

**EL DORADO COUNTY DEVELOPMENT SERVICES  
ZONING ADMINISTRATOR  
STAFF REPORT**



**Agenda of:** February 17, 2010  
**Item No.:** 4.a.  
**Staff:** Tom Dougherty

**CERTIFICATE OF COMPLIANCE**

**FILE NUMBER:** COC09-0023

**APPLICANTS:** Michael Kuhl and Gary Williams

**REQUEST:** Conditional Certificate of Compliance for Assessor's Parcel Number 011-060-53 which was subdivided into two parcels as directed by a court partition in 1994 followed by recording of Grant Deeds in 1994.

**LOCATION:** On the east side of Ice House Road approximately 1,500 feet east of the intersection of Forest Service Road 12N28 (Wreckhum Road) in the Ice House area, Supervisorial District IV. (Exhibit A)

**APN:** 011-060-53 (Exhibit B)

**ACREAGE:** 329.49 acres

**GENERAL PLAN:** Natural Resource (NR) (Exhibit D)

**ZONING:** Timberland Preserve Zone (TPZ) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Exempt pursuant to Section 15061.b.3 of the CEQA Guidelines

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Certify that the project is exempt from CEQA pursuant to Section 15061.b.3 of the CEQA Guidelines; and
2. Issue a Conditional Certificate of Compliance, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

**Attachment 1**

**BACKGROUND:** A Certificate of Compliance has been requested to recognize two parcels created by court partition recorded in 1994. Subsequent to this order, Grant Deeds for the parcels described in the court order were recorded in June of 1994. The current owner of the 165-acre Parcel 1 acquired title on November 21, 1994. The current owner of the 164.49-acre Parcel 2 acquired title on March 2, 2005. The parent parcel is currently identified by Assessor's Parcel Number 011-060-53 and consists of 329.49 acres. The recording of said deeds created the parcels, albeit in violation of the Subdivision Map Act. The issuance of a Certificate of Compliance would acknowledge the County's acceptance of the parcel as legally created in accordance with the Subdivision Map Act and local subdivision ordinances, and would allow development of the property consistent with the TPZ district.

Without the Certificate of Compliance, the County cannot issue development permits, including building permits on the site. In this instance, the parcel would be issued a Conditional Certificate of Compliance requiring specific conditions be completed prior to the issuance of an unconditional or *clear* Certificate of Compliance. The parcels could not be developed until such time as a *clear* Certificate of Compliance is recorded, and then, only with an approved Special Use Permit because of the TPZ zoning. The County may impose any conditions that would have been applicable to the division of the property at the time the applicant acquired interest in the property.

The 1969 General Plan classified the parcels as Timber-Seasonal Recreational-Residential. The 1996 General Plan designated the parcels as Natural Resource. The 1969 El Dorado County Zoning Map shows that the subject parcels were zoned TPZ as they are today. The TPZ district is used by property owners, traditionally timber companies, to pay property taxes based on the yield of the harvest rather than traditional ad valorem tax. The project does not include a request for development of any kind and would not reduce the overall acreage of the existing TPZ acreage.

## STAFF ANALYSIS

**Project Description:** Conditional Certificate of Compliance for two parcels created by court order and subsequent recorded Grant Deeds in 1994, which would acknowledge the County's acceptance of the parcels as legally created in accordance with the Subdivision Map Act and local subdivision ordinances. They are currently identified by Assessor's Parcel Number 011-060-53. The acknowledgement would create a 165-acre Parcel 1, and a 164.49-acre Parcel 2, as shown in Exhibit F, upon satisfaction of the Conditions of Approval.

**Site Description:** The existing 329.49 parent parcels are located at the 5,000-foot elevation above sea level and is covered primarily with conifers with some annual grassland areas in the northern portion. The parcel has historically been used for grazing, and has previously been harvested for timber. The Kyburz and Riverton U.S.G.S. Quadrangles, provided as Exhibit G, classify the two streams flowing northwest to southeast through the parcels into as perennial. There are existing unnamed dirt access and logging roads meandering through the project area.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
Site	TPZ	NR	Timber preserve/vacant.
North	TPZ	NR	Timber preserve/ Sierra Pacific Industries land.
South	TPZ	NR	Recreational/Sierra Pacific Industries land.
East	TPZ	NR	Timber preserve/ Sierra Pacific Industries land.
West	A/TPZ	NR	Timber preserve/U.S. Forest Service land at the south half, Sierra Pacific Industries land at the north half

Discussion: Adjacent parcel zoning includes TPZ, and Agricultural (A). The area consists of parcels ranging in size from 40 to 360-acres in size. The land use designation consists of Natural Resource in all directions and all parcels are used for timber production and recreational uses. The parcels can be found to be consistent with the surrounding parcels as an approved project would continue to allow the present compatible uses.

**Site Access:** The primary access to the parcels provided by Forest Service Road 12N28 (Wreckhum Road) which travels east from Ice House Road which is County maintained. Road 12N28 is partially graveled and dirt and leads an unnamed road that travels south through the southwest corner of Parcel 1 to another unnamed dirt road that enters the west side of Parcel 1 and dead ends into Parcel 2. These access roads travel primarily through Sierra Pacific Industries (SPI) lands and portions of the roads have existing easements shared by the U.S. Forest Service. The access roads are labeled and shown in Exhibits I-1 and I-2.

El Dorado County Department of Transportation (DOT) has conditioned the project to require that the applicants demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements to access the site prior to issuance of a clear Certificate of Compliance. The Forest Service would potentially require that the applicants apply for a "Special Use Permit" for the use of their roads by a private parcel owner, which are valid for ten years at which time they would be reviewed again and either continued or changed. The County would require that the applicants provide proof that both the Forest Service and SPI requirements for access have been satisfied.

**General Plan:** The subject property is designated as Natural Resource (NR) on the General Plan Land Use Map which identifies *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. 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.*

**Discussion:** The project would legitimize two parcels 164.49 and 165-acres in size which would be larger than the required 40-acre size allowed and larger than the 160-acre size required for a dwelling unit. The project does not include a proposal for a dwelling unit or development of any kind. Both parcels would meet the minimum size as required by the General Plan.

**Land Use Compatibility:** **Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood.

**Consistent:** Under the NR land use designation and TPZ zone district, the site would be authorized to develop timberland preserve uses consistent with the surrounding agricultural and timber preserve land uses. As such, the request would be consistent with Policy 2.2.5.21.

**Wetland buffers:** **Policy 7.3.3.4** directs that buffers and special setbacks apply to streams and wetlands.

**Discussion:** There are two streams within the project that are classified on the U.S.G.S. Quadrangle as perennial. The applicants would be required to submit a Jurisdictional Wetland Delineation report along with any future Special Use Permit request for development that would determine which wetland features could be classified as Waters of the U.S. within the parcels. A minimum setback of 100 feet would be required from all perennial streams, rivers, lakes, and 50-foot setback would be required from intermittent streams and wetlands. The project does not propose to add residential uses at this time and this discussion is provided for informational purposes only.

**Conflicts with Agriculture:** **Policy 8.3.1.1** (protecting NR lands), **Policy 8.3.2.1** (Lands zoned TPZ not to be less than 160 acres), **Policy 8.3.2.2** (NR lands above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger), **Policy 8.3.3.1** (forest lands reserved for multiple use purposes), **Policy 8.3.3.2** (Board of Supervisors considering the advice of the Agricultural Commission about preservation of forest resources), **Policy 8.4.1.2** (permanent 200-foot setback adjacent to NR and TPZ lands, 8.1.4.1 (Agricultural Commission review), and **Policy 8.4.2.1** Agricultural Commission evaluation of discretionary applications involving NR and TPZ lands.

**Consistent:** Review of the General Plan land use map for the project area indicates that there are no areas designated as being within the Agricultural District (A) General Plan land use overlay designation adjacent to the parcels. They are however, surrounded on all sides by NR designated lands, as shown in Exhibit C.

On December 9, 2009, the El Dorado County Agricultural Commission reviewed and discussed the subject application requests, as well as the County Agriculture staff's observations and recommendations. The full text of the Memo from the Agricultural Commissioners to Planning staff is included as Exhibit H. The Commission supported the applicant's project request.

The TPZ and A zoned lands on all four sides of the project site would be required to be buffered by 200-foot setbacks. The overall acreage of the current TPZ-zoned project area would not be reduced by the project. The project would not diminish or impair the existing or potential timber use, and would not create conflicts between residential and timber related activities. Any residential use would require an approved Special Use Permit. Staff has found the proposed project would not cause significant conflicts with agriculturally or timber preserve-zoned lands because of the previously stated reasons, as well as the recommendation of approval by the Agricultural Commission, and could be approved as proposed.

**Conclusion:** The project has been reviewed in accordance with the General Plan policies and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

**Zoning:** The subject parcel is zoned Timberland Preserve Zone (TPZ) which permits a minimum parcel size of 160 acres. All development on the parcel would be subject to the development standards contained in Sections 17.44.030 through 17.44.080 of the County Code which include the requirement for an approved Special Use Permit for any new structure on the parcels as well as a minimum setback of 100 feet from all parcel boundaries and road easements. The resulting 165-acre Parcel 1 and the 165-acre Parcel 2, as shown in Exhibit F, would meet the minimum parcel size requirement. The two parcels have been created by Grant Deeds recorded by El Dorado County and are of sufficient size to comply with zone district requirements.

**Conclusion:** As discussed above, and as conditioned, staff finds that the project can be found to legitimize two parcels and that the necessary findings can be made to support the request for a Conditional Certificate of Compliance. The details of those findings are contained in Attachment 2.

**Authority to Issue a Conditional Certificate of Compliance:** Section 16.76.050 of County Code states that the Subdivision Map Act requires Conditional Certificates of Compliance be issued on certain types of parcels which were created in violation of the Subdivision Map Act. A local agency may impose any conditions that would have been applicable to the division of the property at the time the current owner(s) acquired his or her interest, except that where the current owner(s) was involved in the initial land division violation, then the local agency may impose any conditions that would be applicable to a current division of the property. A Conditional Certificate of Compliance would be recommended for this division of land.

**Conditioning Parcels Over 40-acres in Size:** The El Dorado County Subdivisions Ordinance, Design Criteria, Section 16.44.120 (E) states that *when an applicant proposes to create parcels in all other areas, any one of which is less than forty (40) acres or less than a quarter-quarter section or five (5) or more parcels, he/she shall construct and improve a road which conforms to the standard, as set forth in the Subdivision Design and Improvement Standards Manual, to serve each parcel to be created.*

**Discussion:** Since the subject parcels are greater than 40 acres in size, staff has determined that road improvements are not required for the parcels however; the applicant would be required to provide proof of legal access to the parcels from Ice House Road.

**Relevant State Government Code:** Section 51119.5 concerns the size of parcels zoned as timberland production lands and reads as follows: *Parcels zoned as timberland production under this chapter may not be divided into parcels containing less than 160 acres unless the original owner prepares a joint timber management plan prepared or approved as to content by a registered professional forester for the parcels to be created. The joint timber management plan shall provide for the management and harvesting of timber by the original and any subsequent owners, and shall be recorded with the county recorder as a deed restriction on all newly created parcels. The deed restriction shall run with the land rather than with the owners, and shall remain in force for a period of not less than 10 years from the date division is approved by the board or council. The division shall be approved only by a four-fifths vote of the full board or council, and only after recording of the deed restriction.*

Discussion: The parcels are not subject to a Forest Management Plan because they exceed the 160-acre minimum size that triggers that requirement. Typically the State's primary concern is the overall acreage of existing timber preserve areas is not being reduced. The project would legitimize two 160+-acre TPZ parcels but would not reduce the overall acreage of the existing timber preserve acreage of 329.49 acres.

#### **ENVIRONMENTAL REVIEW**

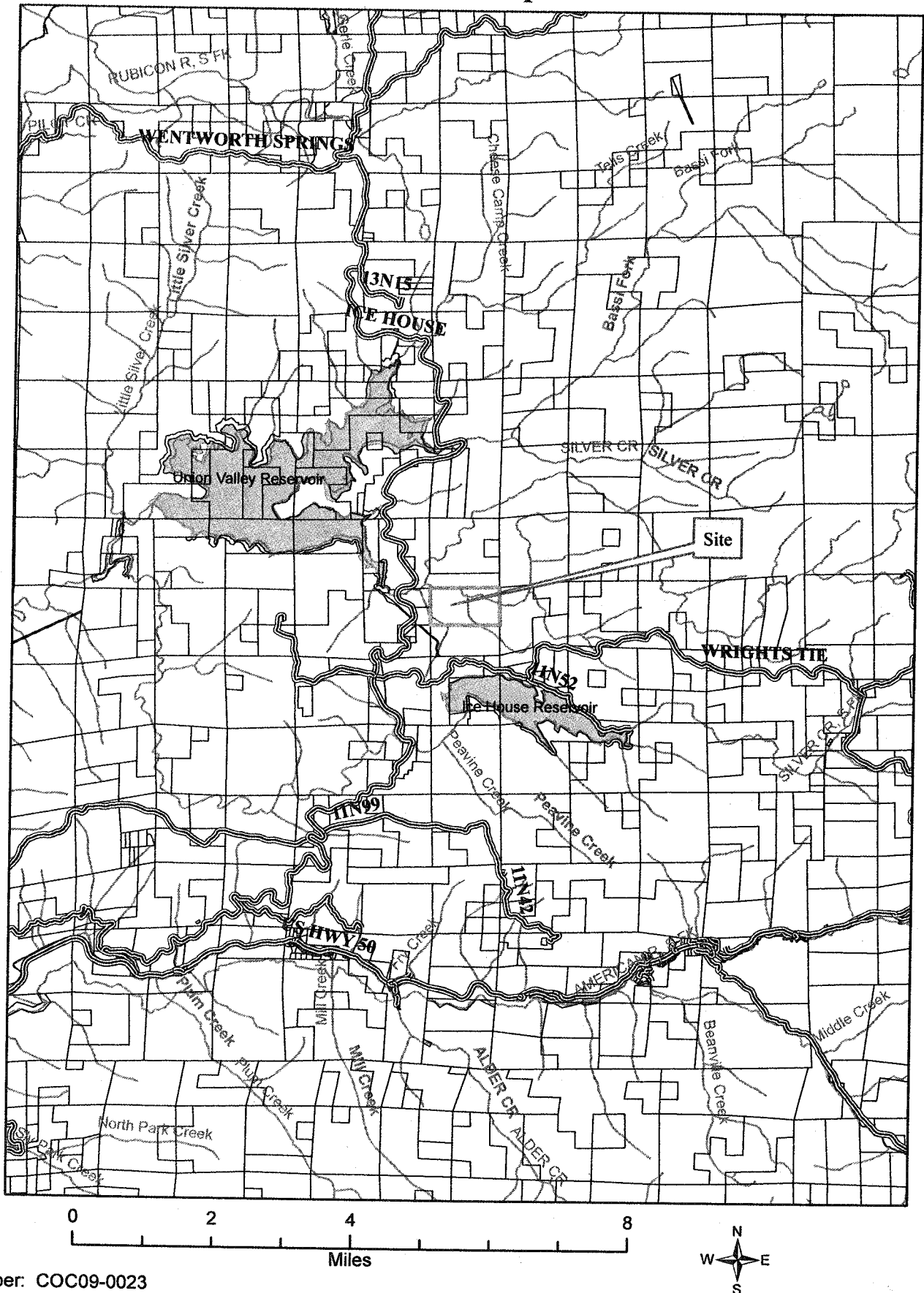
This project has been found to be exempt from the requirements of CEQA pursuant to Section 15061.b.3 of the CEQA Guidelines stating that "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." As such, the proposed legalization of two parcels through the Certificate of Compliance process, which would not include any physical development of the parcels, or allow residential development absent of an approved Special Use Permit, is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. A \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Location Map
Exhibit B .....	Assessor's Parcel Map
Exhibit C .....	Record of Survey 21-8
Exhibit D .....	General Plan Land Use Map
Exhibit E .....	Zoning Map
Exhibit F .....	Site Plan dated September 2009
Exhibit G .....	Kyburz and Riverton U.S.G.S. Quadrangles
Exhibit H .....	Agricultural Commission memo to Planning dated December 16, 2009
Exhibits I-1, I-2 .....	Aerial photos

# Location Map

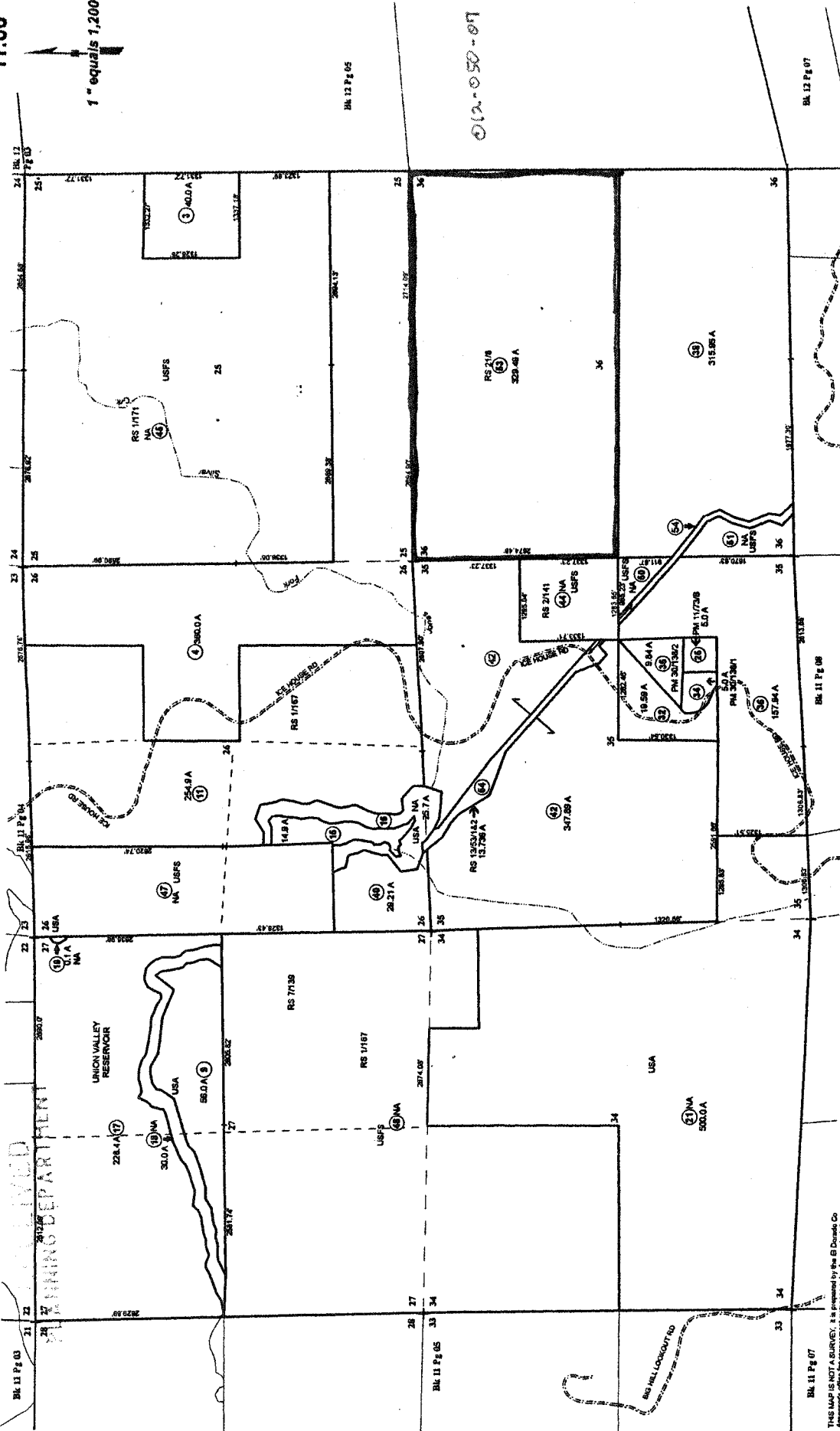




11:06

1" equals 1,200'

SECS. 25, 26, 27, 34, 35, & 36., T.12N., R.14E., M.D.M.



Assessor's Map Bk 011, Pg 06  
County of El Dorado, CA

Rev. Jan. 1, 2007

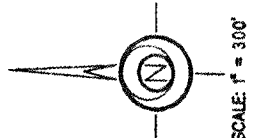
Adjacent Maps: Please Refer to City and Assessor's Maps Showing in Block Assessor's Parcel Numbers Shown in Circle

Acres are Estimates

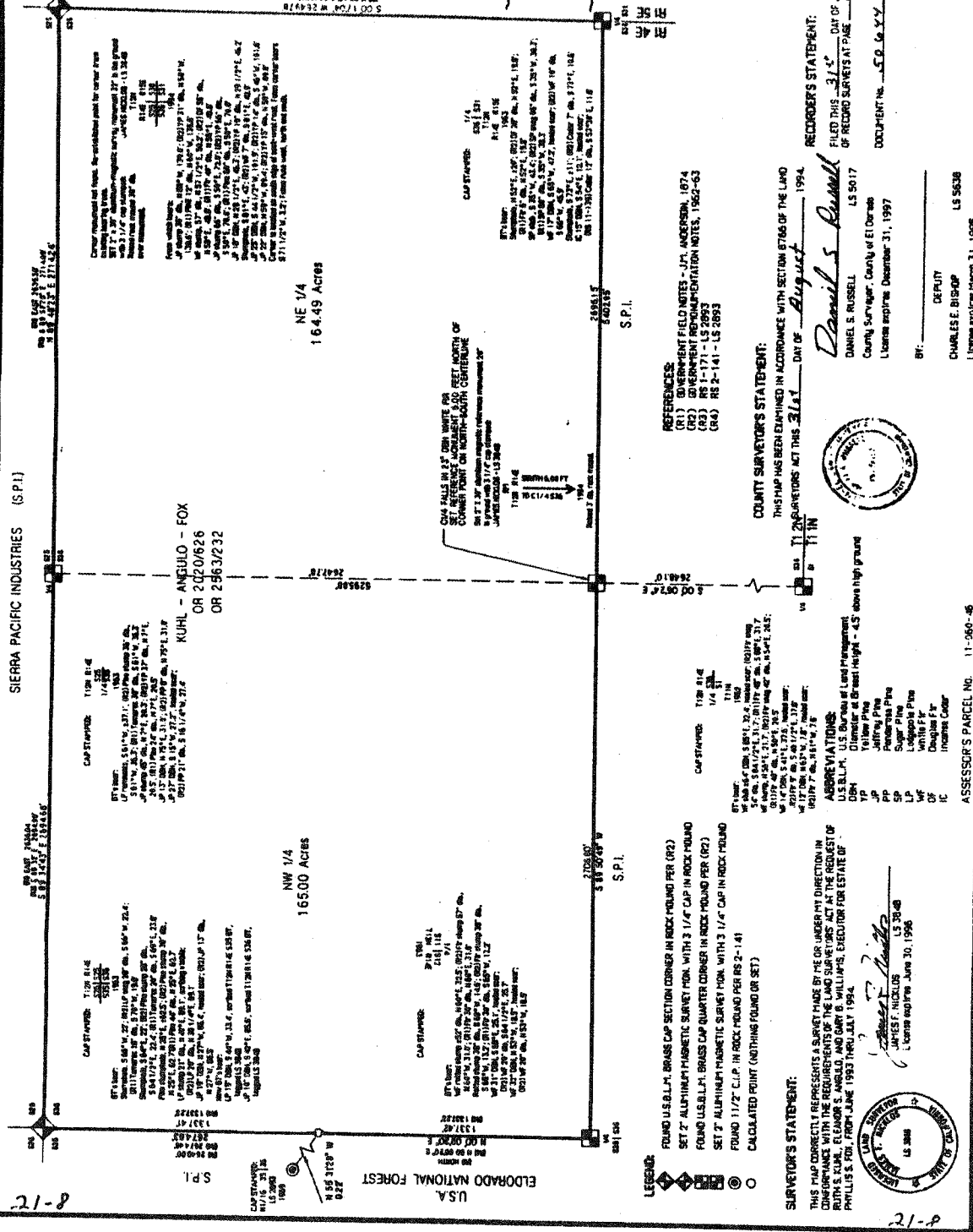
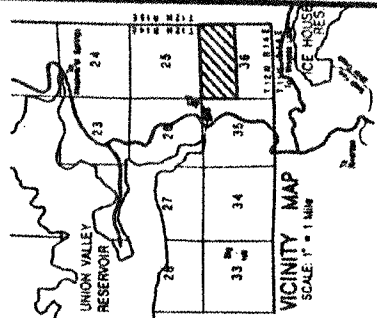
THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co Assessor's Office for assessment purposes only. Area calculations and characteristics are not guaranteed. Users should verify items such as dimensions and acreage.

COC 09-0023

**RECORD OF SURVEY**  
1/2 Section 36, T 12 N, R 14 E, M 01  
COUNTY OF EL DORADO, STATE OF CALIFORNIA  
JAMES NICKLOS (LS 3048) & ASSOCIATES  
AUGUST 1994



**BASIS OF BEARINGS:**  
THE MERIDIAN OF THIS SURVEY IS TRUE NORTH  
DETERMINED BY MEANS OF A THEODOLITE  
WEST LINE OF THE NW 1/4 OF SECTION 36.



SIERRA PACIFIC INDUSTRIES (S.P.I.)

ANGULO - FOX  
OR 20207626  
OR 2563232

NE 1/4  
164.49 ACRES

NW 1/4  
165.00 ACRES

**LEGEND:**  
◆ FOUND U.S.B.L.M. BRASS CAP SECTION CORNER IN ROCK MOUND PER (02)  
◆ SET 7' ALUMINUM MAGNETIC SURVEY MON. WITH 3 1/4" CAP IN ROCK MOUND  
◆ FOUND U.S.B.L.M. BRASS CAP SECTION CORNER IN ROCK MOUND PER (02)  
◆ SET 7' ALUMINUM MAGNETIC SURVEY MON. WITH 3 1/4" CAP IN ROCK MOUND  
◆ FOUND 1 1/2" C.I.P. IN ROCK MOUND PER RS 2-141  
○ CALCULATED POINT (NOTHING FOUND OR SET)

**SURVEYOR'S STATEMENT:**  
THIS MAP CORRECTLY REPRESENTS AS SHOWN MADE BY ME OR UNDER MY DIRECTION IN  
CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS' ACT AS THE REQUEST OF  
RUTH S. KUAL, ELEANOR S. ANGULO, AND GARY B. WILLIAMS, EXECUTOR FOR ESTATE OF  
PHYLIS S. FOX, FROM JUNE 1993 THRU JULY 1994.

*James F. Russell*  
JAMES F. RUSSELL  
LS 5017  
Loma Linda, California  
August 31, 1994

**ASSUROR'S PARCEL NO. 11-960-46**

**RECORDER'S STATEMENT:**  
FILED THIS 31<sup>st</sup> DAY OF August 1994 AT 12:52 P.M. IN BOOK 21  
OF RECORD SURVEYS AT PAGE 10000 AT THE REQUEST OF JAMES F. RUSSELL.

**COUNTY SURVEYOR'S STATEMENT:**  
THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 87606 OF THE LAND  
SURVEYORS' ACT THIS 31<sup>st</sup> DAY OF August 1994.

*Daniel S. Russell*  
DANIEL S. RUSSELL  
LS 5017  
County Surveyor, County of El Dorado  
Loma Linda, California  
December 31, 1997

**DEPUTY:**  
CHARLES E. BRISQOP  
Loma Linda, California  
March 31, 1995

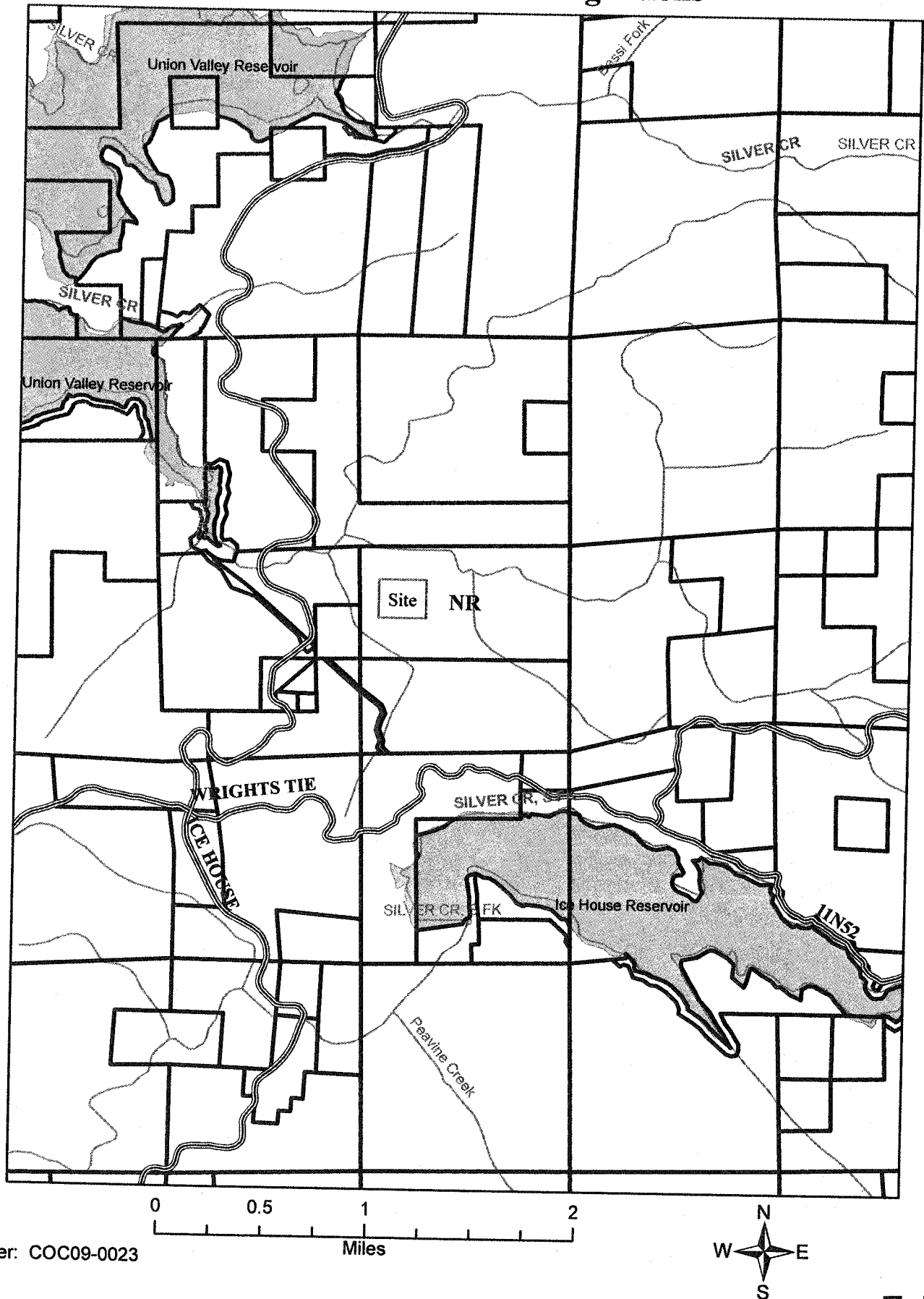
**DEPUTY:**  
L. JEAN BELL  
County Registrar, Clerk  
County of El Dorado

**DEPUTY:**  
L. JEAN BELL  
County Registrar, Clerk  
County of El Dorado

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L. JEAN BELL  
County Registrar, Clerk  
County of El Dorado

**DEPUTY:**  
L. JEAN BELL  
County Registrar, Clerk  
County of El Dorado

# General Plan Land Use Designations



File number: COC09-0023



# Site Plan

THE NORTH 1/2 OF SECTION 36,  
T. 12 N., R. 4 E., M.D.M.

STATE OF CALIFORNIA  
COUNTY OF EL DORADO  
SEPTEMBER, 2009  
SHEET 1 of 1



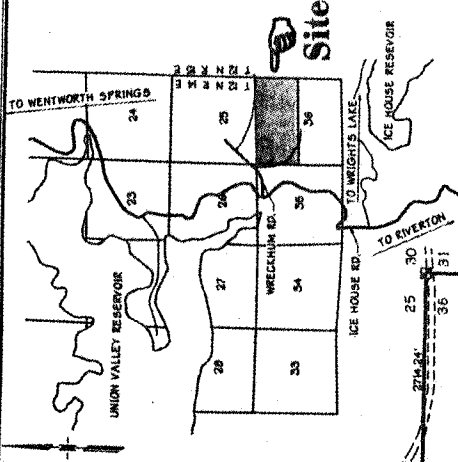
## LEGEND

- SECTION CORNER PER SAS 21-5
- ◆ QUARTER CORNER PER SAS 21-5
- EXISTING DIRT ROADS (APPROXIMATE LOCATION)

## NOTES

- 1) THE BOUNDARY SHOWN IS BASED ENTIRELY ON RECORD DATA FOUND ON E.S. 21-5. A FIELD SURVEY HAS NOT BEEN PERFORMED.
- 2) ROADS AND CREEKS SHOWN ARE BASED ON EXHIBIT B FOUND IN THE FINAL JUDGMENT AFTER TRAIL COURT PROCEEDINGS FILED SEPTEMBER 3, 1983.
- 3) ROADS SHOWN VARY IN WIDTH FROM 20 TO 25 FEET FOR THOSE ACCESSING THE SITE AND 10 FEET FOR THOSE ON THE SITE. ALL ROADS ARE DIRT/TRAVEL IN COMPOSITION.

## VICINITY MAP



WRECKUM RD.

SPI  
4274-297

26 25  
35 36  
3.8252432' E

25 36  
2694.66'

2714.24'

25 36

2647.78'

2648.76'

SPI  
4274-297

PROPOSED PARCEL LINE

PARCEL 2  
NORTHWEST 1/4  
SECTION 36  
18.449 ACRES  
PER SAS 21-5  
KUHLE

PARCEL 1  
NORTHWEST 1/4  
SECTION 36  
18.449 ACRES  
PER SAS 21-5  
WILLIAMS  
(FOX)

SPI  
4274-297

2647.78'

3683.61'  
SAGLE

N 89°04' E

30 31

2705.67'

N 89°02' W

SPI 4274-297

36 36

2694.66'

2714.24'

ICE HOUSE RESERVOIR

TO WRIGHT'S LAKE

2647.78'

ICE HOUSE RESERVOIR

TO RIVERTON

TO WENTWORTH SPRINGS

USFS

ICE HOUSE RESERVOIR

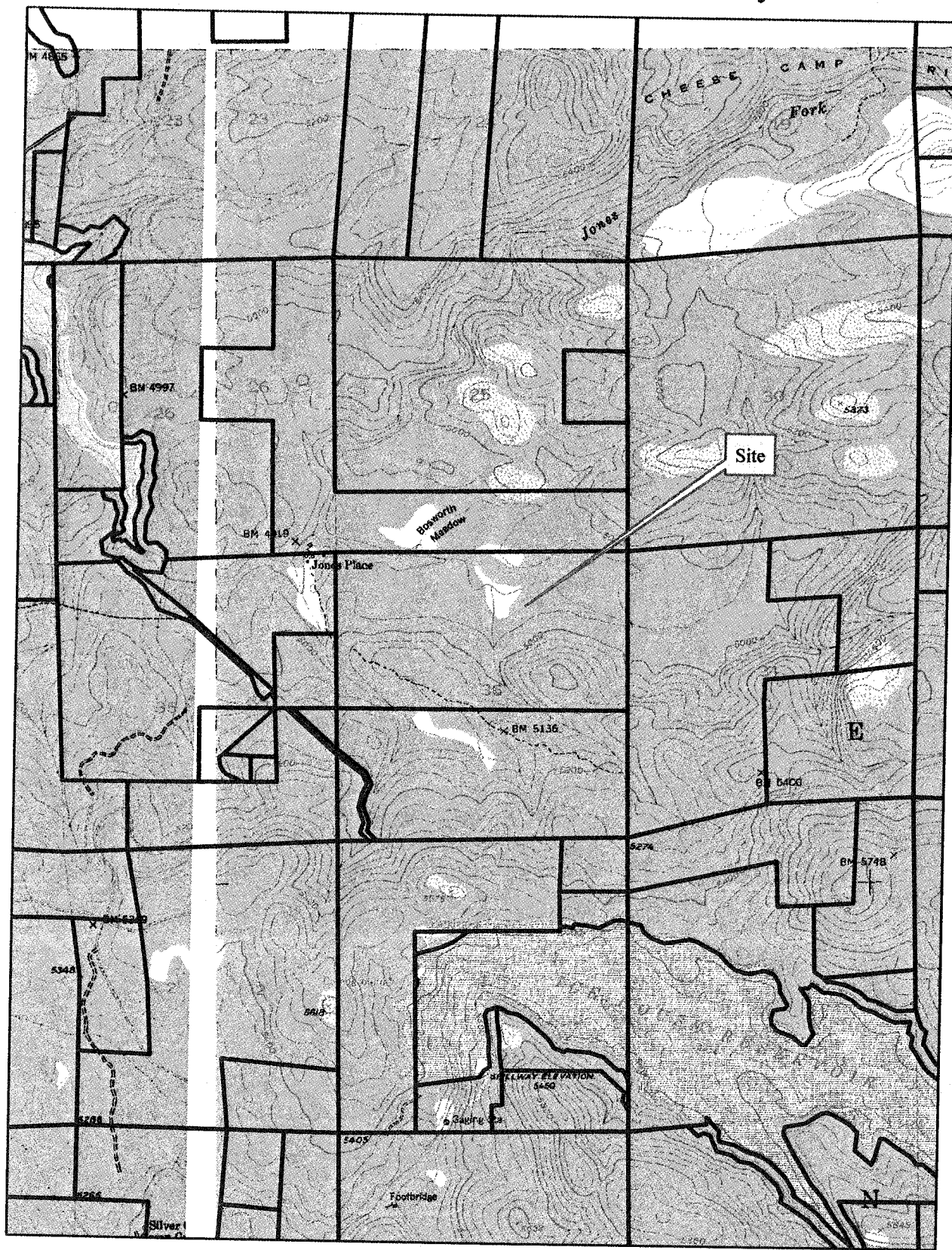
ICE HOUSE RESERVOIR

ICE HOUSE RESERVOIR

8108-01-00



# Kyburz and Riverton U.S.G.S. Quadrangles with El Dorado County Parcels Overlaid



File number: COC09-0023

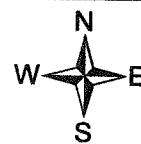
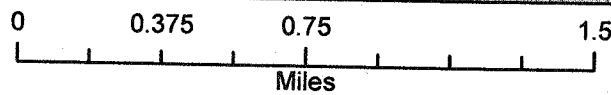


Exhibit G



# AGRICULTURAL COMMISSION

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

*Greg Boeger, Chair – Agricultural Processing Industry*  
*Lloyd Walker, Vice-chair – Other Agricultural Interests*  
*Chuck Bacchi – Livestock Industry*  
*Bill Draper, Forestry /Related Industries*  
*Ron Mansfield – Fruit and Nut Farming Industry*  
*John Smith – Fruit and Nut Farming Industry*  
*Gary Ward, Livestock Industry*

## MEMORANDUM

**DATE:** December 16, 2009

**TO:** Tom Dougherty, Development Services/Planning

**FROM:** Lloyd Walker, Chair Pro-Tem *LW*

**SUBJECT:** **COC 09-0023 – KUHLM COC (MICHAEL J. KUHLM/GARY WILLIAMS/CARLTON ENGINEERING, TED WOESSNER)**

During the Agricultural Commission's regularly scheduled meeting held on December 9, 2009 the following discussion and motion occurred regarding COC 09-0023 – Kuhl COC (Michael J. Kuhl/Gary Williams/Carlton Engineering, Ted Woessner): Certificate of Compliance for two parcels as directed by court order in 1994. Subsequent to this order, the current owner of the 164.49-acre Parcel 2 acquired title on March 2, 2005. The current owner of the 165-acre Parcel 1 acquired title November 21, 1994. The project site totals 329.49 acres and is identified by assessor's Parcel Number 011-060-53 and is located on the east side of Ice House Road approximately 1,800 feet east of the intersection with Wreckhum Road in the Ice House area. (District 4)

Staff reported on the site visit. The parcel size is 329.49 acres. The zoning is Timberland Production Zone (TPZ) and the adjacent parcel zoning includes TPZ and Agricultural (A). The current Land Use Designation is Natural Resource (NR). The elevation of the property is 5,000 feet. The following soil types: (Descriptions found in the Eldorado National Forest California Soil Survey (1985), are Aquepts and Umbrepts, 0 to 15% slopes, which is found on broad valley flats and along drainages. The Sedge-Rush series typically occurs on this unit. The ground water table fluctuates to near the surface during the rainy season and during periods of high runoff. This soil unit is used mostly for summer range. Bighill-Rock Outcrop-Dome Complex, 5 to 30% slopes is also found on this property. This soil unit is comprised of 30% Bighill coarse sandy loam, 30% rock outcrop, and 25% Dome coarse sandy loam. The Bighill soil is moderately deep and well drained. The Dome soil is very deep and well drained. Both soils are suited to the production of timber; however, rock outcroppings can hinder harvesting operations. Dome Variant coarse sandy loam, 0 to 10% slopes is a very deep, poorly drained soil type can be found in small basins on glacial outwash plains. This soil unit is mainly used for timber production but is not suited for intensive timber management due to its fluctuating water table and restricted rooting depth. Dome-Zeibright Complex, 2 to 30% slopes can be found on outwash plains, mountainsides, and ridges. The Mixed Conifer-Fir series typically occurs on this unit. Both Dome and Zeibright soils are deep and well drained. The soil is suited to timber production and summer range. Dome-Zeibright complex, 30 to 50% slopes is a deep and well drained soil found on mountainsides at an elevation of 5,200 to 5,500 feet. The Mixed Conifer-Pine series is typically found on this soil type which is suitable for timber production.

### Relevant General Plan Policies:

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) are to be maintained for the purposes of protecting and encouraging the



- production of timber and associated activities.
- Policy 8.3.2.1 Lands zoned Timber Production Zone (TPZ) shall not be subdivided into parcels containing less than 160 acres.
- Policy 8.3.2.2 Timber production lands within areas designated Natural Resource and generally above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, except where smaller parcels already exist, in order to ensure the viability of long-term operations and to maximize economic feasibility for timber production or otherwise meet the parcel size requirements of the Natural Resource designation.
- Policy 8.3.3.1 Forest lands are reserved for multiple use purposes directly related to timber production, mineral resource extraction, wildlife, grazing, and recreation.
- Policy 8.3.3.2 The Natural Resource land use designation shall be applied for the purposes of conserving and protecting important forest lands and maintaining viable forest based communities. In determining whether particular lands constitute important forest lands, the Board of Supervisors shall consider the advice of the Agricultural Commission.
- Policy 8.4.1.2 A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps.
- 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

*It was moved by Mr. Draper and seconded by Mr. Mansfield to recommend APPROVAL of COC 09-0023, the Certificate of Compliance for Parcel 1 (165 acres) and Parcel 2 (164.49 acres), as the parcel sizes are consistent with General Plan policies 8.3.2.1 and 8.3.2.2 and the findings can be made for General Plan Policy 8.4.2.1, which states:*

- 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 Commission also recommends that in compliance with General Plan Policy 8.4.1.2, 200 foot setbacks be delineated on the parcel maps.*

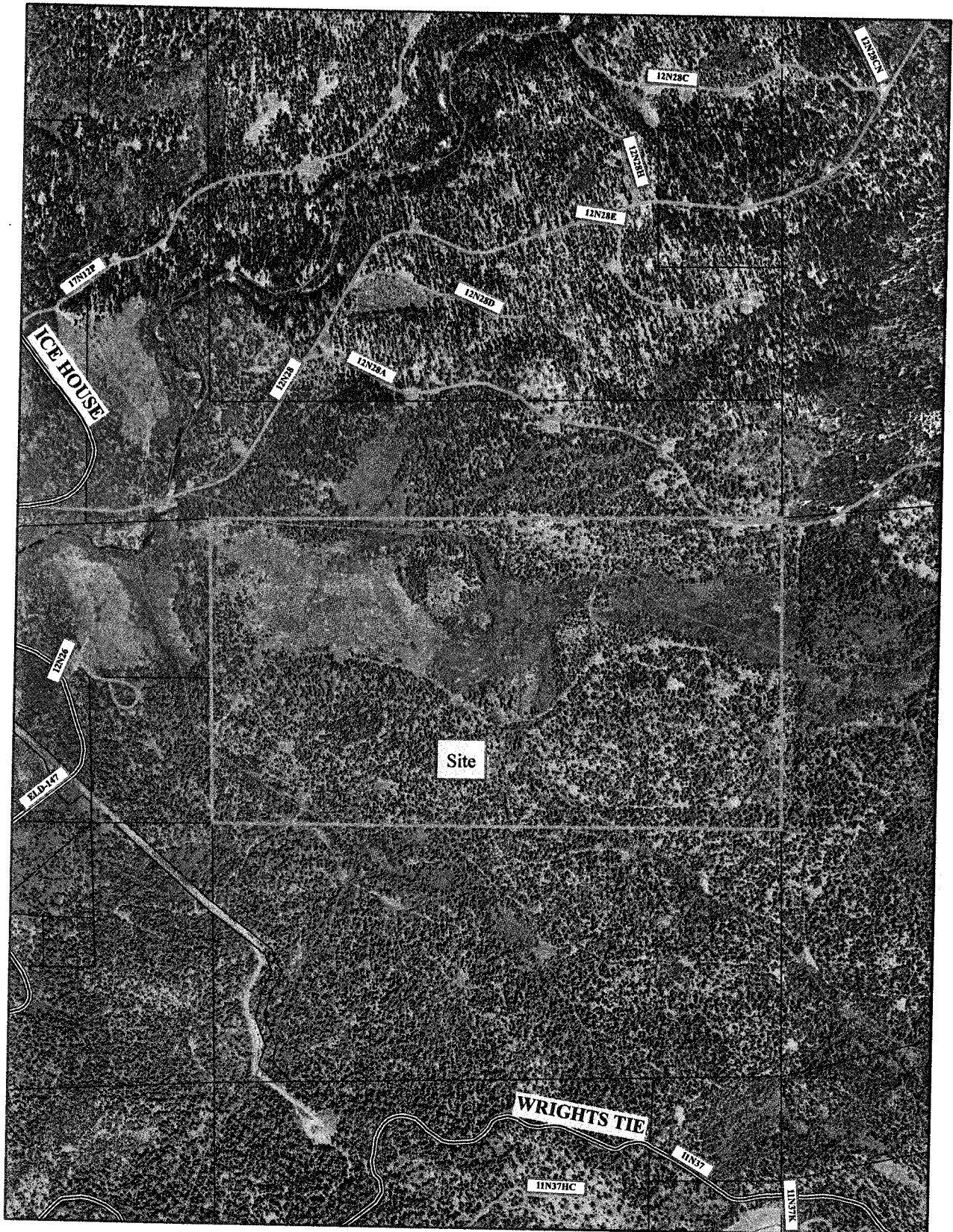
*Motion passed*

**AYES:** Bacchi, Draper, Mansfield Walker  
**NOES:** None  
**ABSENT:** Boeger, Smith, Ward

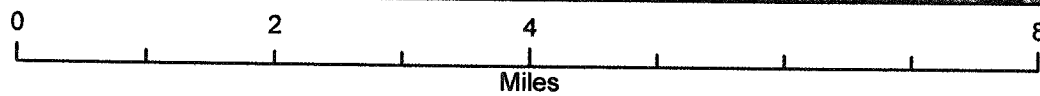
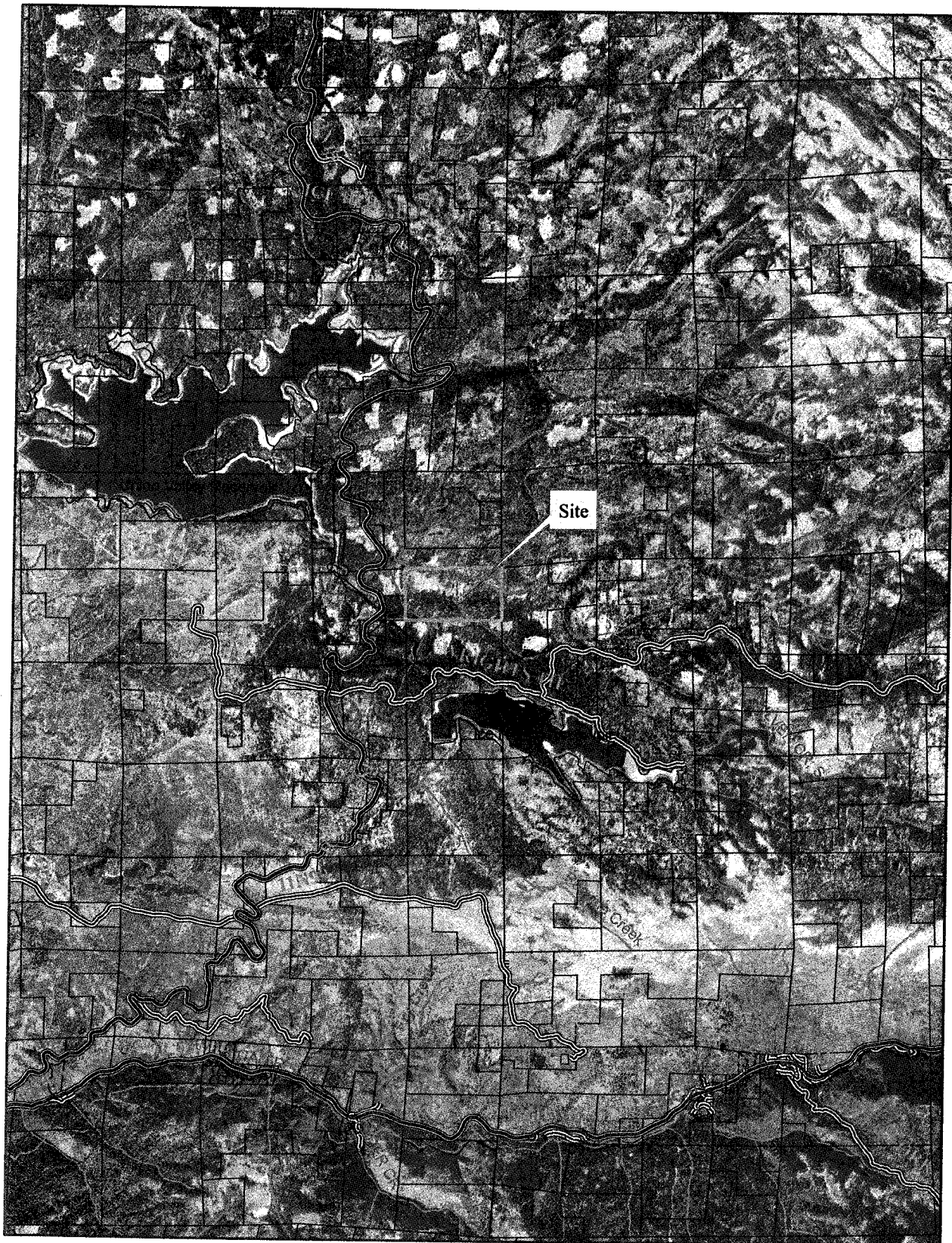
If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

LW:na

cc: Michael Kuhl  
Carlton Engineering  
Gary Williams



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