

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 03058

A.P. # 177-051-002-000, 177-055-005-000,  
177-054-002-000, 177-061-010-000, &  
177-064-006-000

**FINDINGS AND DECISION**

In the matter of the application for the  
**Association of Spreckels Residents (PLN030380)**

for a parcel legality status determination on 72 parcels located on Lots 1-8 and 13-20 of Blocks K and L; Lots 1-8 and 16-20 of Block M; Lots 1-5 and 13-20 of Block N; and Lots 1-8 and 13-20 of Block O in Spreckels, Greater Salinas Area Plan, came on regularly for hearing before the Planning Commission on September 24, 2003.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

1.     **FINDING:**     The Subdivision Map Act limits who may apply for certificates of compliance. Section 66499.35 (a) of the Map Act states in part “Any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may request, and a local agency shall determine, whether the real property complies with the provisions of this division and of local ordinances enacted pursuant thereto. Upon making the determination, the city or the county shall cause a certificate of compliance to be filed for record with the recorder of the county in which the real property is located.”

**EVIDENCE:** Section 66499.35(a) of the Subdivision Map Act.
2.     **FINDING:**     Chapter 19.14.045 of Title 19 of the Monterey County Code (Subdivision Ordinance) establishes the provisions and procedures to determine whether a particular parcel is legal. Section 19.14.045(B) of the Ordinance states in part that “An interested person may apply for a Parcel Legality Status Determination by application pursuant to the procedures set forth in this Chapter.” Further, this Section establishes that if a parcel is determined to be legal, an unconditional or conditional certificate of compliance must be issued. No other outcomes are possible pursuant to an application for a Parcel Legality Status Determination. This Chapter is consistent with the provisions of the Subdivision Map Act.

**EVIDENCE:** Chapter 19.14.045 of the certified Subdivision Ordinance.
3.     **FINDING:**     Chapter 19.14.050 of Title 19 of the Monterey County Code (Subdivision Ordinance) establishes the provisions and procedures for the application, review and issuance of Unconditional Certificates of Compliance. Section 19.14.050 (A) of the Ordinance states “Any person owning real property, or is buying such land under a contract of sale may request the County to determine by application for Parcel Legality Status Determination whether the real property in question complies with the provisions of the Subdivision Map Act and the County Ordinances enacted pursuant thereto. This Chapter is consistent with the provisions of the Subdivision Map Act.

**EVIDENCE:** Chapter 19.14.050 of the certified Subdivision Ordinance.
4.     **FINDING:**     The term “an interested person,” as used in Section 19.14.045(B) of the Subdivision Ordinance (Parcel Legality Status Determination) must be interpreted as meaning any person that owns

property or is buying property under a contract of sale pursuant to the provisions of Section 19.14.050 (A) (Unconditional Certificates of Compliance).

**EVIDENCE:** An application for a Parcel Legality Status Determination can only result in a determination that a particular parcel does or does not qualify for a Certificate of Compliance. Pursuant to the provisions of Section 66499.35 (a) of the Subdivision Map Act, only persons with title interest in a parcel “may request, and a local agency shall determine, whether the real property complies with the provisions of this division and of local ordinances enacted pursuant thereto obtain certificates of compliance.”

**EVIDENCE:** Pursuant to the provisions of Section 19.14.045 of the Subdivision Ordinance, certificates of compliance “shall” be issued and recorded pursuant to an application for a Parcel Legality Status Determination. The term “an interested person,” as used in Section 19.14.045(B), must be interpreted as a property owner or vendee to a contract of sale, as defined in Section 66499.35 of the Subdivision Map Act.

5. **FINDING:** The appellants are not entitled to an application for Parcel Legality Status Determination because they do not own the subject real property in question nor are they buying such land under a contract of sale.

**EVIDENCE:** The provisions of both the Subdivision Map Act and the County Subdivision Ordinance require that only persons with a title interest in a parcel may apply for a Parcel Legality Status Determination and/or obtain certificates of compliance. And, consequently, “an interested person,” as used in Section 19.14.045(B), cannot mean anything other than a property owner or vendee to a contract of sale, as defined in Section 66499.35 of the Subdivision Map Act.

6. **FINDING:** On June 19, 2003 the Association of Spreckels Residents and various individual property owners of the Town of Spreckels applied for a parcel legality status determination for Assessor Parcel Numbers 177-051-002-000, 177-055-005-000, 177-054-002-000, 177-061-010-000, & 177-064-006-000 (Lots 1-8 and 13-20 of Blocks K and L; Lots 1-8 and 16-20 of Block M; Lots 1-5 and 13-20 of Block N; and Lots 1-8 and 13-20 of Block O of the Town of Spreckels).

**EVIDENCE:** Administrative Record contained in File # GP030078.

7. **FINDING:** On July 24, 2003, the Director of Planning and Building Inspection rendered an Administrative Interpretation stating that the request for the parcel legality status determination can not be processed since the applicants are not the owner and are not purchasing any of the parcels subject to the application.

**EVIDENCE:** Administrative Record contained in File # GP030078.

8. **FINDING:** On August 4, 2003 the Association of Spreckels Residents, Elizabeth Panetta, Clyde Scandrett and Mike Meuter appealed the Administrative Interpretation of the Director of Planning and Building Inspection pursuant to the provisions of Chapter 21.82.050 (D) of the Monterey County Code.

**EVIDENCE:** Administrative Record contained in File # GP030078.

9. **FINDING:** The Commission found that the appellants are not entitled to an application for Parcel Legality Status Determination because they do not own the subject real property in question nor are they buying such land under a contract of sale. The Commission denied the appeal.

**EVIDENCE:** The Monterey County Planning Commission held a Public Hearing on the appeal on

September 24, 2003. The Commission heard presentations by staff and the appellants as well as testimony from the public.

**EVIDENCE:** Administrative Record contained in File # GP030078.

**DECISION**

THEREFORE, it is the decision of said Planning Commission to adopt staff's recommendation to deny standing to the Association of Spreckels Residents to request a Parcel Legality Status Determination on the subject parcels; in addition, prior to the issuance of any permits for development including grading permits the County shall require Certificates of Compliance showing that these lots are, in fact, legal lots of record and that no such permits be granted unless these Certificates are obtained.

**PASSED AND ADOPTED** this 24thth day of September, 2003, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Rochester, Wilmot  
NOES: Gonzalves  
ABSENT: None

Original Signed By:

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JEFF MAIN, SECRETARY

Copy of this decision mailed to applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90<sup>th</sup> day following the date on which this decision becomes final.