

If you wish to apply for a building permit on your property, you will need to take your application to the Community Development Department for approval. In some cases, the planner reviewing it will inform you that no permit can be issued because you may not have a legal lot of record. This brochure will explain what this means and what steps you can take to resolve the legal status of your lot.

## BACKGROUND

Up until 1971 anyone wishing to divide a property into four or fewer parcels could simply deed that portion to the buyer. As soon as a new deed was recorded, that portion forever became a separate legal lot of record. It could be used or developed the same as any other lot with similar zoning. A person could create up to four parcels in this manner.

In 1971, however, this situation changed with adoption of the Lake County Subdivision Ordinance. While many lots divided by deed prior to that time were (and are) recognized as legal lots, property could no longer be divided by deed; now anyone wishing to split a lot or sell off a portion of property was required to go through a formal land division process: a minor subdivision (parcel map) for four or fewer new lots, and a major subdivision for anything more than that. The land division process ensured that there were adequate public services and infrastructure, such as roads, water, fire protection, and septic capability, for the health and safety of future residents of the new lots, and that the division was consistent with the county's general plan and zoning.

Despite the new law, many property owners, sometimes unaware of it, continued to sell

portions of property by deed to unsuspecting buyers, with the result that there may now be several thousand of these "illegal" lots in Lake County, many with limited or inadequate services and access. Because these properties cannot be considered legal lots, state law prohibits the county from issuing any development permits for them.

You could be misled by the fact that your property may be shown as a separate assessor's parcel with an individual assessor's parcel number. Assessor's parcels, however, are intended for tax assessment purposes, and while the parcel numbers are used as a convenience, they may have little or no relationship to the legal status of your property.

## DEEDS

When a planner reviewing your building plans notices something that raises a question about the legal status of your lot, they are not permitted to give clearance for permits until the situation is clarified. They may ask you to provide a copy of your deed. Usually this does not result in a significant delay; if you do not have the deed with you, you can get a copy from the County Recorder's office. Hopefully, the deed will contain a separate description of your property recorded prior to September 15, 1971. If this is the case, the planner can usually recognize your lot as legal, and can clear the permit. However, if the deed creating the property is either: 1) recorded anytime on or after September 15, 1971; 2) contains descriptions of other adjacent property or 3) appears to be part of a division of five or more lots prior to 1971 that was not correctly recorded, your lot may not be considered legal.

Some deeds may describe property on one deed as different "lots" or "tracts". These types of descriptions do not necessarily mean that these "lots" or "tracts" are actually separate legal lots of record. Again, just because a piece of property has a separate assessor's parcel number, it does not mean that the lot is legal.

## WHAT CAN I DO?

State and county codes provide a means of clearing up the legal status of a lot through a process known as a Certificate of Compliance. If your deed does not conclusively demonstrate that your lot is legal, you can apply for this certificate through the Community Development Department.

The first step in this process is to find how and when the property was created. The historic deeds for the property have to be researched to establish this. Sometimes, a property has to be traced back over 100 years to when it was originally given to a private party by the federal government. While anyone is welcome to do this research himself in the County Recorder's office, many people find that it is easier to hire a professional, such as a title company.

When the oldest deed that has a description identical to the current deed is found, it should be submitted to the Community Development Department, along with copies of all the deeds up until the current deed. You should also apply for a certificate of compliance at this time. The department will double-check the deeds, and if everything is in order, a *Certificate of Compliance* is recorded. This document will provide recorded proof that the lot is legal, and

future owners will not have to go through this process.

If a deed cannot be found that shows that the lot was legally created, then it is not considered a legal lot of record. In such a case, a chain of title showing how and when the lot was created should be submitted to the Community Development Department. The Department will distribute the information to other public agencies and utilities. The Department will also make a determination as to **what would have been required** if the lot split had been done legally at the time the current owner acquired their interest in the property. Typically, the types of improvements that would have been required are road construction, dedication of easements for utilities and roads, installing sewer and water lines or providing evidence that a septic tank and well can function on the property, and surveying. In some instances, the lot does not have as much land as would have been required for a lot split, so it may become necessary for the property to be rezoned or increased in size. Once all of the agency comments are received, the Community Development Department will prepare a *Conditional Certificate of Compliance*. This document will have a list of the conditions that would have to be met in order to get a permit to build on the property. The Department will then record the document and mail a copy of the Conditional Certificate to the property owner. The recorded document will serve as notice to future owners that certain conditions must be met before the property can be developed.

If you have bought an illegal lot without knowing it is illegal, state law also allows you to get out of any contract you made to buy the property. You must take action within one year from when you

find out the lot is not legal. You should contact an attorney for assistance in this matter.

Once recorded, the time limit to appeal the conditions ends fifteen (15) days after it is recorded. There is an appeal fee for this, and you must apply at the Community Development Department before this time expires. You should list the reasons for your appeal on the application form when you submit it. If you desire, a planner will be pleased to explain this process in greater detail.

#### **CERTIFICATE OF COMPLIANCE - QUICK FACTS:**

**Purpose:** To clarify or adjust the legal status of a lot.

**To Begin Process:** Apply at the Community Development Department; fill out an application form, submit required deeds and information.

**Fees:** Please contact the Community Development Department for fees.

**Time:** Typically one to three months

FOR ADDITIONAL INFORMATION ON CERTIFICATES OF COMPLIANCE, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT.

## **Has Someone Told You That Your Property May Not Be A Legal Lot?**

**You May Need A**

# **CERTIFICATE OF COMPLIANCE**



**COUNTY OF LAKE**  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division  
Courthouse - 255 N. Forbes Street  
Lakeport, California 95453  
Telephone 707/263-2221 FAX 707/263-2225