

Administrative Certificates of Compliance

PURPOSE

Government Code § 66499.35 requires the County, upon the request of a property owner, to determine a parcel's legal status under the Subdivision Map Act. If the County determines that an identified parcel is legal under the Act, the County must issue an Administrative Certificate of Compliance (ACC), attesting to the parcel's validity. Upon recordation of the ACC, the parcel may thereafter be sold, leased or financed without further processing. Issuance of an ACC does not guarantee developability of the parcel.

GENERAL

Property owners often seek ACCs as a precursor to the sale, lease or finance of older lots. In addition, ACCs are sometimes required by PRMD to determine the legal status of a parcel before building permits can be issued. Applications for ACCs must be submitted by applicants with all required materials. The County may hire a qualified third party consultant to review and advise on the request.

FORMS

ACC Worksheet (S:\PROJ_REVIEW\ACC Consultants\ACC worksheet.wpd)
PJR-019 Administrative Certificate of Compliance

PROCEDURE

- A. Upon receipt of a completed application, County staff will review old files, 1967 rolls and 1975 rolls, building and well and septic microfiche, and planning files to determine:
 1. If the parcels have previously been treated as one.
 2. If there have been any subdivision/lot line adjustments/voluntary mergers or other actions by previous or current property owners which would have extinguished the underlying parcels.
 3. If there are any substantial structure(s) sited over the property boundary which could have affected a merger under Section 66451.11(a) and (b).
- B. If the staff planner determines that the parcel was not lawfully created or that it was lawfully created, but subsequently merged by prior actions of the previous or current property owner,

or that underlying parcels have otherwise been extinguished by operation of law, the staff planner shall prepare a letter of determination denying the application for Certificate of Compliance stating the reasons therefore. The staff planner shall schedule the item for review on the Board of Supervisors next available agenda. The staff planner shall send the letter of determination, and notification of the Boards' review date and the appeal deadline, to the applicant (and contacts, if requested) on or before the Wednesday before the Board review date.

- C. If the staff planner determines that the subject property has not previously been merged or underlying parcels otherwise extinguished, the staff planner may complete the review as workload permits or may forward the file to the County's consultant for completion of the following steps:
1. Review the size of all requested parcels, reviewing the actual survey data as necessary, to make sure that all are a minimum of 5,000 square feet. If a requested parcel is less than 5,000 square feet, clearly identify that parcel on the ACC worksheet, noting its size and the size of surrounding parcels held by the same owner, so that staff may consider initiation of merger proceedings in the event that a Certificate of Compliance is issued.
 2. Read the entire Chain of Title and all deeds and review the Title Report. In addition, review any applicable subdivision map. Determine if the parcels were created legally and whether any activity has occurred which would have eliminated or restricted the underlying parcels including, but not limited to:
 - a. Illegal conveyances (creation by grant deed after March 1, 1967).
 - b. Merger language in a deed description.
 - c. Recorded covenants, agreements, or easements, etc.
 - d. Subdivision, lot line adjustment or other merger not previously identified by staff.

All determinations shall be based upon County standards.

- D. If it is determined that the application is not complete and that additional information is required, draft a letter to the applicant requesting the information or document(s) be provided. If a consultant is used to review the file, the consultant may draft the letter on behalf of the County. In that case, a copy of the incomplete letter must be sent to the staff planner. All information received from the applicant, along with any communications, shall be placed in the application file upon completion of the work.
- E. A meeting with staff and County Counsel will be held if any of the following circumstances exist:

1. The application is based on pre-1893 subdivision maps where the lots have not been separately and legally conveyed.
 2. The application is based on pre-1929 maps where the lots have not been separately and legally conveyed.
 3. The application is asking for recognition of fragment lots.
 4. The application is based on old railroad rights-of-way.
 5. The application is based on division by a public road right-of-way.
 6. The application is based on permit issuance under Government Code § 66499.35©).
- F. If it is determined that the requested parcel was created legally and no activity has occurred to eliminate the parcel, staff shall recommend approval of the ACC. An ACC Worksheet shall be completed explaining the determination and listing the creating document/map, if any, and any reference documents for each parcel. The file and worksheet shall be prepared and processed within two (2) weeks of the date of the determination, unless the file is deemed incomplete and additional information is needed from the applicant.
- G. Prepare a draft letter of determination and certificate and submit these along with the worksheet. If the work is prepared by a consultant, the staff planner shall review the consultant's work and recommendation within three (3) weeks. If the staff planner is satisfied with the work and recommendation of the consultant, he or she shall schedule the item for review on the Board of Supervisors next available agenda. The letter indicating the determination of the parcels, and notification of the Boards review date and the appeal deadline shall be sent to the applicant (and contacts, if requested) by the staff planner on or before the Wednesday before the Board review date.
- H. If the staff planner is not satisfied with the work or recommendation of the consultant, he or she shall so inform the Deputy Director - Planning and shall undertake a full independent review of the file and revise the consultant's draft letter of determination and certificate as appropriate. The staff planner shall schedule a meeting with the consultant to review the determination and provide guidance on the issues involved. The revised letter of determination and certificate shall then be scheduled for review on the Board of Supervisors next available agenda.
- I. On the Friday following the Board of Supervisors' review, the appeal period closes. If no appeal is filed, then the certificates shall be prepared by staff and forwarded to the property owner(s) for acknowledgment and return. All signatures shall be notarized.
- J. Upon receipt of acknowledged certificates, the staff planner will have the signatures notarized and record the certificates. Once the certificates are recorded, they are filed at

PRMD and the file is closed.

ATTACHMENTS

None

Approved by:

/s/ Pete Parkinson

Pete Parkinson, Director

Lead Authors: Jennifer Barrett and Melinda Grosch

06-30-03

Intranet Intranet and Internet