



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: October 14, 2008
Placement: Set Hearing
Estimated Tme: 1/2 hour on November
4, 2008
Continued Item: Yes
If Yes, date from: March 4, 2008
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, Director, 568-2085
Director Planning and Development
Contact Info: Dave Ward, Deputy Director, 568-2520
Development Review Division– South County
**SUBJECT: Set Hearing for Applicant Appeal of the Planning Commission’s Denial of the
Firefox Sandstone Carving Project**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

Auditor-Controller Concurrence

As to form: N/A

Set hearing for the November 4, 2008 Departmental Agenda to consider Case No. 07APL-00000-00041 for the Applicant’s Appeal of the Planning Commission’s denial of the Firefox Sandstone Carving Project (07LUP-00000-00301) (time estimate 1/2 hour; 10 minute staff presentation):

On November 4, 2008, your Board’s action should include the following:

1. Uphold the appeal.
2. Adopt the required findings for the project specified in Attachment A of this staff report, including the California Environmental Quality Act (CEQA) findings.
3. Approve the Negative Declaration (08NGD-00000-00025) included as Attachment B of this staff report, and adopt the mitigation monitoring program contained in the conditions of approval.
4. Grant de novo approval to the project, subject to the conditions included as Attachment C.

Summary Text:

Project Description

Mr. Edward Langhorne, of Firefox, Inc., requests the approval of a Land Use Permit (07LUP-00000-00301) to construct three new buildings in order to conduct sandstone cutting and quartering 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. Firefox, Inc. currently operates a wholesale nursery business at the subject property. Specifically, Firefox, Inc. imports mature trees (e.g., olive trees, palms, oak trees, toyons) that are removed or otherwise proposed to be destroyed due to construction. Firefox, Inc. maintains the trees onsite by replanting them in mounds of soil. Rocks of various sizes are used to stabilize the mounds. When a tree is sold, the mounds and rocks are transported with the trees to maintain stability and ensure survival. Firefox, Inc. proposes to enhance the nursery business by splitting and quartering stone onsite to create rocks of various sizes needed to construct the tree mounds and by producing and selling rough-cut and rough-finished sandstone benches, steps, and other rough-cut garden accessories in addition to the trees.¹

The requested permit includes construction of the following: One enclosed Rock Splitting Building (1,250 square feet) would contain the rock splitting equipment and two (2) air scrubbers. One enclosed Rock Cutting Building (3,000 square feet) would contain three (3) water cutting saws, a water scrubber, a water reclamation vault, an air scrubber, a rock crusher (to be rented as needed), a 300 square foot office, and a 125 square foot storage room. An Equipment Storage Shed Building (1,250 square feet) would be constructed that would contain a large forklift, a loader, a 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 approximately 11,500 square feet. The buildings used for the stone cutting would total 4,250 square feet, or 1% of the total lot area.

The requested permit would replace the previously approved permit (02LUP-00000-00490) which includes the following: the use 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 located at the western portion of the property, approximately 400 feet from the northern parcel boundary and 550 feet from the southern parcel boundary, limited to a maximum height of 5 feet from existing grade. In addition, the previously approved permit (02LUP-00000-00490) allowed 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. The requested permit would allow the existing stockpile and the agricultural road described above to remain on site. The requested permit would also allow larger stones to only be split and quartered; no fine carving is included with this permit. Given the nature of the nursery operation, sometimes rocks of smaller diameter are necessary to build the tree mounds. Of the stone onsite, only approximately 20% would be rough-cut and rough finished into sandstone benches, steps, and other rough-cut garden accessories. The remaining approximately 80% of the stone would be used for the tree mounds, whether the stone is cut down to smaller sizes or left as-is.

Operation of the water cutting saws in the Rock Cutting Building would not require the use of chemicals, but would require the use of water. Water necessary to run the water cutting saws would be pumped from a 64 cubic foot, 4 foot deep, water reclamation vault proposed within the building. A maximum of 500 gallons of water a day would be necessary to run the water cutting saws. Use of the water cutting saws would generate a water/sand solution that would be directed to the water reclamation vault, then through the water scrubber. The water would then be pressurized and recycled back out to the water cutting saws. Any waste water generated from cleaning

¹ The benches, steps, and other garden accessories cut on the site would be unfinished and very natural looking in appearance. Rough-cutting and rough-finishing does not include any fine finishing work, polishing, or carving. Subsequent to the original submittal of this application in 2002, Mr. Langhorne has obtained permits for and constructed a building in the City of Santa Barbara (located at 32 North Calle Cesar Chavez and permitted under Permit Number BLD2004-00308 issued on May 4, 2005) where he currently conducts the fine finishing work, polishing, and carving activities necessary to create more refined stone products. No fine finishing, polishing, or carving of stone would occur on the site at 5381 Ekwill Road.

and maintenance activities would be used for irrigation of onsite trees and landscaping. An air scrubber within the building would remove any dust from the air, and would also tie into the water scrubber system. Dust pulled into the system and excess cuttings would be contained in sand-bags as a byproduct of the scrubbing system and used as potting-mix in the onsite tree planters. Rock tailings generated from the operation would be put through the rock crusher and stored in the existing staging area as sand or gravel for use in the tree mounds. The rock crusher would operate inside one of the buildings and would only be used to crush rock for use in stabilizing the mounds of soil that are used in the onsite tree mounds.

The Rock Splitting Building would contain two (2) air scrubbers that would collect any dust generated by the rock splitting activities. These air scrubbers would also be tied into the water scrubber system in the Rock Cutting Building via pipes.

Approximately 25,600 square feet of the existing agricultural storage and staging area located east of the new buildings would be reconfigured with new dividers constructed of 5 foot tall slump stone walls (commonly seen at rock/gravel wholesale businesses) to better organize and store the rocks of various sizes, soil, sand, and gravel for the tree mounds.

No new parking is proposed. The project would not result in any new truck trips to the site, as the stone cutting operation would use stone already delivered and stockpiled onsite and internalize operations currently conducted at an offsite location. 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. Existing development includes a 3,000 square foot office/storage building, a 2,000 square foot equipment storage building (unenclosed) and a 96 square foot storage building.

Background:

At the Board of Supervisors' hearing of March 4, 2008, the Board took the following action: Supervisor Firestone moved, seconded by Supervisor Gray and carried by a vote of 3-1 (Supervisor Carbajal was absent; Supervisor Wolf voted no) to uphold the appeal and to conceptually approve the project based on the determination that the proposed project could be considered "customarily incidental" to the agricultural operation on the site and would meet the purpose and intent of the Agriculture-I (A-I) zone district. Supervisors Gray and Centeno amended the motion to conceptually approve the project contingent on revision of the project description as follows (agreed to by the applicant during the hearing):

1. The larger rocks shall only be split and quartered.
2. The rock crusher shall operate inside one of the buildings and would only be used to crush rock for use in stabilizing the mounds of soil that are used to keep the trees alive onsite.
3. The new rock cutting buildings shall have air scrubbers to manage dust.
4. No more than 20 percent of the existing permitted 20,000 square foot rock stockpile would be rough cut and rough finished into landscape features (such as benches, fountains, and other garden accessories). The remaining 80 percent of the existing permitted rock stockpile would be used to stabilize the mounds of soil that are used to keep the trees alive onsite.
5. The term "carving" shall be removed from the project description.
6. The project description shall define "bench" and "fountain."
7. Only one percent of the parcel shall be used for the rock operations.

Finally, the Board directed staff to complete CEQA review for the project and to bring the project back to the Board with CEQA findings once it has been completed.

Conclusion

The project description has been revised by the applicant per the direction given by the Board of Supervisors during the March 4, 2008 hearing as described above. Additionally, a draft Mitigated Negative Declaration was

prepared for the project and circulated for public review from September 18, 2008 to October 17, 2008. The document identified Class II impacts (potentially significant but mitigable) in the following issue areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Noise and Water Resources. No public comments were received during the first 14 days of the review period. However, this report was docketed prior to expiration of the comment period on October 17, 2008. Any comments received after the docketing of this report will be presented for the November 4, 2008 hearing for the Board's consideration. All mitigation measures in the Negative Declaration have been incorporated into the revised Land Use Permit, 07LUP-00000-00301.

Fiscal Analysis:

Budgeted: Yes

County costs for processing an appeal are reimbursed only partially by the appellant in conformance with the current Board-approved fee resolution. The current appeal fee is \$443.00 and the estimated staff cost to process the appeal is \$1,344.00. Costs associated with preparing the Negative Declaration amounted to 20.6 hours (\$2,768.64) and were charged to the associated Land Use Permit application, Case No. 07LUP-00000-00301. Permit revenues are budgeted in the Permitting and Compliance Division of the Development Review South Division, on page D-301 of the adopted 2008-2009 fiscal year budget.

Staffing Impacts:

None

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on November 4, 2008. The notice shall appear in the Santa Barbara Daily Sound. The Clerk of the Board shall fulfill the noticing requirements. Mailing labels for the mailed notice are attached. A minute order and a copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos.

Attachments:

- A. Findings of Approval
- B. Mitigated Negative Declaration 08NGD-00000-00025
- C. Land Use Permit 07LUP-00000-00301
- D. Applicant's Application for the Appeal of the Planning Commission's decision
- E. Action Letter from the March 4, 2008 Board of Supervisors Hearing
- F. Project Plans

Authored by:

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568-2047

cc:

Anne Almy, Supervising Planner