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Nov. 8, 2016  
Item No. \_\_\_\_

November 4, 2016

Chair Peter Adam, and  
Members of the Board of Supervisors  
County of Santa Barbara, CA 93101

Re: Barton Myers Bridge Appeal; 16APL -00000-00012 & 16LUP-00000-00109

Dear Chair Adam, and Members of the Board of Supervisors:

I write on behalf of the applicants, Barton and Vicki Myers, to advise you that we would agree to a continuance of the captioned matter to November 22, or if that date is not possible, December 13, 2016.

We believe it important that Supervisor Carbajal, in whose district the project is situated, be able to participate and understand that his time is constrained on November 8. We have also been working with Ray Navarro, the new Fire Chief of the Summerland-Carpinteria Fire District, and understand that the additional time will be helpful to him as well.

If the matter is scheduled for the November 22 hearing, it will be extremely important to the Myers that the matter be heard at some time during the morning portion of the hearing, as he has travel commitments that can no longer be changed that require him to leave for Los Angeles in the afternoon.

Thank you very much.

Sincerely,

Derek A. Westen  
Attorney at Law

cc. Barton and Vicki Myers

## Agricultural Uses

The Myers began agricultural uses on their property from the moment they purchased it, even before they built their residence. The ability to maintain ag uses was critical to their reasons for acquisition of the property.

Frankly, they are stunned to see the position taken in its Staff Report that the Toro Canyon Plan only allowed agricultural uses only with a conditional use permit, and that the ag uses they maintain are unpermitted.

Before the Toro Canyon Plan was adopted, the designated land use was AG II-40. In 2004 the designation was changed to MA-40. When they purchased the property in 1996 they immediately began the ag use. The applicable zoning, MT-40 (cultivated agriculture, orchard, vineyard specifically states, in Table 2-4, that “Cultivated agriculture, orchard, vineyard –Historic legal use” is E-Exempt. It is not correct that the existing use required a permit at the time it was developed.

The property has existing cultivated agriculture, including five acres of olives, blood oranges, vetiver grass, tuna cactus, grapevines, and specialty fruits. Olives from the property are sold locally. Pan i Vino restaurant purchases blood oranges from the property that it uses in deserts and salads, and has commented that the olive oil from the property is the best California-produced olive oil available. Pierre La Fond sells the property’s olive oil and is interested in purchasing the blood oranges.

In addition, the property has an existing water well that provides the East Mountain Mutual Water Company an important source of water.

Because ag uses always require service roads, an agriculture Road is an “agricultural improvement” and not a new “development” that is encouraged in the Ag Element, Policy 1.C and Goal VI.

Permit requirements clearly favor support of ag uses:

““Permit and processing requirements, ESH-TCP. The following permit and processing requirements shall apply to lots zoned ESH-TCP.

“1. Land Use Permit Requirement

- a. The issuance of a Land Use Permit n compliance with Section 35.82.11 ... shall be required for the following activities unless the activity is directly related to an agricultural use on a lot with an agricultural zone designation.

- (1) The removal of native vegetation along 50 linear feet or more of a creek bank or removal that, when added to the previous removal of native vegetation with the affected habitat on the site, would total 50 or more linear feet of native vegetation along a creek bank.

- (2) Grading in excess of 50 cubic yards of cut or fill.

(3) Except for vegetation fuel management within 100 feet of an existing structure:

(4) The removal of native vegetation over an area greater than 21, 780 square feet (one-half acre) ...”