



ARTICLE XV -- STATUS OF LOTS CREATED PRIOR TO MARCH 4, 1972

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Sec. 17-100 Purpose and Intent.

(A) The Board of Supervisors recognizes that a substantial number of lots were created in the years preceding March 4, 1972, prior to which date it was permissible under the Map Act and County Ordinance to divide a parcel of property into two lots without County approval.

(B) Due to confusion, misunderstanding and a general unfamiliarity with both State and County regulations, many lots were created prior to March 4, 1972, which did not conform with then existent regulations.

(C) For the most part, such lots, although improperly created, have now passed to innocent purchasers and in many cases have been developed. It is the intent of the Board to permit the reasonable use of such lots so long as such use is not contrary to public health and public safety. (*Ord. No. 2067, adopted 1977*)

Sec. 17-101 Standards.

For the sole purpose of determining compliance with this Chapter, County zoning ordinances and the Map Act, any lot meeting the requirements set forth in this section shall be deemed a legally conforming lot for which development permits may be issued.

(A) **Legal Status.** Each such lot must have been created by deed or contract of sale, in either case fully executed prior to March 4, 1972 and recorded not later than November 29, 1977. In lieu of such recordation, proof may be submitted to the satisfaction of the Planning Division that such deed or contract of sale was indeed executed prior to March 4, 1972.

(B) **Lot Size.** Regardless of the minimum lot size requirements of the zoning ordinances applicable at the time a lot was created or on the effective date of this ordinance, each such lot must conform to the following minimum lot size requirements:

(1) Where both water and sewage disposal services are provided by a publicly controlled political entity, such as the County, a City or district: six thousand (6,000) square feet.



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(2) Where either water or sewage disposal services are provided by a publicly controlled political entity, such as the County, a City or a district: twelve thousand (12,000) square feet.

(3) Where neither water or sewage disposal services are provided by a publicly controlled political entity, such as the County, a City or a district: forty thousand (40,000) square feet.

(C) **Access.** Each lot must be provided with non-exclusive and unrestricted access to a publicly maintained street or highway. Such access shall either comply with the following standards:

Width: Minimum eighteen (18) foot wide travelway

Surface: Minimum of four (4) inches of rock

Grade: Maximum grade of fifteen (15) percent

Easement: A non-exclusive easement of at least forty (40) feet in width

or shall comply with whatever specific access requirements are imposed by the Subdivision Committee as may be reasonably necessary to provide adequate and safe ingress and egress to the subject lots and to foster the orderly development of the surrounding area. (*Ord. No. 2067, adopted 1977; Ord. No. 4001 (part), adopted 1998*)

Sec. 17-102 Certificate of Compliance.

Upon proof satisfactory to the Subdivision Committee, that any lot or lots fully comply with the foregoing requirements, a certificate of compliance shall be issued for such lot or lots. However, in the event that the Subdivision Committee finds that the development of any particular lot or lots, which would otherwise be eligible for a certificate of compliance by virtue of this section, is contrary to the public health or the public safety, no certificate of compliance shall be issued nor shall such lot or lots be deemed legally conforming lots for any purpose. (*Ord. No. 2067, adopted 1977; Ord. No. 4001 (part), adopted 1998*)

Sec. 17-106 Merger.

Merger of lots, parcels and units of land classified or zoned range land, forest land, or agricultural land or a successor zone under the Mendocino County Code, as amended, shall occur when at least two contiguous lots, parcels or units of land are held by the same owner, one of which does not conform to standards for minimum parcel size to permit use or development for such zones under the Mendocino County Zoning Ordinance, (Chapter 20 of the Mendocino County Code) and at least one of such contiguous parcels or units is not developed with a building for which a permit has been



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issued by the County or which was built prior to the time that building permits were required by the County.

Merger of any lots, parcels, or units of land which do not conform shall occur upon the effective date of this ordinance and all such lots, parcels or units of land shall be merged into parcels or units of land whose minimum size is prescribed by standard for minimum parcel size to permit use or development for such zones under the Mendocino County Zoning Ordinance (Chapter 20 of the Mendocino County Code.) (*Ord. No. 3357, adopted 1981; Ord. No. 3365, adopted 1982; Ord. No. 3370, adopted 1982*)

Sec. 17-107 Exclusions.

The property shall not be deemed to be "merged" under Section 17-106 if the lot, parcel or unit of land (1) has been previously approved in its exact boundaries and area by the County, or (2) has the exact outer perimeter boundaries and total area of the total amount of land when acquired by the previous owner. (*Ord. No. 3357, adopted 1981, as amended by Ord. No. 3365 and 3370, adopted 1982*)

A lot, parcel or unit of land shall be deemed to have been approved in its exact boundaries and area by the County by virtue of having received a certificate of compliance. (*Ord. No. 3357, adopted 1981, as amended by Ord. No. 3365 and 3370, adopted 1982*)

The exclusion of paragraph (2) only applies to a unit of land if that unit of land constitutes the total acquisition that was made at one time by the present owner. If, for example an owner purchased a 160 acre ranch which consisted of four 40 acre patents the exception in (2) above would apply to his total 160 acre purchase; the 40 acre pieces would not be entitled to the benefit of this exclusion in that they do not consist of the outer perimeter boundaries or the total area which was acquired in one purchase by the owner. (*Ord. No. 3357, adopted 1981, as amended by Ord. No. 3365 and 3370, adopted 1982*)

Sec. 17-108 Due Process.

Whenever the Mendocino County Planning Department has knowledge that real property has merged pursuant to Section 17-106 of the Mendocino County Code, it shall cause to be filed for the record with the recorder of the County in which the real property is located, a notice of such merger specifying the names of the record owners and particularly describing the real property, provided that, at least 30 days prior to the recording of the notice, the owner of the parcels or units to be affected by the merger, shall be advised in writing of the intention to record the notice specifying the time, date and place at which the owner may present evidence to the Planning Commission as to why such notice should not be recorded. The decision of the Planning Commission may be appealed to the Board of Supervisors. (*Ord. No. 3365 and 3370, adopted 1982*)