

Administrative Certificate of Compliance

PJR-019

PURPOSE:

In Sonoma County, Assessor's Parcel Numbers (APN's) do not necessarily represent separate legal parcels. It is possible that a property owner may own several parcels of land which are represented by one APN or own several APN's which are not separate legal parcels (APN's are created for tax purposes only). Administrative Certificates of Compliance (ACC) are issued by the County to properties that have been proven to be separate legal parcels. The ACC only gives the owner the right to sell, lease or finance the parcel separately from other contiguous parcels held by the same owner. An ACC **does not** involve review of or guarantee the buildability of a parcel, nor does it exempt a parcel from the requirements of any deed restriction, Federal, State, County, or local agency rules regulating the development or use of real property.

PROCEDURE:

Upon receipt of a complete application for an ACC, staff reviews the history of a parcel of land, including all subdivision maps and grant deeds which might have had an effect on the parcel's creation. If a review of the parcel's history reveals that the parcel was created legally and that nothing has occurred in the intervening years to cause the parcel to have been merged with adjoining land, then an ACC will be issued.

This determination is made under the provisions of the State Subdivision Map Act (California Govt. Code Sections 66412.6, 66412.7, 66424, 66499.30, and 66499.35), which define subdivisions, legal parcels and the Administrative Certificate of Compliance process. In order for the Permit and Resource Management Department (PRMD) to issue an ACC, the following findings must be made:

- 1) The parcel was:
 - a) created in compliance with the current Subdivision Map Act and local ordinances enacted to implement the act in this County; or
 - b) legally created in compliance with prior laws regulating the design and improvements of subdivisions; or
 - c) was specifically exempted from such prior laws, and
- 2) Nothing has happened since the parcel was created that would have caused or required the parcel to be merged with adjoining parcels (such as through a lot line adjustment, subdivision, voluntary merger, or the construction of a substantial building over the parcel boundary, etc.)

It is the applicant's responsibility to do the research and prepare an application which describes the parcel's history and demonstrates that the findings listed above can be made. A list of the minimum required materials to be submitted follows (see "Required Application Materials for Administrative Certificates of Compliance). Background information can be gathered by reviewing recorded documents at the Sonoma County Recorder's Office and past Planning Department approvals at PRMD. Most applicants use deed research or title company services or hire private land surveying firms when preparing the application.

If the area is subject to merger under Section 66451.11 of the Subdivision Map Act, PRMD must make a "Determination of Parcel Status" to decide whether the Department will require that the parcel be combined with the owner's other adjoining property. The Administrative Certificate of Compliance application will be considered incomplete and processing will not be continued until a determination is made. The owner may choose to voluntarily merge the parcels into one parcel to expedite the processing of an Administrative Certificate of Compliance.

If staff determines that the parcel was not created in compliance with the laws in effect at the time, PRMD will initiate a "Notice of Intention to Record Notice of Violation" proceedings, unless a separate application is made for a "Conditional Certificate of Compliance (C.C.C.) If a Notice of Violation is recorded, the parcel cannot be legally sold, leased, financed, or developed.

Sonoma County Permit and Resource Management Department

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Required Application Materials for Administrative Certificates of Compliance

Per Sonoma County Subdivision Ordinance (Sonoma County Code Chapter 25)

A complete application shall include all of the following:

- 1) An application form signed by all legal owners.
- 2) A proposal statement describing the number and location of requested certificates and the basis for the belief that they are separate legal parcels (i.e., grant deeds or a subdivision map).
- 3) A current deed and title report listing all legal owners of the parcel or showing that the applicant is a vendee under a binding contract of sale.
- 4) A current Assessor's parcel map (highlight the subject property).
- 5) A site plan drawn to scale which shows all buildings, structures, wells, leach fields, designated leach field expansion areas, septic tanks, driveways, access easements, property lines, parking areas and parcel sizes.
- 6) A map which shows all surrounding properties with property owner's names indicated for each parcel.
- 7) A chain of title guarantee: This is a chronological listing of the recorded property transactions prepared by a title company, survey firm, or the applicant who must certify under penalty of perjury that it is complete. The chain of title lists all boundary adjustments affecting the subject property, beginning prior to the date of creation of the subject property's boundaries and continuing to the date of application. Each notation must include a recorded document number, a recording date, a grantor and grantee, and a brief description of all the parcels affected.
- 8) A copy of each document listed in the chain of title.
- 9) A map or set of maps depicting the configuration of the parcel at each transaction or adjustment listed in the chain of title. The map should show all the subject and surrounding properties and outline the boundaries described in each deed.
- 10) For each parcel for which certification is requested provide, either:
 - a) a subdivision map reviewed by the County and recorded after 1893 which depicts the parcel, or;
 - b) a deed recorded prior to March 1, 1967 in which the subject parcel was transferred and described separately.

Note: A deed which enumerates several lots or parcels is not sufficient to establish the legal lot status of one parcel unless the other areas described are either easements or exceptions.

- 11) A current survey of the parcel or proof that the parcel has been previously surveyed (see attached "Acceptable Proof of Survey for Administrative Certificates of Compliance").
- 12) On a separate page labeled as "Exhibit A," a typed legal description, accurately describing each parcel to be certified. It must be suitable for reproduction and inclusion in the Administrative Certificate of Compliance document. New legal descriptions must be prepared by a licensed surveyor.
- 13) Other information or documentation may be required by the PRMD at a later date if it is deemed necessary to process the application.
- 14) A non-refundable minimum deposit is required on each parcel for which certification is requested (see current fee schedule for amount). If the cost of staff time in processing the file exceeds this amount, an additional fee will be assessed at a current hourly rate. The certificate will not be issued until all additional fees have been paid.

Acceptable Proof of Survey for Administrative Certificates of Compliance

The Sonoma County Subdivision Ordinance states that no application shall be considered complete unless the following information is included:

Proof that the parcel has been previously surveyed or a current survey of the parcel. (Section 25-13.12(5) Sonoma County Code)

What is acceptable proof that the parcel has been surveyed or previously surveyed? Any one of the following:

- A) A copy of a recorded Record of Survey of the parcel in question.
- B) A copy of a recorded Parcel Map showing a Designated Remainder that is less than five (5) acres.
- C) A copy of a subdivision map (final map) recorded after August 27, 1937 showing the parcel in question as a lot being created within the subdivision.
- D) A statement, signed and sealed by someone authorized to practice land surveying, stating that the parcel in question had been surveyed. It shall state in detail how they made the determination that the parcel had been surveyed.

The surveyor may use one of the following methods in supporting the determination:

- 1) A subdivision map (final map) recorded before August 27, 1937 showing the parcel in question as a lot being created within the subdivision, as long as the map indicated that a survey was performed by one of the following:
 - a) The map states a survey was done. Examples: "Surveyed in June, 1919;" "Survey completed October 1919;" "Surveyed by _____." The key word is "survey"
 - b) The map shows monuments set.
 - c) Evidence produced by subsequent surveys within the subdivision that clearly show that the lots have been monumented. All these monuments are of the same character and all of the surveyors have accepted them as making the original lot corners.
- 2) Old unrecorded surveys (prior to 1966) of the parcel, signed by the surveyor, if they can be identified and copies are available to the public.
- 3) Field notes of surveys on file with a government agency that clearly show that the parcel in question has been surveyed.
- 4) A survey of the parcel when it is called for in the deed. NOTE: a map called for in the deed must meet the criteria in 1.a. above.
- 5) Sections and aliquot parts of sections, if the township plat and field notes prove that the government surveyed the parcel.

The above methods of proving a parcel has been surveyed are not the only methods that can be used. The professional judgement of the surveyor or civil engineer will be relied upon if other methods are used.

NOTE: All documents used in proving a parcel has been surveyed may be private records, but must be available to the public.