



March 7, 2014

Honorable Steve Lavagnino, Chair
Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101

*Santa Ynez
Valley Alliance*

RE: Agenda Item 2, Rose Petition, re: Non-Conforming Uses

Dear Chair Lavagnino and Board members:

On Tuesday, March 11th, your Board will consider the request of Mr. Kelly Rose to examine the issue of how legal non-conforming uses are terminated in the County. The case that Mr. Rose has placed before you is of interest to the Santa Ynez Valley Alliance specifically because of the issues it raises.

Land Use and Development Code Section 35.101.020D states that a non-conforming use shall no longer exist if that use is discontinued for a period of 12 consecutive months. The intent of this provision is to provide for the elimination of non-conforming uses. Whenever the County rezones a property, there is the possibility that one or more uses on the rezoned property are not allowed under the new zoning. In these cases, non-conforming uses are created that should ultimately be abated. Unless these cases are inventoried and monitored by the County, the ultimate result of these zoning changes will be an ongoing increase in non-conforming uses, rather than a reduction of such uses, as is the intent of the ordinance.

In the case at hand, it appears to us that the use of the structure in question for a farm employee dwelling ceased in 1991 when it was identified as a guest house/office by the then-landowners in an application to the County to subdivide the property. In 2004, a letter from Planning and Development to the Board of Supervisors stated that it was being used only for an office and storage and that a Conditional Use Permit would be needed for the building to be used as a farm employee dwelling. Now it appears that it being used as a residence. This kind of confusion makes the elimination of non-conforming uses all but impossible and is evidence that the process for reducing the number of non-conforming uses is not working.

We urge the Board to direct staff to devise a monitoring system to determine when a non-conforming use has been discontinued for the requisite 12 months and a mechanism to inform landowners that such non-conforming use no longer exists. In this matter, we encourage your Board to carefully consider the history on the use of the structure and make a determination regarding this specific case in accordance with County codes.

The mission of the Valley Alliance is to work collaboratively with individuals, groups and governments to protect the rural character of the Santa Ynez Valley and support good stewardship of natural and agricultural resources through education, comprehensive planning and public participation.

Thank you for your consideration in this matter.

Sincerely

Mark Oliver, President

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