


## STAFF REPORT - COUNTY SURVEYOR STAFF

DATE: March 7, 2019  
FROM: Jeff Olsen, Assistant Surveyor   
TO: Yuba County Development Review Committee

RE: Certificate of Compliance (CC) 2018-0002 for APN 064-070-022

REQUEST: This application is a request to determine if subject parcel can be certified as a legal parcel for the purpose of issuing a building permit.

### BACKGROUND/DISCUSSION:

APN 064-070-022 is a designated Remainder Parcel created by Parcel Map No. 84-38 filed in Book 46 of Maps, pages 26 & 27 and as such, was not created in compliance with the Subdivision Map Act and County Development Code.

Subject parcel is located along the south side Marysville Road about 0.3 of a mile west of State Hwy 49. Parcel is undeveloped and currently associated with CUP 2018-0005 and B18-0186 for the installation and operation of a new telecommunications facility on a 900 square foot lease area.

The purpose of PM 84-38 was to create a single legal 2.4 acre parcel (APN 064-070-021), occupied by a house and a store with gas pumps, which was separated from the rest of the original 10 acre parcel by right of way acquisition for the new alignment of Marysville Road in the 1980's, leaving the undeveloped portion lying south of Marysville Road as a designated Remainder Parcel. Certain "Conditions of Approval" for PM 84-38, in accordance with the Subdivision Map Act (SMA) and Yuba County Subdivision Ordinance Code, were imposed for Parcel 1 but not for the designated Remainder Parcel. As the Remainder Parcel was not divided for "sale, lease or financing", it was exempt at the time from those Conditions of Approval. Therefore, prior to sale, lease or development, to ensure SMA compliance, Government Code Section 66499.35 (b) allows for, and County policy requires, the issuance of a Conditional Certificate of Compliance prior to a permit or other grant of approval for development.

### CURRENT OWNERSHIP of RECORD and DEED REFERENCE

Donna E. Jaynes, Trustee of the Donna E. Jaynes Revocable Trust dated January 24, 2012  
Trust Transfer Deed recorded January 30, 2012 document no. 2012R-001269, Official Records of Yuba County

APPLICANT: Andrew Lesa, Epic Wireless Group, LLC

ENVIRONMENTAL REVIEW: The project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15305 Minor Alterations in Land Use Limitations.

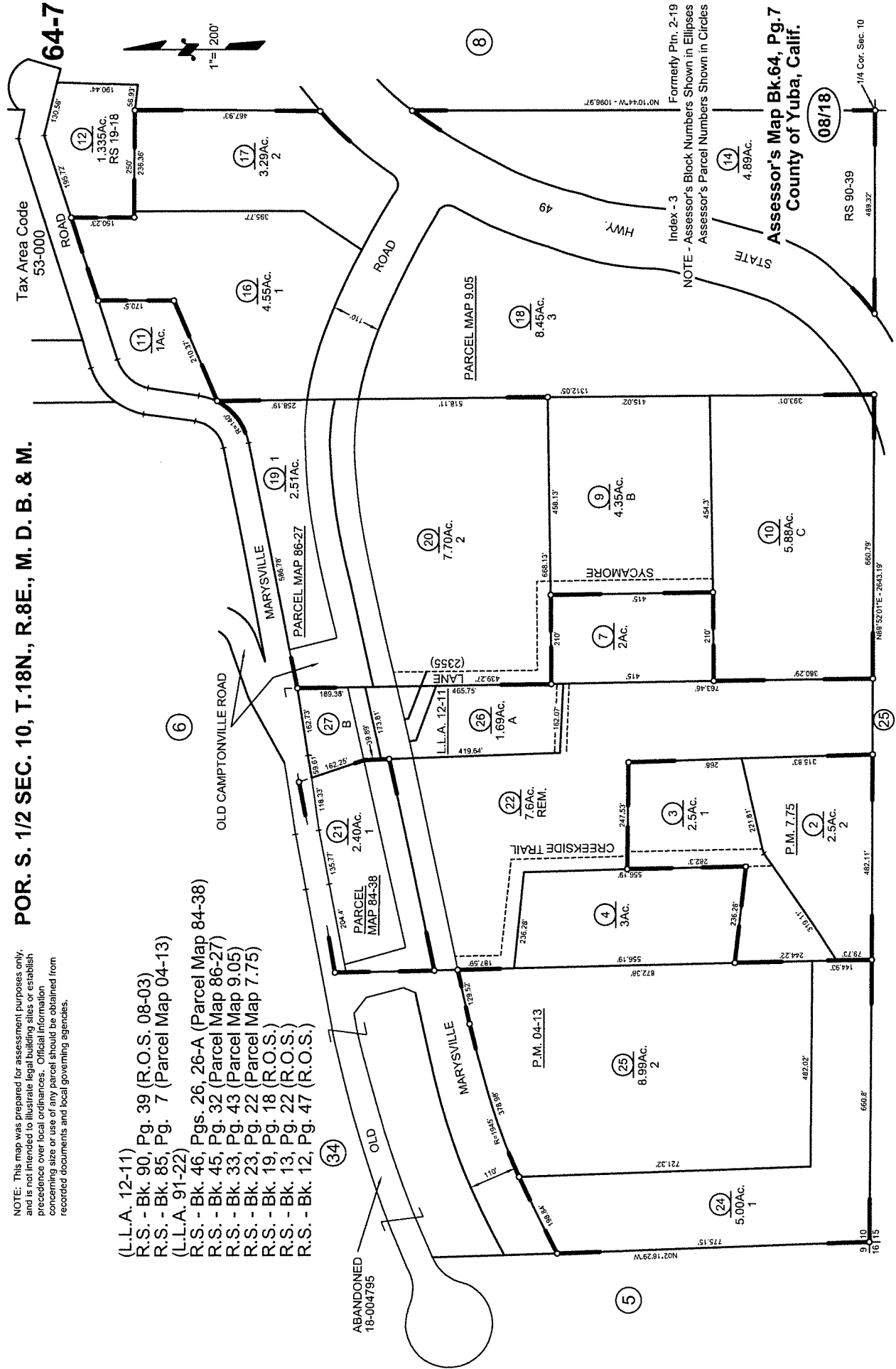
GENERAL PLAN/ZONING: The General Plan designates the property as Natural Resources and the current zoning designation is Rural Residential District (RR-5). This application conforms to the General Plan and zoning.

COMMENTS: Approvals have been received from Planning Department and Environmental Health Department.

RECOMMENDATION: Approve Conditional Certificate of Compliance 2018-0002 for 064-070-022 pursuant to SMA §66499.34 and §66499.35(b), subject to the attached conditions, making the findings that the project is categorically exempt from environmental review and that the project conforms to Government Code sections 66410 et seq. of the Subdivision Map Act, the Yuba County General Plan, zoning and building ordinances, and the Development Code.

NOTE: This map was prepared for assessment purposes only, and is not intended to illustrate legal building sites or establish precedence over local ordinances. Official information concerning size or use of any parcel should be obtained from recorded documents and local governing agencies.

**POR. S. 1/2 SEC. 10, T.18N., R.8E., M. D. B. & M.**



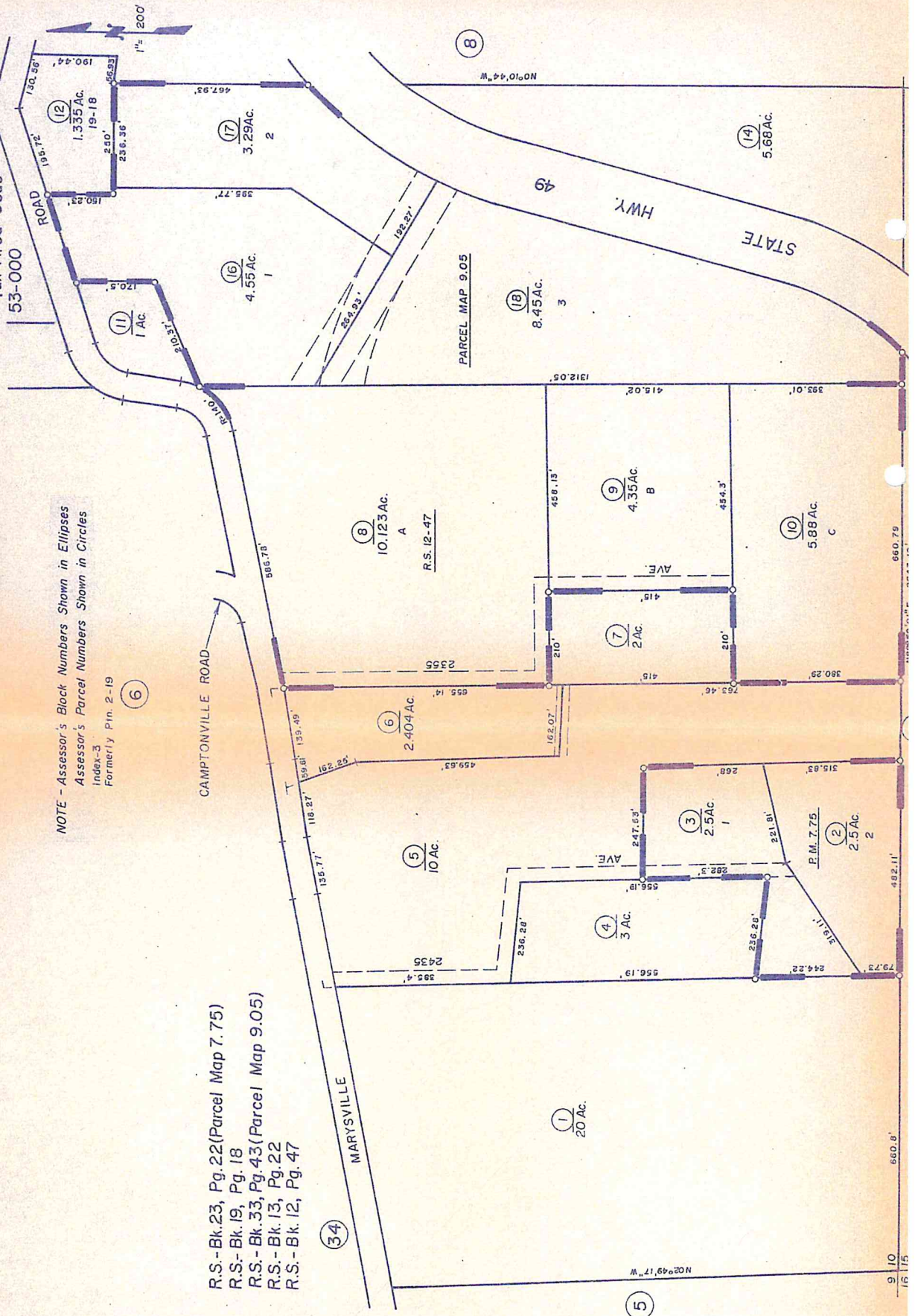
POR. S. 1/2 SEC. 10, T. 18 N., R. 8 E., M.D.B. & M.

64-7

Tax Area Code  
53-000

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles  
Index-3  
Formerly Pln. 2-19

R.S.-Bk. 23, Pg. 22 (Parcel Map 7.75)  
R.S.-Bk. 19, Pg. 18  
R.S.-Bk. 33, Pg. 43 (Parcel Map 9.05)  
R.S.-Bk. 13, Pg. 22  
R.S.-Bk. 12, Pg. 47





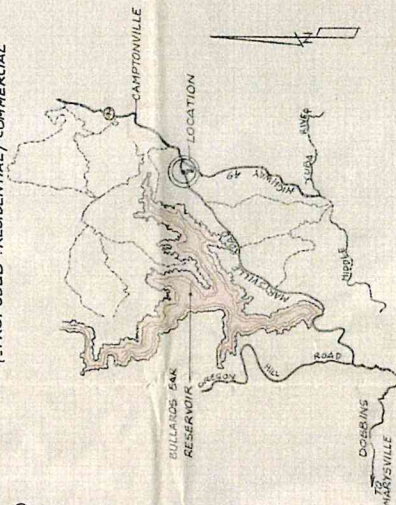
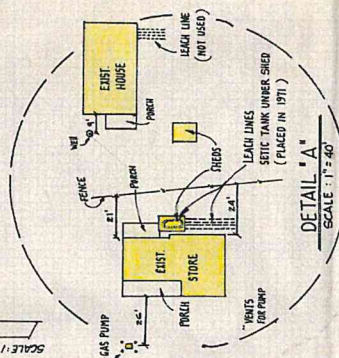
**OWNER :** DONNA E. JAYNES  
P.O. BOX 142  
CAMPTONVILLE, CA. 95922

**APPLICANT :** YUBA COUNTY - DEPARTMENT OF PUBLIC WORKS  
215 FIFTH STREET  
MARYSVILLE, CA. 95901

**ENGINEER :** YUBA COUNTY - DEPARTMENT OF PUBLIC WORKS  
215 FIFTH STREET  
MARYSVILLE, CA. 95901

**NOTES :**

1. A.P. NO. 64-070-005
2. ZONING ARR - 10 AC MIN.
3. WATER { - EXISTING : DOMESTIC WELL  
          { - PROPOSED : SAME
4. SEWER { - EXISTING : SEPTIC SYSTEM & LEACH FIELD  
          { - PROPOSED : SAME
5. LAND USE { - EXISTING : RESIDENTIAL / COMMERCIAL  
              { - PROPOSED : RESIDENTIAL / COMMERCIAL



LOCATION MAP  
NO SCALE

# Tentative Parcel Map No. 84-38

FOR

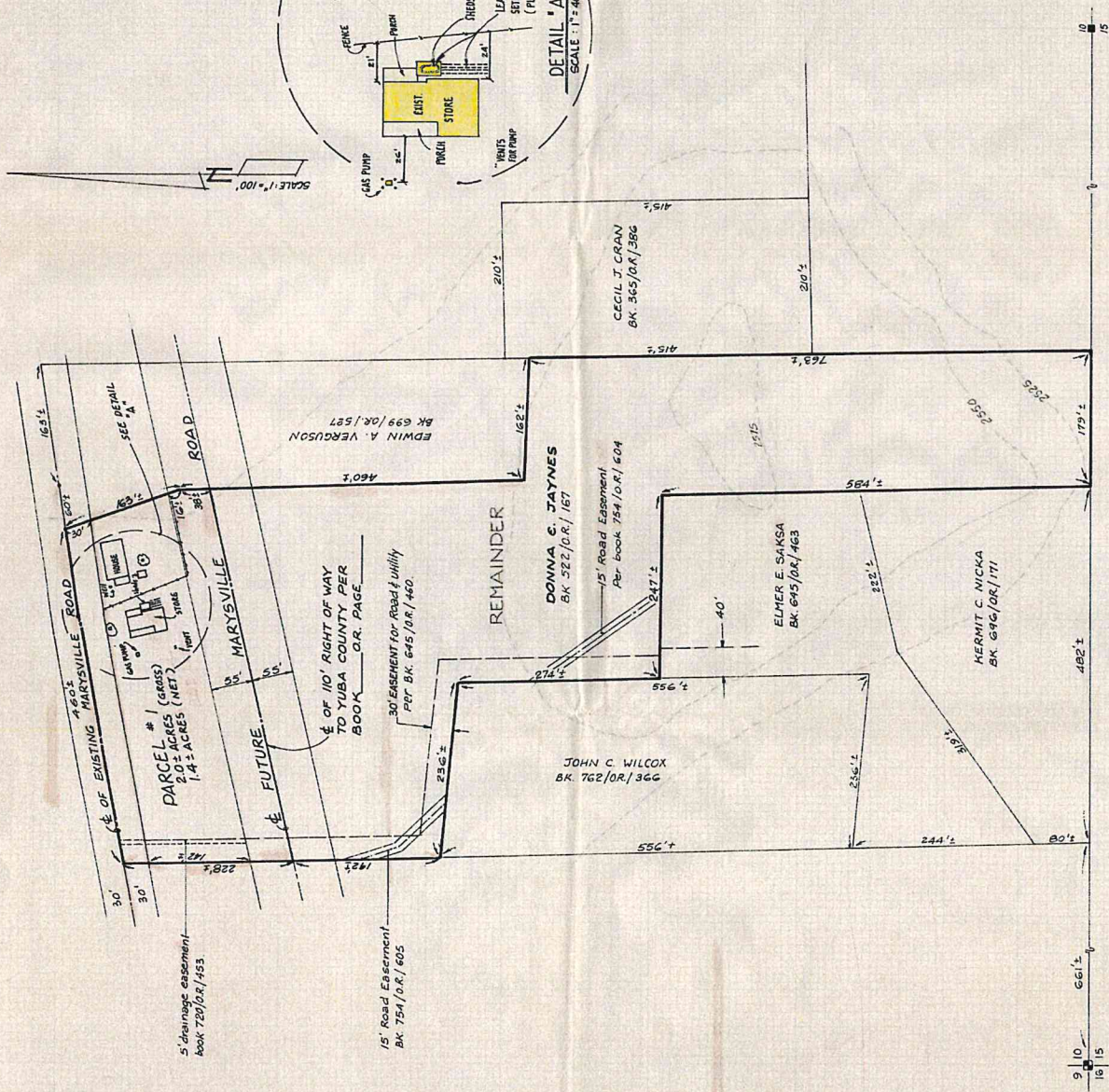
DONNA E. JAYNES

BEING A PORTION OF THE SW 1/4 OF SEC. 10  
T. 18 N., R. 8 E., MDB. 4 M - YUBA COUNTY, CALIF.

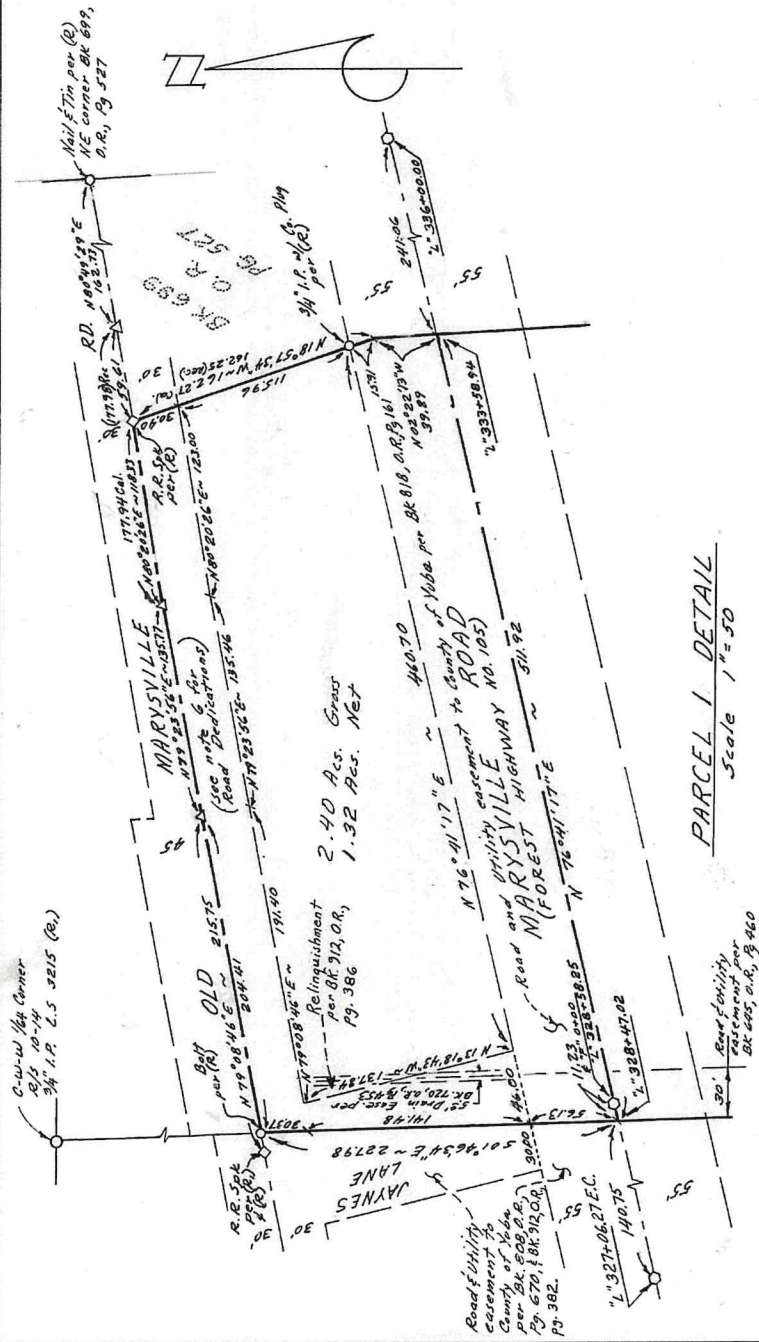
OCTOBER 1984, SCALE: 1" = 100'

PREPARED BY YUBA COUNTY - DEPT. OF PUBLIC WORKS

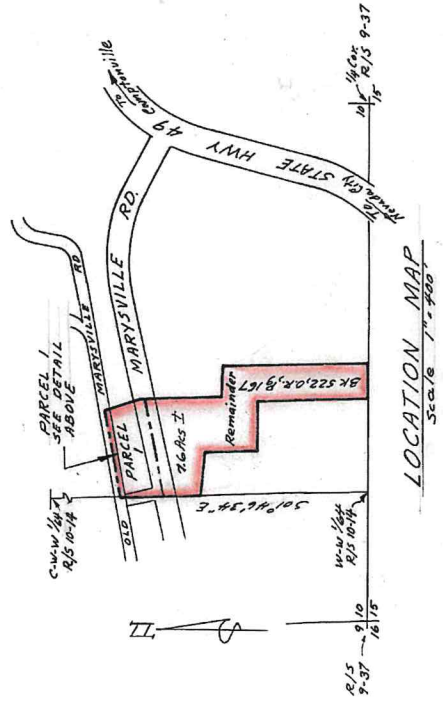
SHEET 1 OF 1 SH







- NOTES:**
1. Distances shown are in agreement with those shown on (R), (R<sub>1</sub>) & (R<sub>2</sub>) unless otherwise noted.
  2. Bearings of (R), (R<sub>1</sub>) & (R<sub>2</sub>) rotated 0°20'40" counterclockwise to this map.
  3. Conditions of Approval for this easement recorded in BK 912, p. 450.
  4. Planning and Building Services Director's Certificate recorded in BK 912, p. 451.
  5. Environmental Health Director's Certificate recorded in BK 912, p. 452.
  6. Old Marysville Rd has existing stationing per BK 73, Deeds, p. 321 & 323. (E location of these deeded references are not defined). There also exists possible effects of rights per road shown in Yuba Co. Road Register, p. 71.



**LEGEND**

- Dimension Point
- Monument as noted
- Railroad Spike per (R)
- Nail & Tin, No Tag per (R<sub>1</sub>)
- County Monument in Mon. Well (R)
- Record of Survey BK 10 Maps 13, 14, 15, 16

**REFERENCES**

- (R) Right of Way Map Marysville Road (Forest Highway No. 105) Construction Project 03-YUB-V659 on file in Office of Yuba Co. Dept. of Public Works.
- (R<sub>1</sub>) Record of Survey recorded in BK 10, Maps, p. 14 Yuba Co. Records
- (R<sub>2</sub>) Deed per BK 699, Official Records Yuba County at Page 527.

**BASIS OF BEARINGS**

The Basis of bearings for the plat shown herein is identical with that of the right of way map for Marysville Road referred to herein as (R). i.e. - Marysville N 76°41'17"E

**PARCEL MAP NO. 84-38**

BEING A PORTION OF THE SOUTH 1/2 OF SECTION 10 TOWNSHIP 18 NORTH, RANGE 8 EAST N.D.B.M.

YUBA COUNTY CALIFORNIA JUNE, 1987  
 PREPARED BY:  
 YUBA COUNTY PUBLIC WORKS  
 DEPARTMENT  
 215 5TH STREET  
 MARYSVILLE CA. 95901

CASE No. 2018-0002

Recorded at the Request of and  
When recorded return to:  
Yuba County Surveyor  
915 8<sup>th</sup> Street  
Marysville, CA 95901

CONDITIONAL CERTIFICATE OF COMPLIANCE  
GOVERNMENT CODE SECTION 66499.35

NOTICE IS HEREBY GIVEN that that certain parcel of real property identified as Assessor's Parcel Number 064-070-022, being the Remainder Parcel of Parcel Map 84-38, filed with the Yuba County Recorder July 13, 1987 in Book 46 of Maps at pages 26 and 27, will comply with applicable provisions of the Subdivision Map Act and Yuba County Development Code at such time as the Conditions of Approval described below are fulfilled. Following fulfillment of the Conditions of Approval, the County may issue a Certificate of Compliance for recordation.

Property Owner of Record: Donna E. Jaynes, Trustee of the Donna E. Jaynes  
Revocable Trust dated January 24, 2012

Deed Reference: Trust Transfer Deed recorded January 30, 2012  
document no. 2012R-001269, Official Records of Yuba County.

Applicant: Andrew Lesa, Epic Wireless Group, LLC

Legal Description: Portion of Exhibit "A", attached hereto and made part of by this reference

Conditions of Approval: Exhibit "B", attached hereto and made part of by this reference.

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described in Exhibit "A" may be sold pursuant to Govt Code § 66424.6 (d) without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto, but development of the parcel will require fulfillment of the Conditions of Approval and may require issuance of a permit or permits, or other grant or grants of approval.

APPROVED: \_\_\_\_\_, 2019

\_\_\_\_\_  
Michael Lee, County Surveyor, County of Yuba

## Exhibit "A"

That certain real property situate in the County of Yuba, State of California, described as follows:

Portion of the East one-half of the West one-half of the Southwest quarter of Section 10, Township 18 North, Range 8 East, M. D. B. & M., lying Southerly of the center line of the Marysville-Camptonville Road, and being more particularly described as follows:

Beginning at a point on the Southerly line of said Section 10, distant thereon South  $88^{\circ} 26' 02''$  East a distance of 663.06 feet from the Southwest corner of said Section 10; said point being the Southwest corner of the East one-half of the West one-half of the said Southwest quarter of Section 10; thence from said point of beginning North along the Westerly line of the said East one-half a distance of 1294.87 feet to a point in the center line of the above-mentioned Marysville-Camptonville Road; thence Easterly along the said center line, the following two courses and distances: North  $81^{\circ} 31' 30''$  East a distance of 322.96 feet and North  $82^{\circ} 43' 10''$  East a distance of 146.93 feet to the most Westerly corner of that certain parcel of land described in deed to John M. Jaynes, et ux, recorded June 22, 1960 in Book 301 of Yuba County Official Records, at page 341; thence South  $16^{\circ} 36' 30''$  East along the Westerly line of the said Jaynes parcel, a distance of 162.25 feet to the Southwesterly corner of the said Jaynes parcel; thence North  $79^{\circ} 06' 35''$  East along the Southerly line of the said Jaynes parcel a distance of 154.04 feet to the Southeasterly corner of the said Jaynes parcel, said point being on the Easterly line of the West one-half of the Southwest quarter of said Section 10; thence South along the said Easterly line a distance of 1252.83 feet to the Southeasterly corner of the said West one-half of the Southwest quarter; thence North  $88^{\circ} 26' 02''$  West along the Southerly line of said Section 10, a distance of 663.06 feet to the point of beginning.

EXCEPTING THEREFROM: a strip of land 60 feet in width beginning at a point on the State Highway, on the North and South center line of said Section 10, opposite Station 254 on located line P-2 and running thence in a westerly direction parallel to and below a line of ditch through the meadows of said party of the first part to Junction with the present County Road in front of and opposite the residence of the said Miner Jaynes, as conveyed to Yuba County, by deed recorded in Volume 73 of Deeds, page 321, Yuba County Records.

ALSO EXCEPTING THEREFROM: any portion thereof, which may lie within a strip of land 60 feet wide being 30 feet in width on each side of located line for State Highway as surveyed by the Engineers of the State Highway Commission in year 1918, as conveyed to Yuba County, by deed recorded in Volume 73 of Deeds, at page 323, Yuba County Records.



Exhibit "B"  
CONDITIONS OF APPROVAL

OWNER: Donna E. Jaynes, Trustee of the Donna E. Jaynes Revocable Trust dated January 24, 2012

APPLICANT: Andrew Lesa, Epic Wireless Group, LLC

APN: 064-070-022

Case Number: CCC 2018-0002

Public Works Conditions:

- 1) Owner/Applicant shall cause the property to be surveyed to locate and monument the exterior property corners and file a Record of Survey map of such survey in compliance with the Land Surveyor's Act.
- 2) Owner/Applicant shall cause a new legal description to be prepared reflecting the current boundaries of the property to be used for the Certificate of Compliance.
- 3) The centerline of all streams and ditches shall be tied  $\pm$  1 foot from the lot corners where they cross the property lines and shall be shown on the Record of Survey map.

Environmental Health Department Conditions:

- 4) Owner/Applicant shall submit a file map to Environmental Health showing contour, slope, all bodies of water (seasonal and year-round), water wells, and all existing structures. Furthermore, a 100' septic exclusion area (as measured from the seasonal high water line) shall be delineated around all rivers, streams, and ponds. A 200' exclusion area is to be delineated around all lakes and reservoirs.
- 5) The design and location of wells and sewage disposal systems shall be in conformance with standards established by Yuba County Environmental Health. Each lot must be self-reliant for domestic water and sewage disposal unless public utilities are available.
- 6) All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner/Applicant from the subject site.
- 7) All existing trash and debris shall be removed from the subject site.
- 8) All abandoned or inactive wells on the subject site shall be destroyed or maintained in accordance with the "Water Well Standards: State of California, Bulletin 74-81".
- 9) All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.
- 10) The following shall apply to all land divisions where domestic water is to be supplied by individual wells:

All wells shall have a minimum yield of 2 gallons per minute if tested with the airlift method and 3 gallons per minute if a production test is run. If a well is drilled that does not meet these standards it can be destroyed or placed inactive until used and a replacement well drilled. Before approval of test wells, a well log, a drillers report on production and lab tests must be submitted for each test well.

The following statement shall also apply to this division:

"There is no assurance that underground water sources exist within the limits of the hereon shown parcel(s) which will be adequate in sufficient quantity or quality to meet future needs. Developer(s) of the parcel(s) herein created will be responsible for demonstrating that adequate on-site water is available for the proposed use of the parcel(s).

Surface water (i.e. Springs, Creeks, Irrigation ditch's, etc.) is not an approved domestic potable water source."