



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Public Works  
Department No.: 054  
For Agenda Of: October 16, 2007  
Placement: Administrative  
Estimated Tme: 30 Minutes  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** Scott D. McGolpin, Public Works Director 568-3010  
Michael B. Emmons, Deputy Director Public Works 568-3020

**SUBJECT:** Set hearing date of November 6, 2007 for the purpose of conducting a public hearing to determine if it is appropriate to file a Notice of Violation on APN 153-300-013 (Frost) in accordance with Government Code Section 66499.36 (Subdivision Map Act violation).

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:**

As to form: No

**Recommended Actions:** Pursuant to Government Code Section 66499.36, make a determination of whether it is appropriate to file a Notice of Violation on APN 153-300-013 (Frost). The subject property was illegally created by a Grant Deed filed in Book 2024, Page 1065 of Official Records on December 6, 1963 in the Office of the County Recorder, County of Santa Barbara, California. If so determined, direct the County Surveyor to record said Notice of Violation with the County Recorder of the County of Santa Barbara, California.

**Summary Text:** This action is required by law in accordance with Government Code Section 66499.36. Under said code, a hearing must be held to allow the property owner the opportunity to present evidence to the Legislative Body as to why the Notice of Violation should not be filed. The property owner was notified by certified mail on September 21, 2007 as to the hearing date of November 6, 2007 which is within the legislated timeframe (30-60 days from the date of the certified mailing).

**Background:** On July 23, 2003, an application for a certificate of compliance was deemed complete in the County Surveyors Office for APN 153-300-013. On August 13, 2003, the County Surveyor determined that the parcel in question was illegally created by a Grant Deed filed in Book 2024, Page 1065 of Official Records of the County of Santa Barbara. As such, the creation of the parcel was not in compliance with County Ordinance 786 as amended. More specifically, at the time of parcel creation,

the cited Ordinance was applicable to the division of an original parcel of real property into two or more parts or parcels. Five exemptions existed. These included: 1) Each and every parcel created must exceed 20 acres in area; 2) Each and every parcel created by lease with an area in excess of 5 acres and used for agricultural purposes with other restrictions; 3) Each and every parcel must contain a gross area of 5 acres and the opening of a street or road was not required for access, the only requirement for said division was the filing of a Record of Survey as provided in Chapter 15 of Division 3 of the Business and Professions Code; 4) Where each and every parcel contains a gross area of 5 acres or more and the opening of a street or road was required for access to any proposed parcel with the division, where such opening of the street or road could have been waived by the Board of Supervisors and the Board could have imposed conditions and standards for the improvement of the street or road. The Board of Supervisors also could have authorized the proposed division by the filing of a Record of Survey as provided in Chapter 15 of Division 3 of the Business and Professions Code; and 5) Any lot or parcel created by Record of Survey recorded prior to July 27, 1955. None of the exemptions applied to this parcel at the time of the recording of the above Grant Deed.

On October 9, 2003, the applicant’s agent informed the County that they had exhausted their search to prove the parcel was legally created. On that same day, the County Zoning Administrator determined that a conditional certificate of compliance was required to legalize the parcel. On November 17, 2003, the County Surveyor notified the applicant that the parcel would require a conditional certificate of compliance. The County Surveyor requested that the applicant apply with the Planning and Development Department within 60 days or the County would send an intent to file a Notice of Violation letter to the owner. Since that time, the applicant has failed to provide adequate information to have their application deemed complete by the Planning Department. On September 21, 2007, a letter was sent to inform the owner that a public hearing was scheduled for November 6, 2007 for the purpose of determining whether or not a Notice of Violation should be filed in accordance with Government Code Section 66499.36 on APN 153-300-013.

**Performance Measure:** N/A

**Fiscal and Facilities Impacts:** N/A

Budgeted: No

**Fiscal Analysis:**

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

**Staffing Impacts:** N/A

**Legal Positions:**

**FTEs:**

**Special Instructions:** Provide a copy of the minute order to the County Surveyor.

**Attachments:**

**Authored by:** Michael B. Emmons, Deputy Public Works Director

**cc:** Kevin Ready, Deputy County Counsel