

ARTICLE V. CERTIFICATES OF COMPLIANCE

(Ord. No. 1419, §1)

Sec. 26-51. Certificate of Compliance and Conditional Certificate of Compliance

Certificates of compliance and conditional certificates of compliance are issued under the provisions of this Chapter and Sections 66499.34 and 66499.35 of the Subdivision Map Act. Any owner of a lot, or any vendee of such owner pursuant to a contract of sale of the lot, may request a determination whether the real property complies with the provisions of the Subdivision Map Act and this Chapter. Any such certificate respecting a lot created by lease shall certify the lot's compliance for the purposes of lease only, and only for the duration of the lease, except as otherwise required by Section 66499.34 of the Subdivision Map Act.

(Ord. No. 1608, §2)

Sec. 26-52. Certificate of Compliance

Any owner of a lot, or any vendee of such owner pursuant to a contract of sale of the lot, may submit an application for a certificate of compliance certifying that the lot complies with this Chapter and the Subdivision Map Act. Such application shall be accompanied by payment of the processing fee prescribed by the Board of Supervisors.

(Ord. No. 1608, §2)

Sec. 26-52.1. Applications

The application shall be on a form that is satisfactory to the Director of Environmental Management. The application shall be processed as described in Section 26-52.2 through 26-52.3 of this Chapter. The application shall include all of the following:

- (a) Chain of title - A chain of title for the property. The applicant shall include legible copies of all deeds affecting the property beginning with the deed that described the property prior to its current configuration, from that time to the present, unless the parcels were created through a filed final map, parcel map, or official map or unless waived by the Director of Environmental Management. The applicant shall include copies of all filed maps where parcels were created using the maps; and
- (b) Preliminary title report - Two copies of a preliminary title report for the property which is dated within 60 days of the date of submittal; and
- (c) Other information - Any maps or other supporting documents to support and clarify when and how the parcel was created.

(Ord. No. 1608, §2)

Sec. 26-52.2. Review by Director of Environmental Management

The Director of Environmental Management shall review the completed application in the light of public records. If the Director of Environmental Management is able to determine from this review that the lot is clearly in compliance with the provisions of this Chapter and the Subdivision Map Act, he or she shall issue a certificate of compliance for the lot and deliver the certificate to the County Recorder for recordation. If the Director of Environmental Management is unable to determine from this review that the lot is clearly in such compliance, he or she shall serve written notice on the applicant that the application will be referred to the Advisory Agency for a hearing pursuant to Section 26-52.3.

(Ord. No. 1608, §2)

Sec. 26-52.3. Hearing by Advisory Agency

If the Director of Environmental Management refers the application to the Advisory Agency for hearing, the Secretary of the Advisory Agency shall mail by certified mail to the applicant and to all record owners of the lot a notice conforming in all respects to a notice of intention as specified in Section 26-164, except that the notice shall not be recorded with the County Recorder. The Advisory Agency shall conduct the hearing in the same manner as a hearing under Section 26-164. If the determination of the Advisory Agency is that the lot is in compliance with the provisions of this Chapter and the Subdivision Map Act, the Secretary of the Advisory Agency shall issue a certificate of compliance for the lot and delivery it to the County Recorder for recordation. If the determination of the Advisory Agency is that the lot is not in such compliance, the Secretary of the Advisory Agency shall file for record with the County Recorder a notice of violation complying with the provisions of Section 66499.36 of the Subdivision Map Act or file a conditional certificate of compliance, and shall so notify the applicant.

(Ord. No. 1608, §2)

Sec. 26-53. Conditional Certificate of Compliance

A conditional certificate of compliance, certifying that a lot is deemed to be in compliance with this Chapter and the Subdivision Map Act, subject to satisfaction of certain conditions precedent to the issuance of a building permit or other grant of approval for development of the lot, may be obtained pursuant to Sections 26-53.1 and 26-53.2. Any such certificate respecting a lot created by lease shall certify the lot's compliance for the purposes of lease only, and only for the duration of the lease, except as otherwise required by the last paragraph of Section 66499.34 of the Subdivision Map Act.

(Ord. No. 1608, §2)

Sec. 26-53.1. Application and processing

Any person may submit an application for a conditional certificate of compliance for any existing lot or group of contiguous lots which have been created, legally or illegally, by any conveyance or subdivision map, provided that the application must pertain to all

such contiguous lots in common ownership. If the application pertains to a single lot, it shall be submitted and processed in the same manner and subject to the same requirements as an application for a parcel map, except as otherwise provided in Section 26-53.2. If the application pertains to two or more contiguous lots, it shall be submitted and processed in the same manner and subject to the same requirements as an application for a parcel map or a final map creating those lots, except as otherwise provided in Section 26-53.2. If the application pertains to two or more contiguous lots that were created illegally and are all owned by the illegal subdivider, the application may be approved only if the proposed conditional certificate of compliance merges all such lots into one, in which case it shall be treated as an application pertaining to a single lot. The approved conditional certificate of compliance shall be recorded in the same manner as other final maps and parcel maps, and once recorded shall have the same force and effect as a filed final map or parcel map.

(Ord. No. 1608, §2)

Sec. 26-53.2. Conditions

(a) An application for a conditional certificate of compliance shall not be denied on account of the noncompliance of any lot with applicable requirements respecting:

- (1) Lot size and configuration;
- (2) Buildable site;
- (3) Sewage disposal;
- (4) Water for domestic or firefighting purposes; or
- (5) Access.

(b) However, the application may be approved subject to the condition that the lots are brought into compliance with such requirements. Any conditions imposed with respect to a conditional certificate of compliance shall be limited to those which could have been imposed in connection with a lawful subdivision of the legal parent parcel out of which each lot to which the certificate pertains was created had such lawful subdivision been effected on the date the present owner acquired his or her interest in the lot, except where the present owner was the owner at the time the parent parcel was subdivided so as to create the lot, in which case the conditions shall be limited to those which could be imposed in connection with a current lawful subdivision of such parent parcel. Compliance with such conditions by any lot to which the certificate pertains shall be required prior to County issuance of a building permit or other grant of development approval for said lot.

(Ord. No. 1608, §2)