

Certificate of Compliance

Why Certificates of Compliance are requested or required

In general terms, California law prohibits the sale, lease, or financing of any parcel of land along with prohibiting the construction of any building for the same purpose(s), except model homes, by any person (corporation, LLC, etc.) which has not been created in compliance with the applicable subdivision regulations at the time it was created.

In addition, a local agency (County/City) may not issue any permit or grant any approval necessary to develop any property which has been divided in violation of the provisions of state law and local ordinances if it finds that the development of such real property is contrary to the public health or safety. Unless the property has been created in compliance with applicable law, the local agency cannot determine if the development is detrimental to the public.

Although most parcels have been created 'legally', there are some that have been created, mostly by deed, which require the local agency to issue a Certificate of Compliance before sale, lease, financing, or development can occur. A recorded Certificate of Compliance does not guarantee that the land is developable; it only certifies that the land can be legally sold, leased, or financed or has the potential to obtain a development permit through the planning process.

Some of the reasons that Certificates of Compliance may be required are: 1) The local agency cannot easily determine if a parcel was legally created at the time the owner applies for a development permit; 2) A bank wishes to insure that the property is legally created prior to providing financing using the land as collateral; or 3) A person wishes to lease the land from the owner.

Certificate of Compliance

Procedures

Submittal Requirements

Application

Only the owner of record or a vendee (buyer) may apply for a Certificate of Compliance on a parcel of land. If the applicant is the vendee, a copy of the current Contract of Sale must accompany the application before it can be processed. Applications must contain the original (not a copy) signature of the applicant. If the applicant designates an agent to process the application, a "Letter of Authorization" is required. A separate application and fee is required for each Certificate of Compliance requested.

Fees

Fees are adopted periodically by the Santa Barbara County Board of Supervisors and are required to be submitted with the application. The current fee schedule can be found on the County Surveyors Office website or by calling our Office at (805) 568-3020 during regular business hours.

Creation Summary

A summary of the creation of the subject parcel is required. The summary must clearly show the date the parcel was created and by what action. This action and date will be used in determining which laws were in effect when the subdivision occurred and is the most important factor affecting the outcome of the application.

Chain of Title

A chronological listing of the parcel history, beginning with the creation of the originating (parent) parcel of the parcel in question, progressing through the current vesting is required. In addition to the typed chain of title, a visual chain (sketches) depicting the different configurations of the property listed in the chain is required. Copies of all deeds listed in the chain of title must be submitted. To aid in the review of the chain of title, a sketch reflecting any change in parcel configuration, as it changes with the itemized deed conveyances, is required.

Supporting Documentation

Supporting documentation may consist of any information that the applicant deems relevant to support parcel validity. Copies of recorded maps, approved lot splits, building permits, etc., are required to be submitted if they are used to support the legality of the subject parcel.

Current Title Report or Title Guarantee Report

A current Preliminary Title Report or Title Guarantee Report, issued by a Title Company within 60 days of receipt of the application, shall be submitted.

Exhibit A – Legal Description

A legal description entitled Exhibit A (a description of the property for which the Certificate of Compliance is issued) is required. This description may be a reprint of the description attached to the current vesting deed, if applicable. If a new description (i.e. one not previously recorded) is written, it must be written by a Licensed Land Surveyor and signed and sealed in accordance with Sections 8761 and 8726 of the Professional Land Surveyors Act.

Exhibit B – Sketch

A sketch shall accompany the legal description denoting the subject parcel as a shaded or hatched area. If the sketch is not a copy of the current Assessor's Map Sheet delineating the subject parcel, then the following items are required to be shown on the sketch:

- 1) Titled "Exhibit B"
- 2) Assessor's Parcel Number
- 3) North Arrow
- 4) Scale and Graphic Scale (optional)
- 5) Heavy lines will denote the subject parcel from surrounding parcels
- 6) Name of the Licensed Land Surveyor preparing the Exhibit – signed and sealed in accordance with Section 8761 of the PLS Act (if applicable).

Signed Certificate of Compliance Application Checklist

A signed checklist (provided at the end of this section) must be provided with the application to assure that all items listed have been submitted for processing.

Incomplete submittal

All items listed above are required before the application can be considered complete and placed in line for processing.

Parcel Validity Determination Process

Upon receipt of the required documentation, the Office of the County Surveyor shall determine the following:

- 1) If the documentation provided is sufficient to determine parcel validity
- 2) If the parcel was in fact created
- 3) If the parcel was created legally or illegally

If it is determined that the parcel was created legally and a Certificate of Compliance is to be issued, copies of all supporting documentation, including the Certificate of Compliance, will be submitted to County Counsel for review and approval "As to Form". After receiving Counsel's signature and all remaining fees are paid, the Certificate of Compliance will be signed by the County Surveyor and sent to the County Recorders Office for recording.

If it is determined that the parcel was created illegally the applicant may appeal the decision of the County Surveyor to the Board of Supervisors (Requires an application and appeal fee submitted within 10 calendar days of the final determination by the County Surveyor) or he/she may apply for a Conditional Certificate of Compliance through the Planning and Development Department. After review by Planning and Development and a public hearing, conditions may be placed on the parcel as determined by the Zoning Administrator. The Conditional Certificate of Compliance shall then be submitted to County Counsel for review and approval "As to Form". After receiving Counsel's signature and all remaining fees are paid, the Conditional Certificate of Compliance (with attached required conditions) will be signed by the County Surveyor and sent to the County Recorders Office for recording.

If the determination is made that the subject parcel was created illegally and the applicant withdraws the application prior to the recordation of a Conditional Certificate of Compliance or the applicant fails to apply for a Conditional Certificate of Compliance, a notice of intention to record a Notice of Violation shall be sent to the owner of record of the parcel notifying the owner of the intent of the County in conformance with Section 66499.36 of Government Code, State Subdivision Map Act.

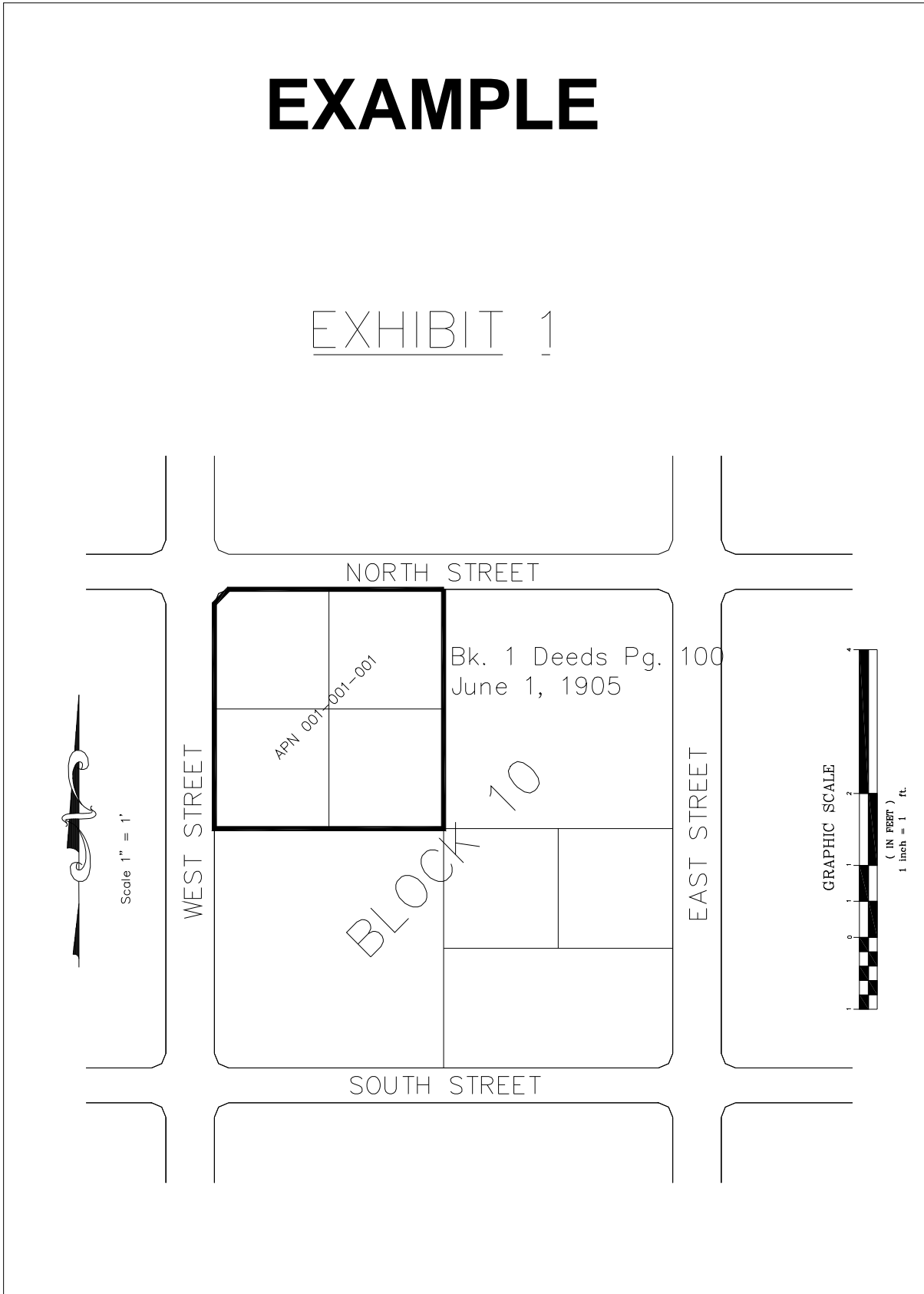
EXAMPLE

Creation Summary

Jose Ramirez acquires his interest in the land described in the Grant Deed recorded June 1, 1905, in Book 1 of Deeds, at Page 100, shown as Exhibit 1. The subject parcel, a portion of Assessor's Parcel No. 001-001-001, was created by the conveyance from Joe Smith to Mary Johnson, a Grant Deed recorded April 12, 1938, in Book 10, Page 100 of Deeds, shown as Exhibit 2. The subject parcel was conveyed numerous times (listed in the chain of title) to today's vesting, never changing its legal description.

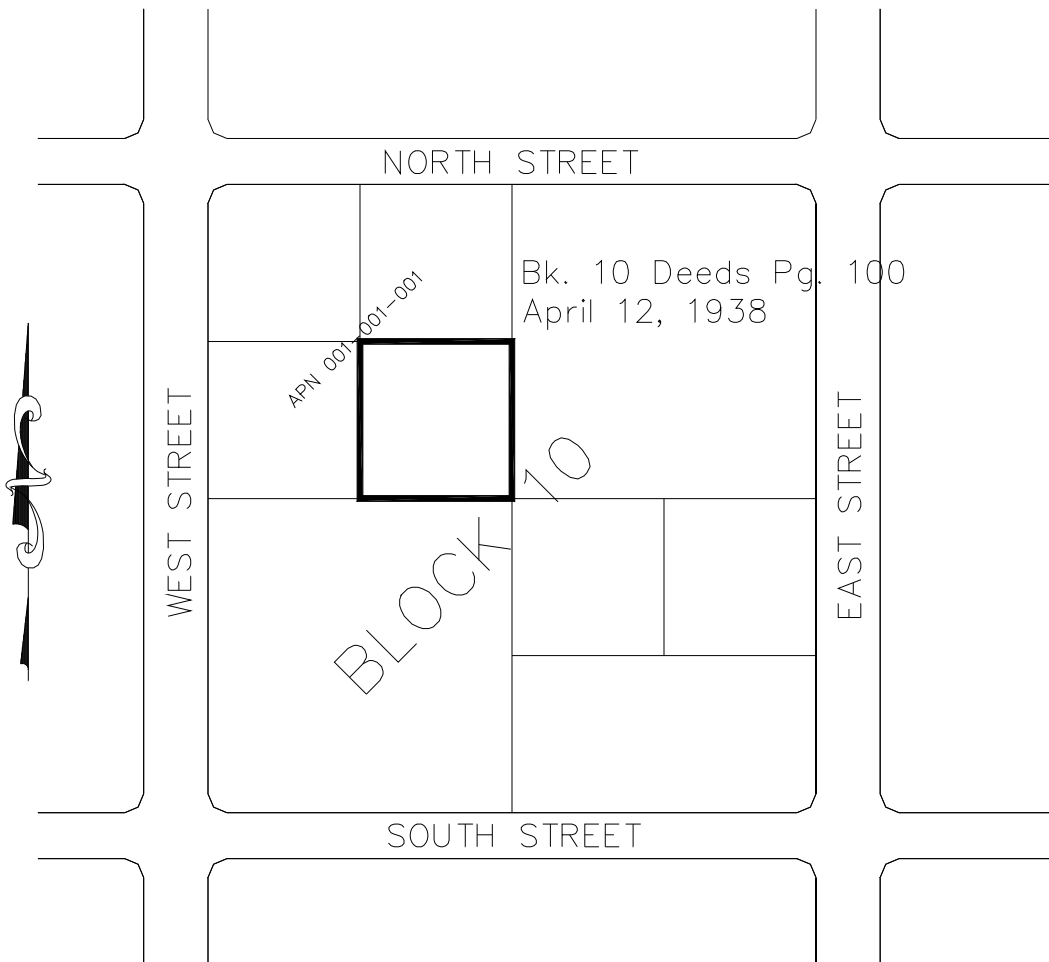
EXAMPLE

EXHIBIT 1



EXAMPLE

EXHIBIT 2



Example

Chain of Title

<u>Date</u>	<u>Document</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Affects</u>	<u>Note</u>
3/1/1876	L Deeds 400	Joe Smith	Paul Jacobs	All Block 10	Creation
1/7/1879	T Deeds 395	Paul Jacobs	Mary Smith	West 200' feet Block 10	Creation
4/8/1900	J Deeds 200	Mary Cob	Bill Moser	East 200' Block 10	1 st conveyance
5/1/1902	Z Deeds 100	Sally (Moser) Johnson	John Doe .	East 200' Block 10	
3/18/1905	1 Deeds 1	Mary Smith	John Doe	West 200' feet Block 10	
6/1/1905	1 Deeds 100	John Doe	Jose Ramirez.	N 200' of West 200' BLK 10	Creation
10/10/1910	10 OR 100	Jose Ramirez	Roy Hobbs	W 100' N 200' BLK 10	Creation
10/10/1910	10 OR 101	Jose Ramirez	Joe Smith	E 100' W 100 N 200' BLK 10	1 st conveyance
4/12/1938	200 OR 50	Joe Smith	Mary Johnson	S 100' E 100' W 200' N 200' BLK 10	Creation
8/15/1958	1700 OR 500	Mary Johnson	Billy Rae	S 100' E 100' W 200' N 200' BLK 10	
12/25/1968	68-012345 OR	Billy Rae	Charles Rose	S 100' E 100' W 200' N 200' BLK 10	
3/15/1972	72-101342 OR	Charles Rose	Harold Bean	S 100' E 100' W 200' N 200' BLK 10	
8/25/1985	85-000010 OR	Harold Bean	Nancy Fillmore	S 100' E 100' W 200' N 200' BLK 10	Vesting

EXAMPLE

EXHIBIT A

Legal Description

Being a portion of Block 10 of the Town of Los Olivos, shown on a Record of Survey filed in Book 1 of Maps and Surveys, at Page 10, in the Office of the County Recorder, County of Santa Barbara, State of California, described as follows:

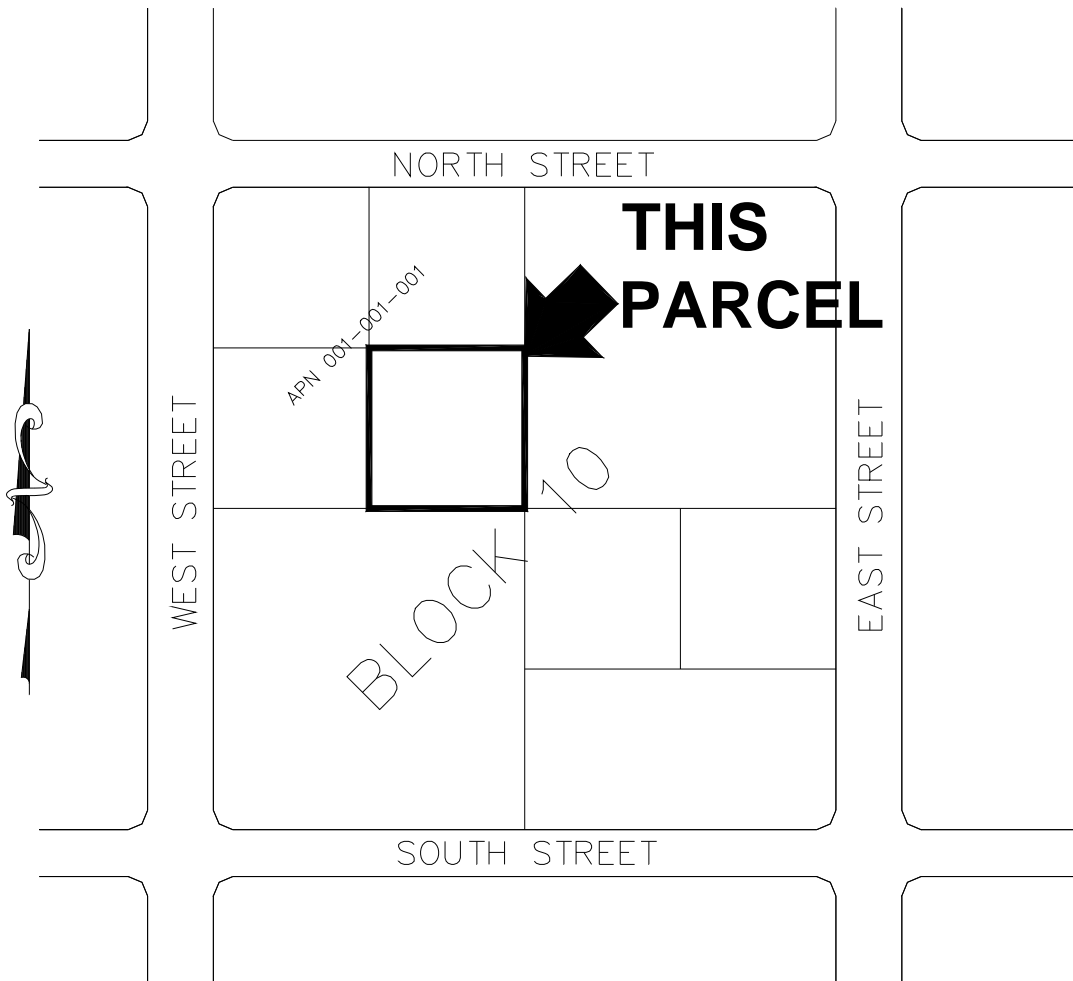
Beginning at the intersection of the south line of North Street and east line of West Street; thence East, 200.00 feet, along the south line of North Street; thence, at right angles, South, 200.00 feet; thence, at right angles, West 200.00 feet to the east line of West Street; thence North, 200.00 feet along the east line of West Street, to the point of beginning.

Excepting the westerly 100.00 feet.

Excepting the northerly 100.00 feet of the easterly 200.00 feet.

EXAMPLE

EXHIBIT B



APPLICATION AND AGREEMENT FOR CERTIFICATE OF COMPLIANCE

CC No. _____

APN NO. _____

Owner/Vendee Name: _____

Address: _____ E-Mail Address: _____

Owner(s) of Record: _____

The undersigned, to obtain consideration of an application for a Certificate of Compliance or a Conditional Certificate of Compliance, pursuant to the California Subdivision Map Act, and local ordinances adopted pursuant thereto, do(es) herewith make deposit of the sum of \$_____ (per parcel) and agrees to pay for the County staff work and expenses reasonably incurred to research, determine and process such application, and record evidence of such certificate or conditional certificate.

In furtherance of the County policy to recover the full costs and expenses associated with such research and determination, the undersigned agree(s) to pay and maintain such deposit. In the event that such deposit is determined to be insufficient to cover the future costs anticipated or incurred, the undersigned shall pay, within thirty day of demand, to the County Surveyor's Office, such increased deposit required for projected costs. Costs shall be assessed at the standard rates allocated for billing purposes, by the affected County Departments, for the personnel assigned to due the work. The County is authorized to withdraw such costs from any deposit made.

The undersigned may cancel the request for services by written notice to the County Surveyor's Office. The undersigned is liable for the payment of costs incurred until such time as the notice of cancellation is received by the County Surveyor's Office.

Any balance remaining upon completion of the work, or cancellation, shall be returned to the person who made the deposit within thirty days.

In the event that legal action is necessary to enforce this agreement, the prevailing party shall be entitled to recover all reasonable costs incurred in this matter, and reasonable attorney's fees, to be awarded as costs in any judgment rendered.

The undersigned, do(es) hereby acknowledge his/her/their understanding that each parcel applied for is a single legal parcel. Should it be determined in the review process that more or fewer parcels exist than were applied for, the appropriate number of Certificates shall be issued.

Owner/Vendee

Owner/Vendee

CERTIFICATE OF COMPLIANCE

Application Checklist

The following items and details **must be submitted to the County Surveyor's Office** before an application is accepted as complete for processing:

- Signed application (signed by the current owner or vendee)
- Signed Letter of Authorization (if agent acting for applicant)
- Deposit made payable to the "County of Santa Barbara" (See latest adopted fee schedule)
- Synopsis citing creation in compliance with which ordinance
- Abstracted (itemized) Chain of Title (parent through current vesting)
- Copies of deeds listed in the chain of title (parent through current vesting deed). Include drawings showing the descriptions for every deed listed in the chain as they relate to the current parcel configuration.
- Copy of any supporting documents supporting parcel validity (maps, Lot Splits, Building Permits, etc...)
- Lot Book Guarantee or Preliminary Title Report (dated within 60 days)
- Exhibit A (Legal Description of the Parcel in Question)
- Exhibit B (Exhibit Map of the Parcel in Question)

The above items have been submitted with this application.

By: _____
Printed Name Date