

## STAFF REPORT - COUNTY SURVEYOR STAFF

DATE: May 2, 2019  
FROM: Jeff Olsen, Assistant Surveyor *JBO*  
TO: Yuba County Staff Development Committee

RE: Certificate of Compliance (CC) 2019-0002, APN 056-230-011

REQUEST: The applicant is requesting approval of a Certificate of Compliance for the purpose of obtaining a permit to replace an existing, failing well on APN 056-230-011 (formerly 2-550-11), located on Finely Hill.

### BACKGROUND/DISCUSSION:

Subject parcel is in the area notoriously known as Finley Hill. During late 1971 and early 1972 most of those portions of Sections 21 and 28 of Township 18 North, Range 6 East, MDB&M, lying easterly of Willow Glen Road were illegally subdivided, creating lots which are not in compliance with the California Subdivision Map Act (SMA) or County subdivision ordinances. As a result, there was no review or approval by the County in regards to orderly development, public health and safety conditions, water availability, sewage disposal or road alignment and grade, among other things. The normal remedy for the illegal lots is a Certificate of Compliance and typically the path to such Certificate is through a Conditional Certificate of Compliance wherein the parcel may be subject to the same conditions we could impose on a subdivision by Parcel Map. In some cases the correct course is to simply issue the Certificate without conditions, such as in this case.

SMA §66412.6(b) states, in part, that “Owners of parcels or units of land affected by the provisions of this subdivision [referring to illegal lots] shall be required to obtain a certificate of compliance pursuant to SMA §66499.35 prior to obtaining a permit or other grant of approval for development of the parcel”.

SMA §66499.34 states that issuance of a permit or grant of approval for development of real property shall constitute “real property which has been approved for development” for the purposes of subdivision (c) of §66499.35, and upon request of the person owning the real property, the local agency shall issue a certificate of compliance for the affected real property

SMA §66499.35(c) provides that a certificate of compliance shall be issued for any real property that has been approved for development pursuant to §66499.34.

The illegal nature of the Finley Hill lots wasn’t apparent for many years and, as a result, many building permits were issued and finalized. Between June 1972 and October 1978 four building permits were issued, and ultimately finalized, on APN 2-550-11 (now 056-230-011). Namely, a sewage disposal system, 10x12 bathroom, 16x20 detached garage and a mobile home installation.

Therefore, under SMA §66499.35(c) the fact that building permits were issued, the County is obligated to issue the Certificate of Compliance without conditions.

CURRENT OWNERSHIP of RECORD and DEED REFERENCE: Tyler P Larson, a single man by Grant Deed recorded November 18, 2014 as document number 2014-012631, Yuba County Official Records.

RECOMMENDATION: Issue a Certificate of Compliance for 056-230-011 pursuant to SMA §66412.6(b), §66499.34 and §66499.35(c).

CASE No. CC 2019-0002

When recorded return to  
Recording requested by:  
County Surveyor Yuba County  
CDSA - Department of Public Works  
915 8<sup>th</sup> Street, Suite 125  
Marysville, CA 95901

CERTIFICATE OF COMPLIANCE  
GOVERNMENT CODE SECTION 66499.35

NOTICE IS HEREBY GIVEN that the certain real property described herein is found to be in compliance with the applicable provisions of the Subdivision Map Act and Yuba County Development Code.

LEGAL DESCRIPTION:

All that certain real property situate in the County of Yuba, State of California, being all of that portion of the North half of the South half of the Northwest quarter of Section 21, Township 18 North, Range 6 East, M.D.M., lying easterly of Willow Glen Road, formerly known as the Knox Turnpike Road, as it existed in October of 1971.

ASSESSOR'S PARCEL NUMBER(S): 056-230-011, formerly 2-550-011

PROPERTY OWNER OF RECORD: Tyler P Larson, a single man

DEED REFERENCE:

Creating Deed: 523 O.R. 453 Yuba County Records, recorded October 29, 1971

Current Deed: Document no. 2014-012631, Yuba County Records, recorded November 18, 2014

This certificate relates only to issues of compliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. Development of the parcel(s) may require permits or other approvals.

DATED: May 2, 2019

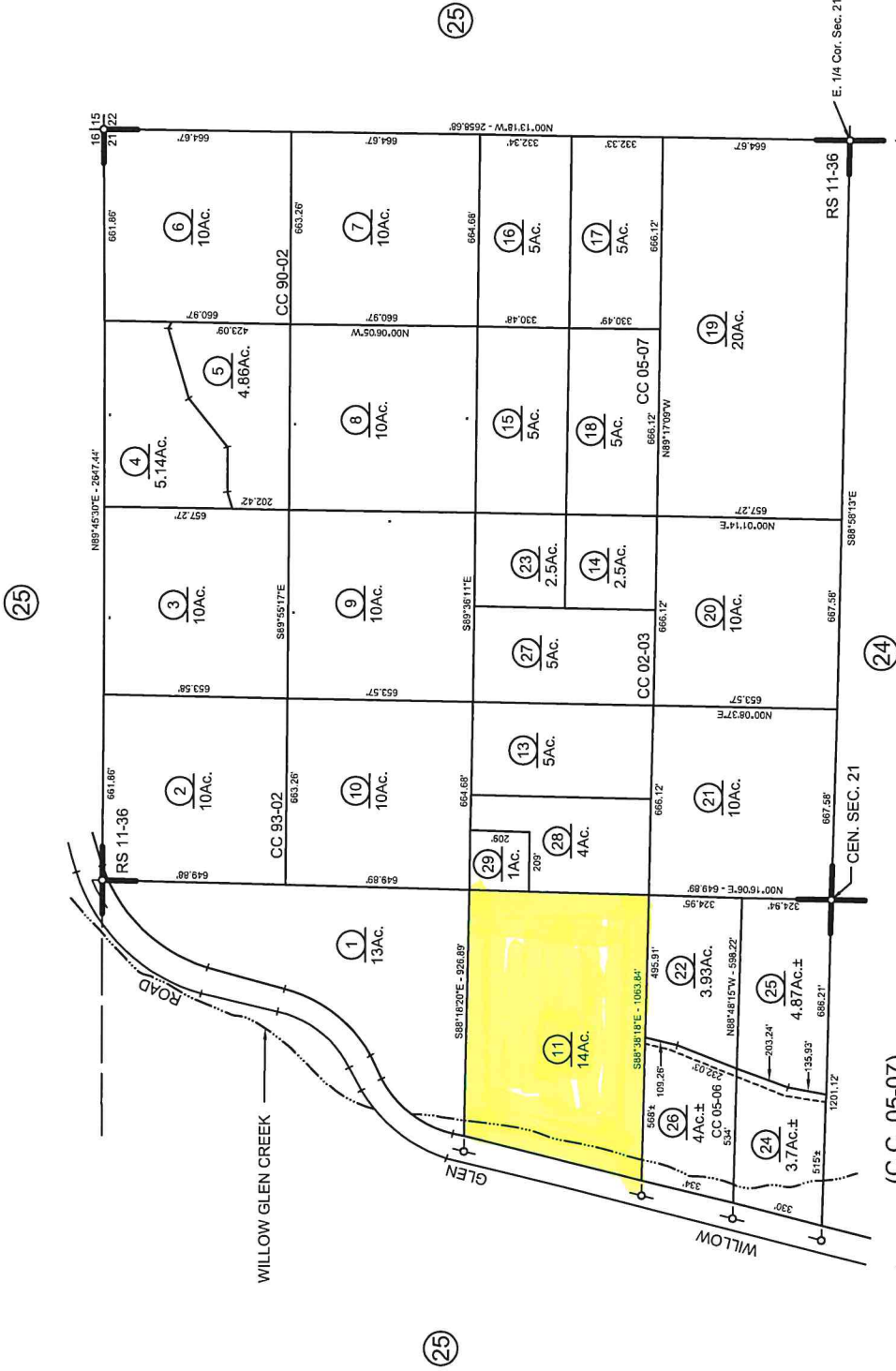
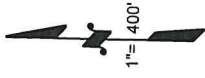
YUBA COUNTY STAFF DEVELOPMENT COMMITTEE:

By: \_\_\_\_\_  
Kevin Perkins, Secretary

POR. N. 1/2 SEC. 21, T.18N., R.6E., M. D. B. & M.

Tax Area Code  
64-091

56-23



(C.C. 05-07)  
(C.C. 05-06)  
(C.C. 02-03)  
(C.C. 93-02)  
(C.C. 90-02)  
R.S. - Bk. 11, Pg. 36

Index - 2  
NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk.56, Pg.23  
County of Yuba, Calif.  
Year - 2/79

06/07

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.

2014-012631

11/18/2014 11:00 AM Page 1 of 2

Total Fee: \$150.20 Tax: \$123.20

Recorded in Official Records  
County of Yuba State of CA  
Terry A. Hansen  
County Clerk and Recorder



**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL DOCUMENT TO:**

Tyler P Larson  
400 West 21st  
Vancouver, WA 98660

Space Above This Line for Recorder's Use Only

A.P.N.: 056-230-011-000

File No.: 5102-4753017 (BB)

## GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$123.20; CITY TRANSFER TAX \$;  
SURVEY MONUMENT FEE \$

- [ ☒ ] computed on the consideration or full value of property conveyed, OR  
[ ☐ ] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,  
[ ☒ ] unincorporated area; [ ☐ ] City of **Brownsville**, and

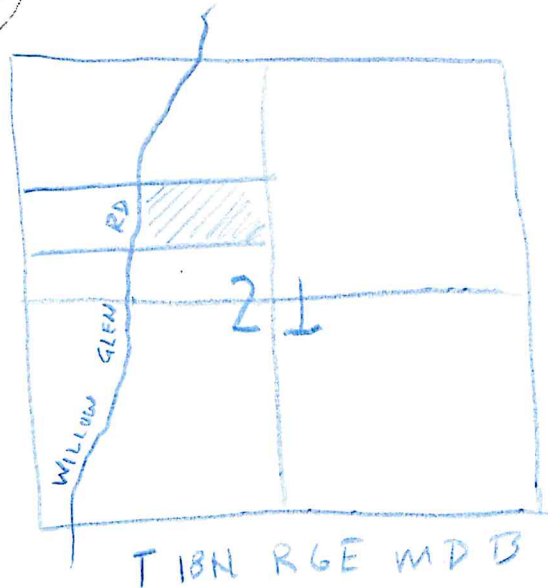
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Barbara J. Harris, an unmarried woman**

hereby GRANTS to **Tyler P Larson, a single man**

the following described property in the City of **Brownsville**, County of **Yuba**, State of **California**:

**ALL THAT PORTION OF THE NORTH ½ OF THE SOUTH ½ OF THE NORTHWEST ¼ OF SECTION 21, TOWNSHIP 18 NORTH, RANGE 6 EAST, M.D.B.&M., LYING EASTERLY OF THE KNOX TURNPIKE ROAD, ALSO KNOWN AS WILLOW GLEN ROAD AS THE SAME NOW EXIST.**

**EXCEPTING THEREFROM ANY MOBILE HOME SITUATED ON SAID PROPERTY.**



Yuba County

RECORDING REQUESTED BY		Indexed <b>3400</b>
Oroville Title Company 84514		Title Insurance & Trust Co. <i>000.29 71 10,500.9</i> <i>523 453</i>
AND WHEN RECORDED MAIL TO		KARL A. COZZI <i>M. Luyth</i> <i>Feb 200</i>
Name	Earl L. Mountjoy	
Street Address	1134 20th Street	
City & State	Richmond, California 94804	

MAIL TAX STATEMENTS TO	SPACE ABOVE THIS LINE FOR RECORDER'S USE
Name	DOCUMENTARY TRANSFER TAX \$ <u>4.40</u>
Street Address	<input type="checkbox"/> COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
City & State	<input checked="" type="checkbox"/> COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES REMAINING THEREON AT TIME OF SALE
	<i>Caroleyn C. Judgman</i> <i>Donville S. Sills</i> Signature of declarant or agent determining tax - firm name

TO 404 CA (9-68)

# Joint Tenancy Grant Deed

D.T.T.s 4.40

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

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

BILL COLLINS, a single man

hereby GRANT(S) to

EARL L. MOUNTJOY and DORIS I. MOUNTJOY, his wife, AS JOINT TENANTS,  
the real property in the  
County of Yuba State of California, described as:

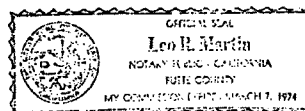
All that portion of the North half of the South half of the Northwest quarter of Section 21, Township 18 North, Range 6 East, M.D.B. & M., lying Easterly of the Knox Turnpike Road, also known as Willow Glen Road as the same now exists.

Dated: October 21, 1971

STATE OF CALIFORNIA }  
COUNTY OF Butte } ss.  
On October 26, 1971 before me, the under-  
signed, a Notary Public in and for said State, personally appeared  
Bill Collins

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

Signature *Leo R. Martin*  
LEO R. MARTIN  
Name (Typed or Printed)



Title Order No. 35027 of 2-24 escrow or Loan No. \_\_\_\_\_

UNINCORPORATED

MAIL TAX STATEMENTS AS DIRECTED ABOVE

BOOK 523 PAGE 453



**A Brief Summary of the Status of “Finley Hill” Lots**  
(compiled from previous staff reports for Finley Hill projects)

Although the parcels were created prior to the March 3, 1972, the date specified in section 66412.6 of the Subdivision Map Act (California Government Code), a Conditional Certificate of Compliance should be issued as there is a question as to the legality of the parcels creation. The reason is based on a memo from the Yuba County Counsel's office dated July 7, 1978 for another project in the Finley Hill area. The memo states that a search of the Yuba County records indicated that approximately 150 parcels were created in approximately a 5-month period in late 1971 and early 1972. In checking portions of the chain of title transfers, it appeared that some of them were questionable and there was a possibility that civil and criminal violations may have occurred. According to the memo, with respect to the issuance of Certificates of Compliance the following items were considered.

1. The parcel sizes ranging down to 2.5 acres are not suitable for this type of terrain. The ground elevations in this (the Finley Hill) area range from 1300 feet to 2500 feet with ground slopes varying from 15% to 100% with an average slope of approximately 30% over most of the terrain.
2. The (property) sales in this area were mainly made by describing fractional units of a section down to a size of 2.5 acres (one-half of one-quarter of one-quarter of one-quarter of a section). Since almost no section is a true 640 acres, it is impossible to determine if these small parcels actually contain 2.5 acres until a survey is performed in this area.
3. All the parcels created in the subject area were created without County review or approval; no studies were made as to water availability or compliance with Ordinance No. 601 – sewage disposal.
4. Access to all parcels is described as along existing roads as they run through the hills to eventually terminate at Willow Glen Road. The location of the road described is indeterminate since no roads are indicated on the U.S.C. & G. S. maps. The aerial on file with the County indicates a mass of trails cut through this area. To define which trail or road the deed refers to would be impossible. Also, any roads which exist were not reviewed or approved as to location or grade by the County and quite probably would not meet any type of minimum County standard for alignment or grade. It is quite probable that the existing roads or trails would not be passable by fire, safety, or medical emergency vehicles and, therefore, public health and safety conditions could not be met.

The memo goes on to state that all County Departments which issue permits should be informed that no permits may be issued on any parcel until such time as that parcel receives a Certificate of Compliance.