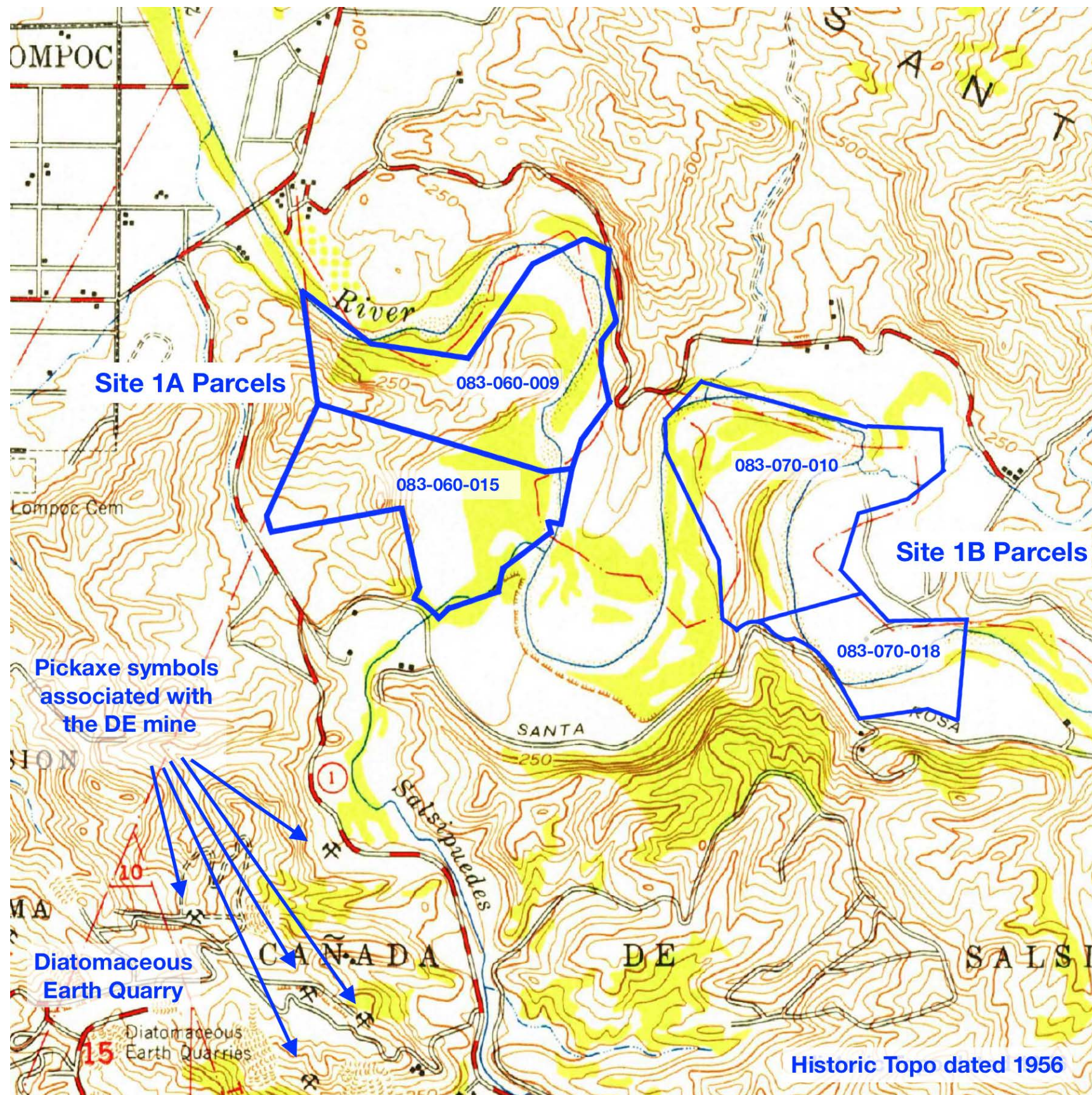


Fig. 1. Historic USGS Topographical Map dated 1956

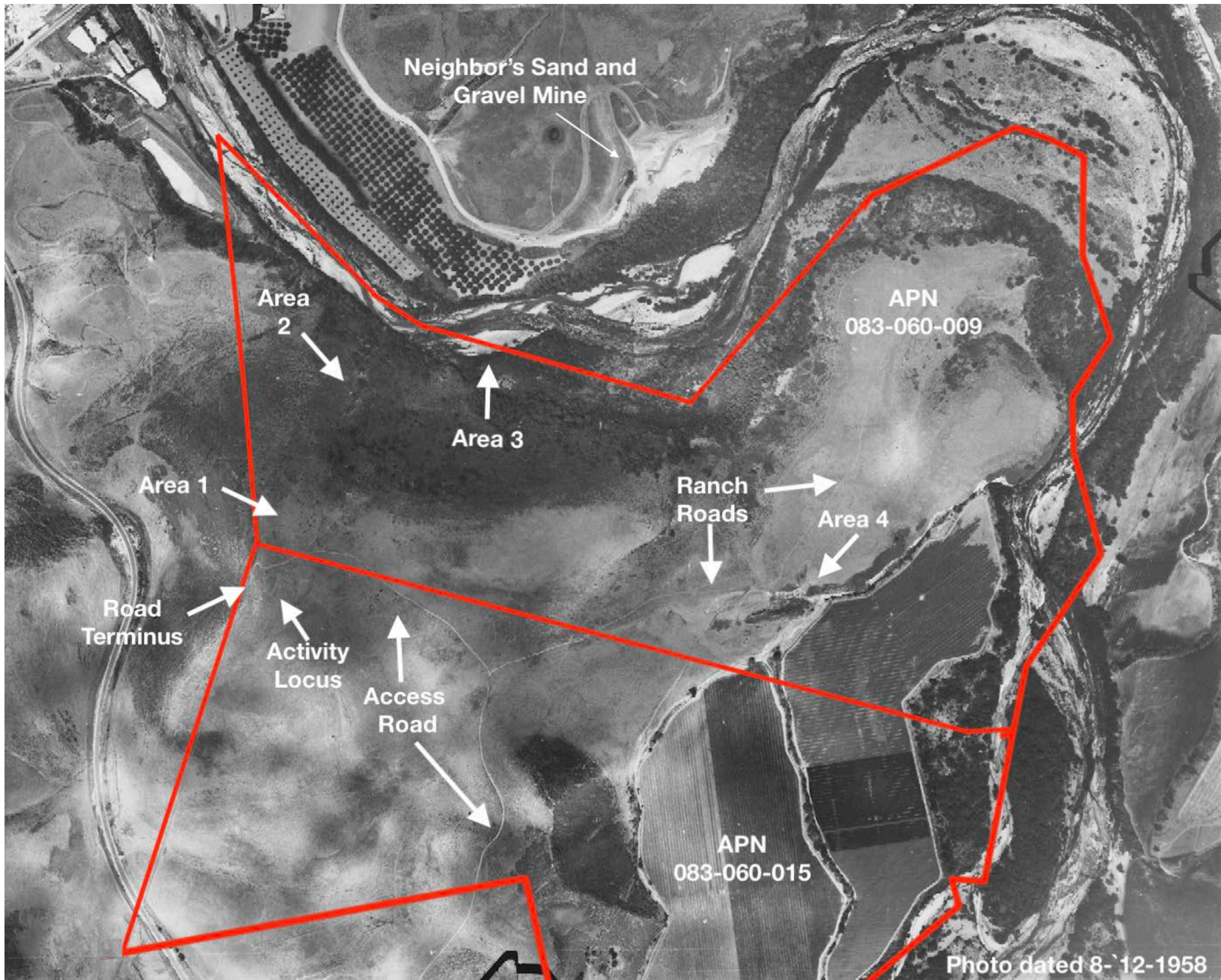


Fig. 2. Aerial photo dated 8-12-1958

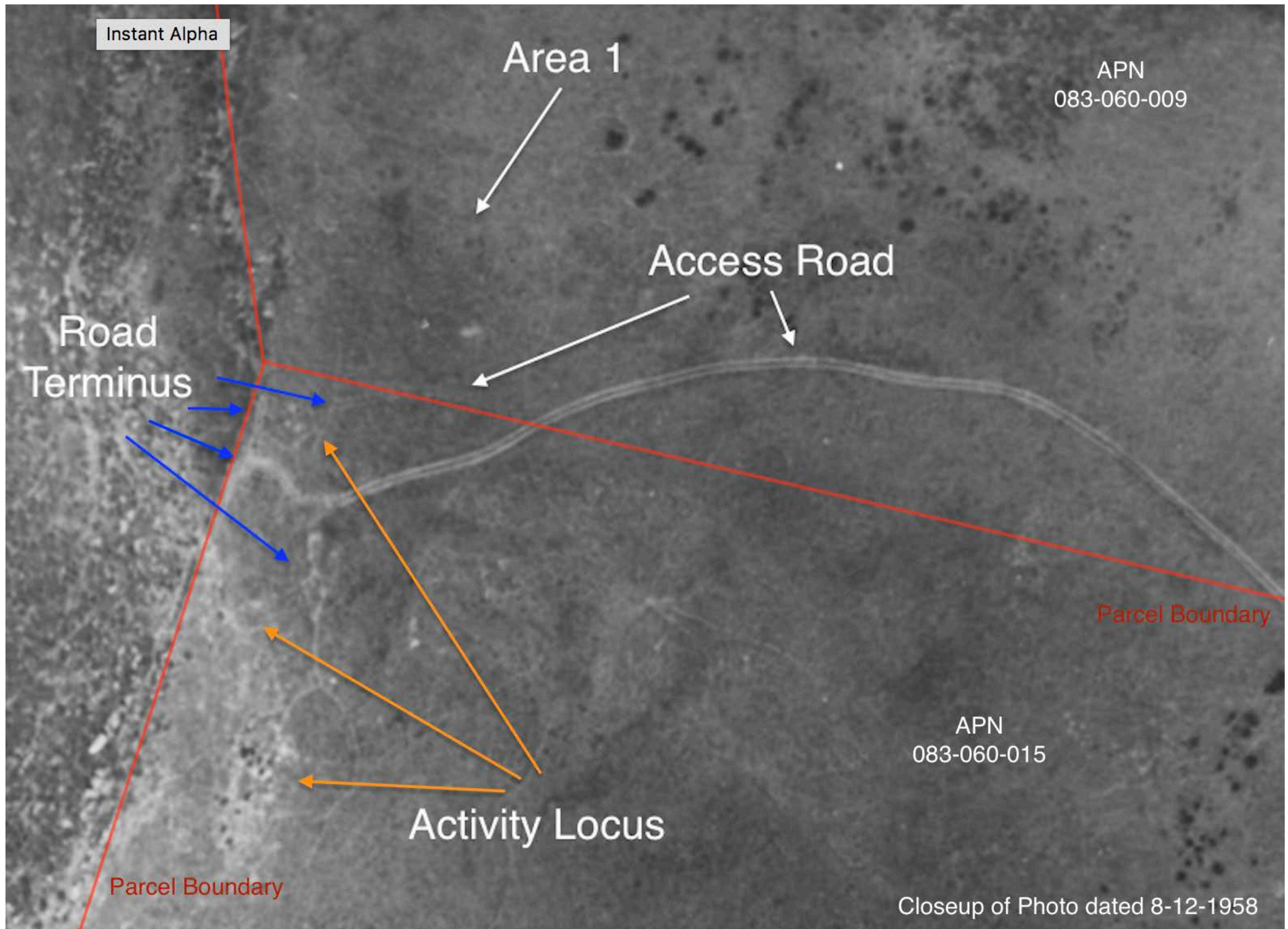


Fig. 3. Closeup of 1958 photo, Area 1

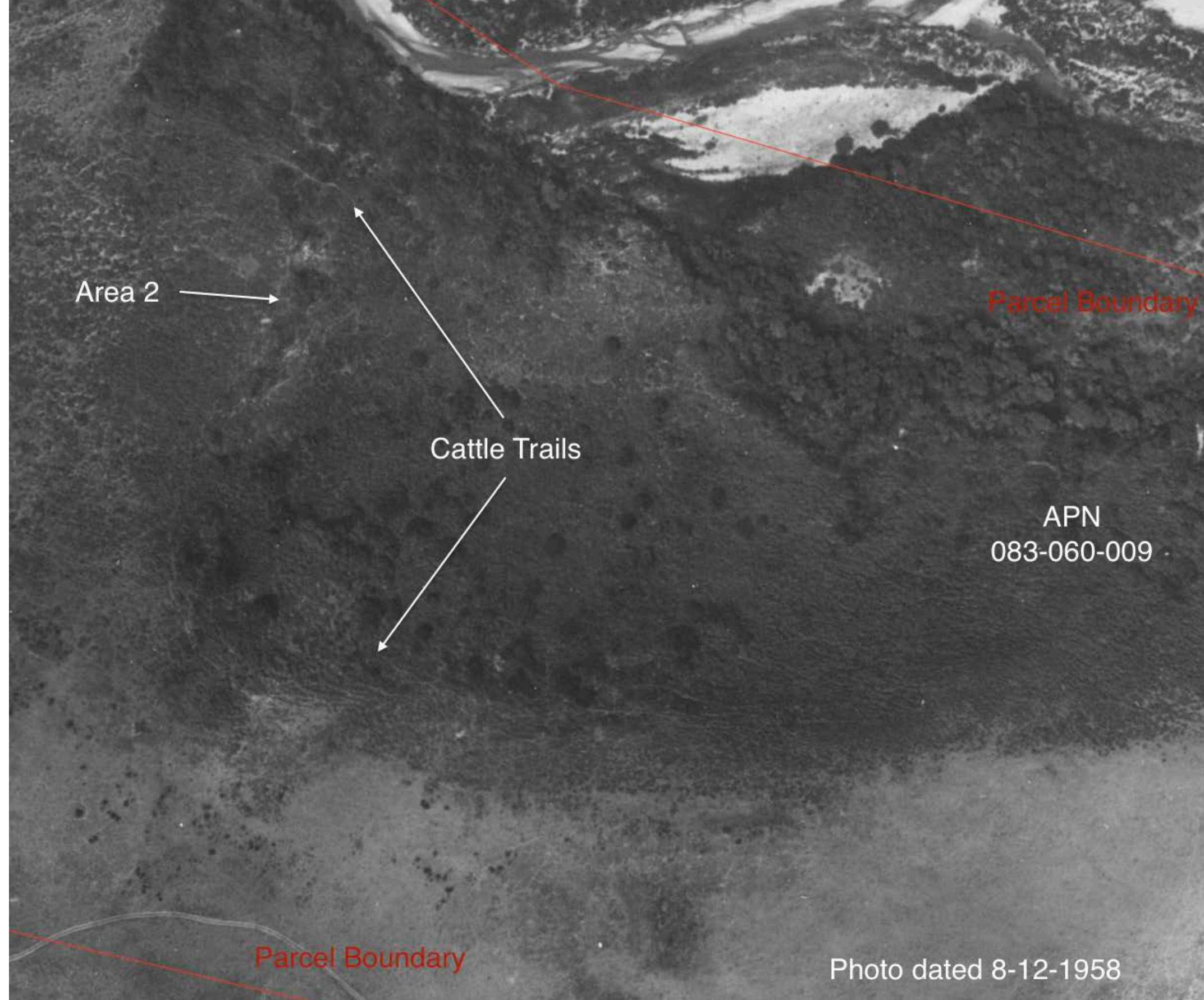


Fig. 4. Closeup of 1958 photo, Area 2

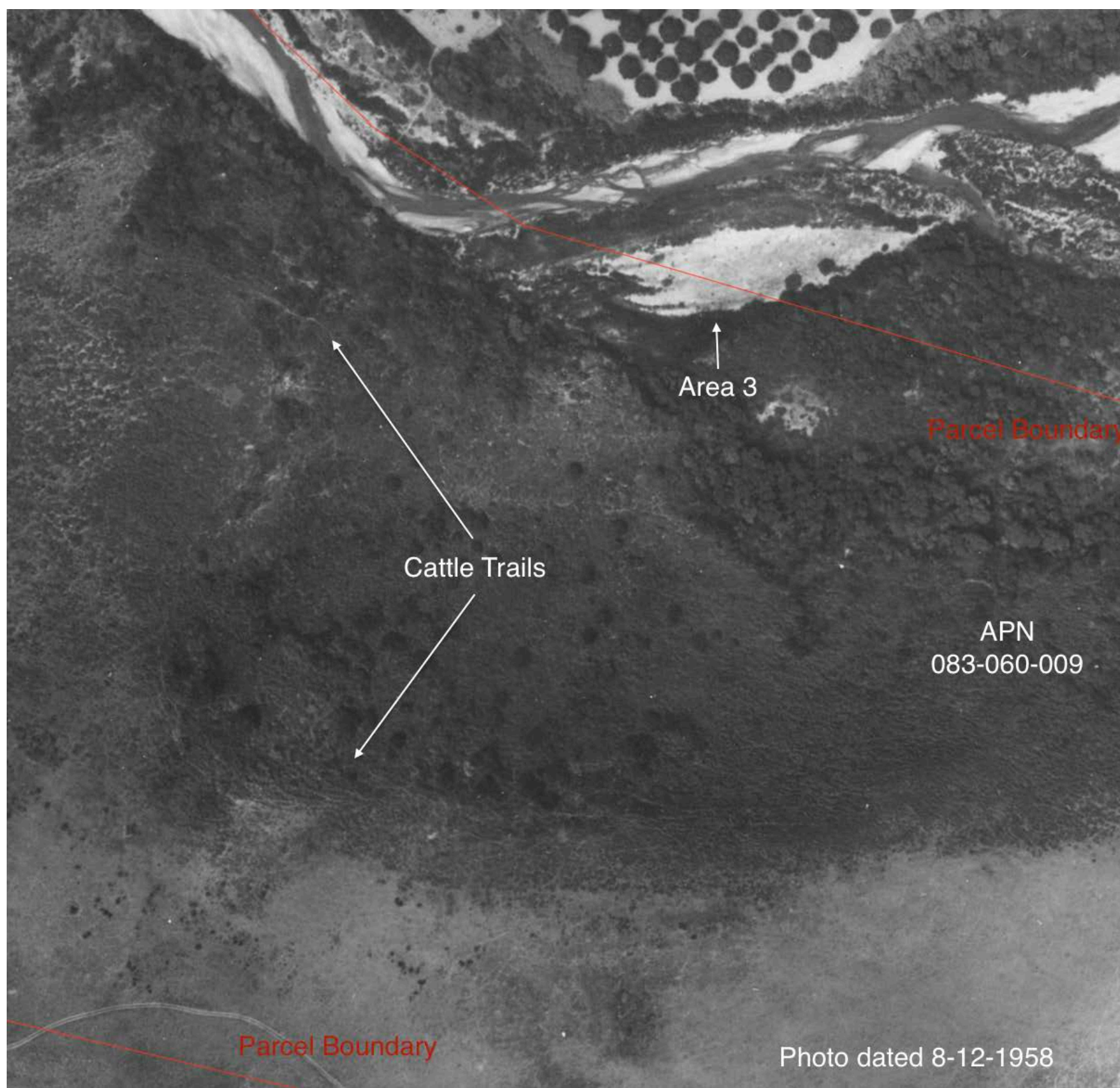


Fig. 5. Closeup of 1958 photo, Area 3



Fig. 6. Closeup of 1958 photo, Area 4.



Fig. 7. Aerial photo dated 6-24-1961

Conclusion of Historic Investigation

- No objective, tangible evidence of quarrying on Parcel -009 prior to the effective date of County Ordinance 971 on September 29, 1958
- All quarrying activities on Parcel -009 occur after this date
- Vested rights for locations outside of Parcel -015 are not upheld