

# LAND USE PERMIT

Case No.: 07LUP-00000-00301    **Planner:** Errin Briggs  
**Project Name:** Firefox Sandstone Cutting & Quartering New Buildings  
**Project Address:** 5381 Ekwill Road  
**A.P.N.:** 071-140-071  
**Zone District:** AG-I-10

**Initials** 



The Board of Supervisors (BOS) *grants final approval and intends to issue* this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

**FINAL APPROVAL DATE:** November 4, 2008

**APPEAL PERIOD BEGINS:** Final determination by Board of Supervisors. No appeal possible.

**APPEAL PERIOD ENDS:** Final determination by Board of Supervisors. No appeal possible.

**DATE OF PERMIT ISSUANCE:** November 4, 2008

**NOTE:** Because the Board of Supervisors is the final decision-maker for this request, this final approval may not be appealed. If you have questions regarding this project please contact the planner Errin Briggs at 568-2047.

**PROJECT DESCRIPTION SUMMARY:** See Attached Description

**PROJECT SPECIFIC CONDITIONS:** See Attached Conditions

**ASSOCIATED CASE NUMBERS:** 07APL-00000-00028/07APL-00000-00041

**PERMIT COMPLIANCE CASE:**  
 No     Yes. Permit Compliance Case (PMC) #: \_\_\_\_\_

**BOARD OF ARCHITECTURAL REVIEW (BAR):**  No     Yes; BAR Case #: \_\_\_\_\_

## TERMS OF PERMIT ISSUANCE:

**1. Mailing and Posting Notice.** Mailed notice of the subject Land Use Permit application shall be provided to neighboring property owners as required by ordinance. The applicant shall provide proof of mailing and posting of the required notice by filing an affidavit of noticing with the Planning and Development Department no later than 10 days following an action by the Director to approve the permit. A weather-proofed copy of the notice shall be posted by the Applicant in one conspicuous place along the perimeter of the subject property. The notice shall remain posted continuously until at least 10 calendar days following approval of the permit. (Sections 35.106.030 & 35.496.030)

**2. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit). **WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**



## **ATTACHMENT A CONDITIONS OF APPROVAL**

### **This permit is subject to compliance with the following conditions:**

1. This Land Use Permit is based upon and limited to compliance with the project description, the Board of Supervisors hearing exhibits marked A-F, dated November 4, 2008 (07APL-00000-00041), and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Planning & Development Department for conformity with this approval. Deviations may require modification to the Land Use Permit and/or further environmental review. Deviations without the above described approval will constitute a violation of approval.

### **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.<sup>1</sup>**

**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**

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<sup>1</sup> 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.

**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 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.**

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

## **MITIGATION MEASURE FROM 08NGD-00000-00025**

2. Any new exterior night lighting installed on the project site shall be of low intensity, low height and low glare design, and shall be fully hooded to direct light downward onto the subject parcel and to prevent spill-over onto adjacent parcels. **Plan Requirements/Timing:** Lighting shall be installed prior to occupancy clearance. This condition shall be met for the life of the project. **Monitoring:** Lighting fixtures shall be approved by P&D and detailed on building plans. Permit Compliance staff shall respond to complaints.
3. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:
  - a. seeding and watering to revegetate graded areas; and/or
  - b. spreading of soil binders; and/or
  - c. any other methods deemed appropriate by Planning and Development.

**Plan Requirements:** These requirements shall be noted on all plans. **Timing:** Plans are required prior to approval of Land Use Permits. **Monitoring:** Grading Inspector shall perform periodic site inspections.

4. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below.
  - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.

- c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

**Plan Requirements:** All requirements shall be shown on grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

- 5. Rock cutting and splitting operations shall be conducted inside the designated buildings only. No cutting or splitting operations shall be conducted outside the designated buildings at any time. **Plan Requirements:** All requirements shall be shown on grading and building plans. **Timing:** This condition shall be adhered to for the life of the project. **Monitoring:** P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.
- 6. Rock cutting and splitting activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Equipment necessary to filter polluted water shall be completely functional during all rock cutting and splitting activities. Wash-water shall not be discharged to the nearby storm drains, street, or drainage ditches, or to any creeks or wetlands. **Plan Requirements/Timing:** The water reclamation basin and water scrubbing equipment shall be in place and maintained throughout all rock cutting operations. **Monitoring:** Permit Compliance staff shall conduct spot checks of the installation of the water reclamation basin during construction.
- 7. During construction, the washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, water body or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements/Timing:** A washout area, acceptable to P&D, shall be shown on all grading and building plans prior to issuance of the Coastal Development Permit. This condition shall be printed on all grading and building plans. **Monitoring:** The washout area(s) shall be in place and maintained throughout construction. Permit Compliance shall site inspect throughout the construction period to ensure proper use, location, and maintenance of the washout area(s).
- 8. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans. **Monitoring:** P&D shall check plans prior to approval of Land Use Permits\Coastal Development Permits and shall spot check in the field.

9. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** *Three* signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **Monitoring:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.

## COUNTY RULES & REGULATIONS

10. Prior to final building permit inspection, all development impact mitigation fees shall be paid in accordance with the ordinances and resolutions in effect when paid.
11. **Change of Use:** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
12. Compliance with Departmental letters required as follows:
- a. Fire Department dated June 19, 2008
13. **Mitigation Monitoring required:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
  - c. Pay a \$500 deposit fee prior to issuance of Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
14. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the

Case No.: 07LUP-00000-00301

Project Name: Firefox Cutting and Quartering New Buildings

Project Address: 5381 Ekwil Road

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Land Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

**15. Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

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# Memorandum

**Date:** June 19, 2008

**To:** Errin Briggs  
Planning & Development  
Santa Barbara

**From:** Glenn Fidler, Inspector  
Fire Department

**Subject:** APN: 071-140-071; Case #: 07APL-00041  
Site: 5381 Ekwill Road, Goleta  
Project Description: Three New Commercial Buildings

RECEIVED  
JUN 19 2008  
S.B. COUNTY  
PLANNING & DEVELOPMENT



A handwritten signature in black ink, appearing to read "Glenn Fidler", is written over the bottom right portion of the memorandum text.

*This Memorandum Supersedes the Previous Memorandum Dated June 9, 2008  
The Requirement for a 30-Foot Driveway Width shall be Removed and Replaced with a 25-  
Foot Main Driveway Entrance.*

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*All Other Conditions Remain the Same*

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## DETERMINATION OF APPLICATION INCOMPLETENESS

I have reviewed your project and find that it will require some corrections before it can be approved by the Santa Barbara County Fire Department. The following information must be included with your revised plans:

1. Revised plans must include a complete driveway/access plan showing the following:
  - Width of driveway/access way
  - Percent of slope (including a profile section view)
  - Type of paving or surface material to be used
  - Turnouts (if required)
  - Turnaround (if required)
  - Structural section view showing how the driveway/access will be constructed
  - Driveway shall require civil engineering design and certification.

All plans must be drawn to scale and shall call out all dimensions and turning radii requirements. Please refer to the attached copies of the Santa Barbara County Fire Department Development Standard #1 and the Engineering Design Standards for Santa Barbara County, Page 8-4.

### GENERAL NOTICE

2. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

### PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS THE FOLLOWING CONDITIONS MUST BE MET

3. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

Driveway width shall be a minimum of 25 feet as per Santa Barbara County Engineering and Design Standards, Appendix 7, Figure #1.

4. **One (1)** fire hydrants shall be installed. The hydrants shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants, valves, main lines and lateral lines shall be approved by the fire department.

### PRIOR TO OCCUPANCY CLEARANCE THE FOLLOWING CONDITIONS MUST BE MET

5. Portable fire extinguisher(s) are required and shall be in accordance with the Santa Barbara County Code Chapter 15, Article 1.
6. Building address numbers shall be posted in conformance with fire department standards.
7. When access ways are gated a fire department approved locking system shall be installed.
8. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

- Mitigation Fee at \$.20 per square foot for structures without fire sprinkler systems
- Goleta Fees

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

A copy of this letter will be placed in your Assessor's Parcel File in this office and the fire department advises that these conditions be listed as a disclosure item should your property ever be sold.

As always, if you have any questions or require further information please call 681-5500.

GF:jmd

c: Eddie Langhorne, 5381 Ekwill Rd, Santa Barbara, CA 93111  
Kathleen Weinheimer, 420 Alameda Padre Serra, Santa Barbara, CA 93103  
Syndi Souter, PO Box 50423, Santa Barbara, CA 93150  
APN