

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 51120-51121

51120. (a) If the owner desires in any year to rezone a parcel from its current **timberland** production zone, the owner shall give written notice, naming the new zone desired, and shall follow procedures established pursuant to Sections 65854 to 65857, inclusive. Unless the written notice is given at least 90 days prior to the anniversary date of initial zoning, the zoning term shall be deemed extended.

(b) Within 120 days of receipt of the written notice of an owner's desire to rezone a parcel, the board or council, after a public hearing, shall rule on the request for rezoning.

(c) The board or council by a majority vote of the full body may remove the parcel from the **timberland** production zone and shall specify a new zone for the parcel.

(d) The new zone approved pursuant to subdivision (c) shall become effective 10 years from the date of approval. Upon rezoning the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code, in the same manner as if a restriction were terminated as provided for in Section 51091 or 51245.

(e) If the board or council denies the owner's request for change of zone pursuant to subdivision (b), the owner may petition for a rehearing.

51121. (a) If the board or council after public hearing and by a majority vote of the full body desires in any year not to extend the term of zoning, the county or city shall give written notice of its intent to rezone following procedures established pursuant to subdivision (b) of Section 51113. A proposed new zone shall be specified. Unless the written notice is given at least 90 days prior to the anniversary date of the initial zoning, the zoning term shall be deemed extended.

(b) Upon receipt by the owner of a notice of intent to rezone from the county or city, the owner may make written protest of the notice and may appeal to the board or council within 30 days of notice from the county or city. The board or council may at any time prior to the anniversary date withdraw the notice of intent to rezone.

(c) The board or council shall hold a public hearing on the proposed change and by a majority vote of the full body may reaffirm its intent to change the zoning and specify a new zone.

(d) A new zone of a parcel shall be effective 10 years from the date of the reaffirmation vote pursuant to subdivision (c). Upon rezoning the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code.

(e) The owner may petition to be reheard.

361

Exhibit H

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