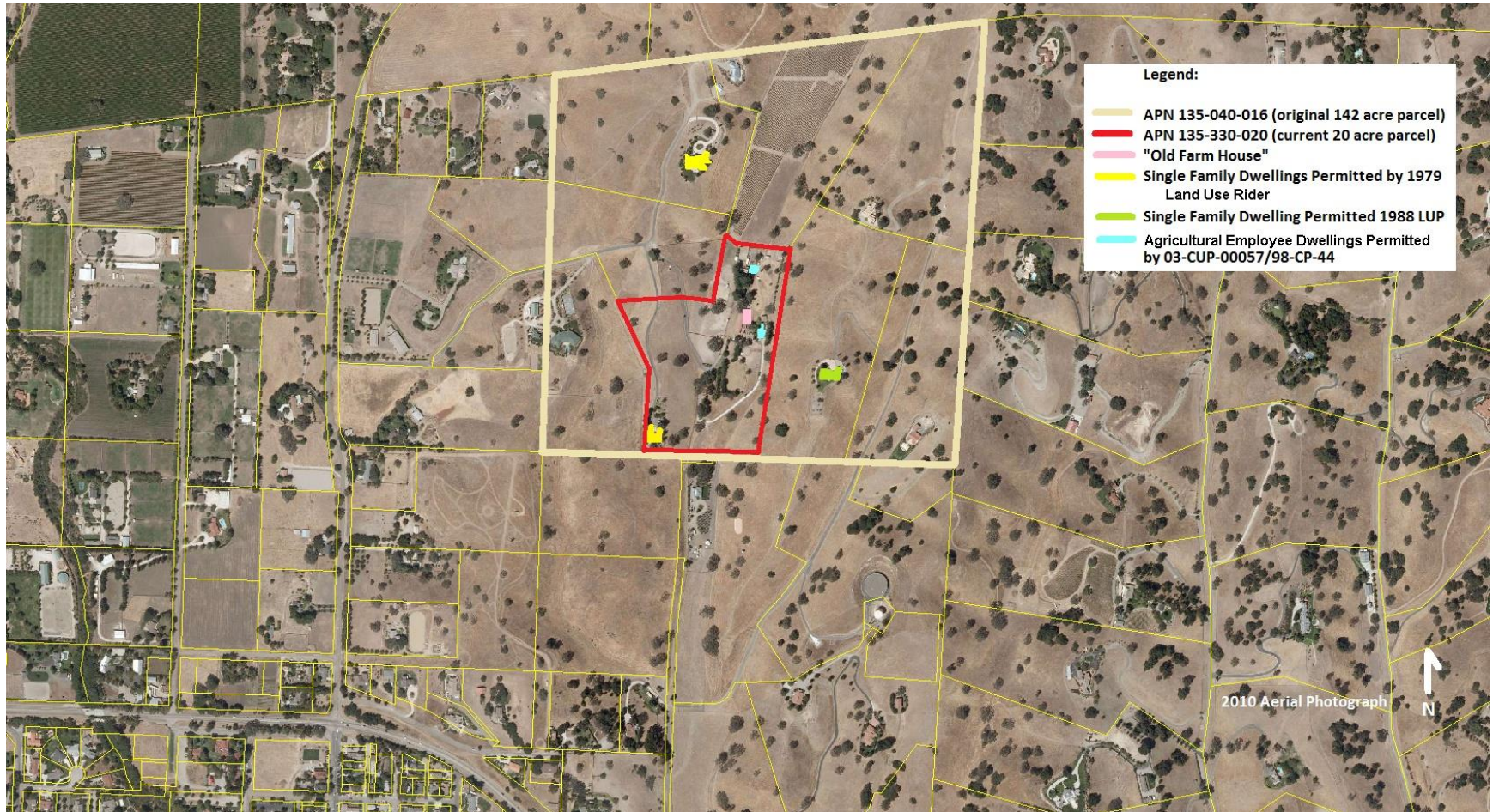


Board of Supervisors Consideration
Regarding whether to hear the
Rose Petition for Termination of
the Grove Non-Conforming Use

Santa Barbara County Board of Supervisors
December 10, 2013

Project Location with Property Boundaries and Structures Depicted



The “Old Farm House”



Land Use & Development Code

According to Section 35.101.070.A.1. of the County Land Use and Development Code (LUDC):

- *Upon recommendation of the Commission, or upon petition by a person affected by a non-conforming use of structures or land or both, or on its own initiative, the Board may set a date for, and call for a public hearing to determine whether or not a nonconforming use of land or structures, or both, or an unpermitted expansion of or change in the use, should be ordered terminated.*

Petitioner's Request

- The subject petition was filed with the Clerk of the Board by Matthew M. Clarke, attorney for Kelly Rose on March 19, 2013.
- The petition submitted by Mr. Rose requests that the Board terminate the non-conforming use of an existing structure.

The decision regarding whether or not to schedule a hearing on this matter is discretionary and is at the Board's pleasure.

Legal Non-Conforming Status

- Over time, the subject structure has been used as a primary residence, a bunk house, a farm employee dwelling, and a guest house.
- Since 2011, the P&D Director, Assistant Director, and a Deputy Director have reviewed the information provided by Mr. Rose in the context of a zoning enforcement complaint; each of them has determined that the residential use of the structure does not constitute a zoning violation.

Hearing Procedures

If the Board of Supervisors chooses to schedule a hearing, the Board of Supervisors must follow the hearing procedures outlined in LUDC Section 35.101.070. These procedures specify requirements for:

- **Noticing**
- **Hearing Procedures**
- **Rules of Evidence**
- **Timing and Form of the Board's Decision**

Recommended Action

1. Receive the petition from Kelly Rose requesting that the Board of Supervisors set a date for and call for a public hearing to determine whether or not a nonconforming use should be ordered terminated pursuant to Land Use Development Code (LUDC) Section 35.101.070.A.1.
2. Consider whether or not to set a special public hearing to determine whether or not the nonconforming use should be ordered terminated pursuant to the provisions of Chapter 35.101 of the LUDC. If the Board elects to set a hearing on this matter, select a date which accommodates both the petitioner and the property owner.