

County of Santa Barbara Board of Supervisors



Vander Meulen Appeal of Director's Determination of Unpermitted Use

September 13, 2016



Background Summary

- Complaints (Jan and Aug 2015):
 - Unpermitted race track with plywood enclosure,
 - Trucks placing fill
 - Group races/events (15-20 people)
 - Noise, dust, odor
- Violation Cases opened (Jan and Aug 2015)
- Determination of Unpermitted Use letter issued by P&D Director; appeal to Planning Commission filed (Jan 2016)
- Planning Commission supports Director's Determination and adds clarifying language (June 2016)
- Appeal to Board of Supervisors filed (July 2016)

Appeal Issue 1

Assertion:

- *The director's decision is not an "interpretation," and instead, is specifically defined in the LUDC as an "Amendment." The Planning Commission alteration of the NOD does not change this fact*

Response:

- Director has the authority to interpret the LUDC
- The Determination does not meet the LUDC definition of an amendment and re-states existing provisions and language of the LUDC

Appeal Issue 2

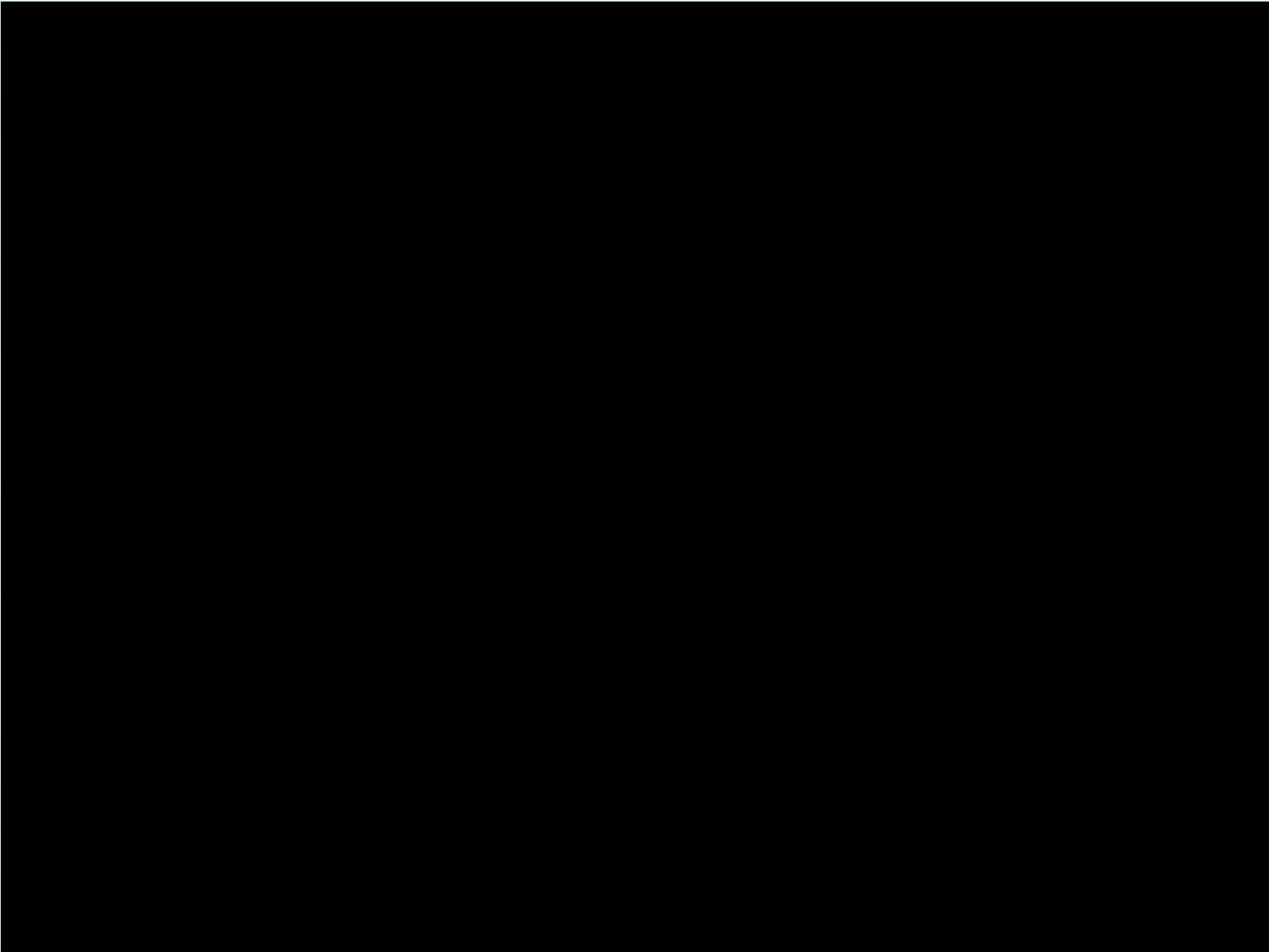
Assertion:

- *There is no “Sports and Outdoor Recreation Facility” on the Property*
- *Staff has refused to identify any locations and appurtenances on the Property that constitute such a “Facility” so as to allow Appellants to alter the same to avoid such a designation*

Response:

- Track meets LUDC definition for Sports and Outdoor Recreation Facility (examples: baseball, football, polo)
- The clearly defined speedway track on-site is heavily used as a sports facility
- Discontinuance of use and removal of track would remove designation





<https://vimeo.com/124671428>

Appeal Issue 3

Assertion:

- *The NOD is overbroad and the Planning Commission alteration of the NOD does not change this fact*

Response:

- Determination reiterates existing provisions of the LUDC
 - LUDC “use tables” do not list the recreational operation of motor vehicles as an allowed use in residential zone districts
 - LUDC defines allowable accessory uses as uses that do not “*adversely affect other properties in the vicinity*”
- Determination appropriately applies Director and PC authority

Appeal Issue 4

Assertion:

- *Appellants have a vested right to the recreational use of motorized vehicles on their property*

Response:

- Recreational motor bike activities that have occurred on the property were not permissible either before or after the Director and Planning Commission actions
- Not legal non-conforming
- The establishment of a use that is not a permitted use is a violation of the LUDC and does not create a vested right

Appeal Issue 5

Assertion:

- *The statute relied upon by the Director in rendering the decision to prohibit recreational use of motorized vehicles on residentially zoned property is vague and ambiguous and the Planning Commission alteration of the NOD language does not change this fact*

Response:

- Only the Director's Determination is under appeal, not the terms contained within the LUDC (i.e. statute)
- As discussed earlier, the Determination incorporates and appropriately applies existing LUDC language

Staff Recommendation

1. Deny the appeal, Case No.16APL-00000-00018
2. Make the findings for affirmation of the Planning Commission's decision to modify the Director's Determination
3. Determine that denial of the appeal and affirmation of the Planning Commission's decision to modify the Director's Determination is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15378
4. Affirm *de novo* the Director's Determination, as modified by the Planning Commission