



# County of Santa Barbara

**Department of Public  
Works**

Scott D. McGolpin, PE, Director

**Planning and Development  
Department**

Glenn Russell, Ph.D., Director

## **Amending County Code Chapter 21- Notices of Violation under the Subdivision Map Act**

Office of the County Surveyor

July 7, 2015

Aleksandar Jevremovic, County Surveyor

# Purpose of Amendment

- The Subdivision Map Act (Map Act) requires the local agency to issue notice of intent to file a Notice of Violation (NOV) where it has knowledge that a parcel of land was created illegally.
- Today, Chapter 21 is silent on the requirements of the Map Act with regards to the NOV.
- The owner may present the evidence that there has been no violation.
- If the owner cannot provide the evidence the agency is required to record a NOV.

## **This amendment would:**

- Define NOV in Chapter 21.
- Designate the County Surveyor responsible for issuing intention to file and record an NOV.
- Establish a clear process for the agency and property owners to follow, by adding Division 14 in Chapter 21.
- Establish the process to appeal the County Surveyor's decision to the Board of Supervisors.

# Notice of Violation Process

## Preliminary Determination

- “Whenever a local agency has knowledge that real property has been divided in violation of the provisions of this division or of local ordinances enacted pursuant to this division,…” (*Section 66499.36 of the Map Act*)

# Notice of Violation Process

## Notice of intention to record a NOV

- County Surveyor mails a certified letter of intention to record an NOV to the owner containing:
  1. Detailed description of the property.
  2. Nature of violation.
  3. Name of the owner(s).
  4. A statement that the owner will be given the opportunity to present evidence why the NOV shouldn't be recorded.
  5. The date, time and place where the owner might present such evidence.

# Notice of Violation Process

## Owner's Meeting

- Shall take place no sooner than 30 days and no later than 60 days from the date of mailing the notice.
- If within 15 days of receipt of the notice the owner fails to inform the County Surveyor of her or his objection to recording NOV, the County Surveyor shall record NOV.
- If owner presents the evidence that there is no violation County Surveyor shall mail a clearance letter to the owner.

# Notice of Violation Process

## Notice of Violation

- If after the owner presents their evidence and the County Surveyor determines that the property was in fact illegally divided, then the County Surveyor shall record an NOV, provided an appeal of determination has not been filed with the Clerk of the Board.

# **Notice of Violation Process**

## **Appeal to the Board of Supervisors**

- Should the owner disagree with the determination of the County Surveyor, the owner may appeal within fifteen days to the Board of Supervisors pursuant to Section 21-71.4.2 of Chapter 21.
- The Board, as part of a noticed public hearing, may affirm or reverse the decision of the County Surveyor.



# Recommendation

- Introduce (first reading) an Ordinance amending Chapter 21, to add procedures for issuing NOV under the Map Act, and:
- Continue to August 25, 2015 to:
  1. Adopt (second reading) an Ordinance amending Santa Barbara County Code Chapter 21.
  2. Read the title of the Ordinance and waive the reading of the Ordinance in full.
  3. Approve the CEQA Notice of Exemption.



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