



Staff Report to the Zoning Administrator

Application Number: **131095**

Applicant: Eugene Novagratsky
Owner: Eugene Novagratsky
APN: APN 107-121-68

Agenda Date: 05/17/13
Agenda Item #: 3
Time: After 9:00 a.m.

Project Description: Proposal to determine the compliance of a remainder parcel (Parcel 'B') created through Minor Land Division 121042, with the Subdivision Map Act and County Subdivision Ordinance.

Location: Property located on the west side of Eureka Canyon Road about 1.2 miles north from the intersection with Hames Road (453 Eureka Canyon Road).

Supervisory District: 2nd District (District Supervisor: Zack Friend)

Permits Required: Conditional Certificate of Compliance

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Direct that the Conditional Certificate of Compliance attached as Exhibit C be recorded for APN 107-121-68.

Exhibits

- | | | | |
|----|---|----|----------------------------|
| A. | Assessor's parcel map | C. | Conditional Certificate of |
| B. | Categorical Exemption (CEQA
determination) | | Compliance |

Background and Analysis

On June 12, 2012, the Board of Supervisors approved Minor Land Division (MLD) 121042, which created one new parcel (Parcel 'A') and a remainder parcel (Parcel 'B'). The Board also authorized the rezoning of Parcel A from the Timber Production zone district to Special Use. Parcel B, the remainder parcel, is considered a separate parcel as a result of the approved MLD; however the remainder designation allowed the deferral of several requirements which are normally applied to rural land divisions. Therefore, Parcel B, while legally created, does not presently comply with the California Subdivision Map Act or with the Subdivision Regulations contained in Title 14 of the County Code. In order to bring Parcel B into compliance with state

and county subdivision regulations, a Certificate of Compliance is required.

Remainder Parcels

The Subdivision Map Act (Government Code §§66434(e), 66445(d)(3) allows a subdivider to designate the undivided portion of a parcel as a remainder parcel so long as that portion is not divided for the purpose of sale, lease, or financing immediately or in the future. If the subdivider elects to designate a remainder, the County may defer requirements for site improvements, technical studies, and capital improvement fees (for the remainder parcel) until such time as development of the remainder is contemplated.

Conditional Certificate of Compliance

When the County determines that a parcel does not comply with the provisions of the Subdivision Map Act or County ordinances enacted pursuant thereto, and the parcel does not otherwise qualify for an unconditional certificate of compliance, it shall issue a conditional certificate of compliance imposing such condition as would be applicable to a current division of the property.

The approval of MLD 121042 therefore, included a condition of approval (II.E.1) requiring the applicant to obtain a conditional certificate of compliance and conditions of approval III.A through H of MLD 121042 enumerate the identified conditions to be specified in a conditional certificate of compliance, as follows:

- A. Two copies of an Engineering Geology report or Geological Hazards Assessment, acceptable to the County Geologist, shall be submitted to the Planning Department for review and approval.
- B. A Building Envelope must be designated by the project Geologist and shown on all site plans.
- C. Three copies of a Geotechnical Report must be submitted to the Planning Department for review and approval.
- D. Preliminary septic approval must be secured from Environmental Health Services.
- E. A Timber Management Plan must be submitted for review and approval and the project forester must review the proposed building site to ensure that impacts to the sustainable harvest and management of timber resources are minimized.
- F. Proposed building sites must conform to all recommendations made by the project Geologist, Geotechnical Engineer and Registered Forester.
- G. All work adjacent to or within a county road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road.

- H. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out other work specifically required by another of these conditions.

In addition to the conditions listed above, the payment of capital improvement fees associated with MLD 121042 was deferred and shall be incorporated as a condition of this certificate of compliance. For this project, the above capital improvement fees shall be limited to Parks and Child Care fees, per Sections 15.01.080 and 15.04.040.

California Environmental Quality Act

CEQA applies only to projects which have the potential for causing a significant effect on the environment. This project results in no physical change to the land and establishing conditions for future development will have no impact on the overall scope of allowable development on the remainder parcel.

Conclusion

The subject property was legally created by Minor Land Division 121042 and qualifies for a Conditional Certificate of Compliance, subject to the deferred conditions of approval.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **131095**, based on the attached conditions.

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

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

FOR TAX PURPOSES ONLY
 THE ASSESSOR MAKES NO GUARANTEE AS TO THE ACCURACY OR ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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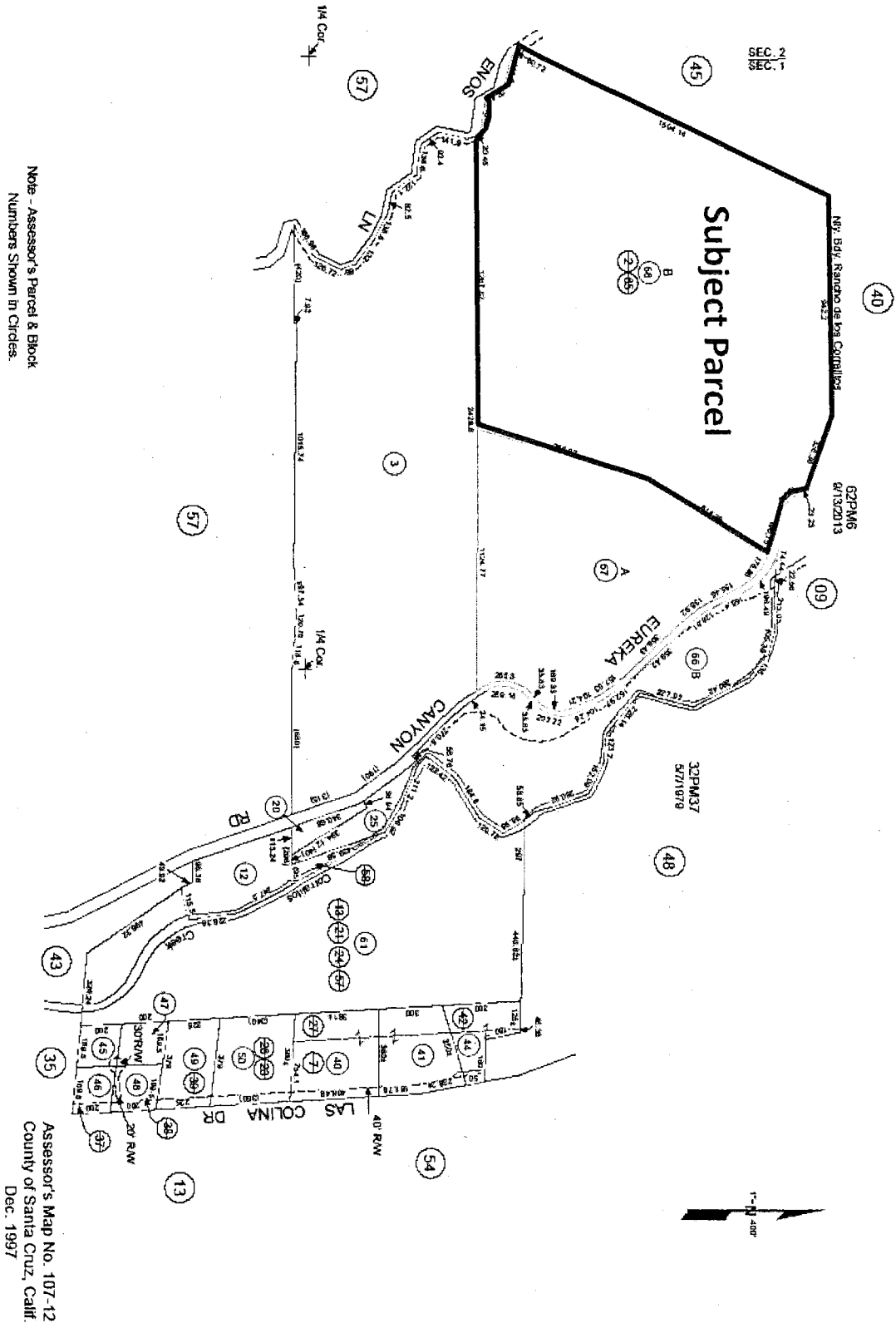
RANCHO DE LOS CORRALITOS
 FOR SECS. 1 & 2, T.11S, R.1E, M.D.B. & M.

Tax Area Code
 69-262

107-12

Electronically drawn 10/97 KSA
 Rev 12/97 KSA (For to Pg. 67)
 Rev 4/98 CB (Tax Consolidator)
 Rev 2/15/03 CB (GPM6, Sp 147 & 61)

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



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

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: 131095

Assessor Parcel Number: 107-121-68

Project Location: Accessed via 453 Eureka Canyon Road

Project Description: Proposal to recognize a remainder lot, created as Parcel 'B' with approved Minor Land Division 121042, as a legal parcel.

Person or Agency Proposing Project: Eugene Novagratsky

Contact Phone Number: (831) 761-2505

- 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: Class 5 - Minor Alterations in Land Use Limitations (Section 15305)

F. Reasons why the project is exempt:

Recognizing a remainder lot created through an approved land division, subject to conditions of approval for Minor Land Division 121042.

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

Robin Bolster-Grant, Project Planner

Date: _____

Return recorded form to:

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

Attention: Robin Bolster-Grant
Application #: 131095

Notice of Compliance

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

Return recorded form to:

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

Attention: Robin Bolster-Grant
Application #: 131095

Conditional Certificate of Compliance

WHEREAS, Eugene R. Novagratsky, Trustee 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 Parcel 'B' on the Tentative Map approved under Minor Land Division 121042, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference made a part hereof, has 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 Conditions of Minor Land Division 121042, the County of Santa Cruz has determined that such real property does not comply with all the provisions for establishing a parcel suitable for residential development and that a Certificate of Compliance with conditions may appropriately be issued.

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

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

DATED _____ COUNTY OF SANTA CRUZ

By: _____
Wanda Williams
Zoning Administrator

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 _____
(Signature of Notary Public)

EXHIBIT A

Legal Description

Situated in the Corralitos Rancho, Santa Cruz County, California and further described as follows:

Being all of Parcel B of that certain Parcel Map recorded September 13, 2012 in Volume 62 of Parcel Maps, Page 6, Santa Cruz County Records.

End of Description.

A.P.N. 107-121-68

EXHIBIT B

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

- I. Prior to the issuance of any building permit for the subject parcel, the following conditions shall be satisfied:
 - A. Two copies of an Engineering Geology report or Geological Hazards Assessment, acceptable to the County Geologist, shall be submitted to the Planning Department for review and approval.
 - B. A Building Envelope must be designated by the project Geologist and shown on all site plans.
 - C. Three copies of a Geotechnical Report must be submitted to the Planning Department for review and approval
 - D. Preliminary septic approval must be secured from Environmental Health Services.
 - E. A Timber Management Plan must be submitted for review and approval and the project forester must review the proposed building site to ensure that impacts to the sustainable harvest and management of timber resources are minimized.
 - F. Proposed building sites must conform to all recommendations made by the project Geologist, Geotechnical Engineer and Registered Forester.
 - G. All work adjacent to or within a county road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit
 - H. Pay the current fees for Parks and Child Care mitigation for a 3 bedroom(s) single-family dwelling. Currently, these fees are, respectively, \$578 and \$109 per bedroom.