



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

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VERIFICATION OF LEGAL LOT OF RECORD

If a County Planner tells you that he or she is uncertain as to the legal status of a parcel, it is because there is no information on the assessor's parcel map that indicates when or how the parcel was created. Up until 1971, land could be divided into four or fewer parcels simply by recordation of a deed in Lake County. State and County code only required the filing of a subdivision map for division of land into five or more parcels.

However, this situation changed with the adoption of a new Lake County Subdivision Ordinance on September 15, 1971. Since that date, anyone wishing to divide property into even four or fewer parcels is required to undertake a formal land division process to ensure that there are adequate public services and infrastructure, including roads, water, fire protection and sewage capability to allow for future development of the proposed parcels. This process also ensures that land divisions are consistent with the county's general plan and zoning ordinance.

Unfortunately, there are many parcels within the County that were illegally created. The State Subdivision Map Act prohibits the county from issuing development permits on these illegally created parcels (Section 66499.34). When the legal status of a particular parcel is in question, submitting deeds for review by a planner may clear up confusion. Specifically, it is necessary for the planner to review the current deed description, and review the chain of title that created it. If the current legal description is the same as the deed prior to September 15, 1971, and four or fewer adjoining parcels were created by the same subdivider, the parcel is considered a legal lot of record. However, if the legal descriptions of a parcel created by deed prior to 1971 are not the same as the current legal description, the parcels may be deemed to have been illegally created. Likewise, if a subdivider created five or more adjoining parcels without filing a subdivision map, the lots will be deemed illegal. In either case, it will be necessary for the current property owner to apply for a conditional Certificate of Compliance in order to determine what would be required to make the property a legal lot of record.

Whenever possible, and if written verification is not requested by the property owner, staff will conduct a courtesy review of the deeds and try to determine the legal status without requiring an application for a regular certificate of compliance. Staff can spend up to ½ hour of time at no charge for such a courtesy review. In cases where the deed descriptions are complicated, or where written confirmation is requested the property owner will be required to submit an application for a Certificate of Compliance with the applicable fees.