



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TODD: (831) 454-2123  
TOM BURNS, DIRECTOR

### STAFF REPORT ADDENDUM

ZONING ADMINISTRATOR  
COUNTY of SANTA CRUZ

October 1, 2004  
ITEM: 1  
Time: 11:00 a.m.

Application No. 03-0116  
APN: 087-052-07, 08, 09, 10 and 11  
Applicant: C. Philopovitch  
Owner: Bennet, Poncin, Beeson

#### Proposal and Property Location

The proposal is to establish the legality of a five parcels. This requires a Lot Legality Determination Certificate of Compliance.

The property is located on an unnamed private right of way off the west side of Hwy 236 about 1/3 mile north of Via Raton; San Lorenzo Planning Area.

#### Chronology

The following is a brief chronology of the lot creation. Exhibit C of this report provides a more detailed chronology including maps.

01/19/68 Bk 1860 Pg 625 Recorded 01/19/68

Wolff sells to Eberhardt a parcel that is now known as 087-052-07, 08, 09, 10 and 11.

01/31/68 Bk 1862 Pa 455 Recorded 01/31/68

Eberhardt enters into a recorded "Agreement for Sale of Property" with Haefner for the parcel now known as 087-052-09. Haefner sold it in 1991 and eventually title to the property was taken by Poncin in 1997 (see 1997-0031462 recorded 07/14/97).

03/19/68 Bk 1871 Pa 212 Recorded 03/19/68

Eberhardt sells to Allshouse a parcel now known as 087-052-07. Allshouse sells this parcel to Wolff, who sells it to Bennet in 1971 (see Bk 2133 Pg 408 recorded 09/30/71).

03/28/68 Bk 1873 Pa 156 Recorded 03/28/68

Eberhardt sells to Munch the parcel now known as 087-052-10. Munch transfers the property to Bennet in 1968 (see Bk 1887

Page 672 recorded 06/19/68).

03/28/68 Bk 1873 Paae 160 Recorded 03/28/68

Eberhardt sells to Bennet the parcel now known as 087-052-11. Bennet transfers this property to Munch on 06/19/68 (see Bk 1887 Pg 679).

The current owner (Beeson) obtained Title at a Tax Sale in 1999 (see 1999-0023387 recorded 04/01/99).

08/04/69 Bk 1967 Pg 166 Recorded 08/04/69

Eberhardt sells to Allshouse the parcel now known as 087-052-08, Allhouse sells this parcel to Wolff, who sells it to Bennet in 1971 (see Bk 2133 Pg 408 recorded 09/30/71).

#### Analvsis and DiscussionAddendum

Counsel has reviewed information submitted and has concluded that the following actions are appropriate:

1. APN 087-052--07, 09, and 10 were created in 1968 and based upon all available information, would qualify for the recording of Unconditional Certificates of Compliance. On April 16, 2004 the Zoning Administrator directed that the Unconditional Certificates of Compliance be prepared for these properties and recorded. That has been done.
2. APN 087-052-08 and 11 were created by the same subdivider and based upon all available information, would only qualify for the recording of Conditional Certificates of Compliance.

The parcels are all unimproved (no improvements of any value are noted on the tax valuation). No recorded Record of Survey Map was found which includes the parcels and, based upon County Code Section 14.01.111, some of the parcels are subject to merger.

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 the provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto as follows:

#### FINDINGS FOR APN 087-052-08 and 11

- (1) The subject property was conveyed by a separate document as a separate parcel on or before January 20, 1972.  
Individual deeds recorded in 1968 and not a map created the Parcels in question.
- (2) The parcel in question complied with the provisions of the Subdivision Map Act at the time of its creation.  
The parcels did *not* comply with the applicable provisions of the State Map Act at the time the parcels were created (1968) in that *the* same subdivider created a total of five parcels and *no* tentative map was processed or final map recorded.

- (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 parcels did not comply with the applicable ordinances in effect at the time the parcel was created (1968) in that the same subdivider created five lots and no tentative map was approved or final map recorded.

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

No evidence was found that the property has been **combined** by the action of the owner. **APN 087-052-07 and**, 08 could be subject to merger as outlined in section 14.01.111 (b) 2 of the County Code and 66451.302 of the Government Code.

Because the required findings cannot be made for the issuance of Unconditional Certificates of Compliance, the decisions maker may consider only Conditional Certificates of Compliance.

#### Summary Conclusion:

Based upon the deed evidence submitted, the APN 087-052-08 and 11 do not meet the criteria contained within section 14.01.109 of the County Code and the applicable sections of the State Map Act to be considered as individual parcels warranting the issuance of Unconditional Certificates of Compliance, and therefore require the issuance of Conditional Certificate of Compliance. Counsel has reviewed the facts associated with this application and concurs with this conclusion.

The State Map Act (66499.35) clearly states that the conditions "which would have been applicable to the division of the **property** at the time applicant **acquired** his or her interest **therein**" be applied. This provision of State law has been implemented by County Code section 14.01.109(b) 2 which states the following:

*"If applicant was not the owner at the time of the initial violation, the County shall issue and record a Conditional Certificate of Compliance imposing such conditions as would have been applicable **to** the division of the property at the time applicant acquired his or her interest therein."*

In this case, the year the owner took title is as follows:

APN	Owner	Date Acquired	Zone	GP
087-052-08	Bennet	1971	A2½	Conserved area: 1961 County Mt. Res.; 1994 County
087-052-11	Beeson	1999	RA	

The **recommended** conditions have incorporated the applicable standards (including zone district standards and the Rural Residential Density Determination) for the year title was obtained.

Recommendation:

It is RECOMMENDED that the Zoning Administrator take the following actions:

- A) Certify the Environmental determination attached as Exhibit A; and
- B) Direct that the Conditional Certificates of Compliance attached as Exhibit G to the 02/20/04 ZA Staff Report be recorded for APN 087-052-08 and **11**.

Prepared By: Don Bussey  
Don Bussey  
Project Manager

Exhibit:           A. CEQA Determination  
                      B. Conditional Certificates of Compliance  
                      C. Chronology

**NOTICE OF EXEMPTION FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The County of Santa Cruz has reviewed the project described below and **has** determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No.                    03-0116  
Assessor's Parcel No.        087-052-07, 08, 09, 10, 11  
Project Location:                No Situs  
Project Description: Lot legality/ Conditional Certificate of Compliance  
Person or Agency Proposing Project: C. Philipovitch

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.  
B. \_\_\_\_\_ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.  
C. \_\_\_\_\_ Statutory Exemption other than a Ministerial Project.  
Specify type:

D.    Categorical Exemption

- |  |   |
|--|---|
| ____ 1. Existing Facility  | ____ 17. Open Space Contracts or Easements  |
| ____ 2. Replacement or Reconstruction                                    | ____ 18. Designation of Wilderness Areas  |
| ____ 3. New Construction of Small Structure                              | ____ 19. Annexation of Existing Facilities/<br>Lots for Exempt Facilities         |
| <u>X</u> 4. Minor Alterations to Land                                    | ____ 20. Changes in Organization of Local<br>Agencies                             |
| ____ 5. Alterations in Land Use Limitations                              | ____ 21. Enforcement Actions by Regulatory<br>Agencies                            |
| ____ 6. Information Collection   | ____ 22. Educational Programs   |
| ____ 7. Actions by Regulatory Agencies for Protection of the Environment | ____ 23. Normal Operations of Facilities<br>for Public Gatherings                 |
| ____ 8. Actions by Regulatory Agencies for Protection of Nat. Resources  | ____ 24. Regulation of Working Conditions   |
| ____ 9. Inspection   | ____ 25. Transfers of Ownership of<br>Interests in Land to Preserve<br>Open Space |
| ____ 10. Loans   | ____ 26. Acquisition of Housing for Housing<br>Assistance Programs                |
| ____ 11. Accessory Structures  | ____ 27. Leasing New Facilities   |
| ____ 12. Surplus Govt. Property Sales                                    | ____ 28. Small Hydroelectric Projects at<br>Existing Facilities                   |
| ____ 13. Acquisition of Land for Wildlife Conservation Purposes          | ____ 29. Cogeneration Projects at Existing<br>Facilities                          |
| ____ 14. Minor Additions to Schools                                      |   |
| ____ 15. Minor Land Divisions  |   |
| ____ 16. Transfer of Ownership of<br>Land to Create Parks                |   |

E. \_\_\_\_\_ Lead Agency Other Than County:

\_\_\_\_\_  
Don Bussey, Project Planner

Date:

WHEN RECORDED RETURN TO  
Santa Cruz County Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060  
Attn: Don Bussey  
#03-0116  
APN: 087-052-08

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**CONDITIONAL  
CERTIFICATE OF COMPLIANCE**

WHEREAS, David S. Bennet and Naomi G. Bennet, Trustees of the Bennet Family Trust, created on January 2, 1996, are the property owners or vendee of such owners of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 087-052-08, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference made a part hereof, has/have requested that the County issue a Conditional Certificate of Compliance pursuant to Government Code Section 66499.35 and local regulations thereto; 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 to hereto subject to the conditions attached as Exhibit "B".

THIS CERTIFICATE OF PARCEL 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.

FURTHERMORE, THIS CERTIFICATION OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL WITHOUT 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.

DATED \_\_\_\_\_ COUNTY OF SANTA CRUZ

By: \_\_\_\_\_  
Mark Deming AICP  
Assistant Planning Director

STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ

On \_\_\_/\_\_\_/04 before me Bernice Romero, Notary Public, personally appeared Mark Deming personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted executed the instrument.

Witness my hand and official seal

Signature \_\_\_\_\_

## EXHIBIT A

Situate in the County of Santa Cruz, State of California and more particularly described as follows:

BEING that portion of the South one-half of the North one-half of the North one-half of the Northwest 1/4 of Section 35, T. 8 S., R. 3 W., M. D. B. & M. lying West of the State Highway, as conveyed by Deed to the State of California, recorded in Volume 271, page 230 of Deeds, Santa Cruz County Records.

EXCEPTING therefrom the West 990 feet thereof.

ALSO EXCEPTING therefrom the lands conveyed to

- (a) Leslie L. Hasfner by Deed recorded in Volume 1880, page 211, Official Records of Santa Cruz County;
- (b) Dennis R. Allshouse et ux by Deed recorded in Volume 1871, page 212, Official Records of Santa Cruz County.

TOGETHER with and SUBJECT to the right of way as set out in the Right of Way Agreement between Wilda Wolff and Dr. H. Sidney Newcomer et ux, dated November 28, 1966, recorded December 5, 1966 in Volume 1796, page 62. Official Records of Santa Cruz County.

## EXHIBIT B

1. Prior to being considered as a building site and submitting **plans** for a building permit, complete the following
  - a. Provide evidence that the property has at least 60 feet of frontage on a minimum 40-foot wide right of way.
  - b. Provide a **survey** along with copies of recorded deeds indicating that the property **has** a **minimum** of 2 ½ net acre parcel size. Net parcel **size** is defined as the gross area **minus** all rights of way. The site **will not** be considered as a building site **until this** standard is met.
  - c. Apply for a Geohazard Analysis with the County and complete any and all required reports (i.e.; Geologic and Geotechnical) to the satisfaction of the **County** of Santa Cruz.
  - d. Provide written proof from Environmental Health Services that an acceptable water source is available to the property and that the site complies with **all** applicable standards for an on site septic system.
1. Prior to obtaining a building permit, complete the following:
  - a. Submit and **obtain** approval from the Department of Public Works and Planning Department of an engineered road improvement, drainage and erosion plan for the road system to serve **this** parcel. The road shall be at least 16-feet wide with a **minimum** of 6 inches of compacted Class II baserock.  
When the road grade exceeds 15%, the surface shall be overlain with 2 inches of asphaltic concrete. The road grade shall not exceed 15 % for more than 200 feet and **shall** not exceed 20%. All requirements of Zone **8** shall be met.
  - b. Submit **an** erosion control plan for the parcel for review and approval by the Planning Department.
  - c. Submit certification from Environmental Health Services that **all** proposed development on the parcel will meet all Environmental Health requirements with respect to water availability and septic system use.
  - d. Submit a letter from the Boulder Creek Fire Protection District that indicates that all development on the parcel, including **the** proposed roadway system, **meets** the Fire District requirements.
  - e. The property owner shall be entirely responsible for maintaining **the** road, drainage improvements and erosion control plan to this property. The property owner shall record a Road Maintenance Agreement shall state that the owner of APN 082-052-08 **shall** be entirely responsible for the maintenance of the road constructed from the publically maintained road (including the approved erosion and drainage system)
- 2 Prior to final building inspection, all road improvements, drainage and erosion control measures shall be constructed.



WHEN RECORDED RETURN TO  
Santa Cruz County Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060  
Attn: Don Bussey  
#03-0116  
APN: 087-052-11

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**CONDITIONAL  
CERTIFICATE OF COMPLIANCE**

WHEREAS, Ron Beeson is the property owner or vendee of such owner of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 087-052-11, and more particularly described in Exhibit " A attached hereto and incorporated herein by reference made a part hereof, has/have requested that the County issue a Conditional Certificate of Compliance pursuant to Government Code Section 66499.35 and local regulations thereto; 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 to hereto subject to the conditions attached as Exhibit " B .

THIS CERTIFICATE OF PARCEL 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.

FURTHERMORE, THIS CERTIFICATION OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL WITHOUT 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

DATED \_\_\_\_\_ COUNTY OF SANTA CRUZ

By: \_\_\_\_\_  
Mark Deming AICP  
Assistant Planning Director

STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ

On \_\_\_/\_\_\_/04 before me Bernice Romero, Notary Public, personally appeared Mark Deming personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted executed the instrument

Witness my hand and official seal

Signature \_\_\_\_\_

## EXHIBIT A

**Situate in the County of Santa Cruz, State of California and more particularly described as follows:**

All that portion of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 35, T. 6 S., R. 3 W., M.D.B. & M. lying West of the State Highway and East of the following described line:

Beginning at a point on the North line of said Section 35, distant thereon 613.79 feet West from the Northeast corner of said Northwest  $\frac{1}{4}$ ; thence South 220 feet; thence West 316.70 feet; thence South to the South line of said North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{4}$  of said Section 35.

Together with the right of way as set out in the right of way agreement between Wilda Wolff and Dr. H. Sidney Newcomer, et ux, dated November 28, 1966, recorded December 5, 1966 in Volume 1796 of Official Records, at page 62, Santa Cruz County Records.

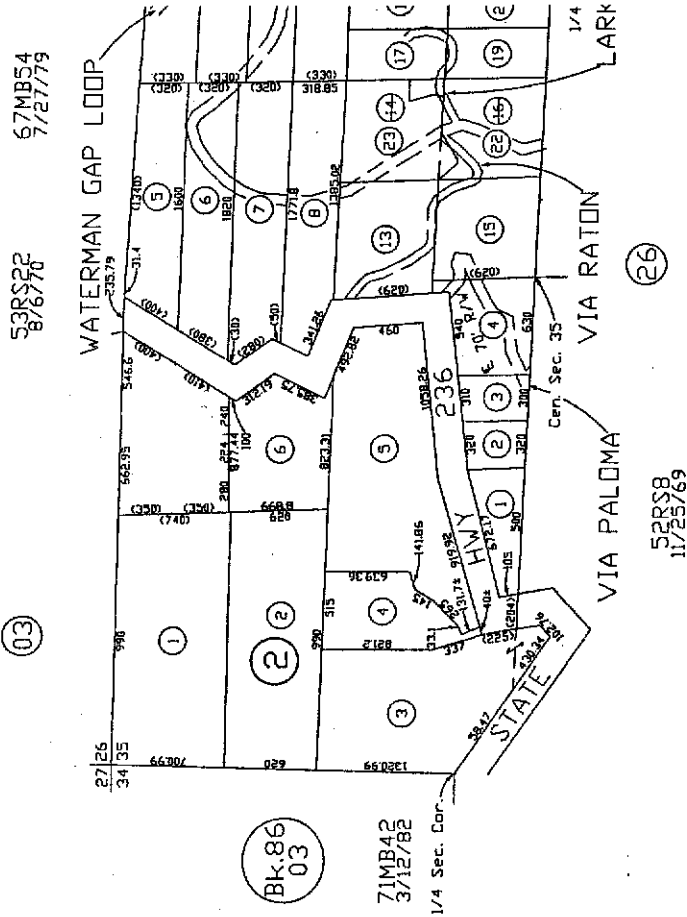
Also together with a right of way for road purposes over and upon any and all existing roads from the herein described property to any public road or highway.

## EXHIBIT B

1. Prior to being considered as a building site and submitting plans for a building permit, complete the following:
  - a. Provide evidence that the property has at least 60 feet of frontage on a minimum 40-foot wide right of way.
  - b. Provide a survey along with copies of recorded **deeds** indicating that the property has a minimum of 25 net developable acre parcel **size**. Net developable parcel **size** is defined as the **gross** area minus 1) all rights of way, 2) slopes over 50%, 3) riparian area, wooded **arroyos**, canyons, areas of riparian vegetation and areas within a 50 foot riparian buffer setback, 4) **Lakes**, marshes, wetlands and area within 100 year floodplain and any associated buffer setback, 5) Areas of recent landslide, 6) Land within 50 feet of a active or potentially active fault **zone**, 7) Commercial Ag or mineral resource land.
  - c. Apply for a Geohazard Analysis with the County and complete any and all required reports (i.e.; Geologic and Geotechnical) to the satisfaction of the County of **Santa Cruz**.
  - d. Provide written proof from Environmental Health Services that an acceptable water source is available to the property and that the site complies with all applicable standards for an on site septic system.
  - e. All buildings including the access driveway shall be on slopes of less **than** 30%.
2. Prior to obtaining a building permit, complete the following:
  - f. Submit and obtain approval from **the** Department of Public **Works** and Planning Department of an engineered road improvement, drainage and erosion plan for **the** road system to serve this parcel. The road **shall** be at least 16-feet wide with a minimum of 6 inches of compacted Class II baserock. When the road grade exceeds 15% the surface shall be overlain with 2 inches of asphaltic concrete. The road grade shall not exceed 15% for more than 200 feet and shall not exceed 20%. All requirements of Zone 8 shall be met.
  - g. Submit an erosion control plan for the parcel for review and approval **by** the Planning Department
  - h. Submit certification from Environmental Health Services that all proposed development on the parcel will meet all Environmental Health requirements with respect to water availability and septic system use.
  - i. Submit a letter from the Boulder Creek Fire Protection District that indicates that all development on the parcel, including the proposed roadway system, meets the Fire District requirements.
  - j. The property owner shall be entirely responsible for maintaining the road, drainage improvements and erosion control plan to this property. The property owner **shall** record a Road Maintenance Agreement which shall state that the owner of APN 087-052-11 shall be entirely responsible for the maintenance of the road constructed from the publically maintained road (including the approved erosion and drainage system)
3. Prior to final building inspection, all road improvements, drainage and erosion control measures shall be constructed.

## Chronology

T.S. R



January 19, 1968

EXHIBIT C

RECORDING REQUESTED BY  
GRANTOR  
191 N. Hamilton Avenue  
Campbell, Calif.  
105262-2, S. C. (4)

ALL TAX DATES, TO  
AS ABOVE  
JAN 9 1968  
As for

SPACE ABOVE THIS LINE FOR RECORDED USE

0001860 PAGE 625

01632  
BOOK 1860 PAGE 625

SANTA CRUZ LAND TITLE CO.  
JAN 19 11 19 AM '68

# Grant Deed

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

WILDA WOLFF

heretofore CHANT(S)

JAMES REBERHARDT, a married man,

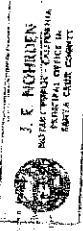
the following described real property in the  
County of Santa Cruz

State of California:

All that portion of the North 1/2 of the North 1/2 of the Northwest 1/4 of Section 35, T. 8 S., R. 3 E., M.D.B. & M. lying West of the State Highway as per deed to State of California recorded June 14, 1916, in Volume 274, page 230 of Deeds, Santa Cruz County Records, EXCEPTING the West 990 feet thereof.

TOGETHER WITH the right of way as set out in the Right of Way Agreement between Wilda Wolff and Dr. H. Sidney Newbauer et al dated November 28, 1966, recorded December 5, 1966 in Volume 1796, page 62, Official Records of Santa Cruz County.

Wilda Wolff

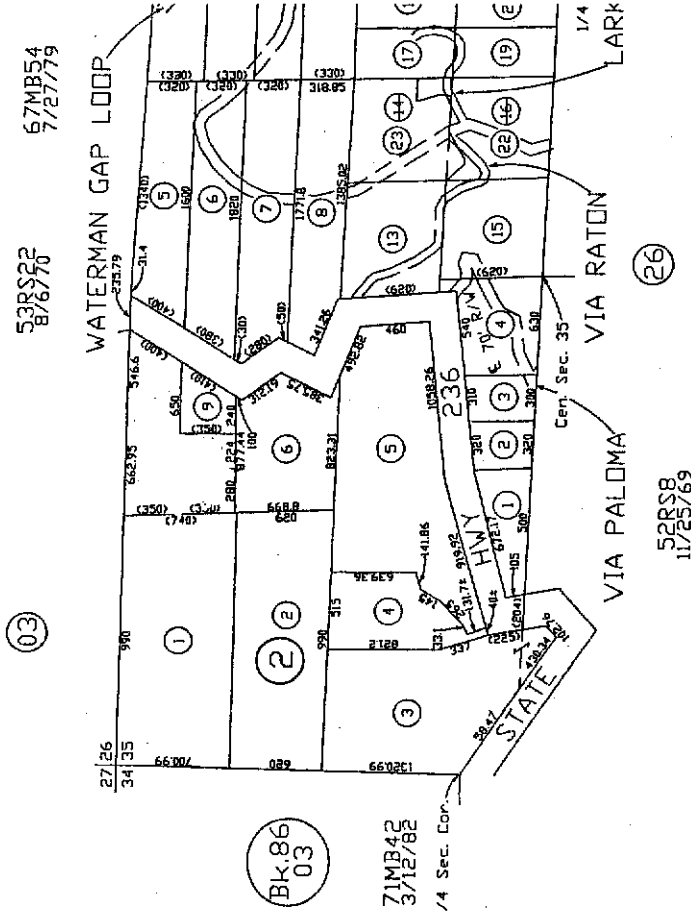


Title Order No.

Record No.

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

T.B.S., R



January 31, 1968

Note - Assess Number

EXHIBIT C

Recorded at the request of  
Jane Eberhardt  
 Return to  
Jane Eberhardt  
5270 Scotts Valley Dr.  
Scotts Valley, Calif.  
 105422-N S.C.  
 02643  
 BOOK 1862 PAGE 455  
 ORDERED AT REQUEST OF  
 SANTA CRUZ LAND REC'D OFF.  
 3 05 PM '68

# Agreement for Sale of Real Estate

THIS AGREEMENT, made in duplicate this 3rd day of November, A.D. 1967, by and between  
 JAMES W. EBERHARDT  
 hereinafter called the seller, and  
 LESLIE L. HAEFNER  
 hereinafter called the buyer.  
 WITNESSETH: That the seller, in consideration of the covenants and agreements on the part of the buyer hereinafter contained, agrees to sell and convey unto the buyer, and said buyer agrees to buy the following described real property, situate in the  
 County of Santa Cruz,  
 State of California, to-wit:

That part of the South 1/2 of the North 1/2 of the North 1/2 of the Northwest 1/4 of Section 35, T8S, R3W, M.D.B.&M. lying West of the State Highway and lying East of a North-South line being 164 feet West of the point where the North boundary of the South 1/2 of the North 1/2 of the North 1/2 of the Northwest 1/4 intersects the State Highway.

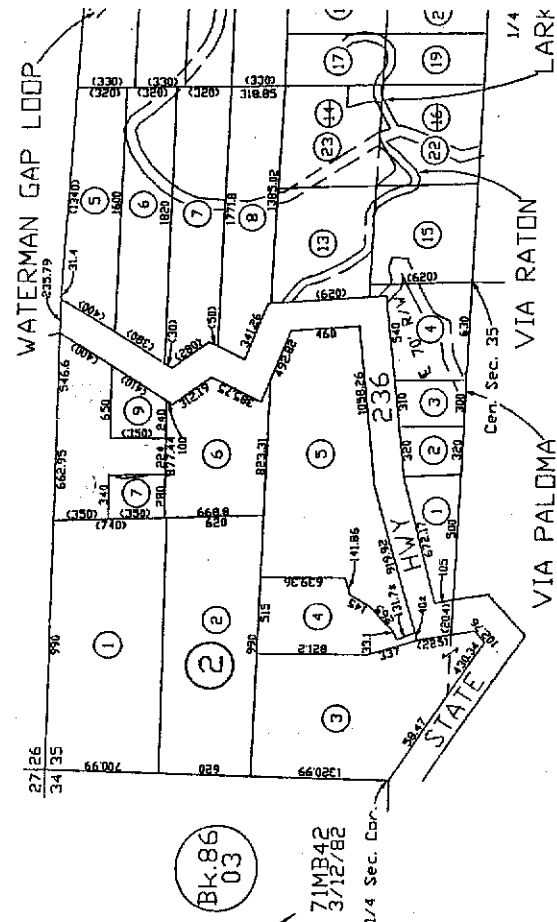
For the sum of Five Thousand Five Hundred and No/100 Dollars, \$5,500.00 1 in lawful money of the United States; payable as follows, to-wit:  
 \$500.00 cash  
 upon the execution of these presents, the receipt whereof is hereby acknowledged, and the balance as follows, to-wit:  
 \$5,000.00 payable \$85.25 per month for 6 years having interest at 7% per annum. Seller agrees to deliver a deed after \$1,925.00 in Principal has been paid.

Additional payments may be made at any time.  
 All deferred payments shall bear interest at the rate of 7% per annum from the date of the first payment on February 5, 1968, until they are paid in full. In the event of the seller, he added to the amount and bear a like rate of interest. If any installment of principal or interest be not paid when due, then the whole of the principal and interest and as the option of the seller, without notice, become forthwith due and payable.

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 8000

T.S. F

53RS22  
8/6/70  
67MB54  
7/27/79



March 19, 1968

Note - Assess Number

EXHIBIT C

Tax Due \$ 9.25 (paid)  
Recorded on the request of  
Return to  
Mr. Dennis R. Allhouse  
13211 Keith Street  
San Jose, California 95070  
COMPARED  
Mar 19 12 16 PM '68

07106  
BOOK 1871 PAGE 212  
SANTA CRUZ LAND TITLE CO.  
Mar 19 12 16 PM '68

Mar 19 12 16 PM '68

\$2.50  
\$2.75

For value received JAMES EBERHARDT and LINDA L. EBERHARDT, his wife,

GRANT to DENNIS R. ALLHOUSE and LINDA A. ALLHOUSE, his wife,

as JOINT TENANTS all that real property situated in the

County of Santa Cruz State of California, described as follows:

BEING that portion of the South one-half of the North one-half of the North one-half of the Northwest 1/4 of Section 35, T. 8 S., R. 3 E., S. 1/4, N. D. B. & M., lying West of the Santa Highway, as conveyed by Deed to the State of California, recorded in Volume 271, page 230 of Deeds, Santa Cruz County Records, EXCEPTING therefrom the West 900 feet thereof.  
ALSO EXCEPTING from the lands above described that portion lying East of a line running North and South, which is 1/4 mile West of the intersection of the Highway.  
TOGETHER with and SUBJECT to the right of way as set out in the Right of Way Agreement between Linda Wolf and Dr. H. Sidney Newcomer, et al, dated November 26, 1966, recorded December 5, 1966 in Volume 1792, page 62, Official Records of Santa Cruz County.

Tax Parcel No. 87-052, part of 29.

Dated February 19, 1968

STATE OF CALIFORNIA  
County of Santa Cruz  
On February 21, 1968 before me, the undersigned, a Notary Public in and for said County and State, personally appeared JAMES EBERHARDT and LINDA L. EBERHARDT, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.  
My commission expires  
J. E. NOHRDEN  
NOTARY PUBLIC - CALIFORNIA  
PRINCIPAL OFFICE IN SANTA CRUZ COUNTY





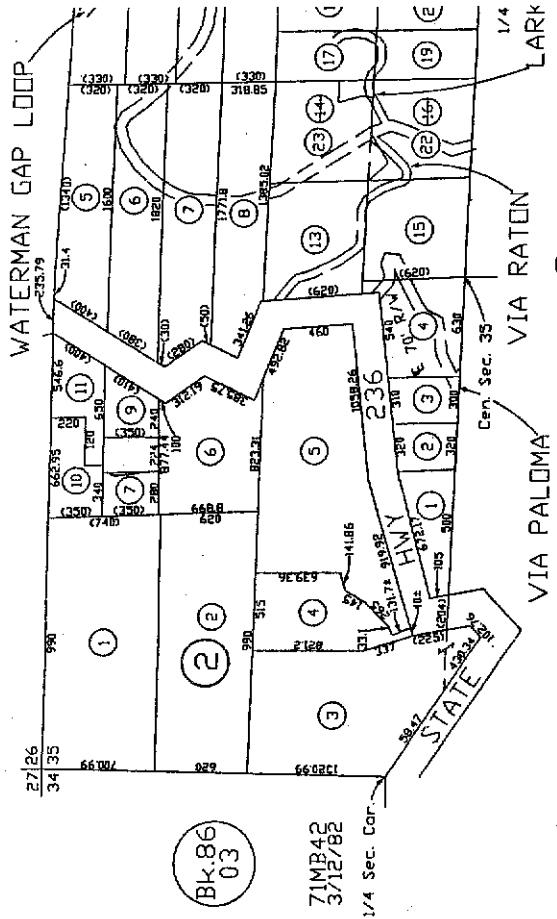
1. THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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T.S. F

808093  
BOOK 1873 PAGE 160  
SANTA CRUZ LAND TITLE CO.  
MAR 28 3 52 PM '68

105603-J, S. C.  
**GRANT DEED**  
Mr. & Mrs. David S. Bennet  
5699 Indian Ave.  
San Jose, Calif.  
By this instrument dated March 19, 1968, for a valuable consideration,  
JAMES EBERHARDT and LINDA L. EBERHARDT, his wife  
hereby GRANT (S) to  
DAVID S. BENNET and NAOMI G. BENNET, his wife  
the real property situated in the  
County of Santa Cruz, State of California, described as follows:  
Parcel B:  
All that portion of the North 1/4 of the North 1/4 of the North 1/4 of the Northwest 1/4 of Section 35, T. 8 S., R. 3 E., M.D.B. & M. lying West of the State Highway and East of the following described line:  
Beginning at a point on the North line of said Section 35, distant thereon 813.79 feet West from the Northeast corner of said Northwest 1/4, thence South 220 feet; thence West 316.76 feet; thence South to the South line of said North 1/4 of the North 1/4 of the Northwest 1/4 of said Section 35.  
Together with the right of way as set out in the right of way agreement between Linda Wolff and Dr. H. Sidney Newman, et al, dated November 26, 1966, recorded December 5, 1966 in Volume 1796 of Official Records, at page 62, Santa Cruz County Records.  
Also together with a right of way for road purposes over and upon any and all existing roads from the herein described property to any public road or highway.

53RS22  
8/6/70  
67MB54  
7/2/79



52RS8  
11/23/69

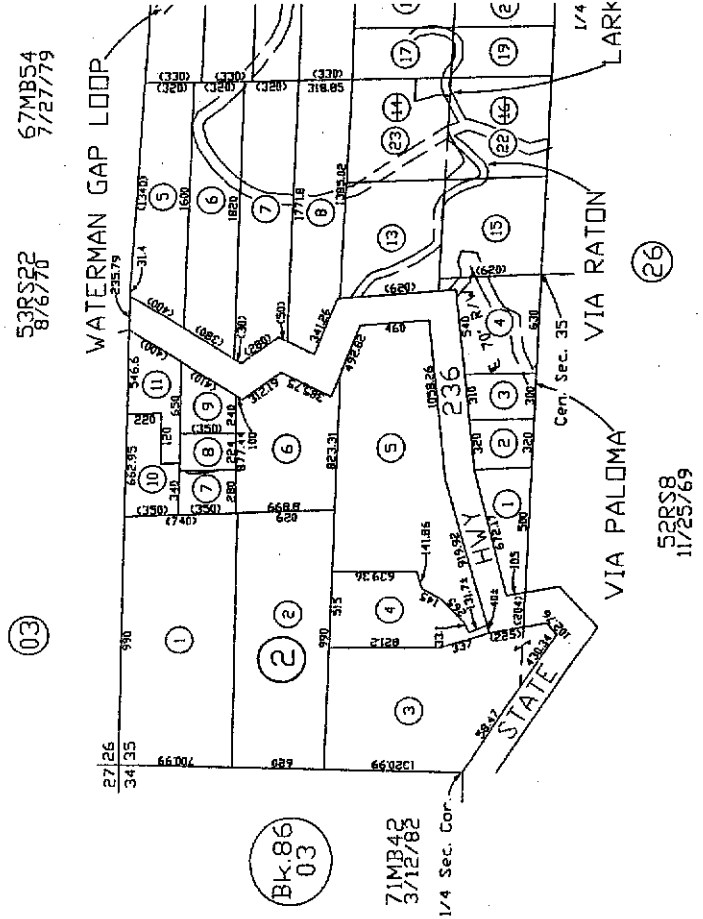
March 28, 1968

Note - Assess Number

EXHIBIT C

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

T.8S., F



March 28, 1968

Note - Assess Number

TAX DUE \$ None

Recorded at the request of

Return to

Desire R. Allshouse  
204 More Avenue  
Los Gatos, Calif. 95030

105429-S. S. C (b)

For value received JAMES EBERHARDT and LINDA L. EBERHARDT, his wife  
GRANT to DERRIS R. ALLSHOUSE and LINDA A. ALLSHOUSE, his wife  
as JOINT TENANTS all that real property situate in the County of Santa Cruz, State of California, described as follows:  
BEING that portion of the South one-half of the North one-half of the North one-half of Section 35, T. 8 S., R. 3 E., S. 3 E., M. D. R. & M. lying West of the State Highway, as conveyed by Deed to the State of California, recorded in Volume 271, page 230 of Records, Santa Cruz County Records.  
EXCEPTING therefrom the West 990 feet thereof.  
ALSO EXCEPTING therefrom the lands conveyed to Leslie L. Basford by Deed recorded in Volume 1880, page 211, Official Records of Santa Cruz County;  
(b) Dennis R. Allshouse et al as by Deed recorded in Volume 1871, page 212, Official Records of Santa Cruz County.  
TOGETHER with and SUBJECT to the right of way as set out in the Right of Way Agreement between Wilda Wolff and Dr. H. Sidney Newcomer et al, dated November 28, 1966, recorded December 5, 1966 in Volume 1796, page 62, Official Records of Santa Cruz County.

Assessor's Parcel No: 87-051-39

Dated July 30 1968

*James Eberhardt*  
*Linda Eberhardt*

STATE OF CALIFORNIA  
County of Santa Cruz  
On July 30 1968 before me, the undersigned a Notary Public in and for said County and State, personally appeared JAMES EBERHARDT and LINDA L. EBERHARDT known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.  
My commission expires 11/25/69  
J. E. MOHRDEN  
Notary Public  
SANTA CRUZ COUNTY

Notary Public

EXHIBIT C



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TODD: (831) 454-2123  
TOMBURNS, DIRECTOR

### STAFF REPORT ADDENDUM

ZONING ADMINISTRATOR  
COUNTY of SANTA CRUZ

April 16, 2004  
ITEM: 1  
Time: 1:00p.m.

Application No. 03-0116  
APN: 087-052-07,08,09,10 and 11  
Applicant: C. Philopovitch  
Owner: Bennet, Poncin, Beeson

#### Proposal and Property Location

The proposal is to establish the legality of a five parcels. This requires a Lot Legality Determination/ Certificate of Compliance.

The property is located on an unnamed private right of way off the west side of Hwy 236 about 1/3 mile north of Via Raton; San Lorenzo Planning Area.

#### Analysis and Discussion Addendum

Counsel has reviewed information submitted and has concluded that the following actions are appropriate:

1. APN 087-052--07, 09, and 10 were created in 1968 and based upon all available information, would qualify for the recording of Unconditional Certificates of Compliance.
2. APN 087-052-08 and 11 were created by the same subdivider and based upon all available information, would only qualify for the recording of Conditional Certificates of Compliance.

The parcels are all unimproved (no improvements of any value are noted on the tax valuation). No recorded Record of Survey Map was found which includes the parcels and, based upon County Code Section 14.01.111, some of the parcels are subject to merger.

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 the provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto as follows:

#### FINDINGS FOR APN 087-052-08 and 11

- (1) The subject property was conveyed by a separate document as a separate parcel on or before January 20, 1972.  
Individual deeds recorded in 1968 and not a map created the Parcels in question.
- (2) The parcel in question complied with the provisions of the Subdivision Map Act at the time of its creation.  
The parcels did not comply *with* the applicable provisions of the State Map Act at the time the parcels were created (1968) in that the same subdivider created a total of five parcels and no tentative map was processed and final map recorded.
- (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 did not comply with the applicable ordinances in effect at the time the parcel was created (1968) in that no map was approved. The zoning at the time of creation was *U* – Unclassified (Note: Staff was able to find that this area was part of an interim area rezoning which designated the property A-2 ½ from the *U* district; see Ordinance 1548 adopted 09/15/70 and Ordinance 1633 adopted 09/14/71; see Exhibit C.).
- (4) The parcel in question has not been combined by the owner, and is not subject to merger.  
No evidence was found that the property has been combined by the action of the owner. APN 087-052-07 and, 08 could be subject to merger as outlined in section 14.01.111 (b) 2 of the County Code and 66451.302 of the Government Code.

#### FINDINGS FOR APN 087-052-07, 09 and 10

- (1) The subject property was conveyed by a separate document as a separate parcel on or before January 20, 1972.  
Individual deeds recorded *in* 1968 and not a map created the Parcels in question.
- (2) The parcel in question complied with the provisions of the Subdivision Map Act at the time of its creation.  
The parcels did comply with the applicable provisions of the State Map Act at the time the parcels were created (1968).

- (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 parcels did comply with the applicable ordinances in effect at the time the three parcels were created (1968). The zoning at the time ~~of~~ creation was *U* – Unclassified (Note: Staff was able to find that this area was part ~~of~~ an interim area rezoning which designated the property A-2 ½ from the *U* district; see Ordinance 1548 adopted 09/15/70 and Ordinance 1633 adopted 09/14/71; see Exhibit C.).

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

No evidence was found that the property has been combined by the action of the owner.

#### Summary Conclusion:

- A. Based upon the deed evidence submitted, the APN 087-052-08 and 11 do not meet the criteria contained within section 14.01.109 of the County Code and the applicable sections of the State Map Act to be considered as individual parcels warranting the issuance of Unconditional Certificates of Compliance, and therefore require the issuance of Conditional Certificate of Compliance. Counsel has reviewed the facts associated with this application and concurs with this conclusion.

The State Map Act (66499.35) clearly states that the conditions "which would have been *applicable* to the division ~~of~~ the *property* at the time applicant acquired his or her interest therein" be applied. This provision of State law has been implemented by County Code section 14.01.109(b) 2 which states the following:

"If applicant was not the owner at the time of the initial violation, the County shall issue and record a Conditional Certificate of Compliance imposing such conditions as would have been applicable to the division ~~of~~ the property at the time applicant acquired his or her interest therein."

In this case, the year the owner **took** title is as follows:

APN	Owner	Date Acquired	Zone	GP
087-052-08	Bennet	1971	A2½	Conserved area; 1961 County Mt. Res.; 1994 County
087-052-11	Beeson	1999	RA	

The recommended conditions have incorporated the applicable standards (including zone district standards and the matrix) for the year title was obtained.

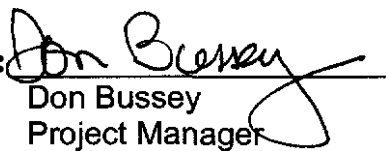
- B. Based upon the deed evidence submitted, the APN 087-052-07, 09, and 10 do meet the criteria contained within section 14.01.109 of the County Code and the applicable sections of the State Map Act to be considered as individual parcels

warranting the issuance of Unconditional Certificates of Compliance. Counsel has reviewed the facts associated with this application and concurs with this conclusion.

Recommendation:

It is RECOMMENDED that the Zoning Administrator take the following actions:

- A) Certify the Environmental determination attached as Exhibit F; and
- B) Direct that the Conditional Certificates of Compliance attached as Exhibit G to the 02/20/04 ZA Staff Report be recorded for APN 087-052-08 and 11.
- C) Direct that Unconditional Certificates of Compliance be prepared and recorded for APN 087-052-07, 09 and 10.

Prepared By:   
Don Bussey  
Project Manager

**DOUGLAS E. MARSHALL**  
**ATTORNEY AT LAW**  
**108 Locust Street, Suite 11**  
**Santa Cruz, California 95060**  
**Telephone: (831) 425-7900**  
**Facsimile: (831) 425-7924**

2004 MAR 3 PM 12 49

March 3, 2004

Don Bussey, Project Planner  
County of Santa Cruz Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060

**HAND DELIVERED**

RE: PARCEL LEGALITY / CERTIFICATE OF COMPLIANCE APPLICATION  
APPLICATION NO. 03-0116 / APNs 87-052-07, 08, 09, 10 and 11

Dear Mr. Bussey:

I represent Lynette Poncin, owner of AFN 87-052-09. Lynette requests an Unconditional Certificate of Compliance for her parcel based on compliance with the Subdivision Map Act and County ordinances at the time her parcel was created, as provided in Government Code Section 66499.35(a) and County Code Section 14.01.109(a).

Subsection "(a)" of County Code Section 14.01.109 provides three separate and distinct reasons for a parcel to qualify for an Unconditional Certificate of Compliance, any one of which is sufficient. As explained below, the evidence already submitted supports granting Lynette's parcel an Unconditional Certificate of Compliance based on two of these reasons.

**First**, as provided in subsection "1." of County Code Section 14.01.109(a), Lynette's parcel qualifies for an Unconditional Certificate of Compliance because: 1) it was sold before January 21, 1972, as shown in the contract of sale from Eberhardt to Haefner, recorded January 31, 1968 (Book 1862, Page 455); 2) it complied with the Subdivision Map Act "at the time of its creation" because it was the first parcel created by Eberhardt from the parcel he acquired from Wolff and, since its sale at that time did not result in a division of five or more parcels, no map was required by the Subdivision Map Act; 3) it complied with County ordinances "then in effect" because no map was required by the County for a division of less than five parcels at that time, and the width and 2.85 acre size of this parcel complied with its "U district zoning; and, 4) the parcel has not been combined or merged as shown by the title documentation already provided, as well as the enclosed letter from the County Assessor, dated March 1, 2004.

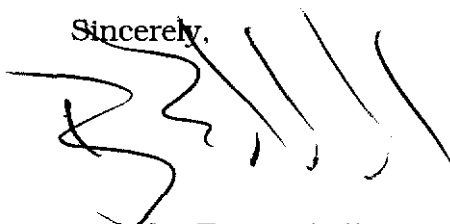
**Second**, as provided in subsection "3." of County Code Section 14.01.109(a), Lynette's parcel qualifies for an Unconditional Certificate of Compliance based on a conclusive presumption that it was lawfully created pursuant to Government Code Section 66412.6. It qualifies based on this conclusive presumption because it was not only created prior to January 21, 1972, and in compliance with State and County requirements, as mentioned above, it was also acquired for consideration and without knowledge of any land division violation (see, County Code Section 14.01.109(a)(3)(ii)). It was acquired for consideration given the terms set forth in the contract recorded on January 31, 1968 (Book 1862, Page 455); and, it was acquired without knowledge of a violation since the chain-of-title for the above-referenced parcels do not indicate any prior conveyances by Eberhardt

before he sold Lynette's parcel to Haefner. Because there were no prior conveyances by Eberhardt at the time he sold Lynette's parcel, there is no evidence that her parcel "was created under circumstances which demonstrate an intent to circumvent the Subdivision Map Act or County ordinances adopted pursuant thereto;" and, as such, her parcel is "deemed created" at the time it was sold to Haefner (see, County Code Section 14.01.109(a)(3)(iii) and "F.").

\*\*\*

Please let me know **if** you have any questions. I would be glad to provide additional information if you believe it would be helpful in order to make a decision at the hearing scheduled for April 16<sup>th</sup>.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Marshall', with several vertical lines drawn to the right of the name.

Douglas E. Marshall, Esq.  
Attorney for Lynette Poncin

DM:kf

cc: *Lynette Poncin*  
*David Kendig, Asst. County Counsel*





## County of Santa Cruz

**GARY E. HAZELTON, ASSESSOR**  
701 OCEAN STREET

SANTA CRUZ, CA 95060  
(831) 454-2002 FAX: (831) 454-2495

Jessie Mudgett  
*Chief Deputy-Administration*  
Sean Saldavia  
*Chief Deputy-Valuation*

03/01/04

Doug Marshall  
108 Locust Str., Suite 11  
Santa Cruz, CA 95060

Re. **APN** 087-052-09

Dear Mr. Marshall,

As per **your** request I have researched our files, searching for documentation that **would** show that there had been a request for the above-mentioned parcel to be combined with any of the neighboring parcels. I found no documentation to support that such a request was ever made by the owners.

I hope this addresses **your** concern satisfactorily, but if you have any further questions please call me at 454-2502.

Sincerely,

Gulla Gisladdottir

**GIS** Analyst

Santa Cruz County Assessor's Office

ROBERT E. BOSSO  
LLOYD R. WILLIAMS  
PHILIP M. SACHS  
CHARLENE B. ATTACK  
JOHN M. GALLAGHER  
PETER L. SANFORD \*  
CATHERINE A. PHILIPOVITCH  
PASCHA R. STEVENS  
MICHELLE E. ANDERSON  
EDWARD L. CHUN  
JENNIFER J. GRAY  
THOMAS O. MORELL

\* CERTIFIED LEGAL SPECIALIST IN  
TAXATION LAW BY THE STATE BAR OF CALI-  
FORNIA, BOARD OF LEGAL SPECIALIZATION

LAW OFFICES  
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ATTACK, GALLAGHER & SANFORD**  
A PROFESSIONAL CORPORATION  
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SANTA CRUZ, CA 95061-1822  
LOCATION: 133 MISSION STREET, SUITE 280  
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[CPHILIPOVITCH@SCLAWFIRM.COM](mailto:CPHILIPOVITCH@SCLAWFIRM.COM)

February 18, 2004

Zoning Administrator  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

**Re: Feb. 20, 2004 ZA Hearing; Application No. 03-0116**  
**Owner: Bennet; APNs 087-052-07, -08 & -10**

Dear Sir or Madam:

This office represents David and Naomi Bennet, owners of APNs 087-052-07, -08 and -10 (the "Bennet Parcels"). We received the Staff Report on this matter late last week, and submit this letter in response thereto. In short, the Bennet Parcels were validly created under laws existing at the time of their creation, and they are entitled to *unconditional* certificates of compliance as a matter of law. The conditions proposed in the Staff Report are not warranted.

**Timing of Creation**

As a preliminary matter, a parcel is created "when one unit is separated from the contiguous units surrounding it." Lakeview Meadows v. County of Santa Clara (1994) 27 Cal. App. 4<sup>th</sup> 593, 598. The next inquiry is whether the parcel was created in compliance with all applicable subdivision laws at the time of its creation. If so, the parcel is legal, and can be sold without further compliance with the Map Act. The provisions of the Subdivision Map Act that prohibit the sale of parcels that have not been properly subdivided specifically "do not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law (including a local ordinance), regulating the design and improvement of

subdivisions **in effect at the time the subdivision was established.**" Gov. C. §66499.30(d), emphasis added.'

**A. Parcel -07**

It is undisputed that Parcel -07 was created by virtue of the deed from Eberhardt to Allshouse recorded on March 19, 1968 in 1871 OR 212. At the time that this parcel was created, Eberhardt had only created one other parcel (Parcel -09, by virtue of the contract of sale recorded on January 31, 1968 in 1862 OR 455). There were no local provisions regulating the division of land into fewer than 5 parcels at the time of the conveyance of Parcel -07. Hence, Parcel -07 complied with all applicable subdivision laws in effect at the time that it was created. Under the authorities cited above, Parcel -07 may be sold, leased or financed without further compliance with the Subdivision Map Act.

Staff apparently contends that, notwithstanding that there was no violation of the Map Act when Parcel -07 was created, Parcel -07 was somehow made illegal by subsequent conveyances of the original subdivider (over which the original grantee had no knowledge or control). **This defies established case law and the plain language of the Subdivision Map Act, not to mention due process.** Once Parcel -07 was lawfully created, it could not subsequently be rendered unlawful. Parcel -07 is therefore entitled to **an** unconditional certificate of compliance.

---

'Further, the Map Act specifically provides:

Notwithstanding Section 66424 [the definition of "subdivision"], except as is otherwise provided for in this article, two or more contiguous parcels or units of land which have been created under the provisions of this division, or any **prior** law regulating the division of land, or a local ordinance enacted pursuant thereto, or which were not subject to those provisions at the time of their creation, shall not be deemed merged by virtue of the fact that the contiguous parcels or units are held by the same owner, and **no further proceeding under the provisions of this division or a local ordinance enacted pursuant thereto shall be required for the purpose of sale, lease or financing of the contiguous parcels or units, or any of them.** Gov. C. §66451.10(a); emphasis added.

## **B. Parcel-OS**

If one assumes that Parcel -08 was originally illegally created by the conveyance from Eberhardt to Bennet of Parcel -11 on March 28, 1968 (which then caused Eberhardt to have created 4 parcels and a remainder, being Parcel -08), then the illegal creation of Parcel -08 was properly remedied by the innocent purchaser thereof. The innocent purchaser of Parcel -08 was Allshouse, who acquired that parcel alone on August 4, 1969. On August 12, 1970, Allshouse conveyed to Wolff Parcels -07 and -08. The Allshouse to Wolff conveyance created Parcel -08 because Parcel -07 was already a separate legal parcel. As noted above, once parcel lines are properly established, they cannot be wiped out unless properly merged pursuant to the procedures for parcel merger under the Map Act. The conveyance of Parcels -07 and -08 together, at a time when Parcel -07 was already legally created, served to create Parcel -08 because it separated Parcel -08 from all contiguous parcels except Parcel -07 (which was already a separate legal parcel).

Staff apparently takes the position that once a parcel is illegally created, it can only be remedied by recordation of a map that shows it and the other contiguous parcels that were created by the same subdivider. There are several problems with this contention (which has no support in the law). First, the **only manner** that one could create fewer than 5 parcels prior to January, 1972 was by deeded conveyances. Neither the Map Act nor local regulations provided a procedure for recordation of a map for fewer than 5 parcels. Second, the innocent purchaser of Parcel -08 (Allshouse) would have had **no legal mechanism to compel other owners to join him in filing a map**. Indeed, as previously noted, the owners of Parcels -07, -09 and -10 clearly would not have needed to join in any map, as their parcels were properly created (i.e. they were the first 3 grantees of the 5 lots). The **only** way that the innocent purchaser of Parcel -08 could legalize his parcel was to transfer it by deeded conveyance. **This would not eliminate the grantor's liability under the Map Act, as the grantor would have remained subject to civil and criminal penalties.** Moreover, if there was collusion between the grantor and the grantee, a subsequent transfer by the grantee would not remedy the violation because the Map Act considers a group of individuals acting together to be the same subdivider. The County has offered no legal authority to show that a subsequent transfer by an innocent purchaser (of a parcel that was not even claimed by anyone to be illegal at the time) does not cure a violation. The authorities in support of this position are those cited above concerning creation of fewer than 5 parcels before 1972. Hence, the transfer from Allshouse to Wolfe in 1970 properly created Parcel -08.

### C. Parcel-10

Parcel -10 was created by the conveyance from Eberhardt to Munch on March 28, 1968 (1873 OR 156). This was the 3<sup>rd</sup> parcel created by Eberhardt. Since no violation of the Map Act had yet occurred, this parcel was lawfully created in compliance with all laws at the time of its creation. It cannot be rendered illegal by other subsequent acts of the grantor. In any event, the conveyance from Munch to Bennet on June 19, 1968 (1887 OR 672) was sufficient to cure any alleged violation. This is the only parcel that Munch conveyed, and it was at a time when the only way to create fewer than 5 parcels was by deeded conveyance. Munch was an innocent purchaser, and there is no evidence of any collusion with the grantor. Hence, Parcel -10 was lawfully created, and is entitled to an unconditional certificate of compliance.

### D. Other Parcels

Although this office does not represent the owner of Parcel - 11, any illegality in the original creation of that parcel was cured by the County's sale of that parcel to the current owner at a tax sale in 1999. The Subdivision Map Act and local ordinances enacted pursuant thereto do not apply to a tax collector's sale of a portion of a tax-deeded parcel pursuant to Revenue and Taxation Code section 3691. (64 Cal. Attorney General Opinions 814 (1981)). The purchaser of a portion of a tax deeded parcel is entitled to a certificate of compliance for the portion purchased. *Id.* In this case, the entire tax-deeded parcel was conveyed, and served to legalize any improprieties in the creation of that parcel. Since Parcel - 11 was separately legalized, it should not be counted in the number of parcels created by the original subdivider.

### Conditional COCs

Although we continue to assert that all of the Bennet parcels are entitled to unconditional COCs, we would not have any objection to the proposed conditional COCs if the 2-1/2 acre minimum lot size were deleted for Parcels -07 and -08. The County has discretion in determining what conditions may be imposed on a conditional COC – the County is **not** obligated to impose all conditions that would have applied to the creation of the parcel at the time that the current owner acquired title. The Legislature apparently included this discretion to ensure that counties could relieve parties who would innocently

suffer as a result of another party's violation. In this case, there are exceptional circumstances that would justify elimination of the 2-112 acre minimum parcel size (a condition that essentially cannot be met).

First, this is the first time in the 35 years that the Bennets have owned these parcels that anyone has questioned the legality of these parcels. The Bennets had no prior notice of any problem, and bought with the expectation that they had 3 separate legal parcels. They obtained title insurance for all 3 parcels without any problem. Second, the Bennets have been paying property taxes on 3 separate legal parcels every since acquiring them, including substantial special assessments assessed on a per parcel basis. The County should be estopped from now claiming that the parcels are not legal.

Further, notwithstanding the legal arguments presented herein, the Subdivision Map Act would not be frustrated in any way by eliminating the 2-112 acre lot size minimum for Parcels -07 and -08. The Bennets' innocence in this situation cannot be denied. The Bennets clearly did not act in collusion with the original subdivider to violate the Map Act. Further, the Bennets acquired Parcels -07 and -08 a few **days** after the County adopted interim zoning with a 2-1/2 acre minimum. The deed is actually dated before the adoption of the zoning. Hence, the purposes of the Map Act would not be frustrated by eliminating the 2-1/2 acre minimum lot size for Parcels -07 and -08.

Finally, I note that we have had very little time to discuss the issues raised in the Staff Report, given that we just received the Staff Report late last week. If any decision is intended to be made that would be adverse to our clients, we request that a continuance be granted to allow us additional time to respond to the County's concerns.

We appreciate your attention to this matter, which is very important to our clients.

Very truly yours,



Catherine A. Philipovitch

cc: David & Naomi Bennet  
David Kendig, County Counsel's Office



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TODD: (831) 454-2123  
TOM BURNS, DIRECTOR

### STAFF REPORT

ZONING ADMINISTRATOR  
COUNTY of SANTA CRUZ

February 20, 2004  
ITEM: 4  
Time: 10:00 a.m.

Application No. 03-0116  
APN: 087-052-07, 08, 09, 10 and 11  
Applicant: C. Philopovitch  
Owner: Bennet, Poncin, Beeson

#### Proposal and Property Location

The proposal is to establish the legality of a five parcels. **This** requires a Lot Legality Determination/ Certificate of Compliance.

The property is located on an unnamed private right of way off the west side of Hwy 236 about 1/3 mile north of Via Raton; San Lorenzo Planning Area.

#### Analysis and Discussion

Assessor's Parcel Numbers 087-052-07, 08, 09, 10, and 11 (see Exhibit A) were evaluated as to whether the parcels in question could be presumed to be lawfully created pursuant to Government Code Section 66412.6 and entitled to an Unconditional Certificate of Compliance pursuant to Government Code Section 66499.35 and Santa Cruz County Code Section 14.01.109.

The chain of title submitted by the applicant indicates the five parcels were first created by deed in 1968 and early 1969. No map review and approval was obtained as required by both County Code and the State Map Act. The following is a brief history of the parcels (Copies of the deeds are attached as Exhibit B).

#### Bk 1860 Pg 625 Recorded 01/19/68

Wolff sells to Eberhardt a parcel that is now known as 087-052-07, 08, 09, 10 and 11.

**APN 087-052-07; Bk 1871 Pg 212 Recorded 03/19/68**

Eberhardt sells to Allshouse a parcel now known as 087-052-07. Allshouse sells this parcel to Wolff, who sells it to Bennet in 1971 (see Bk 2133 Pg 408 recorded 09/30/71).

**APN 087-052-08; Bk 1967 Pg 166 Recorded 08/04/69**

Eberhardt sells to Allshouse the parcel now known as 087-052-08., Allhouse sells this parcel to Wolff, who sells it to Bennet in 1971 (see Bk 2133 Pg 408 recorded 09/30/71).

**APN. 087-052-09; Bk 1862 Pg 455 Recorded 01/31/68**

Eberhardt sells to Haefner the parcel now known as 087-052-09. Haefner sold it in 1991 and eventually title to the property was taken by Poncin in 1997 (see 1997-0031462 recorded 07/14/97).

**APN 087-052-10; Bk 1873 Pg 156 Recorded 03/28/68**

Eberhardt sells to Munch the parcel now known as 087-052-10. Munch transfers the property to Bennet in 1968 (see Bk 1887 Page 672 recorded 06/19/68).

**APN: 087-052-11; Bk 1873 Page 160 Recorded 03/28/68**

Eberhardt sells to Bennet the parcel now known as 087-052-11. Bennet transfers this property to Munch on 06/19/68 (see Bk 1887Pg 679).

The current owner (Beeson) obtained Title at a **Tax** Sale in 1999 (see 1999-0023387 recorded 04/01/99).

The parcels are all unimproved (no improvements of any value are noted on the tax valuation). No recorded Record of Survey Map was found which includes the parcels and, based upon County Code Section 14.01.111, some of the parcels are subject to merger.

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 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.

*The Parcels in question were created by individual deeds recorded in 1968 and early 1969 and not a map.*

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

*The parcels did not comply with the applicable provisions of the State Map Act at the time the parcels were created (1968 and 1969) in that five parcels were created and no tentative map was processed and final map recorded.*

- (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 did not comply with the applicable ordinances in effect at the time the parcel was created (1968 and 1969) in that no map **was** approved. The zoning at the time of creation was U - Unclassified (Note: Staff **was** able to find that this area was part of an interim area rezoning which designated the property A-2 ½ from the U district; see Ordinance 1548 adopted 09/15/70 and Ordinance 1633 adopted 09/14/71; see Exhibit C.).*

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

*No evidence was found that the property **has** been combined by the action of the owner. APN 087-052-07 and, 08 could be subject to merger as outlined in section 14.01.111 (b) 2 of the County Code and 66451.302 of the Government Code.*

#### Summary Conclusion:

Based upon the deed evidence submitted, the parcels do not meet the criteria contained within section 14.01.109 of the County Code and the applicable sections of the State Map Act to be considered as individual parcels warranting the issuance of Unconditional Certificates of Compliance, and therefore require the issuance of Conditional Certificate of Compliance. Counsel has reviewed the facts associated with this application and concurs with this conclusion.

The State Map Act (**66499.35**) clearly states that the conditions "which would have been applicable to the division of the property at the time applicant acquired his or her interest therein" be applied. This provision of State law has been implemented by County Code section 14.01.109(b) 2 which states the following:

*"If applicant **was not** the owner at the time of the initial violation, the **County** shall issue and record a Conditional Certificate of Compliance imposing such conditions as would have been applicable to the division of the property at the time applicant acquired his or her interest therein."*

In this case, the year the owner **took** title is as follows (copies of the deeds are attached as Exhibit D):

APN	Owner	Date Acquired	Zone	GP
087-052-07	Bennet	1971	A2½	Conserved area; 1961 County
087-052-08	Bennet	1971	A2½	Conserved area; 1961 County
087-052-09	Poncin	1997	RA	Mt. Res; 1994 County
087-052-10	Bennet	1968	U	Conserved area; 1961 County
087-052-11	Beeson	1999	RA	Mt. Res.; 1994 County

The recommended conditions have incorporated the applicable standards (including zone district standards and the matrix; see Exhibit E) for the year title was obtained (see Exhibit F).

**Recommendation:**

It is **RECOMMENDED** that the Zoning Administrator take the following actions:

- A) **Certify the Environmental determination attached as Exhibit F; and**
- B) **Direct that the Conditional Certificates of Compliance attached as Exhibit G be recorded**


Reviewed: \_\_\_\_\_



**Cathy Graves  
Principal Planner**

DATE: 1-21-04

Prepared By: \_\_\_\_\_



**Don Bussey  
Project Manager**

**EXHIBITS:**

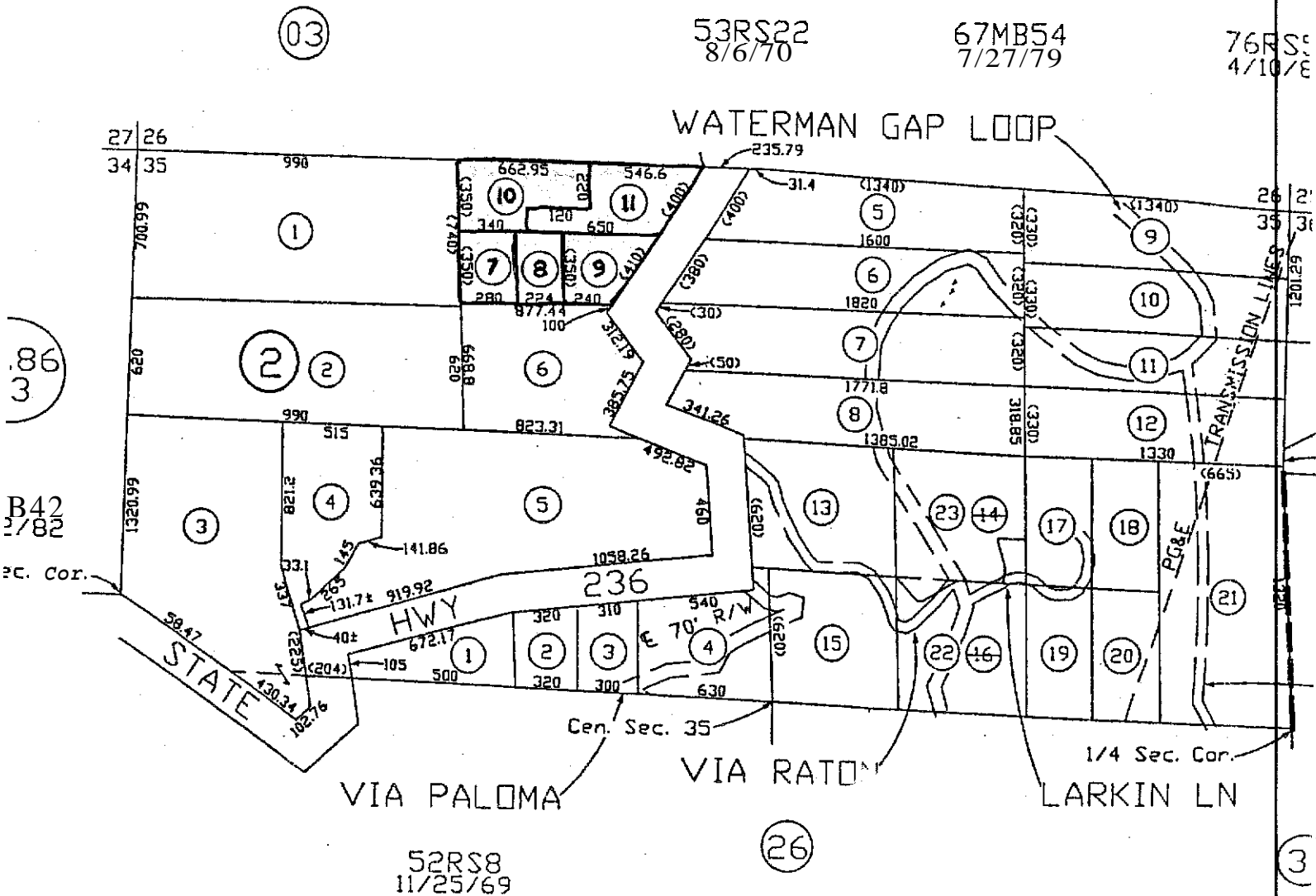
- A. **Assessor's map**
- B. **Copies of Deeds creating lots**
- C. **Copies of County Ordinances**
- D. **Copies of Deeds; current owners**
- E. **Rural Matrix**
- F. **CEQA Determination**
- G. **Conditional Certificates of Compliance**

# IR TAX PURPOSES ONLY

ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY  
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.

© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

POR. SECS. 35  
 T.8S., R.3W., M.D.



Assessor's Map No. 87-05  
 County of Santa Cruz, Calif  
 Feb., 2000

EXHIBIT A

Tax Due \$18.70

RECORDING REQUESTED BY

BOOK 1860 PAGE 625

1632

AND WHEN RECORDED MAIL TO

Name  
Street  
Address  
City & State

Grantee  
191 W. Hamilton Avenue  
Campbell, Calif.  
105206-A. S. C. (R)

SANTA CRUZ LAND TITLE CO.  
JAN 19 11 19 AM '68

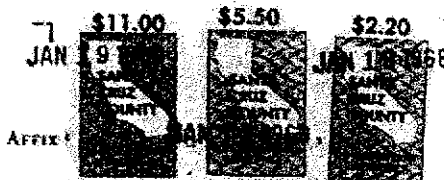
01632  
BOOK 1860 PAGE 625

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO

Name  
Street  
Address  
City & State

as above



## Grant Deed

10 65 C

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

WILDA WOLFF

hereby GRANT(S) to

JAMES EBERHARDT, a married man,

the following described real property in the  
County of Santa Cruz

, State of California:

All that portion of the North 1/2 of the North 1/2 of the Northwest 1/4 of Section 35, T. 8 S., R. 3 W., M.D.B. & M. lying West of the State Highway as per deed to State of California recorded June 14, 1916, in Volume 271, page 230 of Deeds, Santa Cruz County Records, EXCEPTING the West 990 feet thereof.

TOGETHER WITH the right of way as set out in the Right of Way Agreement between Wilda Wolff and Dr. H. Sidney Newcomer et ux dated November 28, 1966, recorded December 5, 1966 in Volume 1796, page 62, Official Records of Santa Cruz County.

Witness my hand and seal this 19th day of January, 1968

*Wilda Wolff*

STATE OF CALIFORNIA

County of Santa Cruz

I, Notary Public in and for said State, personally appeared

Wilda Wolff



J. E. NORRDEN

NOTARY PUBLIC - CALIFORNIA  
PRINCIPAL OFFICE IN  
SANTA CRUZ COUNTY

Witness my hand and seal this 19th day of January, 1968

Notary Public in and for said State

Notary Public in and for said State

Notary Public in and for said State

Notary Public in and for said State

Notary Public in and for said State

Notary Public in and for said State

Notary Public in and for said State

Notary Public in and for said State

Notary Public in and for said State

This Deed No.

Book

Page

Recorded

EXHIBIT B

Tax Due \$ 8.25 (paid)

BOOK 1871 PAGE 212  
GRANT DEED (JOINT TENANCY)

7106

Recorded at the request of

Return to

Mr. Dennis R. Allshouse

13211 Heath Street

Saratoga, California 95070

COMPARED

SC 105429-N

MAR 19 12 16 PM '68

SANTA CRUZ LAND TITLE CO.

INDEXED AT REEL LIST OF

BOOK 1871 PAGE 212

07106

\$5.50

MAR 18 1968



\$2.75

MAR 18 1968



For value received JAMES EBERHARDT and LINDA L. EBERHARDT, his wife,

GRANT \_\_\_\_\_ to DENNIS R. ALLSHOUSE and LINDA A. ALLSHOUSE, his wife,

as JOINT TENANTS all that real property situate in the

County of Santa Cruz, State of California, described as follows:

BEING that portion of the South one-half of the North one-half of the North one-half of the Northwest 1/4 of Section 35, T. 8 S., R. 3 E., M. D. B. & E., lying West of the State Highway, as conveyed in Deed to the State of California, recorded in Volume 271, page 230 of Deeds, Santa Cruz County Records, EXCEPTING therefrom the West 990 feet thereof.

ALSO EXCEPTING from the lands above described that portion lying East of a line running North and South, which is 464 feet West of the intersection of the South boundary of the above described parcel with the Westerly line of said State Highway.

TOGETHER with and SUBJECT to the right of way as set out in the Right of Way Agreement between Wilda Wolff and Dr. H. Sidney Newcomer, et ux, dated November 28, 1966, recorded December 5, 1966 in Volume 1796, page 62, Official Records of Santa Cruz County.

Tax Parcel No. 87-051, part of 29.

Dated February 12, 1968

James Eberhardt  
Linda L. Eberhardt

STATE OF CALIFORNIA

County of Santa Cruz

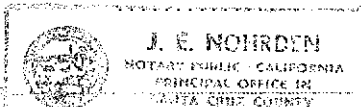
On February 2, 1968, before me, the undersigned, a Notary

Public in and for said County and State, personally appeared

JAMES EBERHARDT and LINDA L. EBERHARDT

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

My commission expires



Notary Public

1967 FILE 166

22382

TAX DUE \$ None

GRANT DEED (JOINT TENANCY)

Recorded at the request of

Return to

Dennis R. Allshouse

204 More Avenue

Los Gatos, Calif. 95030

105429-N. S. C (b)

RECORDED AT REQUEST OF

AUG 4 11 00 AM '69

OFFICIAL RECORDS  
SANTA CRUZ COUNTY  
TOM M. KELLEY  
RECORDER

022382  
1967 FILE 166

For value received JAMES EBERHARDT and LINDA L. EBERHARDT, his wife

GRANT \_\_\_\_\_ to DENNIS R. ALLSHOUSE and LINDA A. ALLSHOUSE, his wife

as JOINT TENANTS all that real property situate in the

County of Santa Cruz, State of California, described as follows:

BEING that portion of the south one-half of the North one-half of the North one-half of the Northwest 1/4 of Section 35, P. 8 S., R. 3 W., M. D. S. & U. lying West of the Stage Highway, as conveyed by Deed to the State of California. recorded in Volume 271, page 230 of Deeds, Santa Cruz County Records.

EXCEPTING therefrom the West 990 feet thereof.

ALSO EXCEPTING therefrom the lands conveyed to

(a) Leslie L. Haafner by Deed recorded in Volume 1830, page 211, Official Records of Santa Cruz County;

(b) Dennis R. Allshouse et ux by Deed recorded in Volume 1871, page 212, Official Records of Santa Cruz County.

TOGETHER with and SUBJECT to the right of way as set out in the Right of Way Agreement between Wilds Wolff and Dr. H. Sidney Newcomer et ux, dated November 28, 1966. recorded December 5, 1966 in Volume 1796. page 62, official Records of Santa Cruz County.

Assessor's Parcel No.: 87-551-39

James Eberhardt  
Linda L. Eberhardt

Dated July 30 19 69

STATE OF CALIFORNIA

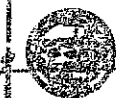
County of Santa Cruz ss.

On August 2 1969 before me, the undersigned, a Notary Public in and for said County and State, personally appeared

JAMES EBERHARDT and LINDA L. EBERHARDT

known to me to be the person ss who executed the within instrument, and acknowledged to me that he executed the same.

My commission expires 12-15-69



J. E. NOHRDEN  
NOTARY PUBLIC - CALIFORNIA  
GENERAL OFFICE IN  
SANTA CRUZ COUNTY

Notary Public

Read the Statements in

Name Grantee

Address above

City

EXHIBIT B

Recorded at the request of

James Eberhardt

Return to

James Eberhardt  
5270 Scotts Valley Dr.  
Scotts Valley, Calif.

105A29-N S.C.

JUN 11 3 06 PM '68

NATIONAL TRUST COMPANY

ORDER AT REQUEST OF

BOOK 1862 PAGE 455

02643

**Agreement for Sale of Real Estate**

THIS AGREEMENT, made in duplicate this 3rd day of November,  
A.D. 1967, by and between

**JAMES W. EBERHARDT**

hereinafter called the seller, and

**LESLIE L. HAEFNER**

hereinafter called the buyer.

WITNESSETH: That the seller, in consideration of the covenants and agreements on the part of the buyer hereinafter contained, agrees to sell and convey unto the buyer, and said buyer agrees to buy the following described property, situate in the

County of Santa Cruz,

State of California, to-wit:

That part of the South 1/2 of the North 1/2 of the North 1/2 of the Northwest 1/4 of Section 35, T8S, R3W, M.D.B. & M. lying West of the State Highway and lying East of a North-South line being 464 feet West of the point where the North boundary of the South 1/2 of the North 1/2 of the North 1/2 of the Northwest 1/4 intersects the State Highway.

For the sum of Five Thousand Five Hundred and No/100

Dollars,

(\$ 5,500.00 ) in lawful money of the United States; payable as follows, to-wit:  
\$500.00 cash

upon the execution of these presents, the receipt whereof is hereby acknowledged, and the balance as follows, to-wit:

\$5,000.00 payable \$85.25 per month for 6 years having interest at 7% per annum. Seller agrees to deliver a deed after \$1,925.00 in principal has been paid.

Additional payments may be made at any time.

All deferred payments shall bear interest at the rate of 7% per cent per annum, payable monthly starting with the first payment on February 5, 1968 and if not paid in full, at the option of the seller, be added to the principal and bear a like rate of interest. If any installment of principal or interest be not paid when due, then the whole of the principal and interest shall at the option of the seller, without notice, become forthwith due and payable.

The buyer hereby agrees to pay the said principal and interest at the times and in the manner herein mentioned, had the buyer further agrees to do and perform the following:

1. Pay all taxes and assessments which become a lien on the premises. Taxes and assessments for the current fiscal year to be pro rated from date hereof.
2. Pay all indebtedness incurred by the acts of the buyer, on, or which may become a lien on the premises.
3. ~~To provide, maintain and deliver to seller fire insurance satisfactory to and with loss payable to seller. The amount collected under any fire or other insurance policy may be applied by seller upon the purchase price or at option of seller the entire amount so collected or any part thereof may be released to buyer. Such application or release shall not be a waiver of default hereunder.~~ *J. H. H. J. W. Elberhardt*
4. To keep said property in good condition and repair; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.
5. Obtain the written consent of the seller before the buyer destroys any trees or makes any alterations or additions to the improvements on the premises.
6. Not to violate or permit the violation of any law which might cause the closing of the premises or any part thereof.
7. To pay reasonable attorney's fees in the event that suit is brought hereunder for the recovery of the possession of the above described premises, or for the enforcement or breach of any of the terms hereof, or to clear this agreement or any lien done or suffered by the buyer from the record. Said attorney's fees shall become due at the time of filing any such action.

And the seller hereby agrees to do and perform the following:

1. In the absence of default, to permit the buyer to remain in possession of the above described premises from date hereof.
  2. Upon the full performance by the buyer, of all the terms and conditions hereof, to make, execute and deliver to buyer a good and sufficient deed conveying the above described premises to the buyer, free and clear of all encumbrances, made or suffered by the seller.
- It is further hereby agreed:
1. That the seller shall have the right from time to time, to enter upon the premises for the purpose of inspection.
  2. In the event that the buyer fails to keep said premises free of taxes, liens and assessments, or to insure or to care for said premises, as hereinbefore provided, seller, without notice, may pay such taxes, liens and assessments, insurance premiums and cost of caring for said premises, and all payments made therefor, shall be added to and become a part of the purchase price and become immediately due and payable from buyer to seller and shall bear interest at the rate of        per cent per annum until repaid.
  3. That upon request of seller, buyer will accept a deed conveying said premises to buyer and will execute to seller or nominee a promissory note or notes, secured by deed of trust upon the said premises for the full amount remaining unpaid hereunder, which note or notes and deed of trust shall be executed by such persons and be in such form as is satisfactory to seller and shall, as to principal and interest, correspond to the terms hereof.
  4. That this agreement is not assignable in whole or in part, either by operation of law, or otherwise, without prior written consent of the seller.
  5. That the performance by the buyer of all the terms hereof is a condition precedent, whereon depends the performance of the agreements on the part of the seller.
  6. That the waiver by the seller of any breach of any term hereof shall not be a waiver of any subsequent or other breach hereof nor of any term or condition hereof.
  7. That in the event of the failure of the buyer to comply with the whole or any of the terms hereof, the seller shall be released from all obligations in law or in equity to convey said premises, shall be entitled to immediate possession hereof, and the buyer shall forfeit all rights hereunder and the seller shall retain all moneys paid hereunder as rent and compensation for the use and occupancy of said premises.
  - R. That time is of the essence of this agreement.

IN WITNESS WHEREOF the parties hereto have executed this instrument the day and year first hereinafore written.

*Leslie L. Hopper*  
*James W. Elberhardt*  
*Linda L. Elberhardt*

Agreement for Sale

TO

SANTA CRUZ LAND TILE CO.

115 COOPER STREET  
 SANTA CRUZ, CALIFORNIA

Phone 423-7430

affiliated with  
 Western Title Insurance and Guaranty Co.  
 San Francisco, California

EXHIBIT E



300\*1862 PAGE 457

STATE OF CALIFORNIA, County of Santa Clara

ON January 6, 1968, before me, the undersigned a  
Notary Public in and for the State of California with principal office in the  
County of Santa Clara, personally appeared  
Leslie L. Haefner

known to me to be the person whose name is  
subscribed to the within Instrument, and acknowledged to me that he  
executed the same. WITNESS my hand and official seal.

SIGNATURE OF NOTARY

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

NOTARY'S NAME AND COMMISSION  
EXPIRATION DATE PRINTED

R. Ewart  
R. EWART, JR.  
My Commission Expires Jan. 10, 1969

STATE OF CALIFORNIA,

Santa Clara County of Santa Clara

On this 7 day of JANUARY, in the year one thousand nine hundred and SIXTY EIGHT  
before me, RALPH JACK NYGEL, a Notary Public,  
State of California, duly commissioned and sworn, personally appeared  
JAMES W. EBERHARDT and  
LINDA E. EBERHARDT  
known to me to be the persons whose names ARE subscribed to the within instrument  
and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal  
in the SANTA CLARA County of SANTA CLARA the day and year in this  
certificate first above written.

Ralph Jack Nygel  
Notary Public, State of California  
My Commission Expires February 6, 1969

Notary's Form No. 32 - Acknowledgment - General  
(C. S. 1120)

EXHIBIT B

**VALLEY TITLE COMPANY**

Escrow # \_\_\_\_\_

Co. Bill # \_\_\_\_\_

Code Area \_\_\_\_\_

WHEN RECORDED MAIL TO

**Mr. & Mrs. Russell C. Munch**  
1625 Knollwood Ave.  
San Jose, California 95125

105603-N. S. C.

BOOK 1873 PAGE 156

8090

08090

BOOK 1873 PAGE 156

SANTA CRUZ LAND TITLE CO.  
MAR 20 3 51 PM '68

Tax Due \$6.60 (paid)

MAIL TAX STATEMENT TO

**GRANT DEED**

Name **Mr. & Mrs. Russell C. Munch**  
Address **1625 Knollwood Ave.**  
City & State **San Jose, California 95125**

L

By this instrument dated March 19, 1968, for a valuable consideration,

**JAMES EBERHARDT and LINDA L. EBERHARDT, his wife**

hereby **GRANT (\$)** to

**RUSSELL C. MUNCH and MARGARET L. MUNCH, his wife**

the real property situate in the

County of **Santa Cruz** State of California, described as follows:

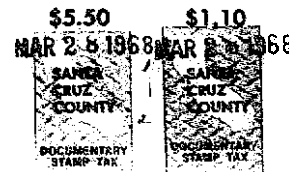
Parcel A:

All that portion of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 35, T. 8 S., R. 3 W., M.D.B.&M., excepting the West 990 feet hereof, which lies West of the following described line:

Beginning at a point on the North line of said Section 35, distant thereon **613.79** feet West from the Northeast corner of said Northwest  $\frac{1}{4}$ ; thence South 220 feet; thence West 316.70 feet; thence South to the South line of said North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of said Section 35.

Together with the right of way as set out in the right of way agreement between Wilda Wolff and Dr. H. Sidney Newcomer, et ux, dated November 28, 1966 recorded December 5, 1966 in Volume 1736 of Official Records, at page 62, Santa Cruz County Records.

Also together with a right of way for road purposes over and upon any and all existing roads from the herein described property to any public road or highway.



*James Eberhardt*  
James Eberhardt

*Linda L. Eberhardt*  
Linda L. Eberhardt

STATE OF CALIFORNIA

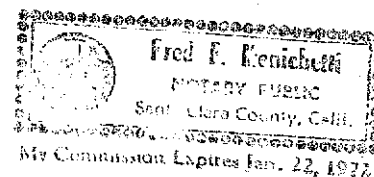
COUNTY OF **Santa Clara**

On **March 19, 1968**

before me, the undersigned, a Notary Public in and for said County, personally appeared **James Eberhardt and Linda L. Eberhardt**

known to me to be the person whose name is subscribed to the within instrument and acknowledged that they executed the same.

My Commission Expires



**EXHIBIT B**

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Escrow # \_\_\_\_\_

Co. Bill # \_\_\_\_\_

Code Area \_\_\_\_\_

WHEN RECORDED MAIL TO

Mr. & Mrs. David S. Bennet  
5699 Indian Ave.  
San Jose, Calif.

105603-N. S. C.

BOOK 1873 PAGE 160  
INDEXED AT REQUEST OF  
SANTA CRUZ LAND TITLE CO.  
MAR 28 3 52 PM '68  
N 8 0 9 3

MAIL TAX STATEMENT TO  
Name Mr. & Mrs. David S. Bennet  
Address 5699 Indian Ave.  
City & State San Jose, Calif.

## GRANT DEED

Tax Due \$6.60 (paid)

By this instrument dated March 19, 1968, for a valuable consideration,

JAMES EBERHARDT and LINDA L. EBERHARDT, his wife

hereby GRANT [S] to

DAVID S. BENNET and NAOMI G. BENNET, his wife

the real property situate in the

County of. Santa Cruz, State of California, described as follows:

Parcel E:

All that portion of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 35, T. 8 S., R. 3 W., M.D.B. & M. lying West of the State Highway and East of the following described line:

Beginning at a point on the North line of said Section 35, distant thereon 813.79 feet West from the Northeast corner of said Northwest  $\frac{1}{4}$ ; thence South 220 feet; thence West 316.70 feet; thence South to the South line of said North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of said Section 35.

Together with the right of way as set out in the right of way agreement between Wilda Wolff and Dr. H. Sidney Newcomer, et ux, dated November 28, 1966, recorded December 5, 1966 in Volume 1796 of Official Records, at page 62, Santa Cruz County Records.

Also together with a right of way for road purposes over and upon any and all existing roads from the herein described property to any public road or highway.

*Linda L. Eberhardt*  
Linda L. Eberhardt

*x James Eberhardt*  
James Eberhardt

STATE OF CALIFORNIA

County of Santa Clara

March 19 1968

and State, personally appeared

James Eberhardt, and Linda L. Eberhardt

known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

My Commission Expires:

NOTARY PUBLIC

Notary Public  
Fred F. Menichetti  
My Commission Expires Jan. 22, 1977

MAIL TAX STATEMENTS AS DIRECTED ABOVE

43

EXHIBIT B

**ORDINANCE NO. 154**  
**AN INTERIM ORDINANCE OF**  
**THE COUNTY OF SANTA CRUZ,**  
**STATE OF CALIFORNIA, ZON-**  
**ING AN AREA IN A PORTION**  
**OF THE SANTA CRUZ MOUN-**  
**TAINS AREA**

The Board of Supervisors of the County of Santa Cruz, State of California, do ordain as follows:

**Section I**

This ordinance is an emergency ordinance enacted for the immediate protection of the public safety, health, and welfare of the County of Santa Cruz.

**Section II**

The Board of Supervisors of the County of Santa Cruz, State of California, have adopted a County Zoning Ordinance under the provisions of which precise zoning regulations may be applied in the unincorporated areas of the County. Said Board finds that the County Planning Department intends to undertake studies in the very near future for the purposes of adopting a comprehensive zoning plan for the area hereinafter described, and that a substantial part of said area will be zoned A-2-1/2. Said Board further finds that in order that development in the area proceed in an orderly fashion and in order that a certain degree of administrative control over the various range of land uses be retained during the completion of said studies, it is necessary that the following interim regulations be applied immediately.

**Section III**

During the effective period of this ordinance, no uses other than the uses permitted in A-2-1/2 zoning districts shall be permitted unless a use permit is granted for the use pursuant to the provisions of Sections 13.04.320-13.04.368 of the Santa Cruz County Code in the area shown as U (Unclassified Districts) on Exhibit "A" attached hereto.

**Section IV**

No land or portion thereof shown on the records of the County Recorder on the effective date of this ordinance.

**Section V**

This ordinance shall take effect immediately and shall be in effect for one year unless earlier amended by action of this Board. At the end of the one-year period, any property included herein shall revert to the zone district which was in effect prior to the effective date of this ordinance unless this ordinance is extended or the property rezoned in accordance with Section 65856, et. seq. of the Government Code.

PASSED AND ADOPTED this 15th day of September, 1970,

TOS R2W

Sec. 18 Map # 8

19 11

30 21

31 32

TOS R3W

Sec. 12 Map # 4

13 7

24 10

25 20

26 19

27 18

33 28

34 29

35 30

36 31

28 17

TOS R1W

Sec. 31 Map # 151

TOS R2W

Sec. 5 Map # 48

6 48

7 65

8 66

9 67

10 68

13 88

14 87

15 86

16 85

17 84

18 83

19 102

20 103

21 104

22 105

23 106

24 107

25 128

26 127

27 126

28 125

33 147

34 148

35 149

36 150

TOS R3W

Sec. 1 Map # 47

2 46

3 45

4 44

9 61

10 62

11 63

12 64

13 82

14 81

15 80

16 79

21 98

22 99

23 100

24 101

25 102

TOS R1W

Sec. 1 Map # 174

176

177

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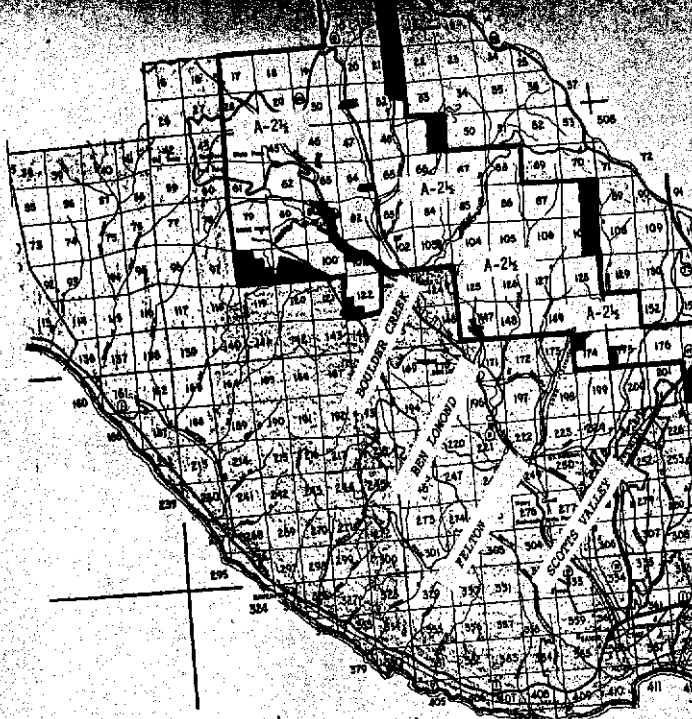
208

209

210

211

212



SHADED AREAS INDICATE EXISTING ZONING ARE NOT EFFECTED BY THIS ORDINANCE

1548

1568

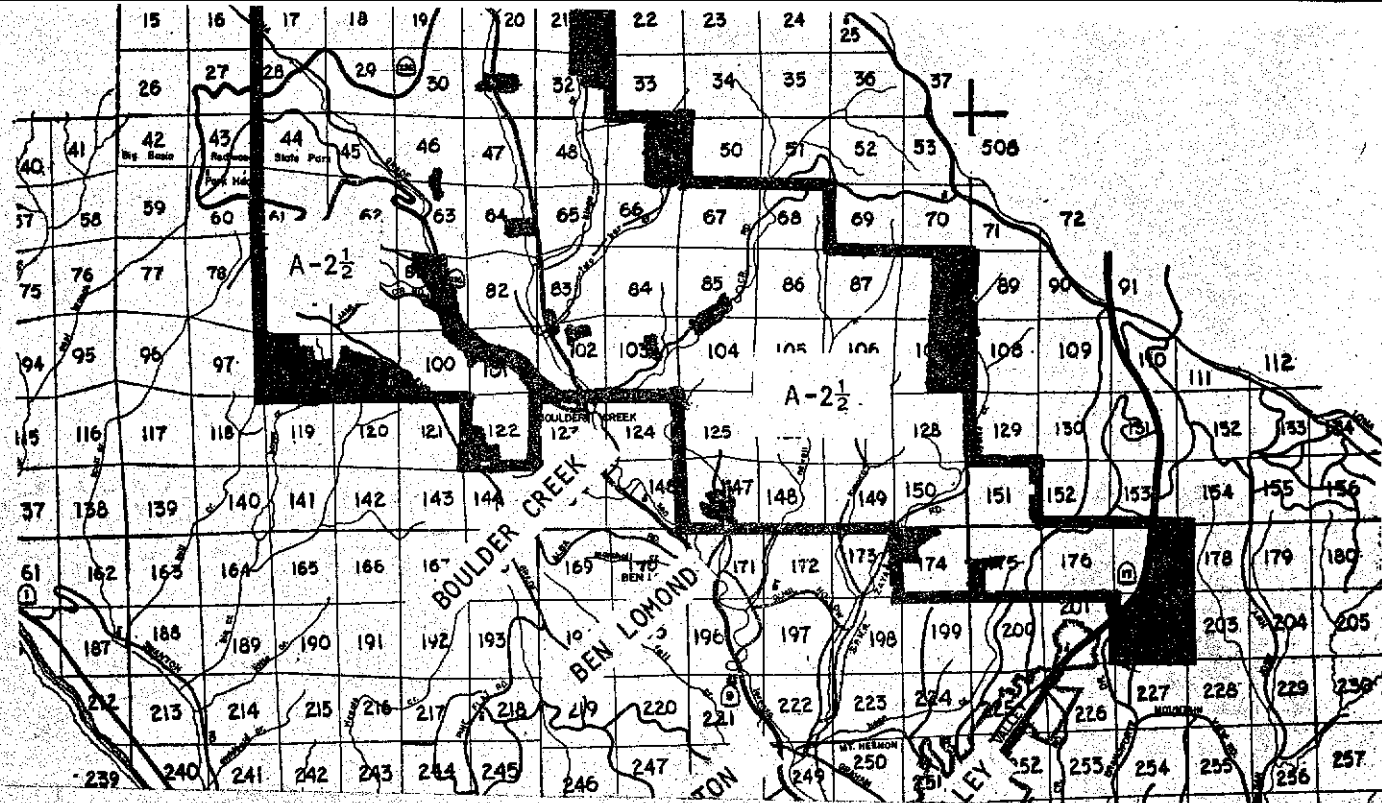
**EXHIBIT "A"**

by the following vote:  
 AYES: SUPERVISORS Cress,  
 Sanson, Mello, McCallie, Chair  
 man Forbus  
 NOES: SUPERVISORS None  
 ABSENT: SUPERVISORS None

D. DAN FORBUS  
 Chairman of said Board

ATTEST: TOM M KELLEY  
 Clerk of said Board

HIBIT



**ORDINANCE NO. 1633**  
**AN INTERIM EMERGENCY**  
**ORDINANCE AMENDING INTERIM**  
**ORDINANCE NO. 1548 TO EXTEND**  
**THE TIME FOR EXPIRATION**  
**THEREOF**

WHEREAS, the Board of Supervisors has held hearings and considered all of the evidence offered in this matter all in accordance with Section 65868 e; seq. of the California Government Code, as amended;

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz do ordain as follows:

Section I  
 Ordinance No. 1548, entitled "An Interim Ordinance of the County of Santa Cruz, State of California, Zoning an Area in a Portion of the Santa Cruz Mountains Area," adopted September 15, 1971, is hereby amended by adding Section VI thereto, said new section to read:

"Section VI. The expiration date of this ordinance is extended for one year, to accordance with Section 65868 e; seq. of the California Government Code."

Section II  
 This ordinance shall take effect immediately from and after the date of its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 14th day of September, 1971, by the following vote:

AYES: Supervisors — Forbus, Mello,

Harry, Cress, and Sanson

NOES: Supervisors — None

ABSENT: Supervisors — None

RALPH SANSON

Chairman of said Board

ATTEST: TOM M. KELLEY

Clerk of said Board

**EXHIBIT "A"**

T8S R2W

Sec. 18 Map No. 8

19 11

30 21

31 32

T8S R3W

Sec. 12 Map No. 4

13 7

24 10

25 20

26 19

27 18

33 28  
 34 29  
 35 30  
 36 31  
 28 17

T9S R1W

Sec. 31 Map No. 151

T9S R2W

Sec. 5 Map No. 49

6 48

7 65

8 66

9 67

10 68

13 88

14 87

15 86

16 85

17 84

18 83

19 102

20 103

21 104

22 105

23 106

24 107

25 128

26 127

27 126

28 125

33 148  
 34 149  
 35 149  
 36 150

T9S R3W

Sec. 1 Map No. 47

2 46

3 45

4 44

9 61

10 62

11 63

12 64

13 82

14 81

15 80

16 79

21 98

22 99

23 100

24 101

25 122

T10S

Sec. 4 Map No. 177

5 176

6 175

9 202

T10 R3W

Sept. 26

County Counsel

REF: Planning Commission Recommendation 39-71

EXHIBIT C

45

1633

1641

035392

BOOK 2133 PAGE 408

OFFICE OF THE COUNTY CLERK

ORDER

SEP 30 10 58 AM '71

RECORDED AT REQUEST OF

SANTA CRUZ LAND TITLE COMPANY

Return to

David S. Bennet

5699 Indian Ave.

San Jose, Ca. 95123

Escrow No. 117463-N

DOCUMENTARY TRANSFER TAX is \$ 1.25

☒ computed on full value  
☐ computed on full value less liens

By

Wilda Wolff

For value received WILDA WOLFF

GRANTS to DAVID S. BENNET and NAOMI G. BENNET, his wife,

230-71-76% (0093) • 6 • 0.00825

as JOINT TENANTS all that real property situate in the

County of Santa Cruz, State of California, described as follows

Being that portion of the South one-half of the North one-half of the North one-half of the Northwest 1/4 of Section 35, T. 8 S., R. 3 W., M.D.B. & M. lying West of the State Highway, as conveyed by deed to the State of California, recorded in Volume 271, page 230 of Deeds, Santa Cruz County Records.

EXCEPTING therefrom the West 990 feet thereof.

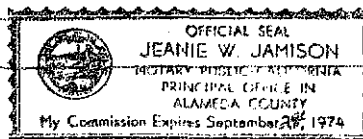
ALSO EXCEPTING from the lands above described that portion lying East of a line running North and South, which is 464 feet West of the intersection of the North boundary of the above described parcel with the Westerly line of said state highway.

TOGETHER with the right of way as set out in the sight of Way Agreement between Wilda Wolff and Dr. H. Sidney Newcomer, et ux dated November 28, 1966, recorded December 5, 1966 in Volume 1796, page 62, Official Records of Santa Cruz County. W-W.

Assessor's Parcel No: 87-051-36 & 39

Wilda Wolff  
Wilda Wolff

Dated September 7, 1971



STATE OF CALIFORNIA

County of Alameda

On September 27, 1971

before me,

the undersigned

a Notary

Public in and for said

Wilda Wolff

County and State, personally appeared

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

My commission expires Sept. 24, 1974

Notary Public  
Jeanie W. Jamison

Mail Tax Statement to:

Grantee

above

Name

Address

City

! RECORDING REQUESTED BY

CAROL N. SHAPIRO, FSQ.  
1245 S. Winchester Blvd.  
Suite 304  
San Jose, CA 95128

AND WHEN RECORDED MAIL TO:

Name CAROL N. SHAPIRO, ESQ.  
Street Address 1245 S. Winchester Blvd.  
Suite 304  
City State Zip San Jose, CA 95128

1997-0031462

Recorded  
Official Records  
County Of  
SANTA CRUZ  
RICHARD W. BEDAL

REC FEE 10.00

08:02AM 14-Jul-1997 DJR  
Page 1 of 2

SPACE ABOVE THIS LINE FOR RECORDERS USE

## Quitclaim Deed

GD 868 ID

THIS FORM FURNISHED BY TRUSTORS SECURITY SERVICE

181619

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct:

Documentary transfer tax is \$ 0 - no consideration, gift transfer between parent & child

( ) computed on full value of property conveyed, or

( ) computed on full value less value of liens and encumbrances remaining at time of sale.

( X ) Unincorporated area: ( ) City of \_\_\_\_\_, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

WYNEMA WINN

hereby REMISE(S), RELEASE(S) AND FOREVER QUITCLAIM(S) to

LYNETTE PONCIN, a married woman, as her sole and separate property

the following described real property in the County of Santa Cruz, State of California

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated July 5, 1997

*Wynema Guinn*  
WYNEMA GUINN

State of California

County of Santa Cruz

On July 5, 1997

before me, Mary J. Rather, Notary Public,  
personally appeared Wynema Guinn

personally known to me (or 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(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature *Mary J. Rather*



MAIL TAX STATEMENTS TO: LYNETTE PONCIN, 28875 Big Basin Way, Boulder Creek, CA 95006

NAME

ADDRESS

CITY, STATE, ZIP

EXHIBIT D

**EXHIBIT "A"**

The following real property situated in the County of Santa Cruz, State of California, described as follows:

That portion of the South 1/2 of the North 1/2 of the North 1/2 of the Northwest 1/4 Section 35, T. 8 S., R. 3 W., M.D. B. & M., lying West of the State Highway and lying East of North-South line being 464 feet West of the point where the North boundary of the South 1/2 of the North 1/2 of the North 1/2 of the Northwest 1/4 intersects the State Highway.

said land is the same as was first conveyed to Leslie L. Haefner by deed recorded May 7, 1968, in Book 1880, Page 211, Official Records of Santa Cruz County.

(APN: 087-052-09)



RECORDING REQUESTED BY

WHEN RECORDED MAIL TO  
 Wool, Richardson, Colbert & Shea  
 Attorneys at Law  
 700 First National Bank Building  
 San Jose, California 95113  
 Telephone: 295-2361

16181  
 BOOK 1887 PAGE 672  
 RECORDED AT REQUEST OF  
 SANTA CRUZ LAND TRUST  
 JUN 19 11 20 AM '68  
 TRUST RECORDS SANTA CRUZ

## MAIL TAX STATEMENT TO

Name Mr. and Mrs. David S.  
 Address Bennet  
 City & State 5699 Indian Avenue  
 San Jose, California

## QUIT CLAIM DEED

No Taxable Consideration

RUSSELL C. MUNCH and MARGARET L. MUNCH, his wife  
 quit claims to DAVID S. BENNET and NAOMI G. BENNET, his wife

the real property situated in the \_\_\_\_\_ County  
 of Santa Cruz, State of California, described as follows:  
**PARCEL A:**

All that portion of the North 1/2 of the North 1/2 of the North  
 1/2 of the Northwest 1/4 of Section 35, T. 8 S., R. 3 W., MDB. & M,  
 excepting the West 990 feet thereof, which lies West of the following  
 described line:

Beginning at a point on the North line of said Section 35, distant  
 thereon 813.79 feet West from the Northeast corner of said Northwest 1/4;  
 thence South 220 feet; thence West 316.70 feet; thence South to the  
 South line of said North 1/2 of the North 1/2 of the North 1/2 of the  
 Northwest 1/4 of said Section 35.

Together with the right of way as set out in the right of way  
 agreement between Wilda Wolff and Dr. H. Sidney Newcomer, et ux, dated  
 November 28, 1966, recorded December 5, 1966, in Volume 1796 of Official  
 Records, at page 62, Santa Cruz Records.

Also, together with a right of way for road purposes over and upon  
 any and all existing roads from the herein described property to any  
 public road or highway.

Dated: May 20, 1968

*Russell C. Munch*  
 Russell C. Munch

*Margaret L. Munch*  
 Margaret L. Munch

STATE OF CALIFORNIA  
 COUNTY OF  
 Santa Clara

On May 20, 1968, before me, a Notary Public, in and for said  
 County and State, personally appeared RUSSELL C. MUNCH and  
 MARGARET L. MUNCH  
 known to me to be the persons whose names are subscribed to the within instrument  
 and acknowledged to me that they executed the same.

*Louise S. James*  
 Notary Public in and for said County and State

My Commission Expires September 2, 1971

VALLEY TITLE COMPANY

MAIL TAX STATEMENTS AS DIRECTED ABOVE



LOUISE S. JAMES  
 NOTARY PUBLIC  
 Santa Clara County, Calif.

EXHIBIT D

RECORDED AT THE REQUEST OF  
SANTA CRUZ COUNTY TAX COLLECTOR

1999-0023387

RETURN TO:

BEESON, RON  
1232 EDGEWOOD ROAD  
REDWOOD CITY CA 94062

Tax Bill will be mailed to above address

Recorded  
Official Records  
County Of  
SANTA CRUZ  
RICHARD W. BEDAL  
Recorder

REC FEE 10.00  
TAX 13.20  
SURVEY 10.00

08:02AM 01-Apr-1999

CDC  
Page 1 of 2

Doc Trans Tax-computed on full value of property conveyed \$ 13.20

R. D. W. Bedal  
Signature of Declarant

**TAX DEED TO PURCHASER OF TAX-DEFAULTED PROPERTY**

On which the legally levied taxes were a lien for Fiscal Year  
and for nonpayment were duly declared to be in default.

1992-1993

087-052-11

Default Number

This deed, between the Tax Collector of Santa Cruz County ("SELLER")  
and BEESON, RON ("PURCHASER")

conveys to the PURCHASER, free of all encumbrances of any kind existing before the sale, except those referred to in  
§3712 of the Revenue and Taxation Code, to the real property described herein  
which the SELLER sold to the PURCHASER by Public Auction on March 19, 1999  
pursuant to a statutory power of sale in accordance with the provisions  
of Division 1, Part 6, Chapter 7, Revenue and Taxation Code, for the sum of \$ 12,000.00

No taxing agency objected to the sale.

In accordance with law, the SELLER hereby grants to the PURCHASER that  
real property situated in said county, State of California, last assessed to  
QUAD DEVELOPMENT COMPANY  
described as follows:

087-052-11  
Assessor's Parcel Number

SEE EXHIBIT "A"

State of California  
Santa Cruz County

Executed on March 19, 1999

By R. D. W. Bedal  
Tax Collector

On March 19, 1999, before me Cynthia Karl, appeared Richard W. Bedal,  
County Tax Collector, personally known to me to be the person whose name is subscribed  
to the within instrument and acknowledged to me to be the same person whose name is  
subscribed to the within instrument and acknowledged to me that he executed the same  
in his authorized capacity, and that by his signat on the instrument, the person  
or entity on behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Christine Patton  
Clerk of the Superior Court  
3769 S. 3834 R & T CODE

Cynthia Karl  
Deputy



EXHIBIT D

## EXHIBIT "A"

Situate in the County of Santa Cruz, State of California and more particularly described as follows:

### Parcel One:

ALL that portion of the North 1/2 of the North 1/2 of the North 1/2 of the Northwest 1/4 of Section 35, Township 8 South, Range 3 West, Mount Diablo Base and Meridian, lying West of the State Highway and East of the following described line:

BEGINNING at a point on the North line of said Section 35, distant thereon 813.79 feet West from the Northeast corner of said Northwest 1/4 thence South 220 feet; thence West 316.70 feet; thence South to the South line of said North 1/2 of the North 1/2 of the North 1/2 of the Northwest 1/4 of said Section 35.

### Parcel Two:

A right of way, as set out in the Right of Way Agreement between Wilda Wolff and Dr H Sidney Newcomer, et ux, dated November 28, 1966, recorded December 5, 1966 in Volume 1796 of official records, at Page 62, Santa Cruz County records.

### Parcel Three:

A right of way for road purposes over and upon any and all existing roads from the herein described property to any public road or highway.

### Parcel Four:

A boundary agreement and grant of reciprocal easement between Munch and Bennet dated November 18, 1972.

APH: 087-052-11

**RURAL MATRIX**  
**087-052-09 and 11**

**MATRIX**

Current Point Score

1.	Location: GP designation is Mt. Residential; <b>less</b> than 18 feet in width access road	0
2.	Groundwater Quality: Inadequate Quantity and Poor Quality; Private well.	1
3.	Water Resource Protection Not in a Ground Water Recharge area, Part in a Water Supply Watershed, within a mapped Septic Problem area.	2
4.	Timber Resources No mapped timber resource.	10
5.	Biotic Resource Development out of area of Critical wildlife, vegetation or rare plant habitat.	10
6.	Erosion Butano Assumed average slope of 30% to 50%	2
7.	Seismic Activity No fault zone and no low liquefaction potential.	9
8.	Landslide Butano Assumed average slope of 30% to 50%	5
9.	Fire Hazard No Critical Fire Hazard Area mapped on parcel, On an on dead end road <b>less</b> than 18 feet in width, 10 + min response time.	8

SUBTOTAL	47
SUBTRACT CUMULATIVE CONSTRAINT POINTS	
GRAND TOTAL	47

Minimum Average Developable Parcel Size\*  
(from Table 10 - Cumulative Constraint Points  
Page 13D-67 as determined by the point score):  
Number of Potential Building Sites\* (developable acreage divided by  
minimum average parcel size).

25 acres

NOTE: **The** Mean Average gross parcel size within ½ mile was not calculated.

**NOTICE OF EXEMPTION FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No. 03-0116  
Assessor's Parcel No. 087-052-07, 08, 09, 10, 11  
Project Location: No Situs  
Project Description: Lot legality/ Conditional Certificate of Compliance  
Person or Agency Proposing Project C. Philipovitch

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.  
B. \_\_\_\_\_ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.  
C. \_\_\_\_\_ Statutory Exemption other than a Ministerial Project.  
Specify type:

D. Cateeorical Exemntion

- |   |  |
|---|--|
| ___ 1. Existing Facility  | ___ 17. Open Space Contracts or Easements                                  |
| ___ 2. Replacement or Reconstruction                                    | ___ 18. Designation of Wilderness Areas                                    |
| ___ 3. New Construction of Small Structure                              | ___ 19. Annexation of Existing Facilities/ Lots for Exempt Facilities      |
| <u>X</u> 4. Minor Alterations to Land                                   | ___ 20. Changes in Organization of Local Agencies                          |
| ___ 5. Alterations in Land Use Limitations                              | ___ 21. Enforcement Actions by Regulatory Agencies                         |
| ___ 6. Information Collection   | ___ 22. Educational Programs   |
| ___ 7. Actions by Regulatory Agencies for Protection of the Environment | ___ 23. Normal Operations of Facilities for Public Gatherings              |
| ___ 8. Actions by Regulatory Agencies for Protection of Nat. Resources  | ___ 24. Regulation of Working Conditions                                   |
| ___ 9. Inspection   | ___ 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| ___ 10. Loans   | ___ 26. Acquisition of Housing for Housing Assistance Programs             |
| ___ 11. Accessory Structures  | ___ 27. Leasing New Facilities   |
| ___ 12. Surplus Govt. Property Sales                                    | ___ 28. Small Hydroelectric Projects at Existing Facilities                |
| ___ 13. Acquisition of Land for Wildlife Conservation Purposes          | ___ 29. Cogeneration Projects at Existing Facilities                       |
| ___ 14. Minor Additions to Schools                                      |  |
| ___ 15. Minor Land Divisions  |  |
| ___ 16. Transfer of Ownership of Land to Create Parks                   |  |

E. \_\_\_\_\_ Lead Agency Other Than County:

Don Bussey  
Don Bussey, Project Planner

Date: 01/19/04

WHEN RECORDED RETURN TO  
Santa Cruz County Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060  
Attn: Don Bussey  
#03-0116  
APN: 087-052-07

---

**CONDITIONAL  
CERTIFICATE OF COMPLIANCE**

WHEREAS, David S. Bennet and Naomi G. Bennet, Trustees of the Bennet Family Trust, created on **January 2, 1996**, are the property owners or vendee of such owners of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Numbers **087-052-07**, known as one legal lot and more particularly described in Exhibit " A attached hereto and incorporated herein by reference made a part hereof, ~~has~~/have requested that the County issue a Conditional Certificate of Compliance pursuant to Government Code Section **66499.35** and ~~local~~ regulations thereto; 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 to hereto subject to the conditions attached as Exhibit " B .

THIS CERTIFICATE OF PARCEL 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.

FURTHERMORE, THIS CERTIFICATION OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL WITHOUT 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 a other development permit approval by the County of Santa Cruz.

DATED \_\_\_\_\_ COUNTY OF SANTA CRUZ

\_\_\_\_\_  
Glenda Hill, AICP  
Hearing Officer

STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ

On \_\_\_/\_\_\_/04 before me Bernice Romero, Notary Public, personally appeared Glenda Hill personally **known** to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by **her** signature on the instrument the person or the entity upon behalf of which the person acted executed the instrument.

Witness my hand and official **seal**

Signature \_\_\_\_\_

## EXHIBIT A

Situate in the County of Santa Cruz, State of California and more particularly described as follows:

BEING that portion of the South one-half of the North one-half of the <sup>114</sup>North one-half of the Northwest 1/4 of Section 35, T. 2 S., R. 3 W., M. D. B. & M., lying West of the State Highway, as conveyed by Deed to the State of California, recorded in Volume 271, page 230 of Deeds, Santa Cruz County Records.

EXCEPTING therefrom the West 990 feet thereof.

ALSO EXCEPTING from the lands above described that portion lying East of a line running North and South, which is 464 feet West of the intersection of the South boundary of the above described parcel with the Westerly line of said State Highway.

TOGETHER with and SUBJECT to the right of way as set out in the Right of Way Agreement between Wilda Wolff and Dr. H. Sidney Newcomer, et ux, dated November 28, 1966, recorded December 5, 1966 in Volume 1795, page 62, Official Records of Santa Cruz county.

## EXHIBIT B

1. Prior to being considered as a building site and submitting plans for a building permit, complete the following:
  - a. Provide evidence that the property has at least 60 feet of frontage on a minimum 40-foot wide right of way.
  - b. Provide a survey along with copies of recorded deeds indicating that the property has a minimum of 2 ½ net acre parcel sue. Net parcel sue is defined as the gross area minus all rights of way. The site will not be considered as a building site until this standard is met.
  - c. Apply for a Geohazard Analysis with the County and complete any and all required reports (i.e.; Geologic and Geotechnical) to the satisfaction of the County of Santa Cruz.
  - d. Provide written proof from Environmental Health Services that an acceptable water source is available to the property and that the site complies with all applicable standards for an on site septic system.
2. Prior to obtaining a building permit, complete the following:
  - a. Submit and obtain approval from the Department of Public Works and Planning Department of an engineered road improvement, drainage and erosion plan for the road system to serve this parcel. The road shall be at least 16-feet wide with a minimum of 6 inches of compacted Class II baserock.  
When the road grade exceeds 15%, the surface shall be overlain with 2 inches of asphaltic concrete. The road grade shall not exceed 15% for more than 200 feet and shall not exceed 20%. All requirements of Zone 8 shall be met.
  - b. Submit an erosion control plan for the parcel for review and approval by the Planning Department.
  - c. Submit certification from Environmental Health Services that all proposed development on the parcel will meet all Environmental Health requirements with respect to water availability and septic system use.
  - d. Submit a letter from the Boulder Creek Fire Protection District that indicates that all development on the parcel, including the proposed roadway system, meets the Fire District requirements.
  - e. The property owner shall be entirely responsible for maintaining the road, drainage improvements and erosion control plan to this property. The property owner shall record a Road Maintenance Agreement which shall state that the owner of APN082-052-07 shall be entirely responsible for the maintenance of the road constructed from the publicly maintained road (including the approved erosion and drainage system)
3. Prior to final building inspection, all road improvements, drainage and erosion control measures shall be constructed.



WHEN RECORDED RETURN TO  
Santa Cruz County Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060  
Attn: Don Bussey  
#03-0116  
APN 087-052-08

---

**CONDITIONAL  
CERTIFICATE OF COMPLIANCE**

WHEREAS, David S. Bennet and Naomi G. Bennet, Trustees of the Bennet Family Trust, created on January 2, 1996, are the property owners or vendee of such owners of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 087-052-08, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference made a part hereof, has/have requested that the County issue a Conditional Certificate of Compliance pursuant to Government Code Section 66499.35 and local regulations thereto; 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 to hereto subject to the conditions attached as Exhibit "B".

THIS CERTIFICATE OF PARCEL 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.

FURTHERMORE, THIS CERTIFICATION OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL WITHOUT 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.

DATED \_\_\_\_\_ COUNTY OF SANTA CRUZ

By: \_\_\_\_\_  
Glenda Hill, AICP  
Hearing Officer

STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ

On \_\_\_/\_\_\_/04 before me Bernice Romero, Notary Public, personally appeared Glenda Hill personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted executed the instrument.

Witness my hand and official seal

Signature \_\_\_\_\_

## EXHIBIT A

Situate in the County of Santa Cruz, State of California and more particularly described as follows:

BEING that portion of the South one-half of the North one-half of the Worth one-half of the Northwest 1/4 of Section 35, T. 2 S., R. 3 W., M. D. E. & M. lying West of the State Highway, as conveyed by Deed to the State of California, recorded in Volume 271, page 230 of Deeds, Santa Cruz County Records.

EXCEPTING therefrom the West 990 feet thereof.

ALSO EXCEPTING therefrom the lands conveyed to

- (a) Leslie L. Eschner by Deed recorded in Volume 1880, page 211, Official Records of Santa Cruz County;
- (b) Dennis R. Allshouse et ux by Deed recorded in Volume 1871, page 212, Official Records of Santa Cruz County.

TOGETHER with and SUBJECT to the right of way as set out in the Right of Way Agreement between Wilda Wolff and Dr. H. Sidney Newcomer et ux, dated November 28, 1966, recorded December 5, 1966 in Volume 1796, page 62, Official Records of Santa Cruz County.

## EXHIBIT B

1. Prior to being considered as a building site and submitting plans for a building permit, complete the following:
  - a. Provide evidence that the property has at least 60 feet of frontage on a minimum 40-foot wide right of way.
  - b. Provide a survey along with copies of recorded deeds indicating that the property has a **minimum** of 2½ net acre parcel size. Net parcel size is defined **as** the **gross** area minus all rights of way. The site will not be considered **as** a building site **until** this standard is met.
  - c. Apply for a Geohazard Analysis with the County and complete any and all required reports (i.e.; Geologic and Geotechnical) to the satisfaction of the County of Santa Cruz.
  - d. Provide written proof from Environmental Health Services that an acceptable water source is available to the property and that the site complies with all applicable standards for an on site septic system.
1. Prior to obtaining a building permit, complete the following:
  - a. Submit and obtain approval from the Department of Public Works and Planning Department of an engineered road improvement, drainage and erosion plan for the road system to serve this parcel. The road shall be at least 16-feet wide with a minimum of 6 ~~inches~~ of compacted Class II baserock.  
When the road grade exceeds 15%, the surface shall be overlain with 2 inches of asphaltic concrete. The road grade shall not exceed 15% for more than 200 feet and shall not exceed 20%. All requirements of Zone 8 shall be met.
  - b. Submit an erosion control plan for the parcel for review and approval by the Planning Department.
  - c. Submit certification from Environmental Health Services that all proposed development on the parcel **will** meet all Environmental Health requirements with respect to water availability and septic system use.
  - d. Submit a letter from the Boulder Creek Fire Protection District that indicates that all development on the parcel, including the proposed roadway system, meets the Fire District requirements.
  - e. The property owner shall be entirely responsible for maintaining the road, drainage improvements and erosion control plan to this property. The property owner shall record a Road Maintenance Agreement shall state that the owner of APN 082-052-08 shall be entirely responsible for the maintenance of the road constructed from the publically maintained road (including the approved erosion and drainage system)
2. Prior to final building inspection, all road improvements, drainage and erosion control measures shall be constructed.

WHEN RECORDED RETURN TO:  
Santa Cruz County Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060  
Attn: Don Bussey  
#03-0116  
APN: 087-052-09

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**CONDITIONAL  
CERTIFICATE OF COMPLIANCE**

WHEREAS, Lynette Poncin is the property owner or vendee of such owner of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 087-052-09, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference made a part hereof, has/have requested that the County issue a Conditional Certificate of Compliance pursuant to Government Code Section 66499.35 and local regulations thereto; 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 to hereto subject to the conditions attached as Exhibit " B .

THIS CERTIFICATE OF PARCEL 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.

FURTHERMORE, THIS CERTIFICATION OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL WITHOUT 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.

DATED \_\_\_\_\_ COUNTY OF SANTA CRUZ

\_\_\_\_\_  
Glenda Hill, AICP  
Hearing Officer

STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ

On \_\_\_/\_\_\_/04 before me Bernice Romero, Notary Public, personally appeared Glenda Hill personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted executed the instrument.

Witness my hand and official seal

Signature \_\_\_\_\_

WHEN RECORDED RETURN TO:

## EXHIBIT A

Situate in the County of Santa Cruz, State of California and more particularly described as follows:

That part of the South  $1/2$  of the North  $1/2$  of the North  $1/2$  of the Northwest  $1/4$  of Section 35, T8S, R3W, M.D.B. & M. lying West of the State Highway and lying East of a North-South line being 464 Feet West of the point where the North boundary of the South  $1/2$  of the North  $1/2$  of the North  $1/2$  of the Northwest  $1/4$  intersects the State Highway.

## EXHIBIT B

1. Prior to being considered as a building site and submitting plans for a building permit, complete the following:

- a. Provide evidence that the property **has** at least 60 feet of frontage on a minimum 40-foot wide right of way.
- b. Provide a survey along with copies of recorded deeds indicating that the property **has** a minimum of 25 net developable acre parcel size. Net developable parcel size is defined **as** the **gross** area minus 1) all rights of way, 2) slopes over 50%, 3) riparian area, wooded arroyos, canyons, areas of riparian vegetation and areas within a 50 feet riparian buffer setback, 4) **Lakes**, marshes, wetlands and area within 100 year floodplain and any associated buffer setback, 5) Areas of recent landslide, 6) Land within 50 feet of a active or potentially active fault zone, 7) Commercial Ag or mineral resource land.
- c. Apply for a Geohazard Analysis with the County and complete any and all **required** reports (i.e.; Geologic and Geotechnical) to the satisfaction of the **County** of Santa Cruz.
- d. Provide written proof from Environmental Health Services that an acceptable water source is available to the property and that the site complies with all applicable standards for an on site septic system.
- e. All buildings including the access driveway shall be on slopes of less **than** 30%.

2. Prior to obtaining a building permit, complete the following:

- a. Submit and obtain approval from the Department of Public **Works** and Planning Department of an engineered road improvement, drainage and erosion plan for the road system to serve **this** parcel. The road shall be at least 16-~~feet~~ wide with a minimum **of** 6 inches of compacted Class **II** base rock. When the road grade exceeds 15%, the surface shall be overlain with 2 inches of asphaltic concrete. The road grade shall not exceed 15% for more than 200 feet and **shall** not exceed **20%**. All requirements of Zone 8 shall be met.
- b. Submit an erosion control plan for the parcel for **review** and approval **by** the Planning Department.
- c. Submit certification from Environmental Health Services that all proposed development on the parcel will meet all Environmental Health requirements with respect to water availability and septic system use.
- d. Submit a letter from the Boulder Creek Fire Protection District that indicates that all development on the parcel, including the proposed roadway system, meets the Fire District requirements.
- e. The property owner shall be entirely responsible for maintaining the road, drainage improvements and erosion control plan to this property. The property owner shall record a Road Maintenance Agreement which shall state that the owner of APN 087-052-09 shall be entirely responsible for the maintenance of the road constructed from the publically maintained road (including the approved erosion and drainage **system**)

3. Prior to final building inspection, all road improvements, drainage and erosion control measures shall be constructed.

Santa Cruz County Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060  
Attn: Don Bussey  
#03-0116  
APN 087-052-10

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**CONDITIONAL  
CERTIFICATE OF COMPLIANCE**

WHEREAS, David S. Bennet and Naomi G. Bennet, Trustees of the Bennet Family Trust, created on January 2, 1996, are the property owners or vendee of such owners of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 087-052-10, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference made a part hereof, has/have requested that the County issue a Conditional Certificate of Compliance pursuant to Government Code Section 66499.35 and local regulations thereto; 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 to hereto subject to the conditions attached as Exhibit "B".

THIS CERTIFICATE OF PARCEL 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.

FURTHERMORE, THIS CERTIFICATION OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL WITHOUT 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.

DATED \_\_\_\_\_ COUNTY OF SANTA CRUZ

By: \_\_\_\_\_  
Glenda Hill, AICP  
Hearing Officer

STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ

On \_\_\_/\_\_\_/04 before me Bernice Roniero, Notary Public, personally appeared Glenda Hill personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted executed the instrument.

Witness my hand and official seal

Signature \_\_\_\_\_

## EXHIBIT A

**Situate in the County of Santa Cruz, State of California and more particularly described as follows:**

-----  
All that portion of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 35, T. 8 S., R. 3 W., M.D.B.&M., excepting the West 990 feet %hereof, which lies West of the Following described line:

Beginning at a point on the North line of said Section 35, distant thereon 813.77 feet West from the Northeast corner of said Northwest  $\frac{1}{4}$ ; thence South 220 feet; thence West 316.70 feet; thence South to the South Line of said North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of said Section 35.

Together with the right of way as set out in the right of way agreement between Wilda Wolff and Dr. H. Sidney Newcomer, et ux, dated November 28, 1966 recorded December 5, 1966 in Volume 1796 of Official Records, at page 62, Santa Cruz County Records,

Also together with a right of way ~~far~~ road purposes over and upon any and all existing roads from the herein described property to any public road or highway.



## EXHIBIT B

1. Prior to submitting plans for a building permit, complete the following:

- a. Provide evidence that the ~~property~~ has at least 60 feet of frontage on a minimum 40-foot wide right of way.
- b. Apply for a Geohazard Analysis with the County and complete any and all required reports (i.e.; Geologic and Geotechnical) to the satisfaction of the County of Santa Cruz.
- c. Provide written proof from Environmental Health Services that an acceptable water source is available to the property and ~~that~~ the site complies with all applicable standards for an on site septic system.

2. Prior to obtaining a building permit, complete the following:

- d. Submit and obtain approval from the Department of Public Works and Planning Department of an engineered road improvement, drainage and erosion plan for the road system to serve ~~this~~ parcel. The road ~~shall~~ be at least 16-feet wide with a minimum of 6 inches of compacted Class II baserock.  
When the road grade exceeds 15%, the surface shall be overlain with 2 inches of asphaltic concrete. The road grade shall not exceed 15% for more than 200 feet and shall not exceed 20%. All requirements of Zone 8 shall be met.
- e. Submit an erosion control plan for the parcel for review and approval by the ~~Planning~~ Department.
- f. Submit certification from Environmental Health Services that all proposed development on the parcel will meet all Environmental Health requirements with respect to water availability and septic system use.
- g. Submit a letter from the Boulder Creek Fire Protection District that indicates that ~~all~~ development on the parcel, including the proposed roadway system, meets the Fire District requirements.
- h. The property owner shall be entirely responsible for maintaining the road, drainage improvements and erosion control plan to ~~this~~ property. The property owner shall record a Road Maintenance Agreement ~~shall~~ state that the owner of APN 087-052-10 shall be entirely responsible for the maintenance of the road constructed from the publically maintained road (including the approved erosion and drainage system).

3. Prior to final building inspection, all road improvements, drainage and erosion control measures shall be constructed.

WHEN RECORDED RETURN TO  
Santa Cruz County Planning Department  
701 Ocean Street  
Santa Cruz, CA 95060  
Attn: Don Bussey  
#03-0116  
APN 087-052-11

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**CONDITIONAL  
CERTIFICATE OF COMPLIANCE**

WHEREAS, Ron Beeson is the property owner or vendee of such owner of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 087-052-11, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference made a part hereof, has/have requested that the County issue a Conditional Certificate of Compliance pursuant to Government Code Section 66499.35 and local regulations thereto; 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 to hereto subject to the conditions attached as Exhibit "B".

THIS CERTIFICATE OF PARCEL 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.

FURTHERMORE, THIS CERTIFICATION OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL WITHOUT 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.

DATED \_\_\_\_\_ COUNTY OF SANTA CRUZ

\_\_\_\_\_  
Glenda Hill, AICP  
Hearing Officer

STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ

On \_\_\_/\_\_\_/04 before me Bernice Romero, Notary Public, personally appeared Glenda Hill personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted executed the instrument.

Witness my hand and official seal

Signature \_\_\_\_\_

## EXHIBIT A

**Situate in the County of Santa Cruz, State of California and more particularly described as follows:**

All that portion of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 35, T. 6 S., R. 3 W., MDB. & M. lying West of the State Highway and East of the following described line:

Beginning at a point on the North line of said Section 35, distant thereon 613.79 feet West from the Northeast corner of said Northwest  $\frac{1}{4}$ ; thence South 220 feet; thence West 316.70 feet; thence South to the South line of said North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of said Section 35.

Together with the right of way as set Out in the right of way agreement between Wilda Wolff and Dr. H. Sidney Newcomer, et ux, dated November 28, 1966, recorded December 5, 1966 in Volume 1796 of Official Records, at page 62, Santa Cruz County Records.

Also together with a right of way for road purposes over and upon any and all existing roads from the herein described property to any public road or highway.

## EXHIBIT B

1. Prior to being considered **as** a building site and submitting plans for a building permit, complete the following:

- a. Provide evidence that the property has at least **60** feet of frontage on a minimum **40-foot** wide right of way.
- b. Provide a survey along with copies of recorded deeds indicating that the property **has** a minimum of 25 net developable acre parcel size. Net developable parcel size is defined **as** the **gross** area minus 1) all rights of way, 2) slopes over **50%**, 3) riparian area, wooded arroyos, canyons, areas of riparian vegetation and areas within a 50 feet riparian buffer setback, 4) **Lakes**, marshes, wetlands and area within 100 year floodplain and any associated buffer setback, 5) Areas of recent landslide, 6) Land within 50 feet of a active or potentially active fault **zone**, 7) Commercial Ag or **mineral** resource land.
- c. Apply for a Geohazard Analysis with the County and complete any and all required reports (i.e.; Geologic and Geotechnical) to the satisfaction of the County of Santa Cruz.
- d. Provide written proof from Environmental Health Services that an acceptable water source is available to the property and that the site complies with all applicable standards for an on site septic system.
- e. All buildings including the access driveway **shall** be on slopes of less than 30%.

2. Prior to obtaining a building permit, complete the following:

- f. Submit and obtain approval from the Department of Public Works and Planning Department of an engineered road improvement, drainage and erosion plan for the road system to serve this parcel. The road shall be at least **16-foot** wide with a minimum of 6 inches of compacted **Class II** baserock. When the road grade exceeds **15%**, the surface **shall** be overlain with 2 inches of asphaltic concrete. The road grade **shall** not exceed 15% for more than 200 feet and shall not exceed 20%. All requirements of Zone 8 shall be **met**.
- g. Submit an erosion control plan for the parcel for review and approval **by** the Planning Department,
- h. Submit certification from Environmental Health Services that all proposed development on the parcel will meet all Environmental Health requirements with respect to water availability and septic system **use**.
- i. Submit a letter from the Boulder Creek Fire Protection District that indicates that all development on the parcel, including the proposed roadway system, meets the Fire District requirements.
- j. The property owner shall be entirely responsible for maintaining the road, drainage improvements and erosion control plan to this property. The property owner **shall** record a Road Maintenance Agreement which shall state that the owner of APN **087-052-11** shall be entirely responsible for the maintenance of the road constructed from the publicly maintained road (including the approved erosion and drainage system)

3. Prior to final building inspection, all road improvements, drainage and erosion control measures shall be constructed.