



Butte County Department of Development Services

## PERMIT CENTER

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**FORM NO**

**PLG-01**

### **LEGAL LOT DETERMINATION (CERTIFICATE OF COMPLIANCE) APPLICATION GUIDE**

A Legal Lot Determination would provide a property owner, or an authorized applicant, with an opportunity to obtain a Certificate of Compliance for a parcel of land within Butte County. A Certificate of Compliance is a legal document recorded by the County which provides official notice that a parcel was created in compliance with the California Subdivision Map Act and County subdivision regulations.

A Certificate of Compliance is generally needed for a parcel of land because it was not created in compliance with the applicable Map Act or County subdivision regulations in effect at the time the parcel was created. If a parcel had not been created in compliance with applicable subdivision regulations, the sale, lease, or finance of the parcel is prohibited by California law, and the County may not issue a development permit, or grant any approval necessary to develop the property.

Parcels not created in conformance with subdivision regulations generally lacked adherence to subdivision standards at the time of creation. If certain standards are required to bring the parcel into compliance with applicable subdivision laws, such as having legal access to the parcel, conditions of approval could be added to the Certificate, at which case, a Conditional Certificate of Compliance would be issued.

#### **When is a Legal Lot Determination Required?**

Determining whether a Legal Lot Determination application for a Certificate of Compliance will be needed for a parcel generally occurs when a building permit or development permit is submitted to the Development Services Department.

County staff will review the legal status of the parcel at that time. In many cases, the legal status of a parcel is clear, and the parcel will be found to have been created legally, and no further action is required. However, if the parcel is found to not be in compliance with subdivision regulations, a Legal Lot Determination Application and Certificate of Compliance will be needed.

Additionally, property owners also have the option of applying for a Legal Lot Determination at any time to insure that the title to the property is clear, and/or to avoid unnecessary delays in sale or development.

## **Parcel Clearance**

If the County is unable to verify the legal status of the parcel, the property owner will need to apply for Parcel Clearance through the Land Development Division of the Public Works Department. Parcel Clearance requires that the property owner submit the parcel's creation deed (the first deed that created the parcel in its current configuration) and a minimum filing fee of **\$153.00**. Depending on the parcel involved, Public Works may require additional materials to determine the parcel's creation status.

Upon completion of the Parcel Clearance, the legal status of the parcel will be discovered, and a determination of the parcel's compliance with subdivision regulations will be made. If the parcel is found to be in compliance, no further action is required. If the parcel is found to not be in compliance, a Legal Lot Determination Application and Certificate of Compliance would be required to render the parcel 'buildable,' that is to enable the County to issue any building or development permits for the parcel.

## **APPLICATION SUBMITTAL REQUIREMENTS**

The following information is required for a complete application. The applicant should discuss the application submittal requirements with Planning Division staff prior to submittal. Additional information may be required in order to clarify, correct or supplement the information below. Please contact the Planning Division of the Department of Development Services if you have any questions about these requirements.

- 1. Project Information Form ([DPL-1](#))**. Completed and signed.
- 2. Agent Authorization Form ([DPL-2](#))**. If the application is signed by an agent for the property owner of record, or by an applicant other than the property owner of record, an agent authorization form must be submitted along with the application.
- 3. Application Filing Fees**. A fee of **\$3,218.89** is required at the time of submittal. Please make checks payable to: "Butte County".
- 4. Property Ownership Verification**. To verify ownership of the subject property, a current Grant Deed or deed of sale of the property must be provided. In some circumstances, a Preliminary Title Report (less than 6 months old) may be provided in-lieu of a deed.
- 5. Parcel Creation Deed**. If the subject property was historically created by a deed conveyance rather than by a recorded subdivision map, parcel map, or parcel map waiver, the County must verify whether the property was created in conformance with State and County regulations. The creation deed is the historic deed that caused the subject property to be subdivided and sold from its parent parcel. This deed may be obtained from a title company or from the County Recorder's Office.

## **REVIEW FOR COMPLETENESS**

Once an application for a legal lot determination has been submitted and fees collected, staff will perform an initial application review for completeness within 30 days following submittal. Should the application be found incomplete, the applicant or your designated agent will be contacted and advised on what additional items must be submitted before processing can be completed. As part of the review, Staff may refer the application to any public agency having an interest in the proposed project. Requests for additional information by these agencies will cause the application to be deemed incomplete.

## **DECISION/DETERMINATION**

The Zoning Administrator will review and approve most legal lot determination applications. However, in some cases, the Zoning Administrator may forward the application to the Planning Commission for action. If the parcel is determined to be in compliance with the provisions of the Map Act and local subdivision ordinances, a Certificate of Compliance will be issued and recorded. If it's determined that the parcel was not created in compliance with subdivision regulations, a Conditional Certificate of Compliance will be issued, indicating what steps must be taken to bring the parcel into conformance with State and County regulations, and to create a buildable parcel. A decision by the Zoning Administrator will generally be made within 30 to 45 days following the determination of a complete application. An additional 30 days may be required if the application is brought before the Planning Commission for action.

The applicant will have an opportunity to complete the conditions of a Conditional Certificate of Compliance, prior to it being recorded. If conditions have been met, a Certificate of Compliance will be recorded. The applicant may decide to record the Conditional Certificate of Compliance, which would allow the applicant to sell or transfer but not develop the parcel. Once conditions of the recorded Conditional Certificate of Compliance have been met, the property owner may request that the Land Development Division of the Public Works Department record a Notice of Compliance, which states that all the conditions have been fulfilled.

## **APPEALS**

A decision by the Zoning Administrator may be appealed to the Planning Commission, whereas, a decision by the Planning Commission may be appealed to the County Board of Supervisors. An appeal of the Zoning Administrator's decision must be filed in writing to the Butte County Development Services Department by 5:00 pm on the fifteenth day following the date the decision was rendered, together with all required fees. If the fifteenth day falls on a weekend or a County holiday, the appeal must be filed by 5:00 pm on the next day on which the office is open for business.

An appeal of the Planning Commission must be filed with the Clerk of the Butte County Board of Supervisors no later than 4:00 pm on the fifteenth day following the decision of the Planning Commission. If the fifteenth day falls on a weekend or a County holiday, the appeal must be filed by 4:00 pm on the next day on which the office is open for business.

Once an appeal is filed, any decision on the application is suspended until the appeal is processed and a final decision is rendered by the applicable review authority.