

Exhibit IV

- A. 1992 Start of Inclusionary process with Site Specific Application 9 - 4
- B. 1995 Hearing on Site Specific 9 - 4 by Planning Commission. Planning Dept. (ref. Pierre Rivas) had put our property in N.R. and the Planning Commission reversed this by a 4 - 0 vote back to RR 10's (see memorandum John Upton sec. E)
- C. In the 96 General Plan, Planning Dept. put the property into Plated and said again, "we did not conform" (Pierre Rivas)
- D. The 'Hot Bucket' was created by the Board on un-resolved issues. The Planning Commission again heard Planning Dept.'s desire to put our property in non-conforming Platting. The Commission by a 3 - 1 vote retained the RR 10 Zoning. (App 9 - 4)
 1. A Third Administrative Draft Exempt RR Zoning below 3,000 feet from N.R. designation by the Planning Commission, 3-1 vote.
 2. Written Confirmation of the same in land use (property is 2600 to 2800 feet elevation.
- E. The Planning Dept. appealed this decision to the Board of Supervisors and was heard on 12/9/97 in detail and the Board upheld the Planning Commission decision by a 4 - 1 vote to retain RR 10 Acre Zoning.
- F. This is an attached request from Supervisor Upton on 12/5 prior to the Board Hearing on clarification of Planning Dept. position. This was the second time the Planning Dept. tried to zone away our property rights. (B & C ref. Rivas)
- G. In 2006 the issue of Platting was laid to rest by Roger Trout at the Ag. Commission.

IV-A



2850 FAIRLANE COURT
PLACERVILLE, CALIFORNIA
TELEPHONE: (916) 621-5827
FAX: (916) 642-0508

December 11, 1992

John Stelzmilller
1400 Big Oak Road
Placerville, CA 95667

REF: APN(s): 093-020-791

Dear Mr. Stelzmilller:

The Long Range Planning Division is in receipt of your Request for 2010 General Plan Analysis and Designation. Your request will be analyzed by the General Plan staff during the development of the General Plan land use alternatives and a written response provided to you upon completion of that task.

If you have questions, you may contact us at 621-5827.

Sincerely,

A handwritten signature in cursive script that reads "Craven Alcott".

Craven Alcott
Director
Long Range Planning

CA:km

IV-B

IF IT IS CONSISTENT WITH GENERAL PLAN AND THERE IS NO RECOMMENDATION.

FILE 8-7 (APN 087-060-28): ON MOTION OF COMMISSIONER MAHACH, SECONDED BY COMMISSIONER MCKEEHAN AND CARRIED BY THE FOLLOWING VOTE: AYES - COMMISSIONERS MAHACH, MCKEEHAN, AND NOBLE; NOES - COMMISSIONER VEIT, IT WAS MOVED TO APPROVE A RURAL RESIDENTIAL LAND USE DESIGNATION.

FILE 8-15: ON MOTION OF COMMISSIONER MCKEEHAN, SECONDED BY COMMISSIONER MAHACH AND FAILING BY THE FOLLOWING VOTE: AYES - COMMISSIONERS MCKEEHAN AND MAHACH; NOES - COMMISSIONERS VEIT AND NOBLE, IT WAS MOVED TO APPROVE A LOW DENSITY RESIDENTIAL LAND USE DESIGNATION.

ON MOTION OF COMMISSIONER MAHACH, SECONDED BY COMMISSIONER MCKEEHAN AND FAILING BY THE FOLLOWING VOTE: AYES - COMMISSIONERS MAHACH AND MCKEEHAN; NOES - COMMISSIONERS VEIT AND NOBLE, IT WAS MOVED TO APPROVE A TOURIST RECREATION LAND USE DESIGNATION.

FILE 8-16: ON MOTION OF COMMISSIONER MCKEEHAN, SECONDED BY COMMISSIONER VEIT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO RETAIN THE RURAL RESIDENTIAL LAND USE DESIGNATION.

FILES 8-19, 8-21, 8-22, 9-3, 9-5, 9-6, 9-8, 9-9, 9-10, 9-11, 9-12, 9-13, 9-14, AND 9-15: ON MOTION OF COMMISSIONER VEIT, SECONDED BY COMMISSIONER MAHACH AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE STAFF RECOMMENDATION, OR THE REQUEST IF IT IS CONSISTENT WITH THE GENERAL PLAN AND THERE IS NO RECOMMENDATION.

FILE 8-20: COMMISSIONER VEIT MADE A MOTION TO DENY THE REQUEST. THE MOTION DIED DUE TO LACK OF A SECOND.

FILES 9-1 AND 9-2: ON MOTION OF COMMISSIONER MAHACH, SECONDED BY COMMISSIONER MCKEEHAN AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE REQUEST.

FILE 9-4: ON MOTION OF COMMISSIONER MAHACH, SECONDED BY COMMISSIONER MCKEEHAN AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE REQUEST.





EL DORADO COUNTY
PLANNING DEPARTMENT

2850 Fairlane Court
Placerville, CA 95667

Phone: (916) 621-5355
Fax: (916) 642-0508

MEMORANDUM

DATE: August 9, 1996
TO: Planning Commission
FROM: Conrad B. Montgomery, Planning Director
SUBJECT: General Plan "Hot Bucket" Items

A handwritten signature in black ink, appearing to read "Conrad B. Montgomery", is written over a horizontal line. Below the signature is a large, stylized scribble or mark.

On January 11 and 23, 1996, the Board of Supervisors directed that the Planning Commission consider various General Plan land use map and policy issues within nine months following the adoption of the General Plan on January 23, 1996.

Following the consideration of these items by the Planning Commission, their recommendation will be forwarded to the Board of Supervisors for consideration. The Board at that time may direct that a Resolution of Intention to Amend the General Plan be brought back to them for formal action on any of the items that the Board deems appropriate. At that point a "formal" General Plan amendment process would begin. The Planning Department will prepare a staff report evaluating the proposal, including all required environmental review, and cause all necessary public notice of a hearing(s) to amend the General Plan land use map and/or text. Following the hearing(s) before the Planning Commission, a hearing(s) will be scheduled before the Board of Supervisors at the appropriate General Plan hearing "window" for final action.

These items are reiterated below followed by a brief discussion and staff recommendation.

CBM:FPR:dgp

(p: hbitems.mem)

Exhibit E **IV-C**

71 **72**
SITE
39.75A 39.74A

RR-PL

BELL
40 39.54A

IV-D

Bill Snodgrass, Secretary to the Agricultural Commission, said the Commission heard this item and agreed with the Planning Department. It is designated Natural Resource on three sides. The natural resource is the ground that the timber is on.

Commissioner Mahach said TPZ indicates to him that we are looking at timber. He asked Mr. Snodgrass the amount of taxes that the County gets back from timber harvesting on private land. Mr. Snodgrass said the County does get some money back, but he does not know the percentage.

Chairman Noble asked the size of the parcels that this property could be split down to. Mr. Snodgrass said if it is below 3,000 feet, it can go down to 10 acres.

Mr. Rivas read Policy 8.4.1.1 from the General Plan. This property is below 3,000 feet and could possible go down to 10 acres with a recommendation from the Agricultural Commission and Planning Commission and approval by the Board. *

There was no one else in the audience wishing to give input.

ON MOTION OF COMMISSIONER MAHACH, SECONDED BY COMMISSIONER MCKEEHAN AND CARRIED BY THE FOLLOWING VOTE: AYES - COMMISSIONERS MAHACH, MCKEEHAN, AND NOBLE; NOES - COMMISSIONER WOLFENDEN, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD UPHOLD THE UNANIMOUS VOTE OF APPROVAL BY THE COMMISSION ON THE SITE SPECIFIC REQUEST.

Removal of APN 100-070-33 (15.00 acres) from the Agricultural District.

Eugene Kenworthy explained their request.

Bill Snodgrass, Secretary to the Agricultural Commission, said the property has small parcels on two sides. There is an agricultural district to the south. Conrad Montgomery said the property is zoned SA-10 to the south and west, and there is some AE zoning to the south.

After reviewing the zoning, the Commission determined that the parcel could not be divided further based on surrounding zoning.

John Stiltzmilller said Mr. Kenworthy had a parcel map that he submitted in 1992. Based on comments from the Planning Department and Bill Center, he

~~... and are generally more remote and recognizes existing large parcel holdings and/or parcelization patterns. The density range for this designation is 40 to 160 acres or larger. This designation is appropriate in the Rural Regions:~~

I	II	III	IV	V
	1			2
N	A	A	N	A

addition below

~~**Natural Resource (NR):** The purpose of this land use designation is to protect The purpose of the Natural Resources (NR) designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. (The important natural resources of the County including forested areas, and important watershed and river canyons, critical wildlife habitat, rare and endangered species habitat, mineral resources, wetlands, lakes and ponds, and areas where the encroachment of development would compromise these natural resource values. Land under~~

Addition of first sentence below

Deletion of "40 to" below

I	II	III	IV	V
		1		2
A	A	A	N	A

I	II	III	IV	V
			2	1
A	N	A	A	A

Third Administrative Draft

both public and private ownership that contain these resources are included in this category. This designation shall be applied to those lands which are 40 acres or larger in size, and contain one or more important natural resource;

The designation shall not be applied to lands which are by existing development. Compatible uses may include

agriculture, rangeland, forestry, wildlife management, recreation and single-family dwellings. The maximum allowable density for this designation is 1 dwelling unit per 40 to 160 acres or larger. This designation is considered appropriate only in the Rural Regions. Isolated parcels outside the National Forest Service lands and below 3000 feet elevation are exempt from the above policy regarding the maximum allowable density. Isolated parcels shall be reviewed by the Agricultural Commission.

deletion above

I	II	III	IV	V
N	A	A	N	A

Commercial (C): The purpose of this land use category is to provide a full-range of commercial retail, office and service uses to serve the residents, businesses and visitors of El Dorado County. Mixed use development of commercial lands within

Addition of first sentence

I	II	III	IV	V
	1			
A	A	A	A	A

means of preserving large areas in their natural state or for agricultural production. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is 1 dwelling unit per 10 to 40 acres. This designation is considered appropriate only in the Rural Regions.

Natural Resource (NR): The purpose of the Natural Resources (NR) designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas and mineral resources. Land under both public and private ownership that contain these resources are included in this category. This designation shall be applied to those lands which are 40 acres or larger in size and contain one or more important natural resource. The designation shall not be applied to lands which are already surrounded by existing development. Compatible uses may include agriculture, rangeland, forestry, wildlife management, recreation and support single-family dwellings. The maximum allowable density for this designation is 1 dwelling unit per 160 acres or larger. This designation is considered appropriate only in the Rural Regions. Isolated parcels outside the National Forest Service lands and below 3000 feet elevation are exempt from the above policy regarding the maximum allowable density. Isolated parcels shall be reviewed by the Agricultural Commission.

Commercial (C): The purpose of this land use category is to provide a full-range of commercial retail, office and service uses to serve the residents, businesses and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses, shall be permitted provided the commercial activity is the primary and dominant use of the parcel. Developments in which residential usage is the sole or primary use shall be prohibited on commercially-designated lands. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. This designation is considered appropriate only within Community Regions and Rural Centers.

Research & Development (R&D): The purpose of this land use designation is to provide areas for the location of high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus-like setting which ensures a high quality, aesthetic environment. This designation is highly appropriate for the business park/employment center concept. Lands

V-E

Board of Supervisors

**Board of Supervisors Meeting Agenda
12/9/97**

A G E N D A

Regular Meeting of the Board of Supervisors
El Dorado County, California

Tuesday, December 9, 1997

BOARD OF SUPERVISORS MEETING ROOM
330 Fair Lane, Building A
Placerville, California
916 621-5390
FAX 622-3645

WALTER L. SHULTZ
Chairman
Fourth District

JOHN E. UPTON
Vice Chairman
Fifth District

J. MARK NIELSEN
2nd Vice Chairman
Third District

WILLIAM S. BRADLEY
First District

RAYMOND J. NUTTING
Second District

Clerk of the Board
Dixie L. Foote

Administrative Officer
Michael B. Hanford

County Counsel
Louis B. Green

Public Testimony will be received on each agenda item as it is called. Principal party on each side of an issue (where applicable) is allocated 10 minutes to speak, individual comments are limited to 3 minutes, and individuals speaking for a group are allocated 5 minutes. (Adopted 8/10/93) Matters not on the agenda may be addressed by the general public during the Open Forum at 9:00 a.m. Public comments during Open Forum are limited to three minutes per person. The Board reserves the right to waive said rules by a majority vote.

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE
INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

8:00 A.M. - CALL TO ORDER, ADOPTION OF AGENDA AND CLOSED SESSIONS

9:00 A.M. - OPEN SESSION

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION

Determination of matters to be added to or removed from the Consent Calendar and Board action on the Consent Calendar. (Discussion and action on items removed from the Consent Calendar will be after Presentations and Open Forum.)



EL DORADO COUNTY
PLANNING DEPARTMENT

IV-F

2850 Fairlane Court
Placerville, CA 95667

Phone: (530) 621-5355
Fax: (530) 642-0508

MEMORANDUM

DATE: December 5, 1997
TO: Supervisor John Upton
FROM: Conrad B. Montgomery, Planning Director
SUBJECT: General Plan Amendment 97-04 ("Hot Bucket" Item No. 5)
Assessor's Parcel Number 093-021-71 and -72

Below are your questions pertaining to the referenced item followed by our response.

1. *Specific past discretionary approvals, if any.*
 - (1) The subject property was rezoned from unclassified (U) to Estate Residential 10-Acres (RE-10) in 1982 as part of the adoption of the South County Area Plan.
 - (2) Two certificate of compliance applications were approved on May 22, 1996 effectively dividing the former approximately 80-acre parcel into two 40-acre parcels (COC 93-0016 and COC 96-0061).
2. *Duration of said approvals.*

No time conditions are associated with the rezone or certificate of compliance approvals.
3. *Any conditions attached to past approvals.*

No conditions of approval were applied to the rezone or certificate of compliance approvals.
4. *Specific effects on the property owner of the Board action either way on Hot Bucket Item No. 5.*
 1. *If the Board upholds Planning Commission action.*

Should the Board uphold the recommendation of the Planning Commission and keep the subject properties designated Rural Residential-Platted Lands (RR-PL), the property owner may make application to subdivide each of the two approximately 40-acre parcels into four 10-acre parcels.

2. *If the Board upholds staff's original recommendation.*

Should the Board uphold the recommendation of staff, the properties could not be further subdivided.

5. *If the Board upholds the Planning Commission recommendation, what further action(s) by the property owner are required in order to divide parcels into 10-acre parcels and what conditions would (or may) be attached?*

The property owner would be required to submit a tentative parcel map application. Typical conditions of approval applied to a tentative parcel map are listed on Attachment A.

6. *Additional requirement(s) upon property owner if Planning Commission recommendation is not followed?*

Should the recommendation of the Planning Commission not be followed and the current general plan amendment application (A97-04) continue to be processed as directed by the Board, no additional requirements are anticipated whether or not the general plan amendment is approved.

7. *Additional pertinent information that the Board should consider on this issue.*

The principal issue is that the use of the Platted Lands (-PL) land use designation overlay is for the expressed purpose of identifying those lands in the County that have been previously subdivided and would otherwise not be considered consistent with the current adopted General Plan. The -PL land use designation prevents the expansion of the particular land use pattern. Applying the -PL land use designation to these parcels is inconsistent with the policies of the General Plan because the properties are 40-acres in size and are not now subdivided. General Plan Policy 2.2.2.3 states the following:

The purpose of the Platted Lands (-PL) overlay designation is to identify isolated areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing density level of the parcels would be an inappropriate land use designation for the area based on capability constraints and/or based on the existence of important natural resources. The -PL designation shall be combined with a land use designation which is indicative of the typical parcel size located within the Platted Lands boundaries. The existence of the -PL overlay cannot be used as a criteria or precedent to expand or establish new incompatible land uses.

The -PL overlay designation may also be applied to lands historically zoned with a commercial zone district combined with the Commercial (C) land use designation.

1. Parcels within the -PL overlay designation shall not be permitted to subdivide to a size smaller than the minimum parcel size allowed by the base land use designation.
2. -PL district boundaries shall not be modified to include additional parcels for the purpose of allowing subdivision of those additional parcels.

8. *My impression is that this property is in a policy "grey area" - correct?*

No, the 40-acre parcels were, by definition, designated Natural Resource (NR). The intended use of the Platted Lands land use designation is clearly expressed in the General Plan (refer to response #10 below).

It should be noted that many properties throughout the county will be subject to a "down" zoning as a result of the adoption of the General Plan in those cases where the zoning is inconsistent with the General Plan.

9. *Access provisions to parcel and assurances that road improvements will be accomplished.*

Access and circulation issues would be addressed through the tentative parcel map application process.

10. *Why is this parcel given the Platted Lands land use designation on the General Plan map?*

On August 3, 1995, the Planning Commission approved Site Specific Request 9-4 changing the land use designation from Natural Resource (NR) to Rural Residential (RR). Since adjacent lands are designated RR-PL, this is clearly inconsistent with the policies of the General Plan. General Plan Policy 2.2.2.3 states that "the existence of the -PL overlay cannot be used as a criteria or precedent to expand or establish new incompatible land uses." Applying either RR or RR-PL to the subject properties is inconsistent with the General Plan. Applying RR-PL may be considered less inconsistent with the General Plan applying RR.

11. *Is there anywhere else in General Plan with issues similar to this?*

Staff is not aware of any other similar situations.

12. *If this Platted Lands land use designation overlay is permitted to remain, is it fair and equitable in relation to similar properties (e.g.: Is it fair to everyone in similar situation, or is this situation unique?)*

Applying the Platted Lands land use designation to properties that have not yet been subdivided for the purpose of permitting further subdivision is in conflict with General Plan Policy 2.2.2.3 and the intent of the -PL land use designation overlay as explained in the responses to question #'s 7 and 10 above.



AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
eldcag@co.el-dorado.ca.us

Howard Neilsen, Chair – Livestock Industry
Greg Boeger, Vice-chair – Agricultural Processing Industry
Edio Delfino – Fruit and Nut Farming Industry
David Pratt – Fruit and Nut Farming Industry
Lloyd Walker – Other Agricultural Interests
Gary Ward – Livestock Industry
John Winner – Forestry/Related Industries

MEMORANDUM

IV-6

DATE: May 18, 2006

TO: Aaron Mount
Planning Services

FROM: Howard Neilsen
Chair

SUBJECT: P 98-12/Transvest, Inc. requesting to sub-divide a 39.75 acre Estate Residential Ten-Acre (RE-10) zoned parcel, which is adjacent to Timber Preserve Zone (TPZ) parcels, to create four (4) parcels (District II) (continued from 4/12/06, meeting)

During the Agricultural Commission's regularly scheduled meeting held on May 10, 2006, the following discussion and motion occurred regarding Transvest, Inc.'s request to sub-divide a parcel.

Steve Burton informed the Commission that on April 28, 2006, Bill Draper and he conducted a Site Visit on the subject parcel. The parcel is 39.65 acres, zoned RE-10, and is located in the Somerset area. Mr. Burton stated that under the proposed plan, the building envelopes were more than 200 feet away from the TPZ land. Staff recommendation is to approve P 98-12 as the proposed parcel split provides for the 200 foot TPZ setback.

Ex-officio member Bill Draper submitted his written report of his findings from the Site Visit. During the meeting, Mr. Draper gave a brief summary on the condition and background history of the adjacent TPZ land.

Commission Member Pratt questioned Roger Trout regarding the parcel being identified as "Platted Lands". Mr. Trout informed the Commission that "Platted Lands" is a General Plan overlay and Policy 2.2.2.3 is the only policy that describes it. This designation was originally created in the 1996 General Plan which included some very specific limitations on development. It was eventually "watered down" in the 1996 General Plan and that language was used for the newly adopted General Plan. Mr. Trout stated that the designation is meant to deter adjacent properties from using the argument of, "if he has it, therefore, so should I". Thus, when a parcel is identified as "Platted Lands", the rule is that it can be sub-divided to the parcel size allowed by the General Plan Land Use Designation. In this case, it is RR, which is a 10-acre parcel size.

The applicant was not in attendance.

Aaron Mount
May 18, 2006
RE: P 98-12/Transvest
Page 2

It was moved by Mr. Winner and seconded by Mr. Delfino that the Agricultural Commission recommend approval for Transvest, Inc.'s request to sub-divide (P 98-12) a 39.75 acre parcel (APN#093-021-71), zoned RE-10, into four (4) parcels as the proposed parcel split provides for the 200 foot TPZ setback. Motion passed.

AYES: Delfino, Pratt, Walker, Boeger, Winner, Neilsen
NOES: None

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

HN:cmt

cc: ~~John~~ Stelzmilller