



# COUNTY OF MENDOCINO

## DEPARTMENT OF PLANNING & BUILDING SVCS.

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## CERTIFICATE OF COMPLIANCE

A Certificate of Compliance is a document recorded by the County which states that the real property identified on the Certificate was created in compliance with the County Division of Land Regulations and the State Subdivision Map Act, or in other words, the parcel was legally divided or created. A recorded Parcel Map, Final Map or Unilateral Agreement constitutes a Certificate of Compliance.

Issuance of a Certificate of Compliance insures that subsequent building permits will not be held or denied by the Planning and Building Services Department because the legality of the parcel is in question.

However, a Certificate of Compliance is not a guarantee that subsequent building permits will be issued. The property owner must still comply with the requirements of the:

1. Division of Environmental Health (i.e., percolation tests)
2. Building Division of the Department of Planning and Building Services
3. County Zoning Regulations

The issuance of a Certificate of Compliance does not imply that the real property complies with present day land division development requirements. In other words, the County is not guaranteeing that the parcel has legal access, or that the road to the parcel has an adequate width or easement, etc., to meet today's land division development standards. In addition, a Certificate does not make any references as to the legality of or the use of structures on the property.

## MATERIALS REQUIRED FOR SUBMISSION OF A CERTIFICATE OF COMPLAINE

1. One (1) copy of a completed application signed by the recorded legal owner of the subject property. A letter from the owner must be submitted to the Department of Planning and Building Services with the completed application if an authorized agent is representing the project.
2. One (1) copy of the Deed of Contract of Sale (or any other instrument) creating the parcel and a complete description of any easements or rights-of-way for access to said parcels from a public street or highway.
3. One (1) copy of the **Most Recent Deed** of record showing the Book and Page or Document Number, as well as the names of all parties with an ownership interest in the subject property.
4. An exhibit showing the location of any existing single family residences or other significant existing structures.
5. One (1) signed Indemnification Agreement.
6. The applicable filing fee. Check with a planner prior to application submission for current fees.

**ANY APPLICATION NOT MEETING THE ABOVE  
CRITERIA WILL BE CONSIDERED INCOMPLETE AND  
WILL BE RETURNED TO THE APPLICANT.**

## INDEMNIFICATION AND HOLD HARMLESS

ORDINANCE NO. 3780, adopted by the Board of Supervisors on June 4<sup>th</sup>, 1991, requires applicants of discretionary land use approvals, to sign the following Indemnification Agreement. Failure to sign this agreement will result in the application being considered incomplete and withheld from further processing.

### INDEMNIFICATION AGREEMENT

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County of Mendocino, its agents, officers, attorneys, employees, boards and commissions, as more particularly set forth in Mendocino County Code Section 1.04.120, from any claim action or proceeding brought against any of the foregoing individual or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. The indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of the application, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, employees, boards and commissions.

Date: \_\_\_\_\_

\_\_\_\_\_  
Applicant



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
860 NORTH BUSH STREET  
UKIAH, CALIFORNIA 95482  
T: 707-234-6650 F: 707-463-5709

Case No.  
CDF No.  
Date Filed  
Fee  
Receipt No.  
Red'd By

## CERTIFICATE OF COMPLIANCE

Name of Applicant

Mailing Address

Email

City State Zip Code Telephone

Name of Owner

Mailing Address

Email

City State Zip Code Telephone

Name of Agent

Mailing Address

Email

City State Zip Code Telephone

Assessors Parcel Number(s) of subject property

Assessors Parcel Number(s) of all other parcels within the same ownership that are contiguous to the subject property

Street Address of Project

Number of Lots Assumed

I certify that the information submitted with this application is true and accurate

\_\_\_\_\_  
Signature of Agent                      Date

\_\_\_\_\_  
Signature of Owner                      Date



## FREQUENTLY ASKED QUESTIONS

**Q: What is a Certificate of Compliance?**

A: A Certificate of Compliance (CC) is a determination by the County of Mendocino that a parcel was created in conformance with the State and County laws in effect at the time the lot was created. It does NOT guarantee that the lot can be developed, nor does it create new lots. The application is processed administratively and, if approved, a certificate must then be recorded in order to be valid.

**Q: Do I need a Certificate of Compliance?**

A: Typically, the County does not require a certificate unless an application is made for an activity which might require verification of parcel status, such as a Lot Line Adjustment between two underlying parcels. A Certificate of Compliance might also be required when development is proposed and it is unclear whether the parcel is a separate legal parcel from contiguous lands held by the same owner. Some CC applications are received because a title company would not guarantee title on one or more of the parcels being claimed by the owner.

**Q: I own two (or more) contiguous tax lots. Are they separate legal lots that I can sell or develop individually?**

A: Separate tax lots (also known as Assessor's parcels) are not necessarily separate legal lots. Tax boundaries are created for the benefit and use of the Tax Assessor. They can be created by a parcel being too big to be shown on one Assessor's map page, being divided by a tax area boundary, or by having a different tax rate over a portion of the parcel as a result of an Agricultural Preserve Contract or other agreement affecting the assessed value of a portion of the parcel.

**Q: Who does the research needed for a Certificate of Compliance?**

A: It is the applicant's responsibility to do the research and assemble necessary historical and legal documents to support each request. County staff will review all of the documentation and verify whether the lots were created in conformance with applicable State and County laws.

**Q: How is the decision to approve or deny a Certificate of Compliance made?**

A: Requests for a Certificate of Compliance are made on a case-by-case basis based on the evidence provided, specific findings regarding the subdivision laws in effect at the time the lot was created, and subsequent activities on the parcels in question (i.e., mergers, building permits, Lot Line Adjustments, grant deeds, etc.). Each case is unique.

**Q: Do parcel sizes affect the County's ability to approve Certificates of Compliance?**

A: Yes. If the parcels are considered 'resource lands' by the Board of Supervisors, that is, zoned TP or within an Agricultural Preserve Contract, the parcels may be subject to merger if they do not meet the current minimum size.

**Q: Is my parcel a legal lot?**

A: There are many factors that go into the determination of parcel legality. Generally, a lot is considered to have been legally created if it was created after 1913 by a subdivision map which followed the laws in effect at the time. Some lots created by deed or government patent before March 1967 are legal lots, but they may need to go through the Certificate of Compliance process for a formal determination. After March 1972, all lot creation requires County subdivision approval. Even if a lot was originally created legally, it may have been merged with adjacent lots by actions of a prior owner. Contact a licensed land surveyor for additional information on lot creation.