

1. NOTICE OF VIOLATION (Shipper Lane): ROMUL CHIOREAN

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The Marin County Community Development Agency received information that **Assessor's Tax Parcel 188-170-44, (further identified as Parcel "B" on the "Parcel Map of Division of Lands of Krip Investment Corporation," filed March 17, 1970 in Book 4 of Parcel Maps at Page 81) of Marin County Official Records** was conveyed in violation of the Subdivision Map Act.

The subject property was neither intended or otherwise created as a separate legal lot of record for development purposes. If the property had been intended to be a separate legal lot of record, a Tentative Map and Final Map would have been required instead of a Parcel Map (California Government Code Section 66426 and Chapter 20.08 of the Marin County Municipal Code).

The Deputy Zoning Administrator (DZA) asked if staff had any additional comments or had received additional correspondence since the staff report was distributed. Staff responded, noting the following:

- The Notice of Violation was mailed via Certified mail on 1/11/12, and certification of receipt was received on 1/20/12;
- No communication from the public has been received;
- The notice will be recorded following today's hearing;
- The action is not discretionary and there is no appeal period;
- A conditional Certificate of Compliance would be the proper remedy if an individual wanted to bring the property into compliance with the Subdivision Map Act; and
- The property was offered for dedication as a roadway, and is burdened by a right-of-way easement.

The public testimony portion of the hearing was opened.

The applicant/owner, Romul Chiorean, spoke regarding the project:

- The land was purchased in October of 2011 and the owner understands it cannot be developed; and
- The owner is an artist who would like to use the property as inspiration for his work.

Neal Sorensen, attorney representing Beverly "BG" Bates, referred to his letter dated October 18, 2011, and requested that the Notice of Violation be recorded.

The public testimony portion of the hearing was closed.

The Deputy Zoning Administrator (DZA) made several comments pertaining to the project, including the following:

- The area is described as a roadway easement and was never created for sale, lease or financing;
- Marin County Code and Subdivision Map Act requires a tentative map and final map for creation of five lots or more.
- There were four lots created, and this parcel is a remainder parcel, not a separate legal lot of record; and
- Parcel was not created legally and the Notice of Violation provides clear notice that this is not a legally created parcel and there is no development potential.

The Hearing Officer directed staff to file a Notice of Violation for the parcel.

In response to the applicant's questions regarding recompense for the purchase of this land from the prior property owner, the Hearing Officer suggested that he contact a land use attorney for his legal rights.