

# El Encinal Appeal (King Family – Pole Barn)

Presented by  
[Susan F. Petrovich]  
[9/22/2009]

Always There™

**APPLICATION – simple legalization of a 20-year old pole barn, built by the King family to replace a turn of the century barn, a necessary part of their agricultural operation.**

## LAND USE PERMIT

Issued by Staff after all necessary findings made:

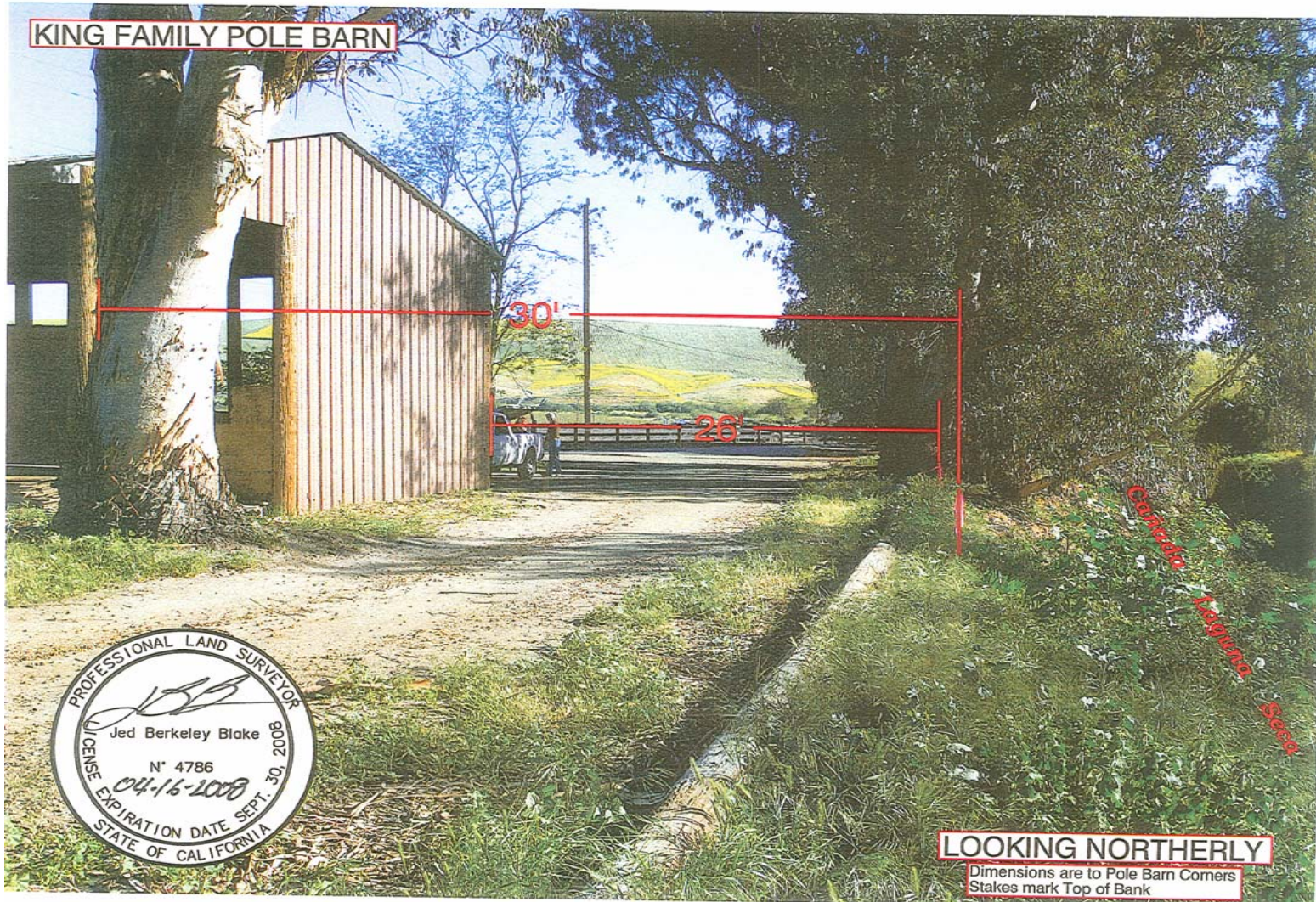
- Project site has adequate services and resources
- Project site is under Agricultural Preserve Program
- Flood Control reviewed the project and didn't require a setback
- Flood Control doesn't even map this drainage as a major creek
- The lot split map had no required creek setback for the access road
- The property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivision, setbacks, etc.

## NO OBJECTION FROM SCHELLERS

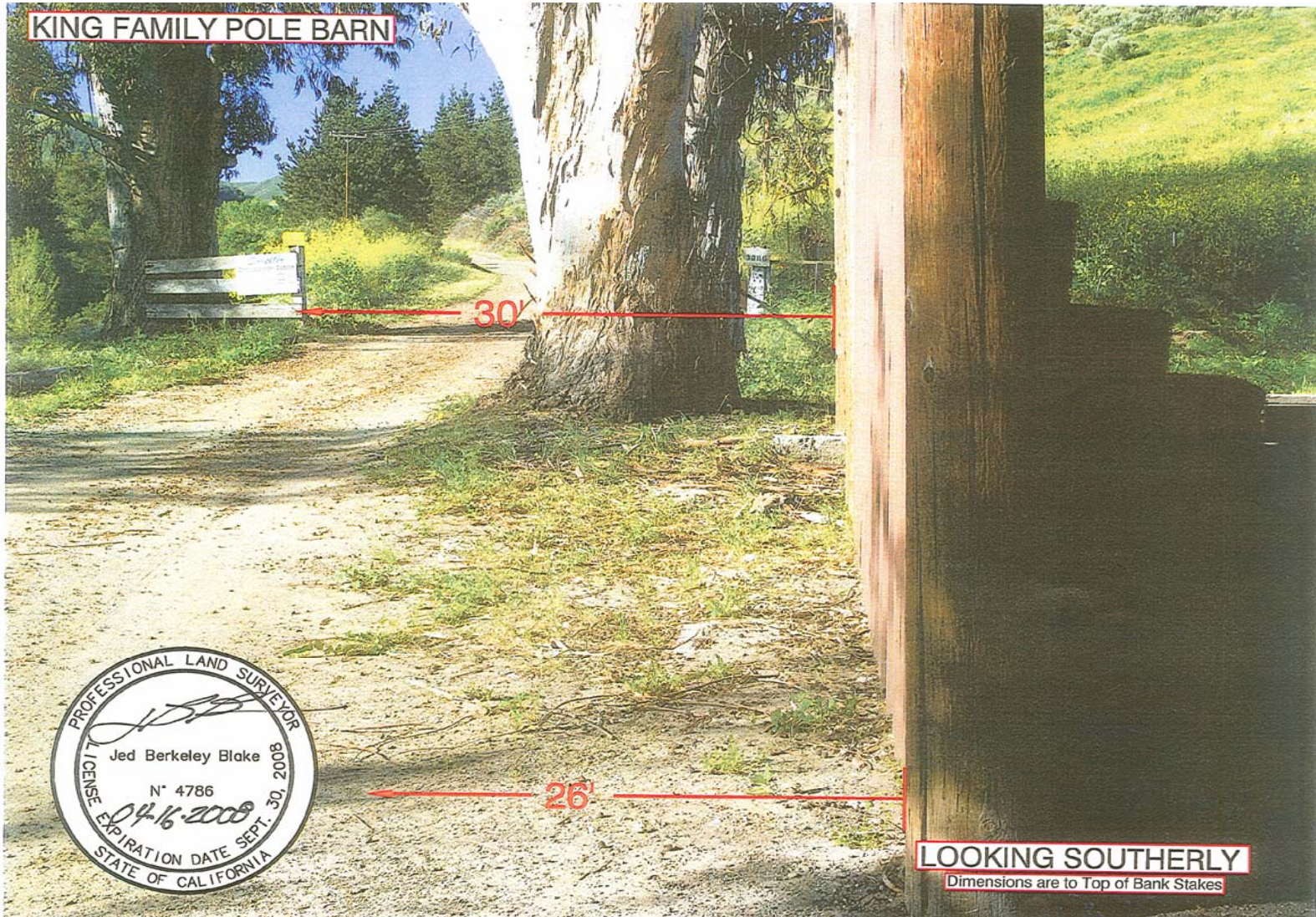
- Schellers watched the barn being rebuilt in its present location
- Schellers never objected
- Schellers used hay stored in the barn
- Suddenly, 20 years later, Schellers file a zoning violation complaint
- The barn is more than 20 feet from the east edge of the road, so there always has been ample room for the roadway



Brownstein | Hyatt  
Farber | Schreck



Brownstein | Hyatt  
Farber | Schreck



## NO OBJECTION FROM SCHELLERS (cont)

- This dispute is about an agricultural structure on agricultural land
- The Schellers found the access road satisfactory for the addition of 2 dwelling units, with County permits, on the 1700 acres.
- The Schellers have found the access road safe enough to accommodate members of the public, renting out their land to Wilderness Unlimited for hunting and camping.



Brownstein | Hyatt  
Farber | Schreck



## PRIVATE ACCESS

ON THESE WELL KNOWN AREAS

### WATERFOWL

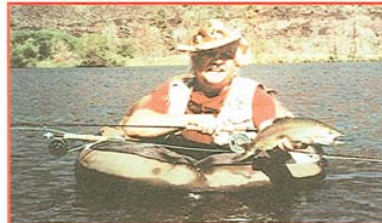
Colusa • Placer  
Merced • Glen  
Modoc • San Diego  
Riverside • Imperial  
San Joaquin

### BIG GAME

Mendocino • Sonoma  
San Benito • Tehama  
Trinity • Humboldt  
Monterey • Kern  
Shasta • Fresno  
Santa Barbara  
Lake • Napa

### FISHING

Private Lakes, Rivers & Ponds  
Hat Creek • Lost Creek  
Fall River • Big River • Garcia River



WILDERNESS UNLIMITED  
22425 MEERKLAND AVENUE  
HAYWARD CA 94541-4934

**TMG**



**BUSINESS REPLY MAIL**

FIRST CLASS MAIL PERMIT NO. 1895 HAYWARD, CA

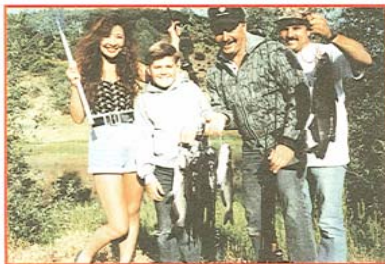
POSTAGE WILL BE PAID BY ADDRESSEE

WILDERNESS UNLIMITED

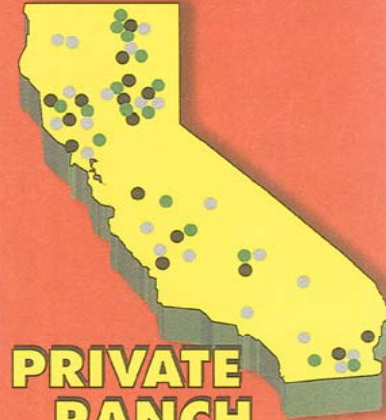
22425 MEERKLAND AVENUE  
HAYWARD CA 94541-4934



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES



## HUNTING FISHING CAMPING



## PRIVATE RANCH ACCESS

**NO TRESPASSING**



**MEMBERS  
ONLY**

**PATROLLED AREA**



**DUCKS  
GEESE  
PHEASANT  
TURKEY  
QUAIL**



**DEER  
HOGS  
BEAR**



## **PRIVATE RANCH ACCESS**

**Each Year There Are More People In California And Fewer Places For Uncrowded Hunting, Fishing And Camping. Locals Have Lost Access And Newcomers have Nowhere To Go.**

**"CONSERVATION THROUGH PROPER UTILIZATION"**



**THERE IS A SOLUTION: ACCESS TO PRIVATE RANCHES!** WILDERNESS UNLIMITED Manages a Number of ranches all over California that are safe, uncrowded and patrolled. RESPONSIBLE MEMBERS and their families have access to many ranches with PRIME HUNTING, FISHING AND CAMPING. Find out how you could enjoy these safer, more productive areas.

**YES!** Please make sure I'm made aware of the advantages of membership in **WILDERNESS UNLIMITED.**



Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: (    ) \_\_\_\_\_

Bus. Phone: (    ) \_\_\_\_\_ Cell: (    ) \_\_\_\_\_

Occupation: \_\_\_\_\_

.com

## LOT SPLIT MAP AND CONDITIONS

- “Roads to be a minimum of 20 feet in width, with all weather surface capable of supporting a 16 ton fire apparatus.” This condition requires no setback from the drainage. The condition represents the road standard applicable at that time.
- The fact that Mrs. King granted a wider easement that included utilities, a well, and water line doesn’t modify the County requirement. The rest of the easement was per a private agreement between the parties.

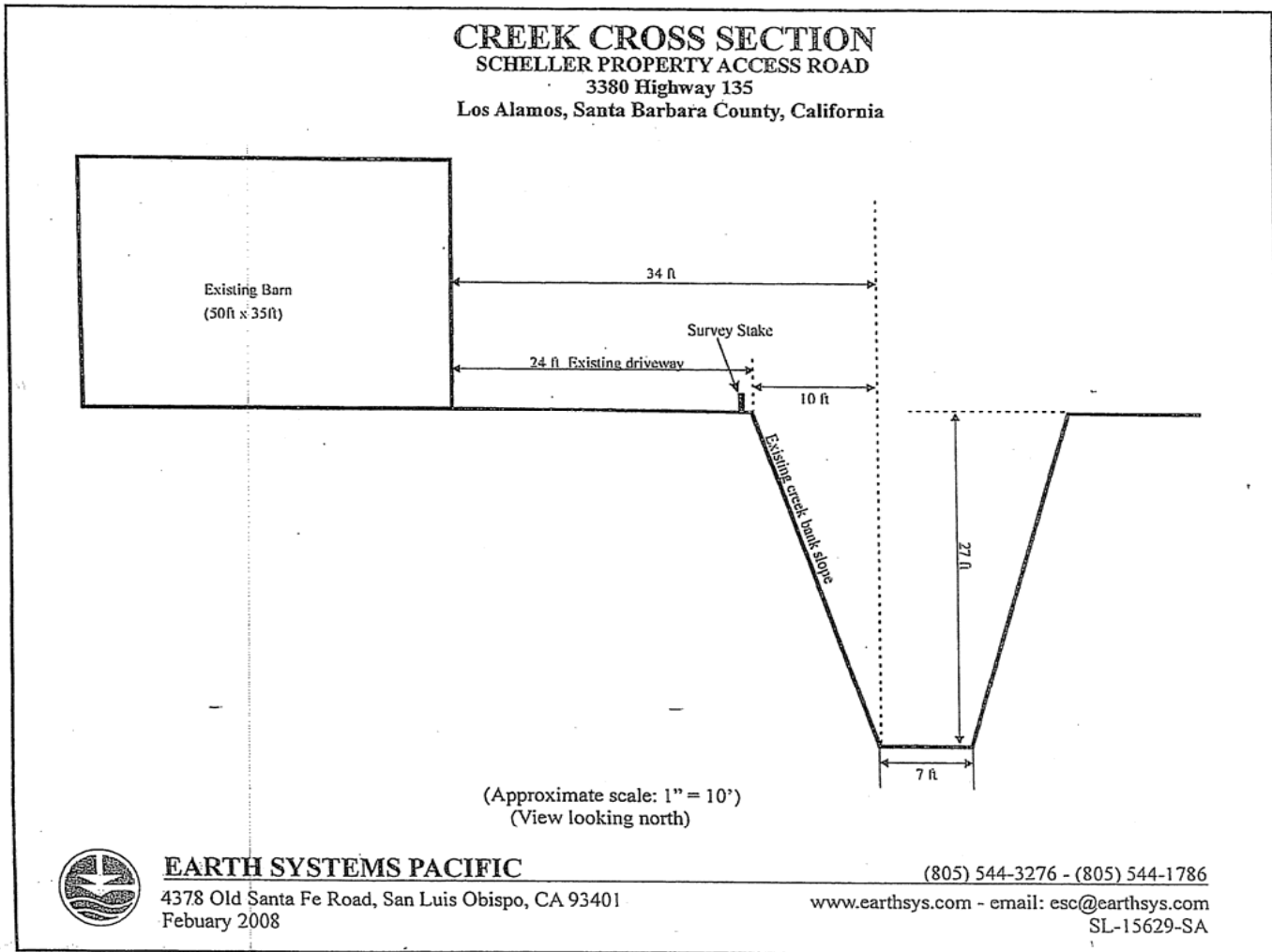


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Farber | Schreck

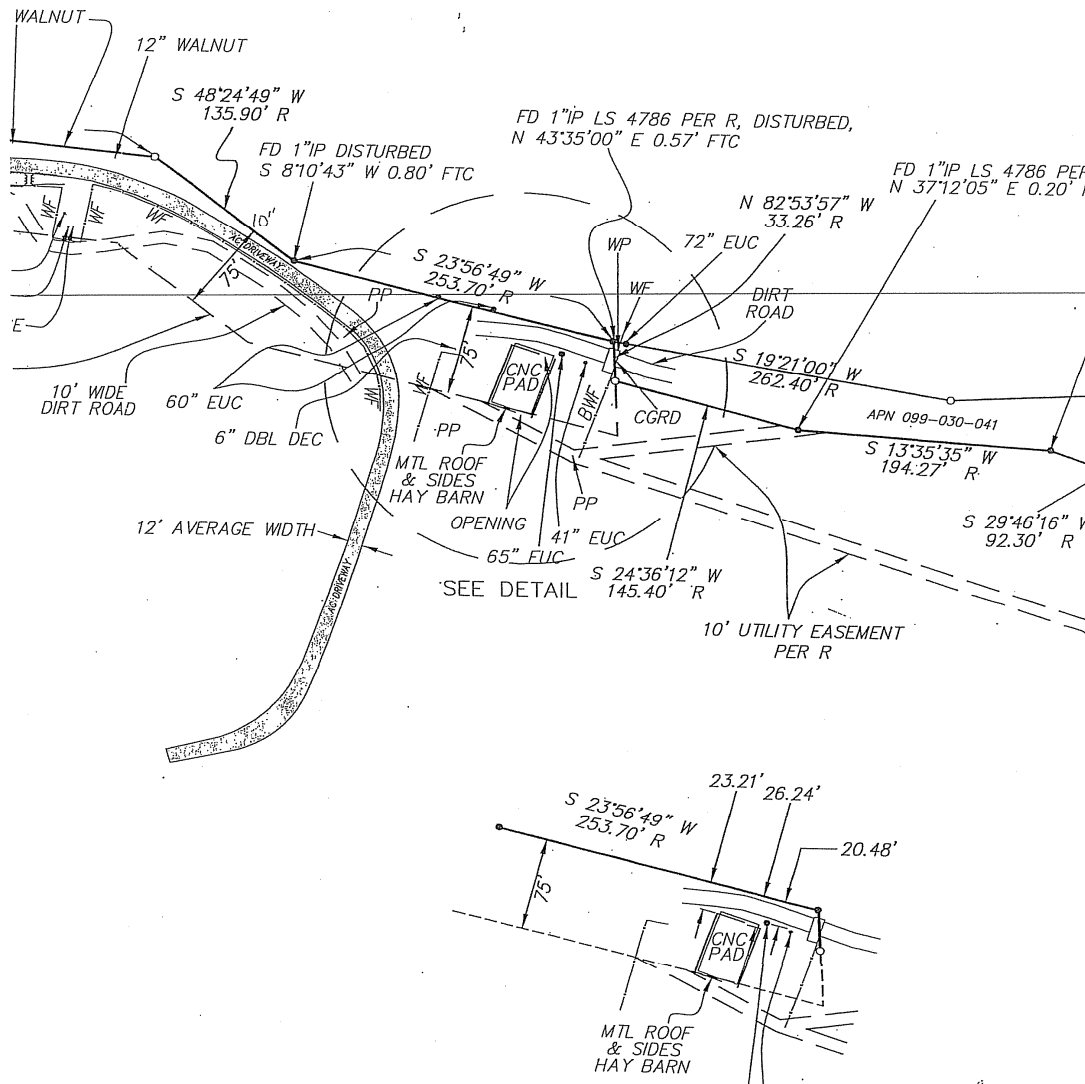


## EARTH SYSTEMS REPORT

- Schellers have presented an engineer's report based upon inadequate information.
- They estimated the distance from the top of bank to the barn at 24 feet. They didn't even bother to rely on an accurate survey.







## EARTH SYSTEMS REPORT (cont)

- MNS now presents a slide that proposes to impose Flood Control standards that aren't applicable to this drainage and a 24-foot wide roadway and shoulders and drainage swales so that the County's 20-foot wide easement requirement now has grown to 50 feet wide!
- Doesn't that telegraph the Schellers' true intention with this appeal? Get rid of that ugly old hay barn, put up some fancy pilasters, and find a developer who will apply for a subdivision of this 1700 acre parcel. We aren't here to set the table for a future subdivision. The sole issue is whether this hay barn meets minimum County standards.

## EARTH SYSTEMS REPORT (cont)

- It's easy to draw diagrams and make predictions. First-hand information is best.
- Bill King by personal testimony, and Darwin Sainz, Chuck King and Nick Ewing by letter – all say that the drainage that supposedly is so highly erosive hasn't moved in decades, with Mr. Sainz and Bill King recalling that it has been stable for over 60 years.
- The mature trees that frame the roadway support their testimony







## CLAIMED NEED FOR WIDER ROADWAY

- The existing trees are a greater blockage of the road than the barn. The trees were there when the lot split map was recorded but there was no condition imposed, requiring their removal.
- The existing barn foundation would remain in any case. It presents an on-going road constriction
- Schellers' portion of the road also is constricted

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Farber | Schreck





Brownstein | Hyatt  
Farber | Schreck



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Farber | Schreck

RECORDING REQUESTED BY: TICOR TITLE INSURANCE CO. 190175-MPH  
WHEN RECORDED, RETURN TO: CONSUELO R. KING  
P. O. BOX 678  
LOS ALAMOS, CA 93440

U.C. MEN/CL CLERK RECORDER  
1986-087275

LOUIS BARBARA C. CA.  
1986 DEC 30 AM 8:00

1 12/30/86  
2 12/30/86  
3 12/30/86

3  
ROAD MAINTENANCE AGREEMENT

THIS AGREEMENT is made and entered into on December 23, 1986, by and between CONSUELO RICKARD KING, Trustee of the CONSUELO RICKARD KING REVOCABLE TRUST dated September 9, 1985, and EDWARD C. SCHELLER and AUDREY F. SCHELLER, Husband and Wife, under the following facts and circumstances:

a. King, the owner of the El Encinal Ranch in Los Alamos, Santa Barbara County, California, consisting of two (2) contiguous legal parcels of land, described in Exhibit "A", attached, and incorporated by reference herein, contemporaneously herewith is selling to Scheller and Scheller is purchasing from King Parcel Two thereof.

b. Included in said purchase and sale between the parties is the grant, from King to Scheller, of a non-exclusive easement for ingress, egress, public utility and private waterline purposes across a portion of Parcel One described in Exhibit "A", which easement is described in Exhibit "B", attached hereto and incorporated by reference.

c. Within said easement there is presently an asphalt paved road, fifteen feet (15') in width, extensive landscaping and irrigation therefore, which entry road serves both parcels.

d. King and Scheller, for themselves, their heirs, successors or assigns, hereby desire to enter into this agreement setting forth their respective rights, duties and obligations, each to the other, with regard to the care, use and maintenance of said easement.

NOW, THEREFORE, the parties agree as follows:

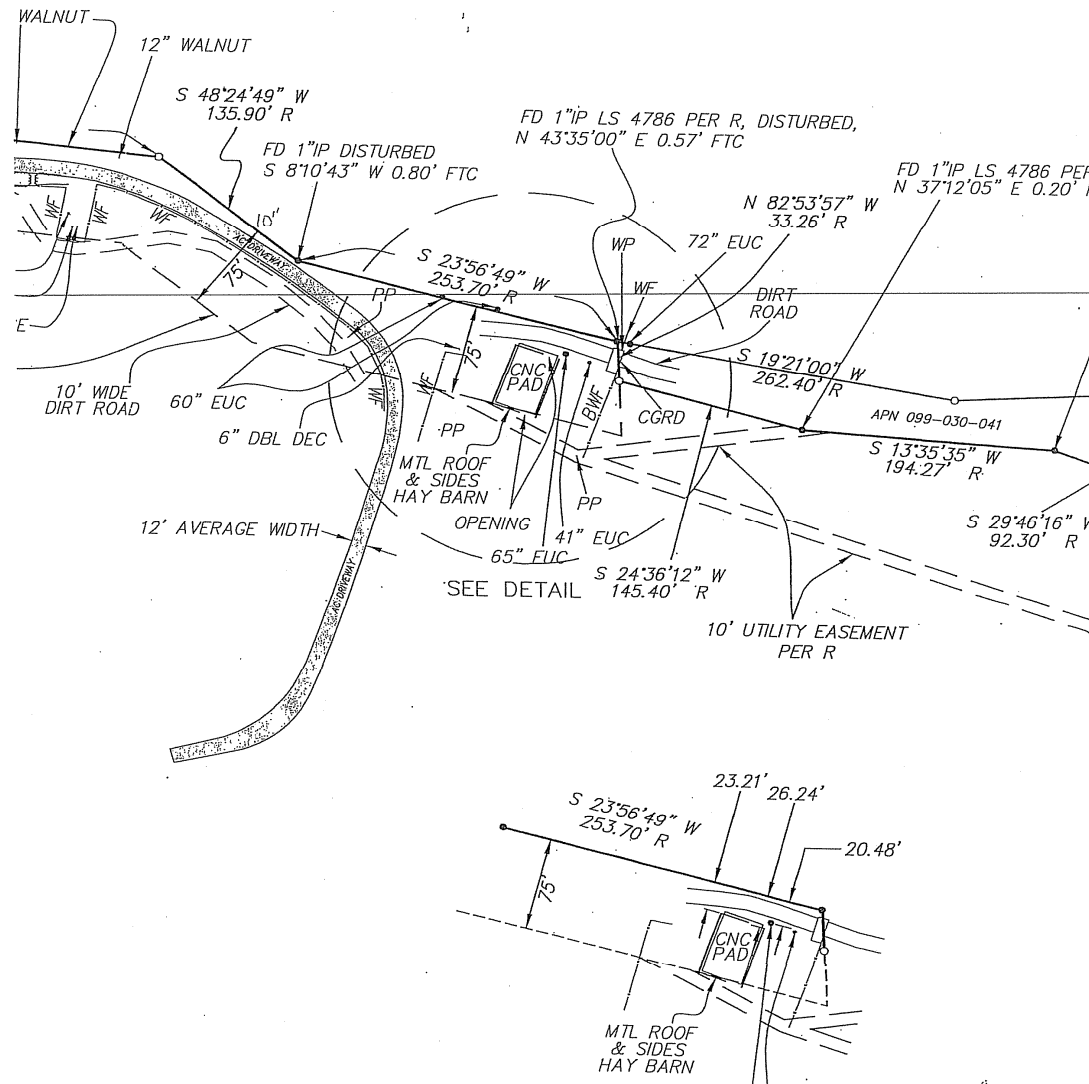
1. The parties hereto, as owners of the real property benefitted by said roadway and improvements, agree to share equally in the payment of all costs incurred in the operation, management, maintenance and repair thereof, in the good condition the same now is.

2. In the event any owner shall fail to pay his/her share of the costs of operating, managing, maintaining and repairing said road improvements in accordance with the provisions of this agreement, after ten (10) days' written notice of default from any other party hereto, and if such defaulting party fails to cure said default within said time period, then any other party may perform such work or cause such work to be performed for and on behalf of such defaulting party and the cost thereof, together with interest at ten percent (10%) per annum and/or penalties necessarily paid, shall be paid to the performing party by the defaulting party upon demand.

*[Handwritten notes and stamps on the left margin]*  
RECEIVED FOR RECORDING  
1986 DEC 30 10:30 AM  
COUNTY OF SANTA BARBARA  
CLERK OF THE COUNTY

Brownstein | Hyatt  
Farber | Schreck





## PRIVATE ROAD AND DRIVEWAY STANDARDS

### Development Standard #1

#### I. DRIVEWAYS

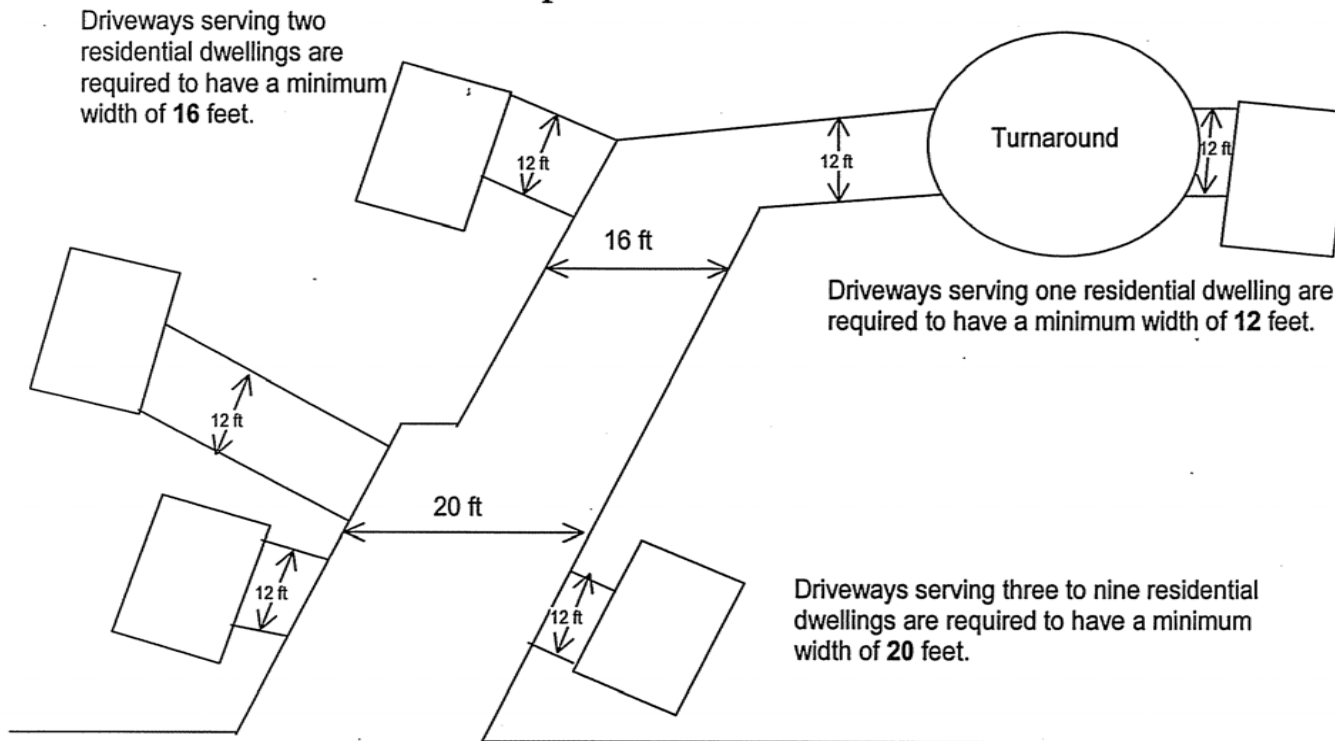
Fire department access roads shall be provided and maintained in accordance with the California Fire Code (CFC).

- A. A driveway serving one residential lot or dwelling shall have a minimum width of 12 ft. See example on Page 5. (CFC 101.3 and 101.4) (Refer to Engineering Design Standards, Roads Division, Department of Public Works, Santa Barbara County (EDS), Page 8-1)
- B. A driveway serving two residential lots or dwellings shall have a minimum width of 16 ft. See example on Page 5. (CFC 101.3 and 101.4) (Refer to EDS, Page 8-2)
- C. A driveway serving three to nine residential lots or dwellings shall have a minimum width of 20 ft. See example on Page 5. (CFC 902.1 and Appendix III-D)
- D. A driveway serving 10 or more residential lots or dwellings shall have a minimum width of 24 ft. (CFC 101.3, 101.4 and 902.2.2.1)
- E. Driveway sections in excess of 500 ft shall have 10 ft by 50 ft turnouts every 500 ft. Line of sight issues may indicate shorter intervals. (CFC 101.3 and 101.4) (Refer to EDS, Page 8-1)
- F. Approved turnaround (large enough to accommodate fire trucks) shall be required at end of driveways longer than 150 ft. See examples on Pages 7 - 10. (CFC 902.2.2.4) (Refer to EDS, Page 8-2)
- G. Turnarounds must not exceed 5% in slope. (Refer to EDS, Page 7-4)
- H. Minimum dimensions for driveway switchbacks, see example on Page 11. (CFC 902.2.2.3)
- I. Where required as an emergency access roadway, the minimum standard structural section shall be designed and constructed to be capable of supporting a 20-ton vehicle. (CFC 902.2.2.2)
- J. The standard structural section may be modified by engineering design or certification. Refer to Santa Barbara County Public Works, Road Division (RD).

#### II. PRIVATE ROAD

This standard applies to access roadways serving two or more residential parcels. A private road is a road over which the County has no maintenance responsibilities. The private road may be located in either a publicly or privately owned easement.

**Minimum Widths for Driveways Serving From One  
Up to Nine Residences**



## WHAT THIS DISPUTE IS NOT

- Not a unilateral map modification
- Not an enforcement of the lot split map condition. The sole issue is whether or not the County's map condition has been met – that condition was limited to a 20-foot wide paved access road. The Schellers are trying to morph the County's original condition into something that it never was – it never required 75 feet for access. It never addressed future erosion of the drainage, but the property owners did that with the Road Maintenance Agreement. It never was a promise that the easement wouldn't be used for other things. In fact, the existing foundation, trees, utility poles, fence and farm field all were located in the easement area but the County didn't require that they be removed as part of its condition





## WHAT THIS DISPUTE IS NOT (cont)

- No map modification is required because the 75-foot easement wasn't a condition
- The 75-foot easement was for multiple purposes
- It's not a County issue – this a private easement dispute
- It's not a new subdivision so there's no basis for imposing a greater road width than that imposed on the lot split

## WHAT THIS DISPUTE IS ABOUT

- The Schellers have been marketing this property as a potential subdivision for years.



210' long

March 21, 2005

Carson Scheller  
P.O. Box 141  
Los Alamos, CA 93440

RE: Subdivision Feasibility of APNs 099-030-036 & 041

Dear Carson:

I have completed my research into the potential for subdivision of your ranch. I believe that, under the existing AG-II-100 zoning of the property, a subdivision of five parcels is feasible.

Agricultural viability scores are crucial to grazing land subdivisions. Each proposed parcel of grazing land must have a carrying capacity of over 30 head of cattle, which is the viability threshold for that use. The minimum parcel size is usually about 320 acres, but poor soils or steep slopes could result in the need for even larger parcels. For this reason, the proposed parcels on the back (southern) end of the ranch should be the largest. Probably about 400 acres each minimum. The soils back there include primarily San Andreas Tierra Complex (SfE & SfG), Gaviota Sandy loam (GmG) and Gazos clay loam (GsF). All of these soils have low to moderate fertility.

The grazing land on the front (northwest) area of the ranch is comprised of much more fertile soils types. High fertility soils on this portion of the ranch include Diablo Silty Clay (DaF), Shedd Silty Clay (SrG) and Linne clay loam (LcF & LcG). This area also includes some low fertility areas of Chamise shaly loam (ChD, ChG & ChG2), San Andreas Tierra Complex (SfE & SfG) and Tierra Loam (TrE2). A grazing land parcel in this area could be closer to 320 acres.

You also have large, irrigated areas of Class III Botella Clay Loam (BtD2) and Botella Loam (BoD2) soils along the northeast side of the ranch, which are highly fertile (great for walnuts, grain, hay and beans). Proposed parcels with over 40 acres of prime agricultural land also pass the viability test. For this reason, I believe that some proposed parcels in this area could be smaller in size (200 acres with 40 of prime ag.) and still pass the agricultural viability test.

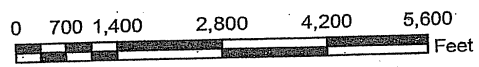
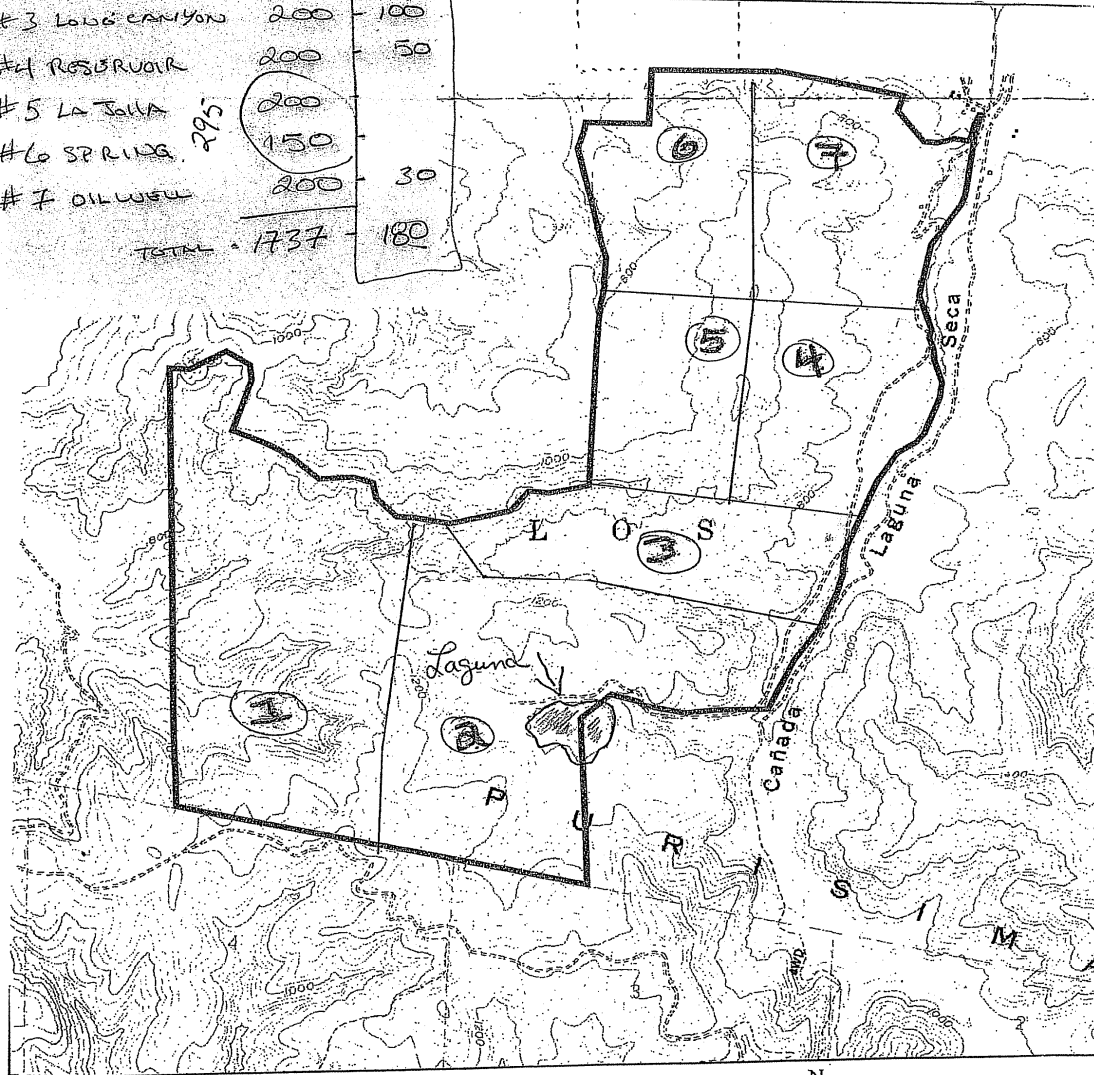
Based upon the aforementioned factors, under today's zoning of AG-II-100, I find that it is highly likely that a five-parcel subdivision of your ranch could be successfully processed through Santa Barbara County Planning & Development. It would take time and money and careful study and documentation; but the potential is there. I would recommend two larger grazing land parcels in the southern portion, another grazing land parcel in the northwest area, and then two smaller parcels of about 200+ acres each that would share the irrigated Botella Clay Loam and Botella Loam areas.

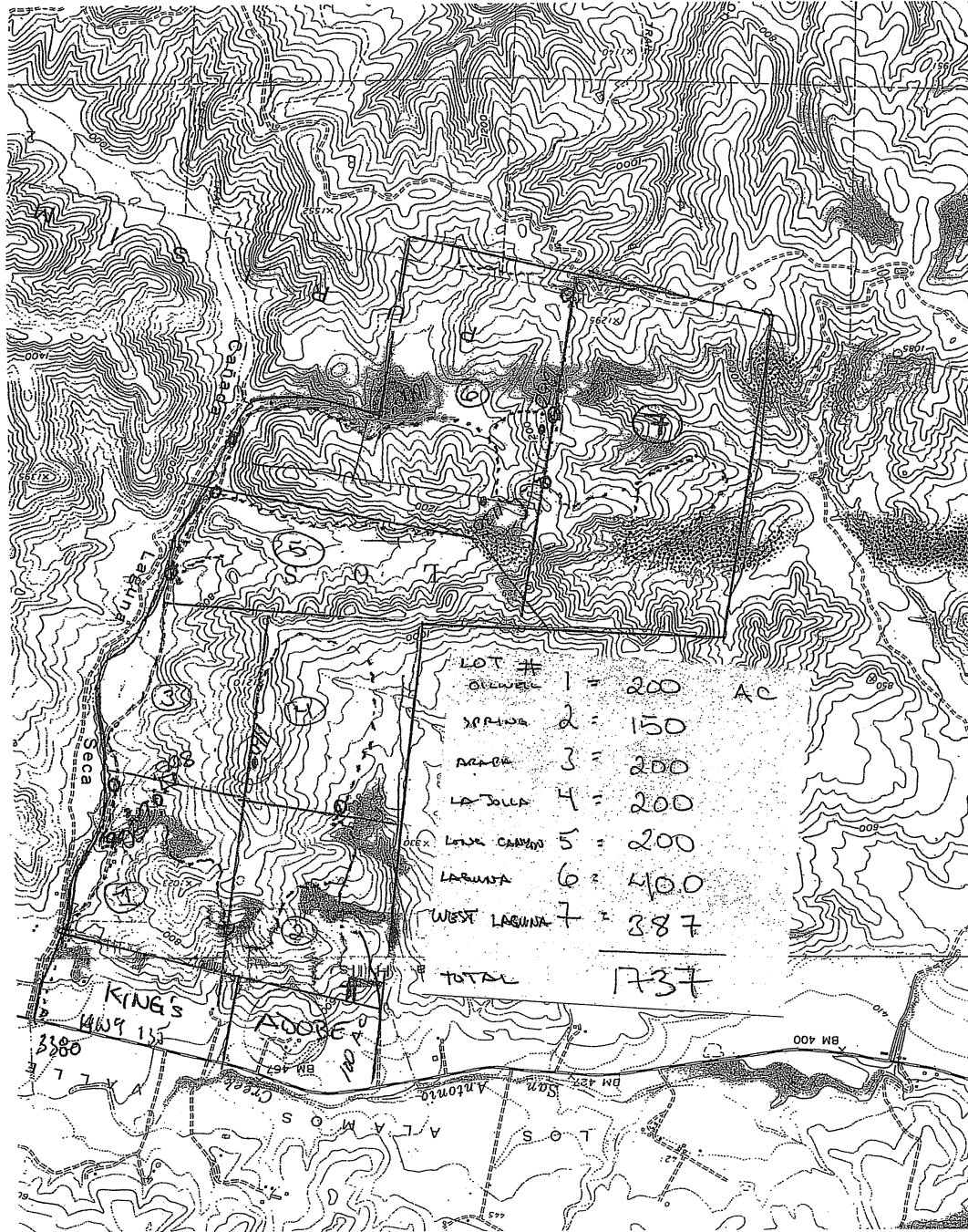
# Scheller

#1 WEST LAGUNA	387	FARM AC
#2 LAGUNA	400	↓
#3 LONG CANYON	200	100
#4 RESERVOIR	200	50
#5 LA JOLLA	200	30
#6 SPRING	150	
#7 OIL WELL	200	30
TOTAL	1737	180

LOS ALAMOS 3mi  
↘

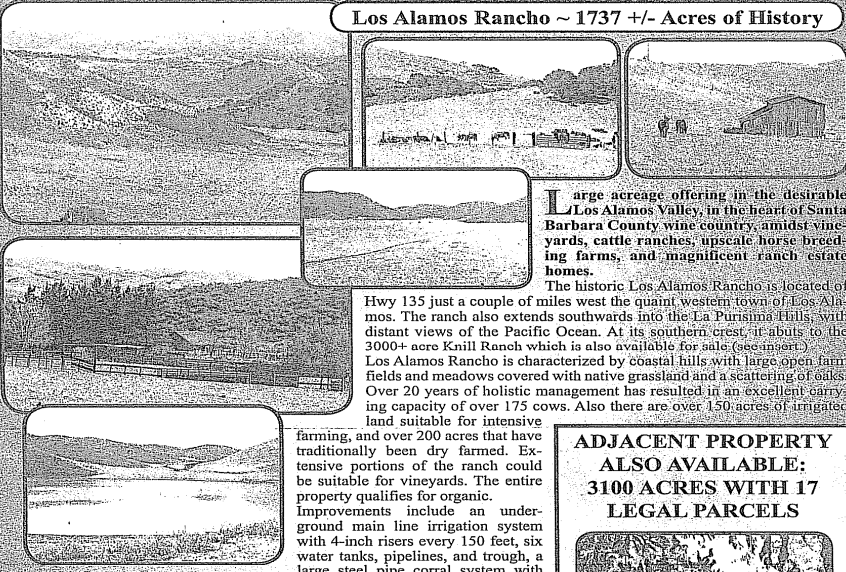
3800  
HWY 135





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**Los Alamos Rancho ~ 1737 +/- Acres of History**



**L**arge acreage offering in the desirable Los Alamos Valley, in the heart of Santa Barbara County wine country, amidst vineyards, cattle ranches, upscale horse breeding farms, and magnificent ranch estate homes.

The historic Los Alamos Rancho is located off Hwy 135 just a couple of miles west the quaint western town of Los Alamos. The ranch also extends southwards into the La Purisima Hills, with distant views of the Pacific Ocean. At its southern crest, it abuts to the 3000+ acre Knill Ranch which is also available for sale (see insert).

Los Alamos Rancho is characterized by coastal hills with large open farm fields and meadows covered with native grassland and a scattering of oaks. Over 20 years of holistic management has resulted in an excellent carrying capacity of over 175 cows. Also there are over 150 acres of irrigated land suitable for intensive farming, and over 200 acres that have traditionally been dry farmed. Extensive portions of the ranch could be suitable for vineyards. The entire property qualifies for organic.


Improvements include an underground main line irrigation system with 4-inch risers every 150 feet, six water tanks, pipelines, and trough, a large steel pipe corral system with catch pen and scale, three barns + office and two well-kept manufactured homes. A large laguna provides a secondary agricultural water source. There is fencing and cross-fencing throughout the ranch.

A preliminary parceling configuration delineates seven potential parcels, ranging in size from 150 to 400 acres, each of which would support full agricultural use.

**At \$8000 per acre, the Los Alamos Rancho is competitively priced below other area offerings currently on the market.**


See our online presentation at  
[www.RanchAndCountry.com/LosAlamosLargeHistoricRanchId2818.html](http://www.RanchAndCountry.com/LosAlamosLargeHistoricRanchId2818.html)


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\$13,896,000

jim rickard

**From:** <Rancheria@aol.com>  
**To:** <rickard@impulse.net>  
**Sent:** Sunday, February 25, 2007 10:32 AM  
**Attach:** Ranch Description.doc  
**Subject:** Re: Los Alamos Ranch

Greetings , Thank you for your interest in my family's Los Alamos property for sale.  
please find attached information  
owner : Carson Scheller

Thank you for your interest in my family's historic ranch in the beautiful  
Los Alamos Valley in Santa Barbara County, California.

**Location**

Sits two miles west of the quaint village of Los Alamos, California,  
on the south side of Highway 135.  
Extends three miles south into the La Purisima Hills, overlooking the city of Lompoc  
with distant views of the Pacific Ocean to the west.  
APN # 099-30-41 and 099-30-36  
Zoning AG II, 100 acres, enrolled in Williamson Act

**Improvements**

Access from Highway 135 by ¼ mile paved driveway  
Two well-kept mobile homes and yards  
Three barns  
Large steel pipe corral system with scale  
The ranch is fenced and cross-fenced into eight pastures  
Complete water system of tanks (4 are new), and pipelines and troughs  
Newly renovated spring box

**Grazing**

The ranch is comprised of coastal hills with mostly open native grassland and  
scattering of oak trees.  
This ranch has been holistically range managed for over 20 years.  
Extremely good cattle carrying capacity of approximately 175 cows.  
All 1737 acres are currently being grazed.

**Farming**

Over 150 acres serviced by an underground main line irrigation system  
with 4" risers every 150 feet.  
Plus, over 200 additional acres traditionally dry farmed, all with vineyard potential.  
All qualifies for organic farm ground.  
Note: irrigation system could use a new well  
(have 2 current bids at \$60,000 = 1000 GPM)  
Also, large laguna on south side of ranch used for farming water.  
No current farming activity on ranch at this time.

**Future Potential**

1. lot line adjustment with interested neighbors
2. parcel maps with up to seven lots
3. mitigation bank

**Price:** \$8000 / acre 1737 acres total

**Contact :** Carson Scheller email: rancheria@aol.com

## WHAT THIS DISPUTE IS ABOUT (cont)

- There's nothing evil about seeking the highest value for your property, but here the Schellers are doing it at the expense of a viable agricultural operation.
- There is nowhere else on the El Encinal property to locate this pole barn, other than by taking crop land out of production. This IS about agricultural viability.
- We ask you to grant the El Encinal appeal