

QUESTIONS AND ANSWERS

2010 JAN -6 PM 12:31

Property Description: The property is 14.2 acres and has access from two different roadways. The lower pad which has been graded can be accessed from Shoreview Drive. The upper portion of the property (where the utility stubs are) can be accessed by La Sierra Drive. The property lends itself tastefully to a two parcel split with the different access roads and lake view. It also provides a nice transition in parcel size around the peninsula, where lots range for ¼ to ½ acre, then 1-acre, then 3 acre, then a proposed 5 and 9 acre parcel, leading to more 10 and 20 acre parcels on the right side of the peninsula.

Were trees removed on the upper portion of the pad during creation of the access road? No, just brush.

Was grading done outside of the permitted time/scope? No, the equipment access road and all grading activity was done under supervision by the County inspector. Unfortunately that inspector no longer works at the County. Other than the 2 to 3 month grading window, no equipment has been brought to the project site, except a weed wacker.

Was there an issue with the grading? Yes, I had to prepare an As-Built grading plan because I chose to use fill slopes below the lower pad, as opposed to construction of rockery retaining walls. This was the only change from my grading plan.

Why was this access road cut? Why didn't you access the property from Shoreview Drive for the grading work? There was a 14-foot tall vertical headwall at Shoreview Drive prior to grading, this prevented equipment unloading and physical access. The driveway to Shoreview Drive was carved from the inside of the parcel outward.

Is there a pad at the top of La Sierra Drive? No, I don't know why people are referring to this as if it's a graded pad. We encourage you to drive by and see the site. Pictures are attached. This area has a 20 to 30 percent slope.

What is with the allegation by Mr. Hines that more than 30,000 SF of site have been graded? The grading work was under the 30,000 SF requirement and was checked upon completion of the As-Built grading plan. The issue proposed by the January 18, 2008 letter was resolved with the County by my civil engineer, Lebeck & Young. The access road is not considered disturbed by County staff. This is an area that has been cleared of brush and used for equipment access.

Why is there some recent activity/darker soil on the upper portion of the parcel by La Sierra Drive? This is the result of spoils placed on my property by Mr. Hines' recent grading activity.

Was there a code compliance case opened? Yes, Mr. Hines filed a complaint as a means to slow down my rezoning process. This issue has been completely resolved by County staff and there was deemed no case.

Mr. Hines' engineer, Carlton wrote a letter saying that there was a large amount of cut and fill on the upper portion of the property. How is this so? We are told that Carlton scanned aerial photos that were provided by Mr. Hines in order to provide their calculations. The problem is that aerial photos are only accurate to a couple of feet, especially when considering the thick brush that was present beforehand compared to the way it looks now.

But they state that their work is accurate to 0.24 feet, how can this be? Their software may be accurate to that level, but the data in the aerial photos is not. This is deceptive and illegitimate; I'm surprised that Carlton devalued themselves with that letter. Our topography at the upper pad is based on physically surveying the property. You can see photos of the base of the tree which show that it is obviously at native grade. There is no fill around the trunk, and the roots aren't exposed.

Why is Mr. Hines claiming my property has asbestos? I don't know why, considering he's recently hauled off a significant amount of fill material. I had the property tested for asbestos prior to grading, results were negative. Paperwork upon request.

Is there room to build a home at the La Sierra Drive portion of the property? Yes, there is room for a 3,000 SF footprint, or 6,000 SF home. This area of 20 to 30% slope is significantly more buildable than the majority of Southpointe homes which have 50% downsloping lots and were built prior to the newer guidelines.

Do the CC&Rs allow the property to be split? Yes, per the July 31, 2009 letter by the HOA, 3 more lots are authorized to be mapped by Southpointe. Additionally, the HOA hired an attorney to review the CC&Rs, and their July 14, 2009 letter states that the CC&Rs allow for the creation of up to 3 new lots.

What's the deal with the new CC&R rule? While the board of the HOA was at rest with the basis that only 3 more lots could be added, Mr. Hines had his attorney find a loophole in the HOA guidelines which allowed them to hold a special ballot. As such an amendment was prepared to only allow a parcel split with 2/3 vote of the neighbors. Obviously this is nearly an impossible vote to achieve, because the HOA has a hard time obtaining a quorum which is less than 2/3. There is also concern that the voting was mis-handled to hand out names of voters and non voters during the ballot process. Lastly, my attorney feels that this is illegal because a minority within the HOA has been singled out with the change in rules, especially considering this rule just passed 2 months ago and the fact that my project has been stalled for about 4 months. Interestingly, no voting was required of Mr. Hines to join two parcels.

Has there been a lot of resistance to me splitting my parcel? Yes and No. On one hand, no, only 3 people out of 94 land owners attended the planning commission meeting. On the other hand, Mr. Hines is extremely wealthy and has hired his own engineering firm, his own attorney, and caused a lot of confusion among some of the land owners. In a general sense however, adding 1-lot to 94 existing lots is a relatively minor change.

What is the true issue at hand? Mr. Hines, being very wealthy and powerful does not want another house built on the top of the hill. Or to quote him "I don't want to see your house when I go up my driveway". That's the real issue at hand and the cause for blowing a two lot parcel split out of perspective.

TIMELINE

Spring 2005: Greg Gularte purchases SP property. At this time, the CC&Rs allowed for the addition of lots and the proposed general plan allows rezoning in the area to 1-acre parcel sizes.

Spring 2006: Mr. Gularte grades the lower pad under permit by the County and with County inspection.

March 2007: Mr. Gularte has a Pre-Application Review meeting with the County. At this time, the rezone and parcel split are favorable.

Summer 2008: Mr. Gularte finally closes the grading permit. Alterations were made to the As-Built grading plan, because fill slopes were used in lieu of rocky retaining walls on the downhill portion of the property.

2008?: Southpointe annexes the Lomida project with 2-acre parcel sizes.

2008: Mr. Hines joins two smaller properties for a total of approximately 3 acres.

Spring 2009: Mr. Gularte submits his application for rezone and parcel split.

November 2009: The CC&Rs are amended to allow splitting only after a 2/3 approval vote by HOA. There is concern on multiple fronts on whether this is legal and whether the election was held legally.

A handwritten signature in black ink, appearing to be 'Gularte', written in a cursive style.

January 4th, 2010

El Dorado County
Attn: Board of Supervisors
2850 Fairlane Court
Placerville, CA 95667

PROJECT: 1850 SHOREVIEW DRIVE

Subject: Additional Information

To whom it may concern:

My neighbor Mr. Hines has evidently mailed a packet to the County alleging multiple items. In response to that information, I've prepared the following information.

All grading was done under permit and County Inspection. I was required to update the grading permit because retaining walls were omitted in favor of fill slopes, still in accordance with County guidelines. Thus new as built drawings were provided to close the permit. The grading was done over 3 years ago. No equipment has been on the property since that time.

The disturbed area was already shown to be less than the 30,000 SF requirement at the time the permit was closed. The 30,000 SF, does not include driveway access. Furthermore, per the guidelines and my discussion with County staff, using the upper part of the property for equipment access does not constitute "disturbed" area as Mr. Hines suggests.

Note that the subject parcel is 14.2 acres, compared to most properties being approximately 1 acre. Even Mr. Hines with the neighboring property combined 2 parcels and only has about 3 acres, approximately $\frac{1}{4}$ the size of the subject parcel. The updated General Plan allows for 2-acre parcels at my property location. I'm currently requesting a parcel split into a 5 and a 9 acre parcel.

This is personal because he doesn't want another house sharing the top of the hill with his current home being built.

Carlton's earthwork calculations prepared by Mr. Hines are likely based on a 20 year old aerial survey over the property with a significant amount of brush. It is unlikely that this aerial is more accurate than plus or minus multiple feet. It is also easy to "play" with the quantities by varying their spacing of data points until the desired number is reached.

This isn't a "pad" as Mr. Hines refers. This was my only equipment access prior to grading (the Shoreview Drive entrance had a vertical headwall prior to grading). The parcel has an approximately 20 to 30% slope, there is no "pad" as can be seen in the pictures, attached.

Mr. Hines refers to letters from 6/10/09 and 1/14/08 and references "illegal grading". In fact the 1/14/08 letter is labeled "Revision to Issued Grading Permit". At that time, my Civil Engineer, Ms. Nicole Young clarified that the graded area was less than the 30,000 SF required.

With regard to utilities, there is already one extra water meter and sewer stub for the new parcel as a result of Mr. Hines joining two lots.

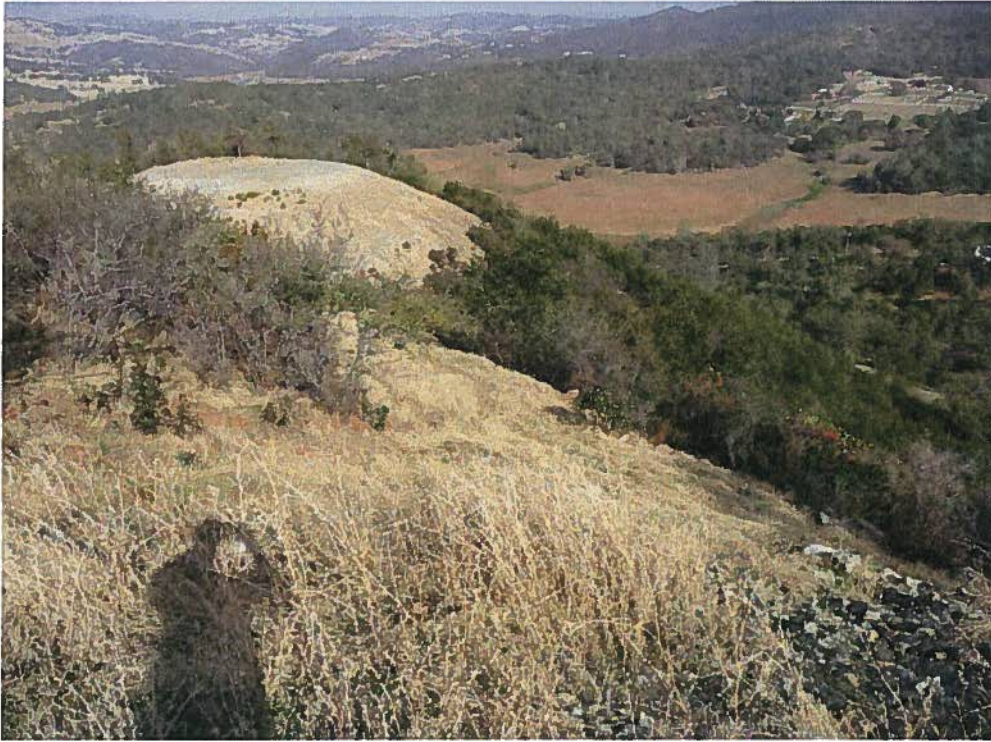
If desired as a condition of the parcel split, the access road between the parcels could be filled in to create a more natural look.

These items have already been reviewed by the County staff, with Mr. Fong, Mr. Burnett, and Mr. Wassner. The project is recommended by staff for approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'Greg G. Gularte', with a long horizontal line extending to the right from the end of the signature.

Greg G. Gularte, G.E. No 2633



Overview of parcel, looking from upper portion, downward, note lower pad on rear left.



Upper portion of parcel, buildable area, note tree to left and base of tree in next photo.



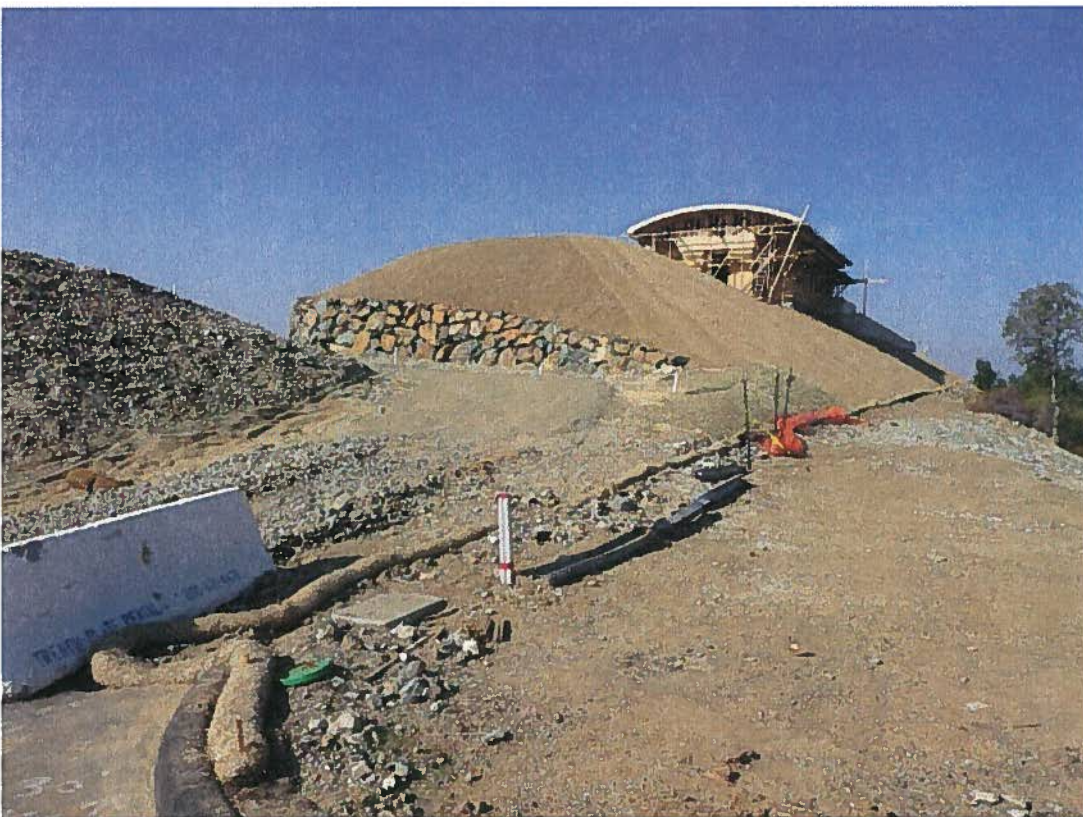
Base of tree, note that base of tree is native ground.



Construction access from upper to lower portion of parcel.



“Alleged Pad” Looking upward at upper portion of parcel. Car above is at La Sierra Drive.



Property Line defined by wattles. Dirt on subject parcel placed during neighbors grading. This is Mr. Hines garage, the house would be beyond with the views looking toward the lake, away from my parcel.