

ADMINISTRATIVE ITEM TRANSMITTAL

To: John H. Ford, Director of Planning and Building Department

From: Elizabeth Schatz, Supervising Planner

Effective Date March 8, 2022	Subject Lot Line Adjustment	Contact Stephanie Bowler
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Project Description: A Lot Line Adjustment (LLA) between two parcels, resulting in two parcels. APN: 107-272-005 is currently 48.36 acres in size and APN: 107-272-006 is 8.76 acres. The parcels are held under different ownerships. APN: 107-272-005 is currently developed with two existing residences and multiple agricultural structures such as a barn, shop, sheds, and cannabis greenhouses. APN: 107-272-006 currently has a small, unpermitted shed on the property, and it previously had unpermitted cannabis cultivation occurring in the Streamside Management Area (SMA) setback of the Mattole River. The purpose of this Lot Line Adjustment is to move the current shared boundary to create a second developable lot which complies with zoning ordinance requirements, specifically SMA setbacks for a proposed cannabis project on APN: 107-272-006.

Current APN	Before LLA	Area After LLA
107-272-005	48.36 acres	39.96 acres
107-272-006	8.76 acres	17.16 acres

Project Location: The project is located in Humboldt County, in the Honeydew area, on the south side of Old Hindley Ranch Road, approximately 2,000 feet south from the intersection of Applewood Road and Old Hindley Ranch Road, on the property known as 665 Old Hindley Ranch Road.

Present Plan Land Use Designations: APN: 107-272-005 and APN: 107-272-006: Agricultural Exclusive (AE). 2017 General Plan. Density: 20 to 60 acres per unit, Slope Stability: Low Instability (1).

Present Zoning:

APN: 107-272-005 – AE-B-6: Agriculture Exclusive (AE), Special Building Site (B-6).
 APN: 107-272-006: AG-B-6, AE-B-6: Agriculture General (AG) - Special Building Site (B-6);
 AE-B-6: Agriculture Exclusive (AE) - Special Building Site (B-6).

Assessor Parcel Numbers: 107-272-005, 107-272-006

Case Number: PLN-2021-17465

Applicant:

Dany Avi-David
 160 Graystone Terrace #5
 San Francisco, CA. 94114

Owners:

Parcel A - Atary Yoram
 1395 S. Ocean Blvd. #804
 Pompano Beach, FL. 33062
 Parcel B - Same as Applicant

Agent:

SL Consulting INC.
 ATTN: Steve Luu
 973 Dowler Dr.
 Eureka, CA 95501

Environmental Review: CEQA Exemption Section: 15305 (a) (Minor Alterations in Land Use Limitations)

State Appeal Status: Project is not appealable to the California Coastal Commission.

Major Issues: APN 107-272-006 or Lot A in its entirety was created as a recreation easement for the surrounding properties in the Honeydew Land Unit 1 subdivision. This parcel was not intended for developmental purposes. APN 107-272-005 is a preexisting nonconforming parcel in the AE zone. The proposed LLA would result in an increase in the severity of the nonconformity of the existing parcel size.

Recommendation:

- Approval based on findings in the Staff Report.
- Approval based on findings in the Staff Report and Conditions of Approval.
- Denial based on findings in the Staff Report.

Record of Action:

- Approved as recommended by the Planning Division.
- Approved with the attached revisions.
- Denial as recommended by the Planning Division.

2/23/2022

Date

Elizabeth Schady for

John H. Ford, Director
Planning and Building Department

Staff Analysis of the Evidence Supporting the Required Findings

Required Findings: To approve this project, the Hearing Officer shall determine that the applicants have submitted evidence in support of making all the following required findings.

1. The application is complete. The following table identifies the evidence which supports the finding that the applicant has submitted the information which is required by Section 325.5-6(a) of the Humboldt County Code.

Application Requirements	Submitted	Not Submitted
Completed and Signed Application Form	✓	
Copies of Present Owners Deeds	✓	
Preliminary Title Report	✓	
Copy of the Creation Documents for the parcels	✓	
Copy of Lot Line Adjustment Plot Plan	✓	
Required County Fees	✓	
A Written Statement Explaining the Reasons for the Adjustment	✓	

2. Consistency with the Subdivision Map Act: APN 107-272-005 is one separate, legal parcel as described as "Lot 19" of Honeydew Land / Unit 1 Subdivision Map / Tract No. 130 recorded on October 4th, 1978, in Book 16 of Recorded Maps, Page 125 (16RM125). It is in compliance with the Subdivision Map Act which is required by Section 325.5-6(b) of the Humboldt County Code (See also Sections 4 and 5, General Plan Conformance per SB 497).

However, APN 107-272-006, although created as "Lot A" of Honeydew Land / Unit 1 Subdivision Map / Tract No. 130 recorded on October 4th, 1978, in Book 16 of Recorded Maps, Page 125 (16RM125), does not qualify as a developable parcel for the following reasons:

- A) The Honeydew Land Unit #1 Staff Report project description states, "This application proposes the division of approximately 368-acres into 21 parcels including one parcel in common ownership. Lot A is described as "Lot A for common ownership" on the approved tentative recorded map.
- B) The recorded map includes Lots 1 – 20 plus Lot A as the common ownership parcel.
- C) The Environmental Health Department Condition of Approval #3 states, "Parcel (Lot) A is not a building site, it is to be used as access to the river for all of the property owners. This parcel is not suitable for the installation of an individual sewage disposal system."
- D) Supportive finding #2 of the subdivision is as follows, "Further division of these parcels shall not be approved based on the facts that: 1) Public services are not available, and 2) The site location is not sufficiently close to an urban area to justify further development." Approval to implement this finding required the subdivision to be zoned to a minimum parcel size as indicated on the map using a B-6 Combining Zone.
- E) The Exceptions and Exclusions section of the Title Report for parcel APN 107-272-006 states:
 - 21) Christopher L. Bertheau is granted a recreational easement including ingress and egress.
 - 23) The effect of notes set forth on Tract Map No. 130 recorded in Book 16, Page 125, Tract Maps, related to: Lot "A" is not for residential use.
 - 25) Rodger W. Popp et al. is granted a recreational easement and incidental purposes for all of Lot "A". Said easement was also reserved and/or conveyed to various parties by various instruments of record.

3. Project Approval Criteria (Section 325.5-6(c): "The proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances. Providing compliance with this subsection. The approval shall not be conditioned on correction or preexisting non-conformities with zoning and building ordinances.":

APN 107-272-005 is zoned AE-B-6 (Agricultural Exclusive, Special Building Site). The minimum parcel size for AE is 60-acres and the proposed LLA would reduce the acreage from 48.36-acres to approximately 40-acres. This would result in an increase in the severity of the nonconformity of the existing parcel size.

4. Conclusion:

As a result of the items above, APN: 107-272-006 was not created as a developable parcel and the present-day zoning regulations do not authorize further subdivision. The entirety of Lot A is encumbered with an easement for recreation and incidental purposes for the surrounding properties in the Honeydew Land / Unit 1 Subdivision. Also, APN 107-272-005 is a preexisting nonconforming parcel in the AE zone. The minimum parcel size in this zone is 60-acres. The proposed LLA would reduce the parcel size from 48.36-acres to approximately 40-acres and it would result in an increase in the severity of a preexisting nonconformity. Lastly, the B-6 combination zone does not authorize further subdivision or the creation of additional developable parcels. Therefore, the proposed LLA cannot be approved based on the findings in the Staff Report.



a division of Fidelity National Title Company of CA



PRELIMINARY REPORT

*In response to the application for a policy of title insurance referenced herein, **Humboldt Land Title, a division of Fidelity National Title Company of CA** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.*

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(ies) of title insurance to be issued hereunder will be policy(ies) of Chicago Title Insurance Company, a Florida corporation.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Chicago Title Insurance Company

By:

President

Attest:

Secretary

Countersigned By:

Authorized Officer or Agent





a division of Fidelity National Title Company of CA

ISSUING OFFICE: 1034 6th Street, Eureka, CA 95501

**Another Prompt Delivery From Humboldt Land Title, a division of Fidelity National Title Company of CA
Title Department**

Where Local Experience And Expertise Make A Difference

PRELIMINARY REPORT

Title Officer: Felicity Barstow
Email: Felicity.Barstow@titlegroup.fntg.com
Title No.: FHBT-TO2000465V

TO: Elevated Solutions, LLC
3943 Walnut Dr., Ste E
Eureka, CA 95503
Attn: Lesley Doyle

PROPERTY ADDRESS(ES): 665 Old Hindley Ranch Road, Honeydew, CA

EFFECTIVE DATE: October 29, 2020 at 07:30 AM

The form of policy or policies of title insurance contemplated by this report is:

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

Fee as to Parcel(s) One of Tract One and Tract Two

Easement(s) more fully described below as to Parcel(s) Two through Six of Tract One and Two and Three of Tract Two

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Yoram Atary, a married man as his sole and separate property - Affects Tract one

Jeanette L. Shinn and Robert V. Shinn, Trustee of the Robert V. Shinn Living Trust, dated March 11, 2019
- Affects Tract Two

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 107-272-005-000 and 107-272-006-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

TRACT ONE:

PARCEL ONE

LOT 19 OF TRACT NO. 130, HONEYDEW LAND, UNIT 1, AS PER MAP RECORDED IN BOOK 16, PAGES 125 TO 131, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL TWO

A NON-EXCLUSIVE RIGHT TO USE LOT "A" OF SAID TRACT FOR RECREATIONAL AND INCIDENTAL PURPOSES.

PARCEL THREE

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES, 50 FEET IN WIDTH, OVER THOSE PORTIONS OF LOTS 5, 6, 9, 10, 11, 13, 14, 15, 16, 17 AND 18, WITHIN OLD HINDLEY RANCH ROAD AS SHOWN ON THE MAP OF SAID TRACT.

PARCEL FOUR

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES, 50 FEET IN WIDTH, OVER THOSE PORTIONS OF LOTS 13 AND "A", WITHIN ROAD "B", ALL AS SHOWN ON THE MAP OF SAID TRACT.

PARCEL FIVE

A NON-EXCLUSIVE EASEMENT FOR PIPELINE FOR CONVEYING WATER, TOGETHER WITH THE RIGHT TO LAY, REPLACE AND MAINTAIN SAID PIPELINE, OVER THOSE PORTIONS OF LOTS 12 AND 16 OF SAID TRACT, WITHIN A STRIP OF LAND 10 FEET IN WIDTH, DESIGNATED "10 FOOT WATER EASEMENT", EXTENDING FROM "SPRING SITE FOR LOT 19", TO PARCEL ONE ABOVE DESCRIBED, ALL AS SHOWN ON THE MAP OF SAID TRACT.

PARCEL SIX

THE RIGHT TO DEVELOP AND TAKE WATER FROM THAT PORTION OF LOT 12 OF SAID TRACT, WITHIN A 30 FOOT SQUARE PARCEL OF LAND DESIGNATED "SPRING SITE FOR LOT 19" ON THE MAP OF SAID TRACT.

TRACT TWO:

PARCEL ONE:

LOT "A" OF TRACT NO. 130, HONEYDEW LAND UNIT 1, AS PER MAP RECORDED IN BOOK 16, PAGES 125 TO 131 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL TWO:

EXHIBIT "A"
Legal Description
(continued)

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES 50 FEET IN WIDTH OVER THOSE PORTIONS OF LOTS 5, 6, 9, 10, 11, 13, 14 AND 19 WITHIN ROAD "B" AND THAT PORTION OF OLD HINDLEY RANCH ROAD EXTENDING FROM SAID ROAD "B" NORTHERLY AND WESTERLY TO THE COUNTY ROAD, ALL AS SHOWN ON THE MAP OF SAID TRACT.

PARCEL THREE:

AN EASEMENT FOR ROADWAY, INGRESS, EGRESS, PUBLIC AND PRIVATE UTILITIES, AND GENERAL AGRICULTURAL PURPOSES, OVER AND UNDER A STRIP OF LAND, 100.00 FEET IN WIDTH, THE SOUTHERLY LINE OF WHICH IS COINCIDENT WITH THE SOUTHERLY LINE OF PARCEL 13 AS SHOWN ON THAT MAP ENTITLED "HONEYDEW LAND UNIT 1, TRACT 130", FILED IN BOOK 16 OF MAPS, PAGES 125-131, HUMBOLDT COUNTY RECORDS, AND EXTENDING FROM THE CENTER LINE OF THE MATTOLE RIVER TO THE CENTER LINE OF ROAD "B", BOTH AS SHOWN ON SAID MAP.

AT THE DATE HEREOF, EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area:	112-002
Tax Identification No.:	107-272-005-000
Fiscal Year:	2020-2021
1st Installment:	\$5,480.94, Open
2nd Installment:	\$5,480.94, Open
Exemption:	\$0.00
Land:	\$549,467.00
Improvements:	\$494,520.00
Personal Property:	\$0.00

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

2. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area:	112-002
Tax Identification No.:	107-272-006-000
Fiscal Year:	2020-2021
1st Installment:	\$518.50, Open
2nd Installment:	\$518.50, Open
Exemption:	\$0.00
Land:	\$87,938.00
Improvements:	\$10,823.00
Personal Property:	\$0.00

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

3. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.
4. Any liens or other assessments, bonds, or special district liens including without limitation, Community Facility Districts, that arise by reason of any local, City, Municipal or County Project or Special District.

EXCEPTIONS
(continued)

The below exceptions affects Tract One

5. Any adverse claim based upon the assertion that:
- a. Said land or any part thereof is now or at any time has been below the highest of the high watermarks of the Mattole River, in the event the boundary of said river has been artificially raised or is now or at any time has been below the high watermark, if said river is in its natural state.
 - b. Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - c. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Mattole River, or has been formed by accretion to any such portion.
6. Rights and easements for navigation and fishery which may exist over that portion of said land lying beneath the waters of Mattole River.
7. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.
- Granted to: Dr. Louis F. Hibser and wife
Purpose: Ingress and egress and to transport logs and timber
- Recorded: July 25, 1972, Book 1147, Page 451 and 453, of Official Records
Affects: Existing roads
8. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.
- Granted to: Christopher L. Bertheau
Purpose: Ingress and egress and Recreational
Recorded: December 5, 1972, Book 1168, Page 303, of Official Records
Affects: Ingress and egress for recreational purposes
- and recorded: January 24, 1973, Book 1174, Page 606, of Official Records
9. Notes, easements, encumbrances, survey matters and any other matters shown or disclosed by the Map referred to in the legal description herein.
10. Matters contained in that certain Road Maintenance Agreement which document, among other things, may provide for liens and charges.
- Recorded: October 4, 1978, Book 1520, Page 268, of Official Records

EXCEPTIONS

(continued)

11. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.
- Granted to: Richard L. Goode, et al
 Purpose: ingress, egress and public utilities
 Recorded: May 11, 1979, Book 1565, Page 401, of Official Records
 Affects: That portion lying within Old Hindley Ranch Road
12. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.
- Granted to: Richard L. Goode, et al
 Purpose: Water pipeline
 Recorded: May 11, 1979, Book 1565, Page 401, of Official Records
 Affects: A strip of land 10 feet in width. Reference is made to said document for full particulars.
13. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;
- Reserved by: Briceland Corporation, a California corporation, Trustee, under Trust Agreement dated February 14, 1975
 Purpose: ingress, egress, public utilities, pipeline, with right to develop and take water.
 Recorded: October 1, 1980, Instrument No. 19384, Book 1624, Page 29, of Official Records
 Affects: Reference is made to said document for full particulars.
14. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.
- Granted to: Pacific Gas and Electric Company, a California Corporation
 Purpose: ingress, egress and public utilities
 Recorded: December 21, 1983, Instrument No. 24618, Book 1721, Page 966, of Official Records
 Affects: Reference is made to said document for full particulars.
15. Parcel Six of the description herein is included for conveyancing purposes only and will not be insured by a policy of title insurance.
16. A deed of trust to secure an indebtedness in the amount shown below,
- Amount: \$550,000.00
 Dated: April 24, 2015
 Trustor/Grantor: Yoram Atary, a married man as his sole and separate property
 Trustee: Fidelity National Title Company of California, a California Corporation
 Beneficiary: Kyle Pullen, as his separate property
 Loan No: Not Shown
 Recording Date: April 29, 2015
 Recording No.: 2015-008160-8, of Official Records

EXCEPTIONS

(continued)

The effect of a full reconveyance recorded June 17, 2020 at 2020-009732, of Official Records, which purports to reconvey the above-mentioned Deed of Trust.

No statement is made hereto as to the effect or validity of said reconveyance.

The requirement that this Company be furnished with confirmation from the lender that the Deed of Trust has been released prior to issuance of a policy of title insurance.

The below exceptions affects Tract Two

17. Any adverse claim based upon the assertion that:
- a) Said land or any part thereof is now or at any time has been below the highest of the high watermarks of the Mattole River, in the event the boundary of said river has been artificially raised or is now or at any time has been below the high watermark, if said river is in its natural state.
 - b) Some portion of said land has been created by artificial means, or has accreted to such portion so created.
 - c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Mattole River, or has been formed by accretion to any such portion.
18. Any adverse claim based upon the assertion that:
- a) Some portion of said Land has been created by artificial means, or has accreted to such portion so created.
 - b) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Mattole River or has been formed by accretion to any such portion.
19. Rights and easements for navigation and fishery which may exist over that portion of said land lying beneath the waters of Mattole River.
20. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- | | |
|-----------------|---|
| Granted to: | Pacific Gas and Electric Company, a California corporation (No representation is made as to the present ownership of said easement) |
| Purpose: | Public utilities, ingress and egress |
| Recording Date: | May 12, 1947 |
| Recording No.: | 4466, Book 9, Page 364, of Official Records |
| Affects: | a portion of said land as set forth therein |

Among other things, said Document provides: Right to cut and trim trees and brush.

EXCEPTIONS
(continued)

21. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Christopher L. Bertheau, a single man (No representation is made as to the present ownership of said easement)

Purpose: Recreational purpose and ingress and egress

Recording Date: December 5, 1972

Recording No.: 21599, Book 1168, Page 303, of Official Records

Affects: that portion of said land in Section 6

and Recording Date: January 24, 1973

and Recording No: 1336, Book 1174, Page 606, of Official Records

Said easement was also reserved and/or conveyed to various parties by various instruments of record

22. An easement for the purposes shown below and rights incidental thereto as shown or as offered for dedication on the recorded map.

Easement purpose: Public roads and private roads, together with maintenance easements to extend 10 feet beyond catch points of all cuts and fills

Affects: Road "B"

23. The effect of notes set forth on Tract Map No. 130 recorded in Book 16, Page 125, of Tract Maps, related to:

Lot "A" is not for residential use.

24. Matters contained in that certain Road Maintenance Agreement which document, among other things, may provide for liens and charges.

Executed by: Briceland Corp

Recording Date: October 4, 1976

Recording No.: 22265, Book 1520, Page 268, of Official Records

Reference is hereby made to said document for full particulars.

EXCEPTIONS
(continued)

25. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Roger W. Popp and Diane E. Popp, husband and wife as joint tenants(No representation is made as to the present ownership of said easement)
 Purpose: Recreational and incidental purposes
 Recording Date: March 30, 1979
 Recording No.: 7208, Book 1557, Page 21, of Official Records
 Affects: all of Lot "A"

Said easement was also reserved and/or conveyed to various parties by various instruments of record.

26. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: James P. Brennan, et al (No representation is made as to the present ownership of said easement)
 Purpose: Ingress, egress and public utilities
 Recording Date: October 1, 1980
 Recording No.: 19384, Book 1624, Page 29, of Official Records
 Affects: that portion of said land which lies within Road "B" as shown on the Map of said Tract No. 130

Said easement was also reserved and/or conveyed to various parties by various instruments of record.

27. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$45,000.00
 Dated: December 29, 2004
 Trustor/Grantor: Robert V. Shinn and Jeanette L. Shinn, husband and wife
 Trustee: Humboldt Land Title Company, a California Corporation
 Beneficiary: Joseph J. Mikolon and Roxanne L. Mikolon, husband and wife as joint tenants
 Loan No: Not Shown
 Recording Date: March 3, 2005
 Recording No.: 2005-7056-4, of Official Records

EXCEPTIONS
(continued)

28. Any invalidity or defect in the title of the vestees in the event that the trust referred to herein is invalid or fails to grant sufficient powers to the trustee(s) or in the event there is a lack of compliance with the terms and provisions of the trust instrument.

If title is to be insured in the trustee(s) of a trust, (or if their act is to be insured), this Company will require a Trust Certification pursuant to California Probate Code Section 18100.5.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

END OF EXCEPTIONS

NOTES

- Note 1.** Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- Note 2.** Pursuant to Government Code Section 27388.1, as amended and effective as of 1-1-2018, a Documentary Transfer Tax (DTT) Affidavit may be required to be completed and submitted with each document when DTT is being paid or when an exemption is being claimed from paying the tax. If a governmental agency is a party to the document, the form will not be required. DTT Affidavits may be available at a Tax Assessor-County Clerk-Recorder.
- Note 3.** Note: The Company is not aware of any matters which would cause it to decline to attach CLTA Endorsement Form 116 indicating that there is located on said Land a Single Family Residence, known as 665 Old Hindley Ranch Road, Honeydew, California, to an Extended Coverage Loan Policy.
- Note 4.** Note: The only conveyances(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:
- | | |
|-----------------|--|
| Grantor: | Robert V. Shinn |
| Grantee: | Robert V. Shinn, Trustee of the Robert V. Shinn Living Trust, dated March 11, 2019 |
| Recording Date: | March 12, 2019 |
| Recording No.: | 2019-004376, of Official Records |
- Note 5.** If a county recorder, title insurance company, escrow company, real estate agent or association provides a copy of the declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold faced typed and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.
- Note 6.** The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

NOTES
(continued)

- Note 7.** Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirements cannot be met, please call the company at the number provided in this report.

END OF NOTES

NOTES:

OWNER AND SUBDIVIDER: BRIGELAND CORPORATION
P.O. BOX 248 , WHITETHORN , CALIF. 95489

SURVEYOR: BUSHNELL SURVEY & TIMBER SERVICE , INC.
P.O. BOX 438 , REDWAY , CALIF. 95560

EXISTING USE OF PROPERTY : AGRICULTURE

PROPOSED USE OF PROPERTY : AGRICULTURE / 2.5 ACRES MIN.

PRESENT ZONING : UNCLASSIFIED

SOURCE OF WATER : INDIVIDUAL WELLS OR SPRINGS
OR DEEDED WATER RIGHTS AS REQUIRED

SEWAGE DISPOSAL : AS REQUIRED BY HEALTH DEPARTMENT

MIN. CURVE RADIUS OF ROAD : 50 ' (ALONG COUNTY ROAD)

MAX. GRADE OF ROADS : 15 %

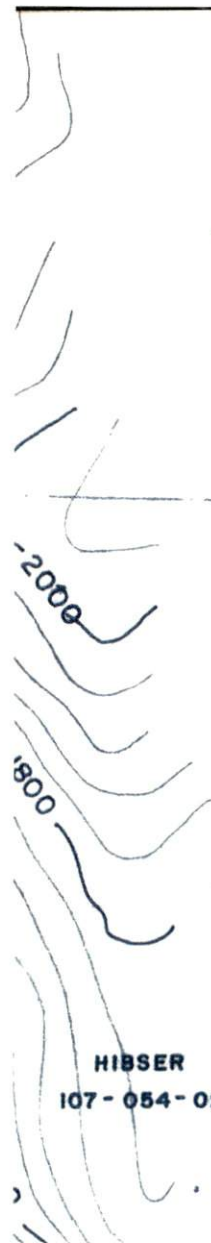
CONTOUR INTERVAL : 40 ' (FROM U.S.C. & G.S. TOPOGRAPHIC MAP)

AREAS OF INUNDATION : PORTIONS OF LOTS "A", 16, 17, 18, 19 & 20

NUMBER OF LOTS : 19 (PLUS LOT 5 USED AS ROCK PIT AND LOT "A" FOR
COMMON OWNERSHIP)

MIN. LOT SIZE : 5 ACRES

VARIANCES REQUESTED : NONE



HIBSER
107-054-02

HUMBOLDT COUNTY PLANNING DEPARTMENT

STAFF REPORT

DATE OF HEARING: Planning Commission meeting, August 19, 1976 at 7:30 P.M. in the Board of Supervisors Chambers, Humboldt County Courthouse, Eureka, California

APPLICANT: Briceland Corporation
Robert McKee

ADDRESS: P.O. Box 248
Whitethorn, CA 986-7417

OWNER: Same

ENGINEER: Bushnell Survey

ADDRESS: P.O. Box 438
Redway, CA 95560

PROJECT TITLE: Honeydew Land Unit #1

ZONE: Unclassified and F-R-B-5-40 (Forestry Recreation, 40 acre minimum)

AREA: Honeydew

ASSESSORS PARCEL NO. 107-054-03; 107-101-06

TAX CODE AREA: 112-002

PROJECT DESCRIPTION: This application proposes the division of approximately 368 acres into 21 parcels including one parcel in common ownership. The largest parcel is 49 acres; the smallest is seven (7) acres; and the average parcel size is slightly over 17 acres. The present use is agriculture and the proposed use is the same.

PROJECT PURPOSE: To create parcels to sell. This project involves a zone reclassification for the existing zones noted above to an A-E-B-6 zone (as per subdivision map)

GENERAL PLAN DESIGNATIONS: Southern Humboldt Land Use Element designates this area as Conservation Timber and Agriculture. Open Space-Conservation Element designates this area as a nonurbanized area.

INITIAL STUDY CONTENT: Exhibits: Soil Vegetation map; Land capability and natural features map.

SUPPORTIVE REASONS FOR FINDINGS:

1. The Planning Department staff finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the General and Specific Plans pursuant to Sections 66473.5 and 66474 of the State Subdivision Map Act.
 - a. That the proposed map is consistent with applicable general and specific plans.
 - b. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - c. That the site is physically suitable for the type of development.
 - d. That the site is physically suitable for the proposed density or development.
 - e. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - f. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.
 - g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

2. Further division of these parcels shall not be approved based on the facts that:
 - a. Public services are not available, and;
 - b. The site location is not sufficiently close to an urban area to justify further development.

RECOMMENDATION: Approval, subject to the following conditions:

1. In order to implement finding #2 above, the subdivision shall be zoned to minimum parcels sizes as indicated on the map using a B-6 combining zone. It is recommended that an exclusive agriculture zone (A-E) be the primary zone.
2. The conditions of approval shall be included in the Public Report to be prepared by the State Department of Real Estate. Inclusion in the Public Report is to be at the discretion of the Department of Real Estate.

ENVIRONMENTAL HEALTH DEPARTMENT (received 5-21-76)

1. Water information must be submitted.
2. Surface sources of water should be continuously chlorinated for domestic use.
3. Parcel "A" is not a building site, it is to be used as access to the river for all of the property owners. This parcel is not suitable for the installation of an individual sewage disposal system.
4. The concept of one Class A sewage disposal system per parcel (numbered parcels) for residential purposes is accepted, on slopes less than 30%.
5. Because of steep slopes (more than 30%) the concept of the individual sewage disposal system method may not be acceptable for further division or expanded uses on these parcels. It is recommended that this project be zoned to the proposed parcel size.

SPECIAL SERVICES, PUBLIC WORKS (received 5-12-76)

1. Furnish twenty-five (25) foot wide right of way to County, from center-line; along all portions of property fronting on Burrell Road. In addition the area located between the County road and ten (10) feet beyond the top of any cut slope or bottom of any fill slope should be dedicated to the County.
2. Furnish a right of way to County along Mattole Road that will accommodate a thirty-six (36) foot wide road plus slope easements for all property fronting on Mattole Road.
3. One (1) foot wide non-vehicular access shall be established on all but one side of all double-frontage lots.
4. Zoning reclassification will be necessary. It is suggested a zone be established that will not allow further subdividing of the parcels.
5. Subject to clarification on useage the road forming the south boundary of parcels 6 and 11 should be constructed to Minor Road Type I of the Low Density Hillside standards from Mattole Road to the property line with Hibser. A forty (40) foot radius cul-de-sac should be constructed at the property line vicinity. Alternative turn around design will be considered.

6. Minor Road Type I of the Low Density Hillside standards should be used on all other interior roads. The turnout for passing typical section shall be used for the first 200 feet from the County road.
7. Roads will not be maintained by the County, therefore some method shall be adopted by the developer to ensure the roads will be maintained in their constructed status.
8. Monuments shall be established at locations approved by the Department of Public Works.
9. Street name leaving county maintained road and traffic control signs shall be installed.
10. All utility line construction shall be completed prior to constructing the roadway structural sections.
11. A complete hydraulic report and drainage plan shall be submitted for approval by the Department of Public Works prior to performing any construction work. *to be submitted to P/W*
12. Construction plan shall be approved by the Department of Public Works prior to performing any construction work.
13. Engineer shall submit a statement that all easements of record are shown on the tentative map and will appear on the final map.
14. Preliminary subdivision report is required showing the names of all parties whose signatures will be necessary on the final map.
15. It is recommended the subdivider furnish security in conformance with the requirements of the State Subdivision Map Act and the County Subdivision Ordinance to ensure the completion of the improvements recommended. Recommendations regarding the amount of security should be delayed until the engineer for the subdivider can prepare a cost estimate approved by the Department of Public Works covering all the required improvements.
16. Even though the roads will not be maintained by the County, an irrevocable offer of dedication of all interior road rights of way shall be made to the County.

TAX COLLECTOR (received 5-10-76)

TAXES PAID 8-25-78/1000

1. The first installment has been paid for 1975-76 of A.P.# 107-054-03 but the second installment has not.
2. The first and second installments have not been paid for 1975-76. They are now delinquent, on A.P.#107-101-06.
3. The first and second installments have not been paid on A.P.#107-101-07 for 1975-76. They are now delinquent.
4. We do not recommend approval.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (received 3-10-76)

1. Due to the large acreages involved and generally suitable conditions for individual sewage disposal systems which exist on the properties, we believe it is appropriate to waive the need for further involvement on our part in this matter. However, should any further subdivision or lot splits be proposed with regard to these properties, we specifically request that we be provided notification and the opportunity to review the proposal.

PARK AND RECREATION, PUBLIC WORKS (received 3-8-76)

1. No recreational easement shall be sought.

SUBDIVISION TECHNICAL REVIEW COMMITTEE

STAFF REPORT
RECOMMENDATIONS

Your application for a land division has been scheduled for the Subdivision Technical Review Committee meeting as per the attached agenda.

Following are the tentative recommendations applicable to your project. If you have any questions regarding these recommendations, please contact the responsible department or agency. Please note that these recommendations may be changed at the Subdivision Technical Review Committee meeting, and it is recommended that either you or your agent attend this meeting.

Note to Applicant: This staff report and the tentative recommendations are informational and reflect only the tentative recommendations compiled at the time the agenda was prepared for this meeting. It does not indicate in any way either final approval or denial and the applicant should not take any action at this time.

Supportive Reasons for Findings:

1. Recommendations forthcoming pending County Counsel opinion.

Findings:

Planning Department (received 8-13-76)

1. Recommendations forthcoming pending County Counsel opinion.

Environmental Health (received 5-21-76)

1. Water information must be submitted.
2. Surface sources of water should be continuously chlorinated for domestic use.
3. Parcel "A" is not a building site, it is to be used as access to the river for all of the property owners. This parcel is not suitable for the installation of an individual sewage disposal system.
4. The concept of one class A sewage disposal system per parcel (numbered parcels) for residential purposes is accepted, on slopes less than 30%.
5. Because of steep slopes (more than 30%) the concept of the individual sewage disposal system method may not be acceptable for further division or expanded uses on these parcels. It is recommended that this project be zoned to the proposed parcel size.

Special Services, Public Works (received 5-12-76)

1. Furnish twenty-five (25) foot wide right of way to County, from center-line; along all portions of property fronting on Burrell Road. In addition the area located between the County road and ten (10) feet beyond the top of any cut slope or bottom of any fill slope should be dedicated to the County.
2. Furnish a right of way to County along Mottole Road that will accommodate a thirty-six (36) foot wide road plus slope easements for all property fronting on Mattole Road.
3. One (1) foot wide non-vehicular access shall be established on all but one side of all double-frontage lots.
4. Zoning re-classification will be necessary. It is suggested a zone be established that will not allow further subdividing of the parcels.
5. Subject to clarification on useage the road forming the south boundary of parcels 6 and 11 should be constructed to Minor Road Type I of the Low Density Hillside standards from Mattole Road to the property line with Hibser. A forty (40) foot radius cul-de-sac should be constructed at the property line vicinity. Alternative turn around design will be considered.
6. Minor Road Type I of the Low-Density Hillside standards should be used on all other interior roads. *The turnout for passing typical section shall be used for the first 200 ft. from the County road.*
7. Roads will not be maintained by the County, therefore some method ~~shall~~ be adopted by the developer to ensure the roads will be maintained in their

constructed status.

8. Monuments shall be established at locations approved by the Department of Public Works.
9. Street name, leaving county maintained road and traffic control signs shall be installed.
10. All utility line construction shall be completed prior to constructing the roadway structural sections.
11. A complete hydraulic report and drainage plan shall be submitted for approval by the Department of Public Works prior to performing any construction work.
12. Construction plan shall be approved by the Department of Public works prior to performing any construction work.
13. Engineer shall submit a statement that all easements of record are shown on the tentative map and will appear on the final map.
14. Preliminary subdivision report is required showing the names of all parties whose signatures will be necessary on the final map.
15. It is recommended the subdivider furnish security in conformance with the requirements of the State Subdivision Map Act and the County Subdivision Ordinance to ensure the completion of the improvements recommended. Recommendations regarding the amount of security should be delayed until the engineer for the subdivider can prepare a cost estimate approved by the Department of Public works covering all the required improvements.
16. Even though the roads will not be maintained by the County, an irrevocable offer of dedication of all interior road rights of way shall be made to the County.

Tax Collector (received 5-10-76)

1. The first ~~and second~~ installments has been paid for 1975-76 of AP #107-054-03. *but the second has not, (per phylis 8-14-76)*
2. The first and second installments have not been paid for 1975-76. They are now delinquent, on AP # 107-101-06.
3. The first and second installments have not been paid on AP # 107-101-07 for 1975-76. They are now delinquent.
4. We do not recommend approval.

California Regional Water Quality Control Board (received 3-10-76)

1. Due to the large acreages involved and generally suitable conditions for individual sewage disposal systems which exist on the properties, we believe it is appropriate to waive the need for further involvement on our part in this matter. However, should any further subdivision or lot splits be proposed with regard to these properties, we specifically request that we be provided notification and the opportunity to review the proposal.

Park & Recreation, Public Works (received 3-8-76)

1. No recreational easement shall be sought.

enclosure

cc: Environmental Health
Special Services
Tax Collector
Regional Water Quality Control Board
Park & Recreation, Public Works
Briceland Corporation
c/o Robert McKee
P.O. Box 248, Whitethorn, CA 95489