



# Public Information

County of Ventura • Resource Management Agency • Planning Division

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## What Is An Illegal Lot?

### What is a Lot?

A lot is a unit of land which has an identifiable area and boundary description.

### How Are Lots Created?

The creation of new lots is commonly called a subdivision and refers to the division of an existing lot into two or more lots. The division may be effected by recording an approved subdivision map or by sale, financing, lease or gift.

For example, if the owner of an existing lot sold half of it and retained the other half, the sale would create two new lots.

### What Is A LEGAL Lot?

In general, a legal lot is either a lot whose creation was reviewed and approved by Ventura County agencies under the regulations in effect at the time of its creation or a lot which was exempt from such review at the time of its creation. The regulations referred to include the State Subdivision Map Act and the Ventura County Ordinance Code.

### What Is An ILLEGAL Lot?

In general, an illegal lot is one which was created without having been formally reviewed and approved by the appropriate County agencies.

The conveyance of a portion of an existing lot through sale, lease, gift, or finance without proper local government approval creates an illegal lot and is a violation of the Subdivision Map Act and local ordinance.

### What Does The County Do About Illegal Lots?

State law requires the County to act on all illegal lots known to it. Following proper notice and hearing respecting an illegal lot, the County must file a Notice of Violation respecting that lot in the County Recorder's office.

A recorded Notice of Violation serves to notify any subsequent purchaser of the illegal status of the lot. The County also enforces various other provisions of law respecting the creation, use, development and conveyance of illegal lots.

### What Does It Mean to Own An Illegal Lot?

The use, development and conveyance of illegal lots are subject to numerous restrictions. For example:

1. Building permits must be denied until the violation is corrected;
2. The sale of an illegal lot may, in some circumstances, be voided at the option of the purchaser even if the seller is unaware of the lots' illegality; and
3. If the seller had actual or constructive knowledge of the lot's illegality, the buyer may, in some circumstances, sue the seller for damages.

### Why Is the County Concerned About Illegal Lots?

State law requires that the County regulate and control the subdivision of land so that lot size, streets, water supply, drainage, sewage disposal, fire access and other factors associated with good subdivision planning can be provided and public health and safety assured. These factors are not usually provided when land is illegally divided.

### What Is An Assessor's Parcel?

An Assessor's Parcel is not necessarily a legal lot. A single legal lot may be assigned several Assessor Parcel numbers. The Assessor identifies parcels for appraisal and tax purposes only.

The Assessor is not required to follow legal lot boundaries and is not directly involved in the process of approving subdivisions.

In fact, the Assessor must, by law, recognize separate ownerships even if this means assigning separate Assessor Parcel numbers to the portions of an illegally divided lot.

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## **How Did The County Find Out About My Illegal Lot?**

The County has land division specialists who are trained in title searching and other facets of determining illegal subdivision activity. Any fact that makes us aware of even ONE illegal lot in any given area can, upon investigation, lead to a “chain-reaction” involving ALL of the lots that were illegally created in that area.

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## **Can I Be Prosecuted For Owning An Illegal Lot?**

It is unlawful to create an illegal lot, and the law imposes restrictions on the use and conveyance of illegal lots created by others. However, there is no law against merely owning or purchasing an illegal lot.

Rest assured that Ventura County tries to HELP citizens. There are many innocent purchasers of illegally created lots. The County’s primary objective is to assure an orderly development of these lots.

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## **Why Didn't The Title Company Tell Me My Lot Was Illegal?**

Title companies insure ownership. As to how the lot was created or how it can be used, they may ask the County for verification that a title transfer meets the requirements of subdivision laws and ordinances, but this has not been common practice in the past.

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## **But the Person Who Sold it to Me is the One Who Broke the Law; What Can Be Done About This?**

In some cases it may be possible to void the sale and recover costs and damages; this is a complicated legal matter about which you may want to seek advice from an attorney experienced in land division law. People who engage in illegal subdivision activity are subject to prosecution within certain limits. The Planning Division refers such cases to the District Attorney’s office for action.

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## **What Can I Do To Legalize My Lot?**

You can apply for a Conditional Certificate of Compliance - Parcel Map (CC of C). Issuance of a “CC of C” legalizes the lot for purposes of sale, lease or financing.

The “CC of C” also identifies the conditions and improvements required before any development is permitted on the property. These conditions may include all the improvements (e.g., roads, water) that would have been required on the date the innocent purchaser acquired interest in the property; and in some cases, the lot must meet current standards, including lot size. ALL conditions must be met before any development can occur on the property.

“CC of C’s” are processed by the County Planning Division and filed with the County Recorder’s office. The cost, timing and requirements are similar to those of a subdivision map application.

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## **Must I File For A ‘CC Of C’ Now?**

No. If you do not have current plans to build or sell, you may wish to wait until a later date to “legalize” your lot. Most owners, however, want to resolve the matter at the earliest possible time.

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## **What Can A Buyer Do To Avoid Acquiring An Illegal Lot?**

Buyers can inquire about the legal status of a lot prior to purchase by contacting the Planning Division of Ventura County. Buyers can also ask the sellers to provide a recent Certificate of Compliance or Conditional Certificate of Compliance prior to purchase.

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## **Whom Shall I Contact On These Matters?**

Property owners may contact County Planning staff for information on legal lot status and the remedies available by phoning 805/654-3635, or by writing the Ventura County Planning Division at 800 South Victoria Avenue, Ventura, CA 93009. The Planning Division website can be accessed at [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning).