



Staff Report to the Zoning Administrator

Application Number: **08-0179**

Applicant: Hamilton Swift LUDC
Owner: Ernest & Anne Adams
APN: 099-121-16; 099-171-06; 099-171-10

Agenda Date: January 16, 2009
Agenda Item #: **4.**
Time: After 10:00 a.m.

Project Description: Proposal to establish the legality of three parcels of about 10.8 acres (APN 099-121-16), 3.5 acres (APN 099-171-06) and 2.8 acres (APN 099-171-10). This application is a request for Parcel Legality Determinations / Conditional Certificates of Compliance.

Location: The parcels are located on the west side of Olive Springs Road, at 1400 Olive Springs Road and 209 Maka Trail, in Soquel, approximately one mile north from Soquel San Jose Road.

Supervisory District: First District (District Supervisor: John Leopold)

Permits Required: Conditional Certificates of Compliance
Technical Reviews: none

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Direct that the Conditional Certificates of Compliance attached as Exhibit C be recorded.

Exhibits

- | | |
|---|---|
| A. Assessor's Parcel Map | D. CEQA Determination |
| B. Chains of Title and Copies of Deeds (on file with the Planning Department) | E. Conditional Certificates of Compliance |
| C. Subdivision Conditions, 1967 | |

Background

The application is for a determination that three parcels, identified as Assessor's Parcel Numbers 099-121-16, 099-171-06 and 099-171-10, are separate legal lots.

Application # 07-0624 was originally submitted to determine the legality of four parcels, APN 099-121-16, 099-171-06, 099-171-09 and 099-171-10. During the analysis of that proposal, it was discovered that five separate parcels had been created (including APN 099-171-11, which was not part of the original application) in 1955, when creation of more than four parcels in one year would

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

have required approval of a subdivision under State law. Two parcels, APNs 099-171-09 and 099-171-11, had been approved for development by the past issuance of County building permits, and were thus granted Unconditional Certificates of Compliance under application # 07-0624.

It was determined at that time that the remaining three parcels, APNs 099-121-16, 099-171-06 and 099-171-10, would be entitled to Conditional Certificates of Compliance, subject to Subdivision Ordinance requirements and conditions that would have been in effect in 1967 when the current owners (Ernest and Anne Adams) acquired their interest in the property.

Analysis and Discussion

Assessor's Parcel Numbers 099-121-16, 099-171-06 and 099-171-10 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 Conditional Certificates of Compliance pursuant to Government Code Section 66499.35 and Santa Cruz County Code Section 14.01.109 and 14.01.110.

Parcel History

The chain of title submitted by the applicant indicates that APNs 099-121-16, 099-171-06 and 099-171-10 were created by deed instruments. The following is a brief history of the parcel(s):

October 7, 1955

Book 1040, Page 351; Monterey Bay Redwood Company to Baughn; Conveyed reference parcels 1, 2 (portion) and 3, and other contiguous property. **This instrument created APN 099-171-06 and APN 099-171-10**

October 7, 1955

Book 1040, Page 353; Roy to Baughn; Conveyed reference parcel 4, a portion of reference parcel 2 and other property. **This instrument created APN 099-121-16**

January 16, 1958

Book 1167, Page 199; Baughn to Department of Veteran Affairs. This deed conveys reference Parcel 2 and no other land, thus separating APN 099-171-06 from all other property.

August 28, 1958

Book 1202, Page 142; Baughn to Humphreys. This deed conveys APN 099-171-11, thus separating APNs 099-171-10 and 099-121-16 from all other property.

APNs 099-121-16, 099-171-06, and 099-171-10, along with APNs 099-171-09 and 099-171-11, were subsequently transferred together (but never combined) since 1958.

On February 25, 1974, APNs 099-121-16, 099-171-06 and 099-171-10, (along with APN 099-171-09, which was already developed with a single-family residence) were entered into an Open-Space Easement contract with the County. The contract was allowed to sunset after its 20-year period, and the parcels were not combined through the contract.

Development Approvals

No development approvals have been issued by the County for the three subject parcels.

Zoning

The following is a brief zoning history affecting the site.

Ord. 484 effective May 24, 1956

This was the Interim Zoning Ordinance for the County of Santa Cruz. Section 8 of this document placed the entire County in the U (Unclassified) Zone District if not specifically placed in another zone district. This ordinance was in effect when the parcels were created, and the parcels were zoned "U" at the time of creation. The site standards applicable to construction of a single-family home in this zone district were those in the R-1 districts, which required a minimum building site area of 6,000 square feet and a minimum site width of 60 feet. There was no specific frontage requirement. The three subject parcels meet these requirements.

Subdivision Map Act and Ordinance

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 properties were conveyed by a separate document as a separate parcel on or before January 20, 1972.

Evidence was submitted indicating that the three parcels were described within separate deed instruments or actions transferring the individual parcels (creation of the parcels) prior to January 20, 1972. The parcels were created in 1955.

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

Evidence has been found to indicate that the parcels did **not** comply with the applicable provisions of the State Map Act at the time the parcel was created, as five adjacent parcels were created by the same subdivider within a one year period in 1955. The parcels did not comply with the applicable provisions of the State Map Act at the time the parcels were created (1955) in that five parcels were created 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 three parcels complied with the applicable standards in effect at the time the parcels were created. At the time the parcels were created, they were in the Unclassified or "U" District. The minimum lot size for that district was 6,000 square feet, and all three parcels exceed that size.

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

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

Summary Conclusion

Under County Code Section 14.01.109(a) criteria for whether a parcel qualifies for an Unconditional Certificate of Compliance, evidence has been found to indicate that the subject parcels did **not** comply with the applicable provisions of the State Map Act at the time the parcels were created because five adjacent parcels were created by the same subdivider within a one year period in 1955.

Two of the five parcels--APNs 099-171-09 and 099-171-11-- had been approved for development. The Subdivision Map Act (Government Code Section 66499.35 c) and the County Code (County Code Section 14.01.109 (a) 2.) state that Unconditional Certificates of Compliance shall be issued where the local agency has granted a development approval, and thus under application # 07-0264, those two parcels were issued Unconditional Certificates of Compliance.

Based upon the deed evidence submitted, APNs 099-121-16, 099-171-06 and 099-171-10 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."

The recommended conditions have incorporated the applicable standards for the year title was obtained by the current owners.

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Direct that the Conditional Certificates of Compliance attached as Exhibit C be recorded.

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

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

If you have any questions about this project, please contact Alice Daly at:
(831) 454-3141 or alice.daly@co.santa-cruz.ca.us

Report Prepared By: _____

Alice Daly
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

Report Reviewed By: _____

Don Bussey
Zoning Administrator
Santa Cruz County Planning Department

Mail to:

Hamilton Swift LUDC
500 Chestnut Street, Suite 100
Santa Cruz, CA 95060

Appeals

In accordance with Section 18.10.300 et seq of the Santa Cruz County Code, the applicant may appeal an action or decision taken on a Level III project such as this one. Appeals of administrative decisions of are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter, and the basis on which the decision is to be considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of publication of the action from which the appeal is being taken or the date on which the notices are mailed, whichever is later and must be accompanied by the appropriate filing fee.

CONDITIONS OF APPROVAL

- I. Prior to Assessor's Parcel Numbers 099-121-16, 099-171-06 and 099-171-10 being considered as buildable parcels and prior to submitting plans for building permits, complete the following:
 1. Submit a letter from Environmental Health Services indicating that satisfactory arrangements have been made for the installation of a water supply and sewage disposal for each lot as follows:
 - a. In cases where water is supplied from a central source within the subdivision or by individual wells on each lot, there shall be submitted actual well logs or other data certified to by a well digger or a registered engineer in his professional capacity, indicating that the source or sources with or without storage facilities are capable of producing a continual flow of water of 450 gallons per 24 hours for each proposed lot in the subdivision and 200 gallons per minute for two hours for fire protection and/or adequate storage facilities to provide the same results for fire protection.
 - b. A statement of the facilities for sewage disposal installed or available for the parcels, including that the aforesaid disposal of sewage will be accomplished without creating a nuisance, either public or private, and without menace to the public health.
 2. Improvements meeting the following minimum requirements:
 - a. Such structures as are necessary to the use and the proper drainage of the streets and other ways in the subdivision and to the public safety.
 - b. Fire hydrants or adequate storage facilities for a fire protection water supply shall be provided and installed in accordance with the requirements of the fire district providing fire protection to the subdivision.
 - c. When the subdivision does not abut on a County-maintained road, an access road connecting the subdivision with a County-maintained road shall be provided by the subdivider and shall be improved for its entire length in accordance with standards prescribed for a Subdivision Access Road as set forth in the Subdivision ordinance (beginning with Section 13.08.129 of the 1967 ordinance). The access road shall not be included within the boundaries of the proposed subdivision. The minimum width of a Subdivision Access Road is 18-feet for the traveled way within a 40-foot right of way. (Regulations regarding cul-de-sacs and dead end roads are found in Section 13.08.124 of the 1967 ordinance).

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 08-0179

Assessor Parcel Number: 099-121-16; 099-171-06; 099-171-10

Project Location: 1400 Olive Springs Road

Project Description: Proposal to recognize the legality of three parcels by approval of Conditional Certificates of Compliance

Person or Agency Proposing Project: Hamilton Swift LUDC

Contact Phone Number: 831-459-9992

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

Specify type:

- E. **Categorical Exemption**

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

F. Reasons why the project is exempt:

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

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

Alice Daly, Project Planner

Date: _____

WHEN RECORDED RETURN TO:
Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, CA 95060
Attn: Alice Daly
08-0179
APN: 099-171-06

CONDITIONAL CERTIFICATE OF COMPLIANCE

WHEREAS, Ernest and Anne Adams, as Trustees, or their Successors, 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 099-171-06, 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 "C".

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: _____
Don Bussey
Hearing Officer

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ

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

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

Signature _____

EXHIBIT A

LEGAL DESCRIPTION - APN 099-171-06

SITUATE in the County of Santa Cruz, State of California

BEING a part of the Rancho Soquel Augmentation and more particularly bounded and described as follows:

BEING a portion the lands conveyed to Baughn by deed recorded in Volume 1040, at Page 351, Official Records of Santa Cruz County, said portion being that portion lying Northerly of the lands conveyed to Department of Veteran Affairs of the State of California by deed recorded in Volume 1167, at Page 199, Official Records Santa Cruz County, and more particularly described as follows:

BEGINNING at a station on the Northeasterly line of said lands of Baughn at the most northerly corner of said lands conveyed to the Department of Veteran Affairs of the State of California, from which a nail in the centerline of the Olive Springs Quarry Road at the northeastern corner of said lands conveyed to Baughn bears South 50° 27' East 186.05 feet; thence along said Northeasterly line, North 50° 27' West 1005.68 feet to an angle point on the Southeastern boundary of the lands conveyed to Myrtle Dunn by deed recorded in Volume 942 of Official Records, Page 612, Santa Cruz County Records; thence along said last mentioned line, South 55° 45' West 42.82 feet to the Northeastern corner of the lands described as Parcel 3 in deed conveying lands to Kurt H. Roy, recorded in Volume 829 of Official Records, Page 404, Santa Cruz County Records; thence along the Eastern boundary of said lands of Roy, South 27° 45' East 810 feet more or less to the Northerly line of said lands conveyed to Department of Veteran Affairs of the State of California; thence along said Northerly line North 69° 52' East, 115 feet more or less to an iron pipe; thence North 80° 04' East, 333 feet to the POINT OF BEGINNING.

And CONTAINING 4.38 acres, more or less

TOGETHER WITH a right of way 50 feet in width, as described in Volume 1040 of Official Records, Page 351, Santa Cruz County Records.

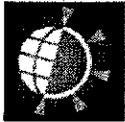
TOGETHER WITH a right of way for a water pipe line as described in Volume 1040 of Official Records, Page 351, Santa Cruz County Records.

SUBJECT TO all rights of way and easements of record.

END OF DESCRIPTION

Prepared by Gary Ifland & Associates, Inc. Job #G08084, November 2008.





IFLAND SURVEY

Surveying - Mapping - GPS

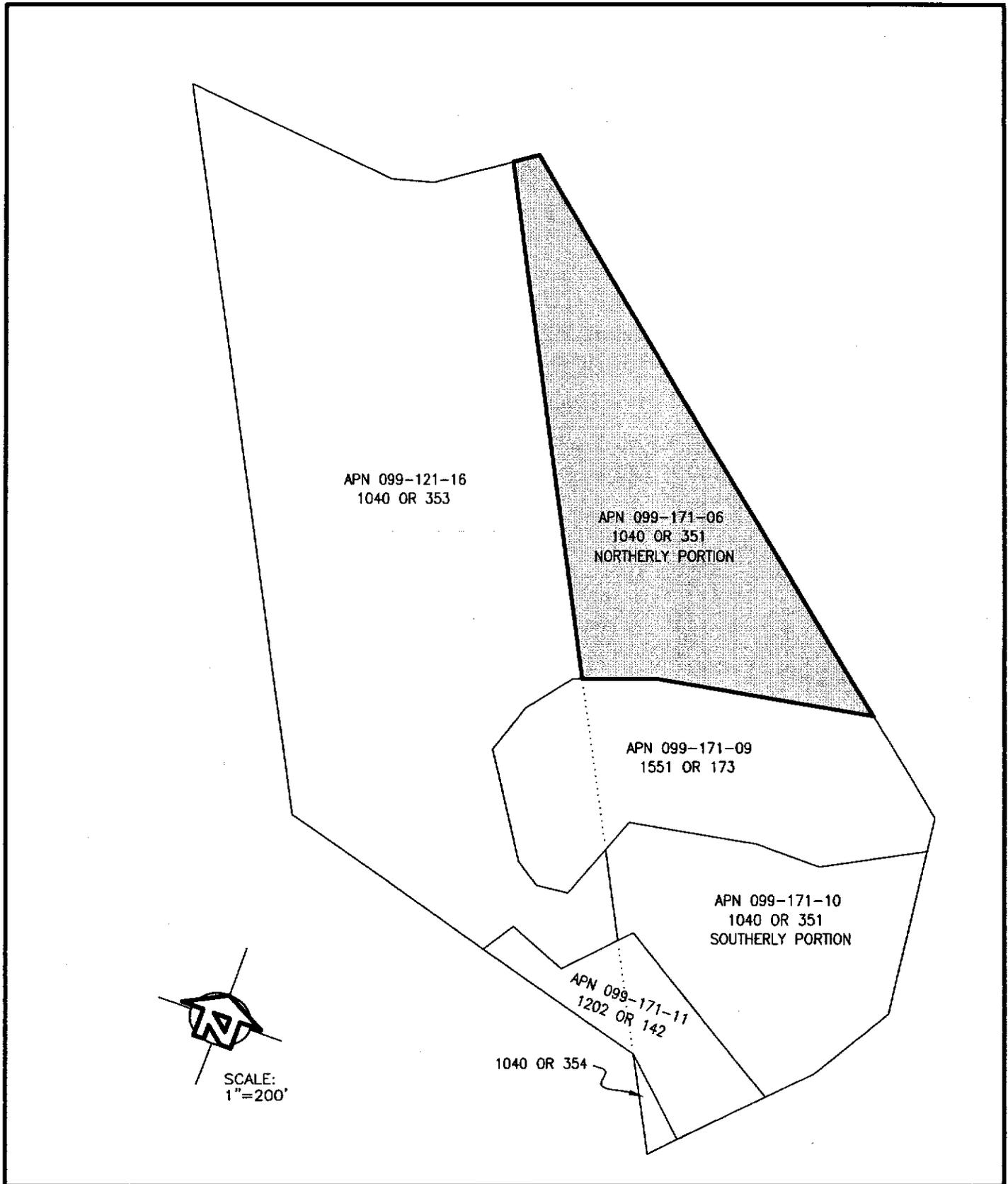
303 Potrero Street, Suite 43-108, Santa Cruz, CA 95060
Tel 831.426.7941 Fax 831.426.6266

JOB NO. G08084

SHEET NO. 1 OF 1

CALCULATED BY GRJ DATE 12/01/08

SCALE: 1" = 200'



WHEN RECORDED RETURN TO:
Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, CA 95060
Attn: Alice Daly
08-0179
APN: 099-171-10

CONDITIONAL CERTIFICATE OF COMPLIANCE

WHEREAS, Ernest and Anne Adams, as Trustees, or their Successors, 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 099-171-10, 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 "C".

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: _____
Don Bussey
Hearing Officer

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ

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

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

Signature _____

EXHIBIT A

LEGAL DESCRIPTION - APN 099-171-10

SITUATE in the County of Santa Cruz, State of California

BEING a part of the Rancho Soquel Augmentation and more particularly bounded and described as follows:

BEING a portion the lands conveyed to Baughn by deed recorded in Volume 1040, at Page 351, Official Records of Santa Cruz County, said portion lying Southerly of the lands conveyed to Department of Veteran Affairs of the State of California by deed recorded in Volume 1167, at Page 199, Official Records Santa Cruz County, and more particularly described as follows:

BEGINNING at a spike in the centerline of the Olive Springs Quarry Road on the Easterly line of said lands of Baughn at the Southeastern corner of said lands conveyed to the Department of Veteran Affairs of the State of California, from which a nail in the centerline of the Olive Springs Quarry Road at the Northeastern corner of said lands conveyed to Baughn bears North 6° 33' West 50.00 feet; thence leaving the said centerline, South 61° 40' West 166.05 feet to an iron pipe; thence North 89° 30' West 100.91 feet to an iron pipe; thence South 79° 39' West 196.86 feet to an iron pipe; thence South 21° 12' West 55 feet more or less to the Eastern boundary of the lands described as Parcel 3 in deed conveying lands to Kurt H. Roy, recorded in Volume 829 of Official Records, Page 404, Santa Cruz County Records; thence along said Eastern boundary, South 27° 45' West 475 feet more or less to a ½ inch iron pipe at the most Eastern corner of said lands of Roy; thence North 43° 37' East 279.77 feet to a ½ inch iron pipe; thence North 30° 15' East 147.85 feet to a ½ inch iron pipe; thence North 6° 33' West 259.30 feet to the POINT OF BEGINNING.

EXCEPTING therefrom the lands described in the deed to Kurt H. Roy, recorded October 7, 1955 in Volume 1040 of Official Records, Page 354, Santa Cruz County Records.

EXCEPTING therefrom the lands described in the deed to M. S. Humphreys, et ux, recorded August 28, 1958 in Volume 1202 of Official Records, Page 142, Santa Cruz County Records.

AND CONTAINING 2.89 acres, more or less.

TOGETHER WITH a right of way 50 feet in width, as described in Volume 1774 of Official Records, Page 387, Santa Cruz County Records.

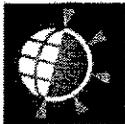
TOGETHER WITH a right of way for a water pipe line as described in Volume 1774 of Official Records, Page 387, Santa Cruz County Records.

SUBJECT TO all rights of way and easements of record.

END OF DESCRIPTION

Prepared by Gary Ifland & Associates, Inc. Job #G08084, November 2008.





IFLAND SURVEY

Surveying - Mapping - GPS

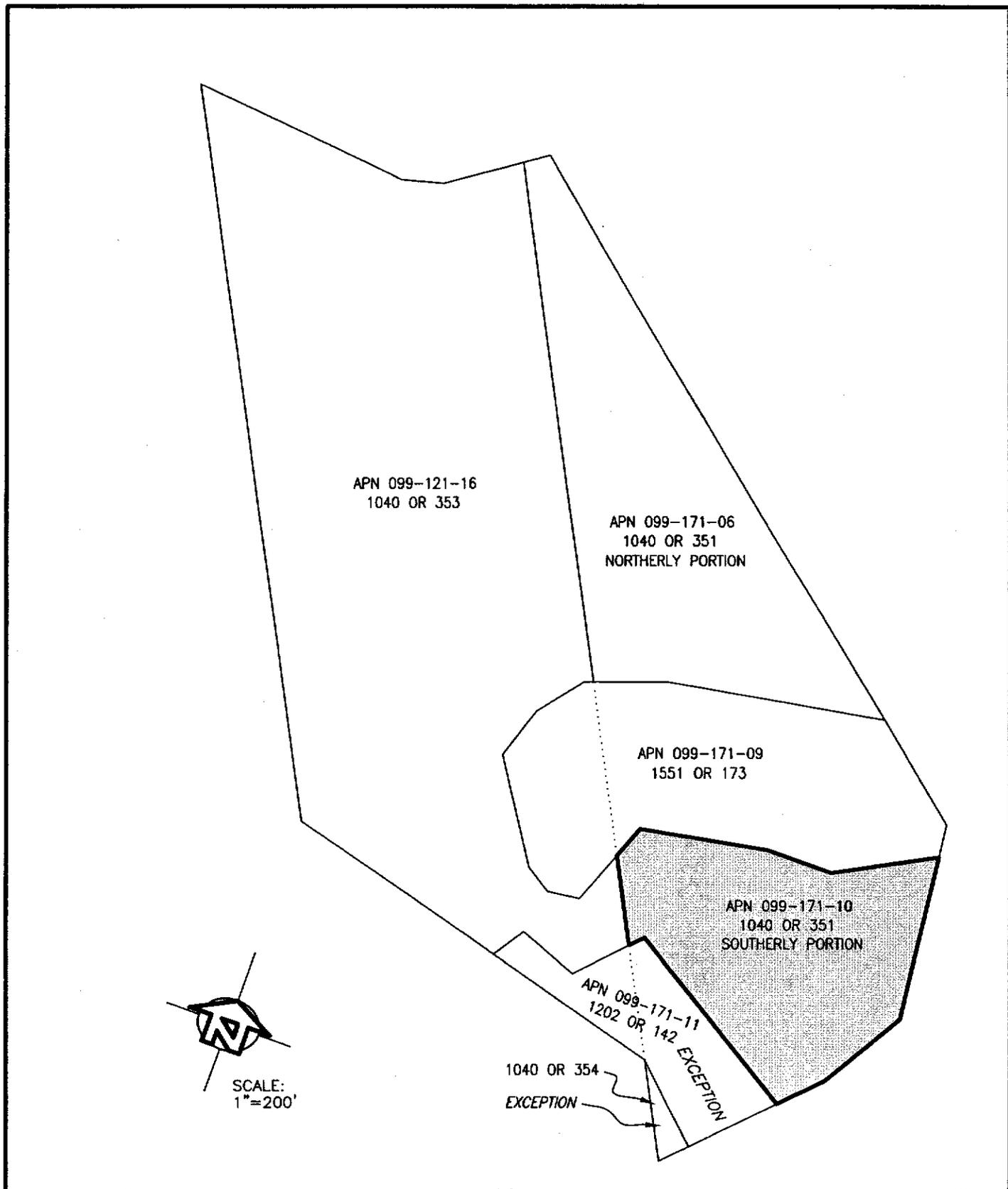
303 Potrero Street, Suite 43-108, Santa Cruz, CA 95060
Tel 831.426.7941 Fax 831.426.6266

JOB NO. G08084

SHEET NO. 1 OF 1

CALCULATED BY GRJ DATE 12/01/08

SCALE: 1" = 200'




SCALE:
1"=200'

WHEN RECORDED RETURN TO:
Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, CA 95060
Attn: Alice Daly
08-0179
APN: 099-121-16

CONDITIONAL CERTIFICATE OF COMPLIANCE

WHEREAS, Ernest and Anne Adams, as Trustees, or their Successors, 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 099-121-16, 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 "C".

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 AOTHER DEVELOPMENT PERMIT APPROVAL BY THE COUNTY OF SANTA CRUZ.

DATED _____ COUNTY OF SANTA CRUZ

By: _____
Don Bussey
Hearing Officer

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ

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

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

Signature _____

EXHIBIT A

LEGAL DESCRIPTION - APN 099-121-16

SITUATE in the County of Santa Cruz, State of California

BEING a part of the Rancho Soquel Augmentation and more particularly bounded and described as follows:

BEGINNING at the Northeastern corner of lands described as Parcel 3 in deed conveying lands to Kurt H. Roy, recorded in Volume 829 of Official Records, Page 404, Santa Cruz County Records; thence from said point of beginning along the Eastern boundary of said lands South 27° 45' East, 1391.87 feet to a ½ inch iron pipe from which the most Eastern corner of said lands bears South 27° 45' East, 158.85 feet distant; thence North 75° 17' West, 645.80 feet to a station on the Western boundary of said lands described as Parcel 3; thence along said last mentioned boundary North 27° 45' West, 1141.64 feet to a 3/8 inch iron pipe at the most Western corner thereof; thence along the Northern boundary of said lands South 84° 29' East, 339.43 feet to an angle; thence North 74° 46' East, 66.00 feet to an angle; thence North 55° 45' East, 129.08 feet to the place of BEGINNING.

EXCEPTING therefrom the lands described in the deed to Dean Ward Baughn, et ux, recorded July 2, 1963 in Volume 1551 of Official Records, Page 173, Santa Cruz County Records.

EXCEPTING therefrom the lands described in the deed to M. S. Humphreys, et ux, recorded August 28, 1958 in Volume 1202 of Official Records, Page 142, Santa Cruz County Records.

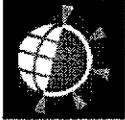
And CONTAINING 12.10 acres, more or less

SUBJECT TO all rights of way and easements of record.

END OF DESCRIPTION

Prepared by Gary Inland & Associates, Inc. Job #G08084, November 2008.





IFLAND SURVEY

Surveying - Mapping - GPS

303 Potrero Street, Suite 43-108, Santa Cruz, CA 95060
Tel 831.426.7941 Fax 831.426.6266

JOB NO. G08084

SHEET NO. 1 OF 1

CALCULATED BY GRJ DATE 12/01/08

SCALE: 1" = 200'

