

**APPEAL TO THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA**

Submit to: Planning & Development
624 W. Foster Road, Suite C
Santa Maria, CA 93455

RE: Notice of Determination of Unpermitted Use

Date of Action Taken by Director: January 12, 2016

We hereby appeal the Determination by the Director of Planning & Development dated January 12, 2016 and the decision by the Santa Barbara County Planning Commission of June 29, 2016.

The basis for this appeal is detailed in the attached letter and shall be supplemented before the hearing.

Name and Address of Appellant:

John and Michelle L. Vander Meulen
1386 Solomon Road
Santa Maria, CA 93455

Fees: \$659.92

Signature: 

Dated: July 5, 2016

FOR OFFICE USE ONLY

Hearing set for: _____

Date Received: _____

Received by: _____

File No. _____

THE LAW FIRM OF
BRENNEMAN, JUAREZ & ADAM LLP
A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

GERTRUDE D. CHERN (1920-2002)
RICHARD C. BRENNEMAN INC.
MARIO A. JUAREZ INC.
RICHARD E. ADAM, JR. INC.

625 EAST CHAPEL STREET
SANTA MARIA, CA 93454
TEL: 805-922-4553
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July 5, 2016

Santa Barbara County Planning & Development Department
624 W. Foster Road, Suite C
Santa Maria, CA 93455

**RE: Appeal of Director's Determination Regarding Prohibition of
Recreational Operation of Motorized Vehicles Within Residentially
Zoned Properties and Appeal of Planning Commission Regarding
Same**

Board of Supervisors:

Both the Director's Determination of Unpermitted Use ("NOD") and the Planning Commission's upholding of said NOD are being appealed by John Vander Meulen ("Appellant"). Among other objectionable language, the Director's NOD stated the following:

- (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."

At the Planning Commission hearing on the matter on June 29, 2016, the Planning Commission upheld the Director's determination by adding one (1) phrase to one sentence of the NOD. That phrase¹ is highlighted as follows:

¹ Because of the strict timeline for this appeal and because the Appellants have not been provided copies of the Planning Commission minutes, the precise language of the Planning Commission's alteration is not known. This phrase is therefore subject to change.

“I have determined that the recreational operation of motorized vehicles *that adversely affects surrounding residents* is not compatible with the Purpose and Intent of residential zoning; is not incidental and subordinate to residential uses.”

Although the Appellant will submit further written argument on the matter when the minutes of the Planning Commission hearing are released and the matter is scheduled for a hearing in front of the Board of Supervisors, the basis for the instant appeal is that the NOD and the Planning Commission’s decision to uphold the NOD is contrary to the requirements of the LUDC and California law and constitutes an abuse of discretion. Briefly,

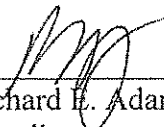
- (1) The director’s decision is not an “interpretation,” and instead, is specifically defined in the LUDC as an “Amendment” which requires adherence to the public process. The Planning Commission alteration of the NOD does not change this fact.
- (2) There is no “Sports and Outdoor Recreation Facility” on the Property, and the Director and Staff have both continuously and impermissibly refused to identify any locations and appurtenances on the Property that constitute such a “Facility” so as to allow Appellants to alter the same to avoid such a designation.
- (3) The NOD is overbroad and the Planning Commission alteration of the NOD does not change this fact.
- (4) Appellants have a vested right to the recreational use of motorized vehicles on their property.
- (5) The statute relied upon by the Director in rendering the decision to prohibit all recreational use of motorized vehicles on residentially zoned property is vague and ambiguous and the Planning Commission alteration of the NOD language does not change this fact.

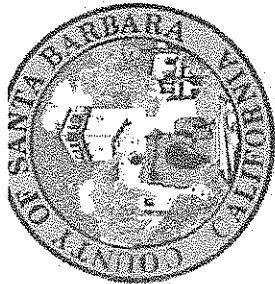
The Appellants respectfully request that the Planning Commission overturn the prohibitions enumerated in the Director’s NOD (as altered by the Planning Commission) or, at the very least, require the proposed prohibitions to follow the mandates of the LUDC and be approved via public process.

The Appellants reserve the ability to – and shall – submit additional materials and arguments in this matter prior to final consideration of any body of Santa Barbara County, including the Board of Supervisors.

Sincerely,

BRENNEMAN, JUAREZ & ADAM


Richard E. Adam, Jr., attorneys for
Appellant



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

Owner: VANDERMEULEN, JOHN
 4655 SONG LN
 SANTA MARIA, CA 93455
 APN: 105-010-033

123 E Anapamu St
 Santa Barbara, California 93101-2058

Permit Number: 16APL-00000-00018
 Contact: Richard Adam Relationship: Appellant
 Receipt Number: 150274

Type: Appeal
 Sub-Type: Ministerial
 Category: NA
 Office Code: Santa Maria

Payment Date: 07/07/2016

Receipt

Receipt Summary:

Tender Type: Check Reference No.: 368
 Receipt Total (Check): \$ 659.92 Payor: Vander Enterprises
 Payment Status: Paid

Fees Paid to Planning and Development

Fee Description	Fee Amt	Pymt Applied
Appeal to Board of Supervisors (Pay CoB) P&D	482.57	482.57
Appeal to Board of Supervisors (Pay CoB) GP	25.48	25.48
Appeal to Board of Supervisors (Pay CoB) TECH	6.81	6.81
Fees Paid to Other Departments and Agencies		
Fee Description	Fee Amt	Pymt Applied
Appeal to Board of Supervisors (Pay CoB) CC	105.06	105.06
Appeal to Board of Supervisors (Pay CoB) COB	40.00	40.00
Total Payments Applied:		659.92
Receipt Total:		659.92
Balance on Receipt:		\$0.00

Owner: VANDERMEULEN, JOHN
4655 SONG LN
SANTA MARIA, CA 93455
APN: 105-010-033

123 E Anapamu St

Santa Barbara, California 93101-2058

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Category: NA
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Contact: Richard Adam Relationship: Appellant

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Payment Date: 07/07/2016

Note: *If fees for demolition are deferred, a fee waiver or payment of permit fees is required prior to Building Permit issuance for the destroyed structure. Deferral of fees for demolition following the Tea or Jesusita Fire is to allow property owners to move forward with reconstruction efforts in advance of an insurance settlement.*

Track the progress and status of your application by going to <https://aca.sbcountyplanning.org/citizenaccess/> and clicking the "Search Applications" link

Vander Enterprises
Vander Meulen
1386 Solomon Rd
Santa Maria, CA 93455

368

7/4 2016

90-4264132

PAY TO THE ORDER OF The County of Santa Barbara \$ 659.92

Six hundred fifty nine and 92/100 DOLLARS

Mission Community Bank
1825 S Broadway
Santa Maria, CA 93454

FOR 16 APR - 2018 Mouelle VanderMeulen

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MPWASH