

**Appeals and Certificates of Compliance Process  
Ordinance Amendment  
County Code Chapter 21 Land Division  
11ORD-00000-00011**

**Board of Supervisors Hearing  
October 4, 2011**



# Purpose of Amendment

- County Code Chapter 21 includes regulations regarding subdivision maps, lot line adjustments, voluntary mergers
- This amendment would:
  - Update the appeals procedures to be more consistent with the zoning ordinances
  - Add procedures for Certificates of Compliance and Conditional Certificates of Compliance

# Appeals Process

## Who May Appeal

- Existing:
  - Appeals may be filed by the applicant and “interested persons”
- Proposed:
  - Restrict to the applicant and “aggrieved persons”
    - Appeared at a public hearing, or informed the decision-maker of the nature of their concerns prior to the decision, or for good cause was unable to do either

# Appeals Process

## Jurisdiction Over Appeals

- Existing:
  - All appeals are heard by the Board of Supervisors
- Proposed:
  - Director and Zoning Administrator appeals heard by Planning Commission
  - Planning Commission appeals heard by Board of Supervisors

# Appeals Process

## Requirements for Contents of Appeal to PC

- Existing:
  - No specific criteria except to state that the decision is inconsistent with Chapter 21 or Subdivision Map Act, or that there was an error or abuse of discretion
- Proposed:
- Must provide a clear statement why the decision is inconsistent with Chapter 21 or other applicable law, or how there was an error or abuse of discretion

# Appeals Process

## Rejection of Appeals to PC

- Existing:
  - No provision to reject appeals
  - All appeals must be processed
- Proposed:
  - P&D Director may reject appeal if does not comply with submittal requirements
  - Decision made in consultation with County Counsel
  - No appeal of Director's decision

# Certificates of Compliance

- State Subdivision Map Act (SMA) process to establish the legality of a parcel of land:
  - Certificate of Compliance - parcel was not created by a subdivision map, but the creation still complied with the SMA and local ordinances (e.g., Chapter 21)
  - Conditional Certificate of Compliances - parcel resulted from illegal subdivision
- Normally must record either an unconditional Certificate or a Conditional Certificate

# Certificates of Compliance

- Chapter 21 does not include procedures for Certificates of Compliance or Conditional Certificates of Compliance
- This amendment adds procedures for both unconditional Certificates and Conditional Certificates of Compliance
- Codifies existing process



# Certificates of Compliance Process

- County Surveyor determines if an unconditional Certificate or a Conditional Certificate is appropriate
  - This decision may be appealed to the Board of Supervisors
- If unconditional Certificate, then County Surveyor processes the application and records the Certificate

# Certificates of Compliance Process

- If Conditional Certificate required then application processed by P&D as follows:
  - CEQA review
  - Subdivision/Development Review Committee
  - Noticed, public hearing
  - ZA approves subject to conditions
  - Decision may be appealed to PC, then Board
  - Surveyor records Conditional Certificate

# Certificates of Compliance Process

- SMA limits scope of conditions
  - Applicant is an original subdivider
    - Conditions appropriate to a current subdivision
  - Applicant not an original subdivider
    - Conditions appropriate to a subdivision at time of acquisition of parcel
- Compliance with conditions not required until subsequent permit for development of lot

# Recommendation

- Introduce (first reading) Case No. 11ORD-00000-00011 amending Chapter 21 regarding appeals and certificates of compliance, and:
- Continue to October 18, 2011 to:
  - Make the findings for approval, including CEQA findings
  - Approve the CEQA Notice of Exemption
  - Adopt (second reading) Case No. 11ORD-00000-00011