

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
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STAFF MEMORANDUM State Minimum Fire Safe Appeals December 7, 2021 **Item #1**

Staff Contact: Robert Cain – Associate Planner
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FILE: PLN15-10815-MOD1-APL1
SUBJECT: Appeal of an Exception Request Denial by CAL Fire
LOCATION: 0 Higuera Highland Lane, San Jose (APN 654-15-028)

DISCUSSION

At the October 28, 2021 State Minimum Fire Safe Appeals Hearing, the Hearing Officer considered an Appeal request to overturn a CAL Fire denial of an Exception to the SRA/VHFHSZ Fire Safe Regulations concerning fire safe access. At the meeting, the Hearing Officer rendered a determination that the Appeal was denied.

On November 11, 2021, the Hearing Officer informed the Appellant, Margaret Belska, of a request for further briefing of the appeal at the December 7, 2021 Fire Access Appeal Hearing. A brief discussion is provided below.

DISCUSSION

In the email dated November 11, 2021, the Hearing Officer's informed the Appellant (Attachment A) of their desire to consider the following two questions at the December 7, 2021 hearing:

1. What action created the subject property?
2. Are there any maps approved prior to January 1, 1991 that impose conditions on the Subject Property relating to perimeters and access to buildings? Specifically, are there any other maps that impose conditions relating to the location of the residence with respect to the dead-end road on the Subject Property?

The Appellant provided a Parcel Map for a Lot Line Adjustment prior to the October 28, 2021 public hearing. Staff has provided an excerpt of the Lot Line Adjustment Parcel Map to this memo (Attachment B). A notation on the Parcel Map indicates the following: *"This map is filed...for purposes of adjusting lot lines between existing parcels. Approval of this map does not constitute building site approval as to any of the parcels reconfigured as the result of the lot line adjustment. Such parcels may require further approval with applicable County Ordinance prior to development or further development."*

According to the applicable State regulations that govern fire access (14 CCR § 1270.02.b) (Attachment C), *"these regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed*

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by the parcel map or final tentative map approved prior to January 1, 1991.

The Lot Line Adjustment created the current configuration of the subject property on October 15, 1980, according to the Lot Line Adjustment Parcel Map submitted by the Appellant into the record. The Lot Line Adjustment does not provide conditions relating to the perimeters and access within the parcel map submitted by the Appellant. County Staff has not received any documentation from the Appellant related to the Hearing Officer's question No. 2 for a) any potential subdivision maps that may have been approved prior to January 1, 1991 that impose conditions on the subject property relating to perimeters and access to buildings, or b) any other maps that impose conditions relating to the location of the residence with respect to the dead-end road on the subject property.

The only additional information related to the Appellant's property were a pre-1969 deed and current deed. These deeds do not match, however the issuance of the Lot Line Adjustment created Appellant's lot in its current form (Attachment D).

REVIEWED BY

WAC

Approved by: Leza Mikhail, Principal Planner & Zoning Administrator

LM

ATTACHMENTS:

- Attachment A - Notice to Appellant (PDF)
- Attachment B - Lot Line Adjustment Parcel Map (PDF)
- Attachment C - SRA/VHFHSZ Fire Safe Regulations (current) (PDF)
- Attachment D - Supplemental Deed (PDF)

ATTACHMENT A

From: Hector Estrada <hector.estrada@sccfd.oprg>
Sent: Thursday, November 18, 2021 12:26 PM
To: Margaret B
Subject: [EXTERNAL] Fire Safe Appeal PLN 15-1010815

Ms. Belska,

This notice is to inform you that, having considered the materials and arguments presented at the October 28, 2021 hearing on the appeal of CalFire's denial request for an exception from the "Fire Safe Regulations" (14 Cal. Code Regs. §§ 1270 et seq.) with regard to Application PLN 15-10815, I am requesting additional briefing, as further detailed below, at a public hearing on December 7, 2021.

Parcels created by a parcel or tentative maps or other developments approved before January 1, 1991 are exempt from compliance with the Fire Safe Regulations with respect to conditions relating to the perimeters and access to the buildings imposed by that map. (Pub. Res. Code § 4290(a); 14 Cal. Code Regs. 1270.02(b).) Only conditions imposed during the map approval process are immune from the effects of the Fire Safe Regulations. (76 Ops.Cal.Atty.Gen. 19 (1993).) The Fire Safe Regulations require that the maximum length of a dead-end road may not exceed 2,640 feet for parcels zoned for 5-19.99 acres (14 Cal. Code Regs. § 1273.08(a).) The Subject Property is 18.8 acres in size and the proposed single family home is near the end of Higuera Highland Lane, an approximately 10,000 foot dead end road.

On October 28, 2021, the appellant asserted that 0 Higuera Highland Lane ("Subject Property") was formed by a parcel map dated April 1980. This map does not appear to impose any conditions relating to perimeters and access on the Subject Property or to the dead-end road. The Planning Department indicated that it was unsure when the Subject Property was created.

In light of the foregoing, the hearing officer requests further briefing on the following questions:

1. What action created the Subject Property?
2. Are there any maps approved prior to January 1, 1991 that impose conditions on the Subject Property relating to perimeters and access to buildings? Specifically, are there any other maps that impose conditions relating to the location of the residence with respect to the dead-end road on the Subject Property?

Please limit your comments at the hearing to the issues noted above. The hearing officer expects to issue a decision at the hearing or shortly thereafter. Notice of the hearing pursuant to Section C1-104 of the Code of Ordinances will be provided by separate cover.

Respectfully,

Hector R. Estrada | Fire Safe Appeals Hearing Officer

Hector R. Estrada | Deputy Chief of Fire Prevention
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SANTA CLARA COUNTY
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ATTACHMENT B

ATTACHMENT C

Title 14. Natural Resources

Division 1.5. Department of Forestry and Fire Protection

Chapter 7. Fire Protection [FNA2]

Subchapter 2. SRA/Vhfhsv Fire Safe Regulations

Article 1. Administration

14 CCR § 1270

Article 1. Administration

§ 1270.00. Title.

These regulations shall be known as the “SRA/VHFHSZ Fire Safe Regulations,” and shall constitute the basic wildfire protection standards of the California Board of Forestry and Fire Protection.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4102, 4126, 4127 and 4290, Public Resources Code.

§ 1270.01. Purpose.

- (a) These regulations have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Area (SRA) and, after July 1, 2021, the Very High Fire Hazard Severity Zones as defined in Government Code § 51177(i) (VHFHSZ).
- (b) The future design and construction of structures, subdivisions and developments in the SRA and, after July 1, 2021, the VHFHSZ shall provide for basic emergency access and perimeter wildfire protection measures as specified in the following articles.
- (c) These measures shall provide for emergency access; signing and building numbering; private water supply reserves for emergency fire use; and vegetation modification. The fire protection standards which follow shall specify the minimums for such measures.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.02. Scope.

- (a) These regulations shall apply to:

- (1) the perimeters and access to all residential, commercial, and industrial building construction within the SRA approved after January 1, 1991, and those approved after July 1, 2021 within the VHFHSZ, except as set forth below in subsections (b) through (d), inclusive, and (f);

(2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971, except where being sited or installed as an accessory or junior accessory dwelling unit as set forth in subsection (d) below;

(3) all tentative and parcel maps or other developments approved after January 1, 1991; and

(4) applications for building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

(b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

(c) (1) At the discretion of the local jurisdiction, and subject to any requirements imposed by the local jurisdiction to ensure reasonable ingress, egress, and capacity for evacuation and emergency response during a wildfire, these regulations shall not apply to the reconstruction or repair of legally constructed residential, commercial, or industrial buildings due to a wildfire, to the extent that the reconstruction or repair does not:

(A) increase the square footage of the residential, commercial, or industrial building or buildings that previously existed; or

(B) change the use of the building or buildings that had existed previously; or

(C) construct a new building or buildings that did not previously exist on the site.

(2) Nothing in this subsection shall be construed to alter the extent to which these regulations apply to the reconstruction or repair of a legally constructed residential, commercial, or industrial building for reasons unrelated to a wildfire.

(d) These regulations do not apply to the creation of accessory or junior accessory dwelling units that comply with Government Code sections 65852.2 or 65852.22, or any local ordinances enacted thereunder, as applicable, including any local ordinances requiring provisions for fire and life safety.

(e) Unless otherwise exempt pursuant to this subchapter, affected activities include, but are not limited to:

(1) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d);

- (2) application for a building permit for new building construction;
- (3) application for a use permit; and
- (4) road construction.

(f) EXEMPTION: Roads used solely for agricultural, mining, or the management and harvesting of wood products.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.03. Provisions for Application of These Regulations.

This subchapter shall be applied as follows:

- (a) the local jurisdictions shall provide the Director of the California Department of Forestry and Fire Protection (CAL FIRE) or their designee with notice of applications for building permits, tentative parcel maps, tentative maps, and installation or use permits for construction or development within the SRA or, after July 1, 2021, the VHFHSZ.
- (b) the Director or their designee may review and make fire protection recommendations on applicable construction or development permits or maps provided by the local jurisdiction.
- (c) the local jurisdiction shall ensure that the applicable sections of this subchapter become a condition of approval of any applicable construction or development permit or map.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.04. Local Ordinances.

- (a) Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule, or regulation of any state or local jurisdiction provided that such ordinance, rule, or regulation is equal to or exceeds these minimum standards.
- (b) Counties may submit their local ordinances for certification via email to the Board, and the Board may certify them as equaling or exceeding these regulations when they provide the same practical effect. If the Board determines that the local requirements do not equal or exceed these regulations, it shall not certify the local ordinance.
- (c) When the Board grants certification, the local ordinances, in lieu of these regulations, shall be applied as described in 14 CCR § 1270.02 and used as the basis for inspections performed under 14 CCR § 1270.05.
- (d) The Board's certification of local ordinances pursuant to this section is rendered invalid when previously certified ordinances are subsequently amended by local jurisdictions, or the regulations are amended by the Board, without Board re-certification of the amended ordinances. The Board's regulations supersede the amended local

ordinance(s) when the amended local ordinance(s) are not re-certified by the Board. Amendments made by local jurisdictions to previously certified ordinances shall be submitted for re-certification.

Note: Authority cited: Sections 4111 and 4290, Public Resources Code. Reference: Sections 4117 and 4290, Public Resources Code.

§ 1270.05. Inspections.

Inspections shall conform to the following requirements:

(a) Inspection shall be made by:

- (1) the Director, or
- (2) local jurisdictions that have assumed state fire protection responsibility on SRA lands, or
- (3) local jurisdictions where the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction.

(b) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws even when the inspection duties have been delegated pursuant to this section.

(c) Reports of violations shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the local jurisdiction.

(d) When inspections are conducted, they shall occur prior to: the issuance of the use permit or certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or building permit.

Note: Authority cited: Sections 4111, 4119 and 4290, Public Resources Code. Reference: Section 4290, Public Resources Code.

§ 1270.06. Exceptions to Standards.

(a) Upon request by the applicant, exceptions to standards within this subchapter or to local jurisdiction certified ordinances may be allowed by the inspection entity listed in 14 CCR § 1270.05, where the exceptions provide the same practical effect as these regulations towards providing defensible space. Exceptions granted by the inspection entity listed in 14 CCR § 1270.05 shall be made on a case-by-case basis only. Exceptions granted by the inspection entity listed in 14 CCR § 1270.05 shall be forwarded to the appropriate CAL FIRE Unit Office that administers SRA fire protection in that county and shall be retained on file at the Unit Office.

(b) Requests for an exception shall be made in writing to the inspection entity listed in 14 CCR § 1270.05 by the applicant or the applicant's authorized representative. At a minimum, the request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant, the details of the exception proposed, and a map showing the proposed location and siting of the

exception. Local jurisdictions listed in 14 CCR section 1270.05 may establish additional procedures or requirements for exception requests.

(c) Where an exception is not granted by the inspection entity, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.

(d) Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildfire protection.

(e) If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that local jurisdiction.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1271.00. Definitions.

Agriculture: Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.

Building: Any structure used or intended for supporting or sheltering any use or occupancy, except Utility and Miscellaneous Group U buildings.

CAL FIRE: California Department of Forestry and Fire Protection.

Dead-end road: A road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.

Defensible space: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, road names and building identification, and fuel modification measures.

Development: As defined in section 66418.1 of the California Government Code.

Director: Director of the Department of Forestry and Fire Protection or their designee.

Driveway: A vehicular access that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.

Distance Measurements: All specified or referenced distances are measured along the ground, unless otherwise stated.

EXCEPTION: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem.

Fire valve: see hydrant.

Fuel modification area: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.

Greenbelts: A facility or land-use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.

Hammerhead/T: A road or driveway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.

Hydrant: A valved connection on a water supply or storage system, having either one two and a half (2 1/2) inch or one four and a half (4 1/2) inch outlet, with male American National Fire Hose Screw Threads (NH), used to supply fire apparatus and hoses with water.

Local Jurisdiction: Any county, city/county agency or department, or any locally authorized district that issues or approves building permits, use permits, tentative maps or tentative parcel maps, or has authority to regulate development and construction activity.

Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

One-way road: A minimum of one traffic lane width designed for traffic flow in one direction only.

Residential unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobilehomes, and factory-built housing are considered residential units for the purposes of mandatory measures required in 14 CCR § 1270.01(c), unless being sited or installed as an accessory or junior accessory dwelling unit in accordance with 14 CCR § 1270.02(d).

Road: Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes public and private streets and lanes.

Road or driveway structures: Bridges, culverts, and other appurtenant structures which supplement the traffic lane or shoulders.

Same Practical Effect: As used in this subchapter, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:

- (a) access for emergency wildland fire equipment,
- (b) safe civilian evacuation,
- (c) signing that avoids delays in emergency equipment response,
- (d) available and accessible water to effectively attack wildfire or defend a structure from wildfire, and
- (e) fuel modification sufficient for civilian and fire fighter safety.

Shoulder: Vehicular access adjacent to the traffic lane.

State Board of Forestry and Fire Protection (Board): As defined in Public Resources Code section 730.

State Responsibility Area (SRA): As defined in Public Resources Code sections 4126-4127; and the California Code of Regulations, title 14, division 1.5, chapter 7, article 1, sections 1220-1220.5.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision: As defined in section 66424 of the Government Code.

Traffic lane: The portion of a road or driveway that provides a single line of vehicle travel.

Turnaround: A road or driveway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

Turnouts: A widening in a road or driveway to allow vehicles to pass.

Utility and Miscellaneous Group U building: A structure of an accessory character or a miscellaneous structure not classified in any specific occupancy permitted, constructed, equipped, and maintained to conform to the requirements of Title 24, California Building Standards Code.

Vertical clearance: The minimum specified height of a bridge or overhead projection above the road or driveway.

Wildfire: As defined in Public Resources Code Section 4103 and 4104.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 2. Emergency Access and Egress

§ 1273.00. Intent.

Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.01. Width.

(a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.

(b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.

(1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.

(2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

(c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.02. Road Surfaces.

(a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.

(b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.

(c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.03. Grades.

- (a) At no point shall the grade for all roads and driveways exceed 16 percent.
- (b) The grade may exceed 16%, not to exceed 20%, with approval from the local authority having jurisdiction and with mitigations to provide for same practical effect.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.04. Radius.

- (a) No road or road structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet.
- (b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.05. Turnarounds.

- (a) Turnarounds are required on driveways and dead-end roads.
- (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.
- (c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
- (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.
- (d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.
- (e) Figure A. Turnarounds on roads with two ten-foot traffic lanes.

Figure A/Image 1 is a visual representation of paragraph (b).

- (f) Figure B. Turnarounds on driveways with one ten-foot traffic lane.

Figure B/Image 2 is a visual representation of paragraph (b).

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.06. Turnouts.

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.07. Road and Driveway Structures.

(a) Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single traffic lane conditions, shall reflect the capability of each bridge.

(b) Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17), hereby incorporated by reference. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the local authority having jurisdiction.

(c) Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, barriers, or signs, or both, as approved by the local authority having jurisdiction, shall be installed and maintained.

(d) A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.08. Dead-end Roads.

(a) The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

parcels zoned for less than one acre - 800 feet

parcels zoned for 1 acre to 4.99 acres - 1,320 feet

parcels zoned for 5 acres to 19.99 acres - 2,640 feet

parcels zoned for 20 acres or larger - 5,280 feet

All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end

road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

(b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.09. Gate Entrances.

(a) Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

(b) All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.

(c) Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used.

(d) Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 3. Signing and Building Numbering

§ 1274.00. Intent.

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved roads and buildings shall be designated by names or numbers posted on signs clearly visible and legible from the road. This section shall not restrict the size of letters or numbers appearing on road signs for other purposes.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.01. Road Signs.

(a) Newly constructed or approved roads must be identified by a name or number through a consistent system that provides for sequenced or patterned numbering and/or non-duplicative naming within each local jurisdiction. This section does not require any entity to rename or renumber existing roads, nor shall a road providing access only to a single commercial or industrial occupancy require naming or numbering.

(b) The size of letters, numbers, and symbols for road signs shall be a minimum four (4) inch letter height, half inch (.5) inch stroke, reflectorized, contrasting with the background color of the sign.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.02. Road Sign Installation, Location, and Visibility.

(a) Road signs shall be visible and legible from both directions of vehicle travel for a distance of at least one hundred (100) feet.

(b) Signs required by this article identifying intersecting roads shall be placed at the intersection of those roads.

(c) A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end roads, one-way roads, or single lane conditions, shall be placed:

(i) at the intersection preceding the traffic access limitation, and

(ii) no more than one hundred (100) feet before such traffic access limitation.

(d) Road signs required by this article shall be posted at the beginning of construction and shall be maintained thereafter.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.03. Addresses for Buildings.

(a) All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U buildings are not required to have a separate address; however, each residential unit within a building shall be separately identified.

(b) The size of letters, numbers, and symbols for addresses shall conform to the standards in the California Fire Code, California Code of Regulations title 24, part 9.

(c) Addresses for residential buildings shall be reflectorized.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.04. Address Installation, Location, and Visibility.

(a) All buildings shall have a permanently posted address which shall be plainly legible and visible from the road fronting the property.

(b) Where access is by means of a private road and the address identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way.

- (c) Address signs along one-way roads shall be visible from both directions.
- (d) Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post.
- (e) Where a road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.
- (f) In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 4. Emergency Water Standards

§ 1275.00. Intent.

Emergency water for wildfire protection shall be available, accessible, and maintained in quantities and locations specified in the statute and these regulations in order to attack a wildfire or defend property from a wildfire.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.01. Application.

The provisions of this article shall apply in the tentative and parcel map process when new parcels are approved by the local jurisdiction having authority.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.02. Water Supply.

(a) When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are provided and approved by the local authority having jurisdiction.

(b) Water systems equaling or exceeding the California Fire Code, California Code of Regulations title 24, part 9, or, where a municipal-type water supply is unavailable, National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2017 Edition, hereby incorporated by reference, shall be accepted as meeting the requirements of this article.

(c) Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available.

(d) Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency.

(e) Where freeze or crash protection is required by local jurisdictions having authority, such protection measures shall be provided.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.03. Hydrants and Fire Valves.

(a) The hydrant or fire valve shall be eighteen (18) inches above the finished surface. Its location in relation to the road or driveway and to the building(s) or structure(s) it serves shall comply with California Fire Code, California Code of Regulations title 24, part 9, Chapter 5, and Appendix C.

(b) The hydrant head shall be a two and half (2 1/2) inch National Hose male thread with cap for pressure and gravity flow systems and four and a half (4 1/2) inch for draft systems.

(c) Hydrants shall be wet or dry barrel and have suitable freeze or crash protection as required by the local jurisdiction.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.04. Signing of Water Sources.

(a) Each hydrant, fire valve, or access to water shall be identified as follows:

(1) if located along a driveway, a reflectorized blue marker, with a minimum dimension of three (3) inches shall be located on the driveway address sign and mounted on a fire retardant post, or

(2) if located along a road,

(i) a reflectorized blue marker, with a minimum dimension of three (3) inches, shall be mounted on a fire retardant post. The sign post shall be within three (3) feet of said hydrant or fire valve, with the sign no less than three (3) feet nor greater than five (5) feet above ground, in a horizontal position and visible from the driveway, or

(ii) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 5. Fuel Modification Standards

§ 1276.00. Intent.

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelts shall provide for increased safety for emergency fire equipment and evacuating civilians by its utilization around structures and roads, including driveways, and a point of attack or defense from a wildfire.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.01. Setback for Structure Defensible Space.

(a) All parcels shall provide a minimum thirty (30) foot setback for all buildings from all property lines and/or the center of a road.

(b) When a thirty (30) foot setback is not possible for practical reasons, which may include but are not limited to parcel dimensions or size, topographic limitations, or other easements, the local jurisdiction shall provide for same practical effect.

(i) Same practical effect requirements shall reduce the likelihood of home-to-home ignition.

(ii) Same practical effect options may include, but are not limited to, noncombustible block walls or fences; five (5) feet of noncombustible material horizontally around the structure; installing hardscape landscaping or reducing exposed windows on the side of the structure with a less than thirty (30) foot setback; or additional structure hardening such as those required in the California Building Code, California Code of Regulations title 24, part 2, Chapter 7A.

(c) Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.02. Maintenance of Defensible Space Measures.

To ensure continued maintenance of commonly owned properties in conformance with these standards and to assure continued availability, access, and utilization of the defensible space provided by these standards during a wildfire, provisions for annual maintenance shall be provided in emergency access covenants or similar binding agreements.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.03. Disposal of Flammable Vegetation and Fuels.

Disposal, including chipping, burying, burning or removal to a site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.04. Greenbelts.

Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and may be consistent with the CAL FIRE Unit Fire Management Plan or Contract County Fire Plan.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

ATTACHMENT D

6605

2677967

3

RECORDING REQUESTED BY

BOOK 6605 PAGE 124

BOOK 6605 PAGE 124

FILED FOR RECORD AT REQUEST OF
Title Insurance and Trust Company

AND WHEN RECORDED MAIL TO

JUL 31 2 22 PM 1964

OFFICIAL RECORDS
SANTA CLARA COUNTY
PAUL R. TEILH
RECORDER

✓ 100

Name: Higuera Land Company
Street Address: 436 O'Farrell Street
City & State: San Francisco 2, California
249574 rcm

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AFFIX I.R.S. §. none IN THIS SPACE

Grant Deed

TO 405 C

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
MARY P. ROSE, also known as MARIA PEREIRA ROSA, also known
as MARY PERIERA ROSA,

hereby GRANT(S) to

HIGUERA LAND COMPANY, a California corporation

the following described real property in the
County of Santa Clara, State of California:

BEGINNING at a 4 x 4 inch post marked H. 7 H. 9 being the Northeast corner of Lot 7 of the Partition of the Higuera Rancho, as shown upon the Map thereof herein referred to, standing in the center of a creek; thence along the center of said creek, North 84° 30' East 57.50 chains to a 4 x 4 inch post marked H. 9 H. 10" thence leaving said creek South 20° East 29.00 chains to a 4 x 4 inch post marked H. 9 H. 10 standing in the fence on the Southerly boundary of said Higuera Ranch; thence along said Southerly boundary South 70° West 72.45 chains to a 4 x 4 inch post marked H. 6 H. 7 H. 9; thence North 1° East, 47.50 chains to the point of beginning, and containing approximately 239 acres of land and being Lot 9 of the Partition of the Higuera Rancho, as the same is numbered and designated upon the partition Map and survey thereof on file in the office of the County Clerk of the County of Santa Clara, et al, vs. Pedro Higuera, et al, Case No. 9017, State of California, in the action for the partition of David Higuera.

Dated: March 9, 1964

Mary P. Rose
Mary P. Rose, aka Maria Pereira Rosa, aka Mary Periera Rosa

STATE OF CALIFORNIA }
COUNTY OF Santa Clara } SS.
On March 9, 1964 before me, the undersigned, a Notary Public in and for said State, personally appeared
Mary P. Rose, aka Maria
Pereira Rosa, aka Mary
Periera Rosa,

known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same.

WITNESS my hand and official seal.

(Seal) Signature: Anthony J. Anastasi

Name (Typed or Printed)
Notary Public in and for said State
If executed by a Corporation the Corporation Form of Acknowledgment must be used.

Title Order No. _____

Escrow No. 249574 rcm

RECORDING REQUESTED BY

NOV 25 74U 1070 * 39.05

4901070

B 184 PAGE 488

AND WHEN RECORDED MAIL TO

RECORDED AT THE REQUEST OF
Title Insurance and Trust Company
NOV 25 1974 8:01 AM
George A. Mann, Recorder
SANTA CLARA COUNTY, OFFICE RECORDS

Name Richards' Children Trust
Street Address 4015 Higuera Road
City & State San Jose, CA 95122

400

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Name Same as Above
Street Address
City & State

DOCUMENTARY TRANSFER TAX See Exhibit A
attached hereto and made a part hereof
COMPUTED ON THE FULL CONSIDERATION
PAID FOR THE PROPERTY CONVEYED.
COMPUTED ON FULL VALUE LESS LIENS AND
ENCUMBRANCES REMOVED AT TIME OF SALE.
TITLE INSURANCE
AND TRUST COMPANY
SIGNED - PARTY OR AGENT FIRM NAME

Trustee's Deed Upon Sale

T. S. No. SJ 360335

TITLE INSURANCE AND TRUST COMPANY, a California corporation, (herein called Trustee), as the duly appointed Trustee under the Deed of Trust hereinafter described, does hereby grant and convey, but without warranty, express or implied, to RICHARDS' CHILDREN TRUST

(herein called Grantee), all of its right, title and interest in and to that certain property situated in the City of Santa Clara, County of Santa Clara, State of California, described as follows:

See Exhibit B attached hereto and made a part hereof.

TRUSTEE STATES THAT:

This conveyance is made pursuant to the powers conferred upon Trustee by that certain Deed of Trust dated July 28, 1964 and executed by HIGUERA LAND COMPANY, a corporation as trustor, and recorded July 31, 1964 in book/reel 6605, page/image, 125, of Official Records of Santa Clara County, California, and after fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance.

Default occurred as set forth in a Notice of Default and Election to Sell which was recorded in the office of the Recorder of said County.

All requirements of law regarding the mailing of copies of notices for which requests have been recorded and the posting and publication of copies of the Notice of Sale have been complied with.

Said property was sold by said Trustee at public auction on Nov. 21, 1974 at the place named in the Notice of Sale, in the County of Santa Clara, California, in which the property is situated. Grantee, being the highest bidder at such sale, became the purchaser of said property and paid therefor to said Trustee the amount bid, being \$ 35,400.00, in lawful money of the United States, or by the satisfaction, pro tanto, of the obligations then secured by said Deed of Trust.

In Witness Whereof, said TITLE INSURANCE AND TRUST COMPANY, as Trustee, has this day caused its corporate name and seal to be hereunto affixed by its Vice-President and Assistant Secretary, thereunto duly authorized by resolution of its Board of Directors. Asst.

STATE OF CALIFORNIA, Santa Clara } ss.
COUNTY OF

On November 21, 1974, before me, the undersigned, a Notary Public in and for said State, personally appeared EDWARD K. MARUYAMA

known to me to be Vice-President, and CLAUDIA NICHOLS

known to me to be an Assistant Secretary of TITLE INSURANCE AND TRUST COMPANY, the Corporation that executed the within Instrument as Trustee, known to me to be the persons who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same as Trustee.

WITNESS my hand and official seal.

Signature *[Signature]*
Name (Typed or Printed)

Title Insurance and Trust Company,
as Trustee aforesaid.

By *[Signature]*
ASST. Vice-President

By *[Signature]*
Assistant Secretary

ELOISE LEWIS
NOTARY PUBLIC - CALIFORNIA
SANTA CLARA COUNTY
My Commission Expires Aug. 15, 1978
(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

ADD NO. 654 15 8

184 PAGE 488

EXHIBIT A

The grantor herein makes the following declaration for Documentary Transfer Tax purposes:

1. The grantee herein ~~was~~ - was not the foreclosing beneficiary.
2. The amount of the unpaid debt together with costs was \$19,185.64.
3. The amount paid by the grantee at the trustee's sale was \$35,400.00.
4. The documentary transfer tax is \$39.05 Full Value
5. Said property is in unincorporated area:
 City of _____, and

Claudio Nichols
Signed-Party or Agent

Title Insurance
and Trust Company

Firm Name _____

EXHIBIT B

DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A 4 X 4 INCH POST MARKED H. 7 H. 9, BEING THE NORTH-EAST CORNER OF LOT 7 OF THE PARTITION OF THE HIGUERA RANCHO, AS SHOWN UPON THE MAP THEREOF HEREIN REFERRED TO, STANDING IN THE CENTER OF A CREEK, THENCE ALONG THE CENTER OF SAID CREEK, NORTH 84° 30' EAST 57.50 CHAINS TO A 4 X 4 INCH POST MARKED H. 9. H. 10"; THENCE LEAVING SAID CREEK SOUTH 20° EAST 29.00 CHAINS TO A 4 X 4 INCH POST MARKED H. 5 H. 10 STANDING IN THE FENCE ON THE SOUTHERLY BOUNDARY OF SAID HIGUERA RANCH; THENCE ALONG SAID SOUTHERLY BOUNDARY SOUTH 20° WEST 72.45 CHAINS TO A 4 X 4 INCH POST MARKED H. 6 H. 7 H. 9; THENCE NORTH 1° EAST, 47.50 CHAINS TO THE POINT OF BEGINNING AND BEING LOT 9 OF THE PARTITION OF THE HIGUERA RANCHO, AS THE SAME IS NUMBERED AND DESIGNATED UPON THE PARTITION MAP AND SURVEY THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF SANTA CLARA, ET AL, VS. PEDRO HIGUERS, ET AL, CASE NO. 9017, STATE OF CALIFORNIA, IN THE ACTION FOR THE PARTITION OF DAVID HIGUERA.

EXCEPTING THEREFROM THOSE PORTIONS DESCRIBED IN THE PARTIAL RECONVEYANCES RECORDED OCTOBER 7, 1965 IN BOOK 7131, PAGE 653 OFFICIAL RECORDS; JANUARY 3, 1968 IN BOOK 7986, PAGE 706 OFFICIAL RECORDS; SEPTEMBER 14, 1970 IN BOOK 9051 PAGE 732 OFFICIAL RECORDS, AND SEPTEMBER 28, 1973 IN BOOK 0536 PAGE 136 OFFICIAL RECORDS.

RECORDING REQUESTED BY:

Old Republic Title Company

Order No.: 0618002258

DOCUMENT: 20708793

Pages: 3



Fees. 21.00
Taxes. 607.75
Copies..
AMT PAID 628.75

REGINA ALCOMENDRAS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Old Republic Title Company

RDE # 008
5/12/2010
8:00 AM

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Grant Deed

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$607.75

(X) computed on full value of property conveyed, or

() computed on full value less of liens and encumbrances remaining at time of sale.

(X) Unincorporated area: () City of

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
George S. Lau and Laura A. Lau, husband and wife

hereby GRANT(S) to

Joseph P. Manca and Margaret E. Belska, husband and wife as Community Property with Right of Survivorship

that property in Unincorporated area of Santa Clara County, State of California, described as follows:

See "Exhibit A" attached hereto and made a part hereof.

State of California

County of Santa Clara

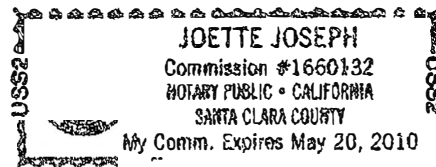
On 7th day of May, 2010 before me, Joette Joseph, a Notary Public, personally appeared ***GEORGE S. LAU and LAURA A. LAU***, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Name Joette Joseph
(typed or printed)



(Area reserved for official notarial seal)

AG54-15-008.01 & 008.02

EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Santa Clara, State of California, and is described as follows:

PARCEL ONE:

Parcel 1, so designated and delineated on the Parcel Map recorded October 15, 1980 in Book 473 of Maps, page 23, Santa Clara County Records.

PARCEL TWO:

A non-exclusive Right of Way and Easement for purposes of ingress and egress and the installation, operation, maintenance, repair and replacement of public utilities in, over, under and along the present existing road, Westerly to Higuera Road, as granted by Higuera Land Company to John Richards IV and Elizabeth M. Richards, by deed recorded May 31, 1977 in Book C871, page 124, Official Records.

PARCEL THREE:

An Easement for ingress and egress over all that portion of Ranch Road lying within the bounds of Parcel 1, so designated and delineated on the Parcel Map recorded June 29, 1978 in Book 421 of Maps, pages 36 and 37, Santa Clara County Records, as granted by Kenneth L. Rose et ux to John Richards IV and Elizabeth M. Richards, by Deed recorded E715, page 360, Official Records.

PARCEL FOUR:

A 60 foot non-exclusive Right of Way commencing at the Easterly termination point of Higuera Highlands Lane, the center line being the center line of the existing roadway, terminating at the intersection of the driveway on the Richards Children Trust parcel, so described in the Quitclaim Deed by John Richards IV and Elizabeth M. Richards to the Richards Children Trust recorded March 27, 1980 in Book F230, page 617, Official Records.

PARCEL FIVE:

A non-exclusive Easement for ingress and egress and for the installation, maintenance and operation of public utilities over the East prolongation of Higuera Highland Lane within Parcel 2, so designated and delineated on the Parcel Map recorded October 15, 1980 in Book 473 of Maps, page 23, Santa Clara County Records, and being shown thereon as a 50 foot wide strip of land, which widens to 60 feet in width, beginning at the East terminus of Higuera Highland Lane and traversing said Parcel 2 to the West line of Parcel 1, as granted by John Richards IV and Linda L. Richards, et al, to Paul J. Vincent, Trustee under Trust Agreement dated November 20, 1974 entitled Richards Children Trust, by deed recorded November 4, 1988 in Book K743, page 1086, Official Records.

PARCEL SIX:

A one-quarter (1/4) interest in and to a Water Well located on Assessor' Parcel No. 654-15-023, said well and access rights thereto as set fourth in that certain Water Well Partnership Agreement recorded December 16, 1993 in Book N195, page 0690, Series No. 12264755, Official Records.

NOTE: Parcels Two, Four and Six herein described are only being included so as to avoid the Company being the cause of excluding them from deeds or encumbrances, but NO INSURANCE is to be provided as to said parcel.

Anything to the contrary in the policy or endorsements thereto notwithstanding, said parcel is NOT INSURED even though it may be included as part of the description of the land described or referred to in the policy.

The Company requires that the insured(s) acknowledge in writing that they understand this.

Should a request, however, be made for insurance in this regard, it must be referred to the Title Department for an appropriate response.

APN: 654-15-028
A 654-15-008.01; -008.02

Read, understood and acknowledged on May 10, 2010 :

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