



LAND USE SERVICES DEPARTMENT
PLANNING DIVISION
PLANNING COMMISSION STAFF REPORT



HEARING DATE: December 19, 2013
Project Description

AGENDA ITEM # 3
Vicinity Map

APN: 0436-152-30
Applicant: Bonifacio Regis
Appellant: Cubit Engineering for Bonifacio Regis
Community: Apple Valley/1st Supervisorial District
Location: Southeast corner of Japatul Road and Ottawa Road
Project No: P201300398/APLPCACT
Staff: Tracy Creason
Rep: Cubit Engineering
Proposal: Applicant's appeal of a Land Use Services Department, Planning Division rescission of the approval of Tentative Parcel Map 18137



11 Hearing Notices Sent On: December 6, 2013

Report Prepared By: Tracy Creason

SITE INFORMATION

Parcel Size: 25.1 acres
Terrain: Slopes to the east, with elevations between approximately 2960 and 2995
Vegetation: Creosote bush scrub community throughout the site and surrounding area

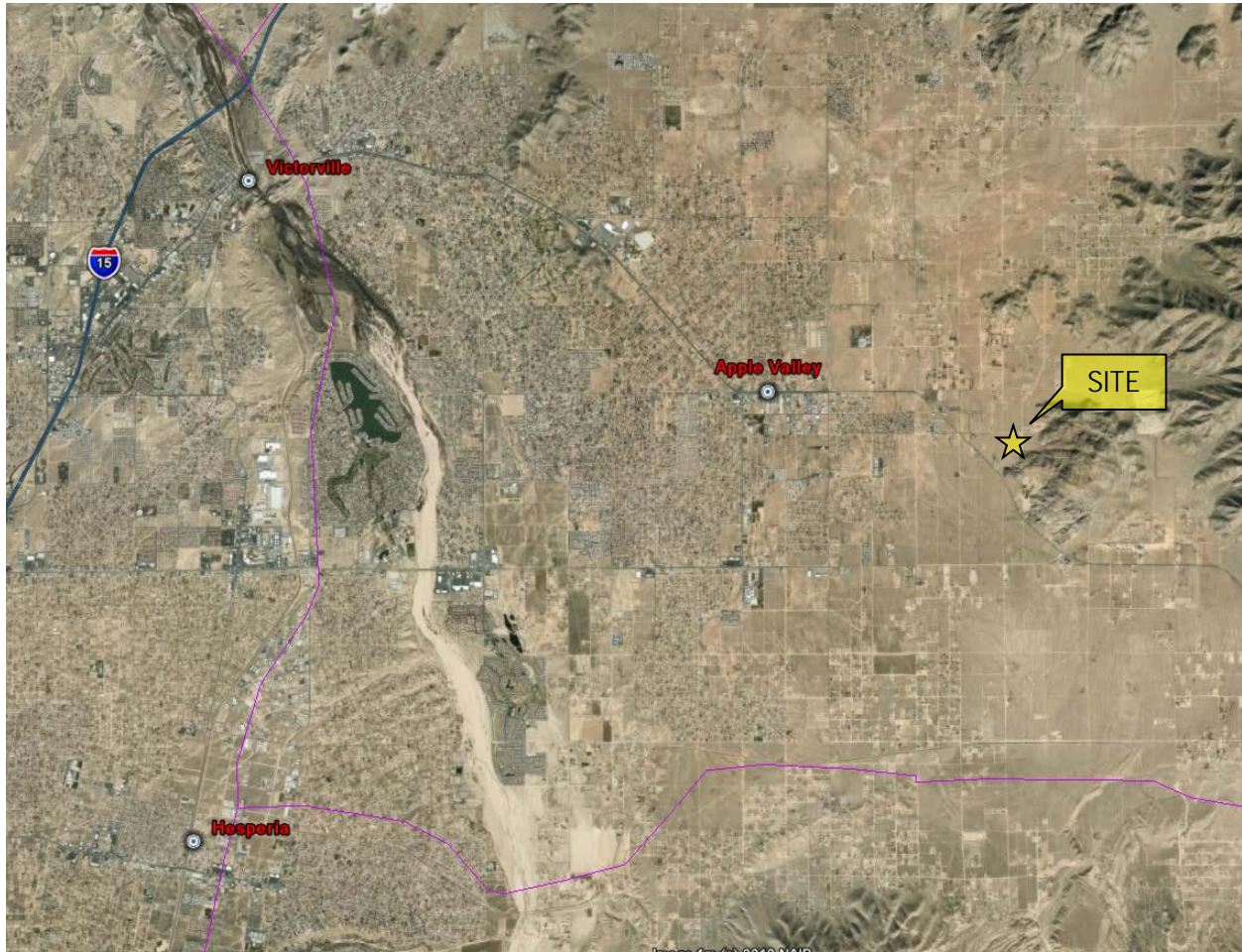
SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT / OVERLAYS
Site	Vacant	AV/RL – Apple Valley Sphere/Rural Living; Biological Resources
North	Vacant	AV/RL – Apple Valley Sphere/Rural Living & AV/AG – Apple Valley Sphere/Agriculture; Biological Resources
South	Mobile Home Park / Vacant	AV/RL – Apple Valley Sphere/Rural Living; Biological Resources
East	Single Family Residences / Vacant	AV/RL – Apple Valley Sphere/Rural Living; Biological Resources
West	Vacant	AV/RL – Apple Valley Sphere/Rural Living; Biological Resources

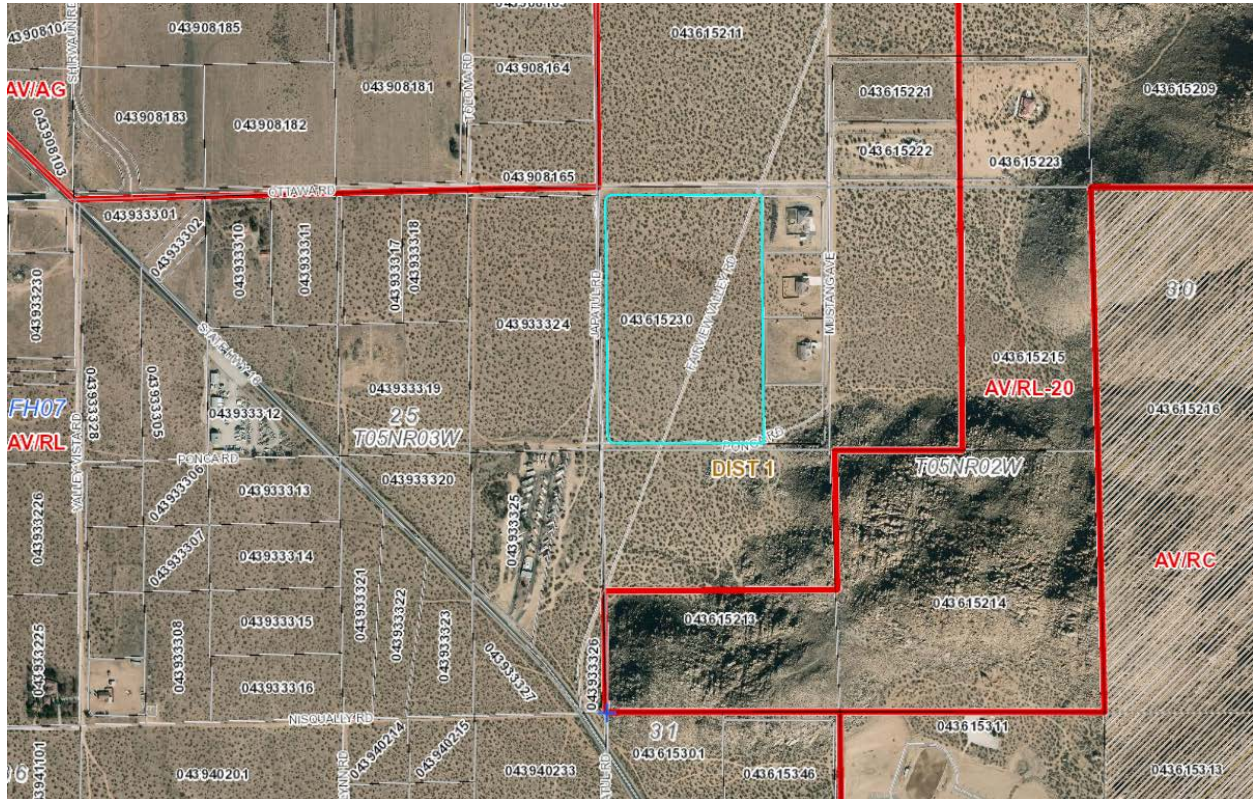
	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence	Apple Valley	None Received
Water Service:	Individual Wells	EHS Approval required before development
Sewer/Septic Service	Septic	EHS Approval required before development

In accordance with Section 86.08.010 of the Development Code, this action may be appealed to the Board of Supervisors.

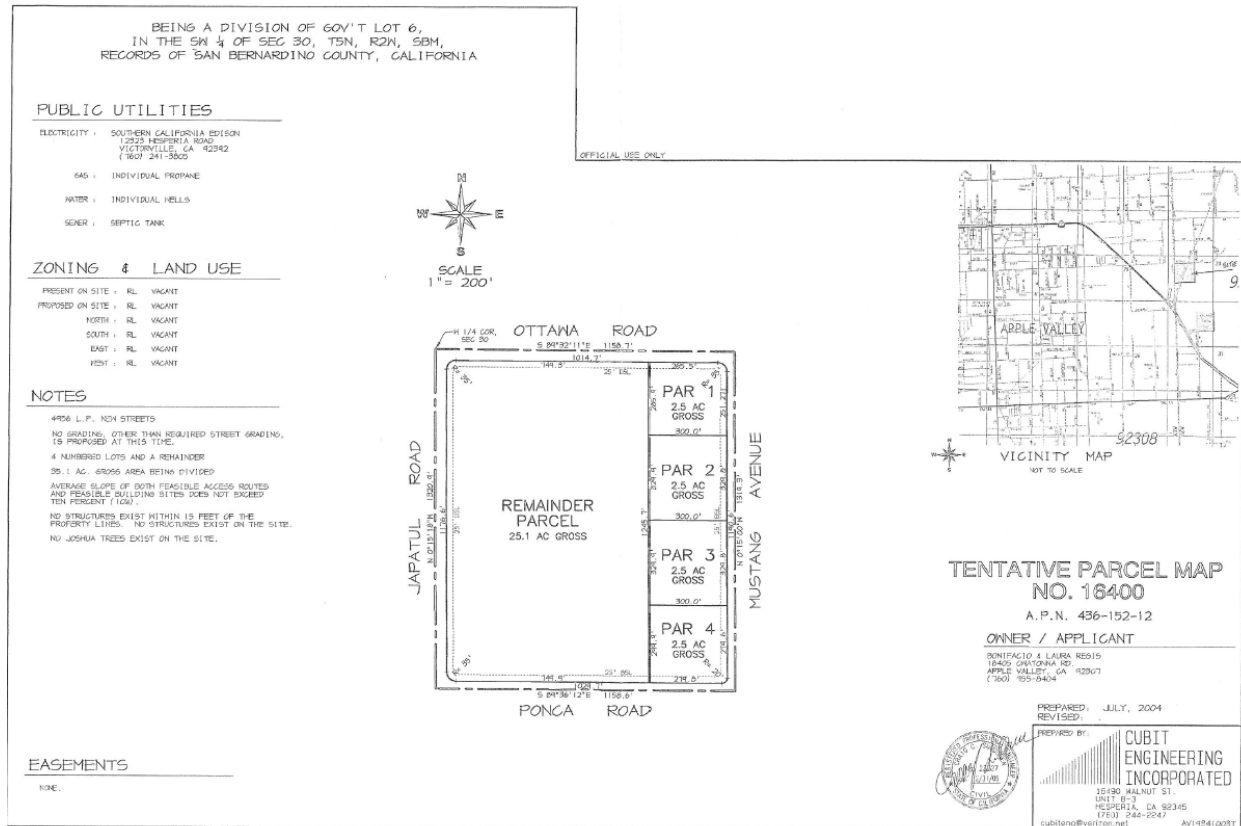
VICINITY MAP



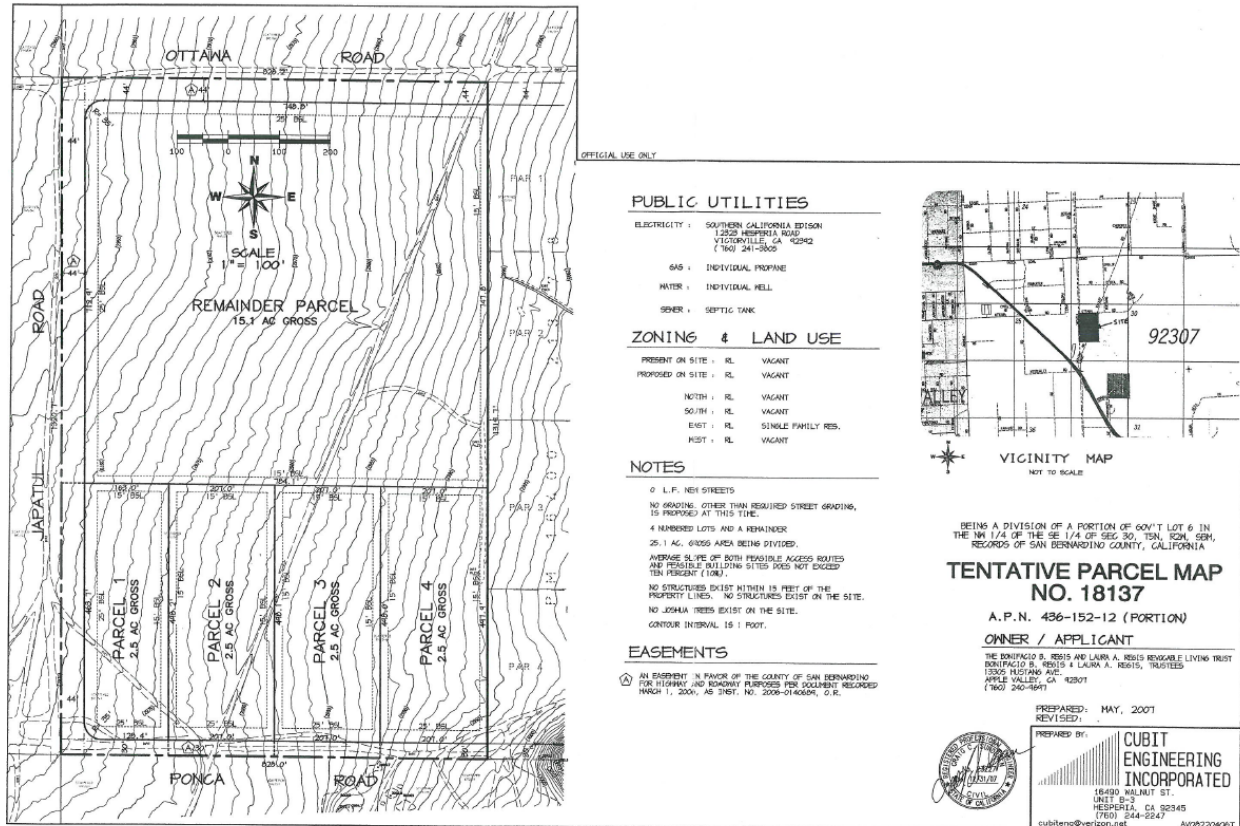
AERIAL VIEW & LAND USE ZONING DISTRICT MAP



TPM 16400



TPM 18137



BACKGROUND:

This matter is an appeal of staff's rescission of the approval of Tentative Parcel Map 18137 (TPM 18137). The subject property is located at the southeast corner of Japatul Road and Ottawa Road, in the sphere of influence of the Town of Apple Valley. This rescission was required because the subdivision of the subject property accomplished through TPM 18137 is a violation of the Subdivision Map Act (SMA), California Government Code Section 66410 et seq. The applicant has filed a timely appeal of this decision (Exhibit A).

The Bonifacio and Laura Regis Revocable Trust (Regis Trust) acquired title to a 35-acre parcel (Assessor's Parcel Number 0436-152-12) on May 23, 2003 through recordation of a Grant Deed, document number 2003-0347643 (Exhibit B). As trustees, Bonifacio and Laura Regis transferred title of the property to their daughter Liza Lee Angus Regis by recordation of a Quitclaim Deed, document number 2004-0350397 on May 19, 2004 (Exhibit C).

Cubit Engineering filed an application for Tentative Parcel Map 16400 (TPM 16400) to create four 2.5-acre parcels and a 25-acre remainder on July 14, 2004. Planning Staff conditionally approved TPM 16400 on March 21, 2005 (Exhibit D). Parcel Map 16400 recorded on February 28, 2006 (Exhibit E), creating four parcels, APNs 0436-152-26 through -29. A certificate of compliance to create a legal description for the remainder parcel, identified as APN 0436-152-30, recorded on March 1, 2006 (Exhibit F).

On May 24, 2006, title to APNs 0436-152-26 through -29 transferred from Liza Lee Angus Regis to the Regis Trust through a Quitclaim Deed, document number 2006-0200869 (Exhibit G). All four parcels were subsequently sold by the Regis Trust and are currently owned by others.

On May 2, 2007, title to the remainder parcel, APN 0436-152-30, transferred from Liza Lee Angus Regis to the Regis Trust through a Grant Deed, document number 2007-0267265 (Exhibit H). None of the property title transfers between Liza Lee Angus Regis and the Regis Trust included payment of Documentary Transfer Tax, signifying that such transfers involved no exchange of money.

On June 6, 2007, Cubit Engineering filed an application (Exhibit I), on behalf of the Regis Trust, for TPM 18137 to create four 2.5-acre parcels and a 15-acre remainder from APN 0436-152-30, the 25-acre remainder from Parcel Map 16400. Planning Staff conditionally approved TPM 18137 on November 26, 2008 (Exhibit J).

Due to prevailing adverse economic conditions in the construction industry, beginning in 2008 the California legislature amended the SMA and granted automatic extensions of time to conditionally approved tentative maps. The original expiration date of TPM 18137 was December 8, 2011. As a result of the passage of these automatic extension legislations, the expiration date of TPM 18137 was extended to December 8, 2017. The first check of parcel map 18137 was submitted to the County Surveyor's office by Cubit Engineering for review on June 5, 2013.

The Land Use Services Department rescinded the conditional approval of TPM 18137 on August 22, 2013 (Exhibit K), because a violation of the SMA was identified with respect to the division of the 25-acre remainder parcel of Parcel Map 16400. As stated

in the County's August 22, 2013 rescission letter, "the subdivider is responsible for circumventing the SMA through the process of filing parcels maps in lieu of a final map, and in doing so is also in violation of the California Subdivided Lands Act (SLA) (California Business and Professions Code sections 11000 et. seq.) This governs the sale or lease of subdivisions resulting in five or more lots."

But for its rescission, TPM 18137 would have resulted in the creation of eight 2.5 acre lots, plus a 15 acre remainder from the original 40-acre property, in violation of the SMA.

ANALYSIS:

Section 66426 of the SMA (text at Legal Citations 1), requires that both a tentative and final map be submitted and approved for all subdivisions creating five or more parcels. These requirements are restated and further clarified by County Development Code Section 87.01.080 (text at Legal Citations 2). In order to determine whether a tentative tract map and final map or a tentative parcel map and parcel map are required, all previous subdivisions by the subdivider and his or her agents must be taken into account. Agents of the subdivider are defined as those who have obtained property from the subdivider as a "...sale for inadequate consideration, a transfer to a close relative or business associates, retention of control or financial interest, or generally a transfer which is part of a conspiracy to evade the Subdivision Map Act..." 55 California Opinions of the Attorney General 414, 417-18, 1972 (text at Legal Citations 3.) Section 66499.31 of the SMA (text at Legal Citations 4) states that each violation of this division by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation shall be punishable by imprisonment in County jail or state prison, by a fine not exceeding \$10,000, or by both fine and imprisonment.

By circumventing the SMA through the process of filing successive parcel maps in lieu of a final map, the subdivider is also in a violation of the California SLA, which governs the sale or lease of subdivisions resulting in five or more lots. This violation is also subject to severe penalties.

The SMA and the ordinances passed in conformity with it have several purposes, such as: to regulate and control the design and improvement of subdivisions, with proper consideration for their relation to adjoining areas, to require the subdivider to install streets, to require the subdivider to install drains, to prevent fraud and exploitation, and to protect both public and purchaser. *Pratt v. Adams* (1st Dist. 1964) 229 Cal. App. 2d 602 (text at Legal Citations 5).

The creation and subsequent development of 8 lots as relatively small parcels in violation of the SMA has resulted in fragmented review and analysis by the County. A single subdivision of this scope would have been subject to more stringent California Environmental Quality Act (CEQA) review, evaluation, and incorporation of mitigation measures, review by the County's Development Review Committee, and numerous conditions to minimize or accommodate the impacts on public health and safety. In general, conditions of approval for a tract map being filed in place of the successive parcel maps would include the following requirements:

- Off-site road paving to the nearest County maintained, paved road
- Infrastructure and on-site paved road improvements, including curb, gutter, and sidewalk
- Water infrastructure improvements
- Drainage improvements
- Fire safety requirements, including adequate fire flow

The environmental review, the development review, and related standard improvement requirements were circumvented due to the subdivisions being processed under the assumption of less intensive development associated with parcel maps.

Four of the 8 parcels involved in the subsequent subdivision by parcel map have since been sold to buyers who staff has no reason to believe were complicit in the inappropriate subdivisions. Therefore, it would be problematic to unwind these transactions. Staff has determined that the most appropriate and defensible action was to rescind the conditional approval of TPM 18137. If the applicant or an agent of the applicant chooses to subdivide this property or any other property adjacent to those properties involved, a Tentative Tract Map application will be required.

SUMMARY:

As outlined in the Background section, the recordation of Parcel Map 18137 would result in the creation of eight parcels and a remainder parcel by successive subdividers with a close, familial relationship (daughter/father). This would be a violation of the SMA and a violation of the SLA which governs the sale or lease of subdivisions resulting in five or more lots.

In compliance with the SMA and the County Development Code Section 87.01.080, both a tentative and final map are required to subdivide the subject site as proposed. Therefore, the County took action to rescind approval of TPM 18137.

RECOMENDATION: That the Planning Commission:

- 1) **DENY** the appeal; and
- 2) **UPHOLD** the rescission of the conditional approval of TPM 18137.

ATTACHMENTS:

- Exhibit A: Appeal Application
- Exhibit B: Grant Deed, document number 2003-0347643
- Exhibit C: Quitclaim Deed, document number 2004-0350397
- Exhibit D: Approval of TPM 16400, March 21, 2005
- Exhibit E: Parcel Map 16400 recorded on February 28, 2006
- Exhibit F: Certificate of Compliance, APN 0436-152-30 (remainder parcel), recorded on March 1, 2006
- Exhibit G: Quitclaim Deed, document number 2006-0200869
- Exhibit H: Grant Deed, document number 2007-0267265
- Exhibit I: Application for TPM 18137
- Exhibit J: Approval of TPM 18137, November 26, 2008
- Exhibit K: Rescission of TPM 18137, August 22, 2013

LEGAL CITATIONS

1. California Government Code § 66426
2. County Development Code § 87.01.080
3. 55 California Opinions of the Attorney General 414 (1972)
4. California Government Code § 66499.31
5. *Pratt v. Adams* (1st Dist. 1964) 229 Cal. App. 2d 602

EXHIBIT A

Appeal Application

APPEAL APPLICATION

Complete all portions of this application. If you believe that an item does not apply to your appeal, mark it "N/A". Do not leave any blank spaces.

You may attach additional pages or other documentation to this application.

Project Action Date: November 26, 2008

File/Index #: P200700505

Building Permit No.: N/A

Project Applicant(s): Bonifacio Regis

Appellant's Name (s): Craig C. Sundgren / Cubit Engineering

Appellant's Address: 16490 Walnut St Unit B3

City: Hesperia Zip: 92345

Phone: 760-244-2247 FAX No.: 760-244-1590 E-Mail: CraigS@cubitengineering.com

Assessor's Parcel No. of Subject Property: 0436-152-30

General Location of Property: Ottawa Rd @ Jopatal Road

Community/Area: Apple Valley

1. I/We hereby appeal to the San Bernardino County: (check one)

☒ **Planning Commission** from action by: (check one)

☒ Director of Land Use Services

☐ Division Chief of Environmental Health Services (EHS)

☐ Director of Transportation/Flood Control/Surveyor

☐ **Board of Supervisors** from action by the County Planning Commission.

To be completed by County Staff: Filing Date: _____ Project No.: _____ JCS Project No.: _____

2. I/We are appealing the project action taken to:

☒ **DENY** the project

☐ **DENY** the project without prejudice

☐ **APPROVE** the project

☐ **APPROVE** the project with conditions. (Attached a copy of the conditions, if they are the subject of the appeal).

☐ **ADOPT** a Negative Declaration

☐ **OTHER** (specify) _____

3. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measure, conditions and/or policies with which you disagree. Also state exactly what action/changes you would favor.

See attached

4. State why you are appealing. Be specific. Reference any errors or omissions. Attach any supporting documentation, including any Conditions of Approval that are being appealed.

See attached

I/We certify that I/we are the:

☐ Legal Owner(s)

Craig Henderson
[Signature of Appellant(s)]

☒ Authorized Legal Agent(s)

[Signature of Appellant(s)]

☐ Other Interested Person(s)

Date: 8-27-13

LAND SURVEYING • CIVIL ENGINEERING • COMPACTION TESTING

CRAIG C. SUNDGREN
RCE 23227

August 27, 2013

S.B. County Planning
385 N. Arrowhead Ave.
San Bernardino, CA 92415Re: PM 18137; Project No. 200700505
Appeal of Rescinding of Parcel Map 18137

Dear Sirs:

As the Engineering Representative for the owner of the above referenced project, Bonifacio Regis, the following are my answers to Questions 3 & 4 of the Appeal Application:

Question # 3: Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measure, conditions and/or policies with which you disagree. Also state exactly what action/change you would favor:

We are appealing the decision of the Land Use Department to rescind the conditions approval of Parcel Map 18137 as stated in a letter from Ms. Terri Rahhal, Planning Director, dated August 22, 2013. The issue of the ownership of this property, which is now seemingly the reason for the rescinding of this project, was made known to the Planning Department upon its submittal. Cubit Engineering had even put forth this issue in an email to the County before submitting this application to find out the viability of doing this project, and never obtained any response from the County. We disagree with the policy of conditionally approving a project, with the facts known to the County and then deciding to rescind the project at the time it is almost completed.

We are requesting that this action be changed to one of the three options listed below, which are the same as the ones outlined in our letter for Mr. Tom Hudson, dated July 8, 2013:

1. Allow my client to continue and finish this project as was approved by the County.
2. Allow my client to sell the property in question to another individual with no ties to our client with the project intact and allow this third party to finish the Parcel Map.
3. If the project is to be rescinded, refund my client ALL County and State Fees paid for by my client for this project.

Question # 4: State why you are appealing. Be specific. Reference any errors or omissions. Attach any supporting documentation, including any Conditions of Approval that are being appealed:

We are appealing the decision of the Planning Department to rescind this Parcel Map and allow for its completion and recordation due to the fact that many errors were made on the part of the County at the beginning of this project that could have prevented this latest decision by the Planning Department.

As stated in both the enclosed time line and above stated letter to Mr. Tom Hudson, the issue of the ownership of this property (from daughter to father) was first brought up to the County in an e-mail dated April 4, 2006 that was sent to Ms. Terrie Williams and then forwarded to Mr. Judy Tatman for comment on a situation that would be the case of our client Bonifacio Regis. No answer to that e-mailed was ever received by our office. If, in fact, the decision of the California Attorney General from 1972 was known to Ms. Williams and Ms. Tatum, we would have thought we would have received an answer back immediately that this would not be a viable project, or at least they would need more information. None was asked for and the e-mail remained unanswered.

Receiving no answer, it was the decision of our client, Dr. Regis, to submit the application to the County for their review and processing. The fee was paid and the application submitted on June 4, 2007. On the day our office received a receipt of payment for the application fee, we received an e-mail from Ms. Terrie Williams inquiring as to why we were doing another Parcel Map from the Parent Parcel Map 16400 under the same name. We informed her at that time of the situation - that the former PM 16400 had been done by his daughter and he, the father, was now submitting an application to subdivide the remainder parcel of said PM 16400. We asked Ms. Williams to let us know if that was a problem. Ms. Williams then stated that she would pull the old file (for PM 16400) and see if our application "would fly."

Again, receiving no further information from Ms. Williams regarding this project, we assumed that the issue had been reviewed and resolved to the Planning Departments satisfaction and therefore, allowed to proceed. From that point on we were never questioned again about the ownership, the issue of an "arm's length" or any other issue by ANY of the County Departments. As seen in our enclosed Time Line of this project, this project continued to move forward with seemingly no questions or concerns. Please note that as part of the Application Process, the County Surveyor receives a copy of the Tentative Parcel Map for their review. The Surveyor's office at that time had full access to all the information regarding this Tentative Parcel Map and the previous Parcel Map done by his daughter, yet no one in the Surveyor's office raised any concern regarding the ownership of this parcel and the previous split. It was only AFTER the final Parcel Map was received by the County, that we received a letter dated July 3, 2013 from Mr John Dodrill expressing his concerns regarding this Parcel Map.

Our client, Bonifacio Regis, did nothing wrong in making application for this project. It was up to the County, who was told in the beginning of the relationship between him and the owner (his daughter) of the previous Parcel Map, to not accept the project at that time. If the decision had been made at that time, our client would have abided by this decision and withdrawn the application. However, to allow this project to continue, asking our client to pay the required fees, and fulfill all the Conditions of this Parcel Map and to NOW decide to deny it is not right, and that is why we are appealing the decision to rescind Parcel Map 18137.

Please find attached all of our correspondence with the County regarding this project including copies of the e-mails referred to, the Time Line submitted to Mr. John Dodrill and our letter to Mr. Tom Hudson dated July 8, 2013. We are also submitting the County's Conditions of Approval for this project.

Craig C. Sundgren
President, Cubit Engineering

LAND USE SERVICES DEPARTMENT**PLANNING DIVISION**

385 N. Arrowhead Avenue, San Bernardino, CA 92415-0182
 (909) 387-8311 Fax (909) 387-3223
<http://www.sbcounty.gov/landuseservices>



COUNTY OF SAN BERNARDINO

TOM HUDSON
 Director

August 22, 2013

***Sent via Certified Mail, Return Receipt Requested,
 First Class Mail, and
 Facsimile [(760) 244-1590]***

**Notice of Rescission of Tentative Parcel Map 18137
 Effective Date: September 4, 2013**

Craig Sundgren, R.C.E.
 Cubit Engineering, Inc.
 16490 Walnut Street, Unit B-3
 Hesperia, CA 92345

Bonifacio and Laura Regis Living Trust
 c/o Bonifacio and Laura Regis
 13345 Mustang Road
 Apple Valley, CA 92307

RE: Tentative Parcel Map 18137 APN 0436-152-30

Dear Mr. Sundgren and Mr. and Mrs. Regis:

This letter is provided as the San Bernardino County ("County") Notice that Tentative Parcel Map 18137 ("TPM 18137"), issued on November 26, 2008, is rescinded. Per County Development Code § 86.06.020, this decision will become effective on September 4, 2013. Your appeal rights are discussed below.

The following recitation of facts forms the basis for this decision.

On June 4, 2007, the application for TPM 18137, a parcel map consisting of four parcels and a remainder, was submitted to the County. According to a June 21, 2013, memorandum from Mr. Sundgren to John Dodrill, County Surveyor, there had been discussions with Terrie Williams and Judy Tatman prior to the submission of the application relative to this "situation." The extent of what might have been discussed cannot be confirmed as Ms. Williams is no longer with the County, and Ms. Tatman, sadly, has passed away. Even so, County staff is not authorized to waive County ordinances or state law, in particular the Subdivision Map Act, violations of which may be criminally prosecuted.

It has been further alleged in the June 21, 2013 memorandum that following the submission of the application, additional discussions relative to this "situation" were undertaken between employees of the applicants' representative, Cubit Engineering,

Board of Supervisors

GREGORY C. DEVEREAUX
 Chief Executive Officer

ROBERT A. LOMINGOOD.....First District
 JAMIE RAMOS.....Third District
 JANICE RUTHERFORD.....Second District
 GARY C. OVITT, Vice Chair.....Fourth District
 JOSEF GONZALEZ.....Fifth District

Craig Sundgren, R.C.E.
Bonifacio and Laura Regis Living Trust
August 22, 2013
Page 3

Based on this information, a violation of the Subdivision Map Act has been identified with respect to the division of the 25-acre remainder parcel of Parcel Map 16400. The subdivider is responsible for circumventing the Subdivision Map Act through the process of filing parcel maps in lieu of a final map, and in doing so is also in violation of the California Subdivided Lands Act (California Business and Professions Code sections 11000 et. seq.) which governs the sale or lease of subdivisions resulting in five or more lots.

Pursuant to the California Subdivision Map Act, Government Code Section 66426, and the San Bernardino County Development Code (Development Code) Section 87.01.080, a tentative and final map will be required to subdivide the subject site as proposed. Application forms are available at the Land Use Services Department on the address noted on this letter, or at 15900 Smoke Tree Street, Hesperia, CA, or on the County web site: www.sbcounty.gov/landuseservices.

The rescission of the conditional approval of TPM 18137 becomes effective on September 4, 2013. Pursuant to Chapter 86.08 of the Development Code, anyone may appeal the rescission to the Planning Commission. The appeal must be made in writing, on forms available at the locations noted above. The appeal period ends at 5:00 p.m. on September 3, 2013. If you have any questions about the rescission action, the appeal process, or about filing a Tentative Tract Map application, please Contact Tracy Creason, Senior Planner, at 760-995-8143.

Sincerely,



Terri Rahhal, Planning Director
Land Use Services Department

cc: Gia Kim, Assistant Director of Land Use Services
John Dodrill, Survey Division Chief
Heidi Duron, Supervising Planner
Tracy Creason, Senior Planner
Project file P200700505



LAND USE SERVICES DEPARTMENT

CURRENT PLANNING DIVISION
385 North Arrowhead Avenue • San Bernardino, CA 92415-0182 • (909) 387-4131
Fax (909) 387-3249
15456 West Sage Street • Victorville, CA 92392 • (760) 843-4340 • Fax (760) 843-4338
<http://www.sbcounty.gov/landuseservices>

JULIE RYNERSON ROCK
Director of Land Use Services

November 26, 2008

Effective Date: December 9, 2008
Expiration Date: December 8, 2011

Bonifacio & Laura Regis
13305 Mustang Ave.
Apple Valley, CA 92307

Cubit Engineering, Inc.
16490 Walnut St., Unit B-3
Hesperia, CA 92345

**RE: TENTATIVE PARCEL MAP 18137 TO CREATE 4 parcels and a remainder ON 25 ACRES – Regis –
PROJECT NUMBER P200700505; Apple Valley; APN: 0436-152-30-0000**

Dear Mr. Regis,

Your Parcel Map application has been **Conditionally Approved** subject to completion of the requirements identified on the attached pages. In accordance with the San Bernardino County Development Code, Section 83.010350(a and c), all requirements specified on the attached pages shall be met within thirty-six (36) months of the date of this letter or the approval is void. One extension of time, not to exceed thirty-six (36) months, may be granted upon written application and payment of the required fee to this office not less than thirty (30) days prior to the date of expiration.

Any person may, within ten (10) calendar days of the postmarked date of this notice, appeal in writing to the Planning Commission for consideration thereof. This appeal must be made on forms available from this office. If we may be of further assistance, please call this office at (760) 843-4340.

If you have any questions or need additional information, please contact this office by mail, by phone at (760) 843-4340, by fax at (760) 843-4338 or by email at mdavis@ludsbcounty.gov.

Sincerely,


Mindy A. Davis, Planner
Current Planning Division

Attachments: Conditions of Approval
Approved Tentative Parcel Map

Cc: Cubit Engineering, Inc.
Surveyor
Environmental Health Services
Land Development Engineering
Apple Valley Fire Dept.
County Traffic
file

APN: 0436-152-30-0000
P200700505/Regis/TPM 18137
Apple Valley/1st SUPERVISORIAL DISTRICT

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CONDITIONS OF APPROVAL

The following Conditions of Approval apply to Tentative Parcel Map 18137 to create 4 parcels and a remainder on 25 acres. The project site is in the Apple Valley Community southeast corner of Japatul Road and Ottawa Road.

GENERAL/ONGOING CONDITIONS

LAND USE SERVICES DEPARTMENT – PLANNING DIVISION (760) 843-4340

1. The applicant shall agree to defend at his sole expense any action brought against the County, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with San Bernardino County Development Code Section 81.01.070 (a-b). The applicant shall reimburse the County, its agents, officers, or employees, for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.

PRIOR TO RECORDATION, THE FOLLOWING CONDITIONS SHALL BE MET:

OFFICE OF SURVEYOR (909) 387-8162

2. A Parcel Map is required in compliance with the California Subdivision Map Act and the San Bernardino County Development Code.
3. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
4. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
5. Prior to approval for recordation, all fees required under actual cost job number PM 18137 shall be paid in full.

Non-standard conditions are italicized

Environmental mitigation measures are bold

APN: 0436-152-30-0000

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P200700505/Regis/TPM 18137

Apple Valley/1st SUPERVISORIAL DISTRICTENVIRONMENTAL HEALTH SERVICES (909) 387-4666

6. The water purveyor shall be EHS approved, Individual Wells.
7. Individual well authorized for each daughter parcel. A note shall be placed on the Composite Development Plan (CDP) stating:
 - a) "Proof of Installation of water improvements (individual wells) shall be provided prior to the issuance of building permits."
8. Method of sewage disposal shall be EHS approved.
9. If sewer connection and/or service is unavailable, septic system(s) will then be allowed under the following conditions: A Soil Percolation Report shall be submitted to DEHS for review and approval. The following note shall be placed on the Composite Development Plan (CDP):
 - a) "An approved percolation report, (DEHS reference number) prepared by (person/firm name & credentials) on (date prepared), is on file with DEHS."
 - b) "A plot plan showing the location of the septic system shall be submitted to DEHS prior to the issuance of building permits for the individual lots."

For information, please contact Water & Waste Management at (909) 387-4666.

10. Evidence shall be provided that all wells are (1) properly destroyed under permit from that County OR (2) constructed to DEHS standards, properly sealed and certified to the County as inactivated OR (3) constructed to DEHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS/Water Section for approval. Contact DEHS/Water Section for more information at (909) 387-4666.

LAND DEVELOPMENT ENGINEERING (760) 843-4366

11. A Parcel Map is required with all appropriate easements to be dedicated (or offered for dedication in the case of drainage easements) in accordance with the provisions of the California Subdivision Map Act and the San Bernardino County Development Code. The CDP will be used as a check print.
 - a. *Provide all curve data at northwest and southwest corners.*
12. Legal access shall be required to a maintained road. It shall be the developer's responsibility to provide documentation or the necessary dedications to make the connection.
 - a. *Provide proper documentation for legal access.*

Non-standard conditions are italicized

Environmental mitigation measures are bold

APN: 0436-152-30-0000

PAGE 3 OF 5

P200700505/Regis/TPM 18137

Apple Valley/1st SUPERVISORIAL DISTRICT

13. Physical access shall be required to all newly created parcels. Physical access is defined as a route that is traversable in a standard (two-wheel drive) sedan. The developer's engineer or surveyor shall submit a signed and sealed letter to Land Development Engineering certifying that physical access has been completed.
- a. *Provide certified letter for physical access.*
 - b. *44-feet from the centerline of Ottawa Road exist*
 - c. *44-feet from the centerline of Japatul Road exist*
 - d. *30-feet from the centerline of Ponca Road exist*
 - e. *35-foot curve return at Ottawa Road and Japatul Road exist*
 - f. *35-foot curve return at Japatul Road and Ponca Road exist*
14. *Non-vehicular access shall be dedicated on Japatul Road, from end of curve to end of curve. Direct driveway access is not allowed. (Note- Dedication eliminates access by vehicles to the specified roadway)*
15. The following notes shall be placed on the Composite Development Plan (CDP):
- a) "The site is subject to infrequent flood hazards by reasons of overflow, erosion and debris deposition in the event of a major storm."
 - b) "The site is in a South/East Apple Valley Local Area Transportation Facilities Fee Plan. Appropriate fees shall be collected at the time of development."

APPLE VALLEY FIRE PROTECTION DISTRICT (760) 247-7618

16. The following statement shall be placed on the CDP:
- a) The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements. All new construction shall comply with applicable sections of the Uniform Fire Code, Uniform Building Code, and other statutes, ordinances, rules and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.

TRAFFIC DIVISION (909) 387-8186

17. The project is subject to the Regional Transportation Development Mitigation Plan for the Town of Apple Valley Sphere subarea. The required fee for this project is \$ 6,422.00 per Single Family Dwelling Unit for a total fee of \$ 32,110.00 and shall be paid prior to issuance of building permits. The fee can be paid at Building and Safety or the Department of Public Works Business Office.

Non-standard conditions are italicized

Environmental mitigation measures are bold

APN: 0436-152-30-0000
 P200700505/Regis/TPM 18137
 Apple Valley/1st SUPERVISORIAL DISTRICT

PAGE 4 OF 5

LAND USE SERVICES DEPARTMENT – PLANNING DIVISION (760) 843-4340

18. Sufficient funds in P200700505 to verify compliance with conditions of approval established for the Parcel Map is required.
19. A Composite Development Plan (CDP) complying with Sections 83.040501 et. seq. and 84.0325 of the County Development Code shall be filed with the Public Works Department/Surveyor Division. The following shall be delineated on the CDP, per Rural Living (RL) Land Use District Development Standards:
 - a) front yard Building Setback Lines shall be twenty-five (25) feet
 - b) street side yard Building Setback Lines shall be fifteen (15) feet where a parcel's street side yard abuts local streets/roads
 - c) street side yard Building Setback Lines shall be twenty-five (25) feet where a parcel's street side yard abuts collector streets/roads
 - d) other side yard Building Setback Lines shall be fifteen (15) feet
 - e) rear yard Building Setback Lines shall be fifteen (15) feet
 - f) minimum lot sizes of two-and-a-half (2.5) gross acres
20. **The required mitigation measures shall be implemented and/or added to the Composite Development Plan and to the Mitigation Monitoring and Compliance Program. The implementation of the required mitigation measures outlined in this section will reduce any potentially significant impact to a non-significant level.**

General Ongoing Condition

21. **Prior to ground disturbance, issuance of grading permits or building permits, whichever occurs first, all mitigation required by California Department of Fish and Game shall be completed for Mohave Ground Squirrel.**

Prior to Recordation of the Parcel Map

22. Add the following note to the CDP:

"As set forth in the Habitat Assessment prepared for the project ("Title of Report", Firm Name, Date), and in compliance with the California Endangered Species Act, and regulations promulgated thereunder, the following is required:

- a) **At least 30 days prior to ground disturbance, issuance of grading permits or building permits, whichever occurs first, submit to the San Bernardino County Land Use Services Department Advance Planning Division for review and approval, EITHER:**

Non-standard conditions are italicized

Environmental mitigation measures are bold

APN: 0436-152-30-0000
 P200700505/Regis/TPM 18137
 Apple Valley/1st SUPERVISORIAL DISTRICT

PAGE 5 OF 5

- OR,
- 1) A Mohave Ground Squirrel (MGS) trapping survey, if required.
 - 2) A 2081 permit, applied for and obtained from CDFG.

- OR,
- 3) Written correspondence from CDFG stating that neither an MGS "trapping survey", nor a 2081 permit is required.

NOTE: Compliance with this condition shall be in accordance with regulations, plans and policies in effect at the time of land disturbance and/or issuance of a grading or building permit.

- b) NOTE ON GRADING AND/OR CONSTRUCTION PERMIT: "This permit does not relieve the property owner of responsibility to comply with State and Federal Endangered Species Acts. Contact the San Bernardino County Land Use Services Department- Advance Planning Division at 909 387-4147 for more information of the land owner's responsibilities."

23. Add the following notes to the CDP:

- c) Prior to and within thirty days of any ground disturbance, pre-construction surveys for Burrowing Owls and their active burrows shall be completed in accordance with California Department of Fish and Game protocol. A report evaluating the effects of the proposed project shall be submitted to the County Planning Division for review prior to ground disturbance and/or grading permit. The report shall include a discussion of survey methodology, results, conclusions, recommendations and a map showing the location of the site. If the project site is determined to be occupied habitat, the applicant shall obtain a 2081 permit (or acknowledgment from the California Department of Fish and Game that said permit is not required). A copy of said permit or acknowledgment shall be submitted to the County Planning Division. Required mitigation measures must be adopted and approved by the County Planning Division in conjunction with the California Department of Fish & Game.

End of Conditions



**SAN BERNARDINO COUNTY LAND USE SERVICES DEPARTMENT
PLANNING DIVISION PROJECT NOTICE**

San Bernardino County Land Use Services Department/Planning Division
15456 West Sage Street, Victorville, CA. 92392

ATTENTION PROPERTY OWNERS

Page 1 of 2

The development proposal listed below has been filed with the County Land Use Services Department/Planning Division. You are invited to comment because your property is located near the proposed project. Please comment in the space below. You may attach additional pages as necessary.

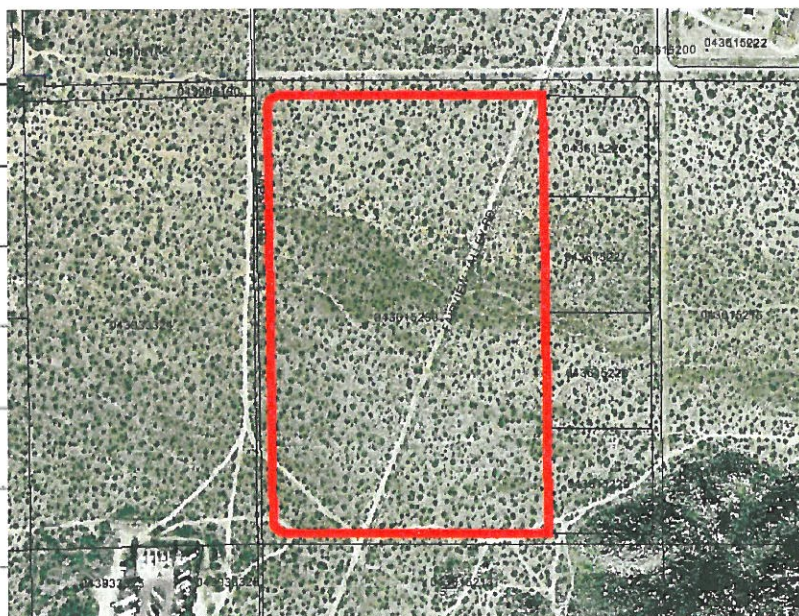
Your comments must be received by this department **no later than July 16, 2007** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding this proposal, please contact **Project Planner, GREGORY BENNETT** at (760) 843-4340 or mail your comments to the address above. If you wish, you may also FAX your comments to (760) 843-4338.

ASSESSOR PARCEL NUMBER:	0436-152-30	(See map below for more information)
PROJECT NUMBER	P200700505/TPM 18137	
APPLICANT	REGIS, BONIFACIO B & LAURA A	
LAND USE DISTRICT (ZONING):	RL-2.5	
IN THE COMMUNITY OF:	APPLE VALLEY/1ST/ SUPERVISORIAL DISTRICT	
LOCATED AT:	JAPATUL ROAD AND OTTAWA ROAD, SOUTHEAST CORNER	
PROPOSAL	TENTATIVE PARCEL MAP 18137 TO CREATE FOUR PARCELS AND A REMAINDER PARCEL ON 25 ACRES	

If you want to be notified of the project decision, print your name clearly and legibly on this form and mail it to the address above along with a self-addressed, stamped envelope. All decisions are subject to an appeal period of ten (10) calendar days after an action is taken.

Comments (If you need additional space, please attach additional pages):

VICINITY MAP



LAND SURVEYING • CIVIL ENGINEERING • COMPACTION TESTING

CRAIG C. SUNDGREN
RCE 23227

MEMO:

To: S. B. Surveyor - John Dodrill
From: Craig Sundgren
Subject: Time Line for PM 18137/APN 0436-152-30
Date: June 21, 2013

Per our earlier conversation this week, here are the pertinent fact and time line for this PM:

April 4, 2006- An email was sent from our office manager requesting that Terrie Williams comment on a situation like the one being proposed for our client. Terrie Williams, then, via e-mail contacted Judy Tatman who in turn said she would check with County Surveyor and County Counsel - No response ever received to our inquiry.

June 4, 2007 - Turned in Application for TPM 18137 to County.

June 6, 2007 - Received Receipt of payment for Application Fee.

June 6, 2007 - Terrie Williams via email questions our office assistant, Becky Schroder, as to why we are doing a Parcel Map for Regis when the previous PM 16400 was also done for a "Regis". Becky Responds that the original subdivision was done by Regis' daughter Liza. She also indicates that Karen had inquired into this situation for some clarification from the County (See April 4 2006 note above) but had never received any response. Terrie says via e-mail she will look into it and see if it will fly. Never heard anymore about this and Application continued through the system.

June 21, 2007 - 25 copies of TPM submitted to County Planning.

April 1, 2008- County requests Fish and Game fee and minor changes to TPM. This is done and submitted to County on May 23, 2008.

June 6, 2008- Fees receipted in by County.

Sept. 2008- Mindy Davis, planner, tells us that the County Surveyor is requesting we revise the PM to have only 4 parcels (and no remainder) due to the fact that our client, Regis, owns a parcel to the West (across the Street) which we had accidentally missed and not put on application form.

Sept 16, 2008 - Revisions made to TPM to show 4 parcels.

Nov. 11, 2008 - We are now informed that we CAN have 4 parcels plus a remainder if we add a note to the TPM that the adjoining piece is NOT A PART OF THIS SUBDIVISION.

Nov. 17, 2008- Revised TPM with requested note put on TPM and resubmitted to County along with additionally requested fees.

Nov. 19, 2008- Additional fees receipted in by County.

Dec. 2008 til May 2013- Project on hold due to economy.

May 30, 2013 - Final PM submitted to County for First check with required fees.

LAND SURVEYING • CIVIL ENGINEERING • COMPACTION TESTING

CRAIG C. SUNDGREN
RCE 23227

July 8, 2013

S.B. County Land Use Services
385 N. Arrowhead Ave.
San Bernardino, CA 92415
ATTN: Mr. Tom Hudson, Land Use Services Director

Re: PM 18137/APN 0436-152-30

Dear Mr. Hudson,

Our firm, Cubit Engineering, is the Engineer of Record for the above referenced project being processed through the County of San Bernardino.

The final Parcel Map (18137) was submitted to the County Surveyor's office on May 30th for its "first check" towards being approved for recordation. However, during the week of June 17th, we heard from Mr. John Dodrill from the Surveyor's office that they believed this Parcel Map was an "illegal" subdivision and was turning it over to County Counsel for their review. Upon hearing this information, we sent to Mr. Dodrill a memo outlining the facts and time line regarding this project (copy enclosed) and also asked him to forward this information to County Counsel for us (which he stated he would do).

On July 5th, we received a letter dated July 3rd from the Surveyor's office stating that this map had gone through their first review and that they were not going to approve this Parcel Map and be recommending to the County Land Use Department that the approval for this project be rescinded. They also stated that if we wished to proceed with this subdivision we needed to contact the Land Use Service Department, which prompts this letter to you (see copy of letter enclosed). We do not believe that County Counsel has commented on this project as of this date.

We request that this subdivision be allowed to continue based on the fact that we feel the County had ample knowledge at the very beginning of this project of the facts of this subdivision as the Surveyor is now pointing out. Initially, even before beginning this project, we asked the County for their input in regards to a subdivision with these circumstances (see our time line entry of April 4, 2006). To this inquiry, we received no answer. Then, upon submittal of the application to the County Planning Department, and their initial questioning of the relationship between the former and present subdivider, we clearly made the County aware that our client was the father of the earlier subdivider (the daughter) of which his property was the remainder parcel. Yet, even with this knowledge, the Planning Department continued to process this application, continued to take money from our client and even approved the project and issued "Conditions of Approval". Never once, after the initial questioning of this application by the Planning Department (see our time line entry of June 6, 2007) were we made aware of any problems with this application.

If the County wanted to stop this project, knowing the facts, this should have been stopped right at the beginning when the application was submitted. Our client should not now be punished by the County Planning Department's failure to stop this project.

Based on the above facts, we believe three options would be acceptable to our client:

1. Allow the client to continue with this subdivision, with the knowledge that he cannot subdivide this property any further (of which he is well aware).
2. Allow the client to sell this property to a third party, with whom he has no other involvement, with the project still valid and allow this third party to continue and complete this subdivision.
3. If the project is to be rescinded, return ALL fees paid by my client for this project to him.

I believe after your reviewing of the facts of this project, you will agree with us that due to the circumstances outlined in this letter and our time line memo, that this project should be allowed to be completed by our client.

After you have reviewed this information, please contact me with your comments. I look forward to hearing from you. Thank you.

Sincerely,



Craig C. Sundgren

CCS/ks

cc: Mr. Robert Lovingood

Mr. Ken Anderson

Mr. John Dodrill



LAND SURVEYING • CIVIL ENGINEERING • COMPACTION TESTING

CRAIG C. SUNDGREN
RCE 23227

SUPPORTING DOCUMENTS

&

CORRESPONDENCE

FOR

APPEAL FOR PM 18137

Karen Sundgren

From: "Tatman, Judy - Planning" <jtatman@lud.sbcountry.gov>
To: "Karen Sundgren" <ksundgren1@verizon.net>
Cc: "Williams, Teresa - Planning" <twilliams@lud.sbcountry.gov>
Sent: Thursday, April 06, 2006 12:42 PM
Subject: RE: a hypothetical question

Karen,

Good question! I'm running it by Surveyor's Office and our County Counsel for input. We'll keep you posted.

-----Original Message-----

From: Williams, Teresa - Planning
Sent: Wednesday, April 05, 2006 10:52 AM
To: 'Karen Sundgren'
Subject: RE: a hypothetical question



Hi Karen;

Good question! Judy is in class today, so it will be tomorrow before I have some type of answer...

Have a nice day!

Terrie

-----Original Message-----

From: Karen Sundgren [mailto:ksundgren1@verizon.net]
Sent: Tuesday, April 04, 2006 8:22 PM
To: Williams, Teresa - Planning
Subject: a hypothetical question

Dear Terrie,

Here is a hypothetical question for you. Say that a land owner splits his property via a Parcel Map. Once the Parcel Map records, he sells one of the parcels to another person. That person then subdivides this parcel via a parcel Map. Can the original owner purchase one of those parcels and now subdivide it???

A good one, huh??? Let me know what the answer is when you get a chance.

Thanks - Karen

TRANSMITTAL LETTER

TO: S.B. County Planning
15456 W. Sage St.
Victorville, CA 92392

Date: June 4, 2007

ATTN: Terrie

Re: PM 18137 / Regis
APN 0436-152-12 (ptn)

ORIGINALS: ENCLOSED ARE

COPIES: ENCLOSED ARE

- ☐ RECORD OF SURVEY MAP
- ☒ TENTATIVE PARCEL MAP NUMBER 18137
- ☐ CONSTRUCTION PLANS FOR
- ☐ TENTATIVE TRACT NUMBER
- ☐ STREET IMPROVEMENT PLANS
- ☐ WATER PLANS for
- ☐ COMPOSITE DEVELOPMENT PLAN FOR PM
- ☐ GRADING PLANS -
- ☒ PARCEL MAP APPLICATION/ SUBDIVISION APPLICATION - 1 original submittal
- ☐ FIRE ANNEXATION MAP & APPLICATION
- ☐ CORNER RECORDS.
- ☒ OTHER *Submittal packet contains 1) two copies of application, 2) fire receipt and EHS receipt, 3) Hazardous Waste Certificate, 4) two copies of Updated Title Report, 5) APN Map, 6) USGS Quad Map, 7) Photos of site, 8) two copies of Form A and S2 Form, 9) two copies of W2 Form, 10) Surrounding property owners mailing labels, 11) two copies of Drainage Study, 12) Reduced Copy of Parcel Map, 13) two copies of full size Parcel Map 1-4) Trust Papers*

PURPOSE:

- | | |
|---------------------------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> PER YOUR REQUEST | <input type="checkbox"/> FOR RECORDING |
| <input type="checkbox"/> FOR YOUR REVIEW AND COMMENTS | <input type="checkbox"/> FOR RE-SUBMITTAL |
| <input type="checkbox"/> FOR CHECKING __1st __2 nd __3rd | <input type="checkbox"/> FOR YOUR USE |
| <input checked="" type="checkbox"/> FOR PROCESSING | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> FOR APPROVAL AND SIGNATURE | |

REMARKS: Hi Terrie! Please find check No. 1513 for the Application deposit for this Parcel Map. We are in the process of obtaining the Trust Papers from our client. Once we get those, I will forward them your way! Please call me if you need anything else or if you find any problems. Thank you so much! We really appreciate all you are doing for us!!!

SIGNED: Becky Schroder

16490 WALNUT ST. Unit B-3 · HESPERIA, CA. 92345

CUBIT ENGINEERING INC.

(760) 244-2247 / FAX: (760) 244-1590

S.B. County Planning
FEES

6/4/2007

1513
1,000.00

Desert Community Ba PM 18137/Regis

1,000.00





COUNTY OF SAN BERNARDINO LAND USE SERVICES DEPARTMENT

**RECEIPT
NUMBER**
PR0700717
Project No: P200700505
TYPE: TPM
APPLICANT: REGIS, BONIFACIO B & LAURA A
APPLICANT'S ADDRESS: 13345 MUSTANG RD
RECEIPT ISSUED BY: W1630
APPLE VALLEY CA, 92307
OFFICE: VV
PRIMARY PARCEL: 0436-152-30-0000
PAYMENT DATE: 06/06/2007
FEE PAYOR: CUBIT ENGINEERING
LOCATION: JAPATUL ROAD AND OTTAWA ROAD, SOUTHEAST CORNER
ACCOUNT ITEM LIST:
TRUST TRANS LIST:

Description	CAED Name		
P200700505	CUBIT ENGINEERING		
Trust Acct	Deposits	Credits	Debits
TRU0001230	1,000.00	.00	1,000.00

TRANSACTION DETAILS:

Type	Method	Description	Amount
Deposit	Check	1513	1,000.00

TOTAL RECEIVED: \$1,000.00

2314 South Mountain Avenue, Ontario, CA 91762
477 Summit Blvd. (P.O. Box 2835), Big Bear Lake, CA 92315
15456 West Sage Street, Victorville, CA 92392

385 North Arrowhead Avenue, San Bernardino, CA 92415-0182

301 East Mt. View Avenue, Barstow, CA 92311
26010 State Highway 189 (P.O. Box 709), Twin Peaks, CA 92391
57407 Twentynine Palms Outer Highway South, Yucca Valley, CA 92284



beckys@cubitengineering.com

Read Message - Inbox

Next >

From: Williams, Teresa - Planning <twilliams@lusc.sbcounty.gov>

To: Becky Schroder <beckys@cubitengineering.com>

Sent: 06 Jun '07 22:13

Subject: FW: Regis TPM 18137

Encoding: Change if the message is not decoded properly

-T T

Reply

Reply All

Forward

Forward as Attachment

X Delete

Print View

Source

Show Headers

Put in Folder

Hi Becky;

At the time of acceptance, on the map and application, just change the APN to 0436-152-30-this is the one he is subdividing...you can remove 12 (ptn)...thanks!

From: Williams, Teresa - Planning

Sent: Wednesday, June 06, 2007 9:26 AM

To: 'Becky Schroder'

Subject: RE: Regis TPM 18137

Cool! Let me find the old file and if that is the case, we'll see if it fly's!
Thanks!

From: Becky Schroder [mailto:beckys@cubitengineering.com]

Sent: Wednesday, June 06, 2007 9:22 AM

To: Williams, Teresa - Planning

Subject: RE: Regis TPM 18137

Good morning Terrie!

The original sub-division was under Dr. Regis' daughter, Liza Ann. She then quit claimed the property to her parents, who are now doing the current sub-division. Karen said she sent an e-mail a while back asking for clarification if that was OK. Since she never got a response back, she assumed it would be fine to do the sub-division.

Let me know if that is a problem.

Thanks!

-----Original Message-----

From: Williams, Teresa - Planning [mailto:twilliams@lusc.sbcounty.gov]

Sent: Wednesday, June 06, 2007 7:35 AM

To: Karen Sundgren; beckys@cubitengineering.com

Subject: Regis TPM 18137

Good Morning;

I received the submittal package for Regis TPM 18137. In looking at the history on this one, Regis is was owner of parcel map 16400 that originally created the new parcels now 0436-152-26, 27, 28, 29 and 30 from the parent parcel of 0436-152-12...

I need clarification as since he was the original applicant, he can't turn around and map it again.
Let me know how you want me to proceed.
Thanks!

Terrie Williams, LUT
Current Planning Division/Victorville Office
15456 W. Sage Street
Victorville, CA 92392
760-843-4343

Becky Schroder

From: Alvarez, Rosa - Planning [ralvarez@lusc.sbcounty.gov]

Sent: Monday, June 18, 2007 4:33 PM

To: Becky Schroder

Subject: TPM 18137

Hello again Becky. This is in regards to TPM 18137, APN 0436-152-12 (should be 0436-152-30) FOR Regis. We are getting ready to assign to Planner. We are requesting the 25 copies of the map and application. Just a note on the map. Please indicate the correct parcel number on the new maps. You are showing the parent parcel on the Map.

If you have any questions, please feel free to contact me.

Thank you,

Rosa C. Alvarez
Land Use Tech
Victorville Planning

25's

6/19/2007

TRANSMITTAL LETTER

TO: S. B. County Planning
15456 W. Sage Street
Victorville, CA 92392

June 21, 2007

ATTN: Rosa Alvarez

Re: PM 18137 / Regis / APN 0436-152-30

ORIGINALS: ENCLOSED ARE

COPIES: ENCLOSED ARE 25's

- ☐ RECORD OF SURVEY MAP
- ☒ TENTATIVE PARCEL MAP NUMBER **18137**
- ☐ CONSTRUCTION PLANS FOR
- ☐ TENTATIVE TRACT MAP NUMBER
- ☐ STREET IMPROVEMENT PLANS
- ☐ WATER PLANS
- ☐ COMPOSITE DEVELOPMENT PLAN FOR PM
- ☐ GRADING PLAN
- ☐ SUBDIVISION/PARCEL MAP APPL.
- ☐ AMENDED ASSESSMENT MAP
- ☐ CORNER RECORD
- ☐ OTHER- 1) 25 copies of Application 2) Updated Title Report

PURPOSE:

- | | |
|-------------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> PER YOUR REQUEST | <input type="checkbox"/> FOR RECORDING |
| <input type="checkbox"/> FOR YOUR REVIEW AND COMMENTS | <input type="checkbox"/> FOR RE-SUBMITTAL |
| <input type="checkbox"/> FOR CHECKING | <input type="checkbox"/> FOR YOUR USE |
| <input checked="" type="checkbox"/> FOR PROCESSING | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> FOR APPROVAL AND SIGNATURE | |

REMARKS: Hi Rosa!- If you have any questions, please do not hesitate to give me a call. Thanks!

SIGNED: Becky Schroder

16490 WALNUT ST. Unit B-3 • HESPERIA, CA. 92345

CUBIT ENGINEERING INC.

(760) 244-2247 • Fax (760) 244-1590

Becky Schroder

From: Davis, Mindy [mdavis@lusd.sbcounty.gov]
Sent: Tuesday, April 01, 2008 8:40 AM
To: Becky Schroder
Subject: TPM# 18137_APN# 0436-152-30_Regis

Good Morning Becky,

Planning will need the following:

1. Fees in the amount of \$ 2,576.75
2. Signed authorization letter
3. Ten (10) revised TPM's with the following corrections:
 - a. Revise APN#, please add the zero in front of the 4
 - b. Show all curve data
 - c. Add note that Japatul Road is to be non-vehicular access
 - d. List other properties that are under continuous ownership
 - e. Update engineer's stamp
 - f. Comply with all conditions laid out in the preliminary conditions of approval

This information will also be sent via U.S. mail. If you have any questions please feel free to contact us. Have a great afternoon

Sincerely,

Mindy A. Davis

Planner III

Current Planning Division - Victorville Office
Land Use Services - County of San Bernardino
tel. (760) 843-4340 fax (760) 843-4338

5/23/2008

TRANSMITTAL LETTER

TO: S. B. County Planning
15456 W. Sage Street
Victorville, CA 92392

June 5, 2008

ATTN: Terrie or Mindy

Re: TPM 18137 / Regis / APN: 0436-152-30

ORIGINALS: ENCLOSED ARE

COPIES: ENCLOSED ARE *10 of 1 of 1*

- ☐ RECORD OF SURVEY MAP
- ☒ TENTATIVE PARCEL MAP NUMBER 18137
- ☐ CONSTRUCTION PLANS FOR
- ☐ TENTATIVE TRACT MAP NUMBER
- ☐ STREET IMPROVEMENT PLANS
- ☐ WATER PLANS
- ☐ COMPOSITE DEVELOPMENT PLAN FOR PM
- ☐ GRADING PLAN
- ☐ GENERAL PLAN AMENDMENT APPLICATION
- ☐ CORNER RECORD
- ☒ OTHER - *Check # 3235 for Fish and Game Fees*

PURPOSE:

- | | |
|-------------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> PER YOUR REQUEST | <input type="checkbox"/> FOR RECORDING |
| <input type="checkbox"/> FOR YOUR REVIEW AND COMMENTS | <input type="checkbox"/> FOR RE-SUBMITTAL |
| <input type="checkbox"/> FOR CHECKING | <input type="checkbox"/> FOR YOUR USE |
| <input checked="" type="checkbox"/> FOR PROCESSING | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> FOR APPROVAL AND SIGNATURE | |

REMARKS: Hi Terrie and Mindy - Please Let me know if you need anything else. Thanks!

SIGNED: Becky

16490 WALNUT ST. Unit B-3 · HESPERIA, CA. 92345

CUBIT ENGINEERING INC.

(760) 244-2247 · Fax (760) 244-1590

CUBIT ENGINEERING, INC.
16490 WALNUT ST UNIT B-3 760-244-2247
HESPERIA, CA 92345

5/22/2008

PAY TO THE ORDER OF San Bernardino County \$ **2,576.75
Two Thousand Five Hundred Seventy-Six and 75/100***** DOLLARS
San Bernardino County

MEMO APN 0436-152-30/PM 18137

Karen D. Seindgen MP

⑈003235⑈ ⑆122237706⑆0501895101⑈

San Bernardino County
FEES

5/22/2008

3235

2,576.75

Desert Community Ba APN 0436-152-30/PM 18137

2,576.75

San Bernardino County
FEES

5/22/2008

3235

2,576.75

Desert Community Ba APN 0436-152-30/PM 18137

2,576.75





COUNTY OF SAN BERNARDINO LAND USE SERVICES DEPARTMENT

**RECEIPT
NUMBER**
PR0800753
Project No: P200700505
TYPE: TPM
APPLICANT: REGIS, BONIFACIO B & LAURA A
APPLICANT'S ADDRESS: 13345 MUSTANG RD
RECEIPT ISSUED BY: B7881
APPLE VALLEY CA, 92307
OFFICE: VV
PRIMARY PARCEL: 0436-152-30-0000
PAYMENT DATE: 06/06/2008
FEE PAYOR: CUBIT ENGINEERING
NOTATION:
LOCATION: JAPATUL ROAD AND OTTAWA ROAD, SOUTHEAST CORNER
ACCOUNT ITEM LIST:
TRUST TRANS LIST:

Description	CAED Name		
P200700505	CUBIT ENGINEERING		
Trust Acct	Deposits	Credits	Debits
TRU0001230	2,576.75	.00	2,576.75

TRANSACTION DETAILS:

Type	Method	Description	Amount
Deposit	Check	3235	2,576.75

TOTAL RECEIVED: \$2,576.75

2314 South Mountain Avenue, Ontario, CA 91762	385 North Arrowhead Avenue, San Bernardino, CA 92415-0182
477 Summit Blvd. (P.O. Box 2835), Big Bear Lake, CA 92315	301 East Mt. View Avenue, Barstow, CA 92311
15456 West Sage Street, Victorville, CA 92392	26010 State Highway 189 (P.O. Box 709), Twin Peaks, CA 92391
	57407 Twentynine Palms Outer Highway South, Yucca Valley, CA 92284

TRANSMITTAL LETTER

TO: S. B. County Planning
15456 W. Sage Street
Victorville, CA 92392

July 28, 2008

ATTN: Terrie

Re: PM 18137 / Regis / APN: 0436-152-30

ORIGINALS: ENCLOSED ARE *5 Sets with One Disk*

COPIES: ENCLOSED ARE

- ☐ RECORD OF SURVEY MAP
- ☒ TENTATIVE PARCEL MAP NUMBER *18137*
- ☐ CONSTRUCTION PLANS FOR
- ☐ TENTATIVE TRACT MAP NUMBER
- ☐ STREET IMPROVEMENT PLANS
- ☐ WATER PLANS
- ☐ COMPOSITE DEVELOPMENT PLAN FOR PM
- ☐ GRADING PLAN
- ☐ GENERAL PLAN AMENDMENT APPLICATION
- ☐ CORNER RECORD
- ☐ OTHER -

PURPOSE:

- | | |
|-------------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> PER YOUR REQUEST | <input type="checkbox"/> FOR RECORDING |
| <input type="checkbox"/> FOR YOUR REVIEW AND COMMENTS | <input type="checkbox"/> FOR RE-SUBMITTAL |
| <input type="checkbox"/> FOR CHECKING | <input type="checkbox"/> FOR YOUR USE |
| <input checked="" type="checkbox"/> FOR PROCESSING | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> FOR APPROVAL AND SIGNATURE | |

REMARKS: Hi Terrie! - Please call me if you need any additional information. Thank you.

SIGNED: Becky

16490 WALNUT ST. Unit B-3 · HESPERIA, CA. 92345

CUBIT ENGINEERING INC.

(760) 244-2247 · Fax (760) 244-1590

Karen Sundgren

To: m.davis@lusc.sbcounty.gov
Subject: PM 18137/Regis

Dear Mindy,

Per our conversation, our client will be deciding in May if he wants to continue with this project or not due to the Mohave Ground Squirrel issue.

I will let you know in May if our client is going to pay the additional fees and continue or not.

Thank you.

Karen

Karen Sundgren

To: mdavis@lusc.sbcounty.gov
Subject: PM 18137/Regis/Emailing: SKMBT_C25208100812170.pdf



SKMBT_C25208100
812170.pdf

i Mindy,

This is the PM that you requested we reduce the parcels to 4 since Dr. Regis owns an adjoining parcel on the West (which we did not know about). I am emailing you our proposed revision. You will note that we changed the layout to place the smaller parcels fronting Ottawa and the large parcel (4) on the South. Please review this revision and let me know if you think this will now be approvable and how many copies you want me to submit to you.

If you have any questions, please call me. Thanks so much.

Karen

The message is ready to be sent with the following file or link attachments:

SKMBT_C25208100812170.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

I N T E R

MEMO

O F F I C E

To: Jay
From: Karen
Subject: TPM 18137/Regis/Job # AV08220406

Date 11-6-08

Jay,

Now the County says that the client CAN go back to 4 parcels plus a remainder parcel (our initial layout) IF we put a note on the TPM that the adjoining property on the WEST - APN 0439-333-24 which is also owned by Regis is NOT a part of this subdivision.

Please plot out the original layout with this note and I will get it to the Planner along with a check for \$ 550.0 for the additional fees required and then bill client.

See me if you have any questions. Thanks.

Karen

TRANSMITTAL LETTER

TO: S. B. County Planning
15456 W. Sage Street
Victorville, CA 92392

November 17, 2008

ATTN: Mindy Davis

Re: APN 0436-152-30/TPM 18137 - Regis

ORIGINALS: ENCLOSED ARE

COPIES: ENCLOSED ARE *see below*

- ☐ RECORD OF SURVEY MAP
- ☒ TENTATIVE PARCEL MAP NUMBER 18137 - 10 copies
- ☐ CONSTRUCTION PLANS FOR
- ☐ TENTATIVE TRACT MAP NUMBER -
- ☐ STREET IMPROVEMENT PLANS
- ☐ WATER PLANS
- ☐ COMPOSITE DEVELOPMENT PLAN FOR PM
- ☐ GRADING PLAN
- ☐ LAND USE APPLICATION - 25 copies
- ☐ CORNER RECORD
- ☒ OTHER - check no. 3967 for additional Planning Fee requested.

PURPOSE:

- | | |
|-------------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> PER YOUR REQUEST | <input type="checkbox"/> FOR RECORDING |
| <input type="checkbox"/> FOR YOUR REVIEW AND COMMENTS | <input type="checkbox"/> FOR RE-SUBMITTAL |
| <input type="checkbox"/> FOR CHECKING | <input type="checkbox"/> FOR YOUR USE |
| <input checked="" type="checkbox"/> FOR PROCESSING | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> FOR APPROVAL AND SIGNATURE | |

REMARKS: Hello Mindy - Here is the revised TPM showing the adjacent parcel on the West not a part of this subdivision. I am also enclosing our check for the additional fees requested. Please issue final Conditions as your earliest convenience. Thank you.

SIGNED: Karen

16490 WALNUT ST. Unit B-3 · HESPERIA, CA. 92345

CUBIT ENGINEERING INC.

(760) 244-2247 · Fax (760) 244-1590

CUBIT ENGINEERING, INC.
16490 WALNUT ST UNIT B-3 760-244-2247
HESPERIA, CA 92345

11/17/2008

PAY TO THE ORDER OF S.B. County Planning

\$ **550.00

Five Hundred Fifty and 00/100***** DOLLARS 6

S. B. County Planning
385 N. Arrowhead Ave.
San Bernardino, CA 92415

MEMO

For PM 18137/APN 0436-152-30 - Regis

Karen O'Seandeven
AUTHORIZED SIGNATURE MP

⑈003967⑈ ⑆122237706⑆0501895101⑈

S.B. County Planning
FEES

11/17/2008 3967
550.00

Desert Community Ba For PM 18137/APN 0436-152-30 - Regis

550.00

S.B. County Planning
FEES

11/17/2008 3967
550.00

Desert Community Ba For PM 18137/APN 0436-152-30 - Regis

550.00

RECEIPT
NUMBER

PR0801575



COUNTY OF SAN BERNARDINO LAND USE SERVICES DEPARTMENT

Project No: P200700505**TYPE: TPM**

APPLICANT: REGIS, BONIFACIO B & LAURA A

APPLICANT'S ADDRESS: 13345 MUSTANG RD

RECEIPT ISSUED BY: W1630

APPLE VALLEY CA, 92307

OFFICE: VV

PRIMARY PARCEL: 0436-152-30-0000

PAYMENT DATE: 11/19/2008

FEE PAYOR: CUBIT ENGINEERING

NOTATION:

LOCATION: JAPATUL ROAD AND OTTAWA ROAD, SOUTHEAST CORNER

ACCOUNT ITEM LIST:TRUST TRANS LIST:

Description	CAED Name		
P200700505	CUBIT ENGINEERING		
Trust Acct	Deposits	Credits	Debits
TRU0001230	550.00	.00	550.00

TRANSACTION DETAILS:

Type	Method	Description	Amount
Deposit	Check	3967	550.00

TOTAL RECEIVED: \$550.00

2314 South Mountain Avenue, Ontario, CA 91762	385 North Arrowhead Avenue, San Bernardino, CA 92415-0182
477 Summit Blvd. (P.O. Box 2835), Big Bear Lake, CA 92315	301 East Mt. View Avenue, Barstow, CA 92311
15456 West Sage Street, Victorville, CA 92392	26010 State Highway 189 (P.O. Box 709), Twin Peaks, CA 92391
	57407 Twentynine Palms Outer Highway South, Yucca Valley, CA 92284

TRANSMITTAL LETTER

TO: S.B. County Surveyor
 825 E. Third St./2nd Floor Rm. 204
 San Bernardino CA 92415-0850

May 30, 2013

ATTN: PM section

Re: PM 18137/APN 0436-152-30/Regis

ORIGINALS: ENCLOSED ARE

COPIES: ENCLOSED ARE see below

- ☐ RECORD OF SURVEY MAP
- ☒ PARCEL MAP NUMBER 18137- 3 of 1& 2 of 2
- ☐ CONSTRUCTION PLANS FOR
- ☐ TRACT MAP NUMBER
- ☐ STREET IMPROVEMENT PLANS
- ☐ WATER PLANS
- ☒ COMPOSITE DEVELOPMENT PLAN FOR PM 18137 - 15 of 1 & 2 of 2
- ☐ GRADING PLAN
- ☐ MINOR SUBDIVISION/TENTATIVE PARCEL MAP APPL.
- ☐ AMENDED ASSESSMENT MAP
- ☐ CORNER RECORDS
- ☒ OTHER - 1) Title Policy; 2) Doc as referenced to on Map; 3) 2 copies Grant of Access Rights; 4) 2 copies C of C; 5) Closure Calculations; 6) Check no. 205 for Checking fee.

PURPOSE:

- | | |
|--------------------------------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> PER YOUR REQUEST | <input type="checkbox"/> FOR RECORDING |
| <input type="checkbox"/> FOR YOUR REVIEW AND COMMENTS | <input type="checkbox"/> FOR RE-SUBMITTAL |
| <input checked="" type="checkbox"/> FOR CHECKING - 1 st Check | <input type="checkbox"/> FOR YOUR USE |
| <input type="checkbox"/> FOR PROCESSING | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> FOR APPROVAL AND SIGNATURE | |

REMARKS: Dear PM Section - I have requested the Non-Interference Letters but have not received them just yet. I will forward them to you as soon as I receive them. This project has been done for quite a while but never submitted due to the client not bringing us the required checking fees until just recently. Please call if you have any questions. Thank you.

SIGNED: Karen Sundgren

16490 WALNUT ST. Unit B-3 · HESPERIA, CA. 92345

CUBIT ENGINEERING INC.

(760) 244-2247 · Fax (760) 244-1590

LAURA A. REGIS 12-09
 13345 MUSTANG RD
 APPLE VALLEY, CA 92307-4463

90-7162 44079
 3222

205

DATE May 08 2013

PAY TO THE ORDER OF San Bernardino County \$ 3,000.00

Three thousand — only — DOLLARS

CHASE
 JPMorgan Chase Bank, N.A.
 www.Chase.com

MEMO APK #

1:322271627: 293768389010205

Laura A. Regis

TRANSMITTAL LETTER

TO: S.B. County Planning
15900 Smoketree Street
Hesperia CA 92345

Date: August 28, 2013

ATTN: Intake Center

Re: Appeal for PM 18137/Project No.
200700505

ORIGINALS: ENCLOSED ARE see below

COPIES: ENCLOSED ARE

- () RECORD OF SURVEY MAP
- () TENTATIVE PARCEL MAP NUMBER
- () CONSTRUCTION PLANS FOR
- () TENTATIVE TRACT NUMBER
- () STREET IMPROVEMENT PLANS
- () WATER PLANS
- () COMPOSITE DEVELOPMENT PLAN FOR PM
- () GRADING PLANS -
- () PARCEL MAP APPLICATION/ SUBDIVISION APPLICATION -
- () FIRE ANNEXATION MAP & APPLICATION
- () CORNER RECORDS.
- (x) OTHER - 1. Appeal Application. 2. Supporting documents/Correspondence. 3. Check no. 7768 for Application Fee.

PURPOSE:

- | | |
|------------------------------------------------|----------------------|
| () PER YOUR REQUEST | () FOR RECORDING |
| () FOR YOUR REVIEW AND COMMENTS | () FOR RE-SUBMITTAL |
| () FOR CHECKING __1st __2 nd __3rd | () FOR YOUR USE |
| (x) FOR PROCESSING | () OTHER |
| () FOR APPROVAL AND SIGNATURE | |

REMARKS: Please let us know if you need anything else. Thank you.

SIGNED: Karen Sundgren, ext 102

16490 WALNUT ST. Unit B-3 · HESPERIA, CA. 92345

CUBIT ENGINEERING INC.

(760) 244-2247 / FAX: (760) 244-1590

PR1300625

Planning Division

Project No: P201300398**TYPE: APLPCAVG**

APPLICANT: CRAIG C. SUNDGREN/CUBIT ENGINEERING

APPLICANT'S ADDRESS: 16490 WALNUT ST, UNIT B3
HESPERIA, CA, 92345

RECEIPT ISSUED BY: E8353

OFFICE: HES

PRIMARY PARCEL: 0436-152-30-0000

PAYMENT DATE: 08/28/2013

FEE PAYOR: CUBIT ENGINEERING, INC.

LOCATION: JAPATUL RD

COUNT ITEM LIST:

Item#	Description	Account Code	Tot Fee	Paid	Prv. Pmts	Cur. Pmts
146	L695 - Plng Com	AAA PLN PLN	1,490.00	1,490.00	.00	1,490.00

LIST TRANS LIST:TRANSACTION DETAILS:

Type	Method	Description	Amount
Payment	Check	7768	1,490.00

TOTAL RECEIVED: \$1,490.00

<p>CUBIT ENGINEERING, INC. 16490 WALNUT ST UNIT B-3 760-244-2247 HESPERIA, CA 92345</p>	<p>DESSERT COMMUNITY BANK A DIVISION OF EAST WEST BANK 15479 MAIN ST, HESPERIA, CA 92395</p>	<p>7768 90-3770/1222 8094</p>
<p>8/28/2013</p>		
<p>PAY TO THE ORDER OF <u>S. B County Planning</u></p>		
<p>One Thousand Four Hundred Ninety and 00/100 *****</p>		
<p>\$ **1,490.00</p>		<p>DOLLARS</p>
<p>S. B County Planning 15456 W. Sage Street Victorville, CA 92392</p>		
<p>MEMO</p>		
<p>PM 18137 - Appeal P251300398 0007768 112223770610501895101</p>		
<p><i>Queen D. Anderson</i> AUTHORIZED SIGNATURE</p>		<p>MP</p>
<p>Security Features Included Details on Back.</p>		

EXHIBIT B

Grant Deed, document number 2003-0347643

RECORDING REQUESTED BY:

Chicago Title Company

Escrow No. 8362-CBV

Title Order No. 37016439

**When Recorded Mail Document
and Tax Statement To:**Bonifacio Regis and Laura Regis
18405 Owatonna
Apple Valley, CA 92307

Recorded in Official Records, County of San Bernardino

**LARRY WALKER**

Auditor/Controller - Recorder

719 Chicago Title Co. - Dan Dulin

Page 53 of 113

5/23/2003

3:00 PM

DA

Doc#: 2003-0347643



Titles: 1 Pages: 3

Fees 22.00

Taxes 57.75

Other 0.00

PAID \$79.75

APN: 436-152-12

GRANT DEED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned grantor(s) declare(s)**Documentary transfer tax is \$ 57.75**

- ☒ computed on full value of property conveyed, or
☐ computed on full value less value of liens or encumbrances remaining at time of sale,
☒ Unincorporated Area City of

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

Sidney G. Hobbs and Thomas A. Hobbs, Co-Trustees under trust created by Declaration of Trust dated August 28, 1989

hereby **GRANT(S)** to Bonifacio B. Regis and Laura A. Regis, Trustees of the Bonifacio B. Regis and Laura A. Regis Revocable Living Trust dated February 17, 1992the following described real property in the
County of San Bernardino, State of California:

Government Lot 6, of the Northwest 1/4 of the Southwest 1/4 of Section 30, Township 5 North, Range 2 West, San Bernardino Base and Meridian, according to the official plat of said land approved by the Surveyor General on August 01, 1916

Property Address: APN 436-152-12, Vacant Land, CA

DATED: February 13, 2003

STATE OF CALIFORNIA

COUNTY OF ORANGEON FEB. 27, 2003 before me,DONNA SIVACHENKO personally appeared
SIDNEY G. HOBBS

personally known to me (or 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(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature

Donna Sivachenko

Bernard G. Hobbs and S. Jocelyn Hobbs, Co-Trustees under trust created by Declaration of Trust dated August 28, 1989

By: Sidney G. HobbsBernard G. Hobbs, TrusteeBy: Thomas A. Hobbs, Co-TrusteeS. Jocelyn Hobbs, TrusteeTHOMAS A. HOBBS, CO-TRUSTEE

MAIL TAX STATEMENTS AS DIRECTED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENTState of CALIFORNIACounty of ORANGEOn 27 FEBRUARY 2003 before me, RICHARD F. MANEY, Notary Publicpersonally appeared THOMAS A HOBBS

☐ I personally known to me – OR – ☒ 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(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached DocumentTitle or Type of Document: GRANT DEEDDocument Date: FEBRUARY 13, 2003 Number of Pages: ONE (1)Signer(s) Other Than Named Above: SIDNEY G. HOBBS**Capacity(ies) Claimed by Signer(s)**Signer's Name: THOMAS A HOBBS

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☒ Other: CO-TRUSTEE

Signer Is Representing:

Signer's Name: SIDNEY G. HOBBS

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☒ Other: CO-TRUSTEE

Signer Is Representing:

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

EXHIBIT A

GOVERNMENT LOT 6, OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND APPROVED BY THE SURVEYOR GENERAL ON AUGUST 1, 1916.

EXCEPTING THEREFROM AN UNDIVIDED 1/2 INTEREST IN ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS, AS RESERVED IN THE DEED FROM NEWTON T. BASS AND VIRGINIA W. BASS TO GEORGE M. FASTLE AND EVELYN JO FASTLE, HUSBAND AND WIFE, AS JOINT TENANTS, RECORDED JANUARY 9, 1946 IN BOOK 1859, PAGE 240, OFFICIAL RECORDS.

EXHIBIT C

Quitclaim Deed, document number 2004-0350397

RECORDED AT THE REQUEST OF
CHICAGO TITLE COMPANY

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS
OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

NAME Liza Regis
STREET ADDRESS 4760 E. Templeton #3117
CITY, STATE & ZIP CODE Los Angeles ca 90032
TITLE ORDER NO. _____ ESCROW NO. _____

Recorded in Official Records, County of San Bernardino



LARRY WALKER
Auditor/Controller - Recorder

719 Chicago Title Company

5/19/2004
8:00 AM
MP

Doc#: 2004-0350397



Titles: 1 Pages: 2
Fees 9.00
Taxes 0.00
Other 0.00
PAID \$9.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

DOCUMENTARY TRANSFER TAX \$ 0
☐ computed on full value of property conveyed, or
☐ computed on full value less liens and encumbrances remaining at time of sale.

She undersigned
Signature of Declarant or Agent Determining Tax Firm Name

Bonifacio B. Regis + Laura A. Regis (NAME OF GRANTOR(S)) Trustee of Bonifacio B. Regis + Laura A. Regis
the undersigned grantor(s), for a valuable consideration, receipt of which is hereby acknowledged, do hereby remise, release and forever quitclaim to Liza Lee Angeles Regis (NAME OF GRANTEE(S))
the following described real property in the City of Apple Valley, County of San Bernardino, State of CA:

Please see attached Exhibit A

Chicago Title Company has recorded this instrument by request as an accommodation only and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described herein.

Assessor's parcel No. 436-152-12

Executed on May 17 2004 at Victorville CA 92392

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

Bonifacio B. Regis
Laura A. Regis
BONAFACIO B. REGIS
LAURA A. REGIS

On 5/17/04 before me, DEBORAH TARANGO

RIGHT THUMBPRINT (Optional)

personally appeared BONIFACIO B. REGIS AND LAURA A. REGIS personally known to me (or 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(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Deborah Tarango
(SIGNATURE OF NOTARY) (SEAL)

DEBORAH TARANGO
COMMISSION #1291741
NOTARY PUBLIC-CALIFORNIA
SAN BERNARDINO COUNTY
My Commission Expires Feb. 18, 2008

CAPACITY CLAIMED BY SIGNER(S)
☐ INDIVIDUAL(S)
☐ CORPORATE OFFICER(S) (TITLES)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY IN FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:
(Name of Person(s) or Entity(ies))

MAIL TAX
STATEMENTS TO:

Before you use this form, fill in all blanks, and make whatever changes are appropriate and necessary to your particular transaction. Consult a lawyer if you doubt the form's fitness for your purpose and use. Wolcotts makes no representation or warranty, express or implied, with respect to the merchantability or fitness of this form for an intended use or purpose.

WOLCOTTS FORM 790 ©1994 WOLCOTTS FORMS, INC.
QUITCLAIM DEED Rev. 3-94b (price class 3A)



7 67775 39790 1

EXHIBIT A

GOVERNMENT LOT 6, OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND APPROVED BY THE SURVEYOR GENERAL ON AUGUST 1, 1916.

EXCEPTING THEREFROM AN UNDIVIDED 1/2 INTEREST IN ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS, AS RESERVED IN THE DEED FROM NEWTON T. BASS AND VIRGINIA W. BASS TO GEORGE M. FASTLE AND EVELYN JO FASTLE, HUSBAND AND WIFE, AS JOINT TENANTS, RECORDED JANUARY 9, 1946 IN BOOK 1859, PAGE 240, OFFICIAL RECORDS.

EXHIBIT D

Approval of TPM 16400, March 21, 2005

LAND USE SERVICES DEPARTMENT



COUNTY OF SAN BERNARDINO
ECONOMIC DEVELOPMENT/
PUBLIC SERVICES GROUP

CURRENT PLANNING DIVISION

385 North Arrowhead Avenue • San Bernardino, CA 92415-0182 • (909) 387-4131

Fax (909) 387-3249

15505 Civic Drive • Victorville, CA 92392 • (760) 243-8245 • Fax (760) 243-8212

<http://www.sbcounty.gov/landuseservices>

MICHAEL E. HAYS
Director of Land Use Services

March 21, 2005

Expiration Date: April 1, 2008

Effective Date: April 1, 2005

Liza Lee Angus Regis
13305 Mustang Avenue
Apple Valley, CA 92307

RE: **TPM16400/DN240-133N/2004/APN:0436-152-12**; Tentative Parcel Map to create four (4) parcels and a remainder parcel on 35.1 acres; Apple Valley

Dear Ms. Regis:

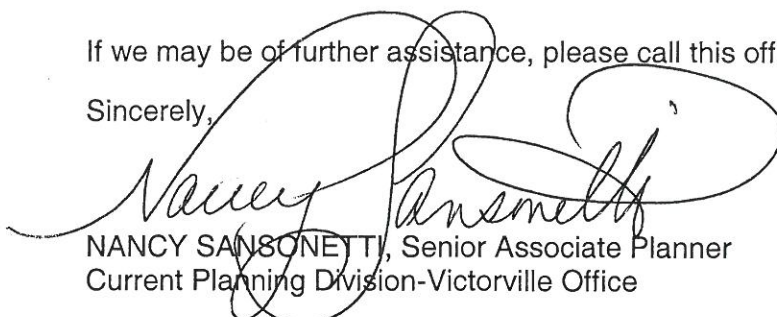
Your Parcel Map application has been conditionally approved subject to completion of the requirements identified on the attached pages.

In accordance with the San Bernardino County Development Code, Section 83.010350(a, c), all requirements specified on the attached pages shall be met within thirty-six (36) months of the date of this letter or the approval is void. One extension of time, not to exceed thirty-six (36) months, may be granted upon written application and payment of the required fee to this office not less than thirty (30) days prior to the date of expiration.

Any person may, within ten (10) calendar days of the postmarked date of this notice, appeal in writing to the Planning Commission for consideration thereof. This appeal must be made on forms available from this office.

If we may be of further assistance, please call this office at (760) 243-8245.

Sincerely,


NANCY SANSONETTI, Senior Associate Planner
Current Planning Division-Victorville Office

Attachments: Findings/Conditions of Approval
Condition Compliance Release Form
Approved Tentative Parcel Map

Cc: Cubit Engineering
Gene & Kathryn Konrad
Surveyor
Environmental Health Services
Land Development
File

APN: 0436-152-12
REGIS, LISA LEE ANGUS
L636/DN240-133N/2004/TPM16400/TPM01
APPLE VALLEY/1ST SUPERVISORIAL DISTRICT

PAGE 1 OF 1

FINDINGS - TENTATIVE PARCEL MAP/MINOR SUBDIVISION

1. The proposed subdivision, together with the provisions for its design and improvements is consistent with the General Plan because it allows orderly in-fill development of land within the density specified by the applicable Official Land Use District which is RL (rural living).
2. The site is physically suitable for the proposed density of development, because the site is sufficient in size, length, and width, and the newly created lots meet the density requirements of the RL Land Use District.
3. The design of the subdivision is not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat because no substantial environmental concerns were found during the initial study.
4. The design of the subdivision is not likely to cause serious public health problems because residential uses are considered passive with no adverse effects on public health. Preventative measures will be implemented to avoid potential fire hazards, and address sewage disposal.
5. The design of the subdivision will not conflict with easements, acquired by the public at large for access through or use of property within the proposed subdivision because the recorded map will require all necessary public easements to be shown and resolve any easement conflicts prior to recordation.
6. The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities because the new lots will conform to the Official Land Use District which has adequate building setback guidelines. The building setbacks promote optimum spacing of structures to create adequate solar access.
7. The proposed subdivision, its design, and density conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law because the size and shape of the lots conform to the standard regulations set forth in the Development Code

APN: 0436-152-12
 REGIS, LIZA LEE ANGUS
 12395TP1/DN240-133N/2004/TPM16400/TPM01
 APPLE VALLEY/FIRST SUPERVISORIAL DISTRICT

PAGE 1 OF 3

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to Tentative Parcel Map 16400 to create four (4) parcels and a remainder on 35.1 acres generally bounded by Japatul, Ottawa, Ponca Roads and Mustang Avenue in the unincorporated portion of Apple Valley.

GENERAL/ONGOING CONDITIONS

LAND USE SERVICES DEPARTMENT – PLANNING DIVISION (760) 243-8245

- ✓ 1. The applicant shall agree to defend at his sole expense any action brought against the County, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with San Bernardino County Development Code Section 81.0150 (a-c). The applicant shall reimburse the County, its agents, officers, or employees, for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.

PRIOR TO RECORDATION, THE FOLLOWING CONDITIONS SHALL BE MET:

OFFICE OF SURVEYOR (909) 387-8145

- ✓ 2. A parcel map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
- ✓ 3. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- ✓ 4. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of records, which cannot be relinquished or relocated, shall be redesigned.
- ✓ 5. Subdivider shall present a title report prepared for subdivision purposes.

ENVIRONMENTAL HEALTH SERVICES (909) 387-4666

6. The water purveyor shall be EHS approved. Submit a water source availability report conducted by a certified/registered professional stating that adequate water quality and quantity exists for each proposed parcel. Report shall be approved and filed with DEHS. For information, contact the Water Section at (909) 387-4666.
- ✓ 7. Method of sewage disposal shall be EHS approved. If sewer connection and service are unavailable, septic systems will then be allowed, under the following conditions: Soil

APN: 0436-152-12
 REGIS, LIZA LEE ANGUS
 12395TP1/DN240-133N/2004/TPM16400/TPM01
 APPLE VALLEY/FIRST SUPERVISORIAL DISTRICT

PAGE 2 OF 3

percolation report shall be submitted to DEHS for review and approval. The following note shall be placed on a Composite Development Plan (CDP): "An approved percolation report, (DEHS file number) prepared by (person/firm name & credentials) on (date prepared), is on file with DEHS. A plot plan showing the location of the septic system shall be submitted to EHS prior to the issuance of building permits for the individual lots." For information, contact Water & Waste Management at (909) 387-4666.

LAND DEVELOPMENT ENGINEERING (760) 243-8183

- ✓ 8. A parcel map is required with all appropriate easements to be dedicated (or offered for dedication in the case of drainage easements in accordance with the provisions of the Subdivision Map Act and the San Bernardino County Development Code. A 20-foot radius of return is required at all intersections, except at the intersection of a four-lane highway where a 35-foot radius of return is required. Easements to be dedicated with this map are as follows:
 44' half width right of way on Japatul and Ottawa Roads
 30' half width right of way on Ponca Road and Mustang Avenue
 35' return at Japatul and Ponca; Japatul and Ottawa; Ottawa and Mustang
 20' return at Ponca and Mustang
- ✓ 9. Physical access shall be required to all parcels. Construction shall be completed prior to map recordation or it will be necessary to prepare Street Improvement Plans and place a cash deposit or surety bond.
- ✓ 10. Legal access shall be required to a maintained road. It shall be the developer's responsibility to obtain the necessary dedications to make the connection.

LAND USE SERVICES DEPARTMENT – PLANNING DIVISION (760) 243-8245

- ✓ 11. Prior to recordation of the final parcel map, all fees required under actual cost job number **12395TP1** shall be paid in full.
12. Submit a Composite Development Plan (CDP) to the County Surveyor for concurrent filing with the parcel map. The CDP will reflect the following notes:
 - ✓ A. "The water purveyor shall be EHS Approved. Water systems designed to meet required fire flow and domestic service, approved by the Fire Department and Environmental Health Services, shall be in place and operational prior to obtaining building permits. Proof of installation of water improvements shall be provided prior to the issuance of building permits".
 - ✓ B. "Pursuant to Mojave Water Agency Guidelines, any new development shall incorporate interior and exterior water conservation measures (low-flow plumbing and drought tolerant landscaping) to assist in reduction of new water demand."

APN: 0436-152-12

PAGE 3 OF 3

REGIS, LIZA LEE ANGUS

12395TP1/DN240-133N/2004/TPM16400/TPM01

APPLE VALLEY/FIRST SUPERVISORIAL DISTRICT

- C. ✓ "An approved percolation report, (DEHS file number) prepared by (person/firm name & credentials) on (date prepared), is on file with DEHS. A plot plan showing the location of the septic system shall be submitted to EHS prior to the issuance of building permits for the individual lots."
- D. ✓ "The site is subject to infrequent flood hazards by reasons of overflow, erosion and debris deposition in the event of a major storm."
- E. ✓ "This property is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements."
-



CONDITION COMPLIANCE RELEASE FOR MAP RECORDATION



This project requires a Final Map to be recorded as part of the development process. In many instances, reviewing agencies have imposed certain requirements on your project that must be completed prior to map recordation. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned pre-recordation requirements to your project.

A release must be obtained from the agencies circled below:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Environmental Health Services (6-7)</p> <p>2. Fire Department-Hazardous Materials</p> <p>3. Fire Department-Fire Protection Planning</p> <p>4. Planning Division (11-12)</p> | <p>5. Land Development Engineering-Roads</p> <p>6. Land Development Engineering-Drainage</p> <p>7. Office of Special Districts</p> <p>8.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|

Coordinate the completion of all pre-recordation conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been met, your project may be recorded.

FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the recordation of a map. If the pre-recordation conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
-----------	------	-------	-----------	------	-------

(label)

APN: 0436-152-12

APPLICANT: LIZA LEE ANGUS REGIS
 PROPOSAL: TENTATIVE PARCEL MAP 16400 TO CREATE 4
 PARCELS AND A REMAINDER PARCEL ON 35.1
 ACRES

COMMUNITY: APPLE VALLEY/1ST SUPERVISORIAL DISTRICT
 LOCATION: BOUNDED BY JAPUTAL, OTTAWA, PONCA ROADS
 AND MUSTANG AVENUE

JCS/INDEX: 12395TP1/DN240-133N/2004/TPM16400/TPM01
 STAFF: Nancy Sansonetti
 REP(S): CUBIT ENGINEERING- CRAIG C. SUNDGREN

To County Surveyor: The Current Planning Division verifies that all conditions and requirements required prior to recordation for the above listed agencies have been completed.

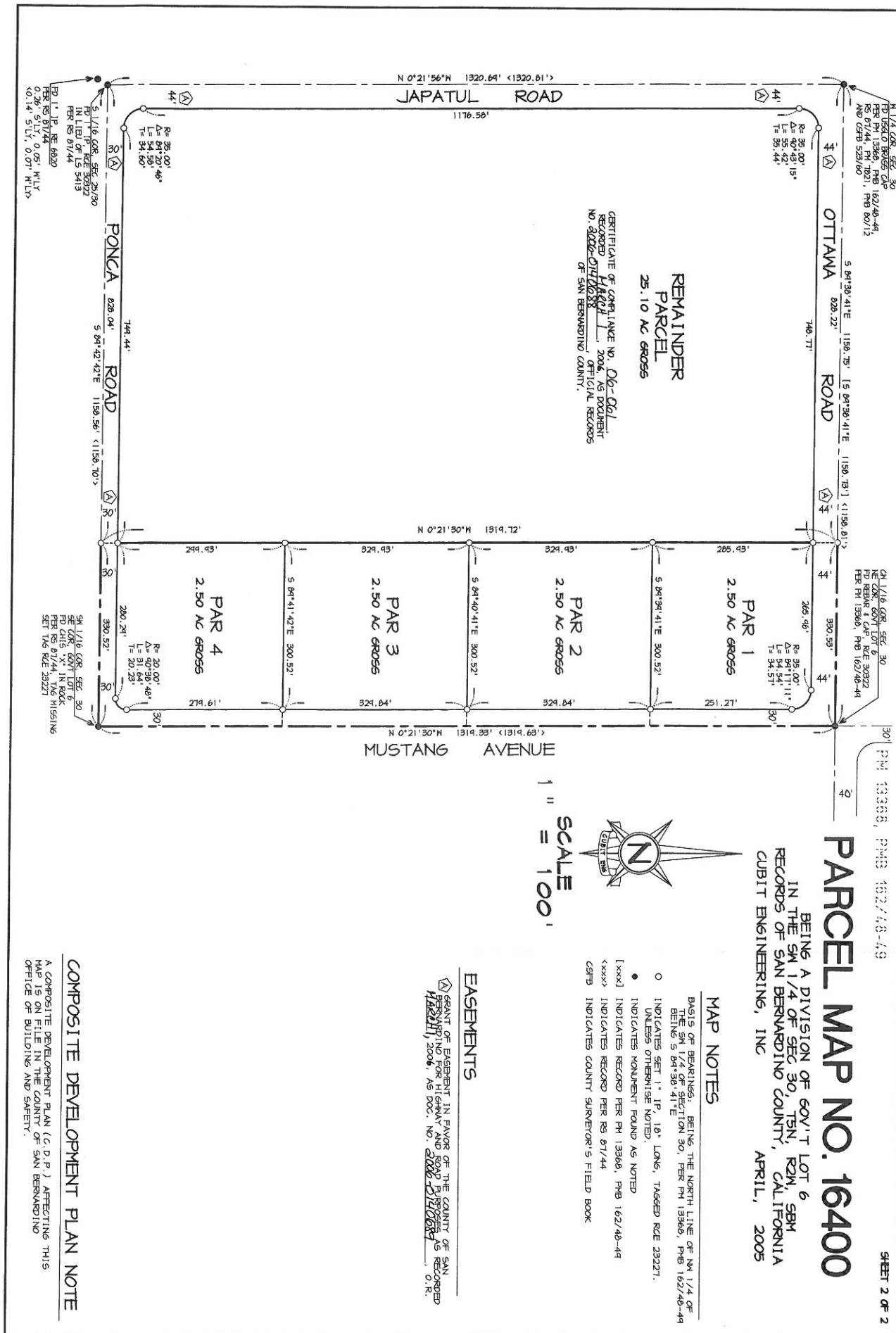
Signature/Title

Date

EXHIBIT E

Parcel Map 16400 recorded on February 28, 2006

8/3/18



8/3/18

EXHIBIT F

**Certificate of Compliance, APN 0436-152-30
(remainder parcel), recorded on March 1, 2006**

Recording Requested by:

PUBLIC SERVICES GROUP
SURVEYOR'S OFFICEand when recorded, mail to
Cubit Engineering, Inc
16490 Walnut Street Unit B-3
Hesperia, CA 92345

Recorded in Official Records, County of San Bernardino

**LARRY WALKER**
Auditor/Controller – Recorder

822 First American Title

3/01/2006
9:47 AM
DTH

Doc#: 2006-0140688



Titles: 1 Pages: 3

Fees	14.00
Taxes	0.00
Other	0.00
PAID	\$14.00

CERTIFICATE OF COMPLIANCE NO. 06-061PUBLIC SERVICES GROUP
SURVEYOR'S OFFICE
OF THE COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

APN 0436-152-12 (portion of)

PARCEL MAP # 16400
Remainder Parcel

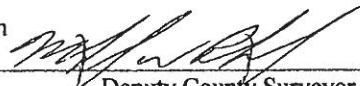
Property Owner(s) Liza Lee Angus Regis

Pursuant to Section 66499.35 of the Government Code of the State of California, the Public Services Group, Surveyor's Office of the County of San Bernardino hereby declares that a finding has been made that the following described real property complies with the California Subdivision Map Act and local ordinances adopted pursuant to that act. This finding does not supersede, modify, or affect any requirement or provision of the San Bernardino County Code pertaining to zoning regulations. The following description shall be used when the newly created parcel is sold:

SEE ATTACHED EXHIBIT "A"

Subject to the Easements and Grants of Easement of record.

Legal Description

Approved by: 

Deputy County Surveyor

Dated 2/28/06 COUNTY OF SAN BERNARDINO

EXHIBIT "A"
CERTIFICATE OF COMPLIANCE
APN 0436-152-12 (portion of)

Government Lot 6 of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 30, Township 5 North, Range 2 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to the Official Plat of said land approved by the surveyor general on August 1, 1916;

Excepting therefrom that portion thereof lying within Parcel Map 16400 as per plat recorded in Book 213 of Parcel Maps, Pages 7 and 8, records of said County.

Also excepting therefrom an undivided $\frac{1}{2}$ interest in all oil, gas and other hydrocarbons and minerals, as reserved in the deed from Newton T. Bass and Virginia W. Bass to George M. Fastle and Evelyn Jo Fastle, husband and wife as joint tenants, recorded January 9, 1946 in Book 1859, page 240, of Official Records.

Job No.
06-061
Prepared by:
C.C.S.

This legal description was prepared by me or under my direction.

By: Craig C. Sundgren
 Craig C. Sundgren
 Date: 12/28/05 RCE #: 23227



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

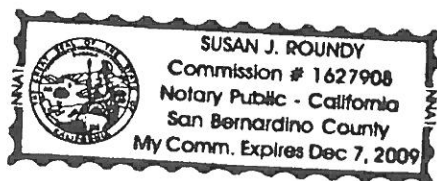
State of California

County of San Bernardino } ss.

On February 28, 2006, before me, Susan J. Roundy, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared Michael W. Raible,
Name(s) of Signer(s)

☒ personally known to me

☐ 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(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Place Notary Seal Above

Susan J. Roundy
 Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached DocumentTitle or Type of Document: Certificate of ComplianceDocument Date: 12/28/05 Number of Pages: 2

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

EXHIBIT G

Quitclaim Deed, document number 2006-0200869

3/24/2006
01:37 PM
MA**LARRY WALKER**
Auditor/Controller - Recorder

711 First American - JP

RECORDING REQUESTED BY:

First American Title Company

AND WHEN RECORDED MAIL TO:

The Regis Revocable Living Trust
13345 Mustang
Apple Valley, CA 92307

Doc #: 2006-0200869



Titles: 1 Pages: 2

Fees	9.00
Taxes	.00
Other	.00
PAID	9.00

THIS SPACE FOR RECORDER'S USE ONLY:

Title Order No.: 1935511

Escrow No.: 02-000236-MC

QUITCLAIM DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$NONE

[X] computed on full value of property conveyed, or
 [] computed on full value less value of liens or encumbrances remaining at time of sale.
 [X] Unincorporated area [] City of AND

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

Alexander Tecson and Liza Regis Tecson, Husband and wife, who acquired title as Liza Lee Angus Regis

do(es) hereby remise, release and forever quitclaim to:

**Bonifacio B. Regis and Laura A. Regis, Trustees of the Bonifacio B. Regis and Laura A. Regis
Revocable Living Trust dated February 17, 1992**

the real property in the County of San Bernardino, State of California, described as:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF

Also Known as: Vacant Land- Parcel No. 0436-152-12, Apple Valley, CA 92307
A.P. # 0436-152-12CANADA
PROVINCE OF ONTARIO
CITY OF TORONTO
CONSULATE GENERAL OF THE
UNITED STATES OF AMERICADATED March 7, 2006
STATE OF CALIFORNIA
COUNTY OF

On MAR 23 2006

Before me,
A Notary Public in and for said State, personally appeared
Alexander Tecson
Liza Regis Tecson

XXX Alexander Tecson and Liza Regis Tecson XXX

personally known to me (or 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(s)
on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

(This area for official notarial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE.

JULIE A. STINEHART
CONSUL OF THE
UNITED STATES OF AMERICA

EXHIBIT "A"

Parcels 1, 2, 3 and 4 of Parcel Map No. 16400 in the County of San Bernardino, State of California, as per plat recorded in Book 213, Pages 7 to 8 of Parcel Maps, records of said county.

EXCEPTING THEREFROM an undivided 1/2 interest in all oil, gas and other hydrocarbons, and minerals, as reserved by Newton T. Bass and Virginia W. Bass, Husband and wife, in Deed recorded January 9, 1946, in Book 1859, Page 240, Official Records.

EXHIBIT H

Grant Deed, document number 2007-0267265

**LARRY WALKER**
Auditor/Controller - Recorder

712 First American - DC

RECORDING REQUESTED BY:

FIRST AMERICAN TITLE

AND WHEN RECORDED MAIL TO:

Bonifacio & Laura Regis
13345 Mustang Rd.
Apple Valley, CA 92307

Doc #: 2007-0267265



Titles: 1 Pages: 2

Fees	19.00
Taxes	.00
Other	.00
PAID	19.00

THIS INSTRUMENT FILED FOR RECORD BY FIRST AMERICAN
TITLE CO. AS AN ACCOMMODATION ONLY. IT HAS NOT
BEEN EXAMINED AS TO ITS EXECUTION OR AS TO ITS
EFFECT UPON TITLE.

THIS SPACE FOR RECORDER'S USE ONLY:

Title Order No.: 37-0552

Escrow No.:

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$ NONE

- ☒ computed on full value of property conveyed, or
☐ computed on full value less value of liens or encumbrances remaining at time of sale.
☒ Unincorporated area ☐ City of AND

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

Alexander Tecson and Liza Regis-Tecson, Husband and wife, who acquired title as Liza Lee Angus
Regis

hereby GRANT(s) to:

Bonifacio B. Regis and Laura A. Regis, Trustees of the Bonifacio B. Regis and Laura A. Regis
Revocable Living Trust dated February 17, 1992

the real property in the County of San Bernardino, State of California, described as:

Pursuant to Section 66499.35 of the Government Code of the State of California, the Public Services Group,
Surveyor's Office of the County of San Bernardino hereby declares that a finding has been made that the
following described real property complies with the California Subdivision Map Act and local ordinances adopted
pursuant to that act. This finding does not supercede, modify, or affect any requirement or provision of the San
Bernardino County Code pertaining to zoning regulations. The following description shall be used when the newly
created parcel is sold:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF

AP#: 0436-152-12 (portion of) PARCEL MAP # 16400 Remainder Parcel

DATED March 19, 2007

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On April 10, 2007

Before me, PINING CHEUNG

A Notary Public in and for said State, personally appeared

ALEXANDER TECSON AND

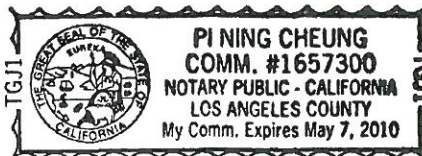
LIZA REGIS TECSON

Alexander Tecson

Liza Regis Tecson

personally known to me (or 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(s)
on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature

(This area for official notarial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE:

EXHIBIT "A"
APN 0436-152-12 (portion of)

Government Lot 6 of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 30, Township 5 North, Range 2 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to the Official Plat of said land approved by the surveyor general on August 1, 1916;

Excepting therefrom that portion thereof lying within Parcel Map 16400 as per plat recorded in Book 213 of Parcel Maps, Pages 7 and 8, records of said County.

Also excepting therefrom an undivided $\frac{1}{2}$ interest in all oil, gas and other hydrocarbons and minerals, as reserved in the deed from Newton T. Bass and Virginia W. Bass to George M. Fastle and Evelyn Jo Fastle, husband and wife as joint tenants, recorded January 9, 1946 in Book 1859, page 240, of Official Records.

EXHIBIT I

Application for TPM 18137

LAND USE APPLICATION QUESTIONNAIRE

Complete all sections of this application. Please refer to the checklist contained in the information packet for complete information on submittal requirements. The information furnished in this application will be used in evaluating your project pursuant to the California Environmental Quality Act (CEQA). If you believe an item does not apply to your project, mark it "N/A". Do not leave any blank spaces. If you have any questions about items requested on this form, please call the Application Intake Center at (909) 387-4131. **Please use no more than four lines to answer any question. If more space is needed, use Attachment A on page 5 of this application questionnaire.**

APPLICATION TYPE: Tentative Parcel Map **T.T.P.M.#:** 18137

[Take "type" from the top of the cover sheet, i.e. "Conditional Use Permit," "Tentative Tract," etc. (if a tentative map is involved include the map number)]

All Assessor's Parcel Numbers (APNs): 0436-152-³⁰12 (ptn)

Section 1 - Applicant Data

Applicant Name: Bonifacio Regis

Firm Name: _____

Address: 13305 Mustang Avenue

City: Apple Valley, CA

Zip: 92307

Phone: 760-240-9697

FAX No.: _____

E-Mail: _____

Section 2 - Property Owner Data (If same as above check ☒)

Property owner(s) of record: _____

Firm Name: _____

Address: _____

City: _____

Zip: _____

Phone: _____

FAX No.: _____

E-Mail: _____

Section 3 - Representative Data (If same as above check ☐)

Representative's Name: Craig C. Sundgren

Firm Name: Cubit Engineering, Inc.

Address: 16490 Walnut Street Unit B-3

City: Hesperia, CA

Zip: 92345

Phone: 760-244-2247

FAX No.: 760-244-1590

E-Mail: _____

Section 4 - Architecture/Engineering Representative Data (If same as above check ☒)

Representative's Name: _____

Firm Name: _____

Address: _____

City: _____

Zip: _____

Phone: _____

FAX No.: _____

E-Mail: _____

To be completed by County Staff: Filing Date: _____ Project No.: _____ JCS Project No.: _____

Section 5 – Project Description and Location/Legal Data

Briefly describe the project and use:

This project is to take 21.1 Acres and sub-divide it into 4-2.5 acre parcels and 1-15.1 acre remainder parcel

Land Use District: RL Improvement Level: 3

Overlay Districts: _____

Legal Description: Township: 5N Range: 2W Section: 30USGS Quad Apple Valley South
Name: _____Location: Community: Apple Valley Nearest cross street: OttawaStreet name: Japatul Side of street: EastSite Size (Gross acres or square footage): 25.1 Acres Number of lots: 1Site Address: Ottawa RoadProposed Development Area: SameSize of Proposed Buildings: N/APreviously approved land use applications for this site: N/AAre you filing other land use applications for this site at this time? Yes ☐ No ☒If yes, please list other application types N/A**UTILITIES:****Water:** Individual Well
(Name of Provider)Is the site presently served? Yes ☐ No ☒If an extension is necessary, how long will it be? N/A

Are any existing or proposed wells within 200 feet from any existing or proposed liquid waste disposal system?

Yes ☐ No ☒ If yes, attach an explanationIf this is a Tentative Map application, how many service connections have already been made to the existing water system?
N/A**Sewage Disposal:** Septic? Yes ☒ No ☐**Sewer :** _____
(Name of Provider)Is the site presently served? Yes ☐ No ☒If an extension is necessary, how long will it be? N/A

If septic system/leach lines are proposed or existing, attach information showing proposed or existing location and how the size of the sewage disposal area was determined

Gas: Individual Propane

(Name of Provider)

Is the site presently served? Yes ☐ No ☒

If an extension is necessary, how long will it be? N/A

Electricity: Southern California Edison

(Name of Provider)

Is the site presently served? Yes ☐ No ☒

If an extension is necessary, how long will it be? N/A

Phone: Verizon

(Name of Provider)

Is the site presently served? Yes ☐ No ☒

If an extension is necessary, how long will it be? N/A

Cable TV: N/A

(Name of Provider)

Is the site presently served? Yes ☐ No ☒

If an extension is necessary, how long will it be? N/A

Section 6 - Environmental Setting

Be sure to answer all of the questions. This information is necessary to evaluate the project under the California Environmental Quality Act (CEQA). You must provide additional information for any answers marked "yes" or "uncertain" in a letter of explanation attached to this application.

1. When do you anticipate starting construction? N/A
2. Will grading be required? Yes ☐ No ☒
If so, how many cubic yards will be cut? N/A How many cubic yards will be filled? N/A
3. Is the project phased? Yes ☐ No ☒
If yes, describe the phasing: N/A
4. If residential, indicate the number of units or lots. 1
5. If commercial, attach information describing the type of commercial activity proposed, along with square footage of sales area, loading facilities and hours of operation.
6. If industrial, attach information indicating type of industrial activity proposed, square footage of building, estimated employment per shift, and loading facilities and hours of operation.
7. If institutional, attach information indicating major function, estimated employment per shift estimated occupancy, loading facilities and hours of operation.

8. Will the use require truck activity? Yes ☐ No ☒

If yes, give truck type(s) and number of axles N/A

:

What is the gross weight of each vehicle: N/A

Number of truck trips per day N/A

	<u>YES</u>	<u>NO</u>	<u>UNCERTAIN</u>
9. Will the project change scenic views or vistas from existing residential areas, public lands or roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will there be a change in dust, ash, smoke, fumes or odors in the vicinity of the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Has the site been surveyed for historical, paleontological or archaeological resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Is the site on filled land or on slope of 10 percent or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Will there be the use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Will there be a change in lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Will there be any substantial change in existing noise or vibration levels in the vicinity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Will there be a substantial change in demand for public services (police, fire, water, sewage, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Has a traffic study been prepared for this site or has the site been included in another traffic study?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Will the project generate significant amounts of solid waste or litter?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Will the project change any existing features of hills or make substantial alteration of ground contours?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Will there be a substantially increase in fossil fuel consumption (electricity, oil, natural gas, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21. Is there a relationship to a larger project or series of projects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. List any previous environmental documents or technical studies prepared for this site: None			
23. Describe the project site, as it exists before project implementation, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. On an attachment describe any existing structures on the site, and the use of the structures. See Photos			



24. On an attachment, describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (single family dwelling(s), apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity.

This site is currently vacant. The sites to the North, South and West are all vacant and the site on the East is developed with a Single Family Residence. This area has low-lying brush.

APPLICATION CERTIFICATE

ALL OWNERS OF RECORD MUST SIGN THIS CERTIFICATE: (Attach it to the application)

List Assessor's Parcel Number(s) of the project property:

0436-152-12 (ptn)

List Assessor's Parcel Number(s) of all property contiguous to the project property, which is owned or beneficially controlled by the individual(s) signing this Certificate:

The undersigned owner(s) or officer(s) in the organization owning the lands for which this application is made, states that he/she or the organization is aware that the application is being filed with the San Bernardino County Planning Division, and certifies under penalty of perjury that the County applications forms have not been altered and that the information contained in this application is true and correct. I (We) acknowledge that additional materials may be necessary to provide to the Planning Division once the preliminary review of the specifics of the project has been initiated.

I (We) further agree that if any information contained in this application proves to be false or incorrect, the County of San Bernardino and any special purpose or taxing district affected thereby are and shall be released from any liability incurred if a certificate of compliance is or has been issued on basis of this application. I understand that under such circumstances any such certificate shall be null and void and shall be returned to the County for cancellation.

If this is an actual cost application, the applicant agrees to pay all accumulated charges for this project. For any type of application, the applicant also agrees to defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding attacking or seeking to set aside, void or annul the approval of all or part of the matters applied for, or any other claim, action or proceeding relating to or arising out of such approval. This requirement includes the obligation to reimburse the County, its agents, officers and employees for any court costs or attorney fees which the County, its agents, officers or employees are required by a court to pay as a result of such claim, action or proceeding. The County agrees to notify the applicant of any such claim, action or proceeding promptly after the County becomes aware of it. The County agrees to cooperate in the defense provided by the applicant. The County may, at its own expense, participate in the defense of the claim, action or proceeding, but such participation will not relieve the applicant of applicant's defense and indemnification obligations.

Any persons signing with Power of Attorney for others must print the names of those individuals in the signature block and attach a notarized copy of the Power of attorney.

Craig C. Sundgren
(Print) (APPLICANT OR LEGAL AGENT)

Craig C. Sundgren
Signature Date

REGISTRATION NO.
(IF R.C.E. OR LICENSED LAND SURVEYOR)

RCE 23227

Bonifacio Regis
(Print) (OWNER(S) OF RECORD)*

Bonifacio Regis 12-29-06
Signature Date

LAURA
Laura Regis
(Print) (OWNER(S) OF RECORD)*

Laura A. Regis 12-29-06
Signature Date

(Print) (OWNER(S) OF RECORD)*

Signature Date

*If property is owned by corporation, partnership or other group signee should indicate corporate position or title and submit substantiating documentation (e.g. incorporation certificate).

EXHIBIT J

Approval of TPM 18137, November 26, 2008

LAND USE SERVICES DEPARTMENT



COUNTY OF SAN BERNARDINO
Page 88 of 113
PUBLIC AND SUPPORT
SERVICES GROUP

CURRENT PLANNING DIVISION

385 North Arrowhead Avenue • San Bernardino, CA 92415-0182 • (909) 387-4131

Fax (909) 387-3249

15456 West Sage Street • Victorville, CA 92392 • (760) 843-4340 • Fax (760) 843-4338

<http://www.sbcounty.gov/landuseservices>

JULIE RYNERSON ROCK
Director of Land Use Services

November 26, 2008

Effective Date: December 9, 2008
Expiration Date: December 8, 2011

Bonifacio & Laura Regis
13305 Mustang Ave.
Apple Valley, CA 92307

Cubit Engineering, Inc.
16490 Walnut St., Unit B-3
Hesperia, CA 92345

RE: TENTATIVE PARCEL MAP 18137 TO CREATE 4 parcels and a remainder ON 25 ACRES – Regis – PROJECT NUMBER P200700505; Apple Valley; APN: 0436-152-30-0000

Dear Mr. Regis,

Your Parcel Map application has been **Conditionally Approved** subject to completion of the requirements identified on the attached pages. In accordance with the San Bernardino County Development Code, Section 83.010350(a and c), all requirements specified on the attached pages shall be met within thirty-six (36) months of the date of this letter or the approval is void. One extension of time, not to exceed thirty-six (36) months, may be granted upon written application and payment of the required fee to this office not less than thirty (30) days prior to the date of expiration.

Any person may, within ten (10) calendar days of the postmarked date of this notice, appeal in writing to the Planning Commission for consideration thereof. This appeal must be made on forms available from this office. If we may be of further assistance, please call this office at (760) 843-4340.

If you have any questions or need additional information, please contact this office by mail, by phone at (760) 843-4340, by fax at (760) 843-4338 or by email at mdavis@lud.sbcounty.gov.

Sincerely,


Mindy A. Davis, Planner
Current Planning Division

Attachments: Conditions of Approval
Approved Tentative Parcel Map

Cc: Cubit Engineering, Inc.
Surveyor
Environmental Health Services
Land Development Engineering
Apple Valley Fire Dept.
County Traffic
file

APN: 0436-152-30-0000
 P200700505/Regis/TPM 18137
 Apple Valley/1st SUPERVISORIAL DISTRICT

PAGE 1 OF 5

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to Tentative Parcel Map 18137 to create 4 parcels and a remainder on 25 acres. The project site is in the Apple Valley Community southeast corner of Japatul Road and Ottawa Road.

GENERAL/ONGOING CONDITIONS

LAND USE SERVICES DEPARTMENT – PLANNING DIVISION (760) 843-4340

1. The applicant shall agree to defend at his sole expense any action brought against the County, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with San Bernardino County Development Code Section 81.01.070 (a-b). The applicant shall reimburse the County, its agents, officers, or employees, for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.

PRIOR TO RECORDATION, THE FOLLOWING CONDITIONS SHALL BE MET:

OFFICE OF SURVEYOR (909) 387-8162

2. A Parcel Map is required in compliance with the California Subdivision Map Act and the San Bernardino County Development Code.
3. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
4. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
5. Prior to approval for recordation, all fees required under actual cost job number PM 18137 shall be paid in full.

APN: 0436-152-30-0000
P200700505/Regis/TPM 18137
Apple Valley/1st SUPERVISORIAL DISTRICT

PAGE 2 OF 5

ENVIRONMENTAL HEALTH SERVICES (909) 387-4666

6. The water purveyor shall be EHS approved, Individual Wells.
7. Individual well authorized for each daughter parcel. A note shall be placed on the Composite Development Plan (CDP) stating:
 - a) "Proof of Installation of water improvements (individual wells) shall be provided prior to the issuance of building permits."
8. Method of sewage disposal shall be EHS approved.
9. If sewer connection and/or service is unavailable, septic system(s) will then be allowed under the following conditions: A Soil Percolation Report shall be submitted to DEHS for review and approval. The following note shall be placed on the Composite Development Plan (CDP):
 - a) "An approved percolation report, (DEHS reference number) prepared by (person/firm name & credentials) on (date prepared), is on file with DEHS."
 - b) "A plot plan showing the location of the septic system shall be submitted to DEHS prior to the issuance of building permits for the individual lots."

For information, please contact Water & Waste Management at (909) 387-4666.

10. Evidence shall be provided that all wells are (1) properly destroyed under permit from that County OR (2) constructed to DEHS standards, properly sealed and certified to the County as inactivated OR (3) constructed to DEHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS/Water Section for approval. Contact DEHS/Water Section for more information at (909) 387-4666.

LAND DEVELOPMENT ENGINEERING (760) 843-4366

11. A Parcel Map is required with all appropriate easements to be dedicated (or offered for dedication in the case of drainage easements) in accordance with the provisions of the California Subdivision Map Act and the San Bernardino County Development Code. The CDP will be used as a check print.

a. Provide all curve data at northwest and southwest corners.

12. Legal access shall be required to a maintained road. It shall be the developer's responsibility to provide documentation or the necessary dedications to make the connection.

a. Provide proper documentation for legal access.

Non-standard conditions are italicized

Environmental mitigation measures are bold

APN: 0436-152-30-0000

PAGE 3 OF 5

P200700505/Regis/TPM 18137

Apple Valley/1st SUPERVISORIAL DISTRICT

13. Physical access shall be required to all newly created parcels. Physical access is defined as a route that is traversable in a standard (two-wheel drive) sedan. The developer's engineer or surveyor shall submit a signed and sealed letter to Land Development Engineering certifying that physical access has been completed.
 - a. *Provide certified letter for physical access.*
 - b. *44-feet from the centerline of Ottawa Road exist*
 - c. *44-feet from the centerline of Japatul Road exist*
 - d. *30-feet from the centerline of Ponca Road exist*
 - e. *35-foot curve return at Ottawa Road and Japatul Road exist*
 - f. *35-foot curve return at Japatul Road and Ponca Road exist*
14. *Non-vehicular access shall be dedicated on Japatul Road, from end of curve to end of curve. Direct driveway access is not allowed. (Note- Dedication eliminates access by vehicles to the specified roadway)*
15. The following notes shall be placed on the Composite Development Plan (CDP):
 - a) "The site is subject to infrequent flood hazards by reasons of overflow, erosion and debris deposition in the event of a major storm."
 - b) "The site is in a South/East Apple Valley Local Area Transportation Facilities Fee Plan. Appropriate fees shall be collected at the time of development."

APPLE VALLEY FIRE PROTECTION DISTRICT (760) 247-7618

16. The following statement shall be placed on the CDP:
 - a) The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements. All new construction shall comply with applicable sections of the Uniform Fire Code, Uniform Building Code, and other statutes, ordinances, rules and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.

TRAFFIC DIVISION (909) 387-8186

17. The project is subject to the Regional Transportation Development Mitigation Plan for the Town of Apple Valley Sphere subarea. The required fee for this project is \$ 6,422.00 per Single Family Dwelling Unit for a total fee of \$ 32,110.00 and shall be paid prior to issuance of building permits. The fee can be paid at Building and Safety or the Department of Public Works Business Office.

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 P200700505/Regis/TPM 18137
 Apple Valley/1st SUPERVISORIAL DISTRICT

PAGE 4 OF 5

LAND USE SERVICES DEPARTMENT – PLANNING DIVISION (760) 843-4340

18. Sufficient funds in P200700505 to verify compliance with conditions of approval established for the Parcel Map is required.
19. A Composite Development Plan (CDP) complying with Sections 83.040501 et. seq. and 84.0325 of the County Development Code shall be filed with the Public Works Department/Surveyor Division. The following shall be delineated on the CDP, per Rural Living (RL) Land Use District Development Standards:
 - a) front yard Building Setback Lines shall be twenty-five (25) feet
 - b) street side yard Building Setback Lines shall be fifteen (15) feet where a parcel's street side yard abuts local streets/roads
 - c) street side yard Building Setback Lines shall be twenty-five (25) feet where a parcel's street side yard abuts collector streets/roads
 - d) other side yard Building Setback Lines shall be fifteen (15) feet
 - e) rear yard Building Setback Lines shall be fifteen (15) feet
 - f) minimum lot sizes of two-and-a-half (2.5) gross acres
20. The required mitigation measures shall be implemented and/or added to the Composite Development Plan and to the Mitigation Monitoring and Compliance Program. The implementation of the required mitigation measures outlined in this section will reduce any potentially significant impact to a non-significant level.

General Ongoing Condition

21. Prior to ground disturbance, issuance of grading permits or building permits, whichever occurs first, all mitigation required by California Department of Fish and Game shall be completed for Mohave Ground Squirrel.

Prior to Recordation of the Parcel Map

22. Add the following note to the CDP:

“As set forth in the Habitat Assessment prepared for the project (*“Title of Report”, Firm Name, Date*), and in compliance with the California Endangered Species Act, and regulations promulgated thereunder, the following is required:

- a) **At least 30 days prior to ground disturbance, issuance of grading permits or building permits, whichever occurs first, submit to the San Bernardino County Land Use Services Department Advance Planning Division for review and approval, EITHER:**

Non-standard conditions are italicized

Environmental mitigation measures are bold

APN: 0436-152-30-0000
 P200700505/Regis/TPM 18137
 Apple Valley/1st SUPERVISORIAL DISTRICT

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- 1) A Mohave Ground Squirrel (MGS) trapping survey, if required.
- OR,
- 2) A 2081 permit, applied for and obtained from CDFG.
- OR,
- 3) Written correspondence from CDFG stating that neither an MGS "trapping survey", nor a 2081 permit is required.

NOTE: Compliance with this condition shall be in accordance with regulations, plans and policies in effect at the time of land disturbance and/or issuance of a grading or building permit.

- b) NOTE ON GRADING AND/OR CONSTRUCTION PERMIT: "This permit does not relieve the property owner of responsibility to comply with State and Federal Endangered Species Acts. Contact the San Bernardino County Land Use Services Department- Advance Planning Division at 909 387-4147 for more information of the land owner's responsibilities."

23. Add the following notes to the CDP:

- c) Prior to and within thirty days of any ground disturbance, pre-construction surveys for Burrowing Owls and their active burrows shall be completed in accordance with California Department of Fish and Game protocol. A report evaluating the effects of the proposed project shall be submitted to the County Planning Division for review prior to ground disturbance and/or grading permit. The report shall include a discussion of survey methodology, results, conclusions, recommendations and a map showing the location of the site. If the project site is determined to be occupied habitat, the applicant shall obtain a 2081 permit (or acknowledgment from the California Department of Fish and Game that said permit is not required). A copy of said permit or acknowledgment shall be submitted to the County Planning Division. Required mitigation measures must be adopted and approved by the County Planning Division in conjunction with the California Department of Fish & Game.

End of Conditions

EXHIBIT K

Rescission of TPM 18137, August 22, 2013



August 22, 2013

***Sent via Certified Mail, Return Receipt Requested,
First Class Mail, and
Facsimile [(760) 244-1590]***

**Notice of Rescission of Tentative Parcel Map 18137
Effective Date: September 4, 2013**

Craig Sundgren, R.C.E.
Cubit Engineering, Inc.
16490 Walnut Street, Unit B-3
Hesperia, CA 92345

Bonifacio and Laura Regis Living Trust
c/o Bonifacio and Laura Regis
13345 Mustang Road
Apple Valley, CA 92307

RE: Tentative Parcel Map 18137 APN 0436-152-30

Dear Mr. Sundgren and Mr. and Mrs. Regis:

This letter is provided as the San Bernardino County ("County") Notice that Tentative Parcel Map 18137 ("TPM 18137"), issued on November 26, 2008, is rescinded. Per County Development Code § 86.06.020, this decision will become effective on September 4, 2013. Your appeal rights are discussed below.

The following recitation of facts forms the basis for this decision.

On June 4, 2007, the application for TPM 18137, a parcel map consisting of four parcels and a remainder, was submitted to the County. According to a June 21, 2013, memorandum from Mr. Sundgren to John Dodrill, County Surveyor, there had been discussions with Terrie Williams and Judy Tatman prior to the submission of the application relative to this "situation." The extent of what might have been discussed cannot be confirmed as Ms. Williams is no longer with the County, and Ms. Tatman, sadly, has passed away. Even so, County staff is not authorized to waive County ordinances or state law, in particular the Subdivision Map Act, violations of which may be criminally prosecuted.

It has been further alleged in the June 21, 2013 memorandum that following the submission of the application, additional discussions relative to this "situation" were undertaken between employees of the applicants' representative, Cubit Engineering,

Board of Supervisors

Craig Sundgren, R.C.E.
 Bonifacio and Laura Regis Living Trust
 August 22, 2013
 Page 2

and County staff. The implication of these timeline entries in that memorandum is that County staff had been advised as to the familial relationship among the subdividers but continued to process the application anyway.

Throughout the remainder of 2007 and into 2008, the application continued to be processed, which included the payment by the applicant of the required fees.

In September 2008, the project planner at that time, Mindy Davis, is alleged to have required a revision of TPM18137 to eliminate the remainder parcel since the applicant also owned a parcel to the west. It has been asserted that the applicant "accidentally missed" that information on the application form. The requested revisions were made, but then, in November 2008, withdrawn on the supposed condition that the map include a notation relative to the adjoining parcel owned by the applicant.

After December 2008, the project was dormant due to the economy. On May 30, 2013, the final parcel map (four parcels with remainder) was submitted, along with the required fees, for approval.

On July 3, 2013, John Dodrill of the County Surveyors Office, advised you that the County cannot approve TPM 18137 because it involves successive divisions of five or more parcels by family members. Specifically, Parcel Map 16400, submitted by Liza Lee Angus Regis, was approved by the County Surveyor on February 28, 2006. Parcel Map 16400 created four parcels and a remainder. TPM 18137 proposes to subdivide the remainder parcel of Parcel Map 16400. Evidence of the familial relationship between the subdividers of Parcel Map 16400 and Tentative Parcel Map 18137 is discussed in the July 3, 2013 letter from John Dodrill. Mr. Dodrill's letter also included the following:

Successive divisions of property into four or fewer parcels by successive subdividers are sometimes referred to as "quartering". If there is a relationship between the subdividers, then successive divisions that total five or more parcels require a tentative and final map.

The California Attorney General has indicated that a relationship will be found in cases where the parties may not be dealing at "arm's length": "If there is evidence that the transfer is not an 'arm's length transaction', for example, a sale for inadequate consideration, a transfer to a close relative, or business associate, retention of control or financial interest, or generally a transfer which is part of a conspiracy to evade the Subdivision Map Act, the total number of lots should be treated as a Subdivision." [Emphasis added.] (55 Ops. Cal. Atty. Gen. 414 (1972).)

Craig Sundgren, R.C.E.
Bonifacio and Laura Regis Living Trust
August 22, 2013
Page 3

Based on this information, a violation of the Subdivision Map Act has been identified with respect to the division of the 25-acre remainder parcel of Parcel Map 16400. The subdivider is responsible for circumventing the Subdivision Map Act through the process of filing parcel maps in lieu of a final map, and in doing so is also in violation of the California Subdivided Lands Act (California Business and Professions Code sections 11000 et. seq.) which governs the sale or lease of subdivisions resulting in five or more lots.

Pursuant to the California Subdivision Map Act, Government Code Section 66426, and the San Bernardino County Development Code (Development Code) Section 87.01.080, a tentative and final map will be required to subdivide the subject site as proposed. Application forms are available at the Land Use Services Department on the address noted on this letter, or at 15900 Smoke Tree Street, Hesperia, CA, or on the County web site: www.sbcounty.gov/landuseservices.

The rescission of the conditional approval of TPM 18137 becomes effective on September 4, 2013. Pursuant to Chapter 86.08 of the Development Code, anyone may appeal the rescission to the Planning Commission. The appeal must be made in writing, on forms available at the locations noted above. The appeal period ends at 5:00 p.m. on September 3, 2013. If you have any questions about the rescission action, the appeal process, or about filing a Tentative Tract Map application, please Contact Tracy Creason, Senior Planner, at 760-995-8143.

Sincerely,



Terri Rahhal, Planning Director
Land Use Services Department

cc: Gia Kim, Assistant Director of Land Use Services
John Dodrill, Survey Division Chief
Heidi Duron, Supervising Planner
Tracy Creason, Senior Planner
Project file P200700505

LEGAL CITATIONS

Government Code § 66426. Necessity of tentative and final maps

A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where any one of the following occurs:

- (a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body.
- (b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway.
- (c) The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.
- (d) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.
- (e) The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2.
- (f) A parcel map shall be required for those subdivisions described in subdivisions (a), (b), (c), (d), and (e).

87.01.080 Type of Subdivision Approval Required

Any subdivision of an existing parcel into two or more parcels shall require approval by the County in compliance with this Division. In general, the procedure for subdivision first requires the approval of a Tentative Map, and then the approval of a Parcel Map (for a subdivision that results in four or fewer parcels) or a Final Map (for a subdivision that results in five or more parcels) to complete the subdivision process. The County's review of a Tentative Map evaluates the compliance of the proposed subdivision with County standards, and the appropriateness of the proposed subdivision design. Parcel and Final Maps are precise surveying documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

- a) **Tentative Map requirements.** The filing and approval of a Tentative Map is required for:
 - (1) A subdivision or resubdivision of four or fewer parcels, as authorized by Map Act Section 66428; and
 - (2) A subdivision or resubdivision of five or more parcels, and all other types of subdivisions required to have Tentative Map approval by Map Act Section 66426.
- (b) **Parcel and Final Map requirements.** A Parcel or Final Map (see Chapter 87.03) shall be required as follows:
 - (1) **Parcel Map.** The filing and approval of a Parcel Map (Chapter 87.06) shall be required for a subdivision creating four or fewer parcels, with or without a designated remainder in compliance with Map Act Article 2, Chapter 1, except for the following subdivisions:
 - (A) **Public agency or utility conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way, unless the Director determines based on substantial evidence that public policy necessitates a Parcel Map, in an individual case, in compliance with Map Act Section 66428;
 - (B) **Rail right-of-way leases.** Subdivisions of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the California Public Utilities Code, which are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or
 - (C) **Waived Parcel Map.** A subdivision that has been granted a waiver of Parcel Map requirements in compliance with Section 87.03.030 (Waiver of Parcel Map).

- (2) **Final Map.** The filing and approval of a Final Map (Chapter 87.03) shall be required for a subdivision of five or more parcels, except a subdivision that is otherwise required to have a Parcel Map by Map Act Section 66426.
- (c) **Exemptions from subdivision approval requirements.** The types of subdivisions identified by Map Act Sections 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Map Act provision as not being subject to the requirements of the Map Act, and/or not being considered to be divisions of land for the purposes of the Map Act, shall be exempt from the subdivision approval requirements of this Division.

abundantly clear that the Legislature did not regard the word "damage" as encompassing economic loss except in those instances where economic devaluation directly resulted from restricted access to property. *Bragg v. City of Auburn*, 253 Cal. App. 2d 50, 52-53 (1967); *Dami v. Department of Alcoholic Beverage Control*, 176 Cal. App. 2d 144, 148 (1959).

In light of the above, it is concluded that Revenue and Taxation Code section 155.1 does not permit reassessment in instances of economic losses to property without physical injury or restricted access.¹

Opinion No. CV 71-264—November 22, 1972

SUBJECT: SUBDIVISION MAP ACT PROVISIONS—The "latest equalized county assessment roll" is the roll existing on the first Tuesday after the third Monday in August; where the owner of a unit of real property in a single year divides the unit into more than four parcels, a subdivision is created; where the owner divides the unit into four smaller parcels, sells one or more of the parcels, and his grantees further divide them during the year, a subdivision is not created; a parcel map must be approved before the parcel of less than 40 acres can be offered for sale.

Requested by: DISTRICT ATTORNEY, PLUMAS COUNTY

Opinion by: EVELLE J. YOUNGER, Attorney General
Herbert E. Wenig, Assistant

The Honorable Morris Durrant, District Attorney of Plumas County, has presented three questions concerning the provisions of the Subdivision Map Act (Bus. & Prof. Code § 11500 *et seq.*, as amended by Stats. 1971, ch. 1446, effective March 4, 1972) with respect to the creation of subdivisions and the filing of parcel maps.

1. What is the "latest equalized county assessment roll" as used in the 1971 amendment to section 11535 of the Subdivision Map Act?
2. Can a single given parcel of land (i.e., held under a single description) be divided in a single year by one or more persons into more than four parcels without constituting a subdivision, other than those cases falling within the exceptions set forth in subdivisions (b) and (c) of section 11535 of the California Business and Professions Code?
3. Can a single given parcel of land of more than 40 acres (i.e., held under a single description) be split by deed and separately sold as one parcel greater than

¹ We do not here pass on the constitutionality of the provision in section 155.1 which allows for reassessment in instances of restricted access to property resulting from a major misfortune or calamity.

40 acres and one parcel less than 40 acres without requiring the filing of a parcel map as provided in section 11535 subd. (d)?

The conclusions are:

1. The "latest equalized county assessment roll" for the purposes of the Subdivision Map Act is the roll in existence on the first Tuesday after the third Monday in August and remains as such roll until the last equalized roll is in existence on the same day in August on the following year.

2. Where the owner of a unit of real property as shown on the latest equalized county assessment roll, in a single year while his property is shown as a unit on the roll divides the unit into more than four parcels for the purpose of sale, lease, or financing, whether by successive divisions or not, a subdivision is created, subject to the Subdivision Map Act.

If the unit owner divides the unit into four smaller parcels and sells one or more of the parcels and his grantees, acting independently, further divide them during the year, a subdivision is not created.

3. A parcel map must be approved before the parcel of less than 40 acres can be offered for sale.

ANALYSIS

The Subdivision Map Act (Bus. & Prof. Code § 11500 *et seq.*) defines subdivision as follows:

"'Subdivision' refers to any real property, improved or unimproved, or portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; . . ." § 11535 subd. (a).¹

The 1971 amendment to the above section refers to the subdivision of a unit or contiguous units "shown on the latest equalized county assessment roll" rather than "on the latest adopted county tax roll" which was the wording formerly used in the section. The new wording is merely a technical change and a more exact reference to the assessment roll whereon appear the names and addresses of the assesseees with reference to the unit or contiguous units of real property on the assessor's maps.

Section 2050 of the Revenue and Taxation Code describes the "last equalized county assessment roll" as follows:

"Whenever, for the purpose of determining the assessed value of property on the county assessment roll or determining the names or addresses of assesseees on such roll, the State Constitution, any law, any charter of a city or a county, or any ordinance, resolution, order or regula-

¹ All citations are to the Business and Professions Code unless otherwise noted. The Subdivision Map Act was amended in a number of respects by Stats. 1971, ch. 1446, effective March 4, 1972.

tion of any city, county or other public corporation makes reference to the 'last equalized county assessment roll' in those words or in similar words, or in any words intended to refer to the latest or current assessment roll of the county, such roll (hereinafter referred to as the 'last equalized roll') shall be ascertained in accordance with the rules provided in this chapter."

Section 2052 of the Revenue and Taxation Code sets forth the date when the roll shall become the "last equalized roll."

"The local roll as delivered to the auditor pursuant to Section 1753 or 617, including any changes made by the county board during the month of July, together with the board roll as transmitted to the auditor pursuant to Section 756 or the confirmed or changes estimate transmitted pursuant to Section 759, shall become the last equalized roll on the first Tuesday after the third Monday in August, and such rolls together shall continue to be the last equalized roll, except as otherwise provided in this chapter, (a) for the purpose of computing any debt limit for the issuance of bonds of any public entity that is based on a percentage of assessed valuation as shown on the last equalized assessment roll and (b) *for all other purposes*, until the assessment roll for the following year becomes the last equalized roll in accordance with the provisions of this section." (Emphasis added.)

As seen above, section 2050 states that: "Whenever, for the purpose of . . . determining the names or addresses of assesseees on such roll, the State Constitution, any law, . . ." uses words intended to refer to the "latest or current assessment roll of the county," such roll should be understood to mean the "last equalized roll" as used in Chapter 3. (§§ 2050-2056 Rev. & Tax. Code.) Under section 2052, for the purpose of computing debt limits on bond issues and "for all other purposes," the "last equalized roll" is that in existence "on the first Tuesday after the third Monday in August." At present it is the roll established as of August 22, 1972. The next roll will be that in existence on August 21, 1973, and will continue to be such until the assessment roll for the following year becomes the last equalized roll, except as otherwise provided in Chapter 3 *et seq.*, i.e., sections 2053, 2054 and 2055 of the Revenue and Taxation Code.

The cited sections (Rev. & Tax. Code §§ 2053, 2054 and 2055) state that changes made by the State Board of Equalization in the local roll pursuant to section 1822 (actually section 1826), 1822.5 and 1823 or changes in estimates of assessments pursuant to section 759 or changes made in the local roll by a county board of equalization or assessment appeals board pursuant to Chapter I (commencing with Rev. & Tax. Code § 1601) or Chapter 1.5 (commencing with Rev. & Tax. Code § 1750) together with the board of equalization roll shall become the last equalized roll. Accordingly, under these sections these proceedings may result in a later effective date for the determination of what is the last equalized roll. Sometimes these proceedings extend the date of the last equalized roll into the next tax year or into years beyond. However, it is apparent they are not pertinent to achieving the objective of the Subdivision Map Act.

Considering that the apparent objective of the Subdivision Map Act reference to the "latest equalized county assessment roll" is a convenient means of identifying units of property and their ownership by reference to the assessment roll and the assessor's maps, books, and the pages and parcels shown thereon, it is concluded that the Legislature intended to refer to the assessment roll in existence each year on the first Tuesday after the third Monday in August, and that the proceedings before the State Board of Equalization (Rev. & Tax. Code §§ 2053, 2054) and a County Board of Equalization or County Assessment Appeals Board (Rev. & Tax. Code § 2055) which may conclude at later dates are not applicable to ascertaining units of property on the latest equalized roll for Subdivision Map Act purposes.

Statutes, if possible, should be interpreted to carry out the intent of the Legislature and to harmoniously interrelate provisions in different codes. *Select Base Materials v. Board of Equal.* 51 Cal. 2d 640, 645 (1959). It would only result in uncertainty, confusion and a shifting date for the latest equalized roll, differing from county to county and from tax year to tax year, if the cited sections were used in determining what the latest equalized county assessment roll was for the property unit identification purpose of the Subdivision Map Act.

We conclude, therefore, that the "latest equalized county assessment roll" as used in section 11535 of the Subdivision Map Act is the roll in existence on the first Tuesday after the third Monday in August of a particular year.

The Subdivision Map Act excludes from the definition of a subdivision, a unit of property "as shown on the latest equalized county assessment roll" which is divided into four or less parcels. § 11535 subd. (b). The second question concerns the situation where, during a single year, when a unit is still shown on the roll as being under one ownership, one or more of the parcels, created out of the unit, are further subdivided by the original owner or his transferee. The second question asks if this successive subdivision of the unit amounting in total to "five or more parcels" constitutes a subdivision despite the cited exclusion.²

It now seems clear that when an owner divides a unit of land into four parcels and, in the same year, i.e., while the unit is still shown on the latest roll as a unit, redivides one or more of the parcels, a subdivision of "five or more parcels" has been created which falls within the coverage of the Subdivision Map Act.

We have ruled that even if the owner "A" waits until the adoption of the next tax roll whereon his property appears as four contiguous parcels and he then quarters those units, "A" would be subject to the subdivision provisions of the Map Act. With the 1963 deletion from section 11535 subd.(a) of the phrase "within any one-year period," the successive annual quartering of land was brought within the scope of the Subdivision Map Act. 54 Ops. Cal. Atty. Gen. 213, 216 (1971).

The owner "A" may also be chargeable as the creator of a subdivision if as part of a plan to evade the Subdivision Map Act, he transfers one of the quartered parcels to "B" for the purpose of having "B" divide the parcel into four smaller parcels. If there is evidence that the transfer is not an "arm's length transaction," for

² We assume here that the second question by referring to "other than those cases falling into the exceptions set forth in subdivisions (b) and (c) 'Exclusions'" has reference to those exceptions based upon the size and character of the parcels.

example, a sale for inadequate consideration, a transfer to a close relative or business associates, retention of control or financial interest, or generally a transfer which is part of a conspiracy to evade the Subdivision Map Act, the total number of lots should be treated as a subdivision. In other words, if "A" and "B" through successive splittings collusively cause (§ 11508) a unit of land to be divided into five parcels or more, a subdivision has been created. "Evasion of the Subdivision Map Act cannot be accomplished by subterfuge." 52 Ops. Cal. Atty. Gen. 79, 81 (1965) and cases cited therein (p. 81). In *Pratt v. Adams*, 229 Cal. App. 2d 602 (1964) twelve owners holding one parcel of land in joint tenancy, had the parcel partitioned by court order into twelve parcels. Within four months of the acquisition of the joint tenancy parcel, these parcels were again divided into 38 parcels, not one of the twelve parcels being divided by its owner into more than four smaller ones. The court quoting from the definition of a "subdivider" (§ 11508)³ and that of a "subdivision" (§ 11535) at page 605 said:

"It is to be observed that appellants have purported to divide, within a few months, one parcel into 38 parcels, many more than the 5 parcels which would bring appellants into the category of subdividers, without complying with the subdivision laws. But, they say, we did not *cause* the division from 2 parcels to 12, for the *court* did this, in the partition proceeding, and surely the court did not contrive to violate the law. And the division into 38 parcels was done by twelve individuals, *none splitting his land into more than 4 parcels and hence not being a subdivider, because the number of 5 parcels was not reached.*

"These arguments are unimpressive. . . . Under the circumstances, it is fair to say that appellants 'caused' the dividing of the land even though judicial approval of the referee's report was obtained.

"The subsequent division into 38 parcels was part of the general scheme to multiply the number of parcels. The plan should be construed as a whole, not as if there were several transactions, each involving not more than 4 parcels." (Emphasis added, except as to words "cause" and "court" which were added by the court.)

When there is a plan to create five or more parcels, a subdivision subject to the Subdivision Map Act will be created whether "A"'s grantee "B" divides in the same year when the unit is shown in "A"'s ownership on the latest roll or in the following year when one or more of the parcels created out of "A"'s land appears in the ownership of "B".

A more difficult question is presented when the purchaser "B," acting entirely independently of "A," divides his parcel for the purpose of sale, etc., into four smaller parcels while the land is shown on the latest assessment roll as one unit in the ownership of "A". In this situation we conclude that "A" has not "caused" his unit or contiguous units to be divided into a subdivision within the definition of "subdivider" (§ 11508) and that "B"'s four parcels are not to be added to "A"'s

³ Section 11508 defines a "subdivider" as a person "who causes land to be divided into a subdivision for himself or others.

remaining three parcels to constitute the five or more parcels required for a subdivision. We reach this conclusion reluctantly, because we believe that basically the Legislature intended to authorize local governments to regulate the design and improvement of a unit of land as such when divided and redivided (§§ 11526, 11535) regardless of particular ownerships. However, the statutes do not sufficiently set out the concept that when one of the four parcels is divided into four smaller parcels by the succeeding owner, "B," the three parcels held by "A" are to be treated as bringing into being a seven lot subdivision, attributable to either "A" or "B" or to "A" and "B" jointly. As noted, section 11535 refers to the division of a unit of land "by any subdivider" into five or more parcels. Section 11508 defines a subdivider as "a person, firm, corporation, partnership, or association, who causes land to be subdivided into a subdivision for himself or others." This does not recognize that a subdivision can be created by the independent action of two owners. Hence, without clearer language it is difficult to hold that "B" by his independent action can make a subdivider out of "A" and conversely that "A" by his prior action can cause "B"'s parcels to be subject to subdivision requirements. There is nothing in the statute which provides for "A" and "B" sharing the responsibility for filing required maps or dividing the costs of meeting subdivision requirements. In 27 Ops. Cal. Atty. Gen. 66, 70 (1956) we said:

"Section 11535 is conditioned on action by one subdivider. . . . In other words, under that act, if "A" conveys to "B" and if "B" acts independently of "A" in later conveyances, even though "A" has reason to know or assume that "B" will transfer, the conveyances by "B" cannot be credited to "A" for the purpose of ascertaining whether or not there were five parcels."

We recognize that section 11535 subd. (a) refers to any real property which appears on the roll as a unit or as contiguous units and which is divided into five or more parcels "by any subdivider." Some counties take the position that the unit, even though all of it has or parts of it have been actually subdivided and sold and the parcels recorded, is still to be regarded as a unit when "B" who has purchased from "A," the unit's assessee, further subdivides and records. However, as already noted, the statute is framed in terms of action by one subdivider who is defined by section 11508 as a person who causes land to be subdivided into a subdivision for himself or others. For this reason, we conclude that local authorities must look to the person who is actually doing the splitting of the lots (if he is not conspiring with his grantee) rather than the unit of land on the roll which has been or is being subdivided into five or more lots.⁴

Our conclusion is consistent with what occurs when "B" waits until his parcel is shown as a unit owned by him on the assessment roll for the next tax year, and then, acting independently of "A," quarters his unit. The division by "B" of his

⁴ Separate recognition for tax purposes can be given to the purchase of parcels otherwise lawfully created out of a unit, as shown on the current assessment roll. After the lien date, March 1, (§ 2192 Rev. & Tax. Code) a purchaser of such a parcel may have his parcel segregated and separately assessed, thus avoiding having his parcel levied upon for the entire tax on the unit. Rev. & Tax. Code § 2821 *et seq.*

unit into four parcels, falls within the four or less parcel exclusion (§ 11535 subd. (b) 'Exclusions').

While we are constrained to reach these conclusions, because of the language and method of the statute, and recognize that the result is defeative of the basic purpose to regulate divisions of land as such, we point out that the Legislature has authorized local governments to regulate the division of land which is not a subdivision under the Subdivision Map Act. § 11540.1. This type of ordinance, sometimes referred to as a "lot split" or "mini-subdivision" ordinance can deal with the local need to regulate the division of a unit of land into four parcels or less.

The third question concerns the splitting of a unit of land into two parcels, one sold as a parcel greater than 40 acres and one less than 40 acres. The split is within the "four or less parcels" exclusion of subdivision (b) of section 11535.⁵ The requestor asks if a *parcel* map must be filed to effectuate the sale of the smaller parcel. Subdivision (d) of section 11535, as amended in 1971, requires the filing of a parcel map prior to sale in any case provided in subdivisions (b) and (c). Subdivision (d) of section 11535 reads:

"In any case provided in subdivisions (b) or (c), a tentative map or parcel map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area, improvements and lot design, flood and water drainage control, and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. . . ."

Prior to the 1971 amendment of section 11535, a division into four or less parcels (exclusion "b") a tentative map or a parcel map was required "when requested by local ordinance." The effect of the above amendment is to require as a matter of State law the filing of a parcel map for the division of a unit of land into four or less parcels prior to offering the parcel for sale, lease, or financing. Hence, a parcel map would be required for the smaller parcel of less than 40 acres before it could be sold.

However, effective August 10, 1972, urgency legislation has been enacted by the 1972 Legislature (Senate Bill No. 412, as amended, now Stats. 1972, ch. 706) which, along with certain other divisions, deletes the requirement of a parcel map for divisions of land covered by subdivision (b) i.e., four parcels or less, where a local ordinance waives the requirement for an approved parcel map and the ordinance provides for a finding by the local governing body that the proposed division of land complies with requirements as to area, improvements, design, and a number of other criteria.

⁵ The division does not fall within the 40 acre exclusion (4) of subdivision (c) of section 11535 excluding "Any parcel or parcels of land divided into lots or parcels, *each* of a gross area of forty (40) acres or more. . . ." (Emphasis added.)

Government Code § 66499.31. Violations; punishment

Each violation of this division by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation shall be punishable by imprisonment in the county jail not exceeding one year or in the state prison, by a fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment. Every other violation of this division is a misdemeanor.

FAWN PRATT et al., Plaintiffs and Appellants,
v.
LEONARD ADAMS, as Supervising Building Inspector of Santa Cruz County, etc., et al.,
Defendants and Respondents.

Civ. No. 21781.
District Court of Appeal, First District, Division 3, California.
Sept. 11, 1964.

HEADNOTES

(1) Subdivisions--Causing Land to Be Divided--Effect of Partition Decree.

When the undisclosed purpose of a partition action was the circumvention of state and local subdivision laws, and, by means of a stipulated interlocutory decree, land was partitioned by a referee between 12 joint tenants, the joint tenants caused the dividing of the land, even though judicial approval of the referee's report was obtained.

See **Cal.Jur.2d**, Records and Recording Laws, § 72 et seq.

(2) Subdivisions--Construing Subdivision Plan as a Whole.

A plan, devised for the purpose of avoiding the provisions of the Subdivision Map Act, which in approximately four months resulted in the subdividing of one parcel into 38 parcels, must be construed as a whole.

(3) Mandamus § 10--Equitable Principles Affecting Issuance.

Mandamus is an equitable remedy and will not be used to compel the performance of acts which are illegal, contrary to public policy, or which tend to aid an unlawful purpose, and as such may not be used to compel the issuance of a building permit, the culmination of a plan to circumvent the Subdivision Map Act.

See **Cal.Jur.2d**, Mandamus, § 8; **Am.Jur.**, Mandamus (1st ed § 33).

SUMMARY

APPEAL from a judgment of the Superior Court of Santa Cruz County. Gilbert B. Perry, Judge. Affirmed.

Proceeding in mandamus to compel county officers to issue permits to build residences on property of landowners. Judgment denying writ affirmed.

COUNSEL

Robson, Malott & Pedder, and Arthur Lyle Robson, for Plaintiffs and Appellants.

William H. Card, County Counsel, Robert C. Lenhard and Dennis J. Kehoe, Assistant County Counsel, for Defendants and Respondents. *603

DEVINE, J.

An unsuccessful attempt by appellants, landowners, to compel officers of the county, by writ of mandate, to issue permits to build residences on their property gives rise to this appeal.^{FN*} The county defends its denial of the permits principally on the ground that its county code provides

that building permits shall issue only when all pertinent laws and ordinances have been complied with, and that in this case the county ordinance passed in pursuance of the Subdivision Map Act has not been complied with, but violated. (There are other defenses, but because some of them, even if valid, probably are but temporary, and surmountable by appropriate action by appellants, and because our decision herein obviates the need of passing on them, we merely make this parenthetical reference.) Appellants readily concede that their actions, described below, have been directed to avoiding the provisions of the Subdivision Map Act, but contend the means have been quite legal. They say that the deliberate avoidance is comparable to skillful estate or business planning, within the law, to avoid inheritance or income taxes.

FN* Technically, only one of the appellants applied for the permit, but the judgment indirectly affects all of them.

Facts

Appellants bought 46,237 acres, with the purpose of developing and dividing the land. The group decided that creation of a subdivision was not financially desirable at that time. Title was taken originally in the names of two husband and wife couples, in joint tenancy, but shortly afterwards they conveyed to all twelve members of the group, including themselves, as joint tenants. The next step, about three weeks later, was the filing of a partition action, in which one member of the group acted as plaintiff against all the others. A referee was appointed, and he presented a report in which he recommended that the parties hold various parcels of the land individually and free of joint tenancy obligations. In the case of the four husband and wife couples, separate parcels were to be held by each spouse in his or her own name. Thus, twelve parcels would be created. The referee also set up an elaborate plan for development of the area, with these features: a common roadway, not necessarily part of the county road system, to be maintained as a majority of the grantees should decide by vote; easements in favor of certain parcels against others; building restrictions, to be carried out by an architectural control committee; prohibition of signboards, ***604**

of trailers and of many kinds of animals; and provision for waiver of any of the restrictions by vote of a majority of the parties, their heirs, successors or assigns.

On motion of plaintiff in the partition action, the court made an order confirming the referee's report, stating that the provisions contained therein "are hereby made the Order of the Court" and apportioning the referee's expenses equally among the parties. There was no further proceeding in the action.

The next transaction, on January 11, 1963, was the division by the parties to the partition action of the 12 parcels referred to in the referee's report and order confirming it, into 38 parcels, no one of the 12 parcels being divided into more than 4 smaller ones. The time between the original purchase of the single parcel and the ultimate division into 38 parcels was about four months.

During the operations of appellants, the Santa Cruz County Planning Commission held hearings on a proposed emergency zoning of appellants' land, and recommended that the premises be limited to single family residential use with a 3-acre minimum area. The county board of supervisors enacted the recommended zoning on January 14, 1963. However, section 13.04.300 of the County Code of Santa Cruz County provides that zoning shall not affect the right to build upon a lot "providing such was a separate lot or parcel of record or as shown on a Map of a recorded subdivision on the effective date."

Issue

Thus, the parties' positions are these: Appellants say that the application for building permit should have been granted, the granting being a ministerial act, because the zoning ordinance under which it was denied does not apply to appellants' lands, for they were separate lots or parcels of record as of the date of the zoning. Respondent county says that the lot or parcel must

have been a legal lot on the effective date of zoning in order to acquire nonconforming status, and that appellants' lots were not legally created because: (1) the partition action was not followed through to judgment, but stopped with an order confirming the referee's report, and (2) the whole procedure followed by appellants was in violation of state and local subdivision laws.

Decision

Although it is debatable whether appellants did obtain a judgment in the partition action (the order is not denominated ***605**

a judgment, and it lacks the form of a judgment, especially that part of a judgment described in section 766 of the Code of Civil Procedure that "such partition be effectual forever"), we prefer to rest our decision on the broader ground.

The Subdivision Map Act defines a subdivider as a "person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others" (Bus. & Prof. Code, § 11508); and a subdivision is defined as "any real property ... shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into five or more parcels" (Bus. & Prof. Code, § 11535). The Santa Cruz County Code section 13.08.012 contains a similar definition. It is to be observed that appellants have purported to divide, within a few months, one parcel into 38 parcels, many more than the 5 parcels which would bring appellants into the category of subdividers, without complying with the subdivision laws. But, they say, we did not *cause* the division from 2 parcels to 12, for the *court* did this, in the partition proceeding, and surely the court did not contrive to violate the law. And the division into 38 parcels was done by twelve individuals, none splitting his land into more than 4 parcels and hence not being a subdivider, because the number of 5 parcels was not reached.

These arguments are unimpressive. (1) The court, in the mandamus proceeding, found that the "evidence does not show that plaintiffs disclosed to the Court in partition action No. 33559, Superior Court, County of Santa Cruz, State of California, that the purpose in filing said partition action was to circumvent the state and local subdivision laws." One of the appellants set the partition in motion by filing the complaint; the others, represented by the counsel who also represented the plaintiff, and who is one of the members of the group and one of the parties to this appeal, stipulated to the interlocutory decree. Under the circumstances, it is fair to say that appellants "caused" the dividing of the land even though judicial approval of the referee's report was obtained.

The subsequent division into 38 parcels was part of the general scheme to multiply the number of parcels. (2) The plan should be construed as a whole, not as if there were several transactions, each involving not more than 4 parcels.

The Subdivision Map Act and the ordinances passed in conformity with it have several salutary purposes, such as: ***606**

to regulate and control the design and improvement of subdivisions, with proper consideration for their relation to adjoining areas (Kelber v. City of Upland, 155 Cal.App.2d 631, 638 [318 P.2d 561]; Newport Building Corp. v. City of Santa Ana, 210 Cal.App.2d 771, 776 [26 Cal.Rptr. 797]); to require subdivider to install streets (Hoover v. County of Kern, 118 Cal.App.2d 139, 142 [257 P.2d 492]; Evola v. Wendt Constr. Co., 170 Cal.App.2d 21, 25 [338 P.2d 498]; County of Kern v. Edgemont Development Co., 222 Cal.App.2d 874, 879 [35 Cal.Rptr. 629]); to require subdivider to install drains (City of Buena Park v. Boyar, 186 Cal.App.2d 61, 67 [8 Cal.Rptr. 674]); to prevent fraud and exploitation (10 Ops. Cal. Atty. Gen. 203, 204; 27 Ops. Cal. Atty. Gen. 66); and to protect both public and purchaser (38 Ops. Cal. Atty. Gen. 125, 128). (See Taylor, *Current Problems in California Subdivision Control*, 13 Hastings L.J. 344.)

These purposes would be defeated if the courts were to recognize avoidance of the statutes by such use of an action in partition as was devised here. (3) Mandamus is an equitable remedy. It will not be used to compel the performance of acts which are illegal, contrary to public policy, or

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which tend to aid an unlawful purpose. (Cook v. Noble, 181 Cal. 720 [186 P. 150]; Sutro Heights Land Co. v. Merced Irr. Dist., 211 Cal. 670, 704-705 [296 P. 1088]; Smith v. Krintz, 201 Cal.App.2d 696, 700 [20 Cal.Rptr. 471].) This is not a case in which a building permit has been denied because of some old violation of subdivision laws, possibly done by predecessors in title to the applicant; it is a case where the permit is sought as the culmination of a plan to circumvent the law by one of the planners. The courts will not assist, by equitable process, the fulfillment of this plan.

Judgment denying writ of mandate is affirmed.

Draper, P. J., and Salsman, J., concurred. ***607**