

File Number: S 04-0033A
Date Received: 10-19-07

Receipt No.: 24244
Amount: \$100.00

APPEAL FORM

(For more information, see Section 17.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT GEORGE MAJORS
ADDRESS 40 AGENT (See below)
DAYTIME TELEPHONE (See below)

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT ROBERT A. LAURIE, ATTORNEY AT LAW
ADDRESS 263 MAIN ST, Level 2 PLACERVILLE, CA 95667
DAYTIME TELEPHONE 530 295-6400

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

1. DECISION IS NOT SUPPORTED BY EVIDENCE
IN THE RECORD

2. DECISION IS CONTRARY TO LAW

DATE OF ACTION BEING APPEALED 10/17/07

Signature [Signature] Date 10/19/07

EXHIBIT B

FINDINGS

MAJOR'S CARETAKER'S RESIDENCE APN 039-060-02

FILE NUMBER S04-0033

Zoning Administrator - October 17, 2007

1.0 CEQA FINDINGS

- 1.1 The project is found to be exempt from CEQA pursuant to Section 15303 (a) New Construction.
- 1.2 The Zoning Administrator finds that the proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS

2.1 Special Use Permit S04-0033 Findings

- 2.1.1 The Agricultural Commission found that three consecutive years of intensive management of lands had occurred on the property in the past. However, no evidence has been presented to the county that any harvesting or planting has taken place in recent years. Therefore, findings can not be made that a caretaker's residence is warranted at this time.
- 2.1.2 The project is inconsistent with Section 17.44.050 since the Agricultural Commission did not find the timber plan constituted an intensive management operation (October 11, 2005). ~~2.1.3~~ The proposed caretaker's residence can not be justified at this time since the proposed Christmas tree farm operation has not been established and verified 1-2 years after planting by the Agricultural Commission.
- 2.1.3 The location of the proposed caretaker's residence prohibits use of the best soils on site by building the proposed residence where the Christmas trees should be planted.
- 2.1.4 Residential use of timberland is in general inconsistent with growing and harvesting of timber.
- 2.1.5 Although state law allows residences in Timber Preserve Zone lands, the local jurisdictions can provide stricter provisions and Section 17.44 is not inconsistent.

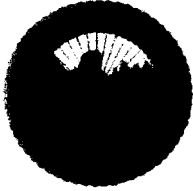
EXHIBIT C

DEVELOPMENT SERVICES DEPARTMENT

County of
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

PLANNING
SERVICES



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MEMORANDUM

DATE: October 1, 2007

Hearing Date: October 17, 2007

TO: Roger Trout, Zoning Administrator

FROM: Larry Appel, Deputy Director
Planning Services

SUBJECT: Reconsideration of S04-0033
Majors Caretaker's Home

REQUEST: Request of Robert Laurie, agent for George Majors to reconsider denial of S04-0033 to permit construction of a caretaker's residence on APN 039-060-02, containing 118 acres and zoned Timber Preservation Zone (TPZ). The property is located west of Highway 88 in the Silver Springs area, Supervisorial District II.

BACKGROUND: The project was first considered by the Zoning Administrator on September 21, 2005 where it was continued. On October 26, 2005, the Zoning Administrator denied the application. Since it is unclear from the record what findings were made to support the verbal denial, and that the owner may have been unclear about the right to appeal the decision, this item is being reconsidered by the Zoning Administrator. Once the project is denied with findings (Attachment 1), the owner will have ten business days to appeal the decision to the Board of Supervisors.

PROJECT ANALYSIS: Issues raised during review of the project centered around the necessity of a caretaker's residence on property that had no active timber operation. Staff from both the Agricultural Department and Planning Services reviewed reports prepared for the owner that offered justification for the caretaker's residence by saying that a Christmas tree farm would be developed and that the residence was needed to ward off trespassers. Staff and the Registered Forester of the Agricultural Commission questioned the long-term viability of the Christmas tree operation for the following reasons: 1) only 11 acres of plantable tree farm was available based on the rocky nature of the site, 2) the short growing season and heavy snow packs would stunt the tree growth and require 7-15 years for trees to reach a salable size due to the high altitude (7,200 feet), 3) the eight foot tree spacing and anticipated 50 percent die back of the crop would significantly reduce the ultimate tree crop to one that would be marginally viable, if at all, 4) retail sales from the site would be impossible since sales typically begin after Thanksgiving and the site would most likely be inaccessible due to snow, and 5) high snow loads at that elevation would most likely stunt the growth and deform the trees.

The Agricultural Commission met to consider the project and voted on October 12, 2005 to rescind their previous recommended approval. They did not believe evidence was presented to justify the need for a caretaker's residence at that time. They were also concerned that the residence was proposed within the only prime growing area and that if the timber crop was the primary reason for the project that the proposed house should be moved. They were also concerned that the trees had not been planted despite the owner's intent to plant 1000-2500 trees in 2004 and 2005. To date, no notification has been received that the trees have been planted. The Agricultural Commission finally recommended that the permit be denied until the owner planted all the trees and then returned to the Commission in 1-2 years to report on the health of the trees. If after the 1-2 year period the trees were determined to be a viable commercial operation, then the Commission would reconsider their previous action to deny the request. The Commission also suggested that the owner consider a roll out of the TPZ zone and then build a house the size he originally planned for his family (2,912 square feet). That option remains the preferred choice of the Agricultural Department and Planning staff.

RECOMMENDATION: Denial



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MEMORANDUM

DATE: October 26, 2005
TO: Zoning Administrator
FROM: Gina Hunter, Senior Planner
SUBJECT: Special Use Permit S04-33

BACKGROUND

Special Use Permit S04-33 was presented to the Zoning Administrator on September 21, 2005 (Exhibit A), and was continued to allow for the applicant to provide the following information:

1. A complete dimensioned floor plan of the primary residence and barn;
2. A site plan showing the location of the primary residence and barn on the property with an alternative landing site;
3. A topographical survey of the site showing the trees surrounding the proposed location for the residence, and trees within the fall zone.

The Zoning Administrator also requested that Bill Draper, Ex-officio Forestry member of the Agricultural Commission be present at the next Zoning Administrator meeting to address whether it is safe for timber harvest production operations to continue on the property with the residential unit built in the proposed location.

During the Zoning Administrator hearing, Steve Burton, Assistant Agricultural Commissioner, stated that the Agricultural Commission had requested to reconsider their prior support of the application. The Agricultural Commission had set a hearing date of October 12, 2005, to rescind their action. The Zoning Administrator stated he did not see the size of the structure as being an issue, rather it is the footprint on the site that needs to be considered and providing a safe envelope for the structure. He did not believe the Agricultural Commission needed to reconsider their position.

SUMMARY

The applicant has provided detailed floor plans, elevations and a rendering of the proposed residential unit, including the barn (Exhibits B, C, and D). The footprint of the barn and residential unit is 1,904 square feet. This figure does not include the mud room, deck or breezeway, which would increase the footprint to approximately 2,100 square feet. The overall size of the proposed residential unit, including barn is 2,912 square feet. The applicant has provided a site plan with the alternative landing site (Exhibit E). A topographic survey has been provided with the trees identified on the site (Exhibit F).

The Agricultural Commission rescinded their prior recommendation for approval of the application on October 12, 2005, stating that a caretaker's residence should only be granted when it is an absolute necessity. Concern was expressed that the Christmas trees have not yet been planted, and that 27 acres of the site is considered Class III (mid-range conditions) and 91 acres is considered Class V (poorest conditions). Due to the majority of the land being identified as Class V, with a majority of the acreage covered by granite monolith, it is not considered prime timberland. It was suggested that the applicant consider the option to rezone the property by either rolling out of TPZ or requesting an immediate cancellation. The Commission rescinded their action, with the caveat that once the Christmas tree plantings are established, the Special Use Permit could be reviewed again. The minutes from the Agricultural Commission meeting have been attached (Exhibit G).

RECOMMENDATION

Staff continues to have concern with the size of the footprint of the structure, and the use of the property. It has clearly been demonstrated by Bill Draper, a Registered Professional Forester and the Agricultural Commission, that the use of the property as TPZ land is not viable, and the most appropriate action for the property owner ~~to take is~~ to seek an immediate rollout from TPZ and rezone the property. This information has been provided to the applicant. Because the applicant has not expressed a desire to pursue this avenue, staff will continue to support the application with the condition that the residential unit not be constructed until a viable crop of Christmas trees have been produced on the site. In addition, because staff continues to be concerned with the size and use of the structure, the conditions have been modified to limit the footprint of the structure to 1,500 square feet. Staff recommends that the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt from CEQA pursuant to Section 15303 (a) of the CEQA Guidelines.
2. Approve Special Use Permit S04-33, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

SUPPORT INFORMATION

Attachment 1 Conditions

Attachment 2 Findings

Exhibit A..... September 21, 2005 Staff Report

Exhibit B..... Floor Plan

Exhibit C Elevations

Exhibit D Rendering

Exhibit E..... Site Plan with Alternative Landing Site

Exhibit F Topographical Survey

Exhibit G Agricultural Commission Memorandum – October 13, 2005

ATTACHMENT 1
CONDITIONS OF APPROVAL

MAJOR'S CARETAKER'S RESIDENCE

APN 039-060-02

FILE NUMBER S04-0033

November 2, 2005

1. This Special Use Permit approval is based upon and limited to compliance with the project description, dated November 2, 2005, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Issuance of a Special Use Permit (S04-0033) to allow construction of one (1), owner or caretaker occupied single-family detached dwelling within the TPZ (Timber Preserve Zone) district. The footprint of the dwelling, including barn shall be limited to 1,500 square feet. The property shall continue timber harvesting operations, and shall plant Red fir trees to begin a commercial Christmas tree operation.

PROJECT SPECIFIC CONDITIONS

Planning Services

2. All site improvements shall conform to Exhibit F (for location of residential unit only)
3. The owner or caretaker occupied single-family detached dwelling shall be limited to a footprint of 1,500 square feet. The building plans shall be reviewed and approved by Planning Services prior to issuance of a building permit.
4. The building permit for the owner or caretaker occupied single-family detached dwelling shall not be issued until the applicant can demonstrate that the Red fir trees have been planted and have been growing for one (1) year. Following one (1) years worth of growth, Planning Services staff or the Agricultural Department staff shall inspect the property, review the trees health and vitality, and receive a report from the project RPF. The report from the RPF shall provide a map showing the location of the trees, planting schedule and health report. Following the site inspection and review of the RPF report, if it appears that the trees are prospering, and have maintained a 50 percent survival rate, a building permit for the dwelling shall be issued.

Department of Transportation

5. The applicant shall be subject to the County's traffic impact mitigation fee programs. The amount of the fee shall be that in effect at time of building permit. The applicant shall pay all appropriate fees to the Department of Transportation prior to issuance of building permit.
6. The applicant may be subject to an encroachment permit from Cal Trans for the driveway encroachment onto Highway 88. The applicant shall provide the appropriate encroachment permit from Cal Trans prior to issuance of a building permit.

El Dorado County Department of Environmental Management

7. The applicant shall obtain the necessary permits from the El Dorado County Environmental Health Department in compliance with the Sewage Disposal Plan dated October 15, 2003, prior to installing the septic system.

El Dorado County Building Services

8. The applicant shall obtain a building permit from the El Dorado County Building Services prior to commencement of all construction.

El Dorado County Air Quality Management District

9. The applicant shall obtain the necessary permits from the El Dorado County Air Quality Management District prior to commencement of all construction.

Department of Forestry and Fire Protection

10. The project shall comply with the following requirements of the Department of Forestry and Fire Protection which include but shall not be limited to:
 - a. The applicant shall provide a minimum 10 foot wide all weather access road with roadway clearance of 10 feet each side of road and unobstructed vertical clearance of 15 feet. The minimum inside turning radius for the road is 40 feet. Road grades shall not exceed 16 percent. The access road and turnaround shall be approved by the El Dorado County Fire Protection District and shall be installed prior to final inspection of the facility.
 - b. The applicant shall install an access road with turnouts every 400 feet of road length, turnouts shall be a minimum of 10 feet wide and 35 feet long and shall have same surface and same vegetation modification as the driveway. The road grade shall not exceed 16 percent. The Department of Forestry and Fire Protection shall review and approve the location and design of the access road prior to issuance of a building permit.

- c. The applicant shall provide a minimum 40 foot turnaround by the structure. The Department of Forestry and Fire Protection shall review and approve the turnaround prior to issuance of a building permit.
- d. The applicant shall provide a minimum defensible space clearance around the building of 100 feet, per NFPA 903.1 Fire Flow. The Department of Forestry and Fire Protection shall review and approve the defensible space clearance prior to issuance of a building permit.
- e. The project plans shall be reviewed and approved by the Department of Forestry and Fire Protection prior to issuance of a building permit.

ATTACHMENT 2
FINDINGS

MAJOR'S CARETAKER'S RESIDENCE

APN 039-060-02

FILE NUMBER S04-0033

November 2, 2005

1.0 CEQA FINDING

- 1.1 The project is found to be exempt from CEQA pursuant to Section 15303 (a) New Construction.
- 1.2 The Zoning Administrator finds that the proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.
- 1.4 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.

2.0 ADMINSTRATIVE FINDINGS

2.1 Use Permit S04-0039 Findings

Issuance of a Special Use Permit (S04-0033) to allow construction of one, owner or caretaker occupied single-family detached dwelling with a maximum footprint of 1,500 square feet in the TPZ district, pursuant to Section 17.44.050 of the El Dorado County Code.

2.1.1 The issuance of the permit is consistent with the General Plan

The 2004 General Plan designates the subject site as Natural Resources. Residential use of timberland is in general inconsistent with growing and harvesting of timber. However, it is recognized that in certain situations such as intensively managed minimum size acreages, nurseries, etc., in private ownership, living quarters and outbuildings are necessary in connection with the management and protection of the property; therefore, the applicant has applied for the require Special Use Permit. The application has been reviewed in accordance with Section 17.44.050 of the County Code, which states that the applicant must show and demonstrate that the land has been under intensive management for three consecutive years for the Special Use

Permit to be granted by the Zoning Administrator. The applicant has provided documentation consisting of Timber Harvesting Plan and a Forest Management Plan to support the application. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan.

2.1.2 The proposed use would not be detrimental to the public health, safety and welfare or injurious to the neighborhood

It has been found that the proposed use will comply with the regulations specified by the El Dorado County Code, with the State Department of Forestry and Fire Protection regulations and with the various laws and rules governing timber operations.

2.1.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title

It has been found by the Agricultural Commission that three consecutive years of intensive management of lands have been shown; therefore, the Zoning Administrator may grant a Special Use Permit for construction of a one owner or caretaker occupied single-family detached dwelling or a mobile home on an approved foundation.

2.2.1) The proposed use is consistent with the policies in the El Dorado County 2004 General Plan.

The 2004 General Plan designates the subject site as Natural Resources. Compatible uses on private land may include agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and support single-family dwellings. The following policies apply to the subject project:

Policy 2.2.5.2: Applications for discretionary projects or permits, including special use permits, shall be reviewed to determine consistency with General Plan policies. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan.

Residential use of timberland is in general inconsistent with growing and harvesting of timber. However, it is recognized that in certain situations such as intensively managed minimum size acreages, nurseries, etc., in private ownership, living quarters and outbuildings are necessary in connection with the management and protection of the property; therefore, the applicant has applied for the require Special Use Permit. The application has been reviewed in accordance with Section 17.44.050 of the County Code, which states that the applicant must show and demonstrate that the land has been under intensive management for three consecutive years for the Special Use Permit to be granted by the Zoning Administrator. The applicant has provided documentation consisting of Timber Harvesting Plan and a Forest Management Plan to support the application. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan.

Policy 2.2.5.20: Development involving any structure greater than 120 square feet in size or requiring a grading permit shall be permitted only upon a finding that the development is consistent with this General Plan and the requirements of all applicable County ordinances, policies and regulations. For projects that do not require approval of the Planning Commission or Board of Supervisors, this requirement shall be satisfied by information supplied by the applicant demonstration compliance.

The proposal is for one, 2,912 square foot owner or caretaker occupied single-family detached dwelling within the TPZ district. A Special Use Permit is required for the owner or caretaker occupied dwelling. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan, and that the project will comply with all County ordinances and regulations.

Policy 7.4.4.1: The Natural Resource land use designation shall be used to protect important forest resources from uses incompatible with timber harvesting.

The applicant has provided documentation consisting of a Timber Harvesting Plan and a Forest Management Plan to support the application, which demonstrates that the important forest resources are to be protected. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan.

Policy 8.3.1.1: Lands suitable for timber production which are designated Natural Resource (NR) on the General Plan land use map and zoned Timber Production Zone (TPZ) or Forest Resource (FR) are to be maintained for the purposes of protecting and encouraging the production of timber and associated activities.

The applicant intends to maintain timber production and associated activities on the property, which include the planting of Christmas trees.

Policy 8.4.2.1: The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

- a. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- b. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;

- c. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- d. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- e. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

The Agricultural Commission reviewed the application on August 10, 2005, and October 12, 2005, and found that three consecutive years of intensive management of lands had been shown by the landowner. However, they did determine that an owner or caretaker occupied single-family detached dwelling should not be constructed on the site until it could be demonstrated that a viable crop of Christmas trees could be cultivated on the site. constructed on the property.

EXHIBIT A

Agenda of: 09/21/05

Item No.:

Staff: Gina Hunter

STAFF REPORT - SPECIAL USE PERMIT

FILE NUMBER: S04-0033

APPLICANT/OWNER: George Majors

REQUEST: Special Use Permit for a 2,912 square foot owner or caretaker occupied single-family detached dwelling within the Timber Preserve Zone district.

LOCATION: Located on the west side of Highway 88 in the Silver Lake area (Exhibit A).

APN: 039-060-02

ACREAGE: 118.092 acres

1996 GENERAL PLAN: Natural Resources (NR) (Exhibit B)

2004 GENERAL PLAN: Natural Resources (NR)

ZONING: Timber Preserve Zone District (TPZ) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Exempt from CEQA pursuant to Section 15303 of the State CEQA Guidelines.

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND

The property was owned for 100 years by Pacific Gas and Electric (PG&E) and a predecessor utility company. PG&E conducted a selection timber harvest on the property around 1975, taking out trees of all sizes, leaving the healthiest trees for continued timber production. Ten to twelve large old pines were left close to Highway 88 during the 1975 harvest to protect the aesthetic qualities near the road.

The meadow area was used for summer cattle grazing for nearly a century until the late 1990s by the Benny Brown family from Jackson. A small spring was dug out and boxed with cement blocks, then piped down the hill and used for running water at the old cow

camp on the North edge of the meadow. From the 1970s through the 1990s, a small cabin was placed on the property at the cow camp site. This cabin has since been removed.

Large granite boulders and bedrock expanses on the property are used for recreational purposes by the current owners, and occasionally by dayhikers from the public Oyster Creek Picnic Area ¼ mile south of the property. An equestrian trail crosses the northeast corner of the property, on the east side of Highway 88. To the owners knowledge there are no legal easements for the public to use or maintain the trail.

The applicant submitted the Special Use Permit application on September 16, 2004. The application was deemed complete on July 18, 2005.

STAFF ANALYSIS

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit pursuant to Section 17.44.050 of the El Dorado County Code, to allow construction of one, 2,912 square foot owner or caretaker occupied single-family detached dwelling within the TPZ district.

Project Access:

The project is located on the west side of Highway 88 in the Silver Lake area. A dirt and gravel road from Highway 88 provides gated access from the east side of the property. A 3 ½ acre portion of the property is located on the east side of Highway 88 and has no permanent access.

Site Description:

The project site is 118-acres in size. The project is located in gentle to moderately sloping mountain land, between a broad ridgeline and Oyster Creek. Slopes in the project area face generally south. Most of the project area is located on slopes with less than 20 percent gradient. Slopes range from 0 to 35 percent. State Highway 88 runs through the northeast corner of the property for approximately 1000 feet. The Forest Management Plan dated November 26, 2001, indicates that thirty-one acres is productive timberland, 20 acres of meadow and willows, and 66 acres of granitic bedrock and boulders, with scattered individual pine trees (Jeffrey and Lodgepole) and brush in the pockets of deeper soil. The mixed conifers are predominantly White Fir and Jeffrey Pine and are located on the most productive soils. The Lodgepole Pine stand is located along the deeper, bottom land soils, where they are growing in dense stands. The nearly pure Jeffrey Pine are located on the drier south slopes in the sandy soils.

Adjacent Land Uses:

The subject property is surrounded by the following land uses:

	Zoning	General Plan	Land Use/Improvements
Site	TPZ	NR	Vacant/Private
North	A	NR	US Forest Service Lands
South	A	NR	US Forest Service Lands
East	N/A	N/A	Amador County/Hwy 88
West	A	NR	Forest Service

The site is surrounded by US Forest Service (USFS) lands. The primary use of the surrounding area is outdoor recreation on the USFS land. Hunting, fishing and horseback riding are the primary activities. Timber production on the USFS land has nearly stopped, except for occasional salvage operations. Silver Lake is located approximately 1 mile west along Highway 88, within Amador County. Public campgrounds operated by the El Dorado Irrigation District and Forrest Service lie between the property and Silver Lake.

General Plan:

The 1996 and 2004 General Plans designate the subject site as Natural Resources. This land use 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 including water resources development 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, mineral resources, important watershed, lakes and ponds, river corridors, grazing lands, and areas where the encroachment of development would compromise these natural resource values. This designation shall be applied to those lands which are 40-acres or larger in size and contain one or more important natural resource. Compatible uses on private land may include agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and support single-family dwellings.

The maximum allowable density for this designation is one dwelling unit per 160-acres or larger outside the National Forest Service lands and within "timber production" areas and one dwelling unit per 40-acres within river canyons outside of the "timber production" areas. This designation is considered appropriate only in the Rural Regions. Isolated parcels outside the National Forest Service lands and below 3,000 feet elevation may be exempt from the one dwelling unit per 160-acre parcel size. If it is determined that such lands are unsuitable for "timber production", one dwelling unit per 40-acres maximum density can be considered. Any modifications of this land use designation shall require one of the following findings: (1) No important natural resource exists on the property; or (2) If a project is proposed, it will significantly enhance the long-term production and preservation of the on-site resources through the application of development strategies such as fuels management plans, timber management plans, self imposed setbacks buffers, and open space. The following policies apply to the subject project:

Policy 2.2.5.2: Applications for discretionary projects or permits, including special use permits, shall be reviewed to determine consistency with General Plan policies. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan.

Residential use of timberland is in general inconsistent with growing and harvesting of timber. However, it is recognized that in certain situations such as intensively managed minimum size acreages, nurseries, etc., in private ownership, living quarters and outbuildings are necessary in connection with the management and protection of the property; therefore, the applicant has applied for the required Special Use Permit. The application has been reviewed in accordance with Section 17.44.050 of the County Code, which states that the applicant must show and demonstrate that the land has been under intensive management for three consecutive years for the Special Use Permit to be granted by the Zoning Administrator. The applicant has provided documentation consisting of Timber Harvesting Plans and a Forest Management Plan to support the application. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan. Staff finds that the project, as conditioned, will be compatible with the adjacent and surrounding properties, and conforms to the General Plan.

Policy 2.2.5.20: Development involving any structure greater than 120 square feet in size or requiring a grading permit shall be permitted only upon a finding that the development is consistent with this General Plan and the requirements of all applicable County ordinances, policies and regulations. For projects that do not require approval of the Planning Commission or Board of Supervisors, this requirement shall be satisfied by information supplied by the applicant demonstration compliance.

The proposal is for one, 2,912 square foot owner or caretaker occupied single-family detached dwelling within the TPZ district. A Special Use Permit is required for the owner or caretaker occupied dwelling. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan, and that the project will comply with all County ordinances and regulations.

Policy 7.4.4.1: The Natural Resource land use designation shall be used to protect important forest resources from uses incompatible with timber harvesting.

Section 17.44.050 of the County Code recognizes that residential use of timberland is in general inconsistent with growing and harvesting of timber. However, it is recognized that in certain situations such as intensively managed minimum size acreages, nurseries, etc., in private ownership, living quarters and outbuildings are necessary in connection with the management and protection of the property. Therefore, by recommendation of the Agricultural Commission acknowledging that three consecutive years of intensive management of lands have been shown by the landowner, the

Zoning Administrator may grant a Special Use Permit for construction of a one owner or caretaker occupied single-family detached dwelling or a mobile home on an approved foundation. The applicant has provided documentation consisting of Timber Harvesting Plan and a Forest Management Plan to support the application.

Policy 8.3.1.1: Lands suitable for timber production which are designated Natural Resource (NR) on the General Plan land use map and zoned Timber Production Zone (TPZ) or Forest Resource (FR) are to be maintained for the purposes of protecting and encouraging the production of timber and associated activities.

The applicant intends to maintain timber production and associated activities on the property, which include the planting of Christmas trees.

Policy 8.4.2.1: The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

- a. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- b. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- c. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- d. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- e. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

The Agricultural Commission reviewed the application on August 10, 2005, and found that three consecutive years of intensive management of lands had been shown by the landowner, and that a 1,700 square foot owner or caretaker occupied single-family detached dwelling could be constructed on the property.

Zoning:

Section 7.44.050 of the County Code specifies criteria for residential use within TPZ lands. As previously stated, residential use of timberland is in general inconsistent with growing and harvesting of timber. By recommendation of the Agricultural Commission acknowledging that three consecutive years of intensive management of lands have been shown by a landowner, the Zoning Administrator may grant a Special Use Permit for construction of one owner or caretaker occupied single-family detached dwelling.

The following criteria has been established when determining what constitutes intensive land management and is considered when granting a Special Use Permit for a residence.

Where a landowner has:

1. A timber inventory stand;
2. Conducted commercial harvesting operations;
3. Provided legal and physical access to the property so commercial operations can be carried out;
4. Made a reasonable effort to locate the boundaries of the property and has attempted to protect the property against trespass;
5. Conducted disease or insect control work;
6. Performed thinnings, slash disposal, pruning and other appropriate silvicultural work;
7. Developed a fire protection system or has a functioning fire protection plan;
8. Provided for erosion control on existing roads and skid trails and has maintained existing roads;
9. Planted a significant portion of the understocked areas of the parcel.

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The applicant has provided a detailed description, dated October 4, 2004 (Exhibit D) which provides support that the property has been under intensive management for three (3) consecutive years. In 2001, a Registered Professional Forester (RPF), Mark Stewart, was hired to consult and assist in the forest management operations. In 2001, a Forest Management Plan was developed. In 2002, a Timber Harvest Plan was completed, and in 2003, a commercial harvesting operation was completed. A copy of the Timber Sale Summary has been provided, dated October 20, 2003 (Exhibit E).

Special Use Permit Request

The applicant proposes a Special Use Permit for the construction of one, 2,912 square foot owner or caretaker occupied single-family detached dwelling. A site plan (Exhibit F) and rough building elevations (Exhibit G) have been provided. When reviewing this application, the Zoning Administrator must find that the Special Use Permit is consistent with the General Plan and that the use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

Owner or Caretaker Occupied Dwelling

The applicant has proposed an owner or caretaker occupied dwelling which is to be 2,912 square feet, with 2,016 square feet of the unit to be living space and 896 square feet to be storage space. The applicant intends to utilize this unit to support a commercial Christmas tree operation that is to be planted this fall, to support the continued timber harvesting operation, and to protect the property from vandalism.

Planning Services and Agricultural Department staff conducted a site inspection of the property on July 18, 2005. Bill Draper, an RPF, Ex-Officio Forestry member of the Agricultural Commission, prepared a written report dated July 18, 2005, based on his observations of the site (Exhibit H). The property was logged in 2003. It was determined that the logged area met the current state stocking standards. The current timberstand is all aged and relatively in good condition. Scattered and small pockets of dead Lodgepole pine exist. The proposed house site is the old log landing adjacent to the meadow. The access road to the site has been allowed to become overgrown with grasses and forbes. It is not readily noticeable.

The applicant proposes to plant Red fir (Christmas trees) this Fall where the Lodgepole pines have been removed. Mr. Draper has indicated that it will be very difficult to establish a viable commercial Christmas tree operation on the property. There is short growing season, wide spacing proposed, heavy snowloading, no plan for crop rotation and evidence of heavy gopher population. It is reasonable to expect it to take 15 years to produce a 6 to 8 foot Christmas tree. There may be a 2 to 3 year window to harvest the majority of the trees to extend the period of time before another crop of trees would be available for harvesting.

Mr. Draper's report indicates that the viability of a commercial Christmas tree operation on the site is low and that the remaining timber on the property is marginal. In addition, the proposed house site is within the landing area which reduces the chances for future timber harvesting. A new landing site would have to be designated. This potentially removes more area from timber production. The house location would make yarding of timber from the west difficult due to limited access around the house. There are natural barriers surrounding the house except along the road. This house site is in some of the better timber growing areas on the property.

Based on Mr. Draper's comments, the applicants RPF, Mark Stewart, responded (Exhibit I). He has stated that better looking, table top size trees, 3-4 feet tall, can be grown and harvested in as short as 5 years. Other trees may not reach a suitable fullness for 15 years. The harvest window for cutting a single planting is about 10 years. Stump culture will be used, where trees are cut leaving a number of low branches to turn up and grow another tree from the existing stump. The second tree grown from a stump will have a shorter growth time to be of harvestable size because of the established root mass. This method of re-growth will produce a continuous annual crop over the property, without waiting for another crop of trees to become available from planted seedling. It is likely that

every few years, additional trees will be planted as space allows, and to replace trees or seedlings that die.

A cleared area was created just uphill from the landing to accommodate the huge burn piles created from the forest fuel reduction project. Pre-existing woody debris along with logging slash was piled while the loggers were onsite to reduce the fuel loading. The piles were created while the landing was used for decking and loading logs. The house site is on the burn pile area, and the landing is where vehicle parking is proposed, once the residence is constructed. The landing will be usable as a landing, and there are existing skid trails accessing all of the area west and northwest of the house which will not be affected by construction of the residence. No new landings or skid trails will need to be constructed for future harvests. The house project would take 2/10th of an acre out of timber production, leaving 40 acres of timberland on the property. The principal reason for building a structure on the property is for the family to have a place to stay during management activities on the property.

Because Mr. Draper's report indicates that the property has limited TPZ uses and because the surrounding area is known for its recreational uses with Silver Lake located along Highway 88, staff questions the proposed use of the owner or caretaker occupied dwelling. With the size of the home and the limited uses on site, the proposed residence will lend itself towards a vacation/recreation home, rather than the intended caretaker use, which is contrary to Section 17.44.050 of the County Code. The applicant has proposed 2,016 square feet of habitable space for the owner or caretaker occupied dwelling. For the type of commercial Christmas tree operation proposed and the limited timber harvesting that will take place on the property, the habitable space for the dwelling should be limited to 600 square feet (Condition No. 3). The unit is to be occupied during land management activities, and is not going to be utilized as a full-time residence; therefore the size limitation is appropriate.

There is currently a steel storage container (approx. 140 square feet) on the property which adequately stores equipment for planting, maintenance and harvesting of trees. For the commercial Christmas tree operation that has been proposed, small hand tools such as chainsaws, planting augers and backpack sprayers would be needed. Access to the tree sites could be provided with ATV type vehicles. The applicant has proposed 896 square feet of storage, six times the amount of storage that currently exists. For the type of commercial Christmas tree operation and the limited timber harvesting that will take place on the property, the storage area should be reduced to a maximum of 400 square feet (Condition No. 3). This would provide area for the parking of ATV vehicles, and miscellaneous tools for the tree production operation.

Because the property is not being utilized for intensive land management activities currently, the construction of the dwelling should be a phased project, with construction timing to coincide with the commercial Christmas tree operation. Because the Red fir trees have not been planted to date, and because it will take some time to determine their viability, it is recommended that the dwelling not be constructed until the trees have been planted and have one (1) years worth of growth. Following one (1) years worth of growth,

Planning Services staff or the Agricultural Department staff would inspect the property, review the trees health and vitality, and receive a report from a RPF. The report from the RPF would provide a map showing the location of the trees, planting schedule and health report. Following the site inspection and review of the RPF report, if it appears that the trees are prospering, a building permit for the dwelling could be issued (Condition 4).

Septic System Design and Well Drilling

A percolation test and soil and site evaluation was conducted by Joe Norton on October 15, 2003. The percolation rate was determined to be 7 minutes per inch, with a flow rate of 650 gallons per day, which could accommodate a three (3) bedroom home. The septic system design calculations have been provided to the El Dorado County Environmental Management Department for review and have been found to be acceptable.

A well was drilled on the site by Hunt Drilling Co. on September 22, 2004. The well completion report indicates the depth of the well to be 600 feet, with an estimated yield of 2 gallons per minute.

Special Use Permit Findings

In order to approve the use, the Zoning Administrator must find that:

1. The issuance of the permit is consistent with the 1996 and 2004 General Plans;

The 1996 and 2004 General Plans designate the subject site as Natural Resources. Residential use of timberland is in general inconsistent with growing and harvesting of timber. However, it is recognized that in certain situations such as intensively managed minimum size acreages, nurseries, etc., in private ownership, living quarters and outbuildings are necessary in connection with the management and protection of the property; therefore, the applicant has applied for the require Special Use Permit. The application has been reviewed in accordance with Section 17.44.050 of the County Code, which states that the applicant must show and demonstrate that the land has been under intensive management for three consecutive years for the Special Use Permit to be granted by the Zoning Administrator. The applicant has provided documentation consisting of Timber Harvesting Plan and a Forest Management Plan to support the application. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan. Staff finds that the project, as conditioned, will be compatible with the adjacent and surrounding properties, and conforms to the General Plan.

2. The proposed use would not be detrimental to the public health, safety and welfare or injurious to the neighborhood.

The proposed use shall comply with the regulations specified by the El Dorado County Code, with the State Department of Forestry and Fire Protection regulations and with the various laws and rules governing timber operations.

3. The proposed use is specifically permitted by Special Use Permit pursuant to this Title.

By recommendation of the Agricultural Commission acknowledging that three consecutive years of intensive management of lands have been shown by the landowner, the Zoning Administrator may grant a Special Use Permit for construction of a one owner or caretaker occupied single-family detached dwelling or a mobile home on an approved foundation. The Agricultural Commission has reviewed the application and has recommended approval of the Special Use Permit, with a reduction in the habitable square footage to 1,700 square feet. Planning Services staff has further reviewed the application and recommends reduction of the habitable square footage to 600 square feet, with the storage space to be a maximum of 400 square feet.

Agency and Public Comments:

The following agencies provided comments on this application:

El Dorado County Air Pollution Control District

The District has reviewed the application and has recommend approval of the application with conditions. These conditions have bee incorporated in Attachment 1 "Conditions of Approval".

El Dorado County Department of Transportation

The Department has reviewed the application and has recommend approval of the application with conditions. These conditions have been incorporated in Attachment 1 "Conditions of Approval".

El Dorado County Environmental Management

The Department has reviewed the application and has approved the waste disposal plan for the site.

Department of Forestry and Fire Protection

The Department has reviewed the application and has recommend approval of the application with conditions. These conditions have been incorporated in Attachment 1 "Conditions of Approval".

Department of Agriculture Weights and Measures

The Agricultural Commission reviewed the project on August 10, 2005. Mr. Stephens and Mr. Draper expressed concerns regarding the necessity of a caretaker's residence to protect Christmas tree planting from vandalism and theft. Mr. Stephens questioned the need to immediately build the residence since the crop would not require protection until many years down the road. In Mr. Draper's opinion, the high elevation would add to the difficulty to cultivate and produce a good Christmas tree crop due to the heavy snowloads and short growing season. The Commission questioned the need for such a large residence and that it appeared to be more of a vacation home than a caretaker's residence. Mr. Majors, the applicant indicated that this would be a family-operated business and with the majority of the family coming up into retirement, part of their retirement plan is to actively manage the property and be caretakers on it at different times, which would include the winter season. After significant discussion regarding the project, it was recommended to allow the caretaker's residence on TPZ land with the condition that the living space not to exceed 1700 square feet and the rest of the space is to be used for equipment storage. A memorandum from the Agricultural Commission has been attached (Exhibit J).

Copies of their written comments are available at the Planning Services office. New issues may arise as a result of the public notice of the hearing, which will be discussed at that time.

General Plan Lawsuit:

On February 5, 1999, Judge Cecily Bond of the Sacramento Superior Court acted to invalidate the Environmental Impact Report adopted for the 1996 General Plan. This invalidation restricted the County from acting on any discretionary project pending issuance of a Writ from the Court. On July 19, 1999, Judge Bond issued the Final Writ of Mandate. Paragraph 5, subparagraph 3 of the Final Writ permits the County to issue permits for non-residential development, subject to the findings in subparagraph (8).

Subparagraph (8) establishes that the County cannot approve or undertake any such project unless it finds, based on substantial evidence, that:

- (a) The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.

The project was reviewed and it has been determined that none of the environmental issues identified in the February 5, 1999 Court ruling will be affected by this project. Zoning regulations and the General Plan allow for one owner or caretaker occupied single-family detached dwelling or a mobile home within TPZ lands, with the issuance of Special Use Permit.

- (b) The approval or project complies with all other requirements of law.

The project shall comply in all instances with the provisions of the El Dorado County Code and State regulations; in particular the project shall comply with the State of California Department of Forestry and Fire Protection regulations, which include the Forest Practice Act and Board of Forestry and Fire Protection rules.

- (c) The approval of the project is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999.

A review of the text and maps of the 1996 General Plan, as amended through February 4, 1999, determined the consistency of the proposed project.

ENVIRONMENTAL REVIEW

Exempt from CEQA pursuant to Section 15303 (a) new construction. This CEQA exemption allows for one single-family residence, or a second dwelling unit in a residential zone. The subject property is TPZ land; however, it is believed that the exemption applies because the exemption is not limited to the example. There is no reasonable possibility that the construction of the owner or caretaker occupied single-family detached dwelling will have a significant effect on the environment due to unusual circumstances. The project will not result in damage to a scenic resource. The project is not located on a hazardous waste site. The project will not cause a substantial adverse change in the significance of a historical resource.

RECOMMENDATION

Staff recommends that the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt from CEQA pursuant to Section 15303 (a) of the CEQA Guidelines.
2. Approve Special Use Permit S04-33, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

SUPPORT INFORMATION

Attachments To Staff Report:

Attachment 1Conditions
Attachment 2Findings
Exhibit AVicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit DApplicant's Project Description-10/4/04
Exhibit ETimber Sale Summary- 10/20/03
Exhibit FSite Plan

Exhibit GElevations

Exhibit H.....Bill Draper Report – 7/18/05

Exhibit IMark Stewarts Report

Exhibit JAgricultural Commission Memorandum – 8/17/05

ATTACHMENT 1
CONDITIONS OF APPROVAL

MAJOR'S CARETAKER'S RESIDENCE

APN 039-060-02

FILE NUMBER S04-0033

September 21, 2005

1. This Special Use Permit approval is based upon and limited to compliance with the project description, dated September 21, 2005, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Issuance of a Special Use Permit (S04-0033) to allow construction of one, 1,000 square foot owner or caretaker occupied single-family detached dwelling within the TPZ (Timber Preserve Zone) district. The habitable space of the dwelling shall be limited to 600 square feet and the storage/garage shall be limited to 400 square feet. The property shall continue timber harvesting operations, and shall plant Red fir trees to begin a commercial Christmas tree operation.

PROJECT SPECIFIC CONDITIONS

Planning Services

2. All site improvements shall conform to Exhibit F (for location of residential unit only)
3. The owner or caretaker occupied single-family detached dwelling shall be limited to 1,000 square feet, with a maximum of 600 square feet of habitable area and 400 square feet of storage garage area. The building plans shall be reviewed and approved by Planning Services prior to issuance of a building permit.
4. The building permit for the owner or caretaker occupied single-family detached dwelling shall not be issued until the applicant can demonstrate that the Red fir trees have been planted and have been growing for one (1) year. Following one (1) years worth of growth, Planning Services staff or the Agricultural Department staff shall inspect the property, review the trees health and vitality, and receive a report from the project RPF. The report from the RPF shall provide a map showing the

location of the trees, planting schedule and health report. Following the site inspection and review of the RPF report, if it appears that the trees are prospering, a building permit for the dwelling shall be issued.

Department of Transportation

5. The applicant shall be subject to the County's traffic impact mitigation fee programs. The amount of the fee shall be that in effect at time of building permit. The applicant shall pay all appropriate fees to the Department of Transportation prior to issuance of building permit.
6. The applicant may be subject to an encroachment permit from Cal Trans for the driveway encroachment onto Highway 88. The applicant shall provide the appropriate encroachment permit from Cal Trans prior to issuance of a building permit.

El Dorado County Department of Environmental Management

7. The applicant shall obtain the necessary permits from the El Dorado County Environmental Health Department in compliance with the Sewage Disposal Plan dated October 15, 2003, prior to installing the septic system.

El Dorado County Building Services

8. The applicant shall obtain a building permit from the El Dorado County Building Services prior to commencement of all construction.

El Dorado County Air Quality Management District

9. The applicant shall obtain the necessary permits from the El Dorado County Air Quality Management District prior to commencement of all construction.

Department of Forestry and Fire Protection

10. The project shall comply with the following requirements of the Department of Forestry and Fire Protection which include but shall not be limited to:
 - a. The applicant shall provide a minimum 10 foot wide all weather access road with roadway clearance of 10 feet each side of road and unobstructed vertical clearance of 15 feet. The minimum inside turning radius for the road is 40 feet. Road grades shall not exceed 16 percent. The access road and turnaround shall be approved by the El Dorado County Fire Protection District and shall be installed prior to final inspection of the facility.
 - b. The applicant shall install an access road with turnouts every 400 feet of road length, turnouts shall be a minimum of 10 feet wide and 35 feet long and shall have same surface and same vegetation modification as the

driveway. The road grade shall not exceed 16 percent. The Department of Forestry and Fire Protection shall review and approve the location and design of the access road prior to issuance of a building permit.

- c. The applicant shall provide a minimum 40 foot turnaround by the structure. The Department of Forestry and Fire Protection shall review and approve the turnaround prior to issuance of a building permit.
- d. The applicant shall provide a minimum defensible space clearance around the building of 100 feet, per NFPA 903.1 Fire Flow. The Department of Forestry and Fire Protection shall review and approve the defensible space clearance prior to issuance of a building permit.
- e. The project plans shall be reviewed and approved by the Department of Forestry and Fire Protection prior to issuance of a building permit.

ATTACHMENT 2
FINDINGS

MAJOR'S CARETAKER'S RESIDENCE

APN 039-060-02

FILE NUMBER S04-0033

September 21, 2005

1.0 CEQA FINDING

- 1.1 The project is found to be exempt from CEQA pursuant to Section 15303 (a) New Construction.
- 1.2 The Zoning Administrator finds that the proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 1850 Fairlane Court, Placerville, CA.
- 1.5 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.

2.0 ADMINSTRATIVE FINDINGS

2.1 Use Permit S04-0039 Findings

Issuance of a Special Use Permit (S04-0033) to allow construction of one, 1000 square foot owner or caretaker occupied single-family detached dwelling within the TPZ district, pursuant to Section 17.44.050 of the El Dorado County Code.

2.1.1 The issuance of the permit is consistent with the General Plan

The 1996 and 2004 General Plans designate the subject site as Natural Resources. Residential use of timberland is in general inconsistent with growing and harvesting of timber. However, it is recognized that in certain situations such as intensively managed minimum size acreages, nurseries, etc., in private ownership, living quarters and outbuildings are necessary in connection with the management and protection of the property; therefore, the applicant has applied for the require Special Use Permit. The application has been reviewed in accordance with Section 17.44.050 of the County Code,

which states that the applicant must show and demonstrate that the land has been under intensive management for three consecutive years for the Special Use Permit to be granted by the Zoning Administrator. The applicant has provided documentation consisting of Timber Harvesting Plan and a Forest Management Plan to support the application. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan.

2.1.2 The proposed use would not be detrimental to the public health, safety and welfare or injurious to the neighborhood

It has been found that the proposed use will comply with the regulations specified by the El Dorado County Code, with the State Department of Forestry and Fire Protection regulations and with the various laws and rules governing timber operations.

2.1.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title

It has been found by the Agricultural Commission that three consecutive years of intensive management of lands have been shown; therefore, the Zoning Administrator may grant a Special Use Permit for construction of a one owner or caretaker occupied single-family detached dwelling or a mobile home on an approved foundation.

2.2.0 The proposed use is consistent with the policies in the El Dorado County General Plan, as amended through February 4, 1999 and the adopted 2004 El Dorado County General Plan .

The 1996 and 2004 General Plans designate the subject site as Natural Resources. Compatible uses on private land may include agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and support single-family dwellings. The following policies apply to the subject project:

Policy 2.2.5.2: Applications for discretionary projects or permits, including special use permits, shall be reviewed to determine consistency with General Plan policies. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan.

Residential use of timberland is in general inconsistent with growing and harvesting of timber. However, it is recognized that in certain situations such as intensively managed minimum size acreages, nurseries, etc., in private ownership, living quarters and outbuildings are necessary in connection with the management and protection of the property; therefore, the applicant has applied for the require Special Use Permit. The application has been reviewed in accordance with Section 17.44.050 of the County Code, which states that the applicant must show and demonstrate that the land has been under intensive management for three consecutive years for the Special Use Permit to be granted by the Zoning Administrator. The applicant has provided

documentation consisting of Timber Harvesting Plan and a Forest Management Plan to support the application. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan.

Policy 2.2.5.20: Development involving any structure greater than 120 square feet in size or requiring a grading permit shall be permitted only upon a finding that the development is consistent with this General Plan and the requirements of all applicable County ordinances, policies and regulations. For projects that do not require approval of the Planning Commission or Board of Supervisors, this requirement shall be satisfied by information supplied by the applicant demonstration compliance.

The proposal is for one, 2,912 square foot owner or caretaker occupied single-family detached dwelling within the TPZ district. A Special Use Permit is required for the owner or caretaker occupied dwelling. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan, and that the project will comply with all County ordinances and regulations.

Policy 7.4.4.1: The Natural Resource land use designation shall be used to protect important forest resources from uses incompatible with timber harvesting.

The applicant has provided documentation consisting of a Timber Harvesting Plan and a Forest Management Plan to support the application, which demonstrates that the important forest resources are to be protected. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan.

Policy 8.3.1.1: Lands suitable for timber production which are designated Natural Resource (NR) on the General Plan land use map and zoned Timber Production Zone (TPZ) or Forest Resource (FR) are to be maintained for the purposes of protecting and encouraging the production of timber and associated activities.

The applicant intends to maintain timber production and associated activities on the property, which include the planting of Christmas trees.

Policy 8.4.2.1: The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

- f. The proposed use will not be detrimental to that parcel or to adjacent parcels

for long-term forest resource production value or conflict with forest resource production in that general area;

- g. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- h. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- i. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- j. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

The Agricultural Commission reviewed the application on August 10, 2005, and found that three consecutive years of intensive management of lands had been shown by the landowner, and that a 1,700 square foot owner or caretaker occupied single-family detached dwelling could be constructed on the property.

3.0 SUPERIOR COURT WRIT OF MANDATE FINDINGS

3.1 This project may be approved subject to the following findings established in Paragraph 5, Sub-Paragraph 1, which permits the County to approve non-residential development, and Sub-paragraph 8 In the Final Writ Issued by the Court on July 19, 1999, as follows:

- a. **The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.**

The project was reviewed and it has been determined that none of the environmental issues identified in the February 5, 1999 Court ruling will be affected by this project. Zoning regulations and the General Plan allow for one owner or caretaker occupied single-family detached dwelling or a mobile home within TPZ lands, with issuance of Special Use Permit.

- b. **The approval or project complies with all other requirements of law.**

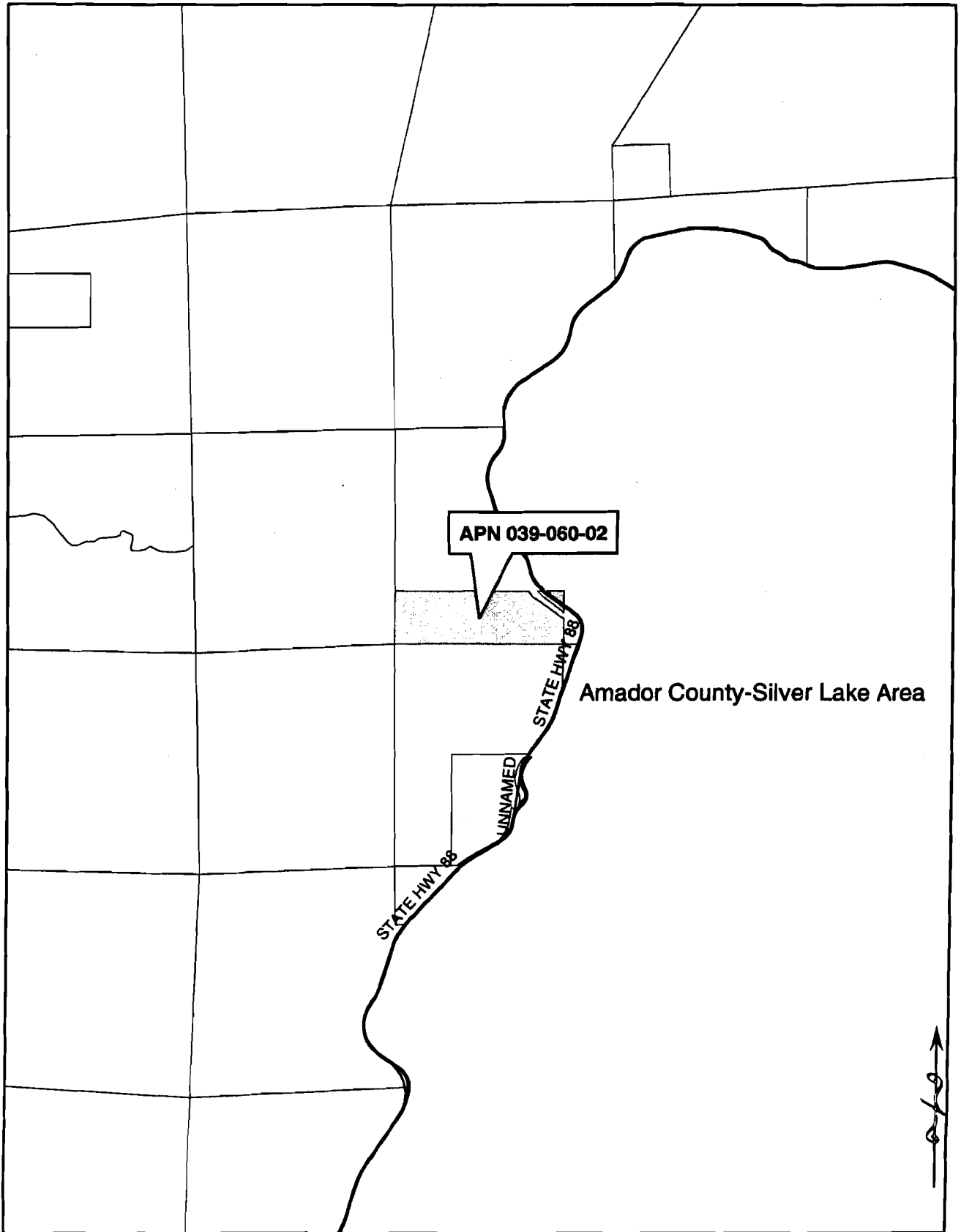
The project shall comply in all instances with the provisions of the El Dorado County Code and State regulations; in particular the project shall comply with the State of California Department of Forestry and Fire Protection regulations, which include the forest Practice Act and Board of Forestry and Fire Protection rules.

- c. The approval or project is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999.**

A review of the text and maps of the 1996 General Plan, as amended through February 4, 1999, determined the consistency of the proposed project.

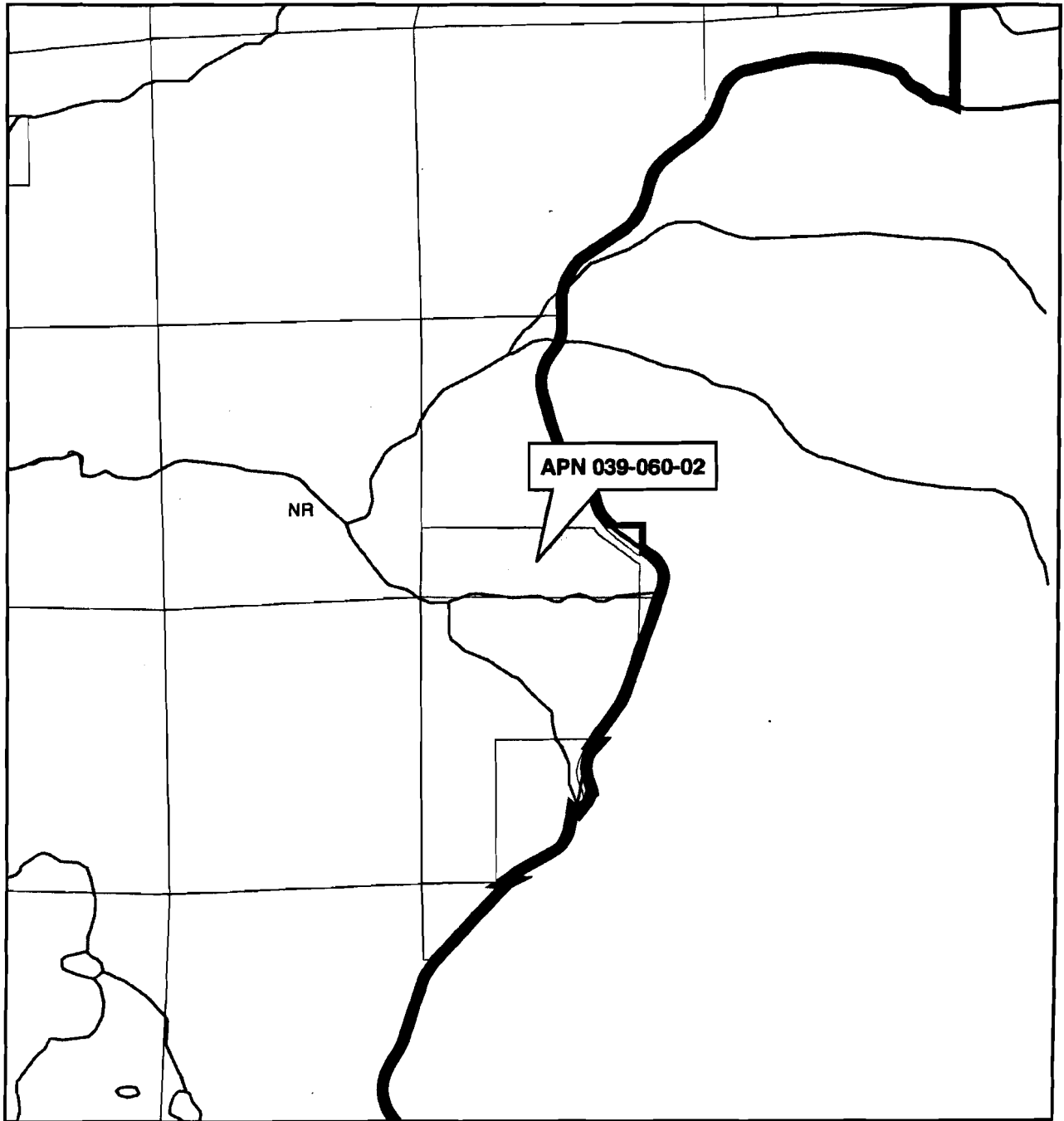
Exhibit A: Vicinity Map

File No. Special Use Permit S04-33



0 3,100 6,200 Feet

Exhibit B: 1996/2004 General Plan Land Use File No. Special Use Permit S04-33



0 2,200 4,400 Feet

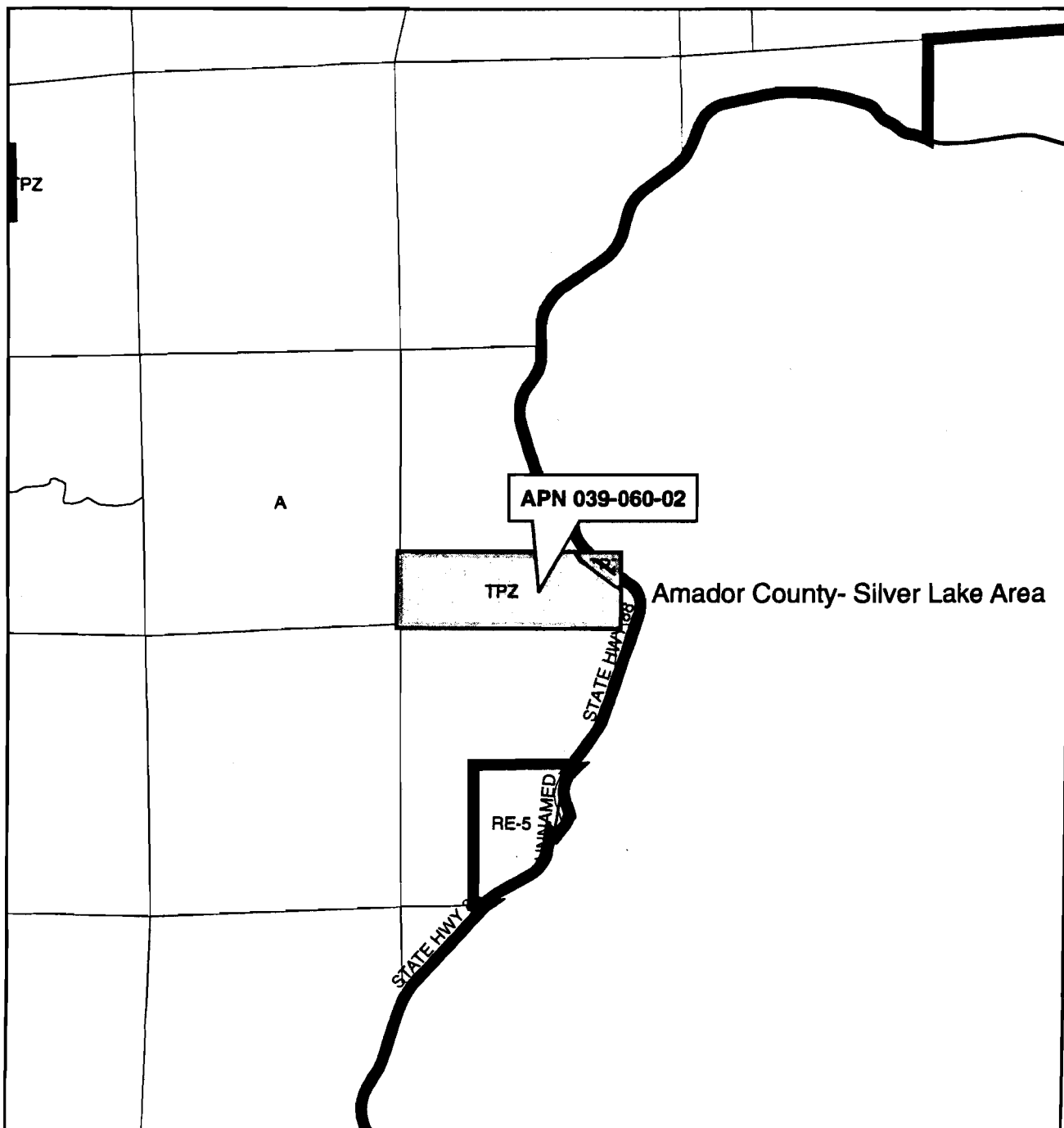
NR

Natural Resources Land Use Designation



Exhibit C: Zoning

File No. Special Use Permit S04-33



0 1,700 3,400 6,800 Feet

TPZ

Timberland Preserve Zone District

A

Agriculture Zone District

RE-5

Estate Residential- 5-Acre Minimum Zone District



October 4, 2004

Re: S04-0033- Majors Caretaker's Residence-APN#034-060-02

This information is being submitted to support the application for a caretaker's residence. The following measures have been taken to manage this TPZ zoned land:

1. In 2001 a RPF was hired to consult and assist in the forest management operations. He has been participating in activities on a yearly basis. In 2001 a Forest Management Plan was developed. In 2002 a Timber Harvest Plan was completed. In 2003 a commercial harvesting operation was completed.
2. A timber inventory of this land was completed in 1995 by Alplan Land Information Services. Subsequently, the forester determined growth rate since the inventory was completed.
3. Legal and physical access is available and was used during the harvesting activities performed in 2003.
4. The property was surveyed in 1999 by T. Waddel P.L.S. Prior to timber harvesting the forester flagged approximate boundary lines to prevent trespassing onto adjacent parcels. A new gate was erected at the entrance to the property in 2001. No trespassing signs have been posted in prominent positions.
5. During the 2003 harvesting operation disease and insect control measures were taken. Dwarf mistletoe was removed. Diseased and weakened trees were also removed.
6. At the time of harvesting emphasis was placed on encouraging rapid and healthy growth of the forest. In addition to removing weakened trees 80%-90% of the logging slash was piled and burned in 2003. Some of the slash was used on skid trails or on exposed soil to minimize erosion.
7. Forest fuel management measures were carried out during the harvesting operation. For instance, forest fuel reduction was emphasized by limiting the slash burned to within 200ft. from Highway 88. The harvesting also reduced the canopy density which will minimize the potential for crown fires.
8. Erosion control measures were taken before, during, and after harvesting. Water breaks were constructed to direct any runoff water. Straw was laid on soil surfaces where soil could have washed into watercourses. The owner has inspected skid and dirt roads for potential erosion problems during the 2004 season.
9. There are currently no large under stocked areas on the property. In November 2004 Red Fir (Silver Tip) trees are scheduled to be planted in areas where Lodgepole Pine were removed. In the future these trees will be harvested for Christmas trees.
10. We are requesting permission to construct a caretaker's residence for protection and management of the Christmas trees.

MARK STEWART
CONSULTING FORESTER #2308
4655 Tulip Ct, Placerville, CA 95667
530-621-4100

TIMBER SALE SUMMARY

Job: Oyster Creek THP

Pay Period: 8/16/03 - 9/30/03

Landowner: George Majors

Date: 10/20/03

REVENUE:

Mill: <u>SPI-Camino</u>	Volume: <u>18.66</u>	MBF	\$ <u>4,871.90</u>
Mill: <u>SPI-Lincoln</u>	Volume: <u>15.18</u>	MBF	\$ <u>6,018.55</u>
Mill: <u>SPI-Camino</u>	Volume: <u>41.71</u>	MBF	\$ <u>12,258.75</u>
Mill: <u>SPI-Lincoln</u>	Volume: <u>68.11</u>	MBF	\$ <u>23,957.50</u>
Mill: <u>SPI-Camino</u>	Volume: <u>7.49</u>	MBF	\$ <u>2,226.65</u>
Mill: <u>SPI-Lincoln</u>	Volume: <u>43.78</u>	MBF	\$ <u>17,015.50</u>
Firewood: <u>T.J. Cruz - 2 Loads</u>			\$ <u>1,138.23</u>
Total Revenue & Volume:	<u>194.93</u>	MBF	\$ <u>67,487.08</u>

COSTS:

Mill: <u>SPI</u> Logger: <u>Leo Carter</u> ; <u>194.93</u> MBF X \$ <u>200.00</u> /MBF	\$ <u>38,986.00</u>
Forester: <u>Mark Stewart</u> ; <u>60.25 hr.</u> X <u>\$55.00/hr.</u>	\$ <u>3,313.75</u>
Yield Tax	\$ <u>1,294.85</u>
Archeological Record Check	\$ <u>120.90</u>
Miscellaneous: <u>Pile dead stumps - 1 hour x \$85.00/hr.</u>	\$ <u>85.00</u>
Miscellaneous: <u>Road Encroachment Permits</u>	\$ <u>1,480.00</u>
Miscellaneous: <u>Hold for burning</u>	\$ <u>2,000.00</u>
Total Costs	\$ <u>47,280.50</u>
NET INCOME TO LANDOWNER	\$ <u>20,206.58</u>
Deposit returned	\$ <u>+500.00</u>
BALANCE TO LANDOWNER	\$ <u>20,706.58</u>

January 1976
1" = 400'

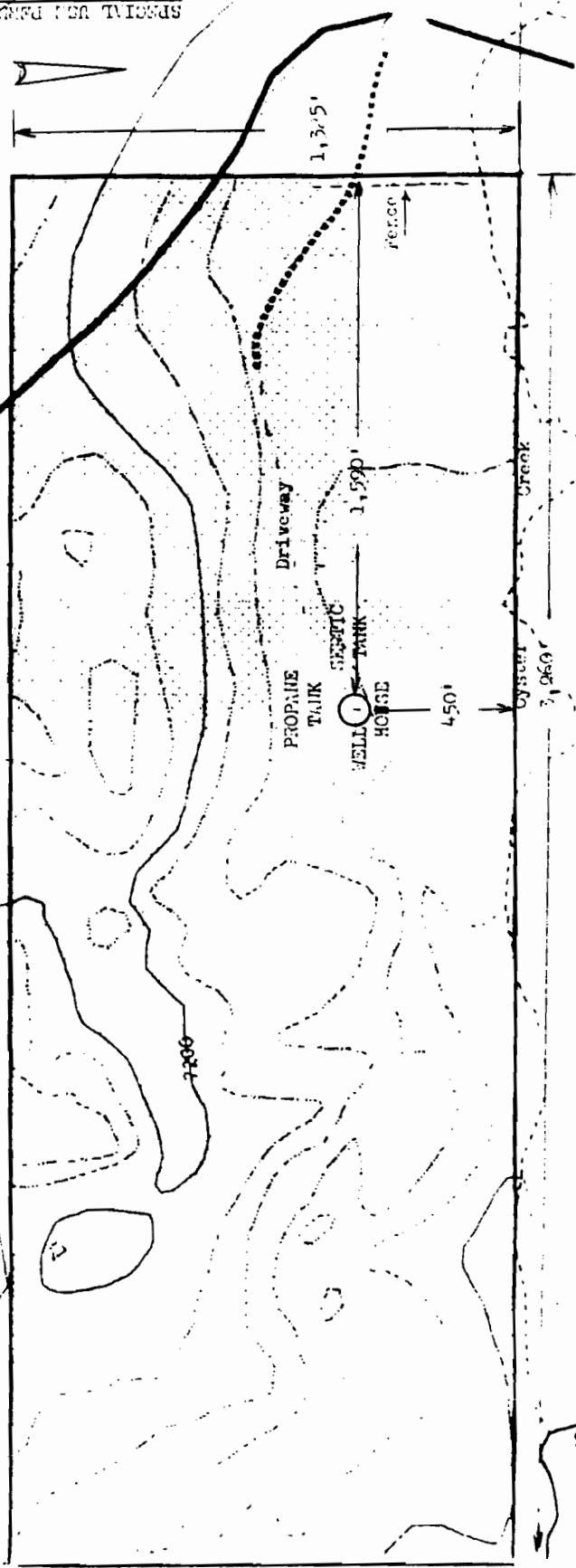
AMADOR COUNTY
EL DORADO COUNTY

Highway 88

Applicant: Geo. H. Jones,
2807 Heritage Road,
Pebble Beach, Calif. 95051

Square Footage of Building:

1st Floor	1,000 Sq. Ft.
2nd Floor	1,000 "
Garage & Storage	596 "
Total	2,596 Sq. Ft.



September 15, 2005

This additional information is being provided to support the approval of special use permit for:

APN 039-060-02

FILE NUMBER S04-0033

The dwelling we are requesting is intended to support a family business. For the last six years the family has made an effort to be actively involved in establishing this business as indicated by Exhibit E. It is our belief that an owner occupied dwelling for this family enterprise does not compromise the policies of the El Dorado County general plan and maintains the integrity of these policies.

The size of the structure was governed by the needs of the business and the family. The property location is currently far from our primary homes but near to a lot of human activity. The proximity to Highway 88 makes the property accessible to unwanted intruders. Trees, equipment, and personal belongings need to be protected from vandalism. Equipment, including vehicles, need to be protected from the elements.

Since this is an extended family enterprise we have the need for housing for our family members. We range in age from 6 to 91 years old. We have two handicapped members in our family. Even though all members may not be at the site at the same time we need adequate housing. Most of us currently live 3 or more hours from the business making necessary to bring the less able to care for themselves with us. We would also like the flexibility to house hired workers as needed.

We are also aware that the management of the fir tress will require intensive care to increase the viability of the crop. In order to insure this business will thrive we will need to spend more time especially during the early years of the operation.

It seems excessive and punitive to expect us to wait a year to have the planted fir trees inspected prior to allowing a building permit being issued. We have met conditions required in applying for a special use permit. It has already been a year since we have submitted an application for this permit. If we had to wait until next fall for someone to judge the viability of the crop we could not start building until half way through 2007.

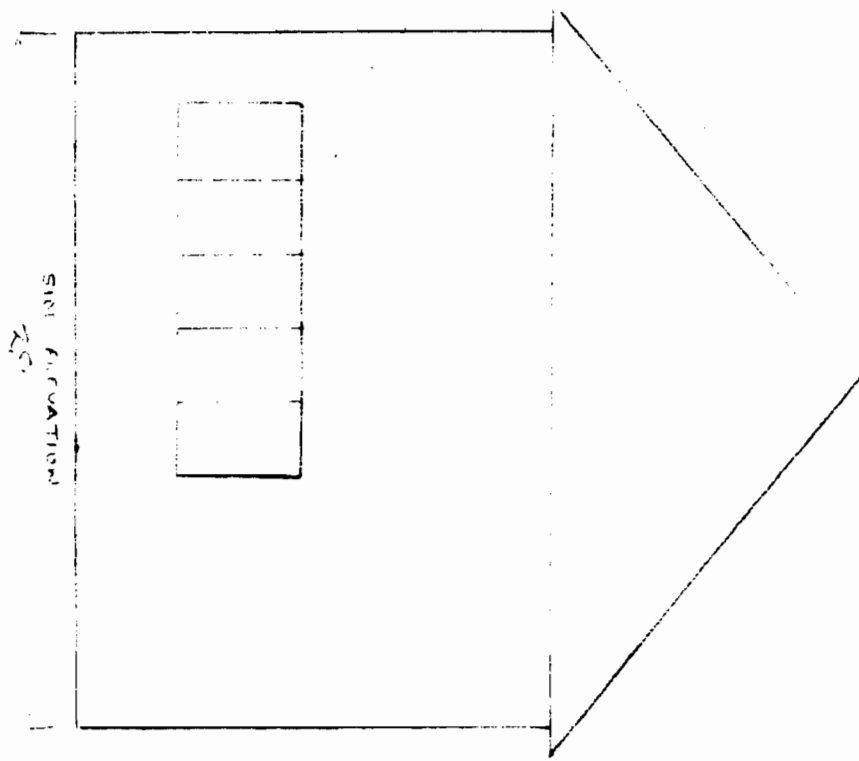
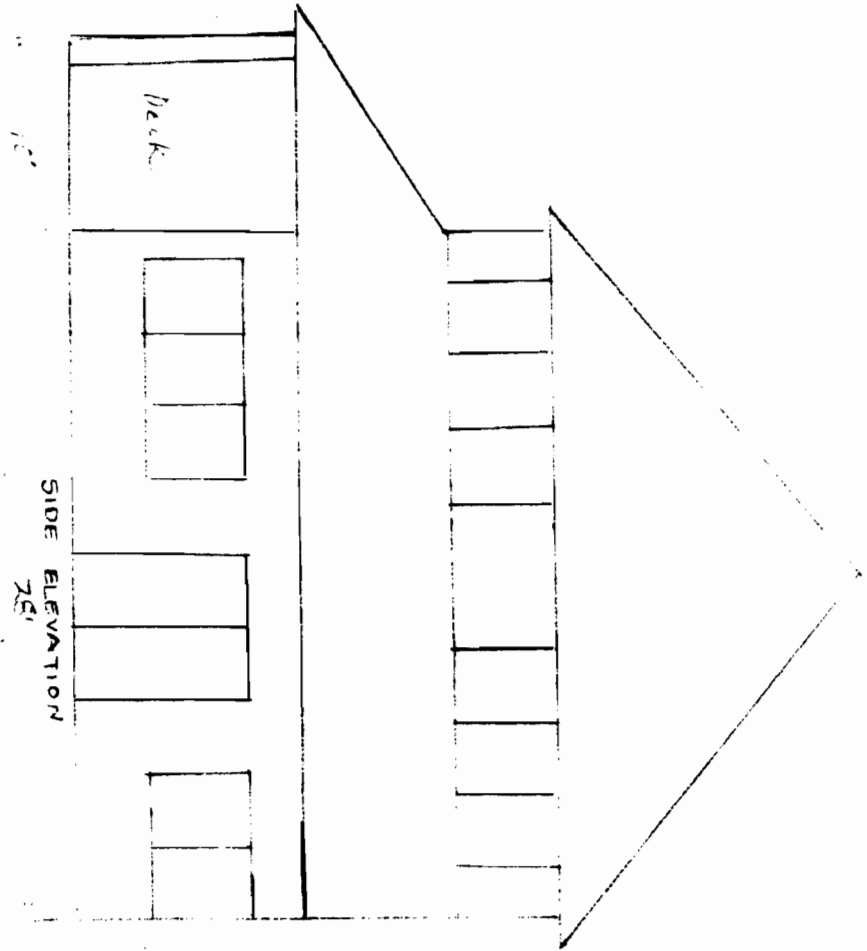
It also should be noted that this site had a cabin on the property for many years. This cabin was removed when the property was sold. The proposed structure will actually be replacing this substandard cabin. We would like to maintain the historical integrity of this parcel. For many years the former occupant and his father before him used the land for summer grazing. We had initially submitted a rough sketch as a site plan. So you may better visualize what we like to build we are submitting an alternate site plan for your review.

We are looking forward to meeting with you at the upcoming meeting so we can answer any questions you may have of us.

Sincerely,
The Majors' Family

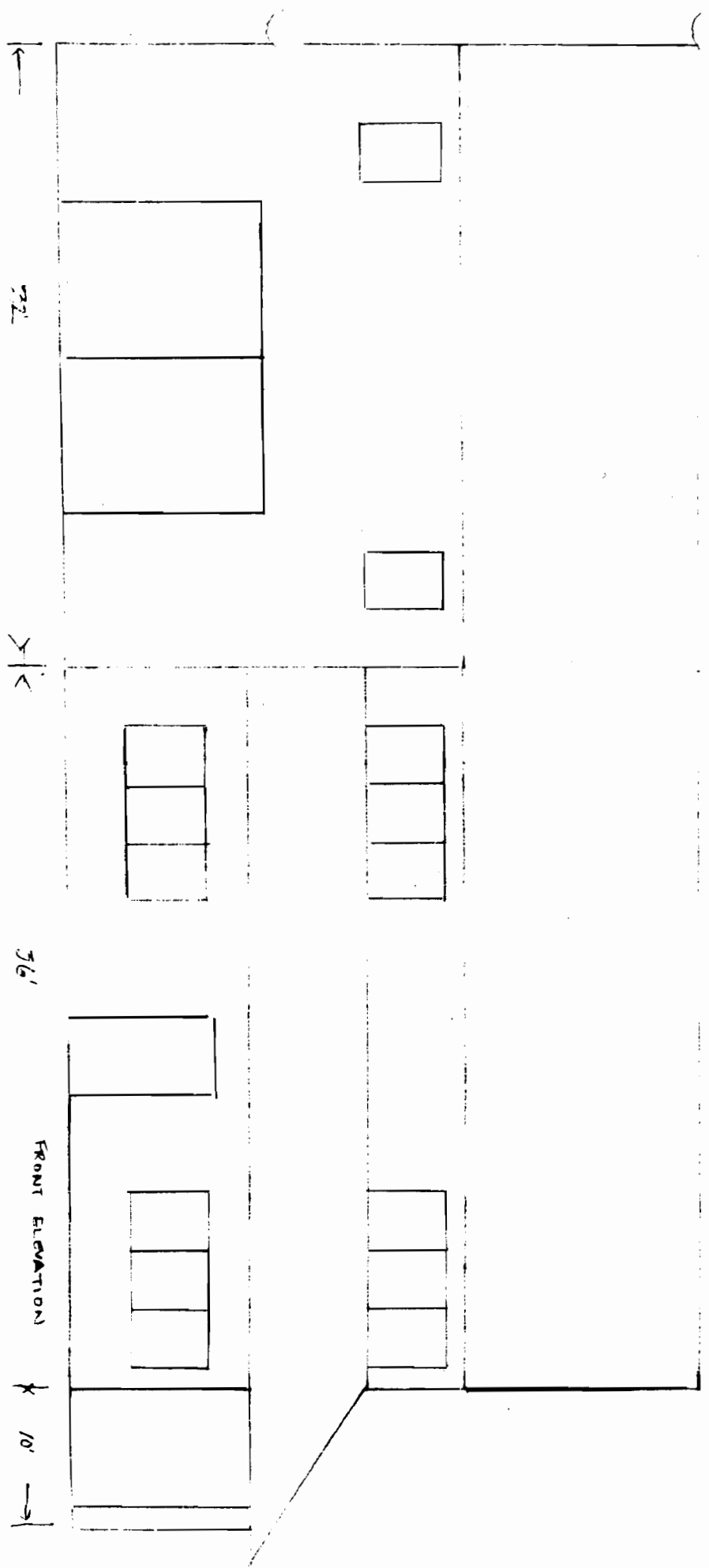
Architectural
Drawing

Architect's Office



3256 Hermans Road
Piquette Beach, Ct 06460
409.375.8413

Sec. 1/8-000



72'

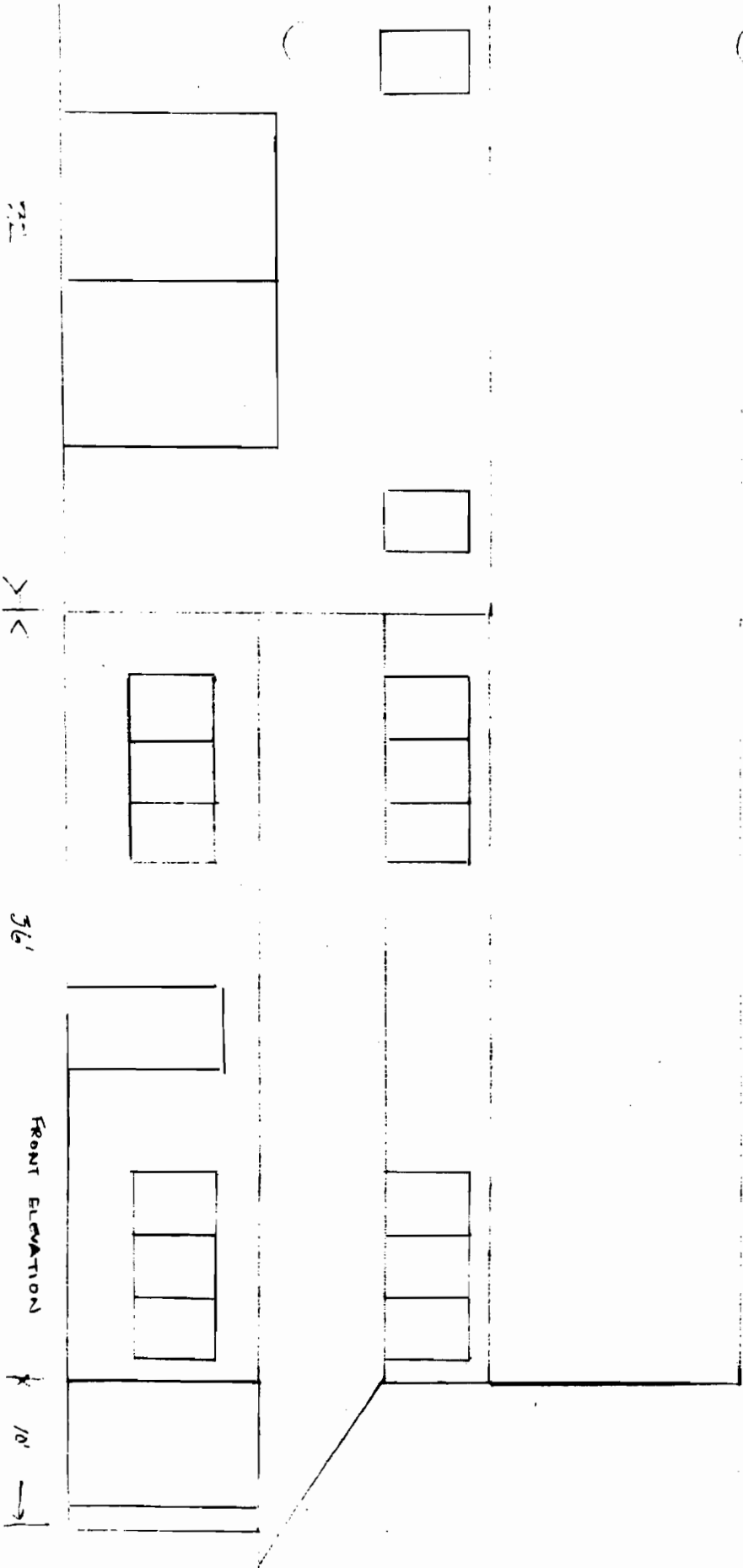
56'

10'

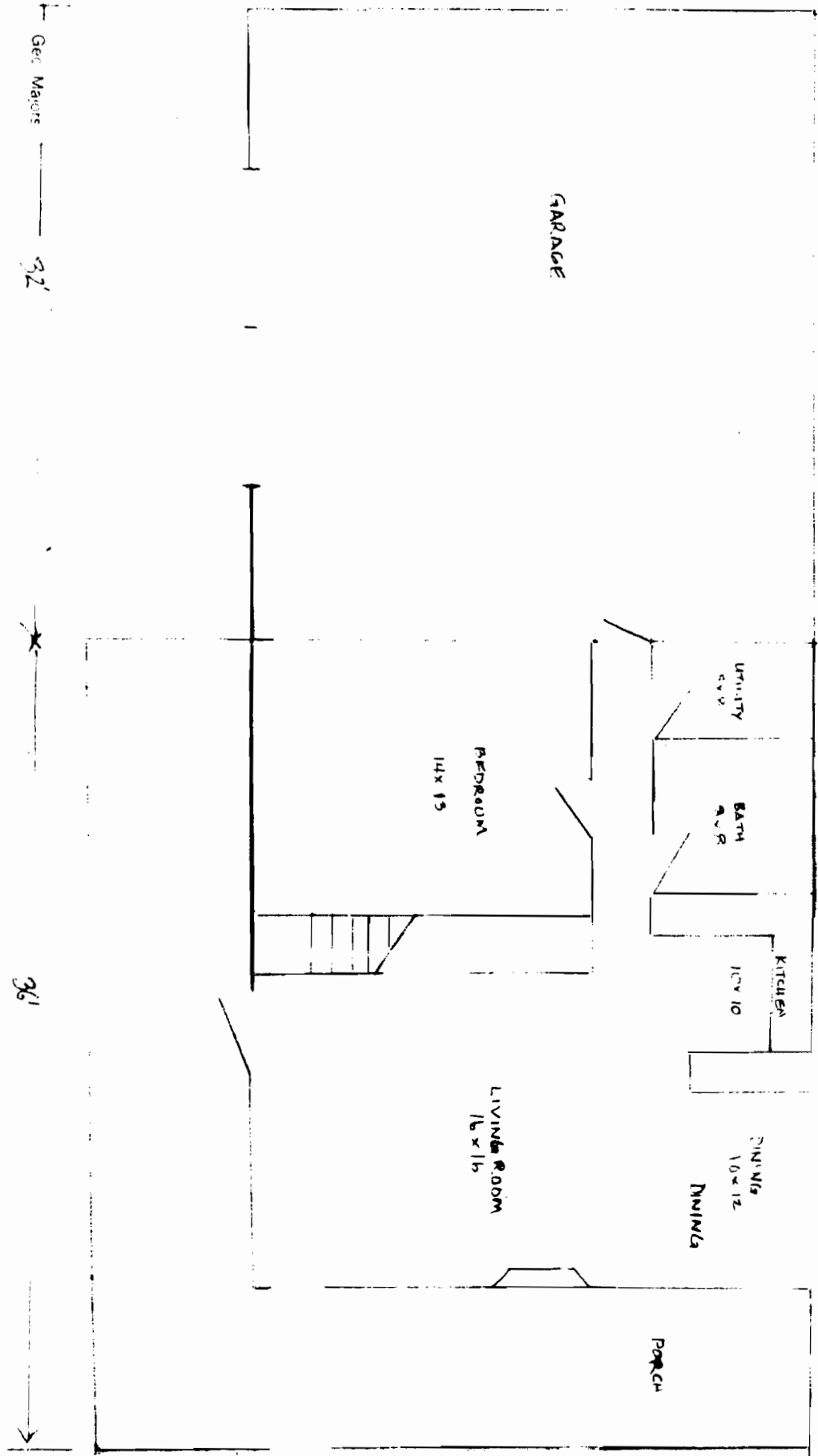
FRONT ELEVATION

See Map

2008
R 19945



3796 HERMITAGE ROAD
RIDGE BEACH, CALIF. 93412
408 373-8271



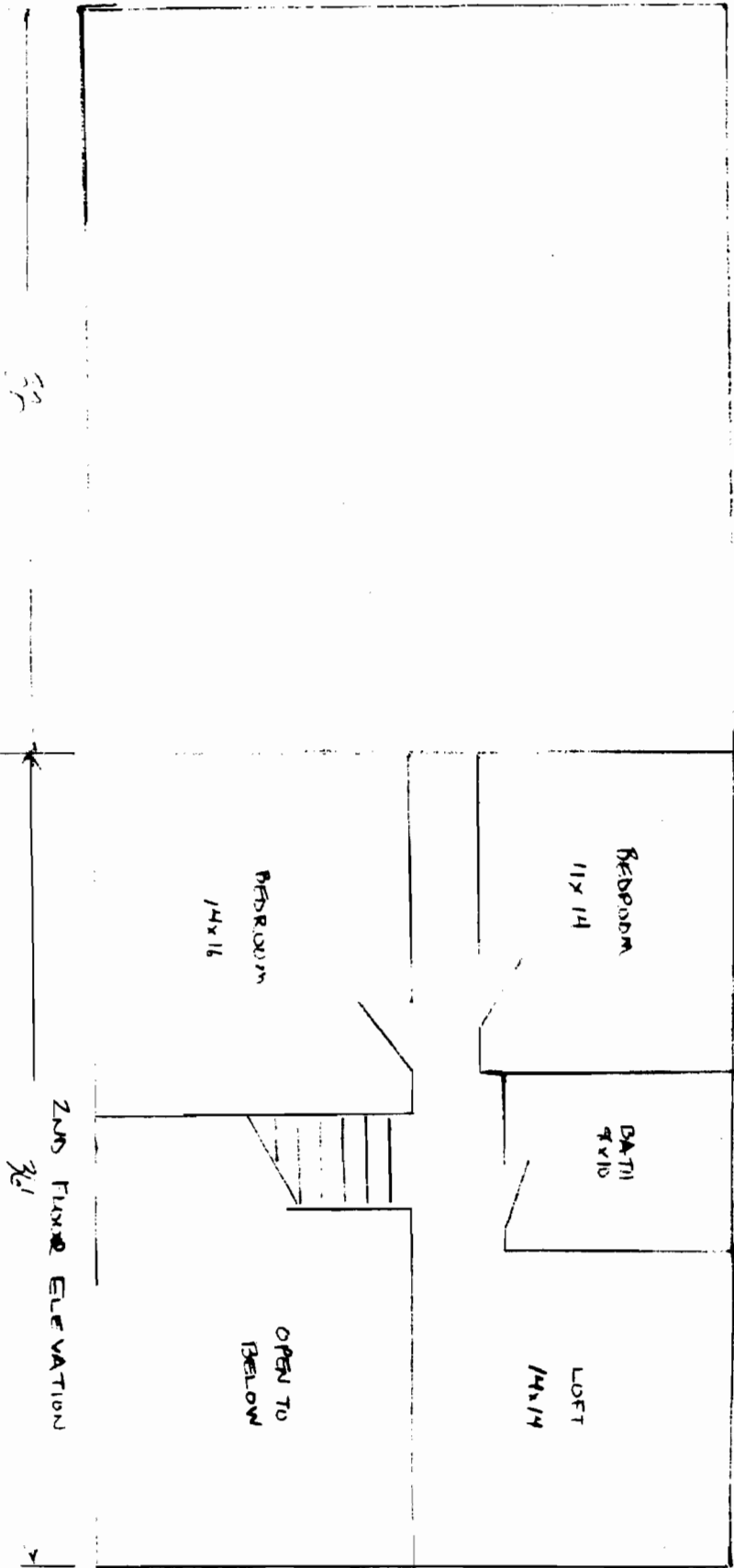
Gen. Motors

32'

36'

32'

36'



Gen. Majors

CDS Fire Prevention Planning

July 18, 2005

Bill Stephens
Agricultural Commissioner
El Dorado County
311 Fair Lane
Placerville, CA 95667

Dear Mr. Stephens:

The following are my observations and comments after a site visit on S04-33/Request for Special Use Permit submitted by George and Francis Majors.

The property is approximately 118 acres at the 7,200 foot elevation just north of Silver Lake and west of Highway 88. Oyster Creek runs from east to west along the southern boundary of the property. A large meadow occupies the southeast corner of the property and runs a long finger about ½ the length of the property. There is a belt of timber that covers the northeast corner and extends down the center of the property about 2/3's its length. Timber ground consists of approximately 40 acres. The existing species are Lodgepole pine, Jeffery pine, Red fir and juniper. The remainder of the property is rock outcroppings, granite boulders and brush.

The property was logged in 2003. The logged area meets the current state stocking standards. The current timberstand is all aged and relatively in good condition. Scattered and small pockets for dead Lodgepole pine exist. The applicants indicated a desire to plant Red fir for Christmas trees in open areas scattered throughout the timber on the flatter areas. Their forester stated he would plant on an 8X8 spacing. Soils are granitic.

The proposed housesite is the old log landing adjacent to the meadow. The access road to the site has been allowed to become overgrown with grasses and forbes. It is not readily noticeable. A well has been drilled adjacent to the housesite. The septic system is identified with flagging at the edge of the meadow.

I believe that it will be very difficult to establish a viable commercial Christmas tree operation on the property. There is a short growing season, wide spacing, heavy snowloading, no plan for crop rotation and evidence of a heavy gopher population.

It is reasonable to expect it to take 15 years to produce a 6-8 foot Christmas. There may be a 2-3 year window to harvest the majority of the trees and then an

extended period of time before another crop of trees would be available for harvesting.

The location for the Christmas trees is removed from the highway and meadow and not visible to the general public. The structure and access road would draw attention to the young trees. The site would be inconvenient for trespassers to steal trees. The highway is patrolled by the CHP, USFS and County Sheriff's office during typical cutting times looking for theft.

The proposed housesite in the landing reduces the chances for future timber harvesting. A new landing site would have to be designated. This potentially removes more area from timber production. The house location would make yarding of timber from the west difficult due to limited access around the house. There are natural barriers surrounding the house except along the road. This site is in some of the better timber growing areas on the property.

If a structure were to be allowed, a site on the non-productive areas should be selected. This would maintain the viability for future timber harvesting.

There is currently a steel storage container on the property. The size of this container should be adequate to store equipment for the planting, maintenance and harvesting of Christmas trees. The small scattered sites lend themselves to ATV type vehicle access. Small hand tools such as chainsaws, planting augers and backpack sprayers are the basic compliment needed for the proposed Christmas tree operation.

Bill Draper, RPF 898
4645 Meadowlark Way
Placerville, CA 95667
(530) 644-5535
(530) 644-6754 fax

MARK STEWART
CONSULTING FORESTER #2308
4655 Tulp Ct, Placerville, CA 95667
530-621-4100

Hi Fran- Here are some comments regarding the letter that Bill Draper wrote to the Ag Commissioner.

Short growing season- it may take up to 15 years to grow a 6-8 foot tree.

Small trees grow at varying rates depending on soil conditions, moisture availability, and location relative to larger trees. The better looking, table top size trees, 3-4 feet tall, can be grown and harvested in as short as 5 years. Other trees may not reach a suitable fullness for 15 years. The harvest window for cutting a single planting is about 10 years. Stump culture will be used, however, where trees are cut leaving a number of low branches to turn up, and grow another tree from the existing stump. The second tree grown from a stump will have a shorter growth time to harvestable size because of the established root mass. This method of regrowth will produce a continuous annual crop over the property, without waiting for another crop of trees to become available from planted seedlings. It is also likely that every few years, additional trees will be planted as space allows, and to replace trees or seedlings that die.

The proposed housesite in the landing reduces the chances for future timber harvesting.

A cleared area was created just uphill from the landing to accommodate the huge burn piles created from the forest fuel reduction project. Pre-existing woody debris along with logging slash was piled while the loggers were onsite to reduce the fuel loading. The piles were created while the landing was used for decking and loading logs. The house site is on the burn pile area, and the landing is where vehicle parking is proposed, once the residence is constructed. The landing will still be usable as a landing, and there are existing skid trails accessing all of the area West and NW of the housesite which will not be affected by construction of the residence. No new landings or skid trails will need to be constructed for future harvests. Logging jobs in close proximity to houses, powerlines, roads, barns, etc. are very common, and a structure here would not create an unusual situation.

If the house and yard area cover 120 feet by 70 feet, only 2/10 of an acre will be taken out of timber production. This is a small area compared to the 40 acres of timberland on the property.

The size of the container should be adequate to store equipment....

The principal reason for building a structure on the property is for the family to have a place to stay during management activities on the property. Part of the structure is proposed as a storage area, which is simply an added benefit from constructing a residence.



AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667
(530) 621-5620
(530) 626-4756 FAX
sktcar@co.el-dorado.ca.us

Howard Neilson, Chair - Livestock Indust
Greg Boeger, Vice-chair - Agricultural Processing Indust
Edie Delfino - Fruit and Nut Farming Indust
David Pratt - Fruit and Nut Farming Indust
Lloyd Walker - Other Agricultural Interest
Gary Ward - Livestock Indust
John Winner - Forestry/Related Industries

MEMORANDUM

DATE: August 17, 2005

TO: Gina Hunter
Planning Services

FROM: Howard Neilson
Chair

SUBJECT: S 04-33/REQUEST FOR SPECIAL USE PERMIT TO ALLOW FOR A 2,912
SQUARE FOOT CARETAKER'S RESIDENCE; GEORGE AND FRANCES
MAJORS

During the Agricultural Commission's regularly scheduled meeting held on August 10, 2005, the following discussion and motion were made regarding George and Frances Majors' Request for a Special Use Permit (S 04-33) to allow for a 2,912 square foot caretaker's residence.

On July 18, 2005, Bill Stephans, Steve Burton, Ex-officio Registered Professional Forester Bill Draper and Planner Gina Hunter visited the site to assess the proposed request to build a caretaker's residence on Timber Production Zone (TPZ) land.

Mr. Stephans and Mr. Draper expressed concerns regarding the necessity of a caretaker's residence to protect Christmas tree plantings from vandalism and theft. In his expert opinion, Mr. Draper estimated that it would take between 7 to 15 years to produce a salable crop and that currently there are no Christmas trees planted on the site. Mr. Stephans questioned the need to immediately build the residence since the crop would not require protection until many years down the road. Additionally, in Mr. Draper's opinion, this area and high elevation (≈7,200 ft) would add to the difficulty to cultivate and produce a good Christmas tree crop due to the heavy snowloads and short growing season. The Commission questioned the need for such a large residence and that it appeared to be more of a vacation home than a caretaker's residence. George Majors stated they have had several problems with trespassers and vandalism of the property. Mr. Majors indicated that this would be a family-operated business and with the majority of the family coming up into retirement, part of their retirement plan is to actively manage the property and be caretakers on it at different times, which would include the winter season. Mr. Majors also wanted to clarify that the requested square footage of the house is misleading since 1,000 square feet is for storage of equipment.

August 17, 2005
RE: S 04-33/Majors
Page 2

According to Mark Stewart, Registered Professional Forester under contract by the Majors, Red Fir Christmas trees were going to be planted this past year; however, the early snows did not allow that activity to take place. No rotational planting of trees was planned which would require the Majors to rely on natural seeding from the mature trees to continue the Christmas tree crop in future years. A timber harvest was previously conducted and management of the parcel is continuing with additional cleanup of fallen debris. He also said that the Majors' intend to cut firewood to transport out of the area.

The majority of the parcel consists of granite outcroppings with approximately 25 to 35% of the parcel suitable for timber or Christmas tree production. Also, in Mr. Draper's opinion, the riparian areas, which comprise a large area of the parcel, are not suitable for any timber/Christmas tree operations.

Photographs of the area were distributed to the Commission to show the proposed building site, well and general characteristics of the property.

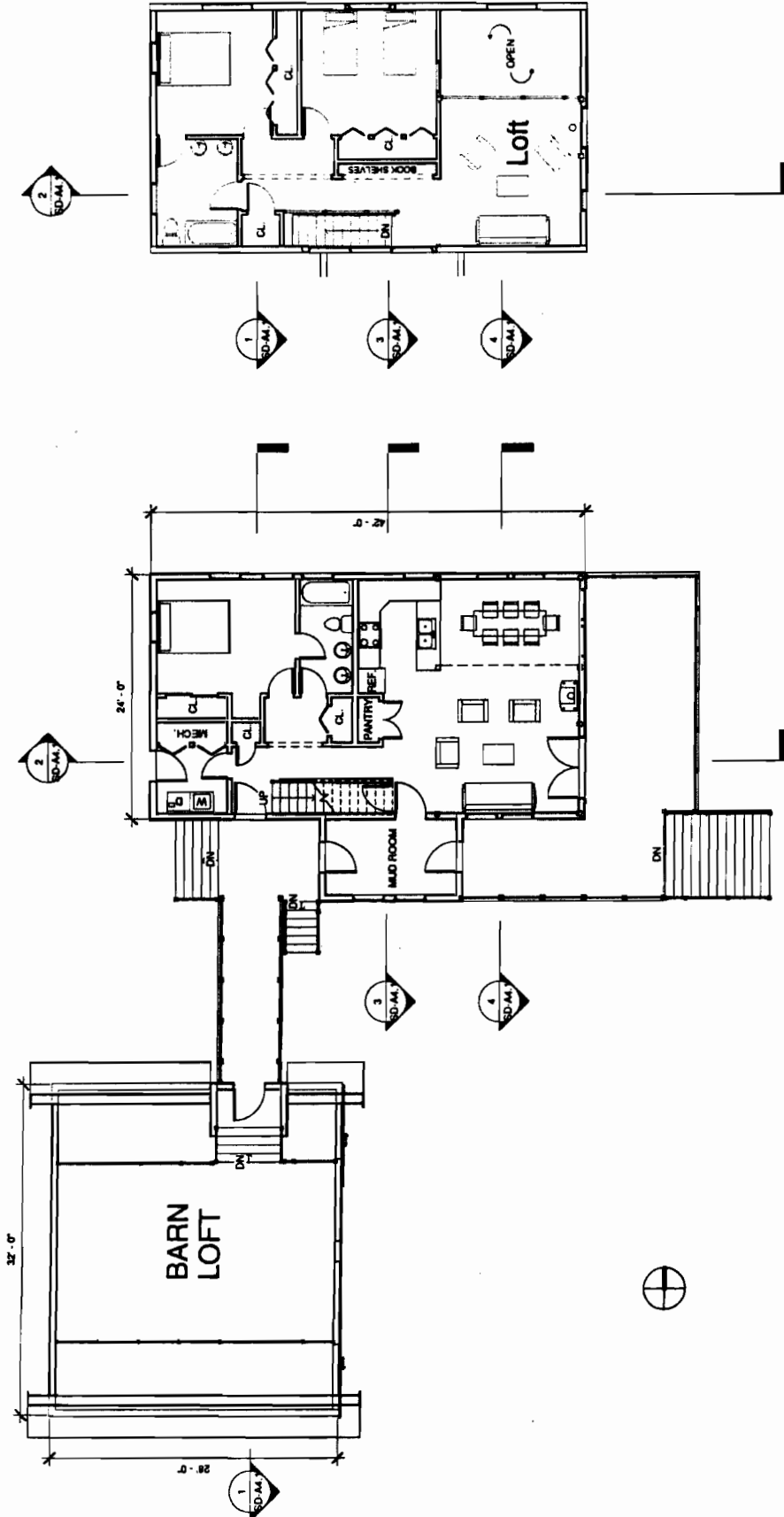
It was moved by Mr. Delfino and seconded by Mr. Winner to recommend approval of George and Frances Majors' request for a Special Use Permit (S 04-33) to allow a caretaker's residence on TPZ land with the condition that the living space is not to exceed 1700 square feet and the rest of the space is to be used for equipment storage. Motion passed.

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

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

cc: George and Frances Majors

EXHIBIT B



① First Floor
1/8" = 1'-0"

② Second Floor
1/8" = 1'-0"

GRAHAM M. SIMMONS
 ARCHITECT & BUILDER
 2111 SITE B WIDE ST. BERKELEY, CA 94709
 P.O. BOX 978 HAYWARD, CA 94541
 Phone 510 258 4322

Circle M Tree Ranch
 (M)
 Silver Lake, CA

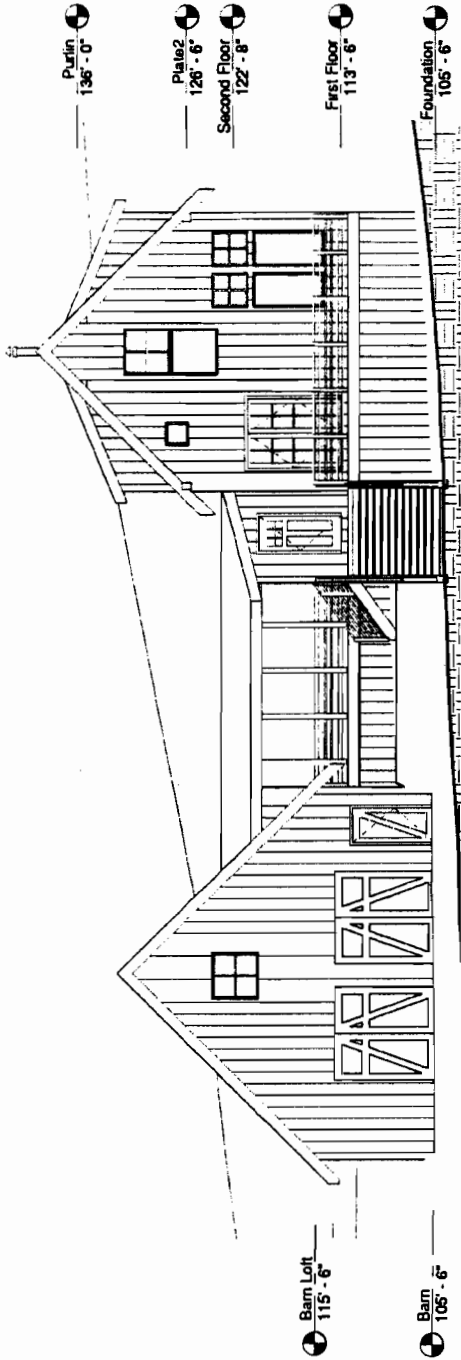
No.	Description	Date

Plans

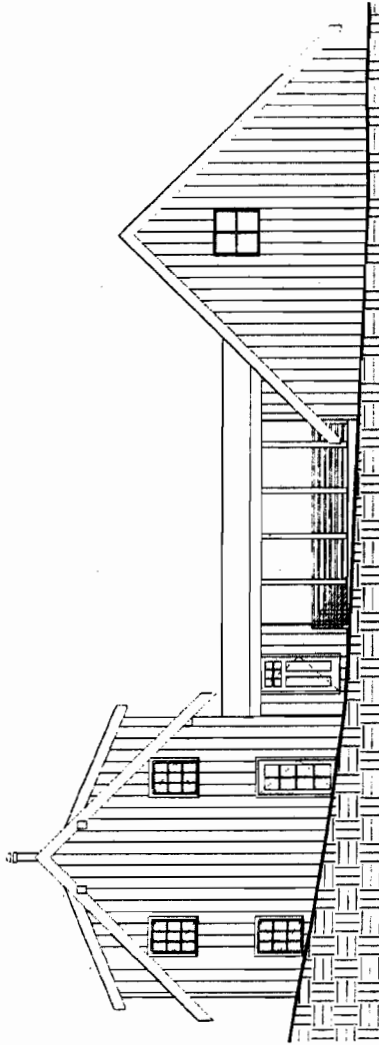
Project number: 0604
 Date: 08/14/05
 Design Team: Graham M. Simmons
 Christian Humann

SD-A2.1
 Scale: 1/8" = 1'-0"

EXHIBIT C



① East
1/8" = 1'-0"



② West
1/8" = 1'-0"

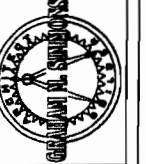
Elevations

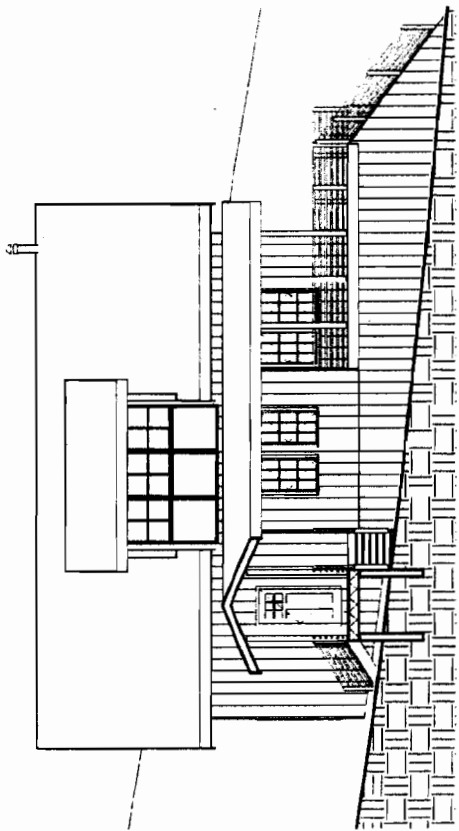
Project number	0504	SD-A3.1	Scale 1/8" = 1'-0"
Date	08/14/05		
Design Team	Graham M. Simmons Christian Hummer		

No.	Description	Date

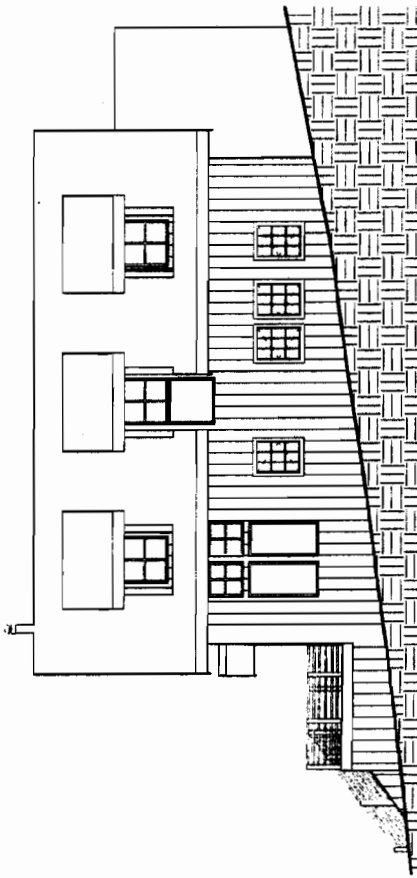
Circle M Tree Ranch
 (M)
 Silver Lake, CA

GRAHAM M. SIMMONS
ARCHITECT & BUILDER
 2111 BITE & VINE ST. BERKELEY, CA 94709
 P.O. BOX 575 SERRANO HILLS, CA 91344
 Phone 209 288 4332



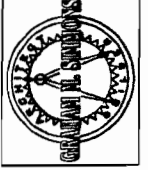


① South
1/8" = 1'-0"



② North
1/8" = 1'-0"

GRAHAM M. SIMMONS
 ARCHITECT & BUILDER
 2111 LITE BLVD. ST. BERKELEY, CA 94709
 Phone 510.847.3448 Fax 510.847.3833
 P.O. BOX 278 REDWOOD MEADOWS, CA 94644
 Phone 510.847.4422



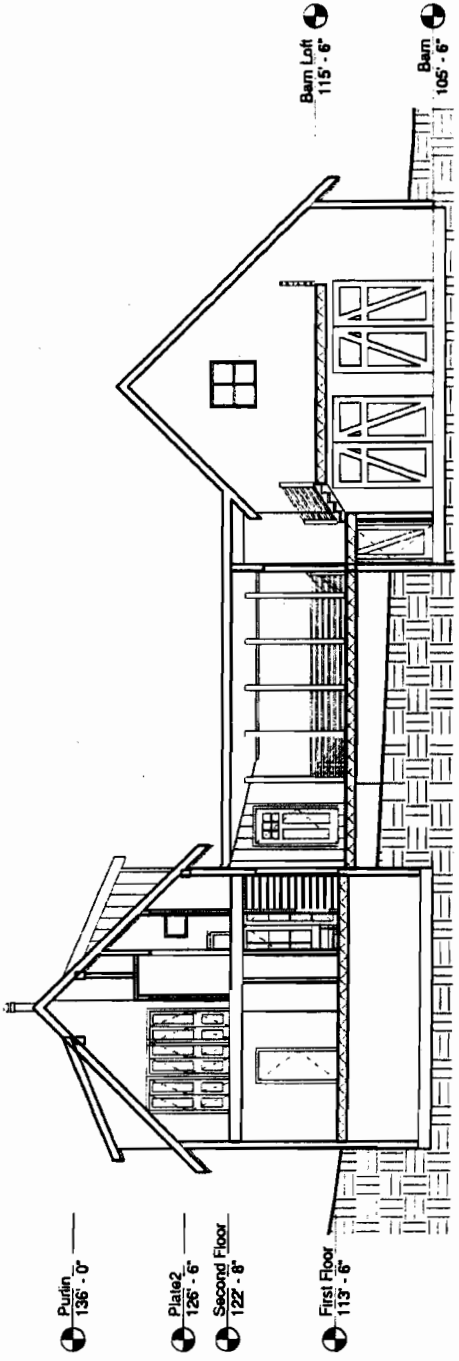
Circle M Tree Ranch
 (M)
 Silver Lake, CA

No.	Description	Date

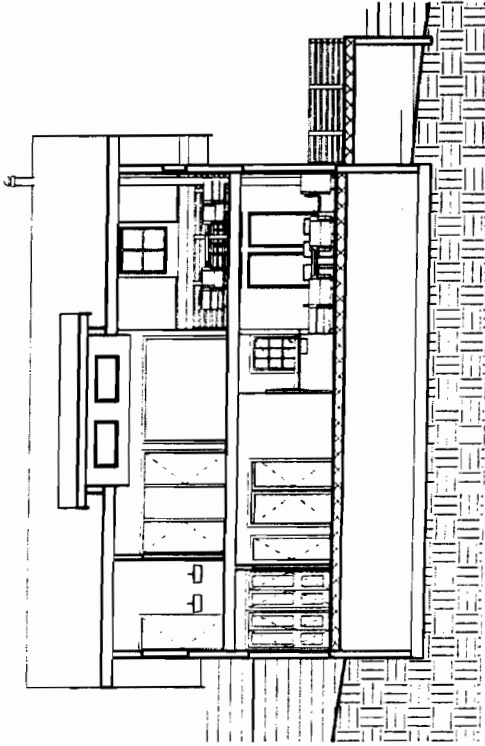
Elevations

Project number 0604
 Date 10/1/05
 Design Team Graham M. Simmons
 Cheekian Humann

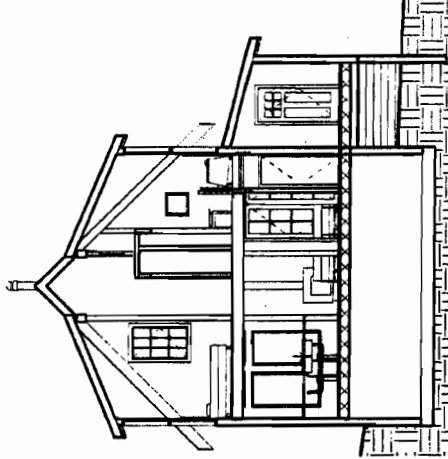
SD-A3.2
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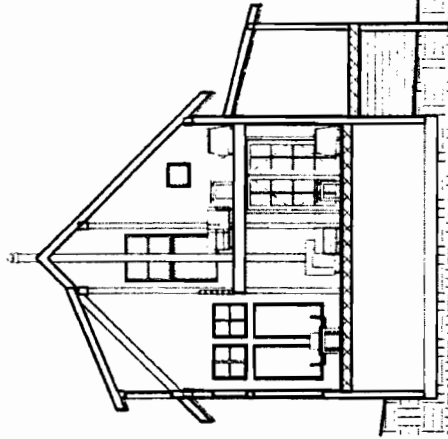
1 Section 1
1/8" = 1'-0"



2 Section 2
1/8" = 1'-0"



3 Section 3
1/8" = 1'-0"



4 Section 4
1/8" = 1'-0"

GRAHAM M. SIMMONS ARCHITECT & BUILDER
 2111 STE 8 WMS ST. MENLO PARK, CA 94028
 Phone 310 847 3448 Fax 310 847 3443
 P.O. BOX 278 FERNWOOD MEADOWS, CA 95444
 Phone 530 258 1422

Circle M Tree Ranch
 (M)
 Silver Lake, CA

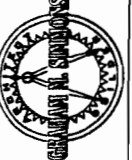
No.	Description	Date

Sections

Project number 0604
 Date 08/14/05
 Design Team Graham M. Simmons
 Christian Humann

SD-A4.1
 Scale 1/8" = 1'-0"

EXHIBIT D



**GRAHAM M. SIMMONS
ARCHITECT & BUILDER**
2111 AVE. S. WALK ST. BERKELEY, CA 94709
Phone 510.847.3448 FAX 510.847.3449
P.O. BOX 275 MARIWOOD BRIDGEWAY, CA 94544
Phone 202.228.4432

Circle M Tree Ranch

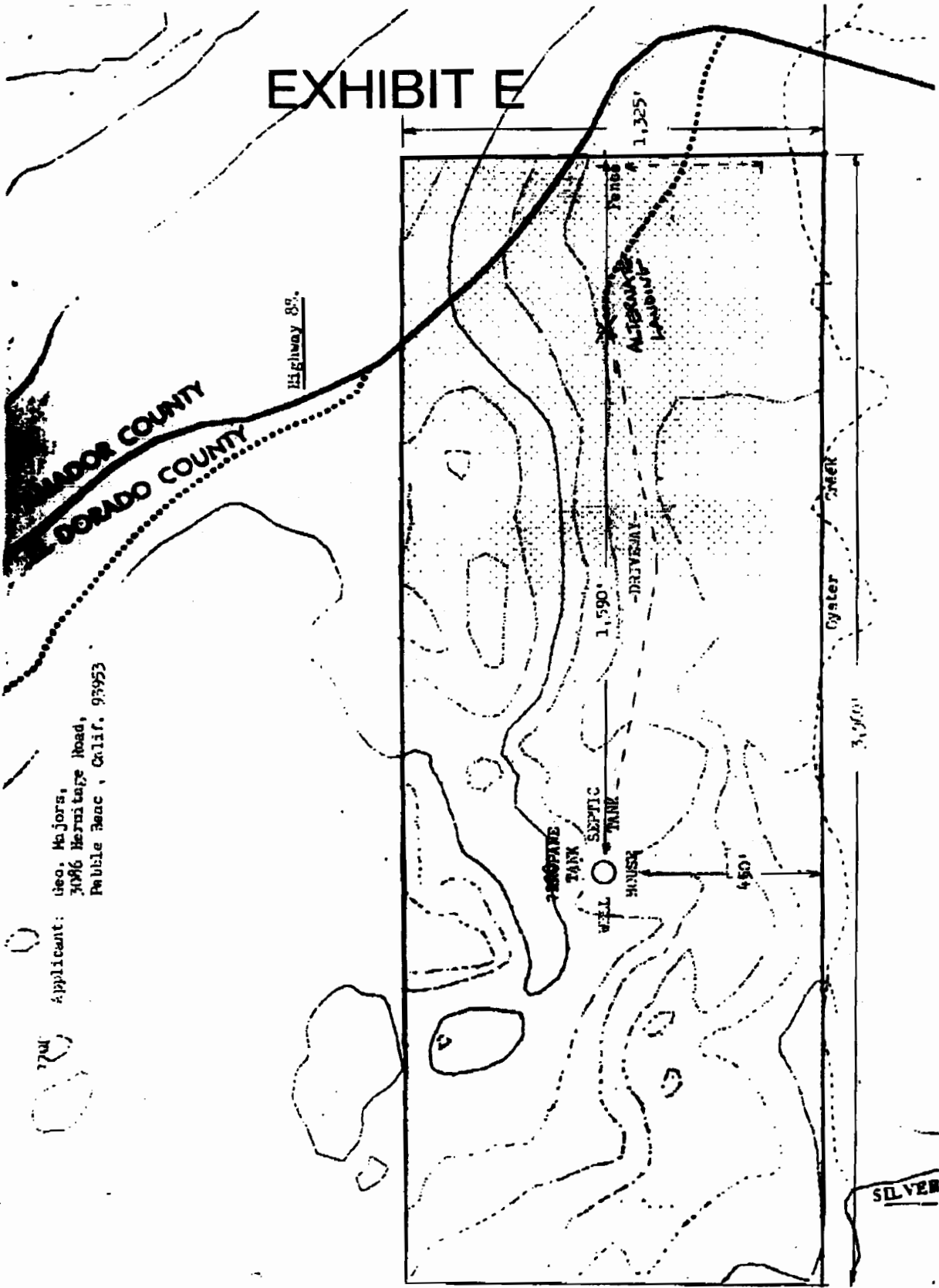


Silver Lake, CA.

No.	Description	Date

Renderings		Scale
Project number	0604	SD-A5.1
Date	08/14/05	
Design Team	Graham M. Simmons Christian Humann	

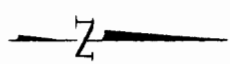
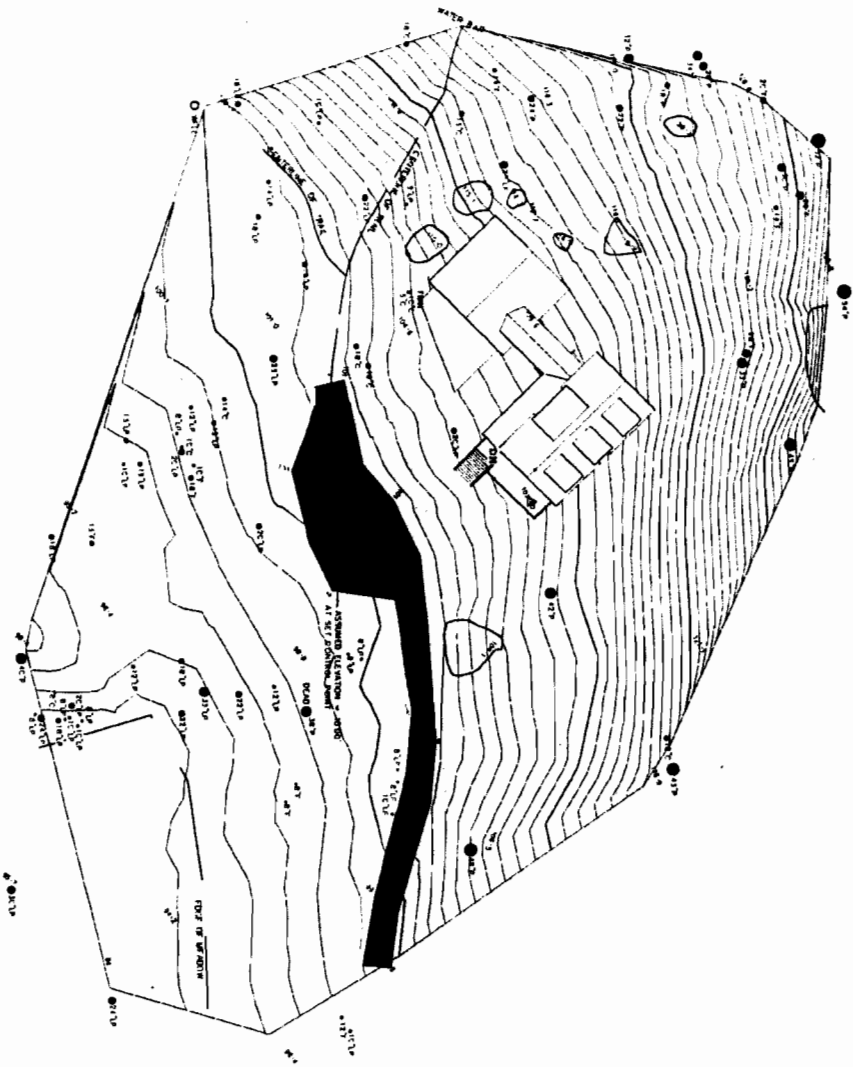
EXHIBIT E



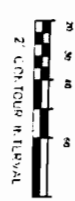
Applicant: Geo. Majors,
 3086 Hermitage Road,
 Pueblo Banc, Calif. 93953

SPECIAL USE PERMIT
 SITE PLAN REQUIREMENTS, OTE, S :-15.

EXHIBIT F



1" = 20'



- ### LEGEND
- BENCH MARK
 - WITH NUMBER IN CIRCLE BOUNDARY OF SURVEY
 - WITH NUMBER IN CIRCLE SURVEY POINT
 - WITH NUMBER IN CIRCLE SURVEY POINT
 - WITH NUMBER IN CIRCLE SURVEY POINT
 - WITH NUMBER IN CIRCLE SURVEY POINT

1 Sheet
1/23" = 1/0"

In the Land Surveys, P.O. Box 55108 South Lake Tahoe, California 96155 88577-4815

TOPOGRAPHIC MAP
OYSTER CREEK PROPERTY
AMADOR COUNTY, CA



2111 9th & V St. Eureka, CA 95901
Phone 925-928-8444
Fax 925-928-8445

Circle M Tree Ranch
Silverlake, CA

No.	Description	Date

Projection bear 0504
Date 03/16/05
Designer Graham M. S. Simons
Checklist M. S. Simons
Scale 1/23" = 1/0"

Site Plan

SD-A01



EXHIBIT G AGRICULTURAL COMMISSION

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

Howard Neilsen, Chair - Livestock Industry
Greg Roeger, 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

DATE: October 13, 2005

TO: Gina Hunter
Planning Services

FROM: Greg Boeger
Chair Pro Tem

SUBJECT: REQUEST TO RESCIND ACTION: Commission Member Requesting to Rescind Motion Made on August 10, 2005 Approving a 1700 Square Foot Caretaker's Residence for S 04-33/George and Frances Majors

During the Agricultural Commission's regularly scheduled meeting held on October 12, 2005, the following discussion and motion were made regarding the request from a Commission Member to rescind the motion made on August 10, 2005, which approved a 1,700 square foot caretaker's residence for S 04-33/George and Frances Majors.

Commission Member Winner requested to rescind the August 10, 2005, action because TPZ land and housing are not compatible and they were never intended to be. Mr. Winner stated that he had originally agreed with the August 10, 2005, action because although it was not the intent to have TPZ land with houses, there were such occurrences in the county and he didn't want to create a double-standard. However, after further consideration, Mr. Winner felt that this request needed to have a much closer look to insure the necessity of having a caretaker's residence on the TPZ property at this time. Mr. Winner stated that he was concerned that the Christmas trees had not yet been planted and, in addition, the Site Quality Classification, which identifies areas of the parcel for its ability to produce timber, listed the subject parcel, APN #039-060-02, with 27 acres classified as Class III (mid-range conditions) and 91 acres as Class V (poorest conditions); for a total of 118 acres.

Mr. Winner felt that a Special Use Permit for a caretaker's residence should only be granted when it is an absolute necessity. It was stated that the applicants did have the option to rezone the property by either rolling out of TPZ or requesting an immediate cancellation, which there is a provision for immediate rezoning. Due to the majority of the land being identified as Class V with that majority of the acreage covered by a granite monolith, it is not considered prime timberland. The California Department of Forestry would have the final determination of granting an immediate cancellation.

Bill Stephans indicated that it may be premature to allow a caretaker's residence to be built since no Christmas tree stand has been established. Pierre Rivas, Planning Services, stated that according to Section 17.44.050, the TPZ land needs to be intensively managed prior to a caretaker's residence being established. Mr. Rivas stated that it would not be a residential house, but "quarters" to house an individual who will manage and work the land. He also stated that if granite is prevalent on that parcel, then it is not conducive to TPZ and should be re-zoned.

Mark Stewart, consulting forester for the Majors, indicated that up to 11 acres of Christmas trees (gross area) would be planted and mixed in with the timber trees. He stated it was anticipated that 1,000-2,500 trees would be planted this winter or spring. Commission Member Delfino questioned the number of trees by stating that the amount given would only plant 1/2 - 1 acre of intensively managed land. Mr. Stewart responded by stating that the trees were being planted among existing timber trees and around boulders which would not allow for typical plant spacings. Again, the need for the caretaker's residence was questioned since the total planting appeared to be small.

George Majors read from a written statement, which identified 16 items that, in his opinion, met the requirements needed to approve the Special Use Permit. Chair Pro Tem Boeger requested that the written statement be submitted for the record since this was the first time he had heard such reasoning from Mr. Majors. The written statement was not submitted as requested for the record.

It was moved by Mr. Winner and seconded by Mr. Pratt to rescind the August 10, 2005, action taken by the Agricultural Commission and deny the Special Use Permit (S 04-33), with the caveat that once the Christmas tree plantings are established, the Special Use Permit be reviewed again along with the applicants submitting a site plan of the plantings, an implementation plan and a long-term proposal to the El Dorado County Agriculture Department. Motion passed.

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

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

cc: George and Frances Majors

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ROBERT A. LAURIE

October 9, 2007

Mr. Roger Trout
Zoning Administrator
Development Services Department
County of El Dorado
2850 Fairlane Court
Placerville, CA 95667

RECEIVED
PLANNING DEPARTMENT
07 OCT -9 PM 4: 01

Re: **Majors SUP; S04-0033**

Dear Mr. Trout:

This office represents Mr. George Majors, the applicant for the above-referenced project. I do plan on making an appearance and presenting evidence at the hearing on October 17th. However, I believe a few comments are appropriate at this point.

As you may be aware, the issues that first arose regarding this application from the Agricultural Department dealt with the size of the caretakers home. The County ordinance is silent in this regard. Certainly the question of what size of a residence a caretaker requires is very subjective and it is clear that throughout the County it appears that caretakers are living in some very nice residences. The applicant had agreed to reduce the original size of the facility down to 2100 feet and then further agreed to a condition that would take it down to 1500' . His position in this regards remains the same.

Further, however, the Agricultural Commission had at first recommended approval of the application and then took the unusual step of, on its own orders, reconsidering the matter. The finding of the Commission which had been forwarded to you was that the land was not suitable for timber production and sales and thus a caretaker was not necessary. Such a finding creates some interesting issues.

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First, the Agricultural Commission found that the land was not suitable for timber production and sales. Yet, in order for the property to have been placed in a TPZ category, it would have had to have met the requirements of Section 17.44.070. The County would have accepted the Forest Management Plan as a pre-condition to the zoning implementation. It is inconsistent to argue that at Time A the property was suitable timber land but at Time B, it is not. We must assume that the action placing the property into the TPZ category was lawful and proper meaning that that the property must have been deemed suitable for timber production. The only change to the property has been the planting of more trees. Accordingly, logic demands that the County's earlier finding of suitability for timber production must stand absent new evidence to the contrary.

If however, the County makes the finding of non-suitability of the land for timber production, the question must be posed as to whether the County is prepared to support a request for an immediate cancellation based upon such non-suitability? It is respectfully submitted that the County may not on the one hand argue that the land is not suitable for timber production and on the other continue to impose regulations applicable thereto.

Section 17.44.050 sets forth the criteria for residential use. The application and the data earlier submitted in support thereof and referenced in the record firmly establishes that the requisite criteria has been met, in that:

1. A timber inventory has been accomplished.
2. The owner has conducted commercial harvesting operations.
3. The property has sufficient legal access for commercial operations.
4. An effort has been made to locate the boundaries of the property yet it is felt that the best means of protecting the property is by the construction of a caretakers residence.
5. A Harvest Timber Plan has been prepared.
6. Substantial plantings have been undertaken.

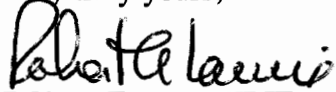
Accordingly, the facts are that this property more than adequately meets the criteria for issuance of a residential permit.

The Agricultural Commissioner has commented that it may be appropriate to roll-out of the TPZ classification. That may very well be the case. In fact you may wish to consider requiring a roll-out as a condition to the permit. I have personally discussed this with agricultural officials and there appears to be no objection provided the property was restricted from halting the roll-out once the residence was constructed. This is not a problem and can be addressed through a County approved Deed Restriction. The Owner would be prepared to accept such a condition.

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Thank you for your attention to this matter. I look forward to our discussion at the hearing.

Very truly yours,

A handwritten signature in cursive script that reads "Robert A. Laurie". The signature is written in black ink and is positioned above the printed name.

ROBERT A. LAURIE
BECKER RUNKLE & LAURIE

51104. As used in this chapter, unless otherwise apparent from the context:

(a) "Board" means the board of supervisors of a county or city and county, whether general law or chartered, which establishes or proposes to establish a timberland production zone pursuant to this chapter.

(b) "Contiguous" means two or more parcels of land that are adjoining or neighboring or are sufficiently near to each other, as determined by the board or council, that they are manageable as a single forest unit.

(c) "Council" means the city council of a city, whether general law or chartered, which establishes or proposes to establish a timberland production zone pursuant to this chapter.

(d) "County" or "city" means the county or city having jurisdiction over the land.

(e) "Timber" means trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees, but does not mean nursery stock.

(f) "Timberland" means privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

(g) "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).

With respect to the general plans of cities and counties, "timberland preserve zone" means "timberland production zone."

(h) "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

(1) Management for watershed.

(2) Management for fish and wildlife habitat or hunting and fishing.

(3) A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas.

(4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.

(5) Grazing.

(6) A residence or other structure necessary for the management of land zoned as timberland production.

(i) "Parcel" means that portion of an assessor's parcel that is timberland, as defined.

(j) "Anniversary date" means the anniversary of the date on which zoning is established pursuant to Section 51112 or 51113 takes effect.

(k) "Tax rate area" means a geographical area in which there is a unique combination of tax levies.

(l) "Nonconforming use" means any use within a TPZ which lawfully existed on the effective date of zoning established pursuant to Sections 51112 and 51113, and continuing since that time, which is not a compatible use.

EXHIBIT F