

Bonny Doon Vintner Asks Coastal Reconsideration

Vintner Jim Beauregard has asked the state Coastal Commission to reconsider certain conditions of a coastal permit for a large vineyard he plans in Bonny Doon.

Beauregard told The Sentinel that if the Coastal Commission refuses to remove some of the conditions, he will take the matter to court.

The coastal permit was granted in March for a vineyard on a portion of a 525-acre site in the area of Martin Road and Ice Cream Grade.

Coastal commissioners will consider adopting the findings supporting the disputed conditions May 5 in San Francisco. Then the commissioners will decide whether to reconsider the project on May 18 in Santa Barbara.

If they opt to reconsider, then commissioners will set a public hearing at a later date for the reconsideration. Beauregard would have to make a new application for a coastal permit if it's to be reconsidered.

Beauregard, who is part owner of Felton Empire Vineyards in Felton and who is planning on buying the 525-acre Bonny Doon site from Teachers Management Investment, voiced his complaints in a letter from his attorney, Alexander Henson.

The letter states that Beauregard wants the commission to reconsider the condition requiring dedication of easements for the protection of certain plants and of sandstone outcroppings, the condition allowing the executive director to decide if Beauregard can proceed with the second phase of his project and the condition prohibiting the use of an area where Ponderosa Pines are located.

He also wants the commission, according to the letter, to consider his request

for an agricultural exemption. If it were found Beauregard met certain conditions and were granted such an exemption, he wouldn't have to get a coastal permit.

The letter states that Beauregard is upset over the condition for the dedication of easements because he doesn't believe that he needs to give up his property rights in order to protect rare and / or endangered plants and the sandstone outcroppings.

Henson claims in the letter that the commission made "an error of law" in requiring the dedication of easements. He points out that the county permit for the vineyard simply restricts development in these areas and doesn't require taking away title to the land.

The attorney also states that the commission acted illegally in requiring this land not to be planted in vines because state law says that "lands suitable for agricultural use shall not be converted to non-agricultural use."

The letter further states that the condition allowing the executive director to decide on phase II "is unreasonable in not being more precise . . ."

As for the condition prohibiting use of land where Ponderosa Pines exist, Henson claims it also is "unreasonable" since there's no substantial evidence that these trees are a rare or endangered species.

He further states that the Public Resources Code establishes that Beauregard is entitled to an agricultural exemption.

Henson concludes, "It is submitted that the additional conditions (beyond those imposed by the county) added by the Coastal Commission are oppressive, unreasonable and constitute a taking of property without just compensation as required by law."

Sentinel 4/28/82