



POLICY FOR LEGAL PARCEL DETERMINATIONS REQUIRED IN ADVANCE OF PERMIT ISSUANCE

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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The intent of this policy is to clarify the responsibilities of property owners and the Department of Planning and Building Services regarding legal parcel determinations that are required to be made *prior* to issuance of any permit for development.

Section 12.24.025 of the Lassen County Code (Legal lot determination) requires that a determination be made as to whether the subject parcel was created in compliance with, or exempt from, the provisions of the Subdivision Map Act *prior* to issuance of any permit for development. The Subdivision Map Act is part of the Government Code of California, Section 66410, et seq., and regulates the design and improvement of land divisions within the state. Lassen County Code Section 12.24.025 lists those circumstances that allow a parcel to be deemed legally created or legitimized, and states that evidence shall be presented to the Department “*by the applicant.*” The Department will provide certain assistance to any person owning real property, or any vendee of that person pursuant to a contract of sale of the real property, in obtaining evidence to make a legal parcel determination and the Department’s policy thereof shall consist of the following:

1. Planning staff shall make a *reasonable* effort to assist any property owner or vendee in making a determination if their parcel has been created in compliance with the requirements of the Subdivision Map Act (i.e. “has been legally created”) *prior* to issuance of any permit for development. The effort made shall include checking for previously issued permits and/or other items that can be verified by Planning staff. The definition of reasonable is left to the discretion of the staff member and is dependent upon the characteristics of each individual property, but time spent is usually 30 minutes or less.
2. If Planning staff are unable to make a determination as to the status of the parcel, a request may be made to the County Surveyor’s Office to assist in making a determination. Any assistance provided by this office is done so at the discretion of the County Surveyor and assistance may or may not be immediately available as the office consists of only one individual (the County Surveyor).
 - a. The effort made by the County Surveyor shall be limited to a *reasonable* review of maps, deeds, legal descriptions or other available data. This review will be limited to a maximum of 30 minutes or less.
 - b. Please note that Section 66499.36 of the Subdivision Map Act and Section 16.48.040 of the Lassen County Code require this department to record a Notice of Violation in the Official Records if it is made aware of the fact that a parcel is in violation of either of their provisions. The purpose of this is to provide constructive notice to future successors in interest that a violation of the Subdivision Map Act and local ordinances has occurred. Therefore, no review

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will be completed without the consent of the property owner or vendee. An authorization form to allow such is available upon request.

- c. If a review by the County Surveyor is conclusive and it is determined that the subject parcel was legally created in compliance with the Subdivision Map Act and local ordinances, this information shall be conveyed to the Planning Department whereby a permit for development may subsequently be issued.
- d. If a review by the County Surveyor is inconclusive and does not yield a result which provides for issuance of a permit, an application for a Certificate of Compliance may be made by the property owner or vendee. An application and a process form which explains this process in detail are available on the Department's website or upon request. Generally, this process requires an application fee of \$600.00, of which \$300.00 will be refunded if an unconditional certificate is issued. It also requires submittal of a chain of title which may be prepared by the property owner, vendee, title company or any other appropriate source determined by the property owner or vendee. Please note that it is *not* the responsibility of the County Surveyor's Office to complete the research necessary to prepare a chain of title.
- e. If an application for a Certificate of Compliance is made and the subject parcel is determined to be in compliance with the provisions of the Subdivision Map Act and local ordinances, a Certificate of Compliance shall be issued. This document is recorded in the Official Records of Lassen County and provides constructive notice that the parcel is in compliance with the Subdivision Map Act and local ordinances. A permit for development may subsequently be issued for a parcel once a Certificate of Compliance has been issued.
- f. If an application for a Certificate of Compliance is made and the subject parcel is determined *not* to be in compliance with the provisions of the Subdivision Map Act and local ordinances, a *Conditional* Certificate of Compliance shall be issued. This document, along with a Notice of Violation, is recorded in the Official Records and has conditions listed on it that are developed by various departments and agencies which become involved with land development. Please note that *all* of the conditions listed on the Conditional Certificate of Compliance are required to be completed before a permit for development may be issued.