

County of Santa Barbara Planning and Development

Glenn S. Russell, Ph.D., Director

Dianne Black, Assistant Director



January 12, 2016

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

RE: Determination of Unpermitted Use

Dear Mr. and Ms. Vander Meulen

As you are aware, Planning & Development has been investigating complaints regarding the use of your residential property for recreational riding of motorcycles. Over the past year planning staff has sought to assist you in establishing a level of recreational vehicle use that would be “compatible” with your property’s residential zone designation, the concerns of the surrounding residents and that would fall clearly within the definition of an accessory use¹. Despite these efforts, Planning & Development continues to receive numerous complaints regarding the noise and neighborhood disturbance created by the recreational riding of motorized vehicles on your property.

In staff’s letter dated September 29, 2015, it was stated that personal, noncommercial recreational uses/activities were allowed within residential zones provided that the use did not conflict with the residential zone designation and was customarily, incidental and subordinate (i.e. accessory) to the zone designation. As indicated in that letter, to be considered a permitted “accessory use” the use cannot adversely affect other property in the vicinity. Given the number and nature of the ongoing complaints (disruption of the quality and comfort of the residential neighborhood) it has become evident that the impacts associated with the operation of motorized recreational vehicles on residential property cannot be sufficiently reduced or self-regulated in a manner that provides adequate protection of the public health, safety, welfare or character of the surrounding residential neighborhood.

With the information gathered in the past months of enforcement action and other enforcement investigations of similar violations, I have determined that the recreational operation of motorized vehicles (e.g., commercial or noncommercial racing vehicles, motorcycles, go-carts, dune buggies, etc) 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 Santa Barbara County Land Use & Development Code.

¹ 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 recreational operation/riding of motorized vehicles on or within the boundaries of the property addressed as 4655 Song Lane constitutes a violation of §35.23.030 (General permit requirements) and Table 2-7 (Allowed Land Use Uses and Permit Requirements for Residential Zones) of the Land Use & Development Code (LUDC). Confirmed violations of the LUDC will result in further enforcement action and the assessment of fines pursuant to §35.108 (Enforcement and Penalties) of the LUDC and County Code Chapter 24A.

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 (i.e. Sports & Outdoor Recreation Facility²). This type of land use (sports/outdoor recreation facility) is specifically enumerated within the LUDC and operation of a sports/recreation facility requires approval/issuance of a Conditional Use Permit. Therefore, because a sports and outdoor recreation facility is a specific type of land use, it does not qualify as a special or temporary event provided for within §35.42.260 (Temporary Uses and Trailers) of the LUDC.

This Determination may be appealed pursuant to §35.102.020.B.1 of the Santa Barbara County LUDC).

Thank you for your attention to this matter.

Sincerely,



Glenn Russell, Director
Planning & Development Division

c: Steve Mason, Administration & Operations Manager
Petra Leyva, Supervising Planner

² 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.*