

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: February 25, 2010
Item No.: 7
Staff: Tom Dougherty

CERTIFICATE OF COMPLIANCE

FILE NUMBER: COC09-0022

APPLICANTS: Michael Kuhl, Penny Hocking, Paula Hustead, Gary Williams, Tony Angulo, Sam Angulo and Fred Angulo

REQUEST: Conditional Certificate of Compliance for Assessor's Parcel Numbers 011-030-45 and 011-030-46 which were subdivided into three parcels by a court order in 1994 and transferred by Grant Deeds in 1994.

LOCATION: On the north side of Union Valley Reservoir, approximately two miles west of the intersection of NF-12N52 and NF-12N78 Roads in the Ice House area, Supervisorial District IV. (Exhibit A)

APNS: 011-030-45 and 011-030-46 (Exhibit B)

ACREAGE: 214.17 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 forward a recommendation to the Board of Supervisors to 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. Approve Certificate of Compliance COC09-0022, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: A Certificate of Compliance has been requested to recognize three parcels created by court partition in 1994. Subsequent to this partition, Grant Deeds for the parcels described in the court order were recorded November 21, 1994. The current owner of the 83.55-acre Parcel 1 acquired title on December 27, 1995. The current owner of the 65.78-acre Parcel 2 acquired title on March 2, 2005. The current owner of the 64.84-acre Parcel 3 acquired title on June 13, 1995. The parent parcels are currently identified by two Assessor's Parcel Numbers; 011-030-45 consists of 132.82 acres and 011-030-46 consists of 81.35 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 parcels 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 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 residential 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 three parcels created by court partition and subsequent recorded Grant Deeds, 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 Numbers 011-030-45 and 46. The acknowledgement would create an 83.55-acre Parcel 1, a 65.78-acre Parcel 2, and a 64.84-acre Parcel 3, as shown in Exhibit F, upon satisfaction of the Conditions of Approval.

Site Description: The existing 132.82-acre and 81.35 parent parcels are located at the 5,000-foot elevation above sea level. They are covered primarily with conifers with some annual grassland areas. The parcels have historically been used as a cattle ranch since the 1940s, and have previously been harvested for timber. There is an existing cabin within the project area estimated to be over 100 years old. The U.S.G.S. Quadrangles, provided as Exhibit G, classify the two streams flowing north to south through the parcels into Union Valley Reservoir as perennial. There are existing historic 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	A/TPZ	NR	Timber preserve/U.S. Forest Service and Sierra Pacific lands.
South	A	NR	Recreational/Union Valley Reservoir.
East	A/TPZ	NR	Timber preserve/U.S. Forest Service land.
West	A/AE	NR	Timber preserve/U.S. Forest Service land.

Discussion: Adjacent parcel zoning includes TPZ, Exclusive Agricultural (AE) and Agricultural (A). The area consists of parcels ranging in size from 16 to 120 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 compatible with the surrounding parcel sizes and present uses.

Site Access: The primary access to the parcels provided by Forest Service Road 12N78 which travels south from Ice House Road which is County maintained. Road 12N78 is partially asphalted and leads to Forest Service Road 12N52 which has a graveled surface. This road leads to Forest Service Road 12N30 which is graveled and dirt and leads to the project site. These access roads travel through both U.S. Forest Service and Sierra Pacific Industries (SPI) lands and portions of the roads have existing easements shared by both. 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 require that the applicants apply for a "Special Use Permit" for the use of their roads by a private property 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 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 three parcels consisting of 83.55, 65.78 and 64.84-acres in size which would be larger than the required 40-acre size allowed but less than the 160-acre size required for parcels above 3,000 feet in elevation. The project does not include a proposal for development. Any future development of permanent structures would require approval of a Special Use Permit consistent with the TPZ Zone District.

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 is authorized to engage in timber management 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 of 50 feet from intermittent streams and wetlands.*

Discussion: The project adjoins Union Valley Reservoir on the south boundary. There are two streams 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 construction of permanent structures 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 any development 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, A and AE zoned lands to the east, north and south would be required to be buffered by 200-foot setbacks. 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 and all three parcels are encumbered by an approved forest management plan. 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 for approval based on the findings made by the Agricultural Commission.

Conclusion: The project has been reviewed in accordance with the General Plan policies and it has been determined that the project is not 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 83.55-acre Parcel 1, a 65.78-acre Parcel 2, and a 64.84-acre Parcel 3, as shown in Exhibit F, would not meet the minimum parcel size requirement. The three parcels were however, created by Grant Deeds recorded by El Dorado County following a court partition.

Conclusion: As discussed above, and as conditioned, staff finds that the project can be found to legitimize three legal non-conforming 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. The current owners received title on August 3, 1998. 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 were subject to a Forest Management Plan dated December 2, 2009. This Plan includes the three parcels resultant of the Deeds recorded in 1994. The Plan is included as Exhibit I. Typically the State's primary concern is the overall acreage of existing timber preserve areas is not being reduced. The project would legitimize three sub-standard sized TPZ parcels but would not reduce the overall acreage of the existing timber preserve acreage.

ENVIRONMENTAL REVIEW

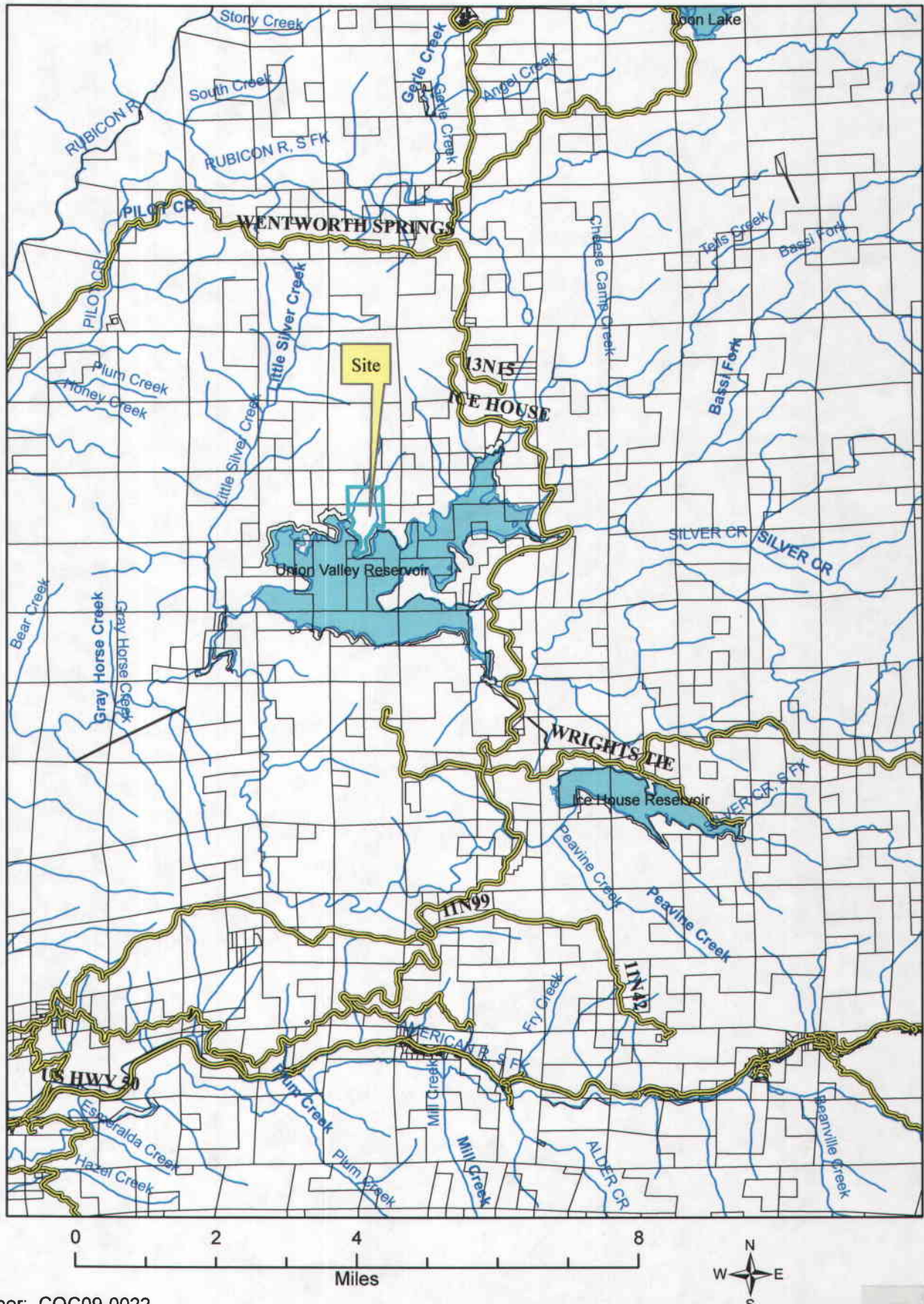
This project has been found to be exempt from the requirements of CEQA pursuant to Section 15061.b.3 of the CEQA Guidelines stating that "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." As such, the proposed legalization of three 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 \$50.00 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 21-41 and 21-41 A
Exhibit D	General Plan Land Use Map
Exhibit E	Zoning Map
Exhibit F	Site Plan
Exhibit G	Robbs Peak 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
Exhibit J	Forest Management Plan

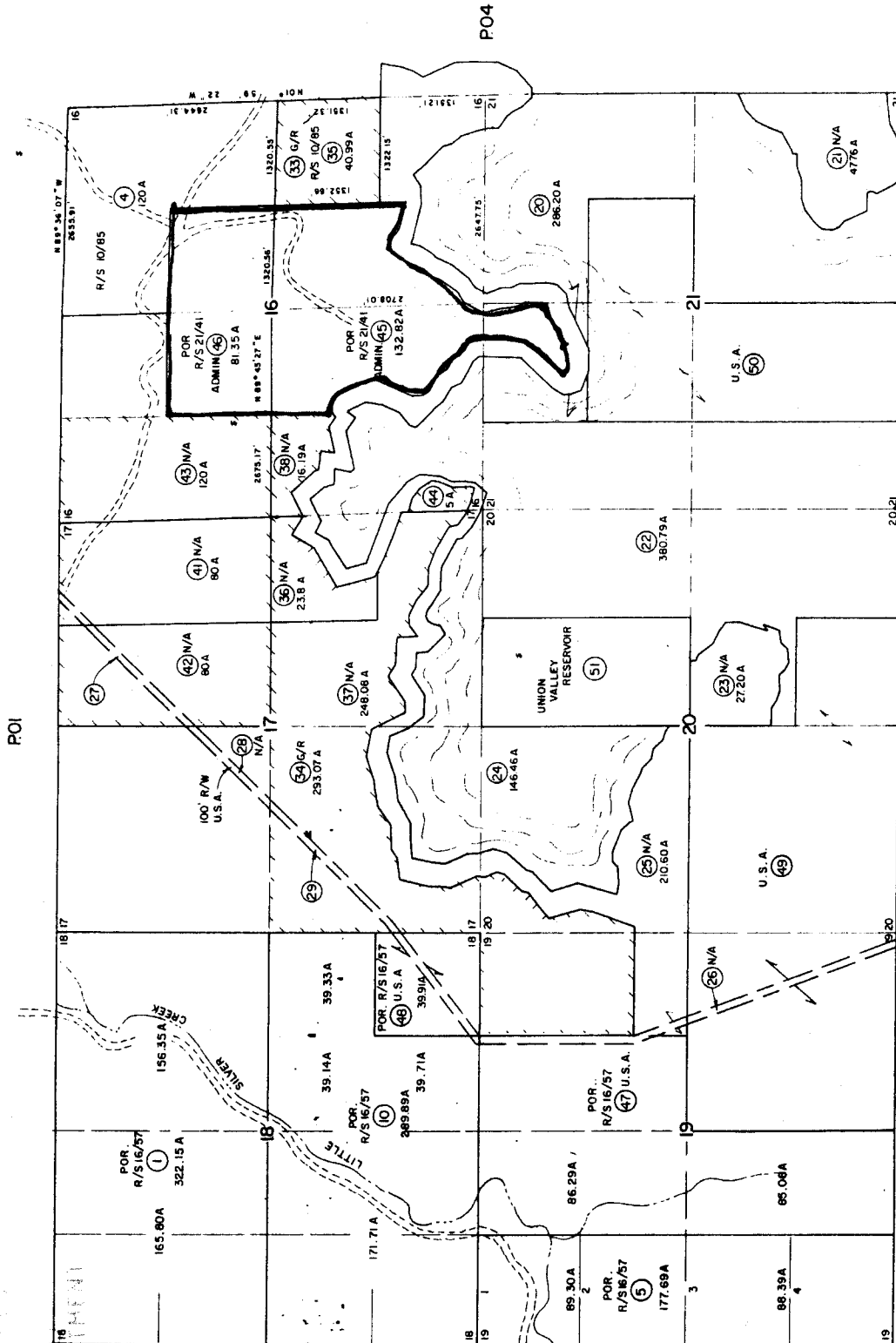
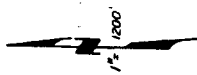
Location Map



11:03

Tax Area Code

SECS 16 THRU 21, T.12N., R.14E., M.D.M.



BK.63 P.16

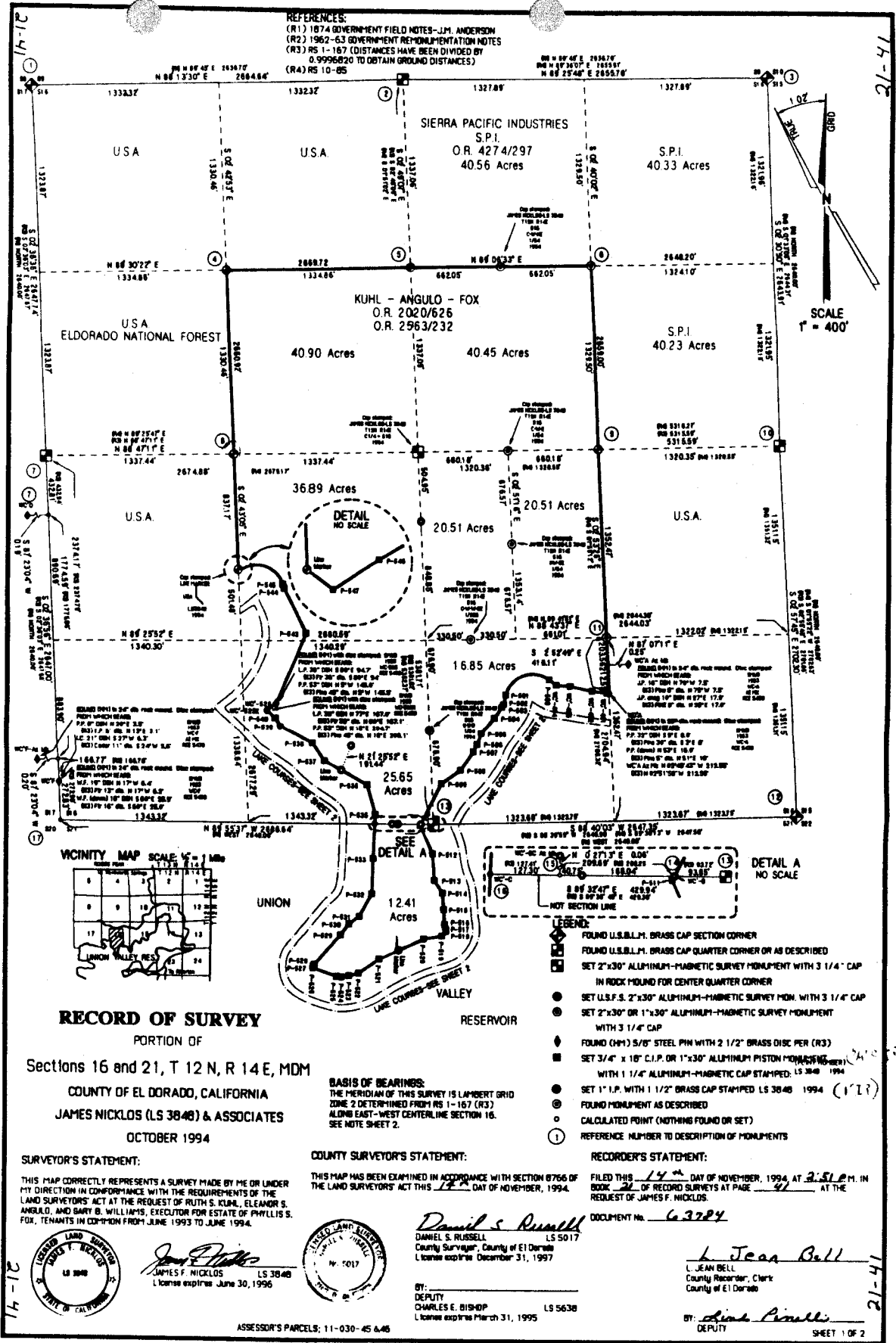
Assessor's Map Bk. 11 -- Pg. 03
County of El Dorado, California

NOTE Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

PO5

COC 09-0022

Exhibit B



REFERENCES:
 (R1) 1874 GOVERNMENT FIELD NOTES—J.M. ANDERSON
 (R2) 1962-63 GOVERNMENT RECONVEYMENT NOTES
 (R3) RS 1-167 (DISTANCES HAVE BEEN DIVIDED BY 0.9996820 TO OBTAIN GROUND DISTANCES)
 (R4) RS 10-85

RECORD OF SURVEY

PORTION OF
 Sections 16 and 21, T 12 N, R 14 E, MDM
 COUNTY OF EL DORADO, CALIFORNIA
 JAMES NICKLOS (LS 3848) & ASSOCIATES
 OCTOBER 1994

BASIS OF BEARINGS:
 THE MERIDIAN OF THIS SURVEY IS LAMBERT GRID
 ZONE 2 DETERMINED FROM RS 1-167 (R3)
 ALONG EAST-WEST CENTERLINE SECTION 16.
 SEE NOTE SHEET 2.

SURVEYOR'S STATEMENT:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS' ACT AT THE REQUEST OF RUTH S. KUHL, ELEANOR S. ANGLUO, AND BARRY B. WILLIAMS, EXECUTOR FOR ESTATE OF PHYLLIS S. FOX, TENANTS IN COMMON FROM JUNE 1993 TO JUNE 1994.

COUNTY SURVEYOR'S STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8756 OF THE LAND SURVEYORS' ACT THIS 14th DAY OF NOVEMBER, 1994.

RECORDER'S STATEMENT:

FILED THIS 14th DAY OF NOVEMBER, 1994, AT 2:51 P.M. IN BOOK 24 OF RECORD SURVEYS AT PAGE 41 AT THE REQUEST OF JAMES F. NICKLOS.



James F. Nicklos
 JAMES F. NICKLOS LS 3848
 License expires June 30, 1996



Daniel S. Russell
 DANIEL S. RUSSELL LS 5017
 County Surveyor, County of El Dorado
 License expires December 31, 1997

BY: _____
 DEPUTY
 CHARLES E. BISHOP LS 5638
 License expires March 31, 1995

DOCUMENT No. 63284

L. Jean Bell
 L. JEAN BELL
 County Recorder, Clerk
 County of El Dorado

BY: *Diak Pinelli*
 DEPUTY

ASSESSOR'S PARCELS: 11-030-45 446

COC 09-0022

Exhibit C

10-0383.F.10

RECORD OF SURVEY

PORTION OF

Sections 16 and 21, T 12 N, R 14 E, MDM
COUNTY OF EL DORADO STATE OF CALIFORNIA

JAMES NICKLOS (LS 3848) & ASSOCIATES -- OCTOBER 1994

MONUMENT DESCRIPTION LEGEND

- U.S.B.M. 2 1/2" x 2 1/2" IRON POST, SET IN ROCK FOUND, WITH STANDARD U.S. BUREAU OF LAND MANAGEMENT BRASS CAP PER (R2)
- (R1) GOVERNMENT FIELD NOTES - J.M. ANDERSON, 1874
- (R2) GOVERNMENT RECONUMENTATION NOTES, 1962-63
- (R3) RS 1-167 (DISTANCES HAVE BEEN DIVIDED BY 0.9996820 TO OBTAIN GROUND DISTANCES)
- (R4) RS 10-85
- DBH DIAMETER BREAST HIGH (4.5' ABOVE GROUND LEVEL ON HIGH SIDE OF TREE)
- BT BEARING TREE
- T.P. YELLOW PINE
- P.P. PONDEROSA PINE
- J.P. JEFFERY PINE
- S.P. SUGAR PINE
- L.P. LODGEPOLE PINE
- W.F. WHITE FIR
- I.C. INCENSE CEDAR
- (H1) HILL MONUMENT: 5/8" STEEL PIN WITH 2 1/2" BRASS DISC PER (R3)

MEASURED RECORD PER (R3)

MEASURED	RECORD PER (R3)
WC-A	N 02°19'28" E 64.51' N 02°18'20" E 64.55'
WC-B	N 16°20'00" W 218.65' N 16°21'10" W 218.80'
WC-C	N 61°02'55" W 215.31' N 61°04'00" W 215.31'
WC-D	N 61°02'55" W 140.48' N 61°04'00" W 140.48'
WC-E	N 34°24'48" W 154.82' N 34°26'00" W 154.93'
WC-F	N 61°31'22" W 262.75' N 61°32'30" W 262.92'
WC-G	N 30°29'00" W 74.03' N 30°29'50" W 74.02'
WC-H	N 47°00'55" W 86.04' N 47°02'00" W 86.10'
WC-I	N 52°41'02" E 87.09' N 52°41'00" E 87.10'
WC-J	N 21°58'11" E 560.38' N 21°59'20" E 560.05'
WC-K	N 26°30'35" W 384.97' N 26°29'30" W 384.75'
WC-L	N 19°53'53" W 291.4' N 19°52'10" W 291.3'
WC-M	N 71°10'17" W 312.63' N 71°11'10" W 312.34'
WC-N	D=102°38'05" R=200.18' D=102°38'00" R=200'
WC-O	S 57°28'02" W 19.74' S 57°29'50" W 19.73'
WC-P	N 01°54'08" W 254.79' N 01°55'10" E 254.46'
WC-Q	N 02°22'20" E 250.77' N 02°18'20" E 250.44'

BASIS OF BEARINGS:
THE MERIDIAN OF THIS SURVEY IS LAMBERT GRID
ZONE 2 DETERMINED FROM RS 1-167 (R3)
ALONG EAST-WEST CENTERLINE SECTION 16.
SEE NOTE THIS SHEET.

REFERENCES:
(R1) GOVERNMENT FIELD NOTES - J.M. ANDERSON, 1874
(R2) GOVERNMENT RECONUMENTATION NOTES, 1962-63
(R3) RS 1-167 (DISTANCES HAVE BEEN DIVIDED BY 0.9996820 TO OBTAIN GROUND DISTANCES)
(R4) RS 10-85

21-41-A
SHEET 2 OF 2

DESCRIPTION OF MONUMENTS

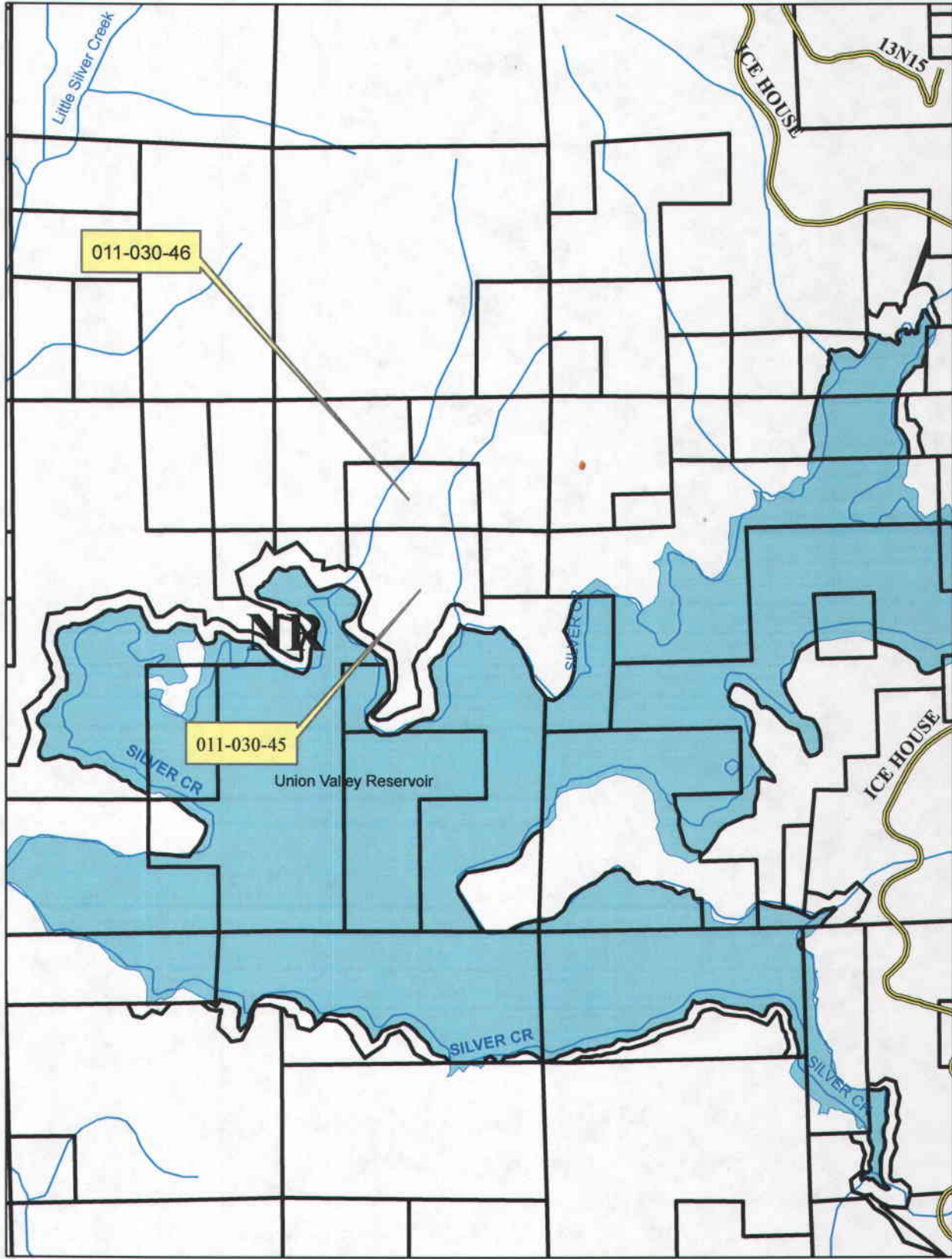
1. EOUND STANDARD U.S. BLM BRASS CAP monument. T12N R14E
Raised 35' dia. rock mound. CAP STAMPED: 1/16" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
2. EOUND STANDARD U.S. BLM BRASS CAP monument. T12N R14E
Raised 35' dia. rock mound. CAP STAMPED: 1/16" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
3. EOUND STANDARD U.S. BLM BRASS CAP monument. T12N R14E
Raised 35' dia. rock mound. CAP STAMPED: 1/16" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
4. EOUND STANDARD U.S. BLM BRASS CAP monument. T12N R14E
Raised 35' dia. rock mound. CAP STAMPED: 1/16" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
5. SET U.S.F.S. monument 25' in ground. CAP STAMPED: 1/4" 5/16"
Raised 24" dia. rock mound. CAP STAMPED: 1/4" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
6. SET 2" x 30" aluminum-magnetic monument. T12N R14E
Raised 35' dia. rock mound. CAP STAMPED: 1/4" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
7. EOUND 1 3/4" Copperweld in 18" dia. rock mound. T12N R14E
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
8. SET U.S.F.S. monument 24' in ground. CAP STAMPED: 1/4" 5/16"
Raised 24" dia. rock mound. CAP STAMPED: 1/4" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
9. SET U.S.F.S. monument 23' in ground. CAP STAMPED: 1/4" 5/16"
Raised 35' dia. rock mound. CAP STAMPED: 1/4" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
10. EOUND STANDARD U.S. BLM BRASS CAP monument. T12N R14E
Raised 35' dia. rock mound. CAP STAMPED: 1/16" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
11. EOUND 2" aluminum-magnetic survey monument. T12N R14E
In 30' dia. rock mound. CAP STAMPED: 3/16" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
12. EOUND STANDARD U.S. BLM BRASS CAP monument. T12N R14E
Raised 35' dia. rock mound. CAP STAMPED: 1/16" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
13. EOUND STANDARD U.S. BLM BRASS CAP monument. T12N R14E
Raised 35' dia. rock mound. CAP STAMPED: 1/16" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
14. SEARCHED FOR WC-B and Bearing Trees. Nothing found.
SET 1" C.I.P. by single proportion between water corner and WC-C per
WC-B-C. 1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
15. EOUND offset 'X' on 12' x 5' x 3' granite rock for point WC-B-C. T12N R14E
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
16. EOUND (H1) in 24' dia. rock mound. DISC STAMPED: 3/16" 5/16"
FROM WHICH BEARS: S 15° E 119.5' W 27.1', (R1) F15' dia. N 35° W 27.1',
(R2) F15' dia. S 15° E 119.5' W 27.1', (R3) F15' dia. S 15° E 119.5' W 27.1',
1 1/2" C.I.P. per RS 3-144 N 86°48'47" W 0.67'
17. Corner point falls in Union Valley Reserve. Position for corner calculated by
projected single proportion between 1/4 1/16 and W.C.F.

NOTE: BEARING TREE REFERENCES ARE TRUE NORTH.

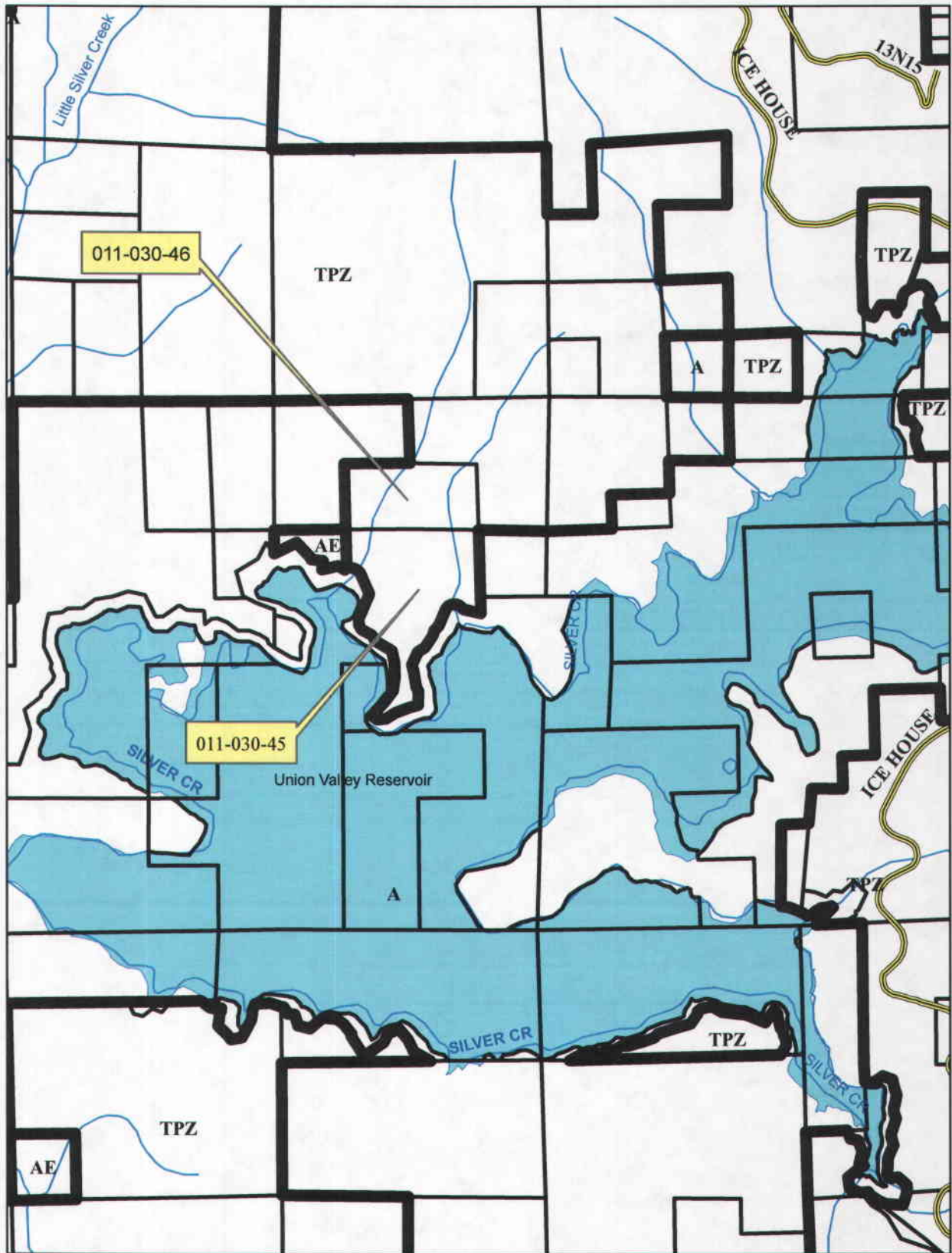
REFERENCES:
(R1) GOVERNMENT FIELD NOTES - J.M. ANDERSON, 1874
(R2) GOVERNMENT RECONUMENTATION NOTES, 1962-63
(R3) RS 1-167 (DISTANCES HAVE BEEN DIVIDED BY 0.9996820 TO OBTAIN GROUND DISTANCES)
(R4) RS 10-85

21-41-A
SHEET 2 OF 2

General Plan Land Use Designation



Zoning





Site Plan

BEING A PORTION OF SECTION 16 AND A PORTION OF THE NORTH HALF OF SECTION 21, T. 12 N., R. 14 E., M.D.M. AS DELINEATED ON RECORD OF SURVEY 21-41

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

CARLTON ENGINEERING INC.

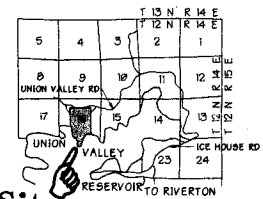
LEGEND

- CENTER OF SECTION PER R/S 21-41
- 3/4" CAPPED IRON PIPE (C.I.P.) OR 1" ALUMINUM PISTON MONUMENT W/ 1/4" CAP STAMPED "L.S. 3648" PER R/S 21-41
- 2" MONUMENT OR 1" MONUMENT WITH 3/4" CAP PER R/S 21-41
- 2" MONUMENT IN ROCK MOUND STAMPED "L.S. 4598" PER R/S 21-41
- U.S.F.S. 2" MONUMENT WITH 3/4" CAP PER R/S 21-41
- 1" IRON PIPE WITH 1/2" CAP STAMPED "L.S. 3848" PER R/S 21-41
- EXISTING DIRT ROADS (APPROXIMATE LOCATION)
- OA OVERALL DISTANCE

NOTES

- 1) THE BOUNDARY SHOWN IS BASED ENTIRELY ON RECORD DATA FOUND ON R.S. 21-41. A FIELD SURVEY HAS NOT BEEN PERFORMED.
- 2) ROADS AND CREEKS SHOWN ARE BASED ON EXHIBIT B FOUND IN THE "FINAL JUDGMENT AFTER TRIAL" CASE #46916 FILED SEPTEMBER 3, 1993.
- 3) ROADS SHOWN VARY IN WIDTH FROM 20-25 FEET FOR THOSE ACCESSING THE SITE AND 15-20 FEET FOR THOSE ON THE SITE. THE ROAD IS PAVED AS FAR AS THE ENTRANCE TO YELLOW JACKET CAMPGROUND AND THE REST IS DIRT AND GRAVEL.

VICINITY MAP



Site

TABULATION

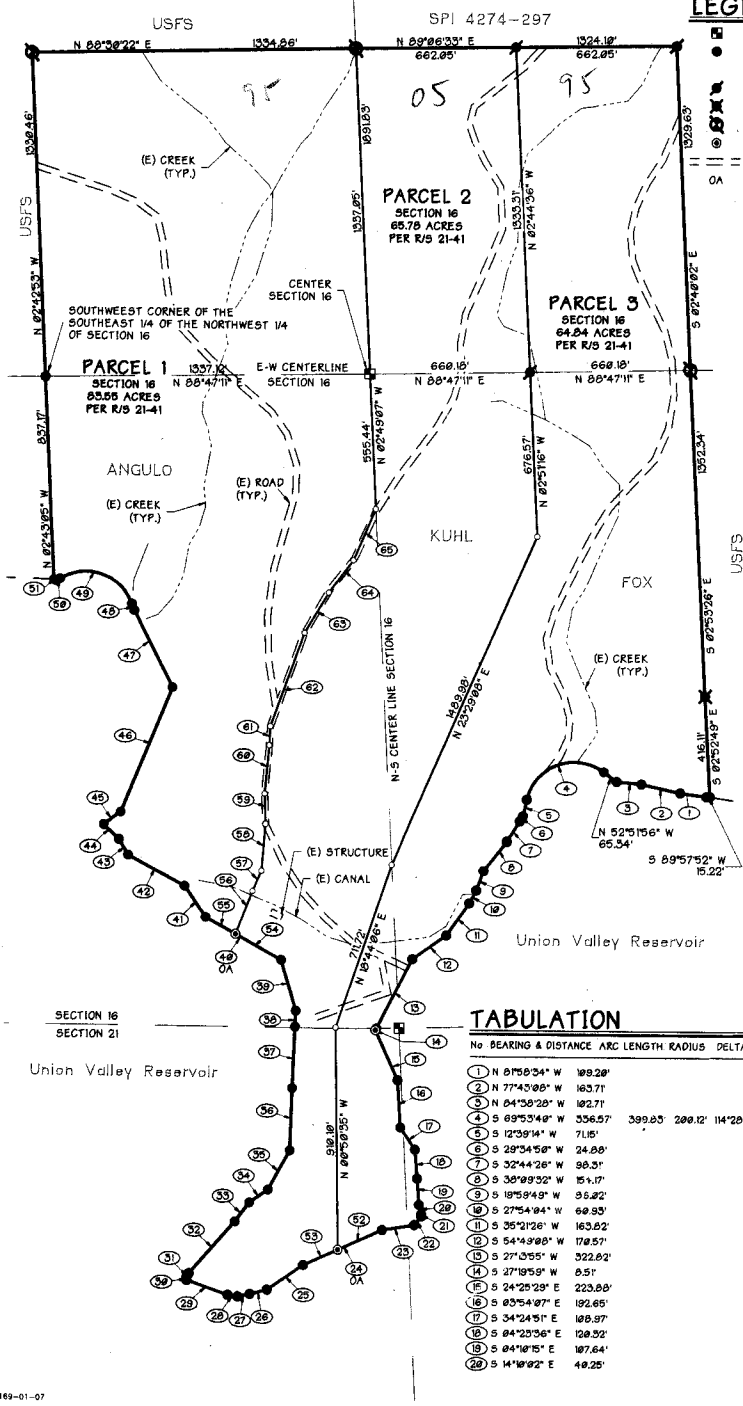
No BEARING & DISTANCE ARC LENGTH RADIUS DELTA

21	S 82°17'33" W	9.28'
22	S 38°44'44" W	45.88'
23	S 89°41'02" W	134.68'
24	S 05°40'00" W	306.91'
25	S 55°10'10" W	108.78'
26	S 75°10'20" W	73.28'
27	S 78°35'52" W	51.67'
28	N 02°07'47" E	48.57'
29	N 71°03'21" W	178.25'
30	N 04°21'02" E	12.10'
31	N 34°41'02" E	18.71'
32	N 41°07'29" E	285.36'
33	N 36°57'25" E	89.16'
34	N 55°08'44" E	93.86'
35	N 20°25'55" E	186.87'
36	N 07°54'00" E	254.78'
37	N 02°22'20" E	258.77'
38	N 02°19'29" E	64.51'
39	N 16°20'00" W	218.65'
40	N 61°20'00" W	355.78'
41	N 34°24'40" W	154.82'
42	N 61°31'22" W	262.75'
43	N 38°29'00" W	74.85'
44	N 47°09'55" W	86.84'
45	N 52°41'02" E	81.89'
46	N 27°51'11" E	568.35'
47	N 28°30'35" W	354.97'
48	N 19°33'53" W	28.14'
49	N 71°12'17" W	312.53'
50	S 57°20'02" W	19.74'
51	N 54°36'00" W	11.72'
52	S 65°40'00" W	208.00'
53	S 65°40'00" W	156.91'
54	N 61°20'55" W	235.31'
55	N 61°20'55" W	148.48'
56	N 21°25'52" E	191.44'
57	N 23°47'47" E	82.57'
58	N 04°46'15" E	192.41'
59	N 07°56'17" W	125.38'
60	N 05°07'37" E	201.88'
61	N 02°46'55" E	78.51'
62	N 19°26'45" E	414.75'
63	S 38°46'28" E	196.15'
64	N 36°31'08" E	168.54'
65	N 25°12'29" E	252.19'

TABULATION

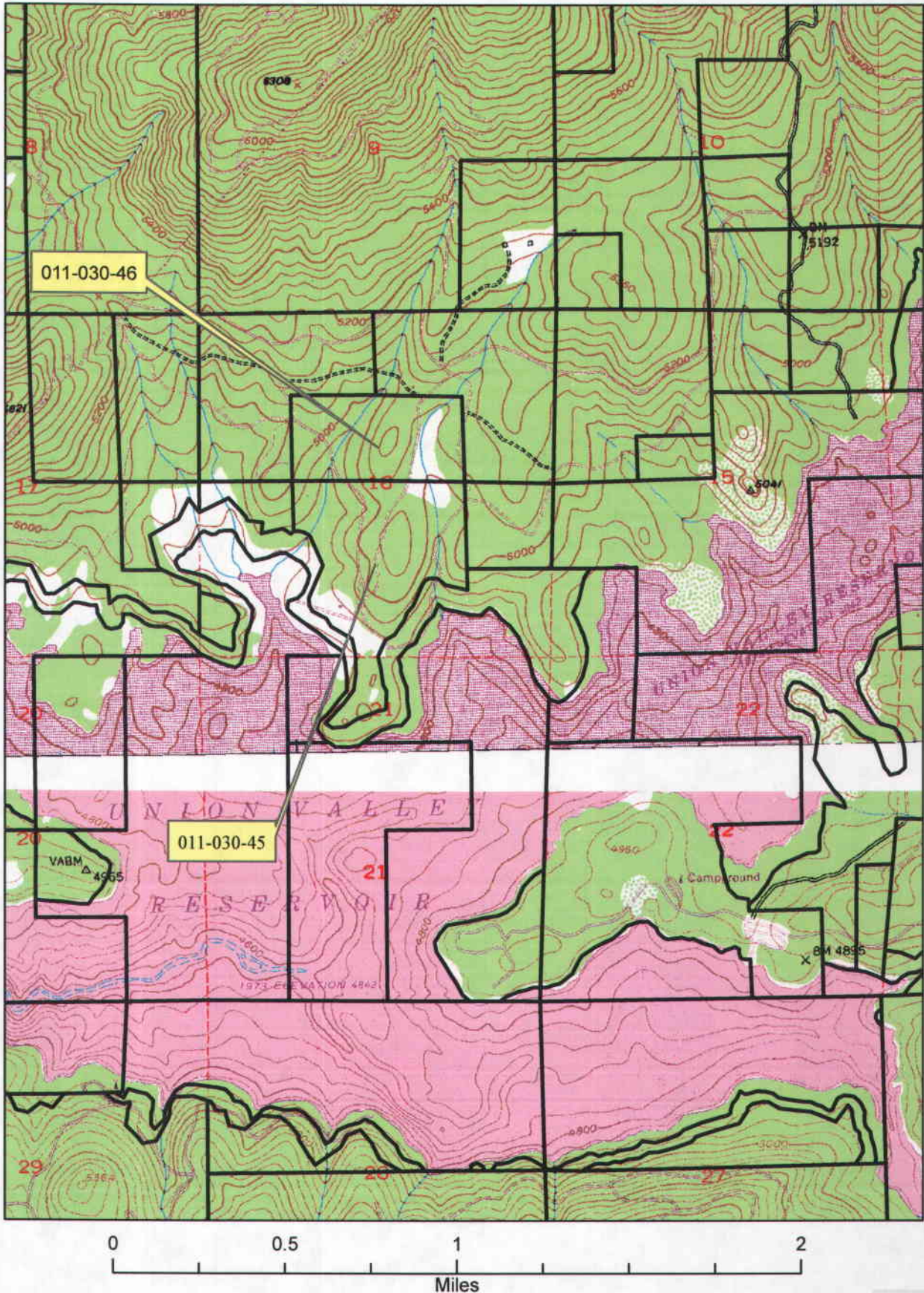
No BEARING & DISTANCE ARC LENGTH RADIUS DELTA

1	N 01°50'34" W	189.28'
2	N 77°45'00" W	163.71'
3	N 04°50'20" W	182.71'
4	S 89°53'40" W	356.57'
5	S 12°39'14" W	71.05'
6	S 23°34'59" W	24.88'
7	S 33°44'20" W	88.51'
8	S 38°09'52" W	151.17'
9	S 19°59'49" W	35.82'
10	S 27°54'04" W	69.83'
11	S 35°12'26" W	163.82'
12	S 54°43'00" W	178.57'
13	S 27°35'55" W	322.82'
14	S 27°19'59" W	8.51'
15	S 24°28'28" W	223.88'
16	S 03°54'07" E	192.65'
17	S 34°24'51" E	189.97'
18	S 04°23'36" E	128.32'
19	S 04°18'15" E	187.64'
20	S 14°10'02" E	48.25'



6169-01-07

Robbs Peak and Riverton U.S.G.S. Quadrangles with El Dorado County Parcels Overlaid





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 09-0022 – KUHLMAN, FOX, ANGULO COC (MICHAEL J. KUHLMAN/ANGULO DYNASTY TRUST/P. SWIFT FOX FAMILY REV TR)

During the Agricultural Commission’s regularly scheduled meeting held on December 9, 2009 the following discussion and motion occurred regarding COC 09-0022 – Kuhl, Fox, Angulo COC (Michael J. Kuhl/Angulo Dynasty Trust/P. Swift Fox Family Rev Tr): Certificate of Compliance for three parcels as directed by court order in 1994. Subsequent to this order, Grant Deeds for the parcels described in the court order were recorded November 21, 1994. The current owner of the 83.55-acre Parcel 1 acquired title on December 27, 1995. The current owner of the 65.78-acre Parcel 2 acquired title on March 2, 2005. The current owner of the 64.84-acre Parcel 3 acquired title on June 13, 1995. The parent parcel is currently identified by two Assessor’s Parcel Numbers: 011-030-45 consists of 132.82 acres and 011-030-46 consists of 81.35 acres. The project is located on the north side of Union Valley Reservoir approximately two miles west of the intersection of NF-131 and NF 12N78 roads in the Ice House area. (District 4)

Staff reported on the site visit conducted with Commission member, Bill Draper.

Parcel Description:

As stated above, the current parcel sizes are APN 011-030-45 at 132.82 acres and APN 011-030-46 at 81.35 acres for a total acreage of 214.17 acres. The current zoning of the parcels is Timberland Production Zone (TPZ). Adjacent parcel zoning includes TPZ, Exclusive Agricultural (AE) and Agricultural (A). The current land use designation is Natural Resource (NR). The parcels are located at approximately 5,000 feet above sea level. The soil types are (1) Pilliken coarse sandy loam, 5 to 30% slopes, which according to the Eldorado National Forest California Soil Survey (1985), this soil type 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. (2) Aquepts and Umbrepts, 0 to 15% slopes which, according to the Eldorado National Forest California Soil Survey (1985), this soil 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.

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

Exhibit H

- Policy 8.3.2.1 protecting and encouraging the production of timber and associated activities. 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

Relevant State Government Code:

- Section 51119.5** **Size of parcels zoned as timberland production lands.** 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.

Chris Flores stated that the property owners have submitted a Timber Management Plan, newly created by Rob Allen, Registered Professional Forester, for the two parcels. All of the owners have signed and agreed to the Timber Management Plan.

Michael Kuhl was present for questions regarding the project.

Penney Hocking, representing the Fox family, asked for clarification regarding "non-compatible" structures (included in staff recommendation).

Bill Stephans explained that residential units are non-compatible structures and are typically not allowed within the 200 foot setback. The court ordered parcels on the subject property are long and narrow and all have access to the water. Based on a General Plan Policy, the Ag Commission can reduce the setback to 100 feet, if the findings can be made for Administrative Relief. If someone wanted to build a caretaker cabin close to the water, (Union Valley Reservoir) it appears, due to the configuration of the parcels, it would not be possible.

Ms. Hocking agreed with these statements and stated that there was also a 200 foot setback from the high water line.

It was moved by Mr. Draper and seconded by Mr. Bacchi to recommend APPROVAL of COC 09-0022, the Certificate of Compliance for Parcel 1 (83.55 acres), Parcel 2 (65.78 acres) and Parcel 3 (64.84 acres) as:

- 1) In compliance with Government Code Section 51119.5, the owners have prepared a joint Timber Management Plan, approved by a Registered Professional Forester, for the parcels to be created. The Timber Management Plan shall be recorded with the county recorder as a deed restriction on all newly created parcels and shall run with the land. The deed restriction shall remain in effect for a period of not less than 10 years from the date the COC is approved by the Board; and***
- 2) No non-compatible structures/uses shall be constructed within the 200 foot setback:***

Then 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***

Tom Dougherty
Meeting Date: December 9, 2009
RE: Kuhl, Fox, Angulo
Page 4

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.

Mr. Bacchi stated how pleased he is that this historical property will continue to be owned by the Swift family.

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.

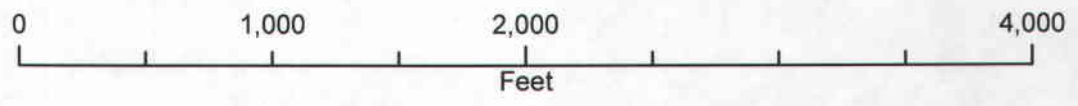
LW:na

cc: Michael Kuhl
Carlton Engineering
P. Swift Fox Family Rev Tr
Angulo Dynasty Trust

011-030-46



011-030-46



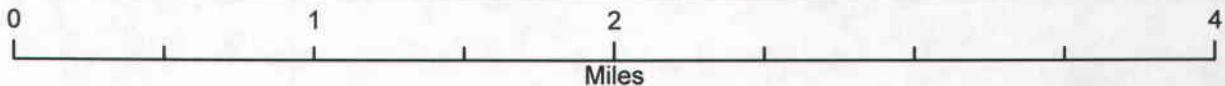
— Forest Service Roads



011-030-46

011-030-45

ICE HOUSE



File number: COC09-0022

— Forest Service Roads

Exhibit I-2

10-0383.F.21

Robert W. Allen, Forester

ROBERT W. ALLEN
FORESTER
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

6221 Sly Park Road
Placerville, CA 95667
USA

Phone 530 644-4838
Fax 530 644-4838

Forest Management Plan for Angulo, Kuhl and Fox Property

The following is a forest management plan for a portion of Section 16 and a small portion of Section 21 T12N R14E MDM. The El Dorado county assessor's Parcel Numbers are 011-030-45 and 46. This 214.17 acre ownership is located on the west slope of the Sierra Nevada, approximately 24 air miles northeast of Placerville, CA. Topographic map coverage is provided by the Robbs Peak, Calif. 7.5' Quadrangle. The elevation of the property ranges from approximately 4,880 feet to 5,080 feet. Soils in the area are mostly Pilliken coarse sandy loam with areas of Aquepts and Umbrepts. Pilliken soils are deep and well drained, formed from material weathered from granitic rock. This soil is moderate to high site quality. This soil is used mainly for timber production and also for summer range. The Aquepts and Umbrepts are very poor to poorly drained soils that formed in alluvial material located on broad valley flats and along drainages and the periphery of these areas. The Sedge-Rush series typically occurs on these soils, along with willows, alders and other riparian vegetation. These areas are well suited for intensive use as summer range. The property is located in the Union Valley Reservoir Watershed, Calwater ID v2.2 #5514.340301. There are two main watercourses that are tributaries to Union Valley reservoir. These watercourses are unnamed on the Robbs Peak 7.5' Quadrangle Map. The watercourse flowing through the Angulo parcel is named Jack's Creek by the family since it flows through Jack's Meadow and the watercourse flowing through the Fox and Kuhl parcel called Timothy Creek since it flows through Timothy Meadow.

Ownership History: Rufus and Sarah Swift purchased the full ranch on 1/7/1941. That interest passed to their heirs in an 11/21/1994 grant deed. The Angulo Dynasty Trust received their interest on 12/27/1995. The Phyllis Swift Fox Family Revocable Trust received theirs on 6/13/1995. Michael Kuhl received a 1/3 interest on 12/28/1994, and a 2/3 interest on 2/22/2005.

Timberland Preserve Zone (TPZ) Chapter 17.44.070 (Prior Code 9432) requires a plan for forest management to include a discussion and recommendations on at least the following items:

1. Commercial harvesting, a history of past operations and recommendations for the future.

The property being discussed in this report and the surrounding property has a long history of timber harvesting as well as homesteading and ranching dating back to the 1800's. The majority of the land in the immediate vicinity of the subject property is currently managed for timber production by Sierra Pacific Industries and the U.S. Forest Service for multiple use as well as smaller parcels which have been harvested for timber under approved Timber Harvest Plans approved by the California Department of Forestry and Fire Protection. Land owned and managed for timber production by Sierra Pacific Industries was once owned and managed by

Michigan-California Lumber Company from the late 1800's to the mid 1990's. Michigan-Cal exercised their timber rights on subject property in 1958. Family members remember Rufus and Sarah Swift harvesting more timber, sometime during the 1960s, but remember no details. The most recent timber harvests were in 1994 on the Fox portion and extending through 1997 for the Kuhl and Angulo portion. The Fox portion was harvested under THP #4-94-56 and the Kuhl/Angulo portion under THP #4-94-107/ELD-45. There has been no harvesting since then. A salvage operation was considered in 2008, when the bottom dropped out of the log market. Of the 214 acres, approximately 47 acres are in meadow/grassland. The remaining land is mixed conifer, site class I and II, with White Fir the predominate species. Current growth is estimated to be 600 to 800 bd. ft./acre/yr. This could potentially be improved to 1,000 to 1,200 bd. ft./acre/yr following a series of growth improvement harvest and achieving fully stocked stands.

Recommendations: Until an economically feasible log market returns, it is recommended that the landowners work with a portable sawmill owner-operator to salvage dead and dying trees before they become unmerchantable and either a safety hazard or become large fuel material. The rough lumber can be marketed through the internet or classified ads. When the market rebounds, a commercial timber harvest including removal of recently dead, dying and diseased trees should be done every 20 to 25 years on the property. It should also include a light selection harvest of green trees of all ages, sizes and species to create a multiple aged stand consisting of mixture of species which can maximize the growth potential on the property. The residual trees in the mixed conifer stand should be left at 15 to 25 foot spacing depending on the age and size. Older snags that do not pose a safety hazard to the landowners or the improvements should be left for wildlife purposes, as they provide habitat for birds and cavity nesting animals. Intermediate harvests to remove dead dying or diseased trees should be done as needed.

The elevation of the property is ideal for white firs which can be grown and sold for Christmas trees. Existing White Fir thickets can be thinned and pruned with Christmas tree sales in mind. Fast growing well spaced trees can be retained for future timber crop trees where managing for Christmas trees.

The meadow/grasslands should not be planted to trees as they provide habitat for a diversity of wildlife species and acts as a filter buffer for water runoff retaining a high level of water quality. Small conifer trees encroaching on the meadows/grassland areas can be removed by weed eating or hand pulling. Advanced regeneration can be cut and piled for wildlife habitat.

2. Provisions for legal and physical access to the property so commercial operations can be carried out.

Physical access to the property is east from Placerville on Highway 50 to Ice House road, a surfaced county/SMUD/USFS maintained road. Ice House Road is approximately 8.4 miles east of the Sly Park Road exit at Pollock Pines. The route continues northeast up Ice House Road approximately 19 miles to Union Valley Road, formerly known as Wolfe Creek Road. Union Valley Road is a co-op road between Sierra Pacific Industries and the U.S. Forest Service heading in a westerly direction that is surfaced for approximately 0.7 miles, then rock and native surface road for approximately 1.4 miles. The route continues on road 12N30 approximately 0.2 miles to the northeast corner of the Kuhl property or on an unnamed road approximately 0.3 miles to the northeast corner of the Fox property.

Commercial use of Union Valley Road and the short spur roads require a road use permit from the U.S. Forest Service. The application for the permit should be submitted to the Pacific Ranger District of the El Dorado National Forest for their review and recommendations before it is passed along to the El Dorado National Forest Supervisors Office.

3. A reasonable attempt to locate the boundaries of the property and attempts to protect his property against trespass.

Landowner Michael Kuhl and RPF have located all survey monuments required to run boundary lines. The most recent check of the survey monuments surrounding the property was done in the fall of 2008. The boundary lines of the property have been identified at one time or another for previous harvest operations, including interior lines separating the three proposed parcels. The portion of the property boarding U.S. Forest Service managed land has been blazed with the blaze marks painted red, excluding the 200 foot strip of U.S. Forest Service managed land between the high water mark for Union Valley Reservoir and subject property. The survey corners that delineate the 200 foot buffer strip for Union Valley Reservoir have been flagged and are generally close enough to be seen from one to the next. The landowners have attempted to hide these survey monuments to prevent vandalism from lake users.

The two access roads are gated with fences extending to the sides to reduce access to Off Road Vehicles. U.S. Forest Service padlocks are used in addition to private locks in case emergency access is required. There are fences on three portions of the property. The oldest is the fence along two points of the northern edge of the Fox parcel. Next is a fence along much of the western most edge of the Angulo parcel. And then there is the fence started this summer along the western edge of the Angulo and Kuhl boundary of the lower meadow.

Besides the gates and fences that block illegal access to the property by vehicles, frequent visits to the property by the landowners and selected guests attempt to protect the property against trespass.

Private Property and No Trespassing signs have been posted near the gates. It is recommended to provide more signage to inform the public that this is private property. The use of signs is allowed for under chapter 17.44.030 J and K.

4. Disease and insect control work.

The property was surveyed for possible insect or disease problems during the summers of 2008 and 2009. No serious outbreaks were observed but some mortality was observed mostly in the White fir component. Bark beetles have killed some trees in the stand. To minimize the potential for tree loss, diseased trees and the weakest trees should be removed during timber harvest operations, and adequate tree spacing will minimize the competition for light, water and nutrients. There is a small amount of dwarf mistletoe in some of the pines and firs on the property. It does not occur in large enough concentrations to cause major problems but should be removed from the stand to minimize its spread during commercial timber harvest operations. An attempt to harvest the mortality was made in 2008, but the cost of road maintenance and logging costs prevented harvesting because of the lack of markets for the logs. The use of a portable sawmill to process this material is being considered if a market can be found for the lumber.

5. Thinning, slash disposal, pruning and other appropriate silvicultural work.

Thinning: Periodic thinning of seedling and sapling size trees should be done to promote the most rapid growth on the healthiest trees. Larger trees will be thinned during the commercial harvest, and future thinning should be timed with commercial harvest in order to get an economical return on those trees large enough to be merchantable.

Slash disposal: In areas of recreational use by the landowners and guests and near roads, slash and forest debris can be unsightly, hazardous and be a fire hazard. Annual maintenance will prevent the buildup of forest debris in high use areas. Any future THPs should include provisions for slash treatment. Logging slash can be piled and burned or physically moved to areas away from high use areas and used for erosion control. Logging slash spread out on skid trails or other areas of exposed soil can reduce erosion by reducing raindrop impact on granitic soils and by catching sediment that may be transported across the soil surface.

Pruning: Pruning for log quality is not appropriate for this timber stand and with the current economy would not be justified. Pruning is appropriate in the high use areas and along roads to improve aesthetics and to create a break in forest fuels for fire hazard reduction.

6. A fire protection plan including a fuels management program.

Purpose: to reduce the potential of wildfires starting on the property and to slow the rate of spread in case of a wildfire.

To reduce the potential of a wildfire, the landowners shall comply with all California Department of Forestry and Fire Protection and U.S. Forest Service fire rules and regulations and implement a fuels management plan. A fuels management plan to reduce fuels will also assist fire suppression efforts by slowing the rate of spread of a wildfire. Establishing a fire reporting system will also assist local fire authorities by improving reaction time.

Forest fuels management:

Ground fuels consist of natural limb pruning and needle cast, trees dying and falling over, logging slash and ground cover vegetation and brush. Ground fuels should be treated within 100 feet of roads and 150 feet of high use areas. Treatment could include removal, pile and burn or chip and scatter. During timber harvest operations, trees should be felled away from roads and high use areas. Logging slash should be removed from all areas within 100 feet of the edge of roads and 150 feet from high use areas and structures. This slash can be piled and burned or moved to areas away from the roads and high use areas. Treatment of logging slash should be discussed in harvest documents as part of hazard reduction.

Ladder fuels are smaller trees and lower dead and live limbs on larger trees which can provide a ladder for fire to climb from the ground to the crowns of trees. Ladder fuels can be reduced by limbing up the larger trees for 10 feet above the ground, but no more than 50% of the live crown for trees less than 20 feet in height. Small trees growing in the understory should be thinned so the spacing is such that the crowns do not touch and also leaving room for the residual tree crowns to grow without touching for a period of 5 to 10 years.

Crown fuels are the canopies of trees which can carry a fire in high winds and low moisture conditions. It usually occurs where there is a continuous layer of limbs and needles in interlocking tree crowns. Prevention of crown fires can be done by spacing out the larger trees so there is a minimum of 15 feet between crowns and removal of ladder fuels. The spacing of larger trees should be done by the RPF while marking harvest trees in preparation of a commercial logging operation.

Fuel breaks are gaps in the forest fuels where a fire can be stopped. The dirt roads and high use areas within the property that have been treated for fuel reduction as discussed above and the wet meadows provide adequate fuel breaks for this property.

Water sources for firefighting: The closest source for large trucks is a constructed water hole used for dust abatement during commercial harvesting operations. This water hole is located along Union Valley Road approximately 1.5 miles from the north side of the property. When Union Valley Reservoir is full, water trucks could draft from the reservoir in emergency situations. Union Valley Reservoir would also be the source of water for helicopter equipped with buckets. Water from the watercourse flowing along the eastern portion of the property has been diverted by a man made ditch to provide domestic water to all three parcels. This ditch feeds two 600 gallon water tanks on the Fox parcel and a 525 gallon water tank on the Kuhl parcel located near the high use areas. A 2,500 gallon water tank is planned to be functioning sometime during the summer of 2010 for the Kuhl parcel.

A water system has been developed at the high use areas and can be used for initial response to small fires. Fire reporting system: With the popularity of cell phones and the increase of coverage in remote areas, emergency phone numbers should be posted at the high use areas and on any structures. Guest visiting the property should be made aware of these numbers when first arriving.

Emergency vehicle access: U.S. Forest Service padlocks should remain on all gates providing access to the property. All roads within the property shall remain open and wide enough for fire trucks with occasional wide areas for turning around.

7. Erosion control on existing roads and skid trails and maintenance of existing roads.

Union Valley Road and the short spur roads from Union Valley Road to the property are under the control of the U.S. Forest Service.

The native surface roads within the property are located on flat or gentle slopes and had erosion control structures constructed following the most recent harvest. Landowners should conduct periodic inspections and maintain and repair any damage to the existing erosion control structures on the roads to insure proper drainage by cleaning out the throats of all water bars and drainage areas and make sure runoff is onto non erodible material or into native vegetation for filtration before entering a watercourse. Skid trails were water barred according to the Timber Harvest Plan specifications and Forest Practice Regulations following the last harvest and the trails have stabilized since then with native vegetation and forest litter.

Requirements for erosion control on skid trails and roads following future timber harvests will be specified in the harvest documents. Following the Forest Practice Regulations for any future timber harvest will reduce to insignificant any impacts to soil or sediment movement.

Existing road crossings of watercourses have permanent culverts in place. These culverts have withstood 100+ year storm events. These culverts should be inspected and maintained to function properly each spring and fall and following any major storm event during the summer. If equipment is used on the property in projects not related to timber harvesting, they should not be operated within 25 feet of seasonal watercourses, within the wet meadow area or within 75 feet of the class I watercourses. Where watercourses are crossed by equipment, and there is a potential for soil to be washed into the watercourses, exposed soils should be protected from erosion by spreading clean straw or forest litter on the soil surface to a depth of two inches.

8. Planting of a significant portion of the under stocked areas of the land.

The under stocked portions of this property are meadows and grassland and should be managed to remain meadows and grassland.

The timbered portion of the property is adequately stocked with mixed conifers. Small opening created by natural events or by harvesting insect and disease trees will fill in by local seed fall. Logging operations usually expose soft soils which create good seed beds for natural regeneration.

9. Structures

There is currently one structure on the Kuhl parcel. Chapter 17.44.050 allows for one owner or caretaker occupied single-family detached dwelling or a mobile home on an approved foundation. It is recommended that out buildings be constructed on the three parcels for the storage of equipment necessary for the management of the property as well as fire fighting tools and equipment.

Maps:

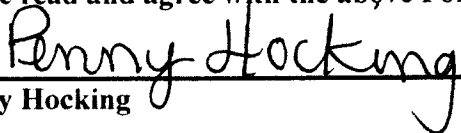
Exhibit A: Ownership map with roads prepared by James Nicklos, April 1994

Timber Type Map prepared by James Nicklos, March 1991

Aerial Photograph, July 1986

Management plan prepared by: **Robert W. Allen, RPF #2108**
December 2, 2009

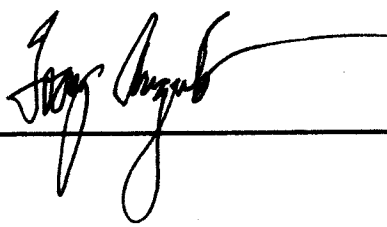
I have read and agree with the above Forest Management Plan



Penny Hocking

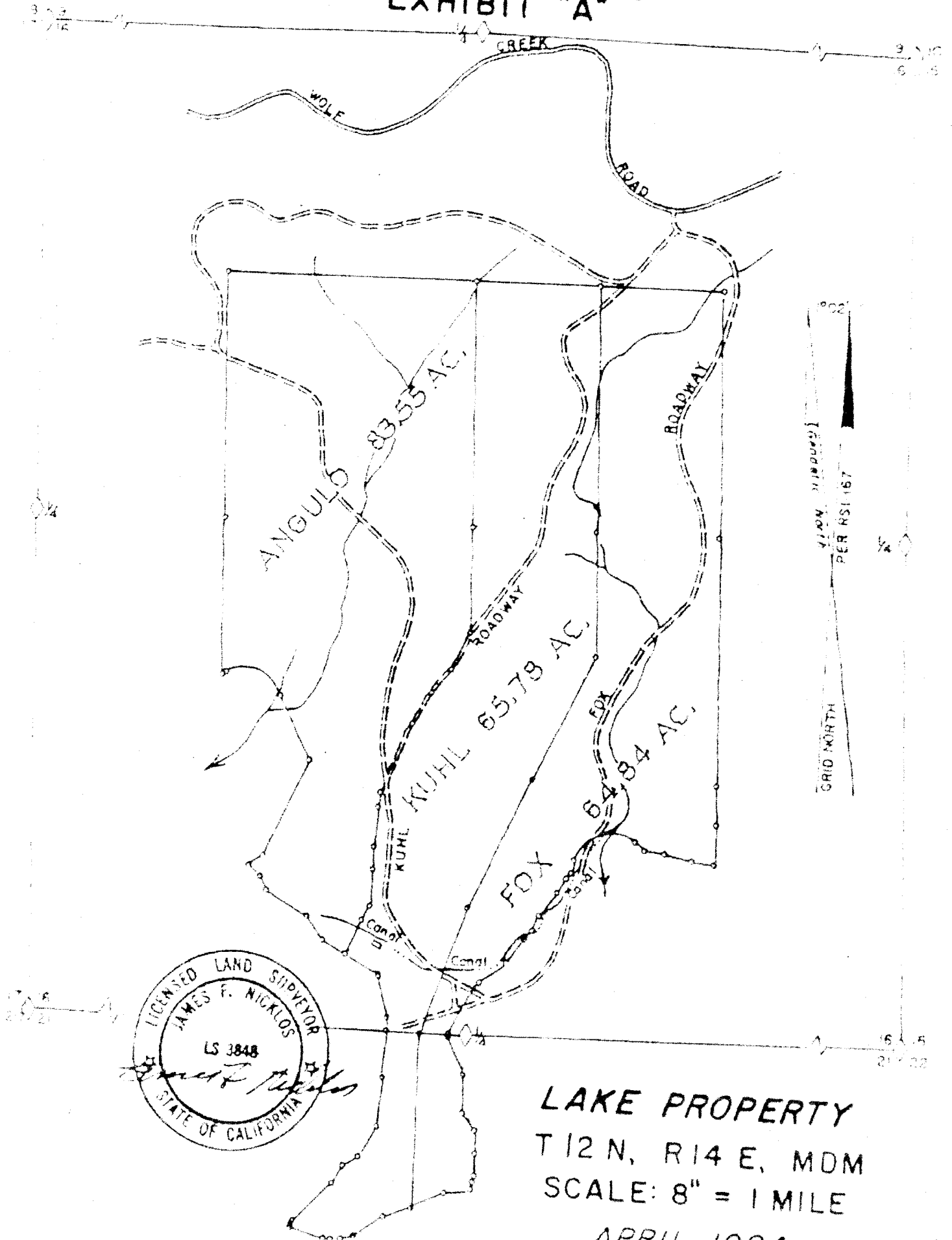


Michael J. Kuhl



Tony Angulo

EXHIBIT "A"



LICENSED LAND SURVEYOR
JAMES F. NICKLOS
LS 3848
STATE OF CALIFORNIA

LAKE PROPERTY
T12N, R14E, MDM
SCALE: 8" = 1 MILE
APRIL 1994

SWIFT PROPERTY

T 12 N, R 14 E, MDM
El Dorado County, California

James Nicklon & Associates
COLRVILLE & PATR OAKS, CALIFORNIA

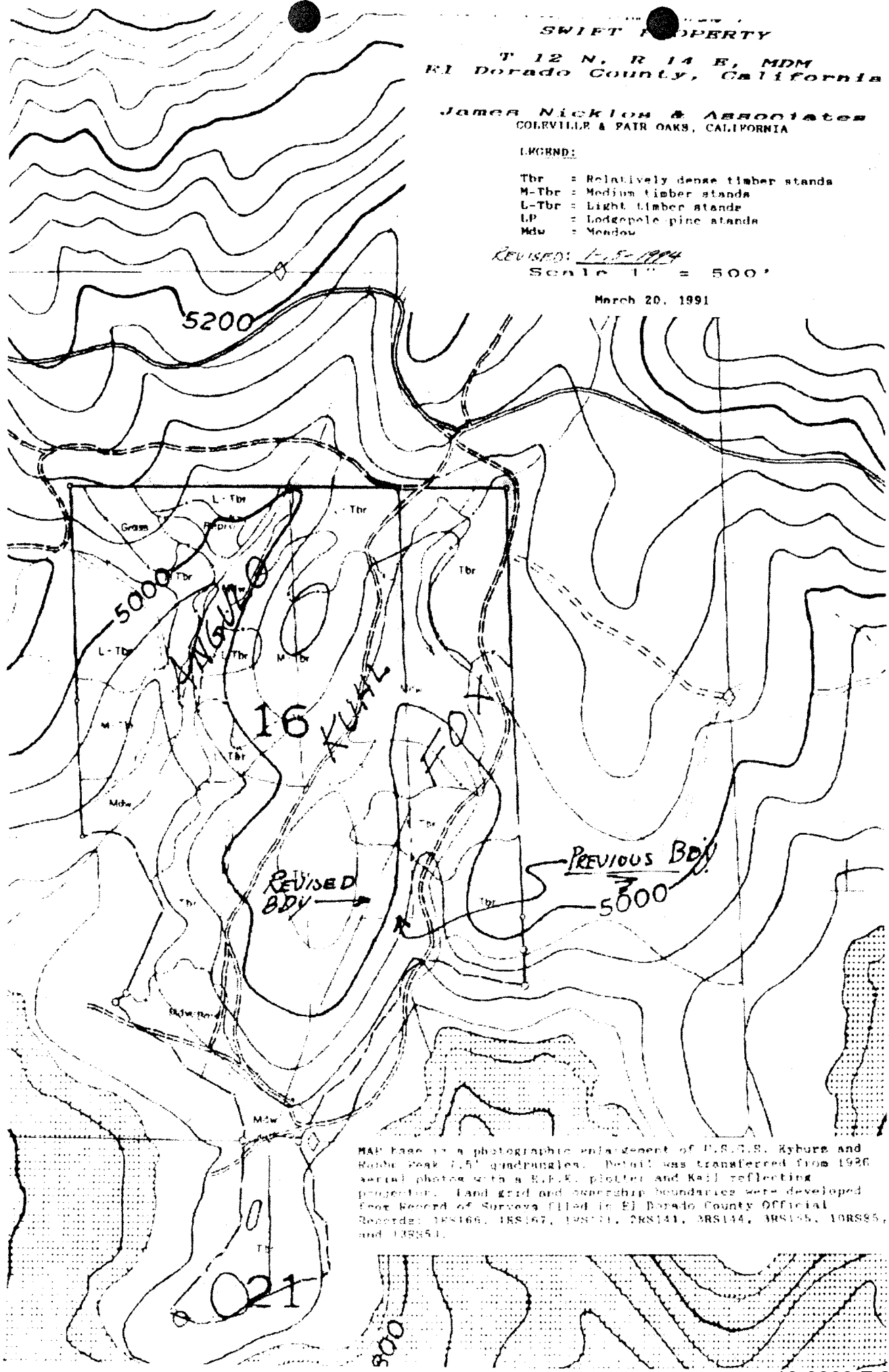
LEGEND:

- Tbr = Relatively dense timber stands
- M-Tbr = Medium timber stands
- L-Tbr = Light timber stands
- L.P. = Lodgepole pine stands
- Mdw = Meadow

REVISED: 1-5-1994

Scale 1" = 500'

March 20, 1991



MAP based on a photographic enlargement of U.S.G.S. Ryburn and
 Round Peak 7.5' quadrangles. Detail was transferred from 1980
 aerial photos with a R.F.K. plotter and Kall reflecting
 properties. Land grid and ownership boundaries were developed
 from Record of Surveys filed in El Dorado County Official
 Records: 18S166, 18S167, 18S171, 28S141, 28S144, 28S145, 10RS85,
 and 10RS81.



7-386 15-346 07-0010 686-62