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CERTIFICATE OF COMPLIANCE GENERAL INFORMATION

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To the Applicant:
Please review this information PRIOR to applying as there is necessary information and materials that are needed for submission. In addition, general information is provided relating to costs and the processing.

General Information and Instructions:
When preparing the application, it is important to provide as much detail and information as possible. For the application to be considered complete, all the items listed in the "Required Materials and Items" section must be submitted along with appropriate fees.

Applicants are to apply on-line or in person.

General Information and Instructions:
Applicants are strongly encouraged to have a pre-application meeting with Mariposa Planning staff to discuss the application. Staff will review and discuss with you the application requirements, costs, processing of the application, and possible land division requirements. Such pre-application meetings are at no cost to the applicant and could save both application costs and time. Please call the Mariposa Planning at (209) 966-5151 if you wish to schedule a meeting to discuss the application or if you have any questions regarding the application package.

Application Fees:
The application fees may vary based on the number of applications completed and the number of Certificates of Compliance requested with each application. Generally, a separate application is required for each parcel on which a Certificate of Compliance is requested. However, one application may be submitted for two or more parcels, provided the parcels are owned by the same property owner, contiguous to each other, AND were created in a similar manner. Separate applications must be submitted for each parcel if they are not contiguous or were not created in a similar manner. If the applicant is unsure as to whether a separate application is required, please contact Mariposa Planning for a determination.

What is a Certificate of Compliance?
A property owner could request a Certificate of Compliance to have the County officially determine if the parcel was created in compliance with applicable County ordinances and state laws regulating the subdivision of land. If the parcel was not created in compliance, a Certificate of Compliance would officially determine what is required of the property owner to bring the parcel into compliance. If a parcel is determined to have been created in compliance with applicable subdivision regulations, the County Recorder records the Certificate of Compliance on the parcel.

Certificate of Compliance applications are also subject to case law. A recent (March 2007) appellate level case in Tehama County affects applications for Certificates of Compliance for what are “fractionalized” portions of US patents. A “fractionalized” portion of a patent is no longer recognized as the basis for issuing a Certificate of Compliance, based upon this appellate level case in Tehama

County. However, if the “fractionalized” portion of the patent for which the Certificate of Compliance is requested (the *specific acreage*) was conveyed separately by grant deed (establishing intent) in accordance with applicable state and local subdivision requirements, a Certificate of Compliance may be appropriate.

The Certificate of Compliance is a legal County document that confirms the parcel described was created in compliance with applicable County ordinances and state laws (and case law) that regulate the subdivision of land. It also provides notice to the property owner, and future owners, that the parcel is considered a legal parcel for development purposes.

Establishing the legality of a parcel is important because the County will not issue any type of development permit (i.e., building permit, well permit, grading permit) to a parcel that was not created in compliance with County ordinances or state laws that regulate the subdivision of land. In addition, the County would not process a lot line adjustment application unless all of the parcels involved are legal parcels. Although a Certificate of Compliance is not required in order to apply for a building permit, it will remove any doubts that a property owner may have regarding the legality of a parcel before a building permit application and building plans are submitted.

Review Process:
The length of time that is necessary to process a Certificate of Compliance varies with each application. If an application is complete and contains all the information required to show how and when the parcel was created, the processing time would normally be four (4) to six (6) weeks from application submittal to application approval by the Planning Director. Processing of the application will take longer if the application does not contain the required information and the county needs to request additional information. Processing the application will also take longer if planning staff must research the information submitted regarding the history of the parcel. If conditions are recommended as part of the approval, the application may be forwarded to the Planning Commission for consideration, which will also take longer than four to six weeks to process.

From the information contained in the application and attached materials, Mariposa Planning will determine how and when the parcel was created. Once Mariposa Planning determines how and when the parcel was created, Mariposa Planning will review County ordinances and state laws regulating subdivisions that were in effect at the time the parcel was created. From this information, staff will determine if the parcel was created in compliance with those subdivision regulations.

Compliant Parcel:
If it is determined that the parcel was created in compliance, Mariposa Planning staff would prepare a staff report with a recommendation for approval. The application and report would be forwarded to the Planning Director for action.

Conditional Certificate of Compliance:
If the parcel is determined to have not been created in compliance with the applicable subdivision regulations in effect at that time, then the Planning staff will prepare a report with a recommendation for approval of a “Conditional” Certificate of Compliance. For most of these types of parcels, the Planning Director has the authority to impose conditions on the issuance of a Certificate of Compliance that would have been applicable to subdivisions at the time the parcel was created. The applicant will be notified of the intent of Mariposa Planning to approve a “Conditional” Certificate of Compliance and be offered the following options: 1) place the application on hold to provide additional information, 2) discuss the conditions of the certificate of compliance with Mariposa Planning, or 3) request that the application be scheduled for consideration by the Planning Commission.

Public Noticing:
Once acted upon by the Planning Director, the applicant would be notified in writing and the Planning Director's action on the project would be noticed by Planning staff through public noticing requirements. **There is a twenty (20) day appeal period from the date of action by the Planning Director.**

Public Hearing (if required):
If a Planning Commission hearing is requested, Mariposa Planning will present the staff report and its recommendation for a conditional certificate of compliance. The applicant will then have the opportunity to address and provide information to the Planning Commission regarding the application. After considering the Planning Director's recommendation, the applicant's comments, and any other comments, the Planning Commission will deliberate and take one of the following actions:

1. Approve the issuance of a Certificate of Compliance with no conditions.
2. Approve the issuance of a conditional Certificate of Compliance with staff's recommended conditions.
3. Approve the issuance of a conditional Certificate of Compliance with revised conditions.

Recording the Certificate of Compliance:
Once a Certificate of Compliance or conditional Certificate of Compliance is approved for the parcel, the certificate or conditional certificate would be recorded in the Mariposa County Recorder's office when the appeal period of the Planning Director's action ends. If a Certificate of Compliance is recorded on the parcel, the County could then issue development permits on the parcel provided the development complies with all County ordinances and state laws regulating the development including the County Building Code and the County Zoning Ordinance. If a conditional Certificate of Compliance is recorded on the parcel, the property owner must comply with all conditions listed on the conditional certificate before a development permit can be issued on the parcel.

Appeals:
Any determination made by Mariposa Planning relating to the completeness of the application or requirements for additional materials or information may be appealed to the Planning Commission or Board of Supervisors. Determinations made by the Planning Director relating to the application fees may only be appealed to the Board of Supervisors. **The appeal period to appeal a Planning Department determination is twenty (20) days from the date the written determination was made.**

Any action made by the Planning Director relating to the approval, conditional approval, or denial of the application may be appealed to the Board of Supervisors. **The appeal period to appeal a Planning Director determination on a Certificate of Compliance application is twenty (20) days from the date of the Director's action.**

Appeals to the Planning Commission must be submitted to the Mariposa County Planning Department, while appeals to the Board of Supervisors must be submitted to the Board of Supervisors. Further information regarding the appeal process and appeal fees may be obtained from Mariposa Planning.

REQUIRED MATERIALS AND ITEMS FOR A COMPLETE CERTIFICATE OF COMPLIANCE APPLICATION

1. Complete the on-line application. If the applicant is not the property owner, the applicant must provide a letter of authorization or other document that authorizes the applicant to apply on the owner's behalf. If there is more than one property owner, the applicant shall list the names and addresses of all other individuals who have an interest in the property.

2. A separate *Parcel Information Sheet* with an attached legal description must be submitted for each parcel that a Certificate of Compliance is requested.

3. Provide Legal description(s) of the parcel(s) for which the Certificate of Compliance is requested. If the legal description for the subject parcel(s) has not changed since the first deed document that was recording prior to March 4, 1972, you may use the legal description attached to this deed document for the legal description; or if you situation does not meet the requirements of the aforementioned the legal description must be attached as a separate sheet for each parcel, typed, signed and stamped by a licensed land surveyor.

4. The legal description must be attached to the application as a separate sheet for each parcel, typed, and either signed and stamped by a licensed surveyor or other qualified individual (i.e., civil engineer), or that consists solely of property descriptions that were previously recorded in the County Recorder's office.

5. Payment of application fees as determined by Mariposa Planning. Certificates of Compliance that involve LCA parcels or Conditional Certificates of Compliance will be charged as Deposit based fees (time and materials) and are estimated using the current staff hour charge. The Planning Department will calculate and invoice you for fees upon application submittal. If you would like an estimate of fees PRIOR to the submittal of your application, please contact the Planning Department or see Planning Fee Schedule for general information. It should be noted that the fees do not include consultant fees, specialized studies, CEQA charges, publication fees and any additional fees that may be charged by other agencies or county offices, unless noted. Should work on your project exceeds the initial deposit amount, you will be billed accordingly.

6. Provide Assessor's plat map for the property with the parcel(s) outlined in red on the map.

7. Provide deed(s), patent(s), or other necessary recorded documents to establish the parcel legality as requested. Deeds for exceptions may be necessary.

Parcel Information Sheet

A separate *Parcel Information Sheet* with an attached legal description must be submitted for each parcel that a Certificate of Compliance is requested.

Property Information:

Assessor's Parcel Number (APN) _____

Have any building permits been issued on this property? ❑ Yes ❑ No

If yes, please provide the building permit number, the name of the person the permit was issued to, and the date the permit was issued. List each building permit issued (Attach sheets as necessary).

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A Certificate of Compliance is requested on the parcel described on the attached legal description. The legal description is: 1) signed and stamped by a licensed surveyor or other qualified individual (i.e., civil engineer), or 2) consists solely of property descriptions that were previously recorded in the County Recorder's office.

Please check the applicable section below that describes how the parcel was created and provide the requested information.

❑ Parcel was created as a Remainder as shown on Parcel Map _____, Book _____, Page _____ or Record of Survey No. _____, recorded on date _____.

❑ Parcel was created by a deed conveying a parcel as a gift for no monetary consideration prior to July 31, 1980. The deed was recorded on date _____, in Volume _____ on Page _____, Mariposa County Official Records.

❑ Parcel was created as a separate parcel prior to March 4, 1972. Provide information and documents that demonstrate that the parcel was created prior to March 4, 1972. If you do not have information please indicate this on the application.

❑ Parcel was created in violation of the Subdivision Map Act and the County Subdivision Ordinance. A Certificate of Compliance is being requested to correct the violation. Provide information and/or a document that indicates how the parcel was created and if a notice of violation was recorded.

❑ Other (please explain in detail / Attach sheets as necessary) _____

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