

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, CA 93101
805\568-3000 FAX 805\568-3019



SCOTT D. MCGOLPIN
Director

Exh B

Mr. John Humen
PO Box 758
Buellton, CA 93427

March 28, 2012

Re: Case Nos: ~~AVA - 001-2012~~
AVA - 002-2012
AVA - 003-2012

Dear Mr. Humen:

Pursuant to your mailed request, dated March 5, 2012, for a public hearing as allowed under sections 23-24 and 23-25 of Chapter 23, Article III (Abandoned Vehicles) of the County Code, a hearing has been scheduled for April 11 at 1:30pm at the Public Works Conference Room #1 located at 123 East Anapamu Street, Santa Barbara, CA. Please plan to attend this hearing or, pursuant to section 23-25, you may → present a sworn written statement in lieu of your appearance. If you have any questions, please contact Leslie Wells at (805)882-3611.

Sincerely,

Mark Schleich
Deputy Director, Public Works Department

Cc: Kelly Scott, County Counsel
Marie LaSala, County Counsel
Leslie Wells, Resource Recovery & Waste Management Division

AA /EEO Employer

Thomas D. Fayram, Deputy Director
Rochelle Camozzi, Chief Financial Officer

Dacé B. Morgan, Deputy Director
Michael B. Emmons, County Surveyor

Mark A. Schleich, Deputy Director

Declaration of Facts by Law and Documentation – Conclusive Evidence

Documentation of a resolved Land Use offense establishes precedence for the use of motor homes on my *agricultural* property at 925 Ballard Canyon Road, Solvang, California.

The resolved offense cited, by Santa Barbara County Planning and Development, Planner/Code Enforcer, Barbara Walshon, was for the storage of my motor homes under Article III in her letter, to me, dated April 28th 2003, attached with a copy of her July 26th 2002 and March 13th 2003 photograph.

The present offense, AVA-002-2012 and AVA-003-2012, cite the same motor homes for storage under Article III. "The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles...." (Sec. 23-16)

In fact, the past resolved Land Use offense and the present offense are under Article III for the same offense, the storage of said motor homes.

The Fifth Amendment of Federal Constitutional Law and California Constitutional Law Article 1, Declaration of Rights, Section 15 state; "Persons may not twice be put in jeopardy for the same offense..."

The fact that the said motor homes have always been part of the legal Land Use of my said *agricultural* property does preclude any citation to the contrary. The following paragraph corroborates the foregoing.

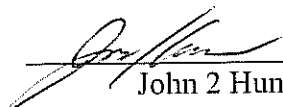
All of the cited Land Use offenses by County of Santa Barbara Planning and Development were found to be unsubstantiated. Please see "Disposition Assignment—G61APROV" attached, stating; "County Counsel has determined that State law has precedence over County law and Mr. Humen can 'camp' on his property. Case file cleaned and closed."*

A copy of my May 2nd 2003 letter to Barbara Walshon is submitted to provide more details, as is a copy of my August 2nd 2002 letter to Barbara Walshon, of which a copy was, also, mailed to Brad Spencer of the Public Works Department, Solid Waste Division, on August 2nd 2002.

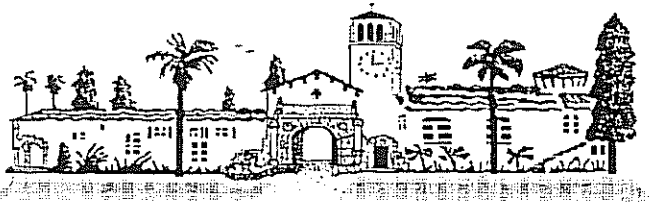
Said motor homes continue to operate in a lawful manner on my said *agricultural* property, as validated by Santa Barbara County Land Use & Development Code 35.10.040, page 1-4, paragraph (C.) "Continuation of an existing land use."; which was published December 2011.

*California State Evidence Code 255, states; "If data are stored in a computer or similar device, any printout or other output readable by sight, shown to reflect the data accurately, is an "original".

I, John 2 Humen, declare all of the above to be true and accurate to the best of my knowledge.

 _____
John 2 Humen
Dated April 10th 2012

RECEIVED by S Barcelona _____ Dated 4.10.12



County of Santa Barbara Planning and Development

Dianne Meester, Interim Director

April 28, 2003

RRR

John Humen
P.O. Box 758
Buellton, CA 93427

RE: 925 Ballard Canyon Road, APN 137-100-015, 02ZEV-00000-00336
Motor Home Storage

Dear Mr. Humen:

On March 13, 2003 I performed a site visit to your property. I tried several times to get your attention but you were working with something that made a lot of noise and I could not get you to hear even the truck's horn. I walked around, photographed the existing fencing, came back to the truck and tried again to get your attention but could not.

When I drove from Buellton to your property, I could clearly see both trailers on your property from Ballard Canyon Road. I stood on Ballard Canyon Road and took the enclosed photograph dated March 13, 2003. Article III, Sec. 35-281.10. states:

The storage of trailers designed for or capable of human habitation or occupancy shall be classified as an accessory use to a residential use only if the trailer does not exceed eight (8) feet in width, 13 feet 6 inches in height (as measured from the surface upon which the vehicle stands), and 40 feet in length. All such trailers shall be screened from view from abutting streets. (Bolding added for emphasis.)

I discussed the photograph with staff and it is clear that the existing fencing does not screen the trailers from the view of Ballard Canyon Road. You need to extend the fencing down your driveway so that screening is provided for both trailers.

Comparing the March 13, 2003 photograph to the enclosed July 26, 2002 photograph of the covered trailer, it appears that you replaced the original white cantilevered cover with one that is supported by posts. By the Article III definition of structure, if the cover is supported by posts and is over 120 square feet in projected roof area, you must obtain a Land Use Permit (LUP) for it. However, Planning & Development has no information regarding the creation of your parcel. Based upon the information in the enclosed April 4, 2002 memorandum from John Patton, you would need to provide staff with proof that the parcel was legally created prior to any LUP being approved.

John Humen
925 Ballard Canyon Road, APN 137-100-015, 02ZEV-00000-00336
April 28, 2003
Page 2

If the existing cover is supported by posts and is over 120 square feet in projected roof area, your options regarding the trailer cover are:

1. Provide staff with one of the items listed in the April 4, 2002 memorandum to prove the legality of your parcel and obtain a LUP to legalize the cover.
2. Remove the cover supported by posts and replace it with one that is only cantilevered from the trailer.

Please contact me at 934-6252 **on or before Thursday, May 8, 2003** to:

1. Discuss a time line for completion of the fencing to screen both trailers.
2. Schedule an appointment for Land Use Permit Application submittal if option #1 applies.
3. Schedule a site visit so that I can confirm that the existing cover is less than 120 square feet projected roof area or that it has been replaced with one that is completely cantilevered from the trailer.

Please call me at that same number if you have questions about any of this information.

Sincerely,



BARBARA WALSHON, Planner/Code Enforcement
North County Division

xc: 02ZEV-00000-00336 Case File

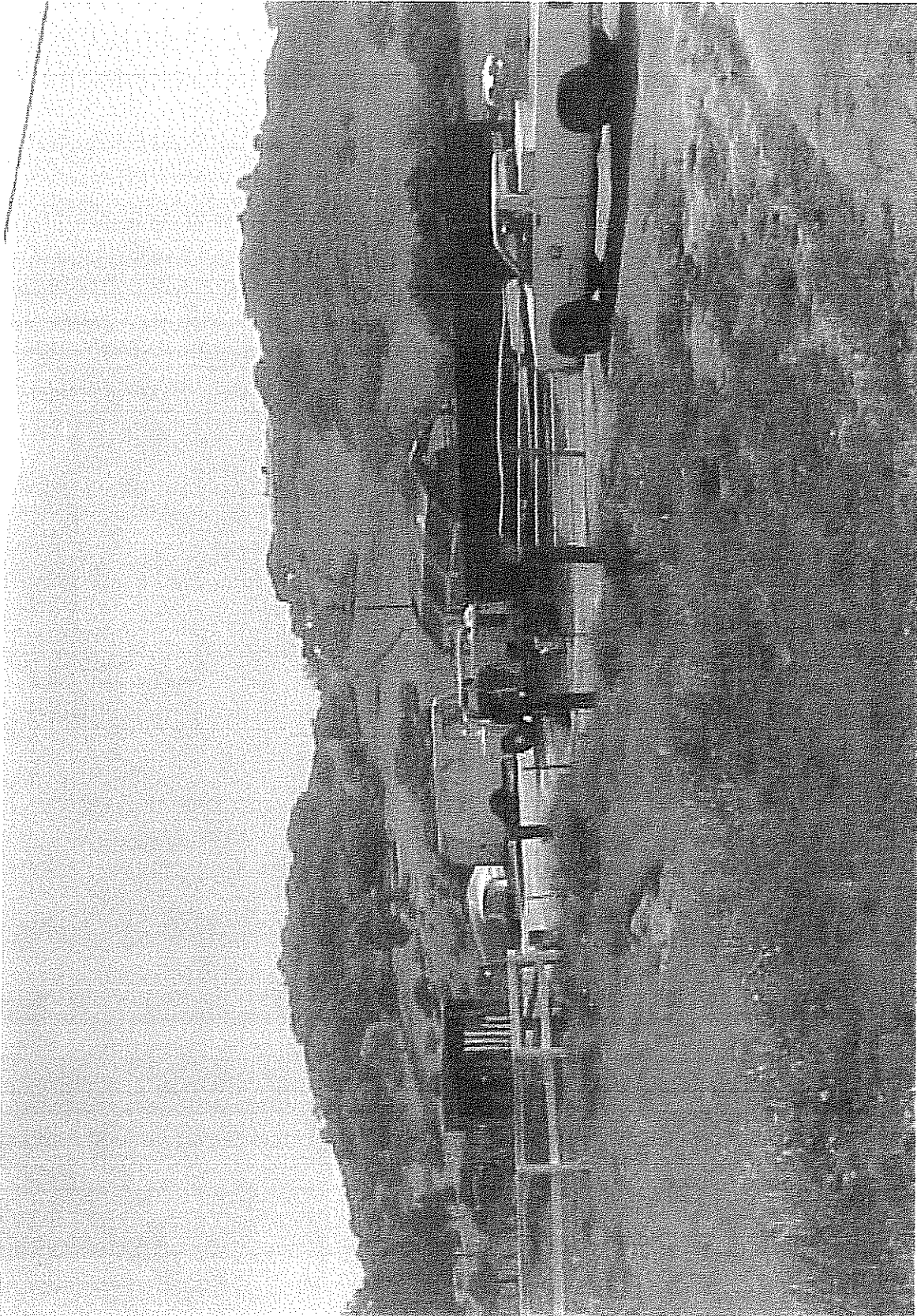
Enclosures: Photographs Dated July 26, 2002 and March 13, 2003
Article III Definition of "Structure"
John Patton's April 4, 2002 Memorandum

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925 Ballard Canyon Road
July 26, 2002



02ZEV -00000-00336
137-100-015, 925 Ballard Canyon Road
March 13, 2003



Disposition Assignment - G61APROV

Application # 02ZEY 00000 00336

Search by Task Resolution of violation

Bur/Div/Sec/Grp/Office PLAN/DEV DEVREY 3002 SANTAMAR
By First/Mid/Last BARBARA A. WALSHON

Current Task Resolution of violation Complete
Active N
Assignment Date 01/29/2004 Days Due 30

Loop Count 1
Due Date 03/12/2004

Disposition Void Case
Disposition Date 01/29/2004 Total Time (hrs) B

Activity # 471984
Comment Type NA
Disposition Comment

Task Notes

Activity Comment
Standard Comment
Open Editor
Save Comment

County Counsel has determined that State law has precedence over County law and that Mr. Hunter can camp on his property. Case filed and incident filed and incident.

Case #	Activity #	Activity Description	Agency Status	Status Date	First Name	Last Name
1	471984	Resolution of violation	Void Case	01/29/2004	BARBARA	WALSHON

Save Information

Certified Mail-Return Receipt
7002-0510-0004-5220-9296

John Humen
P.O. Box 758
Buellton, California
93427
August 2nd 2002

BARBARA WALSHON, Planner/Code Enforcement
North County Division
County of Santa Barbara Planning and Development
624 West Foster Road, Suite C
Santa Maria, California 93455-3623

NOTICE that LEGAL OCCUPATION of LAND is by OWNER
(County Code Section 24-5.3.)

Dear Ms. Walshon;

Enclosed is a photocopy of County Code Section 24-5.3., which provides legal camping for a land owner under Sub-Section [(a)(1)] "private property" of "the owner", whether inside or outside of a vehicle". Please note your signature dated July 31st 2002 on the photocopy is the date I showed you County Code Section 24-5.3., after our meeting in response to your letter of July 29th 2002 regarding my property at 925 Ballard Canyon Road (APN 137-100-015).

Yours truly,

CC: John Davies, Environmental Health Specialist, Public Health Department
Brad Spencer, Public Works Department, Solid Waste Division

Certified Mail – Return Receipt
7002-2030-0007-7612-2540

John Humen
P.O. Box 758
Buellton, California
93427
May 2nd 2003

BARBARA WALSHON, Planner/Code Enforcement
Santa Barbara County Planning and Development
624 West Foster Road, SUITE C
Santa Maria, California 93455-3623

RE: 925 Ballard Canyon Road, APN 137-100-015, 02ZEV-00000-00336

Dear Ms. Walshon;

Thank you for your letter of April 28th 2003 with the enclosed photographs of my property as viewed from Ballard Canyon Road, you are a very nice person. I have installed a forty-eight foot (48') long fence, that is six feet (6') tall, to be courteous to your request for screening on my property.

Your letters to me contain the words; “abandoned”, “appears”, “assumed”, “storage”. On July 17th 2002 you cited “illegal units” on a Santa Barbara County computer database (pertaining to my property), however, Santa Barbara County Counsel found that the three habitable units are **legal**. Please correct said database to read “Legal Units”.

By your own admission , I am living in a vehicle on my property and have two other legal living units on my property. It would follow logic to conclude there is the absence of “storage” due to the activity of said “Legal Units”. Storage is defined as the lack of activity or a dormant state without function. The vehicles on my property are clearly **not** “stored”. There is, therefore, **no** violation of Article III, Sec. 35-281.10 ; since it is without application to my property at 925 Ballard Canyon Road.

Your current photograph, of the brown cover on a living unit, shows the cantilever support has **not** changed.

I do not want to believe I am being harassed, but, it has crossed my mind after reading the Grand Jury Reports, of many years, that investigated the Santa Barbara County Department of Planning and Development.

Should you have any questions, please do not hesitate to contact me.

Yours truly,