



Staff Report to the Zoning Administrator

Application Number: **111138**

Applicant: George R. Tosello

Owner: George R. and Gayle S. Tosello.

APN: 107-121-49

Agenda Date: 10/07/11

Agenda Item #: 2

Time: After 10:00 a.m.

Project Description: The proposal is to establish the legality of one parcel of about 84,463 square feet/1.94 acres in area. This application is a request for a Parcel Legality Determination and a Certificate of Compliance.

Location:

The property is located on the west side of Las Colinas Drive (180 Las Colinas Drive), about one mile east of the intersection with Eureka Canyon Road.

Supervisory District: 2nd District (District Supervisor: Ellen Pirie)

Permit/Document Required: Conditional Certificate of Compliance.

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Direct that the Conditional Certificate of Compliance attached as Exhibit E be recorded for APN 107-212-49.

Exhibits

- | | |
|--|---|
| A. Assessor's Parcel Map (current) | E. Conditional Certificate of Compliance |
| B. Parcel History (summary including Explanatory Maps) | F. Chain of Title, Copies of Deeds, and other supplemental information (on file with the Planning Department) |
| C. Conditions | |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	84,463 square feet (1.94 acres) gross, 75,463 square feet (1.74 acres) net.
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Single-family neighborhood and Agriculture.
Project Access:	Las Colinas Drive
Planning Area:	Eureka Canyon
Land Use Designation:	R-R (Rural Residential)
Zone District:	RA (Residential Agriculture)

Application #: 111138
APN: 107-121-49
Owner: George R. and Gayle S. Tosello

Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal ☐ Yes ☒ No
Comm.

Environmental Information

Geologic Hazards: None mapped
Soils: N/A
Fire Hazard: Mapped within the Critical Fire Hazard area.
Slopes: Slopes less than 30%
Env. Sen. Habitat: Not mapped within biotic resource area
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Mapped Groundwater Recharge Area.
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: Pajaro Valley Water Management District
Sewage Disposal: Septic
Fire District: Santa Cruz County Fire Protection District
Drainage District: None

Background

The application is for a determination that one parcel, identified as Assessor's Parcel Number 107-121-49 is a separate legal lot. Assessor's Parcel Number 107-121-49 is noted by the Assessor's office as unimproved.

During the lot legality analysis of that proposal, it was discovered that more than four parcels, including the subject parcel APN 107-121-49, had been created from one parcel, APN 107-121-26. Five of these parcels were created by deed instruments issued by one property owner, Penniman Title Company, in 1971, when the creation of more than four parcels by one subdivider required approval of a subdivision under State law.

Since that time, with the exception of the subject parcel, APN 107-121-49, all of the parcels that were created, have been approved for development. The Subdivision Map Act (Government Code Section 66499.35(c) and the County Code (County Code Section 10.01.109(a)2.) state that an Unconditional Certificate of Compliance shall be issued where the local agency has granted a development approval. The issuance of Building Permits and subsequent construction of residences has conferred legality on these parcels and consequently they would now be eligible for the issuance of Unconditional Certificates of Compliance. APN 107-121-49 is the last remaining undeveloped lot of the original five lots. Since this lot did not comply with all of the provisions of the Subdivision Map Act at the time of its creation, it is therefore subject to the issuance of a Conditional Certificate of Compliance.

Analysis and Discussion

Parcel History

The chain of title submitted by the applicant indicates that APN 107-121-49 was created by deed instruments and is on file with the Planning Department along with copies of other deeds and supplemental information. A history of the parcel (summary of the chain of title) with explanatory maps is included as Exhibit B of this report.

Site Improvements and Development Approvals

The site is currently undeveloped and no development approvals have been issued by the County for this site.

Zoning

The following is a brief zoning history affecting the site at the time of parcel creation:

Ordinance 484 effective May 24, 1956. This was the Interim Zoning Ordinance for the County of Santa Cruz. Section 8 of this document placed the entire County in the U (Unclassified) Zone District if not specifically placed in another zone district.

At the time of its creation, the subject parcel was still within the U (Unclassified) zone district. On February 8, 1972, which was after the creation of the subject parcel, the area was rezoned to RA-BS-3 under Ordinance 1680.

Subdivision Map Act and Ordinance

Assessor's Parcel Number 107-121-49 was evaluated as to whether it could be presumed to have been lawfully created pursuant to Government Code Section 66412.6 and thereby entitled to an Unconditional Certificate of Compliance pursuant to Government Code Section 66499.35 and Santa Cruz County Code Section 14.01.109 and 14.01.110.

County Code Section 14.01.109(a) states that a parcel qualifies for an Unconditional Certificate of Compliance only if the real property in question complies with all of the provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto, as follows:

- (1) The subject property was conveyed by a separate document as a separate parcel **on or** before January 20, 1972.

Evidence was submitted indicating that the parcel was described within a separate deed instrument transferring the individual parcel (creation of the parcel) prior to January 20, 1972. This parcel was created by Deed recorded in Book 2094 Pages 423-424 on May 17, 1971.

- (2) The parcel in question complied with the provisions of the Subdivision Map Act at the time of its creation.

Evidence was found to indicate that the parcel did not comply with the applicable provisions of the Subdivision Map Act at the time the parcel was created. Specifically, prior to January 20, 1972, the

maximum number of parcels that could be created by the recordation of separate deed instruments by any one property owner or entity was limited to four parcels. It is clear that, between May 17, 1966 and May 13, 1971, former APN 107-121-26, was sequentially divided and re-divided to result in at least seven separate parcels and that five of these parcels were directly created by Penniman Title Company (see Parcel History, Exhibit B).

APN 107-121-26 was initially transferred from Carloni to Penniman Title, who then transferred the parcel to a third party, Burgstrom. Burgstrom then deeded a portion of APN 107-121-26 back to Penniman Title Company, thereby splitting the parcel and creating APN's 107-121-27 and 107-121-28. APN 107-121-28 was subsequently divided into six separate parcels and APN 107-121-27 was eventually combined with APN 107-121-07 and this resulting parcel was then also divided into four parcels. Details of the division of APN 107-121-27 and 107-121-07 have not been researched.

Of the six parcels created from APN 107-121-28, five separate parcels were created directly by Penniman Title Company, each by the recordation of a separate deed instrument that divided the parcel or divided one of the resulting parcels. One of the five parcels created by Penniman Title Company was deeded back to Elio Carloni and Mary L. Carloni, who subsequently divided the lot creating one further parcel.

(3) At the time the contract, deed or other document creating the subject parcel was signed, the subject parcel complied with the applicable County ordinances then in effect, including (without limitation) the parcel size required by the then applicable zone district.

The parcel complied with the applicable standards in effect at the time the parcels were created. At the time that the parcel was created, the standards of the "U" (Unclassified) Zone district were in effect and a minimum lot size of 6,000 square feet was required. The parcel has a gross parcel size of 84,462.8 square feet (1.94 acres), and a net parcel size of 75,462.8 square feet (1.73 acres) exclusive of the 225 foot long strip within the 40 foot wide right of way for Las Colinas Drive.

(4) The parcel in question has not been combined by the owner, and is not subject to merger.

No evidence was found that the parcel has been combined to any other parcel by the action of the owner and the parcels are not subject to merger as outlined in section 14.01.111 (b) 2 of the County Code and 66451.302 of the Government Code.

Summary and Conclusion

Under the criteria in County Code Section 14.01.109(a) for an Unconditional Certificate of Compliance, evidence has been found to indicate that the subject parcels did **not** comply with the applicable provisions of the State Map Act at the time the parcels were created because more than four adjacent parcels were created by the same property owner without prior approval of a Subdivision by the local agency. Therefore APN 107-121-49 requires the issuance of Conditional Certificate of Compliance.

Ownership of the subject parcel has legally been transferred a total of three times since the date of its creation. The current owner purchased the land in 1985 and it is clear that there was no involvement by this owner in the original creation of the lot and that they received no financial benefit from that past action.

At the time of its creation the subject lot complied with applicable County ordinances then in effect, including (without limitation) the parcel size required by the then applicable zone district. The parcel has a net developable area of 1.73 acres, exclusive of the right-of-way, with slopes of less than 30% and has a lot width and street frontage of 225 feet. The parcel therefore also conforms to all of the minimum requirements in effect for the current RA (Residential Agriculture) zone district, which allows for a minimum lot size of one acre, a minimum lot width of 100 feet and minimum street frontage of 60 feet. Further, it is larger in size than other lots that were created on the same date that could now be recognized as legal because of the past issuance of development approvals. In addition, access to the parcel is via Las Colinas Drive, a 40 foot right-of-way that complies with the requirements of County Code section 13.10.521(a) "Right-of-Way Access".

The State Map Act (66499.35) states that where a Conditional Certificate of Compliance is to be recorded, "the conditions which would have been applicable to the division of the property at the time applicant acquired his or her interest therein may be applied". APN 107-121-49 was purchased by the current owner on September 25, 1985. At that time the minimum lot size for the creation of parcels would have been determined based on the R-R (Rural Residential) General Plan designation for the parcel, which allows a range of 2.5 to 20 acres minimum, as determined by a Rural Matrix Study. While APN 107-121-49 has a net site area of 1.74 acres and would not be able to meet this standard, the parcel did meet the minimum size requirement that was in effect at the time of its creation. Due to the conference of legality on the adjacent lots created at the same time, including lots that are smaller than the subject parcel, staff recommends that the size standard in effect at the time of its creation be used in this case.

Since the Subdivision Map Act allows flexibility with regard to the conditions that may be required, the special circumstances that apply to this lot, as discussed (above), warrant the imposition of modified standards from those that would have been in effect at the time that the current owner took possession of the property. It has therefore been determined that, before this parcel may be considered to be buildable and permits issued for development, the property owner is required to demonstrate that all current standards shall be met to ensure the protection of public health, safety and welfare.

The recommended conditions have incorporated as Exhibit C. of this document.

Staff Recommendation:

- Certify that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Direct that a Conditional Certificate of Compliance, attached as Exhibit E. be recorded.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Application #: 111138
APN: 107-121-49
Owner: George R. and Gayle S. Tosello

Report Prepared By: Lezanne Jeffs
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RANCHO DE LOS CORRALITOS
 POR. SECS. 1 & 2, T.11S., R.1E., M.D.B. & M.

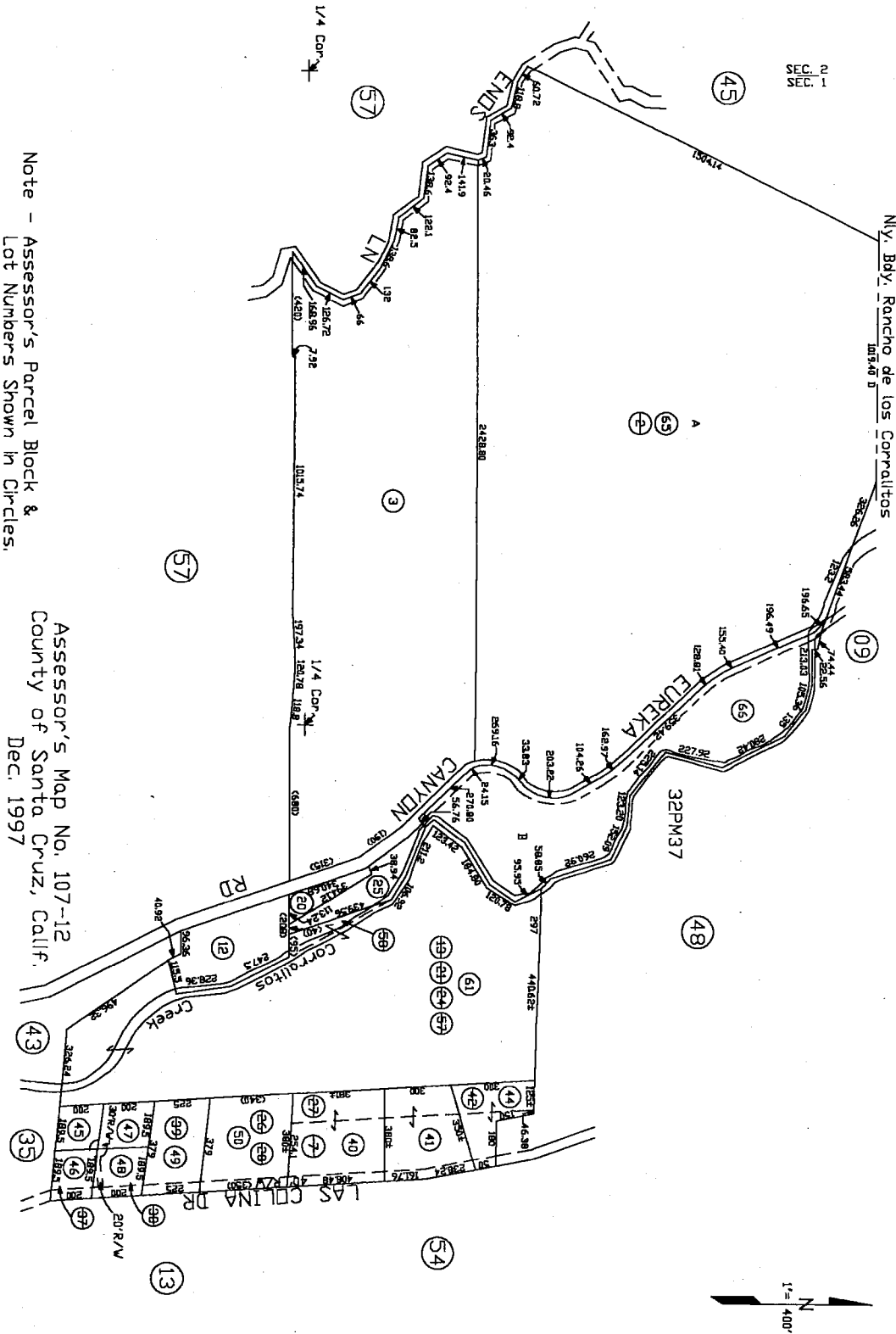
Tax Area Code
 69-262

107-12

Electronically drawn 12/9/97 KSA
 Rev. 12/9/97 KSA (Por. to Pg. 57)
 Rev. 4/9/98 CS (Tax Consolidation)

Note - Assessor's Parcel Block &
 Lot Numbers Shown in Circles.

Assessor's Map No. 107-12
 County of Santa Cruz, Calif.
 Dec. 1997



PARCEL HISTORY

APRIL 15, 1957

Book 1126 Pages 211- 213; Between William G. Ollason and Ellen F. Ollason, Mary Ollason Eagleson, Anne Ollason and Janet Ollason; Recognition of shares of undivided interest in land between family members. This deed describes the parcel shown at Figure 1.

MAY 17, 1966

Book 1764 Pages 666-667; FROM: William Ollason, as executor of the will of Sinclair Ollason, deceased, TO: Elio Carloni and Mary L. Carloni, husband and wife; Transfer of former APN 107-121-07.. See Figure 2.

Book 1764 Pages 668-670; FROM: William Ollason and Freda Ollason TO: Anne Ollason, Mary Ollason Eagleson, Janet Ollason, Robert Ollason and Barbara Siebert; Transferred all shares of undivided interest in a portion of the parcel described in Book 1126 Pages 211-213 (above) excepting a portion described in Book 1764 Pages 671-622 (below). This divided the aforementioned parcel and created APN 107-121-24 (currently APN 107-121-61). See figure 2

Book 1764 Pages 671-672; FROM: Annie Ollason, Janet Ollason, Mary Ollason Eagleson, Robert Ollason, Barbara Seibert and Robert Siebert, her husband TO: William G. Ollason. Transferred all the excepted portion of land as described in Book 1764 Pages 668-670 (above). This divided the previously aforementioned parcel and created APN 107-121-26. See figure 2.

Book 1764 Pages 675-676; FROM: William Ollason, as executor of the will of Sinclair Ollason, deceased, TO: Elio Carloni and Mary L. Carloni, husband and wife; Transferred APN 107-121-26. See Figure 2.

Book 1764 Pages 678-679; BETWEEN: Elio Carloni and Mary L. Carloni, husband and wife; AND Annie Ollason, Janet Ollason, Mary Ollason Eagleson, Robert Ollason and Barbara Seibert. QUIT CLAIM DEED witnessing transfer of APN 107-121-07 and newly created parcel APN 107-121-26. See Figure 2.

Book 1764 Pages 682-683 FROM: Elio Carloni and Mary L. Carloni, husband and wife; TO: Penniman Title Company, a California Corporation. Transferred APN 107-121-26. See Figure 2.

Book 1764 Pages 684-685 FROM: Elio Carloni and Mary L. Carloni, husband and wife; TO: Penniman Title Company, a California Corporation. Transferred APN 107-121-07. See Figure 2.

FEBRUARY 28, 1968

Book 1867 Pages 221-222; FROM: Penniman Title Company, TO: William A. Burgstrom And Lupe Burgstrom; Transfer of former APN 107-121-26.. See Figure 2.

DECEMBER 23, 1968

Book 1923 Pages 155-156; FROM: William A. Burgstrom And Lupe Burgstrom, his wife, TO: Penniman Title Company, a California Corporation. **This transfered a portion of APN 107-121-26 and thereby created two parcels**, APN's 107-121-27 and 107-121-28. See Figure 3.

FEBRUARY 26, 1971

Book 2074 Pages 417-418; FROM: Penniman Title Company Inc., a California Corporation, TO: Elio Carloni and Mary L. Carloni, husband and wife; **This divided APN 107-121-28 thereby creating three parcels**, APN's 107-121-37, 107-121-38 and 107-121-39. See Figure 4.

MAY 13, 1971

Book 2094 Pages 423-424; FROM: Penniman Title Company Inc., a California Corporation, TO: Earnest C. Webb; **This divided APN 107-121-39, to create one additional parcel** resulting in two parcels, current APN's 107-121-49 and 107-121-50. **This Deed instrument created the subject parcel, APN 107-121-49.** See Figure 5.

Book 2094 Pages 425-426; FROM: Elio Carloni, TO: Mary L. Carloni; **This divided APN 107-121-38 to create one additional parcel**, resulting in two parcels, current APN's 107-121-47 and 107-121-48. See Figure 5.

Book 2094 Pages 427-428; FROM: Penniman Title Company Inc., a California Corporation, TO: Lupe Burgstrom; **This divided APN 107-121-37 to create one additional parcel**, resulting in two parcels, current APN's 107-121-45 and 107-121-46. See Figure 5.

MARCH 26, 1976

Book 2599 Pages 52-57; FROM: Earnest C. Webb and Jo Ann Webb, his wife, TO: Betty R. Allen. (Subject Parcel).

FEBRUARY 5, 1979

Book 3018 Pages 267-269; FROM: Betty R. Allen, TO: Janet S. Rees. (Subject Parcel).

SEPTEMBER 25, 1985

Book 3887 Pages 94-98; FROM: Janet S. Rees, TO: George R. Tosello (current owner).

EXHIBIT B

EXHIBIT B



RANCHO DE LOS CORRALITOS.

107-12

Book 1764 Pages 666-667; FROM: William Ollason, as executor of the will of Sinclair Ollason, deceased, TO: Elio Carloni and Mary L. Carloni, husband and wife

Book 1764 Pages 684-685 FROM: Elio Carloni and Mary L. Carloni, husband and wife; TO: Penniman Title Company, a California Corporation. Transferred APN 107-121-07

Book 1764 Pages 678-679; BETWEEN: Elio Carloni and Mary L. Carloni, husband and wife; AND Annie Ollason, Janet Ollason, Mary Ollason Eagleson, Robert Ollason and Barbara Seibert. QUIT CLAIM DEED

Book 1764 Pages 668-670; FROM: William Ollason and Freda Ollason TO: Anne Ollason, Mary Ollason Eagleson, Janet Ollason, Robert Ollason and Barbara Seibert; Transferred all shares of undivided interest in a portion of the parcel described in Book 1126 Pages 211-213 (above) excepting a portion described in Book 1764 Pages 671-672

Book 1764 Pages 671-672; FROM: Annie Ollason, Janet Ollason, Mary Ollason Eagleson, Robert Ollason, Barbara Seibert and Robert Siebert, her husband TO: William G. Ollason. Transferred all the excepted portion of land as described in Book 1764 Pages 668-670

Book 1764 Pages 675-676; FROM: William Ollason, as executor of the will of Sinclair Ollason, deceased, TO: Elio Carloni and Mary L. Carloni, husband and wife

Book 1764 Pages 684-685 FROM: Elio Carloni and Mary L. Carloni, husband and wife; TO: Penniman Title Company, a California Corporation. Transferred APN 107-121-07

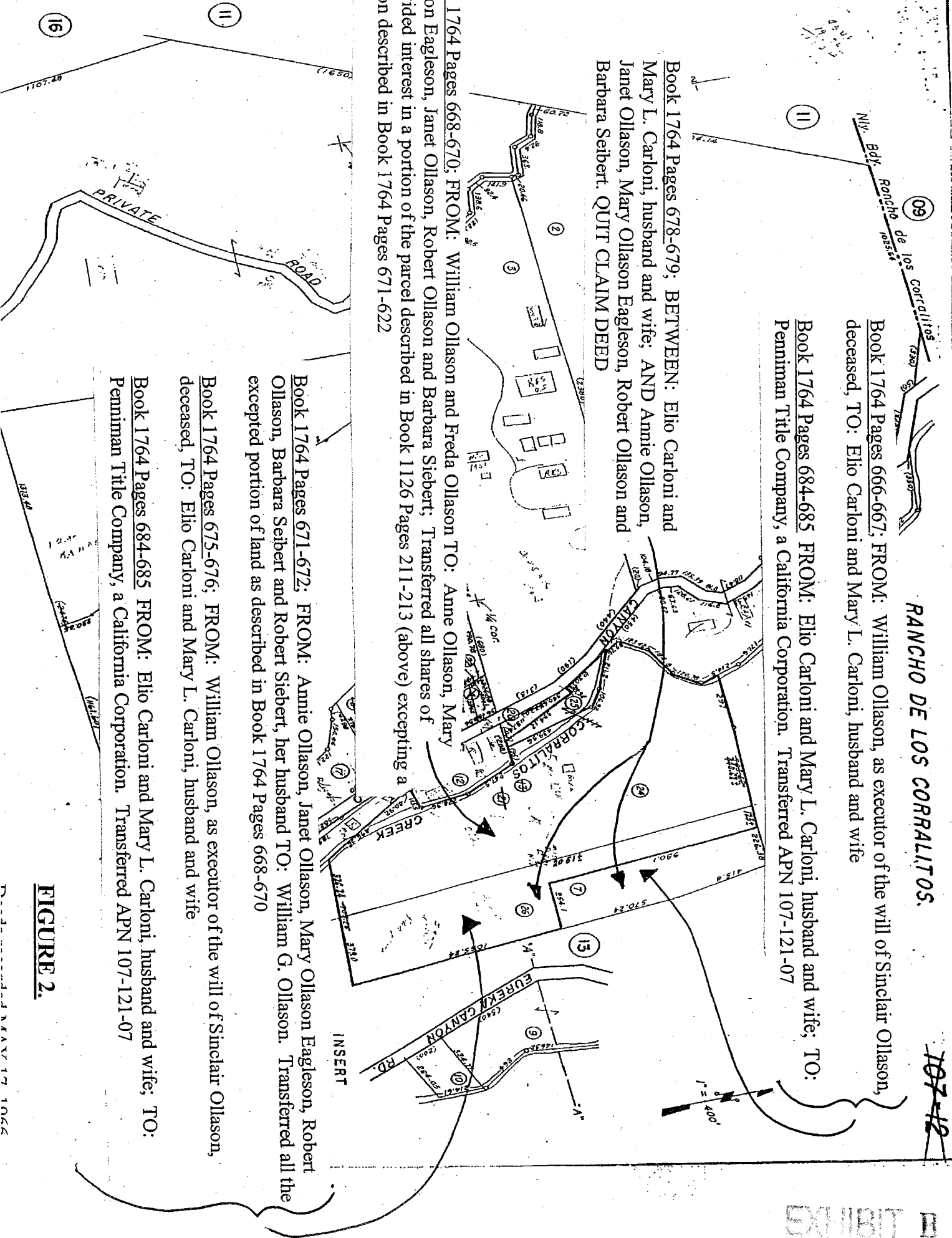


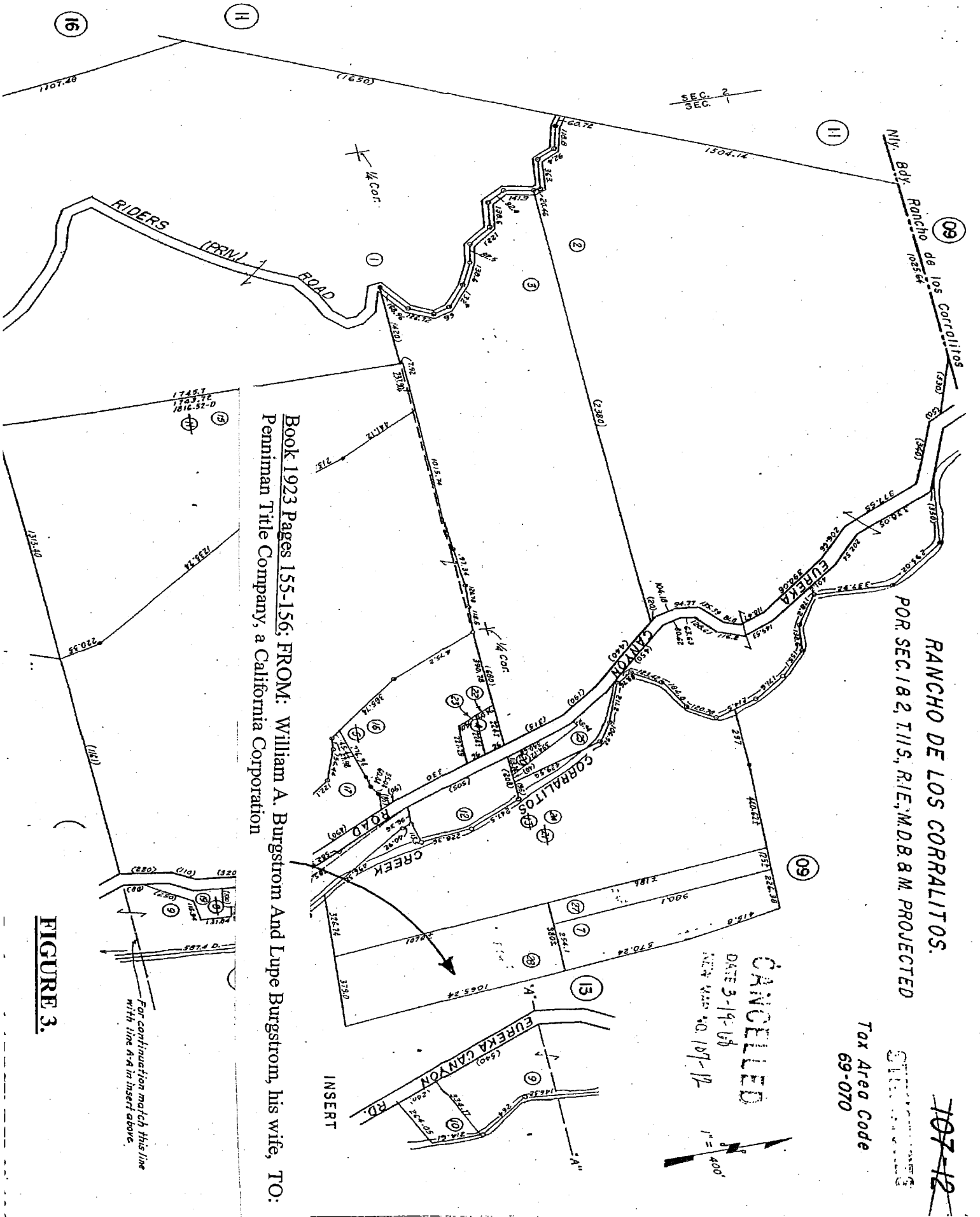
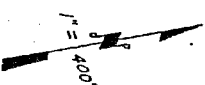
FIGURE 2.

707-12

RANCHO DE LOS CORRALITOS.
FOR SEC. 18, 2, T. 11 S., R. 1 E., M. D. B. & M. PROJECTED

Tax Area Code
69-070

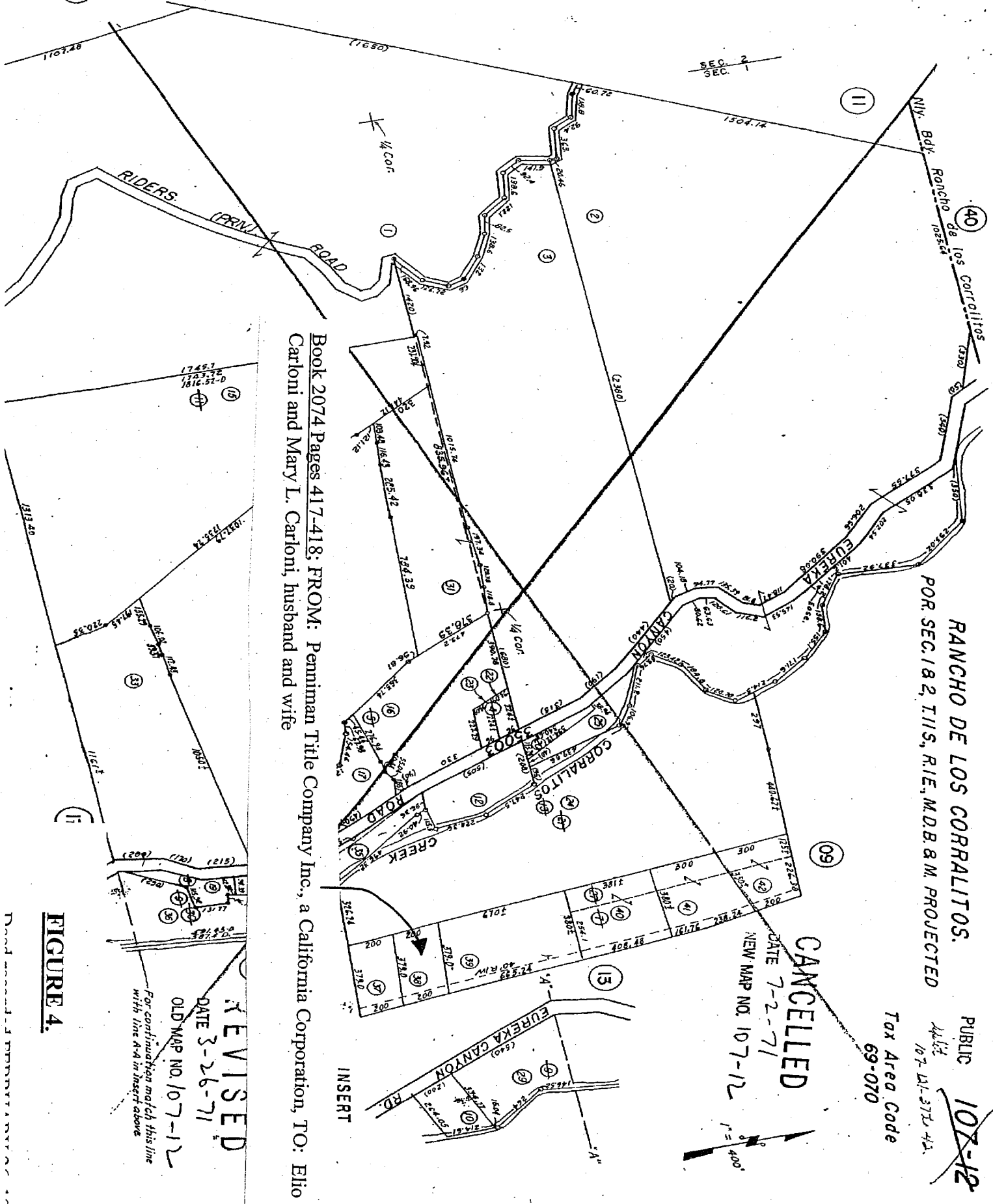
CANCELLED
DATE 3-14-66
NEW W.D. NO. 107-12



Book 1923 Pages 155-156; FROM: William A. Burgstrom And Lupe Burgstrom, his wife, TO: Penniman Title Company, a California Corporation

FIGURE 3.

1. 1968 J.W.
 2. 1968 J.W.
 11/8/68 J.W.
 Rev. 7/10/69 S.H.
 Rev. 10/11/69 S.H.
 Rev. 6-22-70 R.S.T.
 Rev. 12-31-70 R.F.
 Rev. 3/26/71 S.H.



Book 2074 Pages 417-418; FROM: Penniman Title Company Inc., a California Corporation, TO: Elio Carloni and Mary L. Carloni, husband and wife

RANCHO DE LOS CORRALITOS.
 POR SEC. 18, 2, 11, 5, R.I.E., M.D.B. & M. PROJECTED

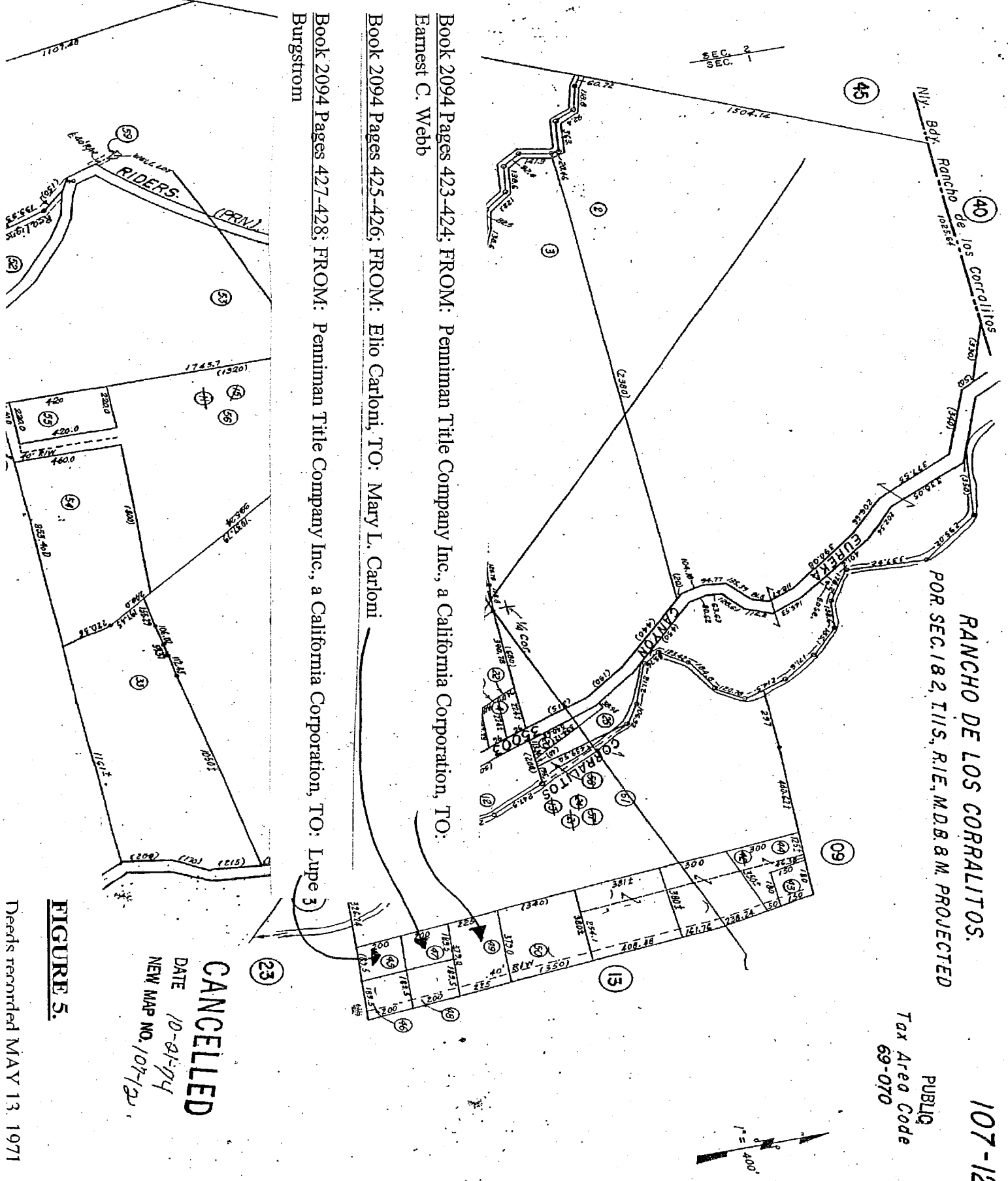
PUBLIC 107-12
 107-12-371-42.
 Tax Area Code 69-070

CANCELLED
 DATE 7-2-71
 NEW MAP NO. 107-12

FIGURE 4.

1968 J.W.
 12/68 J.W.
 18/68 J.W.
 Rev. 7/10/63 S.H.
 Rev. 10/1/69 S.H.
 Rev. 6-22-70 R.S.T.
 Rev. 12-31-70 R.S.T.
 Rev. 3/26/71 S.H.
 Rev. 5/25/71 R.F.
 Rev. 7/11/71 R.F.
 Rev. 2-4-72 R.F.
 Rev. 3/11/72 N.H.K.
 Rev. 2-20-73 K.H.P.
 Rev. 7-12-78 R.J.
 Rev. 9-20-75 C.L.R.

FOR TAX PURPOSES ONLY



Book 2094 Pages 423-424; FROM: Penman Title Company Inc., a California Corporation, TO:
 Earnest C. Webb
 Book 2094 Pages 425-426; FROM: Elio Carloni, TO: Mary L. Carloni
 Book 2094 Pages 427-428; FROM: Penman Title Company Inc., a California Corporation, TO: Lupe 3
 Burgstrom

CANCELLED
 DATE 10-21-74
 NEW MAP NO. 107-12
FIGURE 5.
 Deeds recorded MAY 13, 1971

107-12
 PUBLIC
 Tax Area Code
 69-070
EXHIBIT B

Conditions of Approval

- I. Prior to Assessor's Parcel Number 107-121-49 being considered as a buildable parcel and prior to submitting plans for building permits, all of the following shall be completed:
1. Submit a letter from Environmental Health Services indicating that satisfactory arrangements have been made for the installation of an approved sewage disposal system for the lot to include as follows:
 - a. A statement that facilities proposed to be installed for sewage disposal for the parcel, can be accomplished without creating a nuisance, either public or private, and without menace to the public health.
 2. Submit a Will Serve Letter to obtain water service from a Water District or, if applicable, an Individual Water Service Permit Issued by the County Environmental Health Department for a well or other water source.
 3. Comply with all of the requirements of the Local Fire Agency with regard to access for emergency vehicles and also for fire protection and safety as follows:
 - a. Fire hydrants or adequate storage facilities for a fire protection water supply shall be provided and installed in accordance with the requirements of the fire district providing fire protection to the subdivision.
 - b. The access road connecting the parcel with a County-maintained road that lies within the 40-foot right of way for Las Colinas Drive, shall be improved for its entire length in accordance with the current requirements of the fire district for Emergency Vehicle access.
 4. The building site shall be determined to be free from geologic hazards to the extent that the safety of any proposed dwelling or other structure may be ensured:
 - a. Where it is determined to be necessary by County Environmental Planning staff to fulfill this requirement, a Soils Report (also called a Geotechnical Report) and/or Geological Report shall be provided to assess or address all environmental/safety concerns. Where such reports are required, all construction shall be performed in conformance with the recommendations contained therein.
 5. The location of any proposed structure and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district. All Construction on the parcel shall comply with the requirements of the prevailing building technology, the California Building Code, and the County Building Ordinance to insure the optimum in safety and the conservation of energy and resources.
 - a. Obtain all required Development Permits for any proposed development, including (without limitation) an Agricultural Buffer Reduction Permit, for any habitable structure or use that is proposed to be located within 200 feet of the adjoining Agricultural Resource property.
 - b. Obtain a Building Permit from the Santa Cruz County Building Official for the construction all structures proposed on the parcel.

- II. As a condition of this approval, the holder ("Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents, to attack, set aside, void, or annul this approval of the COUNTY or any subsequent amendment of this approval which is requested by the Approval Holder.
- a. COUNTY shall promptly notify the Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Approval Holder.
 - b. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - i. COUNTY bears its own attorney's fees and costs; and
 - ii. COUNTY defends the action in good faith.
 - c. Settlement. The Approval Holder shall not be required to pay or perform any settlement unless such Approval Holder has approved the settlement. When representing the County, the Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
 - d. Successors Bound. "Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this approval which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney, AICP
Deputy Zoning Administrator

Lezanne Jeffs
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

EXHIBIT C

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 111138

Assessor Parcel Number: 107-121-49

Project Location: 180 Las Colinas Drive

Project Description: The proposal is to establish the legality of one parcel of about 84,463 square feet/1.94 acres in area. This application is a request for a Parcel Legality Determination / Certificate of Compliance.

Person or Agency Proposing Project: George R. Tosello

Contact Phone Number: (760) 742 1675 / (760) 855 2777

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Section 15305: Minor Alterations in Land Use Limitations

F. **Reasons why the project is exempt:**

Minor alteration in land use limitation that does not result in any changes to land use or density.

In addition, none of the conditions described in Section 15300.2 apply to this project.

Lezanne Jeffs, Project Planner

Date: _____

Recording requested by:

County of Santa Cruz

Return recorded form to:

Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor
Attention: Lezanne Jeffs
Application #: 111138

Notice of Compliance

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(CALIFORNIA GOVERNMENT CODE §27361.6)

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department

Attn: Lezanne Jeffs

Application Number: 111138

CONDITIONAL CERTIFICATE OF COMPLIANCE

WHEREAS, George R Tosello and Gayle S. Tossello, are the property owner(s) or vendee of such owner(s) of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 107-121-49, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to an application for Parcel Legality Status Determination, the County of Santa Cruz has determined that such real property does not comply with all the provisions of the State of California Subdivision Map Act and the County Subdivision Ordinance enacted pursuant thereto but that a Certificate of Compliance with conditions may appropriately be issued.

NOW, THEREFORE a Conditional Certificate of Compliance is hereby issued for the above-described parcel described in Exhibit "A" attached hereto subject to the conditions attached as Exhibit "B".

FURTHERMORE, this Conditional Certificate of Compliance shall not constitute a determination that said parcel is buildable or is entitled to a building permit or other development approval absent fulfillment and implementation of the enumerated conditions attached as Exhibit "B" and compliance with the provisions of all other Santa Cruz County ordinances and regulations. Compliance with the enumerated conditions shall be required prior to the application for a building permit or another development permit approval by the County of Santa Cruz.

This certificate of compliance relates only to issues of compliance or noncompliance with the subdivision map act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased or financed without further compliance with the subdivision map act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

DATED _____ COUNTY OF SANTA CRUZ

By: _____
Ken Hart
Principal Planner

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. Witness my hand and official seal.

Signature _____

EXHIBIT A

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS
FOLLOWS:

PARCEL ONE:

BEING A PART OF THE RANCHO CORRALITOS AND BEING A PART OF THE PARCEL DESCRIBED IN THE DEED FROM WILLIAM OLLASON, EXECUTOR, TO ELIO CARLONI ET UX., DATED MAY 10, 1966 AND RECORDED MAY 17, 1966 IN VOLUME 1764, PAGE 675, OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST BOUNDARY LINE THEREOF WHICH IS DISTANT NORTH 6 DEGREES 35' WEST 625 FEET ALONG SAID BOUNDARY FROM THE SOUTHEAST CORNER OF SAID PARCEL; THENCE ALONG SAID BOUNDARY SOUTH 6 DEGREES 35' EAST 225 FEET; THENCE LEAVING SAID BOUNDARY AND PARALLEL WITH THE SOUTH BOUNDARY OF THE SAID PARCEL, NORTH 85 DEGREES 15' WEST 379 FEET TO THE WEST BOUNDARY OF SAID PARCEL; THENCE ALONG THE LAST MENTIONED BOUNDARY NORTH 6 DEGREES 35' WEST 225 FEET TO A POINT WHICH IS NORTH 85 DEGREES 15' WEST FROM THE PLACE OF BEGINNING THENCE SOUTH 85 DEGREES 15' EAST 379 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH AN UNDIVIDED 1/50TH INTEREST IN THE WELL, PUMP, AND WATER SYSTEM DESCRIBED IN THE HEREINAFTER, MENTIONED AGREEMENT, ALL OF THE EASEMENTS CONVEYED HEREIN ARE HERREBY MADE APPURTENANT TO THE LANDS OF THE GRANTEEES AND ARE SUBJECT TO THE PROVISIONS OF THE "ROAD AND WATER AGREEMENT FOR LOS COLINAS" RECORDED SEPTEMBER 4, 1973 IN VOLUME 2344, PAGE 509, OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND AS SET OUT IN THE DEED FROM ERNEST C. WEBB, SR., ET UX., TO B. C. V. INC., A CALIFORNIA CORPORATION, RECORDED JANUARY 22, 1976 IN VOLUME 2578, PAGE 32, OFFICIAL RECORDS OF SANTA CRUZ.

PARCEL TWO:

BEING A NON-EXCLUSIVE EASEMENT, APPURTENANT TO PARCEL ONE OVER AND UPON A 0.089 ACRE PARCEL AND BRIDGE LOCATED THEREON DESCRIBED AS EXHIBIT "B" IN THE HEREINAFTER MENTIONED AGREEMENT FOR THE PURPOSES OF INSTALLATION AND MAINTENANCE OF UTILITIES OF ALL KINDS AND FOR ALL PURPOSES OF ACCESS TO AND FROM EUREKA CANYON ROAD, ALL AS SET FORTH IN THE AGREEMENT DATED OCTOBER 28, 1968, BETWEEN RAY WHEELER, ET UX., AND WILLIAM

A. BURGSTROM, ET AL., RECORDED DECEMBER 23, 1968 IN VOLUME 1923, PAGE 144, OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND AN EASEMENT IN COMMON WITH THE GRANTOR AS RESERVED IN THAT CERTAIN DEED FROM JOHN R. DALY, ET AL., TO PENNIMAN TITLE COMPANY, INC., DATED OCTOBER 21, 1968 AND RECORDED OCTOBER 24, 1968 IN VOLUME 1912, PAGE 159, OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND THE CONTINUATION THEREOF, AS A ROADWAY, 40 FEET WIDE, DESCRIBED BY ITS CENTERLINE AS FOLLOWS:

BEGINNING AT A POINT NOW OR FORMERLY IN THE CENTER OF CORRALITOS CREEK, FROM WHICH THE SOUTH CORNER OF THE LANDS CONVEYED BY JOHN R. DALY, ET AL., TO PENNIMAN TITLE COMPANY, INC., BY DEED DATED NOVEMBER 24, 1966 RECORDED NOVEMBER 29, 1966 IN VOLUME 1795, PAGE 335, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, BEARS NORTH 52 DEGREES 00' 32" WEST 21 FEET DISTANT AND AT THE SOUTH CORNER OF PARCEL ONE DESCRIBED IN THE DECREE OF PARTITION RECORDED IN VOLUME 1503, PAGE 149, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE FROM SAID PLACE OF BEGINNING:

1. NORTH 55 DEGREES 44' 20" EAST, 77.49 FEET TO THE POINT OF TANGENCY; THENCE
2. CURVE LEFT WITH A RADIUS OF 100 FEET, FOR 11.99 FEET; THENCE
3. NORTH 38 DEGREES 52' 14" EAST 141.31 FEET TO A POINT OF TANGENCY; THENCE
4. CURVE RIGHT WITH A RADIUS 100 FEET FOR 78.17 FEET, THENCE
5. SOUTH 86 DEGREES 20' 17" EAST 164.57 FEET TO A POINT OF TANGENCY; THENCE
6. CURVE LEFT WITH A RADIUS OF 80 FEET FOR 81.58 FEET, THENCE
7. NORTH 35 DEGREES 14' 08" EAST 75.05 FEET TO A POINT OF TANGENCY; THENCE
8. CURVE LEFT WITH A RADIUS OF 150 FEET, FOR 67.78 FEET; THENCE
9. NORTH 9 DEGREES 20' 41" EAST 77.73 FEET TO A POINT OF TANGENCY; THENCE
10. CURVE LEFT WITH A RADIUS OF 250 FEET, FOR 94.68 FEET; THENCE
11. NORTH 9 DEGREES 20' 41" EAST 92.09 FEET; THENCE
12. SOUTH 80 DEGREES 39' 19" EAST 40.00 FEET TO A POINT OF TANGENCY; THENCE
13. CURVE RIGHT WITH A RADIUS OF 40.00 FEET FOR 62.83 FEET; TO A POINT OF REVERSE CURVE; THENCE TANGENT TO SAID LAST CURVE; THENCE
14. CURVE LEFT WITH A RADIUS OF 210.00 FEET FOR 117.67 FEET TO A POINT OF TANGENCY WITH A REVERSE CURVE; THENCE
15. CURVE RIGHT WITH A RADIUS OF 100 FEET FOR 39.72 FEET TO A POINT OF TANGENCY WITH A REVERSE CURVE; THENCE

16. CURVE LEFT WITH A RADIUS OF 290 FEET FOR 279.90 FEET; THENCE
17. SOUTH 55 DEGREES 18' 145.25 FEET; THENCE
18. SOUTH 55 DEGREES 18' EAST 88.61 FEET TO A POINT OF TANGENCY; THENCE
19. CURVE RIGHT WITH A RADIUS OF 100 FEET TO 49.40 FEET; THENCE
20. SOUTH 26 DEGREES 59' 47" EAST 26.32 FEET TO A POINT OF TANGENCY; THENCE
21. CURVE LEFT WITH A RADIUS OF 100 FEET FOR 103.3 FEET; THENCE
22. SOUTH 86 DEGREES 01' 39" EAST 48.25 FEET TO A POINT OF TANGENCY; THENCE
23. CURVE RIGHT WITH A RADIUS 150 FEET FOR 77.23 FEET; THENCE
24. SOUTH 56 DEGREES 31' 43" EAST 164.58 FEET; THENCE
25. SOUTH 20 DEGREES 40' 54" EAST 276.01 FEET TO THE NORTH BOUNDARY OF SAID LANDS CONVEYED TO ELIO CARLONI, ET UX.

PARCEL THREE:

A RIGHT OF WAY 40 FEET IN WIDTH, APPURTENANT TO PARCEL ONE, THE EASTERLY LINE OF WHICH IS THE EASTERLY LINE OF THE LANDS DESCRIBED IN THE DEEDS TO ELIO CARLONI, ET UX., RECORDED MAY 17, 1966 IN VOLUME 1764, PAGE 666, AND IN VOLUME 1764, PAGE 675, BOTH OFFICIAL RECORDS OF SANTA CRUZ COUNTY, EXCEPT THE SOUTHERLY 200 FEET THEREOF WHERE THE EASEMENT BECOMES 20 FEET IN WIDTH AND THE EASTERLY BOUNDARY REMAINS THE EASTERLY LINE OF SAID LANDS DESCRIBED IN THE SAID DEED RECORDED IN VOLUME 1764, PAGE 675, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

PARCEL FOUR:

A RIGHT OF WAY 40 FEET IN WIDTH, APPURTENANT TO PARCEL ONE, THE EASTERLY LINE OF WHICH IS THE EASTERLY LINE OF THE LANDS CONVEYED IN THE DEED FROM PENNIMAN TITLE COMPANY, INC., A CALIFORNIA CORPORATION, TO WILLIAM A. BURGSTROM, ET UX., RECORDED MAY 13, 1971, IN VOLUME 2094, PAGE 421, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

PARCEL FIVE:

A RIGHT OF WAY, APPURTENANT TO SAID LANDS, DESIGNATED AS RIGHT OF WAY "A" IN THE DEED FROM WILLIAM A. BURGSTROM, ET AL., TO PENNIMAN TITLE COMPANY, INC., A

CALIFORNIA CORPORATION, ET AL., RECORDED JANUARY 20, 1976 IN VOLUME 2578, PAGE 60, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

PARCEL SIX:

A RIGHT OF WAY, APPURTENANT TO SAID LANDS DESIGNATED AS RIGHT-OF-WAY "C" IN THE DEED FROM B.C.V., INC., A CORPORATION, ET AL., TO ELIO CARLONI, ET AL., RECORDED MARCH 12, 1976 IN VOLUME 2593, PAGE 550, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

ASSESSOR'S PARCEL NO. 107-121-49

EXHIBIT B

All future development on the subject property described in the attached Exhibit "A" is subject to the following conditions:

- I. Prior to Assessor's Parcel Number 107-121-49 being considered as a buildable parcel and prior to submitting plans for building permits, all of the following shall be completed:
 1. Submit a letter from Environmental Health Services indicating that satisfactory arrangements have been made for the installation of an approved sewage disposal system for the lot to include as follows:
 - a. A statement that facilities proposed to be installed for sewage disposal for the parcel can be accomplished without creating a nuisance, either public or private, and without menace to the public health.
 2. Submit a Will Serve Letter to obtain water service from a Water District or, if applicable, an Individual Water Service Permit Issued by the County Environmental Health Department for a well or other water source.
 3. Comply with all of the requirements of the Local Fire Agency with regard to access for emergency vehicles and also for fire protection and safety as follows:
 - a. Fire hydrants or adequate storage facilities for a fire protection water supply shall be provided and installed in accordance with the requirements of the fire district providing fire protection to the subdivision.
 - b. The access road connecting the parcel with a County-maintained road that lies within the 40-foot right of way for Las Colinas Drive, shall be improved for its entire length in accordance with the current requirements of the fire district for Emergency Vehicle access.
 4. The building site shall be determined to be free from geologic hazards to the extent that the safety of any proposed dwelling or other structure may be ensured:
 - a. Where it is determined to be necessary by County Environmental Planning staff to fulfill this requirement, a Soils Report (also called a Geotechnical Report) and/or Geological Report shall be provided to assess or address all environmental/safety concerns. Where such reports are required, all construction shall be performed in conformance with the recommendations contained therein.
 5. The location of any proposed structure and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district. All Construction on the parcel shall comply with the requirements of the prevailing building technology, the California Building Code, and the County Building Ordinance to insure the optimum in safety and the conservation of energy and resources.
 - a. Obtain all required Development Permits for any proposed development, including (without limitation) an Agricultural Buffer Reduction Permit, for any habitable structure or use that is proposed to be located within 200 feet of the adjoining Agricultural Resource property.
 - b. Obtain a Building Permit from the Santa Cruz County Building Official for the construction all structures proposed on the parcel.

- II. As a condition of this approval, the holder ("Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents, to attack, set aside, void, or annul this approval of the COUNTY or any subsequent amendment of this approval which is requested by the Approval Holder.
- a. COUNTY shall promptly notify the Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Approval Holder.
 - b. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - i. COUNTY bears its own attorney's fees and costs; and
 - ii. COUNTY defends the action in good faith.
 - c. Settlement. The Approval Holder shall not be required to pay or perform any settlement unless such Approval Holder has approved the settlement. When representing the County, the Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
 - d. Successors Bound. "Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.