



Legislation Text

File #: 13-1518, **Version:** 1

Supervisor Briggs, on behalf of Britt Porter, recommending the Board provide direction to the Community Development Agency, Development Services Division staff to:

1) Process requests to modify Certificates of Compliance for twelve (12) parcels in the Georgetown area: APN's 061-042-22, -23, -25, -26 and -31 through -38; and,

2) Process the Certificates of Compliance that include the affected parcels for reconsideration together, with the intent to merge as many parcels together as possible in order to meet zoning standards; and,

3) Return to the Board with the revised Conditional Certificates of Compliance for action.

Certificates of Compliance COC89-0063, COC90-0132, and COC91-0039 through COC91-0048 were issued by the Board of Supervisors to twelve (12) parcels in 1991 to correct a Notice of Violation recorded in 1990 on nineteen (19) parcels (O.R. 3470/511, Attachment H). These certificates required that a subdivision map be filed to correct the deficiencies in how the parcels were created, and address zoning conformity and access. No subdivision map application has been submitted, and the parcels have been sold to several different owners. One property owner controls eight (8) of the subject twelve (12) parcels, and has proposed to merge those into four (4) approximately 40-acre tracts. A new certificate of compliance application was filed for these parcels in 2006, COC06-0069. However, because of the link between these parcels and the others involved in the illegal subdivision, staff has been unable to develop a means to process that application without affecting the other parcels.

The conditions of the certificates require that all twelve (12) parcels be developed as a single subdivision, so the request to merge eight (8) of these without dealing with all twelve (12) is inconsistent with the requirements set by the Board in 1991. Processing a revised COC for only eight (8) of the twelve (12) parcels does not consider the entire action taken previously, and could leave the other three (3) owners with potentially undevelopable parcels, or ones that are substandard to zoning. Ideally, all twelve (12) parcels would be included in the revisions, but those owners are vested in the conditions imposed in 1991. Neither staff nor one property owner has the authority to reopen those conditional certificates without each owners' authorization. However, as the original approving authority for the previous certificates, the Board of Supervisors, can revisit its action.

The zoning of all of the parcels is RA-40, and the proposed merger of the eight (8) parcels would leave three (3) substandard parcels, at 9.82, 19.36, and 24.28 acres. These would end up isolated from each other and be unable to be merged later to create conforming parcels. The property owner of the eight (8) parcels has tried to include the other parcels, but has not been successful in getting cooperation from those owners.

Reconsideration of the original COC would allow Planning staff to consider other options to correct the unauthorized subdivision of land, and allow the property owners to develop the majority of the property consistent with current zoning and development standards.

Planning staff has reviewed the request and concurs with Supervisor Briggs' recommendation.

Fiscal Impact:

Approximately \$5,000 in Community Development Agency staff hours to process revised Certificates of Compliance.

Next Steps:

Planning staff to work with property owners and affected agencies to develop appropriate mergers and conditions to support Certificates of Compliance consistent with zoning and general plan land use designation.