

Attachment 3 – Applicant’s Appeal to the Board of Supervisors

**PLANNING COMMISSION DECISION
 APPEALED TO THE BOARD OF SUPERVISORS
 December 18, 2007**

07APL-00000-00028 APN: 071-140-071 Area: Goleta District: Second	Applicant Appeal of Denial of Firefox Sandstone Carving Project		
	Applicant:	Eddie Langhorne	
	Appealed by:	Eddie Langhorne	
	Date appealed:	December 17, 2007; 1:46 p.m.	
	Planner:	Michelle Gibbs, ext. 3508	
	Supervising Planner:	Anne Almy, ext. 2053	
	Planning Commission		Board of Supervisors
Hearing Date:	December 5, 2007	Denied the Appeal, 07APL-00000-00028, And upheld P&D's denial of Land Use Permit, 07LUP-00000-00301	
Fee Paid:			\$ 443
APPELLANTS REASON FOR APPEAL:			
See Attached			
FACILITATION: Not applicable. The facilitation process pertains to third party appeals.			
OUTCOME OF BOS HEARING: TBA			

cc: John Baker, Director
 Dianne M. Black, Director, Development Services
 Anne Almy, Supervising Planner
 Michelle Gibbs, Planner ✓
 Records Management
 Linda Bishop, Accounting
 Petra Leyva, Development Review
 David Villalobos, Hearing Support

APPEAL TO THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

Submit to: Clerk of the Board
County Administration Building
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

RE: Project Title Tin Fox Sandstone Appeal
Case Number 07 APL-00000-00028
Tract/ APN Number 071-140-071
Date of action taken by Planning Commission, Zoning Administrator, or Surveyor December 5, 2007

I hereby appeal the denial of the Planning Commission
(approval/ approval with conditions/ or denial) (Planning Commission/ Zoning Administrator/ or County Surveyor)

Please state specifically wherein the decision of the Planning Commission, Zoning Administrator, or Surveyor is not in accord with the purposes of the appropriate zoning ordinance (one of either Articles I, II, III, or IV), or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission, Zoning Administrator, or Surveyor. {References: Article I, 21-71.4; Article II 35-182.3, 2; Article III 25-327.2, 2; Article IV 35-475.3, 2}

Attach additional documentation, or state below the reason(s) for this appeal.

See attached

Specific conditions being appealed are:

Name of Appellant (please print): Eddie Langhorne

Address: 5381 E Kwill Road
(Street, Apt #)
Santa Barbara Ca 93111
(City/ State/ Zip Code)

683-9194
(Telephone)

2007 DEC 17 PM 1:46
COUNTY OF SANTA BARBARA
CLERK OF THE BOARD OF SUPERVISORS

Appellant is (check one): Applicant Agent for Applicant Third Party Agent for Third Party

Fee \$ 443⁰⁰ {Fees are set annually by the Board of Supervisors. For current fees or breakdown, contact Planning & Development or Clerk of the Board. Check should be made payable "County of Santa Barbara".}

Signature: [Signature] Date: 12/14/07

FOR OFFICE USE ONLY

Hearing set for: _____ Date Received: _____ By: _____ File No. _____

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

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December 17, 2007

Chairman Brooks Firestone and Members
of the Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, California 93101

Re: Firefox Sandstone Carving Project: 07API-00000-00028

Dear Chairman Firestone and Members of the Board:

I represent Eddie Langhorne, owner of the property at 5381 Ekwill Road in Santa Barbara. Mr. Langhorne operates a nursery at his site, where he specializes in the relocation of large trees. Mr. Langhorne "rescues" mature trees from development sites throughout central and southern California, brings them to Santa Barbara, acclimates them to our climate, and places them in residential and commercial settings throughout the County. Since many of the trees are from relatively arid climates, he prepares the trees for relocation by mounding the trees in rock surrounds, which aid drainage and form part of the eventual landscape design at the trees' permanent location. As part of this recycling process, Mr. Langhorne reuses rocks from construction sites and Flood Control projects which would otherwise be slated for the landfill. Mr. Langhorne has operated at this site since 2000 and has obtained all the necessary permits required for his existing nursery operations, including a land use permit for an 800 ton rock stockpile.

History of the Project

In July of 2002, Mr. Langhorne sought permission to expand his operation to permit some onsite stone carving. The purpose of this stone carving is two-fold: (i) to allow Mr. Langhorne to take larger rocks and cut them to fit his needs in the tree well operation described above (approximately 80% of the carving would be for this purpose) and (ii) to permit some rocks to be rough cut and rough finished for future use as landscape features (natural stone benches, steps, and the like). No more than 20 % of the rocks brought to the site would be part of this rough cutting operation, and no fine carving or fine finishing work would be done on the site, as Mr. Langhorne has since purchased and developed a

Chairman Brooks Firestone and Members
of the Board of Supervisors
December 17, 2007
Page two

site in the City of Santa Barbara for that purpose. All onsite carving would be conducted in two modest, new agricultural buildings totaling approximately 4250 square feet in size. In so doing, any potential noise or dust impacts would be contained, and would not interfere with the existing, or neighboring agricultural operations.

Mr. Langhorne then spent the next *five years* attempting to get a hearing on his application. Originally he was directed to file for a CUP under the quarrying and mining provisions of the Zoning Ordinance, as rock quarrying and mining is permitted in the agricultural zone with a CUP. A year or two later, a new planner was assigned, and Mr. Langhorne was informed that an agricultural viability study needed to be prepared before any application could proceed. Another year or two passed, with no study prepared, and the case was reassigned again. By the time he got to his fifth planner, and his fifth year in process, he was directed to withdraw the CUP application and file a development plan, which was then converted to a land use permit. The accompanying letters describe in greater detail the history of this project. Throughout, staff has remained opposed to the application, finding it inconsistent with the agricultural zoning designation, yet it took until October of 2007 to get a hearing before the Planning Commission on the matter.

The Proposed Use is "Accessory" to the Nursery Operation

When the Planning Commission finally considered the application, on appeal from the staff's denial of the land use permit, the Commission was split. Two members felt that the proposed use fell squarely in the definition of "accessory use" contained in the Zoning Ordinance. The County Zoning Code defines "accessory use" as follows:

"A use that is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site and that does not alter the principal use of the lot or adversely affect other properties in the vicinity."

Given the clearly subordinate nature of this application, as well as the fact that the end products are integral to the landscape settings in which the trees are placed, we felt that the proposed carving operation met the definition of an accessory use. We believe our position is bolstered by the definition of "agriculture," which allows the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises. In this case, 80% of the rocks used on site are integral to the sale of the trees, which are clearly living products growing on site. To argue that, when the remaining rocks are rough cut and rough finished to a size for use in other landscaping applications that the character of the end product is no longer incidental to the nursery operation is unfounded. Staff offers no data supporting the conclusion that the sale of rocks, in whatever form, is any different from the sale of bark,

Chairman Brooks Firestone and Members
of the Board of Supervisors
December 17, 2007
Page three

wood chips, mulch, or other natural materials sold by other nursery operators. We recognize that this is an unusual use, and that limitations to assure that it remains secondary (i.e. accessory) to the primarily allowed use are appropriate. However, the fact that a small percentage of the permitted rocks will be cut or shaped before sale does not alter that accessory use. It is important to remember that Mr. Langhorne already has a land use permit to stockpile 800 tons of rock on this site. The fact that he wishes to rough cut and rough finish a small percentage of them for other landscaping applications in connection with the trees, and would do so inside two small agricultural buildings that together cover only 1% of the nearly 10 acre property clearly demonstrates the "accessory" nature of this application.

The Application Does Not Propose Agricultural Processing

In their report to the Planning Commission, the staff concluded that Mr. Langhorne's proposed sandstone carving operation does not meet the definition of "agricultural processing" and therefore cannot be approved. Staff reaches this conclusion by finding that rock carving is not included in the list of agricultural processing activities permitted in the AG-1-10 zone (a list which by its own terms is intended as a list of examples only). More to the point, however, is the fact that Mr. Langhorne is not proposing to "process" any agricultural product. He sells trees. In order to assure that the trees flourish, he places them in rock surrounds. He creates the rock surrounds from rocks recovered from construction and Flood Control project sites; rocks which would otherwise unnecessarily end up in landfills. As a small part of his operation, he wants to use some of these rocks in other landscape applications with his trees: for benches, stairs, and decorative walls. He is not changing the nature of the rock or the trees, he is not "packaging" a product, nor is he operating an unrelated business or manufacturing an unrelated product. Mr. Langhorne is asking permission to split rocks he's already permitted to have on site and permitted to use in his nursery application. It seems irrelevant if the permitted rock remains whole or is split, just as it is irrelevant whether it is part of a tree surround or an adjacent walkway. It is all part of his nursery business and should be allowed as a component of his agricultural operation, just as garden accessories are part of any nursery operation.

Some Manufacturing is Inherent in Agriculture

Finally, the three commissioners who voted against the project apparently felt that it was too industrial in nature. This conclusion would appear to conflict with the previously granted land use permit for the rock storage onsite, as well as the use of the rocks in the tree surrounds. Every element of agriculture has some industrial component, whether it is equipment for the fields, packaging for the product, or maintenance of the facility. The

Chairman Brooks Firestone and Members
of the Board of Supervisors
December 17, 2007
Page four

important point is that the industrial aspect must be "accessory" to the primary use. In this instance, the rock carving component of the nursery operation will occupy no more than 1% of the overall site, include no more than 20% of the rocks already permitted onsite, and will directly support the ongoing nursery operation by producing a product which will be installed with the trees as part of the client's landscape plan. Moreover, we would argue that the Zoning Ordinance clearly recognizes the "industrial" nature of certain aspects of agriculture, conditionally permitting greenhouses, packing plants, bottling facilities, and other "non-growing" agricultural support components in agricultural zones. These kinds of support facilities and infrastructure are not only vital to the continuation of agriculture, but are appropriate as onsite facilities, as their onsite location results in fewer truck trips, emissions, and the like.

Conclusion

We recognize the unique nature of Mr. Langhorne's operation, and would hope that the Board would encourage these types of nontraditional approaches, ones that reuse and recycle, make productive use of marginal infill agricultural sites, and provide a valuable addition to the landscape of Santa Barbara. This is not the conversion of prime agricultural land to manufacturing that some have described. Rather, it is an innovative approach to reusing existing natural materials in new landscape settings. It's a pair of buildings totaling no more than 4250 square feet on a nearly 10 acre site, where 800 tons of rocks are already permitted. We urge you to overturn the Planning Commission's denial of our appeal and grant the requested land use permit. Thank you very much.

Sincerely,



Kathleen M. Weinheimer

Enclosures

KATHLEEN M. WEINHEIMER

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October 22, 2007

Chairman Michael Cooney and Members
of the Planning Commission
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, California 93101

Re: Firefox Sandstone Carving Project: 07APL-00000-00028

Dear Chairman Cooney and Members of the Planning Commission:

As you know, I represent Eddie Langhorne, owner of the property at 5381 Ekwill Road in Santa Barbara. We appreciate the opportunity to present our project to the Commission, as it has been an absurdly long, convoluted, and disheartening process to finally reach this point. As detailed more fully in my letters accompanying the appeal¹, this applicant has spent more than five years getting to this point. He was first directed to file for a conditional use permit, then, when the project was assigned to another planner, to consider a rezone or annexation. When the third planner came along, Mr. Langhorne was advised to wait while the staff conducted an agricultural viability study, which took more than two years, and to the best of our knowledge, was never completed. When another planner was assigned, Mr. Langhorne's application was again delayed, for no particular reason other than workload priorities. Finally, after intervention by the County Administrator's office, his project was assigned to a fifth planner, who suggested that a Development Plan was appropriate, which was then later revised to a land use permit. Regardless of the reasons, or the staff turnover, a five year wait for a hearing is inexcusable.

The Request

As described more fully in my letter accompanying the appeal, this request addresses a unique operational adjunct to Mr. Langhorne's existing nursery business. For many years, Mr. Langhorne has recovered and recycled mature trees which would otherwise have been destroyed to make way for new development throughout the County and state.

¹ Mysteriously, only the first pages of several of my letters were included in your packet. Full copies of each are provided as attachments hereto.

Chairman Michael Cooney and Members
of the Planning Commission
October 22, 2007
Page two

As part of this effort, he recycles rocks from construction sites and uses them to build surrounds to support the trees. This work is conducted pursuant to an existing land use permit, which authorizes the stockpiling and reuse of up to 800 tons of rock (each measuring less than 12 inches in diameter) in his nursery operation.

Despite the outrageous footnote in the staff report claiming that I had "failed to disclose" that the processing and manufacturing of sandstone products was part of this application, we have stated plainly, from the outset almost six years ago, that Mr. Langhorne sought permission to augment his existing nursery with a sandstone carving operation. It's even the title of the application. Most of the rock brought to the site would continue to be used in creation of the tree wells, although with the approval of this permit, he would be able to cut larger stones to meet the sizes needed for a particular application. In addition, this permit would authorize sandstone carving for benches, fountains, and other ancillary garden features. The sandstone carving element was, and always has been, the sole focus of this application. To assert otherwise is completely without merit. Contrary to the implication contained in the staff report, less than 20% of the rocks on the site would be used in the carving operation; the vast majority (80%+) would continue to be used in the nursery operation pursuant to the existing land use permit.

Incidental Use

The staff report relies heavily on the conclusion that Mr. Langhorne's proposed sandstone carving operation does not meet the definition for sale of "incidental gardening and landscaping materials" allowed in connection with an approved nursery use in the AG-1 zone. Staff offers no data supporting the conclusion that the sale of rocks, in whatever form, is any different from the sale of bark, wood chips, mulch, or other natural material. Similarly, there is nothing contained in the ordinance to support staff's position that the cutting and shaping of these natural materials into customary garden accessories is prohibited. We recognize that this is an unusual use, and that limitations to assure that it remains secondary (i.e., incidental) to the primarily allowed use are appropriate. However, the findings contained in the staff report allegedly supporting the denial of the application assume facts not in evidence. The list of "agricultural processing" activities permitted in the AG-1-10 zone is, by its own terms, intended as a list of examples only. It is not all-inclusive. Similarly, the definition of agriculture specifically allows the sale of products which are accessory and customarily incidental to the marketing of products in their natural form. In this instance, 80% of the rocks used on site are integral to the sale of the trees, much like the timber used to construct boxes is integral to the sale of large nursery products at other facilities. To argue that, when the remaining rocks are shaped into another form, whether simply cut to fit other tree applications or formed into

Chairman Michael Cooney and Members
of the Planning Commission
October 22, 2007
Page three

a fountain or other garden accoutrement, the character of the end product is no longer incidental to the nursery operation is unfounded.

Support for Urban Agriculture

Section 35.21.020 of the Zoning Ordinance states that the intent of these regulations is to support agriculture as a viable land use and to encourage maximum agricultural productivity. County policy states that there will be no interference in the methodology used by growers in pursuing their agricultural operations. In Mr. Langhorne's case, he has chosen to develop a state-of-the-art recycling facility; one which not only reclaims and replants mature trees, but also reduced natural products going to landfill sites. He has chosen to use natural materials (i.e., rocks) to support the trees, rather than the more frequently used wooden boxes or plastic buckets. In so doing, he is able to reuse rock rubble from construction sites, including County Flood Control projects, thereby avoiding the unnecessary addition of this natural material to landfills. It would seem consistent with County policy to encourage this kind of agricultural operation, particularly in a relative urban setting, rather than veto it based upon a limited interpretation of incidental use.

Staff concludes by stating that this application is contrary to the purpose and intent of the land use designations for agriculture contained in the Land Use Element of the Comprehensive Plan, quoting a provision regarding the preparation of or marketing of products in their natural form. Once again, this appears to be an unsupportable conclusion, as the sale of trees certainly involves "products in their natural form" as does the sale of the rock surrounds supporting the trees (80% of the rocks onsite.) The additional sales of carved benches, fountains, and the like are clearly incidental to the primary function of the nursery, and fall within the stated exception of the quoted provision (see page 10 of the staff report.)

Community Support

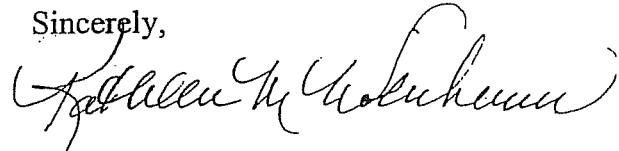
Attached hereto are 12 letters supporting Mr. Langhorne's operation (based upon carving work conducted at another, leased location.) As you will note, all are dated in 2002, as they were solicited in anticipation of a hearing in the fall of that year. Regardless of the dates, we hope you will find them representative of the broad range of clients who support this operation and reflective of the unusual service that Mr. Langhorne provides.

Chairman Michael Cooney and Members
of the Planning Commission
October 22, 2007
Page four

Conclusion

Mr. Langhorne has waited five long years for this day. Undeniably, his application represents a change from the norm. One would hope, however, that his application also represents a vision for the future, where valuable resources aren't consigned to landfills in the name of development, but rather where innovative solutions are incorporated into existing operations, and governments encourage such efforts. We ask you to support the future of these kinds of operations by overturning the staff's denial and approving this application. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kathleen M. Weinheimer', written in black ink.

Kathleen M. Weinheimer

Attachments

KATHLEEN M. WEINHEIMER

ATTORNEY-AT-LAW

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May 31, 2006

Supervisor Susan Rose
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, California 93101

Re: Firefox, Inc. - 5381 Ekwill

Dear Susan:

I represent Eddie Langhorne, owner of Firefox, Inc. at 5381 Ekwill in the unincorporated area of Goleta behind Goleta Valley Cottage Hospital. For many years, Mr. Langhorne has operated one of the south coast's most unique landscaping companies at the site, as his specialty is the relocation of large trees. Mr. Langhorne "rescues" trees from development sites throughout southern and central California, transports the trees to Santa Barbara, acclimates them to our climate, and then relocates them to permanent sites throughout the south coast. Since many of these trees come from relatively arid climates, he "boxes" the trees in rock surrounds, which allow both for adequate drainage and easy relocation.

As part of this process, Mr. Langhorne recycles a fairly significant volume of rocks for use in the relocation process. These are rocks from construction sites and other locations which would otherwise end up in local landfills. Staff has approved of this operation and Mr. Langhorne operates with all necessary land use permits.

One other aspect of Mr. Langhorne's operation has been more challenging to approve however. In July of 2002, Mr. Langhorne's representative submitted an application for a conditional use permit to allow Mr. Langhorne to cut the larger rocks he recovers to sizes which are appropriate for his use, as well as to cut stones for other landscaping installations.¹ Staff initially concluded that the application was inconsistent with the Goleta Community Plan and the current zoning, and indicated that the matter would be set for hearing by the Planning Commission in the fall of 2003, with a recommendation for denial.

¹The Zoning Ordinance permits rock carving operations in agricultural zones such as this with a CUP. It is important to note that this is a **proposed** use at the site; no current rock cutting or carving is, or has taken place at the site since the application was filed in 2002.

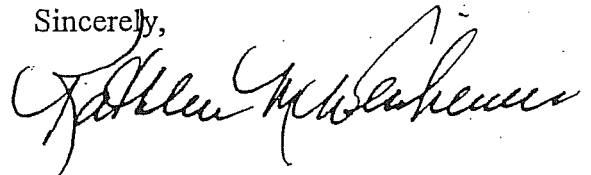
Supervisor Susan Rose
May 31, 2006
Page two

After numerous staff reassignments, in late 2004, we were advised that staff was reconsidering this position, and was conducting an agricultural viability study to determine whether the alleged inconsistencies were in fact still an issue. While this was, of course, very good news for Mr. Langhorne, nothing else has happened. He has been waiting for more than eighteen months for this study, he continues to receive monthly bills saying staff is "reviewing" his file² and yet nothing happens. Each time a new staff member is assigned, he not only pays for that staff member to learn the project, he also is given yet another date when the study might be expected. Most recently, he was told it would be released in March of this year, and here it is June, and still nothing.

While I know the staff turnover in Planning and Development has been difficult for everyone, and I have urged all my clients to be patient, I believe this case has lingered long enough. The purpose of this letter is to ask for your help in moving this project forward so that a hearing can be held before yet another year passes by. Mr. Langhorne has been forced to relocate this portion of his business several times due to the repeated delays, as each time he enters into a lease with the expectation that the CUP application will be resolved and he can consolidate his operation at the Ekwill site. It is, quite simply, unfair to keep an applicant waiting almost 4 years for a hearing before the Planning Commission. Please do whatever you can to help.

I look forward to hearing from you and I thank you in advance for your assistance:

Sincerely,



Kathleen M. Weinheimer

cc: Mr. Eddie Langhorne

²No details of what this "review" includes are provided.

KATHLEEN M. WEINHEIMER

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May 12, 2003

Mr. Noah Greer
Planning and Development Department
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, California 93101

Re: Firefox CUP

Dear Mr. Greer:

I am writing in response to your request for additional information in connection with Eddie Langhorne's application for a conditional use permit for stone carving at his landscape business at 5381 Ekwil Street in Goleta. In accordance with your letter of July 31, 2002, we offer the following:

1. The site plan has been revised to depict the net acreage of the property, the location of the flood zone, the existing and proposed topography of the site (which remains unchanged), and the location and number of existing parking spaces. No new parking is proposed.

2. Plans have been prepared showing the proposed fabrication buildings in Detail 1-A. As the buildings are simply unfinished metal framed structures, there are no floor plans to include, although the plans do indicate the use proposed for each building. No significant grading is proposed in connection with these structure.

3. Plans for the water reclamation basin have been included in Detail 1-A as well.

4. For the most part, the stone required for the carving business will be stored in the storage bins identified on Detail 2-A. Larger rocks suitable for carving benches, fountains, walkways, and other garden accessories used in landscape design will also be brought to the site

Mr. Noah Greer
May 12, 2003
Page two

on an as-needed basis. These larger stone carvings will all compliment the existing operation and often be installed in conjunction with the large trees already present on the property.

5. The specialized equipment required for the carving operation is described in Detail 1-A.

6. The question concerning the proposed use of the "new planting" and the "staging area" was addressed in the land use permit application. Briefly stated, the new planting areas are portions of the property intended for future trees, while the staging area is a large open portion of the property used to receive deliveries of product, prepare trees and rocks for relocation, planting, and use, and assemble materials for installation. This same staging area will be used for deliveries and assembly for the stone carving operation as well, and will also include some carved rock storage bins as depicted on Detail 1-A of this application.

Finally, I am also enclosing a copy of my July 2, 2002 letter to you which included proposed findings for approval of a conditional use permit for this type of operation in this zone. As stated in that letter, we believe that the stone carving operation is an integral element of Mr. Langhorne's landscaping business, and as such, should be an allowed use in an agricultural zone.

Recognizing that your staff does not agree with that position, we have agreed to submit an conditional use permit pursuant to Section 35-315.5 which permits mining, extraction, and quarrying of natural resources in any zone with a major conditional use permit. Your letter of March 19, 2003 makes reference to the fact that the County has permitted rock cutting operations in AG zones before, but only as part of an onsite mining operation where the materials were extracted onsite and required manufacturing prior to transport. The reasons why that situation was compatible with the Agricultural Element and the AG zone district, but Mr. Langhorne's is not are not stated. It would seem apparent that Mr. Langhorne's operation is less intrusive to the neighbors, less disruptive to the environment (including the existing soils), and far more closely related to the permitted agricultural operation than any manufacturing operation. For example, in the Granite Construction CUP and Reclamation Plan, the County found a mining operation consistent with the Agricultural Element, the Land Use Element, and the Zoning Ordinance based at least in part on the fact that *after the mining was over* the property would be returned to agricultural use. Under the present facts, there will be no interruption of the agricultural use: the carving operation proposed is an adjunct to the landscaping business already onsite, and occupies a small fraction of the total project area. Moreover, there will be *no* disruption of the soils in this project, nor will any structures be constructed which are incompatible with continuing agricultural use (i.e., should the carving operation end, the proposed fabrication buildings could easily be converted to greenhouse operations without a conditional use permit).

Mr. Noah Greer
May 12, 2003
Page three

We would welcome the opportunity to present this issue to the Planning Commission, and hope that we can do so with the support of staff. If further information is needed, please give me a call. Absent that, I look forward to this matter be scheduled for a Commission hearing at your convenience. Thank you very much for your continued cooperation and assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen M. Weinheimer".

Kathleen M. Weinheimer

Enclosure

KATHLEEN M. WEINHEIMER
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420 ALAMEDA PADRE SERRA
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July 2, 2002

Mr. Noah Greer
Planning and Development Department
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, California 93101

Re: Firefox - 5381 Ekwil Street

Dear Mr. Greer:

Enclosed please find Eddie Langhorne's application for a conditional use permit to allow stone carving at the Firefox site at 5381 Ekwil Street, as well as a project description, and a number of letters supporting the application. The purpose of this letter is simply to offer some additional thoughts about the compatibility of this project with other uses in the agricultural zone.

As you know, Mr. Langhorne operates a landscaping business at the site, which is described in the attached project description, and which includes the stockpiling of dirt, rocks, and large trees for transplanting and relocation throughout the County. I believe everyone is in agreement that this landscaping business is consistent with the present zoning. In addition, Mr. Langhorne also operates what the County has identified as a "masonry" business, which is detailed in the project description as the rock and sandstone carving element of his landscaping business. While Mr. Langhorne believes this aspect of his business is integral to his landscape operation, the County sees it as a distinct operation requiring a CUP.

Pursuant to Section 35-315.5, mining, extraction and quarrying of natural resources (other than oil, gas, and other hydrocarbons) is permitted in any zone district with a major conditional use permit. In this instance, there will be no mining or extraction or other ground disturbance from the stone carving operation, as the rocks are imported to the site. As detailed in the project description, Mr. Langhorne's operation "recycles" rocks from other excavation operations, and reuses these rocks in ornamental landscape designs. As a result, construction materials and debris in the landfill is reduced, natural features are introduced into urban landscapes, and trees which would otherwise be destroyed are relocated. Noise and dust generated by the business is confined within three modest-sized structures, and traffic is limited, in that the artistic nature of the work requires that considerable time be devoted to each carving project.

Section 35-315.8 requires that seven findings be made in support of a CUP application. In support of this application, we would offer the following:

1. The first finding requires that the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed. Mr. Langhorne has almost 10 acres, of which only 0.28 acres is proposed for dedication to the stone carving operation. The proposed structures will be of limited size and height, and will be clearly subordinate to the agricultural operation. The buildings will also occupy a far smaller portion of the site than those on other nearby agriculturally zoned lands.

2. The second finding is that significant environmental impacts are mitigated to the maximum extent feasible. Any noise and dust from the operation will be contained in the buildings, thereby reducing the impact on neighbors from that which would ordinarily occur with an open field operation. Filters will prevent fugitive dust from escaping the site, and any water or sand runoff will be contained and recycled via an onsite reclamation tank. As mentioned previously, given the technical and artistic nature of the work, the traffic trips associated with the application are limited as well.

3. The third finding is that the streets and highways are adequately designed. In this instance, the proposed use occupies only a fraction of the existing site, which is already adequately served by the existing road infrastructure.

4. The fourth finding is that there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project. Again, since this is a subordinate addition to an existing business, the services provided to the site from both the County and the City of Goleta are adequate to serve this new use. There will be no additional impact on police or fire protection services, and only a fractional increase in water and sewage services due to this additional use, both of which can be easily absorbed by the existing service to the site.

5. The fifth finding is that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The proposed rock carving operation will be conducted indoors, thereby all but eliminating any impact on neighboring properties. As mentioned above, the project includes filtering systems, water reclamation systems, and sound attenuation measures which will insure that any impacts are confined to the site. Moreover, this use will in fact generate fewer impacts on the neighborhood than occur with open field operations, where dust, pesticides, water runoff, and other byproducts of agricultural operations often interfere with adjacent property uses. Even the nearby hospital has indicated that the operation poses no interference with their facility.

Mr. Noah Greer
July 2, 2002
Page three

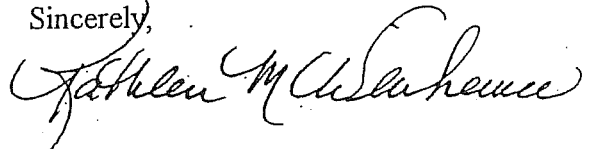
6. The sixth finding is that the project is in conformance with the applicable provisions and policies of the Zoning Ordinance and Comprehensive Plan. As mentioned previously, it is Mr. Langhorne's position that the CUP is unnecessary, as the stone cutting operation is an integral part of his landscape business. As such, he believes that it is an appropriate use in an agricultural zone, even without a CUP. In that the Zoning Ordinance permits much more intense uses such as quarrying with a CUP in this zone, it appears clear that Mr. Langhorne's proposed use will be consistent with the applicable provisions of the Zoning Ordinance and Comprehensive Plan governing urban agricultural areas such as this.

7. The last finding refers to designated rural areas and is not applicable to this project.

I hope this information is helpful to you in processing Mr. Langhorne's request. As outlined in my prior letter to Ms. Lanz of May 14, 2002, Mr. Langhorne has been in search of a location for consolidation of his business efforts for several years, and looks forward to the County's approval of his request so that he can continue to provide this sought-after service on the South Coast.

Should you have any questions, or need additional information, please give me a call.

Sincerely,



Kathleen M. Weinheimer

cc: Mr. Eddie Langhorne
Mr. Jim Staples

The logo for the Santa Barbara Botanic Garden. It features the text "Santa Barbara Botanic" in a smaller font above the word "GARDEN" in a large, bold, serif font. To the left of "GARDEN" is a stylized graphic of a plant or tree.

May 8, 2002

Santa Barbara Board of Supervisors
ATTN: Susan Rose

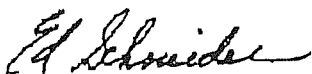
Dear Supervisor Rose:

The Santa Barbara Botanic Garden is pleased to send this letter of support on behalf of Pat Scott Masonry. It is our understanding that the company is requesting a conditional use permit to designate one acre of its Santa Barbara property at 5381 Ekwell Street for operation of its masonry business.

The Botanic Garden has benefited from the fine craftsmanship and generosity of Pat Scott Masonry, as exemplified by a recently constructed sandstone bench and drinking fountain for our grounds, for which both materials and labor were donated to the Garden. The company repaired one of our oldest, historically significant stone benches, another example of its generosity and regard for preserving Santa Barbara's aesthetic heritage.

The Garden is currently working with Pat Scott Masonry on two new features for our visitors, another bench and drinking fountain. We are confident that these items will be built with the quality we have come to expect from this company, and that they will be appreciated by members of the community and visitors to the Garden.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. Schnsider".

Edward L. Schnsider, Ph. D.
President and CEO



TURNER BROADCASTING SYSTEM, INC.
ONE CNN CENTER, 14th Floor North, Atlanta, GA 30303

JAMIE KELLNER
Chairman & CEO
Turner Broadcasting System, Inc.
404.827.5499
Fax: 404.827.2668

May 10, 2002

Santa Barbara Board of Supervisors

Attention: Susan Rose

I am writing a letter on behalf of Ed Langhorne and Pat Scott Masonry. For many years we have used the unprecedented talents of Pat Scott Masonry.

The masonry work Ed has done for us has added an artistic element to our property as well as being a contribution to the city. His work enhances the natural beauty as well as preserving the historically aesthetic value we so dearly desire here in Santa Barbara.

The level of professionalism and creativity produced by Pat Scott Masonry is one that I hope will be supported and encouraged within our community.

Sincerely,

A handwritten signature in black ink that reads "Jamie Kellner". The signature is fluid and cursive, with a large initial "J".

Jamie Kellner

An AOL Time Warner Company



TBS • CNN • CNN HEADLINE NEWS • TNT • ATLANTA BRAYES • CARTOON NETWORK
ATLANTA HAWKS • TCM • ATLANTA THRASHERS • TURNER SOUTH

May 8th, 2002



Susan Rose
Santa Barbara Board of Supervisors

Dear Ms. Rose,

This letter will serve as an endorsement and recommendation for Pat Scott Masonry.

I have done business with Pat Scott Masonry for over twenty years, and have found their services and products to be exemplary. Their accomplished stone and masonry artists have complemented the projects that we have collaborated on. Their efforts have helped shape the character of the Santa Barbara area, preserving its historical aesthetic, while enhancing its natural beauty.

The significance of the quality and style that Pat Scott Masonry has added to my work is vast. Their growing reputation, as a valuable and capable company, is complemented by their helpful and courteous disposition.

However, this unique and valuable resource needs a site that will allow it to flourish. Please extend every possible consideration to their pending application before you. This business is exactly the kind of employer that should be assisted in every way possible.

Sincerely,

Don Nulty

Don Nulty AIA
300 E. Canon Perdido
Santa Barbara, CA 93117

ISABELLE
GREENE
&
ASSOCIATES

May 10, 2002

Ms. Susan Rose
Santa Barbara Board of Supervisors

Dear Susan,

I have worked with Pat Scott Masonry for over 30 years, creating some of the most particular and exacting work of all kinds - including, pavings, stairways, walls, carved items, identifications signs, waterways, naturalistic creations with enormous boulders, plumbed fountains, swimming pools, etc., not to speak of specimen tree plantings of all sorts.

I have found the entire company to be of the highest quality in both skills and professionalism.

I recommend you look favorably on Pat Scott Masonry's application.

Sincerely,



Isabelle Greene
FASLA Landscape Architect

Santa Barbara Botanic
The GARDEN

June 4, 2002

Mr. Eddy Langhorne
Pat Scott Masonry
5381 Ekwill
Goleta, CA 93117

Dear Eddy,

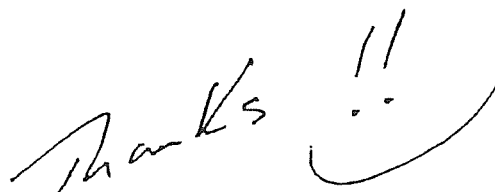
On behalf of the Santa Barbara Botanic Garden, I would like to thank you for your donation of services in the construction of the drinking fountain in the picnic area. It is a wonderful addition to the site! It fits in beautifully among the boulders and it is easy for both adults and children to access the water.

Your outstanding stone work enhances the beauty of the Garden in many areas and we are most grateful to you for so generously sharing your talents and craftsmanship. Thank you.

Warm regards,



Edward L. Schneider, Ph.D.
President



Monday, May 20, 2002

Dear Ms. Rose,

It 's my understanding that Pat Scott Masonry (AKA FireFox, Inc.) is applying to the Board of Supervisors for a conditional use permit. As a long time customer of Pat Scott Masonry I am writing this letter in support of any consideration that the board could give to them.

We first engaged Pat Scott, some six years ago, when starting to build our new home in Montecito. Their initial task was to provide retaining walls to support of the construction of the main house and guesthouse. The quality of their work was so outstanding that they have become an ongoing contributor to the development of our property. In fact they have just completed, this week, a small meditation pond on our property that my wife is in love with. We feel that the work that they have done for us has added substantial value to our property.

There is no question that Pat Scott was one of the great stonemasons of Santa Barbara and has always contributed to the community and I feel privileged to have known him as a friend. After Pat's passing away Mr. Langhorne has carried on Pat's tradition of quality of workmanship and has contributed an additional degree of professionalism to the organization. If there is any question about the quality of this organization just ask the men who work there.

If you have not experienced the quality of the artisans of Pat Scott Masonry we would be pleased to invite you to our home to see for yourself.

Yours truly,

Greg and Barbara Siemon

GIFFIN & CRANE

GENERAL CONTRACTORS, INC.

May 29, 2002

Ms. Susan Rose
Santa Barbara County Board of Supervisors

Re: Pat Scott Masonry

I am writing in support of Mr. Ed Langhorne, Pat Scott Masonry, and Firefox. The unique yard and stone carving facility that has been created by Mr. Langhorne is most certainly a place of aesthetic appeal and interest. It carries the traditional products and methods of local masons as well as hand crafted landscape products that represent the history and value of the area.

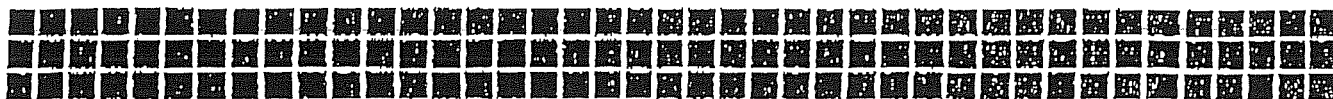
As a native of Santa Barbara and a custom homebuilder I have had the opportunity to experience the change and growth in our area both on a personal and a professional basis. Building houses and developing properties on some of the land and open spaces I have grown to know and love has been challenging at times. My commitment as a builder has been to create projects that carry the tradition of workmanship and quality for which Santa Barbara and Montecito are so well known.

During my years involved with the local building industry I feel fortunate to have had the opportunity to work with Pat Scott who taught me the value of quality stonework. Since Pat's death, Ed Langhorne has taken this business to an even higher level of quality. He has mastered the historic aesthetic value of our area not only with his personal talent, but also by utilizing the same craftsmen and technique that made Pat Scott a legacy.

Respectfully,



Geoff Crane
President

**PAUL FRANZ**
CONSTRUCTION INC**Fax**

Date: May 7, 2002

To: Santa Barbara Board of Supervisors
Attn: Susan Rose

From: Paul Franz

Re: Pat Scott Masonry

Pages: 1

I would like to both personally and professionally give my support of the contributions that Pat Scott Masonry has made to the Santa Barbara community. Their exceptional craftsmanship and service has not only contributed to the beauty of the area but has been a valuable asset to our projects in Santa Barbara. Their specialized stone carving, sculpting and accomplished masonry work has added an artistic element to the city that enhances the natural beauty of the Santa Barbara as well as preserving the historically aesthetic value this area is famous for.

Thank you.

Robert and Marlene Veloz
745 Lilac Drive
Santa Barbara, CA 93108
805-969-7146 • 805-969-4045 Fax

May 9, 2002

Ms. Susan Rose
2nd District Supervisor
105 E. Anapamu
Santa Barbara, CA 93101

Ms. Rose,

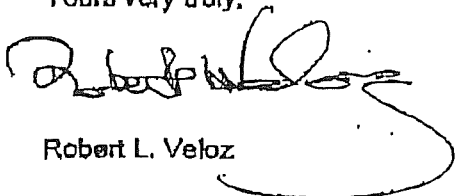
I am delighted and honored to commend and praise the Pat Scott Masonry company for their work and contribution to the beautification of our county.

This company has undertaken a number of large contracts for me in connection with masonry work at three of our homes in Montecito. In 1989, we built a home at 1502 East Mountain Drive and the Montecito Association awarded it a Beautification Award on the following year for the entrance masonry work accomplished by this company. During the years 2000 and 2001, the Pat Scott Masonry company undertook enormous contracts for masonry walls of various types, park benches and tables, a natural stone swimming pool in a park-like setting for a home that we subsequently sold to Oprah Winfrey.

I'm pleased to tell you that Pat Scott Masonry is currently restoring the masonry work at an historic home that we currently own, located at 757 Riven Rock Road.

One cannot drive around our community without seeing wonderful examples of the masonry work accomplished by this company, including fabulous stone carvings for entry pillars, fountain sculpturing, and artistic walls that continue to enhance the beauty of the community. I cannot commend a company to you more highly for their workmanship skills and integrity.

Yours very truly,



Robert L. Veloz

CHAPIN NOLEN
2030 BIRNAM WOOD DRIVE
SANTA BARBARA, CALIFORNIA 93106

9 May 2002

Santa Barbara Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101

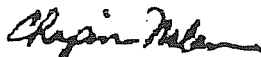
Dear Ms. Rose:

This letter is written in support of the application for a conditional use permit for Pat Scott Masonry at 5381 Ekwill Street, Santa Barbara. I personally have been a customer of Pat Scott Masonry and subsequently a business partner of Edward Langhorne who is the sole owner of Pat Scott Masonry. The company was one of the primary contractors in the construction of two homes for Mrs. Nolen and myself. Both houses had extensive stonework requiring engineering and artistic skills at competitive rates. All of the work met the highest standards and was completed in a timely manner. That work has appeared in National and International Architectural magazines although the credit did not identify our names or the location for reasons of privacy.

Recently Mr. Langhorne has moved his business from Carpinteria to its present address and I have made numerous visits to the new location. Beautiful olive trees surround the grounds and everything is unusually neat and orderly on the premises. There are numerous pieces of architectural stone that have been carved or sculpted, which actually enhance the area in which it is located.

Mrs. Nolen and I are involved in a number of community non-profit organizations and Pat Scott has done extensive work in which we have been involved especially at the Botanic Garden and Case del Herrero. The firm is an invaluable resource for our community and much of the work has been done on a pro bono basis. Our city is fortunate to have corporate citizens like Pat Scott Masonry and it's owner Eddie Langhorne.

Very Sincerely,



Chapin Nolen

DONALD RAMSEY
Landscape Design
405 Calle Palo Colorado
Santa Barbara, California 93105

May 9, 2002

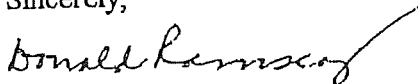
Santa Barbara Board of Supervisors
Attn: Susan Rose

I am pleased to be able to record my unqualified support for the conditional use permit currently under consideration for Pat Scott Masonry, a firm whose reputation for excellence in its areas of expertise is unrivaled in this community.

Under the excellent leadership of Eddie Langhorne, Pat Scott Masonry has developed a roster of artisans and technicians known for their consistently high level of performance and courtesy. It is always a pleasure to work with a team with such obvious loyalty to both their employer and clients.

The range of materials and services that Pat Scott Masonry offers is very helpful in providing landscape projects with a well integrated program of design support and installation. I have been so pleased to have the convenience of stone carvers, sculptors and other specialists so readily available. Santa Barbara is indeed fortunate to be home to a firm of this quality.

Sincerely,



Donald Ramsey

Monday, May 20, 2002

Dear Ms. Rose,

It 's my understanding that Pat Scott Masonry (AKA FireFox, Inc.) is applying to the Board of Supervisors for a conditional use permit. As a long time customer of Pat Scott Masonry I am writing this letter in support of any consideration that the board could give to them.

We first engaged Pat Scott, some six years ago, when starting to build our new home in Montecito. Their initial task was to provide retaining walls to support of the construction of the main house and guesthouse. The quality of their work was so outstanding that they have become an ongoing contributor to the development of our property. In fact they have just completed, this week, a small meditation pond on our property that my wife is in love with. We feel that the work that they have done for us has added substantial value to our property.

There is no question that Pat Scott was one of the great stonemasons of Santa Barbara and has always contributed to the community and I feel privileged to have known him as a friend. After Pat's passing away Mr. Langhorne has carried on Pat's tradition of quality of workmanship and has contributed an additional degree of professionalism to the organization. If there is any question about the quality of this organization just ask the men who work there.

If you have not experienced the quality of the artisans of Pat Scott Masonry we would be pleased to invite you to our home to see for yourself.

Yours truly,

Greg and Barbara Siemon