

Santa Barbara County Public Works Department  
Resource Recovery & Waste Management Division (RRWMD)

## **Hearing Summary**

Abandoned Vehicle Abatement (AVA) Hearing regarding AVA-001-2012, AVA-002-2012, and AVA-003-2013 located at 925 Ballard Canyon Road, Solvang CA, APN: 137-100-015. Property Owner: John Humen

### **Issue:**

To determine if the three vehicles identified as AVA-001-2012, AVA-002-2012 and AVA-003-2012 are inoperable and in violation of Chapter 23-16 County Code.

### **Location:**

Meeting was called to order in Public Works Conference Room #1 at 1:30 pm on April 11, 2012 at 123 East Anapamu Street, Santa Barbara, CA.

### **Attendees:**

- Mark Schleich, Deputy Director, RRWMD, Hearing Officer
- Leslie Wells, Program Manager, RRWMD
- Brad Spencer, Code Enforcement Officer, RRWMD
- Marie LaSala, Deputy County Counsel, Counsel to Brad Spencer
- Kelly Scott, Deputy County Counsel, Counsel to Mark Schleich

### **Absent:**

- John Humen, property owner of 925 Ballard Canyon Road. In lieu of appearing in person, Mr. Humen submitted his testimony in written format.

### **Submittals for Consideration:**

Mr. Humen submitted two packets of information including photos on April 10<sup>th</sup>, 2012 that were accepted into the record by Mr. Schleich on April 11, 2012 at the offices of the RRWMD. They were identified as:

- Exhibit A: A one page summary relating to AVA-001-2012 and 6 photographs, and
- Exhibit B: A one page summary relating to AVA-002-2012 and AVA-003-2012. A two page letter, dated 4/28/2003, from Santa Barbara County Planning & Development to Mr. Humen with two photos and a copy of a Planning & Development "Disposition Assignment". A one page letter to Santa Barbara County Planning & Development from Mr. Humen dated 8/2/2002. A one page letter to Santa Barbara County Planning & Development from Mr. Humen dated 5/2/2003.

The County of Santa Barbara RRWMD submitted 16 items of documentation that were accepted into the record by Mr. Schleich on April 11, 2012:

- Exhibit #1: A Correction Notice sent to Mr. Humen from the County of Santa Barbara dated 12/9/2011 advising a complaint had been received regarding 3 inoperable vehicles on his property and requesting he contact the Division within 7-days to discuss the issue.
- Exhibit #2: A letter from Mr. Humen to the County of Santa Barbara dated 12/15/2011 acknowledging receipt of correction notice and stating he has a legal right to store the listed vehicles.
- Exhibit #3: A letter to Mr. Humen from the County of Santa Barbara dated 1/6/2012 explaining the nature of the potential violation, requesting documentation of previous contact with the County regarding this issue, and requesting a site visit to determine the operability of the vehicles.
- Exhibit #4: A letter from Mr. Humen to the County of Santa Barbara dated 1/11/2012 with an attached copy of a letter dated 11/04/2002 from Mr. Humen to the County of Santa Barbara Planning & Development discussing the screening of listed vehicles.
- Exhibit #5: A letter to Mr. Humen from the County of Santa Barbara dated 1/24/2012 advising him the issue of concern relates to Chapter 23 of the County Code and specifically inoperable vehicles, not the screening of recreational vehicles enforced by Planning & Development. Also attached is a copy of a letter sent to Mr. Humen by Planning & Development dated 4/25/2003.
- Exhibit #6: A letter from Mr. Humen to the County of Santa Barbara dated 2/6/2012 discussing the "legal use" of the land at 925 Ballard Canyon Road.
- Exhibit #7: A letter to Mr. Humen from the County of Santa Barbara dated 2/8/2012 requesting a site visit to determine operability of the vehicles.
- Exhibit #8: A letter from Mr. Humen to the County of Santa Barbara stating the listed vehicles are not vehicles.
- Exhibit #9: A letter from Mr. Humen to the County of Santa Barbara dated 2/21/2012 requesting a hearing.
- Exhibit #10: Formal correction notices for 3 vehicles on Mr. Humen's property dated 3/1/2012.
- Exhibit #11: A letter from Mr. Humen to the County of Santa Barbara requesting a hearing for the above correction notices.

- Exhibit #12: A letter to Mr. Humen from the County of Santa Barbara dated 3/28/2012 assigning a hearing date of 4/11/2012.
- Exhibit #13: County of Santa Barbara timeline of events.
- Exhibit #14: Photos taken on initial site visit 11/17/2011.
- Exhibit #15: Photos taken on last site visit 4/6/2012.
- Exhibit #16: Aerial photo with associated ground views attached.

### Testimony

Mr. Spencer testified to the following order of events:

- On November 10, 2011 a complaint was received at his office regarding inoperable cars located at 925 Ballard Canyon Road in Solvang, CA.
- On November 17, 2011 a site inspection was made from the roadway to determine the accuracy of the complaint and to collect photos. Based on the reporting parties information as well as the site visit, it was determined there was most likely a violation of Chapter 23 of the County Code.
- On November 21, 2011, a second complaint, from a different reporting party, was received at his office regarding the same issue.
- A correction notice (Exhibit #1) advising the property owner, Mr. John Humen, of the complaints and requesting him to contact Mr. Spencer was sent on 12/9/2011.
- Over the next several months through the end of February 2012 several letters (Exhibits #'s 2-12) were sent back and forth between Mr. Humen and the County of Santa Barbara. Mr. Humen believed he was not violating any County Codes and that he has a legal right to store his vehicles on his property. Mr. Humen based this belief upon a complaint in 2002 by the Planning & Development Department. In that complaint, the issue that was in dispute was the screening of recreational vehicles. In 2004 that case was concluded and Mr. Humen was allowed to store his vehicles behind a 6' fence that he had constructed. What that case did not address, and is what the current 2011 case is all about, is the non-operability of the vehicles visible from adjoining public and private properties. Through all these months of correspondence, Mr. Humen did not address the operability of the vehicles nor allow a site visit to determine the operability of the vehicles.
- On March 1, 2012 a formal correction notice was sent to Mr. Humen (Exhibit #10) giving him until March 12, 2012 to show compliance with Chapter 23. On March 12, 2012 a request for hearing (Exhibit # 11) was received from Mr. Humen. A hearing was scheduled for April 11, 2012 and Mr. Humen was notified of that date by mail. A site visit on April 6, 2012 showed that all vehicles were still in place. On April 10, 2012 Mr. Humen notified the County of Santa Barbara that

he would not personally attend the hearing but would submit written documentation to be considered (Exhibit # A & B).

At the conclusion of Mr. Spencer's testimony, attendees asked Mr. Spencer several questions which are provided below including Mr. Spencer's responses.

- Question: was the correction notice issued on 3/1/2012 because the property owner did not contact you to set up a site visit? Answer: Yes, that is correct. Multiple requests were made for a site visit but the property owner never allowed a site visit therefore operability of the vehicles could not be established.
- Question: Based on your visual inspections from the roadway, did it appear that any of the vehicles had been moved? Answer: There were no changes regarding the vehicle locations from the first inspection on 11/17/2011 through the final inspection on 4/6/2012.
- Question: It is assumed from Photo #4 in Exhibit A dated 4/7/2012 that AVA-001-2012 has been moved to a different location. There are tracks in the grass behind AVA-001. Does the appearance of tracks behind the vehicle prove operability? Answer: The movement of the vehicles was not done in the presence of Code Enforcement and the vehicle may have been pushed or pulled to the new location. There is no way to determine if AVA-001-2012 made those tracks while operable.

### **Conclusion**

When testimony was completed and all documents had been submitted into the record, Mr. Schleich stated he would take the matter under consideration. Once a decision is reached, Mr. Humen would be notified of that decision by certified mail.