



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 and  
Planning &  
Development  
**Department No.:** 054, 053  
**For Agenda Of:** April 14, 2015  
**Placement:** Set Hearing  
(Departmental on  
5/5/2015)  
**Estimated Time:** 15 Minutes on 5/5/2015  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Directors: Scott D. McGolpin, Public Works Director, 568-3010  
Glenn Russell, Ph.D., Planning and Development Director, 568-2085  
Contact Info: Aleksandar Jevremovic, County Surveyor, 568-3020  
Dianne Black, Planning and Development Assistant Director,  
568-2086

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

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- A. Set a hearing for May 5, 2015 to consider the introduction (first reading) of an Ordinance amending Chapter 21, Land Division, of the County Code, to add procedures for issuing notices of violations under the Subdivision Map Act;
- B. Set a hearing on the Administrative Agenda of May 12, 2015 to:
  - i.) Adopt (second reading) an Ordinance amending Santa Barbara County Code Chapter 21; and
  - ii.) Read the title of the Ordinance and waive the reading of the Ordinance in full; and
  - iii.) Find that the proposed actions do not constitute a "Project" within the meaning of California Environmental Quality Act (CEQA), pursuant to 14 CCR 15378(b)(2), consisting of "general policy and procedure making" and approve and direct staff to file a Notice of Exemption on that basis.

**Summary Text:**

The Subdivision Map Act requires the local agency to record a notice of violation in cases where it has knowledge that a parcel of land was created illegally. This proposed amendment of Chapter 21 would provide a clear process for County staff and the general public to follow that addresses such cases of the Subdivision Map Act violations. In cases where a parcel was illegally created, the notice of violation would inform a potential buyer by having a constructive notice recorded against the property.

The purpose of the proposed amendment is to streamline the process by having notices of violation issued by the County Surveyor. Currently notices of violation are issued after a hearing by the Board of Supervisors. The proposed amendment would have notices of violation issued by the County Surveyor and the decision would be appealable to the Board of Supervisors.

**Background:**

The County of Santa Barbara has been reviewing parcel validity at the request of the owners or potential buyers of property and issuing certificates of compliance since 1973. The current process of certificates of compliance review is defined in Chapter 21. If during the review a parcel is found to have been created in violation of the Subdivision Map Act or local ordinances at the time of its creation, the property owner would receive a notice, informing them that they are required to apply for a conditional certificate of compliance with the Planning and Development Department. Only in cases where the property owner does not follow up with the conditional certificate of compliance, a notice of violation would be recorded. Today only your Board may issue a Notice of Violation after a hearing is performed. This amendment will allow the County Surveyor to perform this function which will save your Board the time required to hold a hearing on each case, unless the determination is appealed.

**Special Instructions:**

Clerk of the Board shall fulfill noticing requirements and publish a legal notice at least 10 days prior to the hearing on May 5, 2015. The notice shall appear in the Santa Barbara News Press.

**Attachments:**

None. The draft Ordinance will be included in the full Board Letter which will be filed for May 5, 2015 hearing.

**Authored by:**

Aleksandar Jevremovic, County Surveyor (805-568-3012), Noel Langle, Planner (805-568-2067)