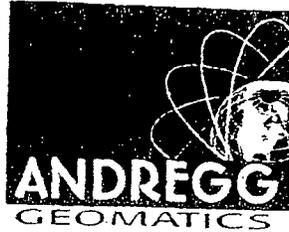


RECEIVED
MAR 19 2008

PLANNING DEPT.



MAR 19 2008
PLANNING DEPT

MEMO RE: Findings for Bunch Creek Rezone from TPZ to Residential Forestry.

Pursuant to Government Code section 51133(a)2 and (a)(3), the Board of Supervisors makes the following findings:

1. Immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XII of the California Constitution and Chapter 6.7 of Title 5, Division 1, Part 1 of the Government Code because:
 - a. The site was heavily burned in the Ponderosa Fire in August, 2001. The timber resources were largely destroyed, and the prior owner failed to restock the site, leaving the site without restocking to Department of Forestry standards. (Forest Management Plan ("FMP"), prepared by Douglas Ferrier, RPF#1672, on file with Planning Department, p. 4.) Given the existing foliage, soil types, steep slopes (FMP p. 3.), there would be extensive costs in rehabilitating the site for commercial timber uses. FMP p. 4, 5. In the opinion of a licensed professional forester, commercial timber management is considered to be unlikely. FMP p. 6. The purpose of the preferential tax treatment and management strategies under the California Constitution and Chapter 4.6 is designed to provide preferential tax treatment for properties actively managed for timber production. The site has not been actively managed for timber resources and existing site conditions make it unlikely that timber production will be resumed in accordance with the Constitution and statutory requirements. Accordingly, the site should no longer enjoy preferential tax treatment.
2. Immediate Rezoning is in the public interest because:
 - a. The alternative use will serve a public need in that the current site condition poses a fire risk to the Colfax community. The Negative Declaration includes nine mitigation measures designed to reduce fire risk. If the project does not go forward, there will be no active fire management strategy in place.
 - b. The adverse environmental impacts of the alternative use and mitigation thereof is acceptable as set forth in the mitigation measures contained in the Negative Declaration, made part of the project approval.
 - c. The project will not have an adverse impact on the long term timber supply capability of California, including the cumulative impact from conversion of similar properties, as the evidence is that the site has not been managed after the Ponderosa Fire for commercial timber purposes, and further the evidence is that it is unlikely, given the existing vegetation, slopes, soils and existing vegetation patterns, that anyone will make the economic investment necessary to restore active commercial timber management (FMP 3,4,5.) Further, the project is conditioned to require a forest set back for adjacent TPZ property (Mitigation Measure IX.1)
 - d. As noted in the FMP, the current conditions do not support commercial timber management and accordingly, on a comparative basis, there are no other known non-TPZ sites which would be superior to this site in terms of proposed uses and potential impacts to timber resources.

3-18-2008

211

Exhibit E

APPLICANTS STATEMENT

Fred Basquin/Jed Parker

According to the applicant, the following provides their justification for the support of the immediate rezone to 80 acre residential forest:

1. This property is improperly Zoned. It was put into the Williamson Act by previous owners to lower property taxes to the lowest rate in the state, then the state adopted all Williamson Act properties into TPZ making it near impossible to get out. In 1994 The previous owners timber harvested only 235 acres out of the 600. 235 acres is all that had any marketable timber on it. That 235 acres burned intensely in the Ponderosa fire, killing virtually all timber. The other 265 acres is 95% Oaks, which are NOT timber (please see attached photograph). The "non-timber" 265 acres of oaks was inadvertently pulled into the Williamson Act along with the 235 acres of timber because it was all one parcel. Today it is still one big parcel of brush and oaks with virtually no timber at all on it. It has not even been replanted after the fire by the previous owners. We are trying to do something with it, and timber is not a viable option.

2. Stewardship/public interest: the best way to manage the widespread fire hazard of overgrown brush is to put homes on smaller parcels. Owners that buy and build on these parcels would effectively reduce the fuel load and help stop a fire moving towards Colfax. Larger parcels are too monumental of a task to manage, as it presently is. This opinion has also been expressed by Douglas Ferrier, the forester for this property (last page of forest report) and Chris Paulus of Cal Fire (See attached letter). Cal Fire goes on to say that in a few more years, the brush will be at its peak fire potential, thus the need for immediate action. Presently, the local public is at more risk than before the Ponderosa Fire, when there was more shade and less brush. In a few more years, the problem will be even worse, thus, the need for immediate conversion versus a ten year roll out

3. More public interest: Other than the opponents who are against ALL conversions of this type, this immediate conversion is favored not only by Cal fire, but some of the adjacent parcel owners (letter attached), and by majority vote of the Weimar Area Counsel.

4. Homes on 80 acre parcels would not have an adverse effect on any of the surrounding land. In fact, homes on 80 acre parcels would improve the fire safety and beauty of the area with a good road and maintained land. Any possible adverse effects have been mitigated by the MND. This property is better suited for forest with homes on 80 acre parcels than for just timber.

5. The slopes and watershed of the 600 acres in question is very mild compared to the surrounding areas which are steeper, and as a majority are zoned as 80 acre parcels or smaller, thus this property is very suitable for the proposed immediate rezone to residential forest.

6. Conversion from Timber to Forest is not a major change. Planting of trees will still occur. Harvest of timber will still occur. As the planning commission will concur, Forest and timber are very close to the same thing. The Residential portion of RF-BX-80 also is very similar to TPZ since they both can have homes on them. TPZ has to demonstrate agricultural activity, while RF-BX-80 doesn't.

7. The immediate conversion to residential Forest 80's will provide homes for seven more families in the area, create jobs for the area, and bring more property taxes to the county. Presently, the property brings only \$800 per year to the county, which is up from \$500 since the wells were put in to apply for this rezone. Seven homes will bring approximately \$35,000/year plus timber harvest tax.

8. We have exhausted other avenues to do something with this property:

A. We tried to get Caretakers quarters on the property, but it was recommended by the Zoning administrator to either invest money in timber and qualify for caretaker's quarters, or go the Rezone route. We developed a forest plan, did some cost estimates, and since forestation for upwards of ½ million dollars does not realize anything in this lifetime, we chose the Rezone.

B. We tried to sell the property as is, but to no avail.

C. The Property was offered to two different conservancy groups for purchase as non-developmental land and they were not interested.

9. We, as owners feel we have a legal right to an immediate rezone of this property according to government code section 51133(a) 2 and (a) 3, see attached memo.

We have been five years trying to get an immediate rezone, and now we are looking at the ten year roll out as an option which puts us 15 plus years into a rezone. Doesn't it make sense to just do it now?

Fred and Karen Basquin, Jed and Debbi Parker

Fred and Karen Basquin
22057 Porcupine Ridge
Colfax, CA 95713

February 15, 2010

Placer County Board of Supervisors
175 Fulweiler Ave
Auburn, CA 95603

Dear Supervisor

This letter is a personal introductory letter from Fred and Karen Basquin, part owners of the Bunch Creek Property:

Fred Basquin has lived in Placer County 45 years with 32 of those years residing in rural Colfax. He became a General Contractor in 1978 and is self employed.

Karen Basquin has lived in Placer County 47 years with 23 of those years residing in rural Colfax. She has worked for the Placer County Sheriff's Department for the past 10 years.

Our home, on Porcupine Ridge, is located approximately ¼ mile from the Bunch Creek property. We have been familiar with this property for years because we had previous owners' permission to horseback ride and walk on their property. We have always dreamed of owning property on Gillis Hill Ridge. In June of 2001 we bought 9 acres on the top of Gillis Hill Ridge, which adjoined the Bunch Creek Property. We began spending our weekends clearing brush and cleaning up all of the deadfall on our new property. Two months later, in August of 2001, our Gillis Hill property burned in the Ponderosa Fire. We were also evacuated from our home located on Porcupine Ridge. Fortunately for us and our neighbors, with the efforts of local and neighboring fire fighters, the fire was brought under control after 5 days of round the clock work. We have included a stat sheet of the Ponderosa Fire, showing the fire facts. It was incredibly difficult to watch all of the land burn and not know if our home would be saved. Throughout the years, there have been numerous fires that could have been devastating to many home owners in our area. Because of continued and ongoing efforts from the forestry department for residential brushing and clearing, rural areas of Colfax are groomed more often to reduce fire hazards. In September 2004, we purchased 600 acres in the burn area, currently referred to as Bunch Creek Property. Prior to our purchase, the previous owners salvage logged any remaining timber. The timber harvest was the only land management involved with the Bunch Creek Property after the fire and prior to our purchase.

214

As a couple, we have always enjoyed the beauty of the American River Canyon. We have rafted it, fished it, hiked all over it by foot and horseback. We do our part in keeping it beautiful by always picking up trash along our way. We do not want to exploit or destroy the natural resources or beauty of the American River Canyon. We use good forestry management practices on our existing properties by clearing the brush, pruning trees, installing a fire hydrant and improving the existing roads.

We have worked hard and been diligent in our efforts to supply the planning department with all required reports for the rezone and land division of the Bunch Creek Property. We appreciate your consideration with our project.

Sincerely,

Fred and Karen Basquin

DUE TO POOR PRINT QUALITY, THIS PAGE HAS BEEN REMOVED AND IS
AVAILABLE AT THE CLERK OF THE BOARD'S OFFICE

Following is a list of all pages removed due to poor print quality:

- Exhibit B
- Exhibit E (last 5 pages)
- Exhibit J (7 various pages)

DUE TO POOR PRINT QUALITY, THIS PAGE HAS BEEN REMOVED AND IS
AVAILABLE AT THE CLERK OF THE BOARD'S OFFICE

Following is a list of all pages removed due to poor print quality:

- Exhibit B
- Exhibit E (last 5 pages)
- Exhibit J (7 various pages)

DUE TO POOR PRINT QUALITY, THIS PAGE HAS BEEN REMOVED AND IS
AVAILABLE AT THE CLERK OF THE BOARD'S OFFICE

Following is a list of all pages removed due to poor print quality:

- Exhibit B
- Exhibit E (last 5 pages)
- Exhibit J (7 various pages)

DUE TO POOR PRINT QUALITY, THIS PAGE HAS BEEN REMOVED AND IS
AVAILABLE AT THE CLERK OF THE BOARD'S OFFICE

Following is a list of all pages removed due to poor print quality:

- Exhibit B
- Exhibit E (last 5 pages)
- Exhibit J (7 various pages)

DUE TO POOR PRINT QUALITY, THIS PAGE HAS BEEN REMOVED AND IS
AVAILABLE AT THE CLERK OF THE BOARD'S OFFICE

Following is a list of all pages removed due to poor print quality:

- Exhibit B
- Exhibit E (last 5 pages)
- Exhibit J (7 various pages)