





Villalobos, David

From: josie1355@netzero.com [josie1355@netzero.net]
Sent: Tuesday, June 28, 2016 12:56 PM
To: Villalobos, David
Subject: case No.16APL-00000-00003

Categories: Purple Category

Subject : VANDER MEULEN APPEAL OF DIRECTORS DETERMINATION

I know the propeerty owners, and are speaking terms, and like Shirley, the mom / grandmother very much !
I have lived @ 1355 Solomon Road since 1994....But every time the racing would start it would almost make us crazy...We should not have to be aggravated in the comfort of your own home.If you want to rave motorcycles you need to buy 100 acres in the middle of no where!!!!!!
I hope you stickmto your guys and stop this non sense !!!!

RECEIVED

JUN 28 2016

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Most respectfully,
Josephine Schofield

Wants to enjoy the Peace and Quiet Of Rural Orcutt

My Husband just passed, had so much family here, no time to send commit before, hope you will take it in consideration... Thank You

Blazeray

Deemed: One Household Item Everyone Should Have In Any Emergency
<http://thirdpartyoffers.netzero.net/TGL3242/5772d69e75a69569e0324st04duc>

<u>AGENDA ITEMS</u>	
ITEM #:	2
MEETING DATE:	6-29-16

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S.B. COUNTY (NORTH)
PLANNING & DEVELOPMENT

THE LAW FIRM OF
Brenneman, Juarez & Adam LLP

A Limited Liability Partnership Including Professional Corporations

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AGENDA ITEMS
ITEM #: 2
MEETING
DATE: 6-29-16

June 24, 2016

Via Hand Delivery

Re: Vander Meulen Appeal Supplemental Letter

Planning Commissioners:

This letter serves to supplement the letter of Appeal already submitted to the Planning Commission and to address those issues raised in the Staff Report dated June 8, 2016.

The primary sentences at issue in the Director's January 12, 2016 Notice of Determination ("NOD") are as follows:

- (1) "I have determined that the *recreational operation of motorized vehicles* is NOT compatible with the Purpose and Intent of residential zoning; is not incidental and subordinate to residential uses; *and is, therefore, not a use permitted within the residential zone designations as enumerated in Chapter 35.23* (Residential Zones) of the LUDC."
- (2) "Furthermore, analysis of the activities on your property indicates that *the recreational operation of motorized vehicles constitutes a recreational facility* as defined within the LUDC [which] requires approval/issuance of a Conditional Use Permit."

A. The Director's Decision Is Not an "Interpretation," and Instead, is Specifically Defined in the LUDC as an "Amendment" Which Requires Adherence to the Public Process.

As stated in the Staff Report, Santa Barbara County Land Use and Development Code ("LUDC") §35.12.020 does, in fact, give the Director the authority to *interpret* any provision of the LUDC. The Director has issued such "interpretations" in the past. On September 2, 2014, for example, the Director released a "Determination of Interpretation" relative to the phrase "Charitable Function" wherein he defined the term as "an event or activity whose primary purpose is of a charitable or noncommercial nature."

Such an act, however, is wholly distinguishable from, for example, the Director making a "determination" that ALL backyard BBQs in Residential zones are not "Charitable Functions." Such a "determination" would go beyond a mere "interpretation." Instead, as is made abundantly clear below, it would constitute an *amendment* to the LUDC.

Under the plain language of LUDC 35.104, et. seq. ("Amendments"),¹ *the Director (or any other non-legislative, unelected official) cannot unilaterally amend the provisions of the LUDC.*

Under the specific language of LUDC §35.104.020(B), the term "amendment" means the following:

- (a) modifying or adding a "new standard or requirement,"
- (b) modifying or adding an "allowed use," or
- (c) modifying or adding a procedure applicable to land use or development.

By prohibiting the "recreational use of motorized vehicles on all residentially zoned properties," the Director has specifically "amended" the LUDC; not only has he modified or added a "new standard," but he has also modified a historically "accessory use" and a historically "allowed use."

Applications to amend the LUDC are governed under the specific procedure enumerated in LUDC §35.104. To wit;

- (1) The proposed amendment must be "initiated" (§35.104.030);
- (2) The proposed amendment must be processed (§35.104.040);
- (3) The proposed amendment must be acted upon , which includes at least "one noticed public hearing" at the Planning Commission (§35.104.050(B)(1)) and "at least one noticed public hearing" at the Board of Supervisors" (§35.104.050(B)(2)); and,
- (4) Should the Board of Supervisors approve the amendment, it must formally adopt said amendment by ordinance (§35.104.050(B)(2)(c)).

Again, in the instant case, the Director has both "added a new standard," AND "modified" (disallowed) a formerly accepted "accessory use" and a formerly "allowed use." Riding "motorized vehicles" on "residential property" for "recreational purposes" has ALWAYS been considered an "accessory use." How do we know this?

(1) First, both Staff and the Director asserted as much *in writing*:

- a. On September 29, 2015, Staff stated the following: "Planning & Development *has never asserted that Mr. Vander Meulen is not allowed to ride motorcycles for personal, noncommercial recreation or other uses accessory and subordinate to the residential zone designations on his property.*"
- b. On October 25, 2015, the Director stated the following: "Of course, Mr. Vander Muelen (sic) can ride motorcycles on his property and have family and friends do so also."
- c. In the same email, the Director stated the following: "*It really is not possible to determine exactly how many people or motorcycle riders would be the limit for an 'accessory use.'* Not only is it not possible to do so, but to specify an exact number, *beyond which it would no longer be 'accessory.'* would probably be unfair."

(2) Thousands of acres of residentially zoned property in Santa Barbara County have been used (and are currently being used) for the recreational riding of motorized vehicles. This activity has taken place since the invention of the motorized vehicle;

¹ As well as multiple sections of the California Government Code (see §§ 25126 and 50022.1 et seq.), and the California Constitution (see Art. XI, § 7).

- (3) The Appellant has used his residential property for the riding of motorized vehicles for 15 years; and,
- (4) The former owners (and current neighbors) have utilized their property for the riding of motorized vehicles for over 20 years;

In short, the riding of motorized vehicles on residential property was always considered an "accessory use," even by Staff and the Director. Therefore, the Director's NOD falls squarely within the definition of the term "amendment" in LUDC §35.104.020. He has "added a new standard." He has "modified" a formerly accepted "accessory use." In doing so, he has subjected literally hundreds (if not more) recreational riders of motorized vehicles on residentially zoned property in Santa Barbara County to civil and criminal liability. He has done so without public participation and without abiding by the due process afforded by the LUDC itself. Moreover, he has stripped the decision-making authority away from the legislature, including the Planning Commission and the Board of Supervisors.

The Director's "addition of a new standard" and "modification of use" in the instant case is equitable to those involving the Events Ordinance, the Winery Ordinance, and the Building Code relative to hoop house heights. In each of those cases, new standards and uses were proposed to be added and/or modified. As is the case here, the Director was not simply allowed to issue an edict to make such amendments. Rather, in each of the foregoing cases, the proposed amendments were required to undergo the public process.

Foregoing the plain language of the LUDC regarding the definition of the term "amendment," and the procedure required to accomplish the same, constitutes an abuse of discretion.

B. There is No "Sports and Outdoor Recreation Facility" on the Property, and, If the Director Believes There is Such a Facility, He Must be Made to Identify the Location and Appurtenances "On the Ground" that Constitute Such A "Facility" So As to Allow Appellants to Alter the Same to Avoid Such a Designation.

As stated in the Appeal, the vast majority of the 7.5 acre Property is raw, unimproved ground. It is the same as the entirety of the adjacent properties to both the west and south.

Aside from the single family residence, and a small (2 ½ foot paneled) fence that surrounds a dirt oval sometimes used for riding, there simply is no "facility" of any kind on the Property. There is no water spigot. There is no electrical wiring of any kind. There has been no grading or any other improvement made to the property. There is simply nothing but raw dirt. There can be no "facility."

The Appellant has, on numerous occasions, requested an explanation as to what conditions on the Property could conceivably constitute a "Sports and Recreation Facility" and what actions would need to be undertaken to remove the Property from such a designation. The best answer he received was the following:

"I am not sure what would be best. If they [referring to the 2 ½ foot paneled fence] really do reduce noise, maybe they should remain, but if they really do not reduce the noise, perhaps removing them would make it less of a formal 'arena.'"

Even today the Appellant does not know what "condition" on the property designates it as a "Sports and Recreation Facility."

The bottom line is this: if there is a "structure" or "characteristic" on the Property brings any portion of the Property into the definition of a "Sports and Recreation Facility," the Director must identify said structure or characteristic. The Director must be required to inform the Appellant, with specificity;

- (a) What location on the Property constitutes a "Sports and Recreation Facility," and
- (b) The exact characteristics of that location that constitute a "Sports and Recreation Facility."

The Appellant has the right to tailor his conduct (and potentially remove and/or alter the alleged "facility") so as to be able to use motorized vehicles without obtaining a Conditional Use Permit. Should the Director be unable or unwilling to do so, the statute would inarguably be subject to being void for vagueness.

C. Even if the NOD Were to be Considered Anything Other than an "Amendment" (and it can't), the NOD Itself is Overbroad.

As previously stated, the NOD specifically prohibits "the recreational operation of motorized vehicles...within residential zone designations." By its express language, this prohibition would include, among other things;

- (1) The "operation" of an ATV to haul hay on a residential property for the owner's "recreational" use of horses and/or fair animals;
- (2) The "recreational use" of a golf cart on private, residentially zoned property;
- (3) A child's "recreational use" of a motorized scooter (or Barbie car) on a private, residentially zoned driveway; and,
- (4) The "recreational use" of an ATV to pull a dummy steer for roping practice.

Presumably, every time a disgruntled neighbor complains to P&D, Staff will now be forced investigate and enforce this new prohibition for each of the above every day activities. Does P&D want such a role? Does the public want P&D to take such a role?

Again, these scenarios simply illustrate why the NOD is impermissible, why the Director's edict constitutes an amendment to the LUDC, and why such amendments are required to go through the public hearing process wherein these scenarios and unintended consequences can be fleshed out.

D. Appellants have a Vested Right in the Recreational Use of Motorized Vehicles on their Property.

In this case, the appellant (like hundreds of other motorcycle riders on residentially zoned land in Santa Barbara County) actually purchased the property knowing it was suitable for motorcycle riding. He knew this because the former owners had conducted the same activity for years. He knew this because many of the surrounding owners conduct the same activity on their own residentially zoned property. In other words, this use was "customarily incidental" to the property and compatible with the surrounding neighborhood. Now, the NOD specifically prohibits this activity.

When an administrative decision affects a right which has been legitimately acquired or is otherwise vested, and when that right is of a fundamental nature from the standpoint of its economic aspect or its effect in human terms, and the importance to the individual in the life

situation, then a full and independent judicial review of that decision is indicated, because the abrogation of the right is too important to the individual to relegate it to exclusive administrative extinction. Goat Hill Tavern v. City of Costa Mesa (1992) 6 Cal.App.4th 1519, 1522.

In the instant case, the riding of motorized vehicles on this and other residentially zoned properties has been permitted as an "accessory use" since motorized vehicles were invented. The owners of this property have a vested right to continue that activity and this vested right is important enough to preclude its extinction by a non-judicial body.

E. The Statute Relied Upon By the Director (Or the Application of the Statute in this Case) In Rendering the Decision to Prohibit All Recreational Use of Motorized Vehicles on Residentially Zoned Properties is Vague and Ambiguous.

An ordinance is unconstitutionally vague if it fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits or if it authorizes or even encourages arbitrary and discriminatory enforcement." Gospel Missions of America (2005) 419 F.3d 1042, 1047. See also Nunez v. San Diego (1997) 114 F.3d 935, 940 ("To avoid unconstitutional vagueness, an ordinance must (1) define the offense with sufficient definiteness that ordinary people can understand what conduct is prohibited; and (2) establish standards to permit police to enforce the law in a non-arbitrary, non-discriminatory manner"). "The need for definiteness is greater when the ordinance imposes criminal penalties on individual behavior [which is the case here as expressed by the plain language of the NOD]." Nunez at 114 F.3d at 940.

In the instant case, it is clear that neither the Director nor Staff could determine "what conduct was prohibited." At the risk of being repetitive, it must be pointed out that, when the Appellants submitted written requests for guidance regarding the motorized recreational activity that he could and couldn't undertake on the Property, he was told the following:

- (1) On September 29, 2015 (three months before the NOD), Supervising Planner Petra Leyva stated that "Planning & Development has never asserted that Mr. Vander Meulen is not allowed to ride motorcycles for personal, noncommercial recreation *or other uses accessory and subordinate to the residential zone designations of his property.*"
- (2) On October 26, 2015 (two months before the NOD), the Appellant was again informed by the Director that he *could* ride motorcycles on the Property ("*Of course, Mr. Vander Muelen (sic) can ride motorcycles on his property and have family and friends do so also.*"). However, the Director was unable to provide the Appellant any parameters for such riding ("*It really is not possible to determine exactly how many people or motorcycle riders would be the limit for an 'accessory use'. Not only is it not possible to do so, but to specify an exact number, beyond which would no longer be accessory, would probably be unfair*").

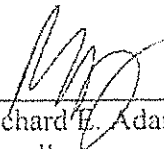
Again, the Director's inability to define "what conduct is and is not prohibited" (what activity does or does not constitute an "accessory use"), is prima facie evidence that the statute (or, at a bare minimum, its application in this case) is, in fact, vague and ambiguous. It should be noted that the Director's reversal on this issue provides further proof that the prohibition enumerated in the NOD (motorized vehicles on residentially zoned properties) is much more than an interpretation in that a "use" and/or "standard" that was once (by the Director's own

admission) legal was instantly "modified" so that that same "use" and/or "standard" is now illegal.

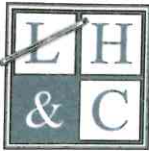
Based upon the foregoing, the Appellants respectfully request that the Planning Commission overturn the prohibitions enumerated in the Director's NOD or, at the very least, require the proposed prohibitions to follow the mandates of the LUDC and be approved via public process.

Sincerely,

BRENNEMAN, JUAREZ & ADAM



Richard F. Adam, Jr., attorneys for
Appellant



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June 22, 2016

By Fed Ex Delivery

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JUN 23 2016

S.B. COUNTY
PLANNING & DEVELOPMENT
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<u>AGENDA ITEMS</u>	
ITEM #:	2
MEETING DATE:	6-29-16

Re: Case No. 16APL-00000-00003
APN: 105-010-033
Appellants: John and Michelle Vander Meulen
Physical Address: 4655 Song Lane, Santa Maria, CA
Mailing Address: 1386 Solomon Road, Santa Maria, CA
Appeal Hearing Date: June 29, 2016

**IMPACT STATEMENT SUBMITTED BY WESTRAIL ESTATES
HOMEOWNERS' ASSOCIATION**

Dear Planning Commissioners:

This law firm represents the interests of the Westrail Estates Homeowners' Association in voicing their serious concerns about the negative impacts associated with the use and operation of motorized recreational vehicles on neighboring, residential property, involving the creation of a motorcycle dirt racetrack on their property in the middle of a residential and equestrian zoned area.

Westrails Homeowners' Association

The Westrail Estates Homeowners' Association ("Westrail") is a nonprofit mutual benefit corporation incorporated in 1981 with the specific purpose "to own and provide management, maintenance, preservation and control of the lots and areas owned in common by the owners of the separately owned lots in a development known as Westrail Estates, City of Santa Maria, County of Santa Barbara..."

Westrail Estates consists of sixty-one (61) single-family, residential properties located to the immediate west of the Vander Meulen property located at 4655 Song Lane (aka 1386 Solomon Road) in Santa Maria, California.

A true and correct copy of an aerial map depicting the Vander Meulen property in relation to the Westrails Estates development is attached hereto for reference as Exhibit "A". Included in the map is a showing of several of the Westrails properties whose homeowners signed the petition identified below as Exhibit "C".

The Appeal

Mr. and Mrs. Vander Meulen ("Appellants") are appealing the "Determination of Unpermitted Use" made by the Santa Barbara Planning and Development Division ("SBP&D") issued by letter dated January 12, 2016. We have reviewed that letter and the subsequent Appeal documentation dated January 21, 2016 from Appellants and their attorney, Richard E. Adam, Jr. Inc. of Brenneman, Juarez & Adam LLP.

The Issues Presented

Essentially, this appeal concerns whether or not the commercial, non-commercial or recreational operation of motorized vehicles consisting of motorcycles, dirt bikes, go-carts, dune buggies, and other types of motorized racing vehicles on the subject residential property including the graded arena ("the oval") on it, constitutes an allowable permitted use within the residential zone designations as enumerated in Chapter 35.23 (Residential Zones) of the Santa Barbara County Land Use & Development Code ("LUDC").

The Planning & Development Department's Findings and Conclusions

"The recreational operation/riding of motorized vehicles on or within the boundaries of the subject site/residential property constitutes a violation of Section 35.23.030 (General Permit Requirements) and Table 2-7", and is "not a use permitted within the residential zone designations as enumerated in Chapter 35.23 (Residential Zones) of the Santa Barbara County Land Use & Development Code." (See County of Santa Barbara Planning & Development Division letter dated January 12, 2016).

The Impact on Neighbors and Westrails Homeowners

It is basic law that landowners have a common-law right to the peaceful enjoyment of their land, which should not be interfered with by excessive noise, irritating dust, or noxious fumes emanating from neighboring property. Yet, this is exactly what the neighbors in and around the Appellants' property are experiencing.

Since approximately mid-2013 through early 2016, the levels and frequency of the Appellants hosting loud motorcycle or dirt bike racing events (or practices) increased substantially. (It is significant to note that these events tapered off in early 2016, ostensibly due to the combined factors of increasing complaints by neighbors, the preceding Notices of Violation and Fees issued by SBP&D, and the January 12, 2016 Determination of Unpermitted Use letter. The cessation of these events in 2016 was not simply a coincidence; and, without governmental intervention, it will only be temporary.

The Appellants' motorcycle races/events have brought many outside people with their racing motorcycles, and other vehicles onto the property for the purpose of racing, riding, practicing, cheering, and socializing all day long without warning, or advance notice to neighbors, or concern for their peace and tranquility in their own homes. The events have increasingly grown in size and popularity. Until the January 12, 2016 letter was issued, there were an estimated 35-50 motor bike racing events conducted during the time period mentioned above, including but not limited to, those held on 12/07/14, 12/27/14, 01/10/15, 02/20/15, 03/21/15, 04/04/15, 04/24/15, 05/02/15, 05/17/15, 08/15/15, 11/01/15, 12/13/15, and 01/02/16. We are informed and believe that some of the racing events occurred as frequently as three (3) or all four (4) weekends a month.

The facts in this letter are substantiated through the exhibits attached hereto, including, but not limited to, the 6/20/16 letter from Chris Clement, a 20-year Westrails homeowner (see Exhibit "B"), the Petition signed by nearly thirty (30) residents of Westrails (see Exhibit "C"), the 06/21/16 letter from 37-year homeowner/neighbor (directly adjacent), Cheryl Miller (see Exhibit "D"), and the witnesses who will testify at the hearing about their observations and experiences living near or in noise proximity of the Vander Meulen property.

Please also see the photographs depicting the Vander Meulen race track activities "in action" attached hereto as Exhibit "E" and the "Speedway III" video (Exhibit "F" – Flashdrive), which may be presented at the hearing.

This matter does not simply involve a small family (2-4 people) using the race track to motor bike on an occasional basis for short periods of time, which may even still be too disruptive, depending on the numbers, the frequency of the recreational use, and the length of time involved. Instead, these events involve incredibly loud, noisy motor bike racing and practices which often last all day on weekends, often with 20-40 or more people in attendance with almost as many cars/trucks, motorcycles, motor home(s), and multiple EZ up shade structures, at least one of which actual event, was documented in the form of multiple formal complaints on or about August 17, 2015 to the SBP&D.

In terms of negative impact on the surrounding community, neighbors as far away as Appaloosa Trail (Orcutt) and other streets which do not directly border Appellants' property at 4655 Song Lane (aka 1386 Solomon Road), Santa Maria, CA (Parcel APN: 105-010-033) have expressed that : "the noise from the unmuffled

motorbikes is so loud that 'I can't do a barbeque in my backyard'; "my weekend was completely ruined by it"; "I can't have people over when its going on"; "I can't hear what my neighbor is saying over the fence when we try to talk to each other outside"; "we can't hear each other talk on our own property; "I don't even live right near the property, but I can still hear it loudly and must close my windows and can't even hear the TV"; "Open Houses at properties for sale are ruined by the loud noise and racing in the neighborhood."

Some neighbors have complained that when the motorbike races are happening, "they need to stay in the house with the windows and doors closed" and cannot do their gardening, or relax with their children playing outside, host celebrations, or entertain outdoors which most tend do more on the weekends. (See Exhibits "B" and "D").

In addition to the excessively loud noise of the unmuffled motorcycles constantly "revving up", racing, and sliding, neighboring residents have observed and experienced the negative effects of excessive dust and substantial, noxious fumes from motorcycle fuels. There are also safety concerns about the unmuffled motor bikes with portable gas cans, and the potential for crashes leading to fire hazards to the local homes and brush vegetation in the nearby area.

The facts as reported herein are supported by the neighbors who live in the community surrounding Appellants' property. Multiple formal, written complaints are already on file with the SBP&D and Sheriff's Department. It is our understanding that such information may be additionally presented at the hearing through in-person testimony, via letters/statements or declarations, as well as the signed petitions against motorcycle race track and motor-bike racing signed by many homeowners, attached hereto as Exhibit "B." We are informed and believe that the Magnolia Senior Care facility has experienced significant, negative impact from the motorcycle racing especially while the elderly residents are outside in the garden, sometimes with visiting family/guests, or even when inside, causing senior citizens with medical conditions therein, to suffer unnecessary and counter-productive stress and anxiety.

Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence." (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.) "For example, an adjacent property owner may testify to traffic conditions based upon personal knowledge." (*Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173). "Because substantial evidence includes "reasonable assumptions predicated upon facts" (citation omitted) and "reasonable inferences" (*id.*) from the facts, factual testimony about existing environmental conditions can form the basis for substantial evidence." (*Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274).

THE USE OF MOTORIZED VEHICLES ON THE PROPERTY AND A RACE TRACK SHOULD NOT BE PERMITTED IN THIS RESIDENTIALLY ZONED AREA

A. ZONING

The primary source of power for cities and counties to enact and enforce land use regulations is through zoning. *Boyd v. City of Sierra Madre* (1919) 41 Cal.App. 520, 523-524; *Government Code* Section 65850. [Constitutional authority lies in the provision that a county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. [Cal. Const. art. XI, § 7]

Chapter 35 of the Santa Barbara County Land Use & Development Code ("LUDC") "lists the land uses that may be allowed within the residential zones established by Section 35.14.020 (Zoning Map and Zones)", and "determines the type of planning permit/approval required for each use and provides basic standards for site layout and building size". LUDC 35.23.010.

As stated in the Appeal and as confirmed by the SBP&D, the Appellants' 7.5-acre parcel of land with one single family residence is zoned 3-E-1.

Section 35.23.020 C. states: "**R/E-1 (Single Family Residential) zone.** [Appellants' property is zoned 3-E-1.] The R-1 and E-1 zones are applied to areas appropriately located for one-family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area and to promote a suitable environment for family life."

In ruling on this appeal, the Commission should ask itself whether the motorcycle bike/race track use of the subject property is truly in keeping with the zone's intention "to protect the residential characteristics of an area and to promote a suitable environment for family life". It seems hardly so, when neighboring residents cannot hear themselves talk over the sound of motorcycles revving and cannot enjoy their own backyards free from continuous, all-day noise, and some also experience the smell of gas fumes.

It has also been reported by homeowners that even horses in the equestrian-zoned area are affected by the deafening noise of the unmuffled motors which causes them to nervously react with anxiety and galloped pacing. This reaction can and has apparently led to harm and injury to animals legally living in the equestrian zoned area.

Section 35.23.030 governs **Residential Zones Allowable Land Uses.**

A. General permit requirements. “Tables 2-7, 2-8, and 2-9 (Allowed Land Uses and Permit Requirements for Residential Zones) identify the uses of land allowed by this Development Code in each residential zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).”

B. Requirements for certain specific land uses. “Where the last column (‘Specific Use Regulations’) in Tables 2-7, 2-8, and 2-9 (Allowed Land Uses and Permit Requirements for the Residential Zones) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit or Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.”

An additional, possibly applicable clause is also found under Section 35.23.030 below:

E. Accessory structures and uses. “Each use allowed by Tables 2-7, 2-8, and 2-9 (Allowed Land uses and Permit Requirements for Residential Zones) may include accessory structures and uses that are customarily incidental to the primary use, provided that the accessory structures and uses are:

1. Within the R-1/E-1, EX-1, R-2, DR, MR-O, SLP, SR-M and SR-H zones, when accessory to dwellings are for the exclusive use of the residents of the site and their guests and do not involve a commercial enterprise on the site; and
2. In compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.42 (Standards for Specific Land Uses).”

TABLES 2-7, 2-8, and 2-9 are attached for easier reference as Exhibit “G”. A careful review of those tables and the LUDC does not reveal any allowable “accessory uses” for which Appellants’ motorcycle race track could or should be classified.

Moreover, the Glossary found in Article 35.11 of the LUDC defines “Accessory Use” as: “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.”

The use of Appellants’ property, “arena”, or “oval” for motorcycle riding, testing, racing, practicing, etc. which results in significant or ongoing (lengthy) noise, dust, and odor is not “incidental, appropriate, or subordinate” to the principal use of the structure or land. Moreover, it “adversely affects other properties in the vicinity” in a significant and noticeable fashion, as demonstrated and discussed above.

The Appellants may argue that their activities arguably fall under the heading or umbrella of the following which are defined in (See LUDC, Chapter 35.110 - Definitions, Section 35.110.020A):

“Sports and Outdoor Recreation Facility. Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

athletic/sport fields (e.g., baseball, football, polo, softball, soccer	swimming pools
health and athletic club outdoor facilities	tennis and other sport courts (e.g., handball, squash); skateboard parks”

“Sports and Outdoor Recreation Facility, Accessory. A sports and outdoor recreation facility accessory to the principle use.”; or

“Sports and Entertainment Assembly. A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheatres, race tracks, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.”

However, the LUDC requires a Conditional Use Permit for these types of labeled uses. (See Section 35.23.030, Table 2-7), the last of which is not even listed for possible zoning or conditional use permitting on a 3-E-1 zoned property such as Appellants’.

A conditional use permit allows a particular use or activity that is not allowed as a matter of right within a zoning district. Zoning ordinances typically contain a list of permitted uses, and then provide for other uses that are not permitted as a matter of right but are allowed under a conditional use permit. A conditional use permit allows the inclusion in the zoning pattern of uses that are desirable, but not in every case. (*Upton v. Gray*, (1969) 269 Cal. App. 2d 352).

Appellants do not have a Conditional Use Permit to operate a motorcycle track or conduct racing events, nor have they applied for one. Even if they did, they would not meet the necessary criterion as discussed above, and/or as required for review under LUDC Section 35.82.060, i.e. compliance with CEQUA, and because LUDC Section 35.82.060 E.1.e requires that “the proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.” The Appellants’ use of their property as a well-attended motorcycle racetrack certainly is not compatible with the surrounding area, or their neighbors’ use, comfort, convenience, general welfare, health or safety of the general neighborhood.

Although the "Noises Prohibited" section of the LUDC does not apply regarding the hours of operation or in its music/broadcast orientation, it is still *instructive* in aiding the Commission in knowing what decibel noise levels are typically not acceptable. Evidence at the hearing and in support of the County's Determination of Unpermitted Use will show that the decibel levels of the motor bikes or motorcycles used on the subject property far exceed these maximum, acceptable levels. Moreover, the source of noise (whether coming from loud, unmuffled motorcycles or loud music) really should not matter.

Chapter 40-2 of the LUDC states:

"Sec. 40-2. - Noises prohibited.

It shall be unlawful within the unincorporated area of the County of Santa Barbara to make, assist in making, permit, continue, create, or cause to be made, any loud and unreasonable noise, music, percussion or other sound which is broadcast outside of any residence or building by means of any amplified musical instrument, drum, or similar device, or by means of any radio, loudspeaker, sound amplifier or phonograph, or by means of or employing any similar device which amplifies and produces, reproduces or broadcasts sound ...

... [F]or the purposes of this chapter, a loud and unreasonable sound shall include any sound created by means prohibited above which is clearly discernable at a distance of one hundred feet from the property line of the property upon which it is broadcast or which is at any level of sound in excess of sixty decibels at the edge of the property line of the property upon which the sound is broadcast, as such sound would be measured on a sound measuring instrument meeting American National Standard Institute's Standard SI.4-1971 (or more recent revision thereof) for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which provide equivalent data.

Enforcement of a violation under this chapter shall not require the use of a sound level meter. "

Even on public highways where loud noises are expected and are allowed, limits are still imposed by the California *Vehicle Code* on what maximum decibel amounts can be reached for motorcycles [*Veh. Code* Sec. 27202 – "80 dba" manufactured after 1985] and other motorized vehicles [*Veh. Code* Sec. 27206 - "80 dba" after 1974].

We are informed and believe that the evidence presented by the Planning and Development Department will show that the motorcycles being used on Appellants' property well exceed the permitted noise levels under the LUDC and even under the *Vehicle Code* where higher noise levels are tolerated.

B. THE ACTIVITY CONSTITUTES A LEGALLY DETERMINED NUISANCE

"Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a public nuisance." Penal Code, Section 370.

Moreover, the type of noise, dust and fumes produced by the kind of activities on Appellants' property has been found to constitute legal nuisance.

In *Renz v. 33rd District Agricultural Association* (1996) 39 Cal.App.4th 61, landowners filed a nuisance action against a governmental entity which owned and operated nearby county fairgrounds, seeking damages and an injunction concerning noise and fumes emanating from fairgrounds during motorcycle races. The Superior Court granted a permanent injunction and awarded damages. An appeal was taken and the Court held that that the landowners were entitled to recover damages incurred between commencement and conclusion of continuing nuisance action, and stated:

"The injunction limited the extent to which defendant could conduct motorized events at the fairgrounds. This injunction limited defendant to five days of motorized events each year during non-fair-time, specified the types of vehicles which could be used in such events, limited the hours of such events, imposed a "noise standard of 82 dba at 50 feet to be measured by an objective and verifiable method at the loudest point on the race track" and required strict enforcement of this standard."

Moreover, Courts across the country have consistently ruled that automobile and motorcycle racetracks may constitute a nuisance if the noise, dust, and fumes emanating therefrom unreasonably interfere with the use and enjoyment of neighboring properties. See, for example, *Slavant v Calhoun Motor Speedway* (1993, La App 2d Cir) 626 So 2d 771 (noise from racetrack was nuisance); *Renz v 33rd Dist. Agricultural* 39 Cal App 4th 61, 46 Cal Rptr 2d 67, (noise and fumes from motorcycle racetrack was nuisance); *Slavant v Calhoun Motor Speedway* (1993, La App 2d Cir) 626 So 2d 771 (noise and dust from speedway was nuisance); *McCombs v Joplin 66 Fairgrounds* (1996, Mo App) 925 SW2d 946 (noise from automobile racetrack was nuisance); *Hoover v Durkee* (1995, 3d Dept) 212 App Div 2d 839, 622 NYS2d 348 (noise from automobile racetrack was public nuisance).

As mentioned herein, the California *Vehicle Code* provides for the exclusive regulation of vehicles and operators on the public streets and highways of this state. However, it is local government [the county in this case] which must take on the task of regulating the operation of motorcycles on a private race track, and multiple motor-

driven vehicles on residential property, especially when there is evidence of: (1) excessive amounts of irritating dust, noxious exhaust fumes and loud noise affecting others in the surrounding area; (2) there is a risk of igniting brush and grass fires, especially in drought conditions ; (3) there are unimproved roads and pathways that constitute a danger and threat of accident to persons in such areas; (4) the activities cause an adverse effect on the environment [creek, air, vegetation] due to noise, air pollution and erosion; (5) have an adverse effect upon the health, safety and convenience of persons residing in the community; and (6) promote blight and a depreciation of property values.

After examination and investigation of the existing situation, the Planning Commission should determine that the motor racing events held on Appellant's property and race track are also a public nuisance; that such a public nuisance exists; and that certain controls must be imposed on the use of motorcycles and motor-driven vehicles, so that they do not interfere with the community's 'quiet enjoyment of their own residences and properties, especially in the event that any motorcycle activities are allowed in the future, which Westrails Homeowners' Association strongly opposes.

C. APPELLANTS HAVE SHOWN NO REASONABLE BASIS FOR OVERTURNING THE DIRECTOR'S OPERATIVE DECISION.

Section 35.12.020 (Authority) of the LUDC establishes that "The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation."

Appellants have failed to demonstrate any legitimate basis for overturning the determination made by the Planning and Development Director. Appellants have not proffered any *new* evidence and have not shown any error or abuse of discretion related to the initial decision. Moreover, the Director's determination was clearly supported by the evidence presented and is consistent with the provisions of the applicable law and zoning ordinances.

As the Appellants have not presented any viable grounds which support the granting of their appeal, the Director's determination should be affirmed.

D. CONCLUSION

The Determination of Unpermitted Use decision made by the County of Santa Barbara Planning and Development Director should be upheld on appeal. There is no support for such an allowed use of Appellants' property in the LUCD, and Appellants have not applied for a Conditional Use Permit granting them permission to conduct motor bike racing activities on their property. Furthermore, no permission should be granted because the motorcycle/dirt track racing activities are not compatible with the

purpose and intent of the zoning provisions and laws affecting this equestrian - residentially zoned area, and in fact, run directly counter with their goal not to "adversely affect other properties in the vicinity".

The Appeal letter filed by counsel for the Vander Meulens seeks to paint the Director's Determination as a global, all-encompassing decision which will cover every residential or equestrian property in the County and every single use (no matter how rare or infrequent or short in duration) of a motor vehicle (i.e., including golf cart, dune buggy coming from beach, etc.). That is *not* what the planning department has done here. Instead, they have carefully examined the facts pertinent to this case, the usage of the particular property at issue from both the landowner and neighboring reports, and all the evidence available to it. It is clear that one landowner should not be entitled to do whatever he/she wants *recreationally* to the extreme detriment of many neighbors who simply want to live nearby and enjoy the comfort of their own homes and property, free from excessive and aggravating motorcycle noise, noxious fumes, and dusty air. The Appellants' property rights and preferences do not supersede those surrounding them, nor should others have to leave the neighborhood or become prisoners inside their own homes to accommodate a race track.

The determination should stand as it applies to these Appellants.

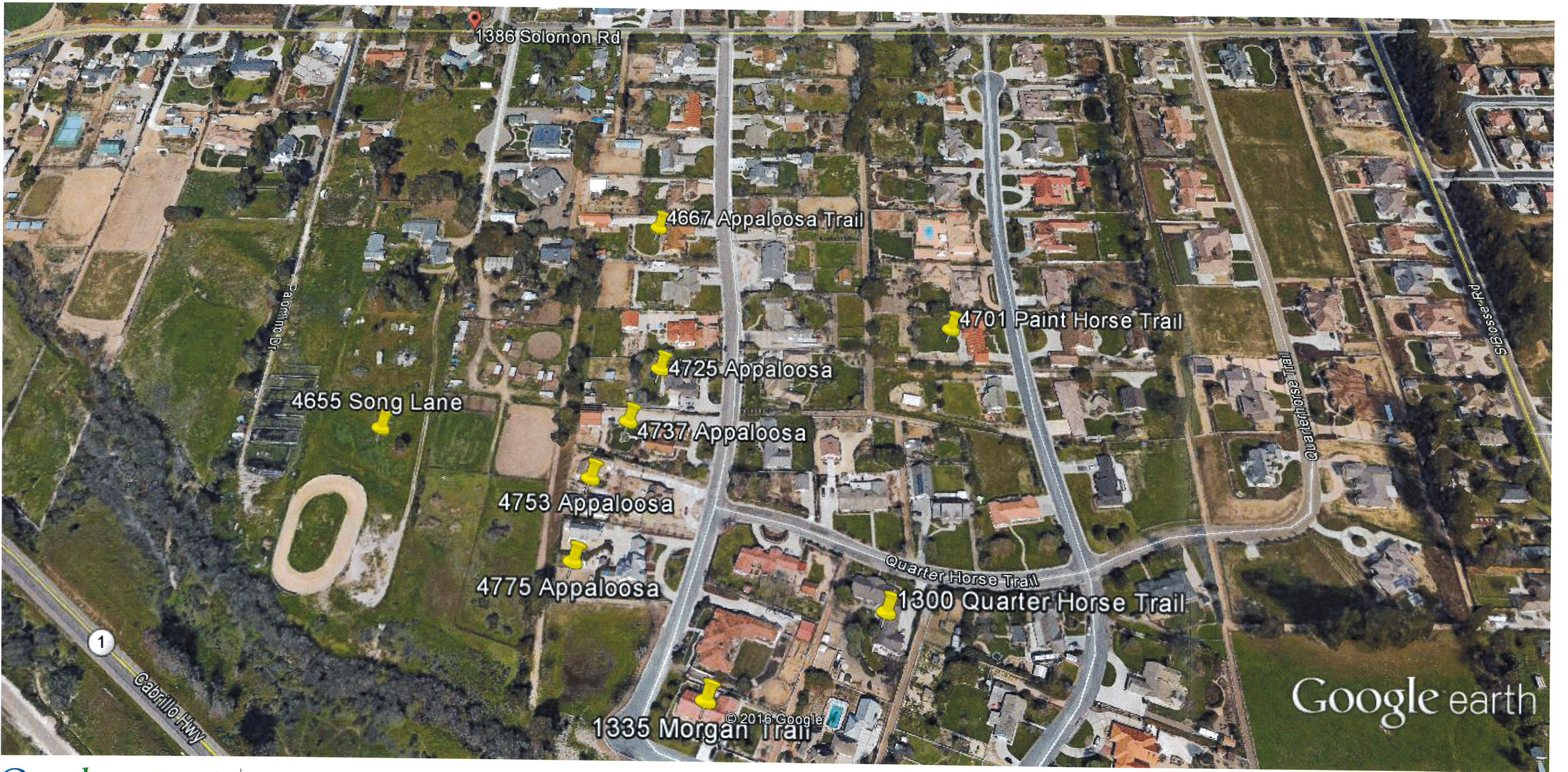
Very truly yours,

LOEWENTHAL HILLSHAFFER & CARTER, LLP



David A. Loewenthal

EXHIBIT A



Google earth

feet
meters

1000

500



EXHIBIT B

Good Morning.

My name is Chris Clement and I live at 4667 Appaloosa Trail in Orcutt. I have lived at this home since 01/01/95 and my home is located about 200 yards from the dirt race track that is currently causing us concern. I appreciate the opportunity to have my concerns shared with those of you on the Planning Commission. I am not able to attend today's hearing due to a prior work commitment but please know I respect the process and the decisions that must be made.

Having lived at my property for over 20 years, I do recall hearing motorcycles being ridden on the property in the past. The issue regarding this race track didn't become a big concern until the summer of 2013. While we would occasionally hear motorcycles being ridden on the property, the duration of these rides as well as the noise that was generated was frankly not unreasonable.

Unfortunately however, the property became a popular location for flat-track races and events and the use of this track became a somewhat regular feature in our neighborhood. It was not uncommon to see 20-30 vehicles, with trailers and pop-up tents, staging in the early morning hours on Saturday or Sunday mornings. The water truck and tractor would spend the morning prepping the track and the BBQs would begin to smoke as those attending would prepare for the day's activities. Morning test sessions would allow those riding to tune their bikes and adjust them based on the track's condition. The afternoons would then be filled with races and the disturbing noise, dust and smell that these racing bikes generate would then complete our "peaceful" afternoons and evenings. It is frankly impossible to describe the noise generated by these bikes. These are flat-track racing bikes with NO muffler or noise reduction devices on them. While this noise is acceptable at the Ventura Fairgrounds or perhaps the Santa Maria Speedway, it is not acceptable in a residential area, within 300 feet of people's homes. To put it in context, imagine having friends over for a BBQ and being forced inside due to the noise, dust and smell of these motorcycles. Imagine visiting a relative at the Magnolia Senior Care facility, located on Song Lane, and not being able to share time with them outside due to the noise from this track. Imagine trying to sell your home on Appaloosa Trail and having an Open House while this track is in use. I know from experience, it has negatively impacted home sales in our neighborhood and it will continue to do so unless it is stopped.

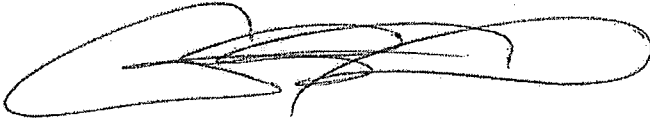
I understand there may be an argument made that this is Mr. VanderMeuelen's property and he should be able to do what he wants on it. I get that. What concerns me however, is that his current **USE** of the property is negatively affecting those who live around him. Those people who come and ride on his property have **no vested interest in my neighborhood**. They come, they ride, they leave; end of story. They have no interest in whether my property values decline or even if Mr. VanderMeuelen's decline. They have no interest in whether a graduation party planned in my backyard is completely destroyed by the noise generated when they ride on this track. They have no interest in whether an elderly resident at the Magnolia Senior Care home is unable to enjoy their beautiful gardens because the noise caused by these race bikes disturbs them and makes them feel stressed and uncomfortable. Those who ride on this track, don't live in our neighborhood and frankly should have no input whatsoever into this decision.

To help resolve this issue, we have attempted to contact the Sheriff. Many times the deputies have arrived and told us that there is nothing they can do because it is "daytime." They have attempted to contact Mr. VanderMeuelen, who tells them over and over that he will ride when he wants and there is

nothing we can do about it. I am amazed that people can be cited for a "loud party," but not for this type of disturbance. We need your help.

Since the Planning Department initiated action on this property, Mr. VanderMeuelen has ceased his activities at the track until this case was resolved. With your help, those in my neighborhood will continue to have quiet weekends to enjoy without the stress and fear of whether or not there is a race planned.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Chris Clement". The signature is somewhat stylized and scribbled.

Chris Clement

4667 Appaloosa Trail

Santa Maria, CA 93455

6/20/16 @ 2:19 PM

EXHIBIT C

Petition against motorcycle race track

Location : 1386 Song Lane

Parcel (APN): 105-010-033

Owner : John Vandermuellen

Sign this petition to protest the recent operation of a racetrack and Motorcycle events that affect the adjacent residential community surrounding this operation. These activities are new and are impacting the residential community adversely.

The undersign objects to the Noise, dirt and dust that is produced by such events. This activity is also devaluing the surrounding properties and infringing on the privacy rights and tranquility of the neighborhood. This type of activity is not conducive with the expected residential peace and solitude that we, the undersigned, have come to expect. We are also concerned about the unmuffled motor bikes with the portable gas cans and the potential for fire hazards to the area and local homes.

① Name: Jeff Jaechel Date 4-2-15

Address: 1309 Morgan Trail, S.M., CA 93455

② Name: Jeff Jaechel Date 4-2-15

Address: 1309 Morgan Trail, S.M., CA 93455

③ Name: Sandra Bassett Date 4-22-15

Address: 1323 Morgan Trail

④ Name: Candace Hall Date 4/22/15

Address: 1335 Morgan Trail

Name: _____ Date _____

Address: _____

Petition against motorcycle race track

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⑤ Name: ARCH DOLAN ^{of}
Arch & Nancy Date 3/29/2015

Address: 4744 APPALOOSA TRAIL

⑥ Name: Cathy LEES
Cathy Lees Date 3-28-15

Address: 1300 Quarter Horse trail

⑦ Name: GREG LEES
Greg Lees Date 3-28-15

Address: 1300 QUARTER HORSE TRAIL

⑧ Name: Diane Brand Quinn Brand Date 3/28/15

Address: 4701 Paint Horse Trail

⑨ Name: RICHARD JUSTICE
Richard Justice Date 3-28-15

Address: 4775 APPALOOSA TRAIL S. M CA 95455

Petition against motorcycle race track

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- ⑩ Name: MITCHELL HARDIN Mitchell Hardin Date 28 MAR 2015
Address: 4737 APPALOOSA TRAIL
- ⑪ Name: DAVID W. HALL Date 3/28/15
Address: 4753 APPALOOSA TRAIL SANTA MARIA CA 93455
- ⑫ Name: GARY SOUTA Gary Souta Date 3/29/2015
Address: 4689 APPALOOSA TRAIL SANTA MARIA CA
- ⑬ Name: LORENZA SMITH Lorenza Smith Date 3/29/2015
Address: 4689 APPALOOSA TRAIL SANTA MARIA CA
- ⑭ Name: JULIA W VILLARREAL JR. Date 3/29/2015
Address: 4680 APPALOOSA TRAIL, SANTA MARIA CA. 93455

Petition against motorcycle race track

Location : 1386 Song Lane

Parcel (APN): 105-010-033

Owner : John Vandermuellen

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(15) Name: John Vandermuellen Date 3-29-15
Address: 4667 Appaloosa Trail

(16) Name: CHRIS CLEMENT ~~Chris Clement~~ Date 03.29.15
Address: 4667 APPALOOSA TRAIL 3M 93455

(17) Name: STEVE FLEMING Steve Fleming Date 3/29/2015
Address: 4664 APPALOOSA TRAIL

(18) Name: Sherry Fleming Date 3.29.2015
Address: 4664 Appaloosa Trail S. Fleming

(19) Name: Susan Tuttle ~~Susan Tuttle~~ Date 3-29-15
Address: 4621 Appaloosa TR 93455

Petition against motorcycle race track

Location : 1386 Song Lane

Parcel (APN): 105-010-033

Owner : John Vandermuellen

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- Constance Hathaway
- (20) Name: Constance Hathaway Date 3/29/2015
Address: 1356 Arabian Trl. S M
- (21) Name: BRIAN MONIGHETTI Date 3/29/15
Address: 1336 ARABIAN TRAIL
- (22) Name: Haody Nunez Date 3/29/15
Address: 4652 APPALOOSA TRAIL
- (23) Name: Cyndi Nunez Date 3/29/15
Address: 4652 Appaloosa S M 93455
- (24) Name: Donna Martinez Date 3/29/15
Address: 4643 Appaloosa Trail

Petition against motorcycle race track

Location : 1386 Song Lane

Parcel (APN): 105-010-033

Owner : John Vandermuellen

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(15) Name: Jenny Stron
Jenny Stron Date 3-29-15
Address: 4609 APPALOOSA TR OREVT CA 93455

(16) Name: SHAUN HENDERSON
SHAUN HENDERSON Date 3-29-15
Address: 4725 APPALOOSA TRAIL OREVT CA 93455

(17) Name: LO GIBSON
LO GIBSON Date 3/29/15
Address: 1285 QUARTER HORSE TRL SM

(18) Name: Ronnie R Carson
Ronnie R Carson Date 3/29/15
Address: 1285 QUARTER HORSE TRL SM

(19) Name: Mark Hathaway
Mark Hathaway Date 3/29/15
Address: 1356 Arabian Trl SM

EXHIBIT D

June 21, 2016

County of Santa Barbara
Planning Commission
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: Vander Meulen Appeal Hearing: 6/29/16
4655 Song Lane, Santa Maria, CA (aka 1386 Solomon Rd)

Dear Planning Commission:

For the past thirty-seven (37) years, I have lived with my husband and family at 4650 Song Lane which has a mailing address of 1376 Solomon Road in Santa Maria, California. We own the property which contains a single family residence and is in the same 3-E-1 zoned area as the neighboring Vander Meulen property, located at 4655 Song Lane (1386 Solomon Road is their mailing address) in Santa Maria, California. Our property is similar in size to theirs and we share an access road easement to our respective parcels. I am one of their closer neighbors and the Vander Meulen property is to the immediate west of our residence. If you travel down the easement access road to our properties, my residence is on the east side, and the Vander Meulen property is on the west side of the road. Westrails Estates is to the immediate east of our property to put the area in perspective.

Since approximately mid-2013 until early January, 2016, it has become extremely difficult for us living next to the Vander Meulen property due to the increased intensity, frequency, and all-day nature of their very loud, noisy motorcycle/flat track bike racing activities and events being held at their property. I have noticed that the motorcycles they use do not have mufflers or brakes on them. The racing and use of the dirt track by motorcycles also kicks up a lot of dust. (I use the term "motorcycle" loosely as I am not sure what all the types of motorized bikes are called. They look like brakeless motorcycles with thinner tires and no mufflers.)

We are a very outdoor oriented family; yet I do not want to leave my house when these events take place because the noise is very unbearable. I have a large garden and enjoy working in it, but the noise from the motorcycle riding and racing events makes it too uncomfortable and stressful. I also have an outdoor kitchen and picnic area which I, my family, and friends like to use, but again, we feel we cannot do so when the Vander Meulen track is open for motorcycle racing. My husband has also remarked that in addition to the noise, he can smell the fumes from the bikes. We have to go inside and close everything up. We also do not have any notice that these events are going to occur in advance, so that ruins planned get-togethers, barbeques, and special events such as celebrations.

The motorcycle or flat track racing events most often take place on Sundays (and sometimes on Saturday) and were occurring at least once a month during the above time-frame, and sometimes as often as 3-4 weekends during some months. They would typically start about 10:00 AM and last anywhere from mid-afternoon to dinner time. I did not keep track of them

Planning Commission
6/21/16 - Page 2

before, but once the noise got so bad and the events kept occurring on a regular basis, I started recording some of the event dates: 12/07/14, 12/27/14, 01/10/15, 02/20/15, 03/21/15, 04/04/15,

04/24/15, 05/02/15, 05/17/15, 08/15/15, 11/01/15, 12/13/15, and 01/02/16. These dates do not reflect all of the days on which there was motorcycle racing or events as I did not always remember to record them or I was not home, but later heard about them. I did not record the dates on which racing occurred prior to December, 2014, but there were multiple ones before then as well.

The motorcycle racing attracts a lot of cars, trucks, and motorcycles to the Vander Meulen property, as well as RVs or motor homes. I have personally observed and counted as many as forty (40) vehicles, excluding motorcycles. Most, if not all, of the vehicles are used to transport one or more motorcycles to the race track. The Vander Meulens or those attending also put up multiple E-Z shade structures for the spectators and racers to watch the races and practices. Sometimes, there are also large barbeques brought in.

I am also concerned and bothered by the effect that the motorcycle racing has on the animals in our neighborhood. On December 7, 2014, we had to cut a neighbor's horse out of wire fence it had become entangled in after running along the fence in a frenzied state because of the noise the motorcycles were causing on the racetrack. I remember the horse was very frightened and agitated. There were about 15-20 cars and trucks at the Vander Meulen race track that day. In addition, I have 4-H, Grange, and FFA kids who keep their animal projects on our property. I have observed that the motorcycle noise makes the animals nervous and anxious. These project animals are all supposed to be happy and serene in order for them to be the best they can be for the fair. This is both harmful to the animals, frustrating, and disappointing for the kids who work so hard with them.

When I have tried to talk to the Vander Meulens about the problems associated with the motorcycle noise and race track, they do not act like they care, and have told me they can do what they want on their property. In fact, when I approached Mr. Vander Meulen the same day about the horse being stuck in the fence and scared by the noise, I was told not to bother or disturb them, and that I should not discuss it in front of his racing guests.

I am not the only one in the area around the Vander Meulens who have experienced these effects. I have heard many neighbors complain about the noise, dust, and their environmental concerns, and that they cannot hear themselves talk or enjoy their own homes on the weekends.

This letter is intended to inform the Commission about some of the things that I and my family have experienced and observed. Because of the extreme, negative impact on our ability to enjoy our property and home life, we oppose the Vander Meulen property being used for motorcycle or motorized dirt track racing and practice activities as described and used in the past.

Thank you for your time and consideration during this process.

Sincerely, 

Cheryl Miller

EXHIBIT E













EXHIBIT F

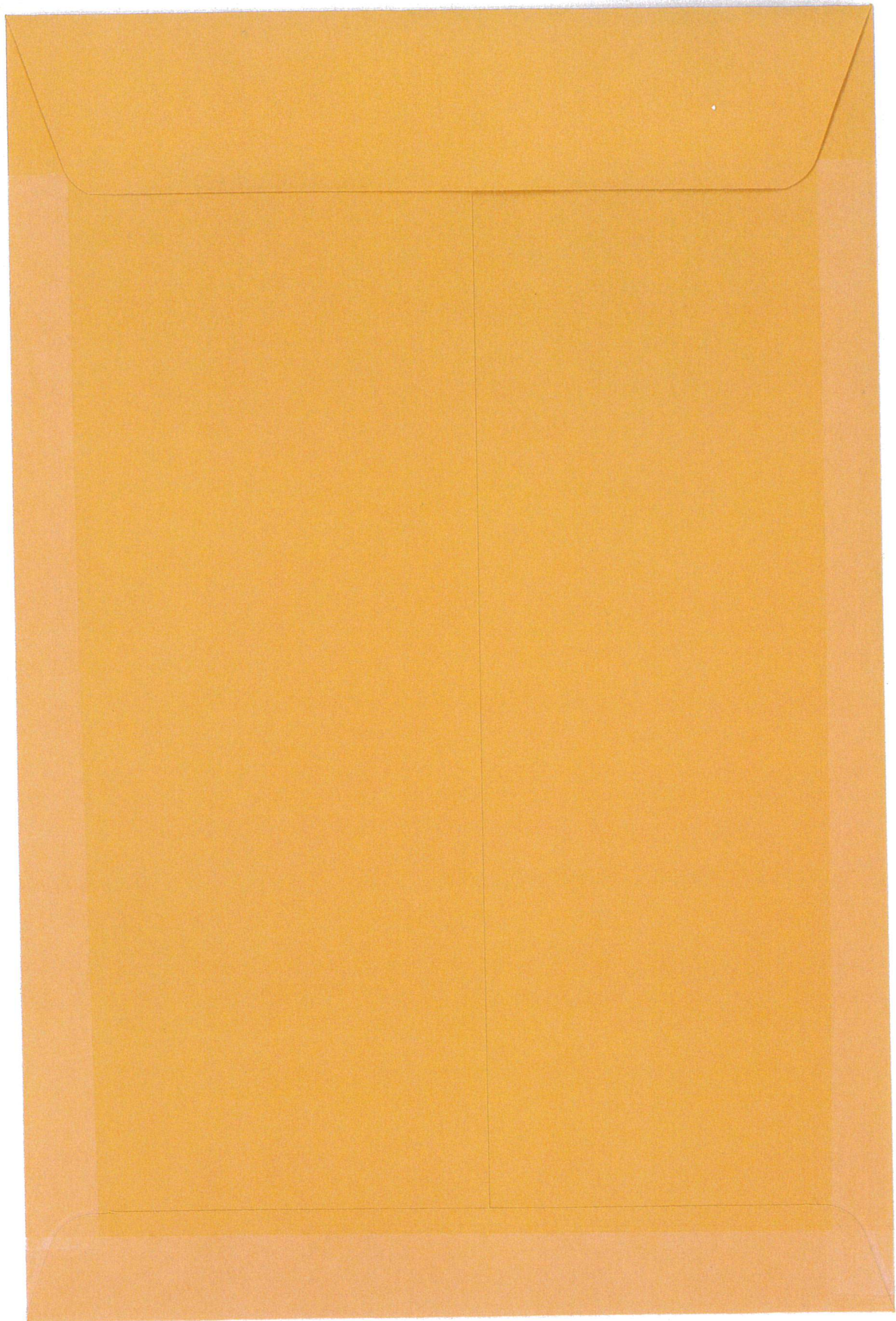


EXHIBIT G

SANTA BARBARA COUNTY CODE - CHAPTER 35 - COUNTY LAND USE & DEVELOPMENT CODE

Residential Zones

35.23.030

Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	P	P	P	P	P	P	35.42.020
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	S	S	35.42.060
Aquaculture	CUP	CUP	—	—	—	—	35.42.070
Cultivated agriculture, orchard, vineyard	E	E	E	E	E	E	
Greenhouse, 300 sf or less	P	P	P	P	P	P	35.42.140
Greenhouse, more than 300 sf to 800 sf	CUP	CUP	MCUP	MCUP	MCUP	MCUP	35.42.140
Greenhouse, 800 sf or more	CUP	CUP	—	—	—	—	35.42.140
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P(3)	P	P(3)	P	P(3)	P	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	CUP	CUP	CUP	35.82.160
Oil and gas uses	S	S	—	—	—	—	35.5

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Community center	—	—	P	P	P	P	
Conference center	—	—	CUP	CUP	—	—	
Country club	CUP	—	CUP	CUP	CUP	CUP	
Equestrian facilities	CUP	CUP	CUP	CUP	—	—	
Fairgrounds	CUP	CUP	CUP	CUP	—	—	
Golf course	CUP	CUP	CUP	CUP	P	P	
Golf driving range	CUP	CUP	CUP	CUP	CUP	CUP	
Library	—	—	CUP	CUP	—	—	
Meeting facility, public or private	CUP	—	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	—	—	
Meeting room accessory to organization house	—	—	—	—	—	—	
Museum	CUP	—	CUP	CUP	—	—	
Park, playground - Commercial	—	—	—	—	—	—	
Park, playground - Private	—	—	—	—	P	P	
Park, playground - Public	—	—	P	P	P	P	
Private residential recreational facility	—	—	—	—	—	—	
School	CUP	CUP	CUP	CUP	CUP	CUP	
School - Business, professional or trade	CUP	CUP	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	—	—	

Key to Zone Symbols

RR	Rural Residential/Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

RESIDENTIAL USES

Dwelling, one-family	P(3)(4)	P(4)	P(3)(4)	P(4)	P(3)(4)	P(4)	
Dwelling, two-family	—	—	—	—	—	—	
Dwelling, multiple	—	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	—	
Farmworker dwelling unit	P		P		P		35.42.135
Farmworker housing complex	CUP		MCUP		MCUP		35.42.135
Guesthouse or artist studio	P	P	P	P	P	P	35.42.150
Home occupation	P	P	P	P	P	P	35.42.190
Mobile Home Park	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	—	—	—	—	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	—	—	—	
Residential second unit	P	P	P	P	P	P	35.42.230
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

RETAIL TRADE

Agricultural product sales, onsite production only	P	P	MCUP	MCUP	—	—	35.42.050
Convenience store	—	—	—	—	—	—	
Drive-through facility, accessory to permitted use	—	—	—	—	—	—	
Visitor-serving commercial	—	—	—	—	—	—	

Key to Zone Symbols

RR	Rural Residential/Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit (Section 35.82.110) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.42.205.

SANTA BARBARA COUNTY CODE - CHAPTER 35 - COUNTY LAND USE & DEVELOPMENT CODE

Residential Zones

35.23.030

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed					
	PERMIT REQUIRED BY ZONE					
LAND USE (1)	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ

SERVICES

Cemetery	CUP	CUP	CUP	CUP	—	—	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	—	—	
Large family day care home	P	P	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	—	—	—	—	—	—	
Child care center, Residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Drive-through facility, accessory to permitted use	—	—	CUP	CUP	—	—	35.42.130
Lodging - Hostel	CUP	—	CUP	—	—	—	
Lodging - Hotel or motel	—	—	—	—	—	—	
Mausoleum	CUP	—	CUP	CUP	—	—	
Medical services - Clinic	—	—	CUP	CUP	—	—	
Medical services - Extended care	—	—	CUP	CUP	—	—	
Medical services - Hospital	—	—	CUP	CUP	—	—	
Mortuary	—	—	—	CUP	—	—	35.42.120
Mortuary, accessory to cemetery	CUP	—	CUP	CUP	—	—	35.42.120
Music recording studio	—	—	CUP	—	—	—	
Personal services	—	—	—	—	—	—	
Resort visitor-serving facilities	—	—	—	—	—	—	

Key to Zone Symbols

RR	Rural Residential/Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	—	CUP	—	—	—	
Airstrip, private and temporary	CUP	—	CUP	—	—	—	
Airstrip, temporary	—	CUP	—	CUP	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	—	MCUP	
Electrical substation - Minor (3)	MCUP	MCUP	MCUP	MCUP	CUP	CUP	
Electrical substation - Major	—	—	—	—	CUP	CUP	
Electrical transmission line (4) (5)	CUP	CUP	CUP	CUP	—	CUP	
Flood control project, less than 20,000 sf total area (6)	P	P	P	P	P	P	
Flood control project, 20,000 sf or more total area (6)	MCUP	MCUP	MCUP	MCUP	—	MCUP	
Heliport	CUP	CUP	CUP	CUP	—	—	
Parking facility, commercial, for residential use	—	—	—	—	—	—	
Pipeline - Oil and gas	P	—	P	—	P	—	35.5
Public utility facility	CUP	—	CUP	—	CUP	—	
Public works or private service facility	MCUP	—	MCUP	—	MCUP	—	
Road, street, less than 20,000 sf total area (6)	P	P	P	P	P	P	
Road, street, 20,000 sf or more total area (6)	P	MCUP	P	MCUP	P	MCUP	
Sea wall, revetment, groin, or other shoreline structure	—	CUP	—	CUP	—	—	
Telecommunications facility	S	S	S	S	S	S	35.44
Utility service line with less than 5 connections (4)	—	P	—	P	—	P	
Utility service line with 5 or more connections(4)	—	MCUP	—	MCUP	—	MCUP	
Wind turbines and wind energy systems	S	—	S	—	S	—	35.57

Key to Zone Symbols

RR	Rural Residential/Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) Use is subject to the standards of the PU Zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) Not allowed in the VC overlay.
- (6) Not applicable to facilities constructed by the County outside of the Coastal Zone.

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed						
	PERMIT REQUIRED BY ZONE						Specific Use Regulations
LAND USE (1)	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP		MCUP		MCUP		
Onsite wastewater treatment system, individual, conventional	E		E		E		
Onsite wastewater treatment system, individual, supplemental	E		E		E		
Pipeline - Water, reclaimed water, wastewater,	P	P	P	P	P	P	
Reservoir, less than 20,000 sf total development	P	P	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	MCUP	P	MCUP	P	MCUP	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	—	—	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	—	CUP	
Water diversion project	P	MCUP	P	MCUP	P	MCUP	
Water extraction, commercial	CUP	CUP	CUP	CUP	—	—	
Water system with 1 connection	E	P	E	P	E	P	
Water system with 2 to less than 5 connections	MCUP	MCUP	MCUP	MCUP	—	MCUP	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Water trucking facility, commercial	MCUP	MCUP	MCUP	MCUP	—	MCUP	
Water well, agricultural	E	P	E	P	E	P	

Key to Zone Symbols

RR	Rural Residential/Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.

SANTA BARBARA COUNTY CODE - CHAPTER 35 - COUNTY LAND USE & DEVELOPMENT CODE

Residential Zones

35.23.030

Table 2-8 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	ZC	Zoning Clearance						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	P	P	P	P	—	P	—	35.42.020
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	S	S	S	35.42.060
Aquaculture	—	—	—	—	—	—	—	
Cultivated agriculture, orchard, vineyard	E	E	E	E	—	E	—	
Greenhouse, 300 sf or less	P	P	P	P	—	—	—	35.42.140
Greenhouse, greater than 300 sf to 800 sf	MCUP	MCUP	—	—	—	—	—	35.42.140
Greenhouse, 800 sf or more	—	—	—	—	—	—	—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	—	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P(3)	P	P(3)	P	—	P(3)	P	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	CUP	—	CUP	CUP	35.82.160
Oil and gas uses	—	—	—	—	—	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Community center	P	P	P	P	—	—	—	
Conference center	CUP	CUP	CUP	CUP	—	CUP	CUP	
Country club	CUP	CUP	CUP	CUP	—	CUP	CUP	
Equestrian facilities	CUP	CUP	CUP	CUP	—	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	—	CUP	CUP	
Golf course	CUP	CUP	P	P	—	CUP	CUP	
Golf driving range	CUP	CUP	CUP	CUP	—	CUP	CUP	
Library	CUP	CUP	CUP	CUP	—	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	—	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	—	CUP	CUP	
Meeting room accessory to organizational house	—	—	—	—	—	—	—	
Museum	CUP	CUP	CUP	CUP	—	CUP	CUP	
Park, playground - Commercial	—	—	—	—	—	CUP	CUP	35.23.100.G
Park, playground - Private	—	—	—	—	—	P	P	
Park, playground - Public	P	P	P	P	—	—	—	
Private residential recreation facility	—	—	P	P	ZC	P	P	
School	CUP	CUP	CUP	CUP	—	CUP	CUP	
School - Business, professional or trade	CUP	CUP	CUP	CUP	—	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	—	CUP	CUP	35.23.100.G

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	ZC	Zoning Clearance						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ	

RESIDENTIAL USES

Dwelling, one-family	P(3)	P	P(3)	P	—	P(3)	P	
Dwelling, two-family	P	P	P	P	—	P	P	
Dwelling, multiple	—	—	P	P	ZC	P	P	
Emergency shelter	—	—	—	—	—	—	—	
Farmworker dwelling unit	P	—	P	—	—	P	—	35.42.135
Farmworker housing complex	MCUP	—	P	—	—	—	—	35.42.135
Guesthouse or artist studio	—	—	—	—	—	—	—	
Home occupation	P	P	P	P	P	P	P	35.42.190
Mobile home park	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	CUP(4)	CUP(4)	—	—	—	
Residential accessory use or structure	P	P	P	P	ZC	P	P	35.42.020
Residential project convenience facilities	—	—	P	P	ZC	P	P	35.42.220
Residential second unit	—	—	—	—	—	—	—	
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

RETAIL TRADE

Agricultural product sales, on-site production only	MCUP	MCUP	MCUP	MCUP	—	MCUP	—	35.42.050
Convenience store	—	—	—	—	—	CUP	CUP	35.23.100.G
Drive-through facility, accessory to permitted use	—	—	—	—	—	CUP	CUP	35.42.130
Visitor-serving commercial	—	—	—	—	—	—	CUP	35.23.100.H

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit (Section 35.82.110) for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	ZC	Zoning Clearance						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ	

SERVICES

Cemetery	CUP	CUP	CUP	CUP	—	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	—	CUP	CUP	
Large family day care home	P	P	P	P	—	P	P	35.42.090
Small family day care home	E	E	E	E	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP	35.42.090
Day care center, Non-residential accessory	—	—	P	P	ZC	P	P	35.42.090
Day care center, residential	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP	35.42.090
Drive-through facility, accessory to permitted use	CUP	CUP	CUP	CUP	—	CUP	CUP	35.42.130
Lodging - Hostel	CUP	—	CUP	—	—	CUP	—	
Lodging - Hotel or motel	—	—	—	—	—	—	CUP	35.23.100.H
Mausoleum	CUP	CUP	CUP	CUP	—	CUP	CUP	
Medical services - Clinic	CUP	CUP	CUP	CUP	—	CUP	CUP	
Medical services - Extended care	CUP	CUP	CUP	CUP	—	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	—	CUP	CUP	
Mortuary	—	CUP	—	CUP	—	—	CUP	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	—	CUP	CUP	35.42.120
Music recording studio	CUP	—	CUP	—	—	CUP	—	
Personal services	—	—	—	—	—	CUP	CUP	35.23.100.G
Resort visitor-serving	—	—	—	—	—	—	P(3)	

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) Where allowed by the Coastal Land Use Plan.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	ZC	Zoning Clearance						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	—	CUP	—	—	CUP	—	
Airstrip, private and temporary	CUP	—	CUP	—	—	CUP	—	
Airstrip, temporary	—	CUP	—	CUP	—	—	CUP	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Minor (3)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Major	—	—	—	—	—	—	—	
Electrical transmission line (4) (5)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (6)	P	P	P	P	P	P	P	
Flood control project, 20,000 sf or more total area (6)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Heliport	CUP	CUP	CUP	CUP	—	CUP	CUP	
Parking facility, commercial, for residential use	—	—	—	—	—	—	—	
Pipeline - Oil and gas	P	—	P	—	—	P	—	35.5
Public utility facility	CUP	—	CUP	—	CUP	CUP	—	
Public works or private service facility	MCUP	—	MCUP	—	MCUP	MCUP	—	
Road, street, less than 20,000 sf total area	P	P	P	P	P	P	P	
Road, street, 20,000 sf or more total area	P	MCUP	P	MCUP	P	P	MCUP	
Sea wall, revetment, groin, or other shoreline structure	—	CUP	—	CUP	—	—	CUP	
Telecommunications facility	S	S	S	S	S	S	S	35.44
Utility service line with less than 5 connections (4)	—	P	—	P	—	—	P	
Utility service line with 5 or more connections (4)	—	MCUP	—	MCUP	—	—	MCUP	
Wind turbines and wind energy systems	S	—	S	—	—	S	—	35.57

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) Use is subject to the standards of the PU zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) Not allowed in the VC overlay.
- (6) Not applicable to facilities constructed by the County outside of the Coastal Zone.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required ZC Zoning Clearance S Permit determined by Specific Use Regulations — Use Not Allowed						
	PERMIT REQUIRED BY ZONE						
LAND USE (1)	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP		MCUP		—	MCUP	
Onsite wastewater treatment system, individual, conventional	E		E		—	E	
Onsite wastewater treatment system, individual, supplemental	E		E		—	E	
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	P	P	P
Reservoir, less than 20,000 sf total development	P	P	P	P	—	P	P
Reservoir, 20,000 sf to less than 50,000 sf total development	P	MCUP	P	MCUP	—	P	MCUP
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	—	CUP	CUP
Water diversion project	P	MCUP	P	MCUP	—	P	MCUP
Water extraction, commercial	CUP	CUP	CUP	CUP	—	CUP	CUP
Water system with 1 connection	E	P	E	P	—	E	P
Water system with 2 to less than 5 connections	MCUP	MCUP	P	MCUP	—	P	MCUP
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP
Water trucking facility, commercial	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP
Water well, agricultural	E	P	E	—	—	E	—

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.

Table 2-9 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	—	P	P	—	—	—	35.42.020
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	S	S	35.42.060
Aquaculture	—	—	—	—	—	—	
Cultivated agriculture, orchard, vineyard	—	E	E	—	—	—	
Greenhouse, 300 sf or less	—	P	P	—	—	—	35.42.140
Greenhouse, 300 sf to 800 sf	—	MCUP	MCUP	—	—	—	35.42.140
Greenhouse, 800 sf or more	—	—	—	—	—	—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P(3)	P	P	P(3)	P	P(3)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	CUP	CUP	CUP	35.82.160
Oil and gas uses	—	—	—	—	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Community center	—	P	P	—	—	—	
Conference center	CUP	CUP	CUP	CUP	CUP	CUP	
Country club	CUP	CUP	CUP	CUP	CUP	CUP	
Equestrian facilities	CUP	CUP	CUP	CUP	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	CUP	CUP	
Golf course	CUP	CUP	CUP	CUP	CUP	CUP	
Golf driving range	CUP	CUP	CUP	CUP	CUP	CUP	
Library	CUP	CUP	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	CUP	CUP	
Meeting room accessory to organizational house	CUP	MCUP	MCUP	—	—	—	
Museum	CUP	CUP	CUP	CUP	CUP	CUP	
Park, playground - Commercial	—	—	—	—	—	—	
Park, playground - Private	P	P	P	P	P	P	
Park, playground - Public	—	P	P	—	—	—	
Private residential recreation facility	P	P	P	P	P	P	
School	CUP	CUP	CUP	CUP	CUP	CUP	
School - Business, professional or trade	CUP	CUP	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	CUP	CUP	

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
---	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

RESIDENTIAL USES

Dwelling, one-family	P(3)	P	P	---	---	---	
Dwelling, two-family	---	P	P	---	---	---	
Dwelling, multiple	---	P	P	---	---	---	
Emergency shelter	---	---	P	---	---	---	
Farmworker dwelling unit	P			---		---	35.42.135
Farmworker housing complex	---			---		---	35.42.135
Guesthouse or artist studio	---	---	---	---	---	---	
Home occupation	P	P	P	---	---	P	35.42.190
Mobile home park	CUP	CUP	CUP	P(4)	P(4)	CUP	
Mobile home	---	---	---	P	P	P(5)	
Modular home	---	---	---	---	---	P	
Monastery	CUP	---	---	CUP	---	CUP	
Organizational house (sorority, monastery, etc.)	---	---	P	---	---	---	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	---	---	---	P	P	---	35.42.220
Residential second unit	---	---	---	---	---	---	
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

RETAIL TRADE

Agricultural product sales, on-site production only	---	MCUP	MCUP	---	---	---	35.42.050
Convenience store	---	---	---	---	---	---	
Drive-through facility, accessory to permitted use	---	---	---	---	---	---	
Visitor-serving, commercial	---	---	---	---	---	---	

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit (Section 35.82.110) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) See Section 35.23.080 (Mobile Home Park zone standards).
- (5) Mobile home must be on a permanent foundation, see Section 35.42.205

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed						
	PERMIT REQUIRED BY ZONE						Specific Use Regulations
LAND USE (1)	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

SERVICES

Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	CUP	
Large family day care home	P	P	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	P	P	P	—	—	—	35.42.090
Day care center, Residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Drive-through facility, accessory to permitted use	—	—	—	—	—	—	
Kennel, animal boarding, commercial	—	—	—	—	—	—	
Kennel, private	—	—	—	—	—	—	
Lodging - Hostel	CUP	—	—	CUP	—	CUP	
Lodging - Hotel or motel	—	—	—	—	—	—	
Lodging - Hotel or motel, where Coastal Land Use Plan requires visitor-serving uses	—	—	—	—	—	—	
Mausoleum	CUP	CUP	CUP	CUP	CUP	CUP	
Medical services - Clinic	CUP	CUP	CUP	CUP	CUP	CUP	
Medical services - Extended care	CUP	CUP	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	CUP	CUP	
Mortuary	—	CUP	CUP	—	CUP	—	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	CUP	35.42.120
Music recording studio	CUP	—	—	CUP	—	CUP	
Personal services	—	—	—	—	—	—	

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
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Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed						
	PERMIT REQUIRED BY ZONE						Specific Use Regulations
LAND USE (1)	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	—	—	CUP	—	CUP	
Airstrip, private and temporary	CUP	—	—	CUP	—	CUP	
Airstrip, temporary	—	CUP	CUP	—	CUP	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Minor (3)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Major	—	—	—	—	—	—	
Electrical transmission line (4) (5)	CUP	CUP	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (6)	P	P	P	P	P	P	
Flood control project, 20,000 sf or more total area (6)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Heliport	CUP	CUP	CUP	CUP	CUP	CUP	
Parking facility, commercial, for residential use	—	MCUP	MCUP	—	—	—	
Pipeline - Oil and gas	P	—	—	P	—	P	35.5
Public utility facility	CUP	—	—	CUP	—	CUP	
Public works or private service facility	MCUP	—	—	MCUP	—	MCUP	
Road, street, less than 20,000 sf total area (6)	P	P	P	P	P	P	
Road, street, 20,000 sf or more total area (6)	P	MCUP	MCUP	P	MCUP	P	
Sea wall, revetment, groin, or other shoreline structure	—	CUP	CUP	—	CUP	—	
Telecommunications facility	S	S	S	S	S	S	35.44
Utility service line with less than 5 connections (4)	—	P	P	—	P	—	
Utility service line with 5 or more connections (4)	—	MCUP	MCUP	—	MCUP	—	
Wind turbines and wind energy systems	S	—	—	S	—	S	35.57

Key to Zone Symbols

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Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) Use is subject to the standards of the PU Zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) Not allowed in the VC overlay.
- (6) Not applicable to facilities constructed by the County outside of the Coastal Zone.

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
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LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	—			—		—	
Onsite wastewater treatment system, individual, conventional	—			—		—	
Onsite wastewater treatment system, individual, supplemental	—			—		—	
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	P	P	
Reservoir, less than 20,000 sf of total development	P	P	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	MCUP	MCUP	P	MCUP	P	
Reservoir, 50,000 sf or more of total development	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment facility, less than connections	CUP	CUP	CUP	CUP	CUP	CUP	
Water diversion project	P	MCUP	MCUP	P	MCUP	P	
Water extraction, commercial	CUP	CUP	CUP	CUP	CUP	CUP	
Water system with 1 connection	E	P	P	E	P	E	
Water system with 2 to less than 5 connections	P	MCUP	MCUP	P	MCUP	P	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Water trucking facility, commercial	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	—	P	P	—	P	—	

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
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Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.

35.23.040 - Residential Zones Lot Standards

A. Minimum lot size.

1. **Minimum area and width.** Each lot in a proposed subdivision shall comply with the minimum lot area and width requirements in Table 2-10 (Minimum Lot Size and Minimum Building Site Area). Area requirements are gross or net as noted, minimum lot widths are gross or net, as noted. (Note that lot width is defined differently in the EX-1 zone than other zones, see the definition of "Lot Width, Gross" in Article 35.11 (Glossary)).
2. **Minimum depth.** Minimum lot depth shall be determined by the review authority through the subdivision approval process; except that minimum lot depth in the SLP zone shall be 80 feet.

B. Minimum building site area for residential use. Each primary dwelling and it's allowed accessory structures shall be located on a lot with the minimum area and width shown in Table 2-10 (Minimum Lot Size and Minimum Building Site Area), except that:

1. A dwelling and its accessory structures and uses may be located on a lot of less area, except for a fraction lot; and

Robert and Sharon Conley
1390 Solomon Road
Santa Maria, CA 93455

Assessor Parcel Nos. 105-010-083, 105-010-084 and 105-010-085

June 20, 2016

To: County of Santa Barbara Planning Commission

RE: CASE NUMBER: 16APL-00000-00003

SUBJECT: VANDER MEULEN APPEAL OF DIRECTORS DETERMINATION

Hearing on the request of Richard Adam, attorney for the owner, John Vander Meulen, to consider the appeal, Case No. 16APL-00000-00003 [application filed on January 21, 2016] in compliance with Chapter 35.102 of the County Land Use and Development Code, of the Director's determination of unpermitted recreational use of motor vehicles and establishment of a sports and outdoor recreation facility on property located in the 3-E-1 Zone; and to determine that the activity is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15378. The application involves Assessor Parcel No. 105-010-033, located at 4655 Song Lane, in the Santa Maria area, Fourth Supervisorial District.

Dear Planning Commission:

The Vander Meulens have used their back acreage as a recreational motor bike track facility for many years. It is an unpermitted use and they have been apprised of this fact in the past. It seems that they are now seeking a permit for this activity.

Below in an excerpt from a letter to the Board of Supervisors from the Vander Meulens, they state that they want less traffic, less light saturation, less noise and less intrusion. It seems that the allowing of a conditional use permit for a recreational facility would increase traffic and intrusion on Song Lane, increase noise and if there were night runs, increase light saturation. We would like to enjoy what quiet we currently have and definitely do not want more vehicles going up and down Song Lane. This appeal of theirs goes against their wishes for the rural lifestyle they wish to maintain. Our Ranchette designation applies to small 1-8 acre parcels. These parcels allow room for residential and agricultural uses. Small acreage farming practices and animals for family use.

There is also the fact that Song Lane is a private road providing deeded access and not a major thoroughfare. The increased coming and going or storage of commercial vehicles or traffic associated with a recreational facility would increase wear and tear on the road and increase maintenance costs for which they are not responsible.

Vander Meulen, 1386 Solomon Road/4655 Song Lane, Orcutt, CA 93455

September 19, 2014

Our quality of life has already been irrevocably destroyed. We moved to the Orcutt Ranchette Key Site to be able to live a rural lifestyle, one that held the promise of less traffic, less light saturation, less noise and less intrusion. We wanted to see the stars in their full glory at night. We wanted to raise chickens, rabbits and pigs. We wanted to give our children a different perspective on how life in this modern world does not have to be one of apartment buildings or tract homes. These massive commercial facilities dropped down in the middle of rural serenity killed that dream. The least that can be done is to mitigate their continuing intrusion on the rural way of life that defined this neighborhood before their arrival.

Sincerely,
John and Michelle Vander Meulen

<u>AGENDA ITEMS</u>	
ITEM #:	2
MEETING DATE:	6-29-16

RECEIVED

JUN 20 2016

S.B. COUNTY
PLANNING & DEVELOPMENT
HEARING SUPPORT

Nowhere in the following descriptions of our zoning is a recreational facility allowed. In fact in the zones available for a recreational facility there is no listing for the 3-E-1 Zone. A Conditional Use Permit is required even in the zones that are listed. The highlighted areas stress that the character of an area is to be maintained and should complement the area.

RR (Residential Ranchette) Inland area. The RR zone is applied within the Inland area within Urban, Inner-Rural and Existing Developed Rural Neighborhood area as designated on the Comprehensive Plan maps where low density residential and agricultural uses are appropriate. The intent of the RR zone to preserve the character of an area and to minimize the services required by providing for low density residential development.

REC (Recreation). The REC zone is applied to provide public or private open space areas that are appropriate for various forms of outdoor recreation. The intent is to encourage outdoor recreational uses that will protect and enhance areas with the potential to accommodate both active and passive recreation because of their beauty and natural features. Proposed recreational uses should compliment and be appropriate to the area because of the natural features.

PERMIT REQUIRED BY ZONE	Specific Use Regulations				
Land Use	PU	PU CZ	REC	REC CZ	TC CZ(3)
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	CUP

We would appreciate a denial of the request for the continued use of the property for a recreational facility.

Sincerely,

Robert and Sharon Conley