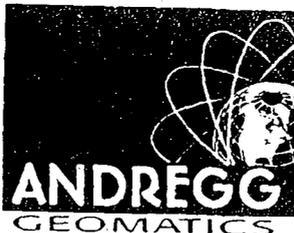


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MEMO RE: Findings for Bunch Creek Rezone from TPZ to Residential Forestry.

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

EXHIBIT E

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