

CERTIFICATE OF COMPLIANCE GENERAL INFORMATION AND APPLICATION



Mariposa County Planning Department
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To the Applicant:

The attached application package contains all the necessary information and materials needed to submit an application requesting a Certificate of Compliance on a parcel. This package includes a list of materials and items that must be submitted by the applicant in order to meet the application filing requirements. In addition, general information is provided relating to costs and the processing of a Certificate of Compliance application. This office strongly encourages the applicant to review all materials included in this application package.

General Information and Instructions:

When preparing the Certificate of Compliance application it is important to provide as much detail and information in the application as possible. Applications that are confusing, missing information, or inaccurate may cause delays in processing. By providing complete and accurate information, the applicant will lessen the chance for delays and requests for additional information. In order for the application to be considered complete, all the items listed in the "Required Materials and Items" section must be submitted with the required application form and fees to Mariposa Planning.

Applicants are strongly encouraged to have a pre-application meeting with Planning Department staff to discuss the application. Staff would review the application and discuss the application requirements, costs, and the processing of the application with the applicant. Such pre-application meetings are at no cost to the applicant and could save both application costs and time. Please call the Mariposa County Planning Department at (209) 966-5151 or toll free (866) 723-5151 if you wish to schedule a meeting to discuss the application, or if you have any questions regarding the application package.

Applications may be mailed to our office. Please be aware, however, that incomplete applications will be mailed back to the applicant along with a written list describing information needing to be part of the application. This will cause a delay in the processing of the application. For this reason, we strongly encourage applicants to submit their application in person.

Application Requirements:

The materials and items that are required to submit a Certificate of Compliance application are listed on the following pages of this information sheet.

If a Certificate of Compliance is requested on two or more parcels under the same application, the applicant must submit a separate *Parcel Information Sheet* with an attached legal description for each parcel on which a Certificate of Compliance is being requested.

Application Fees:

Application fees must be paid at the time the application is submitted. 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 being 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 considered to be "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 actually 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 of 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 for processing.

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

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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 ten (10) 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.



CERTIFICATE OF COMPLIANCE APPLICATION

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FOR OFFICE USE ONLY

Date Submitted _____ Received By _____

Fees Paid \$ _____ Receipt No. _____ Received By _____

Application No. _____ Application Complete _____

Final Action _____ Date _____

Applicant:

Agent: (if applicable)

Name _____

Mailing Address _____

Daytime Telephone (_____) _____

(_____) _____

E-Mail Address _____

Property Owner Name(s)* _____

*If different than applicant, attach letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. Applicant must also be a lessee, purchaser in escrow, or optionee of the subject property. If there is more than one property owner, please list the name and mailing address of all other individuals holding an interest.

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).

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) _____

REQUIRED SIGNATURE(S)

Affidavit

I/we, the undersigned (Property Owner and Applicant), agree to defend, indemnify, and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County arising from the Property Owner and Applicant project.

I/we declare under the penalty of perjury that the statements and information submitted in this application are in all respects true and correct to the best of my/our knowledge.

I/we acknowledge that I/we have read and understand the information contained in the application package relating to the submittal and processing of this application.

I/we understand that the processing of the application will be delayed if any required information is incorrect, omitted, or illegible.

I/we declare that if an entity listed below is a Partnership, Limited Liability Corporation, Corporation or Trust the signer(s) below certifies that he/she is authorized by that entity to apply and sign the application attached herewithin.

Property Owner <i>(printed name):</i>	2nd Property Owner <i>(printed name):</i>	Applicant <i>(printed name):</i>
Property Owner <i>(signature):</i>	2nd Property Owner <i>(signature):</i>	Applicant <i>(signature):</i>
Date:	Date:	Date:

If there are more than two property owners, additional copies of this page shall be provided.

IMPORTANT: This page must be signed by all property owners and any authorized applicant.

IMPORTANT: Please note that if the property owner/s is/are authorizing someone other than themselves to act as the applicant or agent, the next page must also be signed.

IMPORTANT: Failure to have all necessary signatures will DELAY the commencement of processing the application. The application will be returned to the applicant to provide all necessary signatures.

This page to be signed **IF** the property owner(s) is (are) authorizing someone to act as an agent or applicant for this application.

Affidavit

Applicant/Agent Authorization:

I/we, _____, Property Owner(s) hereby authorize _____ to act as a representative/Applicant and/or _____ to act as a representative/Agent in all matters pertaining to the processing and approval of this application, including modifying the project, and agree to be bound by all representations and agreements made by the designated Applicant and/or Agent.

I/we declare that if the Property Owner and/or Applicant is a Partnership, Limited Liability Corporation, Corporation or Trust, the individual(s) listed below certifies that he/she/they is/are authorized by that entity to execute the application form attached herewithin.

<u>Property Owner (printed name):</u>	<u>Applicant (printed name):</u>	<u>Agent (printed name):</u>
<u>Property Owner (signature):</u>	<u>Applicant (signature):</u>	<u>Agent (capacity/title):</u>
<u>Property Owner (capacity/title):</u>	<u>Applicant (capacity/title):</u>	
Date:	Date:	
<u>2nd Property Owner (printed name):</u>	<u>Co-Applicant (printed name):</u>	
<u>2nd Property Owner (signature):</u>	<u>Co-Applicant (signature):</u>	
Date:	Date:	

**REQUIRED MATERIALS AND ITEMS FOR A
COMPLETE CERTIFICATE OF COMPLIANCE APPLICATION**

1. The attached application form filled out completely and signed by the applicant. If the applicant is not the property owner, the applicant must provide a letter of authorization or other documentation authorizing the applicant to submit the application on the owner's behalf. The applicant can be a lessee, purchaser in escrow, or optionee of the subject property. An agent may represent an applicant in all matters pertaining to the processing of the application once the application is submitted by the applicant.

2. Legal description(s) of the parcel(s) for which the Certificate of Compliance is requested. 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.

3. Payment of application fees as determined by Mariposa Planning. Deposit fees are for applications that are to be charged time and materials and are estimated using the assigned lower staff hour charge of \$58 per hour. Should the Director or Deputy Director work on the project, the time charge will be rated at \$114 per hour. All additional staff time and expenses needed to complete the application processing that exceed the deposit amount will be charged at the disclosed rate at the time that services are rendered. On average, invoices will be calculated on a quarterly basis and forwarded to the applicant for payment. If the deposit falls below a balance of 20% of the initial deposit, the applicant will be asked to make a subsequent deposit in an amount estimated to be necessary to complete the processing. Applicants will be expected to pay the subsequent deposit within 30 days of the invoice date or prior to the public hearing, whichever comes first. In the event that the billing is not paid timely, processing will be suspended until payment is made. Any remaining balance will be used to reconcile the final bill. If there is a balance remaining after reconciling the final bill, a refund check will be mailed to the applicant. If the application requires a public hearing, the public hearing will not be scheduled until payment in full is received. It should be noted that the fees do not include consultants fee, specialized studies, CEQA charges, publication fees and any additional fees that maybe charged by other agencies or county offices.

Check those that apply:

<input type="checkbox"/> Certificate of Compliance LCA Parcel Deposit Fee.....	1,390.00
<input type="checkbox"/> Certificate of Compliance Conditional Deposit Fee.....	980.00
<input type="checkbox"/> Certificate of Compliance.....	270.00
Document Conversion.....	50.00
Public Notice Fee.....	70.00

TOTAL _____

4. A copy of the assessor's map for the property with the parcel(s) outlined in red on the map.

5. Copies of deeds, patents, or other necessary recorded documents to establish the parcel legality as requested. Deeds for exceptions may be necessary.