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for PSD

June 11, 2008

Santa Barbara County Planning Commission
123 East Anapamu Street
Santa Barbara CA 93101

RE: Firestone Consistency Rezone and Conditional Use Permit for Special Events

Women's Environmental Watch would like to address the Planning Commission with the following regarding this application:

What Farming and Ranching Projects are presently associated with this acreage for which Minor Condition Use Permit Application **007CUP-00000-00004** is based and will the applicant explain in detail how up to 32 special events during the good weather season are ~~incidental~~ *compatible* to these agricultural projects?

What current Caltrans statistics were utilized for the impacts to traffic circulation and road safety and did these statistics analyze accident, injury and fatality categories for the intersections of Highway 154 at 101/Zaca ^{Station} Mesa Road, Foxen Canyon Road, Figueroa Mountain Road, Grand Avenue and Roblar Avenue for at least the last five years?

These two questions regarding proper application of our current regulations and proper application of traffic data reflect the main concerns of W.E. Watch. In receiving a satisfactory reply and explanation to these two questions -- of current and past **traffic and accident statistics for this circulation area and how it is an incidental use to existing farming/ranching** -- the Commission could move forward in either acceptance or rejection of this unusual proposal.

Thank you for attention to this matter,

Carol Herrera
Carol Herrera, President

VILLAGE PROPERTIES

REALTORS

#70

2008 SEP -5 AM 1:30

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

September 2, 2008

Board of Supervisors
County of Santa Barbara
The Clerk of the Board
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101



To Whom It May Concern:

I have been asked to comment an opinion on a pending CUP for a property commonly known as The Crossroads, a property located on Foxen Canyon, across from a property that I represented as a real estate broker in a 2006 sale transaction.

I have been in the real estate field in Santa Barbara County for almost 30 years and this has given me a rather unique perspective.

The Foxen Canyon area is wonderfully unique. It represents a potential lifestyle for residents and visitors alike that harks back to the early part of the century. Large land areas that are still mainly intact, gentile lifestyles, wonderfully fertile land for various agrarian enterprises, a peaceful quietude.

This way of life is disappearing by way of urban boundaries being pushed, and various commercial enterprises taking precedent.

There are two type of buyers seeking large property in the Valley; one is looking for land to grow vineyards and one is looking for the refuge of an old-style rancho.

The stretch of Foxen Canyon upon which The Crossroads is located does not have any winery operations. Not until Foxen Canyon heads north or south by Zaca Road does one find commercial use of the land.

I understand that there is already existing precedent for the number of winery events allowed under a CUP.

As a real estate broker active in this community and who often represents buyers and sellers of larger estate type ranches I will say unequivocally that it is vital we have a consistent policy, that decisions we make today can have long ranging effect on values tomorrow.

I would like to think land use policies do not need to end in neighborhood conflict. That growing grapes for the one and or those seeking refuge in a peaceful countryside setting can live in mutual harmony and respect. Conflicts hurt value.

We all know alcohol on these roads is a recipe for disaster. Events and wine tasting in moderation is fine; however we all know human nature and it is only a few that can ruin a good thing for all.

I question why we need to re-invent the wheel. The number and extent of special events has been hammered through the review process so much in the past and I believe a formula has already been specified.

From my perspective both as a local land owner and a Broker who could be in a position of trying to sell a ranch to a client, it would be one thing to sell the idea of one event per month that has a cut off for evening event times of say 9:00 or 10:00 PM to prospective buyer versus a use for a property in the vicinity that could have several events per month with music until late at night.

One of the last rights we all should enjoy is that of quietude. There is enough noise and chatter in all our lives and in the urban areas. We need some area and land left for peace and quiet.

Also, some events may not be in keeping with our pastoral area, or in keeping with a historic use of the land. Some events are also not compatible with the picture of what most buyers could be seeking in their purchase of property here in the Valley.

I hope reason prevails.

Sincerely,



Carey Kendall
Broker Associate
Village Properties

LATE
DIST

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MEMO TO: BOARD OF SUPERVISORS
FROM: BOB FIELD, SANTA YNEZ
DATE: SEPTEMBER 9, 2008
SUBJECT: PLANNING COMMISSION FAILURE TO TAKE REQUIRED ACTION
RE: FIRESTONE REZONE AND CUP

EXECUTIVE SUMMARY

At the June 11, 2008 Planning Commission hearing on the Firestone rezone and CUP the Planning Commission failed to discuss, for even one moment, the legal requirement of the Zoning that the proposed use of the Ag-zoned property for special events be "accessory and incidental to the principal use of the property".

This failure occurred despite repeated pressure from the public to have the issue deliberated. The failure was due to misdirection of the Commission by county staff, both P&D and County Counsel's office. (DVD of the meeting available.)

Significantly, the Planning Commission also failed to make this legally required finding --- please refer to the Planning Commission action report in your Board package.

Therefore, in the absence of any deliberations or finding on this legally mandated issue, the Board of Supervisors should ignore the Advisory vote of the Planning Commission. Further, the Board should focus on this legal requirement.

"ACCESSORY AND INCIDENTAL" REQUIREMENT

Under Commercial zoning, a property may be used (subject to a CUP) without limitation as a place to hold events such as "receptions, parties, weddings, or other similar gatherings."

However, under AG-II zoning, use of the property for these purposes is strictly limited by the zoning ordinance. As stated in the staff report to the Planning Commission on this application, "LUDC Section 35.42.250.F.9 *requires* approval of a Minor Conditional Use Permit for reception facilities providing indoor or outdoor facilities that are *accessory and incidental to the principal use* of the property on a temporary, *commercial* basis for receptions, parties, weddings, or other similar gatherings." (Emphasis added)

Clearly, the zoning explicitly allows very limited use of Ag-zoned properties for this commercial purpose --- it does not permit the general expansion of these commercial activities from commercial zones to agricultural zones.

EVENTS AT THE PLANNING COMMISSION HEARING

Despite the notice to the Commission on page 3 of the staff report, the P&D staff presentation to the Commission made no reference to the need to deliberate the issue of "accessory and incidental" use. The presentation from the Applicant also ignored this issue.

From: Bob Field <bfield@trytorelax.org>
Date: June 12, 2008 6:08:03 AM PDT
To: Chuck Schultz <cschultz@santamariatimes.com>
Subject: Firestone Event Center

Hi Chuck,

Nice story on the Event Center --- thanks for leaving me out! I predict this will be challenged again at the BOS.

You may recall that Gail Marshall got after the legal issue of the need for the event activities to be "incidental" to the Ag, and that David Allen (County attorney) said "no" and quoted a different law that used different words. Then, in my comments, I got after him and pointed out that the Staff Report stated on page 3 that the CUP "requires" that these commercial events be "accessory and incidental", and asked for clarification. Then, my whole speech was based on the fact that they are not incidental. He never responded to my request for clarification of the legal requirement for this finding. The PC never discussed this issue at all in their deliberations.

By chance, I ran into him at the Los Olivos Grocery an hour after the Hearing. I asked him if I had it wrong, and he said "No, you were exactly right." So I asked him why he did not say anything, and he said "No one asked me, and I wasn't going to volunteer it."

Sigh.

So, this issue will probably be wrestled over at the BOS, where both the rezone and the CUP will be heard again. According to David Allen, with Firestone recused, a 2:2 vote means both will be denied.

Well aware of this legal requirement, during public comment a former Supervisor raised the issue of the need for this under Article III, and the fact that this application failed to meet that test. Representative from County Counsel's office immediately took the microphone and said he wished to "correct" what had been said, and referenced a different section of county codes that said the use needed to be compatible. In my opinion, this is not a correction, it is simply a different reference.

In response, the next speaker (me) who was former Chair of the VPAC, quoted from the LUDC reference in the staff report on this Application that this use was required to be "accessory and incidental" and asked for clarification of this critical legal issue. The balance of the comments were to the point that the proposed use could not meet that mandatory test.

Disappointingly, no one from the Planning Commission asked Counsel for clarification, and Counsel sat silently, offering no clarification.

As a result, during deliberations this critical issue was not even mentioned by any Commissioner or by staff. Perhaps more significantly, this necessary finding was not made by the Commission (please refer to your staff report for verification).

An hour after the Hearing, by chance I ran into the representative from County Counsel's office and asked him if we were wrong. To my shock, he responded that we were exactly right, but that he chose not to say that at the Hearing! (See attached e-mail dated the next day for support of this statement.)

CONCLUSION

The Planning Commission, with misdirection from staff, failed to discuss or find the legal requirement that the use of this Ag-zoned property for events be "accessory and incidental to the principal (agricultural) use of the property.

Therefore, NO reliance should be placed on the Planning Commission advisory vote on this matter.

--- END ---

WOMEN'S ENVIRONMENTAL WATCH

P.O. Box 830
Solvang, California 93464
wewatch@syv.com



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September 5, 2008

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

RE: Firestone Parcel Consistency Rezone and Permit for Events Center

Dear Supervisors,

The above referenced item to be heard by you on September 9 should be denied. The applicant, our very own Third District Supervisor Brooks Firestone, is asking you to allow a special dispensation -- to legally use agriculturally zoned land in a manner that breaks the rules currently in place -- rules set up for the purpose of attaining long term preservation of agriculture.

Our organization, representing 156 Santa Ynez Valley residents, requests that you look carefully at the setting of this parcel, its history and the curious and unusual request before you today for the allowance of up to 32 special events at a site that **does not contain the requisite agricultural operation as its main feature.**

Notwithstanding the history of charitable events, this special rural setting has been utilized consistently over the past ten years for monetary gain with special events as its main source of income -- it is not incidental or accessory to agricultural operations.

Whether this was legally permitted by County government was not considered by its owner. Whether this meshed well with the neighbors across the street was also not considered by its owner. Whether to set the example for other land owners in following the set agricultural rules was not considered. Whether to declare that the property in question was on the market or involved in a legal real estate contract was not considered. Any consideration of these matters appears to have been "incidental".

This brings us to the present and to the two-fold request of a rezone and CUP before you. We ask that you hold your fellow Supervisor "Mr. Firestone" to the highest standards in examining this application. Secondly, given the fact that we are unable to urge our own Supervisor for assistance in this matter, we ask the four of you for a unanimous decision to uphold the agricultural rules.

Very truly yours,

Carol Herrera, President

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ON THE RANCH

By Nancy Crawford-Hall, Publisher

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AB 2860

I was reading the California Counties Legislative Bulletin the other day.

Boy, are those folks busy in Sacramento making all sorts of new laws for us to follow! I came across legislation proposed by Assembly Member Tony Mendoza on Feb. 22 that was set for a hearing on April 16 but was postponed; no future hearing has been set at this time. This bill would specify that a Williamson Act contract is deemed null and void when the land subject to the contract is acquired by the federal government to hold in trust on behalf of a federally recognized Indian tribe.

If you'll recall, for those of you who do not have Williamson Act contracts, the whole purpose of the contract between the landowner and the county is to guarantee that the land will be kept in agriculture for a rolling ten year period in exchange for a reduction in property taxes. It has been a great incentive to a great many landowners to keep their land producing agricultural products instead of selling it to developers for housing or other more intensive uses.

The county is reimbursed by the state for the loss in tax money by means of what is called the subvention fund. You may remember that not too long ago our governor was trying to get rid of the subvention fund which, in turn, would have eliminated the Williamson Act, as the counties cannot afford the reduction in tax money.

Now Mr. Mendoza wants to bankrupt the counties that have aggressive casino groups buying up everything for sale, much of which, at least in this county, is agricultural and under the Williamson Act. So who is this to benefit?

Since sovereign nations apparently do not have to follow any of the rules that the rest of us do with regard to land use, whether or not a Williamson Act contract exists doesn't seem to have much relevance. What is the county to do to recoup the tax money now lost that ordinarily would have been repaid upon notice of nonrenewal by the landowner? And what is really the worst result of this ugly legislation is the permanent loss of agricultural land that our society will never get back. Is it really so important to ruin the land that has fed you for generations?

Is it AG?

Planners in Santa Barbara County have struggled for many years to define the topics they were discussing, often having to rely on people who admittedly didn't know much about it. Such has been the case with the numerous fields which come under the heading of agriculture, ranging from the greenhouses in Carpinteria to the open fields of Santa Maria.

Almost everyone agrees that agriculture is a very important industry in this county, as it brings in a majority of the income on which the county relies to pay for the services that property tax does not. It is, however, not the easiest to define, as it has expanded and changed in material ways over the years.

In the fifty-some years I have been in this valley, I have seen incredible changes occur which not only have different requirements and are serviced by different types of businesses, but which also have changed the entire look of the landscape. There are still the large pastures covering the rolling hills in the forefront, the oak covered mountains between us and Santa Barbara, but increasingly there are vistas of rows of vegetables or grapevines.

Very few acres remain that produce alfalfa, oats or other grain crops for livestock. As a result, one has to go to the Central Valley to find twine (no more wire) to bale one's hay. Very few cattle trucks pass through the valley, and then only stopping at the last remaining ranches running cattle these days.

Instead one finds, particularly in the fall months, large tractor-trailers full of bins, empty on their way to the vineyard and full on their way to processing locations. During the summer, these same types of trucks wend their way to the vegetable fields to pick up their bell peppers or tomatoes.

So, the kinds of agriculture have changed, but there also is a more ominous change occurring that I would like to bring to your attention.

A wine processing facility is being proposed for ag land that, during the most recent overhaul of the ag rules, was made possible. Is this ag? Would a meat processing plant on a ranch also qualify as ag? What is the difference? How does a sanitation dump qualify as agriculture? Is a race track, a show arena or a vegetable cooler agriculture? What about a motel with three rows of grapevines in the front yard? How about a house, one in which nobody lives, on the same property where some grapevines are located? Is that agriculture?

On May 26, the planning commission will consider Brooks Firestone's application to make legal a barn, a large bathroom facility and other structures on the "Crossroads" property. The numerous public events that have been held there for years, one of which even I attended, apparently are not legal either, so Firestone is requesting that they be made legal as well. Part of the application includes an expansion of the events to 32 a year — that is eight per month: 30 of them for up to 250 people per event, and 2 per year for 1,500 people apiece.

I am, frankly, shocked. First of all, these public events have been going on for years, all of them in violation of county regulations. And Brooks Firestone is our supervisor! Do these rules not apply to him as well as to the rest of us? I couldn't believe that even the buildings have been illegal the whole time he was in office. For all the lip service given to the value of agriculture, he was unable to help me keep current my application for an arena cover, nor, apparently, to make his own property comply with county regulations.

And how can you possibly call this agriculture? Part of the application is to rezone the property to AG-1-40, which will enable him to use the house at a later date for a bed and breakfast — although I can't imagine why anybody would want to stay somewhere that hundreds of people will gather every weekend, all weekend. If this is the new face of ag I don't want any part of it. I know it deserves some kind of classification, but ag certainly isn't it. What do you think?

Absentee

I guess I'll be absentee for a while, as I am going to England for a couple of weeks to attend the Chelsea Flower Show. I have heard so much about it over the years and I am inspired by the extremely beautiful valley gardens that I have been fortunate to visit, so I decided to go. My husband and I will be visiting with his brother and sister-in-law, who live in the medieval town of Lichfield.

Before I leave, I must send in my absentee ballot so that I may register my choice for our next supervisor. I have to say that the choice this time was not a difficult one, as there really seem such major differences between the candidates. First there is the representative of the block of folks who live mostly over the hill who have controlled 3rd District politics for thirty years — and who got us nowhere positive with a whole lot more useless rules to follow. Since that candidate is trying to keep quiet having served on another district's

planning commission, I will not vote for that puppet. Two of the candidates are not really serious, as both of them possess ranges of experience that do not begin to cover the entire district.

In fact, if you could combine the two you might create a more well-rounded individual. So, those two will not receive my vote either.

As for the hand-picked successor, it is a little hard to imagine having a supervisor who lives in another state. To suggest that this person, who has never finished a term of anything that I have been able to find, is electable is ludicrous.

What do we do when that person decides, for whatever reason, to leave to do something else? Why would we think that this person would suddenly change behavior?

And finally, you are hearing a lot of ads about how important agriculture is to that person, particularly from people wearing cowboy hats who have never worn them before, probably can't ride and certainly don't know the first thing about ag, and whose supporters support themselves, not ag — but you can make up your own mind.

I certainly have and look forward to being truly represented by someone who listens, who cares about our future and who wants to change how county government works so that it works for us, not against us.

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*Santa Ynez
Valley Alliance*

May 12, 2008

Joyce Gerber, Planner
Santa Barbara County Planning & Development Dept.
Development Review Division
524 Foster Road
Santa Maria, CA 93454

Re: Firestone Consistency Rezone & CUP for Special Events

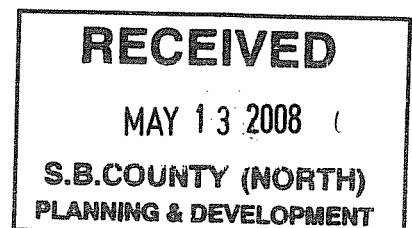
Dear Ms. Gerber:

The Santa Ynez Valley Alliance appreciates the additional time to comment on this project which proposes to turn an existing 54.1 acre agricultural parcel into a special events center. The magnitude of the request raises significant issues for this parcel, as well as other similar agriculturally zoned parcels in the Santa Ynez Valley.

First of all, the Initial Study/Negative Declaration provides no comparison of other existing similar conditional use permits (CUP) on agriculturally zoned properties in the Santa Ynez Valley. Without this information, it is difficult to determine whether or not this project is requesting activity levels which are more or less than existing permits allow. An important part of this comparison would be the size of the properties and other uses on those properties, i.e. whether or not those sites contain a winery. It would also be helpful to have a list of the conditions/mitigations imposed on the CUP's granted on those properties. Furthermore, in order to assess the cumulative impacts of granting this permit, it would be helpful to know how many other parcels would be eligible to make similar requests to the County. The agricultural integrity of the Santa Ynez Valley is certainly at the center of this issue.

Page 7 of the Initial Study states, "The events would promote and facilitate agricultural operations pertaining to the region." There is no explanation of why this would happen. In fact, the Alliance is concerned that the size and number of the proposed events will do just the opposite, i.e. that the special events will become the primary use of this property rather than the ancillary use as seen in most other vineyard/winery properties permitted to hold events. Such a reversal of priorities would be inconsistent with all principals of preserving and enhancing agriculture.

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Joyce Gerber, SB County Planning & Development Dept.
May 12, 2008
Page Two

Page 21 of the Initial Study indicates that the proposed project would generate up to 13.3 Average Daily Trips (ADT), resulting in a total of 413 ADT and concludes that this impact would be less than significant. This analysis does **not**, however, reflect the worst case scenario, which is much closer to reality and of far greater concern. The fact is that under the proposal, up to 8 events of 250 persons could occur per month. One would, therefore, expect that there would be 8 events per month during the summer months and some smaller number of events per month during the winter. This would add approximately almost 1,000 trips per month on Foxen Canyon Road at a time when traffic is already elevated due to general tourism. In months that include one of the larger events, this number would jump to almost 1,500 new trips per month.


A traffic analysis which reflects the real use of Foxen Canyon Road, based on seasonal fluctuation, is needed in order to obtain a true picture of the traffic situation at this location. This analysis should also include the impact of the number of additional trips, as well as traffic safety issues, on the intersection of Highway 154 and Foxen Canyon Road, since this intersection could well be the primary route for people traveling to the property. Caltrans has already expressed grave concerns about the traffic and accidents rates at several nearby intersections on Highway 154, with the result being the installation of stop signs at Highway 154 and Baseline/Edison. Additional events in the Santa Ynez Valley could increase the need for similar measures at the Refugio, Alamo Pintado and Foxen Canyon Road intersections. The impacts of the proposed project should be evaluated in that light, as well.

Furthermore, allowing events that include alcohol at this country road intersection late into the evening raises additional concerns. Many people who visit the Valley for special events are not accustomed to using country roads and their attendant hazards. This fact should be taken into account in the traffic analysis. Finally, the statement at the bottom of page 21 that "The applicants are encouraged to coordinate event dates and traffic control with other periodic events utilizing Foxen Canyon Road is meaningless. Even if the current owners abide by this request, the owners of the property may change over time. There is no way to monitor what such owners will or will not do in this regard—"encouragement" is ineffective.

The Santa Ynez Valley Alliance was formed to work collaboratively with individuals, groups and governments to protect the rural character of the Santa Ynez Valley and support good stewardship of natural and agricultural resources through education, comprehensive planning and public participation.

It is with this mission in mind that these comments are being submitted. We look forward to reviewing the Final ND and hope that our concerns will be thoroughly addressed in that document.

Sincerely,


Mark Oliver, President
MO:gm