



DETERMINATION OF LEGAL PARCEL

PURPOSE:

Establish guidelines to be used in determining if a parcel was legally created when issuing a building permit or accepting applications for development of a property.

POLICY:

A. When a parcel complies with the minimum zoning area requirements, one of the following may be acceptable as evidence of a legal parcel with certain exceptions. (See Section B.)

1. A lot shown on a Final Map. (Major Subdivision Map)
2. A lot or parcel shown on a Record of Survey approved by the Board of Supervisors or the Planning Commission.
3. A parcel shown on a Parcel Map or Certificate of Compliance recorded in lieu of a Parcel Map.
4. A parcel described in a recorded Certificate of Compliance.
5. A parcel shown on an approved Division of Land Plat.
6. A parcel shown on a Lot Legalization Plat. (Used as evidence of legal parcel prior to Certificate of Compliance.)
7. A parcel shown on an approved Boundary Adjustment Plat.
8. A parcel described in a Grant Deed or other bonafide conveyance document recorded prior to **March 4, 1972**. The deed/document does not have to be in the name of the present owner. However, it must describe the perimeter boundaries of the subject property and no other contiguous property. (See Paragraph C below.) **The legal description and County Recorder's information (date and recording number) must be legible to County staff. The Deed does not need to be an original or certified copy.**

Accessor Recorder County Clerk Offices:	Assessor Recorder	San Marcos	Chula Vista
	1600 Pacific Highway	141 E. Carmel Street	590 Third Avenue
	San Diego, CA 92101	San Marcos, CA 92078	Chula Vista, CA 91910
	Kearny Mesa	Santee	
	9225 Clairemont Mesa Blvd	10144 Mission Gorge Road	
	San Diego, CA 92123	Santee, CA 92071	

9. A parcel completely surrounded by lots already determined to have been legally created.

B. Exceptions to this policy are as follows:

1. A recorded Subdivision Map (Major or Minor) invalidates any and all underlying lots or parcels previously established by any other legal means.
2. A Deed recorded prior to March 4, 1972, as a condition of a Boundary Adjustment does not constitute a legal lot for the exchange of land as shown on the plat.
3. A Deed recorded prior to March 4, 1972, which would have caused a Major Subdivision (five or more lots) to be recorded by the Grantor.
4. A parcel, which in the Department's opinion, based on design, size, lack of public services, etc. was not intended as a building site.

C. A Certificate of Compliance must be requested and obtained for:

1. Any parcel meeting A-4 through A-9 above, which subsequently merged with adjacent parcels as a result of some action taken by the County of San Diego or City of Santee.
2. Any request for a Legal Parcel determination that involves an interpretation of the Map Act and/or the City of Santee's Subdivision Ordinance.
3. Any parcel which in the Department's opinion, based on design, size, lack of public services, etc. was not intended as a building site.
4. Any determination involving more than a routine staff review and decision.
5. Any request for a written determination.
6. If a building permit for structural development (such as a building permit for a dwelling unit, or a permit for a new garage, or a permit for an addition to the existing dwelling) for a parcel has been issued.

D. Undersized Parcels:

1. When a parcel does not meet minimum zoning area requirements, it will be necessary to verify that it complies with Santee Municipal Code Section 13.040.110, including:
 - a. The parcel was created by A-1 through A-7 above; or
 - b. The parcel was described on a recorded Grant Deed, or other bonafide conveyance document recorded prior to the date the parcel was **first zoned** under the zoning classification which caused it to be undersized. However, it must describe the perimeter boundaries of the subject property and no other contiguous property. The deed or document must also be recorded prior to **March 4, 1972** (see Paragraph C-3 and -4, above).